



Executive Summary
Ethics in Government Program As Mandated by Public Law 28-76
OPA Report No. 21-05, May 2021

Our compliance audit of elected and appointed officials attending an ethics in government program training found the following who complied with P.L. 28-76:

- All elected executive and legislative branch officials, including the Governor, Lt. Governor, Attorney General, Public Auditor, 15 members of the 36th Guam Legislature, and the six elected Guam Education Board officials;
- 19 elected mayors and six vice mayors;
- Four¹ Consolidated Commission on Utilities Commissioners; and
- 286 appointed positions serving in various capacities as agency heads, board or commission members.

We noted that certain appointed positions served on multiple boards or commissions and were duplicated in the count. For example, in addition to serving as the Director of the Department of Public Health and Social Services, that position is required to serve on the Post Mortem Commission, Prevention Education and Community Empowerment (PEACE), Serve Guam Commission, Cannabis Control Board, and Medical Cannabis Regulation Commission, so compliance counted for six of the 286 appointed positions in compliance with the ethics in government program training.

We also found limitations with Guam's ethics law. Specifically, there was (1) no one entity monitoring compliance with elected and appointed officials attending the required training, (2) restriction on who should attend the course, (3) and no penalty for non-compliance.

No One Entity Monitoring Compliance

In January 2021, we obtained a listing of board and commission members through the Governor's Coordinator for Boards & Commissions. However, our challenge remains the same as there was no one entity responsible for monitoring compliance of elected and appointed officials attending the required ethics training. Our office contacted each agency individually and requested a copy of their elected or appointed officials' certificate of attendance. We recommend an entity, such as the Guam Ethics Commission, be responsible for monitoring compliance with the required ethics training.

In the past, we found it difficult to obtain a complete and accurate listing of appointed government officials required to attend the course. Our staff utilized the Guam Election Commission's website to obtain a list of all elected officials. For appointed officials, we noted that in the 2019 Transition report, the Transition Committee pointed out that no one person or department had a list of all boards and commissions required under Guam law, a list of all current board members, their expiration terms, and other information that could enable anyone to see the current board members at a glance. The

¹ One CCU Commissioner was sworn in on March 23, 2021 and has ninety (90) days from that date to take the required ethics training.

Transition Subcommittee recommended the Governor's Legal Office maintain a current list of all boards and commissions and other pertinent information.

Restriction on Attendance

P.L. 28-76 requires that elected and appointed government officials attend an ethics course. All government employees are public servants and all have ethical responsibilities to gain public trust, ensure accountability, fairness and transparency. We recommend there be no restriction on who can participate in an ethics program and that all government employees, in particular mid-level managers and procurement officials, be required to attend a basic ethics-training program.

We understand the Guam Legislature passed Bill No. 94-36, introduced on March 22, 2021, which would require ethics in government training for all Government of Guam (GovGuam) employees. We believe that if an employee, and not just the agency head or oversight board, is informed and educated on their ethical responsibilities, it does not only ensure government integrity within the workplace, but also gains trust from the people we serve.

No Penalty for Non-Compliance

P.L. 28-76 does not address non-compliance of the law. As stated earlier, we recommend the Guam Ethics Commission be designated the responsibility of monitoring compliance of ethics training for elected and appointed officials. At a minimum, documentation from participants should include a certificate of completion (with the sponsor, program title, date of program, and number of continuing professional education (CPE) hours), name of instructor, outline of the presentation, and relevant program materials. Records should be maintained for five years.

Conclusion

As elected and appointed officials, we wield considerable power over a number of important community matters. With this power comes the expectation that GovGuam officials hold ourselves to the highest ethical standards. They are entrusted with a great responsibility to run the affairs of our government with honesty and integrity, and must ensure that decisions be made for the greater good of the community rather than self-interest. The purpose of this report is to highlight the importance and raise our elected and appointed officials' awareness of the greater scope of responsibilities their position holds. Additionally, this is also to encourage greater accountability and the judicious use of authority for the greater good of the community.

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