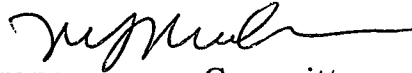


August 5, 2019

MEMO TO: Governance, Ethics, and Transparency Committee

F R O M: Michael J. Molina

Chair, Governance, Ethics, and Transparency Committee



SUBJECT: **TRANSMITTAL OF INFORMATIONAL DOCUMENT RELATING TO  
BANK OF AMERICA'S COMMITMENT TO PROVIDE MORTGAGES  
FOR NATIVE HAWAIIANS ON HAWAIIAN HOMELANDS** (GET-19)

The attached informational document pertains to Item 19 on your Committee's agenda.

CM:MHP:meetingmaterials:GET:transGET19:grs

Attachment

RECEIVED AT GET MEETING ON 8/6/19

**From:** Kanaka'ole, Ryan KP [mailto:ryan.kp.kanakaole@hawaii.gov]  
**Sent:** Monday, August 05, 2019 1:35 PM  
**To:** Peter Hanano <Peter.Hanano@co.maui.hi.us>  
**Subject:** RE: Testimony on SCR45 re: Bank of America \$150M Commitment

Aloha Peter,

My apologies for the late response. Matters on the Big Island have been taking much of my office's resources lately.

As far as any changes on the issue re: BoA's \$150M Commitment. There have been no changes on our position – that there are no legal bases for the State to pursue BoA on its past pronouncements regarding loans to native Hawaiians.

I do have one update on work done since we last communicated, however. At the end of June, the Deputy Secretary of the Board of Governors of the Federal Reserve System issued her response to Governor Ige's appeal of a FOIA request made for files/documents related to the BoA \$150M commitment. Here's the timeline of the FOIA request and appeal:

- July 6, 2018 – Gov. Ige submits FOIA request to Federal Reserve Board for documents related to BoA \$150M commitment.
- January 22, 2019 – Federal Reserve Board Deputy Secretary submits response to FOIA request, notifying that several documents/memos will be omitted because they are exempt from FOIA.
- February 2, 2019 – Federal Reserve Board submits documents in response to FOIA request.
  - Upon review by my office, we found nothing substantive to support the State changing its position that there are no legal bases to pursue a claim against BoA on this issue.
- April 22, 2019 – Gov. Ige submits an appeal of FOIA response, requesting documents omitted.
- June 18, 2019 – Federal Reserve Board Deputy Secretary submits response to FOIA appeal. Several additional documents that were inadvertently omitted were provided. Majority of documents originally omitted under FOIA exemptions, however, remain omitted.
  - Upon review by my office, we found nothing in the additional documents submitted that would support the State from changing its position.

Additionally, my client DHHL has reached out to me last week that this issue is coming before the Maui County Council. I am currently working with Executive Assistant to the Chair (and former Chair), Jobie Masagatani, on this matter. If you think it would be best if I or my client be present for the Council, perhaps in Executive Session, please let me know.

Mahalo nui,  
Ryan

**Ryan K. P. Kanaka'ole**  
Deputy Attorney General  
Department of the Attorney General, State of Hawai'i  
Telephone: 587-2978

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