

PUBLIC HEARING ON PROPOSED ADMINISTRATIVE RULES
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: May 7, 2020

Time: 9:00 a.m.

Location: Held via Microsoft Teams video and audio conference, with some Commissioners and staff present in the Commission's conference room, 1001 Bishop St. #960, Honolulu, HI 96813

Present: State Ethics Commission Members

Reynard D. Graulty, Chair (present in conference room)
Ruth D. Tschumy, Vice Chair (present in conference room)
Susan N. DeGuzman, Commissioner (via video conference)
Melinda S. Wood, Commissioner (via video conference)
Wesley F. Fong, Commissioner (present in conference room)

State Ethics Commission Staff

Daniel M. Gluck, Executive Director (present in conference room)
Susan D. Yoza, Associate Director (via audio conference)
Nancy C. Neuffer, Staff Attorney (via audio conference)
Virginia M. Chock, Staff Attorney (present in conference room)
Bonita Y.M. Chang, Staff Attorney (via audio conference)
Kee M. Campbell, Staff Attorney (via video conference)
Patrick Lui, Computer Specialist (present in conference room)

Members of the Public

Sandy Ma, Common Cause Hawai'i, Executive Director (present in conference room)

Agenda Item No. I: Call to Order

Chair Graulty called the meeting to order at approximately 9:04 a.m.

Agenda Item No. II: Purpose of the Public Hearing

Chair Gaulty explained that the purpose of the public hearing is to receive public comments about the administrative rules proposed by the Commission. He explained that rules are not the same as laws; the Legislature enacts laws, and the rules guide the Commission in its implementation and application of the law. Parties interested in changing the law should contact their legislators.

Chair Gaulty explained that the Commission intended to take public testimony at today's hearing. The Commission intends to deliberate and make decisions on the rules at a public meeting on Thursday, May 21, 2020. The Commission will publish a notice at least six days in advance of that decision-making meeting.

Chair Gaulty requested that any party offering oral testimony at today's hearing submit a written summary after the hearing.

Agenda Item No. III: Outline of Proceedings

Chair Gaulty stated that testifiers who previously submitted written testimony would be heard from first. They will have up to seven minutes to provide their oral testimony.

Thereafter, testifiers wanting to submit oral testimony, and who had not previously submitted written testimony, will have the same opportunity to testify orally.

Agenda Item No. IV: Public Testimony

Chair Gaulty stated that the Commission had received written testimony from The Civil Beat Law Center for the Public Interest ("Civil Beat Law Center"). Chair Gaulty asked if a representative from the Civil Beat Law Center was available to add additional oral testimony. There was no response from any individual connected via the video or audio conference.

Chair Gaulty then stated that the Commission had received written testimony from Common Cause Hawaii. Common Cause Hawaii's Executive Director, Sandy Ma, was present in the Commission's conference room. Ms. Ma stated that she did not have anything to add to her written testimony. Ms. Ma read testimony she had received, anonymously, which stated that the Commission appeared to make arbitrary decisions regarding when, or whether, to divulge the names of alleged violators. This anonymous individual asked that the names of people being investigated should be made public at the time the investigation is being pursued or the matter is brought before the Commission. Chair Gaulty stated that the testimony read by Ms. Ma appeared to be in the record already.

Ms. Ma asked at what time the May 21 decision-making would take place; Chair Gaulty replied that it would be held at 9:00 a.m.

Commissioner Fong asked Ms. Ma for clarification on the testimony by the anonymous individual. Ms. Ma explained that this individual was asking that a violator's name be divulged at the time the matter is pursued as a violation or the complaint is brought before the Commission.

Chair Gaulty thanked Ms. Ma for her testimony.

Chair Gaulty then stated that the Commission had received written testimony from Lisa Maruyama, the Executive Director of the Hawaii Alliance of Nonprofit Organizations ("HANO"). Chair Gaulty asked if anyone from HANO was available to add additional oral testimony. There was no response from any individual connected via the video or audio conference.

Chair Gaulty asked whether anyone else would like to submit testimony. No one connected to the video conference or audio conference, or present in the Commission's conference room, responded to present any additional testimony.

Agenda Item No. V: Discussion by Commission; and Agenda Item No. VI: Announcement of Decision by Commission (or Deferral to Subsequent Meeting)

Chair Gaulty announced that the Commission would meet to deliberate and decide on the proposed rules on Thursday, May 21, 2020 at 9:00 a.m.

Agenda Item No. VII: Adjournment of Public Hearing on Proposed Administrative Rules

At 9:14 a.m., Vice Chair Tschumy made and Commissioner Fong seconded a motion to adjourn the Public Hearing on Proposed Administrative Rules. The motion carried unanimously (Gaulty, Tschumy, DeGuzman, Wood, and Fong).

The meeting was adjourned at 9:14 a.m.

Minutes approved on: May 21, 2020