Chamorro Land Trust Commission
(Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guam 96932 Phone: 475-4251 Fax: 477-8082

Felix P. Camacho
Governor of Guam

Michael W. Cruz, M.D.
Lieutenant Governor of Guam

Commission Members

Oscar A. Calvo
Acting Chairman

David J. Matanane
Vice-Chairman

Pauline Gumataotao
Commissioner

Carmen G. Tajalle
Commissioner

Andrew S. Leon Guerrero
Commissioner

Jesse G. Garcia
Administrative Director

COMMISSION MEETING MINUTES
Agana Youth Center, Hagatna, Guam
July 16, 2009; 1:12pm - 4:26pm

I. CALL TO ORDER
Meeting was called to order at 1:12pm by Acting Chairman Oscar Calvo.

II. NOTICE AND ROLL CALL
Present were Acting Chairman Oscar Calvo, Commissioner Pauline Gumataotao, Commissioner Carmen Tajalle, Commissioner Andrew Leon Guerrero, Legal Counsel Delia Lujan and Administrative Director Jesse G. Garcia. Not present was Vice-Chairman David Matanane.

III. APPROVAL OF MINUTES (June 18, 2009)
Commissioner Gumataotao moved to approve the minutes of June 18, 2009 subject to corrections. Commissioner Leon Guerrero seconded the motion. There were no objections, MOTION PASSED.

IV. PUBLIC COMMENTS

1. Joseph Manibusan – For about 3 years now we've been trying to see if we can correct a problem that we have up there at the Lihengta property up in Mangilao. What it is is when they were constructing our house the contractor noticed that one point was in the wrong place and we've been trying to correct that point. All we want to do is have Land Trust come in and say yeah okay this is your point from here to here and here. Up till now we haven't resolved that issue and our neighbors seem to think that where the point is right now is where it's supposed to be.

Acting Chairman Calvo – So actually you just want to clear the landmark.

Joseph Manibusan – The landmark, yes because when the surveyor came in and did the surveying they did not cap where the points were at. They did not put a cap on it to really identify that that point had been surveyed and it's marked and is or will be recorded with Land Management so that was never in place.

Acting Chairman Calvo – Jess can you follow up on that one?

Administrative Director Garcia – Do you know your lot number?

Jesusa Manibusan – Lot 10. Block 1, Lot 10.

Joseph Manibusan – Block 1, Lot 10. (Tract 14119, Mangilao)

Acting Chairman Calvo – Sir when you had that property surveyed, was it you that did the survey or the other?

Joseph Manibusan – Well what it is when we moved in at the time we moved in all they had was ribbon markers and then when we were trying to build a house and we were informed that the points were wrong we hired a surveyor to come out there. So when the surveyor came and did the first three points according to the map that we had but when he came to the last point on the corner and that was all we were trying to see if Land Trust can correct that one point so we can settle it with our neighbor and we won't be having any dispute over it.

Acting Chairman Calvo – How much of a difference on the point?

Joseph Manibusan – About 10 feet.

Acting Chairman Calvo – 10 feet okay that's a lot.

Joseph Manibusan – I mean if it was just a couple of feet or inches no problem but we're talking about 10 feet.

Acting Chairman Calvo – Jess see if you can because he has to get with Land Management because it could be sometimes the…(didn't finish).

Administrative Director Garcia – Do you have a telephone number?

Joseph Manibusan – 632-3918.

Acting Chairman Calvo – Mr. Garcia will get back to you on this issue where it's going to stand he'll let you know.

Joseph Manibusan – Okay thank you.

2. Javier Atalig – Good afternoon, my name is Javier M. Atalig Jr., I'm speaking on behalf of my brother Ray Vincent Atalig. Our problem here first of all when my brother inherited the property from Chamorro Land Trust they gave him Lot number 7153-14 and what happened was when they gave him this property we hired heavy equipment to flatten the ground and you know maintain and clear the area.

Acting Chairman Calvo – By the way sir where is that at?

Javier Atalig – This is in Mataguac, Chalan Lancho. Anyways when we got that property and we maintained it and cleaned it and so forth okay Chamorro Land Trust comes back and says hey, that's not your property, your property is the other one 7153-15. So we said okay and they gave us an easement on the southern part of the first lot that they gave us. We dug our water we got the permits and everything issued by I think a Michael James he was the one who signed off on that giving me authorization for him to put that. We digged and put water pipe so we can have infrastructure going in there. So what happens is when we hired a surveyor now to survey the property the first surveyor his thing was not even registered with whatever ever the PEALS Board or whatever they revoked his license, he takes our money and runs. Okay, so we said okay we got ripped

off so we hired another surveyor okay. Now the new surveyor tells us hey that's not your easement your easement is north of that first property you gave us. So now we have to go back there and dig that whole water pipe out that's about maybe 300 feet of water pipe we have to dig that out now, bury it back because we encroached into somebody's property. So now that we have this all squared away we have the new easement that's north of the first property that was given to us we have this is the map that was prepared and everything. We submitted it down to Chamorro Land Trust and now they're saying the property is not registered with Land Management. So in the first place why did you know, I mean please bear with us and understand our frustration. We went over there we cleared a property we encroached into somebody's thing now we got to go back and correct all those things when this is all the government's fault for giving us the wrong information. So now that we got the property and had it surveyed by the new surveyor they're telling us that the property is not registered with Land Management. And I went down there yesterday to the Chamorro Land Trust and the guy is telling me oh you got about 70 of you guys in that vicinity that have this problem. Well I don't care about the other 69 people I care about this property what we're doing because we're spending money, time and effort. So I think to my understanding that there is such a law that says you cannot release the property from Land Management to Chamorro Land Trust and Chamorro Land Trust to give to the land for the landless applicants okay. So that's why we're here today because we don't understand what's going on. I mean every time we go down there to speak to somebody down there at Chamorro Land Trust they want me first to pronounce their name correctly okay. I'm tired of that. I understand Mr. Garcia just inherited, he inherited a big mess here and that's what I can see. So I don't blame why he doesn't want to sign off until this thing is rectified. So what we're here now today is to find out what are we going to do about this property now. Do we have this property or we don't because I don't want to be on somebody's property and trespassing when it's Chamorro Land Trust that gave us this property in the first place.

Administrative Director Garcia – Okay Mr. Atalig this is what's going on here. That lot that you have there is unregistered under Guam Code Annotated, Title 21, Chapter 75, 75015(f) it restricts the Chamorro Land Trust from giving out any properties that's unregistered for any lease or license. So that's the problem that we have on this lot so no matter what happens with the lot if it's not registered there's no way we can enter into any type of lease agreement or license with anybody on that lot. And this is the problems that I'm encountering at the Chamorro Land Trust and I'm trying to correct that problem at this point in time to get everything that's supposed to be given out to an applicant the right way. So I'm sorry that happened but you know I'm here now and I see what the problems are and this is part of the problem that I'm encountering.

Javier Atalig – Okay, so my question to you guys now to the Chamorro Land Trust is all the money and the time and the effort that we spent doing this thing okay now lets just say for some reason now you come over and say you guys got to take down and go somewhere else. Is the Chamorro Land Trust are they authorized to do things like that to the applicants?

Acting Chairman Calvo – I think what really transpired like what Mr. Garcia alluded is you know some of these properties and we are correcting these problems right now. A lot of the problems that these properties were never really registered and what it is in the previous they were just parceling it out giving it out you know when someone comes here like in your situation and you ask hey do you have piece of property here yeah. Yeah but

technically they never really looked at it that that property is not really yet registered and this is what Mr. Garcia and I have really been working diligently on how to get these things done. Are you going loose your property? No, you will not loose your property it's just a matter of time for us to get all these things in the right perspective you know. Because you have already been awarded for that and it is a mistake of the Chamorro Land Trust okay. It's a mistake that they overlooked in the previous. So now what this Chamorro Land Trust this Board at least and Mr. Garcia now is for us to rectify this problem in the right and the right way to do it. And how do we do that like what Mr. Garcia said for him he can't because that piece of property yet had not been given to us for that matter. So and I sympathize where you're coming from and you know we'll make that as one of the agenda once we get these things all done. Now timeframe I don't want to say tomorrow, next week, you know. It'll be unfair for me to tell you that because if I do then you are going to have your hopes and say I'm going to get next week or the following week you know until all these things are resolved. In the meantime I'll have Mr. Garcia make a notation in your files that make sure that when these things are that you are going to be one of the applicants that will be benefiting on these issues. That's the least that we can do at this point in time for you and it's pointless for me to say I'm sorry because it's already done and I know you did spend a lot of money for what and you were given the run around and it shouldn't have been that way. And as for the employees down there that they need to smile they have a job that they're supposed to do and you know I don't take that as for any employee down there to just be given and you know you're there you're our client and they should treat you with utmost respect and that so it is and I will get on that issue because it's not right.

Javier Atalig – You know Mr. Calvo the only two things that I would like to really emphasize here okay is the first is that the people that are working in the operations of you know releasing properties and so forth what ever it is however your guys channel your way of giving out the property. I mean first of all are these people that are working in the Chamorro Land Trust are they knowledgeable of what's going on? Do they know what they're doing? Because how many people are going to go on and keep on going on every time I see and talk to some people about Chamorro Land Trust they keep telling me negative things, negative things and I don't want to hear negative things and I understand that. The second thing I want to bring I mean that's going to be up to the management to rectify that problem okay but what I'm concerned about now is can Chamorro Land Trust write us a letter and say this is Government land but we are encountering some problems as far as surveying and registering it to the rightful owners can you give us a letter that says we're not going to be trespassing on anybody because there are people living there already okay. So when we cross on their road and you tell us that this is the bull cart trail that is our easement to the property that they can't call the police on us and say hey you're trespassing on my property. Because one surveyor says the south part of that first lot is the easement the second surveyor says it's the north part for the easement. So I just want to make sure that when we're walking on that piece of property nobody has a right to call and say hey you're trespassing you know. That's why I'm asking can we get a letter from them I understand where you guys are coming from about you need to get these properties squared away first and registered okay, but can for the time being that we're there cleaning and cutting the grass and maintaining the property can we get a letter from you guys that say we can cross on this piece of the property because that's the easement going through the property that you that Chamorro Land Trust has designated to us?

Acting Chairman Calvo – That area where you're at does it infringes other tenants around you in that area where that easement road that's supposedly supposed to be there?

Javier Atalig – Well both easement which I don't know which one is the official easement we're going to be crossing on peoples property to get over. You got to cross one acre to get over to the property.

Administrative Director Garcia – Mr. Chairman this is the problem that we're encountering. I need to complete the inventory of the Chamorro Land Trust. Once we complete the inventory then we would know exactly how many people we have out there, how much land is available and stuff like that. It's useless for us to keep giving out lands and we don't know how much land we have in our inventory and that's the main thing I've been trying to stress to get this program in the right direction is to get the proper inventory. That's what we're working on so until such time we get the inventory then we can write to these applicants or lessees that are out there that do not have proper documentation to be on that property.

Acting Chairman Calvo – Well I guess on the legal opinion on that what do you because what he's alluding what he's initially saying there is I guess on the timeframe is just for him to pass through on a letter.

Legal Counsel Lujan – Well that's giving an easement is this on other people's properties?

Javier Atalig – Yeah when you enter when you get off the Chalan Mataguac whatever that road is then you get onto Lancho Lane there I think one, two, three, four pieces well naturally all the land connect but there are people that are develop a house on that property and then there is the other side so the road runs in here you have to cross over one acre to get to his property.

Legal Counsel Lujan – They're Chamorro Land Trust properties?

Javier Atalig – They're all Chamorro Land Trust properties I would assume.

Administrative Director Garcia – Legal Counsel the main thing about this property is it's unregistered. Land Management will not entertain any subdivision or parceling of any lot that is unregistered. So that's the issue that we have to deal with until we get this inventory done then we would know what is registered, what is unregistered, who's out there and what we have left. So it's an issue that we need to deal with with a lot of these leases.

Legal Counsel Lujan – I think the Board we could write a letter we would just need to look at it a little bit closer and then we can try to meet with Mr. Garcia and try to identify those areas that you feel that you need to cross to get to your property and once that's done then we can evaluate what the next step should be.

Javier Atalig – Okay because the reason why I'm bringing that point up is the individual who has that property on the southern side of the property has put like wood and stuff to block us from going in there which I respect I mean if that's your property I'm not going to cross your property unless I get the proper authorization to do so.

Acting Chairman Calvo – Okay I guess Mr. Garcia would probably get back to you on this issue once we get the legal opinions on this case. Because it would be for us to say to you to the Board right now yes and then we're gonna just run into other bricks of walls.

Legal Counsel Lujan – They would also need to be on the agenda.

Acting Chairman Calvo – Yeah on the agenda.

Javier Atalig – Okay, I guess if you see me in jail and I was trespassing then I'm going to remember I'm going to bring this up to the judge and then maybe we can have Ms. Lujan represent me. Alright thank you I appreciate and I thank you Mr. Garcia.

V. PENDING BUSINESS

1. Guam Rugby Club & Guam Hals Angels Football Association licenses

Acting Chairman Calvo – On the Guam Rugby Club I think we're going to have to retable that again.

Legal Counsel Lujan – On that issue the Rugby Club is still meeting with the Hals Angels and they're trying to see what can be worked out but there is also a possible, there're already a proposal that's been made and another possibility has arisen that Mr. Garcia would propose to the other parties. So we think that this is something that could probably be addressed at the next meeting or possibly the next meeting after. The problem is that Rugby has a board and so they would have to meet and make their decision as well. If we could just table that one.

Administrative Director Garcia – Okay so it'll be tabled for the next meeting.

Ivan Shiroma (Hals Angels) – I object Mr. Garcia. Hi my name is Ivan Shiroma I'm representing Hals Angels Football Association. I was just wondering what was the reason why they are not here today and they keep claiming that they're spending thousands hundreds of thousands of dollars in development and they cannot attend the meeting.

Legal Counsel Lujan – I was informed by Rugby's counsel Attorney Sophia Diaz that the board members are off-island and she was also unable to attend the meeting. It's also my understanding that your attorney Mr. Brooks is trying to schedule a meeting and the next available time for everyone to meet I believe is really next week Monday or Tuesday. That's what I was informed I believe by Attorney Diaz but as your attorney has a proposal for Rugby Club my recommendation is to allow that proposal to be considered fully and also the proposal that Mr. Garcia has to offer before the Commission's decision.

Ivan Shiroma – So even if they were off-island ma'am the legal counsel cannot be here if she's representing those guys?

Legal Counsel Lujan – Well for the record I also informed her that I would recommend it be tabled due to the inability to meet before the meeting and the new proposal that Mr. Garcia has and would have to convey it to not just Hals Angels but also to the Rugby Club as this issue solely regards whether to renew the license with Rugby Club.

Ivan Shiroma – The whole issue that I'm concerned about ma'am is why are we still entertaining these guys where I have the license and they don't? They're applying for the renewal I understand that. But when they acquired that license there was also questionable from day one, I was by-passed. I keep repeating that and nobody is addressing that issue that Hals Angels Association had been by passed we've been waiting since 1982. These guys come in late 1990s almost 20 years later and they get a license before me after we've been developing a football program with all these kids throughout the years. Our track record is there, there is no issue about that. So somebody from off-island comes in they want to start their rugby and I have nothing against, they're doing a fine job. But instead of just accepting the agreement that we made from day one which is just keep your rugby field, build us a practice field and that's it and they don't want to compromise. We offered to compromise and we don't have to. I'm born and raised Chamorro on Guam and I have to compromise with these guys and they don't want to make a compromise. I don't know what other proposals you guys are offering because they still don't want to give up that practice field. They don't want to honor the agreement that was made. They acknowledged the agreement was made but they don't want to honor it. I just wonder how long or why we keep addressing this when I have the license already and they don't and I told them already to keep your rugby field, build us our field and everybody is going to be happy. But even that they don't want to do because why they are claiming they put so much money into infrastructure and they have all these sponsors waiting on the side.

Legal Counsel Lujan – Well I've made my recommendation it's up to the Commission whether to table it.

Acting Chairman Calvo – You know these guys they've been waiting for a long time too and it's unfair for these people too and if they really want to resolve this problem they should have been here either their legal counsel for that matter.

Legal Counsel Lujan – Well just for the record I did inform Attorney Diaz that I would recommend tabling it. So it is not I wouldn't say through fault of Rugby counsel.

Acting Chairman Calvo – Okay then I refrain myself from saying that. Well since you have given that to their legal counsel but I think we should still have to you know we got to speed this up because these people can't just be holding and you know as soon as possible that we need to get this thing once and for all and resolved. And I guess we can table it out at this point in time and we need to really get on top of these guys too you know. They have to account for their accountability you know.

Administrative Director Garcia – Legal Counsel would you be able to accommodate them when these guys get back next week or as soon as possible?

Legal Counsel Lujan – Yes I'm available to meet with them.

Administrative Director Garcia – We'll set that meeting up in your office.

Legal Counsel Lujan – Yes.

Ivan Shiroma – Okay one last comment Ms. Lujan we basically have the same license agreement the Rugby people and the Hals Angels Association. Word for word we

basically have the same it's just different names. When you're applying for a renewal of your license because they have a five year license if I'm not mistaken on my license it says you have 60 days before your license expires you're supposed to apply for renewal. They let that lapse. I was just wondering what are the ramifications or what happens when somebody who claims to be spending hundreds of thousands of dollars in money for a field and they cannot remember to reapply for their license. Why is that not an issue now or why is nobody saying anything about that? If you ask me if you're not serious enough about reapplying for your license when you're spending hundreds of thousands of dollars maybe you're just not spending that money or you're lying or you're not interested. But nothing was brought up regarding that so right now that's why their license wasn't approved. They let the 60 days lapse. So I'm wondering what does the Land Trust do on occasions like that when other people do the same thing, they don't reapply when in black and white it say you better apply before your expiration date comes up, you have 60 days.

Legal Counsel Lujan – That's an issue that I would advise the Commission on. That's not an issue being ignored Mr. Shiroma. It is a factor.

Ivan Shiroma – Can you just let me know what are some possibilities that could happen to them or because they're just like skipping that and going straight to I want to just fight on this issue just this land here nothing about I'm late for not reapplying.

Legal Counsel Lujan – I would advise the Commission that as counsel for the Commission that advice is given to the Commission.

Ivan Shiroma – Please consider that.

Legal Counsel Lujan – It's a factor Mr. Shiroma, it is.

Ivan Shiroma – I did my job of applying on time and waiting for 20 some years and it really bothers me that somebody can be allowed to get away with not following the verbiage on the license.

Administrative Director Garcia – Legal Counsel maybe if you can also just take another look on the rules and regulations and see if that's incorporated into, the commercial.

Legal Counsel Lujan – To see if that could be an additional provision if it's addressed.

Administrative Director Garcia – Or if it's in there or not.

Legal Counsel Lujan – Okay.

Acting Chairman Calvo – Okay Ivan, I guess we'll table it out until the Legal Counsel and Mr. Garcia gets back to us on the issue.

Ivan Shiroma – Okay thank you.

Acting Chairman Calvo – Sorry.

Ivan Shiroma – Just let me know give me a call I'm always going to be available.

2. Amot Taotao Tano & Opal/Bee Worm Farm – request for 6 acres

Bernice Nelson – Hi, I'm Bernice Nelson I'm still waiting for the request that I asked for the land, the agriculture.

Administrative Director Garcia – Basically it's not a commercial license that she's asking for she's asking for additional area to accommodate her farming of the worms and mushrooms.

Bernice Nelson – No the medicinal plants.

Administrative Director Garcia – So that's what she's asking she's not asking for a commercial lease.

Acting Chairman Calvo – But she's asking for 6 acres I mean non-commercial area.

Bernice Nelson – Even 4 or 3 whatever.

Administrative Director Garcia – What she has is one acre right now.

Bernice Nelson – Half acre.

Administrative Director Garcia – Or half acre.

Acting Chairman Calvo – And that's in the same area where you're at?

Bernice Nelson – Yeah I have there is nobody behind me or beside me.

Acting Chairman Calvo – We have to be very cautious of that now because maybe that someone might and I have to…(interrupted).

Bernice Nelson – There's nobody there. The property we had it for agriculture since 1976 its 400 acres I mean 400 square whatever. So that's why I'm asking there's nobody everybody's been given in the front of me where the road the easement but behind me and the side of me there's nobody there that's been given.

Acting Chairman Calvo – I think what we have to do on that Jess is really make a follow up on that just to verify to make sure that nothing is being assigned there. Because it may like I said it may look bare right now but we have to check with the land agents and see and find out whether there's anybody.

Bernice Nelson – Well I usually know when there's somebody been there because the people would go the Land Trust they'll go over there and show who ever is going to be given. All the front beside in front of me where the road has been given all out.

Administrative Director Garcia – Probably the Commission might want to go ahead and authorize them 3 acres and we'll verify before we assign them authorization.

Bernice Nelson – That's fine whatever to start.

Legal Counsel Lujan – I don't have my opinion but is the acreage limit that is my concern does it fall within the acreage limit under the current rules?

Acting Chairman Calvo – It falls under the acreage limits, right Terese?

Administrative Director Garcia – On the agricultural.

Commissioner Leon Guerrero – I remember we had this discussion during our last meeting and because of the amount of acreage you need you would probably have to fall under grazing. Because I think the commercial limitations are I think a half acre at the most if I'm not mistaken. I have to look back at some of the categories that were available to us that's why during our last meeting I had suggested that maybe if we can find a way to formally maybe through language to make it fall under grazing then you could have 3 acres or more. But right now I think the category that you fall under, under commercial I think the largest property you could get is a half acre if I'm not mistaken.

Mr. Nelson – We don't want commercial we want agriculture.

Commissioner Leon Guerrero – Yeah I know. But the agriculture is I think a half acre.

Bernice Nelson – Well I've seen some agriculture 4 acres or more. Instead of relocated I just want where I'm at there's like an extended side here there's nobody there's a road between and then the side of me right and left there's nobody there. And behind me the person behind me died they don't have any kids or anybody.

Commissioner Leon Guerrero – I have no objections of giving you the property I just want to make sure we do it legally. That's all I want to make sure. I would love nothing more than to have you have that piece of property or the additional acreage you need but we still need to be diligent and we got to make sure that they fall under you know it's all legal and that we follow whatever category you may fall under so that you can get this additional acreage. But I think we need to just further look into that. If the Director thinks that adding 3 acres of property is sufficient enough and it still falls under the law then we're good with that. We have no problems what so ever but we definitely don't want it to slap us back in the face.

Administrative Director Garcia – It is stated here not less than one acre no more than 20 acres for grazing. Also not less than half acre nor more than 20 acres for commercial agriculture or aquaculture use.

Commissioner Leon Guerrero – But that falls under commercial and she doesn't want commercial.

Acting Chairman Calvo – If it was under commercial there's no problem on that but in this case you're not asking for commercial.

Bernice Nelson – No I don't want commercial.

Legal Counsel Lujan – It's a subsistence agricultural lease.

Commissioner Leon Guerrero – I would suggest that maybe the Commission get together and maybe evaluate the certain categories and see if we can.

Bernice Nelson – Well how many times you're gonna be you know…(didn't finish).

Legal Counsel Lujan – Well according to the law which is Section 75107 subsection A.1 the Commission is only authorized to lease not less than one-quarter acre and not more than one-half acre for subsistence agriculture farming. If the request is not for commercial agriculture lease then it's limited to that quarter to one-half acre if that would be sufficient then the Commission could act on that.

Mr. Nelson – It's not we have a half acre that's what we're living on.

Legal Counsel Lujan – But that's the state of the current law and the Commission is limited to unless you were to be applying for commercial agriculture which allows for up to 20 acres.

Bernice Nelson – I don't want 20 acres, we don't want commercial.

Legal Counsel Lujan – But those are the limitations imposed upon the Commission by law.

Acting Chairman Calvo – If she was to hypothetically just decide to take the one-half acre that's the most that we can give her at this point in time unless you know create another law for that matter. But right now we're bind to that law and I know what you said earlier there's some farmers like that in the past and these are the issues that we're trying to stop. These are the problems that we're trying to stop in doing things where it's out of control you know. If we don't do this then everybody that comes here now and says I want 5 acres, 10 acres sure here it is okay. That's in the past and we're trying to really and I sympathize with what you want to do but given the fact what the law states there that's the amount that you can get unless you go on a commercial lease. That's the only way that we can probably give you another 2 or 3 acres for that and then again it depends on that Jess on that area whether it's agriculture area.

Bernice Nelson – We had it agriculture way back in 1976 I had 400 by 400 but then they changed it over to residential and they only give me a half acre.

Acting Chairman Calvo – Believe me Mrs. Nelson I really want to help you out in this situation but we're caught in this issue of the law and I for one would not really go whatever that because then we do that again we're just giving out again rampage and properties easily to anybody else. Now what the legal counsel stated there that's the most we can give you and maybe if you bear with that at this point in time and then maybe whatever I guess would have to be amended by the law to get that up and that has to go the legislature we can't amend that law. That has to go to the legislature and to upgrade in situation like that.

Bernice Nelson – If I get the half acre I could extend it in the back or the side to make it one acre? Because right now I'm staying in half acre.

Legal Counsel Lujan – Is the land adjoining?

Mr. Nelson – Yeah they're right next.

Legal Counsel Lujan – They're right next to each other.

Bernice Nelson – Nobody's there.

Legal Counsel Lujan – So you would like your operation to spill over into your residential.

Bernice Nelson – Just to be in that acre.

Legal Counsel Lujan – That's addressed in the rules and regulations I don't have a copy of that but we would have to get back to you on that question. But at the most the Commission can only give a half acre for subsistence agriculture use.

Commissioner Leon Guerrero - I think the only possibility that you could probably look at to get the additional property is to plan under the grazing section of the regulations.

Bernice Nelson – Well I could let my worm run. We got pigs.

Commissioner Leon Guerrero – Buy a goat or two maybe a cow or two or a pig or two you know but that would be the only way that we could legally give you additional properties legally. We're bound by …(interrupted)…I was just told it had to be genuine grazing so now you would need three goats.

Bernice Nelson – I need three goats, I got three goats.

Commissioner Leon Guerrero – But that would be the only way we could help you right now because there is a moratorium on commercial leases right now and there's no way and that's not the direction you want to go anyway.

Acting Chairman Calvo – Well half an acre is a pretty big lot right now.

Bernice Nelson – The only thing is for the tree you know like a lot of trees it's like 30 different kind of medicine and it's 150 of the shrub and vine that's medicine. We have all the important medicine on my land right now, I have like 20.

Acting Chairman Calvo – But we're in a situation right now and if we do that okay I mean we're going to just be and we'll address that to Mr. Pangelinan the Senator to how because that has to go to the legislature to something to amend in that law in that area and we can't do that here as far as the Board.

Commissioner Leon Guerrero – I know I read somewhere in an article recently in the PDN that I think the good Senator was introducing a bill for herb farming.

Mr. Nelson – That's already been signed.

Commissioner Leon Guerrero – And that's for I think at most a quarter acre if I'm not mistaken.

Bernice Nelson – Yeah but that's not enough.

Mr. Nelson – Like I said at the last meeting if we went down there one of us would have to stay there 24/7 to make sure that stuff is still there the next morning.

Bernice Nelson – It'll be gone the next day.

Commissioner Leon Guerrero – Because you sort of fall under that herb and because of her suruhanus and suruhanas that's even more of a disadvantage because I think I may stand corrected I think they're for a quarter acre lots right now.

Administrative Director Garcia – Her next step would be to apply for grazing.

Commissioner Leon Guerrero – That would be my recommendation, apply for grazing permit or a license and that's the only way I see that you can get the size of property you need in order to satisfy your needs. I know it sounds funny by saying get three goats or four goats or…(interrupted).

Bernice Nelson – What about half acre that I can extend it to my place?

Commissioner Leon Guerrero – The property adjacent to yours? I think that's something we can look at as the Commission.

Bernice Nelson – I mean if they can give me that that's fine because for the time being and then later on. I just want to get you know some medicine they grow certain time and then they kill itself and if we go out to look for it we won't find it so I want to take the seeds and plant it on my land so I know that I could if they start dying I could freeze it for the suruhanu.

Legal Counsel Lujan – I'll be looking into that and if that would satisfy your request the getting the half acre and seeing if that operation could spill into your half residential acre then you're saying that would be sufficient you wouldn't need to apply for anything else for the time being.

Bernice Nelson – Yes for the time being.

Mr. Nelson – That would help a lot.

Legal Counsel Lujan – I could look into that and maybe we can resolve this by the next meeting.

Bernice Nelson – Like you know I had the land since 1976 and it's 400 by 400 and then they changed it and only give me half acre and I have that and all the neighbors they've been given one acre and I'm only getting half acre.

Commissioner Gumataotao – Mrs. Nelson I'm just trying to clarify so there are two different, one is the worm farm right and the other one is the medicinal plants. So there's two different is that correct?

Bernice Nelson – Yes.

Commissioner Gumataotao – Okay because I don't know if you have this, this is the public law that was signed on June 16th the one Mr. Leon Guerrero was talking about the medicinal herbal plants. Have you gotten a chance to look at this? I'm going to go ahead and give you this but it does stipulate in there that the Chamorro Land Trust in conjunction with UOG and Department of Agriculture that we're supposed to designate an area in the north and an area in the south specifically for the medicine plants. So if you want to go ahead and read through that maybe it can answer some of your questions and why legal counsel has said we'll get back to you on that.

Bernice Nelson – Like I said we're not going to plant something there and stay down there especially if there's no house we cannot build a little shack or whatever to stay and then go back the next day and it's gone. We're wasting our time and effort to do that. There's no fence. You know Chamorro is known to like to steal that's what Chamorro means we're a thief. So you know you go up there the next day and it's gone.

Acting Chairman Calvo – Whatever the legal counsel would recommend on the next by the next Board meeting Jess then we'll but I think we're going to have to go with that concept like you said okay. Sorry we put you in this predicament for us to out rightly…(didn't finish).

Bernice Nelson – So can they come out and look at the side of my house so I can just go ahead you know for time being plant on that?

Administrative Director Garcia – I'll have Eileen check on it.

Acting Chairman Calvo – Hopefully by the next meeting. Legal Counsel we should have.

Legal Counsel Lujan – Regarding the issue of using her residential half acre.

Acting Chairman Calvo – She's satisfied with that half acre at least for the time being.

Bernice Nelson – I just need the important medicine that is disappearing that's all I need to plant.

Acting Chairman Calvo – You got to understand one thing because you're saying either the back or on the side of the house I don't know which way it's going to go but I'll let Mr. Garcia take care of that.

Bernice Nelson – Okay, thank you very much.

3. Edward I. Cruz – Lot Status

Edward I. Cruz – Good Evening ladies and gentlemen. I am Edward I. Cruz and to my left is my wife Josephine and we're here to find out the result of our land status.

Acting Chairman Calvo – Okay Mr. Cruz, Mr. Garcia and I have talked about this and it would need to go further into investigating the piece of property and Mr. Garcia would have to step down on that position because at the time he was at Land Management working and he doesn't want to have a conflict of interest so that to make sure that the eye of the public would say because he was working at the time at the Land Management.

So we would assign one to investigate the place more and I heard your arguments on our last board meeting. I guess until we really dig down to where what is really the real problem there. I'm not saying that what you have stated at the last board meeting you know but we need to go back again and then the legal counsel to really more finalize that issue.

Administrative Director Garcia – Mr. Chairman as I was doing the investigation on Mr. Cruz and Mrs. Mesa I came upon records that I have handled one of the clients during the time of my tenure at Land Management as a land agent. So it would show conflict of interest if I was to come up with a decision so that's why I wrote to you that I would have to step down from the investigation.

Acting Chairman Calvo – So at this time we would have to address that in another day Mr. Cruz. I know it's prolonging but you know I didn't know about this until Mr. Garcia told me and you know even though he was at Land Management at one time but being him the Director now okay I just don't want any friction for people to say well you know there's friendship or whatever so and he was wise enough that he told me about it. So it's best that way that there'll be no conflict of interest within the Chamorro Land Trust that way it will be done the right way.

Edward Cruz – Excuse me Mr. Chairman, I would like to ask the Director here when were you at Land Management?

Administrative Director Garcia – Back in the early 80s.

Edward Cruz – Back in the early 80s, the property I'm talking about here I had it since 1970 and at that time this property was under the arrendo of the Department of Agriculture. To my understanding if I'm right Chamorro Land Trust came into the picture sometime in 2000 or late 1990. I don't understand the magnitude of this thing here. I mean I had this property since 1970.

Acting Chairman Calvo – I'm not disputing that Mr. Cruz. I fully understand that but we really got to be very cautious on these issues of land now as you know we've been bombarded left to right and I want to make sure that we got our facts. I'm not saying yes it may be it happened back in 1974 or 1970 what you said and Chamorro Land Trust didn't come to play until the 80s okay. So I just want to make sure that these things are done the right way now. I just want to make sure that there will be no conflicting to anybody that would anybody be questionable you know and that's all I'm saying. I know it's an issue right now that you want to resolve and believe me I want to solve the problem too.

Edward Cruz – Mr. Chairman when did Mesa came into the picture? When did that Mesa came into the picture?

Acting Chairman Calvo - I don't know I don't know when I can't say that for you right now.

Administrative Director Garcia – If you read my report when I informed you it's in there.

(Chamorro translation done by CLTC staff James Diaz)
Edward Cruz – Mr. Chairman the Director said it's somewhere in 1988. In 1988 we were ranching there with our kids. Our kids were barely walking they were 4 years old. My

oldest boy right now is turning 40. We all grew up in that property, we farmed in that property for over 30 some, 35 years. There was no one staying there. I surveyed the property. I have the property map showing from what point to what point. Because when it was turned over from arrendo to the Chamorro Land Trust Mr. Chairman there was nobody there. In actuality the population of that place was lucky there is 22 people. Today we have over 250 people in there. That place where I'm staying right now was never occupied by anybody else and we have never abandoned that place. My son I have three sons in the military they're all serving the freedom we're all enjoying today and they plan to come back home to build a place you know a place to build their house. I mean this one who came in I feel it is fixed. This one just came in and they cut my plants, long beans, star beans but to this hour we still have papaya, coconut, mango and laguana we had all kinds of vegetables out there Mr. Chairman. We used to have over 50 pigs, 20 cows, 10 goats and I'll keep repeating myself. How in the world did Mesa just walk in there and what they actually did when they took their acre lot I have the map here showing and I hope you have a copy of this. (depicting from map) This is my father in law's property, my wife's property this is the property that we have this was never written out by the Chamorro Land Trust administrator. It was written out by some land agent. Now how can you divide a property into three when there's only thousand some square meters. What they did Mr. Chairman and member of the Board they took my property down here they cut it more than half because they started from the very, very top they called it lot 3 and they shoot it down to get their one acre, their one acre. Making my property very short, the land is not complete. And this I have reported it to the Chamorro Land Trust. I came down to the Chamorro Land Trust they lied to me that there is no land, no name, no records. This thing when they take the documents they hide the documents and then to come out because I have all the papers with me because I got a copy of that. All of a sudden when I met up with the Director here came out. But I remember an agent when I came by he had my documents with him my folder and I said that's mine, Edward I. Cruz, can I see it? Oh no it's not yours you don't have any documents at all. How many people were sent up to our property and they told these people to go ahead, go in and farm, tell them that you own this property 3 years ago, 5 years ago and by God Mr. Chairman and committee members there was no one that was staying there, there was no one that came there. Even the point where we're farming and our property now that was given over to my wife by my father-in-law by her father there is no road, it was a bull cart trail. We make people pass on our land and even someone from the Chamorro Land Trust said Mr. Cruz you're so generous to make people pass on your property. But there was no road Mr. Chairman in there nothing at all. And then for a stranger after 40 some years and just to push us out because of knowing somebody down at the Chamorro Land Trust or I don't know are they getting any favoritism, are they giving favoritism, are they receiving something under the table? But the habit even my wife here several times somebody came by, my wife heard somebody in the back talking, my wife went back and asked can I help you? They said oh this was my land for 4 years, 5 years I just came back again to clean it up again and start planting. Who is it that has agreed and are we going to allow this travesty up there in the land after 20, 30 years since they did this up till now. I mean where is the justice? A land that was stolen you're going to hold me back again for what weeks, months because you need an investigation? As far as this document shows I'm the only one up there, only me. What they did Mr. Chairman, I hope you have a copy of this with you, this is the lot and they took it. What is it there and it is the same here that it is marked that there is a house on Lot 2, there is no house on Lot 2. There is no house on Lot 2, Lot 2 belongs to me. I have the letter right here from the prior administrator of Chamorro Land Trust. It's an approval of application for telephone, water

and power. I have it right here and we are just going to allow this and make it stale to leave this alone and to let it go and to allow this nonsense to continue I mean what are we trying to do? Us and us Chamorro tomorrow and beyond if I die and dying is something we do not know what is our ending again are we going to agree with this again let's start all over again.

Josephine Cruz – Then our kids are going to have trouble to get it.

Edward Cruz – We have 12 grandkids, we have 3 sons and a daughter. They are at war right now in Afghanistan and Iraq. I served in Vietnam like you served in Vietnam Oscar Calvo. For the past 40 years there was no one there I'll testify and I have neighbors that will testify to this even there is no road, there is no telephone pole. I opened up my property, we gave 20 feet to open the road for the easement for the telephone pole, water line and they told me from the Land Management that they would give me an exchange for the land that the government took in front of my property. And now you're telling me you guys are going to investigate again because Mr. Garcia was…(interrupted).

Josephine Cruz – How long is this investigation going to be?

Edward Cruz – The point is what are you going to investigate?

Acting Chairman Calvo – Let me make it clear I understand what you are saying Mr. Cruz and what you're bringing up to the points, I just want to make sure that the other board members fully understand where you stand. I understand where you're at on that piece of land the argument and all I'm not disputing that you are wrong I agree with you to that concern. The Board too itself they have to make sure that they understand that what you're alluding and how and I will get to the bottom of this. I will that I can assure you that I will get this to the bottom of this issue because I want to resolve this problem too once and for all you know. But when Mr. Garcia told me that there is a little problem but they are going to say that he was the one that did it at that time. Yes, when you got that land way back in 1970 and 1980 when the Chamorro Land Trust was baptized that year all that in rights okay. I want to be honestly and fully be sure that and I'm going to get with the legal counsel on this to really, really dig down to the bottom of this in trying to resolve this issue to really get this out of the way legal counsel if it's as soon as possible.

Legal Counsel – Speak English.

Acting Chairman Calvo – Oh I'm sorry what I was really explaining to him I fully understand and I wanted to make sure that the Board really fully understands you know what really transpired and I know that what he said that this property has been back since 1970 but at the time that Mr. Garcia was working at the Land Management okay. So when Mr. Garcia came to me and told me that he might have a little conflict of interest in that okay even though the Chamorro Land Trust was established back in the 80s okay and like what he's saying the Chamorro Land Trust wasn't given birth until 1980 so we just don't want any repercussion from the public saying that we're going to go ahead and approve to this issue and how the other family came in there you know. Because I'd like to know too to the bottom because I want to clear this problem once and for all. And these are the problems that we have Mr. Cruz okay and these are problems that we're really, really running into a brick of walls. But I know that we have a lot of things in our heads to go through but we really got to solve this problem on Mr. Cruz too. You know

because it's not fair play for them too to continuously come knocking in the front door and then for us to say okay you know we're investigating for that matter. I just want to make sure that the other Board members fully understand that too. I understand Mr. Cruz I just hope that you can bear with us at least you know until I get a feedback from the legal counsel. That's all I'm asking from you. I can assure you that I will get down to the bottom of this no matter what it takes. That's the least I can give you.

Commissioner Gumataotao – I have a question for Jesse, Jesse have you gone down there physically to look at the lot because he's claiming that according to the map there's a house on Lot 2 right, but there is no house on Lot 2. You physically went down there and you saw the lot what does that look like?

Administrative Director Garcia – There is some plants and stuff and there's a makeshift shack there, it's not a complete house. It's a makeshift house or building it's not a residence like we borrow money from the bank to get a loan to build a house it's not that type of house.

Commissioner Gumataotao – And that's what's on Lot 2 right now?

Administrative Director Garcia – Yes, it looks like it's been there for a while.

Edward Cruz – Excuse me, when the Director came up to the property we measured the property from point A. From point A when I told you about they cut my land off according to the plan here they're showing there's a lot with a house here, it's a permanent structure under SBA-FEMA. It's a permanent structure. Mr. Garcia with Mr. Mandell, Mr. Mandell was on the other end and we had to pull that tape all the way up to the other side of the property and to show what is showing on the map where my property is that's where they built the house. There's a permanent structure a FEMA concrete house because there is no house on Lot 3. I mean the house is on Lot 3 but it's saying here Lot 2 is where the house is. So that's a falsification application that was made through FEMA. I mean how can a Land Trust agent go in there and say go ahead because this is what they're doing ladies and gentlemen for your information. The agents go out there and say no go ahead and build don't worry they won't chase you out and sometimes three, four people come to this property. What does it take for we people to get this cleared? Are we going to have somebody getting killed pretty soon? Because let me be honest with you I get nightmares and I get flash back from the combat that I encouraged in Vietnam it happens to me. Sometimes I feel like getting up in the middle of the night I thought it's a god blessed VC camp a viet-con camp because like you said there's a man-made camp there it looks like a VC village and if my flash back hit me which I'm under treatment from a psychiatrist from the VA that's what I'm thinking. When I wake up 2'oclock in the morning I can't go back to sleep. Sometimes I get up and walk up and down on that property where it's awarded to us and somebody else is there.

Acting Chairman Calvo – Well like I said Mr. Cruz at this point I think we need to really just I know I asked you we need to go back and really go back to the drawing board and really do this and what ever the outcome I can't give you an answer at this point in time. So I want to make sure that we are going to get to the bottom of this and whatever land agent that made this assignment for whatever reason you know I want to get on top of that too because this is not going to go through.

Edward Cruz – Mr. Chairman all I'm asking for is the property that I'm assigned to. You know that there's three authorizations for survey that I received, three times.

Acting Chairman Calvo – Mr. Cruz I'm not disputing.

Edward Cruz – No, just let me get through Mr. Chairman if you don't mind please, the thing I'm trying to get across is on three different occasions when they gave me an authorization for survey the property says .50 acre and then another paper came out .50 acre; 1 acre. The last paper that came out .25 and when that .25 came out that's when this other person came into the property. I'm just trying to clarify I'm just trying to tell you this. It's like I said the Director did went up to the house and he took that long tape with Mr. Mandell and they surveyed they measured the place. That's all I'm saying. All I'm asking is my property I don't care about their property. I don't care. I don't need it but all I'm asking for because like I said my kids grew up in this property. This property used to be jungle. We worked hard for this property. We farmed on this property this is how we survived. I was the only working person there my wife was a house wife with kids and with the income in those days we can't even afford to buy you know enough food to put on our table. And that's why I had to farm, raise chickens, pig and name it and then for someone to come in. Put your feet in my shoes lets see how you feel or for any board member here after 40 years that's your sweat and blood out there. And then just because somebody came in and you know before you decide to do anything remember that there is a God. Remember, that's all Mr. Calvo, sure when or how soon can I get a respond. A positive I mean lets not come back again and tell me more that this map is wrong or the way it's done you know. That's a bunch of I don't know what I'm going to call it anymore but it is really, really insulting.

Josephine Cruz – On top it off they tell us to move out of our property.

Edward Cruz – Yeah.

Josephine Cruz – When are we going to move out of our property?

Edward Cruz – Our own property. This guy has the guts to go over to me and chase you know that's you know you've been at Vietnam, you've been to war that's PTSD and that's under me. And if this thing continues like that poor Atalig said I might be arrested because when I look like you said it's a manmade shack it's like the VC you know the Vietcon housing in Vietnam or are you an infantry or whatever your MOS is whatever I don't know. But to tell you the truth I've been to war and that's what I'm seeing out there now.

Legal Counsel Lujan – Mr. Chairman there will have to be another investigator assigned to work on Mr. Cruz's case and once that's done I'm available to meet next week. Well next week Tuesday may be too early so maybe the following Tuesday. Maybe we can set up a meeting with Mr. Cruz and whoever that investigator is and we could at least prepare for that meeting to try to come to so I can come to an understanding of what the issues are because there was a lot of discussions in Chamorro and I got lost there.

Acting Chairman Calvo – Yeah.

Edward Cruz – Oh, I'm very sorry Ms. Legal Counsel.

Legal Counsel Lujan – I apologize for not understanding.

Acting Chairman Calvo – His main problem is just really you know because there has been someone in the Chamorro Land Trust has given a piece of property that they have been in there for 40 years and that's what he's alluding for.

Legal Counsel Lujan – In other words there's someone else given that same property by the Commission.

Acting Chairman Calvo – Yes, in that same property and that's the dispute he's disputing at this point in time. So he wants to you know they've been in there for 40 years and done all these things and then you know God and behold he wakes up one morning and there he was someone already in the property for claiming that and what has been transpiring is what he's saying that you know who ever the land agent that did that you know I will get on his case. And I want to find out too why.

Legal Counsel Lujan – So is that, there was actually a lease to someone?

Acting Chairman Calvo – I don't know whether it's a lease at this point in time or what it is right now.

Legal Counsel Lujan – We still have to identify what ever document if there was a document that gave an interest.

Acting Chairman Calvo – Right so we have to I think we can do that now. Okay Mr. Cruz.

Edward Cruz – Thank you Mr. Chairman and Board members I'm sorry for raising my, my high blood is just going off a little bit the rocker because I mean this is too much. 40 years and my youngest kid at that time was 4 and all my 3 sons are serving in the war right now and this is the freedom we're enjoying and this is the kind of you know things that we're getting from our own people.

Acting Chairman Calvo – Trust me I know where you're coming from.

Edward Cruz – Thank you so I will be, get in contacted with what a week or so? Timeframe please.

Legal Counsel Lujan – Well I would say that we can meet two Mondays from now so not next week Monday but the following Monday but we have to identify someone else from the Chamorro Land Trust other than Mr. Garcia would have to be there because of the conflict.

Acting Chairman Calvo – So that would be the 27th at your office right? Okay but we'll have the information to you before that time.

Legal Counsel Lujan – At 2'oclock.

Edward Cruz – That's fine okay thank you very much again.

4. Norberto Castro Sr. – Easement issue

Norberto Castro Sr. – Mr. Chairman, Board members, Mr. Garcia my name is Norberto R.V. Castro Sr. I reside on Lot 1, Block 1, Tract 144111 in Pagat Mangilao. Land Management surveyor came by this morning about 9:30 to make an as-built on the leaching field and they lasted until 10 o'clock. I don't know what's the outcome of that meeting or what kind whether the as-built is completed.

Administrative Director Garcia – Before the meeting we checked, the as-built hasn't been drawn up. The as-built had been completed out in the field but they're plotting it right now.

Acting Chairman Calvo – When will that be done Jess?

Administrative Director Garcia – They're drawing, I don't know probably by next week Monday I can follow up but as of today it's not completed, the drawing.

Acting Chairman Calvo – Well you came here last week Mr. Castro or rather on the last board meeting and I read your arguments on the property but then I found out later on too that you were also a former retired I guess building inspector. And what transpired when I was looking at the map when Land Management came in there they were looking how the leaching field was designed in your house and it was designed in the back portion of the house. But for some strange reason when the house was going up you opted to put the leaching field in the front facing out that highway. Now you know being a building inspector yourself and you should have notified you know.

Norberto Castro Sr. – Mr. Chairman excuse me, I was directed by my supervisor not to do any inspection on your house, I was directed.

Acting Chairman Calvo – No I'm not disputing that I know that because that would be a conflict of interest on your part. Because you can't be the one to but what I'm saying there is when you drew up your plan of the house it's showing there that it's showing that the leaching field was supposed to be in the back of your house. I'm not saying that you are to be inspected because that I know alone that you'd be a conflict of interest because you got to okay to yourself. I'm not disputing that. What I'm disputing there is when Land Management came there and came out there they were following what you had initially put there and they were using that same guideline. But for whatever transpired when you were building your house okay you're the only one that knows that not myself or even the Land Management. You turned the leaching field and faced it outward the opposite side when it should have been in the back of your yard. So you know you may not be the one to inspect but you had that responsibility too as an owner to that house to approach and say you know what you guys my leaching field is in the front not in the back. Because when you presented your floor plan that's what it was and you being a building inspector okay, you know that's where it was and I really don't know what was the rational reason you did that back then, I don't know. All I know is that and when I looked at the map that's what is showing so when Public Works came out there and opened that road okay we had given you already we had cut down a piece of that to accommodate you with your leaching field. You know on a 40 feet we gave a 22 so I know what you're asking you want us to give you the remaining of that piece of property. But even if we did that calculation on that it's not, it's so narrow down and even if you were to do that you would have to go back and re-survey that and re-plot that back into the map and so forth and

that cost is not going to be encumbered by the Chamorro Land Trust I'm going to tell you that.

Norberto Castro Sr. – Mr. Chairman I'm aware of that I approached my supervisor and I told him about the problem, they ignored me. So I wrote a letter to Director Larry Perez and didn't get an answer yet at the present time. Two times, negative, no answer.

Acting Chairman Calvo – How long did you have this house Mr. Castro? When did you build it?

Norberto Castro Sr. – You see when I moved to the house there was no infrastructure there.

Acting Chairman Calvo – No but when was the house built?

Norberto Castro Sr. – Since 1997.

Acting Chairman Calvo – 1997. Mr. Perez is just being a director on Public Works maybe about 4 or 5 years ago you know. So this house was already done even before he came in there. This house was already done, you were already living in that house okay. So we accommodated you for Mr. Garcia to open that road giving that instead of using the 40 feet of drive we gave you we opted to just resolve some of your problem on the leaching field. What I'm saying here Mr. Castro, yes at the time your supervisor you are not supposed to do that but you could have made that follow through. When Land Management was out there did you make the effort?

Norberto Castro Sr. – Yes.

Acting Chairman Calvo – Was there any document that you made that?

Norberto Castro Sr. – They told I'm stupid I don't know what I'm talking about.

Acting Chairman Calvo – Well who ever told you that you're stupid then I want to know who it is because these are the problems that we encounter. Now looking at your house lot and property your leaching field is in the back. Like I said when you were building that house for whatever reason that you built it and decided to put that in the front because your lot is on the corner lot going out to that reason okay. Now even if I was to give you the balance of that property is it fair for the other ones and even if you do you have to acquire and pay all the expense there because I'm not going at least in my what I look at it I'm not going to cover that expense. Because that itself too you were at fault on that Mr. Castro. I'm sorry to say that I mean you may not agree with me that's up to you. But I'm saying too that at the time when this was being done you could have stopped it yourself and say you know what look I got my leaching field there guys you can't run you can't shoot that there you can't do it. You could have made that effort.

Norberto Castro Sr. – I just said recently that I was told by my superior I'm conflict of interest from you guys all the inspector and I called. Then I approached the building permit why they provide a final inspection of that house they already know the leaching field they relocate the leaching field I pinpoint in fact I wrote a letter to them, nobody listened to me. I told them even on then in fact I got the letter up to the present time that

when I wrote them a letter concerning the leaching field you see the contractor relocated the leaching field without an as-built.

Acting Chairman Calvo – But why at the time Mr. Castro when you were building that house you had that in your floor plan and that's what Land Management is following through. That's what they're looking at and that's why they went ahead and opened that road and sub that road for that mere fact to open down this line okay. Now your house is here this is the lot here so you decide to put your leaching field here which it should be here in the back. So you know what we did with Mr. Garcia accommodate you at least 22 feet away from there to provide you with the leaching field which is more than adequate for you to for this road to go through. Now if you want to cover that other piece of lot, Jess how much was that remaining of that lot? 22 feet no but I mean even if he was to he wanted us to give him that left over that piece of lot.

Administrative Director Garcia – The minimum road requirement would be 32 feet.

Acting Chairman Calvo – 32 feet.

Administrative Director Garcia – So we'll have about 12 feet left.

Acting Chairman Calvo – 12 feet to be accommodated back to him.

Administrative Director Garcia – Yeah.

Acting Chairman Calvo – If you want that 12 feet I'm not going to encumber that part Mr. Castro I don't know how the other board members feel because you know for a fact that has to go back again to the survey. It has to be re-surveyed and re-done again the road and so forth, you know that. You know that. So I'm just saying right now because if I would have known this on our last board meeting which I didn't know and like I said I understand where you're coming from. Yes, you were a building inspector at the time and you retired and you had been living in that house since 1997 okay. At the time when that building was being built at the time when you knew already the floor plan and whatever for whatever reason that was changed back then I don't know. I can't answer that only you yourself and the contractor whether the contractor made a recommendation and said you know what Mr. Castro it's better that we put the leaching field for whatever the reason because of the way the property and the way it's supposed to go through. That even you as a building inspector that is still your responsibility to make the follow up that it's not the Chamorro Land's responsibility. It's not our responsibility.

Norberto Castro Sr. – I understand I told you already that what happened during the time that I found out that they relocate the leaching field I did approach the building supervisor and they ignored me.

Acting Chairman Calvo – Who was the building supervisor? I want to know who's those.

Norberto Castro Sr. – Mr. Ed Borja and Mr. Ninete sir at that time. Mr. Ninete is the Administrator, Mr. Ed Borja is the Chief Inspector.

Acting Chairman Calvo – Then maybe we need to get these people in and then you know and resolve this.

Norberto Castro Sr. – I wrote a letter.

Acting Chairman Calvo – Yeah but you writing a letter and that's fine.

Norberto Castro Sr. – Yes and I told them too verbally.

Acting Chairman Calvo – But I want to know from them too what's their reason and what's their grounds. I don't know.

Norberto Castro Sr. – They haven't answered my letter.

Acting Chairman Calvo – Well I can only say that you know we need to follow up with Mr. Ninete and Mr. Borja who ever the building inspector. Andy can you follow that up?

Commissioner Leon Guerrero – I can follow up with Mr. Ninete.

Acting Chairman Calvo – Follow it up from him okay. Andy will follow it up come to think of it I'm sitting here right next door to a Public Works.

Norberto Castro Sr. – Anyways had you seen the letter there that my son requested? My son was given a half acre but less than half acre, lack of 178 square meter okay. I tell my boy to go ahead and move your 178 toward my property my 2.5 and for me to move over to the eastern side of the fence the private property. That will solve the government expense everything to accumulate the half acre for my son. You see the letter that I wrote?

Acting Chairman Calvo – Mr. Castro, Andy will follow up on that and find out what is really the real problem on that okay because this point of attack of this and this and that is not going to solve the issue right now. All I'm saying is I'm gauging myself from what I saw on your floor plan okay. And when Mr. Garcia went out there to open that piece of road okay which he really opted to loose 22 feet more so I'm going to make sure that whatever the reasons on this Andy follow it up, okay.

Norberto Castro Sr. – Okay Mr. Chairman thank you very much.

(Commission took a break; 2:43pm – 3pm)

5. Cheryl Mercado Sourgose – Transfer of lease request

Administrative Director Garcia – We met with legal counsel with Mr. and Mrs. Sourgose and I guess legal counsel is recommending that we can go ahead and transfer the lease or removing Cheryl's name.

Legal Counsel Lujan – The recommendation is that Commission can make it a vote.

Cheryl Sourgose – From the last meeting basically I was requesting for a transfer of lease to my daughter Pechel Sourgose Pascua. It's basically just relinquishing my name from the lease and giving it to her so she can obtain ownership basically of the lease. There are several reasons one of them is that she is residing with us currently. She's living in our home basically with several other family members and it's become quite overcrowded.

She has a family of three and a new born baby which was just born on June 12. She's living in a one room extension however she doesn't have the normal aspect of basically like you know where a family should live have a living space and normal family moving around space areas. We are basically accommodating to her as much as we possibly can but she's also gone through the process of Guam Housing Corporation and she'd spoken to an agent to discuss matters on building on the property. But one of the requirements of Guam Housing because of the fact that my name is on the lease I basically don't qualify for Guam Housing Corporation finances. So I look upon it as an emergency since she's already going ahead my daughter's going ahead already and she thought that even with my name on it she could be processed but that's not happening. And so I really humbly request for this particular transfer to be put into her name alone relinquishing my name or whatever rights I may have and given to her. She is the beneficiary by the way.

Acting Chairman Calvo – Yeah I know because we sat together with the legal counsel and the one thing good about it was the beneficiary is her daughter right there so enhance to that it was easy for and the legal counsel said it was okay. It's just to make it a formality here that the board that we did give the authorization to go ahead and legally take her name out of there and now it will be under her daughter's name and that will be just to make it to the board approval and the legal counsel didn't foresee any problem there. Because you know because the daughter's name is actually going to be inheritance and the daughter herself also she's well off an adult because if it was a minor it would have been different. So if the board consents to that I believe we should move to go ahead and approve that you know to give her that because she needs to turn those things out. But just to only relinquish her name she will not be of course the application would be reapplied back into down to the Chamorro.

Cheryl Sourgose – It will still be valid just changing the name from the lease.

Acting Chairman Calvo – Yeah right.

Cheryl Sourgose – I really appreciate it like I said I'm here as a mother trying to assist my own daughter you know one of our children and she's really in need of it desperately.

Acting Chairman Calvo – I have no problem with that like I said that's a good thing your daughter's name was there so it didn't make any complication for us to go ahead.

Legal Counsel Lujan – Just to clarify the daughter is not just a beneficiary but she's actually on the lease. It was two years ago when she was added onto the lease so it's the daughter and the mother who are currently on the lease. The question to the Commission is whether or not Mrs. Sourgose's one-half interest should be transferred to the daughter so that she has a one-hundred percent interest in the lease whether there is an emergency situation that exists to justify that transfer since this is not a seven year lease. So the question is if there is an emergency and that's the question that the Commission needs to answer in approving or denying the request.

Acting Chairman Calvo – Okay and in this time frame it was an emergency to get these things done out of the way, right, for her.

Cheryl Sourgose – Yes.

Acting Chairman Calvo – Board how do you guys stand on this issue? Andy?

Commissioner Leon Guerrero – Mr. Chairman I have no problems with it.

Commissioner Gumataotao – I agree. I move to approve the transfer of lease to Mrs. Sourgose's daughter.

Commissioner Tajalle – I don't have a problem.

Acting Chairman Calvo – Okay, Jess the Board has no problems so unanimously.

Administrative Director Garcia – Okay so I'll make arrangements to meet with the Sourgoses.

Acting Chairman Calvo – Yeah, just make arrangement to what has to be done.

Cheryl Sourgose – I really appreciate it. I do have one more just note I am aware through the legal counsel that even in basically obtaining any type of finances from Guam Housing that I do need to request also for permission, you in writing form from the Guam Housing is that my understanding basically.

Administrative Director Garcia – Yes, that's part of the rules and regulations that they request officially.

Cheryl Sourgose – Would I have to come back?

Administrative Director Garcia – Once the lease is done then they'll officially request to authorize them to get a loan.

Cheryl Sourgose – Okay not me but her.

Acting Chairman Calvo – Yeah because when you get that you're name would not be there it will be extracted out of there so it'll be appearing under your daughter's name which she would take that claim up to Guam Housing and say you know my mother is no longer in here and it'll be notarized I guess with the Chamorro Land Trust. So you shouldn't have any problem with that one.

Cheryl Sourgose – Okay, thank you very much Chairman and Board members. Thank you legal counsel, thank you Mr. Garcia.

Legal Counsel Lujan – So I'll draft a resolution?

Administrative Director Garcia – I'll draft it and then send it to your office for approval.

6. Arnold E. Davis, Jr. – Appeal of rejection of application

Arnold Davis, Jr. - Good afternoon I'm here I guess to receive some kind of information from you folks today regarding my application for a residential lease. Now where are we on this thing?

Acting Chairman Calvo – Mr. Davis we got a feedback from the legal counsel on your request for the property and as far as the law itself it doesn't qualify you and of course you have the I guess the opportunity to go ahead and appeal or whatever for what the reasons are.

Arnold Davis – Do we have something formal?

Legal Counsel Lujan – The Commission would need to take a vote. Based on the information submitted to the Commission you would need to vote whether to deny or I mean to reverse the denial of the application.

Acting Chairman Calvo – I actually read onto this already and you know it's from what the legal counsel's given us it's up to the Board now to make that you know because we're actually bind with this law that you know so I don't know how the Board feel whether you want to agree or disagree on this issue. I move to vote on this issue.

Commissioner Gumataotao – Are we moving to approve or moving to deny?

Acting Chairman Calvo – No, no we'll approve or deny his application for applying for the Chamorro Land Trust. You know it doesn't qualify him on this okay so it's up to the Board whether we approve it or not but we're going to follow the law that's what it specifically says that he doesn't qualify and for whatever rational reason you know it's within our control as the Board it be more or less of a legal matter that you know that he can I guess approach in what way he wants to do. So I don't know how you folks stand on this issue.

Administrative Director Garcia – When you guys are ready just make the motion to whatever you guys decide.

Commissioner Gumataotao – I would like to make a motion to reject Mr. Davis's application.

Commissioner Tajalle – I second it.

Acting Chairman Calvo – Andy?

Commissioner Leon Guerrero – Reject it.

Acting Chairman Calvo – Reject it.

Acting Chairman Calvo – Mr. Davis your application has been denied and you know you're more than welcome to what you have to do necessarily to argue the point okay.

Arnold Davis – Yes, thank you very much and thanks for your time today and I want to thank Mr. Garcia for his help I think had he not intervened here about a month ago somebody would still looking for my lost files down there. This has all taken about four months so far and in the process the very laws that you folks operate under and the very laws that sustain this Commission were ignored, compromised, abrogated several times and I was disappointed by that. But again I want to thank Mr. Garcia for his help and for the fact that he was willing to intervene on my part and at least made something happen. Thank you. May I have a, do we have a formal denial on this thing? I need that.

Acting Chairman Calvo – We have to do a resolution on that right? We'll do a resolution on that.

Arnold Davis – When can I pick this up? I can stop at the office tomorrow if necessary to pick it up.

Legal Counsel Lujan – It will be ready by Monday.

Acting Chairman Calvo – By Monday next week.

Arnold Davis – It'll be at Mr. Garcia's office is that where I'll pick it up? Okay.

7. Raymond Reyes Crisostomo – Guam Housing rental eviction & construction of home

Administrative Director Garcia – What we have here is Mr. Crisostomo is located up in that same area or in the same subdivision as Mr. Castro. He claims that the Chamorro Land Trust is supposed to build him a residence so that's why he's here today and we're also Chamorro Land Trust is paying his lease of a residential unit down at Guam Housing because of the relocation of his former Land Trust lease.

Raymond Crisostomo – Good afternoon Chair members my name is Raymond Crisostomo. I'm here because you know the former Director for the Land Trust Borja he was moving me up there from where the new school site at Adacao. He said we found you a place down here at Dededo. I said so what? So he brought me down with my family so I went there. But he's the one that signed the contract with Guam Housing stating that for 6 months with an extension then he told me that he is reliable for all the utilities, the power, the water plus the house to be built but nothings happening. Everyday I call down there oh he's in a meeting. With who? You know that's none of my business but I want to find out what's going on. With the governor. I left a lot of messages down there at Land Management I'm not blaming on this new director here. He don't know what's going on. So every time I left messages down there and he didn't call me up because I need a document stating from Guam Housing with his signature with Borja with an extension. Now last month I received a notice from the owner John Potter up there in Dededo that I have to move out of the house. I mean I was asking them put shelter above my head with my family and I'll move out of this place but nothings happening. Now I'm the one reliable to pay that a month with water and power. As a matter of fact they hooked up the water up in my other place heck last month PUAG disconnected my water they took my water meter. I went down there I asked them what's going on? Haven't made any payment for water. I said hold up every month I came down here where's my water bill? Oh nothing there's no water bill coming out. What's going on? I mean this is the people that we hire that are certified to do all the job that is assigned to them hell no. I think they're just hiring them for nothing. Just a waste of money that's why this government here is nothing but a lot of god damn no money at all.

Acting Chairman Calvo – Sir, I'll remind you don't.

Raymond Crisostomo – I'm sorry disregard my language but that's how I felt right now Mr. Calvo.

Acting Chairman Calvo – Well Mr. Crisostomo in your case Mr. Borja on the last on the previous Board I mean Director rather we did talk about your case but what we decided at the time when you were being relocated was yes, was to house you temporarily at Guam Housing okay. Keep in mind and also afforded you to give you to get the lumbers and so forth which is that's up at Home Depot okay. Now keep in mind you weren't the only one that was also displaced there, there were other families that were displaced and they went to the same route which you did and what we did was opted them gave them the money to go ahead and build and they did okay. Now whatever transpired with you and Mr. Borja at the time whatever documentation that he wrote to you or statement if he says that was that in writing?

Raymond Crisostomo – No sir, this is in writing but I didn't see that document that he wrote down. But I'm a disabled person you know, I can't do this crap, I mean I'm sorry about my language. I can't be doing building my house myself you know. Right now I cannot talk right now if I really because sometimes I can't breath real good. Right here is my documents stating that I'm a heart failure. And what's so bad when Borja resigned or got out of the administration Eileen Chargualaf met my wife at the store and told her don't worry everything is taken care and what.

Acting Chairman Calvo – Yeah but when she said that what was taken care of? Did she ask was that everything to.. (interrupted).

Raymond Crisostomo – Yes, yes she said everything is taken care of with the rent. This new Director that sat down Mr. Garcia was briefed and according to Mr. Garcia no one ever talked to him. I mean who am I going to believe now?

Acting Chairman Calvo – Well you got a very unique case but that doesn't allude to anything to that point. Because Mr. Borja is not here and I don't want to quote that back because there are other families like I said that was relocated at the time and whatever Mr. Borja initiated with you at the time whether there was any promises or documentation for that matter I don't really know what really transpired and neither did Mr. Garcia. I knew that you were to be housed temporarily until your house is completed and as far as for us to build, you know we're not in the construction business Mr. Crisostomo to begin with. And that was one of the reason why we opted to give you a payment to buy material whether it be wood, block, tin, whatever for that matter and your saying I guess handicapped, no I don't want to use the word handicapped, disabled okay.

Raymond Crisostomo – You know I'm not certified to be a carpenter, mason or a plumber or to hook up water. I'm not certified for that I didn't go to school for that I went to auto mechanic that's what I'm certified for.

Commissioner Leon Guerrero – Do you still have an existing lot from the Chamorro Land Trust that you can build on?

Raymond Crisostomo – Yes.

Commissioner Leon Guerrero – Okay, are the materials still available to you that was promised to you?

Raymond Crisostomo – It's available but everything is going on somebody is just going up there and stealing it I mean taking it away I'm sorry about my words but it's like growing legs and walking out of the place because I cannot be up there 24 hours.

Commissioner Leon Guerrero – I understand your condition and I read through your medical report and you know I'm pretty sure there are a lot of people out there who are willing to help you as far as construct your.

Raymond Crisostomo – According when Borja was still here he did stated that that's why every time I called down Land Trust he said he's over at a meeting with the Governor or the First Lady dealing with a new construction or whatever they are talking about you know and said they are willing to help me build that house. But the elementary school is done already and I'm still here. Like that Mr. Cruz said might as well just bite the bullet.

Commissioner Leon Guerrero – Yeah I think maybe we can help you.

Raymond Crisostomo – So when because I'm paying rental right now.

Commissioner Leon Guerrero – Well when I say help you at least to help you with your home. You know I'm with the Department of Public Works we do know a lot of contractors. I'm pretty sure there's a lot of skilled laborers out there that could probably come out on their own maybe during the weekend or other time they have.

Raymond Crisostomo – You know I'm not asking for a mansion. All I'm asking is just the same house because when Land Trust came out there they measured the house that I used to have over at the school now the school site. They came out there wow look like they knew what they're doing I mean you know they measure all around the house but it's useless they just throw that under the table again.

Commissioner Leon Guerrero – I do want to qualify what I'm saying the Chamorro Land Trust is not offering to build your house but I myself can help by finding people who would be willing to donate time and effort to help you. I know right now you said that material wise it's been dwindling because it's been stolen you know but I'm sure there's a lot of good people out there that we can contact to help you. I mean is this better than what's happening right now with you?

Raymond Crisostomo – Like I said they bought the materials already but its useless now probably half of it is gone already. Probably like I said it grew legs then walked away.

Commissioner Leon Guerrero – I'm going to need to meet with you and get your contact number and all that I mean this is just…(interrupted).

Raymond Crisostomo – No I just want you to go up there and see me that new place Mr. Garcia knows where I'm at up there at the new place.

Commissioner Leon Guerrero – This is just something I want to do for you.

Raymond Crisostomo – Okay.

Commissioner Leon Guerrero – I mean this has nothing to do with the Chamorro Land Trust.

Raymond Crisostomo – Okay, I appreciate that. I mean all I'm asking is just something.

Acting Chairman Calvo – Okay so as far as Mr. Andy Leon Guerrero is going to help you out in this problem and Andy you will get with him and see how you can work out the details on this issue.

Commissioner Leon Guerrero – Yeah but Mr. Chairman just to make it clear that it is not the position of the Chamorro Land Trust to build it's clients homes. I think that needs to be understood.

Raymond Crisostomo – I understood and I appreciate that but what's this now Mr. Chairman if I'm still reliable to pay that monthly the rental.

Acting Chairman Calvo – No because when we made that extension okay I don't have anything that would indicate for the extension for where you're at right now. I got to go and make sure you know because if there was a lease I mean a contract signed with the Guam Housing that we are responsible for whatever and see you're alluding to say that there's an extension okay.

Raymond Crisostomo – No, no, according to Mr. Garcia there wasn't any paper work in my folder in their office.

Acting Chairman Calvo – That's what I'm trying to make you understand okay. This is more or less just a verbal thing and I really need to somehow and talk to Mr. Borja what really transpired because I cannot say yes to you at this point in time okay. Because that is money that has to be forked out by the Chamorro Land Trust okay. You got to understand that and it's not my money it's the government's money and I got to make an accountability for that. So all I'm saying is Mr. Andy Leon Guerrero is willing to come out and help you right now. That's on his own okay. He's going to do that it has nothing to do with the Chamorro Land Trust, he's willing to go out there whether he'll find blocks, bricks, or wood or whatever but he's going to help you out in seeing how he can help you to build a house okay. That's one avenue at least that you can look at. Now as far as where you are living I got to go back on that issue because the other previous tenants that were there you were really more an exceptional one which you had been given that opportunity to stay in the Guam Housing for that matter. So I don't want to say to you right now yes, go ahead and stay and we'll go ahead and be paying. I don't want to do that right now because I want to make sure okay. That's what I want to make sure you understand.

Raymond Crisostomo – I understand every word. Okay the other words when I came down there to his office and I first spoke to him when he sat down there he opened up my records it surprised the hell out of me my records were that thick now I went down there it's about that thin right? Remember?

Administrative Director Garcia – I know I took your file out it was but I got your file I actually got your file here.

Raymond Crisostomo – All the crops that I used to plant up there now where that new school site is I got an estimation from Department of Agriculture and still nothing. I got a copy here and I asked them if possible get this here and I'll hire somebody to build my house.

Acting Chairman Calvo – You know Mr. Crisostomo you know it's also part of your responsibility to look into this issue okay and yes you said you have called and did that so called okay. But you know that there's a timeframe already you should at least for whatever reasons I mean we've been having board meetings for the last couple of months even before Mr. Borja left here okay. Because you had the opportunity to come and approach us here in the Board and say you know what what are you guys doing about it okay. So I'm saying to you okay there is a responsibility in your side too okay. We didn't just knock you out from Adacao and put you out in the street homeless because we made sure of that okay. The other tenants that were there they opted to go ahead and you know some of them volunteered and some of them did build their house. We gave them the same thing what we gave you okay. But they went on their own also and built because they wanted to build a home for their family. All I'm saying to you is you know there is a great responsibility on your part too okay. I know that you have heart problem okay but the pressure point is the way I'm envisioning here right now is you want us to actually do everything for you. You got to take part on this too not just the Chamorro Land Trust. Not just the Chamorro Land Trust and I don't really want to go into any disagreements with you on this. All I'm saying is these are some responsibilities because if there are other families out there that can resolve their problem okay and Mr. Leon Guerrero is willing already to help you out okay. Now as for the other rental thing I got to look into that because it's not for me to decide it's the other board members too that would have to consider the fact. So all I'm saying to you right now you know Mr. Andy Leon Guerrero is willing to go out there and you know and they'll help you build the house whatever it takes to build that house Andy that you volunteered on that so he'll follow through.

Administrative Director Garcia – Mr. Chairman I just learned from Eileen Chargualaf that the contractor I guess for the school Adacao school had donated a container to Mr. Crisostomo. Is that correct?

Raymond Crisostomo – They did yeah and Mr. Borja wants me to stay there even though you put window and door that thing there is like an oven I'm telling you. I won't even last not five minutes.

Acting Chairman Calvo – The container that they have Eileen what is it? Just a container itself?

Eileen Chargualaf (CLTC Land Agent II) – It's a container to store their properties so it doesn't get stolen.

Raymond Crisostomo – Right I got everything stored in there.

Acting Chairman Calvo – So you see they gave you a container to put your stuff in there to be that to be stolen for what ever reasons okay. See that is part of your responsibility okay they were willing to give you out that Mr. Crisostomo. I'm just saying part of it too you have to also be responsible. It is not fair for other people because if those other

people that were moved out of there they did the same thing okay and I know you have a heart condition and I understand that. But even though you got to take that extra step too.

Raymond Crisostomo – Okay take that extra step the container they gave me is only a small one, 20 footer. Tell me Mr. Calvo would 500 blocks go in there with the bag of cement?

Acting Chairman Calvo – A 20 foot container is about almost as long as this (referencing the size of the meeting room).

Raymond Crisostomo – No, no, no way, 20 footer, a small one.

Acting Chairman Calvo – Well whatever you can store in there okay.

Raymond Crisostomo – That's what I stored but I cannot put the hollow block that's why I'm saying they were stealing it.

Acting Chairman Calvo – Well then you know what I'll let Andy handle that. What ever Andy what ever needs to be done on your part okay.

Commissioner Leon Guerrero – I'll help him to the best of my ability.

Raymond Crisostomo – Okay.

Acting Chairman Calvo – So you got already Andy helping you out. That has nothing to do with the Board you got to understand okay. This is a totally volunteering by Mr. Andy Leon Guerrero doing it on his own to help you out on this nature. Like I said you have a responsibility too okay and I'm saying you have to follow up too okay. Sometimes we may follow up whether you come down or call or whatever okay. But you have to take, the container that they gave you, you can store minimum stuff in there whatever you can put in okay. So whatever you can put in there whether it be tin, wood, or whatever, a 2x4 or a 2x6 or whatever you can put in there okay. That is one already that you can help but what I'm looking at that Mr. Crisostomo is I can't honestly say to you that I'm supposed to hold your hands and say okay you know. You got to take responsibility yourself not just the Board okay. We have a responsibility, you have a responsibility too to take that.

Raymond Crisostomo – Yes I do understand that.

Acting Chairman Calvo – So as long as we understand that that's what I want to make sure and as far as for your housing I got to check into that. I don't want to say yes to you right now because that's the board's decision okay. So Andy get with him.

Commissioner Leon Guerrero – Do you have any kids?

Raymond Crisostomo – Yes.

Commissioner Leon Guerrero – How many children do you have?

Raymond Crisostomo – I have 3 boys.

Commissioner Leon Guerrero – And they're all living with you?

Raymond Crisostomo – Yes.

Commissioner Leon Guerrero – What are their ages?

Raymond Crisostomo – The oldest one is 32, the second is 14 and the youngest one is 10.

Commissioner Leon Guerrero – Okay. Are you still married?

Raymond Crisostomo – Yes actually I won't be here if I'm not married.

Acting Chairman Calvo – See you have a son that's 32 years old okay.

Raymond Crisostomo – No he comes and goes.

Acting Chairman Calvo – Whether he comes and goes this is what I'm trying to get you to understand okay now I can understand maybe that 11 years old or 14 years old but you got an older son okay. He knows that you have a physical problem okay, you got to reach into him too and say okay boy help me with this because I can't.

Raymond Crisostomo – Oh yeah, yes.

Acting Chairman Calvo – That's what I'm trying to say so the responsibility still has to come to you too and you got to be forward too because it's not the Chamorro Lands responsibility okay. We opted and we gave you and we did everything in what we can do. Like I said other families were there that was relocated okay they chose they didn't really want to move out of there but you know what because of the desire to build a school there okay. But we did not leave you guys out there in the boon dock homelessly and you know that for a fact. We made sure that we gave you a home temporarily to go in there and also given you to what it takes to work and get you back to your feet. But part of it you have to be responsible too not of just the Board.

Raymond Crisostomo – Yeah I know that.

Acting Chairman Calvo – Okay so you know you have a physical problem that's fine, I agree with that okay. You can only do so much. But you're just telling me you got a 32 year old son you know I'll tell my son you know what boy if you can't help me then you got to go find somewhere and whatever. I'm not going to dispute that but that alone right now Mr. Crisostomo you got to be responsible okay because we can't just be giving you guys what you want.

Raymond Crisostomo – No they do that they do things too up at the house.

Acting Chairman Calvo – I know Mr. Crisostomo I understand that okay and I think we can go in circle and circle on this issue. Andy will take care of you and you and Andy get together after the Board meeting.

Raymond Crisostmo – Okay I got one question this is about my son's property beside me up there in Mangilao. Ms. Ignacio is the neighbor of my son. We spent four-hundred dollars to clear that place and here comes the neighbors start throwing her trash towards his place and burning it there with that old container.

Eileen Chargualaf – Is that Veloria?

Raymond Crisostomo – Ignacio, Regina.

Eileen Chargualaf – She's Veloria then.

Raymond Crisostomo – So Veloria.

Eileen Chargualaf – Okay that's the neighbor Regina Veloria.

Raymond Crisostomo – She keeps saying that old container is not hers. When I went over and bush cut I mean my son bush cut I saw the water pipe going towards that container and she said it's not hers it's been there for ages. When my son hire a back hoe to clear up the area trying to push that container she said don't push it over in my place. I said what is this so I went down to GPD made a complaint. GPD told me we can't do anything sir because it has to be a crime that appears on that property that's when he could go in.

Acting Chairman Calvo – Now that's your son's problem okay. That is something that you have to work out because what we're here for basically is your situation now what you're alluding right now is another one okay.

Raymond Crisostomo – That's what I said that this is the last one to ask you guys what I need to be done.

Acting Chairman Calvo – Well you already made a report to the police.

Raymond Crisostomo – So I can get a bigger back hoe and push it to her place?

Administrative Director Garcia – What's your son's name?

Raymond Crisostomo – Paul. Because if I move that to her place she could press charges on me.

Acting Chairman Calvo – But if the container is on your son's lot okay what was it doing there to begin with?

Raymond Crisostomo – She was there long time when I was still there on the school site when they subdivide.

Acting Chairman Calvo – No but the container, who was there in that container before?

Raymond Crisostomo – She was renting it out for somebody.

Acting Chairman Calvo – Who was renting it out?

Raymond Crisostomo – Regina.

Acting Chairman Calvo – Regina was renting that out but can you allude to that and say documented that she did.

Raymond Crisostomo – There's a guy there that's staying I mean…(interrupted).

Acting Chairman Calvo – Yeah but that's the point because you can give me that you see this is my problem with a lot okay people make a lot of rational complaint and they say but what I need is I need something in black and white all the time because you know you can tell me something today but if I go ask Andy and Andy says I never said that what is that good to me?

Raymond Crisostomo – Nothing.

Acting Chairman Calvo – Nothing okay so what I'm saying is if you have something written down that's what I need. Because this has been the problem I mean I hear it say so out there people said Tun Juan did this or Tan Maria did this but you know what I need something in black and white.

Raymond Crisostomo – But you can see her water pipe from her house.

Acting Chairman Calvo – Even if I see it okay you have to write that down.

Raymond Crisostomo – Okay I know what you're saying.

Acting Chairman Calvo – You understand?

Raymond Crisostomo – Yeah I understand.

Acting Chairman Calvo – We keep talking words but it's not worth it and if there is no paper work. Okay have a good day.

Raymond Crisostomo – Okay thank you board members.

8. Guam Outdoor Shooting Range – License agreement

John Unpingco – Good afternoon Mr. Chairman and members of the Board and Legal Counsel. We have before you a license agreement. Our license agreement has been approved for over a year now. We were instructed by the Board to go to Hawaiian Rock that was promising some royalties in the neighborhood of one-million. Well we have done so, we have negotiated and we have come to some kind of terms with Hawaiian Rock but they refuse to sign off on the final form of the license agreement. So our solution is we'll proceed with the license agreement with you but there is room in the license agreement that we made for Hawaiian Rock or any other interested person to come in and mine the coral from the property.

Administrative Director Garcia – He submitted the license agreement and I guess if everything is good then I the Commission needs to… (interrupted).

Acting Chairman Calvo – Actually I'm very familiar with this case because we've been working back with Mr. Unpingco and you were here in the Board and we did try to hash it out with Hawaiian Rock. I thought that was all taken care of they had a gentlemen's agreement sat down and all these things, their lawyers and what not. But I guess the frustration of what Mr. Unpingco is they can't hold off for these reasons anymore so they themselves too are operating on a business license so they can't just continuously wait. So whatever they are going to go ahead and submit the license because originally what the license would have been encumbered would have worked together with Hawaiian Rock but since Hawaiian Rock is not you know compromising to this issue Mr. Unpingco here opted to go ahead and keep in mind this had already been approved by the Board. So it's not something that we just got it today. It's an approved application that they had already. So all he's asking is for us to go ahead and you amend that law that portion right John?

John Unpingco – Yes I did.

Acting Chairman Calvo – And that's all he's doing there is just so we can give him the license so they can start whatever they are going to be doing.

John Unpingco – Yes. What happened is that we amended the license agreement and it will take us six months to actually build a physical plant there and be operational. We're facing being evicted from our present location from the shooting range up in Talofofo and we need this license agreement because without that we're going to have to relocate elsewhere and in relocating elsewhere we're going to have to put down some permanent plant and that's why the urgency.

Legal Counsel Lujan – Do we have proof of the Board's approval?

Acting Chairman Calvo – We should have the minutes on those things I know yeah. Because that was a board approve back then it was really a back and forth issue on the beginning then they finally agreed to that issue where they're going to go ahead and actually I told them in those days that they really got to butt heads together and Mr. Unpingco was willing and of course they were willing. So whatever reasons now that the Hawaiian Rock is opting is because you see the thing behind that is the property that they were alluding there was also Mr. Unpingco had acquired that piece of property first before Hawaiian Rock. But Hawaiian Rock was stipulating that they had that entire but when Hawaiian Rock came in here back then at the old board room the property that they were acquiring they were actually asking for a year to do a study. In fact we extended their study because they just wanted to make sure whether they can break some, get some enough rocks and so forth okay. Which they were really they came back and they asked if they can do another two months I think for that matter. But we said why not just take the whole year because I think that was back in July when they came back and said they needed maybe two more months. I said you know why don't you just finish up the year and make sure that everything was intact.

John Unpingco – But the term in which they were going to do their study has long since come and gone.

Acting Chairman Calvo – Yeah. So I know that at the time at the Board which we sat there what we discussed there was they were willing to work hand in hand. They agreed

to that but it's now they're playing a possum game so I don't think so they don't want to. So you know they have a business too that they are going to be evicted in a couple of months up in Talofofo so they need to re-establish themselves to that into that area. So he's only here presently today to really to grant him that license that was already approved by the Board.

John Unpingco – That was promised to us.

Acting Chairman Calvo – That's all so I don't know whether you guys, I know you are new to it Andy and Legal Counsel I know you're not aware so much of their case but we have the minutes on that right Terese everything and quote me if I'm wrong that's pretty much what transpired right back then.

Recording Secretary provided the minutes to Legal Counsel.

Commissioner Gumataotao – Yeah, I remember. Excuse me Mr. Unpingco may I ask who drafted up this license agreement?

John Unpingco – I did.

Commissioner Gumataotao – You did, okay. I'm not sure if Legal Counsel has had a chance to review that.

Legal Counsel Lujan – No.

Commissioner Gumataotao – No, okay.

Acting Chairman Calvo – John I think on that lease I think it only encumbers up to 21 years.

John Unpingco – Yes that is the lease term we have one base year of five and then additional terms, option terms but the total of the lease cannot exceed 21 years.

Acting Chairman Calvo – Yeah, no more than 21 years.

Commissioner Gumataotao – It says here 25.

Acting Chairman Calvo – No that should not be.

John Unpingco – That should not be.

Commissioner Gumataotao – In no event shall the term of this agreement and any extension thereof exceed 25 years; page 3 of 9.

John Unpingco – It's a typographical error.

Administrative Director Garcia – It still needs to be reviewed.

Commissioner Gumataotao – Yes, that's why I was asking if Legal Counsel has had a chance to review it just to make sure that everything is… (didn't finish).

Acting Chairman Calvo – I'm pretty sure that is a typo error.

Commissioner Gumataotao – Could I request that our Legal Counsel for Chamorro Land Trust be included in the signatory as well after it's reviewed if everything is okay.

John Unpingco – Yes, yes definitely. But one of the things we don't want to do is we don't want to come here again just to get your approval. We want the approval today if at all possible.

Commissioner Gumataotao – It's just out of courtesy Mr. Unpingco I know I was here in the initial request for that but Mr. Leon Guerrero and Mrs. Tajalle was not present so they would need to review that's why.

John Unpingco – I do realize that ma'am and respectfully it's costing my client money.

Commissioner Gumataotao – Understand.

John Unpingco – All I'm asking for is that the approval process be held they're being held on a tight leash by the present landowners and so I ask that that approval be given today if possible. If it's not it's not we're going to have to live with that. But we don't want to go through the whole process over again because we started this about four years ago. We started off from taking over from the International Shooting Gallery and legal counsel held us up for a year while he reviewed the proper mechanisms and made sure that all the proper notices were given.

Commissioner Gumataotao – Understand sir, but with all due respect everything that the Chamorro Land Trust has been attacked with I and I'm speaking for myself not for the other board members but I will not do an approval on this without my other colleagues reviewing everything as well as legal counsel. I would just ask to afford that opportunity. We just don't want to make any decisions without making sure that everybody is aware of what's going on. That's just my opinion and if it's not approved today then so be it. But I will not me as myself as a board member will not go forward with this without the other board members review.

John Unpingco – Very well.

Acting Chairman Calvo – Legal Counsel do you need time to review that?

Legal Counsel Lujan – Yes, I'm not familiar with it at all. I've not seen it until today. There won't be a one year wait, definitely not. I'll move on this as soon as possible and try to have it resolved by the next board meeting. If there are any revisions to the license agreement that needs to be made then we can coordinate with the time before the next board meeting. I think we can get it squared away in time for the next board meeting. You'll most likely get a response by then.

Acting Chairman Calvo – So let me get this then you would work with Mr. Unpingco on this on what needs to be drafted or changed on the wording and everything.

Administrative Director Garcia – One thing I want to bring up to Mr. Unpingco is it's showing Lot 5412, you're only getting a portion of it not the whole thing.

John Unpingco – Yes. The GPA has rented a substantial portion of the big lot.

Acting Chairman Calvo – Yeah.

John Unpingco – And what was missing from the lease I gave you Jesse was the map showing the demarcation.

Acting Chairman Calvo – I know GPA is part of that area and I think GPA is also on the top.

John Unpingco – There's a quarry on there among other things and originally what Hawaiian Rock was trying to do was it was trying to mine the coral around that there's a cliff behind the quarry and Hawaiian Rock was trying to level off the quarry depth and the remaining hills behind it down to that level. They wanted to make the level uniformed and it will be a very nice end product and that's what we were negotiating about. However, Hawaiian Rock doesn't want to get off the dime I mean it keeps on finding some flaw with the lease one thing or another and so up till now it hasn't approved the lease. So we figured we'll deal with them or take on another company like International Bridge Company as a sub-licensee.

Acting Chairman Calvo – Given the opportunity to afford these two others because I myself you know am pretty much familiar with the case and it's unfair for these two board members so I think and Delia like she said will get with you on what needs to be addressed by the next board meeting. We shouldn't have any you know whatever anticipation that's going to be and whatever things needs to be done Delia and keep me posted on the issues or with Mr. Unpingco because that's pretty much going to be a legal matter between the two of you anyway so.

Administrative Director Garcia – Mr. Unpingco is there any way that you guys could provide the sketch?

John Unpingco – Yes it's right here this is your copy. But these things are not drawn to scale like the GPA portion is not drawn to scale. GPA covers a substantial portion of it and what we're trying to do is the size of the quarry might be a little bit larger than what is depicted on here so with that caveat yes.

Acting Chairman Calvo – So with that being said John you're okay with that I mean because these guys have, the package more less we just got it too and so they need time frame to really especially with the two in-come Andy and so okay.

Administrative Director Garcia – What we'll do is we'll do a follow up with legal counsel and if there's any questions before the next meeting or if we can get everything done before then.

Acting Chairman Calvo – Or if we can get it earlier than that we can have I guess a special meeting for that matter.

John Unpingco – Yeah, the only thing I want the board to understand is that this is an investment. A 20 year, 20 million dollar investment by my client from investors in Japan and this has been dragging on for a long time so I would ask that all your efforts on this be expedited because he's losing the investors left and right.

Acting Chairman Calvo – Yeah I know, sorry but you know like what earlier we've been bombarded with so many issues John and as you heard earlier things really has to change around here in many ways now that a lot of these people and not to say that I know that your intent is to do it the right way and that's all these guys want too so, okay. But it may be sooner that maybe the legal counsel can give you a call or whatever and maybe you can hash it out in the next couple of days.

John Unpingco – And if she has any questions she can feel free to call me. Thank you.

VI. CORRESPONDENCE

1. Agfayan Incorporated – License status

Administrative Director Garcia – The attorney for Agfayan was here Randy Cunliffe and he's asking for the next meeting to move it up to pending business and also as well as Peter San Nicolas is off-island. His sisters are here and they are asking if we can table it for the next meeting under pending business.

Acting Chairman Calvo – Okay.

Administrative Director Garcia – Okay.

2. Oasis Empowerment Center – Oasis Business Plan for Guahan Links Project

Gregorio Calvo - Good afternoon Mr. Chairman, members of the Chamorro Land Trust Commission my name is Gregorio Calvo. I'm with the Oasis Empowerment Center. This is the submission of the business plan for what we had intended in an application for at least seven acres at the Ypao Point. We'd like to make just a couple of statements for your consideration. First of all we do understand that there is a moratorium and we do understand the public sentiments behind that. All we ask is perhaps if we can continue such as in the submission of the business plan. We know what we have to do we can continue with doing what it is the Commission deems important that we continue any type of submission. The other thing is we're open obviously to searching out a viable location that might be an alternative because we do understand in assessing public opinion ourselves that the Ypao Point is a very, very has such high public visibility and if there are other areas that are more priority then that's fine. We do ask if we can be allowed to search out others that perhaps that are within the radius of the tourism industry that would certainly be open and we're still flexible to the point that the idea will be seven acres but can be cut down to the three to four that this thing can also accommodate to make it viable. So we're open to that one. The other thing is our Executive Director Reverend Robert Zimmerman just a week ago took a training and furlough that was planned over two and a half years ago, he will be returning in two weeks. But should this meeting be the one to determine our presentation we've already submitted to you the business plan that we had quickly drawn up and obviously they are still continuing as we move to continue moving in that direction but we're open to whatever direction you want to if you want to go through the…(interrupted).

Acting Chairman Calvo – Actually you know what Greg what we can actually do on this thing since your Chairman or whatever is not here okay I've read some of it and I think a lot of the board members have really read some of this issue but I think its more appropriate that the I guess the real executive whatever comes here because we can honestly say to you this is it and this is not okay and it's nothing concrete. I would rather that and given at this time right now we're kind of a little bit on hold on the commercial but that doesn't mean that we've forgotten about you and I just want to make sure that these things are on the last board meeting I initially told you what we need and so forth. So all that transparency you need that and organization and whatever it takes to get it done so you know we can go into a round table discussion all day and you know at the end of the day I need more or less the upper management to you know. Because I know you're here to represent them okay and you can't really make a firm decision for that matter you know in what is supposed to be done. So all I'm simply saying to you is maybe when your board of Directors or what not is here and your pastor is here that alone we can have a better broad picture of what they want to do.

Gregorio Calvo – Sure and that of course is the whole intent the very first time I responded was of course we wanted to be here and we thank you for that and as well as your office accepted the submission of the business plan.

Acting Chairman Calvo – No as far as the application everything that's been submitted that's been accepted okay and that's not going to change but keep in mind that we're not doing anything at this point in time to entertain that right away because I don't really know what the focus of what your minister or pastor what he's doing okay.

Gregorio Calvo – Everything is contained in the business plan and the letters but certainly he does want to be here and we were more looking at the August meeting but we do appreciate when we were notified to please come and we honor that. We thank you for keeping us in the agenda and certainly it's a type of project that it's a working type of relationship. It's not as if we can of course we would like to immediately pound any type of approval we plan to open within 90 to 120 days and the whole intent is to get it going.

Acting Chairman Calvo – I think once you guys really get your format to where it is then I think we can really more start…(interrupted).

Gregorio Calvo – Actually the format is there the business is the format.

Acting Chairman Calvo – Well whatever the business plan whatever and then we can start you know because right now it's just a pick and choose you know and it's really not getting to the sense what I want and I'm pretty sure with the board. So what I'm saying is when you guys are organized on what has to be done I think that would be appropriate time.

Gregorio Calvo – This is the format of a business plan that we submitted and if there is anything that we need to know I appreciate to let us know in writing so we can prepare for that. We're responding the best we can. Is there anything specific that I can work on?

Acting Chairman Calvo – Actually what we have discussed in the last meeting pretty much stands to what we alluded on.

Gregorio Calvo – Okay so when we submitted the business plan that's the…(interrupted).

Acting Chairman Calvo – Yes.

Gregorio Calvo – Okay thank you. So we'll just wait until perhaps as soon as he returns in two weeks I'll just notify Jesse and perhaps we can get on any agenda.

Acting Chairman Calvo – Yeah, whatever the Director would address that.

Gregorio Calvo – Sounds good thank you very much appreciate it and I do know your mission is to look at the overall picture.

3. Dept. of Mental Health & Substance Abuse – Request to lease 10 acres of CLTC property in Tamuning

Acting Chairman Calvo – Any representatives from Mental Health? I guess not.

No representatives present; item not discussed.

4. Frank and Evelyn Lujan – Commercial license on Lot 212, Umatac

Frank Lujan – Good afternoon Chairman, Board members, Legal Counsel, Jesse Garcia. We're here concerning our lease agreement down in Umatac, Lot 212. Our lease expired on April 1st, 2008 we forgot to renew it.

Acting Chairman Calvo – Frank you're aware of the issue here that we have right, on the lease.

Frank Lujan – Yeah.

Acting Chairman Calvo – Okay so I think Jesse you discussed this issue with him in someway or another or not yet?

Administrative Director Garcia – It was Ed Artero.

Acting Chairman Calvo – Okay Ed Artero advised you on what the problems we encountered in here Frank okay. I've read your files and I've gone through and part of it is also on the lease Frank where you're actually the store you're leasing there and the piece of property there okay. There was error that the Chamorro Land Trust that was supposed to be charging you at that time two-hundred and sixty dollars but you know what we're just going to go ahead and incur that because that was our mistake okay which it came out to twenty-six dollars but even with that the rental lease was still behind about five some right?

Frank Lujan – We up to date our payment on that so we're paid up.

Acting Chairman Calvo – But you know on the new lease agreement we have to go back to the same original.

Frank Lujan – I was going to ask you guys whether you can re-modify the lease agreement because we feel the rental is too high you know. Two-hundred and sixty a month that's only a parking space there.

Acting Chairman Calvo – I understand Frank but I can't speak for the other board but you know.

Frank Lujan – I'm asking the Board whether they could reconsider that.

Commissioner Leon Guerrero – What was the total square?

Frank Lujan – Five-hundred and four square plus meters. There's a bus stop there.

Acting Chairman Calvo – Yeah but see that was appraisal value but even at a higher stake because that's right down the strip. The board would have to be, make that.

Frank Lujan – You know Mr. Chairman a long time ago my wife was renting that she was paying less than a hundred dollars a year I think.

Evelyn Lujan – Yeah this was way back before we rezone and changed to commercial. I was leasing it for I think less than one-hundred it was a yearly thing and I know it was less than one-hundred a year. And we were maintaining the yard, keep it clean, clear the bus stop you know maintenance wise because of the store.

Acting Chairman Calvo – If that was being leased back then do we have anything on that Ed for that cost?

Ed Artero – No the only thing we have is…(interrupted).

Acting Chairman Calvo – On the file is what shows on the file right.

Frank Lujan – We're supposed to be paying two sixty but there's a mistake on the lease agreement and we were paying twenty-six dollars a month.

Acting Chairman Calvo – Yeah but technically that was Chamorro Lands fault but I told Jess it's okay we can't go back and retrieve that two-hundred and sixty so we're just going ahead and stick the twenty-six dollars now only to this point now. But if they opt the license agreement okay they would have to go back to that two-hundred sixty whatever it was calculated at the time. Now you know if the board's desire to do that I don't know that's their discretion.

Frank Lujan – If there is any way we can go back to a yearly basis rental we'll appreciate it very much.

Acting Chairman Calvo – When you say yearly Frank you want it like once a year the lease.

Frank Lujan – Yeah we don't mind paying three hundred, four hundred dollars but three-thousand dollars for a parking area you know.

Commissioner Leon Guerrero – Do you still own the store?

Frank Lujan – Yeah.

Evelyn Lujan – The bank still owns it we're leasing the store out now. It's on lease right now we're not really making anything. That's why the letter that I wrote is asking for the Board's discretion and you know to give us a break.

Acting Chairman Calvo – Actually if you're going to look at a break you guys had a break more than enough you know. But that break was really our typographical error okay. If you were to want us to drop what are you looking at?

Frank Lujan – You know we'll be satisfied instead of paying the three-thousand dollars a year you know four-hundred dollars a year would be fine with us you know.

Acting Chairman Calvo – At four hundred dollars a years that about thirty dollars a month.

Frank Lujan – Well before she was paying less than a hundred dollars a year.

Acting Chairman Calvo – My problem here Frank is I don't own the property. It's not that simple, it's the government and the other sense of that you know I have to deal with the legislature. If the legislature finds this you know that's my problem. The law itself and right now we're going into that issue and you know that our Senator over there is (didn't finish).

Administrative Director Garcia – Mr. Chairman maybe what we should do is wait until the rules and regulations are adopted and then take it upon consideration or whatever the rules and regulations would recommend. Because right now I really don't know if we can amend anything without those rules.

Acting Chairman Calvo – And that's one problem that we have is that the rules and regulations that we have to submit in. So it would be premature Frank for us to say yeah we'll give it to you for a hundred for that matter but at the end of the day like you said as you know the Legislature is trying to put a moratorium on these commercial lease. If it was just my property I can negotiate with you but you know this is government property.

Frank Lujan – Can we cut down a little on the rental you know I feel that it's too steep for us right now.

Acting Chairman Calvo – I have a case Frank that is even worse than yours that we have too that they're paying at a high stake which they can't even afford themselves but at the time when they sign this lease agreement and until the new rules and regulations then we can honestly say we can give you, you know. At that price because you got to understand where you're at you're right down the street, it's a commercial zone and that's why your value of that property is high for that reason okay. Now that will be different if it's on top of the mountain of Umatac and that's where your parking lot you know then maybe we can consider that part but this commercial lease and I know the legislature really takes a hard looks on these issues.

Frank Lujan – But we're looking at Umatac you know. Umatac is down at the south and there's very few people going down there.

Commissioner Leon Guerrero – We can take a look at it.

Acting Chairman Calvo – But we'll definitely look into the issue and see in areas like that I can sympathizes and understand like that size of property is about the size of this hall right here.

Frank Lujan – It's not big and the bus stops there twice a day.

Acting Chairman Calvo – But see we're bound Frank with the rules and regulations and the law and that's why as you heard earlier all the arguments that we had with a lot of the clients.

Frank Lujan – Maybe with your recommendation and the board members maybe you can help us out.

Acting Chairman Calvo – Actually you want, yeah we can do it but ideally is Senator Ben Pangelinan is the Chairman for this you know.

Commissioner Leon Guerrero – We don't to set a precedence because I'll tell you it's going to be domino effect.

Frank Lujan – Since you're my friend and you're from Tamuning you know.

Acting Chairman Calvo – And that's what's killing me this is my neighbor right behind my door.

Frank Lujan – Maybe you can help us out.

Acting Chairman Calvo – Bad enough we're in a ball of fire but you know I should really just recuse myself for that.

Administrative Director Garcia – I think maybe we should just wait for the rules and regulations and then we'll see if there is anything in there that can do that.

Frank Lujan – Okay we'll wait.

Acting Chairman Calvo – Just wait and maybe you're luck might change you know better.

Frank Lujan – I hope so. Thank you board members.

VII. DIRECTOR'S REPORT

Administrative Director Garcia – There's an applicant who came in a lessee who wants to go and get a loan at Wells Fargo but I don't know if that's authorized. We would have to bring it up to the Board if you guys are willing to allow him to go to Wells Fargo and get a loan to build a house.

Acting Chairman Calvo – Yeah but I know that a lot of the banks especially with the Chamorro Land Trust issue they want to go and borrow but I mean you being a banker yourself (referring to Commissioner Tajalle) they would want that certificate of title that they own because in case you or he or she default that payment. For one thing they got to understand the property would always stay in the Chamorro Land Trust so the only

banking really institution that is really that risk a lot is Guam Housing. There are some bank institutions that will take the risk I mean if Wells Fargo wants to take that risk but they got to make them fully understand that they can't we can't give them title hold to that piece of property you know.

Commissioner Tajalle – Being a former banker the bank will always protect its interest at the same time wants to service an applicant. But there's always just like Chamorro Land Trust we got to go by the guidelines and the bank will always as much as the loan officer wants to help the applicant it always has to base itself in it's own interest because we have to answer to the Board, we have to answer to the shareholders. And the bank interest is as long as the title is free and clear then of course they'll approve it. But if there's stipulations that this property they're going to ask a lot of questions well what does Chamorro Land Trust say about okay they want to build a house on this property that was given by Chamorro Land Trust but you know the bank is going to say what's the lease?

Administrative Director Garcia – Who ever is going to secure his loan would have to ask for this lease agreement or a warranty deed or a deed of conveyance but this is only a lease so the bank wherever he's going to borrow from it's up to them if they're going to loan him.

Commissioner Tajalle – That's what I'm saying it's up to the bank. Every bank has different.

Administrative Director Garcia – But the thing there in the even that Wells Fargo agrees to the terms and conditions of the lease is the Chamorro Land Trust going to guarantee the loan?

Commissioner Tajalle – Oh.

Acting Chairman Calvo – Why?

Administrative Director Garcia – Yeah, that's a guarantee that we have that's a part of the lease that if he doesn't pay it then we're going to pay it off for him.

Commissioner Tajalle – And I wouldn't encourage them.

Acting Chairman Calvo – No I won't go that route.

Commissioner Tajalle – I won't because you're putting the Chamorro Land Trust at the risk in case they don't live up to it the bank is going to protect it's interest and we're in trouble.

Administrative Director Garcia – Actually just to let the Board know I believe there's one case like that where the person didn't make the payment and Chamorro Land Trust owns the house and I think there's three more pending. So if we're going to allow this guy to get it from Wells Fargo and he's going pay a high interest and we're going to guarantee that loan.

Commissioner Tajalle – No I won't.

Acting Chairman Calvo – No and especially like you said high interest over there. I mean they can give that money fast out but what happens he may build a hundred thousand dollar home and he finds out he can't pay the bill and then we're going to fork, no, no we don't.

Commissioner Tajalle – You see that's what one of the questions when I came on board being a banker how can your background help Chamorro Land Trust when for one thing for sure I wouldn't as a former banker assist under that case like that. Because our interest is to help the people but not take full responsibility of their loss because everybody you know it's a win-win situation. So we need to use wisdom on this. We have to be very careful what we commit ourselves to.

Acting Chairman Calvo – The only way that can happen is if the Legislature pass a law and say okay you know but that's their take.

Commissioner Leon Guerrero – What's to stop somebody to go out and seek a loan?

Commissioner Tajalle – No anybody is entitled to apply for a loan, the banks are regulated to accept applicants but the bank has policies and procedures. Is this applicant qualified and what is the risk factor?

Commissioner Leon Guerrero – So what happens if they build and they default and they have a house that's unpaid on Chamorro Land Trust property?

Commissioner Tajalle – If this applicant defaults?

Commissioner Leon Guerrero – Let's say he built a house.

Commissioner Tajalle – And Chamorro Land Trust took the, what do you call that?

Administrative Director Garcia – Chamorro Land Trust guarantees the loan.

Commissioner Tajalle – Chamorro Land Trust has to pay the bank.

Commissioner Leon Guerrero – Has to.

Commissioner Tajalle – Has to they're bind.

Administrative Director Garcia – Before he can even get a loan Chamorro Land Trust has to agree.

Commissioner Tajalle – In other words it becomes our responsibility.

Commissioner Leon Guerrero – Okay so they have to come to us.

Commissioner Tajalle – Exactly, we are the guarantors for the applicant okay. That's why a guarantor needs to understand the responsibility because if I guarantee your loan I better understand that I'm going to pay your loan if you default and many times it happens.

Acting Chairman Calvo – So I guess no take.

Administrative Director Garcia – I'll call him up and talk to him.

Acting Chairman Calvo – Okay. Anymore?

Administrative Director Garcia – Actually there's a couple of things that I've been noticing coming to my desk is that we have a lot of requests for utility authorization, survey authorizations and lease authorization agreements and to me you know if the lot is not properly surveyed I'm not going to authorize anybody to get a utility authorization. So you know there's things that I still need to get done, the inventory is still ongoing. I can't get the inventory completed unless I have all the proper information and you know it's a long process it's not something that can just be done overnight. I need the right type of people to do it. I have people working on it but it's going to take a little bit more time than what I expected. I thought it would be easy but as I went through the review with the guys to find out the update of the inventory it wasn't to my satisfaction and I told them this is what we need to do we need to get more information and that's what they're doing. So it's going to take a little bit more time than what I expected. There's no positions right now. Just to let you guys know I have Priscilla Richards that's been detailed to Chamorro Land Trust to assist us and she's an administrative person so she's right now helping me out to formulate the rules and regulations, information from the commercial, residential and agricultural leases so you know like we don't have any SOP in hand today so we're trying to formulate one.

Commissioner Gumataotao – Is she the one that's detailed from Parks and Rec?

Administrative Director Garcia – Yeah from Parks and Rec. I used to work with her at Public Works she used to be the administrative person up there and she works well so when the opportunity came you know I asked if she can be detailed over to us to help us out. It's only for a temporary move just to get us started on our feet and then we'll start recruiting for the positions we need. She's helping me also on that to get the positions that we need recruited.

Acting Chairman Calvo – I've been literally working with Jesse on the side on these issues especially on the budget and trying to get everything all the employees we actually need. And when we present to the legislature because we've always initiated that we need the employees down there and if we don't get that we're always going to be back in limbo. I hopefully believe that the legislature will really support us in our you know at least in to get the right people in there. I mean I want the right people I don't want just any Tom, Dick and Harry you know. I want to make sure we have the right people working it there and that's always been my intention and like Jesse, I don't care what it takes I told Jess you know. I don't care who it is as long as it's going to benefit you know. Because a lot of the stress job it shouldn't really be pondering on Jesse on some of these issues that can be resolved within the organization okay. And that was the same problem even on the former Director okay. We have some good employees but there's exceptional things that we need to but there are other more things that we need to do in there and to accomplish that mission we need the right you know we need the bodies in there. And you know I mean I'm not going to stand anymore I mean if these guys either they shape up or ship out that's as simple as that. I'm not going to tolerate anymore because you know and like I said the legislature if we have already given them what we need and when our budget

comes you know it will be and it will be well formatted and everything. And we have people helping us on the side you know to really get these things done the right way. But when that day comes you know we'll know I guess in the next budget hearing I don't know when. When is our next budget hearing?

Administrative Director Garcia – I don't know when. Anyways Priscilla Richards her position is chief of administration so she's well versed in personnel rules and regulations, budget and stuff like that so she's here to assist us.

Acting Chairman Calvo – I told her whatever it takes Priscilla I don't care how it's done but you know I need that you know and work it out with Jess.

Administrative Director Garcia – That's pretty much it.

Acting Chairman Calvo – Anymore comments?
None.

VIII. <u>EXECUTIVE SESSION</u> – None.

IX. <u>ADJOURNMENT</u> – Meeting adjourned at 4:26pm.

Transcribed by: Teresa T. Topasna: Teresa Topasna
Date completed: August 3, 2009

Approved by Board motion in meeting of: Aug. 20, 2009

Administrative Director, Jesse G. Garcia: _____
Date: 8-3-09

Chairman (Acting), Oscar Calvo: _____
Date: 8-20-09