



HAWAI'I STATE ETHICS COMMISSION

State of Hawai'i · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawai'i 96813

NOTICE OF MEETING OF THE HAWAI'I STATE ETHICS COMMISSION

Date: February 20, 2020

Time: 9:00 a.m.

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

AGENDA

CALL TO ORDER

I. Consideration and Approval of the Minutes of the November 21, 2019 Meeting

Note: A Commissioner who was absent at the November 21, 2019 meeting inadvertently voted to approve the minutes of that meeting at the January 16, 2020 meeting; the Commissioners who attended the November 21 meeting will re-vote on the matter at this month's meeting.

II. Consideration and Approval of the Minutes of the January 16, 2020 Meeting

III. Proposed Administrative Rules

1. Update regarding March 19, 2020 public hearing
2. Demonstration of video conferencing system

IV. Executive Director's Report

1. Education / Training Report

Attachment 2: 2020 Training Attendance / Schedule

Attachment 3: Online Training Completions by Department

2. Guidance and Assignment Statistics – January 2020

Attachment 4: 2020 Guidance and Assignment Statistics / Website Traffic

3. The High Road Newsletter – February 2020

Attachment 5: The High Road Newsletter, Issue 2020-1

4. Miscellaneous Office Projects / Updates

V. 2020 Legislative Session

1. [HB2124](#) / [SB2114](#): Prohibits certain state officials and employees from representing certain interests before the State for 12 months after termination from their respective positions. (Ethics Commission bill)
2. [HB2125](#) / [SB2115](#): Makes various amendments to the State Ethics Code. Repeals exemption from certain financial disclosure requirements granted to members of the Hawaii Correctional System Oversight Commission. (Ethics Commission bill)
3. [HB 1673](#) / [SB2100](#): Restores statutory protection for legislators when carrying out a legislative function. Clarifies that each house of the legislature shall adopt rules regarding disclosure of the nature and extent of any interest or transaction that the legislator believes may be affected by the legislator's official action. (Ethics Commission bill)
4. [HB2120](#): Amends the certain parts of the conflicts of interests provision of the State Ethics Code to include members of the legislature, delegates to the constitutional convention, and justices and judges of all state courts.

5. [HB1937](#): Prohibits legislators from assisting or representing, with or without compensation, private persons or businesses before all state agencies, excluding the courts.
6. [HB361](#) / [HB1927](#): Prohibits the governor and each county mayor, while holding those offices, to maintain any other employment or receive any emolument, beginning on the sixty-first calendar day after their election or appointment to office. Specifies that the county boards and commissions have enforcement authority over each respective county mayor. Specifies that the Hawaii state ethics commission has enforcement authority over the governor.
7. [HB2256](#) / [SB3058](#): Repeals the sunset provision in Act 38, Session Laws of Hawaii 2017 (Technology Transfer at the University of Hawaii)
8. [HB2747](#) / [HB2748](#) / [HB1998](#) / [HB2381](#) / [HB2678](#): Authorizing forfeiture of pension benefits (and/or other benefits) under certain conditions.
9. [HB2752](#): Requires the board of education to invite the exclusive representative for bargaining unit (5) (teachers and other personnel of the department of education) to appoint a nonvoting public school teacher representative to the board.
10. [HB1885](#): Proposes an amendment to article III, section 8, of the Constitution of the State of Hawaii to provide that constitutional section shall not be construed to prohibit a member of the legislature from being employed in a faculty member position at the University of Hawaii solely because of the membership in the legislature; provided that the legislature may enact legislation to ensure that work schedules and time demands do not unreasonably conflict. (Deferred)
11. Ethics Commission Budget measures: [HB2661](#), [HB2660](#), [SB3079](#).
12. Various provisions purporting to exempt task forces and/or new commissions/employees from Ethics Code requirements (e.g., [SB2332](#), [SB3103](#), [HB1918](#), [HB1796](#)).

VI. *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.

VII. *Akana v. Hawaii State Ethics Commission, Civil No. 19-1-0379-03 (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.

VIII. *State of Hawaii, Ethics Commission, by and through its Attorney General, v. Rowena Akana, Civil No. 1DRC-20-0000134*

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: Complaint

Attachment 2: Answer and Counterclaim

Attachment 3: Amended Answer and First Amended Counterclaim

IX. Office of Information Practices: Opinion Upholding Commission's Denial of Request to Access Government Records

Briefing by Executive Director Gluck regarding the Office of Information Practices' Opinion Letter No. F20-02 (U Appeal 18-5), upholding the Commission's 2018 denial of a request to access government records.

Attachment 1: OIP Opinion Letter No. F20-02

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.