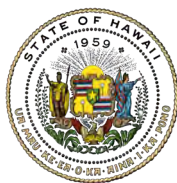


# SUNSHINE LAW MEETING



## 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: August 19, 2021

Time: 9:00 a.m.

Location: Via Videoconference or Phone:

Videoconference: [Join Zoom Meeting](#)

Phone: +1 (669) 900-6833 or +1 (253) 215-8782

Meeting ID: 886 5241 4137

Passcode: 920534

*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.*

## AGENDA

### CALL TO ORDER

- I. Welcome to Commissioner Beverley Tobias
  
- II. Consideration and Approval of the Minutes of the July 15, 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 – July 2021

*Attachment 3: 2021 Guidance and Assignment Statistics / Website Traffic*
  3. Update regarding 2021 Financial Disclosure filings
  4. Miscellaneous Office Projects / Updates
  
- IV. *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.

- V. Personnel matters

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 hire, evaluation, dismissal, or discipline of an officer or employee.

## 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](mailto: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 BEVERLEY TOBIAS

No attachments.

SUNSHINE LAW MEETING  
AGENDA ITEM II

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE  
JULY 15, 2021 MEETING

Attachment 1:       Sunshine Law Meeting Minutes of the July 15, 2021  
                          Hawai'i State Ethics Commission Meeting

SUNSHINE LAW MEETING  
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: July 15, 2021

Time: 9:00 a.m.

Location: Held via Zoom video and audio conference

Present: State Ethics Commission Members

Melinda S. Wood, Vice Chair/Chair (via video conference)  
Reynard D. Graulty, Commissioner (via video conference)  
Wesley F. Fong, Commissioner/Vice Chair (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 Hawaii (via video conference)  
Hayk Bejanyan, Advisor, Deputy Head of Department, Audit Chamber of the  
Republic of Armenia (and Professional Fellows Program participant  
placed with the Hawaii State Ethics Commission) (via video conference)

**CALL TO ORDER**

Vice Chair Wood 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 June 17, 2021 Meeting**

Commissioner Fong made and Commissioner McCarthy seconded a motion to approve the minutes of the June 17, 2021 Sunshine Meeting. The motion carried unanimously (Wood, Graulty, Fong, and McCarthy voting).

1 **Agenda Item No. II: Election of Officers**

2  
3 Vice Chair Wood recommended deferring this matter until next month, when –  
4 presumably – the vacancy on the Commission will have been filled.

5  
6 Commissioner Fong recommended going ahead with the vote now and  
7 nominated Vice Chair Wood to be Chair.

8  
9 Commissioner Gaulty asked whether Vice Chair Wood automatically becomes  
10 Chair now that Chair Tschumy has left the Commission. Associate Director Yoza  
11 advised that, while the Vice Chair can preside in the Chair's absence, the Commission  
12 would need to vote to make the Vice Chair the Chair.

13  
14 Commissioner Fong made and Commissioner Gaulty seconded a motion to  
15 close the nominations for Chair. The motion carried unanimously (Wood, Gaulty, Fong,  
16 and McCarthy voting).

17  
18 Commissioner Fong made and Commissioner Gaulty seconded a motion to  
19 elect Melinda Wood as Chair. The motion carried (Gaulty, Fong, and McCarthy voting  
20 aye; Wood abstaining).

21  
22 Commissioner McCarthy nominated Commissioner Fong as Vice Chair.  
23 Commissioner Gaulty seconded the nomination.

24  
25 Commissioner Gaulty made and Commissioner McCarthy seconded a motion to  
26 close the nominations for Vice Chair. The motion carried unanimously (Wood, Gaulty,  
27 Fong, and McCarthy voting).

28  
29 Chair Wood called for the vote on the nomination of Commissioner Fong as Vice  
30 Chair. The motion carried (Wood, Gaulty, and McCarthy voting; Fong abstaining).

31  
32  
33 **Agenda Item No. III: Executive Director's Report**

34  
35 1. Update regarding appointment of new Commissioner

36  
37 Executive Director Gluck reported that, to his knowledge, the Governor was still  
38 in the process of selecting one of the two individuals nominated by the Judicial Council.

39  
40 2. Staffing update

41  
42 Executive Director Gluck stated that Staff Attorney Virginia Chock would be  
43 retiring at the end of the year. The Commissioners congratulated her on her wonderful  
44 career and wished her a happy retirement.



1                   3. Education / Training Report  
2

3                   Executive Director Gluck stated that staff are still conducting trainings via Zoom.  
4 He thanked the staff for taking on extra trainings over the past few weeks.  
5

6                   4. Guidance and Assignment Statistics – June 2021  
7

8                   Executive Director Gluck stated that the Commission was still receiving  
9 complaints directed at county employees and employees of private companies, and was  
10 working to add extra language to the website so that would-be complainants would find  
11 it easier to direct their complaints to the appropriate agencies.  
12

13                   5. Financial Report for FY 2020-2021 (July 1, 2020 – June 30, 2021)  
14

15                   Executive Director Gluck stated that the Commission ended the fiscal year  
16 substantially under budget. He stated that, in the upcoming fiscal year, the  
17 Commission’s budget would be reduced by 8% from the current year’s budget, and his  
18 goal was to match that reduction of 8% in 2020-2021 fiscal year spending. The office  
19 met that goal by cutting all travel, by not filling one of the administrative positions, and  
20 by cutting other expenses.  
21

22                   6. Update regarding 2021 Financial Disclosure filings  
23

24                   Executive Director Gluck stated that the office had published a list of non-filers.  
25 Staff Attorney Chang stated that the number of outstanding filers was 21, and that in  
26 previous years the number of non-filers at this point in the year was in the range of 300  
27 to 350. Executive Director Gluck commended Staff Attorney Chang, Office Manager  
28 Caroline Choi, Computer Specialist Patrick Lui, and Secretary Lynn Santiago for their  
29 patience and professionalism in helping filers with their disclosures.  
30

31                   7. Miscellaneous Office Projects / Updates  
32

33                   Executive Director Gluck did not have any further updates.  
34

35                   Ms. Ma from Common Cause asked when the Commission may be going back to  
36 in-person trainings. Executive Director Gluck stated that the Commission was planning  
37 to hold one in-person training for a state board but that he anticipated having virtual  
38 trainings for the foreseeable future; however, he stated that if anyone wants ethics  
39 training they can reach out to the Commission. With respect to having in-person  
40 Commission meetings, Executive Director Gluck deferred to the Chair but stated that, in  
41 his opinion, Zoom meetings were preferable because they allowed for greater public  
42 participation than in-person meetings.  
43

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

2  
3 Executive Director Gluck stated that H.B.671, the post-employment law, was  
4 signed into law and will go into effect on January 1, 2022. The records retention bill,  
5 H.B. 741, and H.B. 670, the pension forfeiture bill, were also signed into law.  
6

7 Executive Director Gluck stated that S.B. 589 was vetoed, but that the  
8 Legislature amended the bill and sent it back to the Governor's office. He also stated  
9 that the total number of technology transfer projects is estimated to be under ten per  
10 year.  
11

12 Executive Director Gluck stated that S.B. 873 and S.B. 1034 will become law,  
13 and that these measures will help to improve the public's access to government  
14 proceedings.  
15

16  
17 **Agenda Item No. V: *Akana v. Hawaii State Ethics Commission and Daniel Gluck*,  
18 *Civil No. 18-1-1019-06 (JHA)*; *Akana v. Hawaii State Ethics Commission, Civil No.*  
19 *19-1-0379-03 (JHA)*; *State of Hawaii, Ethics Commission v. Rowena Akana, Civil*  
20 *No. 20-1-0453 (BIA)***  
21

22 Executive Director Gluck did not have any updates on these matters.  
23  
24

25 **Agenda Item No. VI: Approval of Position Description for Executive Director**

26  
27 Chair Wood stated her belief that it would be prudent to update the position  
28 description for the Executive Director position in the event the Commission found itself  
29 with a vacancy. She stated that the Commission would still need to meet to discuss the  
30 timing and application process in the event of a vacancy.  
31

32 In response to a question by Commissioner Gaulty, Executive Director Gluck  
33 stated that the position description was last updated in 2017, about a year after  
34 Executive Director Gluck started in 2016. Several Commissioners requested that staff  
35 provide their input on the position description and process.  
36

37 After some discussion, the Commissioners agreed to defer this matter until such  
38 time as the Commission finds itself with a vacancy in the position.  
39  
40

41 **ADJOURNMENT OF SUNSHINE LAW MEETING**

42  
43 At approximately 9:44 a.m., Commissioner Gaulty made and Vice Chair Fong  
44 seconded a motion to adjourn the Sunshine Law Meeting. The motion carried  
45 unanimously (Wood, Fong, Gaulty, and McCarthy voting).  
46

47 The meeting was adjourned at 9:44 a.m.

- 1
- 2
- 3 Minutes approved on \_\_\_\_\_.

DRAFT

SUNSHINE MEETING  
AGENDA ITEM III

EXECUTIVE DIRECTOR'S REPORT  
August 19, 2021

**1. Education / Training Report**

*Attachment 1: 2021 Training Attendance / Schedule*

*Attachment 2: Online Training Completions by Department*

**2. Guidance and Assignment Statistics – August 2021**

*Attachment 3: 2021 Guidance and Assignment Statistics / Website Traffic*

**3. Update regarding 2021 Financial Disclosure filings**

**4. Miscellaneous Office Projects / Updates**

<b>HAWAII STATE ETHICS COMMISSION</b>		
<b>2021 EDUCATION PROGRAM</b>		
<b>(Ethics Workshops and Presentations)</b>		
<b>DATE</b>	<b>PRESENTATIONS</b>	<b>NUMBER OF PARTICIPANTS</b>
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	106
7/22/2021	General Ethics Training, DHS Branch Leadership	17
7/23/2021	General Ethics Training, Senate staff, Zoom	17
7/29/2021	General Ethics Training, HTA, Hawaii Convention Center, Honolulu	46
8/xx/2021	General Ethics Training, UH, Zoom (4 trainings)	
<b>TOTAL</b>	<b>22 Presentations</b>	<b>1443 participants</b>

## Online Training Completions by Department

Department/Agency	2021 Total	Overall Total
Department of Accounting and General Services (DAGS)	4	67
Department of Agriculture (DOA)	8	44
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)	46	212
Department of Health (DOH)	37	229
Department of Human Resources Development (DHRD)	0	4
Department of Human Services (DHS)	2	202
Department of Labor and Industrial Relations (DLIR)	0	41
Department of Land and Natural Resources (DLNR)	4	69
Department of Public Safety (DPS)	5	44
Department of Taxation (TAX)	0	1
Department of the Attorney General (ATG)	5	102
Department of Transportation (DOT)	41	251
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")	7	51
Public Charter School (SPCSC)	8	15
Research Corporation of the University of Hawaii (RCUH)	3	9
Senate (SEN)	1	4
University of Hawaii-Community Colleges (UOHC)	13	75
University of Hawaii-Hilo (UOHH)	1	1
University of Hawaii-Manoa (UOHM)	12	106
University of Hawaii-System (UOH)	4	40
University of Hawaii-West Oahu (UOHW)	6	55
<b>Total Employee Certificate of Completions Issued</b>	<b>274</b>	<b>1966</b>
Board and Commission	2021 Total	Overall Total
Board of Agriculture	1	1
Board of Electricians and Plumbers	1	1
Commission on Water Resource Management	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
Hawai'i State Ethics Commission	1	1
Island Burial Council - Kauai/Niihau	3	3
Island Burial Council - Oahu	1	1
Legacy Land Conservation Commission	1	1
Medical Education Council	1	1
Other (Please fill-in "Other Board/Commission")	4	4
Soil and Water Conservation District Boards	2	2
University of Hawai'i Board of Regents	2	2
<b>Total Board and Commission Certificate of Completions Issued</b>	<b>21</b>	<b>21</b>
<b>Total Certificate of Completions Issued</b>	<b>295</b>	<b>1987</b>

As of August 5, 2021

2021	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Year to date
<b>Training statistics</b>													
# of In-Person Trainings	0	0	0	0	0	0	1						1
# of People Trained In Person	0	0	0	0	0	0	46						46
# of On-Line Trainings (Self-Directed)	85	41	51	20	34	19	41	4					295
# of Training Webinars	8	0	0	2	2	1	4						17
# of Participants in Training Webinars	867	0	0	90	289	7	144						1397
<b>Attorney of the Day</b>	116	80	85	79	87	66	57						570
<b>New assignments</b>													
Advisory Opinion	0	0	1	1	0	0	0						2
Complaint	9	6	8	18	12	20	9						82
Gifts/Invitations/Travel	0	0	1	2	1	7	8						19
Guidance	0	0	1	3	2	2	1						9
Judicial Selection Comm'n	3	2	2	4	2	4	1						18
Training Request	0	0	0	0	0	0	0						0
Record Request	1	0	0	1	0	0	2						4
Project/Other	3	1	1	1	2	1	1						10
<b>Total</b>	16	9	14	30	19	34	22	0	0	0	0	0	144
<b>Closed Assignments</b>													
Advisory Opinion	1	0	0	0	0	2	0						3
Complaint	8	6	18	14	17	16	10						89
Gifts/Invitations/Travel	0	0	0	2	2	7	5						16
Guidance	0	0	0	2	2	0	0						4
Judicial Selection Comm'n	0	6	2	2	4	4	1						19
Training Request	0	0	0	0	0	0	0						0
Record Request	1	1	0	1	0	0	2						5
Project/Other	4	3	1	3	1	1	1						14
<b>Total</b>	14	16	21	24	26	30	19	0	0	0	0	0	150
<b>Anti-Fraud</b>	4	1	1	4	2	4	5						21

SUNSHINE LAW MEETING  
AGENDA ITEM IV

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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No attachments.



SUNSHINE LAW MEETING  
AGENDA ITEM V

PERSONNEL MATTERS

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No attachments.