
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

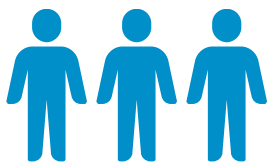
The Commission is tasked with receiving and reviewing any grievances of official misconduct, while also undertaking confidential inquiries into such potential infringements. In addition to the ability to subpoena witnesses and administer oaths in relation to matters before the Commission, they can require 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.

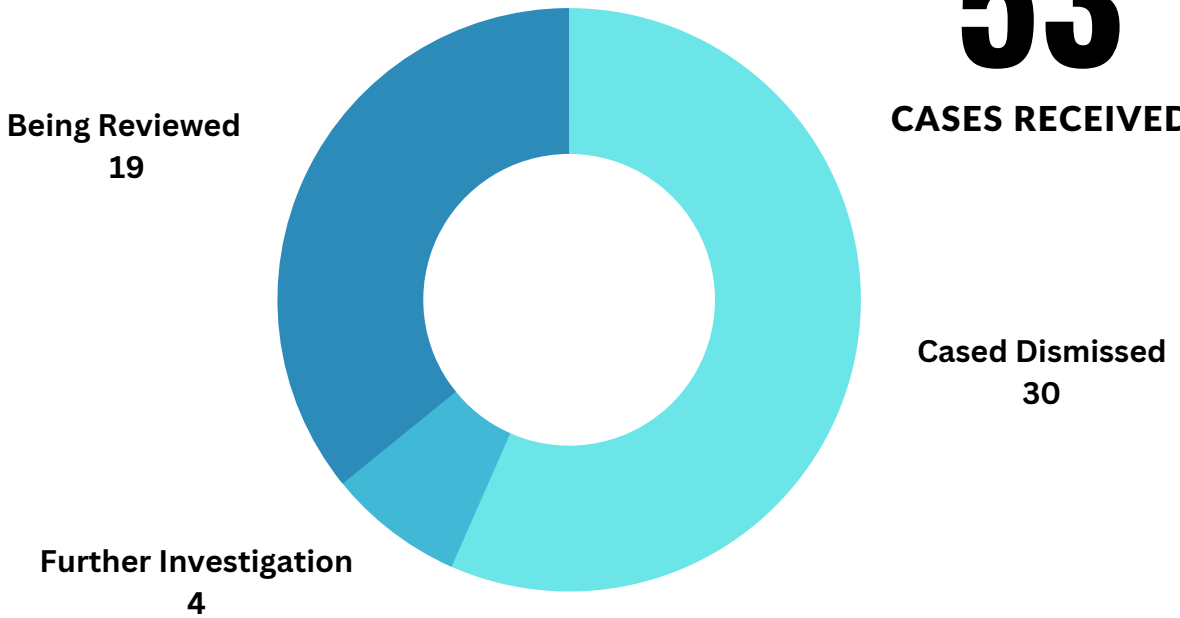
ENFORCEMENT

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 (30) have since been dismissed while four (4) were accepted and for further investigation; nineteen (19) 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-22-021-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-22-022-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-22-023-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-22-024-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-22-025-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-22-026-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-22-027-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-22-028-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-22-029-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-22-030-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-22-031-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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