

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: February 18, 2021

Time: 9:00 a.m.

Location: Via Videoconference or Phone:

Videoconference: [Join Zoom Meeting](#)

Phone: +1 (408) 638-0968 or +1 (669) 900-6833

Meeting ID: 981 7698 9262

Password: 538581

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 conference call, or may submit written testimony in advance of the meeting via e-mail, fax, or mail. To avoid excessive noise/feedback, please mute your telephone 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: Commission Chair Tschumy intends to be present in the Commission conference room; other 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 January 21, 2021 Meeting
- II. Consideration and Approval of the Minutes of the February 4, 2021 Meeting
- III. Executive Director's Report
 1. 2020 Annual Report
Attachment 2: 2020 Annual Report
 2. Education / Training Report
Attachment 3: 2021 Training Attendance / Schedule
Attachment 4: Online Training Completions by Department
 3. Guidance and Assignment Statistics – January 2021
Attachment 5: 2021 Guidance and Assignment Statistics / Website Traffic
 4. Ethics Survey of State Employees
 5. Miscellaneous Office Projects / Updates
- IV. 2021 Legislative Session
 - i. Gifts and gifts reporting
 - i. [H.B. 1108](#) Authorizes legislators and legislative employees to accept gifts of aloha from lobbyists or their clients. Defines "gifts of aloha" as anything of value, including a meal, whose fair market value is \$25 or less.
 - ii. [H.B. 1163](#) Prohibits legislators from soliciting, accepting, or receiving, directly or indirectly, any individual gift in the form of hospitality exceeding a value of twenty-five dollars. Reduces the aggregate value of a gift that must be reported by a legislator or

government employee, or spouse or dependent child of a legislator or government employee.

- iii. [H.B. 645](#) Exempts expenditures for meals or beverages with a total value of under \$25 from reporting requirements when provided to a public official at an informational meeting or presentation or goodwill event with non-lobbyists.
 - iv. [S.B. 991](#) Exempts expenditures for meals or beverages with a total value of under \$25 from reporting requirements when provided to a public official at an informational meeting or presentation or goodwill event with non-lobbyists.
 - v. [S.B. 1326](#) Exempts "gifts of aloha", the value of which does not exceed twenty-five dollars, from the prohibition against accepting gifts in the state code of ethics.
- ii. Public accountability agency
 - i. [H.B. 1341](#) Establishes the office of public accountability to assume oversight and administrative responsibility for the office of the auditor, office of the ombudsman, office of information practices, Hawaii state ethics commission, and campaign spending commission. Requires the salaries of the auditor, director of LRB, executive director of the Hawaii state ethics commission, and ombudsman to be set by the legislature. Appropriates funds.
 - ii. [S.B. 1350](#) Establishes the office of public accountability to assume oversight and administrative responsibility for the office of the auditor, office of the ombudsman, office of information practices, Hawaii state ethics commission, and campaign spending commission. Appropriates funds.
 - iii. [S.B. 1351](#) Establishes the office of public accountability to assume oversight and administrative responsibility for the office of the auditor, office of the ombudsman, office of information practices, Hawaii state ethics commission, and campaign spending commission. Appropriates funds.
 - iii. Post-employment
 - i. [H.B. 671](#) Prohibits certain state officials and employees from representing certain interests before the State for 12 months after termination from their respective positions. Effective 1/1/2022.

- ii. [S.B. 158](#) Prohibits certain state officials and employees from representing certain interests regarding any state administrative or legislative action for 12 months after termination from their respective positions.
- iv. Conflicts of interests
 - i. [H.B. 672](#) Amends certain parts of the conflicts of interests law in the state ethics code to include members of the legislature. Clarifies that the conflicts of interests law does not prohibit legislators from introducing legislation, serving on a committee, making statements, or taking action in the exercise of their legislative functions.
 - ii. [H.B. 798](#) Specifies that nonprofits with a legislator on its governing board shall not be eligible to receive a grant pursuant to chapter 42F, Hawaii Revised Statutes.
 - iii. [S.B. 556](#) Specifies that nonprofits with a legislator on its governing board shall not be eligible to receive a grant pursuant to chapter 42F, Hawaii Revised Statutes. Effective 01/01/2022.
- v. Financial Disclosures
 - i. [S.B. 554](#) Removes the need for government officials and board members to disclose specific financial interest amounts that exceed \$100,000.
- vi. Fair Treatment
 - i. [H.B. 1244](#) Exempts from the fair treatment provisions of the Ethics Code, the mere reuse of an image documenting a historical, governmental event.
- vii. Lobbyist Law
 - i. [S.B. 557](#) Expands the definition of "administrative action" in lobbyist law to include granting or denying applications for business or development-related permits, licenses, or approvals. Clarifies that lobbying laws apply to lobbying by the executive branch. Effective 9/1/2021.
 - ii. [H.B. 741](#) Increases the retention period for certain Hawaii state ethics commission records from 4 years to 5 years.

viii. Budget

- i. [H.B. 1](#) Appropriates funds to provide for the expenses of the Legislature, Auditor, Legislative Reference Bureau, Ombudsman, and Ethics Commission.

ix. Short form bills

- i. Examples: [H.B. 584](#), [H.B. 646](#), [S.B. 82](#)

x. Other

- i. [H.B. 10](#) Requires the board of education to invite the exclusive representative for bargaining unit (5) (teachers and other personnel of the department of education) to appoint a nonvoting public school teacher representative to the board.
- ii. [H.B. 343](#) Requires any state agency that does not have hearings officers on its staff to arrange with the department of commerce and consumer affairs to have its contested case hearings heard by hearings officers of the department. Allows the department of commerce and consumer affairs to charge a fee for conducting these hearings.
- iii. [H.B. 356](#) Requires meetings of the judicial council to be open to the public.
- iv. [H.B. 670](#) Authorizes forfeiture of certain ERS benefits, pursuant to court order, for state or county employees and designated beneficiaries who are convicted of an employment-related felony.
- v. [H.B. 1064](#) / [S.B. 1218](#) Removes the sunset provision in Act 38, Session Laws of Hawaii 2017 (technology transfer).
- vi. [H.B. 1075](#) Beginning 11/1/2022, prohibits the lieutenant governor, while holding the office of the lieutenant governor, from maintaining any other employment, maintaining a controlling interest in a business, or receiving any emolument, beginning on the sixty-first calendar day after election or appointment to office.
- vii. [S.B. 610](#) Prohibits a public member of any board or commission under DCCA's purview from being engaged in the occupation that the board or commission regulates or having other direct legal or financial interests in the regulated occupation. Specifies that public members represent the public interest.

- viii. [HB 396](#) Allows nonprofit organizations to establish an applicant governing board and develop a charter application for a start-up or conversion charter school; provided that (1) the governing board operates separately from the nonprofit organization and (2) the governing board may include members of the nonprofit organization, but such members shall not constitute a majority of the governing board's members
- ix. [H.B. 1220](#) Amends the appointing authority for members to the charter school commission board to consist of the governor, the senate president, the senate minority leader, the speaker of the house of representatives, and the minority leader of the house of representatives. Permits governing boards of postsecondary institutions and county and state agencies to authorize public charter schools. Clarifies charter application notice requirements. Clarifies authorizer compliance requirements in cases of an appeal.

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

Discussion of case status.

The Hawai'i State Ethics Commission may convene an executive session pursuant to Hawai'i Revised Statutes section 92-5(a)(4) to consult with the Commission's attorneys on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

- 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
JANUARY 21, 2021 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the January 21, 2021
 Hawaii State Ethics Commission Meeting

SUNSHINE LAW MEETING
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: January 21, 2021

Time: 9:00 a.m.

Location: Held via Zoom video and audio conference, with the Commission's Chair present in the Hawaii State Ethics Commission's conference room, American Savings Bank Tower, 1001 Bishop Street, Suite 960, Honolulu, Hawaii 96813

Present: State Ethics Commission Members

Ruth D. Tschumy, Chair (present in conference room)
Melinda S. Wood, Vice Chair (via video conference)
Reynard D. Gaulty, Commissioner (via video conference)
Wesley F. Fong, Commissioner (via video conference)

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

Note: There was a vacancy on the Commission at the time of this meeting.

CALL TO ORDER

Chair Tschumy called the meeting to order at 9:15 a.m. and confirmed that all Commissioners and staff were present. Sandy Ma, Executive Director of Common Cause Hawaii, was in attendance as well.

1 **Agenda Item No. I: Consideration and Approval of the Minutes of the**
2 **December 17, 2020 Meeting**

3
4 Commissioner Gaulty made and Commissioner Fong seconded a motion to
5 approve the minutes of the December 17, 2020 Sunshine Meeting. The motion carried
6 unanimously (Tschumy, Wood, Gaulty, and Fong voting).
7

8
9 **Agenda Item No. II: Election of Officers for 2021**

10
11 Chair Tschumy said that the Commission elected its current Chair and Vice Chair
12 in July 2020, and that her term on the Commission will end in June 2021. Chair
13 Tschumy said that the Commissioners could therefore elect new officers at this meeting
14 or defer the election until June 2021 and keep the current officers in place until that
15 time.
16

17 Commissioner Fong made and Commissioner Gaulty seconded a motion to
18 defer the election of officers to June 2021. The motion carried unanimously (Tschumy,
19 Wood, Gaulty, and Fong voting).
20
21

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

23
24 *Education / Training Report*

25
26 Executive Director Gluck said that staff has been very busy conducting Zoom
27 trainings and will conduct nine trainings in January 2021 alone, including two sessions
28 tailored for lobbyists. An estimated 450 to 500 people received training in December
29 2020. Executive Director Gluck said that staff have experienced a few technical issues
30 with Zoom, but that overall the platform and the coordination of the online sessions is
31 going well.
32

33 *Guidance and Assignment Statistics – December 2020*

34
35 Executive Director Gluck presented the statistics to the Commission. There was
36 no further discussion.
37

38 *Financial Report for FY 2020-2021 (Oct. 1, 2020 - Dec. 31, 2020)*

39
40 Executive Director Gluck said that the office remains solidly under budget as no
41 staff salary increases have been implemented since July 2018. Executive Director
42 Gluck said he would go into further detail on the office's financial outlook in Agenda Item
43 IV.
44
45

1 *Ethics Survey of State Employees*

2
3 Executive Director Gluck said that he and Secretary Lynn Santiago met with two
4 of the researchers from the University of Hawai'i to review the ethics survey data.
5 Executive Director Gluck said he hoped to provide the Commission a summary of the
6 data at next month's meeting.
7

8 Executive Director Gluck said approximately 2,300 employees responded to the
9 ethics survey. Only a small percentage of the responses suggest ethics issues for the
10 Commission to investigate.
11

12 Executive Director Gluck also said that there appears to be a correlation between
13 the awareness/understanding of the ethics law and the willingness to report violations.
14 This correlation suggests that staff's continued outreach and education efforts lead to
15 increased reporting. Further exploration is being done to understand what other
16 obstacles or deterrents to reporting may exist.
17

18 *Upgrades to E-filing System*

19
20 Executive Director Gluck reported that staff had launched several enhancements
21 to the Commission's e-filing system. Staff Attorney Chang stated that, in the lobbying e-
22 filing system, new enhancements include the ability for lobbyists to terminate their
23 registrations directly through the e-filing system; previously, a lobbyist would need to
24 contact the Commission's office in order to do this. For the financial disclosures e-filing
25 system, staff implemented enhancements to ease the filing of forms and automate the
26 notification process. This, in turn, will decrease the amount of staff resources needed to
27 notify filers of their respective filing requirements.
28

29 Executive Director Gluck said that staff are currently receiving financial
30 disclosures from legislators, the deadline for which is February 1, 2021. Staff will then
31 start the filing process for the majority of filers who need to report by May 31, 2021.
32

33 Sandy Ma from Common Cause Hawai'i asked if the upgraded e-filing system
34 will include access to data filed in the previous e-filing system. Staff Attorney Chang
35 said that any reports that were filed using PDFs and/or the old paper system would be
36 posted on the Commission's public data website. Staff Attorney Chang also said that if
37 there are specific data sets that Ms. Ma would like, staff should be able to gather the
38 information for her. Executive Director Gluck added that lobbying reports and
39 disclosures are destroyed after a certain number of years per the retention period
40 outlined in the law.
41

42 There was a brief discussion regarding the updated lobbying administrative rules
43 that went into effect in November 2020. Commissioner Fong asked if staff has received
44 any feedback regarding the new rules pertaining to gifts from lobbyists to legislators.
45 Executive Director Gluck said that legislators would like to regain the ability to receive
46 gifts under \$25, and that there has been discussion by the legislature of (1) introducing
47 a bill to overturn the rules or (2) someone petitioning the Commission to change the

1 rules. Executive Director Gluck said that he remains open to collaborating with the
2 Legislature on this matter further.

3
4 Executive Director Gluck also clarified that the previous rules did not allow
5 legislators to accept anything under \$25; acceptance largely depended upon the source
6 of the gift, and the relationship between the giver and the receiver. In addition, while the
7 current rules specifically prohibit gifts from lobbyists and their clients to legislators, gifts
8 from constituents or other government officials may likely be allowed if those persons
9 are not trying to influence the legislature to take a particular action. Gifts of lei to
10 legislators or others are also generally acceptable when tied to a particular celebration
11 or event.

12
13 Commissioner Graulty welcomed the idea of the administrative rules being
14 petitioned and said that such a process should be encouraged to promote further
15 dialogue and collaboration by the Legislature and members of the public.

16 17 *Miscellaneous Office Projects / Updates*

18
19 Executive Director Gluck said that he has not received any update from the
20 Judicial Council regarding the appointment of the new Commissioner. Executive
21 Director Gluck said he offered to provide staff assistance to the Judicial Council for its
22 meetings and/or logistics.

23
24 Executive Director Gluck said that he instructed staff to work remotely on
25 Tuesday, January 19, 2021 and Wednesday, January 20, 2021, out of an abundance of
26 caution that there may be violence or disruption associated with the inauguration of the
27 new President of the United States. Executive Director Gluck said that the physical
28 office and phone lines are otherwise open and available during state business hours.

29 30 31 **Agenda Item No. IV: Budget: 2021-2022**

32
33 Executive Director Gluck said that he received the Legislature's draft version of
34 the budget, House Bill 1, the evening prior. The current draft proposes a 20% reduction
35 for the Legislature and all legislative agencies except the Office of the Auditor, for which
36 the Legislature proposed a more than 50% cut. Executive Director Gluck said that a
37 20% reduction will be difficult for the office to absorb, but that the office is hoping to
38 offset some of the cuts by prepaying rent for next year using some of the funds from this
39 fiscal year. The office is currently under budget for the current fiscal year, due in part to
40 staff's salary levels not increasing since 2018.

41
42 Executive Director Gluck said that reductions to staff salaries are a last resort.
43 He said he would speak with the office's private landlord to see if a temporarily reduced
44 rent could be negotiated given the circumstances and would update the Commission at
45 the next month's meeting.

1 Commissioner Fong agreed that a priority of the office should be to retain as
2 much staff as possible. He asked whether a potential decrease in salary would be
3 implemented as a straight reduction across all staff, such as a 10% cut for all
4 employees. Executive Director Gluck said that it is still unclear how cuts would be
5 implemented, and that he needs additional time to work with the numbers as they were
6 just received the day prior. Executive Director Gluck also said that he is still exploring
7 other options to balance the budget, such as furloughing himself first.

8
9 Ms. Ma asked if the 20% reduction was suggested for the entire 2021-2022
10 legislative biennium, or if it was limited to the 2021-2022 fiscal year. Executive Director
11 Gluck said that at this time, the Legislature is only budgeting for the 2021-2022 fiscal
12 year.

13
14
15 **Agenda Item No. V: 2021 Legislative Session**

16
17 Executive Director Gluck said that staff will not be introducing any bills on behalf
18 of the Commission this session. Executive Director Gluck said he anticipates that other
19 ethics bills will be introduced, and that he will update the Commission accordingly.

20
21
22 **Agenda Item No. VI: *Akana v. Hawaii State Ethics Commission and Daniel Gluck,***
23 ***Civil No. 18-1-1019-06 (JHA); Akana v. Hawaii State Ethics Commission, Civil No.***
24 ***19-1-0379-03 (JHA); State of Hawaii, Ethics Commission v. Rowena Akana, Civil***
25 ***No. 20-1-0453 (BIA)***

26
27 Executive Director Gluck said he has no new updates for this matter at this time.

28
29
30 **ADJOURNMENT OF SUNSHINE LAW MEETING**

31
32 At approximately 9:35 a.m., Commissioner Gaulty made and Vice Chair Wood
33 seconded a motion to adjourn the Sunshine Law Meeting. The motion carried
34 unanimously (Tschumy, Wood, Gaulty, and Fong voting).

35
36 The meeting was adjourned at 9:35 a.m.

37
38
39 Minutes approved on: _____

SUNSHINE LAW MEETING
AGENDA ITEM II

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE
FEBRUARY 4, 2021 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the February 4, 2021
 Hawaii State Ethics Commission Meeting

SUNSHINE LAW MEETING
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: February 4, 2021

Time: 9:10 a.m.

Location: Held via Zoom video and audio conference, with the Commission's Chair present in the Hawaii State Ethics Commission's conference room, American Savings Bank Tower, 1001 Bishop Street, Suite 960, Honolulu, Hawaii 96813

Present: State Ethics Commission Members

Ruth D. Tschumy, Chair (present in conference room)
Melinda S. Wood, Vice Chair (via video conference)
Reynard D. Grauly, Commissioner (via video conference)
Wesley F. Fong, Commissioner (via video conference)

State Ethics Commission Staff

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Virginia M. Chock, 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

Note: There was a vacancy on the Commission at the time of this meeting. Several other members of the public attended but did not wish to identify themselves.

CALL TO ORDER

Chair Tschumy called the meeting to order at 9:15 a.m. and confirmed that all Commissioners and staff were present. Sandy Ma, Executive Director of Common Cause Hawaii, was in attendance as well. Chair Tschumy asked if any other members of the public attending the meeting wished to identify themselves; none wished to do so.

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

2
3 Executive Director Gluck thanked the Commissioners for convening for a special
4 meeting to consider proposed legislation; Executive Director Gluck stated that he
5 wanted to ensure that any testimony on bills represented the Commission's views and
6 not just those of staff. Executive Director Gluck recommended that the Commission
7 review the bills by category, and the Chair agreed.
8

9 a. Gifts and gifts reporting

10
11 Executive Director Gluck summarized the bills related to gifts and gifts reporting
12 – H.B. 1108, H.B. 1163, H.B. 645, S.B. 991, and S.B. 1326 – designed in some way to
13 overturn the Commission's recent administrative rules on gifts. Executive Director
14 Gluck discussed the rules and reported, in general terms, the questions he has received
15 and discussions he has had with legislators. Executive Director Gluck stated that staff
16 recommends that the Commission oppose all five bills, inasmuch as these legislative
17 proposals are not good policy and do not provide additional clarity. The Commissioners
18 discussed these proposals.
19

20 b. Public accountability agency

21
22 Executive Director Gluck summarized the bills – H.B. 1341, S.B. 1350, and S.B.
23 1351 – which, according to floor speeches in the House of Representatives, are
24 designed to “reimagine government.” Executive Director Gluck recommended that the
25 Commission oppose these measures. Executive Director Gluck stated that both
26 Connecticut and Wisconsin already consolidated their good government agencies, and
27 in both instances, the agencies were un-consolidated after just a few years. In both
28 instances, states spent a significant amount of money to establish the agencies, and
29 then a significant amount of money to undo that consolidation. Executive Director Gluck
30 stated that the bills are problematic because they result in having one person atop a
31 huge watchdog agency, thus giving one person an incredible amount of power. The
32 bills might be unconstitutional to the extent they purport to give someone other than the
33 Ethics Commission the authority to administer the Ethics Code. Finally, because each
34 agency has different confidentiality rules, combining the agencies might result in
35 problems in conducting confidential investigations.
36

37 c. Post-employment

38
39 Executive Director Gluck summarized the bills – H.B. 671 and S.B. 158 – and
40 recommended that the Commission support them. Executive Director Gluck explained
41 that these bills revived the measure that was vetoed last year – H.B. 2124 – but
42 addressed the Governor's concern with volunteer board and commission members.
43

44 d. Conflicts of Interests

45
46 Executive Director Gluck summarized the bills – H.B. 672, H.B. 798, and S.B.
47 556 – and recommended that the Commission support them.

1 e. Financial Disclosures

2
3 Executive Director Gluck summarized S.B. 554 and recommended that the
4 Commission oppose it.

5
6 f. Fair Treatment

7
8 Executive Director Gluck summarized H.B. 1244. Executive Director Gluck
9 surmised that the intent of the measure may be to allow legislators to use photos of
10 themselves from the Capitol floor in campaign materials. Executive Director Gluck
11 explained the general Fair Treatment rules with respect to government images. He
12 stated that he would probably recommend that the Commission submit comments on
13 this measure. The Commissioners discussed the matter.

14
15 g. Lobbyist Law

16
17 Executive Director Gluck summarized S.B. 557 and recommended that the
18 Commission support the measure. Executive Director Gluck also summarized H.B. 741
19 and recommended that the Commission submit comments.

20
21 h. Budget

22
23 Executive Director Gluck reported that H.B. 1 would cut the Commission's budget
24 by 20%. He recommended that the Commission support it while noting that the
25 decreased budget would limit the Commission's work.

26
27 i. Short form bills

28
29 Executive Director Gluck stated that, as usual, there were many short form bills
30 on topics that could affect the Commission, but that – right now – these bills have no
31 content. As such, staff would monitor these bills for now.

32
33 j. Other

34
35 Executive Director Gluck summarized H.B. 10, H.B. 356, H.B. 1064/S.B. 1218,
36 and H.B. 1075. Executive Director Gluck also summarized S.B. 610, but because the
37 bill was not listed on the Commission's sunshine agenda, he advised the Commission
38 not to discuss or act on the measure until its next meeting.

39
40 Executive Director Gluck recommended that the Commission submit comments
41 on H.B. 10 consistent with past testimony. He stated that staff had already submitted
42 testimony on H.B. 356, and the legislative committee indicated it would incorporate our
43 concerns. Executive Director Gluck recommended that the Commission continue to
44 support confidentiality in Judicial Council deliberations/interviews of potential
45 Commissioners. As to H.B. 1064/S.B. 1218, the technology transfer bills, Executive
46 Director Gluck stated he needed to discuss the measures with University of Hawai'i
47 personnel. He recommended that the Commission's testimony would depend upon the

1 status of the University's policies and procedures for technology transfer activities: if
2 the University has completed its policies and procedures, the Commission could submit
3 comments on the bills or remain silent, but if the University has not finished its work, the
4 Commission would oppose the bills' outright repeal of the sunset provision. Finally,
5 Executive Director Gluck recommended that the Commission submit comments on H.B.
6 1075, regarding the Lieutenant Governor's outside employment.

7
8 Chair Tschumy asked that Executive Director Gluck summarize staff's
9 recommendation on each bill. Commissioner Fong suggested that the discussion
10 proceed by category.

11
12 a. Gifts and gifts reporting

13
14 Sandy Ma testified that Common Cause was more concerned about the amount
15 of time that lobbyists interact with legislators than the amount of the gifts, although she
16 recognized that this is difficult to regulate.

17
18 Executive Director Gluck stated that staff's recommendation is for the
19 Commission to oppose all five bills.

20
21 Chair Tschumy asked whether there was any other public testimony on these or
22 any other legislative measures; none of the public attendees had other testimony.

23
24 The Commissioners discussed the gifts rules further.

25
26 Vice Chair Wood made a motion to follow staff's recommendation on these
27 measures.

28
29 Commissioner Fong made a motion to oppose H.B. 1108, H.B. 1163, H.B. 645,
30 S.B. 991, and S.B. 1326.

31
32 Commissioner Gaulty seconded Vice Chair Wood's motion.

33
34 Commissioner Fong withdrew his motion.

35
36 Vice Chair Wood's motion carried unanimously (Tschumy, Wood, Gaulty, and
37 Fong voting).

38
39 b. Public accountability agency

40
41 Executive Director Gluck stated that staff's recommendation is for the
42 Commission to oppose all three bills.

43
44 Commissioner Gaulty made and Commissioner Fong seconded a motion to
45 follow staff's recommendation on these measures. The motion carried unanimously
46 (Tschumy, Wood, Gaulty, and Fong voting).

1 c. Post-employment

2
3 Executive Director Gluck stated that staff's recommendation is for the
4 Commission to support both bills.

5
6 Commissioner Grauly made and Vice Chair Wood seconded a motion to follow
7 staff's recommendation on these measures. The motion carried unanimously
8 (Tschumy, Wood, Grauly, and Fong voting).

9
10 d. Conflicts of interests

11
12 Executive Director Gluck stated that staff's recommendation is for the
13 Commission to support all three bills.

14
15 Commissioner Grauly made and Vice Chair Wood seconded a motion to follow
16 staff's recommendation on these measures. The motion carried unanimously
17 (Tschumy, Wood, Grauly, and Fong voting).

18
19 e. Financial Disclosures

20
21 Executive Director Gluck stated that staff's recommendation is for the
22 Commission to oppose this bill.

23
24 Vice Chair Wood made and Commissioner Grauly seconded a motion to follow
25 staff's recommendation on these measures. The motion carried unanimously
26 (Tschumy, Wood, Grauly, and Fong voting).

27
28 f. Fair treatment

29
30 Executive Director Gluck stated that staff's recommendation is for the
31 Commission to submit comments.

32
33 Commissioner Fong made a motion for the Commission to remain silent on the
34 measure. Executive Director Gluck stated that he preferred that the Commission submit
35 testimony on ethics-related issues so that, if legislators have questions, staff is available
36 to assist with technical aspects of the measure. Commissioner Fong amended his
37 motion to follow staff's recommendation to submit comments to the Legislature on this
38 measure. Commissioner Grauly seconded the motion. The motion carried
39 unanimously (Tschumy, Wood, Grauly, and Fong voting).

40
41 g. Lobbyist Law

42
43 Executive Director Gluck stated that staff's recommendation is for the
44 Commission to support S.B. 557 and to submit comments on H.B. 741.

1 Commissioner Gaulty made and Commissioner Fong seconded a motion to
2 follow staff's recommendation on these measures. The motion carried unanimously
3 (Tschumy, Wood, Gaulty, and Fong voting).
4

5 h. Budget
6

7 Executive Director Gluck stated that staff's recommendation is for the
8 Commission to support this measure, but with the caveat that the proposed budget cuts
9 will adversely impact operations.
10

11 Commissioner Gaulty made and Commissioner Fong seconded a motion to
12 follow staff's recommendation on this measure. The motion carried unanimously
13 (Tschumy, Wood, Gaulty, and Fong voting).
14

15
16 i. Short form bills
17

18 Executive Director Gluck stated that no vote was needed on these measures at
19 this time.
20

21 j. Other
22

23 Executive Director Gluck stated that staff's recommendation is to submit
24 comments on H.B. 10, H.B.356, and H.B. 1075, and to submit testimony on the
25 technology transfer bills (H.B. 1064 / S.B. 1218) dependent upon the University's
26 progress on its technology transfer policy framework. Executive Director Gluck
27 recommended opposing the measures if the University's technology transfer framework
28 is not in place and submitting comments if the framework is in place.
29

30 Commissioner Fong made and Commissioner Gaulty seconded a motion to
31 follow staff's recommendations on these measures. The motion carried unanimously
32 (Tschumy, Wood, Gaulty, and Fong voting).
33

34 Vice Chair Wood requested that Executive Director Gluck summarize the
35 Commission's positions on all the above-referenced bills, and Executive Director Gluck
36 did so.
37

38
39 **Agenda Item No. II: Personnel matters**
40

41 Executive Director Gluck stated that Secretary/Paralegal Napua Yasuda was
42 leaving the Commission the following day. The Commissioners wished her well.
43 Executive Director Gluck stated that he intended to leave the position open because of
44 budget cuts, although he indicated that this will strain staff resources and reduce output
45 from the office as a whole.
46
47

1 Chair Tschumy asked whether any member of the public wished to testify on any
2 of the agenda items. Judge Riki May Amano (ret.) thanked the Commission for its work.
3 No other member of the public offered any testimony.
4

5
6 **ADJOURNMENT OF SUNSHINE LAW MEETING**
7

8 At approximately 10:30 a.m., Commissioner Gaulty made and Vice Chair Wood
9 seconded a motion to adjourn the Sunshine Law Meeting. The motion carried
10 unanimously (Tschumy, Wood, Gaulty, and Fong voting).
11

12 The meeting was adjourned at 10:30 a.m.
13

14 Minutes approved on: _____
15

SUNSHINE LAW MEETING
AGENDA ITEM III

EXECUTIVE DIRECTOR'S REPORT

- Attachment 1: Executive Director's Report
- Attachment 2: 2020 Annual Report
- Attachment 3: 2021 Training Attendance / Schedule
- Attachment 4: Online Training Completions by Department
- Attachment 5: 2020 Guidance and Assignment Statistics / Website Traffic

SUNSHINE MEETING
AGENDA ITEM III

EXECUTIVE DIRECTOR'S REPORT
February 18, 2021

1. 2020 Annual Report

Attachment 2: 2020 Annual Report

2. Education / Training Report

All in-person trainings have been postponed indefinitely due to COVID-19.

Attachment 3: 2021 Training Attendance / Schedule

Attachment 4: Online Training Completions by Department

3. Guidance and Assignment Statistics – January 2021

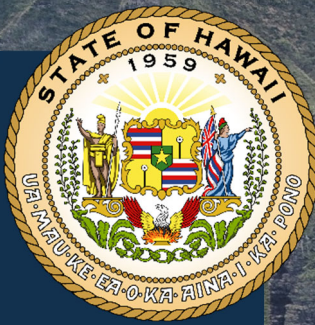
Attachment 5: 2021 Guidance and Assignment Statistics / Website Traffic

4. Ethics Survey of State Employees

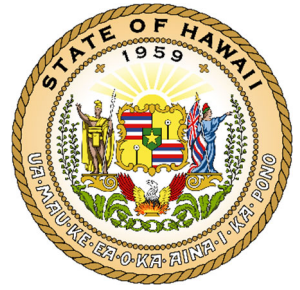
5. Upgrades to E-filing System

6. Miscellaneous Office Projects / Updates

HAWAI'I STATE ETHICS COMMISSION



2020 Annual Report



Hawai‘i State Ethics Commission

Mission & Duties

Established in 1968, the Hawai‘i State Ethics Commission – the first state ethics commission in the United States – represents a commitment by the people of Hawai‘i to the principles 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 Constitution, article XIV. The constitution further requires that the State, and each of its subdivisions, establish a code of ethics for public officers and employees.

Pursuant to this constitutional mandate, the Commission is responsible for the administration and enforcement of the State Ethics Code and the State Lobbyists Law, chapters 84 and 97, Hawai‘i Revised Statutes (“HRS”), respectively. The Ethics Code includes laws relating to the acceptance and reporting of gifts, confidential information, fair treatment (the prohibited misuse of official position), conflicts of interests, state contracts, and post-employment restrictions, along with a requirement that state legislators, candidates for state elective office, and certain state employees file financial disclosure statements.

For purposes of the State Ethics Code, the Commission has jurisdiction over more than 50,000 state officials and employees. This includes state legislators and other elected state officials, employees of the legislative, executive, and judicial branches of government (except for judges and justices), and members of all state boards and commissions. The State Ethics Code’s financial disclosure law also applies to all candidates for state elective office.

The Commission also administers the State Lobbyists Law, HRS chapter 97, which applies to lobbying activities at the state level. The Lobbyists Law requires lobbyists to register with the Commission and requires lobbyists and organizations that lobby to report lobbying expenditures and contributions on forms filed with the Commission. The Commission has jurisdiction over nearly 500 lobbyists representing more than 400 organizations that lobby the state legislature or executive branch.

Ethics Advice

The Commission issues advisory opinions and other types of guidance (including written staff opinion letters by the Commission's attorneys) about the application of the State Ethics Code and the State Lobbyists Law. In 2020, the Commission's attorneys received and responded to 950 requests for advice from state legislators, state employees, lobbyists, members of the public, and candidates for state elective office. The Commission considers its ability to provide timely and meaningful guidance and advice to be one of its most essential functions.

In 2020, the Commission issued two formal Advisory Opinions, both of which are available via the Commission's [public data website](#) and on Westlaw, a legal research platform:

1. [Advisory Opinion 2020-1](#), advising that a member of a state board may vote on the approval of online continuing education courses – and administrative rules pertaining to those courses – notwithstanding the member's personal connections to the president of a professional association, provided that the member does not provide any unwarranted benefits to the president or professional association.
2. [Advisory Opinion 2020-2](#), discussing the prohibition against substantial financial transactions between supervisors and subordinates, and advising that a member of the state legislature may not use private funds to compensate a legislative intern.

Ethics Survey of State Employees

The Commission values receiving input from state officials and recognizes that constant dialogue is imperative to fostering high ethical standards in government. With this in mind, the Commission worked in partnership with Professors Sonia Ghumman and Hannah-Hahn Nguyen from the University of Hawai'i to design and disseminate an ethics survey to a sample of state employees across Hawai'i.

The Commission developed the ethics survey in order to gain a better awareness of the areas of concern that need to be further addressed through enforcement or education. This includes the general level of familiarity with the State Ethics Code among state workers, potential ethics infractions that may be of concern, and any large or long-standing ethics problems that may exist in a particular state agency. The survey was distributed electronically and took an estimated ten minutes to complete. Survey respondents were provided assurance of anonymity as all identifying information associated with a survey response was removed.

Approximately 2,300 state officials completed the survey, and the Commission is currently collaborating with the University of Hawai'i to analyze the results and develop meaningful recommendations. The University researchers and the Commission are also working together on a journal article discussing this research and plan to submit the article for publication in early 2021.



950

Requests for
Advice

2

Advisory
Opinions

2,300+

Employees
Surveyed

20

Interactive
Trainings

2,888

Individuals
Trained

Ethics Education

The Commission is charged with educating state officials and employees about ethics in government, HRS § 84-31(a)(7). To fulfill this mandate, the Commission conducts ethics trainings throughout the year. Traditionally, the Commission holds in-person trainings throughout the islands, providing participants an interactive education in a face-to-face setting. In March 2020, the Commission had to suspend all its in-person trainings because of COVID-19. The Commission pivoted to using videoconference technology to train state officials in real-time – allowing for interactive question-and-answer sessions while adhering to COVID-19 safety regulations.

In addition, the Commission launched an on-demand, on-line training module that is available to all state employees to complete at their convenience. This 30-minute on-line training module can be accessed from any device with an internet connection and is available on the Commission's website at <https://ethics.hawaii.gov/ethiconlinetraining/>. The on-line training module is available to participants from all state departments on all islands, and a total of 1,692 individuals received a certificate of completion in 2020. The Commission expects to launch a new on-line training specifically for Board and Commission members in early 2021.

The Commission reached a total of 2,888 individuals through its in-person training, web-based training, and videoconference training programs in 2020, an increase of over 750 people when compared to 2019. The Commission held ten in-person trainings and ten videoconference training sessions, reaching 1,196 individuals in a live, interactive format. Two of the videoconference sessions offered Continuing Legal Education (“CLE”) credits for government attorneys. The Commission also conducted mandatory ethics training sessions for all newly elected state officials as required by HRS § 84-42.

Enforcement

The Commission enforces the State Ethics Code, HRS chapter 84, and the State Lobbyists Law, HRS chapter 97. The Commission receives and reviews complaints and conducts investigations on a confidential basis concerning alleged violations of the law. When appropriate, the Commission initiates formal charges against individuals who appear to have violated the law. If there is probable cause to believe that a violation of the law has occurred, the Commission may hold a contested case hearing in accordance with HRS chapter 91, Hawaii's Administrative Procedure Act.

In 2020, the Commission received 129 new complaints of violations of the Ethics Code and Lobbyists Law – double the number of complaints received in 2019 (65). The Commission issued thirty-three Resolutions authorizing staff to conduct investigations, issued four Charges (and received one Charge filed by members of the public), and closed 112 cases (up from 75 cases closed in 2019). The Commission publicly resolved thirteen Charges and investigations (including those below) by issuing a Resolution of Investigation/Charge document. The Commission resolved another fourteen matters by issuing ethics guidance and closed 85 other matters for lack of jurisdiction, lack of supporting evidence, or another reason. Many of those cases were referred to other government agencies for action). The Commission assessed a total of \$47,225 in administrative penalties, payable to the General Fund. Notable enforcement actions include:



Department of Health (“DOH”), Office of Health Care Assurance: [Resolution of Investigation 2020-05](#)

The Commission resolved an investigation involving a DOH employee who used his official position as a state inspector to obtain unwarranted advantages for himself and his private employer, a real estate brokerage firm. The respondent admitted to multiple violations of the Fair Treatment law, HRS § 84-13, including soliciting private real estate business from two adult residential care home (“ARCH”) operators while conducting state inspections of their care homes and using state time for private business. The respondent admitted to personally receiving a commission of \$9,947.50 (out of a total commission of \$22,750 received by his real estate brokerage firm) from one private real estate transaction that resulted from him soliciting business from an ARCH operator. The respondent agreed to pay an administrative penalty of \$25,000, and the matter was referred to DOH for disciplinary action as appropriate.

Department of Land and Natural Resources (“DLNR”), Division of Conservation and Resources Enforcement (“DOCARE”): [Resolution of Charge 2020-03](#)

The Commission resolved a Charge involving a DOCARE Officer who admitted to (1) assisting his private employer for pay in obtaining a marine/ocean event permit from DLNR and (2) taking official state action affecting his private employer. The Officer used his state position and resources to assist in his private work (as an ocean risk management and marine reconnaissance vehicles trainer). The DOCARE officer admitted to violating the Conflicts of Interests law, which prohibits state employees from (1) being paid to assist or represent another person or business in transactions or proposals before their own state agency and (2) taking official action affecting a business in which they have a substantial financial interest, such as outside private employment. The respondent also admitted to violating the Fair Treatment law, which prohibits state employees from using state resources for private business purposes. The respondent agreed to pay an administrative penalty of \$10,000 and the matter was referred to DLNR-DOCARE for further action as appropriate.

Department of Commerce and Consumer Affairs (“DCCA”), Insurance Division: [Resolution of Charge 2020-05](#)

The Commission resolved a Charge regarding a DCCA employee’s violation of the Gifts Law, HRS § 84-11, and the Gifts Reporting law, HRS § 84-11.5, related to gifts of hundreds of dollars of meals from a state vendor. As part of his duties as Chief Examiner, the respondent oversaw the vendor’s contract with DCCA, and was responsible for negotiating the rate paid to the vendor and monitoring the performance of the vendor’s work. The Gifts law prohibits state employees from soliciting or accepting any gift “under circumstances in which it can reasonably be inferred that the gift is intended to influence the . . . employee . . . or is intended as a reward for any official action[.]” The respondent, who had retired from the State of Hawai‘i prior to the resolution of this Charge, agreed to pay an administrative penalty of \$5,000.

Department of Transportation (“DOT”), Highways Division, O‘ahu District: [Resolution of Investigation 2020-07](#) and [2020-08](#)

The Commission resolved a case involving a DOT employee’s use of state-owned equipment for personal purposes. The employee admitted to using a DOT truck and trailer to transport a DOT Bobcat skid-steer from a nearby job site to his personal residence. The Bobcat was then used to clear rocks, mud, and debris from the employee’s personal property. The employee’s supervisor, a Superintendent for the DOT Highways Division, admitted to authorizing the employee to transport the Bobcat to the employee’s personal residence, store the Bobcat outside of work hours, and utilize the Bobcat for personal use. The employee and the supervisor agreed to pay administrative penalties of \$1,500 and \$1,000, respectively.

Financial & Gifts Disclosures

The Commission administers the filing requirements of the financial disclosure law and the gifts disclosure law, which help provide accountability and transparency in government.

In 2020, the Commission received 1,859 financial disclosure statements, including 181 disclosure statements for candidates of state elective office. Public disclosure statements (for elected officials, department directors, and other designated state officials) are available on the Commission's [public data website](#).

The Commission received and published 188 gifts disclosure statements, all of which are available on the Commission's [public data website](#).

Lobbyists Law: Registration & Expenditure Reports

The Commission administers HRS chapter 97, the Lobbyists Law, which requires lobbyists to register with the Commission and file periodic expenditure reports. In 2019, the Commission launched its new electronic filing system for lobbying registration and reporting, allowing lobbyists to register and file their periodic expenditure reports electronically. The Commission is continually upgrading and improving the e-filing system for lobbying, financial disclosures, and gifts disclosures; the Commission launched a series of enhancements in December 2020 to make it easier for filers to complete their forms.

In 2020, the Commission received and published 1,018 lobbyist registration statements from 486 lobbyists, representing 435 organizations, along with 1,207 lobbyist expenditure reports. Each of these figures represents a year-over-year increase when compared to 2019 (950 registration statements, 438 lobbyists, 415 organizations, and 1,009 lobbyist expenditure reports).

2020 LOBBYING REPORTS AND FINANCIAL/GIFTS DISCLOSURES

| | |
|---|-------|
| Lobbyist Registration Statements Filed | 1,018 |
| Lobbying Expenditure Reports Filed | 1,207 |
| Total Number of Registered Lobbyists | 486 |
| Lobbying Organizations Represented | 435 |
| Financial Disclosure Statements Filed | 1,859 |
| Candidate Financial Disclosure Statements Filed | 181 |
| Gifts Disclosure Statements Filed | 188 |

Administrative Rules

After a three-year process of research, drafting, and deliberation, the Commission considered and promulgated a comprehensive package of administrative rules pursuant to HRS chapter 91. The Commission held a public hearing on May 7, 2020 to gather testimony from all interested persons and discuss the potential implications of the proposed changes. The rules were signed by Governor Ige in November 2020 and took effect on November 28, 2020.

The new rules provide updated procedures for the issuance of advisory opinions, investigations, and contested case hearings. The rules also clarify many of the ethics and lobbyists laws administered by the Commission, and address topics such as gifts, fair treatment, conflicts of interests, and post-employment restrictions. The updated rules are available on the Commission's website at <https://ethics.hawaii.gov/wp-content/uploads/2019/07/TITLE21.pdf>

Anti-Fraud Initiative

The Commission partnered with the Department of the Attorney General to launch an anti-fraud hotline aimed at identifying fraud, waste, and abuse of government funds. The agencies developed a website and online complaint form (antifraud.hawaii.gov), dedicated phone hotline (587-0000), and dedicated email address (antifraud@hawaii.gov) where individuals can confidentially report suspected violations. These anti-fraud resources were created to complement the state's efforts to use CARES Act funds responsibly and empower the public with confidential, easy-to-use methods to report potential violations.

Within the first four months of establishing these anti-fraud resources (September to December 2020), the Commission fielded 41 anti-fraud complaints, including 19 complaints submitted using the online complaint form. These 41 complaints were in addition to the 129 complaints received by the Commission through the Commission's normal complaint channels. Many of the anti-fraud complaints were referred to the relevant administrative agencies for action, and several of those cases resulted in action (policy changes and/or disciplinary action) by the agencies themselves.

Judicial Candidate Reviews

The Commission provides information to the Judicial Selection Commission on applicants for judicial office. In 2020, the Hawai'i State Ethics Commission provided information on approximately 87 applicants (including current judges seeking retention).

Legislation

In 2020, the Commission successfully advocated for the passage of [Act 39 \(House Bill 2125\)](#), which requires financial disclosure filers to report the names of clients they assist or represent for pay before state agencies and updates the law to provide for electronic filing of disclosures. The Legislature also passed [House Bill 2124](#) without a single “no” vote; the bill would have strengthened Hawaii’s post-employment laws by prohibiting high-level state officials from lobbying the Legislature for one year after leaving state service, but the bill was vetoed by the Governor for its possible effects on recruitment for volunteer boards and commissions. The Commission intends to support a revised version of this measure in 2021 that would exclude volunteer members of boards and commissions but retain the strong post-employment restrictions for high-level government employees.

Commissioners and Staff

The Commission is comprised of five members nominated by the State Judicial Council and appointed by the Governor for four-year terms. The current members of the Commission are Ruth Tschumy (Chairperson), Melinda Wood (Vice Chairperson), Reynard Gaulty, and Wesley Fong. There is currently a vacancy on the Commission. Former member Susan DeGuzman completed her second term on June 30, 2020.

As of February 2021, the Commission employs a staff of ten: Executive Director Daniel Gluck, Associate Director Susan Yoza, four staff attorneys (Nancy Neuffer, Virginia Chock, Bonita Chang, and Kee Campbell); Computer Specialist Patrick Lui; Office Manager Caroline Choi; Secretary Lynnette Santiago; and Investigator Jason Kamisugi. The Commission has a vacancy for an administrative position that will remain unfilled because of the COVID-19 budget crisis. As the COVID-19 crisis unfolded at the end of the 2019-2020 fiscal year, the Commission cut its expenses and returned \$50,177.44, or approximately 4.2% of the budget (1,202,065) to the General Fund. The Commission expects to return funds to the General Fund at the end of the current fiscal year as well.

| 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 |
| 3/25/2021 | General Ethics Training, HTA, Zoom | |
| 4/28/2021 | General Ethics Training, SPCS, Zoom | |
| | | |
| TOTAL | 10 Presentations | 867 participants |

Online Training Completions by Department

| Department/Agency | # of Completions |
|--|------------------|
| Department of Transportation (DOT) | 247 |
| Department of Human Services (DHS) | 201 |
| Department of Health (DOH) | 192 |
| Department of Education (DOE) | 170 |
| Department of the Attorney General (ATG) | 98 |
| University of Hawaii-Manoa (UOHM) | 94 |
| Department of Defense (DOD) | 72 |
| University of Hawaii-Community Colleges (UOHC) | 66 |
| Department of Land and Natural Resources (DLNR) | 65 |
| Department of Accounting and General Services (DAGS) | 64 |
| Department of Business, Economic Development and Tourism (DBEDT) | 57 |
| University of Hawaii-West Oahu (UOHW) | 50 |
| Department of Commerce and Consumer Affairs (DCCA) | 47 |
| Other (Please fill-in "Other Department/Agency") | 44 |
| Department of Public Safety (DPS) | 42 |
| Department of Labor and Industrial Relations (DLIR) | 41 |
| Judiciary (JUD) | 41 |
| Hawaii Health Systems Corporation (HHSC) | 39 |
| Department of Agriculture (DOA) | 36 |
| University of Hawaii-System (UOH) | 36 |
| Office of Hawaiian Affairs (OHA) | 33 |
| Office of the Governor (GOV) | 8 |
| Public Charter School (SPCSC) | 7 |
| Research Corporation of the University of Hawaii (RCUH) | 7 |
| Senate (SEN) | 4 |
| Department of Human Resources Development (DHRD) | 4 |
| Office of the Lieutenant Governor (LTG) | 4 |
| Office of the Auditor (AUD) | 3 |
| Office of the Ombudsman (OMB) | 2 |
| Hawaii State Ethics Commission (HSEC) | 1 |
| Department of Taxation (TAX) | 1 |
| Department of Budget and Finance (B&F) | 1 |
| Hawaii State Public Library System (HSPLS) | 1 |

Total Certificate of Completions Issued**1778**

As of February 2, 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 |
| # of People Trained In Person | 0 | 0 | | | | | | | | | | | 0 |
| # of On-Line Training | 85 | | | | | | | | | | | | 85 |
| # of eTrainings | 8 | 0 | | | | | | | | | | | 8 |
| # of People Trained in eTraining | 867 | 0 | | | | | | | | | | | 867 |
| Attorney of the Day | | | | | | | | | | | | | |
| | 116 | | | | | | | | | | | | 116 |
| New assignments | | | | | | | | | | | | | |
| Advisory Opinion | 0 | | | | | | | | | | | | 0 |
| Complaint | 9 | | | | | | | | | | | | 9 |
| Gifts/Invitations/Travel | | | | | | | | | | | | | 0 |
| Guidance | | | | | | | | | | | | | 0 |
| Judicial Selection Comm'n | 3 | | | | | | | | | | | | 3 |
| Training Request | | | | | | | | | | | | | 0 |
| Record Request | 1 | | | | | | | | | | | | 1 |
| Project/Other | 3 | | | | | | | | | | | | 3 |
| Total | 16 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 16 |
| Closed Assignments | | | | | | | | | | | | | |
| Advisory Opinion | 1 | | | | | | | | | | | | 1 |
| Complaint | 8 | | | | | | | | | | | | 8 |
| Gifts/Invitations/Travel | | | | | | | | | | | | | 0 |
| Guidance | | | | | | | | | | | | | 0 |
| Judicial Selection Comm'n | | | | | | | | | | | | | 0 |
| Training Request | | | | | | | | | | | | | 0 |
| Record Request | 1 | | | | | | | | | | | | 1 |
| Project/Other | 4 | | | | | | | | | | | | 4 |
| Total | 14 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 |
| Anti-Fraud | | | | | | | | | | | | | |
| | 4 | 1 | | | | | | | | | | | 5 |

SUNSHINE LAW MEETING
AGENDA ITEM IV
2021 LEGISLATIVE SESSION

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM V

AKANA v. HAWAII STATE ETHICS COMMISSION AND DANIEL GLUCK,
CIVIL NO. 18-1-1019-06 (JHA); AKANA v. HAWAII STATE ETHICS COMMISSION,
CIVIL NO. 19-1-0379-03 (JHA); STATE OF HAWAII, ETHICS COMMISSION v.
ROWENA AKANA, CIVIL NO. 20-1-0453 (BIA)

Discussion of case status.

The Hawai'i State Ethics Commission may convene an executive session pursuant to Hawai'i Revised Statutes section 92-5(a)(4) to consult with the Commission's attorneys on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

No attachments.