

SUNSHINE LAW MEETING
MINUTES OF THE HAWAI'I STATE ETHICS COMMISSION

STATE OF HAWAI'I

Date: February 19, 2025

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

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

Present: State Ethics Commission Members

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

State Ethics Commission Staff

Robert D. Harris, Executive Director (present in the 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 (via video conference)
Barbara A. Gash, Investigatory Analyst (via video conference)

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

Members of the Public

Chad Blair

Keith C.

CALL TO ORDER (0:04)

Chair Fong called the meeting to order at 9:00 a.m. Chair Fong, Vice Chair Tobias, Commissioner Thielen, Commissioner Hong, Commissioner Becker, 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 January 15, 2025 Meeting (1:30)

Commissioner Thielen moved to approve the minutes from the January 15, 2025 meeting, which was seconded by Commissioner Hong. The motion passed with Commissioners Fong, Tobias, Thielen, and Hong voting in favor, while Commissioner Becker was excused.

Agenda Item No. II: Consideration and Approval of the Minutes of the January 15, 2025 Executive Session Meeting (2:49)

Commissioner Thielen moved to approve the minutes from the January 15, 2025, Executive Session meeting, seconded by Vice Chair Tobias. The motion passed with Commissioners Fong, Tobias, Thielen, and Hong voting in favor, while Becker was excused.

Agenda Item No. III: Directors' Report (3:44)

Compliance Director Bonita Chang reported that a custom ethics training was held with the state Health Planning and Development Agency. A live training is also scheduled in March. Staff is in the process of reviewing lobbyist registrations to ensure compliance with training requirements. She reiterated that the priority is to update the training modules to reflect current rules and legislation. Director Chang noted that the new lobbyist legislative bill reporting feature will go live shortly. The first report will be due March 31 covering Jan. – Feb.

Commissioner Thielen asked if HECO is considered a lobbying organization. She noted that during her tenure in the Legislature, HECO resisted the idea that they are lobbyists. Director Chang replied that HECO has in-house lobbyists and believes that they are properly registered. Executive Director Robert Harris noted that all lobbyist registrations and reports are public information. Commissioner Thielen asked if staff could confirm that HECO, Hawai'i Gas, wind, and solar advocates are registered.

Enforcement Director Kee Campbell reported that 21 new matters were opened and 25 closed in the month. He indicated that staff is looking at additional metrics that can be reported from the new case management system.

Executive Director Robert Harris reported that the staff is engaged in refreshing the Commission's logo. He noted that a graphic designer has been hired to assist with the process. It is hoped that a draft of the logo will be presented at the next meeting. Director Harris further reported that updating the blinds in the Commission's office is under consideration.

Chair Fong asked how long the Commission has the art in its offices. Director Harris replied that art can be changed every five years.

Agenda Item No. IV: Proposed 2025 Ethics Commission Goals (11:25)

Executive Director Harris discussed the proposed 2025 Ethics Commission goals. He noted that the goals for 2025 are in addition to the Commission's usual mandated functions.

The first goal is to enhance training programs, specifically the self-directed training modules. He noted that this would include using scenario questions to teach people why a particular answer is correct. Additionally, this goal would encompass using videos to enhance both self-directed and live training. Lastly, staff would look to provide additional communication and training follow-up.

The second goal is to revitalize commission communications. This goal includes reviving the High Road Newsletter in a digital format and potentially adding a "question of the month." Director Harris explained that this would provide an opportunity to address a question that staff frequently receive publicly. Chair Fong inquired whether staff had information regarding the readership of the High Road. Director Harris responded that previous versions of the High Road were hard copies that were converted into a PDF document, so there is no information about readership. He noted that future editions may

consist of a series of links to articles and information, allowing staff to see how many people click to read a story. Chair Fong asked if emails would be sent to all employees. Director Harris replied that the preference would be for employees and others to opt into receiving communications after completing training.

Chair Fong noted that the county ethics commission has a "question of the month" that briefly highlights an issue or rule. He mentioned that this is typically found on employee pay stubs and suggested looking into it. Commissioner Becker remarked that most state employees are paid via direct deposit, so they may not receive a pay stub.

The next goal is to enhance public outreach. Director Harris explained that, in addition to the High Road, this would involve examining existing opportunities for staff to partner to raise awareness.

The next goal is to strengthen public outreach. This includes revitalizing the High Road and enhancing the metrics that can be communicated to the public.

Commissioner Becker asked what information about ethics and the commission is provided to new employees when they are onboarded. Director Harris replied that staff can review the materials pushed to new employees. He noted that in the prior administration, a lot of information was given when an employee left service. He also noted that new employees are informed of the ethics training requirements.

The final goal is to enhance accessibility and transparency. Director Harris noted that the Commission Staff has included the Hawaiian translation of its name in various materials. Other initiatives involve making the FAQs and forms more interactive to guide people to the appropriate resource.

Chair Fong asked if there have been issues regarding departmental staff responsiveness. Enforcement Director Kee Campbell replied that most issues stem from a disagreement by complainants over the reasoning for closure rather than a lack of responsiveness from staff.

Commissioner Hong made a motion to approve the proposed 2025 Commission Goals, which was seconded by Vice Chair Tobias. The motion passed with Commissioners Fong, Tobias, Thielen, Hong, and Becker voting in favor.

Commissioner Hong stated that a report on the 2025 goals would benefit the Commission's evaluations. Director Harris responded that an update on the progress of the Commission's goals would be incorporated into the annual reports.

Agenda Item No. V: Discussion of Media Reports Concerning Ethics or the Ethics Commission Since the Last Meeting (27:12)

Executive Director Robert Harris reported on the following notable articles related to ethics: coverage of various bills moving through the Legislature, a Civil Beat article about the lobbyist law along with the changes that have been made and those proposed, and another Civil Beat article mentioning the letter signed by Director Harris and Chair Fong. This letter was sent to House and Senate leadership to remind members to review their financial disclosures and ensure that the information regarding spouses and dependent children is accurately reported.

Agenda Item No. VI: 2025 Legislative Matters (28:48)

Executive Director Harris reported that the Commission's budget has passed the Senate Ways and Means Committee, and he expects it to be approved by the full Senate soon. He noted that the budget was increased by 5% compared to the initial submission. He also indicated that he intends to use the increase to review the salaries of other state and county employees to ensure that commission employee salaries remain competitive.

Chair Fong asked if any board and commission members are paid or receive stipends for their service. Director Harris replied that he is only aware of OHA Trustees and the Public Utilities Commission, who are paid and considered full-time state employees.

Director Harris reported that all of the Commission's Bills (HB 411, HB 412, and HB 413) have passed the House and moved to the Senate. He noted that HB 412 was amended.

Director Harris mentioned SB1545, a proposal to repeal the legislature's exemption to the Nepotism Law. The bill passed the Senate and moved to the House. Chair Fong expressed his happiness that the Senate passed the repeal of legislative exemptions to the nepotism law. Director Harris noted that testimony was submitted in support of this bill.

Agenda Item No. VII: Evaluation of Executive Director Robert D. Harris (35:25)

Chair Fong indicated that the Commission has finished its evaluation of Executive Director Robert Harris. He also mentioned that Director Harris has requested a discussion of the evaluation during the sunshine meeting.

Chair Fong reported that Executive Director Harris was evaluated in the following areas: providing legal counsel, meetings and training, enforcement matters, relations with the media, relations with the legislature, administration, and budget. Each category was scored on a 10-point scale, and Director Harris's average score was 9.33.

Commissioner Becker noted that, during his short tenure as a commissioner, his interactions with Director Harris have been good and professional.

Chair Fong remarked that the evaluation is a testament to the competence and dedication of Director Harris.

Director Harris expressed gratitude to the Commission for the positive evaluation, noting that it reflects the overall work of the Commission staff and serves as a testament to their professionalism and quality.

Chair Fong also expressed his thanks to the staff for their work.

Agenda Item No. 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) (41:49)

Executive Director Robert Harris reported that there are no updates.

Agenda Item No. XI: Adjournment of Sunshine Law Meeting (43:01)

At approximately 9:43 a.m., Vice Chair Tobias moved to adjourn the meeting, and Commissioner Thielen seconded the motion. The motion passed, with Commissioners Fong, Tobias, Thielen, Hong, and Becker voting in favor.

The meeting was adjourned at 9:44 a.m.

Minutes approved on March 19, 2025.