



APPROVED

As submitted 07/19/24

**BOARD OF ETHICS MEETING MINUTES
FRIDAY, JUNE 21, 2024, 1:00 PM
Līhu`e Civic Center, Pi`ikoi Building, Suite 300
4444 Rice Street, Līhu`e, HI 96766**

A. CALL TO ORDER

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

B. ROLL CALL

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

Excused: Vice Chair Rose Ramos-Benzel, Member John Latkiewicz

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

C. APPROVAL OF AGENDA

Member Kevin McGinnis moved to approve the agenda, seconded by Member Amber Mokuahi.

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

D. MINUTES of the meeting of the Open Session

1. May 17, 2024
[2024_0517_BOE Open Session Minutes DRAFT](#)

Member Kevin McGinnis moved to approve the minutes of the May 17, 2024, Open Session, seconded by Member Amber Mokuahi.

The motion to approve the minutes of the May 17, 2024, Open Session was passed by a vote of 4:0.

E. PUBLIC TESTIMONY

No public testimony. Kealoha Takahashi will speak on RAO 2024-01 at that time and the guest in audience did not have any testimony.

F. REQUEST FOR AN ADVISORY OPINION

1. [RAO 2024-1 Response for More Information](#) 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.

Administrator Ching reported that she communicated the questions that the Board had from the last meeting to the County Executive on Aging, Kealoha Takahashi and she provided a written response (on file) which the Board received as part of their packet. Ms. Takahashi is present at the meeting to answer additional questions or clarifications the Board may have.

Member McGinnis clarified with Ms. Takahashi if the Grants Manager was the same as the Program Specialist II that reports to the Assistant Executive. He also clarified that when the contract was awarded, Ms. Loo, Assistant Executive, was not in her current position. Ms. Takahashi stated that she was a Program Specialist I and overseeing the RSVP program, under volunteer development. She also clarified that the upcoming contract will go out for open bidding.

Chair de la Peña asked about the selection committee and Ms. Takahashi clarified that Celia Melchor is the Grant's Manager, El Doi was a Case Manager, and Emily is the other Program Specialist II, and that El Doi and Emily they deal with the consumers and are aware of the needs and what kind of services are needed.

Member Amber Mokuahi moved to defer decision of RAO 2024-01 pending executive session, seconded by Secretary Chantal Zarbaugh.

The motion to defer decision of RAO 2024-01 pending executive session was passed by a vote of 4:0.

G. BUSINESS

1. [BOE 2024-01](#) Discussion and possible action on the recommendations presented by the Permitted Interaction Group (PIG) on BOE initiatives and/or strategic plan.

Ms. Ching reminded the members that they can have discussion and action on this report.

The Board did not have any questions. Chair de la Peña went over the six items that the PIG recommended (on file).

Ms. Ching stated that she did reach out to the City and County of Honolulu but has not received a call back and will try again. She reported that the PIG wanted to focus on outreach and training.

Member Amber Mokuahi moved to adopt the recommendations of the Permitted Interaction Group, seconded by Secretary Chantal Zarbaugh.

The motion to adopt recommendations of the Permitted Interaction Group was passed by a vote of 4:0.

H. **DISCLOSURES**

Volunteers:

1. Lawrence Borgatti, Arborist Committee
2. Sarah Bryce, Arborist Committee
3. Trevor Ford, Fire Commission
4. Sara Miura, Committee on the Status of Women

Candidates:

5. Abraham Apilado, Candidate for County Council
6. Addison Bulosan, Candidate for County Council
7. Ana-Lucia Des Marais, Candidate for County Council
8. Arryl Kaneshiro, Candidate for County Council
9. Bernard Carvahlo, Candidate for County Council
10. Clint Yago, Candidate for County Council
11. Fern Holland, Candidate for County Council
12. Jacquelyn Nelson, Candidate for County Council
13. Kipukai Kualii, Candidate for County Council
14. Ross Kagawa, Candidate for County Council
15. William Keahiolalo, Candidate for County Council
16. Luke Evslin, Candidate for Hawai'i State House of Representatives, District 16

Chair de la Peña asked if there were any issues regarding the disclosures received.

Member Mokuahi questioned Luke Evslin's disclosure regarding income for two employers. Chair de la Peña clarified that it is a state position, and a disclosure does not need to be filed with the Board and no action will be taken.

Member McGinnis questioned #1, Lawrence Borgatti. There is no employment, but had income from County of Kauai, is it retirement? Ms. Ching responded that he announced that he was retiring, and she asked him to complete a disclosure. Ms. Davis explained that Section II states to include employment other than County and Section III he disclosed County income. He completed that part of the form correctly.

Member McGinnis asked what the role of the Arborist Committee is, and Ms. Ching explained the role of the Committee, and clarified that they only make recommendations, they do not have authority to designate exceptional trees.

Chair de la Peña felt that Section II of disclosure #12 needed clarification on what "family business" was in Section II and source(s) of income Section III.

Secretary Chantal Zarbaugh moved to accept disclosures 1-11, 13, 14 and 15, seconded by Member Kevin McGinnis.

The motion to accept disclosures 1-11, 13, 14 and 15 was passed by a vote of 4:0.

Secretary Chantal Zarbaugh moved to return for clarification disclosure #12 for more information on Sections II and III seconded by Member Amber Mokuahi.

The motion to return for clarification disclosure #12 for more information on Sections II and III was passed by a vote of 4:0.

I. EXECUTIVE SESSION

1. ES-004 Pursuant to Hawai'i Revised Statutes §92-4, §92-5(a)(4), §92-9(a)(1- 4) and (b), the purpose of this Executive Session is for the Board to approve or amend the Executive Session Minutes of May 17, 2024, and to consult with its attorney on issues pertaining to the Board's powers, duties, privileges, immunities, and /or liabilities as they may relate to this item.
2. ES-005 RAO 2024-01 Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (4), the purpose of this executive session is for the Board to consult with its Attorney concerning the Boards's powers, duties, immunities, privileges, and liabilities as they may relate to the 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. Presentation by the Permitted Interaction Group (PIG) to provide recommendations on BOE initiatives and/or strategic plan.

Ms. Ching read the Board into Executive Session.

Member Kevin McGinnis moved to go into Executive Session at 1:25pm, seconded by Member Amber Mokuahi.

The motion to go into Executive Session at 1:25pm was passed by a vote of 4:0.

J. RETURN TO OPEN SESSION Ratify Board actions taken in Executive Session.

Chair de la Peña called the Open Session back to order at 1:47pm.

Ms. Ching reported that the Board approved the Executive Session minutes of May 17, 2024.

Chair de la Peña called for a motion on ES-005 RAO 2024-01.

Secretary Chantal Zarbaugh moved to find a conflict of interest exists in RAO 2024-01 and assigns the Deputy County Attorney to draft an opinion, seconded by Member Amber Mokuahi.

The motion to find a conflict of interest exists in RAO 2024-01 and for the Deputy County Attorney to draft an opinion was passed by a vote of 4:0.

Member Kevin McGinnis moved to ratify action taken in executive session to approve Executive Session minutes of May 17, 2024, seconded by Secretary Chantal Zarbaugh.

The motion to ratify action taken in executive session to approve Executive Session minutes of May 17, 2024, was passed by a vote of 4:0.

K. ANNOUNCEMENTS

Next meeting: Friday July 19. 2024

L. ADJOURNMENT

Chair de la Peña adjourned the meeting at 1:50pm.

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 _____