

# 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: November 17, 2021

Time: 9:00 a.m.

Location: Via Videoconference or Phone:

Videoconference: [Join Zoom Meeting](#)

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

Meeting ID: 844 9744 2107

Passcode: 609968

*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 October 15, 2021 Meeting
- II. Consideration and Approval of the Minutes of the October 15, 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.

- III. Consideration and Approval of the Minutes of the October 27, 2021 Meeting
- IV. Consideration and Approval of the Minutes of the October 27, 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.

- V. Consideration and Approval of the Minutes of the October 29, 2021 Meeting
- VI. Consideration and Approval of the Minutes of the October 29, 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.

VII. Consideration and Approval of the Minutes of the November 1, 2021 Meeting

VIII. Consideration and Approval of the Minutes of the November 1, 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.

IX. 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 – October 2021

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

3. COGEL Conference

4. Miscellaneous Office Projects / Updates

X. Update regarding hiring of Executive Director and General Counsel

XI. Proposed Budget: 2022-2023

*Attachment 1: Proposed Budget FY2022-2023*

XII. Proposed Legislation

*Attachment 1: Proposed bill regarding mandatory ethics training*

- XIII. *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.

- XIV. 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

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

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

SUNSHINE LAW MEETING  
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: October 15, 2021

Time: 8:30 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. Gaulty, 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)  
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 8:35 a.m. and confirmed that all Commissioners and staff were present.

**Agenda Item No. I: Consideration and Approval of the Minutes of the September 3, 2021 Executive Session Meeting**

**Agenda Item No. II: Consideration and Approval of the Minutes of the September 3, 2021 Meeting**

Executive Director Gluck advised that the Commission make public the minutes of the September 3, 2021 Executive Session meeting, and that the Commission

1 approve one consolidated set of minutes for the September 3 meeting that includes the  
2 minutes from the Executive Session.

3  
4 Commissioner Grauly made and Vice Chair Fong seconded a motion to approve  
5 the consolidated minutes of the September 3, 2021 meeting, including minutes of the  
6 discussions held during Executive Session. The motion carried unanimously (Wood,  
7 Fong, Grauly, McCarthy, and Tobias voting).

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

11  
12 Executive Director Gluck stated that Staff Attorney Campbell was working with  
13 University of Hawai'i personnel to present a joint training on ethics and technology  
14 transfer.

15  
16 Regarding the financial report, Executive Director Gluck stated that the office has  
17 reduced expenditures to comply with COVID-related budget cuts and that the office was  
18 within budget.

19  
20 Regarding financial disclosure filings, Executive Director Gluck stated that  
21 everyone who had been required to file a financial disclosure statement by May 31,  
22 2021, had now done so. The Commissioners commended the staff for this  
23 accomplishment.

24  
25 Regarding *The High Road*, Executive Director Gluck stated that staff had  
26 updated the design of the newsletter and that Associate Director Yoza continues to  
27 produce most of the high-quality content.

28  
29 Executive Director Gluck stated that the COGEL conference would be held  
30 virtually, rather than in person, and asked whether any commissioners would like to  
31 attend. The Commission discussed the conference with staff; several commissioners  
32 stated that they would consider whether to attend, but no decisions were made.

33  
34 Sandy Ma of Common Cause asked whether there would be a training for  
35 lobbyists. Executive Director Gluck stated that he did not know when the training would  
36 be held but that it would likely occur in December or January.

37  
38 Ms. Ma then asked whether there are set standards for the waiver of penalties for  
39 late filing of financial disclosure filings. Executive Director Gluck stated that the  
40 standards are set forth in the administrative rules and that he would follow up with her  
41 after the meeting.

42  
43  
44 **Agenda Item No. IV: *Akana v. Hawaii State Ethics Commission and Daniel Gluck*,  
45 *Civil No. 18-1-1019-06 (JHA)*; *Akana v. Hawaii State Ethics Commission*, *Civil No.*  
46 *19-1-0379-03 (JHA)*; *State of Hawaii, Ethics Commission v. Rowena Akana*, *Civil*  
47 *No. 20-1-0453 (BIA)***

1  
2 The Commission deferred discussion of this item until after discussion on  
3 Agenda Item V. After that discussion, Executive Director Gluck stated that he had no  
4 updates on Agenda Item IV.  
5  
6

7 **Agenda Item No. V: Initial Review of Applicants for the Position of Executive**  
8 **Director and General Counsel; Consideration and Approval of Interview**  
9 **Questions**  
10

11 Chair Wood then suggested that an executive session would be in order to  
12 discuss the review of applicants for the position of Executive Director.  
13

14 **RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE**  
15 **SESSION**  
16

17 At approximately 8:55 a.m., Commissioner Gaulty made and Vice Chair Fong  
18 seconded a motion to convene an Executive Session pursuant to Hawai'i Revised  
19 Statutes section 92-5(a)(2) to discuss matters relating to the hire, evaluation, dismissal,  
20 or discipline of an officer or employee. The motion carried unanimously (Wood, Fong,  
21 Gaulty, McCarthy, and Tobias voting).  
22

23 The Commission excused the member of the public and met in Executive  
24 Session.  
25

26 Commissioner Gaulty left the meeting during the Executive Session, prior to the  
27 vote to adjourn the Executive Session.  
28

29 **ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW**  
30 **MEETING**  
31

32 At approximately 9:37 a.m., Commissioner Tobias made and Commissioner  
33 McCarthy seconded a motion to adjourn the Executive Session and return to the  
34 Sunshine Law meeting. The motion carried unanimously (Wood, Fong, McCarthy, and  
35 Tobias voting).  
36

37 The Commission adjourned the Executive Session and returned to the Sunshine  
38 Law meeting at approximately 9:38 a.m. There were no members of the public in the  
39 Zoom waiting room.  
40

41 Chair Wood stated that, for upcoming interviews, the Commission would use the  
42 draft questions prepared by staff as guidance, but that Commissioners would be free to  
43 ask follow up questions as necessary. Chair Wood asked whether any members of the  
44 public wished to testify regarding the interview questions, but no members of the public  
45 did so.  
46

1   **ADJOURNMENT OF SUNSHINE LAW MEETING**

2  
3           At approximately 9:45 a.m., Commissioner McCarthy made and Vice Chair Fong  
4   seconded a motion to adjourn the Sunshine Law Meeting. The motion carried  
5   unanimously (Wood, Fong, McCarthy, and Tobias voting).  
6

7           The meeting was adjourned at 9:45 a.m.  
8

9  
10   Minutes approved on \_\_\_\_\_.

SUNSHINE LAW MEETING  
AGENDA ITEM II

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE  
OCTOBER 15, 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 October 15, 2021  
                              Hawai'i State Ethics Commission Executive Session Meeting

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

SUNSHINE LAW MEETING  
AGENDA ITEM III

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE  
OCTOBER 27, 2021 MEETING

Attachment 1:       Sunshine Law Meeting Minutes of the October 27, 2021  
                              Hawai'i State Ethics Commission Meeting

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

STATE OF HAWAI'I

Date: October 27, 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. Gaulty, 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)  
Patrick Lui, Computer Specialist (via audio conference)

Guests

Sandy Ma, Executive Director, Common Cause Hawai'i (via video conference)  
(Another member of the public was present but did not identify themselves)

**CALL TO ORDER**

Vice Chair Wood called the meeting to order at 9:06 a.m. and confirmed that all Commissioners and staff were present.

**Agenda Item No. I: Discussion of Matters Relating to the Hire of a New Executive Director and General Counsel, Including Applicants for the Position and Interviews to be Conducted by the Commission.**

The Commissioners held a lengthy discussion regarding the list of questions to ask the interviewees and the procedure for asking the questions.

The Commissioners reached consensus that they would follow the prepared list of twenty questions, in order, but that Commissioners could modify the questions and/or add extra questions after the first twenty had been completed.

1 Sandy Ma from Common Cause asked about the timing and process for the  
2 Executive Director hiring, and Executive Director Gluck discussed the upcoming  
3 meetings.  
4

5 Chair Wood then suggested that an executive session would be in order to  
6 discuss the review of applicants for the position of Executive Director.  
7

8 **RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE**  
9 **SESSION**

10  
11 At approximately 9:40 a.m., Commissioner Tobias made and Commissioner  
12 Gaulty seconded a motion to convene an Executive Session pursuant to Hawai'i  
13 Revised Statutes section 92-5(a)(2) to discuss matters relating to the hire, evaluation,  
14 dismissal, or discipline of an officer or employee, and section 92-5(a)(4) to consult with  
15 the Commission's attorneys on questions and issues pertaining to the Commission's  
16 powers, duties, privileges, immunities, and liabilities. The motion carried unanimously  
17 (Wood, Fong, Gaulty, McCarthy, and Tobias voting).  
18

19 The Commission excused the members of the public and met in Executive  
20 Session.  
21  
22

23 **ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW**  
24 **MEETING**

25  
26 At approximately 10:30 a.m., Commissioner Tobias made and Commissioner  
27 Gaulty seconded a motion to adjourn the Executive Session and return to the Sunshine  
28 Law meeting. The motion carried unanimously (Wood, Fong, Gaulty, McCarthy, and  
29 Tobias voting).  
30

31 The Commission adjourned the Executive Session and returned to the Sunshine  
32 Law meeting at approximately 10:30 a.m. There were no members of the public in the  
33 Zoom waiting room.  
34

35 **ADJOURNMENT OF SUNSHINE LAW MEETING**

36  
37 At approximately 10:31 a.m., Commissioner Gaulty made and Commissioner  
38 Tobias seconded a motion to adjourn the Sunshine Law Meeting. The motion carried  
39 unanimously (Wood, Fong, Gaulty, McCarthy, and Tobias voting).  
40

41 The meeting was adjourned at 10:31 a.m.  
42  
43

44 Minutes approved on \_\_\_\_\_.

SUNSHINE LAW MEETING  
AGENDA ITEM IV

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE  
OCTOBER 27, 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 October 27, 2021  
                              Hawai'i State Ethics Commission Executive Session Meeting

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

SUNSHINE LAW MEETING  
AGENDA ITEM V

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE  
OCTOBER 29, 2021 MEETING

Attachment 1:       Sunshine Law Meeting Minutes of the October 29, 2021  
                             Hawai'i State Ethics Commission Meeting

SUNSHINE LAW MEETING  
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: October 29, 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. Gaulty, 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)  
Patrick Lui, Computer Specialist (via audio conference)

**CALL TO ORDER**

Vice Chair Wood called the meeting to order at 9:18 a.m. and confirmed that all Commissioners and staff were present. No members of the public were present.

**Agenda Item No. I: Consideration of Matters Relating to the Hire of a New Executive Director and General Counsel**

Chair Wood suggested that an executive session would be in order to interview applicants for the position of Executive Director.

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

At approximately 9:21 a.m., Commissioner Tobias made and Commissioner McCarthy seconded a motion to convene an Executive Session pursuant to Hawaii Revised Statutes section 92-5(a)(2) to discuss matters relating to the hire, evaluation, dismissal, or discipline of an officer or employee, and section 92-5(a)(4) to consult with the Commission's attorneys on questions and issues pertaining to the Commission's

1 powers, duties, privileges, immunities, and liabilities. The motion carried unanimously  
2 (Wood, Fong, Gaulty, McCarthy, and Tobias voting).  
3

4 The Commission excused Executive Director Gluck and Associate Director Yoza  
5 and met in Executive Session.  
6

7 Chair Wood recessed the Executive Session meeting at approximately 10:42  
8 a.m. and reconvened at approximately 11:15 a.m. Chair Wood again recessed the  
9 Executive Session meeting at approximately 12:26 p.m. and reconvened at  
10 approximately 3:30 p.m.  
11

## 12 **ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW** 13 **MEETING** 14

15 At approximately 4:40 p.m., Commissioner Tobias made and Commissioner  
16 McCarthy seconded a motion to adjourn the Executive Session and return to the  
17 Sunshine Law meeting. The motion carried unanimously (Wood, Fong, Gaulty,  
18 McCarthy, and Tobias voting).  
19

20 The Commission adjourned the Executive Session and returned to the Sunshine  
21 Law meeting at approximately 4:40 p.m. There were no members of the public in the  
22 Zoom waiting room. Executive Director Gluck and Associate Director Yoza returned to  
23 the meeting.  
24

## 25 **ADJOURNMENT OF SUNSHINE LAW MEETING** 26

27 At approximately 4:43 p.m., Commissioner McCarthy made and Vice Chair Fong  
28 seconded a motion to adjourn the Sunshine Law Meeting. The motion carried  
29 unanimously (Wood, Fong, Gaulty, McCarthy, and Tobias voting).  
30

31 The meeting was adjourned at 4:44 p.m.  
32

33  
34 Minutes approved on \_\_\_\_\_.

SUNSHINE LAW MEETING  
AGENDA ITEM VI

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE  
OCTOBER 29, 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 October 29, 2021  
                              Hawai'i State Ethics Commission Executive Session Meeting

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

SUNSHINE LAW MEETING  
AGENDA ITEM VII

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE  
NOVEMBER 1, 2021 MEETING

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

SUNSHINE LAW MEETING  
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: November 1, 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. Gaulty, 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)  
Patrick Lui, Computer Specialist (via audio 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. No members of the public were present.

The Chair briefly recessed the meeting to address some technological problems with the Zoom connection, then reconvened the meeting.

**Agenda Item No. I: Consideration of Matters Relating to the Hire of a New Executive Director and General Counsel**

Chair Wood suggested that an executive session would be in order to deliberate on the selection of the Executive Director.

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

At approximately 9:11 a.m., Commissioner Gaulty made and Commissioner Tobias seconded a motion to convene an Executive Session pursuant to Hawai'i Revised Statutes section 92-5(a)(2) to discuss matters relating to the hire, evaluation,

1 dismissal, or discipline of an officer or employee, and section 92-5(a)(4) to consult with  
2 the Commission's attorneys on questions and issues pertaining to the Commission's  
3 powers, duties, privileges, immunities, and liabilities. The motion carried unanimously  
4 (Wood, Fong, Gaulty, McCarthy, and Tobias voting).

5  
6 The Commission excused Executive Director Gluck and Associate Director Yoza  
7 and met in Executive Session.

8  
9 At approximately 10:19 a.m., Executive Director Gluck and Associate Director  
10 Yoza returned to the meeting.

11  
12 **ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW**  
13 **MEETING**

14  
15 At approximately 10:23 a.m., Vice Chair Fong made and Commissioner Gaulty  
16 seconded a motion to adjourn the Executive Session and return to the Sunshine Law  
17 meeting. The motion carried unanimously (Wood, Fong, Gaulty, McCarthy, and Tobias  
18 voting).

19  
20 The Commission adjourned the Executive Session and returned to the Sunshine  
21 Law meeting at approximately 10:24 a.m. There were no members of the public in the  
22 Zoom waiting room.

23  
24 **ADJOURNMENT OF SUNSHINE LAW MEETING**

25  
26 At approximately 10:24 a.m., Vice Chair Fong made and Commissioner Gaulty  
27 seconded a motion to adjourn the Sunshine Law Meeting. The motion carried  
28 unanimously (Wood, Fong, Gaulty, McCarthy, and Tobias voting).

29  
30 The meeting was adjourned at 10:25 a.m.

31  
32  
33 Minutes approved on \_\_\_\_\_.

SUNSHINE LAW MEETING  
AGENDA ITEM VIII

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE  
NOVEMBER 1, 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 November 1, 2021  
                                  Hawai'i State Ethics Commission Executive Session Meeting

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

SUNSHINE MEETING  
AGENDA ITEM IX

EXECUTIVE DIRECTOR'S REPORT  
November 17, 2021

**1. Education / Training Report**

*Attachment 1: 2021 Training Attendance / Schedule*

*Attachment 2: Online Training Completions by Department*

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

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

**3. COGEL Conference**

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

**HAWAII STATE ETHICS COMMISSION**

**2021 EDUCATION PROGRAM**

**(Ethics Workshops and Presentations)**

<b>DATE</b>	<b>PRESENTATIONS</b>	<b>NUMBER OF PARTICIPANTS</b>
10/5/2021	General Ethics Training, Zoom	105
10/28/2021	General Ethics Training, UH Tech Transfer, Zoom	18
11/15/2021	Ethics for State Government Attorneys, ATG, HIDTA Restaurant Row	
12/3/2021	General Ethics Training, UH Center on Disability Studies, Zoom	
<b>TOTAL</b>	<b>23 Presentations</b>	<b>1608 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)	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)	1	73
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)	5	70
Department of Public Safety (DPS)	5	44
Department of Taxation (TAX)	0	1
Department of the Attorney General (ATG)	10	107
Department of Transportation (DOT)	69	279
Hawaii Health Systems Corporation (HHSC)	2	41
Hawaii State Public Library System (HSPLS)	0	1
Judiciary (JUD)	12	50
Office of Hawaiian Affairs (OHA)	55	60
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)	17	111
University of Hawaii-System (UOH)	5	41
University of Hawaii-West Oahu (UOHW)	14	63
<b>Total Employee Certificates of Completion Issued</b>	<b>361</b>	<b>2053</b>
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")	16	16
Soil and Water Conservation District Boards	2	2
University of Hawai'i Board of Regents	2	2
<b>Total Board and Commission Certificates of Completion Issued</b>	<b>43</b>	<b>43</b>
<b>Total Certificates of Completion Issued</b>	<b>404</b>	<b>2096</b>

As of November 4, 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	0	0	0			1
# of People Trained In Person	0	0	0	0	0	0	46	0	0	0			46
# of On-Line Trainings (Self-Directed)	85	41	51	20	34	19	41	51	53	8	1		404
# of Training Webinars	8	0	0	2	2	1	4	1	0	2			20
# of Participants in Training Webinars	867	0	0	90	289	7	144	42	0	123			1562
<b>Attorney of the Day</b>	116	80	85	79	87	66	57	50	46	60			726
<b>New assignments</b>													
Advisory Opinion	0	0	1	1	0	0	0	1	1	1			5
Complaint	9	6	8	18	12	20	9	13	6	6			107
Gifts/Invitations/Travel	0	0	1	2	1	7	8	2	9	11			41
Guidance	0	0	1	3	2	2	1	3	0	3			15
Judicial Selection Comm'n	3	2	2	4	2	4	1	1	3	4			26
Training Request	0	0	0	0	0	0	0	0	0	0			0
Record Request	1	0	0	1	0	0	2	0	1	1			6
Project/Other	3	1	1	1	2	1	1	2	3	4			19
Total	16	9	14	30	19	34	22	22	23	30	0	0	219
<b>Closed Assignments</b>													
Advisory Opinion	1	0	0	0	0	2	0	0	0	0			3
Complaint	8	6	18	14	17	16	10	14	12	5			120
Gifts/Invitations/Travel	0	0	0	2	2	7	5	5	9	11			41
Guidance	0	0	0	2	2	0	0	5	2	2			13
Judicial Selection Comm'n	0	6	2	2	4	4	1	1	3	2			25
Training Request	0	0	0	0	0	0	0	0	0	0			0
Record Request	1	1	0	1	0	0	2	0	1	1			7
Project/Other	4	3	1	3	1	1	1	2	3	2			21
Total	14	16	21	24	26	30	19	27	30	23	0	0	230
<b>Anti-Fraud</b>	4	1	1	4	2	4	5	3	3	7			34

SUNSHINE LAW MEETING  
AGENDA ITEM X

UPDATE REGARDING HIRING OF EXECUTIVE DIRECTOR AND GENERAL  
COUNSEL

No attachments

SUNSHINE LAW MEETING  
AGENDA ITEM XI

PROPOSED BUDGET: 2022-2023

Attachment 1: Proposed Budget FY2022-2023

## Hawai'i State Ethics Commission - Budget Projections for FY 2022-2023

	2020-2021 Approved Budget	2021-2022 Approved Budget	2022-2023 Estimated Budget	Increases/ Decreases From FY20-21	% Increase/ Decrease From FY20-21
<b>TOTAL BUDGET</b> (excluding vacation payouts/transfers)	<b>\$ 1,252,667</b>	<b>\$ 1,152,454</b>	<b>\$ 1,422,749</b>	<b>\$ 170,082.00</b>	<b>13.6%</b>

**A. PERSONNEL**

1. Staff Salaries <sup>1</sup>	1,012,719	977,445	1,098,209	85,490	8.4%
2. Cost Adjustments for staff salaries	-				
3. Vacation Payouts/Transfer	16,553	16,553	16,553		
<b>TOTAL PERSONNEL</b> (excluding vacation payouts)	<b>1,012,719</b>	<b>977,445</b>	<b>1,098,209</b>	<b>85,490</b>	<b>8.4%</b>

**B. MATERIALS AND SUPPLIES****Office Expenses:**

1. Office Supplies	3,500	900	3,500	-	0.0%
2. Postage	1,500	1,113	1,500	-	0.0%
3. Telephone & Internet	7,500	8,900	9,500	2,000	26.7%
Subtotal:	12,500	10,913	14,500	2,000	16.0%

**Intrastate Transportation and Travel**

1. Commissioners / Staff	8,500	900	8,500	-	0.0%
2. Car Mileage and Parking	750	500	750	-	0.0%
Subtotal:	9,250	1,400	9,250		0.0%

**Out-of-State Travel**

1. Airfare (6 @ \$1,000 ea.)	6,000	-	6,000	-	0.0%
2. Lodging and per diem for 5.5 days (6 @ \$145/day x 5.5 days)	4,800	-	4,800	-	0.0%
3. Excess Hotel and Increases in per diem/airfare	1,700	-	1,700	-	0.0%
4. Taxi/bus fare	160	-	160	-	0.0%
Subtotal:	12,660	-	12,660	-	0.0%

**Equipment Rental and Maintenance**

1. Copier	3,600	3,200	3,600	-	0.0%
2. ReporterDeck Recorder	200	100	200	-	0.0%
3. Computer Equipment Maintenance	3,500	3,200	3,500	-	0.0%
4. Misc. (time clock, projector, etc.)	700	150	700	-	0.0%
5. Investigation Software	3,100	2,300	3,100	-	0.0%
6. Software License Renewals	20,500	20,500	22,000	1,500	7.3%
7. Videoconferencing software for training	-	600	600	600	
Subtotal:	31,600	30,050	33,700	2,100	6.6%

	2020-2021 Approved Budget	2021-2022 Approved Budget	2022-2023 Estimated Budget	Increases/ Decreases From FY20-21	% Increase/ Decrease From FY20-21
<b>Dues, Subscriptions, Training</b>					
1. COGEL Membership	470	470	470	-	0.0%
2. COGEL Registration (6 x \$600)	3,600	-	3,600	-	0.0%
3. Attorney Registration Fees	3,400	3,400	3,400	-	0.0%
4. Training	3,000	500	3,000	-	0.0%
5. Legal Reference Publications	4,900	4,900	4,900	-	0.0%
6. Newspapers Subscriptions, etc.	240	240	240	-	0.0%
7. Disruptive Behavior Training	800	-	800	-	0.0%
Subtotal:	16,410	9,510	16,410	-	0.0%
<b>Newspaper Advertisements</b>	1,100	500	1,100	-	0.0%
	1,100	500	1,100	-	0.0%
<b>Commission Meetings, Investigations and Hearings</b>					
1. Subpoena Fees	900	800	900	-	0.0%
2. Court Reporter	7,500	4,000	7,500	-	0.0%
3. Witness Fees, Travel, Mileage	600	500	600	-	0.0%
4. Hearings Officer	1,500	0	1,500	-	0.0%
5. Lunches for Commission Mtgs.	1,100	-	-	(1,100)	-100.0%
Subtotal:	11,600	5,300	10,500	(1,100)	-9.5%
<b>Consulting Services</b>					
1. Computer Consulting	26,500	-	26,500	-	0.0%
2. Other Services (Interpreting, shredding)	400	400	500	100	25.0%
Subtotal:	26,900	400	27,000	100	0.4%
<b>Office Rent<sup>2</sup></b>	113,928	116,936	120,420	6,492	5.7%
<b>TOTAL MATERIALS AND SUPPLIES:</b>	235,948	175,009	245,540	9,592	4.1%

#### C. CAPITAL OUTLAY

<b>Office Furniture &amp; Equipment<sup>3</sup></b>	4,000	-	79,000	75,000	1875.0%
<b>TOTAL CAPITAL OUTLAY:</b>	4,000	-	79,000	75,000	1875.0%

<b>GRAND TOTAL:</b>	<b>\$ 1,252,667</b>	<b>\$ 1,152,454</b>	<b>\$ 1,422,749</b>	<b>\$ 170,082</b>	<b>13.6%</b>
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<sup>1</sup> The Commission has decreased its staffing from 11 employees to 10, one of whom is a part-time investigator. The Commission would like to increase the Investigator to full-time.

<sup>2</sup> Lease rent increases 2.5% each fiscal year, CAM increases 2.68% each calendar year and fluctuates. Building management performs reconciliations and issues credits or charges accordingly.

<sup>3</sup> The Commission is requesting a total of \$75,000 to replace its aging computer servers. Specifically, this project will replace three servers (file, virtual, and backup, which are 12, 10, and 10 years old, respectively) with two new servers, including the servers themselves (approx. \$25,000), licensing fees (\$30,000), and fees for outside contractors to assist with migrating data (\$20,000).

SUNSHINE LAW MEETING  
AGENDA ITEM XII

PROPOSED LEGISLATION

Attachment 1: Proposed bill regarding mandatory ethics training

THE SENATE  
THIRTY-FIRST LEGISLATURE, 2022  
STATE OF HAWAII

S.B. NO.

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## A BILL FOR AN ACT

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RELATING TO MANDATORY ETHICS TRAINING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that requiring all state  
2 officers and employees to be educated on the state ethics code  
3 is in the best interests of the State. Regular training by the  
4 state ethics commission will ensure that state employees are  
5 aware of current ethics laws, and will increase the public's  
6 confidence in state government.

7       Accordingly, the purpose of this Act is to establish an  
8 online ethics training course to be designed and administered by  
9 the state ethics commission and to make ethics training  
10 mandatory for all state officers and employees.

11       SECTION 2. Section 84-42, Hawaii Revised Statutes, is  
12 amended to read as follows:

13       "~~[§]§84-42[§]~~ **Mandatory ethics training course.** ~~[All~~  
14 ~~state officers and employees enumerated in section 84-41]~~ (a)  
15 Legislators, members of the board of education, trustees of the  
16 office of Hawaiian affairs, the governor, the lieutenant  
17 governor, executive department heads and deputies, and every

## S.B. NO.

1 other person whose financial disclosure statement is a public  
2 record pursuant to section 84-17(d) shall complete [an] a live  
3 ethics training course administered by the state ethics  
4 commission [as provided in this part.] within ninety days of  
5 taking office and at least once every four years thereafter.

6 (b) All other employees shall complete either a live or an  
7 online ethics training course administered by the state ethics  
8 commission within ninety days of becoming an employee and at  
9 least once every four years thereafter.

10 ~~[For the purposes of this part, "ethics training" includes~~  
11 ~~education and training in:~~

12 ~~(1) The ethics laws set forth in this chapter; and~~

13 ~~(2) The lobbying laws set forth in chapter 97.]"~~

14 SECTION 3. Section 84-43, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 **"§84-43 Ethics training [course.] courses; live and**  
17 **online.** (a) The state ethics commission shall establish,  
18 design, supervise, and conduct live and online ethics training  
19 courses for ~~[the officers]~~ all legislators and employees ~~[to~~  
20 ~~whom this part applies]~~.

(b) The live ethics training course may be conducted in person or via videoconference and shall include:

- (1) Explanations and discussions of the ethics laws, administrative rules, and relevant internal policies;
- (2) Specific technical and legal requirements;
- (3) The underlying purposes and principles of ethics laws;
- (4) Examples of practical application of the laws and principles; and
- (5) A question-and-answer participatory segment regarding common problems and situations.

The state ethics commission shall develop the methods and prepare any materials necessary to implement the live ethics training course.

(c) The online ethics training course shall include explanations, discussions, and examples of the practical application of ethics laws and principles as the ethics commission deems appropriate. The state ethics commission shall develop the methods and prepare any materials necessary to implement the online ethics training course.

~~[(c)]~~ (d) The state ethics commission shall:

- (1) Administer the ethics training ~~[course]~~ courses;

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(2) Designate those of its legal staff who are to conduct the live ethics training course; ~~and~~

(3) Notify each ~~[officer]~~ legislator or employee ~~[enumerated in section 84-41]~~, either directly or via the employee's employing agency, that their attendance or participation in ~~[this]~~ an applicable ethics training course is mandatory~~[-]~~, provided that a legislator's or employee's non-receipt of notice shall not be a defense to a Charge concerning a violation of this chapter; and

(4) Design and administer the online ethics training course.

~~[(d)]~~ (e) The state ethics commission may repeat the live course as necessary to accommodate all persons who are required to attend.

~~[(e)]~~ (f) Each state agency shall provide to the state ethics commission in a timely manner the names and email addresses of those persons required to take the applicable course ~~[in a timely manner]~~ and shall assist the commission by providing adequate meeting facilities and equipment for the ethics training ~~[course-]~~ courses."

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1       SECTION 4.   Section 84-41, Hawaii Revised Statutes, is  
2 repealed.

3       "~~§84-41 Applicability of part. This part applies to~~  
4 ~~legislators, members of the board of education, trustees of the~~  
5 ~~office of Hawaiian affairs, the governor, the lieutenant~~  
6 ~~governor, and executive department heads and deputies. This~~  
7 ~~part does not apply to any other officer or employee of the~~  
8 ~~State.]"~~

9       SECTION 5.   Notwithstanding any law to the contrary, all  
10 sitting state legislators and employees who are in active  
11 service on the effective date of this Act shall successfully  
12 complete an online or live ethics training course, as  
13 applicable, within twelve months of the effective date of this  
14 Act and at least once every four years thereafter; provided that  
15 the requirement to successfully complete an ethics training  
16 course within the twelve month period immediately succeeding the  
17 effective date of this Act shall not apply to those legislators  
18 or employees who, within the past three years from the effective  
19 date of this Act, have successfully completed an online or live  
20 ethics training course, as applicable.

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1       SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3       SECTION 7. This Act shall take effect on July 1, 2022.

4

INTRODUCED BY: \_\_\_\_\_

# S.B. NO.

**Report Title:**

Hawaii State Ethics Commission Package; Ethics Code; Live and Online Classes; Mandatory Training

**Description:**

Requires all new state employees to complete ethics training either live or online within 90 days of the start of employment and every 4 years thereafter. Requires existing employees who have not received ethics training within the immediately preceding 3 years to complete live or online ethics training within 12 months of the Act's effective date and at least once every 4 years thereafter. Specifies that certain state officers shall complete live ethics training.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

SB draft.dg.dg.dg.dg

\*SB draft.dg.dg.dg.dg\*

\*SB draft.dg.dg.dg.dg\*

SUNSHINE LAW MEETING  
AGENDA ITEM XIII

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.