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## Vincent C. Camacho, ESQ.

- **Attorney/Managing Principal**
  - Camacho Calvo Law Group LLC
- **Attorney/Partner**
  - Carlsmith Ball LLP
- **Vice-President**
  - Great-West Financial Services
- **Management Consultant**
  - Deloitte & Touche
- **Bachelor Science - Accountancy**
  - San Diego State University
- **Master of Business Administration**
  - University of Guam
- **Juris Doctor**
  - University of Hawai'i at Manoa
- **Master of Laws (LL.M.) Taxation**
  - Villanova University

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## Why?

### Public Law 36-25:

- ❖ Ethics – Solving General ethics related issues
- ❖ Lobbying
- ❖ Procurement
- ❖ Contracts
- ❖ Parliamentary Procedure
- ❖ Fiduciary Responsibility
- ❖ Personnel Policy
- ❖ Government Finance
- ❖ Open Government Law and Sunshine Reform Act of 1999

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## Top Guam Enforcement Issues:

1. Unfair Treatment
2. Conflict of Interest
3. Confidential Information

### Ethics Commission received:

- 71 Complaints
- 52 Dismissed
- 8 Referred to OAG
- 10 In-Review
- 1 Retracted



Scan QR Code to Submit Questions

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## General Principles:

1. Public service is a **public trust**, requires placing loyalty to the laws and ethical principles over **private gain**.
2. No **financial interest** that conflicts with **official duty**.
3. No financial transactions using **confidential information** for **private gain**.
4. No prohibited **gifts**.
5. **Honest** effort in performing duties.
6. No unauthorized commitments or promises of any kind to bind the government.
7. No use of **public office** for **private gain**.
8. Act **impartially**. No preferential treatment to any private organization or individual.
9. Protect and conserve Government property.
10. No outside employment that conflicts with Government duties or responsibilities.
11. **Whistleblowing**. Duty to report waste, fraud, abuse, and corruption to authorities.
12. Satisfy in **good faith**, obligations as citizens imposed by law (ex. Pay taxes).
13. Adhere to all laws and regulations that **prohibit discrimination**.
14. Avoid **appearance** of violating the law or **ethical standards**.

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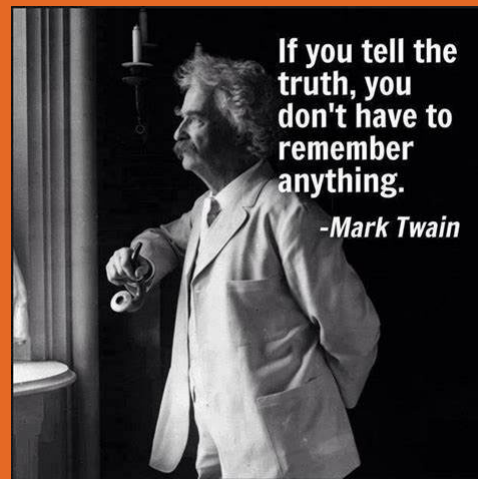
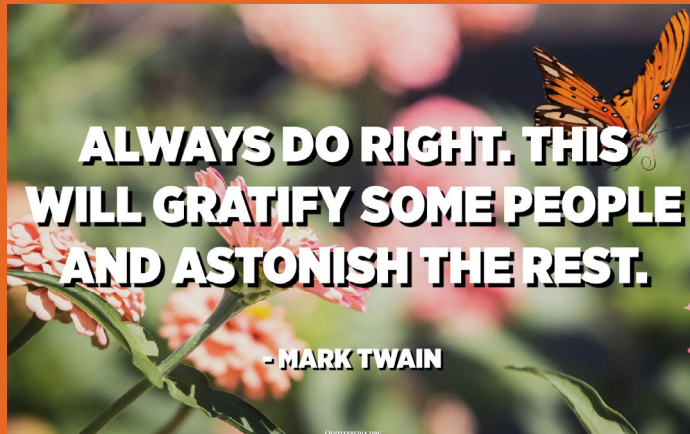
## PRE-TEST

- When teaching, speaking, or writing may you refer to your government title or position to help identify you?
- When asked to provide a letter of recommendation (employment or character) may you sign the letter using your government title when the recommendation is based on your personal knowledge or someone outside the course of your government position?
- May a GovGuam employee, public official, or their immediate family members establish a "GoFundMe" account to raise money for the costs of medical treatment for their son?

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## Food for Thought...



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## What is Ethics?

- Ethics are the **standards of behavior** that tell us what humans should do in their personal and professional lives.
- Ethics and ethical standards apply to **individuals, organizations, and society.**

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## ETHICAL DILEMMAS IN PUBLIC LIFE

- Conflicts of Interest
- Gifts
- Whistleblowers
- Private lives of public employees
- The “whole truth”
- Confidentiality
- Conflicts with personal beliefs
- Media relations

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## BEHAVIOR WITHOUT ETHICS

- Creates **suspicion**
- Destroys **trust**
- Hurts **morale**
- Shatters **public confidence**

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## BUILDING AN ETHICAL ORGANIZATION

- **Commitment** in both word and deed
  - **Allocating time and resources necessary**
- Morally courageous **leaders**
  - **Leadership starts from the top of the organization**
- **Interaction** with internal and external stakeholders
  - **Communicating your values and accomplishments**
- **Individual** rather than collective **responsibility**
  - **The organization is only as good as each individual**

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## ETHICAL VALUES

- |                   |                  |
|-------------------|------------------|
| • Honesty         | • Accountability |
| • Respect         | • Competence     |
| • Trust           | • Responsibility |
| • Integrity       | • Fairness       |
| • Professionalism |                  |

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## HOW TO MAKE ETHICAL DECISIONS

- Consider the facts
- Walk in the shoes of those affected
- Consider all options
- Evaluate Options
  - More good than harm?
  - Supports rights?
  - Treats everyone fairly?
  - Best for the community?
  - Can decision be defended publicly?

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## Regulating Ethics in Public Life

- Ethical Conduct involves just that – **Conduct!**
- It is a measure of how well you make decisions and perform your duties in accordance with public service principals and standards.
- Ethics is about choices which matter, and choices which matter are dilemmas.
- Political ethics involve making moral judgments about political agendas.
- In developing public policy, elected officials must weight their own ethical code carefully – issues of power, justice, religious/societal, and the law.

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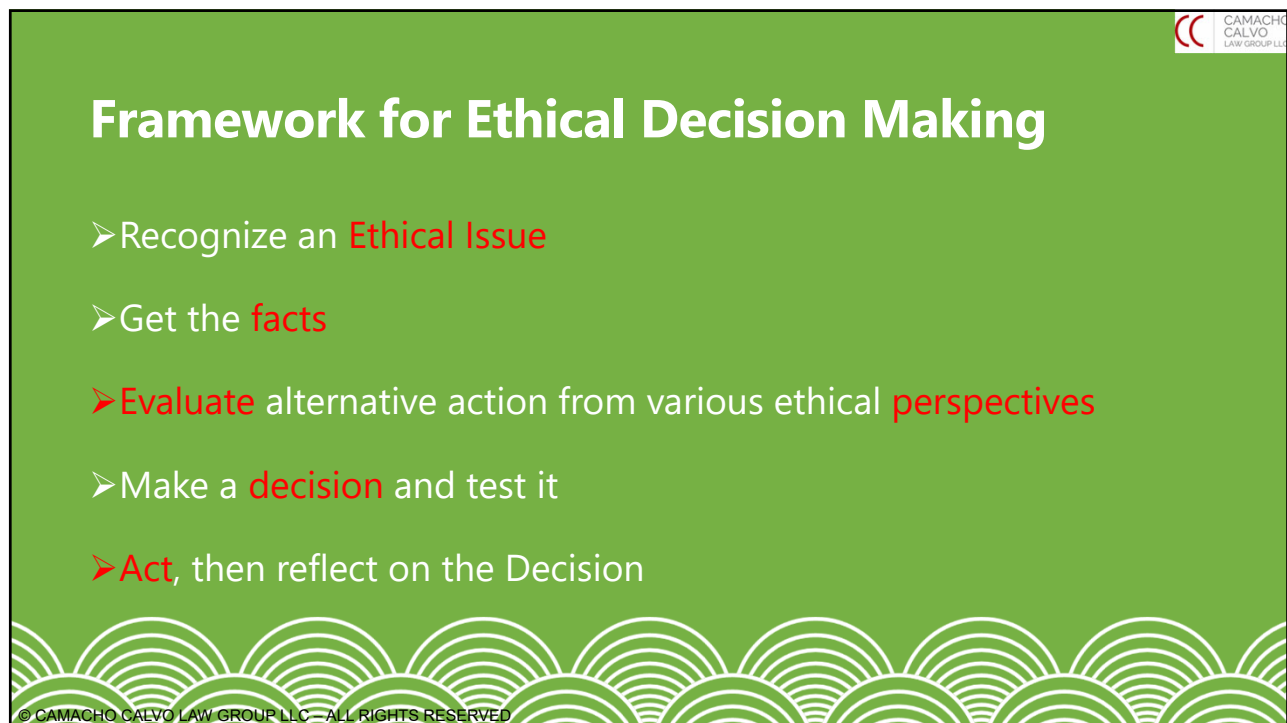
**How to handle potential ethical questions?**

WHAT DO YOU THINK?

**WHAT WILL YOU DO?**

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## Framework for Ethical Decision Making

- Recognize an **Ethical Issue**
- Get the **facts**
- **Evaluate** alternative action from various ethical **perspectives**
- Make a **decision** and test it
- **Act**, then reflect on the Decision

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## Recognize an **Ethical Issue**

- Is there something wrong at the personal, interpersonal, or social level?
- Could the situation under consideration be harmful to those concerned or the community?
- Does the issue go beyond legal and institutional concerns? What are the effects on people's dignity, rights, and aspirations for a better life?

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## Get the **Facts**

- What are the relevant facts?
- What facts are **NOT** known?
- Which individuals and group have important stakes in the outcome?
- Do some have a greater stake because they have a special need or because one has a special obligation to them?
- What are the options for acting? Have all relevant persons and groups been consulted?

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## Evaluate **Alternative Actions**

- Which option will produce the most good and do the least harm?
- Will everyone's rights and dignity be observed?
- Which option is fair to all stakeholders?
- Which option would help all participate more fully?

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## Make a Decision and **Test it.**

- Consider all the perspectives, which option is the right or the best option to adopt?
- If you informed someone you respect why you chose the option, what do you think the response would be?
- If you had to defend your position (i.e., to the media) would you be comfortable doing so?

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## Act, and then reflect on Decision Later

- Implement decision. Assess how it turned out for all concerned.
- If you had to do it all over again, would you do it differently?

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## Ethical Issue?

- ❖ You each have been given a government computer, desk phone, and cell phone. You notice that some of your colleagues have their personal email and social media account open on their desktop/cell phone.
- ❖ It is the holidays and you and your staff have a strong *esprit de corps*. You are asked to help decorate the office, participate in a White Elephant gift exchange, and contribute to the office party.
- ❖ Your family friend asks you to help them with an issue they have with the GovGuam. For example, getting a job, government benefits, taxes, policy concerns, licenses, permits, contract, grants, internships, etc.
- ❖ You have a friend or family member who owns a business that could be of use to GovGuam.

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## What is Government Ethics?

**Three Categories**

- 1. Process**
- 2. Policy**
- 3. Politics**

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## Process

- People of Guam are **sovereign** – they possess supreme political power.
- **Authority** is delegated to public servants to act on their behalf.
- **Public Trust** – good stewards of public treasure and public resources.
  - Duty of Loyalty – No Conflict of Interest / Public interest before personal interest.
  - Duty of Fairness – Impartiality / No favors for party or supporters or donors
  - Duty of Care – Competent / Obey all laws / good stewards of public fisc
  - Duty of Accountability – Transparent / Open Government / Public Records

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## Policy

- **Substantive Decision Making**

- Budgeting Process
- Reflect values of the island/culture
  - What to fund?
  - What to cut?

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## Politics

- **Personal reasons for seeking public office**

- Inform electorate
- Campaign Ethics
  - Campaign Communications (Advertising)
    - Focus on qualifications and positions – be honest and respectful of all points of view
  - Positive/Negative Campaigns
    - Not all positive campaigns are truthful and not all truthful messages are positive
    - Candidate's record is fair game
    - Ads that contrast positions or voting records help inform public
    - Name-calling, innuendo, or stereotyping – unethical
    - Private life – depends if relevant to the job
    - Associations with groups – endorsement by implication/false information

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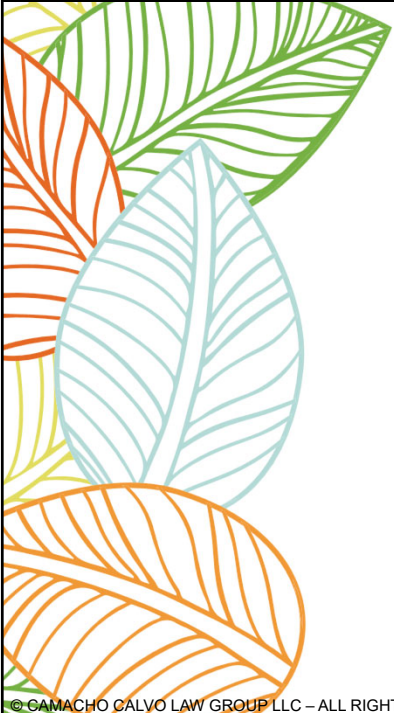
## Politics

### • Campaign Finance

- **Access** – Because each person is supposed to count equally – laws governing campaign finance are meant to prevent inequities (campaign contribution limits)
- **Integrity** – campaign funds must be fully accounted for and not used for personal expenses such as vacations/gifts.
  - Transparency
  - Properly identify expenses and account for in-kind donations
  - Vet contributors
- **Freedom of Choice** – everyone has the right to support the candidate of his or her choice.
  - No candidate should coerce EE or others to work on his or her behalf
  - Elected officials should **NOT** use any public resources on their campaign including staff, materials, phone or facilities.

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**Standards of Conduct for  
Elected Officers, Appointed  
Officers, and Public Employees  
of the Government of Guam**

**Title 4 Guam Code Annotated Chapter 15**

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## Definitions

**Business** – any business structure, trust or foundation, or an individual or organization carrying on any business, whether for profit or not.

**Compensation** – any money or thing of value or economic benefit conferred or received in return for services rendered.

**Employee** – any nominated, appointed, or elected officer or individual employee with a Guam agency [including board or commission members], and persons on personal services contracts.

**Financial Interest** – any interest held by an individual, his or her spouse, natural, adopted, or dependent children, parents, parents-in-law, siblings, or siblings-in-law:

- An ownership interest in a business;
- A creditor interest in an insolvent business;
- An employment or prospective employment for which negotiations have begun
- An ownership interest in personal or real property;
- A loan or other debtor interest;
- A directorship or officership in a business.

**Official Act(ion)** – means a decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary and non-discretionary authority.

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## Definitions

**Official Authority** – includes administrative, judicial, or legislative powers of decision, recommendation, approval, disapproval, or other discretionary or non-discretionary action.

**Guam Agency** – means every branch of government, public corporations, all government of Guam departments, bureaus, line agencies, autonomous and semi-autonomous agencies, instrumentalities, entities or sub-entities thereof, the Mayor's Council, and Mayors' offices.

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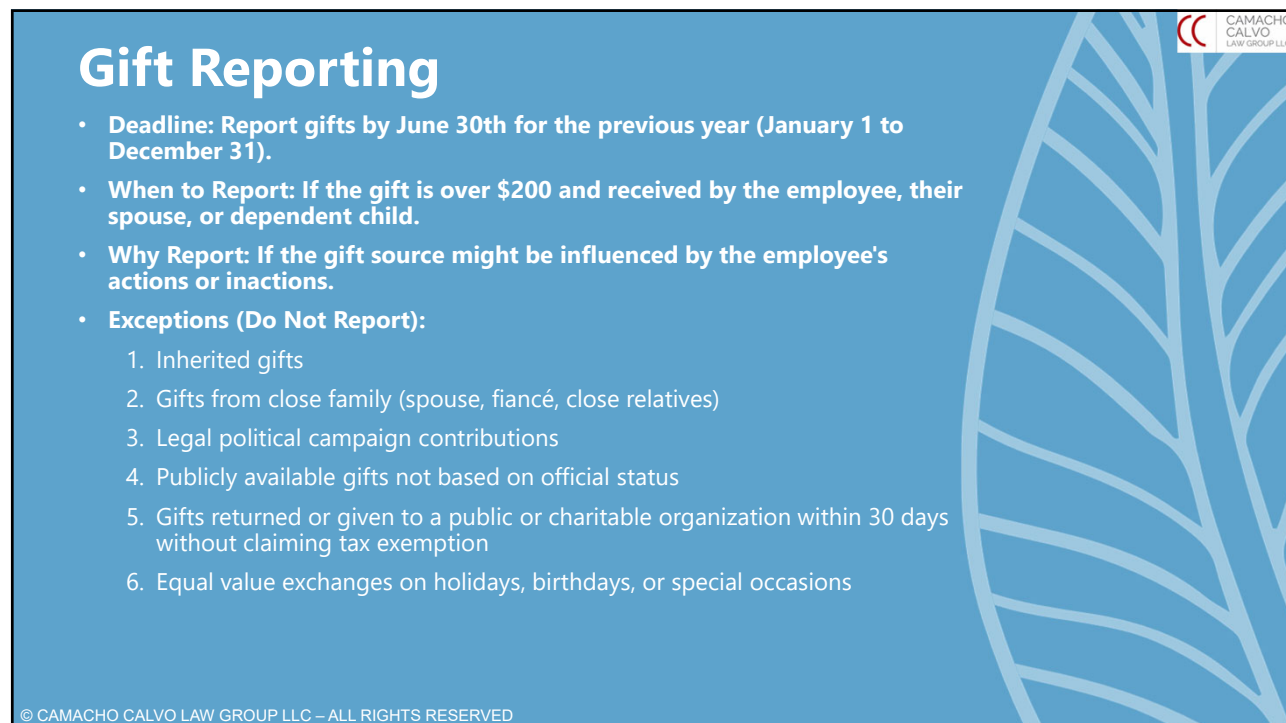
# Gifts

## Employees Cannot Accept Gifts

- 1. Who is Included?**
  - All government employees, including nominated, appointed, elected officials, board members, and contractors.
- 2. No Direct or Indirect Gifts**
  - This includes gifts given through other people.
- 3. Gift Value Limit**
  - No gifts over \$200 in any form (money, prizes, services, loans, travel, entertainment, hospitality, etc.).
- 4. Reason for the Rule**
  - No gifts that could be seen as influencing an employee's duties or as a reward for their actions.

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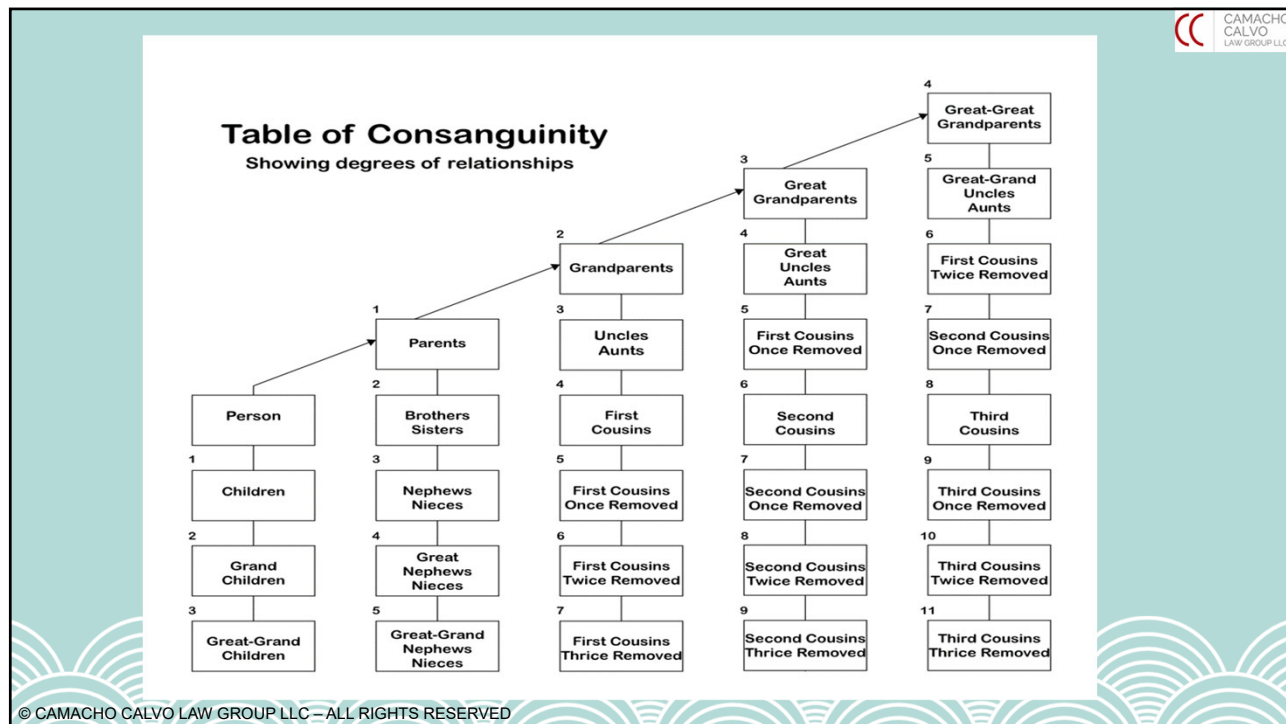
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# Gift Reporting

- **Deadline:** Report gifts by June 30th for the previous year (January 1 to December 31).
- **When to Report:** If the gift is over \$200 and received by the employee, their spouse, or dependent child.
- **Why Report:** If the gift source might be influenced by the employee's actions or inactions.
- **Exceptions (Do Not Report):**
  1. Inherited gifts
  2. Gifts from close family (spouse, fiancé, close relatives)
  3. Legal political campaign contributions
  4. Publicly available gifts not based on official status
  5. Gifts returned or given to a public or charitable organization within 30 days without claiming tax exemption
  6. Equal value exchanges on holidays, birthdays, or special occasions

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## Gift Reporting

**GUAM ETHICS COMMISSION**  
*Kumision / Ginhan Areklamentan Guðhan*  
 Government of Guam  
 134 W. Soledad Ave., BOH Bldg. Ste. 406  
 Tel: 671-969-5625 \* Telefax: 671-969-5626

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**FILER**

\_\_\_\_\_  
 Last Name First Name M.I.  
 \_\_\_\_\_  
 Agency Position

**CONTACT INFORMATION**

\_\_\_\_\_  
 Number and Street or P.O. Box  
 \_\_\_\_\_  
 City State Zip Code  
 \_\_\_\_\_  
 Telephone Ext. Email

**GIFT INFORMATION (LIST EACH GIFT SEPARATELY)**

1. Donor: \_\_\_\_\_ Date Received: \_\_\_\_\_  
 Gift (Description): \_\_\_\_\_ Value/Cost: \_\_\_\_\_

**CERTIFICATION:** By initialing this box, you signify and affirm that you are the person whose name appears as the "Filer" above and the information contained in the form is true, correct, and complete to the best of your knowledge and belief. You further certify that you understand that there are statutory penalties for failing to report the information required by Guam law.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

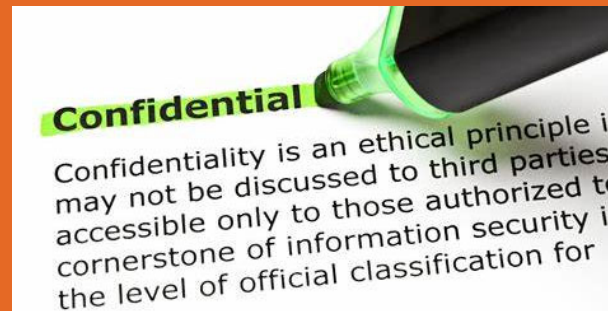
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## Confidential Information

- Do NOT share private information you learn at work.
- Do NOT use this information for personal benefit or to help someone else.



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## Fair Treatment

**Do NOT** use your job to get special treatment for yourself, your family, or others.

### Examples of Misuse:

- Trying to get a job or contract
- Getting paid for doing your official duties
- Using government resources for personal business
- Doing business with people you supervise

### Legislator Exception:

Legislators can still:

- Introduce bills or resolutions
- Serve on committees
- Make statements or act in legislative roles

Legislators, however, must file with the Guam Ethics Commission a full and complete public disclosure of the nature and extent of the legislator's interest in any legislative transaction which primarily affects the legislator or legislators involved or their spouses and not the community.

The disclosure must be made at the time of introducing such legislation or when the legislator shall first have knowledge of such legislation.

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## Conflicts of Interest

- Employees shall not take any **official action** directly affecting (1) a business in which the employee has a **financial interest**; or (2) a private undertaking in which the employee is engaged as legal counsel, advisor, consultant, representative, or another agency capacity.
  - Department heads who cannot be disqualified may be in violation even if the department head complies with Section 15208.
  - Board, commission, or committee member shall be prohibited from taking official action that directly and specifically affects a business in which the person has a financial interest.
- Employees shall not acquire **financial interests** in any **business** in which the employee may be directly involved in **official action**.
- Employees shall not assist any **person or business** before a GovGuam agency in any transaction involving the government of Guam for **compensation**.
- Employees shall not secure passage of a bill, obtain a contract, claim, or other transaction or proposal for **compensation** for which the employee has participated or will participate as an employee.
  - Employee shall not assist for **compensation** on any bill, contract, claim, or other transaction or proposal before the Legislature or Guam agency for which the individual is employed.

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## Conflicts of Interest (cont.)

- Employees with **Official Authority** shall not assist on any bill, contract, claim, or other transaction or proposal for **compensation** unless the employee complies with Section 15208.
- Employees may have outside business interests or employment so long as it does not interfere with performance of official duties and not in direct conflict of this Chapter.
- An employee who knows or with reasonable investigation should know of a financial interest in any decision before the employee or the agency for which the employee works **SHALL NOT** vote for or against, discuss, decide, or in any way participate in considering the matter.
  - Employees also cannot seek to influence the votes or decisions of others on the matter.
  - Employee shall verbally disclose at a meeting, if any, the nature of such interest, and shall have that **disclosure placed in the official records of the agency**.
  - Employee must complete the Disclosure of Conflict-of-Interest form with Guam Election Commission within 3 days of knowing of the conflict.
- Legislators who casts vote on a bill where the legislator has a **financial interest** must prepare a written statement that identifies the bill, the legislator's vote, and the nature of the financial interest.
  - Statement is filed with the Office of the Speaker and provided to the Clerk prior to voting.
  - Statement is posted on *I Liheslaturan Guåhan's* website.


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# Guam Election Commission – Conflict of Interest Disclosure Form

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**GUAM ELECTION COMMISSION**  
**Komisyon Eleksion Guahan**  
 241 Funchelt Avenue, Cha Building, Suite 202, Tamuning, Guam 96913  
 Tel: (671) 477-9791 • Fax: (671) 477-1895  
 Email: vote@gec.guam.gov • Website: http://gec.guam.gov



**DISCLOSURE OF CONFLICTS OF INTEREST  
FOR PUBLIC OFFICERS AND EMPLOYEES**

No employee shall take any official action directly affecting: (1) business or other undertaking in which the employee has a financial interest; or (2) private undertaking in which the employee is engaged as legal counsel, advisor, consultant, representative, or other agency capacity. As defined in 4 GCA § 15102, financial interest means an interest held by an individual, his or her spouse, natural, adopted, or dependent children, parents, parents-in-law, siblings, or siblings-in-law which is: (1) an ownership interest in a business; (2) a creditor interest in an insolvent business; (3) an employment, or prospective employment for which negotiations have begun; (4) an ownership interest in personal or real property; (5) a loan or other debtor interest; or (6) a directorship or officerhip in a business.

**Employee Name:** \_\_\_\_\_  
Employee means any individual employed with a Government of Guam agency and persons under personal services contracts.

**Agency:** \_\_\_\_\_

**Contact Number(s):** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Business Name:** \_\_\_\_\_  
Business includes any corporation, partnership, any sole proprietorship, any trust or foundation, or any other individual or organization carrying on any business whether or not organized for profit.

**Relationship with the Business:** \_\_\_\_\_

**Description and nature of conflict(s):** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I declare, under penalty of perjury, that the information set forth above is true and complete to the best of my knowledge.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Revised 04/2023

EC-02A

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## Contracts

- Guam Agency shall not contract with an employee or with a business in which an employee has a **controlling interest** unless awarded through procurement process.
  - **Exception** – if GSA opines that the property or services does not fall in the purview of the competitive bidding
    - Written justification for the non-competitive award of such contract shall be public record and filed with the Guam Ethics Commission 10 days before the contract is executed.
  - Applies to contracts where the member of a board, commission, or committees has a **controlling interest** in a business and is a member of the board, commission, or committee in which the member has jurisdiction.
- A Guam Agency shall not contract with any person or business which is represented or assisted in a material manner by a person who was employed with that Agency within the **preceding twelve (12) months** and **who participated in a material manner in the matter** with which the contract is directly concerned.

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## Contractual Remedy

- Contract void.
- Third-party interest is taken into account.
- Action initiated within 90 days
- OAG enforces

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## Disclosures

- **All financial disclosures required by the Public Official Disclosure Act shall be reported to the Guam Ethics Commission within 3 working days after filing with the Guam Election Commission.**
- **Guam Election Commission may require additional information as the Guam Ethics Commission requested. If Election Commission fails to provide, the Ethics Commission can request directly from the employee.**
- **Failure to file a disclosure as required by this Chapter is a violation of this Chapter.**
- **Financial Disclosure Statements are maintained by the Ethics Commission for the term of office and for a period of three years thereafter.**
- **Ethics Commission may retain a copy of the financial disclosure statement if the statement has become part of a charging case or advisory opinion or part of an ongoing investigation.**

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## Revolving Door Provisions

- Former employees shall not disclose any **confidential information** obtained by the employee in the course of official duties or use the information for **personal gain** or the **benefit of anyone**.
- Former employees may not assist any person or business or act in a representative capacity for **compensation** on any matters involving **official action** by the agency for which the employee worked for a period of twelve (12) months after termination from employment.
- A Guam Agency shall not contract with a former employee to act on a matter on behalf of the government within the period of limitations stated herein unless exempted by law.

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## Violation of Standards of Conduct

- Any action in violation is voidable.
- OAG may pursue all legal and equitable remedies available.
- OAG may recover any fee, compensation, gift, or profit received for violating the standards of conduct.
- Two-year statute of limitations



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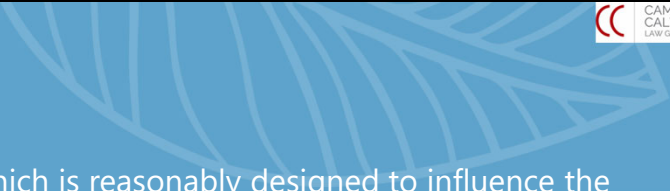
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# Lobbying

## Title 2 Guam Code Annotated Chapter 8

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# Lobbying

Means any activity by a lobbyist which is reasonably designed to influence the passage, defeat, or content of any legislation, including:

- ✓ Meeting with senators or employees of senators;
- ✓ Providing information and draft legislation to senators or employees of senators;
- ✓ Publishing any articles or editorials in favor of the passage or defeat of any legislation;
- ✓ Organizing groups of members of the public to engage in activities;
- ✓ Paying for any amenities or expenses of senators or staff;
- ✓ Procuring goods and services for vendors in exchange for the passage, defeat or content of any legislation.

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# Lobbying

## Does not apply to:

- ✓ Members of the public
  - ✓ Appearing before a committee to testify in support or opposition to legislation
  - ✓ Contacting an elected official
- ✓ Government officials acting in their official capacity
  - ✓ Providing information on legislation or responding to request for information
- ✓ Reporters or owners of publications engaged in regularly reporting the news
- ✓ Paid advertisements containing a disclosure of entity paying for the ad
- ✓ Campaign contributions within the limits allowed by law
- ✓ Volunteers

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# Registration

- Any person engaging in activities deemed lobbying **SHALL** register with the Legislative Secretary.
- Registration is updated quarterly and posted on / *Lihselatura's* website
- No compensation paid as commission for lobbying based on a favorable outcome
- No False statements concerning issue or legislation being lobbied
- No public funds used to lobby
- No former legislator shall lobby for 2 years after end of term
- Violation – guilty of misdemeanor and prohibited from lobbying for 3 years after conviction
- Fines – 5 times the fee or value paid



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# Ethics in Procurement

## Title 5 Guam Code Annotated Chapter 5, Article 11

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## Definitions

**Confidential Information** - any information which is available to an employee only because of the employee's status as an employee and is not a matter of public knowledge or available to the public on request.

**Direct or Indirect Participation** - means involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity.

**Financial Interests:**

- Ownership of any interest or involvement in any relationship from which, or as a result of which, a person within the past year has received, or is presently or in the future entitled to receive, more than \$2,500 per year or its equivalent;
- ownership or such interest in any property or any business as may be specified by the Ethics Commission; or
- holding a position in a business such as an officer, director, trustee, partner, employee, or the like, or holding any position of management.

**Immediate Family** - means a spouse, children, parents, brothers and sisters, grandparents and grandchildren, mothers-in-law and fathers-in-law, brothers-in-law and sisters-in-law, daughters-in-law, and sons-in-law. Stepsiblings, stepchildren, and stepparents shall also be regarded as immediate family.

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## Definitions

**Gratuity** - means a payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.

**Official Responsibility** - means direct administrative or operating authority, whether intermediate or final, either exercisable alone or with others, either personally or through subordinates, to approve, disapprove, or otherwise direct territorial action.

**Purchase Request** - means that document whereby a using agency requests that a contract be entered into for a specified need, and may include, but is not limited to, the technical description of the requested item, delivery schedule, transportation, criteria for evaluation, suggested sources of supply, and information supplied for the making of any written determination required by this Chapter.

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## Procurement Policy

**Public employment is a public trust.**

- Protect government integrity
- Facilitate recruitment and retention of government personnel

**Public employees must be impartial.**

- Provide fair access to government procurement by responsible contractors

**Public employees must foster public confidence in the integrity of the procurement process**



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## General Standards

### Employees – No Personal Gain.

- **Personal Gain = breach of public trust**

**Non-Employee – any effort to influence any public employee to breach the ethical standards also results in a breach of the standards.**

**Breach of Ethical Standards is subject to Criminal and/or Civil remedies or sanctions.**

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## Conflicts of Interests - Procurement

- Employees shall not **participate directly or indirectly** in procurement when the EE knows:
  - The EE or EE's **immediate family** has a **financial interest** in the procurement
  - A business or organization in which the EE or EE's **immediate family** has a **financial interest** pertaining to the procurement
  - Any other person, business, or organization with whom the EE or EE's **immediate family** is negotiating or has an arrangement concerning prospective employment is involved in the procurement.
- EE or EE's immediate family holds a financial interest in a blind trust, **not a conflict of interest**, provided the existence of the trust made to the Civil Service Commission.
- EE shall file a written statement of disqualification and shall withdraw from participation in the procurement.
  - EE may seek an advisory opinion from the Civil Service Commission on whether the EE can continue participating in the procurement.

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## Employee Disclosure Requirements

- EE shall report to the Civil Service Commission any benefit from any government contract in which the EE has a **financial interest**.
- Failure to disclose any benefits to the Civil Service Commission breaches this Section.

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## Gratuities & Kickbacks

**Breach** - for any person to offer, give or agree to give any EE or former EE, or for any EE or former EE to solicit, demand, accept, or agree to accept from another person a **gratuity** or an **offer of employment** in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract; or to any solicitation or proposal therefor.

**Breach** - for any payment, **gratuity**, or **offer of employment** to be made by or on behalf of a **subcontractor under a contract to the prime contractor** or higher tier subcontractor or any person associated therewith as an inducement for the award of a subcontract or order.

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## Gratuities & Kickbacks

**Provisions of this Section must be set forth in every contract and solicitation.**

**Favor** - anything, including raffle tickets, of more than *de minimus* value and whether intended for the personal enjoyment of the receiver or for the department or organization in which they are employed or for any person, association, club, or organization associated therewith or sponsored thereby.

**Breach** - for any person who is or may become a contractor, a subcontractor under a contract to the prime contractor or higher tier contractor, or any person associated therewith, to offer, give or agree to give any employee or agent of the Territory or for any employee or agent of the Territory to solicit or accept from any such person or entity or agent thereof, a **favor** or **gratuity** on behalf of the Territory whether or not such favor or gratuity may be considered a reimbursable expense of the Territory, during the pendency of any matter related to procurement, including contract performance warranty periods.

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## Procurement Provisions

**Breach** - for a person to be retained, or to retain a person, to solicit or secure a contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee.

- Every person, before being awarded a territorial contract, shall represent, in writing, that such person has not retained anyone violating of this Section.

## Contemporaneous Employment

**Breach** - for any employee **participating directly or indirectly** in the procurement process to become or be, while such an employee is the employee of any person contracting with the governmental body by whom the employee is employed.

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## Revolving Door Provisions



### Former EEs:

#### • Permanent Disqualification

- **Breach** - for any former EE to knowingly act as a principal, or as an agent for anyone other than the GovGuam, in connection with any: (A) judicial or other proceedings, application, request for a ruling, or other determination; (B) contract; (C) claim; or (D) charge or controversy; in which the EE participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise while an EE, where the GovGuam is a party or has a direct and substantial interest.

#### • One-Year Representation Restriction

- **Breach** - for any former EE, within one (1) year after cessation of the former EE's official responsibility, knowingly to act as a principal, or as an agent for anyone other than the GovGuam, in connection with any: (A) judicial or other proceedings, application, request for a ruling or other determination; (B) contract; (C) claim; or (D) charge or controversy; in matters which were within the former EE's official responsibility, where the GovGuam is a party or has a direct or substantial interest.

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## Revolving Door Provisions



### EE with Financial Interests:

- **Breach** - for a business in which an EE has a **financial interest** to knowingly act as a principal, or as an agent for anyone other than the GovGuam, in connection with any: (1) judicial or other proceedings, application, request for a ruling or other determination; (2) contract; (3) claim; or (4) charge or controversy; in which the EE either participates personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of the employee's official responsibility, where the GovGuam is a party or has a direct and substantial interest.

### Selling to GovGuam After Termination of Employment:

- **Breach** - for any former EE to engage in selling or attempting to sell supplies, services other than personal services, or construction to the GovGuam for ninety (90) days following the date employment ceased.
  - Section is not intended to preclude a former EE from accepting employment with private industry solely because the former EE's employer is a contractor with GovGuam, nor shall a former employee be precluded from serving as a consultant to this Territory.

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## Confidential Information

- **Breach** - for any EE or former EE knowingly to use **confidential information** for actual or anticipated personal gain or for the actual or anticipated personal gain of any other person.

## Remedies

- Civil and Administrative remedies provided in Chapter 5
- Civil Service Commission – reprimand, suspend, or terminate employment
- Right to recover value received – may be recovered from both the EE and non-EE
- Due Process – Employee provided due process as prescribed in Title 4

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## Employee – Conflict of Interest

- Mary Cruz's husband works for a contractor with a contract with GovGuam. Mr. Cruz is eligible to receive a bonus based on the contract's success. Can Mary directly or indirectly participate in evaluating the contractor's performance under the contract?
- Donna Mansapit's wife owns a janitorial service company that does business with GovGuam. Can Donna recommend that any GovGuam agency hire her wife?
- You recently left a position with ABC Company over a major management disagreement. You cut ties with the company, forfeited your stock options, and accepted a severance from ABC. You are now on a committee that is charged with gathering information for a new government IT system. You know that this is something ABC Company is likely to bid on. What do you do?

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## Employee – Conflict of Interest

- You are invited to a happy hour being organized by a trade association that communicates with your agency. What do you think? What do you do?
- You and your partner of many years finally decide to make it official and tie the knot. Ethical Issue?
- You are looking for an IT service provider. You recall that one of your staffers' spouse works for a local provider of those services and asks if you think the company would be a good fit for the office. Ethical issue?

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## Fiduciary Duty Appointed Officials

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## Definition

**A fiduciary is a person to whom property or power is entrusted for the benefit of another.**

### Factors:

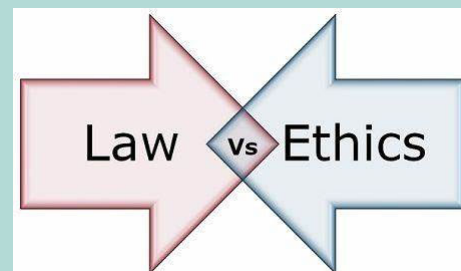
1. People **delegated authority** to elected officials to act on their behalf;
2. Elected officials have **discretionary powers** over the **peoples' assets or interests**;
3. Elected officials in a **superior position** to that of the people due to specialized access, knowledge, or ability; and
4. The **people trust** that the elected officials will **act in the people's best interest**.

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## Ethics & the Law

- Laws evolved to codify the value necessary to fulfill public fiduciary duties.
- Just because conduct is legal – does that make conduct ethical?
- Consider – Guam law does not address whether an elected official's discussion of public business on private emails should be disclosed pursuant to the Open Government Law or the Sunshine Act.
- **Legally**, keeping your private email account private might be acceptable.
- **Ethically**, you have a fiduciary duty of accountability to be transparent regarding public business.
  - Will you provide or withhold your private email about public business from someone making FOIA requests?
  - If you don't release, you breach your fiduciary duty and betray the public trust.
  - What do you follow: your ethical standards or the ethics laws?



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## Personnel Policy

Title 4 Guam Code Annotated Chapter 4 Article 1

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- Employment service shall be based on merit, and selection, and promotion of employees shall be free from personal or political consideration.
- Protected Classes – honorably discharged veteran and military status, sexual orientation, race, color, age, sex (gender identity or expression), national origin, or physical or mental impairment, or based on the country where a person obtained a degree or training.
- Personnel actions shall be based on competitive practical tests and evaluations.
- Continuity of employment shall be dependent on good behavior, satisfactory performance, and availability of funds.

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- GovGuam shall initiate an Affirmative Action Program
- High school diploma, GED, or successful completion of certification program – required



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## Employment Classifications

- **Generally, all offices and employment shall be in the classified service.**
- **Unclassified Service:**
  - **Elected Officials**
    - Judges
    - Superior Court marshal, chief clerk, chief probation officer, and court administrator
    - Heads of agencies and instrumentalities and not more than one secretary
    - The first assistant, by whatever title denominated, to the heads of agencies and instrumentalities
    - Persons employed on a temporary basis
  - **Members of boards and commissions**
    - Executive director of the [Mayor's] Council
    - All offices and employment in the Executive Branch whose appointment are required to be confirmed by the Guam Legislature
    - All offices and employment made, by law, to be at the pleasure of any board, commission or officer
  - **All legislative employees**
    - Members of the Guam Gaming Commission
    - Physicians and health care administrators employed at the Guam Memorial Hospital Authority
    - All positions in the Department of Military Affairs, including the Executive Secretary and Executive Services Coordinator, except civilian non-uniformed positions,
    - Employees of the office of the Governor and Lieutenant Governor including off-island offices and Government House, as authorized in the applicable appropriation law
    - Property Management Officer at the Department of Corrections
    - Persons employed on a seasonal basis
    - Not more than one (1) Special Assistant each to the Attorney General of Guam and the Public Auditor
    - University of Guam student employees

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## Additional Positions

- The number of employees in the executive and judicial branches shall not be increased beyond the numbers provided for in the annual General Appropriation Act.
- Part-time employees may be counted as a fraction which is determined by dividing forty (40) hours into the average number of hours of such employees' regularly scheduled work week.
- Persons employed in special employment programs established for students and disadvantaged youth shall not be included, but the executive and judicial branches shall be limited to employing in such programs the number of persons authorized by the appropriation made for them.
- The number of employees in the executive branch may be increased beyond the number authorized for a period of no longer than ninety (90) days in the event Guam is declared to be in a condition of disaster or emergency by the governor or by the president of the United States.
- No person may be temporarily employed in a nonprofessional capacity for more than one hundred twenty (120) days in any calendar year except pursuant to disaster or emergency declared by the governor.
- No person may be employed in the executive or judicial branches other than for services rendered in connection with and for the purposes of the appropriation from which that person is paid.
- A person may be employed in the classified service contingent upon the availability of a grant, federal program or federal funds.
- A person may be employed in a professional level position in the classified service for a specific project or program.

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## Preferences

- Physically or mentally impaired
- Veterans of the Armed Forces of the United States
- Former members of the Guam Police Combat Patrol, as certified by the Chief of Police
- Graduates of the Peace Officer Standards and Training Commission Academy
- Residents of Guam who have completed their post secondary education assisted by the award of educational scholarships or loans from the government of Guam. [initial employment only]

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**Whistleblower Protection**

**Purpose:**

- Reduce waste and mismanagement of public funds
- Stop abuses of government authority
- Prevent illegal and unethical practices

**Employee Rights and Responsibilities:**

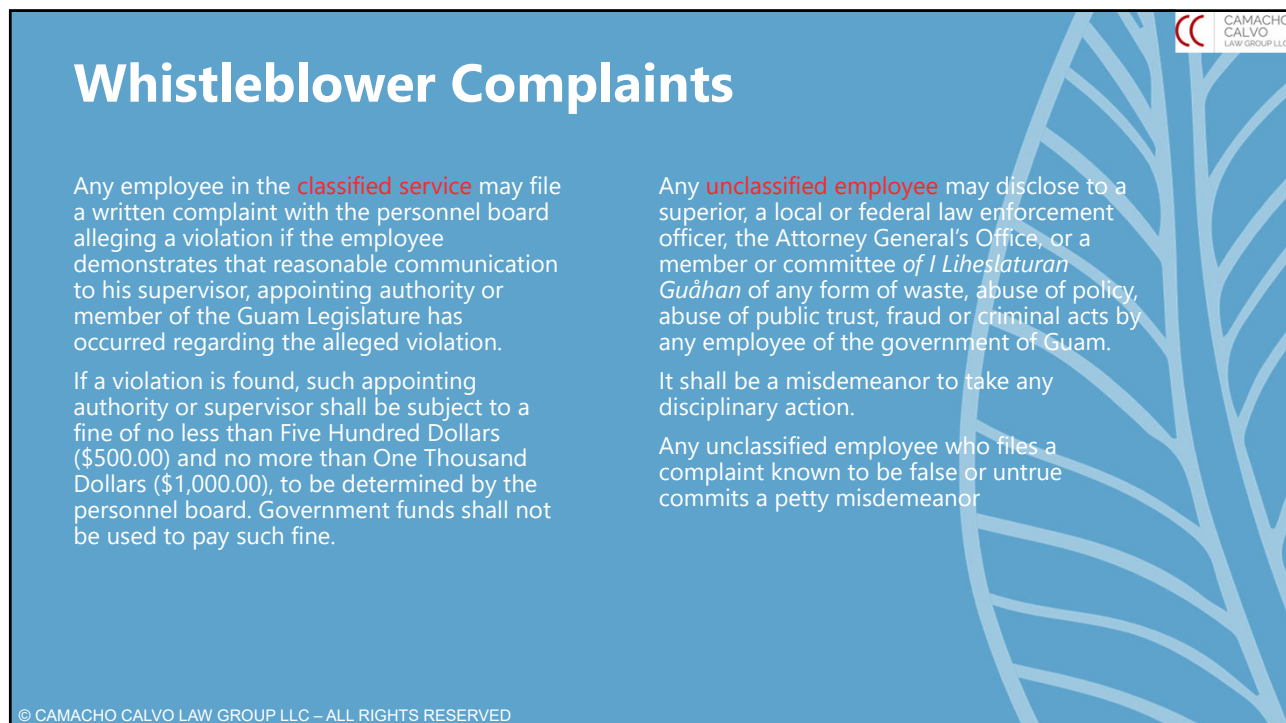
- Government of Guam (GovGuam) employees are citizens first with a duty to help manage government affairs well.
- Employees should be encouraged to report actions by agencies that are not in the public interest.

**Protection for Employees:**

- Employees won't face disciplinary actions or harassment for reporting abuse, illegality, or unethical practices.

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**Whistleblower Complaints**

Any employee in the **classified service** may file a written complaint with the personnel board alleging a violation if the employee demonstrates that reasonable communication to his supervisor, appointing authority or member of the Guam Legislature has occurred regarding the alleged violation.

If a violation is found, such appointing authority or supervisor shall be subject to a fine of no less than Five Hundred Dollars (\$500.00) and no more than One Thousand Dollars (\$1,000.00), to be determined by the personnel board. Government funds shall not be used to pay such fine.


Any **unclassified employee** may disclose to a superior, a local or federal law enforcement officer, the Attorney General's Office, or a member or committee of *I Liheslaturan Guåhan* of any form of waste, abuse of policy, abuse of public trust, fraud or criminal acts by any employee of the government of Guam.

It shall be a misdemeanor to take any disciplinary action.

Any unclassified employee who files a complaint known to be false or untrue commits a petty misdemeanor.


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# GovGuam Email Account


- Email messages sent to and from a GovGuam EE is open to the public and subject to the Sunshine Act.\*
- Messages and files contained in a GovGuam EE email account are subject to search if authorized by a warrant issued by a court.



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# Fiscal Accountability Act of 1999

Title 2 Guam Code Annotated

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## Unfunded Appropriations

- **All legislation** that may influence revenues or expenditures of any funds for the government of Guam **shall identify a specific funding source** for which funds are available.
- Any legislation **without a funding source**, or for which a funding source is insufficient, **shall not be reported out** of the Standing Committee for Legislative session unless:
  - Bill identifies alternative funding sources;
  - De-appropriates from a previous appropriation and funds are available; or
  - Written certification provided by the Committee Chairperson that a situation exists which threatens the safety, health and welfare of the community.

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## Revenue Estimates

- Revenue estimates contained in any Annual or Supplemental Operating Budget Bill shall not include revenues derived from NEW or INCREASED taxes, fees, or other revenue authorized by the same bill.
- Appropriations contained in any Annual or Supplemental Operating Budget Bill shall not be based on revenues derived from NEW or INCREASED taxes, fees, or other revenue enhancements authorized by the same bill.
- All legislation must have a fiscal note unless waived.
- All revenue derived from new or increased taxes, fees, or other revenue enhancement shall, for the first year of collection, be deposited in the Deficit Elimination Fund. If no deficit or debt exist, revenues shall be deposited in the Rainy-Day Fund.

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## Open Government

- Public hearing required for all legislation, unless there is a certified emergency condition involving danger to the public health or safety.
- Public hearing required for all substantive resolutions.
- Any legislation introduced, considered, or passed, shall not contain more than one subject matter & shall not contain unrelated subjects or pertain to multiple projects.
- Annual fiscal year budget must be passed and submitted to the *Maga'håga* no later than August 31<sup>st</sup> prior to each fiscal year.
- Any legislation to increase debt ceiling cannot contain language to issue bonds and cannot be a rider or amendment.
- Any legislation appropriating funds from a revolving or special revenue fund for purposes other than what the fund is established, shall include a clear statement that the legislation is seeking to appropriate funds for a purpose that is not consistent with the stated purpose of the funding source.

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## Open Government

Title 5 Guam Code Annotated Chapter 8


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# Policy

- The *Liheslaturan Guåhan* declares it is the policy of this Territory that the formation of public policy and decisions is public and shall not be conducted in secret.
- The people of Guam do not yield their individual rights to the public agencies which serve them.
- The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.
- The people insist on remaining informed so that they may retain control over the instruments they have created.



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# Definitions

**Public Agency** - includes any board, commission or comparable unit of government, any of whose members are elected, appointed by *I Maga'lahren Guåhan* or appointed by *I Liheslatura*; any non-profit corporation created by one (1) or more public agencies or *I Liheslatura*, and whose board of directors is appointed by such public agencies or by *I Maga'lahren Guåhan* or *I Liheslatura*, and which is formed to acquire, construct, reconstruct, maintain or operate any public work project, or any board, commission, committee or other body on which officers of a public agency serve in their official capacity as members and which is supported in whole or in part by funds provided by such agency, whether such board, commission, committee or other body is organized and operated by such local agency or by a private corporation.

**Public Agency** - includes any advisory commission, advisory committee or advisory body of a public agency, created by law, resolution or any similar formal action of a public agency.

- **Legislature** is a **public agency** when it is holding a daily session, but meetings of political caucuses composed of members of the Legislature are not required to be conducted in public.
- **A Committee of a Legislature** is a **public agency** when it is holding a hearing but committee meetings other than hearings are not required to be conducted in public.

**Meeting** - the convening of a governing body of a public agency for which a quorum is required in order to decide or to deliberate toward a decision on any matter. Meeting does not include any on-site inspection of any project or program.

**Action taken** - a collective decision made by a majority of the members of a public agency, a collective commitment or promise by a majority of the members of a public agency to make a positive or a negative decision, or an actual vote by a majority of the members of a public agency when sitting as a body or entity, upon a motion, proposal, resolution or order.

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## Open Meetings

- **Every meeting of a public agency shall be open and public, and any person shall be permitted to attend any public agency meeting.**
  - A member of the public shall not be required, as a condition to attendance at a meeting of a public agency, to register his name and other information, to complete a questionnaire or otherwise to fulfill any condition precedent to his attendance.
- **Does not require that a person who is admitted to a meeting of a public agency shall, because of his mere presence, be accorded an opportunity to participate in such a meeting.**
- **Except for executive sessions and other meetings expressly authorized by public law to be closed, no board, commission or public officer of the government of Guam may prevent or deny the recording (audio and/or video) of any public meeting.**
- **Except for executive sessions and other meetings expressly authorized by law to be closed, regular and special meetings of a public agency shall be broadcast via video live streaming applications as announced in the notice of meeting and on the agency's website.**

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## Open Meeting

A chance meeting of two or more members of a public agency shall not be considered a public meeting. No chance meeting, informal assemblage or electronic communication shall be used to decide or deliberate public business in circumvention of the spirit or requirements of this Chapter.

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## Meeting Notice

### Regular Meetings

- First Notice – 5 working days
- Second Notice – 2 days (48 hours) prior to the start of the meeting
- Posted on the Guam Public Notice Website (est. by P.L. 32-037:1)
- Notices must contain the agenda of matters to be discussed in sufficient detail

### Special Meetings

- First Notice – 5 working days
- Second Notice 2 days (48 hours) prior to the start of the meeting
- Notices may be waived in writing in the event of an emergency.



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## Executive Session


- With Attorney General, Chief of Police, or Designated representatives on matters that pose a threat to the public health, safety or welfare
- To consider the appointment, employment, or dismissal of a public officer or employee
- To hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such person requests for a public hearing
- To examine a witness in a matter being investigated by the public agency

### •Prohibited:

- To discuss salaries, salary levels, or salary adjustment of any employee or officer.
- Legal matter, impending legal matter or legal strategies with an attorney unless exceptions are met.
- No voting – all voting must be held in public, and meetings open to the public


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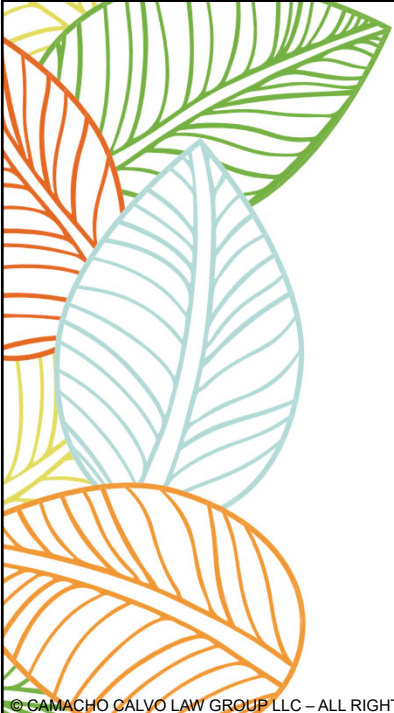
## Reporting

- Minutes of every meeting shall be promptly recorded and open to the public.
- All Boards and Commissions shall provide electronic copies of the monthly meeting agendas, approved minutes, and other attachments and addendums to *I Maga'håga* and the Speaker of the *I Liheslatura* no later than 15 days after the meeting.
- All minutes must be posted on the website of the agency.
- An audio recording of each meeting shall be provided to the Office of Public Accountability within 7 days after the meeting. OPA shall post the audio files on the OPA website.
- Any action taken in violation of the Open Government Act shall be void and of no-effect.



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## Freedom of Information Act – The Sunshine Reform Act of 1999

**Title 5 Guam Code Annotated Chapter 10**

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## Definitions

- **Agency** - means any authority of the government and includes a department, institution, board, bureau, commission, council, committee of Guam government, branch, autonomous instrumentality, public corporation funded by public taxes or funds, or any public entity of government of Guam, whether it is subject to review by another agency.
- **Director** - means the person directly responsible for overseeing the daily operations of an agency, or the person serving in an acting capacity as director at the time of any request for copies of public records.
- **Public Records** - includes any writing containing information related to the conduct of the public's business prepared, owned, used, or retained by any state or local agency in any format, including electronic format; and any out of court settlement records.

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## Right to Inspect

▪ **Any person has the right to inspect and take a copy of any public document except as prohibited by Section 10108.**

- Open to inspection during office hours of the agency.
- Records must be available upon payment of fees covering the direct cost of duplication or a statutory fee.
- Records must be available four (4) working days from receipt of the request. May be extended to 10 days.
- Email requests are acceptable.



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## Limitation to Right of Inspection

- Pending litigation
- Complaints, investigations, intelligence information, or security procedures
- Personnel, medical, or similar files
- Taxpayer information
- Library circulation records
- Applications for issuance of securities or of financial institutions
- Test question, scoring keys and other examination data for licensing examinations
- Home address and telephone number of any person who is licensed by government or any public official, unless permission is granted
- All existing privileges or confidential record or other information protect by law
- Records of security procedures, passwords, combination, access codes, electronic or computer user I.D.s, policies or procedures on security
- Specific records GPD, DOE, UOG, MARC, DOC, Judiciary of Guam
- Draft documents of an agency.

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## Penalties

- Director Personal fine - \$1,000
- Misdemeanor
- Court cost and attorney's fees
- **Question** – Is a violation of the Sunshine Act of 1999 a violation of the ethical standards?

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## Requirements

- Members prohibited from acting or participating in discussion on any matter which she is a **principal**, has a **financial interest in**, or **acts as an agent** for anyone other than the government of Guam.
- Member prohibited from influencing any determination made by the board or commission.
- No person who is a candidate for public office shall be eligible for appointment (2 years)
- No person whose appointment requires legislative concurrence may serve on more than one Board or Commission
- Three unexcused absences from three consecutive regular meetings shall constitute cause for removal.
- Conduct meetings under the provisions set forth in the **Open Government Law**.

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## Requirements

- Boards and Commissions must have an educational program to prepare its members for the duties of the board or commission to which they are appointed.
  - Failure to Complete an Educational Program within 180 days of appointment shall result in the member's removal and appointment of a new member.
- No Secret Voting. All members present must vote unless excused or prohibited by law.
- Members may participate in regular and special meeting via **video teleconferencing** after written request is made.
- Boards and commissions may elect to broadcast regular and special meetings via video live streaming.
- Governing boards shall issue performance reviews of the chief executive selected 6 months after appointment and every 12 months thereafter.
- Performance reviews **shall be made public**.

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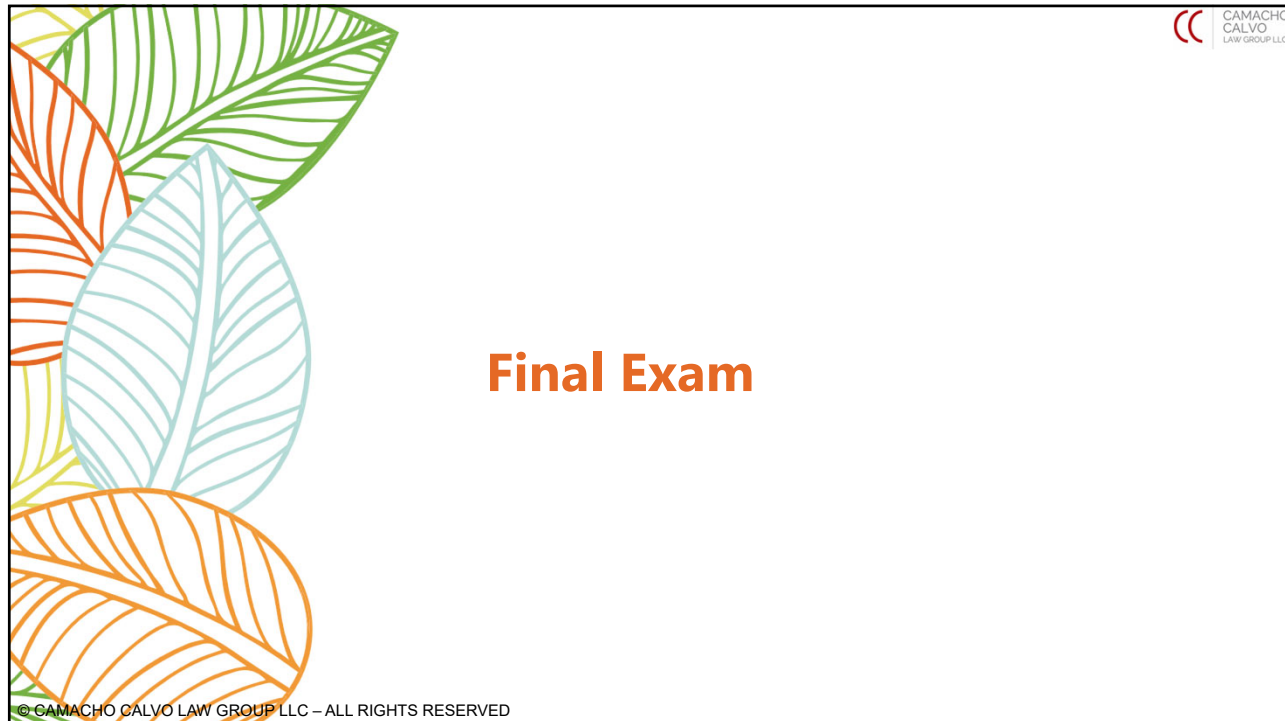
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## Video Live Streaming

- Boards and Commissions shall broadcast regular and special meetings via live streaming application.
- Boards and Commissions shall provide instructions on how the public can access the video live stream on their meeting notices.

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## Friendly Advice or Quid Pro Quo

After working five years at the plan-checking counter at the OneStop Center, Gary Quinata was looking forward to submitting his resume for the vacancy as assistant planning director. His interactions with the customers coming to have their building permits and architectural plans approved had been challenging in the beginning, but he felt he had “done his time” and had enough experience to warrant the promotion.

The Director decided to hold an open recruitment for the position. Succession planning was one of her priorities. There were going to be several retirements in the Planning and Inspection Department, so she was looking for someone with management potential. To his great disappointment Gary was passed over, and the job went to Wendy Mantanona, a planning assistant from the CNMI. When he asked the Director why he was not chosen, she replied, “Your time will come. Right now, I need strong leadership.”

While he was driving home that evening Gary was increasingly angry over the hiring decision. Not only would he be “stuck” working with the public at the counter, but he had also missed an opportunity for a more prestigious title and a substantial pay increase he had been counting on. Rather than stay mad, he decided to find a way to make the most of his situation.

The department compiled a list of approved, licensed contractors that was available at the counter. This list did not imply a recommendation – it was meant to help residents, architects, and builders by listing those companies with a Guam license.

Gary began contacting companies on the list, suggesting that because he “admired their work” he would be willing to make a specific recommendation to people who came to the counter. Although he did not ask outright for anything in return, two of the companies promised a financial “bonus” for each contract that came through his recommendation. A third company offered use of a mountain cabin so that Gary and his family could take occasional weekends off to ski.


At first Gary was selective in making these “transactions,” but after six months his kickbacks seemed to be going undetected, and he became bolder. He bought a new car and began bragging about his “weekend at the chalet.”

In her six-month review of department operations—an audit of all activities—Wendy noticed the unusual number of contracts that were going to just three of the two dozen names of the list. When she questioned Gary, he denied any wrongdoing, and insisted that the three companies on the list were, in his opinion, superior. Further, there were no written rules prohibiting making personal recommendations.

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**Free Tickets**

Because tennis was his favorite sport, Director Juan Taimanglo was thrilled to take his colleague Marge Cruz up on her offer to attend the Asian Tennis Open which was being played in Guam. Marge indicated she had a free, extra ticket, and would meet him at the courts the night of the game.

When he arrived, he saw Marge with John Prescott, president of the local telecommunications company. He assumed they had bumped into each other in the lobby and was surprised when he realized he was joining Prescott in the company's box along with Marge, her family, and other friends. Because the government was beginning to negotiate a new contract, he felt especially uncomfortable when the executive sat next to him. In an attempt to be clear that this was a social event, not an opportunity to talk business, Taimanglo announced to both Marge and to Prescott that he had absolutely no plans to talk about the contract or any other issues associated with the department. Even with that said, he found himself in the middle of a wide-ranging discussion of the future of the telecommunications industry that skirted on the government's expansion into new areas of service.

At the end of the game, he hurried home and wrote a letter to Prescott, asking for the cost of the ticket so that he could reimburse the company, and copied Marge. Both responded that there was no cost - it was a free ticket that was part of the season privileges purchased by the company. He felt betrayed by his colleague for setting him up and frustrated that his attempts to pay for the ticket were thwarted.

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**Cleo Manibusan**

Cleo Manibusan known as a pillar of the community. The owner of a small insurance firm, she knew the movers and shakers in town, and wrote policies for most of them. Her likeable personality and political savvy earned her appointment to the planning commission, where her negotiating skills were responsible for salvaging several controversial land developments, including a messy sale of surplus government land.

Her success was noted by the governor, who appointed her to the Guam Historical Resources Commission. During the two years she served as a commissioner, Cleo gained even more renown as a hard-working and effective representative, leading her family and supporters to draft her for a seat in the Guam Legislature.

Following her election in November 2022, Cleo brought new energy to the Legislature, tapping her many connections across the island. The Speaker says, "Cleo's got the governor's attention and tons of connections, and that can only mean great things for our island."

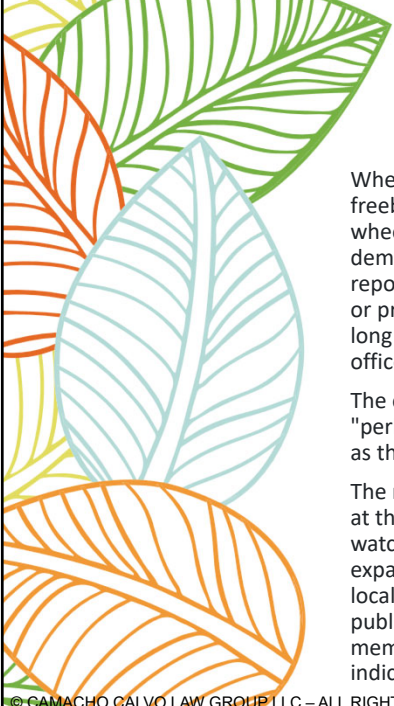
But Cleo's first year in office, however, ended in tumult, as she found herself facing charges from the attorney general's corruption unit. An anonymous source disclosed that she and her husband had taken several all-expense-paid trips to Las Vegas from a prominent landowner who had a shopping mall project before the land use commission. While she initially denied taking the trips, Cleo later admitted she had made a "reporting" mistake, explaining that the trips were from an "old friend who has been an insurance client for ages." She argued that it was a coincidence that he had a project in the pipeline.


The media have been covering the story aggressively, and while her colleagues and a newspaper editorial have urged her resignation, she insisted on remaining in office pending the results of the attorney general's investigation. The majority of the senators had proposed to strip her of her committee appointments until the case was resolved, but the Speaker said "She's too important to us on those committees, and we should keep her in place. She's innocent until proven guilty. We shouldn't throw out the baby with the bath water."

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## Play Ball!


When Rebecca Cruz became the mayor of Dededo, he set a strict code for herself: no freebies, no gifts, no special treatment. Her pledge came, in part, because of the free-wheeling attitude of her predecessor, who had become known in the community for demanding special privileges based on his public office. More than one business reported that they had felt "coerced" into giving major discounts on goods or services, or providing items at no cost when the former mayor came by. Rebecca reasoned that as long as she stuck to her pledge, no one could accuse her of taking advantage of her office or of being biased in any decisions that came before the mayor's council.

The other members of the mayor's council weren't willing to completely give up the "perks" and decided to follow the Guam law, which allowed them to receive gifts as long as they were reported.


The mayor faced a dilemma when the invitation came for her to throw out the first pitch at the opening game of the Guam Baseball Team, a national baseball franchise, and watch the game from the VIP box. The owners of the ballpark had submitted plans for expansion of the facility to include a major retail component, which was opposed by local businesses. She was struggling with the decision because it could appear to the public as a "political perk" or simply as part of her official duties as the mayor. The other members of the council planned to accept the offer of VIP tickets, and the vice mayor indicated she would be more than willing to throw out the first ball.

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## Questions & answers



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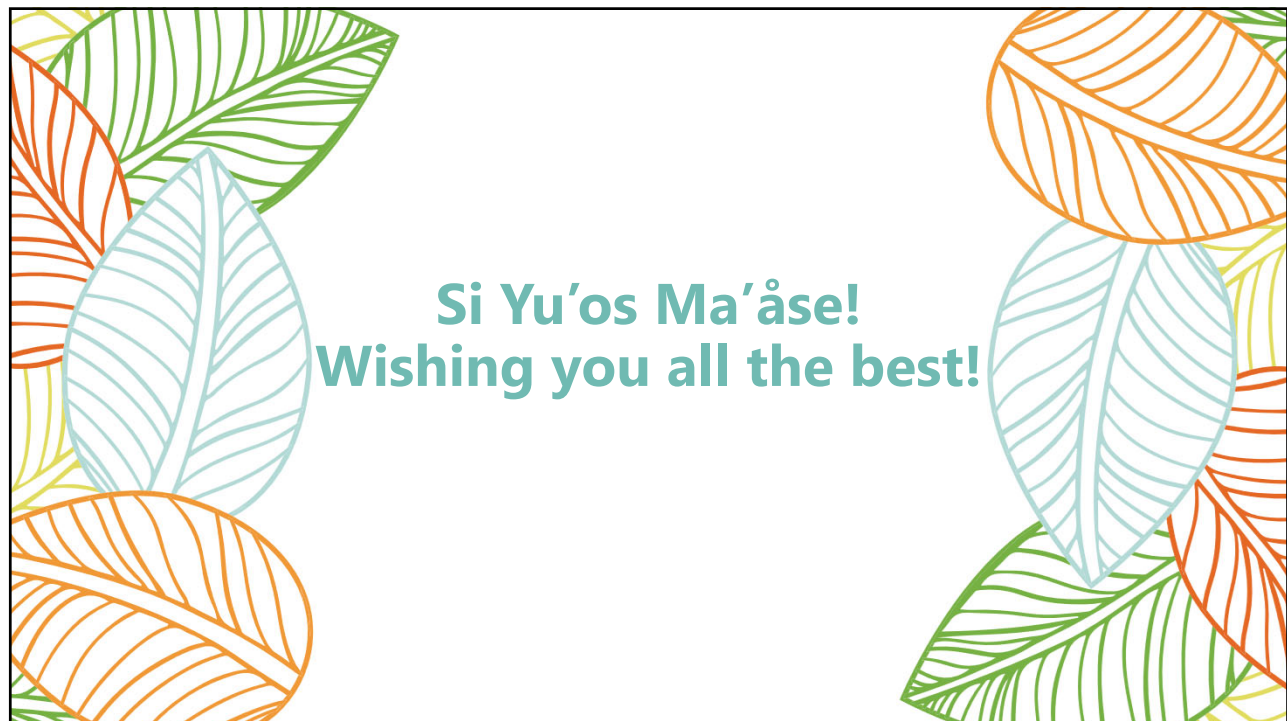


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