

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

STATE OF HAWAI'I

Date: September 3, 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)  
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)  
Susan Rhee, Lobbyist

**CALL TO ORDER**

Chair Wood called the meeting to order at 9:01 a.m. and confirmed that all Commissioners and staff were present.

**Agenda Item No. I: Consideration and Approval of the Minutes of the August 19, 2021 Meeting**

Vice Chair Fong made and Commissioner Graulty seconded a motion to approve the minutes of the August 19, 2021 Sunshine Meeting. The motion carried unanimously (Wood, Fong, Graulty, McCarthy, and Tobias voting).

**Agenda Item No. II: Consideration and Approval of the Minutes of the August 19, 2021 Executive Session Meeting**

Commissioner McCarthy made and Vice Chair Fong seconded a motion to approve the minutes of the August 19, 2021 Executive Session Meeting. The motion carried unanimously (Wood, Fong, Graulty, McCarthy, and Tobias voting).

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

Executive Director Gluck presented updated guidance and assignment statistics for the month of August. He stated that Commission staff are working with the University of Hawai'i to put together a joint training on ethics and technology transfer issues.

Regarding financial disclosure filings, Executive Director Gluck stated that there were only three outstanding filers for the period ending May 31, 2021.

The Commissioners and staff discussed logistics for the upcoming COGEL conference.

Vice Chair Fong asked whether COVID had influenced the number of complaints the Commission had received. Executive Director Gluck stated that the Commission received a record number of complaints in 2020 and that the Commission was on track to set another record in 2021.

**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)***

There were no updates on these matters.

**Agenda Item No. V: Discussion of the Application and Hiring Process for the Executive Director of the Hawai'i State Ethics Commission**

Vice Chair Fong asked whether the Commission was required to interview every applicant. Executive Director Gluck stated that the Commission was not obligated to interview every applicant.

Chair Wood then suggested that an executive session would be helpful.

Ms. Ma from Common Cause thanked Executive Director Gluck for being transparent and setting a good tone in his service with the Ethics Commission; she stated that she appreciated the good working relationship between Executive Director

Gluck and Common Cause. Executive Director Gluck thanked Ms. Ma for her comments.

At approximately 9:24 a.m., Commissioner Graulty made and Vice Chair 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 on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities. The motion carried unanimously (Wood, Graulty, Fong, McCarthy, and Tobias voting).

The Commission excused the members of the public from the meeting and met in Executive Session. [Note: at the October 15, 2021 meeting, the Commission voted to make the minutes of the Executive Session meeting public and to include them in the September 3, 2021 Sunshine Law Meeting minutes.]

The Commissioners discussed the application package. The Commissioners agreed that the application package, with the edits suggested by staff, was good.

Commissioner Graulty then raised the issue of timing. The Commissioners discussed the application deadline. Executive Director Gluck stated that, if the Commission approved the application package at this meeting, staff could post the job announcement the same day. After some discussion, the Commission agreed that applications would be due no later than October 6.

The Commission and staff then discussed advertising the position. Executive Director Gluck stated that staff would post the item on social media but recommended against advertisement in the Star-Advertiser.

At approximately 9:41 a.m., Vice Chair Fong made and Commissioner Tobias seconded a motion to approve the application package with edits suggested by staff, with an application deadline of October 6. The motion carried unanimously (Wood, Graulty, Fong, McCarthy, and Tobias voting).

The Commissioners then discussed how to screen the applicants. Executive Director Gluck advised that the Commission would need to conduct the screening during a noticed Sunshine meeting, but that the actual review of and discussion regarding candidates could take place in Executive Session.

The Commissioners discussed the logistics for reviewing the applications themselves, and whether that would occur with electronic records or paper records. The Commissioners further discussed ways to eliminate candidates who do not meet the minimum qualifications, such as those who do not even have a law degree.

The Commissioners then discussed the time necessary for conducting background checks on candidates.

After additional discussion, the Commissioners agreed to narrow down the list of candidates first, after which staff could assist in performing background checks on candidates prior to interviews.

Commissioner Gaulty asked whether the application package had a question as to whether the applicant had ever filed for bankruptcy. The Commissioners discussed the matter.

At approximately 10:03 a.m., Commissioner Gaulty made and Commissioner McCarthy seconded a motion to amend the application package to include a question as to whether the applicant had ever filed for personal bankruptcy. The motion carried unanimously (Wood, Gaulty, Fong, McCarthy, and Tobias voting).

The Commissioners then discussed the schedule for interviews, as well as the process for having candidates meet with staff. The Commissioners agreed that it would be helpful for the staff to meet with the candidates prior to the Commission's interviews with candidates, and for the staff to provide feedback directly to Chair Wood.

After some discussion, the Commissioners agreed to hold interviews beginning at 9:00 a.m. on October 27 and October 29, with another meeting at 9:00 a.m. on November 1 to select a candidate. The Commission also agreed that candidates selected for an interview would meet with Commission staff, other than Executive Director Gluck, the week of October 18. The Commission would then have its regular monthly meeting on November 17.

The Commissioners then discussed the issue of when they would decide upon interview questions. Chair Wood stated that the Commission could consider the interview questions at its October 15 meeting.

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

At approximately 10:29 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 10:29 a.m.

**Agenda Item No. VI: Consideration of Meeting Schedule for Remainder of 2021**

Chair Wood discussed that the Commission's regular meetings would be taking place on October 15, November 17, and December 15. The other Commissioners concurred.

**Agenda Item No. VII: Adjournment**

At approximately 10:31 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 10:31 a.m.

Minutes approved on October 15, 2021.