

**I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) REGULAR SESSION**

Resolution No. 271 -30 (COR)

Introduced by:

Committee on Ethics & Standards

Signature

Relative to the termination of the lease for Legislative office space between *I Liheslaturan Guåhan* and the Guam Federation of Teachers, and the admonishment of the Honorable Matt Rector, Senator, to comply with the Code of Ethics set forth in Rule 29 of the Standing Rules of the *I Liheslaturan Guåhan* when he locates new legislative office space and when he authorizes a new lease for such office space.

**BE IT RESOLVED BY THE COMMITTEE ON RULES OF I
MINA' TRENTA NA LIHESLATURAN GUÅHAN:**

WHEREAS, on October 1, 2009, Monte D.M. Mesa (Hereafter Referred to as "Complainant") filed an Ethics Complaint against the Honorable Matt Rector (Hereafter Referred to as "Respondent") alleging, in relevant part, that funds from Respondent's Legislative Budget were paid to the Guam Federation of Teachers (Hereafter Referred to as "Union") for Respondent's Legislative office space and that such payments were prohibited because Respondent is the Union President; and

WHEREAS, on January 6, 2010, the Committee on Ethics & Standards authorized a full investigation into the aforementioned allegations; and

WHEREAS, on January 14, 2010, the Committee on Ethics & Standards reviewed all the evidence obtained as a result of the

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1 investigation and heard testimony from Complainant and the
2 Respondent concerning the aforementioned allegation; and

3 **WHEREAS**, as required by Rule 23a, of the Rules of Procedure
4 for the Committee on Ethics & Standards (hereafter referred to as
5 “Procedural Rules”) the name of the Respondent *In the Matter of*
6 *Monte D.M. Mesa*, Ethics Complaint No. 09-01, is the Honorable
7 Matthew J. Rector, member of the 30th Guam Legislature; and

8 **WHEREAS**, as required by Rule 23b, Procedural Rules, the
9 Committee on Ethics & Standards finds that the acts Respondent
10 committed which violated the 30th Guam Legislature’s Code of Ethics
11 and Standards are as follows:

12 On or about January 26, 2009, Respondent executed a
13 Commercial Lease Agreement between the Union and the
14 Guam Legislature for lease of Respondent’s Legislative Office
15 Space. On that date, Respondent was simultaneously a member
16 of the 30th Guam Legislature and the Union President, a Union
17 officer position which Respondent received pay from the Union
18 to perform such duties. The Lease’s twenty-four (24) month
19 term begun on January 5, 2009 and ends on January 2, 2011, and
20 the Lease requires the 30th Guam Legislature to pay \$2,500 rent
21 per month to the Union. For the period beginning January 5,
22 2009 and ending on September 30, 2009, the 30th Guam
23 Legislature paid \$22,500 to the Union for rent. Further, if the
24 Lease is allowed to continue until the expiration of its term, the
25 Guam Legislature will have to pay an additional \$37,500 to the
26 Union, resulting in a total of \$60,000 to the Union. The Ethics
27 Code requires members of the Legislature to obey the laws of
28 Guam. §29.02(ii), Ethics Code. Guam law prohibits public

1 officers from taking any official action directly affecting a
2 business or other undertaking in which the public officer has a
3 financial interest. 4 G.C.A. §15205(a)(1). The term “official
4 action” as used in the statute means a decision,
5 recommendation, approval, disapproval, or other action,
6 including inaction which involves the use of discretionary and
7 non-discretionary authority. The term “financial interest” as
8 used in the statute means an employment or directorship or
9 officership in a business. 4 G.C.A. §15102(f). 4 G.C.A. §15205(i).
10 The term “employment” as used in the aforementioned statute
11 means any rendering of services for compensation. 4 G.C.A.
12 §15102(e). The evidence clearly shows that Respondent’s official
13 senatorial acts included locating his Legislative Office at the
14 Union’s Headquarters located at 153 Sesame Street, Mangilao,
15 Guam, 96923, and signing the lease between the 30th Guam
16 Legislature and the Union as the authorizing senator. Further,
17 the evidence clearly shows that the Respondent was receiving
18 compensation from the Union for Respondent’s service as the
19 Union’s President. The law is clear that Respondent’s
20 compensation from the Union and his high office of Union
21 President gives Respondent a financial interest in the Union.
22 Finally, the evidence indicates that Respondent’s official acts,
23 described above directly affected the Union because the Union
24 received \$22,500 from January 5, 2009 thru September 30, 2009,
25 and will receive an additional \$37,500 for a total of \$60,000 if
26 the Lease continues to the expiration of its twenty-four (24)
27 month term. Thus, Respondent violated the Ethics code by
28 locating his legislative office at the Union’s headquarters and

1 by signing a lease that directly affected the Union by conferring
2 a financial benefit of \$60,000 on the Union; and

3 **WHEREAS**, as required by Rule 23c, Procedural Rules, the
4 Committee on Ethics & Standards hereby recommends the
5 Respondent receive the following punishment for violating the Ethics
6 Code:

7 (a) Immediate Termination of Lease between the 30th Guam
8 Legislature and the Union; and

9 (b) Admonishment of Respondent to comply with the Ethics
10 Code when he obtains a new legislative office and enters
11 into a new lease for the same; and

12 **WHEREAS**, the findings and recommendations contained
13 herein were duly and regularly adopted by the Committee on Ethics
14 & Standards of *I Mina' Trenta Na Liheslaturan Guåhan* on the 14th day
15 of January, 2010, now, therefore, be it

16 **RESOLVED**, that the Committee on Ethics & Standards of *I*
17 *Mina' Trenta Na Liheslaturan Guåhan* hereby forwards its findings to
18 the Committee on Rules for placement on the session agenda for
19 action, and recommends adoption of these findings and
20 recommendations by *I Mina' Trenta Na Liheslaturan Guåhan*, and be it
21 further

22 **RESOLVED**, that, as required by §29.04.04 of the Ethics Code,
23 Respondent shall be accorded every opportunity to speak, alone or
24 with his counsel, before the Legislative Body during a Committee of
25 the Whole before the Body takes final action on the aforementioned
26 recommendation by the Committee on Ethics & Standards, and be it
27 further

28 **RESOLVED**, that the Speaker and the Chairperson of the

1 Committee on Rules certify, and the Legislative Secretary attest to the
2 adoption hereof, and that copies of the same be hereafter transmitted
3 to the Honorable Matt Rector; to Monte D.M. Mesa; to the Committee
4 on Ethics and Standards, and to Felix P. Camacho, *I Magalahan*
5 *Guáhan*.