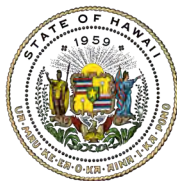


# SUNSHINE LAW MEETING



## 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: March 18, 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: 992 5799 1035

Password: 629844

*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 February 18, 2021 Meeting
  
- II. Executive Director's Report
  1. Education / Training Report  
*Attachment 2: 2021 Training Attendance / Schedule*  
*Attachment 3: Online Training Completions by Department*
  2. Guidance and Assignment Statistics – February 2021  
*Attachment 5: 2021 Guidance and Assignment Statistics / Website Traffic*
  3. Ethics Survey of State Employees
  4. Appointment of new Commissioners
  5. Miscellaneous Office Projects / Updates
  
- III. 2021 Legislative Session
  1. Public accountability agency
    - i. [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. *Note: still alive, but contents replaced with bill on legislative reapportionment.*
  2. 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.

3. Lobbyists Law

- i. [H.B. 741](#) Increases the retention period for certain Hawaii state ethics commission records from 4 years to 5 years.

4. Budget

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

5. Training

- i. [S.B. 82](#) Requires each new member of a board or commission to participate in an orientation and training session with the head of the department with jurisdiction of that member's board or commission or their designee. Requires each department and agency to train their members at least once per calendar year.

6. Other

- i. [H.B. 356](#) Requires meetings of the judicial council to be open to the public.
- ii. [H.B. 670](#) / [S.B. 912](#) 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.
- iii. [H.B. 1064](#) Removes the sunset provision in Act 38, Session Laws of Hawaii 2017 (technology transfer).
- iv. [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.
- v. [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.

- vi. [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.

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

Discussion of case status.

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

- V. 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  
FEBRUARY 18, 2021 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the February 18, 2021  
Hawaii State Ethics Commission Meeting

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

3  
4 STATE OF HAWAI'I

5  
6  
7 Date: February 18, 2021

8  
9 Time: 9:02 a.m.

10  
11 Location: Held via Zoom video and audio conference, with the Commission's Chair  
12 present in the Hawai'i State Ethics Commission's conference room,  
13 American Savings Bank Tower, 1001 Bishop Street, Suite 960, Honolulu,  
14 Hawai'i 96813

15  
16 Present: State Ethics Commission Members

17  
18 Ruth D. Tschumy, Chair (present in conference room)  
19 Melinda S. Wood, Vice Chair (via video conference)  
20 Reynard D. Grauly, Commissioner (via video conference)  
21 Wesley F. Fong, Commissioner (via video conference)

22  
23 State Ethics Commission Staff

24  
25 Daniel M. Gluck, Executive Director (via video conference)  
26 Susan D. Yoza, Associate Director (via video conference)  
27 Nancy C. Neuffer, Staff Attorney (via video conference)  
28 Virginia M. Chock, Staff Attorney (via video conference)  
29 Bonita Y.M. Chang, Staff Attorney (via video conference)  
30 Kee M. Campbell, Staff Attorney (via video conference)  
31 Patrick Lui, Computer Specialist (via audio conference)

32  
33 Guests

34 Sandy Ma, Executive Director, Common Cause Hawai'i

35  
36  
37 Note: There was a vacancy on the Commission at the time of this meeting.

38  
39  
40 **CALL TO ORDER**

41  
42 Chair Tschumy called the meeting to order at 9:02 a.m. and confirmed that all  
43 Commissioners and staff were present.

1 **Agenda Item No. I: Consideration and Approval of the Minutes of the**  
2 **January 21, 2021 Meeting**

3  
4 Commissioner Graulty made and Vice Chair Wood seconded a motion to  
5 approve the minutes of the January 21, 2021 Sunshine Meeting. The motion carried  
6 unanimously (Tschumy, Wood, Graulty, and Fong voting).  
7

8  
9 **Agenda Item No. II: Consideration and Approval of the Minutes of the**  
10 **February 4, 2021 Meeting**

11  
12 Vice Chair Wood made and Commissioner Fong seconded a motion to approve  
13 the minutes of the February 4, 2021 Sunshine Meeting. The motion carried  
14 unanimously (Tschumy, Wood, Graulty, and Fong voting).  
15

16  
17 **Agenda Item No. III: Executive Director's Report**

18  
19 1. 2020 Annual Report

20  
21 Executive Director Gluck stated that, absent any edits from the Commission, staff  
22 would publish the Annual Report on the Commission's website later that day.  
23

24 2. Education / Training Report

25  
26 Executive Director Gluck reported a busy January, with 867 people trained in  
27 January. He noted that, at the height of the Commission's in-person trainings, the  
28 Commission trained roughly 2,400 people for the whole calendar year – meaning that  
29 the Commission trained almost a third of that annual total just in January 2021.  
30 Executive Director Gluck stated that, for all its limitations, Zoom training allowed the  
31 Commission staff to reach a large number of training participants.  
32

33 3. Guidance and Assignment Statistics – January 2021

34  
35 Executive Director Gluck stated that attorney of the day inquiries were high in  
36 January because of the filing deadlines for financial disclosures and lobbying  
37 expenditure reports.  
38

39 4. Ethics Survey of State Employees

40  
41 Executive Director Gluck stated that he had intended to prepare some charts and  
42 graphs to summarize the ethics survey findings; he apologized that he was not prepared  
43 with those items. He plans to present this information at the next Commission meeting.  
44  
45



1                   5. Miscellaneous Office Projects / Updates  
2

3                   Executive Director Gluck reported that staff – principally Staff Attorney Chock,  
4 Associate Director Yoza, and Computer Specialist Lui – completed and launched the  
5 online training for board and commission members, a 30-minute online training  
6 specifically for board and commission members. Executive Director Gluck stated that  
7 he was going to distribute the training link to the Commission’s distribution list and to the  
8 Governor’s office to distribute to new board members.

9  
10 **Agenda Item No. IV: 2021 Legislative Session**  
11

12                   i.           Gifts and gifts reporting  
13

14                   Executive Director Gluck stated that the three House bills – H.B. 1108, H.B.  
15 1163, H.B. 645 – were all dead; the two Senate bills, S.B. 991 and S.B. 1326, were  
16 technically still alive.  
17

18                   ii.          Public accountability agency  
19

20                   Executive Director Gluck stated that all three bills would be dead as of the next  
21 day.  
22

23                   iii.         Post-employment  
24

25                   Executive Director Gluck stated that both bills were still alive.  
26

27                   iv.         Conflicts of Interests  
28

29                   Executive Director Gluck stated that H.B. 672 was still alive but that the other two  
30 were dead.  
31

32                   v.          Financial Disclosures  
33

34                   Executive Director Gluck stated that S.B. 554 would be dead as of the next day.  
35

36                   vi.         Fair Treatment  
37

38                   Executive Director Gluck stated that H.B. 1244 was dead.  
39

40                   vii.        Lobbyists Law  
41

42                   Executive Director Gluck stated that S.B. 557 was dead, but that H.B. 741 is  
43 moving through the Legislature.  
44  
45  
46

1           viii.    Budget

2  
3           Executive Director Gluck reported that H.B. 1 had not yet received a hearing in  
4 the House Committee on Finance, but that he expected a hearing soon.

5  
6           ix.     Short form bills

7  
8           Executive Director Gluck did not provide any information on these measures.

9  
10          x.     Other

11  
12          Executive Director Gluck stated that H.B. 10 and H.B. 356 were still alive, with  
13 some good amendments to H.B. 356, but that H.B. 343 was dead. Executive Director  
14 Gluck asked for the Commission's feedback on H.B. 670, which would require forfeiture  
15 of pensions for state employees convicted of employment-related felonies.

16  
17          Regarding H.B. 1064/S.B. 1218, Executive Director Gluck stated that the  
18 University has its whole regulatory system in place for technology transfer activities –  
19 committees, conflicts rules, and so on – and that the system seems rather  
20 comprehensive. Executive Director Gluck reported that he submitted very brief  
21 testimony indicating that the Commission was aware of the legislation and that the  
22 Commission understood the University to have finished its internal procedures; he  
23 anticipated that the Legislature would extend the sunset provision rather than remove it  
24 outright. Executive Director Gluck stated that, in his opinion, the Commission should  
25 not oppose these measures: the Legislature has already decided to have a carve-out  
26 for technology transfer activities, and it would not be prudent to try to re-hash that  
27 debate now.

28  
29          Executive Director Gluck discussed S.B. 610 and asked whether the Commission  
30 wanted to take a position on the measure.

31  
32          Regarding H.B. 396 and H.B. 1220, Executive Director Gluck stated that these  
33 bills would allow members of charter school governing boards to be members of the  
34 nonprofit organizations that support the charter schools. Executive Director Gluck  
35 stated that he and the Charter School Commission Executive Director believe that these  
36 provisions are bad policy, and that the Legislature was amending – or planning to  
37 amend – the bills to address these concerns.

38  
39          Executive Director Gluck again asked for the Commission's input on H.B. 670,  
40 regarding forfeiture of pensions, and S.B. 610, regarding the Department of Commerce  
41 and Consumer Affairs and public board members.

42  
43          Commissioner Fong asked about the legality and retroactivity of H.B. 670;  
44 Executive Director Gluck deferred to the Department of the Attorney General on the  
45 constitutionality of the measure, but stated that the bill would only apply to future  
46 convictions.

1 Commissioner Graulty expressed support for H.B. 670.

2  
3 Sandy Ma from Common Cause said it was her understanding that H.B. 670  
4 would apply prospectively, from the date of conviction.

5  
6 The Commission agreed, via consensus, to have staff submit testimony in  
7 support of both H.B. 670 and S.B. 610.

8  
9  
10 **Agenda Item No. V: Akana v. Hawaii State Ethics Commission and Daniel Gluck,**  
11 **Civil No. 18-1-1019-06 (JHA); Akana v. Hawaii State Ethics Commission, Civil No.**  
12 **19-1-0379-03 (JHA); State of Hawaii, Ethics Commission v. Rowena Akana, Civil**  
13 **No. 20-1-0453 (BIA)**

14  
15 Executive Director Gluck stated that he had no updates for the Commission on  
16 these matters.

17  
18  
19 **ADJOURNMENT OF SUNSHINE LAW MEETING**

20  
21 At approximately 9:29 a.m., Vice Chair Wood made and Commissioner Fong  
22 seconded a motion to adjourn the Sunshine Law Meeting. The motion carried  
23 unanimously (Tschumy, Wood, Graulty, and Fong voting).

24  
25 The meeting was adjourned at 9:30 a.m.

26  
27  
28 Minutes approved on: \_\_\_\_\_.

SUNSHINE LAW MEETING  
AGENDA ITEM II

EXECUTIVE DIRECTOR'S REPORT

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

SUNSHINE MEETING  
AGENDA ITEM II

EXECUTIVE DIRECTOR'S REPORT  
March 18, 2021

**1. Education / Training Report**

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

*Attachment 2: 2021 Training Attendance / Schedule*

*Attachment 3: Online Training Completions by Department*

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

*Attachment 4: 2021 Guidance and Assignment Statistics / Website Traffic*

**3. Ethics Survey of State Employees**

**4. Appointment of new Commissioners**

**5. 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
4/28/2021	General Ethics Training, SPCS, Zoom	
6/24/2021	General Ethics Training, HTA, Zoom	
8/xx/2021	General Ethics Training, UH, Zoom (4 trainings)	
<b>TOTAL</b>	<b>14 Presentations</b>	<b>867 participants</b>

## Online Training Completions by Department

Department/Agency	# of Completions
Department of Transportation (DOT)	248
Department of Health (DOH)	201
Department of Human Services (DHS)	201
Department of Education (DOE)	173
Department of the Attorney General (ATG)	99
University of Hawaii-Manoa (UOHM)	95
Department of Defense (DOD)	72
University of Hawaii-Community Colleges (UOHC)	68
Department of Land and Natural Resources (DLNR)	65
Department of Accounting and General Services (DAGS)	64
Office of Hawaiian Affairs (OHA)	59
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")	47
Department of Public Safety (DPS)	43
Judiciary (JUD)	42
Department of Labor and Industrial Relations (DLIR)	41
Hawaii Health Systems Corporation (HHSC)	41
University of Hawaii-System (UOH)	37
Department of Agriculture (DOA)	36
Office of the Governor (GOV)	8
Public Charter School (SPCSC)	7
Research Corporation of the University of Hawaii (RCUH)	7
Office of the Lieutenant Governor (LTG)	4
Department of Human Resources Development (DHRD)	4
Senate (SEN)	4
Office of the Auditor (AUD)	3
Office of the Ombudsman (OMB)	2
Department of Taxation (TAX)	1
Hawaii State Public Library System (HSPLS)	1
Department of Budget and Finance (B&F)	1
<b>Total Employee Certificate of Completions Issued</b>	<b>1828</b>
Board and Commission	# of Completions
Island Burial Council - Kauai/Niihau	1
<b>Total Board and Commission Certificate of Completions Issued</b>	<b>1</b>

**Total Certificate of Completions Issued**

**1829**

As of March 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
# of People Trained In Person	0	0	0										0
# of On-Line Training	85	41											126
# of eTrainings	8	0	0										8
# of People Trained in eTraining	867	0	0										867
<b>Attorney of the Day</b>	116	80											196
<b>New assignments</b>													
Advisory Opinion	0	0											0
Complaint	9	6											15
Gifts/Invitations/Travel	0	0											0
Guidance	0	0											0
Judicial Selection Comm'n	3	2											5
Training Request	0	0											0
Record Request	1	0											1
Project/Other	3	1											4
<b>Total</b>	16	9	0	0	0	0	0	0	0	0	0	0	25
<b>Closed Assignments</b>													
Advisory Opinion	1	0											1
Complaint	8	6											14
Gifts/Invitations/Travel	0	0											0
Guidance	0	0											0
Judicial Selection Comm'n	0	6											6
Training Request	0	0											0
Record Request	1	1											2
Project/Other	4	3											7
<b>Total</b>	14	16	0	0	0	0	0	0	0	0	0	0	30
<b>Anti-Fraud</b>	4	1	1										6



SUNSHINE LAW MEETING  
AGENDA ITEM III

2021 LEGISLATIVE SESSION

No attachments.

SUNSHINE LAW MEETING  
AGENDA ITEM IV

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

Discussion of case status.

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

No attachments.