

PRESS RELEASE

THURSDAY, SEPT. 28, 2017



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ATTORNEY GENERAL UNABLE TO PURSUE ETHICS QUESTIONS

 **Office of the Attorney General of Guam** 
590 S. Marine Corps Dr., Ste. 901, Tamuning, Guam 96913

September 25, 2017

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Doris Flores Brooks
Public Auditor
Office of Public Accountability
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Hagatna, Guam 96910

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
BY: FoJ
DATE: Sep 26, 2017
TIME: 4:08 AM PM

Subject: OPA Report No. 17-04: Allegations of Ethical Violations (PCF No. 17-0445)


Dear Public Auditor Brooks:

This is in response to your request for this Office to review and investigate possible violations of Title 4 GCA Chapter 15, Standard of Conduct for Elected Officers, Appointed Officers, and Public Employees of the Government of Guam. The allegations you raise concerning certain DPW employees are contained in OPA Report No. 17-04, Performance Audit of the Department of Public Works' Heavy Equipment and Related Parts Inventory Management, which was transmitted to us on September 12, 2017.

Under 4 GCA § 15401(a)(3), the Guam Ethics Commission is authorized to "initiate, receive and consider charges concerning alleged violations of [] Chapter (15), initiate or make investigations, and hold hearings." The statute further confers on the Commission "jurisdiction for purposes of investigation and taking appropriate action on alleged violations of [the Standard of Conduct] in all proceedings . . . of an alleged violation . . . by an employee, or a former employee." *Id.* § 15401(a)(6); *see also* § 15401(b) (further authorizing the Commission to investigate charges).

The role of the of the Attorney General under the statute is to pursue legal or equitable remedies should the Commission determine there has been a violation of the Standard of Conduct. *See* §§ 15207, 15211 and 15403(b). The Commission also is required to refer complaints to the Attorney General if, after due hearings, it believes "there is cause for the possible filing of criminal charges[.]" § 15403(a).

Thus, your referral of audit findings for investigation and determination of possible ethics violations is hampered by the fact that the Guam Ethics Commission to date has not been empaneled to fulfill its responsibilities. Finally, I am aware that your office has separately referred the matter to the Prosecution Division which shall independently review the matter.

Sincerely,

ELIZABETH BARRETT-ANDERSON
Attorney General

Phone: (671) 475-3324 • www.guamag.org • www.guamscs.net

Attorney General Elizabeth Barrett-Anderson has notified Public Auditor Doris Flores Brooks that her Office is unable to pursue ethics questions raised by the Office of Public Accountability about activities at the Department of Public Works.

In a letter dated September 25, 2017, the Attorney General told Brooks that because the Guam Ethics Commission has not been empaneled, the AG is unable to take action. A copy of Barrett-Anderson's letter is enclosed.

In her letter, the Attorney General does note that the question of whether there may have also been a violation of law at DPW is being separately evaluated by the Prosecution Division of the Office of the Attorney General.

Brooks shared the Attorney General's letter with Senator Mary Camacho Torres, she said, because of concerns the Senator has raised about the lack of an active government ethics procedures.



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