

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: October 15, 2021

Time: 8:30 a.m.

Location: Via Videoconference or Phone:

Videoconference: [Join Zoom Meeting](#)

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

Meeting ID: 819 8976 3560

Passcode: 799874

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 September 3, 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, and/or 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.

II. Consideration and Approval of the Minutes of the September 3, 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 – August 2021, September 2021

Attachment 3: 2021 Guidance and Assignment Statistics / Website Traffic

3. Financial Report for FY 2021-2022 (July 1, 2021 – September 30, 2021)

Attachment 4: Q1 Financial Report FY 2021-2022

4. Update regarding 2021 Financial Disclosure filings

5. September issue of *The High Road*

Attachment 5: The High Road Issue 2021-3

6. COGEL Conference

7. 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. Initial Review of Applicants for the Position of Executive Director and General Counsel; Consideration and Approval of Interview Questions

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. 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
SEPTEMBER 3, 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, and/or section 92-5(a)(4) to consult with the Commission's attorneys on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

Attachment 1: Sunshine Law Meeting Minutes of the September 3, 2021
 Hawai'i State Ethics Commission Executive Session Meeting

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

SUNSHINE LAW MEETING
AGENDA ITEM II

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE
SEPTEMBER 3, 2021 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the September 3, 2021
Hawai'i State Ethics Commission Meeting

SUNSHINE LAW MEETING
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: September 3, 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. Graulty, 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)
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)
Susan Rhee, Lobbyist

CALL TO ORDER

Chair Wood called the meeting to order at 9:01 a.m. and confirmed that all Commissioners and staff were present.

Agenda Item No. I: Consideration and Approval of the Minutes of the August 19, 2021 Meeting

Vice Chair Fong made and Commissioner Graulty seconded a motion to approve the minutes of the August 19, 2021 Sunshine Meeting. The motion carried unanimously (Wood, Fong, Graulty, McCarthy, and Tobias voting).

1 **Agenda Item No. II: Consideration and Approval of the Minutes of the August 19,**
2 **2021 Executive Session Meeting**

3
4 Commissioner McCarthy made and Vice Chair Fong seconded a motion to
5 approve the minutes of the August 19, 2021 Executive Session Meeting. The motion
6 carried unanimously (Wood, Fong, Gaulty, McCarthy, and Tobias voting).
7

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

10 Executive Director Gluck presented updated guidance and assignment statistics
11 for the month of August. He stated that Commission staff are working with the
12 University of Hawai'i to put together a joint training on ethics and technology transfer
13 issues.
14

15 Regarding financial disclosure filings, Executive Director Gluck stated that there
16 were only three outstanding filers for the period ending May 31, 2021.
17

18 The Commissioners and staff discussed logistics for the upcoming COGEL
19 conference.
20

21 Vice Chair Fong asked whether COVID had influenced the number of complaints
22 the Commission had received. Executive Director Gluck stated that the Commission
23 received a record number of complaints in 2020 and that the Commission was on track
24 to set another record in 2021.
25

26
27 **Agenda Item No. IV: *Akana v. Hawaii State Ethics Commission and Daniel Gluck,***
28 **Civil No. 18-1-1019-06 (JHA); *Akana v. Hawaii State Ethics Commission, Civil No.***
29 **19-1-0379-03 (JHA); *State of Hawaii, Ethics Commission v. Rowena Akana, Civil***
30 **No. 20-1-0453 (BIA)**
31

32 There were no updates on these matters.
33
34

35 **Agenda Item No. V: Discussion of the Application and Hiring Process for the**
36 **Executive Director of the Hawai'i State Ethics Commission**
37

38 Vice Chair Fong asked whether the Commission was required to interview every
39 applicant. Executive Director Gluck stated that the Commission was not obligated to
40 interview every applicant.
41

42 Chair Wood then suggested that an executive session would be helpful.
43

44 Ms. Ma from Common Cause thanked Executive Director Gluck for being
45 transparent and setting a good tone in his service with the Ethics Commission; she
46 stated that she appreciated the good working relationship between Executive Director

1 Gluck and Common Cause. Executive Director Gluck thanked Ms. Ma for her
2 comments.

3
4 At approximately 9:24 a.m., Commissioner Gaulty made and Vice Chair Fong
5 seconded a motion to convene an Executive Session pursuant to Hawai'i Revised
6 Statutes section 92-5(a)(2) to discuss matters relating to the hire, evaluation, dismissal,
7 or discipline of an officer or employee. The motion carried unanimously (Wood, Gaulty,
8 Fong, McCarthy, and Tobias voting).

9
10 The Commission excused the members of the public from the meeting and met
11 in Executive Session.

12
13 **RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE**
14 **SESSION**

15
16 At approximately 10:29 a.m., Commissioner Gaulty made and Commissioner
17 Tobias seconded a motion to adjourn the Executive Session and return to the Sunshine
18 Law meeting. The motion carried unanimously (Wood, Gaulty, Fong, McCarthy, and
19 Tobias voting).

20
21 The Commission adjourned the Executive Session and returned to the Sunshine
22 Law meeting at approximately 10:29 a.m.

23
24
25 **Agenda Item No. VI: Consideration of Meeting Schedule for Remainder of 2021**

26
27 Chair Wood discussed that the Commission's regular meetings would be taking
28 place on October 15, November 17, and December 15. The other Commissioners
29 concurred.

30
31 **Agenda Item No. VII: Adjournment**

32
33 At approximately 10:31 a.m., Commissioner Gaulty made and Commissioner
34 McCarthy seconded a motion to adjourn the Sunshine Law Meeting. The motion carried
35 unanimously (Wood, Fong, Gaulty, McCarthy, and Tobias voting).

36
37 The meeting was adjourned at 10:31 a.m.

38
39
40 Minutes approved on ____.

SUNSHINE MEETING
AGENDA ITEM III

EXECUTIVE DIRECTOR'S REPORT
October 15, 2021

1. Education / Training Report

Attachment 1: 2021 Training Attendance / Schedule

Attachment 2: Online Training Completions by Department

2. Guidance and Assignment Statistics – September 2021

Attachment 3: 2021 Guidance and Assignment Statistics / Website Traffic

3. Financial Report for FY 2021-2022 (July 1, 2021 – September 30, 2021)

Attachment 4: Q1 Financial Report FY 2021-2022

4. Update regarding 2021 Financial Disclosure filings

5. September issue of *The High Road*

Attachment 5: The High Road Issue 2021-3

6. COGEL Conference

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, ATG, Zoom	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, Zoom	46
8/24/2021	General Ethics Training, DHS, CWS, Branch Leadership, Zoom	42

HAWAII STATE ETHICS COMMISSION

2021 EDUCATION PROGRAM

(Ethics Workshops and Presentations)

DATE	PRESENTATIONS	NUMBER OF PARTICIPANTS
10/5/2021	General Ethics Training, Zoom	
11/15/2021	Ethics for State Government Attorneys, ATG, Zoom	
TBD	General Ethics Training, UH, Zoom (4 trainings)	
TOTAL	24 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)	15	51
Department of Budget and Finance (B&F)	0	1
Department of Business, Economic Development and Tourism (DBEDT)	2	59
Department of Commerce and Consumer Affairs (DCCA)	0	47
Department of Defense (DOD)	0	72
Department of Education (DOE)	59	225
Department of Health (DOH)	37	229
Department of Human Resources Development (DHRD)	0	4
Department of Human Services (DHS)	4	204
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)	9	106
Department of Transportation (DOT)	67	277
Hawaii Health Systems Corporation (HHSC)	2	41
Hawaii State Public Library System (HSPLS)	0	1
Judiciary (JUD)	12	50
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")	12	56
Public Charter School (SPCSC)	11	18
Research Corporation of the University of Hawaii (RCUH)	3	9
Senate (SEN)	1	4
University of Hawaii-Community Colleges (UOHC)	15	77
University of Hawaii-Hilo (UOHH)	3	3
University of Hawaii-Manoa (UOHM)	16	110
University of Hawaii-System (UOH)	4	40
University of Hawaii-West Oahu (UOHW)	14	63
Total Employee Certificate of Completions Issued	353	2045

Board and Commission	2021 Total	Overall Total
Board of Agriculture	1	1
Board of Education	7	7
Board of Electricians and Plumbers	1	1
Board of Land and Natural Resources	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")	15	15
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	42	42

Total Certificate of Completions Issued **395** **2087**

As of October 1, 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	0	0				1
# of People Trained In Person	0	0	0	0	0	0	46	0	0				46
# of On-Line Trainings (Self-Directed)	85	41	51	20	34	19	41	51	53				395
# of Training Webinars	8	0	0	2	2	1	4	1	0				18
# of Participants in Training Webinars	867	0	0	90	289	7	144	42	0				1439
Attorney of the Day	116	80	85	79	87	66	57	50	46				666
New assignments													
Advisory Opinion	0	0	1	1	0	0	0	1	1				4
Complaint	9	6	8	18	12	20	9	13	6				101
Gifts/Invitations/Travel	0	0	1	2	1	7	8	2	9				30
Guidance	0	0	1	3	2	2	1	3	0				12
Judicial Selection Comm'n	3	2	2	4	2	4	1	1	3				22
Training Request	0	0	0	0	0	0	0	0	0				0
Record Request	1	0	0	1	0	0	2	0	1				5
Project/Other	3	1	1	1	2	1	1	2	3				15
Total	16	9	14	30	19	34	22	22	23	0	0	0	189
Closed Assignments													
Advisory Opinion	1	0	0	0	0	2	0	0	0				3
Complaint	8	6	18	14	17	16	10	14	12				115
Gifts/Invitations/Travel	0	0	0	2	2	7	5	5	9				30
Guidance	0	0	0	2	2	0	0	5	2				11
Judicial Selection Comm'n	0	6	2	2	4	4	1	1	3				23
Training Request	0	0	0	0	0	0	0	0	0				0
Record Request	1	1	0	1	0	0	2	0	1				6
Project/Other	4	3	1	3	1	1	1	2	3				19
Total	14	16	21	24	26	30	19	27	30	0	0	0	207
Anti-Fraud	4	1	1	4	2	4	5	3	3				27

HAWAII STATE ETHICS COMMISSION FINANCIAL REPORT
 FY 2022 (MONTH ENDING: September 30, 2021)
 Appropriation Symbol: G-22-393-Y6

	Amount Appropriated FY 2021-2022	Expenditures for Qtr. End 9/30/2021	Expenditures for Qtr. End 12/31/2021	Expenditures for Qtr. End 3/31/2022	Expenditures for Qtr. End 6/30/2022	Year-To-Date Expenditures Totals	% of Budget Expended
A. PERSONNEL SERVICES							
Staff Salaries	\$ 977,445.00	\$ 235,512.00	\$ 0.00	\$ 0.00	\$ 0.00	235,512.00	24.1%
Total Personnel Services	\$ 977,445.00	\$ 235,512.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 235,512.00	24.1%
B. OTHER CURRENT EXPENSES							
Office Expenses	10,913.00	3,588.70	0.00	0.00	0.00	3,588.70	32.9%
Intrastate Transportation and Travel	1,400.00	0.00	0.00	0.00	0.00	0.00	0.0%
Out-of-State Travel	0.00	-585.60	0.00	0.00	0.00	-585.60	0.0%
Equipment Rental and Maintenance	30,050.00	3,568.25	0.00	0.00	0.00	3,568.25	11.9%
Dues, Subscriptions, Training	9,510.00	1,067.23	0.00	0.00	0.00	1,067.23	11.2%
Newspaper Advertisements	500.00	35.00	0.00	0.00	0.00	35.00	7.0%
Comm'n Mtgs, Investigations, Hrgs	5,300.00	200.25	0.00	0.00	0.00	200.25	3.8%
Consulting Services	400.00	0.00	0.00	0.00	0.00	0.00	0.0%
Office Rent	116,936.00	10,611.70	0.00	0.00	0.00	10,611.70	9.1%
Total Other Current Expenses	\$ 175,009.00	\$ 18,485.53	\$ 0.00	\$ 0.00	\$ 0.00	\$ 18,485.53	10.6%
C. CAPITAL OUTLAY							
Office Furniture and Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.0%
Total Capital Outlay	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	0.0%
GRAND TOTAL (A+B+C)	\$ 1,152,454.00 ¹	\$ 253,997.53	\$ 0.00	\$ 0.00	\$ 0.00	\$ 253,997.53	22.0%

General Fund Allocation **\$ 1,152,454.00**
 Total Expenditures as of September 30, 2021 \$ 253,997.53
 Balance as of September 30, 2021 \$898,456.47

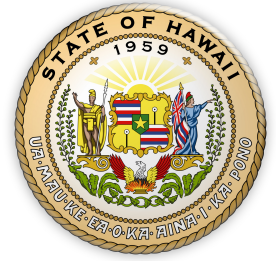
¹ \$1,152,454 awarded by Act 2, SLH 2021 - Appropriation 393.

HAWAII STATE ETHICS COMMISSION FINANCIAL REPORT
FY 2022 (QUARTER ENDING: September 30, 2021)
Appropriation Symbol: G-21-396-Y6

	Amount Appropriated FY 2021-2022	Expenditures for Qtr. End 9/30/2021	Expenditures for Qtr. End 12/31/2021	Expenditures for Qtr. End 3/31/2022	Expenditures for Qtr. End 6/30/2022	Year-To-Date Expenditures Totals	% of Budget Expended
A. ACCRUED VACATION/VACATION TRANSFERS							
Vacation Payout	\$ 16,553.00 ¹	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	0.0%
Total Accrued Vacation/Vacation Transfers	\$ 16,553.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	0.0%
GRAND TOTAL	\$ 16,553.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	0.0%

Appropriation for Accrued Vacation/Vacation Transfer Payments	\$ 16,553.00
Total Expenditures as of September 30, 2021.	\$ 0.00
Balance as of September 30, 2021	\$ 16,553.00

¹ Funds for accrued vacation and vacation transfer payments appropriated by Act 2, SLH 2021, for \$16,553.00.



ISSUE 2021-3 | SEPTEMBER 2021

THE HIGH ROAD

The High Road is a publication of the Hawai'i State Ethics Commission



"The people of Hawaii believe that public officers and employees must exhibit the highest standards of ethical conduct and that these standards come from the personal integrity of each individual in government."

— Hawai'i State Constitution Article XIV

State Ethics Commission Welcomes New Member Beverley Tobias

Governor Ige has appointed Beverley Tobias to the State Ethics Commission. Commissioner Tobias is the former Director of Occupational Health and Safety for Stanford Medical Center and the Lucile Packard Children's Hospital. She is also a retired Captain in the United States Army Nurse Corps, a Certified Occupational Health Nurse and a Fellow in the American Association of Occupational Health Nurses. She holds an Associate's Degree in Nursing from Belleville College, a Bachelor's Degree in Health Science from San Jose State University and a Master's Degree in Business Administration from Pepperdine University. She currently volunteers as an American Red Cross Master Trainer and Disaster Volunteer. Welcome, Commissioner Tobias!



Commissioners
Melinda Wood, Chair
Wesley Fong, Vice Chair
Reynard Gaulty
Harry McCarthy
Beverley Tobias

Executive Director
Daniel Gluck

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[@HawaiiEthics](https://twitter.com/HawaiiEthics)

Applications for State Ethics Commission Executive Director Now Being Accepted

The Hawai'i State Ethics Commission is now accepting applications for the position of Executive Director of the Commission. The Executive Director functions as the administrator and chief legal counsel for the Commission, overseeing the administration and enforcement of the State Ethics Code for state officials and the Lobbyists Law.

The Executive Director provides overall leadership in guiding all aspects of the Commission's programs and activities, which include: issuing advisory opinions to state officials about the ethics laws; investigating complaints of ethics violations; administering financial disclosure and gifts disclosure laws for state officials;

administering registration and reporting laws for lobbyists; and educating state officials about ethics in government.

Application information is available on the Commission's website at <https://ethics.hawaii.gov>. The application deadline is **October 6, 2021**.

Over 2,000 Employees Successfully Complete Ethics Online Training

Last January, the State Ethics Commission launched its ethics online training course for state employees. The 30-minute interactive program covers all the major ethics laws in the State Ethics Code. To date, over 2,000 employees have successfully completed the online course and received certificates of completion to verify their training.

Congratulations to the following state departments with the highest number of employees who completed the course: Department of Transportation, Department of Health, Department of Education and Department of Human Services.

For more information about the online course for employees (*Ethics for State Employees*), or to take the course, click here: <http://files.hawaii.gov/ethics/training/index.html>.

The Commission also offers a 30-minute online training course for state board members (*Ethics for State Board and Commission Members*). For more information or to take this course, click here: <http://files.hawaii.gov/ethics/training-bc/index.html>.



"The purpose of this chapter is to ... establish an ethics commission which will ... render advisory opinions and enforce the provisions of this law so that public confidence in public servants will be preserved."

Ethics Tips on What Not to Do

When it comes to ethics, what you don't do can be as important as what you do. Here are a few "don'ts" that will help you avoid ethics infractions:

1. Don't accept any gifts from vendors or contractors with your agency; someone involved in a contested case before your agency; or someone who is regulated by your agency.
2. Don't use state resources (state time, equipment, facilities or other state resources, such as state e-mail) for private business activities, private fundraising, or campaign activities. Don't "borrow" state equipment or machinery for personal use. And don't assume that misusing state property is ok just because other employees have done the same thing.
3. Don't enter into substantial financial transactions with a subordinate or with a person or business you supervise, oversee or inspect. For example, don't rent an apartment from a subordinate employee.
4. Don't take action as a state employee affecting a business (including a non-profit organization) if you or your spouse work for the business or serve as an officer or director for the business. For example, don't recommend that your agency purchase personal protective equipment from a vendor if your spouse works for that vendor.
5. Don't assist or represent anyone for pay on matters before your state agency or matters you have worked on as a state employee. For example, don't represent a business for pay in applying to your own state agency for a contract, license or permit.

Ethics in the Time of the Pandemic

The State Ethics Commission has made some adjustments to its office operations due to the COVID-19 pandemic, but this has not disrupted our services to state employees and the public. Here is an update on the services and resources that we continue to provide to promote ethics in state government.

Has the State Ethics Code been suspended during the pandemic? No. Although other state laws were suspended by the Governor's Emergency Proclamations during the pandemic, the State Ethics

Code has remained in effect throughout this time. The ethics laws continue to apply to all state officials and employees, and the Commission continues to administer and enforce those laws.

Is the State Ethics Commission continuing to meet during the pandemic? Yes. The Commission has continued its regular schedule of monthly meetings for Commission business. Commission meetings are now held via Zoom videoconference in compliance with the Sunshine Law. Commissioners and staff participate in meetings

remotely and members of the public may also attend meetings via videoconference or telephone. Anyone wishing to testify may do so during the meetings or may submit written testimony. The Commission's 2021 meeting schedule, agendas, meeting materials, minutes and video recordings of meetings are all posted on the Commission's website at <https://ethics.hawaii.gov>.

How do I obtain ethics advice or file an ethics complaint during the pandemic? Simply call or e-mail the Commission's office and an attorney of the day will be available to respond to your request or complaint.

Ethics in the Time of the Pandemic

(Continued from page 3)

Most requests for advice can be handled informally over the phone. For more information about how to get quick, confidential advice, click here:

<https://ethics.hawaii.gov/advice/#advice>. For information about how to make an ethics complaint and the Commission's complaint process, click here: <https://ethics.hawaii.gov/reportethicsviolation/>.

Am I still required to file a financial disclosure statement during the pandemic? Yes, if you have been notified by our office that you are required to file a financial disclosure statement, you must do so by the applicable filing deadline.

Financial disclosure statements must be filed using the Commission's electronic filing system. For information about how to file your form electronically click here:

<https://hawaiiethics.force.com/disclosures/s/>. If you need assistance, call or e-mail our office and we will be happy to help.

Are you still offering ethics training during the pandemic? Yes! We have continued to conduct ethics training for hundreds of state employees via Zoom. The 90-minute training sessions are led by the Commission's attorneys and participants are invited to post questions for the attorneys to address during each session. Our next **General Ethics Training** via Zoom will be held on **October 5, 2021**. You can register for this session here:

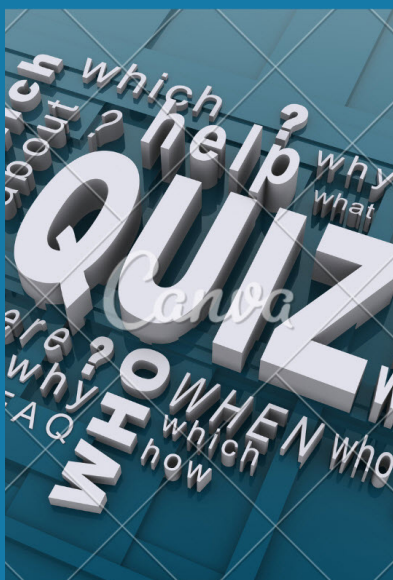
https://ethics.hawaii.gov/ethicstraining_schedule/.

Can't make the Zoom class? Employees are also encouraged to take the Commission's online ethics course (*Ethics for State Employees*), which covers the same basic information as our Zoom training in less time (about 30 minutes). The online course is especially useful to give new employees a quick introduction to the State Ethics Code.

What is the Commission's contact information?

Mailing Address:
1001 Bishop Street, Suite 970
Honolulu, HI 96813

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



QUESTION: Are state departments required to cooperate when the State Ethics Commission asks for assistance in the performance of its duties?

- A. No, because departments have enough to do already.
- B. Yes, unless it appears that someone in the department violated the Ethics Code.
- C. Yes, because departments have a duty to provide cooperation and assistance to the Commission.

ANSWER: C. The State Ethics Code provides that the Ethics Commission may request and shall receive every state agency's cooperation and assistance in the Commission's performance of its duties. Hawai'i Revised Statutes § 84-36.

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

INITIAL REVIEW OF APPLICANTS FOR THE POSITION OF EXECUTIVE DIRECTOR
AND GENERAL COUNSEL; CONSIDERATION AND APPROVAL OF INTERVIEW
QUESTIONS

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: Interview questions for Executive Director applicant
- Attachment 2: Desired qualities of State Ethics Commission Executive Director
- Attachment 3: Applicants*

**See Compilation of Indeed Applicants who did not meet minimum requirements or submit an application packet.*

<i>Opening Question</i>		
1.	9:05	What did you do to prepare for this interview?
<i>Management/Administrative Experience</i>		
2.	9:10	Please describe in detail your management style and how you would motivate and build a cohesive team?
3.	9:15	What is the largest number of staff you've directly supervised and how large was the budget you were responsible for?
4.	9:20	How would you handle a situation where you had to give difficult feedback to a member of your staff? What if you had to give difficult feedback to a member of this Commission?
5.	9:25	Describe a failure you were responsible for and what did you learn from the experience?
6.	9:30	As a lawyer or administrator, how do you generally deal with work-related stress?

7.	9:35	<p><i>Management/Administrative Experience (continued . . .)</i></p> <p>The Executive Director needs to juggle multiple priorities. How would you handle the following scenario?</p> <p>You are preparing to testify before the Senate Ways and Means Committee regarding the Commission's budget request for the next fiscal year.</p> <p>An hour before the budget hearing, you receive an irate phone call from one of the senators on the Committee, questioning ethics advice the senator received from one of your staff attorneys concerning what appeared to be a prohibited gift. The senator is offended that anyone would think he was influenced by accepting the gift and demands to meet with you as soon as possible.</p> <p>You also receive a call from KITV4 News, asking to interview you, on camera, after the budget hearing to talk about your priorities as the new Executive Director of the State Ethics Commission.</p>
<i>Legal/Litigation Experience</i>		
8.	9:40	<p>In your legal experience, have you ever had occasion to interrogate or question adverse witnesses either in fact-finding or in preparation for a hearing or trial? How many? What kind of guidance would you be able to provide in this area?</p>

9.	9:45	<p><i>Legal/Litigation Experience (continued . . .)</i></p> <p>If you are interpreting an ethics law and an opposing attorney has a different interpretation and both seem logical, how do you avoid a situation where the Commissioners side with opposing counsel? If Commissioners do side with opposing counsel, how would you react?</p> <p><u>Follow-up question:</u> If the Commissioners' decision is based on opposing counsel's analysis (notwithstanding your recommendation to the contrary) and the media calls you for a comment or explanation, how would you respond?</p>
<i>Technology</i>		
10.	9:50	<p>How would you rate your technical/computer skills right now, and what would you like to learn in terms of technological skills?</p>
<i>Developing/Building Relationships</i>		
11.	9:55	<p>How would you establish a collaborative relationship with Commission staff? With the Commission? With other state government officials? With the media?</p>

12.	10:00	<p><i>Developing/Building Relationships (continued . . .)</i></p> <p>As reported in the Star-Advertiser, the City Ethics Commission forbade its then-Executive Director from speaking to the media. What was your reaction to this? Why do you think this happened? How do you think such a situation could have been avoided?</p>
<i>Character</i>		
13.	10:05	Please tell use four words staff would use to describe you. What three or four <u>additional</u> words would you use to describe yourself?
14.	10:10	What are three positive traits you see in others that you either do not possess or are still working on developing?
<i>Personal/Professional Goals</i>		
15.	10:15	Where do you see yourself five years from now?
16.	10:20	What professional accomplishments would you like to achieve in the next five years?

Vision		
17.	10:25	If selected, what would your first three months as Executive Director look like? Specifically, what would your priorities be?
18.	10:30	What do you think the State Ethics Commission can do better or differently?
Closing Questions		
19.	10:35	What is the most important piece of information that you want us to consider about you in making our selection for the Executive Director's position?
20.	10:40	Do you have any questions for us?

Desired Qualities of State Ethics Commission Executive Director

Commissioners' List

1. High intelligence
2. Litigation experience
3. Administrative experience
4. Positive character traits and attitude
5. Ability to build relationships
6. Public speaking ability
7. Ability to listen
8. Familiarity with state government
9. Fair
10. Media savvy

Staff Attorneys' input:

1. Awareness of precedent
2. Ability and willingness to hear and consider different points of view; open minded
3. Ability to deal with people with courtesy and respect
4. Even tempered
5. Ability to work collaboratively with Commission
6. Ability to take direction from Commission
7. Ability to work collaboratively with legal, technical, clerical staff
8. Ability to manage and prioritize work based on availability of resources