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: November 19, 2020
- <u>Time</u>: 9:00 a.m.
- Location: Via Videoconference or Phone:

Videoconference:	Join Zoom Meeting
Phone:	+1 (408) 638-0968 or +1 (669) 900-6833
Meeting ID:	982 2016 7822
Password:	003151

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.

<u>A G E N D A</u>

CALL TO ORDER

- I. Consideration and Approval of the Minutes of the October 15, 2020 Meeting
- II. <u>Consideration and Approval of the Minutes of the October 15, 2020 Executive</u> Session Meeting (Evaluation of Executive Director)

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. <u>Consideration and Approval of the Minutes of the October 15, 2020 Executive</u> <u>Session Meeting (Rowena Akana matters)</u>

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.

IV. <u>Executive Director's Report</u>

1. Education / Training Report

Attachment 2: 2020 Training Attendance / Schedule

Attachment 3: Online Training Completions by Department

2. Guidance and Assignment Statistics – October 2020

Attachment 4: 2020 Guidance and Assignment Statistics / Website Traffic

- 3. Ethics Survey of State Employees
- 4. Anti-Fraud Hotline
- 5. Miscellaneous Office Projects / Updates

Hawai'i State Ethics Commission Notice of Meeting of November 19, 2020 Page 3

V. Proposed Budget: 2021-2022

Attachment 1: Proposed Budget FY2021-2022

VI. Update: Proposed Administrative Rules

VII. 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.

VIII. <u>Akana v. Hawaii State Ethics Commission and Daniel Gluck, Civil No.</u> <u>18-1-1019-06 (JHA); Akana v. Hawaii State Ethics Commission, Civil No.</u> <u>19-1-0379-03 (JHA); State of Hawaii, Ethics Commission v. Rowena Akana,</u> <u>Civil No. 20-1-0453 (BIA)</u>

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.

IX. Extension of Financial Disclosure Deadline for Newly Elected Legislators

The Commission will consider extending the filing deadline for newly elected legislators to file their initial financial disclosure statements from December 3, 2020 to February 1, 2021.

Attachment 1: Staff Overview

Attachment 2: Draft Order Regarding Extension of Financial Disclosure Deadline for Newly Elected Legislators

X. COGEL 2020 Virtual Conference Schedule

Attachment 1: COGEL 2020 Virtual Conference Schedule

XI. Meeting Calendar

Discussion of proposed meeting schedule for the remainder of 2020 and 2021.

Attachment 1: Proposed Meeting Calendar, 2021

XII. 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 <u>ethics@hawaiiethics.org</u>. 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 OCTOBER 15, 2020 MEETING

Attachment 1:Sunshine Law Meeting Minutes of the October 15, 2020
Hawaii State Ethics Commission Meeting

1 2		SUNSHINE LAW MEETING MINUTES OF THE HAWAI'I STATE ETHICS COMMISSION
3 4 5		STATE OF HAWAI'I
6 7 8	Date:	October 15, 2020
9 10	Time:	9:00 a.m.
11 12 13 14 15	Location:	Held via Zoom video and audio conference, with the Commission's Chair present in the Hawai'i State Ethics Commission's conference room, American Savings Bank Tower, 1001 Bishop Street, Suite 960, Honolulu, Hawai'i 96813
16 17	Present:	State Ethics Commission Members
18 19 20 21 22		Ruth D. Tschumy, Chair (present in conference room) Melinda S. Wood, Vice Chair (via video conference) Reynard D. Graulty, Commissioner (via video conference) Wesley F. Fong, Commissioner (via video conference)
23 24		State Ethics Commission Staff
25 26 27 28 29 30 31 32		Daniel M. Gluck, Executive Director (via video conference) Susan D. Yoza, Associate Director (via video conference) Nancy C. Neuffer, Staff Attorney (via video conference) Virginia M. Chock, Staff Attorney (via video conference) Bonita Y.M. Chang, Staff Attorney (via video conference) Kee M. Campbell, Staff Attorney (via video conference) Patrick Lui, Computer Specialist (via audio conference)
33 34		Deputy Attorney General
35 36		Steve Bumanglag (via video conference)
37 38		<u>Guests¹</u>
39 40 41 42		Natalie Iwasa (via audio conference) Sandy Ma, Executive Director, Common Cause (via video conference) Lori Wong-Nowinski, Associate Legal Counsel, Honolulu Ethics Commission (via audio conference)
43 44	Note:	There was a vacancy on the Commission at the time of this meeting.

¹ Members of the public who testified, or otherwise voluntarily identified themselves, at the meeting are listed.

CALL TO ORDER

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Chair Tschumy called the meeting to order at 9:05 a.m. and confirmed that all Commissioners and staff were present.

Agenda Item No. I: Consideration and Approval of the Minutes of the September 17, 2020 Meeting

Commissioner Graulty made and Commissioner Fong seconded a motion to approve the minutes of the September 17, 2020 Sunshine Meeting. The motion carried unanimously (Tschumy, Wood, Graulty, and Fong voting).

15 Agenda Item No. II: Consideration and Approval of the Minutes of the 16 September 17, 2020 Executive Session Meeting

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

Agenda Item No. III: Executive Director's Report

Education / Training Report

27 Executive Director Gluck said that in-person trainings remain on hold due to 28 COVID-19 precautions. Staff are conducting increased virtual trainings and continue to 29 encourage interested individuals to complete the online ethics training program as well. 30

31 Guidance and Assignment Statistics – September 2020

33 Executive Director Gluck said that the office has experienced an increase in 34 complaints and "Attorney of the Day" inquiries. Executive Director Gluck noted that the 35 number of complaints is much higher than last year, and that the increase is likely due 36 in part to the recent launch of the anti-fraud hotline, anti-fraud complaint form, and 37 general complaint submission form on the Commission's website.

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

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41 Executive Director Gluck said that he is awaiting confirmation from the 42 Legislature regarding any potential budget cuts. There was a rumor that legislative 43 agencies will need to sustain a 10% reduction, however, this has not been confirmed. 44 Executive Director Gluck said that if a 10% reduction is imposed, it appears the office 45 may be able to sustain the reduction without cutting staff's salaries or imposing 46 furloughs by reducing spending on items such as travel, consulting services, and

upgrades to the e-filing system. In the meantime, the office continues to remain veryprudent in its spending and is holding off on any staff raises.

4 Ethics Survey of State Employees 5

6 Executive Director Gluck said that the ethics survey created in partnership with 7 the University of Hawaii has been distributed to a number of state departments and that 8 results are now being received. Executive Director Gluck said that the survey was not 9 yet distributed to the University of Hawai'i or the Department of Education and that there 10 are a few instances in which internal clearances, such as union authorization, must be 11 approved by a department prior to the survey being distributed to certain employees.

In order to provide assurance of anonymity to the survey respondents, the settings for all identifying information associated with a survey response have been removed; all results are therefore completely anonymous and cannot be traced. In addition, all survey response data will be held at the University of Hawai'i, and not with the Commission.

Executive Director Gluck said that staff are also developing a way to distribute
 the survey via a method other than email in order to reach the approximately 3,000
 state employees who are not assigned an email address.

Executive Director Gluck said that all of the departments that have been contacted thus far have expressed their support of the survey and have allowed their employees to complete the survey on state time.

27 Anti-Fraud Hotline

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29 Executive Director Gluck said that the dedicated anti-fraud phone number, email 30 address, and online complaint form are now available for members of the public to 31 lodge confidential complaints. Executive Director Gluck continues to work in 32 partnership with Hui Chen, Chief Integrity Adviser of the Department of the Attorney 33 General, in order to field, respond to, or route the incoming complaints accordingly. For 34 example, complaints that do not fall under the jurisdiction of the Commission or the 35 Department of the Attorney General may be referred to the respective state agency or 36 county department for appropriate action. Executive Director Gluck estimated that 37 twelve anti-fraud complaints were received in the past few weeks. 38

39 Natalie Iwasa said that she supports this anti-fraud initiative and was pleased to hear that this project is being implemented jointly with the Department of the Attorney 40 41 General. Ms. Iwasa said there is a great need for anti-fraud accountability at the state level and that in the past, she was only able to find a single state department with a 42 hotline available to the public. Ms. Iwasa also encouraged the Commission to publicize 43 44 the anti-fraud resources more widely as the anti-fraud website did not appear 45 immediately when she recently searched for it on Google. Ms. Iwasa welcomed the 46 Commission to contact her with any questions or assistance given her background as a Certified Public Accountant and a Certified Fraud Examiner. 47

2 others could provide to distribute the anti-fraud resources via social media. Executive 3 Director Gluck also said that he, Attorney General Clare Connors, and Ms. Chen 4 participated in a Hawaii Public Radio talk show to raise awareness of these resources. 5 6 Miscellaneous Office Projects / Updates 7 8 Executive Director Gluck recognized and commended Staff Attorney Virginia 9 Chock and Staff Attorney Nancy Neuffer for their employment anniversaries with the 10 Commission, celebrating 25 years and 30 years respectively. 11 12 Executive Director Gluck said that the number of staff returning from working 13 remotely to working in the office will increase from 1-2 per day to 3-4 per day, and that 14 the office will be open to the public as of Monday, October 19, 2020. 15 16 Sandy Ma asked if staff planned to hold an ethics training for lobbyists. Executive Director Gluck said that lobbyist trainings are generally held in December or 17 January prior to the legislative session, and that additional sessions may be scheduled 18 19 this year given the anticipated changes to the administrative rules. 20 21 Ms. Ma suggested that the Commission consider distributing the survey to 22 members of the public. Executive Director Gluck agreed that while the survey is 23 focused on state employees at present, it would be a worthwhile endeavor to survey 24 members of the public in the future. 25 26 27 Agenda Item No. IV: Proposals for 2021 Legislative Session 28 29 Proposal to strengthen post-employment law 30 31 Executive Director Gluck said that staff has prepared a post-employment bill 32 based on the bill from last session vetoed by the Governor (HB2124). Executive Director Gluck said that the Governor's main objection to HB2124 was the application of 33 34 the bill to several volunteer boards and commissions; staff has therefore excluded these 35 volunteer board and commission members from the proposed language for next 36 session. 37 38 Executive Director Gluck said that regardless of this new proposed bill, board and commission members will still be subject to regular post-employment restrictions, 39 such as the inability to represent anyone before their respective board for up to twelve 40 41 months after leaving the board. Restrictions set forth in the new bill would apply to 42 cabinet members, executive directors, legislators and legislative staff. 43 44 Commissioner Fong asked if staff plans to contact the Office of the Governor to 45 discuss this proposal given the veto of HB2124. Executive Director Gluck said that if 46 the Commission is inclined to move forward with this bill, he will contact the Office of the

Executive Director Gluck thanked Ms. Iwasa and welcomed any assistance

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1 Governor prior to the start of the legislative session to ensure the current language 2 satisfies the concerns previously raised.

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Proposal to require ethics training for additional employees

- 6 Executive Director Gluck said that this bill proposes to (1) require additional high-7 level state officials to take mandatory in-person training within 90 days of assuming 8 office, and require all mandatory trainees to repeat ethics training once every four years 9 thereafter, and (2) mandate online ethics training for all state employees within 90 days 10 of assuming office, and require that all state employees repeat ethics training once every four years thereafter. Executive Director Gluck said that state officials who are 11 12 currently mandated to take training by statute are only required to take ethics training 13 once. In addition, Executive Director Gluck said that he is working with the Legislative 14 Reference Bureau on how to best apply these provisions to different employee 15 classifications and to both new and existing employees.
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17 Commissioner Fong asked for clarification regarding who is required to take mandatory ethics training. Executive Director Gluck said that a "state employee" is 18 19 defined as basically anyone with a state title, including board and commission 20 members, with the exception of judges and justices. Currently, only certain high-level 21 state employees are mandated to complete a "live" ethics training.

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23 If this bill were to pass, the list of state officials who are mandated to take in-24 person training would expand to include any state employee who files a public financial 25 disclosure. All other state employees would also be required to take training, but would 26 have the option to fulfill this requirement via a "live" training class or the online ethics 27 training program. In contrast, the high-level state employees who are mandated to take 28 in-person training will not be able to fulfill their training requirement by completing the 29 online training program. 30

31 Ms. Ma inquired if there was a particular reason why the time period of four years 32 was selected. Executive Director Gluck said that staff believed four years was frequent 33 enough to be useful but not overly burdensome, and that the timeframe is completely 34 open to further discussion.

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36 Proposal to prohibit official action on contracts to companies owned by certain family 37 members

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39 Executive Director Gluck said that this bill proposes to prohibit individuals from awarding contracts to relatives within three degrees of consanguinity. The conflicts of 40 41 interests law currently restricts an individual from taking action on their own financial interests, which includes one's personal interests and that of a spouse or dependent 42 child. This bill would therefore expand the conflicts of interests law so that an individual 43 44 could not award a contract to a parent, sibling, adult child, grandparent, grandchild, 45 aunt, uncle, niece, nephew, or in-law.

Vice Chair Wood made and Commissioner Fong seconded a motion to approve
 the proposed bills, subject to additional edits by staff for style and clarity, for introduction
 to the Legislature. The motion carried unanimously (Tschumy, Wood, Graulty, and
 Fong voting).

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Agenda Item No. V: Update: Proposed Administrative Rules

9 Executive Director Gluck said that staff completed a few additional steps
10 requested by the Office of the Governor in order to finalize the rules. The Office of the
11 Governor anticipates that the rules will be approved and filed within the next two weeks.
12 The rules will go into effect ten days after being filed with the Office of the Lieutenant
13 Governor. Staff plans to begin publicizing and educating relevant parties of the updated
14 rules shortly after the changes go into effect.

Agenda Item No. VI: Evaluation of Executive Director Daniel Gluck

RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE SESSION

At 9:35 a.m., Commissioner Graulty made and Commissioner Fong seconded a motion to recess the public Sunshine Law meeting and 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. The motion carried unanimously (Tschumy, Wood, Graulty, and Fong voting).

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The Commissioners met in Executive Session. All staff and members of the public were excused.

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ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW MEETING

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At 9:42 a.m., Commissioner Graulty made and Commissioner Fong seconded a motion to adjourn the Executive Session and return to the Sunshine Law meeting. The motion carried unanimously (Tschumy, Wood, Graulty, and Fong voting).

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The Commission adjourned the Executive Session at 9:42 a.m. and returned to
the Sunshine Law meeting. All staff and members of the public also returned to the
Sunshine Law meeting.

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44 Chair Tschumy asked whether there were any members of the public who
45 wished to testify on this agenda item. There were none.

Vice Chair Wood said that there was nothing to report at this time, and that a
 complete report would be provided at the November 19, 2020 meeting.

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Agenda Item No. 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)

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10 Executive Director Gluck said that the appeal by Rowena Akana of the Commission's ruling remains pending with the Intermediate Court of Appeals ("ICA"). 11 12 Executive Director Gluck said that the Commission's 2019 ruling was appealed to the 13 Circuit Court and that the Circuit Court affirmed the Commission's ruling in full. Ms. 14 Akana subsequently filed a notice of appeal with the ICA, and after briefs were filed, 15 requested that the case be transferred to the Supreme Court. The Supreme Court 16 denied the transfer. The case therefore remains with the ICA, and it is anticipated that the ICA will rule on the briefs in approximately one year. If the ICA upholds the Circuit 17 Court's appeal, Ms. Akana will have the option to file a petition for writ of certiorari with 18 19 the Supreme Court, and the Supreme Court would have 30 days to rule on that petition. 20 21 Executive Director Gluck said that Deputy Attorney General Steve Bumanglag

Executive Director Gluck said that Deputy Attorney General Steve Bumanglag
 ("Deputy AG Bumanglag") was available to provide the Commission with information on
 the collections proceedings.

Deputy AG Bumanglag joined the meeting.

RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE SESSION 30

At 9:49 a.m., Vice Chair Wood made and Commissioner Graulty seconded a motion to recess the public Sunshine Law meeting and convene an Executive Session pursuant to Hawai'i Revised Statutes section 92-5(a)(4) to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities. The motion carried unanimously (Tschumy, Wood, Graulty, and Fong voting).

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The Commissioners, staff and Deputy AG Bumanglag met in Executive Session.All members of the public were excused.

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42 ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW 43 MEETING

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At 10:08 a.m., Commissioner Graulty made and Vice Chair Wood seconded a
motion to adjourn the Executive Session and return to the Sunshine Law meeting. The
motion carried unanimously (Tschumy, Wood, Graulty, and Fong voting).

- Deputy AG Bumanglag left the meeting.
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ADJOURNMENT OF SUNSHINE LAW MEETING

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6 At approximately 10:09 a.m., Commissioner Graulty made and Vice Chair Wood
7 seconded a motion to adjourn the Sunshine Law Meeting. The motion carried
8 unanimously (Tschumy, Wood, Graulty, and Fong voting).

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The meeting was adjourned at 10:09 a.m.

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13 Minutes approved on: _____

SUNSHINE LAW MEETING AGENDA ITEM II

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE OCTOBER 15, 2020 EXECUTIVE SESSION MEETING (EVALUATION OF EXECUTIVE DIRECTOR)

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 October 15, 2020 Hawai'i State Ethics Commission Meeting (for Commissioners only)

SUNSHINE LAW MEETING AGENDA ITEM III

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE OCTOBER 15, 2020 EXECUTIVE SESSION MEETING (ROWENA AKANA MATTERS)

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.

Attachment 1: Executive Session Minutes of the October 15, 2020 Hawai'i State Ethics Commission Meeting (for Commissioners and Commission staff only)

SUNSHINE LAW MEETING AGENDA ITEM IV

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

SUNSHINE MEETING AGENDA ITEM IV

EXECUTIVE DIRECTOR'S REPORT November 19, 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 – October 2020

Attachment 4: 2020 Guidance and Assignment Statistics / Website Traffic

3. Ethics Survey of State Employees

4. Anti-Fraud Hotline

5. Miscellaneous Office Projects / Updates

HAWAII STATE ETHICS COMMISSION

2020 EDUCATION PROGRAM

(Ethics Workshops and Presentations)

DATE	DATE PRESENTATIONS							
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	General Ethics Training, 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	7
10/20/2020	General Ethics Training, Zoom	6
11/5/2020	General Ethics Training, HHSC - Maluhia & Leahi Hospitals, Zoom	48
11/6/2020	General Ethics Training, Zoom	64
11/23/2020	General Ethics Training, Zoom	
12/14/2020	Ethics for State Government Attorneys, Zoom	
TOTAL	28 Presentations	690 participants

Department/Agency	# of Completions
Department of Human Services (DHS)	190
Department of Health (DOH)	185
Department of Education (DOE)	159
Department of Transportation (DOT)	154
Department of Defense (DOD)	70
University of Hawaii-Manoa (UOHM)	65
Department of Land and Natural Resources (DLNR)	64
Department of Accounting and General Services (DAGS)	61
Department of Business, Economic Development and Tourism (DBEDT)	51
Department of the Attorney General (ATG)	50
University of Hawaii-West Oahu (UOHW)	46
Department of Labor and Industrial Relations (DLIR)	41
Department of Public Safety (DPS)	39
Hawaii Health Systems Corporation (HHSC)	39
Judiciary (JUD)	36
Department of Agriculture (DOA)	36
Other (Please fill-in "Other Department/Agency")	33
Department of Commerce and Consumer Affairs (DCCA)	33
University of Hawaii-System (UOH)	21
University of Hawaii-Community Colleges (UOHC)	13
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 Hawaiian Affairs (OHA)	3
Office of the Ombudsman (OMB)	2
Senate (SEN)	2
Hawaii State Public Library System (HSPLS)	1
Hawaii State Ethics Commission (HSEC)	1
Department of Taxation (TAX)	1
Department of Budget and Finance (B&F)	1

Total Certificate of Completions Issued

1,426

As of November 5, 2020

2020 Guidance and Assignment Statistics / Website Traffic

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	0		10
# of People Trained In Person	281	268	0	0	0	0	0	0	0	0	0		549
# of On-Line Training	403	182	190	76	49	33	153	208	108	18	6		1426
# of eTrainings	0	0	0	0	0	0	0	0	1	2	2		5
# of People Trained in eTraining	0	0	0	0	0	0	0	0	16	13	112		141
Attorney of the Day	148	96	79	61	72	51	86	57	68	74			792
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	19			110
Gifts/Invitations/Travel	16	12	3	1	0	0	0	0	1	1			34
Guidance	2	2	0	2	0	1	3	3	1	1			15
Judicial Selection Comm'n	1	5	3	2	2	1	2	3	5	3			27
Training Request	0	0	0	0	0	0	0	0	0	0			0
Record Request	1	1	2	0	0	3	0	0	1	1			9
Project/Other	3	3	3	1	1	1	2	3	3	2			22
Total	30	30	19	14	11	11	24	21	30	27	0	0	217
Closed Assignments	0		4	•	•	0	0	•	0	•			0
Advisory Opinion	0	1	1	0	0	0	0	0	0	0			2
Complaint	8	3	9	11	10	8	10	19	11	7			96
Gifts/Invitations/Travel	22	5	11	5	1	1	3	0	0	2			50
Guidance	4	1	5	2	1	3	21	2	2	1			42
Judicial Selection Comm'n	T ∡	4	2	0	6	1	2	2	6	2			26
Training Request	T O	0	0	0	0	0	0	0	0	0			1
Record Request	3	2 1	1	0 5	0 1	1 1	0	1 4	1	0 2			9
Project/Other Total	<u>3</u> 42	17	<u>2</u> 31	23	19	15	37	28	21	<u> </u>	0	0	<u>21</u> 247
IUlai	42	17	31	23	19	10	31	20	21	14	U	0	247

Anti-Fraud

*1 Anti-Fraud complaint also counted as Ethics complaint

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

25

2020

SUNSHINE LAW MEETING AGENDA ITEM V

PROPOSED BUDGET: 2021-2022

Attachment 1: Proposed Budget FY2021-2022

Hawaii State Ethics Commission - Budget Projections for FY 2021-2022

		2020-2021 Approved <u>Budget</u>	2021-2022 Estimated <u>Budget</u>	Increases/ <u>Decreases</u>	% Increase/ <u>Decrease</u>
то	TAL BUDGET (excluding vacation payouts/transfers)	\$ 1,252,667	\$ 1,315,438	\$ 62,770.58	5.0%
Α.	PERSONNEL				
	1. Staff Salaries ¹	1,012,719	1,072,582	59,863	5.9%
	2. Cost Adjustments for staff salaries	-	TBD		
	3. Vacation Payouts/Transfer	16,553	16,553		
	TOTAL PERSONNEL (excluding vacation payouts)	1,012,719	1,072,582	59,863	5.9%
В.	MATERIALS AND SUPPLIES				
	Office Expenses:				
	1. Office Supplies	3,500	3,500	-	0.0%
	2. Postage	1,500	1,500	-	0.0%
	3. Telephone	 7,500	7,500	-	0.0%
	Subtotal:	 12,500	12,500	-	0.0%
	Intrastate Transportation and Travel				
	1. Commissioners / Staff	8,500	8,500	-	0.0%
	2. Car Mileage and Parking	 750	750	-	0.0%
	Subtotal:	 9,250	9,250		0.0%
	Out-of-State Travel				
	1. Airfare (6 @ \$1,000 ea.)	6,000	6,000	-	0.0%
	2. Lodging and per diem for 5.5 days	4,800	4,800	-	0.0%
	(6 @ \$145/day x 5.5 days)				
	3. Excess Hotel and Increases	1,700	1,700	-	0.0%
	in per diem/airfare	100	100		a aa(
	4. Taxi/bus fare Subtotal:	 <u>160</u> 12,660	<u>160</u> 12,660	-	0.0%
	Subiolal.	 12,000	12,000	-	0.0%
	Equipment Rental and Maintenance				
	1. Copier	3,600	3,600	-	0.0%
	2. ReporterDeck Recorder	200	200	-	0.0%
	3. Computer Equipment Maintenance	3,500	3,500	-	0.0%
	4. Misc. (time clock, projector, etc.)	700	700	-	0.0%
	5. Casemap and TLO Software	3,100	3,100	-	0.0%
	6. Software License Renewals	 20,500	21,500	1,000	4.9%
	Subtotal:	 31,600	32,600	1,000	3.2%

	2020-2021 Approved <u>Budget</u>	2021-2022 Estimated <u>Budget</u>	Increases/ <u>Decreases</u>	% Increase/ <u>Decrease</u>
Dues, Subscriptions, Training				
1. COGEL Membership	470	470	-	0.0%
2. COGEL Registration (6 x \$600)	3,600	3,600	-	0.0%
3. Attorney Registration Fees	3,400	3,400	-	0.0%
4. Training	3,000	3,000	-	0.0%
5. Legal Reference Publications	4,900	4,900	-	0.0%
6. Newspapers Subscriptions, etc.	240 800	240 800	-	0.0%
 Disruptive Behavior Training Subtotal: 	16,410	16,410		0.0%
Subiolal.	10,410	10,410	-	0.0%
Newspaper Advertisements	1,100	1,100	-	0.0%
	1,100	1,100	-	0.0%
Commission Meetings, Investigations and Hearings				
1. Subpoena Fees	900	900	-	0.0%
2. Court Reporter	7,500	7,500	-	0.0%
Witness Fees, Travel, Mileage	600	600	-	0.0%
4. Hearings Officer	1,500	1,500	-	
5. Lunches for Commission Mtgs.	1,100	-	(1,100)	-100.0%
Subtotal:	11,600	10,500	(1,100)	-9.5%
Consulting Services				
1. Computer Consulting	26,500	26,500	-	0.0%
2. Other Services (Interpreting, shredding)	400	400	-	0.0%
Subtotal:	26,900	26,900	-	0.0%
Office Rent ²	113,928	116,936	3,008	2.6%
TOTAL MATERIALS AND SUPPLIES:	235,948	238,856	2,908	1.2%
CAPITAL OUTLAY				
Office Furniture & Equipment	4,000	4,000	-	0.0%
TOTAL CAPITAL OUTLAY:	4,000	4,000	-	0.0%
GRAND TOTAL:	\$ 1,252,667	\$ 1,315,438	\$ 62,771	5.0%

¹ Staff Salaries for 2021-22 projected from approved 2020-2021 salary line (1,012,719), plus additional appropriation requested for 2020-2021 (S.B. 3079), w/ 3.5% increase for 2021-2022. (Placeholder pending add'l guidance from Legislature.)

² Lease rent increases 2.5% each fiscal year, CAM increases 2.68% each calendar year and fluctuates. Building management performs reconciliations and issues credits or charges accordingly.

Sunshine Law Folder - 11/19/2020

С.

SUNSHINE LAW MEETING AGENDA ITEM VI

UPDATE: PROPOSED ADMINISTRATIVE RULES

No attachments.

SUNSHINE LAW MEETING AGENDA ITEM VII

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.

Attachment 1: 2020 Executive Director Evaluation Form

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

	August 20, 2020											
	se mark the numbe				•							
	xcellent 4=Go		S=Adequa	ate 2	2=Less	than a	dequate	1=Poor	0=No opinion			
_	egal Counsel to											
1.	Advises Commis		rs on the l	egal is	sues a	nd prece	edents to f	acilitate inf	ormed			
	decision-making	•	_		_		_					
	Circle one:	5	4	3	2	1	0					
0				ara af	hath air	laa af th	a iaaya ha	ing decide	d (the pres and sens)			
2.								•	d (the pros and cons),			
	including the ran Circle one:	5	4	3	2	uences		ssion action	1.			
	Circle one.	5	4	3	Ζ	I	0					
3.	Informs Commis	sion m	embers re	enardi	na anv i	feedbar	k related t	to the Com	mission's actions			
0.	and/or decisions			ogurui	ngany	looubut						
	Circle one:	5	4	3	2	1	0					
		-		-			-					
4.	Applies ethics ar	nd lobb	ying laws	to fact	tual situ	ations i	n a fair an	d consister	it manner.			
	Circle one:	5	4	3	2	1	0					
В. <u>с</u>	Commission mee	<u>tings</u>	and train	ing								
5.	Develops positiv	/e, coo	perative, a	and co	llabora	tive rela	ationships	with Comm	ission members.			
	Circle one:	5	4	3	2	1	0					
6.	Responds to Co				•		•	er.				
	Circle one:	5	4	3	2	1	0					
-												
7.	Assists Chairper			•	•		•					
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8.	Responds appro	priatel	v to input	from (ommie	sion me	mbore					
0.	Circle one:	5	4	3	2	1	0					
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C. 4	Administration a	nd Enf	orcemen	t of Cł	napters	84 an	d 97. HRS					
9.	Oversees, plans								lina possible			
•	violations of Cha											
	Circle one:	5	4	3	2	1	0					
10.		•							rements under Chapter			
	84, HRS (financ	ial & gi	ft disclos	ures, a	as well	as conti	ract notice	s).				

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

1

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2

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. 2 Circle one: 5 4 1 0 3

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Sunshine Law Folder - 11/19/2020

Circle one:

5

4

3

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

5=E	xcellent 4=G	nod 3=A	Teanate	2=Less	s fhan a	dequate 1=Poor 0=No opinion	
						ding negotiations based on the facts, th	e lav
	and the Comm						
	Circle one:	5 4		2	1	0	
	-	-	-			-	
14.	Drafts and/or re	eviews staff	opinion let	ters. adv	visorv o	pinions, legal memoranda and other	
						rcement proceedings, etc.	
	Circle one:	5 4		2	1	0	
		0	Ū	-	•	0	
D. E	Education Progr	am					
			anages ed	ucation	worksh	ops, including mandatory ethics training	1
	for state govern		-				,
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		0 7	0	L	•	0	
16.	Oversees the d	evelopment	design a	nd main	itenance	e of the Commission's website.	
10.	Circle one:	5 4	•	2	1	0	
	Circle one.	5 4	5	2	I	0	
17.	Develops educ	ational mate	rials inclu	ding the	Comm	ission's newsletter and other publicatior	ne
17.	Circle one:	5 4		2	1		13.
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<u>18</u> .		auiries from	the media	in a cle	ar cond	cise and professional manner,	
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	confidentiality.	Jung missia	lements ab		11113510	n business without violating	
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		empers mo	rmed regar	ung an	yrespo	nse/correction/clarification provided to t	ne
	media.	с (0	0	4	0	
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	the Commission		•	,	4	0	
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21.					_	d letters to the editor as necessary.	
	Circle one:	5 4	3	2	1	0	
	Relations with of						
22.	•					l, and federal agencies.	
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23.						al organizations, such as Common Cau	Ise
	Hawaii, the Lea	igue of Wor	nen Voters	, and the	e Couno	cil on Governmental Ethics Laws, to	
	promote ethics	and "good g	jovernmen	t" initiati	ves.		
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G. L	egislation						
24.	-	nd/or review	s legislativ	e testim	iony; en	sures testimony is clear, concise, and	
			-		-	te depth of discussion.	
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Hawaii State Ethics Commission Executive Director's Evaluation August 20, 2020

25.	Understands a	nd activ	elv enda	ades in t	the leais	slative p	rocess, inc	ludina initi	ating and/or
	supporting des								
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	concise and pro				•		•		
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27.	Engages with k	ley gove	ernment	aecisio	n-make	rs to su	oport or opp	ose iegisi	ation, as
	appropriate.	_	4	0	0	4	0		
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						I			
8.	Works collabo			nmunity	groups	and me	mpers of tr	ne public o	n legislative
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	Budget and Fisc					L l 4	· · · · · · · · · · · ·		
9.	Plans, prepare		•	s Comm	issions	budget	, including r	пакілд ар	propriate
	adjustments wh			_	_		_		
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	services, are in								
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51.	Negotiates and			elease	agreem	ents and	a other agre	ements ar	id contracts on
	behalf of the C			0	0	4	0		
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Hawaii State Ethics Commission Executive Director's Evaluation August 20, 2020

5=E	Excellent 4=G	food a	3=Adeq	uate	2=Less	than a	adequate	1=Poor	0=No opinion
39.	Willing to com	promise	e or char	ige cou	rse of ac	ction wl	nere approp	oriate.	
	Circle one:	5	4	3	2	1	0		
40.	Possesses tea	ım buildi	ng skills	and fo	sters eff	ective	teamwork.		
	Circle one:	5	4	3	2	1	0		

(form revised August 2020)

SUNSHINE LAW MEETING AGENDA ITEM VIII

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.

SUNSHINE LAW MEETING AGENDA ITEM IX

EXTENSION OF FINANCIAL DISCLOSURE DEADLINE FOR NEWLY ELECTED LEGISLATORS

The Commission will consider extending the filing deadline for newly elected legislators to file their initial financial disclosure statements from December 3, 2020 to February 1, 2021.

- Attachment 1: Staff Overview
- Attachment 2: Draft Order Regarding Extension of Financial Disclosure Deadline for Newly Elected Legislators

SUNSHINE MEETING AGENDA ITEM IX

EXTENSION OF FINANCIAL DISCLOSURE DEADLINE FOR NEWLY ELECTED LEGISLATORS

The Commission will consider extending the filing deadline for newly elected legislators to file their initial financial disclosure statements from December 3, 2020 to February 1, 2021.

STAFF OVERVIEW

I. Summary

Pursuant to Hawai'i Revised Statutes ("HRS") § 84-17(b)(2), state legislators are required to file an annual financial disclosure between January 1 and January 31 of each year.

In an election year, however, newly elected legislators are required to file their initial financial disclosures within thirty days of being elected to office. HRS § 84-17(b)(3). Thus, for new legislators who are first-time filers, the statute requires them to file their initial disclosures by December 3, 2020, and then file an "annual" financial disclosure one month later, by February 1, 2021.¹

To minimize the need for consecutive filings and avoid potential confusion, staff recommends that the Commission extend the filing deadline for newly elected legislators to file their initial financial disclosure statements, from December 3, 2020 to February 1, 2021. Extending the deadline would also accommodate the new e-filing system enhancements which are scheduled to launch in early December.

II. <u>Recommendation</u>

Staff recommends that the Commission approve the proposed order and extend the deadline for newly elected legislators to file their initial financial disclosures, from December 3, 2020 to February 1, 2021. The proposed order is attached for the Commission's review and approval.

<u>Recommended Motion</u>: Motion to approve the draft Order Regarding Extension of Financial Disclosure Deadline for Newly Elected Legislators. (<u>Attachment 2</u>).

BYC/ny

¹ Because January 31, 2021 lands on a Sunday, the filing deadline is extended to the following business day, February 1, 2021.

1	BEFORE THE HAWAI'I STATE ETHICS COMMISSION
2	STATE OF HAWAI'I
3 4 5	ORDER REGARDING EXTENSION OF FINANCIAL DISCLOSURE DEADLINE FOR NEWLY ELECTED LEGISLATORS
6	Legislators who were newly elected to office on November 3, 2020 are required
7	to file their initial financial disclosures by December 3, 2020. All legislators are
8	thereafter required to file an annual financial disclosure between January 1 and January
9	31 of each year.
10	To minimize the need for consecutive filings following an election year, and in
11	light of new e-filing system enhancements that will be launched in December, the
12	Commission finds good cause to extend the deadline for newly elected legislators to
13	their file initial financial disclosure statements.
14	Therefore, it is hereby ORDERED as follows:
15	The deadline for newly elected legislators to file their initial financial disclosures
16 17	shall be extended from December 3, 2020 to February 1, 2021.
	Dated: Honolulu, Hawaiʻi,, 2020.
	HAWAI'I STATE ETHICS COMMISSION
	Ruth D. Tschumy, Chair
	Melinda Wood, Vice Chair

Reynard D. Graulty, Commissioner

Wesley Fong, Commissioner

Note: There was a vacancy on the Commission when this Resolution was considered.

SUNSHINE LAW MEETING AGENDA ITEM X

COGEL 2020 VIRTUAL CONFERENCE SCHEDULE

Attachment 1: COGEL 2020 Virtual Conference Schedule



COGEL Home

Conference Home

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Testimonials 202

2020 Schedule

Program Guide

Register Now

2020 Conference Schedule

The sessions are subject to change before the time of conference. Feel free to check this page for the most updated information about the conference schedule.

LIVE SESSIONS

December 1, 2020 3:00 PM ET President Welcome Plenary Session

December 8, 2020 3:00 PM ET Annual Business Meeting

December 15, 2020 3:00 PM ET Awards Presentation 2021 Conference Announcement Networking Event

Plenary Session - December 1st

Voting in Times of Crisis

• • • • • •

The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men. – Lyndon B. Johnson

When the coronavirus arrived in America and Canada, almost every aspect of life changed: many people continue to work from home, students are engaged in online learning, and (surprise!) most professional conferences were converted into online experiences. As the virus continues to derail normal plans and routines, public health experts predict that a second wave of COVID-19 cases could arrive just in time for the November election.

The pandemic poses significant challenges to those who administer elections: safety at polling locations; mail-in voting coordination and reliability; reduction of polling locations; shortage of poll workers; and an unusually high level of voter participation expected. With a national election quickly approaching, how can voters' confidence in the electoral process be ensured?

The COGEL 2020 live plenary session will analyze these and other issues that impacted the presidential election process this year. Our august panel of elections experts will examine how challenges were addressed, share stories of voting process successes and disappointments, and most importantly, reflect on lessons learned from 2020 regarding voting during crisis times. To ensure a democracy where all voices are heard, how can we apply those lessons to future elections and move forward knowing that, as the late United States Representative John Lewis once said, "The vote is the most powerful nonviolent tool we have."

Virtually join your COGEL colleagues and friends for this riveting and incredibly relevant conversation.

.

As Director of Voting and Elections, **Sylvia Albert** works with national staff and Common Cause state offices to press for reforms that expand access to the ballot for eligible voters and promote fair representation in our democracy.



Sylvia brings more than a decade of professional experience in public interest law and public policy campaigns expanding ballot access, reducing barriers to participation, and combating voter intimidation among historically disenfranchised communities. She has also done extensive work on fair housing issues serving as a program analyst and an advisor to the Assistant Secretary for Fair Housing and Equal Opportunity in the Obama Administration.

Sylvia holds a Bachelor of Arts in Political Science from University of California, Berkeley and a Juris Doctor from Georgetown University Law Center.



Jocelyn Benson is Michigan's 43rd Secretary of State. In this role she is focused on ensuring elections are secure and accessible, and dramatically improving customer experiences for all who interact with our offices.

Benson is the author of State Secretaries of State: Guardians of the Democratic Process, the first major book on the role of the secretary of state in enforcing election and campaign finance laws. She is also the Chair of Michigan's Task Force on Women in Sports, created by Governor Whitmer in 2019 to advance opportunities for women in Michigan as athletes and sports leaders.

A graduate of Harvard Law School and expert on civil rights law, education law and election law, Benson served as dean of

Wayne State University Law School in Detroit. When she was appointed dean at age 36, she became the youngest woman in U.S. history to lead a top-100, accredited law school. She continues to serve as vice chair of the advisory board for the Levin Center at Wayne Law, which she founded with former U.S. Sen. Carl Levin. Previously, Benson was an associate professor and associate director of Wayne Law's Damon J. Keith Center for Civil Rights.



Vanita Gupta is the President and CEO of The Leadership Conference on Human & Civil Rights. She is an experienced leader and litigator who has devoted her entire career to civil rights work. Most recently, from October 15, 2014, to January 20, 2017, she served as Acting Assistant Attorney General and Head of the U.S. Department of Justice's Civil Rights Division. Appointed by President Barack Obama as the chief civil rights prosecutor for the United States, Gupta oversaw a wide range of criminal and civil enforcement efforts to ensure equal justice and protect equal opportunity for all during one of the most consequential periods for the division.

Under Gupta's leadership, the division did critical work in a number of areas, including advancing constitutional policing and criminal justice reform; prosecuting hate crimes and human trafficking; promoting disability rights; protecting the rights of LGBTQ individuals; ensuring voting rights for all; and combating discrimination in education, housing, employment, lending, and religious exercise. She regularly engaged with a broad range of stakeholders in the course of this work.

Selected high profile matters during her tenure included the investigations of the Ferguson, Baltimore, and Chicago police departments; the appeals of the Texas and North Carolina voter ID cases; the challenge to North Carolina's HB2 law and other transgender rights litigation; enforcement of education, land use, hate crimes, and other statutes to combat Islamophobia and other forms of religious discrimination; the issuance of statements of interest on bail and indigent defense reform, and letters to state and local court judges and administrators on the unlawful imposition of fines and fees in criminal justice system; and the Administration's report on solitary confinement.



Professor Richard L. Hasen is Chancellor's Professor of Law and Political Science at the University of California, Irvine. Hasen is a nationally recognized expert in election law and campaign finance regulation, writing as well in the areas of legislation and statutory interpretation, remedies, and torts. He is co-author of leading casebooks in election law and remedies. He is also a CNN Election Law Analyst.

From 2001-2010, he served (with Dan Lowenstein) as founding co-editor of the quarterly peer-reviewed publication, Election Law Journal. He is the author of over 100 articles on election law issues, published in numerous journals including the Harvard Law Review, Stanford Law Review and Supreme Court Review. He was elected to The American Law Institute in 2009 and serves as

Reporter (with Professor Douglas Laycock) on the ALI's law reform project: Restatement (Third) of Torts: Remedies. He also is an adviser on the Restatement (Third) of Torts: Concluding Provisions.

ON DEMAND EVENTS

December 1, 2020 – December 31, 2020 On Demand Sessions Networking Lounge Access to Blue Books, Conference Program Guide, Attendee Lists, and more!

Campaign Finance Update - On Demand

The Campaign Finance Update is back and better than ever, just a bit shorter! The first half of this virtual session will focus on major court developments in campaign finance in the U.S. and Canada since the last COGEL conference. This panel will delve into high-profile enforcement actions, cutting edge challenges to campaign finance laws and emerging trends at the local, state, provincial and federal levels. The second half of this always-popular session analyzes the current issues, trends, and innovations in campaign finance legislation and regulation. The panel will weigh in on issues such as foreign money, money laundering, disclosure, and third-party spending. And don't worry, we haven't forgotten the popular COGEL Campaign Finance Blue Books! These comprehensive documents, which compile information provided by COGEL members, will be available on the COGEL website for your reading pleasure!

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Jason Kaune is a partner at Nielsen Merksamer Parrinello Gross & Leoni LLP where he leads the firm's political law section. His practice focuses on government ethics, including the election, lobbying disclosure, conflict of interest, gift and gratuity, and campaign finance laws of federal, state and local governments. He is currently the program chair of the American Bar Association's Standing Committee on Election Law and co-chair of the Practicing Law Institute's annual conference on Corporate Political Activities. He received his degrees from Yale University, Harvard University's Kennedy School of Government and the University of California Hastings College of the Law. @NMGOVLAW



Megan McAllen is Senior Legal Counsel, Appellate Litigation at the Campaign Legal Center where she has served since 2011. Megan focuses on campaign finance law and policy and litigates a wide range of cases before state and federal courts across the country. She also has expertise on topics related to government ethics, lobbying and political transparency, and has spoken at conferences and events nationwide on money-in-politics issues. Megan is a graduate of the University of Virginia School of Law (J.D., 2011) and Princeton University (A.B., 2007). She is admitted to practice law in the District of Columbia, the State of California, the Supreme Court of the United States and the U.S. District Court for the District of Columbia. *@meganmcallen*



Jacob S. Siler is Acting Assistant General Counsel for Litigation at the Federal Election Commission. He is a graduate of the Georgetown University Law Center and Clark University.



Austin Graham joined the Campaign Legal Center in August 2016 where he serves as Legal Counsel in the State and Local Reform Program. He concentrates on policy efforts to improve campaign finance regulation and electoral integrity around the country. He also works closely with state and local stakeholders to formulate legislation advancing money-in-politics reform objectives.

Before joining CLC, Austin worked for the Election Law Program at William & Mary Law School, where he oversaw development of an online database of state election codes. During law school, he worked as an extern for the Virginia Department of Elections and Caplin & Drysdale's political law practice group. He also interned for the National Conference of State Legislatures, where his

research focused on state election law.

Austin received his J.D. from William & Mary Law School in 2015, and a B.A. in Political Science from the University of South Carolina in 2012. He is admitted to practice in the District of Columbia and the State of Maryland.



Darrin Lim is a partner and co-founder of Politicom Law LLP. His corporate practice exclusively focuses on political law, a niche area dedicated to complying with the patchwork of ethics, campaign finance and lobbying laws that exist throughout the United States. He began his career in politics as the Communications Director for a California state legislator. Before that, he was a television news anchor and reporter. Mr. Lim graduated from the University of Southern California with a B.A. in Broadcast Journalism and Political Science. He graduated with distinction from the University of the Pacific, McGeorge School of Law. @darrinesq



Neven F. Stipanovic is the Associate General Counsel at the Federal Election Commission. Mr. Stipanovic oversees the FEC's Policy Division, which counsels the Commission regarding advisory opinions, rulemakings, audits, and other matters requiring interpretation of federal campaign finance law.

Mr. Stipanovic joined the Commission in 2008 as a staff attorney in the Policy Division. In 2016, he was promoted to Acting Assistant General Counsel for Policy, and he became Acting Associate General Counsel for Policy in 2018. He has previously served at the law firms Baker & Hostetler LLP and Barnes, Richardson & Colburn.

Mr. Stipanovic received his B.S., cum laude, in Business Administration at the University of Colorado at Boulder and his J.D. from The George Washington University School of Law. Mr. Stipanovic also studied international economics at the Graduate Institute of International Studies in Geneva, Switzerland.



Josée Villeneuve is a contributor to the COGEL Blue Book: 2019 Legislative and Regulatory Campaign Finance Updates and leads our annual discussion of Canadian campaign finance developments.

She is the Senior Director, Political Financing, at Elections Canada, responsible for the administration of the political financing program and the registration of political entities. Ms. Villeneuve holds a law degree from the University of Montréal and a postgraduate degree in management from l'École des Hautes Études Commerciales in Montréal. She is also a Certified Internal Auditor.

An indispensable virtual update for anyone involved with or interested in elections in North America. This panel will explore recent developments in election laws, court challenges, charges laid and judicial decisions in the U.S. and Canada in the past year. Ongoing developments related to modernization, innovation, digital warfare and information integrity will also be summarized and analyzed. Be sure to tune in to this fascinating and utterly timely discussion.

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Greg Essensa was appointed Ontario's Chief Electoral Officer (CEO) with the unanimous consent of the Legislature in June 2008. Mr. Essensa has over 30 years of municipal, provincial and international election experience. He began his electoral career as a student, working in the City of Toronto's former election warehouse. Over the years, he took on positions of increasing scope and responsibility, and prior to his appointment as CEO he served as the Director of Elections and Registry Services for the City of Toronto.

Mr. Essensa has advised on municipal elections in British Columbia, Alberta, Quebec and New Brunswick and primary elections in Illinois, North Carolina, Ohio and Texas.

Born and raised in Toronto, Mr. Essensa studied economics at McGill University. @ElectionsON

Enforcement Update - On Demand

Even in turbulent 2020, investigations and enforcement actions across the country carried on! Hear about this year's most interesting enforcements, leading trends, emerging developments, as well as highlights from the COGEL Enforcement Blue Book. Panelist will also discuss what to expect in the enforcement space in 2021. This panel is invaluable for anyone involved in government investigation and enforcement and available, this year, from the convenience of your own office!



Peter Blumberg is the Deputy Associate General Counsel (Acting) in the FEC's Enforcement Division. He has worked at the FEC for over 20 years in a variety of roles, handling complex investigations and negotiating major settlements. Blumberg has a degree in Economics from the University of Illinois in Champaign-Urbana and is a cum laude graduate of DePaul Law School where he was also an editor of the DePaul Law Review. He has previous work experience at the Commodity Futures Trading Commission and the U.S. Attorney's Office for the Northern District of Illinois.



Sarah Hartry is a graduate of the University of Rochester and Boston University Law School. Ms. Hartry worked first as an Assistant District Attorney in Norfolk County, Massachusetts and subsequently with the Massachusetts Attorney General's Office in the Economic Crimes Division. She has been with the Massachusetts Office of Campaign and Political Finance for 15 years and presently serves as the agency's Deputy General Counsel.



Erin Lama is a partner with Politicom Law LLP where she guides clients through federal, state and local lobby reporting, campaign finance, "pay-to-play," governmental ethics and conflict of interest matters. Ms. Lama graduated from the University of San Francisco with a B.A. in Pre-Law and Political Science and graduated with distinction from the University of California, Hastings College of the Law.

Jeffrey Pierce is the Director of Enforcement & Legal Affairs at the San Francisco Ethics Commission. He previously served the Commission as the Acting Director of Enforcement and Senior Investigator and Legal Analyst.



Mr. Pierce previously served at the Animal Legal Defense Fund as Legislative Counsel and as the Editor-in-Chief & Submissions Editor at the Stanford Journal of Animal Law & Policy. He received his jurid doctor from Stanford University Law School and also holds a Master of Divinity in Theology from Yale University as well as bachelor's degrees in biology and Religious Studies from Duke University.

Galena West has served as Chief of Enforcement for the Fair Political Practices Commission since June 2015. Prior to her appointment, West spent ten years as Senior Commission counsel in the Enforcement Division, serving as second in command of the division. She has prosecuted some of the most serious violations of the Political Reform Act, ranging from campaign money laundering to conflicts of interest to shadow lobbying. Previous to her extensive work in the Enforcement Division, West served three years in the FPPC's Legal Division. Prior to the FPPC, West worked as a law clerk for the Legal Division of the California Franchise Tax Board, the California Attorney General's Office, Appeals, Writs & Trials Division, and the U.S. Attorney's Office, Civil Division. West received her law degree from the University of California, Davis, King Hall School of Law, and her undergraduate

degree in International Business from California State University, Sacramento. As part of her undergraduate studies, she spent a year studying International Business/European Community Law at Middlesex University in London, England.



Ethics Update - On Demand

Even if it can't happen in person, the perennially popular Ethics Update will continue to inspire and edify you as we explore ethics happenings and updates. Our two august co-panelists will provide a condensed but thorough review of survey results based on the annual COGEL Bluebook Update. Topics addressed will include new developments in educational initiatives, enforcement actions, recent legislation, litigation and advisory opinions, information technology and financial disclosure. Organizational and "political" challenges, such as budget and staffing issues, will also be analyzed. Tune in for a fascinating review of the past year in the field of ethics and conflicts of interest!

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Steve Berlin has served the Chicago Board of Ethics since 1993, first as the Board's Deputy Director and as the Executive Director since 2006, where he has implemented several changes to the City's ethics and campaign financing laws and has advised city employees, officials, lobbyists and contractors on complying with city ethics laws. He previously worked for two law firms, served as Research Attorney for the American Judicature Society, was a Fellow with the Park Ridge Center for Health, Faith and Ethics, and taught Business Ethics and the Arts as an Adjunct Professor at Columbia College Chicago. Mr. Berlin received his J.D. in 1984 from Northwestern University's Pritzker School of Law, and received his B.A. in history, cum laude, from Amherst College in 1980. In 1991, he earned an M.A. in Ethics from the University of Chicago's Divinity School. @ChicagoEthicsBd



Paul M. Nick serves as the Executive Director of the Ohio Ethics Commission where he oversees the state-wide responsibilities of the Commission. Mr. Nick joined the Ohio Ethics Commission in 1995 and previously served as the Commission's Chief Investigative Attorney where he supervised the Commission's investigations and as Investigative Counsel. Mr. Nick also served with the Columbus City Attorney's Office as an assistant city prosecutor and assistant city attorney in the civil division. Mr. Nick received his Bachelor of Arts degree in Economics from the University of Illinois and his Juris Doctor from the Ohio State University. *@paulincolumbus*

Freedom of Information Update - On Demand

You don't have to be in the FOI field to appreciate this scintillating discussion! COGEL's eminent FOI experts dive deep into a public records dilemma right on time for 2020. How to balance existing laws pertaining to law enforcement agency records and the growing demand for more access to those very records? What to do when statutes, policies, or rules require specific time responses to public records requests in the middle of a pandemic? How to respond to records requests when so many public employees have been working from home? Hear about the challenges, emerging issues, and best practices of freedom of information in an-ever changing environment.

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Stacie Christensen, J.D. is a Minnesota licensed attorney, receiving her JD from Hamline School of Law. She has been employed at the Minnesota Department of Administration since 2006. She currently serves on the department's senior leadership team as the agency's Acting General Counsel and Acting Director of Administration's Community Services Division, which includes the Data Practices Office, the Office of Grants Management, the State Demography Center, the Office of the State Archeologist, the Governor's Council on Developmental Disabilities, and Minnesota's STAR program. During Minnesota's response to the Covid-19 pandemic, she is also assisting to oversee the department's Office of State Procurement and Fleet and Surplus Services, while members of the department's senior leadership team are redeployed. She previously served as the Director of the Data Practices Office, where she managed operations and provided technical assistance on data practices, while members of the constingent modified operations and provided technical assistance on data practices, while members of the set managed operations and provided technical assistance on the set of the set of the local assistance on the

information policy, public records, and open meetings to the public, government, media, and the Legislature. @ADMN_Minnesota



Sherry Liang is Assistant Commissioner, Tribunal Services with the Information and Privacy Commissioner of Ontario. In that capacity she is responsible for the Tribunal Services Department which investigates and resolves access to information appeals and privacy complaints. Before her appointment to this position, Ms. Liang served in various capacities at the IPC and held appointments as a Vice-Chair with the Human Rights Tribunal of Ontario and the Ontario Labour Relations Board. Ms. Liang began her legal career practising labour, administrative law and civil litigation at a Toronto law firm. She received a B.A. (Arts) from Queen's University, and her LL.B. and LL.M. (Administrative Law) from the Faculty of Law, University of Toronto. @sherryliangg

Colleen M. Murphy is the Connecticut Freedom of Information (FOI) Commission's Executive Director and General Counsel. She has served as Executive Director since December of 2005 when she became the second executive director in the commission's 34 years of existence. She has worked at the FOIC, which is charged with guaranteeing citizens access to public meetings and public records, since 1990 when she began as staff

attorney. Murphy is a graduate of Providence College and Boston College Law School and serves on a number of state, national and international professional and civic organizations.





Matthew Reed is a staff attorney for the Connecticut Freedom of Information Commission. The Commission is an adjudicatory body charged with administering and enforcing Connecticut's FOI Act. Attorney Reed serves as hearing officer and drafts recommended decisions for the FOI Commission. Additionally, he represents the Commission before Connecticut's courts.

Prior to his position with the FOI Commission, Matthew served as Chief of Police of the South Windsor, CT police department retiring in 2015 after 28 years of service. He served as the Assistant Director of Public Safety for the University of Connecticut and practiced privately as a labor and employment attorney.

Matt was born and raised in Springfield, Massachusetts and is a veteran of the United States Army. He lives in South Windsor, CT with his wife and five children.

Lobbying Update - On Demand

This year, COGEL brings you a virtually engaging discussion of key developments affecting lobbying disclosure requirements at the federal, state, provincial, and local levels in Canada and the United States. The traditional two-session Lobbying Update has been compressed into one invaluable review of significant trends in lobbying registration and reporting, a stimulating and timely discussion of federal lobbying circles as well as updates in investigations, increasing compliance reviews, and the growth in lobbyist registries. And don't forget to check out the indispensable COGEL 2020 Lobbying Blue Book on COGEL's website!



Nancy Bélanger was appointed by both houses of Parliament under the Lobbying Act as Commissioner of Lobbying of Canada in 2017. As an independent Agent of Parliament, Commissioner Bélanger is responsible for administering and enforcing the Lobbying Act and maintains a registry of lobbyists to increase the transparency of lobbying activities, foster greater awareness of the Lobbying Act through education and outreach, and enforce compliance with the Lobbying Act and the Lobbyists' Code of Conduct.

She holds a Bachelor of Laws and a Master of Laws from the University of Ottawa. She joined the federal Public Service in 1993 as a Law Clerk with the Federal Court of Canada and previously held positions with the Department of Justice and was Executive Officer to the Chief Justice of the Federal Court. She was also a Senior Legal Advisor with the Immigration and Refugee Board.

In the past decade, she has served in the offices of two Agents of Parliament. In 2007, she joined the senior management team as General Counsel at the Office of the Conflict of Interest and Ethics Commissioner. In July 2013, she became General Counsel and Director of Legal Services for the Office of the Information Commissioner, a position she held until August 2017 when she became Deputy Commissioner, Legal Services and Public Affairs.



Ken Gross is a partner at Skadden, Arps, Slate, Meagher & Flom and is known as a nationally renowned authority on campaign law compliance, gift and gratuity rules, lobby registration provisions, and securities laws regulating political activity and municipal securities transactions. As former associate general counsel of the Federal Election Commission (FEC), Mr. Gross headed the general counsel's Enforcement Division and supervised the legal staff charged with the review of the FEC's Audit Division. Mr. Gross has served on the faculty of George Washington University and also at New York University. He often lectures at Georgetown University Law Center, Fordham University School of Law and American University. He received a Bachelor of Arts Degree from the University of Bridgeport and a Juris Doctor from the Emory University School of Law. @SkaddenArps



Daniel Schwager is General Counsel to the U.S. Secretary of the Senate. Prior to this position, he was Counsel for Miles & Stockbridge PC in the White Collar and Government Investigations practice. From 2011-2013 Professor Schwager was Chief Counsel and Staff Director of the Committee on Ethics for the US House of Representatives. He also served as Counsel for the Select Committee on Ethics for the US Senate. Previously, Mr. Schwager served in the US Department of Justice in the Criminal Division and the New York County District Attorney's office, where he participated in the public-integrity and public corruption units. He received his BA in Ethical Theory from Bates College and his JD from the New York University School of Law.

Professional Development - On Demand

Communication & Diversity: When One Size Does Not Fit All

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"The problem with communication is the illusion that it has taken place" George Bernard Shaw

Regardless of our respective disciplines, COGEL members seem to have countless stakeholders, both internal and external. Regulators and the regulated community regularly communicate with one another, with lawyers and clients, the legislature and media, and the general public. Some interactions must even include difficult unwelcome or difficult news or advice (picture an executive director discussing a challenging scenario with an elected official).

Understanding how to communicate effectively with diverse groups of people has become priority for the public and the private sectors...but how? Diversity informs not only how we humans perceive ourselves, but also how we perceive others, which impacts how we approach communication.

Join our esteemed guest speaker to explore the complex relationship between communication and diversity from an intergroup communication perspective. Learn how to avoid "speaking for the other" or "fetishizing the other" and develop an increased awareness of how diversity affects communication. If you want new tools to better interact communally in a respectful and effective way, you won't want to miss this outstanding conversation that will both equip and inspire you!

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Dr. Rasha Ramzy is a Senior Lecturer in Communication, with teaching emphasis in speech communication and Communication Pedagogy at Georgia State University. Her research uses a critical approach to rhetoric to establish how communication is used to create an 'other', articulate difference, and manifest power. Her dissertation explored the writings of cosmopolitan figures and how those identities negotiate the space between the local and the global. Dr. Ramzy coordinates the department's involvement in the University Honors College and is chair of her department's Cultural Diversity committee and serves as a University Senator.

SUNSHINE LAW MEETING AGENDA ITEM XI

MEETING CALENDAR

Discussion of proposed meeting schedule for the remainder of 2020 and 2021.

Attachment 1: Proposed Meeting Calendar, 2021

2021 Proposed Meeting Calendar

	January												
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26	27	28	29	30	31								

State of Hawaii Holidays

Jan 1	New Year's Day
Jan 1 Jan 18	Martin Luther King Day
Feb 15	Presidents' Day
Mar 26	Prince Kuhio Day
Feb 15 Mar 26 Apr 2	Good Friday
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May 31	Memorial Day
Jun 11	King Kamehameha Day
Jul 4	Independence Day
Jul 5	Independence Day (obs.)
Aug 20	Statehood Day

Sep 6	Labor Day
Nov 11	Veterans Day
Nov 25	Thanksgiving Day
Dec 24	Christmas Day (obs.)
Dec 25	Christmas Day
Dec 31	New Year's Day (obs.)

July						
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28	29	30					