

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

STATE OF HAWAI'I

Date: July 20, 2022

Time: 9:00 a.m.

Location: Held via Zoom video and audio conference

Public Meeting Location

Hawai'i State Ethics Commission Conference Room  
1001 Bishop Street  
American Savings Bank Tower, Suite 960  
Honolulu, Hawai'i 96813

Present: State Ethics Commission Members

Wesley F. Fong, Vice Chair / Chair (present in conference room)  
Harry J. McCarthy, Commissioner (via video conference)  
Beverley Tobias, Commissioner (via video conference)  
Robert Hong, Commissioner (via video conference)

Excused: Reynard D. Gaulty, Commissioner

State Ethics Commission Staff

Robert D. Harris, Executive Director (present in conference room)  
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)  
Jennifer M. Yamanuha, Staff Attorney (via video conference)  
Patrick W.C. Lui, Computer Specialist (via audio conference)

**CALL TO ORDER**

Vice Chair Fong called the meeting to order at 9:00 a.m. Commissioners McCarthy, Tobias, and Hong individually confirmed no one was in the room with them at their remote locations. All staff were also present.

There were no members of the public present in the public meeting location or via video or audio conference.

### **Agenda Item No. I: Welcome to Commissioner Robert Hong**

Vice Chair Fong welcomed Dr. Robert Hong as the newest member of the Commission and invited Commissioner Hong to say a few words about himself.

Commissioner Hong said he recently retired as a cardiologist after a 35-year career in medicine. He spoke briefly about his educational background and work as a physician, staff medical officer, and educator. He thanked everyone for welcoming him to the Commission.

### **Agenda Item No. II: Election of Officers for 2022**

Commissioner Tobias nominated Wesley Fong for Chair. There were no other nominations for Chair. The Commissioners voted unanimously in favor of Wesley Fong as Commission Chair (Fong, McCarthy, Tobias, and Hong voting).

Chair Fong thanked the Commissioners for their confidence in him.

Commissioner McCarthy nominated Rey Gaulty for Vice Chair. There were no other nominations for Vice Chair. The Commissioners voted unanimously in favor of Rey Gaulty as Commission Vice Chair (Fong, McCarthy, Tobias, and Hong voting).

### **Agenda Item No. III: Consideration and Approval of the Minutes of the June 16, 2022 Meeting**

Commissioner Tobias made and Commissioner McCarthy seconded a motion to approve the minutes of the June 16, 2022 meeting. The motion carried (Fong, McCarthy, and Tobias voting aye; Hong abstaining).

### **Agenda Item No. IV: Consideration of Reasonable Time Limits on Oral Testimony**

Chair Fong read aloud Hawai'i Administrative Rule § 21-1-6(c), which states the Commission may place reasonable time limits for members of the public to present oral testimony in order to ensure the reasonable and orderly administration of the meeting. Chair Fong asked Commissioners to discuss how they felt about placing time limits on testimony.

Commissioner Tobias said she felt a time limit is important and will help keep order during meetings.

Commissioner McCarthy agreed there should be a reasonable time limit. He was not sure what the time limit should be, but felt it should be left to the discretion of the chair. He said the agenda should also state that testimony must relate to agenda items only and must keep within the time limit for testimony.

Chair Fong said he preferred to have the Commission set a reasonable amount of time as a guide rather than leave it to the discretion of the chair.

Executive Director Harris suggested 3-5 minutes as a reasonable limit and said it could be left to the chair's discretion to extend the time, if needed. He also suggested the time limit be noted in the meeting agenda going forward, so the public has reasonable notice.

Commissioner Tobias made and Commissioner McCarthy seconded a motion to set a time limit of three minutes for public testimony, to be noted on the Commission's agenda, with more time allowed at the chair's discretion. The motion carried unanimously (Fong, McCarthy, Tobias, and Hong voting).

Chair Fong asked staff to publish the time limit in the meeting agenda so the public is aware that there is a reasonable time limit of three minutes for testimony.

#### **Agenda Item No. V: 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. He said with the passage of the Commission's mandatory ethics training bill, HB 1475, staff were actively looking at ways to increase participation in ethics training without creating an undue burden on a limited number of staff members.

Executive Director Harris also reviewed the Commission's fourth quarter and fiscal year-end financial report for FY 2021-22. He said the office spent 97% of the Commission's budget and returned \$32,956 in unspent funds to the State. He explained that staff worked hard to reduce spending in anticipation of COVID-related financial restrictions. He also said two staff members departed, which further reduced expenses. One of the positions has since been filled and staff plans to hire a part-time investigator during the current fiscal year.

Staff Attorney Chang provided an update on 2022 financial disclosure filings. For 2022, there are approximately 1,700 financial disclosure filers, and all state employee filers have filed their forms for this year. Staff is also busy with candidate financial disclosures, which are due on July 25, 2022. Staff is also assisting board members with their financial disclosure filings.

Executive Director Harris announced that Kathryn Spadaro has joined the staff. On behalf of the Commission, Chair Fong welcomed Ms. Spadaro.

Chair Fong asked who would be attending this year's COGEL conference in Canada. Executive Director Harris said one and possibly two commissioners will attend the December conference; Executive Director Harris also will attend the conference, along with Staff Attorneys Yamanuha and Campbell.

**Agenda Item No. VI: 2022 Legislative Session**

Executive Director Harris said the Commission's budget for FY 2022-23 was approved as Act 1. He said additional funding of about \$26,000 was provided for salary increases for staff comparable to union-negotiated increases.

Executive Director Harris provided an update on the Commission to Improve Standards of Conduct ("Standards Commission"). Many recommendations and ideas are being discussed. The Standards Commission recently heard from representatives from the Department of Justice, the Attorney General's office, and the County Prosecutors' offices about public corruption laws. The Honolulu Prosecutor's office will take the lead in drafting proposed changes to state corruption laws and will look at ways to strengthen state enforcement of corruption laws.

Commissioner Tobias asked whether the Senate has taken a more active role in the Standards Commission's work. Executive Director Harris replied that he did reach out to the Senate President, who indicated interest in the Standards Commission and a willingness to support it. Executive Director Harris also said he plans to invite representatives from the House and Senate to participate in the Standards Commission's upcoming session to discuss the legislative process and potential improvements.

Commissioner McCarthy asked whether campaign finance issues, particularly fundraising during legislative sessions, are actively being discussed. Executive Director Harris said the Campaign Spending Commission's Executive Director is a member of the Standards Commission and campaign finance issues are definitely being discussed. The Standards Commission's interim report recommended stopping fundraising in its entirety during legislative sessions and will likely make the same recommendation again. Executive Director Harris said this is a harder area to address because of constitutional issues having to do with money and politics.

Chair Fong thanked Executive Director Harris for representing the Commission on the Standards Commission.

**Agenda Item No. VII: 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 updates on the Akana case.

## **ADJOURNMENT OF SUNSHINE LAW MEETING**

At approximately 9:43 a.m., Commissioner McCarthy made and Commissioner Tobias seconded a motion to adjourn the meeting. The motion carried unanimously (Fong, McCarthy, Tobias, and Hong voting).

The meeting was adjourned at 9:43 a.m.

Minutes approved on September 21, 2022.