

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

STATE OF HAWAI'I

Date: May 21, 2020

Time: 9:00 a.m.

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

Present: State Ethics Commission Members

Reynard D. Graulty, Chair (via video conference)
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 (via video conference)

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 (via audio conference)
Bonita Y.M. Chang, Staff Attorney (via audio conference)
Kee M. Campbell, Staff Attorney (via video conference)
Patrick Lui, Computer Specialist (via audio conference)

CALL TO ORDER

Chair Graulty called the meeting to order at 9:15 a.m. and confirmed that all Commissioners and staff were present via videoconference.

Chair Graulty requested that any members of the public joining the meeting via videoconference or telephone state their presence to the Commission. The following individuals identified themselves: Bob Toyofuku, lobbyist with BT Consulting dba Advocates; Sandy Ma, Executive Director of Common Cause Hawaii; and Kristin Izumi-Nitao, Executive Director of the Campaign Spending Commission.

Agenda Item No. I: Consideration and Approval of the Minutes of the April 16, 2020 Meeting

Commissioner Fong made and Commissioner DeGuzman seconded a motion to approve the minutes of the April 16, 2020 Sunshine Meeting. The motion carried unanimously (Grauly, Tschumy, DeGuzman, Wood and Fong voting).

Agenda Item No. II: Executive Director's Report

Education / Training Report

Executive Director Gluck explained that in-person training sessions remain on hold due to COVID-19 restrictions. Individuals interested in receiving ethics training continue to access and complete the Commission's online ethics training module.

Guidance and Assignment Statistics – April 2020

The Commission did not have any questions or further discussion regarding the Guidance and Assignment Statistics for April 2020.

Miscellaneous Office Projects / Updates

Executive Director Gluck shared that staff has been working on a revamp of the Commission's website (ethics.hawaii.gov) and plans to launch this new layout in the near future.

The Commission took a short recess to resolve technical issues, then reconvened.

Executive Director Gluck explained that staff has redesigned the Commission's website to make the information most commonly requested by the public more easily accessible from the homepage. For example, the new homepage will include buttons to request ethics advice, file a complaint, view public documents, and file forms. Executive Director Gluck stated that he will circulate a mockup of the proposed layout to the Commissioners for review after the conclusion of this meeting.

Agenda Item No. III: Proposed Administrative Rules

- A. Consideration and approval of the minutes of the May 7, 2020 rulemaking hearing

Commissioner DeGuzman noted a typographical error on the draft minutes. Vice Chair Tschumy made and Commissioner DeGuzman seconded a motion to

approve the minutes of the May 7, 2020 rulemaking hearing as amended. The motion carried unanimously (Graulty, Tschumy, DeGuzman, Wood and Fong voting).

B. Deliberation and decision-making on proposed rules

Chair Graulty explained that the Commission had received late testimony from Bob Toyofuku the evening prior, May 20, 2020. Chair Graulty questioned whether the Commission could consider this testimony given that the official notice of public hearing for the proposed administrative rules required receipt of all written testimony by 12 p.m. on May 6, 2020.

Executive Director Gluck stated that he had requested feedback from the Department of the Attorney General regarding the acceptance of late testimony but had not received a response back as of the time of this meeting. However, given the benefit of public input, Executive Director Gluck recommended that the Commission allow the late testimony from Mr. Toyofuku.

Commissioner Fong moved and Commissioner DeGuzman seconded a motion to allow the late testimony from Mr. Toyofuku to be considered by the Commission. The motion carried (Graulty, Tschumy, DeGuzman, and Fong voting aye; Wood voting nay).

Executive Director Gluck stated that staff had reviewed Mr. Toyofuku's testimony and subsequently recommends an additional change to the proposed administrative rules.

Due to the late nature of the testimony, Chair Graulty requested that staff continue to conduct a further review of Mr. Toyofuku's comments and formally provide the Commission any new proposed language for consideration at a later time. Chair Graulty also requested that the Commission defer decision-making until a future date to allow ample time for analysis.

Executive Director Gluck stated that staff would provide updated materials in writing, so both the Commissioners and members of the public will be able to review and comment on any new proposed changes if desired. Executive Director Gluck also stated that he will consult with Chair Graulty on an appropriate date to reschedule the decision-making meeting.

Vice Chair Tschumy made and Commissioner Fong seconded a motion to defer the approval of the proposed rules until a future date. The motion carried unanimously (Graulty, Tschumy, DeGuzman, Wood and Fong voting).

Mr. Toyofuku expressed his apologies for the lateness of his testimony and the subsequent need to defer decision-making on this matter. He thanked the Commission for its consideration and stated that he would provide any needed clarifications to Executive Director Gluck. Chair Graulty and Executive Director Gluck thanked Mr. Toyofuku for his participation and for his helpful and substantive testimony.

Agenda Item No. IV: 2020 Legislative Session

Executive Director Gluck reported that the Legislature was scheduled to convene on May 21, 2020, and reopen in June, although he was unsure as to whether the Legislature's reopening would be via special session or an extension of the 2020 regular session. Executive Director Gluck explained that nevertheless, the Commission's bills relating to policy were not experiencing any forward movement at this time. However, the budget bill, which makes appropriations for the legislative branch for next year (FY2020-2021), was approved and signed by the Governor, with the Legislature maintaining the ability to amend the budget next year if it deems appropriate.

ADJOURNMENT OF SUNSHINE LAW MEETING

At 9:39 a.m., Vice Chair Tschumy made and Commissioner DeGuzman seconded a motion to adjourn the Sunshine Law Meeting. The motion carried unanimously (Grauldy, Tschumy, DeGuzman, Wood and Fong voting).

The meeting was adjourned at 9:39 a.m.

Minutes approved on: June 18, 2020