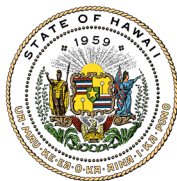


SUNSHINE LAW MEETING



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: April 15, 2021

Time: 9:00 a.m.

Location: Via Videoconference or Phone:

Videoconference: [Join Zoom Meeting](#)

Phone: +1 (346) 248-7799 or +1 (408) 638-0968

Meeting ID: 979 2009 1595

Password: 820368

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. Welcome to Commissioner Harry McCarthy
- II. Consideration and Approval of the Minutes of the March 18, 2021 Meeting
- III. Executive Director's Report
 1. Education / Training Report

Attachment 1: 2021 Training Attendance / Schedule

Attachment 2: Online Training Completions by Department
 2. Guidance and Assignment Statistics – March 2021

Attachment 3: 2021 Guidance and Assignment Statistics / Website Traffic
 3. Financial Report for FY 2020-2021 (Jan. 1, 2021 – Mar. 31, 2021)

Attachment 4: Q3 Financial Report FY 2020-2021
 4. Appointment of new Commissioners
 5. Miscellaneous Office Projects / Updates
- IV. 2021 Legislative Session
 1. Post-employment
 - i. [H.B. 671](#) Prohibits certain state officials and employees from representing certain interests before the State for twelve months after termination from their respective positions. Specifies that the prohibition against disclosing certain information applies to those who were employed by the State for less than one hundred eighty-one days. Effective 1/1/2022. (SD2).

2. Lobbyists Law

- i. [H.B. 741](#) Requires certain Hawaii state ethics commission records to be retained for a period of six years from the date of filing. (SD1).

3. Budget

- i. [H.B. 1](#) Appropriates funds to provide for the expenses of the Legislature, Auditor, Legislative Reference Bureau, Ombudsman, and Ethics Commission.

4. Training

- i. [S.B. 82](#) Requires each new member of a board or commission to participate in an orientation and training session with the head of the department with jurisdiction of that member's board or commission or their designee. Requires each department and agency to train their members at least once per calendar year.

5. Other

- i. [H.B. 670](#) / [S.B. 912](#) Authorizes forfeiture of certain ERS benefits, pursuant to court order, for state or county employees and designated beneficiaries who are convicted of an employment-related felony.
- ii. [S.B. 589](#) Removes the sunset provision in Act 38, Session Laws of Hawaii 2017 (technology transfer).
- iii. [S.B. 873](#) Authorizes contested case hearings to use interactive conference technology.
- iv. [S.B. 1034](#) Authorizes boards, in conjunction with in-person meetings, to use interactive conference technology to remotely conduct public meetings. Authorizes boards to exclude the public from nonpublic locations where board members are physically present when remote board meetings are held by interactive conference technology. Establishes requirements for the conduct of remote meeting. Requires remote meetings held by interactive conference technology to recess for a maximum prescribed period when audiovisual communication cannot be maintained by the board and allows the meeting to be reconvened under certain circumstances. Establishes a new notice requirement to provide the board's contact information for the submission of written testimony by electronic or postal mail, which also applies to remote meeting agendas. Allows for additional courtesy sites open to the public for remote and in-person meetings held by interactive conference technology.

- V. *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.

VI. 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

WELCOME TO COMMISSIONER HARRY MCCARTHY

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM II

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE
MARCH 18, 2021 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the March 18, 2021
 Hawai'i State Ethics Commission Meeting

SUNSHINE LAW MEETING
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: March 18, 2021

Time: 9:00 a.m.

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

Present: State Ethics Commission Members

Ruth D. Tschumy, Chair (present in conference room)
Melinda S. Wood, Vice Chair (via video conference)
Reynard D. Gaulty, Commissioner (via video conference)
Wesley F. Fong, Commissioner (via video conference)

State Ethics Commission Staff

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)

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

CALL TO ORDER

Chair Tschumy called the meeting to order at 9:00 a.m. and confirmed that all Commissioners and staff were present. No members of the public wished to identify themselves.

1 **Agenda Item No. I: Consideration and Approval of the Minutes of the**
2 **February 18, 2021 Meeting**
3

4 Vice Chair Wood made and Commissioner Fong seconded a motion to approve
5 the minutes of the February 18, 2021 Sunshine Meeting. The motion carried
6 unanimously (Tschumy, Wood, Gaulty, and Fong voting).
7
8

9 **Agenda Item No. II: Executive Director's Report**
10

11 1. Education / Training Report
12

13 Executive Director Gluck reported that staff launched a new on-line training
14 module for new board and commission members; he has informed the Governor's office
15 about the program and has requested that they pass this information along to new
16 members of boards and commissions. Commission staff plan to send the information
17 about the new training in upcoming reminder e-mails for financial disclosure filers.
18

19 2. Guidance and Assignment Statistics – January 2021
20

21 Executive Director Gluck stated that staff have been working to close cases.
22

23 3. Ethics Survey of State Employees
24

25 Executive Director Gluck stated that he had intended to prepare some charts and
26 graphs to summarize the ethics survey findings, but that the University of Hawai'i
27 partners were reluctant to "publish" anything before they are accepted for publication in
28 an academic journal. Executive Director Gluck reported generally that a small
29 percentage of employees – roughly 6-7%, in most categories – reported seeing ethics
30 violations, with slightly larger percentages for things like retaliation, harassment,
31 bullying, and other issues that could be considered management/administrative matters.
32 Overall, roughly 60 to 70% of respondents reported that their workplace had an ethical
33 culture and that their direct supervisors were ethical.
34

35 4. Appointment of New Commissioners
36

37 Executive Director Gluck stated that the Judicial Council had sent two names to
38 the Governor to fill the current vacancy, and that the Council was accepting applications
39 to fill the upcoming vacancy that will be created when Chair Tschumy's term expires.
40

41 5. Miscellaneous Office Projects / Updates
42

43 Executive Director Gluck had no additional updates for the Commission.
44
45
46

1 **Agenda Item No. IV: 2021 Legislative Session**

2
3 1. Public accountability agency

4
5 Executive Director Gluck stated that S.B. 1350 is still alive, but that the
6 Legislature has replaced the original contents of the bill with something completely
7 unrelated to a public accountability agency.
8

9 2. Post-employment

10
11 Executive Director Gluck stated that the Senate Judiciary Committee would be
12 hearing H.B. 671 momentarily and that he was planning to leave the Commission
13 meeting to testify on the measure. He stated that he has been discussing this bill with
14 the Governor's office and trying to address their concern about the impact of this
15 measure on officials who serve on an interim or acting basis. Executive Director Gluck
16 stated that he and the other Commission attorneys suggested language that would
17 make the new post-employment restrictions on lobbying inapplicable to those officials
18 who serve on an interim or acting basis only for less than six months.
19

20 3. Lobbyists Law

21
22 Executive Director Gluck stated that the Senate Judiciary Committee would also
23 be hearing H.B. 741 momentarily. At present, the bill would require the Commission to
24 maintain lobbying records in perpetuity; Executive Director Gluck stated that the
25 Commission could do so, though he was nervous about a requirement to maintain
26 records forever.
27

28 4. Budget

29
30 Executive Director Gluck stated that the Senate Ways and Means Committee
31 passed H.B. 1 as is, with an 8% cut to the Legislature's and legislative agencies'
32 budgets. Executive Director Gluck stated his belief that the Commission could
33 withstand this cut, in part because he planned not to fill a vacant administrative position:
34 the Commission has been investing in its electronic filing system, and Executive
35 Director Gluck believes that the Commission can now operate without a third
36 administrative staff person.
37

38 Commissioner Fong asked whether the new federal funds might be used to offset
39 the proposed cuts. Executive Director Gluck stated that he had asked the same
40 question of a Senate staffer prior to the WAM hearing, but that the Committee
41 proceeded with a bill with an 8% cut.
42

43 5. Training

44
45 Executive Director Gluck stated that staff submitted testimony on S.B. 82
46 supporting the intent and suggesting additional language to require ethics training.
47

1 6. Other

2
3 Executive Director Gluck stated that the remaining bills listed on the agenda were
4 still alive. He stated that he has been talking with officials from the University of Hawai'i
5 about having a joint training to discuss ethics and technology transfer activities.
6

7
8 **Agenda Item No. V: *Akana v. Hawaii State Ethics Commission and Daniel Gluck,***
9 **Civil No. 18-1-1019-06 (JHA); *Akana v. Hawaii State Ethics Commission, Civil No.***
10 **19-1-0379-03 (JHA); *State of Hawaii, Ethics Commission v. Rowena Akana, Civil***
11 **No. 20-1-0453 (BIA)**

12
13 Executive Director Gluck stated that he had no updates for the Commission on
14 these matters.
15

16
17 **ADJOURNMENT OF SUNSHINE LAW MEETING**

18
19 At approximately 9:20 a.m., Commissioner Gaulty made and Commissioner
20 Fong seconded a motion to adjourn the Sunshine Law Meeting. The motion carried
21 unanimously (Tschumy, Wood, Gaulty, and Fong voting).
22

23 The meeting was adjourned at 9:20 a.m.
24

25
26 Minutes approved on: _____.

SUNSHINE MEETING
AGENDA ITEM III

EXECUTIVE DIRECTOR'S REPORT
April 15, 2021

1. Education / Training Report

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

Attachment 1: 2021 Training Attendance / Schedule

Attachment 2: Online Training Completions by Department

2. Guidance and Assignment Statistics – March 2021

Attachment 3: 2021 Guidance and Assignment Statistics / Website Traffic

3. Financial Report for FY 2020-2021 (Jan. 1, 2021 – Mar. 31, 2021)

Attachment 4: Q3 Financial Report FY 2020-2021

4. Appointment of new Commissioners

5. Miscellaneous Office Projects / Updates

HAWAII STATE ETHICS COMMISSION 2021 EDUCATION PROGRAM (Ethics Workshops and Presentations)		
DATE	PRESENTATIONS	NUMBER OF PARTICIPANTS
1/6/2021	General Ethics Training, Lobbyists Law Training, Zoom	111
1/7/2021	General Ethics Training, DOE, Principals, Executive Officers, Complex Area Superintendents, Zoom	74
1/11/2021	General Ethics Training, Employees' Retirement System, Zoom	20
1/12/2021	General Ethics Training, Lobbyists Law Training, Zoom	77
1/14/2021	General Ethics Training, Senate staff, interns, and volunteers, Zoom	50
1/22/2021	General Ethics Refresher Training, Legislators and staff, Zoom	43
1/26/2021	General Ethics Training, Zoom	202
1/28/2021	General Ethics Training, HPHA, Zoom	290
4/21/2021	General Ethics Training, HHSC Oahu Region Board, Zoom	
4/28/2021	General Ethics Training, SPCS, Zoom	
5/12/2021	General Ethics Training, DLNR, DOFAW, Zoom	
6/24/2021	General Ethics Training, HTA, Zoom	
8/xx/2021	General Ethics Training, UH, Zoom (4 trainings)	
TOTAL	16 Presentations	867 participants

Online Training Completions by Department

Department/Agency	# of Completions
Department of Transportation (DOT)	249
Department of Health (DOH)	215
Department of Human Services (DHS)	201
Department of Education (DOE)	195
Department of the Attorney General (ATG)	99
University of Hawaii-Manoa (UOHM)	97
Department of Defense (DOD)	72
University of Hawaii-Community Colleges (UOHC)	69
Department of Land and Natural Resources (DLNR)	65
Department of Accounting and General Services (DAGS)	64
Office of Hawaiian Affairs (OHA)	59
Department of Business, Economic Development and Tourism (DBEDT)	57
University of Hawaii-West Oahu (UOHW)	50
Other (Please fill-in "Other Department/Agency")	47
Department of Commerce and Consumer Affairs (DCCA)	47
Department of Public Safety (DPS)	43
Judiciary (JUD)	43
Hawaii Health Systems Corporation (HHSC)	41
Department of Labor and Industrial Relations (DLIR)	41
University of Hawaii-System (UOH)	39
Department of Agriculture (DOA)	36
Office of the Governor (GOV)	8
Public Charter School (SPCSC)	7
Research Corporation of the University of Hawaii (RCUH)	7
Senate (SEN)	4
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
Hawaii State Public Library System (HSPLS)	1
Department of Taxation (TAX)	1
Department of Budget and Finance (B&F)	1
Total Employee Certificate of Completions Issued	1871
Board and Commission	# of Completions
Island Burial Council - Kauai/Niihau	3
Other (Please fill-in "Other Board/Commission")	1
Total Board and Commission Certificate of Completions Issued	4

Total Certificate of Completions Issued**1875**

As of April 6, 2021

2021	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Year to date
Training statistics													
# of In-Person Trainings	0	0	0										0
# of People Trained In Person	0	0	0										0
# of On-Line Training	85	41	51										177
# of eTrainings	8	0	0										8
# of People Trained in eTraining	867	0	0										867
Attorney of the Day	116	80	85										281
New assignments													
Advisory Opinion	0	0	1										1
Complaint	9	6	8										23
Gifts/Invitations/Travel	0	0	1										1
Guidance	0	0	1										1
Judicial Selection Comm'n	3	2	2										7
Training Request	0	0	0										0
Record Request	1	0	0										1
Project/Other	3	1	1										5
Total	16	9	14	0	0	0	0	0	0	0	0	0	39
Closed Assignments													
Advisory Opinion	1	0	0										1
Complaint	8	6	18										32
Gifts/Invitations/Travel	0	0	0										0
Guidance	0	0	0										0
Judicial Selection Comm'n	0	6	2										8
Training Request	0	0	0										0
Record Request	1	1	0										2
Project/Other	4	3	1										8
Total	14	16	21	0	0	0	0	0	0	0	0	0	51
Anti-Fraud	4	1	1										6

HAWAII STATE ETHICS COMMISSION FINANCIAL REPORT
 FY 2021 (QUARTER ENDING: March 31, 2021)
 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	\$ 243,687.50	\$ 239,934.75	\$ 0.00	727,244.75	71.8%
Total Personnel Services	\$ 1,012,719.00	\$ 243,622.50	\$ 243,687.50	\$ 239,934.75	\$ 0.00	\$ 727,244.75	71.8%
B. OTHER CURRENT EXPENSES							
Office Expenses	12,500.00	2,484.45	4,240.00	2,477.17	0.00	9,201.62	73.6%
Intrastate Transportation and Travel	9,250.00	13.50	36.00	0.00	0.00	49.50	0.5%
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	615.30	2,535.00	23,840.37	0.00	26,990.67	85.4%
Dues, Subscriptions, Training	16,410.00	1,747.71	3,942.01	2,708.99	0.00	8,398.71	51.2%
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	408.00	74.50	0.00	997.50	8.6%
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	27,509.94	28,082.55	0.00	69,936.05	61.4%
Total Other Current Expenses	\$ 235,948.00	\$ 19,719.52	\$ 38,670.95	\$ 57,183.58	\$ 0.00	\$ 115,574.05	49.0%
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)	\$ 1,252,667.00 ¹	\$ 263,342.02	\$ 282,358.45	\$ 297,118.33	\$ 0.00	\$ 842,818.80	67.3%

General Fund Allocation **\$ 1,252,667.00**
 Total Expenditures as of March 31, 2021 \$ 842,818.80
 Balance as of March 31, 2021 \$ 409,848.20

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

HAWAII STATE ETHICS COMMISSION FINANCIAL REPORT
FY 2021 (QUARTER ENDING: March 31, 2021)
Appropriation Symbol: G-20-396-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. ACCRUED VACATION/VACATION TRANSFERS							
Vacation Payout	\$ 16,553.00 ¹	\$ 0.00	\$ 0.00	\$ 5,325.32	\$ 0.00	\$ 5,325.32	32.2%
Total Accrued Vacation/Vacation Transfers	\$ 16,553.00	\$ 0.00	\$ 0.00	\$ 5,325.32	\$ 0.00	\$ 5,325.32	32.2%
GRAND TOTAL	\$ 16,553.00	\$ 0.00	\$ 0.00	\$ 5,325.32	\$ 0.00	\$ 5,325.32	32.2%

Appropriation for Accrued Vacation/Vacation Transfer Payments	\$ 16,553.00
Total Expenditures as of March 31, 2021	\$ 5,325.32
Balance as of March 31, 2021	\$ 11,227.68

¹ Funds for accrued vacation and vacation transfer payments appropriated by Act 1, SLH 2020, for \$16,553.00.

SUNSHINE LAW MEETING
AGENDA ITEM IV
2021 LEGISLATIVE SESSION

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM V

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.

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