

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI‘I

RODNEY SMITH, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

BANK OF HAWAII and
DOES 1 through 10,

Defendants.

Case 1:16-cv-00513-JMS-WRP

DECLARATION OF ROBERT M.
HATCH

DECLARATION OF ROBERT M. HATCH

I, ROBERT M. HATCH, being first duly sworn, on oath or affirmation,
declare as follows:

1. I represent Plaintiff Rodney Smith (“Smith”) and the certified class of
similarly-situated persons in this matter. The matters set forth in this Declaration
are based upon my own personal knowledge and observation. If called to testify, I
can and will testify to the substance of the statements made herein.

2. After the final approval hearing at the Court’s recommendation, class
counsel reached out to Stephen H. Levins, Executive Director, Office of Consumer
Protection, State of Hawai‘i, for his input on the question of a suitable cy pres

recipient for this case located in Hawai‘i. Mr. Levins recommended Hawaiian Community Assets.

3. Class Counsel contacted Jeff Gilbreath, Executive Director of Hawaiian Community Assets, and Mr. Gilbreath explained the nature of Hawaiian Community Assets’ work supporting low and moderate income communities in Hawai‘i.

4. At Class Counsel’s request, Mr. Gilbreath sent an overview of Hawaiian Community Assets history, purpose, and accomplishments. A true and correct copy of this overview is attached hereto as Exhibit A. The overview is consistent with how Mr. Gilbreath described Hawaiian Community Assets to Class Counsel when we spoke to him. It is also consistent with Mr. Levins description of Hawaiian Community Assets when he recommended it as a possible cy pres recipient in this case. *See also* http://www.hawaiiancommunity.net/about_us.asp.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 15th day of July, 2020, in Honolulu, Hawai‘i.

/s/ Robert M. Hatch

ROBERT M. HATCH



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Organization Overview

Hawaiian Community Assets (HCA) is a 501c3 nonprofit Department of Housing and Urban Development (HUD) certified housing counseling agency.

HCA was created in 2000 to build the capacity of low- and moderate-income communities to achieve and sustain economic self-sufficiency. HCA's vision is for all Hawaii residents to have access to affordable housing, living wage jobs, and the mainstream financial system as vehicles to economic self-sufficiency. Started on Maui as a community organization teaching homebuyer education, HCA has grown into the state's largest HUD certified housing counseling agency serving 3000 Hawaii residents annually with financial education, housing counseling, match savings accounts, micro-loans, and workforce development services. Over the last 20 years, HCA has remained true to its purpose of empowering low- and moderate-income individuals with education and tools necessary to navigate the modern financial system and be active contributors in our local economy.

Since its founding, HCA has provided free financial education to more than 20,000 Hawaii residents, assisted 6,181 low- and moderate-income Hawaii adults and children secure or sustain affordable housing, and helped underserved communities access more than \$142 million in capital from mortgage originations, grants, and micro-loans to support economic self-sufficiency. The organization has 2 long-standing program areas: Community Services and Community Lending and services are administered delivered through its 4-County hub offices in Honolulu,

Anahola, Hilo, and Wailuku as well as 24 remote/satellite sites on all the inhabited islands. The Community Lending program is administered by HCA’s subsidiary nonprofit, Hawaii Community Lending (HCL), which is a US Department of Treasury certified community development financial institution that offers consumer, affordable housing, and small business loans as well as packaging for mortgage financing/loan modifications. The Community Services program offers group financial workshops, individualized housing counseling/financial coaching, match savings accounts, and workforce development services – all at no-cost to the clients.

Recently, HCA has seen its greatest strategic growth within its creation of Financial Opportunity Centers (FOCs). Our FOCs are career and financial coaching service centers located across the islands that help our low- to moderate-income residents build smart money habits and focus on the financial bottom line. HCA’s Community Services and Community Lending programming are delivered through these centers. Public and private funding has propelled the organization’s FOC strategy and expanded the reach of its services and products to those most in-need. The table below demonstrates HCA’s capacity to win and manage public and private grants and contracts to implement its service delivery model.

| Funder | Project Name | Amount |
|---|---|---------------|
| Corporation for National and Community Service FY 2013-20 | AmeriCorps VISTA Project to Mobilize National Service Members for Programming to Serve Low-Income Individuals | \$914,810 |
| Hawaii Commission for National and Community Services FY 2016-20 | AmeriCorps State Project to Mobilize National Service Members for Programming to Serve Low-Income Individuals | \$257,185 |
| Department of Housing and Urban Development FY2011-20 | Housing Counseling for Low- and Moderate-Income Households | \$357,480 |
| Office of Hawaiian Affairs FY 2011-20 | Housing Counseling, Financial Coaching, Grants, and Loans | \$1,590,000 |
| County of Hawaii FY 2015-18 | Financial Coaching, Grants, and Loans | \$240,000 |
| Helping Hands Hawaii FY 2013-18 | Financial Coaching and Grants | \$3,307,230 |

HCA maintains a Board of Directors that oversee a full-time Executive Director who manages 25 full-time staff and AmeriCorps members located at its FOCs statewide. The HCA Board of Directors appoints the board members of HCL who oversee the Executive Director and a Director of Lending and Development responsible for managing the loan fund. All earned revenue from loan interest and fees generated by HCL go to support the delivery of free financial education and housing counseling conducted by HCA.