Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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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
Acting Administrative Director

COMMISSION MEETING MINUTES
2nd Flr. Division of Highways, DPW Compound, Tumon
Thursday, November 18, 2010; 1:05pm - 3:10pm

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, Commissioner Andrew Leon Guerrero, Legal Counsel Delia Lujan and Acting Administrative Director Jesse Garcia.

III. APPROVAL OF MINUTES (October 21, 2010)
Vice-Chairman David Matanane moved to approve the minutes of October 21, 2010 subject to corrections. Commissioner Andrew Leon Guerrero seconded the motion. There were no objections, MOTION PASSED.

IV. PUBLIC COMMENTS
None.

V. PENDING BUSINESS
1. Ana Ishmael and John D. Ishmael - Lease status

Ana Ishmael - My name is Ana Ishmael I'm here for the, I think I submitted a letter already that this would be the second letter on the dispute of the Ishmael and I submitted all the documents that I, to solidify the dispute. I just want to know I'm following up on what my husband had into inquiries and I submitted all the documents and to make it solidified I also found a receipt that he had paid for that land use permit that this individual had used and had used to benefit this part of his application.

Acting Chairman Oscar Calvo - Legal Counsel?

Legal Counsel Delia Lujan - I'm just reviewing the letter that was given to me now.

Acting Chairman Oscar Calvo - Okay, yeah. I know it goes back on her part.

Legal Counsel Delia Lujan - I did receive a telephone call from Randy Cunliffe, Attorney Randy Cunliffe, who I believe he's representing Mr. Ishmael.

Acting Administrative Director Jesse Garcia - That's John, John Ishmael. Would you like the other party to come up Oscar?

Acting Chairman Oscar Calvo - Yeah, why don't we do that.

John D. Ishmael - My name is John David Ishmael and my legal counsel will be here and I have no other thing to say other than my lawyer is going to represent.

Acting Chairman Oscar Calvo - Okay.

Acting Administrative Director Jesse Garcia - Legal Counsel the call you got was for?

Legal Counsel Delia Lujan - It was to inform me that he may be, I believe he represents Mr. Ishmael and I think that he was I believe he was requesting a continuance since he just was made aware of the meeting yesterday and so it's up to the Commission to whether or not it wants to do that. But then again this is the first time for me to review what's been provided to me from Ms. Ishmael.

Ana Ishmael - This is the second letter that I submitted, the first one was addressed to the Director and now this letter recently is addressed to the Board.

Acting Administrative Director Jesse Garcia - This issue is not a new case it's an old case it was in previous documents.

Vice-Chairman David Matanane - If I remember correctly the last time you were here Mrs. Ishmael is that you were trying to agree with your brother in law as to what portion and which portion of that piece of property that you guys were alluding to and that was the last time that you were here. So what's the outcome?

Ana Ishmael - Well you know I went through the because I'm not aware of the Public Law but then I went through it and I read every piece of it and that's how I came out with the ...(interrupted).

Vice-Chairman David Matanane - So we're going to first base again huh? So instead of hitting a home run we're going to first base now.

Ana Ishmael - Well, if its rules and regulations thats what I'm trying to do.

Vice-Chairman David Matanane - Well if you want a continuation at that point in time the last time that you were here you were indicating that you had to agree with your brother in law as to which portion of that piece of property you're going to be you know settling into. And that was the last comment that you made in here at the last meeting.

Ana Ishmael - Yes.

Vice-Chairman David Matanane - Right?

Ana Ishmael - Yes I agree with it.

Vice-Chairman David Matanane - And Mr. Ishmael wasn't here.

Ana Ishmael - He wasn't here right and you told me that I couldn't agree to anything because he had to come, he had to be present.

Vice-Chairman David Matanane - What happened to the negotiation? Is this Mr. John Ishmael the person that you were trying to..(interrupted).

Ana Ishmael - Yeah for two or three meetings he wasn't here.

Vice-Chairman David Matanane - Yes, but the last time we met you were alluding to say that you were only trying to find out from him which portion of the property that you want..(interrupted).

Ana Ishmael - That I would want.

Vice-Chairman David Matanane - And that was the last meeting that you were here.

Ana Ishmael - When I made that comment but then after that I came back we were on the agenda he was off-island.

Vice-Chairman David Matanane - So you had communicated with him and have Mr..(interrupted).

Ana Ishmael - After that no, it was prior to that.

Vice-Chairman David Matanane - Has Mr. Ishmael decided which portion of the property?

Ana Ishmael - I don't know he said he has a lawyer now so.

Vice-Chairman David Matanane - Oh okay so that wasn't the conditions then the last time that you were here that you were talking to your brother in law as to which area of that piece of property you're going to situate yourself.

Ana Ishmael - Yes I had informed him that which side..(interrupted).

Vice-Chairman David Matanane - And this is a whole new ball game that we have right now so I guess we're going to have go and Mr. Ishmael do you have anything to say since the last time that Mrs. Ishmael was here she was saying that it's upon you to decide which portion of that piece of property. Is that the case?

John Ishmael - First of all I'd like to ask the Board and the Chairman to please bear with me because I was off-island for medical reason. There's no intention whatsoever in my brain in as far as not attending the hearing here. As you know that I was here by myself so therefore I would like to thank you for you know giving me this opportunity because there's no way I can control my, that I'm on an off-island trip on a medical trip so I do have

a lawyer and this is something that needs to be clarified. Because of the law and everything I believe that it should be the proper ways of me going through because I believe my brother, rest in peace and his soul, never had any wrong thing in as far as you know it's just that I want to thank you very much for being patient.

Vice-Chairman David Matanane - So it seems like we're going to have to table this and we have to relook on all the facts here now that we, I thought we were coming to a conclusion on this matter but evidently it's not. So Mr. Chairman I request that we table this and then we have to go through all these documents.

Acting Chairman Oscar Calvo - If I can stand correctly I know that this goes back a little bit further when you first came in and reclaiming your husband's on the piece of property back then and I know you did come here to try to resolve this issue with your brother in law and like what Mr. Matanane stated here that now that Mr. John Ishmael is going to take some course of actions too and I think this will warrant for a legal opinion now because now it has to come to that stage. Although I've read your documents and everything and you know it's favorably in your side but I can't make that decision until what the legal, other legal counsel and I'm giving you that same opportunity and you know that's why we kind of really held back and I told you this in the earlier stage that you know I need to hear from the other party too where he stands. Because I know what you wanted since the beginning was just to basically divide the property and you know and I was hoping when this thing came up earlier that this thing would have been resolved back then you know. And whatever your brother, your late brother stated to you that's unknown facts but only yourself knows that but she being her the wife of her late husband you know I don't want to get into any family dispute with that problem. So what we'll do we're just going to table this out and we'll schedule this for hopefully maybe by the next Board meeting and have the counsel look into it and then they'll and maybe the counsel and the other counsel can meet too in essence to this issue. Okay?

Ana Ishmael - Okay thank you.

John Ishmael - Thank you.

2. Agfayan Inc. - License status

Acting Administrative Director Jesse Garcia - I got a call from the Legal Counsel Randy saying that they're not going to appear because he already received the letter of the 90 days so he said that they don't need to appear they'll respond to the letter.

Acting Chairman Oscar Calvo - Yeah but when are they going to respond? We're going to wait another hundred years?

Acting Administrative Director Jesse Garcia - Well they got 90 days.

Acting Chairman Oscar Calvo - Because I think because these guys are just completely just..(interrupted).

Acting Administrative Director Jesse Garcia - We served them the letter so they're going to take it upon advisement of the letter.

Acting Chairman Oscar Calvo - Okay, with the legal counsel, with their legal counsel.

Legal Counsel Delia Lujan - Yes I spoke with Attorney Cunliffe as well and he stated that he would be submitting a response trying to I guess address the letter's concerns about noncompliance within the timeframe specified in the letter.

Acting Chairman Oscar Calvo - Okay.

3. Hals Angels Football Association and Guam Rugby Club, Inc. - Agreement
Janalynn Damian (Calvo and Clark on behalf of Guam Rugby) - Hi, Good Afternoon Commissioners, I think the last time we were here the Commissioners directed Hals Angels and Guam Rugby to work out an agreement. I wasn't here but I understand the Commissioners directed the parties to work out the clarification of where the practice the Hals Angels practice field will be located and the parties you know we have an agreement and this morning we received revisions from Hals Angels that I think everybody agrees on. Unfortunately Mr. Brooks is not here and neither is Mr. Shiroma and I don't know if Legal Counsel has had the opportunity to review it I think she also just got it this morning as well.

Legal Counsel Delia Lujan - That is correct I just got it this morning I haven't had a chance to fully review it but I have some minor revisions to make. I think that the agreement would require the Commission to be a party too at end I'm not sure that that's necessary. I think that maybe there can be a consent to perhaps but I think it would also have to require the parties licenses to be amended to reflect the agreement of Hals and GRC and I don't recall seeing that in the original settlement agreement.

Janalynn Damian - Yeah I think that the clarification to the Hals license needs to be made for the exact portion of their license and also we want to reflect that there's a shared parking area between the two properties between the two licensed areas that both parties would be able to use and would actually just remain Chamorro Land Trust property and not be licensed to any particular party. But that both sides would be able to use as parking for their events and it falls right in between the two lots.

Acting Chairman Oscar Calvo - Yeah right in between because the football is in the front the back is the..(interrupted).

Janalynn Damian - Correct, we'd like to do that and I guess you know I can work with Ms. Lujan and Terry Brooks to get this thing down but I'm sorry we weren't able to come to you today with the signed agreement but maybe if we can have this as an agenda item for the next Board meeting so we can get final approval.

Acting Administrative Director Jesse Garcia - Well the main thing Oscar is just as long as the two parties already know to stay clear of what they have.

Janalynn Damian - Unless the Commissioners are willing to just go forward with having the parties sign off on it. I think what we want to do is just have the Commissioners consent to the agreement by the parties.

Acting Chairman Oscar Calvo - Well it's always been my understanding since the beginning I always wanted that the two parties really solve the dispute and I think in the early stage I don't know you probably did come in at one time to act on behalf of the legal counsel matter I think if I'm not mistaken but anyway that's always been my clear tone that I wanted these two to settle this dispute. And from the last Board meeting that was pretty much Mr. Brooks and Mr. Clark had come to that agreement that they would be satisfying that they now and that they would be on their own field and also and whatever work that they need to work together that's within their discretion. And the concern of the Chamorro Land Trust here is that the property still retains under the Chamorro Land Trust and whatever the Legal Counsel states to add on whatever issues that we need to add on to that issue.

Janalynn Damian - Okay.

Acting Chairman Oscar Calvo - And then maybe Delia you can maybe after this you two can chit chat or whatever after this.

Vice-Chairman David Matanane - We would like to also have copies of those agreements please for our own pleasure of reading it for the Commission.

Acting Chairman Oscar Calvo - Oh definitely we would have to get a copy of that yeah.

Janalynn Damian - Oh yes we would like to present it to the Commissioners for review.

Acting Chairman Oscar Calvo - And you know maybe once this actual thing is complete then I would like to have both legal counsel be here you know to sign off and then that way the Board has given it's blessings for that matter.

Janalynn Damian - Right that's okay we appreciate that okay.

Acting Chairman Oscar Calvo - I think if you can get the two parties on the next agenda okay.

Janalynn Damian - Okay thank you.

Acting Chairman Oscar Calvo - Also I made this clarification with the both teams that they also have to provide the insurance for.

Janalynn Damian - Insurance?

Acting Chairman Oscar Calvo - Yeah.

Janalynn Damian - Okay.

Joanne Brown - The Land Trust has no record on file in recent years for either Guam Rugby or for Hals Angels and that is a requirement of the license agreement.

Acting Chairman Oscar Calvo - We have to provide that.

Janalynn Damian - Proof of insurance.

Acting Chairman Oscar Calvo - Yeah proof of insurance.

Joanne Brown - According to the provisions that are there in terms of what type of insurance that they have to provide.

Janalynn Damian - Under the license yeah.

Joanne Brown - Yes.

Acting Chairman Oscar Calvo - Okay so I think you would want to stipulate in there that..(interrupted).

Joanne Brown - Do you have a timeframe Mr. Chairman because they already are in violation for quite some time.

Acting Chairman Oscar Calvo - Well I know maybe within the next, Dave you want to give a time frame on that, 30 days, two weeks?

Vice-Chairman David Matanane - Is that too much 30 days?

Acting Chairman Oscar Calvo - I don't know you. I think the faster we solve this problem is a lot better.

Vice-Chairman David Matanane - Probably the next meeting.

Ross Morrison - We could do it today.

Janalynn Damian - Can we just get a week to submit?

Acting Chairman Oscar Calvo - Okay I'll give you guys a week to okay submit now it's getting across Terry Brooks they have too the other side.

Janalynn Damian - When I talk to him I'll mention it to him but I you know I don't know.

Acting Chairman Oscar Calvo - Yeah okay because you can submit yours but if the other party doesn't submit then there's still a..(didn't finish).

Janalynn Damian - Okay I'll remind him about that.

Vice-Chairman David Matanane - Really why we're asking it in a short period of time because we don't want to delay that now you have a good playing (inaudible) between the two parties so hey, let's settle it.

Acting Administrative Director Jesse Garcia - What we'll do is we'll prepare a letter from the Commission advising both attorneys.

Vice-Chairman David Matanane - By the week out of next week.

Acting Administrative Jesse Garcia - By next week, we'll send the letter out and then by next week they should give us the proof and then so that way it will expedite everything else.

Acting Chairman Oscar Calvo - Okay but in the mean time while the expedite of the letter you can start working the you know.
Janalynn Damian - Yes I'll work with Delia and Terry Brooks.

Acting Chairman Oscar Calvo - Just give a call to Terry and let him know.

Janalynn Damian - Okay, thank you.

4. Alicia Pinaula - Estoppel Certificate
Alicia Pinaula - I'm Alicia Pinaula, I'm here for the status from last month and I have submitted the estoppel and consent certificate with no mortgage copies to the Commission two months ago September and we're here to follow up and whatever is the recommendations or the outcome of this estoppel certificate.

Carlos Camacho - Mr. Chairman and Commissioners my name is Carlos Camacho, I'm here as a friend of Alicia Pinaula and also as in the event you do have some questions regards to the Home Rehabilitation Loan Program I cannot speak on behalf of HUD or GHURA but through my experiences utilizing these programs in other properties and regards to hypothetical scenarios you guys may want to ask with regards to what if and what at that, I can share some of my experiences. And hopefully to further clarify some of the concerns regarding what happens if within the 15 year compliance period that if a particular party in this case Ms. Pinaula does not fulfill the 15 years or quits using the property at the 5th year and all those hypothetical I can answer some of those based on my experiences on utilizing these programs. And also I did talk to GHURA and again like I said in if you don't mind in last night's meeting I know Mr. Ron Lujan was willing to try to come in past Board meetings but I think there was no quorum according to what he told me but I could share some information, of course to qualify it I think you should maybe want to ask GHURA themselves directly of whatever statements I make today.

Vice-Chairman David Matanane- I believe Ms. Pinaula you gave me the estoppel and consent certificate and I believe the first page itself you have Lessor has been advised

that Lessee desire to execute mortgage. Now if you're executing a mortgage you're in violation of your lease agreement. As I stated before you have come to these meetings so many times and I still harp on it that you cannot mortgage Chamorro Land Trust. So even the estoppel agreement here stipulates that it will be mortgaged. You gave me this copy Ms. Pinaula remember?

Alicia Pinaula - Yes.

Vice-Chairman David Matanane - So I was reading through it and the first sentence there already you have violated the Chamorro Land Trust lease agreement that you can't mortgage. So that's all I have to say here concerning the estoppel and remember I have dealt with our attorney and I keep trying to emphasize that we don't need no estoppel because of the fact that you are already violating the lease in trying to mortgage property. Thank you. That's my stake on that.

Alicia Pinaula - I believe that this is not a question of mortgage this is a grant.

Vice-Chairman David Matanane - It is ma'am.

Carlos Camacho - I guess I know this has been over a year issue I understand.
Vice-Chairman David Matanane - Over a year and we've been seeing Ms. Pinaula here and we still haven't settled and we tried to make her understand that if you're getting a loan the Chamorro Land Trust Commission won't allow any mortgage on the piece of property.

Carlos Camacho - So I guess the reason I'm here today then is maybe not to violate existing statutes we're hoping then to see how we because I understand at the end of the day one of the things that we're trying to provide to our qualified indigenous families while you guys are giving them the property as a lease and at the end of the day one of the things we're hoping for them to build their home their Guamanian dream to build their home. Either i.e. from a loan program that has already been adopted in 2005 through USDA and Guam Housing and i.e. in this case that has never been done is through a HUD grant. This is a HUD grant and yes they use the word mortgage and there's reasons for that and if you want me to explain further why that is.

Vice-Chairman David Matanane - No Mr. Camacho I'm sorry to stop you from that but it seems like you're talking about GHURA but you're not talking about Chamorro Land Trust right? You're referring to GHURA, their programs, but our program doesn't you know.(inaudible).

Carlos Camacho - I guess I was asking is is there a way for an open mind because if it's through statute I know we got a representative here from Senator Pangelinan's office, is there something that we can amend through legislative statute or is it through the rules and regulations that can allow families on your properties to have access? And the only reason I say this is that we closed loans in the past through Guam Housing through a

mortgage document. The word is mortgage I just don't unless I'm not seeing..(interrupted).

Vice-Chairman David Matanane - Mortgage from Chamorro Land Trust?

Carlos Camacho - Yes sir, we closed some loans and I wish I had my recorded documents I was going to bring that and I will forward it to the Commission that we have some mortgages that we've done through Guam Housing Corporation.

Vice-Chairman David Matanane- Chamorro Land Trust guaranteed that loan?

Acting Administrative Director Jesse Garcia - It's a loan guarantee.

Carlos Camacho - It's a loan guarantee program sir, yes.

Vice-Chairman David Matanane- You know Mr. Garcia I would like to see a copy of that and how did it turn out? Is it paid off or?

Carlos Camacho - No these are existing families in the property that are living.

Vice-Chairman David Matanane - No what I'm saying that what we have that has been mortgaged. How many of them have been mortgaged to GHURA?

Acting Administrative Director Jesse Garcia - No not to GHURA it was through that agreement with the other authorized..(interrupted).

Vice-Chairman David Matanane - No naming any names I would like to see a copy of that and I have not heard of any.

Acting Administrative Director Jesse Garcia - That's the Guam Housing and USDA loans.

Vice-Chairman David Matanane - Well Mr. Garcia I would like to see a copy of that and if there's one there's a precedence been made so well I need to take a look at those documents and if there is a precedence then maybe we can copy cat that right.

Alicia Pinaula - Also there are twelve VA loan that went on a Chamorro Land Trust lot right down the street from mine, my lot, there's a VA house that's built on a Chamorro Land Trust.

Vice-Chairman David Matanane - And mortgaged by VA.

Alicia Pinaula - Yes.

Carlos Camacho - That's correct VA.

Legal Counsel Delia Lujan - If I can just speak to the issue I did speak with Ed Camacho of GHURA and it was his understanding that those agreements that were just discussed were through guarantees and the Commission does have the power to assure repayment of loans. That's already, I've already advised the Commission of that but that's only subject to the Commission first of all agreeing to do that. Although it has the power it has to you know it's the Commission's discretion to exercise that power and it's also subject to the availability of funds in that particular fund that should be set up for that for guaranteeing the repayment of loans. And according to Mr. Camacho it was his understanding that this particular HUD program the Home Rehabilitation Loan agreement that this would require ownership of property and it would require a mortgage. When I asked him if a guarantee would be something that would be suitable for the agreement to allow the loan to go through and it was explained to me that no it would require the mortgage.

Vice-Chairman David Matanane - Again as you stated Legal Counsel there's a mortgage word on this as to guarantee and of course the lease agreement stating that there should now be no mortgage should be done on that of course if it had gone through maybe a previous Board but I'm not aware of any.

Carlos Camacho - I appreciate the yes the letter of the law of what you read and that's very potable but all we're asking here on this Board is maybe like you said previous Board approved those loan guarantees with the Veteran's Administration with the Guam Housing and with the 502 loan program which we know there's a lot of loans that been closing and the word mortgage was there and we'll get a document just for clarification. All we're asking here is here's an opportunity. All I'm asking is if you guys can have an open mind and if it needs to be through legislative policy because you guys are following the letter of the law if it needs to be done through legislative policy hopefully the office of Senator Pangelinan can look at looking at how do we expand other housing grant opportunities. And the only reason I say this is that Mrs. Pinaula for example she may not have the financial means to go after a VA loan because she's not a veteran, she may not have the financial means to go under Guam Housing because she may not have the income to qualify for their loan programs but she does qualify for the Home Rehabilitation Loan where the grant goes up to $60,000 so she can put a safe and decent home for her family. And maybe that word mortgage is the one that is the critical point here but I think if you all can have an open mind here that's why I'm here and I think the taskforce that was created last time with the University of Guam because we're looking for ways if it's through legislative policy or is it through the rules and regulations through the triple A process that needs to be amended all we're asking is to please do not if this needs to be further, I hate to use the word tabled since a year ago, if you can have an open mind so we can find a final solution. Because if she can change this opportunity imagine the other families there who may not have the income to go for these other programs through the guarantee may have access to more federal grants to build descent and safe homes, that's all I'm asking.

Vice-Chairman David Matanane - Don't get me wrong Mr. Camacho I would like to see Ms. Pinaula get that loan. Don't get me wrong but I'm not really aware of any mortgage or any guarantee. What I have known that there was one default on those guarantees that

we made and we had to take care of it. We don't have that much money in our kitty. A matter of fact we have even pilot programs that hasn't been up for some time and we're still trying to get some revenue into to this particular agency and we're still being denied not to get our full revenue. If maybe Senator Pangelinan can make an amendment to the revenue account for Chamorro Land Trust and receive the hundred percent of whatever revenue that should go to Chamorro Land Trust I'll applaud him and I'll stand up clapping for it.

Carlos Camacho - So if I can add just for clarification, yes the key word is the loan guarantee which you guys are saying based on default. That's why I wanted to clarify this Home Rehabilitation Loan Program and that's exactly why Attorney Lujan here when she talked to one of the staff there is that when they said they do not have to fall under the guarantee program because this is not a debt. It is a mortgage and the only reason it's a mortgage is because under HUD rules they have to place a lien on the property and to make sure that Mrs. Pinaula who's applied for this grant fulfills their housing obligations to make sure she lives there.

Vice-Chairman David Matanane - Let me ask you then Mr. Camacho if should Mrs. Pinaula, if it has gone through and Mrs. Pinaula has defaulted that particular loan would GHURA guarantee that they won't foreclose? A stipulation from their Board this is what I was asking Mrs. Pinaula long time ago every time she comes in here can you please go and talk to the Board and if they're willing not to put an encumbrance on the property and only at that building then that's fine but if you're going to put an encumbrance on the property then we won't do that. So when she's default on that would GHURA guarantee also that they won't foreclose on the land? That's all I'm asking and she hasn't gotten back to us. How many times has Mrs. Pinaula has been here and you know trying to confront us and we've always tried to be you know be amicable to her and say go back to go to GHURA and please give us a letter or a consent that yes we will give her the loan but we would not put an encumbrance on the property. The building yes because she needs the money to build the building.
Carlos Camacho - Let me clarify the definition of the default because you're right there's two ways. If this was a mortgage and you have to pay back the mortgage there's a default so then someone has to foreclose.

Vice-Chairman David Matanane - And it was stipulated on the estoppel and also on this particular I've just seen this document and it's also stated the payment plan and the amount so they still have the right that if you default on that thing that they will foreclose on the property. Now which property? There's the real and the building itself it's also called real property but if she's borrowing for that building for building that house on that lot would GHURA be amenable to stipulate also that they are not encumbering the land? That's all we are asking and if it does go through us then we will agree with that. We won't guarantee you know that we are going to pay for her all its stating is that we are not encumbering that property.

Acting Chairman Oscar Calvo - Can I just iterate for a minute Mr. Camacho I alluded and I spoke to Mrs. Pinaula in a previous Board on this issue and what Mr. Matanane really we

have always been saying that issue and I did talk to you a little bit about this yesterday in what the Board we don't, that this Chamorro Land Trust will not be held responsible for that. Because like what he says when you do a mortgage or even if it was a loan guarantee I don't want the GHURA first of all they don't qualify because they're not Chamorros, the GHURA you know and to give that money to them we're not saying that. Trust me I want to see her get to this loan because there is a beauty to this loan but the bottom line here is the Chamorro Land Trust will not be held responsible for that because if we do that then the property itself will be hold by GHURA and that's the only stipulation this Board have initially been stating since the very beginning from their Board saying that we're not going if she default at any given time for that matter that the Board itself and GHURA they're going to carry that responsibility. They would have to be she will be gone after for whatever but the property goes back because the money that you're going to be providing to her is clear money but the land is you know belongs to the Chamorro people here.

Carlos Camacho - If I can add real quick and then hopefully then I would recommend like a work session with you guys and the GHURA guys because I can't speak for all those technical points. But when you asked me to answer a technical question regarding what happens in the 5th year of a 15 year compliance period on this estoppel agreement if she defaults let me just give you a hypothetical on what GHURA said and again to qualify my statement I wish you would again work as a work session with them so hopefully we can finally find a product for this end. But what they told me was this let's say you're right with Mr. Matanane's concern first of all this is a debt forgiveness so she doesn't pay out of her pocket any penny. It's one fifteenth forgive every year because fit the fifty percent air median income and below so to default on a loan that she doesn't pay is very minimal or even probably zero percent because she doesn't pay for it. Her only way she will default if she decides to quit, leave, just vacate her unit, turn in her lease to Chamorro Land Trust because I'm moving to the States because I don't want to move in Guam no more then that question is what happens to the remaining unused forgive years and I'll give you what happens in what GHURA told me. But again you have to qualify that when you get together so if that happens for example if that's the default reason why she left and she stayed for six years and there's still nine more years left what GHURA said and they said they can do it through a document that you guys can agree in writing similar to how we did the Guam Housing loan mortgage and the 502 it's called a MOU. So when it's spelled out clearly and all the roads are done for both agencies and this is what they said what will happen then is so long as the next indigenous and I'm qualifying the statement even though it's a GHURA program they have to comply with the Chamorro Land Trust that it goes to an indigenous family so long as the next indigenous family that you guys place in that unit meets the income guideline. That's all they're asking. In other words because you guys don't have any income guidelines right now for anybody that can get a lease but if you're going to give a lease to this unit that already had some federal subsidy so long as the next family going in got to meet the income test then they don't have no mind and then the remaining nine years to live out that stuff will be forgive. In regards to the unpaid portion that she signed off when she left in year six GHURA will take civil litigation against her to collect the unpaid portion for that.

Acting Chairman Oscar Calvo - And this is what we wanted to clarify.

Carlos Camacho - No that's exactly, that's example what I went through but again to qualify you need a work session with GHURA and all that. Now here's another hypothetical in year five please no respect I'm using you as an example, if the applicant passes away for example and the next of kin if it's allowed through Chamorro Land Trust their kids their grandson gets the property if they qualify income wise then they'll continue the forgiveness for that property. If that next of kin exceeds the fifty percent test then there's another program in this grant it's not forgive but the remaining portion will be paid back to GHURA principle only no interest on the remaining portion, one-fifteenth every year. So there are mechanisms it's just that we do need to just sit together and to finally get this resolved.

Acting Chairman Oscar Calvo - And this is what the Board has been asking all along.

Carlos Camacho - Well the reason why I'm here is because I went through this exercise.

Acting Chairman Oscar Calvo - This is what I've been explaining this issue over and over what we need the Board from there.

Vice-Chairman David Matanane - And Mr. Camacho they have a good thing that you were saying if we were not here we we're not here and you get people to come over and don't understand and read in black and white this particular thing what do you think will happen?

Carlos Camacho - No that's why if it's a written MOU the example exactly the same way, exactly how you adopted the 502 the mortgage program I use the word mortgage because that is a mortgage.

Vice-Chairman David Matanane - Stipulated.

Carlos Camacho - Stipulated, it got to be documented clear documented if the situation.

Acting Chairman Oscar Calvo - And this is always we've been in the beginning we want, I want to see her get that grant. I want to get her going because I think that ultimately that would set a precedence for her, for other constituents in the Chamorro Land Trust that can get that money. It's unfortunately that she's the first one but and I made this clear since the beginning and I told Mrs. Pinaula that GHURA and the Board has to come to that conclusion because at the end of the day I don't want this Board or the Chamorro Land Trust to be responsible for any amount of money for that matter and that's always been the stipulation.

Carlos Camacho - So what if you don't mind because I know we have example MOUs with the VA program and all that..(interrupted).

Acting Chairman Oscar Calvo - What it entails right now is and quote me on this Legal Counsel is we need to GHURA as much as what we explained today and what Mr. Matanane and what we just the language that we just gave you you know put a contract or a lease or whatever Dave in this and then we'll have the Legal Counsel look at it and then if it's agreeable with the Chamorro Land Trust and the Commission then we don't foresee any problems.

Carlos Camacho - No problem and the only thing maybe I'll need maybe if Senator Pangelinan's Office can help or the Attorney General that was there last night you know the concern that Mr. Matanane has is the word mortgage that's probably not allowed through your statute. What I want to figure out is I was supposed to get a copy of a recorded mortgage right but attached to that is maybe those MOU that you're looking for and if we can get that template that we did already for the VA or for Guam Housing loan because it's already that word mortgage I don't know yet the technical part and hopefully then I'm just here on behalf Ms. Pinaula but hopefully then both agencies can figure out the final stretch.

Vice-Chairman David Matanane- Maybe not mortgage but non-encumbered will do, you change the word around and say oh we will not encumber the land.

Carlos Camacho - Let me find out because I know when Attorney Lujan mentioned the reason why those mortgages was allowed because of that word it's part tied to the loan guarantee. This difference about this that's exactly what GHURA said they don't need a loan guarantee because this is..(interrupted).

Acting Chairman Oscar Calvo -Exactly.

Vice-Chairman David Matanane - And stipulate please that GHURA has to stipulate that.

Carlos Camacho - That there's no loan guarantee required.

Vice-Chairman David Matanane - That is no guarantee.

Carlos Camacho - Okay we can clarify that.

Vice-Chairman David Matanane - That's all we need.

Acting Chairman Oscar Calvo - That's all we've been wanting.

Vice-Chairman David Matanane - We don't want it to say mortgage or non-encumbered on this particular property and every, we'll will be fine Mr. Camacho.

Carlos Camacho - I won't promise that because I'm not a lawyer but at least I'll make all the lawyers work on it.

Commissioner Carmen Tajalle - Mr. Camacho I just want to say that bottom line you know we want to work together and we got to fine tune a lot of generalization in this issue with having our people getting the property and then you got the financial institution and then you got the law. We need to come to a common agreement where you the agencies have the proper product where everybody is in agreement and it's a win-win situation. I always say that because legally attorneys I mean we can say mortgage it can be interpreted by another attorney. I mean as a former banker literally you have to be very careful so we need to make sure that you guys develop a product so we the Commission here and the future Commission understands our mission to give the people the lot okay. It's got to stop and we can't, we just have to forget the past, move forward and let's do something that is right so we can all work together to accomplish the mission to give the people the property. That's all we're asking.

Commissioner Andrew Leon Guerrero - Mr. Camacho if I may, Ms. Tajalle brought up a very good point but I just want to get a little specific and I want to give you one scenario if in case Mrs. Pinaula defaults in her payment but she doesn't want to exit the building or the property, legal rights to the property I know there's an MOU and maybe that will clarify that but what will be the next steps in case that happens?

Carlos Camacho - Real quick again the word default has to be defined very carefully because if she really wants to stay there the only way she can default it if she wants to leave and then you have a property that's under a HUD ruled for income qualification. If she wants to stay forever remember that's even perfect that's exactly what the program's all about because it's forgive one-fifteenth. She pays no penny she pays zero cents there's no debt. In other words her debt is she has to live there for at least a minimum of fifteen years so that one-fifteenth of that grant that went in would be wiped out on the fifteenth year. Now if she walks away from the deal on the fifteenth year and the property is vacated the HUD restriction does not apply no more because you met the fifteen year compliance period. So if she leaves on the fifteenth year and one day after then the HUD rule doesn't apply you can put any other family there above the income limits no problem.

Vice-Chairman David Matanane - Who puts the family in there?

Carlos Camacho - No I mean you guys are going to choose.

Vice-Chairman David Matanane - If it's not the fifteenth year let's say the tenth year and she has defaulted who has the right to place families in there?

Carlos Camacho - That will be Chamorro Land Trust through the waiting list.

Vice-Chairman David Matanane - Okay that has to be stipulated.

Carlos Camacho - That will be part of the MOU yeah. But so long that that individual if there's four more years left has to be income qualified based on the HUD guidelines.

Acting Chairman Oscar Calvo - See that's one of the thing on the Board because even though you have fifteen years and given the and opted to that scenario where fifteen years and she opted to leave in five years, six years, ten years down the line there's a five years there that might be you know coming back to the Chamorro and that's the last thing that we don't want that the financing will be brought upon her and those things have to be stipulate in making the MOU making sure that that's an understandable agreement.

Carlos Camacho - That's correct.

Acting Chairman Oscar Calvo - That the Chamorro Land Trust has no responsibilities to this issue and only to her and GHURA for that loan that she's been guaranteed. Like you said it's a zero balance but there is you know she lives up to fifteen years then you know she's okay.

Carlos Camacho - So Mr. Chairman in your example exactly what Attorney Lujan said when she asked GHURA do you need this to be a loan guarantee they said and again I can't qualify because I wasn't in that discussion no need because we don't need to guarantee it.

Acting Administrative Director Jesse Garcia - I guess to wrap it up on this one here because we're just going back in circles with the same thing maybe because you deal with GHURA a lot Carlos with your programs maybe if you want you can set the meetings so we can help other people that's with her similar thing and then let us know so we can just meet.

Carlos Camacho - Yeah I did tell GHURA that if we break the barrier on this then we'll call it the Alicia Act and it'll open all opportunities for everybody else.

Alicia Pinaula - That's one of the main purposes for to benefit only me and my family but for others because there's a lot of my neighbors that are living in tin wood and shack.

Acting Chairman Oscar Calvo - Alicia like I've always stated in the beginning and this Board has always told you in the very beginning what the Board has always been clearing to you is we don't want to be held responsible for but now that you're here Mr. Camacho you can pretty much now sum up some of the issues and clarify that with GHURA. Now that will be their turf now and whatever the and like you said I like this program because it will benefit other constituents out there that don't have the means, don't have the money. They can't go down and borrow money but sixty-thousand dollars that they can get a grant at no cost for them to review or you know they may be living in a tin shack area okay but they don't have the financial but through her now you know this will benefit other constitution and that's a good pilot program that we want to see go through. But like I've always stated the land belongs to the people of Guam, nobody owns that piece of property not even you for that matter. You've been living there for..(interrupted).

Alicia Pinaula - Thirty years.

Acting Chairman Oscar Calvo - Thirty years, ninety years, whatever, whatever when you're going to die you know.

Carlos Camacho - But I appreciate it I just want everybody to have an open mind that's all.

Acting Chairman Oscar Calvo- Okay and you know what I think to clarify all these things Jess I think, I don't think so we need to further discuss anymore.

Carlos Camacho - I'll set up a work session.

Acting Chairman Oscar Calvo - Yeah set up a work session okay.

Alicia Pinaula - I just wanted to note okay that the third revision of the estoppel of what he was saying is on the note and the mortgage which you guys have to look at it and okay.

Acting Administrative Director Jesse Garcia - We'll do it on the work session because it's easier.

Acting Chairman Oscar Calvo - It's easier on a work session.

Alicia Pinaula - Okay right but just to mention for the record.

5. Guam Rocks Inc. - License status

Acting Administrative Director Jesse Garcia - Mr. Leon Guerrero submitted the document from Joe Borja, it should be in the packet.

Vincent Leon Guerrero (Legal Counsel for The Guam Rocks Inc.) - You know in the last meeting I kept saying it was a lease and I was being corrected all the time by Ms. Lujan and she was correct it was actually a license so I admit I was in error on that one.

Acting Administrative Director Jesse Garcia - In the packet the letter dated March 19, 2009 from then the Administrator Joe Borja.

Acting Chairman Oscar Calvo - No but what encumbers on this application the license lot on that first of all I talked to Mr. Borja on this and I was hoping that he would be here today that what the stipulation of the license would be that he meet that approval based on that they have to comply with certain part on the lease contract on the license that we're going to be put up by they have to meet some certain criteria on the issue. And we, we have given them first of all we want to make that clarification to you it wasn't four hundred acres. It wasn't a four hundred acres that Tony Sanchez has alluded or and then another thing the Board has usually always asked for the financial statement of all these bankers and who they are and so forth. That hasn't come to play into this Board and what they wanted us to do first was just hand them the license and then they'll come with the financial. No, it doesn't work that way because and then who are key parties in here? Because going back you know this Guam Rock has really been a lot of circles with Mr. Borja, it started out with Mr. George Torres, then it started out it'll be a bunch of oriental

people you know. But going through all that history I don't want to go back to that history and I don't know what the cool thing but I know that this Commission had asked Mr. Torres, I mean George Torres and Tony Sanchez in this financial who are the playing parties in here.

Commissioner Carmen Tajalle - We needed the, basically we just wanted to know who are the owners of Guam Rock okay. Because we want to know who's the major owner and what is the percentage you know their background and everything to see if you know everything is legit you know just to look at the documents and their financial. He explained in the letter the purpose of applying for this property and that's fine and given but we needed more documents, bylaws, articles, financial so that way you know again here's a risk factor if in the future they default you know. We're trying to make money we're trying to get businesses to make money to help Chamorro Land Trust but it's in limbo because we can't you know we don't have the full information of who is really involved in this company.

Vincent Leon Guerrero - You know I apologize I didn't know that was the things you were looking for, at the last hearing that wasn't brought up. If I had known that I would have been more prepared today. What I've done though is, this license hasn't even been forwarded to the Attorney General's office and we don't know and we're kind of in limbo at this point. They have no idea what's going on with this proposed license.

Vice-Chairman David Matanane - I guess Mr. Garcia is not here we need to see the folder on that because I remember I specifically asked them for their corporate documents.

Commissioner Carmen Tajalle - Yeah corporate documents there you go.

Vice-Chairman David Matanane - You know I specifically asked him and I also would like to see when he was incorporated or is it foreign or domestic. So you know I'm not asking for any income tax return.

Vincent Leon Guerrero - So what you're asking for is a ..(interrupted).

Commissioner Carmen Tajalle - We just want to know who are the major owners of the company.

Vincent Leon Guerrero - I apologize if I had known that I would have..(interrupted).

Vice-Chairman David Matanane - And if they want to give us that too by all means.

Vincent Leon Guerrero - You know in fact I'm not even sure who the real owners are.

Vice-Chairman David Matanane- Mr. Garcia please can we maybe break out the folder of Guam Rock and we'll see what we got.

Acting Administrative Director Jesse Garcia - The folder right now is with the AGs they requested for it last week I guess they're reviewing it. We received a letter from the AG's office back sometime about maybe almost a year now saying that no leases will be entertained until the rules and regulations but somehow the AG just requested for the file. So I guess Guam Rocks submitted some documents to the AG's office and they're asking to review the file I guess pertaining to this letter.
Vice-Chairman David Matanane - Pertaining to the letter?

Acting Administrative Director Jesse Garcia - Well I guess they're going to look if it's binding or not I guess on their part.

Vice-Chairman David Matanane- That's the request because of this letter?

Acting Administrative Director Jesse Garcia - They requested for the file and we gave it to them last week.

Commissioner Carmen Tajalle - Oh so it's in their hands.

Acting Administrative Director Jesse Garcia - Well it's being worked on at the request of ..(interrupted).

Vice-Chairman David Matanane - Let me ask you then Mr. Garcia did you notice if there's any corporate documents in there?

Acting Administrative Director Jesse Garcia - No the file, the way the staff that was handling it before it's not, the file is real thick and it's not in chronological order.

Vice-Chairman David Matanane - You gave up your listing of what documents are in that particular folder including that.

Acting Administrative Director Jesse Garcia - I believe they itemized the documents that was transferred.

Vice-Chairman David Matanane - Oh you did. Do you have the itemization?

Acting Administrative Director Jesse Garcia - I believe so.

Vice-Chairman David Matanane- What we need to do Mr. Leon Guerrero I guess we're going to have to screen that folder and then for whatever reason the AG's asking for it we have no idea.

Acting Administrative Director Jesse Garcia - It's civil, it was civil side.

Vice-Chairman David Matanane - Was it requested in writing?

Acting Administrative Director Jesse Garcia - Yes but it was requested by the civil division of the AG's office.

Vice-Chairman David Matanane - Well it doesn't matter whether it's civil or criminal it doesn't matter I would like to see it in writing and I would like to see that it has been approved for you to take that and of course knowingly that we should always keep an inventory of your documentation in that particular folder. What if it comes back with no letterhead?

Acting Chairman Oscar Calvo - Mr. Leon Guerrero I did speak to Tony and I don't really get into details with him because this company like you said you don't even know who's the real owner.

Vincent Leon Guerrero - I've dealt with Mr. Torres that's who I've been dealing, he is the one who hired me.

Acting Chairman Oscar Calvo - Okay so if Mr. Torres hires you then see there's got to be some clarify in this because Tony Sanchez plays a role here, Martinez plays, so and this is why I told George I mean it's like who is really the boss because somebody has to take this to you know to a certain degree to where and financially. I mean they talk about this company's got thirty years experience that's fine with me I don't care about that because that's back in Japan. But this Board wants to know what are their financial backgrounds you know because that's easy to say that they got thirty years this company has gone as far as Alaska.

Vincent Leon Guerrero - Was this information that you're asking prior to the approval of getting the license?

Acting Chairman Oscar Calvo - Yes.

Commissioner Carmen Tajalle - It's conditional too.

Acting Chairman Oscar Calvo - It's conditional, it's a conditional on the approval of according to Mr. Borja that the license as a matter of fact in the earlier stage George even and I brought this up to you Delia and your dad was there remember they even put a license agreement back then but when does a lessor makes his own contract and expects the Board to approve. But I'm just, these are some of the scenarios that we're having problems with this Guam Rock and another thing is they keep saying its four hundred acres. It is not four hundred acres of property. It's not four hundred, it's what it is entails what this Board says if they do decide to take this there's that they go on that they have to meet what the Board wanted them to do and it's not a quarry that they're going to be doing on this issue.

Vincent Leon Guerrero - No it's not a quarry.

Acting Chairman Oscar Calvo - Yeah.

Commissioner Carmen Tajalle - But initially that's what's the first.

Acting Chairman Oscar Calvo - That was the initial, they wanted a quarry and I told them I did not want a quarry.

Vincent Leon Guerrero - Yeah that's my understanding when they had I guess the Koreans that were involved.

Acting Chairman Oscar Calvo - Right.

Vincent Leon Guerrero - To my knowledge there is no Koreans involved.

Acting Chairman Oscar Calvo - Well I don't know see I don't know that.

Vincent Leon Guerrero - And there's no quarry.

Acting Chairman Oscar Calvo - Yeah because I told them at the end of the day I want to see that piece of property come back to its and then the thing about this Mr. Leon Guerrero okay as they do on this piece of property as they terrace it out one of the provision that is provided and it be stipulated that they have to provide the utilities and infrastructure to there okay. The first hundred acres of property has to be and this property cannot be just once we give them a lease to transfer it over to some other companies. So all of these things has to be cleared because I know to set up a quarry in that I tell you what I worked in a quarry before I know what it takes. And so that's why I'm saying I got, these people hasn't really been up front to this issue. So I think the best scenario is go back to your clients and figure out one plus one.

Vincent Leon Guerrero - I think what I need would be maybe if you can give me because I didn't know that we needed to get the financials and all those other stuff. What I saw was this letter from Mr. Borja dated March 19, 2009 saying the license was approved. Now if it was already approved, it didn't say that it was conditional or anything like that so I thought we were moving on to the next step, my apologies for that. So maybe if I were to be given a letter or something of what exactly needs to be done from this point on because all I did I provided a draft just to start negotiations just to start this thing going because right now it's not going anywhere fast.

Acting Chairman Oscar Calvo - Okay.

Commissioner Carmen Tajalle - They're all supposed to present a business plan and that's supposed to be provided to us and that's part of documentation. All we want is the corporate documents and their business plan and how, what their vision and mission to accomplish their goal with every time they touch a property they're going to put infrastructure. Tony mentioned there's a time frame for each. It's an implemental type of process. So it was just generally discussed on table but if Guam Rocks can give us the full business plan then we can see a bigger picture so we can finally come to an agreement and know that we are confident in this Commission that we can sign off the

lease to this company. But we can't go there if we don't have all our ammunitions together when we make a final decision to help these people.

Legal Counsel Delia Lujan - Just to add on to that I was informed I don't know if it's true but there may be an Attorney General opinion which states that the license can't go into effect until there are rules and regulations adopted. I haven't seen it but there may be an opinion.

Vincent Leon Guerrero - May I ask the Commission what is it's understanding as far as the size of the license if it's not four hundred acres.

Vice-Chairman David Matanane- Well it's like what Ms. Tajalle said we were going to give them in increment basis. Once the first increment is done and turned it over to Chamorro Land Trust then we go on the second.

Vincent Leon Guerrero - I think in our proposed license that's what we were doing. I think that's what is stated in the license it was in increments.

Acting Chairman Oscar Calvo - Yeah in increment but also when we did the stipulation and the contract we haven't even known what the percentage and what amount of corals they're going to be taken out and so forth. So all these things has to be really given out too you know and because they're looking to pay if I'm not mistaken Dave, ten percent.

Vice-Chairman David Matanane - The royalties.

Acting Chairman Oscar Calvo - Yeah the royalties is ten percent.

Vincent Leon Guerrero - Seven.

Acting Chairman Oscar Calvo - Ten.

Vincent Leon Guerrero - Okay I was told seven.

Acting Chairman Oscar Calvo - Okay well I'm saying ten. But when the agreement comes to that point okay so I mean the thing here that boggles my mind is whoever is going to be handling this project okay for a hundred piece of acre to break that down just to set up an equipment would cost him about three to four million dollars just to set up the grading and so forth and all these things. See I want to know like what Ms. Tajalle says what are the envisions, how much and so forth and remember that that area up there they have to meet also the environmental and all these impact and all these studies. They have to meet all these. So really Mr. Leon Guerrero they have been told by the Board not once, twice but too many times so I don't know how many times we have to repeat ourselves to them. I think you need to get back with them and you know talk to them because like I said ever since day one this company has really just been from one company and like we just need the corporate and what they want us to give them that license now it doesn't work that way.

Vincent Leon Guerrero - Perhaps if I ask Legal Counsel and if I ask Ms. Lujan what exactly what information is needed I can get that through a letter or something so I can address them point by point.

Legal Counsel Delia Lujan - I'll see what I can get working with the Commission.

Vice-Chairman David Matanane - Really it bothers me because the former Director has given you this particular memo or letter being approved that's the reason why I'm asking Mr. Garcia for the folder because all documentation should have been already in place if this is coming out. That is the reason why it bothers me because for Mr. Borja to be writing out something like this. And I remember just like yesterday we had this meeting down there at the legislature because the legislature requested us to you know have our meeting down there at the legislature and I remember it very distinctly we wouldn't pre-approve this.

Acting Chairman Oscar Calvo - That was on December 4, 2008 I remember that.

Acting Administrative Director Jesse Garcia - I guess while the legal counsel is here for Guam Rocks, Mr. Taitano is also coming in on his behalf regarding the Guam Rocks issue.

Frank Taitano - No I'm not here for Guam Rocks.

Acting Administrative Director Jesse Garcia - No well on the issue towards Guam Rocks area.

Frank Taitano - I'm an expert on the property that Guam Rocks is trying to take access.

Vice-Chairman David Matanane - Oh you're just going to make a comment?

Frank Taitano - Yes, may I?

Vice-Chairman David Matanane - Subject to Mr. Chair.

Acting Chairman Oscar Calvo - Well if Mr. Leon Guerrero has any more comments to your agenda? I think you know what I think we have to do Mr. Leon Guerrero and I hate to really cut you off on this thing I think you really have to go back to those guys and because we're just being thrown this thing back and forth back and forth and they haven't really been coming up with what this Board had initially has given them since day one. They know what it is already. They know what it is and it's unfair for this Board to continue on this and it's unfair for you to be left in this situation.

Vincent Leon Guerrero - Well that's why I was asking if and subject to you guys approving it if I can get a letter from Legal Counsel saying what exactly needs to be done because the paperwork that I've seen says the license has been approved.

Acting Chairman Oscar Calvo - Okay Delia can we get a letter for them?

Legal Counsel Delia Lujan - On what the Commission, the Commission wants the corporate documents.

Acting Chairman Oscar Calvo - And all yeah.

Commissioner Andrew Leon Guerrero - Isn't that standard in our packets?

Acting Chairman Oscar Calvo - Yeah corporate and everything.

Vincent Leon Guerrero - Yeah but like I said I thought that was all taken care of.

Acting Administrative Director Jesse Garcia - I'll work with Delia.

Acting Chairman Oscar Calvo - Work with her, work with her okay. Jesse will work with the Legal Counsel on this alright?

Joanne Brown - Our recommendation would be at this point because as far as we're concerned there's probably more issues that need to be discussed but because this issue has been tabled at this point it appears as if you're negotiating a license agreement that would be under moratorium and there's questions with regards as to whether or not this was ever approved in the first place. Because if there's questions by the Commissioners on the action of the Administrative Director that needs to be dealt with within the Land Trust but to appears if we're negotiating this publically with these types of questions. I think this is probably should be tabled until you have an opportunity internally with the Land Trust to review what information you have because with this moratorium in place I don't know if this is an appropriate discussion.

Acting Chairman Oscar Calvo - Okay.

Dr. Bob Barber - So that you know also we've been asked to look at all commercial licenses that are currently in effect in reviewing the file and going through the minutes we never were able yet now I'm not saying it's not there because this is only a preliminary review but in reviewing all we were able to identify is that the Board had actually approved that they would accept the application for consideration. Never a decision, we've seen no evidence of a decision in the minutes of the Board indicating that they approved the license just that you had the right to apply. We've also got to note that in the most recent auditor's report she brings in under question whether this type of activity even fits the mandate of the Land Trust and until Senator Pangelinan's office comes up with rules and regs as Ms. Brown has noted it will be very inappropriate for the Board to in any way consider this application until some form of rules and regulations are in place.

Vincent Leon Guerrero - Now I'm really confused because it appears that the license had been granted and now you're saying that the license is not granted. Is that where we're at

now? You were saying that the letter that approved that the license be granted is in error and is that?

Acting Chairman Oscar Calvo - I will concur with that, that that will be an error right now on this Board as the Chairman because I talked to Mr. Borja on this that there is supposed to be a fine line that they have to follow through on this. But going to what Joanne and Dr. Bob said okay I think this has to be really re-tabled back again so.

Vincent Leon Guerrero - But see we're not negotiating at this point.

Acting Chairman Oscar Calvo - I know but it seems like we're going to that direction at this point in time Mr. Leon Guerrero.

Vincent Leon Guerrero - At the last hearing what I asked for was just something saying it's denied so that we can move forward with that. If need be we will go into the courts and have the courts resolve it right away because we have like I said we have a letter saying that the license has been granted. If you're going to take back the license then maybe we should look at other alternatives. And that's what I'm saying if you want to deny go ahead and deny it but put it in writing.

Legal Counsel Delia Lujan - I think as part of the Commission and I have to look at the minutes again to confirm if the Commission did vote to accept the application for license and the corporate and financial documents documented be part of that application and at that point you know it's still not, accepting the corporate and financial documents will not be I guess an action by the Commission showing that the license is confirmed. This is just part of the application and that the Commission has been in requesting this part this is before the moratorium so if Guam Rocks wants the Commission to consider the application during this moratorium period it still would require that but the license and I'd have to take a look at what the AG's opinion is but it's supposedly if their opinion that the license cannot go into effect until there are rules and regulations in place and if Guam Rocks wants to prepare for that to happen then you know there are things that need to be submitted. And then once we have rules and regulations and if the Commission still you know after reviewing the minutes and whether or not there was really an approval of what was stated then the Commission can then decide what action to take to go forward with the license or but I think that the rules because I'd still like to see what the AG's have come out with since apparently they've reviewed the matter.

Commissioner Andrew Leon Guerrero - You know Mr. Leon Guerrero if I may you have a letter here from Mr. Joseph M. Borja, Administrative Director and it says regarding board approval of commercial application, in order for him to submit this letter to you he's stating that the Board met and passed and agreed that you will be issued this license. For me if I can just see some proof that the Board did actually through any minutes throughout this whole process did in fact approve the license that will be the first step and that will take you much closer to where you need to be. But until we see that or until there is evidence of that that will supersede Mr. Borja's letter to you. I mean I just, if we can get that evidence I think that will really help the cause.

Vincent Leon Guerrero - Well I think what would appears to be said is the Commission is saying the big part of the problem is the Guam Rocks and that may be so but what I would like to see if at all possible is just something coming out of the Chamorro Land Trust Commission saying this is where we're at. Say yes or no and that way we can take whatever document if you're saying there is no license or is a license if you're saying you know whatever the case may be then we can take it in and then we can analyze it and figure out what to do with it. We need something from you guys. I think at the last hearing you asked for proof that the license or the lease at the time had been granted, we provided a copy of that letter. At the last hearing you guys also said that you will be providing me with something from the Attorney General or some other documents I haven't gotten anything out from, so I need from you guys if you're going to say no then we'll go from there.

Vice-Chairman David Matanane - Mr. Leon Guerrero I'm dumbfounded about this but anyway that's the reason why I asked for the folder so we could see the folder and if we kind of ask to go and review our own internal files and then maybe you and our attorney can get together on this other than taking any drastic action for right now until we can kind of take a look at that folder because it's beyond me for a particular letter that's sent out like this and it's not complete. Hopefully it is or not don't get me wrong we would really want to have that revenue coming in to Chamorro Land Trust Mr. Leon Guerrero and with some sticky things here we need to look into it more okay. We're not saying we're denying it or but let us review the folder and then see where the former Director is coming from.

Commissioner Andrew Leon Guerrero - I think Mr. Leon Guerrero really wants to know whether we are or we aren't so he can move forward. I think that that's his stand on it. Unfortunately, it's not that easy. We would like to say if we had everything in front of us the folder then we could make a better decision maybe a more educated decision a more responsible decision then that would help our cause. But because we don't have that in front of us right now we just can't do that. We just can't say yes and we just can't say no.

Vincent Leon Guerrero - Well either that or something like I was asking earlier if we can get a list of things that is still a problem with the, that you guys see with Guam Rocks.

Commissioner Andrew Leon Guerrero - That won't come to process, the process really that's part of the packet when you apply for a license. That's won't make a difference at this point in time. What would make a difference right now are the minutes if we can find them or an application that says approved by the Board or anything any sort of language or verbiage of that nature but right now it's just really hard to say yes or no. I mean it would be irresponsible on our part.

Vincent Leon Guerrero - Well I have a copy of the minutes.

Commissioner Andrew Leon Guerrero - If you do that would really help.

Vincent Leon Guerrero - And all it says was the motion to accept application was granted.

Dr. Bob Barber - That would then indicate that they submitted that the application was accepted for consideration then because the way I read that set of minutes when I looked at it.

Vincent Leon Guerrero - Are we looking at the same minutes?

Dr. Bob Barber - I never found the next thing be amenable to consider the details and approvals.

Commissioner Carmen Tajalle - Because we requested condition based on corporate documents, business plan and that's to understand where this, what is this company all about.

Vincent Leon Guerrero - Again if you were to send me a letter saying that the letter that Mr. Borja sent out was in error and there is no license that was approved and the reason it hasn't been approved is because this, this, this wasn't done then we can work with that.

Commissioner Carmen Tajalle - I think we just need to table this.

Acting Chairman Oscar Calvo - I think to resolve this issue I think we would need to table and Legal Counsel and get, it will be very premature for us like what Andy and the Board to give you that direct answer right now.

Commissioner Andrew Leon Guerrero - I think it's safe to say it's not approved right now at this point in time I think we can say that right because we just don't have enough evidence. So I think it's safe for the Board to say it hasn't been approved.

Vincent Leon Guerrero - Can we have that in writing at least?

Commissioner Andrew Leon Guerrero - Yes, that's what you need right? Okay, we'll let legal take care of that. I mean it hasn't been approved right?

Joanne Brown - Mr. Chairman again just because all these issues that have been raised and the need to go back and review the files has been requested by your Board members I think that would be appropriate. We do need to keep in mind a moratorium is in place with regards to these issues and I think the Land Trust needs to review this from the advantage point of its interest, certainly the applicants can have any request that they want they have the prerogative to do that. But you have to objectively review this issue in terms of the interest of the Commission and also whether or not the Administrative Director was authorized to begin with to issue these letters because the Administrative Director is not the Commission and ultimately the Commission makes these decisions.

Acting Chairman Oscar Calvo - Yeah.

Vice-Chairman David Matanane - So can we work that way Mr. Leon Guerrero?

Vincent Leon Guerrero - Sure but I mean it's just going to be tabled and what do I do? I'm going to hear or get a letter or something from the lawyers or I mean I don't know what to do after that?

Vice-Chairman David Matanane - Can you probably work with our Legal Counsel and see if we can..(interrupted).

Acting Administrative Director Jesse Garcia - I just gave you guys a letter from the AG's office that they're going to review the files so I guess when we get the findings back from the AG then we can let them know.

Acting Chairman Oscar Calvo - I would rather hold on until the AG's opinion is going to be given and then for what purpose and so forth. I think it's for us to say yes or no right now I think it's premature right now.

Vincent Leon Guerrero - I am to assume that it's not going to be a part of the agenda next month. It's just tabled right now.

Acting Chairman Oscar Calvo - I don't want to table it at this here and let you know because..(interrupted).

Acting Administrative Director Jesse Garcia - I guess it's safe to say once we get the..(interrupted).

Commissioner Carmen Tajalle - We get the file then we can proceed because we're really in limbo right now we don't have the file and we cannot accommodate you until we get all our facts here because it's like we're putting the cart before the thing I mean we just don't want to do anything right now. Based on this letter there's a question.

Acting Administrative Director Jesse Garcia - Yes there's minutes to the thing but the whole packet was submitted to the AG.

Acting Chairman Oscar Calvo - Because from what I understand in the beginning and there was always been always an application approved by the Board that's what it was back then in December 4th I think 2008 or something.

Commissioner Andrew Leon Guerrero - The problem is the Administrative Director is saying it was approved. See that's the problem.

Commissioner Carmen Tajalle - He could have misunderstood that thing.

Commissioner Andrew Leon Guerrero - I mean it's true it's possible.

Commissioner Carmen Tajalle - He doesn't understand certain parts and he probably just took it that way you know because..(interrupted).

Joanne Brown - And remember the Director is not authorized to take on the authorities of the Board.

Acting Chairman Oscar Calvo - And maybe by that time we'll have some clarification.

Acting Administrative Director Jesse Garcia - Maybe since we're going to wait for the AG we'll just make Mr. Taitano make a comment.

Frank Taitano - My name is Frank Taitano, I'm here concerning this property that Guam Rock is trying to obtain. Now we have we have been on this property me and my family for over 50 years was given to us by the Department of Agriculture for the arrendo program for the 99year program but when Mr. Paul Hanson and Punzalan were in charge up there and but for some reason nobody seems to have a record of that. Because when we were trying to trace it back my father's name was conveniently off the list of the Chamorro land use but we had been there for 50 years and 75 acres of that we have fenced in and we have been raising cattle. We had over at one time 100 head of cattle we had about 85 head of goats there and but right now we're empty because of all the typhoons and stuff like that. But what I'm trying to do is find out what my status is because Guam Rock when they heard that they had a license or whatever it is they had they came up there and verbally said we own this property all the way back to the ocean and they were really trying to evict me alright. But no way because I have the only access to that property.

Acting Administrative Director Jesse - Chairman, Mr. Francis Taitano also came in regarding the same issue.

Acting Chairman Oscar Calvo - I remember that.

Frank Taitano - But he's Lahuna the area next to my area. But this morning Senator Ben Pangelinan I invited him to come and see the property that is being tried to use by these people initially as a quarry and he said what is there to break here this place is ready to use for anything. I said yeah, if Chamorro Land Trust would come up here and see they would say no way in hell would they make this a quarry or even tear it down because it's leveled, it's a nice place and I've been maintaining it all that time since my father died in nineteen in the year two thousand. And I've, I tried I put in the application with the Chamorro Land Trust, I have paid my fifty dollars. I was told by Quan at the time that hey, wait a minute you can't have this property at all because Governor Ada had signed it for some other reason and I said what are you talking about? He said yeah it's right here. Of course I wouldn't know anything about that. But I still have my application, my fifty dollar fee, nobody, everybody has ignored me I haven't been able to, this is the first time, well no it's the second. The first time was I talked to Joe Borja at that meeting and then now Mr. Garcia in front of me but I have never had any meetings with the Board so in essence see I'm the keeper of that property.
Acting Chairman Oscar Calvo - I've been in to that property.

Frank Taitano - It's a nice area.

Acting Chairman Oscar Calvo - It's nice I've been there.

Frank Taitano - We call it Sabanan Fadan and from the cliff all the way down that's all pristine forest and everything. We're right next to Gadi.

Acting Chairman Oscar Calvo - You're adjacent to Smithbridge and..(interrupted).

Frank Taitano - Smithbridge property was our property my father sold that to Hundai.

Acting Chairman Oscar Calvo - This is why Jess we need like what you said always we need a land inventory. This is basically what we need to figure out.

Frank Taitano - But right now we have that whole area it is fenced in and I'm the only one that who has access to that because there's private property all around so you go through Nipo and these guys came in, Guam Rock came in through Nipo through private property.

Acting Chairman Oscar Calvo - There's a road that goes in and there is a fence I know I've seen that fence.

Frank Taitano - Yeah we fenced in that whole almost 75 acres.

Acting Chairman Oscar Calvo - As a matter of fact when I came there with Mr. Borja there was a trap for pigs.

Frank Taitano - We have wild pigs all over. But the thing is what I'm trying to find out is okay what am I up there okay. I come up I mow the grass and everything I'm trying to, I cannot do anything to maintain because I don't know you know. I'm not going to be bullied out of that place by some company who wants to destroy the place.

Acting Chairman Oscar Calvo - I think Mr. Leon Guerrero what we're going to do like what Mr. Matanane stated and the other Board members that we really have to go back and you know to give us you an answer right off the back right now is premature and what was the intention of the former Director at the time I really don't know what was you know whether he took it by mistake but meeting from that it was only a pre-approve of approving the application at that time and for whatever his rational reasons I don't know. I can't answer for him until you know maybe meet with him or something and ask him what was his real intent at that time okay.

Vincent Leon Guerrero - Okay.

Frank Taitano - Meanwhile could somebody read my application and see what my status is?
Acting Administrative Director Jesse Garcia - Do you have a telephone number Mr. Taitano?

Frank Taitano - 687-5472 is my cell phone, home phone 653-0217 but you might have my mother in law who is Korean answer it and say not here, outside.

Acting Administrative Director Jesse Garcia - We'll call you and give you the status.

Frank Taitano - Please.

Acting Chairman Oscar Calvo - Alright.

Frank Taitano- Okay, thank you.

VI. NEW BUSINESS

1. Laura Cruz and Doris Santiago - Property dispute

Acting Administrative Director Jesse Garcia - This is a problem that we have in Pagat and Bob Barber is well versed so let me call Bob Barber up, Dr. Barber since I asked him to go up and do a site visit and possible some recommendations of what we need to do.

Dr. Bob Barber - I with Eileen did a file review, we haven't done a site review of the situation yet. It seems pressing though this is you've got a mess and it looks like you had a mess for quite a while. Basically we had to look at five files and I don't have my notes with me Jesse, do you have extra copies, we looked at, there's only one lease in the whole area I believe that was issued to Francisco and I believe it's across the road from this lot. Eileen Chargualaf and I did a preliminary historical file review and theres been some problems in this area for a while. We started with Laura Feja Talvo Cruz who is the CLTC designated beneficiary of her mother Benita Sacueza and as far as I can tell they've been on the land since 95. The family has been here for a long time, it goes back to the 50s and there's land use permits and a host of different names and most of them had Joe Borja long ago documented that this family has been here and this has served as their claim and occupancy. These are all pre-occupants, some with land use permits, some with not, some land use permits that were cancelled in any case we looked at their files. We also looked at Delfina Arciga and her daughter Winifreda Tenorio and then Francisco Cruz Feja and Delfina's file is loaded with issues with the Land Trust. Cunliffe years ago made a recommendation as Legal Counsel that Land Trust should take legal action against her from starting with building houses to allowing her daughter's mother in law build a house on Land Trust property and entered into a sublease with her and then came to Land Trust years later, or not that many years later, a year or two later insisting that her mother in law be evicted from her land and was told at that time by Mr. Teehan to proceed cautiously with this because if Land Trust came in and started investigating they would have to enforce the rules to everybody in the area. And then there's issues in there, apparently it kept on and so it started and found that in this case we found that there's evidence in the file that Mr. Teehan started proceedings against Winifreda, Delfina's daughter to have her application revoked for falsification of application. His belief was or alleged that she was off-island prior to the application for many years because her husband was overseas in the service and yet she stated in her application she had continuously occupied the land. Delfina has a history of building and Land Trust came and requested for building permits was told that she would get them when they came

back, was told no I'm not going to get them. So she's built and been noted that they were illegal structures. As I said she has in her file there is evidence that she had been in a fight with her daughter's mother in law, Ms. Joaquina Tenorio. The brother has across the road, Francisco Cruz Feja, as we understand it without a site visit actually has a lease and is the only one that actually has a lease. The rest of these are all occupants. But now what has recently happened and what has prompted Jesse to ask us to review the file is we see that Delfina has at the time was attempting to evict and successfully forced Laura to move out of her home, her family to move out. We've seen Laura's claim appears from the file review to be at least as strong as Delfina's with absolutely no problems noted in the file or anything except just waiting for their time to get their lease and yet they have forced her out and what's of more concern I'm going from the letters is that she may have actually taken her brother's lease or permits from Land Trust and gone and had the power disconnected and it changed to put in the other people's name. All that shouldn't be happening. I mean there should be things in place to verify. So in this thing as we look at this we find someone who has been forced out of their home, their home is now been subject to remodeling, demolition, renovated and all this is, this is Land Trust land so what we're recommending is legal and site inspection. Now this is a case where there's a large extended family on Land Trust property. Everybody we believe thought had clear one and half acre plots and yet one of them in this case it appears to be Delfina Arciga and not having talked to either side in any detail yet but appears to be exerted her will over the place as if it's her private property. So Land Trust I think I'm saying this as preference because they can probably give you much more current stuff. This is just what we're finding in the file right now. It came to where at one point I was the last person in the office with Eileen, Jesse was off and we had the police having to allow Laura just to get her possessions out of the house. She needed to have a police escort. So I told the police that while I have no official standing with the Land Trust I've been asked to review the file and the file indicates that Laura does have as solid as anyone else who doesn't yet have a lease based on preoccupancy have claimed both based on her mother's claim to the land and in the files it documents that she is the designated beneficiary. And so I think action needs to be taken immediately and I think the action is going to probably be someone strong. You have a whole history of stuff with under Ron Teehan's administrations where there were many issues going on with Delfina Arciga and he was, Cunliffe and Cook were recommending legal action back then. It never appeared to have gone forward so I think you need to hear their case and then I think you need to authorize much as we did with the Cruz/Mesa, a team to go out and interview all concerned parties. Get all sides of the story be sure but if no new information new to what's going in the file then you might want to start taking some form of adverse action against Delfina in this case and certainly Laura needs to be restored as far as we can see in the file review to her home.

Acting Administrative Director Jesse Garcia - What's happening here is that's why I stated all my statements that we need an inventory of all Chamorro Land Trust properties. It's for this reason. Mrs. Arciga has a document saying that she has 45 acres of property within that lot but if you look at what we were doing before with that pilot project when we tried to do it we couldn't do it because of these types of issues that we found so we moved on to another lot. But you know this was actually the area that we were supposed to do

our pilot to find out because we thought it was going to be easy but it's not as easy as what it seems.

Dr. Bob Barber - I should add one thing that is clear in the files is Mrs. Arciga once had a claim through the land use permit that I don't know if it was just for her intended for the larger family but it was in her name for a while for 5 hectares. But it's very clear in Land Management the land use permits as we found in the Cruz/Mesa case are an annual thing that must be renewed annually and must be paid annually. In the Land Management files there was clear notice that she was, they were taking action to revoke her land use permit because of lack of payment and then later it is reduced down and Land Management had the right at any time at will to reduce a land use permit to anything and it later shows that they were, she was occupying under a 1 acre land use permit. So the most current land use permit would not be to this large claim that she claims going back to the grandfather's day but would have to be based on what is on the Land Management files so the absolute largest area that Delfina could claim would be as far as I can tell from the Land Management files is at best 1 acre but it appears that even that even that was cancelled due to nonpayment. So she may have been there solely as a preoccupant not as with the strength of a valid land use permit in 93, 94.

Acting Chairman Oscar Calvo - It's more or less like just squatting there.

Dr. Bob Barber - Right well by the law the preoccupants to the land being turned over are no matter but in this case they also do have a further letter in the file that covers all of these files that the family has been there since the 50s. It's clear in Land Management files this family goes back well at least as far back as the grandfather. But the issue seems to be we have a large family with many branches and until recently seemed to be fairly harmoniously occupying the land and we have one who is treating it like her personal property and evicting others and this needs to be investigated and stopped in my opinion from what I get and I stress this without a field visit this is without interviewing all parties this is just what I'm seeing in the files. Am I missing anything Eileen? We worked on this together I should stress my role in this is working with Eileen training to how to deal with some of these kind of issues.

Doris Santiago - Good Afternoon, my name is Doris Santiago and I'm here with my cousin Laura. I'm the one that wrote these letters that you guys have and it's self explanatory and I also handed you guys a map just today on how the situation looks up there. And where it shows Delfina Arciga's compound that's the whole area where all those homes are in are situated and she had to go and out of her compound to Laura's house to evict her and she could have just occupied one of those two homes there that are not occupied. And these are container homes that she purchased in Korea and those have bathrooms and she on one of those container homes it has an extension already. And previously before my uncle which is her brother Francisco Feja left her place the first time that she had him in 2003 Delfina's husband Rudy wanted to build a handicapped walkway for him so that he can live in this one container home. But she didn't want because she wanted him to be right next to her and she wanted to build next to her house but my uncle didn't want and then problem arised and my uncle charged her abuse. So the Government

came in and took him away and then he stayed with the receiving home for two years and then receiving home can't handle him anymore so they asked us family members and I just so happen that I was one of them that was caught off guard and I had to take care of him for the five years. So five years I took care of him but in and out of hospitals, Mental Health, other places and finally at SNU. He was there for two years because I couldn't build his house. That's why I came here that last time I'm not sure if you guys remember but I came to kind of push his lease you know if you guys could allow it so I can build for him and this is the lease where the maps at where it's showing you and nothing happened. So then again SNU can't handle Francisco so for that five years Delfina never had any contact with him but because she heard that I was going to build him a house boom, she got all interested and got upset and she don't want me to handle anything. So she started looking for him at SNU and then promised Francisco the moon and the sun and whatever there and then of course my uncle is tired of staying at the SNU for two years he wants to get out. So okay she took him. Two weeks later my uncle and my auntie fought he pointed the gun to her he had arrested. You know the next day she went and rescued him. Two weeks later my uncle was admitted in Mental Health. So now he's out and now living at Laura's after all the renovations and everything. There's nothing wrong with Laura's house but to accommodate Francisco because of his handicap. But you know she couldn't handle it anymore because since May they have been harassing her and she didn't know what to do and I didn't know that these things were happening to her. Otherwise I would have the policemen press charge or you know I didn't even know that I had a right to do that watching somebody being harassed and abused and bullied. They were bullied all of them, you know her children and its stated there in my letter that she will go to their house and literally break down the door.

Acting Chairman Oscar Calvo - Does that party have any legal to that piece of property?

Dr. Bob Barber - No as far as we can tell Delfina does not. She has this other one acre over on the side. It appears that since around 95 at least the records indicate that Laura's mother had it and you know had an application in, a valid application into the Land Trust and this was the land she was sitting on preoccupying waiting for her turn.

Acting Chairman Oscar Calvo - So that house that your uncle is staying in living in now..(interrupted).

Doris Santiago - Belongs to Laura's mom.

Acting Chairman Oscar Calvo - Belongs to Laura's mom.

Doris Santiago - Yes.

Acting Chairman Oscar Calvo - Belongs to Laura's mom okay and she was terminated or pushed out.
Dr. Bob Barber - Yeah last month.

Acting Chairman Oscar Calvo - Last month.

Doris Santiago - Yeah, October 4.

Acting Chairman Oscar Calvo - There should be a police report on this thing anyway Jess right?

Acting Administrative Director Jesse Garcia - Actually there is a filed but anyways this is not the only place like this on Chamorro Land Trust properties there are other cases similar to this case you know and that's why I'm really saying we need that inventory done.

Acting Chairman Oscar Calvo - Yeah and that's one of the things that we need to push on. So let me get this straight if this individual is not, don't have a lease or anything to abstain that saying that she owns that then I think we have every right to evict this person because there's..(interrupted).

Legal Counsel Delia Lujan - Well I need to disclose that I may have a professional conflict of interest for which I'd request waivers. I represented Delfina Arciga's husband Rudolfo Tejano in a divorce case against her and ..(interrupted).

Acting Chairman Oscar Calvo - But this is funny because a divorce you're supposed to be away and he just moved next door.

Acting Administrative Director Jesse Garcia - Yeah but she can't comment on that.

Acting Chairman Oscar Calvo - I know, I know.

Legal Counsel Delia Lujan - Well and so Mr. Tejano and Ms. Arciga reconciled so it's my understanding that he maintains a separate residence. However, and I've never represented Ms. Arciga we were against each other. But I would just like to speak to my former client to obtain his waiver and I would also request the Commission consider also providing a waiver once I've given a letter fully explaining the situation.

Dr. Bob Barber - The person who's in there now is your uncle Francisco, right?

Doris Santiago - Yes and Linda Meno our cousin again.

Dr. Bob Barber - Okay he has a lease on a different piece of property with the Land Trust he should be on his own property.

Doris Santiago - It's indicated on the map see, see this is what 75 feet away from Delfina's compound. She had to get out of her compound to go across, two blocks, three blocks away to go in there and evict Laura and scare her off like that but that's just how Laura is she will not answer back or anything.

Dr. Bob Barber - Okay for the moment I think what we need to do it will be great if Delia can work with us with the waivers but we do need to send a team out to visit each one.

But Jesse needs to be authorized as soon as possible to take action if we find no additional if we do this investigation and we find nothing as I should note that Delfina's application is based on being an ag lease that's the only way she was able to get such a large acreage. We will also investigate to see if she engaged in agricultural production but Jesse needs to be able to have authority to immediately take action to evict these if we find, I would recommend if you'd consider otherwise we'll have to wait a month to do anything but if we find that there's nothing new showing up to provide a claim to either Francisco or Delfina to Laura's house the Commission should take steps immediately with the police to have everyone out and allow Laura's family to move back in. It concerns me they've already been out a month and we do need to do a site visit. I wanted to bring it to your attention before we actually went out and started it and I was kind of hoping to actually have Legal Counsel with us when we go just to keep me straight as far as the law in this.

Doris Santiago - I'm sorry and I apologize that this is happening to our family. It's not nice but we have to stop because it's happening...(interrupted).

Acting Chairman Oscar Calvo - Oh yeah because then you can survive and at the end of the day one might..(interrupted).

Doris Santiago - Yeah and then it's going to continue again so I'm trying to just put a stop here.

Acting Chairman Oscar Calvo - Bob when can you go out there and do the site inspection?

Dr. Bob Barber - I can go next week. Next week would actually be good if we can do it early next week.

Vice-Chairman David Matanane - Well if our Legal Counsel can get that waiver as soon as possible so we can have her involved and so we can keep tap of it as we move along. Mr. Garcia would have to (inaudible) with the Board to go ahead and investigate that thing and get it over with as soon as possible. We don't want to have the family being miserable up there. **So we are if you want a motion on the floor for that particular I move to have Mr. Garcia look into the matter as soon as possible. That's my motion.**

Commissioner Andrew Leon Guerrero - I second the motion.

(There were no objections.)

Acting Administrative Director Jesse Garcia - What I need Bob on this thing is the same thing as what you guys are doing we probably would need to bring out probably Public Health and EPA because of the water lens and ..(interrupted).

Dr. Bob Barber - Not just that, Public Works as well because somehow she's changed, we need to find out how were the utilities changed in terms of names.

Doris Santiago - She used this letter.

Dr. Bob Barber - Oh okay so this should not have given her authority to do this.

Vice-Chairman David Matanane - And please, please make sure that you document things every step of the way you document it because we need documentation in order for us to take any action. So I caution everybody if you're up there documentation is (inaudible).

Acting Chairman Oscar Calvo - Once Mr. Garcia and everything is done and hopefully we can finish this out next week and maybe by that Jess we can have something and you know to, we probably we can, we need to go to a Board ratification for this.

Acting Administrative Director Jesse Garcia - We'll put it on the next agenda.

Acting Chairman Oscar Calvo - Okay so lets tap it out.

Vice-Chairman David Matanane - Would Legal Counsel require us to waiver also from us after you get your waiver from your client?

Legal Counsel Delia Lujan - Well I will try to get it from him first but even if I didn't obtain it from him yet if he denied it well I'll still advise the Commission.

Acting Chairman Oscar Calvo - Well hypothetically if your client does not want you to be a part of this because it's also he's part going to be part of this..(interrupted).

Legal Counsel Delia Lujan - I guess it depends on whether or not action that the Commission can take would affect him adversely.

Acting Administrative Director Jesse Garcia - What we'll do Oscar is we'll go ahead and do the full report and as soon as we're done with the report it's just going to be for termination or removal that's when we'll need Legal Counsel to advise us.

Acting Chairman Oscar Calvo - Okay. So what's going to happen is once they do all the reports and everything and then they'll come out with a recommendation and then from there whatever the Legal Counsel and what these guys put together then that's when the Board can take some action on this, okay.

Doris Santiago - Can I say something else, you know what my auntie knew, knows already what's going on here with my uncle and what she should have done before you know she took him out of SNU was get a place first but she chose this avenue. You know she wanted to do this she made him stay with him but Francisco cannot get along with my

Uncle Rudy and because also to alleviate all the problems with the husband and wife she chose to go another route and that was the route that she took at Laura's house.

Acting Chairman Oscar Calvo - And removed her from there.

Doris Santiago - Yes. Now she's renting and also her stepson is staying there in one of the first houses that she stayed there that she built there and he's a Filipino descendant and she's Chamorro descent. I mean I have no, I'm not prejudice but she should you know at least look at it that way and make them stay at the other two homes that is available. We've been trying to build him or make him feel comfortable because he's elderly also but too much problem with issues with them.

Acting Chairman Oscar Calvo - We'll get that okay.

Doris Santiago - Okay.

Acting Chairman Oscar Calvo - Alright.

Doris Santiago - Thank you for your time.

Acting Chairman Oscar Calvo - No problem.

VII. DIRECTOR'S REPORT

Acting Administrative Director Jesse Garcia - Oscar I have Hawaiian Rock.

Jere Johnson (HRRP) - A little bit of history as you know we did have a valid license to go on Lot 5412 to go in and explore the possibility of grading that property for the Land Trust and we went through the process of getting the archeological and environmental work done, all the surveying on the property and everything and got to the point where we agreed that and submitted a grading plan for the property and to the point where we felt we can grade the property to the benefit of the Trust. Clean up the property where it was an old landfill and it was an old quarry and level it so it would be useful to the Land Trust in the future. And we got to the point where we said okay now let's sit down and negotiate what we're going to pay the Land Trust as far as royalty for the property and then this thing came along about having to get the rules and regulations in place before we do that. What our understanding is what we're waiting on is on the rules and regulations to sit down and negotiate the terms of the next license I guess would be to go in and level the property and grade the property for the Trust. My concern is we that we had Dan Swavely look at the rules and regulations that was submitted to the Legislature and there was nothing in the rules and regulations that allow for this type of license activity and so we're waiting for rules and regulations that it doesn't look like it would work in this situation that we're wanting to do. So what I wanted to offer is the expertise of Mr. Dan Swavely to either work with your counsel or to work with Senator Pangelinan's office. We've written letters to Senator Pangelinan regarding this but somebody needs to work on the rules and regulations to allow for this situation.

Acting Administrative Director Jesse Garcia - What happened we submitted our rules and regulations to the Legislature by the Governor but it was shut down so Senator Pangelinan is working on it, a set of new rules that he's going to introduce. So it's best that maybe you might want to talk to their office to make sure that you have..(interrupted).

Jere Johnson - Okay we've written a letter to their office but I can't get the Senator to respond.

Toby Castro (Senator Pangelinan's Office) - I'll speak to the Senator.

Acting Administrative Director Jesse Garcia - Yeah but you know where it's at it's now on the Senator's table to introduce.

Toby Castro (Senator Pangelinan's Office) - Yes.

Acting Chairman Oscar Calvo - See what we did is we met our deadline which was April 30. We gave that and then it was submitted back I think in May or June and then when they had a hearing sometime I think in August or July whatever transpired there I mean it was one of those real fast bill that went less than 24hours you know . It was recorded as a history that they passed a bill unanimously on that issue. So from there on I you know I mean all the work that we put in the Commission and the Legal Counsel and other agencies that had put into that program I mean if the Legislature wanted to make some changes we had no problem with that because we knew that if we presented that there's going to be some changes in that rules and we were fine with that. I had no problem and then you know what we presented to them is this is what we're going to do and if they want to ratify that or make any changes or leave it as it is then that would be good. But to you know in 24 hours that was the most quickest bill that ever went to the legislature which is and they were pushing us for months and months for that and we finally got it together they so but you know I can't hold with that right now. That's on the hands of the legislature now.

Jere Johnson (HRRP) - There had to be some modifications.

Acting Chairman Oscar Calvo - If there had to be some modifications Jere we had no problems with that you know. We thought of that but we presented our version of what that rules and regs really how it should work and if the legislature you know what desires whatever Ben now is I really don't know because the Senators never really given us even call us or even talked to us about it so it's just cold right now. As far as the Board what we had to do we've done our part. It's you know the legislature now.

Acting Administrative Director Jesse Garcia - I guess Mr. Johnson is here just to make sure they're following the steps of what's right.
Acting Chairman Oscar Calvo - Yeah and I know I'm aware of you because I know you're also in that same area also the shooting range is in adjacent to that area you know. So I know your case on that one you guys are involved with John Unpingco's and he also

asked me what's the status and I told him there's nothing I can do right now. You know the legislature held that back.

Jere Johnson (HRRP) - I also approached the Commission on the property a small piece of property next to the raceway park and there's no sense even pursuing that until we get these..(interrupted).

Acting Chairman Oscar Calvo - That rules and regs yeah. Because Dan Swavely, I did meet with him and I talked to him about it and I told him it's really out of my hands right now. I don't know how you know it'll probably is not going to act it'll probably go in the next legislation. I mean if he's going to act by the end of the year that's good in the next month or I think they only got one more session, right. Yeah so I don't know where they're at they'll probably wait till the next session comes in in January and whatever they propose on the new legislature.

Acting Administrative Director Jesse Garcia - He's still also the chairman.

Acting Chairman Oscar Calvo - Yeah and I think he still maintains that position.

Jere Johnson (HRRP) - We'll work with the Senators.

Acting Chairman Oscar Calvo - Yeah so you know but that's about it really. No you're not alone forgotten yet.

Jere Johnson (HRRP) - Okay thank you.

Dr. Bob Barber - All these things he was just speaking of can I note something, he's right we need to pay attention to the auditor's report because he's right we didn't consider the extractive industries when we did it. So when the Senator I'm noting this for Senator Pangelinan's Office, the auditor's report raised the issue because this is one form of an extractive industry and it's a question as the auditor raises as is this kind of activity even should it be allowed. They definitely stated it's not allowed for in the current law nor is it allowed for what we made changes. So if it's a desired thing then it needs to be justified and then the rules and regs written by..(interrupted).

Acting Administrative Director Jesse Garcia - It will be through Senator Pangelinan.

Dr. Bob Barber - But yet it will have to go through there you guys might be thinking about what your testimony might want to be.

Joanne Brown - I just want to note also that I have been reviewing this particular file on this license agreement there was an 18 month period that was allowed for Hawaiian Rock to go in and do an assessment on the property. There is a conservation area of 25 acres of it is located within the boundary of this property. I just want you to be aware that currently Department of Agriculture and Parks and Recreation was previously given legislative jurisdiction over these conservation areas. Are reviewing the locations and

may also be providing recommendation in the future to the Land Trust to ensure that these conservation areas that were previously designated some within the boundaries of Land Trust property be brought to your attention and awareness so that in the future as you determine what type of land use that will be authorized by the Commission that it will be you know it'll be compatible to ensuring the viability of these conservation areas. Because in reviewing the file and I do have the written report certainly when you're desirous of looking at it I can provide that to you with all the other commercial reviews that we are doing. But I'm a bit concerned as to whether or not full thought went in to the process of evaluating the viability of that conservation area because there are two phases that are proposed to terrace down the property to allow ocean view which is wonderful I guess from that perspective I appreciate ocean view myself but again we have to take into consideration the protection of these conservation areas. Because certainly the interest of the community is invested in that and I'm just bringing that to your attention because this is only one of a number in central and northern Guam that doesn't also include conservation areas designated in southern Guam.

Acting Chairman Oscar Calvo - You know Senator when they first came in on that that was one of the things that I also and you were in that meeting down Dave that any historical or preservation that needs to be done that would be, that has to be taken very seriously because if the preservation of that area needs to be reserved and if they have to work around it then so be it. They're aware of that issue and you know that was one of when they first came in to the Board I know they asked only to do a research and find out what they can so forth and all that but that was one of the things that I noted at that time that they make sure that if they run into some preservation areas whether it be latte stones or anything even trees that are right now that are in need to be preserved they are full aware and that they would have to work with the preservation I mean Department of ..(interrupted).

Joann Brown - That's why I'm bringing this to your attention this is only one of a number of sites and we have to ensure certainly and I'm sure you'll be hearing from the appropriate departments. There was a previous letter in the file that was provided in 2004 to Hawaiian Rock to Mr. Dan Swavely that was cc'd to the Commission that outlined and very clearly identified these locations and the purpose of it and why it is a conservation area and we will certainly want to make sure that whatever activity including which is outright quarrying of this property does not adversely affect..(interrupted).

Acting Chairman Oscar Calvo - As a matter of fact Dan Swavely was in that meeting that day when we talked about that issue I remember that.

Joanne Brown - Yes but I'm also letting you know that we have reviewed that file and that information is available to the Commission members when you desire to review it.

Acting Chairman Oscar Calvo - Okay thank you alright.
Jere Johnson (HRRP) - We did do the full archeological environmental study on that and that was all taken into consideration and that's part of the reason that we didn't go to

proposed to grade the whole 100 acres. About 40 acres of the property is down below the cliff line which we intended to save the cliff line and quarry only on the inside.

Acting Chairman Oscar Calvo - I think it was about 80 acres Jere not 100.

Jere Johnson (HRRP) - We proposed 60 acres and 18 of that acres belongs to GPA and so we're actually only talking about 42 acres that's available to us because the conservation areas are preserved, GPA is preserved now and then we would grade the other one to the..(interrupted).

Acting Chairman Oscar Calvo - I just want to know and clarify that it's not 100 acres okay.

Jere Johnson (HRRP) - Yes.

Acting Chairman Oscar Calvo - I know I'm aware of that case it's only 60.

VIII. EXECUTIVE SESSION
None.

IX. ADJOURNMENT
Meeting was adjourned at 3:10pm.

Transcribed by: Teresa T. Topasna: Teresa Topasna
Date completed: November 29, 2010

Approved by Board motion in meeting of: DEC. 16, 2010

Acting Administrative Director, Jesse G. Garcia: _____
Date: 12-16-2010

Chairman (Acting), Oscar Calvo: _____
Date: 12-16-2010