

# 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: June 20, 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 May 16, 2019 Meeting
  
- II. Consideration and Approval of the Executive Session Minutes of the May 16, 2019 Meeting (Regarding Evaluation of Executive Director Daniel Gluck)

The 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.

- III. Election of Officers for 2019

*Attachment 1: Election of Officers for 2019*

- IV. Executive Director's Report

1. Education / Training Report
2. Guidance and Assignment Statistics – May 2019

*Attachment 2: 2019 Guidance and Assignment Statistics / Website Traffic*

3. Miscellaneous Office Projects / Updates

Telephone: (808) 587-0460 Email: [ethics@hawaiiethics.org](mailto:ethics@hawaiiethics.org) Website: <http://ethics.hawaii.gov/>

V. *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.

VI. *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.

VII. 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](mailto: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  
MAY 16, 2019 MEETING

Attachment 1: Sunshine Law Meeting Minutes of the May 16, 2019 Hawaii State  
Ethics Commission Meeting

SUNSHINE LAW MEETING  
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: Thursday, 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

Present: State Ethics Commission Members

Reynard D. Graulty, Chair  
Ruth D. Tschumy, Vice Chair  
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  
Patrick Lui, Computer Specialist

Excused: Susan N. DeGuzman, Commissioner

**CALL TO ORDER**

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

**Agenda Item No. I: Consideration and Approval of the Minutes of the April 18, 2019 Meeting**

Vice Chair Tschumy made and Commissioner Fong seconded a motion to approve the minutes of the April 18, 2019 Sunshine Meeting. The motion carried unanimously (Graulty, Tschumy, Wood, and Fong voting).

1  
2 **Agenda Item No. II: Executive Director's Report**

3  
4 *Education / Training Report*

5  
6 Executive Director Gluck reported that staff have been busy with trainings, and  
7 that the office was on track to meet the high number of trainings – roughly 45 – from  
8 2017.

9  
10 *Guidance and Assignment Statistics – April 2019*

11  
12 Executive Director Gluck reported that staff had closed out many cases in April  
13 and that requests for advice remained high.

14  
15 *Miscellaneous Office Projects / Updates*

16  
17 a. On-line training system for state employees

18  
19 Executive Director Gluck reported that staff has been making very good progress  
20 on this system; he stated his hope that the on-line ethics training would be up and  
21 running within four to six months.

22  
23 b. Hawaii ethics conference

24  
25 Executive Director Gluck reported that he was in touch with most of the county  
26 ethics commissions and that there is a tentative plan to hold a conference on  
27 September 5 or 6 at the Honolulu Ethics Commission's offices.

28  
29 c. Personnel updates

30  
31 Executive Director Gluck stated that the Commission was finally fully staffed with  
32 the hire of Napua Young as its new Secretary/Paralegal.

33  
34 Executive Director Gluck also reported that the Legislature did not pass HB348,  
35 which would have provided an additional appropriation for staff salaries for all legislative  
36 agencies, including the Commission. He expressed his hope that the Legislature would  
37 pass an appropriations bill early in 2020 to provide for retroactive salary increases. He  
38 stated that the Commission will have extra salary funds as the Commission approaches  
39 the end of the current fiscal year; he indicated his intention to use those funds to  
40 purchase additional consulting services for the Commission's e-filing system and to pre-  
41 pay some office lease rent.

42  
43 **Agenda Item No. III: 2019 Legislative Session**

44  
45 Executive Director Gluck reported that HB169, HB170, and SB144 all passed the  
46 Legislature and are pending before the Governor. He answered Commissioners'

1 questions about the contents of and reasoning behind those measures, all of which  
2 were introduced at the Commission's request.

3  
4 **Agenda Item No. IV: Akana v. Hawaii State Ethics Commission and Daniel Gluck,**  
5 **Civil No. 18-1-1019-06 (JHA)**

6  
7 Executive Director Gluck reported that this case was still on hold and that there  
8 had been no developments in this litigation since the last Commission meeting.

9  
10  
11 **Agenda Item No. V: Akana v. Hawaii State Ethics Commission and Daniel Gluck,**  
12 **Civil No. 19-1-0379-03 (JHA)**

13  
14 Executive Director Gluck reported that the Respondent's attorneys were given an  
15 extension to file their Opening Brief for Respondent's appeal. He further reported that  
16 Respondent's attorneys want to introduce additional evidence before the Circuit Court.  
17 The Commission's attorneys declined Respondent's attorneys' request to stipulate to  
18 the introduction of new evidence; Respondent's attorneys will therefore file a motion to  
19 request that the Circuit Court allow the introduction of new evidence.

20  
21  
22 **Agenda Item No. VI: Demonstration of Lobbying E-Filing System**

23  
24 Staff Attorney Chang and Computer Specialist Lui demonstrated the lobbying e-  
25 filing system to the Commission and answered Commissioners' questions. The  
26 Commission commended both Staff Attorney Chang and Computer Specialist Lui for  
27 their good work.

28  
29  
30 **Agenda Item No. VII: Evaluation of Executive Director Daniel Gluck (continued)**

31  
32 The Commissioners had previously completed survey instruments to evaluate  
33 Executive Director Gluck's performance. With Executive Director Gluck's permission to  
34 share the information, Vice Chair Tschumy reported that Executive Director Gluck  
35 received an aggregate score of 4.7 out of 5.0.

36  
37  
38 **RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE**  
39 **SESSION**

40  
41 At 10:38 a.m., Commissioner Fong made and Vice Chair Tschumy seconded a  
42 motion to convene an Executive Session pursuant to Hawaii Revised Statutes section  
43 92-5(a)(2) to discuss matters relating to the evaluation of an employee. The motion  
44 carried unanimously (Grauly, Tschumy, Wood, and Fong voting).

1 The Commission met in Executive Session.

2  
3 [All staff, except for Executive Director Gluck, left the meeting at 10:41 a.m.]  
4

5  
6 **ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW**  
7 **MEETING**  
8

9 At 10:48 a.m., Commissioner Wood made and Vice Chair Tschumy seconded a  
10 motion to adjourn the Executive Session and return to the Sunshine Law meeting. The  
11 motion carried unanimously (Grauldy, Tschumy, Wood, and Fong voting).  
12

13 The Commission adjourned the Executive Session at 10:48 a.m. and returned to  
14 the Sunshine Law meeting.

15  
16 [All staff returned to the meeting at 10:49 a.m.]  
17

18 The Commissioners asked whether the office has physical personnel files for  
19 staff, and staff responded that the office does maintain physical files. Executive Director  
20 Gluck also reported that there are annual evaluations of each staff member which he  
21 maintains electronically. Commissioner Fong recommended that Executive Director  
22 Gluck maintain paper copies of these evaluations in each staff member's personnel  
23 folder.  
24

25 Commissioner Fong thanked staff for their comments about the Executive  
26 Director's performance and said that the Commission had informed Executive Director  
27 Gluck of all the staff's comments, including those suggesting areas of improvement.  
28  
29

30 **ADJOURNMENT OF SUNSHINE LAW MEETING**  
31

32 At 10:51 a.m., Commissioner Fong made and Vice Chair Tschumy seconded a  
33 motion to adjourn the Sunshine Law meeting. The motion carried unanimously (Grauldy,  
34 Tschumy, Wood, and Fong voting).  
35

36  
37 The meeting was adjourned at 10:51 a.m.  
38

39  
40 Minutes approved on: \_\_\_\_\_



SUNSHINE LAW MEETING  
AGENDA ITEM II

CONSIDERATION AND APPROVAL OF THE EXECUTIVE SESSION MINUTES OF  
THE MAY 16, 2019 MEETING (REGARDING EVALUATION OF EXECUTIVE  
DIRECTOR DANIEL GLUCK)

The 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

Attachment 1: Minutes of the May 16, 2019 Executive Session

SUNSHINE LAW MEETING  
AGENDA ITEM III

ELECTION OF OFFICERS FOR 2019

Attachment 1: Election of officers for 2019

SUNSHINE LAW MEETING  
AGENDA ITEM III

ELECTION OF OFFICERS FOR 2019

At this meeting, in accordance with Section 21-1-10 of the Commission's Administrative Rules, the Commission should elect a Chair and Vice Chair for 2019. Section 21-1-10 of the Commission's Rules provides as follows:

§21-1-10 Chairperson and vice-chairperson. (a) A chairperson shall be elected by secret ballot vote by a majority of all the members to which the commission is entitled, who shall serve for a term of one year or until a successor is elected, with such term to commence on January 1 of each year.

(b) A vice-chairperson, who shall call and chair meetings in the incapacity or absence of the chairperson, shall be elected by secret ballot vote by a majority of all the members to which the commission is entitled, and shall serve for a term of one year or until a successor is elected, with such term to commence on January 1 of each year.

The following table is provided for your information.

<b>Commissioner</b>	<b>Date Appointed</b>	<b>Term End</b>	<b>Date of Reappointment</b>	<b>Term End</b>
Susan N. DeGuzman*	8/27/2012	6/30/2016	7/01/2016	6/30/2020
Ruth D. Tschumy**	8/26/2013	6/30/2017	7/01/2017	6/30/2021
Melinda S. Wood	7/07/2014	6/30/2018	7/01/2018	6/30/2022
Reynard D. Graulty***	7/01/2015	6/30/2019	7/01/2019	06/30/2023
Wesley Fong	7/01/2018	6/30/2022		

\* Commissioner DeGuzman served as Chair from July 2015 to February 2017.

\*\* Commissioner Tschumy has served as Vice Chair from January 2018 to the present.

\*\*\* Commissioner Graulty has served as Chair from February 2017 to the present.

(Note: Commissioners may be appointed to two consecutive four-year terms.)

SUNSHINE LAW MEETING  
AGENDA ITEM IV

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  
June 20, 2019

**1. Education / Training Report**

a. Recently held trainings/presentations:

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

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  
86 attendees

General Ethics Training, Festival of Pacific Arts (DBEDT)  
Monday, May 20, 2019  
2:00 – 2:45 p.m.  
250 S. Hotel Street  
Honolulu, Hawai'i  
20 attendees

General Ethics Training, Department of Taxation  
Monday, June 3, 2019, 9:00 a.m. – 11:00 a.m., 1:00 p.m. – 3:00 p.m.  
Tuesday, June 4, 2019, 9:00 a.m. – 11:00 a.m., 1:00 p.m. – 3:00 p.m.  
Keelikolani Building  
830 Punchbowl Street  
Honolulu, Hawai'i  
220 attendees (total)

General Ethics Training, Employees' Retirement System  
Monday, June 10, 2019  
10:00 – 10:45 a.m.  
201 Merchant Street, Suite 1400  
Honolulu, Hawai'i  
21 attendees

Ethics Training for Legislative Staff  
Tuesday, June 18, 2019  
10:00 – 11:00 a.m.  
Hawaii State Capitol  
Honolulu, Hawai'i  
25 attendees anticipated

b. Upcoming trainings/presentations:

General Ethics Training, Public Utilities Commission  
Tuesday, June 25, 2019  
10:00 – 12:00 p.m.  
201 Merchant Street, Suite 1400  
Honolulu, Hawai'i  
65 attendees anticipated

Ethics Training for Department of Health,  
Department Executive Committee  
Tuesday, June 25, 2019  
2:00 p.m. – 2:30 p.m.  
Location TBD  
40 attendees anticipated

General Ethics Training, Hawaii Health Systems Corporation Board  
Thursday, July 25, 2019  
11:00 a.m. – 12:00 p.m.  
Honolulu, Hawai'i  
25 attendees anticipated

**2. Guidance and Assignment Statistics – May 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

2019	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Year to date
<b>Training statistics</b>													
# of Trainings	7	1	6	4	5								23
# of People Trained	348	7	213	70	170								808
<b>Attorney of the Day</b>	119	84	127	138	129								597
<b>New assignments</b>													
Advisory Opinion	1	1	0	0	1								3
Complaint	5	8	7	7	6								33
Gifts/Invitations/Travel	14	16	22	18	21								91
Guidance	2	5	0	5	1								13
Judicial Selection Comm'n	2	1	2	3	1								9
Training Request	0	0	0	3	2								5
Record Request	2	3	0	0	1								6
Project/Other	1	7	1	4	5								18
<b>Total</b>	<b>27</b>	<b>41</b>	<b>32</b>	<b>40</b>	<b>38</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>178</b>
<b>Closed Assignments</b>													
Advisory Opinion	0	0	1	1	0								0
Complaint	3	5	3	39	7								2
Gifts/Invitations/Travel	9	28	20	20	24								57
Guidance	0	10	1	9	4								101
Judicial Selection Comm'n	0	10	5	4	0								24
Training Request	0	2	0	3	1								19
Record Request	2	3	0	0	1								6
Project/Other	0	6	2	4	4								6
<b>Total</b>	<b>14</b>	<b>64</b>	<b>32</b>	<b>80</b>	<b>41</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>231</b>

**Dataset Views**

Disclosures	113	105	87	86	182															573	
Lobbyist Registrations	531	436	421	246	179																1,813
Organization Expenditures	203	119	225	150	82																779
Lobbyist Expenditures	159	79	145	98	46																527
Ethics Advice	94	92	106	89	93																474
Total	1100	831	984	669	582	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4,166



SUNSHINE LAW MEETING  
AGENDA ITEM V

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 VI

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.