

SUNSHINE LAW MEETING
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

State of Hawaii

Date: Wednesday, July 22, 2015
Time: 10:00 a.m.
Place: Hawaii State Ethics Commission Conference Room
American Savings Bank Tower
1001 Bishop Street, Suite 960
Honolulu, Hawaii 96813

Present: State Ethics Commission Members

David O'Neal, Vice Chair
Susan N. DeGuzman, Commissioner
Ruth D. Tschumy, Commissioner
Melinda S. Wood, Commissioner
Reynaldo D. Graulty, Commissioner

State Ethics Commission Staff

Leslie H. Kondo, Executive Director
Susan D. Yoza, Associate Director
Nancy C. Neuffer, Staff Attorney
Virginia M. Chock, Staff Attorney
Bonita Y. Chang, Staff Attorney

Department of the Attorney General

Deputy Attorney General Robyn Chun

CALL TO ORDER

The meeting was called to order at approximately 10:00 a.m. by Vice Chair O'Neal.

Agenda Item No. I: Welcome New Commissioner Reynaldo D. Graulty

The Commission welcomed Commissioner Rey Graulty.

Agenda Item No. II: Election of Officers (Chair and Vice Chair)

The Commission elected Susan DeGuzman as Chair for the remainder of 2015. David O'Neal remained as Vice Chair for 2015.

Agenda Item No. III: Service Recognition: Staff Attorney Virginia M. Chock

The Commission recognized Staff Attorney Virginia M. Chock for 20 years of service with the State of Hawaii.

Agenda Item No. IV: Minutes: Consideration and Approval of the Minutes of the May 27, 2015, Meeting

Vice Chair O'Neal made and Commissioner Wood seconded a motion to approve the minutes of the May 27, 2015, Sunshine Law meeting. The motion carried unanimously (DeGuzman, O'Neal, Tschumy, Wood, and Graulty voting).

Agenda Item No. V: Minutes: Consideration and Approval of the Minutes of the May 27, 2015, Executive Session Meetings

Commissioner Tschumy made and Vice Chair O'Neal seconded a motion to approve the May 27, 2015, Executive Session minutes regarding the Performance Evaluation of Executive Director. The motion carried unanimously (DeGuzman, O'Neal, Tschumy, Wood, and Graulty voting).

Chair DeGuzman asked that the last sentence of the first paragraph on page 3 of the May 27, 2015, Executive Session minutes regarding Free Trips to Teachers Who Chaperone Student Educational Tours be amended to read as follows: "Staff Attorney Chock said that the problem is not with the parents or the students, but with teachers who will not be able to travel unless they receive a free trip."

Vice Chair O'Neal made and Commissioner Wood seconded a motion to approve the May 27, 2015, Executive Session minutes, as amended, regarding Free Trips to Teachers Who Chaperone Student Education Tours. The motion carried unanimously (DeGuzman, O'Neal, Tschumy, Wood, and Graulty voting).

RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE SESSION

At approximately 10:18 a.m., Vice Chair O'Neal made and Commissioner Wood seconded a motion to recess the Sunshine Law meeting and to convene an executive session pursuant to Hawaii 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. The motion carried unanimously (DeGuzman, O'Neal, Tschumy, Wood, and Gaulty voting).

Staff left the meeting at approximately 10:18 a.m.

EXECUTIVE SESSION

The Commission met in Executive Session with Deputy Attorney General Robyn Chun.

ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO THE SUNSHINE LAW MEETING

At approximately 10:38 a.m., Commissioner Tschumy made and Vice Chair O'Neal seconded a motion to adjourn the executive session and return to the Sunshine Law meeting. The motion carried unanimously (DeGuzman, O'Neal, Tschumy, Wood, and Gaulty voting).

At approximately 10:38 a.m., the Commission returned to the Sunshine Law meeting. Staff returned to the meeting at approximately 10:38 a.m.

Vice Chair O'Neal made and Commissioner Wood seconded a motion to approve the May 27, 2015, Executive Session minutes, as revised, regarding the Performance Evaluation of Executive Director. The motion carried unanimously (DeGuzman, O'Neal, Tschumy, Wood, and Gaulty voting).

Agenda Item No. VI: Minutes: Consideration and Approval of the Minutes of the June 17, 2015, Meeting

Vice Chair O'Neal made and Commissioner Tschumy seconded a motion to approve the minutes of the June 17, 2015, Sunshine Law meeting. The motion carried unanimously (DeGuzman, O'Neal, Tschumy, Wood, and Gaulty voting).

Agenda Item No. VII: Executive Director's Report

1. Education/Training

Executive Director Kondo said that ethics training sessions were recently held for the State Historic Preservation Division's State Historic Places Review Board, and the Department of Commerce and Consumer Affairs' Regulated Industries Complaint Office. Future scheduled ethics training sessions include: (1) general ethics training for state employees at the Mission Memorial Auditorium on August 18, 2015; (2) ethics training for members of state boards and commissions at the State Capitol Auditorium on August 26,

2015; and ethics training for the East Hawaii Regional Board of the Hawaii Health Systems Corporation in Hilo on August 25, 2015.

Executive Director Kondo said that staff will also present an ethics training session as part of the Governor's Boards and Commissions Office orientation session for new appointees, tentatively scheduled for August 24, 2015.

Executive Director Kondo said that ethics training sessions will be held on the neighbor islands every other year. Chair DeGuzman asked whether staff has considered video conferencing ethics training sessions to neighbor island facilities. Executive Director Kondo said that the Governor's Boards and Commissions Office explored video conferencing an orientation session to neighbor island facilities and determined that the neighbor islands do not have adequate facilities to accommodate video conferencing at this time. Executive Director Kondo said that although some form of online ethics training modules will be developed, these modules will not provide the benefits of interaction associated with live training.

2. Delinquent 2015 Financial Disclosure Filers

Staff Attorney Chang provided an update of the delinquent 2015 financial disclosure filers. The filing deadline for 2015 was June 1, 2015. Approximately 7% of employees and 37% of board/commission members have not yet filed their 2015 financial disclosure statements. During July and August, staff will follow up with each delinquent filer via a phone call and/or an email. Additionally, new employees and board/commission members are in the process of being notified of the financial disclosure filing requirement. Staff Attorney Chang said that there are a number of board/commission appointments that have not yet been made, and new appointments of board/commission members are expected to continue throughout the year.

Staff Attorney Chang said that a new Disclosure of Financial Interests FAQ flyer has been developed and will be distributed at the August ethics training sessions. In September 2015, fine notices will be issued to the remaining delinquent filers.

3. Peer News LLC, dba Civil Beat, vs. State Ethics Commission; Civil No. 14-1-2011-09 RAN

Associate Director Yoza said that this lawsuit was recently concluded and an Order was issued by Judge Nishimura finding that the lawsuit is now moot because the 2015 financial disclosure statements for the board members affected by Act 230 are now publicly available.

4. The High Road Newsletter

Executive Director Kondo noted that Issue 2015-2 of *The High Road Newsletter* was published in July 2015.

5. Society for Human Resource Management Annual Conference

Executive Director Kondo presented a report of his attendance at the 2015 Society for Human Resource Management Annual Conference held in Las Vegas, Nevada, from June 28 through July 1, 2015. He said he found the conference very interesting and thanked the Commission for the opportunity to attend.

6. 4th Quarter Financial Report, Fiscal Year 2014-15

Executive Director Kondo presented the 4th Quarter Financial Report for Fiscal Year 2014-15 to Commissioners for their information. Executive Director Kondo noted that the balance showing as of June 30, 2015, is returned to the general fund.

Agenda Item No. VIII: Gifts Disclosure Statements: Questionable Gifts; Overview of Gifts Disclosure Statements; consideration of Commission action with respect to gifts whose acceptance may violate the gifts law, HRS section 84-11.

Staff Attorney Neuffer said that June 30, 2015, was the deadline for state legislators and employees to file gifts disclosure reports with the Commission. Approximately 180 gifts disclosure reports were received and reviewed by staff.

Staff Attorney Neuffer said that some gifts raised questions as to whether they were acceptable under our gifts acceptance law. These were flagged by staff and categorized as: (1) flower arrangements; (2) gift baskets and other tangible gift items valued at over \$25; (3) meals provided to staff; (4) gifts from other state agencies, other state employees, or from other government sources; (5) books; and (6) tickets or invitations to food and drink events. Examples of the types of gifts reported within each category were reviewed. Staff Attorney Neuffer requested guidance as to how staff should proceed with these types of gifts.

Staff Attorney Neuffer discussed various options with respect to how staff might proceed with the questionable gifts, including: (1) contacting filers to obtain additional information and returning to the Commission for action; (2) sending a letter to individuals who accepted a questionable gift to remind them of the gifts law, identifying gifts that raise concerns and requesting that in the future the filer consult with our office before accepting these types of gifts; and (3) sending a memo along the lines of an ethics advisory to all legislators and state employees.

Commissioner Wood said that training should be scheduled for lobbyists to provide them clear guidance regarding gifts.

Commissioner Tschumy asked staff for its recommendation as to the type of action the Commission might take regarding gifts disclosures. Executive Director Kondo said that in the past, staff would have requested further information about questionable gifts and would likely take some type of action at either the Commission or staff level to address the gifts. Executive Director Kondo said that it was his understanding that the

Commission may be inclined to increase education efforts rather than proceed as an enforcement matter.

Executive Director Kondo discussed cross referencing gifts disclosures with the information included on reports filed by lobbyists and with legislative allowance reports filed by legislators.

Commissioner Graulty said that it would take substantial effort to follow up on every single gifts disclosure. He expressed concern with individuals that use their discretionary authority as a result of being gifted, and said the Commission should make it a priority to find out why a gift was given and to enforce the gifts law if it is determined that the gift was given to gain influence. Staff Attorney Neuffer said that staff's challenge with legislators is determining which gifts would fall into the category of influence.

Commissioner Tschumy said she believes the Commission should assist all state agencies, employees and legislators to correctly apply the State Ethics Code and if staff's analysis of the gifts disclosures reveals concerns in a particular area, an ethics advisory should be issued.

Commissioner Wood said she felt staff should review the gifts of high priced fundraiser tickets or events.

Executive Director Kondo requested the Commission provide guidance as to whether staff should continue to exercise its discretion on how to address different types of gifts. Executive Director Kondo said that staff can determine which gifts may require further information and which can be addressed with a guidance letter. He said that state employees and legislators, not lobbyists, are subject to the State Ethics Code. Although education regarding gifts should be directed to state employees and legislators, the lobbying law should also be reviewed to ensure that lobbyists are properly reporting expenditures.

Commissioner Graulty said staff should focus not only on the dollar amount of a gift, but on who is giving to whom and the reason for the gift.

Chair DeGuzman said that it appears there is a consensus that the Commission has sufficient confidence in staff to determine which gifts disclosure issues should be pursued for further information and which ones should be handled with a guidance letter. Chair DeGuzman said she is concerned about staff resources and recommended that staff focus on the types of gifts which may have been given to gain influence, as described by Commissioner Graulty.

Staff Attorney Neuffer said that following its review of the gifts disclosures, staff will bring any issues that it determines may require enforcement action to the Commission for consideration.

Agenda Item No. IX: Free Trips to Teachers Who Chaperone Student Educational Tours; Update and discussion regarding the application of State Ethics Code to free travel offered to teachers; Consideration of Commission action with respect to acceptance of free travel that appears to be in violation of the State Ethics Code.

Vice Chair O'Neal disclosed that his wife is employed by the Department of Education ("DOE") but is not involved in the chaperoned educational trips.

Commissioner Grauly disclosed that his wife is employed by the DOE but is not involved in the chaperoned educational trips.

Staff Attorney Chock discussed: (1) how the State Ethics Code applies to DOE teachers who are offered free trips from travel companies that they select; (2) how trips might be structured to avoid ethics concerns; and (3) how private funding for teachers trips, including fundraising, may raise additional ethics issues. Staff Attorney Chock said that she will also present staff's recommendations on how the Commission should deal with trips that have already occurred and trips that are yet to occur.

Staff Attorney Chock said that the State Ethics Code prohibits teachers from accepting a free trip from a travel company if the teacher is involved in the following activities: deciding on a trip destination; selecting a particular travel company to help organize the trip; selecting a particular tour package offered by the travel company or working with the travel company to develop an itinerary; promoting the trips to parents; and deciding which of the teachers are going to serve as chaperones on the trip.

Staff Attorney Chock provided examples of teacher chaperoned educational tours and discussed the provisions of the State Ethics Code that apply to the matter of teachers receiving free trips from travel companies:

Gifts Law, Hawaii Revised Statutes ("HRS") section 84-11
Gifts Reporting Law, HRS section 84-11.5
Fair Treatment Law, HRS section 84-13
Conflicts of Interests Law, HRS section 84-14(a)(2) and HRS section 84-14(d)

Executive Director Kondo said that ethics staff is not questioning the validity of the educational purpose of the trips. He said that it is the structure of the trips that raise conflicts issues and other issues under the State Ethics Code.

Staff Attorney Chock discussed how other states have addressed the issue of teachers receiving free trips from travel companies.

Staff Attorney Chock discussed how trips already planned and paid for by students might be restructured to be consistent with the State Ethics Code: (1) teachers pay for own trip; (2) the school or the DOE pays for teachers' trips; (3) use of substitutes for the original teacher chaperones.

Vice Chair O'Neal asked if the original teacher chaperones could be considered if they were not involved in selecting the travel company. Staff Attorney Chock said there

may still be concerns because even though a teacher chaperone may not have been directly involved in selecting the travel company, the teacher likely was involved in promoting the trip and thereby assisting the travel company.

Commissioner Graulty asked if the original teacher chaperones could be considered if their involvement was solely to provide parents with information regarding more than one travel company, and the decision regarding which travel company to use belonged to the parents.

Executive Director Kondo noted that Commissioner Graulty's suggestion is for trips going forward and those not yet planned, but explained that Staff Attorney Chock is speaking about trips that have already been planned and paid for.

Staff Attorney Chock presented staff's recommendations for the Commission's consideration pertaining to trips that have already occurred, trips that have not yet occurred, and private sources of funding for teacher's trips:

1. Completed Trips

- If teachers and other DOE employees have not already done so, they must inform the State Ethics Commission's staff of any free trips and other benefits they have received from travel companies since June 1, 2014.
- Teachers and other DOE employees must file gift disclosure statements to report all free trips and other benefits they received from travel companies since June 1, 2014.
- No enforcement action against teachers for accepting free trips and other benefits from travel companies if the trips are already completed.

2. Trips That Have Not Yet Occurred

- With respect to any and all trips that have not yet occurred, regardless of whether the trips are already planned and paid for, teachers are prohibited from accepting free trips from travel companies.

3. Private Sources of Funding for Teachers' Trips

- Teachers should contact the State Ethics Commission's staff for guidance prior to accepting private sources of funding, including fundraising, to pay for the trips.

Vice Chair O'Neal asked why staff is recommending that DOE employees contact ethics staff to inform them of trips received since June 1, 2014, if there is not going to be enforcement action. Vice Chair O'Neal said he felt this would be a drain on the resources of the ethics staff. Staff Attorney Chock said that DOE employees should inform ethics staff regarding trips so that staff can properly advise them whether the trip must be reported on a gifts disclosure. Staff Attorney Chock said filing a gifts disclosure form is not an enforcement action, but is something that at a minimum should be required to be filed.

Chair DeGuzman said that she agrees that requiring DOE employees to inform ethics staff of trips received since June 1, 2014, would be a drain on staff resources and that the Commission should only require this information moving forward. Commissioner Wood said that, since these trips have now come to our attention, the Commission should do something about them.

Executive Director Kondo said that these trips are gifts worth more than \$200 and should be reported. Staff suggests collecting trip information back to June 1, 2014, because it includes the most recent gifts reporting period. Executive Director Kondo said that trips are structured in many different ways. Requiring DOE employees to contact ethics staff allows staff to educate DOE employees as to whether the particular “travel model” for their trips would need to be restructured to comply with the State Ethics Code.

Commissioner Tschumy said that, although there are obvious changes that need to be made to the travel model to make it compliant with the State Ethics Code, she is disturbed that teachers are being made to look like they are the “bad guys.” Executive Director Kondo said that the Commission is trying to protect the teachers from violating the State Ethics Code by asking that the travel model be restructured.

Staff Attorney Chock said that the Commission cannot be in a position where it allows teachers to violate the State Ethics Code with respect to pending and future trips. Teachers are prohibited from accepting free trips, and the DOE must find a way to restructure the trips so that the teachers avoid violating the State Ethics Code.

Staff Attorney Chock said there are an infinite number of ways that a teacher’s trip might be funded from private resources, including fundraising. She said that teachers should seek advice before accepting any private sources of fundraising for trips.

Vice Chair O’Neal asked if it made a difference if the fundraiser was for everybody who was going on a trip versus just the teacher chaperone, and whether a school carnival would be an appropriate venue for this type of fundraising. Staff Attorney Chock said a school carnival may be a possible source of funds for teacher chaperones but that staff would need to talk about it further with those involved.

Staff Attorney Chock said that the State Ethics Code does not prohibit educational trips for students. The State Ethics Code does prohibit teachers from accepting free trips from travel companies due to the way the trips are currently structured, but this does not mean that the trip cannot occur. Staff Attorney Chock said the DOE must think about ways to restructure these trips to ensure that teachers are in compliance with the State Ethics Code. She added that ethics staff is available to provide assistance and guidance to the DOE.

Vice Chair O’Neal asked if there has been dialogue or meetings between the DOE and ethics staff regarding this travel matter. Staff Attorney Chock said that meetings are not occurring at this time.

Commissioner Gaulty said the Commission should take the position that no free trips can be accepted until restructured travel guidelines are developed. Vice Chair O'Neal said that the DOE has asked that trips planned prior to May 13, 2015, be exempt from the State Ethics Code.

Executive Director Kondo said that staff's recommendation is that trips that have not yet been taken are not exempt from the State Ethics Code, i.e., teachers cannot accept the free trip. For trips that have already occurred, staff recommends no administrative action and the filing of a gifts disclosure statement.

Staff Attorney Chock said that the Commission cannot exempt teachers from the State Ethics Code with respect to future trips. The DOE must restructure the trips to prevent the teachers from being in violation of the State Ethics Code and ethics staff continues to offer its assistance to the DOE regarding the restructuring of trips to avoid violations.

Vice Chair O'Neal stated that the Commission is not able to exempt teachers from the State Ethics Code, but the Commission has the discretion as to whether or not to enforce the State Ethics Code for a violation.

Chair DeGuzman said that the Commission received written testimony on this agenda item from the DOE. She said that she had not asked for public testimony on this agenda item earlier in order that testifiers would have the benefit of Staff Attorney Chock's presentation. Chair DeGuzman asked if there was anyone who wished to submit public testimony at this time.

Superintendent Kathryn Matayoshi thanked the Commission for allowing the DOE to hear Staff Attorney Chock's presentation. Superintendent Matayoshi addressed certain issues that she felt were fundamental to this matter.

Superintendent Matayoshi said that teachers do not have final decision on trips; the principal and the complex area superintendent must review and approve the trips. The teacher is involved in determining that the trip is appropriate for the subject matter being taught in the classroom. Superintendent Matayoshi said that one of the issues with substituting another teacher for a trip is the loss of alignment between the trip and the work being done in the classroom. She noted many unique issues, including the importance of selecting a tour provider that has the experience and ability to take care of students of various ages during the trip.

Superintendent Matayoshi said the DOE is asking that the teachers who are accepting a free trip in order to chaperone or supervise student travel, and not receiving any other benefits, be exempted from the enforcement of the State Ethics Code. Superintendent Matayoshi said that she does not feel it is realistic to ask teachers to pay for their own trip, and that issue may end up with a lot of trips being cancelled.

Superintendent Matayoshi said that the DOE budget is unable to cover teachers' trips. The DOE is looking at whether travel companies could provide funds directly to the

school to pay for the teacher's travel expenses, which the school would then pay the teacher.

Superintendent Matayoshi said the DOE agrees that gifts disclosure statements must be filed for free travel that was accepted for trips that already occurred.

Commissioner Wood said that it is very important that the DOE inform teachers that if they proceed as planned, the teachers will be violating state law. Commissioner Wood said that the DOE cannot protect the teachers without a better policy.

Chair DeGuzman said it is unfortunate that it has gotten to the point that teachers are feeling picked on, and that the Commission is viewed as the "bad guy." She explained that all the Commission is trying to do is enforce the law. Chair DeGuzman noted that the DOE does not appear to view the teachers as making the travel decisions because the travel has to be approved at the principal and complex area superintendent levels. Chair DeGuzman said that under the law, the teachers, in recommending a trip and seeking approval for the trip, have engaged in official action, which is a large part of why the teachers are prohibited from receiving a free trip.

Superintendent Matayoshi said that the DOE feels that it is important for the teacher to be involved in planning student travel to ensure it is the right trip for the students, but at the same time their involvement is considered a violation of the State Ethics Code. Superintendent Matayoshi asked how this issue could be resolved.

Chair DeGuzman asked if a teacher would recommend using a travel company that does not offer a free trip for the teacher. Superintendent Matayoshi said she did not know, but said that the school cannot pay for the teacher's travel.

Chair DeGuzman asked if a teacher would be in violation of the State Ethics Code if the teacher organized a trip but had another teacher accept the free travel.

Executive Director Kondo said that ethics staff has many concerns regarding student travel and that ethics staff is not the most knowledgeable about the education value of student travel or other factors that might be important to the teachers. Executive Director Kondo said that the DOE needs to come up with a restructured plan.

Superintendent Matayoshi said that the DOE is working on how to structure trips to meet the requirements of the law. Chair DeGuzman asked if it is possible for the DOE to develop a plan and present it to the Commission for review by ethics staff, who can then advise the DOE as to which components of the plan meet the requirements of the law and which do not meet the requirements of the law, and why. Chair DeGuzman said that the Commission has provided the DOE with information regarding what areas are problematic and what areas need to be fixed, but the Commission does not know every little nuance of what goes on at the DOE to be able to formulate a plan. She said that the DOE must formulate the plan.

Superintendent Matayoshi said that the DOE will be happy to talk further with ethics staff and will continue to work on a restructured plan.

Superintendent Matayoshi asked if the travel company would be allowed to give the funds they would have paid for the teachers travel to the school. Chair DeGuzman said that these are the type of proposals and solutions that the DOE needs to come up with as a concrete request so that ethics staff can provide the DOE with advice. Superintendent Matayoshi said that the DOE will discuss upcoming trips with ethics staff to ensure there is compliance with the State Ethics Code.

Commissioner Tschumy said that student trips have already been planned and the Commission is changing the rules of the game after people entered into the trips with certain expectations. Commissioner Tschumy said that for the trips that were planned, approved by the complex area, and deposits made, she would like the Commission to allow those trips to continue under the same rules under which educational trips have followed over the past 30 years. This way, the Commission would not be penalizing people who entered into a travel agreement with one assumption and making it impossible for them to get back their down payments for the trip.

Commissioner Wood said that she felt it would not be legal to allow a trip that is clearly in violation of the statute.

Staff Attorney Chock said that, based on the questionnaires that were submitted to ethics staff, the next trip coming up is in October 2015. Executive Director Kondo said that some of the trips the Superintendent is asking to be considered as exempt are for travel dates in 2017. Chair DeGuzman asked whether payments collected for the 2017 trips were nonrefundable. She also asked whether there was a deadline by which a certain number of students must sign up for a trip to guarantee that the trip would go forward. Superintendent Matayoshi said she did not know.

Chair DeGuzman asked if anyone had approached the travel companies to inform them of the current problems faced by the DOE with respect to the State Ethics Code, and whether the travel companies had indicated that there would be no reimbursement if trips did not go forward. Superintendent Matayoshi said that the travel companies are aware of the State Ethics Code issue in part because many people are not going ahead with their plans for a trip, but the travel companies have not been approached regarding specific trips.

Associate Director Yoza asked who is signing the contracts between the school and the travel companies. Superintendent Matayoshi said it would have to be the complex area superintendent. Executive Director Kondo asked whether there is a contract between the DOE and the travel company because staff's understanding is that the parents are paying the travel company directly and the teacher is helping facilitate payment directly to the travel company.

Vice Chair O'Neal asked if there could be some kind of a compromise where, although it would be a violation of the State Ethics Code, the Commission would not administer a penalty for trips planned before May 13, 2015. Chair DeGuzman said she had concerns with the proposed compromise to grant immunity up to a certain date

because the Commission does not have the facts that are necessary to determine whether a particular trip deserves immunity.

Executive Director Kondo said that ethics staff was aware of free travel that already had been accepted that likely violated the State Ethics Code, and recommended there not be a penalty. He said that there are upcoming trips where a violation has not yet occurred. Superintendent Matayoshi said that she understood that the act of planning a trip and taking a deposit is considered a violation. Executive Director Kondo said that, in his opinion, acceptance of the free trip is the key issue, and if the free travel is not accepted, the other actions taken by the teachers would be “non-violations.”

Commissioner Tschumy made and Vice Chair O’Neal seconded a motion that, with respect to student educational trips chaperoned by teachers, a long standing educational practice, all such trips planned prior to May 13, 2015, that students and/or parents have committed to and/or have made a monetary deposit for, be allowed to continue under current practices, while the process is being reviewed by the ethics staff and the DOE.

Vice Chair O’Neal asked if Commissioner Tschumy would be willing to amend the motion to say “all such trips planned for calendar year 2015.” Commissioner Tschumy said she would agree to amend the motion to say “all such trips planned for the academic year 2015-2016.”

Commissioner Tschumy made and Vice Chair O’Neal seconded a motion that with respect to student educational trips chaperoned by teachers, a long standing educational practice, all such trips planned for the academic year 2015-2016 that students and/or parents have committed to and/or have made a monetary deposit for, be allowed to continue under current practices, while the process is being reviewed by the ethics staff and the DOE. The motion failed (O’Neal and Tschumy voting aye; DeGuzman, Wood, and Graulty voting nay).

Vice Chair O’Neal made and Commissioner Tschumy seconded a motion that the Commission allow any trip that had been planned prior to May 13, 2015, that will be occurring prior to December 31, 2015, to continue under the current practices, without the Commission taking any enforcement action. The motion failed (O’Neal and Tschumy voting aye; DeGuzman, Wood, and Graulty voting nay).

Vice Chair O’Neal made and Commissioner Graulty seconded a motion that no enforcement action be taken by the Commission against teachers and other DOE employees for accepting free trips and other benefits from travel companies if the trips are already completed. The motion carried unanimously (DeGuzman, O’Neal, Tschumy, Wood, and Graulty voting).

Vice Chair O’Neal made and Commissioner Graulty seconded a motion that teachers and other DOE employees must file gifts disclosure statements to report all free trips and other benefits they received from travel companies since June 1, 2014. The motion carried unanimously (DeGuzman, O’Neal, Tschumy, Wood, and Graulty voting).

ADJOURNMENT

At approximately 1:44 p.m., Commissioner Wood moved and Vice Chair O'Neal seconded a motion to adjourn the Sunshine Law meeting. The motion carried unanimously (DeGuzman, O'Neal, Tschumy, Wood, and Gaulty voting).

The meeting was adjourned at approximately 1:44pm.

Minutes approved on _____.