



# HAWAI‘I CIVIL RIGHTS COMMISSION

## KOMIKINA PONO KIWI‘LA O HAWAI‘I

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### MINUTES

Hawai‘i Civil Rights Commission Office

via Zoom

June 27, 2024

2:00 p.m.

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

Staff: Executive Director Marcus Kawatachi, Chief Counsel Constance Yonashiro, Deputy Executive Director Heather McVay, Adjudications Secretary Sandy Yoshimura.

Public: Joey Badua, Chanpen Snell, Robin Wurtzel, and “Chris”.

Chair Ebesugawa called the meeting to order at 2:04 p.m.

### Approval of Minutes

Minutes of the May 2, 2024 meeting were approved.

### Executive Director’s Report

Executive Director (ED) Marcus Kawatachi presented an FY 2024 HCRC Mediation Program year-to-date summary.

### Summary of FY 2024 Year to Date (7/1/23 through 6/26/24)

<b>Referrals:</b>	<b>32 + 7 =</b>	<b>39</b>
<b>Dispositions:</b>	<b>21 + 3 =</b>	<b>24</b>
<b>Settlements:</b>	<b>9 + 2 =</b>	<b>11</b>
<b>Non-agreements:</b>	<b>12 + 1 =</b>	<b>13</b>
<b>Settlement Rate:</b>	<b>45.8%</b>	

Dual-filed settlements: 9

State-only settlements: 2

Employment cases settled: 4

Housing cases settled: 7

Dispositions by Center:	Settlements/Dispositions:	Settlement Rate:
Mediation Center of the Pacific	3/4	75%
Mediation Services of Maui		
Private Mediators	1/2	50%
Ku'ikahi Mediation Services (Hilo)	0/1	0%
West Hawaii Mediation Center		
Kauai Economic Opportunity, Inc.		
Hawaii Civil Rights Commission	7/17	41.2%
<b>OVERALL</b>	<b>11/24</b>	<b>45.8%</b>

ED Kawatachi also presented a data and production report showing caseload data through June 26, 2024.

As of June 26, 2024, the written report showed 369 open cases.

Of the 369 open investigation cases, 1 (0.3%) was filed in 2017, 4 (1.1%) in 2018, 15 (4.1%) in 2019, 18 (4.9%) in 2020, 38 (10.3%) in 2021, 65 (17.6%) in 2022, 134 (36.3%) in 2023, and 94 (25.5%) in 2024.

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

	<i>Year of Case Filing</i>								
	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>Totals</u>
<u>Housing Cases:</u>	0	0	0	1	3	12	45	29	90
<u>Non-Housing Cases:</u>									
Response Monitoring	0	0	7	7	21	39	38	41	153
Mediation	0	0	3	6	10	7	19	10	55
Pending Assignment	0	0	1	2	2	4	23	7	39
Active Investigation	<u>1</u>	<u>4</u>	<u>4</u>	<u>2</u>	<u>2</u>	<u>3</u>	<u>9</u>	<u>7</u>	<u>32</u>
	1	4	15	18	38	65	134	94	369

The report indicated no new subpoena enforcement litigation.

#### **Case Aging**

29.5 % of all cases are 2 years or older.

8.4 % of all cases are over 18 months, but less than 2 years old.

16.8 % of all cases are over 12 months, but less than 18 months old.

19.2 % of all cases are over 6 months but less than 12 months.

26 % of all cases are 6 months or less.

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

Category	7/1/19 – 6/26/20	7/1/20 – 6/26/21	7/1/21 – 6/26/22	7/1/22 – 6/26/23	7/1/23 – 6/26/24
PCQ Received	516	462	491	548	572
Intake Decision	635	411	467	570	612
Complaint Filed	280	221	199	188	195
Investigation Closed	204	215	252	182	216
Notice of Cause	9	11	20	13	4
Enforcement Closure	7	12	12	6	21

### **Discussion on ED’s Report**

Commissioner Lewis suggested considering adding additional information to the ED Report to add context. For example, why the case is aged and what attempts are being made to move it along.

Chair Ebesugawa suggested adding commentary or a “green, yellow, red” to indicate where we are on aged cases. This might help to identify patterns.

### **Chief Counsel’s Report**

#### 1. Chief Counsel’s Report

- a. Update on cases docketed for contested case hearings: *Marcus L. Kawatachi, as Executive Director of the Hawai’i Civil Rights Commission, on behalf of the complaint filed by Junko Knipe v. Holualoa Residence Trust; Gary Sommer, Peter Pritchard, Dkt. No. 24-001-H-D-SH-RET;*
  - i. The Enforcement Section of HCRC has docketed a housing case for a contested case hearing last week. It has been assigned to Leslie Hayashi to act as the hearings examiner.
  - ii. Due to Chief Counsel’s time as an enforcement attorney, she is recused from this case and has requested the AG’s office to assign a deputy AG to advise the Commission. We are waiting for formal assignment.
- b. Update on public hearing on proposed rule amendments.
  - i. A productive discussion was had with the AG’s office this morning on the rules. They had minor suggestions.
  - ii. They liked our changes to the language of the medical cannabis section and had some changes.
  - iii. The updated proposed rules will be posted to our website and the Lieutenant Governor’s website along with our statement on the impact on Native Hawaiian rights which will read:

“The Hawai’i Civil Rights Commission has not identified any Native Hawaiian right or practice that will be implicated in the proposed amendments of these rules.”

1. Chief Counsel spoke briefly with the Small Business Regulatory Review Board, and they indicated that we likely

won't have to go in front of them again because the changes are minor – they'll be able to provide this in writing (Chair will make this decision).

2. We will then resend to the governor for approval to hold public hearing on the rules.
2. Announcements
    - a. Pleased to announce that Dr. William Puette has been chosen by Governor Green as the next chair of the Commission.
    - b. A farewell was shared with Commission Chair Ebesugawa and Commissioner Lewis. "Thanks for many years of service and great work committed to the cause and better the lives of all of us in the state".

### **Next Meeting**

Tuesday, August 13<sup>th</sup>, at 2:00 p.m. via Zoom.

### **Adjournment**

**Draft minutes circulated by Marcus Kawatachi, Executive Director.  
Approved by Commission, as circulated, on August 13, 2024.**