

**Messages and Communications for Doc. No. 36GL-22-2374***

1 message

Committee on Rules 36GL <cor@guamlegislature.org>

Tue, Aug 2, 2022 at 3:47 PM

To: Clerks <clerks@guamlegislature.org>, Rennae Meno <rennae@guamlegislature.org>
 Cc: "Speaker Therese M. Terlaje" <speaker@guamlegislature.org>

Håfa Adai Clerks,

Please see attached M&C Doc. No. 36GL-22-2374 for processing:

36GL-22-2374	Reporting Requirements for Boards and Commissions – July 2022*	Guam Ethics Commission
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Si Yu'os Ma'åse',

**COMMITTEE ON RULES**

Vice Speaker Tina Rose Muña Barnes
 36th Guam Legislature
I Mina'trentai Sais Na Liheslaturan Guåhan
 163 Chalan Santo Papa Hagåtña Guam 96910
 Email: cor@guamlegislature.org

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

From: **Speaker Therese M. Terlaje** <speaker@guamlegislature.org>

Date: Tue, Aug 2, 2022 at 3:30 PM

Subject: Messages and Communications for 36GL-22-2374

To: Legislative Secretary Amanda Shelton <officeofsenatorshelton@guamlegislature.org>, Committee on Rules 36GL <cor@guamlegislature.org>

Håfa Adai,

Please see attached M&C Doc. No. 36GL-22-2374*

36GL-22-2374	Reporting Requirements for Boards and Commissions – July 2022*	Guam Ethics Commission
--------------	--	------------------------

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 Sais na Liheslaturan Guåhan
 36th Guam Legislature
 Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
 T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajegum@gmail.com
 website: www.senatorterlaje.com

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

From: **Guam Ethics Commission** <ethics@dma.guam.gov>

Date: Tue, Aug 2, 2022 at 10:19 AM

Subject: Guam Ethics Commission Reporting Requirements for July 2022

To: Speaker's Office <speaker@guamlegislature.org>, Jean S. Taitano <jean.taitano@guam.gov>Cc: Jesse Quenga <jesse.quenga@ethics.guam.gov>, Reuben C. Bugarin <reuben.bugarin@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.

--
Regards,**Reuben C. Bugarin**

Ethics Program Coordinator

GUAM ETHICS COMMISSION

134 West Soledad Ave.

Suite 406, BOH Bldg.

Hagåtña, Guam 96910

Phone: (671) 969-5625

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Speaker Therese M. Terlaje <speaker@guamlegislature.org>

Guam Ethics Commission Reporting Requirements for July 2022

Guam Ethics Commission <ethics@dma.guam.gov>

Tue, Aug 2, 2022 at 10:19 AM

To: Speaker's Office <speaker@guamlegislature.org>, "Jean S. Taitano" <jean.taitano@guam.gov>

Cc: Jesse Quenga <jesse.quenga@ethics.guam.gov>, "Reuben C. Bugarin" <reuben.bugarin@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 Type: 36GL-22-2374
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

—
Regards,**Reuben C. Bugarin**

Ethics Program Coordinator

GUAM ETHICS COMMISSION

134 West Soledad Ave.

Suite 406, BOH Bldg.

Hagatna, Guam 96910

Phone: (671) 969-5625

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~~08~~ 02 2022

Time: 10:19am
Received: [Signature]



Guam Ethics Commission Reporting Requirements for July 2022.pdf

2867K

**COMMITTEE ON RULES
RECEIVED:**

August 2, 2022

3:30 P.M.



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

August 02, 2022

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, 36th Guam Legislature
I Mina Trentai'sais Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Reporting Requirements for Boards and Commissions – July 2022

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 15, 2022 and continued on July 25, 2022 and again on July 29, 2022.

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

Enclosure: Guam Ethics Commission July 15, 2022 Meeting Packet



GUAM ETHICS COMMISSION

Kumision Dinisiplina I Guåhan

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 15, 2022

10:00 AM



GUAM ETHICS COMMISSION
Kumisión i Ginihan Areklamenton Guåhan

Regular Meeting
Friday, July 15, 2022
10:00 a.m.
AGENDA

COMMISSIONERS

Shannon J. Murphy
Chairwoman

Marilyn R. Borja
Vice-Chairwoman

Christopher A. Cruz

Robert S. Jack, MD

Daphne M. Leon Guerrero

Margaret E.R. Tyquiengco

COMMISSION STAFF

Jesse J. Quenga
Executive Director

Pamela D. Mabazza
Ethics Program Coordinator

Reuben C. Bugarin
Ethics Program Coordinator

Shannon N. Aflague
Ethics Program Coordinator

I. Call to Order / Roll Call of Members

II. Approval of Minutes

a. April 22, 2022 – Regular Meeting

III. Executive Director's Report

IV. Old Business - none

V. New Business

- a. Ethics in Leadership Pilot – UOG Request
- b. Ethics Complaints & Training Procedures –
Administrative Rules

VI. Closed Proceedings 4 GCA §15401

- | | |
|------------------------|-----------------------|
| 1. ETH-22-003-OT-202 | 9. ETH-22-012-COI-202 |
| 2. ETH-22-004-UT-201 | 10.ETH-22-201-COI-204 |
| 3. ETH-22-005-COI-202 | 11.ETH-22-013-COI-202 |
| 4. ETH-22-007-COI -203 | 12.ETH-22-014-CI-203 |
| 5. ETH-22-008-UT-203 | 13.ETH-22-015-OT-203 |
| 6. ETH-22-009-UT-203 | 14.ETH-22-016-CI-202 |
| 7. ETH-22-010-CI-201 | 15.ETH-22-017-CI-201 |
| 8. ETH-22-011-UT-203 | 16.ETH-22-018-CI-201 |

VII. Executive Session

- a. Personnel Matters

VIII. Announcements

IX. Adjournment



GUAM ETHICS COMMISSION
Kumisión i Ginihan Areklamenton Guåhan

Regular Meeting

Friday, July 15, 2022 – 10:00AM

Monday, July 25, 2022 – 9:00AM

AGENDA

COMMISSIONERS

Shannon J. Murphy
Chairwoman

Marilyn R. Borja
Vice-Chairwoman

Christopher A. Cruz

Robert S. Jack, MD

Daphne M. Leon Guerrero

Margaret E.R. Tyquiengco

COMMISSION STAFF

Jesse J. Quenga
Executive Director

Pamela D. Mabazza
Ethics Program Coordinator

Reuben C. Bugarin
Ethics Program Coordinator

Shannon N. Aflague
Ethics Program Coordinator

I. Call to Order / Roll Call of Members

II. Approval of Minutes

a. April 22, 2022 – Regular Meeting approved on 07/15/22

III. Executive Director's Report

IV. Old Business - none

V. New Business

- a. Ethics in Leadership Pilot – UOG Request
- b. Ethics Complaints & Training Procedures –
Administrative Rules

VI. Closed Proceedings 4 GCA §15401

- | | |
|------------------------|-----------------------|
| 1. ETH-22-003-OT-202 | 9. ETH-22-012-COI-202 |
| 2. ETH-22-004-UT-201 | 10.ETH-22-201-COI-204 |
| 3. ETH-22-005-COI-202 | 11.ETH-22-013-COI-202 |
| 4. ETH-22-007-COI -203 | 12.ETH-22-014-CI-203 |
| 5. ETH-22-008-UT-203 | 13.ETH-22-015-OT-203 |
| 6. ETH-22-009-UT-203 | 14.ETH-22-016-CI-202 |
| 7. ETH-22-010-CI-201 | 15.ETH-22-017-CI-201 |
| 8. ETH-22-011-UT-203 | 16.ETH-22-018-CI-201 |

VII. Executive Session

- a. Personnel Matters

VIII. Announcements

IX. Adjournment



GUAM ETHICS COMMISSION
Kumisión i Ginihan Areklamenton Guåhan

Regular Meeting

Friday, July 15, 2022 – 10:00AM

Monday, July 25, 2022 – 9:00AM

Monday, July 29, 2022 – 10:00AM

AGENDA

I. Call to Order / Roll Call of Members

II. Approval of Minutes

a. April 22, 2022 – Regular Meeting approved on 07/15/22

III. Executive Director's Report

IV. Old Business - none

V. New Business

a. Ethics in Leadership Pilot – UOG Request

b. Ethics Complaints & Training Procedures –
Administrative Rules

VI. Closed Proceedings 4 GCA §15

- | | |
|------------------------|-----------------------|
| 1. ETH-22-003-OT-202 | 9. ETH-22-012-COI-202 |
| 2. ETH-22-004-UT-201 | 10.ETH-22-201-COI-204 |
| 3. ETH-22-005-COI-202 | 11.ETH-22-013-COI-202 |
| 4. ETH-22-007-COI -203 | 12.ETH-22-014-CI-203 |
| 5. ETH-22-008-UT-203 | 13.ETH-22-015-OT-203 |
| 6. ETH-22-009-UT-203 | 14.ETH-22-016-CI-202 |
| 7. ETH-22-010-CI-201 | 15.ETH-22-017-CI-201 |
| 8. ETH-22-011-UT-203 | 16.ETH-22-018-CI-201 |

VII. Executive Session

a. Personnel Matters concluded on 07/25/22

VIII. Announcements

IX. Adjournment

COMMISSIONERS

Shannon J. Murphy
Chairwoman

Marilyn R. Borja
Vice-Chairwoman

Christopher A. Cruz

Robert S. Jack, MD

Daphne M. Leon Guerrero

Margaret E.R. Tyquiangco

COMMISSION STAFF

Jesse J. Quenga
Executive Director

Pamela D. Mabazza
Ethics Program Coordinator

Reuben C. Bugarin
Ethics Program Coordinator

Shannon N. Aflague
Ethics Program Coordinator

Guam Ethics Commission Board Meeting—Minutes

Date: April 22, 2022

Time: 12:07pm

Location: Guam Ethics Commission Conference Room, Bank of Hawaii Bldg. Suite 406
Agana & via Zoom

I. Call to Order / Roll Call of Members

a. Members Present:

- Chairperson Shannon Murphy
- Vice-Chairperson Marilyn Borja (Zoom)
- Commissioner, Christopher Cruz
- Commissioner, Daphne Leon Guerrero
- Commissioner, Meg Tyquiengco (Zoom)

b. Members Absent:

- Dr. Robert Jack, Commissioner

c. Staff Present:

- Jesse Quenga, Executive Director
- Pamela Mabazza, Ethics Program Coordinator
- Reuben Bugarin, Ethics Program Coordinator
- Shannon Aflague, Ethics Program Coordinator

d. Others present: Attorney Joseph McDonald, Legal Counsel

II. Approval of Minutes

a. March 31, 2022 – Regular Meeting

Motion: D. Leon Guerrero motion to approve minutes

Seconded by: C.Cruz

Discussion: None

Decision: Motion Carries

III. Executive Director's Report

Updates

a. Website & E-learning Portal

- Web developer team has now transitioned to developing the final components to the Commission website to include online complaint filing, ethics training e-learning portal, request for public data page, and ethics training calendar.

b. Collaboration with PBS Guam Inc.

- The Commission met with officials from PBS Guam to explore a partnership in producing video content for the online ethics training. The Public broadcasting agency recently announced that they now have proper equipment to produce new content. The goal is to receive

assistance with scripting and video production for content areas. The staff also discussed the possibility of live streaming the weekly ethics training to feature the agencies attending the workshop.

C. Guam Police Department – Ethics Training for GPD Cadet Cycles

- The Commission met with GPD Maj. Chargualaf as well as other leads of their training and administration division. Maj. Chargualaf expressed an interest to create an instructor bootcamp for their senior officers responsible for the Police Academy to obtain certification to conduct ethics training. The goal is to provide ethics training at every cadet cycle as an annual training for the remaining police force. The office is currently preparing a draft agreement to review with the Police Department.

d. American Samoa Government – Ethics Office

- The Commission met with the American Samoa Government Ethics Office Chief Ethics Officer for Am. Samoa, Mr. Tofa Sualauvi Su'a after being connected by the Pacific Islands Training Initiative. As a newly established office, Mr. Su'a shared that his primary work is to set up the newly created office and had heard of Guam's Ethics Commission recent efforts. In addition to the initial topic, there appears to be an effort to organize a summit with ethics offices within the Pacific, to discuss ethics. More information is forthcoming.

e. Ethics Training Workshops

- The Commission continues to conduct ethics workshops weekly, with an average attendance of 50 to 60 participants each. Since the last report on March 31st, an additional 435 government officials have completed their training with the Commission. The Commission has been successful in receiving timely payments.

f. Budget Update:

BALANCE REMAINING					
Category	2021	2022	Revenue Account	ARPA	TOTAL
Salaries	\$ -	\$ -	\$ -	\$ 754.80	\$ 754.80
Benefits	\$ -	\$ -	\$ -	\$ 2,623.26	\$ 2,623.26
Travel	\$ -	\$ -	\$ -	\$ -	\$ -
Contractual	\$ 1,196.04	\$ -	\$ -	\$ -	\$ 1,196.04
Rent	\$ -	\$ 1,154.35	\$ -	\$ -	\$ 1,154.35
Supplies	\$ 1,648.45	\$ -	\$ -	\$ 9,094.00	\$ 10,742.45
Equipment	\$ -	\$ -	\$ 29,778.56	\$ 2,398.88	\$ 32,177.44
Drug Testing	\$ -	\$ -	\$ -	\$ -	\$ -
Misc.	\$ 1,275.96	\$ -	\$ 12,391.34	\$ -	\$ 13,667.30
Telephone	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 4,120.45	\$ 1,154.35	\$ 42,169.90	\$ 14,870.94	\$ 62,315.64

*Funds do not reflect additional \$5,520 collected but not yet loaded into the revenue fund for expenditures.

IV. Old Business - None

V. New Business

- a. Annual Performance Evaluation of Commission Staff

Motion: C.Cruz motions to approve pay adjustment for Commission Staff

Seconded by: D.Leon Guerrero

Discussion: None

Decision: Motion Carries

VI. Confidential Matters

- a. ETH-22-003-OT-202
- b. ETH-22-004-UT-201
- c.ETH-22-005-COI-202
- d. ETH-22-007-COI -203
- e. ETH-22-008-UT-203
- f. ETH-22-009-UT-203
- g. ETH-22-010-CI-201
- h. ETH-22-011-UT-203
- i. ETH-22-012-COI-202
- j.ETH-22-201-COI-204

VII. Announcements

VIII. Adjournment

Motion: D. Leon Guerrero motion to adjourn the meeting at 1:33 pm

Seconded by: C.Cruz

Discussion: None

Decision: Motion carries



GUAM ETHICS COMMISSION

Kumisión i Ginihan Areklamenton Guåhan

EXECUTIVE DIRECTOR'S REPORT

Updates

a. Website & E-learning Portal

- The website is now live at www.guamethics.com. The web developer team has now transitioned to developing the final components of the Commission's e-learning platform. Soon the commission will be able to offer the required ethics training as an asynchronous lecture on its website further expanding the access employees have to fulfill the statutory mandate. to include online complaint filing, ethics training e-learning portal, request for public data page, and ethics training calendar.

b. Financial Disclosure and Conflicts of Interest Statements

- We received communication from the Guam Election Commission that all commission officials have successfully filed their required disclosure statements by the statutory deadline. Thank you to all the Commissioners for assisting the office with submitting their necessary forms.

c.

d. Collaboration with PBS Guam Inc.

- On June 3rd, the Commission received the formal proposal by PBS Guam. In it, the agency proposes a \$10,875 project which include the following specifications:
 - i. Project Deliverable Scope
 1. A 30-minute online training on government ethics for certification purposes. Production Services \$5,875
 - a. Producer, Technical Director, Camera & Operator, & Audio Engineer
 - b. Talent ready w/ready script
 2. Post-Production Editing Services \$5,000
 - a. Post-production video editing
 - b. Post-production audio editing
 - c. On-line deliverable formatting Commission met with officials from PBS Guam to explore a partnership in producing video content for the online ethics training. The public broadcasting agency recently announced that they now have proper equipment to produce new content. The goal is to receive assistance with scripting and video production for content areas. The staff also discussed the possibility of live streaming the weekly ethics training to feature the agencies attending the workshop.
 - Based on the provided scope it is recommended that we explore developing an asynchronous training to be available on the Commission's website. The office will revisit this opportunity as an enhancement to refresher workshops sometime in the future and will seek federal funding sources to support the costs of the project.



GUAM ETHICS COMMISSION

Kumisión i Ginihan Areklamenton Guåhan

e. 2021 Gift Disclosure Statement Deadline

- Consistent with the Commission's enabling legislation, officials who would have received any gift in calendar year 2021 would have had to file their gift disclosure report with the Commission by June 30th. Ahead of this deadline, a memorandum was prepared and shared with all agency heads on June 17th. No submissions were received as of the June 30th deadline.

f. 2022 Guam Youth Summer Employment Program (GYSEP)

- The government of Guam launched a summer youth employment program which launched on June 20, 2022. With over 1,300 student participants, the Commission was contacted if it would be willing to accept student workers. The Commission is pleased to introduce the two bright student workers assisting the office this summer.

g. Guam Ethics Training Compliance Study

- In support of the Commission developing the administrative rules concerning mandatory ethics training for government officials, the office prepared and conducted a perception survey. The survey was disseminated to all entities of the government of Guam and the results will be presented under new business.

h. Ethics Training Workshops

- The Commission continues to conduct ethics workshops weekly, with an average attendance of 50 to 60 participants each. Since the last report on April 22nd, an additional 815 government officials have completed their training with the Commission.

i. Budget Update

BALANCE REMAINING					
Category	2021	2022	Revenue Account	ARPA	TOTAL
Salaries	\$ -	\$ -	\$ -	\$ 10,239.74	\$ 10,239.74
Benefits	\$ -	\$ -	\$ -	\$ 5,175.26	\$ 5,175.26
Travel	\$ -	\$ -	\$ -	\$ -	\$ -
Contractual	\$ 71.92	\$ -	\$ -	\$ -	\$ 71.92
Rent	\$ -	\$ -	\$ -	\$ -	\$ -
Supplies	\$ 1,454.55	\$ 1,500.00	\$ -	\$ 8,631.50	\$ 11,586.05
Equipment	\$ 19.09	\$ -	\$ -	\$ 38.88	\$ 57.97
Drug Testing	\$ -	\$ -	\$ -	\$ -	\$ -
Misc.	\$ 607.46	\$ 5,095.75	\$ 51,766.04	\$ -	\$ 57,469.25
Telephone	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 2,153.02	\$ 6,595.75	\$ 51,766.04	\$ 24,085.38	\$ 84,600.19

*Funds do not reflect additional \$9,200 collected, but not yet loaded into the revenue fund.



KGTF CHANNEL 12
Guam Educational Telecommunication Corporation

May 3, 2022

TO: Jesse J. Quenga, Executive Director
Guam Ethics Commission

FROM: Christine M. Flores-Dela Cruz, Development
PBS Guam, KGTF Ch.12

RE: 30minute Online Ethics Training Class

Hafa Adai Executive Director Quenga:

As part of our mission, PBS Guam continuously seeks opportunities to communicate through the medium of public broadcasting via educational activities, public forums, and policy conferences via our local government and private sector businesses such as yourself.

PBS Guam looks forward to working with the Guam Ethics Commission to certify registrants via an online training video.

To assist in meeting your public outreach objectives concerning this planned event, PBS Guam would like to solicit your sponsorship of up to \$10,875 as per the breakdown, of PBS Guam's services.

We look forward to your favorable response to our proposal.

A handwritten signature in black ink, appearing to read "Christine", written over a horizontal line.

Christine M. Flores-Dela Cruz
Development

Ina V. Carillo, General Manager

Jesse J. Quenga, Executive Director
Guam Ethics Commission



KGTF CHANNEL 12
Guam Educational Telecommunication Corporation

GUAM ETHICS COMMISSION SCOPE OF WORK

Treatment/Objective

A training tutorial aimed to improve the public level of awareness regarding government ethics via content provided by the Guam Ethics Commission. Video production services are needed to pre-record the content for this training. The online training video will allow registered individuals to complete the training at a time more convenient and efficient for themselves.

Project Deliverable Scope

A 30-minute online training on government ethics for certification purposes.

Production Services \$5,875

- Producer, Technical Director, Camera & Operator, & Audio Engineer
- Talent ready w/ready script

Post-Production Editing Services \$5,000

- Post-production video editing
- Post-production audio editing
- On-line deliverable formatting

June 8, 2022

Mr. Jesse J. Quenga
Executive Director
Guam Ethics Commission
414 West Soledad Avenue, Suite 903
Hagåtña, GU 96910

Dear Mr. Quenga,

Håfa Adai! On behalf of the School of Business and Public Administration, I am pleased to endorse your proposal to waive the Certificate Fee for students enrolled in the PA-405 Leadership Ethics in the Professions course at the University of Guam during the upcoming 2022-2023 Academic Year who successfully complete the legally mandated Ethics in Public Service Workshop which has now been incorporated into the PA-405 course curriculum. We also recognize that beginning in the 2023-2024 Academic Year, students enrolled in PA-405 will be expected to pay the Certificate Fee required by the Guam Ethics Commission.

We appreciate this interim arrangement while we work to get the revised course description and Certificate Fee included in the next available University of Guam Catalog which we hope to have effective in the 2023-2034 Academic Year.

As soon as we receive official communication from the Guam Ethics Commission memorializing this agreement, we would like to make a formal announcement to our students and the Guam community about this new Certificate opportunity. If you think it appropriate, we would be supportive of a brief press conference with the Guam Ethics Commission representatives and our University of Guam leadership team.

We look forward to receiving your official communication so that we can promote this value added experience to our students and provide advance notice to those who may want to enroll in the course during the upcoming Fanuchånan (Fall) Semester. Si Yu'os Ma'ase for your continued partnership in our endeavor to *transform lives and advance our community*.

Senseramente,



Dr. Annette T. Santos,
Dean

cc: G. Rojas, GGLEN/PALS Faculty
J. Guthertz, GGLEN/PALS Faculty
R. McNinch, PALS Division Chair
SBPA File



Phone: 735-2501/2520 | Email: sbpa@triton.uog.edu | Instagram and Twitter: @sbpa_uog |
Email: sbpaconnect@triton.uog.edu | Facebook: @uogsbpa

GEC Waiver of Fee for PA405 Students

Final Audit Report

2022-06-08

Created:	2022-06-08
By:	Deborah Toves (dtoves@triton.uog.edu)
Status:	Signed
Transaction ID:	CBJCHBCAABAboJD9aOIYRUoyDzSkgxtEdQAI71lh2r1

"GEC Waiver of Fee for PA405 Students" History

 Document created by Deborah Toves (dtoves@triton.uog.edu)

2022-06-08 - 0:05:54 AM GMT

 Document emailed to Annette Santos (atsantos@triton.uog.edu) for signature

2022-06-08 - 0:06:44 AM GMT

 Document e-signed by Annette Santos (atsantos@triton.uog.edu)

Signature Date: 2022-06-08 - 2:34:17 AM GMT - Time Source: server

 Agreement completed.

2022-06-08 - 2:34:17 AM GMT

EXHIBIT A

Guam Administrative Rules and Regulations

Title 32

GUAM ETHICS COMMISSION

Proposed Rules and Regulations Governing the Administration of the

Guam Ethics Commission Relating to Standards of Conduct

under 4 GCA Chapter 15

PROPOSED

1 **Title 32 - Guam Ethics Commission**

2 **Table of Contents**

3 **Chapter 1. General Provisions.**

4 § 1101. Purpose.

5 § 1102. Policy.

6 § 1103. Authority to Adopt Rules.

7 § 1104. Jurisdiction.

8 § 1105. Definitions.

9 § 1106. Disqualification of Commissioners; Bias or Prejudice.

10 § 1107. Consolidation.

11 § 1108. Maintenance and Custody of Files and Records.

12 § 1109. Authentication of Commission Action.

13 **Chapter 2. Organization and Administration.**

14 § 1201. Composition and Function.

15 § 1202. Commission Officers.

16 § 1203. Election and Term of Chairperson.

17 § 1204. Duties of Chairperson.

18 § 1205. Duties of Vice-Chairperson.

19 § 1206. Ex-Officio Secretary.

20 § 1207. Vacancies.

21 § 1208. Removal of Officers.

22 § 1219. Commission Meetings.

23 § 1210. Virtual Meetings and Attendance.

24 § 1211. Relationship of Commission to Executive Director.

25 § 1212. Authority to Hire Legal Counsel.

26 § 1213. Fiscal Authority: Accounting; Expenditures.

27 **Chapter 3. Requests for Guidance.**

- 1 § 1301. Purpose.
- 2 § 1302. Form and Content.
- 3 § 1303. Acknowledgment of Receipt.
- 4 § 1304. Response; Advisory Opinion.
- 5 § 1305. Confidentiality.
- 6 § 1306. Basis for Refusal to Entertain.

7 **Chapter 4. Complaints.**

- 8 § 1401. Who May File.
- 9 § 1402. Filing of Complaints.
- 10 § 1403. Acknowledgment of Receipt.
- 11 § 1404. Basis for Refusal to Entertain.
- 12 § 1405. Preliminary Review.
- 13 § 1406. Confidentiality.
- 14 § 1407. Preliminary Investigation.
- 15 § 1408. Probable Cause Determination.
- 16 § 1410. Informal Advisory Opinion.
- 17 § 1411. Response.
- 18 § 1412. Formal Advisory Opinion.
- 19 § 1413. Administrative Hearing.
- 20 § 1414. Decision and Order.
- 21 § 1415. Contested Hearings, When Conducted.
- 22 § 1416. Limited Basis for Release of Employee Information.

23 **Chapter 5. Disclosures.**

- 24 § 1501. Gift Disclosures.
- 25 § 1502. Financial and Conflict of Interest Disclosures.

26 **Chapter 6. Ethics in Government Training Program.**

- 27 § 1601. Applicability.

- 1 § 1602. Guidelines.
- 2 § 1603. Tuition Charges.
- 3 § 1604. Non-Compliance.
- 4 § 1605. Compliance Reports.
- 5 § 1606. Submission of Personnel Action for New Employees.

PROPOSED

1 **CHAPTER 1**

2 **GENERAL PROVISIONS**

3 **§ 1101. Purpose.**

4 These rules and regulations are intended to carry out and to provide for the
5 efficient administration of the provisions of Chapter 15 of Title 4, Guam Code
6 Annotated, relating to Standards of Conduct for Elected Officers, Appointed
7 Officers, and Employees of the Government of Guam; and to ensure the proper
8 performance of the Guam Ethics Commission. They shall be liberally construed to
9 promote the highest standards of ethical conduct within the government of Guam
10 and to secure the just, swift, and inexpensive determination of every proceeding.

11 **§ 1102. Policy.**

12 The Guam Ethics Commission is an independent and autonomous
13 Commission within the Government of Guam, whose purpose is to hold officers and
14 employees accountable to the Ethical standards established in Guam law. The Guam
15 Ethics Commission shall prescribe a process for receiving complaints, investigating
16 the facts, conducting hearings, and rendering opinions on whether any violation of
17 the standard of conduct for officials and employees have been violated. Further the
18 Guam Ethics Commission shall develop the standards for the Ethics in Government
19 Program and ensure all employees, as defined in 4 GCA § 15102(d), of the
20 Government of Guam are complying with the mandate of said training.

21 **§ 1103. Authority to Adopt Rules.**

22 This Chapter is adopted under the authority granted by 4 GCA § 15401(a)(5),
23 and by any other law administered and enforced by or applicable to the Commission
24 that establishes the Commission's authority to adopt rules.

25 **§ 1104. Jurisdiction.**

1 (a) These rules and regulations shall apply to any nominated, appointed, or
2 elected officer or individual employed with a Guam agency, including members of
3 boards or commissions, and persons under personal services contracts.

4 (b) The Commission shall have jurisdiction to investigate and take
5 appropriate action on alleged violations of 4 GCA Chapter 15 in all proceedings
6 commenced within three (3) years of an alleged violation by an employee or a former
7 employee.

8 **§ 1105. Definitions.**

9 (a) *Administrative Hearing* means an administrative hearing, closed to the
10 public (unless the party complained against requests and open hearing), following
11 the Commission's determination that Probable Cause exists to believe that a
12 violation of Governmental Ethics Laws has occurred.

13 (b) *Agency* means every branch of government, public corporations, all
14 government of Guam departments, bureaus, and line agencies, autonomous and
15 semi-autonomous agencies, instrumentalities, entities or sub-entities thereof, the
16 Mayors' Council of Guam and Mayors' offices.

17 (c) *Commission* shall mean the Guam Ethics Commission.

18 (d) *Complainant* means a person who has submitted a complaint to the
19 Commission, or the Commission or its Executive Director, if the Commission so
20 designates itself or its Executive Director in a notice of alleged violation.

21 (e) *Complaint Form* means the form adopted by the Commission, which
22 includes a written statement of facts or allegations giving rise to a reasonable
23 inference that a violation of the standards of conduct by an officer or employee has
24 occurred, which statement is submitted and signed under oath to the Commission by
25 a person other than the person whose conduct is in question.

26 (f) *Decision* means the written opinion, findings, and conclusions of the
27 Commission, rendered after an administrative hearing.

1 (g) *Employee* means any nominated, appointed, or elected officer or
2 individual employed with a Guam agency as defined herein, including members of
3 boards or commissions, and persons under personal services contracts.

4 (h) *Formal Advisory Opinion* means a written opinion in response to a
5 request for guidance of a complaint approved by an affirmative vote of no less than
6 five (5) members of the Commission.

7 (i) *Informal Advisory Opinion* means:

8 (1) a written opinion rendered by the Commission, with an
9 affirmative vote of no less than five (5) members of the Commission, after an
10 investigation of charges has been conducted; or

11 (2) the initial written opinion in response to an employee's request
12 for guidance approved by an affirmative vote of no less than five (5) members
13 of the Commission; or written response rendered by the Executive Director
14 pursuant to an employee's request for guidance, provided that the advice falls
15 within established precedent by the Commission.

16 (j) *Preliminary Review* means an examination of the facts contained within
17 a complaint for the sole purpose of determining whether the subject of the complaint
18 is appropriate for investigation by the Commission.

19 (k) *Probable cause* means evidence sufficient to lead a person of ordinary
20 caution and prudence to believe or entertain a strong suspicion that a violation of
21 standards of conduct has been committed and that the Respondent committed or
22 caused the violation.

23 (l) *Respondent* means the person who is alleged in a complaint or notice
24 of alleged violation to have violated one or more provisions of the standards of
25 conduct.

1 (m) *Staff* means all commission full and part time employees, those
2 employed on a personal services contract, and consultants including, but not limited
3 to, legal counsel, associate legal counsel, legal clerk, and investigator.

4 (n) *Standards of conduct* means the provisions regarding ethical conduct
5 stated in 4 GCA Chapter 15.

6 **§ 1106. Disqualification of Commissioners; Bias or Prejudice.**

7 (a) Any interested person, officer or employee of the government of Guam
8 may file an affidavit that one or more of the commissioners or designee has a
9 personal bias or prejudice. Such an affidavit may be filed on any matter before the
10 Commission affecting or involving such person, officer or employee. The
11 Commissioner or designee against whom the affidavit is filed may answer the
12 affidavit or may file a disqualifying certificate with the Commission. If the
13 Commissioner or designee chooses to answer the affidavit, the remaining
14 commissioners shall decide whether or not that Commissioner or designee should
15 be disqualified from proceeding therein. Every affidavit shall state the facts and
16 reasons for the belief that bias or prejudice exists and shall be filed at least ten (10)
17 working days before the date on which the matter will be considered by the
18 commission, or good cause shall be shown for the failure to do so.

19 (b) A Commissioner or designee may disqualify themselves by filing with
20 the commission a disclosure of conflict of interest that they deem themselves unable
21 for any reason to participate with absolute impartiality in the pending proceeding.

22 (c) A Commissioner or designee shall be disqualified from participating in
23 any proceeding where such participation would be a violation of the conflict of
24 interest provisions of the standards of conduct. A Commissioner or designee shall
25 disclose before the commencement of any meeting agenda item or hearing all
26 relationships to any of the parties or participants.

27 **§ 1107. Consolidation.**

1 The Commission, upon its own initiation or upon a motion, may consolidate
2 for hearing or for other purposes or may contemporaneously consider two or more
3 proceedings which involve substantially the same parties or issues which are the
4 same or closely related, if it finds that such consolidation or contemporaneous
5 hearing will be conducive to the proper dispatch of its business and will not unduly
6 delay the proceedings.

7 **§ 1109. Maintenance and Custody of Files and Records.**

8 The Executive Director shall have charge of the Commission's official records
9 and shall be responsible for the maintenance and custody of the files and records of
10 the commission, including the papers, transcripts of testimonies and exhibits filed in
11 proceedings, the minutes of all actions taken by the Commission, and all its
12 decisions, advisory opinions, rules and approved forms. The Executive Director or
13 Commission staff shall receive all documents required to be filed with the
14 Commission and shall promptly stamp the time and date upon papers filed with the
15 Commission.

16 **§ 1110. Authentication of Commission Action.**

17 All decisions, informal and formal advisory opinions, and guidelines of the
18 Commission shall be signed by the chairperson of the Commission or in accordance
19 with authority delegated by the Commission.

1 **CHAPTER 2**

2 **ORGANIZATION AND ADMINISTRATION**

3 **§ 1201. Composition and Function.**

4 The composition, duties, functions, powers and responsibilities of the Guam
5 Ethics Commission shall generally be as provided and authorized in 4 GCA, Chapter
6 15.

7 **§ 1202. Commission Officers.**

8 The officers of the Commission, elected by the voting members, shall be a
9 Chairperson and Vice-Chairperson. The Executive Director appointed by the
10 Commission shall serve as the ex-officio Secretary of the Commission in accordance
11 with 4 GCA § 15407. Each officer shall have duties, functions, powers and
12 responsibilities:

13 (a) as prescribed for such office by law;

14 (b) which, by general consent and parliamentary custom, pertain to
15 such office, consistent with the law; and

16 (c) as are consistent with the foregoing and which, in addition, the
17 Commission may prescribe.

18 **§ 1203. Election and Term of Chairperson.**

19 The Chairperson shall be that person so designated as the presiding officer for
20 a term of one (1) year. The election of both offices shall take place during a regular
21 meeting of the Commission held in January each year. The incumbent Chairperson
22 of the Commission shall preside until a successor is elected. A majority of the voting
23 members for a particular candidate shall be necessary for election. Voting shall be
24 by open ballot. The term of office shall not exceed two (2) consecutive terms. In the
25 event of a vacancy in any of the positions, the office shall be filled in the prescribed
26 manner at the next regular meeting. The Commission may include such officer
27 positions deemed necessary to effectively carry out its responsibilities.

1 **§ 1204. Duties of Chairperson.**

2 The duties of the Chairperson shall be:

- 3 (a) to call and preside at all meetings of the Commission;
- 4 (b) to call special meetings of the Commission;
- 5 (c) to serve ex-officio as a member of all committees established by
- 6 the Commission; and
- 7 (d) to appoint committees and to take such other action as is
- 8 consistent with these rules or Chapter 15 of Title 4, Guam Code Annotated,
- 9 relating to Standards of Conduct for Elected Officers, Appointed Officers, and
- 10 Employees of the Government of Guam.

11 The Chairperson shall be entitled to vote on all matters before the

12 Commission.

13 **§ 1205. Duties of Vice-Chairperson.**

14 The duty of the Vice Chairperson shall be to perform the duties of the

15 Chairperson at his or her request or in case of his or her absence or incapacity.

16 **§ 1206. Ex-Officio Secretary.**

17 The Executive Director may designate an employee of the Commission to

18 carry out the duties as Ex-Officio Secretary under the direction of the Executive

19 Director.

20 **§ 1207. Vacancies.**

21 In the event of a vacancy in the Officers of the Commission, the office shall

22 be filled in the prescribed manner at the next regular meeting. The Commission may

23 include such other officer positions deemed necessary to effectively carry out its

24 responsibilities.

25 **§ 1208. Removal of Officers.**

26 Four (4) affirmative votes of the Commission's membership shall be required

27 for the removal of the Chairperson or Vice-Chairperson.

1 **§ 1209. Commission Meetings.**

2 (a) Requirements for Public Notice. All meetings of the Commission shall
3 be publicly noticed in accordance with Chapter 8 of Title 5, Guam Code Annotated,
4 otherwise known as the Open Government Law.

5 (b) Quorum. A quorum shall consist of four (4) voting members. Actions
6 of the Commission shall be carried by a vote of not less than four (4) voting
7 members, unless otherwise provided in Guam law.

8 (c) Closed Proceedings. The proceedings of the Commission outside of an
9 executive session to adjudicate ethics complaints are confidential in nature, unless
10 otherwise authorized in statute.

11 **§ 1210. Virtual Meetings and Attendance.**

12 The Commission may convene and conduct virtual meetings remotely via
13 videoconference or similar technological means and allow Commission members
14 and the public to participate. Commission members who participate remotely in
15 Commission meetings and official Commission proceedings shall be considered
16 present for purposes of a quorum and voting. Votes cast by Commission members
17 participating remotely shall have the same effect as voting in-person.

18 **§ 1211. Relationship of Commission to Executive Director.**

19 Pursuant to 4 GCA § 15407, although the relationship between the Executive
20 Director and individual Commission members is collegial, the relationship of the
21 Commission to the Executive Director is hierarchical. The Executive Director shall
22 be accountable only to the Commission as a whole, and not to individual
23 Commission members.

24 **§ 1212. Authority to Hire Legal Counsel.**

25 The Commission may retain one (1) or more attorneys, who shall be admitted to
26 practice before the courts of Guam, who shall advise the Commission and its
27 Executive Director on all legal matters pertaining to the Commission. The

1 designated counsel shall represent the Commission in litigation in which the
2 Commission is interested or involved. The terms, conditions and compensation of
3 employment of any such attorney shall be determined by the Commission, and the
4 attorney shall serve at the pleasure of the Commission.

5 **§ 1213. Fiscal Authority: Accounting; Expenditures.**

6 The Commission shall be responsible for the conduct of operational matters
7 addressing its financial activities, in accordance with the provisions contained
8 herein.

9 (a) General Fund Appropriations. The Department of Administration
10 shall establish, for the benefit of the Guam Ethics Commission, an account
11 where funds appropriated by the Guam Legislature and signed into law by the
12 Governor of Guam shall be deposited.

13 (b) Government Ethics Fund Special Fund. All monies, except for
14 monies appropriated to the Guam Ethics Commission by law, generated as
15 revenue by the Guam Ethics Commission shall be deposited into the
16 Government Ethics Fund and shall be made available to support the operations
17 of the Guam Ethics Commission as well as all other activities authorized under
18 §10112(b) of Chapter 10, Title 5 Guam Code Annotated.

CHAPTER 3
REQUESTS FOR GUIDANCE

§ 1301. Purpose.

The Commission may provide confidential guidance to any employee, as defined in 4 GCA § 15401(d), as to whether the facts and circumstances of a particular case constitute or would constitute a violation of Chapter 15 of Title 4, Guam Code Annotated, relating to Standards of Conduct for Elected Officers, Appointed Officers, and Employees of the Government of Guam. Nothing in this Chapter shall prevent the Commission from investigating alleged violations resulting from a refusal to follow guidance.

§ 1302. Form and Content.

Requests for guidance shall be made in writing and describe with particularity all of the pertinent facts and circumstances, including, without limitation, the name(s) of the officer(s) or employee(s) involved, if known, and the nature of the acts or omissions at issue, and any other pertinent information known to the requestor.

§ 1303. Acknowledgment of Receipt.

The Commission shall acknowledge in writing the receipt of a verbal or written request for guidance to the person submitting the request for guidance. The Executive Director shall advise the requester of the confidentiality requirements relative to the request for guidance.

§ 1304. Response; Advisory Opinion.

(a) Response by Commission. All Formal Advisory Opinions rendered by the Commission shall be in writing and shall be published in such form and with such deletions as may be necessary to prevent the disclosure of the identity of the persons involved unless disclosure is required or allowed under applicable law.

(b) Response by Executive Director.

1 (1) The Executive Director may provide Informal Advisory
2 Opinions at the direction of the Commission or when the opinion is on a matter
3 which is established by precedent or is clear under the applicable provisions
4 of the law and the Executive Director determines that it is not likely that the
5 Commission would render a different opinion. The Executive Director shall
6 submit the request to the Commission in the following circumstances:

7 (A) The case raises an important legal or policy issue on which
8 the Commission has not taken a position in a formal advisory opinion
9 or decision;

10 (B) An opinion in the case is likely to set new precedent;

11 (C) The requester asks for a formal advisory opinion from the
12 Commission; or

13 (D) There are other unique aspects to the case of which the
14 Commission should be made aware, including that the request concerns
15 an elected official.

16 (2) The Executive Director may request from any source information
17 that is reasonably related to the request for guidance. When the Executive
18 Director provides an Informal Advisory Opinion in response to a request for
19 guidance, he or she shall inform the person making the request that the
20 requestor may make a written request for a formal advisory opinion from the
21 Commission.

22 (3) Each Informal Advisory Opinion shall include a statement
23 informing the person submitting the request for guidance or complaint that he
24 or she may request the commission to review the informal advisory opinion.
25 A record shall be kept of all Informal Advisory Opinions given under this rule
26 and shall be available to the Commissioners at the Commission meeting
27 following the date on which the opinion is given.

1 (c) Additional Information. Upon receipt of a request for guidance, the
2 Commission may render its opinion on the basis of the information available, or it
3 may conduct an investigation or hold hearings if additional information is deemed
4 necessary to render an advisory opinion.

5 (d) Within thirty (30) calendar days after a request for guidance has been
6 submitted to the Commission, or within thirty (30) calendar days after a final hearing
7 or meeting on a request for guidance shall have been concluded, whichever is later,
8 the Commission shall render its advisory opinion to the person who has requested
9 the guidance.

10 **§ 1305. Confidentiality.**

11 Any and all information provided to and obtained by the Commission
12 regarding the request for guidance shall be confidential. Any Commission member
13 or any individual, including the individual requesting for guidance, who without
14 permission of the Commission, divulges confidential information and actions shall
15 be guilty of a misdemeanor, in accordance with 4 GCA § 15401(c).

16 **§ 1306. Basis for Refusal to Entertain.**

17 Except in the case of a request by an officer or employee involving his or her
18 own conduct, the commission may for good cause refuse to entertain a request for
19 guidance. Without limiting the generality of the foregoing, the Commission may
20 refuse to entertain a request when:

21 (a) the Commission has no jurisdiction over the allegations made in
22 the request. A matter is outside the jurisdiction of the Commission if:

23 (1) the subject of the request is a person who is not identified
24 as being within the scope of the Commission's investigative and
25 enforcement authority;

1 (2) the request does not allege a violation of the Standard of
2 Conduct for elected officers, appointed officers, and public employees
3 of the government of Guam; or

4 (3) the allegations made in the request pertain to actions or
5 events that occurred three (3) years prior to the date of filing of the
6 complaint.

7 (b) The request restates other complaints containing essentially
8 similar or identical allegations that have already been disposed of, and the
9 evidence presented does not warrant reopening the previous case;

10 (c) The allegations contained in the request are already under
11 investigation by the Commission;

12 (d) The request consists of speculation, opinion, frivolous
13 contentions, or absurd accusations;

14 (e) The request consists entirely of one or more non-material
15 violations that were previously discovered in a Commission audit and, in the
16 Executive Director's judgment, were appropriately excused or remedied; or

17 (f) The request consists entirely of one or more material findings of
18 a Commission opinion, and the Commission has already voted against
19 initiating an enforcement action based on those findings.

1 **CHAPTER 4**
2 **COMPLAINTS**

3 **§ 1401. Who May File.**

4 Complaints may be made by any person or the commission on its own
5 initiative.

6 **§ 1402. Filing of Complaints.**

7 Complaints may be filed with the Commission in accordance with the
8 following provisions:

9 (a) Any person may file a formal complaint alleging violations of the
10 Standard of Conduct for elected officers, appointed officers, and public
11 employees of the government of Guam. The Executive Director shall process
12 and review all formal complaints. Formal complaints must be made in writing
13 on a form specifically provided by the Commission, and must be dated,
14 verified, and signed by the Complainant under penalty of perjury. If the
15 Complainant is an entity, the complaint must be dated, verified, and signed
16 under penalty of perjury by an authorized officer or agent of the entity. Formal
17 complaints must include the following information, upon the Complainant's
18 information and belief:

19 (1) The name and address of the Complainant, and the
20 telephone number at which the Complainant may be reached during
21 normal business hours;

22 (2) the name and any known addresses and telephone numbers
23 of the Respondent;

24 (3) the title or position of the Respondent, if known;

25 (4) the Standard of Conduct allegedly violated;

26 (5) the facts constituting each alleged violation;

1 (6) the names, addresses, and telephone numbers of persons
2 with knowledge of the facts constituting an alleged violation, if known;
3 and

4 (7) an identification of documents or other evidence that may
5 prove the facts constituting the alleged violation, if known.

6 (b) Any person may file an informal complaint alleging violations of
7 Standard of Conduct for elected officers, appointed officers, and public
8 employees of the government of Guam. The Executive Director shall have no
9 obligation, but has the discretion, to review and process informal complaints.
10 Informal complaints include the following: written complaints that are not
11 verified or signed under penalty of perjury; written complaints that do not
12 contain all of the information required by law; unwritten complaints;
13 anonymous complaints; and referrals from other governmental agencies.

14 (c) The Commission, individual Commissioners, the Executive
15 Director, and the staff of the Commission, may submit a complaint for a
16 Preliminary Review on their own initiative.

17 (d) The Commission shall not receive complaints at public meetings.
18 The Commission shall urge the public in the strongest terms possible not to
19 make complaints at public meetings.

20 (e) Complaints shall be made in writing and signed by the
21 complainant; provided that the Commission may initiate an investigation of a
22 possible violation of the standards of conduct based on any written or non-
23 written information.

24 (f) Complaints should describe the pertinent facts and circumstances,
25 including, without limitations, the name of each officer or employee involved,
26 if known, and the nature of the acts or omissions at issue and any other
27 pertinent information known to the complainant.

1 (g) It is not a defense to a violation of the standards of conduct that
2 the complainant failed to supply all information relevant to the complaint.

3 **§ 1403. Acknowledgment of Receipt.**

4 The Commission shall acknowledge in writing or by email the receipt of a
5 complaint to the complainant, if the complainant has provided sufficient contact
6 information to the Commission.

7 **§ 1404. Basis for Refusal to Entertain.**

8 The Commission may for good cause refuse to entertain a complaint. Without
9 limiting the generality of the foregoing, the commission or its Executive Director,
10 acting on behalf of the Commission, may refuse to entertain a complaint if the
11 request is:

12 (a) Speculative or purely hypothetical and does not involve an actual
13 situation;

14 (b) The complaint does not present a question within the jurisdiction
15 of the commission; or

16 (c) Frivolous.

17 **§ 1405. Preliminary Review.**

18 Upon receipt of a complaint that complies with the requirements of Section
19 §§ 1402 and 1404, the Executive Director shall:

20 (a) Make a determination as to whether the subject matter of the
21 complaint is within the jurisdiction of the Commission.

22 (1) If the Executive Director determines that the complaint
23 should be dismissed because the subject matter of the complaint does
24 not come within the jurisdiction of the Commission, he or she shall
25 notify the complainant in writing of the determination and of the
26 complainant's right to submit a written request for the Commission to
27 review the determination. This written notification shall satisfy the

1 Commission's obligation to render an advisory opinion in response to
2 a complaint.

3 (2) To obtain commission review of the Executive Director's
4 determination under § 1405(a)(1), the complainant must make a written
5 request stating the reasons for the requested review within twenty (20)
6 calendar days of the complainant's receipt of the notification.

7 (b) Make a determination as to whether the allegations, if taken as
8 true, would constitute a violation of the standards of conduct.

9 (1) If the Executive Director determines that the complaint
10 should be dismissed because the allegations, even if taken as true,
11 would not constitute a violation of the standards of conduct or the
12 conduct is *de minimis*, he or she shall notify the complainant in writing
13 of the determination and of the complainant's right to request in writing
14 that the Commission review the determination. This written notification
15 shall satisfy the Commission's obligation to render an advisory opinion
16 in response to a complaint.

17 (2) To obtain Commission review of the Executive Director's
18 determination under § 1405(b)(1), the complainant must make a written
19 request stating the reasons for the requested review within twenty (20)
20 calendar days of the complainant's receipt of the notification.

21 **§ 1406. Confidentiality.**

22 Any and all information provided to and obtained by the Commission
23 regarding the complaint shall be confidential. Any Commission member or any
24 individual, including the individual requesting for guidance, who without permission
25 of the Commission, divulges confidential information and actions shall be guilty of
26 a misdemeanor.

27 **§ 1407. Preliminary Investigation.**

1 (a) After the Executive Director makes the preliminary determinations
2 required under §§ 1402, 1404 and 1405, he or she shall conduct a preliminary
3 investigation into the allegations of complaint that are within the jurisdiction of the
4 Commission and the allegations, which, if taken as true, would constitute a violation
5 or violations of the standards of conduct. The primary purpose of the preliminary
6 investigation is to determine whether there is probable cause to believe that a
7 violation of the standards of conduct has occurred.

8 (b) The Executive Director shall determine the nature and scope of the
9 preliminary investigation, and shall have the authority without limitation, to conduct
10 interviews or depositions of the complainant, the respondent and other witnesses, to
11 request and review records, and to obtain information reasonably related to the
12 nature and scope of the preliminary investigation from any officer, employee,
13 agency, person or entity.

14 (c) Nothing herein shall prevent the Executive Director from investigating
15 possible violations of the standards of conduct that are not stated in the complaint
16 and which are based on information obtained in the course of the investigation of the
17 complaint.

18 **§ 1408. Probable Cause Determination.**

19 (a) After conducting a preliminary investigation under § 1407 of this
20 Chapter, the Executive Director shall make a determination as to whether there is
21 probable cause of a violation of the standards of conduct.

22 (b) If the Executive Director determines that there is not probable cause to
23 believe that there has been a violation of the standards of conduct, he or she shall
24 dismiss the complaint and notify the complainant in writing of the dismissal and of
25 the complainant's right to request that the Commission review the Executive
26 Director's determination by submitting a written request stating the reasons for the
27 request within twenty (20) calendar days of the receipt of the notification. The

1 written notification shall satisfy the Commission's obligation to render an advisory
2 opinion in response to a complaint.

3 (c) If the Executive Director determines that there is probable cause to
4 believe that there has been a violation of the standards of conduct, but that the
5 violation was *de minimis*, he or she may dismiss the complaint and notify the
6 complainant in writing of the determination and of the complainant's right to request
7 that the Commission review the Executive Director's determination by submitting a
8 written request within twenty (20) calendar days of the receipt of the notification
9 stating the reasons for the request. The written notification shall satisfy the
10 Commission's obligation to render an advisory opinion in response to a complaint.

11 (d) If the Executive Director determines that there is probable cause to
12 believe that there has been a violation of the standards of conduct, he or she shall
13 provide a written report to the Commission containing the basis for the
14 determination.

15 (1) The Commission shall consider the report of the Executive
16 Director and any other information it deems relevant and determine whether
17 there is probable cause to believe that the respondent has violated the
18 standards of conduct.

19 (2) Neither the complainant nor the respondent has a right to appear
20 or to submit information to the Commission at the probable cause stage.

21 (3) If the Commission determines that probable cause of a violation
22 of the standards of conduct does not exist or there is probable cause of a
23 violation of the standards of conduct, but that the violation was *de minimis*, it
24 may request additional information or it shall dismiss the complaint and notify
25 the complainant and the respondent of its determination in writing.

26 (4) If the Commission determines that probable cause of a violation
27 of the standards of conduct does exist, it shall issue an Informal Advisory

1 Opinion to the respondent outlining the notice of alleged violation in
2 accordance with these rules. A further statement of the alleged violation shall
3 be personally served upon the alleged violator in accordance with the rules for
4 personal service found in the Guam Rules of Civil Procedure.

5 **§ 1410. Informal Advisory Opinion.**

6 If the Commission determines that probable cause of a violation of the
7 standards of conduct does exist, it shall issue an Informal Advisory Opinion to the
8 respondent in accordance with the following:

9 (a) The Informal Advisory Opinion shall and include:

10 (1) An explicit statement in plain language of the factual
11 allegations constituting the alleged violation(s) of the standards of
12 conduct;

13 (2) The specific provision(s) of the standards of conduct
14 alleged to have been violated;

15 (3) Notification to the respondent of his or her right to make a
16 written request for a Formal Advisory Opinion or an administrative
17 hearing before the Commission and the time period within which the
18 request for the hearing must be made;

19 (4) A statement that the respondent may retain legal counsel if
20 the respondent so desires and that an individual may appear on the
21 respondent's behalf; and

22 (5) A copy of the complaint with such deletions as may be
23 necessary to prevent the disclosure of the identity of the complainant
24 and witnesses.

25 (b) The Informal Advisory Opinion shall designate the party alleging
26 the violation of the standards of conduct as the complainant and the officer or
27 employee involved as the respondent. In the discretion of the Commission or

1 the Executive Director, the Commission itself or its Executive Director may
2 be the complainant or may be made a co-complainant.

3 (c) The Informal Advisory Opinion shall be served in accordance
4 with rules for personal service under the Guam Rules of Civil Procedure. The
5 respondent shall have twenty (20) days after service thereof to respond in
6 writing to the charge and statement.

7 **§ 1411. Response.**

8 The respondent shall respond to the notice of alleged violation within twenty
9 (20) calendar days of receipt. If a timely response is not submitted, the Commission
10 may render its opinion on the basis of the information available, or the Commission
11 or designee may conduct further investigation if additional information is necessary
12 in order to render an advisory opinion.

13 (a) Respondent Request for Formal Opinion. If the respondent,
14 within twenty (20) calendar days after receipt of a notice of alleged violation
15 via an Informal Advisory Opinion, requests a Formal Advisory Opinion, the
16 Commission shall issue a notice of administrative hearing, setting forth the
17 date, time, place and nature of the hearing and the legal authority under which
18 the hearing is to be held.

19 (1) A notice of administrative hearing shall be served in
20 accordance with Guam Rules of Civil Procedure.

21 (2) The Executive Director may, in his or her discretion and as
22 directed by the Commission, conduct further investigation into the
23 complaint prior to the commencement of the hearing.

24 (b) Compliance with Informal Advisory Opinion. If the respondent,
25 after receipt of an Informal Advisory Opinion outlining the notice of alleged
26 violation, agrees to comply with the Informal Advisory Opinion, the

1 respondent shall have twenty (20) calendar days to comply with the
2 stipulations provided in the Informal Advisory Opinion.

3 **§ 1412. Formal Advisory Opinion.**

4 Within thirty (30) calendar days after a complaint has been submitted to the
5 Commission, or within thirty (30) calendar days after a final hearing or meeting on
6 a complaint shall have been concluded, whichever is later, the Commission shall
7 render a Formal Advisory Opinion.

8 (a) If the Commission finds that there has been a violation of the
9 standards of conduct, its Formal Advisory Opinion shall contain a
10 recommendation to the respondent's appointing authority or the board or
11 commission, in the case of a board or commission member, of appropriate
12 disciplinary action, and a copy of the advisory opinion shall be provided to
13 the respondent's appointing authority or the board or commission, in the case
14 of a board or commission member.

15 (b) The Commission shall provide copies of its Formal Advisory
16 Opinion to the complainant, if known, and to the respondent in accordance
17 with applicable law. The copy of the Formal Advisory Opinion provided to
18 the respondent shall delete information that would disclose the identity of the
19 complainant and witnesses, unless the complainant and witnesses agree to the
20 disclosure of their respective identities.

21 (c) The Commission shall publish its Formal Advisory Opinion in
22 such form and with such deletions as required or allowed under applicable
23 law.

24 **§ 1413. Administrative Hearing.**

25 (a) Notice, When Conducted.

26 (1) The respondent may request an administrative hearing, or the
27 Commission may, upon a vote of no less than five (5) members, order an

1 administrative hearing. An administrative hearing may be held by the
2 Commission upon written notice to the parties and participants at least forty-
3 five (45) calendar days prior to the hearing.

4 (2) The purpose of the administrative hearing is to obtain information
5 or evidence on any matter under investigation or any question before the
6 Commission so that the commission may render a decision.

7 (b) Procedures.

8 (1) The Commission or any person with a matter pending before the
9 Commission may request that any officer, employee or other person or entity
10 with information that may be relevant to the matter before the commission
11 appear for the purpose of investigation including, but not limited to, answering
12 questions and producing records.

13 (2) All parties may request the Commission to issue subpoenas for
14 witnesses and require the production of any books, papers, records, or
15 electronic recordings relative to the proceedings. The Commission or its
16 Executive Director may administer oaths take testimony, and receive
17 evidence.

18 (3) The officer, employee, person or entity whose presence is
19 requested or subpoenaed may be represented by counsel.

20 (4) Each party may present witnesses, records or a statement of
21 position, including memoranda, briefs, arguments or other relevant material
22 regarding the matter under investigation.

23 (5) Each party shall, at least twenty (20) calendar days prior to the
24 hearing, submit eight (8) copies of the following to the Commission:

25 (A) A written statement of his or her position;

1 (B) For each witness to be subpoenaed by the Commission, the
2 witness' name, along with address, email address and telephone
3 number, and a summary of the witness' statement; and

4 (C) A copy of each record to be presented.

5 (6) The Executive Director shall prepare a memorandum which
6 discusses the issues and includes any staff recommendations. At least seven
7 (7) calendar days prior to the hearing, the staff memorandum shall be provided
8 to members of the Commission, legal counsel for the Commission and the
9 respondent.

10 (7) The respondent shall have the right to request for an open
11 administrative hearing, in accordance with 4 GCA § 15401(d).

12 **§ 1414. Decision and Order.**

13 (a) Upon conclusion of the administrative hearing, the Commission may
14 render an Formal Advisory Opinion or decision, or the Commission may take other
15 action it deems appropriate under the circumstances.

16 (b) Within thirty (30) days after the final hearing or meeting has been
17 concluded, the Commission shall render its decision. If the Commission finds that
18 there has been a violation of the standards of conduct, its decision shall contain a
19 recommendation to the respondent's appointing authority or the board or
20 commission, in the case of a board or commission member, of appropriate
21 disciplinary action, and a copy of the decision shall be provided to the respondent's
22 appointing authority or the board or commission, in the case of a board or
23 commission member.

24 (c) The Commission shall provide copies of its decision to the complainant
25 and to the respondent in such form and with such deletions as may be necessary to
26 prevent the disclosure of the identities of the persons involved unless disclosure is
27 in accordance with applicable law.

1 (d) The Commission shall publish its decision in such form and with such
2 deletions as required or allowed under applicable law.

3 **§ 1415. Contested Hearings, When Conducted.**

4 (a) A contested administrative hearing shall be conducted when the
5 respondent has requested a contested case hearing within twenty (20) calendar days
6 following the receipt of a Formal Advisory Opinion or decision from the
7 Commission.

8 (b) A contested administrative hearing may be conducted when determined
9 to be in the public interest by the Commission.

10 **§ 1416. Limited Basis for Release of Employee Information.**

11 It shall not be a violation of 4 GCA § 15401(c) for the Commission to disclose
12 information related to a violation of the ethical standards of conduct to the Office of
13 the Attorney General or the appointing authority for the employee, or for other good
14 cause, as determined by the Commission.

1 **CHAPTER 5**
2 **DISCLOSURES**

3 **§ 1501. Gift Disclosures.**

4 (a) Gifts disclosure statements shall be filed using forms and methods
5 prescribed by the Commission. All officers and employees shall file a gifts
6 disclosure statement with the Commission on June 30 of each year if all conditions
7 under 4 GCA § 15202 are met.

8 (b) The Commission may require that gifts disclosure statements be filed
9 using an electronic filing system.

10 **§ 1502. Financial and Conflict of Interest Disclosures.**

11 (a) The Commission shall receive all financial disclosures filed by officials
12 and employees from the Guam Election Commission (GEC) no later than three (3)
13 working days after receipt of such forms by the GEC.

14 (b) All officials who have authority to direct how government resources
15 are spent or used shall file a Disclosure of Conflicts of Interest form with the GEC.
16 The Commission shall receive all Disclosure of Conflicts of Interest forms filed with
17 the GEC no later than three (3) working days after receipt of such forms by the GEC.
18 The requirement to file a Disclosure of Conflicts of Interest form shall be a
19 continuing duty.

1 **CHAPTER 6**

2 **ETHICS IN GOVERNMENT TRAINING PROGRAM**

3 **§ 1601. Applicability.**

4 The Commission shall establish an Ethics in Government Program to provide
5 training on the standard of conduct and related laws administered and enforced by
6 the Commission for:

7 (a) Any person who is an elected official of the government of Guam;

8 (b) Any person who is appointed to a position as board or
9 commission member, including autonomous agencies, director, deputy
10 director, or by whatever title denotes the head and first assistant of a
11 government of Guam agency, department, public corporation, authority, or
12 any other entity of the executive branch; and

13 (c) All government of Guam employees, as defined in § 1105 of this
14 Chapter.

15 **§ 1602. Guidelines.**

16 (a) Scheduling. The Executive Director shall establish an Ethics Training
17 Calendar to be sent via electronic mail to respective agencies or interested
18 participants. The Calendar shall consist of available dates and hyperlinks embedded
19 within those dates that navigate to the Online Registration Form.

20 (b) Rescheduling. Participants who require their Ethics Training date to be
21 rescheduled are advised to contact the Commission or submit a rescheduling request
22 to the Commission via electronic mail forty-eight (48) hours prior to the scheduled
23 training.

24 (c) Participation. All participants are required to be present throughout the
25 duration of the Ethics Training. Excusals between training sessions will be at the
26 discretion of the Executive Director in consultation with the employee's supervisor.

1 (d) Certification. The Commission shall provide participants with
2 certificates of completion who have met all Ethics in Government program
3 guidelines and have paid the training fee established by the Commission.

4 **§ 1603. Tuition Charges.**

5 (a) The Commission shall establish and adopt a training fee at a public and
6 open meeting for each participant in the Ethics in Government program.

7 (b) The revenue from the Ethics in Government program shall be earmarked
8 to support the operations of the Commission and the direct costs of conducting the
9 training, which include, but are not limited to, instructor compensation, venue,
10 supplies, and certificates.

11 (c) The Executive Director shall prepare and submit to the Commission an
12 annual report on the following:

13 (1) The total funds collected and all expenditures under the training
14 fee fund; and

15 (2) The performance of the training fee fund whenever the Executive
16 Director determines a review of the training fee established by the
17 Commission is necessary.

18 **§ 1604. Compliance Reports.**

19 The Commission shall receive no later than thirty (30) days after the end of
20 each fiscal year Ethics Training Compliance Reports from all government of Guam
21 agencies via electronic submission.

22 **§ 1605. Non-Compliance.**

23 Upon receipt of Ethics Training Compliance Reports from all government of
24 Guam agencies and instrumentalities, the Commission shall conduct a review of
25 training compliance for every employee of the government of Guam and shall, upon
26 determination of an employee's non-compliance with the mandated training within
27 the timeline set by law, make recommendations to the appointing authority or the

1 board or commission, in the case of a board or commission member, of the following
2 appropriate disciplinary action:

3 (a) Counseling. The Commission may recommend this informal
4 corrective action, where the supervisor calls to the employee's attention the
5 non-compliance and encourages them to improve and comply;

6 (b) Letter of Warning. The Commission may recommend this
7 informal corrective action, where the supervisor calls to the employee's
8 attention the non-compliance and encourages them to improve and comply;
9 advises consequences may occur such as a letter of reprimand if non-
10 compliance continues;

11 (c) Letter of Reprimand. The Commission may recommend this
12 formal corrective action, where the supervisor calls to the employee's
13 attention the non-compliance and advises that the continued non-compliance
14 will lead to an adverse action being pursued;

15 (d) Disqualification from Promotion. The Commission may
16 recommend that the employee be disqualified from any promotion until the
17 ethics training requirement is met;

18 (e) Disqualification from Salary Adjustment. The Commission may
19 recommend that the employee be disqualified from any salary adjustments
20 until the ethics training requirement is met; or

21 (f) Any other recommended disciplinary actions as determined by the
22 Commission.

23 **§ 1606. Submission of Personnel Action for New Employees.**

24 (a) All government of Guam agencies, as defined in § 1105 of this Chapter,
25 shall submit to the Commission copies of personnel actions for new employees no
26 later than fifteen (15) days after the date of employment.

1 (b) The Executive Director shall notify officials and employees of the
2 timeline required by law to attend the Ethics in Government program.

PROPOSED



GUAM ETHICS COMMISSION
Kumisión i Ginihan Areklamenton Guåhan
Government of Guam

Closed Proceedings 4 GCA § 15401

1	ETH-22-003-OT-202
2	ETH-22-004-UT-201
3	ETH-22-005-COI-202
4	ETH-22-007-COI-203
5	ETH-22-008-UT-203
6	ETH-22-009-UT-203
7	ETH-22-010-CI-201
8	ETH-22-011-UT-203
9	ETH-22-012-COI-202
10	ETH-22-201-COI-204
11	ETH-22-013-COI-202
12	ETH-22-014-CI-203
13	ETH-22-015-OT-203
14	ETH-22-016-CI-202
15	ETH-22-017-CI-201
16	ETH-22-018-CI-201