

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: September 3, 2021

Time: 9:00 a.m.

Location: Via Videoconference or Phone:

Videoconference: [Join Zoom Meeting](#)

Phone: +1 (253) 215-8782 or +1 (346) 248-7799

Meeting ID: 891 2997 0144

Passcode: 514362

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 August 19, 2021 Meeting
- II. Consideration and Approval of the Minutes of the August 19, 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)(2) to discuss matters relating to the hire, evaluation, dismissal, or discipline of an officer or employee.

- 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 – August 2021 (through 8/26/21)

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. Discussion of the Application and Hiring Process for the Executive Director of the Hawai'i State Ethics Commission

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.

Attachment 1: Application Packet Cover Sheet

Attachment 2: Application Information Revised 2021

Attachment 3: Position Description – ED revised 2017 (approved by Comm'n)

Attachment 4: Application Form Revised 2021

Attachment 5: Authorization to Release Information

VI. Consideration of Meeting Schedule for Remainder of 2021

Attachment 1: 2021 Meeting Schedule

Attachment 2: 2021 Meeting Calendar

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
AUGUST 19, 2021 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the August 19, 2021
Hawai'i State Ethics Commission Meeting

SUNSHINE LAW MEETING
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: August 19, 2021

Time: 9:00 a.m.

Location: Held via Zoom video and audio conference

Present: State Ethics Commission Members

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

CALL TO ORDER

Vice Chair Wood called the meeting to order at 9:02 a.m. and confirmed that all Commissioners and staff were present.

Agenda Item No. I: Welcome to Commissioner Beverley Tobias

Chair Wood welcomed Commissioner Tobias, and Commissioner Tobias said that she was honored to serve in this capacity. Vice Chair Fong asked Commissioner Tobias about her background, and Commissioner Tobias stated that her background is as a “super nurse”: she said she has experience with nursing, management, and holding office with an international organization. The other Commissioners welcomed her and thanked her for her service.

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

3
4 Commissioner McCarthy made and Vice Chair Fong seconded a motion to
5 approve the minutes of the July 15, 2021 Sunshine Meeting. The motion carried
6 unanimously (Wood, Fong, Grauly, McCarthy, and Tobias voting).
7

8
9 **Agenda Item No. III: Executive Director’s Report**

10
11 Executive Director Gluck referred to the statistics for the month, then turned to
12 the Financial Disclosure filings. He stated that – compared with previous years – the
13 office is doing very well in terms of the low numbers of non-filers. He stated that, the
14 previous week, the office sent out thirteen fine notices; one of those thirteen individuals
15 had passed away and one had left state office, while several others filed their
16 disclosures and were requesting waivers of the \$75 penalty. Staff Attorney Chang
17 clarified that there are only five individuals who have not yet filed, and that for new
18 board members – that is, members whose terms started on July 1 – there are only
19 approximately eleven individuals who have not yet filed their disclosures. Those
20 individuals have not yet received fine letters. She stated that staff would present the
21 waiver requests to the Commission at its next meeting. Chair Wood and Executive
22 Director Gluck commended the staff for their proactive efforts in getting filers to submit
23 their financial disclosures.
24

25 Executive Director Gluck did not have any further updates.
26

27 Ms. Ma from Common Cause asked whether there was a fee schedule for failure
28 to file financial disclosure statements. Executive Director Gluck stated that the fine is
29 set by statute at \$75, and if the filer fails to file the financial disclosure within ten days of
30 receiving the fine notice from the Commission, fines of \$10 a day continue to accrue.
31

32
33 **Agenda Item No. IV: *Akana v. Hawaii State Ethics Commission and Daniel Gluck,***
34 ***Civil No. 18-1-1019-06 (JHA); *Akana v. Hawaii State Ethics Commission, Civil No.****
35 ***19-1-0379-03 (JHA); *State of Hawaii, Ethics Commission v. Rowena Akana, Civil****
36 ***No. 20-1-0453 (BIA)***

37
38 Executive Director Gluck stated that the Department of the Attorney General
39 stipulated to stay its collection proceeding pending the outcome of Akana’s appeal of
40 the Commission’s order.
41

42
43 **Agenda Item No. V: Personnel matters**

44
45 Chair Wood thanked Staff Attorney Virginia Chock for her many years of service.
46 Executive Director Gluck congratulated Staff Attorney Chock on her retirement and
47 praised her for being an extraordinary attorney and colleague. Staff Attorney Chock

1 said that it has been a privilege and a pleasure to work for the Commission. The
2 Commissioners congratulated her on her wonderful career and wished her a happy
3 retirement.
4

5 Commissioner Grauly asked whether future meetings could take place on
6 Wednesdays; the other Commissioners agreed. Executive Director Gluck stated that
7 meeting folder materials would be available on Thursdays, rather than Fridays, but he
8 did not see any problems with moving the regular meeting date.
9

10 Chair Wood then suggested that an executive session would be helpful to
11 discuss a personnel matter.
12

13 **RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE**
14 **SESSION**

15
16 At approximately 9:26 a.m., Vice Chair Fong made and Commissioner Grauly
17 seconded a motion to convene an Executive Session pursuant to Hawai'i Revised
18 Statutes section 92-5(a)(2) to discuss matters relating to the hire, evaluation, dismissal,
19 or discipline of an officer or employee. The motion carried unanimously (Wood, Fong,
20 Grauly, McCarthy, and Tobias voting).
21

22 The Commission excused the member of the public and met in Executive
23 Session.
24

25 **ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW**
26 **MEETING**

27
28 At approximately 9:50 a.m., Commissioner Grauly made and Commissioner
29 Tobias seconded a motion to adjourn the Executive Session and return to the Sunshine
30 Law meeting. The motion carried unanimously (Wood, Grauly, Fong, McCarthy, and
31 Tobias voting).
32

33 The Commission adjourned the Executive Session and returned to the Sunshine
34 Law meeting at approximately 9:50 a.m. There were no members of the public in the
35 Zoom waiting room.
36

37 Chair Wood reported that there were no other votes taken in the Executive
38 Session to be reported in the public minutes.
39

40 For the public minutes, Executive Director Gluck reported that he had tendered
41 his resignation during the Executive Session.
42

43 **ADJOURNMENT OF SUNSHINE LAW MEETING**

44
45 At approximately 9:51 a.m., Commissioner Grauly made and Commissioner
46 McCarthy seconded a motion to adjourn the Sunshine Law Meeting. The motion carried
47 unanimously (Wood, Fong, Grauly, McCarthy, and Tobias voting).

1
2 The meeting was adjourned at 9:51 a.m.
3
4
5 Minutes approved on August 19, 2021.

DRAFT

SUNSHINE LAW MEETING
AGENDA ITEM II

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE
AUGUST 19, 2021 EXECUTIVE SESSION MEETING

Attachment 1: Sunshine Law Meeting Minutes of the August 19, 2021
 Hawai'i State Ethics Commission Executive Session Meeting

SUNSHINE MEETING
AGENDA ITEM III

EXECUTIVE DIRECTOR'S REPORT
September 3, 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 (through 8/26/21)

Attachment 3: 2021 Guidance and Assignment Statistics / Website Traffic

3. Update regarding 2021 Financial Disclosure filings

4. 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	106
7/22/2021	General Ethics Training, DHS, APS, 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
8/24/2021	General Ethics Training, DHS, CWS, Branch Leadership	42

HAWAII STATE ETHICS COMMISSION

2021 EDUCATION PROGRAM

(Ethics Workshops and Presentations)

DATE	PRESENTATIONS	NUMBER OF PARTICIPANTS
TBD	General Ethics Training, UH, Zoom (4 trainings)	
TOTAL	23 Presentations	1485 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)	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)	49	215
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)	11	49
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")	9	53
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)	14	76
University of Hawaii-Hilo (UOHH)	2	2
University of Hawaii-Manoa (UOHM)	14	108
University of Hawaii-System (UOH)	4	40
University of Hawaii-West Oahu (UOHW)	10	59
Total Employee Certificate of Completions Issued	288	1980
Board and Commission	2021 Total	Overall Total
Board of Agriculture	1	1
Board of Education	7	7
Board of Electricians and Plumbers	1	1
Boxing Commission	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	2	2
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")	12	12
Soil and Water Conservation District Boards	2	2
University of Hawai'i Board of Regents	2	2
Total Board and Commission Certificate of Completions Issued	38	38
Total Certificate of Completions Issued	326	2018

As of August 26, 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	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	35					326
# of Training Webinars	8	0	0	2	2	1	4	1					18
# of Participants in Training Webinars	867	0	0	90	289	7	144	42					1439
Attorney of the Day	116	80	85	79	87	66	57	40					610
New assignments													
Advisory Opinion	0	0	1	1	0	0	0	0					2
Complaint	9	6	8	18	12	20	9	12					94
Gifts/Invitations/Travel	0	0	1	2	1	7	8	2					21
Guidance	0	0	1	3	2	2	1	2					11
Judicial Selection Comm'n	3	2	2	4	2	4	1	1					19
Training Request	0	0	0	0	0	0	0	0					0
Record Request	1	0	0	1	0	0	2	0					4
Project/Other	3	1	1	1	2	1	1	1					11
Total	16	9	14	30	19	34	22	18	0	0	0	0	162
Closed Assignments													
Advisory Opinion	1	0	0	0	0	2	0	0					3
Complaint	8	6	18	14	17	16	10	9					98
Gifts/Invitations/Travel	0	0	0	2	2	7	5	4					20
Guidance	0	0	0	2	2	0	0	3					7
Judicial Selection Comm'n	0	6	2	2	4	4	1	1					20
Training Request	0	0	0	0	0	0	0	0					0
Record Request	1	1	0	1	0	0	2	0					5
Project/Other	4	3	1	3	1	1	1	1					15
Total	14	16	21	24	26	30	19	18	0	0	0	0	168
Anti-Fraud	4	1	1	4	2	4	5	3					24

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)

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 V

DISCUSSION OF THE APPLICATION AND HIRING PROCESS FOR THE
EXECUTIVE DIRECTOR OF THE HAWAI'I STATE ETHICS COMMISSION

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.

- Attachment 1: Application Packet Cover Sheet
- Attachment 2: Application Information Revised 2021
- Attachment 3: Position Description – ED revised 2017 (approved by Commission)
- Attachment 4: Application Form Revised 2021
- Attachment 5: Authorization to Release Information



HAWAI'I STATE ETHICS COMMISSION

State of Hawai'i · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawai'i 96813

~~MAY 2016~~ SEPTEMBER 2021

APPLICATION PACKET FOR EXECUTIVE DIRECTOR POSITION

1. Application Information for Executive Director Position
2. Position Description for Executive Director
3. Application for Employment for Executive Director Position
4. Authorization to Release Information



HAWAI‘I STATE ETHICS COMMISSION

State of Hawai‘i · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawai‘i 96813

~~MAY 2016~~ SEPTEMBER 2021

APPLICATION INFORMATION FOR EXECUTIVE DIRECTOR POSITION

The Hawai‘i State Ethics Commission (“Commission”) is accepting applications for the position of Executive Director. Interested applicants should review the following information about the position and the requirements for submitting an application.

Position. Full-time exempt position. Pursuant to Hawai‘i Revised Statutes § 84-35, the Executive Director serves at the pleasure of the Commission.

Summary of Duties. The Executive Director functions as the administrator and chief legal counsel for the Commission. The Executive Director oversees the administration and enforcement of the State Ethics Code (Chapter 84, Hawai‘i Revised Statutes) and the Lobbyists Law (Chapter 97, Hawai‘i Revised Statutes); coordinates monthly Commission meetings; directs the administration and management of the Commission’s office and staff; and provides overall leadership in guiding all aspects of the Commission’s programs and activities. For additional information about the duties and responsibilities of this position, see the Executive Director Position Description.

Minimum qualifications. 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.

Desirable Experience and Abilities. Ten years experience in the practice of law. The successful candidate will have experience managing an office and supervising attorneys and clerical staff. Preferred experience in administrative law, including contested case hearings, and governmental ethics. Experience developing and overseeing a budget, and knowledge of fiscal operations. Knowledge of state government, including the legislative process. Must demonstrate personal integrity and a commitment to public service and to maintaining high ethical standards. Must demonstrate strong communication and interpersonal skills and exceptional leadership skills.

Citizenship and Residence. Pursuant to Hawai‘i Revised Statutes § 78-1(c), applicants for state employment 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 and as a condition of eligibility for continued employment.

Page 1 of 2

Telephone: (808) 587-0460 Email: ethics@hawaiiethics.org Website: <http://ethics.hawaii.gov/>

Prohibited Activities. Pursuant to Hawai'i Revised Statutes § 84-35.5, the Executive Director shall not take an active part in political management or in political campaigns during the individual's employment.

Salary and Benefits. The current salary is \$~~154,812~~~~138,935~~. State employment benefits include vacation, sick, and family leave benefits, health care (medical, drug, chiropractic, vision, and dental) and life insurance benefits, and retirement benefits (including a deferred compensation plan).

Application Requirements. Applicants must submit the following:

1. Application for Employment.
2. Resumé.
3. Brief statement explaining why you want to be the Executive Director of the Hawai'i State Ethics Commission and why you believe you can make a positive contribution if you are selected for this position. Include a discussion of any experience with, or knowledge that you have of, governmental ethics.
4. Legal writing sample. (It must be a sample of your own written work only, unedited by anyone else.)
5. Two letters of reference attesting to your management style and experience, as well as your communication and interpersonal skills. Include contact information (address, phone number, e-mail) for references.
6. Authorization to Release Information.

Application Submission. Applications, including all required application materials, may be submitted as follows:

By U.S. mail or personal delivery: 1001 Bishop Street, American Savings Bank Tower, Suite 970, Honolulu, Hawai'i 96813

By e-mail: ethics@hawaiiethics.org (Note: E-mail submissions must include applicant's signatures on both the Application for Employment and on the Authorization to Release Information.)

Application Deadline. Applications, including all required application materials, must be received by ~~May-September 31st, 2016~~2021.

Confidentiality. Applications will be kept confidential to the extent permitted by law.

Inquiries or Additional Information. Contact the Hawai'i State Ethics Commission at (808) 587-0460. For additional information about the Commission, visit our website at <http://ethics.hawaii.gov>



HAWAI'I STATE ETHICS COMMISSION

State of Hawai'i · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawai'i 96813

~~June-September 2017~~2021

POSITION DESCRIPTION FOR EXECUTIVE DIRECTOR

I. INTRODUCTION

The Hawai'i State Ethics Commission ("Commission") administers a code of ethics for public officers and employees of the State as mandated by Article XIV of the Hawai'i State Constitution. The Commission administers and enforces Chapters 84 and 97, Hawai'i 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; develops and 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 Hawai'i, the League of Women Voters of Hawai'i, 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~~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. ~~Develops~~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 Hawai'i 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.



HAWAI‘I STATE ETHICS COMMISSION

State of Hawai‘i · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawai‘i 96813

APPLICATION FOR EMPLOYMENT FOR EXECUTIVE DIRECTOR POSITION

1. Name (First, Middle, Last): _____

Mailing Address: _____

Phone: (_____) _____

E-mail: _____

2. Are you a member in good standing of the Hawai‘i State Bar?

Yes No

Hawai‘i Bar Admission Date: _____ Bar No.:

Other bars to which you are admitted and dates of admission:

Number of years in the active practice of law:

3. Check the appropriate block below:

Citizen of the U.S.

National of the U.S.

Permanent Resident Alien of the U.S.

Eligible Under Federal Law for Unrestricted Employment in the U.S.

4. Are you a resident of the State of Hawai'i?

Yes No

If No, do you understand that you must become a resident of the State of Hawai'i within 30 days after beginning employment and as a condition of eligibility for continued employment?

Yes No

5. Have any disciplinary complaints been filed against you, including any matters that have been addressed to, or are pending before, the Office of Disciplinary Counsel in any state or jurisdiction?

Yes No

If Yes, provide a complete explanation (including applicable dates and disposition). If necessary, attach an additional sheet.

6. Have you ever been admonished or disciplined for:

- (a) A breach of the Code of Professional Responsibility;
- (b) A breach of the Guidelines of Professional Courtesy and Civility for Hawai'i Lawyers;
- (c) Professional misconduct; or
- (d) Professional negligence?

Yes No

If Yes, provide a complete explanation (including applicable dates and disposition). If necessary, attach an additional sheet.

7. Within the past five years, were you dismissed from or asked to resign from employment?

Yes No

If Yes, indicate the date and reasons for your dismissal or resignation from employment, and provide the name and address of the employer. If necessary, attach an additional sheet.

8. Have you ever been a party to a civil lawsuit, excluding paternity or divorce proceedings?

Yes No

If Yes, provide an explanation (including applicable dates and disposition). If necessary, attach an additional sheet.

9. Have you been convicted of a felony or misdemeanor? You do not need to report: (1) Arrests not followed by convictions; or (2) Convictions which were annulled or expunged.

Yes No

If Yes, indicate the date and provide a complete explanation. If necessary, attach an additional sheet.

10. Have you ever been convicted of any act, attempt, or conspiracy to overthrow the state or the federal government by force or violence?

Yes No

11. Within the past three years, have you been convicted of any offense related to controlled substances or alcohol?

Yes No

If Yes, provide a complete explanation (including applicable dates and disposition). If necessary, attach an additional sheet.

12. Have you had any delinquent tax assessments filed against you, or any legal entity in which you hold a controlling interest, by the State Tax Department or the Internal Revenue Service?

Yes No

If Yes, provide a complete explanation (including applicable dates and disposition). If necessary, attach an additional sheet.

13. Have you filed all federal, state, and local tax returns that are now due and are all payments of taxes current?

Yes No

If No, please provide a complete explanation. If necessary, attach an additional sheet.

14. May we contact your present employer(s)? Yes No

May we contact your former employer(s)? Yes No

15. Attach to your application form the following:

- a. Your resumé showing the following: (1) All colleges or universities attended, the dates of attendance, and diplomas or degrees earned; (2) All professional employment positions held, a description of your major responsibilities in each position, and the dates of employment for each position, accounting for periods in which you were not employed; and (3) Anything else you deem relevant to your application.
- b. A brief statement explaining why you want to be the Executive Director of the Hawai'i State Ethics Commission and why you believe you can make a positive contribution if you are selected for this position. Include a discussion of any experience with, or knowledge that you have of, governmental ethics.
- c. A legal writing sample. (It must be a sample of your own written work only, unedited by anyone else.)
- d. Two letters of reference attesting to your management style and experience, as well as your communication and interpersonal skills. Include contact information (address, phone number, e-mail) for references.
- e. Authorization to Release Information (completed and signed).

I CERTIFY AND AFFIRM THAT ALL STATEMENTS IN THIS APPLICATION AND IN ALL MATERIALS SUBMITTED AS PART OF MY APPLICATION TO THE HAWAII STATE ETHICS COMMISSION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE, COMPLETE, AND CORRECT.

Signature: _____ Date: _____

Authorization to Release Information

To Whom It May Concern:

In connection with the background investigation being conducted by the Hawai'i State Ethics Commission, I hereby authorize any authorized representative of the Hawai'i State Ethics Commission bearing this release, or copy thereof, within one year of its date, to obtain any information in your files pertaining to my State Bar, grievance records, employment, military, or education records including, but not limited to, academic, achievement, attendance, personal history, work history, and disciplinary records. I hereby direct you to release such information upon request of the bearer. This release is executed with full knowledge and understanding that the information will be used in connection with the consideration of my employment by the Hawai'i State Ethics Commission and will be disseminated to those individuals or agencies directly involved in this determination. I hereby release you, as the custodian of such records, and any school, college, university, or other educational institution, including its officers, employees, or related personnel, both individually and collectively, from any and all liability for damages of whatever kind, which may at time result to me, my heirs, family or associates because of compliance with this authorization and request to release information, or any attempt to comply with it.

Should there be any question as to the validity of this release, you may contact me as indicated below.

Full Name: _____
(Signature)

Full Name: _____
(Type or print)

Date: _____

Current Address: _____

Telephone Numbers: Home: _____ Business: _____ Cell: _____

Bar Membership(s): State _____ Bar Number _____

SUNSHINE LAW MEETING
AGENDA ITEM VI

CONSIDERATION OF MEETING SCHEDULE FOR REMAINDER OF 2021

Attachment 1: 2021 Meeting Schedule

Attachment 2: 2021 Meeting Calendar



HAWAI'I STATE ETHICS COMMISSION

State of Hawai'i · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawai'i 96813

HAWAII STATE ETHICS COMMISSION MEETING SCHEDULE FOR 2021

Thursday	January 21	
Thursday	February 18	
Thursday	March 18	
Thursday	April 15	
Thursday	May 20	
Thursday	June 17	
Thursday	July 15	
Thursday	August 19	
Thursday	September 16	Rescheduled to Friday September 3
Thursday	October 21	Rescheduled to Wednesday October 20
Thursday	November 18	Rescheduled to Wednesday November 17
Thursday	December 16	Rescheduled to Wednesday December 15

All meetings begin at 9:00 a.m. HST.

2021 Meeting Calendar

January						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	MTG FLDR	16
17	18	19	20	MTG	22	23
24	25	26	27	28	29	30
31						

February						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	MTG FLDR	13
14	15	16	17	MTG	19	20
21	22	23	24	25	26	27
28						

March						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	MTG FLDR	13
14	15	16	17	MTG	19	20
21	22	23	24	25	26	27
28	29	30	31			

April						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	MTG FLDR	10
11	12	13	14	MTG	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	MTG FLDR	15
16	17	18	19	MTG	21	22
23	24	25	26	27	28	29
30	31					

June						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	MTG FLDR	11	12
13	14	15	16	MTG	18	19
20	21	22	23	24	25	26
27	28	29	30			

July						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	MTG FLDR	10
11	12	13	14	MTG	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	MTG FLDR	14
15	16	17	18	MTG	20	21
22	23	24	25	MTG FLDR	27	28
29	30	31				

September						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	MTG	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

October						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	MTG FLDR	15	16
17	18	19	MTG	21	22	23
24	25	26	27	28	29	30
31						

November						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	MTG FLDR	11	12	13
14	15	16	MTG	18	19	20
21	22	23	24	25	26	27
28	29	30				

December						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	MTG FLDR	10	11
12	13	14	MTG	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

State of Hawaii Holidays

Jan 1	New Year's Day	May 31	Memorial Day	Sep 6	Labor Day
Jan 18	Martin Luther King Day	Jun 11	King Kamehameha Day	Nov 11	Veterans Day
Feb 15	Presidents' Day	Jul 4	Independence Day	Nov 25	Thanksgiving Day
Mar 26	Prince Kuhio Day	Jul 5	Independence Day (obs.)	Dec 24	Christmas Day (obs.)
Apr 2	Good Friday	Aug 20	Statehood Day	Dec 25	Christmas Day
				Dec 31	New Year's Day (obs.)