

SUNSHINE LAW MEETING
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: Wednesday, November 14, 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

Deputy Attorney General

Robyn Chun

CALL TO ORDER

The meeting was called to order at 10:00 a.m.

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

Vice Chair Tschumy made and Commissioner DeGuzman seconded a motion to approve the minutes of the October 18, 2018 Sunshine Meeting. The motion carried (Tschumy, DeGuzman, Wood, and Fong voting; Graulty abstaining).

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

Vice Chair Tschumy made and Commissioners Fong and DeGuzman seconded a motion to approve the minutes of the October 18, 2018 Executive Session. The motion carried (Tschumy, DeGuzman, Wood, and Fong voting; Graulty abstaining).

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

Executive Director Gluck discussed the case status and upcoming briefing deadlines.

RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE SESSION

At 10:05 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.

ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO THE SUNSHINE MEETING

At 10:16 a.m., Commissioner Fong 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, DeGuzman, Wood, and Fong voting).

The Commission adjourned the Executive Session at 10:16 a.m. and returned to the Sunshine Law meeting.

Agenda Item No. IV: Akana v. Hawaii State Ethics Commission and Daniel Gluck, Civil No. 18-1-1665-10 (KKH) (appeal)

Associate Director Yoza suggested that the Commission meet in executive session to discuss this case.

RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE SESSION

At 10:17 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)(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). Executive Director Gluck and Staff Attorneys Chang, Chock, and Neuffer, serving as charge counsel in the matter of Ethics Commission case, Hawaii State Ethics Commission v. Rowena Akana, COMPL-C-15-00236, recused themselves from this matter and left the room.

The Commission met in Executive Session.

ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO THE SUNSHINE MEETING

At 10:59 a.m., Commissioner DeGuzman 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, DeGuzman, Wood, and Fong voting).

The Commission adjourned the Executive Session at 10:59 a.m. and returned to the Sunshine Law meeting. Executive Director Gluck and Staff Attorneys Chang, Chock, and Neuffer returned to the meeting.

Agenda Item No. V: Executive Director's Report

Education / Training Report

Executive Director Gluck reported that several trainings were scheduled in November and December 2018, and that training numbers may be down in 2018 compared to 2017.

Guidance and Assignment Statistics – October 2018

Attachment 2: 2018 Guidance and Assignment Statistics

Executive Director Gluck reported that staff was working to close cases by the end of the year.

2018 Candidate Financial Disclosure Statements

The Commission and staff discussed the status of 2018 Candidate Financial Disclosure statements, noting that there were five candidates who had not yet filed their disclosure statements.

Miscellaneous Office Projects / Updates

Executive Director Gluck reported on the hiring of Caroline Choi, the Commission's office manager.

The Commission discussed whether to cancel the December 2018 Commission meeting in light of the holidays and travel schedules. Commissioner Fong made and Vice Chair Tschumy seconded a motion to cancel the December 2018 Commission meeting. The motion carried unanimously (Graulty, Tschumy, DeGuzman, Wood, and Fong voting).

Financial Report for FY2018-2019 (Quarter Ending September 30, 2018)

Attachment 3: First Quarter Financial Report FY2018-2019

Executive Director Gluck stated that the budget was as predicted. The Commission recently entered into a new contract for computer consulting services to assist with disclosure statements. Executive Director Gluck also summarized additional office expenses, such as those related to the Akana hearing.

Agenda Item No. VI: Proposed Budget: 2019-2020

Attachment 4: Proposed Budget FY2019-2020

Executive Director Gluck proposed submitting a relatively flat budget request for next fiscal year, with small increases for computer consulting services.

Commissioner Wood made and Vice Chair Tschumy seconded a motion to approve the Proposed 2019-2020 Budget. The motion carried unanimously (Graulty, Tschumy, DeGuzman, Wood, and Fong voting).

Agenda Item No. VII: Proposed Legislation for 2019 Legislative Session

Attachment 5: Proposed "housekeeping" bill

Attachment 6: Proposal re: failure to file lobbying expenditure reports

Attachment 7: Proposal re: task force members and legislators' legislative functions

Executive Director Gluck summarized the proposed bills, which were proposed last year. Commissioner Wood made and Commissioner DeGuzman seconded a motion to approve the proposed legislation for the 2019 session. The motion carried unanimously (Grauldy, Tschumy, DeGuzman, Wood, and Fong voting).

ADJOURNMENT OF SUNSHINE LAW MEETING

At 11:22 a.m., Commissioner DeGuzman made and Vice Chair Tschumy seconded a motion to adjourn the Sunshine Law meeting. The motion carried unanimously (Grauldy, Tschumy, DeGuzman, Wood, and Fong voting).

The meeting was adjourned at 11:22 a.m.

Minutes approved on: January 24, 2019