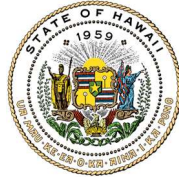


SUNSHINE LAW MEETING



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, Vice-Chair • Robert Hong • Cynthia Thielen

Date: August 21, 2024

Time: 9:00 a.m.

Location: Zoom Videoconference or Phone:

Videoconference: [Join Zoom Meeting](https://us06web.zoom.us/j/88125960290?pwd=s6VeJe2uGnR2wjdoSb3Mt7xtKxtdAv.1)
<https://us06web.zoom.us/j/88125960290?pwd=s6VeJe2uGnR2wjdoSb3Mt7xtKxtdAv.1>

Phone: +1 (408) 638-0968 or +1 (669) 444-9171

Phone passcode: 921026

Meeting ID: 881 2596 0290

Passcode: FHJxd1

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 visit 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. Status of New Commissioner Appointment

- II. Consideration and Approval of the Minutes of the July 17, 2024 Meeting

Attachment 1: Sunshine Law Meeting Minutes of the July 17, 2024, Hawai'i State Ethics Commission Meeting

- III. Directors' Report
 1. Education / Training Report

Attachment 1: 2024 Training Schedule
 2. Guidance and Assignment Statistics – July 2024

Attachment 2: 2024 Guidance and Assignment Statistics / Website Traffic
 3. Miscellaneous Office Projects / Updates

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

- V. Discussion of Ethics Oversight of the Judicial Branch

- VI. Request for Information from the National Conference of State Legislatures Regarding State-Level Restrictions on High-Level Government Employees Participating in Political Fundraising

- VII. University of Hawai'i Professional Assembly v. Board of Regents of the University of Hawai'i, S.P. No.: 1CSP-23-0000959

Discuss the case status and potential involvement of the Hawai'i State Ethics Commission.

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.

- VIII. *Akana v. Hawai'i State Ethics Commission and Daniel Gluck, Civil No. 18-1-1019-06 (JHA); Akana v. Hawai'i State Ethics Commission, Civil No. 19-1-0379-03 (JHA); State of Hawai'i, Ethics Commission v. Rowena Akana, Civil No. 20-1-0453 (BIA)*

Discussion of case status.

The Hawai'i State Ethics Commission may convene an executive session pursuant to Hawai'i Revised Statutes section 92-5(a)(4) to consult with the Commission's attorneys and/or the Department of the Attorney General on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

- IX. Adjournment

Public Testimony

Anyone wishing to testify may do so during the meeting or may submit written testimony in advance of the meeting by email (info.ethics@hawaii.gov), facsimile (fax) (808-587-0470), or U.S. postal mail (State Ethics Commission, 1001 Bishop Street, American Savngs Bank Tower, Suite 970, Honolulu, Hawai'i 96813). Public testimony must be related to an item that is on the agenda and the testifier must identify the agenda item to be addressed by the testimony. Pursuant to Hawai'i Revised Statutes section 92-3 and Hawai'i Administrative Rules section 21-1-6(c), oral testimony is limited to three minutes per testifier per agenda item, subject to the reasonable discretion of the Chair.

Auxiliary Aid or Accommodation Due to a Disability

If you require an auxiliary aid or accommodation due to a disability, please contact the State Ethics Commission at (808) 587-0460 or email the Commission at info.ethics@hawaii.gov as soon as possible, preferably at least 48 hours prior to the meeting. Last-minute requests will be accepted but may be impossible to fill.

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

SUNSHINE LAW MEETING
AGENDA ITEM I

STATUS OF NEW COMMISSIONER APPOINTMENT

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM II

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE
JULY 17, 2024 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the July 17, 2024
 Hawai'i State Ethics Commission Meeting

SUNSHINE LAW MEETING
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: July 17, 2024

Time: 9:00 a.m.

Location: Hybrid meeting held via Zoom video and audio conference

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 (via video conference)

Beverley Tobias, Vice Chair (via video conference)

Robert Hong, Commissioner (via video conference)

Cynthia Thielen, Commissioner (present in conference room)

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)

Patrick W.C. Lui, Computer Specialist (via video conference)

Jared Elster, Investigator (excused)

Barbara A. Gash, Investigatory Analyst (via video conference)

Myles A. Yamamoto, Administrative Assistant (present in the conference room)

1 Members of the Public

2
3 Blaze Lovell
4 Candace Park – Deputy Attorney General
5 KB Chun
6
7

8 **CALL TO ORDER (Part I) (0:00)**
9

10 Chair Fong called the meeting to order at 9:00 a.m. Chair Fong, Vice Chair
11 Tobias, Commissioner Thielen, Commissioner Hong, and commission staff were
12 present. All commissioners and staff participating via video or audio conference
13 confirmed no one was in the room with them at their respective remote locations.
14

15
16 **Agenda Item No. I: Consideration and Approval of the Minutes of the June 19,**
17 **2024 Meeting (Part I) (2:50)**
18

19 Commissioner Hong made, and Commissioner Thielen seconded, a motion to
20 approve the minutes of the June 19, 2024 meeting. The motion carried (Commissioners
21 Fong, Hong, and Thielen voted in the affirmative, with Tobias excused).
22

23
24 **Agenda Item No. II: Directors' Report (Part I) (4:16)**
25

26 Compliance Director Bonita Chang reported that training reminder emails were
27 sent to 33 agencies and over 100 boards. The primary targets of the emails were low-
28 performing and larger agencies. Director Chang stated that the emails urged
29 administrators to incorporate training as part of the onboarding process for new
30 employees and board members. Director Chang reported that agencies with a Learning
31 Management System (LMS) were urged to incorporate the training into the system to
32 facilitate tracking training completions. She further noted that emails to the Dept. of
33 Education and the University of Hawaii urged those agencies to have employees
34 complete training as part of their tasks for beginning the school year.
35

36 Commissioner Thielen noted that the Board of Certification of Public Water
37 System Operators has only one of its four members who has completed training. She
38 asked if staff could contact them. Director Chang replied that the staff would. She noted
39 that the numbers on the report may not reflect the actual headcount due to a large
40 number of vacancies.
41

42 Commissioner Hong commended the staff for their outreach efforts.
43

44 Enforcement Director Kee Campbell reported that 27 new complaints were
45 opened for the month and 38 complaints were closed.
46

1 Chair Fong asked if increased training participation has led to an increase in
2 complaints. Director Campbell replied that while he does not have hard data, he
3 believes that is the case.
4

5 Executive Director Harris provided a fourth-quarter financial update. He reported
6 that \$72,329 was returned to the state. He noted that there were spending increases for
7 office expenses and consulting expenses. The increases in office spending were due to
8 costs related to the renovation and relocation of the commission's offices. The
9 increases in consulting were due to updating computer systems. Director Harris also
10 noted expenses related to the Akana matter. He stated that the commission's expenses
11 were still well under budget.
12

13 Concerning the vacant Commissioner position, Director Harris reported that there
14 is no update.
15

16 Commissioner Thielen asked Director Harris what the statutory requirements are
17 for filling the vacancy. Director Harris was unsure and said he would get back to her.
18
19

20 **Agenda Item No. III: Discussion of Media Reports Concerning Ethics or the Ethics**
21 **Commission Since the Last Meeting (Part I) (12:32)**
22

23 Executive Director Harris noted media reports about the following; a Civil Beat
24 article related to financial disclosures, Hawaii Public Radio coverage about gifts to the
25 Governor and what happens when officials leave office, coverage of candidate financial
26 disclosure enforcement, coverage of the Honolulu gifts law and a decrease in
27 complaints to the Honolulu Ethics Commission, and a Civil Beat opinion article on
28 campaign finance reform.
29

30 Commissioner Hong asked if the actual articles could be easily accessed by the
31 commissioners. Director Harris noted that the articles could be included in Sunshine
32 Law meeting materials. He noted that due to the law's requirement that material be
33 published seven days in advance, articles may be missed.
34

35 Commissioner Hong said he would like to see a library of related ethics articles.
36 Director Harris replied that he would consult with staff on how to get articles to the
37 commissioners.
38

39 Vice Chair Tobias noted that this would be helpful for off-island commissioners.
40 Director Harris noted that Civil Beat is online only and does not have a hard copy. He
41 noted that staff could forward the news alerts they receive. He further noted that Civil
42 Beat provides statewide coverage.
43

44 Commissioner Thielen noted that Civil Beat covers news statewide and holds
45 pop-up events across the state.
46
47

1 **Agenda Item No. IV: 2024 Legislative Matters (Part I) (20:55)**

2
3 Executive Director Harris noted that the bills pending before the Governor have
4 now become law. He reported that the staff is in the process of updating the quick
5 guides and administrative rules to reflect changes in the laws.
6

7 Chair Fong thanked the staff for all their work.
8
9

10 **Agenda Item No. V: Discussion of Ethics Oversight over the Judicial Branch (Part**
11 **I) (22:29)**

12
13 No updates. Executive Director Harris reported that he has asked Judiciary for an
14 update.
15
16

17 **Agenda Item No. VI: Discussion of Proposed Ethics Updates Based on Civil**
18 **Beat/New York Times**

19 **Article (available at <https://www.civilbeat.org/2024/04/inside-the-late-nightparties-where-hawaii-politicians-raked-in-money/>) (Part I) (23:08)**
20
21

22 Executive Director Harris reported that after discussion with staff and the
23 Campaign Spending Commission, the recommendation is to focus efforts on expanding
24 restrictions on campaign contributions by contractors to include principal employees,
25 officers, and directors. He noted this legislation had been previously introduced and
26 supported by the Campaign Spending Commission. He noted that the proposal has
27 legislative support and would also be easier to enforce.
28

29 Commissioner Thielen asked who would re-introduce this legislation. Director
30 Harris replied that the Campaign Spending Commission would re-introduce it as part of
31 their proposals to the Governor. The commission could also try to introduce it as part of
32 its package. He noted that the commission's legislative package is typically discussed in
33 November-December.
34

35 Commissioner Thielen noted that the proposed bills would achieve most of the
36 goals sought but would not eliminate all the issues raised. She suggested that if the
37 proposal passes, additional legislation be proposed that would prohibit high-ranking
38 officials from participating in fundraising activities.
39

40 Director Harris noted that Hawai'i has adopted portions of the federal Hatch Act
41 which bars certain individuals from participating in political activities. He further noted
42 enforcing prohibitions on procurement officials would be difficult, but prohibitions on
43 contractors giving contributions would be easier to enforce.
44

45 Commissioner Thielen asked what other states are doing regarding this issue.
46 She suggested reaching out to the National Conference of State Legislatures ("NCSL")

1 for examples of laws and policies in other jurisdictions. Director Harris replied that staff
2 would contact NCSL.

3
4 Chair Fong asked about overlapping responsibility between the commission and
5 the Campaign Spending Commission. Director Harris replied that there would be
6 overlap. He stated that the Campaign Spending Commission would enforce prohibitions
7 on contributions from contractors, and the commission would enforce any restriction on
8 employee behavior.

9
10
11 **Agenda Item No. VII: Akana v. Hawai'i State Ethics Commission and Daniel Gluck,**
12 **Civil No. 18-1-1019-06 (JHA); Akana v. Hawai'i State Ethics Commission, Civil No.**
13 **19-1-0379-03 (JHA); State of Hawai'i, Ethics Commission v. Rowena Akana, Civil**
14 **No. 20-1-0453 (BIA) (Part I) (39:35)**

15
16 Executive Director Harris reported that oral arguments before the Hawai'i
17 Supreme Court were held. He recommended the commission go into Executive Session
18 to discuss the oral arguments.

19
20 At approximately 9:41 a.m., Commissioner Thielen moved, and Commissioner
21 Hong seconded a motion to convene an executive session to discuss the substance of
22 the oral arguments made before the Hawai'i Supreme Court. The motion carried
23 (Commissioners Fong, Tobias, Hong, and Thielen voting in the affirmative).

24
25 At 9:43 a.m. the commission went into an executive session.

26
27 At 9:48 a.m., the commission adjourned the executive session and reconvened
28 the sunshine meeting.

29
30 Director Harris summarized the executive session in which the commission
31 discussed the oral arguments and attorneys' opinions of them. No decisions were made
32 at this time.

33
34
35 **Agenda Item No. VIII: Adjournment of Sunshine Law Meeting (Part II 1:02)**

36
37 At approximately 9:50 a.m., Commissioner Hong motioned to adjourn the
38 meeting, and Commissioner Thielen seconded. The motion carried (Commissioners
39 Fong, Tobias, Hong, and Thielen voted in the affirmative).

40
41 The meeting was adjourned at 9:51 a.m.

42
43 Minutes approved on _____.

SUNSHINE MEETING
AGENDA ITEM III

EXECUTIVE DIRECTOR'S REPORT
August 21, 2024

1. Education / Training Report

Attachment 1: 2024 Training Schedule

2. Guidance and Assignment Statistics – July 2024

Attachment 3: 2024 Guidance and Assignment Statistics / Website Traffic

3. Miscellaneous Office Projects / Updates

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	0	8
1/19/2024	IN PERSON: Training Refresher, Capitol, House Members	51	0
2/6/2024	WEBINAR: Training Refresher, DOH, Kauai	0	13
2/8/2024	WEBINAR: Ethics for Board and Commission Members (CANCELLED)	0	0
3/6/2024	WEBINAR: General Ethics Training	0	7
4/16/2024	WEBINAR: General Ethics Training, Charter Schools	0	64
5/2/2024	WEBINAR: General Ethics Training	0	8
5/13/2024	WEBINAR: Training Refresher, FESTPAC	0	12
6/20/2024	WEBINAR: Training Refresher, Agribusiness Development Corporation (CANCELLED)	0	0
6/24/2024	IN PERSON: Ethics for Board and Commission Members, Hawai'i Workforce Development Council	80	0
7/10/2024	IN PERSON: Ethics for Board and Commission Members, Land Use Commission	10	2
7/24/2024	WEBINAR: General Ethics Training	0	13
8/8/2024	WEBINAR: Ethics for Board and Commission Members	0	15
9/26/2024	WEBINAR: General Ethics Training		
10/23/2024	WEBINAR: Ethics for Board and Commission Members		
11/7/2024	WEBINAR: General Ethics Training		
12/5/2024	WEBINAR: Lobbyists Law Training		

HAWAII STATE ETHICS COMMISSION

2024 EDUCATION PROGRAM

(Ethics Workshops and Presentations)

DATE	PRESENTATIONS	IN PERSON PARTICIPANTS	WEBINAR PARTICIPANTS
12/6/2024	WEBINAR: Lobbying E-Filing		
TOTAL	20 Presentations	141 participants	240 participants

2024	Jan	Feb	Mar	Apr	May	June	July	Aug*	Sept	Oct	Nov	Dec	Year to date
Training statistics													
# of In-Person Trainings	1	0	0	0	0	1	1						3
# of People Trained In Person	51	0	0	0	0	80	10						141
# of On-Line Trainings (Self-Directed)	958	707	487	450	423	938	2,393	2,753					9,109
# of Lobbyists Law Trainings	186	52	29	17	17	5	7						313
# of Training Webinars	3	1	1	1	2	0	1	1					10
# of Participants in Training Webinars	106	13	7	64	20	0	15	15					240
Attorney of the Day	118	89	94	97	97	97	108						700
New assignments													
Advisory Opinion	0	0	0	0	0	0	0						0
Complaint	67	25	39	25	26	27	34						243
Gifts/Invitations/Travel	21	24	30	24	27	39	33						198
Guidance	2	0	2	1	3	1	0						9
Judicial Selection Comm'n	6	0	5	4	1	2	3						21
Training Request	0	0	0	0	0	0	0						0
Record Request	1	1	0	0	1	0	0						3
Project/Other	6	1	1	4	1	2	3						18
Total	103	51	77	58	59	71	73	0	0	0	0	0	492
Closed Assignments													
Advisory Opinion	0	0	0	1	0	0	0						1
Complaint	67	26	26	33	22	38	41						253
Gifts/Invitations/Travel	21	22	35	24	25	37	35						199
Guidance	1	3	0	0	3	1	2						10
Judicial Selection Comm'n	7	0	4	5	1	2	2						21
Training Request	0	0	0	0	0	0	0						0
Record Request	1	1	0	0	1	0	0						3
Project/Other	2	2	2	2	4	2	1						15
Total	99	54	67	65	56	80	81	0	0	0	0	0	502
Anti-Fraud	2	5	5	3	4	4	6						29

*8/1-8/7/2024

SUNSHINE LAW MEETING
AGENDA ITEM IV

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

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM V

DISCUSSION OF ETHICS OVERSIGHT OVER THE JUDICIAL BRANCH

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM VI

REQUEST FOR INFORMATION FROM THE NATIONAL CONFERENCE OF STATE
LEGISLATURES REGARDING STATE-LEVEL RESTRICTIONS ON HIGH-LEVEL
GOVERNMENT EMPLOYEES PARTICIPATING IN POLITICAL FUNDRAISING

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM VII

UNIVERSITY OF HAWAI'I PROFESSIONAL ASSEMBLY V. BOARD OF REGENTS OF
THE UNIVERSITY OF HAWAI'I, S.P. NO.: 1CSP-23-0000959

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM VIII

AKANA v. HAWAII STATE ETHICS COMMISSION AND DANIEL GLUCK,
CIVIL NO. 18-1-1019-06 (JHA); AKANA v. HAWAII STATE ETHICS COMMISSION,
CIVIL NO. 19-1-0379-03 (JHA); STATE OF HAWAII, ETHICS COMMISSION v.
ROWENA AKANA, CIVIL NO. 20-1-0453 (BIA)

Discussion of case status.

The Hawai'i State Ethics Commission may convene an executive session pursuant to Hawai'i Revised Statutes section 92-5(a)(4) to consult with the Commission's attorneys on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

No attachments.