

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).

Agenda Item No. II: Executive Director's Report

Education / Training Report

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

Guidance and Assignment Statistics – April 2019

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

Miscellaneous Office Projects / Updates

a. On-line training system for state employees

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

b. Hawaii ethics conference

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

c. Personnel updates

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

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

Agenda Item No. III: 2019 Legislative Session

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

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

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 this case was still on hold and that there had been no developments in this litigation 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 reported that the Respondent's attorneys were given an extension to file their Opening Brief for Respondent's appeal. He further reported that Respondent's attorneys want to introduce additional evidence before the Circuit Court. The Commission's attorneys declined Respondent's attorneys' request to stipulate to the introduction of new evidence; Respondent's attorneys will therefore file a motion to request that the Circuit Court allow the introduction of new evidence.

Agenda Item No. VI: Demonstration of Lobbying E-Filing System

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

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

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

RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE SESSION

At 10:38 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)(2) to discuss matters relating to the evaluation of an employee. The motion carried unanimously (Graulty, Tschumy, Wood, and Fong voting).

The Commission met in Executive Session.

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

ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW MEETING

At 10:48 a.m., Commissioner Wood 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, Wood, and Fong voting).

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

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

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

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

ADJOURNMENT OF SUNSHINE LAW MEETING

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

The meeting was adjourned at 10:51 a.m.

Minutes approved on: June 20, 2019