

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

STATE OF HAWAI'I

Date: January 19, 2023

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 audio conference)
Beverley Tobias, Commissioner (via video conference)
Robert Hong, Commissioner (via video conference)

Excused: Harry J. McCarthy, 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

Chair Fong called the meeting to order at 9:00 a.m. Chair Fong, Commissioner Tobias, 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 noted that no members of the public were present and the public meeting notice included instructions for the public if the Commission's video conference connection was lost during the meeting.

Agenda Item No. I: Election of Officers for 2023

Chair Fong asked whether Commissioners wished to postpone the election of new officers to July 2023, noting that Vice Chair Gaulty's term will end in June.

Commissioner Tobias made and Commissioner Hong seconded a motion to postpone the election of new officers to July 2023. The motion carried unanimously (Fong, Tobias, and Hong voting).

Agenda Item No. II: Consideration and Approval of the Minutes of the December 14, 2022 Meeting

Commissioner Tobias made and Commissioner Hong seconded a motion to approve the minutes of the December 14, 2022, meeting. The motion carried unanimously (Fong, Tobias, and Hong voting).

Agenda Item No. III: Executive Director's Report

Executive Director Harris reviewed the training statistics for 2022 and the training schedule for 2023. He noted that 2022 had the highest number of participants in the Commission's training program history and he expected 2023 to be even better. He summarized staff's efforts to increase training overall. He also summarized guidance and assignment statistics for 2022, and the financial report for FY 2022-23 Q2.

Chair Fong asked Executive Director Harris whether the counties would be receptive to incorporating the Commission's training into their programs and making it mandatory for county employees. Executive Director Harris said he has not discussed this with the counties but the county codes of ethics are different from the State's code and this could lead to confusion. The neighbor island counties also lack staff and the capacity to do training.

Associate Director Yoza announced she will be retiring this year in August. She will be working with Executive Director Harris on her transition out of the office.

Vice Chair Gaulty joined the meeting via audio conference at approximately 9:16 a.m.

Agenda Item No. IV: Proposed Legislation

Executive Director Harris said the Commission's bills were introduced in both the House and Senate. He said legislators have generally responded positively to the bills, although there may be further discussion about the nepotism bill. Executive Director Harris summarized a Public Bill of Rights, which was drafted by the Commission to Improve Standards of Conduct ("Standards Commission"). The bill establishes aspirational goals for the Legislature's interactions with the public, such as giving the public access to written testimony within 24 hours after submission.

Commissioner Tobias said she thought the bill was a good idea. She said anything that promotes transparency is worth supporting.

Executive Director Harris said the bill creates a new office called the Office of the Public Advocate to enforce the provisions of the bill, but the Standards Commission felt the Ombudsman's office was the preferred entity to do this. There were, however, some issues regarding the Ombudsman role that needed to be addressed, including the fact that the Ombudsman is appointed by the Legislature.

Commissioner Hong made and Commissioner Tobias seconded a motion to support the Public Bill of Rights. The motion carried unanimously (Fong, Graulty, Tobias, and Hong voting)

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)

There was no update on the Akana case.

Agenda Item No. VI: Evaluation of Executive Director Robert Harris

RECESS OF SUNSHINE LAW MEETING AND CONVENING OF EXECUTIVE SESSION

At 9:25 a.m., Vice Chair Graulty made and Commissioner Tobias 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 discuss matters relating to the evaluation of an employee. The motion carried unanimously (Fong, Graulty, Tobias, and Hong voting).

All staff were excused with the exception of Executive Director Harris, Associate Director Yoza, and Computer Specialist Lui. No members of the public were present. The Commissioners met in executive session.

ADJOURNMENT OF EXECUTIVE SESSION AND RETURN TO SUNSHINE LAW MEETING

At 9:39 a.m., Vice Chair Gaulty made and Commissioner Tobias seconded a motion to adjourn the executive session and return to the public meeting. The motion carried unanimously (Fong, Gaulty, Tobias, and Hong voting).

The Commission adjourned the executive session and returned to the public meeting at 9:39 a.m. All staff and a member of the public who was in the waiting room returned to the public meeting.

ADJOURNMENT OF SUNSHINE LAW MEETING

At approximately 9:42 a.m., Commissioner Tobias made and Commissioner Hong seconded a motion to adjourn the meeting. The motion carried unanimously (Fong, Gaulty, Tobias, and Hong voting).

The meeting was adjourned at 9:42 a.m.

Minutes approved on February 15, 2023.