

Question: What are the possibilities of changing the schedule of the `aha, as that topic has been discussed in early public meetings?

Answer: Prior to the December 2, Supreme Court order enjoining the counting of votes, and Na`i Aupuni's response to cancel the election and offer terms to all of the former candidates to gather at an `aha in February, alterations to the schedule was not ruled out as possibility. This is no longer the case. Regardless of what may have been said in prior communications, the terms offered to potential participants on December 15, needed to be specific as to place and time (as well as per diem) because former candidates needed that certainty in order to decide whether or not they would attend the `aha and, therefore, plan accordingly. Indeed, many participants have already purchased tickets and made travel as well as accommodation commitments based on those terms. Na`i Aupuni also needed to secure arrangements for a meeting place with associated supportive services, as well as coordinating schedules with scholars and facilitators - all of which required deposits and additional commitments. Therefore, no changes to the schedule or venue of the `aha are being contemplated by Na`i Aupuni.

Question: Has Na`i Aupuni communicated with any candidates on this topic.

Answer: Yes, please see the below email chain:

From: William Meheula [<mailto:meheula@smlhawaii.com>]
Sent: Wednesday, December 23, 2015 6:38 PM
To: 'ingmarkk@gmail.com' <ingmarkk@gmail.com>
Cc: Kuhio Asam (KuhioAsam@aol.com) <KuhioAsam@aol.com>; 'Louis F. Perez III' <l.perez@akamaifoundation.org>
Subject: February meeting opportunity

Aloha Kaniela,

I am responding to your below email exchange with Louis. Regardless of what I may have said at public meetings, given the subsequent Supreme Court order enjoining the counting of the votes and Na`i Aupuni's decision to offer terms to all of the candidates to gather at an `aha in February, the offered terms needed to be specific as to place and time because candidates needed that certainty in order to decide whether or not to attend. In fact, many of the mainland participants have already purchased tickets and made other travel commitments. Na`i Aupuni also needed to make arrangements for a meeting place and with instructors and facilitators. Na`i Aupuni's below response to your conditional acceptance clearly stated that some of your conditions could not reasonably be accommodated and thus we informed you that: *"If we don't hear from you to the contrary, Na`i Aupuni will assume that you will participate in the February meetings."* We did not hear from you before the December 22, 11:59am deadline and thus we assume you were generally okay with the contents of our earlier email to you. Na`i Aupuni wants as many of the candidates as is possible to participate in the `aha and thus we hope that you do not withdraw. If you have any questions, I can be reached at 258-5265. Mahalo nui, Bill.

From: Louis F. Perez III [<mailto:l.perez@akamaifoundation.org>]
Sent: Wednesday, December 23, 2015 11:54 AM
To: 'Kaniela Ing'
Subject: RE: Agreement to Attend 'Aha & Stipend Info

Aloha Kaniela,

Understood and mahalo again for your very thoughtful and detailed mana'o.

I will forward your message to Na'i Aupuni and either circle back with their reply or they may reply to you directly. You can also share your mana'o with them directly at any time via email at info@naiaupuni.org or by leaving a message at (808) 543-3554.

Mahalo, Louis

Louis F. Perez III
The AKAMAI Foundation
1136 Union Mall, Suite 206 Honolulu, HI 96813
Phone: [808.664.3240](tel:808.664.3240) | Cellular: [808.258.4685](tel:808.258.4685)

From: Kaniela Ing [<mailto:ingmarkk@gmail.com>]
Sent: Wednesday, December 23, 2015 11:35 AM
To: Louis F. Perez III
Subject: Re: Agreement to Attend 'Aha & Stipend Info

Aloha Louis,

Thank you for your response. Please keep in mind that while the February date was set for months now, Bill Meheula made it clear to candidates, in every info session, that delegates will have full authority and control over the meeting dates, timeline, and the 'aha at-large. He told us directly that delegates could change the start date. You are now saying that this is no longer true.

This was in response to the concerns that only retirees would have the flexibility to attend. Many Hawaiians involved in improving our lahui will be involved either with the UH spring semester (law students, professors) or the legislative session (advocates, aha Moku, civic clubs, legislators) in one capacity or another, or really at any ft job elsewhere. Summer would be better for most, along with the ability to break apart the groups to committees at pau hana times.

Also, conditional acceptance means that IF you meet these conditions, THEN we accept. So you cannot go ahead and assume we accepted after denying the conditions. The retracted authority of delegates and the disregard of our conditions are very disappointing and lend credence to the narrative that nai aupuni is ramming this forward by any means necessary. I hope we can work something out.

-Kaniela

Sent from my iPhone

On Dec 22, 2015, at 10:05 PM, Louis F. Perez III <l.perez@akamaifoundation.org> wrote:
Aloha Kaniela, mahalo for your email and please accept my apology for not being able to connect with you by phone. I hope you received my voicemail and emails. I pasted below the response from the Na'i Aupuni directors (highlighted in yellow). Mahalo and Mele Kalikimaka, Louis

Mahalo for your thoughtful conditions and intentions. Na'i Aupuni's specific responses are set forth below in caps and our general response is as follows:

Na'i Aupuni's primary goal is to convene the candidates so they would have an opportunity to discuss self-governance concerning Native Hawaiians. While Na'i Aupuni will not attempt to control the outcome of the gathering, it is responsible for certain organizational tasks that are too far along to change – this includes the dates of the meetings, the offered per diem (which many have already accepted) and the retention of experts and facilitators. Effectively organizing a hundred plus individuals, as opposed to forty, to discuss self-governance is difficult and Na'i Aupuni believes that the first week of discussions with experts and the facilitators will help the group organize itself and also provide a base of information to which all participants will simultaneously be

exposed. Na'i Aupuni is also reluctant to change its organization course based on the direction from less than all of the participants. Our contracted facilitators Peter Adler and Linda Colburn (and their team) have been actively planning matters in which to effectively and efficiently organize the beginning of the four weeks. Their strategies are inclusive of obtaining the thoughts and opinions of the participants in advance February 1st 2016.

Conditions

Given the unilateral decision made by Na'i Aupuni to cancel the election of delegates without consultation with candidates—who have invested substantial effort and resources into this election—and given other unilateral decisions and process shortcomings throughout the election and up until the present time, I commit to attend the Na'i Aupuni facilitated meeting under the following conditions:

A. The seated participants, referred to by Na'i Aupuni representatives as “delegates,” may change characterizations of this opportunity to meet, including but not limited to: the description of themselves as “delegates,” the description of this opportunity as an “aha” or a “convention,” and the purpose of this meeting opportunity. CONCEPTUALLY, NA'I AUPUNI HAS NO PROBLEM WITH THE PARTICIPANTS LABELING THEMSELVES AND THE EVENT AS THE MAJORITY DECIDES AND, NA'I AUPUNI SPECIFICALLY NOTES THAT “PARTICIPANTS’ AND “MEETING OPPORTUNITY” SEEM REASONABLE UNDER THE CIRCUMSTANCES.

B. The seated participants reserve the power to modify logistical matters, including but not limited to: meeting dates, times, duration, location, capacity-building sessions, processes in preparation for meeting, and decreasing the per diem amounts. I seek to ensure that participants have an opportunity to meet, return to our respective communities to engage and reflect, then regroup with other seated participants, and/or reconvene as a deliberative body. Participants should also be able to decide on an appropriate day to begin meeting, noting that the current start date is an 'Ole night according to the Hawaiian lunar calendar and not an appropriate time to start a meeting. AS NOTED ABOVE, NA'I AUPUNI HAS ALREADY MADE FINANCIAL COMMITMENTS THAT DO NOT ALLOW FLEXIBILITY ON MANY OF THE ITEMS MENTIONED HERE. NA'I AUPUNI ALSO UNDERSTANDS THAT THE MAJORITY OF THE PARTICIPANTS MAY PROPOSE A PROCESS GOING FORWARD AFTER THE MEETINGS IN FEBRUARY. WHILE WE RESPECT THAT FEBRUARY 1st IS AN 'OLE NIGHT, THIS HAS BEEN SET AND PUBLICIZED AS THE START DATE FOR AWHILE NOW AND FINANCIAL AND TIME COMMITMENTS HAVE ALREADY BEEN MADE TO START ON THAT DAY.

C. The seated participants reserve the right to project and determine the outcome of this meeting opportunity. AGREED.

Intentions

A. I, along with other like-minded former candidates, intend to reach out to all former candidates to encourage everyone to commit to these same or similar conditions to our participation. NA'I AUPUNI ENCOURAGES PARTICIPANTS TO ENGAGE IN DISCUSSIONS AMONG THEMSELVES AND BEFORE THE MEETINGS BEGIN ON FEBRUARY 1.

B. I, along with other like-minded former candidates, am developing specific suggestions related to this Na'i Aupuni facilitated meeting opportunity, both presently via small group conversations and in the next few weeks through broader conversations, culminating in a large-group meeting to be held between January 14 and 18 at Punalu'u, O'ahu. We invite and encourage the Board of Directors of Na'i Aupuni, their legal counsel, and any other related support staff to join us. NA'I AUPUNI DOES NOT CURRENTLY CONTEMPLATE MEETING WITH PARTICIPANTS BEFORE THE START OF THE MEETINGS ESPECIALLY WITH OUT-OF-STATE AND NEIGHBOR ISLAND PARTICIPANTS UNABLE TO ATTEND. NA'I AUPUNI IS PLANNING ON COMMUNICATING WITH ALL PARTICIPANTS AS MORE INFORMATION BECOMES AVAILBLE. HOWEVER, IF YOU HAVE A PERSON THAT CAN SPEAK FOR YOUR GROUP OF PARTICIPANTS, WE ENCOURAGE HIM OR HER TO CONTACT LINDA COLBURN OR PETER ADLER.

C. We intend to make recommendations to the Board of Directors of Na'i Aupuni on meeting characterizations, logistics, and other issues pertinent to this Na'i Aupuni facilitated meeting (e.g. use of subject matter experts, the first agenda items, a participant survey on self-governance, Na'i Aupuni referendum responsibilities, etc.). We endeavor for a majority of seated participants to sign on to a set of recommendations to be determined by those participants. AGAIN, PLEASE COMMUNICATE ALL SUCH RECOMMENDATIONS TO PETER AND LINDA WHO WILL ALSO BE CONDUCTING A COUPLE OF SURVEYS AND WHO WE BELIEVE YOU

WILL FIND ADHERE TO MANY OF THE ORGANIZATIONAL CONCEPTS THAT YOUR GROUP HAS ESPOUSED HERE.

If we don't hear from you to the contrary, Na'i Aupuni will assume that you will participate in the February meetings.

Louis F. Perez III
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From: Kaniela Ing [<mailto:ingmarkk@gmail.com>]
Sent: Tuesday, December 22, 2015 9:06 PM
To: Louis F. Perez III
Subject: Re: Agreement to Attend 'Aha & Stipend Info

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1. I confirm my commitment to attend this 'Aha and agree (conditionally) to these terms by marking an "X" here: X

Conditions

Given the unilateral decision made by Na'i Aupuni to cancel the election of delegates without consultation with candidates—who have invested substantial effort and resources into this election—and given other unilateral decisions and process shortcomings throughout the election and up until the present time, I commit to attend the Na'i Aupuni facilitated meeting under the following conditions:

- A. The seated participants, referred to by Na'i Aupuni representatives as "delegates," may change characterizations of this opportunity to meet, including but not limited to: the description of themselves as "delegates," the description of this opportunity as an "aha" or a "convention," and the purpose of this meeting opportunity.
- B. The seated participants reserve the power to modify logistical matters, including but not limited to: meeting dates, times, duration, location, capacity-building sessions, processes in preparation for meeting, and decreasing the per diem amounts. I seek to ensure that participants have an opportunity to meet, return to our respective communities to engage and reflect, then regroup with other seated participants, and/or reconvene as a deliberative body. Participants should also be able to decide on an appropriate day to begin meeting, noting that the current start date is an 'Ole night according to the Hawaiian lunar calendar and not an appropriate time to start a meeting.
- C. The seated participants reserve the right to project and determine the outcome of this meeting opportunity.

Intentions

- A. I, along with other like-minded former candidates, intend to reach out to all former candidates to encourage everyone to commit to these same or similar conditions to our participation.
- B. I, along with other like-minded former candidates, am developing specific suggestions related to this Na'i Aupuni facilitated meeting opportunity, both presently via small group conversations and in the next few weeks through broader conversations, culminating in a large-group meeting to be held between [January 14](#) and 18 at Punalu'u, O'ahu. We invite and encourage the Board of Directors of Na'i Aupuni, their legal counsel, and any other related support staff to join us.

C. We intend to make recommendations to the Board of Directors of Na`i Aupuni on meeting characterizations, logistics, and other issues pertinent to this Na`i Aupuni facilitated meeting (e.g. use of subject matter experts, the first agenda items, a participant survey on self-governance, Na`i Aupuni referendum responsibilities, etc.). We endeavor for a majority of seated participants to sign on to a set of recommendations to be determined by those participants.

2. My full legal name is:
Mark Kaniela Ing

3. My mailing address is:
Po box 1881, Kihei, 96753

4. The best phone number to reach me is:

<~WRD000.jpg>

276-2990

Sent from my iPhone

On Dec 15, 2015, at 11:40 AM, Louis F. Perez III <l.perez@akamaifoundation.org> wrote:

Dear Candidates,

Given that the counting of the votes may be delayed for up to a few years, Na`i Aupuni has decided to terminate the election as of today and to offer all 201 candidates the opportunity to serve as `Aha delegates from February 1 to 26, 2016 at a meeting facility in Kailua, Oahu.

One of the main reasons behind this decision to seat all candidates is that you represent a broad-based spectrum of the Native Hawaiian community and thus Na`i Aupuni wants to offer you this rare opportunity to organize Native Hawaiians and to propose a path to self-governance.

A Q&A that addresses many issues concerning this change of events can be found on the Na`i Aupuni website, naiaupuni.org.

In addition, the terms that Na`i Aupuni has authorized the Akamai Foundation to offer to the candidates is set forth below. Because the number of delegates has increased from 40 to up to 201, Na`i Aupuni has reduced the length of the `Aha to 20 days and Na`i Aupuni can only offer 20 days of per diem of \$50 per day for Oahu candidates, \$200 per day for Neighbor Island candidates and \$250 per day for outside of Hawaii candidates. Na`i Aupuni will also provide breakfast and lunch for each delegate on the 20 convention days. Na`i Aupuni cannot offer any other financial assistance such as transportation, lodging, etc.

If you wish to serve as a delegate at the `Aha and agree to the terms set forth in this email, **please respond to this email and indicate below that you “commit to attend this `Aha and agree to these terms” and provide the requested information by December 22, 2015, 11:59pm (Hawaii time). If you do not so respond to this email by then, Na`i Aupuni will assume that you will not be attending the `Aha.**

If you have any questions concerning these terms, please contact Louis Perez at l.perez@akamaifoundation.org

Mahalo nui for supporting the Na`i Aupuni process and we encourage you to support the upcoming `Aha!

TABLE 2 - PER DIEM DISBURSEMENT SCHEDULE

TABLE 1 - PER DIEM AMOUNTS				Initial	Week 1	Week 2	Week 3	Week 4	Final	
	\$ /	Days	Total	Advance	2/1/2016	2/8/2016	2/15/2016	2/22/2016	Payment	To
	Day			1/4/2016	2/5/2016	2/12/2016	2/19/2016	2/26/2016	2/29/2016	
Oahu Delegate	\$ 50	20	\$1,000	\$ 250	\$ 250		\$ 250		\$ 250	\$1,000
Neighbor Island Delegate	\$200	20	\$4,000	\$ 1,000	\$ 1,000		\$ 1,000		\$ 1,000	\$4,000
Continental Delegate	\$250	20	\$5,000	\$ 1,250	\$ 1,250		\$ 1,250		\$ 1,250	\$5,000

Per diem will be "advanced" to each delegate by mail on the Initial Advance date of 1/4/2016, and in-person at the Aha on 2/1/16, 2/15/16 and the final disbursement by mail on 2/29/16 in accordance with the per diem disbursement schedule in Table 2.

Advances of per diem are considered "earned" by participation in the 'Aha as documented by each delegate signing-in and signing out on the Delegate Attendance Roster at the start and end times for each day of the 'Aha. The minimum attendance necessary for advances to be considered "earned" is 80%.

At the conclusion of the delegate training, per diem disbursements will be reconciled against the Delegate Attendance Roster to determine the amount of per diem advanced that was actually "earned". An IRS Form 1099MISC will be issued to each delegate for the total amount of unearned per diem not returned to Na'i Aupuni.

Please do not include your social security number in your reply. Each delegate will be contacted by phone to obtain her or his social security number in the event an IRS Form 1099MISC need be issued. Your social security number will not be shared with anyone other than the IRS for tax purposes in the event you do not "earn" the per diem, as described below.

To acknowledge your understanding and agreement to these terms and to confirm your commitment to attend this 'Aha, please reply to this email by December 22, 2015 with the following:

1. I confirm my commitment to attend this 'Aha and agree to these terms by marking by placing an "X" here: _____
2. My full legal name is: _____
3. My mailing address is: _____
4. The best phone number to reach me is: _____

Mahalo,

Louis