



# HAWAI‘I CIVIL RIGHTS COMMISSION

# KOMIKINA PONO KĪWILA O HAWAI‘I

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## MINUTES

Hawai‘i Civil Rights Commission Office  
via Zoom  
June 20, 2023  
2:00 p.m.

Present: Liann Ebesugawa, Joan Lewis, Jon Matsuoka, and Arsima Muller, Commissioners; Robin Wurtzel, Marcus Kawatachi, Heather McVay, and Emily Fong, Staff; Sean Maskrey, Public.

William Puette, Commissioner, excused.

Chair Liann Ebesugawa called the meeting to order.

### **Approval of Minutes**

The Commissioners reviewed the draft minutes of the May 16, 2023 meeting.

Those minutes were approved as circulated.

### **Executive Director’s Report**

Executive Director (ED) Marcus Kawatachi presented an FY 2023 HCRC Mediation Program year-to-date summary.

#### **Summary & Details (7/1/22 through 6/19/23)**

Referrals 22

Dispositions: 24

Settlements: 12

Non-agreements: 12

Settlement Rate: 50%

Dual-filed (EEOC/HCRC and HUD/HCRC) settlements: 10

State-only settlements: 2

Employment cases settled:	4
Housing cases settled:	8

**Primary Bases for Complaints Settled in Mediation**

Disability	8
Familial Status	2
Religion	1
Retaliation	1

**Dispositions by Mediation Center**

Mediation Center of the Pacific	2/5	(settlement rate 40%)
Mediation Services of Maui		
Private Mediators	1/1	(settlement rate 100%)
Ku‘ikahi Mediation Services (Hilo)		
West Hawaii Mediation Center	2/3	(settlement rate 66.7%)
Kauai Economic Opportunity, Inc.		
Hawai‘i Civil Rights Commission	7/15	(settlement rate 46.7%)
<b>OVERALL</b>	<b>12/24</b>	<b>(settlement rate 50%)</b>

ED Kawatachi also presented a data and production report showing caseload data through June 19, 2023.

As of June 19, 2023, the written report showed 344 open cases, a decrease of 2 cases from the number reported as of May 15, 2023.

Of the 344 open investigation cases, 1 (0.3%) was filed in 2017, 11 (3.2%) in 2018, 31 (9.0%) in 2019, 42 (12.2%) in 2020, 57 (16.6%) in 2021, 116 (33.7%) in 2022, and 86 (25.0%) in 2023.

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

2017	2018	2019	2020	2021	2022	2023	Total
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Housing Cases	0	0	2	3	7	23	25	60
Response Monitoring	0	0	13	24	38	80	54	209
Mediation	0	0	3	8	10	10	5	36
Pending Assignment	0	1	5	3	1	2	1	13
Active Investigation	1	10	8	4	1	1	1	25
<b>TOTAL</b>	<b>1</b>	<b>11</b>	<b>31</b>	<b>42</b>	<b>57</b>	<b>116</b>	<b>86</b>	<b>344</b>

The report indicated no new subpoena enforcement litigation.

**Case Aging**

30.5 % of all cases are 2 years or older

9.0 % of all cases are over 18 months, but less than 2 years old

16.6 % of all cases are over 12 months, but less than 18 months old

17.4 % of all cases are over 6 months but less than 12 months

26.5 % of all cases are 6 months or less

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

	<b>7/1/18 – 6/19/19</b>	<b>7/1/19 – 6/19/20</b>	<b>7/1/20 – 6/19/21</b>	<b>7/1/21 – 6/19/22</b>	<b>7/1/22 – 6/19/23</b>
<b>Category</b>					

PCQ Received	630	505	451	474	523
Intake Decision	484	623	408	453	556
Complaint Filed	290	273	216	196	182
Investigation Closed	252	201	213	235	174
Notice of Cause	11	9	10	18	11
Enforcement Closure	13	7	12	12	4

**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.

CC Wurtzel reported on possible changes to the Hawai’i Administrative Rules. The main changes being contemplated are: 1) a change to the definition of “employment”; and 2) a clarification to the definition of “final order.”

**Next meeting**

The next meeting of the Commission was scheduled for July 25, 2023, at 2:00 p.m., subject to confirmation by Commissioner Puette.

**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 Marcus L. Kawatachi, Executive Director.  
Approved by Commission, as circulated, on August 22, 2023.**