

# 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 16, 2023

Time: 9:00 a.m.

Location: Zoom Videoconference or Phone:

Videoconference: [Join Zoom Meeting](https://us06web.zoom.us/j/84656984571?pwd=ZXRaRE4rdmNiTWWh3QUZLQ28yOWVEQT09)  
<https://us06web.zoom.us/j/84656984571?pwd=ZXRaRE4rdmNiTWWh3QUZLQ28yOWVEQT09>

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

Meeting ID: 846 5698 4571

Passcode: sDhY3w

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.

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. Welcome to Commissioner Cynthia Thielen

*Attachment 1: News Release*

II. Consideration and Approval of the Minutes of the July 19, 2023 Meeting

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

III. Directors' Report

1. Education / Training Report

*Attachment 1: 2023 Training Schedule*

*Attachment 2: Online Training Completions by Department*

*Attachment 3: 2023 Information Sessions*

2. Guidance and Assignment Statistics – July 2023

*Attachment 4: 2023 Guidance and Assignment Statistics / Website Traffic*

3. Miscellaneous Office Projects / Updates

IV. Status of the Ethics in Hawai'i Conference (September 1, 2023)

V. Discussion of Ethics Oversight over the Judicial Branch

- VI. *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.

- VII. 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

WELCOME TO COMMISSIONER CYNTHIA THIELEN

Attachment 1: News Release



## HAWAI‘I STATE ETHICS COMMISSION

State of Hawai‘i · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawai‘i 96813

### NEWS RELEASE

FOR IMMEDIATE RELEASE

July 28, 2023

NO. 2023-3

For Additional Information

Contact: Robert Harris, Executive Director  
and General Counsel  
Hawai‘i State Ethics Commission  
(808) 587-0460 (Office)  
(808) 220-4306 (Mobile)

### GOVERNOR APPOINTS FORMER REPRESENTATIVE CYNTHIA THIELEN TO HAWAI‘I STATE ETHICS COMMISSION

Governor Josh Green, M.D., appointed former Representative Cynthia Thielen to a new four-year term on the Hawai‘i State Ethics Commission, to fill a seat vacated by outgoing Commissioner Reynard D. Gaulty. This appointment is effective July 28, 2023.

“It is a testament to the importance of ethics in the State of Hawai‘i that such a qualified and experienced candidate is willing to serve and help ensure the highest standard of ethics for our state’s lawmakers, employees, and lobbyists,” said Robert D. Harris, Executive Director and General Counsel of the Hawai‘i State Ethics Commission.

Commissioner Thielen served in the Hawai‘i State House of Representatives for 30 years (1990 to 2020). She served as minority floor leader from 1992 to 1997 and was the assistant minority leader at the time of her retirement. Commissioner Thielen graduated from the University of Hawai‘i School of Law, and was a founding member of the law review

program. During her lengthy service to the State of Hawai‘i, she received many awards including “Outstanding Lawmaker of the Year for 1999,” presented by Small Business Hawai‘i, and the Sierra Club of Hawai‘i “Lifetime Achievement” award. Commissioner Thielen is a longtime resident of Windward O‘ahu, where she and her husband Mickey (now deceased) raised their four children.

“I am deeply honored by this appointment and believe we must uphold high ethical standards to bring back trust in our local government,” said Commissioner Cynthia Thielen.

The Hawai‘i State Ethics Commission is responsible for administering and enforcing the state ethics code and the state lobbyist law. Commissioners are appointed by the Governor from nominations submitted by the Judicial Council and serve 4-year terms, without compensation. Commissioners may not hold any other public office. Commissioners must be U.S. Citizens and residents of the State of Hawai‘i. More information on the Ethics Commission and its work can be found at <http://ethics.hawaii.gov> or by following the Commission on Twitter [@HawaiiEthics](https://twitter.com/HawaiiEthics).

[PAU] ###

SUNSHINE LAW MEETING  
AGENDA ITEM II

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE  
JULY 19, 2023 MEETING

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



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

STATE OF HAWAI'I

Date: July 19, 2023

Time: 9:00 a.m.

Location: Held via Zoom video and audio conference

Link: Recorded video available at  
<https://www.youtube.com/watch?v=IAiDm1qKI8A>

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, Chair (present in conference room)  
Harry J. McCarthy, Vice Chair (via video conference)  
Reynard D. Graulty, Commissioner (via video conference)  
Beverly Tobias, Commissioner (via video conference)  
Robert Hong, Commissioner (via video conference)

State Ethics Commission Staff

Robert D. Harris, Executive Director (present in conference room)  
Nancy C. Neuffer, Staff Attorney (via video conference)  
Bonita Y.M. Chang, Staff Attorney (via video conference)  
Kee M. Campbell, Staff Attorney (excused)  
Jennifer M. Yamanuha, Staff Attorney (via video conference)  
Patrick W.C. Lui, Computer Specialist (via video conference)  
Myles A. Yamamoto, Adminstrative Assistant (present in conference room)

**CALL TO ORDER (0:13)**

Chair Fong called the meeting to order at 9:07 a.m. Chair Fong, Vice Chair McCarthy, Commissioner Graulty, Commissioner Tobias, Commissioner Hong, and Commission staff were present. All Commissioners and staff participating via video or

1 audio conference confirmed no one was in the room with them at their respective  
2 remote locations.

3  
4  
5 **Agenda Item No. I: Status of New Commissioner Appointment (2:30)**

6  
7 Executive Director Harris reported two nominees were forwarded to the Governor  
8 for further consideration. He noted the Governor has 60 days to formally appoint a  
9 commissioner once he receives the nominations, and that approximately 30 days have  
10 elapsed. Director Harris noted he reached out to the Governor for an update. The  
11 Governor indicated he would make a selection. Director Harris expressed his gratitude  
12 that Commissioner Grauly was able to serve for this meeting, and stated he is hopeful  
13 that a new commissioner will be in place by the August meeting.

14  
15  
16 **Agenda Item No. II: Election of Officers for 2023 (3:14)**

17  
18 Chair Fong asked if election of new officers is necessary since Commissioner  
19 Grauly is still serving. Executive Director Harris explained that under the Commission  
20 Rules, that election of officers is supposed to take place in January. In January, the  
21 Commission decided that the election of officers would be deferred until July. Based on  
22 that decision, an election of new officers should be held.

23  
24 Chair Fong opened the floor for nominations for Commission Chair.

25  
26 Commissioner Hong nominated Chair Fong to continue as chair. Seeing no  
27 additional nominations, nominations were closed.

28  
29 By unanimous vote, Chair Fong was re-elected (Fong, Grauly, Tobias, and Hong  
30 in favor, McCarthy absent).

31  
32 Chair Fong thanked all for the vote of confidence. He stated that the current  
33 makeup of the Commission is great.

34  
35 Chair Fong opened the floor for nominations for Vice Chair. Chair Fong  
36 suggested that Commissioner McCarthy is most logical choice. He asked if okay to  
37 nominate Commissioner McCarthy in absentia. Director Harris replied that he had  
38 spoken to Commissioner McCarthy and that he would accept the role if elected. He noted  
39 that Commissioner McCarthy is the 2nd most senior commissioner. Commissioner  
40 Grauly asked if he could make a nomination as a hold over. Chair Fong confirmed that  
41 Commissioner Grauly was able to make a nomination. Commissioner Grauly nominated  
42 Commissioner McCarthy. Seeing no additional nominations, nominations were closed.

43  
44 By unanimous vote, Commissioner McCarthy was elected Vice Chair (Fong,  
45 Grauly, Tobias, and Hong in favor, McCarthy absent).

1 **Agenda Item No. III: Consideration and Approval of the Minutes of the June 21,**  
2 **2023 Meeting (7:33)**

3  
4 Commissioner Hong made the following corrections to the minutes of the June  
5 21, 2023 Meeting:

6  
7 Page 14, Line 29: Add that the Director is reviewing options to clarify the monthly  
8 training statistics.

9 Page 15, Line 14: Change NIH to NIA.

10 Page 16, Line 4: Add Ethics Commission in accordance with Article 14 of the  
11 State Constitution.

12  
13 Commissioner Tobias moved, and Commissioner Grauly seconded a motion to  
14 approve the minutes of the June 21, 2023 meeting, as corrected. The motion carried  
15 (Fong, Grauly, Hong, McCarthy, and Tobias voting in the affirmative).

16  
17  
18 **Agenda Item No. IV: Directors' Report (12:07)**

19  
20 Executive Director Harris introduced Staff Attorney Bonita Chang as the new  
21 Director of Compliance. In this role, Director Chang will be responsible for reporting and  
22 training. She will also be responsible for the Commission Quick Guides as well as  
23 overall compliance with the Ethics Code.

24  
25 Executive Director Harris then introduced Staff Attorney Kee Campbell as the  
26 new Director of Enforcement. He will oversee the staff attorneys and investigator in the  
27 course of their investigations.

28  
29 Chair Fong & Commissioner Tobias offered congratulations on their promotions.  
30 Chair Fong asked who would be the "2<sup>nd</sup> in Command" since there is no longer going to  
31 be an Associate Director. Director Harris replied that there are regular leadership  
32 meetings and that there will be a designee in his absence.

33  
34 Director Harris noted that in the future Director Chang and Director Campbell  
35 may present reports germane to their areas. Compliance Director Chang reported that  
36 staff recently completed several outreach & trainings to various Human Resource and  
37 Board Administration contacts. The goal is to open a dialogue and provide information  
38 to the contacts so they can assist the commission in ensuring compliance from their  
39 agencies and boards. Director Chang noted that feedback has been positive hopes to  
40 continue conversations with the contacts.

41  
42 Compliance Director Chang also reported that emails were sent to lobbyists  
43 regarding the new Lobbyist Training Law and registration requirements. Information was  
44 also posted on the Commission Website. She reported that two trainings for lobbyists  
45 have been scheduled for January.

1 Executive Director Harris reported that some live Ethics Training sessions have  
2 been cancelled due to low registrations. He noted that the trend is not troubling due to  
3 the small number of individuals required to take a live training. Staff is happy to  
4 schedule as needed. He noted that 1,438 individuals completed the online training in  
5 June. He hopes to see increased numbers as DOE increases participation.  
6

7 Executive Director Harris reported that the Commission received 20 new  
8 complaints, 33 requests for travel & gifts guidance, 2 Judicial Commission Requests, 1  
9 records request, and 2 miscellaneous projects. He also reported that 71 matters were  
10 closed.  
11

12 Director Harris reported that the Commission stayed under budget and that  
13 \$70,124 was returned to the State General Fund. This return tracks with the delay in  
14 hiring a new staff member and a new investigator.  
15

16 Director Harris provided an update on the renovation and relocation of the  
17 Commission offices. He noted that renovation will come at no cost to the state. The  
18 work to the offices will include new carpet, paint, lighting, and ceiling tiles. The landlord  
19 will also construct new public access to the conference room and a camera system to  
20 provide for better security. The work should take around a month and a half to complete  
21 during which the staff will be temporarily relocated to another office. He noted that  
22 during the renovation, the office staff will have reduced capacity.  
23

24 Director Harris reported that the commission will soon move to an online phone  
25 system. He indicated that the new system should make it easier to move as well as  
26 facilitate remote work.  
27

28 Director Harris also provided a brief update on the new file & case management  
29 software. He noted that staff have been busy working with the developers on the new  
30 system. He noted that once complete, the new system will better allow for remote work  
31 and eliminate the need for a physical file and email server.  
32

33 Chair Fong complimented that staff for their work in cleaning up the boxes of  
34 files. He noted that other agencies would typically have boxes stacked that created a  
35 virtual wall and that staff efforts contributed to a more professional looking environment.  
36 He asked where commission offices would be temporarily relocated to. Director Harris  
37 replied that staff would move to Suite 900, which is on the same floor as the current  
38 office.  
39

40 Commissioner Graulty expressed concerns with having staff move equipment.  
41 He questioned whether the Commission had excess funds and whether a mover could  
42 be hired. Director Harris replied that Staff will move electronics (i.e. computers,  
43 monitors, etc.) and personal items. The Commission's existing landlord would pay  
44 professional movers transport all furniture and boxed files. Staff will need to box files  
45 and items for the movers.  
46

1 Commissioner Graulty asked about the artwork in the commission offices.  
2 Director Harris replied that the State Foundation on Culture and the Arts will move and  
3 temporarily store the artwork. Once the renovations are complete and staff is moved  
4 back, the Foundation will return the art.

5  
6  
7 **Agenda Item No. V. 2023 Legislative Session Wrap-Up (27:34)**  
8

9 Executive Director Harris provided a final update of ethics bills that were signed  
10 into law by the Governor. The list included the Act numbers for bills signed. He noted  
11 that 10% of the legislation enacted into law were Ethics Commission or Foley  
12 Commission bills. Director Harris noted that the Nepotism Bill was allowed to become  
13 law without the Governor's Signature as Act 261. He noted that this is a highwater mark  
14 and recognized the efforts of staff. He noted a lot of the new legislation would need to  
15 be integrated into the current rules and guidance.

16  
17 Vice Chair McCarthy offered his praise of the commission's efforts.

18  
19 Commissioner Tobias asked about the status of bill that did not pass or were  
20 differed. Director Harris replied that these bills are still alive and can be taken up by the  
21 Legislature during the next session.

22  
23 Chair Fong reported he attended the Ethics Bills signing ceremony. He noted that  
24 the Governor was very pleased with what had transpired over the session with regards  
25 to ethics. Chair Fong noted that Nepotism received a lot of press. He shared how he  
26 had received emails from "concerned citizens" congratulating the commission on getting  
27 the measure passed.

28  
29 Vice Chair McCarthy asked why the Governor did not choose to sign the  
30 Nepotism Bill. Director Harris replied that the Governor objected to the exemptions for  
31 the Legislature and Judiciary branches of government.

32  
33 Chair Fong shared his concerns about oversight of the Judiciary especially  
34 considering the controversies involving the US Supreme Court. Director Harris noted  
35 that this is the subject of a later agenda item.

36  
37  
38 **Agenda Item No. VI: Consideration of Recommendation to Stay Enforcement of**  
39 **Nepotism law for Two Months (35:05)**  
40

41 Executive Director Harris noted this agenda item is intended to give agencies  
42 and current employees time to resolve current situations prior to taking enforcement  
43 action. The stay is intended for current State employees.

44  
45 Chair Fong clarified that the request was for a two month stay of enforcement.  
46 Director Harris agreed, and noted the stay would end on September 11, 2023.

1 Commissioner Graulty moved, and Commissioner Tobias seconded a motion to  
2 stay enforcement of the Nepotism Law for two months for existing State Employees.  
3 The motion carried (Fong, Graulty, Hong, McCarthy, and Tobias voting in the  
4 affirmative).

5  
6  
7 **Agenda Item No. VII: Discussion of the Ethics Commission Office Renovations**  
8 **and Temporary Closure of the Physical Office (September through November**  
9 **2023) (37:04)**

10  
11 Executive Director Harris reported that Suite 900, where Commission Staff will be  
12 temporarily housed during renovations, does not have the same physical security  
13 features of the current office. Because of the lack of such features, he requested  
14 authorization to close the office for in-person visits for the duration of the renovations  
15 and to completely close as necessary during renovations. He noted that staff will still  
16 accept email and phone calls. Packages could still be delivered. He also noted that  
17 unforeseen circumstance may force complete closure.

18  
19 Commissioner Tobias moved, and Vice Chair McCarthy seconded a motion to  
20 authorize the temporary closing of the office as needed during the office renovations.  
21 The motion carried (Fong, Graulty, Hong, McCarthy, and Tobias voting in the  
22 affirmative).

23  
24  
25 **Agenda Item No. VII: Status of the State Ethics Conference (September 1, 2023)**  
26 **(39:27)**

27  
28 Executive Director Harris reported that staff, in collaboration with the Honolulu  
29 Ethics Commission, have drafted an agenda for the upcoming State Ethics Conference.  
30 This draft will be circulated among the Commissioners and the Neighbor Island  
31 Commissions and Boards. Current topics include (1) a panel discussion with Claire  
32 Conners and Dan Foley to discuss major cases and urgency of addressing ethics in  
33 Hawaii, (2) updates from each commission & board about activities and initiatives, and  
34 (3) small group discussion on various topics. He asked which Commissioners plan on  
35 attending. He also asked for volunteers to assist with transporting Neighbor Island  
36 participants.

37  
38 Chair Fong, Commissioner Graulty, and Commissioner Hong volunteered to  
39 assist with pickups.

40  
41 Vice Chair McCarthy asked for the date of the conference. Director Harris replied  
42 the conference is on Friday Sept. 1.

43  
44 Chair Fong asked where the conference is going to be held and who is paying for  
45 it and is the commission paying airfare for the outer islands. Director Harris replied that  
46 the conference will be at Kapalama Hale, a City & County of Honolulu facility located in  
47 Iwilei. Director Harris noted that the Commission is assisting in paying airfare for

1 neighbor island participants. He was not sure if the commission should continue this  
2 practice, should this become an annual conference.

3  
4 Commissioner Graulty suggested being moderate with respect to refreshments  
5 and food for the conference, and also suggested looking into the feasibility of chartering  
6 a shuttle to pick up neighbor island participants.

7  
8 Vice Chair McCarthy asked if the conference is one day and whether the  
9 commission is expected to make a presentation. Director Harris replied that the  
10 conference is one day. He noted that the commission will make a presentation on things  
11 that it is working on. There will also be breakout sessions on various topics. Those will  
12 be led by various agencies. Commissioner Graulty stated that historically the agenda  
13 consisted of a plenary session followed by breakout session on various topics with a  
14 closing session at the end. Director Harris stated that registration is tentatively  
15 scheduled for 8:00 a.m./8:30 a.m. with the formal start tentatively at 9:00 a.m. The  
16 conference is scheduled to end around 3:00 p.m.

17  
18 Vice Chair McCarthy asked about an email with additional information and an  
19 invitation. Director Harris replied that the draft agenda will be circulated. The plan is to  
20 also have the agenda printed and distributed on the day of the event.

21  
22 Chair Fong clarified that the State and the Honolulu Ethics Commissions are  
23 jointly hosting. He stated that it was great that this Conference is happening and  
24 emphasized that ethics is a big topic now.

25  
26 Vice Chair McCarthy suggested that Nepotism and the new law be added to the  
27 topics.

28  
29 Commissioner Graulty asked about inviting the Mayor. Chair Fong stated he  
30 assumed that the Governor would be invited along with the Mayor. Director Harris  
31 replied that he was open to the possibility, but he noted the agenda is already fairly  
32 tight. Should they be invited, he would look into how best to incorporate them into the  
33 agenda. Commissioner Graulty suggested avoiding the legislature and judiciary since  
34 they are not covered by the nepotism law. He also suggested possibly inviting Dan  
35 Foley. Chair Fong stated that he would like to give the Governor and Mayor the  
36 opportunity to appear since the State and Honolulu Ethics Commissions are sponsoring  
37 the event.

38  
39 Vice Chair McCarthy suggested that a letter be sent to the neighbor islands to  
40 see if they had big topics they would like to discuss and see if there are common  
41 themes.

42  
43 Chair Fong stated that if anyone has suggestions related to the conference, to  
44 email them the Executive Director Harris.

45

1 **Agenda Item No. IX: Discussion of the Commission’s Jurisdiction over Hawai’i**  
2 **Judges and Justices in Light of Recent U.S. Supreme Court Ethics Concerns**  
3 **(55:02)**  
4

5 Staff Attorney Yamanuha reported that this discussion was in response to an  
6 inquiry from Chair Fong about what oversight existed in Hawaii over Judges and the  
7 judiciary in light of the controversies at the U.S. Supreme Court. Attorney Yamanuha  
8 reported that the State Supreme Court does not currently have a mechanism for  
9 complaints or code of ethics. She noted that Hawaii has a commission that has  
10 jurisdiction over judges and the judiciary, but not the Hawai’i Supreme Court. The  
11 commission consists of seven members. Based on her research, Attorney Yamanuha  
12 suggests that the Commission open a dialogue with the judiciary related to ethics.  
13

14 Chair Fong asked if the commission that oversees judges and the judiciary is the  
15 same commission that vets Commission nominees. Attorney Yamanuha replied they  
16 are not the same. The commission that oversees ethics for Judiciary is the Commission  
17 on Judicial Conduct. Attorney Yamanuha noted that the Commission is appointed by the  
18 Hawai’i Supreme Court and that the Court has the final say on disciplinary matters.  
19 Commissioner Gaulty asked who the current commission members are. Attorney  
20 Yamanuha noted the names of the Chair and Vice Chair. She noted that some have  
21 been on for a while and that there does not appear to be a limit on the number of term  
22 one can serve.  
23

24 Staff Attorney Yamanuha noted that seven cases were referred to the Supreme  
25 Court and two cases pertained to matters that may be covered by the Ethics  
26 Commission.  
27

28 Chair Fong asked if it would be correct to conclude that there is no oversight of  
29 the Hawai’i Supreme Court, but there is oversight over the rest of Judiciary. Staff  
30 Attorney Yamanuha said that is correct. Commissioner Gaulty concurred.  
31

32 Chair Fong asked if the Commission should have jurisdiction over the Supreme  
33 Court. Executive Director Harris replied that he understands the importance of the  
34 question and is aware of the unintended consequences of reaching into judicial  
35 oversight. He stated that the intent would be to have a dialogue with Judiciary to  
36 understand current processes and things we may not have seen. Chair Fong requested  
37 that this item remain on the agenda.  
38  
39

40 **Agenda Item No. X: Akana v. Hawaii State Ethics Commission and Daniel Gluck,**  
41 **Civil No. 18-1-1019-06 (JHA); Akana v. Hawaii State Ethics Commission, Civil No.**  
42 **19-1-0379-03 (JHA); State of Hawaii, Ethics Commission v. Rowena Akana,**  
43 **Civil No. 20-1-0453 (BIA) (1:03:00)**  
44

45 There was no update on the Akana case.  
46



1 Chair Fong asked what is delaying things. Executive Director Harris replied that  
2 he was unsure but noted that there is a backlog of pending cases at the court.  
3

4 Vice Chair McCarthy suggested contacting the Clerk of the Court to get a status  
5 update. Director Harris replied that he would do so, but he will first check with the  
6 Deputy Attorney General handling the case to ensure that it is okay to do so.  
7

8  
9 **ADJOURNMENT OF SUNSHINE LAW MEETING (1:06:05)**

10  
11 At approximately 10:13 a.m., Commissioner Gaulty made and Vice Chair  
12 McCarthy seconded a motion to adjourn the meeting. The motion carried unanimously  
13 (Fong, Gaulty, McCarthy, Tobias, and Hong voting).  
14

15 The meeting was adjourned at 10:15 a.m.

16  
17 Minutes approved on \_\_\_\_\_.

SUNSHINE MEETING  
AGENDA ITEM II

EXECUTIVE DIRECTOR'S REPORT  
August 16, 2023

**1. Education / Training Report**

*Attachment 1: 2023 Training Attendance / Schedule*

*Attachment 2: Online Training Completions by Department*

*Attachment 3: 2023 Information Sessions*

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

*Attachment 4: 2023 Guidance and Assignment Statistics / Website Traffic*

**3. Miscellaneous Office Projects / Updates**

<b>HAWAII STATE ETHICS COMMISSION</b>		
<b>2023 EDUCATION PROGRAM</b>		
<b>(Ethics Workshops and Presentations)</b>		
<b>DATE</b>	<b>PRESENTATIONS</b>	<b>NUMBER OF PARTICIPANTS</b>
1/4/2023	Lobbyists Law Training, Zoom	50
1/5/2023	General Ethics Training, DOE, Kawananaoka Middle School	66
1/10/2023	Lobbyists Law Training, Zoom	19
1/13/2023	General Ethics Training, Senate, Zoom	80
1/20/2023	General Ethics Training, House, Capitol, Conference Room 325	47
1/24/2023	General Ethics Training, Zoom	227
2/10/2023	General Ethics Training, Zoom	68
2/21/2023	General Ethics Training, GOV, Capitol, 5th Floor	24
2/23/2023	General Ethics Training, Zoom	56
3/10/2023	General Ethics Training, Zoom	20
3/13/2023	General Ethics Training, UH - Hawai'iuniaka School of Hawaiian Knowledge, Zoom	47
3/22/2023	Ethics for State Board and Commission members, Zoom	4
4/5/2023	General Ethics Training, DOE, PBS Hawaii Studio	29
4/5/2023	General Ethics Training, Zoom	30
4/20/2023	<del>General Ethics Training, Zoom (CANCELLED)</del>	0
4/26/2023	General Ethics Training, SPCSC	23
5/3/2023	General Ethics Training, Zoom	24
5/9/2023	General Ethics Training, DOE, Campbell-Kapolei Complex Area	21
5/18/2023	Ethics for State Board and Commission members, Zoom	8

**HAWAII STATE ETHICS COMMISSION**

**2023 EDUCATION PROGRAM**

**(Ethics Workshops and Presentations)**

<b>DATE</b>	<b>PRESENTATIONS</b>	<b>NUMBER OF PARTICIPANTS</b>
6/7/2023	General Ethics Training, Zoom	8
6/22/2023	<del>General Ethics Training, Zoom</del> (CANCELLED)	0
7/6/2023	<del>General Ethics Training, Zoom</del> (CANCELLED)	0
7/20/2023	<del>Ethics for State Board and Commission members, Zoom</del> (CANCELLED)	0
8/2/2023	<del>General Ethics Training, Zoom</del> (CANCELLED)	0
8/11/2023	General Ethics Training, Zoom	
8/28/2023	General Ethics Training, DOE, Roosevelt High School	
8/28/2023	General Ethics Training, DOE, Kawananaoka Middle School	
9/7/2023	General Ethics Training, Zoom	
9/21/2023	Ethics for State Board and Commission members, Zoom	
10/13/2023	General Ethics Training, Zoom	
10/25/2023	<del>General Ethics Training, Zoom</del> (CANCELLED)	0
11/16/2023	General Ethics Training, Zoom	
11/29/2023	Ethics for State Board and Commission members, Zoom	
12/7/2023	Ethics for State Government Attorneys, Zoom	
12/8/2023	Ethics for State Government Attorneys, Zoom	
12/21/2023	General Ethics Training, Zoom	
<b>TOTAL</b>	<b>36 Presentations</b>	<b>851 participants</b>

## State Employees

Department/Agency	2020		2021		2022		2023		Total		Total	No. of	%
	Live	Self	Live	Self	Live	Self	Live	Self	Live	Self	Completions	Employees*	Completed
Department of Accounting and General Services (DAGS)	4	60	3	4	8	56	2	154	17	274	291	644	45%
Department of Agriculture (DOA)	2	36	14	18	5	178	4	75	25	307	332	299	111%
Department of Budget and Finance (B&F)	26	1	25	1	127	103	10	169	188	274	462	385	120%
Department of Business, Economic Development and Tourism (DBED)	5	62	70	10	79	50	36	73	190	195	385	305	126%
Department of Commerce and Consumer Affairs (DCCA)	346	47	40		73	50	5	390	464	487	951	541	176%
Department of Corrections and Rehabilitation (DCR)						85	2	30	2	115	117		
Department of Defense (DOD)	1	82		1	20	44	4	335	25	462	487	497	98%
Department of Education (DOE)	35	167	73	76	25	164	123	7,529	256	7,936	8,192	22,159	37%
Department of Hawaiian Home Lands (DHHL)	1				2	16	2	83	5	99	104	111	94%
Department of Health (DOH)	7	193	3	38	143	314	18	2,045	171	2,590	2,761	2,447	113%
Department of Human Resources Development (DHRD)		4	6		4	7	1	61	11	72	83	65	128%
Department of Human Services (DHS)	35	201	270	6	4	6	5	1,121	314	1,334	1,648	1,686	98%
Department of Labor and Industrial Relations (DLIR)	2	41			137	186	18	273	157	500	657	847	78%
Department of Land and Natural Resources (DLNR)	1	63	29	10	15	59	4	593	49	725	774	792	98%
Department of Law Enforcement (DLE)					1	62	5	31	6	93	99	332	30%
Department of Public Safety (DPS)	3	39	5	5	241	525	18	209	267	778	1,045	3,002	35%
Department of Taxation (TAX)	4	1			33	299	3	175	40	475	515	309	167%
Department of the Attorney General (ATG)	73	97	190	22	297	149	21	366	581	634	1,215	646	188%
Department of Transportation (DOT)	12	209	71	72	112	107	7	234	202	622	824	2,255	37%
Hawai'i Health Systems Corporation (HHSC)	32	38	9	2	11	8		968	52	1,016	1,068	3,071	35%
Hawai'i State Ethics Commission (HSEC)	4		6		12	3	37	5	59	8	67	10	670%
Hawai'i State Public Library System (HSPLS)		1			1	2	1	587	2	590	592	429	138%
House of Representatives (REP)	28		52	1	54	2	55	107	189	110	299	166	180%
Judiciary (JUD)	1	38	7	18	208	85	50	909	266	1,050	1,316	1,727	76%
Legislative Reference Bureau (LRB)			1		1		2	21	4	21	25	44	57%
Office of Hawaiian Affairs (OHA)	11	5	13	57	37	47	3	9	64	118	182	145	126%
Office of the Auditor (AUD)	11	3	3		15		2	1	31	4	35	23	152%
Office of the Governor (GOV)	2	8		1	6	10	19	33	27	52	79	48	165%
Office of the Lieutenant Governor (LTG)		4			6	1	4		10	5	15	10	150%
Office of the Ombudsman (OMB)		2	2		3	3	1	5	6	10	16	12	133%
Public Charter School (SPCSC)	25	9	80	14	31	32	23	32	159	87	246	20	1230%
Research Corporation of the University of Hawai'i (RCUH)		6		3	35	684	3	378	38	1,071	1,109	2,631	42%
Senate (SEN)	20	3	77	1	132	3	85	8	314	15	329	109	302%
University of Hawai'i-Community Colleges (UOHC)	137		14		206	559	53	206	410	765	1,175	2,568	46%
University of Hawai'i-Hilo (UOHH)		1	1		41	90	9	63	51	154	205	864	24%
University of Hawai'i-Manoa (UOHM)			65		405	1,429	132	579	602	2,008	2,610	8,511	31%
University of Hawai'i-System (UOH)	117	245	43	67	102	296	16	128	278	736	1,014	502	202%
University of Hawai'i-West Oahu (UOHW)	2				45	113	13	69	60	182	242	399	61%
<b>Total Employees Training Completed</b>	<b>947</b>	<b>1,666</b>	<b>1,172</b>	<b>427</b>	<b>2,677</b>	<b>5,827</b>	<b>796</b>	<b>18,054</b>	<b>5,592</b>	<b>25,974</b>	<b>31,566</b>	<b>58,611</b>	<b>54%</b>

\*Based on annual financial disclosure updates from departments collected in March/April 2023  
As of August 6, 2023

## State Boards and Commissions

Board/Commission	2020		2021		2022		2023		Total		Total	No. of	%
	Live	Self	Live	Self	Live	Self	Live	Self	Live	Self	Completions	Members*	Completed
Agribusiness Development Corporation	2				2	3	3		7	3	20	8	250%
Board of Acupuncture	1				1	1			2	1	6	5	120%
Board of Agriculture	1			1	4				5	1	12	10	120%
Board of Barbering and Cosmetology	1	1			1	2			2	3	10	7	143%
Board of Certification of Operating Personnel in Wastewater Treatment Plants					3	2			3	2	10	9	111%
Board of Chiropractic Examiners						1				1	2	5	40%
Board of Dentistry					1	8			1	8	18	12	150%
Board of Education	1	1	1	3	11	1			13	5	36	11	327%
Board of Electricians and Plumbers	3			1	2	2			5	3	16	7	229%
Board of Land and Natural Resources		2		2	1	2			1	6	14	7	200%
Board of Massage Therapy	1				2				3		6	5	120%
Board of Naturopathic Medicine	1								1		2	5	40%
Board of Nursing					4	1	1		5	1	12	9	133%
Board of Pharmacy					1	1		1	1	2	6	7	86%
Board of Physical Therapy						3		3		6	12	7	171%
Board of Private Detectives and Guards					2	1			2	1	6	7	86%
Board of Professional Engineers, etal	1					2			1	2	6	14	43%
Board of Psychology					2				2		4	7	57%
Board of Public Accountancy					4	1		1	4	2	12	9	133%
Board of Registration	1				2	2			3	2	10	12	83%
Board of Speech Pathology and Audiology	2				1	1			3	1	8	7	114%
Board on Geographic Names					6	2			6	2	16	7	229%
Boxing Commission	1			1					1	1	4	5	80%
Campaign Spending Commission						2				2	4	5	80%
Civil Rights Commission					3	1		1	3	2	10	5	200%
Commission on Status of Women											0	5	0%
Commission on Water Resource Management				1		2				3	6	7	86%
Contractors License Board	5				1	3			6	3	18	13	138%
Correctional System Oversight Commission					3				3		6	5	120%
Council on Revenues					3			1	3	1	8	7	114%
Crime Victim Compensation Commission							1	1	1	1	4	3	133%
Defender Council					2				2		4	5	80%

## State Boards and Commissions

Board/Commission	2020		2021		2022		2023		Total		Total	No. of	%
	Live	Self	Live	Self	Live	Self	Live	Self	Live	Self	Completions	Members*	Completed
Deferred Compensation Plan Board of Trustees	1				6				7		14	7	200%
Disability and Communication Access Board						1	1	5	1	6	14	17	82%
Early Learning Board						1		2		3	6	13	46%
Elections Commission					4	2			4	2	12	9	133%
Elevator Mechanics Licensing Board					3	1			3	1	8	7	114%
Employees' Retirement System Board of Trustees											0	8	0%
Enhanced 911 Board	1							1	1	1	4	13	31%
Environmental Advisory Council					8	2			8	2	20	15	133%
Festival of the Pacific Arts & Culture					1	6			1	6	14	9	156%
Hawai'i Board of Optometry					2	3		1	2	4	12	7	171%
Hawai'i Board of Veterinary Medicine					2				2		4	7	57%
Hawai'i Climate Change Mitigation and Adaptation Commission					4	1		5	4	6	20	20	100%
Hawai'i Community Development Authority					1				1		2	17	12%
Hawai'i Employer-Union Health Benefits Trust Fund				1	1			5	1	6	14	10	140%
Hawai'i Green Infrastructure Authority					2				2		4	5	80%
Hawai'i Health Systems Corporation-Corporation				1				2		3	6	18	33%
Hawai'i Health Systems Corporation-East Hawai'i						2		2		4	8	12	67%
Hawai'i Health Systems Corporation-Kauai								2		2	4	10	40%
Hawai'i Health Systems Corporation-Maui											0	4	0%
Hawai'i Health Systems Corporation-Oahu				8		1			8	1	18	8	225%
Hawai'i Health Systems Corporation-West Hawai'i						4				4	8	9	89%
Hawai'i Historic Places Review Board					2				2		4	10	40%
Hawai'i Housing Finance and Development Corporation				1	6				6	1	14	9	156%
Hawai'i Hurricane Relief Fund Board	1								1		2	7	29%
Hawai'i Law Enforcement Standards Board	1				2	1		4	3	5	16	14	114%
Hawai'i Medical Board					12	2		3	12	5	34	11	309%
Hawai'i Paroling Authority	1					3		1	1	4	10	5	200%
Hawai'i Public Housing Authority	1				4	6	2		7	6	26	10	260%
Hawai'i Retirement Savings Board								1		1	2	9	22%
Hawai'i State Emergency Response Commission					1	1			1	1	4	9	44%
Hawai'i State Ethics Commission				1			2		2	1	6	5	120%
Hawai'i State Fire Council					2				2		4	4	100%

## State Boards and Commissions

Board/Commission	2020		2021		2022		2023		Total		Total	No. of	%
	Live	Self	Live	Self	Live	Self	Live	Self	Live	Self	Completions	Members*	Completed
Hawai'i Teacher Standards Board					3	7			3	7	20	17	118%
Hawai'i Technology Development Corporation						3		1		4	8	9	89%
Hawai'i Tourism Authority						1				1	2	12	17%
Hawaiian Homes Commission					2	2			2	2	8	9	89%
Hoisting Machine Operators Advisory Board						1				1	2	5	40%
Island Burial Council - Hawai'i					1				1		2	7	29%
Island Burial Council - Kauai/Niihau				3						3	6	6	100%
Island Burial Council - Maui/Lanai											0	6	0%
Island Burial Council - Molokai						1				1	2	3	67%
Island Burial Council - Oahu				1	3	1			3	2	10	8	125%
Kaho'olawe Island Reserve Commission											0	7	0%
King Kamehameha Celebration Commission	1				6	3	2	1	9	4	26	15	173%
Land Use Commission	1				6	2		2	7	4	22	9	244%
Legacy Land Conservation Commission				1	2		1		3	1	8	9	89%
Lesbian, Gay, Bisexual, Transgender, Queer, Plus Commission											0	14	0%
Mauna Kea Stewardship and Oversight Authority								2		2	4	11	36%
Medical Education Council				1	2	1			2	2	8	13	62%
Merit Appeals Board											0	3	0%
Motor Vehicle Industry Licensing Board						3		2		5	10	7	143%
Motor Vehicle Repair Industry Board						1		1		2	4	7	57%
National and Community Service, Hawai'i Commission for	1				5				6		12	15	80%
Natural Area Reserves System Commission	1				1				2		4	12	33%
Natural Energy Laboratory of Hawai'i						1	1		1	1	4	10	40%
Oahu Metropolitan Planning Organization						3		1		4	8	14	57%
Other Board/Commission				3	25	50	2	23	27	76	206		0%
Pacific International Space Center for Exploration Systems	1								1		2	9	22%
Pest Control Board					3	3			3	3	12	9	133%
Public Water System Operators, Board of Certification of					2				2		4	5	80%
Radiologic Technology Board	3								3		6	5	120%
RCUH-Board of Directors	1				1	1			2	1	6	8	75%
Real Estate Commission	1				9	3			10	3	26	9	289%
School Facilities Authority Board											0	5	0%



## State Boards and Commissions

Board/Commission	2020		2021		2022		2023		Total		Total	No. of	%
	Live	Self	Live	Self	Live	Self	Live	Self	Live	Self	Completions	Members*	Completed
Soil and Water Conservation District Boards				2	34	10	1	1	35	13	96	84	114%
Stadium Authority Commission					4	3			4	3	14	8	175%
State Council on Developmental Disabilities	4				5	2		1	9	3	24	28	86%
State Foundation on Culture and the Arts					7	2	1		8	2	20	7	286%
State Public Charter School Commission					8	3	1	1	9	4	26	9	289%
Statewide Health Coordinating Council	2					2		1	2	3	10	9	111%
Tax Review Commission	2								2		4	7	57%
Transit Oriented Development Infrastructure Improvement District Board											0	5	0%
University of Hawai'i Board of Regents				2	4	4	2		6	6	24	11	218%
Women's Corrections Implementation Commission											0	5	0%
<b>Total Board/Commission Members Training Completed</b>	<b>45</b>	<b>4</b>	<b>9</b>	<b>26</b>	<b>258</b>	<b>194</b>	<b>21</b>	<b>79</b>	<b>333</b>	<b>303</b>	<b>1,272</b>	<b>1,006</b>	<b>126%</b>

\*Membership number is based on full membership and may include vacant positions  
As of August 6, 2023

<b>HAWAII STATE ETHICS COMMISSION</b>		
<b>2023 INFORMATION SESSIONS</b>		
<b>(Ethics Workshops and Presentations)</b>		
<b>DATE</b>	<b>PRESENTATIONS</b>	<b>NUMBER OF PARTICIPANTS</b>
7/6/2023	Human Resources – Information Session re Ethics Training Law, Zoom	17
7/7/2023	Board Administrators – Information Session re Ethics Training Law, Zoom	23
7/14/2023	Human Resources – Information Session re Ethics Training Law, Zoom	11
7/21/2023	Board Administrators – Information Session re Ethics Training Law, Zoom	15
7/26/2023	Board Administrators – Information Session re Ethics Training Law, Zoom	1
<b>TOTAL</b>	<b>5 Presentations</b>	<b>67 participants</b>

2023	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Year to date
<b>Training statistics</b>													
# of In-Person Trainings	2	1	1	2	1	0							7
# of People Trained In Person	113	24	47	59	21	0	0						264
# of On-Line Trainings (Self-Directed)	1051	522	4042	1454	1793	1438	1849						12149
# of Training Webinars	4	2	2	1	2	1	0						12
# of Participants in Training Webinars	376	124	24	30	32	8	0						594
<b>Attorney of the Day</b>	125	103	125	97	122	84	103						759
<b>New assignments</b>													
Advisory Opinion	0	0	0	0	0	0	0						0
Complaint	18	19	24	21	20	20	19						141
Gifts/Invitations/Travel	12	25	26	17	18	33	35						166
Guidance	4	2	1	0	3	2	2						14
Judicial Selection Comm'n	0	4	2	1	5	4	1						17
Training Request	0	0	0	0	0	0	0						0
Record Request	1	1	0	0	3	1	2						8
Project/Other	6	2	1	4	2	2	4						21
<b>Total</b>	41	53	54	43	51	62	63	0	0	0	0	0	367
<b>Closed Assignments</b>													
Advisory Opinion	0	0	1	1	1	0	0						3
Complaint	8	4	30	46	18	30	36						172
Gifts/Invitations/Travel	0	21	34	20	22	33	32						162
Guidance	0	0	2	4	1	1	6						14
Judicial Selection Comm'n	0	4	2	1	3	5	2						17
Training Request	0	0	0	0	0	0	0						0
Record Request	0	1	0	1	1	2	3						8
Project/Other	1	7	4	5	3	0	6						26
<b>Total</b>	9	37	73	78	49	71	85	0	0	0	0	0	402
<b>Anti-Fraud</b>	3	2	2	2	3	1	8						21

SUNSHINE LAW MEETING  
AGENDA ITEM IV

STATUS OF THE STATE ETHICS CONFERENCE (SEPTEMBER 1, 2023)

No attachments.

SUNSHINE LAW MEETING  
AGENDA ITEM V

DISCUSSION OF ETHICS OVERSIGHT OVER THE JUDICIAL BRANCH

No attachments.

SUNSHINE LAW MEETING  
AGENDA ITEM VI

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.