



# HAWAI‘I CIVIL RIGHTS COMMISSION

## **KOMIKINA PONO KIWILA 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

November 18, 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, Chief Counsel Constance Yonashiro, Staff Attorney Joey Badua

Public: Peter Fritz, Ashley Mizuo

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 October 14, 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 11/17/25)

Referrals: 10  
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 November 17, 2025.

As of November 17, 2025, the written report showed 414 open cases.

Of the 414 open investigation cases, 2 (0.5%) were filed in 2018, 6 (1.4%) in 2019, 11 (2.7%) in 2020, 27 (6.5%) in 2021, 45 (10.9%) in 2022, 76 (18.4%) in 2023, 82 (19.8%) in 2024, and 165 (39.9%) in 2025.

ED Kawatachi reported a breakdown of the status of the open cases by type of case and investigation stage.

	Year of Case Filing									Totals
	2018	2019	2020	2021	2022	2023	2024	2025		
<u>Housing Cases:</u>	0	0	0	2	11	33	22	29	97	
<u>Non-Housing Cases:</u>										
Response Monitoring	0	0	1	4	5	13	21	82	126	
Mediation	0	3	4	9	4	9	12	23	64	
Pending Assignment	0	0	3	10	21	15	21	26	96	
Active Investigation	2	3	3	2	4	6	6	5	31	
	2	6	14	27	45	76	82	165	414	

The report indicated no new subpoena enforcement litigation.

#### Case Aging

38.2 % of all cases are 2 years or older.

8.9 % of all cases are over 18 months, but less than 2 years old.

10.9 % of all cases are over 12 months, but less than 18 months old.

15.7 % of all cases are over 6 months but less than 12 months.

26.3 % 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 – 11/17/21	7/1/22 – 11/17/22	7/1/23 – 11/17/23	7/1/24 – 11/17/24	7/1/25 – 11/17/25
PCQ Received	194	200	220	254	292
Intake Decision	165	162	235	205	271
Complaint Filed	77	60	79	66	113
Investigation Closed	94	80	91	78	75
Notice of Cause	14	6	2	9	4
Enforcement Closure	5	0	4	2	2

### **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

### **Discussion on Upcoming 2026 Legislative Session**

#### a. Frequency of Commission meetings, or creation of a Permitted Interaction Group (PIG), pursuant to HRS § 92-2.5

Commissioners discussed having weekly meetings and agreed that shorter, more frequent meetings would be possible. Tentatively, the plan is to start off the session with weekly lunchtime meetings, 30 to 45 minutes long, and to front load the most important agenda items.

Commissioner Nichols disclosed that he would be employed by the Legislature during the upcoming session. He had researched and determined that holding that position would not be a conflict of interest in general; however, he would recuse himself from involvement with any HCRC action on particular legislation if appropriate.

- b. Legislative proposal: Bill to increase HCRC's statute of limitations (SOL) to file a complaint

HCRC staff proposed that the Commission pursue a bill to increase the HCRC's SOL to file all complaints from 180 days to 1 year. Staff reported that a longer SOL would likely increase the number of complaints filed, but the degree of such an increase is unknown. If the bill becomes law, the HCRC could track any changes in complaint filings and make recommendations about possible increased staffing needs in the future.

Commissioners unanimously approved the motion to propose legislation to increase the HCRC's SOL to file all complaints from 180 days to 1 year.

- c. Commission position on bills and substantially similar bills that the Commission supported in 2024 and 2025

HCRC staff reported that the upcoming legislative session will be the second half of the biennial session, so bills that were introduced in 2025 that were not killed may be carried over. Staff proposed that they be authorized to identify bills that are identical or substantially similar to those past session bills and submit testimonies consistent with the Commission positions previously taken on those bills. Any such testimony would be reported to the Commission at its next meeting, and the position would be subject to Commission review and action at that time. The exception would be Senate Bill 1496, on which the Commission might take a different position than what was taken in 2025.

Commissioners unanimously approved the motion that HCRC staff be authorized to identify bills that are identical or substantially similar to bills introduced in the previous session and submit testimonies consistent with the Commission positions previously taken on those bills, with the exception of Senate Bill 1496.

Public Testimony: Peter Fritz suggested as a resource the guidance produced by the Disability and Communication Access Board regarding their method of handling board activities between meetings.

#### **Discussion on Kamehameha Schools Admission Policy**

Commissioners expressed support for the Kamehameha Schools Admission policy, without the need to enter executive session.

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

a. Structure, Function, and Duties of HCRC

An agenda item from the last Commission meeting was the discussion of the law prohibiting boards from going into executive session to take action on certain personnel matters. Staff had been tasked with reporting on any impacts on the HCRC and issues of compliance with the law.

Staff requested that the reporting be tabled until the next meeting to allow for additional research and analysis; Commissioners allowed this request.

**Announcements**

a. The next meeting of the Commission was tentatively scheduled for December 16, 2025, at 11:30 a.m., via Zoom, subject to confirmation.

**Adjournment**

The meeting was adjourned at 12:47 p.m.

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

**Approved by Commission, as circulated, on December 16, 2025**