

Dear Chair Patterson:

The Office of Information Practices (OIP) received a complaint from a member of the public alleging that the Hawaii Correctional Systems Oversight Commission's (the Board's) notice for its February 17, 2022 meeting stated that testifiers may submit written testimony "no later than 4:30 p.m. on Monday, February 14, 2022." The Sunshine Law does not allow for a deadline on the submission of written testimony. A board can request that members of the public submit written testimony before a certain date, but cannot require it and must still accept any written testimony on agenda items no matter how late it is submitted.

Additionally, Item IV, Legislature 2022 Updates, and Item V, Discussion of the Oversight Commission's Annual Report to the Legislature, should have more detailed descriptions. An agenda must describe the items a board intends to consider with sufficient detail and specificity to allow a member of the public to understand what the board intends to consider at the meeting and to decide whether to participate through oral or written testimony. An agenda item for a report, for example, must always specifically identify the subject matter of the report. A board cannot discuss, act on, or consider an issue being reported if that issue is not described with sufficient detail on the agenda. Please see OIP's [Agenda Guidance for Sunshine Law Boards \(Revised December 2021\)](#) for detailed instructions on how to write legally sufficient agenda items.

Thank you.

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