

SUNSHINE LAW MEETING  
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: September 20, 2023

Time: 9:00 a.m.

Location: Held via Zoom video and audio conference

Link: Recorded video available at  
[https://ethics.hawaii.gov/category/commissionmeetings/comm\\_videos/](https://ethics.hawaii.gov/category/commissionmeetings/comm_videos/)

Public Meeting Location

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

Present: State Ethics Commission Members

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

Excused: Robert Hong, Commissioner

State Ethics Commission Staff

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

Members of the Public

Laurie Wong  
Commissioner Riki May Amano, Honolulu Ethics Commission

## **CALL TO ORDER (0:07)**

Chair Fong called the meeting to order at 9:03 a.m. Chair Fong, Vice Chair McCarthy, Commissioner Tobias, Commissioner Thielen and Commission staff were present. All Commissioners and staff participating via video or audio conference confirmed no one was in the room with them at their respective remote locations.

## **Agenda Item No. I: Consideration and Approval of the Minutes of the August 16, 2023 Meeting (2:34)**

Commissioner Thielen moved, and Commissioner Tobias seconded a motion to approve the minutes of the August 16, 2023 meeting. The motion carried (Fong, McCarthy, Tobias, Thielen, and voting in the affirmative and Hong excused).

## **Agenda Item No. II: Directors' Report (3:32)**

Compliance Director Bonita Chang reported that Commission staff has increased outreach efforts ahead of the December 31 training deadline. She noted that staff have contacted the agency and board contacts to advise them of the training deadline. In addition, the agencies and boards were asked to provide a percentage of their employees and members who have completed training. Director Chang hopes to have the information compiled by October.

Chair Fong noted that based on the comments at the Ethics Conference, the county ethics commissions were impressed with the education and outreach programs offered at the state level. He suggested reaching out to the other commissions to see how we can help.

Commissioner Thielen noted that there are a couple of agencies and boards with zero or very low completion rates. She asked if staff could reach out to those boards and agencies to address this. Compliance Director Chang replied that staff can reach out to these agencies and boards. She noted that there are 125 boards and 25 agencies that the commission is responsible for. Director Chang added that a recent set of reminders was sent to the agency and board contacts. Commissioner Thielen asked to reach out to the boards and agencies with low percentages and report back in October. Director Chang replied that she expects to see increased participation numbers in October.

Enforcement Director Kee Campbell reported that staff continues to close more matters than are being opened. Chair Fong stated that he was happy that it appears that most of the open matters before the Commission and staff are within the last two years.

Executive Director Harris reported that staff have begun moving the Commission offices from suite 970 to suite 900. The move should be final by the end of September. Commission offices in suite 970 will undergo approximately two and a half months of renovations. The hope is that staff will be back in suite 970 by December. Director Harris commended staff for their efforts in making the move as smooth as possible. He noted that the October commission meeting will take place in the Commission's temporary offices in suite 900.

Director Harris reported that staff is working on Legislative recommendations. He expects to have a draft by November with a final draft in December.

**Agenda Item No. III: Overview of Ethics in Hawai'i Conference (September 1, 2023)**  
**(16:27)**

Executive Director Harris reported that the Ethics in Hawaii Conference held in cooperation with the Honolulu Ethics Commission was successful. He reported that the feedback was very positive along with recommendations for future improvements to the event. He noted that there was interest in having continuing dialogue online similar to COGEL.

Chair Fong congratulated both the State and Honolulu Ethics Commission staff. He was pleased with the overall conference. He noted that one of the only items to receive low marks was the lunch. He asked for thoughts about the frequency of hosting the conference. He noted that the neighbor island commissions were in favor of having the event yearly. He further noted that he thought the event was very beneficial to the neighbor islands.

Vice Chair McCarthy shared his thoughts that an annual event may be beneficial to all parties. He thought the roundtable discussions would be valuable to see what the needs are and how the commissions can support each other.

Commissioner Tobias thought holding the event every year or at the very least every other year would be valuable especially for the neighbor island commissions.

Commission Thielen shared that she felt that there were more topics that could be included in the event.

Chair Fong wanted to commend the Commissioners for attending. He stated that he would like to see the event held yearly if the budget is there. If not, he would like the event held at least every other year. He would like a recommendation from staff as to whether or not to hold the event annually or every other year.

Ms. Laurie Wong, speaking not in her official capacity but as a member of the public, recognized Commissioner Riki May Amano of the Honolulu Ethics Commission. She felt the event was a welcome sight especially after COVID. She expressed appreciation to the State for funding the event. She noted that Maui's staffing is where

Honolulu's was in the past, in terms of just getting their staffing and independence up. She agreed that online meetings quarterly would be a good idea.

Commissioner Amano asked what the cost of the conference was. Director Harris replied that the conference cost approximately \$2,500. Commissioner Amano noted that going to a two-day conference would significantly increase the cost. She commended the staff for how well run the event was. Commissioner Amano expressed her desire to hold the conference yearly. She suggested reaching out to the other commissions to help fund future conferences. She hoped that the other commissions would see the value of the conference and help to fund the event. Commissioner Amano stated the reason why she advocates for a yearly conference, is her belief that if one board slips up, it will have an impact on every other board. She feels that while the commissions are different now, that in five to ten years from now, that the commissions may be much more similar in nature. She noted that it is important for all the boards to work together.

Commissioner Thielen suggested that the conference be held yearly with one year having an in-depth discussion about a particular topic and a more robust event in the second year.

Commissioner Amano stated that she would support any format. She noted that ethics issues continue to evolve.

Chair Fong commented that he would also like to get feedback from staff.

Executive Director Harris noted the enthusiasm for more activities, the types of activities is to be worked out.

**Agenda Item No. IV. Discussion of Ethics Oversight over the Judicial Branch (40:57)**

Executive Director Harris reported that the Judiciary would like to meet to discuss ethics topics with the Commission. The exact details of a meeting are being worked out.

Chair Fong expressed his happiness that the Judiciary is receptive to meeting.

**Agenda Item No. 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) (43:00)**

No update

## **ADJOURNMENT OF SUNSHINE LAW MEETING (44:25)**

At approximately 9:47 a.m., Commissioner Tobias made and Commissioner Thielen seconded a motion to adjourn the meeting. The motion carried unanimously (Fong, McCarthy, Tobias, and Thielen voting with Hong excused).

The meeting was adjourned at 9:47 a.m.

Minutes approved on October 18, 2023.