



HAWAI'I CIVIL RIGHTS COMMISSION

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MINUTES

Hawai'i Civil Rights Commission Office
via Zoom
October 31, 2022
2:00 p.m.

Present: Liann Ebesugawa, Joan Lewis, William Puette, Jon Matsuoka, and Arsima Muller, Commissioners; Robin Wurtzel, Bill Hoshijo, and Marcus Kawatachi, Staff

Chair Liann Ebesugawa called the meeting to order.

Approval of Minutes

The Commissioners reviewed the draft minutes of the September 23, 2022, and September 30, 2022, meetings.

The minutes of both meetings were approved as circulated and submitted.

Executive Director's Report

Deputy Executive Director (DED) Marcus Kawatachi presented an FY 2023 HCRC Mediation Program year-to-date summary.

Summary & Details (7/1/22 through 10/28/22)

Referrals	8
Dispositions:	7
Settlements:	4
Non-agreements:	3
Settlement Rate:	57.1%

Dual-filed (EEOC/HCRC and HUD/HCRC) settlements:	3	(HUD or EEOC dual-filed)
State-only settlements:	1	
Employment cases settled:	1	
Housing cases settled:	3	

Primary Bases for Complaints Settled in Mediation

Disability	2
Familial Status	1
Retaliation	1

Dispositions by Mediation Center

Mediation Center of the Pacific 1/1 (settlement rate 100%)

Mediation Services of Maui

Private Mediators

Ku‘ikahi Mediation Services (Hilo)

West Hawaii Mediation Center

Kauai Economic Opportunity, Inc.

Hawai‘i Civil Rights Commission 3/6 (settlement rate 50%)

OVERALL **4/7 (settlement rate 57.1%)**

DED Kawatachi also presented a data and production report showing caseload data through October 28, 2022.

As of October 28, 2022, the written report showed 299 open cases, a decrease of 10 cases from the number reported as of September 23, 2022.

Of the 299 open investigation cases, 1 (0.3%) was filed in 2017, 16 (5.4%) in 2018, 43 (14.4%) in 2019, 52 (17.4%) in 2020, 73 (24.4%) in 2021, and 114 (38.1%) in 2022.

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

	2017	2018	2019	2020	2021	2022	Total
Housing Cases	0	0	2	7	11	24	44
Response Monitoring	0	2	16	31	46	80	175
Mediation	0	0	3	7	13	8	31
Pending Assignment	0	7	20	4	1	2	34
Active Investigation	1	7	2	3	2	0	15
TOTAL	1	16	43	52	73	114	299

The report indicated no new subpoena enforcement litigation.

Case Aging (Last report – 9/23/22)

33.8 % of all cases are 2 years or older (34.3 %)

7.7 % of all cases are over 18 months, but less than 2 years old (8.1 %)

9.4 % of all cases are over 12 months, but less than 18 months old (9.4 %)

20.7 % of all cases are over 6 months but less than 12 months (23.0 %)

28.4 % of all cases are 6 months or less (25.2 %)

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

Category	7/1/18 – 10/28/18	7/1/19 – 10/28/19	7/1/20 – 10/28/20	7/1/21 – 10/28/21	7/1/22 – 10/28/23/22
PCQ Received	212	208	141	158	156
Intake Decision	79	96	68	44	51
Complaint Filed	43	33	42	21	17
Investigation Closed	109	88	74	85	72
Notice of Cause	5	3	4	14	3
Enforcement Closure	6	2	3	5	0

DED Kawatachi noted that there were more closures than complaints filed, yielding a slightly lower number of aged cases and cases pending assignment. The year-to-date number of complaints filed were still lower than pre-pandemic filing numbers.

Chief Counsel's Report

Chief Counsel (CC) Robin Wurtzel reported no change on *Morning Hill Foods, LLC dba Mana Bu's v. The Hawaii Civil Rights Commission*, Civil No. 18-100034-01 KKH, pending in the ICA.

CC Wurtzel reported that the Executive Director had requested that the Hearings Examiner certify a question of law to the Commission for consideration, but no question had been certified. If the Hearings Examiner certified a question to the Commission, CC Wurtzel would inform the Commissioners and schedule a meeting to adjudicate the matter.

Announcements

Chair Ebesugawa and CC Wurtzel reported that the HCRC had a good turnout for the Honolulu Pride Parade.

Closed Executive Session

There being no objection, the Commissioners went into Closed Executive Session, to discuss a personnel matter pursuant to HRS §§ 92-4 and 92-5(a)(2).
The Commissioners came out of Closed Executive Session.

Adjournment

Draft minutes circulated by William D. Hoshijo, Executive Director.

Approved by Commission, as circulated, on January 23, 2023.