

SUNSHINE LAW MEETING
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: Thursday, April 18, 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

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

Chair Graulty called the meeting to order at approximately 10:01 a.m.

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

Commissioner DeGuzman made and Vice Chair Tschumy seconded a motion to approve the minutes of the March 21, 2019 Sunshine Meeting. The motion carried (Tschumy, DeGuzman, and Wood voting; Graulty and Fong abstaining).

Agenda Item No. II: Consideration and Approval of the Minutes of the March 21, 2019 Executive Session Meeting

Commissioner DeGuzman made and Vice Chair Tschumy seconded a motion to approve the minutes of the March 21, 2019 Executive Session Meeting. The motion carried (Tschumy, DeGuzman, and Wood voting; Gaulty and Fong abstaining).

Agenda Item No. III: Executive Director's Report

Education / Training Report

Executive Director Gluck stated that staff continue to be busy with requests for advice and with trainings of state employees. He responded to Commissioners' questions regarding training, particularly regarding the proactive steps taken by staff to educate state employees on ethics matters.

Guidance and Assignment Statistics – March 2019

Chair Gaulty inquired whether the twenty complaints received in the first three months of 2019 was above average – and whether the Commission is now receiving more complaints than in the past – and Executive Director Gluck stated that the Commission ordinarily opens approximately 100 new complaint matters per year, and that while the staff remain busy with investigations, we currently have the resources to process these complaints effectively.

Financial Report for FY2018-2019 (Quarter Ending March 31, 2019)

Executive Director Gluck reported on expenditures for the contractors working on the e-filing system for lobbying and financial disclosures; the need to prepay some rent for the 2019-2020 fiscal year; and expenses for travel to COGEL. The Commission also discussed logistics and possible expenditures for the planned Hawaii ethics conference, with attendees from the Commission and the county ethics commissions.

Miscellaneous Office Projects / Updates

The Commission discussed these items after discussing Agenda Item No. IV.

a. On-line training system

Executive Director Gluck stated that Associate Director Yoza and Staff Attorney Chock had been working very hard to create an on-line training system to disseminate widely to state employees. Staff Attorney Chock stated that there would be interactive quizzes, and that trainees would be prohibited from advancing through the training until they

completed the training. Executive Director Gluck indicated his intent to build this system and, once it is fully functional, request that the Legislature mandate this training for all state employees.

b. Lobbying e-filing system

Executive Director Gluck gave an update on the e-filing system. He stated that the office had responded to many questions from filers and that a majority of filers had used the electronic system rather than the old paper system.

c. New telephone system

Executive Director Gluck stated that Caroline Choi, the Commission's Office Manager, was researching different options for a new telephone system and that he hoped to have the new phone system in place by July.

Agenda Item No. IV: 2019 Legislative Session

Executive Director Gluck stated that the Senate was having final reading on S.B. 144 that day, and if it passed, the bill would be enrolled to the Governor. Executive Director Gluck also stated that H.B. 170 passed Conference Committee, and that both H.B. 169 and H.B. 348 were still alive. He responded to the Commissioners' questions regarding the bills.

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

Executive Director Gluck reported that there was no activity in this litigation since late 2018.

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

Executive Director Gluck reported that he was dismissed as a party, with prejudice, from the litigation. He stated that Ms. Akana's Motion to Stay was denied but that she has not paid the administrative penalty as imposed by the Commission.

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

Executive Director Gluck agreed to hold this discussion in an open session.

Commissioner Wood reported that the Commissioners completed a paper survey, and she provided Executive Director Gluck with a copy of the survey instrument used. Commissioner Wood stated that, overall, Executive Director Gluck received a rating from the Commissioners of 4.7 out of 5.

Commissioner Wood stated that she had intended to give staff two weeks to fill out their evaluations of Executive Director Gluck, but that those survey instruments were not sent until a few days earlier. Accordingly, she had only a few responses from staff so far, and had extended the deadline to the 24th, but that the staff responses she had received were all positive.

Executive Director Gluck thanked the Commission for its support.

ADJOURNMENT OF SUNSHINE LAW MEETING

At 10:46 a.m., Commissioner Fong made and Commissioner Wood 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 10:46 a.m.

Minutes approved on: May 16, 2019