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"County settles Colorado woman's claim of racial/sexual harassment by Pacific Islanders at OPA; meanwhile, EEOC found no reasonable cause to believe that discrimination occurred"

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Anonymous said...

Charly

Most of what you said here is accurate yet you know it is misleading. Half of thee truth is a lie! People who know the situation know you have sold your integrity for a pocket full of coin. Shame on you, like Jake you have permanently tarnished your professional reputation. Unlike Jake I feel sorry for you. Say goodbye to meaningful legal career on Kauai. So sad another Iseri casualty.

9/01/2012 9:16 PM

charley foster said...

Everything I said here is accurate. You should let us know what it is you think is misleading. I'm not sure who the "people who know the situation" you allude to would be. What I have found at the prosecutor's office is that the Prosecuting Attorney appears to have the support and respect of almost all the attorneys. The administrative staff also appears to like her quite a bit and they bristle at the frequent blog attacks on her.

The atmosphere at the office is congenial and the Prosecutor has engendered a supportive environment in which the attorneys - at least at my end of the office - discuss their cases with one another and trade advice. I've found it to be a pleasant, mutually-supportive environment.

If you want to accuse me of selling my integrity, you should come out from behind your anonymity and tell me to my face. I'll be happy to explain to you how you are entirely mistaken.

9/01/2012 9:44 PM

Anonymous said...

wow, Shay has some vicious enemies. How dare you tell the facts of the EEOC complaint, Charley. You can't possibly have integrity if you don't parrot Joan Conrow's blog and pile on Shay!!!

9/01/2012 10:09 PM

Anonymous said...

Charley, we support you! You are telling the truth in a logical well thought out way. Thank you for your blog!

9/02/2012 1:47 AM

Anonymous said...

Charley the whole Hawaiian Islands knows that Shay is not fit to be prosecuting attorney. The EEO complaints is only a fraction of the systemic problems in the OPA and trust me if there was a third party non biased investigation on the pohaku program, the whole nation will see the fraud, waste, and abuse that is happening on Kauai.

9/02/2012 6:17 AM

Anonymous said...

I find that when Joan and Charley have written about the same thing, he is usually able to add some relevant information that she has withheld. that seems to hold true yet again in this case.

9/02/2012 7:00 AM

Anonymous said...

Should call it the White Face of Opposition to Shaylene.

9/02/2012 7:07 AM

Anonymous said...

So happy to hear that the atmosphere at OPA is "congenial" now that it has been purged of anyone who doesn't kiss up to the boss. Time for a change in leadership at OPA.

9/02/2012 10:16 AM

Anonymous said...

Thank you for shining light on this situation. Evidently some people resent you for giving fuller disclosure of the facts. Whether someone is pro Iseri-Carvalho or pro Kollar, they should not attack a person for bringing facts into the open. The more we know the better equipped we are to make an informed choice at election time. You have done us a service. Don't let the nay-sayers get you down.

9/02/2012 10:55 AM

Anonymous said...

"at the prosecutor's office is that the Prosecuting Attorney appears to have the support and respect of almost all the attorneys"

Hahahahahahahahahahahahahahaha. Let me pull myself off the floor.

Maybe it's because she fired the 17 who didn't

9/02/2012 11:43 AM

Anonymous said...

"Maybe it's because she fired the 17 who didn't"

Another lie unscrupulously repeated ad nauseam by the likes of Cornrow, Bynum, Parx, Hempy, and the rest. Good thing there is a place to fact check those dishonest hacks.

9/02/2012 1:00 PM

Anonymous said...

Your headline and blog are misleading. EEOC did not, as you state as fact, "find no reasonable cause". EEOC did not make any findings in the Wilson case. Why would you say the EEOC found no cause when it did not find anything either way? I love an honest debate but if your facts are not straight it just seems like more spin. Got enough of that from the other side already.

What about the other 3 cases? Did EEOC make findings in any of them?

9/02/2012 1:39 PM

charley foster said...

According to Civil Beat, "[t]he EEOC did not find cause in Wilson's complaint, but the county agreed to a \$75,000 settlement." A no cause finding is an EEOC determination of no reasonable cause to believe that discrimination occurred based upon evidence obtained in investigation.

From FindLaw, An EEOC Cause of Action Chronology:

The EEOC begins an investigation in order to determine whether there is "cause" to support the allegation that your employer did discriminate against you. The EEOC makes a finding of "cause" or The EEOC makes a finding of "no cause" to believe that there was discrimination. Within fourteen days of the "no cause" finding, you can request a review of the determination. If the EEOC affirms the "no cause" finding, it will issue a "right to sue" letter. If it decides there is cause to believe your employer discriminated, it will start conciliation.

9/02/2012 9:17 PM

Anonymous said...

I don't know anything about the alleged three other cases. The only thing I know about this one is what I read in the news. My understanding is the OPA still has never received any confirmation from the county that there have been any settlements.

9/02/2012 9:19 PM

Anonymous said...

Charley:

Do you think anyone actually believes your comments on the positive atmosphere at OPA? You insult all the employees that Shaylene has wronged and those she is harassing right now. Do you really not see what is happening in your own office?

There are rumors you just got a \$20K or \$30K raise. Is this true?

9/02/2012 11:10 PM

Anonymous said...

Good thing you think so highly of Shaylene's management, Charley. At least when there is more litigation from OPA employees, Shay will know who to call in her defense.

9/02/2012 11:14 PM

Anonymous said...

Charley, in the interest of full disclosure, tell us what your starting pay was back in July and what you did in the past month to earn a \$30,000 raise.

And there was no finding made period Erin Wilson's case. When the EEOC successfully mediates a case, there are no "findings". The matter is settled before a determination is made on issues like cause. Nice try, though, and we'll let Shay know that her \$100,000 investment in you is paying off.

9/03/2012 7:28 AM

charleyfoster said...

If you have some actual knowledge of what transpired I'd love to hear it and if it can be verified as correct I'll happily correct. Until then, I'll check with Nathan Eagle as to what he meant when he wrote, "[t]he EEOC did not find cause in Wilson's complaint."

I do not make \$100,000 a year and I have not received any raise, much less "a \$30,000 raise." Nor have I received any information that I am to get such a raise. I can only hope the rumor mill is better informed than I am. If so, great!

As far as my duties, I handle the appeals, the HRPP Rule 40 post conviction proceeding motions and hearings (there seems to be a steady stream of these), forfeitures including any necessary hearings (I'll be in court next week on one), researching and drafting various trial motion memoranda, consulting with other attorneys about motion and appellate issues in particular cases, appearing in court on behalf of other attorneys who for whatever reason need someone to stand in. I stay busy.

I haven't written a press release in weeks.

I only blog on my own time. I believe what I blog. I blog in good faith. Over the past couple of years I had nearly stopped blogging. Then Joan Conrow posted a snarky inaccurate piece about me, which led me to read her past posts about my new place of employment and I found what in my opinion are a lot of

unsubstantiated half-truths, out-and-out falsehoods, and rumors reported as facts.

Also, I found that the characterizations of Shaylene and the office environment were completely contrary to what I find to be the case actually working at the office.

Worse than the journalistic malpractice of the blog itself was the relentless, uninformed vitriol in the comments.

So I renewed my blogging for the same reason I blogged in the first place: To provide more information and informed legal analysis to the public debate. The public debate was in need of some balance and perspective.

Additionally, as I have always done, I invite readers to comment with facts, arguments, or other points of view. I've always been quite respectful of commenters, and appreciate a civil discussion in which viewpoints at variance from one another can be expressed.

So, I appreciate your comment challenging the factual question of what the EEOC did or did not find. Again, I will look into it.

9/03/2012 9:54 AM

Anonymous said...

So Charley if I write a records request for your salary it will not be reported in the \$100,000 range. Ok we will see then...

9/03/2012 10:27 AM

Anonymous said...

"Until then, I'll check with Nathan Eagle as to what he meant when he wrote, "[t]he EEOC did not find cause in Wilson's complaint."

The problem is you recast the sentence "EEOC did not find cause"..... and flipped it into your incorrect claim that "EEOC made a finding of no cause"

That's either poor reading comprehension or intentionally misleading.

9/03/2012 10:31 AM

Anonymous said...

So things are great now at OPA? This is after the loss of 26 or so employees including 18 attorneys, right? Employees left are expected to campaign for Shay like you do, right? An employee is on paid administrative leave to protect her from further punitive sanctions for whistle blowing, right? Board of Ethics continues their investigation, right? Shay misinforms by characterizing her attorneys opinion as an independent "decision" that "clears" her, right? Her budget has grown from 1.8 million to over 3 million, right? Shay uses a County vehicle like her own including out on the town drinking, filing it with County gas, right? You know there are more shoes to drop, right? You know that on another EEOC case there are "findings" of harassment based

on race, right?

Tell what you know and Blog on these things if you want credibility, right?

9/03/2012 11:19 AM

Anonymous said...

Charley, SPIN....SPIN.....SPIN!

9/03/2012 11:21 AM

Anonymous said...

None of your colleagues will tell you what happened? Ask your boss. Maybe she can tell you why she gave Erin two weeks notice and made her last day the day before Thanksgiving. Shay publicly stated that her stats justified the position and in a matter of months, poof, not enough work. And you have Shay swelling her budget because of all the cases your office is handling. All victimless crimes? Do you know why the case settled? Imagine Margery Bronster cross examining Shay and Jake. It would not be pretty.

9/03/2012 12:35 PM

Anonymous said...

Yeah Charley, how dare you deviate from the "Shay is Dr Evil" script! Unforgivable! You'll never work in this town again! Ha ha ha ha. (Don't worry. If the Shay haters were really so confident in their script they wouldn't be trying so hard to beat you up for daring to look at their claims with a critical eye).

9/03/2012 12:55 PM

Anonymous said...

Charley,

It is telling that none of the comments but one has challenged anything you wrote. They seemingly admit the truth of what you wrote. They just hate you for writing it. That tells me you are onto something. Keep it up.

9/03/2012 1:10 PM

Anonymous said...

So Charley are you going to correct your statement about EEOC finding "no cause"? I am sure a good reporter aims for precision in reporting.

9/04/2012 8:53 AM

Anonymous said...

Kauai County in Hawaii Settles EEOC Race Harassment Case for \$120,000

White County Attorney Subjected to Racially Disparaging Remarks by Top-Level Manager, Federal Agency Charged

HONOLULU - The County of Kauai in Hawaii will pay \$120,000 to settle a federal charge of race harassment filed with the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

A former attorney for the County of Kauai's Office of the Prosecuting Attorney since 2009 filed the EEOC charge of discrimination in 2010, prompting an investigation by the federal agency. The former attorney, who is white, alleged that she was harassed due to her race by a top-level manager. The manager allegedly made continually disparaging comments to the former attorney, saying that she needed to assimilate more into the local culture and break up with her boyfriend at the time, also white, in favor of a local boy.

The EEOC ultimately found reasonable cause to believe that the county violated Title VII of the Civil Rights Act of 1964 for the harassment to which the former attorney was subjected. Following the determination, the County of Kauai entered into an over two-year conciliation agreement with the EEOC and the alleged victim. The agreement effectively settles the case administratively, thereby avoiding potential litigation. Aside from the monetary relief, the county agreed to establish policies and complaint procedures dealing with discrimination and harassment in the workplace and to provide live EEO training to all managers and supervisors. The county further agreed to post notices on the matter on all bulletin boards throughout the county and to permit the disclosure of the settlement.

"The workplace is no place for derogatory remarks pertaining to race or any other protected basis, and it is important for an employer to take immediate corrective action when faced with illegal harassment," said Timothy Riera, director of the EEOC's Honolulu Local Office. "We commend the County of Kauai for expeditiously resolving this matter and agreeing to measures which will prevent and deal with both harassment and discrimination on the job."

The County of Kauai's Office of the Prosecuting Attorney is a local government agency responsible for criminal prosecution under the laws of the state of Hawaii and the ordinances, rules and regulations of the county of Kauai.

9/06/2012 7:02 PM

Anonymous said...

Four EEOC complaints against OPA that we know of. That is outrageous. The Feds are hearing from concerned citizens who are asking for criminal prosecutions against those responsible. All you bootlickers might want to rethink your stories about how the boss is all sweet and kind.

9/07/2012 8:09 AM

Anonymous said...

<http://www.hawaiinewsnow.com/story/19480362/former-kauai-attorney-to-receive-settlement-in-harassment-claim#.UEoqP6RkQqU.email>


Link to Hawaii news now news coverage of one of the Prosecutor's office plaintiffs.

9/07/2012 11:22 AM

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