



HAWAI‘I CIVIL RIGHTS COMMISSION

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MINUTES

Hawai‘i Civil Rights Commission Office

via Zoom

August 13, 2024

2:00 p.m.

Present: Chair William Puette, Commissioner Jon Matsuoka, Commissioner Arsima Muller, Commissioner (Interim) Jo-Ann Adams

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

Public: n/a

Chair Puette called the meeting to order.

Approval of Minutes

Minutes of the June 27, 2024 meeting were approved.

Announcements

Introduction of Jo-Ann Adams as HCRC’s newest Commissioner, subject to Senate confirmation during the next legislative session. If confirmed, Commission term to expire in 2028.

Executive Director’s Report

Executive Director (ED) Marcus Kawatachi presented an FY 2025 HCRC Mediation Program year-to-date summary.

Summary of Mediation Program FY 2025 Year to Date (7/1/24 through 8/12/24)

Referrals:	3
Dispositions:	5
Settlements:	3
Non-agreements:	2
Settlement Rate:	60%

Dual-filed settlements: 1
 State-only settlements: 2

Employment cases settled: 1
 Housing cases settled: 1
 Public accommodations cases settled: 1

Dispositions by Center:	Settlements/Dispositions:	Settlement Rate:
Mediation Center of the Pacific	1/1	100%
Mediation Services of Maui		
Private Mediators		
Ku'ikahi Mediation Services (Hilo)	1/1	100%
West Hawaii Mediation Center		
Kauai Economic Opportunity, Inc.		
Hawaii Civil Rights Commission	1/3	33.3%
OVERALL	3/5	60%

ED Kawatachi also presented a data and production report showing caseload data through August 12, 2024.

As of August 12, 2024, the written report showed 365 open cases.

Of the 365 open investigation cases, 1 (0.3%) was filed in 2017, 4 (1.1%) in 2018, 14 (3.8%) in 2019, 16 (4.4%) in 2020, 36 (9.9%) in 2021, 61 (16.7%) in 2022, 126 (34.5%) in 2023, and 107 (29.3%) 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>Totals</u>
	<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>Housing Cases:</u>	0	0	0	1	2	11	43	39	96
<u>Non-Housing Cases:</u>									
Response Monitoring	0	0	7	5	21	39	36	39	147
Mediation	0	0	3	6	10	7	16	11	53
Pending Assignment	0	0	1	2	2	2	19	10	35
Active Investigation	<u>1</u>	<u>4</u>	<u>3</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>12</u>	<u>8</u>	<u>33</u>
	1	4	14	16	36	61	126	107	365

The report indicated no new subpoena enforcement litigation.

Case Aging

29.6 % of all cases are 2 years or older.

10.1 % of all cases are over 18 months, but less than 2 years old.

18.1 % of all cases are over 12 months, but less than 18 months old.

18.4 % of all cases are over 6 months but less than 12 months.

23.8 % of all cases are 6 months or less.

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

Category	7/1/20 – 8/12/20	7/1/21 – 8/12/21	7/1/22 – 8/12/22	7/1/23 – 8/12/23	7/1/24 – 8/12/24
PCQ Received	54	42	57	70	67
Intake Decision	57	36	42	71	69
Complaint Filed	31	13	24	29	18
Investigation Closed	32	20	26	28	26
Notice of Cause	3	1	2	1	3
Enforcement Closure	0	2	0	1	0

Chief Counsel’s Report

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. Gary Sommer, as Trustee of the Holualoa Residence Trust, Peter Pritchard, as Trustee of the Holualoa Residence Trust, and Gary Sommer, individually*; Dkt. No. 24-001-H-D-SH-RET.

- a. Chief Counsel was an enforcement attorney for 8 years, so is recused from this case. A deputy AG has been assigned to advise the Commission on this case.
- b. The assigned hearings examiner is Leslie Hayashi.
- c. No Commission action is needed at this time.

Update on public hearing on proposed rule amendments. (Proposed rule amendments are posted to the Hawai’i Civil Rights Commission website at: <https://labor.hawaii.gov/hcrc/files/2023/04/HCRC-admin-rules-proposed-changes-compiled-7-10-2023.pdf>. Physical copies of the proposed rule amendments may be viewed in person at 830 Punchbowl St. Rm. 411, 96813, Mondays-Fridays 7:45am-4:30pm, excluding holidays).

- a. Many of the updated proposed rule amendments are minor changes, such as using more gender neutral language.
- b. The most significant amendments are changes to the definition of “employment,” language reflecting that medical marijuana could be a reasonable accommodation, and changes to the pregnancy discrimination rules.
- c. The updated proposed rules were sent to the Governor on July 22 for approval to hold a public hearing. If approval is granted and we hold the public hearing, we then will have to consult with the Small Business Regulatory Review Board again.

Next Meeting

To be determined.

Adjournment

**Draft minutes circulated by Marcus Kawatachi, Executive Director.
Approved by Commission, as circulated, on November 7, 2024.**