Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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Governor of Guåhan

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

Commission Members

Oscar A. Calvo
Acting Chairman

David J. Matanane
Vice-Chairman

Carmen G. Tajalle
Commissioner

Andrew S. Leon Guerrero
Commissioner

(Vacant)
Commissioner

Jesse G. Garcia
Administrative Director

COMMISSION MEETING MINUTES
2nd Flr. Division of Highways, DPW Compound, Tumon
Thursday, May 20, 2010; 1:05pm - 3:15pm

I. CALL TO ORDER

Meeting was called to order at 1:05pm by Acting Chairman Oscar Calvo.

II. ROLL CALL

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

III. APPROVAL OF MINUTES (April 15, 2010 & April 29, 2010)

Vice-Chairman Matanane moved to approve the minutes of April 15, 2010 and April 29, 2010 subject to corrections. Commissioner Tajalle seconded the motion. There were no objections, MOTION PASSED.

IV. PUBLIC COMMENTS

1. Benny Chiguina

Administrative Director Garcia - Oscar the situation with Benny Chiguina we sent the inspectors down to his place to entertain his complaint about the neighbor that he's been having for the longest time. I guess the issue is what he was asking because the last time is are we going to take action against this neighbor for cutting down his bananas?

Acting Chairman Calvo - Is those bananas over your property Benny?

Benny Chiguina - Yeah.

Administrative Director Garcia - It's his bananas.

Acting Chairman Calvo - Oh it's your bananas.

Benny Chiguina - I've been a farmer for over 40 years, I'm on a hundred percent disability on the VA. I raised over two hundred fighting chicken and I grow bananas, egg plants, etc. I'm leaving next month for my total knee replacement to Tripler Hospital next month. My bananas has been there behind the American guy for years ago. The house used to be my deceased brother and my sister in law got it foreclosed and then this American guy bought it. But at first when he first came in 98 we were in good terms. As a matter of fact I was watching his place on the times he's off-island or what and I've become a good neighbor. Like I said he went to the Philippines and he promised one machete and up till now year 2010 I haven't gotten a machete

yet. That's not very good and he comes to my house for fiesta, the Chamorro culture. Like I said my banana trees encroaching the leaves towards his property and he went down to the Mayor, the Mayor there is my nephew and the Mayor told him don't cut the tree down don't go off the property or what and cut the tree down. The Mayor told him to cut the leaves that's hanging over and he went over. He got on top off the ladder and jump over the fence and there's a big no tresspassing looking at him and he cut the banana tree down. So I asked my wife and my son who cut that? Then I don't know. So when I asked this guy hey did you cut my banana tree down? Yeah, the Mayor told me to cut the banana tree but when I met my nephew he told me that story is different because I told him to cut the leaf down because if you cut the tree down there will be an argument you know. So he's a guy he's a liar because once upon a time before I got a bad knee cap on my left I had surgery already on this I was resting and I was doing the farming tiller behind his house and before they built the fence up they slammed the door and as a matter of fact that was the one that wake me up because I was ready to fall asleep because I was so tired and I saw him and his wife walking back towards my property and cut the smaller banana tree down the mature bananas and they were laughing each other.

Acting Chairman Calvo - I think Benny for one there that I look at this and the Mayor your nephew told him to go there and cut it I think what we need there is a statement from them. We need that part of his evidence saying that he did tell him but only to cut the leaf not to cut the tree down. That's what we need there to you know to make sure that the Mayor or your nephew did tell him to go ahead and cut the bananas but only the leaves that encroaches over his property for that matter. But in this case he cut your entire tree and left it to be un-bear for fruits or whatever and maybe some of those bananas has fruits on it. So ideally I think what we need there first is to see if you can get your nephew who works for the Commissioner or he's the Commissioner for that matter just to write that he did inform Mr. So and So and did instruct him only to cut the banana leaves not to cut the trees down. Because the problem here is he's saying that the Mayor told him to go ahead and cut it so the communication gap there is where we have.

Benny Chiguina - I got that document, the Mayor dropped that document to Chamorro Land Trust that he informed him not to cut the tree down cut only, get the longest machete you got and cut the leaves down.

Acting Chairman Calvo - Okay, Jess you got that Jess on that?

Administrative Director Garcia - Yes it's been investigated by Eileen Chargualaf and Lorraine so they have the report and I think they're working with the UOG group to come up with the recommendation.

Vice-Chairman Matanane - I don't think Mr. Chiguina I'm sorry about your banana tree but the Chamorro Land Trust is not out to try to make amends with the problems. Did you call the police that he cut down the trees?

Benny Chiguina - The policeman came.

Vice-Chairman Matanane - Oh then the policeman should take care of that.

Benny Chiguina - I told the policeman I said hey go talk to that neighbor and ask him. The two officers came by and they went to Mr. Paradics place and the two officers asked him are you the one that cut the banana tree? He admitted yes. So the policeman said don't do that next time you know.

Vice-Chairman Matanane - What do you expect from Chamorro Land Trust? What do you think the Chamorro Land Trust can do? Do you think the Chamorro Land Trust should be responsible and reliable for that?

Benny Chiguina - The American is responsible for that not the Chamorro Land Trust.

Vice-Chairman Matanane - Well you did make the complaint and did you follow it up?

Benny Chiguina - I told Jess.

Vice-Chairman Matanane - But what do you expect from Chamorro Land Trust? What do you expect from us to alleviate the problems that you have?

Benny Chiguina - It's up to you guys to do something about it.

Vice-Chairman Matanane - What do you expect from us to do?

Benny Chiguina - What's your name?

Vice-Chairman Matanane - Matanane, David.

Benny Chiguina - You know what I got a hundred percent PTSD. Do you know what's PTSD?

Vice-Chairman Matanane - I understand what's PTSD so as everybody in this room is PTSD.

Benny Chiguina - Let me tell you my friend I just explained to you that I've been a farmer for 40 years and you're not going to come back to my farm and steal all my fighting chickens.

Vice-Chairman Matanane - Any normal person he would have made a complaint right?

Benny Chiguina - As a matter of fact people have been stealing my fighting rooster.

Vice-Chairman Matanane - And you have made the complaint.

Benny Chiguina - I've made, how many, one-million times I called the police officer.

Vice-Chairman Matanane - Yes and now you're making a complaint to Chamorro Land Trust, what do you expect from the Chamorro Land Trust?

Benny Chiguina - So why should I, am I going to say just whisper to you? No but do something about it.

Vice-Chairman Matanane - What do you expect from Chamorro Land Trust?

Benny Chiguina - Do something about it. What is your remedy? What is your remedy?

Vice-Chairman Matanane - It's not upon us to remedy the problems that you have.

Benny Chiguina - Why?

Vice-Chairman Matanane - It's not our part to remedy your problems on that particular property, it's not.

Benny Chiguina - So it's my problem?

Vice-Chairman Matanane - You already made a complaint to the police department if you want to press charges to that person fine.

Benny Chiguina - Yeah I am.

Vice-Chairman Matanane - It's not upon the Chamorro Land Trust to take action on it.

Benny Chiguina - Don't worry Mr. Matanane because my lawyer is taking care of this.

Vice-Chairman Matanane - That's good you have a lawyer. Please do confirm with your lawyer.

Benny Chiguina - I'm just explaining to you people what's the situation.

Acting Chairman Calvo - Mr. Chiguina if I can just interrupt for a second I think from what you're coming from and I understand because the issue here is first of all we're not you know that what this person has cut your trees and I need the legal counsel to look...(interrupted).

Benny Chiguina - We're not finished yet, Roque Aguon he used to be a Chamorro Land Trust officer, he works for the Chamorro Land Trust, he's a field worker guy that he goes to the farm and check them out. Let me tell you this as a matter of fact check because I got a document to you I was back there Matanane, just before they built the fence around. Roque Aguon employed for the Chamorro Land Trust, Government of Guam he calls me at my ranch to witness. He wants me to come out to Mr. Paradics yard, he informed us especially Mr. Paradics not to build a wall because that's the Chamorro Land Trust easement. Remember I've been a farmer for 40 years and my compadre right here can justify that. He informed Mr. Paradics not to build a concrete fence or permanent fence. In that week he was dumping dirt loaded up in a dump truck. Two dump trucks was dumping right there on his yard and backfilled that. I told him I said what are you doing? That's before the argument. He said he's going to build a fence. So Mr. Aguon told us not to build. There's a telephone pole in front of his house. He told Mr. Paradics that telephone pole must move there and put in front of his house because that is the easement of the Chamorro Land Trust. So this guy this guy he don't listen he don't care. Not too long ago I heard from down my people Umatac that he was telling my people that nobody can touch

him. That pissed me off. I've been giving this guy banana, taro, star apple, tapioca, breadfruit, whatever, eggplant.

Vice-Chairman Matanane - Mr. Chiguina did you report it to Chamorro Land Trust?

Benny Chiguina - Yeah.

Administrative Director Garcia - That's why we sent the inspectors down and also the UOG group went down and met him.

Vice-Chairman Matanane - So there's a problem but your bananas I'm sorry we can't do anything about your bananas.

Benny Chiguina - Don't worry, don't worry, my lawyer Gary Gumataotao is taking care of it he's a senior citizen lawyer.

Vice-Chairman Matanane - Good for you. But as far as the wall that built I think Mr. Garcia and the staff will take a look at it and see if it is really in...(interrupted).

Benny Chiguina - No boundaries, there's no boundary it's ours.

Vice-Chairman Matanane - Okay that I can be content with but the bananas I'm sorry.

Benny Chiguina - And guess what Mr. Matanane guess what I wish the guy was here but Paul Santos the civil engineer called me up and said Ben take a look, get up there on your empty lot and take a look on the highway, the highway violation is in the middle of the highway. In other words let me tell you this I did reject the map I showed everybody here the map the property that what I'm saying is my Dad's that was my deceased brother's house before and I know it, I know it better, he wasn't born when I was there. But anyway the easement the winding of the road let me start all over again. Several years ago I was building my garage towards the highway and remember I was in 30 feet away from the highway. I hired this contractor and I asked him can you build me a garage facing the highway and I asked him can you give me at least 2 feet out and according to the map the widening of the road it did not start on my Lot 2, Block 2 of my place it starts on Lot 3, Lot 4 that's the American guy that's where the widening of the road. So this contractor told me Ben do not widen your garage because you might violate it. That's why I complained to the Public Works why me that I'm a resident from my town, I was born in that village. I've been out there over 40 years longer than anybody down the hill, longer. And I cannot build my, I cannot widen I mean it did not violate it and that guy that he violated you know what my (inaudible) told me he told the Public Works that he built that cement fence with remote control and I know that's not a temporary fence. When you have a remote control on your fence that's not temporary. He lied to the Public Works that he came in there and told them that he's building a fence temporary. Somebody has to do something about it, I'm making a follow up on that.

Acting Chairman Calvo - Mr. Chiguina just to let you know we are going to follow up on that and Jess I already told Jess and he's just waiting for the report. Once we get that report because we can dispute a lot of the issues right now. I'm disputing what you're saying I'm not saying that you're wrong for that matter but we also need to get the other side of what

the inspection going out there. I think to be more better on this once we get this report Jess you and me and maybe with the Land Management settle down and figure this once and for all how we're going to do this because as far as the land maps and so forth we have no control on that and that's Land Management. And I understand where you're coming from sir and I think we, I've heard that in the last board meeting you know pretty much how it started out and so forth and even with seven machetes which you haven't got one. But I think it's in the best interest right now until I get the report from the inspectors what they because right now it's I know you have given Jess already a report but when you do give a report he has to follow up too and see what are their findings in that report.

Benny Chiguina - You know when Larry before Larry stepped down I know as a professional I know somebody is getting paid up there at Public Works to make that to get that fence, authorized him to build that fence. Somebody is getting paid up there. Somebody is doing some illegal things.

Acting Chairman Calvo- But you got to understand that's Public Works it has nothing to do with the Chamorro Land Trust. Whatever they did in Public Works whoever is doing that whoever got paid under the table, on top of the table for that matter that's their department. I can't speak for their department. Whatever illegal activity that is done there that's within their discretion and for us to come out to those issues to me if you have proof of those things that what where you have you can file a complaint to the Attorney General and they can follow through it because that would be an illegal activity.

Benny Chiguina - And I'm going to follow up with.

Acting Chairman Calvo - Because bringing it in here the other side is not going to resolve anything on our part.

Benny Chiguina - You know what Larry Perez told me before he left Public Works he told me Mr. Chiguina you wait till you win the case that has nothing to do on that my friend. You understand.

Acting Chairman Calvo - Yes Mr. Chiguina I understand where you're coming from but like I said we're really just going in circles and I know where you're coming from. Whatever problems they have at Public Works I don't know. I don't know how they operate or think over there okay.

Benny Chiguina - Thank you.

2. Ivan Shiroma - Good afternoon Commission members. Mr. Calvo I just wanted to follow up on the dispute with the rugby on what's the status.

Acting Chairman Calvo - We're working on it, Jess on the rugby.

Administrative Director Garcia - The last time we met was with our legal counsel and their legal counsel as well as the counsel of the Rugby Club, I don't know what was the last status on that.

Legal Counsel Lujan - The information that I have was that the counsel for the Rugby Club and Hals were trying to resolve that. That's the information that was told to me by Ruby counsel.

Administrative Director Garcia - As of today I was notified by Ivan that they haven't resolved anything and the reason why he came in is because the season is going to be starting up again and he wants to get the field ready. So I guess what he wants to do is clear the area for his practice field that is not being utilized at this time.

Ivan Shiroma - The area in dispute. The one they're trying to claim additional property.

Administrative Director Garcia - Rugby that's claiming hasn't done anything to upgrade it and now he's willing he has equipment up there. I was up in Dededo today and I saw he's improving the main field now he needs his practice field that's what he's requesting for.

Acting Chairman Calvo - If the Rugby is not doing anything about it you know I think it's only fair for these guys to go in there and clear whatever they need to. Jess you know I'll give you the authorization to go ahead and give these guys the clearance. Because their lawyers and our lawyer is not getting together I'm not going to play around lawyers game. I'm sorry I mean these guys if they're going to come in there they're going to have to come in there. They've been waiting for the longest time and whatever dispute they have if there's a game coming up or whatever let's you know.

Ivan Shiroma - We have the whole season coming up Mr. Calvo. I'm in charge of a thousand kids and in fact I have the license for that area that I'm asking permission to clear and they don't have a license. So I just want to give the Commission respect and let you guys know that I want to start clearing. I know there's going to be somebody there to complain. I don't want any confrontation I want something in black and white so I can just tell them I have my license for twenty-one years and I have also have permission from the Commission that's allowing me to go ahead and start clearing and that's the land that's in dispute not the actual Rugby field.

Administrative Director Garcia - So we'll go ahead and give them what you're ordering an authorization to clear the field.

Acting Chairman Calvo - Yeah, authorization. Dave are you okay with that?

Vice-Chairman Matanane - Well he has a license for that particular place then we have no dispute about it.

Acting Chairman Calvo - Yeah he's got a license for that. Okay just write up and then give Mr. Ivan that.

Administrative Director Garcia - It's just that his concern was that if they come in to complain he's going to be ordered to stop again but if you notice from the last time we met there's no activity going on on that area that is in question.

Acting Chairman Calvo - Yeah and they had more than amplitude time to resolve this issue.

Administrative Director Garcia - Okay.

Acting Chairman Calvo - Okay so just go ahead. Jess go ahead and draft it out. If they're going to complain then let them complain but I'm not going to hold back for that reason and you have a thousand kids and I said they had the opportunity to fix the problem but since they're not and if the field is not being utilized I know that you're you know it's only fair and not going to hold back just because they're going to be, no.

Ivan Shiroma - Thank you very much.

Acting Chairman Calvo - Okay.

Former Senator Ted Nelson - I support your action Mr. Chairman.

3. Alicia Pinaula - I'm following up on the status of lifting up the conflict of interest and if the language is done for the estoppel and consent certificate.

Acting Chairman Calvo - Delia how far are we on that thing?

Legal Counsel Lujan - We're working on it and when it's ready it will be on the agenda. But I'm still working on it so nothing.

Acting Chairman Calvo - With GHURA?

Legal Counsel Lujan - With GHURA, yes.

Acting Chairman Calvo - Well what's their rational reason for holding that back? I already told Mr. Camacho what needs to be done there.

Legal Counsel Lujan - Well I don't have any paperwork that she submitted for that...(interrupted).

Administrative Director Garcia - It's the details is what they're working out with GHURA's lawyer or their...(interrupted).

Legal Counsel Lujan - With GHURA.

Acting Chairman Calvo - The Board's asking you on the last board meeting to go ahead and there will be no.

Administrative Director Garcia - Yes that's already cleared that part has been cleared it's the legal part I guess whatever legal authority between the two.

Alicia Pinaula - I had spoken and even GHURA has called me and they haven't heard a word from the legal counsel. So we're all weary about this it's taken so long and we're really weary and we don't understand why? When did you talk to Mr. Camacho because just last week I've spoken to Jolene Terlaje at GHURA and not even Mr. Camacho had heard anything?

Legal Counsel Lujan - He spoke to Tony Perez in my office.

Administrative Director Garcia - You see what was happening is they had to rule out the conflict was because GHURA's legal counsel and the Chamorro's legal counsel are the same firm.

Alicia Pinaula - Right that's my understanding.

Administrative Director Garcia - Delia represents the Chamorro Land Trust, Tony Perez represents GHURA so it's the two lawyers are negotiating. So it's the lawyer that talked to not actually Delia that talked to, she's talking to their attorney she doesn't talk to the staff.

Legal Counsel Lujan - Oh no I can talk to both but Tony talked to Tony Camacho but I can talk to both.

Alicia Pinaula - Even Mr. George Bamba even mentioned there shouldn't be a problem because to his understanding also is that you're also supposed to be the legal counsel to GHURA and Chamorro Land Trust and he thought himself the last meeting that it's all done now we were really hoping that it has been completed, finalized.

Legal Counsel Lujan - It's also my understanding that just as I had presented the conflict issue to the Commission I'm not sure that it was presented to GHURA so I don't know the status of that. So although there has been a waiver by the Commission we haven't, I don't know if we secured it from GHURA. I'll check on that.

Acting Chairman Calvo - Can you check on that?

Legal Counsel Lujan - I need both the waivers not just from the Commission.

Vice-Chairman Matanane - Remember at the last meeting I was requesting for those documents that they are going to proceed with Pinaula. What type of the standard mortgage documents I would like to see a copy of it before we even because according to her lease we cannot mortgage the property right?

Legal Counsel Lujan - I haven't seen the documents but yes.

Vice-Chairman Matanane - When we gave her the lease in the lease states that she cannot mortgage that piece of property, Chamorro Land Trust right? And what GHURA or Ms. Pinaula is asking is to mortgage the property. So there's a violation of that lease if she does so. So I don't think it can be done there's certain stipulation in that particular agreement between Pinaula and GHURA. Like I was stating at the last meeting I recall reading it that I would like to see a standard mortgage document that they gave from GHURA.

Administrative Director Garcia - It's different from the loan guarantees.

Vice-Chairman Matanane - No I understand that, I understand that if she does take the loan from here we would guarantee. But in her case we gave her a lease and in that lease it states you cannot mortgage so it ends there. I mean if she wants to violate the lease.

Legal Counsel Lujan - If that's the case but it's possible that the GHURA arraignment wouldn't violate if GHURA, based on the representations from my brief discussion that it wouldn't, they would refer to the Commission's selection of who would take over.

Vice-Chairman Matanane - I would like to see the language of that particular document.

Legal Counsel Lujan - And that will be provided before the Commission would take any action.

Vice-Chairman Matanane - Alright thank you.

Acting Chairman Calvo - Ms. Pinaula until we finish this on what the legal counsel and their legal Tony I know that you've been pushing this for the longest time but until those things are reviewed by the GHURA because for us to just simply say go ahead it's you know we have to follow our own guidelines here.

Alicia Pinaula - Yeah I understand that.

Acting Chairman Calvo - I think Ms. Pinaula I've explained this over and over but I think we're not to disrespect you in any matter and I know where you're coming from and I know you need to get this thing running and I think GHURA and whoever is the new GHURA Director now would have to come out and you know. Because they're really the ones that really holding you guys that's holding you back not us it's really them.

Alicia Pinaula - Well that's because the question on number two on the estoppel consent and certificate as you have known that Joe Borja and FEMA farmer's home loan as long as the lease is good for fifty years regardless if it's a grant because you know a grant is something if I forfeit okay I have to pay them back. It's like a mortgage right. They have reviewed the ground lease okay and it does give me a right also after so many years to you know build and the question is who has the total control of if something happens to me and it's forfeited but you know all these is all in questions and like two agencies the Chamorro Land Trust and the GHURA with the legal counsel and the Chamorro Land Trust disagreement okay. And I can understand that if it gives a total guarantee for GHURA to have full control of the situation including the land and for the next applicant who qualifies. That's understandable but it kind of scared me when I am...(interrupted).

Vice-Chairman Matanane - Ms. Pinaula you see this thing is like the cart comes before the bull. We cannot give you an estoppel until such time you show us the document whether it's alright with us and doesn't violate the lease agreement. That's where I'm coming from is we cannot just give you an authorization without seeing the documents and this is where the cart comes before the bull.

Alicia Pinaula - Now the document, what document is she talking about? The estoppel?

Vice-Chairman Matanane - No the estoppel is the cart.

Alicia Pinaula - Or the lease agreement?

Vice-Chairman Matanane - No the agreement between you and GHURA where it doesn't mortgage or hold the property you know with GHURA.

Alicia Pinaula - Oh, okay.

Vice-Chairman Matanane - So that's where I'm coming from.

Alicia Pinaula - So the in question is between me and GHURA, the applicant with GHURA and what is the, I thought you guys they have reviewed that you know.

Vice-Chairman Matanane - Not a single document ma'am. So you know that's where we're coming from and we just can't just agree to give anything out without seeing the document we're trying to protect the interest of the Chamorro Land Trust. You understand where I'm coming from?

Alicia Pinaula - Okay, now we got a clearer picture a bit but why can't, couldn't that be done in the past with Perez okay communicating with Tony Perez the attorney and say okay we need this document? That already should have been presented already you know.

Vice-Chairman Matanane - It's really up to GHURA.

Acting Chairman Calvo - It's GHURA that has to present that.

Alicia Pinaula - No it's them the legal counsel that should have already been there and I've been asking Ed Camacho have they called up, do they need the document, etc. Complete silence, no communication till this very day. Now she's saying about attorney Tony Perez you know, okay so I'm going to get to the bottom of this and I'll go down and talk to Ed Camacho and his superiors whatever. I just have to get it going from there.

Legal Counsel Lujan - Just to clarify I don't think Tony Perez has worked on it but he has spoken to Ed Camacho on the issue briefly and this was just to ensure that there wouldn't be, this would go to the question of whether or not a conflict that would require us to step back and for both the Commission and GHURA to find different counsel. If there were a conflict then the Commission would have to get its own lawyer a different lawyer. GHURA would also have to get a different lawyer. But it was our opinion that there's not a conflict. We secured the waiver by the Commission so that's already been accomplished. It's my understanding that there's not been a waiver secured by GHURA. So once GHURA waives the conflict then that would allow the receipt and the review of the documents and to resolve this.

Vice-Chairman Matanane - Who's conflict? Chamorro Land Trust and GHURA?

Legal Counsel Lujan - Conflict of the firm, the firm's conflict.

Vice-Chairman Matanane - We have no conflict. Chamorro Land Trust has no conflict.

Alicia Pinaula - And that's what GHURA's been saying, they don't have any conflict.

Vice-Chairman Matanane - But the thing is we would like to see the documents that you're going to get from GHURA and I don't believe that Chamorro Land Trust has any conflict.

Administrative Director Garcia - Actually they sent the estoppel document and that's what we referred to legal counsel and under her advisement they need to make sure that the Chamorro Land Trust is not going to be in any...(interrupted).

Vice-Chairman Matanane - In any particular where the property is...(interrupted).

Administrative Director Garcia - That's where we're at with this case.

Acting Chairman Calvo- I think the bottom line is as far as the Board here in the Chamorro Land Trust we have given that waiver already so in essence to that now GHURA's legal counsel would have to also give their waiving part to go ahead and continue the process if I'm not mistaken that's what you're primarily saying.

Legal Counsel Lujan - Yes, either GHURA can waive it like the Commission or they can decide not to.

Alicia Pinaula - I don't think they can not too because...(interrupted).

Acting Chairman Calvo - I can't speak for GHURA and like I said as far as our part we have done our part on the Board here.

Alicia Pinaula - Okay just to add on the information there was in the newspaper that there was federal grants for people living on the Chamorro Land Trust that have tin, wooden house. I'm not aware of that information that the Governor is issuing out a grant okay which I'm going to check it out tomorrow myself and it's possible that it's GHURA. So you know just to let you know of that ad that came out in the news last week newspaper.

Acting Chairman Calvo - So that's what you have to do as far as this Board has already made that waiver we need so that way now we can you know that we have both already understood that we agreed and they agreed that there is no conflict of interest.

Alicia Pinaula - This is all verbal okay now if I go to GHURA who are they going to be talking to, Tony Perez directly Ms. Lujan?

Legal Counsel Lujan - GHURA would have to give a written waiver.

Alicia Pinaula - Okay.

Acting Chairman Calvo - And that has to go also to their board.

Legal Counsel Lujan - They have to approve it, it has to be voted upon just as the Commission did.

Alicia Pinaula - Well I'm the stepping stone to this stumbling corner.

Acting Chairman Calvo - Well like I said you were the pilot program and it's unfortunate that the issue there okay.

Alicia Pinaula - Thank you.

4. Deborah Aguero - My name is Deborah Aguero, Roland is the applicant for a land.

Alicia Pinaula - Well this is unexpected, her sister in law is my friend and we work together with special students at Price Elementary School and she had an emergency and she was greatly assisted by Joe Borja but right now she went to see Jesse Garcia yesterday but she didn't present the document the eviction document from GHURA, Section 8 because she just had a baby and there's what 12 of you?

Deborah Aguero - 16 of us.

Alicia Pinaula - Now they're evicted because the federal policy cannot assist them because of the size of the family and they don't have a house that can provide them their needs. So now they're hoping to seek your assistance in processing her application as soon as possible for an emergency so that they can you know build a house a tin/wooden house or whatever and I was suggesting that we can go down to the Governor and look into this matter for the grants for people like in her needs. Right now she's homeless and right now other than just feeling despair, helpless and anguish.

Acting Chairman Calvo - You know on that GHURA issue there first of all because that's federal program we don't get ourselves into that on whatever program they do and everything. And for whatever reason that you were terminated from GHURA I don't really know and if you do have an application on yours here in the situation we have to look in that also because you got to keep in mind too that there are other people out there okay that also maybe in the same situation as you are. The least I could do at this time on the Board is whatever Mr. Garcia can find you whatever on how we can adjust that you know I'm not going to make any promises to that. In the meantime I think there are other assistance in the Government that you can go through. There are others in the Government that you can seek to not just to GHURA itself. And like I said whatever happened in GHURA between that between GHURA back then and you know because there are other people too waiting in line.

Administrative Director Garcia - They came in to my office yesterday with her sister in law and what happened was her sister in law got their application processed through board approval. I told her that the Chamorro Land Trust the way we work is on numbering system, you come in as number one then we process going down in order. But they got theirs through an emergency board approval and they're asking me if I can do the same. I said if you're asking me to do that today I would not because that's not the way the program was set up. I said if you want you can come to the Board and let the Board decide but if you're going to ask me to do it to bypass the others to put theirs in priority it's not going to work because that's not the way the system is set up for the Chamorro Land Trust.

Acting Chairman Calvo - That's what transpired in the past and we're trying to correct that okay. I don't want to leave you guys out in the cold for that matter but you got to understand too because you're not the only case that I've known that comes to this board

for other reasons where they say they're homeless and so forth. But the way the law that was made back then we use that guideline now and we're trying to do that. Like I said there are Government entities that can help you out at this point in time until this thing is you know can be helped out to you guys. But rightly right now I don't know how the other board members feel but at this point in time I would have to look where you stand and where your name is and so forth.

Lillian Aguero - Her husband works at Universal Company right it's not that big company but it's really and he makes less than forty hours a week. They're trying to see if they can rent but they don't even make two-hundred dollars in two weeks their net pay. They can come in seven in the morning the company will not pay them even if they clock in at seven until they go out in the field and start a bush cutter. Ten o'clock the minute you start it that's when you start getting paid. They work four hours in a day, six hours in a day, less than thirty-two hours in a week, how are they going to rent? That is why she's here okay because you know you want check stub they can show you check stub.

Acting Chairman Calvo - No I don't need that and I don't dispute anything what she says but you got to understand too the board has a responsibility here too that we have to abide to. It is something that was created by the law, I didn't create this law and I'm trying to make that understanding to you guys that you know there are things that we need to follow through first before the board makes that firm decision. I understand and I sympathize with her and you know but in the mean time I'm saying there are other Government assistance that you can go through.

Deborah Aguero - Can I ask where? I did public housing, I did GHURA.

Roland Aguero - We tried every Government but they gave us bs.

Deborah Aguero - Because I don't have a six bedroom house built up for me. So where do I go?

Roland Aguero - You know if you guys are not going to help us then just let us know. How many people is already in 89 or 98 how long do we have to reach? How long you tell me with all those people on that list? How long do we all have to wait? You know if you cannot fucken tell us to do something then hey.

Acting Chairman Calvo - Don't say those harsh words.

Roland Aguero - I'm sorry for that but you know if you cannot help us then let us know right now just put it on the table.

Lillian Aguero - They only have next week sir, next week by the end of this month to move out. She becomes homeless.

Roland Aguero - That's why I came here because we're Chamorro.

Acting Chairman Calvo - And I'm a Chamorro too brud and I understand I feel the same thing as you are.

Roland Aguero - How can you feel brud when you guys are working eight hours a day? It's hard you guys are lucky you're sitting pretty but what about us? What about those low class people?

Lillian Aguero - They have a lot of kids, their youngest just turned four. They're like stairs, he's trying hard, he cannot even get clothing for his kids.

Deborah Aguero - We were under Section 8 we didn't do anything wrong okay. I just had a son in 2005.

Roland Aguero - GHURA let me tell you about GHURA when we have our own boy they tell us we have to give up our kids just to stay under Section 8. Is that right or wrong? Is that right or wrong sir? To give up half of our kids just to stay under Section 8.

Lillian Aguero - Just to rent so they can have zero rent.

Roland Aguero - How would you like it if you guys have the kids and you're going to give it up?

Acting Chairman Calvo - Okay the problem here okay is first of all I'm not saying, I understand where you guys are coming from and so forth okay and I'm a Chamorro too okay. Don't think that I'm wealthy because I'm not okay. I may carry a Calvo name but I'll tell you I always tell people I'm with the small c I don't have the capital C. I'll let you know that for a fact okay. And I do work hard out there too for that fact okay I work the same as you are so to settle that part okay I want to let you know that. But you got to understand something here too okay this organization the Chamorro Land Trust okay I will tell Mr. Garcia because you just came on this you are not on the agenda today but you came in for public assistance what I can do is I'll talk to Jess okay. That's the least I could do at this point in time and see how we can help you guys out. That's the least I can do at this point in time but I'm not going to make promises to you understand?

Lillian Aguero - Understood. By the end of this month you know they are going to be out okay. The sister she's not, it's going to be two families to be homeless. The sister is already housing them, sixteen of them. That sister has her own kids too. She's scared she's even crying I'm going to become homeless by the end of this month.

Roland Aguero - I'd rather let them keep it and we'll stay out, I'll find a way.

Lillian Aguero - I said you know what they only have one vehicle, sixteen people cannot sleep in a van.

Acting Chairman Calvo - I understand that lady trust me okay, believe me I know what you feel okay but I'm also too tied to the law so I got to work something with my legal counsel and we'll see how we can and also with Jess okay. I'll get with Jess tomorrow morning and we'll discuss that's the least I can do at this point in time alright.

Roland Aguero - Thank you.

5. Anita Orlino - My name is Anita Orlino and my question will be sweet and simple, the status of applicants dating back to December 2nd, 1995.

Administrative Director Garcia - Actually she's qualified already to receive a lot and they've been working with her to try to find a lot but because of the issue with giving out any more lots to new potential lessees we're stuck in trying to give her a lot. But she's been consistently following up on her case.

Acting Chairman Calvo - This has to do with the legislature too right?

Administrative Director Garcia - Well that's with the rules and regulations.

Acting Chairman Calvo - Right now because we just submitted the rules and regs so it's pending once the rules and regs are approved by the legislature.

Anita Orlino- The moratorium has been lifted?

Acting Chairman Calvo - Not really, not yet until the legislature..(interrupted).

Anita Orlino- One more thing maybe this was before this board I just went in since it's public information I surfed the net and I came across one very heart not really heart breaking I saw an application for 2/4/2008 number 6936 with an area not really described, size not really described, occupying yes. I'm just curious about that.

Acting Chairman Calvo - Where did you see that?

Anita Orlino- I surfed the net. It's public information right, I typed out a name and to my surprise I just did a little research and I came up with almost 40 randomly from 99 to 2008 and there's an application in file dated 95, dated 97 and I know that this is a problem that has arised prior to probably this board and I found 98, 99, 2000, 2001 to 2008. I have it here I just randomly pulled out names, I got dates, date of application, application number, size, area, occupying this is just mine okay, but this is for my information. And I'm just curious as to this February 4th, 2008 application, I just want to bring it up. I was not really going to step forward but I just need to know the status because it's been a long time already.

Administrative Director Garcia -This would be my response if you're asking what's the status of those applications, since I took the helm of the Chamorro Land Trust Director I've noticed a lot of inconsistent, discrepancies of what's going on with the Commission and that's why I recommended that we do a moratorium on issuing out any more leases until we do an actual inventory of what we have, of what the properties the Chamorro Land Trust owns. As far as acreage we do not know how much acreage has been given out or has been surveyed.

Anita Orlino - To be exact this person the application dated 2/4/08 application number 6936 in Inarajan and 10 acres, all I need is 6x9.

Administrative Director Garcia - But the thing here the ten acres is coming out of a basic lot. Out of the basic lot they're cutting that ten acres to give that person. Out of that basic lot

we don't know exactly how many people are within that basic lot so if they're getting ten acres, let's say for example it's fifty acres, this person got ten acres another person has another forty acres...(interrupted).

Anita Orlino - But this specifically says that he's occupying ten acres in Inarajan and his lease would expire in 2101, just to check. I've been checking up and finally today I said I need to step, I just want to be heard.

Administrative Director Garcia - That's exactly what my findings are with the Chamorro Land Trust.

Anita Orlino - You know three years, four years ago I had twenty-eight mangos that I got I even get cut. I went off-island and when I came home all twenty-eight mangos were gone and I wanted to plant that. I want to do something you know and now I'm starting again because it's mango season. I already have one, I'm just thinking maybe 6x9 will be fine okay. If it's not asking too much thank you.

Administrative Director Garcia - That's part of the problems that we're finding with the Chamorro Land Trust.

Anita Orlino - And 95, 97 versus the other dates in the subjects here and I extracted names and I just want to get something a feedback.

Acting Chairman Calvo - Jess check on all those things and we'll see what okay. I want to see on all those if possibly you can provide Jess with a copy of that.

Anita Orlino - You can search the guamwatchdog.com.

Administrative Director Garcia - Actually she's been stopping by the office.

V. PENDING BUSINESS

1. Edward I. Cruz

Administrative Director Garcia - Last week I met with Mr. Cruz, we met with Land Management they're supposed to start with the survey and I gave them instructions on what to do to identify the area of where they're at, where the Mesas are at and do the survey. We're just waiting for the information from Land Management to show us what's available and the as-built of the houses that are there. So as soon as we get then we would be able to come up with some kind of solution for the Cruzs and we met with Senator Pangelinan's office last week so the pending right now is Land Management's survey.

Vice-Chairman Matanane - And register it.

Administrative Director Garcia - Well that's why we're doing the survey so we can find out exactly what's pending when they give us the results of the survey.

Vice-Chairman Matanane - And then the lease.

Administrative Director Garcia - As soon as yes as soon as everything is surveyed.

Vice-Chairman Matanane - So as soon as it's surveyed Land Management can do it, register it and put it under Chamorro Land Trust.

Administrative Director Garcia - The land registration case takes a while but we went ahead with the survey just to verify the exact location of where it's at.

Vice-Chairman Matanane - Since with all this time probably you can ask the Land Management to expedite that.

Administrative Director Garcia - It's up to the courts for the land registration it's up to the court it's not a Land Management issue it's a filing with the courts for land registration. That's going to be beyond our but we're going as far as identifying the area.

Vice-Chairman Matanane - The whole area there so we can do the one time registration and then we can portion it out right. That's the only way we can do that to make it (inaudible).

Edward Cruz - My question here Jess if I'm not mistaken you said something about a lease agreement where you're saying once the land is surveyed and everything.

Vice-Chairman Matanane - You have already a lease?

Josephine Cruz - We have yes.

Administrative Director Garcia -It's actually a land use permit is that they have the authorization to be there. Actually it was for one acre they cut down to a half acre and then it was cut down to a quarter acre. They agreed to just a half acre so that's why we're having the survey done to verify to give them the half acre.

Commissioner Tajalle - So once we get that accomplished then we can proceed to the next (inaudible).

Administrative Director Garcia - Land Management has been out there?

Edward Cruz - Yes.

Administrative Director Garcia - So they'll be doing their work to get all those calculations and then once we get all of that then..(interrupted).

Edward Cruz - Alright thank you.

2. Benny Chiguina - encroachment issue
Item discussed under Public Comments.

3. Agfayan Incorporated - License status
Representatives present: Peter San Nicolas (President for Agfayan Inc) and Randy Cunliffe.

Acting Chairman Calvo - This has been an ongoing problem that we have gone back you know since Mr. Borja sat in and as you know Peter you guys have owed a great amount of

money on this Commission and you know I've been tasked and I've been hammered by the legislature so many times what are we doing about it and so forth. I've always heard this I don't have the money and so forth but like I said in one meeting that we had Randy that you alluded and saying that they want the expense to be extract from what they have been spending but that's not within the Chamorro's Lands discretion because when you rendered that piece of property that was what you signed off at that time you know. I've been asking to see you for so many months but every time we call you either Randy's off-island or whatever but we had an opportunity with Mr. Borja back then to settle this dispute in how we can make a payment arrangement and you know it's the Chamorro Land Trust money. It's not my money it belongs to the people of Guam. It's not fair and fitting for your company to be sitting pretty or for that matter leasing out, subleasing for all these issues. All I'm saying is there is money well owed on to this Chamorro Land Trust and for whatever rational reason that you guys can't pay I don't really know. All I know is you guys owe the Chamorro Land Trust and I expect that to be paid because that is one of the things too that the legislature is pounding the issue on me. I'm not going to dispute that at all and I was even instructed by the government to also you know to make payments, goods and other. And you're not the only one okay, you're not the only one and you know that you'll be sent notice. You're paying thirty-five hundred dollars a month but when you neglect to pay months and years you know I think to me personally that's an advantage that you're taken walking away because if this was the bank and you owe them money they would have already taken this away from you the house or whatever you have. You know for now the Chamorro Land Trust has given you guys at least to make this point of effort back then. We have you opportunities and chances to come up but it seems like you guys think like it's just really nothing. It's like it's only another day another dollar that the Chamorro Land Trust is going to lose out on me. I've been pounded by the legislature why am I not doing anything about this. Well I'm doing something about it now and I need to resolve this issue otherwise I'm going to be very blunt with you you know that you guys are going to be terminated on this lease. And I don't know I mean if your legal counsel wants to take it to court or fight it that's your discretion and your legal counsel. But I know I have a job to do here too in the Chamorro Land Trust and that's protecting the interest of the Chamorro Land Trust, that's my job. And if I don't protect that then I'm as guilty as you are just giving it to you for free for that matter and it's high time that people have taken this Chamorro Land Trust as a stepping stone. There are other companies that's the same you're not the only one Pete let me tell you that and I'm hitting these guys now. You had the opportunity to come in and make restitution. What have you guys done about it? Nothing, nothing and I'm not going to be the one to carry this burden of shoulders anymore. Because when I'm out there people tell me what are you doing about this? What are you doing about that? And I've already been instructed by the Governor to you know to do these things and the legislature. All we're asking is to make that restitution, make a payment plan we want to make that okay. Let's make good but even with that you guys you know can't come up with that. So what do you expect me to do Pete? Just give another day? Because I don't know how the other board members feel but to me it's high time now because if it's only one month, two months that you're behind maybe I can understand but when you rationally just don't, ignores it now that the stockpile is high you expect me to un-stack it and not do anything about it? No, because that itself belongs to the people of Guam and in my own personal I feel that you guys are robbing the people of Guam and if I continue to do this I'm a part of that issue. I'm going to be a part of that and I don't want to be a part of that. I don't want to be a part of that. I told you this Randy one time when we met at the bank that you have to get with your client and see how we can work this out.

Randy Cunliffe - I've been meeting with Mr. David Lujan your legal counsel about it unfortunately he and I are right now tied up in major litigation which is going to take the next two months. He and I have been talking about a resolution.

Acting Chairman Calvo - Well I haven't been talking to Dave and Delia hasn't told me anything about it you know. I don't know whatever you and Dave Lujan, my legal counsel is Delia, I know she works for her dad. So whatever consultation that you guys have my only point here my main objective here Randy is they owe the Chamorro Land Trust a great amount of money and I'm not going to make that just walk away for free.

Randy Cunliffe - Well one of the problems we have mentioned to you before is you've prevented them to use the license as it's written by the Chamorro Land Trust.

Acting Chairman Calvo- Randy I go up there and I see people there renting out left to right. We never and they haven't even come in Randy and even with the people that are renting up there to at least have the courtesy to come and tell us that they have been subleasing because they're not.

Randy Cunliffe - They're not subleasing.

Acting Chairman Calvo- Well whatever lease or sublease.

Randy Cunliffe - Under their license they're allowed to bring in as many people as they want to, to use the property.

Acting Chairman Calvo - Yeah but they're charging Randy people up there.

Randy Cunliffe - They're allowed to.

Acting Chairman Calvo - Okay so why can't they make their payment, a monthly payment.

Randy Cunliffe - Because you've been preventing them from letting people do that and as we sit here today...(interrupted).

Acting Chairman Calvo - I never stopped them Randy.

Randy Cunliffe - It was on television for God's sakes. Of course you stopped them.

Acting Chairman Calvo - I stopped them because...(interrupted).

Randy Cunliffe - Okay so don't say you didn't because you did. Now Land Management will not give business license to people who are going to work on that property because they say the Chamorro Land Trust told them not to so you're still interfering with their use of the land.

Acting Chairman Calvo - I don't know Randy, I have to check with this legal counsel. Legal Counsel?

Legal Counsel Lujan - I can confirm that I did see that there was a letter from Mr. Cunliffe so there's communication with our office and Mr. Cunliffe trying to have resolution and of course once there's an offer by Agfayan that's made then it will be referred to the Commission for the review and approval. They can either reject or approve it and then continue with any kind of negotiation but I can confirm that there is communication that's going on between us and Mr. Cunliffe. I'll get a report for you on the status of those negotiations or discussions.

Acting Chairman Calvo - See I don't know about that resolution whatever you guys have been working at okay but first that I've heard. All I'm saying Randy is I've been tasked already and you know that from the legislature pounding this issue towards me. What am I going to do about, why aren't I doing anything about it okay.

Randy Cunliffe - Well for our side we're trying to work something out

Acting Chairman Calvo - And I told you that when I talked to you in the bank months ago I told you Randy we really got to settle this. I don't know how you're going to resolve it with your client but we got to resolve it because the problem here that I have Randy is the money rental that's been owed all these months that's my biggest task. Don't get me wrong I do not want to put Mr. San Nicolas out of business for that matter okay because you know granted that he's Chamorro and I want to protect that. But like I said this is something that I don't own it belongs to the people of Guam and I have to answer to not just to you but I have to answer to the entire people of Guam. And that's the biggest difference between you and I because your legal counsel and you're his client he only answers to the two of you, you know. I have to answer to the entire island so that's the only difference. All I'm saying is there's a way that we can resolve this and things I'm good, I'm glad, I'm happy if that's what's going to happen and I wish we can come to terms to that issue you know. I wish that you could have spoken or talk to me about it earlier that you know because that's all, I've been for months I've been asking for him to come in and that's all the board wanted was for them to come in to simply work something.

Randy Cunliffe - And that was my fault because I've traveled quite a bit in the last few months and I have not been on island whenever you guys have scheduled it. Peter called me I think when the staff called him and said that you're going to be on the next agenda and said are you going to be on island. I said I'll take off today from my court hearings so I can be here for this.

Acting Chairman Calvo- Okay well at least we have that.

Randy Cunliffe - We're working on it.

Acting Chairman Calvo - I'm glad now we have you know some knowledge and understanding to this issue because you know at the end of the day Randy all I'm saying I just want the people's money to be paid out, that's all. Because I have to answer for that and I'm the one that's being accused on this issue right now okay. I got a message too from the Governor that you know what ever it takes to get these things done because you know and the legislature and you know that for a fact that the legislature has been pounding this issue to me left to right. Why am I not doing anything about it? This is the money that

you can restore to doing infrastructure or for that matter all of these things you know and I think it's only fair to say that and I know that we can resolve this issue as soon as possible.

Randy Cunliffe - We're trying to.

Vice-Chairman Matanane - How long did the Chamorro Land Trust stop the operation of Mr. San Nicolas?

Randy Cunliffe - It first started over a year ago and just recently I mean I don't know exactly the time it was..(interrupted).

Vice-Chairman Matanane - Was it a year, six months or?

Randy Cunliffe - No it's over a year.

Vice-Chairman Matanane - Over a year the Chamorro Land Trust has stopped Mr. San Nicolas from doing business?

Randy Cunliffe - From having other people selling their goods on his leased property.

Vice-Chairman Matanane - How long was the receivable or the accounts payable been behind?

Randy Cunliffe - Oh I don't know that exactly off the top of my head.

Vice-Chairman Matanane - I'm telling you it's a couple of years back before that the Chamorro Land Trust tried to take action.

Randy Cunliffe - But the problem is its still going on the problem is it's still going on. Land Management says Chamorro Land Trust says don't give any licenses to people who want to operate on that property.

Vice-Chairman Matanane - We have never, I don't believe, Mr. Chairman or Mr. Garcia have told Land Management not to renew their license or do anything concerning that and I would like to hear from them if there is any such thing.

Administrative Director Garcia - We have one pending request for a business license.

Vice-Chairman Matanane - The fact of the matter is you're behind, you acknowledge that and Chamorro Land Trust didn't try to stop Mr. San Nicolas to make money so it can pay the lease or the monthly payment. But he has been behind before then for the longest time.

Randy Cunliffe - He was behind before then I don't know how long.

Vice-Chairman Matanane - Before the Chamorro Land Trust took action in trying to make him aware that he owes this type of money we have lifted the opportunity for Mr. San Nicolas go ahead and have the people lease or whatnot as long as he can get that payment in to Chamorro Land Trust but we haven't seen anything.

Randy Cunliffe - Oh he's making payments on a monthly basis.

Vice-Chairman Matanane - Oh he has?

Randy Cunliffe - Yes.

Vice-Chairman Matanane - In that amount of the thirty-five?

Randy Cunliffe - It's not in full.

Vice-Chairman Matanane - Not in full.

Randy Cunliffe - But he's making monthly payments.

Acting Chairman Calvo - But you see Randy that's just it because what we're asking here and I told that to Mr. San Nicolas back then with Mr. Borja and your sister and your brother was there in the meeting you know that you have to pay restitution on what you have owed beside what's your monthly payment okay. Even if you pay me a thousand it doesn't solve my problem. Yes you made a payment I think the last payment you made was maybe last month okay but it doesn't resolve the issue on the back payment. That's my point there it's been the back payment because you can pay me a thousand today or tomorrow, two thousand, three thousand for that matter but you owe a great deal of money. And I don't to you know say it but all I'm saying is yes he made payment I did see and I followed it up with my accountant but that doesn't solve my problem. Because first of all it doesn't solve his monthly payment, hasn't made his monthly payment to begin with and you still have the back payment. So what I'm saying is the back payment and also the monthly payment and I made this clear to you guys that they have to be responsible. They have to be responsible Randy I mean I'm sorry to take that because I'm really sure that and like I said unless you're giving free service to Mr. San Nicolas but at the end of the day you're going to have to charge him too. Are you going to say well Pete since you owe me fifteen hundred dollars but I'll just pay you a dollar today I don't think so you'll go with that Randy. Unless you're on a buddy system then that's fine but I think at the end of the day Mr. San Nicolas comes out and oh by the way you know that three hundred that three hundred fifty dollars that I spent an hour just to come in here today to miss a court that I could have made a million dollars this is how much it's going to cost you. You know Randy I'm just trying to be you know on a fair play. That's all I want because all I'm saying here is I want them too to be responsible. That's all I want is for them to be responsible which they have a responsibility that they have to fork out and pay because that belongs to the people of Guam it's not my money and every time he doesn't pay it bounces back to this you know. So I'm just saying I mean Pete if you have a legal counsel not paying you today you're good man.

Randy Cunliffe - Okay thank you.

Acting Chairman Calvo - Alright okay Randy so at least the minute we get this thing resolved we'll be in better terms.

Randy Cunliffe - Yes we'll let you know.

Acting Chairman Calvo - And we'll talk about the dollar sign.

Peter San Nicolas - Okay thank you.

Commission took a five minute break (2:30pm - 2:35pm)

4. Guam International Country Club - License status
Representatives present: Henry Langit, Calvin Torres

Henry Langit - We have an idea why we're back in here my understanding is we did not follow the payment plan that we had initially presented to the Board last year. My understanding as well is we've been consistently paying the arrears and the regular payments up to the month of April.

Calvin Torres - Actually what happened was that during the presentation that we gave the last time in Hagatna was that we presented starting paying in October but somehow we were actually juggling with Japan office on when is this money coming in. Our payment actually started in January which we made a promissory note of twelve thousand coming towards arrears and then paying the current and we've been doing that since actually till last April.

Henry Langit - Yes so we're due this month. Now with that it doesn't initially tell us that we followed what we promised and we are willing to accept whatever the Commission has, is going to give us. I've been doing everything in my power to have the Japan side send us the money so we can make that payment and I will do everything in my power again to lessen whatever money that the GICC owes Chamorro Land Trust. Please let us know.

Acting Chairman Calvo - Actually from what I gather and understand was yes you did make payment but you were paying this back payment but didn't pay really the regular monthly payment. So it's just like earlier like what I said to Randy Cunliffe you know his client did pay a thousand but guess what you know it still didn't pay you know only paid part of the arrears. And when we made that payment plan back then we signed it you know that by January actually or February of this year that payment should have really because you have only one year to make that payment okay. And from what I understand from the last figure and I don't want to dispute the figure here but the figure has tremendously gone high on this issue. I need to make that real payment plan maybe you, Jess and I can sit tomorrow and revisit that back and really make a steady payment on this otherwise it's going to you know cost you guys an arm and a leg.

Henry Langit - Mr. Chairman I'm willing to do everything.

Acting Chairman Calvo- Okay, Jess can we meet with him tomorrow? How about if we meet after lunch?

Administrative Director Garcia - No, let's do it Monday.

Acting Chairman Calvo - Monday.

Henry Langit - We can do it Monday.

Acting Chairman Calvo - Okay so that way you can consult with Japan alright.

Former Senator Ted Nelson - Mr. Chairman can we as the general public just be aware as to how much these guys owe?

Vice-Chairman Matanane - Not the amount.

Former Senator Ted Nelson - Yes that's public document, that's public law as to how much they have to pay every year, that's my law.

Acting Chairman Calvo - Put it this way, two dollars and eight five cents.

Former Senator Ted Nelson - No really I think I'm entitled to know.

Acting Chairman Calvo - Legal Counsel do we have that?

Legal Counsel Lujan - I'd have to verify.

Former Senator Ted Nelson - Did they pay last year?

Acting Chairman Calvo - They've been paying but not in a consistent way and that's why I need to, remember that we have that payment plan for a whole year.

Henry Langit - Mr. Chairman my understanding is we're supposed to start from October last year and we did not start the payment till January and we've been from January until April I know we're due this month we've been paying nineteen and twelve, nineteen and twelve.

Acting Chairman Calvo - But see that twelve thousand is the arrears but that twelve thousand is supposed to escalate. It's to go higher by I think mid March or April it should have gone up to a higher payment and then the remaining balance then it goes up to about forty, fifty thousand dollars.

Henry Langit - That is correct. The only part that we would like to correct is the three months behind the original payment plan.

Acting Chairman Calvo - And we'll get with Bertha today, Jess.

Administrative Director Garcia - Actually by the time we meet on Monday, 8:30, Bertha would be in that meeting.

Former Senator Ted Nelson - How much is owed totally?

Acting Chairman Calvo - Two dollars and eighty five cents.

Former Senator Ted Nelson - No really? These are all documents, public...(interrupted).

Henry Langit - I wouldn't mind saying it, we owe about I believe two hundred and thirty thousand.

Former Senator Ted Nelson - That's two years.

Calvin Torres - It is a public information also I'm hearing you terminate the contract I mean the golf course employ a lot of people.

Henry Langit - A lot of Chamorros as well.

Former Senator Ted Nelson - Well we understand that. It's a free land you didn't pay for the land.

Calvin Torres - We did a promissory.

Acting Chairman Calvo - Actually to be quite honest with you they have been really up front too on they're trying to be up on their payment and we did confront them up there and they've been really trying to you know so given and take when we meet Monday it's going to cost you more than an arm and a leg. So I'll just let you know that you probably have to be you know.

Henry Langit - I will take it Chair.

Acting Chairman Calvo - Okay?

Henry Langit - Yes.

Calvin Torres - So there's a penalty?

Acting Chairman Calvo - There's going to be a penalty, there's a penalty on that but anyway that's what's the disparity right now okay. So Monday we'll meet.

Henry Langit - Where are we going to meet at?

Administrative Director Garcia - We'll just meet at my office.

Former Senator Ted Nelson - What time? I want to be there.

Administrative Director Garcia - 8:30.

Former Senator Ted Nelson - No really I want to make sure my legislation is followed.

5. J&G Inc. - Resolution
Representative present: Mark Ruth

Administrative Director Garcia - What we have here Oscar is this is an old case that was pending with the Chamorro Land Trust the J&G request to purchase the property down in Agana the old De La Corte Street and portions of the alley that's adjacent to their property. Everything was Board approved, they did the appraisals and now we're at the final stage and it came out where Chamorro Land Trust cannot be the one to sell the property to J&G although the appraisals have been submitted to the Commission. So what needs to be

done is in the law it says the department may sell any fractional lot in Agana. Department defined in the law is Department of Land Management. So what it is here because the Board has control over that property we need to turn it over to Land Management. So here you guys have a copy of the resolution transferring it to Land Management so that they can proceed.

Acting Chairman Calvo - You know from my understanding back then with Mr. Borja on the fractional piece of property was because this was really like a bull cart road basically and that was the reason why we I guess approved that at that time because we thought that you know.

Administrative Director Garcia- We have control of the property itself but when it says the department may sell.

Acting Chairman Calvo- But that particular law Jess and from what I understand from Joe at the time was it's only in Agana and quote me Dave if you can remember that, that according to Joe the fractional lot only involves in Agana but not in the other area if I'm not mistaken.

Former Senator Ted Nelson - You are correct.

Acting Chairman Calvo- Yeah it's in Agana that particular only in Agana but anything within the outskirt of that is really more like if you were to do it in Dededo or Yigo.

Administrative Director Garcia- No it was only confined to Agana.

Acting Chairman Calvo - Yeah only to Agana yeah.

Administrative Director Garcia - So anyways the thing here is just to make it easier it would it's a resolution would be required to transfer the authority to Land Management and then that will fulfill the requirements of the law. And that's basically what we did from the last meeting was drafted the resolution transferring it to Land Management.

Vice-Chairman Matanane - I believe that Chamorro Land Trust cannot sell or can't transfer until such time the legislature is apprised of it.

Administrative Director Garcia - It's in the law already authorizing the sale of the property. It's in the Chamorro Land Trust law.

Legal Counsel Lujan - It's on 21GCA, Section 75105 subsection c, it states the department may sell to any contiguous landowner any fractional lot placed under its management which was created by the adoption of the standard block system. Department for purposes of the chapter refers to Department of Land Management. Subsection b states any available land as may not be immediately needed for the purposes of this Chapter may be returned to the department for management. So under 75105 the Commission is empowered to transfer lands to the department which are not needed for its purposes to the Department of Land Management for management and the Department of Land Management may then sell to any contiguous landowner any fractional lots.

Administrative Director Garcia - So it gives Land Management the authority to sell according to the Chamorro Land Trust law.

Legal Counsel Lujan - It will not be the Commission selling.

Administrative Director Garcia - So what it is the best thing is the resolution will transfer to Land Management, Land Management will deal with it with J&G, but we need to get it out of our hands to Land Management for them to move forward.

Former Senator Ted Nelson - Land Management cannot sell Jesse.

Vice-Chairman Matanane - That's where I'm coming from that the legislature has to be apprised of it and also this is the same thing as our lot that we are trying to build a building on will incur the same way as this is being done and I'm hesitant to say that even with a resolution that the legislature has to be apprised. I think they are in the authority that can be...(interrupted).

Administrative Director Garcia - But it's not the money, no matter what it's not going to be Chamorro Land Trust because that's not our intent of the Chamorro Land Trust. Chamorro Land Trust is for the beneficiaries.

Vice-Chairman Matanane - But the intention of Chamorro Land Trust is to transfer it to Land Management so they can sell.

Administrative Director Garcia - Because that's what the law says, the way the law is set up for the Chamorro Land Trust.

Vice-Chairman Matanane - Which is only for Agana right?

Administrative Director Garcia - Only in Agana.

Vice-Chairman Matanane - Not any other property.

Administrative Director Garcia - No other property.

Mark Ruth - It is just a small straight, it's landlocked by the other properties owned by J&G. It ends up at the river and there's no bridge where it ends up.

Acting Chairman Calvo - I don't know how the map, the design back then how it didn't connect so what you guys wanting is to connect this border here together.

Mark Ruth - Yes and consolidate it.

Acting Chairman Calvo - To consolidate it to one lot yeah.

Mark Ruth - The truth of it is is they have been using it that's the parking lot of that building down there. But they really would like to you know finish the deal and pay for the property and then have clear ownership rather than kind of squatting on it.

Vice-Chairman Matanane - So you're representing Jones and Guerrero?

Mark Ruth - Yes, I'm Mark Ruth.

Vice-Chairman Matanane - So you're interested in buying property?

Mark Ruth - Not me. I'm representing my sister in law.

Vice-Chairman Matanane - But in essence you're representing Jones and Guerrero, who's buying the property anyway?

Mark Ruth - Jones and Guerrero.

Vice-Chairman Matanane - Jones and Guerrero, oh I thought you're representing Jones and Guerrero.

Mark Ruth - Well I'm not a Jones and Guerrero employee, I'm a Jones and Guerrero relative.

Administrative Director Garcia - Mr. Matanane even if the Commission or the Government of Guam was to still maintain that property it's a substandard size lot so nobody else can use it that's why the fractional lots were intended that way to be sold to the largest owner before the Chamorro Land Trust started.

Vice-Chairman Matanane - What's the size of the lot?

Mark Ruth - It's 549 square meters plus a smaller alley of like 29 meters. We came to you before and originally with Joe and Joe was the one who kind of identified this and then when we talked about it the last time we were here you said it needed to go to the legislature. But then we realized this fractional lot applied under that cause and so I don't know whether it makes a big difference to us we just want to get it moving along and because the law says the department can do this and if the department says it has to go to the legislature then that's what it says.

Acting Chairman Calvo - I think what we can do here is and maybe because I just don't want the legislature coming back haunting on our front door again and saying why didn't we come down to tell them about it. I think it will be more appropriate to get the legislature in to this issue. Because Senator Ben Pangelinan handles this and I think to me personally I would rather go to the legislature at this point in time just so that we can make that clarification if the legislature says they have no gripes about it then it then I don't, a resolution would be warranted as far as I'm concerned. But I think you know we just don't want to get caught and then the legislature is going to come out hollering bloody Mary again there goes the Chamorro Land Trust selling without the knowledge of me knowing this. So I don't want to put you under distress on this issue but I think with the representative of Senator Ben Pangelinan here can...(interrupted).

Administrative Director Garcia - The Board had approved J&G the sale of the property, they authorized them to get the appraisals, the appraisals were submitted then that's why

because the appraisal is only good for so long. So that's why Mr. Ruth is pursuing it because if it goes stale who's going to, when the Board already approved.

Vice-Chairman Matanane - And you mentioned that you're going to bring the appraisal to the Senator Pangelinan. You said that you're going to take the appraisal and apprise Mr. Pangelinan, Senator Pangelinan about the appraisal or was it the other transaction that we were trying to do?

Administrative Director Garcia - No that's the rules and regulations.

Acting Chairman Calvo - I think to resolve this issue is I think meet up with the Senator and if the Senators I think you know highly agree to this issue because it doesn't mean because the law says it's there too but sometimes the laws are very vague. Maybe in more better clarification with the legislature and if the legislature gives its blessing I know that we have given you the go ahead back then but we didn't know about this issue and so we just want to be more cautious on this. Especially on the land payment you know and I think we can resolve this problem I think Ben can resolve this problem easily you know.

Administrative Director Garcia - It would have to go through a public hearing but the problem is once we give our interest to Land Management Land Management is going to have to deal with how they're going to go through the legal ramifications to sell to J&G. But as we're following the Chamorro Land Trust rules and regulations law, the law that created Chamorro Land Trust that's what it states that the department may sell. We're not the department the department is Department of Land Management.

Acting Chairman Calvo - Because I remember that when we were doing the rules and regs that was one of the issues that we and that's why I said it spells it the department which is Land Management on that rules and regs that specifically says. Well we can vote for it or not.

Legal Counsel Lujan - I would actually recommend holding off because if the Commission has already approved something then it's possible that there's no need for any vote but I don't even know I'd like to review it to see what the approval was on those minutes. The Commission doesn't sell okay the department may sell. But I do know and it's my understanding I may be wrong that the government needs the legislative approval if they are going to be selling government land and so then the legislature would still need to be involved and so the Commission's approval to sell is contingent upon the legislative approval. So it may meet the transfer unnecessary if the legislature is not even going to approve it.

Acting Chairman Calvo - Okay.

Vice-Chairman Matanane - That's where I'm coming from.

Acting Chairman Calvo - So we're going to hold off on this sir.

Vice-Chairman Matanane - Table it until..(didn't finish).

Mark Ruth - So are you tabling this or am I to...(interrupted).

Acting Chairman Calvo- We're going to table it and then the legal counsel is going to give her final legal counsel opinion to the issue.

Legal Counsel Lujan - For the Commission to have a more informed decision on whether they need to take any further action.

Mark Ruth - I mean if it's necessary to notify Senator Pangelinan's office of this situation so he's aware of it I'm not trying to hide anything.

Acting Chairman Calvo - No we're not saying you're trying to hide anything on this but even if it's a fractional lot but you know a fractional lot is always has it's value okay and I think that's where Mr. Dave is alluding here is okay. And we just want to make sure on this and legal counsel already stated that she needs to really look into it because reading from that on the law itself we need to really more and if she finds no finding on whatever and if she says the resolution is good then I don't see any problems. But I have to bear with her recommendation as legal counsel.

Mark Ruth - And as I said we've done the two appraisals it was what Chamorro Land Trust asked us to do. We've provided that information to you so we're certainly willing to go along with whatever decision is on the value of the land.

Acting Chairman Calvo - Okay so being said to that I think we'll just table this.

Mark Ruth - So I guess Jess will just let me know when is the next step.

Administrative Director Garcia - Yeah.

Former Senator Ted Nelson - My name is Teodore Nelson I am from Yigo, if there is any land to be sold in Agana from the fractional lot god darn it sell it to those people who are affected on the fractional lot. The hundreds and hundreds our elders those lands were stolen down there by politicians. This got to stop Mr. Chairman. Five hundred square meters is big enough it's enough for a house lot if you don't believe me just go check down stairs. Please, J&G doesn't need it. It's Chamorro land it belongs to the fractional lot owners whose lands are being denied. Let's advertise it put it out so those fractional landowners who wants to buy this land. Her mother, parents I'm pretty sure everybody owns there we are in that I'm pretty sure your parents might be fractional lots who have been denied. Many of us had been denied Mr. Chairman because of the previous political.

Acting Chairman Calvo - And that's why Senator we took that decision right now to hold back on that resolution.

Former Senator Ted Nelson - No I'm talking about the fractional lot.

Acting Chairman Calvo- I know and I understand that now okay and that's why we held back and let it be the fault if it's going to go to the legislature to go to that.

Former Senator Ted Nelson - No but my point is this, Land Management, Chamorro Lands cannot sell lands unless it through by law. Same thing with Chamorro Land Trust that we

took for the land for the landless, you cannot sell that. That you got to remember but all I'm trying to say is protect and give us a chance like what the Ancestral Lands Commission just let everybody know for those people who are involved.

Acting Chairman Calvo - And it will be you know be out on public for that matter now that we you know the resolution is that's why the resolution was held back for that reason to give it back to look into the issues because the original law Senator it speaks what it...(interrupted).

Former Senator Ted Nelson - I'm talking about the original landowners whose lands were stolen by politician in Agana. So let's not try to go too generous to J&G or other big shots.

Acting Chairman Calvo - And that's why we held back on this Senator and I do respect to that issue and that's why we want to make the legislature to really take more helms on this and that I can assure you. I will not sign that resolution until the legislature says to.

Former Senator Ted Nelson - They have the guts to come here with a resolution for you to.

Acting Chairman Calvo- Well you know I mean you know we because we already because Senator you got to understand one thing by all due respect we were using the guideline what the law says but interpretation of the law can always be changed for that matter.

Former Senator Ted Nelson - Seriously the country club of the pacific that is a Chamorro land they got it free multimillion dollar worth of property free for a golf course. They have made their money the Japanese made their money they sold and they re-sell and they re-sell until the point that these new people are not involved they can't pay it. If they can't pay take that damn thing away give it back to the ancestral Chamorro or give it back to the Chamorro club or whatever it is or to the Government and run it for the Chamorros. It's our land and this is an opportunity to get that land back it's a multimillion and they're behind on their rental really Mr. Chairman. Land to me is a pretty precious thing especially for when we discover that our ancestral lands are being stolen left and right we got to put a stop to this nonsense. Just because they have a higher lawyer or higher big engineers kick them out man give us a chance Mr. Chairman. Thank you.

VI. NEW BUSINESS

1. Choice Phone LLC - License and payment issues with Lot 17-1-R1, Barrigada Heights

Michael Dilley - Good afternoon Chairman, members of the Board my name is Michael E. Dilley I'm a representative of Choice Phone, I'm the Field Operations Director. In front of you I have submitted a statement paper basically will take the place of my speech this afternoon. If the Board could please just take a look at it and take some time to consider and maybe we can get together a little later on and discuss it and come up with a mutual agreement we'll be good to go. Thank you.
(Written testimony attached as attachment A).

VII. DIRECTOR'S REPORT - None.

VIII. EXECUTIVE SESSION - None.

IX. ADJOURNMENT

Meeting adjourned at 3:15pm.

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

Approved by Board motion in meeting of: June 17, 2010

Administrative Director, Jesse G. Garcia: _____
Date: 6-17-10

Chairman (Acting), Oscar Calvo: _____
Date: 6-17-10

CLTC Board Meeting 20th of May 2010 (Barrigada heights Lot 17-1 issues

Good after noon Chairman and members of the board, My name is Michael E. Dilley, I am the field operations Director for Choice Phone LLC, Dba I-Connect.

Today I'm here to try to come to a mutual agreement concerning our issues with our Licensed Lot 17-1 at Barrigada heights, so that we can finally put to rest the only outstanding issues we have between the CLTC and I-Connect.

The Facts in chronological order are as such:

1. We bought out Motorola's Interest back in 1999 which covered all their assets.
2. Guam Cell was able to acquire a portion of Motorola's CLTC property and sever out a 929sqm portion with the CLTC on October 31st of 1999 prior to Motorola releasing their property back to the CLTC in May 31st of 2001 and at only $255.33 per month.
3. Choice phone acquired the remainder which was 3,080sqm under protest, and was charged $2,000.00, We only wanted 1,000 Sqm but was told, Just take it for now and we will work it out.
4. Both Guam Cell and Choice phone have actually shared approx. the same area located inside the original Motorola fenced compound for the last Ten years.
5. Choice Phone upon the verbal request of CLTC did a new lot survey back in Oct 12th of 2005 which showed we were only using a 1,000sqm area.
6. After no communication was received Choice Phone turned in a written request to resolve the issues, In Oct. of 2005. Still no communication was returned except verbally which stated that the both of us will be able to work it out.
7. Choice Phone redid another Survey of the same lot area on March 18th, 2010 in order to ensure the accuracy of the facts of the previous survey due to the number of years that had passed.

Those are the facts and the issues. It isn't rather Choice Phone owes you money, but more of How much money should we owe you based on the fair and competitive rates that you charged our competitors for the same area over the years.

So what does Choice phone need to happen?

1. Settle our License fee and property size issue's and set up plan to pay back any back license fee's along with current fee for the correct size of the lot we are utilizing, based on a fair and competitive amount of our competitors.

2. Figure out rather we will be using 2,000sqm and build our new tower on the same lot 17-1 or use 1,000sqm and acquire lot 16-1 @ 1,000sqm. (better to go with 2,000sqm on lot 17-1)

3. Try to fix these issues in a timely and expedited manner, and come up with a mutually beneficial new License agreement so that we can build our new tower and meet our FCC deadlines as well as remove the old tower currently in place on lot 17-1.

In accordance with the above stated request we would like to resolve these issues as fast as possible. I have attached a financial work sheet in order to give you some guide lines on what we are thinking. (*Please see the attached financial work sheet*)

In closing, it's easy to look back and try to place blame on someone for these issues, but this would be neither constructive nor in either organizations best interests in moving forward. Choice Phone has tried it's best to comply with all requirements of the CLTC and as such has recorded all current CLTC licenses and even when in dispute over other sites that we had tried to license from the CLTC we had paid their license fee and all other fees associated with their acquisition, even though these sites were never used by us due to other government organizations claiming ownership of them. I would ask the CLTC Board and it members to consider these things when you are considering on how you would like to resolve these above issues with our company. All we ask from you, is that you treat us fair and assist us in fixing these issue's which will mutually benefit both of our organizations as we continue to grow our relationship in the upcoming years, in an expedited time frame so we can continue to thrive and grow here on our beautiful Island of Guam. Si Yu'us ma'åse for your time and consideration.

EXHIBIT "A"

(1) Lot 17-1-R1, Lot size 1,033sqm $255.33 (no recovery of Merizo / Malojloj payments $27,296.48)

a. from Jun 1st 2001 to Jun 1st 2006 @ $255.33 = ($15,319.80)

b. from June 1st 2006 to Jun 1st 2010 @ $520.00 = ($24,960.00)

Total = ($40,279.80)

(2) Lot 17-1-R1 Lot size 2,000sqm @ Multiple costs. (no recovery of Merizo / Malojloj payments $27,296.48)

a. From Jun 1st of 2001 to June 1st of 2006 1,000sqm @ $255.33 = ($15,319.80)

b. From Jun 1st 2006 to Jun 1st 2010 2,000sqm @ $1040.00 = ($49,920.00)

Total = ($65,239.80)

(3) Lot 17-1-R1 Lot size 3,000sqm @ $765.99 (Recovery of Merizo & Malojloj @ ($27,296.48)

a. From Jun 1st 01 to Jun 1st of 06 @ $765.99 = ($45,959.40)

b. From Jun 06 to Jun 2010 @ $1,531.98 = ($73.535.04)

Total = ($119,494.44)

Subtract previous payments made on Merizo & Malojloj (-$27,296.48)

Final amount owed = (***$92,197.96***)

No (2) would be our desired option, allowing us to pay our back rent and still have the required 2,000sqm in order to build our new tower. We would request that you break down our previous amount owed and let us pay it in 12 monthly installments. Please see below for example.

Option (2) total back owed would equal $65,239.80 divided by 12 = $5436.65 per month.

July rent = $5436.65 back owed + $1040.00 current monthly license fee = total of **$6,476.65 for 12 months**, then after June 1st of 2011 price would be back to $1040.00 with all the back rent paid. Or at that time the contract will be over and up for new renegotiation under the new rules and regs of the CLTC.

Guam Cell for lot 17-1 has paid for the same lot since Oct 1999 to Jun 2010 a total of $50,660.00

Docomo for lot 16-1 has paid since Nov 2001 to April 2010 a total of $61,409.11

Michael E. Dilley, May 20th 2010