



**Hawai'i
Women's
Political
Caucus**

P.O. Box 11946
Honolulu, Hawai'i 96828
(808) 732-4987

Faye Kennedy
President

Nanci Kriedman
Vice President

Allicyn Hikida Tasaka
Vice President

Carolyn Wilcox
Treasurer

Pua Anyong White
Secretary

Amy Agbayani
Director

Diane Chang
Director

Gladys Gerlich-Hayes
Director

Joy Kobashigawa Lewis
Director

Alice Tucker
Director

A State Chapter of the
National Women's
Political Caucus

April 8, 2008

TO: Sen. Brian Taniguchi, Chair
Sen. Clayton Hee, Vice Chair
and Members, Senate Committee on Judiciary and Labor

FROM: Faye Kennedy, President
Hawai'i Women's Political Caucus (HWPC)

RE: GM 614 Relating to Confirmation Hearing on
Frank Lavoie's Nomination to the HCRC
(April 9, 2008 at 10 a.m. Room 016)

Good morning Chair Taniguchi, Vice Chair Hee and Members of the Senate Judiciary and Labor Committee. I am submitting this testimony in opposition to the GM 614 nomination, as president of the HWPC.

We are concerned that this nominee does not appear to meet the HRS Chapter 368 standard of having a demonstrated commitment to civil rights for service on the Hawai'i Civil Rights Commission. While there are many fine and exemplary citizens who would make admirable members of other boards and commissions, it is essential that those appointed to this small and vital commission meet the highest statutory qualifications.

It is also of deep concern that Commissioner Sara Banks was not reappointed. Apart from lack of gender balance that would be increasingly evident, Ms. Banks has a long and proven record on civil rights issues and fairness to both sides who come before the HCRC. There are other women, and men, whose backgrounds assure that they would be unquestionable assets to the commission.

We are a multi-partisan organization committed to increasing women's participation in the political process and their inclusion in elected and appointed office. We are also committed to the betterment of women and families and marginalized groups and the support of men who share our mission. A fair and balanced HCRC is of deep concern to us.

Thank you for the opportunity to submit this testimony.

testimony

From: Rebecca Ahina [Rebecca.Ahina@illyusa.net]
Sent: Monday, April 07, 2008 12:53 PM
To: testimony
Subject: JDL Committee April 9 10:00AM GM 614

April 7, 2008

Dear Chair Taniguchi,

I support Frank Lavoie for a position on the Hawaii Civil Rights Commission. I have known Frank Lavoie for the past 4 years in which I have witnessed him run a reputable business, where he is loved by all his clients, and now shift into the public sector. Currently, he serves on the Downtown Neighborhood Board as Vice Chair and he has worked for the State Senate. Through his experience in the Peace Corps in Armenia, founding and operating the downtown establishment Kafe Europa and his overall nature and true interest and passion for humanity, Frank is a perfect candidate for the position on the Hawaii Civil Rights Commission. Frank is a very knowledgeable self starter who has a strong affinity toward current events. I have had the pleasure of seeing Frank adapt and communicate with individuals from many different cultural and socioeconomic backgrounds. He simply works well with others, something that is inherent in his being. Frank Lavoie is determined to make a difference and will be a proactive and positive representative. I am confident that upon his nomination for the position on the Hawaii Civil Rights Commission, Frank Lavoie will be well respected and appreciated as a hard working and deserving commissioner.

Thank you for your time and evaluation.

Rebecca Krohn Ahina
illy caffe North America
rebecca.ahina@illyusa.net
808-781-6369

testimony

From: George A Casen [casen@hawaii.edu]
Sent: Saturday, April 05, 2008 8:48 AM
To: testimony
Cc: margo20001@hotmail.com
Subject: JDL Committee April 9 10:00AM GM 614

Senator Brian T. Tanguchi, Chair

Judiciary and Labor Committee

Dear Chair Taniguchi,

I support Frank Lavoie for a position on the Hawaii Civil Rights Commission.

I met Frank Lavoie and his wife Margo ten years ago at a showing of a documentary on serious civil rights abuses in Armenia under the Soviet Union that Dean Victor N. Kobayshi had arranged for me to show at UH Manoa.

Since I am of partial Armenian descent, I was interested in Frank's experiences as a Peace Corp volunteer in Armenia and his wife Margo's experiences living under the Soviet regime. Frank took personal risks during his Peace Corps assignment to further voting rights for the people of Armenia.

During my conversations with Frank over the last ten years I have been impressed with his dedication toward advocating civil rights for people of all backgrounds, genders and religious persuasions.

I am aware of the qualities required to be an effective member of a commission as I am a former Board member of Neighborhood Board #2, a former Democratic precinct officer in the Aina Haina area and was Oahu Co-Chair of the 2004 Wesley Clark Presidential campaign.

Frank will be very effective as a member of the Hawaii Civil Rights Commission.

Sincerely,

George Casen

testimony

From: MHerreral@aol.com
Sent: Monday, April 07, 2008 11:37 AM
To: testimony
Subject: JDL Committee April 9 10:00AM GM 614

Dear Chair Taniguchi,

I support Frank Lavoie for a position on the Hawaii Civil Rights Commission. He is hard working, smart, and his service in the Peace Corp makes him a good candidate for the position. I've known Frank since 1999 since we used to work together at Cheap Tickets, Inc. and we have been great friends since then. He has served in the Downtown Neighborhood Board as Vice-Chair, owns and operates Kafe Europa in Alakea St., and has worked in the State Senate when they are in session. He is very knowledgeable about current events and issues locally, nationally, and internationally. He has been involved with concerns for human, political and civil rights since his service with the Peace Corps in Armenia and to emphasize civil rights as there are still many problems in Armenia, especially in the villages. He continues to follow and try to influence the continuation of growing rights in Armenia from afar. This cause is personal to him because his wife is originally from Armenia and still has family living there. I believe because of this, he can influence the people of Hawaii for the better.

I thank you for your time in my support for Frank Lavoie. Your support for the position is greatly appreciated.

Best regards,

May Herrera

Planning your summer road trip? Check out [AOL Travel Guides](#).

testimony

From: Loraie Maxwell [lmaxwell@wcelaw.com]
Sent: Monday, April 07, 2008 11:15 AM
To: testimony
Subject: JDL Committee April 9 10:00AM GM 614

I support Frank Lavoie for a position on the Hawaii Civil Rights Commission.

Dear Chair Taniguchi:

I have had the pleasure of knowing Frank Lavoie for a couple of years now, both as a friend and businessman. Frank is an intelligent, capable, dedicated, and personable young man. He shows commitment and compassion in everything he does, and I believe he would be a tremendous asset to the Hawaii Civil Rights Commission. I feel confident in saying that he is capable of handling any situation with thoughtfulness and maturity. I recommend him to you without reservation.

Loraie Maxwell, Legal Secretary
Wagner Choi & Verbrugge
Attorneys at Law
Tel 808 533-1877
Fax 808 566-6900
Email lmaxwell@wcelaw.com

---Confidentiality Note---

The information in this message is legally privileged and confidential information intended only for the use of the individuals or entities named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this message is strictly prohibited. If you have received this message in error, please immediately notify us by telephone at (808) 533-1877 or reply to this email informing us of the incorrect address. Please also delete this message. Thank you.

testimony

From: Dave & Gayane Seppelin [daveandgayane@verizon.net]
Sent: Monday, April 07, 2008 5:39 AM
To: testimony
Cc: Dave & Gayane Seppelin
Subject: JDL Committee April 9 10:100AM GM 614

**6 Old Worcester Rd
Westminster, MA
01473**

April 5, 2008

RE : JDL Committee April 9 10:00AM

Dear Chair Taniguchi:

I support Mr. Frank Lavoie of Honolulu for a position on the Hawaii Civil Rights Commission. I have known Frank for thirteen years. We met during his service to his country as a U.S. Peace Corps Volunteer, in the Republic of Armenia in 1995. Frank and I both got married while in the U.S. Peace Corps. And I was honored to be his best man at his Armenian marriage ceremony. My wife and I have stayed in close contact with Frank and his family over the years. He is a loving husband to his wife Margaret and an excellent father to his son Eric.

Frank desire to help others was exemplified by his desire to join the U.S. Peace Corps. He did an outstanding job as a volunteer living and working in a foreign land. All of us who served became "semi official" representatives of our nation. Everything we did shaped and enhanced the lives of those around us. Frank spent a great deal of his time as a PCV helping the people he met learn about their own human rights and the rule of law. He helped educate those he met and worked to empower them to be advocates for themselves. One of his major achievements was teaching English as a second language to students in Armenia.

Prior to Frank joining the U.S. Peace Corps he attended Gettysburg College where he graduated with honors. He was a Political Science Major there. Frank continues to be well verse in the area of State and local government, in Hawaii. He grew up in the town of Reading in Massachusetts and was active in local politics there.

I work in the field of Human Services in the State of Massachusetts. As a professional I have been certified as a Human Rights Officer, under the

4/7/2008

Department of Mental Retardation there. I understand the civic responsibility of the Civil Rights Commission and I feel that Frank Lavoie could live up to and implement the high standards of that position with pride and dignity. He would be an excellent choice to serve on Hawaii's Civil Rights Committee. Frank is a seasoned professional in his field; he is an honest man and forthright in his demeanor. He is a successful local businessman in the city of Honolulu, having established his business "Kafe Europa" as well as served on the Downtown Neighborhood Board.

Most recently Frank has worked for the Hawaii State Senate and is well liked there. I think he has a calling to work in civil service in city of Honolulu. I am not surprised to learn of Franks desire to serve on the Civil Rights Commission there. I am sure he would be a welcome addition to any professional organization he works with. I personally recommend Mr. Frank Lavoie to the Civil Rights Commission at its JDL Committee meeting to be held on April 9, 2008.

Sincerely,

David J. Seppelin

**Testimony of Thomas J. Smyth
Before the
Senate Committee on Judiciary and Labor
Wednesday, April 9, 2008
10:00 am Room 016
on
GM 614
Nominating Frank Albert Lavoie
to the Civil Rights Commission**

Chair Taniguchi, Vice Chair Hee, and Members of the Committee:

I support the nomination of Frank Lavoie to the Hawaii Civil Rights Commission.

Mr. Lavoie is a member and Vice-Chair of the Downtown Neighborhood Board, on which I also serve. He was overwhelmingly elected to his current term on the Board after serving a brief time as a replacement for a member who resigned.

He is intelligent, articulate and very knowledgeable about matters that come before the board and I am sure he will bring those qualities to the Civil rights Commission. As a small business owner, he is very aware of many of the labor law issues that will come to this important commission.

It is important that very small businesses such as his are represented on state regulatory boards and commissions. Their voice is seldom heard among all the business interests even though they often bear the brunt of regulatory determinations made by such commissions.

I urge your consideration and confirmation of Frank Lavoie.

Thank you for the opportunity to provide testimony.

April 8, 2008

TO: Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair
And Members of the Senate Committee on Judiciary and Labor

FROM: Allicyn Tasaka
Member, Friends of Civil Rights and Former Commissioner, Hawaii Civil Rights Commission

RE: GM614 Gubernatorial Nominee for Hawaii Civil Rights Commission:
FRANK ALBERT LAVOIE Term Expires: June 30, 2011
(Wednesday, April 9, 2008 at 10:00 a.m. Room 016)

POSITION: Opposition

Good morning Chair Taniguchi, Vice Chair Hee, and Members of the Senate Committee on Judiciary and Labor. My name is Allicyn Tasaka and I am submitting testimony as a concerned individual in opposition of Frank Albert Lavoie's nomination to the Hawaii Civil Rights Commission.

As a former Commissioner who served for eight (8) years on the Hawaii Civil Rights Commission (HCRC) and as a member of the Friends of Civil Rights, I question whether Mr. Lavoie meets the HRS' mandated requirement of demonstrated commitment to civil rights. He is not known to civil rights advocates in our community nor appears to have any background and experience in matters relating to enforcing the State's anti-discrimination statutes.

Furthermore, I wish to express my concern that the Governor has not re-appointed Ms. Sara Banks to another term to the HCRC. Ms. Banks served as interim Chair of the HCRC while Chair Coral Pietsch was attending to her military duties. Ms. Banks continues to be a role model for women and has demonstrated a long term commitment to helping those who are in difficult circumstances, such as serving as a volunteer coordinator for the Life Foundation, the AIDS service organization for O'ahu and becoming part owner of Wahine Builders, where she designed and implemented a pre-apprentice construction training program for incarcerated women.

The HCRC enforces state laws prohibiting discrimination in employment, public accommodations, and access to state and state-funded services. On a daily basis, the HCRC staff receives, investigates, conciliates and adjudicates complaints of discrimination.

I urge you and your Committee to thoroughly explore Mr. Lavoie's knowledge and experience in civil rights matters, and his commitment to preserve the civil rights of all individuals. There are other more qualified individuals who truly understand and have vast experience in protecting our civil liberties that should be considered for this position.

Thank you for this opportunity to submit my testimony in opposition to Mr. Lavoie's nomination as Commissioner of the Hawaii Civil Rights Commission.

testimony

From: Tom Trenz [ttrenz@empoweredinternet.com]
Sent: Sunday, April 06, 2008 1:19 PM
To: testimony
Subject: JDL Committee April 9 10:00AM GM 614
Importance: High

I support Frank Lavoie for a position on the Hawaii Civil Rights Commission.

Dear Chair Taniguchi,

I know Frank Lavoie for several years and we are good friends. I also know his family here in Hawaii. Frank is a very caring person and we often discuss about problems in the society in general. I know Frank is very involved in the community and always there when you need him. He is very generous and like to help. His experience working at the State Capital will enable him to be very productive. I wholeheartedly support him for this position.

With best regards

Thomas Trenz -- Regional Vice President -- Empowered Internet Solutions LLC -- ttrenz@empoweredinternet.com --
www.empoweredinternet.com w 808.593.0073 x106 -- C 808.375.1304

Join the Webolution.get Empowered!"



LATE TESTIMONY

HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

Testimony in Support of Frank Lavoie's Nomination To the Hawaii Civil Rights Commission

Wednesday, April 9, 2008
10:00 pm

To: Senator Brian T. Taniguchi, Chair
Senator Clayton Hee
Judiciary and Labor Committee

Dear Chair Taniguchi & Vice Chair Hee:

I support Frank Lavoie's nomination to the Hawaii Civil Rights Commission. Because of his background in the Peace Corp in the former Soviet Union he is acutely aware of the consequences of racial and ethnic discrimination. He is a fair person who will do his best to make decisions based on the facts before him, not on preconceived or ideological notions.

Frank will take a commonsense approach to his duties. I believe it was Will Rogers who said, commonsense isn't all that common, and we should find as many people like Frank to accept positions like this one as we can.

Others have testified about Frank's rich professional background. Suffice it to say he brings a wealth of practical experience to the table and I fully support his nomination to the Hawaii Civil Rights Commission.

Thank you for reading my testimony in support.

With warmest aloha,

Karl Rhoads



LATE

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8842 / Fax: (808) 586-9099
Email: dliir.director@hawaii.gov

April 9, 2007

To: The Honorable Brian T. Taniguchi, Chair
and Members of the Senate Committee on Judiciary and Labor

Date: April 9, 2007
Time: 10:00 a.m.
Place: Conference Room 016, State Capitol

From: Darwin L.D. Ching, Director
Department of Labor and Industrial Relations

RE: GM 614: Hawaii Civil Rights Commission

The Department of Labor and Industrial Relations ("Department") strongly supports the confirmation of **Mr. Frank Lavoie** to the Hawaii Civil Rights Commission ("HCRC").

Mr. Lavoie is well qualified to serve on the HCRC because of his strong commitment to civil rights. He is an accomplished small business owner, community, a community leader, and a role model for many. Mr. Lavoie is presently the owner of Kafé Europa, a small restaurant/grocery chain located in downtown Honolulu. Mr. Lavoie is also actively engaged in his community, where he serves as Vice-Chairman of the Downtown Neighborhood Board.

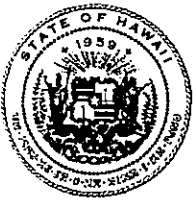
Mr. Lavoie is a graduate of Gettysburg College where he graduated with a Bachelor of Arts degree in Political Science. He has vast public service experience serving as a congressional aide, to a research analyst with the National Center for Public Policy Research. Mr. Lavoie has worked for two state agencies, the Department of Taxation and the Department of Labor and Industrial Relations. He has also spent several sessions working in the legislature covering various committees.

Mr. Lavoie has also served as a U.S. Peace Corp volunteer from 1995 to 1997, teaching English and critical thinking skills to students and teachers in Armenia. Following his service in the Peace Corp., Mr. Lavoie worked for the International Organization for Migration ("IOM") which works to help ensure the orderly and humane management of migration, to promote international cooperation on migration issues, to assist in the search for practical solutions to migration problems and to provide humanitarian assistance to migrants in need, including refugees and internally displaced people. Mr. Lavoie also served as a presidential election observer in the 1998 Armenian presidential election for the Organization for Security and Co-operation in Europe ("OSCE"). The OSCE is the largest regional security organization in the world serving as a primary instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation in its area. It has 19 missions or field operations in

GM 614
April 9, 2008
Page 2

South-Eastern Europe, Eastern Europe, the Caucasus and Central Asia. Mr. Lavoie speaks four languages. (Armenian, German, English, and Russian.)

Mr. Lavoie is well-qualified and deserving of confirmation to the HCRC.



HAWAII CIVIL RIGHTS COMMISSION

COPY

830 PUNCHBOWL STREET, ROOM 411 • HONOLULU, HI 96813-5095 • PHONE: (808) 586-8636 • FAX: (808) 586-8655 • TDD: (808) 586-8692

LATE

April 8, 2008

FOR HAND DELIVERY

Hon. Brian Taniguchi
Chair
Senate Committee on Judiciary and Labor
State Capitol, Room 219
Honolulu, Hawai'i 96813

RE: Governor's Message 614, Nominee Frank Albert Lavoie
Governor's Message 615, Nominee Jonathan Luis Ortiz

Dear Chair Taniguchi:

I am writing to explain why the Hawai'i Civil Rights Commission (HCRC) will not be submitting testimony or comment on the nominations of Frank Lavoie or Jonathan Ortiz for the confirmation hearing scheduled for Wednesday, April 9, 2008. The HCRC Commissioners have not had the opportunity to review and discuss the nominees' qualifications, knowledge, experience, and demonstrated commitment to civil rights.

It has not been possible to schedule a Commission meeting after the nominations were transmitted to the Senate, due to the shortness of time and the lack of a quorum. Only two of five Commissioners, Les Ueoka and Sara Banks, would have been available to meet. Chair Coral Pietsch has not yet returned from her deployment to Iraq and Commissioner Mark Valencia is out of town attending a U.S. Department of Housing and Urban Development fair housing policy conference. The fifth Commissioner seat has been vacant for over a year.

When possible, the HCRC Commissioners will continue to offer testimony on nominations, particularly for nominations for reappointment. Thank you for your patience and understanding as you exercise your advice and consent responsibilities.

Yours truly,

William D. Hoshijo
Executive Director

Testimony to the Senate Committee on Judiciary and Labor
State Capitol, Rm 016
April 9, 2008

Testimony against GM 614 Frank Albert Lavoie to the Hawaii Civil Rights Commission
Testimony submitted by Amy Agbayani, 3432 B-1 Kalihi St. Honolulu, Hawaii 96819

My name is Amy Agbayani. I was appointed as the first chair of the Commission and served for 8 years. I am submitting testimony in opposition to Mr. Lavoie. When the legislature established the Commission by statute, the legislature was clear about its purpose and requirements to have a strong civil rights law enforced by commissioners who qualified to enforce these laws.

I am offering testimony against Mr. Frank Albert Lavoie to be a member of the Hawaii Civil Rights Commission. I regret having to oppose this nomination because I do not know Mr. Lavoie. Mr. Lavoie may have excellent qualifications for another board. I do not believe he meets the statutory requirements to be a member of the HCRC as he does not meet the requirement to have experience, knowledge and demonstrated commitment to civil rights. The Commission is a very important one for it is charged with implementing civil rights laws and it is not only reasonable but a requirement that Commission members have experience, knowledge and demonstrated commitment to civil rights. There are many community leaders who are well qualified and were not nominated.

I am extremely disappointed that the membership on the Commission is not balanced or diverse (one woman; no African Americans, Filipinos, Hawaiians; no gays and lesbians lawyers and management are in the majority).

I respectfully request that you hold this nomination as there are many deserving qualified community leaders that should be considered. I have been an active member of the civil rights community for over three decades and am confident that there are community members who applied

TESTIMONY IN OPPOSITION TO GM 614

Senate Committee on Judiciary and Labor
Hawai'i State Capitol, Conference Room 016
April 9, 2008 10 a.m.

To: Sen. Brian Taniguchi, Chair
Sen. Clayton Hee, Vice Chair
Sen. Mike Gabbard, Sen. Russell Kokubun
Sen. Clarence K. Nishihara, Sen. Sam Slom

From: Charlene Cuaresma, Private Citizen
728 Nunu St. Kailua, HI 96734

My name is Charlene Cuaresma. I am submitting testimony as a private citizen in opposition to Gubernatorial Nominee, Frank Albert Lavoie, for confirmation to the Hawai'i Civil Rights Commission, for a term to expire 6-30-2011.

I commend Mr. Lavoie's service as a Peace Corps volunteer in Armenia, as a co-owner of a successful downtown Armenian/Russian eatery, as vice chair of the Nuuanu Neighborhood board, and as staff for Sen. Sam Slom.

However, I oppose Mr. Lavoie's nomination because I am concerned about not knowing his qualifications, experiences, extent of his knowledge of Hawai'i's civil rights history, and demonstration of his positions and reasoning on current civil rights issues.

At the same time, I am deeply discouraged in the direction headed by the Commission, away from the civil rights precepts on which it was established. Fundamentally, the composition of the Commission is imbalanced and does not reflect Hawai'i's diverse populations. There is only one woman, and not one commissioner of African American, Native Hawaiian or Filipino heritage; nor is there representation from gay, lesbian, bisexual or transgender individuals. These groups have historically shouldered the greatest burden of civil rights disparities in education, public health, labor, and more. How can the people of Hawai'i be assured that a vital discourse to safeguard the civil rights due to underprivileged minorities takes place when their perspectives are not at the table?

While Mr. Lavoie may be an outstanding citizen, I am dismayed that highly qualified individuals from underrepresented groups were bypassed in the nomination process. For this reason, I humbly recommend that the Senate Judiciary and Labor Committee not approve this nominee, in order to consider other nominees that would ensure equal representation of disparate groups on the Commission, and equal consideration in the nomination process.

Sincerely,

Charlene Cuaresma, Private Citizen

testimony

From: Barry Morrison [bmorrison@americanbc.net]
Sent: Wednesday, April 09, 2008 1:14 PM
To: testimony
Subject: I support Frank Lavoie nomination for Hawaii Civil Rights Commission

Dear Chair Taniguchi,

I support Frank Lavoie for a position on the Hawaii Civil rights Commission.

I have known Mr. Lavoie for over three years and I am always impressed with his knowledge and concern for our local population and the world as a whole.
He is a very industrious, hard working family man,
well traveled, and speaks several languages fluently.

Frank will bring value to the Hawaii Civil Rights Commission.

Thank you very much,

Barry Morrison
Sr. Loan Officer

American Bancorp
A division of Colorado Federal Savings Bank
201 Merchant Street, Suite 1800
Honolulu, HI 96813

Direct: (808) 440-0925
Cell: (808) 230-6196
Fax: (808) 536-4464
Email: bmorrison@americanbc.net

April 9, 2008

TO: Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair
And Members of the Senate Committee on Judiciary and Labor

FROM: Jeanne Ohta

RE: GM614 Gubernatorial Nominee for Hawaii Civil Rights Commission:
FRANK ALBERT LAVOIE Term Expires: June 30, 2011
(Wednesday, April 9, 2008 at 10:00 a.m. Room 016)

POSITION: Opposition

I am writing today in opposition of Frank Albert Lavoie's nomination to the Hawaii Civil Rights Commission.

I am concerned whether Mr. Lavoie meets the mandated requirement of demonstrated commitment to civil rights. He is not known to civil rights advocates in our community nor appears to have any background and experience in matters relating to enforcing the State's anti-discrimination statutes.

As a former interim executive director of the Commission on the Status of Women, I want to ensure that Civil Rights Commissioners have not only demonstrated their commitment to civil rights and an understanding of our anti-discrimination statutes, but that they are committed to ending discrimination by the enforcement of state laws prohibiting discrimination in employment, public accommodations, and access to state and state-funded services.

This role is an important one. Discrimination is still prevalent; on a daily basis, the Commission receives complaints of discrimination. I urge the Committee to thoroughly explore Mr. Lavoie's knowledge and experience in civil rights matters, and his commitment to preserve the civil rights of all individuals.

I wish to also express concern that the Governor has not reappointed Sara Banks to another term to the Commission. Ms. Banks served as interim Chair of the HCRC. She has demonstrated a long term commitment to helping those who are in difficult circumstances. During hearings, her questions and statements showed her understanding of the issues, her dedication to enforcing anti-discrimination laws, and her fairness to all appearing before the commission.

There are other more qualified individuals who truly understand and have vast experience in protecting our civil liberties that should be considered for this position. Thank you for allowing me to express my opposition to this nomination.

LATE

April 8, 2008

VIA FACSIMILE 586-6461

To: Senator Brian Tanaguchi, Chairman
Senator Clayton Hee, Vice-Chairman
Senate Judiciary Committee

**TESTIMONY OPPOSING NOMINATIONS OF LESTER UEOKA, JONATHAN ORTIZ
AND FRANK LAVOIE AS CIVIL RIGHTS COMMISSIONERS**

Dear Chairman Tanaguchi, Vice-Chairman Hee, and Members of the Committee:

I oppose the nominations, of Lester Ueoka, Jonathan Ortiz and Frank Lavoie to become Commissioners of the Hawaii Civil Rights Commission. I do not oppose these men as individuals. I oppose them because they do not meet the statutory requirements for Commissioners by HRS § 368-2:

The members appointed to the commission shall be selected on the basis of their knowledge and experience in civil rights matters and on the basis of a demonstrated commitment to the preservation of the civil rights of all individuals

Mr. Ortiz is a respected, competent insurance defense attorney who primarily represents State Farm insureds in automobile accident cases. To the best of my knowledge he has never appeared in a civil rights case.

I have had lunch at the restaurant owned by Mr. Lavoie, Cafe Europa in downtown Honolulu. I do think it is useful for a small business perspective to be on the Commission, but I do think that a Commissioner who represents small business, must also have a background and

expertise in civil rights. I am informed that Mr. Lavoie works on the staff of Senator Sam Slom. He is not known to me, or anyone I know in the civil rights community, to have a "demonstrated commitment to civil rights", which is required by the statute. My concern is that Mr. Lavoie may be dedicated to protecting business interests rather than civil rights.

The final nominee, Lester Ueoka, is a respected and a compassionate man, but he makes his living representing the interest of a big business, Hawaiian Telcom. It will be difficult for Mr. Ueoka to be taking pro-employee positions as a Civil Rights Commissioner, when as an assistant general counsel at Hawaiian Telcom, he is required by the ethics of his profession to advocate for his employer's position zealously.

The other two members of the Civil Rights Commission are already employer advocates. Cora-Wong Pietsch represents the Army in labor and employment issues. Mark Valencia is in private practice and defends employers in employee civil rights cases. He is representing an employer currently opposing my female client in a sex harassment case. He also represented an employer in another whistleblower case where I represented the Plaintiff. That case was resolved in January of this year. He is paid to advocate for employer positions.

If the three current nominees are approved, Hawaii will have five Commissioners who represent employer interests. This is completely contrary to the statute, which requires Commissioners to have a demonstrated commitment to civil rights. This could have a devastating effect on civil rights. The primary threat posed to employee civil rights by a Civil Rights Commissioner slanted toward guarding the economic interests of employers rather than the civil rights of employees, is that Civil Rights Commission regulations could, and probably would, be changed to protect employers not employees. Last year the Hawaii Employers Council ("HEC") petitioned to change those regulations to make it more difficult for women to bring successful sexual harassment complaints. The Commission although it modified HEC's request slightly, is moving forward to change that rule. There was one commissioner who opposed making the change, Sara Banks. Ms. Banks, who does have a background of demonstrated commitment to Civil Rights, was not reappointed to the Commission by the Governor. The HEC petition for the rule change will now sail through the Commission, if these nominations are approved. I have been informed by an employee of HEC that this petition to change sexual harassment rules was just the start of the pro-employer changes in the regulation. They also plan to petition to limit the rights of handicapped workers. These regulatory changes are critical. They are given deference by the Courts, and they are not subject to legislative review. The result of approval of these nominations could be a wholesale rewriting of civil rights laws to favor employers without any input from the Legislature.

These nominations have totally disregarded the wording of the statute. The statute states:

The members appointed to the Commission shall be selected on the basis of their knowledge and expertise in civil rights matters and on the basis of a demonstrated commitment to the preservation of civil rights of all individuals.

The commissioner who met the statute requirement, Sara Banks, was not reappointed by Governor Lingle. Ms. Banks did have a demonstrated commitment to the preservation of civil rights. Commissioner Banks was the only commissioner who voted against the changes sought in the rules by the HEC to weaken protection for women who are sexually harassed in the workplace by their supervisors. Commissioner Banks was admired at the Commission for her hard work. I have been told that all of the other commissioners wanted her to be and expected her to be reappointed. The Governor sent a significant message by not reappointing the one Commissioner who stood up to business interests, and then instead appointing people to the Commission with no civil rights background, and who appear to have a pro-business agenda. It is very important that these nominations not be consented to by the Senate.