

SUNSHINE LAW MEETING  
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: April 17, 2024  
Time: 9:00 a.m.  
Location: Held via Zoom video and audio conference  
Link: Recorded video available at  
[https://ethics.hawaii.gov/category/commissionmeetings/comm\\_videos/](https://ethics.hawaii.gov/category/commissionmeetings/comm_videos/)

Public Meeting Location

Hawaii State Ethics Commission Conference Room  
1001 Bishop Street  
American Savings Bank Tower, Suite 970  
Honolulu, Hawaii 96813

Present: State Ethics Commission Members

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

State Ethics Commission Staff

Robert D. Harris, Executive Director (present in conference room)  
Kee M. Campbell, Enforcement Director (via video conference)  
Bonita Y.M. Chang, Compliance Director (via video conference)  
Nancy C. Neuffer, Staff Attorney (via video conference)  
Jennifer M. Yamanuha, Staff Attorney (via video conference)  
Jodi L. K. Yi, Staff Attorney (via video conference)  
Jared Elster, Investigator (via video conference)  
Barbara Gash, Investigatory Analyst (via video conference)  
Lynnette Santiago, Secretary (via video conference)

Members of the Public

Chad Blair  
Blaze Lovell

## **CALL TO ORDER (0:00)**

Chair Fong called the meeting to order at 9:01 a.m. Chair Fong, Vice Chair Tobias, Commissioner Thielen, Commissioner Hong, 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 March 20, 2024 Meeting (3:00)**

Commissioner Thielen made, and Vice Chair Tobias seconded, a motion to approve the minutes of the March 20, 2024 meeting. The motion carried (Fong, Tobias, Hong, and Thielen voting in the affirmative).

## **Agenda Item No. II: Directors' Report (3:43)**

Compliance Director Bonita Chang reported that staff has met with DOE officials regarding their new Learning Management System rollout. Staff is working to ensure that the ethics training modules are included.

Director Chang noted that agencies are providing updated training statistics along with financial disclosure updates. Annual financial disclosures for current employee and board filers are due at the end of May, and new board filers are due at the end of July after their terms begin. Director Chang also noted that staff are also processing candidate financial disclosures.

Chair Fong asked for an update on the 85% goal. Director Chang replied that staff are still in the process of getting updated information from the agencies. She noted that several agencies have undergone major re-organizations for example, the Department of Public Safety was split into the Department of Law Enforcement and the Department of Corrections and Rehabilitation.

Enforcement Director Kee Campbell reported that 39 complaints were opened and 26 closed complaints in March. He noted that a significant number came in at the end of the month and the closing number will most likely increase for April's report.

Chair Fong asked what the increase is attributed to. Director Campbell said he was unsure. Chair Fong asked if there were 39 different complaints. Director Campbell replied that each complaint was related to a different issue.

Executive Director Robert Harris reported on quarterly financial report. Some of the expenses were attributable to the office renovation and move. The Commission is still under budget and most likely will return funds to the state at the end of the year.

Chair Fong asked what happens to any returned funds. Director Harris noted that funds go back to the state general fund. Recognizing the state's fiscal outlook, staff continues to focus on minimizing expenses and spending only what the Commission needs.

Chair Fong noted that the Commission's public artwork should be installed by the next meeting.

### **Agenda Item No. III: Discussion of Media Reports Concerning Ethics or the Ethics Commission Since the Last Meeting (10:13)**

Executive Director Harris reported that Commissioner Thielen had flagged a recent article from Civil Beat/New York Times.

Commissioner Thielen reported that there is an article in the Civil Beat regarding an after-hours meeting hosted by a government employee where monies were allegedly distributed. She urged commissioners to read this article and suggested that action be taken. She wondered if additional reporting requirements would shed additional light on these types of activities.

Chair Fong asked that a copy of the article be sent to the commissioners and staff.

Vice Chair Tobias asked what the money was being used for. Commissioner Thielen noted that it appeared that the monies were political contributions. She further noted that the monies were reported by the individual recipients. Director Harris noted that the article focused on contractors in Hawai'i giving contributions. He noted that contracting companies are barred from giving contributions, but owners of these companies could give individually. Director Harris reported that legislation was proposed that would have included officers and employees under the existing prohibition on contributions. A second proposal would have required legislators to disclose interactions with lobbyists in more detail.

Commissioner Hong suggested that staff investigate what/how the Commission could respond. Chair Fong asked that this matter be added to the May agenda.

### **Agenda Item No. IV: 2024 Legislative Matters (18:13)**

Executive Director Harris reported the legislature is heading into a conference committee phase. The Commission's budget was signed into law by the governor.

The House is reconsidering HB 1881 which proposes increasing the maximum administrative fines to \$5,000. Director Harris is hopeful this will lead to its passage.

Chair Fong asked if any bills required additional public testimony. Director Harris replied that at this phase of the process, the conference committees traditionally do not accept testimony from the public.

**Agenda Item No. V: Discussion of Ethics Oversight over the Judicial Branch (20:49)**

Executive Director Harris reported that dialogue continues between the Commission and the Judiciary. He noted that the Judiciary has asked to pause the discussion until the close of the legislative session. Additionally, holding public meetings was also discussed.

**Agenda Item No. VI: Akana v. Hawaii State Ethics Commission and Daniel Gluck, Civil No. 18-1-1019-06 (JHA); Akana v. Hawaii State Ethics Commission, Civil No. 19-1-0379-03 (JHA); State of Hawaii, Ethics Commission v. Rowena Akana, Civil No. 20-1-0453 (BIA) (22:58)**

Executive Director Harris reported that Akana did file a Writ of Certiorari with the Supreme Court. He suggested that the Commission go into executive session to discuss this matter.

**RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE SESSION**

At 9:24 a.m., Vice Chair Tobias made, and Commissioner Hong seconded, a motion to recess the public meeting and convene an executive session pursuant to Hawai'i Revised Statutes section 92-5(a)(4) to discuss with the Commission's attorneys the Commission's powers, duties, privileges, immunities, and liabilities.

The motion carried (Fong, Tobias, Hong, and Thielen voting in the affirmative).

Members of the public were excused. The Commissioners and staff met in executive session.

At approximately 9:42 a.m., the Commission recessed the executive session and re-convened the Sunshine Law Meeting.

Chair Fong summarized the executive session. The Commission had discussed the Akana matter and agreed to let the Attorney General continue litigation efforts as necessary.

**Agenda Item No. VII: Adjournment of Sunshine Law Meeting (25:56)**

At approximately 9:43 a.m., Commissioner Hong made, and Vice Chair Tobias seconded, a motion to adjourn the meeting. The motion carried (Fong, Tobias, Hong, and Thielen voting in the affirmative).

The meeting was adjourned at 9:45 a.m.

Minutes approved on May 15, 2024.