

SUNSHINE LAW MEETING  
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: August 19, 2021

Time: 9:00 a.m.

Location: Held via Zoom video and audio conference

Present: State Ethics Commission Members

Melinda S. Wood, Chair (via video conference)  
Wesley F. Fong, Vice Chair (via video conference)  
Reynard D. Graulty, Commissioner (via video conference)  
Harry J. McCarthy, Commissioner (via video conference)  
Beverley Tobias, 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**

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

**Agenda Item No. I: Welcome to Commissioner Beverley Tobias**

Chair Wood welcomed Commissioner Tobias, and Commissioner Tobias said that she was honored to serve in this capacity. Vice Chair Fong asked Commissioner Tobias about her background, and Commissioner Tobias stated that her background is as a “super nurse”: she said she has experience with nursing, management, and holding office with an international organization. The other Commissioners welcomed her and thanked her for her service.

**Agenda Item No. II: Consideration and Approval of the Minutes of the July 15, 2021 Meeting**

Commissioner McCarthy made and Vice Chair Fong seconded a motion to approve the minutes of the July 15, 2021 Sunshine Meeting. The motion carried unanimously (Wood, Fong, Grauly, McCarthy, and Tobias voting).

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

Executive Director Gluck referred to the statistics for the month, then turned to the Financial Disclosure filings. He stated that – compared with previous years – the office is doing very well in terms of the low numbers of non-filers. He stated that, the previous week, the office sent out thirteen fine notices; one of those thirteen individuals had passed away and one had left state office, while several others filed their disclosures and were requesting waivers of the \$75 penalty. Staff Attorney Chang clarified that there are only five individuals who have not yet filed, and that for new board members – that is, members whose terms started on July 1 – there are only approximately eleven individuals who have not yet filed their disclosures. Those individuals have not yet received fine letters. She stated that staff would present the waiver requests to the Commission at its next meeting. Chair Wood and Executive Director Gluck commended the staff for their proactive efforts in getting filers to submit their financial disclosures.

Executive Director Gluck did not have any further updates.

Ms. Ma from Common Cause asked whether there was a fee schedule for failure to file financial disclosure statements. Executive Director Gluck stated that the fine is set by statute at \$75, and if the filer fails to file the financial disclosure within ten days of receiving the fine notice from the Commission, fines of \$10 a day continue to accrue.

**Agenda Item No. IV: *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 the Department of the Attorney General stipulated to stay its collection proceeding pending the outcome of Akana's appeal of the Commission's order.

**Agenda Item No. V: Personnel matters**

Chair Wood thanked Staff Attorney Virginia Chock for her many years of service. Executive Director Gluck congratulated Staff Attorney Chock on her retirement and praised her for being an extraordinary attorney and colleague. Staff Attorney Chock

said that it has been a privilege and a pleasure to work for the Commission. The Commissioners congratulated her on her wonderful career and wished her a happy retirement.

Commissioner Gaulty asked whether future meetings could take place on Wednesdays; the other Commissioners agreed. Executive Director Gluck stated that meeting folder materials would be available on Thursdays, rather than Fridays, but he did not see any problems with moving the regular meeting date.

Chair Wood then suggested that an executive session would be helpful to discuss a personnel matter.

### **RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE SESSION**

At approximately 9:26 a.m., Vice Chair Fong made and Commissioner Gaulty seconded a motion to convene an Executive Session pursuant to Hawai'i Revised Statutes section 92-5(a)(2) to discuss matters relating to the hire, evaluation, dismissal, or discipline of an officer or employee. The motion carried unanimously (Wood, Fong, Gaulty, McCarthy, and Tobias voting).

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

### **ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW MEETING**

At approximately 9:50 a.m., Commissioner Gaulty made and Commissioner Tobias seconded a motion to adjourn the Executive Session and return to the Sunshine Law meeting. The motion carried unanimously (Wood, Gaulty, Fong, McCarthy, and Tobias voting).

The Commission adjourned the Executive Session and returned to the Sunshine Law meeting at approximately 9:50 a.m. There were no members of the public in the Zoom waiting room.

Chair Wood reported that there were no other votes taken in the Executive Session to be reported in the public minutes.

For the public minutes, Executive Director Gluck reported that he had tendered his resignation during the Executive Session.

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

At approximately 9:51 a.m., Commissioner Gaulty made and Commissioner McCarthy seconded a motion to adjourn the Sunshine Law Meeting. The motion carried unanimously (Wood, Fong, Gaulty, McCarthy, and Tobias voting).

The meeting was adjourned at 9:51 a.m.

Minutes approved on September 3, 2021.