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(Guahan Ancestral Lands Commission)



MICHAEL J.B. BORJA  
Director

DAVID V. CAMACHO  
Deputy Director

**GALC COMMISSION MEETING MINUTES**  
**Department of Land Management Conference Room**  
**3<sup>rd</sup> Floor, ITC Building, Tamuning**  
**Wednesday February 8, 2017 | 2:10pm to 4:10pm**

**I. CALL TO ORDER**

Meeting was called to order at 2:10pm by Chairman Anthony Ada

**Chairman Anthony Ada:** In Compliance with public law 24-109, Guam Ancestral Lands Commission published the public meeting announcement on Wednesday, February 1, 2017 and Monday, February 6, 2017 in the Guam Daily Post.

**Director Michael Borja:** I just want to add that emails have also been sent out to all the media's, mayors and senators, and to anyone else who has requested this. This is a requirement to send out notices to the media.

**II. Roll Call**

Present were Chairman Anthony Ada, Vice-Chairman Ronald T. Laguana-absent, Secretary Maria Cruz, Commissioner Ronald Eclavea, Commissioner Anita F. Orlino, Commissioner Antonio Sablan-Tardy, Commissioner Louisa M. Wessling, Director Michael Borja, Deputy Director David Camacho, Land Administrator Margarita Borja, Karen Charfauros, Land Agent, Kristan Finney, Attorney.

**Chairman Anthony Ada:** This meeting is called to order.

**III. Old Business**

**A. Tran Steel**

**Chairman Anthony Ada:** A letter to Tran Steel was given and received from Mr. Pearson in regards to his past due account with property in Polaris. You received the letter and the statement, there was an error, a miss-posting on the statement at the time we spoke with you about bringing the account current at the time we thought it was only \$3,000 or \$3,500 was due. Through an audit we found that there was a payment that was posted twice and we take responsibility for that. The statement has the corrected amount and a letter, did you have a chance to read the letter?

**Mr. John Pearson:** Yes Chairman.



**Chairman Anthony Ada:** Do you have some reaction to the letter?

**Mr. John Pearson:** I received the mistake regarding my account on the late part of December. Joey told me that they made a payment twice to the same account, I reviewed it and I believe it was a mistake. The letter I received stated I had until February 24, 2017 to come up with the remaining balance. If this is the amount I have to pay I am willing to do that but I was wondering if you could give me one more month, the end of March to come up with complete payment?

**Chairman Anthony Ada:** By the end of March?

**Mr. John Pearson:** Yes, instead of February 24th.

**Chairman Anthony Ada:** Why do you need that extra time?

**Mr. John Pearson:** The December payment that I made I have to make a business arrangement to pay that back to satisfy my position with them. It is going to put me in a stiff position to come up with \$3,500 by February 24<sup>th</sup>, if you could give me some time. I hate to keep asking for time but I feel I can come up with balance by the end of March.

**Chairman Anthony Ada:** Are we active in billing him every month?

**Mr. John Pearson:** Yes sir.

**Chairman Anthony Ada:** If you go by end of March it is going to be \$4,500. Can you pay anything along the way?

**Mr. John Pearson:** Probably a \$1,000 dollars end of February.

**Chairman Anthony Ada:** \$1,000 dollars end of February it will be applied to the oldest that is due.

**Mr. John Pearson:** Yes you can apply to the oldest I believe I owe \$4,000 or \$4,500. I could come up with \$1,000 dollars end of February and balance end of March.

**Chairman Anthony Ada:** We feel bad that the statement was not accurate and that is why we are giving you this time.

**Mr. John Pearson:** I understand, I was not expecting that at the end of December I thought I was.....

**Chairman Anthony Ada:** Yeah.

**Commissioner Maria Cruz:** You weren't aware of the double posting well you weren't paying anyway, and we are giving you an additional thirty days because of our oversight but that is plenty of time.

**Mr. John Pearson:** I understand and if I had the funds to meet the December payment I would I am just asking if it is possible and if not then I will do whatever I can to meet these payments.

**Chairman Anthony Ada:** Do you have business activity going on there right now?

**Mr. John Pearson:** Yes sir. I am picking up some work on generators, I have income from generator it is getting better than last year.

**Director Michael Borja:** Would you be able to pay \$1,500 by the end of February and the balance the end of March?

**Mr. John Pearson:** Yes sir. It is a little steep but I will do that. Just give me some time to develop the fund I have nowhere to turn.

**Chairman Anthony Ada:** Are still interested in staying in that location once you get caught up?

**Mr. John Pearson:** Yes sir.

**Chairman Anthony Ada:** We acknowledge you are practicing good faith you are not trying to run away from your obligations. Mr. Pearson believes he can come up \$1,500 by the end of February and the balance the end of March to bring you current that is what is on the table right now.

**Commissioner Ronald Eclavea:** What about his license?

**Chairman Anthony Ada:** Once he gets caught up he will talk about that right now he is on a month to month.

**Commissioner Ronald Eclavea:** Can you make that clear that he is on a month to month.

**Chairman Anthony Ada:** His license ended at the end of the calendar year.

**Commissioner Ronald Eclavea:** I am for it, he is on a month to month and when he gets caught up, he is showing good faith I am for it.

**Chairman Anthony Ada:** Okay. Commissioner Wessling?

**Commissioner Louisa Wessling:** I agree.

**Chairman Anthony Ada:** Commissioner Cruz?

**Commissioner Maria Cruz:** If he doesn't come up with \$1,500 by February?

**Mr. John Pearson:** I will come up with \$1,500 end of February. That is my obligation that is my capability.

**Commissioner Ronald Eclavea:** I will make the motion that we entertain his request, he is on a month to month, he pays \$1,500 at the end of February and the balance the end of March and we consider his request to extend his license.

**Chairman Anthony Ada:** The motion is \$1,500 at the end of February and the balance the end of March and there will be another \$500 due in March that amount will be \$4,000 I think and at that point we can talk about a new license right now you are on a month to month.

**Mr. John Pearson:** Can I get assurance that once I get caught up, not a consideration, I ask for the license? I need to continue my business on that property if I lose that property that is the bread and butter for my family that is why I am pushing myself and my obligation with land trust.

**Chairman Anthony Ada:** Mr. Pearson wants assurance that once he is caught up we will give him a license.

**Commissioner Ronald Eclavea:** As far as I am concern I am okay with it.

**Chairman Anthony Ada:** So that is the motion once you get caught up we will give you the license.

**Mr. John Pearson:** Thank you so much.

**Chairman Anthony Ada:** But you have to be caught up.

**Mr. John Pearson:** I understand.

**Commissioner Ronald Eclavea:** And that extension will be to the end of the calendar year right? December 31<sup>st</sup>.

**Chairman Anthony Ada:** December 31<sup>st</sup> or April 1 to April 1?

**Commissioner Ronald Eclavea:** So one year?

**Chairman Anthony Ada:** Yeah.

**Commissioner Ronald Eclavea:** Oh okay, I am fine with that.

**Chairman Anthony Ada:** I will second it. Let us take a vote. Commissioner Eclavea?

**Commissioner Ronald Eclavea:** I approve.

**Chairman Anthony Ada:** Commissioner Wessling?

**Commissioner Louisa Wessling:** Before renewing licenses do we need to review market value or anything like that? Or are we allowed to go ahead and just renew? Just to be sure that what we are charging is fair market. I am in favor as long as he is current to make a commitment now that we are going to extend I just want to make sure we are covering all the procedures.

**Chairman Anthony Ada:** The question is the \$500 a month is the right amount.

**Commissioner Louisa Wessling:** My question is can the Commission extend licenses without fair market value?

**Commissioner Ronald Eclavea:** Yes.

**Commissioner Louisa Wessling:** How long has this license been in effect?

**Chairman Anthony Ada:** Since 2014 right Mr. Pearson?

**Mr. John Pearson:** Yes sir. It was year to year.

**Commissioner Louisa Wessling:** So are we required to do a market study?

**Commissioner Ronald Eclavea:** I think we are in the range right now. I think there is going to be some assessment.

**Director Michael Borja:** We are looking at a longer lease.

**Commissioner Ronald Eclavea:** I think there will be assessment I think we are still being responsible.

**Deputy Director David Camacho:** It is based on the size of the property; he is on the small portion.

**Commissioner Louisa Wessling:** I just want to make sure.

**Attorney Kristan Finney:** I don't have the original license in front of me but typically when you are leasing government land you have to appraise it but in this case I would have to review the case to answer your question.

**Commissioner Louisa Wessling:** I just want to make sure we don't do anything we are not supposed to do otherwise I am in favor to see income generated for the commission and the account is current and that we are doing things properly. And if we do extend it that it is sound for him as well.

**Director Michael Borja:** We will get the details prior to the end of March.

**Chairman Anthony Ada:** If I recall when we leased out property to another tenant it was 8% of the market value, per square meter market when I did the number when Dong was here what Mr. Pearson is paying is right maybe a little bit better. Mr. Pearson you hear what we are talking about, we already gave GEDA the go ahead to send the determination of need for the other pieces.

**Deputy Director David Camacho:** That portion is not included in the determination of need.

**Chairman Anthony Ada:** Commissioner Cruz?

**Commissioner Maria Cruz:** I abstain.

**Chairman Anthony Ada:** You abstain. Commissioner Wessling votes yes. I vote yes Commissioner Orlino?

**Commissioner Anita Orlino:** I approve.

**Chairman Anthony Ada:** So we got four votes. Motion passes.

**Director Michael Borja:** I will send another letter to you describing this meeting.

**Mr. John Pearson:** Thank you.

**Commissioner Ronald Eclavea:** Thank you for your effort.

### **III. Old Business**

#### **B. Northern Market**

**Director Michael Borja:** I just want you to know that Carlos Camacho submitted two months' worth of rent to GEDA this morning hopefully we see that from GEDA next week. There are still issues to be resolved concerning his lease, we are still in the process of reviewing the survey map to determine the area of land described in his lease is correct that was brought up by the people reviewing his account the federal government and title company and there will be a need to do an addendum to his lease because at one part of his lease GEDA mistakenly gave the incorrect lot number so we need to correct that we are wrapping up the survey map to determine the actual property size and designations are. We are going to meet with Carlos once that has been determined to coordinate and agree to what it is and then I will do a response to his letter that specifies the two things the lot description and lot size and to acknowledge there was a change in company ownership so we are working on that right now he did make two months payment and he being paying a little bit over. GEDA was telling him they were going to adjust his invoice the second month he said they can't do that because that is not what it says on the lease yet. So if he is over in his payment there will be a little adjustment he lot size has been reduced.

**Chairman Anthony Ada:** Do we know the dollar amount he made payment?

**Deputy Director David Camacho:** \$52,000 plus for January and February he based himself on the GEDA billing.

**Chairman Anthony Ada:** Regarding the change of ownership, at the top of his letterhead he has Northgate Market Place at the bottom is Northern Market LLC.

**Director Michael Borja:** Well that is the DBA, Northern Market LLC had a change in ownership where there were additional owners brought in by the federal requirements that he is trying to apply for any change to the corporation he make that notice to everyone but an LLC is not technically a corporation, however in the spirit of the intent of that law still announcing the change in ownership but not in the company name, the company remains the same just that there are different owners involved and we will acknowledge that he has notified us. So will be doing a response to this January 12<sup>th</sup> letter once we work out the details with our surveyors. Our chief surveyor Paul is here, do you have anything to add to Northgate Market Place?

**Mr. Paul Santos:** I am finalizing it, it should be done.

**Director Michael Borja:** We will call Carlos, I already sent him a note after this last meeting telling him we need to sit and talk about this we are still working out the details; changes will be required to make and we will notify GEDA as well to make an addendum to the lease to include the corrected information.

**Chairman Anthony Ada:** It is carving out that WSTCO case right?

**Director Michael Borja:** Yeah.

**Commissioner Ronald Eclavea:** It's finally getting through.

**Chairman Anthony Ada:** It's carving out Northern Market's computation.

**Commissioner Louisa Wessling:** Do we know who the principles in management development LLC? Who now owns 50% of Northern Market.

**Director Michael Borja:** I don't know who the principles are we can get that information, it is still him plus one or two investors.

**Commissioner Ronald Eclavea:** I know there are federal regulations he had to comply.

**Director Michael Borja:** He is not required because he is not a corporation but in spirit of cooperation.

**Attorney Kristan Finney:** In the lease that he had said that if the membership, that he couldn't assign the lease but that he had a corporation I think it said that if more than fifty percent was transferred then that would constitute as assignment like the Director said it is not a corporation so it doesn't trigger that requirement.

**Chairman Anthony Ada:** Attorney Finney how soon do you think we can have the 3,050 square meters back into Mr. Camacho's footprint.

**Attorney Kristan Finney:** To add it back?

**Chairman Anthony Ada:** I am asking what is the status of that case?

**Attorney Kristan Finney:** I am not sure if this is the one that went to trial and we are waiting for the results, there are two of these cases one went to appeal the other went to trial and we don't have a decision from that yet.

**Chairman Anthony Ada:** Is it active in the court?

**Attorney Kristan Finney:** if I am right and this is the one that went to trial last year.

**Chairman Anthony Ada:** Let us try to identify it right now that is the one going toward NCS it was initially WSTCO they had property there and they wanted an access the property was carved out basically as a lot not an access; the other is the ten acres near the Mangilao golf course, is that Attorney Highsmith's summary of the different cases?

**Director Michael Borja:** Let me just pass it out. This is the one that was given to us back in May.

**Chairman Anthony Ada:** I know that Mr. Camacho expressed that he needed that piece also based on the design.

**Director Michael Borja:** He is moving on without it, so that is what is going on with the Northgate Market Place and once we sort things out I will prepare a response letter to the January 12<sup>th</sup> letter.

**Chairman Anthony Ada:** Is this the most current one we have dated May 25<sup>th</sup>?

**Attorney Kristan Finney:** I think Highsmith did one after this.

**Director Michael Borja:** I just pulled this out of the system just for the sake of trying to understand what is going on.

**Chairman Anthony Ada:** Item number 2 says they expect to go to trial in October 2016.

**Deputy Director David Camacho:** I will get the most current one dated November 2016.

**Chairman Anthony Ada:** So there is a more recent one.

**Deputy Director David Camacho:** It was passed out in your board meeting.

**Chairman Anthony Ada:** So there are no updates since November.

**Attorney Kristan Finney:** As far as I have heard there are no decisions in those court cases.

**Chairman Anthony Ada:** Did Highsmith back out in the whole thing when the AG was disqualified?

**Attorney Kristan Finney:** No! that was specific to that one case.

**Chairman Anthony Ada:** So you can get him to update us for the rest. Any more question regarding Northern Market?

**Director Michael Borja:** He said he was getting matters closed out with the Feds by March.

#### **IV New Business**

##### **A. Civil Case 1235-12**

**Chairman Anthony Ada:** Attorney Miller will give us an update.

**Attorney Sandra Miller:** Last month I brought this case to the board because the Commission has not had an updated status in quite a while. The defendant of the Estate of Jose Martinez Torres asked the Judge to dismiss CV 1235 due to their perceived failure of the government being on the ball and not prosecuting its case, there was a hearing and the judge said put it in writing and so last Wednesday the defendant filed a motion to dismiss, I provided copies to the Director. That hearing on the motion to dismiss will be on April 6, I indicated to the Judge that I will file in opposition on behalf of the government of Guam through the Governor, that will be due March 1. I am also going to file by this Friday a motion to stay on CV 1235-12 pending the Supreme Courts resolution whether the AG should or should not be disqualified this is that civil case where that office was dq'd but it's on appeal but I foresee that we won't be getting an answer from the Guam Supreme Court in six or seven months. In the meantime, yesterday around lunchtime the Supreme Court issued and ordered on another of one of the land cases involving the Torres' Estate, it was a probate case where it underlies all of the civil land cases and in that order the Supreme Court said that the probate court has the authority to distribute the 13.6 million dollars that is presently in trust those are the proceeds from the sales of certain parcels of land and those lands come from a different lawsuit.

**Director Michael Borja:** And that lawsuit is civil case 1124-09 and that is listed as number 4.

**Attorney Sandra Miller:** That was very recent like within the past 24 hours and I don't know what is going on in that probate case I don't know if motions have been filed to release the money. There is pending an informal offer to the commission to settle CV 1235-12, they offered an amount of 2 million dollars and the funds for that were conceivably to come from the 13.6 million dollars. But if the 13.6 million were to be distributed we don't know if the commission may or may not be any money left if the Commission said sounds good. It is all very speculative at this point, I don't have any answers as to what is going to come down the pipe other than that I was told the offer is still on the table and you just considerate it an academic exercise.

**Chairman Anthony Ada:** There is no written offer just communication?

**Attorney Sandra Miller:** Yes there is, but should the Commission decide to go to trial there are some good reason this lawsuit was brought but there is nothing to stop the Commission from making its own offer and deciding they will fish for something out there.

**Chairman Anthony Ada:** You brought up CV1124-09, I am looking at this it is not completely update, do you have a copy?

**Attorney Sandra Miller:** I don't have a copy.

**Chairman Anthony Ada:** What I am interested in is if there was a decision on part number 1 and part number 2 it says here about having three GALC members dismissed, so is that part dismissed?

**Attorney Kristan Finney:** From what I understand this case is stayed pending the Supreme Court decision because there is a motion to disqualify the entire office from what I understand and I am just going of what I think because Highsmith is actually the one leading, so I believe this case is stayed.

**Chairman Anthony Ada:** Well something happened the 13.6 million was released.

**Attorney Kristan Finney:** That decision just came out from the Supreme Court.

**Attorney Sandra Miller:** This is like a clock with many gears all inter-related but turning the same machine, this order was issued down from the Supreme Court for the probate case and this order says they are not going to stop the distribution from the sale proceeds and those sale proceeds came from the land involved in 1124-09.

**Chairman Anthony Ada:** Are you referring to the order referring to something we received yesterday?

**Attorney Sandra Miller:** The order I am referring to is the order of the Supreme Court that was filed yesterday February 7<sup>th</sup> and it is called "Order Denying Writ of Prohibition". it is the probate case and it is saying that in the probate court nothing prevents it from distributing the funds. Now moving to 1124-09 I don't know if it is stayed or not stayed I don't know what is going on with that case.

**Chairman Anthony Ada:** Item number one we asked Judge Barcinas to order Geri Gutierrez not to distribute the 13.6 million, the way it is stated here in 1124-09.

**Attorney Kristan Finney:** It is because the fund being held in probate court are from the sale of the property that is from 1124-09.

**Chairman Anthony Ada:** So in this case Judge Barcinas is the probate Judge?

**Attorney Kristan Finney:** No. I think the probate judge is Judge Perez

**Chairman Anthony Ada:** We have to untangle this clock. In 1124-09 I am wondering if my colleagues are .....we know in the decision regarding the 13.6 cannot be held back. Number 2 where it says they move to sanction they are talking about Highsmith; number 3 we move the summary judgement to have the case where the three GALC members be dismissed that is what I am honing in, that was back in May 25.

**Attorney Kristan Finney:** Everything in that case is stayed so nothing can happen in that case

**Chairman Anthony Ada:** Who are my three colleagues?

**Attorney Kristan Finney:** Who were personally named?

**Chairman Anthony Ada:** I think it was Ron Laguaña, Commissioner Anita Orline.....

**Director Michael Borja:** I think it was Commissioner Mantanane.

**Chairman Anthony Ada:** I really would love for that to go away.

**Director Michael Borja:** I think part of the informal discussions that were being brought up for the settlements the settlement would include just dropping all of that

**Chairman Anthony Ada:** We need to find out from that.

**Commissioner Ronald Eclavea:** Legal Counsel says it is pending the decision from the Supreme Court.

**Attorney Kristan Finney:** I am sorry it wasn't stayed pending this decision in probate court it was stayed pending another decision from Supreme Court that has to do with the Attorney General was just disqualified or the entire office has to be disqualified, even though that is happening in a different case Judge Barcinas stayed in 1124-09 to see what happens because they are inter-related, the Judges don't want to come up with inconsistent results so they pause everything to see what the final ruling is in the Supreme Court.

**Chairman Anthony Ada:** Before we move on, it looks like this was just one piece that does not affect the other pieces right? When the AG's office submitted for a summary judgement they did not submit for all these other items, to dismiss what they brought against these other board members, so does that summary judgement also states the court case.

**Attorney Kristan Finney:** Everything so when the court case was stayed that means no other motions can get heard nothing else can get filed until the court says we can move forward.

**Chairman Anthony Ada:** That was at least as of May 2016 and there has been another memo from Attorney Highsmith in September 2016, I know Karen gave us a copy I just need to pull it out on my email what did he say in that letter, he is not updating yet?

**Attorney Kristan Finney:** There was a hearing for this 1124-09 the other day to talk about lifting the stay because Highsmith got a notice about the distribution from probate court so he wanted to see if he could lift the stay on 1124-09 so that he could try to file something to stop the distribution but it turn out that the distribution that they wanted to make had to do with the other case that has already been settled the Micronesia Mall part I don't know what case that is, when that became clear he withdrew the motion to lift the stay. I think that is why everything has been stayed, I was present in court with Highsmith but I have not been involved. I can tell you what I know but there are parts I don't know, I have not been involved with everything that has been filed.

**Chairman Anthony Ada:** So in these twelve cases only 1235 disqualified the Attorney General, but the Office of the Attorney General is still involved with 1,2,4,5,6,7,8.

**Attorney Kristan Finney:** Yes.

**Attorney Sandra Miller:** The probate denying the writ of prohibition that is number 7 on this list, "we have petitioned the Supreme Court restraining....."

**Attorney Kristan Finney:** When it says out of the case here I think it means that the government is not the creditor of the Estate so they can't be a part of the probate case not as the Office of the Attorney General.

**Attorney Sandra Miller:** Yah, yah, yah. You would be right, we understand creditor.

**Attorney Kristan Finney:** Just because they have this claim to this property that is the source of the fund of the Estate (inaudible).

**Chairman Anthony Ada:** Item number 7 in WRP 16-001.

**Attorney Sandra Miller:** That is the Supreme Case number, so number 7 is the order issued yesterday.

**Chairman Anthony Ada:** So they have decided, the restraining order has been denied.

**Attorney Sandra Miller:** So in 1235-12 I am also going to request a stay similar to a stay in 1124-09 pending a resolution by the Supreme Court on these issues.

**Chairman Anthony Ada:** Relative to this?

**Attorney Sandra Miller:** Relative to litigation on 1235 as long as there is no stay the government is supposed to take this to trial, keep going. In the meantime we have an appeal filed by Mr. Highsmith the AG should not be disqualified in the meantime like Kristan Finney says you got to have consistency with all these cases and different judges so I am pretty sure.

**Commissioner Ronald Eclavea:** So the Judge just found favor with Judge Perez's' rulings?

**Attorney Sandra Miller:** Yes. I think Judge Perez decision was to distribute. I will continue to keep the commission updated on 1235.

**Commissioner Ronald Eclavea:** By the way it is a separate case of ownership. The issue of ownership is still in play I guess.

**Attorney Kristan Finney:** When you say the property.....

**Commissioner Ronald Eclavea:** I am talking about.....

**Attorney Kristan Finney:** There are different properties in these cases.

**Commissioner Ronald Eclavea:** The Supreme Court case on the 13.6 million.

**Attorney Kristan Finney:** And that has to do with 1124 not 1235.

**Attorney Sandra Miller:** The effect of that 13.6 in case 1235 funds from the probate distribution could help pay for other settlements not just 1235 but all the other cases too, that is where they will get the money for settlement. If they distribute to all the heirs there may not be sufficient funds to pay any liability.

**Attorney Kristan Finney:** I don't recall Highsmith mention settlement offer.

**Attorney Sandra Miller:** He and I have talked about it, he is aware of it but there was not anything formal, nothing in writing it was informal.

**Commissioner Ronald Eclavea:** The mechanism (inaudible) your saying is really confusing, trying to separate which from what.

**Attorney Sandra Miller:** We need a diagram just to show how they are all related.

**Commissioner Ronald Eclavea:** When we look at 4 and 7 we think of that 13.6 million.

**Attorney Sandra Miller:** Because it is the same estate I don't know why they don't bundle them up into one case. Different judges different case numbers and different years.

**Commissioner Ronald Eclavea:** They were at different times and different families filing too.

**Attorney Sandra Miller:** That's all I just wanted to update you guys.

**Chairman Anthony Ada:** So you are here for 1235 and Attorney Finney will contact Attorney Highsmith to update us in the other cases.

**Attorney Sandra Miller:** Attorney Highsmith has been helping me understand what is going on.

**Chairman Anthony Ada:** I am glad he is because he has been there early on.

**Attorney Sandra Miller:** I think he handled most if not all of these cases.

**Chairman Anthony Ada:** Item number 6 didn't we already get the money? The easement at Micronesia Mall.

**Attorney Kristan Finney:** Everything is completed now and they were going to release the money last week.

**Chairman Anthony Ada:** Because here Attorney Highsmith says that by July 2016 we should have collected.

**Attorney Kristan Finney:** But it took longer than that but I believe the funds were supposed to have been released last week.

**Chairman Anthony Ada:** Can we ask Attorney Highsmith to bring us up to date. Board members do you want to dive into this order denying writ of prohibition or do you want time to read and talk about it?

**Commissioner Ronald Eclavea:** I would like to touch on something here page 6 of 8, order denying writ of prohibition. At the bottom of the page "the Commission directs the Chairperson and the Secretary of the Commission the condition the return of the property and the Estate shall request the probate court, and in parenthesis".

**Chairman Anthony Ada:** What line?

**Commissioner Ronald Eclavea:** Number 20.

**Commissioner Maria Cruz:** Page 6 of 8, line 24 which is absolutely not true.

**Commissioner Ronald Eclavea:** But the whole statement starts at 23. "The Estate shall request the probate court to accept the returns of the property in exchange for Estate terminating all future claims".

**Chairman Anthony Ada:** They are quoting back to when they went to probate court this is what Attorney Yanza said to Judge Anderson.

**Commissioner Maria Cruz:** Which is not true.

**Commissioner Ronald Eclavea:** That is why I wanted to touch on that.

**Chairman Anthony Ada:** Just to refresh our memories to terminate all future claims Attorney Mike Philips made a comment Judge Barrett-Anderson asked him if he objects and if he wanted to make a comment I don't agree that the Ancestral Lands Commission will make any future claims Ancestral landowners own the property you can't tell them take this and you can't claim any more that is when I asked Attorney Rozano what other properties are there that might fall under this future claims and he said a small property up by Naval hospital something like a 1,000 square meters and I asked him, why would we give you a million square meters and tell you don't claim the 1,000, it doesn't make sense. Anyway it is in the wrong venue it is in probate court, it led the judge believe it was good to go on the Commission side and the judges have to move forward.

**Attorney Kristan Finney:** That is what they are arguing in court right now at least with 1124-09.

**Chairman Anthony Ada:** They didn't bring what then Commissioner Charfauros said you gotta go to court, you gotta prove you own the property, once you prove that it is no longer conditional but if you don't prove that you own the property you have to return it, and that is in the transcript.

**Attorney Kristan Finney:** It didn't happen that way but as a follow up to that some other things happened where the property was transferred.

**Chairman Anthony Ada:** Back then the board had no legal representation there was nobody able to make sure that they were in the right court to prove that they owned the property. It went to probate and from what we learn they don't decide ownership but only distributing of property. The Attorney at that time did not follow what he was instructed to do at the board meeting at the court building.

**Commissioner Ronald Eclavea:** They are the ones that composed the deed, the directives to the Chairperson and we did not compose that for sure it says "the probate court received a final written decision and order from the GALC" they drafted that and they put in that thing about probate court in there.

**Chairman Anthony Ada:** I believe it was Attorney Louis Yanza that offered to write the deed. He came back this way and told the judge okay.

**Commissioner Anita Orlino:** No, at that time it was one of the board members at the time that told the lawyer, I was there, and told him to go ahead and draft the deed. And that is what happened.

**Commissioner Ronald Eclavea:** But they are the ones that inserted probate court.

**Chairman Anthony Ada:** Remember a board is a majority of seven, I should have brought a write up from me to Attorney Bischoff at that time. What the Torres family did was then went to then board member Mark Charfauros and they made him sign an affidavit that what he meant was to just give it but in the transcripts of the board it was clear "prove you own it and if you can't return it". He changed his mind, he told Bischoff he is only one out of seven, you cannot have an affidavit of one it has to be voted by at least five of the board. But I don't know what Attorney Bischoff did with that it was more than a year later they made Mark change his mind, the Torres family made him change his mind.

**Commissioner Ronald Eclavea:** I am just drawing attention to this.

**Chairman Anthony Ada:** Well there is something on the table, an offer, and there is a lot of time that past by and the proper thing for us to make a responsible decision we need to have a comprehensive like Attorney Miller said, a diagram to bring everything back up to the surface to see what is in front of us here. There are documents that the Attorney General has with what transpired with all these cases.

**Attorney Kristan Finney:** There is a big file.

**Chairman Anthony Ada:** I am talking about documents that go back to the Naval government era about what happened to this, have you seen that Attorney Finney?

**Attorney Kristan Finney:** Yes.

**Chairman Anthony Ada:** There is a timeline, correspondence that goes back and forth and how did this property get transferred to Ancestral Lands. We need to have a comprehensive look at it and do it fast.

**Attorney Kristan Finney:** All of that is an issue with these cases the land did not have an Ancestral owner before 1930 it was owned by Naval government of Guam, so that is an issue.

**Chairman Anthony Ada:** Yeah but there is a portion of the ancestral lands act that talks about where any excess land returned by the Navy be returned to ancestral lands it is in 80105.....something like that. The question is can an executive order transfer land or only the legislature transfer land. The legislature created a law that says excess transfer it, if it is an original landowner, let him have it, if it is not original landowner put it in the land bank. Yesterday I went through everything that will make this discussion clear and we basically have to map it out and everybody can be brought up to speed. I know some of us remember but some of us do not remember, I am one of them, I recall but .....

**Commissioner Maria Cruz:** My concern the money is being released how are we ever going to collect? No one is taking the RFP we are back to day one when we were without an Attorney and that is what is happening now so I think we should take a look at negotiating before the funds are all gone, this was released yesterday can you imagine how they work maybe it is already gone.

**Chairman Anthony Ada:** If they have good lawyers which I believe they do, they will advise their clients it has been released but don't do anything yet.

**Commissioner Maria Cruz:** We wish they advise that , to me right now I am thinking and don't know about the rest of you this has been dragging on for so many years I couldn't even sleep last night just thinking about it.

**Chairman Anthony Ada:** This question is not going to go away even if the money disappears because it has been asked of me by more than three people how did they get that million square meters? I say they were supposed to prove they own the property but that is not what they told the judge.

**Commissioner Maria Cruz:** I think they know we have done all we can up to today, right now things have changed, we really don't have.....

**Chairman Anthony Ada:** I don't think I gave this to you Attorney Miller, this was dated January 7 of this year I shared this with you guys this morning.

**Attorney Sandra Miller:** I don't have a copy.

**Chairman Anthony Ada:** This was done by Steve Limtiaco at the PDN he was pretty thorough in writing up that case it turns out that what prompted the article was Rev/Tax was billing the Estate what they owe on that 21 million dollars and there was an argument whether it was a gift or inheritance, something like that. That is how that came to the surface and that is out there again.

**Attorney Sandra Miller:** It is almost as if Steve Limtiaco read some of the transcripts some of this quotes doesn't sound like something you see in an order.

**Chairman Anthony Ada:** That was most likely from transcripts from ancestral lands, the family was instructed to go to court to prove they owned the land but something happened on the way to court. When is our next meeting, we need to lay this down real quick, Commissioner Cruz says it is gone we might as well forget it.

**Commissioner Maria Cruz:** I am not saying that I am saying try and negotiate while there is still money there.

**Chairman Anthony Ada:** She is saying there is something on the table let's talk about that but before we do that we need to bring everybody up to date. We can continue talking about this but let us get the other stuff out of the way. Director do you have a report?

**Attorney Kristan Finney:** Do you want Highsmith to come to your next meeting?

**Commissioner Ronald Eclavea:** Oh yeah that would be great. He can give us implications of the aftermath and what it all means.

**Director Michael Borja:** I don't have a report. The financial stuff was not included, you will have it next meeting.

**Commissioner Ronald Eclavea:** From what I got from legal counsel there is an offer on the table.

**Chairman Anthony Ada:** Attorney Miller was clear to say she is not our counsel.

**Commissioner Ronald Eclavea:** No. she is on that one case.

**Attorney Sandra Miller:** I am in a strange position in that I did not make an appearance in 1235 I was summoned by the Judge to make an appearance because the plaintiff in 1235 is the government of Guam and with the Attorney General out of the way the Chief Executive who is the governor he has to protect the government of Guam so I am representing the Governor and you all work underneath him technically I am the interim which includes by default .....

**Commissioner Ronald Eclavea:** But it is still somewhat there.

**Attorney Sandra Miller:** My job was to find you your own lawyer that was the order from the judge.

**Commissioner Ronald Eclavea:** But is it safe for me to say there is a proposition on the table and our options are to do a settlement be it land or money, it is still on there technically.

**Attorney Sandra Miller:** I spoke to some of the parties yesterday and there is an informal, unwritten offer is still on the table, how long it is going to stay on the table I don't know.

**Chairman Anthony Ada:** It is going to be catch me if you can now that the money is released

**Attorney Sandra Miller:** I think the real issue especially in 1235 because I am not sure what is going on in the other cases, the property is still in the Estates name or whether it has been sold and I don't know the answer to that.

**Commissioner Ronald Eclavea:** I think we should clarify that right away and see where we are at from my understanding it has not been sold it is still there, what do you call it when they can't do anything with it.

**Attorney Sandra Miller:** They call it a lis pendens.

**Commissioner Ronald Eclavea:** So let us just clarify. There are three lots.

**Chairman Anthony Ada:** The one that generated the 21 million already has a third owner remember when Attorney Ecube came to ancestral lands and said that Mr. Yoon was a bonafide third party purchaser innocent, he didn't know what was going on. Attorney Bischoff at the time said he bought the property in good faith, he didn't know what was going on.

**Commissioner Ronald Eclavea:** But we are talking about the three other lots.

**Chairman Anthony Ada:** The one that generated this money is up there in the workforce village.

**Commissioner Ronald Eclavea:** The one she is representing right now.

**Chairman Anthony Ada:** The Micronesia Mall one.

**Commissioner Ronald Eclavea:** And the one across the street too.

**Attorney Sandra Miller:** 5007.

**Chairman Anthony Ada:** They are all around the Micronesia Mall area.

**Attorney Sandra Miller:** 5007, 5008, and 5008-1.

**Chairman Anthony Ada:** It is behind Cabalen restaurant.

**Attorney Sandra Miller:** The Commission can fight for those lots but I don't know if you still have it.

**Commissioner Ronald Eclavea:** So we need to clarify that and the probate case and what were we disqualified for I know we have those three lots that were in stay because of the involvement in the probate case.

**Commissioner Anita Orino:** Do you want to acknowledge Commissioner Sablan?

**Chairman Anthony Ada:** oh yes! For the purpose of the recording he has been here. Attorney Finney will ask Highsmith to give us a status update and Attorney Miller will update us on the status of 1235 only.

**Attorney Sandra Miller:** I only know 1235 but because they are all together I am happy to work with Attorney Highsmith.

**Deputy Director David Camacho:** The probate case where Elizabeth Barrett Anderson was involved that case filters down to the one million square meters on that civil case it is showing different lot numbers, that shows across the Micronesia Mall.

**Chairman Anthony Ada:** Oh Ooh! Attorney Finney is there a typo error in these descriptions?

**Attorney Kristan Finney:** What do you mean?

**Commissioner Ronald Eclavea:** There are three separate cases that the land was returned and we shouldn't have.

**Chairman Anthony Ada:** We have maps here, where are those lots? I keep hearing it is across Micronesia Mall but that is the million square meters towards Tanguissan right?

**Commissioner Anita Orlino:** 5007, 5008, 5008-1.

(inaudible- to many speaking at the same time).

**Chairman Anthony Ada:** On this comprehensive review can we have maps?

**Commissioner Anita Orlino:** It was suggested at one of our meetings that we have maps of all the lands in our inventory and it didn't materialize.

**Commissioner Ronald Eclavea:** They have been giving us maps the whole time but after all these years we get confused because it is taking so long.

**Chairman Anthony Ada:** For this 1235 and what happened yesterday we have to put together a study or diagram to bring everybody up to speed with what is going on and we have to do this pretty quick, when is our next meeting?

**Deputy Director David Camacho:** The 22<sup>nd</sup>

**Chairman Anthony Ada:** On February 22<sup>nd</sup> at that meeting we will bring everybody up to speed, I have a lot in my files and I will put it together Dave from your side provide the maps.

**Deputy Director David Camacho:** We will identify all the maps and all the cases.

**Chairman Anthony Ada:** Getting back to Commission Orlino's comment and Cruz, I think we should get into a van and drive around to all these properties. Number one we need a listing of all properties and where they are at.

**Commissioner Ronald Eclavea:** What properties?

**Chairman Anthony Ada:** In the land bank. Commissioner Orlino asked what is out there.

**Commissioner Ronald Eclavea:** Oh, oh, oh! That is a different subject.

**Chairman Anthony Ada:** So we are going to get that list of properties in the land bank worked on.

**Commissioner Antonio Sablan:** The land is I am willing to provide the material if necessary I will pay for it out of my stipend from Ancestral Lands. We need one big map of Guam and color code by status whether returned or in the land bank so every time we come to a meeting we can have a clear picture of what is the status are we sitting on thousands of acres and not doing anything with it, where are we and what is our direction.

**Chairman Anthony Ada:** You mean like a map of Guam with green for Ancestral Lands, red for government.

**Commissioner Antonio Sablan:** Whatever it is, we could pin the map, shade it or color it.

**Chairman Anthony Ada:** Director, one or two years ago didn't the Governor try to get the military to return some properties that were small footprint scattered throughout the island, wasn't there an inventory of that?

**Director Michael Borja:** I am not sure.

**Chairman Anthony Ada:** Mr. Camacho, maybe GEDA was the one, there were properties held by the military surrounded by neighborhood and there was a listing that they were going to ask the military to give those back.

**Deputy Director David Camacho:** GEDA has that list. The military is not utilizing that property and it was given to the governor as part of the request.

**Chairman Anthony Ada:** There is no action on it?

**Deputy Director David Camacho:** We need to follow up with the individual who is handling this.

**Commissioner Ronald Eclavea:** I agree with Commissioner Sablan about this map.

**Commissioner Antonio Sablan:** See look at that land area, what is the status and who owns that I believe that is an issue with the Torres and John Gilliam and they were trying to lease it out for \$500 dollars.

**Commissioner Ronald Eclavea:** That was before we had the lawsuit.

**Commissioner Antonio Sablan:** But I would like to know what is the status on that right now.

**Commissioner Ronald Eclavea:** That is the lawsuits that we are in court.

**Commissioner Antonio Sablan:** You guys are talking about lots.

**Commissioner Anita Orfino:** You have to be informed.

**Commissioner Antonio Sablan:** I need to know what these are and where we are heading to in order to make an informed decision.

**Commissioner Ronald Eclavea:** We are fighting to get it back, that is where we are at.

**Commissioner Antonio Sablan:** You are very astute with this issue but we are not.

**Chairman Anthony Ada:** Does everybody have a map like this?

**Commissioner Anita Orino:** No.

**Director Michael Borja:** No?! Whenever you get an email from anyone of us it's at the bottom there, check it out.

(inaudible and incoherent- subjects are not discernable due to several conversations occurring at this time)

**Commissioner Louisa Wessling:** What are you looking for?

**Chairman Anthony Ada:** Ukkudo High School, there use to be an antenna field. It's not there anymore it must have been on a different map.

**Commissioner Ronald Eclavea:** You said antenna field?

**Commissioner Antonio Sablan:** What is that? Is that antennas there?

**Deputy Director David Camacho:** It is across route three the antennas

**Chairman Anthony Ada:** The urgent matter is to bring everybody up to date in these court cases and we are going to get a list of all the properties in the land bank match it up to a map and we could find it through google earth otherwise a site visit of all the lands. That property going into the golf course I just learned it was ancestral lands, I think there is a paved road going in already, that is one instance that property belongs to ancestral lands that we were not aware of. Following this comes the determination of need and RFP that Dong Choe from GEDA told us about.

**Commissioner Ronald Eclavea:** One last thing, we are overwhelmed with so many things that feel for those that are brand new and we are taking for granted that they know but they really don't.

**Commissioner Antonio Sablan:** I have a feeling that we are all lost.

**Commissioner Ronald Eclavea:** I could sit with you guys to get you guys to where we are at because there is a lot of stuff that came in.

**Chairman Anthony Ada:** That is why I want to do a comprehensive study of this whole thing.

**Commissioner Ronald Eclavea:** At least with the court cases they are not too long we can get them up to par as oppose to a meeting.

**Chairman Anthony Ada:** It has to be in a meeting.

**Commissioner Ronald Eclavea:** It is a lot of stuff to remember even for me.

**Commissioner Maria Cruz:** Going back to Mr. Camacho and the list of properties that we are asking to return by the federal, I didn't hear you can you give us a status report.

**Deputy Director David Camacho:** I reported on that several times but I believe we can get a copy of what GEDA generated, properties not being utilized by the military and that is one of the listing.

**Commissioner Maria Cruz:** Wasn't this done a long time ago?

**Deputy Director David Camacho:** It started when our office was up in Maite, Tiyan.

**Commissioner Maria Cruz:** Because I know the former governor Camacho started to ask the military to release those and Governor Calvo follow up with that. Do you have a follow up on that?

**Deputy Director David Camacho:** I believe Mark Calvo was supposed to check on that like the Barrigada golf course.

**Commissioner Maria Cruz:** We just want them to know that we have not forgotten by following up.

**Deputy Director David Camacho:** I don't think the Area 15 has been released.

**Commissioner Maria Cruz:** There are other properties involved in that list.

**Deputy Director David Camacho:** Let's finish the list of properties first that were involved in the civil cases.

**Commissioner Ronald Eclavea:** I think you are right that the priority is the properties in the court cases.

**Chairman Anthony Ada:** Yes that is what I asked for to be done for the February 22<sup>nd</sup> meeting and have this package put together and we will sit down and hammer it out.

**Deputy Director David Camacho:** When you say "we".

**Chairman Anthony Ada:** I have a lot of the documents but I will need land management's help with the maps. I did a timeline that needs to be updated and then everybody can be brought up to speed.

**Commissioner Antonio Sablan:** That is great in us getting together in discussing these court cases but several meetings have been mentioned about this map that we need to have a map overall all and color coded, look at this military land that we are asking the military to return back it would be easy to reference those lots right away right now we are lost. I again, am volunteering to get this map done could we make a move on that?

**Chairman Anthony Ada:** I know there are maps out there, Department of Agriculture has maps showing all their hunting areas, Chamorro Land Trust has their maps, so there maps we just need to bring them together.

**Commissioner Antonio Sablan:** Bring it and we could look at it every time we have a meeting.

**Chairman Anthony Ada:** There is an offer for somebody will pay for it, we have the maps we just need to break it out.

**Commissioner Antonio Sablan:** To continue serving on this board I need to know where I am and what my direction is.

**Deputy Director David Camacho:** My advice is talk to Joey and download it into your system we also have ancestral crown land property, we have a list of property released and those pending release.

**Commissioner Antonio Sablan:** Again I would like it here so everybody can be looking at the map.

**Chairman Anthony Ada:** I have asked Joey for help and he will give me the metes and bounds I will plug it in to google earth and I can see it.

**Commissioner Antonio Sablan:** I am computer illiterate.

**Chairman Anthony Ada:** Then someone can help you with that.

**Commissioner Anita Orlino:** Why don't you help him out.

**Chairman Anthony Ada:** I will. Let us started with identifying the properties and we will go from there.

**Commissioner Antonio Sablan:** A big Guam map depicting all the parcels.

(inaudible)

**Chairman Anthony Ada:** Commissioner Sablan still has the floor we get location, the metes and bounds, find it on the island of Guam plug it in.

**Commissioner Antonio Sablan:** Again we can print that with all the lots we could use a pin to color code it to represent a status are we going to get that?

**Chairman Anthony Ada:** Yes we are.

**Commissioner Antonio Sablan:** The next question to our legal counsel, with all these cases what was in the ancestral land meeting, what was the direction to the Torres family and if that instruction that was in the minutes and the document that was signed, which prevailed? To me the one signed and recorded at land management prevails. Am I correct?

**Attorney Kristan Finney:** All of that is what they are trying to figure out in the court.

**Commissioner Antonio Sablan:** For our purposes what should we be approaching it?

**Attorney Kristan Finney:** There is nothing that you can do right now it is in court. The land was given to the Estate and now we are waiting to see if that was the correct action.

**Commissioner Antonio Sablan:** Once we give it away it is out of our hands.

**Attorney Kristan Finney:** That is what is at issue with the litigation.

**Chairman Anthony Ada:** It is what is the intention.

**Commissioner Antonio Sablan:** No! it is what was written down. You could be intending to be a multi-millionaire and you could give up on your first two million, you are working on the third does not make you a millionaire. It is what was written and correct me Ms. Wessling, you are the broker.

**Attorney Kristan Finney:** That is what the court is trying to determine all those cases are stayed while the Supreme Court decides in the one case the entire office of the Attorney General was removed, they have to decide if that was the right thing or not. While they are making decision on that case everything else is stopped. A different judge says that the AG is disqualified but not the others that work there and can continue to represent the government in other cases so everything is on hold until the Supreme Court decides on that issue.

**Commissioner Antonio Sablan:** The third question is to the management, Mr. Borja and Mr. Camacho. I heard that several of the board members have been brought in for a meeting.

**Commissioner Louisa Wessling:** Yeah.

**Commissioner Antonio Sablan:** Were you invited?

**Commissioner Louisa Wessling:** No!

**Commissioner Antonio Sablan:** Why are we not being invited? I really feel that there is something underhanded that is my feeling and maybe I shouldn't be saying this but that is my feeling. Maybe not bringing them in all at the same time but I feel that Louisa and myself should be a part of this. Is there a decision being made or an orientation? And then I hear there is an offer of settlement.

**Director Michael Borja:** You are not hearing about a settlement you have already been told there is an offer to settle you were told by the Governor.

**Commissioner Antonio Sablan:** By who?

**Director Michael Borja:** The Governor. Didn't you have a discussion with the Governor at some point about this awhile back?

**Commissioner Antonio Sablan:** to consider if there is an offer, to consider the expense and the litigation but there was never a discussion of what the offer is.

**Director Michael Borja:** We were discussing it earlier in this meeting.

**Commissioner Antonio Sablan:** I am late I apologize and I will catch up.

**Director Michael Borja:** Sandra Miller was here to discuss that.

**Commissioner Antonio Sablan:** Again, several of the board members were brought in, is there a reason why Louisa and myself were not brought in?

**Director Michael Borja:** You were brought in groups to make sure we do not meet a number greater than or equal to a quorum?

**Commissioner Antonio Sablan:** I understand that but my question is why Louisa and I were never invited in another meeting or later on in a separate group.

**Chairman Anthony Ada:** When Attorney Miller was here did she cover everything that she covered with you guys?

**Director Michael Borja:** She did, she discussed it all.

**Chairman Anthony Ada:** We want to make sure everything comes out in the open that is why I want this comprehensive, bring all the documents and bring everybody up to speed and it is going to be on the 22<sup>nd</sup>.

**Commissioner Maria Cruz:** She is repeating again what the governor had brought up.

**Chairman Anthony Ada:** It doesn't feel good when you are not invited.

**Commissioner Maria Cruz:** I understand.

**Director Michael Borja:** As we saw, the train is moving so fast now that everything we talked about this morning is all changing because of the Supreme Court case that just got released yesterday afternoon.

**Commissioner Antonio Sablan:** I would like to emphasize that on the next occasion I would like to be invited.

**Chairman Anthony Ada:** That is my error and next time I will ask if everybody is aware but I don't expect this to happen again.

**Deputy Director David Camacho:** That is my fault because the last two that came in was this morning and then we had the meeting and Sandra was going to show up, it is still the same presentation there was no voting or what.

**Chairman Anthony Ada:** Yesterday I was called to meet them, but I agree with you and next time I will talk to everybody and make sure you have been called in.

**Commissioner Antonio Sablan:** The thing is I am hearing this a second time around, when is my turn? I am sure Louisa didn't get invited.

**Commissioner Louisa Wessling:** I saw that everyone was going to a meeting, saying did you get the call? Did you get the email? Of course I went to check my email and checked my voice messages, there was nothing. I figured that maybe it had to do with some of these old cases and only the people who were involved in them.....

**Director Michael Borja:** I also need to caution you guys, if you are in a social group in whatsapp that can constitute a meeting. You really need to seriously need to consider it for social events and discussing parties but not for items to be discussed.

**Commissioner Maria Cruz:** It is more social we don't discuss what's happening.

**Attorney Kristan Finney:** You guys can't meet anyplace that is not a properly noticed meeting. I am not sure what you guys are referring to here.....

**Director Michael Borja:** You see you have a GALC commissioner's whatsapp.

**Commissioner Maria Cruz:** That's only for "hey! Are you going to the meeting?"

**Director Michael Borja:** My point! You cannot even call it that!

**Commissioner Maria Cruz:** Okay I will change it.

**Director Michael Borja:** Seriously. In fact, that is why we have to do the notification to the media and mayors and legislature by email as well. The Ancestral Lands Commission, unlike the CLTC, has a stricter notice requirement of meetings.

**Commissioner Maria Cruz:** I can let you read it, it has nothing to do with work.

**Commissioner Ronald Eclavea:** I don't think they doubt it.

**Chairman Anthony Ada:** Just re-title it call it the crew or something.

**Commissioner Antonio Sablan:** One last thing, I heard that this might be a discussion of an old issue, I object to that. The old issue was a 21 million dollar mistake, I am a part of this board and I would like to make future corrections to that 21 million dollar mistake. I understand it is in the hands of the court and anything that to be made we are all in the same boat right now so we need to be a part of it.

**Chairman Anthony Ada:** (incoherent sentence) there knowledge and understanding issues for ancestral lands, I am sorry if you feel like we don't like you.....

**Commissioner Maria Cruz:** I think they were pressed with time and to educate both of you would have been lengthy and if they don't have the luxury of time on their hands. Rest assured decisions have not been made and everything that we discussed was re-discussed again, I am going to defend the Director and the Deputy.

**Commissioner Antonio Sablan:** Commissioner Cruz, Louisa and I are deep into real estate, and for you to say it takes us time to educate us.....

(inaudible).

**Chairman Anthony Ada:** Let us get back into control. I have points to my meeting yesterday, this is it, I will give you a copy of this. 1235-12, the seven cases in the memo, the appeal and they put an RFP out and no lawyer stepped forward, there is a hearing on April 6<sup>th</sup> and the government has 21 days after April 6 to reply. Attorney Miller says this has been going on for 14 years, I kind of stopped her and Commissioner Eclavea will ratify it or he motioned to let the courts decide so I asked Attorney Miller that there has been a decision to let the courts decide, why are we sitting here? Because there was something laid on the table which she just mentioned today that is the full extent.

**Commissioner Maria Cruz:** And that is what you missed

**Chairman Anthony Ada:** I am sorry.

**Commissioner Antonio Sablan:** I apologize; I dropped my cell and had to go to the ranch to look for it.

**Chairman Anthony Ada:** This will never happen again.

**Commissioner Antonio Sablan:** Thank you Mr. Chair, I rest my case.

**Chairman Anthony Ada:** The meeting on the 22<sup>nd</sup> we will have everything to look at to be informed and make a good decision about this offer on the table.

**Commissioner Ronald Eclavea:** It is a clarifying session.

**Chairman Anthony Ada:** It is to bring everyone up to speed, the prior decision to let the courts decide has to be re-thought out and in order for us to make a good decision we need to bring everybody up to speed whether new or old, mostly because you are new and you need to be brought up to speed, I wouldn't put it on you to vote and you are not aware.

## **VII. Adjournment**

**Commissioner Ronald Eclavea:** I motion to adjourn.

**Commissioner Anita Orlino:** I second.

**Chairman Anthony Ada:** All those in favor say "Aye".

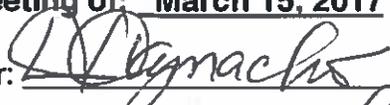
**All Commissioners present:** "Aye".

**Chairman Anthony Ada:** We are adjourned.

**Meeting adjourned at 4:10pm**

Transcribed by: Karen N. Charfauros: 

**Approved by Board motion in meeting of: March 15, 2017**

David V. Camacho, Deputy Director:  Date: 3/23/2017

Ronald T Laguaña, Acting Chairperson: 