

SUNSHINE LAW MEETING
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: Thursday, August 16, 2018

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

Reynard D. Graulty, Chair
Ruth D. Tschumy, Vice Chair
Susan N. DeGuzman, Commissioner
Melinda S. Wood, Commissioner
Wesley F. Fong, 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

CALL TO ORDER

The meeting was called to order at 10:05 a.m.

Agenda Item No. I: Consideration and Approval of the Minutes of the July 19, 2018 Meeting

Vice Chair Tschumy made and Commissioner Fong seconded a motion to approve the minutes of the July 19, 2018 meeting. The motion carried. (Graulty, Tschumy, DeGuzman, and Fong voting; Wood abstaining).

Agenda Item No. II: Consideration and Approval of the Executive Session Minutes of the July 19, 2018 Meeting (Regarding Discussion of Akana v. Hawaii State Ethics Commission, Civil No. 18-1-1019-06 (JHA))

Commissioner DeGuzman recommended one grammatical change to the proposed minutes.

Commissioner DeGuzman made and Vice Chair Tschumy seconded a motion to approve the minutes of the July 19, 2018 Executive Session, as amended. The motion carried (Graulty, Tschumy, DeGuzman, and Fong voting; Wood abstaining).

Agenda Item III: Akana v. Hawaii State Ethics Commission, Civil No. 18-1-1019-06 (JHA)

Executive Director Gluck reported that Defendants filed a Motion to Dismiss the Complaint; Plaintiff filed a First Amended Complaint, and Defendants filed a Motion to Dismiss the First Amended Complaint. A hearing on the Motion to Dismiss is scheduled for October 10, 2018 at 8:30 a.m. before Judge Ashford.

Commissioner Fong asked for Executive Director Gluck's assessment of the Motion to Dismiss. Executive Director Gluck recommended that the Commission discuss the matter in Executive Session.

At 10:07 a.m., Commissioner Fong made and Vice Chair Tschumy seconded a motion 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 (Graulty, Tschumy, DeGuzman, Wood, and Fong voting).

The Commission met in Executive Session.

At 10:12 a.m., Commissioner Fong made and Commissioner DeGuzman seconded a motion to adjourn the Executive Session and return to the Sunshine Law meeting. The motion carried unanimously (Graulty, Tschumy, DeGuzman, Wood and Fong voting).

Agenda Item No. IV: Executive Director's Report

Education / Training Report; Guidance and Assignment Statistics

Executive Director Gluck reported that staff have many trainings scheduled for the last four months of the year. He further stated that the Commission still has a steady amount of work relating to requests for guidance and other assignments.

2018 Candidate Financial Disclosure Statements

Executive Director Gluck reported that there were 202 candidates for state office: 192 of those have filed their candidate financial disclosure statements, though some of those were late. Executive Director Gluck stated that he believed all 10 of those individuals who had not yet filed their disclosures lost in the primary election, and that staff are still working to get those last reports in.

2018 Financial Disclosure Statements

Executive Director Gluck reported that there are still 235 filers whose statements have not yet been submitted; of those, there are 61 employees and 174 board/commission members, many of whom are initial filers. Staff are still working to get those reports in expeditiously.

Commissioner Fong asked about the amount of the fine imposed on non-filers, and Executive Director Gluck explained the statutory penalty structure. Chair Gaulty asked whether we had information on the number of people who accessed the forms online after they had been filed; Executive Director Gluck said he would research the matter and get back to the Commission.

Miscellaneous Office Projects / Updates

Executive Director Gluck reported that the Commission's Investigator, John Tsukayama, would be leaving the Commission at the end of the month. He stated that the hiring process for a replacement was underway.

Executive Director Gluck also stated that Chair Gaulty, Commissioner Wood, and Commissioner Fong would be attending the 2018 COGEL Conference in Philadelphia, along with Executive Director Gluck, Staff Attorney Chang, and Staff Attorney Campbell.

ADJOURNMENT OF SUNSHINE LAW MEETING

At 10:20 a.m., Commissioner Fong made and Commissioner DeGuzman seconded a motion to adjourn the Sunshine Law meeting. The motion carried unanimously (Gaulty, Tschumy, DeGuzman, Wood, and Fong voting).

The meeting was adjourned at 10:20 a.m.

Minutes approved on: September 21, 2018