

SUNSHINE LAW MEETING
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: Thursday, March 29, 2018

Time: 9:30 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

Reynard D. Graulty, Chair
Ruth D. Tschumy, Vice Chair
David O'Neal, 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

Excused: Susan N. DeGuzman, Commissioner

CALL TO ORDER

The meeting was called to order at 9:30 a.m.

Agenda Item No. I: Consideration and Approval of the Minutes of the February 22, 2018, Meeting

Vice Chair Tschumy made and Commissioner O'Neal seconded a motion to approve the minutes of the February 22, 2018 Sunshine Law meeting. The motion carried unanimously (Graulty, Tschumy, O'Neal, and Wood voting).

Agenda Item II: Consideration and Approval of the Executive Session Minutes of the February 22, 2018, Meeting (Regarding Evaluation of Executive Director Daniel Gluck)

Commissioner O'Neal made and Vice Chair Tschumy seconded a motion to approve the minutes of the February 22, 2018 Executive Session. The motion carried unanimously (Graulty, Tschumy, O'Neal, and Wood voting).

Agenda Item No. III: Executive Director's Report

The Commission had no questions regarding the February Education/Training Report or the Guidance and Assignment statistics.

The Commission discussed expenses for the 50th anniversary events. Chair Graulty stated his belief that the reception to be held at the Capitol following the Proclamation ceremonies should be an official Commission expense and covered by the Commission's budget. Executive Director Gluck stated that the food purchased for the event was quite modest, including sandwiches and a cake from Safeway. He suggested that he and the rest of the staff tally up the total expenses and examine the budget to determine whether the Commission has any funds available to defray some of the expenses, and that the Commission consider the matter at the April meeting.

Agenda Item No. IV: Legislative Update

Executive Director Gluck provided an update on ethics legislation pending at the Legislature.

Agenda Item No. V: Administrative Rules

1. Revised proposed amendments to Hawaii Administrative Rules, Title 21, Chapters 1-3

Associate Director Yoza explained that the current redlined draft of Chapters 1-3 represented the last draft reviewed by the Commission with proposed edits by staff.

Commissioner O'Neal made and Vice Chair Tschumy seconded a motion to approve the revised proposed amendments to Hawaii Administrative Rules, Title 21, Chapters 1-3. The motion carried unanimously (Graulty, Tschumy, O'Neal, and Wood voting).

2. Discussion of Report from Permitted Interaction Group regarding proposed amendments to Hawaii Administrative Rules, Title 21, Chapters 4-6.

Chair Gaulty stated that the only area of concern was the process for Commissioners to agree to, or dissent from, settlement agreements. The Commission discussed the issue, and concluded that the best process would be for one Commissioner (the Chair, Vice Chair, or most senior Commissioner) to sign the settlement agreement, after which the Resolution of Investigation or Resolution of Charge document would be issued without being signed by the Commission.

Vice Chair Tschumy made and Commissioner O'Neal seconded a motion to approve the report from the Permitted Interaction Group regarding proposed amendments to Hawaii Administrative Rules, Title 21, Chapters 4-6, as amended to include the proposal on settlement agreements discussed above. The motion carried unanimously (Gaulty, Tschumy, O'Neal, and Wood voting).

Chair Gaulty also reported that the Permitted Interaction Group ("PIG") completed its review of Chapters 7, 8, and 9, but that this item was not listed on the Sunshine Agenda for this month's meeting. Associate Director Yoza reported that she consulted with the Office of Information Practices ("OIP") as to whether the PIG could present its report to the Commission at this month's meeting, but OIP advised that this item be placed on the agenda for the next Commission meeting.

Agenda Item No VI: Summary of Staff Evaluation of Executive Director Daniel Gluck

RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE SESSION

At 9:55 a.m., Commissioner Wood made and Vice Chair Tschumy seconded a motion to convene an Executive Session pursuant to Hawaii Revised Statutes section 92-5(a)(2) to discuss matters relating to the evaluation of an employee.

All staff left the meeting at approximately 9:55 a.m.

The Commission met in Executive Session.

Vice Chair Tschumy made and Commissioner O'Neal seconded a motion to accept the Summary of Staff Evaluation of Executive Director Daniel Gluck. The motion carried unanimously (Gaulty, Tschumy, O'Neal, and Wood voting).

At 10:02 a.m., Executive Director Gluck entered the Executive Session and met with the Commission.

ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW MEETING

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

ADJOURNMENT OF SUNSHINE LAW MEETING

At 10:10 a.m., Commissioner O'Neal made and Vice Chair Tschumy seconded a motion to adjourn the Sunshine Law meeting. The motion carried unanimously (Graulty, Tschumy, O'Neal, and Wood voting).

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

Minutes approved on: April 19, 2018