



HAWAI‘I CIVIL RIGHTS COMMISSION

KOMIKINA PONO KĪWILA 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

June 10, 2025

2:00 p.m.

Commissioners: Chair Dr. William Puette, Jon Matsuoka, Alphonso Braggs, Raymond Nichols

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

Chair Puette called the meeting to order at 2:01 p.m.

Approval of Minutes

The minutes of the April 15, 2025 meeting were approved.

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 6/9/25)

Referrals:	33
Dispositions:	17
Settlements:	13
Non-agreements:	4
Settlement Rate:	76.5%

Dual-filed settlements:	11
State-only settlements:	2

Employment cases settled: 4
Housing cases settled: 8
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	8/10	80%
OVERALL	13/17	76.5%

ED Kawatachi also presented a data and production report showing caseload data through June 9, 2025.

As of June 9, 2025, the written report showed 370 open cases.

Of the 370 open investigation cases, 2 (0.5%) were filed in 2018, 9 (2.4%) in 2019, 13 (3.5%) in 2020, 31 (8.4%) in 2021, 47 (12.7%) in 2022, 85 (23.0%) in 2023, 105 (28.4%) in 2024, and 78 (21.1%) 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>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	2	11	39	30	14	96
<u>Non-Housing Cases:</u>									
Response Monitoring	0	1	3	13	25	27	37	51	157
Mediation	0	3	4	9	4	9	17	8	54
Pending Assignment	0	4	4	5	2	2	7	2	26
Active Investigation	<u>2</u>	<u>1</u>	<u>2</u>	<u>2</u>	<u>5</u>	<u>8</u>	<u>14</u>	<u>3</u>	<u>37</u>
	2	9	13	31	47	85	105	78	370

The report indicated no new subpoena enforcement litigation.

Case Aging

37.8 % of all cases are 2 years or older.

11.4 % of all cases are over 18 months, but less than 2 years old.

13.2 % of all cases are over 12 months, but less than 18 months old.
 14.3 % of all cases are over 6 months but less than 12 months.
 23.2 % 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 – 6/9/21	7/1/21 – 6/9/22	7/1/22 – 6/9/23	7/1/23 – 6/9/24	7/1/24 – 6/9/25
PCQ Received	443	463	518	534	573
Intake Decision	397	452	546	584	525
Complaint Filed	208	190	184	187	167
Investigation Closed	195	234	178	210	175
Notice of Cause	10	16	12	5	12
Enforcement Closure	12	12	6	21	4

Chief Counsel’s Report

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

- a. The Governor has the proposed rules on his desk and will hopefully sign within the next few weeks.
- b. As background, the HCRC’s authority and ability to enforce the state’s nondiscrimination laws come from both statutes and rules. The administrative rules have the force and effect of law because of the extensive rulemaking process, which involves public comment periods, public hearings, etc.

Discussion on Legislation

- a. SB31 – Discriminatory Restrictive Covenants, would have amended HRS § 515-6 (Real Property Discrimination), creating a mechanism to allow for the removal of discriminatory restrictive covenants in real estate transactions. However, on June 6, 2025, the Governor issued a **NOTICE OF INTENT TO VETO** this bill.
- b. SB116 – Discriminatory Reporting to Law Enforcement, would amend HRS § 368. The Governor has not acted on this bill yet.

Update on Docketed Cases

- a. *Marcus L. Kawatachi, Executive Director, 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.* The Commissioners will need to meet in executive session to

discuss the Findings of Fact and Conclusions of Law that the hearings examiner issued following the contested case hearing in this case.

- b. *Marcus L. Kawatachi, Executive Director, on behalf of the complaint filed by Ralna Sheldon v. Fiona Masaoy*; Dkt. No. 24-002-H-D-F. A contested case hearing in this case was held on April 28, 2025, and the hearings examiner submitted his Findings of Fact and Conclusions of Law on May 30, 2025.
- c. *Marcus L. Kawatachi, Executive Director, on behalf of the complaint filed by Brandie Payne and Gregory Payne v. Peary G. Wagner*; Dkt. No. 25-001-H-F. The case was docketed on May 5, 2025, and a contested case hearing is scheduled for October 6, 2025.

Executive Meeting, pursuant to HRS § 92-4

The present Commissioners 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 discussion in executive session, the Commissioners returned to open session. Chair Puette reported that the Commissioners had discussed the hearings examiner's Findings of Fact and Conclusions of Law as presented by Deputy Attorney General Yamashiro. The present Commissioners unanimously voted to adopt the hearings examiner's Findings of Fact and Conclusions of Law, except for the equitable relief provision relating to an apology.

Announcements

The next meeting of the Commission was scheduled for June 17, 2025, at 1:00 p.m., in person at the HCRC office, with a farewell pā'ina for Chair Puette.

Adjournment

The meeting was adjourned at 4:02 p.m.

**Draft minutes circulated by Marcus Kawatachi, Executive Director.
Approved by Commission, as circulated, on July 23, 2025.**