PRESS RELEASE

From the Office *of* Public Accountability

Suite 401, DNA Building 238 Archbishop Flores St. Hagåtña, Guam 96910 Tel: 475-0390 Fax: 472-7951 Hotline: 472 -8348



Website: www.opaguam.org Email: admin@guamopa.com

THURSDAY, SEPT. 28, 2017

ATTORNEY GENERAL UNABLE TO PURSUE ETHICS QUESTIONS

	e of the Attorney 590 S. Marine Corps Dr., Ste.	901, Tamuning,		
	September 25, 2017			
Elizabeth Barrett-Anderson Attorney General	Doris Flores Brooks		RECEIV	ED
Phone: (671) 475-3324	Public Auditor	OFFICEO		COUNTABILITY
ext. 5015/ 5030 Fax: 477-4703	Office of Public Accountability	BY:	F&J	
law@guamag.org	Suite 401 DNA Building		- "	2617
97 Thomas (2092)	238 Archbishop Flores St.	DATE:	Sep 24,	
Jacqueline Z. Cruz Chief of Staff	Hagatna, Guam 96910		2710000024	DAM XPM
Administration	Hagama, Guam 96910	TIME:	4:08	DAM ALM
ext. 5010				
izcruz@guamag.org	Subject: OPA Report No. 17-04: All	legations of Ethic	cal Violation:	s (PCF No. 17-0445)
Joseph B. McDonald				
Chief Prosecutor	Dear Public Auditor Brooks:			
Deputy AG	Water State Committee Comm	0 41 00	A 1000 (200 100 100 100 100 100 100 100 100 100	
Prosecution ext 2410	This is in response to your request for this Office to review and investigate possible violations of Title 4 GCA Chapter 15, Standard of Conduct for Elected Officers, Appointed			
imcdonald@guamag.org	Officers, and Public Employees of the Government of Guam. The allegations you raise			
LANCESCO CONTRACTOR				
Karl P. Espaldon Deputy AG	concerning certain DPW employees are contained in OPA Report No. 17-04, Performance Audit of the Department of Public Works' Heavy Equipment and Related Parts Inventory			
Solicitors	Management, which was transmitted to us on September 12, 2017.			
ext 3115		ca population		
kespaldon@guamag.org	Under 4 GCA § 15401(a)(3), the			
Kenneth D. Orcutt	receive and consider charges concerning alleged violations of [] Chapter [15], initiate or make			
Deputy AG	investigations, and hold hearings." The statute further confers on the Commission "jurisdiction			
Litigation	for purposes of investigation and taking appropriate action on alleged violations of [the			
ext 3225	Standard of Conduct] in all proceedings of an alleged violation by an employee, or a			
korcutt@guamag.org	former employee." Id. § 15401(a)(6); see also § 15401(b)(further authorizing the Commission			
Fred S. Nishihira	to investigate charges).			
Deputy AG Consumer Protection	The role of the of the Attorney General under the statute is to pursue legal or equitable			
ext. 3250	remedies should the Commission determine there has been a violation of the Standard of			
fnishihira@guamag.org	Conduct. See §§ 15207, 15211 and 15403(b). The Commission also is required to refer			
Data 14 Dame	complaints to the Attorney General if, after due hearings, it believes "there is cause for the			
Rebecca M. Perez Deputy AG	possible filing of criminal charges[.]" §	15403(a).		
Child Support				
ext. 1610	Thus, your referral of audit finding			
ebecca.perez@guamicsc.net	violations is hampered by the fact th			
	empaneled to fulfill its responsibilitie			
Carol M. Hinkle-Sancha-	referred the matter to the Prosecution I	nvision which sha	an independe	ntly review the matter.
Carol M. Hinkle-Sanchez Deputy AG				
Deputy AG Family	ent.	access of the		
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Deputy AG Family ext. 4040 csanchez@guamag.org Pauline I. Untalan Administrator Victim Service Center	ÉI	E. Las Lizabeth bad	URE TT-ANI	DERSON
Deputy AG Family ext. 4040 csanchez@guarnag.org Pauline I. Untalan Administrator	ÉI	E. Bar	A CRETT-ANI	DERSON

Attorney General Elizabeth Barrett-Anderson has notified Public Auditor Doris Flores Brooks that her Office is unable to pursue ethics questions raised by the Office of Public Accountability about activities at the Department of Public Works.

In a letter dated September 25, 2017, the Attorney General told Brooks that because the Guam Ethics Commission has not been empaneled, the AG is unable to take action. A copy of Barrett-Anderson's letter is enclosed.

In her letter, the Attorney General does note that the question of whether there may have also been a violation of law at DPW is being separately evaluated by the Prosecution Division of the Office of the Attorney General.

Brooks shared the Attorney General's letter with Senator Mary Camacho Torres, she said, because of concerns the Senator has raised about the lack of an active government ethics procedures.



Office of the Attorney General of Guam

590 S. Marine Corps Dr., Ste. 901, Tamuning, Guam 96913



Elizabeth Barrett-Anderson **Attorney General** Phone: (671) 475-3324 ext. 5015/5030 Fax: 477-4703 law@guamag.org

> Jacqueline Z. Cruz Chief of Staff Administration ext. 5010 jzcruz@guamag.org

Joseph B. McDonald
Chief Prosecutor
Deputy AG
Prosecution
ext. 2410
imcdonald@guamag.org

Karl P. Espaldon
Deputy AG
Solicitors
ext. 3115
kespaldon@guamag.org

Kenneth D. Orcutt
Deputy AG
Litigation
ext. 3225
korcutt@guamag.org

Fred S. Nishihira
Deputy AG
Consumer Protection
ext. 3250
fnishihira@guamag.org

Rebecca M. Perez
Deputy AG
Child Support
ext. 1610
rebecca.perez@guamcse.net

Carol M. Hinkle-Sanchez
Deputy AG
Family
ext. 4040
csanchez@guamag.org

Pauline I. Untalan Administrator Victim Service Center & Notary Unit ext. 5030 puntalan@guamag.org September 25, 2017

Doris Flores Brooks
Public Auditor
Office of Public Accountability
Suite 401 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910

OFFICE (RECEIV OF PUBLIC AC	/ E D COUNTABILITY
BY:	FW	
DATE:	Sep 24,2	2017
TIME:	4:08	ПАМ ЯРМ

Subject: OPA Report No. 17-04: Allegations of Ethical Violations (PCF No. 17-0445)

Dear Public Auditor Brooks:

This is in response to your request for this Office to review and investigate possible violations of Title 4 GCA Chapter 15, Standard of Conduct for Elected Officers, Appointed Officers, and Public Employees of the Government of Guam. The allegations you raise concerning certain DPW employees are contained in OPA Report No. 17-04, Performance Audit of the Department of Public Works' Heavy Equipment and Related Parts Inventory Management, which was transmitted to us on September 12, 2017.

Under 4 GCA § 15401(a)(3), the Guam Ethics Commission is authorized to "initiate, receive and consider charges concerning alleged violations of [] Chapter [15], initiate or make investigations, and hold hearings." The statute further confers on the Commission "jurisdiction for purposes of investigation and taking appropriate action on alleged violations of [the Standard of Conduct] in all proceedings . . . of an alleged violation . . . by an employee, or a former employee." *Id.* § 15401(a)(6); *see also* § 15401(b)(further authorizing the Commission to investigate charges).

The role of the Attorney General under the statute is to pursue legal or equitable remedies should the Commission determine there has been a violation of the Standard of Conduct. See §§ 15207, 15211 and 15403(b). The Commission also is required to refer complaints to the Attorney General if, after due hearings, it believes "there is cause for the possible filing of criminal charges[.]" § 15403(a).

Thus, your referral of audit findings for investigation and determination of possible ethics violations is hampered by the fact that the Guam Ethics Commission to date has not been empaneled to fulfill its responsibilities. Finally, I am aware that your office has separately referred the matter to the Prosecution Division which shall independently review the matter.

Sincerely,

ELIZABETH BARRETT-ANDERSON

Attorney General