

SUNSHINE LAW MEETING  
MINUTES OF THE HAWAI'I STATE ETHICS COMMISSION

STATE OF HAWAI'I

Date: Thursday, February 20, 2020

Time: 9:00 a.m.

Place: Hawai'i State Ethics Commission Conference Room  
American Savings Bank Tower  
1001 Bishop Street, Suite 960  
Honolulu, Hawai'i 96813

Present: State Ethics Commission Members

Reynard D. Graulty, Chair  
Ruth D. Tschumy, Vice Chair  
Susan N. DeGuzman, Commissioner  
Melinda S. Wood, Commissioner (joined meeting at 9:10 a.m.)  
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 9:00 a.m.

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

Chair Graulty noted that Commissioner Fong had inadvertently voted to approve the minutes of the November 21, 2019 meeting at the January 16, 2020 meeting, such that the Commission would re-vote to approve the minutes.

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

**Agenda Item No. II: Consideration and Approval of the Minutes of the January 16, 2020 Meeting**

Vice Chair Tschumy made and Commissioner DeGuzman seconded a motion to approve the minutes of the January 16, 2020 Sunshine Law Meeting. The motion carried (Grauly, Tschumy, DeGuzman, and Fong voting).

**Agenda Item No. III: Proposed Administrative Rules**

Executive Director Gluck reported that the Commission and staff were ready for the March 19, 2020 rulemaking hearing: the agenda had been posted with the Office of the Lieutenant Governor and materials were posted on the Commission's website. Computer Specialist Lui then described and demonstrated the videoconferencing system that would be used to allow testifiers from Kaua'i, Maui, and Hawai'i Island.

(Commissioner Wood joined the meeting at 9:10 a.m.)

**Agenda Item No. IV: Executive Director's Report**

*Education / Training Report*

Executive Director Gluck had nothing to add to the Commission's meeting folder materials.

*Guidance and Assignment Statistics – January 2020*

Executive Director Gluck had nothing to add to the Commission's meeting folder materials.

*The High Road Newsletter – February 2020*

Executive Director Gluck thanked Associate Director Yoza for her work on the newsletter.

*Miscellaneous Office Projects/Updates*

Executive Director Gluck noted that the work in the main office area was largely complete and thanked the staff for their work to improve the office space.

## **Agenda Item No. V: 2020 Legislative Session**

Executive Director Gluck gave an update on ethics bills at the Legislature. He reported on the status of the Ethics Commission's bills: H.B. 2124/S.B.2114, H.B. 2125/S.B. 2115, and H.B. 1673/S.B.2100. He also reported on the status of bills introduced by legislators, including H.B. 2120 on conflicts of interests, H.B.2256 on technology transfer activities at the University of Hawaii, H.B. 361 on emoluments, multiple bills purporting to allow for the forfeiture of public employees' pensions after conviction of an employment-related felony, and bills on a variety of task forces containing carve-outs from the Ethics Code.

Regarding H.B. 2120 – which would include legislators in HRS § 84-14(a), except for legislators' constitutionally protected legislative functions – the Commission agreed to support the measure, but take no position as to the inclusion of justices and judges. Regarding the pension forfeiture bills, the Commission agreed to support the intent of the proposals.

Executive Director Gluck also reported on the status of the Commission's budget bills and the other items listed on the agenda.

Executive Director Gluck reported on one item not on the agenda: S.B. 1056, carried over from last session, was being heard at the same time as the Commission meeting. The measure would require more frequent reporting of lobbying expenditure reports.

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

Executive Director Gluck reported no change in this matter.

## **Agenda Item No. VII: *Akana v. Hawaii State Ethics Commission*, Civil No. 19-1-0379-03 (JHA)**

Executive Director Gluck reported no change in this matter.

## **Agenda Item No. VIII: *State of Hawaii, Ethics Commission, by and through its Attorney General, v. Rowena Akana*, Civil No. 1DRC-20-0000134**

Executive Director Gluck reported that the Department of the Attorney General had initiated proceedings to recover the gifts improperly received by Akana, and Akana counterclaimed against the Commission. Executive Director Gluck reported that the Department of the Attorney General was handling the matter.

**Agenda Item No. IX: Office of Information Practices: Opinion Upholding Commission's Denial of Request to Access Government Records**

Executive Director Gluck reported that the Office of Information Practices ("OIP") recently issued an Opinion Letter in an appeal from 2017. OIP concluded that, because of the confidentiality language within the Ethics Code, the Commission was not required to disclose materials relating to its investigations in response to a request to access government records.

**ADJOURNMENT OF SUNSHINE LAW MEETING**

At 9:44 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).

Minutes approved on: March 27, 2020