



# HAWAI'I CIVIL RIGHTS COMMISSION

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## MINUTES

Hawai'i Civil Rights Commission Office  
via MS TEAMS  
August 24, 2022  
10:00 a.m.

Present: Liann Ebesugawa, Joan Lewis, William Puette, Jon Matsuoka, and Arsima Muller, Commissioners; Robin Wurtzel, Bill Hoshijo, Marcus Kawatachi, and Luis Lopez, Staff

Chair Liann Ebesugawa called the meeting to order.

Newly appointed Commissioner Arsima Muller was introduced and welcomed, with the other Commissioner introducing themselves to her..

### **Approval of Minutes**

The Commissioners reviewed the draft minutes of the July 27, 2022, meeting.

Executive Director (ED) Bill Hoshijo noted that a non-substantive correction should be made, with the last two lines on page 3 of the draft minutes to be moved to the top of page 4, affecting the pagination of pages 3-5.

**The minutes were approved as circulated and corrected.**

### **Executive Director's Report**

Deputy Executive Director (DED) Marcus Kawatachi presented a data and production report showing caseload data through August 23, 2022.

As of August 23, 2022, the written report showed 314 open cases, a decrease of 1 case from the number reported as of July 25, 2022.

Of the 314 open investigation cases, 1 (0.3%) was filed in 2017, 18 (5.7%) in 2018, 51 (16.2%) in 2019, 54 (17.2%) in 2020, 91 (29.0%) in 2021, and 99 (31.5%) in 2022.

DED Kawatachi reported a breakdown of the status of the open cases by type of case and investigation stage.

	2017	2018	2019	2020	2021	2022	Total
Housing Cases	0	0	2	8	15	20	45
Response Monitoring	0	2	16	32	53	69	172
Mediation	0	0	3	7	11	4	25
Pending Assignment	0	7	27	4	6	4	48
Active Investigation	1	9	3	3	6	2	24
<b>TOTAL</b>	1	18	51	54	91	99	314

The report indicated no new subpoena enforcement litigation.

**Case Aging** (Last report – 7/25/22)

35 % of all cases are 2 years or older (34 %)

7.3 % of all cases are over 18 months, but less than 2 years old (6.3 %)

10.5 % of all cases are over 12 months, but less than 18 months old (12.4 %)

21.7 % of all cases are over 6 months but less than 12 months (19.4 %)

25.5 % of all cases are 6 months or less (27.9 %)

The report also covered the year-to-date data for the past five fiscal years:

<b>Category</b>	<b>7/1/18 – 8/23/18</b>	<b>7/1/19 – 8/23/19</b>	<b>7/1/20 – 8/23/20</b>	<b>7/1/21 – 8/23/21</b>	<b>7/1/22 – 8/23/22</b>
PCQ Received	94	108	65	61	62
Intake Decision	79	96	68	44	51
Complaint Filed	43	33	42	21	17
Investigation Closed	50	40	37	28	24
Notice of Cause	1	1	2	10	0
Enforcement Closure	3	2	3	2	0

DED Kawatachi acknowledged continuing concern over the growing number of aging cases in investigation, with 35% of cases aged two years or more from date of complaint filing. He expressed hope that this would be addressed by hiring to fill vacant investigator positions, bringing new investigators on board and training.

DED Kawatachi also presented an FY 2023 HCRC Mediation Program year-to-date summary.

**Summary & Details (7/1/22 through 8/23/22)**

Referrals	2
Dispositions:	4
Settlements:	3
Non-agreements:	1
Settlement Rate:	75%

Dual-filed (EEOC/HCRC and HUD/HCRC) settlements:	2	(HUD or EEOC dual-filed)
State-only settlements:	1	
Employment cases settled:	1	
Housing cases settled:	2	

**Primary Bases for Complaints Settled in Mediation**

Disability	1
Familial Status	1
Retaliation	1

**Dispositions by Mediation Center**

Mediation Center of the Pacific	1/1	(settlement rate 100%)
Mediation Services of Maui		
Private Mediators		
Ku‘ikahi Mediation Services (Hilo)		
West Hawaii Mediation Center		
Kauai Economic Opportunity, Inc.		
Hawai‘i Civil Rights Commission	2/3	(settlement rate 66.7%)
<b>OVERALL</b>	<b>3/4</b>	<b>(settlement rate 75%)</b>

**Chief Counsel’s Report**

Chief Counsel (CC) Robin Wurtzel reported no change on *Morning Hill Foods, LLC dba Mana Bu’s v. The Hawaii Civil Rights Commission*, Civil No. 18-100034-01 KKH, pending in the ICA.

**Next meeting.**

The next meeting of the Commission was scheduled for September 23, 2022, at 10:00 a.m.

## **Announcements**

CC Wurtzel announced that the HCRC was planning to have a contingent in the 2022 Honolulu Pride Parade on October 15, 2022.

## **Closed Executive Session**

There being no objection, the Commissioners went into Closed Executive Session, to discuss a personnel matter pursuant to HRS § 92-5(a)(2), and an attorney-client privileged discussion regarding *Greer v. State of Hawaii, et al*; CA 22-00286-LEK-WRP (Federal Court), pursuant to Hawaii Revised Statutes §§ 92-4 and 92-5(a)(4).

The Commissioners came out of Closed Executive Session.

## **Adjournment**

**Draft minutes circulated by William D. Hoshijo, Executive Director.**

**Approved by Commission, as circulated, on September 23, 2022.**