

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: November 15, 2023

Time: 9:00 a.m.

Location: Zoom Videoconference or Phone:

Videoconference: [Join Zoom Meeting](https://us06web.zoom.us/j/83840775383?pwd=FGfBCbpgaHHvbYPwCOumJ7tekSpNU3.1)
<https://us06web.zoom.us/j/83840775383?pwd=FGfBCbpgaHHvbYPwCOumJ7tekSpNU3.1>

Phone: +1 (719) 359-4580 or +1 (253) 205-0468

Meeting ID: 838 4077 5383

Passcode: XZDS6N

Public Meeting Location:

Hawai'i State Ethics Commission Conference Room
1001 Bishop Street
American Savings Bank Tower, Suite 900
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) for more information, including reconnection information.

Public meeting materials for this meeting are available on the Commission's website at: www.ethics.hawaii.gov.

A G E N D A

CALL TO ORDER

I. Consideration and Approval of the Minutes of the October 18, 2023 Meeting

*Attachment 1: Sunshine Law Meeting Minutes of the October 18, 2023
Hawai'i State Ethics Commission Meeting*

II. Consideration and Approval of the Minutes of the October 18, 2023 Executive Session Meeting

The Hawai'i State Ethics Commission may convene an executive session pursuant to Hawai'i Revised Statutes section 92-5(a)(2) to discuss matters relating to the evaluation of an employee, and/or pursuant to 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.

III. Directors' Report

1. Education / Training Report

Attachment 1: 2023 Training Schedule

Attachment 2: Online Training Completions by Department and Board

2. Guidance and Assignment Statistics – October 2023

Attachment 3: 2023 Guidance and Assignment Statistics / Website Traffic

3. Miscellaneous Office Projects / Updates

IV. Discussion of Media Reports Concerning Ethics or the Ethics Commission Since the Last Meeting

V. Proposed Legislation

Attachment 1: Raising the Maximum Allowed Administrative Fine

Attachment 2: Modernizing Advice and Investigation Procedures

Attachment 3: Updating Lobbying Definition to Include Certain Administrative Actions

Attachment 4: Revising Reporting Deadlines

Attachment 5: Relating to Legislator Disclosures

VI. Discussion of Ethics Oversight over the Judicial Branch

Attachment 1: Research on State Judicial Ethics from the Campaign Legal Center

VII. Meeting Calendar

Discussion of proposed meeting schedule for 2024.

Attachment 1: Proposed Meeting Calendar, 2024.

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 (info.ethics@hawaii.gov), 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 Accommodation 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 info.ethics@hawaii.gov as soon as possible, preferably at least 48 hours prior to the meeting. Last minute requests will be accepted but may be impossible to fill.

Upon request, this notice is available in alternate/accessable formats.

SUNSHINE LAW MEETING
AGENDA ITEM I

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE
OCTOBER 18, 2023 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the October 18, 2023
 Hawai'i State Ethics Commission Meeting

1 SUNSHINE LAW MEETING
2 MINUTES OF THE HAWAII STATE ETHICS COMMISSION

3
4 STATE OF HAWAII

5
6
7 Date: October 18, 2023

8
9 Time: 9:00 a.m.

10
11 Location: Held via Zoom video and audio conference

12
13 Link: Recorded video available at
14 https://ethics.hawaii.gov/category/commissionmeetings/comm_videos/

15
16 Public Meeting Location

17
18 Hawaii State Ethics Commission Conference Room
19 1001 Bishop Street
20 American Savings Bank Tower, Suite 900
21 Honolulu, Hawaii 96813

22
23 Present: State Ethics Commission Members

24
25 Wesley F. Fong, Chair (present in conference room)
26 Harry J. McCarthy, Vice Chair (via video conference)
27 Robert Hong, Commissioner (via video conference)
28 Cynthia Thielen, Commissioner (present in conference room)

29
30 Excused: Beverley Tobias, Commissioner

31
32 State Ethics Commission Staff

33
34 Robert D. Harris, Executive Director (present in conference room)
35 Kee M. Campbell, Enforcement Director (via video conference)
36 Bonita Y.M. Chang, Compliance Director (via video conference)
37 Nancy C. Neuffer, Staff Attorney (excused)
38 Jennifer M. Yamanuha, Staff Attorney (via video conference)
39 Jodi L. K. Yi, Staff Attorney (via video conference)
40 Patrick W.C. Lui, Computer Specialist (via video conference)
41 Jared Elster, Investigator (via video conference)
42 Myles A. Yamamoto, Administrative Assistant (via video conference)

43
44 Members of the Public

45
46 Jereanne Raza
47

1 **CALL TO ORDER (Part 1 0:00)**

2
3 Chair Fong called the meeting to order at 9:02 a.m. Chair Fong, Vice Chair
4 McCarthy, Commissioner Hong, Commissioner Thielen and Commission staff were
5 present. All Commissioners and staff participating via video or audio conference
6 confirmed no one was in the room with them at their respective remote locations.
7

8
9 **Agenda Item No. I: Consideration and Approval of the Minutes of the September**
10 **20, 2023 Meeting (Part 1 3:11)**

11
12 Commissioner Thielen moved, and Vice Chair McCarthy, seconded a motion to
13 approve the minutes of the September 20, 2023 meeting. The motion carried (Fong,
14 McCarthy, Hong, Thielen, and voting in the affirmative and Tobias excused).
15

16
17 **Agenda Item No. II: Directors' Report (Part 1 4:05)**

18
19 Executive Director Robert Harris introduced a new staff attorney, Jodi Yi. Staff
20 Attorney Yi gave a brief background. She has over fifteen years of experience with the
21 Department of the Attorney General, where she advised various departments including
22 the Department of Taxation and Department of Agriculture.
23

24 Chair Fong welcomed Staff Attorney Yi to the Commission.
25

26 Compliance Director Bonita Chang provided a general overview regarding the
27 Mandatory Ethics Training law and an update on the Commission's training activities.
28 Pursuant to Act 165, approximately 60,000 state employees and board/commission
29 members are subject to the new requirement; approximately 300 individuals are public
30 filers who are required to complete a live session.
31

32 Director Chang reviewed general trends in training participation levels. Since the
33 enactment of Act 165, there has been nearly a three-fold increase in the number of
34 training completions within the past year, and an eighteen-fold increase since 2021.
35 Much of this work has been accomplished without additional funding or staff, thanks to
36 the dedicated work of the staff and agency partners. Director Chang, however, noted
37 that there are a number of agencies and boards that have reported low participation
38 levels and is proposing to do the following as part of the Commission's outreach efforts:
39

- 40
- 41 • Send monthly reminders to HR/board contacts.
 - 42 • Post announcements via social media and the Commission's website.
 - 43 • Contact high level public officials who have not completed a live training session.
 - 44 • Contact the Office of the Governor to remind all department heads about the
ethics training requirement.
 - 45 • Reach out to targeted board/commissions and agencies with low participation.
- 46
47

1 Commissioner Thielen raised concerns regarding boards that reported low
2 completion rates such as the Hawai'i Tourism Authority board, and ways to ensure
3 compliance with the new training law. Commissioner Thielen suggested that a letter
4 from the Commission be sent to the boards/commission with low participation rates.
5

6 Commissioner Thielen moved and Vice Chair McCarthy seconded a motion to
7 send a letter from the Commission to boards/commissions and agencies with employee
8 training completion rates of less than 20%. The letter would state the percentage of
9 completion based on the Commission's records, state the ethics training law, and offer
10 assistance to increasing overall compliance. Commissioner Hong asked how feasible
11 this would be, and if it is do-able for staff to accomplish. Director Chang said this letter
12 can be incorporated into the current outreach strategy.
13

14 The motion carried (Fong, McCarthy, Hong, and Thielen voting in the affirmative,
15 and Tobias excused).
16

17 Director Harris reported that staff has completed the move to suite 900 and the
18 renovation work on suite 970 has begun. He anticipated moving back to suite 970 by
19 Thanksgiving.
20

21 Director Harris reported that he and Chair Fong spoke to a Rotary Club. Chair
22 Fong noted that the information was well received. He also observed that based on the
23 questions that were asked, people aren't aware of the work and responsibilities of the
24 Commission. He emphasized the need for more public outreach to raise awareness.
25

26 27 **Agenda Item No. III. Discussion of Ethics Oversight over the Judicial Branch (Part** 28 **1 52:24)** 29

30 Executive Director Harris reported that initial discussions and emails between the
31 Commission and Judiciary have begun.
32

33 Vice Chair McCarthy was glad that the Judiciary was receptive to a meeting. He
34 suggested that the Commission of Judicial Conduct also be included in any future
35 meetings and discussions.
36

37 38 **Agenda Item No IV. Evaluation of Executive Director Robert Harris (Part 1 55:30)** 39

40 Executive Director Harris noted that the form used previously was complex and
41 proposed a simplified evaluation form. Director Harris also proposed the inclusion of
42 staff input in the evaluation process.
43

44 Commissioner Thielen moved, and Commissioner Hong seconded a motion to go
45 into executive session to discuss the evaluation of Executive Director Robert Harris.
46 The motion carried (Fong, McCarthy, Hong, and Thielen voting in the affirmative, and
47 Tobias excused).

1
2 At approximately 10:03 a.m., the Commission recessed the Sunshine meeting
3 and convened an executive session pursuant to Hawai'i Revised Statutes section 92-
4 5(a)(2) to discuss matters relating to the evaluation of an employee, and/or pursuant to
5 section 92-5(a)(4) to consult with the Commission's attorneys on questions and issues
6 pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.
7

8 All staff and members of the public were excused to the waiting room. The
9 Commission met with Compliance Director Bonita Chang to discuss the proposed
10 evaluation form and evaluation process.
11

12 At approximately 10:45 a.m. the Commission adjourned its executive session
13 and reconvened the Sunshine Meeting.
14

15 Director Chang summarized the five-step evaluation process. The proposed
16 evaluation form was approved. Director Harris will do a self-evaluation. Staff will
17 complete an anonymous survey, and the aggregate summary will be provided to the
18 Commission. The Commission will then conduct its evaluation of the Executive Director.
19
20

21 **Agenda Item No. V: Akana v. Hawaii State Ethics Commission and Daniel Gluck,**
22 **Civil No. 18-1-1019-06 (JHA); Akana v. Hawaii State Ethics Commission, Civil No.**
23 **19-1-0379-03 (JHA); State of Hawaii, Ethics Commission v. Rowena Akana,**
24 **Civil No. 20-1-0453 (BIA) (Part 2 1:37)**
25

26 No update.
27
28

29 **ADJOURNMENT OF SUNSHINE LAW MEETING (Part 2 1:53)**
30

31 At approximately 10:46 a.m., Commissioner Thielen made and Commissioner
32 Hong seconded a motion to adjourn the meeting. The motion carried unanimously
33 (Fong, McCarthy, Hong, and Thielen voting in the affirmative, with Tobias excused).
34

35 The meeting was adjourned at 10:46 a.m.
36

37 Minutes approved on _____.

SUNSHINE LAW MEETING
AGENDA ITEM II

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE
OCTOBER 18, 2023 EXECUTIVE SESSION MEETING

The Hawai'i State Ethics Commission may convene an executive session pursuant to Hawai'i Revised Statutes section 92-5(a)(2) to discuss matters relating to the evaluation of an employee, and/or pursuant to 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.

Attachment 1: Sunshine Law Meeting Minutes of the October 18, 2023 Executive Session Meeting

Executive Session Meeting Minutes not provided to the public.

SUNSHINE MEETING
AGENDA ITEM III

EXECUTIVE DIRECTOR'S REPORT
November 15, 2023

1. Education / Training Report

Attachment 1: 2023 Training Attendance / Schedule

Attachment 2: Online Training Completions by Department and Board

2. Guidance and Assignment Statistics – October 2023

Attachment 3: 2023 Guidance and Assignment Statistics / Website Traffic

3. Miscellaneous Office Projects / Updates

HAWAII STATE ETHICS COMMISSION 2023 EDUCATION PROGRAM (Ethics Workshops and Presentations)		
DATE	PRESENTATIONS	NUMBER OF PARTICIPANTS
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	General Ethics Training, Zoom (CANCELLED)	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)		
DATE	PRESENTATIONS	NUMBER OF PARTICIPANTS
6/7/2023	General Ethics Training, Zoom	8
6/22/2023	General Ethics Training, Zoom (CANCELLED)	0
7/6/2023	General Ethics Training, Zoom (CANCELLED)	0
7/20/2023	Ethics for State Board and Commission members, Zoom (CANCELLED)	0
8/2/2023	General Ethics Training, Zoom (CANCELLED)	0
8/11/2023	General Ethics Training, Zoom	15
8/28/2023	General Ethics Training, DOE, Roosevelt High School	195
8/28/2023	General Ethics Training, DOE, Kawananaoka Middle School (CANCELLED)	0
9/7/2023	General Ethics Training, Zoom	3
9/12/2023	General Ethics Training, DOE, Pearl City (CANCELLED)	0
9/21/2023	Ethics for State Board and Commission members, Zoom	10
10/13/2023	General Ethics Training, Zoom	25
10/25/2023	General Ethics Training, Zoom (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 (CANCELLED)	0
12/8/2023	Ethics for State Government Attorneys, Zoom (CANCELLED)	0
12/21/2023	General Ethics Training, Zoom	
TOTAL	37 Presentations	1099 participants

State Employees

Attachment 2

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	188	17	308	325	644	50%
Department of Agriculture (DOA)	2	36	14	18	5	179	5	85	26	318	344	299	115%
Department of Budget and Finance (B&F)	26	1	25	1	127	103	10	192	188	297	485	385	126%
Department of Business, Economic Development and Tourism (DBEDT)	5	62	70	10	79	50	40	173	194	295	489	305	160%
Department of Commerce and Consumer Affairs (DCCA)	346	47	40		73	50	5	402	464	499	963	541	178%
Department of Corrections and Rehabilitation (DCR)						85	2	33	2	118	120		
Department of Defense (DOD)	1	82		1	20	44	4	348	25	475	500	497	101%
Department of Education (DOE)	35	167	73	76	25	164	274	15,481	407	15,888	16,295	22,159	74%
Department of Hawaiian Home Lands (DHHL)	1		1		2	16	3	131	7	147	154	111	139%
Department of Health (DOH)	7	193	3	38	143	314	18	2,181	171	2,726	2,897	2,447	118%
Department of Human Resources Development (DHRD)		4	6		4	7	1	71	11	82	93	65	143%
Department of Human Services (DHS)	35	201	270	6	4	6	5	1,190	314	1,403	1,717	1,686	102%
Department of Labor and Industrial Relations (DLIR)	2	41			137	186	18	283	157	510	667	847	79%
Department of Land and Natural Resources (DLNR)	1	63	29	10	15	59	4	686	49	818	867	792	109%
Department of Law Enforcement (DLE)					1	62	5	35	6	97	103	16	100% based on 16 current employees
Department of Public Safety (DPS)	3	39	5	5	245	525	18	246	271	815	1,086	3,002	36%
Department of Taxation (TAX)	4	1			33	299	4	236	41	536	577	309	187%
Department of the Attorney General (ATG)	73	97	190	22	297	149	21	562	581	830	1,411	646	218%
Department of Transportation (DOT)	12	209	71	72	112	107	8	505	203	893	1,096	2,255	49%
Hawai'i Health Systems Corporation (HHSC)	32	38	9	2	11	8	1	1,073	53	1,121	1,174	3,071	38%
Hawai'i State Ethics Commission (HSEC)	4		6		10	3	45	7	65	10	75	10	750%
Hawai'i State Public Library System (HSPLS)		1			1	2	1	623	2	626	628	429	146%
House of Representatives (REP)	28		52	1	54	2	55	112	189	115	304	166	183%
Judiciary (JUD)	1	38	7	18	209	85	50	1,212	267	1,353	1,620	1,727	94%
Legislative Reference Bureau (LRB)			1		1		3	26	5	26	31	44	70%
Office of Hawaiian Affairs (OHA)	11	5	12	57	25	46		10	48	118	166	145	114%
Office of the Auditor (AUD)	11	3	3		15		6	1	35	4	39	23	170%
Office of the Governor (GOV)	2	8		1	6	10	19	36	27	55	82	48	171%
Office of the Lieutenant Governor (LTG)		4			6	1	4	1	10	6	16	10	160%
Office of the Ombudsman (OMB)		2	2		3	3	1	8	6	13	19	12	158%
Public Charter School (SPCSC)	25	9	80	14	31	32	23	101	159	156	315	20	1575%
Research Corporation of the University of Hawai'i (RCUH)		6		3	35	684	3	638	38	1,331	1,369	2,631	52%
Senate (SEN)	20	3	77	1	132	3	90	8	319	15	334	109	306%
University of Hawai'i-Community Colleges (UOHC)	137		14		208	559	53	520	412	1,079	1,491	2,568	58%
University of Hawai'i-Hilo (UOHH)		1	1		42	90	10	164	53	255	308	864	36%
University of Hawai'i-Manoa (UOHM)			65		407	1,429	137	1,194	609	2,623	3,232	8,511	38%
University of Hawai'i-System (UOH)	117	245	43	67	103	296	17	229	280	837	1,117	502	223%
University of Hawai'i-West Oahu (UOHW)	2				45	113	14	105	61	218	279	399	70%
Total Employees Training Completed	947	1,666	1,172	427	2,674	5,827	979	29,096	5,772	37,016	42,788	58,295	73%

** Reorg eff. 1/1/24

** Reorg eff. 1/1/24
(332 budgeted positions starting in 2024)

** Reorg eff. 1/1/24

*Based on annual financial disclosure updates from departments collected in March/April 2023
As of November 5, 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	5		9	3	12	8	150%
Board of Acupuncture	1				1	1		1	2	2	4	5	80%
Board of Agriculture	1			1	4		1	1	6	2	8	10	80%
Board of Barbering and Cosmetology	1	1			1	2		1	2	4	6	7	86%
Board of Certification of Operating Personnel in Wastewater Treatment Plants					3	2			3	2	5	9	56%
Board of Chiropractic Examiners						1		3		4	4	5	80%
Board of Dentistry					1	8		3	1	11	12	12	100%
Board of Education	1	1	1	3	11	1	1		14	5	19	11	173%
Board of Electricians and Plumbers	3			1	2	2			5	3	8	7	114%
Board of Land and Natural Resources		2		2	1	2			1	6	7	7	100%
Board of Massage Therapy	1				2			1	3	1	4	5	80%
Board of Nursing					4	1	1	3	5	4	9	9	100%
Board of Physical Therapy						3		4		7	7	7	100%
Board of Private Detectives and Guards					2	1			2	1	3	7	43%
Board of Professional Engineers, etal								1		1	1	14	7%
Board of Public Accountancy					4	1		2	4	3	7	9	78%
Board of Registration	1				2	2			3	2	5	12	42%
Board of Speech Pathology and Audiology	2				1	1			3	1	4	7	57%
Board on Geographic Names					6	2			6	2	8	7	114%
Civil Rights Commission					3	1		1	3	2	5	5	100%
Commission on Status of Women	6				2			1	8	1	9	5	180%
Commission on Water Resource Management				1		2		1		4	4	7	57%
Contractors License Board	5				1	3		3	6	6	12	13	92%
Correctional System Oversight Commission					3				3		3	5	60%
Council on Revenues					3			2	3	2	5	7	71%
Crime Victim Compensation Commission							1	1	1	1	2	3	67%
Defender Council					2				2		2	5	40%
Deferred Compensation Plan Board of Trustees	1				6				7		7	7	100%
Disability and Communication Access Board						1	1	10	1	11	12	17	71%
Early Learning Board						1		3		4	4	13	31%
Elections Commission					4	2		1	4	3	7	9	78%
Elevator Mechanics Licensing Board					3	1		1	3	2	5	7	71%
Employees' Retirement System Board of Trustees			6		7	1			13	1	14	8	175%

82% (based on 9 out of 11 current members)

State Boards and Commissions

	2020		2021		2022		2023		Total		Total	No. of	%
Board/Commission	Live	Self	Live	Self	Live	Self	Live	Self	Live	Self	Completions	Members*	Completed
Enhanced 911 Board	1							9	1	9	10	13	77%
Environmental Advisory Council					8	2		1	8	3	11	15	73%
Festival of the Pacific Arts & Culture					1	6			1	6	7	9	78%
Hawai'i Board of Optometry					2	3		1	2	4	6	7	86%
Hawai'i Board of Veterinary Medicine					2			1	2	1	3	7	43%
Hawai'i Climate Change Mitigation and Adaptation Commission					4	1		6	4	7	11	20	55%
Hawai'i Employer-Union Health Benefits Trust Fund				1	1		1	7	2	8	10	10	100%
Hawai'i Green Infrastructure Authority					2				2		2	5	40%
Hawai'i Health Systems Corporation-Corporation				1				2		3	3	18	17%
Hawai'i Health Systems Corporation-East Hawai'i						2		3		5	5	12	42%
Hawai'i Health Systems Corporation-Kauai								4		4	4	10	40%
Hawai'i Health Systems Corporation-Maui											0	4	0%
Hawai'i Health Systems Corporation-Oahu			8			1			8	1	9	8	113%
Hawai'i Health Systems Corporation-West Hawai'i						4		1		5	5	9	56%
Hawai'i Housing Finance and Development Corporation				1	6				6	1	7	9	78%
Hawai'i Hurricane Relief Fund Board	1								1		1	7	14%
Hawai'i Law Enforcement Standards Board	1				2	1		5	3	6	9	14	64%
Hawai'i Medical Board					12	2		4	12	6	18	11	164%
Hawai'i Paroling Authority	1					3		1	1	4	5	5	100%
Hawai'i Public Housing Authority	1				4	6	3	1	8	7	15	10	150%
Hawai'i State Ethics Commission				1	2		3		5	1	6	5	120%
Hawai'i State Fire Council					2			1	2	1	3	4	75%
Hawai'i Teacher Standards Board					3	7		1	3	8	11	17	65%
Hawaiian Homes Commission					2	2	1	1	3	3	6	9	67%
Island Burial Council - Hawai'i					1				1		1	7	14%
Island Burial Council - Kauai/Niihau				3						3	3	6	50%
Island Burial Council - Maui/Lanai							1		1		1	6	17%

40% (based on 6 out of 15 current members)

50% (based on 1 out of 2 current members)

No current board members at this time per our records

60% (based on 3 out of 5 current member)

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
Island Burial Council - Molokai						1				1	1	3	33%
Island Burial Council - Oahu				1	3	1			3	2	5	8	63%
King Kamehameha Celebration Commission	1				6	3	2	1	9	4	13	15	87%
Land Use Commission	1				6	2	3	2	10	4	14	9	156%
Medical Education Council				1	2	1		1	2	3	5	13	38%
Merit Appeals Board								3		3	3	3	100%
Motor Vehicle Industry Licensing Board						3		3		6	6	7	86%
Motor Vehicle Repair Industry Board						1		1		2	2	7	29%
National and Community Service, Hawai'i Commission for	1				5			4	6	4	10	15	67%
Oahu Metropolitan Planning Organization						3		4		7	7	14	50%
Other Board/Commission				3	25	49	2	45	27	97	124		0%
Pacific International Space Center for Exploration Systems	1							1	1	1	2	9	22%
Pest Control Board					3	3			3	3	6	9	67%
Radiologic Technology Board	3								3		3	5	60%
Real Estate Commission	1				9	3			10	3	13	9	144%
Soil and Water Conservation District Boards				2	34	10	1	5	35	17	52	84	62%
Stadium Authority Commission					4	3			4	3	7	8	88%
State Council on Developmental Disabilities	4				5	2		5	9	7	16	28	57%
State Foundation on Culture and the Arts					7	2	1	1	8	3	11	7	157%
State Public Charter School Commission					8	3	1	2	9	5	14	9	156%
Statewide Health Coordinating Council	2					2		7	2	9	11	9	122%
University of Hawai'i Board of Regents				2	4	4	7		11	6	17	11	155%
Total Board/Commission Members Training Completed	44	4	15	24	256	181	36	178	351	387	738	808	

50% (based on 1 out of 2 current members)

100% (based on 4 out of 4 current members)

*Membership number is based on full membership and may include vacant positions
As of November 5, 2023

See next page for additional boards

Outreach to Targeted State Agencies:

- Department of Accounting & General Services
- Department of Public Safety
- Department of Transportation
- Hawai'i Health Systems Corporation (letter regarding HHSC employees & board members)
- Research Center of the University of Hawai'i (letter regarding RCUH employees & board members)

Outreach to Targeted State Boards:

	# active members serving on board (excl. vacancies)	# who completed training	% Completed (as of 11/8/23)
Board of Naturopathic Medicine	4	2	50%
Board of Pharmacy	7	2	29%
Board of Psychology	5	2	40%
Boxing Commission	4	1	25%
Campaign Spending Commission	5	3	60%
Hawai'i Community Development Authority	13	9	69%
Hawai'i Historic Places Review Board	5	2	40%
Hawai'i Retirement Savings Board	8	7	88%
Hawai'i State Emergency Response Commission	11	8	73%
Hawai'i Technology Development Corporation	8	7	88%
Hawai'i Tourism Authority	12	9	75%
Hoisting Machine Operators Advisory Board	5	3	60%
Kaho'olawe Island Reserve Commission	4	4	100%
Legacy Land Conservation Commission	8	3	38%
Mauna Kea Stewardship & Oversight Authority	12	7	58%
Natural Area Reserves System Commission	9	1	11%
Natural Energy Laboratory of Hawai'i	11	5	45%
Public Water System Operators **	3	3	100%
RCUH Board	6	3	50%
School Facilities Authority Board	4	1	25%
TOTAL	144	82	57%

** The Public Water Systems Operators board did not receive a letter from the Commission since all members are up to date.

Non-active Boards:

(Based on our records to date, the following boards do not have any appointed members at this time, or are no longer active by law)

- Transit Oriented Development Infrastructure Improvement District Board
- Women's Corrections Implementation Commission
- Lesbian, Gay, Bisexual, Transgender, Queer, Plus Commission
- Tax Review Commission – Currently not active; board convenes every 5 years to review Hawai'i tax laws, with the last one occurring in 2020-2022

2023	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Year to date
Training statistics													
# of In-Person Trainings	2	1	0	2	1	0	0	1	0	0			7
# of People Trained In Person	113	24	47	52	21	0	0	195	0	0			452
# of On-Line Trainings (Self-Directed)	1,051	522	4,042	1,454	1,793	1,438	1,849	13,166	2,036	2,136			29,487
# of Training Webinars	4	2	3	1	2	1	0	1	2	1			17
# of Participants in Training Webinars	376	124	71	30	32	8	0	15	13	25			694
Attorney of the Day	125	103	125	97	122	84	103	95	91	75			1020
New assignments													
Advisory Opinion	0	0	0	0	0	0	0	0	0	2			2
Complaint	18	19	24	21	20	20	19	20	110	24			295
Gifts/Invitations/Travel	12	25	26	17	18	33	35	30	20	27			243
Guidance	4	2	1	0	3	2	2	0	0	4			18
Judicial Selection Comm'n	0	4	2	1	5	4	1	1	4	3			25
Training Request	0	0	0	0	0	0	0	0	0	0			0
Record Request	1	1	0	0	3	1	2	1	0	0			9
Project/Other	6	2	1	4	2	2	4	6	2	2			31
Total	41	53	54	43	51	62	63	58	136	62	0	0	623
Closed Assignments													
Advisory Opinion	0	0	1	1	1	0	0	0	0	0			3
Complaint	8	4	30	46	18	30	36	24	117	23			336
Gifts/Invitations/Travel	0	21	34	20	22	33	32	30	20	22			234
Guidance	0	0	2	4	1	1	6	0	1	0			15
Judicial Selection Comm'n	0	4	2	1	3	5	2	1	4	2			24
Training Request	0	0	0	0	0	0	0	0	0	0			0
Record Request	0	1	0	1	1	2	3	0	0	0			8
Project/Other	1	7	4	5	3	0	6	7	0	6			39
Total	9	37	73	78	49	71	85	62	142	53	0	0	659
Anti-Fraud	3	2	2	2	3	1	8	8	5	8			42

SUNSHINE LAW MEETING
AGENDA ITEM IV

DISCUSSION OF MEDIA REPORTS CONCERNING ETHICS OR THE ETHICS
COMMISSION SINCE THE LAST MEETING

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM V

PROPOSED LEGISLATION

- Attachment 1: Raising the Maximum Allowed Administrative Fine
- Attachment 2: Modernizing Advice and Investigation Procedures
- Attachment 3: Updating Lobbying Definition to Include Certain Administrative Actions
- Attachment 4: Revising Reporting Deadlines
- Attachment 5: Relating to Legislator Disclosures

THE SENATE
THIRTY-SECOND LEGISLATURE, 2024
STATE OF HAWAII

S.B. NO.

A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE FINES

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. This Act modernizes the maximum administrative
2 fines allowed under Chapters 84 and 97.

3 SECTION 2. Section 84-39, Hawaii Revised Statutes, is
4 amended to read as follows:

5 “(a) Where an administrative fine has not been established
6 for a violation of this chapter, any person, including a
7 legislator or employee, who violates this chapter shall be
8 subject to an administrative fine imposed by the state ethics
9 commission that shall not exceed [~~\$1000~~]\$5000 for each
10 violation. All fines collected under this section shall be
11 deposited in the general fund.

12 (b) No fine shall be assessed under this section unless:

13 (1) The state ethics commission convenes a hearing in
14 accordance with section 84-31(c) and chapter 91 and a
15 decision has been rendered by the commission; or

16 (2) The state ethics commission and respondent agree to
17 resolve any charge of an alleged violation prior to

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1 completion of the contested case process and the resolution
2 includes payment of an administrative fine or restitution,
3 or both.

4 SECTION 3. Section 97-7, Hawaii Revised Statutes, is
5 amended by amending subsection (b) to read as follows:

6 "(a) Any person who:

7 (1) Negligently fails to file any statement or report
8 required by this chapter;

9 (2) Negligently files a statement or report containing
10 false information or material omission of any fact;

11 (3) Engages in activities prohibited by section 97-5; or

12 (4) Fails to provide information required by section 97-2
13 or 97-3;

14 shall be subject to an administrative fine imposed by the state
15 ethics commission that shall not exceed [~~\$1,000~~]\$5,000 for each
16 violation of this chapter. All fines collected under this
17 section shall be deposited into the general fund.

18 (b) No fine shall be assessed unless the state ethics
19 commission:

20 (1) Convenes a hearing in accordance with section 97-6(c)
21 and chapter 91 and renders a decision; or

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1 (2) Together with the alleged violator, agrees to resolve
2 any alleged violation before
3 the completion of the contested case process; provided that the
4 resolution includes payment of an administrative fine or
5 restitution, or both.

6 SECTION 4. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceeding that were
8 begun before its effective date.

9 SECTION 5. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect upon its approval.

12
 INTRODUCED BY: _____

THE SENATE
THIRTY-SECOND LEGISLATURE, 2024
STATE OF HAWAII

S.B. NO.

A BILL FOR AN ACT

RELATING TO THE STATE ETHICS COMMISSION

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. This Act clarifies and modernizes the way the
2 state ethics commission provides advice and conducts
3 investigations under sections 84-31 and 97-6, Hawaii Revised
4 Statutes.

5 SECTION 2. Section 84-31, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§84-31 Duties of commission; complaint, hearing,**
8 **determination.** (a) The ethics commission shall have the
9 following powers and duties:

10 (1) It shall prescribe forms for the disclosures required
11 by Article XIV of the Hawaii Constitution and section
12 84-17 and the gifts disclosure statements required by
13 section 84-11.5 and shall establish orderly procedures
14 for implementing the requirements of those provisions;

15 (2) It shall provide advice upon the request of any person
16 as to whether the facts and circumstances of a
17 particular situation constitute or will constitute a

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1 violation of the code of ethics or other laws or rules
2 administered and enforced by the commission and
3 discuss ways to avoid an appearance of impropriety. A
4 person receiving advice from the commission may
5 request a written summary of that advice. The
6 commission shall treat all advice requests, responses,
7 and related materials as confidential. Written
8 summaries are confidential unless the recipient waives
9 confidentiality;

10 ~~+(2)+~~ (3) It shall render advisory opinions upon the request of
11 any legislator, employee, or delegate to the
12 constitutional convention, or person formerly holding
13 such office or employment as to whether the facts and
14 circumstances of a particular case constitute or will
15 constitute a violation of the code of ethics. If no
16 advisory opinion is rendered within [~~thirty~~] ninety
17 days after the request is filed with the commission,
18 it shall be deemed that an advisory opinion was
19 rendered and that the facts and circumstances of that
20 particular case do not constitute a violation of the
21 code of ethics. The opinion rendered or deemed

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1 rendered, until amended or revoked, shall be binding
2 on the commission in any subsequent charges concerning
3 the legislator, employee, or delegate to the
4 constitutional convention, or person formerly holding
5 such office or employment, who sought the opinion and
6 acted in reliance on it in good faith, unless material
7 facts were omitted or misstated by such persons in the
8 request for an advisory opinion. The commission shall
9 also render public general advisory opinions
10 concerning proper interpretations of the code of
11 ethics and other laws or rules administered and
12 enforced by the commission, if it deems the opinion of
13 sufficient general interest and importance;
14 ~~+(3)+~~(4) It may initiate an investigation into alleged,
15 possible, or potential violations of this chapter and
16 other laws or rules administered and enforced by the
17 commission, on a confidential basis, having available
18 all the powers herein provided, whether the
19 investigation is made based on a charge allegation,
20 other information or indication, or as the commission
21 determines is in the public interest;

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1 ~~+(4)+~~(5) It shall initiate, receive, and consider charges and
2 other information, on a confidential basis, concerning
3 alleged, possible, or potential violations of this
4 chapter and other laws or rules administered and
5 enforced by the commission, initiate or make
6 investigation, and hold hearings;

7 ~~+(5)+~~(6) Upon adoption of a resolution defining the scope and
8 nature of the inquiry, supported by a vote of three or
9 more members of the commission, the commission[~~It~~] may
10 subpoena witnesses, administer oaths, and take
11 testimony relating to matters before the commission
12 and require the production for examination of any
13 books or papers relative to any matter under
14 investigation or in question before the commission[~~-~~].
15 ~~Before the commission shall exercise any of the powers~~
16 ~~authorized in this section with respect to any~~
17 ~~investigation or hearings it shall by formal~~
18 ~~resolution, supported by a vote of three or more~~
19 ~~members of the commission, define the nature and scope~~
20 ~~of its inquiry];~~

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1 ~~+(6)+~~(7) It may, from time to time adopt, amend, and repeal any
2 rules, not inconsistent with this chapter, that in the
3 judgment of the commission seem appropriate for the
4 carrying out of this chapter and for the efficient
5 administration thereof, including every matter or
6 thing required to be done or which may be done with
7 the approval or consent or by order or under the
8 direction or supervision of or as prescribed by the
9 commission. The rules, when adopted as provided in
10 chapter 91, shall have the force and effect of law;

11 ~~+(7)+~~(8) It shall have jurisdiction for purposes of
12 investigation and taking appropriate action on
13 ~~[alleged]~~ possible violations of this chapter in all
14 proceedings commenced within six years of a ~~[n-alleged]~~
15 possible violation of this chapter by a legislator or
16 employee or former legislator or employee. A
17 proceeding shall be deemed commenced by the filing of
18 a charge with the commission or by the signing of a
19 charge by three or more members of the commission.
20 Nothing herein shall bar proceedings against a person

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1 who by fraud or other device, prevents discovery of a
2 violation of this chapter;

3 ~~+(8)+~~(9) It shall distribute its publications without cost to
4 the public and shall initiate and maintain programs
5 with the purpose of educating the citizenry and all
6 legislators, delegates to the constitutional
7 convention, and employees on matters of ethics in
8 government employment; and

9 ~~+(9)+~~(10) It shall administer any code of ethics adopted by a
10 state constitutional convention, subject to the
11 procedural requirements of this part and any rules
12 adopted thereunder.

13 (b) Charges concerning the violation of this chapter shall
14 be in writing, signed by the person making the charge under
15 oath, except that any charge initiated by the commission shall
16 be signed by three or more members of the commission. The
17 commission shall issue written notice to [~~notify in writing~~]
18 every person against whom a charge is received and afford the
19 person an opportunity to explain the conduct alleged to be in
20 violation of the chapter. The commission may investigate, after
21 compliance with this section, such charges and render an

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1 informal advisory opinion to the alleged violator. The
2 commission shall investigate all charges on a confidential
3 basis, having available all the powers herein provided, and
4 proceedings at this stage shall not be public. If the informal
5 advisory opinion indicates a probable violation, the person
6 charged shall request a formal opinion or within a reasonable
7 time comply with the informal advisory opinion. If the person
8 charged fails to comply with such informal advisory opinion or
9 if a majority of the members of the commission determine that
10 there is probable cause for belief that a violation of this
11 chapter might have occurred, a copy of the charge and a further
12 statement of the alleged violation shall be personally served
13 upon the alleged violator. Service shall be made by personal
14 service upon the alleged violator wherever found or by
15 registered or certified mail with a request for a return receipt
16 and marked deliver to addressee only. If after due diligence
17 service cannot be effected successfully in accordance with the
18 above, service may be made by publication if so ordered by the
19 circuit court of the circuit wherein the alleged violator last
20 resided. The state ethics commission shall submit to the circuit
21 court for its consideration in issuing its order to allow

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1 service by publication an affidavit setting forth facts based
2 upon the personal knowledge of the affiant concerning the
3 methods, means, and attempts made to locate and effect service
4 by personal service or by registered or certified mail in
5 accordance with the above. Service by publication when ordered
6 by the court shall be made by publication once a week for four
7 successive weeks of a notice in a newspaper of general
8 circulation in the circuit of the alleged violator's last known
9 state address. The alleged violator shall have twenty days after
10 service thereof to respond in writing to the charge and
11 statement.

12 (c) If after twenty days following service of the charge
13 and further statement of alleged violation in accordance with
14 this section, a majority of the members of the commission
15 conclude that there is probable cause to believe that a
16 violation of this chapter or of the code of ethics adopted by
17 the constitutional convention has been committed, then the
18 commission shall set a time and place for a hearing, giving
19 notice to the complainant and the alleged violator. Upon the
20 commission's issuance of a notice of hearing, the charge and
21 further statement of alleged violation and the alleged

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1 violator's written response thereto shall become public records.
2 The hearing shall be held within ninety days of the commission's
3 issuance of a notice of hearing. If the hearing is not held
4 within that ninety-day period, the charge and further statement
5 of alleged violation shall be dismissed; provided that any delay
6 that is at the request of, or caused by, the alleged violator
7 shall not be counted against the ninety-day period. All parties
8 shall have an opportunity to:

9 (1) Be heard;

10 (2) Subpoena witnesses and require the production of any
11 books or papers relative to the proceedings;

12 (3) Be represented by counsel; and

13 (4) Have the right of cross-examination.

14 All hearings shall be in accordance with chapter 91. All
15 witnesses shall testify under oath and the hearings shall be
16 open to the public. The commission shall not be bound by the
17 strict rules of evidence but the commission's findings must be
18 based upon competent and substantial evidence. All testimony and
19 other evidence taken at the hearing shall be recorded.

20 (d) A decision of the commission pertaining to the conduct
21 of any legislator, delegate to the constitutional convention, or

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1 employee or person formerly holding such office or employment
2 shall be in writing and signed by three or more of the members
3 of the commission. A decision of the commission rendered after a
4 hearing together with findings and the record of the proceeding
5 shall be a public record.

6 (e) A person who files a frivolous charge with the
7 commission against any person covered by this chapter shall be
8 civilly liable to the person charged for all costs incurred in
9 defending the charge, including but not limited to costs and
10 attorneys' fees. In any case where the commission decides not to
11 issue a complaint in response to a charge, the commission shall
12 upon the written request of the person charged make a finding as
13 to whether or not the charge was frivolous. The person charged
14 may initiate an action in the circuit court for recovery of fees
15 and costs incurred in commission proceedings within one year
16 after the commission renders a decision. The commission's
17 decision shall be binding upon the court for purposes of a
18 finding pursuant to section 607-14.5.

19 (f) The commission shall cause to be published yearly
20 summaries of decisions, advisory opinions, and informal advisory
21 opinions. The commission shall make sufficient deletions in the

1 summaries to prevent disclosing the identity of persons involved
2 in the decisions or opinions where the identity of such persons
3 is not otherwise a matter of public record under this chapter.

4 SECTION 3. Section 97-6, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§97-6 Administration.** (a) The state ethics commission shall
7 administer and implement this chapter, and shall have the
8 following powers and duties:

- 9 (1) Initiate, receive, and consider charges and other
10 information, on a confidential basis, concerning
11 alleged, possible, or potential violations of this
12 chapter and other laws or rules administered and
13 enforced by the commission, and investigate or cause
14 to be investigated, on a confidential basis, the
15 activities of any person to determine whether the
16 person is in compliance with this chapter;
- 17 (2) Prescribe forms for the documentation, statements and
18 reports required by sections 97-2 and 97-3, and
19 establish orderly procedures for implementing the
20 requirements of those provisions;

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1 (3) Provide advice upon the request of any person as to
2 whether the facts and circumstances of a particular
3 situation constitute or will constitute a violation of
4 this chapter or other laws or rules administered and
5 enforced by the commission and discuss ways to avoid
6 an appearance of impropriety. A person receiving
7 advice from the commission may request a written
8 summary of that advice. The commission shall treat
9 all advice requests, responses, and related materials
10 as confidential. Written summaries are confidential
11 unless the recipient waives confidentiality;

12 ~~+(3)+~~ (4) Render advisory opinions upon the request of any
13 person subject to this chapter. If no advisory opinion
14 is rendered within ninety days after the request is
15 filed with the commission, it shall be deemed that an
16 advisory opinion was rendered and that the facts and
17 circumstances of that particular case do not
18 constitute a violation of this chapter. The opinion
19 rendered or deemed rendered, until amended or revoked,
20 shall be binding on the commission in any subsequent
21 charges concerning the person subject to this chapter

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1 who sought the opinion and acted in reliance on it in
2 good faith, unless material facts were omitted or
3 misstated by the person in the request for an advisory
4 opinion. The commission shall also render public
5 general advisory opinions concerning proper
6 interpretations of the laws of this chapter and other
7 laws or rules administered and enforced by the
8 commission, if it deems the opinion of sufficient
9 general interest and importance;

10 ~~+(4)+~~(5) Issue subpoenas, administer oaths, and require the
11 production for examination of any records or papers
12 relative to any matter under investigation or in
13 question before the commission, and exercise those
14 powers conferred upon the commission by section 92-16;

15 ~~+(5)+~~(6) Adopt, amend, and repeal rules, not inconsistent with
16 this chapter, as in the judgment of the commission
17 seem appropriate for the carrying out of this chapter
18 and for the efficient administration of this chapter,
19 including every matter or thing required to be done or
20 which may be done with the approval or consent or by
21 order or under the direction or supervision of, or as

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1 prescribed by, the commission. The rules, when adopted
2 as provided in chapter 91, shall have the force and
3 effect of law;

4 ~~+(6)+~~(7) Have jurisdiction for purposes of investigation and
5 taking appropriate action on possible violations of
6 this chapter in all proceedings commenced within six
7 years of a possible violation of this chapter. A
8 proceeding shall be deemed commenced by the filing of a
9 charge with the commission or by the signing of a
10 charge by three or more members of the commission.

11 Nothing shall bar proceedings against a person who by
12 fraud or other device prevents discovery of a
13 violation of this chapter; and

14 ~~+(7)+~~(8) Distribute educational and advisory publications and
15 initiate, administer, and maintain training programs
16 with the purpose of training lobbyists on compliance
17 with state lobbying law and applicable parts of the
18 code of ethics.

19 (b) Charges concerning the violation of this chapter shall
20 be in writing, signed by the person making the charge under oath,
21 except that any charge initiated by the commission shall be

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1 signed by three or more members of the commission. The
2 commission shall issue written notice to every person against
3 whom a charge is received and afford the person an opportunity
4 to explain the conduct alleged to be in violation of the
5 chapter. The commission may investigate, after compliance with
6 this section, such charges and render an informal advisory
7 opinion to the alleged violator. The commission shall
8 investigate all charges on a confidential basis, having
9 available all the powers herein provided, and proceedings at
10 this stage shall not be public. If the informal advisory opinion
11 indicates a probable violation, the person charged shall request
12 a formal opinion or within a reasonable time comply with the
13 informal advisory opinion. If the person charged fails to comply
14 with such informal advisory opinion or if a majority of the
15 members of the commission determine that there is probable cause
16 for belief that a violation of this chapter might have occurred,
17 a copy of the charge and a further statement of the alleged
18 violation shall be personally served upon the alleged violator.
19 Service shall be made by personal service upon the alleged
20 violator wherever found or by registered or certified mail with
21 request for a return receipt and marked deliver to addressee

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1 only. If after due diligence service cannot be effected
2 successfully in accordance with the above, service may be made
3 by publication if so ordered by the circuit court of the circuit
4 wherein the alleged violator last resided. The commission shall
5 submit to the circuit court for its consideration in issuing its
6 order to allow service by publication an affidavit setting forth
7 facts based upon the personal knowledge of the affiant
8 concerning the methods, means, and attempts made to locate and
9 effect service by personal service or by registered or certified
10 mail in accordance with the above. Service by publication when
11 ordered by the court shall be made by publication once a week
12 for four successive weeks of a notice in a newspaper of general
13 circulation in the circuit of the alleged violator's last known
14 state address. The alleged violator shall have twenty days after
15 service thereof to respond in writing to the charge and
16 statement.

17 (c) If after twenty days following service of the charge
18 and further statement of alleged violation in accordance with
19 this section, a majority of the members of the commission
20 conclude that there is probable cause to believe that a
21 violation of this chapter has been committed, then the

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1 commission shall set a time and place for a hearing, giving
2 notice to the complainant and the alleged violator in the same
3 manner as provided in subsection (b). Upon the commission's
4 issuance of a notice of hearing, the charge and further
5 statement of alleged violation and the alleged violator's
6 written response thereto shall become public records. The
7 hearing shall be held within ninety days of the commission's
8 issuance of a notice of hearing. If the hearing is not held
9 within that ninety-day period, the charge and further statement
10 of alleged violation shall be dismissed; provided that any delay
11 that is at the request of, or caused by, the alleged violator
12 shall not be counted against the ninety-day period. All parties
13 shall have an opportunity to:

14 (1) Be heard;

15 (2) Subpoena witnesses and require the production of any
16 books or papers relative to the proceedings;

17 (3) Be represented by counsel; and

18 (4) Have the right of cross-examination.

19 All hearings shall be in accordance with chapter 91. All
20 witnesses shall testify under oath and the hearings shall be
21 open to the public. The commission shall not be bound by the

1 strict rules of evidence but the commission's findings shall be
2 based on competent and substantial evidence.

3 All testimony and other evidence taken at the hearing shall be
4 recorded. All fees collected under this chapter shall be
5 deposited into the general fund.

6 (d) A decision of the commission pertaining to the conduct
7 of any person subject to this chapter shall be in writing and
8 signed by three or more of the members of the commission. A
9 decision of the commission rendered after a hearing together
10 with findings and the record of the proceeding shall be a public
11 record.

12 (e) A person who files a frivolous charge with the
13 commission against any person covered by this chapter shall be
14 civilly liable to the person charged for all costs incurred in
15 defending the charge, including but not limited to costs and
16 attorneys' fees. In any case where the commission does not
17 issue a decision or final conclusion in which the commission
18 concludes that a person has violated this chapter, the
19 commission shall, upon the written request of the person
20 charged, make a finding as to whether or not the charge was
21 frivolous. The person charged may initiate an action in the

S.B. NO.

1 circuit court for recovery of fees and costs incurred in
2 commission proceedings within one year after the commission
3 renders a decision that the charge was frivolous. The
4 commission's decision shall be binding upon the court for
5 purposes of a finding pursuant to section 607 14.5.

6 (f) The commission shall cause to be published yearly
7 summaries of decisions, advisory opinions, and informal advisory
8 opinions. The commission shall make sufficient deletions in the
9 summaries to prevent disclosing the identity of persons involved
10 in the decisions or opinions where the identity of such persons
11 is not otherwise a matter of public record under this chapter.

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.
15

INTRODUCED BY: _____

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO.

A BILL FOR AN ACT

RELATING TO LOBBYING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Legislature finds that it is in the public
2 interest to have transparent disclosure of lobbying activities.
3 Under the Lobbyist law, chapter 97, Hawaii Revised Statutes,
4 "lobbying" an administrative agency only includes formal
5 rulemaking or other actions governed by section 91-3. Because
6 the vast majority of an administrative agency's operations are
7 conducted outside of formal rulemaking, the purpose of this Act
8 is to expand the definition of "administrative action" in
9 section 97-1, Hawaii Revised Statutes, to include certain
10 communications regarding procurement decisions, staffing or
11 appointment decisions, the development of an administrative
12 agency's written report or statement of policy, and ex parte
13 communications regarding contested case hearings. Including
14 these matters in the definition of lobbying promotes government
15 transparency by providing the public with additional information
16 regarding lobbying at the administrative agency level.

H.B. NO.

SECTION 2. Section 97-1, Hawaii Revised Statutes, is amended to read as follows:

§ 97-1 **Definitions.** When used in this chapter:

~~["Administrative action" means the proposal, drafting, consideration, amendment, enactment, or defeat by any administrative agency of any rule or other action governed by section 91-3.]~~

"Administrative agency" means a commission, board, agency, or other body, or official in the state government that is not a part of the legislative or judicial branch.

"Contribution" includes a gift, subscription, forgiveness of a loan, advance, or deposit of money, or anything of value and includes a contract, promise, or agreement, whether or not enforceable, to make a contribution.

"Expenditure" includes a payment, distribution, forgiveness of a loan, advance, deposit, or gift of money, or anything of value and includes a contract, promise, or agreement, whether or not enforceable, to make an expenditure. "Expenditure" also includes compensation or other consideration paid to a lobbyist for the performance of lobbying services. "Expenditure" excludes any amounts expended:

H.B. NO.

1 (1) For intrastate travel costs, including incidental
2 meals and lodging; provided that this exception does not
3 apply to any amounts expended for travel costs of state
4 legislators, board and commission members, or any other
5 employees of the State; or

6 (2) By a nonprofit organization to prepare and submit an
7 application for a grant pursuant to chapter 42F, and for
8 each of the nonprofit organization's employees to lobby a
9 maximum of ten hours in a month for that application.

10 "Legislative action" means the sponsorship, drafting,
11 introduction, consideration, modification, enactment, or defeat
12 of any bill, resolution, amendment, report, nomination,
13 appointment, or any other matter pending or proposed in the
14 legislature.

15 "Lobbying" means communicating directly or through an
16 agent, or soliciting others to communicate^[7]:

17 (1) with any official in the legislative or executive
18 branch, for the purpose of attempting to influence:

19 (A) legislative action [~~or administrative action or a~~
20 ~~ballot issue.~~];

H.B. NO.

1 (B) rules or other action governed by section 91-3;

2 or

3 (C) a ballot issue;

4 (2) with the governor, the lieutenant governor,

5 legislators, or the director, deputy director, or

6 member of the governing board of an administrative

7 agency, outside of any public hearing, for the purpose

8 of attempting to influence:

9 (A) the solicitation or award of a contract or

10 proposal before an administrative agency, if any of

11 the communications are not governed by sections 103D

12 or 103F;

13 (B) staffing or appointment decisions regarding

14 specific positions at an administrative agency;

15 (C) the development or modification of an

16 administrative agency's written report or statement of

17 policy; or

18 (D) a specific contested case hearing, rate

19 proceeding, or other quasi-judicial proceeding before

20 an administrative agency, provided the communication

21 is not governed by sections 91 or 269.

H.B. NO.

1 "Lobbying" shall not include the preparation and submission
2 of a grant application pursuant to chapter 42F by a
3 representative of a nonprofit organization.

4 "Lobbyist" means any individual who:

5 (1) Receives or expects to receive, either by employment
6 or contract, \$1,000 or more in monetary or in-kind
7 compensation in any calendar year for engaging in lobbying,
8 either personally or through the lobbyist's agents; or

9 (2) For pay or other consideration, on behalf of another
10 person:

11 (A) Engages in lobbying in excess of five hours in
12 any month of any reporting period described in section
13 97-3;

14 (B) Engages in lobbying in excess of ten hours during
15 any calendar year; or

16 (C) Submits ten pieces or more of testimony during
17 any calendar year; or

18 (D) Makes expenditures of \$1,000 or more of the
19 person's or any other person's money lobbying during
20 any reporting period described in section 97-3;

H.B. NO.

1 provided that an employee of a nonprofit organization who
2 spends fewer than ten hours in any month lobbying on a grant
3 application submitted pursuant to chapter 42F is not a lobbyist
4 if the employee does not engage in lobbying on matters that are
5 unrelated to the grant application.

6 "Person" means a corporation, individual, union,
7 association, firm, sole proprietorship, partnership, committee,
8 club, or any other organization or a representative of a group
9 of persons acting in concert.

10 SECTION 3. Chapter 97, Hawaii Revised Statutes, is amended
11 by adding a new section to be appropriately designated and to
12 read as follows:

13 **§ 97- Presumption of lobbying on behalf of private clients.**

14 Unless the testimony pertains to a subject not relevant to the
15 paying entity, a person submitting testimony or engaging in
16 lobbying activities is presumed to act on behalf of a paying
17 entity rather than in an individual capacity.

18 SECTION 4. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

H.B. NO.

1 SECTION 5. If any provision of this Act, or the
2 application thereof to any person or circumstance, is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act that can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 6. New statutory material is underscored.

8 SECTION 7. This Act shall take effect on January 1, 2026.

9

INTRODUCED BY: _____

S.B. NO.

1 (1) The legislator or employee, or spouse or dependent
2 child of a legislator or employee, received directly
3 or indirectly from one source any gift or gifts valued
4 singly or in the aggregate in excess of \$200, whether
5 the gift is in the form of money, service, goods, or
6 in any other form;

7 (2) The source of the gift or gifts have interests that
8 may be affected by official action or lack of action
9 by the legislator or employee; and

10 (3) The gift is not exempted by subsection (d) from
11 reporting requirements under this subsection.

12 (b) The report shall cover the period from June 1 of the
13 preceding calendar year through [~~May 31~~] June 30 of the year of
14 the report.

15 (c) The gifts disclosure statement shall contain the
16 following information:

17 (1) A description of the gift;

18 (2) A good faith estimate of the value of the gift;

19 (3) The date the gift was received; and

S.B. NO.

(4) The name of the person, business entity, or organization from whom, or on behalf of whom, the gift was received.

(d) Excluded from the reporting requirements of this section are the following:

(1) Gifts received by will or intestate succession;

(2) Gifts received by way of distribution of any inter vivos or testamentary trust established by a spouse or ancestor;

(3) Gifts from a spouse, fiancé, fiancée, any relative within four degrees of consanguinity or the spouse, fiancé, or fiancée of such a relative. A gift from any such person is a reportable gift if the person is acting as an agent or intermediary for any person not covered by this paragraph;

(4) Political campaign contributions that comply with state law;

(5) Anything available to or distributed to the public generally without regard to the official status of the recipient;

S.B. NO.

1 (6) Gifts that, within thirty days after receipt, are
2 returned to the giver or delivered to a public body or
3 to a bona fide educational or charitable organization
4 without the donation being claimed as a charitable
5 contribution for tax purposes; and

6 (7) Exchanges of approximately equal value on holidays,
7 birthday, or special occasions.

8 (e) Failure of a legislator or employee to file a gifts
9 disclosure statement as required by this section shall be a
10 violation of this chapter.

11 (f) This section shall not affect the applicability of
12 section 84-11.

13 (g) For purposes of this section, "legislator or employee"
14 includes any individual who was a legislator or employee for any
15 portion of the period from June 1 of the preceding calendar year
16 through ~~May 31~~ June 30 of the year of the report.

17 (h) The state ethics commission shall provide a method for
18 filing gift disclosure statements. The commission may require
19 that gift disclosure statements be filed electronically."

20 PART III

S.B. NO.

1 SECTION 3. Section 84-11.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 “(a) Every legislator and employee shall file a gifts
4 disclosure statement with the state ethics commission no later
5 than [~~June 30~~] July 31 of each year if all the following
6 conditions are met:

7 (1) The legislator or employee, or spouse or dependent
8 child of a legislator or employee, received directly
9 or indirectly from one source any gift or gifts valued
10 singly or in the aggregate in excess of \$200, whether
11 the gift is in the form of money, service, goods, or
12 in any other form;

13 (2) The source of the gift or gifts have interests that
14 may be affected by official action or lack of action
15 by the legislator or employee; and

16 (3) The gift is not exempted by subsection (d) from
17 reporting requirements under this subsection.

18 (b) The report shall cover the period from [~~June 1~~] July 1
19 of the preceding calendar year through [~~May 31~~] June 30 of the
20 year of the report.

S.B. NO.

(c) The gifts disclosure statement shall contain the following information:

- (1) A description of the gift;
- (2) A good faith estimate of the value of the gift;
- (3) The date the gift was received; and
- (4) The name of the person, business entity, or organization from whom, or on behalf of whom, the gift was received.

(d) Excluded from the reporting requirements of this section are the following:

- (1) Gifts received by will or intestate succession;
- (2) Gifts received by way of distribution of any inter vivos or testamentary trust established by a spouse or ancestor;
- (3) Gifts from a spouse, fiancé, fiancée, any relative within four degrees of consanguinity or the spouse, fiancé, or fiancée of such a relative. A gift from any such person is a reportable gift if the person is acting as an agent or intermediary for any person not covered by this paragraph;

S.B. NO.

(4) Political campaign contributions that comply with state law;

(5) Anything available to or distributed to the public generally without regard to the official status of the recipient;

(6) Gifts that, within thirty days after receipt, are returned to the giver or delivered to a public body or to a bona fide educational or charitable organization without the donation being claimed as a charitable contribution for tax purposes; and

(7) Exchanges of approximately equal value on holidays, birthday, or special occasions.

(e) Failure of a legislator or employee to file a gifts disclosure statement as required by this section shall be a violation of this chapter.

(f) This section shall not affect the applicability of section 84-11.

(g) For purposes of this section, "legislator or employee" includes any individual who was a legislator or employee for any portion of the period from ~~[June 1]~~ July 1 of the preceding

1 calendar year through [~~May 31~~] June 30 of the year of the
2 report.

3 (h) The state ethics commission shall provide a method for
4 filing gift disclosure statements. The commission may require
5 gift disclosure statements be filed electronically."

6 PART IV

7 SECTION 4. Section 97-4, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§97-4 Manner of filing; public records.** All statements
10 required by this chapter to be filed with the state ethics
11 commission:

12 (1) Shall be [~~deemed properly filed when delivered or~~
13 ~~deposited in an established post office within the~~
14 ~~prescribed time; duly stamped, registered, or~~
15 ~~certified; and directed to~~] filed electronically with
16 the state ethics commission using an electronic filing
17 system, or any other forms and methods established by
18 the state ethics commission; [~~provided that in the~~
19 ~~event it is not received, a duplicate of the statement~~
20 ~~shall be promptly filed upon notice by the state~~
21 ~~ethics commission of its nonreceipt; and~~]

S.B. NO.

(2) Shall be maintained by the state ethics commission for a period of no less than six years from the date of filing; and shall constitute part of the public records of the state ethics commission~~[-.];~~ and

(3) Shall be posted on the state ethics commission's website within a reasonable time after filing, and may be removed from the website after six years."

PART V

SECTION 5. Section 97-4.5, Hawaii Revised Statutes, is repealed:

~~"§97-4.5 Lobbyist list. All lobbyist registration statements shall be posted on the state ethics commission's website within a reasonable time after filing, and may be removed from the website after four years."~~

SECTION 6. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect upon approval, provided that:

S.B. NO.

- 1 (1) Part II shall take effect on July 1, 2024;
- 2 (2) Part III shall take effect on July 1, 2025;
- 3

INTRODUCED BY: _____

THE SENATE
THIRTY-THIRD LEGISLATURE, 2024
STATE OF HAWAII

S.B. NO.

A BILL FOR AN ACT

RELATING TO THE ADMINISTRATION OF ETHICS AND LOBBYING LAWS

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 84-17(g), Hawaii Revised Statutes, is
2 amended to read as follows:

3 (g) In addition to the disclosures required under
4 subsection (f), each member of the legislature shall also
5 disclose the name of any person that is subject to section 97-3
6 and that is:

7 (1) A business partner of the member;

8 (2) An employer of the member;

9 (3) An officer or director of the member's employer; or

10 (4) A client of the member, member's partner, or member's
11 employer, where the member knows, or reasonably should
12 know, that ~~[who is on the lobbyist list and not just a~~
13 ~~client with a lobbyist, where]~~ the client provided at
14 least \$5,000 of income during the preceding calendar
15 year.

16 As used in this subsection:

17 "Member" means a member of the legislature.

S.B. NO.

1 "Member's partner" means a member's spouse under chapter
2 572, civil union partner under chapter 572B, or reciprocal
3 beneficiary under chapter 572C.

4 SECTION 2. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on January 1, 2025.

10

INTRODUCED BY: _____

SUNSHINE LAW MEETING
AGENDA ITEM VI

DISCUSSION OF ETHICS OVERSIGHT OVER THE JUDICIAL BRANCH

Attachment 1: Research on State Judicial Ethics from the Campaign Legal Center



November 1, 2023

Robert Harris
Executive Director and General Counsel
Hawai'i State Ethics Commission
1001 Bishop St # 970
Honolulu, HI 96813

Dear Mr. Harris:

Campaign Legal Center ("CLC") respectfully submits these written comments to the Hawai'i State Ethics Commission ("Commission") regarding the Commission's request for insight into how other states manage judicial ethics enforcement.

CLC is a nonpartisan, nonprofit organization dedicated to protecting and strengthening American democracy across all levels of government. We work toward a more transparent, accountable, and inclusive democracy that is responsive to the people. In furtherance of that goal, we work to ensure ethics laws across the country adequately protect the public's confidence in the integrity of democratic institutions.

We support the Commission's efforts to understand how ethics laws apply to the judicial branch, and specifically to judges. It is critical for the public's trust that all government employees at all levels of government be bound by clear, enforceable ethics standards. The Commission's role in establishing a vision for how ethics laws are administered and enforced in the judicial branch is a crucial one.

CLC's comments are intended to inform the Commission and other stakeholders engaging in reform efforts on how similarly situated states manage judicial ethics. Below is an overview of our multi-state review on judicial ethics.

I. Background

Recent news surrounding the U.S. Supreme Court's lack of a binding ethics code and any ethics enforcement has raised questions about how the ethical conduct of judges and justices at the state level are governed. In turn, the Commission has

asked CLC to provide data on how judicial ethics laws and rules are administered and enforced across similarly situated states. The information provided herein is designed to show best practices and provide the Commission with possible options for its eventual recommendations to the State of Hawai'i.

II. Findings

This research contains a review of the status of judicial ethics enforcement across twelve states: the seven largest states in the U.S., and 5 states with similar populations to Hawai'i. The analysis focused on what ethics laws bind judges and what parties are responsible for enforcing those laws.¹

Of the 12 states reviewed by CLC:

- **100%** of states (12 of 12) have codes of judicial conduct implemented that bind judges and justices to ethics standards, with a judiciary-specific enforcement body that administers the code.²
- **83%** of states (10 of 12) have codes of judicial conduct that are internal codes, *i.e.*, that do not appear to be codified in state law, but rather exist only within court rules.³
- **17%** of states (2 of 12) have codes of judicial conduct that are codified in state law.⁴
- **33%** of states (4 of 12) also bind judges to other ethics laws, like a code of governmental conduct.⁵

In Texas, for example, judges are bound by an internal judicial ethics code, the Texas Code of Judicial Conduct. Judges are also subject to parts of the Texas Government Code. The State Commission on Judicial Conduct handles enforcement of the Texas Code of Judicial Conduct, and the Texas Ethics Commission handles enforcement of the Texas Government Code. This appears to be the typical division of power: where judges are bound by a judiciary-specific code of conduct *and* a government-wide ethics code, a separate enforcement body internal to the judicial branch is tasked with the enforcement of the judiciary-specific code of conduct.

¹ Several of the states reviewed by CLC have elected judges, and as a result have separate laws governing the conduct of candidates for judicial office. We have not included those laws here. Instead, this research focused on ethics laws binding sitting judges in their capacity as public officials.

² California, Florida, Illinois, Maine, Nebraska, New Hampshire, New Mexico, New York, Ohio, Pennsylvania, Texas, West Virginia.

³ California, Florida, Illinois, Maine, Nebraska, New Hampshire, New Mexico, Ohio, Texas, West Virginia.

⁴ New York and Pennsylvania.

⁵ Nebraska, New Mexico, Pennsylvania, Texas.

III. Jurisdictional Comparison

State	Source of Judicial Ethics Rules	Judicial Ethics Enforcement Body
California	<ul style="list-style-type: none"> California Code of Judicial Ethics (internal code)⁶ 	<ul style="list-style-type: none"> California Commission on Judicial Performance
Florida	<ul style="list-style-type: none"> Code of Judicial Conduct (internal code)⁷ 	<ul style="list-style-type: none"> Florida Judicial Qualifications Commission
Illinois	<ul style="list-style-type: none"> Illinois Code of Judicial Conduct (internal code)⁸ 	<ul style="list-style-type: none"> Judicial Inquiry Board and the Courts Commission
Maine	<ul style="list-style-type: none"> Maine Code of Judicial Conduct (internal code)⁹ 	<ul style="list-style-type: none"> State of Maine Committee on Judicial Conduct
Nebraska	<ul style="list-style-type: none"> Nebraska Code of Judicial Conduct (internal code)¹⁰ Nebraska Political Accountability and Disclosure Act (NPADA)¹¹ 	<ul style="list-style-type: none"> Nebraska Judicial Qualifications Commission (Nebraska Code of Judicial Conduct) Nebraska Accountability and Disclosure Commission (NPADA)
New Hampshire	<ul style="list-style-type: none"> New Hampshire Code of Judicial Conduct (internal code)¹² 	<ul style="list-style-type: none"> Judicial Conduct Committee

⁶ Cal. Code of Jud. Ethics, <https://www.judicialethicsopinions.ca.gov/wp-content/uploads/2016/08/CJEO-Annotated-California-Code-of-Judicial-Ethics.pdf>.

⁷ Florida Code of Jud. Conduct, https://supremecourt.flcourts.gov/content/download/402388/file/Code_Judicial_Conduct.pdf.

⁸ Illinois Code of Jud. Conduct, <https://jib.illinois.gov/code.html>.

⁹ Maine Code of Jud. Conduct, https://www.cjc.maine.gov/code_conduct.html.

¹⁰ Neb. Rev. Code of Jud. Conduct, <https://supremecourt.nebraska.gov/supreme-court-rules/chapter-5-judges/article-3-nebraska-revised-code-judicial-conduct-effective-january-1-2011>.

¹¹ Neb. Pub. Law 49-14-101 – 49-14-142.

¹² New Hampshire Jud. Branch, Supreme Ct. Rule 38, <https://www.courts.nh.gov/rules-supreme-court-state-new-hampshire/rule-38-code-judicial-conduct#:~:text=A%20judge%20shall%20act%20at,and%20the%20appearance%20of%20impropriety>.

New Mexico	<ul style="list-style-type: none"> • New Mexico Code of Judicial Conduct (internal code)¹³ • New Mexico Governmental Conduct Act¹⁴ 	<ul style="list-style-type: none"> • New Mexico Judicial Standards Commission (New Mexico Code of Judicial Conduct) • New Mexico State Ethics Commission (Governmental Conduct Act)
New York	<ul style="list-style-type: none"> • Rules Governing Judicial Conduct¹⁵ 	<ul style="list-style-type: none"> • New York State Commission on Judicial Conduct
Ohio	<ul style="list-style-type: none"> • Ohio Code of Judicial Conduct (internal code)¹⁶ 	<ul style="list-style-type: none"> • Office of Disciplinary Counsel of the Supreme Court of Ohio
Pennsylvania	<ul style="list-style-type: none"> • Code of Judicial Conduct¹⁷ • Pennsylvania Ethics Act¹⁸ 	<ul style="list-style-type: none"> • Judicial Conduct Board of Pennsylvania • Pennsylvania State Ethics Commission (Ethics Act violations)
Texas	<ul style="list-style-type: none"> • Texas Code of Judicial Conduct (internal code)¹⁹ • Texas Government Code (personal financial disclosure, standards of conduct, and conflict of interest)²⁰ 	<ul style="list-style-type: none"> • State Commission on Judicial Conduct • Texas Ethics Commission (other ethics violations)
West Virginia	<ul style="list-style-type: none"> • West Virginia Judiciary Code of Judicial Conduct (internal code)²¹ 	<ul style="list-style-type: none"> • Judicial Investigation Commission of West Virginia

¹³ New Mexico Code of Jud. Conduct, <https://nmjsc.org/wp-content/uploads/2018/04/Code-of-Judicial-Conduct-as-of-4-27-18.pdf>

¹⁴ NMSA 1978, Chap. 10, Article 16.

¹⁵ 22 CRR-NY 100.

¹⁶ Ohio Code of Jud. Conduct, <https://www.supremecourt.ohio.gov/docs/LegalResources/Rules/conduct/judcond0309.pdf>.

¹⁷ 207 PA Code § 33.

¹⁸ 51 PA Code § 11.1, et seq.

¹⁹ Texas Code of Jud. Conduct, <https://www.txcourts.gov/media/1457109/texas-code-of-judicial-conduct.pdf>.

²⁰ Texas Gov't Code § 572.002.

²¹ West Virginia Code of Jud. Conduct, <http://www.courtswv.gov/legal-community/court-rules/judicial-conduct/judicial-conduct.html#:~:text=A%20Judge%20Shall%20Uphold%20And,And%20The%20Appearance%20Of%20Impropriety.&text=A%20Judge%20Shall%20Perform%20The,Impartially%2C%20Competently%2C%20And%20Diligently>.

IV. Conclusion

CLC respectfully submits this information to the Commission. We appreciate having the opportunity to participate in this important process, and CLC welcomes any questions that the Commission or any other stakeholder may have regarding our work.

Sincerely,

_____/s/_____
Delaney N. Marsco
Senior Legal Counsel,
Ethics

SUNSHINE LAW MEETING
AGENDA ITEM VII

MEETING CALENDAR

Discussion of proposed meeting schedule for 2024.

Attachment 1: Proposed Meeting Calendar, 2024

2024 Calendar

January						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	MTG FLDR	12	13
14	15	16	MTG	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	MTG FLDR	16	17
18	19	20	MTG	22	23	24
25	26	27	28	29		

March						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	MTG FLDR	15	16
17	18	19	MTG	21	22	23
24	25	26	27	28	29	30
31						

April						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	MTG FLDR	12	13
14	15	16	MTG	18	19	20
21	22	23	24	25	26	27
28	29	30				

May						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	MTG FLDR	10	11
12	13	14	MTG	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	MTG FLDR	14	15
16	17	18	MTG	20	21	22
23	24	25	26	27	28	29
30						

July						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	MTG FLDR	12	13
14	15	16	MTG	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	MTG FLDR	16	17
18	19	20	MTG	22	23	24
25	26	27	28	29	30	31

September						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	MTG FLDR	13	14
15	16	17	MTG	19	20	21
22	23	24	25	26	27	28
29	30					

October						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	MTG FLDR	11	12
13	14	15	MTG	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	MTG FLDR	15	16
17	18	19	MTG	21	22	23
24	25	26	27	28	29	30

December						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	MTG FLDR	13	14
15	16	17	MTG	19	20	21
22	23	24	25	26	27	28
29	30	31				

State Holidays 2024

Jan 1	New Year's Day	May 27	Memorial Day	Nov 5	General Election Day
Jan 15	Martin Luther King Day	Jun 11	King Kamehameha Day	Nov 11	Veterans Day
Feb 19	Presidents' Day	Jul 4	Independence Day	Nov 28	Thanksgiving Day
Mar 26	Prince Kuhio Day	Aug 16	Statehood Day	Dec 25	Christmas Day
Mar 29	Good Friday	Sept 2	Labor Day		

SUNSHINE LAW MEETING
AGENDA ITEM 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 on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

No attachments.