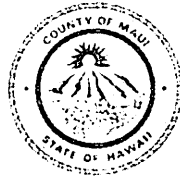


**RICHARD T. BISSEN, JR.**  
Mayor

**VICTORIA J. TAKAYESU**  
Corporation Counsel

**MIMI DESJARDINS**  
First Deputy

**LYDIA A. TODA**  
Risk Management Officer



DEPARTMENT OF THE CORPORATION COUNSEL  
COUNTY OF MAUI  
200 SOUTH HIGH STREET, 3<sup>RD</sup> FLOOR  
WAILUKU, MAUI, HAWAII 96793  
EMAIL: CORPCOUN@MAUICOUNTY.GOV  
TELEPHONE: (808)270-7740

November 12, 2024

Via email only at [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

Honorable Alice L. Lee, Chair  
and Members of the Council  
County of Maui  
Wailuku, Hawai'i 96793

**SUBJECT: Litigation Matter – Settlement Authorization  
KA LAE O KA ENA BROWN V. COUNTY OF MAUI POLICE  
DEPARTMENT, ET AL.; CIVIL 2CCV-23-0000029(4)**

Dear Chair Lee and Council Members:

Please find attached separately a Proposed Resolution entitled "AUTHORIZING SETTLEMENT OF KA LAE O KA ENA BROWN V. COUNTY OF MAUI POLICE DEPARTMENT, ET AL., CIVIL 2CCV-23-0000029(4)." The purpose of the proposed resolution is to discuss settlement options with regard to the above-referenced lawsuit.

I request that the proposed resolution be directly referred to the Government Relations, Ethics, and Transparency Committee for discussion and action as soon as possible, as this matter is set for a settlement conference on December 12, 2024. For further information, I have also attached the First Amended Complaint in this matter, which was filed on July 20, 2023.

Executive session will be necessary to discuss questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and/or the Committee.

If you have any questions or concerns, please do not hesitate to contact us. Thank you for your anticipated assistance in this matter.

///  
///



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COUNTY CLERK

Honorable Alice L. Lee, Chair  
November 12, 2024  
Page | 2

Sincerely,



BRADLEY J. SOVA

Deputy Corporation Counsel

cc: John Pelletier, Chief of Police

Attachments:

- (1) Proposed Resolution: AUTHORIZING SETTLEMENT OF KA LAE O KA ENA BROWN V. COUNTY OF MAUI POLICE DEPARTMENT, ET AL., CIVIL 2CCV-23-0000029(4);
- (2) First Amended Complaint filed July 20, 2023.



## I. NATURE OF CASE

1. The basis of this case is, *inter alia*, discrimination against SGT. BROWN as a female at the County of Maui Police Department.

## II. JURISDICTION

2. SGT. BROWN brings this action pursuant, including, but not limited to HRS Chapter 378 to obtain full and complete relief and to redress the tortious conduct described herein.

3. At all times relevant herein, SGT. BROWN was an employee with the County of Maui Police Department [hereinafter referred to as "MPD"] and a resident of the County of Maui, State of Hawai'i.

4. At all times relevant herein, Defendant MPD's principal place of business is in the County of Maui, State of Hawai'i.

5. Upon information and belief, and at all times relevant herein, Defendants were acting within the course and scope of their duties as employees, agents and/or representatives of MPD; therefore, Defendants are liable for the intentional and/or tortious and/or wrongful conduct of said employees, agents and/or representatives pursuant to the doctrine of Respondeat Superior and/or principles of Agency.

6. Defendants JOHN DOES 1-100, JANE DOES 1-100, DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10, DOE UNINCORPORATED ORGANIZATIONS 1-10, and DOE GOVERNMENTAL AGENCIES 1-10 are sued herein under fictitious names because their true names, identities and capacities are unknown to SGT. BROWN, except that they are connected in some manner with Defendants, and are/were agents, servants, employees, employers, representatives, co-venturers, associates, or independent

contractors of Defendants herein, and were acting with the permission and consent and within the course and scope of said agency and employment and/or were in some manner presently unknown to SGT. BROWN engaged in the activities alleged herein and/or were in some way responsible for the injuries or damages to SGT. BROWN, which activities were a proximate cause of said injuries or damages to SGT. BROWN. SGT. BROWN has made good faith and diligent efforts to identify said Defendants, including interviewing individuals with knowledge of the claims herein. At such time as their true names and identities become known, SGT. BROWN will amend her Complaint accordingly.

7. All events done by MPD described herein occurred within the County of Maui, State of Hawaii, and within the jurisdiction and venue of the Circuit Court of the Second Circuit, State of Hawai'i.

### **III. STATEMENT OF FACTS**

8. SGT. BROWN, a strong female, has been a faithful police officer with the MPD since July 2001.

9. SGT. BROWN has been promoted several times and in 2020 she was promoted to her dream job as Sergeant in CRS at the Wailuku station.

10. In 2022, despite her experience and ranking, SGT. BROWN was inexplicably reassigned from CRS to Lahaina patrol.

11. While SGT. BROWN was in CRS, she had no negative performance evaluations and excelled at her job.

12. Soon after MPD Chief Pelletier and Deputy Chief Hank were appointed to their positions in December 2021, they created a discriminatory and hostile work environment for several female officers including SGT. BROWN.

13. This is supported by at least two other females at MPD that were privy to the maltreatment.

14. Based on information and belief, on or about December 17, 2021, Cf. Pelletier and Deputy Cf. Hank conducted a group meeting with most of the MPD executive staff.

15. At the meeting, Deputy Cf. Hank was heard yelling at Cf. Pelletier's secretary as she was trying to explain to him why certain people were at the meeting.

16. Cf. Pelletier warned the attendees that if anyone was not aligned with the Office of the Chief and if any officer was insubordinate, he would "fillet the first" so that other officers and/or MPD employees would know the severe repercussions of insubordination.

17. Apparently, as evidenced below, complaining of gender discrimination and/or a hostile work environment was considered insubordination to Cf. Pelletier, and discrimination and retaliation were some of his modes for disciplining officers.

18. On or about January 14, 2022, SGT. BROWN and Lt. Audra Sellers had a meeting with the Chief of Staff for Cf. Pelletier, Sgt. Bonacorsi, to notify her how the changes to CRS were affecting their work.

19. Specifically, their social media responsibilities were restricted, recruitment responsibilities that belonged to CRS were taken away, and the CRS office would be moving to the Quality Assurance office.

20. SGT. BROWN and Lt. Audra Sellers told Sgt. Bonacorsi that they felt like they were being disciplined and wanted Cf. Pelletier to communicate with them so that they could get a better understanding of all the changes that were happening.

21. Sgt. Bonacorsi, Cf. Pelletier, and Deputy Cf. Hank never responded to SGT. BROWN and Lt. Sellers' concerns.

22. On or about January 18, 2022, Lt. Sellers filed an EEO Official Complaint to the County EEO Office citing to very specific and legally actionable facts that supported her claims of gender discrimination, retaliation, the creation of a hostile work environment and harassment.

23. On or about January 27, 2022, Deputy Cf. Hank informed SGT. BROWN and Lt. Sellers that Cf. Pelletier decided to collapse CRS.

24. The decision to collapse CRS was highly suspicious and not a coincidence.

25. Deputy Cf. Hank specifically told SGT. BROWN and Lt. Sellers that the decision to collapse CRS had nothing to do with Lt. Sellers' complaint from January 18, 2022.

26. However, Cf. Pelletier and Deputy Cf. Hank's actions against female officers SGT. BROWN and Lt. Sellers would show otherwise.

27. Deputy Cf. Hank also notified them that the entire CRS office which (consisted of two (2) male officers and two (2) female officers) could submit their new placement requests to Asst. Cf. Clyde Holokai.

28. On January 31, 2022, SGT. BROWN submitted a request to Asst. Cf. Holokai to be reassigned to her previous position of Receiving Desk at the Wailuku station.

29. SGT. BROWN cited to hardships that reassigning her to patrol would have on her family since her son has disabilities.

30. Based on information and belief, SGT. BROWN was the only officer from CRS that notified Asst. Cf. Holokai of the hardships to her life as a result of the collapse of CRS and the need for an accommodation.

31. On February 1, 2022, Asst. Cf. Holokai informed SGT. BROWN that the Receiving Desk position at Wailuku station did not have any vacancies for a sergeant and requested that she provide an alternative position for reassignment.

32. SGT. BROWN then requested to be placed in the Criminal Investigation Division ("CID") at the Wailuku station.

33. On February 9, 2022, SGT. BROWN was notified by Asst. Cf. Holokai that SGT. BROWN was being reassigned to Wailuku Patrol.

34. SGT. BROWN once again notified Asst. Cf. Holokai of the need for an accommodation to be reassigned to CID due to her personal hardship related to her son's disabilities.

35. Despite her request for the accommodation, Deputy Cf. Hank assigned SGT. BROWN to Wailuku patrol.

36. SGT. BROWN was the only officer from CRS that did not have her placement request granted even though she was the only officer that cited for the need of an accommodation.

37. Moreover, the CID Commander in Wailuku at that time, Acting Asst. Cf. Randy Esperanza, notified Deputy Cf. Hank that there was an opening in CID Wailuku and was willing to have SGT. BROWN fill the position.

38. Later that day, SGT. BROWN emailed Asst. Cf. Holokai and requested to be reassigned to a vacant position in the Kihei District as the Visitor Oriented Policing Sergeant.

39. This position was similar to CRS and had the same work schedule as CRS.

40. As informed by Asst. Cf. Holokai, Deputy Cf. Hank had previously notified Asst. Cf. Holokai that SGT. BROWN needed to choose from a patrol position.

41. Deputy Cf. Hank was clearly discriminating against SGT. BROWN based on her gender when he ordered Asst. Cf. Holokai to assign SGT. BROWN to patrol and the two (2) male officers, Marvin Miles and Cy Nakashima, from CRS were granted Receiving Desk positions.

42. Receiving Desk positions fall under Support Services, which is the same bureau that CRS fell under.

43. Moreover, male officers Sgt. Dagulo and Sgt. Kauha'aha'a were allowed to remain and continue working in the "collapsed" section in Vice and were never disciplined or written up for not following written orders given to them.

44. Sgt. Dagulo and Sgt. Kauha'aha'a were given orders to report to Wailuku patrol on February 16, 2022.

45. They were both from the Gambling and Morals section that fall under MPD's Vice section which was collapsed at the same time as CRS.

46. Despite their written orders, Sgt. Dagulo and Sgt. Kauha'aha'a were verbally given orders to continue their work in Vice.

47. Sgt. Dagulo and Sgt. Kauha'aha'a were never put on the Wailuku Patrol schedule.

48. This is further evidence that SGT. BROWN was without a doubt being discriminated against based on her gender and retaliated against for supporting Lt. Sellers complaints of discrimination.

49. On February 10, 2022, Asst Cf. Holokai emailed SGT. BROWN and notified her that Deputy Cf. Hank was reassigning SGT. BROWN to Lahaina patrol.

50. This was humiliating to SGT. BROWN and she felt like she was being retaliated against.

51. The Lahaina patrol position was even farther to SGT. BROWN's residence which increased her personal hardship related to her son's disabilities.

52. SGT. BROWN reiterated this hardship to her conduit, Asst Cf. Holokai, but her request for a reasonable accommodation fell on deaf ears.

53. Deputy Cf. Hank ordered SGT. BROWN to report to Lahaina patrol on



February 16, 2022, and she did.

54. In addition to gender discrimination against SGT. BROWN, the order to remove SGT. BROWN from CRS and assign her to patrol instead of her requested non-patrol positions was also clearly retaliation stemming from Lt. Sellers' January 18, 2022 complaints of gender discrimination, retaliation, the creation of a hostile work environment and harassment.

55. The MPD purposely humiliated and degraded SGT. BROWN and used her as an example by denying her requests and removing her from CRS and assigning her to patrol.

56. It's common knowledge within the MPD that it is degrading for an officer to be removed from non-patrol positions to patrol.

57. Moreover, the MPD reassigned someone from patrol to do the job SGT. BROWN had in CRS. Clearly, the MPD was retaliating against SGT. BROWN.

58. On or about February 10, 2022, SGT. BROWN filed a complaint to Maui County citing the retaliation by Cf. Pelletier and Deputy Cf. Hank against SGT. BROWN.

59. On or about February 16, 2022, SHOPO filed a grievance on behalf of SGT. BROWN as she continued to work Lahaina patrol.

60. On February 24, 2022, SGT. BROWN went out on "Injury Line of Duty" and/or "stress leave" due to the retaliation and discrimination that she continued to be subjected to.

61. On February 28, 2022, SHOPO sent a "cease and desist" letter to Cf. Pelletier ordering him to stop the collapse of CRS and the Gambling & Morals section.

62. While out on "Injury Line of Duty" and/or "stress leave", MPD made SGT. BROWN wait 2 1/2 months to respond to her request to return to work on restricted duty.

63. Moreover, MPD never informed SGT. BROWN that Corporation Counsel approved SGT. BROWN's return to work just two (2) weeks after she submitted her request to return to work on restricted duty.

64. This was after SGT. BROWN repeatedly asked about the status of her request.

65. One of SGT. BROWN's restricted duty requests was that she have no exposure to Cf. Pelletier or Deputy Cf. Hank.

66. After waiting 2 1/2 months, Deputy Maeda denied SGT. BROWN's return to work with restricted duty.

67. Deputy Maeda asked SGT. BROWN if she had work to do in CRS, which she said she did.

68. Deputy Maeda later changed his mind about SGT. BROWN's request to return to work on light duty.

69. On March 17, 2022, Cf. Pelletier informed SGT. BROWN's union representative that MPD would reconstitute both CRS and the Gambling & Morals sections, with an intended implementation date of April 1, 2022.

70. Cf. Pelletier did in fact reinstate CRS and the Gambling & Morals sections, but only provided a small portion of job responsibilities back to the sections.

71. Cf. Pelletier did not include recruitment responsibilities back to CRS.

72. Cf. Pelletier lied to SHOPO when he emailed them and said CRS would be put back together and have an emphasis on recruitment.

73. On April 01, 2022, Administrative Order (22-045) was issued and informed MPD personnel of the position announcement for Recruitment Sergeant.

74. At that time, SGT. BROWN was the Recruitment Sergeant for the department.

75. There is only one (1) recruitment sergeant in MPD and it was SGT. BROWN.

76. She was shocked to discover that MPD was looking to replace her.

77. Clearly, the MPD was further retaliating against her.

78. On or about May 24, 2022, SGT. BROWN filed charge of Discrimination with the HCRC citing to gender discrimination and retaliation.

79. On or about November 3, 2022, SGT. BROWN was issued her "right to sue" letter from the HCRC.

80. On April 18, 2023, filed another Charge of Discrimination with the HCRC detailing and alleging further retaliation attached hereto as Exhibit A for reference and is incorporated into the facts herein alleged.

### **COUNT I GENDER DISCRIMINATION**

81. SGT. BROWN incorporates paragraphs 1 through 80 as though fully set

forth herein.

82. It shall be unlawful discriminatory practice for an employer to discriminate against an individual under HRS, § 378-2 based on their gender.

83. MPD's conduct as described above is a violation of HRS, § 378-2.

84. The aforementioned acts and/or conduct of the MPD entitles SGT.

BROWN to damages as provided by law. As a direct and proximate result of said unlawful employment practices SGT. BROWN has suffered extreme mental anguish, outrage and great humiliation about her future and her ability to support herself, as well as painful embarrassment among her relatives and friends, damage to her good reputation, disruption of her personal life, loss of enjoyment of the ordinary pleasures of everyday life and other general damages in an amount which meets the minimal jurisdictional limits of this Court.

## **COUNT II RETALIATION**

85. SGT. BROWN incorporates paragraphs 1 through 84 as though fully set forth herein.

86. It shall be unlawful discriminatory practice for an employer to discriminate against an individual under HRS, § 378-2(2) who "has filed a complaint . . . respecting the discriminatory practices prohibited under this part."

87. MPD's conduct as described above is a violation of HRS, § 378-2 (1 & 2).

88. The aforementioned acts and/or conduct of the MPD entitles SGT.

BROWN to damages as provided by law. As a direct and proximate result of said unlawful employment practices SGT. BROWN has suffered extreme mental anguish, outrage and great humiliation about her future and her ability to support herself, as well as painful embarrassment among her relatives and friends, damage to her good reputation, disruption of her personal life,

loss of enjoyment of the ordinary pleasures of everyday life and other general damages in an amount which meets the minimal jurisdictional limits of this Court.

**COUNT III**  
**VIOLATION OF HRS 378 PART V WHISTLEBLOWERS' PROTECTION ACT**

89. SGT. BROWN incorporates paragraphs 1 through 88 as though fully set forth herein.

90. The treatment of SGT. BROWN, as described aforesaid, evidences retaliation against SGT. BROWN at MPD for reporting illegal practices at MPD.

91. An employer shall not retaliate against an employee based on their whistleblowing under HRS, § 378-62 which states in pertinent part as follows:

§ 378-62: An employer shall not discharge, threaten or otherwise discriminate against an employee...because:

- (1) The employee... reports or is about to report to the employer...verbally or in writing, a violation or suspected violation of:
  - (A) A law, rule, ordinance, or regulation, adopted pursuant to the law of this State, a political subdivision of the State or the United States;

91. MPD's conduct as described above is a violation of HRS § 378-62(1)(A).

92. The aforementioned acts and/or conduct of the MPD entitles SGT. BROWN to damages as provided by law. As a direct and proximate result of said unlawful employment practices SGT. BROWN has suffered extreme mental anguish, outrage and great humiliation about her future and her ability to support herself, as well as painful embarrassment among her relatives and friends, damage to her good reputation, disruption of her personal life, loss of enjoyment of the ordinary pleasures of everyday life and other general damages in an amount which meets the minimal jurisdictional limits of this Court.

**PRAYER FOR RELIEF**

WHEREFORE, SGT. BROWN respectfully prays that this Court enter judgment

granting the following relief on all causes of action:

A. That this Court enter a declaratory judgment that MPD have violated the rights of SGT. BROWN;

B. That this Court award SGT. BROWN special damages for the aforementioned Counts including but not limited to back pay, front pay, and all employee benefits that would have been enjoyed by her in amounts which shall be shown at trial;

C. That this Court award SGT. BROWN compensatory damages, proximately caused by MPD's tortious and abusive conduct, including, but not limited to, general damages for the intentional infliction of mental or emotional distress, assessed against MPD, all in an amount to be proven at trial;

D. As MPD's treatment of SGT. BROWN, as aforesaid, constitutes extreme and outrageous behavior which exceeds all bounds usually tolerated by decent society. In committing the above acts and omissions, MPD acted wantonly and/or oppressively and/or with such malice as implies a spirit of mischief or criminal indifference to civil obligations and/or there has been some willful misconduct that demonstrates that entire want of care which would raise the presumption of a conscious indifference to consequences, justifying an award of punitive or exemplary damages in an amount to be proven at trial, that this Court award SGT. BROWN exemplary or punitive damages in an amount to be proven at trial;

E. That this Court award SGT. BROWN reasonable attorney's fees and costs of suit herein as well as prejudgment and post-judgment interest;

F. That this Court order appropriate injunctive relief;

G. That this Court retain jurisdiction over this action until MPD has fully complied with the order of this Court and that this Court require MPD to file such reports as may

be necessary to secure compliance;

H. That this Court award SGT. BROWN such other and further relief both legal and equitable as this Court deems just, necessary and proper under the circumstances.

DATED: Honolulu, Hawaii, July 20, 2023.

/s/ Joseph T. Rosenbaum  
ELIZABETH JUBIN FUJIWARA  
JOSEPH T. ROSENBAUM  
Attorneys for Plaintiff  
KA LAE O KA ENA BROWN

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

KA LAE O KA ENA BROWN,  
  
Plaintiff,

vs.

COUNTY OF MAUI POLICE  
DEPARTMENT; JOHN DOES 1-10; JANE  
DOES 1-10; DOE CORPORATIONS 1-10;  
DOE PARTNERSHIPS 1-10; DOE  
UNINCORPORATED ORGANIZATIONS  
1-10; and DOE GOVERNMENTAL  
AGENCIES 1-10,  
  
Defendants.

) CIVIL NO.  
) (Other Civil Action)  
)  
) DEMAND FOR JURY TRIAL

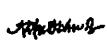
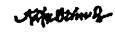
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury on all issues so triable herein.

DATED: Honolulu, Hawaii, July 20, 2023.

/s/ Joseph T. Rosenbaum  
ELIZABETH JUBIN FUJIWARA  
JOSEPH T. ROSENBAUM  
Attorneys for Plaintiff  
KA LAE O KA ENA BROWN

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		<input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	M-22559 37B-2023-00087
Hawaii Civil Rights Commission and EEOC <i>State or local Agency, if any</i>			
NAME (Indicate Mr., Ms., Mrs.) Ka Lae O Ka Ena Brown aka Kaena Brown		HOME TELEPHONE (Include Area Code) [REDACTED]	
STREET ADDRESS [REDACTED]		CITY, STATE AND ZIP CODE	DATE OF BIRTH 8/23/1980
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME County of Maui, Maui Police Department		NUMBER OF EMPLOYEES, MEMBERS 380+	TELEPHONE (Include Area Code) (808) 244-6400
STREET ADDRESS 55 Mahalani Street, Wailuku, HI 96793		CITY, STATE AND ZIP CODE	COUNTY Maui
NAME		TELEPHONE (Include Area Code)	
STREET ADDRESS		CITY, STATE AND ZIP CODE	COUNTY
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN / ANCESTRY <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER		DATE DISCRIMINATION TOOK PLACE EARLIEST _____ LATEST 2/21/2023 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed attach extra sheet(s)) From February 10, 2022, through on or about February 21, 2023, I believe I was subjected to retaliation for my opposing what appeared to me to be discrimination at the Maui Police Department, 55 Mahalani Street, Wailuku, Hawaii 96793, based on my sex (female). These are violations of the Hawaii Revised Statutes, Chapter 378, Part I. My allegations of discrimination are based on the following:  A. From on or about July 16, 2001, to the present, I have been employed by the County of Maui, Maui Police Department ("Respondent"). I became the Sergeant of Community Relations Section ("CRS") in or around July 2020.  B. On February 10, 2022, I filed a complaint with Maui EEO for discrimination and retaliation.  C. On May 24, 2022, I filed a complaint with the HCRC for discrimination and retaliation. This complaint was withdrawn in order to have the right to sue in court.  D. On or about September 9, 2022, I received a doctor's note to return to work from my stress leave that began on or about February 24, 2022. I submitted the doctor's note along with a To/Thru letter to the chain of command with the intention of returning to work in the same month. Corporate Counsel approved my return to work on or about September 23, 2022, but it took approximately two months before I was allowed to return to work. I returned to work in or around late November 2022.  E. On or about September 21, 2022, I was subjected to harassment via a public forum by volunteers of the Maui Multi-Cultural Advisory Council ("MMAC"), who work closely with Chief Pelletier (MMAC Co-Chair) and former Deputy Chief Charles Hank (MMAC Co-Vice Chair). On said date and at the previous public meeting held on August 3, 2022, Keisa Liu ("Ms. Liu), also MMAC Co-Vice Chair, was allowed to make defamatory comments toward me (and CRS) in			
<input checked="" type="checkbox"/> I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State & local requirements)  I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief	
I declare under penalty of perjury that the following is true and correct		SIGNATURE OF COMPLAINANT	
04/18/2023 Date	 Charging Party (signature)	04/18/2023 SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	

EEOC FORM 5

DATE FILED: APR 18 2023

Exhibit "A"



<b>CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.	AGENCY <input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER M-22559 37B-2023-00087
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Hawaii Civil Rights Commission and EEOC  
*State or local Agency, if any*

THE PARTICULARS ARE *(If additional space is needed attach extra sheet(s))*

response to the "complaints [us] females brought forward." I believe the public statements made by Ms. Liu and other MMAC members were intended to further harass and intimidate CRS, violating MPD code of conduct and threatening our security as MPD officers. The public statements impacted my reputation as an MPD sergeant. Chief Pelletier did not hold MMAC volunteers accountable for code of conduct violations. In fact, documentation shows that under the General Orders, Chapter 103, Standards of Conduct definition of employee, "volunteers" was removed on November 17, 2022. The General Orders, Chapter 103, Standards of Conduct dated July 31, 2020, included "volunteers" under the definition of employees, and for the purpose of the code of conduct. I believe this is an act of retaliation against me and Lt. Audra Sellers ("Lt. Sellers"), who filed complaints of discrimination and retaliation against Chief Pelletier.

F. In or around late November 2022, I returned to work half-day, but my firearms and ammunition were not returned to me. It was taken from me on March 1, 2022, due to the MPD stress leave policy. This policy allows MPD to take away the firearms and ammunition at their discretion, depending on the type of leave. I do not believe that my leave warranted the removal of my firearms and ammunition. I believe the decision to not return my firearms and ammunition is a continued act of retaliation against me because of the discrimination and retaliation complaints I filed with the Maui EEO on February 10, 2022, and later with the HCRC on May 24, 2022. This is evidenced by the differential treatment that appeared to have occurred with a male officer who went on leave and returned in or around December 2022, with limited duties, and did not get his firearms taken away. My doctor did not put me on any restrictions, except that I should continue to stay away from Chief Pelletier and former Deputy Chief Hank, and to return to work on a modified schedule (i.e., half days).

G. In or around February 2023, I discovered that I was not given the monthly Standard of Conduct pay from on or about July 7, 2022, through in or around November 2022. I contacted the Union and confirmed that these payments should not have been taken from me pursuant to my Union contract with MPD. I emailed Acting Chief Keola Tom ("AC Tom") and Lt. Sellers, and AC Tom replied on or about February 21, 2023, stating that I would not be getting that payment. This issue would have gone to Chief Pelletier for his approval, and he could have settled the matter, but instead he decided not to approve it, making the situation difficult for me by having me resolve the matter through arbitration. I believe Chief Pelletier's decision to deny me of payments that I am entitled to according to the Union contract is an act of retaliation stemming from the complaints of discrimination and retaliation filed with Maui EEO on February 10, 2022, and later with the HCRC on May 24, 2022.

<input checked="" type="checkbox"/> I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - (When necessary for State & local requirements)  I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief
I declare under penalty of perjury that the following is true and correct  04/18/2023  Date Charging Party (signature)	SIGNATURE OF COMPLAINANT  04/18/2023  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)