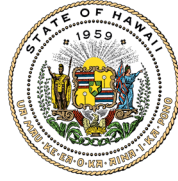


SUNSHINE LAW MEETING



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: June 17, 2021

Time: 9:00 a.m.

Location: Via Videoconference or Phone:

Videoconference: [Join Zoom Meeting](#)

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

Meeting ID: 928 6193 8123

Password: 375627

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

In person:

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

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

A G E N D A

CALL TO ORDER

- I. Consideration and Approval of the Minutes of the May 20, 2021 Meeting
- II. Consideration and Approval of the Minutes of the May 20, 2021 Executive Session Meeting

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.

- III. Executive Director's Report

1. Recognition of Chair Tschumy; update regarding appointment of new Commissioner
2. Education / Training Report

Attachment 1: 2021 Training Attendance / Schedule

Attachment 2: Online Training Completions by Department

3. Guidance and Assignment Statistics – May 2021

Attachment 3: 2021 Guidance and Assignment Statistics / Website Traffic

4. Update regarding 2021 Financial Disclosure filings and Lobbying Expenditure Reports for the period March 1 – April 30, 2021
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. Other

- i. [H.B. 670](#) Authorizes a court to order the forfeiture of one-half of the Employees' Retirement System (ERS) benefits of an ERS member, former member, or retirant upon conviction of the individual for a felony related to the State or county employment of the individual. Authorizes designated beneficiaries to receive the ERS benefits to which the member, former member or retirant would be entitled under this section upon the death of the member, former member, or retirant. Prohibits designated beneficiaries convicted of a felony under the same set of circumstances as the member, former member, or retirant who was subject to forfeiture of ERS benefits from receiving benefits.
- ii. [S.B. 589](#) Extends 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 to use interactive conference technology to remotely conduct meetings under the State's open meetings law. Amends the requirements for public notices of board meetings and for in-person board meetings held by interactive conference technology. Requires the Office of Information Practices to assess the implementation of meetings held using interactive conference technology and submit a report of its findings to the Legislature.

- 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 and/or the Department of the Attorney General 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

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE
MAY 20, 2021 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the May 20, 2021
 Hawai'i State Ethics Commission Meeting

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

STATE OF HAWAI'I

Date: May 20, 2021

Time: 9:00 a.m.

Location: Held via Zoom video and audio conference

Present: State Ethics Commission Members

Melinda S. Wood, Vice Chair (via video conference)
Reynard D. Grauly, Commissioner (via video conference)
Wesley F. Fong, Commissioner (via video conference)
Harry J. McCarthy, 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)

Guests

Sandy Ma, Executive Director, Common Cause Hawai'i (via video conference)
Caroline Kunitake, Common Cause Hawai'i (via video conference)

Note: Commission Chair Ruth Tschumy was not present for this meeting.

CALL TO ORDER

Vice Chair Wood called the meeting to order at 9:04 a.m. and confirmed that all Commissioners, except for Chair Ruth Tschumy, and staff were present.

1 **Agenda Item No. I: Consideration and Approval of the Minutes of the**
2 **April 15, 2021 Meeting**

3
4 Vice Chair Wood noted a typographical error on the draft minutes.
5 Commissioner Fong made and Commissioner Graulty seconded a motion to approve
6 the minutes of the April 15, 2021 Sunshine Meeting, as amended. The motion carried
7 unanimously (Wood, Graulty, Fong, and McCarthy voting).
8
9

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

11
12 1. Education / Training Report

13
14 Executive Director Gluck noted that all trainings were still being conducted via
15 videoconference and reported on some upcoming trainings.
16

17 2. Guidance and Assignment Statistics – April 2021

18
19 Executive Director Gluck stated that the Commission has received many
20 complaints recently, particularly against private businesses and county-level officials.
21 Executive Director Gluck stated that staff planned to update the website to better inform
22 the public regarding the limits of the Commission's jurisdiction.
23

24 3. Appointment of New Commissioner

25
26 Executive Director Gluck did not have any new information regarding the
27 appointment of a commissioner to replace Chair Tschumy when her term expires on
28 June 30, but hoped that a new commissioner would be in place by July 1.
29

30 4. Miscellaneous Office Projects / Updates

31
32 Executive Director Gluck stated that he is working on the cover story about the
33 Commission's functions for the August edition of the Hawaii Bar Journal. He also
34 discussed the logistics for bringing staff back into the office and holding Commission
35 meetings with a combination of videoconference and in-person attendance.
36
37

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

39
40 Executive Director Gluck reported that House Bill ("H.B.") 671 passed the
41 Legislature and was awaiting action by the Governor, and that he is hopeful that the
42 Governor will approve the measure. He likewise reported that the lobbying record
43 retention bill, H.B. 741, was also pending action by the Governor. Commissioner
44 Graulty asked whether we ever discovered the rationale for the bill that would extend
45 the records retention period for lobbying records; Executive Director Gluck stated he still
46 did not know the impetus for that bill. A version of the pension forfeiture bill, H.B. 670,
47 also passed.

1
2 Senate Bill ("S.B.") 589, the technology transfer bill, also passed. Executive
3 Director Gluck stated that the University likes some provisions of the bill and has some
4 concerns about other portions, and Executive Director Gluck was unsure as to the
5 University's final position on the measure. Although Executive Director Gluck has some
6 concerns about the language in the bill regarding the Commission's responsibilities to
7 review technology transfer activities, he believes that the Commission can carry out the
8 new responsibilities if the bill becomes law. As such, he recommended that the
9 Commission simply remain silent for now and wait to see whether the Governor decides
10 to veto the measure.

11
12 Finally, Executive Director Gluck stated that S.B. 873 and S.B.1034 also passed
13 the Legislature and were awaiting action by the Governor. These measures would
14 allow for videoconference participation for Commission meetings and hearings even
15 after the emergency measures put in place for COVID-19 have expired. Executive
16 Director Gluck stated that he would review the bills again if they become law but that he
17 believes the Commission is already following best practices with respect to
18 videoconferencing during open meetings.

19
20 Commissioner Fong asked about the pension forfeiture bill, and he,
21 Commissioner Graulty, and Ms. Ma discussed the details of the measure.

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

28
29 **RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE**
30 **SESSION**

31
32 At approximately 9:24 a.m., Commissioner Graulty made and Commissioner
33 Fong seconded a motion to convene an Executive Session pursuant to Hawai'i Revised
34 Statutes section 92-5(a)(4) to consult with the Commission's attorneys and/or the
35 Department of the Attorney General on questions and issues pertaining to the
36 Commission's powers, duties, privileges, immunities, and liabilities. The motion carried
37 unanimously (Wood, Graulty, Fong, and McCarthy voting).

38
39 The Commission excused the members of the public and met in Executive
40 Session.

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

44
45
46 At approximately 9:45 a.m., Commissioner McCarthy made and Commissioner
47 Graulty seconded a motion to adjourn the Executive Session and return to the Sunshine

1 Law meeting. The motion carried unanimously (Wood, Gaulty, Fong, and McCarthy
2 voting).

3
4 The Commission adjourned the Executive Session and returned to the Sunshine
5 Law meeting at approximately 9:45 a.m. Any members of the public who were still in
6 the Zoom waiting room were re-admitted to the Sunshine Law meeting.
7

8
9 **Agenda Item No. V: Consideration of Order Requiring Financial Disclosures to be**
10 **Filed Electronically**

11
12 Executive Director Gluck gave a brief background on this matter, explaining that
13 HRS § 84-17 allows the Commission to require that filers submit their financial
14 disclosure statements electronically. He recommended that the Commission issue an
15 order to require the electronic filing of financial disclosure statements, effective July 1,
16 2021.
17

18 Commissioner McCarthy made and Commissioner Gaulty seconded a motion to
19 approve and issue the draft Order Requiring Financial Disclosures to be Filed
20 Electronically. The motion carried unanimously (Wood, Gaulty, Fong, and McCarthy
21 voting).
22

23
24 **ADJOURNMENT OF SUNSHINE LAW MEETING**

25
26 At approximately 9:54 a.m., Commissioner Gaulty made and Commissioner
27 Fong seconded a motion to adjourn the Sunshine Law Meeting. The motion carried
28 unanimously (Wood, Gaulty, Fong, and McCarthy voting).
29

30 The meeting was adjourned at 9:54 a.m.

31
32
33 Minutes approved on _____, 2021.

SUNSHINE LAW MEETING
AGENDA ITEM II

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE
MAY 20, 2021 EXECUTIVE SESSION MEETING

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 May 20, 2021
 Hawai'i State Ethics Commission Meeting

**** Executive Session Meeting Minutes not provided to the public. ****

SUNSHINE MEETING
AGENDA ITEM III

EXECUTIVE DIRECTOR'S REPORT
June 17, 2021

1. Recognition of Chair Tschumy; update regarding appointment of new Commissioner

2. Education / Training Report

Attachment 1: 2021 Training Attendance / Schedule

Attachment 2: Online Training Completions by Department

3. Guidance and Assignment Statistics – May 2021

Attachment 3: 2021 Guidance and Assignment Statistics / Website Traffic

4. Update regarding 2021 Financial Disclosure filings and Lobbying Expenditure Reports for the period March 1 – April 30, 2021

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	16
4/28/2021	General Ethics Training, SPCS, Zoom	74
5/12/2021	General Ethics Training, DLNR, DOFAW, Zoom	29
5/26/2021	General Ethics Training, HSBA Government Lawyers Section, Zoom	260
6/7/2021	General Ethics Training, ATG, Law student summer interns, Zoom	7
6/24/2021	General Ethics Training, HTA, Hawaii Convention Center, Honolulu	
7/19/2021	Ethics for State Government Attorneys	
8/xx/2021	General Ethics Training, UH, Zoom (4 trainings)	
xx/xx/2021	General Ethics Training, Senate staff, interns, and volunteers, Zoom	
TOTAL	20 Presentations	1253 participants

Online Training Completions by Department

Department/Agency	2021 Total	Overall Total
Department of Accounting and General Services (DAGS)	3	66
Department of Agriculture (DOA)	6	42
Department of Budget and Finance (B&F)	0	1
Department of Business, Economic Development and Tourism (DBEDT)	0	57
Department of Commerce and Consumer Affairs (DCCA)	0	47
Department of Defense (DOD)	0	72
Department of Education (DOE)	36	202
Department of Health (DOH)	36	228
Department of Human Resources Development (DHRD)	0	4
Department of Human Services (DHS)	1	201
Department of Labor and Industrial Relations (DLIR)	0	41
Department of Land and Natural Resources (DLNR)	0	65
Department of Public Safety (DPS)	4	43
Department of Taxation (TAX)	0	1
Department of the Attorney General (ATG)	3	100
Department of Transportation (DOT)	39	249
Hawaii Health Systems Corporation (HHSC)	2	41
Hawaii State Public Library System (HSPLS)	0	1
Judiciary (JUD)	8	46
Office of Hawaiian Affairs (OHA)	54	59
Office of the Auditor (AUD)	0	3
Office of the Governor (GOV)	0	8
Office of the Lieutenant Governor (LTG)	0	4
Office of the Ombudsman (OMB)	0	2
Other (Please fill-in "Other Department/Agency")	4	48
Public Charter School (SPCSC)	0	7
Research Corporation of the University of Hawaii (RCUH)	3	9
Senate (SEN)	1	4
University of Hawaii-Community Colleges (UOHC)	12	74
University of Hawaii-Manoa (UOHM)	5	99
University of Hawaii-System (UOH)	3	39
University of Hawaii-West Oahu (UOHW)	2	51
Total Employee Certificate of Completions Issued	222	1914

Board and Commission	2021 Total	Overall Total
Hawai'i Employer-Union Health Benefits Trust Fund	1	1
Hawai'i Health Systems Corporation-Corporation	1	1
Hawai'i Housing Finance and Development Corporation	1	1
Island Burial Council - Kauai/Niihau	3	3
Island Burial Council - Oahu	1	1
Legacy Land Conservation Commission	1	1
Other (Please fill-in "Other Board/Commission")	4	4
Soil and Water Conservation District Boards	1	1
Total Board and Commission Certificate of Completions Issued	13	13

Total Certificate of Completions Issued

235

1927

As of June 3, 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	0	0							0
# of People Trained In Person	0	0	0	0	0	0							0
# of On-Line Training	85	41	51	20	34	4							235
# of eTrainings	8	0	0	2	1	1							12
# of People Trained in eTraining	867	0	0	90	29	7							993
Attorney of the Day	116	80	85	79	87								447
New assignments													
Advisory Opinion	0	0	1	1	0								2
Complaint	9	6	8	18	12								53
Gifts/Invitations/Travel	0	0	1	2	1								4
Guidance	0	0	1	3	2								6
Judicial Selection Comm'n	3	2	2	4	2								13
Training Request	0	0	0	0	0								0
Record Request	1	0	0	1	0								2
Project/Other	3	1	1	1	2								8
Total	16	9	14	30	19	0	0	0	0	0	0	0	88
Closed Assignments													
Advisory Opinion	1	0	0	0	0								1
Complaint	8	6	18	14	17								63
Gifts/Invitations/Travel	0	0	0	2	2								4
Guidance	0	0	0	2	2								4
Judicial Selection Comm'n	0	6	2	2	4								14
Training Request	0	0	0	0	0								0
Record Request	1	1	0	1	0								3
Project/Other	4	3	1	3	1								12
Total	14	16	21	24	26	0	0	0	0	0	0	0	101
Anti-Fraud	4	1	1	4	2								12

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.

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.