

5 day

GUAM DAILY POST • MONDAY, MAY 20, 2019

## San Isidro Fiesta features parade



**LA RAINA:** Members of the royal court ride in style during the parade for the San Isidro Fiesta on Sunday in Malojloj, Inarajan. The popular annual fiesta was held from Friday to Sunday. The parade also featured cars, drummers and the Guam Boy Scouts. See additional photos at postguam.com. David Castro/The Guam Daily Post

**PLANE PART** continued from page 1

the boat crew on Sunday "appears to be similar" and could have originated from the same source as an aircraft part found in Piti on Friday.

On Friday morning, a Boeing 747 flap washed ashore in Piti.

FAA is conducting an investigation and has confirmed "parts from a wing flap" came off a civilian air cargo plane that took off from Andersen Air Force Base on May 11.

"Parts from a wing flap apparently came off a National Airlines Boeing 747 on Saturday, May 11, as it was departing from Andersen Air Force Base," Ian McGregor, public affairs manager for the Pacific Division of the FAA, stated in an emailed response to

an inquiry from The Guam Daily Post.

McGregor said, "The aircraft landed without incident in Honolulu."

Tim Cornelison, air traffic manager for the FAA on Guam, confirmed on Friday the flap that was recovered Friday is about 11 feet long.

The manufacturer's label on the part found Friday states it is from a Boeing 747.

Anyone sighting additional aircraft parts in the water or on the beach is asked to call the FAA at 671-366-6286 or the Coast Guard at 671-355-4800.

The public is advised not to recover plane parts on their own due to possible hazards and for the preservation of evidence that may lead to the discovery of the origin of the aircraft, the Coast Guard stated.

**BOY'S DEATH** continued from page 1

what we've done with hospital-based cases, is to ask the department for their opinion," Berg said.

### 'Close any further discussion'

On May 16, the medical examiners board sent a letter to Miyagi absolving him of any violation at this time.

"After further review and discussion based on reports submitted, the

board at this time has no findings of violation," the letter stated. "Therefore, recommendation to close any further discussion."

Miyagi examined Lubofsky's son at the SDA Clinic a few days before the child would be admitted to Guam Memorial Hospital, and ultimately succumb to illness. Lubofsky contends that he informed Miyagi of his son's symptoms but he was told nothing was wrong.

Lubofsky has filed a lawsuit against Miyagi, a physician assistant, SDA and his insurance company. He also has filed a government claim against the hospital.

## GUAM BOARD OF EXAMINERS FOR OPTOMETRY

### Regular Board Meeting

On Tuesday,

May 28, 2019 at 8:30 AM

at the Health Professional Licensing Office Board Conference Room at the Terlaje Professional Building, 2<sup>nd</sup> Floor Suite 209 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.

# Interior to look into EITC for Compact migrants

By Oyaol Ngrairiki  
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A second Cabinet official has agreed to continue discussions on Guam's earned income tax credit.

Department of the Interior Secretary David Bernhardt said he "is more than willing to help figure out" whether the EITC paid by the government of Guam to migrants from the freely associated states should be a factor in Guam's Compact impact reimbursements.

Bernhardt was responding to a request for assistance from Guam Del. Michael San Nicolas during a House Natural Resources Committee budget discussion with the Interior Department for fiscal year 2020.

Bernhardt said he couldn't promise to poll Treasury Secretary Steven Mnuchin, but Bernhardt said he will work with the Department of Treasury.

"It seems like an anomaly that maybe just has not been thought of," Bernhardt said, referring to the lack of federal reimbursement to GovGuam for the EITC. "I will promise we will work with you and work with Treasury. ... That's our commitment."

In April, during a Financial Services Committee discussion with the U.S. Treasury, Mnuchin acknowledged Guam's "very technical tax issues." He told San Nicolas to "follow up" with Treasury regarding EITC.

### Comparison

San Nicolas had reiterated the disparity in Guam's EITC program with that of other U.S. jurisdictions - specifically Hawaii.

Using the Interior Department's Compact impact payments as a jumping-off point for the discussion, he pointed out that Guam and Hawaii were reimbursed about \$892 per person.

"However, there is one very distinct difference between Hawaii and Guam with respect to Compact migrant costs, and that is the earned income tax credit. The earned income tax credit in Hawaii is actually funded by the U.S. Treasury," San Nicolas stated. "So any Compact migrant who qualifies for EITC in their income tax filing, that's actually money that goes into Hawaii from the U.S. Treasury. On Guam, Guam has been absorbing the earned

### Video

See the discussion between Del. Michael San Nicolas and the Interior Department Secretary David Bernhardt at <https://m.youtube.com/watch?feature=youtu.be&v=0-rQT8mFdo>.

income tax credit liability since 2008." The federal EITC is a tax benefit designed to help low- to moderate-income working people.

These states are reimbursed by the federal government for the EITC payments they make. Guam and the other territories are not. There have been previous combined efforts to recover the cost of EITC. Last year, the Puerto Rico and Virgin Islands Equitable Rebuild Act introduced by Vermont Independent Bernie Sanders, proposed hurricane disaster relief funding for those two U.S. territories by eliminating the Medicaid cap, rebasing Medicare targets and reimbursing them for EITC payouts.

### Cost

Generally, the average EITC amount received per tax filer was \$2,488 during the 2017 tax year, according to the IRS.

The Office of Public Accountability has noted the growth of Guam's EITC. EITC went from 11% of refunds in 2000, or \$6.2 million, to 43% of refunds, or \$56.8 million in 2011.

Of the roughly \$57 million in EITC paid out in recent years, the wage earners who received those checks paid in less than \$20 million, Lester Carlson, director of the Bureau of Budget and Management Research, has said.

It's unclear how much of EITC is paid to citizens of freely associated states who qualify for the tax credit.

### Formula

San Nicolas asked Bernhardt if he could help determine whether EITC is a part of the formula used to determine Compact impact reimbursements.

"And so the \$892 provided per migrant for Guam and for Hawaii, I'm assuming is formulaically based as determined by the department. But if that formula (includes the) economic contribution of the migrant worker then the earned income tax credit liability of the migrant workers also needs to be factored in," the Guam delegate stated. "And I don't really think that this is something this government has really paid attention to."

## PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

### PHO VIET CORPORATION DBA: PHO VIET RESTAURANT

has applied for a Class: 4/ General On Sale (Alcoholic Beverage License) said premises being marked as Lot: 5022-3 Harmon Loop Rd. Unit 203 Dededo

## CIVIL SERVICE COMMISSION Notice of Meeting

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The CSC will meet at Suite 201, 710 W. Marine Corps Dr., Hagåtña, Guam on **Thursday, May 23, 2019**, at 5:45 p.m. For special accommodations, contact Eric Miller/ADA Coordinator at 647-1855. See agenda, at [csc.guam.gov](http://csc.guam.gov).

2 day

GUAM DAILY POST • FRIDAY, MAY 24, 2019

# Tax preparer in luxury car scheme gets probation

By John O'Connor  
john@postguam.com

A former tax preparer who participated in a scam to fraudulently register luxury vehicles at Prestige Automobiles will not serve any prison time, due to her substantial assistance in the case. She was sentenced Wednesday in the District Court of Guam to one year of probation.

Ana Kristine Absalon was accused of using the identities of some of her clients for whom she prepared tax returns, to register luxury vehicles that were ultimately shipped to

buyers in China. The Chinese buyers saved money on taxes by buying the vehicles as pre-owned on Guam, rather than buying brand-new from dealerships in China and getting hit with a higher price tag and tax, previously filed court documents state.

John C. J. Shen, the owner of Prestige, and Orlando Domingo, a sales manager at the dealership, were charged in the case. Absalon was also an employee of Prestige at the time of the crime.

A total of 61 Land Rover and BMW vehicles were registered or shipped as part of the scheme, according to

court documents.

In federal court, Absalon pleaded guilty in November 2017 to knowing or reckless disclosure or use of information by preparers of returns.

She also signed a deferred plea agreement in the Superior Court of Guam in December 2017.

Absalon "held nothing back" in terms of her cooperation with prosecutors, according to Assistant Attorney General Sean Brown, who appeared for her sentencing Wednesday morning in the District Court.

### Aftermath of the case

The charges against Shen and Domingo in federal court were

dismissed in May 2018.

In early March, Prestige Automobiles pleaded no contest to tampering with public records, one part of a multicharge indictment that initially included identity theft, forgery and conspiracy. Prestige was made to pay a \$10,000 fine.

The local cases against John Shen, son Jonathan Shieh-Hao Shen and Domingo - were dismissed after full payment of fines. The trio also sought expungement from court records, but Presiding Judge Alberto Lamorena denied the request, stating that the court did not have that authority based on certain case law.

ALVENDIA continued from page 1

order in February. Both Martinez and Moser allegedly knew that a member of their defense team, a former police officer turned independent investigator named John Mantonona, was attempting to improperly influence a juror.

Prosecutors needed to dismiss the case on Guam in order to move it to California, where they believed they would receive a fair trial.

The court agreed with the prosecution and dismissed the case without prejudice. Black said during Alvendia's sentencing that an investigation into the jury tampering was ongoing.

Moreover, the court stated that it would consider sequestering the jury should the case be brought back to Guam because of the evidence of jury tampering that had been presented. But Martinez and Moser have since pleaded guilty to illegal use of a communication facility to facilitate a felony drug offense.

They each face four years in prison.

### Gang ties, intimidation

According to John Gorman, legal counsel to Alvendia, the attempt at

jury tampering proved the couple were brazen drug dealers - a description he would use several times as he argued to reduce his client's sentence further.

Because of his assistance to the government, Alvendia faces serious threats to his safety, Gorman said.

"The government will concur that Martinez and Moser have ties to local gang activity and that the gang is notoriously violent," Gorman wrote in a sentencing memorandum. "Defendants who would tamper with a federal jury would not hesitate to attack witnesses against them," he later added.

Gorman also referenced an incident in which Moser's father brought a stun gun to court the same day Alvendia was testifying in court against Juanita Moser during the second trial. Gorman called this an apparent "planned attack" on his client.

"Was it just a coincidence that on a day Mr. Alvendia was testifying against his daughter, Mr. Moser forgot he was carrying a dangerous weapon?" Gorman wrote.

"Is it plausible to believe that Mr. Moser, who had a pending Guam

Superior Court possession without intent to deliver case, and very familiar with courthouse rules and regulations, forgot he was carrying a dangerous weapon into a federal courthouse?"

Moreover, the defense for Martinez and Juanita Moser had used photographs of Alvendia's home and stated his address during trial, "which served no legitimate purpose except intimidation," Gorman said.

According to the prosecution, Martinez kept Alvendia's home under scrutiny and on one occasion in 2015, threatened Alvendia with a raised fist as he drove by his home.

Regarding Alvendia's assistance, Gorman contends that Martinez and Juanita Moser trafficked at least \$6.36 million in meth, and that does not include potential proceeds from an apparent marijuana grow operation.

Gorman asked that Alvendia remain separated from Martinez and Juanita Moser while incarcerated.

Alvendia stated that the past four years for him had been difficult, and that it was like he was already living his sentence. Now it was time for healing, he said.

DRIVER continued from page 1

Governor's office spokeswoman Janela Carrera was asked what adverse action or disciplinary move can be taken considering the unnamed driver's failure to follow policy aimed at protecting schoolchildren while they're being transported between home and school. She said that will be determined during the investigation, which has to take into consideration the employee's civil service rights.

On Tuesday, the two siblings from Adacao Elementary School boarded a school bus at the end of the school day. The students live in the Latte Heights area, but were told to get off at a bus stop far from home on Route 15.

Fortunately, a resident noticed them walking on the road and brought them home safely.

"DPW Director Vincent Arriola extended his apology to the students and their family," the governor's office press release states, which also acknowledges that the Guam Department of Education and DPW are "the responsible parties for the child's safe return home."

Education Superintendent Jon Fernandez confirmed Wednesday he has apologized to the students' family during a meeting between the students' parent and DPW representatives. (Daily Post Staff)



# HAF A ADAI BINGO

AT THE GUAM GREYHOUND PARK  
FRIDAY, MAY 24, 2019

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

<b>BIG FRIDAY GIVEAWAY</b>	<b>HAF A ADAI BONANZA</b>	<b>JUNIOR BLACKOUT</b>	<b>INDIAN STAR</b>
<b>\$17,000 GIVEAWAY</b>	<b>\$2,000 GIVEAWAY</b>	<b>\$2,000 GIVEAWAY</b>	<b>\$2,000 GIVEAWAY</b>
<b>EARLY BIRD \$500</b>	<b>HALFTIME \$500</b>	<b>LETTER X</b>	<b>7 PACKAGE GAMES</b>
<b>INITIAL BUY-INS</b>		<b>\$2,000 GIVEAWAY</b>	<b>\$2,000 WOW WOW WEEEEEE!!</b>
<b>1 PACKAGE (6-ON-1) \$20</b> <b>2 PACKAGE (2 SETS OF 6-ON-1) \$40</b> <b>3 PACKAGE (3 SETS OF 6-ON-1) + 1 FREE \$50</b> <small>(SAVE *10 PLUS GET 1 FREE ADDITIONAL PKG 6-ON-1)</small>		<b>LETTER X \$3</b> <b>JR. BLACKOUT \$3</b> <b>INDIAN STAR \$3</b>	<b>BONANZA \$10</b> <b>EARLY BIRD \$2</b> <b>HALFTIME \$2</b>

\*NO SHARING OF LOCATOR IF FOUND SHARING. MANAGEMENT WILL FORFEIT PAYOUTS\*  
 \*MANAGEMENT RESERVES THE RIGHT TO ALTER OR CANCEL ANY EVENT OR PROGRAM WITHOUT PRIOR NOTICE\*

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