

Section: Communications before the approval of the waiver

Page 4. July 10, 2015 3:34 PM email

From: Neal Brockmeyer

To: Scott Chan

Cc: Shawn Miyake

Subject: Communications

Attachments: Opinion Column.pdf, Keiro Community Education.pdf, Keiro Communications.pdf

Paragraph #1.

Paragraph #1 of this email confirms that Neal Brockmeyer, Shawn Miyake and Scott Chan were all well aware that the Attorney General's office had received "*scores of input*" from residents and families indicating there has been a lack of transparency with this transaction with the residents, families of residents, the Japanese American community, staff and the public." If this statement of a widespread lack of transparency, not just with the general public, but also with the residents, families of residents, and staff who are directly impacted by this transaction did not cause the Attorney General to deny the waiver for a public hearing, what would? "Scores of input" is inconsistent with what was reported in the 11/24/15 meeting of "only two letters received from residents". Please provide all documentation regarding this deficiency.

Paragraph #2.

Paragraph #2 confirms, at best, Keiro's lack of awareness of the community's demands for transparency if they were only aware of W.T. Wimpy Hiroto's June 25, 2015 article. Ironically, the same article says "the public was never warned and thus caught unaware when the storm clouds burst." With so many articles that speak of shock, complaints and questions, it is reasonable to believe that Keiro deliberately attempted to hide from the Attorney General the scores of additional published articles documented by the Ad Hoc Committee to Save Keiro in the 'CHRONOLOGY OF PRINTED ARTICLES REGARDING SALE OF KEIRO' provided at the meeting with your office.

Paragraph #5.

Paragraph #5 states as fact that "the surviving founders and their families had been approached prior to the Ensign transaction and gave their blessing." Frank Omatsu is the only surviving founder is adamantly opposed to the sale. See October 15, 2015 Rafu article, 'Testimonies' video posted on [www.savekeiro.org](http://www.savekeiro.org) and an unedited copy of Frank Omatsu's interview provided to Tania Ibanez around December 7, 2015 (<https://www.youtube.com/watch?v=8HDKuApU3XY>). Fred Wada, Jr., son of one of the founders, sent email saying he is against the sale.

Paragraph #7.

Paragraph #7 describes Keiro's communication plan for providing Keiro's constituents and Japanese American community with information about the proposed Pacifica transaction. Note: none of Keiro's published documents summarized the conditions of the proposed Pacifica transaction. None of presented exhibits inform the public that binders are available. Anyone (residents, families, staff and the general public) who wanted enough information about the proposed sale to be able to form an

opinion of support or opposition to the sale had to identify themselves and provide their address in order to get it --- Keiro never provided the information in writing. Paragraph #7 refers to copies of documents on pages 10-30. We have questions about these documents and exhibits.

Page 12, Exhibit A, Press Release (Pacifica Companies in Escrow to Acquire Keiro Facilities) – Conveys the message that many people reported to the Ad Hoc Committee, that is a message of “a done deal with no opportunity for questions or input”. The Keiro press release omits the necessary information for anyone to form an opinion of support or opposition to the Pacifica transaction, it does not summarize the conditions of the sale, it omits how to obtain the details of the transaction, and it omits notification of the public comment period. It states “a variety of options (to selling) were explored.” Did Keiro provide evidence of the options explored? Does the evidence show why the other options were non-feasible? How many publications was the press release distributed? How many publications printed it? Was a translated Japanese Press Release written? How many Japanese publications was it distributed to? How many Japanese publications printed the press release? What was Keiro’s communication plan for reaching the Japanese-speaking and Japanese-reading constituents?

Page 13, Unspecified Exhibit (Notice for Keiro Senior HealthCare Facilities) – This notice openly describes the transaction as a “Proposed Sale”. This notice provides instructions on how to request a CD of the written notice, it encourages people to present their views and it notifies the reader of the June 26, 2015 deadline for written comments however, this notice was virtually hidden on Keiro’s website behind the very uninformative, ambiguous link description of ‘Notice for Keiro Senior HealthCare Facilities’. This link was posted on the same date and just below the link labelled ‘Pacifica Companies in Escrow to Acquire Keiro Facilities’. The Ad Hoc Committee suspects that people looking for information on the Pacifica transaction first had to wade through sixteen other links with no information about the Pacifica transaction and either gave up or scanned the list of links and went straight to the link labelled ‘Pacifica Companies in Escrow to Acquire Keiro Facilities’ which had none of the information about requesting the CD, encouraging comment, and the public comment period. Was a translated Japanese version published? Was a Japanese version posted on the Keiro website? Was a Japanese version published in any publications? How did Keiro ensure that this critical notice was effectively communicated to the Japanese-speaking and Japanese-reading constituents for this crucial notice?

No exhibits were provided for the following communication plan events: Volunteer Brunch (5/19/2015), KRH Residents Council (5/20/2015), Middle Managers Meeting (5/29/2015), Resident Families Meetings (5/30/2015), Public notice in form cleared with Attorney General’s office posted on bulletin boards in all facilities and corporate office (6/2/2015), Public notice posted on Keiro website (6/2/2015), Binders with submission to Attorney General made available for inspection at KS, KNH, and SBK (6/2/2015), KS Corporate Staff Meeting (6/2/2015), and KRH Residents Monthly Meeting (6/3/2015). Please explain what documentation or evidence your office required to confirm that information about the proposed Pacifica transaction was, in fact, delivered and the number of people attended. Please provide the documentation related to the AG’s investigation. Please indicate which meetings provided the information in Japanese. Please indicate which written notices were translated to Japanese.

Page 16, Exhibit C (June 2, 2015 Letter to Residents) – This letter to the KRH residents, appears to be the only letter Keiro provided in English and Japanese however residents report having never received this letter. Does any evidence exist that substantiates these letters and public notices were sent? It conveyed virtually the same message as Exhibit A, the message of “a done deal with no opportunity for questions or input”. This letter to residents omits the necessary information for anyone to form an opinion of support or opposition to the Pacifica transaction, it does not summarize the conditions of the sale, it omits how to obtain the details of the transaction, and it omits notification of the public comment period. The table on Page 10 of Ms. Ibanez’s email says that the letter was in Japanese and English but the table does not specify if the public notice was also provided in Japanese. Please specify.

Page 19, Exhibit D (June 2, 2015 Letter to Residents and Family Members) – This letter to other facilities residents, family members and other responsible parties conveyed virtually the same message as Exhibit A, the message of “a done deal with no opportunity for questions or input”. Since residents of the KRH report never having received their letters, what evidence does the AG have that substantiates these letters and public notices were sent? This letter also omits the necessary information for anyone to form an opinion of support or opposition to the Pacifica transaction, it does not summarize the conditions of the sale, it omits how to obtain the details of the transaction, and it omits notification of the public comment period. Please specify if this letter and the public notice was provided in Japanese. Please specify if the mailed letters were marked as “TIME SENSITIVE” for comment period deadline.

Page 21, Exhibit E (June 2, 2015 Letter to Staff) - This letter to staff conveyed virtually the same message as Exhibit A, the message of “a done deal with no opportunity for questions or input”. This letter also omits the necessary information for anyone to form an opinion of support or opposition to the Pacifica transaction, it does not summarize the conditions of the sale, it gives no information on the impact of the sale to staff positions, it omits how to obtain the details of the transaction, and it omits notification of the public comment period. The process provides no way for employees to obtain the details of the transaction anonymously. Please specify if the mailed letters were marked as “TIME SENSITIVE” because of the public comment period end date.

Page 23, Exhibit F (June 2, 2015 Letter to Keiro Volunteers) – This is another letter with virtually the same message as Exhibit A, the message of “a done deal with no opportunity for questions or input”. This letter also omits the necessary information for anyone to form an opinion of support or opposition to the Pacifica transaction, it does not summarize the conditions of the sale, it omits how to obtain the details of the transaction, and it omits notification of the public comment period. Volunteers were not mailed the public notice which contained how to request a CD of the written notice, an invitation for public comment and the June 26, 2015 deadline for public comment. Please specify if this letter was provided in Japanese. Please specify if the mailed letters were marked as “TIME SENSITIVE” due to the public comment period end date.

Page 24, Exhibit G (June 3, 2015 Email to Family members and other responsible parties) – This is another letter with virtually the same message as Exhibit A, the message of “a done deal with no opportunity for questions or input”. This letter also omits the necessary information for anyone to form an opinion of support or opposition to the Pacifica transaction, it does not summarize the conditions of

the sale, it omits how to obtain the details of the transaction, and it omits notification of the public comment period. Recipients were not emailed the public notice which contained how to request a CD of the written notice, an invitation for public comment and the June 26, 2015 deadline for public comment. Please specify if this emailed letter was provided in Japanese. Please specify if the emailed letters were marked as "TIME SENSITIVE" due to the public comment period end date.

Page 27, Exhibit H (June 3, 2015 Email to Community Leaders) – This is another letter with virtually the same message as Exhibit A, the message of "a done deal with no opportunity for questions or input". This letter also omits the necessary information for anyone to form an opinion of support or opposition to the Pacifica transaction, it does not summarize the conditions of the sale, it omits how to obtain the details of the transaction, and it omits notification of the public comment period. Recipients were not emailed the public notice which contained how to request a CD of the written notice, an invitation for public comment and the June 26, 2015 deadline for public comment. Please specify if this emailed letter was provided in Japanese. Please specify if the emailed letters were marked as "TIME SENSITIVE" due to the public comment period end date.

Page 28, Exhibit I (June 3, 2015 Email to Donors) – This is another letter with virtually the same message as Exhibit A, the message of "a done deal with no opportunity for questions or input". This letter also omits the necessary information for anyone to form an opinion of support or opposition to the Pacifica transaction, it does not summarize the conditions of the sale, it omits how to obtain the details of the transaction, and it omits notification of the public comment period. The letter to donors does not inform donors that the proceeds from the sale of the facilities will be used for the Institute of Health Living community education programs. Recipients were not emailed the public notice which contained how to request a CD of the written notice, an invitation for public comment and the June 26, 2015 deadline for public comment. Please specify if this emailed letter was provided in Japanese. Please specify if the emailed letters were marked as "TIME SENSITIVE" due to the public comment period end date.

#### Section: Communication related to Cultural Sensitivity

Page 33. July 2, 2015 12:00 PM email

From: Scott Chan

To: Brockmeyer, Neal H.

Subject: Keiro

Page 33, Paragraph #1. Scott Chan determines that a lack of transparency around this transaction is pervasive. Scott states in email to Neal Brockmeyer, "I have gotten scores of input from residents and family of residents. Universally, they indicate that there has been a lack of transparency with this transaction with the residents, families of residents, the Japanese American community, staff and the public." Instead of denying the waiver for a public hearing based on the deficiencies, Mr. Chan gives Mr. Brockmeyer a "heads up" and asks for more information from the same source (Keiro) who provided incomplete and meaningless information in the first place.

Page 33, Paragraph #2. Mr. Chan refers to “all the documents and information related to Pacifica’s ban on being a licensee and manager, ...” Please provide copies of all documents and information related to Pacifica’s ban on being a licensee and manager.

Page 38, Northstar Senior Living, Inc. If Northstar has no experience in operating culturally and language sensitive facilities for the elderly, why were they selected to operate the retirement home?

Page 10, Keiro Community Education. This is the second list of community meetings held by Keiro where they claim to inform the community about the proposed Pacifica transaction. Again, one should be able to tell just by looking at the title of the meeting that the subject of the proposed sale was not part of the agenda. Second, just by looking at the title of the meeting/education program, one can assume that someone seeking information about the Pacifica transaction would not attend these meetings for that information. Two of the meetings on this supplemental list were verified by the presenter/speaker as presenting no information about the proposed Pacifica transaction. The two meetings are (1) Vitality Forum: Planning Ahead for You and Your Loved Ones 2015.02.07 50 attendees and (2) Vitality Forum: Chronic Kidney Disease 2015.03.22 160 attendees.

Page 41. July 31, 2015 1:06 PM email

From: Brockmeyer, Neal H.

To: Scott Chan

Cc: Shawn Miyake

Subject: Re: Follow Up on Your Inquiry

Paragraph #1.

Paragraph #1 of this email confirms the Attorney General’s concerns about the marketing process and concerns about Keiro accepting an offer that would lose \$3 million of the public’s interest. If concerns about the marketing process and the reduced sale amount did not cause the Attorney General to deny the waiver for a public hearing, what would? Please provide copies of the documentation generated by the Attorney General’s own independent analysis that validates a compliant marketing process and provides evidence to support Mr. Brockmeyer and Keiro’s claim of the lower price being a result of market deterioration and the requirement of cultural sensitivity.