



# **HAWAI‘I CIVIL RIGHTS COMMISSION** **KOMIKINA PONO KIWILA O HAWAI‘I**

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 568-8692

## MINUTES

Hawai‘i Civil Rights Commission Office

via Zoom

February 26, 2024

1:00 p.m.

Present: Chair Liann Ebesugawa, Commissioner William Puette, Commissioner Jon Matsuoka, Commissioner Arsima Muller

Excused: Commissioner Joan Lewis

Staff: Executive Director Marcus Kawatachi, Chief Counsel Constance Yonashiro, Deputy Executive Director Heather McVay, Adjudications Secretary Sandy Yoshimura, Enforcement Attorney Joey Badua

Chair Ebesugawa called the meeting to order.

### **Approval of Minutes**

Executive Director Kawatachi reported that the approval of the minutes for the 1/24/24 and 2/7/24 meetings has been postponed until the next scheduled meeting.

### **Executive Director’s Report**

Mediation Program report and Caseload report were continued until the next scheduled meeting due to inability to access the HCRC database.

### **Request for Extension of Time to Investigate**

Executive Director Kawatachi requested an extension of time to investigate all cases from March 31, 2024, through March 31, 2025, pursuant to Hawai‘i Revised Statutes § 368-13(b) and Hawai‘i Administrative Rules § 12-46-12(f).

The Commissioners approved the request for extension of time to investigate all cases, from March 31, 2024, through March 31, 2025.

### **Chief Counsel’s Report**

- Motion to Dismiss granted on two recently docketed cases: DN 23-01-E-SH-A-RET, *Marcus L. Kawatachi, Executive Director, on behalf of the complaint filed by Cynthia M. Lanting vs. State of Hawai'i, Department of Education, Waipahu Elementary School*, and DN 23-02-E-SH-RET *Marcus L. Kawatachi, Executive Director, on behalf of the complaint filed by Allison T. Fleischer fka Allison T. Oshiro vs. State of Hawai'i, Department of Education, Waipahu Elementary School*;
- Adjudications has been notified of a final demand sent which will result in a case docketing after fifteen days.
- Update on Rulemaking plans – review by Attorney General's office, statement on impact to Native Hawaiian traditional and customary practices, issues related to medical cannabis, public hearing details.
- Commissioners engaged in a discussion regarding medical cannabis accommodation (including concerns of Attorney General's office), potential to separate issues, and proposed amendments to rules. After discussing several options to move forward with the rulemaking process, the Commissioners decided that Staff should return to the Attorney General's office for their review and approval of additional proposed amendments to the rules that may satisfy their concerns. This may delay the previously discussed timetable for holding a public hearing.
- Discussion on upcoming legislation, noting that many bills have not been scheduled for hearing yet.
- New bill not discussed yet:

Staff recommended support of SB3351, Constitutional Amendment of Article I, Section 5 (DUE PROCESS AND EQUAL PROTECTION) to include (in addition to race, religion, and ancestry) ethnicity, national origin, age, disability, sex, including sexual orientation, gender identity, gender expression, pregnancy, and pregnancy outcomes. Chair Ebesugawa noted that these bases are also the protected classes over which HCRC has jurisdiction and currently provides protection.

Commission Position: Support. Commissioners note as the Hawai'i Civil Rights Commission, our duty and responsibility is to protect these classes, and to support and protect the rights of all individuals in our state by enshrining protection in our Constitution.

### **Next Meeting**

The next meeting of the Commission was scheduled for Thursday, March 28, 2024, at 2:00 p.m.

### **Adjournment**

**Draft minutes circulated by Marcus Kawatachi, Executive Director.  
Approved by Commission, as circulated, on March 28, 2024.**