



# Chamorro Land Trust Commission (Kumision Inangokkon Tano' Chamoru)

P.O. Box 2950 Hagåtña, Guam 96932

Phone: 642-4251 Fax: 642-8082

*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

2<sup>nd</sup> Flr. Division of Highways, DPW Compound, Tumon  
Thursday, January 21, 2010; 1:11pm - 2:56pm

### I. CALL TO ORDER

Meeting was called to order at 1:11pm by Acting Chairman Oscar Calvo.

### II. ROLL CALL

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

**III. APPROVAL OF MINUTES (December 10, 2009 & December 17, 2009)**  
Vice-Chairman Matanane moved to accept the minutes of December 10, 2009 and December 17, 2009 subject to corrections. Commissioner Gumataotao seconded the motion. There were no objections, **MOTION PASSED.**

### IV. PUBLIC COMMENTS

**1. Antonia Acfalle** - When I came and I got the release for survey when I read into it, it said 2 acres and in the beginning it was to our understanding it was supposed to be whole 12 acres that was given to the four of us.

Acting Chairman Calvo - What we're going to do with this is we're going to table this okay and the reason for that is because you guys said at last time that you have a document stating from your dad but what you did was just took a map over.

Antonia Acfalle - No but then Jess had because see when my father was still alive he was going from the Legislature to DPW because of his house that he had or the land that he had purchased his house had flooded because DPW had put a drainage into his property and I think you guys, Jess Garcia knows that. Even what's his name, Larry Perez because I've been to those meetings and that he was to be given that 12 acres in trade of what happened because his house would tend to get flooded when we have torrential rains.

Acting Chairman Calvo - Okay, I have to get back with Jesse because Jesse right now had some personal matter that he had to attend to but I'll definitely get back with him and then I'll sit down and talk to him and then we'll figure this out. I don't want to make any guesses right now I'd rather that we talk to Jess and then we'll figure out where the problem is and whatever the problem is okay.

Rev. 06/05/2009

Antonia Acfalle - Okay and also the reason why we're asking for that whole area is that it's like sacred land to us. His grandmother and his sister is buried on that land.

Acting Chairman Calvo - What do you mean buried? You mean there's a gravesite there?

Antonia Acfalle - Because of the war there's a burial area there that his grandmother is buried and his sister.

Acting Chairman Calvo - You see you didn't tell us that last time. You didn't tell me that last time that there was a burial ground. I thought it was the ancient Chamorro burial ground that you were talking about.

Antonia Acfalle - No this is my father's grandmother and his sister. This was during the war.

Acting Chairman Calvo - During the war they were buried there okay. Right now like I said I have to get with Jesse on this and then we'll figure out how we're going to work this out okay. Because right now if I'm going to tell you yes and the Board has to be given the chance too to look it up and find out what is the real problem.

Ed Artero (CLTC) - Usually when something like that happens you're supposed to report it to Parks and Recreation Historical Preservation because you know this has to be recorded. And they send out their specialists to go out and take some ground testing and that stuff. So this type of situation needs to be reported to Parks and Rec Historical Preservation. I believe Joe Garrido is one of the officials there and Vic April.

Acting Chairman Calvo - Well see that's first of my knowledge and the Board on that issue that it's a sacred ground for ancestral for whatever I mean your great grandparents.

Antonia Acfalle - That area that my father was using all the time that's the ground that they're buried at.

Acting Chairman Calvo - See but we don't know that okay and I don't want to answer to something that I don't know so the only person that are more feasible to answer those are the archeological people. Take a note on that Terese and also have to report that issue because that has to be report for that and we'll let them know and they'll probably stake it out or see what kind of burial ground is it. Is it really an ancient Chamorro or was it just that your aunt was buried there 40, 50 years ago you know after the war for that matter. When you say sacred ground we're looking at ancient Chamorro ground that's what I'm trying to figure out.

Antonia Acfalle - It's sacred to us because it's family.

Acting Chairman Calvo - Does anybody know where's that burial site?

Antonia Acfalle - Yes we know where it's at.

Commissioner Tajalle - Has it been recorded?

Antonia Acfalle - I really don't know you know because of my father.

Acting Chairman Calvo - Because that would also be part of Public Health issue too.

Commissioner Leon Guerrero - Report it to DPR and then they'll guide you on next steps.

Antonia Acfalle - So there's a hold on this again?

Acting Chairman Calvo - Well technically yes at this point in time because on this issue right now you never really told us about this.

Antonia Acfalle - I think it was mentioned to Jess Garcia.

Acting Chairman Calvo - Not to my knowledge in sitting in here.

Antonia Acfalle - Before we had started going through the Board.

Commissioner Leon Guerrero - Mr. Chair I just wanted to ask it was also my understanding that we were going to divide the 12 acres at least during the last meeting right, why was there a change? If you were take the 4 siblings and divide the 12 acres they would get 3 acres a piece and we're stipulating right now that we're only going to give them 2 acres a piece. Do you have any idea why this is done?

Acting Chairman Calvo - No and that's why I needed to get back with Jess.

Commissioner Leon Guerrero - And it had nothing to do with the ancient.

Antonia Acfalle - Because when I talk to Jess Garcia on the telephone he said he needed to bring it up to the Board to clarify.

Commissioner Gumataotao - No it says they need to get the amount of acreage correct, accurate. That's what it says in the minutes. They have the get the amount accurate. We can't just guess it's 12 they have to see in the folder or whatever the lease was.

Antonia Acfalle - That was before.

Acting Chairman Calvo - No but when you identified at the time and we were assuming that what the Board but this encumbers differently now and I need to get back with Jess on this and see what we really have to go through this issue okay. So I'll have Jess contact you and if anything Jess will give you to understand and I need to get back to Jess on what map he's alluding for because you know the map that you guys said that your dad had stake of piece of property..(interrupted).

Antonia Acfalle - Well that was given to us from Land Management.

Acting Chairman Calvo - That was Land Management that gave you? You know what we're just going to table this out for now until I get with Mr. Garcia and then we'll have a better answer for that okay. Because right now for us to make that decision it's not going to happen I'll tell you that.

Antonia Acfalle - So can we still go into the property?

Acting Chairman Calvo - Well right now you can still go in and do and clear whatever you cleaned in there okay.

Antonia Acfalle - Okay.

Acting Chairman Calvo - But you know I'm not going to make that decision to say the whole amount for whatever reason okay. I don't want you to...(interrupted).

Antonia Acfalle - Yeah, get your hopes up.

Ed Artero (CLTC) - I think she should report it first to Dept. of Parks and Recreation on the historical ancestral burial before anything is done.

Acting Chairman Calvo - I think yeah you should go there.

Antonia Acfalle - Okay can I do that when I get back from the tournament?

Acting Chairman Calvo - Yeah. That's no problem that's your take whenever you want to do it. If you want to do it next week that's fine it's up to you as long as you have documents stating that you already had it done or had the preservation come up there to take a look at it for that matter okay.

Legal Counsel Lujan - I'm looking at the minutes from the last Board meeting and I think the issue was whether or not the heirs of Vicente Baza Pangelinan would succeed to the application rights of the father so I believe that was the issue. I believe what the Board had approved was or what the Board had moved was to approve the Pangelinan's heirs request and my understanding was always that this was a request to succeed to the application rights of the father. Just to clarify that's what had occurred at the last Board meeting.

Acting Chairman Calvo - Okay so what we approved on the Board basically it just encumbers that the application that her father had that they're now trying to take over.

Legal Counsel Lujan - Yes I believe that was what had occurred.

Acting Chairman Calvo - Was there acreage that was spoke at that time? I don't think so.

Commissioner Gumataotao - It just said that they were going to check the accuracy of the amount of acreage involved.

Acting Chairman Calvo - Okay so that's fair play to say that we did note that for the amount of the acre.

Commissioner Leon Guerrero - I'm sure it's plus or minus you know a few hundred square meters. At least my assumption was at the last meeting whatever that number was, was to be divisible by 4 and it came out to about 3 acres plus or minus.

Acting Chairman Calvo - Because the first public hearing we had with you guys was done at the...(interrupted).

Antonia Acfalle - Yeah two times down there.

Acting Chairman Calvo - And that was when your sister that was living in the mainland came to clear the place and so forth but be it as it is just go ahead and follow through you have to take it up there and show them the place if you know where it is and they will be the one to if it' sacred ground.

Antonia Acfalle - It's sacred to us.

Acting Chairman Calvo - Yeah but I don't want to speculate into that too and let them determine if it's okay for that matter okay.

**2. Sam Mabini** (General Manager, PBS Guam) - I wasn't sure if we were on the agenda. According to our understanding Mr. Garcia had asked us we are with PBS Guam KGTF. He said that he had spoken with you and told us to come to the Board meeting and that's why we're here.

Acting Chairman Calvo - For what?

Sam Mabini - Sorry this is regarding the lease on the property that we have in Barrigada where we have our digital tower. The arrangement that I understand that was done before I was put into the position before I had come in they were working on finding property to put this tower on and we were very fortunate that we were able to get a property from this group. There was an agreement made back in as far back as 2004 and the tower was built on February 2009. There was an agreement made with Mr. Borja back in 2007 giving us an extension to the lease. The original lease that was given to us back in January 2007 we were to take the property of course and there was an agreement for compensation that was deferred subsequently through a letter with Mr. Borja giving us that chance to kind of catch up. The agreement was signed in January 2007 and I believe the extension for us to continue using the property without the rental fee was granted to us till July 2009 which ended just last year. Therefore for this lease it will mean from August 2009 onward we would be required to pay that fee. Unfortunately as we all know with budget limitations we're concerned about being able to meet that. Now when Mr. Borja was in communication with the station back in 2007 I guess there was some verbal discussion that lets meet again in 2009 and let's see what we can continue. Perhaps even using a trade with the station in helping the agency and it is in the license agreement to continue the in lieu of payment of using services with PBS Guam or KGTF. So that's basically what we're here for. We're respectfully requesting the Chamorro Land Trust Commission to consider continuing at least until we have our foot a little bit more solid on the ground before we continue before we implement \$850 a month I think that was the agreement because we're currently not in that position to be able to pay that. It wasn't in our budget last year unfortunately it's not in our budget this year and of course we're not being asked to ask for it again. But in lieu of that there are some suggestions that we would like to put to the Commission that instead of us saying thanks for giving us the reprieve from paying the \$850 a month we want to and which we have been doing with other agencies and organizations, public agencies is to use the resources that we have at the station to benefit in your case the Chamorro Land Trust Commission. So instead of the \$850 a month we're asking if we could do a trade with you. Now one of the reasons why we're here is because we had first submitted a letter I think you were in the process of moving so maybe the letter may not, I've given it to Jesse and

he may have consulted with you that we would need that letter signed only because it's part of our audit which we're completing right now and in the audit we had to prove that yes the Commission is deferring the deferment request approved that they wanted that deferment request approved which we didn't have on file you know because the audit goes till September 2009.

Lorraine Hernandez (PBS Guam) - The deferment ended July of 2009 so we're here to ask for an extension of deferment.

Acting Chairman Calvo - I'm aware of that issue okay and one of the reasons why at that time we extended with the organization there because they asked for ample time and they assured us that there will be more than ample time to get this thing up and running and so forth okay. And as far as yes there was a trade off talk that you know you do advertising for us but you know what is really to advertise on the Chamorro Land Trust that much you know. What you're asking today is you want to extend that again and if we do that again okay it's really unfair for other constituents and for other people that you know ideally could use that ratification same thing well you know you gave it to KGTF. And I made that comment on the board at that time that they assured me that they would have been done. In fact we gave them more than up to more than to July's line because it was only up to December but we gave them that extension so if we're asking for you know to give you an extended agreement its I think it's really a burden to the Chamorro Land Trust. But it's up to the other board members now how they would feel on this whether they want to extend the lease agreement. But ideally I think we needed...(interrupted, request by Vice-Chairman to read off No Waiver section of license agreement). *The failure of the party of the agreement insist upon this performance of any of terms conditions agreement or waiver any breach of any terms condition of agreement shall not be construed as thereafter okay. Waiving such terms condition but the same continue the remain of the force* which you know waive that occur. So I'm just saying that for us to and I know that you guys it's really up to the Board now how they want to decide on this issue and whether they want to give you an extended I don't know. But I'm aware of that issue at the time and we gave you guys that extension rather more than what you're initially coming back for.

Sam Mabini - And I certainly understand that which is why I wanted to propose to the Board some options. You know I understand we're all strapped for money and we're trying to raise the money to help cover this. You're right you know I was looking at the kind of services that the Board may need the Commission may need and one of the suggestions that came up as we are doing with some other organizations is as part because the agency of mine in one year comes out to about \$10,200 and one of the option that I was asking is if anything if the Board can at least consider till the end of the fiscal year September so that gives us that time to close the books for audit and then we can continue thereafter till September because this one is up till July 2009 and our fiscal year ends September 2009.

Acting Chairman Calvo - What is your timeframe that you guys are asking for?

Sam Mabini - End of the fiscal year September 2009 that will be one for that extension and for the next fiscal year...(interrupted).

Acting Chairman Calvo - Remember we're in 10 now.

Sam Mabini - Yes I understand because the new fiscal year starts October 2009 and we're now into 3, 4 months now in the fiscal year and so what I would propose to the Board you're right asking for PSAs asking for meeting times that the fees are fairly small. What we are proposing and this is totally up to the Board and this is something you will be willing to we have a great creative Director and Producer on board who will be willing and be wanting to see if the Board would be interested in having us do a special or because I know forgive me I don't really follow a hundred percent of what the Board with the Commission is working on other than what I hear in the news or what not or having told the stories but I'm sure there are proper ways that you would like people to understand how land is being used or how proper use of the Chamorro Land Trust. It will be great in my opinion at least as a service to the community to see how we can help produce something like this, this is an ideal story. If you have any model families that are properly using this, this could be actually documented to say like you know these are the stipulations and here's a story of Mr. I'm just going to throw a name, Wusstig that's a popular name I hear all the time. If he's a model or ideal individual that you would like to use that as a model for us to produce for you that could be something that we can do and it can be broadcasted on our channel not to mention the other channels that will be willing to do it as a community service. That's a proposal for the new fiscal year in exchange in lieu because the value would be about because right now for instance we used to do the Academic Challenge Bowl that's like a \$70,000 production which we don't do anymore. We're actually doing another production utilizing grant funding which comes out to almost thirty to forty thousand dollars. So this production in itself would more than cover the value I mean I'm not inflating the money I'm saying that's just what it is. So this is something let's say that we calculated and say actually it only comes out to \$7,000 so therefore out of our pocket would be the difference between \$10,200 and the \$7,000. So I'd like to propose that for the fiscal year 2010 and then that will bring us to be forced to go to the legislature and say listen in 2011 we need to include this in our budget or my development marketing people, development people would have to go out and hustle and try to help cover this rent. So going back my first proposal is asking if we could at least for the fiscal year to help close our audit at least an extension to end of Fiscal year 2009 which is September 2009 then we can be able to back and then in Fiscal year 2010 you can discuss how you would like to move forward. If the insistence is no you want us to pay this then you know we have no choice. Otherwise we would be more than happy to help this Commission. You have Mr. Dan Ho he's a phenomenal director creative director producer. I can't say enough I'd love for you guys to take advantage of his talents.

Vice-Chairman Matanane - You're not on the agenda but we would like for you to put it in writing on what's your proposal. We are not in the same page as far as I'm concerned. I don't know just going through your lease the subject came upon a waiver which you are requesting and it says here there's no waiver. But I don't know where you're coming from. Please put it in writing your proposal to the Board because I don't know really what you're requesting.

Sam Mabini - Back in November or December we did send it in writing but we didn't hear back so that's why we were worried so that's why wanted to come.

Vice-Chairman Matanane - We have quite a few documents here that we have to review and you're not on the agenda and Mr. Garcia told you to just come in and see us? I mean we're not even prepared.

Lorraine Hernandez - He said that we were going to be on the agenda today.

Vice-Chairman Matanane - But you're not see. I'm not trying to be rude but my mind is working on something else and you keep talking...(interrupted).

Sam Mabini - We understand we don't want you to have to make a decision today. We'll come back with a formality.

Vice-Chairman Matanane - Please we would like to see what your proposal and whatever you're requesting for in writing so we can be on the same page. Truly I don't know what you're saying I know KGTF have been back then maybe a year or two ago that you guys came up and were trying to build the tower or something and that's about it. But what you're referring to me right now I have no idea what you're trying to tell us. Please put it in writing then we'll have you on the agenda then we'll review what you're requesting for.

Acting Chairman Calvo - I think to solve the issue like what Mr. Matanane is saying is we'll put you on the agenda and for whatever reason Mr. Garcia you know there's a miscommunication on this issue. But what we'll do is we'll put you on the next agenda. I don't think so we're going to resolve anything today okay.

Sam Mabini - We'll just leave the copy again of the letter and then we'll go ahead and send that document to you and request to be on the agenda formally next time.

Legal Counsel Lujan - Can I ask what KGTF is? What exactly is it, is it a non-profit?

Sam Mabini - PBS Guam is a non-profit. It's a public broadcasting system.

Legal Counsel Lujan - But it gets appropriations from the legislature?

Sam Mabini - It's gets appropriations for it yes from the legislature. A small amount and then the other amount is funded by grants that pay for our programming and the rest we have to raise money to cover things like this.

Commissioner Gumataotao - You mentioned that you may not have a choice but to pay it right. So I'm asking if you have the money to pay it.

Sam Mabini - We have to raise the money to pay it.

Commissioner Leon Guerrero - Are you going to steal from Peter to pay Paul until the end of the fiscal year?

Lorraine Hernandez - We would have to ask the legislature if they can give us funding or ask the Governor.

Sam Mabini - Or we're going to be forced to cut where we need to cut and that means programs and stuff. But thank you and we'll go ahead and provide that information to you.

Acting Chairman Calvo - Actually you guys caught us all by surprise too.

**3. Doris Santiago** - I'm not sure if you're familiar with the situation that I'm going to say Oscar but I know we met one time at Naval Hospital and I brought up the subject about Mr. Feja. This is in regards to Francisco Feja, he's my uncle and I'm the Power of Attorney for him. He's been living up at Pagat, Mangilao and he's got authorization and everything to go in and do the survey and all that stuff and we did all that and that's with Mr. Ortega. Nevertheless this happened since 2006 and if they're not going to do anything then I want all the money back that we paid him. Because we can't get the land registered with Land Management because there's all kinds of problems going on and he's been living there and I've been trying to build something for him but we can't build because we need legal documents from Land Management.

Acting Chairman Calvo - When you say you wanted the money back from the surveyor well first of all we have no control over that okay I want to make that understanding to you. When you hire a survey it's on your terms with the surveyor and if for whatever reason the surveyor didn't finish the job you know that you would have to take to them. For us to ask him we can send him a letter that there's a client but other than that to force the issue.

Doris Santiago - I've been talking to Joe, I've been going with Joe back and forth on this with Mr. Borja. I know now that he is not there and he said that he was going to help me and he was going to work with everybody to change the surveyor and all that and I guess he left and I'm left again.

Acting Chairman Calvo - There's one place that you can go and that's the PEALS Board. You can go to the PEALS Board and they can call him in.

Doris Santiago - They've done that already.

Acting Chairman Calvo - And what did the PEALS Board say?

Doris Santiago - They gave him again a time limit or something.

Acting Chairman Calvo - Then you know what go back and demand for that now because the timeframe is already you know.

Doris Santiago - But he's no longer right because he was suspended right?

Eileen Chargualaf (CLTC) - I thought the map was already at Land Management.

Doris Santiago - Yeah but they can't. The map is there nobody can do nothing. They keep bouncing me back and forth I've been going all around.

Eileen Chargualaf (CLTC) - Did you talk to Paul Santos?

Doris Santiago - Even Paul.

Acting Chairman Calvo - What did Paul say?

Doris Santiago - Paul said a lot of things to me and he just can't get to that point. They can't register the property because they have all kinds of problems.

Acting Chairman Calvo - And the problem was created by the surveyor?

Doris Santiago - I think so yeah.

Commissioner Leon Guerrero - You know Mr. Chair this is the second meeting in a row we have a problem with a surveyor. We just got to find a way to help these people. I mean sure the first step is to go to the PEALS Board but obviously that didn't work for Doris. Here she is now she can't do a darn thing to the piece of property. I don't know what we can legally do, I'm pretty sure there's not much we can but maybe there's some way maybe the CLTC could maybe get surveyors under the CLTC.

Eileen Chargualaf (CLTC) - We should hire our own surveyor.

Commissioner Leon Guerrero - Exactly actually I was going there. Hire our own surveyor so that when they come and pay we can guarantee it you know what I mean. And if that surveyor doesn't do his job we fire him and we send the other surveyor out and he does the job but second meeting in a row we have a problem with a surveyor.

Acting Chairman Calvo - But the problem with that Andy is and this is where the legislature has to come in. They have to be the one to initiate the law to that issue.

Commissioner Leon Guerrero - Then that's what we should do is take the first steps to do that because I'm telling you.

Acting Chairman Calvo - You might want to note this down to your Senator because you know you've seen the problems that we have and we have no control over that and you're not the only first case by the way. I run into people that tell me and I tell them you know but I paid this guy \$2,500.

Commissioner Leon Guerrero - You know Mr. Chair, \$2,500 is a lot of money to a lot of people.

Acting Chairman Calvo - A lot of money I'm not going to deny that but it's just that it's beyond our control and the only reason why the Chamorro Land Trust back then when they send out a survey for that matter we don't recommend any survey to go pick and choose. We give you a set and say okay so it's up to you if you feel comfortable with Mr. So and So you know.

Doris Santiago - Well he was recommended to me by Chamorro Land Trust.

Acting Chairman Calvo - Well who ever made the recommendation shouldn't have made that recommendation to begin with okay. None of the Chamorro Land Trust personnel is supposed to make that recommendation for one particular. He can't say well why don't you go with Mr. So and So, no. What it is, is he gives you a list and that's it that's as far. But he's not supposed to say you're better off with Tom.

Doris Santiago - I think at the time Mr. Ortega was the hot commodity so he was just recommended to me because he was very good at whatever he was doing.

Commissioner Tajalle - Well it's kind of just like the bank. The bank when you're applying to build a home the bank doesn't want to get involve between the surveyor you know. What they do is like Chamorro Land Trust they give a list of surveyors it's up to the consumer or the applicant to pick.

Commissioner Leon Guerrero - But that's great.

Commissioner Tajalle - We can be involved with that part.

Commissioner Leon Guerrero - But maybe the CLTC can act as an escrow.

Commissioner Tajalle - That's what I'm saying when it comes to this part maybe we can do something with the legislature but it's not going to happen overnight.

Acting Chairman Calvo - Or maybe one thing and quote me on this Delia file a complaint to the Attorney General.

Doris Santiago - Oh gosh you know I'm already stressed out with this since 2006.

Commissioner Gumataotao - When you paid this surveyor this money was there something that you signed like a binding agreement in the event he does not execute these services?

Doris Santiago - Nothing, none.

Commissioner Gumataotao - He just gave you a receipt for \$2,500?

Doris Santiago - I have the receipt.

Commissioner Gumataotao - No but he just gave it to you and you didn't sign anything?

Doris Santiago - No.

Commissioner Gumataotao - Because even like legal counsel if I was to go and hire an attorney you know they have their fees but there's a contract for their services.

Doris Santiago - That's what I meant he was a hot thing during that time and they just go call him, go do this, go do that. That's all I've been doing, go do this, go do that.

Acting Chairman Calvo - Legal counsel is there any way we can resolve these kinds of issues.

Legal Counsel Lujan - I have to research it but I think I mean I don't know.

Doris Santiago - Well this is what they gave me Chamorro Land Trust hand that out to me. (surveyors listing)

Commissioner Tajalle - This is the list. Just like the bank the bank hands it to the applicant and then they you know it's the same concept but we're not binded, it's not our part to judge who...(interrupted).

Legal Counsel Lujan - To research the reputation of the surveyors.

Commissioner Gumataotao - But you know Joe Borja, he said out of this list only two maybe is willing to deal with Chamorro Land Trust properties out of this whole list that is what Joe said before.

Doris Santiago - Yes that's true very true.

Commissioner Gumataotao - Or five of them are no longer licensed or whatever or five of them have pending complaints against them then technically maybe only one or two are willing to work with Chamorro Land Trust applicants.

Doris Santiago - Yeah that's exactly what was said. Like I said I think it was Bernardo Ortega and Castro here and who's that other Filipino guy here. There were three of them so I chose Ortega.

Acting Chairman Calvo - What did Mr. Ortega say to you when you spoke to him?

Doris Santiago - You know as a matter of fact I only spoke to him one time but the person I dealt with was his assistant that was doing the survey, Roy Aguilar. He was the one I was dealing 99 percent.

Acting Chairman Calvo - What did Paul say to you when you got down there to Land Management for the map? Because also too Land Management are supposed to call these surveyors and let them know what, that map has not been approved.

Doris Santiago - They did.

Acting Chairman Calvo - And they have to come down there.

Doris Santiago - That's right they did and he went in there Mr. Ortega went into that meeting they had two meetings I didn't attend that but Paul told me and Mr. Borja told me also that they told Mr. Ortega. They ask him to come in so he did come in and he said he was supposed to bring in all these documents and they gave him a certain time to deal with these documents to make the corrections on the map and he again didn't meet the deadline.

Acting Chairman Calvo - Well the only thing I can say logically right now is write him a nasty letter.

Doris Santiago - My map is still up at Land Management.

Acting Chairman Calvo - Even if your map is there the work load goes back to him so what I'm saying is if he doesn't act on it that you will take him to court.

Doris Santiago - That's why I came here to ask for your support because you know I've been dealing with this since 2006 and Joe and everybody keeps quitting you know and then I'm lost already with the words and everything all what we're discussing here.

Acting Chairman Calvo - The only thing we can't play on that is it's really between the client. You're a client to us but you're also a client to Mr. Ortega.

Doris Santiago - I cannot even meet that guy you know he disconnected his phone. I have all his phone and he will never answer it.

Legal Counsel Lujan - You know the Chamorro Land Trust doesn't get involved with that issue and it's not in the position to give advice regarding surveyors.

Doris Santiago - I'm trying to ask for your backbone here. That's what I'm trying to ask.

Acting Chairman Calvo - And I understand that but really the backbone that you're asking us is we can't really help you on that.

Doris Santiago - Because I have all these authorizations to GTA to GPA you guys gave me all that but what's the use? I have all these letters I haven't even turned it in to them and this was given to me in 2008. I haven't turned them in.

Acting Chairman Calvo - When was the last time you spoke to Mr. Ortega?

Doris Santiago - 2007 and then I spoke to Joe, Paul and Joe in 2008, 2009. So they keep saying they're going to get back to me, get back to me, nothing. I gave up too because my blood pressure is going up you know. I'm already going to get a heart attack with this but I have to compose myself because it's not worth it. But still it's three going on four years, six, seven, eight, nine, ten, five years.

Commissioner Tajalle- When you spoke to Mr. Borja and Paul they were to get back to you on what?

Doris Santiago - After their meeting with Mr. Ortega with the Chamorro Land Trust because they called them in. They demanded him I think to come up and show forth.

Commissioner Tajalle - And then you followed up with them to find out did they ever meet right?

Doris Santiago - Yeah.

Commissioner Tajalle - Did they ever say yes we did and did they document that?

Doris Santiago - They didn't call me back after that meeting. They never called me back and then Joe resigned or whatever retired or what I don't know. And Paul it's really hard to get a hold of Paul I was just lucky. Every time I call him I pray I make a prayer before I call him. I'm serious I have to make prayers before I come here and do these things.

Legal Counsel Lujan - Ms. Santiago so the issue is basically you paid for survey and the surveyor hasn't done the survey.

Doris Santiago - He's done the survey but we can't get the Land Management to finalize the registration the map.

Acting Chairman Calvo - Because there's some it could be on the map and that's the reason why. Land Management will not approve that if they find that there's something whether it could be the size the property.

Doris Santiago - They're saying about a number that's what they said.

Acting Chairman Calvo - Whatever the surveyor did there sometimes it could be corrected on what they call on the table.

Doris Santiago - That's what he said.

Acting Chairman Calvo - So for whatever reason Mr. Ortega is not doing that I don't know why. It's not like he was probably been told to go back out there and resurvey everything because some of these maps they'll survey it and what they call is just on a table work.

Legal Counsel Lujan - So he surveyed the land then he prepared a survey map?

Doris Santiago - Yeah but it's an incomplete because he has to make corrections.

Legal Counsel Lujan - And do you remember when he presented that survey map to you?

Doris Santiago - It has to go first to Chamorro Land Trust I believe and then Chamorro Land Trust gives it up to Land Management.

Acting Chairman Calvo - The way it works is when that map is, it goes to Land Management first. Land Management would certify that it's good, this map is good now, it's good to go then it goes down to the Chamorro Land Trust okay then that's when we sign off because it's registered already. That's the way so the bulk of the problem is really on the Land Management which is really we have no control over that. The only way and I hate to tell you this is try to knock on woods with Paul and see if you can see him next week or tomorrow or whatever.

Doris Santiago - I'm lost already on what he has told me last.

Acting Chairman Calvo - No but I'm saying is just tell him say Paul what is the real reason for this because you people never told me what was the mistake on the surveyor did.

Doris Santiago - Actually they told me it's a number, it's just a matter of changing number. I go what's wrong? Only number one to number two why can't you just do that? But no, it's not that easy.

Acting Chairman Calvo - It's not because it has to be the surveyor that has to make that changes.

Commissioner Tajalle - When that's corrected it goes to Land Management and then they look at it and if everything is in order then they certify the map. It just goes back to square one you're back to the surveyor so there's got to be another avenue for you as the applicant where she goes what did you say it goes back to the...(didn't finish).

Acting Chairman Calvo - The only way that I see it right now is for her to ideally right now is the map is at Land Management is for her to go there.

Commissioner Tajalle - Maybe if Jesse can get a letter to document so she can go to the PEALS Board and deal with this map.

Ed Artero (CLTC) - The request has to come from the client.

Commissioner Tajalle - That's what I'm saying and then she sees Jesse because she's asking for our assistance. Maybe Jesse can document and say this is the issue since Mr. Borja and then she can take that letter and go to and ask them you need to deal with this surveyor because you know she's trying to rectify the problem and then let's see what they do, at least something. So if they do their part then she comes back to us then it's documented or goes to Land Management and gets it cleared.

Doris Santiago - Somebody that can start me again because it's been a long time already.

Acting Chairman Calvo - I'll have Jesse give you a call.

Doris Santiago - I even called him but he never called me back last year. I wanted to make an appointment so I can see him so I can brief him on this thing and start something again with him but he never called me.

Commissioner Leon Guerrero - You know just in defense of Jesse he's really busy call him back again.

Doris Santiago - Well I've done, I did it as a matter of fact I did it two days in a row and he was there at that time. The first time I called he was there but he was talking to somebody so okay I asked the guy how long do you think I should call back and he said try again in an hour so I called in an hour so he said he's out to lunch. So okay then the next day I called again.

Commissioner Gumataotao - Can I give a name of a Board member that's on the PEALS Board maybe you can call him and find out it's a Richard Quimbao, he's on the PEALS Board. Call him up and talk to him may be he might be able to help you.

Doris Santiago - Oh my gosh no I think that process better the one that she is explaining because I can't deal anymore with a lot of people I'm already getting old.

Commissioner Gumataotao - Because you don't know too if the PEALS Board is aware or certain people are aware of what you're situation is.

Doris Santiago - Okay but you understood what I was asking.

Commissioner Tajalle - Just to say that Jesse as the Director explaining this is what happened when Mr. Borja was here just to put it in writing and please help Mrs. Santiago so she can go to the PEALS Board and say here this is my problem with the surveyor so she can dispute it and then they can handle that part and when that's resolved then from there

she can come back to us or she goes to Land Management. Because if you're saying it's just a lot number I'm not so familiar when it comes to the lot numbers.

Doris Santiago - From what I'm told they need to change the number.

Acting Chairman Calvo - That's really as much as we can do and I'll let Jess call you okay.

Legal Counsel Lujan - Just to state that the Commission can't make any promises to take any action right now especially because you're not on the agenda and it's not been reviewed by the Board.

Doris Santiago - Okay so how do you get in the agenda or shall we just through the process of, I don't really want to get onto the agenda. I just want to go somewhere where they can start me again and like you said I can come back to the Chamorro Land Trust and tell you this and that but lead me somewhere. Okay thank you.

## **V. PENDING BUSINESS**

### **1. Agfayan Incorporated - License status**

Acting Chairman Calvo - They failed to show up again and this is about the third, fourth time and their reasons are always that their legal counsel is off island and I'm not going to tolerate that no more. Either they come on the next or forget about it because I think they've been just playing horse game with that and I'm not going to keep up with that.

Vice-Chairman Matanane - Is any representatives from Agfayan here?

Acting Chairman Calvo - No, I don't think.

Vice-Chairman Matanane - Have they been notified?

Acting Chairman Calvo - They did call and told Jess that they couldn't make it today because they're waiting for their legal counsel. But you know we have given this opportunity back every since last year I think since October, November, December, January and their ration reason is always their legal counsel is off island. And every time we put them on the agenda the legal counsel takes off so I'm not going to tolerate with that so we're just going to send them a real notice that they are going to be you know.

Vice-Chairman Matanane - Have they communicated with us in writing?

Acting Chairman Calvo - No they haven't not to my knowledge, Terese?

Recording Secretary acknowledge no.

Acting Chairman Calvo - No they just called and they haven't made any effort to at least to show cause here even if their legal counsel is here to at least to come in and you know we can discuss some of the issues on the matters whether the legal counsel is off. So I think it's the Board's decision how we want to look at this thing because I think it's already more than sufficient time I mean it's been a dragging issue with them and it's not like it was just last week, last month but it's been a dragging issue.

Commissioner Gumataotao - Did they ask to be put on the agenda? Did Agfayan ask to be put on our agenda?

Acting Chairman Calvo - Back then yes and then we followed up but every time we put them on the agenda they never showed up and for whatever strange reason I mean they have ample time and when we have the board you know the legal counsel disappears and that's not my problem. So I'm not going to go with that. I can understand maybe one but this is the fourth time that everything they're put on the agenda and they were called at an early stage on this. So I think you know what the situation on the Agfayan up in Dededo so I think we really got to entertain that really badly for that reason.

Vice-Chairman Matanane - Mr. Garcia is not here I recommend that he write a letter to them and giving them fair warning in writing saying what we are planning on doing if they don't show up. So at least giving them time to think about it then we would make the decision on it in writing at least you know. Mr. Garcia write a letter stating this is what's happening and this is the board's contention that if you don't show up in the following meeting which is 30 days is ample time for the next meeting so we will decide then. I would like to table it and I want Mr. Garcia to write a letter to Agfayan on what are their plans and if they don't respond then it's up to us to make those decisions that we want to do. At least something in writing and the ample time I know that he has been on this agenda for quite some time and no show but at least put it in writing that we are going to make a decision if they don't show up at the next meeting which is 30 days from now.

Acting Chairman Calvo - Okay.

#### **IV. NEW BUSINESS**

##### **1. Guam Sports Shooting Federation - Request to lease property for a safe range**

Robert Kutz - I'm one of the officers of Guam Sports Shooting Federation, I'm also their legal counsel and this is Stanley Wilson who is the Treasurer of the club and Karon Johnson our Secretary is also here. I appreciate the chance to come and talk to you about this project. I spoke to Delia about it but in any even maybe I can be a little clear for the record what we are asking the Commission to do is to consider allowing the federation a non-profit shooting club to lease a portion of Lot 5412 in Mangilao which is where the old Hawaiian Rock quarry exists. A portion of that property has been leased to Ignacio Cruz but as far as we can tell his section is only 2 acres and it's up in the north part.

Acting Chairman Calvo - Is that the same adjacent area of Hawaiian Rock?

Robert Kutz - Yes, it's the old Hawaiian Rock quarry.

Acting Chairman Calvo - I'm aware of this place, I've been there, I know where that is.

Robert Kutz - Well perhaps to bring up Delia a little bit my wife Karon wrote a very short letter asking the Commission to consider this. We're not sure of exactly what the procedures may be and I've spoke to your counsel and we're still not exactly clear how that turned out. But in any event our proposal is to allow the Shooting Sports Federation a lease of the property but it will be its not be a commercial lease in the sense of a commercial shooting range or anything like that. What we hope to do is to use the property for a

restricted club members only shooting area with also as part of this program would be law enforcement agencies. Mr. Wilson went out there this morning with Chief Suba I believe and the officer in charge of sorry it was George Maston from the Alcohol Tobacco and Firearms agency to inspect the property and see what they thought about it as whether it would be feasible as part of this program. Our goal is essentially to promote shooting sports. The Shooting Sports Federation is designed to do that. It's recreational shooting, it's competition of various kinds, rifles, pistols and shotguns although most of it is pistol shooting that's our national and international competition at this point. We're hoping to develop an Olympic range. It never had shooting sports from Guam as part of the Olympic effort although we've been invited to do it there hasn't been any place available at any of the commercial ranges to develop this particular type of shooting environment that is necessary for Olympic competition. But any rate our goal was to have a community project that would be available to the public under restricted terms in the sense that they would have to be members of the shooting club and would have to sign appropriate waivers and be responsible for what they do and much more I would say responsible manner if that words okay than ordinary folks who show up just to bang some rounds, make a lot of noise and go home. That's not the way our club operates. Maybe Stanley can tell you a little about the meeting with Chief Suba and with the ATF guy today which might be of some help.

Stanley Wilson - My name is Stanley Wilson, I'm a CPA I recognize a few people in this room. Myself and two other individuals actually had put on some friendly matches several months ago in an area that's not exactly the area that we want to develop, it's very close to us it's part of the general property but it's not the same range and we needed an area and we were using and we were doing it safely. We were shooting from very close to it's called a berm at the end of a shooting range. However the range is long some other people went out there on their own put tin cans down on the ground and were shooting down on the ground. Well the berm in that particular area that we were using isn't particularly tall and obviously rounds were bouncing off the ground going a third of a mile into the air and raining down on the roof of the UOG Hatchery which is a third of a mile away. SWAT was called out and all kinds of things were going on. We found another area that's actually better. It's a range that's faced in a different direction. Because it's a quarry it has a wall that's like 80 feet tall. You couldn't make a safer place to shoot. But because of the previous incident where SWAT was called out the Chief of Police forbid his officers to join us in shooting. The officers were very upset because they were having a great time. It was a weekend thing the three of us, myself, Dennis Larson and Jeff Nelson we did barbecues and typical Chamorro hospitality although it's three Haolies you know we had a good time. But we set up these matches, it's very well organized and at the end of the match we had water and soft drinks and barbecue no beer. But the policemen were upset they're coming come on we can't shoot there and they're being good troops they stop shooting with us. They did what the Chief said. Anyhow so because of that I wanted to have the Chief see this new range and he decided to invite the ATF he's the resident agent in charge for ATF in Guam and the three of us me and those two guys showed up about an hour ago a little hour and a half ago and I showed him the range. We hit venues even the range we want to use and I told him we want to set up, we want to get a lease, we want to set up a non-profit organization and we want to have membership only and all law enforcement officers whether they be local or federal would be members. You know de-facto members and therefore able to do it. We also told the Chief that this might be a great place for the Police Department to use because it's so safe with this 80 foot wall and he agreed. He wants to

pursue this, he wants, I don't want to speak for the Chief but we kind of have his blessing and his support in this activity. It's something that the Police, the Corrections all over GovGuam employees that carry a gun as part of their job can use it as a training facility to get their officers trained and keep them qualified. It will be something that we would use as a club activity for club activities and also federal officers certainly could go out there also. I think it's a good community thing. My understanding is you don't have rules in place to make leases to non-profits but I'm assuming that your attorney and our people are going to work on that. It's something that I think would be good for the community. The Chief even said you know one of the last parting comment when I got into my car and he got into his is you know with the build up and all the other activities going on in Guam this is something that the community needs because there isn't a really good place for people to shoot safely. Both the Chief and the ATF said ten times in the last hour and a half how number one concern would be safety. You know we need to develop it properly. They indicated that even to me that maybe the NRA might have some money to help us develop it and make it a better safer place to shoot. So I'm hoping that you will take this under consideration. I'm hoping that you will direct your attorney to work with us to get rules in place so we can do this you know and make sure that this is something that we think is good for the community, good for the people of Guam and we can develop this sport of shooting.

Acting Chairman Calvo - You know that place that you're talking about like I said I'm fully aware of that but it's really ironic because there is also another interested party. Originally where that place that you guys wanted there was a guy that was the initial thing back then, a Flores that wanted to use that piece of property.

Stanley Wilson - He actually did some development actually.

Acting Chairman Calvo - Well really as far as development itself that guy never really came forward but there are other people that have already inquired about that piece of property. So and at this given time right now they have been already been approved by the Board in the last year on the Board but since we also need all the rules and regs that we need to comply and true to the fact yes safety is one of the things that I emphasize there because you know when you're shooting with guns it's a and even if you have an 80 foot wall okay some guy can just go berserk and shoot the opposite way. And you were saying also you want to keep this as a non-profit organization. But Stanley you have to really specify on that non-profit organization because you know there'll be a fee to those issues okay to those members and in terms of that also the Chamorro Land Trust whatever if the Board chooses to approve that for that matter you know there's got to be a certain amount of fees in there to be put in and you know for to be paid. Because when we speak about non-profit organization then it becomes bigger and you know when you start getting the other law enforcement in there whether it be the fire department or you get the police department the federal and so forth okay I'm pretty sure they're just not going to come down there and say yeah we got a place down there. There's got to be some sort of fee that you guys are going to set up for the place and also to keep up the place, maintenance and so forth and is it going to be 7/24 type of operation or is it just a 7-5 operation. So all of these things keys in there because you know those are the issues that I'm looking at too and I think because non-profit organization you know there's so many sport events out there that use that word non-profit but at the end of the day there's a profit wise there somewhere along the lines okay. And I'm not dictating that to you guys to let you guys know that because the Chamorro Land Trust too we want to make sure that if there was a profitable wise in there

okay and you guys have to really identify what are your costs on these things okay. What are your plans? You got to give us an actual plan of how this range is going to be set up and the safety and so forth on the safety zones and all these things would have to be encumbered in the lease agreement. Now the last thing is as you know we're working on the Chamorro Land Trust. We're trying to revamp everything and we're waiting for the rules and regs and I hopefully that we can get that rules and regs. But what I can do right now and this Board right now can take your application and you know and then we'll look at it until we have the actual time that we can and then we'll probably put you back on the agenda by maybe the next board meeting for that matter, okay.

Vice-Chairman Matanane - That's my first question is the charter, your non-profit organization.

Robert Kutz - Maybe I can answer some of those questions that the Chairman has raised. For one thing we are a little bit behind the curve in terms of coming to meet with you all. Karon sent a letter in and I'd been coming over here and picked up some tract maps and went up to Land Management to get more information about it but in fact we have the pieces of the package that you're talking about but it isn't assembled just yet. I can give you some of the information though. In terms of finances Guam Sports Shooting Federation was originally created in 1992 and has been essentially recommitted a couple of times since then and I have all of the documents that deal with as a non-profit. It's not a corporation but falls under another section of the tax code. But in effect all of the finances of the club and whatever it expands to it will be available to the Commission or to anyone else just like the animal shelter publishes its financial statement every year. In terms of making money it's unlikely. If what the Commission is looking for is to earn revenue for the Trust you're probably better off leasing it to I believe there was one of the Japanese shooting ranges down in Talofofo because they charge those folks a lot of money and they could probably pay it. Whereas our club is not likely to be able to do that. Stan pointed out there may be some federal funds available either NGOs or some other manner of doing this through some law enforcement supportive agencies. We simply don't know that yet. One of the real issues was to find out whether or not there was any interest by law enforcement to have something like this. They've been shooting out of Guam Community College and there have been some difficulties out there not least of which is just the physical layout. There's restricted access to it in the sense of the days that they can go there and there's a single shooting bay that's pretty short. It's difficult to train officers under different scenarios that way. So this place that we're talking about offers much greater capability for adjusting the scenarios for the agencies to use. In the other hand it's not up to us to tell the police department or ATF what they want. So this is just an initial survey. We certainly hope to and plan to put together a more comprehensive package of who, what, when, where, why, how and how much it's going to cost that sort of thing. But I don't think revenue is going to be very much. Up until now the shooting club has charged a very minimal membership fee. There are about I think 50 or 60 active members or I should say enrolled members at this time. Obviously if we get a better facility I think there will be a lot more interest. One of the things that our club has been doing is trying to promote additional educational opportunities by inviting people to come in, learn shooting sports safely that sort of thing and essentially to create an asset for the public as opposed to a simple piece of private enterprise. That's what we're looking for. It's going to cost some money to do it to develop a safe range I mean we have a place to shoot down there now but there's no official sanction or blessing to go there and do it. We don't want to impose like just as Stan was saying the police

department until somebody says yes they're not supposed to go there and shoot even though we've had these matches and such in an informal basis. We would a lot rather do it in a proper way through an application process which leads me to putting my lawyer hat on for a moment.

Acting Chairman Clavo - The only reason why I brought that on the non-profit organization because I know if this was to come down to that degree is because there are going to be another competitive shooting gallery there in the event if you people were if the Board was to go ahead and accept your application fee and so forth. When I said on the profit wise what I'm basically saying is when you get all these organizations to come in okay I know that there will be and I guess the bottom part of that is the fee that they would put in is like a monthly you know you go to the gym and you pay a \$35 dollar a month fee and so forth and that's what I'm saying. But you know the other part of that is other agencies that might be interested okay to use the range for whatever reasons it could be GCC you know the new police officers, cadets you know interacts with you guys so in that sense that's the only thing I'm saying. It's not so much when I say the Chamorro Land would be profitable is that we also we got to identify what would be the cost of that piece of property to you guys and that's pretty much what I'm alluding to is you know that we make sure that we get that. Now in the event and if the contract was to be stipulated and for whatever reason your range becomes very successful that there will be noted in there that this piece of property that you might venture in to something more different you know and all these things have to be put into that. And especially when you're dealing with guns because I've dealt with a lot of guns myself you know and I just want to make sure that these things and the safety factor is what really I'm looking at because no matter how high Mr. Kutz or Stanley you could have an 80 foot wall but you know there's always one guy out there that could roughly make a change and believe me I've seen that happens.

Robert Kutz - The same people who fire their rifles in the air on New Year's Day. I think though Stan obviously has something to say as well but can I just finish this real quick. I think that what your idea may be at this point is a lot more elaborate than what we have in mind. I mean this is a club operation there's not going to be a manager 24/7. I mean what we would expect to do is to start small. There's an area there now essentially it's a matter of first obtaining a right to be there. Second, to restrict the access to people who are part of the club or law enforcement. The improvements would be minimal. It's the idea of having the facility available for the purposes I mean I sound like a salesman I suppose but education, law enforcement, sporting news as I said possibly if we can raise the money to do it and ability to even perhaps compete in the Olympics. But all of those things are a long ways in the future. This is a much smaller community oriented club than it is a business enterprise. We certainly expect to be as responsible as any business enterprise would but it's a lot smaller scale.

Stanley Wilson - As the accountant I might suggest that in the lease I mean I understand that some of the leases are \$1 a year for 99 years that's the farming leases to Chamorros. And I'm assuming that some of your commercial leases which you obviously have procedures set in for those are for some kind of value of the land per year whatever. I'm visualizing if lightning didn't strike and you felt really good and wanted to give us a \$1 a year lease if that didn't happen I can visualize something in between the two. In other words we can build in to a lease that there's a certain fixed annual amount and then a percentage of gross income beyond that or something like that. But I got to tell you as Rob said if there's

some commercial company that wants to come in and give you one, two, three, four, five thousand dollars a month as the accountant I would say you should jump on it because that's probably not going to happen from what we're talking about. We're talking about a club with some sporting activities that we're going to develop with also law enforcement use in mind. We're not necessarily ever going to charge the police department to have their young cadets go out there and train on their weapons and whatever. It will be available to them is our thought. So that I can visualize maybe some kind of a lease where there's a fixed annual amount plus a percentage of revenues over a certain amount or whatever. And if necessary the \$30 a year membership fee could be bumped up to \$40 or \$50 just to make sure that we can cover that. Most of the membership fees are going to be used to develop the property, leveling, some corals, you know signage and gates to keep people out that aren't supposed to be there. There's another area that we were using that needs to be closed off it's simply not safe to shoot. Some moron gets out there puts a tin can on the ground, shoots at it, the bullets bounces off the ground and it landed on the roof of the hatchery. I think UOG people are so of understandably upset about that.

Acting Chairman Calvo - So that was you guys.

Stanley Wilson - Not me, no not at all.

Acting Chairman Calvo - Because they did bring that piece of bullet here and that was one of the reasons why we gave them the authorization.

Stanley Wilson - The three of us that set up these three matches we did in fact use that range but the range is 110 meters long we set it up close to the berm and we set up targets in the air you know paper targets and steel targets so that if it went through the paper the bullet hits the berm. You know because the berm is 25 feet tall. But if you back up to the start of the range which is 110 yards to the berm and you're shooting 40 yards in front of you the bullet is going to bounce over the berm there's no question about it. The area that we want to use has this wall even the Chief and the ATF guy today said you might want to even because it's a rock wall it's quarry wall they said you might want to get loads of crushed coral and throw it in against the bottom and build it up 10 or 20 feet, yes that's a good idea. When I left them this morning I left them with that if we get this in if we're going to develop this I want your input before we start development so that we build something that is suitable for your use and is acceptable to the ATF. ATF people can be really kind of rude. They're kind of nitpicky you know I mean they're nice men and they're putting their life on the line and all sort of stuff but they're not going to bless this unless it's built to certain standards. And that's what we want we want to get the police and the federal agencies input and build a proper safe range.

Acting Chairman Calvo - I don't doubt that that you guys will build that range you know at all. I have no doubt in that. When I said on the property lets for example hypothetically lets say you get a group of Japanese off island guys that also have small organization from Japan and they want to come down here to do some shooting you know that's basically what I'm trying to say Stanley. Is just because they have a member in Japan an organization that's all these guys do too like you said they go out and they shoot their weapons so for them to say wow maybe we can contact the Shooting Federation of Guam we got ten shooters that are coming to Guam instead of them ideally going to another range where they're going to pay this is what I'm trying to say in that terms if these off islands

were to come. The local I have no problem with that because they're going to be here but when you get off island organization come here whether it be from Japan, Korea or where ever where they're coming from this is what I'm trying to say to you is if they contact you and say Stanley we got three organizations from Japan they want to use your range for two days they want to shoot some 45s, 38s or whether it be 30-30 whether it be 2-70 or whatever kind of guns they want to shoot whether it be a shot gun and so forth or they might want to shoot a 51 caliber for that matter which I don't think so they can do but I'm just saying. That's what I'm trying to say when you say on a non-profit organization basically it only commutes to the local people that it caters to the local people itself.

Robert Kutz - Maybe I can answer a little of that because that situation exists but it's in two different forms. A lot of the Japanese folks primarily of course they can't own guns legally over there so they come over here and blast away a \$20 a round with an anti-tank weapon or whatever. Those are not the people that we're talking about and frankly that's a daily admission kind of thing and there's plenty of places where they can go and do that. On the other hand Guam Shooting Sports Federation is a member of an international organization called IPSC, the International Practical Shooting Confederation. We hold matches they are held all over the world. Stan and I, my wife and son and a lot of other people we compete quite often in the Philippines and Malaysia, Thailand, HongKong, Japan and these clubs are another situation entirely. We have I wouldn't call it I guess a sister club in Japan that are active competitors but they can't shoot there so they come to Guam as a group.

Acting Chairman Calvo - I know in Japan you can't shoot I know that they're not allowed to have that. But I'm saying the reason why I just gave Japan or Korea or even from Hawaii for that matter an organization that would come here. I know in Japan they're not allowed to do that and like what you said they do come here for the sport and some of these guys they never even hold a 22 or a 38 in their hands and when they go into these range and they start you know it's a sport thing that they never tried. I'm just saying that if in the event in the future if that was to happen you know bringing other organization because once you establish this organization and it becomes very successful okay you know word has itself to go out into the media and say hey why go to some area where we can make it work with the Guam Shooting Federation organization I'm pretty sure, that's what I'm trying to get to your point I can understand all the other aspects to that.

Robert Kutz - Actually I never even considered that. Are you familiar with the Piti range?

Acting Chairman Calvo - Yes.

Robert Kutz - Okay there is actually one of the bays up there that is actually kind of the exclusive use of Japanese. One shooting club has a lease and they bring tourist up there on a regular basis I didn't give that a thought actually and I will have to think about that whether and I don't know how you legally license a Japanese who don't have a license to shoot guns but that's another lawyer. If for example that Piti range shuts down it's conceivable that we might work out an arrangement and again if the Chamorro Land Trust got 50% of the gross revenues or something like that of having those Japanese come and shoot safely monitored by people that are doing it now in Piti that might be something that would interest you and it may be interest, I haven't even thought about it until you brought it up to be honest with you. But that's something that we might do, might consider doing and if we it's certainly something that should be worked into the lease if we end up getting a

lease in that if we do any commercial aspect of it you get a large percentage of the gross. That might be beneficial to the Chamorro Land Trust Commission too and I'm thinking out loud.

Acting Chairman Calvo - When you speak about guns and like I said you know we don't have to go to Japan for that matter it could be the US, it could be Hawaii for that matter. They have their own gun club back there themselves. But you know sometimes gun clubs say hey you know lets go to Guam which would be good for us in some ways because these people come over here you know they spend a little money for that matter whether it be two or three days for that matter. I'm just saying that if you envision it because that's why I'm thinking is you know to envision that at this point in time you guys are only putting a get together with your gun club organization but I'm pretty sure down the line maybe one of your gun members says hey we can do this we can do that. I just want to be you know given that opportunity and the Chamorro Land Trust that these things are already in place because we go with a simple shooting and say this is the only thing that you're going to do and then you're going to come back and then you're going to have to redo the contract the lease and so forth. That's all I'm saying and as far as the federation itself I have no problems with that but at the end of the day right now it's really going to be up to the Board and to get this thing rolling we would have to get our rules and regs and so forth and all these things and there are other clients that are interested in this area. So for me for the Board to say at this point in time right now to say we can approve yours right now it would be very immature but we will take your application and so forth to consider that and then I'll get with Mr. Garcia and you know we'll see where we stand on all these other issues. I think that's the most logical thing for us to tell you this point in time with the Board.

Robert Kutz - One of the problems is I understand that there are some rules and regulations that are in draft form that we talked about the other day that are before the Board that haven't yet been completed and I don't know whether or not these might want to address a commercial aspect like Japanese folks I'm using them for example coming over and shooting for the day as opposed to where I started to mention the competition clubs that meet and have matches all over the world. Some of them are equivalent of the world series or the Olympics and those groups are half way between what you're talking about ultimately where you'll have a facility open to pretty much anybody that comes as long as it's safe and earns revenue and a very local small group. What we would hope to be able to do would be to invite other IPSC organization groups from Philippines from other countries to come here and engage in and organize competitions as we do in their countries. A lot of people would like to come but it's a completely different thing than a bunch of people showing up and here they all are in a van. This is a completely different thing. When we go to the Philippines it's all completely organized I mean you have to have import permits and bonds and all kinds of things and we can do that here the procedures don't quite exist at this point for the regulation of firearms. But nonetheless it can be done. What I would like to suggest is in the process of developing regulations we consider this type of an operation which is homegrown and not really I hate to use not for profit because the Red Cross generates a lot of money but a low grade thing with the opportunity to expand within a controlled environment at least in a foreseeable future but then of course to plan for other possibilities what if. And I'd be happy on the heart of the club to help work on these regulations or whatever might be helpful to the Trust to get things moving along this way I know it's been quite a long time.

Acting Chairman Calvo - One last thing one of the reasons why I'm very adamant on this issue of non-profit organization is in the past there have been so many non-profit organizations that come in there and they establish themselves then they stand to look at it in a hidden agenda where they say we can do this we can make money on the side. Well you know I looked at all those issues, I'm not saying it's going to happen to you guys don't get me wrong, I just want to let you know that and it does happen in the past and I'm trying to avoid those issues.

Stanley Wilson - We promise not to start any bingo. I mean I have to agree some of these non-profits they open these bingos that's a gross slap in the face. But that's not what we're talking about and I believe that your clever attorney and our group can figure out a lease then don't have to come back every time we want to do something slightly different. You know we're going to have club activities we're going to have local law enforcement, federal law enforcement we might have matches where we invite tutors from other countries and other jurisdictions and we might conceivably have Japanese tourists coming out there and shooting and we have a fee structure built in the lease ahead of time. That there's an amount or a percentage or something to make sure that we're not saying we're this poor 30 member club membership and then later on pull in \$250,000 a year. You understand what I'm saying? We're all clever enough to figure that out I believe and we don't have any hidden agenda. We'd like to work on your rules and regs and we'd like to know who it is we would talk to prior to the next meeting to work these details.

Acting Chairman Calvo - As the way it stands right now on this issue we'll just put you on the agenda and then I'll get with Mr. Garcia and then we'll see and they'll give you a call and let you know where it's leading from. That's the best thing we can give you right now. Any one of the Board members want to make comments?

Commissioner Gumataotao - I just wanted to ask how much acres are you asking for.

Robert Kutz - About 20 acres it appears it hasn't been surveyed but the area that's here on 5412 and I'm being a really a guest estimate here the only thing I do know from the surveys I've seen the entire area there Lot 5412 was about 95 acres originally and then they chopped a chunk out of it up in the northwest corner I'm not sure exactly why that was done that way at one point there was supposed to be a hog farm in here I think that never got built. But in any event there's quite a lot left and where we're talking about essentially is a quarry acreage and it looks like it's about 20 acres. It may be less I'm not sure.

Stanley Wilson - It's also the area that's probably not useful for much of anything. I mean it's hard panned graded, it's not like it's farmable or anything like that. I mean it just isn't very useful for much of anything.

Acting Chairman Calvo - Well at one time there I know they were pulling a lot of coral out there and they were pulling out some boulders that's what they were doing.

Stanley Wilson - Somebody told me that the glass breakwater boulders came from that quarry.

Acting Chairman Calvo - Yes, from that quarry and they still have some in there from what I understand.

Stanley Wilson - Maybe it's another area of that.

Acting Chairman Calvo - Somewhere around that area but those were the boulders that they took from there.

Robert Kutz - In terms of being helpful to the Board perhaps we can commit to putting a preliminary package together based on what we've heard today a little better concept of who, what, where, when, approximately how much and leave open the question of fees but take in the various concepts and give an opening statement so to speak.

Acting Chairman Calvo - And that's what I was going to tell you guys to put a package together all in reference to the whole reason behind it and so forth a package deal so the Board can have a better idea what the whole scenario is.

Robert Kutz - We can certainly do that.

Vice-Chairman Matanane - It's very important that the non-profit organization charter is presented also.

Robert Kutz - We'll make sure that you're much better informed.

Vice-Chairman Matanane - Put it in a package.

Stanley Wilson - We have lawyers and CPAs I'm pretty sure we'll be able to put a pretty thorough package together once we decide to do it.

Vice-Chairman Matanane - Of course.

Commissioner Leon Guerrero - You know I have a really good understanding where you're coming from. I know you're going to be a non-profit organization and you did stipulate that should there be money made lets say outside of your regular activities that you'll be very generous to the Chamorro Land Trust and that certain percentages of those profits would probably be made payable to the Chamorro Land Trust maybe that needs to be stipulated. Let's say whatever we decide on a fee that anything above and beyond that that's on a maybe a commercial side let's say you bring in the Japanese tourist maybe we can stipulate a certain percentage of that on top of your regular you know. And also I think it will be good if you got together with the GPD and maybe the ATF and sign and have some kind of a MOU with them you know and maybe that can be signed as well and presented to the Board as well to know that you are sincere with working with the GPD and working with the ATF. Little things like that I think once you present it to the Board it's a lot more palatable.

Stanley Wilson - The only thing I might correct with you is you said part of the profits I would say better off to say part of the gross revenues as the accountant. I can make gross revenues into zero profits real easy. If we got into anything other than club activities then there ought to be some kickers in the amount that this organization receives and that's easy to figure out.

Acting Chairman Calvo - And that's why I was alluding to that issue when you said non-profit organization because hypothetically that's why I said if you were to bring in a gun club

for example off island let's say the closes one in Saipan for that matter okay just and you decide to have an event over the weekend you know a shooting gallery and so forth and maybe there's got to be some profitable cost for these people to come over for you to charge them for the range because you know you're going to be looking out for the safety and so forth, manpower by people and so forth. Let's say maybe you charge maybe \$10 and if you have a hundred or whatever there that's going to be there that's the cost that I'm encumbering okay. Aside to what Andy said that you know if your monthly fee let's say \$1,000 a month that's a flat rate fee that you pay but when you decide to do other activities that's what I'm saying.

Stanley Wilson - I think we're in complete understanding here.

Acting Chairman Calvo - We're speaking the same language right?

Stanley Wilson - Yes, absolutely.

Acting Chairman Calvo - Okay. Any more comments Board? Okay we're done.

Stanley Wilson - Thank you for your time.

Robert Kutz - Thank you very much.

#### **VII. DIRECTOR'S REPORT**

None due to absence of the Administrative Director.

#### **VIII. EXECUTIVE SESSION**

None.

#### **IX. ADJOURNMENT**

Meeting was adjourned at 2:56pm.

Transcribed by: Teresa T. Topasna: Teresa Topasna  
Date completed: January 26, 2010

**Approved by Board motion in meeting of:** Feb. 18, 2010

Administrative Director, Jesse G. Garcia: [Signature]

Date: FEB. 18, 2010

Chairman (Acting), Oscar Calvo: [Signature]

Date: FEB. 18, 2010