

# **Hawai`i Civil Rights Commission**

## **Real Property Transactions**

### **Pre-Complaint Questionnaire Information**

The submission of a Pre-Complaint Questionnaire is the first step in filing a discrimination complaint with the Hawai`i Civil Rights Commission (HCRC). Upon review of your Pre-Complaint Questionnaire an investigator from the HCRC will contact you for an intake interview and, where appropriate, provide assistance in filing a formal complaint.

The information you provide in the Pre-Complaint Questionnaire will be used to investigate and process your real property discrimination complaint. All information provided to the HCRC in the course of an investigation is confidential and will not be disclosed EXCEPT:

- 1) where a court orders the disclosure of the records;
- 2) where federal fair housing law requires disclosure of the records;
- 3) where a notice of right to sue is issued and the parties to the charge request review of the files; or
- 4) where there is an express statement or implied threat to commit a crime of violence.

All complaints must be filed with the HCRC within 180 days of:

- 1) the alleged discriminatory practice; or
- 2) the date of the most recent occurrence in a pattern of ongoing discrimination.

The HCRC does not have jurisdiction over complaints filed after the expiration of 180 days.

Under Hawai`i law, you may not file an action in state court alleging discrimination in a real property transaction unless a complaint is first filed with the HCRC and the HCRC issues a notice of right to sue. You may request a right to sue letter after filing the complaint. A right to sue letter allows you to file a discrimination complaint in state court without further HCRC involvement.

You must contact the HCRC if you move, or change your address or telephone number. If we are unable to contact you, your case may be closed.

Please contact the HCRC if you would like help with the Pre-Complaint Questionnaire or if you require an accommodation. If English is not your first language, the HCRC will provide an interpreter at no cost to you.

If you live on Oahu call the HCRC by dialing:  
586-8636 (Voice) or 586-8692 (TDD)

If you live on a Neighbor Island call the HCRC toll-free by dialing:  
Kaua`i - 274-3141, ext 6-8636#  
Maui - 984-2400, ext 6-8636#  
Hawai`i - 974-4000, ext. 6-8636#  
Lana`i & Moloka`i - 1-800-468-4644, ext. 6-8636#

Website: <http://labor.hawaii.gov/hcrc>

## *Grounds of Discrimination in Housing*

Race	HIV Status
Ancestry/National Origin	Age
Religion	Marital Status
Color	Familial Status
Sex	Sexual Orientation
Gender Identity & Expression	Disability

### *The Hawai'i Civil Rights Commission Is Here to Help...*

If you believe you have been a victim of discrimination, you have the right to file a complaint with the Hawai'i Civil Rights Commission (HCRC). We are here to help.

- **FILING A COMPLAINT** - You must file your complaint no later than 180 days from the last act of discrimination.
- **INTAKE INTERVIEW** – After you file a complaint, you will be interviewed by HCRC staff before 180-day timeline ends.
- **COMPLAINT SERVED** – After the intake interview, we will serve a written complaint on the respondent(s), together with a request for a written reply to the complaint. You will also receive a copy of the complaint.
- **INVESTIGATION** – Following the intake interview, the case will be assigned to an investigator. The investigation is neutral and objective fact-finding process.
- **DECISION** – After the investigation, we will decide if there is sufficient evidence of discrimination.
- **NOTIFICATION** – You will receive our decision and information about your options under the law.
- **PRE-DETERMINATION SETTLEMENT** – You can ask for pre-determination settlement at any time. In pre-determination settlement, we can transmit settlement offers between the parties or the parties may resolve the differences between themselves.
- **RIGHT TO SUE** – You may ask for a right to sue letter, at any time. A right to sue letter allows you to file a discrimination complaint in state court without further HCRC involvement.

**HAWAII CIVIL RIGHTS COMMISSION**  
**PRE-COMPLAINT QUESTIONNAIRE - REAL PROPERTY TRANSACTIONS**  
**830 Punchbowl Street, Room 411, Honolulu, HI 96813**

**Instructions:** Please type or print. Read this form carefully. If you do not know the answer or a question does not apply to you, please leave the space blank. You will be contacted for an interview after we receive this form. You must sign and date the form.

**1. Personal Information:**

	Murphy	Brian	J
Name:	(Last)	(First)	(Middle / Initial)
Address: PO Box 322			
City	Puunene	State HI	Zip Code 96784
Daytime Phone Number	Cell Phone Number	808-344-2991	Evening Phone Number

**Names of Other Adults Discriminated Against:**

List Names: Overbay, Mary V

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**Names of Children Discriminated Against:**

List Names: \_\_\_\_\_

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**2. Who Else Can We Call If We Cannot Reach You?**

Contact Name: Mary Overbay

	808-344-8895	
Daytime Phone Number	Cell Phone Number	Evening Phone Number

**3. Who Do You Believe Discriminated Against You?**

Name: L.P.E. LLC, Katherine Hilsinger, Member/Manager, et al.

Address: 5180 S OSPREY DR

	WI	Zip Code 53950
City	NEW LISBON	
Daytime Phone Number	Cell Phone Number	Evening Phone Number

**4. Mark the box that describes the person above:**       Landlord     Owner

Bank/Other Lender     Real Estate Agent     Real Estate Management Company

Other: Owner/Manager

5. **When Was the Last Act of Alleged Discrimination?** Date: April 3, 2017

Is the Discrimination Continuing or Ongoing?  Yes  No

6. **What Kind of House, Rental Unit or Property Was Involved?**  Single Family Home

Apartment Building (4+ units)  Owner Lives on Property  Public or Assisted Housing

Other: \_\_\_\_\_

7. **What Is The Address Of The House, Rental Unit or Property?**

188 Haulani St., Cottage  
Address: \_\_\_\_\_  
City: Makawao State: HI Zip Code: 96768

8. **I Believe I Was Discriminated Against Because Of My:**

Race  Color  National Origin/Ancestry  Age  Marital Status  Sex

Gender Identity or Expression  Sexual Orientation  Familial Status

Disability  HIV Status  Religion  Retaliation

9. **What Happened To You? Check All That Apply.**

Refused an opportunity to rent/buy housing or told housing was not available when it was.

Refused a request to accommodate policies or practices, or to modify housing because of a disability.

Treated differently from other tenants or persons seeking housing.

Treated differently in terms of conditions of housing.

Refused housing because of occupancy limits.

Discriminated against in financing a home or property.

Retaliated, threatened, intimidated, or interfered with in the exercise of a fair housing right.

Other Evicted for our medical use of marijuana/for having a service dog/ and false accusations of threatening behavior, and trespass.

10. **If English is not your best language, we will provide a free interpreter.**

Would you like a free interpreter?  Yes  No

If yes, what language? \_\_\_\_\_

11. **Please indicate if you have any special needs that may require assistance.**

Braille  Interpreter (sign)  other: \_\_\_\_\_

**12. We need some information for statistical purposes only (Optional):**

Age: 62 Sex: Male Race/Ethnicity: Caucasian

**13. Have you contacted or filed a complaint with the U.S. Department of Housing and Urban Development?  Yes  No**

**If yes, when and to whom did you speak with?**

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**14. Briefly Explain What Happened.**

Please provide a summary of the discriminatory adverse actions with the names of those who discriminated against you. Start with the earliest date and end with the last date. Use separate sheets of paper as necessary. On the next page, include the name/telephone/address of witnesses who have evidence of the discrimination.

<b>Dates of Discrimination</b>	<b>Describe the Discriminatory Adverse Actions</b> <i>(Explain why the actions were because of your protected basis)</i>
March 3, 2017	The landlord, L.P.E. LLC, Katherine Hilsinger, owner/manager, said my lease was void and ordered me to immediately stop growing my medical marijuana, even though we are legally registered medical marijuana patients, and have been growing our medicine at this registered grow location since 2012.
April 2, 2017	Hilsinger threatened to "call in the DEA" because marijuana is illegal by the federal law.
April 3, 2017	Hilsinger sent an eviction notice to me, and my roommate, for growing medical marijuana, and threatened to seize our medical marijuana plants. She also denied my right to have my service dog. She also falsely accused me of trespass and threatening her new property manager.
April 4, 2017	3 Maui police officers came to my house to investigate allegations, supposedly reported by the landlord's new property manager, Leah Ohia, aka Hally Leah Ries, aka Leah Leong. The police determined the allegations were false.

<b>Dates of Discrimination</b>	<b>Continuation of the Discriminatory Adverse Actions</b> <i>(Explain why the actions were because of your protected basis)</i>
	I am disabled veteran, and I use my medical marijuana to treat my disabilities.
	Mrs. Overbay is disabled WWII veteran's widow, and she also uses medical marijuana to treat her disability. Now we are homeless, and have no where
	to grow our medicine.
	As a disabled veteran with PTSD, Hilsinger's threats to "call in the DEA"
	and seize my medical marijuana plants, and actually sending police
	into my home investigating false allegations, and allowing the new property
	manager, Ohia/Ries/Leong to let a pit bull dog run free on the property, intimidating
	me, and my guests, made staying on the property intolerable, and I turned in the
	keys to Kathy Ross, Principal Broker, representative for Hilsinger, during the final
	inspection of the property.
	Please see attachment: Discriminatory Adverse Actions Attachment pages 1-3,
	for more details.

**Closing Statement:** I declare under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Witnesses Who Have Evidence of the Discriminatory Adverse Actions**

Name

Telephone (Home and Work)

Address

Dr Joseph Lenz PhD PS (808) 573-0800 30 Ahuwale Pl, Makawao, HI 96768

Robert P. Mastroianni, MD (808) 573-8900 81 Makawao Ave Ste 100, Makawao, HI 96768

Maui Police Department (808) 244-6300 55 Mahalani St., Wailuku, HI 96793

Joy Gorman/Aloha House (808) 250-8806 200 Ike Dr, Makawao, HI 96768

Ursula Platte/Aloha House (808)280-1836 200 Ike Dr, Makawao, HI 96768

Jed Alaimalo, MD (808) 871-2454 VA CBOC, 203 Hoohana St, Kahului, HI 96732

A large list of folks helped us move and saw the stress, and financial loss we were incurring.