

SUNSHINE LAW MEETING  
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: February 18, 2021

Time: 9:02 a.m.

Location: Held via Zoom video and audio conference, with the Commission's Chair present in the Hawaii State Ethics Commission's conference room, American Savings Bank Tower, 1001 Bishop Street, Suite 960, Honolulu, Hawaii 96813

Present: State Ethics Commission Members

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

State Ethics Commission Staff

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

Guests

Sandy Ma, Executive Director, Common Cause Hawaii

Note: There was a vacancy on the Commission at the time of this meeting.

**CALL TO ORDER**

Chair Tschumy called the meeting to order at 9:02 a.m. and confirmed that all Commissioners and staff were present.

**Agenda Item No. I: Consideration and Approval of the Minutes of the January 21, 2021 Meeting**

Commissioner Graulty made and Vice Chair Wood seconded a motion to approve the minutes of the January 21, 2021 Sunshine Meeting. The motion carried unanimously (Tschumy, Wood, Graulty, and Fong voting).

**Agenda Item No. II: Consideration and Approval of the Minutes of the February 4, 2021 Meeting**

Vice Chair Wood made and Commissioner Fong seconded a motion to approve the minutes of the February 4, 2021 Sunshine Meeting. The motion carried unanimously (Tschumy, Wood, Graulty, and Fong voting).

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

1. 2020 Annual Report

Executive Director Gluck stated that, absent any edits from the Commission, staff would publish the Annual Report on the Commission's website later that day.

2. Education / Training Report

Executive Director Gluck reported a busy January, with 867 people trained in January. He noted that, at the height of the Commission's in-person trainings, the Commission trained roughly 2,400 people for the whole calendar year – meaning that the Commission trained almost a third of that annual total just in January 2021. Executive Director Gluck stated that, for all its limitations, Zoom training allowed the Commission staff to reach a large number of training participants.

3. Guidance and Assignment Statistics – January 2021

Executive Director Gluck stated that attorney of the day inquiries were high in January because of the filing deadlines for financial disclosures and lobbying expenditure reports.

4. Ethics Survey of State Employees

Executive Director Gluck stated that he had intended to prepare some charts and graphs to summarize the ethics survey findings; he apologized that he was not prepared with those items. He plans to present this information at the next Commission meeting.

## 5. Miscellaneous Office Projects / Updates

Executive Director Gluck reported that staff – principally Staff Attorney Chock, Associate Director Yoza, and Computer Specialist Lui – completed and launched the online training for board and commission members, a 30-minute online training specifically for board and commission members. Executive Director Gluck stated that he was going to distribute the training link to the Commission’s distribution list and to the Governor’s office to distribute to new board members.

### **Agenda Item No. IV: 2021 Legislative Session**

#### i. Gifts and gifts reporting

Executive Director Gluck stated that the three House bills – H.B. 1108, H.B. 1163, H.B. 645 – were all dead; the two Senate bills, S.B. 991 and S.B. 1326, were technically still alive.

#### ii. Public accountability agency

Executive Director Gluck stated that all three bills would be dead as of the next day.

#### iii. Post-employment

Executive Director Gluck stated that both bills were still alive.

#### iv. Conflicts of Interests

Executive Director Gluck stated that H.B. 672 was still alive but that the other two were dead.

#### v. Financial Disclosures

Executive Director Gluck stated that S.B. 554 would be dead as of the next day.

#### vi. Fair Treatment

Executive Director Gluck stated that H.B. 1244 was dead.

#### vii. Lobbyists Law

Executive Director Gluck stated that S.B. 557 was dead, but that H.B. 741 is moving through the Legislature.

viii. Budget

Executive Director Gluck reported that H.B. 1 had not yet received a hearing in the House Committee on Finance, but that he expected a hearing soon.

ix. Short form bills

Executive Director Gluck did not provide any information on these measures.

x. Other

Executive Director Gluck stated that H.B. 10 and H.B. 356 were still alive, with some good amendments to H.B. 356, but that H.B. 343 was dead. Executive Director Gluck asked for the Commission's feedback on H.B. 670, which would require forfeiture of pensions for state employees convicted of employment-related felonies.

Regarding H.B. 1064/S.B. 1218, Executive Director Gluck stated that the University has its whole regulatory system in place for technology transfer activities – committees, conflicts rules, and so on – and that the system seems rather comprehensive. Executive Director Gluck reported that he submitted very brief testimony indicating that the Commission was aware of the legislation and that the Commission understood the University to have finished its internal procedures; he anticipated that the Legislature would extend the sunset provision rather than remove it outright. Executive Director Gluck stated that, in his opinion, the Commission should not oppose these measures: the Legislature has already decided to have a carve-out for technology transfer activities, and it would not be prudent to try to re-hash that debate now.

Executive Director Gluck discussed S.B. 610 and asked whether the Commission wanted to take a position on the measure.

Regarding H.B. 396 and H.B. 1220, Executive Director Gluck stated that these bills would allow members of charter school governing boards to be members of the nonprofit organizations that support the charter schools. Executive Director Gluck stated that he and the Charter School Commission Executive Director believe that these provisions are bad policy, and that the Legislature was amending – or planning to amend – the bills to address these concerns.

Executive Director Gluck again asked for the Commission's input on H.B. 670, regarding forfeiture of pensions, and S.B. 610, regarding the Department of Commerce and Consumer Affairs and public board members.

Commissioner Fong asked about the legality and retroactivity of H.B. 670; Executive Director Gluck deferred to the Department of the Attorney General on the constitutionality of the measure, but stated that the bill would only apply to future convictions.

Commissioner Graulty expressed support for H.B. 670.

Sandy Ma from Common Cause said it was her understanding that H.B. 670 would apply prospectively, from the date of conviction.

The Commission agreed, via consensus, to have staff submit testimony in support of both H.B. 670 and S.B. 610.

**Agenda Item No. V: *Akana v. Hawaii State Ethics Commission and Daniel Gluck*, Civil No. 18-1-1019-06 (JHA); *Akana v. Hawaii State Ethics Commission*, Civil No. 19-1-0379-03 (JHA); *State of Hawaii, Ethics Commission v. Rowena Akana*, Civil No. 20-1-0453 (BIA)**

Executive Director Gluck stated that he had no updates for the Commission on these matters.

#### **ADJOURNMENT OF SUNSHINE LAW MEETING**

At approximately 9:29 a.m., Vice Chair Wood made and Commissioner Fong seconded a motion to adjourn the Sunshine Law Meeting. The motion carried unanimously (Tschumy, Wood, Graulty, and Fong voting).

The meeting was adjourned at 9:30 a.m.

Minutes approved on March 18, 2021.