

SUNSHINE LAW MEETING



HAWAII STATE ETHICS COMMISSION

State of Hawaii · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawaii 96813

NOTICE OF MEETING OF THE HAWAII STATE ETHICS COMMISSION

Date: January 24, 2019

Time: 10:00 a.m.

Place: Hawaii State Ethics Commission Conference Room
American Savings Bank Tower
1001 Bishop Street, Suite 960
Honolulu, Hawaii 96813

A G E N D A

CALL TO ORDER

- I. Consideration and Approval of the Minutes of the November 14, 2018 Meeting
- II. Consideration and Approval of the Executive Session Minutes of the November 14, 2018 Meeting (Regarding Discussion of *Akana v. Hawaii State Ethics Commission*, Civil No. 18-1-1019-06 (JHA) and *Akana v. Hawaii State Ethics Commission and Daniel Gluck*, Civil No. 18-1-1665-10 (KKH) (appeal))

The Commission may convene an executive session pursuant to Hawaii Revised Statutes section 92-5(a)(4) to consult with the Commission's attorneys on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

- III. Election of Officers for 2019

Attachment 1: Election of Officers for 2019

IV. Executive Director's Report

1. Education / Training Report
2. Guidance and Assignment Statistics – 2018

Attachment 2: 2018 Guidance and Assignment Statistics / Website Traffic

3. Miscellaneous Office Projects / Updates
4. Financial Report for FY 2018-2019 (Quarter Ending December 31, 2018)

Attachment 3: Second Quarter Financial Report FY2018-2019

V. Report from attendees of COGEL Conference

VI. 2019 Legislative Session

VII. 2019 Meeting Calendar

Attachment 1: Proposed Meeting Calendar, 2019

VIII. Akana v. Hawaii State Ethics Commission and Daniel Gluck, Civil No. 18-1-1019-06 (JHA)

Discussion of case status.

The Commission may convene an executive session pursuant to Hawaii Revised Statutes section 92-5(a)(4) to consult with the Commission's attorneys on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

Attachment 1: Order Granting in Part and Denying in Part Motion to Dismiss or, in the Alternative, to Stay Proceedings

IX. *Akana v. Hawaii State Ethics Commission and Daniel Gluck, Civil No. 18-1-1665-10 (KKH) (appeal)*

Discussion of case status.

The Commission may convene an executive session pursuant to Hawaii Revised Statutes section 92-5(a)(4) to consult with the Commission's attorneys on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

Attachment 1: Stipulation to Dismiss

X. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact the Hawaii State Ethics Commission by telephone at (808) 587-0460, by facsimile at (808) 587-0470 (fax), or via email at ethics@hawaiiethics.org. Requests made as early as possible will allow adequate time to fulfill your request.

Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

Any interested person may submit data, views, or arguments in writing to the Commission on any agenda item. An individual or representative wishing to testify may notify any staff member of the Commission prior to the meeting or, during the meeting itself, may inform a Commissioner or Commission staff of a desire to testify. Testimony must be related to an item that is on the agenda, and the testifier shall identify the agenda item to be addressed by the testimony.

SUNSHINE LAW MEETING
AGENDA ITEM I

MINUTES: CONSIDERATION AND APPROVAL OF THE MINUTES OF THE
NOVEMBER 14, 2018 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the November 14, 2018 Hawaii
State Ethics Commission Meeting

SUNSHINE LAW MEETING
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: Wednesday, November 14, 2018

Time: 10:00 a.m.

Place: Hawaii State Ethics Commission Conference Room
American Savings Bank Tower
1001 Bishop Street, Suite 960
Honolulu, Hawaii 96813

Present: State Ethics Commission Members

Reynard D. Graulty, Chair
Ruth D. Tschumy, Vice Chair
Susan N. DeGuzman, Commissioner
Melinda S. Wood, Commissioner
Wesley F. Fong, Commissioner

State Ethics Commission Staff

Daniel M. Gluck, Executive Director
Susan D. Yoza, Associate Director
Nancy C. Neuffer, Staff Attorney
Virginia M. Chock, Staff Attorney
Bonita Y.M. Chang, Staff Attorney
Kee M. Campbell, Staff Attorney

Deputy Attorney General

Robyn Chun

CALL TO ORDER

The meeting was called to order at 10:00 a.m.

1 **Agenda Item No. I: Consideration and Approval of the Minutes of the October 18,**
2 **2018 Meeting**

3
4 Vice Chair Tschumy made and Commissioner DeGuzman seconded a motion to
5 approve the minutes of the October 18, 2018 Sunshine Meeting. The motion carried
6 (Tschumy, DeGuzman, Wood, and Fong voting; Graulty abstaining).
7
8

9 **Agenda Item No. II: Consideration and Approval of the Executive Session**
10 **Minutes of the October 18, 2018 Meeting (Regarding Discussion of Akana v.**
11 **Hawaii State Ethics Commission, Civil No. 18-1-1019-06 (JHA))**

12
13 Vice Chair Tschumy made and Commissioners Fong and DeGuzman seconded
14 a motion to approve the minutes of the October 18, 2018 Executive Session. The
15 motion carried (Tschumy, DeGuzman, Wood, and Fong voting; Graulty abstaining).
16
17

18 **Agenda Item III: Akana v. Hawaii State Ethics Commission, Civil No. 18-1-1019-06**
19 **(JHA)**

20
21 Executive Director Gluck discussed the case status and upcoming briefing
22 deadlines.
23

24 **RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE**
25 **SESSION**

26
27 At 10:05 a.m., Commissioner Fong made and Vice Chair Tschumy seconded a
28 motion to convene an Executive Session pursuant to Hawaii Revised Statutes section
29 92-5(a)(4) to consult with the Commission's attorneys on questions and issues
30 pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.
31 The motion carried unanimously (Graulty, Tschumy, DeGuzman, Wood, and Fong
32 voting).
33

34 The Commission met in executive session.
35

36 **ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO THE SUNSHINE**
37 **MEETING**

38
39 At 10:16 a.m., Commissioner Fong made and Vice Chair Tschumy seconded a
40 motion to adjourn the Executive Session and return to the Sunshine Law meeting. The
41 motion carried unanimously (Graulty, Tschumy, DeGuzman, Wood, and Fong voting).
42

43 The Commission adjourned the Executive Session at 10:16 a.m. and returned to
44 the Sunshine Law meeting.
45

1 **Agenda Item No. IV: Akana v. Hawaii State Ethics Commission and Daniel Gluck,**
2 **Civil No. 18-1-1665-10 (KKH) (appeal)**
3

4 Associate Director Yoza suggested that the Commission meet in executive
5 session to discuss this case.
6

7 **RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE**
8 **SESSION**
9

10 At 10:17 a.m., Commissioner Wood made and Vice Chair Tschumy seconded a
11 motion to convene an Executive Session pursuant to Hawaii Revised Statutes section
12 92-5(a)(4) to consult with the Commission's attorneys on questions and issues
13 pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.
14 The motion carried unanimously (Grauly, Tschumy, DeGuzman, Wood, and Fong
15 voting). Executive Director Gluck and Staff Attorneys Chang, Chock, and Neuffer,
16 serving as charge counsel in the matter of Ethics Commission case, Hawaii State Ethics
17 Commission v. Rowena Akana, COMPL-C-15-00236, recused themselves from this
18 matter and left the room.
19

20 The Commission met in Executive Session.
21

22 **ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO THE SUNSHINE**
23 **MEETING**
24

25 At 10:59 a.m., Commissioner DeGuzman made and Vice Chair Tschumy
26 seconded a motion to adjourn the Executive Session and return to the Sunshine Law
27 meeting. The motion carried unanimously (Grauly, Tschumy, DeGuzman, Wood, and
28 Fong voting).
29

30 The Commission adjourned the Executive Session at 10:59 a.m. and returned to
31 the Sunshine Law meeting. Executive Director Gluck and Staff Attorneys Chang,
32 Chock, and Neuffer returned to the meeting.
33
34

35 **Agenda Item No. V: Executive Director's Report**
36

37 *Education / Training Report*
38

39 Executive Director Gluck reported that several trainings were scheduled in
40 November and December 2018, and that training numbers may be down in 2018
41 compared to 2017.
42

43 *Guidance and Assignment Statistics – October 2018*
44

45 *Attachment 2: 2018 Guidance and Assignment Statistics*
46

1 Executive Director Gluck reported that staff was working to close cases by the
2 end of the year.

3
4 *2018 Candidate Financial Disclosure Statements*

5
6 The Commission and staff discussed the status of 2018 Candidate Financial
7 Disclosure statements, noting that there were five candidates who had not yet filed their
8 disclosure statements.

9
10 *Miscellaneous Office Projects / Updates*

11
12 Executive Director Gluck reported on the hiring of Caroline Choi, the
13 Commission's office manager.

14
15 The Commission discussed whether to cancel the December 2018 Commission
16 meeting in light of the holidays and travel schedules. Commissioner Fong made and
17 Vice Chair Tschumy seconded a motion to cancel the December 2018 Commission
18 meeting. The motion carried unanimously (Graulty, Tschumy, DeGuzman, Wood, and
19 Fong voting).

20
21 *Financial Report for FY2018-2019 (Quarter Ending September 30, 2018)*

22
23 *Attachment 3: First Quarter Financial Report FY2018-2019*

24
25 Executive Director Gluck stated that the budget was as predicted. The
26 Commission recently entered into a new contract for computer consulting services to
27 assist with disclosure statements. Executive Director Gluck also summarized additional
28 office expenses, such as those related to the Akana hearing.

29
30
31 **Agenda Item No. VI: Proposed Budget: 2019-2020**

32
33 *Attachment 4: Proposed Budget FY2019-2020*

34
35 Executive Director Gluck proposed submitting a relatively flat budget request for
36 next fiscal year, with small increases for computer consulting services.

37
38 Commissioner Wood made and Vice Chair Tschumy seconded a motion to
39 approve the Proposed 2019-2020 Budget. The motion carried unanimously (Graulty,
40 Tschumy, DeGuzman, Wood, and Fong voting).

1 **Agenda Item No. VII: Proposed Legislation for 2019 Legislative Session**

2
3 *Attachment 5: Proposed "housekeeping" bill*

4
5 *Attachment 6: Proposal re: failure to file lobbying expenditure reports*

6
7 *Attachment 7: Proposal re: task force members and legislators' legislative*
8 *functions*

9
10 Executive Director Gluck summarized the proposed bills, which were proposed
11 last year. Commissioner Wood made and Commissioner DeGuzman seconded a
12 motion to approve the proposed legislation for the 2019 session. The motion carried
13 unanimously (Graulty, Tschumy, DeGuzman, Wood, and Fong voting).
14

15
16 **ADJOURNMENT OF SUNSHINE LAW MEETING**

17
18 At 11:22 a.m., Commissioner DeGuzman made and Vice Chair Tschumy
19 seconded a motion to adjourn the Sunshine Law meeting. The motion carried
20 unanimously (Graulty, Tschumy, DeGuzman, Wood, and Fong voting).
21

22
23 The meeting was adjourned at 11:22 a.m.

24
25
26 Minutes approved on: _____

SUNSHINE LAW MEETING
AGENDA ITEM II

CONSIDERATION AND APPROVAL OF THE EXECUTIVE SESSION MINUTES OF THE NOVEMBER 14, 2018 MEETING (REGARDING DISCUSSION OF *AKANA V. HAWAII STATE ETHICS COMMISSION*, CIVIL NO. 18-1-1019-06 (JHA) AND *AKANA V. HAWAII STATE ETHICS COMMISSION AND DANIEL GLUCK*, CIVIL NO. 18-1-1665-10 (KKH) (APPEAL))

The Commission may convene an executive session pursuant to Hawaii Revised Statutes section 92-5(a)(4) to consult with the Commission's attorneys on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

[PLEASE NOTE THAT THE EXECUTIVE SESSION MINUTES OF THE NOVEMBER 14, 2018 MEETING PROVIDED ONLY TO THE COMMISSIONERS]

SUNSHINE LAW MEETING
AGENDA ITEM III

ELECTION OF OFFICERS FOR 2019

Attachment 1: Election of officers for 2019

SUNSHINE LAW MEETING
AGENDA ITEM III

ELECTION OF OFFICERS FOR 2019

At this meeting, in accordance with Section 21-1-10 of the Commission's Administrative Rules, the Commission should elect a Chair and Vice Chair for 2019. Section 21-1-10 of the Commission's Rules provides as follows:

§21-1-10 Chairperson and vice-chairperson. (a) A chairperson shall be elected by secret ballot vote by a majority of all the members to which the commission is entitled, who shall serve for a term of one year or until a successor is elected, with such term to commence on January 1 of each year.

(b) A vice-chairperson, who shall call and chair meetings in the incapacity or absence of the chairperson, shall be elected by secret ballot vote by a majority of all the members to which the commission is entitled, and shall serve for a term of one year or until a successor is elected, with such term to commence on January 1 of each year.

The following table is provided for your information.

Commissioner	Date Appointed	Term End	Date of Reappointment	Term End
Susan N. DeGuzman*	8/27/2012	6/30/2016	7/01/2016	6/30/2020
Ruth D. Tschumy	8/26/2013	6/30/2017	7/01/2017	6/30/2021
Melinda S. Wood	7/07/2014	6/30/2018	7/01/2018	6/30/2022
Reynaldo D. Gaulty**	7/01/2015	6/30/2019		
Wesley Fong	7/01/2018	6/30/2022		

* Commissioner DeGuzman served as Chair from July 2015 to February 2017.

** Commissioner Gaulty has served as Chair from February 2017 to the present.

(Note: Commissioners may be appointed to two consecutive four-year terms.)

SUNSHINE LAW MEETING
AGENDA ITEM IV

EXECUTIVE DIRECTOR'S REPORT

- Attachment 1: Executive Director's Report
- Attachment 2: 2018 Guidance and Assignments Statistics/Website Traffic
- Attachment 3: Second Quarter Financial Report FY2018-2019

SUNSHINE MEETING
AGENDA ITEM IV
EXECUTIVE DIRECTOR'S REPORT
January 24, 2019

1. Education / Training Report

a. Recently held trainings/presentations:

Ethics Training for DOH Sanitation Branch
Monday, November 19, 2018
10:00 a.m. – 11:30 a.m.
99-945 Halawa Valley Street
Aiea, Hawaii
40 attendees

Ethics Training for State Government Attorneys (CLE)
Monday, December 3, 2018
9:30 a.m. – 11:00 a.m.
State Capitol Auditorium
415 South Beretania Street
Honolulu, Hawai'i
65 attendees

Ethics Refresher Course
Wednesday, December 5, 2018
10:00 a.m. – 11:30 a.m.
State Capitol, Room 423
415 South Beretania Street
Honolulu, Hawai'i
12 attendees

Ethics Training for U.H. Manoa
Friday, December 14, 2018
1:30 p.m. – 3:00 p.m.
Spalding Hall, 155
Honolulu, Hawaii
25 attendees

General Ethics Training – Hilo
Monday, December 17, 2018
10:00 a.m. – 11:30 a.m.
University of Hawai'i – Hilo Campus
UCB 100
200 W. Kāwili Street
Hilo, Hawai'i
65 attendees

Ethics Training for House of Representatives – Session Hires
Thursday, January 3, 2019
11:30 a.m. – 12:00 p.m.
State Capitol, Room 329
415 South Beretania Street
Honolulu, Hawai'i
129 attendees

Ethics Refresher Course
Friday, January 4, 2019
10:00 a.m. – 11:30 a.m.
State Capitol, Room 423
415 South Beretania Street
Honolulu, Hawai'i
19 attendees

Lobbyists Law Training
Monday, January 7, 2019
10:00 a.m. – 11:30 a.m.
State Capitol Auditorium
415 South Beretania Street
Honolulu, Hawai'i
82 attendees

Mandatory Ethics Training – House of Representatives
Tuesday, January 8, 2019
12:00 p.m. – 2:00 p.m.
State Capitol, Room 325
415 South Beretania Street
Honolulu, Hawai'i
46 attendees

Mandatory Ethics Training
Thursday, January 10, 2019
10:00 a.m. – 12:00 p.m.
State Capitol, Room 423
415 South Beretania Street
Honolulu, Hawai'i
10 attendees

b. Upcoming trainings/presentations:

General Ethics Training – Charter Schools, Governing Boards
Thursday, January 24, 2019
9:00 a.m. – 11:30 a.m.
DOE Hilo-Waiakea Complex Area Annex
Hilo, Hawai'i

General Ethics Training – Charter Schools, Governing Boards
Thursday, January 31, 2019
9:00 a.m. – 10:30 a.m.
Kauai Courthouse
Lihue, Hawai'i

2. Guidance and Assignment Statistics – 2018

Attachment 2: 2018 guidance and assignment statistics

3. Miscellaneous Office Projects / Updates

4. 2018-2019 Second Quarter Financial Report

Attachment 3: Second Quarter Financial Report FY2018-19

2018	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Year to date
Training statistics													
# of Trainings	3	1	4	1	5	3	0	1	4	3	3	4	32
# of People Trained	76	6	197	100	306	126	0	50	159	192	157	167	1536
Attorney of the Day	128	61	74	91	119	90	89	85	57	79	72	76	1021
New assignments													
Advisory Opinion	1	0	0	0	1	2	0	0	0	0	0	1	5
Complaint	5	10	8	4	6	8	3	11	4	2	2	5	68
Gifts/Invitations/Travel	13	13	9	21	17	17	20	22	21	22	14	3	192
Guidance	11	7	2	3	4	4	6	7	3	2	1	0	50
Judicial Selection Comm'n	3	5	3	1	1	0	3	4	2		1	6	29
Training Request	0	4	1	2	1	0	0	1	0	4	1	0	14
Record Request	1	2	0	3	0	0	2	1	1	1	1	0	12
Project/Other	4	2	1	2	2	1	5	2	2	3	5	1	30
Total	38	43	24	36	32	32	39	48	33	34	25	16	400
Closed Assignments													
Advisory Opinion	0	1	0	1	0	0	0	1	0	1	0	0	4
Complaint	4	2	9	3	24	2	5	20	0	7	2	5	83
Gifts/Invitations/Travel	16	7	3	10	26	2	36	32	12	16	29	4	193
Guidance	5	5	3	1	8	1	3	6	1	7	5	2	47
Judicial Selection Comm'n	0	0	0	0	7	0	1	9	0	1	1	0	19
Training Request	0	0	1	1	1	1	0	2	0	3	3	0	12
Record Request	0	2	1	1	1	1	1	2	0	1	3	0	13
Project/Other	6	2	2	1	4	4	0	3	2	4	4	1	33
Total	31	19	19	18	71	11	46	75	15	40	47	12	404

Dataset Views

Disclosures	115	116	190	213	435	191	222	135	73	91	59	71	1,911
Lobbyist Registrations	268	301	315	323	360	180	195	168	105	151	136	158	2,660
Organization Expenditures	119	72	195	146	239	124	96	69	36	67	75	63	1,301
Lobbyist Expenditures	118	67	157	129	221	130	85	84	35	54	39	56	1,175
Ethics Advice	79	61	152	115	124	72	52	94	67	94	69	68	1,047
Total	699	617	1009	926	1379	697	650	550	316	457	378	416	8,094

HAWAII STATE ETHICS COMMISSION FINANCIAL REPORT
 FY 2019 (QUARTER ENDING: December 31, 2018)
 Appropriation Symbol: G-19-393-Y6*

	Amount Appropriated FY 2018-2019	Expenditures for Qtr. End 9/30/2018	Expenditures for Qtr. End 12/31/2018	Expenditures for Qtr. End 3/31/2019	Expenditures for Qtr. End 6/30/2019	Year-To-Date Expenditures Totals	% of Budget Expended	
A. PERSONAL SERVICES								
Staff Salaries	\$ 977,445.00	\$ 241,892.83	\$ 231,575.53	\$ 0.00	\$ 0.00	473,468.36	48.4%	\$503,976.64
Vacation Payout	\$ 16,553.00	\$ 0.00	\$ 1,291.96	\$ 0.00	\$ 0.00	\$ 1,291.96	7.8%	
Total Personal Services	\$ 977,445.00	\$ 241,892.83	\$ 231,575.53	\$ 0.00	\$ 0.00	\$ 474,760.32	48.6%	
B. OTHER CURRENT EXPENSES								
Office Expenses	14,650.00	3,344.66	5,903.51	0.00	0.00	9,248.17	63.1%	5,401.83
Intrastate Transportation and Travel	9,250.00	670.50	1,418.18	0.00	0.00	2,088.68	22.6%	7,161.32
Out-of-State Travel	12,660.00	2,713.58	6,072.87	0.00	0.00	8,786.45	69.4%	3,873.55
Equipment Rental and Maintenance	13,850.00	4,049.35	1,389.38	0.00	0.00	5,438.73	39.3%	8,411.27
Dues, Subscriptions, Training	15,500.00	2,503.91	1,631.42	0.00	0.00	4,135.33	26.7%	11,364.67
Newspaper Advertisements	1,200.00	70.00	70.00	0.00	0.00	140.00	11.7%	1,060.00
Comm'n Mtgs, Investigations, Hrgs	9,100.00	1,020.15	7,162.30	0.00	0.00	8,182.45	89.9%	917.55
Consulting Services	22,400.00	0.00	24,037.39	0.00	0.00	24,037.39	107.3%	-1,637.39
Office Rent	102,500.00	15,389.01	24,813.86	0.00	0.00	40,202.87	39.2%	62,297.13
Total Other Current Expenses	\$ 201,110.00	\$ 29,761.16	\$ 72,498.91	\$ 0.00	\$ 0.00	\$ 102,260.07	50.8%	
C. CAPITAL OUTLAY								
Office Furniture and Equipment	4,000.00	0.00	0.00	0.00	0.00	0.00	0.0%	4,000.00
Total Capital Outlay	\$ 4,000.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	0.0%	
GRAND TOTAL (A+B+C)	\$ 1,182,555.00	\$ 271,653.99	\$ 304,074.44	\$ 0.00	\$ 0.00	\$ 575,728.43	48.7%	
VACATION	\$ 16,553.00	\$ 0.00	\$ 1,291.96	\$ 0.00	\$ 0.00	\$ 1,291.96	7.8%	

General Fund Allocation **\$ 1,182,555.00**
 Total Expenditures as of December 31, 2018. **\$ 575,728.43**
 Balance as of December 31, 2018 **\$ 606,826.57**

*includes Act 1 and Act 21
 Act 1- Appropriation 393- \$1,130,158.
 Act 21- Appropriation 395- \$52,397

G:Share/Budget/Reports/2018-19/Q2 FY19

HAWAII STATE ETHICS COMMISSION FINANCIAL REPORT
FY 2019 (QUARTER ENDING: December 31, 2018)
Appropriation Symbol: G-19-396-Y6

	Amount Appropriated FY 2017-2018	Expenditures for Qtr. End 9/30/2018	Expenditures for Qtr. End 12/31/2018	Expenditures for Qtr. End 3/31/2019	Expenditures for Qtr. End 6/30/2019	Year-To-Date Expenditures Totals	% of Budget Expended
A. PERSONAL SERVICES							
Staff Salaries	\$ 977,445.00	\$ 241,892.83	\$ 231,575.53	\$ 0.00	\$ 0.00	\$ 0.00	0.0%
Vacation Payout	\$ 16,553.00	\$ 0.00	\$ 1,291.96	\$ 0.00	\$ 0.00	\$ 0.00	0.0%
Total Personal Services	\$ 977,445.00	\$ 241,892.83	\$ 231,575.53	\$ 0.00	\$ 0.00	\$ 0.00	0.0%

GRAND TOTAL	\$ 977,445.00	\$ 241,892.83	\$ 231,575.53	\$ 0.00	\$ 0.00	\$ 473,468.36	48.4%
--------------------	----------------------	----------------------	----------------------	----------------	----------------	----------------------	--------------

General Fund Allocation	\$ 977,445.00
Total Expenditures as of December 31, 2018.	\$ 473,468.36
Balance as of December 31, 2018	\$ 503,976.64

G:Share/Budget/Reports/2018-19/Q2 FY19

SUNSHINE LAW MEETING
AGENDA ITEM V

REPORT FROM ATTENDEES OF COGEL CONFERENCE

Discussion of COGEL Conference.

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM VI

LEGISLATION FOR 2019 LEGISLATIVE SESSION

Attachment 1: HB169

Attachment 2: HB170

Attachment 3: HB171

HOUSE OF REPRESENTATIVES
THIRTIETH LEGISLATURE, 2019
STATE OF HAWAII

H.B. NO. 169

A BILL FOR AN ACT

RELATING TO THE STATE ETHICS CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to improve the
2 administration of the state ethics code by clarifying provisions
3 regarding:

- 4 (1) Gift disclosure statements;
5 (2) Retention of financial disclosure statements; and
6 (3) Ethics training.

7 SECTION 2. Section 84-11.5, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "~~§~~**§84-11.5**~~§~~ **Reporting of gifts.** (a) Every legislator
10 and employee shall file a gifts disclosure statement with the
11 state ethics commission ~~on~~ no later than June 30 of each year
12 if all the following conditions are met:

- 13 (1) The legislator or employee, or spouse or dependent
14 child of a legislator or employee, received directly
15 or indirectly from one source any gift or gifts valued
16 singly or in the aggregate in excess of \$200, whether



1 the gift is in the form of money, service, goods, or
2 in any other form;

3 (2) The source of the gift or gifts have interests that
4 may be affected by official action or lack of action
5 by the legislator or employee; and

6 (3) The gift is not exempted by subsection (d) from
7 reporting requirements under this subsection.

8 (b) The report shall cover the period from June 1 of the
9 preceding calendar year through ~~[June 1]~~ May 31 of the year of
10 the report.

11 (c) The gifts disclosure statement shall contain the
12 following information:

13 (1) A description of the gift;

14 (2) A good faith estimate of the value of the gift;

15 (3) The date the gift was received; and

16 (4) The name of the person, business entity, or
17 organization from whom, or on behalf of whom, the gift
18 was received.

19 (d) Excluded from the reporting requirements of this
20 section are the following:

21 (1) Gifts received by will or intestate succession;



- 1 (2) Gifts received by way of distribution of any inter
2 vivos or testamentary trust established by a spouse or
3 ancestor;
- 4 (3) Gifts from a spouse, fiance, fiancée, any relative
5 within four degrees of consanguinity or the spouse,
6 fiance, or fiancée of such a relative. A gift from
7 any such person is a reportable gift if the person is
8 acting as an agent or intermediary for any person not
9 covered by this paragraph;
- 10 (4) Political campaign contributions that comply with
11 state law;
- 12 (5) Anything available to or distributed to the public
13 generally without regard to the official status of the
14 recipient;
- 15 (6) Gifts that, within thirty days after receipt, are
16 returned to the giver or delivered to a public body or
17 to a bona fide educational or charitable organization
18 without the donation being claimed as a charitable
19 contribution for tax purposes; and
- 20 (7) Exchanges of approximately equal value on holidays,
21 birthday, or special occasions.



1 (e) Failure of a legislator or employee to file a gifts
2 disclosure statement as required by this section shall be a
3 violation of this chapter.

4 (f) This section shall not affect the applicability of
5 section 84-11.

6 (g) For purposes of this section, "legislator or employee"
7 includes any individual who was a legislator or employee for any
8 portion of the period from June 1 of the preceding calendar year
9 through May 31 of the year of the report."

10 SECTION 3. Section 84-17.5, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) All financial disclosure statements filed by a
13 legislator, employee, or delegate to a constitutional convention
14 shall be maintained by the state ethics commission [~~during the~~
15 ~~term of office of the legislator, employee, or delegate and~~] for
16 a period of six years [~~thereafter.~~] from the date of the
17 financial disclosure statement's filing. Upon the expiration of
18 the six-year period, the financial disclosure statement and all
19 copies thereof shall be destroyed."

20 SECTION 4. Section 84-43, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "[f]§84-43[f] **Ethics training course.** (a) The state
2 ethics commission shall establish, design, supervise, and
3 conduct ethics training [~~designed specifically~~] for the officers
4 and employees to whom this part applies.

5 (b) The ethics training course shall include:

- 6 (1) Explanations and discussions of the ethics laws,
7 administrative rules, and relevant internal policies;
8 (2) Specific technical and legal requirements;
9 (3) The underlying purposes and principles of ethics laws;
10 (4) Examples of practical application of the laws and
11 principles; and
12 (5) A question-and-answer participatory segment regarding
13 common problems and situations.

14 The state ethics commission shall develop the methods and
15 prepare any materials necessary to implement the course.

16 (c) The state ethics commission shall:

- 17 (1) Administer the ethics training course;
18 (2) Designate those of its legal staff who are to conduct
19 the ethics training course; and



(3) Notify each officer or employee enumerated in section 84-41 that their attendance in this course is mandatory.

~~[(d) The ethics training course shall be held in January of each year for those who have not attended the course previously. The course shall last at least two hours in length.]~~

~~[(e)]~~ (d) The state ethics commission may repeat the course as necessary to accommodate all persons who are required to attend.

~~[(f)]~~ (e) Each state agency shall provide to the state ethics commission the names of those required to take the course in a timely manner and assist the commission by providing adequate meeting facilities for the ethics training course."

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.



1 SECTION 7. This Act shall take effect upon its approval.

2

INTRODUCED BY:



By Request ,

JAN 17 2019



Report Title:

State Ethics Commission Package; State Ethics Code; Gift Disclosure Statements; Financial Disclosure Statements

Description:

Clarifies the State Ethics Code by clarifying provisions regarding gift disclosure statements, retention of financial disclosure statements, and ethics training.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



HOUSE OF REPRESENTATIVES
THIRTIETH LEGISLATURE, 2019
STATE OF HAWAII

H.B. NO. 170

A BILL FOR AN ACT

RELATING TO ETHICS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that a 2012 statutory
2 change intended to clarify the application of the state ethics
3 code to task force members had the unintended effect of also
4 changing the law with respect to legislators. This Act restores
5 longstanding protection for legislators when carrying out a
6 "legislative function."

7 The legislature also finds that a related 2012 statutory
8 change created an ambiguity regarding whether task force members
9 must file the same financial disclosure statements as state
10 officials. This Act makes clear that they do not.

11 Accordingly, the purpose of this Act is to provide
12 additional clarity and consistency in the administration and
13 enforcement of the State's ethics laws and to promote integrity
14 in state government by:

15 (1) Restoring previous statutory language protecting
16 legislators when carrying out a "legislative
17 function";



(2) Clarifying the fair treatment laws with respect to task force members and legislators by restoring previous statutory language regarding a legislator's "legislative function";

(3) Repeals language suggesting that task force members need to file the same financial disclosure statements required of other state officials; and

(4) Clarifying the existing requirement that task force members publicly disclose conflicts of interest by requiring the state ethics commission to adopt rules regarding these disclosures.

SECTION 2. Section 84-13, Hawaii Revised Statutes, is amended to read as follows:

"§84-13 Fair treatment. (a) No legislator or employee shall use or attempt to use the legislator's or employee's official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for oneself or others; including but not limited to the following:

(1) Seeking other employment or contract for services for oneself by the use or attempted use of the legislator's or employee's office or position.



(2) Accepting, receiving, or soliciting compensation or other consideration for the performance of the legislator's or employee's official duties or responsibilities except as provided by law.

(3) Using state time, equipment or other facilities for private business purposes.

(4) Soliciting, selling, or otherwise engaging in a substantial financial transaction with a subordinate or a person or business whom the legislator or employee inspects or supervises in the legislator's or employee's official capacity.

(b) Nothing [herein] in this section shall be construed to prohibit a legislator from introducing bills and resolutions, ~~[or to prevent a person from serving on a task force or]~~ from serving on a task force committee, or from making statements or taking ~~[official]~~ action ~~[as a legislator, or a task force member or a task force member's designee or representative.]~~ in the exercise of the legislator's legislative functions. Every legislator~~[, or task force member or designee or representative of a task force member shall file a full and complete public disclosure of]~~ shall publicly disclose the nature and extent of



1 the interest or transaction [~~which~~] that the legislator [~~or task~~
2 ~~force member or task force member's designee or representative]~~
3 believes may be affected by [~~the legislator's or task force~~
4 ~~member's official action.~~] legislative action.

5 (c) Nothing in this section shall be construed to prevent
6 a person from:

7 (1) Serving on a task force or a task force committee; or

8 (2) Making statements or taking official action as a task
9 force member or a task force member's designee or
10 representative;

11 provided that every task force member or designee or
12 representative of a task force member shall publicly disclose
13 the nature and extent of any interest or transaction that the
14 task force member or task force member's designee or
15 representative believes may be affected by the task force
16 member's official action.

17 (d) The state ethics commission shall adopt rules pursuant
18 to chapter 91 to effectuate the purposes of this section."

19 SECTION 3. Section 84-14, Hawaii Revised Statutes, is
20 amended by amending subsection (f) to read as follows:



1 "(f) ~~[Subsections (a), (b), and (d) shall not apply to a~~
2 ~~task force member or the designee or representative of that task~~
3 ~~force member whose service as a task force member would not~~
4 ~~otherwise cause that member, designee, or representative to be~~
5 ~~considered an employee, if the task force member or the designee~~
6 ~~or representative of that task force member complies with the~~
7 ~~disclosure requirements under section 84-17.]~~ Nothing in this
8 section shall be construed to prevent a person from:

9 (1) Serving on a task force or a task force committee; or

10 (2) Making statements or taking official action as a task
11 force member or a task force member's designee or
12 representative;

13 provided that every task force member or designee or
14 representative of a task force member shall publicly disclose
15 the nature and extent of any interest or transaction that the
16 task force member or task force member's designee or
17 representative believes may be affected by the task force
18 member's official action. The state ethics commission shall
19 adopt rules pursuant to chapter 91 to effectuate the purposes of
20 this subsection."



1 SECTION 4. The state ethics commission, in its discretion,
2 may make any changes that it deems necessary to its internal
3 procedures or forms to aid in the implementation of this Act.

4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval.

7

INTRODUCED BY: *scm*
By Request

JAN 17 2019



H.B. NO. 170

Report Title:

State Ethics Commission Package; Legislators; Legislative Function; Task Force Members; Disclosures

Description:

Restores statutory protection for legislators when carrying out a legislative function. Clarifies public disclosure requirements for task force members.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

HB LRB 19-0376.doc



HOUSE OF REPRESENTATIVES
THIRTIETH LEGISLATURE, 2019
STATE OF HAWAII

H.B. NO. 171

A BILL FOR AN ACT

RELATING TO LOBBYISTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the mens rea
2 requirement to prove a violation of the lobbyist law, section
3 97-7, Hawaii Revised Statutes, is no longer appropriate given
4 that the failure to file a statement or report with the state
5 ethics commission is no longer a criminal offense. Accordingly,
6 the purpose of this Act is to:

7 (1) Remove statutory remnants from when violations of the
8 lobbyist law resulted in criminal penalties; and

9 (2) Allow the state ethics commission to assess an
10 administrative fine pursuant to a settlement
11 agreement.

12 SECTION 2. Section 97-7, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§97-7 Penalties; administrative fines.** (a) Any person
15 who:

16 (1) [~~Wilfully fails~~] Fails to file any statement or report
17 required by this chapter;



(2) ~~[Wilfully files]~~ Files a statement or report

containing false information or material omission of
any fact;

(3) Engages in activities prohibited by section 97-5; or

(4) Fails to provide information required by section 97-2
or 97-3;

shall be subject to an administrative fine imposed by the state
ethics commission that shall not exceed \$1,000 for each
violation of this chapter. All fines collected under this
section shall be deposited into the general fund.

(b) No fine shall be assessed unless[+] the state ethics
commission:

(1) ~~[The commission convenes]~~ Convenes a hearing in
accordance with section 97-6(c) and chapter 91[+] and
renders a decision; or

(2) ~~[A decision has been rendered by the commission.]~~
Together with the alleged violator, agrees to resolve
any alleged violation prior to completion of the
contested case process, provided that the resolution
includes payment of an administrative fine or
restitution, or both."




1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval.

7

INTRODUCED BY: 
By Request

JAN 17 2019



H.B. NO. 171

Report Title:

State Ethics Commission Package; Lobbyists; Fines

Description:

Removes statutory remnants from when violations of the lobbyist law resulted in criminal penalties. Allows the state ethics commission to assess an administrative fine pursuant to a settlement agreement.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

HB LRB 19-0377.doc



SUNSHINE LAW MEETING
AGENDA ITEM VII

2019 MEETING CALENDAR

Attachment 1: Proposed Meeting Calendar, 2019

2019 Calendar

January						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	MTG FLDR	19
20	21	22	23	MTG	25	26
27	28	29	30	31		

February						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	MTG FLDR	16
17	18	19	20	MTG	22	23
24	25	26	27	28		

March						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	MTG FLDR	16
17	18	19	20	MTG	22	23
24	25	26	27	28	29	30
31						

April						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	MTG FLDR	13
14	15	16	17	MTG	19	20
21	22	23	24	25	26	27
28	29	30				

May						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	MTG FLDR	11
12	13	14	15	MTG	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	MTG FLDR	15
16	17	18	19	MTG	21	22
23	24	25	26	27	28	29
30						

July						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	MTG FLDR	13
14	15	16	17	MTG	19	20
21	22	23	24	25	26	27
28	29	30	31			

August						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	MTG FLDR	10
11	12	13	14	MTG	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	MTG FLDR	14
15	16	17	18	MTG	20	21
22	23	24	25	26	27	28
29	30					

October						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	MTG FLDR	12
13	14	15	16	MTG	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	MTG FLDR	16
17	18	19	20	MTG	22	23
24	25	26	27	28	29	30

December						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	MTG FLDR	14
15	16	17	18	MTG	20	21
22	23	24	25	26	27	28
29	30	31				

Hawaii State Holidays 2019

Jan 1	New Year's Day	May 27	Memorial Day	Nov 11	Veteran's Day
Jan 21	Martin Luther King Day	Jun 11	King Kamehameha Day	Nov 28	Thanksgiving Day
Feb 18	Presidents' Day	Jul 4	Independence Day	Dec 25	Christmas Day
Mar 26	Prince Kuhio Day	Aug 16	Statehood Day		
Apr 19	Good Friday	Sept 2	Labor Day		

SUNSHINE LAW MEETING
AGENDA ITEM VIII

AKANA V. HAWAII STATE ETHICS COMMISSION AND DANIEL GLUCK, CIVIL NO.
18-1-1019-06 (JHA)

Discussion of case status.

The Commission may convene an executive session pursuant to Hawaii Revised Statutes section 92-5(a)(4) to consult with the Commission's attorneys on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

Attachment 1: Order Granting in Part and Denying in Part Motion to Dismiss
or, in the Alternative, to Stay Proceedings

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED
1130 o'clock A M.
JAN 17 2019
J. CHUN
Clerk, 10th Division

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

ROWENA AKANA,

Plaintiff,

vs.

HAWAII STATE ETHICS COMMISSION
and DANIEL M. GLUCK, EXECUTIVE
DIRECTOR, in his official capacity,

Defendants.

CIVIL NO. 18-1-1019 JHA

ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
MOTION TO DISMISS FIRST AMENDED
COMPLAINT OR, IN THE
ALTERNATIVE, TO STAY
PROCEEDINGS PENDING RESOLUTION
OF ADMINISTRATIVE PROCESS, FILED
AUGUST 10, 2018; NOTICE OF ENTRY

HEARINGS: October 10, 2018 at 8:30 a.m.
December 20, 2018 at 8:30 a.m.
JUDGE: Honorable James H. Ashford

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION TO
DISMISS FIRST AMENDED COMPLAINT OR, IN THE ALTERNATIVE, TO STAY
PROCEEDINGS PENDING RESOLUTION OF ADMINISTRATIVE PROCESS, FILED
AUGUST 10, 2018

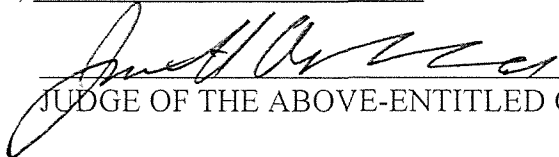
Defendants HAWAII STATE ETHICS COMMISSION and DANIEL M. GLUCK,
EXECUTIVE DIRECTOR, in his official capacity filed a Motion to Dismiss First Amended
Complaint or, in the Alternative, to Stay Proceedings Pending Resolution of Administrative
Process ("Motion") on August 10, 2018. Hearings on the Motion were held before the
Honorable James H. Ashford on October 10, 2018 at 8:30 a.m. and December 28, 2018 at 8:30
a.m. Stephen M. Tannenbaum, Esq. and Jeremy O'Steen, Esq. appeared on behalf of Plaintiff

ROWENA AKANA. Robyn Chun, Esq. appeared on behalf of Defendants. Defendant DANIEL M. GLUCK also appeared. The Court, having considered the written submissions and oral arguments of counsel, and the records and files in this case, and being otherwise fully advised, GRANTS IN PART and DENIES IN PART the Motion as follows:

The Motion is GRANTED as to (1) the request for dismissal as to paragraphs 27, 28, 34, 35, 43, 44, and 45, based on ripeness; and (2) the request for a stay in this action pending resolution of the ongoing administrative proceedings.

The Motion is DENIED as to the request for dismissal based on exhaustion of administrative remedies and in all other respects.

DATED: Honolulu, Hawaii, JAN 17 2019.


JUDGE OF THE ABOVE-ENTITLED COURT

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

ROWENA AKANA,

Plaintiff,

vs.

HAWAII STATE ETHICS COMMISSION
and DANIEL M. GLUCK, EXECUTIVE
DIRECTOR, in his official capacity,

Defendants.

CIVIL NO. 18-1-1019 JHA

NOTICE OF ENTRY

HEARINGS: October 10, 2018 at 8:30 a.m.
December 20, 2018 at 8:30 a.m.
JUDGE: Honorable James H. Ashford

NOTICE OF ENTRY

I hereby certify that the foregoing document was duly served upon the following parties
via circuit court jacket on JAN 17 2019:

STEPHEN M. TANNENBAUM, Esq.
JEREMY K. O'STEEN, Esq.
Bickerton Dang, LLLP
745 Fort St. Ste. 801
Honolulu, HI 96813
Attorneys for PLAINTIFF

ROBYN CHUN, Esq.
Department of the Attorney General
425 Queen Street
Honolulu, HI 96813
Attorney for DEFENDANTS

DATED: Honolulu, Hawaii, JAN 17 2019

J. CHUN

Clerk of the Above-Entitled Court, 10th Division

SUNSHINE LAW MEETING
AGENDA ITEM IX

AKANA V. HAWAII STATE ETHICS COMMISSION AND DANIEL GLUCK, CIVIL NO.
18-1-1665-10 (KKH) (APPEAL)

Discussion of case status.

The Commission may convene an executive session pursuant to Hawaii Revised Statutes section 92-5(a)(4) to consult with the Commission's attorneys on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

Attachment 1: Stipulation to Dismiss

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2018 DEC -4 AM 8:37

N. ANAYA
CLERK

BICKERTON ■ DANG

A LIMITED LIABILITY LAW PARTNERSHIP

JAMES J. BICKERTON 3085
STEPHEN M. TANNENBAUM 8397
JEREMY K. O'STEEN 10682

Topa Financial Center, Fort Street Tower
745 Fort Street, Suite 801
Honolulu, Hawaii 96813

Telephone: (808) 599-3811

Facsimile: (808) 694-3090

Email: bickerton@bsds.com; tannenbaum@bsds.com; osteen@bsds.com

Attorneys for Appellant
ROWENA M.N. AKANA

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

ROWENA AKANA,

Appellant,

vs.

THE HAWAII STATE ETHICS
COMMISSION and DANIEL M. GLUCK,
EXECUTIVE DIRECTOR, in his Official
Capacity,

Appellees.

Civil Appeal No. 18-1-1665-10 ^{JHA} ~~KKH~~

Agency Case No. COMPL-C-15-00236

**STIPULATION AND ORDER
WITHDRAWING APPELLANT'S NOTICE
OF APPEAL TO THE CIRCUIT COURT
WITH LEAVE TO REFILE;
CERTIFICATE OF SERVICE**

JAMES H. ASHFORD
Judge: Hon. ~~Keith K. Hiraoka~~

No Trial Date Set

**STIPULATION AND ORDER WITHDRAWING APPELLANT'S NOTICE OF
APPEAL TO THE CIRCUIT COURT WITH LEAVE TO REFILE**

Appellant Rowena Akana ("Appellant" or "Akana") and Appellees The Hawai'i State Ethics Commission (the "Commission") and Daniel M. Gluck ("Gluck") (together "Appellees"), by and through their undersigned counsel, hereby agree and stipulate as follows:

WHEREAS, on July 9, 2018, the Commission filed a "Further Statement of Alleged Violation" against Rowena Akana in that Commission agency matter designated as COMPL-C-

I do hereby certify that this is a full, true, and
correct copy of the original on file in this office.

Clerk, Circuit Court, First Circuit

Page 53

15-00236, entitled *The Hawaii State Ethics Commission vs. Rowena Akana* (the “COMPL-C-15-00236 Matter”);

WHEREAS, on October 16, 2018, the Commission issued an Order Regarding Jurisdictional and Constitutional Issues Raised by Respondent in the COMPL-C-15-00236 Matter;

WHEREAS, on October 17, 2018, Appellant filed her NOTICE OF APPEAL, STATEMENT OF THE CASE, DESIGNATION OF THE RECORD ON APPEAL, ORDER FOR CERTIFICATION, TRANSMISSION OF RECORD and EXHIBITS in this matter, pursuant to HRS § 91-14 and Hawai`i Rules of Civil Procedure, Rule 72 (the “Appeal”), regarding and appealing the October 16, 2018 Order Regarding Jurisdictional and Constitutional Issues Raised by Respondent;

WHEREAS, from October 22 to October 26, 2018, the Commission conducted its hearing in the COMPL-C-15-00236 Matter; and

WHEREAS, the Commission’s post-hearing final findings of fact and conclusions of law in the COMPL-C-15-00236 Matter are anticipated in the upcoming weeks;

IT IS NOW HEREBY STIPULATED AND AGREED by and between the Parties, in the interests of efficiency and the preservation of resources, that:

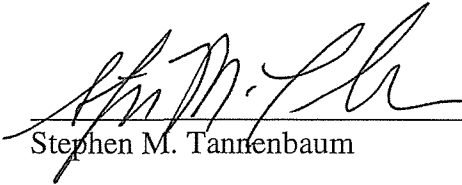
(1) Akana’s Appeal is hereby withdrawn without prejudice and with leave for Akana to refile it after the Commission issues its final findings of fact and conclusions of law in the COMPL-C-15-00236 Matter;

(2) If and when Akana refiles an appeal after the Commission issues its final findings of fact and conclusions of law in the COMPL-C-15-00236 Matter, Akana may include in such appeal – along with her appeal of the final findings of fact and conclusions of law – those

matters, issues, rulings and determinations of the Commission dated October 16, 2018 that were included and appealed from in Akana's original Appeal of the Order Regarding Jurisdictional and Constitutional Issues Raised by Respondent, which are presently being withdrawn without prejudice by this Stipulation and Order; and

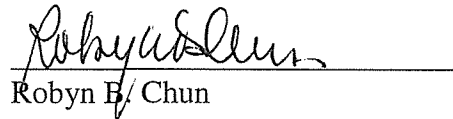
(3) This Stipulation has no effect until and unless signed by the presiding Judge.

DATED: Honolulu, Hawai'i, November 26, 2018.



Stephen M. Tannenbaum

Attorney for Appellant
Rowena Akana

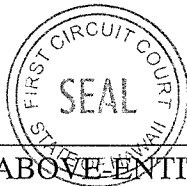


Robyn B. Chun

Deputy Attorney General
Attorney for Appellees
The Hawai'i State Ethics Commission
and Daniel M. Gluck

So Ordered:

JAMES H. ASHFORD



DEC 03 2018

HON. JUDGE OF THE ABOVE-ENTITLED COURT

Rowena Akana v. The Hawai'i State Ethics Commission and Daniel M. Gluck, Executive Director, Civil Appeal No. 18-1-1665-10 KKH, **STIPULATION AND ORDER WITHDRAWING APPELLANT'S NOTICE OF APPEAL TO THE CIRCUIT COURT WITH LEAVE TO REFILE**