

SUNSHINE LAW MEETING  
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: April 15, 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. Grauly, Commissioner (via video conference)  
Wesley F. Fong, Commissioner (via video conference)  
Harry J. McCarthy, 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 (via video conference)

**CALL TO ORDER**

Chair Tschumy called the meeting to order at 9:05 a.m. and confirmed that all Commissioners and staff were present.

### **Agenda Item No. I: Welcome to Commissioner Harry McCarthy**

Chair Tschumy welcomed Commissioner McCarthy and thanked him for joining the Commission. Commissioner McCarthy stated it was an honor and a privilege for him to serve and thanked everyone for making him feel so welcome.

### **Agenda Item No. II: Consideration and Approval of the Minutes of the March 18, 2021 Meeting**

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

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

#### 1. Education / Training Report

Executive Director Gluck reported that staff conducted many trainings early in the year, but that staff did not have many trainings scheduled for March and April. He stated that he had reached out to the Governor's office and asked that they inform the departments that staff remain ready and able to provide ethics training via videoconference to state employees.

#### 2. Guidance and Assignment Statistics – March 2021

Executive Director Gluck stated that staff have been continuing to work on closing cases.

#### 3. Financial Report for FY 2020-2021 (Jan. 1, 2021 – Mar. 31, 2021)

Executive Director Gluck stated that the office is well under budget for the fiscal year; he stated his goal to finish this fiscal year approximately 8% under budget, equivalent to the reduction that the office is facing in next year's budget.

#### 4. Appointment of New Commissioners

Executive Director Gluck welcomed Commissioner McCarthy and thanked him for his service. Executive Director Gluck also stated that the Judicial Council had received applications for the upcoming vacancy and did not intend to extend the application period again. The Judicial Council's goal is to provide the Governor with the list of two names soon, such that the Governor can appoint a new Commissioner to start on or close to July 1.

## 5. Miscellaneous Office Projects / Updates

Executive Director Gluck stated that staff will likely start doing more work in the office as vaccinations become more widely available, but that he anticipates staff will continue to perform some work remotely and with flexible hours.

Sandy Ma from Common Cause asked whether ethics trainings were available to the public. Executive Director Gluck stated that ethics trainings are typically offered for state employees, with some trainings tailored for specific departments or situations. Staff also offer training for lobbyists and Continuing Legal Education courses for government attorneys. Executive Director Gluck stated that members of the public could generally attend the general ethics trainings if they were interested; alternatively, members of the public could also take the on-line ethics training for a general overview of the Ethics Code. Executive Director Gluck also stated that some trainings are done as part of another board's sunshine law meeting, which meetings are open to the public. Ms. Ma stated that she had received questions about ethics training and that she would refer those individuals to the Commission's website.

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

Executive Director Gluck stated that the budget bill, H.B.1, had been signed into law by the Governor. He stated that the bill represents an 8% cut from this current year's budget. Executive Director Gluck stated that the office would be able to withstand the budget cut, in part because he intended to leave an administrative position vacant.

Executive Director Gluck stated that S.B. 82 was dead but that the remaining bills listed on the agenda – H.B. 671, H.B. 741, H.B. 670, S.B. 873, and S.B. 1034 – were all moving ahead. Executive Director Gluck also mentioned that S.B. 1350, which originally would have created a new Public Accountability Agency – has been gutted and replaced twice and now would suspend salary increases for certain state officials.

Commissioner Grauly asked whether we ever discovered the rationale for the bill that would extend the records retention period for lobbying records; Executive Director Gluck stated he still did not know the impetus for that bill.

### **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. Commissioner Grauly asked whether a representative from the Attorney General's office could attend the next meeting to update the Commission as to the status of the collection proceedings, and Executive Director Gluck stated that he would arrange that.

## **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, Fong, and McCarthy voting).

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

Minutes approved on May 20, 2021.