

SUNSHINE LAW MEETING
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: March 16, 2022

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)
Reynard D. Grauly, Commissioner (via video conference)
Harry J. McCarthy, Commissioner (via video conference)
Beverley Tobias, Commissioner (via video conference)

State Ethics Commission Staff

Robert D. Harris, Executive Director (via video conference)
Susan D. Yoza, Associate Director (via video conference)
Nancy C. Neuffer, Staff Attorney (via video conference)
Kee M. Campbell, Staff Attorney (via video conference)
Jennifer M. Yamanuha, Staff Attorney (via video conference)
Patrick W.C. Lui, Computer Specialist (via audio conference)
William Aana, Intern (via video conference)

Excused: Wesley F. Fong, Vice Chair

CALL TO ORDER

Chair Wood called the meeting to order at 9:06 a.m. and confirmed that in addition to herself, Commissioners McCarthy and Tobias, and all staff were present. Chair Wood announced that if the Commission's video conference connection was lost during the meeting, the meeting would be recessed and reconvened after the connection was restored; members of the public were asked to check the Commission's website (www.ethics.hawaii.gov) for information about reconnecting to the meeting. Chair Wood also announced that if the meeting was continued to a later date or terminated, information about this would be posted on the Commission's website.

Agenda Item No. I: Consideration and Approval of the Minutes of the February 16, 2022 Meeting

Commissioner Tobias made and Commissioner McCarthy seconded a motion to approve the minutes of the February 16, 2022 meeting. The motion carried unanimously (Wood, McCarthy, and Tobias voting).

Agenda Item No. II: Consideration and Approval of the Minutes of the February 16, 2022 Executive Session Meeting

Commissioner McCarthy made and Commissioner Tobias seconded a motion to approve the minutes of the February 16, 2022 executive session meeting. The motion carried unanimously (Wood, McCarthy, and Tobias voting).

Agenda Item No. III: Executive Director's Report

Executive Director Harris asked Computer Specialist Lui to introduce the office's new intern. Computer Specialist Lui said the office is participating in an internship program for university IT students. Intern William Aana will be working on IT-related projects for the office for about three months. During that time, his salary will be paid by the State Department of Labor's workforce program. Computer Specialist Lui introduced Intern Aana, who said he was excited and grateful for the opportunity to be part of the internship program. The Commissioners welcomed Intern Aana.

Executive Director Harris reviewed the training, guidance, and assignment statistics. He said that staff conducted an ethics training session for all members of the House of Representatives and received very positive feedback from the participants. He plans to reach out to the Senate to offer a similar training session for its members.

Executive Director Harris informed the Commission that staff started returning to the office to work. He has asked staff to be in the office at least three days each week, with the understanding that they can work remotely the other two days.

Executive Director Harris said there will likely be many Zoom meetings in the future and he is looking into increasing the office's bandwidth to accommodate more Zoom users. There will be an additional cost for this, but he believes it is a necessary expense.

Agenda Item No. IV: 2022 Legislative Session

Executive Director Harris updated the Commission about the status of legislation that staff have been tracking. He said both the House of Representatives and the Senate passed the budget bill (HB 2500 HD1) and the bill will now move to the

Governor. The bill includes funding for a full-time investigator and for replacement of the Commission's aging servers.

Executive Director Harris said the mandatory ethics training bill (HB 1475 HD1) was set for hearing and he expected the bill to continue to move forward. He also updated the Commission on the bills relating to protocol gifts reporting (HB 2069 HB2), interns as state employees (SB2138 SD1), Workforce Development Boards' conflicts of interests (HB2159 HD1), and task force exemptions from the ethics code.

Executive Director Harris discussed HR 9, Establishing a Commission to Improve Standards of Conduct. He was named to the commission, and both he and Staff Attorney Neuffer have been attending the commission's meetings. The commission's first report is due at the end of the month and will recommend that certain existing bills move forward this session. One of the bills, SB 555, is a campaign spending bill which would disallow campaign fundraising during the legislative session. The commission has discussed prohibiting fundraising in general during the legislative session and not just publicly noticed campaign fundraisers. The commission's second report is due in December and will probably include more substantive recommendations.

Commissioner Graulty joined the meeting via video conference at approximately 9:27 a.m.

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 Harris said there were no significant updates to report.

Agenda Item No. VI: Quarterly Performance Evaluations

RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE SESSION

At approximately 9:29 a.m., Commissioner McCarthy made and Commissioner Graulty seconded a motion to recess the public meeting and convene an Executive Session pursuant to Hawai'i Revised Statutes section 92-5(a)(2) to consider the hire, evaluation, dismissal or discipline of an officer or employee, and 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, McCarthy, and Tobias voting).

All members of the public and staff, with the exception of Executive Director Harris, were excused to the Zoom waiting room. The Commission and Executive Director Harris met in executive session.

ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW MEETING

At approximately 9:43 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, McCarthy, and Tobias voting).

The Commission adjourned the Executive Session and returned to the Sunshine Law meeting at approximately 9:43 a.m. There were no members of the public in the Zoom waiting room and all staff returned to the meeting at 9:44 a.m.

ADJOURNMENT OF SUNSHINE LAW MEETING

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

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

Minutes approved on April 20, 2022.