

**State of Hawai'i  
Office of Hawaiian Affairs  
560 North Nimitz Hwy.  
Honolulu, HI 96817**

**Minutes of the Office of Hawaiian Affairs Board of Trustees Meeting  
Thursday, January 26, 2017, 10:00 am**

**I. CALL TO ORDER**

Chair Rowena M. Akana called the Office of Hawaiian Affairs Board of Trustees Meeting to order at 10:10 am. Those present were as follows:

**Attendance**

Trustee Rowena M. Akana, Chair	Trustee Robert K. Lindsey, Jr.
Trustee Leina'ala Ahu Isa, Vice Chair (arrived 10:12 am)	Trustee Carmen Hulu Lindsey
Trustee Dan Ahuna	Trustee Colette Machado
Trustee Keli'i Akina	Trustee John Waihe'e IV
Trustee Peter Apo	

**Excused**

-None-

**Staff Present**

Dr. Kamana'opono Crabbe, CEO	Albert Tiberi
Robert G. Klein, Board Counsel	Everett Ohta
Lora Lee Contreras, Chief of Staff	Jerome Yasuhara
Nathan Takeuchi, Board Secretary	Jim Patterson
Kay Watanabe	John Kim
Imiola Gora-Aina	John Rosa
Kauikeaolani Wailehua	Kai Markell
Claudine Calpito	Kalani Akana
Davis Price	Kawika Riley
U'ilani Tanigawa	Lisa Victor
Lehua Itokazu	Lisa Watkins-Victorino
Dayna Pa	Mehana Hind
Laurene Kaluau-Kealoha	Miles Nishijima
Paul Harleman	Momilani Lazo
Maria Calderon	Raina Gushiken
Melissa Wennihan	Sterling Wong
Liana Pang	
Lady Elizabeth Garrett	
Alvin Akee	

**Others Present**

Mililani Trask	Bumpy Kanahele
Keali'i Makekai	Nathan Paikai
Robbie Cabral	Pua Gora Correa
Ka'iulani Milham	Kaukaohu Wahilani
Healani Sonoda-Pale	DeMont R.D. Conner

Bruce Keaulani  
Aaron J. Sala  
Kaili Kamai  
Kehau Lum  
Samantha Herrera  
Keli Akina  
Mahelani Sylva  
Solomon Apio  
Verna Apio Takashima  
Kailihiwa Vaughan-Darval  
Jane Chung-Do  
Hökūlani Holt-Padilla  
Napua Casson

Dr. Jamee Mahealani Miller  
Pohai Ryan  
Umi Kai  
Leimomi Khan  
Laura Puakina Paul  
Kauai Pratt-Aquino  
Toni Nickens  
Raymond Goldeira  
Kealoha Figaroa  
Tanner Darval  
Pua Correa  
Rachel Kailianu  
Jaz Beebe

### III. COMMUNITY CONCERNS

Chair Akana said on the agenda today is an Executive Session. However, I understand that a lot of people have come to testify so if it's okay with the Trustees I'm going to allow that testimony. The first beneficiary to speak this morning is Bumpy Kanahahele.

Bumpy Kanahahele urged Chair Akana to call the FBI to investigate whether there has been mismanagement of cash and assets at OHA and also why OHA workers seem so disgruntled.

Keali'i Makekau requested a copy of the Board's roll call vote to approve the OHA CEO's Contract Number 3147 so that he can help to clear up any confusion in the community.

Board Counsel Klein said you are out of order asking questions of the Trustees. You either present testimony, so you can do that. The Trustees aren't obligated to get into a question and answer with you.

Keali'i Makekau said his comments were directed at the Chair.

Board Counsel Klein said I'm advising the Chair that she doesn't have to get into a question and answer with you. It's not required. It's not allowed under OIP. You can check it yourself because I know you do and you can present testimony, but you're not here to interrogate the Trustees, okay?

Keali'i Makekau asked if the ad hoc committee regarding the hiring of the CFO would be brought back for consideration.

Chair Akana said I don't believe the Ad Hoc Committee is still active on that matter. The next speaker is Nathan Paikai.

Nathan Paikai asked the Trustees to do what the Lord requires, walk humble before God, Michael 6:8.

Chair Akana said the next beneficiary to testify is Robbie Cabral.

Robbie Cabral stated that she has a long history with OHA and supports Chair Akana.

Chair Akana said the next speaker is Pua Gora Correa.

Pua Gora Correa stated everyone deserves the chance to make a change for the benefit of Hawaiians and that she supports Chair Akana.

Chair Akana said thank you, Pua. Ka'iulani Milham.

Ka'iulani Milham asked if everyone could speak into the microphones so that the audience can hear the testimony and discussions. She also stated that Kauai Pratt-Aquino, who is involved with a petition to oust Chair Akana as Chair of the Board, is a friend of CEO Crabbe's brothers Mark and Michael and that Pratt-Aquino was in contact with Mark Crabbe on Facebook to bring forth the petition. She stated that it is not pono for someone to not disclose a relationship like that when they are bringing forward a petition to oust the Chair.

Chair Akana said Mr. Wahilani.

Kaukaohu Wahilani stated that a house divided cannot stand and suggested Ho'oponopono with everyone, especially the Trustees and CEO Crabbe. He also read a statement from Kauwila Sheldon of Ka'a'awa requesting that a forensic audit of OHA be made the Board's highest priority.

Chair Akana said thank you. Healani Sonoda-Pale.

Healani Sonoda-Pale read a letter signed by 207 beneficiaries asking that OHA stop funding Kana'iolowalu and any other state-initiated nation-building organizations and support the repeal of Act 195. She supports a forensic audit of OHA to account for the \$4 million spent on nation-building. She urged Trustees to repeal OHA's support for the U.S. Department of the Interior's rule that facilitates the reestablishment of government-to-government relations with the Native Hawaiian community. She also supports the Ho'oponopono process for OHA.

Chair Akana said Mr. Conner.

DeMont R.D. Conner stated that he feels a forensic audit of OHA is very necessary. He also fully supports Dr. Kamana'opono Crabbe as OHA CEO and Trustee Rowena Akana as Board Chair.

Chair Akana said okay, next speaker is Mililani Trask.

Trustee Ahu Isa said Chair, I want to say something.

Chair Akana said can we just wait until...

Trustee Ahu Isa said people looking at me like I'm campaigning to be Chair. That's fake news, what you guys reading on Facebook. Don't look at me and tell me the hunted is going after the hunter. Forget it. Fake news. You know what that is?

Mililani Trask said I'm here to support the current Chair Rowena Akana, to join her in her call for an immediate forensic audit of our people's Trust assets including land, and to oppose the new contract that's been drafted by your Board Chair without your involvement for the renewal of a CEO sitting to my left. This contract is the third contract that the OHA Trustees have considered, in direct violation of Chapter 10, Sections 10-10 and 10-11, and this was a law that was passed years ago to govern your operations. Now, Section 10-10 states that the Board of OHA is to appoint an Administrator by a majority vote. There was no majority vote on this contract. It's not a contract for an Administrator. It's the third contract you all have considered for an American corporate CEO, direct violation of the statute that governs your authority. In addition, Section 10-11 states that you may set the compensation for your Administrator but it must be in conformity with state statute. Your Administrator is getting \$150,000 a year for salary. \$150,000 a year for discretionary fund for which no itemized budget is ever presented for

public review or for the legislature and WAM is calling for it now. Unlimited local, national, and international travel and a benefit package of \$1,000,000. You're flagrantly in violation of Section 10-10 and 10-11. There was no contract voted on by the majority of this Board. This is not a contract renewal, Counsel. The first contract had provisions for things like insubordination. I see that they have somehow been removed and instead we're supposed to Ho'oponopono? Millions of dollars that are not accounted for. I want to point out some things for the record. Your CEO has not been able to provide a detailed, complete or itemized accounting for this office since he was hired. Since he came on, your budget has gone from \$26 million to \$53 million. Only \$9 million is spent for our people. \$44 million spent for your overhead? Administrative travel and trips to New Zealand and the Cook Islands. Flagrant violations. Under your CEO, OHA has repeatedly failed to follow State OIP laws, procurement and ethics laws. As a result of that, and thank you Trustee Akina, we had the Judicial Watch case which forced the release of 2,000 of your checks. When I assessed them, there's dozens of checks for \$25,000 given out to all kinds of people without following the State RFP and procurement laws. Flagrant violation of the law. Your CEO last year gave a gift of half a million dollars to the IUCN Global Environmental Conference so that he and a few others could become the master of ceremonies for a Hollywood-like opening event.

CEO Crabbe said that was voted by the Board.

Mililani Trask said this did not benefit our people and getting the Board...

CEO Crabbe said that was voted by the Board.

Mililani Trask said excuse me, I'd like to finish. Giving gifts of a half a million dollars and getting the Board to later rubber stamp it doesn't make it legal but it sure implicates you in the existing breaches of trust. Your CEO has used thousands of dollars for international trips. Twenty staffers going to New Zealand for the Hōkūle'a welcome party with a three piece band and a \$5,000 gift followed by another trip to the Cook Islands to celebrate independence. Flagrant violation of our people's Trust and your own fiduciary obligations. An earlier beneficiary pointed out that there was no accounting for Kana'iolowalu. If you read Act 195 it says that Kana'iolowalu is administratively attached to this office. State RFP laws should have been followed but were completely ignored. And when the Judicial Watch case order came down from the Judge, you all only had \$2.9 million in invoices. You allocate \$4.3 to \$4.7 million for Kana'iolowalu and you only have \$2.9 million in invoices? Where did the rest of our people's Trust Fund go? I do not accept the CEO's explanation that it was somehow absorbed by the staff.

Chair Akana said can we wrap it up?

Mililani Trask said you had an obligation to follow HRS 103-D for the refurbishing. Instead a contract for \$6-\$7 million was given out in violation of 103-D to someone who was your employee, to a company that employed her husband. I support Bumpy Kanahē's call, that we reach out to the FBI. They're in our state. They're here to investigate white-collar crime involving the government. If you do not follow-up with the FBI, I certainly will

Chair Akana said thank you.

Trustee Akina said Madame Chair, do we have Ms. Trask's testimony in writing? And if not, could you request it?

Chair Akana said it'll be verbatim in the minutes. So the next speaker is Bruce Keaulani.

Bruce Keaulani stated his support for CEO Crabbe and the Ho'oponopono process for OHA.

Chair Akana said mahalo. Alright, we have a couple more speakers. I just want to remind the speakers that we have an agenda, so try to be mindful of the time and speak into the mics so we can record your message that you want to leave with the Board. So the next speaker is Dr. Jamee Mahealani Miller.

Dr. Jamee Mahealani Miller stated her support for CEO Crabbe and his staff. She also opposed the buy-out of CEO Crabbe's contract. She also stated that she signed the petition to remove of Chair Akana as Chair of the OHA Board of Trustees.

Chair Akana said thank you so much. The next speaker is Aaron Sala, followed by Pohai Ryan. And speakers, please be cognizant of the time. We have a long agenda and there are many people to speak.

Aaron J. Sala commented on the tenure of CEO and Board dysfunction. He also supported the letter that CEO Crabbe sent to then-Secretary of State John Kerry.

Chair Akana said thank you. The next speaker is Pohai Ryan.

Pohai Ryan stated that she was speaking for herself and no one else. She cautioned the Board and CEO Crabbe against using personal attacks in the public since it can be costly and bad for OHA. She stated that the negative behavior at OHA reflects on all Native Hawaiian leaders and organizations and deteriorates their credibility. She supports the Ho'oponopono process for OHA and opposes any censorship of beneficiaries.

Chair Akana said Pohai, I do want you to clear something up. In a lot of this bad press, there were things that were put into this petition against me. One of those things said I caused a brawl at our Native conference. I want you to clear it up since you were there with me.

Pohai Ryan said first I need to state that I actually took vacation hours to be here, but since the request has been made by Chair, I now sit on the board of directors for the American Indian Alaska Native Tourism Association. Last year in Colorado, there was an incident in the bar, I did contact the writer of the blog and explained to him, though there was a situation that started the whole series of events, there was no brawl, there was no security removal. Disappointingly, I felt that the employee should have been fired. I'm not sure if they were.

Chair Akana said the bartender.

Pohai Ryan said they were very disrespectful, but in fairness to Trustee Akana, that is not quite the way that it happened. Again, it's not just Hawaii watching this. A lot of people are watching this. I hope that, again, you folks can come together, please, for the sake of all of us.

Chair Akana said but I had nothing to do with the brawl. I just sat there, like you.

Pohai Ryan said you were unengaging, you were. You were unengaging.

Chair Akana said I had nothing to do with it.

Pohai Ryan said it was very silly. It was very silly, but in the end, we all represent more than who we are when we travel.

Chair Akana said it came out of this office.

Pohai Ryan said oh, I don't know anything about that.

Chair Akana said so I just wanted to clear it up. Thank you.

Pohai Ryan said I did make them aware of the comment, though.

Chair Akana said thank you. Next speaker is Kaili Kamai and we're not taking any more speakers because we still have at least eight more people and we do have an agenda.

Kaili Kamai asked the Trustees if their vision for the new Hawaiian nation is a nation under America or its own kingdom. He stated that OHA makes it difficult for those wanting funds for independence. He also stated that he hopes the Trustees and CEO Crabbe can work out their differences.

Chair Akana said Kehau Lum.

Kehau Lum stated her support for the Ho'oponopono process for OHA and gave the Trustees a written copy of "*Knowing Yourself Through Ho'oponopono*," compiled by Earl Tenn. She also thanked CEO Crabbe for his work at OHA.

Trustee Ahuna said first of all, Kehau, I want to say thank you for saying exactly what you just said. I didn't want to take any more time, but I just felt it was important that you guys all know that, first of all, I believe that we all love each other here on this table and I know that we're very passionate about each other, but to our people that we represent, I want you guys to all know that I believe we all can get better. We all can get better. We just have to find a part in it. A lot of you come here and seek answers and still we don't have just simple answers. I just want people to know that I voted to extend this man's contract along with a two-thirds vote and I also voted for the ICUN and I know a lot of you wanted answers, but you know a lot of the finger pointing is pointing at one man and I just want you guys to know that I think, as Trustees, you all know that we represent this Trust and we make those decisions and I hear all of you here today saying, you know, it's important who we are, where we come from and it's important that you know I represent the islands of Kaua'i and Ni'ihau, but most of all I represent people and I wanted to speak because I'm hearing a lot of issues and no answers and I just want you to know that we have made a lot of decisions, Board decisions on this Board table, and it had nothing to do with Kamana'o and I know that for a fact that his contract was extended for three years and I'm not trying to take a side, but it always seems that, in Hawaiian issues, it's Hawaiians against Hawaiians and I just want to continue by saying that we are all here, we want to fix this situation and it's important that we fix it. So, I just want to congratulate all of you for coming in and sharing your testimonies, but for me there isn't a side. We all want to get better.

Chair Akana said thank you, Dan.

Trustee Ahuna said I like what, you know, some of our beneficiaries said today about the nationalities that occupy us and I just want you guys to know that there's many nationalities that occupy me, but the one I speak for is the Kānaka Maoli and I want you guys to all know that.

Chair Akana said Leimomi Khan, followed by Samantha Herrera, followed by Mahelani Sylva.

Leimomi Khan stated that she represents the Kalihi Pālama Hawaiian Civic Club and also the Democratic Party of Hawaii, the Hawaiian Affairs Caucus. She stated her support for Trustee Hulu Lindsey's column in the January Ka Wai Ola about lightening the burdens of beneficiaries. She supports the Ho'oponopono process for OHA. She sees the fallout of recent Board actions such as the proposal to buy-out the CEO's contract and unkind accusations being leaked to the media as having a disastrous effect. She strongly opposes the buy-out of CEO Crabbe's contract.

Chair Akana said okay, thank you Trustees for sitting through this. We have one Trustee who's going to take a bathroom break, so other Trustees would like to take a bathroom break, you may do so.

### Recess

Chair Akana called a recess at 11:54 am and reconvened the meeting at 12:10 pm.

Chair Akana said it's ten after twelve. I'd like to continue with Samantha.

Samantha Herrera, on behalf of Dr. Joseph Keawe'aimoku Kaholokula a professor and chair of Native Hawaiian Health at the University of Hawai'i, stated his strong support of Ka Pouhana Kamana'opono Crabbe.

Chair Akana said Mahelani Sylva followed by Laura Puakina Paul.

Mahelani Sylva stated her opposition to the blood quantum requirement for Hawaiian Homesteads. She also shared her concerns about the loss of Hawaiian lands to multinational corporations and private developers through adverse possession and quiet title. She also supported the letter that CEO Crabbe sent to then-Secretary of State John Kerry and supports the Ho'oponopono process for OHA.

Trustee Hulu Lindsey said, Ms. Sylva, I just wanted to let you know that you don't have to apply to be a beneficiary of OHA. You are automatically a beneficiary of OHA.

Chair Akana said next speaker is Laura Puakina Paul.

Laura Puakina Paul stated that she supports CEO Crabbe and the continuation of his position. She also stated her concern that it takes a long time for an organization to rebound from the loss of leadership.

Chair Akana said the last speaker is Kauai Pratt-Aquino.

Kauai Pratt-Aquino stated that she brings the 752 voices of the Pono Leadership Group to the Board table. She stated that she created the petition and that 90% of the Group are Native Hawaiian beneficiaries. She stated that she has never had a relationship with CEO Crabbe until she saw the Board attack him. She also stated that the Group she represents would like to restore order at OHA through two actions: (1) For Chair Akana to step down or if she chooses not to, they ask the Board to remove her; and (2) To stop all adverse actions against the CEO, Kamana'opono Crabbe.

Chair Akana said alright, I'll take a motion to move into executive session.

## II. EXECUTIVE SESSION

### Motion

At 12:40 pm, Trustee Apo moved, and Trustee Waihe'e seconded, to go into Executive Session to consider the following:

III. Executive Session

- A. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities regarding ongoing legal and personnel matters concerning the negotiation of Contract Number 3147.  
*Pursuant to HRS 92-5(a)(4) and 92-5(a)(2)*

The motion passed via voice vote, with all Trustees present voting "yes."

The Board went into Executive Session at 12:40 pm and exited 12:59 pm.

IV. ANNOUNCEMENTS

There were no announcements.

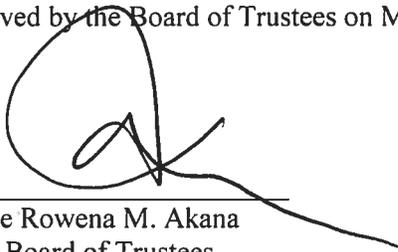
V. ADJOURNMENT

Having no further business, Chair Akana adjourned the meeting at 1:00 pm.

Respectfully Submitted,

  
Nathan H. Takeuchi  
Board Secretary

Approved by the Board of Trustees on March 9, 2017:

  
Trustee Rowena M. Akana  
Chair, Board of Trustees