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Street Address:  
590 S. Marine Corps Drive  
Suite 733 ITC Building  
Tamuning, GU 96913

Mailing Address:  
P.O. Box 2950  
Hagåtña, GU 96932

Website:  
<http://dim.guam.gov>

E-mail Address:  
[dimdir@land.guam.gov](mailto:dimdir@land.guam.gov)

Telephone:  
(671) 473-5263/7 or  
(671) 649-LAND (5263)  
ext. 435

Facsimile:  
671-649-5383



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**GALC COMMISSION MEETING MINUTES**  
Department of Land Management Conference Room  
3<sup>rd</sup> Floor, ITC Building, Tamuning  
Wednesday March 29, 2017 | 2:18pm to 4:30pm

**I. CALL TO ORDER**

Meeting was called to order at 2:18pm by Vice-Chairman Ronald T. Laguaña

**Chairman Anthony Ada:** In Compliance with public law 24-109, Guam Ancestral Lands Commission published the public meeting announcement on Wednesday, March 22, 2017 and Monday, March 27, 2017 in the Guam Daily Post.

**II. Roll Call**

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

Joe Borja from Senator Tom Ada's office, Senator Tom Ada, Attorney Sandra Miller, Legal Counsel from the Governor's office and Jerick Sablan from the PDN was recognized by Deputy Director and the Director.

**Acting Chairman Ronald Laguaña:** This meeting is called to order.

**III. Approval of Minutes**  
February 22, 2017

**Commissioner Antonio Sablan:** I motion to approve the minutes.

**Acting Chairman Ronald Laguaña:** There is a motion to approve the minutes do I hear a second?

**Commissioner Ronald Eclavea:** I second the motion.

**Acting Chairman Ronald Laguaña:** Everybody in favor?

**Commissioners:** "Aye".

**Acting Chairman Ronald Laguaña:** All oppose?



No answer.

**Acting Chairman Ronald Laguaña:** The motion passes.

#### **IV OLD BUSINESS**

##### **C. Tran Steel**

**Acting Chairman Ronald Laguaña:** There was a request to move Tran Steel first; is that okay with all the Commissioners?

**Commissioners:** Yes.

**Acting Chairman Ronald Laguaña:** Let us bring up Trans Steel. Welcome, please state your name and what you are here for.

**Mr. John Pearson:** My name is John Pearson I am from Tran Steel I am here regarding the payment I made on the leased property in Piti.

**Acting Chairman Ronald Laguaña:** Do you have a specific written request for the Board.

**Mr. John Pearson:** I made arrangements and the Board approved it. I made a \$1,500 dollar payment and the balance will be at the end of this month. I have met the \$1,500 dollars and I know I have a couple more days in this month and I am in the process of meeting the full amount by the end of this month which I believe is around 3,500.

**Karen Charfauros:** Joey Cruz, our accountant, is off island.

**Acting Chairman Ronald Laguaña:** So we don't have an update on the current balance and pending late fees.

**Karen Charfauros:** That's correct, we can guesstimate, it is about \$3,500

**Acting Chairman Ronald Laguaña:** But we are at the juncture with the extension he is requesting. Director can you remind of us that.

**Karen Charfauros:** I can remind you of that. Tran Steel had a balance of about \$4,500 there was a double posting in November. The double posting gave an incorrect balance and he came back in February and because of the double posting the Chairman at the time decided to give him another month that is why is he was given until the end of March. He made his \$1,500 payment at the end of February and the decision to renew his lease was contingent upon the fact he is able to make the balance at the end of March which is Friday.

**Acting Chairman Ronald Laguaña:** So you will make a \$3,500 payment this Friday.

**Mr. John Pearson:** I am not sure about the amount the last meeting it was 4,500 I paid 1,500 plus the current lease amount brings it to \$3,500. I am really pushing to meet the payment at the end of the month and I am just going to do it.

**Acting Chairman Ronald Laguaña:** We acknowledge the presence of our Chair, Anthony Ada. You can take over now sir.

**Chairman Anthony Ada:** Sorry for my tardiness.

**Acting Chairman Ronald Laguaña:** There was a request to move up Tran Steel; he is updating us on the balance and he is explaining his situation.

**Commissioner Antonio Sablan:** I would like to mention on our meeting with Mr. Pearson we did not take into account the double posting and we instructed him to make certain payments and since then we discovered he is supposed to be making double amount of those payments and I understand that you are saying that at the end of this month you will be paid off and then of course next month comes and you have that payment to. By the next meeting will be paid fully?

**Mr. John Pearson:** I believe so.

**Commissioner Antonio Sablan:** In light of that I would like to make a motion that we give Mr. Pearson until the end of this month and by next month he will make his payment and we will discuss his request for extension at the next Board meeting.

**Karen Charfauros:** Renewal.

**Commissioner Maria Cruz:** Just to remind Mr. Pearson that he is on a month to month we have not approved any renewal yet.

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

**Vice Chairman Ronald Laguaña:** I just want to remind Mr. Pearson that Friday is the end of the month, March. We will be anticipating a payment this Friday and for the month of April.

**Mr. John Pearson:** Yes, I have amount saved up I am just a little short.

**Vice Chairman Ronald Laguaña:** We are going to take your word on that.

**Mr. John Pearson:** Up to this point I promise I commit to the board that it will be fully met.

**Commissioner Ronald Eclavea:** I second the motion.

**Chairman Anthony Ada:** When you say you're a little short.

**Mr. John Pearson:** I will be honest I am a little bit short I had an expense but I will try.

**Chairman Anthony Ada:** For the record can we repeat the motion.

**Commissioner Antonio Sablan:** The motion is that we give Mr. Pearson until the end of this month to pay his balance, at the end of March and also by next board meeting in the month of April he will make his payment for the month of April, that is my motion to give him an extension before we consider to renew his lease agreement with us.

**Commissioner Ronald Eclavea:** I second it.

**Chairman Anthony Ada:** The date for our next meeting?

**Karen Charfauros:** The next meeting could be April 12<sup>th</sup>.

**Chairman Anthony Ada:** Two weeks from now is April 12<sup>th</sup> is there anything happening then? So we are looking at April 12<sup>th</sup> and you will catch up at the end of this month and then when we meet on April 12<sup>th</sup> you should be up to date. You already said you are a little bit short.

**Mr. John Pearson:** Before the next board meeting everything will be up to date, I want to prepare for my future lease so I can prepare for my business.

**Commissioner Ronald Eclavea:** And then we will discuss your lease.

**Mr. John Pearson:** Please don't scare me like that once I make the balance payment on the lease.

**Commissioner Maria Cruz:** And then again I want to remind you it is not an automatic license renewal it is not a lease agreement, it is a license.

**Mr. John Pearson:** Yes, I am sorry I understand.

**Vice Chairman Ronald Laguaña:** Mr. Pearson once you are updated with payments notify us that was our secretary can notify us and then we will proceed on at our next meeting.

**Commissioner Antonio Sablan:** April 12<sup>th</sup> is okay.

**Mr. John Pearson:** It is a little early but I guess.

**Commissioner Antonio Sablan:** My motion has not been approved

**Chairman Anthony Ada:** It was moved and was seconded and we had the discussion and now we vote, Commissioner Anita Orlino?

**Commissioner Anita Orlino:** Approved.

**Commissioner Antonio Sablan:** Approved.

**Vice Chairman Ronald Laguaña:** Approved.

**Commissioner Maria Cruz:** I abstain.

**Commissioner Ronald Eclavea:** I approve.

**Chairman Anthony Ada:** I approve. It is approved by majority the motion passes. Thank you.

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

#### **IV Old Business**

##### **A. DPHSS – WIC Tenant Improvement Allowance**

**Chairman Anthony Ada:** Item "A" DPHSS – WIC Tenant Improvement Allowance.

**Margarita Borja:** At the last board meeting there was a request to do a site inspection and Glenn.....

**Glenn Eay:** my name is Glenn Eay I am a land agent II with Chamorro Land Trust I made an inspection this morning at around 10 am at the WIC clinic located in Tiyan. My purpose to conduct the site inspection was to see the installation of the 30 ton air conditioning unit and replacement of Tiyan structures. Part of my findings you will see pictures there that I took I did a walk through with Mike Gallo program coordinator from WIC. We confirmed that the 30 ton air conditioning unit and replacement of AC duct was completed. You can in the photo that the old duct and motor was set aside for removal but has not been removed as of today. I asked Mr. Gallo about the three AC split unit and he said it never transpired because of the delay of the GSA procurement process. So this is all I have to report today.

**Chairman Anthony Ada:** The ducting was just as new as the unit?

**Glenn Eay:** Yes correct because what they had to do was replace the duct when they replaced the unit as you can see they set it aside and they put a new one. They did not replaced the whole duct only what was required as part of the unit. Along with that they also did clean the duct as well it was part of the process.

**Chairman Anthony Ada:** It looks like some plants grew around these ducts already.

**Commissioner Ronald Eclavea:** They are maintaining the front but not the back. Are they planning to move the stuff that is there?

**Glenn Eay:** They are going to remove the old parts, the person that should have given me the information was not there today he was replaced by one of the staff who gave me information that he knows that had transpired.

**Commissioner Anita Orlino:** (inaudible)

**Karen Charfauros:** I believe they spent more than that but they are asking \$50,000 in TIA.

**Commissioner Anita Orlino:** (inaudible) the structure itself but this is the comfort there was an (speaking to softly it is inaudible) there was an attachment; the PO there was a total of \$50,000 in TIA. They spent \$80,000 but they are only asking for \$50,000 in TIA.

**Commissioner Ronald Eclavea:** But the total improvement was over \$80,000 what was it?

**Commissioner Anita Orlino:** They spent \$80,000 but they are only asking for \$50,000 in TIA.

**Karen Charfauros:** I tried to call GEDA to be here but I wasn't successful in getting a hold of them.

**Commissioner Anita Orlino:** We should table it until next meeting.

**Karen Charfauros:** I think they are leaving it up to you guys because of the new.....

**Commissioner Anita Orlino:** The new MOU?

**Karen Charfauros:** No, not the MOU. But because you guys will be taking over licenses.

**Commissioner Anita Orlino:** OH!

**Commissioner Ronald Eclavea:** So it is up to us, our decision.

**Commissioner Anita Orlino:** So we revert back then to just the structure the last time we did tenant improvement they were asking for drinks.

**Chairman Anthony Ada:** The offset was in the tune of \$200,000 plus didn't we ask them before they do improvements to get approval, this one here they went ahead and did it and now they are asking for an offset.

**Commissioner Ronald Eclavea:** But our last hearing we ask them to go there and take pictures.

**Vice Chair Ronald Lagunaña:** But that was after the fact.

**Chairman Anthony Ada:** Glenn, when you spoke to Mike Gallo you said he was the program coordinator but does he have a dual role as a facilities person?

**Glenn Eay:** No. The contact person is David Gumataotao but he wasn't available this morning so I met up with Mike Gallo and he gave only information that he knows.

**Chairman Anthony Ada:** So it is an improvement to the building at the location but there are questions like are these on a maintenance contract?

**Glenn Eay:** I didn't get that information because the person that was supposed to assist me wasn't there.

**Chairman Anthony Ada:** So there are other questions about the equipment.

**Commissioner Anita Orlino:** Find out if there is a contractual maintenance.

**Chairman Anthony Ada:** Yeah, questions that we want to find out and if you look at the surrounding area it looks like it's overgrown.

**Commissioner Antonio Sablan:** We should just invite them to ask these questions.

**Commissioner Anita Orlino:** No need to work with GEDA right?

**Commissioner Antonio Sablan:** Is GEDA still receiving money from this?

**Chairman Anthony Ada:** The MOU is still in effect so we should keep them in the loop.

**Commissioner Ronald Eclavea:** She couldn't get a hold of them to confirm.

**Commissioner Maria Cruz:** GEDA should be involved in this assessment.

**Chairman Anthony Ada:** We shouldn't decide on the offset of the TIA request.

**Commissioner Anita Orlino:** Can we just table this?

**Commissioner Ronald Eclavea:** Was this a complete unit or did they change the unit or did they just change out the engine?

**Glenn Eay:** It appears they changed the whole unit because it was out of service from my understanding.

**Commissioner Ronald Eclavea:** Was this one building or several buildings?

**Glenn Eay:** It is one building it is a long building but it supports the whole building.

**Commissioner Ronald Eclavea:** And they are saying this is a \$50,000 job.

**Commissioner Anita Orlino:** I suggest we table this.

**Chairman Anthony Ada:** We will continue this so we will have some people come in.

**Commissioner Antonio Sablan:** it says here not inspected the plumbing, and glass door, electrical outlet, can we get someone to inspect this?

**Commissioner Ronald Eclavea:** But I don't think that is a part of the reimbursement.

**Commissioner Antonio Sablan:** They are sending us a packet.

**Commissioner Ronald Eclavea:** But this is not included they are just asking us for the air conditioning.

**Commissioner Antonio Sablan:** I understand that but if they are saying they spent so much and they are asking for a \$50,000 credit I would like to know that they really spent on the other things.

**Vice Chairman Ronald Lagunaña:** But also they included other facilities in that write up are they within our jurisdiction?

**Commissioner Anita Orlino:** No!

**Vice Chairman Ronald Lagunaña:** So we need information, why are they including additional information that is not within our jurisdiction they should keep it to our unit only.

**Commissioner Antonio Sablan:** Our unit cost up to \$80,000 just in our unit.

**Deputy Director David Camacho:** Because of the procurement process comes in one document it is up to you to identify which is which.

**Chairman Anthony Ada:** It is the entire building so this not inspected Item number three is looking at the building.

**Deputy Director David Camacho:** I believe the board already approved what is going to be paid way back since three or four years ago. You made a motion and already made a commitment with WIC that certain items would be credited and certain items we cannot.

**Chairman Anthony Ada:** But this is a new one.

**Deputy Director David Camacho:** But the motion was for them to come back and ask for payment for what was already been approved not for the landscaping but for the building itself.

**Chairman Anthony Ada:** They want to offset to what they owe.

**Deputy Director David Camacho:** Right.

**Chairman Anthony Ada:** So will this be included in this other group?

**Deputy Director David Camacho:** That is where you guys come in.

**Chairman Anthony Ada:** If this was discussed in a prior meeting that it be included all we have to do is verify.

**Commissioner Anita Orlino:** They attached their thing in the last resolution.

**Commissioner Ronald Eclavea:** They had to come and get approval first not renovate and then ask us.

**Chairman Anthony Ada:** That was for the \$200,000 they came to offset and we agreed.

**Commissioner Ronald Eclavea:** Right.

**Chairman Anthony Ada:** But then we asked them .....

**Commissioner Ronald Eclavea:** To get a hold of us to approve any further improvements.

**Chairman Anthony Ada:** But director Camacho said this was discussed, okay.

**Commissioner Maria Cruz:** GEDA did not recommend all of the cost to be offset so we need to get a copy of what exactly we approved.

**Chairman Anthony Ada:** GEDA manages the property.

**Vice Chairman Ronald Laguaña:** Right here is the resolution. Five years ago.

**Chairman Anthony Ada:** So is this the resolution include last year's expense?

**Deputy Director David Camacho:** No. On this expense I believe GEDA has been working with WIC on this and the presentation to the board did not happen until a later date because of the procurement process.

**Chairman Anthony Ada:** Could you add GEDA to the invitation. Let's move on.



**IV Old Business**

**B. GEDA MOU**

**Chairman Anthony Ada:** Anybody here from GEDA?

**Karen Charfauros:** I tried to call them but I was not successful but if you remember the last meeting I was instructed to put it on so the commission can begin discussions and putting your thoughts because you are on a timeline.

**Chairman Anthony Ada:** Ninety days prior so we are looking at the end of July.

**Karen Charfauros:** April is when you would have made decisions.

**Vice Chairman Ronald Laguaña:** For the revised MOU.

**Commissioner Antonio Sablan:** Didn't we set up a subcommittee?

**Karen Charfauros:** The subcommittee should have had made a report today.

**Commissioner Antonio Sablan:** Can the subcommittee report back on this, can I make a motion? Can we table this until our next meeting in the meantime the subcommittee will get together to discuss this thoroughly.

**Karen Charfauros:** That was the intent at the last meeting; the subcommittee was supposed to meet between the last meeting and today's meeting come up with some ideas and present them at today's meeting. I think you are proposing the same thing.

**Commissioner Ronald Eclavea:** The next meeting is in April we were supposed to have decided in April.

**Chairman Anthony Ada:** Who were in the subcommittee?

**Karen Charfauros:** Antonio Sablan, Maria Cruz, Louisa Wessling.....

**Commissioner Ronald Eclavea:** I volunteered for that too.

**Commissioner Maria Cruz:** Can we schedule a work session now.

**Commissioner Antonio Sablan:** Can we make an appointment date?

**Vice Chairman Ronald Laguaña:** Why don't we second that motion first, I will second the motion.

**Deputy Director David Camacho:** There was a previous motion wasn't that approved?

**Chairman Anthony Ada:** We just need to identify who are in the subcommittee and .....

**Commissioner Maria Cruz:** Just set the date and I will be there.

**Commissioner Ronald Eclavea:** same here.

**Commissioner Antonio Sablan:** likewise.

**Commissioner Ronald Eclavea:** Okay, just the three of us.

**Vice Chairman Ronald Laguna:** And Louisa.

**Commissioner Anita Orlino:** I am leaving on the 7<sup>th</sup> so I won't be available for the next meeting.

**Chairman Anthony Ada:** You are leaving the 7<sup>th</sup> when are you returning?

**Commissioner Anita Orlino:** Mid May.

**Commissioner Maria Cruz:** This is really urgent we have been unhappy with GEDA's performance I think we should meet tomorrow.

**Chairman Anthony Ada:** I think you will need to meet more than once you will need to meet as often, I will keep myself in the loop.

**Commissioner Ronald Eclavea:** I think they are leaning toward a drop in the rate to 10%, they think it is fair, we just need to decide to negotiate down, RFP, and we need to do something.

**Commissioner Antonio Sablan:** Do we need a motion?

**Commissioner Ronald Eclavea:** I am just saying that for the record.

**Chairman Anthony Ada:** We don't need a motion it is already there we just need to get the meeting, just remember Director Borja was thinking it could be handled by land management right? Mr. Camacho?

**Deputy Director David Camacho:** Yeah.

**Chairman Anthony Ada:** But there is things GEDA is very familiar with and that is the RFP process. So it is either renewal; and changes in what they charge or it is a version where we handle the rent part and they take care of the RFP part. Subcommittee, you guys get together.

#### **IV Old Business**

##### **D.Court Cases**

**Chairman Anthony Ada:** update on the court cases, Attorney Highsmith and Attorney Miller.

**Attorney David Highsmith:** Things are progressing slowly in these cases. I will start with Crawford, it was argued last week and we are waiting for Judge Tydingco-Gatewood to make a decision it should be 4 to 6 six before we get a decision, I think it went pretty well it seems like every time we go back to court Mr. Crawford's Attorneys are asking a little bit more I think what they want from the government is something that will put the disposed landowners approximately the same footing as the people who got their land back I kept arguing to the judge that it was just impossible. There isn't enough..... we need an island the size of Australia to give them that much money. We will see how that comes out.

On the Torres Estate, the biggest development is the Estate is moving to distribute 10 million dollars from the money that we are trying to take, the petition will be heard a week from Friday on April the 7<sup>th</sup>. I am going to appear before judge Barcinas to have them restrained from going forward with that distribution there is no guarantee of success it is a proposition that can go either way. We have filed our initial brief in the appeal from disqualification in CV 1235-12 the other side filed an extension on their initial briefs as I have said before I would not expect a decision any time before the end of the year we will see how long it takes to have these three appeals heard. They are waiting for a decision from judge Perez on the one case for the license, on the other cases was argued before the Supreme Court and we are expecting something in a month or two to come down from there.

**Chairman Anthony Ada:** That is for case 1379 and 1378?

**Attorney David Highsmith:** Yes. That covers it, I don't have a lot more to add. They have made overtures of sorts, I don't know if the commission would want to open negotiations with them. You can instruct me as you see fit, we could go into mediations where someone open negotiations between the parties or we can just keep on fighting that is something the commission has to decide. Ms. Cruz wants to talk about CV 1235-12 in which Judge Sukola disqualified ourselves from I will let her talk about.

**Chairman Anthony Ada:** Who did you say wants to talk about it?

**Attorney David Highsmith:** Attorney Cruz, I am sorry Attorney Miller.

**Commissioner Ronald Eclavea:** What would prevent the judge from not disbursing the funds based on our argument? Or would she deny our motion to not disburse it?

**Attorney David Highsmith:** Judge Barcinas. He.

**Vice Chairman Ronald Laguna:** You cannot read his mind.

**Commissioner Ronald Eclavea:** But what would be the reason why?

**Attorney David Highsmith:** We need to show two things: one, that we are likely to succeed on the merits of the case and Judge Barcinas spent more time on these cases than any other judge so he knows what the cases are about. Secondly, we have to show that is an irreparable injury if the distribution proceeds which in this case it is hard to prove that a monetary injury is an irreparable injury. The case is kind of against us we have to argue that it is a large amount of money and it would be irrecoverable we would never get back because it would go to twenty five people or estates, some will spend it, some will distribute it to the heirs of estates.

**Commissioner Ronald Eclavea:** So if the judge doesn't agree with one and two .....

**Attorney David Highsmith:** He will distribute it. The one thing we could do and I am not saying we should or should not, we could offer to enter negotiations on the condition they postpone distribution they might accept that, they might not.

**Chairman Anthony Ada:** You said this Friday?

**Attorney David Highsmith:** April 7<sup>th</sup>.

**Chairman Anthony Ada:** You mentioned that you are going to try and appear before Judge Barcinas?

**Attorney David Highsmith:** Yes.

**Chairman Anthony Ada:** Trying, like you are thinking you are not going to be able to?

**Attorney David Highsmith:** Oh no! I will do it. I will be in there. I don't have an exact court date, I will try to get one on Monday, Tuesday, or Wednesday next week.

**Chairman Anthony Ada:** I am thinking of a term, this has been litigated for a long time the board saw this in 2006 made its decision to have the estate go to court and prove they are owners of the property that board did not have the information we have today. If they did they would not have told them to go to court but since then, information that was always there has come up, the term that comes up is "newly discovered information".

**Attorney David Highsmith:** Newly discovered evidence.

**Chairman Anthony Ada:** I know this case is not new.

**Attorney David Highsmith:** No, but I think you have a really good point your presentation was very impressive, I want you as my witness if it ever goes to trial.

**Chairman Anthony Ada:** There is a process for validating ancestral lands ownership, claimants come in and they have to prove things like paying taxes on the property, lineage which is family tree, there are about seven criteria the land agent assist with when presenting it to us. We then review it to convince us they are the true descendants of the original landowner. The information that we had I took it and applied it to that process for filing a claim, it fails! Mr. Martinez noted by the governor Maxwell did not pay taxes! It never transferred to him because there was only an initial down payment but the final payment was never made, so paid taxes on that? Not Martinez. There is a whole bunch of things confirming and authenticating the claimant's ownership to the property through their ancestors. I sent you a note regarding this decision tree process, there is discussion that we might lose, if we lose we might pay attorney fees in the millions. The decision tree is if we do this what can happen.

**Attorney David Highsmith:** I think I can give you a 99% guarantee you will not pay attorney fees.

**Chairman Anthony Ada:** Our mandate here is just to compensate those dispossessed landowners, in regards to ancestral lands, original landowners if we can return it we do if it cannot be returned because it is still being held then in comes the trust and so we are talking about taking care of the dispossessed landowners of which the monies belong to them like the Crawford case. When they lost the Tiyan Trust it was undone in the 26<sup>th</sup> and they become dispossessed so they shouldn't be separate from the dispossessed they are dispossessed they fall under the trust as beneficiaries. So the monies that we are trying to protect the land we will never recover because it was sold three times over, so the money is there. Are there other cases where the land was erroneously transferred and the government took it back because it shouldn't have been done?

**Commissioner Antonio Sablan:** What are the chances of us getting the lands back?

**Attorney David Highsmith:** There are eight lots that were awarded to the Torres estate, only one was sold, we will not get that land back. That land resulted in a 21 million dollar payment, 14 million is sitting in a trust fund held by the Torres estate, and we are fighting over that money and the other seven lots. We have a good chance of getting the other land back, we have a good chance of getting the 14 million dollars back. Any time you go to court it is like going to Las Vegas.

**Chairman Anthony Ada:** I don't think it's that chancy, this is government land, let's put it this way, if the state owned the property it wouldn't take this number of years for it to be sitting out there, put the paperwork in, done! Right? Even with that they cannot prove they own the land the government owns the land it doesn't have to be ancestral lands.

**Commissioner Ronald Eclavea:** I think that is why it is taking all these years because if they had proof they own the land it wouldn't take this long. One quick question, why didn't they ask for 14 million as oppose to the 10 million?

**Attorney David Highsmith:** I can only speculate because it is their petition but they have a tax issue that you may have read about and they may need money to pay taxes and they left some there to settle with us if that is what we want to do. But of course that is not gospel.

**Commissioner Ronald Eclavea:** I am just curious.

**Attorney David Highsmith:** In tax law if the estate doesn't pay the taxes the heirs pay for the taxes.

**Attorney Sandra Miller:** The only thing I want to add to Mr. Highsmith's report and it is exclusively on 1235-12, the motion for the distribution on the ten million dollars is scheduled for April 7<sup>th</sup> on the day before the 6<sup>th</sup> I had previously filed for the motion to stay 1235 pending the appeals filed by the attorney general's office that will be heard on April 6<sup>th</sup>. I personally think there is a good chance Judge Sukola will stay that case because the other courts have already done that and to go forward on just 1235 while the other cases are in various stages of appeal and litigation they are all kind of intertwined and it would mess things up.

**Commissioner Ronald Eclavea:** Are you referring to the disbursement?

**Attorney Sandra Miller:** You have two appeals pending.

**Attorney David Highsmith:** Three.

**Attorney Sandra Miller:** You have three appeals pending in the other two stay in the superior court cases again, no guarantee it is like Las Vegas my odds are good that the case will be stayed I will let the commission know how that turns out. The only other thing in 1235 is the land has not been sold.

**Commissioner Antonio Sablan:** Can you speak up I can't hear you.

**Attorney Sandra Miller:** I was just saying that I am pretty confident that the stay in the superior court case of my case will be granted if that happens we await the outcomes of the attorney general's appeals.

**Chairman Anthony Ada:** And your case is 1235?

**Attorney Sandra Miller:** yes. In the meantime nothing stops the commission continuing on possible resolutions that is up to the commission and we will do our best to guide that process.

**Chairman Anthony Ada:** Attorney Miller have you gotten the presentation that was made with regards to the new information.

**Attorney Sandra Miller:** I have a couple things there was a timeline and a report from the naval government.

**Chairman Anthony Ada:** I think I can drop box it and send you the link.

**Attorney Sandra Miller:** That is all I have.

**Attorney David Highsmith:** So what are my orders?

**Chairman Anthony Ada:** The things in the news are just conversation right?

**Attorney David Highsmith:** Yes.

**Chairman Anthony Ada:** There is nothing written, one of my bosses told me a long time ago if it is not on paper it doesn't exist.

**Commissioner Antonio Sablan:** There is no offer on this from the other party at all.

**Attorney David Highsmith:** I haven't seen one.

**Attorney Sandra Miller:** I mean have seen one but it was not really a concrete offer and I will share that with Mr. Highsmith, I did receive correspondence in 1235 that the estate is open to any ideas for a resolution. This are things we could explore, mediation was suggested by Mr. Highsmith. There are a lot of creative ways to structure something if that is a path the commission would like us to look at I would be happy to try and reach out to the Torres estate maybe bring something back to the table.

**Chairman Anthony Ada:** You mentioned in 1235 right? 1235 has nothing to do with 1124.

**Attorney Sandra Miller:** In the context of 1235 but I can certainly .....sometimes it is cheaper to buy by the dozen rather than separate, I would open up discussion to see if the estate is amenable.....

**Chairman Anthony Ada:** When you talk about the estate I am aware there are at least seven lawyers each clan decide to hire their own lawyers right? Way back Attorney Cunliff, Attorney Philip, Attorney Mantanona, AttorneyYanza, Attorney Razzano, Attorney Clark and I think there is one more. So when the estate is talking about settlement.....

**Attorney Sandra Miller:** I only spoke to Razzano, the current lawyer is Mr. Razzano and I believe for Mr. Highsmith's case is there anybody else?

**Attorney David Highsmith:** Yes, Randy Cunliff.

**Chairman Anthony Ada:** From what I recall different families decided to get their own lawyer and now you are saying the families have gotten together and Razzano will handle it?

**Attorney Sandra Miller:** I know Mr. Razzano represents the estate in my case I don't know who exactly he talks to with his clients.

**Attorney David Highsmith:** Way back when the probate got started there were a couple of hearings where all those Attorneys appeared, Frank Torres had his own lawyer I don't remember who it was, Mike Philips represented someone, the people handling these cases are the law firm Civile and Tang, law firm of Cunliff and Cook, Razzano is from Civile and Tang. Razzano has done the bulk of the work I can't imagine Mr. Cunliff isn't on board with anything he suggest.

**Chairman Anthony Ada:** Well that is the question mark, you need to clarify that you are talking to the right people.

**Attorney Sandra Miller:** I believe so they are the ones who appear at the court hearings and they are the Attorneys on record in the case so as far as the courts are concern these are the current and active attorneys.

**Commissioner Ronald Eclavea:** The speculation of the settlement is that incumbent on the board to be a motivator of that, to make a settlement offer? Is it incumbent for the state to make a settlement offer?

**Attorney David Highsmith:** Somebody has to make the first move.

**Chairman Anthony Ada:** It is bigger than the board and government land is government we are just a board.

**Attorney David Highsmith:** I think it is the board's responsibility because this land is part of the trust we have always said if we get the land back it doesn't go under the control of the legislature or Adelup, it goes into the trust. So the board would have to go along any settlement.

**Commissioner Ronald Eclavea:** Can we ask you directly, is it in the best interest of the trust to go into a settlement.

**Attorney Nicolas Toft:** You have to not only consider this case but future cases and how it would affect ancestral lands in the future, if you settle in the amount far less than the value of the land as it is that might provide incentive for the other potential claimants who may or may not have clear title to the land and pull a fast one on the commission but knowing that there is potential the commission might not fight it all the way to the end. I use to work for an insurance company who had the motto they would fight everything to the end so they know exactly where we stand with claims and it is a type of bargaining position, it says here is where we are and everyone knows it. The commission is at a disadvantage because everything we say is public they know exactly what we are doing at all times whereas we are not privy to their discussions. So these are all extra factors you have to consider that wouldn't be part of a normal negotiation.

**Chairman Anthony Ada:** Like I mentioned earlier Attorney Miller that is our dilemma that is our struggle. If we applied the claimants test to prove ownership this one fails it is a big struggle for us.

**Attorney Sandra Miller:** That sounds like sir, you would like to fight then, take it to court.

**Chairman Anthony Ada:** Let us put it this way if the beneficiaries of the trust already knowing what is out there and we say okay, take it. What are we going to say to the beneficiaries of the trust when they come over here and say "what have you done? That belongs to us". If you give me a good way to respond to the beneficiaries that we are responsible to.

**Commissioner Ronald Eclavea:** What about these attorney fees?

**Attorney David Highsmith:** I believe there is absolutely no way you will pay attorney fees.

**Commissioner Ronald Eclavea:** We are talking about our side.

**Attorney Nicolas Toft:** The way the Guam courts operate its called (inaudible) you would not pay attorney fees it is either by statute which is not a play in this case or if there was wrong doing in either side which does not appear to be the case

**Commissioner Ronald Eclavea:** Our resources, the AG's office (inaudible).....I am trying to find the positive on our side.

**Attorney Nicolas Toft:** The positive that you have is you have a definitive amount subject to the uncertainty of court opinions may have, you know it is like he said it is like Vegas, you can't guarantee a case it would be sort of a hedge basically.

**Commissioner Antonio Sablan:** What are the chances of us recovering this 6 plus million they have already taken out?

**Attorney David Highsmith:** Zero.

**Commissioner Antonio Sablan:** Hah? Zero?

**Attorney David Highsmith:** The attorney general has never wanted to go back for those monies. It goes back even before I got on the case these cases were filed in 2009 and 2012 and it was decided from the beginning that we would not pursue that money.

**Commissioner Antonio Sablan:** There was an offer of 2 million dollars to settle and it rubs me the wrong way to say this is ancestral lands property and they sold it for 21 million dollars and then we discover the offer is not legitimate but the offer is for 2 million dollars it behooves me to tell the beneficiaries.....

**Attorney David Highsmith:** I understand, settling for 2 million is settling for 3 cents on the dollar. It is way too low.



**Commissioner Antonio Sablan:** But I am also a pragmatist we could always fight this and what are the benefits maybe we could ask Mr. Highsmith to go in there and get all our lands back plus the 14 million and we will settle.

**Chairman Anthony Ada:** There are two things now Attorney Toft is thinking about the precedence and how it effects the future that is one thing to think about, the other one is the 6 million distributed.

**Attorney David Highsmith:** Yeah.

**Chairman Anthony Ada:** The term I am thinking of is unjust enrichment, number two, they paid taxes on it since they already received the money.

**Attorney David Highsmith:** They paid some taxes, they paid I think \$660,000 to rev/tax. Rev/tax thinks they are entitled to more which is what the other case is about, it is a complicated tax question.

**Commissioner Maria Cruz:** If we don't make a decision today are we going to negotiate today to ask them to return the rest of the lands to Guam Ancestral Lands and get a hold of the 14 million untouched and we can forget the 6 million they already have. That to me would be a good compromise; otherwise if we don't make a decision today then our decision stands in going to court.

**Commissioner Ronald Eclavea:** I think we should wait for the hearing.

**Attorney Sandra Miller:** The one on the 6<sup>th</sup> and the 7<sup>th</sup>, two hearings back to back, you want to see what happens.

**Chairman Anthony Ada:** Attorney Miller I don't know if it was mentioned last time we were here there was discussion that \$2,000 in 1915 could equal 21 million dollars today, google is so beautiful just put what is the value of \$2,000 today the last time I looked was in 2014 and the value was just under \$45,000 so if we look at it that way return everything and keep the \$45,000. You know what I am driving at?

**Attorney Sandra Miller:** Yes.

**Chairman Anthony Ada:** I tried my best to prove they own the land that is what we do, we try our best to prove and we are happy to give it back

**Attorney Sandra Miller:** Who is supposed to prove what to the commission? I thought it was the claimant that had to prove.....

**Chairman Anthony Ada:** And they did not.

**Attorney Sandra Miller:** and now it seems like it is reversed.

**Chairman Anthony Ada:** But in the case of this one they did not and at the time they did not have the information today. The information we have today is real and if we apply the steps to establishing ownership to the land it fails.

**Commissioner Maria Cruz:** The chair is talking about the \$2,000 way back that Torres paid, so if we were to use the methodology on how much that is worth now it is only \$45,000 but to try and defray what they paid way back then.

**Chairman Anthony Ada:** If you read the documents that were linked to you there was a four page letter written by JM Torres himself and he offered the other \$2,000 and asked to be given the land or when you sell the land give me the \$2,000 back.

**Attorney Sandra Miller:** He wanted a refund

**Chairman Anthony Ada:** He wanted to break even whether he pays the difference and gets the land or if he cannot get the land, pay him when the land gets auctioned or sold he gets the \$2,000. Both of those didn't work because back then the island reported to the Secretary of the Navy. The Secretary of the Navy contacted Governor Maxwell to advise him with what is happening, Governor Maxwell wrote a letter that will unwrap everything line by line. So then it hit Judge Luis Torres and then it went to a higher court Frank Portusach, if you look at this, it already had its day in court, don't you think. Why are we in court today? Back then when JM Torres took his uncle Padre Palomo to talk to the governor, he did that he went to the Secretary of the Navy, the Governor said it was already in the hands of the court, if you look at that parallel.

**Attorney Sandra Miller:** Yes. I would like the chance to talk to Mr. Highsmith but in the meantime would the commission like for both of us to reach out to the estate or do you want to just table this?

**Chairman Anthony Ada:** Commissioner Cruz mentioned what she felt should happen anybody else have a different thought?

**Commissioner Antonio Sablan:** I second that thought.

**Vice Chairman Ronald Laguaña:** I agree with Ms. Cruz.

**Chairman Anthony Ada:** If you reach out to the estate this is what is going to happen return all the lands that have not been sold and return all the money that has not been distributed and keep the 6 million which is way over the \$45,000.

**Attorney Sandra Miller:** That is the offer.

**Chairman Anthony Ada:** Yeah, well we are not offering. Right now that is the position and again that money belongs to the dispossessed landowners who, according to the law, may or may not receive their land back. That is our struggle, can you help us. Thank you.

**Attorney David Highsmith:** Thank you.

**Commissioner Antonio Sablan:** April 6<sup>th</sup> and what court is that?

**Attorney Sandra Miller:** That is Judge Sukola that is a hearing to motion to stay and also, I just reminded myself, there are two motions one is my motion one is stay everything stop they have a motion pending, a motion to dismiss, I am saying never mind the dismissal we will just stay everything, meaning press the pause button, so those two are pending on April 6<sup>th</sup>, on April 7<sup>th</sup>.....

**Commissioner Antonio Sablan:** What time is April 6<sup>th</sup>?

**Attorney Sandra Miller:** I believe it is at 2 o'clock, sir.

**Commissioner Anita Orlino:** April 7<sup>th</sup> is the distribution.

**Commissioner Antonio Sablan:** Could you just let us know what happens with judge Barcinas?

**Attorney David Highsmith:** I will let you know.

**Attorney Sandra Miller:** Commissioner Sablan I need to correct myself I believe on April 6<sup>th</sup> it is at 10am not 2pm.

**Chairman Anthony Ada:** And the 7<sup>th</sup> is what court room and what time?

**Attorney David Highsmith:** Judge Perez, 9 or 9:30am.

**Attorney Sandra Miller:** I will email the secretary.

**Chairman Anthony Ada:** let us take a 15 minute break to celebrate the birthday of Deputy Director Camacho.

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#### **IV. New Business**

**Chairman Anthony Ada:** Any new items.

**Commissioner Maria Cruz:** This question is for the AG, can you give us an update on the rules and regulations and how much time the office needs.

**Attorney Nicolas Toft:** It should only be a few days more. The review has been completed and sent to Karl Espaldon who approved it and sent it to the Attorney General for review and signature, I believe it is on her desk right now.

**Director Michael Borja:** The rules or comments?

**Attorney Nicolas Toft:** The comments. Hopefully that should be coming down within the week. You should have copies after that.

**Commissioner Antonio Sablan:** Can we get a preview of what the comments are?

**Attorney Nicolas Toft:** I am not sure if I am allowed to give preview anything I say could be totally premature from this point on.

**Commissioner Anita Orlino:** But they will forward us a copy right?

**Attorney Nicolas Toft:** Yes. As soon as it is signed and approved.

**Commissioner Antonio Sablan:** I am thinking there is an issue and a problem that we should approach the legislature for help in resolving that problem.

**Attorney Nicolas Toft:** From the meeting minutes of February 22<sup>nd</sup> there had been concerns raised by Kristen Finney at that time and as well with the Crawford case that David Highsmith presented on, he also mention some concerns with the rules and regulations he submitted in his pleadings during that case so those will be likely be a part of the Attorney General's commentary.

**Commissioner Antonio Sablan:** We have to be pro-active.

**Chairman Anthony Ada:** You estimate this will be in the next few days.

**Commissioner Ronald Eclavea:** Can you elaborate on what Highsmith told us?

**Karen Charfauros:** He said the same thing; it is in the meeting minutes.

**Attorney Nicolas Toft:** It's in the meeting minutes.

**Commissioner Ronald Eclavea:** I would like to comment what he mentioned in passing he said there was stuff in the rules and regulations that needed legislative revision.

**Attorney Nicolas Toft:** Yes, that was his position.

**Commissioner Ronald Eclavea:** We needed to pass a new law or amend the enabling legislation for ancestral lands.

**Attorney Nicolas Toft:** Right.

**Commissioner Ronald Eclavea:** That's is all I wanted to bring up.

**Chairman Anthony Ada:** Did you find that page?

**Attorney Nicolas Toft:** It was in the minutes.

**Karen Charfauros:** It is in the minutes you approved today.

## **VII Director's Report**

**Chairman Anthony Ada:** Do we have a Directors report?

**Director Michael Borja:** Joey Cruz is on leave last week and this week so there are no financials. Audit report still has not been finalized we have not had our opening meeting with our auditors yet we are having problems with scheduling by them but preliminarily it looks like a clean audit that means everything looks good all the problems in the past which weren't very many, were cleaned up. I know you guys talked about this GEDA MOU, I don't know what was discussed on the agenda but the part I talked to you guys about is the need for GEDA to work on RFP's, the billing and monitoring can be done internally. Again if we need to get into an MOU, what I already discussed with them and they have already concurred as well with other MOU's that CLTC and other agencies had to get into and what I presented for CLTC is that you get 10% for the first five years of a contract and after that it goes down to zero or five percent and that is

just to cover the cost of the RFP and any potential protest that may arise from an RFP it would be like an insurance policy they seem to be in agreement but we will find out tomorrow after their meeting with the board of directors to see whether or not they concur with that but that is what our proposal has been with the CLTC MOU and CLTC and other agencies MOU with another piece of land they are trying to develop as well but they seem to understand that they stuck in the 14.3% for only five years and after that it goes down to five percent.

**Chairman Anthony Ada:** 14.3?

**Commissioner Ronald Eclavea:** I thought you said 10?

**Director Michael Borja:** Well in the CLTC one we are telling them 10 on this other one is 14.3.

**Vice Chairman Ronald Lagunaña:** That is ours 14.3.

**Director Michael Borja:** Yours is 14.3% throughout the life of the contract. What I am saying is we pay for any RFP and any potential protest that may arise from that plus a smaller amount for their services or we pay out like an insurance policy allow them to receive a percentage from the lease for five years then after that zero to five percent depending on their activity.

**Chairman Anthony Ada:** Earlier there was discussion about the work group but the work group has not met yet in today's discussion it was on as high priority.

**Director Michael Borja:** So at least from that they are willing to talk.

**Chairman Anthony Ada:** I know that July is the end of the MOU and we are supposed to have something ninety days prior.

**Director Michael Borja:** It is still workable, even with CLTC we are still within the ninety days.

**Chairman Anthony Ada:** The part where GEDA keeps the RFP part of it and the billing and receiving of the lease we asked Joey a question last year can his unit handle that extra work and he indicated probably not.

**Director Michael Borja:** No. We can because it is only a matter of sending invoices and statements and that is programmable and we are doing it right now for all existing leases as it is for CLTC and ancestral land and we send out those statements on a regular monthly basis like right now they are prepping all those statements and they are getting them ready to get all mailed out come Monday for all the statements we are expecting to send out at the start of the next month.

**Chairman Anthony Ada:** Maybe Karen can update you but Mr. Pearson appeared and it has to be done by April 12<sup>th</sup> and we will update you on that.

**Commissioner Ronald Eclavea:** On the property management side like late payments, the legal side, what did you come up with on the legal side with CLTC if you don't mind me asking about that.

**Director Michael Borja:** That would be worked out in the terms of the contract itself. Whatever the terms of the contract say about penalty fee those things get in there too unless the board waives it over a particular period of time but is all stuff that can get plugged in.

**Commissioner Ronald Eclavea:** So the litigation part so the proposal for the RFP is done and we execute a contract and there are issues with payments or eviction for non-payments that is outside of GEDA right?

**Director Michael Borja:** Yeah.

**Commissioner Ronald Eclavea:** So we have that capability to move forward.

**Director Michael Borja:** Right, and if we have a conflict we would have a hearing officer that we would go through, we would serve them notice that they are in default for example the law says they should be offered the opportunity to have a hearing on the matter so there is an adjudication process and we just concluded an RFP for a hearing officer and we will be bringing on a hearing officer to serve on cases as needed.

**Commissioner Ronald Eclavea:** So stuff that happened with like Balli Steel and Brand Inc we would be handling that ourselves?

**Director Michael Borja:** Correct.

**Commissioner Ronald Eclavea:** And that would be with our legal counsel that would go to court to pursue these types of things.

**Director Michael Borja:** You would go through a hearing first, we would use a hearing officer it wouldn't be our legal counsel we would bring on board a separate attorney to just do hearings and that is what we go through that process for. If the administrative adjudication officer says you got to go through a hearing first if they choose to.

**Commissioner Ronald Eclavea:** Now if it goes to court.

**Director Michael Borja:** I am not too sure how that would go.

**Attorney Nicolas Toft:** We would have to check the litigation department of the AG's office to see if they want one of their litigation specialists to handle it.

**Commissioner Ronald Eclavea:** Like what we are going through with Brand Inc that is GEDA's legal counsel pursuing that stuff right?

**Director Michael Borja:** What we are hoping is at some point if they fall behind for so many months and we have given them notice each and every time we terminate the lease and cut our losses and we deal with trying to collect in a smaller amount and go through a hearing process.

**Commissioner Ronald Eclavea:** That is the main stickler for me is handling those cases we have been through a lot of those non-payments.

**Commissioner Maria Cruz:** So the difference now in our MOU if we decide to tackle it we can recruit the land management staff to manage our properties we have that capability and then we can also talk about reimbursement to land management.

**Director Michael Borja:** Right, we are talking about a fee of 2 or 3% and that would be just covering the cost of mailing. I think part of the problem in the past that we had with GEDA once a contract was issued out or a license agreement I don't think they followed through with invoices and statements and it was only when we were saying where is the payment that they would go back and try and get it, there was some pretty significant oversites on their part if you recall the recent one is Matson for us to release the \$50,000 deposit and we said there was a back due of \$70,000 to \$80,000.

**Chairman Anthony Ada:** They are caught up already right, Matson?

**Director Michael Borja:** Oh yeah.

**Chairman Anthony Ada:** So are they going to pose the question again about their deposit?

**Director Michael Borja:** No, I think we released it once they paid for everything. That was not a regular deposit it was something like a good faith deposit

**Commissioner Ronald Eclavea:** It was a part of the RFP and they just forgot about it.

**Chairman Anthony Ada:** I didn't catch Glenn's last name.

**Margarita Borja:** Eay, E. A. Y.

**Chairman Anthony Ada:** We are going to regularize site visits on the properties right? We go out there and make sure everything is okay.

**Director Michael Borja:** That would be a part of the compliance and enforcement department that is what Glenn does not just for your properties but also Chamorro Land Trust properties but yours is not a significant inventory. Really big ones would be written into the contracts for example if we follow something like the CLTC rules and regulations say for any long term contracts it will be established site inspections including inspecting their books

**Deputy Director David Camacho:** It is included with ancestral too, and licenses.

**Director Michael Borja:** So there will be annual inspections that will be noticed and there will be site inspections to make sure they are not doing something against the law.

**Chairman Anthony Ada:** We don't want for GEDA to think we are doing it and we don't want to think GEDA is doing it and nobody went.

**Director Michael Borja:** We will define who has control of what.

**Deputy Director David Camacho:** I think way back GEDA gave it to ancestral to do the inspections; I know it is included in one of the license for Guam ancestral staff to do the inspection on the premises with the acknowledgment of the lessee. I would like to suggest that once and for all finalize the Balli Steel and Brand whether we are going to pursue it or wipe it off

that is coming from the attorney from GEDA that we cannot pursue Balli Steel because there is no license, we need to set our records straight. Brand Inc. I don't know why they are saying it is not collectible. I feel we need to follow up with our legal counsel.

**Chairman Anthony Ada:** If we are thinking about (inaudible) the law since GEDA was the one in charge they should write a memo that they exhausted every single effort and send it to us.

**Director Michael Borja:** We will also get the auditors recommendation because you can't just write it off the receivables as bad debt without following a bunch of steps.

**Chairman Anthony Ada:** In the private industry let us say a bank, they will write off a loan but then they send it to collections.

**Director Michael Borja:** Well, that is something they can look at.

**Deputy Director David Camacho:** The other thing is we don't have anything in black and white, whether we can or cannot pursue it.

**Commissioner Anita Orlino:** So before we move we are going to wait for the recommendation from the audit.

**Director Michael Borja:** Let me converse with them because already had a talk about how to take it off the books and it is not just a simple.....

**Commissioner Ronald Eclavea:** Okay, we will just wait for that.

**Commissioner Antonio Sablan:** A couple of meetings in the past I confronted the GEDA people saying that it is not collectible because they don't have a business license and my argument was not having a business license does not mean the company does not have any assets. I suggested they check department of public works where there are heavy equipment, check land management for any kind of land, in other words just do some research. There is a lot of people that don't renew their business license and they are still doing business and they have plenty assets, I have asked GEDA to do research and I have not received any response from them.

**Chairman Anthony Ada:** We need to send a formal letter to GEDA but like I said earlier we need to get it on paper.

**Commissioner Antonio Sablan:** In a corporation the incorporators knowingly tried to not pay their liability there are times that you could transfer the liability to the shareholders of a corporation. If a company goes broke because they are not making it good then that's understood but if they are making money and just squander the money and not pay a huge liability like to us there are still some remedies in the law.

**Chairman Anthony Ada:** Commissioner Sablan sent us pictures showing that there is dumping in the Balli Steel area.

**Commissioner Antonio Sablan:** I occasionally stop by there just to take a look at the place when I go to Agat and it seems like the pile is getting bigger.

**Commissioner Ronald Eclavea:** People think they can just dump their stuff there.



**Chairman Anthony Ada:** It is an island wide problem.

**Commissioner Ronald Eclavea:** It looks like a transfer station.

**Chairman Anthony Ada:** Something has to be done or it will get bigger.

**Vice Chairman Ronald Laguana:** Put a sign.

**Commissioner Antonio Sablan:** I am willing to use my pick up, if the mayor accepts white goods and a commissioner helps me load them we could go dump it.

**Commissioner Ronald Eclavea:** I don't mind as long as don't do it every week.

**Commissioner Antonio Sablan:** I think if we remove them it lessens the invitation.

**Chairman Anthony Ada:** maybe we need to put up a sign, "this is not a dump".

**Commissioner Ronald Eclavea:** Let's put a "no dumping sign".

**Director Michael Borja:** I will discuss it with the Piti mayor and see what they can do.

**Chairman Anthony Ada:** Okay, Commissioner Cruz wants to know if there are any public comments.

**Senator Tom Ada:** I know that you have been waiting to hear from the AG's office and then I guess the process is you guys look at it and it goes to the governor's office and when they are ready they will transmit it to the legislature, the legislature then has 45 days or 90 days to act on it otherwise it defaults to approval but because this is a very important set of rules and regs just like Chamorro Land Trust I most likely be the one to introduce the bill to accept it and to accept the rules and regs it has got to be by mandate so that means we will have to do a public hearing again. God know what kind of public testimony will come in, I am putting this forth so you can have some realistic expectations of how soon you will get a finalized and approved rules and regs and we could be looking at somewhere toward the end of the year with all this process but I will also like to leave with you that it might be helpful as soon as you get that approved probably, hopefully in the next couple of days if I can get a preview copy of that since I am going to be introducing the bill to approve it, I presume the attorney general reviews the rules and regs from a certain legal perspective I have to look at it from a different perspective to see if it will pass muster on the legislative floor, it may make legal sense at the AG but it may not make legal sense on the legislative floor so it will be very helpful if I can get an advance copy as soon as possible. One final thing, if anybody is thinking of finding another senator to sponsor a bill to accept it I would not encourage it simply because they are on a different track they could be the Chairman for the commission on utilities, they are not into the land stuff just stay with my committee as the oversight chair and that will make things go smother.

**Commissioner Ronald Eclavea:** Regardless if they approve it or not you still want a copy?

**Senator Tom Ada:** It would probably work best if you have them vet it from a legal perspective because if they disapprove it they are going to give it back to you to correct it.

**Commissioner Ronald Eclavea:** That's what I am saying.....

**Senator Tom Ada:** After they have finished.

**Commissioner Ronald Eclavea:** Oh I see!

**Commissioner Maria Cruz:** Did you ever get a copy of the draft?

**Senator Tom Ada:** No.

**Commissioner Maria Cruz:** At one of our oversight hearing you asked for a draft.

**Senator Tom Ada:** I never got it. That draft at that stage would have given me an idea what direction you are moving.

**Commissioner Ronald Eclavea:** So you are asking after they approve it.

**Senator Tom Ada:** Legal counsel said he expects them to finish soon within the next week that's soon enough. That's all.

**All commissioners:** Thank you Senator.

**VII. Adjournment**

**Commissioner Louisa Wessling:** I motion to adjourn.

**Commissioner Ronald Eclavea:** I second.

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

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

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

**Meeting adjourned at 4:30pm**

Transcribed by: Karen N. Charfauros: Karen N. Charfauros

**Approved by Board motion in meeting of: May 10, 2017**

David V. Camacho, Deputy Director: [Signature] Date: 5/10/17

Anthony J.P. Ada, Chairperson: [Signature] **IF MAX 2017**