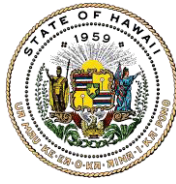


SUNSHINE LAW MEETING



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: October 15, 2020

Time: 9:00 a.m.

Location: Via Videoconference or Phone:

Videoconference: [Join Zoom Meeting](#)
Phone: +1 (253) 215-8782 or +1 (346) 248-7799
Meeting ID: 995 7016 2020
Password: 865290

Due to COVID-19, this meeting will be held via videoconference and phone conference. All members of the public are invited to join this meeting using the above information; anyone wishing to testify may do so during the conference call, or may submit written testimony in advance of the meeting via e-mail, fax, or mail. To avoid excessive noise/feedback, please mute your telephone except to testify.

In person:

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

***Note: Commission Chair Tschumy intends to be present in the Commission conference room; other Commissioners and staff will appear remotely, via videoconference, and members of the public are encouraged to attend via videoconference or telephone. Staff will make every effort to accommodate members of the public who wish to testify in person at the Commission's Conference Room, but staff will limit the number of people allowed in the Conference Room at any given time. If you wish to attend in person, you must wear a mask and must remain more than six feet away from every other person in attendance.*

A G E N D A

CALL TO ORDER

I. Consideration and Approval of the Minutes of the September 17, 2020 Meeting

Attachment 1A: 2019 Instrument for Evaluation of Executive Director

Attachment 1B: 2020 Instrument for Evaluation of Executive Director

II. Consideration and Approval of the Minutes of the September 17, 2020 Executive Session Meeting

The Hawai'i State Ethics Commission may convene an executive session pursuant to Hawai'i Revised Statutes section 92-5(a)(2) to discuss matters relating to the evaluation of an employee, and/or pursuant to 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. 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 – September 2020

Attachment 4: 2020 Guidance and Assignment Statistics / Website Traffic

3. Financial Report for FY 2020-2021 (July 1 – Sept. 30, 2020)

Attachment 5: Q1 Financial Report FY2020-2021

4. Ethics Survey of State Employees

5. Anti-Fraud Hotline

6. Miscellaneous Office Projects / Updates

IV. Proposals for 2021 Legislative Session

Attachment 1: Proposal to strengthen post-employment law

Attachment 2: Proposal to require ethics training for additional employees

Attachment 3: Proposal to prohibit official action on contracts to companies owned by certain family members

V. Update: Proposed Administrative Rules

VI. Evaluation of Executive Director Daniel Gluck

The Hawai'i State Ethics Commission may convene an executive session pursuant to Hawai'i Revised Statutes section 92-5(a)(2) to discuss matters relating to the evaluation of an employee, and/or pursuant to 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 and Daniel Gluck, Civil No. 18-1-1019-06 (JHA); Akana v. Hawaii State Ethics Commission, Civil No. 19-1-0379-03 (JHA); State of Hawaii, Ethics Commission v. Rowena Akana, Civil No. 20-1-0453 (BIA)*

Discussion of case status.

The Hawai'i State Ethics Commission may convene an executive session pursuant to Hawai'i 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. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact the Hawai'i 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

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE
SEPTEMBER 17, 2020 MEETING

- Attachment 1: Sunshine Law Meeting Minutes of the September 17, 2020
Hawai'i State Ethics Commission Meeting
- Attachment 1A: 2019 Instrument for Evaluation of Executive Director
- Attachment 1B: 2020 Instrument for Evaluation of Executive Director

1 SUNSHINE LAW MEETING
2 MINUTES OF THE HAWAI'I STATE ETHICS COMMISSION

3
4 STATE OF HAWAI'I

5
6
7 Date: September 17, 2020

8
9 Time: 9:00 a.m.

10
11 Location: Held via Zoom video and audio conference, with the Commission's Chair
12 present in the State Ethics Commission's conference room, American
13 Savings Bank Tower, 1001 Bishop Street, Suite 960, Honolulu, Hawai'i
14 96813

15
16
17 Present: State Ethics Commission Members

18
19 Ruth D. Tschumy, Chair (present in conference room)
20 Melinda S. Wood, Vice Chair (via video conference)
21 Reynard D. Graulty, Commissioner (via video conference)
22 Wesley F. Fong, Commissioner (via video conference)

23
24 State Ethics Commission Staff

25
26 Daniel M. Gluck, Executive Director (via video conference)
27 Susan D. Yoza, Associate Director (via video conference)
28 Nancy C. Neuffer, Staff Attorney (via audio conference)
29 Virginia M. Chock, Staff Attorney (via video conference)
30 Bonita Y.M. Chang, Staff Attorney (via video conference)
31 Kee M. Campbell, Staff Attorney (via video conference)
32 Patrick Lui, Computer Specialist (via audio conference)

33
34 Guests

35
36 Sandy Ma, Executive Director, Common Cause (via video conference)

37
38
39 Note: There was a vacancy on the Commission at the time of this meeting.

40
41
42 **CALL TO ORDER**

43
44 Chair Tschumy called the meeting to order at 9:01 a.m. and confirmed that all
45 Commissioners and staff were present.

1 **Agenda Item No. I: Consideration and Approval of the Minutes of the**
2 **August 20, 2020 Meeting**

3
4 Commissioner Grauly made and Commissioner Fong seconded a motion to
5 approve the minutes of the August 20, 2020 Sunshine Meeting. The motion carried
6 unanimously (Tschumy, Wood, Grauly, and Fong voting).
7

8 Later in the meeting, Sandy Ma of Common Cause noted that she attended the
9 Commission’s August 20, 2020 meeting but that her name was not included in the
10 minutes. Commissioner Fong made and Vice Chair Wood seconded a motion to amend
11 the minutes of the August 20, 2020 Sunshine Meeting to record Ms. Ma’s attendance.
12 The motion carried unanimously (Tschumy, Wood, Grauly, and Fong voting).
13

14
15 **Agenda Item No. II: Consideration and Approval of the Minutes of the**
16 **August 20, 2020 Executive Session Meeting**

17
18 Commissioner Fong made and Commissioner Grauly seconded a motion to
19 approve the minutes of the August 20, 2020 Executive Session Meeting. The motion
20 carried unanimously (Tschumy, Wood, Grauly, and Fong voting).
21

22
23 **Agenda Item No. III: Executive Director’s Report**

24
25 *Education / Training Report*

26
27 Executive Director Gluck reported that Staff Attorney Kee Campbell recently
28 conducted the first virtual ethics training and that staff is scheduling additional virtual
29 trainings over the next few weeks. This includes a mandatory session on Tuesday,
30 October 20, 2020, for the state officials who are required to attend training by statute.
31

32 Executive Director Gluck said that staff continues to review and adjust the virtual
33 training formatting if/when needed in order to ensure the presentation runs as smoothly
34 as possible.
35

36 *Guidance and Assignment Statistics – August 2020*

37
38 Executive Director Gluck reported that staff has been steadily busy working
39 through complaints of varying complexity, closing nineteen (19) complaint cases in
40 August 2020. In addition, staff continues to work on several large investigations.
41

42 *Ethics Survey of State Employees*

43
44 Executive Director Gluck said that the ethics survey is ready for distribution and
45 collection of data. The University of Hawaii (“UH”) gave its final approval for the ethics
46 survey on September 16, 2020.

1 Executive Director Gluck said that the ethics survey will first be distributed to all
2 200 to 300 employees of the Department of Commerce and Consumer Affairs and the
3 Department of Agriculture. Executive Director Gluck will notify the department heads of
4 the ethics survey prior to its release. Barring any major issues with distribution, the
5 survey will then be sent to a subset of employees from the larger departments, including
6 the Department of Education.

7
8 Commissioner Fong later inquired about UH's partnership on the ethics survey,
9 including the faculty involved and the benefits received by UH for engaging in this study.
10 A brief discussion followed. Executive Director Gluck said that staff reached out to UH
11 to propose this collaboration, and that staff is very thankful to be granted access to UH's
12 research expertise and survey tool to implement this study. Executive Director Gluck
13 also explained that the UH faculty leads are Associate Professors Sonia Ghumman and
14 Hannah-Hanh Nguyen from the Shidler College of Business, both of whom possess a
15 general interest in organizational ethics and plan to publish an academic article with the
16 data gathered; the Associate Professors are particularly interested in studying what
17 kinds of information or behaviors seem to lead to ethical behavior versus unethical
18 behavior in organizations.

19
20 Commissioner Fong said that he completed the survey and found many of the
21 questions to be academic and/or inapplicable to his role, though he recognizes the
22 benefits the survey will have for both the Commission and UH. Executive Director
23 Gluck said that staff worked jointly with UH to design and develop questions that would
24 yield good results and accomplish the goals of both the Commission and UH, which is
25 why some questions may appear more academic in nature.

26 27 *Miscellaneous Office Projects / Updates*

28
29 Executive Director Gluck said that the office has been working with the
30 Department of the Attorney General ("AG") to jointly launch a dedicated phone number,
31 email, and website complaint form which members of the public can use to report fraud,
32 waste, and/or abuse in state government. The AG's office plans to issue a press
33 release and schedule an appearance on Hawaii Public Radio in order to bring public
34 awareness to these new resources.

35
36 Executive Director Gluck explained that an increase in fraud, waste, and/or
37 abuse by government officials may occur in relation to the CARES Act funding. He
38 hopes that making these new anti-fraud resources available to the public will make it
39 easier for individuals to report such abuse.

40
41 The work of intaking complaints will be shared between the Commission and the
42 AG. The dedicated anti-fraud phone number is 587-0000 and will ring to the
43 Commission. Submitted complaint forms will also route to the Commission's office,
44 while emails will go to the AG's office. Information will be shared between offices to
45 ensure complaints are routed to the appropriate agency.

1 **Agenda Item No. IV: Update: 2020 Legislative Session**
2

3 Executive Director Gluck said that the Governor vetoed HB 2124 relating to post-
4 employment, citing concerns with the bill's application to six volunteer boards and
5 commissions. Executive Director Gluck said that these concerns were unfortunately not
6 raised by the Executive branch during the public hearing process, but that he
7 understands the potential issue at hand for the volunteer boards. For example, if HB
8 2124 were enacted as is, members of the Hawaii Tourism Authority ("HTA") would be
9 allowed to lobby the Legislature while serving on HTA, but would be prohibited from
10 lobbying the Legislature after terminating from HTA. Executive Director Gluck plans to
11 request the introduction of a revised bill – excluding those six boards and commissions
12 – next session.
13

14 Executive Director Gluck said that of the 73 bills that became law, three were
15 related to ethics. HB 2125, which was introduced on behalf of the Commission, will
16 require financial disclosure filers to disclose clients they assist in any matters before a
17 state agency; previously, filers were only required to disclose clients whom they
18 personally represented before a state agency. In addition, HB 2125 removed the
19 distinction between the long and short form versions of the financial disclosure form and
20 required members of the Corrections Oversight Commission to file confidential financial
21 disclosure statements.
22

23 Executive Director Gluck said that HB 1673, which pertains to the legislature's
24 ability to promulgate rules regarding its own members, was also enacted. The final
25 version of the bill does not include the language originally proposed by staff to clarify a
26 legislator's obligations under the fair treatment law. However, staff is satisfied with the
27 passage of HB1673 as the Senate Committee on Judiciary confirmed in its committee
28 report that the legislature does not intend to exempt legislators from the fair treatment
29 law through this legislation.
30

31 Executive Director Gluck said that HB 361 was enacted and aims to improve
32 ethics for County-level executives by prohibiting Mayors from having private
33 employment or receiving emoluments while in office. Commissioner Fong asked for
34 clarification on what, if any, jurisdiction the Commission has over Mayors. Executive
35 Director Gluck confirmed that the Commission does not have oversight over Mayors,
36 and that Mayors will continue to fall under the jurisdiction of the County-level Ethics
37 Commissions. Executive Director Gluck also clarified that the statute prohibiting Mayors
38 from having outside employment falls within Hawai'i Revised Statutes chapter 78, which
39 pertains to public employment and is a chapter that the Commission does not
40 administer; HB 361 also does not specifically state what agency will be responsible for
41 enforcement, though it may be the Department of the Attorney General. Executive
42 Director Gluck also said that the prohibition of emoluments includes any private
43 remuneration, including compensation received from serving on a private board.
44

45 Commissioner Grauly asked what effect the enactment of HB1673 will have on
46 the Commission's duties. Executive Director Gluck said that HB1673 retracts the

1 language enacted in the previous session that authorized the Commission to
2 promulgate rules governing how legislators disclose their conflicts of interest. However,
3 because the Commission did not promulgate rules in this area since the statute changed
4 last session, the Commission's duties essentially remain unchanged and the language
5 will revert back to what it was prior to 2019. Executive Director Gluck reiterated that the
6 Senate Committee on Judiciary's committee report addressed staff's concerns by
7 explaining that HB1673 is not intended to exempt legislators from the fair treatment law
8 (Hawai'i Revised Statutes § 84-13).

9
10
11 **Agenda Item No. V: Update: Proposed Administrative Rules**

12
13 Executive Director Gluck said that the proposed administrative rules are pending
14 approval by the Governor. Executive Director Gluck remains in contact with the
15 Governor's office and was advised that the rules would be considered shortly after the
16 Governor's final veto deadline passed.

17
18
19 **Agenda Item No. VI: Evaluation of Executive Director Daniel Gluck**

20
21 Chair Tschumy said that the Commission received a report from the permitted
22 interaction group ("PIG") at the August 20, 2020 meeting, and that the Commissioners
23 needed to consult with Associate Director Yoza regarding the scope of last month's
24 Executive Session meeting.

25
26
27 **RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE**
28 **SESSION**

29
30 At 9:24 a.m., Commissioner Grauly made and Commissioner Fong seconded a
31 motion to recess the public Sunshine Law meeting and convene an Executive Session
32 pursuant to Hawai'i Revised Statutes section 92-5(a)(4) to consult with the
33 Commission's attorney on questions and issues pertaining to the Commission's powers,
34 duties, privileges, immunities and liabilities. The motion carried unanimously (Tschumy,
35 Wood, Grauly, and Fong voting).

36
37 The Commissioners and Associate Director Yoza met in Executive Session. All
38 other staff were excused.

39
40
41 **ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW**
42 **MEETING**

43
44 At 9:35 a.m., Commissioner Fong made and Vice Chair Wood seconded a
45 motion to adjourn the Executive Session and return to the Sunshine Law meeting. The
46 motion carried unanimously (Tschumy, Wood, Grauly, and Fong voting).

1 The Commission adjourned the Executive Session at 9:35 a.m. and returned to
2 the Sunshine Law meeting. All staff also returned to the Sunshine Law meeting.

3
4 Sandy Ma of Common Cause joined the meeting.

5
6 Chair Tschumy said that at the Commission's last meeting on August 20, 2020,
7 the Commission received recommendations from the PIG (whose members were Chair
8 Tschumy and Vice Chair Wood) regarding the evaluation of the Executive Director. The
9 recommendations included following the survey instrument that was used to evaluate
10 the Executive Director last year. (Attachment 1A.) Chair Tschumy proposed that the
11 survey instrument be included as part of the public materials for the meeting. Hearing
12 no objections from any of the other Commissioners, Chair Tschumy said that a copy of
13 the survey instrument would be available as part of the public meeting materials.

14
15 Chair Tschumy also said that at the August 20 meeting, the Commission voted in
16 Executive Session to approve certain changes to the evaluation, but the Commission
17 wanted to set aside that action.

18
19 Commissioner Graulty made and Vice Chair Wood seconded a motion to rescind
20 the Commission's vote from the August 20, 2020 Executive Session regarding the PIG
21 report. The motion carried unanimously (Tschumy, Wood, Graulty, and Fong voting).

22
23 Chair Tschumy said that the Commission could now discuss the PIG report for
24 the evaluation of the Executive Director.

25
26 The Commissioners briefly discussed the logistics of the evaluation process.
27 Vice Chair Wood said she would resend the evaluation form to the Commissioners to
28 ensure that everyone had the final approved version. Commissioner Graulty requested
29 clarification on the amount of time Commissioners would have to complete the
30 evaluation form; Vice Chair Wood recommended two weeks.

31
32 Vice Chair Wood reviewed certain proposed changes to the evaluation form and
33 process for this year. She said that a couple of questions from last year's form were
34 dropped because they no longer seemed relevant and some of the language on the
35 form was edited for clarity. She also said that staff would not be asked to evaluate the
36 Executive Director as was done last year because Commissioners had questions as to
37 whether staff should be asked to evaluate their supervisor. Therefore, only the
38 Commissioners will evaluate the Executive Director.

39
40 Commissioner Fong asked Associate Director Yoza whether there is a course of
41 action available to staff should a member of the staff ever wish to raise an issue or
42 grievance involving the Executive Director. Associate Director Yoza said that
43 depending upon the nature of the issue, staff can talk to the Executive Director and try
44 to resolve the matter directly with him. However, if staff is uncomfortable with this, staff
45 may speak to a member of the Commission, usually the Chair, about the matter. The

1 Commissioners expressed their support of staff consulting with the Commission directly
2 for grievances against the Executive Director as needed.

3
4 Chair Tschumy asked if there were any members of the public wished to provide
5 comments at this time. There were none.

6
7 Vice Chair Wood said that she will send the officially approved evaluation form to
8 the Commissioners shortly. She asked whether the form can be shown to someone
9 who asks to see what the evaluation criteria are. Associate Director Yoza replied that
10 the evaluation form is a public document and can be made available to someone who
11 asks for it.

12
13 Commissioner Graulty made and Commissioner Fong seconded a motion to
14 approve: (1) the evaluation instrument, with the changes described by Vice Chair Wood
15 (Attachment 1B); and (2) the evaluation process, which will only involve Commissioners
16 and will not include staff. The motion carried unanimously (Tschumy, Wood, Graulty,
17 Fong voting).

18
19 Attachment 1A: 2019 Instrument for Evaluation of Executive Director
20 Attachment 1B: 2020 Instrument for Evaluation of Executive Director

21
22
23 **Agenda Item No. VII: Akana v. Hawaii State Ethics Commission and Daniel Gluck,**
24 **Civil No. 18-1-1019-06 (JHA); Akana v. Hawaii State Ethics Commission, Civil No.**
25 **19-1-0379-03 (JHA); State of Hawaii, Ethics Commission v. Rowena Akana, Civil**
26 **No. 20-1-0453 (BIA)**

27
28 Executive Director Gluck said that the appeal by Rowena Akana of the
29 Commission's ruling is pending with the Intermediate Court of Appeals ("ICA").
30 Executive Director Gluck said the timeline for this matter is very unpredictable, but that
31 he estimates it to be approximately one year before the ICA issues a decision.

32
33 Executive Director Gluck said that in regard to Ms. Akana's outstanding
34 collections, there are two issues at hand: 1) the fine imposed by the Commission, and
35 2) the action to recover the gifts improperly received. Executive Director Gluck said that
36 a lien has been placed upon Ms. Akana's home for the fines but that no garnishment
37 proceedings have been implemented at this time.

38
39 Commissioner Graulty asked if a supersedeas bond was filed, and
40 Commissioner Fong asked if the lien was placed on Ms. Akana's home due to her
41 refusal to pay versus her inability to pay. Executive Director Gluck said he was unsure
42 of these details, and that if the Commission wished to discuss the case in further depth,
43 it could do so in an Executive Session.

44
45 Commissioner Graulty expressed concerns with the receipt of the fines imposed
46 upon Ms. Akana by the Commission potentially being delayed by the appeal process,

1 and asked if it would be possible to receive a report from the AG's office regarding the
2 current status of the collections matter. Executive Director Gluck said he would request
3 a report from the office of the AG at the next Commission meeting.
4

5
6 **ADJOURNMENT OF SUNSHINE LAW MEETING**
7

8 At approximately 9:58 a.m., Commissioner Graulty made and Commissioner
9 Fong seconded a motion to adjourn the Sunshine Law Meeting. The motion carried
10 unanimously (Tschumy, Wood, Graulty, and Fong voting).
11

12 The meeting was adjourned at 9:58 a.m.
13

14 Minutes approved on: _____
15

DRAFT

Hawaii State Ethics Commission
Executive Director's Evaluation
April 2, 2019

Please mark the number that best describes your response to the items below (you will have to print out if you wish to use circles; otherwise, x, underline or bold are all acceptable as long as they are clear).

5=Excellent 4=Good 3=Adequate 2=Less than adequate 1=Poor 0=No opinion

A. Legal Counsel to Commission

1. Advises Commissioners on the legal issues and precedents to facilitate informed decision-making.
Circle one: 5 4 3 2 1 0
2. Ensures Commissioners are aware of both sides of the issue being decided (the pros and cons), including the ramifications/unintended consequences of Commission action.
Circle one: 5 4 3 2 1 0
3. Informs Commission members regarding any feedback related to the Commission's actions and/or decisions.
Circle one: 5 4 3 2 1 0
4. Demonstrates expertise with relevant laws, rules, procedures, and legal principles.
Circle one: 5 4 3 2 1 0
5. Applies ethics and lobbying laws to factual situations in a fair and consistent manner.
Circle one: 5 4 3 2 1 0

B. Commission meetings and training

6. Develops positive, cooperative, and collaborative relationships with Commission members.
Circle one: 5 4 3 2 1 0
7. Responds to Commission members' inquiries in a timely manner.
Circle one: 5 4 3 2 1 0
8. Assists Chairperson in conducting meetings effectively.
Circle one: 5 4 3 2 1 0
9. Responds appropriately to input from Commission members.
Circle one: 5 4 3 2 1 0

C. Administration and Enforcement of Chapters 84 and 97, HRS

10. Oversees, plans, and implements effective complaint investigations regarding possible violations of Chapters 84 and 97, HRS.
Circle one: 5 4 3 2 1 0
11. Oversees the administration of disclosure requirements under Chapter 84, HRS (financial & gift disclosures, as well as contract notices), including facilitating compliance by filers.
Circle one: 5 4 3 2 1 0
12. Oversees the administration of registration and filing requirements under Chapter 97, HRS (lobbyists' registration and expenditure & contribution reports), including facilitating compliance by filers.
Circle one: 5 4 3 2 1 0

Hawaii State Ethics Commission
Executive Director's Evaluation
April 2, 2019

5=Excellent 4=Good 3=Adequate 2=Less than adequate 1=Poor 0=No opinion

13. Conducts and oversees enforcement proceedings against individuals who do not comply with the filing requirements of Chapters 84 and 97, HRS including prosecuting or serving as legal counsel to the Commission in contested case hearings.

Circle one: 5 4 3 2 1 0

14. Resolves cases in an efficient manner, including negotiations based on the facts, the law, and the Commission's guidance & objectives.

Circle one: 5 4 3 2 1 0

15. Drafts and reviews staff opinion letters, advisory opinions, legal memoranda and other documents related to complaints, investigations, enforcement proceedings, etc.

Circle one: 5 4 3 2 1 0

D. Education Program

16. Develops, conducts, and manages education workshops and presentation, including mandatory ethics training for state government officials as required by law.

Circle one: 5 4 3 2 1 0

17. Oversees the development, design, and maintenance of the Commission's website.

Circle one: 5 4 3 2 1 0

18. Develops educational materials, including the Commission's newsletter and other publications.

Circle one: 5 4 3 2 1 0

E. Media

19. Responds to inquiries from the media in a clear, concise and professional manner, including correcting misstatements about Commission business without violating confidentiality.

Circle one: 5 4 3 2 1 0

20. Monitors the media for commentary related to the work of the Commission and keeps Commission members informed regarding any response/correction/clarification provided to the media.

Circle one: 5 4 3 2 1 0

21. Ensures that any comments to the media are confined to factual and legal matters (as opposed to the Commission's deliberation process).

Circle one: 5 4 3 2 1 0

22. Issues appropriate news releases, commentaries, and letters to the editor as necessary.

Circle one: 5 4 3 2 1 0

F. Relations with other state and federal agencies and organizations

23. Maintains professional relations with other state, local, and federal agencies.

Circle one: 5 4 3 2 1 0

Hawaii State Ethics Commission
Executive Director's Evaluation
April 2, 2019

5=Excellent 4=Good 3=Adequate 2=Less than adequate 1=Poor 0=No opinion

24. Maintains professional relations with local and national organizations, such as Common Cause Hawaii, the League of Women Voters, and the Council on Governmental Ethics Laws, to promote ethics and "good government" initiatives.

Circle one: 5 4 3 2 1 0

G. Legislation

25. Drafts, edits, and/or reviews legislative testimony; ensures testimony is clear, concise, and professional; also ensures content reflects appropriate depth of discussion.

Circle one: 5 4 3 2 1 0

26. Understands and actively engages in the legislative process, including initiating and/or supporting desirable changes in the ethics and/or lobbying laws.

Circle one: 5 4 3 2 1 0

27. Attends legislative hearings, presents testimony, and fields questions from legislators in a clear, concise and professional manner.

Circle one: 5 4 3 2 1 0

28. Reaches out to key government decision-makers to support or oppose legislation, as appropriate.

Circle one: 5 4 3 2 1 0

29. Works collaboratively with community groups and members of the public on legislative matters of common interest.

Circle one: 5 4 3 2 1 0

H. Budget and fiscal operations

30. Plans, prepares, and manages Commission's budget, including making appropriate adjustments when needed.

Circle one: 5 4 3 2 1 0

31. Ensures all fiscal operations of the office, including payroll and procurement of all goods and services, are in accordance with applicable laws.

Circle one: 5 4 3 2 1 0

32. Negotiates and executes office lease agreements and other agreements and contracts on behalf of the Commission.

Circle one: 5 4 3 2 1 0

I. Administration and Management

33. Communications, in writing, are concise, well-organized, and well-reasoned manner.

Circle one: 5 4 3 2 1 0

34. Communicates, orally, in an articulate, effective, and professional manner.

Circle one: 5 4 3 2 1 0

Hawaii State Ethics Commission
Executive Director's Evaluation
April 2, 2019

5=Excellent 4=Good 3=Adequate 2=Less than adequate 1=Poor 0=No opinion

35. Handles conflicts and disagreements with sensitivity and tact.
Circle one: 5 4 3 2 1 0
36. Demonstrates high standards of integrity and fairness.
Circle one: 5 4 3 2 1 0
37. Treats everyone with dignity and respect.
Circle one: 5 4 3 2 1 0
38. Listens effectively, with an open mind, and works to develop positive morale and relationships with staff attorneys.
Circle one: 5 4 3 2 1 0
39. Listens effectively, with an open mind, and works to develop positive morale and relationships with non-attorney staff members.
Circle one: 5 4 3 2 1 0
40. Listens effectively, with an open mind, and works to develop and foster positive relationships with Commission members.
Circle one: 5 4 3 2 1 0
41. Willing to compromise or change course of action where appropriate.
Circle one: 5 4 3 2 1 0
42. Fosters teamwork and possesses effective team building skills.
Circle one: 5 4 3 2 1 0

(form revised April 2019)

Hawaii State Ethics Commission
Executive Director's Evaluation
August 20, 2020

Please mark the number that best describes your response to the items below.

5=Excellent 4=Good 3=Adequate 2=Less than adequate 1=Poor 0=No opinion

A. Legal Counsel to Commission

1. Advises Commissioners on the legal issues and precedents to facilitate informed decision-making.
Circle one: 5 4 3 2 1 0
2. Ensures Commissioners are aware of both sides of the issue being decided (the pros and cons), including the ramifications/unintended consequences of Commission action.
Circle one: 5 4 3 2 1 0
3. Informs Commission members regarding any feedback related to the Commission's actions and/or decisions.
Circle one: 5 4 3 2 1 0
4. Applies ethics and lobbying laws to factual situations in a fair and consistent manner.
Circle one: 5 4 3 2 1 0

B. Commission meetings and training

5. Develops positive, cooperative, and collaborative relationships with Commission members.
Circle one: 5 4 3 2 1 0
6. Responds to Commission members' inquiries in a timely manner.
Circle one: 5 4 3 2 1 0
7. Assists Chairperson in conducting meetings effectively.
Circle one: 5 4 3 2 1 0
8. Responds appropriately to input from Commission members.
Circle one: 5 4 3 2 1 0

C. Administration and Enforcement of Chapters 84 and 97, HRS

9. Oversees, plans, and implements effective complaint investigations regarding possible violations of Chapters 84 and 97, HRS.
Circle one: 5 4 3 2 1 0
10. Oversees the timely administration and compliance with disclosure requirements under Chapter 84, HRS (financial & gift disclosures, as well as contract notices).
Circle one: 5 4 3 2 1 0
11. Oversees the timely administration of registration and compliance with filing requirements under Chapter 97, HRS (lobbyists' registration and expenditure & contribution reports).
Circle one: 5 4 3 2 1 0
12. Oversees enforcement proceedings against individuals who do not comply with the filing requirements of Chapter 84 and 97, HRS including prosecuting or serving as legal counsel to the Commission in contested case hearings.
Circle one: 5 4 3 2 1 0

Hawaii State Ethics Commission
Executive Director's Evaluation
August 20, 2020

5=Excellent 4=Good 3=Adequate 2=Less than adequate 1=Poor 0=No opinion

13. Manages resolution of cases in a timely manner, including negotiations based on the facts, the law, and the Commission's guidance & objectives.

Circle one: 5 4 3 2 1 0

14. Drafts and/or reviews staff opinion letters, advisory opinions, legal memoranda and other documents related to complaints, investigations, enforcement proceedings, etc.

Circle one: 5 4 3 2 1 0

D. Education Program

15. Develops, conducts, and manages education workshops, including mandatory ethics training for state government officials as required by law.

Circle one: 5 4 3 2 1 0

16. Oversees the development, design, and maintenance of the Commission's website.

Circle one: 5 4 3 2 1 0

17. Develops educational materials, including the Commission's newsletter and other publications.

Circle one: 5 4 3 2 1 0

E. Media

18. Responds to inquiries from the media in a clear, concise and professional manner, including correcting misstatements about Commission business without violating confidentiality.

Circle one: 5 4 3 2 1 0

19. Monitors the media for commentary related to the work of the Commission and keeps Commission members informed regarding any response/correction/clarification provided to the media.

Circle one: 5 4 3 2 1 0

20. Ensures that any comments to the media are confined to factual and legal matters (as opposed to the Commission's deliberation process).

Circle one: 5 4 3 2 1 0

21. Issues appropriate news releases, commentaries, and letters to the editor as necessary.

Circle one: 5 4 3 2 1 0

F. Relations with other state and federal agencies and organizations

22. Maintains professional relations with other state, local, and federal agencies.

Circle one: 5 4 3 2 1 0

23. Maintains professional relations with local and national organizations, such as Common Cause Hawaii, the League of Women Voters, and the Council on Governmental Ethics Laws, to promote ethics and "good government" initiatives.

Circle one: 5 4 3 2 1 0

G. Legislation

24. Drafts, edits, and/or reviews legislative testimony; ensures testimony is clear, concise, and professional; also ensures content reflects appropriate depth of discussion.

Circle one: 5 4 3 2 1 0

Hawaii State Ethics Commission
Executive Director's Evaluation
August 20, 2020

5=Excellent 4=Good 3=Adequate 2=Less than adequate 1=Poor 0=No opinion

25. Understands and actively engages in the legislative process, including initiating and/or supporting desirable changes in the ethics and/or lobbying laws.
Circle one: 5 4 3 2 1 0
26. Attends legislative hearings, presents testimony, and fields questions from legislators in a clear, concise and professional manner.
Circle one: 5 4 3 2 1 0
27. Engages with key government decision-makers to support or oppose legislation, as appropriate.
Circle one: 5 4 3 2 1 0
28. Works collaboratively with community groups and members of the public on legislative matters of common interest.
Circle one: 5 4 3 2 1 0

H. Budget and Fiscal Operations

29. Plans, prepares, and manages Commission's budget, including making appropriate adjustments when needed.
Circle one: 5 4 3 2 1 0
30. Ensures all fiscal operations of the office, including payroll and procurement of all goods and services, are in accordance with applicable laws.
Circle one: 5 4 3 2 1 0
31. Negotiates and executes office lease agreements and other agreements and contracts on behalf of the Commission.
Circle one: 5 4 3 2 1 0

I. Administration and Management

33. Written communications are concise, well-organized, and well-reasoned.
Circle one: 5 4 3 2 1 0
34. Oral communication is clear, effective, and respectful.
Circle one: 5 4 3 2 1 0
35. Handles conflicts and disagreements with sensitivity and tact.
Circle one: 5 4 3 2 1 0
36. Demonstrates high standards of integrity and fairness.
Circle one: 5 4 3 2 1 0
37. Treats everyone with dignity and respect.
Circle one: 5 4 3 2 1 0
38. Works to develop and foster high morale and positive relationships with staff.
Circle one: 5 4 3 2 1 0

Hawaii State Ethics Commission
Executive Director's Evaluation
August 20, 2020

5=Excellent 4=Good 3=Adequate 2=Less than adequate 1=Poor 0=No opinion

39. Willing to compromise or change course of action where appropriate.

Circle one: 5 4 3 2 1 0

40. Possesses team building skills and fosters effective teamwork.

Circle one: 5 4 3 2 1 0

(form revised August 2020)

SUNSHINE LAW MEETING
AGENDA ITEM II

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE
SEPTEMBER 17, 2020 EXECUTIVE SESSION MEETING

The Hawai'i State Ethics Commission may convene an executive session pursuant to Hawai'i Revised Statutes section 92-5(a)(2) to discuss matters relating to the evaluation of an employee, and/or pursuant to 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: Executive Session Minutes of the September 17, 2020
 Hawai'i State Ethics Commission Meeting (for Commissioners only)

SUNSHINE LAW MEETING
AGENDA ITEM III

EXECUTIVE DIRECTOR'S REPORT

- Attachment 1: Executive Director's Report
- Attachment 2: 2020 Training Attendance / Schedule
- Attachment 3: Online Training Completions by Department
- Attachment 4: 2020 Guidance and Assignment Statistics / Website Traffic
- Attachment 5: Q1 Financial Report FY2020-2021

SUNSHINE MEETING
AGENDA ITEM III

EXECUTIVE DIRECTOR'S REPORT
October 15, 2020

1. Education / Training Report

All in-person trainings have been postponed indefinitely due to COVID-19.

Attachment 2: 2020 Training Attendance / Schedule

Attachment 3: Online Training Completions by Department

2. Guidance and Assignment Statistics – September 2020

Attachment 4: 2020 Guidance and Assignment Statistics / Website Traffic

3. Financial Report for FY 2020-2021 (July 1 – September 30, 2020)

Attachment 5: Q1 Financial Report FY2020-2021

4. Ethics Survey of State Employees

5. Anti-Fraud Hotline

6. Miscellaneous Office Projects / Updates

HAWAII STATE ETHICS COMMISSION		
2020 EDUCATION PROGRAM		
(Ethics Workshops and Presentations)		
DATE	PRESENTATIONS	NUMBER OF PARTICIPANTS
1/2/2020	General Ethics Training, House of Representatives Staff Training	99
1/7/2020	General Ethics Training, Windward Community College	122
1/13/2020	Ethics Refresher Course, State Capitol, Honolulu	30
1/14/2020	Lobbyists Law Training, State Capitol, Honolulu	30
2/24/2020	General Ethics Training, DCCA, Supervisors	32
2/24/2020	General Ethics Training, DCCA, Non-Supervisors	58
2/25/2020	General Ethics Training, DCCA, Supervisors	24
2/25/2020	General Ethics Training, DCCA, Non-Supervisors	61
2/27/2020	General Ethics Training, DCCA, Supervisors	24
2/27/2020	General Ethics Training, DCCA, Non-Supervisors	69
3/17/2020	General Ethics Training, Hilo (CANCELLED)	0
3/20/2020	General Ethics Training, DOT, Harbors (2 sessions) (CANCELLED)	0
3/24/2020	General Ethics Training, Honolulu (CANCELLED)	0
3/25/2020	General Ethics Training, Lihue (CANCELLED)	0
4/6/2020	General Ethics Training, Kona (CANCELLED)	0
4/21/2020	General Ethics Training, DLNR, DOFAW (CANCELLED)	0
4/28/2020	General Ethics Training, DOH Executive Committee, Honolulu (CANCELLED)	0
5/8/2020	General Ethics Training, Kahului (CANCELLED)	0
5/12/2020	General Ethics Training, Pearl City (CANCELLED)	0

9/15/2020	General Ethics Training, Youth Commission, Microsoft Teams	16
10/20/2020	General Ethics Training, Honolulu (CANCELLED)	0
10/13/2020	General Ethics Training, Commission on the Status of Women, Zoom	
10/20/2020	Ethics Refresher Course, Zoom	
11/5/2020	General Ethics Training, HHSC, Zoom	
TOTAL	24 Presentations	565 participants

Department/Agency	# of Completions
Department of Human Services (DHS)	190
Department of Health (DOH)	185
Department of Transportation (DOT)	154
Department of Education (DOE)	154
Department of Defense (DOD)	70
Department of Land and Natural Resources (DLNR)	63
University of Hawaii-Manoa (UOHM)	60
Department of Accounting and General Services (DAGS)	60
Department of Business, Economic Development and Tourism (DBEDT)	51
Department of the Attorney General (ATG)	50
University of Hawaii-West Oahu (UOHW)	45
Department of Labor and Industrial Relations (DLIR)	40
Department of Public Safety (DPS)	39
Hawaii Health Systems Corporation (HHSC)	39
Judiciary (JUD)	36
Department of Agriculture (DOA)	35
Department of Commerce and Consumer Affairs (DCCA)	33
Other (Please fill-in "Other Department/Agency")	32
University of Hawaii-System (UOH)	21
University of Hawaii-Community Colleges (UOHC)	11
Office of the Governor (GOV)	7
Research Corporation of the University of Hawaii (RCUH)	6
Public Charter School (SPCSC)	5
Office of the Lieutenant Governor (LTG)	4
Department of Human Resources Development (DHRD)	4
Office of the Auditor (AUD)	3
Office of the Ombudsman (OMB)	2
Office of Hawaiian Affairs (OHA)	2
Hawaii State Public Library System (HSPLS)	1
Hawaii State Ethics Commission (HSEC)	1
Senate (SEN)	1
Department of Taxation (TAX)	1
Department of Budget and Finance (B&F)	1

Total Certificate of Completions Issued

1406

As of October 6, 2020

2020	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Year to date
Training statistics													
# of In-Person Trainings	4	6	0	0	0	0	0	0	0	0			10
# of People Trained In Person	281	268	0	0	0	0	0	0	0	0			549
# of On-Line Training	403	182	190	76	49	33	153	208	108	4			1406
# of eTrainings	0	0	0	0	0	0	0	0	1				1
# of People Trained in eTraining	0	0	0	0	0	0	0	0	16				16
Attorney of the Day	148	96	79	61	72	51	86	57	68				718
New assignments													
Advisory Opinion	0	0	0	0	0	0	0	0	0	0			0
Complaint	7	7	8	8	8	5	17	12	19				91
Gifts/Invitations/Travel	16	12	3	1	0	0	0	0	1				33
Guidance	2	2	0	2	0	1	3	3	1				14
Judicial Selection Comm'n	1	5	3	2	2	1	2	3	5				24
Training Request	0	0	0	0	0	0	0	0	0				0
Record Request	1	1	2	0	0	3	0	0	1				8
Project/Other	3	3	3	1	1	1	2	3	3				20
Total	30	30	19	14	11	11	24	21	30	0	0	0	190
Closed Assignments													
Advisory Opinion	0	1	1	0	0	0	0	0	0	0			2
Complaint	8	3	9	11	10	8	10	19	11				89
Gifts/Invitations/Travel	22	5	11	5	1	1	3	0	0				48
Guidance	4	1	5	2	1	3	21	2	2				41
Judicial Selection Comm'n	1	4	2	0	6	1	2	2	6				24
Training Request	1	0	0	0	0	0	0	0	0				1
Record Request	3	2	1	0	0	1	0	1	1				9
Project/Other	3	1	2	5	1	1	1	4	1				19
Total	42	17	31	23	19	15	37	28	21	0	0	0	233

Dataset Views

										*State terminated Socrata contract; stats no longer accessible				
Disclosures	97	91	64	58	84	76	76	23	X	X	X	X	569	
Lobbyist Registrations	364	276	221	113	127	119	131	166	X	X	X	X	1,517	
Organization Expenditures	67	51	27	11	12	21	39	8	X	X	X	X	236	
Lobbyist Expenditures	53	44	25	17	24	15	26	12	X	X	X	X	216	
Ethics Advice	108	112	66	39	59	54	56	28	X	X	X	X	522	
Total	689	574	403	238	306	285	328	237	0	0	0	0	3,060	

HAWAII STATE ETHICS COMMISSION FINANCIAL REPORT
 FY 2021 (QUARTER ENDING: September 30, 2020)
 Appropriation Symbol: G-21-393-Y6

	Amount Appropriated FY 2020-2021	Expenditures for Qtr. End 9/30/2020	Expenditures for Qtr. End 12/31/2020	Expenditures for Qtr. End 3/31/2021	Expenditures for Qtr. End 6/30/2021	Year-To-Date Expenditures Totals	% of Budget Expended
A. PERSONNEL SERVICES							
Staff Salaries	\$ 1,012,719.00	\$ 243,622.50	\$ 0.00	\$ 0.00	\$ 0.00	243,622.50	24.1%
Vacation Payout		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	
Total Personnel Services	\$ 1,012,719.00	\$ 243,622.50	\$ 0.00	\$ 0.00	\$ 0.00	\$ 243,622.50	24.1%
B. OTHER CURRENT EXPENSES							
Office Expenses	12,500.00	3,099.75	0.00	0.00	0.00	3,099.75	24.8%
Intrastate Transportation and Travel	9,250.00	13.50	0.00	0.00	0.00	13.50	0.1%
Out-of-State Travel	12,660.00	0.00	0.00	0.00	0.00	0.00	0.0%
Equipment Rental and Maintenance	31,600.00	0.00	0.00	0.00	0.00	0.00	0.0%
Dues, Subscriptions, Training	16,410.00	1,747.71	0.00	0.00	0.00	1,747.71	10.7%
Newspaper Advertisements	1,100.00	0.00	0.00	0.00	0.00	0.00	0.0%
Comm'n Mtgs, Investigations, Hrgs	11,600.00	515.00	0.00	0.00	0.00	515.00	4.4%
Consulting Services	26,900.00	0.00	0.00	0.00	0.00	0.00	0.0%
Office Rent	113,928.00	14,343.56	0.00	0.00	0.00	14,343.56	12.6%
Total Other Current Expenses	\$ 235,948.00	\$ 19,719.52	\$ 0.00	\$ 0.00	\$ 0.00	\$ 19,719.52	8.4%
C. CAPITAL OUTLAY							
Office Furniture and Equipment	4,000.00	0.00	0.00	0.00	0.00	0.00	0.0%
Total Capital Outlay	\$ 4,000.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	0.0%
GRAND TOTAL (A+B+C)	\$ 1,252,667.00¹	\$ 263,342.02	\$ 0.00	\$ 0.00	\$ 0.00	\$ 263,342.02	21.0%
VACATION		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	

General Fund Allocation \$ 1,252,667.00
 Total Expenditures as of September 30, 2020 \$ 263,342.02
 Balance as of September 30, 2020 \$989,324.98

¹ \$1,252,667 awarded by Act 1, SLH 2020 - Appropriation 393.

SUNSHINE LAW MEETING
AGENDA ITEM IV

PROPOSALS FOR 2021 LEGISLATIVE SESSION

- Attachment 1: Proposal to strengthen post-employment law
- Attachment 2: Proposal to require ethics training for additional employees
- Attachment 3: Proposal to prohibit official action on contracts to companies owned by certain family members

THE SENATE
THIRTY FIRST LEGISLATURE, 2021
STATE OF HAWAII

S . B . NO .

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 legislature finds that it is in the public
2 interest to keep a distinct wall of separation between lobbyists
3 and the State's elected officials and certain other government
4 employees. Accordingly, the purpose of this Act is to promote
5 good government by prohibiting elected officials, employees of the
6 legislature, and certain other high-ranking state officials from
7 representing other interests before the State and colleagues with
8 whom they have served, for twelve months after termination of
9 their respective positions.

10 SECTION 2. Section 84-18, Hawaii Revised Statutes, is
11 amended as follows:

12 "**§84-18 Restrictions on post employment.** (a) No former
13 legislator or employee shall disclose any information [~~which~~] that
14 by law or practice is not available to the public and [~~which~~] that
15 the former legislator or employee acquired in the course of the
16 former legislator's or employee's official duties or use the

1 information for the former legislator's or employee's personal
2 gain or the benefit of anyone.

3 (b) No former legislator, within twelve months after
4 termination of the former legislator's employment, shall represent
5 any person or business for a fee or other consideration, on
6 ~~[matters]~~:

7 (1) Matters in which the former legislator participated as a
8 legislator ~~[or on matters]~~;

9 (2) Matters involving official action by the legislature~~[-]~~;
10 or

11 (3) Any administrative action as defined by section 97-1.

12 (c) No former employee, within twelve months after
13 termination of the former employee's employment, shall represent
14 any person or business for a fee or other consideration, on
15 matters in which the former employee participated as an employee
16 or on matters involving official action by the particular state
17 agency or subdivision thereof with which the former employee had
18 actually served. This section shall not apply to a former task
19 force member who, but for service as a task force member, would
20 not be considered an employee.

21 (d) This section shall not prohibit any agency from
22 contracting with a former legislator or employee to act on a
23 matter on behalf of the State within the period of limitations

1 stated herein, and shall not prevent [~~such~~] that legislator or
2 employee from appearing before any agency in relation to [~~such~~]
3 that employment.

4 (e) Subject to the restrictions imposed in subsections (a)
5 through (d), the following individuals shall not represent any
6 person or business for a fee or other consideration, regarding any
7 legislative or administrative action as defined by section 97-1,
8 for twelve months after termination of employment:

9 (1) The governor;

10 (2) The lieutenant governor;

11 (3) The administrative director of the State;

12 (4) The attorney general;

13 (5) The comptroller;

14 (6) The chairperson of the board of agriculture;

15 (7) The director of finance;

16 (8) The director of business, economic development and
17 tourism;

18 (9) The director of commerce and consumer affairs;

19 (10) The adjutant general;

- 1 (11) The superintendent of education;
- 2 (12) The chairperson of the Hawaiian homes commission;
- 3 (13) The director of health;
- 4 (14) The director of human resources development;
- 5 (15) The director of human services;
- 6 (16) The director of labor and industrial relations;
- 7 (17) The chairperson of the board of land and natural
- 8 resources;
- 9 (18) The director of public safety;
- 10 (19) The director of taxation;
- 11 (20) The director of transportation;
- 12 (21) The president of the university of Hawaii;
- 13 (22) The trustees and the administrator of the office of
- 14 Hawaiian affairs;
- 15 (23) The chief information officer;
- 16 (24) The members and the executive officer of the public
- 17 utilities commission;
- 18 (25) The state auditor;

1 (26) The director of the legislative reference bureau;

2 (27) The ombudsman;

3 (28) The permanent employees of the legislature, other than
4 persons employed in clerical, secretarial, or similar
5 position;

6 (29) The administrative director of the courts; and

7 (30) Every executive director, director, or administrator of
8 a board, authority, or commission listed in section 84-17(d).

9 ~~[(e) This section]~~ (f) Subsections (b) through (e)
10 shall not apply to any person who is employed by the State
11 for a period of less than one hundred and eighty-one days.

12 ~~[(f)]~~ (g) For the purposes of this section, "represent"
13 means to engage in direct communication on behalf of any person or
14 business with a legislator, a legislative employee, a particular
15 state agency or subdivision thereof, or their employees."

16 SECTION 3. If any provision of this Act, or the
17 application thereof to any person or circumstance, is held
18 invalid, the invalidity does not affect other provisions or
19 applications of the Act that can be given effect without the
20 invalid provision or application, and to this end the provisions
21 of this Act are severable.

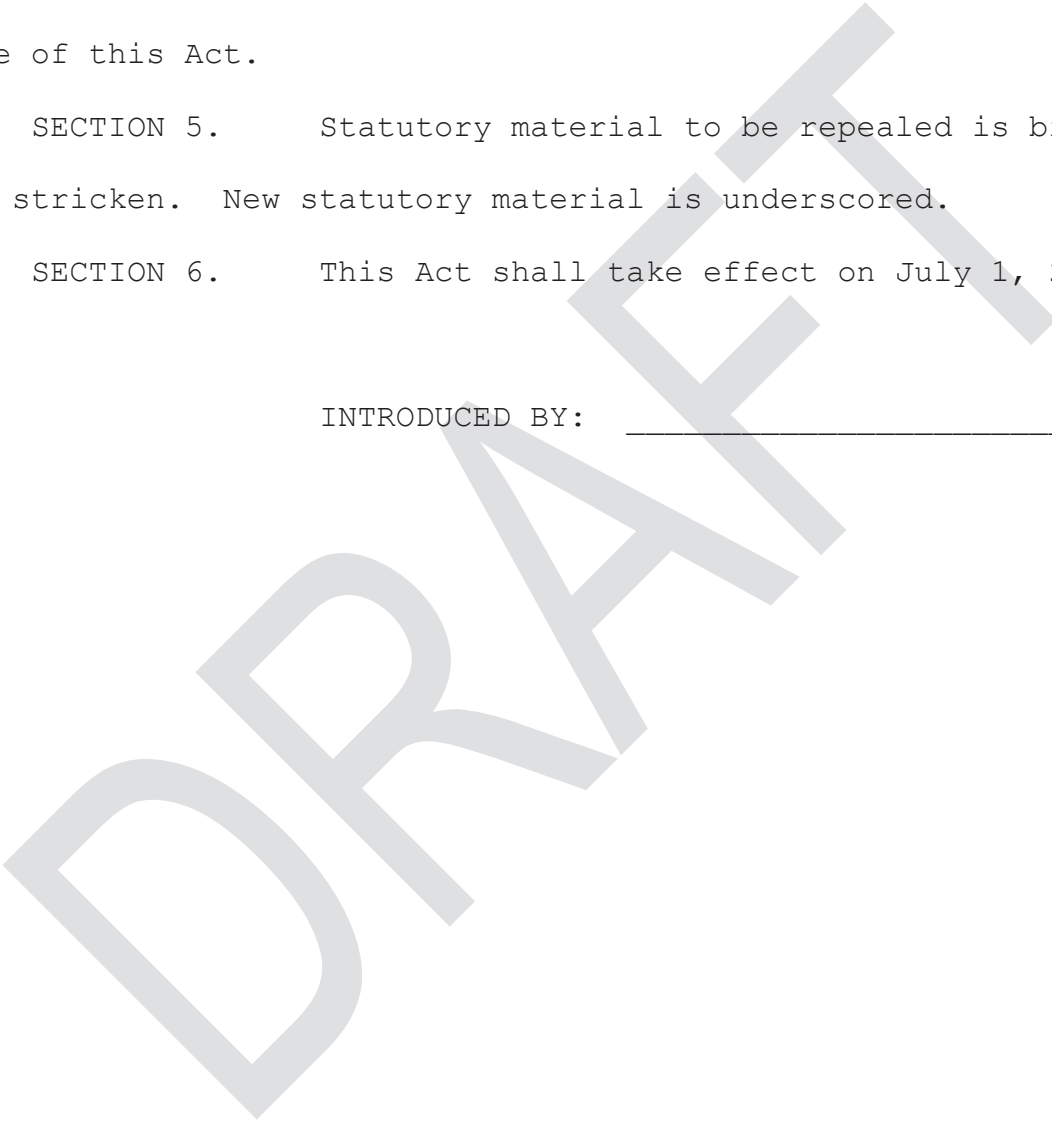
1 SECTION 4. This Act does not affect rights and duties
2 that matured, penalties that were incurred, and proceedings that
3 were begun before its effective date, and does not apply to any
4 individual whose employment was terminated before the effective
5 date of this Act.

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

8 SECTION 6. This Act shall take effect on July 1, 2022.

9
10 INTRODUCED BY: _____

11



THE SENATE
THIRTY-FIRST LEGISLATURE, 2021
STATE OF HAWAII

S . B . NO .

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 require ethics
2 training for state officials.

3 SECTION 2. Section 84-41, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§84-41 Applicability of part.** ~~[This part applies]~~ (a)
6 Sections 84-42 and 84-43 apply to legislators, members of the
7 board of education, trustees of the office of Hawaiian affairs,
8 the governor, the lieutenant governor, [and] executive department
9 heads and deputies[-], and every other person whose financial
10 disclosure statement is a public record pursuant to section 84-
11 17(d). ~~[This part does not apply to any other officer or employee~~
12 ~~of the State.]~~

13 (b) Section 84-44 applies to all employees other than those
14 listed in subsection (a)."

15 SECTION 3. Section 84-42, Hawaii Revised Statutes, is
16 amended to read as follows:

1 **"§84-42 Mandatory ethics training course.** All state
2 officers and employees enumerated in section 84-41(a) shall
3 complete an ethics training course administered by the state
4 ethics commission as provided in this part[-] within ninety days
5 of taking office and at least once every four years thereafter.

6 For purposes of this part, "ethics training" includes education
7 and training in:

8 (1) The ethics laws set forth in this chapter; and

9 (2) The lobbying laws set forth in chapter 97."

10 SECTION 4. Chapter 84, Hawaii Revised Statutes, is
11 amended by adding a new section 84-44 to Part V, to read as
12 follows:

13 **"§84-44 On-line ethics training course.** (a) All employees,
14 except those designated in section 84-41(a), shall complete an on-
15 line ethics training course within ninety days of taking office
16 and at least once every four years thereafter, except as provided
17 in subsection (d).

18 (b) The state ethics commission shall establish, design,
19 supervise, and administer the on-line training course, and shall
20 develop the methods and prepare any materials necessary to
21 implement the on-line training course. The course shall include
22 education and training in the ethics laws set forth in this
23 chapter.

1 (c) Each state agency shall provide to the state ethics
2 commission the names and e-mail addresses of those required to
3 take the course in a timely manner and assist the commission by
4 providing its employees with access to equipment to take the on-
5 line training course.

6 (d) Employees may satisfy the requirements of this section
7 by attending an ethics training course as provided in section 84-
8 43, so long as employees take either the on-line training course
9 or a course administered by a member of the state ethics
10 commission's legal staff within ninety days of taking office and
11 at least once every four years thereafter."

12 SECTION 5. Notwithstanding any law to the contrary, all
13 legislators, members of the board of education, trustees of the
14 office of Hawaiian affairs, the governor, the lieutenant governor,
15 executive department heads and deputies, and every other person
16 whose financial disclosure statement is a public record pursuant
17 to section 84-17(d), Hawaii Revised Statutes, serving on the day
18 of the effective date of this Act shall complete an ethics
19 training course as set forth in section 84-43, Hawaii Revised
20 Statutes, within two years of the effective date of this Act and
21 at least once every four years thereafter.

22 SECTION 6. Notwithstanding any law to the contrary, all
23 employees, as defined by section 84-3, Hawaii Revised Statutes,

1 other than those designated in Section 5 of this Act, who are
2 serving on the day of the effective date of this Act shall
3 complete an ethics training course as set forth in section 84-43,
4 Hawaii Revised Statutes, or an on-line ethics training course as
5 set forth in section 84-44, Hawaii Revised Statutes, within two
6 years of the effective date of this Act and at least once every
7 four years thereafter.

8 SECTION 7. If any provision of this Act, or the
9 application thereof to any person or circumstance, is held
10 invalid, the invalidity does not affect other provisions or
11 applications of the Act that can be given effect without the
12 invalid provision or application, and to this end the provisions
13 of this Act are severable.

14 SECTION 8. This Act does not affect rights and duties
15 that matured, penalties that were incurred, and proceedings that
16 were begun before its effective date.

17 SECTION 9. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 10. This Act shall take effect upon its approval.

20
21 INTRODUCED BY: _____
22

HOUSE OF REPRESENTATIVES
THIRTY FIRST LEGISLATURE, 2021
STATE OF HAWAII

H. B. NO.

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 legislature finds that it is in the public
2 interest to ensure the integrity of state contracts. Accordingly,
3 the purpose of this Act is to promote good government by
4 prohibiting state employees from contracting with or taking
5 official action affecting private businesses that are owned or
6 operated by relatives or business associates.

7 SECTION 2. Section 84-3, Hawaii Revised Statutes, is
8 amended as follows:

9 **"§84-3 Definitions.**

10 "Business" includes a corporation, a partnership, a sole
11 proprietorship, a trust or foundation, or any other individual or
12 organization carrying on a business, whether or not operated for
13 profit.

14 "Business partners" are two or more individuals that are
15 partners, owners, or members of the same corporation, partnership,
16 or other organization carrying on a business for profit.

1 "Compensation" means any money, thing of value, or economic
2 benefit conferred on or received by any person in return for
3 services rendered or to be rendered by oneself or another.

4 "Controlling interest" means an interest in a business or
5 other undertaking which is sufficient in fact to control, whether
6 the interest be greater or less than fifty per cent.

7 "Employee" means any nominated, appointed, or elected officer
8 or employee of the State, including members of boards,
9 commissions, and committees, and employees under contract to the
10 State or of the constitutional convention, but excluding
11 legislators, delegates to the constitutional convention, justices
12 and judges.

13 "Employment" means any rendering of services for
14 compensation.

15 "Financial interest" means an interest held by an individual,
16 the individual's spouse, or dependent children which is:

- 17 (1) An ownership interest in a business.
- 18 (2) A creditor interest in an insolvent business.
- 19 (3) An employment, or prospective employment for which
20 negotiations have begun.
- 21 (4) An ownership interest in real or personal property.
- 22 (5) A loan or other debtor interest.
- 23 (6) A directorship or officership in a business.

1 "Official act" or "official action" means a decision,
2 recommendation, approval, disapproval, or other action, including
3 inaction, which involves the use of discretionary authority.

4 "Official authority" includes administrative or legislative
5 powers of decision, recommendation, approval, disapproval, or
6 other discretionary action.

7 "Relative" means any anyone related by blood, marriage, or
8 adoption within three degrees of consanguinity, or any persons
9 living in the same household.

10 "State agency" includes the State, the legislature and its
11 committees, all executive departments, boards, commissions,
12 committees, bureaus, offices, the University of Hawaii, and all
13 independent commissions and other establishments of the state
14 government but excluding the courts.

15 "Task force" means a group convened by resolution, statute,
16 executive order, proclamation, or by invitation of the
17 legislature, governor, or another state officer, to study a
18 specific subject or issue, for a specific defined period of time,
19 and to report to, offer a recommendation to, or advise the
20 legislature, governor, or a state officer.

21 SECTION 3. Section 84-14, Hawaii Revised Statutes, is
22 amended as follows:

1 **"§84-14 Conflicts of Interests.** (a) No employee shall take
2 any official action directly affecting:

3 (1) A business or other undertaking in which the employee has
4 a substantial financial interest; or

5 (2) A private undertaking in which the employee is engaged as
6 legal counsel, advisor, consultant, representative, or other
7 agency capacity.

8 A department head who is unable to disqualify the department
9 head's self on any matter described in paragraphs (1) and (2) will
10 not be in violation of this subsection if the department head has
11 complied with the disclosure requirements of section 84-17.

12 A person whose position on a board, commission, or committee
13 is mandated by statute, resolution, or executive order to have
14 particular qualifications shall only be prohibited from taking
15 official action that directly and specifically affects a business
16 or undertaking in which the person has a substantial financial
17 interest; provided that the substantial financial interest is
18 related to the member's particular qualifications.

19 (b) No employee shall acquire financial interests in any
20 business or other undertaking which the employee has reason to
21 believe may be directly involved in official action to be taken by
22 the employee.

1 (c) No legislator or employee shall assist any person or
2 business or act in a representative capacity before any state or
3 county agency for a contingent compensation in any transaction
4 involving the State.

5 (d) No legislator or employee shall assist any person or
6 business or act in a representative capacity for a fee or other
7 compensation to secure passage of a bill or to obtain a contract,
8 claim, or other transaction or proposal in which the legislator or
9 employee has participated or will participate as a legislator or
10 employee, nor shall the legislator or employee assist any person
11 or business or act in a representative capacity for a fee or other
12 compensation on such bill, contract, claim, or other transaction
13 or proposal before the legislature or agency of which the
14 legislator or employee is an employee or legislator.

15 (e) No employee shall assist any person or business or act
16 in a representative capacity before a state or county agency for a
17 fee or other consideration on any bill, contract, claim, or other
18 transaction or proposal involving official action by the agency if
19 the employee has official authority over that state or county
20 agency unless the employee has complied with the disclosure
21 requirements of section 84-17.

22 (f) No employee shall take official action awarding or
23 directly affecting a contract with a business if the employee

1 knows or reasonably should have known that a relative or business
2 partner is an owner, partner, executive officer, or sole
3 proprietor of that business. For purposes of this subsection, a
4 relative or business partner that owns less than one percent of a
5 publicly traded company's stock does not constitute an owner of
6 that company. A department head who is unable to disqualify the
7 department head's self on any matter described in this subsection
8 will not be in violation of this subsection if the department head
9 has complied with the disclosure requirements of section 84-17.

10 [~~f~~] (g) Nothing in this section shall be construed to
11 prevent a person from:

- 12 (1) Serving on a task force; or
- 13 (2) Making statements or taking official action as a task
14 force member or a task force member's designee or
15 representative;

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

1 SECTION 4. If any provision of this Act, or the
2 application thereof to any person or circumstance, is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act that can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 5. This Act does not affect rights and duties
8 that matured, penalties that were incurred, and proceedings that
9 were begun before its effective date, and does not apply to any
10 individual whose employment was terminated before the effective
11 date of this Act.

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

14 SECTION 7. This Act shall take effect on July 1, 2021.

15
16 INTRODUCED BY: _____
17

SUNSHINE LAW MEETING
AGENDA ITEM V

UPDATE: PROPOSED ADMINISTRATIVE RULES

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM VI

EVALUATION OF EXECUTIVE DIRECTOR DANIEL GLUCK

The Hawai'i State Ethics Commission may convene an executive session pursuant to Hawai'i Revised Statutes section 92-5(a)(2) to discuss matters relating to the evaluation of an employee, and/or pursuant to 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.

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM VII

AKANA v. HAWAII STATE ETHICS COMMISSION AND DANIEL GLUCK,
CIVIL NO. 18-1-1019-06 (JHA);
AKANA v. HAWAII STATE ETHICS COMMISSION, CIVIL NO. 19-1-0379-03 (JHA);
STATE OF HAWAII, ETHICS COMMISSION v. ROWENA AKANA,
CIVIL NO. 20-1-0453 (BIA)

Discussion of case status.

The Hawai'i State Ethics Commission may convene an executive session pursuant to Hawai'i 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.

No attachments.