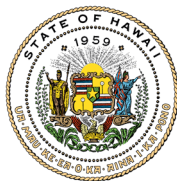


SUNSHINE LAW MEETING



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: July 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: 919 9637 9171

Passcode: 315848

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 meeting or may submit written testimony in advance of the meeting via e-mail, fax, or mail. To avoid excessive noise/feedback, please mute your phone/device 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: 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 June 17, 2021 Meeting

II. Election of Officers

Attachment 1: Chair and Vice Chair 2021

III. Executive Director's Report

1. Update regarding appointment of new Commissioner

2. Staffing update

3. Education / Training Report

Attachment 1: 2021 Training Attendance / Schedule

Attachment 2: Online Training Completions by Department

4. Guidance and Assignment Statistics – June 2021

Attachment 3: 2021 Guidance and Assignment Statistics / Website Traffic

5. Financial Report for FY 2020-2021 (July 1, 2020 – June 30, 2021)

Attachment 4: Q4 Financial Report FY 2020-2021

6. Update regarding 2021 Financial Disclosure filings

7. 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). *Will become law.*

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). *Will become law.*

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. *Will become law.*
- ii. [S.B. 589](#) Extends the sunset provision in Act 38, Session Laws of Hawaii 2017 (technology transfer). *Vetoed 7/6/2021 ([Gov Msg No. 1297](#)); amended 7/8/2021 ([S.B.589 S.D.2 H.D.2 C.D.1 A.D.1](#)).*
- iii. [S.B. 873](#) Authorizes contested case hearings to use interactive conference technology. *Will become law.*
- 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. *Will become law.*

- 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. Approval of Position Description for Executive Director

Attachment 1: Position Description for Executive Director

- VII. 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
JUNE 17, 2021 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the June 17, 2021
 Hawai'i State Ethics Commission Meeting

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

STATE OF HAWAI'I

Date: June 17, 2021

Time: 9:00 a.m.

Location: Held via Zoom video and audio conference

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)
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)

CALL TO ORDER

Chair Tschumy called the meeting to order at 9:03 a.m. and confirmed that all Commissioners and staff were present.

Agenda Item No. I: Consideration and Approval of the Minutes of the May 20, 2021 Meeting

Commissioner Fong made and Commissioner McCarthy seconded a motion to approve the minutes of the May 20, 2021 Sunshine Meeting. The motion carried unanimously (Tschumy, Wood, Gaulty, Fong, and McCarthy voting).

1 **Agenda Item No. II: Consideration and Approval of the Minutes of the**
2 **May 20, 2021 Executive Session Meeting**
3

4 Commissioner Fong asked whether the minutes of the Executive Session
5 meeting would remain confidential. Executive Director Gluck stated that the minutes
6 themselves would remain confidential, but that the approval of the minutes appears as
7 an item on the public agenda; if the Commission wished to discuss changes to the
8 minutes, however, Executive Director Gluck would recommend another executive
9 session to do so.

10
11 Commissioner Fong made and Vice Chair Wood seconded a motion to approve
12 the minutes of the May 20, 2021 Executive Session Meeting. The motion carried
13 unanimously (Tschumy, Wood, Gaulty, Fong, and McCarthy voting).
14

15
16 **Agenda Item No. III: Executive Director's Report**
17

- 18 1. Recognition of Chair Tschumy; update regarding appointment of new
19 Commissioner
20

21 The Commissioners and Executive Director Gluck thanked Chair Tschumy for
22 her eight years of dedicated service to the Commission. Chair Tschumy stated that it
23 has been her privilege to work with the Commissioners and staff.
24

25 Executive Director Gluck stated that the Judicial Council sent two names to the
26 Governor's office the previous Thursday, and he hoped that the Governor would make
27 his selection soon.
28

- 29 2. Education / Training Report
30

31 Executive Director Gluck referred to the attachments and indicated that staff
32 were still conducting trainings via Zoom.
33

- 34 3. Guidance and Assignment Statistics – May 2021
35

36 Executive Director Gluck stated that there continues to be a high volume of
37 complaints to the Commission and that staff are working through them as best as they
38 can.
39

- 40 4. Update regarding 2021 Financial Disclosure filings and Lobbying
41 Expenditure Reports for the period March 1 – April 30, 2021
42

43 Staff Attorney Chang stated that the May 31 deadline just passed and that staff is
44 focused on sending notices to new appointees to boards and commissions. She
45 presented a few charts to the Commissioners showing the numbers of filers by date, as
46 well as compliance percentages compared with previous years. As of that morning,
47 there were still 53 individuals who had not filed their financial disclosure statements, and

1 Staff Attorney Chang stated that staff would present possible enforcement cases to the
2 Commission as necessary. Staff Attorney Chang stated that the new enhancements to
3 the e-filing system – particularly, the automatic reminder system – has significantly
4 improved compliance.

5 6 5. Miscellaneous Office Projects / Updates 7

8 Executive Director Gluck stated that staff would be hosting – virtually – a
9 government auditor from Armenia through the Professional Fellows Program, a State
10 Department program. Executive Director Gluck also stated that he was finalizing an
11 article for the Hawaii Bar Journal about the Commission and its work, and he hoped that
12 this article would be a good orientation document for new Commissioners and staff in
13 the future.

14
15 Finally, Executive Director Gluck stated that staff are working pursuant to a
16 hybrid model at the moment, with some staff in the office full time and some working
17 remotely full time; he stated that he intends to continue to allow some remote work but
18 that he intended to have staff start increasing their in-person time in the office.

19
20 Vice Chair Wood expressed concern about the low numbers of on-line training
21 from some agencies. Executive Director Gluck said that many officials from those
22 agencies may have attended live training sessions but he offered to reach out to those
23 departments to inform them that the on-line ethics training is still available.

24
25 Sandy Ma from Common Cause asked for clarification on the training and
26 complaint statistics, and Staff Attorney Chang and Executive Director Gluck provided
27 additional details.

28 29 30 **Agenda Item No. IV: 2021 Legislative Session** 31

32 Executive Director Gluck stated that the Governor's intent-to-veto deadline was
33 the following Monday, June 21, and that he did not have any additional information on
34 the bills listed on the agenda.

35 36 37 **Agenda Item No. V: *Akana v. Hawaii State Ethics Commission and Daniel Gluck*, 38 *Civil No. 18-1-1019-06 (JHA)*; *Akana v. Hawaii State Ethics Commission*, *Civil No.* 39 *19-1-0379-03 (JHA)*; *State of Hawaii, Ethics Commission v. Rowena Akana*, *Civil* 40 *No. 20-1-0453 (BIA)*** 41

42 Executive Director Gluck stated that he did not have any updates on this matter.
43
44
45

1 **ADJOURNMENT OF SUNSHINE LAW MEETING**

2
3 At approximately 9:25 a.m., Vice Chair Wood made and Commissioner McCarthy
4 seconded a motion to adjourn the Sunshine Law Meeting. The motion carried
5 unanimously (Tschumy, Wood, Gaulty, Fong, and McCarthy voting).
6

7 The meeting was adjourned at 9:25 a.m.
8

9
10 Minutes approved on _____.

SUNSHINE LAW MEETING
AGENDA ITEM II

ELECTION OF OFFICERS FOR 2021

Attachment 1: Election of Officers for 2021

SUNSHINE LAW MEETING
AGENDA ITEM II

ELECTION OF OFFICERS FOR 2021

At the Commission's meeting on January 21, 2021, the Commissioners voted to defer the election of officers for 2021 to June 2021 (following the end of former-Chair Ruth Tschumy's term on the Commission). At this upcoming meeting, in accordance with Section 21-1-10 of the Commission's Administrative Rules, the Commission should elect a Chair and Vice Chair for 2021. Section 21-1-10 of the Commission's Rules provides as follows:

§21-1-10 Chairperson and vice-chairperson. (a) A chairperson shall be elected by a majority of all the members to which the commission is entitled, who shall serve for a term of one year or until a successor is elected, with such term to commence on January 1 of each year.

(b) A vice-chairperson, who shall call and chair meetings in the incapacity or absence of the chairperson, shall be elected by a majority of all the members to which the commission is entitled, and shall serve for a term of one year or until a successor is elected, with such term to commence on January 1 of each year.

The following table is provided for your information.

Commissioner	Date Appointed	Term End	Date of Reappointment	Term End
Melinda S. Wood*	7/07/2014	6/30/2018	7/01/2018	6/30/2022
Reynard D. Gaulty**	7/01/2015	6/30/2019	7/01/2019	6/30/2023
Wesley Fong	7/01/2018	6/30/2022		
Harry J. McCarthy	3/12/2021	6/30/2024		

* Commissioner Wood has served as Vice Chair from July 2020 to present.

** Commissioner Gaulty served as Chair from February 2017 to June 2020.

(Note: Commissioners may be appointed to two consecutive four-year terms.)

SUNSHINE MEETING
AGENDA ITEM III

EXECUTIVE DIRECTOR'S REPORT
July 15, 2021

- 1. Update regarding appointment of new Commissioner**
- 2. Staffing update**
- 3. Education / Training Report**

Attachment 1: 2021 Training Attendance / Schedule

Attachment 2: Online Training Completions by Department

- 4. Guidance and Assignment Statistics – June 2021**

Attachment 3: 2021 Guidance and Assignment Statistics / Website Traffic

- 5. Financial Report for FY 2020-2021 (July 1, 2020 - June 30, 2021)**

Attachment 4: Q4 Financial Report FY 2020-2021

- 6. Update regarding 2021 Financial Disclosure filings**
- 7. 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
7/1/2021	General Ethics Training, DOH, Honolulu Subarea Health Planning Council, Zoom	4
7/19/2021	Ethics for State Government Attorneys	
7/22/2021	General Ethics Training, DHS Branch Leadership	
7/23/2021	General Ethics Training, Senate staff, Zoom	
7/29/2021	General Ethics Training, HTA, Hawaii Convention Center, Honolulu	
8/xx/2021	General Ethics Training, UH, Zoom (4 trainings)	
TOTAL	22 Presentations	1257 participants

Online Training Completions by Department

Department/Agency	2021 Total	Overall Total
Department of Accounting and General Services (DAGS)	4	67
Department of Agriculture (DOA)	7	43
Department of Budget and Finance (B&F)	0	1
Department of Business, Economic Development and Tourism (DBEDT)	1	58
Department of Commerce and Consumer Affairs (DCCA)	0	47
Department of Defense (DOD)	0	72
Department of Education (DOE)	39	205
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)	1	66
Department of Public Safety (DPS)	5	44
Department of Taxation (TAX)	0	1
Department of the Attorney General (ATG)	3	100
Department of Transportation (DOT)	40	250
Hawaii Health Systems Corporation (HHSC)	2	41
Hawaii State Public Library System (HSPLS)	0	1
Judiciary (JUD)	10	48
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)	1	8
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-Hilo (UOHH)	1	1
University of Hawaii-Manoa (UOHM)	7	101
University of Hawaii-System (UOH)	3	39
University of Hawaii-West Oahu (UOHW)	4	53
Total Employee Certificate of Completions Issued	239	1931

Board and Commission	2021 Total	Overall Total
Board of Agriculture	1	1
Board of Electricians and Plumbers	1	1
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
University of Hawai'i Board of Regents	2	2
Total Board and Commission Certificate of Completions Issued	17	17

Total Certificate of Completions Issued**256****1948**

As of July 7, 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						0
# of People Trained In Person	0	0	0	0	0	0	0						0
# of On-Line Training	85	41	51	20	34	19	6						256
# of eTrainings	8	0	0	2	1	1	1						13
# of People Trained in eTraining	867	0	0	90	29	7	4						997
Attorney of the Day	116	80	85	79	87	66							513
New assignments													
Advisory Opinion	0	0	1	1	0	0							2
Complaint	9	6	8	18	12	20							73
Gifts/Invitations/Travel	0	0	1	2	1	7							11
Guidance	0	0	1	3	2	2							8
Judicial Selection Comm'n	3	2	2	4	2	4							17
Training Request	0	0	0	0	0	0							0
Record Request	1	0	0	1	0	0							2
Project/Other	3	1	1	1	2	1							9
Total	16	9	14	30	19	34	0	0	0	0	0	0	122
Closed Assignments													
Advisory Opinion	1	0	0	0	0	2							3
Complaint	8	6	18	14	17	16							79
Gifts/Invitations/Travel	0	0	0	2	2	7							11
Guidance	0	0	0	2	2	0							4
Judicial Selection Comm'n	0	6	2	2	4	4							18
Training Request	0	0	0	0	0	0							0
Record Request	1	1	0	1	0	0							3
Project/Other	4	3	1	3	1	1							13
Total	14	16	21	24	26	30	0	0	0	0	0	0	131
Anti-Fraud	4	1	1	4	2	4							16

HAWAII STATE ETHICS COMMISSION FINANCIAL REPORT
 FY 2021 (QUARTER ENDING: June 30, 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	\$ 253,220.00	980,464.75	96.8%
Total Personnel Services	\$ 1,012,719.00	\$ 243,622.50	\$ 243,687.50	\$ 239,934.75	\$ 253,220.00	\$ 980,464.75	96.8%
B. OTHER CURRENT EXPENSES							
Office Expenses	12,500.00	2,484.45	4,240.00	2,477.17	1,232.31	10,433.93	83.5%
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	585.60	585.60	4.6%
Equipment Rental and Maintenance	31,600.00	615.30	2,535.00	23,840.37	2,973.56	29,964.23	94.8%
Dues, Subscriptions, Training	16,410.00	1,747.71	3,942.01	2,708.99	1,653.63	10,052.34	61.3%
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	12,897.18	12,897.18	47.9%
Office Rent	113,928.00	14,343.56	27,509.94	28,082.55	40,673.54	110,609.59	97.1%
Total Other Current Expenses	\$ 235,948.00	\$ 19,719.52	\$ 38,670.95	\$ 57,183.58	\$ 60,015.82	\$ 175,589.87	74.4%
C. CAPITAL OUTLAY							
Office Furniture and Equipment	4,000.00	0.00	0.00	0.00	0.00	0.00	0.0%
Total Capital Outlay	\$ 4,000.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	0.0%
GRAND TOTAL (A+B+C)	\$ 1,252,667.00 ¹	\$ 263,342.02	\$ 282,358.45	\$ 297,118.33	\$ 313,235.82	\$ 1,156,054.62	92.3%

General Fund Allocation **\$ 1,252,667.00**
 Total Expenditures as of June 30, 2021 \$ 1,156,054.62
 Balance as of June 30, 2021 \$96,612.38

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.

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 VI

Approval of Position Description for Executive Director

Attachment 1: Position Description for Executive Director



HAWAII STATE ETHICS COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813

June 2017

POSITION DESCRIPTION FOR EXECUTIVE DIRECTOR

I. INTRODUCTION

The Hawaii State Ethics Commission ("Commission") administers a code of ethics for public officers and employees of the State as mandated by Article XIV of the Hawaii State Constitution. The Commission administers and enforces Chapters 84 and 97, Hawaii Revised Statutes ("HRS"). HRS chapter 84, the State Ethics Code, prescribes ethics laws for state government officials and employees. HRS chapter 97, the Lobbyists Law, prescribes registration and reporting requirements for lobbyists and organizations that engage in lobbying activities at the state level.

The Commission is established within the Office of the Auditor for administrative purposes only. The Commission employs an Executive Director and other staff, including an Associate Director, staff attorneys, an investigator, a computer specialist, an office manager, and clerical personnel. All employees of the Commission, including the Executive Director, serve at the pleasure of the Commission.

II. MAJOR DUTIES AND RESPONSIBILITIES

The Executive Director functions as the administrator and chief legal counsel for the Commission. The Executive Director is responsible for carrying out the Commission's mandate to administer and enforce the State Ethics Code and the Lobbyists Law; to coordinate monthly Commission meetings; to direct the administration and management of the Commission's office and staff; and to implement the Commission's goals and objectives. The Executive Director provides overall leadership in guiding all aspects of the Commission's programs and activities.

Legal counsel to Commission. Serves as chief legal counsel to the Commission. Provides legal advice to the Commission with regard to the interpretation of statutory provisions in Chapters 84 and 97, HRS, and other relevant laws. Advises the Commission with regard to the issuance of advisory opinions and enforcement proceedings. Also advises the Commission with regard to legal issues concerning Commission meetings, administrative actions, and other matters. Researches and prepares legal documents for the Commission. Represents the Commission in legal proceedings involving the Commission.

Administration and Enforcement of Chapters 84 and 97, HRS. Administers and enforces Chapters 84 and 97, HRS. Responds to inquiries and issues legal advice to state government officials and employees, lobbyists, and organizations represented by lobbyists. Drafts and reviews staff opinion letters, advisory opinions, legal memoranda, and other related documents.

Oversees the administration of laws under Chapter 84, HRS, that require filings of financial disclosure statements, gifts disclosure statements, and contract notices. Also oversees the administration of laws under Chapter 97, HRS, that require the registration of lobbyists and filings of statements of lobbying expenditures and contributions. Updates and revises forms and instructions; facilitates compliance by filers with filing requirements; implements audit or review procedures to ensure that filings comply with the law; and oversees enforcement proceedings against individuals who do not comply with filing requirements.

Conducts and oversees enforcement proceedings relating to possible violations of Chapters 84 and 97, HRS. Receives or initiates charges; conducts and directs investigations; participates in witness interviews; prosecutes or serves as legal counsel to the Commission in contested case hearings; drafts and reviews legal documents relating to enforcement proceedings.

Education program. Oversees development of the Commission's program to educate the public and state government officials and employees about ethics. Develops and conducts education workshops and presentations, including mandatory ethics training courses for state government officials as required by Chapter 84, HRS. Participates in speaking engagements and makes other public appearances to discuss the Commission's work and the laws administered by the Commission. Develops educational materials, including the Commission's newsletter and other publications. Oversees the development, design, and maintenance of the Commission's website.

Media. Responds to inquiries from the media. Issues news releases and statements on behalf of the Commission.

Legislation. Proposes and drafts legislation; tracks legislation; prepares written testimony; attends legislative hearings and presents testimony on behalf of the Commission. Meets with legislators and others to advocate on behalf of the Commission with regard to legislation.

Rules. Oversees the adoption, amendment, and repeal of the Commission's administrative rules as needed and as provided in Chapter 91, HRS.

Commission meetings and training. Coordinates Commission meetings. Assists the Commission Chair in preparing meeting agendas and oversees preparation of all written materials and minutes for Commission meetings.

Responsible for assuring that Commission members receive an orientation upon appointment, and training on applicable laws, procedures, and other matters relating to their duties and responsibilities.

Relations with other state and federal agencies and organizations. Maintains professional relations with other state, local, and federal agencies. Maintains professional relations with local and national organizations such as Common Cause Hawaii, the League of Women Voters of Hawaii, and the Council on Governmental Ethics Laws to promote ethics and other “good government” initiatives. Provides outreach work by participating in conferences and other events to speak about ethics, lobbying, and other related topics.

Budget and fiscal operations. Oversees planning, preparation, and management of the Commission’s budget subject to Commissioners’ approval. Prepares budget documents and testifies at budget hearings before the legislature. Oversees the Commission’s annual financial audit by an independent auditor and prepares Management’s Discussion and Analysis (MD&A) for the audit. Oversees all fiscal operations of the office, including payroll and procurement of all goods and services in accordance with applicable laws subject to review upon Commissioners’ request. Negotiates and executes office lease agreements and other agreements and contracts on behalf of the Commission.

Administration and Management. Responsible for the maintenance and custody of the files and records of the Commission. Responsible for administration and management of the Commission’s office and staff, including the day-to-day operations of the office. Responsible for staff hiring and disciplinary action. Provides leadership and direction to the staff in the performance of their duties: Oversees staff orientation and training; makes assignments and delegates work responsibilities to staff; supervises staff work performance; oversees office staffing levels and work schedules; approves leave requests (for vacation leave, sick leave, family leave, etc.); conducts annual job performance evaluations; and sets staff salaries subject to review upon Commissioners’ request. Works closely with the Associate Director and staff attorneys to oversee and direct their legal work; routinely meets with attorneys to discuss cases and case management; reviews written work of attorneys; oversees attorneys’ work in all other areas. Drafts, implements, and oversees personnel policies and other office policies. Oversees all projects and planning for the office.

III. CONTROLS OVER THE POSITION

Supervisor. Reports to the Commission. Pursuant to HRS §84-35, serves at the pleasure of the Commission. Subject to periodic performance evaluations by the Commission. Subject to any additional review procedures (including but not limited to

decisions regarding hiring, disciplinary action, and salaries for staff) implemented by the Commission.

Full-time employment. Shall dedicate the necessary time and effort to perform all duties described herein on a full-time basis. Shall not engage in any part-time or other employment that conflicts, detracts, or prevents the Executive Director from performing the required duties in a prompt and efficient manner.

Standards of Conduct. Shall comply with the standards of conduct for state employees pursuant to HRS Chapter 84, the State Ethics Code.

Prohibition from political activity. Pursuant to HRS §84-35.5, shall not take an active part in political management or in political campaigns during the term of office or employment.

Related duties. Performs any and all other duties as required.

IV. MINIMUM QUALIFICATION REQUIREMENTS

In accordance with HRS §78-1(c), must be a citizen, national, or permanent resident alien of the United States, or eligible under federal law for unrestricted employment in the United States; and shall become a resident of the State within thirty days after beginning employment as a condition of eligibility for continued employment.

Graduate with a Juris Doctor degree from an American Bar Association accredited law school. Licensed attorney and member in good standing of the Hawaii State Bar.

V. RECOMMENDED QUALIFICATIONS

Demonstrated commitment to public service and advocacy, and to maintaining high ethical standards.

Knowledge of state government organization and interagency relationships.
Knowledge of the legislative process and ability to advocate persuasively to accomplish legislative goals.

Knowledge of administrative law and administrative procedure, including rule-making and contested case procedures. Knowledge of open meetings and public records laws.

Knowledge of court procedures and litigation generally.

Knowledge of personnel policies and practices; budgeting requirements; procurement and fiscal management; information management.

Ability to manage and protect confidential information.

Ability to communicate effectively orally and in writing.

Ability to supervise and manage employees.

Strong interpersonal and leadership skills.

Computer skills, e.g., ability to use software such as MS Office, SharePoint and Dropbox.