

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

STATE OF HAWAI'I

Date: November 17, 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)
Bonita Y.M. Chang, Staff Attorney (via video conference)
Kee M. Campbell, Staff Attorney (via video conference)
Patrick W.C. Lui, Computer Specialist (via audio conference)

Guests

Sandy Ma, Executive Director, Common Cause Hawai'i (via video conference)
Another member of the public was present but did not identify themselves

CALL TO ORDER

Chair Wood called the meeting to order at 9:07 a.m. and confirmed that all Commissioners and staff were present.

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

Vice Chair Fong made and Commissioner Tobias seconded a motion to approve the minutes of the October 15, 2021 meeting. The motion carried unanimously (Wood, Fong, Graulty, McCarthy, and Tobias voting).

Agenda Item No. II: Consideration and Approval of the Minutes of the October 15, 2021 Executive Session Meeting

Commissioner McCarthy made and Vice Chair Fong seconded a motion to approve the minutes of the October 15, 2021 Executive Session meeting. The motion carried unanimously (Wood, Fong, Gaulty, McCarthy, and Tobias voting).

Agenda Item No. III: Consideration and Approval of the Minutes of the October 27, 2021 Meeting

Commissioner Tobias noted a typographical error in these minutes, as well as for the minutes of the October 15 and November 1 meetings, in which Chair Wood was erroneously referred to as Vice Chair Wood.

Vice Chair Fong made and Commissioner McCarthy seconded a motion to approve the minutes of the October 27, 2021 meeting, as corrected. The motion carried unanimously (Wood, Fong, Gaulty, McCarthy, and Tobias voting).

Agenda Item No. IV: Consideration and Approval of the Minutes of the October 27, 2021 Executive Session Meeting

Commissioner Tobias made and Vice Chair Fong seconded a motion to approve the minutes of the October 27, 2021 Executive Session meeting. The motion carried unanimously (Wood, Fong, Gaulty, McCarthy, and Tobias voting).

Agenda Item No. V: Consideration and Approval of the Minutes of the October 29, 2021 Meeting

Commissioner McCarthy made and Commissioner Tobias seconded a motion to approve the minutes of the October 29, 2021 meeting. The motion carried unanimously (Wood, Fong, Gaulty, McCarthy, and Tobias voting).

Agenda Item No. VI: Consideration and Approval of the Minutes of the October 29, 2021 Executive Session Meeting

Commissioner McCarthy made and Vice Chair Fong seconded a motion to approve the minutes of the October 29, 2021 Executive Session meeting. The motion carried unanimously (Wood, Fong, Gaulty, McCarthy, and Tobias voting).

Agenda Item No. VII: Consideration and Approval of the Minutes of the November 1, 2021 Meeting

Commissioner Tobias made and Vice Chair Fong seconded a motion to approve the minutes of the November 1, 2021 meeting. The motion carried unanimously (Wood, Fong, Gaulty, McCarthy, and Tobias voting).

Agenda Item No. VIII: Consideration and Approval of the Minutes of the November 1, 2021 Executive Session Meeting

Commissioner McCarthy made and Commissioner Gaulty seconded a motion to approve the minutes of the November 1, 2021 Executive Session meeting. The motion carried unanimously (Wood, Fong, Gaulty, McCarthy, and Tobias voting).

Agenda Item No. IX: Executive Director's Report

Executive Director Gluck pointed to the attachments regarding the Education/Training Report and the Guidance and Assignment Statistics for October 2021.

Regarding the COGEL conference, the Commissioners discussed possible attendance at the virtual conference and whether the Commission should pay the \$400 registration fee for anyone to attend. The Commissioners elected not to attend to save money on registration fees.

Executive Director Gluck reported that he and Staff Attorney Chock were busy cleaning out their offices and files. He further reported that the Commission would be advertising for the open Staff Attorney position soon.

Agenda Item No. X: Update regarding hiring of Executive Director and General Counsel

Executive Director Gluck stated that the incoming Executive Director planned to start on January 3, but that the person wanted to wait to make a public announcement until that date to be available for any media requests. Executive Director Gluck also stated that he intended to work until December 15, after which he would use up his vacation time, but offered to leave earlier if the Commission preferred. The Commissioners had no objections to Executive Director Gluck's plans.

Agenda Item No. XI: Proposed Budget 2022-2023

Executive Director Gluck stated that he had met with the incoming Executive Director, who agreed with Executive Director Gluck's recommendation to ask the Legislature for increased funding for staff salaries and for \$75,000 to upgrade the

Commission's computer servers. Executive Director Gluck asked for the Commission to approve the proposed budget, noting that the budget may be subject to some small adjustments over the next few weeks.

Commissioner Tobias made and Commissioner Grauly seconded a motion to approve the proposed budget for 2022-2023. The motion carried unanimously (Wood, Fong, Grauly, McCarthy, and Tobias voting).

Agenda Item No. XII: Proposed Legislation

Executive Director Gluck discussed the proposed legislation, which would require ethics training for all state employees. He stated that he had met with the incoming Executive Director, who agreed with Executive Director Gluck's – and staff's – recommendation to ask the Legislature to introduce this bill. Executive Director Gluck stated, however, that the new Executive Director recommended that the effective date be moved to July 1, 2023, to give additional time to prepare to implement the new requirements. The Commissioners and Executive Director Gluck discussed the proposal, including questions about its cost and staff's ability to administer a mandatory training program on this scale.

Commissioner Tobias made and Commissioner Grauly seconded a motion to approve the proposed legislation for introduction. The motion carried unanimously (Wood, Fong, Grauly, McCarthy, and Tobias voting).

Agenda Item No. XIII: *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 had no updates on these matters. Vice Chair Fong asked about the status of the case and Commissioner McCarthy asked whether oral argument would be held; Executive Director Gluck stated that the case is pending a decision by the Intermediate Court of Appeals and that he did not expect oral argument to be held.

ADJOURNMENT OF SUNSHINE LAW MEETING

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

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

Minutes approved on December 15, 2021.