

# 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: August 17, 2022

Time: 9:00 a.m.

Location: Zoom Videoconference or Phone:

Videoconference: [Join Zoom Meeting](https://us06web.zoom.us/j/83226880356?pwd=VmdtdE0yTmQ4RmhWbHVkWDdrSVNiQT09)  
<https://us06web.zoom.us/j/83226880356?pwd=VmdtdE0yTmQ4RmhWbHVkWDdrSVNiQT09>

Phone: +1 (669) 900-6833 or +1 (253) 215-8782

Meeting ID: 832 2688 0356

Passcode: 623180

Public Meeting Location:

Hawai'i State Ethics Commission Conference Room  
1001 Bishop Street  
American Savings Bank Tower, Suite 960  
Honolulu, Hawai'i 96813

Pursuant to Hawai'i Revised Statutes section 92-3.7, the State Ethics Commission will meet remotely using interactive conference technology. The public may either attend the meeting in person, at the public meeting location above, or participate remotely by using the above Zoom meeting information. If participating remotely, please mute your phone/device except while testifying. If the Commission's videoconference connection is lost during the meeting, please go to the Commission's website ([www.ethics.hawaii.gov](http://www.ethics.hawaii.gov)) for more information, including reconnection information.

Masks are encouraged for everyone attending the meeting in person.

Public meeting materials for this meeting are available on the Commission's website at: [www.ethics.hawaii.gov](http://www.ethics.hawaii.gov).

## A G E N D A

### CALL TO ORDER

- I. Consideration and Approval of the Minutes of the July 20, 2022 Meeting
  
- II. Executive Director's Report
  1. Education / Training Report  
*Attachment 1: 2022 Training Attendance / Schedule*  
*Attachment 2: Online Training Completions by Department*
  2. Guidance and Assignment Statistics – July 2022  
*Attachment 3: 2022 Guidance and Assignment Statistics / Website Traffic*
  3. Update regarding 2022 Financial Disclosure Filings
  4. Miscellaneous Office Projects / Updates
  
- III. Update on Commission to Improve Standards of Conduct
  
- IV. Sunshine Law Review for Commissioners
  
- 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 and/or the Department of the Attorney General on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

VI. Adjournment

Public Testimony

Anyone wishing to testify may do so during the meeting or may submit written testimony in advance of the meeting by email ([ethics@hawaiiethics.org](mailto:ethics@hawaiiethics.org)), facsimile (fax) (808-587-0470), or U.S. postal mail (State Ethics Commission, 1001 Bishop Street, American Savngs Bank Tower, Suite 970, Honolulu, Hawai'i 96813). Public testimony must be related to an item that is on the agenda and the testifier must identify the agenda item to be addressed by the testimony. Pursuant to Hawai'i Revised Statutes section 92-3 and Hawai'i Administrative Rules section 21-1-6(c), oral testimony is limited to three minutes per testifier per agenda item, subject to the reasonable discretion of the Chair.

Auxiliary Aid or Accomodation Due to a Disability

If you require an auxiliary aid or accommodation due to a disability, please contact the State Ethics Commission at (808) 587-0460 or email the Commission at [ethics@hawaiiethics.org](mailto:ethics@hawaiiethics.org) as soon as possible, preferably at least 48 hours prior to the meeting. 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.

SUNSHINE LAW MEETING  
AGENDA ITEM I

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE  
JULY 20, 2022 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the July 20, 2022  
Hawai'i State Ethics Commission Meeting

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

STATE OF HAWAI'I

Date: July 20, 2022

Time: 9:00 a.m.

Location: Held via Zoom video and audio conference

Public Meeting Location

Hawai'i State Ethics Commission Conference Room  
1001 Bishop Street  
American Savings Bank Tower, Suite 960  
Honolulu, Hawai'i 96813

Present: State Ethics Commission Members

Wesley F. Fong, Vice Chair / Chair (present in conference room)  
Harry J. McCarthy, Commissioner (via video conference)  
Beverley Tobias, Commissioner (via video conference)  
Robert Hong, Commissioner (via video conference)

Excused: Reynard D. Gaulty, Commissioner

State Ethics Commission Staff

Robert D. Harris, Executive Director (present in conference room)  
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)  
Jennifer M. Yamanuha, Staff Attorney (via video conference)  
Patrick W.C. Lui, Computer Specialist (via audio conference)

**CALL TO ORDER**

Vice Chair Fong called the meeting to order at 9:00 a.m. Commissioners McCarthy, Tobias, and Hong individually confirmed no one was in the room with them at their remote locations. All staff were also present.

There were no members of the public present in the public meeting location or via video or audio conference.

1 **Agenda Item No. I: Welcome to Commissioner Robert Hong**

2  
3 Vice Chair Fong welcomed Dr. Robert Hong as the newest member of the  
4 Commission and invited Commissioner Hong to say a few words about himself.

5  
6 Commissioner Hong said he recently retired as a cardiologist after a 35-year  
7 career in medicine. He spoke briefly about his educational background and work as a  
8 physician, hospital administrator, and educator. He thanked everyone for welcoming  
9 him to the Commission.

10  
11  
12 **Agenda Item No. II: Election of Officers for 2022**

13  
14 Commissioner Tobias nominated Wesley Fong for Chair. There were no other  
15 nominations for Chair. The Commissioners voted unanimously in favor of Wesley Fong  
16 as Commission Chair (Fong, McCarthy, Tobias, and Hong voting).

17  
18 Chair Fong thanked the Commissioners for their confidence in him.

19  
20 Commissioner McCarthy nominated Rey Gaulty for Vice Chair. There were no  
21 other nominations for Vice Chair. The Commissioners voted unanimously in favor of  
22 Rey Gaulty as Commission Vice Chair (Fong, McCarthy, Tobias, and Hong voting).

23  
24  
25 **Agenda Item No. III: Consideration and Approval of the Minutes of the June 16,**  
26 **2022 Meeting**

27  
28 Commissioner Tobias made and Commissioner McCarthy seconded a motion to  
29 approve the minutes of the June 16, 2022 meeting. The motion carried (Fong,  
30 McCarthy, and Tobias voting aye; Hong abstaining).

31  
32  
33 **Agenda Item No. IV: Consideration of Reasonable Time Limits on Oral Testimony**

34  
35 Chair Fong read aloud Hawai'i Administrative Rule § 21-1-6(c), which states the  
36 Commission may place reasonable time limits for members of the public to present oral  
37 testimony in order to ensure the reasonable and orderly administration of the meeting.  
38 Chair Fong asked Commissioners to discuss how they felt about placing time limits on  
39 testimony.

40  
41 Commissioner Tobias said she felt a time limit is important and will help keep  
42 order during meetings.

43  
44 Commissioner McCarthy agreed there should be a reasonable time limit. He was  
45 not sure what the time limit should be, but felt it should be left to the discretion of the  
46 chair. He said the agenda should also state that testimony must relate to agenda items  
47 only and must keep within the time limit for testimony.

1 Chair Fong said he preferred to have the Commission set a reasonable amount  
2 of time as a guide rather than leave it to the discretion of the chair.  
3

4 Executive Director Harris suggested 3-5 minutes as a reasonable limit and said it  
5 could be left to the chair's discretion to extend the time, if needed. He also suggested  
6 the time limit be noted in the meeting agenda going forward, so the public has  
7 reasonable notice.  
8

9 Commissioner Tobias made and Commissioner McCarthy seconded a motion to  
10 set a time limit of three minutes for public testimony, to be noted on the Commission's  
11 agenda, with more time allowed at the chair's discretion. The motion carried  
12 unanimously (Fong, McCarthy, Tobias, and Hong voting).  
13

14 Chair Fong asked staff to publish the time limit in the meeting agenda so the  
15 public is aware that there is a reasonable time limit of three minutes for testimony.  
16  
17

18 **Agenda Item No. V: Executive Director's Report**  
19

20 Executive Director Harris reviewed the training, guidance, and assignment  
21 statistics. He observed the overall number of training participants had noticeably  
22 increased. He said with the passage of the Commission's mandatory ethics training bill,  
23 HB 1475, staff were actively looking at ways to increase participation in ethics training  
24 without creating an undue burden on a limited number of staff members.  
25

26 Executive Director Harris also reviewed the Commission's fourth quarter and  
27 fiscal year-end financial report for FY 2021-22. He said the office spent 97% of the  
28 Commission's budget and returned \$32,956 in unspent funds to the State. He explained  
29 that staff worked hard to reduce spending in anticipation of COVID-related financial  
30 restrictions. He also said two staff members departed, which further reduced expenses.  
31 One of the positions has since been filled and staff plans to hire a part-time investigator  
32 during the current fiscal year.  
33

34 Staff Attorney Chang provided an update on 2022 financial disclosure filings. For  
35 2022, there are approximately 1,700 financial disclosure filers, and all state employee  
36 filers have filed their forms for this year. Staff is also busy with candidate financial  
37 disclosures, which are due on July 25, 2022. Staff is also assisting board members with  
38 their financial disclosure filings.  
39

40 Executive Director Harris announced that Kathryn Spadaro has joined the staff.  
41 On behalf of the Commission, Chair Fong welcomed Ms. Spadaro.  
42

43 Chair Fong asked who would be attending this year's COGEL conference in  
44 Canada. Executive Director Harris said one and possibly two commissioners will attend  
45 the December conference; Executive Director Harris also will attend the conference,  
46 along with Staff Attorneys Yamanuha and Campbell.  
47



1 **Agenda Item No. VI: 2022 Legislative Session**

2  
3 Executive Director Harris said the Commission’s budget for FY 2022-23 was  
4 approved as Act 1. He said additional funding of about \$26,000 was provided for salary  
5 increases for staff comparable to union-negotiated increases.  
6

7 Executive Director Harris provided an update on the Commission to Improve  
8 Standards of Conduct (“Standards Commission”). Many recommendations and ideas  
9 are being discussed. The Standards Commission recently heard from representatives  
10 from the Department of Justice, the Attorney General’s office, and the County  
11 Prosecutors’ offices about public corruption laws. The Honolulu Prosecutor’s office will  
12 take the lead in drafting proposed changes to state corruption laws and will look at ways  
13 to strengthen state enforcement of corruption laws.  
14

15 Commissioner Tobias asked whether the Senate has taken a more active role in  
16 the Standards Commission’s work. Executive Director Harris replied that he did reach  
17 out to the Senate President, who indicated interest in the Standards Commission and a  
18 willingness to support it. Executive Director Harris also said he plans to invite  
19 representatives from the House and Senate to participate in the Standards  
20 Commission’s upcoming session to discuss the legislative process and potential  
21 improvements.  
22

23 Commissioner McCarthy asked whether campaign finance issues, particularly  
24 fundraising during legislative sessions, are actively being discussed. Executive Director  
25 Harris said the Campaign Spending Commission’s Executive Director is a member of  
26 the Standards Commission and campaign finance issues are definitely being discussed.  
27 The Standards Commission’s interim report recommended stopping fundraising in its  
28 entirety during legislative sessions and will likely make the same recommendation  
29 again. Executive Director Harris said this is a harder area to address because of  
30 constitutional issues having to do with money and politics.  
31

32 Chair Fong thanked Executive Director Harris for representing the Commission  
33 on the Standards Commission.  
34  
35

36 **Agenda Item No. VII: Akana v. Hawaii State Ethics Commission and Daniel Gluck,**  
37 **Civil No. 18-1-1019-06 (JHA); Akana v. Hawaii State Ethics Commission, Civil No.**  
38 **19-1-0379-03 (JHA); State of Hawaii, Ethics Commission v. Rowena Akana,**  
39 **Civil No. 20-1-0453 (BIA)**  
40

41 Executive Director Harris said there were no updates on the Akana case.  
42

1 **ADJOURNMENT OF SUNSHINE LAW MEETING**

2

3 At approximately 9:43 a.m., Commissioner McCarthy made and Commissioner  
4 Tobias seconded a motion to adjourn the meeting. The motion carried unanimously  
5 (Fong, McCarthy, Tobias, and Hong voting).

6

7 The meeting was adjourned at 9:43 a.m.

8

9

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

DRAFT

SUNSHINE MEETING  
AGENDA ITEM II

EXECUTIVE DIRECTOR'S REPORT  
August 17, 2022

**1. Education / Training Report**

*Attachment 1: 2022 Training Attendance / Schedule*

*Attachment 2: Online Training Completions by Department*

**2. Guidance and Assignment Statistics – July 2022**

*Attachment 3: 2022 Guidance and Assignment Statistics / Website Traffic*

**3. Update regarding 2022 Candidate Disclosure Filings**

**4. Miscellaneous Office Projects / Updates**

<b>HAWAII STATE ETHICS COMMISSION</b>		
<b>2022 EDUCATION PROGRAM</b>		
<b>(Ethics Workshops and Presentations)</b>		
<b>DATE</b>	<b>PRESENTATIONS</b>	<b>NUMBER OF PARTICIPANTS</b>
1/5/2022	Lobbyists Law Training, Zoom	88
1/10/2022	General Ethics Training, ERS, Teams	24
1/11/2022	Lobbyists Law Training, Zoom	54
1/11/2022	General Ethics Training, Senate Staff, Zoom	54
1/13/2022	General Ethics Training, Senate Staff, Zoom	31
1/25/2022	General Ethics Training, Zoom	188
2/23/2022	General Ethics Training, Judiciary, Zoom	61
2/24/2022	General Ethics Training, Judiciary, Zoom	65
3/9/2022	General Ethics Training, House Members, Zoom	47
3/31/2022	General Ethics Training, DOD, Zoom	20
4/1/2022	General Ethics Training, UH School of Law, Zoom	45
4/4/2022	General Ethics Training, DCCA, Zoom	22
4/21/2022	General Ethics Training, State Public Charter School Commission, Zoom	30
5/19/2022	General Ethics Training, Zoom	270
7/14/2022	General Ethics Training, Zoom, GOV	14
7/15/2022	General Ethics Training, Zoom, GOV	10
7/18/2022	General Ethics Training, Zoom, GOV	20
7/19/2022	General Ethics Training, Zoom, GOV	20
8/4/2022	Ethics for State Board and Commission members, Zoom	59

**HAWAII STATE ETHICS COMMISSION**

**2022 EDUCATION PROGRAM**

**(Ethics Workshops and Presentations)**

<b>DATE</b>	<b>PRESENTATIONS</b>	<b>NUMBER OF PARTICIPANTS</b>
8/18/2022	General Ethics Training, Zoom	
9/22/2022	Ethics for State Board and Commission members, Zoom	
9/29/2022	General Ethics Training, Zoom	
10/5/2022	Ethics for State Board and Commission members, Zoom	
10/20/2022	General Ethics Training, Zoom	
11/3/2022	General Ethics Training, Zoom	
12/7/2022	Ethics for State Government Attorneys, Zoom	
12/8/2022	Ethics for State Government Attorneys, Zoom	
12/16/2022	General Ethics Training, Zoom	
<b>TOTAL</b>	<b>28 Presentations</b>	<b>1122 participants</b>

## Online Training Completions by Department

Department/Agency	2022 Total	Overall Total
Department of Accounting and General Services (DAGS)	21	88
Department of Agriculture (DOA)	7	61
Department of Budget and Finance (B&F)	3	4
Department of Business, Economic Development and Tourism (DBEDT)	18	84
Department of Commerce and Consumer Affairs (DCCA)	2	49
Department of Defense (DOD)	34	107
Department of Education (DOE)	76	303
Department of Health (DOH)	150	379
Department of Human Resources Development (DHRD)	5	9
Department of Human Services (DHS)	1	205
Department of Labor and Industrial Relations (DLIR)	2	43
Department of Land and Natural Resources (DLNR)	0	75
Department of Public Safety (DPS)	23	67
Department of Taxation (TAX)	0	1
Department of the Attorney General (ATG)	104	221
Department of Transportation (DOT)	77	358
Hawaii Health Systems Corporation (HHSC)	0	41
Hawaii State Ethics Commission (HSEC)	2	2
Hawaii State Public Library System (HSPLS)	0	1
House of Representatives (REP)	1	1
Judiciary (JUD)	77	134
Office of Hawaiian Affairs (OHA)	38	100
Office of the Auditor (AUD)	0	3
Office of the Governor (GOV)	10	19
Office of the Lieutenant Governor (LTG)	1	5
Office of the Ombudsman (OMB)	3	5
Other (Please fill-in "Other Department/Agency")	23	80
Public Charter School (SPCSC)	23	42
Research Corporation of the University of Hawaii (RCUH)	0	9
Senate (SEN)	1	5
University of Hawaii-Community Colleges (UOHC)	31	108
University of Hawaii-Hilo (UOHH)	4	7
University of Hawaii-Manoa (UOHM)	75	191
University of Hawaii-System (UOH)	32	76
University of Hawaii-West Oahu (UOHW)	48	115
<b>Total Employee Certificates of Completion Issued</b>	<b>892</b>	<b>2998</b>
<b>Board and Commission</b>	<b>2022 Total</b>	<b>Overall Total</b>
Agribusiness Development Corporation	2	2
Board of Agriculture	0	1
Board of Barbering and Cosmetology	2	2
Board of Certification of Operating Personnel in Wastewater Treatment Plants	2	2
Board of Dentistry	3	3
Board of Education	0	7
Board of Electricians and Plumbers	0	1
Board of Land and Natural Resources	2	4
Board of Physical Therapy	2	2
Board of Professional Engineers, etal	2	2
Board of Taxation Review	1	2
Board on Geographic Names	1	1

## Online Training Completions by Department

Board and Commission	2022 Total	Overall Total
Boxing Commission	0	1
Campaign Spending Commission	1	1
Commission on Water Resource Management	2	3
Contractors License Board	1	1
Disability and Communication Access Board	1	1
Elections Commission	1	1
Elevator Mechanics Licensing Board	1	1
Employees' Retirement System	1	1
Hawai'i Board of Optometry	2	2
Hawai'i Employer-Union Health Benefits Trust Fund	0	1
Hawai'i Health Systems Corporation-Corporation	0	1
Hawai'i Health Systems Corporation-East Hawai'i	2	2
Hawai'i Health Systems Corporation-Oahu	1	1
Hawai'i Health Systems Corporation-West Hawai'i	3	3
Hawai'i Housing Finance and Development Corporation	0	1
Hawai'i Public Housing Authority	3	3
Hawai'i State Ethics Commission	0	2
Hawai'i Teacher Standards Board	3	3
Hawai'i Technology Development Corporation	3	3
Hawaiian Homes Commission	1	1
Hoisting Machine Operators Advisory Board	1	1
Island Burial Council - Kauai/Niihau	0	3
Island Burial Council - Molokai	1	1
Island Burial Council - Oahu	1	2
King Kamehameha Celebration Commission	2	2
Land Use Commission	2	2
Legacy Land Conservation Commission	0	1
Medical Education Council	0	1
Motor Vehicle Industry Licensing Board	2	2
Motor Vehicle Repair Industry Board	1	1
Natural Energy Laboratory of Hawai'i	1	1
Office of Hawaiian Affairs	1	1
Other (Please fill-in "Other Board/Commission")	31	48
Pest Control Board	1	1
Real Estate Commission	1	1
Soil and Water Conservation District Boards	0	2
Stadium Authority Commission	3	3
State Council on Developmental Disabilities	1	1
State Foundation on Culture and the Arts	2	2
State Public Charter School Commission	1	1
Statewide Health Coordinating Council	2	2
University of Hawai'i Board of Regents	2	4
<b>Total Board and Commission Certificates of Completion Issued</b>	<b>99</b>	<b>145</b>

**Total Certificates of Completion Issued**

**991**

**3143**

As of August 1, 2022, 6:00 PM

2022	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	0						0
# of People Trained In Person	0	0	0	0	0	0	0						0
# of On-Line Trainings (Self-Directed)	35	44	142	73	442	106	139	10					991
# of Training Webinars	6	2	2	3	1	0	4						18
# of Participants in Training Webinars	439	126	67	97	270	0	64						1063
<b>Attorney of the Day</b>	76	87	116	66	79	104	100						628
<b>New assignments</b>													
Advisory Opinion	0	0	0	0	0	0	0						0
Complaint	5	18	23	21	25	9	17						118
Gifts/Invitations/Travel	5	5	17	14	15	12	17						85
Guidance	6	3	3	0	0	0	3						15
Judicial Selection Comm'n	0	3	3	0	2	5	6						19
Training Request	0	0	0	0	0	0	0						0
Record Request	1	0	1	3	0	0	2						7
Project/Other	5	3	2	2	2	1	1						16
<b>Total</b>	22	32	49	40	44	27	46	0	0	0	0	0	260
<b>Closed Assignments</b>													
Advisory Opinion	0	0	1	1	0	0	0						2
Complaint	4	6	19	21	11	4	12						77
Gifts/Invitations/Travel	5	7	14	18	13	12	15						84
Guidance	3	5	1	4	0	0	1						14
Judicial Selection Comm'n	0	3	3	0	2	5	4						17
Training Request	0	0	0	0	0	0	0						0
Record Request	1	0	1	3	0	0	0						5
Project/Other	6	4	1	1	1	1	0						14
<b>Total</b>	19	25	40	48	27	22	32	0	0	0	0	0	213
<b>Anti-Fraud</b>	2	5	2	6	9	4	3						31



SUNSHINE LAW MEETING  
AGENDA ITEM III

UPDATE ON COMMISSION TO IMPROVE STANDARDS OF CONDUCT

No attachments.

SUNSHINE LAW MEETING  
AGENDA ITEM IV

SUNSHINE LAW REVIEW FOR COMMISSIONERS

Attachment 1: Guide to “The Sunshine Law” for State and County Boards  
<https://oip.hawaii.gov/wp-content/uploads/2022/01/2021-Sunshine-GUIDE.pdf>

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)

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