



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

February 21, 2025

Honorable Lourdes A. Leon Guerrero Governor
of Guam
Office of the Governor
513 W. Marine Corps Drive
Hagåtña, Guam 96910

Honorable Frank F. Blas, Jr.
Speaker, 38th Guam Legislature
I'Mina Trentai ocho Na Liheslaturan Guahan
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 Bldg
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 – February 2025

Håfa Adai Governor Leon Guerrero, Speaker Blas, 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 February 19, 2025.

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 February 19, 2025 Meeting Packet



GUAM ETHICS COMMISSION

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Government of Guam

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GUAM ETHICS COMMISSION MEETING PACKET

February 19, 2025

12:30 PM



GUAM ETHICS COMMISSION

Kumisión i Ginihan Areklamenton Guåhan

COMMISSIONERS

Daphne M. Leon Guerrero
Chairwoman

Robert S. Jack, MD
Vice-Chairman

Marilyn R. Borja

Christopher A. Cruz

Shannon J. Murphy

Margaret E.R. Tyquiengco

COMMISSION STAFF

Jesse J. Quenga CM, LPEC
Executive Director

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

Arielle L. Navarro
Administrative Assistant

Regular Meeting
Wednesday, February 19, 2025
12:30 PM

AGENDA

I. Call to Order / Roll Call of Members

II. Approval of Minutes

a. January 30, 2025 – Regular Meeting

III. Executive Director's Report

IV. Executive Session 5 GCA 8 §8111

V. Closed Proceedings 4 GCA 15 §15401

ETH-23-110-OT-201 | ETH-23-115-COI-202 | ETH-23-122-UT-201

ETH-24-002-UT-202 | ETH-24-003-UT-202 | ETH-24-015-UT-202

VI. Unfinished Business - none

VII. New Business

a. Commission to Act on the Following Cases:

ETH-23-110-OT-201 | ETH-23-115-COI-202 | ETH-23-122-UT-201

ETH-24-015-UT-202

b. Executive Director Annual Performance Evaluation and
Work Status Change Request

c. Review and Approve Amended GETHC Policy 3: Ethics
Complaint Procedures

VIII. Announcements

IX. Adjournment

Guam Ethics Commission Board Meeting—Minutes

Date: January 30, 2025

Time: 12:38 p.m.

Location: Zoom/In Person

I. Call to Order / Roll Call of Members

a. Members Present:

- i. Chairman Christopher A. Cruz
- ii. Vice Chairwoman Margaret E.R. Tyquiengco (online via Zoom)
- iii. Shannon J. Murphy, Commissioner
- iv. Daphne M. Leon Guerrero, Commissioner
- v. Dr. Robert Jack, Commissioner
- vi. Marilyn R. Borja, Commissioner

b. Staff Present:

- i. Jesse J. Quenga, Executive Director
- ii. Pamela Mabazza, Ethics Investigation and Compliance Officer II
- iii. Reuben C. Bugarin, Ethics Investigation and Compliance Officer II

c. Other Present:

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

II. Approval of Minutes

November 15, 2024 – Regular Meeting

MOTION: S. Murphy motion to approve the November 15, 2024 minutes.

Seconded by: R. Jack

Discussion: None

Decision: Motion Carries

III. Executive Director's Report

a. 2024 COGEL Conference

- I would like to take a moment to extend my gratitude to those of you who were able to attend the recent COGEL Annual Conference. The event was exceptionally informative, and I am pleased to report that all staff who participated returned with valuable resources and insights to further enhance the capacity of our commission. Additionally, I had the opportunity to engage with representatives from the Campaign Legal Center during the conference. I am excited to share that they have graciously agreed to conduct a study on staffing levels within ethics commissions across member organizations. The goal of this study is to

identify industry standards and best practices based on the size of a jurisdiction. This initiative has the potential to provide us with critical benchmarks to guide our continued growth and operational efficiency.

b. FMIS Budget Request Module

- At the beginning of the year, our staff and I participated in a training series with the FMIS developers focused on budget request development and approval. This collaboration provided our team with the necessary tools and understanding to transition seamlessly to the new system. I am pleased to share that, as part of this initiative, paper budget requests will be officially retired and replaced by the automated online system. This change represents a significant step forward in streamlining our processes, improving efficiency, and ensuring greater accuracy in budget management.

c. Ethics Recruitment

- Over the past year progress has been made in the area of ethics recruitment. The commission approved the establishment of an eligibles list for both the Ethics Investigation and Compliance Officer I position as well as the Administrative Assistant position. These roles were announced for application during a three-week period in October and November. Currently, all applications received for these positions are undergoing review and rating by the Department of Administration (DOA). According to the latest updates from the DOA recruitment division, a two-week appeal period for applicant ratings is about to commence. Once this process concludes, the finalized eligibles list will be transmitted to us. We were optimistic that this list could be utilized to recruit a permanent Administrative Assistant; however, our current Administrative Assistant is serving on a one-year Limited Term Appointment set to expire on February 12. To ensure continuity of administrative support while the DOA completes their review process and we proceed with the subsequent interview and selection stages, I would like to request the commission's concurrence to renew the Limited Term Appointment for our current Administrative Assistant. This extension will allow adequate time to secure a permanent appointment for this critical position.

Motion: C. Cruz motion to extend the Limited Term Appointment for the Administrative Assistant position.

Seconded: D. Leon Guerrero

Discussion: None

Decision: Motion Carries

d. Courtesy Meeting with Legislative Oversight Chairman

- On January 6th, the 38th Guam Legislature was officially sworn into office, with Senator Chris Duenas elected as Chairman of the Legislative Committee on Finance and Government Operations. Following the

inauguration, I sent a letter congratulating Senator Duenas on his new role and requested a courtesy meeting to brief him on the Commission's work and ongoing initiatives. We are currently awaiting a response from his office.

e. 2025 Ethics Training Calendar

- We are pleased to share updates regarding the launch of the 2025 Ethics Training Calendar. To begin the year, we conducted a successful ethics training session for the legislative branch at the Guam Legislature. This session included participation from senators and their staff, with a total of 30 individuals completing the training. The session was facilitated by Attorney Vince Camacho, who provided valuable insights into ethical practices and governance. Additionally, we are continuing our efforts with monthly workshops. Tomorrow, we are set to deliver training to nearly 150 employees at Guam Airport. Following this, we will hold open sessions monthly to ensure accessibility and broad participation across government departments.

f. Ethics Training Update

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

Month	Live Workshop	Online Workshop	TOTAL
November	79	42	121
December	0	35	35
January	30*	70*	100

g. FY2025 Budget Status

A	B	C	D	E	L	M
Account Code	Budget Act(s) Appropriations 37-125	Reserve	FY 2024 Allotments (B - C)	Year to Date Exp. / Encumb. As Of: 1/23/25	Other Requirements	Projected Lapse / (Shortfall) [D - (E + G + L)]
111 Salary	262,469.82	0	262,470	51,783	0	22,558
112 OT	0.00	0	0	0	0	0
113 Benefits	115,763.26	0	115,763	20,976	0	14,449
TOTAL PerSvs	378,233.08	0	378,233	72,758	0	37,007
220 Travel	26,019.20	0	26,019	25,274	0	746
230 Contract	54,218.74	0	54,219	8,961	45,258	2
233 Rent	65,992.80	0	65,993	43,995	21,998	3
240 Supplies	1,500.00	0	1,500	0	1,500	4
250 Equip.	0.00	0	0	0	0	0
271 Drug Testing	0.00	0	0	0	0	0
280 Sub.Rec.	0.00	0	0	0	0	0
290 Misc.	16,030.30	0	16,030	6,632	9,100	5
361 Power	0.00	0	0	0	0	0
362 Water	0.00	0	0	0	0	0
363 Tele.	10,658.88	0	10,659	10,029	0	630
450 Cap. Out.	0.00	0	0	0	0	0
TOTAL Opers	174,419.92	0	174,420	94,891	77,855	1,674
TOTALS	552,653.00	0	552,653	167,649	77,855	38,680.88

IV. Closed Proceedings 4 GCA 15 §15401

ETH-23-110-OT-201 | ETH-23-115-COI-202 | ETH-23-122-UT-201
ETH-24-002-UT-202 | ETH-24-003-UT-202 | ETH-24-008-UT-202
ETH-24-009-UT-202 | ETH-24-010-UT-202 | ETH-24-011-UT-201
ETH-24-012-UT-201 | ETH-24-013-OT-202 | ETH-24-014-COI-201
ETH-24-015-UT-202

Motion: D. Leon Guerrero moved to enter into closed proceedings at 12:52 p.m.

Seconded: C. Cruz

Discussion: None

Decision: Motion Carries

Motion: R. Jack moved to return to regular session @ 1:25 p.m.

Seconded: D. Leon Guerrero

Discussion: None

Decision: Motion Carries

Motion: R. Jack moved to change the order of the agenda and to proceed to New Business.

Seconded: M. Borja

Discussion: None

Decision: Motion Carries

V. New Business

- a. Commission to Act on the following cases:

ETH-24-002-UT-202 | ETH-24-003-UT-202 | ETH-24-008-UT-202
ETH-24-009-UT-202 | ETH-24-010-UT-202 | ETH-24-011-UT-201
ETH-24-012-UT-201 | ETH-24-013-OT-202 | ETH-24-014-COI-201
ETH-24-015-UT-202

Motion: D. Leon Guerrero moved to dismiss case ETH-24-009-UT-202

Seconded: R. Jack

Discussion: None

Decision: Motion Carries

Motion: M. Borja moved to dismiss case ETH-24-010-UT-202

Seconded: S. Murphy

Discussion: None

Decision: Motion Carries

Motion: R. Jack moved to dismiss case ETH-24-011-UT-201

Seconded: D. Leon Guerrero

Discussion: None

Decision: Motion Carries

Motion: M. Borja moved to dismiss case ETH-24-012-UT-201

Seconded: R. Jack

Discussion: None

Decision: Motion Carries

Motion: R. Jack moved to dismiss case ETH-24-013-OT-202

Seconded: D. Leon Guerrero

Discussion: None

Decision: Motion Carries

Motion: S. Murphy moved to dismiss case ETH-24-014-COI-201

Seconded: R. Jack

Discussion: None

Decision: Motion Carries

Motion: D. Leon Guerrero moved to send a notice of alleged violation of specified Standard of Conduct 4 G.C.A. § 15204 and 15401 (b) to the accused for case ETH-24-003-UT-202

Seconded: S. Murphy

Discussion: None

Decision: Motion Carries

Motion: C. Cruz moved to table cases ETH-24-002-UT-202, ETH-24-008-UT-202, and ETH-24-015-UT-202

Seconded: D. Leon Guerrero

Discussion: None

Decision: Motion Carries

C. Cruz placed the meeting into recess @ 1:37 p.m.

C. Cruz called the meeting back into order @ 1:41 p.m.

b. Election of Officers

Motion: M. Tyquiengco nominated Daphne Leon Guerrero for the position of Chairwoman and moved to close nominations.

Seconded: R. Jack

Discussion: None

Decision: Motion Carries; Daphne Leon Guerrero elected Chairwoman

Motion: M. Borja nominated Dr. Robert Jack for the position of Vice Chairman and moved to close nominations.

Seconded: M. Tyquiengco

Discussion: None

Decision: Motion Carries

C. Cruz placed the meeting into recess @ 1:46 p.m.

D. Leon Guerrero called the meeting back into order @ 1:55 p.m.

VI. Unfinished Business

a. Review and Approve Draft Fiscal Year 2026 Budget Request

Motion: R. Jack moved to approve Draft Fiscal Year 2026 Budget Request

Seconded: S. Murphy

Discussion: None

Decision: Motion Carries

- b. Review and Approve Draft Commission Logo

Motion: S. Murphy moved to approve draft Commission logo

Seconded: R. Jack

Discussion: None

Decision: Motion Carries

VII. Executive Session 5 G.C.A. 8 §8111

Motion: R. Jack moved to enter Executive Session @ 2:01 p.m.

Seconded: S. Murphy

Discussion: None

Decision: Motion Carries

Motion: R. Jack moved to return to regular session @ 2:25 p.m.

Seconded: S. Murphy

Discussion: None

Decision: Motion Carries

VIII. Announcement – None

IX. Adjournment

MOTION: S. Murphy moved to adjourn the meeting at 2:25 p.m.

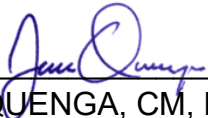
Seconded by: M. Tyquiengco

Discussion: None

Decision: Motion Carries

I certify that the record above is true and correct.

Attested By:



JESSE J. QUENGA, CM, LPEC

Board Secretary, Executive Director

Re: Ethic Commission Remote Attendance

From Christopher A. Cruz <cruzca3@gmail.com>

Date Wed 1/29/2025 2:28 AM

To Margaret Tyquiengco <megtyquiengco@icloud.com>

Cc Ethics Info <Info@ethics.guam.gov>; Jesse Quenga <Jesse.Quenga@ethics.guam.gov>

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 Madam Vice Chair,

This is acknowledged and ok for me. Thank you for the notice. I've copied our commission team on this response for their ready reference.

Christopher A. Cruz

On Jan 28, 2025, at 9:13 PM, Margaret Tyquiengco <megtyquiengco@icloud.com> wrote:

Hafa Adai, Commission Chair,

I will be attending Thursday's Ethics Commission meeting via zoom.

I will be prepping Thursday for a medical appointment on Friday, and will not be able to attend live at the commission's office.

Thank you in advance.

Meg

Meg Tyquiengco

Creator & Founder

megtyquiengco@icloud.com

[671 483-9456](tel:6714839456)

Energetic Presence

Your energy is contagious! How are you showing up?



GUAM ETHICS COMMISSION

Kumisión i Ginihan Areklamenton Guåhan

EXECUTIVE DIRECTOR'S REPORT

Updates

- a. Procurement Training – Module 4: Management and Administration of Procurement
 - I am pleased to inform the board that Reuben Bugarin has commenced his final course in the required procurement modules for public officials. This training is a key component in ensuring compliance and enhancing proficiency in the preparation and management of agency purchases. Completing this final course will equip Reuben with the essential knowledge to uphold procurement best practices and contribute more effectively to our operations.
- b. Ethics Recruitment
 - The recruitment section of DOA HR has informed our office that the rating list for the Administrative Assistant (S.F.) position will be ready and shared later today. Once we receive the list, our office will promptly proceed with contacting the eligible applicants to schedule interviews. If any commissioner is interested in serving on the interview panel for this position, please feel free to notify the team. Regarding the Ethics Investigation and Compliance Officer I position, it is currently within the 10-day administrative appeal window. Once this period concludes, DOA HR will provide us with the listing, and we will move forward with interviews and recruitment accordingly.
- c. Ethics Training Update
 - The participation figures for both in-person and online training are shown below.

Month	Live Workshop	Online Workshop	TOTAL
December	0	35	35
January	30	93	123
February	97*	111*	208

d. FY2025 Budget Status

A [***]	B	C	D	E	L	M
Account Code	Budget Act(s) Appropriations 37-125	Reserve	FY 2024 Allotments (B - C)	Year to Date Exp. / Encumb. As Of: 1/23/25	Other Requirements	Projected Lapse / (Shortfall) [D - (E + G + L)]
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TOTAL PerSvs	378,233.08	0	378,233	72,758	0	37,007
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230 Contract	54,218.74	0	54,219	8,961	45,258	0
233 Rent	65,992.80	0	65,993	43,995	21,998	0
240 Supplies	1,500.00	0	1,500	0	1,500	0
250 Equip.	0.00	0	0	0	0	0
271 Drug Testing	0.00	0	0	0	0	0
280 Sub.Rec.	0.00	0	0	0	0	0
290 Misc.	16,030.30	0	16,030	6,632	9,100	298
361 Power	0.00	0	0	0	0	0
362 Water	0.00	0	0	0	0	0
363 Tele.	10,658.88	0	10,659	10,029	0	630
450 Cap. Out.	0.00	0	0	0	0	0
TOTAL Opers	174,419.92	0	174,420	94,891	77,855	1,674
TOTALS	552,653.00	0	552,653	167,649	77,855	38,680.88



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Closed Proceedings-4 GCA 15 §15401

ETH-23-110-OT-201 | ETH-23-115-COI-202 | ETH-23-122-UT-201
ETH-24-002-UT-202 | ETH-24-003-UT-202 | ETH-24-015-UT-202



GUAM ETHICS COMMISSION

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Government of Guam

Commission to Act on the Following Cases:

ETH-23-110-OT-201 | ETH-23-115-COI-202 | ETH-23-122-
UT-201 | ETH-24-015-UT-202

ETHICS COMPLAINT PROCEDURES

POLICY NUMBER: GETHC POLICY 3

Effective Date: _____

I. GOVERNANCE

Title 4 Guam Code Annotated Chapter 15 §15401(a)(3)

It shall initiate, receive, and consider charges concerning alleged violations of this Chapter, initiate or make investigations, and hold hearings.

§15401(a)(4)

It may 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. Before the Commission shall exercise any of the powers authorized herein with respect to any investigation or hearings, it shall by formal resolution, supported by a vote of five or more members of the Commission, define the nature and scope of its inquiry.

§15405

The Guam Ethics Commission may request and shall receive from every governmental agency cooperation and assistance in the performance of its duties.

§15406

In addition to any provision contained in this Chapter, the Legislature and the Judicial Branch may each prescribe further rules of conduct covering its members and may investigate and discipline its employees for any violation of this Chapter, or its own Rules, or both.

II. APPLICABILITY & JURISDICTION

This policy shall apply to all charges made against a Government of Guam employee or official for violating any provision of law or administrative rule that governs their standards of conduct.

The Commission shall have jurisdiction for purposes of investigation and taking appropriate action on alleged violations of this Chapter in all proceedings commenced within three (3) years of an alleged violation of this Chapter by an employee, or former employee. Nothing herein shall bar proceedings against a person who by fraud or other device prevents discovery of a violation of this Chapter. A proceeding shall be deemed commenced by the signing of a charge by five (5) or more members of the Commission. 4 GCA §15401(a)(6)

III. POLICY

PART 1: FILING OF A COMPLAINT

Charges concerning the violation of this Chapter shall be in writing signed by the person making the charge under oath, except that any charge initiated by the Commission must be signed by five (5) or more members of the Commission. 4 GCA §15401(b)

1.1 Preliminary Intake Appointment and Completing Complaint Form

The Guam Ethics Commission staff shall provide an appointment portal for interested persons to provide their best contact information. Ethics Commission staff shall collect preliminary information regarding their complaint at the scheduled appointment. Staff will review the complaint application form thoroughly with the complainant, expounding on the areas of jurisdiction, while reviewing the complainants obligation to maintain confidentiality and prohibition from filing frivolous complaints.

The filer shall ensure all documents required have been properly filled out, completed, submitted, and notarized (if needed). If no amendments are requested in the draft the filer shall sign the affidavit which shall be countersigned by Commission staff, initiating the review process.

1.2 Prepare Casefile with Collected Information

Commission Staff shall prepare within five (5) business days, a casefile with the information collected. All information will be presented on standard complaint forms approved by the Commission.

All case files shall include:

- a) Summarized overview of the complaint.
 - b) Detailed manuscript of the complaint.
 - c) All documents pertaining to each case.
-

-
- d) Notices and subpoenas served to individuals and agencies involved
 - e) Detailed timeline of case process:
 - i. Date complaint was received by Commission.
 - ii. Board hearing(s) and discussion(s) on case.
 - iii. Dates notices and subpoenas were served.
 - iv. Conclusion of case.

1.3 Transmittal of Signed Complaint to Counsel for Review and Recommendation

The Executive Director or their designee will compile the complete complaint case file and transmit a request for work plan with the prosecutorial counsel. Upon receipt and approval of the work plan by the Executive Director, staff must conduct a conflict check with Prosecutorial Counsel. If no conflict is identified, case files are transmitted to the Prosecutorial Counsel for review.

Prosecutorial Counsel will prepare review of the complaint based on the testimony collected by the complainant and will make a recommendation for action by the Commission at the Commission's next regular meeting. The recommendation would be to proceed with an investigation or to dismiss the complaint. If Prosecutorial Counsel identifies a potential conflict, staff will consult with Conflict Counsel and conduct an additional conflict check. Case files will only be transmitted to either the Prosecutorial Counsel or Conflict Counsel once all potential conflicts of interest have been resolved.

1.4 Handling of Anonymous Complaints

If a complaint is unsigned or submitted anonymously, Commission staff will prepare a complete case file in accordance with Section 1.3 of this policy. Staff will then consult Legal Counsel and conduct a conflict check. Once it is confirmed that no potential conflict exists, the case file will be forwarded to Legal Counsel for review and a recommendation to the Commission for further action.

1.5 First Review of Complaint by the Commission

At each Commission meeting the Executive Director shall prepare review of cases within the published meeting agenda. The Commission shall have the opportunity to review and discuss cases in a closed proceeding in accordance with 4 GCA §15401. Commission staff shall prepare draft Commission orders to effectuate the action the Commission takes on each case.

1.6 Formal Notification to the Accused

Following the First Review, should the Commission issue an order to proceed with an informal advisory opinion, the Commission shall notify in writing every person against whom a charge is received and afford him an opportunity to explain the conduct alleged to be in violation of this Chapter. 4 GCA §15401(b)

1.7 Launch of Investigation

The Commission may investigate, after compliance with this Section, charges and render an informal advisory opinion to the alleged violator. 4 GCA §15401(b)

1.8 Confidentiality of Cases

The Commission shall investigate all charges on a confidential basis, having available all the powers herein provided, and proceedings at this stage shall not be public. 4 GCA §15401(b)

Any Commission member or any individual, including the individual making the charge, who without permission of the Commission, divulges information obtained from the Commission or who reveals confidential actions of or what happened in closed proceedings before the Commission concerning the charge prior to the issuance of the complaint or other final action by the Commission, except as permitted by this Chapter, shall be guilty of a misdemeanor.

4 GCA §15401(c)

PART 2: HEARING PROCEDURES

2.1 Procedure Following the Issuance of an Informal Advisory Opinion

If the informal advisory opinion indicates a probable violation, the person charged shall request a formal or within reasonable time comply with the informal advisory opinion. If the person charged fails to comply with such informal advisory opinion or if a majority of the members of the Commission determine that there is a probable cause for belief that a violation of this Chapter might have occurred, a copy of the charge and a further statement of the alleged violation shall be personally served upon the alleged violator in accordance with the rules for personal service found in Guam Rules for Civil Procedure. The person so charged shall have twenty (20) days after service thereof to respond in writing to the charge and statement. 4 GCA §15401(b)

2.2 Procedure to Conduct an Administrative Hearing

If after twenty (20) days following personal service, a majority of the members of the Commission conclude that there is reason to believe that a violation of this Chapter

has been committed, then the Commission shall set a time and place for a hearing, giving notice to the complainant and the alleged violator. 4 GCA §15401(d)

All parties have an opportunity:

- 1) to be heard
- 2) to subpoena witnesses and require the production of an books, papers, records, or electronic recordings relative to the proceedings
- 3) to be represented by counsel; and
- 4) to have the right of cross-examination.

2.3 Witness Testimony and the Accused's Right to an Open Administrative Hearing

All witnesses shall testify under oath and the hearings shall be closed to the public unless the party complained against requests an open hearing. 4 GCA §15401(d)

2.4 Competent and Substantial Evidence

The Commission shall not be bound by the strict rules of evidence, but the Commission's findings must be based upon competent and substantial evidence. 4 GCA §15401(d)

2.5 Hearing Transcripts

All testimony and other evidence taken at the hearing shall be recorded. Copies of transcripts of such record shall be available only to the complainant and the alleged violator at their own expense, and the fees therefor shall be deposited into the General Fund. 4 GCA §15401(d)

2.6 Burden of Proof and Closed-door Commission Deliberations

The Commission shall make its findings and render its decision based on a preponderance of the evidence. A decision of the Commission pertaining to the conduct of any employee shall be in writing and signed by five (5) or more of the members of the Commission. Deliberations of the Commission shall be closed to the public and to all parties. 4 GCA §15401(e)

PART 3: VIOLATION OUTCOMES

3.1 Summaries of Decision, Advisory Opinions, and Informal Advisory Opinions

The Commission shall cause to be published yearly summaries of decisions, advisory opinions, and informal advisory opinions. The Commission shall make sufficient deletions in the summaries to prevent disclosing the identify of persons involved in the decisions or opinions. 4 GCA §15401(f)

3.2 Possible Criminal Violation

When the Commission, after due hearings, believes that there is cause for the possible filing of criminal charges, it shall refer the complaint to the Attorney General's Office or appropriate authority for its disposition. 4 GCA §15403(a)

3.3 Violation Caused by a Former Employee

With respect to former employees, the Commission may, with the consent of five (5) or more members of the Commission, issue a public statement of its findings and conclusions, and the Attorney General may exercise whatever legal or equitable remedies are available to the Territory. 4 GCA §15403(b)

3.4 Violation Caused by a Current Employee

When after due hearing, the Commission finds that the violation committed by an employee is non-criminal in nature, the Commission will remand the case to the agency where the employee is employed with the recommendation that the agency impose the corresponding punishment in accordance with the agency's personnel rules and regulations. 4 GCA §15403(c)

IV. 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

V. 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 five (5) members at a publicly announced / open meeting.

[] APPROVED AND ADOPTED

DAPHNE M. LEON GUERRERO
CHAIRMAN

Date

Adopted: August 2021

Reviewed and Amended: December 2023

Reviewed and Amended: February 2025

DRAFT