



# **HAWAI‘I CIVIL RIGHTS COMMISSION**

## **KOMIKINA PONO KĪWILA O HAWAI‘I**

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### **MINUTES**

Hawai‘i Civil Rights Commission Office

via Zoom

September 9, 2025

11:30 a.m.

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

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

Public: Peter Fritz, Raymond Sin

Chair Braggs called the meeting to order at 11:32 p.m.

### **Approval of Minutes**

The minutes of the July 23, 2025 meeting were approved as circulated.

### **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 2026 Year to Date (7/1/25 through 9/8/25)**

Referrals: 4  
Dispositions: 3  
Settlements: 2  
Non-agreements: 1  
Settlement Rate: 66.7%

Dual-filed settlements: 2  
State-only settlements: 0

Employment cases settled: 1

Housing cases settled: 1  
Public accommodations cases settled: 0

Dispositions by Center:	Settlements/Dispositions:	Settlement Rate:
Mediation Center of the Pacific	1/2	50%
Mediation Services of Maui		
Private Mediators		
Ku'ikahi Mediation Services (Hilo)		
West Hawaii Mediation Center		
Kauai Economic Opportunity, Inc.		
Hawaii Civil Rights Commission	1/1	100%
<b>OVERALL</b>	<b>2/3</b>	<b>66.7%</b>

ED Kawatachi also presented a data and production report showing caseload data through September 8, 2025.

As of September 8, 2025, the written report showed 402 open cases.

Of the 402 open investigation cases, 2 (0.5%) were filed in 2018, 9 (2.2%) in 2019, 13 (3.2%) in 2020, 28 (7.0%) in 2021, 45 (11.2%) in 2022, 79 (19.7%) in 2023, 89 (22.1%) in 2024, and 137 (34.1%) 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	36	24	27	100
<u>Non-Housing Cases:</u>									
Response Monitoring	0	0	1	5	5	13	23	78	125
Mediation	0	3	4	9	4	9	15	15	59
Pending Assignment	0	2	5	11	22	15	21	14	90
Active Investigation	<u>2</u>	<u>4</u>	<u>3</u>	<u>1</u>	<u>3</u>	<u>6</u>	<u>6</u>	<u>3</u>	<u>28</u>
	2	9	13	28	45	79	89	137	402

The report indicated no new subpoena enforcement litigation.

### **Case Aging**

37.6 % of all cases are 2 years or older.

10.7 % of all cases are over 18 months, but less than 2 years old.

10.7 % of all cases are over 12 months, but less than 18 months old.

14.7 % of all cases are over 6 months but less than 12 months.  
 26.4 % of all cases are 6 months or less.

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

Category	7/1/21 – 9/8/21	7/1/22 – 9/8/22	7/1/23 – 9/8/23	7/1/24 – 9/8/24	7/1/25 – 9/8/25
PCQ Received	81	90	112	120	155
Intake Decision	62	69	120	99	130
Complaint Filed	24	34	39	29	59
Investigation Closed	40	47	55	41	32
Notice of Cause	11	3	1	8	1
Enforcement Closure	3	0	2	1	0

ED Kawatachi addressed a question about the HCRC’s jurisdiction and discretion to file complaints. He explained that under almost all circumstances, the HCRC would file a complaint as long as the jurisdictional requirements are met and the complainant signs off on the complaint. One element of jurisdiction is that complaints need to be filed within a specific statutory deadline period.

### **Chief Counsel’s Report**

#### **a. Update on docketed cases**

*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 was scheduled for October 6, 2025.*

### **Executive Meeting, pursuant to HRS § 92-5(a)(2) & (4)**

The Commissioners unanimously voted to move into executive meeting to consult with Chief Counsel Yonashiro on the hiring of an additional Hearings Examiner by contract and other questions and issues pertaining to the HCRC’s powers, duties, and functions. After discussion in executive session, the Commissioners returned to open session. Chief Counsel Yonashiro reported that the Commissioners unanimously approved the hiring of an additional Hearings Examiner (Jo-Ann Adams) to help with the number of hearings being docketed.

### **Open Session**

In open session, the Commissioners unanimously voted to approve a motion for an extension to May 31, 2026, to hold the contested case hearing in *Kawatachi/Payne, et al v. Wagner, Dkt. No. 25-001-H-F*.

- b. Discussion on potential legislation or rulemaking regarding public accommodations (HRS § 489)

Senate Bill 1496 (past legislative session 2025), relating to discrimination against persons with disabilities in public accommodations that use digital technology and/or digital communications. This bill did not pass, but it would have amended HRS § 489 to prohibit discrimination in public accommodations that use digital technology and/or digital communications. An emerging issue is the significant changes that providers of public accommodations are making in communication with customers and the public, including the use of technologies such as websites and applications on smartphones and other mobile devices to take reservations, view menus, place orders, make sales, and provide product information.

Public Testimony: Peter Fritz discussed the background on SB 1496, his testimony in opposition, and the legislative and rulemaking options going forward. He recommended that the HCRC promulgate rules similar to the rules adopted by the Department of Justice in November 2024.

### **Hawai'i Civil Rights Commission (HCRC) General Discussion**

- a. Structure, Function, and Duties of HCRC

Chair Braggs addressed the concerns raised in a recent *Civil Beat* article and general awareness of the current climate relating to civil rights. He emphasized that the HCRC remains committed to the defense of civil rights and is here to serve the public—especially during a time when it may be more difficult for individuals to have legal regress.

- b. Frequently Asked Questions and Staff Responses

- b. Public Testimony: Raymond Sin spoke about the importance of digital literacy and the education of today's youth. He recounted the long history of civil rights in Hawai'i, highlighting the many contributions of the military, political leaders, and various other individuals and organizations.

Chair Braggs, on behalf of the Commission, commended Mr. Sin for his military service, his public service as an educator, and his passionate commitment to civil rights.

### **Announcements**

a. The next meeting of the Commission was scheduled for October 14, 2025, at 11:30 a.m., via Zoom.

b. Date for public training on amendments to HCRC Administrative Rules

Chief Counsel Yonashiro reported that instead of conducting live public training, the HCRC might post a video on its website on the overview of the new and amended rules to allow for broader access.

### **Adjournment**

The meeting was adjourned at 1:00 p.m.

**Draft minutes circulated by Marcus Kawatachi, Executive Director.**

**Approved by Commission, as circulated, on 10-14-2025**

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