

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

STATE OF HAWAI'I

Date: August 20, 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 (present in the conference room)
Robert Hong, Commissioner (via video conference)
Cynthia Thielen, Commissioner (present in the conference room)
Roderick Becker, Commissioner (present in the conference room)

State Ethics Commission Staff

Robert D. Harris, Executive Director (present in the conference room)
Bonita Y.M. Chang, Compliance Director (via video conference)
Kee Campbell, Enforcement 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)
Barbara A. Gash, Investigatory Analyst (via video conference)
Patrick Lui, Computer Specialist (via video conference)
Melissa Vomvoris, Administrative Assistant (present in the conference room)

Guests and Members of the Public

Candace Park, Deputy Attorney General (via video conference)
Chad Blair, Civil Beat (via video conference)

CALL TO ORDER (0:03)

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 else was present at their respective remote locations. Executive Director Harris reminded participants that the meeting was being recorded for the official record and posted online.

Agenda Item No. I: Consideration and Approval of the Minutes of the July 16, 2025, Meeting (2:13)

Vice Chair Tobias moved to approve the minutes of the July 16, 2025 meeting, seconded by Commissioner Thielen. The motion passed unanimously with all Commissioners voting in the affirmative. (Fong, Thielen, Tobias, Hong, and Becker)

Agenda Item No. II: Directors' Report (2:46)

1. Education & Disclosures – Report/Updates (2:54)

Compliance Director Bonita Chang reported that a live training session was held in July with 13 participants, including several Tier 1 mandatory officials.

Staff continues to follow up with board members to remind them about their disclosures and training requirements. Staff is also confirming the current status of board members with their respective board administrators, as some may have reached the term limit.

On August 7, Compliance Director Chang led a national COGEL Connect webinar as part of a panel along with representatives from Ohio and Pittsburgh ethics agencies. It focused on how to effectively manage ethics law trainings for large and diverse groups of public employees, including presentation of information, public data, attendance tracking and recordkeeping. Over 30 participants attended the virtual meeting, primarily program-level staff managing various state and city ethics agencies. The training's purpose was to share best practices and resources on how to track training with smaller agencies who may lack resources or Learning Management Systems.

Chair Fong commented on the 90% plus rate on those state employees in compliance with the ethics training requirement.

Commissioner Thielen inquired about the legislative members of the House's compliance with mandatory trainings, as it was noted that 46 members attended the in-person ethics training.

Executive Director Harris explained that the training conducted in January this year was requested by the Speaker of the House as a refresher for House members. It has been a custom for the past four years for the Speaker of the House to mandate that representatives attend a yearly update with the Ethics staff to discuss most recent changes in the law. Some members, however, were unable to attend this additional training session due to scheduling conflicts.

2. Guidance and Assignment Statistics – July 2025 (8:45)

Enforcement Director Kee Campbell reported:

- 34 new complaints received, and 39 complaints closed in July.
- Year-to-date: 206 complaints opened; 196 closed.
- For the next quarterly statistics release in October, staff are working on redefining the statistical information with new categories, including case closure timelines.

Chair Fong inquired about frivolous complaints and jurisdictional overlap with the Honolulu Ethics Commission.

Enforcement Director Campbell explained that some of the complaints submitted do not involve state employees, and staff will inform the complainant and suggest an appropriate agency or department to refer them to. Others are dismissed due to a lack of jurisdiction or are better handled by other agencies (e.g., HR, police misconduct, or non-state employee matters). For more substantive complaints, the investigator requests records and reviews the matter to determine if there is merit to the complaint and whether a referral is appropriate. A very small number of cases are referred to the Honolulu Ethics Commission.

3. Miscellaneous Office Projects/Updates (12:38)

Executive Director Harris reported that he has not received an update from the Judicial Council on the submission of nominees to the Governor for appointment to the Ethics Commission. Commissioner Tobias continues to serve in a holdover capacity.

Agenda Item No. III: Discussion of Media Reports Concerning Ethics or the Ethics Commission Since the Last Meeting (13:22)

Executive Director Harris reported on two media mentions:

- August 10, 2025, Civil Beat article titled “Reducing Access To Voting Is Not The Way To Deal With Ballot Problems”
<https://www.civilbeat.org/2025/08/reducing-access-to-voting-is-not-the-way-to-deal-with-ballot-problems/>

- July 28, 2025, blog post by Ian Lind recalling the Commission’s investigation into Tom “Fat Boy” Okuda, referencing the Commission’s oversight role:
<https://www.ilind.net/2025/07/27/another-bit-of-hawaiis-colorful-history/>

Agenda Item No. IV: Discussion of Possible Legislative Proposals within the Commission’s Jurisdiction (14:34)

Executive Director Harris reported staff revisions to Commissioner Thielen’s draft bill, narrowing its application to state employees nominated by the Governor and confirmed by the Senate, with procurement authority over contracts exceeding \$100,000.

Deputy Attorney General Candace Park joined the discussion and requested to go into executive session to discuss portions of the proposed legislation.

Commissioner Thielen expressed support for the narrowed focus, emphasizing its goal of preventing “pay-to-play” practices.

RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE SESSION

At approximately 9:22 a.m. Chair Fong requested a motion to recess the public meeting and convene in executive session pursuant to Haw. Rev. Stat. § 92-5 (4) to consult with the Commission’s attorneys and/or the Department of Attorney General on questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities regarding the proposed legislation. Moved by Commissioner Thielen and seconded by Vice Chair Tobias. The motion passed unanimously with all Commissioners voting in the affirmative. (Fong, Thielen, Tobias, Hong, and Becker).

All members of the public were excused to the Zoom waiting room. The Commission met in executive session to obtain legal advice regarding the proposed legislation.

ADJOURNMENT OF EXECUTIVE SESSION AND RECONVENING OF SUNSHINE LAW MEETING

At approximately 10:03 a.m., the Commission reconvened the Sunshine Law Meeting.

Chair Fong requested a motion to approve the substance of the proposed bill and direct the staff to finalize the language for legislative introduction with regard to the following:

1. Including appointed officials;
2. Not include the judiciary;
3. Eliminate subsection 84-_(a) (4) in its entirety;
4. Consider the enforcement of attending fundraisers; and
5. Emphasize “pay-to-play” concerns in the preamble.

Commissioner Thielen moved to approve the motion as stated, seconded by Vice Chair Tobias. The motion passed unanimously with all Commissioners voting in the affirmative. (Fong, Thielen, Tobias, Hong, and Becker)

Agenda Item No. V: 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) (23:55)

Executive Director Harris reported that there are no updates. The matter remains pending before the Hawai'i Supreme Court.

Agenda Item No. VI: Adjournment of Sunshine Law Meeting (24:19)

At approximately 10:06 a.m., Commissioner Hong moved to adjourn with a second by Commissioner Becker. The motion passed unanimously.

The meeting was adjourned at 10:06 a.m.

Minutes approved on October 15, 2025.