Kumision Inangokkon Tano' CHamoru
(CHamoru Land Trust Commission)

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Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

John F. Reyes, Jr.
Chairman

Arlene P. Bordallo
Commissioner

Angela T. Santos
Commissioner

David B. Herrera
Commissioner

(Vacant)
Commissioner

Angela Camacho
Acting Administrative Director

COMMISSION MEETING MINUTES
CLTC Conference Room and via Zoom Meet
Suite 223, ITC Building
590 S. Marine Corp Drive, Tamuning, Guam
Thursday, February 17, 2022; 1:01 p.m. – 4:31 p.m.

Public Notice: The *Pacific Daily News* on February 10, 2022 and February 15, 2022

Chairman John F. Reyes, Jr.: Hello and good afternoon. Before we begin our regular meeting for the CHamoru Land Trust Commission can everyone please rise for the Inefresi.

All: Reciting the Inefresi

All: Biba!

Chairman J. Reyes, Jr.: Thank you, Commissioner Santos. The time is 1:01 p.m. and I call our meeting to order. Public notices for today's meeting were published in the Pacific News on February 10, 2021, and February 15, 2021. (refer to audio year should be 2022) notices were also posted on the CHamoru Land Trust website at dlm.guam.gov, the Chamoru Land Trust Commission Facebook's page and the Government of Guam Public Notice Portal at notices.guam.gov. This meeting is being livestreamed on the CHamoru Land Trust Commission's Facebook page and on YouTube at GovGuam Live. Video and audio recording is made possible by our partners at KGTF.
Good afternoon, commissioners and thank you for joining us today. We will proceed with our roll call.

ROLL CALL

Chairman J. Reyes, Jr.: Commissioner Bordallo?

Commissioner Arlene Bordallo: Here

Chairman J. Reyes, Jr.: Commissioner Santos?

Commissioner Angela Santos: Esta gue yu'

Chairman J. Reyes, Jr.: Commissioner Herrera? Unfortunately, Commissioner Herrera is not able to join us today.

Chairman J. Reyes, Jr.: Acting Administrative Director Camacho?

Acting Administrative Director Angela Camacho: Present

Chairman J. Reyes, Jr.: And Attorney Toft?

Attorney Nicolas Toft: Here

Chairman J. Reyes, Jr.: Thank you. Alright next item on our agenda is the Approval of Minutes and these are for the minutes of our regular meeting on December 16, 2021.

APPROVAL OF MINUTES; December 16, 2021

Chairman J. Reyes, Jr.: We'll give the Commissioners just a couple of minutes, and then we can proceed.

Commissioner A. Santos: I do want to state that I went over the minutes and there are some that I found with the inaudibles again and I do want to ask again about our system that we had... did we purchase it already?

Land Agent I Tina Tainatongo: Yes, ma'am.

Commissioner A. Santos: Oh okay. Okay, and it's still not... the ability to connect into our... our system?

Land Agent I T. Tainatongo: As I understand it, right now, it's over with OTECH to get the software installed together with all of our new computers that we just received.

Commissioner A. Santos: Okay, great so we're just pending OTECH's...the installments of the programs?

Land Agent I T. Tainatongo: Installations, yeah.

Commissioner A. Santos: Okay, thank you for that update.

Land Agent I T. Tainatongo: And then the set up for in here afterwards.

Commissioner A. Santos: Within the conference room? Appreciate that. I appreciate that. I do want to state that I did find inaudibles and I went ahead and I looked on YouTube and I kind of wanted to...which was important at our last meeting, there was one constituent that really made a matter in our last meeting, so, I want to look at the transcribing in that section besides what I found in the beginning just a couple of... very minor but off with one letter and I looked into the other... where I was talking about with that constituent. So, I found some stuff and I would like to suggest that and I understand with our recording and what we have to turn in for the open law with the

OPA for our meetings *inaudible* we have a certain time limit to turn in to OPA for what's needed...required, right? So, I wanted to suggest and I will put my time in too if it's okay...if it's alright within the *inaudible* law...Attorney Toft is to help with transcribing the minutes, if that's okay? I do have a lot of...that I really want to...it's going to be a little time consuming but I didn't go through the whole document, the minutes I just wanted to bring it up but I do want to suggest that we table approving the minutes in this meeting because of what I found and I would like to ask if it's okay to go through it Tina, together, right? Because she's the one that transcribes and then present it at the next meeting and you know solidify because there are some things where it's substantive and it's important especially with Mr. Chairman and then with Attorney Toft there's words that weren't added and then there were misspelled words so our recording system is not up to date it's not up to par. It's not.... you know I understand that and I also do want to add in that I suggest that we or look into... is it okay for us to listen on YouTube for the transcription of it, instead of it just being within our recording? Do you get what I'm saying? Cause I looked into YouTube and was able to hear it.

Attorney N. Toft: Yeah, that's acceptable. So, you can... what we can do is table it for now then we can communicate with Tina and suggest the changes and the substitutions of this for the next meeting.

Commissioner A. Santos: Alright. Okay.

Chairman J. Reyes, Jr.: Okay, Commissioner Bordallo, any questions on tabling our minutes?

Commissioner A. Bordallo: No

Chairman J. Reyes, Jr.: Okay. Thank you very much. Okay, with that said and just to be clear I just wanted to make sure I understand. So, Angela...Commissioner Santos, you will be working with Tina and identifying the areas of where we need to re-listen to the recording and ensure that it is transcribed correctly?

Commissioner A. Santos: Yes.

Chairman J. Reyes, Jr.: Okay, thank you. And that is not a problem. We'll go ahead and table our approval of the December 16, 2021, minutes. Thank you, Commissioners.

Commissioner A. Santos: Thank you, Mr. Chair.

NULL AND VOID LEASES UPDATE

Chairman J. Reyes, Jr.: Okay, nest up on the agenda is the Null and Void Leases update and so we'll begin with Ms. Lydia and then we will move to the SOP's. Ms. Lydia?

Chairman J. Reyes, Jr.: Ms. Lydia, can you give us one second if you can hear me. Let's get the audio in the room increased, one second, Ms. Lydia?

Land Agent I Lydia Taleu: Can you hear me clearly now?

Land Agent I T. Tainatongo: Can she try again?

Chairman J. Reyes, Jr.: No, you don't mind just saying test and we'll just check our connection in here.

Land Agent I L. Taleu: Test..test...test... do you need me to pop over? I see the director is nodding her head yes. Give me two shakes and I will pop on over.

Land Agent I T. Tainatongo: Yeah, tell her to come over.

Chairman J. Reyes, Jr.: Ms. Lydia can you hear me? Yeah... that will be great if you can come over.

Land Agent I Lydia Taleu: Hafa Adai Commissioners. Hafa Adai Commissioners. Hafa Adai

Land Agent I T. Tainatongo: Can you try again, Lydia?

Land Agent I L. Taleu: Hafa Adai

Land Agent I T. Tainatongo: One more

Land Agent I L. Taleu: Hafa Adai

Commissioner A. Santos: There you go.

Chairman J. Reyes, Jr.: Thank you.

Land Agent I L. Taleu: Okay, as of today the Null and Voices (refer to audio s/b Voids) remain the same as they did in the December Board meeting 25 adjudicated, 79 waiting to be adjudicated with a total of 104 cases. At the application stage, we have 30 files that I reviewed of the 30 files, 13 were done correctly, 13 need to be reviewed...need to be reverted depending on whether or not the legislation laws change in regards to that matter, with the remaining 4 that needs further review. So a total of 30 cases once again being reviewed with a prior number of 157 so total cases being reviewed as of today is 187.

Chairman J. Reyes, Jr.: Okay, thank you very much, Ms. Lydia. Any questions Commissioners?

Commissioner A. Bordallo: Are we reviewing any of the *inaudible*

Land Agent I L. Taleu: This is as of today, the last one I reviewed was yesterday. So everyday I'm pulling files and reviewing it just depending on the case load and the calls that we have coming and other matters that I'm dealing with.

Chairman J. Reyes, Jr.: Are any of these on our agenda today?
Land Agent I L. Taleu: No

Chairman J. Reyes, Jr.: or going to be presented?

Land Agent I L. Taleu: No, because as of now, the Null and Void as... remember those are all on hold as far as being presented however staff reports are still being compiled, we are still doing inspections and what it is, is because of the number of cases we've broken it down to villages so I've done Mangilao and Barrigada and we did the southern part of the island but Dededo and Yigo is where a lot of our cases are being so it might take me awhile to do those.

Chairman J. Reyes, Jr.: Okay, thank you. Any other questions, Commissioners? Okay, thank you, Ms. Lydia. In addition to our Null and Voids, I know we had some SOPs out for review and I think this is more of a question for Attorney Toft on that status.

Attorney N. Toft: Yeah, I think we're proceeding on the Triple-A process as far as those additional rules and I think we're also trying to communicate with Senator Terlaje's office in trying to *inaudible* if there's a possible legislative shortcut to this whole... to bypass the whole process which would be constituted.

Chairman J. Reyes, Jr.: Okay, thank you very much. Any other questions? Okay, I appreciate that.

NEW BUSINESS; CONSTITUENT MATTERS

Anthony Joseph Quitugua

Chairman J. Reyes, Jr.: Next up is our New Business we do have Constituent Matters today. And we'll begin with our Residential. And first up will be for Mr. Anthony Joseph Quitugua. And Tina, will you be presenting that?

Land Agent I T. Tainatongo: Yes.

Chairman J. Reyes, Jr.: Okay, thank you.

Land Agent I T. Tainatongo: Good afternoon. Today, I will be presenting Mr. Anthony Joseph Quitugua who is deceased, he is a residential applicant, he is the original

applicant, he has no named successor, he is a priority one and the issue with this particular applicant is that he did not name a successor. On December 7, 1995, he completed a CLTC Residential application submitted to CLTC and dated December 7, 1995. His numerical designation is 001583, the time of his application is 4:16PM. October 12, 2016 a 60-day authorization to initiate survey issued for Lot 6, Block 7, Tract 9210 Municipality of Yigo per LM No. 126FY93. On November 15, 2017, another 60-day authorization to initiate retracement survey issued for Lot 6, Block 7, Tract 9210 (Phase-I) in the Municipality of Yigo per LM No. 126FY93. On August 26, 2021, status information sheet in the file indicates no designated successor in the file. No death certificate has been submitted the applicant has been deceased since July 7, 2019. On November 9, 2021, CLTC received a copy of Anthony Joseph Quitugua's death certificate via email from Catalina Quitugua which is his sister. My findings are on based on Public Law 23-38, Section 5.8 transfer of application rights request for succession to application rights shall be made to the Commission in writing not later than 180 days after the applicant's death otherwise the application will be cancelled and the applicant's name be removed from the waiting list. 2, there is no named successor listed or provided in the file. 3, authorizations to initiate survey retracement were issued twice and were not completed by the applicant before passing. 4, an email thread in the file between CLTC Land Agent Jhoana Casem and Catalina Quitugua regarding Anthony Joseph Quitugua's application and status. My summary is Anthony Joseph Quitugua is a CLTC applicant who is now deceased and did not name a successor. Therefore, because CLTC was notified after the 180 days of Public Law 23-38 his transfer of application rights become cancelled.
And my request is; 1, for CLTC to terminate the application of Anthony Joseph Quitugua and remove his name from the waiting list based on Public Law 23-38 regarding the 180-day notice of the applicant's date of death. 2, CLTC to remove Anthony Joseph Quitugua from the reservation of Lot 6, Block 7, Tract 9210 (Phase-I) Municipality of Yigo and the lot be placed back into the CLTC's inventory.

Chairman J. Reyes, Jr.: Thank you, Tina. Commissioners, any questions?

Commissioner A. Santos: No, taya para guahu.

Chairman J. Reyes, Jr.: Thank you. So given that we have termination in front of us and there's no questions I leave it to you if you want to take action. Attorney Toft, anything on your side?

Attorney N. Toft: No

Chairman J. Reyes, Jr.: Okay.

Commissioner A. Bordallo: All is good.

Chairman J. Reyes, Jr.: I did have one questions, I'm sorry. In the correspondence between Ms. Catalina Quitugua and Jhoana; was that just the correspondence on the death certificate?

Land Agent I T. Tainatongo: Yes, that was just the correspondence on the death and explaining based on the 180-day law…23-38 that he doesn't have… the time has passed has lapsed to be a successor and he didn't name one at all, so…

Chairman J. Reyes, Jr.: Okay, I just wanted to understand what was that specific dialogue or email thread. Okay, thank you. Commissioners, I pass it to you.

Commissioner A. Bordallo: First I would like to make a motion that the CLTC terminate the application of Anthony Joseph Quitugua and remove his name from the waiting list based on Public Law 23-38 regarding the 180-day notice of the applicant's date of death.

Chairman J. Reyes, Jr.: Thank you, Commissioner Bordallo. May I get a second.

Commissioner A. Santos: I second.

Chairman J. Reyes, Jr.: Thank you, Commissioner Santos. Any objections?

Commissioners: None

Chairman J. Reyes, Jr.: Hearing none. Motion passes to termination the application of Mr. Anthony Joseph Quitugua and remove his name from the waiting list based on Public Law 23-38. Thank you, commissioners. And next item?

Commissioner A. Bordallo: I would like to make a motion for the Chamoru Land Trust Commission to remove Anthony Joseph Quitugua from the reservation of Lot 6, Block 7, Tract 9210 (Phase-1) in the Municipality of Yigo and the lot be placed back into the available inventory.

Chairman J. Reyes, Jr.: Thank you, Commissioner Bordallo. May I get a second?

Commissioner A. Santos: I second

Chairman J. Reyes, Jr.: Thank you, Commissioner Santos. Any objections?

Commissioners: None

Chairman J. Reyes, Jr.: Hearing none, motion passes to remove Mr. Anthony Joseph Quitugua from the reservation of Lot 6, Block 7, Tract 9210 (Phase-I) in the Municipality of Yigo and place back into CLTC's available inventory. Okay, thank you, Commissioners. Thank you, Tina.

Land Agent I T. Tainatongo: Thank you.

Rosa Ignacio Cruz and Frankie I Cruz

Chairman J. Reyes, Jr.: Okay, next up on our agenda for Residential, Constituent Matters; we have Rosa Ignacio and Frankie I Cruz.

Land Agent I T. Tainatongo: Yes, let me go check if they're outside.

Chairman J. Reyes, Jr.: Okay, we do have the constituent present. Okay, thank you, Tina. Good afternoon Mr. Cruz. For recording purposes, can you speak into the mic and state your name, please.

Frankie Cruz: Frankie Cruz.
Chairman J. Reyes, Jr.: Thank you. Okay, and who will be presenting this case?

Land Agent I T. Tainatongo: This one will be Lydia. Let me just let her know

Acting Administrative Director A. Camacho: Jhoana

Land Agent I T. Tainatongo: Oh, Jhoana is going to present it, okay.

Chairman J. Reyes, Jr.: Hi Jhoana.

Land Agent II Jhoana Casem: Hi, yes sir. I apologize

Chairman J. Reyes, Jr.: Can she hear us? We won't be able to hear her.

Land Agent II J. Casem: Can you hear me?

Chairman J. Reyes, Jr.: Jhoana can you try again?

Land Agent II J. Casem: Test...test...

Chairman J. Reyes, Jr.: Okay, perfect.

Land Agent II J. Casem: Good afternoon, Commissioners and everyone. Please excuse if I may go on mute a little bit here and there due to my cold. Okay. So, before you I have the report under Ms. Rosa Ignacio Cruz who is deceased and Mr. Frankie I. Cruz and this is a residential constituent. The issue we have here is a subleasing property as an Airbnb rental. Through the findings under Ms. Rosa and Mr. Cruz, we have...we were notified through an anonymous call a community complaint that this place of residence was being leased out or rented out through the Airbnb website. So, on October 29th 1998 a ground lease was issued to Ms. Rosa Cruz for a portion of Lot

5402-R5NEW Mangilao containing and area of not more than one-acre subject to survey. This you can find on your Exhibit E. On October 2nd 2002, a mayor's verification was submitted certifying that Ms. Rosa Cruz head of household and Davy Dan Cruz (son) has been occupying 5402-R5 Golden Cupid, Pagat since 1998. November 23, 2005 a Notice of Intent to Award (NOIA) was issued to Ms. Rosa Cruz for a portion of Lot 5380 Municipality of Dededo containing and area of not more than one-acre subject to final survey, DLM approval and recordation, this is issued and signed by Administrative Director Thomas A. Elliot. On July 26, 2003, a request from Ms. Rosa I. Cruz wants to change her application type from Agriculture to Residential and to add her son Frankie I. Cruz to the spouse/partner's name on the application/lease. On July 26, 2006, Acting Administrative Director Thomas A. Elliot approved the notarized request from Rosa Ignacio Cruz to add her son Frankie I. Cruz to her residential lease. On March 23, 2010, an email thread from Mr. Peter Trinidad to lessee in regards to a violation of a building structure on the property assigned to Ms. Rosa Ignacio Cruz and Frankie I. Cruz on Lot 5380-11 located on Villagomez St. Mangilao. A Notice of Violation was issued to Mr. Frankie Cruz from DPW and you can see this on Exhibit D. On May 21st 2012, a residential lease was issued to Ms. Rosa Ignacio Cruz and Frankie I. Cruz for Lot 5380-11, Dededo recorded under Instrument No. 836949 and you can find this on Exhibit F. September 22nd, 2021, a community complaint made to CLTC via phone in regards to the lessee renting their property on the Airbnb website. Airbnb ad from the website in lessee's file for reference. And you can see these on Exhibit C there's I believe a couple of pages of reviews on this case. On September 29th 2021, CLTC conducted a site inspection on Lot 5380-11, Mangilao. Upon land agent's observation there was a parked vehicle parked at the rental unit. A notice to contact CLTC was left at the adjacent container structure, you can see this on Exhibit B. On October 1st, 2021, Mr. Frankie I. Cruz contacted CLTC's office in regards to the notice and spoke with Mr. Joey Cruz. A follow up call made by myself advising Mr. Cruz that we are conducted our site inspection report and we'll contact him as soon as we get all of our documents in order. On December 7th 2021, land agents Glenn Eay and myself met with Mr. Cruz to discuss the September's site inspection and other findings based on the Airbnb rental. And lastly...I'm sorry, on December 11, 2021, Mr. Frankie Cruz came in to meet with Acting Administrative Director, land agents Eilieen Chargualaf and myself to further discuss his case, Mr. Cruz has also advised our office that his mother is deceased, a letter from Mr. Cruz was submitted for the Board's consideration and you can see this on Exhibit A.

Based on our findings, on the CLTC residential lease agreement; No. 7, in Occupancy, here it clearly states that the lessee shall occupy and commence to use the premises as his home within three years after the installation of infrastructure that's based on Public Law 24-62. On 7.1, the lessee shall after the occupation of premises thereafter occupy the premises on a fulltime basis. 7.2, lessee shall be required to have all the utilities properly installed and metered as is necessitated by the utility, and be responsible for the payment of all charges, and connection fees. 7.3, the lessee shall conform with all territorial zoning and building laws, subdivision, environmental or administrative laws or policies. 7.4, should lessee possess an agricultural tract of

CHamoru Homelands and desire to build a home on that agricultural tract, the lessee shall *audio interruption*

Chairman J. Reyes, Jr.: Okay, Jhoana

Land Agent I T. Tainatongo: Can she start all over... I mean just...

Chairman J. Reyes, Jr.: Jhoana just pick back up a couple... what number were we last on?

Unknown: 7.4

Chairman J. Reyes, Jr.: And then for the person whose initials or letters are I-N, please make sure you are on mute, thank you.

Land Agent II J. Casem: Okay, going back to 7.4, should the lessee... should lessee possesses an agriculture tract of CHamoru Homelands and desire to build a home on that agriculture tract lessee shall make prior arrangements with lessor to surrender this residential premises upon completion of the construction of the residence, on the agricultural tract. 7.5, lessee shall submit to the commission all plans as to the as the design, materials and probable value of the structure he intends to build on the premises. Lessee shall not begin construction of said structure, until he has received written approval of the plan from the Commission. 7.6, should lessee be occupying property which is designated as Chamorro Homelands at the time that lessee obtained this underlying lease. Lessee shall within one year of the date of this lease vacate the tract of Chamorro Homeland which he was occupying at the time he entered into this lease. And not enter upon any other Chamorro Homelands for the purpose of establishing a residence or for farming purposes without the expressed written consent of the Chamorro Land Trust Commission. Violation of this section is a default of this lease agreement and can cause forfeiture of this lease. Next under section 13, Use of Premises. Lessee shall use the premises as his personal residence which premises shall only have a single-family dwelling constructed upon it. Failure to obtain express written consent of lessor for the erection of structures on the property shall be deemed a default of this lease and subject the lease to termination at the discretion of lessor. And lastly under Public Law 23-38, Section 7.7, sublease prohibited. The lessee shall not sublet his interest in the tract of improvements thereon. Violation of this provision shall constitute grounds for cancellation of such lease. In conclusion, Ms. Rosa Ignacio who is deceased and Mr. Frankie I. Cruz are co-lessees on their residential property under Lot 5380-11 in the Municipality of Mangilao also known as Dededo. In September of 2021 an anonymous call was made to CLTC addressing their concerns and knowledge that the area they attended a gathering at is possibly a CLTC property. Further research and review were conducted to validate that the lot being used under the Airbnb website is in fact a CLTC property. Substantial evidence pulled from the website indicates that the property has been rented out since 2016 based on online reviews from renters. However, there can be others that have rented. There could

have been more that have rented but decided not to put a review on line. Based on all of what has been presented before you Commissioners, our request is to terminate the residential lease issued to Ms. Rosa Ignacio and Frankie I. Cruz on Lot 5380-11 in the Municipality of Mangilao under Instrument No. 836949, based on the violations addressed within PL 23-38, Section 7.7 Sublease prohibited. As well as to request to terminate the agriculture lease issued to Ms. Rosa Ignacio Cruz on a portion of Lot 5402-R5, Mangilao, Tun Kiko Feja St. containing an area of not more than one-acre subject to survey.

Chairman J. Reyes, Jr.: Okay, thank you very much, Jhoana. So, just before we begin and have the Commissioners kind of gather their thoughts and ask questions, I just wanted to ask Mr. Cruz was all this information discussed and presented with you prior to coming before the commission?

Frankie Cruz: She did give me the findings which I went over it and...

Chairman J. Reyes, Jr.: But you had meetings and discussions with Jhoana and or the Director or Acting Director Camacho?

Frankie Cruz: Yes, at that one moment yes. Yes, we did.

Chairman J. Reyes, Jr.: Okay, I just want to make sure so that everyone can hear. Okay, thank you, sir. Okay so there's a lot here to review and I'm going to give the opportunity to our commissioners to begin asking questions and then we'll *inaudible* through and thank you again for your presence here. Okay, commissioners, I will begin with you.

Commissioner A. Santos: I just want to clear it and state that I do know Mr. Frankie Cruz but with all my due diligence as a commissioner I will not... I will be able to make an unbiased decision so I just want to state that I do know Mr. Cruz.

Chairman J. Reyes, Jr.: Okay, thank you, Commissioner Santos. And I will yield to the commissioners to begin.

Commissioner A. Bordallo: I Arlene Bordallo know Mr. Cruz myself. He's a business constituent doing business with my Family Finance company.

Chairman J. Reyes, Jr.: Okay, thank you, Commissioner Bordallo.

Commissioner A. Bordallo: I do have a question with the lots, you have one here that says Lot 5380-11 located in Villagomez Street, Mangilao. And then you have another lot, 5202-R5NEW Mangilao known as Tun Kiko Feja Street. So what...where is the so called Airbnb located? On which lot?

Land Agent II J. Casem: I can go ahead and answer that. So with case in particular, Ms. Rosa Ignacio Cruz was issued an agricultural lease on the 53... she was issued a... her original lease was under the 5402-R5NEW, Mangilao however, when there was a request to change her application type and to add her son, Mr. Frankie Cruz... *Interruption-audio static* hello?

Chairman J. Reyes, Jr.: Just rewind a little bit Jhoana thank you.

Land Agent II J. Casem: Okay so going back to that, the original lease was 5402-R5 and that was the agricultural lease issued to only Ms. Rosa Cruz. When the request to add her son and to change her application type to residential our office did not do an addendum instead, they issued another lease so in file, there are currently two leases under Ms. Rosa Ignacio Cruz; the second one having added Mr. Frankie Cruz. So as stated in our public law the change of application type is actually not applicable that is why we are doing the request to terminate or cancel both leases under Ms. Rosa Cruz and the other one under Ms. Rosa Ignacio Cruz and Frankie Cruz. So, the Airbnb rental is actual on the 5380-11 in the Municipality of Mangilao.

Chairman J. Reyes, Jr.: Thank you, Jhoana. Commissioners?

Commissioner A. Bordallo: I refer this to the attorney.

Attorney N. Toft: Just to inform the board before we move forward on any decisions, it the board is considering a termination of the lease, it would have to go through the Triple-A process, in which the first step would be to request the AG to appoint a hearing officer for a full hearing on the matter. So, we cannot do a termination at this meeting if that is the intent of the board. If it's simply to do a cease and desist the board can decide that but the termination would require tabling the matter until such time that the administrative hearing can be held.

Chairman J. Reyes, Jr.: Okay, thank you, Attorney Toft.

Attorney N. Toft: I have a question, are you residing at the house?

Frankie Cruz: Yes, me and my daughter has been moved up there.

Attorney N. Toft: In the container home in the....

Frankie Cruz: The house is small and my wife and my other two daughters and my grands so that's one of the reasons why and then we *inaudible* so we can have more space so that my wife and grandkids can stay at the front.

Chairman J. Reyes, Jr.: Commissioners, any other questions?

Commissioner A. Bordallo: I would suggest then that we table this matter and have Mr. Cruz's case go before the Attorney General's office.

Chairman J. Reyes, Jr.: Okay. I do have a... I just want to yield time for you my fellow commissioners to ask any questions. If not, I have a few that would I'd like to begin with maybe add on...

Commissioner A. Santos: Yes, thank you.

Chairman J. Reyes, Jr.: Again, Mr. Cruz, thank you, for joining us today. So, I think the matter at hand for me and what's concerning, right, is a couple of things and maybe Jhoana can help on this one too. So, with the original application as agriculture, right? And then it was changed to residential; was there a lease already issued when it was changed into residential?

Land Agent II J. Casem: Yes, there was a issued lease and that is under the 5402-R5NEW.

Chairman J. Reyes, Jr.: Okay, and so with that and just to reiterate, there are two leases on here, correct?

Land Agent II J. Casem: Yes, sir.

Chairman J. Reyes, Jr.: Okay, and...

Land Agent II J. Casem: What should have, I'm sorry. What should have happened is when from my understanding, is when Ms. Rosa was originally in the area where the Adacao school is and with some of our lessees, they were moved because of the school. So, when they moved Ms. Rosa, they moved her to this area which is on the Villagomez Street under the 5380-11. Our office did not cancel that first lease or they didn't do an addendum so that's why in file there are two active leases. So, what should have happened is, before they did an issuance to the second one, they should have done an addendum which would basically cancel that 5402-R5NEW lease.

Chairman J. Reyes, Jr.: Okay and so with that switch, it was not necessary presented to the board, correct? It was just approved by the administrative director at that time?

Land Agent II J. Casem: Yes, sir.

Chairman J. Reyes, Jr.: Okay. So, Mr. Cruz... thank you, Jhoana. So, Mr. Cruz, my question is so we do have I mean it's obvious that this has been used as a rental property via the Airbnb site. Now, the earliest record from what I could tell based on what we are provided was since 2016. Now, is that the beginning of when this house was used as an Airbnb or rental or was it earlier?

Frankie Cruz: It's about around that time. Yes about 2016.

Chairman J. Reyes, Jr.: Okay, a couple of things also. Thank you for that. A couple of things that I also wanted to clarify; so, as far as getting the structure, right... it's fully concrete?

Frankie Cruz: Yes.

Chairman J. Reyes, Jr.: Okay and how are those permits to be able to build... approved or do you have some of those permits that you provided to Jhoana?

Frankie Cruz: Yes, and well I want to provide it, it's just at our last meeting I just felt very intimidated so I just didn't know what to do about coming back. *inaudible* our last meeting here they just wanted to decide to terminate the lease and just felt intimidated to come back and but I did gather all the information and I do have the building permits, I do have the plans and I do have the agreement with the contractor that during that time I did have a lot of problems with him and we had an agreement and he took long in finishing the homes and *inaudible* he even was trying to run away and I had to track him down and it was just a real big mess and even paid less than the square feet but that's what happens when you... but I do have that and did went to building permits to try to get the full lease and everything and according to them in 2016 their system is not updated so but I do have some right here to...

Chairman J. Reyes, Jr.: Additional documentation, correct?

Frankie Cruz: Yes

Chairman J. Reyes, Jr.: And how about the... so I'm just curious also right...so being able to operate as a rental, do we need the business license?
Frankie Cruz: Yes, I do. My daughter did file for a business license and everything and we weren't trying to hide anything and I even got all the statements, the statements from there to here so you guys could see the cost of what we made for those years.

Chairman J. Reyes, Jr.: And is the business license under your name or your daughter?

Frankie Cruz: My daughters

Chairman J. Reyes, Jr.: So, the business license is under your daughter's name, the property and the lease is under your name?

Frankie Cruz: Yes, and I did not know that we couldn't do that. We went through the proper channels from Land Management to GRTs and everything was approved. I wasn't thinking to try to manipulate or...

Chairman J. Reyes, Jr.: Understood. I'm just curious. There are a lot of layers in approvals so Land Management would have to also sign off on this as well. And so in regards to the building itself, right? There is the information with DPW, I believe Mr. Trinidad in regards to the notice of violation. So, could you tell us a little bit about that?

Frankie Cruz: You know, I received that and I went up to Public Works and...

Chairman J. Reyes, Jr.: That was in 2010, sorry I didn't mean to...

Frankie Cruz: Somewhere there, yes, and I did spoke to my contractor and I don't know is this for the clearing or the building structure?

Chairman J. Reyes, Jr.: A couple of things so... I mean it was about the initial permit was for clearing and grading

Frankie Cruz: Which I made sure I got that from the beginning.

Chairman J. Reyes, Jr.: And then it looks like when they came to the property there was a 40ft. container.

Frankie Cruz: Which I did get a permit for that too.

Chairman J. Reyes, Jr.: Okay. And there were no questions in regards to all your permitting and licensing on and that this was CHamoru Land Trust property?

Frankie Cruz: I don't really know *inaudible* but yeah, no questionings but I did actually mention it to a couple of them, I mean down to GWA to Revenue and Tax and *inaudible* the license for the Airbnb and there was no issue and so this *inaudible* everything be okay and *inaudible* we wouldn't have gone forward with all this mess.

Chairman J. Reyes, Jr.: Okay. And just kind of I guess curious... usually there will be some kind of title search or sorts or...

Frankie Cruz: Yes

Chairman J. Reyes, Jr.: Right, to make sure that it is your property per say?

Frankie Cruz: Yes *inaudible* and I know they ask for the lot number and of course all of those and maybe even *inaudible* *audio feedback*

Chairman J. Reyes, Jr.: Commissioners, any additional questions? I'm just trying to make sure I understand here.

Commissioner A. Santos: I understand that your mom passes away. My condolences and our condolences. With the switch of application type, did you receive the documents that are within this… exhibits in the lease?

Frankie Cruz: The lease?

Commissioner A. Santos: Yeah, the lease, did you receive it?

Frankie Cruz: Yeah, I got the lease here that's under me and my mom's name.

Chairman J. Reyes, Jr.: Attorney Toft, quick question. So, the action that we can take is obviously not to move on the terminations but what was that I'm sorry if I… what would the…

Attorney N. Toft: The other option?

Chairman J. Reyes, Jr.: that the board need to… yeah…

Attorney N. Toft: Well so I was saying that the board could do a cease and desist as to the Airbnb activities. I think we've had…

Frankie Cruz: We already did, we stopped the minute we found out and I though it's not even worth the money for ourselves to…

Attorney N. Toft: But I think we proceed with the agricultural termination because that lot obviously has been used for something else at this point and is no longer part of the case. It's just really the Lot 5380-11 that we're dealing with at the moment.

Chairman J. Reyes, Jr.: Okay. Thank you, sir. Mr. Cruz, when was the last rental, the last time that it was rented out? Do you recall?

Frankie Cruz: I asked my daughter for the statements and it's somewhere like I think November or August of last year.

Chairman J. Reyes, Jr.: Of 2021?

Frankie Cruz: Yes

Chairman J. Reyes, Jr.: And that was when the CHamoru Land Trust received the complaint?

Frankie Cruz: Somewhere around there, I think so.

Chairman J. Reyes, Jr.: Commissioners, any other questions?

Commissioner A. Santos: None, none for me.

Chairman J. Reyes, Jr.: Okay

Acting Administrative Director A. Camacho: Mr. Chairman, may I?

Chairman J. Reyes, Jr.: Yes. Ms. Camacho, please.

Acting Administrative Director A. Camacho: Thank you for coming in today and speaking to our board. I just wanted to get some clarification based on your office visit, I believe that was last month?

Frankie Cruz: Yes

Acting Administrative Director A. Camacho: There was a discussion about where or how you are able to operate the Airbnb, you mentioned that you were not living at the property at the time that you had lived at another home with your wife and that your daughter was...

Frankie Cruz: Living up there and yes, we do have another... well it's not exactly my home or anything it's something that my parents built, my step-parents built, my step dad built we lived there and everything but you know since when he passed away it's been just me and my mom and step kids to *inaudible* but that time has come and that's the reason why we moved up there and everything.

Acting Administrative Director A. Camacho: So, when did you move back to Villagomez St?

Frankie Cruz: We were still staying there...I still have my stuffs there still at both places I mean I was just getting ready for this time and just needed to financially set up get more to fix up the place make it more livable especially in the back side.

Acting Administrative Director A. Camacho: Okay so just for clarification you were just staying at both locations throughout this 2016 to the current term?

Frankie Cruz: I was pretty much, yes.

Acting Administrative Director A. Camacho: Okay, thank you for clarifying that. That's all.

Chairman J. Reyes, Jr.: Thank you, Ms. Camacho. Okay, commissioners, thank you Mr. Cruz. Commissioners, so a couple things. We per guidance with Attorney Toft, we could definitely address the agriculture lease. I think for record-keeping purposes we you know should consider the cease and desist, right, just to make sure that all that

activity no longer is happening and then the last pieces we'll refer it over to the AG's office; is that the next course?

Attorney N. Toft: I think what the board should do is essentially vote on the course of action because if the cease and desist is the end goal then there would be no need for an administrative hearing. If termination is the end goal, the administrative hearing is required, right. So, I think that decision needs to be made before the reference is made over to the attorney general's office.

Chairman J. Reyes, Jr.: Okay, so if we decide on just the cease and desist then there will be no need for proceedings for the Triple-A, correct?

Attorney N. Toft: Correct.

Chairman J. Reyes, Jr.: If we decided that we want to take this a little further then we would not issue the cease and desist or we should still issue the cease and desist and then also another...

Attorney N. Toft: I would do both.

Chairman J. Reyes, Jr.: Another motion to then take this through the Triple-A process?

Attorney N. Toft: Correct.

Chairman J. Reyes, Jr.: Okay. So, Commissioners, I think that again right, I think that we should definitely consider the cease and desist, we should act on terminating the agriculture lease since is where the Okkodu? Jhoana?

Attorney N. Toft: Adacao

Chairman J. Reyes, Jr.: Adacao or Okkodu?

Land Agent II J. Casem: Adacao

Chairman J. Reyes, Jr.: Okay, so that's already Adacao we can tackle that but I think you know Mr. Cruz, given that you do have a copy of the lease and you know it does state right as Jhoana listed for us right of how the property should be used and you know I just think that we may want to, for me, personally, and of course it's up to our commissioners; you know, we take a look at this a little bit further because ever since 2016 and you know you did sign the lease you did agree to the terms and conditions and the fact that you know it is CHamoru Land Trust property and we're definitely getting – wanting to get through to be able to issue more leases. We want to make sure the property is used for its intent, and the fact as well that you weren't living there so that you could have the property rented you know it's also a little concern from my perspective, right. So, I just... that's kind of where again I'm just wanting to

make sure that I understand everything and that you know these are the... and make sure that you're aware that these are some of the things that you signed on and these are the terms and conditions that should not occur. Yet, you were leasing it out or renting it out so... But I would just yield to our commissioners and see what our... what should we take on and move forward with.

Land Agent II J. Casem: Commissioners, may I make one more mention? With the Airbnb, yeah, please keep in mind there was money involved and taking for this property so as a rental and you know it was definitely validated on the website, it was advertised that the amount was how much it is per night. So, please keep that in mind.

Frankie Cruz: I have all the statements here so...

Chairman J. Reyes, Jr.: Okay. I think that's all the questions I have. Thank you again Mr. Cruz, thank you Jhoana and I will leave it to our commissioners for any additional discussion or how would you like to proceed.

Commissioner A. Santos: Attorney Toft, what are the motions and what do we need to... what are the steps that we need to do again if we want to do the cease and desist and then we have to absolutely terminate the agricultural lease coming back to it being residential. With all of the evidence that we have in front of us and everything that's been online it's very hard to even pass this and I'm sorry but please, right... like this is our people's land and some people are displaced. They're a lot of people homeless and I know... you're not a bad guy man. I know this for a fact. But for me to just be able to pass this up and not that certain determination for myself on this commission, I won't be able to do that you know, and I...that's with whatever the recommendation that Jhoana had put forward that's my decision.

Chairman J. Reyes, Jr.: Did you have a question for Attorney Toft? Sorry, I'm just wanting to make sure.

Commissioner A. Santos: Well, yeah, about the cease and desist, the termination... termination for both leases. We have to go through the Triple-A process?

Attorney N. Toft: No, just for the termination on the residential.

Commissioner A. Santos: Residential, okay... okay.

Chairman J. Reyes, Jr.: Commissioner Bordallo, want to add any questions to that? Again, this is what would be the next steps. So I think let's tackle the immediate next step, at lease for the first two on just making sure we document the cease and desist and then we got the request to terminate the agriculture lease which is where the Adacao and then you guys can... you know, we'll tackle the final piece after we get through the two.

Commissioner A. Santos: Okay, understood.

Chairman J. Reyes, Jr.: That is just my recommendation so…if you would like to…

Commissioner A. Bordallo: I will would like to make a motion to cancel the agricultural lot 5402-R5 in Pagat Mangilao

Attorney N. Toft: It's R5NEW for the clarification.

Commissioner A. Bordallo: R5NEW? Okay. Lot 5402-R5NEW, Mangilao which is on Tun Kiko Feja Street containing an area of not more than one-acre under the lease of Rosa Ignacio Cruz.

Chairman J. Reyes, Jr.: Thank you, Commissioner Bordallo. May I get a second?

Commissioner A. Santos: I second that motion.

Chairman J. Reyes, Jr.: Okay. Thank you, Commissioner Santos. Any objections?

Commissioners: None

Chairman J. Reyes, Jr.: Okay, hearing none, motion passes to terminate the agriculture lease issued to Rosa Ignacio Cruz for Lot 5402-R5NEW in Mangilao, Tun Kiko Feja Street not more than one-acre. Okay, thank you, commissioners. Okay, next up?

Side discussion

Attorney N. Toft: I would say to do a motion to issue a cease and desist for the *inaudible*

Commissioner A. Santos: for the Airbnb on that lot

Attorney N. Toft: The Airbnb activities on this particular lot

Commissioner A. Santos: Okay, Sainai?

Commissioner A. Bordallo: *inaudible*

Commissioner A. Santos: Okay, I motion to submit a or request for a cease and desist for the Airbnb on for Ms. Rosa Ignacio and Frankie Cruz on Lot 5380-11 in the Municipality of Mangilao under instrument number 836949.

Chairman J. Reyes, Jr.: Okay. Thank you, Commissioner Santos. May I get a second?

Commissioner A. Bordallo: I second.

Chairman J. Reyes, Jr.: Okay, thank you, Commissioner Bordallo. Any objections?

Commissioner A. Santos: None

Chairman J. Reyes, Jr.: Hearing none, the motion passes. Thank you, commissioners. The issue... I'm sorry, the motion was the approval to issue the cease and desist on a residential property of Ms. Rosa Ignacio and Frankie I. Cruz Lot 5380-11 in the Municipality of Mangilao under instrument number 836949. Thank you, commissioners.

Commissioner A. Santos: Just to clarify in the next would be the Triple-A process for that?

Attorney N. Toft: Yes, I would talk with your fellow commissioners and make the decision on whether or not to proceed with pushing for termination through the Triple-A process and beginning that.

Commissioner A. Santos: Do we have to make a motion

Attorney N. Toft: That would also require a motion, yes.

Commissioner A. Santos: Okay.

Commissioner A. Bordallo: What is the motion, again?

Attorney N. Toft: It would be a motion to begin the Triple-A process for termination of the residential lease under Lot 5380-11 and to refer the matter to the AG's office for requesting a hearing officer.

Commissioner A. Bordallo: And in the meantime, the family and Mr. Cruz, are staying at that house.

Chairman J. Reyes, Jr.: Yes, they will still be able to occupy the home, yes, during this process, yes.

Commissioner A. Santos: I make a motion to begin the Triple-A process for termination of the residential lease issued to Ms. Rosa Ignacio and Frankie I. Cruz on Lot 5380-11 in the Municipality of Mangilao under instrument number 836949 based on the violations addressed within Public Law 23-38; Section 7.7 Sublease prohibited.

Chairman J. Reyes, Jr.: Thank you, Commissioner Santos. May I get a second?

Commissioner A. Bordallo: You're terminating it?

Commissioner A. Santos: We are going through the Triple-A process of that.

Commissioner A. Bordallo: But you didn't mention

Commissioner A. Santos: Did we…I'm sorry.

Commissioner A. Bordallo: Mention it

Attorney N. Toft: So to clarify, if you second you can discuss the motion before voting on it and then…

Commissioner A. Bordallo: It's the wording, just the wording on your…

Commissioner A. Santos: Triple-A process?

Commissioner A. Bordallo: Yes

Commissioner A. Santos: of the termination of the process

Commissioner A. Bordallo: *inaudible* there

Chairman J. Reyes, Jr.: Commissioner Santos, could you retract the motion and restate it, please?

Commissioner A. Santos: Okay. I make a motion to begin the Triple-A process of the termination for the residential lease issued to Ms. Rosa Ignacio and Frankie I. Cruz on Lot 5380-11 in the Municipality of Mangilao under instrument number 836949 based on the violations addressed within Public Law 23-38; Section 7.7 Sublease Prohibited.

Chairman J. Reyes, Jr.: Thank you, Commissioner Santos. May I get a second?

Commissioner A. Bordallo: I second.

Chairman J. Reyes, Jr.: Thank you, Commissioner Bordallo. Any objections?

Commissioner A. Santos: no

Chairman J. Reyes, Jr.: Hearing none, the motion passes to begin the Triple-A process to request for the termination of the residential lease issued to Ms. Rosa Ignacio and Frankie I. Cruz on Lot 5380-11 Municipality of Mangilao under instrument number 836949, thank you.

Commissioner A. Bordallo: Mr. Cruz, you understand what has happened?

Frankie Cruz: Yes.

Chairman J. Reyes, Jr.: Okay, thank you, Commissioners. Thank you, Mr. Cruz. I appreciate your cooperation in meeting with the team, I appreciate your presence here today. And we will proceed on the next steps. Do you have any questions?

Frankie Cruz: No, I have no questions.

Chairman J. Reyes, Jr.: Okay, thank you, Mr. Cruz. Jhoana, anything else?

Land Agent II J. Casem: No, sir.

Abrene Nadine Duenas

Chairman J. Reyes, Jr.: Okay, thank you. Okay, next up on our agenda is Abrene Nadine Duenas and may I ask which land agent will be presenting with us today.

Land Agent I T. Tainatongo: Lydia

Chairman J. Reyes, Jr.: Ms. Lydia you're on mute I believe or we can't hear you ma'am.

Unknown: You want me to turn on this mic?

Chairman J. Reyes, Jr.: Sorry Ms. Lydia we still can't hear you. Ms. Lydia, you can hear us though, right? Okay, maybe it's your headset.

Side discussion for mic and sound check

Land Agent I T. Tainatongo: We have Ms. Abrene Duenas on

Chairman J. Reyes, Jr.: I do see on the Zoom Ms. Abrene Duenas. Ms. Abrene, could you state your name, please?

Abrene Duenas: Hi, I'm having trouble hearing. It's very dim

Quick pause for mic and sound check

Abrene Duenas: I don't know if it's *inaudible*

Chairman J. Reyes, Jr.: Ms. Duenas we're going to try that again, can you hear me, okay?

Chairman J. Reyes, Jr.: We're going to sort out the audio issues Ms. Duenas and Ms. Taleu so we're going to take a quick ten-minute break.

Chairman J. Reyes, Jr.: Okay thank you everybody for your patience. We just needed to sort out some of the audio. I think we should be better now.

Sound check

Chairman J. Reyes, Jr.: Okay, try again Ms. Duenas.
Abrene Duenas: I can hear you now.

Chairman J. Reyes, Jr.: Okay, let's try that again Ms. Duenas sorry about that. Could you hear me?

Abrene Duenas: I can hear you.

Chairman J. Reyes, Jr.: Okay can you do a quick couple of tests to make sure that we can hear you.

Land Agent I L. Taleu: We just need you to do a couple of tests. So, test...test...test...

Abrene Duenas: Test...test...test...

Chairman J. Reyes, Jr.: Okay, thank you. Can you hear me, okay?

Abrene Duenas: It's very dim on your end, Mr. Reyes.

Chairman J. Reyes, Jr.: Mic check, Ms. Duenas can you hear me?

Acting Administrative Director A. Camacho: Jhoana is saying the same thing. I mean Jessica is saying the same thing. At her desk it's hard to hear us.

Land Agent I L. Taleu: It is hard.

Land Agent I J. Dayday: But everybody else that's on the Zoom, we can hear them.

Side audio and mic check discussion

Chairman J. Reyes, Jr.: Thank you, everybody for your patience. We just needed to sort out the audio, I think we should be better now. Thank you, again, Ms. Duenas for joining us today and just to confirm one more time; you can hear us okay, correct?

Abrene Duenas: Yeah

Chairman J. Reyes, Jr.: Okay, awesome, thank you. And for the record, Ms. Duenas, amongst all the audio issues; could you just please state your name for us?

Abrene Duenas: Abrene N. Duenas.

Chairman J. Reyes, Jr.: Okay, thank you. And Ms. Lydia, you'll be presenting today?

Land Agent I L. Taleu: Yes.

Chairman J. Reyes, Jr.: Okay, thank you.

Land Agent I L. Taleu: Okay, so, this case was originally presented in December and then the original lessee, Ms. Duenas the mother of the current lessee, Ms. Abrene came down and she made a couple of comments so we decided to hold-off on everything that was approved until we actually have a conversation with Ms. Abrene. Which then we did have. So, now we're coming back to it after having talk to the lessee.

Land Agent I L. Taleu: Yes.

Chairman J. Reyes, Jr.: Thank you.

Land Agent I L. Taleu: Oh okay.

Chairman J. Reyes, Jr.: You can proceed, just... you want to take us from where we left off and conversations and where we're at today.

Land Agent I L. Taleu: Okay. So, originally the lease was given to Ms. Stephanie Duenas who at the time she applied was a priority one. Then her initial interview, she still remained a priority one. Two years – three years prior to her signing the lease she became a priority two when she received a property in Mangilao through a Deed of Gift one she shared with another person. Two years prior to her signing the lease she got a Guam Housing loan for that, for her private property. Three months prior to her signing the lease construction completed on her private property. She then, that was in I believe in September and then in December of the same year she signed a residential lease. Years later she came back... I don't know where she was an employee of at the time, she signed the lease. But eventually Ms. Stephanie Duenas actually works for Department of Land Management and at some point, was tasked with working at CLTC as a Land Agent I. Somewhere along the way she became aware of because she was a priority two, she couldn't have the lease. Therefore, she went before the board requesting to transfer the lease to her daughter. What was not disclosed to the board at the time at the staff report nor during the board meeting was when exactly she became a priority two, was prior to her issuing the lease. The board approved it without the actual knowledge of when she was a priority two and the lease was transferred over to her daughter, the current lessee. Then at some point Ms. Abrene transferred her lease for Mangilao to Barrigada. In that time since that transfer, she has yet to- she did a survey on the leased lot however she has not been occupying the lot, public law requires, first of, in order to get a lease all priority ones need to be processed first. That was not the case with the original lessee. Now, the current lessee having relocated to Barrigada has not occupied the property. She has ninety-days according to public law to occupy the property. She has surveyed the

property, she has paid land lease fees on it, and my understanding is she has paid property taxes. However, she is violation of the rules because she is not occupying the property. When we met online in December, I even explained all this to her. She had voiced concerns so now she's coming to the board today to find out if the board will continue to allow her to continue with the lease or will the board move as it originally intended to do back in the December which was to terminate everything.
Now, should the board intend to termination then I would have to come in the future because if termination is the case, Ms. Abrene should not be responsible for any property taxes on a lease that has been terminated. So, we're currently waiting for her to submit receipts on that as we know it does take time to gather materials with that especially with Covid and public and Department of Revenue and Taxation being behind so everything is depending on today's board decision.

Chairman J. Reyes, Jr.: Okay, thank you Ms. Taleu. Commissioners I'll pass it on first...questions

Abrene Duenas: *inaudible* I'm sorry, can I speak?

Chairman J. Reyes, Jr.: Hi Ms. Duenas. Yes, and thank you again. Thank you for joining us today and I had just passed it on to the commissioners but yes you may proceed.

Abrene Duenas: Okay, I just wanted to find out if you guys had my FOIA in front of you.

Commissioner A. Santos: Your....?

Land Agent I L. Taleu: Your what?

Abrene Duenas: FOIA

Land Agent I L. Taleu: We got a FOIA request from your mother and I believe it was processed.

Abrene Duenas: Okay, I was going through all the documents and I have some findings here about some of the concerns that you mentioned just now. And you said, that the lease was approved for the transfer but on the CLTC meeting back in the minutes in August 2016, I have the minutes that our land agent at the time, Jhoana, it states that she appealed to have Ms. Duenas which is my mother to decline her lease land and transfer the lease to her daughter due to the fact that she obtained a private property. So, that just shows me that they were aware that the property that she had a private property at the time. And then once that happened, the Commission at the time Pika stated that we needed to file the motion and then that motion was second and it was granted. And so it was approved.

Land Agent I L. Taleu: Yes, you are correct but what your mother failed to do and what was failed to report in the staff report was when exactly your mother became a priority two, which was three years prior to signing the lease. Yes, I understand she may have not been aware when she signed the lease that she shouldn't have been given the lease because she was priority two. However, when she went to the board she did state what was stated and it wasn't her it was the land agent and it was in the staff report that when she was requesting to transfer the lease because she was a priority two, it never stated in there exactly when she became a priority two.

Abrene Duenas: trying to speak

Land Agent I L. Taleu: Which was three years before she signed the lease.

Abrene Duenas: Okay so

Land Agent I L. Taleu: So, had she exposed all of that that wouldn't be that I brought up. The issue was the board

Abrene Duenas: trying to speak. Okay, so on my application

Land Agent I L. Taleu and **Abrene Duenas:** speaking over each other

Land Agent I L. Taleu: The implication that was made in the board meeting and when you look at public law it's an emergency an immediate emergency. She was priority two three years before she signed the lease. That is not immediate.

Abrene Duenas: Okay, but at the time of interview by Mr. Alan Quan that was back in December of 2007. She didn't have the land at the time.

Land Agent I L. Taleu: Which is what I stated earlier. At the time of her interview, she wasn't but at the time she signed her lease she was. While she may have not been aware at the time, she signed her lease eventually as working as a CLTC land agent she did become aware and what was presented at the board meeting as well as in the staff report was never when she became a priority two. The implication that was made was that she was a priority two therefore she wanted to transfer it. The implication that was made was she didn't become a priority two until after she got the lease but the reality is she was a priority two prior to her having the lease. Now, it would be a totally different story had she said exactly when she became a priority two, and the board, I could understand if she had gone before the board and said, I've been waiting twenty plus years I never got my property I had to move forward I was given private property I had built my house I have a loan on it now because I have this property I would like to transfer it even though I am or I was a priority two prior to me getting this lease. It would be a different story but what was failed to be admitted to the board was when she became a priority two.

Chairman J. Reyes, Jr.: Okay, thank you Ms. Lydia. I don't mean to interrupt you just let me just interject. Ms. Duenas just making sure that we're clear right it's all on the timing and the disclosures of when being priority was when the applicant became a priority two. So, and given that we weren't at the time until this time we are not issuing leases to priority twos. We are only focusing on or right now, has always been priority one, right. We still have a lot to get through. And let me just yield to Ms. Camacho just to add.

Acting Administrative Director A. Camacho: Ms. Lydia, just for my own clarification, is there something in the file that Land Agent Jhoana Casem submitted with regards to her presenting this case that she did not make a staff report, is this the one?

Land Agent I L. Taleu: Yes, you are correct. Jhoana Casem the land agent who submitted the staff report when this was initially approved to transfer the lease had stated she had not prepared the staff report. There's actually- we cannot name who the land agent is, who prepared the staff report all it says is submitted by CLTC Staff but Jhoana has stated she did not submit the staff report nor had she been aware of the facts and when Ms. Duenas became a priority two, she would not have continued in that way. I have a copy of the incident report and her statement you are more than welcome to look at it and in fact Ms. Duenas you should have gotten that as part of the FOIA.

Chairman J. Reyes, Jr.: Thank you, Ms. Camacho. Thank you, Ms. Taleu. Ms. Duenas, so sorry, I don't have a copy but I just want to confirm that you have the documents that you had requested?

Abrene Duenas: Yes, yes, I do.

Chairman J. Reyes, Jr.: Okay, cool. Thank you. Any other questions, so, Ms. Duenas I just wanted to make sure that it's clear and kind of how from a timing perspective and how could spire and that's kind of how we're reviewing the information, right. Unfortunately, and it's unfortunate that we don't have the name of the land agent or the staff that had prepared it, right. And of course, it was Jhoana that presented it so unfortunately, we don't have the who but there is the documentation of things have transpired and where we are today. So, I just want to make sure, is that clear for you, Ma'am?

Abrene Duenas: Yes

Chairman J. Reyes, Jr.: Okay, thank you. And then right now, I'm going to ask the commissioners if they have any additional questions?

Commissioner A. Santos: Ms. Duenas? Ms. Duenas, can you hear me?

Abrene Duenas: Yes

Commissioner A. Santos: You can hear me?

Abrene Duenas: Mhm

Commissioner A. Santos: Is it clear enough, okay? I have possibly a couple of questions. We did try to get a hold of you numerous times, I was just wondering what the... not the lack of response or why didn't you contact us when we kept trying to get a hold of you until we sent out a registered mail to contact you.

Abrene Duenas: Actually, are you referring to emails that were sent to me?

Commissioner A. Santos: Certified mail

Land Agent I L. Taleu: She didn't respond to that one. It was when we had the board meeting was when her mother came down the original lessee. That was the first contact other than when I originally contacted them back in I believe September.

Commissioner A. Santos: Okay

Land Agent I L. Taleu: But after that initial phone conversation with the original lessee and then with Ms. Abrene. After that, no answer on the phone calls, no response to any of the emails.

Acting Administrative Director A. Camacho: But she did reach out to us and we did meet on December 22nd, I believe at 12 noon.

Land Agent I L. Taleu: Yes, yes, we did.

Commissioner A. Santos: Okay. Ms. Duenas, I also want to mention another reason why we took action in our last meeting was because

Abrene Duenas: Sorry, sir, you're muffled.

Commissioner A. Santos: How does it sound now?

Abrene Duenas: It's still muffled.

Commissioner A. Santos: Ms. Duenas, can you hear me?

Abrene Duenas: Yeah.

Commissioner A. Santos: Great. Like I was saying, our last meeting we were talking about what was in the staff report and what was presented to us. One of the reasons why we took action last meeting was because of the emergency stated; that that's the

reason why it's being transferred to you. And if I'm correct, it wasn't even for seven years, right? It was less than seven years, so that was another factor too, right? I just want to let you know that we did talk in extensive measures about your lease. And when what solidified it was when they went out to do a site visit and there was no movement, right, nobody staying there granted that we are aware that you have paid taxes but all in all it came down to the fact that because the transfer was because of an emergency and nobody was occupying, nobody is occupying it as a residential property. Those were a few of our reasons for why we took the actions we did at the last meeting.

Abrene Duenas: Well, I brought this up at the last meeting that we had in December as to reasons why it took so long. Initially when we obtained the land it was going under investigation, I know you guys understand that. We were also a part of the CHamoru Land Trust Resolution 2018-08 and that was the ratification. And so, we were waiting on that and it got approved. Once that was done, of course, I did the survey I took numerous numerous contractors down to the land and then I went and I got a blue print done and all of that. Of course, you know it's mentioned, I did pay for land taxes but then once when we were finally ready to build, I found a contractor, I went to apply for power and water. When I went to GWA was another hiccup because (name mentioned inaudible Huntinton) had said that there's you know a waterline that needs to be run through the land over 100 feet and when I want to go apply with the plumbing, they said it was going to cost me about fifty grand and that's paid for by the developer which is myself. And that was another setback, I mean I understand that this was given and we're supposed to utilize this right away and then I was told that the land wasn't even cleared, and I thought that we need a building permit to actually go in and clear the land I didn't know that we can go in and actually clear it ourselves. So, it's just a bunch of different things and myself, it wasn't communicated to me at all that that this needed to be done in a timeframe at all... I mean I didn't know that I had such a short window, I just knew that the land was mine and you know I look forward into building and I started the process and I have all the documents and I have all the paperwork to show that I was doing it. And then the land was supposed to be fully infrastructure but then the land agent never disclosed any of that to me.

Commissioner A. Santos: Okay. What was it... oh yea, do you have the lease? Do you have the lease? Were you given the lease when they transferred it over to your name?

Abrene Duenas: Yes.

Commissioner A. Santos: So, you've gone through it.

Abrene Duenas: Yeah

Land Agent I L. Taleu: Let me just mention, when you said, when you were never aware of; on June 16, 2020, in an email from Land Agent Jhoana Casem, she did state to you that you are required to occupy the property with X amount of time. So, you

cannot state that you were never informed that you had to occupy the property within a time frame because you were informed in 2020.

Abrene Duenas: Okay, but what in that email, what was the timeframe in that? Is Jhoana in the meeting? Is she in the meeting right now, can she state that?

Land Agent I L. Taleu: In the email, it was regarding your request for... you were going before... you were making an appointment I believe to go to Guam Housing for a loan guaranty.

Abrene Duenas: Okay.

Land Agent I L. Taleu: And then Jhoana had mentioned in the email and she cited the public law that required you to occupy the property within your... she gave you a timeframe in that email.

Abrene Duenas: In that email, it states the timeframe that when I need to build, a specific date or the timeframe like near a span of years? It states that?
Commissioner A. Santos: I'm sorry. Ms. Duenas, let me interject here, I'm sorry. Ms. Taleu, in the lease does it state what the regulations or the rules right, the timeline in order for you to...after you get your permit, right, then you start to....?

Land Agent I L. Taleu: Okay, so within the lease, once again, infrastructure within the area you need to occupy the property within seven years. But when you talk about 7.5 a transfer of a lease, it changes it because once the lease is transferred to you, the timeframe speeds up. So, it goes from years to days.

Commissioner A. Santos: Okay, is that stated in the lease that she has?

Land Agent I L. Taleu: It's not stated on the lease but it is stated in public law.

Commissioner A. Santos: Because...why is it not stated in that lease?

Land Agent I L. Taleu: I don't know. I'm not the one that prepares the lease, I only request for it and I'm not too sure even if it is stated in the addendum.

Commissioner A. Santos: Okay

Land Agent I L. Taleu: But either way, whether it was from the timeframe that she had initially transferred it over she has not occupied the property. So, unfortunately, that's the whole point. That was what the other thing is also it was never a good lease to begin with in the first place. She is as much as I have sympathy for her and I understand her point, she is not at fault here. She was given a present but it is, it is fruit of a poisonous tree. She cannot profit from something that is not allowed under public law.

Chairman J. Reyes, Jr.: Thank you, Ms. Lydia. So, I think your point; it stems from... Ms. Duenas, it stems back to...right, so given that there were communication in 2020, however, it still goes back to whether or not this lease was a valid lease. Again, given the timeline that had transpired and how the transfer was done. So, that's that and I just wanted to come back here, the root cause and not necessarily in 2020. It's should the lease have been executed and that's kind of what I want to make sure we're clear and that we can answer that; should the lease have been executed?

Land Agent I L. Taleu: Public law, the lease should not have been executed, plain and simple.

Chairman J. Reyes, Jr.: Okay. Commissioners, any additional questions?

Commissioner A. Bordallo: Well, here we go again with the lot number

Chairman J. Reyes, Jr.: Commissioner Bordallo, if you could just speak into the mic. And then Abrene, I'm sorry, Ms. Duenas, Commissioner Bordallo is going to ask a couple of questions, okay?

Commissioner A. Bordallo: The original lot that was given to Stephanie Duenas was...?

Abrene Duenas: I'm sorry. I'm sorry, Ms. Bordallo, I can't hear you.

Commissioner A. Bordallo: The original lot

Abrene Duenas: The original what?

Land Agent I L. Taleu: The original lot

Abrene Duenas: The original lot, okay...I'm here.

Commissioner A. Bordallo: 5202-R5NEW-17-5 Mangilao was given to Stephanie Duenas.

Abrene Duenas: Correct.

Commissioner A. Bordallo: Now, Land Agent Lydia on March 31st, 2008, you have lot 52... 5402-R5NEW it's a portion of and it's supposed to be a half-acre. And then you have in September 2012 you have Lot 5402-R5NEW-17-R2. And then in December you have 5402-R5NEW-17-5 Mangilao; so, which lot are we talking about?

Land Agent I L. Taleu: Okay, so, when you look at the lot you got to think of it as a single woman, is the best analogy I can give. So, my name is Lydia Taleu as a single woman, should I marry John Cruz, my name most likely will change to Lydia Cruz. Does

that mean I'm not Lydia Taleu? No, I still am Lydia Taleu the name changed. So, the lot description that I put is based on the original lot. Now back when we were doing leases, what it was was sometimes it would be a portion of, once a survey is done then the lot changes, it's still the same lot it's just because there's a recorded survey map especially when you talk about a portion of, the lot descriptions may change.

Commissioners: Okay, thank you Ms. Lydia

Land Agent I L. Taleu: That's the best analogy I can give as far as that I could explain that one.

Commissioner A. Bordallo: So, we're only talking about one lot?

Land Agent I L. Taleu: It's the same lot, yes. She just went from a single girl to being married, that lot.

Commissioner A. Santos: That one says Mangilao but we're talking about a Barrigada Heights property?

Land Agent I L. Taleu: Yes, because after the lease was transferred over to Ms. Abrene, there were issues originally with the lot and that there was no access to it because somebody had built a structure on there prior to it on the easement prior to it becoming an easement so therefore she requested to be relocated and at the time when we talk about relocation everything was done administratively. It was approved by either the deputy director or the director himself of the Department of Land Management to allow the transfer which is why the lease now is for a lot in Barrigada.

Chairman J. Reyes, Jr.: Okay so to follow up with Commissioner Bordallo's question, the lot that we're speaking of with the lease is not the Mangilao lot it's the Barrigada lot?

Land Agent I L. Taleu: Right, yes.

Chairman J. Reyes, Jr.: Okay, just want to make sure because I think that's kind of where Commissioner Bordallo was going is if we're speaking and Commissioner Bordallo please stop me, I just want to make sure I'm clear that the original lease was for the Mangilao lot and then had been transferred to the Barrigada lot upon the transfer as well to...? No, okay.

Land Agent I L. Taleu: So, first it was the leased lot in Mangilao was issued to Ms. Stephanie, one. Then Ms. Stephanie requested to transfer the Mangilao lot to Ms. Abrene, that's step two. Then from there, Ms. Abrene requested to transfer it to Barrigada, so it went to three. So, just be aware as each step came along, Ms. Abrene was doing everything in accordance to the law. She continued to... each document she got it recorded. So, when it was transferred, the lease was transferred from Stephanie

to her daughter that was a recorded addendum then when she went from Mangilao to Barrigada, that was another addendum then there was a mistake in the original lot description in the Barrigada one so they had to redo another addendum to correct the lot description. So, there's been multiple mistakes made on this with the paperwork and whatnot. So, the lot description has changed when you look through the various documents going forward but the good news is, we at least have a paper trail that we can understand why lease lots descriptions change overtime.

Chairman J. Reyes, Jr.: Thank you, ma'am. Okay, Commissioners, any additional questions?

Commissioner A. Bordallo: It's pretty clear.

Chairman J. Reyes, Jr.: Ms. Duenas, do you have any additional questions or comments for the commissioners?

Abrene Duenas: I just want to know where we're at today?

Chairman J. Reyes, Jr.: Attorney Toft, is there anything that we should ensure we consider or should be considered by the commissioners?

Abrene Duenas: I just want to know what does Mr. Nic Toft has any... or what are his thoughts on any of this?

Chairman J. Reyes, Jr. Yes, ma'am. I just directed a question to him, thank you.

Abrene Duenas: Any recommendations?

Attorney N. Toft: So, similar to the prior case. If we were to attempt the full termination here, this would also require a Triple-A process hearing. I do not recommend that based on the facts in the case. We would have a lot of problems trying to convince a hearing officer that when the board has approved all of these every step of the way for the last twelve years or so in this instance that and an induced reliance, you know, there's estoppel issues there, there's a statute of limitations issue there. There's the problem that the priority... the language of the priority rule has some vagueness to it which kind of counts against us. And that there is no affirmative duty on the part of an applicant to inform the CLTC as to when they get or lose land that changes their status. CLTC is the one that has access to DLM and DRT records that would be easily used against us in a hearing if we are trying to terminate the original application. If we terminate the transfer, or avoid the transfer to Ms. Abrene Duenas, we have a situation where it simply reverts to Stephanie Duenas who the very next second and now that she's owned it over seven years' time can legally transfer it right back to Abrene Duenas with no problem whatsoever and actually restarts another three-year clock as far as development on it. I think we have a problem with sort of targeting uniformity issue, you know we haven't terminated

anyone else's lease for not having developed on it yet. Largely, because we have these issues of not having the infrastructure to the majority of these lots. You know, if it is the case then it would cost her hundred fifty thousand dollars... I missed the exact amount but to get water to the lot, I don't think we could make the argument to a hearing officer that there's a lot that's ready and available for infrastructure and for construction. As well, she has evidence that she's been making strides towards the construction on the lot. She's gotten surveys, again, that's the stopple reliance on the contract that counts against us. I just think that you know there are irregularities here but I don't think that there's enough that we could succeed in an action to terminate if it went before a hearing officer. Especially based on the actions that the board has taken over the last ten years to basically approve all of the actions every step along the way.

Chairman J. Reyes, Jr.: Thank you, Attorney Toft. And then that's when Ms. Lydia was kind of giving us the chronology of the transfer, switching of the lot, etc... etc... at no point was it ever stopped to say, pause. This is again, the question is this a valid lease, right?

Attorney N. Toft: Right. And again, with the priority two as well. You know, is that will it be required then that if this were to go through to then review every single file we have as to every lessee and if they have ever owned land and you know do a review of all of DLM records and go through it. I think that would just be an impossible task to finally put that together. That would take a few years to do so with the staff that we have. But that's something I think an administrative hearing officer would just point out and say that you're basically targeting one person here.

Land Agent I L. Taleu: So, what do you suggest we then do? Do we leave it as is?

Attorney N. Toft: I would leave it as is because the practical application or the practicality of it is if we void the transfer of not being an emergency, Ms. Duenas can simply go in the next day go in and transfer it right back. It's a lot of paperwork and a lot of headache for no change in status whatsoever. And if we try to terminate I think that we... I don't think we'll succeed before an administrative hearing officer based on the evidence and the actions of the board.

Commissioner A. Santos: I have a question, Attorney Toft.

Attorney N. Toft: Mhm

Commissioner A. Santos: Last meeting we were able to take action on the proposed suggestions right that Ms. Taleu had presented to us. How did that...now that I think about it, how did that change until now where we have to start the Triple-A process? But last meeting we were able to terminate? Correct? Didn't we terminate last meeting?

Attorney N. Toft: No, we allowed Ms. Duenas to supply additional information.

Commissioner A. Santos: No, before that, we took action on all three. We took three actions. We reversed, the transfer. If I'm correct, we terminated the her own lease which you also stated that would just place Ms. Stephanie Duenas back in line, that was it. How is that different then than now? Now, we got to do the Triple-A process for termination.

Attorney N. Toft: If you're....

Commissioner A. Santos: Now, that I'm thinking about it. We did that last meeting with this constituent.

Attorney N. Toft: We pulled that action back.

Commissioner A. Santos: We did but we also made the motion to take action. And we took action.

Attorney N. Toft: Yeah

Commissioner A. Santos: How is that different from now?

Attorney N. Toft: It would not have been valid and she could of easily...

Commissioner A. Santos: Fought it

Attorney N. Toft: Yeah

Commissioner A. Santos: Alright. So how come you didn't mention that last meeting?

Attorney N. Toft: Because we... everything kind of got... everything came to a quick head before I was able to...

Commissioner A. Santos: Go crazy because somebody stormed into our meeting.

Attorney N. Toft: Yeah

Commissioner A. Santos: Yeah, very much so...

Attorney N. Toft: But anytime that we are moving to terminate an existing lease per CLTC, it requires the Triple-A process. The difference between... let me clarify that. Unless it's something that as a matter of law should have happened so with the last case we had it where the original applicant had an agriculture lease it was transferred into a residential lease and the agriculture lease was supposed to had been terminated as a matter of law.

Commissioner A. Santos: Right, we were able to do that.

Attorney N. Toft: But you know, anytime you're dealing with sort of ejectment that would require the Triple-A process.

Commissioner A. Santos: How come that wasn't stated last meeting?

Attorney N. Toft: That was going to be stated, we just never got around to that point because there were things that happened prior to.

Commissioner A. Santos: Oh no, that's because you said, let's hear her out. You said, let's hear her out.

Attorney N. Toft: Mhm

Commissioner A. Santos: And then you gave your reasonings to her and why this came back about was because they were talking about instances with the Null and Voids and how situations come about. So, this was pulled because it was a situation that everyone knew about, put it that way. So how...why was that not stated last meeting and now we're so adamant about... no, we got to do the Triple-A process... the thing that I have, the issue that I have with this constituent is because of all of the inconsistencies with the lack of information passed along. I do have a big big big issue with her mother who works at Land Management who clearly was able to...I'm not trying to state anything, I'm just saying that there's a possibility, it was brought forth so we cannot deny that that is not a possibility and I'm not trying to pick on nobody but let's get our ducks in a row right now so we can verify this and make this right. Yes, it's come before us, so what do we do now?

Chairman J. Reyes, Jr.: Thank you, Commissioner Santos. So just for clarity, I just want to make sure that I understand Commissioner Santos. And Attorney Toft right in our last December meeting we had motioned and had been accepted and approved sorry to terminate the leases and the transfer to get Ms. Duenas back in line. And that's what your... just for clarity, right? That's what....?

Commissioner A. Santos: Yes

Chairman J. Reyes, Jr.: We took action, we made the motions, it passed. We...was presented with Ms. Duenas in person and then we decided to then retract those motions that had passed. So, that's what you're wanting to correlate here with Attorney Toft is, we had made... we approved those motions and now we're not quite able to in this juncture in kind of the same action that we could potentially take?

Commissioner A. Santos: Hunggan.

Chairman J. Reyes, Jr.: Correct?

Commissioner A. Santos: Yes.

Chairman J. Reyes, Jr.: okay.

Attorney N. Toft: In reviewing the minutes, I did make a mistake and not object in the third motion made at the last meeting, for the termination. It should have been something where I interjected and stated that it would need to go through the Triple-A process.

Chairman J. Reyes, Jr.: And I appreciate in making sure that we are consistent in the decisions and motions that we make to again ensure that going forward all of these cases that are brought in front of us to clean-up per say and to address that they were not handled correctly so I just want to make sure that Commissioner Santos, your point is there.

Commissioner A. Santos: Thank you.

Land Agent I L. Taleu: Can I just say... say something real quick. So, the only reason I originally looked into this case was based on a lunchtime conversation when we were talking about Null and Void cases that somebody brought up that a lease was transferred within seven years and it was board approved and the board ratified it. So, I was like, okay. So, I went and I pulled this case and then that's when I dug into it and I found all the issues that were involved in it and I had brought it before the board. But my concern is when you look at the lease *inaudible* saying it ratified. Basically, I believe what we're saying is everything the constituent did, everything that was done for a lease to be issued was in accordance to the law. So, based on what we know as priority one and priority two can we honestly say the original lease issued to Ms. Stephanie Duenas was in accordance to the law?

Attorney N. Toft: I believe we can. And I believe that we would have a difficult time trying to overturn it in front of an administrative hearing officer given that there's no, one, affirmative of duty of an applicant to inform based on the Guan Rules and Regs as to their housing status. Two, the kind of vague language in the law as far as the priority list goes. Three, the amount of time that's passed and the potential of the statute of limitations arguments, and four, the reliance upon it by the applicant in the form of paying for surveys and any other infrastructure which creates an estoppel argument.

Land Agent I L. Taleu: Okay, so, therefore, this is my question; is if we want to follow the rules and regs, wouldn't it be better that we allow the termination of the transfer to Ms. Abrene because was it really an emergency and because enough time has passed, therefore, then we can legally transfer the lease from Ms. Stephanie to Ms. Abrene and be in accordance to the law? Wouldn't it be better that we terminate even though I know it's a lot of paperwork, but to me, isn't it better we do it the correct and

legal way than just trying to band-aide it and say, oh well, we messed up too bad so sad let's move on?

Attorney N. Toft: I think the problem you face there is that we're revisiting a board policy decision from however many years ago and basically just kind of second guessing their determination of an emergency. I don't necessarily agree with it either but they're the ones that decided it and passed it. And I think that you'll open up a big can of worms if you make it a thing where we can go back to any prior board decision if we don't agree with their reasoning on it. Because I don't think it's necessarily an illegal decision and that's the difference, is if it's an illegal decision versus just a bad decision, then I think there's a difference there.

Land Agent I L. Taleu: So, as long as it's a bad decision it's okay? But when it's an illegal decision that's when....

Attorney N. Toft: That's when we need to revisit it.

Land Agent I L. Taleu: Okay, I think that's one of the reasons why when all of this came about when we started talking about board approved leases that was during the former chairperson's era Pika Fejeran where she required all cases go before the board for approval of lease issuance. And she point-blank asked in the board meeting on record are you a priority... do you own private property when she talked about residential leases. And there had been, I at least know of one case where the applicant had to admit that yes, they were a priority that yes, they own private property therefore that whole lease issuance for a residential stopped right there and then. And unfortunately, in the past, the board never did do that. But with the former chairperson, she enabled... she enacted that. So, I think in moving forward that needs to be one of the things that needs to be a standard question especially when you talk about residential leases. But what disturbs me the most about this case and Commissioner Santos brought it up is as a land agent especially when we talk about the new public law and qualifications, we are dealing with people who are very upset that they're not sure if they are going to qualify. And all we keep hearing eighty percent of the time is; that's because I don't know anybody, because you're all corrupt. And to me, this is a case that really exemplifies. Unfortunately, it drives home the point. I'm not saying what was done was incorrect. But this just does not help our situation. And it makes us look bad, this is another point that somebody in the public goes well if I'm an employee at DLM and I knew a connect at CLTC I would get property and I can transfer it to whoever within the rules because the rules wouldn't apply to me because I have a connect. And as a land agent to face that on a weekly basis does nothing to the morale. I'm being honest. Don't get me wrong, I love my job, I love what we do. Our whole mission is to get people property for them to build, for them to farm but when we're faced with issues like this and the reality is we are looking at twenty-plus years of mistakes that were made. And somewhere along the way, we need to draw a line in the sand and say, look we are aware we've made mistakes here are the corrections we are doing. I don't disagree with Mr. Toft and I understand he's

protecting the Commission but what I'm telling you is it just does not help us on the frontline when we have to hear this day after day with phone calls or when we have constituents coming in here upset, they were only following what CLTC land agents, administrators, directors, told them to do. Now, we have to turn around and tell them; sorry, that's not...And now, I know this case is going to be thrown in our face because a DLM employee was able to get away with this.

Chairman J. Reyes, Jr.: Thank you, Ms. Taleu. And you bring up a lot of good points and it's something that us commissioners strive to ensure that we do things correctly going forward. However, we will always be presented as we go through some of these cases of how we have to correct the mistakes of the past. And we want to ensure we do correct them. So, thank you for those points and I do understand that you are the frontline that works and collaborates with our constituents and with some of those negative connotations that come through and it's our job to ensure and protect in a sense of how we manage this as these come to our table to be handled and discussed. And so again, thank you for that. Commissioners, I'm just going to go the commissioners to see if there's any questions. Attorney Toft, thank you for that guidance and to your point that if the board decides to... let's just take it to the next step. Let's just make that motion to take it through the process and let's let the process you know work through and then at least we have a baseline to understand that if this particular case goes through that Triple-A process and it is deemed and determined that everything remains intact then that's what we're going to follow because then that gives what has gone through the process. And then I'm just making that as a discussion point and bringing that to light for our commissioners if that is the route we take. If we decide and this is now a question, if we decide to err to keeping things intact then let's start setting a precedence. We may start seeing or we will start seeing more and more of this come through in having to deal with cases that come up, issues that come up and then we're still kind of maybe not having the....something to base ourselves of, based certain cases, very similar cases that say, hey, this is how this was handled here's how we need to handle it now going forward. There's always been; we handled it this way yet okay, we're going to switch gears because we're going to handle it this way. The laws have changed for eligibility and that's a whole new task in front of our land agents. So, the question is right, do we...if we let it go through the process; the board can decide that, correct?

Attorney N. Toft: Yes

Chairman J. Reyes, Jr.: Okay and then if we decide, the board can also decide however again, this is more for conference dialogue commissioners; if we decide to keep things intact, case after case that comes through, this is the case that we're going to use. Let's say, we're going to keep it intact; and is that right? This is kind of where I'm...you know, I don't think it's right. But if that's... if our commissioners decide to do that then that's... again, does that make it right? So, but thank you, thank you. We can decide to get through that to go ahead and proceed to the process, correct?

Attorney N. Toft: Yes

Chairman J. Reyes, Jr.: Okay, and let the process take its course, okay. Commissioners, any other questions? I just wanted to put that out again. Ms. Taleu, thank you again for your dialogue and we do know that and please know that we do know that you are in the frontlines and we only get to the details when you're here. And we obviously want to make sure that that's not going to be the case. But if it is a decision that we make then we're going to have to stick to it commissioners and that's our cookie-cutter going forward. Does it make it right? Yes and no but if we decide to make that happen and that's how we will proceed. So, if there's no additional questions commissioners then I would like to get your thoughts on our next step and action.
Ms. Duenas, give us... we're going to continue this dialogue real quick then I will turn to you for any additional questions, is that okay?

Abrene Duenas: I'm sorry, can you repeat that?

Chairman J. Reyes, Jr.: Ms. Duens

Abrene Duenas: Yes

Chairman J. Reyes, Jr.: Can you hear me?

Abrene Duenas: I can hear you now.

Chairman J. Reyes, Jr.: Okay, so we're going to...I'm turning now to our commissioners if you didn't follow that to see what our next steps are going to be, okay?

Abrene Duenas: Okay.

Commissioner A. Santos: I have to agree with Mr. Chairman about having this being that pivotal step that we take to move forward in correcting the past wrongdoings of whoever it was. That's all I have to say.

Chairman J. Reyes, Jr.: How would you guys like to proceed?

Commissioner A. Santos: I say, we take it through the Triple-A process. Right, begin the Triple-A process, am I saying it correctly, Attorney Toft?
Attorney N. Toft: I mean you would have to make the motion.

Commissioner A. Santos: Right, but that's how to proceed if that's what we would like?

Land Agent I L. Taleu: Soo, are we going to take.... which part to the... because there's several requests that are made. So, are we going to go through everything and we're

going to do termination of transfer, or termination of addendum? I mean what exactly are we going to take through the Triple-A process, is my question. Because in the meantime we have a lessee so should she move forward in trying to... because if she's going to... if we're going to keep her at the lease she needs to start moving forward in getting building plans for her to get building plans it's going to cost her money. So, we need to give her an idea on where we're going because it's not fair we leave her in a gray zone.

Commissioner A. Santos: Right, understood.

Land Agent I L. Taleu: We can't keep her standing because how long is this poor girl going to wait because at this point, the reality is; is she going to qualify to build a house? She would probably go ahead and get one on private property at this point. So, how long are we going to hold Ms. Duenas hostage? I'm not saying we say yes to everything and it's all good. I'm not saying we do termination but we need to let her know exactly what the commission wants to do in moving forward with her case. So, she can decide whether or not she's going to move forward in building on that lot or should she start looking for private property.

Chairman J. Reyes, Jr.: Yes, Ms. Taleu and that is what we're going to take action on. And if the action is taking it to the Triple-A process, that process we need to see its way through before Abrene – Ms. Abrene Duenas can do anything. As my understanding that's going to be the course of action. If the board of commissioners decide to do that then all things are halted, I believe. Attorney Toft, until that process is complete, correct?

Attorney N. Toft: Yes

Chairman J. Reyes, Jr.: So, there's no more timer at this point. It just takes it through the process.

Land Agent I L. Taleu: Okay, so, then the clock stops.

Chairman J. Reyes, Jr.: But it needs to go through the process.

Land Agent I L. Taleu: Right. But what we're saying is; we're stopping the clock right now on her. She doesn't have to worry. Let's say, we approve everything, I'm just guessing here and we say okay now we're going to give you ninety days for you to start occupying the property for you to move forward on it. There is no time limit on her, she can now breathe because currently right now she still has an existing lease until we finish the process. My concern is we... I don't want her to be in limbo.
Chairman J. Reyes, Jr.: If the commission decides to move to the Triple-A process, okay that is the course of action. If the commission decides to keep things as is then we move forward with what the next step.

Land Agent I L. Taleu: I was just kind of confused and I kept thinking if I'm confused, I don't want her to be confused either, okay.

Chairman J. Reyes, Jr.: Understood. But until we can take action and make those motions that will be the fork of the road and that's when we would ensure that there's clarification and that if we take this route there's going to be this path, this step, these steps and this route and it's going to be these.

Land Agent I L. Taleu: I just need to know what I need to do

Chairman J. Reyes, Jr.: As long as you're clear... we'll make sure that it's clear once the Commissioners take that action.

Land Agent I L. Taleu: Okay, because it just kind of stopped and there was silence and I'm like...

Chairman J. Reyes, Jr.: I think they were like pondering.

Commissioner A. Santos: It's kind of extensive

Chairman J. Reyes, Jr.: Okay, Commissioners task at hand for you is the course of action you would like to proceed with and we can proceed.

Commissioner A. Santos: Okay. There are a few things, right, there's the transferring of lot from Mangilao to Barrigada Heights. There's the transferring of residential lease from Stephanie to Abrene. There's the termination of the residential lease issued to Stephanie, approval to reimburse, revert the application rights. There are options we have, right? So, how do we move forward in correcting this constituent's file? These actions? Lack thereof action? What would be... if we wanted to terminate, what would be the steps that we would take? What motions do we need to make? Do we need to make all the motions, terminate transferring the lot from Mangilao to Barrigada Heights, terminate transferring the residential lease from Stephanie to Abrene? Do we have to do all of that and state all of that in the motions?

Attorney N. Toft: I think we can make if... your're seeking full termination of everything here, I think you can then having that go through Triple-A process, I think you can state that all in one motion.

Commissioner A. Santos: And then there is the... what is it... just leave it as it is don't do anything on it... have it stands option?

Attorney N. Toft: Yes. So there's also, secondarily if you wanted to do the... revisit the transfer part that Ms. Taleu suggested also, that's a good option where you avoid the transfer and then have it

Commissioner A. Santos: Have it revert back to Stephanie

Attorney N. Toft: Have lot back to Stephanie and then Stephanie will have the option to either maintain it or transfer it

Commissioner A. Santos: But then at this point she's still a priority two? Where does that leave her now? Where does that leave us in the decision process?

Attorney N. Toft: It depends on whether you are trying to attack the fact that she received a lease while priority two or not. So, there's different levels to it that you have to make decisions on.

Commissioner A. Santos: I wouldn't say that we want to attack the fact or anything. We don't want to attack anything.

Attorney N. Toft: Understood. Yeah, as a practical matter I think that if we do proceed through the Triple-A process, one of the first thing is going to be asked of us is to provide how many leases have been given to people that are priority two and what we've done about it.

Commissioner A. Santos: Understood

Attorney N. Toft: And that's going to be a very long process of going through records

Chairman J. Reyes, Jr.: Commissioner Bordallo, you have a question?

Commissioner A. Bordallo: Yeah, I was just going to ask Attorney Toft about doing like a history of the events in order for us to go through the Triple-A process.

Attorney N. Toft: It's just... oh, as far as the procedure.

Commissioner A. Bordallo: Yeah. I mean, what has historically has happened in this case?

Attorney N. Toft: Nothing, so far. There's no Triple-A

Commissioner A. Bordallo: No, I'm saying, the story to give them to make that decision

Attorney N. Toft: I mean that's why I'm recommending against it because the story thus far has been the Board consistently approving these actions and to go in and say now we disapprove of it for the reasons that it doesn't look great and but we have the track record of whether it's a rubber stamp or whether it's... I wasn't at the hearing when the transfer occurred and it seems like yeah, it doesn't seem like the best reason for a transfer to have occurred but again even if we walk the transfer back Stephanie

Duenas has the option the next day to then because she had possessed it for seven years and then transfer it immediately back to Abrene and make it a distinction without a difference. Ultimately, I think the one issue that you probably should like at as to whether to refer it to the Triple-A process is whether or not you want an administrative hearing officer to decide on the issue of if we have an applicant who acquires land in between the time of application and receiving the lease who does not disclose it to the Commission whether or not that's grounds for termination of a lease.

Commissioner A. Bordallo: Is that in our law?

Attorney N. Toft: That's the problem, is the law itself is very vague on this. Even the priority list. We've talked about this about three or four years ago when we were going over the priority listings. The problem of the language of it is it doesn't... it doesn't say what happens when people acquire or lose land as to how that affects their priority. You know, somebody applies as let's say a priority two, they own land and but then lose it or is an obligation of the CLTC that bumped them into priority one and how would they slot them. You know, there's so many instances that were not conceived of at the time that these rules were written and in addition to that not just the instances but also the amount of time that transpires you know thirty-years between the time these rules are written between now and there's so many different scenarios that were just not conceived of by the authors of the rules and regulations that we're trying to you know it's kind of round peg square hole type situation where we're really just doing what we can with rules and regulations that were not enacted with some of these situations in mind. And the problem is when we go and do any sort of administrative action on it is that ambiguities in the law kind of like a contract are construed against the drafter of it. And in this case, that's the government, that's the CLTC. So, if there's any sort of *inaudible* type of stuff, that goes against us in the hearing. Because it's our rules, you know, if they're not clear, that's our fault. So there are instances where we have clear cut cases, clear cut rule violations, there's instances where it's a grey area and it's not a great thing of what we're trying especially with passing the additional rules and regulations is close off those grey areas. Right that's what we're trying to do with passing the new proposed rules and regulations that we sent through the Triple-A process. And it's a long-term learning experience and I wish we had the answer right away but we don't.

Chairman J. Reyes, Jr.: Okay, thank you, Attorney Toft. Commissioner Bordallo, any other questions? And I think to Attorney Toft's point and to your point Commissioner Bordallo maybe more so Attorney Toft is are we... I think the thing we're trying to solve here is should this transfer had been done in the first place. And that's my perspective. Should this transfer had been done in the first place? And I kind of mentioned that earlier is I think we're now to concern with everything that happened after, right? But I think the questions is should this transfer have actually happened? So, Commissioners, I think we kind of had some good dialogue. My standpoint is what I want to like us to clear up is, should this transfer had happened in the first place? But I'll yield to your consideration for what our next steps. And whatever we decide and Attorney Toft,

whatever the Commissioners decide, do they need to be specific on what will be taken through the Triple-A process or would it be taken in its entirety.

Attorney N. Toft: The only thing that would need to be taken through the Triple-A process is if we are moving to terminate the original residential lease to Stephanie Duenas. If there's a reversion of it because we determined that the transfer was void then it would just revert back to Stephanie Duenas it would not require Triple-A process and...

Chairman J. Reyes, Jr.: You're saying further back should this lease had even been executed for Stephanie Duenas?

Attorney N. Toft: Well, that's up to the board.

Chairman J. Reyes, Jr.: Yeah, but you're saying we go further back, not just the transfer but the actual execution of the lease to Ms. Stephanie Duenas, correct?

Attorney N. Toft: That will require a Triple-A process.

Chairman J. Reyes, Jr.: Right

Attorney N. Toft: The other options would not.

Chairman J. Reyes, Jr.: Got it. So, Commissioners, there's the transfer not necessarily going through the process it's even further back of should this lease had even been given to Stephanie Duenas given that she was a priority two. Whatever those timelines are.

Commissioner A. Santos: So, the only thing that would need to go through the Triple-A process is we decide to question action of it being issued, the lease being issued to Stephanie Duenas.

Attorney N. Toft Yes, if you're only questioning the transfer from Stephanie to Abrene that be done via motion in which case the lease would then revert back to Stephanie Duenas.

Commissioner A. Santos: So, motions made leading up to making the motion to take it through the Triple-A process of the hearing out whether it was justifiably issued?

Attorney N. Toft: I think, if you are going to move through the Triple-A process you may as well bundle all three issues with that one. And submit all of them to the administrative hearing officer just because they'll all be part of the record in the case.

Commissioner A. Santos: You're talking about transfer then the transfer of lots from Mangilao to Barrigada Heights as well as looking to whether her transfer to her daughter was legitimate?

Attorney N. Toft: Correct

Commissioner A. Santos: Alright. One bundled motion or we can take the motion of…

Multiple Discussions

Commissioner A. Santos: Addendum addendum and then residential lease issuance….

Commissioner A. Santos: And it would be leading back to Mangilao or the one in Barrigada – Barrigada Heights, right, that property? Tract 9, Block B, Lot3R4, that's the correct…?

Chairman J. Reyes, Jr.: Correct

Commissioner A. Santos: Saina Arlene, Kao guaha pun sangan

Commissioner A. Bordallo: Mr. Chairman, you recommend and then we'll go from there.

Chairman J. Reyes, Jr.: Well, Commissioners, the task at hand is what would we like to finalize here. Again, the decision we make here today is going to be quote unquote the decision of how we're going to apply all other cases that are very similar to this because if we take it to the full process at least we'll have it vetted out thoroughly and we can actually see be it if it's a waste of time because everything reverts back but at least it went through the process. If we decide to keep everything as is and intact, every other case that's very similar will be the same, keep everything as is and intact. But I think it'll be given this is probably the first, we'll or this is our second one that's going to go through the process. You know, all transpiring today, I think it's prudent that we take some of those additional steps. Again, if the outcome is the same because at least we have taken that extra step given the root of how this has transpired. So, those are mine… some thoughts on that, Saina Bordallo and Commissioner Santos. But ultimately, we have the three options, right so you can decide to proceed through.

Commissioner A. Santos: All three, correct? In to one motion, one, two, and three? Is that correct, Attorney Toft?

Attorney N. Toft: Yes

Commissioner A. Santos: Numbers one two and three for consideration? Are we in understanding about that one?

Chairman J. Reyes, Jr.: That would be the best to lump it all in.

Commissioner A. Santos: Right

Chairman J. Reyes, Jr.: So that it be addressed in its entirety, as one option.

Commissioner A. Santos: Right, is that what we want to do? Is that our final? Okay. Alright, so I make a motion to approve to terminate the addendum transferring from Lot 5402R5NEW-17-5 in Mangilao to Lot 3-R4, Block B, Tract 9 Barrigada that was issued to Abrene Nadine Duenas recorded under Instrumental Number 908164 as well as the approval to terminate the addendum transferring the December 10, 2013, Residential Lease from Stephanie A. Duenas to Abrene Nadine Duenas recorded under Instrumental Number 905926 and the last within this motion is to approve to terminate the December 10, 2013, Residential Lease issued to Stephanie A. Duenas recorded under Instrumental Number 861737 to bring it through the Triple-A process.

Chairman J. Reyes, Jr.: Thank you, Commissioner Santos. May I get a second?

Commissioner A. Bordallo: Thank you, Commissioner Bordallo. Any objections?

Commissioners: None

Chairman J. Reyes, Jr.: Okay, hearing none, that motion passes to take the three terminations through the Triple-A process and that is the approval to terminate the addendum transferring Lot 5402-R5NEW- 17-5 in Mangilao to Lot 3-R4, Block B, Tract 9 in Barrigada issued to Abrene Nadine Duenas and the approval to terminate the addendum transfer in December 10, 2013, residential lease from Stephanie A. Duenas to Abrene Nadine Duenas recorded under instrument number 905926 and lastly the approval to terminate the December 10, 2013, Residential Lease issued to Stephanie A. Duenas recorded under instrument number 861737 through the Triple-A process. Okay, thank you, Commissioners.
Ms. Duenas, I know that was a lot but the commissioners just approved to move forward with these terminations however it will go through the Triple-A process and that would be the next course of action in regards to your case.

Abrene Duenas: Okay, so if you're moving forward to termination, will I be reimbursed for all the funds that was spent.

Chairman J. Reyes, Jr.: So, we'll take it through after it goes through the process and whatever has been determined or decisioned then we will take action after that from that point.

Abrene Duenas: Okay

Chairman J. Reyes, Jr.: Attorney Toft, anything else to add just from... next steps?

Attorney N. Toft: No, we just apply for a hearing officer from the Attorney General

Chairman J. Reyes, Jr.: Okay, thank you. Ms. Duenas, any questions?

Abrene Duenas: No, not at this point.

Chairman J. Reyes, Jr.: Please feel free to reach out to Ms. Lydia if you have any additional questions that she can help field as well through fielding it through Attorney Toft via Ms, Lydia and we will be in communication on what those next steps are.

Abrene Duenas: Okay

Chairman J. Reyes, Jr.: Okay, thank you very much for your time and your patience and being here with us today. Commissioners, thank you.

Commissioner A. Santos: Ms. Duenas, thank you for joining us today and unfortunately, this is what it comes down to. We will be in contact with you with the proceedings after this.

Abrene Duenas: Sorry, sir, I didn't get that you're muffled.

Commissioner A. Santos: I said, thank you again for joining us, I'm sorry that this is what it's come down to but we will be in contact with you with the proceedings. I'm sorry that this is what it's come down to, thank you, for joining us with the discussion. We were looking forward to hearing from you at the last meeting. This really helps but unfortunately this is what it's come down to and we will be in contact with you with the proceedings.

Abrene Duenas: Sorry, I didn't get that. I just heard this is what it comes down to.

Commissioner A. Duenas: Thank you for joining us. We were really looking forward to seeing you and hearing from you last meeting. Unfortunately, that didn't happen but we will be in contract with you with the proceedings.

Abrene Duenas: Okay.

Chairman J. Reyes, Jr.: Thank you, Ms. Duenas.

Abrene Duenas: Thank you.

Chairman J. Reyes, Jr.: You can hop off now on the Zoom or you could stay.

Abrene Duenas: Thank you

Chairman J. Reyes, Jr.: Thank you, thank you, Ms. Duenas.

Land Agent I L. Taleu: I follow up with her just to let her know.

Commissioner A. Santos: Or give her a call

Land Agent I L. Taleu: Yeah

Chairman J. Reyes, Jr.: Okay, next up we have Laurie Atoigue and who would be presenting?

Laurie Atoigue

Land Agent I T. Tainatongo: Jessica

Chairman J. Reyes, Jr.: Okay.

Land Agent I Jessica Dayday: Hafa adai, I'm Jessica Dayday, Land Agent with the Chamoru Land Trust Commission. The case I have before you is Laurie Tyquiengco Atoigue. And the issue is expiration of residential application payment made after thirty days. Applicant's date and time is December 4 1995 at 3:20 p.m. Application number 1021, application type is a residential, priority one and not a pre-occupier. Chronology, March 12, 2018... just to let you know this is where the status information sheet had started with the notation so March 12, 2018, as per status information sheet, Laurie Atoigue called requesting to make payment towards her CLTC application. March 12, 2018, a request to make payment approved by Deputy Director David Camacho. March 14, 2018, a receipt for payment of application fee of fifty dollars ($50.00) submitted for December 4, 1995, as unpaid application. March 14, 2018, applicant request change form submitted to update contact information. May 30, 2019, an email correspondence between Land Agent Jhoana Casem and AA Terese Topasna, to contact Laurie Atoigue regarding what documents to bring to the meeting. June 10, 2019, cancellation of meeting with Laurie Atoigue, Administrative Director Hattig, Land Agent Jhoana Casem, Land Agent Eileen Chargualaf and Land Agent Glenn Eay. June 11, 2019, birth certificate of Laurie Atoigue to include parent and grandparents, death certificate of father and copy of Laurie Atoigue's ID submitted for file. June 11, 2019, a summary report compiled by Land Agent Glenn Eay, summary report... I'm sorry, the report was not submitted. On July 9, 2021, an email correspondence between Land Agent Glenn Eay and Land Agent Lydia Taleu findings from research from Laurie Atoigue's ancestors', names of ancestors not listed on the bond list. January 7, 2022, an incident report compiled by myself. My findings, Public Law 23-38, Section 5.3, Application processing; A, applications should be dated and signed by the applicant and by an authorize commission representative. The commission shall acknowledge in writing receipt of all properly completed applications. An incomplete application shall be returned to the applicant with the instructions necessary to property complete the application. Completed application

shall be time-stamped and if accepted assigned a numerical designation and file in the order of the receipt. Additions, corrections, or deletions maybe made only with the approval of the applicant and the director. A copy of the application shall be made available to the applicant, except otherwise provided in this chapter. A numerical designation shall not be reassigned to any other persons. The applicant shall pay a one-time processing fee to the commission within thirty-days of the application submittal. One-time fifty-dollar ($50.00) processing fee is non-refundable as stated on the application. Public Law 23-38, Section 5.6, village and Island wide waiting, A, applicant's will be placed on the perspective waiting list in the order specified in section 5.3(a). Laurie Atoigue submitted all qualifying documents June 11, 2019, so the request today is cancel the December 4th 1995 residential application number 1021 under Laurie Tyquiengco Atoigue. Also, I'm sorry I submitted this one late, this is our notice of record of payment just to show that the commission had given an amnesty period of when you can pay the applications. On the bottom part of it, it says, applicants who do not pay the application fee by January 9, 2009, will be relegated to the inactive files and waited and this list is current as of November 4, 2008. I know this was published in 2008 this was posted in the newspaper with a listing of those were December 1995 to 2008.

Chairman J. Reyes, Jr.: Thank you, Ms. Dayday. Commissioners any questions?

Commissioner A. Bordallo: She paid ten years later.

Land Agent I J. Dayday: 2018 she paid.

Chairman J. Reyes, Jr.: I'm sorry, Ms. Camacho?

Acting Administrative Director A. Camacho: Jessica, was Ms. Atoigue informed about us presenting her case to the commission today?

Land Agent I J. Dayday: She was informed however she was kind of upset and that's why I did a incident report because she was really upset.

Commissioner A. Santos: She was irate.

Land Agent I J. Dayday: Yeah because she claims that she waited since 1995 however... I'm not saying that this is the reason why she wasn't helped or given a lease or what not... it's because of the payment.

Acting Administrative Director A. Camacho: But you informed her but she just choose not to be here is that the case?

Land Agent I J. Dayday: I really thought that she will be here.

Acting Administrative Director A. Camacho: But she was informed?

Land Agent I J. Dayday: I did inform her, yes.

Acting Administrative Director A. Camacho: Okay, thank you.

Commissioner A. Santos: Did we get a statement that she was going to come or confirmation of her attendance? Did we get any of that or did she say that she was not coming at all?

Land Agent I J. Dayday: No, she didn't say that.

Commissioner A. Santos: She was just very irate.

Land Agent I J. Dayday: Yeah. She just said that we better not cancel her application. That's all she said and that's what I put on my report everything that she had mentioned to me. But I mean, I could contact her again and she can… the next board meeting we can have her come before you… or I'm not sure… what she plans on doing.

Commissioner A. Santos: If you don't mind me asking, when was she called initially for the… to receive and look through her issuance of a lease. Let's say, it's her time to come over now and let's proceed with the application process or further into it, right?

Land Agent I J. Dayday: She wasn't… I believe she came in and she spoke to the Administrative Director Mr. Hattig and the three land agents. She brought up the issue that she's been waiting since 1995, she was not entertained, nothing was ever said to her I believe other than what Glenn had mentioned. Glenn did put down that she paid her application in 2018.

Commissioner A. Santos: was she called before then to state that alright it's your time your number is up come to the office let's proceed.

Land Agent I J. Dayday: No, according to… there's not much stuff that was written in the information sheet. So whatever I put in the chronology is what is on the information sheet.

Commissioner A. Santos: Her application form?

Land Agent I J. Dayday: In her file.

Commissioner A. Santos: Her file…she had no number, nothing, contact nothing…?

Land Agent I J. Dayday: Oh yes, she submitted a contact information sheet… change of contact, I'm sorry.

Chairman J. Reyes, Jr.: When was that?

Commissioner A. Santos: Yeah, when was that?

Land Agent I J. Dayday: 2019 that's when she met the administrative director that time.

Chairman J. Reyes, Jr.: Just to add... just to make sure I'm clear. So there was no prior communication with Ms. Atoigue from the time that she had submitted her application to 2018? We don't have any record of any additional contact?

Land Agent I J. Dayday: None

Chairman J. Reyes, Jr.: Okay, so, is the process or the understanding that back in 1995 when you submit your application that you have a period of time to pay for your application.

Land Agent I J. Dayday: Yes, it's in the back of the application and it's also in the front that they have thirty-days

Chairman J. Reyes, Jr.: To make that payment?

Land Agent I J. Dayday: Yes, fifty-dollar onetime none refundable processing fee payable within thirty days of application.

Chairman J. Reyes, Jr.: So the date of the application was December 4 so in essence she should have paid by January 3rd ...rounding?

Land Agent I J. Dayday: Pretty much, yeah.

Chairman J. Reyes, Jr.: Okay

Land Agent I J. Dayday: But then they were also given a certain time.

Chairman J. Reyes, Jr.: Yeah, so I was going...okay, so bridging it to the 2009 amnesty period, if you didn't pay for your application here's your chance you would not be penalized or your application will not be terminated if you had come in and paid in 2009. So...

Land Agent I J. Dayday: You have up to... January 9, 2009.

Chairman J. Reyes, Jr.: Correct. And this was published in November of 2008?

Land Agent I J. Dayday: Correct

Chairman J. Reyes, Jr.: Okay, and so even with that period there's no communication with Ms. Atoigue for any visits that I can't pay my... I couldn't pay my fee during this period extended period... no questions asked, is my application still valid?

Land Agent I J. Dayday: There's nothing. So, the date started as I mentioned the notations started March 12, 2018.

Chairman J. Reyes, Jr.: When she came in to say, hey, I need to pay my...

Land Agent I J. Dayday: She called.

Chairman J. Reyes, Jr.: Oh okay, so she called to pay my fee...the application fee?

Land Agent I J. Dayday: Yes and yeah....

Chairman J. Reyes, Jr.: Okay. I just wanted to make sure I understood the processing.

Commissioner A. Bordallo: Since she paid in 2018, can she get on the list starting 2018? To apply? In other words she lost already her

Chairman J. Reyes, Jr.: Her '95 spot

Commissioner A. Bordallo: Yeah

Land Agent I J. Dayday: Well, I believe that would be up to you.

Chairman J. Reyes, Jr.: Correct. So, we may or may not be able to make that decision Commissioner Bordallo.

Commissioner A. Bordallo: No, I just wondered whether...let's say today, I come here and I apply for property with CHamoru Land Trust and I pay the fifty dollars ($50.00) do I get to be on the list as of today?

Land Agent I J. Dayday: Okay, so on the receipt it has the date that you paid and the time stamp. The application when it was submitted should have the same thing, the date and the time, right?

Chairman J. Reyes, Jr.: Okay

Commissioner A. Bordallo: Yeah, I understand all that.

Land Agent I J. Dayday: So...

Chairman J. Reyes, Jr.: So, I think that's a question for Attorney Toft

Land Agent I J. Dayday: Okay

Commissioner A. Bordallo: Well, I mean she lost her spot.

Chairman J. Reyes, Jr.: Yeah

Commissioner A. Bordallo: And to be fair, she can apply as of that date that she paid she can be on the list.

Land Agent I J. Dayday: But is that really fair because other people have...you know, they paid, they applied they did everything they're supposed to do.

Commissioner A. Bordallo: No, I'm not saying.... She's not going to be on the list of 1995.

Land Agent I J. Dayday: No but same thing, in 2018 if someone came in and applied at that same time and they made their payment when they were supposed to you know, they turned in the application and everything.

Chairman J. Reyes, Jr.: Understood, so let me just do a follow-up question. How many of our 1995 applicants which we know they're starting to go through those have not paid their application fee? Do we know that answer?

Land Agent I T. Tainatongo: We would have to get that from Ms. Terese, she has an unpaid application listing?

Chairman J. Reyes, Jr.: Unpaid applications... because that would give us a sense of here's what we have to deal with. If we decide that we cancel this that means that everyone that has applied in 1995 or whatever years, we cancel it. If we decide to...to Commissioner Bordallo I mean you know it's worth discussing that upon they pay that's where they fall in line...now, if they pay tomorrow then they fall in line to the 2022 list for example and even if they're '95. Okay, again, those are just discussion points and options. Attorney Toft, I'll yield to you what's the best course of action here?

Commissioner A. Bordallo: We just cancel it. It's just that...

Attorney N. Toft: Well, I mean the problem with just redating it is that there isn't any provision in the law that allows that. Even this thing is... there's no basis in the law, right? It's doesn't say, Commission shall have the power to open amnesty period later. So, I think that if you invalidate this one...you're going to...same thing... opening up a can of worms of now we have to go through every application to see when payment was made and what are we going to do about the all of the ones that happen to pay day 31 through day 3001 so it's something for the Commission to keep in mind in making the decision.

Chairman J. Reyes, Jr.: I think something to see, commissioners, is all the applications we received; how many have not been paid and when did they receive those applications. So at least we can make that decision going forward, we have data to support the decision. And we can make some decisions after we see what that volume looks like or what the data says, right? Because it'll be key right I mean we are definitely going through the December '95s and I'm sure there's going to be some of those questions and there's going to be some anomalies and there's going to be some discrepancies that we're going to have to go through and that's going to be the pain saving process but it's what we have to do. So, again that's just dialogue for us to consider that we can...let's table this and get some of the data to support... or what do we have to look forward to in that sense. What do you think?

Commissioner A. Bordallo: Yeah, because how many of this...

Chairman J. Reyes, Jr.: Same situation

Commissioner A. Bordallo: Yeah.

Chairman J. Reyes, Jr.: Okay, so do we agree we go-ahead and table this?

Commissioner A. Santos: I agree

Commissioner A. Bordallo: Yeah

Chairman J. Reyes, Jr.: Okay, so, Ms. Dayday, thank you very much. We'll go ahead and table this one action for you please is to take a look at our database and provide the board in our next meeting of all the applicants we have we received to date many are not paid and then breakdown the years.

Land Agent I J. Dayday: Okay

Chairman J. Reyes, Jr.: So '95, '96 and then whatever those dates are of unpaid. So total applicants number unpaid

Land Agent I J. Dayday: Okay

Aisha Francine Mafnas Diaz

Chairman J. Reyes, Jr.: Okay, thank you. Next up is...thank you very much. Thanks commissioners. Aisha Diaz, is that your case as well?

Land Agent I J. Dayday: Yes

Chairman J. Reyes, Jr.: Okay, thank you.

Land Agent I J. Dayday: So, we have before you Aisha Francine Mafnas Diaz. The complaint and the issue is the assessment of property taxes to the original CLTC applicant Irene I. Mafnas and the other issue is to qualify Aisha Francine Mafnas Diaz as an eligible beneficiary for CHamoru Land Trust under Public Law 35-112. Applicant's date and time

Chairman J. Reyes, Jr.: Excuse me Ms. Dayday is Ms. Diaz not able to join us today?

Land Agent I J. Dayday: No, she isn't

Chairman J. Reyes, Jr.: She's not able to join us? But she was informed?

Land Agent I J. Dayday: Yes she was informed and her POA was informed.

Chairman J. Reyes, Jr.: Okay, thank you.

Land Agent I J. Dayday: So the applicant's date and time December 2nd, 1995, at 9:09 a.m. Application number 85, application type residential, priority one, pre-occupier no, no land use permit, no mayor's verification, notice of intent to award there's none in file, there was a residential lease dated January 23, 1997, and signed by Administrative Director Ronald Tehan for Tract 9210, Block 16, Lot 10 (Phase-1) in Yigo, lot size was a quarter acre, no survey authorization, but there is a survey map 126FY93. I just want to mention that I had brought this before but I'm just going to go through the chronology again, is that okay?

Chairman J. Reyes, Jr.: Sure

Commissioner A. Santos: Yes, please.

Chairman J. Reyes, Jr.: So on January 23rd 1997 a lottery for Lot 10, Block 16, Tract 9210, (Phase-1) Yigo and a residential lease signed by Administrative Director Ronald Tehan and Carl T.C. Gutierrez Governor of Guam but the lease was not signed by the original applicant, Irene Mafnas. January 27, 1997, residential interview two successors designated Aisha Diaz and Jolene Mafnas. July 23, 2018, a letter from Jolene P. Mafnas received requesting to transfer her successor rights to Aisha Francine Mafnas Diaz. August 8, 2018, a recorded POA for Aisha Diaz submitted under instrument number 925364. March 11, 2019, a memo to file requesting successor claim to Irene Mafnas' application lease rights and it was approved by Administrative Director Jack Hattig III supporting documents submitted is Irene Mafnas' death certificate notarized relinquishment letter from Jolene Mafnas and qualifying documents for Aisha Diaz. February 5th 2020, a letter to Department of Revenue and Taxation requesting to remove Irene Mafnas from the tax roll signed by Administrative Director Jack Hattig, III. April 29, 2021, a lot was identified for Aisha which was Tract 3734, Block 19, Lot 17

in Inarajan. May 5th 2021, a site inspection conducted verifying occupancy for Tract 3734, Block 19, Lot 17 Inalahan compiled by land agent myself and land agent Glenn Eay and land agent Eileen Chargualaf. May 14, 2021, a Decline of Municipality of Award signed by Frances M. Diaz Attorney in Fact. I'm sorry she is the POA for Aisha. June 17, 2021, CLTC Board of Commissioners approved a survey authorization and residential lease to Aisha Francine Mafnas Dias for Tract 3734, Block 19, Lot 17 Inalahan containing an area of 929 +/- square meters. December 20, 2021, POA emailed CLTC request to the correction of error on property tax for Irene Mafnas. On the status information sheet did you want me to read the whole… I included the status information sheet notation for your review. Did you want me to read it of too?

Chairman J. Reyes, Jr.: Do you want to go through the few pages of the status information sheet or do you want to go over the findings?

Land Agent I J. Dayday: Or the findings?

Commissioner A. Santos: Just go to the findings.

Chairman J. Reyes, Jr.: Just proceed to the findings

Land Agent I J. Dayday: So, the findings is a residential lease signed by Administrative Director R. Tehan and Govern or Carl T.C. Gutierrez sign but original applicant did not sign the residential lease which is Irene Mafnas she's the original applicant. The original applicant was assessed property taxes for Tract 9210, Block 16, Lot 10 in the Municipality of Yigo. And then Public Law… I know this might be kind of confusing but now it's going to go into the qualifications for Aisha which is Public Law 35-112 any applications for leases that have not been approved by January 1st 2021, shall be subject to the terms of the public law enacted by this act in Chapter 75A of Title 21 Guam Code Annotated. The eligible beneficiary means any person regardless of race, color, or national origin, whose land was acquired by the Unite States Government between 1898 and 1968 or descendant of such person. Verification of eligible beneficiaries owned land and acquired by the United States or number one to be eligible based on ownership of land that was acquired by the United States government between 1898 and 1968. An applicant must provide either documentary evidence of ownership as substantially the same form as that required by the Guam Ancestral Lands Commission for ancestral land claims or a declaration of affidavit signed under penalty of perjury attesting that the person owned or is the descendant of someone who owned land that was required by the Unite States. To extent known or reasonably ascertainable by the applicant this declaration or affidavit shall include the location by parcel number, address, legal description, and or legally identifier of the land that was claimed to have been owned and the date of acquisition by United States. On June 17, 2021, CLTC Board of Commissioners approved the survey authorization and residential lease to Aisha Francine Mafnas Diaz for Tract 3734, Block 19, Lot 17 in the Municipality of Inalahan however, the original applicant's lease was not completed prior to the new law public law 35-112. Therefore, the successor Aisha

Diaz is required to qualify under Public Law 35-112. So, the request that I'm bringing before you is to remove Irene I. Mafnas from the property tax assessment listing for Lot 10, Block 16, Tract 9210 (Phase-I) in the Municipality of Yigo and then to qualify Aisha Francine Mafnas Diaz as the beneficiary for the CHamoru Land Trust Commission under Public Law 35-112.

Chairman J. Reyes, Jr.: Thank you, Ms. Dayday. So, just a quick question, this was obviously worked on by our commissioners, our board and it's coming back to us relevant to you know correcting the property tax information and then also ensuring that Ms. Aisha Diaz is also qualified, correct?

Commissioner A. Santos: Correct

Chairman J. Reyes, Jr.: So, what happened... sorry Commissioners may I take the lead... so what happened between now and then or then and now?

Land Agent I J. Dayday: Okay, so that's what I wanted to ask legal counsel. So because the board approved the issuance of a lease, a survey authorization and a lease for Aisha but because she has to qualify now under the new law that do they have to rescind that motion or does that motion stay on

Attorney N. Toft: I'm not sure she has to qualify.... She was the beneficiary of the original lease, right?

Land Agent I J. Dayday: Well, there was no original... well the lease was not complete.

Attorney N. Toft: the lease was not signed by the... by Irene, correct?

Chairman J. Reyes, Jr.: The original applicant did not sign the lease, correct?

Attorney N. Toft: correct. That doesn't make the lease void is the thing though. So it makes it void...illegal means it's voidable by Irene so it still exist and so under our test of whether or not a designated beneficiary has to qualify she still... she was designated back in '97 under this so because the lease is still valid she doesn't need to requalify under 35-112 because she was named as a successor to the lease back in '97.

Land Agent I J. Dayday: Okay, so what happens to that lease. Because the applicant didn't sign it, Ms. Irene Mafnas but only the director and the governor how do we correct that to make it a good lease?

Attorney N. Toft: Well, I mean we don't... we can't correct it because we're not Irene and we can't

Chairman J. Reyes, Jr.: *inaudible*

Attorney N. Toft: Yeah, there's no way for a full validation of it by the lessee who is now deceased. So just the rights to it goes to her successor Aisha who doesn't need to qualify under 75A just under 75.

Land Agent I J. Dayday: So the

Commissioner A. Santos: Would not need to, is that what you said?

Attorney N. Toft: Would not.

Land Agent I J. Dayday: okay so because she declined that municipality that one so this is just pretty much a transfer or a request to transfer to a new property?

Attorney N. Toft: Correct, that's how we treat it.

Land Agent I J. Dayday: Okay. Because that's.... so... like the Chairman was asking; what happened from then to now? And that was the issue that we were having and I did request for survey authorization and I was told that because the lease wasn't signed...all signatures weren't there we weren't able to move forward until we qualify her under the new law because there was no lease technically. So, if that's what you're saying so because she signed the municipality decline so it's just pretty much a relocation I'm sorry not transfer relocation

Attorney N. Toft: Relocation

Land Agent I J. Dayday: Because the property that was given, someone else has a lease for that was issued a lease for that. So we do a relocation and it's going to be an addendum.

Attorney N. Toft: Yes

Chairman J. Reyes, Jr.: So, Attorney Toft and Ms. Dayday I'm going to... I want to...we're going to table this.

Land Agent I J. Dayday: Really?

Chairman J. Reyes, Jr.: Get it sorted out, work through it to make sure that we have everything in place so that it's clearer because I want to make sure too that you have those items reviewed and then we can help... gather that... where does it stand because of that from the recommendation...or what's recommended I don't think is necessary what we need to action on so you can sort it out a little bit more and get it... for lack of *inaudible* before we review it in our next...

Land Agent I J. Dayday: Yeah, because if this lease...if we're going to continue on with this lease under Ms. Irene Mafnas then Aisha is going to be responsible for property

taxes or would it be waived because it was issued to another person, the same property?

Chairman J. Reyes, Jr.: Let's sort those pieces out and get some guidance through Attorney Toft and then we can start making those decisions.

Attorney N. Toft: We can talk later on

Commissioner A. Santos: Can I also suggest that there's some supporting documents too can you provide that for us too please like everything that we would need to know if you don't mind?

Land Agent I J. Dayday: The qualifying documents?

Commissioner A. Santos: Supporting qualifying everything you know what I mean just so everything is in line...give us that.

Land Agent I J. Dayday: I didn't want to put the... put it in... or attach it right because you know...

Chairman J. Reyes, Jr.: Let's you know, if needed, we can work through this and with the Director Ms. Camacho

Land Agent I J. Dayday: Okay

Chairman J. Reyes, Jr.: So, Commissioners, we'll table this one. Okay, now we are at the Agricultural Leases.

Cynthia Sablan Treltas

Commissioner A. Santos: Treltas.

Land Agent I T. Tainatongo: The second one

Commissioner A. Santos: Treltas

Chairman J. Reyes, Jr.: I'm sorry, my fault.

Land Agent I J. Dayday: Okay. So the case I have before you is Cynthia Treltas who is deceased and this is to qualify successor as an eligible beneficiary of CHamoru Land Trust and to transfer application rights to successor. Applicant's date and time is December 9, 1995 at 3:10 p.m. Application number is 1796, application type is a residential priority one and she's not a pre-occupier. The Chronology is October 18, 2002, a residential interview daughter Natasha N. Sablan was named the successor. December 3rd 2021, submission of a notarized CLTC application for Natasha N. Sablan

along with the birth and death certificates, successor designation form, letter requesting, letter requesting successor claim, copy of ID, notarized affidavit of eligibility, and copy of declaration of taking. January 5th 2022, an email correspondence from land agent Jhoana Casem requesting validation of Guam Ancestral Lands Commission lot from Joey Leon Guerrero and the Guam Ancestral Lands Commission. January 7, 2022, a copy of the order and judgement from Guam Ancestral Land Commission validating the owner of Lot 2037-5 in the Municipality of Agana. On the status information sheet, on October 16, 2002, staff indicated pending birth certificate PBC interview, notified client of documents needed and status of CLTC. On January 29, 2010, staff indicated updated addendum and interview bring in BC. On February 1st 2010 database update as per contact interview sheet. On April 4, 2013, Land Agent Shawn indicated "A" came in to follow up on the status of issuance of property. Offered lot in Inarajan, Umatac. Need to schedule lot showing to show "A" Lot 10120 Okkodo area. On April 11, 2013, Land Agent Shawn indicated he showed "A" lot in Ija. On February 5th 2014, database update address contact number. On December 15, 2020, myself, indicated that "B" "B" is beneficiary informed CLTC that "A" had passed away and the process for successor claim. RMO is return to Records Management Office until all documents are provided for successor claim. On September 23rd 2021, Land Agent JD indicated "B" contacted CLTC following up on successor claim, informed "B" the process and now she is required to submit additional qualifications based on 75A. "B" will be in to submit all documents. On December 3rd 2021, land agent JD indicated "B" submitted all required documents for review and action. On December 9, 2021, LA JD indicated email correspondence inserted from Legal Counsel Nicolas Toft regarding the 180-days and named successors, forward to director for review and action. On December 13, 2021, administrative – AD Angela Camacho indicated JD please follow up with successor and assist with qualifying under 75A, update file. On December 15, 2021, Land Agent JD indicated qualifying documents submitted on December 3rd, 2021, successor requesting to transfer application rights or successor claim. My findings are Public Law 23-38, Section 5.8, Transfer of Application rights; an applicant may designate a relative qualified under the act to include husband and wife, children, widows and widowers of the brothers and sisters or nieces and nephews to succeed the applicants application rights upon death of the applicant. 75A 101B of Chapter 75A Title 21 GCA, the eligible beneficiary means any person regardless of race, color, national origin, number one, whose land was acquired by the United States Government between 1898 and 1968 or descendant of such persons. And the verification of eligible beneficiaries documents submitted by the successor is a Declaration of Taking under Juan Cruz Santos Lot 2037-5 in the Municipality of Agana, Civil Case no. 15-47, Judgement under Lot 2037-5 Agana, the birth and death certificate that show direct descendants of Juan Cruz Santos and the family tree.
So the request is to qualify Natasha Sablan as an eligible beneficiary as per Public Law 35-112 as the great-great-granddaughter of Juan C. Santos – Juan Cruz Santos under Lot 2037-5 Agana and then transfer application rights of Cynthia Sablan Treltas to Natasha Sablan based on Public Law 23-38, Section 5.8.

Chairman J. Reyes, Jr.: Okay, Ms. Dayday. Commissioners, any questions to start off? No? Can I make… when did Ms. Treltas pass…sorry, I missed that in the…

Land Agent I J. Dayday: Oh, I'm sorry, I guess I didn't put that in.

Chairman J. Reyes, Jr.: Natasha was named the successor in

Land Agent I J. Dayday: The interview sheet.

Chairman J. Reyes, Jr.: October 2002, correct?

Land Agent I J. Dayday: Yes.

Chairman J. Reyes, Jr.: But when did Ms. Treltas pass?

Land Agent I J. Dayday: So, it states here… it's kind of confusing with the death certificate because it states here that she passed away on February 24, 2021. But if you look up on the top part, it says, September 23, 2020.

Land Agent I T. Tainatongo: Where it says, date of death.

Land Agent I J. Dayday: That will be the date of death right there. September 20… so, I was kind of confused on that and so when I questioned Ms. Sablan she had mentioned that her mother passed away in 2020.

Land Agent I T. Tainatongo: September 23rd

Land Agent I J. Dayday: But the death certificate was not made available until March of 2021, because of the nature in her death of how she died.

Chairman J. Reyes, Jr.: Understood but there should be a date of death

Land Agent I T. Tainatongo: Date of death September 23rd 2020 and then it was signed by the Medical Examiner February 24, 2021,

Chairman J. Reyes, Jr.: Understood but we want to know, the question is when was the date of death

Land Agent I T. Tainatongo: September 23rd 2020

Chairman J. Reyes, Jr.: Okay and however prior to that Ms. Sablan was already designated as the beneficiary?

Land Agent I J. Dayday: Yes

Chairman J. Reyes, Jr.: And given through your research that she is an eligible beneficiary based on 35-112 correct?

Land Agent I J. Dayday: Correct

Chairman J. Reyes, Jr.: Okay and Attorney Toft, given the timeline meaning she was designated in 2002, which would take precedence on her qualification as the successor; is it since she was already designated in '02? Which guidance to…?

Attorney N. Toft: 75A because there wasn't a lease issued.

Chairman J. Reyes, Jr.: There wasn't any lease issued, key thing…okay, got it.

Commissioner A. Bordallo: What is you know on the fact there's no log number that Ms. Treltas was assigned to.

Land Agent I J. Dayday: Okay, so they didn't assign her one she was just shown the lot, a certain lot and I'm just going off of what the status information sheet says that the land agent at that time just showed her a lot in Ija and…

Chairman J. Reyes, Jr.: But there's no lease?

Land Agent I J. Dayday: No lease

Chairman J. Reyes, Jr.: So, Saina Bordallo this is just beyond the application stage and because of Ms. Treltas' death or passing we just… we want to validate and quantify that Ms. Natasha Sablan is eligible to be the beneficiary. Yeah? Okay, so I just want to make sure that this is clear.

Commissioner A. Bordallo: Did she pay her fifty dollars ($50.00)?

Land Agent I J. Dayday: Yes, ma'am.

Chairman J. Reyes, Jr.: Okay, Commissioners any questions? Would you like to take action and we can do that and then I have a clarification for Attorney Toft because Commissioner Santos needs to leave

Commissioner A. Bordallo: Okay, I would like to make a motion that Natasha Sablan qualifies for eligible beneficiary as per Public Law 35-112 as great-great-granddaughter of Juan Cruz Santos under Lot 2037-5 Hagatna

Chairman J. Reyes, Jr.: Thank you, Commissioner Bordallo. May I get a second?
Commissioner A. Santos: I second that

Chairman J. Reyes, Jr.: Thank you, Commissioner Santos. Any objections?

Commissioners: None

Chairman J. Reyes, Jr.: Hearing none, motion passes to qualify Natasha Sablan as the eligible beneficiary of Ms. Cynthia S. Treltas.

Land Agent I J. Dayday: Is it supposed to be the beneficiary of Cynthia Treltas or under Chamoru Land Trust:

Chairman J. Reyes, Jr.: I mean

Land Agent I J. Dayday: I just want to make sure because I don't want any... like if I'm going to request to have this file transferred, the application rights transferred to Ms. Sablan...I just want to make sure that it's...

Commissioner A. Santos: In line?

Land Agent I J. Dayday: Okay

Chairman J. Reyes, Jr.: Okay because she is the successor of Ms. Treltas

Land Agent I T. Tainatongo: Yeah, they did the first motion letter A so now they still have to do B to make it transfer to Natasha Sablan

Chairman J. Reyes, Jr.: Yeah so, we already did the first one is qualifying her eligibility

Commissioner A. Bordallo: Then you have the transfer rights

Chairman J. Reyes, Jr.: yeah and then there's the transfer rights. Okay, go ahead Saina Bordallo.

Commissioner A. Bordallo: Then the other resolution is to transfer the application rights from Cynthia Sablan Treltas to Natasha Sablan based on Public Law 23-38 Section 5.8

Chairman J. Reyes, Jr.: Okay, thank you Commissioner Bordallo

Commissioner A. Santos: I second that motion

Chairman J. Reyes, Jr.: May I get a second... thank you, Commissioner Santos. Any objections?

Commissioners: None

Chairman J. Reyes, Jr.: Okay hearing none. Motion passes for the application rights of Cynthia Sablan Treltas to be transferred to Natasha Sablan based on Public Law 23-38 Section 5.8. Okay, thank you very much. Attorney Toft, Ms. Santos needs to leave and we do still have items on the agenda, can you remind me how we should proceed? We should proceed meaning do we take a recess for next meeting or how do you suggest we handle that?

Attorney N. Toft: We can either do a recess and conduct another meeting before the next one to address the…

Chairman J. Reyes, Jr.: Finish it up or adjourn and then…

Attorney N. Toft: Or adjourn and then just add these to the next agenda

Chairman J. Reyes, Jr.: And table everything?

Attorney N. Toft: Table all of the remaining items and then…

Chairman J. Reyes, Jr.: Okay, so, Commissioner Santos has to leave and Joey I know we have GICC joining us today. Unfortunately, we wouldn't be a quorum so we would have to… I would say we adjourn and then table all of the rest of the items for our next meeting in March. Okay.

Commissioner A. Bordallo: I make a motion to adjourn.

Chairman J. Reyes, Jr.: May I get a motion to adjourn. I'm sorry our next meeting is in March… thank you, Commissioner Bordallo. May I get a second?

Commissioner A. Santos: I second that motion

Chairman J. Reyes, Jr.: Okay, any objections?

Commissioners: None

Chairman J. Reyes, Jr.: Okay, motion passes. Our meeting is adjourned at 4:31 p.m.

Adjourned: 4:31 p.m.

Transcribed by: Tina Rose Tainatongo, Land Agent I

Approved by motion in meeting of: April 21, 2022

Acting Chairwoman Angela Santos: _____ Date: 26, April 2022