



# HAWAI‘I CIVIL RIGHTS COMMISSION

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## MINUTES

Hawai‘i Civil Rights Commission Office  
via Zoom  
September 23, 2022  
10:00 a.m.

Present: Liann Ebesugawa, William Puette, Jon Matsuoka, and Arsima Muller, Commissioners; Robin Wurtzel, Bill Hoshijo, Marcus Kawatachi, and Heather McVay, Staff; Kurt Klien, Member of the Public

Excused: Joan Lewis, Commissioner

Chair Liann Ebesugawa called the meeting to order.

### **Approval of Minutes**

The Commissioners reviewed the draft minutes of the August 24, 2022, meeting.

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

### **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 30, 2022, at 10:00 a.m., as posted.

### **Executive Director’s Report**

Deputy Executive Director (DED) Marcus Kawatachi presented an FY 2023 HCRC Mediation Program year-to-date summary and a data and production report showing caseload data through September 23, 2022. Due to a technical problem DED Kawatachi was unable to use the “share screen” feature to share the written reports with the Commissioners, so his reports were only presented orally.

DED Kawatachi read through the Mediation Program Year-to-Date Report:

**Summary & Details (7/1/22 through 9/22/22)**

Referrals 6  
Dispositions: 5  
Settlements: 4  
Non-agreements: 1  
Settlement Rate: 80%

Dual-filed (EEOC/HCRC and HUD/HCRC) settlements: 3 (HUD or EEOC dual-filed)

State-only settlements: 1

Employment cases settled: 1

Housing cases settled: 3

**Primary Bases for Complaints Settled in Mediation**

Disability 2  
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 3/4 (settlement rate 75%)

**OVERALL 4/5 (settlement rate 80%)**

Noting the good success rate in HCRC mediations, Chair Ebesugawa asked if that was related to a return to in-person mediation. DED Kawatachi responded that mediations were still being done via videoconference, and that better success rates might be attributable to lessons learned on how to do better in that setting.

DED Kawatachi made an abbreviated oral report on data and production, describing caseload data through September 23, 2022.

As of September 23, 2022, DED Kawatachi reported 309 open cases, a decrease of 5 cases from the number reported as of August 23, 2022.

DED Kawatachi noted that the case aging data was not much different from the previous report, and that the number of investigation cases 2 years or older was higher than he would like.

DED Kawatachi briefly discussed the comparative year-to-date data for the past five fiscal years, sharing that the number of pre-complaint questionnaires (PCQs) filed during this period in the current fiscal year (FY 2023) was consistent with the numbers received during the previous two fiscal years (FY 2022 & FY 2021), but substantially lower than in the preceding two fiscal years (FY 2020 & FY 2019), and that the number of complaints filed were also lower in FY 2022 and FY 2023 than in previous years. DED Kawatachi noted the correlation between the lower numbers of PCQs and complaint filings and the impact of the COVID-19 pandemic.

## **Announcements**

HCRC staff member Heather McVay invited the Commissioners and guests to join the HCRC 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 §§ 92-4 and 92-5(a)(2).

The Commissioners came out of Closed Executive Session.

## **Adjournment**

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

**Approved by Commission, as circulated, on October 31, 2022.**