

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

STATE OF HAWAI'I

Date: May 20, 2021

Time: 9:00 a.m.

Location: Held via Zoom video and audio conference

Present: State Ethics Commission Members

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 Hawai'i (via video conference)
Caroline Kunitake, Common Cause Hawai'i (via video conference)

Note: Commission Chair Ruth Tschumy was not present for this meeting.

CALL TO ORDER

Vice Chair Wood called the meeting to order at 9:04 a.m. and confirmed that all Commissioners, except for Chair Ruth Tschumy, and staff were present.

Agenda Item No. I: Consideration and Approval of the Minutes of the April 15, 2021 Meeting

Vice Chair Wood noted a typographical error on the draft minutes. Commissioner Fong made and Commissioner Graulty seconded a motion to approve the minutes of the April 15, 2021 Sunshine Meeting, as amended. The motion carried unanimously (Wood, Graulty, Fong, and McCarthy voting).

Agenda Item No. III: Executive Director's Report

1. Education / Training Report

Executive Director Gluck noted that all trainings were still being conducted via videoconference and reported on some upcoming trainings.

2. Guidance and Assignment Statistics – April 2021

Executive Director Gluck stated that the Commission has received many complaints recently, particularly against private businesses and county-level officials. Executive Director Gluck stated that staff planned to update the website to better inform the public regarding the limits of the Commission's jurisdiction.

3. Appointment of New Commissioner

Executive Director Gluck did not have any new information regarding the appointment of a commissioner to replace Chair Tschumy when her term expires on June 30, but hoped that a new commissioner would be in place by July 1.

4. Miscellaneous Office Projects / Updates

Executive Director Gluck stated that he is working on the cover story about the Commission's functions for the August edition of the Hawaii Bar Journal. He also discussed the logistics for bringing staff back into the office and holding Commission meetings with a combination of videoconference and in-person attendance.

Agenda Item No. IV: 2021 Legislative Session

Executive Director Gluck reported that House Bill ("H.B.") 671 passed the Legislature and was awaiting action by the Governor, and that he is hopeful that the Governor will approve the measure. He likewise reported that the lobbying record retention bill, H.B. 741, was also pending action by the Governor. Commissioner Graulty 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. A version of the pension forfeiture bill, H.B. 670, also passed.

Senate Bill (“S.B.”) 589, the technology transfer bill, also passed. Executive Director Gluck stated that the University likes some provisions of the bill and has some concerns about other portions, and Executive Director Gluck was unsure as to the University’s final position on the measure. Although Executive Director Gluck has some concerns about the language in the bill regarding the Commission’s responsibilities to review technology transfer activities, he believes that the Commission can carry out the new responsibilities if the bill becomes law. As such, he recommended that the Commission simply remain silent for now and wait to see whether the Governor decides to veto the measure.

Finally, Executive Director Gluck stated that S.B. 873 and S.B.1034 also passed the Legislature and were awaiting action by the Governor. These measures would allow for videoconference participation for Commission meetings and hearings even after the emergency measures put in place for COVID-19 have expired. Executive Director Gluck stated that he would review the bills again if they become law but that he believes the Commission is already following best practices with respect to videoconferencing during open meetings.

Commissioner Fong asked about the pension forfeiture bill, and he, Commissioner Grauly, and Ms. Ma discussed the details of the measure.

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)

RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE SESSION

At approximately 9:24 a.m., Commissioner Grauly made and Commissioner Fong seconded a motion to convene an Executive Session pursuant to Hawai’i Revised Statutes section 92-5(a)(4) to consult with the Commission’s attorneys and/or the Department of the Attorney General on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities. The motion carried unanimously (Wood, Grauly, Fong, and McCarthy voting).

The Commission excused the members of the public and met in Executive Session.

ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW MEETING

At approximately 9:45 a.m., Commissioner McCarthy made and Commissioner Grauly seconded a motion to adjourn the Executive Session and return to the Sunshine

Law meeting. The motion carried unanimously (Wood, Gaulty, Fong, and McCarthy voting).

The Commission adjourned the Executive Session and returned to the Sunshine Law meeting at approximately 9:45 a.m. Any members of the public who were still in the Zoom waiting room were re-admitted to the Sunshine Law meeting.

Agenda Item No. V: Consideration of Order Requiring Financial Disclosures to be Filed Electronically

Executive Director Gluck gave a brief background on this matter, explaining that HRS § 84-17 allows the Commission to require that filers submit their financial disclosure statements electronically. He recommended that the Commission issue an order to require the electronic filing of financial disclosure statements, effective July 1, 2021.

Commissioner McCarthy made and Commissioner Gaulty seconded a motion to approve and issue the draft Order Requiring Financial Disclosures to be Filed Electronically. The motion carried unanimously (Wood, Gaulty, Fong, and McCarthy voting).

ADJOURNMENT OF SUNSHINE LAW MEETING

At approximately 9:54 a.m., Commissioner Gaulty made and Commissioner Fong seconded a motion to adjourn the Sunshine Law Meeting. The motion carried unanimously (Wood, Gaulty, Fong, and McCarthy voting).

The meeting was adjourned at 9:54 a.m.

Minutes approved on June 17, 2021.