

PUBLIC DEFENDER SERVICE CORPORATION
Board of Trustees Regular Meeting
Thursday, February 25, 2010
Conference Room,
Public Defender Service Corporation
12:30 p.m.

A G E N D A

- I. Call to Order**
- II. Roll Call**
- III. Proof of Due Notice of Meeting:**
 - 5 Working Days Notice: Marianas Variety, Friday, February 17, 2010
 - 48 Hours Notice: Marianas Variety, Friday, February 23, 2010
- IV. Determination of Quorum**
- V. Approval of Minutes: (Regular Meeting of January 26, 2009)**
- VI. Old/Unfinished Business:**
 - A. Financial Status Update (PDSC and APD Allotment Releases)
 - B. Director's Performance Review (Status Report)
 - C. PDSC Eligibility Criteria (Approval of New Guidelines)
 - D. Domestic Violence Program:
 - 1. Status Report on Funding
 - 2. Request for Advance from PDSC Operations
 - E. Alternate Public Defender (Status Report)
- VII. New Business:**
 - A. Request to Use \$2,500 of Lapsed Funds To Replace Damaged Equipment/Furniture
- VIII. Public Discussion:**
 - A. Presentation from Mr. Vince Walker, G4S (Electronic Monitoring of Defendants)
- IX. Adjournment**

CNMI Briefs

Fitial denies rift with Rep. Sablan

SAIPAN – Fitial administration officials are apparently forbidden to make a courtesy visit to Congressman Gregorio C. Sablan in Washington, D.C. or seek his help in facilitating meetings between CNMI and federal officials, the Variety was told.

But Gov. Benigno R. Fitial denied there's a row between him and the congressman, saying he always makes it a point to stop by at Sablan's office whenever he's in the nation's capital.

He said he only skipped visiting Sablan's office when he went to see Homeland Security Secretary Janet Napolitano last year. The governor had lunch with Guam Congresswoman Madeleine Bordallo instead of Sablan.

Sources said the governor was apparently upset that Sablan sought the federal prosecutors' help to stop a group of Korean investors from making false advertisements about the CNMI.

Governor approves homestead program for Northern Islands

SAIPAN – Residents in the Northern Islands who still don't have a deed or title on public lands they are occupying on the island chain will now get the chance to claim ownership on the property following the enactment into law of the Northern Islands Village and Agricultural Homesteading Act of 2008.

Gov. Benigno R. Fitial said the new law will also enable the Northern Islands residents with homestead permits to avail of housing loans to build a safe, decent and sanitary home for their families.

Former Rep. Justo S. Quitugua, D-Saipan; former House Minority Leader Oscar M. Babauta, Covenant-Saipan; and former House Floor Leader Joseph N. Camacho, sponsored House Bill 16-146 now known as P.L. 16-50.

Indigenous Chamorros and Carolinians settled on the islands north of Saipan, now known as the Northern Islands, prior to the occupation of the Northern Marianas by the Spaniards, Germans and Japanese.

Fitial administration's 'sweetheart deals' criticized



Germa G. Casas / Variety



By Gemma G. Casas
gemma.casas@mvariety.com
Variety News Staff

SAIPAN – A concerned citizen says the "political sweetheart deals" between the leaders of the Legislature and the Fitial administration are very obvious as shown by the expected confirmation of gubernatorial appointees who have further tarnished the integrity of the CNMI government.

The concerned citizen, who wants to remain anonymous, objects to the nomination of Department of Community and Cultural Affairs Secretary Melvin O. Faisao.

The Senate Committee on Executive Appointments is due

to hold a confirmation hearing on several cabinet appointees, including Faisao and Corrections Commissioner Dolores Aldan.

"I would like to remind each of you that the people of the CNMI voted for you and are displeased with the negative turn of events, the political sweetheart deals and courtship that the members of the House and the Senate are having with the governor," the concerned citizen wrote in a letter to Senate President Paul A. Manglona, Ind.-Rota.

"Each of you has a fiduciary duty to uphold the constitution, its laws and the interest of the CNMI people to include the

"Political sweetheart deals" between the Fitial administration and the leaders of the Legislature may lead to the confirmation of gubernatorial appointees who have further tarnished the integrity of the CNMI government, critics say.

rights of government employees and the efficiency and effectiveness of government services," the letter added.

The letter writer accused Faisao of, among other things, mismanagement and lack of professionalism.

Under Faisao's leadership, the concerned citizen said the Arts Council lost its federal grant and people who were protected by the Civil Service

Commission were transferred to other offices against their will.

Moreover, the Kagman Youth Detention Center was "closed down by the feds and transferred to the Department of Corrections; the U.S. Department of Labor sanctioned DCCA for unpaid wages; the Office of the Auditor is now investigating DCCA's Office of Aging on misuse of government vehicles and federal funds to purchase food, beverages and propane gas for the Covenant Party campaign rallies," the letter writer said.

Asked for comment, Faisao asked for a copy of the letter, which this reporter e-mailed to him.



University of Guam Alumni Association

Election of Officers for 2010 will be held on **Thursday, February 18, 2010 from 4:00 p.m. - 6:00 p.m.**

Jesus Leon Guerrero Building
(School of Business and Public Administration),
Anthony Leon Guerrero
Multi-purpose Room #129.

uog.alumni@gmail.com

LAGUNA ASSOCIATION OF GUAM

Statement of Revenues & Expenditures
For Calendar Year 2009

| REVENUES | |
|--|--------------------|
| Membership Dues | \$ 910.00 |
| Fundraising | 7,364.00 |
| Induction Tickets/Booklet Ads | 812.50 |
| Donations & Other Revenues | 310.75 |
| Total | \$ 9,397.75 |
| EXPENDITURES | |
| Association's Operation & Activities | \$ 1,966.11 |
| Fundraising Expenses | 1,797.88 |
| Scholarship | 500.00 |
| Community Donations | 1,680.00 |
| Miscellaneous (FCG/JRizal) | 959.45 |
| Total | \$ 6,903.75 |
| Net Assets at Beginning of Year | \$ 8,873.43 |
| Net Assets End of Year | 11,367.71 |
| Changes in Net Assets | 2,494.28 |

PUBLICATION NOTICE

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

Thompson, Malee M.

dba: D'Mariana's Trench Thai Restaurant has applied for a Class: **Four General On Sale Alcoholic Beverage License** said premises being marked as Lot: **2145-REM-6 NEW-3-1 Unit 106 Monticelio Plaza, Tamuning**

PUBLICATION NOTICE

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

Mendiola, Anthony John Mesa

dba: **Danny's Good Times**

has applied for a Class: **4 General On Sale Alcoholic Beverage License** said premises being marked as Lot: **5360-2 NEW Unit 101 University Square Rt. 10A, Mangilao**

NOTICE OF PUBLIC MEETING

The Public Defender Service Corporation Board of Trustees will conduct a regular meeting on **THURSDAY, FEBRUARY 25, 2010 at 12:30 p.m.** in the Conference Room of the Public Defender Service Corporation, 2nd Floor of the Guam Judicial Center Annex, 110 West O'Brien Drive, Hagatna, Guam 96910.

Copies of the agenda will be available at the Public Defender Service Corporation.

Individuals requiring special accommodations are asked to contact Mrs. Bernadette S.N. Chargualaf at 475-3100.

/s/ **CHIEF JUSTICE ROBERT J. TORRES, JR.**
Chairman

CNMI Briefs

Manglona: No sweetheart deal with governor

SAIPAN – Senate President Paul A. Manglona, a Rota independent aligned with the ruling Covenant Party, has denied any “sweetheart deal” with the administration on political appointments that need Senate confirmation.

“No, there’s no pressure from the governor. If there’s pressure we would be running to confirm them,” Manglona told the Variety.

He was asked to comment on a letter from a concerned citizen who urged senators not to rubber-stamp gubernatorial appointees.

Manglona said the chairman of the Senate Committee on Executive Appointments and Government Investigations, Sen. Frank Q. Cruz, R-Tinian, has asked all political appointees to submit required documents before a public hearing is scheduled on their nominations.

Doromal: NMI refusal to share data unacceptable

SAIPAN – Former Rota teacher Wendy Doromal believes that the failure of the CNMI government to share its labor and immigration database with the federal government is “unacceptable” but not “surprising.”

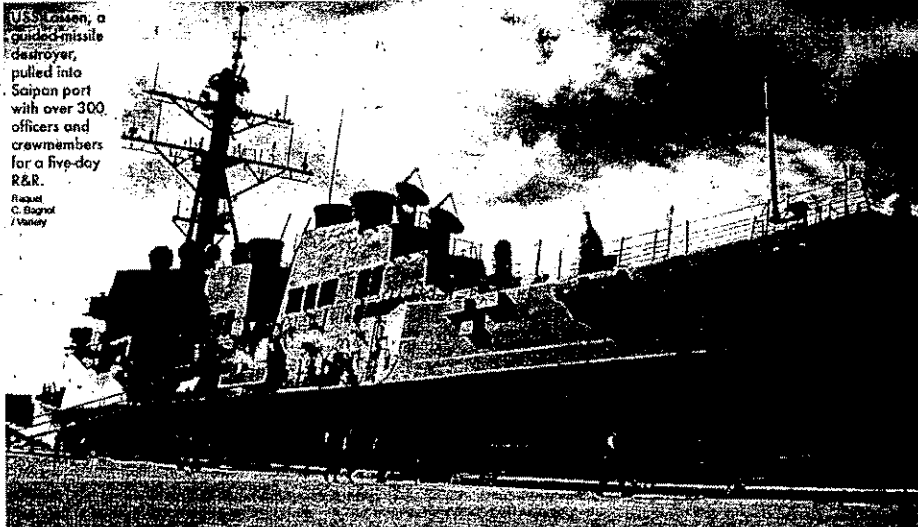
“The administration’s stubborn and uncooperative stance in withholding information or suggesting it could be shared ‘for a fee’ demonstrates that the administration is continuing to cling to the broken, local system rather than ensure a smooth transition,” Doromal said.

In an e-mail to Variety, she said the CNMI’s labor and immigration data systems were funded by the federal government so that the commonwealth can share information.

She said under the Fital administration, the Department of Labor claimed that it was the Census Bureau’s job to get information and stated that DOI’s statistics reflect transactions, not people.

“Their faulty system of tracking foreign nationals supported some of the essential reasons for federal takeover of immigration,” she said.

USS Lassen, a guided-missile destroyer, pulled into Saipan port with over 300 officers and crewmembers for a five-day R&R.
 Raquel C. Bagnol / Variety



USS Lassen makes second visit to Saipan

By Raquel C. Bagnol
raquel.bagnol@mvariety.com
Variety News Staff

SAIPAN – USS Lassen, a guided-missile destroyer and the first ship in the Navy named after Cmdr. Clyde Everett Lassen, USN, docked in Saipan Friday for a 5-day visit.

“USS Lassen was here in 2006, and its crew is here again for a five-day rest and recreation,” CNMI Military and Veterans Affairs Executive Director Ruth Coleman told the Variety.

Coleman, who was on Guam earlier, said a welcoming

committee met the 320 officers and crew of the USS Lassen.

“We have representatives from the Marianas Visitors Authority, the Saipan Chamber of Commerce, and members of the Veterans of Foreign Wars Post 3457 to give the sailors a traditional welcome to Saipan,” Coleman said.

Coleman said during their stay, the officers and crewmembers had a chance to experience island culture and mingle with the local people.

USS Lassen is the third military ship to make a stopover on Saipan this year, Coleman said.

USS Lassen’s commanding officer is H.B. Le, a native of Hue, Vietnam who was raised in Northern Virginia.

USS Lassen was named after Clyde Everett Lassen of Fort Myers, Florida, who earned the

Congressional Medal of Honor after courageously rescuing two downed aviators while commander of a search and rescue helicopter in Vietnam in 1968. He died in 1994 from cancer.

Hearing set for Sablan’s visitor center legislation

WASHINGTON, D.C. (Office of the CNMI Congressional Delegate) – The House Subcommittee on Insular Affairs, Oceans and Wildlife has announced a hearing on H.R. 3511, the Marianas Trench Marine National Monument Management Enhancement Act of 2009.

The bill provides for Monument visitor facilities to be located in the Northern Mariana Islands and was introduced by Congressman Gregorio Kilili Camacho Sablan in July. A similar bill, H.R. 4493, introduced by Subcommittee Chairwoman Madeleine Z. Bordallo of Guam this year is also on the agenda. The hearing will be on Thursday, Feb. 25, at 10 a.m., EST.

“I want to thank Chairwoman Madeleine Z. Bordallo for making time on her subcommittee’s very busy agenda for these two bills,” said Sablan. “I appreciate her positive response to my requests for a hearing.”

“The many people in the Northern Mariana Islands who supported establishment of the Marianas Trench Marine National Monument are very eager to see the promise of this Monument begin to be fulfilled. Establishing the visitor center in the NMI is an important first step towards realizing the potential benefits of the Monument.”

Sablan introduced H.R. 3511 on July 31, 2009. The bill has 37 co-sponsors.



Gregorio Sablan



A.B. Won Pat International Airport Authority, Guam

P.O. Box 8770, Tamuning, Guam 96931
Telephone: (671) 646-0300/1/2



The Honorable Michael W. Cruz, M.D., U.S. Governor of Guam

PUBLIC NOTICE

The Board of Directors of the A. B. Won Pat International Airport Authority, Guam (GIAA) will hold its Regular Board Meeting on Thursday, February 25, 2010 at 3:00p.m. in Terminal Conference Room No. 3. Parking is available in the Public Parking Lot. For special accommodations or agenda items, please call the Board Office at 642-4717/18.

This ad is paid for by GIAA

NOTICE OF PUBLIC MEETING

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Copies of the agenda will be available at the Public Defender Service Corporation.

Individuals requiring special accommodations are asked to contact Mrs. Bernadette S.N. Chargualaf at 475-3100.

/s/ CHIEF JUSTICE ROBERT J. TORRES, JR.
Chairman

**PUBLIC DEFENDER SERVICE CORPORATION
BOARD OF TRUSTEES**

Meeting of
Tuesday, January 26, 2010
12:37 p.m.
Conference Room
Public Defender Service Corporation

MINUTES

- I. CALL TO ORDER:** This meeting was called to order by the Chairman, Chief Justice Robert J. Torres, Jr. at 12:37 p.m.
- II. ROLL CALL:**
- Present were: Chief Justice Robert J. Torres, Jr., Chairman
Presiding Judge Alberto C. Lamorena III, Vice-Chairman (late)
Attorney Cynthia V. Ecube, GBA President
CathyAnn C. Gogue, Member
- Absent: Donna Muna Quinata, Member
- Others present were: Attorney Mike A. Nisperos, Jr., Director
Bernadette S.N. Chargualaf, Administrative Director
Attorney Stephen P. Hattori, APD
Cecilia A.T. Lizama, Chief Fiscal Officer
Julito B. Tingson, Jr., MIS Administrator
Edbert J. Quintanilla, Personnel Specialist IV
Cecelia M. Fernandez, Administrative Assistant
- III. PROOF OF DUE NOTICE OF MEETING:**
- “Notice of Public Meeting” was published in the Marianas Variety on Friday, January 15, 2010 and on Friday, January 22, 2010.
- IV. DETERMINATION OF QUORUM:** With the initial presence of three (3) board members, a quorum was determined for this meeting.
- V. APPROVAL OF MINUTES:** Minutes of the regular board meeting held on December 15, 2009 were approved, subject to corrections.
- VI. OLD/UNFINISHED BUSINESS:**
- A. Financial Status Update:** Chief Fiscal Officer Cecilia Lizama reported that the PDSC is current with allotment releases through the first half of January 2010. The APD’s allotment request for the second quarter of FY2010 has yet to be received; this is because the courts have not received their scheduled allotment from the Department of Administration.

B. Director's Performance Report: Board member Cathy Gogue reported on the progress of this matter. Group meetings with PDSC employees will be scheduled in order to introduce and discuss the survey that is involved here. Furthermore, she requested a list of other individuals that Director Nisperos is involved with outside the PDSC who may be approached for participation in the Director's review. Assurance was made to the board that the April 7, 2010 deadline for the Director's Performance Report will be met.

C. PDSC Eligibility Criteria (need for re-evaluation and possible revision): Director Nisperos reported that this issue was being worked on, and involved a comparison with the financial guidelines utilized by the Guam Legal Services Corporation. They in turn, base their eligibility on a certain percentage of the federal poverty levels. The final product will be presented to the board for approval at the next meeting prior to implementation.

D. Domestic Violence Program: Chief Fiscal Officer Cis Lizama reported that the Memorandum of Understanding for this program is still pending, but that the Governor's Office is working on it. This matter was tabled until February's meeting.

E. Alternate Public Defender:

- 1. Hiring of Attorney I:** Attorney Stephen P. Hattori informed those present that Attorney Pier Petersen has begun employment with APD, and already appears in court on her own. Her presence has also proven very valuable for the APD in that it mitigates their need for an investigator (a great help during this time when the sole APD investigator is on extended leave).
- 2. Purchase of ABACUS Upgrade and License for New Attorney:** PDSC MIS Administrator Julito Tingson reported that an additional license for one user will cost \$900 while upgrades to APD's system (available next fiscal year), will cost \$2,900. The current licenses for eight users appear adequate for now, with the absence of APD's Special Investigator. Chief Justice Torres affirmed the adequacy of eight licenses for now; the matter will be revisited when Mrs. Salas returns to work.


VII. NEW BUSINESS:

A. Electronic Filing: PDSC Director Nisperos indicated that the Corporation is experimenting with this concept, and that MIS Administrator Tingson and Legal Secretary Supervisor Vanessa Diaz are spearheading this project. JT is also linking this feature to Abacus so that delays in inputting data are minimized as much as possible.

VIII. PUBLIC DISCUSSION: None

IX. ADJOURNMENT: There being no further business up for discussion, this meeting was adjourned at 1:50 p.m.

Respectfully submitted,


BERNADETTE S.N. CHARGUALAF
Secretary

Bernadette SN Chargualaf

From: Mike A. Nisperos Jr.
Sent: Tuesday, February 23, 2010 11:24 AM
To: Bernadette SN Chargualaf; 'rjtorres@guamsupremecourt.com'; 'acliii@mail.justice.gov.gu'; 'ecubelaw@guam.net'; 'donna.quinata@akguam.com'; 'cathyanngogue@yahoo.com'
Cc: 'AnaMaria Gayle'; Cecilia Lizama; Cecelia M. Fernandez; Julito Tingson, Jr. (JT)
Subject: Financial Eligibility Criteria for PDSC Clients
Attachments: 2010 HHS Poverty Guidelines.docx

To: PDSC Board of Trustees

From: Mike Nisperos
Director, PDSC
Date: February 23, 2010
RE: Financial Eligibility Criteria for PDSC Clients

The historical practice of the PDSC Board of Trustees is to follow the guidelines used by Guam Legal Services in determining the financial eligibility of prospective clients. Guam Legal Services uses the poverty guidelines issued by the U.S. Department of Health and Human Services, at the 125% level.

I recommend we continue the practice and the Board continue to adopt the criteria used by Guam Legal Services (highlighted in the chart below).

2009/2010 HHS Poverty Guidelines

For all states (except Alaska and Hawaii) and for the District of Columbia

| Size of family unit | 100 Percent of Poverty | 110 Percent of Poverty | 125 Percent of Poverty | 150 Percent of Poverty | 175 Percent of Poverty | 185 Percent of Poverty | 200 Percent of Poverty |
|---------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| 1 | \$10,830 | \$11,913 | \$13,538 | \$16,245 | \$18,953 | \$20,036 | \$21,660 |
| 2 | \$14,570 | \$16,027 | \$18,213 | \$21,855 | \$25,498 | \$26,955 | \$29,140 |
| 3 | \$18,310 | \$20,141 | \$22,888 | \$27,465 | \$32,043 | \$33,874 | \$36,620 |
| 4 | \$22,050 | \$24,255 | \$27,563 | \$33,075 | \$38,588 | \$40,793 | \$44,100 |
| 5 | \$25,790 | \$28,369 | \$32,238 | \$38,685 | \$45,133 | \$47,712 | \$51,580 |
| 6 | \$29,530 | \$32,483 | \$36,913 | \$44,295 | \$51,678 | \$54,631 | \$59,060 |
| 7 | \$33,270 | \$36,597 | \$41,588 | \$49,905 | \$58,223 | \$61,550 | \$66,540 |
| 8 | \$37,010 | \$40,711 | \$46,263 | \$55,515 | \$64,768 | \$68,469 | \$74,020 |

For family units with more than 8 members, add \$3,740 for each additional person at 100% of poverty; \$4,114 at 110%; \$4,375 at 125%; \$5,610 at 150%; \$6,545 at 175%; \$6,919 at 185% and \$7,480 at 200% of poverty.

Note: For optional use in FFY 2009 and mandatory use in FFY 2010