



# 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: May 17, 2023

Time: 9:00 a.m.

Location: Zoom Videoconference or Phone:

Videoconference: [Join Zoom Meeting](https://us06web.zoom.us/j/83655452298?pwd=c0RpclFqdncWFh3VU9NOWUzWXZUQT09)  
<https://us06web.zoom.us/j/83655452298?pwd=c0RpclFqdncWFh3VU9NOWUzWXZUQT09>

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

Meeting ID: 836 5545 2298

Passcode: 689629

### 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 April 19, 2023 Meeting

*Attachment 1: Sunshine Law Meeting Minutes of the April 19, 2023  
Hawai'i State Ethics Commission Meeting*

II. Consideration and Approval of the Minutes of the April 19, 2023 Executive Session Meeting

*Attachment 1: Sunshine Law Meeting Executive Session Minutes of the  
April 19, 2023 Hawai'i State Ethics Commission Meeting*

III. Executive Director's Report

1. Education / Training Report

*Attachment 1: 2023 Training Schedule*

*Attachment 2: Online Training Completions by Department*

2. Guidance and Assignment Statistics – April 2023

*Attachment 3: 2023 Guidance and Assignment Statistics / Website Traffic*

3. Office Lease Renewal Status

4. Mail Server Status

5. File Server Status

6. Miscellaneous Office Projects / Updates

IV. 2023 Legislative Session

Bills of interest introduced in 2023 are described briefly below. The blue house or senate bill number is a clickable hyperlink that goes directly to the bill language online. If the hyperlink does not work, bills can be looked up at "capitol.hawaii.gov" by entering the bill number in the search box in the website's upper right corner.

- i. **Budget**
  - i. [HB 1514 HD1 SD1](#). Appropriates funds to provide for the expenses of the Legislature, Auditor, Legislative Reference Bureau, Ombudsman, and Ethics Commission. **Status:** Enrolled into law as Act 003, 3/28/2023.
- ii. **Financial Disclosures**
  - i. [SB 182 SD1 HD1 CD1](#) (Ethics Commission package). Amends the fines imposed and the procedures relating to enforcement of a late or missing financial disclosure statement. **Status:** Enrolled to Governor, 5/3/2023.
  - ii. [HB 141 HD1 SD1](#) (Ethics Commission package). Requires each state legislator to include within the legislator's disclosures of financial interest the names of lobbyists or lobbying organizations with whom the legislator has a financial relationship. **Status:** Transmitted to Governor, 4/29/2023.
- iii. **Gifts**
  - i. [HB 142](#) (Ethics Commission package). Prohibits lobbyists from making gifts that are prohibited under state ethics law. **Status:** Signed into law as Act 010, 3/31/23.
- iv. **Lobbyist Law**
  - i. [HB 137 HD1](#) (Ethics Commission package). Requires the statement of expenditures filed with the State Ethics Commission to include information on the identity, by bill number, resolution number, budget cost or program identification number, or other identifier, of the legislative or administrative action that was commented on, supported by, or opposed by the person filing the statement during the statement period. **Status:** Signed into law as Act 008, 3/31/23.
  - ii. [HB 138](#) (Ethics Commission package). Requires the State Ethics Commission to establish and administer a lobbyists training course and make the lobbyist training course mandatory for all lobbyists. **Status:** Signed into law as Act 20, 4/19/2023.
  - iii. [SB 1493 SD1 HD1 CD1](#). Prohibits, during legislative sessions and shortly before and after, lobbyist contributions and expenditures, and promises of contributions or expenditures, to any elected official, candidate, candidate committee, or individual who is required to file an organizational report with the Campaign Spending Commission. **Status:** Enrolled to Governor, 5/4/2023.

v. **Nepotism**

- i. [HB 717 HD1 SD2 CD1](#) (Standards Commission package). Prohibits under certain state employees from appointing, hiring, promoting, or retaining relatives and household members and from making or participating in certain other employment-related decisions and from awarding a contract to or otherwise taking official action on a contract with a business if the employee's relative or household member is an executive officer of or holds a substantial ownership interest in that business. Imposes administrative fines for violations. **Status:** Transmitted to the Governor, 5/3/2023.

vi. **Record Disposition**

- i. [HB 140](#) (Ethics Commission package). Provides the State Ethics Commission with the discretion to maintain or destroy records of financial disclosure statements beyond the current 6-year statutory requirement. Applies retroactively to applicable disclosures that are in the Commission's possession and control. **Status:** Signed into law as Act 009, 3/31/23.

V. Establishing Interim Process to Implement the Mandatory Lobbyist Training Law

Recommendation to issue an Order establishing procedures to implement Act 20 (2023) specific to lobbyists required to register under Hawai'i Revised Statutes Chapter 97.

*Attachment 1: Order Regarding the Mandatory Lobbyist Training Law*

VI. Establishing Procedures to Consider Good Cause Exceptions to the Proposed Nepotism Law

Recommendation to issue an Order in anticipation of HB 717 HD1 SD2 CD1 becoming law so as to establish an orderly process to consider good cause exception requests.

*Attachment 1: Staff overview*

*Attachment 2: Order Regarding Applications for Good Cause Exceptions to the Nepotism Law*

*Attachment 3: Quick Guide to Nepotism Law*

VII. Proposed Increase to the Commission's Administrative Fine Authority (Haw. Rev. Stat. § 84-39 and Haw. Rev. Stat. § 97-7)

No update on research looking into comparable fine structures.

VIII. 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.

IX. 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.