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H. ANAYA
CLERK

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OFFICE OF HAWAIIAN AFFAIRS,
BOARD OF TRUSTEES

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In re) S.P. NO. 14-1-0543 JHC
) (Agency Appeal)
OFFICE OF INFORMATION PRACTICES)
OPINION LETTER NO. F15-02) COMPLAINT TO INITIATE SPECIAL
) PROCEEDING
)
)
)

COMPLAINT TO INITIATE SPECIAL PROCEEDING

Complainant OFFICE OF HAWAIIAN AFFAIRS, BOARD OF TRUSTEES (the
"Board"), by and through its attorneys, McCorrison Miller Mukai MacKinnon LLP, and for its
Complaint to initiate a special proceeding pursuant to Hawaii Revised Statutes ("HRS") § 92F-
43, hereby alleges and avers as follows:

JURISDICTION AND VENUE

1. The Board is an "agency" as defined in HRS, Chapter 92F.
2. Jurisdiction is proper in this Court pursuant to HRS § 92F-43.

I do hereby certify that this is a full, true, and
correct copy of the original on file in this office.

H. Anaya
Clerk, Circuit Court, First Circuit

3. Venue is proper in this Court pursuant to HRS § 92F-43(a)(3) because the Board's principal place of business is located in the City and County of Honolulu, State of Hawai'i.

SUBSTANTIVE ALLEGATIONS

4. On or about May 12, 2014, Kaleo Oiwi emailed the Office of Information Practices ("OIP") and requested an investigation into whether the Board violated the "Sunshine Law," HRS, Chapter 92, Part I. OIP designated this request S Appeal 14-27.

5. On or about May 16, 2014, Donovan Preza requested an investigation into whether the Board followed proper protocol under the Sunshine Law. OIP designated this request S Appeal 14-28.

6. On or about May 16, 2014, Tammie Perreira emailed OIP and requested an investigation into whether the Board violated the Sunshine Law. OIP designated this request S Appeal 14-31.

7. On or about May 16, 2014, Nanci Munroe emailed OIP to request an investigation into whether the Board violated the Sunshine Law. OIP designated this request S Appeal 14-32.

8. On or about May 17, 2014, Robert Freitas emailed OIP to request an investigation into whether the Board violated the Sunshine Law. OIP designated this request S Appeal 14-29.

9. On or about May 22, 2014, Jim Smith emailed OIP to request an investigation into whether a May 19, 2014 meeting of the Board complied with the Sunshine Law. OIP designated this request S Appeal 14-30.

10. On or about June 18, 2014, Donovan Preza requested an investigation into whether the Board complied with the Sunshine Law. OIP designated this request S Appeal 14-33.

11. On or about June 23, 2014, Colette Y. Machado (“Chairperson Machado”), Chairperson of the Board, responded to S Appeals 14-27, 14-28, 14-29, 14-30, 14-31, and 14-32.

12. On or about July 9, 2014, Chairperson Machado responded to S Appeal 14-33.

13. OIP issued Opinion Letter F15-02 (the “Opinion”), dated November 7, 2014, which addressed the aforementioned appeals.

14. While the Opinion is dated November 7, 2014, OIP did not inform the Board of the existence or contents of the Opinion until November 14, 2014, after third parties, including the news media, had been so informed.

15. The Opinion states that two questions were presented by the aforementioned appeals and framed those questions as follows:

Whether the members of the OHA Board (Trustees) complied with the Sunshine Law in their decision to jointly sign a letter dated May 9, 2014 (Rescission Letter), rescinding a letter dated May 5, 2014 that had previously been sent to United States Secretary of State John F. Kerry by OHA’s Chief Executive Officer (CEO), Dr. Kamana’opono Crabbe (Crabbe Letter).

Whether the Sunshine Law allowed the OHA Board to refuse to accept oral testimony regarding an agenda item discussed in executive session during its meeting of May 19, 2014.

16. In the Opinion, OIP opined that the answer to both questions is no.

17. The Opinion is palpably erroneous for the reasons set forth in Chairperson Machado’s responses to the aforementioned appeals, dated June 23, 2014 and July 9, 2014.

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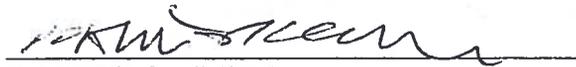
REQUESTS FOR RELIEF

WHEREFORE, the Board prays as follows:

A. That the Opinion be reversed; and

B. That the Board be awarded its reasonable attorneys' fees and costs should any person intervene.

DATED: Honolulu, Hawai'i, December 3, 2014.



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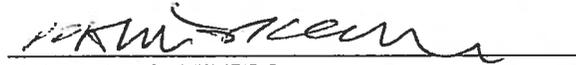
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