

SUNSHINE LAW MEETING
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: October 15, 2021

Time: 8:30 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. Grauly, 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)
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 Wood called the meeting to order at 8:35 a.m. and confirmed that all Commissioners and staff were present.

Agenda Item No. I: Consideration and Approval of the Minutes of the September 3, 2021 Executive Session Meeting

Agenda Item No. II: Consideration and Approval of the Minutes of the September 3, 2021 Meeting

Executive Director Gluck advised that the Commission make public the minutes of the September 3, 2021 Executive Session meeting, and that the Commission

approve one consolidated set of minutes for the September 3 meeting that includes the minutes from the Executive Session.

Commissioner Grauly made and Vice Chair Fong seconded a motion to approve the consolidated minutes of the September 3, 2021 meeting, including minutes of the discussions held during Executive Session. The motion carried unanimously (Wood, Fong, Grauly, McCarthy, and Tobias voting).

Agenda Item No. III: Executive Director's Report

Executive Director Gluck stated that Staff Attorney Campbell was working with University of Hawai'i personnel to present a joint training on ethics and technology transfer.

Regarding the financial report, Executive Director Gluck stated that the office has reduced expenditures to comply with COVID-related budget cuts and that the office was within budget.

Regarding financial disclosure filings, Executive Director Gluck stated that everyone who had been required to file a financial disclosure statement by May 31, 2021, had now done so. The Commissioners commended the staff for this accomplishment.

Regarding *The High Road*, Executive Director Gluck stated that staff had updated the design of the newsletter and that Associate Director Yoza continues to produce most of the high-quality content.

Executive Director Gluck stated that the COGEL conference would be held virtually, rather than in person, and asked whether any commissioners would like to attend. The Commission discussed the conference with staff; several commissioners stated that they would consider whether to attend, but no decisions were made.

Sandy Ma of Common Cause asked whether there would be a training for lobbyists. Executive Director Gluck stated that he did not know when the training would be held but that it would likely occur in December or January.

Ms. Ma then asked whether there are set standards for the waiver of penalties for late filing of financial disclosure filings. Executive Director Gluck stated that the standards are set forth in the administrative rules and that he would follow up with her after the meeting.

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)

The Commission deferred discussion of this item until after discussion on Agenda Item V. After that discussion, Executive Director Gluck stated that he had no updates on Agenda Item IV.

Agenda Item No. V: Initial Review of Applicants for the Position of Executive Director and General Counsel; Consideration and Approval of Interview Questions

Chair Wood then suggested that an executive session would be in order to discuss the review of applicants for the position of Executive Director.

RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE SESSION

At approximately 8:55 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)(2) to discuss matters relating to the hire, evaluation, dismissal, or discipline of an officer or employee. The motion carried unanimously (Wood, Fong, Graulty, McCarthy, and Tobias voting).

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

Commissioner Graulty left the meeting during the Executive Session, prior to the vote to adjourn the Executive Session.

ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW MEETING

At approximately 9:37 a.m., Commissioner Tobias made and Commissioner McCarthy seconded a motion to adjourn the Executive Session and return to the Sunshine Law meeting. The motion carried unanimously (Wood, Fong, McCarthy, and Tobias voting).

The Commission adjourned the Executive Session and returned to the Sunshine Law meeting at approximately 9:38 a.m. There were no members of the public in the Zoom waiting room.

Chair Wood stated that, for upcoming interviews, the Commission would use the draft questions prepared by staff as guidance, but that Commissioners would be free to ask follow up questions as necessary. Chair Wood asked whether any members of the

public wished to testify regarding the interview questions, but no members of the public did so.

ADJOURNMENT OF SUNSHINE LAW MEETING

At approximately 9:45 a.m., Commissioner McCarthy made and Vice Chair Fong seconded a motion to adjourn the Sunshine Law Meeting. The motion carried unanimously (Wood, Fong, McCarthy, and Tobias voting).

The meeting was adjourned at 9:45 a.m.

Minutes approved on November 17, 2021.