

SUNSHINE LAW MEETING
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: Thursday, February 22, 2018
Time: 10:03 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. Graulty, Chair
Ruth D. Tschumy, Vice Chair
Susan N. DeGuzman, Commissioner
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
Pat K. Mukai, Secretary

CALL TO ORDER

The meeting was called to order at 10:03 a.m.

Agenda Item No. I: Consideration and Approval of the Minutes of the January 18, 2018, Meeting

Vice Chair Tschumy made and Commissioner DeGuzman seconded a motion to approve the minutes of the January 18, 2018, Sunshine Law Meeting. The motion carried unanimously (Graulty, Tschumy, DeGuzman, O'Neal, and Wood voting).

Agenda Item No. II: Executive Director's Report

Education / Training Report

Executive Director Gluck reported that the staff have received numerous requests for training and would be scheduling trainings over the next few months, including several trainings on the neighbor islands.

Guidance and Assignment Statistics – January 2018

Attachment – 2018 guidance and assignment statistics

Executive Director Gluck referred to the attachment and noted a heavier than average influx of attorney-of-the-day calls in January.

Financial Report – 2018 October-December (Second Quarter)

Attachment – 2017 Q2 Financial Report

Executive Director Gluck reported that the Commission was well under budget. He further reported that, pursuant to the terms of the recently renegotiated office lease, the Commission had funds available for office improvements and that staff were researching possible projects.

Miscellaneous Office Projects / Updates

a. Electronic Filing System

Executive Director Gluck reported that the e-filing system was up and running for financial disclosure statements and that nearly all legislators used the new system to file their disclosures. He reported that the rollout has gone very well and that staff has done an excellent job fielding calls from state officials with questions on how to file. He also stated that the staff would be issuing notices for other employees and board/commission members. He and Staff Attorney Chang reported that both the candidate disclosure filing system and the gifts disclosure system were also available now.

Commissioner DeGuzman asked what happens if someone files a paper disclosure statement; Executive Director Gluck answered that, for now, we are accepting those filings and there will be two different systems where the public can view reports for the time being (the old system and the new system). After this transition period, we should be able to move to a practice where everyone files using the new e-filing system. Commissioner DeGuzman then asked whether we would phase out the paper filing system; Executive Director Gluck responded that one of the proposals in the draft administrative rules would allow the Commission to require electronic filing of financial disclosure forms. He added that he expected some period of transition but

after completing the filing process once, it should be easier for filers to complete the process with fewer questions in the future.

Commissioner Wood asked about the uptick in training, and whether that could be attributed to news stories regarding the Commission's work. Executive Director Gluck said that he could not answer as to the reasons for the requests; both Commissioner Wood and Executive Director Gluck said they were pleased with the numbers of requests for training.

b. 50th Anniversary Events

Executive Director Gluck outlined the tentative plan to have the Commission meet at 9:30 a.m. on March 29 (subject to a vote later in this meeting's agenda), followed by a floor presentation by the Hawaii State Senate at 11:30 a.m. There was a discussion regarding inviting former Commissioners and staff. There was then a discussion of having a light reception at the Capitol following the floor presentation; all five Commissioners volunteered to contribute some funds to help cover the cost of the food.

Agenda Item No. III: Legislative Update

Executive Director Gluck gave an update on the status of the Commission's proposed legislation and other bills as listed on the agenda. Among other things, he reported that the budget bill has already been approved by the Governor, and that it includes some extra funds for computer software and computer consulting. Executive Director Gluck also noted that he submitted testimony on behalf of the Commission supporting SB 2735, which provides additional resources for the Office of Information Practices.

Agenda Item No. IV: Administrative Rules

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

Chair Graulty explained that this was not included as part of the Report of the Permitted Interaction Group (PIG), but that these rules – with some additional proposed amendments – were being provided for the Commission's reference as it considers the PIG's report on Chapters 4-6. Associate Director Yoza explained that the staff planned to finish drafting all the chapters and after the PIG has reviewed everything and reported back to the Commission, there can be a full discussion of all the rules by the Commission.

Executive Director Gluck explained that the staff would be providing the PIG with chapters 7-9 for review shortly, and that after the PIG had an opportunity to review and report on chapters 7-10 (the final chapters), the Commission would have an opportunity to review the entire set (chapters 1-10).

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

The PIG presented its report on Chapters 4-6 to the full Commission. Vice Chair Tschumy made and Commissioner Wood seconded a motion to accept the PIG report for Chapters 4-6. The motion carried unanimously (Graulity, Tschumy, DeGuzman, O'Neal, and Wood voting).

Agenda Item No V: Evaluation of Executive Director Daniel Gluck

RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE SESSION

At 10:36 a.m., Vice Chair Tschumy made and Commissioner O'Neal seconded a motion to convene an Executive Session pursuant to HRS § 92-5(a)(2) to discuss matters relating to the evaluation of an employee; § 92-5(a)(4) to consult with Commission's attorneys on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities; § 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 (Graulity, Tschumy, DeGuzman, O'Neal, and Wood voting).

Commissioner O'Neal asked Executive Director Gluck whether he wished to proceed in Executive Session or in open session, and Executive Director Gluck stated that he wished to proceed in Executive Session. Chair Graulity asked whether Executive Director Gluck had an opinion as to whether the other attorneys would remain for Executive Session; he stated he would leave that decision to the Commission's discretion, and Chair Graulity suggested that the rest of the staff leave during the discussion.

Staff left the meeting at approximately 10:36 a.m.

The Commission met with Executive Director Gluck in Executive Session

ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW MEETING

At 11:14 a.m., Commissioner Wood made and Commissioner O'Neal seconded a motion to adjourn the Executive Session and return to the Sunshine Law meeting. The motion carried unanimously (Graulty, Tschumy, DeGuzman, O'Neal, and Wood voting).

Agenda Item No. VI: Re-scheduling of March 22, 2018 Commission Meeting

Commissioner O'Neal made and Commissioner Wood seconded a motion to re-schedule the March 22, 2018 Commission Meeting to March 29, 2018 at 9:30 a.m. The motion carried unanimously (Graulty, Tschumy, DeGuzman, O'Neal, and Wood voting).

ADJOURNMENT OF SUNSHINE LAW MEETING

At 11:16 a.m., Commissioner DeGuzman made and Commissioner O'Neal seconded a motion to adjourn the Sunshine Law meeting. The motion carried unanimously (Graulty, Tschumy, DeGuzman, O'Neal, and Wood voting).

The meeting was adjourned at 11:16 a.m.

Minutes approved on: March 29, 2018