



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

July 14, 2023

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

RE: Guam Ethics Commission Advisory Opinion 23-002 (AO-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 G.C.A. § 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.

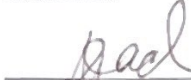
Therefore, based on the information provided in your request, it does not appear the applicant for a GWA approved BPAT is restricted from post-employment by his employer in this case. Again, based on the information provided, it does not appear the former GWA employee took or is taking official action by

GWA as defined or contemplated by 4 G.C.A. § 15102(i).

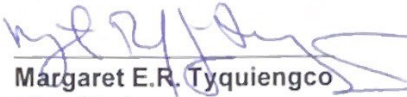
PASSED AND ADOPTED BY THE GUAM ETHICS COMMISSION THIS 14th DAY OF July 2013.



Christopher A. Cruz
Chairman



Robert S. Jack, MD
Commissioner

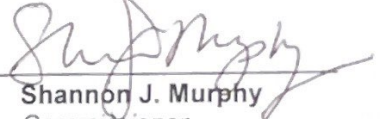


Margaret E.R. Tyquiengco
Vice-Chairwoman



Daphne May N. Leon Guerrero
Commissioner

Marilyn R. Borja
Commissioner



Shannon J. Murphy
Commissioner