



HAWAI‘I CIVIL RIGHTS COMMISSION

KOMIKINA PONO KĪWILA O HAWAI‘I

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MINUTES

Hawai‘i Civil Rights Commission Office

via Zoom

July 23, 2025

2:00 p.m.

Commissioners: Chair Alphonso Braggs, Jon Matsuoka, Arsima Muller, and Raymond Nichols

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

Members of the Public: B. Shimei and D. Fields

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

Approval of Minutes

Approval of the minutes of the June 10, 2025 meeting was deferred until the next Commission meeting.

Chief Counsel’s Report

a. Legislative Update:

- i. Act 259 (SB116), Governor’s Message No. 1362, amends HRS §368-1, to add “place of birth” as a protected basis, effective September 1, 2025.

- Purpose is to give any person injured by discriminatory reporting to a law enforcement officer recourse through civil action
- The department of law enforcement, in consultation with the Hawaii Civil Rights Commission, shall provide guidance to the public on the civil liability and remedies available for discriminatory reporting to a law enforcement officer pursuant to

this chapter. Marcus & Heather are taking the lead to consult with the Department of Law Enforcement

- b. Update on Governor's approval to proposed amendments to Hawaii Administrative Rules Title 12 Subtitle 46, Chapters 1-318
 - i. Signed on July 9, 2025, effective July 19, 2025
 - ii. On our website (unofficial)
 - iii. Commissioners discussed training on new amendments, Chair would prefer to have a separate training rather than during a regularly scheduled Commission meeting.
 - Separate meeting date TBD
- c. Update on docketed cases
 - i. Commission's Final Decision filed in *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*
 - RP has right to appeal within 30 days of the date of the Final Decision and Order, no appeal yet
 - Final Decision and Order is posted on our website, under Contested Case Decisions
 - ii. Hearings Examiner's Finding of Fact/Conclusions of Law and Recommended Order in *Marcus L. Kawatachi, Executive Director, on behalf of the complaint filed by Ralna Sheldon v. Fiona Masaoy; Dkt. No. 24-002-H-D-F*
 - Will discuss in executive session
 - iii. *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*
 - Contested case hearing set for October 6th via Zoom.

Executive Meeting, pursuant to HRS § 92-4

- a. Attorney-client discussion on the May 30, 2025 Findings of Fact/Conclusions of Law and Recommended Order by the Hearings Examiner, and review of the record of the contested case hearing held for *Marcus L. Kawatachi, Executive Director, on behalf of the complaint filed by Ralna Sheldon v. Fiona masaoy; Dkt. No. 24-002-H-D-F*

Hawaii Civil Rights Commission (HCRC) General Discussion

- a. Structure, Function, and Duties of HCRC – general overview of HCRC structure by Chief Counsel, Executive Director and Deputy Executive Director
 - i. During investigation, factual information about cases are confidential to protect both complainants and respondents
 - ii. Once a case is docketed for a contested case hearing, which occurs after the Executive Director has found reasonable cause to believe that discriminatory practices occurred and conciliation has failed, those pleadings are subject to the sunshine laws
- b. Frequently Asked Questions and Staff Responses
 - i. Question from member of the public, B. Shimei: “How many PCQ’s have you received since June 2024? YTD? Are you getting immigration cases?” Executive Director responded pointing to the data sets discussed earlier and noted that during investigations cases are confidential and specific case information cannot be released. However, generally speaking, cases involving immigration issues may overlap with other protected bases that the HCRC has jurisdiction.
 - ii. Discussion on parties contacting Commissioners about specific case facts: Chief Counsel responded it would be considered ex parte contact (similar to contacting a judge)
 - iii. Discussion on recusal of a Commissioner – Chief Counsel responded that if a Commissioner has a conflict of interest on a docketed case, they would recuse themselves. HCRC’s admin rules, HAR § 12-46-35 has specific instances when a Commissioner, or Hearings Examiner, must recuse themselves.

Announcements

- a. Next Meeting, Tuesdays, 12pm (pick a date)

- b. HCRC open house on Friday, July 25, 2025 at 3:30pm

The meeting was adjourned at 3:22 p.m.

Draft minutes circulated by Marcus Kawatachi, Executive Director.

Approved by Commission, as circulated, on September 9, 2025