

# APPROVED

As submitted 06/21/2024



**BOARD OF ETHICS MEETING MINUTES  
FRIDAY, MAY 17, 2024, 1:00 PM  
Līhu`e Civic Center, Pi`ikoi Building, Suite 300  
4444 Rice Street, Līhu`e, HI 9676**

**A. CALL TO ORDER**

Chair de la Peña called the meeting to order at 1:00pm.

**B. ROLL CALL**

Chair Ryan de la Peña  
Secretary Chantal Zarbaugh  
Member John Latkiewicz  
Member Kevin McGinnis  
Member Amber Mokuahi

Excused: Vice Chair Rose Ramos-Benzel

Staff Present: Tyler Saito, Deputy County Attorney, Ellen Ching, Boards & Commissions Administrator, Anela Davis, Administrative Specialist.

**C. APPROVAL OF AGENDA**

Member John Latkiewicz moved to approve the agenda, seconded by Member Amber Mokuahi.

The motion to approve the agenda was passed by a vote of 5:0

**D. MINUTES of the meeting of the Open Session**

1. April 19, 2024  
[2024\\_0419\\_BOE Minutes Draft](#)

Member Kevin McGinnis moved to approve the Minutes of the April 19, 2024, seconded by Secretary Chantal Zarbaugh.

The motion to approve the Minutes of the April 19, 2024, was passed by a vote of 5:0

**E. PUBLIC TESTIMONY**

No public testimony.

**F. REQUEST FOR AN ADVISORY OPINION**

1. **RAO 2024-01** Request for an Advisory Opinion from Ludvina K. Takahashi, County Executive on Aging, received on May 8, 2024 relating to whether a conflict exists with the County Assistant Executive on Aging being married to the owner of Regenerative Services Kaua'i that has a contract with the County.

Ludvina "Kealoha" Takahashi and Donna Olivas provided information on types of services they provide and that there are not many providers of the services they need. They currently have two other providers that provide different services, and all are lacking employees. The company is new and developed to provide much-needed services to the elderly. She explained the process of procuring the contract, RFP process and program manager overseeing the contractor.

Member McGinnis stated that there is a conflict and clarified with Ms. Loo that since they are married ownership is irrelevant as it is part of the marital estate and that she was employed when the contract was granted. He pointed out that though she does not have direct supervision over the contract an employee under her does and it would be hard for that employee to provide negative feedback to her. He asked if Ms. Loo was employed when he got the contract, to which she replied yes and clarified that this is his only contract.

Ms. Loo shared that her husband was an employee of a service provider that was serving about 20 elderly with three employees for the County, but due to COVID and other circumstances the employer could not continue and decided to close the business and offered the business to her husband. He decided not to take over the business due to the debt but did not want to see people going without services and so started his current business.

Chair de la Peña clarified that this is his only contract. Ms. Loo said that he also has some private hours, but due to lack of employees he is not able to expand.

Ms. Takahashi clarified that there are two other providers that applied and are part of the contract.

Member McGinnis stated that this is not personal but believes there is a conflict and will consult with counsel but is there a solution.

Chair de la Peña entertained a motion to enter Executive Session.

Member Kevin McGinnis moved to move into executive session, seconded by Member Amber Mokuahi.

The motion to move into executive session was passed by a vote of 5:0

**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.**

Chair de la Peña called the open session meeting back to order at 2:05pm.

Ms. Ching summarized that the Board discussed questions they had with Deputy County Attorney Saito and asked for guidance on the County Code and the County Charter and how to move forward from this point.

Member Kevin McGinnis moved to ratify actions taken in the Executive Session, seconded by Member John Latkiewicz.

The motion to ratify actions taken in the Executive Session was passed by a vote of 5:0

#### **G. BUSINESS**

1. **BOE 2024-01** Presentation by the Permitted Interaction Group (PIG) to provide recommendations on BOE initiatives and/or strategic plan.

Chair de la Peña reminded the Board that at this meeting the Permitted Interaction Group will present its recommendations and at the next meeting the Members may ask questions.

Secretary Zarbaugh shared that in the memo presented (on file) numbers 1- 6 is what they would like to recommend.

No action taken.

#### **H. DISCLOSURES**

##### Employees:

1. Gennady Bronshteyn, Deputy Prosecuting Attorney

##### Volunteers:

2. Ryan de la Peña, Board of Ethics
3. La'akea Chun, Charter Review Commission

##### Candidates:

4. Felicia Cowden, Candidate for County Council
5. Bill DeCosta, Candidate for County Council
6. Michael Jauch, Candidate for District 17 State Representative

Chair de la Peña noted that #6 is for a State Representative and questioned that he did not know if the Board reviewed State candidates.

Deputy County Attorney Saito stated that the Code only requires County candidates.

Member Kevin McGinnis moved no action on disclosure #6, seconded by Member Amber Mokuahi.

The motion for no action on disclosure #6 was passed by a vote of 5:0

Member John Latkiewicz moved to receive disclosures #1, 3-5., seconded by Secretary Chantal Zarbaugh.

The motion to receive disclosures #1, 3-5. was passed by a vote of 5:0

Chair de la Peña recused himself from disclosure #2.

Secretary Zarbaugh took over as chair and entertained a motion to receive disclosure #2.

Member Amber Mokuahi moved to receive disclosure #2, seconded by Member Kevin McGinnis.

The motion to receive disclosure #2 was passed by a vote of 5:0

**I. ANNOUNCEMENTS**

Next meeting: Friday, June 21, 2024

**J. ADJOURNMENT**

Chair de la Peña adjourned the meeting at 2:13pm.

**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.

Tyler Saito, Deputy County Attorney

Submitted by: Anela Davis  
Anela Davis, Administrative Specialist

Reviewed and Approved by: \_\_\_\_\_  
Ryan de la Peña, Chair

(X) Approved as circulated. ( ) Approved with amendments. See minutes of \_\_\_\_\_