



GUAM ETHICS COMMISSION

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RESOLUTION No. 2021 – 003

COMMISSIONERS

Shannon J. Murphy
Chairwoman

Marilyn R. Borja
Vice-Chairwoman

Christopher A. Cruz

Robert S. Jack, MD

Daphne May N. Leon Guerrero

Margaret E.R. Tyquiengco

RELATIVE TO AFFIRMING THE COMMISSION'S DESIRE TO RETAIN LEGAL COUNSEL INDEPENDENT FROM THE OFFICE OF THE ATTORNEY GENERAL AND FURTHER REQUESTING THE GUAM LEGISLATURE INTRODUCE A MEASURE AUTHORIZING THE COMMISSION TO DO SO

WHEREAS, the Guam Ethics Commission was established in Chapter 15, Title 4 Guam Code Annotated, primarily to adjudicate complaints filed against government officials for violating the Ethical Code of Conduct; and

WHEREAS, in May 2021, members of the 36th Guam Legislature heard and debated Bill 85-36, relative to affirming the independence of the Guam Ethics Commission. The bill was passed unanimously by the body and was later enacted as Public Law 36-28 by Governor Lou Leon Guerrero; and

WHEREAS, recognizing that the Guam Ethics Commission would have conflict in adjudicating ethics complaints filed against officials of the Office of the Attorney General, the Commission published a Request for Interest (RFI) ad seeking individuals or firms wishing to provide legal services to the Commission on the Guam Daily Post on June 22nd and June 28th; and

WHEREAS, on July 8th, the Commission issued a Request for Quotation (RFQ) to all firms who responded to the Commission's RFI and on July 23rd, the Commission awarded a contract for legal services with McDonald Law Office, LLC.; and

WHEREAS, on August 2nd, the Commission reported this small purchase to the Guam Legislature in compliance with Public Law 34-35. On September 3rd, the Commission received an inquiry from the Office of the Attorney General on what authority the Commission maintained to procure legal services. In response, the Commission referenced two previously issued AG opinions which clarified the authority of independent and autonomous agencies. The Commission requested a review of the opinions and to reaffirm its authority to procure goods and services; and

WHEREAS, on September 10th the Office of the Attorney General concluded their review and communicated that it concurred that the Guam Ethics Commission is authorized to procure goods and services; however, the statute was ambiguous if the authorization extended to legal services. The AG's office conceded that there is a perceived conflict of interest to have their office provide legal services, but relayed that expressed authorization in Guam Law was needed for the Commission to obtain private counsel; now therefore be it

RESOLVED, the Commission affirms through majority vote of members present at a publicly announced/open meeting, its adoption of Resolution 2021-003, formally requesting the Guam Legislature introduce and hear a measure which would provide the Commission with expressed authorization to retain private counsel to support their mandate to adjudicate complaints filed against government officials for violating the Ethical Code of Conduct; and be it further

RESOLVED, the Commission additionally requests a one-time authorization, notwithstanding, to pay for billable hours performed under the previously issued contract using the funds appropriated to it by the Guam Legislature; and be it further

RESOLVED, that Chairperson of the Guam Ethics Commission certify and attest to the adoption hereof, and that copies of same be transmitted to the Honorable Lourdes A. Leon Guerrero, I Maga'hågan Guåhan, the Honorable Joshua F. Tenorio, I Sigundu Na Maga'Låhen Guåhan, the Honorable Therese M. Terlaje, Speaker I Mina Trentai Sais Na Liheslaturan Guåhan, and the Honorable Joe S. San Agustin, Senator and Chairman of the Committee on General Government Operations, Appropriations, Housing, and Office of Finance & Budget I Mina Trentai Sais Na Liheslaturan Guåhan.

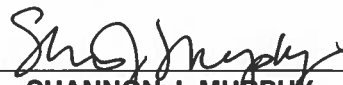
PASSED AND ADOPTED BY THE GUAM ETHICS COMMISSION THIS 27TH DAY OF SEPTEMBER 2021

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