

SUNSHINE LAW MEETING



HAWAII STATE ETHICS COMMISSION

State of Hawaii · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawaii 96813
50th ANNIVERSARY 1968-2018

NOTICE OF MEETING OF THE HAWAII STATE ETHICS COMMISSION

Date: September 21, 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

A G E N D A

CALL TO ORDER

- I. Consideration and Approval of the Minutes of the August 16, 2018 Meeting
- II. Consideration and Approval of the Executive Session Minutes of the August 16, 2018 Meeting (Regarding Discussion of Akana v. Hawaii State Ethics Commission, Civil No. 18-1-1019-06 (JHA))

The Commission may 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.

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

Discussion of case status.

The Commission may 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.

IV. Executive Director's Report

1. Education / Training Report
2. Guidance and Assignment Statistics – August 2018

Attachment 2: 2018 Guidance and Assignment Statistics / Website Traffic

3. 2018 Candidate Financial Disclosure Statements
4. Miscellaneous Office Projects / Updates
 - a. Hiring of Investigator
 - b. Hiring of Office Manager / Secretary

V. Adjournment

If you require an accommodation because of a disability, please contact the Hawaii State Ethics Commission by telephone at (808) 587-0460, by facsimile at (808) 587-0470 (fax), or via email at ethics@hawaiiethics.org.

Any interested person may submit data, views, or arguments in writing to the Commission on any agenda item. An individual or representative wishing to testify may notify any staff member of the Commission prior to the meeting or, during the meeting itself, may inform a Commissioner or Commission staff of a desire to testify. Testimony must be related to an item that is on the agenda, and the testifier shall identify the agenda item to be addressed by the testimony.

SUNSHINE LAW MEETING
AGENDA ITEM I

MINUTES: CONSIDERATION AND APPROVAL OF THE MINUTES OF THE
AUGUST 16, 2018 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the August 16, 2018 Hawaii
State Ethics Commission Meeting

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).

1 **Agenda Item No. II: Consideration and Approval of the Executive Session**
2 **Minutes of the July 19, 2018 Meeting (Regarding Discussion of Akana v. Hawaii**
3 **State Ethics Commission, Civil No. 18-1-1019-06 (JHA))**
4

5 Commissioner DeGuzman recommended one grammatical change to the
6 proposed minutes.
7

8 Commissioner DeGuzman made and Vice Chair Tschumy seconded a motion to
9 approve the minutes of the July 19, 2018 Executive Session, as amended. The motion
10 carried (Graulty, Tschumy, DeGuzman, and Fong voting; Wood abstaining).
11

12
13 **Agenda Item III: Akana v. Hawaii State Ethics Commission, Civil No. 18-1-1019-06**
14 **(JHA)**
15

16 Executive Director Gluck reported that Defendants filed a Motion to Dismiss the
17 Complaint; Plaintiff filed a First Amended Complaint, and Defendants filed a Motion to
18 Dismiss the First Amended Complaint. A hearing on the Motion to Dismiss is scheduled
19 for October 10, 2018 at 8:30 a.m. before Judge Ashford.
20

21 Commissioner Fong asked for Executive Director Gluck's assessment of the
22 Motion to Dismiss. Executive Director Gluck recommended that the Commission
23 discuss the matter in Executive Session.
24

25 At 10:07 a.m., Commissioner Fong made and Vice Chair Tschumy seconded a
26 motion to convene an Executive Session pursuant to Hawaii Revised Statutes section
27 92-5(a)(4) to consult with the Commission's attorneys on questions and issues
28 pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.
29 The motion carried unanimously (Graulty, Tschumy, DeGuzman, Wood, and Fong
30 voting).
31

32 The Commission met in Executive Session.
33

34 At 10:12 a.m., Commissioner Fong made and Commissioner DeGuzman
35 seconded a motion to adjourn the Executive Session and return to the Sunshine Law
36 meeting. The motion carried unanimously (Graulty, Tschumy, DeGuzman, Wood and
37 Fong voting).
38
39

40 **Agenda Item No. IV: Executive Director's Report**
41

42 *Education / Training Report; Guidance and Assignment Statistics*
43

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

1 *2018 Candidate Financial Disclosure Statements*

2
3 Executive Director Gluck reported that there were 202 candidates for state office:
4 192 of those have filed their candidate financial disclosure statements, though some of
5 those were late. Executive Director Gluck stated that he believed all 10 of those
6 individuals who had not yet filed their disclosures lost in the primary election, and that
7 staff are still working to get those last reports in.

8
9 *2018 Financial Disclosure Statements*

10
11 Executive Director Gluck reported that there are still 235 filers whose statements
12 have not yet been submitted; of those, there are 61 employees and 174
13 board/commission members, many of whom are initial filers. Staff are still working to
14 get those reports in expeditiously.

15
16 Commissioner Fong asked about the amount of the fine imposed on non-filers,
17 and Executive Director Gluck explained the statutory penalty structure. Chair Graulty
18 asked whether we had information on the number of people who accessed the forms
19 online after they had been filed; Executive Director Gluck said he would research the
20 matter and get back to the Commission.

21
22 *Miscellaneous Office Projects / Updates*

23
24 Executive Director Gluck reported that the Commission's Investigator, John
25 Tsukayama, would be leaving the Commission at the end of the month. He stated that
26 the hiring process for a replacement was underway.

27
28 Executive Director Gluck also stated that Chair Graulty, Commissioner Wood,
29 and Commissioner Fong would be attending the 2018 COGEL Conference in
30 Philadelphia, along with Executive Director Gluck, Staff Attorney Chang, and Staff
31 Attorney Campbell.

32
33
34 **ADJOURNMENT OF SUNSHINE LAW MEETING**

35
36 At 10:20 a.m., Commissioner Fong made and Commissioner DeGuzman
37 seconded a motion to adjourn the Sunshine Law meeting. The motion carried
38 unanimously (Graulty, Tschumy, DeGuzman, Wood, and Fong voting).

39
40 The meeting was adjourned at 10:20 a.m.

41
42
43
44 Minutes approved on: _____

SUNSHINE LAW MEETING
AGENDA ITEM III

AKANA v. HAWAII STATE ETHICS COMMISSION, CIVIL NO. 18-1-1019-06 (JHA)

Discussion of case status.

The Commission may 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.

SUNSHINE LAW MEETING
AGENDA ITEM IV

EXECUTIVE DIRECTOR'S REPORT

Attachment 1: Executive Director's Report

Attachment 2: 2018 Guidance and Assignments Statistics

SUNSHINE MEETING
AGENDA ITEM IV
EXECUTIVE DIRECTOR'S REPORT
September 21, 2018

1. Education / Training Report

a. Recently held trainings/presentations:

Ethics Training – University of Hawai'i at Mānoa
Tuesday, August 28, 2018
10:00 a.m. – 11:30 a.m.
Kuykendall Auditorium
1733 University Avenue
Honolulu, Hawai'i
50 attendees

General Ethics Training – Kona
Friday, September 7, 2018
10:00 a.m. – 11:30 a.m.
Natural Energy Laboratory of Hawai'i Authority (NELHA)
Hale Iako Training Classroom, Room #119
74-4460 Queen Ka'ahumanu Highway, #101
Kailua-Kona, Hawai'i
22 attendees

b. Upcoming trainings/presentations:

General Ethics Training – Kapolei
Thursday, September 27, 2018
10:00 a.m. – 11:30 a.m.
University of Hawaii at West O'ahu
91-1001 Farrington Highway
Kapolei, Hawai'i

General Ethics Training – Hawai'i Tourism Authority
Thursday, September 27, 2018
9:30 a.m. – 10:30 a.m.
Hawai'i Convention Center
1801 Kalākaua Avenue
Honolulu, Hawai'i

General Ethics Training – O‘ahu
Tuesday, October 23, 2018
9:30 a.m. – 11:00 a.m.
Mission Memorial Auditorium
550 South King Street
Honolulu, Hawai‘i

General Ethics Training – Maui
Friday, October 26, 2018
10:00 a.m. – 11:30 a.m.
University of Hawai‘i Maui College
310 W. Ka‘ahumanu Avenue
Kahului, Hawai‘i

DOE Introduction and Training - Maui
Friday, October 26, 2018
1:00 p.m. – 4:00 p.m.
Pu‘unēnē School – Library
Pu‘unēnē, Hawai‘i

Kapiolani Community College Ethics Training
Friday, November 2, 2018
4303 Diamond Head Road
Ohia 118 Auditorium
Honolulu, Hawaii
10:00 a.m. – 11:30 a.m.

Ethics Training for Charter Schools Governing Boards
Tuesday, November 13, 2018
State Office Tower, Room 204
Honolulu, Hawaii
9:00 a.m.

Ethics Training for State Government Attorneys
Monday, December 3, 2018
9:30 a.m. – 11:00 a.m.
State Capitol Auditorium
415 South Beretania Street
Honolulu, Hawai‘i

Ethics Refresher Course
Wednesday, December 5, 2018
10:00 a.m. – 11:30 a.m.
State Capitol, Room 423
415 South Beretania Street
Honolulu, Hawai‘i

General Ethics Training – Hilo
Monday, December 17, 2018
10:00 a.m. – 11:30 a.m.
University of Hawai'i – Hilo Campus
UCB 100
200 W. Kāwili Street
Hilo, Hawai'i

2. Guidance and Assignment Statistics – August 2018

Attachment 2: 2018 guidance and assignment statistics

3. 2018 Candidate Financial Disclosure Statements

4. Miscellaneous Office Projects / Updates

- a. Hiring of Investigator
- b. Hiring of Office Manager/Secretary

2018	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Year to date
Training statistics													
# of Trainings	3	1	4	1	3	3	0	1					16
# of People Trained	75	6	197	100	267	126	0	50					821
Attorney of the Day	128	61	74	91	119	90	89	85					737
New assignments													
Advisory Opinion	1	0	0	0	1	2	0	0					4
Complaint	5	10	8	4	6	8	3	11					55
Gifts/Invitations/Travel	13	13	9	21	17	17	20	22					132
Guidance	11	7	2	3	4	4	6	7					44
Judicial Selection Comm'n	3	5	3	1	1	0	3	4					20
Training Request	0	4	1	2	1	0	0	1					9
Record Request	1	2	0	3	0	0	2	1					9
Project/Other	4	2	1	2	2	1	5	2					19
Total	38	43	24	36	32	32	39	48	0	0	0	0	292
Closed Assignments													
Advisory Opinion	0	1	0	1	0	0	0	1					3
Complaint	4	2	9	3	24	2	5	20					69
Gifts/Invitations/Travel	16	7	3	10	26	2	36	32					132
Guidance	5	5	3	1	8	1	3	6					32
Judicial Selection Comm'n	0	0	0	0	7	0	1	9					17
Training Request	0	0	1	1	1	1	0	2					6
Record Request	0	2	1	1	1	1	1	2					9
Project/Other	6	2	2	1	4	4	0	3					22
Total	31	19	19	18	71	11	46	75	0	0	0	0	290

Dataset Views

Disclosures	115	116	190	213	435	191	222	135						1,617
Lobbyist Registrations	268	301	315	323	360	180	195	168						2,110
Organization Expenditures	119	72	195	146	239	124	96	69						1,060
Lobbyist Expenditures	118	67	157	129	221	130	85	84						991
Ethics Advice	79	61	152	115	124	72	52	94						749
Total	699	617	1009	926	1379	697	650	550	0	0	0	0		6,527