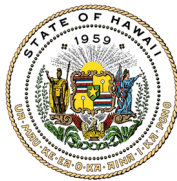


SUNSHINE LAW MEETING



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

Commissioners:
Wesley Fong, Chair
Beverley Tobias · Robert Hong · Cynthia Thielen

Date: January 17, 2024

Time: 9:00 a.m.

Location: Zoom Videoconference or Phone:

Videoconference: [Join Zoom Meeting](https://us06web.zoom.us/j/82652792778?pwd=yWoCi99XTvVD7zXsa1eN6CH0yhQiET.1)
<https://us06web.zoom.us/j/82652792778?pwd=yWoCi99XTvVD7zXsa1eN6CH0yhQiET.1>

Phone: +1 (669) 444-9171 or +1 (669) 900-6833
Meeting ID: 826 5279 2778
Passcode: tUXZ10

Public Meeting Location:

Hawai'i State Ethics Commission Conference Room
1001 Bishop Street
American Savings Bank Tower, Suite 970
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 December 20, 2023 Meeting

Attachment 1: Sunshine Law Meeting Minutes of the December 20, 2023 Hawai'i State Ethics Commission Meeting

II. Consideration and Approval of the Minutes of the December 20, 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. Recognition of Vice Chair Harry McCarthy

IV. Election of Officers

Attachment 1: Election of Officers for 2024

V. Directors' Report

1. Education / Training Report

Attachment 1: 2023 Training Schedule

Attachment 2: 2024 Training Schedule

Attachment 3: Online Training Completions by Department and Board

2. Guidance and Assignment Statistics – December 2023

Attachment 4: 2023 Guidance and Assignment Statistics / Website Traffic

3. Miscellaneous Office Projects / Updates

Attachment 5: Q2 Financial Report

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

- VII. Consideration of Draft 2023 Annual Report

Attachment 1: 2023 Hawai'i State Ethics Commission Annual Report

- VIII. 2024 Legislative Matters

Attachment 1: 2024 Legislative Calendar

Attachment 2: HB 725 – Office of the Public Advocate

- IX. Discussion of Ethics Oversight over the Judicial Branch

- X. 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.

- XI. Evaluation of Executive Director Robert Harris

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 where consideration of matters affecting privacy will be involved, and/or under 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.

XII. 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
DECEMBER 20, 2023 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the December 20, 2023
 Hawai'i State Ethics Commission Meeting

SUNSHINE LAW MEETING
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: December 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/

Public Meeting Location

Hawaii State Ethics Commission Conference Room
1001 Bishop Street
American Savings Bank Tower, Suite 970
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)
Robert Hong, Commissioner (present in conference room)
Cynthia Thielen, Commissioner (present in conference room)

State Ethics Commission Staff

Robert D. Harris, Executive Director (via video conference)
Kee M. Campbell, Enforcement Director (excused)
Bonita Y.M. Chang, Compliance Director (via video conference)
Nancy C. Neuffer, Staff Attorney (excused)
Jennifer M. Yamanuha, Staff Attorney (via video conference)
Jodi L. K. Yi, 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

Patricia Hunt (via video conference)
Tom Kunz (via video conference)

Ashley Kim (via video conference)
M. Sweeny (via video conference)
Raceen Satele (via video conference)

CALL TO ORDER (Part I 0:00)

Chair Fong called the meeting to order at 9:01 a.m. Chair Fong, Vice Chair McCarthy, Commissioner Tobias, Commissioner Hong, 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 November 15, 2023 Meeting (Part I 1:38)

Commissioner Thielen made, and Commissioner Tobias seconded, a motion to approve the minutes of the November 15, 2023 meeting. The motion carried (Fong, McCarthy, Tobias, Hong, and Thielen voting in the affirmative).

Agenda Item No. II: Directors' Report (Part I 2:38)

Compliance Director Bonita Chang reported that approximately 78% of members of the targeted boards and agencies have completed the ethics training. 88 individuals registered for the final live ethics training session of the year. The overall completion rate is around 70% for all employees and board/commission members.

Director Chang stated that the priority for the remainder of the year is to complete the Lobbyist Training module. The goal is to have the module live by January.

Chair Fong asked what the current completion percentage is and how it compared to last year. Director Chang replied that the current percentage is around 70%. Executive Director Harris replied that historically the Commission has had around 2,000-3,000 completions per year. This year we are around 31,000 completions. He noted that we are significantly better than prior years.

Chair Fong expressed that he is pleased with the significant improvement. He noted that one of our goals is to be proactive in education.

Executive Director Robert Harris reported for the month of November that staff opened 37 new matters and closed 51. For the year, 660 assignments have come in and 710 assignments have been closed.

Director Harris reported that staff has completed the move back to the Commission's offices in suite 970. He noted that staff is still in the process of unpacking.

1 He noted that due to the length of the renovations period, the artwork that was in the
2 Commission's offices was returned to circulation. He stated that once the office is
3 unpacked, staff will select artwork from the public art collection to replace the old
4 artwork.

5
6 Chair Fong thanked the staff for their hard work related to the move.
7

8 Chair Fong noted the presence of members of the public and asked if they
9 wished to introduce themselves.
10

11 Member of the public Patricia Hunt introduced herself and began speaking about
12 issues related to the Maui Wildfire and housing. Chair Fong cautioned Ms. Hunt that the
13 Commission is only allowed to discuss matters that are on the agenda in accordance
14 with the Sunshine Law. He suggested that if there is an issue that Ms. Hunt wished to
15 raise, that she contact the Commission staff.
16
17

18 **Agenda Item No. III: 2023 Council on Governmental Ethics Laws Conference (Part**
19 **I 12:36)**
20

21 Executive Director Harris reported that the Council on Governmental Ethics Law
22 ("COGEL") recently held their annual conference in Kansas City. In addition to Director
23 Harris, Commissioner Hong, Enforcement Director Kee Campbell, and Staff Attorney
24 Jennifer Yamanuha attended.
25

26 Commissioner Hong reported that he thought the conference was a great
27 experience and encouraged staff and other commissioners to attend. He noted that the
28 conference was a great opportunity to meet others from around the country and globe
29 who are involved in ethics and to think about how ethics is fundamental to a functioning
30 democratic government.
31

32 Director Harris noted that both he and Director Campbell spoke on COGEL
33 session panels. Director Campbell's panel touched on resolving violations before going
34 to enforcement. Director Harris' panel discussed gifts. Director Harris was hopeful that
35 staff would continue to be invited to speak at future conferences.
36

37 Director Harris reported that he, Director Campbell, and Staff Attorney
38 Yamanuha participated in a discussion on education and the use of Learning
39 Management Systems ("LMS") to track ethics compliance and produce better statistics.
40 He noted that the main issue with implementing such a system here is cost. He cited the
41 example of an agency currently using an LMS system that spends approximately
42 \$90,000 per year.
43

44 Staff Attorney Yamanuha commented that there were really good ideas shared
45 about making training interesting, engaging, and interactive.
46

1 Chair Fong asked about any issues that were raised at the conference that the
2 Commission could learn from. Director Harris replied that Artificial Intelligence was a hot
3 topic, specifically how to address its uses.

4
5 Chair Fong noted that the commission is one of the oldest ethics commissions in
6 the country.

7
8
9 **Agenda Item No. IV: Discussion of Media Reports Concerning Ethics or the Ethics**
10 **Commission since the Last Meeting (Part I 20:21)**

11
12 Executive Director Harris reported that this is a standing item on the agenda.
13 There were two articles to be discussed. Director Harris highlighted an editorial by
14 Honolulu Civil Beat about the Office of The Public Advocate.

15
16 Commissioner Thielen reported about an article entitled "Corruption In the Land
17 of Aloha" by Randall Roth. The article was published in the Hawai'i Bar Journal in
18 December. She noted that the article raised a number of issues. She asked if this article
19 could be disseminated to members of the Legislature. Director Harris replied that he
20 would first reach out to the Bar Association for permission and see if we can
21 disseminate a copy of the article via email. Commissioner Thielen suggested that it
22 would be better if a printed copy were sent accompanied by a letter. Director Harris
23 replied that may be possible.

24
25 Chair Fong asked if, assuming we receive permission, could this article be
26 posted on the Commission's website?

27
28 Commissioner Thielen suggested that a section called "publications of interest"
29 be added where articles of this nature could be housed.

30
31 Commissioner Tobias concurred with Commissioner Thielen's idea.

32
33 Member of the public, Patricia Hunt, noted that in her opinion there is significant
34 corruption on the island of Maui and thanked the Commission for doing its job. Chair
35 Fong replied that the Commission has jurisdiction over state agencies and that each
36 county has their own ethics board.

37
38 Vice Chair McCarthy asked about the article related to the Public Advocate and
39 where this fits within the government hierarchy. Executive Director Harris replied that a
40 bill was introduced last legislative session to address the interaction between the
41 Legislature, the public, and state employees. The Office of the Public Advocate concept
42 is loosely based on the Ombudsman's Office. The bill was part of the legislative
43 package submitted by the Foley Commission. Director Harris reported that the
44 Department of the Attorney General objected to the legislation on the grounds that the
45 bill would be unconstitutional by giving the Advocate enforcement powers over the
46 Legislature. Director Harris believes that the Department of the Attorney General
47 misread the proposed legislation. The Public Advocate's Office would provide a neutral

1 party who could investigate interactions but not have direct enforcement power. He
2 further noted that this position would promote transparency and accountability. Director
3 Harris explained that he does not want the Commission to be the primary champion of
4 this bill, but would continue to support it.

5
6 Chair Fong asked if the Commission could champion or somehow implement the
7 public advocate idea. He also asked if these discussions should be a separate agenda
8 item. Director Harris replied that if the discussion is about the article, then it is okay to
9 talk about under this agenda item. If, however, the Commission wishes to draft
10 legislation, then an agenda item would have to added in January.

11
12 Vice Chair McCarthy suggested adding the discussion of public advocate
13 legislation to the agenda.

14
15 Chair Fong asked that a discussion of public advocate legislation be added to the
16 January agenda.

17
18
19 **Agenda Item No. V: Proposed Legislation (Part I 34:26)**

20
21 Executive Director Harris reported that staff had amended previously approved
22 legislation related to lobbying. The amendments would expand the definition of
23 "lobbying" to include lobbying high-level officials such as the governor, lieutenant
24 governor, directors, and board members. The proposed legislation also would add
25 corporate relationships to the disclosure requirements. Additionally, the proposed
26 legislation would require legislators to report potential violations to the Commission.

27
28 Commissioner Thielen asked how a legislator would reasonably know if an
29 individual or group is an unregistered lobbyist. Director Harris replied that current
30 lobbyist registrations are available to the public. Additionally, current law bars legislators
31 from accepting any gifts and contributions from lobbyists during the session. Under the
32 proposed new law, legislators would also be required to report the names of clients that
33 are subject to the lobbying law.

34
35 Commissioner Tobias asked how the legislation affects non-profit groups and
36 individual citizens. Director Harris replied that the legislation does not change the
37 baseline definition of a lobbyist. Currently, lobbyists must meet certain requirements to
38 be required to register. For example, the lobbyist must be paid and must meet certain
39 hourly thresholds. Director Harris noted that the legislation will cover both legislative and
40 executive actions.

41
42 Commissioner Thielen wondered if there is a way to ensure that legislators would
43 be aware of who is a registered lobbyist. Director Harris agreed with Commissioner
44 Thielen's sentiments and said he would investigate ways to make lobbyist registration
45 more visible.

1 Chair Fong asked if the Commission would be responsible for providing a list of
2 registered lobbyists. Director Harris replied that the Commission would be the lead
3 agency in providing information about registered lobbyists. He further noted that the
4 obligation to register falls upon the lobbyist.

5
6 Commissioner Hong made, and Commissioner Thielen seconded, a motion to
7 approve the amended lobbying legislation proposal. The motion carried (Fong,
8 McCarthy, Tobias, Hong, and Thielen voting in the affirmative).

9
10
11 **Agenda Item No. VI: Proposed Budget (Part I 46:31)**

12
13 Executive Director Harris reported that the proposed 2024 budget includes a
14 request for one additional staff attorney and a small increase in office equipment
15 expenses. Otherwise, the budget is flat when compared to 2023.

16
17 Commissioner Tobias made, and Commissioner Hong seconded, a motion to
18 approve the proposed budget. The motion carried (Fong, McCarthy, Tobias, Hong, and
19 Thielen voting in the affirmative).

20
21
22 **Agenda Item No. VII: Discussion of Ethics Oversight of the Judicial Branch (Part I**
23 **49:28)**

24
25 Executive Director Harris provided an update on a meeting with the Judiciary
26 administrators to discuss ethics oversight. The Commission was represented by Chair
27 Fong, Vice Chair McCarthy, and Executive Director Harris. Director Harris noted that the
28 discussions were initiated because of Chair Fong's concerns in light of ethics issues
29 with the U.S. Supreme Court. Director Harris reported that an initial meeting was held,
30 and that the Judiciary committed to meet again in January to respond to, and discuss
31 questions raised at the initial meeting.

32
33 Vice Chair McCarthy added that the Judiciary was open to a review of its ethics
34 practices.

35
36 Chair Fong stated that he was pleased that the Judiciary was receptive to action.
37 He noted that at a recent Rotary Club presentation given by Director Harris, the first
38 question asked was, "what about the judiciary?"

39
40
41 **Agenda Item No. VIII: Discussion of Nepotism Good Cause Exception Procedures**
42 **(Part I 53:24)**

43
44 Executive Director Harris said the recently passed Nepotism Law provided for
45 good cause exceptions. As part of the implementation of the law, the Commission
46 passed an Order establishing procedures for application for a good cause exception.
47 The procedures have the staff conduct the initial review. The Commission would review

1 any novel issues or any appeals by an individual involved. The Order did not provide for
2 members of the public to appeal good cause exception decisions. After review, staff
3 concluded that the public should not be allowed to appeal decisions. The reason is the
4 potential to slow down the process. The recommendation would be to not alter the
5 Order. He noted that the Commission has the ability to review all decisions made by
6 staff and offer corrections and guidance.

7
8 Vice Chair McCarthy suggested that guidelines be developed for good cause
9 exceptions after a review of the cases before the Commission. He recommended that
10 the current order regarding good cause exception procedures remain as is.

11
12 Commissioner Tobias asked what would constitute a valid exception. Director
13 Harris replied that an example would be if there was only a single person with the
14 specialized knowledge for a position. Another example would be if there was only one
15 qualified applicant after an agency widely advertising for a position.

16
17 Chair Fong felt confident that the Commissioners and staff have the expertise to
18 evaluate and review the decisions made regarding good cause exceptions.

19
20 Commissioner Hong made, and Vice Chair McCarthy seconded, a motion to take
21 no further action on the Nepotism Good Cause Exception Procedures. The motion
22 carried (Fong, McCarthy, Tobias, Hong, and Thielen voting in the affirmative).

23
24
25 **Agenda Item No. IX: Akana v. Hawaii State Ethics Commission and Daniel Gluck,**
26 **Civil No. 18-1-1019-06 (JHA); Akana v. Hawaii State Ethics Commission, Civil No.**
27 **19-1-0379-03 (JHA); State of Hawaii, Ethics Commission v. Rowena Akana,**
28 **Civil No. 20-1-0453 (BIA) (Part I 1:06:37)**

29
30 No update.

31
32
33 **Agenda Item No. X: Evaluation of Executive Director Robert Harris (Part I 1:07:27)**

34
35 Commissioner Thielen made, and Commission Hong seconded, a motion to go
36 into executive session to discuss the evaluation of Executive Director Robert Harris.
37 The motion carried (Fong, McCarthy, Hong, Thielen and Tobias voting in the
38 affirmative).

39
40 At approximately 10:03 a.m., the Commission recessed the Sunshine meeting
41 and convened an executive session pursuant to Hawai'i Revised Statutes section 92-
42 5(a)(2) to discuss matters relating to the evaluation of an employee, and/or pursuant to
43 section 92-5(a)(4) to consult with the Commission's attorney on questions and issues
44 pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

1 All staff and members of the public were excused to the waiting room. The
2 Commission met with Compliance Director Bonita Chang to discuss matters relating to
3 the evaluation.
4

5 At approximately 10:45 a.m. the Commission adjourned its executive session
6 and reconvened the Sunshine Meeting.
7

8 Chair Fong summarized the executive session where Commissioners discussed
9 the procedure of the evaluation of the Executive Director. The Commission is ready to
10 move to phase 2 whereby the Commissioners will complete their survey and submit to
11 staff for compilation. The Commission will review the compiled results in executive
12 session in January.
13

14 Commissioner Hong made, and Commissioner Thielen seconded, a motion to
15 proceed with phase 2 of the evaluation of the Executive Director. The motion carried
16 (Fong, McCarthy, Tobias, Hong, and Thielen voting in the affirmative).
17

18
19 **ADJOURNMENT OF SUNSHINE LAW MEETING (Part II 2:25)**
20

21 Chair Fong wished everyone happy holidays.
22

23 At approximately 10:51 a.m., Commissioner Thielen made, and Commissioner
24 Tobias seconded, a motion to adjourn the meeting. The motion carried (Fong,
25 McCarthy, Tobias, Hong, and Thielen voting in the affirmative).
26

27 The meeting was adjourned at 10:52 a.m.
28

29 Minutes approved on _____.

SUNSHINE LAW MEETING
AGENDA ITEM II

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE
DECEMBER 20, 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 December 20, 2023
Executive Session Meeting

Executive Session Meeting Minutes not provided to the public.

SUNSHINE LAW MEETING
AGENDA ITEM III

RECOGNITION OF COMMISSIONER HARRY MCCARTHY

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM IV

ELECTION OF OFFICERS FOR 2024

Attachment 1: Election of Officers for 2024

SUNSHINE LAW MEETING
AGENDA ITEM II

ELECTION OF OFFICERS FOR 2024

The Commission's administrative rules provide for the annual election of a chair and vice chair whose terms will commence on January 1 of each year. Hawai'i Administrative Rules § 21-1-10 states as follows:

§ 21-1-10 Chairperson and vice-chairperson. (a) A chairperson shall be elected by a majority of all the members to which the commission is entitled, who shall serve for a term of one year or until a successor is elected, with such term to commence on January 1 of each year.

(b) A vice-chairperson, who shall call and chair meetings in the incapacity or absence of the chairperson, shall be elected by a majority of all the members to which the commission is entitled, and shall serve for a term of one year or until a successor is elected, with such term to commence on January 1 of each year.

The Commission has previously scheduled the election of officers in January. However, in some years, the Commission has deferred the election of officers to July and kept the current officers in place until that time. The Commission did this last year when then Vice Chair Gaulty's term was scheduled to end on June 30, 2023. The Commission elected its officers, Chair Fong and Vice Chair Gaulty, at its July 2022 meeting. Vice Chair Gaulty's term ended on June 30, 2023.

At the Commission's meeting on July 19, 2023, the Commission elected its current officers, Chair Fong and Vice Chair McCarthy.

The following table is provided for your information.

Commissioner	Date Appointed	Term End	Date of Reappointment	Term End
Reynard D. Gaulty*	7/01/2015	6/30/2019	7/01/2019	6/30/2023
Wesley Fong**	7/01/2018	6/30/2022	7/01/2022	6/30/2026
Harry J. McCarthy***	3/12/2021	6/30/2024		
Beverley Tobias	7/22/2021	6/30/2025		
Robert Hong	7/01/2022	6/30/2026		
Cynthia Thielen	7/28/2023	6/30/2027		

* Commissioner Gaulty served as Chair from February 2017 to June 2020, and served as Vice Chair from July 2022 to June 30, 2023.

** Commissioner Fong served as Vice Chair from July 2021 to July 2022, and has served as Chair from July 2022 to present.

***Commissioner McCarthy served as Vice Chair from July 2023 to present.

(Note: Commissioners may be appointed to two consecutive four-year terms.)

SUNSHINE MEETING
AGENDA ITEM V

EXECUTIVE DIRECTOR'S REPORT
January 17, 2024

1. Education / Training Report

Attachment 1: 2023 Training Schedule

Attachment 2: 2024 Training Schedule

Attachment 3: Online Training Completions by Department and Board

2. Guidance and Assignment Statistics – December 2023

Attachment 4: 2023 Guidance and Assignment Statistics / Website Traffic

3. Miscellaneous Office Projects / Updates

Attachment 5: Q2 Financial Report

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'iuniakea 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

HAWAII STATE ETHICS COMMISSION 2023 EDUCATION PROGRAM (Ethics Workshops and Presentations)		
DATE	PRESENTATIONS	NUMBER OF PARTICIPANTS
5/18/2023	Ethics for State Board and Commission members, Zoom	8
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	30
11/29/2023	Ethics for State Board and Commission members, Zoom	40
12/7/2023	Ethics for State Government Attorneys, Zoom (CANCELLED)	0
12/8/2023	Ethics for State Government Attorneys, Zoom (CANCELLED)	0

HAWAII STATE ETHICS COMMISSION 2023 EDUCATION PROGRAM (Ethics Workshops and Presentations)		
DATE	PRESENTATIONS	NUMBER OF PARTICIPANTS
12/21/2023	General Ethics Training, Zoom	57
TOTAL	37 Presentations	1226 participants

HAWAII STATE ETHICS COMMISSION 2024 EDUCATION PROGRAM (Ethics Workshops and Presentations)			
DATE	PRESENTATIONS	IN PERSON PARTICIPANTS	WEBINAR PARTICIPANTS
1/4/2024	WEBINAR: Lobbyists Law Training	0	50
1/10/2024	WEBINAR: Lobbyists Law Training	0	48
1/18/2024	WEBINAR: General Ethics Training		
1/19/2024	IN PERSON: General Ethics Training, Capitol, House Members		
2/8/2024	WEBINAR: Ethics for Board and Commission Members		
3/6/2024	WEBINAR: General Ethics Training		
5/2/2024	WEBINAR: General Ethics Training		
7/24/2024	WEBINAR: General Ethics Training		
8/8/2024	WEBINAR: Ethics for Board and Commission Members		
9/26/2024	WEBINAR: General Ethics Training		
10/23/2024	WEBINAR: Ethics for Board and Commission Members		
11/7/2024	WEBINAR: General Ethics Training		
TOTAL	12 Presentations	0 participants	98 participants

State Employees

Department/Agency	2020		2021		2022		2023		Total		Total	No. of	%
	Live	Self	Live	Self	Live	Self	Live	Self	Live	Self	Completions	Employees*	Completed
Department of Accounting and General Services (DAGS)	4	60	3	4	8	56	3	238	18	360	378	644	59%
Department of Agriculture (DOA)	2	36	14	18	5	179	5	92	26	325	351	299	117%
Department of Budget and Finance (B&F)	26	1	25	1	127	103	11	284	189	393	582	385	151%
Department of Business, Economic Development and Tourism (DBED)	5	62	70	10	79	50	41	233	195	355	550	305	180%
Department of Commerce and Consumer Affairs (DCCA)	346	47	40		73	50	6	442	465	540	1,005	541	186%
Department of Corrections and Rehabilitation (DCR)						85	2	105	2	198	200		
Department of Defense (DOD)	1	82		1	20	44	5	395	26	524	550	497	111%
Department of Education (DOE)	35	167	73	76	25	164	274	16,207	407	16,681	17,088	22,159	77%
Department of Hawaiian Home Lands (DHHL)	1		1		2	16	3	161	7	182	189	111	170%
Department of Health (DOH)	7	193	3	38	143	314	27	2,586	180	3,138	3,318	2,447	136%
Department of Human Resources Development (DHRD)		4	6		4	7	1	75	11	86	97	65	149%
Department of Human Services (DHS)	35	201	270	6	4	6	5	1,320	314	1,534	1,848	1,686	110%
Department of Labor and Industrial Relations (DLIR)	2	41			137	186	18	293	157	523	680	847	80%
Department of Land and Natural Resources (DLNR)	1	63	29	10	15	59	4	746	49	882	931	792	118%
Department of Law Enforcement (DLE)					1	62	5	71	6	133	139	332	42%
Department of Public Safety (DPS)	3	39	5	5	245	525	21	398	274	972	1,246	3,002	42%
Department of Taxation (TAX)	4	1			33	299	4	262	41	562	603	309	195%
Department of the Attorney General (ATG)	73	97	190	22	297	149	21	614	581	883	1,464	646	227%
Department of Transportation (DOT)	12	209	71	72	112	107	8	1,145	203	1,547	1,750	2,255	78%
Hawai'i Health Systems Corporation (HHSC)	32	38	9	2	11	8	2	2,912	54	2,992	3,046	3,071	99%
Hawai'i State Ethics Commission (HSEC)	4		6		10	3	59	8	79	11	90	10	900%
Hawai'i State Public Library System (HSPLS)		1			1	2	1	640	2	645	647	429	151%
House of Representatives (REP)	28		52	1	54	2	56	118	190	121	311	166	187%
Judiciary (JUD)	1	38	7	18	209	85	50	1,392	267	1,538	1,805	1,727	105%
Legislative Reference Bureau (LRB)			1		1		3	28	5	28	33	44	75%
Office of Hawaiian Affairs (OHA)	11	5	12	57	25	46	6	27	54	136	190	145	131%
Office of the Auditor (AUD)	11	3	3		15		7	3	36	6	42	23	183%
Office of the Governor (GOV)	2	8		1	6	10	20	43	28	63	91	48	190%
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	10	6	15	21	12	175%
Public Charter School (SPCSC)	25	9	80	14	31	32	24	120	160	175	335	20	1675%
Research Corporation of the University of Hawai'i (RCUH)		6		3	35	684	4	1,097	39	1,820	1,859	2,631	71%
Senate (SEN)	20	3	77	1	132	3	103	42	332	60	392	109	360%
University of Hawai'i-Community Colleges (UOHC)	137		14		208	559	62	663	421	1,235	1,656	2,568	64%
University of Hawai'i-Hilo (UOHH)		1	1		42	90	14	226	57	320	377	864	44%
University of Hawai'i-Manoa (UOHM)			65		407	1,429	141	1,759	613	3,220	3,833	8,511	45%
University of Hawai'i-System (UOH)	117	245	43	67	103	296	25	305	288	920	1,208	502	241%
University of Hawai'i-West Oahu (UOHW)	2				45	113	15	225	62	342	404	399	101%
Total Employees Training Completed	947	1,666	1,172	427	2,674	5,827	1,061	35,286	5,854	43,471	49,325	58,611	

**Reorg eff. 1/1/24

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

**Reorg eff. 1/1/24

*includes Charter School staff

*Based on annual financial disclosure updates from departments collected in March/April 2023
As of January 7, 2024

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		3	1	8	2	10	10	100%
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		4	3	6	9	9	100%
Board of Chiropractic Examiners						1		3		4	4	5	80%
Board of Dentistry					1	8		4	1	12	13	12	108%
Board of Education	1	1	1	3	11	1	1	1	14	6	20	11	182%
Board of Electricians and Plumbers	3			1	2	2		3	5	6	11	7	157%
Board of Land and Natural Resources		2		2	1	2	5		6	6	12	7	171%
Board of Massage Therapy	1				2			3	3	3	6	5	120%
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	2	3	5	7	71%
Board of Professional Engineers, etal	1					2		8	1	10	11	13	85%
Board of Public Accountancy					4	1		6	4	7	11	9	122%
Board of Registration	1				2	2			3	2	5	12	42%
Board of Speech Pathology and Audiology	2				1	1		3	3	4	7	7	100%
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	5	1	5	4	9	7	129%
Contractors License Board	5				1	3		3	6	6	12	13	92%
Correctional System Oversight Commission					3			2	3	2	5	5	100%
Council on Revenues					3		1	3	4	4	8	7	114%
Crime Victim Compensation Commission							2	1	2	1	3	3	100%
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	17	1	18	19	17	112%
Early Learning Board						1	1	3	1	4	5	13	38%
Elections Commission					4	2		3	4	5	9	9	100%

State Boards and Commissions

Board/Commission	2020		2021		2022		2023		Total		Total	No. of	%
	Live	Self	Live	Self	Live	Self	Live	Self	Live	Self	Completions	Members*	Completed
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%
Enhanced 911 Board	1							11	1	11	12	13	92%
Environmental Advisory Council					8	2		3	8	5	13	15	87%
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			2	2	2	4	7	57%
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		5	10	15	67%
Hawai'i Health Systems Corporation-East Hawai'i						2		3		5	11	11	100%
Hawai'i Health Systems Corporation-Kauai								4		4	5	8	63%
Hawai'i Health Systems Corporation-Maui											1	2	50%
Hawai'i Health Systems Corporation-Oahu			8			1			8	2	10	8	125%
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	0	inactive
Hawai'i Law Enforcement Standards Board	1				2	1		5	3	6	9	14	64%
Hawai'i Medical Board					12	2		6	12	8	20	11	182%
Hawai'i Paroling Authority	1					3		1	1	4	5	5	100%
Hawai'i Public Housing Authority	1				4	6	5	1	10	7	17	10	170%
Hawai'i State Ethics Commission				1	2		3		5	1	6	5	120%
Hawai'i State Fire Council					2			4	2	4	6	4	150%
Hawai'i Teacher Standards Board					3	7		3	3	11	14	17	82%
Hawaiian Homes Commission					2	2	6	1	8	3	11	9	122%
Island Burial Council - Hawai'i					1		1		2		3	5	60%
Island Burial Council - Kauai/Niihau				3						3	3	6	50%
Island Burial Council - Maui/Lanai							1		1		1	6	17%
Island Burial Council - Molokai						1				1	1	1	100%
Island Burial Council - Oahu				1	3	1			3	2	5	8	63%

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
King Kamehameha Celebration Commission	1				6	3	2	3	9	6	15	15	100%
Land Use Commission	1				6	2	5	2	12	4	16	9	178%
Medical Education Council				1	2	1		1	2	3	11	12	92%
Merit Appeals Board								3		3	3	3	100%
Motor Vehicle Industry Licensing Board						3		3		7	7	7	100%
Motor Vehicle Repair Industry Board						1		2		3	1	2	50%
National and Community Service, Hawai'i Commission for	1				5			5	6	5	11	15	73%
Oahu Metropolitan Planning Organization						3		6		9	9	14	64%
Other Board/Commission				3	25	49	2	55	27	107	134		0%
Pacific International Space Center for Exploration Systems	1							1	1	1	4	4	100%
Pest Control Board					3	3		1	3	4	7	9	78%
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	6	35	26	61	84	73%
Stadium Authority Commission					4	3	3		7	3	10	8	125%
State Council on Developmental Disabilities	4				5	2		7	9	9	18	28	64%
State Foundation on Culture and the Arts					7	2	1	3	8	5	13	7	186%
State Public Charter School Commission					8	3	1	3	9	6	15	9	167%
Statewide Health Coordinating Council	2					2		7	2	9	11	9	122%
University of Hawai'i Board of Regents				2	4	4	12		16	6	22	11	200%
Total Board/Commission Members Training Completed	45	4	15	24	256	183	69	252	385	477	882	777	

*Membership number is based on full membership and may include vacant positions
As of January 7, 2024

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 1/7/24)
Board of Naturopathic Medicine	4	3	75%
Board of Pharmacy	7	6	86%
Board of Psychology	5	5	100%
Boxing Commission	4	3	75%
Campaign Spending Commission	5	5	100%
Hawai'i Community Development Authority	13	11	85%
Hawai'i Historic Places Review Board	5	5	100%
Hawai'i Retirement Savings Board	8	8	100%
Hawai'i State Emergency Response Commission	11	9	82%
Hawai'i Technology Development Corporation	8	8	100%
Hawai'i Tourism Authority	12	11	92%
Hoisting Machine Operators Advisory Board	5	4	80%
Kaho'olawe Island Reserve Commission	4	4	100%
Legacy Land Conservation Commission	8	8	100%
Mauna Kea Stewardship & Oversight Authority	12	8	67%
Natural Area Reserves System Commission	9	9	100%
Natural Energy Laboratory of Hawai'i	11	11	100%
Public Water System Operators **	3	3	100%
RCUH Board	6	6	100%
School Facilities Authority Board	3	3	100%
TOTAL	143	130	91%

** 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	0	0	7
# of People Trained In Person	113	24	47	52	21	0	0	195	0	0	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	3,561	2,929	35,977
# of Training Webinars	4	2	3	1	2	1	0	1	2	1	2	1	20
# of Participants in Training Webinars	376	124	71	30	32	8	0	15	13	25	70	57	821
Attorney of the Day	125	103	125	97	122	84	103	95	91	75	84	75	1179
New assignments													
Advisory Opinion	0	0	0	0	0	0	0	0	0	2	1	1	4
Complaint	18	19	24	21	20	20	19	20	110	24	16	18	329
Gifts/Invitations/Travel	12	25	26	17	18	33	35	30	20	27	13	9	265
Guidance	4	2	1	0	3	2	2	0	0	4	1	2	21
Judicial Selection Comm'n	0	4	2	1	5	4	1	1	4	3	2	1	28
Training Request	0	0	0	0	0	0	0	0	0	0	0	0	0
Record Request	1	1	0	0	3	1	2	1	0	0	1	0	10
Project/Other	6	2	1	4	2	2	4	6	2	2	3	3	37
Total	41	53	54	43	51	62	63	58	136	62	37	34	694
Closed Assignments													
Advisory Opinion	0	0	1	1	1	0	0	0	0	0	1	0	4
Complaint	8	4	30	46	18	30	36	24	117	23	23	7	366
Gifts/Invitations/Travel	0	21	34	20	22	33	32	30	20	22	18	8	260
Guidance	0	0	2	4	1	1	6	0	1	0	4	1	20
Judicial Selection Comm'n	0	4	2	1	3	5	2	1	4	2	2	1	27
Training Request	0	0	0	0	0	0	0	0	0	0	0	0	0
Record Request	0	1	0	1	1	2	3	0	0	0	1	1	10
Project/Other	1	7	4	5	3	0	6	7	0	6	2	1	42
Total	9	37	73	78	49	71	85	62	142	53	51	19	729
Anti-Fraud	3	2	2	2	3	1	8	8	5	8	4	2	48

*Includes 1,773 reported by HHSC for 2023 as part of November self-directed counts

HAWAII STATE ETHICS COMMISSION FINANCIAL REPORT
FY 2024 (MONTH ENDING: December 31, 2023)
Appropriation Symbol: G-24-393-Y6

	Amount Appropriated FY 2023-2024	Expenditures for Qtr. End 9/30/2023	Expenditures for Qtr. End 12/31/2023	Expenditures for Qtr. End 3/31/2024	Expenditures for Qtr. End 6/30/2024	Year-To-Date Expenditures Totals	% of Budget Expended
A. PERSONNEL SERVICES							
Staff Salaries	\$ 1,229,623.00	\$ 282,204.76	\$ 273,415.50	\$ 0.00	\$ 0.00	555,620.26	45.2%
Total Personnel Services	\$ 1,229,623.00	\$ 282,204.76	\$ 273,415.50	\$ 0.00	\$ 0.00	\$ 555,620.26	45.2%
B. OTHER CURRENT EXPENSES							
Office Expenses	16,640.00	6,848.18	7,119.70	0.00	0.00	13,967.88	83.9%
Intrastate Transportation and Travel	9,250.00	530.50	0.00	0.00	0.00	530.50	5.7%
Out-of-State Travel	12,660.00	1,448.20	7,482.38	0.00	0.00	8,930.58	70.5%
Equipment Rental and Maintenance	34,100.00	5,107.60	1,429.09	0.00	0.00	6,536.69	19.2%
Dues, Subscriptions, Training	20,910.00	2,468.03	3,037.36	0.00	0.00	5,505.39	26.3%
Newspaper Advertisements	1,100.00	0.00	0.00	0.00	0.00	0.00	0.0%
Comm'n Mtgs, Investigations, Hrgs	12,400.00	3,693.86	938.22	0.00	0.00	4,632.08	37.4%
Consulting Services	42,500.00	0.00	1,147.55	0.00	0.00	1,147.55	2.7%
Office Rent	158,331.00	20,892.12	39,122.82	0.00	0.00	60,014.94	37.9%
Total Other Current Expenses	\$ 307,891.00	\$ 40,988.49	\$ 60,277.12	\$ 0.00	\$ 0.00	\$ 101,265.61	32.9%
C. CAPITAL OUTLAY							
Office Furniture and Equipment	4,000.00	6,282.72	7,215.00	0.00	0.00	13,497.72	337.4%
Total Capital Outlay	\$ 4,000.00	\$ 6,282.72	\$ 7,215.00	\$ 0.00	\$ 0.00	\$ 13,497.72	0.0%
GRAND TOTAL (A+B+C)	\$ 1,541,514.00 ¹	\$ 329,475.97	\$ 340,907.62	\$ 0.00	\$ 0.00	\$ 670,383.59	43.5%

General Fund Allocation	\$ 1,541,514.00
Total Expenditures as of December 31, 2023	\$ 670,383.59
Balance as of December 31, 2023	\$871,130.41

¹ \$1,541,514 awarded by Act 1, SLH 2023 - Appropriation 393.

HAWAII STATE ETHICS COMMISSION FINANCIAL REPORT
FY 2024 (QUARTER ENDING: December 31, 2023)
Appropriation Symbol: G-23-396-Y6

	Amount Appropriated FY 2023-2024	Expenditures for Qtr. End 9/30/2023	Expenditures for Qtr. End 12/31/2023	Expenditures for Qtr. End 3/31/2024	Expenditures for Qtr. End 6/30/2024	Year-To-Date Expenditures Totals	% of Budget Expended
A. ACCRUED VACATION/VACATION TRANSFERS							
Vacation Payout	\$ 16,553.00 ¹	\$ 10,011.57	\$ 0.00	\$ 0.00	\$ 0.00	\$ 10,011.57	60.5%
Total Accrued Vacation/Vacation Transfers	\$ 16,553.00	\$ 10,011.57	\$ 0.00	\$ 0.00	\$ 0.00	\$ 10,011.57	60.5%
GRAND TOTAL	\$ 16,553.00	\$ 10,011.57	\$ 0.00	\$ 0.00	\$ 0.00	\$ 10,011.57	60.5%

Appropriation for Accrued Vacation/Vacation Transfer Payments	\$ 16,553.00
Total Expenditures as of December 31, 2023.	\$ 10,011.57
Balance as of December 31, 2023	\$ 6,541.43

¹ Funds for accrued vacation and vacation transfer payments appropriated by Act 3, HB 1514 HD1 SD1, for \$16,553.00.

SUNSHINE LAW MEETING
AGENDA ITEM VI

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

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM VII

CONSIDERATION OF DRAFT 2023 ANNUAL REPORT

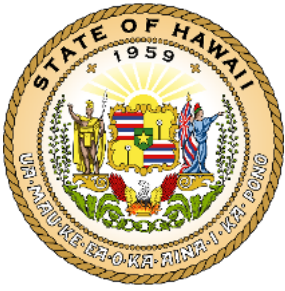
Attachment 1: 2023 Hawai'i State Ethics Commission Annual Report



2023 ANNUAL REPORT

Sunshine Law Folder - 1/17/2024

Hawai'i State Ethics Commission
1001 Bishop St. #970 Honolulu, HI 96813
(808) 587-0460
ethics.hawaii.gov
info.ethics@hawaii.gov



HAWAI'I STATE ETHICS COMMISSION 2023 ANNUAL REPORT

MISSION & DUTIES:

Established in 1968, the Hawai'i State Ethics Commission – the first state ethics commission in the United States – represents a commitment by the people of Hawai'i to the principles that “public officers and employees must exhibit the highest standards of ethical conduct[,] and that these standards come from the personal integrity of each individual in government.” Hawai'i Constitution, article XIV. The constitution further requires that the State, and each of its subdivisions, establish a code of ethics for public officers and employees.

Pursuant to this constitutional mandate, the Commission is responsible for the administration and enforcement of the State Ethics Code and the State Lobbyists Law, chapters 84 and 97, Hawai'i Revised Statutes (“HRS”), respectively. The Ethics Code includes laws relating to the acceptance and reporting of gifts, confidential information, fair treatment (the prohibited misuse of official position), conflicts of interests, state contracts, and post-employment restrictions, along with a requirement that state legislators, candidates for state elective office, and certain state employees file financial disclosure statements.

For purposes of the State Ethics Code, the Commission has jurisdiction over approximately 60,000 state officials and employees. This includes state legislators and other elected state officials, employees of the legislative, executive, and judicial branches of government (except for judges and justices), and members of all state boards and commissions. The State Ethics Code's financial disclosure law also applies to all candidates for state elective office.

The Commission also administers the State Lobbyists Law, which applies to lobbying activities at the state level. The Lobbyists Law requires lobbyists to register with the Commission and requires lobbyists and organizations that lobby to report lobbying

Cover photo used with permission from Christopher Barens Photography.

expenditures and contributions on forms filed with the Commission. The Commission has jurisdiction over nearly 500 lobbyists representing more than 400 organizations that lobby the state legislature or executive branch.

ETHICS ADVICE:

The Commission issues advisory opinions and other types of guidance (including opinion letters written by the Commission's attorneys) about the application of the State Ethics Code and the State Lobbyists Law. In 2023, the Commission's attorneys received and responded to an impressive 1,179 requests for advice from state legislators, state employees, lobbyists, members of the public, and candidates for state elective office. Many of these requests included written advice and active follow-up. The Commission considers its ability to provide timely and meaningful guidance and advice to be one of its most essential functions.

In 2023, no advisory opinions were issued.

ETHICS EDUCATION:

Ethics education was a significant priority for the Commission in 2023. The Commission is charged with educating state officials and employees about ethics in government, HRS § 84-31(a)(7). Starting on January 1, 2023, a new law required all state employees to take either a live or online ethics training course within ninety days of becoming an employee and at least once every four years thereafter.

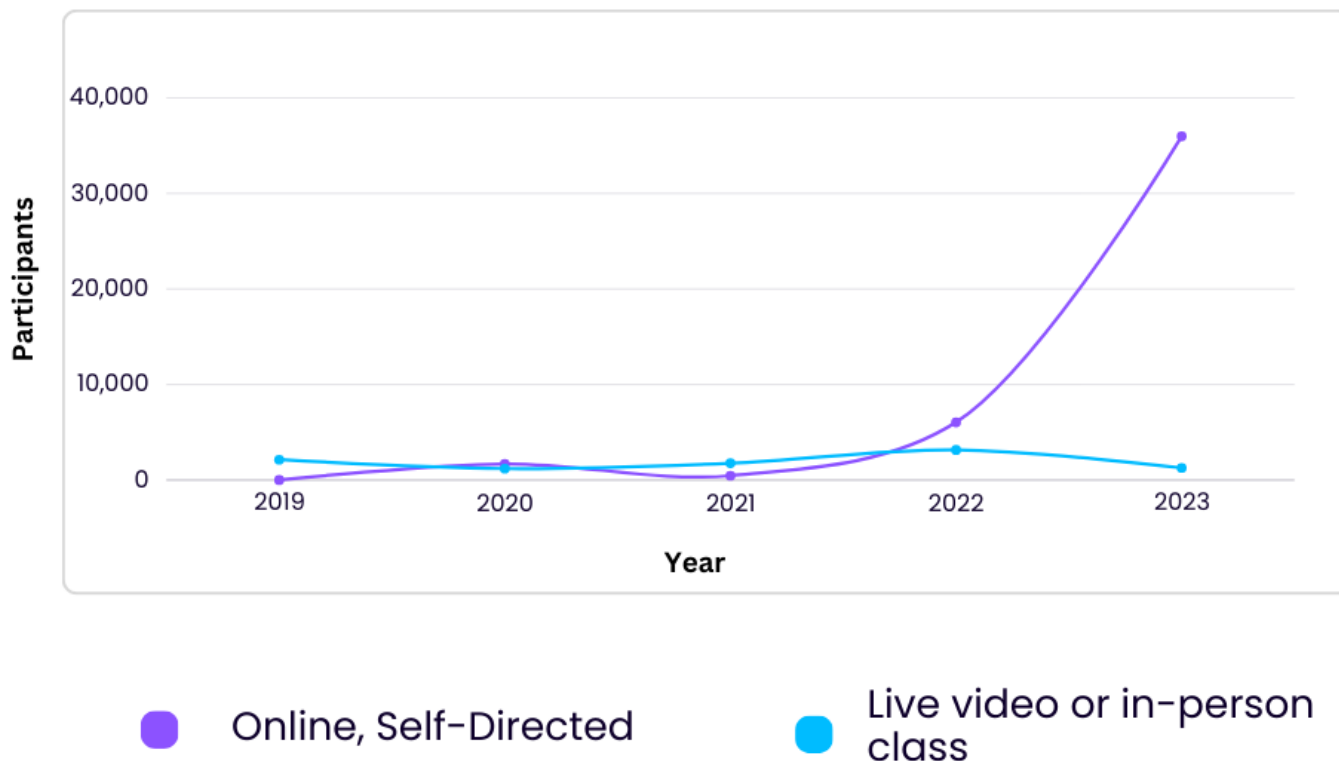
Fulfilling this new mandate was a key focus of the Commission. Implementation steps included conducting in-person and videoconference trainings. In addition to offering general ethics trainings, the Commission scheduled specialized trainings for lobbyists, board & commission members, and legislators. The Commission also offered sessions with

NATIONAL LEADERSHIP AWARD

The Commission's education efforts received recognition from the Campaign Legal Center's 2023 "Top 10 Training Upgrades for Ethics Commissions" report. Available at <https://campaignlegal.org/>

Ethics Training Participation

Participation in ethics training from 2019–2023, broken out by live classes (video or in-person) or online, self-directed training module



Continuing Legal Education credits for government attorneys. The Commission's videoconference training calendar can be found at <https://ethics.hawaii.gov/training/#signup>.

Key to meeting the mandatory ethics training requirement was a shift towards a self-directed online training modules. These training modules empower state employees to engage in ethics education anytime, anywhere, provided they have a computer and internet access. Three modules were offered in 2023:

- State employees;
- Board and commission members; and
- Charter schools.

Designed for convenience, these on-demand training sessions require approximately 35 minutes to complete. They offer a user-friendly and adaptable method for state employees to fulfill their ethics training requirements. For direct access, individuals can visit the Commission's dedicated webpage: <https://ethics.hawaii.gov/training/>.

806%

Average participation increase in ethics training in 2023 over past four years

With assistance from a variety of government agencies, a monumental total of 35,977 participants undertook the self-directed training module in 2023. It should be noted this represents approximately 500% increase in the number of participants over 2022, and a dramatic 7,724% increase over 2021. While difficult to track with specificity, it appears approximately 70% of all state employees met the mandatory ethics training requirement by the end of 2023. These incredible numbers were achieved without any direct increase in budget or staffing of the Commission.

LEGISLATION:

In 2023, the Commission, through its Executive Director, actively participated in the Commission to Improve Standards of Conduct, an entity created by the State House of Representatives. Approximately 10 ethics-related policy proposals were drafted, considered, and recommended by the Standards Commissions for consideration by the 2023 Legislature. The Ethics Commission successfully advocated for many of these bills to pass or to be included in Legislative rules. Ethics bills that passed in 2023 included:

- Act 8 (HB 137 HD1 of 2022): **Lobbyist Disclosures.** Beginning 1/1/2025, requires lobbyists to specifically describe the legislative or administrative action worked on during a reporting period.
- Act 9 (HB 140 of 2022): **Record Maintenance.** Gives greater discretion to the Commission to maintain or destroy financial disclosure records beyond the current 6-year statutory requirement.
- Act 10 (HB 142 of 2022): **Lobbyist Gift Giving.** Prohibits lobbyists from giving gifts to state employees or legislators that are otherwise prohibited under state ethics law.
- Act 20 (HB 138 of 2022): **Mandatory Lobbyist Training.** Establishes mandatory lobbyist training as a condition for registration.
- Act 123 (HB 141 of 2022): **Legislator Disclosures.** Beginning 1/1/2025, requires state legislators to report the names of lobbyists that he or she received income from (even if through another entity, such as a LLC).
- Act 128 (SB 1493 SD1 HD1 CD1): **Lobbyist Donations During the Legislative Session.** Prohibits lobbyist contributions and expenditures (including promises of contributions or expenditures) to any elected official or candidate during and around the legislative session.
- Act 129 (SB 182 SD1 HD1 CD1): **Administrative Fine Procedure.** Amends the filing deadline for disclosures of financial interests for candidates to statewide office, and substantively amends the procedure for imposing administrative fines related to disclosures of financial interests.
- Act 261 (HB 717 HD1 SD2 CD1): **Nepotism Prohibition.** Prohibits most state employees from appointing, hiring, promoting, or retaining relatives and household members and from making or participating in certain other employment-related decisions and from awarding a contract to or otherwise taking official action on a contract with a business if the employee's relative or household member is an

2023 ENFORCEMENT SUMMARY

ETHICS COMPLAINTS RECEIVED

329

Total number of complaints received from sourced or anonymous sources

TOTAL CASES CLOSED

360

Matters resolved due to lack of jurisdiction, guidance or advice given, or settlements/enforcement successfully pursued

INVESTIGATIONS LAUNCHED:

17

Where the Commission found that allegations of an ethical violation had merit and initiated a formal investigation.

CHARGES ISSUED:

3

Times when the Ethics Commission initiated a formal charge into an alleged ethics code violation



FRAUD, WASTE, AND ABUSE COMPLAINTS RECEIVED:

48

Complaints received in conjunction with the Office of the Attorney General

PENALTIES ASSESSED:

\$9,500

Fines assessed and directed to the general fund.



HAWAII STATE ETHICS COMMISSION

ethics.hawaii.gov

executive officer of or holds a substantial ownership interest in that business. Imposes administrative fines for violations.

The Ethics Commission is committed to implementing these new laws. Recognizing the complexity of these initiatives, the Commission has prioritized the establishment of a robust rollout of guidance, back office support, and online filing changes to ensure a seamless rollout.

ENFORCEMENT:

The Commission enforces the State Ethics Code, HRS chapter 84, and the State Lobbyists Law, HRS chapter 97. The Commission receives and reviews complaints and conducts investigations on a confidential basis concerning alleged violations of the law. When appropriate, the Commission initiates formal charges against individuals who appear to have violated the law. If there is probable cause to believe that a violation of the law has occurred, the Commission may hold a contested case hearing in accordance with HRS chapter 91, Hawaii's Administrative Procedure Act.

In 2023, the Commission received 329 new complaints of violations of the Ethics Code and Lobbyists Law. The Commission issued 17 Resolutions to Investigate,

authorizing staff to conduct comprehensive investigations, issued three Charges, and closed 360 cases. The Commission publicly resolved four Charges and investigations by issuing a Resolution of Investigation/Charge document. The Commission resolved another 8 matters by issuing ethics guidance and closed 349 other matters for lack of jurisdiction, lack of supporting evidence, or another reason. Many of those cases were referred to other government agencies for action. The Commission assessed a total of \$9,500 in administrative penalties, payable to the General Fund.

Notable enforcement actions include:

Department of Taxation, Ted Shiraishi: Resolution of Investigation 2023-2

The Commission resolved an Investigation of Ted Shiraishi, former Administrative Rules Officer of the State of Hawai'i Department of Taxation. Mr. Shiraishi was subject to the post-employment provisions of the State Ethics Code, HRS § 84-18. As such, he was prohibited from representing another person or business for one year on any matter involving action by his former state agency. During this restriction period, Mr. Shiraishi called and sent a letter to the DOTAX rules office on behalf of his new private employer to discuss a tax matter. Mr. Shiraishi had not previously been the subject of a Commission charge or investigation. He cooperated with the Commission's investigation. He admitted to violating the Post-Employment law and expressed contriteness. He agreed to pay an administrative penalty of \$2,000 to the State of Hawai'i.

State Public Charter School Commission, Sione Thompson: Resolution of Charge 2023-2

The Commission resolved a Charge against Sione Thompson, the former Executive Director of the State Public Charter School Commission. While serving as the Executive Director, Mr. Thompson sat on the Board of three nonprofit organizations: RiseHI; Hawai'i Children's Action Network; and Male Hawala. These Board positions were not reported on Mr. Thompson's financial disclosure statement. Further, while Executive Director, he awarded approximately \$500,000 in contracts to these three nonprofits. Mr. Thompson admitted he violated the Conflicts of Interest law (HRS § 84-14(a)) and the Financial Disclosure law (HRS § 84-17(f)). He agreed to pay an administrative penalty of \$5,000 to the State of Hawai'i.

Hālau Lōkahi Public Charter School, Laara Allbrett; Resolution of Charge 2023-1

The Commission resolved a charge against Laara Allbrett, the former Director of Hālau Lōkahi Public Charter School, Department of Education. Ms. Allbrett was the Director of Hālau Lōkahi from 2011 to July 2014. Ms. Allbrett used state funds to pay for herself and other family members to attend the graduation of her son and related expenses (total of \$2,048.43). Ms. Allbrett admitted she violated the Fair Treatment law, HRS § 84-13(a). She agreed to pay an administrative penalty of \$2,500 to the State of Hawai'i.

Department of the Attorney General, Brandon D. Zakahi; Resolution of Investigation 2023-1

The Commission resolved an investigation of Brandon Zakahi, a former legal clerk with the Department of the Attorney General, for violations of the confidentiality section of the State Ethics Code. Mr. Zakahi provided clerical support for deputy attorney generals. As a part of his duties and responsibilities, Mr. Zakahi sent an electronic message to Plaintiff's counsel in a particular matter that referenced confidential information that Mr. Zakahi had reviewed as a legal clerk. The information was potentially adverse to the State's defense. Mr. Zakahi admitted he violated the Confidentiality law, HRS § 84-12. He agreed to pay an administrative penalty of \$1,000 to the State of Hawai'i.

NEPOTISM EXCEPTIONS

As of July 12, 2023 no state employee (except for employees of the legislative or judicial branches) shall "[a]ppoint, hire, promote, or retain a relative or household member to, or demote, discharge, or terminate a relative or household member from . . . a paid position in the employee's employing agency" The Commission "may grant an exception to an employee or agency that is unable to comply with this section for good cause, including a demonstrated lack of qualified personnel or applicants." Act 261 at (g). On May 17, 2023, the Commission delegated "the initial decision on any good cause exception application to the Executive Director."

A total of five nepotism good cause exceptions applications were considered in 2023. These decisions are public and can be found on the Commission's website at https://hawaiiethics.my.site.com/public/s/ethics-advice/Ethics_Advice__c/00B6R00000AwpdxUAB or <https://ethics.hawaii.gov/opinionpubs/>.

FINANCIAL & GIFTS DISCLOSURES

The Commission administers the filing requirements of the financial disclosure law and the gifts disclosure law, which help provide accountability and transparency in government. In 2023, the Commission received 1,805 financial disclosure statements. Public disclosure statements (for elected officials, department directors, and other designated state officials) are available on the Commission's "public data" portion of its website. The Commission received and published 236 gifts disclosure statements, all of which are available on the "public data" portion of the Commission's website.

LOBBYISTS REGISTRATION & EXPENDITURE REPORTS

The Commission administers HRS chapter 97, the Lobbyists Law, which requires lobbyists to register with the Commission and file periodic expenditure reports. In 2019, the Commission launched its new electronic filing system for lobbying registration and reporting, allowing lobbyists to register and file their periodic expenditure reports electronically. The Commission is continually upgrading and improving the e-filing system for lobbying, financial disclosures, and gifts disclosures; the Commission launched a series of enhancements in 2023 to make it easier for filers to complete their forms.

In 2023, the Commission received and published 523 lobbyist registration statements, representing 448 organizations, along with 1,252 lobbyist expenditure reports.

FRAUD, WASTE, AND ABUSE:

The Commission partnered with the Department of the Attorney General to launch an anti-fraud hotline aimed at identifying fraud, waste, and abuse of government funds. The agencies developed a website and online complaint form (antifraud.hawaii.gov), dedicated phone hotline (808.587.0000), and dedicated email address (antifraud@hawaii.gov) where individuals can confidentially report suspected violations. These anti-fraud resources were created to empower the public with confidential, easy-to-use methods to report potential violations.

OFFICE MODERNIZATION

In 2023, the Commission adeptly negotiated restructuring of its office lease terms, securing a favorable monthly rate reduction. Additionally, an agreement was reached to refurbish the office premises, bearing no supplementary costs for the State of Hawai'i. Having occupied the same office for approximately three decades with minimal updates, this renovation initiative was both timely and necessary. The modernization encompassed enhancements such as upgraded carpeting, installation of energy-efficient lighting, refreshed paintwork, and a reimagined office layout, all designed to optimize both operational efficiency and visual appeal.

SCANNING DOCUMENTS

In 2023, the Commission successfully completed the digitization of most essential office documents, a critical step towards a paperless initiative. Approximately 75,000 pages were scanned into digital format and then safely shredded. The scanning process not only increased document accessibility and security but also paved the way for

INTERNATIONAL LEADERSHIP

As a part of a national professional leadership program, Executive Director Robert Harris was selected to travel to Moldova to advise key stakeholders on necessary efforts to build an ethical democracy. There, he met with dozens of government leaders; U.S. Embassy staff; members of the media; and NGO leaders. Comparisons to Hawai'i were made based on Hawaii's leadership in being the first state to establish a constitutionally mandated ethics commission and its role in helping found the Conference on Governmental Ethics Laws (COGEL) organization.

streamlined data management. By leveraging advanced optical character recognition (OCR) technology, the Commission can now more efficiently retrieve and share information, contributing to a more productive and eco-friendly work environment.

INVENTORY OPTIMIZATION

In conjunction with reducing overall paper documentation in the office, the Commission worked to remove obsolete and unnecessary furniture items. With the approval of the Speaker of the House and Senate President, 12 filing cabinets, 9 desks, and 4 chairs were offered to other state agencies, donated to charity, or appropriately discarded. This optimization created more open and functional areas, leading to a more modern and decluttered office space.

2023 ETHICS IN HAWAII CONFERENCE

The Commission coordinated with the Honolulu Ethics Commission to organize a day-long state-wide Ethics in Hawai'i Conference, drawing participation from each county, totaling 38 attendees. Esteemed speakers, renowned in the fields of ethics and criminal justice, offered an overview of pertinent topics and emerging trends. A key focus was on contemporary ethics scandals in the news, with a discussion on how to better prevent and address corruption at the state and county level.

The conference's agenda encompassed training sessions and fostering skill development among participants. The interactive nature of the discussions facilitated robust engagement, encouraging collaborative learning, and the exchange of best practices.

A notable outcome of the event was the strengthened network of relationships between county representatives and state agencies. The collaborative spirit exhibited throughout the conference underscores a collective commitment to advancing ethical standards across Hawai'i. The Ethics in Hawai'i Conference served as a pivotal platform for professional development, knowledge dissemination, and the cultivation of collaborative partnerships, setting a constructive tone for ongoing endeavors to advance ethics on a statewide basis.

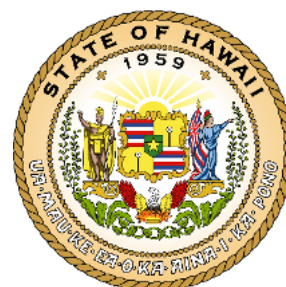
COMMISSIONERS AND STAFF:

The Commission is comprised of five members nominated by the State Judicial Council and appointed by the Governor for four-year terms. The Commission welcomed one new member in 2023. The current members of the Commission are Wesley Fong (Chair), Harry McCarthy (Vice Chair), Beverley Tobias, Robert Hong, and Cynthia Thielen.

As of December 2023, the Commission employs a staff of eleven: Executive Director Robert D. Harris; Compliance Director Bonita Chang; Enforcement Director Kee Campbell; three staff attorneys (Nancy Neuffer, Jennifer Yamanuha, and Jodi Yi); Investigator Jared Elster; Computer Specialist Patrick Lui; Office Manager Caroline Choi; Secretary Lynnette Santiago; and Administrative Assistant Myles Yamamoto. The Commission is in the process of hiring a full-time analyst.

The Commission prioritizes fiscal prudence and efficiency. In 2023, the Commission was able to return \$70,124.24 of its allocated budget back to the General Fund.

For quick, confidential ethics advice, or to lodge a confidential complaint, please contact the Commission at info.ethics@hawaii.gov or 587-0460.



SUNSHINE LAW MEETING
AGENDA ITEM VIII

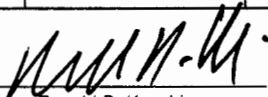
LEGISLATIVE MATTERS

Attachment 1: 2024 Legislative Calendar

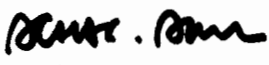
Attachment 2: HB 725 – Office of the Public Advocate

2024 LEGISLATIVE TIMETABLE

J A N U A R Y	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 NEW YEAR'S DAY	2	3	4	5	6
	7	8	9	10	11	12	13
	14	15 DR. MARTIN LUTHER KING, JR. DAY	16	17 OPENING DAY	18	19 Non-Admin Bill Package Cutoff & Grants/Subsidies Cutoff	20
	21	22 State of the State Address & Admin Bill Package Cutoff	23 RECESS #1	24 Bill Intro Cutoff	25 RECESS #2	26	27
	28	29	30	31			
F E B R U A R Y	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2	3
					10		11
	4	5	6	7	8	9	10
			12	13	14	15	16
	11	12	13	14	15	16	17
			17	18	19	20	21
M A R C H	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1 First Decking (Bills)	2
						25	
	3	4 RECESS #3	5	6 RECESS #4	7 First Crossover (Bills)	8 Substantive Reso Cutoff	9
	10	11 Budget Decking	12	13 Budget Crossover	14	15	16
			29	30	31	32	33
	17	18	19	20	21	22	23
A P R I L	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2	3	4 First Crossover (Concurrent Resos)	5 Second Decking (Bills)	6
			42	43	44	45	46
	7	8 RECESS #5	9	10 RECESS #6	11 Second Crossover (Bills) & Disagree	12	13
				47	48	49	
	14	15	16	17	18	19 Constitutional Amendments	20
			50	51	52	53	54
M A Y	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1	2 RECESS #10	3 ADJOURNMENT SINE DIE	4
					59	60	


Ronald D. Kouchi
President of the Senate

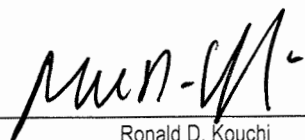
12/20/23
Date


Scott K. Saiki
Speaker of the House

12/21/23
Date

2024 LEGISLATIVE TIMETABLE

DATE	LEG. DAY	DEADLINE OR EVENT
Jan. 17 th (Wed)	1 st	Opening Day.
Jan. 19 th (Fri)	3 rd	Last day to introduce all packages of bills except for the administration's (State Executive Branch). Last day for organizations to submit grant and subsidy requests to the Legislature.
Jan. 22 nd (Mon)	4 th	State of the State Address. Last day to introduce the administration's package of bills (State Executive Branch).
Jan. 23 rd (Tue)		One-day recess.
Jan. 24 th (Wed)	5 th	Last day for bill introductions.
Jan. 25 th (Thur)		One-day recess.
Feb. 22 nd (Thur) through Feb. 28 th (Wed)		Mandatory 5-day recess.
March 1 st (Fri)	25 th	Filing deadline for First Decking. Last day to deck non-budget bills for Third Reading in the originating body.
March 4 th (Mon)		One-day recess.
March 6 th (Wed)		One-day recess.
March 7 th (Thur)	27 th	First Crossover for bills. Last day for Third Reading of bills in the originating body.
March 8 th (Fri)	28 th	Last day to introduce substantive resolutions.
March 11 th (Mon)	29 th	Filing deadline for budget bills.
March 13 th (Wed)	31 st	Budget Crossover. Last day for Third Reading of budget bills in the originating body.
April 4 th (Thur)	45 th	First Crossover for concurrent resolutions. Last day to pass concurrent resolutions to the non-originating body.
April 5 th (Fri)	46 th	Filing deadline for Second Decking. Last day to deck bills that were amended by the receiving (non-originating) body.
April 8 th (Mon)		One-day recess.
April 10 th (Wed)		One-day recess.
April 11 th (Thur)	48 th	Second Crossover for bills. Last day for Third Reading of bills that were amended by the receiving (non-originating) body. Disagree. Last day to disagree with the other body's drafts of bills.
April 19 th (Fri)	54 th	Deadline for transmittal of final form of Constitutional Amendments to the Governor.
April 22 nd (Mon)	55 th	Second Crossover for concurrent resolutions. Last day to pass concurrent resolutions that were amended by the receiving (non-originating) body. Last day to file budget bill to deck for Final Reading.
April 24 th (Wed)		One-day recess.
April 25 th (Thur)	57 th	Last day to file non-fiscal bills to deck for Final Reading.
April 26 th (Fri)	58 th	Last day to file fiscal bills to deck for Final Reading.
April 29 th (Mon)		One-day recess.
April 30 th (Tues)		One-day recess.
May 2 nd (Thurs)		One-day recess.
May 3 rd (Fri)	60 th	Adjournment Sine Die.



Ronald D. Kouchi
President of the Senate

12/20/23

Date



Scott K. Saiki
Speaker of the House

12/21/23

Date

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

H.B. NO. 725

A BILL FOR AN ACT

RELATING TO THE LEGISLATURE.

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

1 SECTION 1. The legislature finds that the house of
2 representatives adopted House Resolution No. 9 (2022) to
3 establish the commission to improve standards of conduct. The
4 resolution requests the commission ensure state laws and rules
5 relating to standards of conduct of public officers and
6 employees contain clear standards, enforcement, and penalties
7 and provide recommendations to increase awareness of, compliance
8 with, and deterrent effects of the code of ethics, lobbying
9 laws, campaign finance laws, and other relevant laws and rules.

10 Pursuant to House Resolution No. 9, the commission to
11 improve standards of conduct convened regularly throughout 2022
12 to diligently review, discuss, and consider the issues
13 presented, submitted an interim report to the house of
14 representatives outlining areas of immediate and long-term
15 focus, then continued its work with input from the public and
16 invited individuals and agencies to issue a final report with
17 various recommendations and accompanying proposed legislation.

2023-0782 HB HMSO



1

1 The legislature also finds that the strength and stability
2 of our democratic government rely upon the public's trust in
3 government institutions, including the expectation that officers
4 act ethically with prudence, integrity, and sound judgement.
5 Therefore, an essential goal of the commission was to provide
6 recommendations that would help restore public trust in state
7 government and increase the level of transparency in its
8 operations and accountability of individuals.

9 Accordingly, the purpose of this Act is to implement
10 recommendations of the commission to improve standards of
11 conduct relating to the conduct and operations of the
12 legislature and its members.

13 SECTION 2. The Hawaii Revised Statutes is amended by
14 adding a new chapter to be appropriately designated and to read
15 as follows:

16 **"CHAPTER**

17 **OFFICE OF THE PUBLIC ADVOCATE**

18 **PART I. GENERAL PROVISIONS**

19 § -1 **Definitions.** As used in this chapter, unless the
20 context otherwise requires:



1 "Office" means the office of the public advocate
2 established pursuant to section -2.

3 "Public advocate" means the head of the office.

4 **§ -2 Office of the public advocate; establishment. (a)**

5 There is established within the department of the attorney
6 general for administrative purposes only the office of the
7 public advocate.

8 (b) The office shall be headed by the public advocate, who
9 shall be nominated and, by and with the advice and consent of
10 the senate, appointed by the governor; provided that the term of
11 the public advocate shall be coterminous with the term of the
12 governor.

13 **§ -3 Staff.** The public advocate shall hire staff
14 necessary to carry out the purposes of this chapter. The public
15 advocate and employees of the office shall be exempt from
16 chapter 76 and shall not be considered civil service employees
17 but shall be entitled to any employee benefit plan normally
18 inuring to civil service employees.

19 **§ -4 Judicial review; immunity.** No proceeding or
20 decision of the public advocate may be reviewed in any court,
21 unless it contravenes the provisions of this chapter. The



1 public advocate has the same immunities from civil and criminal
2 liability as a judge of this State. The public advocate and the
3 public advocate's staff shall not testify in any court with
4 respect to matters coming to their attention in the exercise or
5 purported exercise of their official duties except as may be
6 necessary to enforce the provisions of this chapter.

7 **§ -5 Penalty for obstruction.** A person who wilfully
8 hinders the lawful actions of the public advocate or the public
9 advocate's staff, or wilfully refuses to comply with their
10 lawful demands, shall be fined no more than \$1,000.

11 **PART II. RIGHTS OF THE PUBLIC RELATING TO THE LEGISLATURE**

12 **§ -11 Rights.** All persons of the public shall have the
13 following rights:

14 (1) The right to expect that the person's elected state
15 representative or state senator will be treated with
16 fairness, equity, dignity, respect, and inclusion,
17 regardless of seniority, faction, or party;

18 (2) The right to be treated with fairness, equity,
19 dignity, respect, and honesty during public hearings,
20 regardless of their lack of power, status, wealth, or
21 other excuses for unequal treatment. This paragraph,



1 among other things, shall be construed to prohibit
2 retaliation, including the elimination of a specific
3 position from the budget, for any good faith conduct
4 at a public hearing;

5 (3) The right to provide oral testimony at any public
6 hearing;

7 (4) The right to publicly inspect written testimony no
8 later than twenty-four hours after the written
9 testimony is submitted;

10 (5) The right to expect that all members have access to
11 and sufficient time to review all bill drafts and
12 proposed amendments before formally voting on a
13 measure in committee and on the floor;

14 (6) The right to expect that the original content of a
15 bill is not suddenly and substantially changed without
16 a public hearing on the new content;

17 (7) The right to expect that legislators have sufficient
18 opportunity for open and honest debate on the merits
19 of a bill and to vote on such merits, rather than
20 burdening the legislative process with multiple



1 referrals on the bill that would effectively inhibit
2 the opportunity for such debate;

3 (8) The right to expect that subject matter committees
4 pass bills without deliberate defects, including
5 defective dates, and with recommended appropriation
6 amounts;

7 (9) The right to expect that standing committees with
8 primary jurisdiction over fiscal matters are not
9 referred bills solely concerning nonfiscal matters;

10 (10) The right to expect that no bill should die in a
11 conference committee due to the absence of a
12 conference chair;

13 (11) The right to publicly inspect all official executive
14 communications, such as budgetary information,
15 submitted to the legislature. For purposes of
16 fulfilling this obligation, the respective legislative
17 chamber shall post all official executive
18 communications on the capitol website within a
19 reasonable period of time;

20 (12) The right to open and transparent decision-making,
21 including the right to hear the rationale for any



1 decision made by a committee or committee chairperson,
2 such as the deferral or amendment of a bill, in a
3 public meeting; and

4 (13) The right to easily inspect drafts of bills submitted
5 to legislators for introduction or amendment,
6 including the right to know the identity of the person
7 who provided the draft if that person is a member of
8 the public or lobbyist.

9 § -12 **Jurisdiction.** The public advocate has
10 jurisdiction to investigate violations of rights enumerated
11 under section -11.

12 § -13 **Procedures; investigation of complaints.** (a) The
13 public advocate shall establish procedures for receiving and
14 processing complaints alleging a violation of a right enumerated
15 under section -11, conducting investigations, and reporting
16 the public advocate's findings. However, the public advocate
17 may not levy fees for the submission or investigation of
18 complaints.

19 (b) The public advocate shall investigate any complaint
20 alleging a violation of a right enumerated under section -11.
21 In an investigation, the public advocate may make inquiries and



1 obtain information as the public advocate deems appropriate,
2 consult with an appropriate agency with subject matter
3 expertise, and hold private hearings.

4 (c) The public advocate is required to maintain secrecy in
5 respect to all matters and the identities of the complainants or
6 witnesses coming before the public advocate, except so far as
7 disclosures may be necessary to enable the public advocate to
8 carry out the public advocate's duties and powers and to support
9 the public advocate's recommendations.

10 § -14 Powers. Subject to the privileges that witnesses
11 have in the courts of this State, the public advocate may:

12 (1) Compel at a specified time and place, by subpoena, the
13 appearance and sworn testimony of any person who the
14 public advocate reasonably believes may be able to
15 give information relating to a matter under
16 investigation; and

17 (2) Compel any person to produce documents, papers, or
18 objects that the public advocate reasonably believes
19 may relate to a matter under investigation.

20 The public advocate may bring suit in an appropriate state
21 court to enforce these powers.



1 § -15 **Consultation.** Before giving any opinion or
2 recommendation that is critical of a person and except as
3 provided in section -16(c), the public advocate shall consult
4 with that person.

5 § -16 **Procedure after investigation.** (a) After an
6 investigation, the public advocate shall report the public
7 advocate's opinion and recommendations to the presiding officer
8 of the appropriate chamber of the legislature and the
9 complainant.

10 (b) After a reasonable time has elapsed, the public
11 advocate may present the public advocate's opinion and
12 recommendations to the public. The public advocate shall
13 include with this opinion any reply.

14 (c) If the public advocate has a reasonable basis to
15 believe that there may be a breach of duty or misconduct by any
16 legislator or employee of the legislature, the public advocate
17 may refer the matter to the appropriate authorities without
18 notice to that person."

19 SECTION 3. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so
21 much thereof as may be necessary for fiscal year 2023-2024 and



1 the same sum or so much thereof as may be necessary for fiscal
2 year 2024-2025 for the purposes of this Act.

3 The sums appropriated shall be expended by the department
4 of the attorney general for the purposes of this Act.

5 SECTION 4. This Act shall take effect on July 1, 2023.

6

INTRODUCED BY: Sam

JAN 20 2023



H.B. NO. 725

Report Title:

Commission to Improve Standards of Conduct; Legislature; Bill of Rights; Public Advocate

Description:

Establishes the office of the public advocate. Establishes rights for members of the public with respect to the conduct and operation of the legislature and its members. Specifies procedures for the investigation and reporting of alleged violations of the rights.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

2023-0782 HB HMSO



SUNSHINE LAW MEETING
AGENDA ITEM IX

DISCUSSION OF ETHICS OVERSIGHT OVER THE JUDICIAL BRANCH

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM X

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.

SUNSHINE LAW MEETING
AGENDA ITEM XI

EVALUATION OF EXECUTIVE DIRECTOR ROBERT HARRIS

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.

No attachments.