



Chamorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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Felix P. Camacho
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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, October 21, 2010; 1:15pm - 2:35pm

I. CALL TO ORDER

Meeting was called to order at 1:15pm by Acting Chairman Oscar Calvo.

II. ROLL CALL

Present were Acting Chairman Oscar Calvo, Vice-Chairman David Matanane, Commissioner Andrew Leon Guerrero, Commissioner Carmen Tajalle, Legal Counsel Delia Lujan and Acting Administrative Director Jesse Garcia.

III. APPROVAL OF MINUTES (September 29, 2010)

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

IV. PUBLIC COMMENTS

Acting Chairman Oscar Calvo - Sister just before you start actually I just want to make clarified that this is only a public comment, nothing will be taken here on issues okay. So whatever feedback that you've come to will not be an answerable issue to you until on another date okay, I just want to make that straight.

1. Sister Brigid Perez - Okay we just really wanted to find out where we stand at this point in time. As of for next month we do have to send an activity to the GHURA you know if there is any success or whatever the standing in regards to the land.

Acting Chairman Oscar Calvo - The only thing that I can give you right now is we're trying to figure it out with the legal counsel and also Sister like what I said on the last Board meeting and I know you went to the legislature for that matter but what I specifically, the Board and the Chamorro Land Trust does not give out property or sell property for that matter. That decision really falls on the legislature. For us to do that we're not you know we can't do that. So whatever the legislature is telling you it has to come from them because you know they're the law body making we're not. We're a law body making on this side of the Board but as far as overall the legislature would have because it's easy for them to say it's up to the Board. No because I want a concurrence from them knowingly that they you know and that's all I want. They got to give me, it has to come from them because they're the ones that's going to take

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out the piece, we can't sell or give out piece of property for and the cause that you're going through it's a worthy cause I understand and I sympathize. But you know I don't want to put you in disarray on this issue and I know that the, you know Senators have to be the ones to acknowledge to that more. I don't know if any one of the Board members want to make any more comments to this.

Sister Brigid - So is there a letter than can be transferred to the legislature so that at least they know too.

Acting Chairman Oscar Calvo - Sister they know, they know already. The legislature knows what to do but I'm not going, they want us to be the one to do that that's their position and if they, if that's what they want to do cut the piece of property and sell the property that's their discretion. We can't do that. It's strictly basically the Chamorro Land Trust is designed for the Chamorros okay. And yes granted that this area will be used utilized by other people, Chamorros and other organizations other ethnic groups. So that's you know I can't, I don't know how the other Board feels that's going to be their comments and decision how they would look at it. But like I stated on the last Board meeting the Senators they want us to be to do their leg work. They have to do their part too Sister simple as that.

Sister Brigid - I just wanted to know where we stand okay. Where do we go from one because we're being bounced back and forth so I just wanted to find out where do we stand now.

Commissioner Andrew Leon Guerrero - Mr. Chairman just forgive me for my ignorance but I've got the same question that Sister has. How does this whole work? The request comes before this body then this body entertains it then formally requests from the legislature for this transaction to happen. Is that how this works?

Acting Chairman Oscar Calvo - Well in her case in her situation okay they're requesting for the piece of property to be given to them okay and in this case we can't sell or rent and give out piece of property and you're looking at a place up there at the hospital area the hospital point okay. That's one of the most precious property that the Chamorro Land Trust has. So even because their intention what their organization is they want that sole hold of that piece of property to belong to them and we can't do that because that has to go to the legislature.

Commissioner Andrew Leon Guerrero - But how does the process go? How does it work?

Acting Chairman Oscar Calvo - They submitted, we accepted their comments and everything but I've alluded and I've explained back to you Sister the Senators keep saying it's our job. It becomes our job when they finally you know say that they're going to go ahead and craft a bill or whatever for that matter. But I can't say to you right now Sister that we can sell.

Sister Brigid - No see we met at GHURA with Jesse.

Acting Chairman Oscar Calvo - Jess you want to elaborate on that since you were in that meeting.

Acting Administrative Director Jesse Garcia - What they wanted is to get the Board to give them authority or giving consent from the CLTC to authorize them to get one acre of that property so that the legislature can make a law to give it to them.

Commissioner Andrew Leon Guerrero - Is that the normal process, Jess?

Acting Administrative Director Jesse Garcia - Yeah the normal process because the owner of the land would have to give permission and then the law would be made.

Commissioner Andrew Leon Guerrero - So in other words Alee Shelter has made a request to the Chamorro Land Trust now it's our obligation to...(interrupted).

Acting Administrative Director Jesse Garcia - So Chamorro Land Trust needs to say that we have no objection to the one acre and then when they bring it to the legislature, that's what she's asking for is a letter from us saying that we have no objection to giving them the one acre.

Legal Counsel Delia Lujan - I think what's being requested of the Commission is what is the Commission's position so the Commission would need to decide whether or not they're in support or in opposition to grant them.

Acting Administrative Director Jesse Garcia - So that way she can just bring it to the legislature and let them know that's what she's asking.

Commissioner Andrew Leon Guerrero - That's what she's waiting for.

Vice-Chairman David Matanane - May I Mr. Chairman, the purpose for this particular Board is to lease out property, hand out to the Chamorro people and that's the only purpose for this particular Chamorro Land Trust Board. As far as giving out they have to go to the legislature and request for that piece of property. Our purpose here as a Board is to lease it out if she still wants to lease it and I told her at the last meeting that you know that's prime property and we have to go through the market value and if that's the case if that's what she wants from this Board then we can accommodate that. But other than just giving it out and you know free and clear we can't do that. That's our main purpose the Board for this Chamorro Land Trust. As far as we're concerned if Sister is willing to go ahead and lease the piece of property up there and remember we can't give them clear title and you cannot mortgage the property. That's where I stand. That's my comment and I'm sorry Sister but this is our role as Chamorro Land Trust Commission members and that's our purpose here other than giving away property you know I don't to be a part of giving out property free and clear and we're directing Sister to go ahead to the legislature and it's up to them whether they're you know.

Sister Brigid Perez - No my understanding in the meeting with Jesse and Michael Duenas is I know that we're the providers only we're only using the property but even GHURA stated the fact when Jesse was there that the land automatically is not GHURA it

becomes still the Chamorro Land Trust. So it's not a loss it's still your gain in fact you're gaining a building that you know in the event where the question came up in the event the program ceases I don't know. Right now it's in need a dire need right now to build a shelter. That's what my, it's not written yet but it's to my understanding.

Vice-Chairman David Matanane - So you're saying then Sister that you're willing to lease the property up at the Ypao Point?

Sister Brigid Perez - Well it depends on the negotiation and seeing...(interrupted).

Vice-Chairman David Matanane - And is GHURA willing to guaranty that you guys if you should default or any you know obstruction of a lease agreement they would have to guaranty that you will pay the lease if it's in default.

Sister Brigid Perez - Well those are the documentations that's very important right now to agree where do we go from you know point one to point A or B. Where do we go? It's not just bouncing back but we need to give you know some activities to substantiate our grant.

Vice-Chairman David Matanane - And GHURA is asking you to secure property first right before you even get the grant.

Sister Brigid Perez - Yes. No we have the grant we're going to lose it. So that's why we wanted the activity you know we want to know where do we stand from here because next month is November.

Vice-Chairman David Matanane - Then our main concern here is that if you're applying to lease the property then you have that grant and you have to mortgage that grant to us and we can secure that as lease payment.

Sister Brigid Perez - No that's why when we gave you the letter it's only to get it to use it but not for lease.

Vice-Chairman David Matanane - And remember Sister that 25 years is the length of the commercial or lease license and that's like about and then option to renew and as far as we're concerned then if you have and you're willing to build the building with no collateralization of the property then it's fine with us if you're willing to pay the rent on that piece of property up there. You know as Mr. Chairman stated it's the prime property of Chamorro Land Trust and Chamorro Land Trust needs to make money too because right now we're just what do you call that milking Public Works here that we have this room here to meet. Thank you Sister.

Sister Brigid Perez - We can't rent.

Acting Chairman Oscar Calvo - See that's why Sister I told you earlier GHURA has to indicate that. Do they want sole ownership of that piece of property? That's the key to this is what did GHURA said to you because in order for them even whether it's grant money okay they want to know that that piece of property because down the line

somewhere along the line whether the mission is completed or not you know a million dollars to give out even though it's a federal money we don't know what their intentions are. So that portion of that GHURA has to be clarified from them. Is it a lease or do they want so called purchase of the property? And we can't sell that Sister, we can't.

Sister Brigid Perez - It's not a purchase either and I know it's just a receivable a reversible actually closure, clause. It's nothing to do with GHURA I don't think the interest is there either it's just to...(interrupted).

Acting Chairman Oscar Calvo - There's got to be an interest there Sister that GHURA because GHURA would not give that million dollars if there's no interest to that. There's got to be because once we give you that authorization okay then the legislature would be the one to craft a law technically okay. They'll be the one to be the one to say okay this lot 41-1 now is going to be carved out and give it to then you know but that has to go the legislature.

Sister Brigid Perez - So can we have a documentation so that GHURA would know where we stand at least coming from the CLTC, a letter or something?

Acting Chairman Oscar Calvo - We can, Jess we can probably but see Sister they're fully aware of that. All GHURA has to say is what would be at the end of that you know do they want the property to be bought or not. That' what we...(interrupted).

Sister Brigid Perez - It's already clear, no.

Acting Chairman Oscar Calvo - See and that's the thing that we because we cannot like what Mr. Matanane says we can lease it out we don't sell the properties. We have no authorization because that's strictly for Chamorro Land Trust people and it's their law they created that law we didn't create that law. The only way is unless they want to amend the law or you know but we have no, they created that law in there so.

Sister Brigid Perez - Okay so can the CLTC give us a stipulation of what are some of those things so we can present it to GHURA and then GHURA in return will give you how they feel because I did invite Mike to come today but he's not here.

Acting Chairman Oscar Calvo - Well yeah I have no.

Commissioner Andrew Leon Guerrero - Well you know Sister just to complicate matters a little more you know that our rules and regulations have not been passed okay so here we are now we're talking about a commercial lease which we probably won't even be able to entertain anyway.

Legal Counsel Delia Lujan - It would be the license for now.

Commissioner Andrew Leon Guerrero - I'm sorry it would be a license for now. This is just my recommendation to you I think you should go back to the good Senators and see how they can probably help you. It would be very difficult for this body to grant you anything from that piece of property because of the value that that piece of property has.

This is probably one of the most expensive assets the Chamorro Land Trust has in its inventory and it would be very difficult for us to be able to give it to you or even recommend to give it to you. I suggest go back to our good Senators and see how they may be able to help you and then it would give us better guidance as I mentioned during our last meeting to see how we could better help you.

Sister Brigid Perez - You know I know asking is very compelling but I know that the work that we do which is all of us including in this table in order to help our people. I know the Chamorro Land Trust is very precious but the lives that we serve too is very precious and right now it's showing forth the danger and the raise need really is too. I know how precious that property up there because I live up there but I just wanted to know where do I stand and where do I go. How can get just a yes or a no at this point in time because you know we need to churn and not just give the back and forth huddle but just go to the legislature again one more time?

Acting Chairman Oscar Calvo - You know Sister like I said and also to GHURA they got to specify, give us a letter of GHURA what is really the intention of that property and what do they want with that piece of property and what is the end result of that piece of property will be. That they would not, yes it may go back to the Chamorro Land Trust but okay do they want the piece of property and like what Mr. Matanane said okay they cannot have the clear title to that. The clear title has to go to the legislature for that purpose. Because that's the work of the legislature they're the ones that's going to have to be to craft that law. We don't craft the law. They create the law and we just follow what they craft. Now I know that they're trying to put that pressure on us in our side here but what this Board is following what they made, they craft on the law and that's simply what we're doing. Now ultimately if they chose to do it you know and they say we're going to go ahead and cut up a piece of property to give it to you guys then that's their responsibility and then we can honor that alone for that. But for us to just ultimately say right now like Mr. Matanane as much as I know where you're coming from Sister and trust me facing a cross there is harder for me but I got to agree with my Board members.

Sister Brigid Perez - Well I just want to know really where because I'm being pushed back and forth you know and I wanted to know just which direction so now I'll go back again to the Senator one more time and I'll see because they always send me back here.

Commissioner Andrew Leon Guerrero - When they send you back here what do they ask you?

Sister Brigid Perez - They just want you people to do first your homework first before they do their homework.

Commissioner Carmen Tajalle - Okay Sister my recommendation is get your documents that's from GHURA because it's a grant right and you're going to have to present that to the legislature. Once they view that then they'll know where you stand and then they can give directive to us because we're just stewards over Chamorro Land Trust.

Sister Brigid Perez - They have the grant already I sent it to this office.

Commissioner Carmen Tajalle - No not this office the legislature. They have that?

Sister Brigid Perez - Yes they have.

Commissioner Carmen Tajalle - Oh okay. But I don't understand I just don't understand why it's coming back here because that will explain to the legislature what the request is for for this property. Like our hands are tied right now we want to help you but we can't go beyond that until we can get clarification from the legislature. They make that decision. So once we can get that cleared and that's what Chairman's supposed to say and the Board here because we're just waiting for that okay and then we can proceed on the legal documents to assist you on this request.

Sister Brigid Perez - Okay.

Acting Chairman Oscar Calvo - We can ultimately give you like what the legal counsel a license or grant you for lease agreement what we that was the intent but that's to a period of 25 years after that that's the lease agreement that we you know. So I don't see where the issue that the legislature is playing cat and mouse but I'm not playing their game Sister I hate to say that but that's their responsibility. And GHURA too has to be responsible on this. What do they really want because they're not really being clear to us. They're telling us that we have to do our job, no, what is their grant is what it you know what entails in there you know what's going to be the end result of that piece of property. Because you know once this property be given away you know I mean that's the people, I mean the intention that you have the program we have is good. I have no problem with that I know where you're coming from Sister trust me. But like my hands are tied too.

Sister Brigid Perez - Then we'll just go in circles again and I'll see what I can do.

Acting Chairman Oscar Calvo - Okay Sister.

Sister Brigid Perez - Thank you.

Napu Castro - My name is Napu and I work for Senator Pangelinan's Office, I just need to clarify so we just don't go back in circles I think Mr. Leon Guerrero and Jess already mentioned what the legislature is looking for. If the legislature is going to be making these actions what is the whole point of this Board? If it's all going to go to the legislature then what's the purpose of this Board? What we want to see is just a provision whether it'll be for it or not just a provision of what the Commission recommends and that way the legislature has an idea of what we can do next. But it cannot go to the legislature by skipping this step. Mr. Leon Guerrero is correct and Mr. Garcia is correct. We just want a provision it doesn't need to be for it or against it just something that states where the Commission stands on this issue.

Vice-Chairman David Matanane - Mr. Napu I believe our role here is to lease out the property, give out the property to the Chamorros and that's where we stand, nothing else. I mean if Sister like I said if Sister wants to lease the property we are willing to accommodate her with the value of Ypao that's all we're concerned of. As far as giving them the land our role here is just to lease it and we can accommodate if the moratorium

is lifted and then we will lease it out and that's our main purpose is to lease that Ypao property up there so we can have some revenue coming in. Thank you.

Napu Castro - If that could be stated in some sort of letter that's all we need just don't...(interrupted).

Vice-Chairman David Matanane - Don't let our Board decide for the Senators they have their own mind of whether they should give it to whoever but our main purpose here is just to lease it and like I said if they want to lease this piece of property up at Ypao then we will accommodate them. But right now we're in a moratorium state.

Napu Castro - This is CLTC property and if you're on a moratorium state then you should state it. You are on a moratorium state and then proceed further that is all. Thank you.

2. Alicia Pinaula

Acting Chairman Oscar Calvo - How are we ever going to resolve this lady's problem?

Legal Counsel Delia Lujan - I'll have a recommendation on the estoppel by the next meeting.

Acting Chairman Oscar Calvo - Alicia we're going to put it on the next agenda and you will have the answer permanently on the next...(interrupted).

Legal Counsel Delia Lujan - On the new estoppel.

Acting Chairman Oscar Calvo - On the new estoppel okay.

Legal Counsel Delia Lujan - If I can just ask Ms. Pinaula is there a new agreement that GHURA submitted you?

Alicia Pinaula - No, no new agreement it's just a documentation that should have been stated from the very beginning but then we're going in circles so I went back and I said this word first the mortgage the terminology and the mindset about mortgage it's like there's a deception behind it they have, you have to redefine the grant. So that's why they you know finally Ed Camacho was standing next to me with Mr. Ronald Lujan finally instead of just putting from the very beginning first and second copy a mortgage the word mortgage. So I told them that they have to define this in more clear statement on the estoppel that the agreement between the Chamorro Land Trust Commission and that the word Guam Housing and Urban Renewal Authority lender under the HUD called investment partnership grant deferred homeowner rehabilitation loan program is going to have to then instead of just using the word mortgage which it has been done in the first and second copy. So this is the third revised copy that clearly defines the kind of grant I have to attend so you can see it's a rehabilitation and it's a deferred home rehabilitation loan program. That clearly defines the estoppel and then on number 2 where the so-called another word that was in question. Let me see that was okay another input okay on number 2, what was I was trying to find the word that you guys were questioning, attorn. The word attorn so another thing I told them that the word attorn is another legal question by the Chamorro Land Trust so they put down and it has been reviewed by their

legal counsel Ms. Attorney Perez. So they have reviewed the laws and my agreement I mean the lease agreement everything, inspecting my files so they have inputted it this certificate shall not be deemed to alter or modify any of the terms and the conditions of the terms of the lease for 99 years. That's my rights. Now I talked to Mr. Acfalle that you have recommended Mr. Calvo and he said that he'll look into the matter and call me back with GHURA and the fact that since I'm under the homestead, Land Management homestead program and that I've been there for 30 years that that gives me the right. So this is just a revised copy that clearly defines the estoppel more better than compared to the first and second mortgage and attorn.

Acting Chairman Oscar Calvo - Delia can you give me an answer on that by as soon as possible.

Legal Counsel Delia Lujan - Yes it should be on the agenda for the next Board meeting.

Acting Chairman Oscar Calvo - You want to put that, we'll make it okay. Make sure you follow this and get this out of the way okay I want this done permanently.

Legal Counsel Delia Lujan - Well this is only on the current estoppel but if the agreement remains the same then I would have to see if there are changes from the previous agreement.

Acting Chairman Oscar Calvo - What is the stumbling block that we have in here?

Legal Counsel Delia Lujan - The Commission lands cannot be mortgaged or encumbered and so in the previous language it required a mortgage.

Acting Chairman Oscar Calvo - See that's almost the same case in the situation with Sister Brigid. That's the same which is similar which is GHURA has to ultimately and that's why I'm trying to make that understandable to Sister Brigid. You're in that situation, we don't know what because they're federally funded okay and this is a Chamorro Land Trust. They got to understand because we don't know what the intention down the line with the federal says and claim that piece of property because of whatever reason you defaulted or for that reason. So to come to that stage you know because we're just going in circles to this issue. My legal counsel would give some sort of opinion on the next Board meeting but that is the same situation that you're in right now with Sister Brigid okay. Now if it goes to that point that's why I brought the issue back it's like what Mr. Matanane said our job here is just to lease the property not to sell or give away. That is the job of the legislature and if the legislature wants us to do that then I want it something down in black and white because I'm not going to take the fall for them.

Alicia Pinaula - Well I do have a submittal that will amend we're working on amendment.

Acting Chairman Oscar Calvo - Whatever that Senator wants to do that's fine with me. But I think Delia, this is a depressing issue and it's gone and I know and we're pretty much aware of all your situation. Why don't we just wait till the next Board meeting and then that way we'll render the final decision okay.

Alicia Pinaula - Already we did the amendment for this one.

Acting Chairman Oscar Calvo - Right and whatever the Chairman of GHURA or the legal counsel comes out with then you know we'll work in hand in hand. But this is the same situation and like I said this is you know I have no control over them but I'm not going to carry the burden for these guys.

Alicia Pinaula- Well we're working on the amendment because you know it's not only going to benefit me but for others who are in need, people that are poor and needy and you know in the same situation or similar situation as I am.

Acting Chairman Oscar Calvo - And that's fine Ms. Pinaula you know I can see the rational thing but that but GHURA has to really identify what are they because it seems they're grabbing properties left to right. I mean right now you know with this build up.

Alicia Pinaula - Well what defines me my status okay with Alee Shelter I had the lease since 30 years and with the Land Management homestead. I bought a home to be transferred to the land under my name okay since 1980. They know I have a home all the water everything on the land and that because I've been there for 30 years and I have a total lease that have been surveyed and everything is all registered at Land Management that's where it puts me to compare with Alee Shelter.

Acting Chairman Oscar Calvo - Because I know that program you're in is the first pilot program that you're in and it's unfortunate its catching hell on that but GHURA has to go back and revisit that.

Alicia Pinaula - There's supposed to be a law that protects us.

Acting Chairman Oscar Calvo - Yeah but I got, there's a law that protects us.

Alicia Pinaula - No under the Land Management...(interrupted).

Acting Chairman Oscar Calvo - But I also have a law that has to protect here the Chamorro Land Trust Ms. Pinaula okay. So I got to protect my side too okay and that's all we're saying here is you know we need to clarify all these issues okay.

Alicia Pinaula - Well from the very beginning the Land Management people that have been living on the land has been exempted from the Chamorro Land Trust...(interrupted).

Acting Chairman Oscar Calvo - Ms. Pinaula I think we can, we're pretty much aware of your case okay and I appreciate for you coming today alright.

Alicia Pinaula - Thank you.

V. PENDING BUSINESS

1. Hals Angels Football Association and Guam Rugby Club Inc. - report from Legal Counsel

Representatives present: Arthur Clark of Calvo and Clark representing Guam Rugby and Terry Brooks representing Hals Angels.

Acting Chairman Oscar Calvo - Tell me gentlemen you have good news.

Arthur Clark - We have good news.

Acting Chairman Oscar Calvo - Because if it was my decision today somebody's going to walk out sad but it's okay.

Arthur Clark - The pressing issue that was before the Board previously primarily the use of the rugby playing field has been resolved. The parties have resolved it. I think the Hals they're using, is it the Tiyan field? They're practicing elsewhere but the Hals Angels has left the field alone so the Rugby has access to the field again and started the process to get it reseeded so they can get it ready for the rugby season coming up at the end of this year beginning of next. So that's the pressing issue that was the main thing that was resolved. What we have done also because I think what was left outstanding was the question of practice fields between the parties and what we can do to resolve that. We've prepared a draft agreement that we only presented today to CLTC Counsel and also to Hals Angels Counsel subject to their review and approval and eventually the CLTC's approval too. There's a proposal in there where the Hals Angels will use the practice field well the Rugby will help them develop the practice field where the current baseball field is now and Rugby has committed previously and is recommitting again in this MOU this agreement to move the current baseball field back to where Rugby plans to build it's practice field, so on the -5 lot. That way everybody has a practice field the baseball field remains intact, Hals has a playing field which is the current football field location and they have a practice area which is the baseball field.

Acting Chairman Oscar Calvo - The baseball field is the one in the front.

Arthur Clark - The one in the front.

Acting Chairman Oscar Calvo - Yeah okay and that's what basically I would have given today that frontage would be...(interrupted).

Acting Administrative Director Jesse Garcia - Oscar basically what he's saying is when we went out and we saw it it's basically the same. All they're going to do is just relocate the baseball field. So it's basically what we went out.

Acting Chairman Oscar Calvo - We went out for and we looked at that okay, yeah.

Arthur Clark - And that's what we're trying to document here in this agreement this proposed for everybody's signature including CLTCs because we really wanted CLTC's basically sanctioning and blessing on this so everybody understands what their respective rights are to each other.

Acting Chairman Oscar Calvo - There's one here issue too and you guys are pretty much aware on this is the insurance policy that both the Hals Angels and also the Rugby hasn't afforded or given to the Chamorro Land Trust. And that's very important for the reasons because remember that we're the landlord to this property and we're still in some way or another if someone was to get hurt I mean you guys are lawyers I mean ultimately, you know Mr. Matanane might go in there and slip, broke his neck or whatever. But I need, you guys have to have an insurance for that.

Terry Brooks - You still play football?

Acting Chairman Oscar Calvo - I figured because you'll sound more effective you know and they have to get that insurance.

Arthur Clark - Mr. Chairman I believe that's already contained in the current licenses so what this agreement...(interrupted).

Acting Chairman Oscar Calvo - Yes it was contained but you guys only, you guys have to put that every year.

Arthur Clark - Oh yeah absolutely there's no dispute about that.

Acting Chairman Oscar Calvo - We haven't got any concurrent on your and I've been believe me we've been reviewing all your all of the licenses and those are things that need to be inserted every year. You know it's just like renewing your car or driver's license well drivers license is what every four years but your car you know you got to register every year. So we need a copy of that.

Arthur Clark - Absolutely our firm represents a lot of landlords that's a standard provision.

Acting Chairman Oscar Calvo - So this is what I'm going to do Mr. Clark today we'll go ahead and read this but by the next board meeting okay I will sign that off provided that you provide that insurance policy to us.

Arthur Clark - I can't speak for Hals but Rugby has been insuring the property every year and maybe just a matter of not providing documentation but that will be provided.

Acting Chairman Oscar Calvo - That's okay with you folks?

Legal Counsel Delia Lujan - At the next meeting we'll take a vote.

Acting Chairman Oscar Calvo - Yeah alright.

Arthur Clark - We might between the three lawyers might need to get the wording on this tweaked a little bit so that everybody is in agreement.

Acting Chairman Oscar Calvo - Okay so that's God Bless America you guys finally fixed it up. I mean you know at the end of the day like I've always said it's a gain and a win-win for both sides okay. And true maybe you might have a little disheartening a little bit on

Ivan on this but you know it's to help the kids out there to play for that matter. But I think with you supporting him now that you're going to help him out on the field and so forth I think that would be a good gesture for, that's a start. That's a start for you guys now so at least that's been cleared and I'm glad and I've always said in the beginning I would rather we would have settled this problem between you know you, the legal counsel because that's really where it boils down is with the legal counsels you know making that and I'm glad everybody came to term. So, so much to it before you guys change your mind.

Arthur Clark - Okay Mr. Chairman thank you.

2. Guam Rocks Inc. - license status

Vincent Leon Guerrero (Legal Counsel for Guam Rocks Inc.) - I'm just here to basically follow up on where the lease is. The lease with Guam Rocks Inc. was preapproved or was preapproved pre-moratorium and I don't know where it is. I believe it hasn't been forwarded to legislature, it hasn't, none of the provisions has been taken care of. So we're asking for is a status of where we're at as far as the lease is concerned.

Legal Counsel Delia Lujan - May I just speak quickly, Mr. Leon Guerrero indicated to me yesterday that he was informed that my office had a conflict of interest and I'm not aware of one but I will verify with my office and I will inform the Commission of the result of that investigation on whether or not my office actually does have a conflict. But it's also and also just to point out I believe it's a license and not a lease that was before the Commission, just a technicality but an important one.

Vincent Leon Guerrero - It's my understanding I mean I just came on board recently but it was my understanding that it was a lease that was approved. In any event one of the reasons why we wanted it, we were suggesting that it go to the Attorney General's Office is because the amount in question was in excess of \$500,000. So that would have to be cleared by the Attorney General's Office anyway. So we asked that the Attorney General's Office be involved in the negotiations and things of that nature so we can get this thing moving. We just need to know where we're at. If you need, if you have any other questions, if you have any comments I mean if you want us to provide anymore comments if you can submit it.

Acting Chairman Oscar Calvo - What \$500,000 are you alluding sir if I may ask.

Vincent Leon Guerrero - I believe that's the value of the lease.

Acting Chairman Oscar Calvo - No we never even set a value to the lease. Not that I can recall.

Legal Counsel Delia Lujan - License.

Acting Chairman Oscar Calvo - The license yeah.

Vincent Leon Guerrero - Again I apologize I'm newly on board I was told by Mr. Sanchez that the amount in question is in excess of \$500,000 and I was looking at his letter also

that was provided earlier. So out of caution at the very least maybe we can get the Attorney General's Office involved in this also.

Acting Administrative Director Jesse Garcia - I think maybe Oscar what you might want to do is get a copy of the old minutes.

Vice-Chairman David Matanane - We do have a copy of the minutes. On page 38 of the same minutes on March 19, 2009 I put a motion on the floor to accept the application of Guam Rock, Mr. Chair and Commissioner Gumataotao seconded the motion. But we have accepted the application. As far as the application being approved or not there's no indication here that we have approved any.

Acting Chairman Oscar Calvo - The application was accepted but there was no lease agreement given out for that matter.

Vincent Leon Guerrero - There was document dated March 19th and I don't have it with me it was March 19, 2009 that was sent to Guam Rocks.

Vice-Chairman David Matanane - Are you referring to another document other than the minutes itself?

Vincent Leon Guerrero - Yeah there was letter that was generated by I believe maybe Mr. Borja was there at the time and there was also a letter that was generated by the Chairperson to Guam Rocks also. I think I referred to that in my letter.

Vice-Chairman David Matanane - Yes you did but we have no knowledge of it. Do you have a copy of that?

Vincent Leon Guerrero - If the Commission would like I have a copy of that I can provide that later on.

Vice-Chairman David Matanane - Please, right now we're just reading the minutes whether we have approved the license itself or not. But we have accepted on this particular minutes, we have accepted the application and that's as far as it goes other than putting it in license form we haven't approved or disapproved any.

Vincent Leon Guerrero - I believe the letter from Mr. Borja who was then the Administrative Director said that the commercial lease had been approved. So I can provide that if the Commission would like that. But it was approved pre-moratorium so we need to know where we're at.

Vice-Chairman David Matanane - I understand where you're coming from and if it is then hey. I would like to see that \$500,000 come in to play for Chamorro Land Trust definitely we need that.

Acting Chairman Oscar Calvo - But you know on that contract which at the time there was a lot of stipulations that had to be put in there and according to our good lady here some of the stipulation that we wanted to be put in there has to be strictly followed. And you

know it bothers my mind because the things that we put in there was to make sure that the infrastructure is put in there. You know that was one of the things I recommended at the time that you know that I told I didn't want it quarried I wanted to do all these things but and it's not 400 acres to begin with. I don't know where Tony is coming from but the Board I know it was only 100 acres but it wasn't 400.

Vice-Chairman David Matanane - He was going to proportion it.

Acting Chairman Oscar Calvo - Yeah but it doesn't, it doesn't, it's not a 400 acres.

Vice-Chairman David Matanane - 400 is the (inaudible) but in a phase value a phase...(interrupted).

Vincent Leon Guerrero - That's Tony's understanding also the way he explained it to me it was in different phases right.

Acting Chairman Oscar Calvo - But in phases that the mission is accomplished the way it's supposed to be. So I'm just saying that the property would have to be graded and so forth, provide infrastructure, you have to put water, power, telephones and so forth down the line okay. Those have to be put in those issues and then you have to look at also if they encounter problems like find some historical things you know. How do they work around all these things? I think one of the grilling part here is a lot of the Board members is really asking is you know the party that are involved here yes is maybe who is really the president here? George? Tony? You know who really calls the shots because every time one comes in the other one comes out. So now you're the legal counsel but there was another legal counsel that came before you did. You know this has been really and I don't want to put you in a spot but we also you know maybe Tony his perception of saying that the Board approved the lease. No. What the Board like what Mr. Matanane stated that you know we accepted his application back then but I did emphasize to Tony that it will be up to the Board to make the final decision even if you know and what they have, we have encumbered to tell him to do.

Vincent Leon Guerrero - I apologize when I put that in my letter that the commercial lease was approved I thought I put that in there because I made a reference, I saw a letter from Mr. Borja. I don't think I would have put that in there unless I had seen that thing. So I believe it stated commercial lease and like I said I will provide a copy of that document and we'll go from there. Because it will be our understanding if the commercial lease has been approved directly then we have, we already have our rights based on those so then...(interrupted).

Acting Chairman Oscar Calvo - According to the secretary and she was at the time still sitting here on this Board that there was never no lease agreement from Mr. Borja not that I know and she will know right but we'll definitely look at it.

Acting Administrative Director Jesse Garcia - Oscar just to let the Board know they've been calling and I've been following up with the AG here. There's some documents that the AG's office is supposed to transmit up to the Chamorro Land Trust but they haven't given it to me.

Acting Chairman Oscar Calvo - Okay so why don't we do it this way we'll just wait until what the AG's opinions and what our legal counsel you know. What the Attorney General is coming from and what direction they're coming from because I don't know. I don't want to make any speculation any more than that.

Acting Administrative Director Jesse Garcia - Are you aware that there a document down there?

Vincent Leon Guerrero - No I'm not aware of it.

Acting Administrative Director Jesse Garcia - Yeah Tony or Guam Rocks presented it to the AG's office and I'll get it and as soon as we get I'll forward it over to Leon Guerrero.

Vincent Leon Guerrero - You know our concern is that there's a reversionary clause when the property was given from the United States to the Government of Guam there were certain conditions that were place on it and that's one of the concerns that we have. We don't want the property to go back to the federal government we want to be able to use it and perhaps...(interrupted).

Acting Chairman Oscar Calvo - And that's why when Mr. George Torres came in earlier before Tony came they wanted a quarry and I told him I didn't want a quarry and that's always been my you know I didn't want that.

Vincent Leon Guerrero - I agree with that I don't like the idea of a quarry either.

Acting Chairman Oscar Calvo - Because you walk out you leave me with a big hole.

Vincent Leon Guerrero - That's right.

Acting Chairman Oscar Calvo - But the financial portion is you know I mean by God I mean that's good that they have 30, 40 million dollars to spend right now or half a million dollars like what Dave says but you know that was brought to that portion about the half a million dollars but and I don't want to make any comments until the Attorney General comes then I'll give my comments to that issue. Because whatever that five-hundred grand is coming from I know what they wanted to do with that. Because there's a lot of things here involved also the Commission is also needs to make money at the same time okay and that's the whole thing. I'm just trying to figure out how would a company at that big of a stage of doing and forking out to give to do all that infrastructure and do grading. You know grading you can only do so much and you know but that's beside the point.

Vincent Leon Guerrero - Well the question that I have if I were to submit the document that shows that it was a commercial lease approval what would be the Commission's position at that point. I mean what do we need to do at that point?

Acting Chairman Oscar Calvo - Well we need to get that document first and secondly, it has to be ratified by the Board again and see what was really written on that because I don't remember a license or a lease even granting that okay. And then we're also in a moratorium issue so.

Vincent Leon Guerrero - But this is pre-moratorium this was approved.

Acting Chairman Oscar Calvo - Yeah but still the legislature stopped us. We can't issue anything, that's and we presented in as of April 31st anyway.

Vincent Leon Guerrero - Perhaps if the Commission would state that officially that they can't do anything then we can move forward from our end.

Acting Chairman Oscar Calvo - They know that. The legislature put a hold on us on all commercial leases.

Vincent Leon Guerrero - I mean if we were to pursue our remedies say in the court it would be helpful if we have something a document from the Commission saying this was done pre-moratorium but because of the law we believe we can't do anything about it. You know that will be helpful for us at least so we can take it into court and say hey now we have a problem here.

Acting Chairman Oscar Calvo - Well I have to talk to my legal counsel more to that.

Legal Counsel Delia Lujan - I think we could you know have a better idea of where we will go after we see the documents, at this point we just don't have the information.

Vincent Leon Guerrero - Okay.

Acting Chairman Oscar Calvo - Alright.

Vincent Leon Guerrero - Sure.

Vice-Chairman David Matanane - Rest assured Mr. Leon Guerrero that you know we wanted to pre-moratorium you know and so we can proceed with the plans that we have indicated as rather than digging a hole and grading and we want to see that infrastructure in there and start dishing out those properties to the people you know. I'm for that you know as soon as you say we have approved of it as to the detailed plans that you have submitted and we have discussed before I think we should proceed with that. I mean with the good of Chamorro Land Trust I think this particular lease is pretty good and work for Chamorro Land Trust so we can portion all the properties that was indicated in the plans and will be easier for Chamorro Land Trust to dish out the property and have all the infrastructure in place. Thank you.

Acting Chairman Oscar Calvo - Okay that's it.

Vincent Leon Guerrero - Thank you.

Acting Chairman Oscar Calvo - Okay have a good day.

3. Agfayan Inc. - payment status

Acting Chairman Oscar Calvo - No show up?

Acting Administrative Director Jesse Garcia - No show.

Acting Chairman Oscar Calvo - Okay I don't know whether you Boards want to take this action but I've given the Agfayan more than amplitude time you know. They have never showed up for the Boards and nothing like that. I think it's high time that we send them a Dear John, a real strong letter that you know they're subject for termination.

Vice-Chairman David Matanane - Mr. Chair but is that check that they gave us prior to well a month ago is that a cashier's check?

Acting Chairman Oscar Calvo - Well according, well Jess what was the, on that check issue?

Acting Administrative Director Jesse Garcia - I think that check was only for \$1,500 I believe the last check that they gave I think it was \$1,500.

Acting Chairman Oscar Calvo - Because I did meet with Peter the other day and I told him you know you still owe the Commission \$173,000 okay and I told him he had the opportunity even during Joe Borja's time we sat down and everything and then to Jesse now and everything. So I think one more of a running around that he wants he keeps pleading that he you know it didn't work on his behalf. You had that then you know what get out of it because you're holding back other people that might want to take that place for that matter. So I think and Counsel quote me on this because we, he's on the agenda we told him and I told him that he had to be here and he hasn't shown up.

Legal Counsel Delia Lujan - Well I guess what you can do is you can the Commission can decide to begin the process subject to legal review of its propriety. But that would be the, in other words I guess what you can do is you can request what is the legal request of what is the next step towards that goal and so I can inform the Commission of what the next step is.

Acting Chairman Oscar Calvo - Because I think you know honestly and truthfully Delia it's over due, long overdue I mean these people are just trying to use as a scapegoat.

Legal Counsel Delia Lujan - Yes but there will be an Administrative Adjudication process.

Acting Chairman Oscar Calvo - I mean if the golf course can come out and presented themselves and their being truthful okay and they admit the fact that yes they were at fault okay but these guys too they're just, I'm not going to play their games anymore. I mean they had more than enough opportunity of these people being you know and as a matter of fact Dr. Bob if I'm not mistaken you did sent a letter to them a couple of months ago or no?

Dr. Bob Barber - No, no they never got a letter from the Land Trust you're meetings with them are the only...(interrupted).

Acting Chairman Oscar Calvo - Okay, okay I just thought remember that letter when we started crafting out.

Acting Administrative Director Jesse Garcia - I don't think Bob was involved in the because that's not an agricultural.

Acting Chairman Oscar Calvo - Oh okay, okay I thought that was part of it.

Dr. Bob Barber - Jess did send a letter telling them to come in and you know clarify their record but no our group hasn't done as a matter of fact the Agfayan we're specifically staying away from because we have a fairly close because the family is also involved in agriculture. Our college has had dealings with the family so we're just leaving this with you guys.

Acting Administrative Director Jesse Garcia - Not only that it's a commercial it's not an agricultural.

Legal Counsel Delia Lujan - Because this is a license it would be subject to the administrative adjudication law that's my understanding and for that the Commission would have to issue an accusation and within 15 days after service of the accusation they would be able to file with the Commission on notice of defense in which they may request a hearing, object to the accusation upon the ground that it does not state acts or omissions upon reach the Commission may proceed, object to the form of the accusation on grounds of indefinite..(interrupted).

Acting Chairman Oscar Calvo - Can we do it?

Legal Counsel Delia Lujan - You can do that but.

Acting Chairman Oscar Calvo - I don't want to wait no longer to this thing.

Legal Counsel Delia Lujan - And that's why I said that subject to legal review you can approve the beginning of drafting up an accusation but that's...(interrupted).

Vice-Chairman David Matanane - But this is a businessman a business type of transaction this is not just concerning the lease this is a business type manner of operation which is you have already been noticed and you have the right to be.(inaudible). This is not concerning the lease correct me if I'm wrong.

Legal Counsel Delia Lujan - If it's going to be a license to be revoked.

Acting Administrative Director Jesse Garcia - We need to send them some kind of letter advising him that he's up for termination, he needs to come in.

Acting Chairman Oscar Calvo - Okay so let's start that.

Acting Administrative Director Jesse Garcia - To set a meeting with his legal counsel and our legal counsel.

Legal Counsel Delia Lujan - But the law also states that a hearing to determine whether an authority, license privilege or right to be conditioned, limited, suspended or revoked shall be initiated by filing an action.

Dr. Bob Barber - I have to agree with Delia I think you need to send this letter. This is your first time of doing this you need to start the process of sending the letter of accusation so you can start the hearings if you just procedurally because from what I'm hearing you guys have met you're going to run into this, we need more commercial licenses as we go down the road. We're reviewing the files and finding quite a few we're seeing issues so.

Vice-Chairman David Matanane - We're starting precedence on it.

Dr. Bob Barber - Yeah so you're sort of setting a precedence so I think you need to follow what Delia's recommending. Jesse should send that, you can make a motion to authorize Jesse to proceed with those actions.

Acting Chairman Oscar Calvo - I'd like to make it a motion to start, to starting the process of sending a letter to the Agfayan on the issues on you know what we have just found out on everything so anybody want to second that?

Vice-Chairman David Matanane - I second.

Commissioner Andrew Leon Guerrero - Third.

(There were no objections).

Legal Counsel Delia Lujan - And this is to send a letter.

Commissioner Andrew Leon Guerrero - Of accusations.

Vice-Chairman David Matanane - To start the process.

Acting Chairman Oscar Calvo - To start the process.

Legal Counsel Delia Lujan - Subject to legal review.

Acting Chairman Oscar Calvo - Yeah. Well you know that as of I guess we'll make it effective, what's today, make it effective what Friday, maybe by Monday or the 31st. Send the letter next week since it's just over the weekend right.

Commissioner Carmen Tajalle - As soon as we're done with this meeting and then a follow through on all.(inaudible).

Vice-Chairman David Matanane - And please send it to the owner of that not to the manager or whatever.(inaudible).the correct ownership of that lease for that.

Acting Chairman Oscar Calvo - Okay so we're..(interrupted).

Vice-Chairman David Matanane - And we have to do it in a certified mail.

Acting Chairman Oscar Calvo - Yeah I want to do a certified mail.

Legal Counsel Delia Lujan - It will be in accordance with the law.

Vice-Chairman David Matanane- What's the claim form?

Legal Counsel Delia Lujan - Pardon?

Vice-Chairman David Matanane - What is the form or what is the phone number for the claim?

Legal Counsel Delia Lujan - Umm, phone number?

Vice-Chairman David Matanane - I'm just making a comment.

Acting Chairman Oscar Calvo - No, no we'll just adjourn anyway any comments, final thoughts in mind, no wait we still got to tell Jess that to proceed the letter on you know to send it off too and have it certified mail too.

Legal Counsel Delia Lujan - So this is an accusation that..(interrupted).

Acting Chairman Oscar Calvo - I won't really say so much of an accusation because this is more..(interrupted).

Commissioner Carmen Tajalle - It's more of like a notification.

Acting Chairman Oscar Calvo - A notification to me because...(interrupted).

Legal Counsel Delia Lujan - You see that's what I need clarification on because to initiate a revocation on a license it is called an accusation and that's what gets..(interrupted).

Acting Chairman Oscar Calvo - Delia when he owes \$173,000 would you consider that an accusation?

Dr. Bob Barber - That's what she's saying the legal terms.

Legal Counsel Delia Lujan - The legal term is yes it's an accusation. An accusation shall be a written statement of charges which shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged and the statutes and violations which the respondent is alleged to have violated.

Commissioner Carmen Tajalle - What about if we go like we just do a letter first saying this is a letter of notification that we are addressing that after this letter we will proceed with the ...(interrupted).

Legal Counsel Delia Lujan - With the filing and service of an accusation.

Commissioner Carmen Tajalle - Right put it that way. Because that's an introductory and then if he doesn't respond then we're saying as far as legal you know it's a compliance matter there. You know we did our part and then we can deal with that access.

Acting Chairman Oscar Calvo - But we want to do it at a very, 15 days is more than proper for response right?

Legal Counsel Delia Lujan - Okay I think, what does the Commission want to be stated in the letter?

Vice-Chairman David Matanane - Stipulate also that we have agreed that as soon as if remember when we were shoving around about penalties and interests we have already approved that. We should state also in the letter that there will be penalties and interest as we have discussed it prior to before even getting the final..(inaudible).

Commissioner Carmen Tajalle - They should be based on our last agreement on the lease and he agreed to it. You know up to this day we have not received any action on your part and then because the letter you know to me that's informal way of coming into it because that's pretty strong when we go first to that. I think we should do an introductory letter or just a letter of notification.

Acting Chairman Oscar Calvo - Yeah that's what I'm saying.

Commissioner Carmen Tajalle - Then he gets that letter then it's certified and he accepts it and he still doesn't respond then we go to the legal matter because we're warning him already.

Legal Counsel Delia Lujan - The letter of notification, what is it going to state? Is it going to state that if you do not come into compliance by a certain time then we will be forced to initiate revocation of license procedures pursuant to the Administrative Adjudication Law?

Acting Chairman Oscar Calvo- Right.

Commissioner Carmen Tajalle - Well said.

Vice-Chairman David Matanane - Based on your liability we have also imposed our penalties and interests we have discussed before and we have approval and include that penalties and interest.

Commissioner Carmen Tajalle - It's the same thing just like the bank the bank does that it's like a notification first.

Commissioner Andrew Leon Guerrero - Did they really make a payment of \$1,500?

Acting Administrative Director Jesse Garcia - They've been making payment of fifteen..(interrupted).

Vice-Chairman David Matanane - Yeah but it doesn't current the lease.

Acting Administrative Director Jesse Garcia - What's happening here is that the original lease I believe was \$3,000 or..(interrupted).

Acting Chairman Oscar Calvo - \$3,500.

Acting Administrative Director Jesse - And then some way it was reduced to \$1,500.

Acting Chairman Oscar Calvo - No it was never, they made that reduce themselves because they even came in the Board they said that they and even Dave said when did you make your own a..(interrupted).

Commissioner Andrew Leon Guerrero - No I remember that, it was my second Board meeting or something like that and we did tell them to have the property appraised and I said be careful Mr. Cunliffe because it could go the other way.

Acting Chairman Oscar Calvo - It could be more.

Commissioner Andrew Leon Guerrero - It could have increased.

Acting Chairman Oscar Calvo - Because according to Randy at that time and they said they were making payment and they said they pay \$1,500 but even with that \$1,500 it still doesn't because and even giving the, I was looking in their record Delia okay, they're saying that they were supposed to give a couple of months off. We even gave them, I had Bert check on that even with the six months off okay, we gave them six months of free rental okay. We gave them six months of free rental it's still to this day as of yesterday when I looked at the book they owe right now \$173,000. That's arrears.

Legal Counsel Delia Lujan - So just for clarification how much time, I guess my thinking is that it will be come into compliance or to make to become current on their obligations under the last agreement they have until, I don't know, 30 days from the date of the letter.

Commissioner Carmen Tajalle - Right to make it current if not the Board will proceed with legal action on what is that term?

Acting Chairman Oscar Calvo - Yeah.

Legal Counsel Delia Lujan - Will begin to initiate revocation of the license pursuant to the Administrative Adjudication.

Acting Chairman Oscar Calvo - And we want that certified letter to them and see if we can mail it out.

Acting Administrative Director Jesse Garcia - So you're going to draft that?

Legal Counsel Delia Lujan - Yeah you can help me with that because you know the facts better than I do.

Acting Administrative Director Jesse Garcia - Yeah.

Legal Counsel Delia Lujan - So I need the file, I need to know what's the last agreement and I need the payment schedule.

Acting Administrative Director Jesse Garcia - Yeah we have that. Actually Mario did a pretty good job in breaking it down.

Vice-Chairman David Matanane - I've seen a lot of rescheduling of their payments and then they came up as a matter of fact just the last meeting we went over there and Oscar and I was there and a gentleman was giving us a check I said what happened here you're still short changing us you know you're making a current payment or are you paying for the (inaudible).

Acting Chairman Oscar Calvo - See the mentality they think just because I paid \$1,500 I'm paying and Randy even noted that in the Board meeting at one time and I told Randy but they're still not up to par and I did meet with Peter with Jesse the other day and I told him simply that you know that they have to accept the responsibility. And it's I think they had more than an opportunity during Joe Borja's time we sat down and we talked and they were the, we asked them if they were going to make a payment plan and then you heard on the last Legal Counsel where Randy was saying that your office and them were working some sort of resolution but there's nothing, nothing has come to power. So I think it's only fair and fitting that these people be.

Commissioner Carmen Tajalle - All these times that we can be making money.

Acting Chairman Oscar Calvo - I mean God knows they want us to offset their, they want us to be the one now, they charge a parking fee every Saturday and Sunday. They want us to be I said I don't want that I said I want what you owe me right now. Because I'm not going to have my people out there standing, how do I know how much money you pull in every, if you come to me and say guess what I only had \$50 on parking fee. Am I going to settle with \$50 only?

Legal Counsel Delia Lujan - I don't think that by the next Commission meeting we would know whether or not they would be, they would have come current.

Commissioner Carmen Tajalle - Usually you give 30 day notice.

Legal Counsel Delia Lujan - So I think perhaps this could be you know I could I guess we'll find out the result of and maybe the Commission can vote on you know to actually take a vote to begin the accusation probably in 2 meetings from now it can be on the agenda again.

Acting Chairman Oscar Calvo - Okay. So why don't we do, we'll give that letter out I want that letter out by possibly next week and then have that certified Jess and I don't know if you want to send one to their legal counsel.

Acting Administrative Director Jesse Garcia - I'll show it to you before we send it out.

Acting Chairman Oscar Calvo - Yeah, well you just sign it off Jess.

Acting Administrative Director Jesse Garcia - Yeah but I'll show it to you before.

Commissioner Carmen Tajalle - That could be a common standard letter.

Vice-Chairman Matanane- I believe if I remember correctly last time we did make this route, not the golf course ...(interrupted).

Acting Chairman Oscar Calvo - No, no.

Vice-Chairman David Matanane - This is the..(interrupted).

Acting Chairman Oscar Calvo - The same.

Vice-Chairman David Matanane - Yeah but we have gone through this route once before and this...(interrupted).

Acting Administrative Director Jesse Garcia - No but actually on the golf course we handled it different we went and we met with them and then they agreed.

Vice-Chairman David Matanane - But we have done here I remember he came and he brought in Cunliffe down in Agana it was about this time it's almost Christmas time again. No really you know because if I remember correctly we tried to get this rectified and get a payment agreement so he can keep up to date.

Acting Chairman Oscar Calvo - And I surely don't want a long plan paying agreement you know because limited because you know I mean they have to make some sort of restitution to this issue. That's all it is.

Vice-Chairman David Matanane - And besides that he's also having people in there to sell their product in the same place where remember when Mr. Borja went up there they closed down and then..(interrupted).

Acting Chairman Oscar Calvo - See even with that Delia okay even with that, them subleasing or leasing to people they're not even giving us that forty percent they're not even telling us that. So why should we continue to be sympathetic with them okay. They're not even coming out truthfully.

Vice-Chairman David Matanane- They're even charging for parking.

Acting Chairman Oscar Calvo - Yeah so those are the accusations that we have against them okay the sufficient company there that are leasing out.

Legal Counsel Delia Lujan - I'll work with Jess to see what are the acts or omissions that violate the terms of the license.

Vice-Chairman David Matanane - We have a right to ask for financial statements right?

Acting Administrative Director Jesse Garcia - Well we got to first notify them officially in writing so we'll do it and then there's actions.

Acting Chairman Oscar Calvo - Yeah okay.

Commissioner Carmen Tajalle - That's all we want with that so we can bring closure.

Acting Chairman Oscar Calvo - But we got to be very firm too and strong to that issue that when they come forward on this that there will be no more second chance I mean you know truthfully they'll be automatically be terminated for that, the lease okay.

VI. NEW BUSINESS - None.

VII. DIRECTOR'S REPORT

Acting Administrative Director Jesse Garcia - I just want to notify the Board that Lorraine's husband, Lorraine Nededog the private secretary for the Chamorro Land Trust passed away this morning about 9:30.

Acting Chairman Oscar Calvo - Find out when, whatever when's the rosary or whatever that okay.

VIII. EXECUTIVE SESSION - None.

IX. ADJOURNMENT

Meeting adjourned at 2:35pm

Transcribed by: Teresa T. Topasna: *Teresa Topasna*
Date completed: November 3, 2010

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

Acting Administrative Director, Jesse G. Garcia: *[Signature]*
Date: 11-18-2010

Chairman (Acting), Oscar Calvo: *[Signature]*
Date: 11-18-10