

From: committeonrules@guamlegislature.org
Sent: Wednesday, July 19, 2023 8:01 AM
To: clerks@guamlegislature.org
Cc: 'Speaker Therese M. Terlaje'
Subject: Messages & Communications Doc. No. 37GL-23-0738 and 0739.
Attachments: 071823 COMM Doc. No. 37GL-23-0738.pdf; 071823 COMM Doc. No. 37GL-23-0739.pdf

Håfa Adai Clerk's Office,

Please see attached, **Messages & Communications Doc. No. 37GL-23-0738 and 0739** for processing:

37GL-23-0738	Office of the Mayor - Municipality of Yona	American Rescue Plan Act (ARPA) Operations, American Rescue Plan Act (ARPA) Beautification, and Educational Stabilization Fund II (ESFII) FY2023 3rd Quarter Report* American Rescue Plan Act (ARPA) Operations, American Rescue Plan Act (ARPA) Beautification, and Education Stabilization Fund II (ESFII) FY 2023 3rd Quarter Reports*
37GL-23-0739	Guam Ethics Commission	Reporting Requirements for Boards and Commissions - July 2023* Regular Board Meeting Packet for Friday, July 14, 2023, at 12:30 p.m.*

Kindly reply to this email.



si Yu'os ma'åse',

Beatrice Cruz

Committee on Rules Assistant

COMMITTEE ON RULES

Senator Chris Barnett, Chairperson

I Mina'trentai Siette Na Liheslaturan Guåhan

37th Guam Legislature

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Messages and Communications for 37GL-23-0739

2 messages

Speaker Therese M. Terlaje <speaker@guamlegislature.org>
To: 37th Committee On Rules <committeeonrules@guamlegislature.org>, Legislative Secretary Amanda Shelton <officeofsenatorshelton@guamlegislature.org>

Tue, Jul 18, 2023 at 5:07 PM

Håfa Adai,

Please see attached M&C Doc. No. 37GL-23-0739*

37GL-23-0739	Guam Ethics Commission	Reporting Requirements for Boards and Commissions - July 2023
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Si Yu'os Ma'åse',

Marie Cruz
Community Relations Liaison



Office of Speaker Therese M. Terlaje
Committee on Health, Land, Justice, and Culture
I Mina'trentai Siette na Liheslaturan Guåhan 37th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
☎ (671) 472-3586
✉ senatorterlajeguam@gmail.com
🌐 www.senatorterlaje.com

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----- Forwarded message -----

From: **Reuben C. Bugarin** <Reuben.Bugarin@ethics.guam.gov>
Date: Tue, Jul 18, 2023 at 9:34 AM
Subject: Guam Ethics Commission Reporting Requirements for July 2023
To: Speaker Therese M. Terlaje <speaker@guamlegislature.org>, Jean S. Taitano <jean.taitano@guam.gov>
Cc: Ethics Info <info@ethics.guam.gov>

Håfa Adai,



On behalf of the Guam Ethics Commission, I respectfully transmit the board packet for the Commission's July meeting. If our office can provide anything further, please feel free to contact me. Thank you.

Best regards,

REUBEN C. BUGARIN
Ethics Investigation and Compliance Officer II
Guam Ethics Commission
Kumisión i Ginihan Areklamenton Guåhan
134 W. Soledad Avenue, Suite 406 – BOH Bldg., Hagåtña Guam 96910
Tel: (671) 969-5625
Fax: (671) 969-5626
Website: <http://guamethics.com>

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2 attachments

-  **Guam Ethics Commission Reporting Requirements for July 2023.pdf**
3699K
-  **37GL-23-0739.pdf**
302K

committeeonrules@guamlegislature.org <committeeonrules@guamlegislature.org>
To: "Speaker Therese M. Terlaje" <speaker@guamlegislature.org>

Tue, Jul 18, 2023 at 6:03 PM

Håfa Adai!

Received and thank you.

*si Yu'os ma'åse',*

Beatrice Cruz

Committee on Rules Assistant

COMMITTEE ON RULES

Senator Chris Barnett, Chairperson

*I Mina'trentai Siette Na Liheslaturan Guåhan**37th Guam Legislature*

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From: Speaker Therese M. Terlaje <speaker@guamlegislature.org>
Sent: Tuesday, July 18, 2023 5:08 PM
To: 37th Committee On Rules <committeeonrules@guamlegislature.org>; Legislative Secretary Amanda Shelton <officeofsenatorshelton@guamlegislature.org>
Subject: Messages and Communications for 37GL-23-0739

Håfa Adai,

Please see attached M&C Doc. No. 37GL-23-0739*

37GL-23-0739	Guam Ethics Commission	Reporting Requirements for Boards and Commissions - July 2023
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Si Yu'os Ma'åse',

Marie Cruz

Community Relations Liaison



Office of Speaker Therese M. Terlaje
Committee on Health, Land, Justice, and Culture
I Mina'trentai Siette na Liheslaturan Guåhan 37th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
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[Quoted text hidden]



image001.png
97K

Guam Ethics Commission Reporting Requirements for July 2023

Reuben C. Bugarin <Reuben.Bugarin@ethics.guam.gov>

Tue, Jul 18, 2023 at 9:34 AM

To: "Speaker Therese M. Terlaje" <speaker@guamlegislature.org>, "Jean S. Taitano" <jean.taitano@guam.gov>

Cc: Ethics Info <Info@ethics.guam.gov>

Håfa Adai,

On behalf of the Guam Ethics Commission, I respectfully transmit the board packet for the Commission's July meeting. If our office can provide anything further, please feel free to contact me. Thank you.

**DOC NO. 37GL-23-0739
OFFICE OF THE SPEAKER****Therese M. Terlaje****Date: 07/18/2023****Time: 9:34 AM****Received:** *MCruz**Best regards,*

REUBEN C. BUGARIN

Ethics Investigation and Compliance Officer II

Guam Ethics Commission

*Kumisión i Giniban Areklamenton Guåhan***134 W. Soledad Avenue, Suite 406 – BOH Bldg., Hagåtña Guam 96910**

Tel: (671) 969-5625

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**Guam Ethics Commission Reporting Requirements for July 2023.pdf**

3699K



GUAM ETHICS COMMISSION
Kumisión i Ginihan Areklamenton Guåhan
Government of Guam
134 W. Soledad Ave., BOH Bldg. Ste. 406
Tel: 671-969-5625 | Telefax: 671-969-5626

Transmitted Via Electronic Mail

July 18, 2023

Honorable Lourdes A. Leon Guerrero
Governor of Guam
Office of the Governor
513 W. Marine Corps Drive
Hagåtña, Guam 96910

Honorable Therese M. Terlaje
Speaker, 37th Guam Legislature
I Mina Trentai'siete Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Reporting Requirements for Boards and Commissions – July 2023

Håfa Adai Governor Leon Guerrero and Speaker Terlaje,

On behalf of the Guam Ethics Commission, respectfully transmitted herewith is the reporting requirements of 5 GCA Chapter 8 § 8113.1 regarding the Guam Ethics Commission's regular meeting held on July 14, 2023.

If I can provide further assistance or clarification, please feel free to contact me through email at jesse.quenga@ethics.guam.gov.

Si Yu'os Ma'ase!

JESSE JOHN QUENGA, CM®
Executive Director



37GL-23-0739
Messages and Communications

RECEIVED

Committee on Rules
July 18, 2023

5:08 p.m.

Beatrice Cruz

Enclosure: Guam Ethics Commission July 14, 2023 Meeting Packet



GUAM ETHICS COMMISSION

Kumisión i Ginihån Areklåmenton Guåhån

Government of Guam

134 W. Soledad Ave., BOH Bldg. Ste. 406 Tel:

671-969-5625 * Telefax: 671-969-5626

GUAM ETHICS COMMISSION MEETING PACKET

July 14, 2023

12:30 PM



GUAM ETHICS COMMISSION
Kumisión i Ginihan Areklamenton Guåhan

Regular Meeting
Friday, July 14, 2023
12:30 PM

AGENDA

COMMISSIONERS

Christopher A. Cruz
Chairman

Margaret E.R. Tyquiengco
Vice-Chairwoman

Marilyn R. Borja

Robert S. Jack, MD

Daphne M. Leon Guerrero

Shannon J. Murphy

COMMISSION STAFF

Jesse J. Quenga
Executive Director

Pamela D. Mabazza
*Ethics Investigation &
Compliance Officer II*

Reuben C. Bugarin
*Ethics Investigation &
Compliance Officer II*

Arielle L. Navarro
Administrative Assistant

I. Call to Order / Roll Call of Members

II. Approval of Minutes

- a. April 28, 2023 – Regular Meeting

III. Executive Director’s Report

IV. Old Business - none

V. New Business

- a. Review and Approve Annual Summary of Opinions –First Edition
- b. Commission to Act on the following Advisory Opinion:
AO-23-002
- c. Commission to Act on the following cases:

ETH-22-004-UT-201 | ETH-22-005-COI-202 | ETH-22-012-COI-202 ETH-22-013-COI-202 | ETH-23-101-OT-201 | ETH-23-103-OT-202 ETH-23-104-OT-202 | ETH-23-105-OT-202 | ETH-23-106-OT-201 ETH-23-108-OT-201 | ETH-23-109-OT-201 | ETH-23-110-OT-201 ETH-23-111-OT-202

VI. Closed Proceedings 4 GCA 15 §15401

ETH-22-004-UT-201 | ETH-22-005-COI-202 | ETH-22-012-COI-202
ETH-22-013-COI-202 | ETH-23-101-OT-201 | ETH-23-102-UT-202
ETH-23-103-OT-202 | ETH-23-104-OT-202 | ETH-23-105-OT-202
ETH-23-106-OT-201 | ETH-23-107-OT-202 | ETH-23-108-OT-201
ETH-23-109-OT-201 | ETH-23-110-OT-201 | ETH-23-111-OT-202
ETH-23-112-UT-202 | ETH-23-113-UT-201 | ETH-23-114-UT-201
ETH-23-115-COI-202

VII. Announcements

VIII. Adjournment



Guam Ethics Commission Board Meeting—Minutes

Date: April 28, 2023

Time: 12:34 pm

Location: Zoom/In Person

I. Call to Order / Roll Call of Members

- a. Members Present:
 - Chairman Christopher Cruz
 - Vice-Chairperson Meg Tyquiengco (arrived at 12:15pm)
 - Dr. Robert Jack, Commissioner
 - Marilyn Borja, Commissioner
 - Daphne Leon Guerrero, Commissioner
- b. Members Absent:
 - Shannon Murphy, Commissioner (excused)
- c. **MOTION:** R. Jack motion to excuse members not present
Seconded by: M. Borja
Discussion: None
Decision: Motion Carries
- d. Staff Present:
 - Jesse Quenga, Executive Director
 - Reuben Bugarin, Ethics Program Coordinator
 - Pamela Mabazza, Ethics Program Coordinator
 - Arielle Navarro, Administrative Assistant
- e. Others present:
 - Attorney Joseph McDonald
 - Attorney Darleen Hiton

II. Approval of Minutes

January 31, 2023 – Regular Meeting

MOTION: D. Leon Guerrero motion to approve Jan. 31, 2023 minutes
Seconded by: R. Jack
Discussion: None
Decision: Motion Carries



III. Executive Director's Report

Updates

a. Ethics Training Update

- A total of five workshops were held between February and April. One workshop was designed specifically for appointed boards and commission members, and another for members of the 37th Guam Legislature and their senior staff. The participation figures for both in-person and online training are shown below.

Month	Live Workshop	Online Workshop	TOTAL
February	80	57	137
March	164	37	201
April	107	81	188

b. Courtesy Meeting with DOA Division of Accounts

On February 1st, the Commission staff had a meeting with DOA Comptroller Mary Grace Edrosa to talk about the unprocessed payment requests. Due to some staff changes in the department, new points of contact have been identified to help the Commission with their requests. The office has also come up with a better process for reconciling paid invoices. The Commission has successfully processed all outstanding payments amounting to \$54,000 and continues to provide certificates of completion for settled invoices.

c. Assistance from the Bureau of Budget and Management Research

The Commission received support from BBMR Director Lester Carlson and his staff in collecting owed payments from line agencies. This has reduced if not eliminated the number of outstanding invoices owed by several government entities. There remain around two dozen open/unpaid invoices, mostly from autonomous government of Guam entities, of the over 400 issued in fiscal year 2022. The office continues to work with the remaining agencies pending payment to close out FY2022.

d. Recruitment of Ethics Investigation and Compliance Officer II

Following the Commission's adoption of the Ethics Investigation and Compliance Officer position series, a memorandum was transmitted to DOA Director Ed Birn formally requesting the announcement, rating, and establishment of a list of qualified applicants for the Ethics Investigation and Compliance Officer II position. The job announcement opened on March 31st and closed on April 20th. A list of persons qualified for an interview was requested on Monday. ED Quenga hope to schedule interviews shortly after receiving the list. He looks forward to working with all Commissioners who wish to participate in the interview process.



- e. Meeting with the Office of Finance and Budget
ED Quenga received an invitation to meet with the Office of Finance and Budget to discuss the Commission’s budget request for fiscal year 2024. During our meeting with the Office of Finance and Budget, he was joined by Chairman Chris Cruz to advocate for the full appropriation of the budget request. It was a productive meeting with the team and emphasized the strong need for the full funding in order to achieve our organization's goals. The Commission Staff will continue to work closely with the Office of Finance and Budget to ensure that our request is fully understood and prioritized.
- f. COGEL Connect Series
ED Quenga was pleased to inform the Board that our office participated in the first COGEL Connect session recently. COGEL Connect is a workshop series that provides additional resources and updated information for ethics-centered organizations across the COGEL member network. Representatives from across the member network attend the sessions throughout the year to stay up-to-date with the latest trends and best practices in ethics and compliance. The theme for the first session was Outreach and Training. At the session, Program Coordinators Pam Mabazza and Reuben Bugarin represented the Commission admirably and demonstrated a strong commitment to our organization's core values. They actively engaged in discussions and shared insights regarding our policies and practices.
- g. Government Ethics Fund Annual Report
Pursuant to GETHC Resolution No. 2021-002, an annual report of performance of the Government Ethics Fund is provided in the meeting packet. This document will be referenced while discussing item “a.” under new business.
- h. Guam Ethics Commission - Annual Report
Pursuant to §15401(f), a draft annual summary of decisions and orders made by the Commission from March 2022 – March 2023 is provided for the Commission’s preliminary review.
- i. Account Balance Summary

BALANCE REMAINING					
Category	2021	2023	Revenue Account	ARPA	TOTAL
Salaries	\$ -	\$ 78,837.60	\$ 34,973.60	\$ -	\$ 113,811.20
Benefits	\$ -	\$ 28,506.84	\$ 10,320.48	\$ -	\$ 38,827.32
Travel	\$ -	\$ 1,878.33	\$ -	\$ -	\$ 1,878.33
Contractual	\$ 76.92	\$ -	\$ 5,465.19	\$ -	\$ 5,542.11
Rent	\$ -	\$ 0.20	\$ -	\$ -	\$ 0.20
Supplies	\$ 55.70	\$ 914.10	\$ -	\$ 8,943.75	\$ 9,913.55
Equipment	\$ 19.09	\$ -	\$ 10,750.00	\$ 38.88	\$ 10,807.97
Drug Testing	\$ -	\$ -	\$ -	\$ -	\$ -
Misc.	\$ 493.75	\$ 9,686.30	\$ 31,118.92	\$ -	\$ 41,298.97
Telephone	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 645.46	\$ 119,823.37	\$ 92,628.19	\$ 8,982.63	\$ 222,079.65

*Funds do not reflect additional \$52,000 collected, but not yet loaded into the revenue fund.



IV. Old Business – None

V. New Business

Motion: M. Tyquiengco motion to discuss Closed Proceedings before New Business.

Seconded by: D. Leon Guerrero

Discussion: None

Decision: Motion Carries

MOTION: M. Tyquiengco moved to return to session.

Seconded by: R. Jack

Discussion: None

Decision: Motion Carries

- a. Review and Approve Amended Fiscal Year 2023 Budget and Spending Plan.

MOTION: R. Jack motion to approve the Amended Fiscal Year 2023 Budget and Spending Plan.

Seconded by: M. Tyquiengco

Discussion: None

Decision: Motion Carries

- b. Review and Approve Intent to Award IFB No. GETHC-001-23 Office Space Lease

MOTION: M. Tyquiengco motion to approve the Intent to Award IFB No. GETHC-001-23 Office Space Lease

Seconded by: R. Jack

Discussion: None

Decision: Motion Carries

- c. Review and Approve Annual Performance Evaluation for Staff and Pay Adjustment

MOTION: D. Leon Guerrero motion to approve the annual performance evaluation for Pamela Mabazza

Seconded by: R. Jack

Discussion: None

Decision: Motion Carries

MOTION: D. Leon Guerrero motion to approve the pay adjustment and position change of staff members Pamela Mabazza and Reuben Bugarin from Ethics Program Coordinator to Ethics Investigation and Compliance Officer II

Seconded by: M. Tyquiengco

Discussion: None

Decision: Motion Carries



d. Commission to take action on the following cases:

ETH-22-011-UT-203

MOTION: D. Leon Guerrero motion to dismiss case ETH-22-011-UT-203

Seconded by: R. Jack

Discussion: None

Decision: Motion Carries

ETH-22-019-CI-202

MOTION: D. Leon Guerrero motion to dismiss case ETH-22-019-CI-202

Seconded by: M. Borja

Discussion: None

Decision: Motion Carries

ETH-22-002-UT-201

MOTION: R. Jack motion to dismiss case ETH-22-002-UT-201

Seconded by: M. Tyquiengco

Discussion: None

Decision: Motion Carries

ETH-22-001-UT-201

MOTION: M. Tyquiengco motion to dismiss case ETH-22-001-UT-201

Seconded by: R. Jack

Discussion: None

Decision: Motion Carries

ETH-22-035-UT-201

MOTION: M. Borja motion to dismiss case ETH-22-035-UT-201

Seconded by: R. Jack

Discussion: None

Decision: Motion Carries

e. Commission to Act on the following advisory Opinions: AO-23-001, AO-23-002

MOTION: M. Tyquiengco motion to approve the following Advisory Opinions:
AO-23-001

Seconded by: M. Borja

Discussion: None

Decision: Motion Carries



VI. Closed Proceedings 4 GCA 15 §15401

ETH-22-011-UT-203
ETH-22-019-CI-202
ETH-22-002-UT-201
ETH-22-001-UT-201
ETH-22-035-UT-201
ETH-22-012-COI-202
ETH-23-102-UT-202
ETH-22-201-COI-204
ETH-23-107-OT-202
ETH-23-110 OT-201
ETH-22-004-UT-201
ETH-23-103-07-202
ETH-23-105 OT-202
ETH-23-108 OT-201
ETH-23-111-07-202
ETH-23-101-07-201
ETH-22-005-COI-202
ETH-23-104-OT-202
ETH-23-106-07-201
ETH-23-109-OT-201

VII. Announcements

VIII. Adjournment

MOTION: M. Tyquiengco motion to adjourn at 2:14 pm

Seconded by: R. Jack

Discussion: None

Decision: Motion Carries

GUAM ETHICS COMMISSION

KUMISIÓN I GINIHAN AREKLAMENTON GUÅHAN

S U M M A R Y
O F
O P I N I O N S

FIRST EDITION

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WHERE WE ARE NOW

The Guam Ethics Commission was created by the enactment of Public Law 23-105, and became an active part of the government in 2019 with the promulgation of Executive Order 2019-06. In Fiscal Year 2021, the Guam Legislature dedicated funds for essential personnel enabling the commission to begin operation and meet its objectives. Since then, this esteemed body has been diligently working to ensure ethical practices by government employees and elected officials.

The Commission's mandate is to uplift the public's confidence in government employees, programs, and operations by ensuring the practice and promotion of the highest standards of ethical behavior in the Government of Guam. Its purpose is to hold officers and employees accountable to the Ethical standards established in Guam's law.

As part of this directive, the Commission is responsible for ensuring that Guam's legislators and specific government employees adhere to a set standard of conduct. This includes laws related to accepting gifts, fair treatment, avoiding conflicts of interest government contracts, as well as limitations on post-employment activities. Additionally, financial statements must be regularly filed by all elected officials and certain personnel from the Government of Guam.

To ensure that GovGuam officials and employees uphold the Standards of Conduct, the Commission is responsible for overseeing approximately 12,000 individuals. This covers personnel from all three branches of government—legislative, executive, and judicial (excluding judges) as well as members of boards or commissions appointed by the Governor.



DUTIES

Guidance

The Guam Ethics Commission offers employees a comprehensive, Informal Advisory Opinion that covers all areas of the Guam Ethics Code. This opinion details how to handle gifts from private and government agencies, outlines filing processes for financial disclosures and gift declarations, defines what constitutes an ethical conflict or violation of code regulations as well as enumerates any restrictions on former Government of Guam staff members.

Formal Guidance: The Commission can also issue formal Advisory Opinions upon request.

Educational Training

Following the enactment of Public Law 36-25, all Government of Guam employees must attend and complete the Ethics in Government Program hosted by the Guam Ethics Commission. All new government of Guam employees hired after May 2021 are required to attend an ethics in government training within the first six (6) months of his or her employment. All other employees who were employed prior to May 2021 shall be required to attend an ethics training within thirty-six (36) months.

Ensuring Compliance with Disclosure Laws

All financial disclosure statements required to be filed by certain Government of Guam officials at the Guam Election Commission shall be maintained by the Guam Ethics Commission during the term of office of the employee, and for a period of three years thereafter. Our government's transparency and accountability are bolstered by these filing requirements. The Commission undertakes the task of ensuring that Guam officials comply with these rules, thus holding them accountable for their actions.

Enforcing Ethics Laws

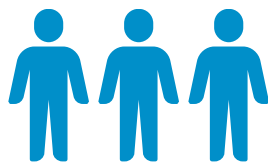
The Commission is tasked with receiving and reviewing any grievances of official misconduct, while also undertaking confidential inquiries into such potential infringements. In addition to the ability to subpoena witnesses and administer oaths in relation to matters before the Commission, they can require the production of documents for examination, including books, papers or electronic records related to a matter being investigated.

ETHICS IN GOVERNMENT PROGRAM WORKSHOP

In May 2021, Governor Leon Guerrero enacted Public Law 36-25 requiring ethics training for all Government of Guam employees. The Commission took on the challenge and began the ethics workshop within eight months of its operations. Due to the Covid-19 pandemic, workshops were initially conducted virtually via ZOOM.

In January 2022, the Commission expanded workshop offerings to include live/in-person training at the University of Guam. Most recently, the Commission further expanded workshop offerings with the launch of the online training modules in January 2023. This makes the workshop available to other government employees who may have non-traditional work schedules. In addition to the in-person and virtual Zoom workshops, the Commission launched its online training module in January 2023. The online module is available on the Commission's website. The Commission's new online learning module has been a great success since its launch, with an average of 100 employees completing their ethics training requirement every month.

In total, 4,139 Government workers have achieved the Ethics in Government workshop since November 2021. This impressive number demonstrates our commitment to helping people understand ethical practices while on the job.



4,139

INDIVIDUALS TRAINED

LEGISLATION

The Commission, first established in 1996, was left dormant until the first members were named in 2019. Without a budget or any operational infrastructure, Executive Order No.2019-06 assigned the Civil Service Commission to offer the Guam Ethics Commission administrative assistance. Thanks to the passage of Public Law 35-99, the Commission was granted its first legislative appropriation, and with it came much needed resources to establish operations. This marked a significant milestone. With the resources appropriated, the Commission recruited an executive director to set up the office operations and began a thorough review of applicable ethics statutes.

The Commission worked hard to achieve two notable legislative changes. First, Public Law 36-28, which strengthened the Guam Ethics Commission's status as an independent and autonomous government entity. Second, the passage of Public Law 36-67— authorized the commission to retain necessary legal services outside of the Attorney General's office. By uniting these two policy changes, the commission is empowered to address grievances in accordance with established law.

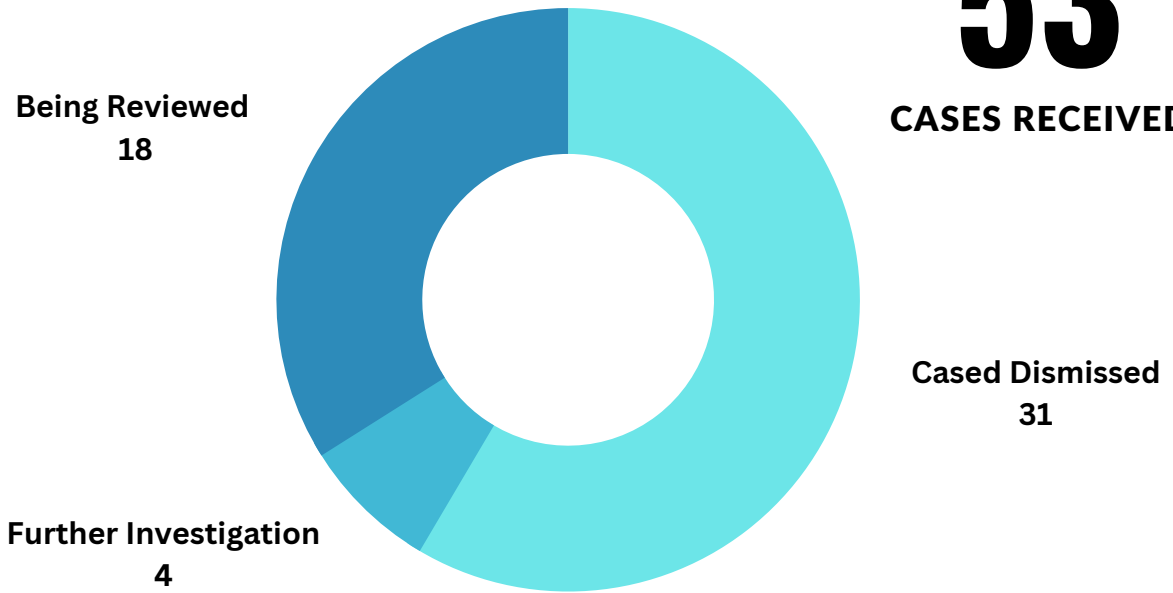
ENFORCEMENT

On March 8, 2022, the Guam Ethics Commission officially opened its doors to receive complaints. The Commission operates within compliance of 4 GCA Chapter 15, receiving and carefully reviewing all allegations confidentially. If there is substantial evidence indicating that an individual has violated the law, then the commission may initiate formal charges will be initiated against them and hold hearings when necessary.

Since opening its doors in March 2022, the Commission processed 53 complaints involving alleged ethical misconduct. Out of those cases, thirty-one (31) have since been dismissed while four (4) were accepted and for further investigation; eighteen (18) are still being reviewed. Of these cases, six (6) were related to Employee Use of Confidential Information and sixteen (16) related to Prohibition Against Unfair Treatment; seven (7) claims involved allegations of Conflicts of Interest, and twenty-four (24) fell beyond the authority of the Commission's jurisdiction.

53

CASES RECEIVED



Prohibition Against Gift	0
Required Reporting of Gifts	0
Employee Use of Confidential Info.	6
Prohibition Against Unfair Treatment	16
Conflicts of Interest	7
Contracts	0
File GEC Reports	0
Restrictions on Post Employment	0
Other	24
Total	53

ETH-22-003-OT-202

Complainant alleged that they were subjected to unfair and illegal treatment by some public officials. Allegations of harassment, verbal abuse against the complainant based on their family history were levied at said employees. After review, the Ethics Commission found that corrective action was taken against those responsible by their respective employing agency; ultimately leading to an order of dismissal by the Ethics Commission.

ETH-22-009-UT-203

The Complainant submitted a complaint alleging unfair treatment against two government officials for not filing the requested paperwork and making offensive remarks about their attire. After review of the allegation, the Ethics Commission concluded it did not have jurisdiction and dismissed the complaint.

ETH-22-014-CI-203

Complainant filed a complaint against government officials for disclosing confidential information to another agency without their consent. The complainant believes they were discriminated against and persecuted by these officials for their wrongdoing. After further investigation, the Ethics Commission determined it lacked jurisdiction over the matter and issued an order of dismissal for the case.

ETH-22-017-CI-201

A complaint was filed by a Complainant against a public official for alleged unprofessional treatment. The complainant claimed that during an interrogation, the public official did not believe their responses and utilized their higher position to intimidate them. After further investigation, the Ethics Commission determined it lacked any supporting evidence and issued an order of dismissal for the case.

ETH-22-007-COI-203

Complainant alleged that a non-government official is guilty of unfair treatment after failing to act on their complaint of sexual assault in a timely manner. After conducting a thorough assessment, the Ethics Commission concluded it did not have jurisdiction over matters involving non-government employees and consequently issued an order of dismissal.

ETH-22-010-CI-201

Complainant filed a case against a public official for retrieving confidential medical documents and information without the complainant's consent. In addition, due to the complainant's gender identity, Complainant alleged to have been subjected to a hostile environment and unfair treatment. After conducting a thorough assessment, the Ethics Commission concluded it did not have jurisdiction over the matter and consequently issued an order of dismissal.

ETH-22-015-OT-203

Complainant filed a complaint against government officials alleging unfair treatment. The Complainant made several FOIA requests and accused the same officials of mishandling cases. The complainant believes they are being persecuted after pointing out inconsistencies in the agency's process. After further investigation, the Ethics Commission determined it lacked jurisdiction over the matter and issued an order of dismissal.

ETH-22-018-CI-201

The Complainant filed a case against a public official for allegedly disclosing confidential information in court. The Complainant believed this information is now being used against them and is preventing them from getting a job. However, the Ethics Commission has determined the information was disclosed by court order. Therefore, the Ethics Commission dismissed the case.

ETH-22-008-UT-203

Complainant alleged mistreatment after filing a complaint with a government official leading to that official mislabeling the type of complaint and causing it to exceed the statute of limitations granted to hear the case. After conducting a thorough assessment, the Ethics Commission concluded it did not have jurisdiction over the matter and consequently issued an order of dismissal.

ETH-22-011-UT-203

Complainant filed a complaint against government officials for Unfair Treatment. The Complainant alleged retaliatory behavior after refusing to purchase fundraiser tickets. The Complainant also believed that the officials placed undue hardship that made their separation from the department unnecessarily difficult. After conducting a thorough assessment, the Ethics Commission concluded the matter had already been addressed and consequently issued an order of dismissal.

ETH-22-016-CI-202

The Complainant filed a complaint against a public official for disclosing their name during a public board meeting where their identity was supposed to remain confidential. The public official inadvertently mentioned the complainant's name while going over their medical records. The investigation found that the board corrected the mistake on the public record and did not repeat it again during or after the meeting. The Ethics Commission issued an order of dismissal for the case.

ETH-22-019-CI-202

The Complainant accused a public official of accessing their personnel information and giving it to another public official to use against the complainant's Civil Service Commission case. They also claimed that the public official used their power to intimidate others. However, the Commission found that the information disclosed was authorized and voted to dismiss the case.

ETH-22-020-OT-203

The Complainant accused government officials of unfair treatment after being terminated for filing grievances against them. However, after further investigation the Ethics Commission determined it lacked jurisdiction over the matter and issued an order of dismissal for the case.

ETH-22-023-OT-201

The Complainant filed a case against a government official for allegedly violating the U.S Paper Reduction Act by distributing paper checks instead of using direct deposits. The complainant believes that this practice amounts to fraud and waste of government resources. After further investigation, the Ethics Commission determined it did not have jurisdiction and issued an order of dismissal for the case.

ETH-22-026-OT-202

The Complainant filed a case against a public official for not adhering to the application guidelines. According to the Complainant, even though they had specifically requested payment through direct deposit, the agency sent them a paper check instead. After determining that the complaint did not have substantial evidence and the matter is outside the Ethics Commission's jurisdiction, the Commission voted to dismiss the case.

ETH-22-029-OT-202

The Complainant filed a case against a public official alleging that they didn't receive any job interviews. The complainant believes that this was a result of their previous termination. The Ethics Commission determined the claims to be unsubstantiated. After determining that the complaint did not have supporting evidence and was outside the Commission's jurisdiction, the Commission voted to dismiss the case.

ETH-22-021-CI-203

Complainant filed a case against public officials, accusing them of violating the open government law. The complaint was withdrawn by the filer.

ETH-22-024-OT-201

A Complainant accused a government official of having a Conflict of Interest and filed a case against them. The Complainant's belief is that a GovGuam employee should not receive retirement benefits due to a conflict existing between them and the government. After further investigation, the Commission determined it lacked any supporting evidence and issued an order of dismissal for the case.

ETH-22-027-OT-202

The Complainant filed a case against a public official for using their information to apply for a program without their consent. They claim that their confidential information was compromised. After determining that the complaint did not have substantial evidence and the matter was outside the Commission's jurisdiction, the Commission voted to dismiss the case.

ETH-22-030-OT-202

Complainant filed a case against a public official when the complainant discovered that certain pay was not being granted to them while others received. After further investigation, the Ethics Commission determined that it lacked jurisdiction over the matter and issued an order of dismissal for the case.

ETH-22-022-OT-203

The Complainant filed a case against a government official for allegedly violating the federal law through a practice that amounts to fraud and waste of government resources. After further investigation, the Ethics Commission determined it did not have jurisdiction and issued an order of dismissal for the case.

ETH-22-025-OT-202

The Complainant filed a case against a public official for hiring without the necessary authority. According to the Complainant, Guam law does not contain any provision permitting the public official to make the selection. After further investigation, the Commission determined the recruitment was authorized and ordered the dismissal of the case.

ETH-22-028-OT-202

Complainant filed a case against a public official for not defining the proper title of governor in Guam law. The Ethics Commission determined it lacked jurisdiction over the matter and dismissed the case.

ETH-22-031-OT-201

Complainant accused government officials of violating their constitutional rights and not providing adequate training. After further investigation, the Commission determined it lacked jurisdiction over the matter and issued an order of dismissal for the case.

ETH-22-032-OT-202

Complainant filed a case against a public official for allegedly violating their rights in connection with their employment application. After determining that the complaint did not have supporting evidence and was outside the Commission's jurisdiction, the Commission voted to dismiss the case.

ETH-22-033-OT-202

Complainant filed a case against a public official for being preselected for a job while disclosing a potential relation with the interviewer. After determining that the complaint did not have supporting evidence and was outside the Ethics Commission's jurisdiction, the Commission voted to dismiss the case.

ETH-22-034-OT-201

Complainant filed a case against a government official, accusing them of unfair treatment. The complaint states that the official took the decision to close a government facility without fact-checking with them. Additionally, the complainant claims that their constitutional rights were violated. After further investigation, the Ethics Commission determined that it lacked jurisdiction over the matter and issued an order of dismissal for the case.

ETH-22-001-UT-201

Complainant filed a case accusing a government official of unfair treatment. They allege that the official is related to another government official handling their case. After determining that the complaint did not have supporting evidence and was outside the Ethics Commission's jurisdiction, the Commission voted to dismiss the case.

ETH-22-002-UT-201

Complainant filed a case against a government official for failing to act against a company they believe is committing fraud. After further review of the case, the Ethics Commission determined that the statute of limitation had lapsed and voted to dismiss the case.

ETH-22-035-UT-201

Complainant filed a case against a government official alleging unfair treatment. The Complainant claimed that the Open Government Law was violated and that the certification of an official record on a legal holiday, is questionable. After further investigation, the Ethics Commission determined that it lacked jurisdiction over the matter and issued an order of dismissal for the case.

FINANCIAL & GIFT DISCLOSURES

Pursuant to 4 GCA § 15202, every employee shall file a gifts disclosure statement with the Guam Ethics Commission on June 30 of each year. Gift disclosure forms are available on the Commission's website. In addition, all financial disclosure reports required to be filed with the Guam Election Commission pursuant to Chapter 13 of Title 4, Guam Code Annotated, shall be reported to the Guam Ethics Commission within (3) three working days of filing with the Guam Election Commission.

COMMISSION & STAFF

The Commission currently has six (6) members who have been appointed by the Governor and confirmed by the Guam Legislature. The Commission is hopeful to have the final vacant seat on the board filled in the upcoming term.

The current members of the Commission are:

Chairman Christopher A. Cruz
Vice-chairwoman Margaret (Meg) E.R. Tyquiengco
Shannon J. Murphy
Marilyn R. Borja
Dr. Robert S. Jack
Daphne M. Leon Guerrero

The Commission employs the following staff:

Executive Director: Jesse J. Quenga
Ethics Investigation and Compliance Officer II: Reuben C. Bugarin
Ethics Investigation and Compliance Officer II: Pamela D. Mabazza
Administrative Assistant: Arielle L. Navarro.
Legal Counsel: McDonald Law Office
Prosecutorial Counsel: The Law Offices of Phillips & Bordallo, P.C.



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Request Advisory Opinion

Vincent Cepeda <vcepeda@guamwaterworks.org>

Fri 4/14/2023 5:22 PM

To: Ethics Info <Info@ethics.guam.gov>

Cc: Vince Cepeda <vcepeda@guamwaterworks.org>

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Hafa Adai Sir or Madam,

I attended the GovGuam Ethics Course today held at the Sinajana Community Center.

I am inquiring on a Subject Person and his recent application submittal on a GWA application process that may fall under an ethics code. But first just some informational/educational on the program and backflow preventer testing below, if it may help on an advisory opinion.

GWA is currently implementing and establishing a Cross Connection Control and Backflow Prevention Program (CCC Program) as required under the Safe Drinking Water Act of 1974, Title 28 Public Utilities, Guam Safe Drinking Water Act - GEPA for the protection of the potable drinking water.

I am a Utility Compliance Inspector Leader currently assisting with the implementation, administering, and establishing of this program due to my experience and certifications I had brought to GWA that are related to a CCC program, and since deemed as the SME on the CCC Program for GWA.

Backflow Preventers (BFPs) are a mechanical means/ or assembly of valves that are installed at GWA meters to prevent a backflow occurrence from the customers private plumbing system flowing back towards the GWA distribution system. Backflow Preventer Testing as part of a CCC Program requires individuals to be certified with a US Recognized Backflow Preventer Association or Entity (recognized and approved to meet or exceed GWA standards) on performing Backflow Preventer (BFP) testing. See below pics to help clarify and understand on what a backflow preventer and backflow preventer tester is.



BFP Testing is an annual requirement by GWA per Title 28 Public Utilities GAR to ensure the continual proper operation of a backflow preventer. BFP testing is currently enforced by GWA on to its customers who have BFP's Installed at the GWA Meter as also required by GWA. These BFP testing for GWA customers is only performed by 3rd party individuals/contractors per GWA.

GWA recently has just implemented an application/approval process for 3rd party individuals who are interested to test backflow preventers enforced/required on GWA customers. These 3rd Party individuals are required to submit their applications, backflow testing certifications, business license, etc... to GWA for review and approval or disapproval. Once the 3rd party individuals have submitted all required

documents and they are approved to test for GWA Customers they will be placed on a list upon their authorization/permission granted to GWA to be published. This list is identified as the **"GWA-Approved BPAT (Backflow Preventer Assembly Tester) List**. This list is then provided to the GWA customer so that the customer can choose from the list a "GWA-Approved BPAT" of their choice. This list is solely gathered for the customer since this is a specialty field within the plumbing industry and it assures the safety of the drinking water by providing the customer a list of trained and certified BPATs. See list link below.

<https://guamwaterworks.org/backflow-preventer-testers/>

GWA mainly requires this application process so to review and approve if the individual is certified and trained to test Backflow Preventers for its customers. Most water utilities, health and environmental agencies have this program, application process, and BPAT List in place as a Cross Connection Control Program standard/standpoint.

My request for an Advisory Opinion:

There is a subject person who is a recent GWA Employee (recently resigned 3 months ago) and is now working/employed with an entity outside of GWA and GovGuam. He has submitted his application last week to become a GWA-Approved BPAT and be published on the list. The subject person is not yet been fully approved or published on the list. GWA has not yet notified him of an approval or disapproval on his application submittal. We have reviewed all his documents submitted by him and received by GWA and he qualifies to be approved but I just now have learned of the "Standard of Conduct" Policies from the ethics course conducted by the Guam Ethics Commission today. I am part of this GWA application and review process since I am most familiar with what is required, aside from what I have learned today.

**Does the Subject Person fall under the ethics code of the 1 year from date of resignation from GWA to be approved as a GWA-Approved BPAT?
If yes, and GWA disapproves his application, are we required to notify him of the reason of disapproval that it is due to the 1 year from date of resignation?**

I greatly appreciate your advisory opinion on this.

Thanks!
Best regards,
Vincent Cepeda

"We cannot succeed in life being complacent with providing minimum standards." – Frank I.

Vincent Cepeda
Utility Compliance Inspector Leader
Cross Connection Control and Backflow Prevention Program
Compliance & Safety
GUAM WATERWORKS AUTHORITY
AWWA & ABPA Member
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GUAM ETHICS COMMISSION

Kumisión i Ginihan Areklamenton Guåhan

Government of Guam

134 W. Soledad Ave., BOH Bldg. Ste. 406

Tel: 671-969-5625 | Telefax: 671-969-5626

ADVISORY OPINION

Sent via electronic mail

_____, 2023

TO: Vincent Cepeda
Guam Waterworks Authority
Via Email: vcepeda@guamwaterworks.org

RE: Guam Ethics Commission Advisory Opinion 23-002 You asked whether a former employee of Guam Waterworks Authority (“GWA”) is in violation of 4 G.C.A. § 15210(b) based on his former employment with GWA and his current employment with a third party and simultaneously applying to be approved as a GWA approved Backflow Assembly Tester.

The short answer to your question, is no. Title 4 GCA § 15210(b) provides in pertinent part: 4 G.C.A. § 15210. Restrictions on Post Employment.

...

(b) No former employee shall, within twelve (12) months after termination from employment, assist any person or business, or act in a representative capacity for a fee or other consideration, on matters involving official action by the particular territorial agency with which the employee had actually served.

§ 15102. Definitions. When used in this Chapter, these key words shall have the indicated meaning:

...

(i) official act or official action means a decision, recommendation, approval, disapproval, or other action, including inaction which involves the use of discretionary and non-discretionary authority; ...

Generally, restrictions on post-employment in this context are meant to ensure that government employees, especially those in management positions, do not use their government position to favor a particular individual or company and then accept a job from that individual or company once they are no longer employed by the government. An arrangement commonly referred to as a “golden parachute”. The purpose is to prevent government employees from taking actions which may not be in the government’s best interest in order to secure employment from the new employer.

Therefore, based on the information provided in your request, it does not appear the applicant for a GWA approved BPAT is restricted from post-employment by his employer in this case. Again, based on the information provided, it does not appear the former GWA employee took or is taking official action by GWA as defined or contemplated by 4 G.C.A. § 15102(i).

PASSED AND ADOPTED BY THE GUAM ETHICS COMMISSION THIS ___ DAY OF

Christopher A. Cruz
Chairwoman

Margaret E.R. Tyquiengco
Vice-Chairwoman

Marilyn R. Borja
Commissioner

Robert S. Jack, MD
Commissioner

Daphne May N. Leon Guerrero
Commissioner

Shannon J. Murphy
Commissioner

DRAFT



GUAM ETHICS COMMISSION
Kumisión i Ginihan Areklamenton Guåhan
Government of Guam

V. New Business

d. Commission to Act on the following cases:

ETH-22-004-UT-201 | ETH-22-005-COI-202 | ETH-22-012-COI-202
| ETH-22-013-COI-202 | ETH-23-101-OT-201 | ETH-23-103-OT-202
ETH-23-104-OT-202 | ETH-23-105-OT-202 | ETH-23-106-OT-201
ETH-23-108-OT-201 | ETH-23-109-OT-201 | ETH-23-110-OT-201
ETH-23-111-OT-202



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Closed Proceedings-4 GCA 15 §15401

ETH-22-004-UT-201 | ETH-22-005-COI-202 | ETH-22-012-COI-202
ETH-22-013-COI-202 | ETH-23-101-OT-201 | ETH-23-102-UT-202
ETH-23-103-OT-202 | ETH-23-104-OT-202 | ETH-23-105-OT-202
ETH-23-106-OT-201 | ETH-23-107-OT-202 | ETH-23-108-OT-201
ETH-23-109-OT-201 | ETH-23-110-OT-201 | ETH-23-111-OT-202
ETH-23-112-UT-202 | ETH-23-113-UT-201 | ETH-23-114-UT-201
ETH-23-115-COI-202