



HAWAI‘I CIVIL RIGHTS COMMISSION

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MINUTES

Hawai‘i Civil Rights Commission Office

via Zoom

April 28, 2026

11:30 a.m.

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

Staff: Executive Director Marcus L. Kawatachi, Administrative Assistant Sandy Yoshimura, Chief Counsel Constance Yonashiro, Staff Attorney Catherine Lowenberg, Investigator Randy Compton

Public: James Gashel, Sheryl Nelson

Chair Braggs called the meeting to order at 11:32 a.m. The posted agenda for the meeting was unanimously adopted.

Approval of Minutes

The minutes of the March 24, 2026 meeting were approved as circulated.

Executive Director’s Report

Executive Director (ED) Marcus Kawatachi presented an FY 2026 HCRC Mediation Program year-to-date summary.

Summary of Mediation Program FY 2026 Year to Date (7/1/25 through 4/27/26)

Referrals:	22
Dispositions:	11
Settlements:	7
Non-agreements:	4
Settlement Rate:	63.6%

Dual-filed settlements:	6
State-only settlements:	1

Employment cases settled: 4
Housing cases settled: 3
Public accommodations cases settled: 0

Dispositions by Center:	Settlements/Dispositions:	Settlement Rate:
Mediation Center of the Pacific	4/8	50%
Mediation Services of Maui		
Private Mediators		
Ku'ikahi Mediation Services (Hilo)		
West Hawaii Mediation Center		
Kauai Economic Opportunity, Inc.		
Hawai'i Civil Rights Commission	3/3	100%
OVERALL	7/11	63.6%

ED Kawatachi also presented a data and production report showing caseload data through April 27, 2026.

As of April 27, 2026, the written report showed 363 open cases.

Of the 363 open investigation cases, 2 (0.6%) were filed in 2018, 4 (1.1%) in 2019, 8 (2.2%) in 2020, 15 (4.1%) in 2021, 26 (7.2%) in 2022, 58 (16.0%) in 2023, 59 (16.3%) in 2024, 147 (40.5%) in 2025, and 44 (12.1%) in 2026.

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>2026</u>	<u>Totals</u>
<u>Housing Cases:</u>	0	0	0	2	11	33	21	36	3	106
<u>Non-Housing Cases:</u>										
Response Monitoring	0	0	1	4	5	11	15	61	32	129
Mediation	0	3	4	8	4	9	13	25	4	70
Pending Assignment	0	0	0	9	3	0	2	14	5	24
Active Investigation	<u>2</u>	<u>1</u>	<u>3</u>	<u>1</u>	<u>3</u>	<u>5</u>	<u>8</u>	<u>11</u>	<u>0</u>	<u>34</u>
	2	4	8	15	26	58	59	147	44	363

The report indicated no new subpoena enforcement litigation.

Case Aging

34.4 % of all cases are 2 years or older.

9.1 % of all cases are over 18 months, but less than 2 years old.

11.6 % of all cases are over 12 months, but less than 18 months old.

17.1 % of all cases are over 6 months, but less than 12 months.

27.8 % 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 – 4/27/22	7/1/22 – 4/27/23	7/1/23 – 4/27/24	7/1/24 – 4/27/25	7/1/25 – 4/27/26
PCQ Received	409	450	477	496	660
Intake Decision	400	462	498	444	537
Complaint Filed	162	165	166	149	215
Investigation Closed	211	154	183	136	172
Notice of Cause	14	10	3	9	4
Enforcement Closure	9	6	20	4	4

Chief Counsel's Report

- a. *Marcus L. Kawatachi, Executive Director, on behalf of the complaint filed by BRANDIE AND GREGORY PAYNE v. PEARY G. WAGNER; Dkt. No. 25-001-H-F*
 - i. Hearing held: January 30, 2026, extended to February 24, 2026 for additional memoranda
 - ii. Hearings Examiner's proposed decision was filed on April 24, 2026
 - Chief Counsel noted that parties may file written exceptions to the decision within 15 days, then the record of the hearing will be transmitted to the Commission for review.
- b. *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. Hearing held: March 10-12, 2026
 - ii. Hearings Examiner's proposed decision: June 10, 2026, will be transmitted to Commission late in late June
- c. *MARCUS L. KAWATACHI, Executive Director, on behalf of the complaint filed by FABIOLA DIAS v. EVAN YUTAKA K. MASUNAGA and KRISTIN YURI MASUNAGA, Dkt. No. 25-004-H-S-RET*
 - i. Motion to dismiss has been filed based on a settlement between the parties.

2026 Legislative Session Updates

2026 Bills relating to civil rights (Senate Bills (“SB”) and House Bills (“HB”) Senate Concurrent Resolution (“SCR”) Senate Resolution (“SR”) House Concurrent Resolution (“HCR”))

- a. **SCR 184/HCR192/SR165**: Hawai‘i Civil Rights Commission; Civil Rights; Anti-Discrimination; Algorithmic Decision Making; Automated Decision Making; Report. Requesting the Hawai‘i Civil Rights Commission to examine the applicability of existing state anti-discrimination laws to algorithmic and automated decision systems.

This resolution requires HCRC to generate a report on our existing state nondiscrimination laws and identify potential issues and recommendations, if any, for legislative action. The report needs to be submitted to the legislature before the start of the next session.

- b. **SB2727**: Hawai‘i Civil Rights Commission; Anti-discrimination; Statute of Limitations. Lengthens the statute of limitations to file a complaint of discrimination with the Hawai‘i Civil Rights Commission to one year.
 - i. UPDATE: Conference committee recommended measure be passed (4/23), final reading needs to take place (4/30).
- c. **SB2852**: Discrimination in Public Accommodations; Persons with Disabilities; Discriminatory Practices; Places of Public Accommodation. Establishes it as an unlawful discriminatory practice for a place of public accommodation to deny a person with a disability full and equal enjoyment of information related to their services, facilities, privileges, advantages, or accommodations by requiring use of information and communication technology that is not accessible to the person. REQUIRES THAT HCRC CREATE ADMINISTRATIVE RULES.

Public testimony

- James Gashel (written/oral): With the likely passing of SB2852, the onus is on the HCRC to create rules, which can look towards DOJ, Title II, to give not only public agencies, but also individuals, a roadmap on how to make things accessible.
- Sheryl Nelson (written/oral): The bill is about access. Even with 35 years of access law, including digital access, there is still more to be done. Digital access is only one point of access, and access in general needs to be improved for everyone. Recommends having a focus group of people to give input.

Recruitment for Deputy Executive Director Position

- Staff updated the Commissioners of the status of recruitment efforts. Recruitment for the Deputy Executive Director position, as well as for three other vacancies within the

enforcement section, is ongoing. By the next Commission meeting there should be more clarity about the list of applicants for the Deputy Executive Director position.

Hawai'i Civil Rights Commission (HCRC) General Discussion

- a. Structure, Function, and Duties of HCRC
- b. Frequently Asked Questions and Staff Responses
 - No items were discussed.

Announcements

- a. Farewell to Commissioner Nichols and much appreciation for his work on the Commission
 - i. Commissioners and Staff expressed appreciation for Commissioner Nichols and his service on the Commission.
 - ii. Commissioner Nichols also expressed his appreciation, noting his full circle journey with HCRC from starting as a staff intern to eventually serving as a Commissioner.
- b. The next meeting of the Commission was tentatively scheduled for May 12 or May 19, 2026, at 11:30 a.m., via Zoom, subject to confirmation.

Adjournment

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

Draft minutes circulated by Marcus Kawatachi, Executive Director.

Approved by Commission, as circulated, on May 26, 2026

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