



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

December 29, 2023

TO: Chad Palomo
Senior Citizens Assistant Administrator,
Division of Senior Citizens,
Department of Public Health and Social Services

RE: Guam Ethics Commission Advisory Opinion 23-003

You asked about the appropriateness of the Department of Public Health and Social Services Division of Senior Citizens (“DSC”) attending a Christmas Party hosted by the Mayor’s Council of Guam (“MCOG”).

The short answer to your question is, it is not appropriate for the DSC to attend a Christmas Party hosted by the MCOG. Title 4 GCA § 15201 provides:

§ 15201. Gifts.

No employee shall solicit, accept, or receive, directly or indirectly, any gift valued singly or in the aggregate from a single source in excess of \$200, whether in the form of money, prize, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, when a reasonable person would infer that the gift is intended to influence the employee in the performance of that individual’s official duties or is intended as a reward for any official action on that individual’s part.

Furthermore, § 15204(d) prohibits employees from using or attempting to use an official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for himself or herself, a spouse, children, or others, including but not limited to the following:

(d) soliciting, selling, or otherwise engaging in a financial transaction with a subordinate or a person or business whom the employee inspects or supervises in official capacity.

Based on the information provided, DSC provides funding to the MCOG for the operations of the Senior Centers on Guam. Without a thorough review of the Memorandum of Understanding referenced in your request, arguably, in return for accepting funding from DSC the MCOG must ensure the funds are spent and used for the purposes required and supervised in an official capacity by the DSC. As a result, it would appear a conflict of interest exists since the DSC supervises the MCOG to ensure the proper use of DSC funds and therefore, DSC’s attendance could be in violation of 4 G.C.A. §§ 15201 and 15204(d).

While it does not appear from the information provided that government funds will be used to pay for the DSC’s attendance at the MCOG’s Christmas party, it is important to point out that the Governor of Guam





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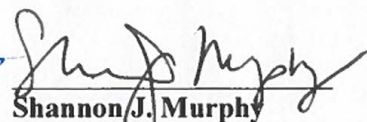
issued Circular 97-01 to all government department and agency heads regarding the prohibited use of government funds to pay for non-government and/or social events. Such events include, but are not limited to, New Year's, Thanksgiving, Christmas, employee retirement, and birthday parties. In addition, in memorandum GOV 98-0079 dated March 27, 1998, the Attorney General of Guam stated that using government funds for employees' entertainment is not authorized under Guam law. See generally, OPA Report 05-06, December 2005.

Therefore, DSC must ensure its attendance at the MCOG's Christmas party does not violate 4 G.C.A. §§ 15201 and 15204(d), and it must also ensure that no government funds are used to pay for its attendance at the event.

**PASSED AND ADOPTED BY THE GUAM ETHICS COMMISSION THIS 29TH DAY
OF DECEMBER 2023.**

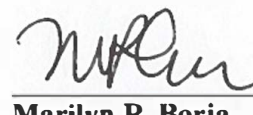

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