



HAWAI‘I CIVIL RIGHTS COMMISSION

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MINUTES

Hawai‘i Civil Rights Commission Office

via Zoom

October 14, 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, Administrative Assistant Sandy Yoshimura

Public: Peter Fritz

Chair Braggs called the meeting to order at 11:30 a.m. The posted agenda for the meeting was unanimously adopted.

Approval of Minutes

The minutes of the September 9, 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 10/13/25)

Referrals:	6
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%
OVERALL	2/3	66.7%

ED Kawatachi also presented a data and production report showing caseload data through October 13, 2025.

As of October 13, 2025, the written report showed 398 open cases.

Of the 398 open investigation cases, 2 (0.5%) were filed in 2018, 6 (1.5%) in 2019, 13 (3.3%) in 2020, 27 (6.8%) in 2021, 45 (11.3%) in 2022, 77 (19.3%) in 2023, 85 (21.4%) in 2024, and 143 (35.9%) 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	34	23	29	99
<u>Non-Housing Cases:</u>									
Response Monitoring	0	0	1	4	5	13	22	75	120
Mediation	0	3	4	9	4	9	14	15	58
Pending Assignment	0	0	4	11	22	15	21	23	96
Active Investigation	<u>2</u>	<u>3</u>	<u>4</u>	<u>1</u>	<u>3</u>	<u>6</u>	<u>5</u>	<u>1</u>	<u>25</u>
	2	6	13	27	45	77	85	143	398

The report indicated no new subpoena enforcement litigation.

Case Aging

37.7 % of all cases are 2 years or older.

10.6 % of all cases are over 18 months, but less than 2 years old.

10.8 % of all cases are over 12 months, but less than 18 months old.
 15.8 % of all cases are over 6 months but less than 12 months.
 25.1 % 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 – 10/13/21	7/1/22 – 10/13/22	7/1/23 – 10/13/23	7/1/24 – 10/13/24	7/1/25 – 10/13/25
PCQ Received	133	139	166	194	218
Intake Decision	119	121	177	148	204
Complaint Filed	47	47	55	44	79
Investigation Closed	67	67	75	55	60
Notice of Cause	13	4	2	8	1
Enforcement Closure	5	6	3	2	3

Public Testimony: Peter Fritz raised the issue of making sure that the HCRC has mechanisms in place to identify cases that complainants are no longer interested in or available to pursue. ED Kawatachi confirmed that an effort to identify such cases is a regular part of the HCRC's processing of cases but could always be assessed and improved if necessary.

Commissioner Nichols asked whether the work contributed by externs from the William S. Richardson School of Law has an accelerating impact on the HCRC's systems, and what challenges the HCRC is facing in getting more externs to help out. ED Kawatachi stated that any externs who are placed with the HCRC are given work that is both instructive to them and helpful to the HCRC; therefore, they do contribute to the HCRC's systems in a variety of ways. He also stated that the HCRC has successfully hosted a good number of excellent externs, interns, and volunteers, particularly over the last few years, and even ones who reached out to the HCRC from unexpected places.

Chief Counsel's Report

a. Update on docketed cases

i. MARCUS KAWATACHI, as Executive Director of the Hawai'i Civil Rights Commission, on behalf of the Complaint filed by SHANNEL E. DIEDERIKS vs. Ali'i Builders, LLC; Dkt. No. 25-002- E-SH-RET

- Contested case hearing set for January 27, 2026

ii. MARCUS KAWATACHI, as Executive Director of the Hawai'i Civil Rights Commission, on behalf of the Complaint filed by FRANK RESURRECCION vs. K'S DRIVE-IN; Dkt. No. 25-003-E-D

- Contested case hearing set for February 4, 2026

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 rescheduled for May 21, 2026

Hawai'i Civil Rights Commission (HCRC) General Discussion

a. Structure, Function, and Duties of HCRC

Chair Braggs addressed the issue recently reported in the media, including *Civil Beat*, regarding the law prohibiting boards from going into executive session to take action on certain personnel matters. He proposed adding an item to the next meeting agenda to discuss any impacts on the HCRC and ensure compliance with the law. ED Kawatachi agreed.

Public Testimony: Peter Fritz suggested a number of resources that Commissioners and staff might consult in order to gain more information about this issue.

Announcements

- a. The next meeting of the Commission was tentatively scheduled for November 18, 2025, at 11:30 a.m., via Zoom, subject to confirmation.
- b. The HCRC will participate in the Pride Parade and Festival on October 18, 2025.

Adjournment

The meeting was adjourned at 12:03 p.m.

Draft minutes circulated by Marcus Kawatachi, Executive Director.

Approved by Commission, as circulated, on November 18, 2025

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