



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

April 30, 2024

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, 37th Guam Legislature
I 'Mina Trentai siette Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Honorable Benjamin J. F. Cruz
Public Auditor
Office of Public Accountability
238 Archbishop Flores St. Suite 401, DNA Building
Hagåtña, GU 96910

Honorable Douglas B. Moylan
Attorney General of Guam
Office of the Attorney General of Guam
590 S. Marine Corps. Dr. Suite 901
Tamuning, Guam 96913

Re: Reporting Requirements for Boards and Commissions – April 2024

Håfa Adai Governor Leon Guerrero, Speaker Terlaje, Public Auditor Cruz, and Attorney General Moylan,

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 April 26, 2024.

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[®], LPEC
Executive Director

Enclosure: Guam Ethics Commission April 2024 Meeting Packet



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**GUAM ETHICS
COMMISSION
MEETING PACKET**

April 26, 2024

12:30 PM



GUAM ETHICS COMMISSION

Kumisión i Ginihan Areklamenton Guåhan

Regular Meeting
Friday, April 26, 2024
12:30 PM

COMMISSIONERS

Christopher A. Cruz
Chairman

Margaret E.R. Tyquiengco
Vice-Chairwoman

Marilyn R. Borja

Robert S. Jack, MD

Daphne M. Leon Guerrero

Shannon J. Murphy

COMMISSION STAFF

Jesse J. Quenga CM, LPEC
Executive Director

Pamela D. Mabazza LPEC
*Ethics Investigation &
Compliance Officer II*

Reuben C. Bugarin LPEC
*Ethics Investigation &
Compliance Officer II*

Arielle L. Navarro
Administrative Assistant

AGENDA

I. Call to Order / Roll Call of Members

II. Approval of Minutes

- a. January 26, 2024 – Regular Meeting

III. Executive Director's Report

IV. Closed Proceedings 4 GCA 15 §15401

ETH-23-110-OT-201 | ETH-23-115-COI-202 | ETH-23-122-UT-201
ETH-24-001-OT-202 | ETH-24-002-UT-202 | ETH-24-003-UT-202
ETH-24-004-COI-201 | ETH-24-005-CI-201 | ETH-24-006-OT-201

V. Unfinished Business

- a. Commission Boardmanship Training / Education Program
P.L. 32-031
- b. Review and Approve Annual Executive Director
Performance Evaluation and Pay Adjustment

VI. New Business

- a. Commission to Act on the Following Case:
ETH-24-001-OT-202
- b. Review and Approve GEthC Policy 8 – Continuity of
Operations Policy
- c. Review and Approve IFB No. GEthC 002-24 Conflict
Counsel
- d. Review and Approve Electronic Filing of Mandated Reports
under the Public Official Disclosure Act 4 GCA Chapter 13
- e. Consideration of EIGP Exemption Request from UOG PALS
Faculty
- f. Review and Approve FY 2024 Budget Realignment Plan
- g. Cancellation of IFB No. GETHC-001-24 Telephone &
Internet Services
- h. Approval of Summary of Opinions Second Edition

VII. Announcements

VIII. Adjournment

Guam Ethics Commission Board Meeting—Minutes

Date: January 26, 2024

Time: 12:38 p.m.

Location: Zoom/In Person

I. Call to Order / Roll Call of Members

a. Members Present:

- i. Chairman Christopher Cruz
- ii. Vice-Chairperson Margaret Tyquiengco
- iii. Dr. Robert Jack, Commissioner
- iv. Shannon Murphy, Commissioner

b. Staff Present:

- i. Jesse J. Quenga, Executive Director
- ii. Pamela D. Mabazza, Ethics Investigation and Compliance Officer II
- iii. Reuben C. Bugarin, Ethics Investigation and Compliance Officer II
- iv. Arielle L. Navarro, Administrative Assistant

c. Other Present:

- i. Attorney Joseph McDonald, Legal Counsel
- ii. Attorney Darleen Hiton, Prosecutorial Counsel

d. Absent:

- i. Daphne Leon Guerrero, Commissioner
- ii. Marilyn Borja, Commissioner

II. Approval of Minutes

December 29, 2023 – Regular Meeting

MOTION: M. Tyquiengco moved to approve the December 29, 2023 minutes.

Seconded by: R.Jack

Discussion: None

Decision: Motion Carries

III. Executive Director's Report

a. Ethics Training Update

Month	Live Workshop	Online Workshop	TOTAL
November	-0-	153	153
December	115	112	227
January	138	179* As of 1/25	317

b. Fiscal Year 2022 Citizen Centric Report

The Guam Ethics Commission has released its Fiscal Year 2022 Citizen Centric Report, in compliance with 1 GCA §1922(a). The report aims to keep the public informed about the Commission's operations and initiatives, promoting transparency and accountability. The Citizen-Centric Report is a valuable instrument for assessing the Commission's effectiveness in fulfilling its mission to promote ethical conduct among government officials and employees. It serves as a means to evaluate the Commission's efforts and their impact on fostering a culture of integrity within the public sector.

c. FY 2024 Budget Report as of 01.26.2024

A	B	C	D	E	L	M
Account Code	Budget Act(s) Appropriations 37-42	Reserve	FY 2024 Allotments (B - C)	Year to Date Exp. / Encumb. As Of: 1/27/23	Other Requirements	Projected Lapse / (Shortfall) [D - (E + G + L)]
111 Salary	254,758	0	254,758	70,092	2,666	1/ 8,172
112 OT	0	0	0	0	0	0
113 Benefits	91,940	0	91,940	27,128	716	2/ (3,393)
TOTAL PerSvs	346,698	0	346,698	97,220	3,382	4,779
220 Travel	12,760	0	12,760	10,922	0	1,838
230 Contract	43,806	0	43,806	21,037	31,452	3/ (8,683)
233 Rent	65,993	0	65,993	43,995	21,998	4/ 0
240 Supplies	16,500	0	16,500	0	5,000	5/ 11,500
250 Equip.	0	0	0	0	0	0
271 Drug Testing	80	0	80	0	0	80
280 Sub.Rec.	0	0	0	0	0	0
290 Misc.	41,127	0	41,127	5,551	20,300	6/ 15,276
361 Power	0	0	0	0	0	0
362 Water	0	0	0	0	0	0
363 Tele.	4,116	0	4,116	3,772	343	7/ 0
450 Cap. Out.	0	0	0	0	0	0
TOTAL Opers	184,382	0	184,382	85,278	79,093	20,011
TOTALS	531,080	0	531,080	182,498	82,475	24,790
Footnotes / Notes:						
1/ Pay Increments for 3 FTEs						
2/ Benefits Increase following Increment						
3/ Legal Contract \$12.9k; Prosecutorial Contract \$12.9k; Website Maintenance \$5.6k						
4/ Lease Renewal - 4 mos of Second Year						
5/ Supplies: Folders, Envelopes, Certificates \$5k						
6/ Misc.: Meetings Ads \$10.75k, Commissioner Stipends \$5.7k, Procurement Training \$832, Postage for Ethics Complaint Comms. \$2k						

IV. Unfinished Business

- a. Resolution 2023-001 Commission Authority to Subpoena Witnesses, Administer Oaths, and Take Testimony Relating to Matters Before the Commission and Require the Production for Examination of any Books, Papers or Electronic Records Relative to any Matter Under Investigation or in Question Before the Commission; in Re Case No. Eth-23-122-UT-201

Request to amend Resolution 2023-001 by correcting the resolution number to reflect the number series assigned to ethics complaints. The request will reassign the resolution number to Resolution 2023-101.

Motion: S. Murphy moved to amend Resolution 2023-001 to Resolution 2023-101 as requested by the Executive Director.

Seconded by: R.Jack

Discussion: None

Decision: Motion Carries

b. Review and Approve Annual Executive Director Performance Evaluation and Pay Adjustment

- i. **Motion:** M.Tyquiengco moved to Approve Annual Executive Director Performance Evaluation subject to Commissioner Borja's evaluation submission.

Seconded by: S.Murphy

Discussion: None

Decision: Motion Carries

- ii. **Motion:** S.Murphy moved to table Executive Director Pay Adjustment until next board meeting

Seconded by: M.Tyquiengco

Discussion: None

Decision: Motion Carries

c. Commission Boardmanship Training/Education Program

Motion: M. Tyquiengco moved to table Commission Boardmanship Training/Education Program until such time that all Commissioners may participate in the discussion.

Seconded by: R.Jack

Discussion: None

Decision: Motion Carries

d. Review and Approval Fiscal Year 2025 Budget Request

Motion: S. Murphy moved to approve GEthC Resolution 2024-001 – relative to adopting Fiscal Year 2025 Budget Request for the Guam Ethics Commission

Seconded by: M. Tyquiengco

Discussion: None

Decision: Motion Carries

V. New Business

a. Review and Approve Professional Membership Listing

Motion: M. Tyquiengco moved to approve professional membership listing presented by the Executive Director which includes Council on Government Ethics Laws (COGEL), Leadership Professional in Ethics and Compliance (LPEC) and the Association of Government Accountants (AGA) Guam Chapter

Seconded by: R. Jack

Discussion: None

Decision: Motion Carries

b. Review Ethics in Government Program Training Fee for Fiscal Year 2024

Motion: S. Murphy moved to waive the training fee up to 3,000 employees for FY 2024 as presented by the Executive Director

Seconded by: R. Jack

Discussion: None

Decision: Motion Carries

c. Review and Approve Annual Performance Evaluation and Pay Adjustment of Staff

Motion: S. Murphy moved to approve the performance evaluation and approve pay adjustment for Arielle L. Navarro from JX-01 to JX-02 \$39,349.

Seconded by: M. Tyquiengco

Discussion: None

Decision: Motion Carries

d. Election of Officers pursuant to GEthC Policy 4

i. **Motion:** S. Murphy moved to nominate Christopher Cruz as Chairman.

Seconded by: M. Tyquiengco

Discussion: None

Decision: Motion Carries

ii. **Motion:** R. Jack moved to nominate Margaret Tyquiengco as Vice Chairwoman.

Seconded by: M. Tyquiengco

Discussion: None

Decision: Motion Carries

VI. Announcements

a. Thursday, February 1, 2024 at 2:00 p.m. Guam Congress Building
Confirmation hearing for Vice Chairwoman Margaret Tyquiengco
and Commissioner Daphne Leon Guerrero

VII. Adjournment

MOTION: R. Jack motion to adjourn at 2:11 p.m.

Seconded by: C. Cruz

Discussion: None

Decision: Motion Carries



GUAM ETHICS COMMISSION

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EXECUTIVE DIRECTOR'S REPORT

Updates

- a. Commission Staff Obtain Ethics Professional Certification – Leadership Professional in Ethics & Compliance
 - The Guam Ethics Commission is extremely proud to announce that Ethics Investigator and Compliance Officers Reuben Bugarin and Pamela Mabazza, along with Executive Director Jesse Quenga have successfully obtained certification as Leadership Professional in Ethics in Compliance (LPEC). This prestigious certification, offered by the Ethics & Compliance Initiative, is designed for Ethics & Compliance professionals seeking to enhance their leadership skills, evaluate, and maintain excellence in their E&C programs. Attaining the LPEC certification underscores our organization's dedication to fostering robust and effective ethics and compliance programs.
- b. Confirmation of Commissioner Re-appointments
 - Following the Confirmation Hearings conducted for the re-appointments of Commission Vice-Chair Meg Tyquiengco and Commissioner Daphne Leon Guerrero, both were added in the legislative session agenda in February and received unanimous consent. Both commissioners will serve a second term of four (4) years from 2023-2027.
- c. Fiscal Year 2025 Budget Meeting with Office of Finance and Budget, 37th Guam Legislature
 - Commission Chairman Christopher Cruz and Executive Director Jesse Quenga met with officials from the Office of Senator Joe San Agustin, Chairman on the Appropriations Committee and representatives from the Office of Finance and Budget to discuss the Commission's Fiscal Year 2025 budget request. Senator San Agustin's office expressed the senator's desire to include funding for the vacant Ethics Investigation and Compliance Officer position. OFB advised that the commission was the first government entity it was meeting, and that the office would work to include the Commission's full request in the budget bill for deliberation by the Guam Legislature.
- d. 2024 Public Official Disclosure Act – Conflict of Interest Statements
 - The Commission staff would like to thank all Commissioners for their cooperation in completing the annual conflict of interest statements required for all board and commission members. These records were filed with the Guam Election Commission prior to the statutory deadline.
- e. Migration from Legacy AS400 to New Financial Management Information Systems (FMIS)
 - Following the roll out schedule of January 2024, the Commission staff have attended all required trainings and have obtained access to various modules on the new FMIS. This includes Payroll, Budgeting, and Human Resources. The staff continue to log the issues that often arise when implementing a new program and continue communicate them with the software developers and the Department of Administration who is the lead agency for the program. Access to current budget files is currently unavailable.
- f. COGEL Annual Conference Registration and Program Committee Meeting
 - The 2024 COGEL Annual Conference is set to be held in Los Angeles from December 8-11, 2024. Commissioners are encouraged to confirm their participation in the upcoming



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event as registration is anticipated to open in May. In March Kristin Izumi-Nitao, Chair of the COGEL planning committee reached out if there were any workshop topics we would be interested in seeing at this year’s annual conference. Two workshop suggestions were submitted. One to focus on balancing budgets and boundaries to dive into how independent ethics commissions ensure they receive adequate resources while maintaining boundaries with policy makers. The second suggestion had a suggested title of Building Trust from Scratch which focuses on the challenges and opportunities with establishing new ethics commissions in the government.

g. FY 2024 Budget Report as of 01.26.2024

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280 Sub.Rec.	0	0	0	0	0	0
290 Misc.	41,127	0	41,127	5,551	20,300	6/ 15,276
361 Power	0	0	0	0	0	0
362 Water	0	0	0	0	0	0
363 Tele.	4,116	0	4,116	3,772	343	7/ 0
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5/ Supplies: Folders, Envelopes, Certificates \$5k						
6/ Misc.: Meetings Ads \$10.75k, Commissioner Stipends \$5.7k, Procurement Training \$832, Postage for Ethics Complaint Comms. \$2k						

h. Ethics Training Update

- The participation figures for both in-person and online training are shown below.

Month	Live Workshop	Online Workshop	TOTAL
January	138	258	396
February	0	164	164
March	135	184	319
April	262	428*	690*

Pursuant to Public Law 36-25, all existing government employees must complete the Ethics in Government Program within three (3) years following the enactment of the law. A presentation on agency compliance levels across the government is attached to your packets.



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Closed Proceedings-4 GCA 15 §15401

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GUAM ETHICS COMMISSION

STRATEGIC PLANNING



HOW CAN WE ENHANCE THE EFFICIENCY AND TRANSPARENCY OF THE INVESTIGATIVE PROCESS FOR ALLEGATIONS OF ETHICAL MISCONDUCT WITHIN THE GUAM ETHICS COMMISSION?

1



NEWS RELEASE AFTER EVERY MEETING ABOUT DECISIONS AND ACCOMPLISHMENTS

2



DISTRIBUTE SUMMARY OF OPINIONS TO MORE PEOPLE/AGENCIES

IN WHAT WAYS CAN WE OPTIMIZE AND IMPROVE THE CURRENT MANDATORY ETHICS TRAINING TO ENSURE IT EFFECTIVELY EDUCATES INDIVIDUALS ON ETHICAL STANDARDS AND PRACTICES?

1



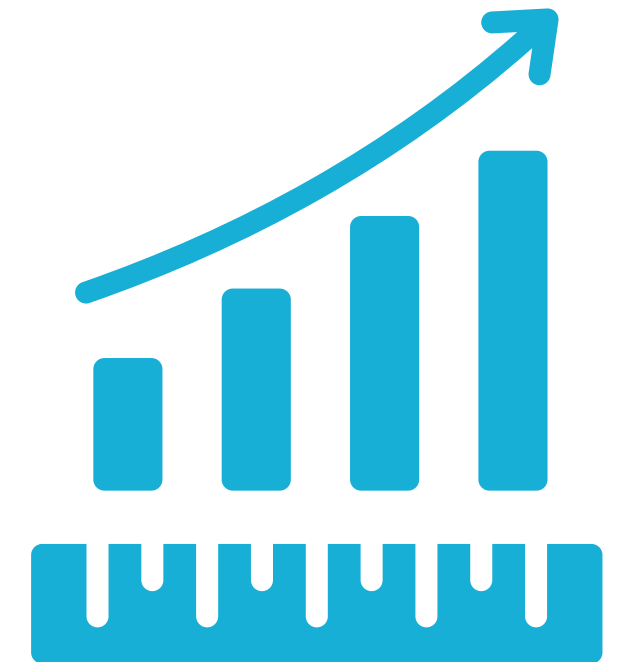
CREATE AND CONDUCT
TRAINING FOR SPECIFIC
ROLES/MANAGEMENT LEVEL

2



PUSH OUT MICRO-
LEARNING INITIATIVES
LIKE: FAQs/FUN FACTS

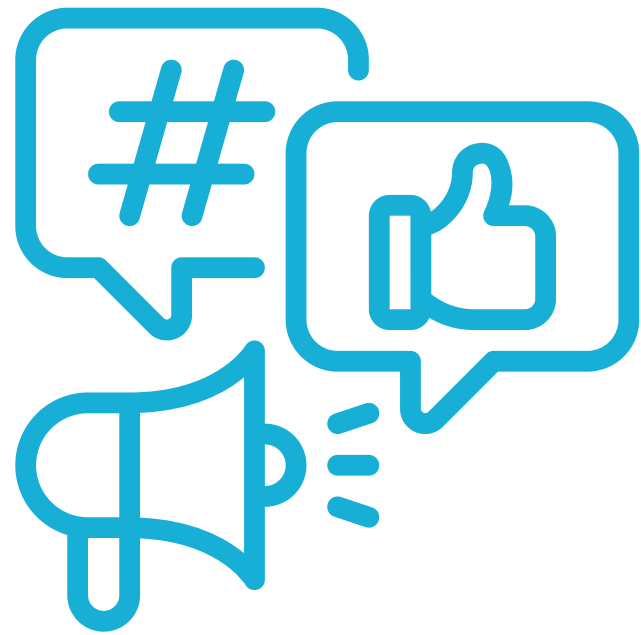
3



MEASURE RETENTION OF
KNOWLEDGE AND
REPORTING DATA

WHAT STRATEGIES CAN BE IMPLEMENTED TO INCREASE PUBLIC AWARENESS AND ENGAGEMENT WITH THE GUAM ETHICS COMMISSION'S ANNUAL SUMMARY OF OPINIONS, PROMOTING A CULTURE OF TRANSPARENCY AND ACCOUNTABILITY?

1



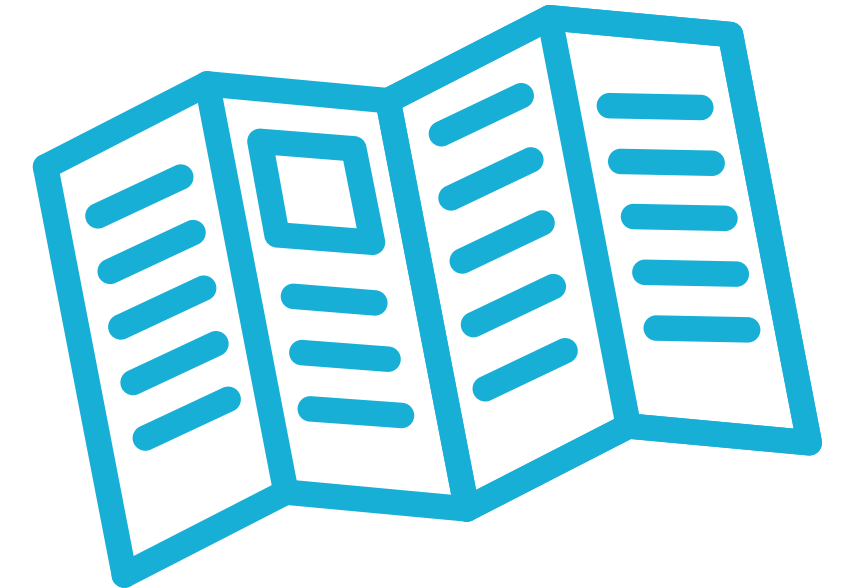
CREATE A SOCIAL MEDIA ACCOUNT AND MAINTAIN A SOCIAL MEDIA PRESENCE

2



EDUCATIONAL SPEAKING SESSIONS WITH KEY STAKEHOLDERS QUARTERLY

3



CREATE EDUCATIONAL MATERIALS FOR DISTRIBUTION

HOW CAN WE LEVERAGE TECHNOLOGY TO STREAMLINE AND MODERNIZE THE ETHICS COMMISSION'S PROCESSES, SUCH AS CASE MANAGEMENT FOR INVESTIGATIONS AND DELIVERY OF ETHICS TRAINING?

1



CASE MANAGEMENT AND
ONLINE TOOLS

2



CREATION OF A MOBILE
APPLICATION

WHAT MEASURES CAN BE TAKEN TO STRENGTHEN COLLABORATION WITH OTHER RELEVANT ENTITIES, BOTH WITHIN AND OUTSIDE THE GOVERNMENT, TO ENSURE A COMPREHENSIVE AND COHESIVE APPROACH TO ADDRESSING ETHICAL CONCERNS WITHIN THE GOVERNMENT OF GUAM?

1



**CONDUCT AGENCY VISITS
AND MEETING WITH
DIRECTORS/EMPLOYEES**

2



**NETWORK AND CONNECT
THROUGH COGEL AND OTHER
CONFERENCES**

DEVELOPMENTAL NEEDS FOR THE EXECUTIVE DIRECTOR AND COMMISSION STAFF:

1



ATTAIN AND MAINTAIN
APPROPRIATE CERTIFICATIONS

2



ATTEND AND LEARN BEST
PRACTICES FROM CONFERENCES

	Christphoner Cruz	Meg Tyquiengco	Shannon Murphy	Marilyn Borja	Robert Jack	Daphne Leon Guerrero	TOTAL AVERAGE
Leadership							
1.1 The Executive Director has shown clear vision in correctly anticipating, opportunities and priorities affecting the commission's operations.	5	5	4	3	5	3	4.40
1.2 The Executive Director has clearly translated his/her vision and strategy into feasible operational plans to achieve success for the commission.	5	4	5	3	5	3	4.40
1.3 The Executive Director has accurately communicated his/her concept, vision and mission, strategies, goals and directions for the organization to stakeholders.	4	4	5	3	5	3	4.20
1.4 The Executive Director has motivated and encouraged high employee morale and loyalty to the GETHC, and facilitated team-building and cohesiveness among the GETHC employees.	4	4	5	4	5	3	4.20
1.5 The Executive Director has performed as a role model for the GETHC, maintained a working style which is open to constructive suggestions, and exercised effective leadership for the GEC.	5	5	5	4	5	4	4.80
1.6 The Executive Director has been an initiator, setting high working standards and pursuing goals with a high level of personal drive and energy.	5	5	5	4	5	4	4.80
Strategy formulation							
2.1 The Executive Director has developed clear mission statements, policies and strategic plans that harmoniously balance the needs of the employees, and other stakeholders.	5	4	5	4	5	3	4.40
2.2 The Executive Director has accurately identified and analyzed problems and issues confronting the commission.	4	4	4	4	5	3	4.00
2.3 The Executive Director has accurately determined and assessed key success factors for the GETHC.	5	5	4	3	5	3	4.40

2.4 The Executive Director has ensured that commission members, and employees had participated in the formulation of strategic plans so that they have ownership of the plans.	5	4	4	3	5	3	4.20
2.5 The Executive Director has assured that GETHC resources and budgets are aligned to the implementation of the Commission.	5	5	5	4	5	3	4.60
2.6 The Executive Director has established processes that monitor and control, thus ensuring that the effectiveness of the GETHC, including risk management, is achieved.	5	5	5	4	5	3	4.60
Strategy execution							
3.1 The Executive Director has established an effective organization, ensuring that there is management focus on key functions necessary for the GETHC to align with its mission.	5	5	5	4	5	3	4.60
3.2 The Executive Director organized and delegated work accurately and refers functions to others in a professional manner.	5	4	5	4	5	3	4.40
3.3 The Executive Director makes sound decisions and timely adjustments when conditions demanded such changes.	5	4	5	4	5	4	4.60
3.4 The Executive Director has timely and effectively executed priorities set by the Ethics Commissioners.	5	5	N/A	4	5	3	4.50
3.5 The Executive Director has accurately supervised performance monitoring and control to ensure accountability at all levels of the organization.	5	5	N/A	4	5	3	4.50
3.6 The Executive Director has ensured that the GETHC complies with requirements from all pertinent laws and regulations.	5	5	5	4	5	3	4.60
Financial planning/performance							
4.1 The Executive Director possesses a good understanding of the GETHC's financials.	5	5	5	4	5	4	4.80

4.2 The Executive Director has exercised good judgment in managing the financial affairs and budget of the GETHC.	4	5	5	4	5	3	4.40
4.3 The Executive Director has established sound practices and procedures for up-to-date accurate accounting and financial planning.	5	5	5	3	5	3	4.60
4.4 The Executive Director has effectively monitored and evaluated financial planning, budget and administrative operations, and reports the results to the GETHC.	5	5	5	4	5	4	4.80
4.5 The Executive Director has achieved the GETHC's budgetary goals .	4	5	5	4	5	4	4.60
Relationship with the Board							
5.1 The Executive Director has built strong working relationships with the board members and helped strengthen the board, and thus has worked closely and cooperatively with the board in developing the mission, and short, medium and long-term strategic plans.	5	5	5	4	5	4	4.80
5.2 The Executive Director has demonstrated a sound knowledge of board governance procedures and has consistently followed them.	4	5	5	3	5	3	4.40
5.3 The Executive Director has prepared for the board by developing sufficient and appropriate agendas with adequate discussion time and providing accompanying information with all relevant aspects and conditions well in advance of the meeting.	5	5	5	4	5	4	4.80
5.4 The Executive Director has presented information to the board on items requiring board opinions and decisions in a professional manner, with recommendations based on thorough study and sound principles.	5	5	4	4	5	3	4.40
5.5 The Executive Director has been readily available to individual board members whenever necessary, as well as supported the board in its governance duties by providing necessary resources and other facilities.	5	5	5	4	5	4	4.80

5.6 The Executive Director has encouraged board training and development, as well as board roles in the community and as advocates for the commission.	4	4	5	3	5	3	4.20
External Relations							
6.1 The Executive Director has served as an effective GETHC representative in communicating with stakeholders, including community groups and organizations.	5	5	5	3	5	4	4.80
6.2 The Executive Director has effectively communicated the GETHC's financial performance to the Legislature.	5	5	5	4	5	3	4.60
6.3 The Executive Director has professionally handled public relations issues in a manner that builds good will for the GETHC and lessens concerns from the general public.	5	5	5	3	5	3	4.60
6.4 The Executive Director has encouraged a positive image of the GETHC, as well as creating awareness of available services to the general public.	5	5	5	3	5	3	4.60
6.5 The Executive Director has assured that the GETHC maintains positive relationships in the community and cultivates good working relationships with community groups and organizations.	5	5	5	3	5	3	4.60
Human Resources Management/Relations							
7.1 The Executive Director has created and maintained an organizational culture and climate which attracts, keeps and motivates staff to carry out the GEC mission, direction and goals.	5	5	5	3	5	3	4.60
7.2 The Executive Director has empowered staff members appropriate levels of freedom and authority, as well as effectively solicited and fostered support for initiative and creativity within the GETHC.	4	5	5	3	5	3	4.40

7.3 The Executive Director has developed and executed sound personnel procedures and practices, including appraisal process and rewarding systems for employees, resulting in working towards the same goals.	5	5	5	4	5	4	4.80
7.4 The Executive Director has supported personnel development and education, encouraged appropriate personnel to participate in planning and decision-making and provided opportunities to employees to work in professional fields which they are good at for the benefit of the GETHC.	5	5	5	3	5	3	4.60
7.5 The Executive Director has built a highly competent team with the skills, energy and passion to turn the GETHC's mission and vision into a reality.	5	4	5	3	5	3	4.40
7.6 The Executive Director has ensured that the GETHC has good internal communication and treated all personnel fairly, without favoritism or discrimination.	4	5	5	4	5	3	4.40
Service Knowledge							
8.1 The Executive Director has demonstrated a thorough knowledge and understanding about key aspects of the GETHC.	5	5	5	4	5	4	4.80
8.2 The Executive Director has a good understanding of the GETHC's allocation of its resources.	5	5	5	4	5	4	4.80
Personal Qualities							
9.1 The Executive Director has attained an image that reflects positively on the GETHC, as well as demonstrated a personality, outlook and attitude that wins trust and support from all stakeholders.	5	5	5	4	5	4	4.80
9.2 The Executive Director has shown sensitivity to and respect for others and exhibits concern for subordinates as individuals.	5	5	5	4	5	4	4.80
9.3 The Executive Director has exercised good judgment in dealing with sensitive issues between people and between groups.	5	5	5	4	5	4	4.80

9.4 The Executive Director has shown skills at analyzing and addressing problems, challenges and conflicts, and has been comfortable with ambiguity and complexity.	5	5	5	3	5	4	4.80
9.5 The Executive Director has maintained a high standard of ethics and integrity, as well as a healthy balance of time management and priorities in both work-related and personal matters.	5	5	5	4	5	4	4.80
9.6 The Executive Director has consistently sharpened his/her skills in the areas required for development of his or her potential.	5	5	5	3	5	4	4.80
						TOTAL SCORE	TOTAL AVERAGE
						219.60	4.58

Section III-Developmental Needs

1. What are the Executive Director's major strengths that should be maintained?

- Organization - Director Quenga is very organized and task-oriented. He understands the time-sensitive nature of the Commission works well to communicate with his team and with Commissioners.
- Knowledgeable - It goes with saying that Director Quenga is a guru for government affairs. He stays close to public hearings, news briefs, and the workings of all three branches of government. Further, he keeps abreast on relevant industry trends and happenings and puts that in to play at the commission.
- Created pathways to be present and engaged with external entities like COGEL. The publication in the Ethics Blue Book demonstrated going beyond the expectation for the position.
- Exceptional achievement in articulating the needs of the Commission and securing a supplemental appropriation to meet the budgetary gap.
- Exceeded the past year's number of officials trained in ethics despite the months long disruption to operations brought on by typhoon Mawar. In addition, raised workshop capacity and reduce the frequency which achieved a substantial reduction in overhead cost and promoted an efficient collection of revenues to support the operational costs of the Commission.
- Managing staff and staff development
- Managing the budget and other functions of keeping the Commission running.
- Maintaining good external relationships.
- Professionalism
- Overall Business Acumen
- Leadership
- Mr. Quenga consistently has demonstrated a clear understanding of the rules governing the Ethics Commission. He is consistently professional and courteous in his dealings with Commissioners, staff and public.
- Jesse continues to exhibit his aptitude for navigating the regulatory and political environment in which we operate. He and the team have a solid understanding of the GEthC's budget and procurement practices, ensuring that we remain in compliance with requirements.
- Communication remains strong and Commissioners are always given adequate notice and solicited for input on upcoming meetings and activities.
- Taking the initiative to ensure that we are focused on continued improvement. For example, restructuring the mandatory training sessions to hold less sessions while accommodate more participants so that we were able to train more individuals but incur less overhead and training expenses. Reporting on compliance by agency to insure proper accountability and compliance.
- Participating in last year's COGEL Conference, inclusion in the Ethics Blue Book, and building connections among peers.

2. What should be the areas for the Executive Director's personal development for the coming year?

- Personal and Professional Growth Plans - I encourage the director to take full advantage of relevant specialized learning and/or certifications and hope he encourages the same for all our staff.
- Gain Efficiency - I know the office has worked hard to operate despite budgetary constraints so I encourage the director to continue being mindful of cost-cutting and maximizing the use of all resources to continue our mission and serve the good will of the public.
- Collaborate and Keep Relationships Healthy - Again, understanding the sensitive nature of our operations, I still feel that collaboration with other Gov Guam agencies and COGEL members, and others in the industry, can go a long way towards improving the image and effectiveness of the commission. And let it be a two-way street with us being as open to the information sharing, as much as feasible.
- Create more public awareness through media about the commission – “speak up”, issues we review vs. dismiss, information & detail required, visit our website, procedure, confidentiality, GETHC mission
- Board training as needed.
- Put out a request for a backup attorney.
- Developing specific training modules for various personnel (management, financial, etc.) - also for personnel coming back for 2nd class.
- Develop and implement social media campaign to encourage gov't ethics and more media coverage.
- Shorten time from when complaints were in to when a decision is made.
- Visibility amongst external stakeholders, locally and abroad to help promote awareness and draw more collaboration to assist GETHC in setting forward thinking strategic objectives.
- Strategic PR or Marketing Planning.
- Personnel Development & planning for the team.
- No recommendations at this time.
- Better visibility of the Ethics Commission's efforts and areas of responsibility. Many cases are outside of our jurisdiction, and there is a need to educate our Gov Guam employees and the public on the scope of our commission. Additionally, we have had many accomplishments in the past year. Our Commission could leverage social media and other channels of communication to ensure that we are providing information and education regarding our Commission, increasing visibility and awareness with the public.
- Ensuring that we fill the seventh (7) Commissioner position this year. Our Commission may be hindered by the inability of our Commission to reach quorum, which delays decision-making and timeliness of our responses and actions.
- Leveraging our learnings from this past year's COGEL Conference to enhance and improve our programs and operations in Guam.
- Exploring the opportunity to obtain an online Juris Doctorate.



GUAM ETHICS COMMISSION
Kumisión i Ginihan Areklamenton Guåhan
Government of Guam

V. New Business

- d. Commission to Act on the following cases:
ETH-24-001-OT-202

GUAM ETHICS COMMISSION

CONTINUITY OF OPERATIONS POLICY

POLICY NUMBER: GETHC POLICY 8

Effective Date: _____

SECTION 1 – GENERAL

The goal of this policy is to provide continuity plans for the Guam Ethics Commission in compliance with 5 GCA § 3132. The operational continuity plan will prepare the Guam Ethics Commission for events that could disrupt the Commission's ability to operate, such as loss of personnel, equipment malfunction, or reduced funding levels. Guam statutes provide that the Executive Director or equivalent officer of each agency is responsible for creating the plan and submitting it to *I Maga'hågan Guåhan* and the Speaker of *I Liheslaturan Guåhan* annually.

This plan includes provisions for maintaining maximum operational continuity and a statement of actions to prevent or mitigate any vulnerabilities that could significantly risk the agency's continuity of operations.

This policy and all forms mentioned herein are available on the Guam Ethics Commission website (<https://guamethics.com>) under Commission Policies.

SECTION 2 – PURPOSE

To ensure the continuity of operations and services in the face of unexpected events, the following contingency plan addresses potential challenges, including personnel loss, equipment malfunction, data loss, facility unavailability, reduced funding, and other unforeseen circumstances.

SECTION 3 – LOSS OF PERSONNEL BY RETIREMENT, WHETHER KNOWN OR UNKNOWN IN ADVANCE, NATIONAL GUARD DEPLOYMENT, MILITARY RESERVE DEPLOYMENT, SICKENSS, DEATH, OR OTHER CONTINGENCIES.

1. Prolonged Absence of Commission Staff

The Guam Ethics Commission is currently comprised of the Executive Director, two (2) Ethics Investigation and Compliance Officers, and an Administrative Assistant. In the event of a planned absence of any staff for a prolonged period of time, team members may be assigned additional responsibilities pursuant to GEThC Policy 1: Hiring and Dismissal of the Executive

Director and Staff.

2. Standard Operating Procedures (SOP)

GETHC Standard Operating Procedures (SOP) clearly provide Commission staff with necessary information to perform all functions of the Commission's operations. The detailed guidelines promote the effective and efficient performance of staff duties, in a manner that reduces errors and minimizes risks.

3. Response Plan for Key Roles

A response plan is crucial for ensuring the continuity and success of the Guam Ethics Commission. Pursuant to GETHC Policy 1, in the Executive Director's temporary absence the executive director shall assign a staff member to serve in an acting capacity.

SECTION 4 – LOSS, MALFUNCTION, OR BREAKDOWN OF EQUIPMENT NECESSARY FOR THE EFFICIENT PROVISION OF SERVICES

Malfunction or breakdown of equipment

Laptops

Each staff member is issued a work laptop to support their performance of duties and responsibilities. The Commission possesses in its inventory an additional two (2) laptops as backup equipment. In the event an issued equipment malfunctions or is inoperable through no fault of the employee, the executive director can assign the staff member an alternative device within its equipment inventory.

Copy Machine

The copier machine is maintained regularly by Commission staff and is currently on lease. The approved lease agreement provides that the vendor shall replace the copier equipment whenever the copier machine is no longer operable.

AV System

The Commission maintains necessary audio and visual (AV) equipment to ensure its meetings and hearings are conducted in compliance with the Open Government Law. In the event the AV system malfunctions, spare computer equipment maintained in the Commission's inventory are equipped with a camera and microphone to ensure the continuation of Commission business.

Telephone

The Guam Ethics Commission has implemented a Voice over Internet Protocol (VoIP) telephone system, which comprises sequentially interconnected phone lines. Upon placing a call, the system initially directs it to the primary line. However, in the event of technical issues or maintenance rendering the primary line unavailable, the system automatically reroutes the call to the next available line in the sequence. This ensures uninterrupted and seamless communication.

In addition, call forwarding, voicemail, integration with mobile services using iOS or

Android applications, and online programming ensures uninterrupted communication channels. Voicemail captures messages when the user is unavailable, and call forwarding directs incoming calls to other numbers or devices, ensuring accessibility regardless of location. Online programming allows for remote management of settings, facilitating prompt adjustments during unexpected events. These functionalities collectively provide flexibility, and remote accessibility, promoting operational resilience in unforeseen circumstances.

Internet Services

The GETHC contract offers technical support to trouble and resolve issues related to Commission's network or network related equipment. In the event internet services are disrupted for an undetermined amount of time, the Commission may request a temporary MIFI (Mobile WiFi) device from the internet provider. The MIFI devices will provide continued connectivity until the primary service is restored.

SECTION 5 – LOSS OF PHYSICAL OR ELECTRONIC RECORDS

Electronic Records Management and Data Recovery Plan

All physical files are securely stored in a designated area, ensuring the integrity and confidentiality of the information. In the event of a loss of physical or electronic records, all files are securely stored electronically in a Google Drive managed by the Office of Technology (OTECH), which provides comprehensive IT support to all Government of Guam agencies.

In addition, each employee is assigned a 1 TB portable external drive to back up files, ensuring the preservation of critical data. This precautionary measure provides an additional layer of security, enabling essential information is readily available in the event of a system failure or data loss.

SECTION 6 – UNAVAILABILITY OF FACILITY

In the event that the Commission's facility becomes inoperable due to unforeseen circumstances, GETHC has a well-designed contingency plan that guarantees the continuity of critical functions. This plan involves implementing remote working and telecommuting measures and identifying an alternate worksite that allows staff to maintain Commission operations uninterrupted.

SECTION 7 – UNANTICIPATED REDUCTION OF FUNDING LEVELS

In the event of the Commission experiences reduced funding, the Executive Director shall report to the Commission the impact the reduction will have on the Commission's operation and provide recommended actions for the Commission to consider. These options may include, but are not limited to the following:

- Re-examining the training fee for the Ethics in Government Program in accordance with GETHC Policy 5: Ethics in Government Program Training Fee to augment any reduction of funding levels.

GETHC Policy 8: Continuity of Operations – Adopted: _____

- Submit for consideration a Budget Realignment Plan which prioritizes spending areas and levels in a manner that doesn't compromise core functions or mission-critical objectives.

SECTION 8 – ANY COMBINATION OF THE ABOVE THROUGH REASONABLY FORESEEABLE INSTANCES

GEthC may implement in part or in full all elements from the specific plans above based on the combination of events.

EFFECTIVE DATE

This policy shall be in effect upon the adoption of the Commission at a publicly announced / open meeting and signed by the Chairperson of the Commission.

AMENDMENTS

The Commission may make any amendments to this policy as it deems necessary, provided that such action be done by an affirmative vote of four (4) or more members at a publicly announced / open meeting.

[] APPROVED AND ADOPTED

CHRISTOPHER A. CRUZ
CHAIRMAN

Date

Contingency Plan

To ensure the continuity of operations and services in the face of unexpected events, the following contingency plan addresses potential challenges, including personnel loss, equipment malfunction, data loss, facility unavailability, reduced funding, and other unforeseen circumstances.

Scenario	Trigger	Response	When	Key Responsibilities	
				Who	What
Loss of personnel by retirement, whether known or unknown in advance, national guard deployment, military reserve deployment, sickness, death, or other contingencies.	The team member is absent/sick/leaves the company unexpectedly.	Take actions consistent with GETHC Policy 1: Hiring & Dismissal of the Executive Director & Staff	As soon as absence is confirmed.	Executive Director	<ul style="list-style-type: none"> - Inform Commissioners of the extent of the absence and obtain concurrence for the desired action. - Direct team members and offer guidance & support. - Begin personnel action to look for a replacement
				Team members	<ul style="list-style-type: none"> - Adapt workload to take on additional tasks, and report challenges/ concerns to the Executive Director
Loss, malfunction, or breakdown of equipment necessary for the efficient provision of services.	Equipment malfunction	Use backup units	When equipment is not properly functioning	Executive Director	<ul style="list-style-type: none"> - Oversee the situation. - Maintain contact with the team; assess the situation. If the unit is inoperable and unrepairable, authorize the purchase of replacement equipment.
				Team members	<ul style="list-style-type: none"> - Call tech support for unit repair/replacement - Use spare units. - Begin requisition for unit replacement

Scenario	Trigger	Response	When	Key Responsibilities	
				Who	What
Loss of Physical or Electronic Records	Inability to access the main drive or Lost physical file	Save data in external drive	As soon as it happens	Executive Director	<ul style="list-style-type: none"> - Oversee the situation. - Maintain contact with the team; assess the situation, offer guidance & support.
				Team members	<ul style="list-style-type: none"> - Call OTECH for support service. - Save files in external drive
Unavailability of Facility	<ul style="list-style-type: none"> - Natural disasters - Fire - Flood - Pandemic 	Update GETHC Website to notify the public	As soon as it happens	Executive Director	<ul style="list-style-type: none"> - Inform Commissioners of the unavailability of facilities and obtain concurrence for the desired response. - Maintain contact with the team; assess the situation and offer support. - Implement remote working and telecommuting measures
				Team members	<ul style="list-style-type: none"> - Forward all calls to available phone lines. - Update GETHC Website and email prompts to notify the public. Instruct to call or email for immediate assistance. - Bring laptop, charger and external drive and prepare for remote work.

Scenario	Trigger	Response	When	Key Responsibilities	
				Who	What
Unanticipated Reduced Funding Levels	Budget cuts	<ul style="list-style-type: none"> - Explore Revenue Generation - Prioritize spending & identify areas where reductions can be made without compromising core functions or mission-critical objectives. - Streamline process 	As soon as it happens	Executive Director	<ul style="list-style-type: none"> - Inform Commissioners of the reduction of funding levels and obtain concurrence for the desired response.
				Team Members	<ul style="list-style-type: none"> - In the event of rightsizing, adapt workload to take on additional tasks, and report challenges/ concerns to the Director
Any Combination of the Above through Reasonably Foreseeable Instances	Any of the above	GETHC will Integrate elements from the specific plans above based on the combination of events.	As soon as it happens	Executive Director	<ul style="list-style-type: none"> - Integrate elements from the specific plans above based on the combination of events.
				Team members	



GUAM ETHICS COMMISSION
Kumisión i Ginihan Areklamenton Guåhan

RESOLUTION No. 2024 – 002

COMMISSIONERS

Christopher A. Cruz
Chairman

Margaret E.R. Tyquiengco
Vice-Chairperson

Marilyn R. Borja

Robert S. Jack, MD

Daphne May N. Leon Guerrero

Shannon J. Murphy

**RELATIVE TO THE ELECTRONIC FILING OF MANDATED REPORTS UNDER
THE PUBLIC OFFICIAL DISCLOSURE ACT 4 GCA CHAPTER 13**

WHEREAS, the Guam Ethics Commission was established in Chapter 15, Title 4 Guam Code Annotated, primarily to adjudicate complaints filed against elected officers, appointed officers, and public employees of the Government of Guam for violating the Ethical Code of Conduct; and

WHEREAS, the Guam Ethics Commission is a vital government agency responsible for upholding ethical standards and promoting good governance in our island community; and

WHEREAS, the Guam Ethics Commission plays a crucial role in maintaining public trust by hearing cases regarding violations of ethical standards for elected officials along with all persons employed by the government of Guam; and

WHEREAS, the Guam Ethics Commission recognizes its responsibility to uphold the Public Official Disclosure Act requiring each official to provide a financial report annually; and

WHEREAS, the said Act mandates that said officials submit a report detailing gross income, gifts received, and significant debts, ensuring transparency and accountability; and

WHEREAS, the current processes for filing said reports necessitate modernization to improve efficiency and accuracy; and

WHEREAS, the Commission aims to accept the electronic filing of required reports under the Public Official Disclosure Act as the electronic filing will provide a more accessible and user-friendly platform for officials to fulfill their reporting requirements in a more streamlined manner; and

WHEREAS, the transition to accepting the electronic filing is intended to remove barriers to compliance with the reporting requirements stipulated by the Public Official Disclosure Act and facilitate public access to disclosure information, thereby enhancing public trust in the ethical governance of officials; now therefore be it

RESOLVED, that the Guam Ethics Commission hereby endorses the acceptance of an electronic filing as a proper submission of financial reports by officials as mandated by the Public Official Disclosure Act; and be it further

RESOLVED, that Chairperson of the Guam Ethics Commission certify and attest to the adoption hereof, and that copies of same be transmitted to Gerard “Jerry” C. Crisostomo, Chairman of the Guam Election Commission and Maria I.D. Pangelinan, Executive Director of the Guam Election Commission.

**PASSED AND ADOPTED BY THE GUAM ETHICS COMMISSION THIS 26TH
DAY OF APRIL 2024**

CHRISTOPHER A. CRUZ
CHAIRMAN, GUAM ETHICS COMMISSION

134 W. Soledad Avenue
Suite 406, BOH Building
Hagåtña, GU 96910

Tel: (671) 969-5625

Fax: (671) 969-5626

Email: info@ethics.guam.gov

Subject: Certificates for UOG SBPA Facilitators
Date: Monday, March 11, 2024 at 4:27:00 PM Chamorro Standard Time
From: Cruz, Katrina
To: Ethics Info
CC: ROSEANN M JONES
Priority: High

CAUTION: This email originated from outside of the Government's Network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hafa Adai Guam Ethics Team,

I hope this email finds you well. I wanted to inquire, if UOG SBPA Professors provided and conducted 4-hour general ethics course trainings in 2021-2022, are they able to receive a Certificate of Completion or do they have to take the training?

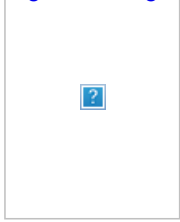
Judith Guthertz (As she indicated, she taught the training and took the course. She provided her certificate)

Vanessa Williams
Ronald McNinch
Ronald Aguon
Robert Cruz
Frank Ishizaki
Ansito Walter

Please let me know at your earliest convenience so I can advise them to register if needed.

Si Yu'os ma'åse',

Signature Logo



Katrina Cruz, MPA
Administrative Officer 🏛️

School of Business and Public Administration

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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**

SECOND EDITION

April 2024

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WHERE WE ARE NOW

The Guam Ethics Commission was created through 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. Its enabling law, the Standard of Conduct for Elected Officers, Appointed Officers and Public Employees of the Government of Guam, codified at 4 GCA Ch. 15 (the “Ethics Standards”) provides for the organization of the Commission, its administrative authority, and its jurisdiction. 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 promote the 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 review complaints concerning the conduct of officers and employees through the procedures in the Ethics Standards and provide guidance on ethical conduct through informal and formal opinions and coordination with the Attorney General and the Public Auditor.

As part of this directive, the Commission is responsible for helping to ensure that Guam's public officials and employees are aware of the Ethics Standards and conduct for public officials. This includes reviewing officials and employees compliance with laws related to accepting gifts, fair treatment, avoiding conflicts of interest in government contracting, and post-employment activities. Additionally, financial statements and disclosures must be regularly filed by elected officials, board and commission members, and certain other personnel of the Government of Guam.

GovGuam officials and employees number 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 process for the Commission to determine violations of the Ethics Standards are provided in Section 15401 (b). Charges may be investigated and if supported by sufficient evidence, an informal advisory opinion is rendered. The employee or official is then given opportunity to comply, or the Commission is authorized to render a formal opinion after which a hearing is held to determine whether the charges are supported by a preponderance of the evidence. These proceedings and the opinions are confidential; however, they may be published in summary form with redactions to prevent disclosing the identity of the employee.

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 ethics in government training within the first six (6) months of his or her employment as opposed to thirty-six months for those hired prior to May 2021.

Ensuring Compliance with Disclosure Laws

Disclosure statements filed by government of Guam officials and certain high-ranking employees are 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 reviewing compliance with the Public Official Disclosure Act and, thus holding them accountable for their actions.

Enforcing Ethics Laws

The Commission is tasked with receiving and reviewing grievances of official misconduct and allegations of ethical violations. The Commission is empowered to subpoena witnesses and administer oaths in relation to matters before the Commission. Furthermore, the Commission 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 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 at <https://www.guamethics.com/training/online-training>. The Commission's new online learning module has been a great success since its launch, with an average of 150 employees completing their ethics training requirement every month, a 50% increase compared to last year.

Government officials can satisfy their training mandate through one of three modes offered by the Commission: live in-person, live virtually through ZOOM, or through an asynchronous online module available on the Commission's website. Currently, 7,563 Government workers have achieved the Ethics in Government workshop since November 2021. This impressive number demonstrates our commitment to helping public officials and government officials alike, understand ethical practices while on the job.



7,563
INDIVIDUALS TRAINED



LEGISLATION

The Commission, first established in 1996, was left dormant until the first members were confirmed in 2019. Without a budget or any operational infrastructure, Executive Order No. 2019-06 assigned the Civil Service Commission to provide 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 entity of the government of Guam. Second, Public Law 36-67— which 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 complaint allegations in a confidential manner. The Commission may elect to begin formal charges against an alleged violator if there is probable cause to believe ethical standards have been violated. The person charged will be given an opportunity to respond and the Commission shall hold a hearing if there is reason to believe a violation has been committed.

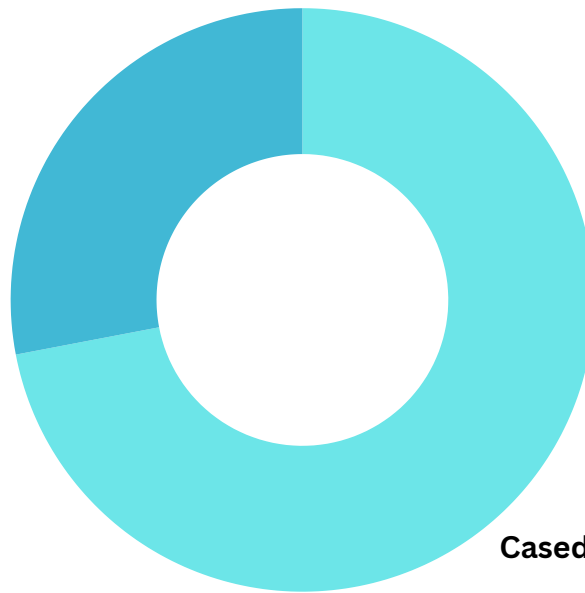
In this edition, the Commission processed 25 complaints involving allegations of ethical misconduct. Of those cases, 18 have since been dismissed and seven (7) were forwarded to the Office of the Attorney General. Specifically, nine (9) stemmed from allegations of violations of the Prohibition Against Unfair Treatment, four (4) involved alleged Conflicts of Interest, and 12 fell beyond the authority of the Commission's jurisdiction.

Forwarded to the Attorney General's Office

7

25

CASES RECEIVED



Cases Dismissed

18

Prohibition Against Gift	-
Required Reporting of Gifts	-
Employee Use of Confidential Info.	-
Prohibition Against Unfair Treatment	9
Conflicts of Interest	4
Contracts	-
File GEC Reports	-
Restrictions on Post Employment	-
Other	12
Total	25

ADVISORY OPINIONS

This year, the Commission issued three (3) formal Advisory Opinions. A summary of the advisory opinions are provided below.

1. On March 28, 2023, an appointed official asked whether their participation as a board member of government agency “A” which is deciding to take action in support of government agency “B” who the appointed official is employed with. Advisory Opinion 23-001 advised the appointed official that their participation in the discussion and decision as a board member of government agency “A” would not pose a conflict of interest with their role as an employee of government agency “B”. The Commission recommended full disclosure of the appointed official’s employment be placed on the record prior to any discussion by the board of government agency “A” regarding the proposed action.

2. On April 14, 2023, an employee asked whether a former employee of a government agency was in violation of 4 G.C.A. § 15210 Restriction on Post Employment based on their former employment with the agency as the former employee is now employed privately while simultaneously applying to be certified as an approved contractor for the agency. Advisory Opinion 23-002 advised the employee that a former employee of the agency based on his former employment with the agency and his current employment with a third party while simultaneously applying to be certified as a agency contractor does not violate 4 G.C.A. § 15210. Restrictions on Post Employment. The Commission stated that restrictions on post-employment in this context are meant to ensure that government employees, especially those in management positions, do not use their government position to favor a particular individual or company and then accept a job from that individual or company once they are no longer employed by the government. The purpose is to prevent government employees from taking actions which may not be in the government’s best interest in order to secure employment from the new employer.

3. On December 01, 2023, an employee asked whether it was appropriate for employees from government agency “A” to attend a holiday party at the invitation of government agency “B”, while government agency “B” remains a contracted vendor of government agency “A”. Advisory Opinion 23-003 advised employee that it is not appropriate for employee of government agency “A” to attend a holiday party hosted by government agency “B”. Based on the information provided, government agency “A” provides funding to government agency “B” for the operations of the senior centers on Guam. Without a thorough review of the Memorandum of Understanding referenced in the request, arguably, in return for accepting funding from government agency “A”, government agency “B” must ensure the funds are spent and used for the purposes required and supervised in an official capacity by government agency “A”. The Commission stated that it would appear that a conflict of interest exists since government agency “A” supervises government agency “B” to ensure the proper use of government agency “A” funds and therefore, government agency “A” attendance could be in violation of 4 G.C.A. §§ 15201 and 15204(d).

SUMMARY OF OPINIONS

ETH-22-201-COI-204

A complainant filed a case against officials serving on a board or commission of an agency for failing to state their conflicts of interest and not recusing themselves when voting on certain matters. After further investigation, the Ethics Commission voted to forward the case to the Attorney General’s office for further action.

ETH-23-101-OT-201

A complainant filed a case against government officials, alleging that the government officials retaliated against the complainant after the complainant inquired about protocols in the workplace. The complainant later withdrew their complaint.

ETH-23-102-UT-202

A complainant filed a case against a government official for alleged retaliation. The complainant claimed that the government official used their position to intimidate constituents into opposing a policy introduced by the complainant. After further investigation, the Ethics Commission determined it did not have jurisdiction and issued an order of dismissal for the case.

ETH-23-103-OT-202

A complainant filed a case against a government official for allegedly seizing the complainant's electronic devices after allegedly being permitted to use them. After further investigation, the Ethics Commission determined it did not have jurisdiction and issued an order of dismissal for the case.

ETH-23-104-OT-202

A complainant filed a case against a government official for breaking a government policy, which the complainant discovered while detained. Upon the Commission's review of the case, it determined that it lacked jurisdiction over the matter and issued an order of dismissal for the case.

ETH-23-105-OT-202

A complainant filed a case against a government official for allegedly providing false information to a law enforcement officer regarding the complainant's place of employment. After further investigation, the Ethics Commission determined it did not have jurisdiction and issued an order of dismissal for the case.

ETH-23-106-OT-201

A complainant filed a case against a government official, accusing them of unfair treatment and asserting that their freedom was infringed when the official violated court orders. After further investigation, the Ethics Commission determined it did not have jurisdiction and issued an order of dismissal for the case.

ETH-23-107-OT-202

A complainant filed a case against a government official for allegedly offering job opportunities in return for sexual favors and falsifying official documents. After further investigation, the Ethics Commission voted to forward the case to the Attorney General's office for further action.

ETH-23-108-OT-201

A complainant filed a case against a government official for being unprofessional and allegedly slandering the complainant after they submitted an employment application and was later rejected by the agency for intentional false statements or deception. After further investigation, the Ethics Commission determined it lacked jurisdiction over the matter and issued an order of dismissal for the case.

ETH-23-109-OT-201

A complainant filed a case against a government official after allegedly being bullied when the official told the complainant to return a laptop they purchased inside the military base. After further investigation, the Ethics Commission determined that it lacked jurisdiction over the matter and issued an order of dismissal for the case.

ETH-23-111-OT-202

A complainant filed a case against government officials who were laughing and insulting an individual for having sexual relations with the individuals' spouses on webcam. After a review of the Commission, it concluded that it has no jurisdiction over the matter and issued an order of dismissal.

ETH-23-112-UT-202

A complainant filed a case against a government official for alleged retaliation. The government official allegedly uses his/her position to intimidate and influence the operations and the organizational structure of the agency. After further review of the Commission, it found that the complainant's alleged facts were insufficient to support ethical violations and ordered a dismissal of the case.

ETH-23-113-UT-201

A complainant filed a case against a government official for fraud and abuse after using a company vehicle for personal errands during business hours and instructing staff to process requisitions improperly. After further investigation, the Ethics Commission voted to forward the case to the Attorney General's Office for further action.

ETH-23-114-UT-201

A complainant filed a case against a government official for unfair treatment and conflict of interest. The official allegedly made employees run personal errands during work hours and delayed governmental functions of that office, causing higher costs for the government. After further investigation, the Ethics Commission voted to forward the case to the Attorney General's Office for further action.

ETH-23-116-UT-201

A complainant filed a case against a government official for using government vehicles for personal errands. After further investigation, the Ethics Commission voted to forward the case to the Attorney General's Office for further action.

ETH-23-117-UT-201

A complainant filed a case against a government official for allegedly using another employee's USER ID on a government server to perform governmental functions within that agency despite the official being assigned to a different agency. After further investigation, the Ethics Commission voted to forward the case to the Attorney General's Office for further action.

ETH-23-118-UT-201

A complainant filed a case against a government official for allegedly leaving during working hours to do personal errands and being gone for most of the day without signing leave, and not having a modified schedule. The government official also allegedly sleeps in the office and cleans his/her car using government resources during working hours. After further investigation, the Ethics Commission voted to forward the case to the Attorney General's Office for further action.

ETH-23-119-UT-202

A complainant filed a case against a government official for giving them the "run around" and not acting on a case filed by the complainant. After further review of the Commission, it determined that it has no jurisdiction over the matter and issued an order to dismiss the case.

ETH-23-120-OT-202

A complainant filed a case against a government official for allegedly diagnosing the complainant with schizophrenia based on insufficient evidence. After further review of the Commission, it determined that it has no jurisdiction over the matter and issued an order to dismiss the case.

ETH-23-121-UT-201

A complainant filed a case against a government official who allegedly required employees to submit a favorable report about a supervisor despite allegations of his/her harassment towards a female employee in the media. Additionally, the official asked other employees to write a negative report about the complainant to discredit their leadership. After further review of the Commission, it determined that it has no jurisdiction over the matter and issued an order to dismiss the case.

ETH-23-123-OT-202

A complainant filed a case against a government official for allegedly being disrespectful and unprofessional during working hours. After further review of the Commission, it determined that it has no jurisdiction over the matter and issued an order to dismiss the case.

ETH-23-124-OT-202

A complainant filed a case against a government official for allegedly requesting the surrender of a stolen vehicle from a federal home office. After further review of the Commission, it determined that it has no jurisdiction over the matter and issued an order to dismiss the case.

ETH-23-125-OT-202

A complainant filed a case against a government official after not receiving a hard or electronic copy of a document that the complainant requested. After further review of the Commission, it determined that it has no jurisdiction over the matter and issued an order to dismiss the case.

ETH-23-126-OT-202

A complaint was made against a non-government employee for being dishonest about their sibling's military compensation. After further review of the Commission, it determined that it has no jurisdiction over the matter and issued an order to dismiss the case.

ETH-23-127-OT-201

A complainant filed a case against a government official for allegedly showing favoritism towards another customer who is extremely disrespectful and arrogant. Despite the complainant filing a complaint against this customer, no action was taken by the accused official. After further review of the Commission, it determined that it has no jurisdiction over the matter and issued an order to dismiss the case.

FINANCIAL & GIFT DISCLOSURES

Pursuant to 4 GCA 15 § 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 three working days of filing with the Guam Election Commission.

COMMISSION & STAFF

The Commission currently has six members who have been appointed by the Governor and confirmed by the Guam Legislature. The current members of the Commission are Christopher A. Cruz – Chairman, Margaret (Meg) E.R. Tyquiengco – Vice-chairperson, Shannon J. Murphy, Marilyn R. Borja, Dr. Robert S. Jack and Daphne M. Leon Guerrero. The Commission is hopeful to have the final vacant seat on the board filled in the upcoming term.

COMMISSION & STAFF

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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