



HAWAI‘I CIVIL RIGHTS COMMISSION

KOMIKINA PONO KĪWILA O HAWAI‘I

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MINUTES

Hawai‘i Civil Rights Commission Office

via Zoom

April 15, 2025

2:00 p.m.

Commissioners: Chair Dr. William Puette, Jon Matsuoka, Arsima Muller

Staff: Adjudication Administrative Assistant Sandy Yoshimura, Executive Director
Marcus Kawatachi, Deputy Executive Director Heather McVay, Chief Counsel
Constance Yonashiro

Deputy Attorney General Li-Ann Yamashiro, Deputy Attorney General Hiro Takei

Chair Puette called the meeting to order at 2:00 p.m.

Approval of Minutes

Chair Puette made corrections to the minutes of the March 20, 2025, and March 27, 2025 meetings. The exact times that both meetings were called to order and adjourned needed to be added to the minutes. (The adjournment time for the March 20, 2025 minutes should appear as “adjourned to meet on March 27, 2025.”) The minutes of the March 20, 2025, and March 27, 2025 meetings were approved as corrected.

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 4/14/25)

Referrals:	23
Dispositions:	16
Settlements:	12
Non-agreements:	4
Settlement Rate:	75%

Dual-filed settlements: 10

State-only settlements: 2

Employment cases settled: 4

Housing cases settled: 7

Public accommodations cases settled: 1

Dispositions by Center:	Settlements/Dispositions:	Settlement Rate:
Mediation Center of the Pacific	4/6	66.7%
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	7/9	77.8%
OVERALL	12/16	75%

ED Kawatachi also presented a data and production report showing caseload data through April 14, 2025.

As of April 14, 2025, the written report showed 382 open cases.

Of the 382 open investigation cases, 1 (0.3%) was filed in 2017, 2 (0.5%) in 2018, 9 (2.4%) in 2019, 14 (3.7%) in 2020, 32 (8.4%) in 2021, 52 (13.6%) in 2022, 92 (24.1%) in 2023, 121 (31.7%) in 2024, and 59 (15.4%) in 2025.

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>2025</u>	<u>Totals</u>
<u>Housing Cases:</u>	0	0	0	1	2	11	40	38	13	105
<u>Non-Housing Cases:</u>										
Response Monitoring	0	0	1	2	13	28	30	41	42	157
Mediation	0	0	3	5	9	4	10	19	4	54
Pending Assignment	0	0	4	4	5	4	4	11	0	32
Active Investigation	<u>1</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>5</u>	<u>8</u>	<u>12</u>	<u>0</u>	<u>34</u>
	1	2	9	14	32	52	92	121	59	382

The report indicated no new subpoena enforcement litigation.

Case Aging

36.9 % of all cases are 2 years or older.

10.2 % of all cases are over 18 months, but less than 2 years old.

14.1 % of all cases are over 12 months, but less than 18 months old.

15.2 % of all cases are over 6 months but less than 12 months.

23.6 % 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 – 4/14/21	7/1/21 – 4/14/22	7/1/22 – 4/14/23	7/1/23 – 4/14/24	7/1/24 – 4/14/25
PCQ Received	356	390	421	454	466
Intake Decision	319	379	424	484	415
Complaint Filed	166	161	152	161	138
Investigation Closed	172	207	151	179	129
Notice of Cause	7	14	10	3	9
Enforcement Closure	11	9	5	15	4

Chief Counsel's Report

Update on proposed amendments to Hawai'i Administrative Rules, Title 12, Subtitle 46, Chapters 1-318:

- a. The Director of the Department of Labor and Industrial Relations approved the final draft of the proposed rule amendments, which was then transmitted to the Governor.
- b. All that remains is the Governor's review and approval.

Discussion on Legislation

Four bills on which the HCRC provided testimony are still viable. The next step for all four bills is to go to conference. These four bills are:

HB620 – Relating to Education:

Establishes state policy to promote braille literacy for eligible blind students. Requires the individualized education programs and section 504 plans of eligible blind students to include the assessment and evaluation of eligible blind students' reading and writing abilities, instruction of braille, and provision of braille instructional materials under certain circumstances. Requires the Department of Education to establish a Braille Literacy Resource Center. Appropriates funds.

SB31 – Relating to Property, discriminatory restrictive covenants:

Authorizes a person who discovers a recorded discriminatory restrictive covenant to take certain actions, without liability, to invalidate the covenant.

SB116 – Relating to Discriminatory Reporting:

Establishes provisions relating to civil remedies for discriminatory reporting to a law enforcement officer. Provides that any person who causes a law enforcement officer to contact a person on the basis of the person's actual or perceived protected class with the intent to discriminate against the person shall be civilly liable. Requires the Department of Law Enforcement, in consultation with the Hawai'i Civil Rights Commission, to provide guidance to the public on the enactment of this Act. For purpose and intent of the Hawai'i Civil Rights Commission law, adding "place of birth" as a protected class.

SB1496 – Relating to Accessibility in Public Accommodations:

Makes it an unlawful discriminatory practice for places of public accommodation to deny a person with a disability full and equal enjoyment of, or information related to, their goods, services, facilities, privileges, advantages, or accommodations using information and communication technology intended for use by the general public as applicants, participants, customers, clients, or visitors. Establishes exceptions. Clarifies that a facility is considered a place of public accommodation regardless of whether its presence in the State is physical or digital.

In addition, the following resolution had a re-referral and does not appear to be proceeding any further:

HCR100 – Requesting the State of Hawai'i to require that any individual or group that administers the mandatory harassment and discrimination training to employees demonstrate adequate competency in LGBTQ+ (lesbian, gay, bisexual, transgender, queer, and more identities) identity and culturally specific gender identity relevant to Hawai'i.

Next Meeting

Next meeting of the Commission was scheduled for May 13, 2025, at 2:00 p.m.

Executive Meeting, pursuant to HRS § 92-4

The Commission unanimously voted to move into executive meeting to engage in an attorney-client discussion on the contested case hearing for *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. After a brief discussion, the Commission moved out of executive meeting. Because one of the Commissioners was discovered to be potentially conflicted regarding the contested case

hearing, the Commission decided to postpone this attorney-client discussion until the next scheduled meeting at which they had a quorum.

Adjournment

The meeting was adjourned at 2:38 p.m.

**Draft minutes circulated by Marcus Kawatachi, Executive Director.
Approved by Commission, as circulated, on June 10, 2025.**