

SUNSHINE LAW MEETING  
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: March 18, 2021

Time: 9:00 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. Gaulty, 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)

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 9:00 a.m. and confirmed that all Commissioners and staff were present. No members of the public wished to identify themselves.

**Agenda Item No. I: Consideration and Approval of the Minutes of the February 18, 2021 Meeting**

Vice Chair Wood made and Commissioner Fong seconded a motion to approve the minutes of the February 18, 2021 Sunshine Meeting. The motion carried unanimously (Tschumy, Wood, Gaulty, and Fong voting).

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

1. Education / Training Report

Executive Director Gluck reported that staff launched a new on-line training module for new board and commission members; he has informed the Governor's office about the program and has requested that they pass this information along to new members of boards and commissions. Commission staff plan to send the information about the new training in upcoming reminder e-mails for financial disclosure filers.

2. Guidance and Assignment Statistics – January 2021

Executive Director Gluck stated that staff have been working to close cases.

3. 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, but that the University of Hawai'i partners were reluctant to "publish" anything before they are accepted for publication in an academic journal. Executive Director Gluck reported generally that a small percentage of employees – roughly 6-7%, in most categories – reported seeing ethics violations, with slightly larger percentages for things like retaliation, harassment, bullying, and other issues that could be considered management/administrative matters. Overall, roughly 60 to 70% of respondents reported that their workplace had an ethical culture and that their direct supervisors were ethical.

4. Appointment of New Commissioners

Executive Director Gluck stated that the Judicial Council had sent two names to the Governor to fill the current vacancy, and that the Council was accepting applications to fill the upcoming vacancy that will be created when Chair Tschumy's term expires.

5. Miscellaneous Office Projects / Updates

Executive Director Gluck had no additional updates for the Commission.

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

### 1. Public accountability agency

Executive Director Gluck stated that S.B. 1350 is still alive, but that the Legislature has replaced the original contents of the bill with something completely unrelated to a public accountability agency.

### 2. Post-employment

Executive Director Gluck stated that the Senate Judiciary Committee would be hearing H.B. 671 momentarily and that he was planning to leave the Commission meeting to testify on the measure. He stated that he has been discussing this bill with the Governor's office and trying to address their concern about the impact of this measure on officials who serve on an interim or acting basis. Executive Director Gluck stated that he and the other Commission attorneys suggested language that would make the new post-employment restrictions on lobbying inapplicable to those officials who serve on an interim or acting basis only for less than six months.

### 3. Lobbyists Law

Executive Director Gluck stated that the Senate Judiciary Committee would also be hearing H.B. 741 momentarily. At present, the bill would require the Commission to maintain lobbying records in perpetuity; Executive Director Gluck stated that the Commission could do so, though he was nervous about a requirement to maintain records forever.

### 4. Budget

Executive Director Gluck stated that the Senate Ways and Means Committee passed H.B. 1 as is, with an 8% cut to the Legislature's and legislative agencies' budgets. Executive Director Gluck stated his belief that the Commission could withstand this cut, in part because he planned not to fill a vacant administrative position: the Commission has been investing in its electronic filing system, and Executive Director Gluck believes that the Commission can now operate without a third administrative staff person.

Commissioner Fong asked whether the new federal funds might be used to offset the proposed cuts. Executive Director Gluck stated that he had asked the same question of a Senate staffer prior to the WAM hearing, but that the Committee proceeded with a bill with an 8% cut.

### 5. Training

Executive Director Gluck stated that staff submitted testimony on S.B. 82 supporting the intent and suggesting additional language to require ethics training.

6. Other

Executive Director Gluck stated that the remaining bills listed on the agenda were still alive. He stated that he has been talking with officials from the University of Hawai'i about having a joint training to discuss ethics and technology transfer activities.

**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 9:20 a.m., Commissioner Gaulty made and Commissioner Fong seconded a motion to adjourn the Sunshine Law Meeting. The motion carried unanimously (Tschumy, Wood, Gaulty, and Fong voting).

The meeting was adjourned at 9:20 a.m.

Minutes approved on April 15, 2021.