



**BOARD OF ETHICS MEETING MINUTES  
FRIDAY, OCTOBER 20, 2023, 1:00 PM  
Līhu`e Civic Center, Pi`ikoi Building, Suite 300  
4444 Rice Street, Līhu`e, HI 96766**

**A. CALL TO ORDER**

Vice Chair de la Pena called the meeting to order at 1:15pm

**B. ROLL CALL**

Vice Chair Ryan de la Pena

Member Kevin McGinnis

Member Dean Toyofuku

Member Chantal Zarbaugh

Excused: Chair John Latkiewicz, Secretary Rose Ramos-Benzel

Staff Present: Deputy County Attorney Hugo Cabrera, Administrator Ellen Ching, and Administrative Specialist Anela Davis.

**C. APPROVAL OF AGENDA**

For the record Vice Chair de la Pena confirmed with Administrator Ching that there was no one in the audience and that he would not have to ask for testimony before every agenda item.

Member Dean Toyofuku moved to approve the agenda, seconded by Member Chantal Zarbaugh.

The motion to approve the agenda was passed by a vote of 4:0.

**D. APPROVAL OF MINUTES**

1. September 15, 2023

[2023\\_0915\\_BOE OP Minutes Draft.pdf](#)

Member Kevin McGinnis moved to approve as submitted the minutes of September 15, 2023 meeting, seconded by Member Dean Toyofuku.

The motion to approve as submitted the minutes of September 15, 2023 meeting passed by a vote of 4:0.

**E. PUBLIC TESTIMONY**

None

## **F. COMMUNICATION**

**BOE 2023-18** Memo dated September 7, 2023 from Francis DeGracia, Chair of the Planning Commission regarding Possible Conflict of Interest Relating to Pacific Resource Partnership's Petition for Declaratory Order Regarding HPM Building Supply's Permit Application for a Class IV Zoning Permit (Z-IV-2022- 8), Use Permit (U-2022-8), and Special Permit (SP-2022-1), Tax Map Key (4)2- 6-001-001, Koloa, Kauai.

Member McGinnis asked for clarification of recusal. The Board discussed that the practice of recusal has been from discussion and the vote, but that they could be in the room when item discussed.

Member Dean Toyofuku moved to receive BOE 2023-18, seconded by Member Kevin McGinnis.

The motion to receive BOE 2023-18 was passed by a vote of 4:0.

## **G. BUSINESS**

**BOE 2023-19** Discussion and possible action on follow up to Gift Disclosure questions.

Administrator Ching recapped the discussion on the questions regarding Gift Disclosures and shared the answers and links provided by the State Ethics Board. The Board discussed that they thought that it was a little more lenient than expected and how cultural norms, such as tradition of "omiyage" is taken into account. Gifts to teachers and garbage collectors were discussed.

No action was taken.

**BOE 2023-20** Discussion and decision-making on establishing a Permitted Interaction Group (PIG). The purpose of establishing a PIG would be to provide recommendations on BOE initiatives and/or strategic plan.

Administrator Ching reminded the board that there were many topics from the report on the State Ethics Conference and if there was anything they would like to move on the Board could form a Permitted Interaction Group (PIG) and select members to discuss it and report back to the Board.

Member Zarbaugh suggested waiting until the next meeting when Secretary Ramos-Benzel will be present.

Member Kevin McGinnis moved to table this item to the next meeting, seconded by Member Chantal Zarbaugh.

The motion to table this item to the next meeting was passed by a vote of 4:0.

## **H. DISCLOSURES**

### Volunteer:

1. Gary Pacheco, Fire Commissioner

### Employee:

2. Tyler Saito, Deputy County Attorney

Member Dean Toyofuku moved to accept disclosures 1 and 2, seconded by Member Chantal Zarbaugh.

The motion to accept disclosures 1 and 2 was passed by a vote of 4:0.

**I. ANNOUNCEMENTS**

Next Meeting: Friday, November 17, 2023, at 1:00 p.m.

Member Toyofuku will not be present at November meeting he will be off island.

Election of officers in November as no meeting planned for December.

**J. ADJOURNMENT**

Hearing no objections, Vice Chair de la Pena adjourned the meeting at 1:27pm.

**NOTICE OF EXECUTIVE SESSION**

Pursuant to Hawaii Revised Statutes §92-7(a), the Board may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). Discussions held in Executive Session are closed to the public.

cc: Hugo Cabrera, Deputy County Attorney

Submitted by: Anela Davis  
Anela Davis, Administrative Specialist

Reviewed and Approved by: \_\_\_\_\_  
John Latkiewicz, Chair

( X ) Approved as circulated. ( ) Approved with amendments. See minutes of 11/17/2023

