



# HAWAI‘I CIVIL RIGHTS COMMISSION KOMIKINA PONO KIWILA O HAWAI‘I

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## MINUTES

Hawai‘i Civil Rights Commission Office

via Zoom

March 24, 2026

11:30 a.m.

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

HCRC Staff: Executive Director Marcus L. Kawatachi, Administrative Assistant  
Sandy Yoshimura, Chief Counsel Constance Yonashiro

Public: Peter Fritz

Chair Braggs called the meeting to order at 11:30 a.m.

Approval of the minutes of February 3, 2026 and February 10, 2025 approved as circulated.

**Executive Director’s Report** deferred to next meeting.

### Chief Counsel’s Report

- a. *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*
  - i. Contested case hearing was held on March 10-12, 2026
  - ii. Hearings Examiner requests a 1-month extension of time to June 10, 2026 for cause to file the proposed decision, under HAR 12-46-51,
  - iii. Commission vote: Commission voted unanimous to grant extension of time to June 10, 2026
- b. *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*
  - i. Contested case hearing will be held on June 23, 2026
- c. *MARCUS KAWATACHI, as Executive Director of the Hawai‘i Civil Rights Commission, on behalf of the Complaint filed by DARIUSH D. TAJBAKSHV vs*

*SHELLY EUROCARS, LLC dba BMW OF HAWAII*; Dkt. No. 26-001-E-RA

- i. Chief Counsel Yonashiro is recused from this case due to past work as an enforcement attorney. A deputy Attorney General will advise the Commission
- ii. Contested case hearing set for June 25-26, 2026, assigned to Hearings Examiner Jo-Ann Adams, Esq.

### **Discussion on 2026 Legislation Relating to Civil Rights**

Discussion on 2026 legislation relating to Civil Rights. Commissioners reviewed the Board Packet for 2026 Bills with staff recommendations, and decided on the HCRC position for the following measure:

- a. **HB2576 HD2**: DOH; Healthcare Facilities; Background Checks; Applicants; Operators; Third-Party Employer. Clarifies and streamlines background check requirements for healthcare facility applicants, operators, and direct patient access workers.
  - iii. The Commission has not yet taken a position on this bill. Possible impacts to HRS § 378-2.5, arrest and court record discrimination and DOH exemption under § 378-2.5(d)(18)
  - iv. **Staff recommendation**: Executive Director recommends comments only (see board packet for testimony from staff on bill for past hearings)
  - v. **Commission position**: Adopt the comments previously submitted by staff, comments only. Unanimously approved

### **Rulemaking Discussion**

**SB2852/HB1998**: Discrimination in Public Accommodations, digital communications and technology used by public accommodations and access to individuals with disabilities.

See board packet 3.24.26 for current draft of SB2852, and proposed draft of bill and proposed administrative rules by Peter Fritz, submitted to the State House Committee on Consumer Protection & Commerce on March 17, 2026. HCRC staff is grateful to Mr. Fritz for providing draft rules that was submitted along with his testimony to CPC as a pretty good starting point.

As noted on the Agenda, a few bills of concern to the Civil Rights Commission are still alive/survived cross over. Will continue to update as they continue through the process.

### **Deputy Executive Director Position & Recruitment:**

- Deputy Executive Director Heather McVay has moved into a new position at the Judiciary. Chair Braggs notes for the record that it is a significant loss for the Civil Rights Commission and that McVay was part of a truly dedicated team at the HCRC. The record reflects appreciation of her dedicated service.
- Process on recruitment:
  - Chair: Intentional transparent process, open it up as much as possible
  - In person, open interviews with the commission, unless privacy interests are involved
  - Deliberations on applicants can be done in executive session, however, any votes and decisions will be made in open session
- Anticipated timing of recruitment:
  - 2 weeks to post the job posting and receive applications
- Recommendation where to run Posting:
  - Discussion on places to run: Hawaii State Bar Association job listing website & State listing (to DLIR's jobs or careers?)
- Possible creation of a Permitted Action Group, however, with this small of a commission, it may be difficult to leave someone out of the process.
  - There would be several meetings possibly as early as May held to review candidates, narrow down top applicants, and invite those applicants for in person interviews

### **Announcements**

- a. Next Commission meeting possibly second or third Tuesday in April

### **Adjournment**

The meeting was adjourned at 12:33 p.m.

**Draft minutes circulated by Constance Yonashiro, Chief Counsel.**

**Approved by Commission, as circulated, on April 28, 2026**

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