

SUNSHINE LAW MEETING



HAWAII STATE ETHICS COMMISSION

State of Hawaii · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawaii 96813

NOTICE OF MEETING OF THE HAWAII STATE ETHICS COMMISSION

Date: May 16, 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

A G E N D A

CALL TO ORDER

- I. Consideration and Approval of the Minutes of the April 18, 2019 Meeting

- II. Executive Director's Report
 1. Education / Training Report
 2. Guidance and Assignment Statistics – April 2019
Attachment 2: 2019 Guidance and Assignment Statistics / Website Traffic
 3. Miscellaneous Office Projects / Updates
 - a. On-line training system for state employees
 - b. Hawaii ethics conference
 - c. Personnel updates

III. 2019 Legislative Session

1. Ethics Commission bills (all passed by the Legislature):

[HB169](#): Clarifies the State Ethics Code by clarifying provisions regarding gift disclosure statements, retention of financial disclosure statements, and ethics training.

[HB170](#): Restores statutory protection for legislators when carrying out a legislative function. Clarifies public disclosure requirements for task force members.

[SB144](#): Removes statutory remnants from when violations of the lobbyist law resulted in criminal penalties. Allows the state ethics commission to assess an administrative fine pursuant to a settlement agreement.

2. Budget bill (did not pass):

[HB348](#): Makes appropriations for public employment cost items of and cost adjustments for employees of various legislative agencies. Appropriates funds.

3. Other bills (did not pass):

[HB615](#): Amends the Board of Education membership by inviting the exclusive representative for bargaining unit (5) (teachers and other personnel of the Department of Education) to appoint a nonvoting public school teacher representative to the Board.

IV. *Akana v. Hawaii State Ethics Commission and Daniel Gluck*, 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.

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

VI. Demonstration of Lobbying E-Filing System

VII. Evaluation of Executive Director Daniel Gluck (continued)

The Hawaii State Ethics Commission may convene an executive session pursuant to Hawaii Revised Statutes section 92-5(a)(2) to discuss matters relating to the evaluation of an employee.

VIII. Adjournment

If you need an auxiliary aid/service or other accommodation due to 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. Requests made as early as possible will allow adequate time to fulfill your request.

Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

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

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE
APRIL 18, 2019 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the April 18, 2019 Hawaii State
Ethics Commission Meeting

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).

1
2 **Agenda Item No. II: Consideration and Approval of the Minutes of the March 21,**
3 **2019 Executive Session Meeting**
4

5 Commissioner DeGuzman made and Vice Chair Tschumy seconded a motion to
6 approve the minutes of the March 21, 2019 Executive Session Meeting. The motion
7 carried (Tschumy, DeGuzman, and Wood voting; Graulty and Fong abstaining).
8
9

10 **Agenda Item No. III: Executive Director's Report**
11

12 *Education / Training Report*
13

14 Executive Director Gluck stated that staff continue to be busy with requests for
15 advice and with trainings of state employees. He responded to Commissioners'
16 questions regarding training, particularly regarding the proactive steps taken by staff to
17 educate state employees on ethics matters.
18

19 *Guidance and Assignment Statistics – March 2019*
20

21 Chair Graulty inquired whether the twenty complaints received in the first three
22 months of 2019 was above average – and whether the Commission is now receiving
23 more complaints than in the past – and Executive Director Gluck stated that the
24 Commission ordinarily opens approximately 100 new complaint matters per year, and
25 that while the staff remain busy with investigations, we currently have the resources to
26 process these complaints effectively.
27

28 *Financial Report for FY2018-2019 (Quarter Ending March 31, 2019)*
29

30 Executive Director Gluck reported on expenditures for the contractors working on
31 the e-filing system for lobbying and financial disclosures; the need to prepay some rent
32 for the 2019-2020 fiscal year; and expenses for travel to COGEL. The Commission also
33 discussed logistics and possible expenditures for the planned Hawaii ethics conference,
34 with attendees from the Commission and the county ethics commissions.
35
36

37 *Miscellaneous Office Projects / Updates*
38

39 The Commission discussed these items after discussing Agenda Item No. IV.
40

41 a. On-line training system
42

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

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

4
5 b. Lobbying e-filing system
6

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

10
11 c. New telephone system
12

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

16
17
18 **Agenda Item No. IV: 2019 Legislative Session**
19

20 Executive Director Gluck stated that the Senate was having final reading on S.B.
21 144 that day, and if it passed, the bill would be enrolled to the Governor. Executive
22 Director Gluck also stated that H.B. 170 passed Conference Committee, and that both
23 H.B. 169 and H.B. 348 were still alive. He responded to the Commissioners' questions
24 regarding the bills.

25
26
27 **Agenda Item No. V: *Akana v. Hawaii State Ethics Commission and Daniel Gluck*,
28 Civil No. 18-1-1019-06 (JHA)**
29

30 Executive Director Gluck reported that there was no activity in this litigation since late
31 2018.

32
33
34 **Agenda Item No. VI: *Akana v. Hawaii State Ethics Commission and Daniel Gluck*,
35 Civil No. 19-1-0379-03 (JHA)**
36

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

40
41
42 **Agenda Item No. VII: Evaluation of Executive Director Daniel Gluck**
43

44 Executive Director Gluck agreed to hold this discussion in an open session.
45

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

5
6 Commissioner Wood stated that she had intended to give staff two weeks to fill out their
7 evaluations of Executive Director Gluck, but that those survey instruments were not sent
8 until a few days earlier. Accordingly, she had only a few responses from staff so far,
9 and had extended the deadline to the 24th, but that the staff responses she had received
10 were all positive.

11
12 Executive Director Gluck thanked the Commission for its support.

13
14 **ADJOURNMENT OF SUNSHINE LAW MEETING**

15
16 At 10:46 a.m., Commissioner Fong made and Commissioner Wood seconded a
17 motion to adjourn the Sunshine Law meeting. The motion carried unanimously (Grauldy,
18 Tschumy, DeGuzman, Wood, and Fong voting).

19
20
21 The meeting was adjourned at 10:46 a.m.

22
23
24 Minutes approved on: _____

SUNSHINE LAW MEETING
AGENDA ITEM II

EXECUTIVE DIRECTOR'S REPORT

Attachment 1: Executive Director's Report

Attachment 2: 2019 Guidance and Assignments Statistics / Website Traffic

SUNSHINE MEETING
AGENDA ITEM II
EXECUTIVE DIRECTOR'S REPORT
May 16, 2019

1. Education / Training Report

a. Recently held trainings/presentations:

General Ethics Training
Monday, April 22, 2019
University of Hawai'i College of Tropical Agriculture and Human
Resources
Via videoconference
9:00 a.m. – 10:30 a.m.
26 attendees

General Ethics Training – Maui
Monday, May 3, 2019
10:00 a.m. – 11:30 a.m.
University of Hawaii Maui College
Ka'a'ike Building, Room 105BCD
310 W. Kaahumanu Avenue
Kahului, Hawaii
47 attendees

DLNR-DOBOR Ethics Training – Maui
Monday, May 3, 2019
1:00 p.m. – 3:00 p.m.
Maui State Office Building
54 S. High Street
Wailuku, Hawai'i
15 attendees

Mandatory Ethics Training
Monday, May 13, 2019
10:00 a.m. – 12:00 p.m.
State Capitol, Room 423
Honolulu, Hawai'i
7 attendees anticipated

b. Upcoming trainings/presentations:

General Ethics Training – Kapolei
Friday, May 17, 2019
10:00 a.m. – 11:30 a.m.
Leeward Community College
ED 201, A/B
96-045 Ala Ike
Pearl City, Hawai'i

2. Guidance and Assignment Statistics – 2019

Attachment 2: 2019 guidance and assignment statistics

3. Miscellaneous Office Projects / Updates

- a. On-line training system for state employees
- b. Hawaii ethics conference
- c. Personnel updates

2019	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Year to date
Training statistics													
# of Trainings	7	1	6	3									17
# of People Trained	348	7	213	70									638
Attorney of the Day	119	84	127	138									468
New assignments													
Advisory Opinion	1	1	0	0									2
Complaint	5	8	7	7									27
Gifts/Invitations/Travel	14	16	22	18									70
Guidance	2	5	0	5									12
Judicial Selection Comm'n	2	1	2	3									8
Training Request	0	0	0	3									3
Record Request	2	3	0	0									5
Project/Other	1	7	1	4									13
Total	27	41	32	40	0	0	0	0	0	0	0	0	140
Closed Assignments													
Advisory Opinion	0	0	1	1									2
Complaint	3	5	3	39									50
Gifts/Invitations/Travel	9	28	20	20									77
Guidance	0	10	1	9									20
Judicial Selection Comm'n	0	10	5	4									19
Training Request	0	2	0	3									5
Record Request	2	3	0	0									5
Project/Other	0	6	2	4									12
Total	14	64	32	80	0	0	0	0	0	0	0	0	190

SUNSHINE LAW MEETING
AGENDA ITEM III

2019 LEGISLATIVE SESSION

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM IV

AKANA V. HAWAII STATE ETHICS COMMISSION AND DANIEL GLUCK,
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.

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM V

AKANA V. HAWAII STATE ETHICS COMMISSION AND DANIEL GLUCK,
CIVIL NO. 19-1-0379-03 (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.

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM VI

DEMONSTRATION OF LOBBYING E-FILING SYSTEM

No attachments.

SUNSHINE LAW MEETING
AGENDA ITEM VII

EVALUATION OF EXECUTIVE DIRECTOR DANIEL GLUCK (CONTINUED)

The Hawaii State Ethics Commission may convene an executive session pursuant to Hawaii Revised Statutes section 92-5(a)(2) to discuss matters relating to the evaluation of an employee.

No attachments.