



OFFICE OF THE COUNTY ATTORNEY
THE COUNTY OF KAUA'I

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COUNTY ATTORNEY

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FIRST DEPUTY

March 12, 2020

Mia Shiraishi, Chair
Board of Ethics
c/o Ellen Ching, Boards and Commissions Administrator
4444 Rice Street, Suite 150
Līhu'e, Hawai'i 96766

RE: Board of Ethics Impeachment Power

Dear Ms. Shiraishi,

The County of Kaua'i Board of Ethics impeachment authority is limited to violations of the code of ethics. The Constitution and the Charter limit the Board of Ethics' power. The Constitution requires the County to "adopt a code of ethics which shall apply to appointed and elected officers and employees of the State or the political subdivision." Haw. Const. art. XIV. It further states that the "code of ethics shall be administered by a separate ethics commission." Id. The County Charter section 20.05 authorizes the Board of Ethics to "[t]o initiate, receive, hear, and investigate complaints of **violations of the code of ethics.**" The Board of Ethics "may also, on its own, file impeachment proceedings in the circuit court." Id.

The Board of Ethics' responsibilities are limited to violations of the Code of Ethics as found in the Kaua'i County Code section 3-1. Furthermore, The Rules of the Board of Ethics clearly outline duties and responsibilities as "the administration of the Code of Ethics." The Board of Ethics may only pursue impeachment for ethical violations.

Please contact me if you have any questions or concerns.

Sincerely,

Matthew M. Bracken
County Attorney

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