



**STATE OF HAWAII'
OFFICE OF HAWAIIAN AFFAIRS**

RESOURCE MANAGEMENT COMMITTEE
Leina'ala Ahu Isa, Chairperson
Robert K. Lindsey, Jr., Vice Chairperson
Dan Ahuna, Kaua'i & Ni'ihau
Kalei Akaka, O'ahu
Keli'i Akina, At-Large
Brendon Kalei'āina Lee, At-Large
Carmen Hulu Lindsey, Maui
Colette Y. Machado, Moloka'i/Lāna'i
John Waihe'e IV, At-Large

**MEETING OF THE COMMITTEE ON
RESOURCE MANAGEMENT**

DATE: Wednesday**, January 9, 2019
TIME: 1:30 pm
PLACE: OHA Board Room, Nā Lama Kukui
560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

AGENDA – AMENDED 01/03/2019**

- I. Call to Order
- II. Public Testimony*
- III. Approval of Minutes
 - A. July 11, 2018
 - B. July 25, 2018
 - C. August 15, 2018
 - D. September 5, 2018
 - E. September 26, 2018
 - F. October 10, 2018
- IV. New Business
 - A. Update from Administration on management transition plan for the OHA LLCs**
 - B. Discussion to review with SPIRE Hawaii (Certified Public Accountants for Fiscal Sustainability) the BOT debt policy to preserve the public land trust, minimize borrowing costs, and maintain future debt capacity
 - C. Discussion on creating a Resource Management Committee Charter**
- V. Executive Session†
 - A. Approval of Minutes
 - a. April 25, 2018
 - b. July 11, 2018
 - B. Consultation with attorneys William Yuen, Esq., Judy Tanaka, Esq.,** and Robert Klein, Esq. on OHA's powers, privileges and liabilities regarding OHA's role as member of Hi'ilei Aloha LLC and Ho'okele Pono LLC and management options for those LLCs** Pursuant to HRS section 92-5(a)(4)**.
- VI. Adjournment

If you require an auxiliary aid or accommodation due to a disability, please contact Albert Tiberi at telephone number 594-1754 or by email at: albertt@oha.org no later than three (3) business days prior to the date of the meeting.

*Notice: Persons wishing to provide testimony are requested to submit 13 copies of their testimony to the Chief Executive Officer at 560 N. Nimitz, Suite 200, Honolulu, HI, 96817 or fax to 594-1868, or email BOTmeetings@oha.org 48 hours prior to the scheduled meeting. Persons wishing to testify orally may do so at the meeting, if oral testimony shall be limited to five minutes.

**The following amendments/revisions were made to the agenda: (1) day of the week changed to Wednesday, (2) changed language in Item IV.A to reflect current language, (3) added Item IV.C, (4) added "Judy Tanaka, Esq.," "Pursuant to HRS section 92-5(a)(4)", and "and management options for those LLCs" to Item V.B., and (5) deleted "BOT Member Concerns" previously listed as Item VI.

† Notice: The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new committee materials.

‡ Notice: This portion of the meeting will be closed pursuant to HRS §92-5

Trustee Leina'ala Ahu Isa
Chairperson, Resource Management

1-3-19

Date

**STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200**

**COMMITTEE ON RESOURCE MANAGEMENT
MINUTES**

JANUARY 9, 2019 1:30 p.m.

ATTENDANCE:

Chairperson Leina'ala Ahu Isa
Trustee Dan Ahuna
Trustee Kalei Akaka
Trustee Keli'i Akina
Trustee Brendon Kalei'aina Lee
Trustee Carmen Hulu Lindsey
Trustee Colette Machado
Trustee John Waihe'e, IV

EXCUSED:

Vice Chairperson Robert Lindsey

BOT STAFF:

Kama Hopkins
Kauikeaolani Wailehua
Claudine Calpito
Ron Porter
Lehua Itokazu
Lopaka Baptiste
Carol Hoomanawanui
Dayna Pa
Leiann Durant
Zuri Aki
Lady Elizabeth Garrett
Alvin Akee
Maria Calderon
Paul Harleman

ADMINISTRATION STAFF:

Kamana'opono Crabbe, CEO
Sylvia Hussey, COO
Momilani Lazo, CEO EXEC ASST
Albert Tiberi, CC
Raina Gushiken, CC
Everett Ohta, CC
Jim McMahon, ADV
Lisa Victor, ISRM
Daniel Santos, ISRM
Mahi La Pierre, HLID
Mehana Hind, CE
Miles Nishijima, LPD
Scott Hayashi, LAND ASSET
Sterling Wong, PRO
Kahealani Peleras, CE

GUESTS:

Rodney Lee, SPIRE Hawaii
William Yuen, Esq.
Judy Tanaka, Esq.
Robert Klein, Esq.

I. CALL TO ORDER

Chair Ahu Isa (CAI) calls the Committee on Resource Management meeting to order for Wednesday, January 9, 2019 at 1:35 p.m.

CAI calls for a Roll Call. Below is the record of members **PRESENT**:

MEMBERS			AT CALL TO ORDER (1:35 pm)	TIME ARRIVED
CHAIR	LEINA'ALA	AHU ISA	X	
VICE-CHAIR	ROBERT	LINDSEY		EXCUSED
TRUSTEE	DAN	AHUNA	X	
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	BRENDON KALEI'ĀINA	LEE	X	
TRUSTEE	HULU	LINDSEY	X	
TRUSTEE	COLETTE	MACHADO	X	
TRUSTEE	JOHN	WAIHE'E	X	
			8	1

At the Call to Order, EIGHT (8) Trustees are **PRESENT**, thereby constituting a quorum.

II. PUBLIC TESTIMONY

CAI calls on Ms. Germaine Meyers to provide public testimony.

Ms. Meyers provides testimony relating to agenda items IV. A, IV. C., and V. B. She stated that it is critical that the Board of Trustees' (BOT) to leave community concerns on its agenda and she would like to ask that the RM Charter include a whistleblower policy.

CAI calls on Ms. Ruth Bolomet to provide public testimony.

Ms. Bolomet provides testimony relating to the kulena land tax exemption application and process (**Attachment A: Testimony of Ms. Bolomet**).

Trustee Lee calls for a point of clarification since the public testimony is not addressing a specific agenda item for discussion on today's agenda.

Trustee Machado states that as the Chair she will have her staff work on addressing the confusion for beneficiaries testifying on non-agenda items.

Trustee Lee asked that the written comments submitted by Ms. Bolomet be provided to the BOT staff which can be circulated for everyone to review.

CAI calls on Ms. Kalae Balino to provide public testimony.

Ms. Balino states that she does not wish to provide testimony at this time.

CAI calls on Mr. Keoni Alvarez to provide public testimony.

Mr. Alvarez shared a follow-up on his kuleana land and wished to thank OHA for its continued support. He asked that OHA continue to provide kōkua to others in similar situations.

Trustee Lee asked for a point of clarification and notes that in fairness to the previous speaker who was not allowed to speak since the matter in which they are speaking on is not on an agenda item we need to be consistent.

CAI mentions that Mr. Alvarez contacted her office previously and asked him to finish his comments briefly.

Mr. Alvarez thanked OHA for its support and Kai Markell for allowing him to continue on with his kuleana to his land.

III. APPROVAL OF MINUTES

III. Approval of Minutes

- A. July 11, 2018
- B. July 25, 2018
- C. August 15, 2018
- D. September 5, 2018
- E. September 26, 2018
- F. October 10, 2018

CAI calls for a motion to approve the minutes of:

MOTION: To approve the minutes of July 11, 2018; July 25, 2018; August 15, 2018; September 5, 2018; September 26, 2018; and, October 10, 2018

Trustee Waihee – moved

Trustee Machado – seconded

AMENDED MOTION: To approve all minutes at once.

Trustee Lee - moved

Trustee Hulu - Lindsey seconded

Trustee Lee spoke in support of the amendment to approve all the sets of minutes at once.

CAI spoke against the motion and recommended that the committee vote on the minutes individually.

Trustee Lee withdrew his motion to amend.

Trustee Hulu Lindsey withdrew her second to the amendment.

CAI asked for clarification on page six of the minutes dated July 11, 2018 relating to the ongoing audit.

Trustee Lee stated that it was not his understanding that there would be discussion on the minutes for approval and the agenda is not listed as such. Beneficiaries should be given notice if the committee will be discussion the content of the minutes since it will then provide them with an option to provide testimony on the agenda item.

CAI notes that his point is taken; however, we would like it noted for the record that the audit is proceeding and OHA is moving forward.

Trustee Lee stated that with regard to the minutes if we allow clarifying questions to be asked then we need to allow an opportunity for public testimony.

Trustee Akina thanked CAI for mentioning the audit and asked for consideration that the audit be placed on the next agenda for discussion by all members.

Trustee Lee asked for a point of order since the ongoing audit is not listed on the current agenda.

Trustee Akina clarified that he is not discussing today rather suggesting that the item be placed on a future agenda.

Trustee Lee notes that Trustee Akina's suggestion directs the chair for future agenda items but if the conversation is at the table during the meeting then we will need to provide an opportunity for beneficiaries to testify on new business for future agenda items.

CAI stated that OHA is working on a transition plan for its LLCs.

Trustee Akina asked if the plan will be shared in executive session.

CAI stated that OHA administration is working on it and details will be shared in executive session.

CEO Crabbe explained that the direct discussion by the BOT to move forward with a transition plan will take place in executive session.

Trustee Lee thanked the administration.

Trustee Machado asked if it would be best to defer item IV. A and move to the next agenda.

Trustee Lee stated that deferring is not necessary.

CAI called for a recess to at 1:59 p.m. the meeting reconvened at 2:04 p.m.

Trustee Machado asked that all minor typographical errors be corrected to the minutes.

Trustee Hulu Lindsey noted that her staff will correct the typographical errors.

MOTION: To approve the minutes of July 11, 2018; July 25, 2018; August 15, 2018; September 5, 2018; September 26, 2018; and, October 10, 2018

Trustee Akina - moved
Trustee Lee - seconded

MEMBERS			1	2	Y	N	Kanalua	Abstain	Not Present at time of vote
CHAIR	LEINA'ALA	AHU ISA			X				
VICE-CHAIR	ROBERT	LIINDSEY	EXCUSED						
TRUSTEE	DAN	AHUNA			X				
TRUSTEE	KALEI	AKAKA			X				
TRUSTEE	KELI'I	AKINA	X		X				
TRUSTEE	BRENDON KALEI'ĀINA	LEE		X	X				
TRUSTEE	CARMEN HULU	LINDSEY			X				
TRUSTEE	COLETTE	MACHADO			X				
TRUSTEE	JOHN	WAIHE'E			X				

MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

Item III. A, B, C, D, E, & F passed at 2:14 p.m.

IV. NEW BUSINESS

IV. A. Update from Administration on the management transition plan for the OHA LLCs

CAI states that the OHA Administration will provide an update on OHA LLCs in executive session.

IV. B. Discussion to review with SPIRE Hawaii (Certified Public Accountants for Fiscal Sustainability) the BOT debt policy to preserve the public land trust, minimize borrowing costs, and maintain future debt capacity

CAI calls on Mr. Rodney Lee, Executive Vice President of SPIRE Hawaii.

Mr. Lee stated that OHA will be facing a balloon payment for Nā Lama Kukui (NLK) and the organization will need to consider how it can assign debt since at this time there is no explanation only operational means.

Trustee Machado asked if any handouts were prepared for today's meeting.

Mr. Lee replied no and that today was for discussion purposes only.

Trustee Akina asked regarding the sources of debt and how much of the \$380 million is encumbered. He would like to see the correlation of the debt we owe based on what has been encumbered. He understands that SPIRE is not responsible for recommending action but he would like to know what work product we will be getting. (***Attachment B: Memo from Trustee Akina relating to agenda item IV. B.***)

Mr. Lee responded that they are working on options to address the debt policy.

CAI stated that she would like an understanding of the fringe liabilities and how it relates to debt.

Trustee Hulu Lindsey asked if fringe is the exchange we receive from the State and give back or does OHA match the fringe monies.

Trustee Akina would like to see fringe and fiscal reserve included in the upcoming discussions.

Mr. Lee stated that unfortunately since 2016 the recommendations that his team shared at that time are no longer valid.

Trustee Ahuna reminded everyone that relating to the Department of Hawaiian Homelands (DHHL) it is mission related.

Trustee Hulu Lindsey stated that we should ask for the money from the State legislature to cover fringe benefits.

Trustee Machado stated that there are many moving parts since while looking at the debt policy we will also need to be mindful of the upcoming biennium budget.

CEO Crabbe stated that administration will provide an update on goals and objectives to address fiscal policies to bring everyone in alignment. He would like there to be consideration for the sequencing and timing of discussions for example focusing on debt policy -> fiscal reserve -> fringe -> DHHL since all have different factors and trends to be considered. The intention is to create a wealth strategy goal for the organization.

CAI announced that the upcoming agenda will include a quarterly update with Ray Matsuura and our managers on our investments.

Trustee Akina stated that a balance sheet with OHA obligations and overall public land trust (PLT) revenues received will be helpful.

Trustee Machado asked what was the last appraisal for NLK.

Albert Tiberi, Corp Counsel reported that the last appraisal price was \$48 million.

IV. C. Discussion on creating a Resource Management Committee charter

CAI explained that she reviewed the description of the Resource Management Committee via the OHA website and she would like to have discussion on the possible creation of a committee charter to guide the scope of the committee. She suggested looking at including compliance and an internal audit structure to the organization.

Trustee Lee stated that the scope of the committee is set forth by the BOT By-laws and therefore will require an amendment to the By-laws.

Trustee Akina noted that it is good to give attention to resource management committee and he would recommend returning to the previous structure of two separate committees.

CAI stated that the agenda item was for discussion purposes only.

MOTION: To recuse into executive session for the following purposes: (A) Approval of Minutes for April 25, 2018 and July 11, 2018; and (B) Consultation with attorney's William Yuen, Esq., Judy Tanaka, Esq., Robert Klein, Esq., on OHA's powers, privileges, and liabilities regarding OHA's role as member of Hiilei Aloha LLC and Hookele Pono LLC and management options for those LLCs pursuant to HRS Section 92-5(a)(4)

Trustee Waihe'e – moved

Trustee Machado - seconded

[Intentionally left blank]

MEMBERS			1	2	Y	N	Kanalua	Abstain	Not Present at time of vote
CHAIR	LEINA'ALA	AHU ISA			X				
VICE-CHAIR	ROBERT	LINDSEY, JR.	EXCUSED						
TRUSTEE	DAN	AHUNA			X				
TRUSTEE	KALEI	AKAKA			X				
TRUSTEE	KELI'I	AKINA			X				
TRUSTEE	BRENDON KALEI'AINA	LEE			X				
TRUSTEE	CARMEN HULU	LINDSEY			X				
TRUSTEE	COLETTE	MACHADO		X	X				
TRUSTEE	JOHN	WAIHE'E	X		X				
					8				1

MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

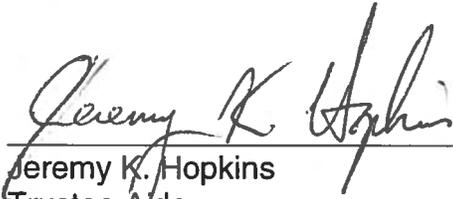
The open session portion of the meeting was recessed at **2:48 p.m.** and reconvened at **4:00 p.m.**

VIII. ADJOURNMENT

CAI asks for a motion to adjourn.

RM Committee meeting adjourns at **4:02 p.m.**

Respectfully submitted,



Jeremy K. Hopkins
Trustee Aide
Committee on Resource Management

As approved by the Committee on Resource Management on 2/27/2019.



Trustee Leina'ala Ahu Isa
Chair
Committee on Resource Management

ATTACHMENT(s):

- Excused Absence Memo – Trustee Robert Lindsey
- Attachment A: Testimony of Ms. Bolomet
- Attachment B: Memo from Trustee Akina relating to agenda item IV. B.



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
HONOLULU, HAWAII 96817

January 8, 2019

TO: Lei Ahu Isa
Chair, Resource Management Committee

Members of the Board

FROM: Trustee Robert K. Lindsey, Jr.

SUBJECT: Excuse Absence

Aloha Chair Ahu Isa:

I regret to inform you that I am unable to attend the Resource Management Committee meeting on Wednesday, January 9 at 10:00 am.

With sincere aloha,

A handwritten signature in black ink, appearing to read "Robert K. Lindsey, Jr.", written over a horizontal line.

Trustee Robert K. Lindsey, Jr. Hawai'i Island

Attachment A

OHA January 9, 2019

On Dec. 2010, after applying for the Kuleana Land Tax Exemption, I was informed by the OHA representative who was merely doing her job, that I did not qualify for the exemption because I did not own my land, that my husband and I bought in 1998 in gold backed Swiss Francs. Our Warranty Deed was a color of title, not title.

So who owns these lands? Pupukeya Ahupua`a are Kamehameha III private lands made inalienable in 1864 by Hawaiian Kingdom legislative Act 34 enacted on Jan. 3, 1865: The act is titled: An Act to Render the Royal Domain (Kamehameha III's private lands) inalienable became effective by Hawaiian Kingdom Legislative Act XXXIV.

These lands are held in allodium. Allodial Royal Patents are explained and protected in the Hawaiian Kingdom 1864 Constitution titled:

"ALLODIAL ROYAL PATENTS"

CONSTITUTION OF 1864 (KAMEHAMEHA V) ARTICLE 22

LAWS OF INHERITANCE, ALLODIAL LAW, COMMON LAW, HAWAIIAN KINGDOM LAW.

"A patent when attacked incidentally, cannot be declared void, unless it be procured by fraud, or is void on its face, or has been declared void by law. A patent cannot be avoided at law in a collateral proceeding unless it is declared void by statute, or its nullity indicated by some equally explicit statutory denunciations. Once perfect on its face is not to be avoided, in a trial at law, by anything save an elder patent. It is not to be affected by evidence or circumstances, which might show that the impeaching party might prevail in a court of equity. A patent is evidence, in a court of law, of the regularity of all previous steps to it, and no facts behind it can be investigated. A patent cannot be collaterally avoided at law, even for fraud. An allodium patent, being superior

title, must of course, prevail over colors of title; nor is it proper for dray state legislation to give such titles, which are only equitable in nature with a recognized legal status in equity courts, precedence over the legal title in a court of law". [ID. at 242, 243,245, 246]

"a patent to land is the highest evidence of title and may not be collaterally attacked" [State v. Crawford, 441p2d 586,590 (Ariz. app.1968)]

"Congress having the sole power to declare the dignity and effect it's titles has declared the patent to be the superior and conclusive evidence of the legal title." [Bagnell v. Broderick, 38 U.S. 438 (1839)];

Hawaii Revised Statutes 1.1 IS THE – Common law of the State OF Hawaii;

Current as of: 2017 | [Check for updates](#) | [Other versions](#)

1-1 Common law of the State; exceptions. The common law of England, as ascertained by English and American decisions, is declared to be the common law of the State of Hawaii in all cases, except as otherwise expressly provided by the Constitution or laws of the United States, or by the laws of the State, or fixed by Hawaiian judicial precedent, or established by Hawaiian usage; provided that no person shall be subject to criminal proceedings except as provided by the written laws of the United States or of the State.

the Absolute and Allodial Titles that originated to the Awardees of the Mahele are undisturbed and shall inure to lineal heirs of the Awardees or their assigns. This is guaranteed in the Hawaiian Kingdom Law of 1872 , Chapter 21 section 1 "...all royal patents so issued shall inure to the benefit of the heirs and assigns of the holder of the original award".

Under the THIRD ACT OF KAMEHAMEHA III 1847
SECTION 3: An Act to Organize the Judiciary Department
of the Hawaiian Islands; Chapter 1, Section 3 the vested
rights fo the individuals is guaranteed; "...They (the
Hawaiian Kingdom Judiciary) shall have judicial regard to
the rights vested and acquired by the government and
the private individual, under any law, ordinance, or
decree constitutionally, legally passed and promulgated,
which may afterwards have been appealed and shall as
to such vested and acquired rights considered such law
still enforced for judicial purposes....".

Kiekie vs. Dennis 1 Haw. 69, 70, (1851) "The plaintiff's
title was good against all the world....even if the King had
not made this reservation, the plaintiff's title would be
good; for the people's land were secured to them by the
Constitution and laws of the Kingdom, and no power can
convey them away, not even that of royalty itself."

The STATE OF HAWAII Corporate Private Courts lack the jurisdictional authority to supersede
the US Federal 1849-1850 Treaty with the Hawaiian Island King, his Heirs or Successors.

The State Courts has no authority to under its own and US jurisdictional descriptions of the
Boundaries of the corporation calling itself the STATE of Hawaii to deny protections and

entitlement afforded me or other Hawaiian Kingdom Kanaka Maoli and Kanaka Maloko and Nationals vested and protected under the Hawaiian Kingdom Constitutional Law in perpetuity.

The U.S. Constitution Article 6 clause 2 states that Treaties are the Supreme Law of the Land that this Court lacks authority to supersede.

The FIRST CIRCUIT COURT OF THE STATE OF HAWAII claims to derive its jurisdictional authority over the (subject matter) private alodio title of Kamehameha III from the fraudulent annexation through the Newland's (Joint) Resolution in 1898; from the STATE OF HAWAII CONSTITUTION Article XV (Boundary description); the ADMISSIONS ACT- PUBLIC LAW 86-3; and by THE ORGANIC ACT OF 1900. The "STATE OF HAWAII'S" Jurisdictional Description is further confirmed in U.S. Title 28 section 91, which provides a jurisdictional description that does not include the metes and bounds of the Hawaiian Island Archipelago or to name its eight main inhabited islands including O`ahu where the disputed land is located.

IRC 7701(9) defines "the term "United States" when used in a geographical sense includes only the States and the District of Columbia: and IRC 7701(10) defines "the term "State" shall be construed to include the District of Columbia, where such construction is necessary to carry out provisions of this title"; and that when a definition statutes are issued with the word "includes" it means that only the items or categories listed in the definition are included, everything else is excluded: and that the District of Columbia is a political state of the United States; It is 10 miles square, and their states only include purchased property of the federal government which included the U.S. possessions like Guam and the Virgin Islands are. Since the 50 states are not mentioned in the definition of "state", they are not included".

<http://www.supremelaw.org/fedzone11/htm/chaptr12.htm> is an in depth discussion on the words; include, includes, including and what constitutes a State.

The Hawaiian Island Archipelago or any of its inhabited islands are clearly not included in any of the aforementioned jurisdictional descriptions, State of Hawaii Constitutional Acts, Resolutions, Public Laws or U.S. Jurisdictional Code.

So since King Kamehameha III private lands are inalienable as I was put on notice by this agency, and I cannot own this land with a warranty deed. It appears to me OHA has a fiduciary duty to its beneficiaries of which I am one, to protect its resources, ie. The aina, its

beneficiaries and the money generated from the trust lands.

For this reason because of my failure to convince the STATE of Hawaii judiciary, its Chief Justice, the Attorney General to follow its own laws, I am demanding as a beneficiary that you intervene in this matter to get my title insurance for the title companies who are colluding with the state to pay my title insurances bought in the event my warranty deed was found to be defective.

When I was put on notice by OHA that I was not the owner by warranty deed of King Kamehameha III's private lands, I was now notice that it was unlawful for me to sell my fraudulent warranty deed.

Guaranty and Fidelity National Title Insurance Co., our two title insurance providers, has refuse my claim stating that my warranty deed is legitimate- the law clearly states otherwise.

I have done my due diligence to right the wrong of this matter. I have gone from the STATE to the Courts, to the

Attorney General, to the State Sec. of State, the US sec. of state, the US Pres. And to the UN.

As you are aware from my last visit to your meeting, the UN office of the High Commission of Human Right-mandated Independent Expert- Dr. Alfred de Zayas states that the political status of the Hawaiian Islands are that of an independent state in continuity under an fraudulent annexation and illegal US military occupation.

Despite everyone being put on notice and this memorandum being directed to the State of Hawaii Judiciary members; both judges and attorneys have ignored the memorandum, ignore state and federal laws and have abused the judicial process and misuse of legal process to uphold fraudulent and illegal takings in the Hawaiian Islands where they have no jurisdictional authority.

In addition Hawaiian women are being taxed on their Hawaiian land. The Mahele declared that women don't pay taxes- And that land cannot be confiscated for not

paying taxes. So unless it can be proven that I am not a woman in this life time, I should not be charge taxes on my Pupukea property where I am an heir to Kamehameha III and 1st and to the other allodio titles left to my tutu's in the mahele.

- 9 This can be found in the Principles of the Mahele provide documents. "Ruling Chief's of Hawaii" written by one of Hawaii's greatest Historians, Sam Kamakau, on page 428, 3rd paragraph, that the benefits of the Hawaiian Constitution was to provide a better life for the common people which included guaranteeing fishing rights to commoners, that small taxes to different land agents were abolished, that taxes paid BY women and the confiscation of property to pay taxes were abolished, amongst other benefits.

Link to what happens when loans are made. Essentially this means within America, not just Hawaiian Islands, the foreclosure is defrauding all home loan owners.

BOA Reyes-Toledo- the Hawaii Supreme Court:

Requires: UNIFORM COMMERCIAL CODE UCC 9-203(b)(2) and HRS -490:9-203:9-203(b)(1)(2)
BE MET FOR Enforcement and Attachability OF THE ASSET.

PART TWO SPECIFICALLY STATES:

In essence, I am having my assets taken by fraud and force because I am demanding truth, justice, fairness and for this Corporate State to follow its own laws.

I am being asked to concede and to not follow the law, to uphold a fraud and to look the other way. I am being asked to not stand up for my rights as a kanaka maloko, a kanaka maoli and as a direct descendent of Kamehameha I and and heir of Kamehameha III, and to date this office of Hawaiian affairs who mandate is to:

1. The support of public education- **How many of our people truly know their rights, protections and entitlements?**
2. The betterment of the conditions of native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920
3. The development of farm and home ownership, **I bought and live on farm lands and have been regulated out of business with US and State laws.**
4. The making of public improvements
5. The provision of lands for public use

I am asking this Office to uphold its mandate and to protect the beneficiaries resources; its aina and the illegal tax revenue being collected by the state on these lands- and the illegal takings of this land. Please assist me in making right these wrongs.

My land is up for auction because I demand proof that the state has authority and jurisdiction to tax me a

beneficiary and heir, on my alodio title interest, on selling my alodio title lands without permission or compensation. That the state has the authority of jurisdiction to assign to foreigners with no interest and unlawful take Kamehameha III private inalienable lands.

I am asking as a beneficiary that this agency intervene in the auction of my land on moku keawe (Hawaii island) and on the illegal court actions for the private lands of Kamehameha III in Pupukea Ahupuaa as well as demanding my title insurance invocation by title guaranty and fidelity national title insurance.

I am willing to keep the money the bank is stating that my husband allegedly owns them in an escrow account and release it when they can prove:

- 1) We have a contract with them
- 2) They have a receipt proving they bought the alleged line of credit
- 3) The originating bank funded the alleged line of credit, not my husband.
- 4) The bank did not get paid off in full by the Delinquent Policy invoke upon the 91st day of delinquency that was a condition of they putting in a claim with the title insurance company to invoke the lender policy.

5) The bank did not get paid in full in 2009 by the Gov. Bailout as stated in the Loan Forensic Audit by a Certified Loan Forensic Auditor.

I have been reasonable and have done my due diligence, I am now asking this agency to uphold their fiduciary responsibility to me for the injury brought to my attention by this agency.

In 1978, a Constitutional Convention was called to review and revise the functions and responsibilities of Hawai'i's government. At the convention, the Native Hawaiian Legislative Package was considered by the delegates. Among provisions incorporated into the new state constitution was the establishment of the Office of Hawaiian Affairs as a public trust, with a mandate to better the conditions of both Native Hawaiians and the Hawaiian community in general. OHA was to be funded with a pro rata share of revenues from state lands designated as "ceded."

In fact, the public nature of these lands predated the creation of OHA by many years. The ceded lands, consisting of crown lands, once property of the Hawaiian monarchy, and of the government lands of the Kingdom of Hawai'i, totaled 1.8 million acres upon annexation in 1898. Pursuant to the Joint Resolution of Annexation, all of these lands were considered transferred or "ceded" to the United States government "for the benefit of the inhabitants of the Hawaiian Islands."

Upon statehood in 1959, the federal government returned to the State of Hawai'i all ceded lands not set aside for its own use. Section 5(f) of the Admission Act, directing the state to hold the lands in trust, listed the following five purposes:

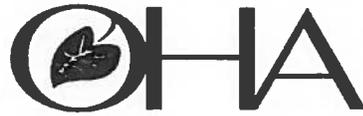
6. The support of public education
7. The betterment of the conditions of native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920
8. The development of farm and home ownership
9. The making of public improvements
10. The provision of lands for public use

In 1979, the Legislature enacted Chapter 10 of the Hawai'i Revised Statutes, implementing the changes to the constitution and making OHA a semi-autonomous "self-governing body." Subsequent legislation has further defined the amount of the revenue stream accruing to OHA.

OHA at the Legislature

As part of its mandate to advocate for Native Hawaiians, OHA annually submits a package of proposed bills to the Hawai'i State Legislature, and the agency's Board of Trustees also votes to take positions on a wide range of legislation that affects the Hawaiian community.

Attachment B



OFFICE OF HAWAIIAN
AFFAIRS
Interoffice Memorandum

Date: January 9, 2019
To: Board of Trustees
Via: Email
From: Trustee Akina
Subject: **RM Meeting 1.9.2019 (Debt Policy)**

I. DEBT ANALYSIS

A review of OHA's 2017 audited financial statements reveal that without the prospect of increasing revenues substantially, OHA has not much capacity in terms of debt financing.

- Per the 2017 audited financial statements, the Public Land Trust consists of \$381 million of financial assets. From those \$381 million, \$106 million is currently pledged as debt and long-term commitments, which reflects almost 30%.
- In terms of OHA's annual expenditures, currently 20% of the budget consist of non-discretionary fixed items such as debt service and the payments for the unfunded ERS and EUTF retirement liabilities.

Both the relatively substantial amount of trust fund capital that is committed to long-term obligations and the relatively high percentage of fixed and non-discretionary items in OHA's budget are a great concern, especially because of the following:

- OHA's current Spending Policy of 5% is relatively higher than the 4% spending average among endowments and charitable foundations.
- OHA's independent Investment Consultant (CommonFund) has calculated that under the current Spending Policy, OHA beneficiaries have a 54% probability that the principal and equity of the Public Land Trust is maintained for future generations.
- The current market volatility and the looming prospect of an economic recession will likely reduce the value of the Public Land Trust substantially.

II. RECOMMENDATION

The development of a formal debt policy is a necessary step to prepare for the financing of OHA's future capital projects relating to the development of its commercial real-estate assets.

From a procedural perspective, I have the following recommendation in terms of how the Board should proceed:

- **The Board should clarify in unambiguous terms who is responsible for the actual development of a debt policy**
 - Spire's current engagement is limited to "reviewing and consulting" only.
 - This means that Spire is not responsible for "formulating options, assessing them, or recommending actions".
 - Since the Board lacks subject matter expertise in this area, it is important that the responsibility and accountability with respect to the development and drafting of financial policies is clearly defined at the front end.
- **The development of a debt policy should not be done in isolation, but rather in conjunction with a formal due diligence review and modification of the Spending and Fiscal Reserve Policies**
 - The Spending Policy requires that it be formally reviewed every two years. The last review that occurred was in 2014.
 - The Board recently imposed a moratorium on the Fiscal Reserve and Administration has promised last year to make a recommendation to the Board with respect to a new Fiscal Reserve Policy. This has not occurred.

III. FINANCIAL ANALYSIS (based upon FY 2017 audited financial statements)

Public Land Trust (Financial Assets)	\$381,020,375	<i>Share of PLT</i>
Public Land Trust	\$37,809,778	10%
Net Pension Liability	\$32,669,717	9%
Na Lama Kukui Loan	\$24,362,846	6%
Line of Credits	\$11,084,746	3%
Total Long-term Commitments:	\$105,927,087	
"Direct Debt as a % of the Public Land Trust	28%	

OHA Actual Expenditures	\$41,761,408	<i>Share of PLT</i>
DHHL Loan Payment	\$3,000,000	7%
Loan & Line of Credit Payments	\$3,377,484	8%
Retirement Liability Payments ⁱ	\$2,179,337	5%
Total Fixed/Non-Discretionary Costs	\$8,556,821	
Debt Service Expenditure Ratio	15%	
Non-Discretionary Cost Ratio	20%	