

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

STATE OF HAWAI'I

Date: November 16, 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, Chair (present in conference room)
Reynard D. Graulty, Vice Chair (via video conference)
Harry J. McCarthy, Commissioner (via video conference)
Robert Hong, Commissioner (present in conference room)

Excused: Beverley Tobias, Commissioner

State Ethics Commission Staff

Robert D. Harris, Executive Director (via video conference)
Susan D. Yoza, Associate Director (present in conference room)
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

Chair Fong called the meeting to order at 9:00 a.m. Chair Fong, Vice Chair Graulty, Commissioner McCarthy, Commissioner Hong, and all Commission staff were present. All Commissioners and staff participating via video or audio conference confirmed no one was in the room with them at their respective remote locations.

Chair Fong 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 Fong 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 October 19, 2022 Meeting

Due to the absence of Commissioner Tobias, whose vote was needed to approve the Minutes of the October 19, 2022 meeting, the Commission deferred the approval of the Minutes to the next Commission meeting.

Agenda Item No. II: Executive Director's Report

Executive Director Harris reviewed the training, guidance, and assignment statistics for October. The Commission had 562 participants in a live training class and 2,428 participants in the self-directed training course in October. These are record numbers for the live and self-directed training sessions. We expect to see continuing high numbers of participants because of the mandatory ethics training law. Staff will offer as many live trainings as possible, while also directing people to the online self-directed course. Executive Director Harris said the logistics of trying to train 50,000 state employees are significant. He explained who is required to take a live training class and when those classes will be offered.

Agenda Item No. III: Extension of Financial Disclosure Deadline for Newly Elected Legislators

Staff Attorney Chang explained that newly elected legislators are required to file their initial financial disclosures by December 8, 2022. In addition, all legislators are required to file their annual disclosures by January 31, 2023. To avoid requiring back-to-back filings by new legislators, she recommended extending the December 8 filing deadline to January 31, 2023.

Commissioner Hong made and Vice Chair Gaulty seconded a motion to approve the draft Order extending the financial disclosure deadline for newly elected legislators from December 8, 2022 to January 31, 2023. The motion carried unanimously (Fong, Gaulty, McCarthy, and Hong voting).

Agenda Item No. IV: Meeting Calendar

Executive Director Harris said the Commission is scheduled to meet on December 21, 2022. He asked whether Commissioners would be available to meet instead on December 14, 2022 to discuss proposed legislation and the Commission's proposed budget for the 2023 legislative session. By consensus, the Commissioners agreed to meet on December 14, 2022 at 9:00 a.m.

Executive Director Harris explained that for 2023, Commission meetings are scheduled on the third Wednesday of every month at 9:00 a.m. By consensus, the Commissioners agreed to the proposed meeting calendar for 2023.

Agenda Item No. V: Update on Commission to Improve Standards of Conduct

Executive Director Harris said the Standards Commission is in the process of drafting its report, which is due on December 2, 2022. The Standards Commission will cease to exist after its report is issued. He said the Standards Commission will recommend about 30 bills, including proposed revisions to state criminal statutes that are modelled after federal statutes for fraud and false claims. Executive Director Harris would like the Commission to discuss the proposed bills at the Commission's December meeting and decide which bills the Commission wishes to support.

Chair Fong asked whether any legislators have responded to the proposed bills. Executive Director Harris said it was too early to say how legislators will respond. Standards Commission Chair Dan Foley and Executive Director Harris (the Standards Commission's Vice Chair) plan to meet with Civil Beat and other members of the media to bring attention to the Standards Commission's proposals.

Chair Fong asked whether the county ethics boards are interested in doing something similar at the county level. Executive Director Harris said two of the Standards Commission's proposals will impact the counties: the first is to provide grants-in-aid to the counties for their ethics programs, and the second is to ask the counties to look at their current programs to see what improvements are needed. Executive Director Harris said he plans to discuss the Standards Commission's proposals with the counties to obtain their feedback and support, and also inform them that the opportunity for increased funding is available.

Commissioner Hong asked whether there is an overlap between the county ethics laws and the state ethics laws such that the counties and the state can work together on some of the proposals. Executive Director Harris explained that the State Constitution requires separate ethics commissions for the state and counties. The ethics laws are left to the state legislature and county councils, respectively. Although there is some overlap in the laws, there are also differences.

Chair Fong said he felt it was important for the State Ethics Commission to extend as much help as possible to the county ethics commissions.

Commissioner McCarthy suggested the Commission host a conference with the county ethics commissions to discuss common issues and problems, and how we can help each other. Executive Director Harris said everyone, including the neighbor island commissions, is interested in this. He said the Commission could request funding in its budget for such a conference. The conference could be held next summer.

Agenda Item No. VI: 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)

There was no update on the Akana case.

ADJOURNMENT OF SUNSHINE LAW MEETING

At approximately 9:38 a.m., Vice Chair Gaulty made and Commissioner McCarthy seconded a motion to adjourn the meeting. The motion carried unanimously (Fong, Gaulty, McCarthy, and Hong voting).

The meeting was adjourned at 9:38 a.m.

Minutes approved on December 14, 2022.