

2 Jay

Lawmakers approve nominations, 3 bills

GUAM DAILY POST • FRIDAY, MARCH 22, 2019

By Kevin Kerrigan
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Little debate and not a "nay" was heard during the first day of the second session of the 35th Guam Legislature.

The much-anticipated debate over legalizing recreational marijuana didn't happen. Another bill, that would ease residency requirements on the ownership of marijuana-related businesses, also was postponed.

Lawmakers passed three bills. The vote on each was 15-0. Eight board appointments were approved unanimously, and the appointment of three agency directors also sailed through without question or comment.

Both cannabis measures were introduced by freshman Sen. Clynt Ridgell.

Bill 32-35 proposes to regulate the production, sale and taxation of marijuana. Bill 34-35 would ease the residency requirement for anyone seeking 51 percent ownership of a licensed

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cannabis business.

At the start of the day, the senator acknowledged he was still short of votes.

During the session Ridgell asked that his measures be moved to the bottom of the list for consideration. Neither was discussed Thursday. Both are expected to be considered today.

Passed

Bill 15-35, introduced by Sen. Joe San Agustin, would appropriate \$298,536 from the general fund to the Guam Election Commission to cover pay raises for GEC staff and pay for 2018 primary and general election costs.

Sen. San Agustin said the money is coming out of the government of

Guam retirement security fund plan.

He said an appropriation of \$500,000 was made to the retirement fund's security plan but "in our research we found that the retirement fund did not seek this appropriation and it was not in need of it."

Bill 15 was approved by a vote of 15-0.

Bill 24-35, introduced by Sen. Telena Nelson, would clarify that the 90-day limit on acting appointments made by the governor shall mean 90 calendar days, including weekends and holidays.

"We had an issue with this last term," said Sen. Nelson. "So we are just looking to make it more clear."

During the previous Legislature, Sen. Nelson and former Gov. Eddie Calvo sparred over the expiration date of Eric Palacios' appointment as acting director to the Guam Customs and Quarantine Agency.

Bill 24 was approved by a vote of 15-0.

Bill 27-35, introduced by Sen. Therese Terlaje, would require the online publication of environmental violation documents no later than 15 days after service. The proposal also would require the timely reporting of such violations to the Guam Environmental Protection Agency board of directors.

"By increasing agency transparency," Sen. Terlaje said, "we are hoping to build the trust of the public" and "ultimately making agencies and their board accountable for the level of enforcement."

For many years, said Sen. Nelson, in support of the bill, "there has been a lack of transparency."

"Notices of violations were given and agreements were made, and companies that polluted our island, destroyed our natural habitat, went off with a slap on the wrist."

Bill 27 was approved by a vote of 15-0.

Benavente offers weaving demonstration at Security Title

TIPS AND TECHNIQUES: Mark Benavente shows Ana Yuki some weaving techniques during a weaving demonstration at the offices of Security Title in Tamuning on Thursday afternoon. Benavente is the grandson of Tan Elena Cruz Benavente, a master weaver recognized by the Guam Council on the Arts and Humanities Agency. Norman M. Toruc/The Guam Daily Post



Capuchins agree to settlement conference in clergy sex abuse cases

District Court Senior Judge Alex Munson has ordered all parties in clergy sex abuse cases to attend a settlement conference on March 28.

In an order issued Thursday, Munson noted the Province of St. Mark's Capuchin Franciscans informed the court of its interest to appear before the judge for a settlement conference.

Attorneys for 28 plaintiffs who filed cases against the Capuchin Franciscans also agreed to participate in settlement discussions.

The plaintiffs include Leo Tudela, Norman J.D. Aguon, James Bascon, Robert Aguon Perez, John A.B. Pangelinan, Thomas A. Cepeda Sr., C.C., P.W., Francis Charfauros, Mark Anthony Apuron and 19 other plaintiffs who sued using initials to protect their identity.

The settlement conference is scheduled for March 28 at 8:30 a.m.

(Daily Post Staff)

HAFA ADAI BINGO

AT THE GUAM GREYHOUND PARK
FRIDAY, MARCH 22, 2019

DOORS OPEN @ 4 PM, SESSION STARTS @ 7:30PM | TEL. NUMBER: 969-3673 | ALL MAJOR CREDIT CARDS ACCEPTED

HAFA ADAI BONANZA	JUNIOR BLACKOUT	LETTER X
\$2,000 GIVEAWAY	\$1,199 GIVEAWAY	\$1,199 GIVEAWAY
EARLY BIRD \$500	HALFTIME \$500	7 PACKAGE GAMES
\$1,199 GIVEAWAY		\$2,000 WOOHOO WEEEEEE!!!

INITIAL BUY-INS

1 PACKAGE (6-ON-1)	\$18	
3 PACKAGE (3 SETS OF 6-ON-1)	\$40	(SAVE \$14 PLUS GET 1 FREE ADDITIONAL PKG 6-ON-1)

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JR. BLACKOUT \$3	HALFTIME \$2
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GUAM BOARD OF EXAMINERS FOR OPTOMETRY

Regular Board Meeting,

Tuesday, March 26, 2019

at 8:30 AM

at the Terlaje Professional Building, 194 Hernan Cortez Avenue, 2nd Floor, Suite 209 Health Professional Licensing Office Board Conference Room, Hagåtña, Guam.

For more information please contact the Board office at 735-7405 thru 12. Persons with disabilities needing special accommodations may call 735-7172 or the telecommunication device for the Hearing/Speech Impaired (TDD) at 649-1801. Executive meeting may be called if necessary.

5 day

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TOURISTS continued from page 1

the vehicle that struck the two men; Joseph Edquilane, who was the registered owner of the vehicle; and Chung Kuo Insurance Co., which had issued insurance policies to Taimanglo and Edquilane.

Taimanglo fled the scene of the collision and police investigated and determined he was at fault for the incident, court documents state. He was later arrested and charged with leaving the scene of an accident with injuries, two counts of reckless driving with injuries and leaving the scene of an accident with property damage.

TENORIO continued from page 1

Tenorio "reeked of alcohol" the night of the incident, according to Guam Police Department Sgt. Carl Cruz, the officer whose gun Tenorio is accused of taking.

Cruz was the first witness to take the stand but has not been asked directly about Tenorio's alcohol consumption. However, he has stated that Tenorio behaved aggressively and was horse playing. At one point, he pushed Tenorio to put some distance between them.

Tenorio reportedly took Cruz's gun and held it in front of him earlier in the evening, stating that it was "too easy," and attempted several times that night to reach the gun.

The gun holster had a retention level of two, which includes a retention button. Cruz demonstrated Monday that simply pulling the firearm will not remove it from the holster without pressing the button.

The former lieutenant governor was "in no shape or form in my chain of command to relinquish that weapon," Cruz said last week Friday, on the first day of trial.

The only person who could do so was his immediate supervisor, he added.

The firearm was also loaded.

On Aug. 31, 2017, Taimanglo pleaded guilty to two counts of reckless driving.

According to the lawsuit, the plaintiffs allege they suffered and continue to suffer severe and permanent injuries, disfigurement, physical, and mental and emotional pain and suffering totaling in excess of \$1 million per plaintiff, per injury.

The complaint states the defendants should be held liable for negligence and recklessness.

Kim and Ma have asked for a jury trial and an award of damages in excess of \$1 million each, per injury, and past and future medical damages to be proven at trial.

Attorney: Tenorio had acted with authority

Fisher maintains that Tenorio had the authority to act as he did, having the authority to oversee public safety delegated to him by the governor.

The attorney asked officers testifying Monday about chain-of-command processes and whether someone higher in the command had the authority to discipline or correct junior officials. Fisher also drew on Tenorio's background as a police officer and instructor.

Tenorio stated to media in the aftermath of the alleged incident that he saw the holstered gun was not properly secured and wanted to teach a lesson.

Officer: Lieutenant governor was treated differently

Cruz, however, did acknowledge that he treated Tenorio differently from any other individual committing the same act.

The police sergeant testified that he immediately dropped his posture after realizing that Tenorio was the one behind him and reaching for his gun.

Had it not been the lieutenant governor, Cruz said, he would have "most likely detained the individual for further investigation (and) transported him to the nearest precinct."

PROBE continued from page 1

General Nelson Werner wrote: "Our office is presently pursuing a criminal investigation surrounding the handling of Bernadette S. Meno's alleged work injury at the Port Authority of Guam."

Werner lists the names of the former Port employees who appealed their terminations to the CSC - Frances Arriola, Francine Rocio, Josette Javellosa, Jose Guevara, Vivian Leon, Leonora Leon Guerrero, and Meno.

"As part of our ongoing investigation, we have requested, and reviewed documents related to the case (but) we anticipate that many more individuals may be questioned and investigated for potential criminal activity and prosecution," Werner said.

The Guam Daily Post obtained the letter through a Freedom of Information Act request to the commission.

A copy of the letter was sent to the attorneys representing the fired Port employees who have become known as the "Port 7."

A copy was also sent to Port legal counsel Mike Phillips.

At the time, Phillips said Monday, he was sending documentation about the allegedly fraudulent workers' compensation claim to both the attorney general and the commission.

As Port legal counsel, Phillips said, he was required to turn over all relevant documents over to the commission after the fired Port employees appealed their terminations. Six are fighting to get their jobs back, and a seventh employee who has been reinstated is seeking more than \$600,000 in back pay.

Phillips said Werner was concerned about documents being turned over to the commission, which could compromise the AG's office's ongoing investigation.

"In essence, the AG said, 'This is a criminal matter, can you stop doing that,'" Phillips said.

In his February 2013 letter to Lamorena, Werner asked "that the Civil Service Commission refrain from compelling (the Port) to disclose documents produced in response to our inquiry into these sensitive matters."

Phillips recalled meeting with Werner, who told him: "We're going to indict by Tuesday."

When asked Monday if he was sure, Phillips responded: "Absolutely, with-

out question." Philipps further quoted Werner as having said: "I'm going to indict by Tuesday."

There was no indictment. Werner "was let go, or left, shortly after," Philipps said.

Leonardo Rapadas was the attorney general at the time. He is still with the AG serving as an assistant attorney general.

'Stop ... prosecutorial misconduct'

Five days after Werner's letter to the Civil Service Commission, then Sen. Rory Respicio wrote to Rapadas, asking him to "put a stop to prosecutorial misconduct." Meno was hired to work in Respicio's office after her termination from the Port.

Respicio wrote that Werner's "rush to try and quickly secure indictments on these ... 'terminated' port employees" would make it "even more impossible for them to get a fair and impartial remedy from the CSC." And he accused Werner of "political interference." Respicio described the prosecutor's action as "a clear attempt to influence CSC members."

The Post sent an email to the AG's office to ask Rapadas what happened to Werner's investigation. No response was received as of press time.

Torres allegations

In a related development, former Calvo administration Communications Director Troy Torres said he filed what he called a criminal complaint Monday against Phillips, Tydingco, and others.

In his complaint, Torres describes a meeting with then-Gov. Eddie Calvo and other administration officials at which Phillips and then-acting Port General Manager Joanne Brown "spoke of doctored emails, (alleging attempts) to erase emails" in order to cover up the alleged fraudulent workers' compensation claim.

According to the Torres complaint, Phillips said: "They tried to cover up the crimes. That is what is serious here. It's the deliberate cover-up, not the initial crimes."

In support of what he calls the alleged "crimes" committed by Phillips and others, Torres states that the Port's investigation of the allegedly fraudulent workers' compensation claim was "full of fabricated lies against everyone involved."

The complaint also reveals behind-the-scenes concerns at the governor's office over the potential political fallout of their actions.

GUAM BOARD OF EXAMINERS FOR PHARMACY

**Regular Board Meeting
On Thursday,
March 21, 2019 at 7:30 AM**

at the Health Professional Licensing Office Board Conference Room at the Terlaje Professional Building, 2nd Floor Suite 209 Hagåtña.

For more information please contact the Board office at 735-7405 thru 12. Persons with disabilities needing special accommodations may call 735-7172 or the telecommunication device for the Hearing/Speech Impaired (TDD) at 649-1801. Executive meeting may be called if necessary.

GUAM BOARD OF EXAMINERS FOR OPTOMETRY

**Regular Board Meeting,
Tuesday, March 26, 2019
at 8:30 AM**

at the Terlaje Professional Building, 194 Hernan Cortez Avenue, 2nd Floor, Suite 209 Health Professional Licensing Office Board Conference Room, Hagåtña, Guam.

For more information please contact the Board office at 735-7405 thru 12. Persons with disabilities needing special accommodations may call 735-7172 or the telecommunication device for the Hearing/Speech Impaired (TDD) at 649-1801. Executive meeting may be called if necessary.

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CIVIL SERVICE COMMISSION
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Notice of Meeting

The Civil Service Commission will meet in their hearing room at Bell Tower, Suite 201, 710 W. Marine Corps Dr., Hagatna, Guam on **Thursday, March 21, 2019**, at 5:45 p.m. For additional information or special accommodations, please contact Eric D. Miller/ADA Coordinator at 647-1855 or eric.miller@csc.guam.gov. For the agenda, see the calendar at csc.guam.gov.

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