

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

STATE OF HAWAI'I

Date: July 15, 2021

Time: 9:00 a.m.

Location: Held via Zoom video and audio conference

Present: State Ethics Commission Members

Melinda S. Wood, Vice Chair/Chair (via video conference)  
Reynard D. Graulty, Commissioner (via video conference)  
Wesley F. Fong, Commissioner/Vice Chair (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)  
Hayk Bejanyan, Advisor, Deputy Head of Department, Audit Chamber of the  
Republic of Armenia (and Professional Fellows Program participant  
placed with the Hawai'i State Ethics Commission) (via video conference)

**CALL TO ORDER**

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

**Agenda Item No. I: Consideration and Approval of the Minutes of the June 17, 2021 Meeting**

Commissioner Fong made and Commissioner McCarthy seconded a motion to approve the minutes of the June 17, 2021 Sunshine Meeting. The motion carried unanimously (Wood, Graulty, Fong, and McCarthy voting).

## **Agenda Item No. II: Election of Officers**

Vice Chair Wood recommended deferring this matter until next month, when – presumably – the vacancy on the Commission will have been filled.

Commissioner Fong recommended going ahead with the vote now and nominated Vice Chair Wood to be Chair.

Commissioner Gaulty asked whether Vice Chair Wood automatically becomes Chair now that Chair Tschumy has left the Commission. Associate Director Yoza advised that, while the Vice Chair can preside in the Chair's absence, the Commission would need to vote to make the Vice Chair the Chair.

Commissioner Fong made and Commissioner Gaulty seconded a motion to close the nominations for Chair. The motion carried unanimously (Wood, Gaulty, Fong, and McCarthy voting).

Commissioner Fong made and Commissioner Gaulty seconded a motion to elect Melinda Wood as Chair. The motion carried (Gaulty, Fong, and McCarthy voting aye; Wood abstaining).

Commissioner McCarthy nominated Commissioner Fong as Vice Chair. Commissioner Gaulty seconded the nomination.

Commissioner Gaulty made and Commissioner McCarthy seconded a motion to close the nominations for Vice Chair. The motion carried unanimously (Wood, Gaulty, Fong, and McCarthy voting).

Chair Wood called for the vote on the nomination of Commissioner Fong as Vice Chair. The motion carried (Wood, Gaulty, and McCarthy voting; Fong abstaining).

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

### 1. Update regarding appointment of new Commissioner

Executive Director Gluck reported that, to his knowledge, the Governor was still in the process of selecting one of the two individuals nominated by the Judicial Council.

### 2. Staffing update

Executive Director Gluck stated that Staff Attorney Virginia Chock would be retiring at the end of the year. The Commissioners congratulated her on her wonderful career and wished her a happy retirement.

### 3. Education / Training Report

Executive Director Gluck stated that staff are still conducting trainings via Zoom. He thanked the staff for taking on extra trainings over the past few weeks.

### 4. Guidance and Assignment Statistics – June 2021

Executive Director Gluck stated that the Commission was still receiving complaints directed at county employees and employees of private companies, and was working to add extra language to the website so that would-be complainants would find it easier to direct their complaints to the appropriate agencies.

### 5. Financial Report for FY 2020-2021 (July 1, 2020 – June 30, 2021)

Executive Director Gluck stated that the Commission ended the fiscal year substantially under budget. He stated that, in the upcoming fiscal year, the Commission's budget would be reduced by 8% from the current year's budget, and his goal was to match that reduction of 8% in 2020-2021 fiscal year spending. The office met that goal by cutting all travel, by not filling one of the administrative positions, and by cutting other expenses.

### 6. Update regarding 2021 Financial Disclosure filings

Executive Director Gluck stated that the office had published a list of non-filers. Staff Attorney Chang stated that the number of outstanding filers was 21, and that in previous years the number of non-filers at this point in the year was in the range of 300 to 350. Executive Director Gluck commended Staff Attorney Chang, Office Manager Caroline Choi, Computer Specialist Patrick Lui, and Secretary Lynn Santiago for their patience and professionalism in helping filers with their disclosures.

### 7. Miscellaneous Office Projects / Updates

Executive Director Gluck did not have any further updates.

Ms. Ma from Common Cause asked when the Commission may be going back to in-person trainings. Executive Director Gluck stated that the Commission was planning to hold one in-person training for a state board but that he anticipated having virtual trainings for the foreseeable future; however, he stated that if anyone wants ethics training they can reach out to the Commission. With respect to having in-person Commission meetings, Executive Director Gluck deferred to the Chair but stated that, in his opinion, Zoom meetings were preferable because they allowed for greater public participation than in-person meetings.

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

Executive Director Gluck stated that H.B.671, the post-employment law, was signed into law and will go into effect on January 1, 2022. The records retention bill, H.B. 741, and H.B. 670, the pension forfeiture bill, were also signed into law.

Executive Director Gluck stated that S.B. 589 was vetoed, but that the Legislature amended the bill and sent it back to the Governor's office. He also stated that the total number of technology transfer projects is estimated to be under ten per year.

Executive Director Gluck stated that S.B. 873 and S.B. 1034 will become law, and that these measures will help to improve the public's access to government proceedings.

#### **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 did not have any updates on these matters.

#### **Agenda Item No. VI: Approval of Position Description for Executive Director**

Chair Wood stated her belief that it would be prudent to update the position description for the Executive Director position in the event the Commission found itself with a vacancy. She stated that the Commission would still need to meet to discuss the timing and application process in the event of a vacancy.

In response to a question by Commissioner Gaulty, Executive Director Gluck stated that the position description was last updated in 2017, about a year after Executive Director Gluck started in 2016. Several Commissioners requested that staff provide their input on the position description and process.

After some discussion, the Commissioners agreed to defer this matter until such time as the Commission finds itself with a vacancy in the position.

## **ADJOURNMENT OF SUNSHINE LAW MEETING**

At approximately 9:44 a.m., Commissioner Gaulty made and Vice Chair Fong seconded a motion to adjourn the Sunshine Law Meeting. The motion carried unanimously (Wood, Fong, Gaulty, and McCarthy voting).

The meeting was adjourned at 9:44 a.m.

Minutes approved on August 19, 2021.