

**HAWAII LAW ENFORCEMENT STANDARDS BOARD  
MONDAY, MARCH 18, 2024, 10:00 AM**

THIS MEETING WAS HELD AS A VIDEO CONFERENCE  
MEMBERS OF THE PUBLIC JOINED IN THE  
ZOOM WEBINAR MEETING

**OPEN SESSION MEETING MINUTES**

**I. CALL TO ORDER; PUBLIC NOTICE; ROLL CALL AND QUORUM DETERMINATION.**

The meeting was called to order by Board Chairperson Todd Raybuck at approximately 10:09 a.m. on March 18, 2024.

**A. Roll Call.**

Present were Board Members: Attorney General Anne Lopez; Law Enforcement Director Jordan Lowe; Tax Director Gary Suganuma; LESB Board Chairperson KPD Chief Todd Raybuck; Hawaii County PD Chief Benjamin Moszkowicz; Sherry Bird; Jared Redulla; Vice-Chair Adrian Dhakhwa; and Craig Tanaka. HPD Chief Arthur Logan entered his presence at approximately 10:39 a.m. All members confirmed they were in a non-public location and not in the presence of persons who had a personal business, property, or financial interest on any issue before the Board at the meeting.

Also present were Deputy Attorneys General (DAG) Lance Goto and Candace Park.

**B. Quorum Determination.**

The 9 Board Members present at the time of roll call constituted a quorum.

**II. PUBLIC TESTIMONY.**

Instructions given by Chair Raybuck and DAG Lance Goto regarding public testimony.

**A. Oral Testimony.**

No members of the public sought to testify orally.

**B. Previously submitted Written Testimony.**

No public testimony was submitted prior to the meeting.

**III. APPROVAL OF BOARD MINUTES FOR THE MARCH 8, 2024 MEETING.**

**A. Open Session Meeting Minutes for LESB Meeting on March 8, 2024.**

Draft minutes of the LESB Meeting held on March 8, 2024 distributed prior to meeting and available on the LESB Board Website.

### **1. Discussion regarding Open Session Meeting Minutes.**

Chair Raybuck asked if there were any comments regarding the March 8, 2024 Open Session Meeting Minutes. There was none.

### **2. Approval of Open Session Meeting Minutes.**

Motion by Attorney General Lopez to approve Board Minutes for the March 8, 2024 meeting. Motion seconded by Adrian Dhakhwa. Solicitation of objections or abstentions. No objections. Motion approved.

## **IV. DISCUSSION AND DECISION MAKING ON PERMITTED INTERACTION GROUP'S RECOMMENDATIONS TO BOARD REGARDING SELECTION PROCESS OF LESB ADMINISTRATOR.**

*\* Matters which require consultation with the Board's attorneys regarding the hire of an officer or employee, where consideration of matters affecting privacy will be involved, or on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities, may be discussed in Executive Session pursuant to §92-5(a)(2) and/or (4), HRS.*

Chair Raybuck asked if there was currently any public testimony on agenda items III and IV. There was none.

Motion by Adrian Dhakhwa to add matters under Agenda Item 4. Adrian Dhakhwa stated the names of the finalists should be announced to allow Board Members to disclose any conflict of interest and determine if they can remain impartial, and to allow public testimony. Motion seconded by Sherry Bird. Motion approved by the Board and the agenda was amended to include the announcement of the finalists' names, input from Board Members on conflict of interest and ability to be fair and impartial, and to allow public testimony.

The finalists are, in no specific order, Gary Yamashiroya and Victor McCraw.

Attorney General Lopez, Director Lowe, Chair Raybuck, Adrian Dhakhwa, and Craig Tanaka stated they knew Gary Yamashiroya through previous professional interactions but could remain fair, impartial, and objective. Chief Moszkowicz stated he didn't know either finalist. Sherry Bird stated she knew both Gary Yamashiroya and Victor McCraw through previous professional interactions but could remain fair, impartial, and objective.

Director Sukanuma stated he has a professional relationship with Gary Yamashiroya as he hired Yamashiroya into the Department of Taxation. Director Sukanuma believed he could be fair, impartial, and objective, but would not object to recusing himself from the decision making. Board Members believed Director Sukanuma could remain objective, but also wanted to avoid any appearance of bias. Motion by Adrian Dhakhwa to recuse Director Sukanuma from the selection process. Motion seconded by Chair Raybuck. Motion approved by the Board.

Jared Redulla stated Gary Yamashiroya was part of a hiring panel that resulted in a successful job offer. Jared Redulla believed he could be fair, impartial, and objective but expressed concern regarding the potential appearance of quid pro quo or reciprocity. Motion by Jared Redulla to recuse himself from the selection process. Motion seconded by Chair Raybuck. Motion approved by the Board.

Motion by Adrian Dhakhwa to allow public testimony to be submitted with the deadline being close of business on Monday, March 25, 2024. Motion seconded by Director Lowe. Motion approved by the Board.

**A. Whether the whole Board or a sub-committee of available members will interview the two finalists on March 27, 2024.**

Chief Moszkowicz asked what subcommittee meant in this context. Chair Raybuck clarified that subcommittee referred to the Board Members that would be available to interview on March 27, 2024.

Adrian Dhakhwa informed Board Members that the finalists were notified on March 1, 2024 via letter/email about the interviews being tentatively scheduled for March 27, 2024. Chair Raybuck asked Adrian Dhakhwa if he could confirm availability with both finalists. Adrian Dhakhwa informed Board Members that Gary Yamashiroya confirmed he is available on March 27, 2024, but was unable to reach Victor McCraw. Adrian Dhakhwa noted that Victor McCraw had previously contacted him via email on March 15, 2024 at 8:07 a.m. asking if March 27, 2024 was still the tentative interview date, and that an individual by the name of Victor McCraw was present in Zoom earlier in the meeting. The Board took these factors as confirmation that both finalists would be available to interview on March 27, 2024.

Chair Raybuck asked Board Members to confirm if they would be available to be part of the subcommittee. Attorney General Lopez, Director Lowe, Chair Raybuck, Chief Moszkowicz, Sherry Bird, and Adrian Dhakhwa confirmed they were available. Chief Logan stated that he is available during certain times and Craig Tanaka stated he was unavailable. Director Sukanuma and Jared Redulla were previously recused. The subcommittee would be comprised of a minimum of six members with the possibility of seven. Motion by Attorney General Lopez to move forward with a subcommittee of six members, possibly seven, for in-person interviews with candidates on March 27, 2024. Motion seconded by Chief Logan. Motion approved by the Board.

**B. Whether live, online questions will be allowed during the finalists' interviews.**

Chair Raybuck informed Board Members that Agenda Item 4B was incorrect and should be modified to state whether the LESB interview finalists in a live, in-person interview, and not allow requests for online interviews. Motion by Attorney General Lopez to approve the modification to the agenda. Motion seconded by Adrian Dhakhwa. Motion approved by the Board.

Chair Raybuck asked if there were any public comments regarding the agenda change. There was none.

Adrian Dhakhwa stated he was in favor of live in-person interviews as there are things that can only be noticed in person. Adrian Dhakhwa also informed Board Members that the plan was to have the interviews at HPD and open to the public. Chief Moszkowicz concurred that in-person interviews would be better as they are more successful and allow panelists to see body language. DAG Lance Goto asked if live in-person meant all Board Members would be in person with the finalist. Chair Raybuck confirmed that Board Members participating in the interview will be in-person live as well as the finalists. Motion by Adrian Dhakhwa to have the interviews live in-person. Motion seconded by Chief Moszkowicz. Motion approved by the Board.

C.

- 1. Whether the finalists' interviews be: A) done together, with the finalists taking alternating turns answering questions first or B) individual interviews with the other finalist being sequestered; or**
- 2. Whether the finalists be individually interviewed in Executive Session, but that the relevant Executive Session minutes be publicly released after the hiring process is complete.**

Chair Raybuck read recommendation number 3 and 4 from the Permitted Interaction Group Report. Director Lowe recommended individual interviews with the other finalist being sequestered. Motion by Adrian Dhakhwa to adopt individual interviews with the other finalist being sequestered. Motion seconded by Craig Tanaka. Motion approved by the Board.

**D. Whether the entire Board, or a subcommittee of the Board, crafts ten (10) interview questions, with an objective grading matrix, in Executive Session.**

Chair Raybuck informed Board Members that Agenda Item 4D corresponds with the Permitted Interaction Group recommendation number 5. Chair Raybuck clarified that it was recommended the Board craft ten interview questions for the candidates and who crafts these questions must be determined, whether it is the whole Board or those who are available to interview the candidates.

Adrian Dhakhwa asked if the subcommittee crafting the questions needs to comply with Sunshine Law. DAG Candace Park responded that it must. Chair Raybuck noted that clarification is needed regarding if discussing interview questions in open forum prior to the interview is against the best practices and asked if the subcommittee has the authority to meet in executive session to determine the questions to be asked during the interview process. DAG Candace Park asked if the subcommittee could become a Permitted Interaction Group. Chair Raybuck noted that there wouldn't be enough time to hold the interviews on March 27, 2024 if the formation of a Permitted Interaction Group was required.

Motion by Adrian Dhakhwa to enter Executive Session for discussion pursuant to HRS §92-5(a)(4) to consult with the Board's attorney. Motion seconded by Chief Logan. Solicitation of objections. No objections. Motion approved and the Board entered Executive Session at 11:19 a.m.

Board returned from Executive Session at 11:44 a.m.

Chair Raybuck explained that during Executive Session, Board Members consulted with the Board's attorney regarding how to create interview questions without violating Sunshine Law. The Board decided that panelists would submit questions to a selected member of the Board. This Board Member would compile all the submitted questions, along with any questions received from the public, and present the list to the interviewing subcommittee on the day of the interview.

**E. Whether the Board combines the finalists' written scores with their in- person interview scores to determine which finalist to extend a conditional job offer.**

Chair Raybuck reminded Board Members that the interviewing subcommittee would be comprised of a minimum of six members with the possibility of seven. The subcommittee would conduct in-person individual interviews with the second candidate being sequestered. After the interviews, the subcommittee would compile and score the candidates' responses. The subcommittee would then present the results to the Board for consideration and recommendation of a conditional job offer.

Motion by Director Lowe for panelists involved in the interview process to compile the results of the interview and present the combined written and interview scores to the Board for consideration and recommendation of a conditional job offer. Motion seconded by Adrian Dhakhwa. Motion approved by the board.

**F. Whether the winning finalist selected be given a conditional job offer, subject to passing a background check and any other pre-employment requirement recommended by the Hawaii Department of Human Resources Development.**

A motion was made to adopt this recommendation from the PIG. It was seconded and approved by the board.

**V. OPEN FORUM: PUBLIC COMMENT ON ISSUES NOT ON THE AGENDA, FOR CONSIDERATION FOR BOARD'S AGENDA AT THE NEXT MEETING.**

Chair Raybuck asked if there were any public comments on issues not on the agenda. There were none.

**VI. ADJOURNMENT.**

Motion by Chief Logan to adjourn the meeting. Motion seconded by Director Suganuma. Motion approved by the Board. Meeting adjourned.