

SUNSHINE LAW MEETING
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: Thursday, May 18, 2017
Time: 10:01 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

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

State Ethics Commission Staff

Daniel M. Gluck, Executive Director
Susan D. Yoza, Associate Director
Nancy C. Neuffer, Staff Attorney
Virginia M. Chock, Staff Attorney
Bonita Y.M. Chang, Staff Attorney
Kee M. Campbell, Staff Attorney
Pat Mukai, Secretary

CALL TO ORDER

The meeting was called to order at 10:01 a.m. by Chair Gaulty.

Agenda Item No. I: Consideration and Approval of the Minutes of the April 20, 2017, Meeting

Vice Chair O'Neal made and Commissioner Wood seconded a motion to approve the minutes of the April 20, 2017 Sunshine Law meeting. The motion carried unanimously (Gaulty, O'Neal, DeGuzman, Tschumy, and Wood voting).

Agenda Item No. II: Request for Advisory Opinion

Request for Advisory Opinion as to whether the Fair Treatment law, Hawaii Revised Statutes (“HRS”) § 84-13, permits a member of a state board or commission to submit an application to the same board/commission for a government benefit, where issuance of the benefit is not simply ministerial.

RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE SESSION

At 10:04 a.m., Commissioner Wood made and Commissioner Tschumy seconded a motion to convene an Executive Session pursuant to HRS §§ 92-5(a)(8) and 84-31(f) to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order. The motion carried unanimously (Grauldy, O’Neal, DeGuzman, Tschumy, and Wood voting).

The Commission met in Executive Session.

Commissioner Tschumy made and Vice Chair O’Neal seconded a motion to approve the revised Advisory Opinion. The motion carried unanimously (Grauldy, O’Neal, DeGuzman, Tschumy, and Wood voting).

RECESS OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW MEETING

At 10:39 a.m., Vice Chair O’Neal made and Commissioner Tschumy seconded a motion to recess the Executive Session and return to the Sunshine Law meeting. The motion carried unanimously (Grauldy, O’Neal, DeGuzman, Tschumy, and Wood voting).

An individual member of the public in attendance was provided an opportunity to testify on the matter from Executive Session, but declined to do so.

Agenda Item No. III: Executive Director’s Report

Executive Director Gluck provided some updated statistics on education/training and on 2017 financial disclosures (still 511 financial disclosures outstanding with a due date of May 31). Executive Director Gluck also provided a brief update on the electronic filing system, explaining that the process is moving ahead.

Regarding the personnel and staffing update, Executive Director Gluck stated that he and Associate Director Yoza have been conducting personnel evaluations of the Commission staff and that they are very pleased with the staff’s performance.

Executive Director Gluck then noted that the Executive Director job description states that the Executive Director is supposed to provide salary recommendations to the

Commission, and he asked the Commission whether it wanted to delegate this authority to the Executive Director or whether it wished to continue to review the Executive Director's recommendations.

The Commission discussed the matter. While the Commissioners generally agreed that the Executive Director has the knowledge of day-to-day activities necessary to make these kinds of personnel decisions, the Commission should first revise the Executive Director's job description. As such, the Commission asked Executive Director Gluck to submit a revised job description for consideration at the June 2017 Commission meeting and, in the interim, to present the Commission with his salary recommendations for staff.

RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE SESSION

At approximately 10:55 a.m., Commissioner Tschumy made and Commissioner DeGuzman seconded a motion to convene an Executive Session pursuant to HRS § 92-5(a)(2) to discuss matters relating to the evaluation of employees or HRS § 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 (Graulty, O'Neal, DeGuzman, Tschumy, and Wood voting).

The Commission met in Executive Session. The Commission unanimously approved a motion to approve the proposed salary schedule for staff (Graulty, O'Neal, DeGuzman, Tschumy, and Wood voting).

ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW MEETING

At approximately 10:58 a.m. Commissioner DeGuzman 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 (Graulty, O'Neal, DeGuzman, Tschumy, and Wood voting).

Executive Director Gluck provided an update regarding other office projects, including renovation of the office for the Commission's investigator, education initiatives, and the Commission's records retention policy.

Agenda Item No. IV: Legislative Update

Executive Director Gluck reported that three ethics bills passed the legislature and are pending Governor Ige's review, and that he has requested a signing ceremony for this legislation. Commissioner DeGuzman asked about the effective date of HB 852,

regarding the Commission's communications with individuals who miss the deadline to file their financial disclosures. Executive Director Gluck stated he believed the bill to be effective upon approval, but that staff would likely still need to follow the existing (and cumbersome) procedures for notifying individuals of delinquent filings this year.

Executive Director Gluck also reported on the technology transfer bills. Executive Director Gluck stated that he had not asked Governor Ige to veto the bills and that he was not inclined to do so. The Commission discussed this issue but did not take any further action.

Executive Director Gluck also discussed HB165 regarding the treatment of board packets, and that even though this bill was not yet signed into law, the Commission would begin following its procedures forthwith.

Agenda Item No. V: Administrative Rules

The Commission discussed the outline prepared by the Commission staff on possible topics to include in the Commission's proposed administrative rules. The Commission raised several questions regarding individual topics, but rather than discussing each item in detail, the Commission advised the staff to proceed with drafting rules in accordance with this general list of topics.

An individual member of the public in attendance (Corie Tanida from Common Cause Hawaii) was provided an opportunity to testify on any matters before the Commission; she offered her congratulations to the Commission on passing its legislation this year but otherwise did not have testimony for the Commission.

ADJOURNMENT OF SUNSHINE LAW MEETING

At 11:21 a.m., Commissioner DeGuzman made and Commission Wood seconded a motion to adjourn the Sunshine Law meeting. The motion carried unanimously (Grauly, O'Neal, DeGuzman, Tschumy, and Wood voting).

The meeting was adjourned at 11:21 a.m.

Minutes approved on: June 22, 2017