

SUNSHINE LAW MEETING
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: Thursday, March 21, 2019

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

Ruth D. Tschumy, Vice Chair
Susan N. DeGuzman, 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: Reynard D. Gaulty, Chair
Wesley F. Fong, Commissioner

CALL TO ORDER

Vice Chair Tschumy called the meeting to order at 10:00 a.m.

Agenda Item No. I: Consideration and Approval of the Minutes of the February 21, 2019 Meeting

Commissioner DeGuzman made and Commissioner Wood seconded a motion to approve the minutes of the February 21, 2019 Sunshine Meeting. The motion carried unanimously (Tschumy, DeGuzman, and Wood voting).

Agenda Item No. II: Executive Director's Report

Education / Training Report

Executive Director Gluck referred to his report; he noted that staff have been busy with trainings on Oahu and the neighbor islands, and that staff will conduct training specifically for personnel of the Department of Land and Natural Resources, Division of Boating and Ocean Recreation ("DOBOR"). He reported that the training for DOBOR-Oahu personnel would be on March 29, not March 19 as indicated in his report.

Guidance and Assignment Statistics – February 2019

Attachment 2: 2019 Guidance and Assignment Statistics / Website Traffic

Executive Director Gluck stated that staff worked to close out old assignments in February, and that the office has opened many new assignments as well.

Miscellaneous Office Projects / Updates

a. Possible state-wide ethics conference

Executive Director Gluck asked the Commissioners for their feedback as to whether they would support a Hawaii ethics conference, to be attended by commissioners and staff of the county and state ethics commissions. The Commissioners supported the idea and indicated they would like to attend; the Commissioners also stated that it would be appropriate, if necessary, for the Commission to use some of its funds to help pay for travel costs for neighbor island participants.

b. Staff – hiring update

Executive Director Gluck stated that the office has hired someone to fill the vacant secretary position, and that this person will start in early May.

c. E-filing system for lobbying disclosures

Executive Director Gluck stated that the office launched the e-filing system for lobbying. He recognized staff, including Computer Specialist Patrick Lui and Staff Attorney Bonita Chang, for their hard work in launching this system.

Commissioner DeGuzman praised the staff for creating the e-filing guide for the Financial Disclosure system, which she described as being particularly helpful.

Agenda Item No. III: 2019 Legislative Session

Executive Director Gluck reported that the Commission's three bills were all still alive, and he gave an update as to the status of each (HB169, HB170, and SB144). He gave a brief update as to the budget bills, HB1 and HB348. With respect to HB615, which would add a teacher representative to the Board of Education, he stated that he had submitted testimony raising concerns about the bill at first, but – upon further discussion with staff – had taken a more restrained view of possible ethics restrictions on this new teacher representative. He gave a brief status update on other ethics-related legislation.

Agenda Item No. IV: *Akana v. Hawaii State Ethics Commission and Daniel Gluck*, Civil No. 18-1-1019-06 (JHA)

Executive Director Gluck reported that there was no movement in this case since the last Commission meeting.

Agenda Item No. V: *Akana v. Hawaii State Ethics Commission and Daniel Gluck*, Civil No. 19-1-0379-03 (JHA)

Executive Director Gluck stated that Ms. Akana appealed the Commission's Decision and Order to the Circuit Court, that Ms. Akana had moved to stay the Commission's Decision and Order, and that the Circuit Court would hear the motion on April 2. The Commissioners had questions regarding the posture of the case, and Executive Director Gluck suggested that the Commission continue its discussion in executive session.

At approximately 10:22 a.m., Commissioner DeGuzman made and Commissioner Wood 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 (Tschumy, DeGuzman, and Wood voting).

The Commission met in Executive Session.

ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW MEETING

At 10:27 a.m., Commissioner DeGuzman made and Commissioner Wood seconded a motion to adjourn the Executive Session and return to the Sunshine Law meeting. The motion carried unanimously (Tschumy, DeGuzman, and Wood voting).

The Commission adjourned the Executive Session at 10:27 a.m. and returned to the Sunshine Law meeting.

Agenda Item No. VI: Administrative Rules

Commissioner DeGuzman stated that she met with Executive Director Gluck earlier that morning and provided him with some suggestions for non-substantive edits. Commissioner DeGuzman also suggested one quasi-substantive edit, changing the title of one of the proposed rules in chapter 8.

Executive Director Gluck said that, if the Commission approved these changes, he would send the draft to the Department of the Attorney General and the Office of the Governor for approval to send the rules out for public hearing.

Commissioner Wood made and Commissioner DeGuzman seconded a motion to move forward with this draft, as amended, through the steps necessary for public notice and comment. The motion carried unanimously (Tschumy, DeGuzman, and Wood voting).

The Commissioners thanked the staff for their work in putting this draft together, and specifically asked that Executive Director Gluck express its thanks to Deputy Attorney General Robyn Chun for her assistance as well.

Agenda Item No. VII: Evaluation of Executive Director Daniel Gluck

Commissioner Wood stated that, at least two weeks prior to the next meeting, a SurveyMonkey would be sent out electronically to the staff for their completion and the Commissioners would be given a paper survey to complete. This data would then be compiled prior to the next Commission meeting.

ADJOURNMENT OF SUNSHINE LAW MEETING

At 10:33 a.m., Commissioner DeGuzman made and Commissioner Wood seconded a motion to adjourn the Sunshine Law meeting. The motion carried unanimously (Tschumy, DeGuzman, and Wood voting).

The meeting was adjourned at 10:33 a.m.

Minutes approved on: April 18, 2019