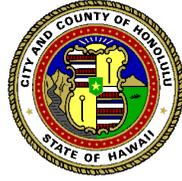


**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL
MAYOR

CHARLES W. TOTTO
EXECUTIVE DIRECTOR
AND LEGAL COUNSEL

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

Date and Place: August 27, 2015
Standard Financial Plaza
Conference Room, Suite 211

Present: Katy Chen, Esq., Chair
Michael Lilly, Esq., Vice Chair
Stephen Silva, Commissioner
Stanford Yuen, P.E., Commissioner
Hon. Riki Amano (ret.), Commissioner
Hon. Victoria Marks (ret), Commissioner
Charles W. Tutto, Executive Director and Legal Counsel (EDLC)
Laurie A. Wong, Associate Legal Counsel (ALC)
Letha A.S. DeCaires, Investigator III
William Shanafelt, Investigator III
Geoffrey Kam, Deputy Corporation Counsel, Department of the
Corporation Counsel (COR)

Absent: Hon. Allene Suemori (ret), Commissioner

Stenographer: Lisa P. Parker, Legal Clerk III
Kristine Bigornia, Legal Clerk I

MINUTES OF THE AUGUST 27, 2015 OPEN SESSION MEETING

I. CALL TO ORDER

Vice Chair Lilly called the meeting to order at 11:35 A.M.

II. OLD BUSINESS

- A. Confirming the Date and Time for the September 23, and October 21, November 18, 2015 Meetings; and Setting the Meeting Date During the Week of December 14 - 18, 2015.

Vice Chair Lilly asked if Commissioners should consider Commissioner Marks' suggestion to confirm meeting dates through email instead of the beginning of each meeting.

The EDLC suggested scheduling a particular date of every month. The EDLC explained that confirming dates through email might take longer for Staff who will need to contact each Commissioner to compare their availability. The EDLC further explained that during the meeting, the Commission members will be able to discuss their schedules in a short amount of time.

Commissioner Amano stated that the concern is that the Commission confirms the date at every meeting. She also stated to continue picking the date until the end of the year.

Commissioner Yuen will not be able to attend the December 16th meeting.

The Commission confirmed meetings for the following tentative dates: September 23, 2015; October 21, 2015; November 18, 2015; and December 16, 2015.

III. NEW BUSINESS

- A. Introduction of Bill Shanafelt, Investigator III.

The EDLC introduced Bill Shanafelt to the Commission.

Commissioner Marks asked Investigator Shanafelt to talk about his background.

Investigator Shanafelt shared his employment background in law enforcement, administrative investigations, and undercover work.

- B. Motion to Approve the Open Session Minutes of the July 23, 2015 Meeting.

Vice Chair Lilly called for a motion to approve the Open Minutes of the July 23, 2015 Meeting. Commissioner Yuen so moved. Commissioner Silva seconded.

Vice Chair Lilly commented on page 3, last paragraph. He requested to correct a particular sentence to "it is up to *the affected* board, commission or city council..." Vice Chair Lilly stated that he was not addressing rail and not the City Council per se. He further stated that he was addressing all boards and commissions, of any voting body, in general.

Vice Chair Lilly asked for a motion to approve the minutes with the subject to change page 3, last paragraph, and the sentence should read, “it is up to the affected board, commission or city council...” Commissioner Silva so moved. Commissioner Yuen seconded the motion. The motion carried unanimously.

IV. EXECUTIVE SESSION SUMMARY. (The following agenda items will be reviewed in executive session pursuant to Section 92-5(a)(2), Hawaii Revised Statutes (HRS), to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of the matters affecting privacy will be involved; HRS Section 92-5(a)(4), to consult with the Commission’s attorney on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities and liabilities; or HRS Section 92-5(a)(8) to deliberate or make a decision upon a matter that requires consideration of information that must be kept confidential pursuant to state or federal law or court order.)

Commissioner Amano moved to enter into executive session. Commissioner Silva seconded the motion. The motion was approved unanimously.

- A. Motion to Approve the Minutes of the Executive Session of the July 23, 2015 meeting. (HRS Secs. 92-5(a)(2), (a)(4) and (a)(8))

With no further discussion, **Commissioner Yuen moved to approve the minutes. Commissioner Silva seconded. The motion carried unanimously.**

- B. Evaluation of the Executive Director and Legal Counsel. (HRS Secs. 92-5(a)(2) and (a)(8))

After discussing the EDLC’s performance, **Vice Chair Lilly moved to approve to increase the EDLC’s salary by 4%. Commissioner Silva seconded. The motion carried unanimously.**

- C. Plan for Processing a Complaint Against Members of an Agency’s Staff. (HRS Secs. 92-5(a)(2), (a)(4) and (a)(8))

After discussing with Mr. Kam, **Commissioner Amano moved to engage the Attorney General’s Office to investigate this complaint. Commissioner Silva seconded. The motion passed unanimously.**

Vice Chair Lilly moved to exit out of executive session and enter to open session. Commissioner Amano seconded the motion. The motion carried unanimously.

V. ADJOURNMENT

Commissioner Marks moved to exit open session and adjourn the meeting. Commissioner Silva seconded. The motion passed unanimously.

The meeting adjourned at approximately 1:13 pm.