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## Hawaii News

# New state ethics chief stresses continuity

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Dan Gluck took over as executive director of the state Ethics Commission on Aug. 1 and held his first formal meeting with the commission last week.

Daniel M. Gluck exudes caution when asked how things might change at the state Ethics Commission under his leadership as executive director, after 10 days on the job that became a hot seat for his predecessor.

"The commission is not changing," Gluck said, noting that Commission Chairwoman Susan DeGuzman was just re-elected to head the five-member volunteer body. "We have the same membership as we did three months ago. And we have an incredibly experienced and dedicated staff.

"In the end the commission will make the decisions. My job is to be their lawyer and give them the best advice I can. They set the policy. We carry it out."

Gluck's predecessor, Les Kondo, stepped on some toes with his tough enforcement stance and ran into criticism from some legislators and educators who called him overzealous in applying the state's ethics laws. Kondo moved on to become state auditor on May 1, a position that allows him to scrutinize the work of state departments and agencies but not the activities of legislators.

Gluck came to the Ethics Commission after eight years at the American Civil Liberties Union of Hawaii, where he was legal director. He was used to making headlines at the ACLU, where he litigated cases ranging from the rights of homeless students to free speech and anti-discrimination issues.

At the helm of the ethics shop since Aug. 1, the 40-year-old lawyer is striking a low-key tone. In an interview Thursday he said he is busy getting up to speed on the new job, which includes educating state workers on their ethical duties and enforcing the Ethics Code and the state Lobbyists Law.

The code prohibits favoritism, conflicts of interest and gifts intended to influence or reward state workers for their official actions.

"I've only been on the job 10 days," he said. "I'm trying to do more listening than recommending right now."

He is focusing now on seeking input from people who are subject to the Ethics Code, such as legislators, state employees and lobbyists.

"One of the things I am really committed to doing is trying to make sure that people have a voice in our process," he said. "Part of what I'm doing right now is reaching out to as many people as we can to discuss not only what does the law say right now, but what should it say."

The commission intends to hold a public hearing to talk about the philosophy behind the Ethics Code and hear people's ideas on how to improve it, he said. Ultimately, any changes will be up to legislators, he said.

"Going forward, we want to make sure that the law is as clear as possible," Gluck said. "The thing I want to avoid is when people say, 'I don't know what to do because I don't know what the rules are because they aren't clear.' It should be easy to follow the law. People should know what is expected of them."

In recent months the Ethics Commission has run into a few roadblocks, and the road ahead is far from clear. A state judge sided with the teachers union when it challenged ethics advice that effectively grounded teachers from traveling free as chaperones on educational field trips they arranged with tour companies.

Circuit Judge Rhonda Nishimura issued an oral ruling in June faulting the commission for issuing advice that affected all teachers without first getting public input, rather than simply advising the individual teacher involved. Gluck said he could not discuss the case because it is still in court and Nishimura has not yet issued a written decision.

Some observers have suggested the ruling could also affect other broad advice issued by the commission, including its guidance to state employees that they not accept invitations to functions worth more than \$25 unless there is a legitimate state benefit.

"Any time a court is ruling on our statutes or our powers, we are certainly taking that to heart," Gluck said, but he declined to speculate on the ruling's impact.

Another decision by the Ethics Commission was overturned last month by the Hawaii Supreme Court, which ruled that a charter school employee held liable for alleged conflict-of-interest violations was not subject to the state Ethics Code at the time because of conflicting provisions in the law. The statute was amended in 2012 to clarify that charter school employees are state workers and must comply with the Ethics Code.

Along with DeGuzman, a retired state Judiciary employee, the Ethics Commission is made up of Reynaldo Grauly, a former legislator and circuit judge; David O'Neal, general manager of Mililani Town Association; retired educator Ruth Tschumy; and Melinda Wood, a former grants specialist at the East-West Center.

Commissioners are volunteers and usually meet once a month. In between, the executive director is often called upon to speak for the office.

The commission has four attorneys and is seeking a fifth to fill a vacancy. One attorney is designated daily to give advice over the phone. The commission accepts confidential inquiries as well as confidential complaints about possible violations.

"If any individual has concerns about a particular case and whether she or he could accept a gift or take a trip or take any other action, please call us, and we are happy to help work through those specific cases," Gluck said. "One of our core missions is to provide ethical advice and guidance to people before they are making decisions. I really want people to feel comfortable in calling us and asking for advice and guidance."

Gluck grew up in Buffalo, N.Y., and attended Cornell University and Harvard Law School, where he was president of the Harvard Legal Aid Bureau. He came to Hawaii

for the first time the summer after his first year of law school, when he took an internship at the U.S. Attorney's Office in Honolulu.

He and his wife, Deborah Zysman, moved here after he graduated from law school. He clerked for then-Associate Justice James Duffy of the Hawaii Supreme Court and for U.S. District Judge J. Michael Seabright before joining a local law firm and then moving on to the ACLU.

Gluck said he is excited about the opportunity presented by his new job.

"The Ethics Commission does work that is incredibly vital to having a functioning democracy," he said.

"The commission works to make sure that everyone in state government adheres to the highest ethical standards. And that lets people have faith in their government."