

SUNSHINE LAW MEETING  
MINUTES OF THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

Date: June 16, 2022  
Time: 9:03 a.m.  
Location: Held via Zoom video and audio conference  
Present: State Ethics Commission Members

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

State Ethics Commission Staff

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

**CALL TO ORDER**

Chair Wood called the meeting to order at 9:03 a.m. and noted that, in addition to herself, Vice Chair Fong and Commissioner Tobias were present in person. Commissioner McCarthy attended via videoconference.

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](http://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.

Public participants who appeared in person and introduced themselves included Jessica Caiazza; Wallyn Christian; Karl Dicks; Antionette Fernandez; Kai Lorinc, from

Citizens Against Crooked Politicians; and Charlotte Rosecrans. Public participants participating through the online video conference included Sandy Ma, from Common Cause Hawai'i; Rose Marie Jauch; James Ryan Malish; and Eric Sarrafian.

All participants using the video conference option confirmed they were participating remotely, and no one was in the room with them.

### **Agenda Item No. I: Consideration and Approval of the Minutes of the May 18, 2022 Meeting**

Kai Lorinc asked if any changes were made to the videoconference file that is posted to the website. Staff confirmed that no changes are made to the posted video files.

At 9:12 a.m., Commissioner Fong made and Commissioner Tobias seconded a motion to approve the minutes of the May 18, 2022 meeting. The motion carried (Wood, Fong, McCarthy, and Tobias voting).

### **Agenda Item No. II: Executive Director's Report**

Executive Director Harris reviewed the training, guidance, and assignment statistics. He observed the overall number of training participants had noticeably increased. With the likely passage of the Commission's mandatory ethics training bill HB 1475, staff are actively looking at ways to increase participation in ethics training without creating an undue burden on a limited number of staff members.

Commissioner Fong asked what recourse the Commission has if individual state employees refuse to go through training. Mr. Harris observed that the Commission has its enforcement authority under Hawaii Revised Statutes Chapter 84, but suggested that the focus – at least in the beginning -- may be on trying to get as many people as possible through the training versus looking to bring enforcement actions against individual stragglers.

Kai Lorinc asked if politicians could be required to undergo ethics training if they're found to violate the ethics code. Mr. Harris noted the bill simply requires ethics training every four years. However, participation in an ethics training could be a condition of settlement of an ethics violation.

At around 9:30 a.m., Commissioner Gaulty arrived at the meeting in person.

Kai Lorinc asked about a series of complaints that she said had been filed, and the perception of a backlog of cases currently in front of the Commission. A face-to-face meeting was proposed to discuss questions about any individual complaints that had been filed. Several related questions were asked, and a lengthy exchange occurred

about how cases are handled, processed, and how the public is notified when Complaints are resolved.

### **Agenda Item No. III: 2022 Legislative Session**

Executive Director Harris updated the Commission about the status of legislation that staff have been tracking. The Commission's budget had been signed by the Governor as Act 001, and a supplemental funding bill (SB 2794 SD1 HD1 CD1) was currently before the Governor. In addition, the Commission's mandatory ethics training bill (HB 1475 HD1 SD1 CD1) was currently before the Governor.

Executive Director Harris noted the next meeting of the Commission to Improve Standards of Conduct was scheduled and listed the website where more information could be found.<sup>1</sup> Mr. Harris noted the Commission to Improve Standards of Conduct agreed with many of the ethics recommendations, and steps were being taken to draft some of the recommendations or revise ideas in a manner to incorporate feedback.

Members of the public asked several additional questions about how the Ethics Commission handles complaints, and an informative discussion occurred about how complaints are processed; the sunshine law; balancing of privacy and public transparency; the closing of the State Capitol; criminal violations on Kaua'i, and prioritizing allegations against Legislators.

At 11:01 a.m., the Commission took a recess.

At 11:10 a.m., the Commission returned to session. Commissioner Graulty was excused.

### **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 Harris said there were no significant updates to report.

### **Agenda Item No. V: *Recognition of Chair Melinda Wood***

On behalf of the Commission, Vice Chair Fong thanked Chair Wood for her dedicated service on the Commission and her contributions to ethics from July 8, 2014 to June 30, 2022 and service as Chair July 2021 to June 2022. A written resolution was presented. In response, Chair Wood extended her sincere appreciation to the Commission and Staff.

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<sup>1</sup> <https://www.capitol.hawaii.gov/specialcommittee.aspx?comm=cisc&year=2022>

## **ADJOURNMENT OF SUNSHINE LAW MEETING**

At approximately 11:23 a.m., a motion to adjourn was approved unanimously (Wood, Fong, McCarthy, and Tobias voting).

The meeting was adjourned at 11:23 a.m.

Minutes approved on July 20, 2022.