



# PUBLIC DEFENDER SERVICE CORPORATION (Kotperasion Setbision Defensot Pubbleku)

GOVERNMENT OF GUAM  
779 Route 4  
Sinajaña, Guam 96910-5174  
Tel: (671) 475-3100 ♦ Fax: (671) 477-5844



## BOARD OF TRUSTEES

Hon. F. Philip Carbullido  
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Hon. Alberto C. Lamorena, III  
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Mrs. Donna Muña Quinata  
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## ADMINISTRATION

Stephen P. Hattori  
Executive Director

John P. Morrison  
Deputy Director

Cathyann C. Gogue  
Administrative Director

## Board of Trustees' Regular Scheduled Meeting Tuesday, December 28, 2021 – 12:30 p.m. Via Video Conferencing: Zoom & YouTube

### A G E N D A

#### I. Call to Order

#### II. Roll Call

#### III. Proof of Due Notice of Meeting:

- A. **Notice:** 5 Working Days, Guam Daily Post                      Tuesday, December 21, 2021
- B. **Notice:** 48 Hours, Guam Daily Post                                      Friday, December 24, 2021

#### IV. Determination of Quorum

#### V. Approval of Minutes: Regular Scheduled Meeting of November 23, 2021

#### VI. Old Business

- A. Financial Status Update (PDSC, APD and DVP) Allotment Releases
- B. Report from PDSC Executive Director
- C. Report from APD Managing Attorney
- D. Elder Justice Center Update
- E. American Rescue Plan Funding (**Exhibit A**)

#### VII. New Business

#### VIII. Public Discussion

#### IX. Adjournment and Next Meeting Date: Tuesday, January 25, 2022 at 12:30 p.m. via Zoom / YouTube / PDSC Conference Room.

# US push for vaccines, boosters to stem 'raging' omicron strain

WASHINGTON (Reuters) - U.S. health officials urged Americans on Sunday to get booster shots, wear masks and be careful if they travel over the winter holidays, as the omicron variant raged across the world and was set to take over as the dominant strain in the United States.

The government is gearing up for the next phase of battle in a two-year fight against a virus that has killed 800,000 people in the United States and disrupted every aspect of daily life.

Two U.S. senators, Democrats Elizabeth Warren and Cory Booker, said

on Sunday they tested positive for COVID-19 but were experiencing only mild symptoms.

Warren, 72, said on Twitter she was "grateful for the protection provided against serious illness that comes from being vaccinated and boosted," and urged other Americans to do the same.

Dr. Francis Collins, director of the National Institutes of Health, told CBS' "Face the Nation" that the number of omicron cases will rise steeply in the next two weeks.

"A big message for today is if you've had vaccines and a booster, you're very

well protected against omicron causing you severe disease. So, anybody listening to this who's in that 60% of Americans who are eligible for a booster but haven't yet gotten one: This is the week to do it. Do not wait," he said.

Omicron is multiplying rapidly, making COVID-19 vaccinations and booster shots more crucial than ever, chief White House medical adviser Dr. Anthony Fauci said on Sunday. Currently, 27% of U.S. residents have not gotten even a single dose of vaccine, according to the Centers for Disease Control and Prevention.

"It is just, you know, raging through the world," Fauci, director of the National Institute of Allergy and Infectious Diseases, said on NBC's "Meet the Press."

Omicron has been found in 43 out of 50 U.S. states and around 90 countries so far.

## 'War footing'

New York state recorded 22,478 positive COVID-19 cases on Saturday, Gov. Kathy Hochul tweeted on Sunday, marking the state's third daily record in new positive cases in three days.

More than half of the state's new cases recorded on Saturday were in New York City, where Mayor Bill de Blasio called for the country to "go on a war footing" to fight the omicron variant with more vaccinations. He said the city would spend \$10 million on an advertising campaign to promote booster shots.

## Biden's electric vehicle push hits major setback in US Senate

WASHINGTON (Reuters) - A bid by the White House to dramatically boost electric vehicle tax credits hit a major roadblock on Sunday when a key Senate Democrat said he would not support a \$1.75 trillion domestic investment bill.

West Virginia's Joe Manchin appeared to deal a fatal blow to President Joe Biden's signature domestic policy bill, known as Build Back Better, which also aims to expand the social safety net and tackle climate change.

The bill includes increasing the current \$7,500 EV tax credit to up to \$12,500 for union-made U.S. vehicles as well as creating a credit of up to \$4,000 for used vehicles. The bill would also again make General Motors and Tesla Inc. eligible for tax credits after they hit the 200,000-vehicle cap on the exist-



**FACTORY VISIT:** President Joe Biden tours the General Motors Factory ZERO electric vehicle assembly plant in Detroit, Michigan, on Nov. 17.

Jonathan Ernst/Reuters

ing \$7,500 credit.

The bill also includes a 30% credit for commercial electric vehicles.

GM and Ford are both launching electric pickup trucks in 2022 and new tax credits could be crucial to meeting initial sales targets, as well as meeting rising vehicle emissions requirements.

Biden wants 50% of new U.S. vehicles to be electric or plug-in electric hybrid by 2030. The administration is expected as soon as this week to finalize tougher new vehicle emissions rules through 2026, automakers say.

## NOTICE OF PUBLIC MEETING

Public Defender Service Corporation's Board of Trustees will have a meeting **Tuesday, December 28, 2021 at 12:30 PM** in the PDSC conference room of the Public Defender Service Corporation, located at MVP Sinajaña Commercial Building, Unit B, 779 Route 4, Sinajaña, Guam 96910. A workstation is set up in the Corporation's lobby for any member of the public who would like to observe and offer comments. The meeting will be held via video conferencing and a link to the meeting is available through the PDSC website or PDSC YouTube Channel [https://www.youtube.com/channel/UCOML-DJGGsY\\_Y9qzAILT6mw](https://www.youtube.com/channel/UCOML-DJGGsY_Y9qzAILT6mw).

**Agenda:** I. Call to Order; II. Roll Call; III. Proof of Due Notice of Meeting; IV. Determination of Quorum; V. Approval of Minutes; VI. Old Business: A. Financial Status Update (PDSC, APD and DVP) Allotment Releases; B. Report from PDSC Executive Director; C. Report from APD Managing Attorney; D. Elder Justice Center Program Update; VII. New Business: A. American Rescue Plan Funding; VIII. Public Discussion; and IX. Adjournment and Next Meeting Date:

Copies of the agenda and meeting packet will be available prior to the meeting at the Public Defender Service Corporation's office or on their website at [www.pdsc.org](http://www.pdsc.org). Individuals requiring special accommodations are asked to contact Ms. Cathy Gogue at 671-475-3100.

Publication of Notice is paid for by government of Guam funds.

/s/ **CHIEF JUSTICE F. PHILIP CARBULLIDO**  
Chairman

**GUAM-HYBRID LAND USE COMMISSION**  
Department of Land Management  
ITC Building, Third Floor, Tamuning, GU  
P.O. Box 2950, Hagatna, Guam 96932  
Telephone: (671) 649-5263, Facsimile: (671) 649-5383

## AGENDA

A regular meeting of the Guam-Hybrid Land Use Commission via Zoom Virtual platform will be held on Thursday, December 23, 2021 @1:30 p.m. Zoom ID: 878 1480 8304 • Passcode: 961924, Livestream on YouTube, Guam Department of Land Management Channel.

- I. Roll Call
- II. Approval of Minutes – Thursday, December 9, 2021
- III. Old Business [None]
- IV. New Business
  - A. 2020-31A, Vista Del Mar Int'l, LLC; Zone Variance request for Height, to construct a 26-story (248-feet), multi-family structure above the allowed 13-stories (124-ft) height requirement, Lot 10189-2, Tamuning.
  - B. 2020-31B, Vista Del Mar Int'l, LLC; Tentative Development Plan request for a proposed hotel-resort with waterpark, multi-family and single-family development, Lots 10163-R2 & 10189-2, Tamuning.
- V. Administrative & Miscellaneous Matters
- VI. Adjournment

**\*\*Funding source provided by above applicants.\*\***

Person(s) requiring special accommodations please call **Cristina Gutierrez** at 649-5263 Ext. 375

## GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES  
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT

### The Guam Board of Medical Examiners

### Regular Virtual Board Meeting

**Wednesday, December 29, 2021 at 4:00PM.**

**Join Zoom Meeting**

<https://zoom.us/j/92411878464?pwd=ek80UjJlZU4VDBFakVDNkVpSHRldz09>

Meeting ID: 924 1187 84641      Passcode: 131037

**Meeting Agenda:**

- I. Call to order:
  - (a) Roll Call (b) Confirmation of Public Notice advertised in the Guam Daily Post.
- II. Adoption of Agenda:
- III. Approval of Minutes: Minutes of November 17, 2021.
- IV. Treasurer's Report: Mr. Phillip J. Flores
- V. HPLD Administrator's Report: Zennia C. Pecina, M.S.N., R.N.
- VI. Chairperson's Report: Nathaniel B. Berg, M.D.
  - (a) Emergency Issued Licenses
- VII. Old Business:
  - (a) Complaint(s): (1) GBME-CO-19-010
  - (2) GBME-CO-19-012 (3) GBME-CO-19-013
  - (4) GBME-CO-19-014 (5) GBME-CO-19-015
  - (6) GBME-CO-19-016 (7) GBME-CO-19-017
  - (8) GBME-CO-20-001 (9) GBME-CO-20-005
  - (10) GBME-CO-20-006
  - (11) GBME-CO-20-007 (12) GBME-CO-21-005
  - (13) GBME-CO-21-006 (14) GBME-CO-21-007
  - (15) GBME-CO-21-008 (16) GBME-CO-21-009

- (b) Reinstatement of License:
- (c) Application(s) for Temporary Licensure:
- (d) Full Licensure Renewal(s) 2021-2023
- (e) Interstate Medical Licensure Compact (IMLCC) Applicant(s)
- VIII. New Business:
  - (a) Complaint(s): (1) GBME-CO-21-010 (2) GBME-CO-21-011
  - (b) Application(s) for Full Licensure
  - (c) Application(s) for Temporary Licensure
  - (d) Full Licensure Renewal(s) 2021-2023
  - (e) Interstate Medical Licensure Compact (IMLCC) Applicant(s)
- IX. Other Business: The next Guam Board of Medical Examiners Regular Virtual Meeting is scheduled for January 12, 2021 at 4:00p.m via ZOOM.

To view the names of the applicants being considered, go to: <https://guamedical.org>

To view the LIVE Streaming link: <https://facebook.com/HPL0Guam>

This advertisement was paid for by DPHSS/Health Professional Licensing Office-Local Funds

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For more information, please contact the Board office at 735-7404/10 thru 12. Persons needing telecommunication device for the Hearing/Speech Impaired (TDD) may contact 475-8339.



CURRENCY EXCHANGE RATES  
On Dec. 23, \$1 was worth:

Keep posted and get more data and details online. Log on to see real time market data with our stock market tool at [postguam.com/stock\\_market](http://postguam.com/stock_market).

50.1250 PHP	114.1400 JPY	1,187.75 KRW	27.7790 TWD	6.3695 CNY	1.3871 AUD	0.8817 EUR
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# This block used to be for first-time homebuyers. Then global investors bought in

By Peter Whoriskey,  
Spencer Woodman  
and Margot Gibbs  
The Washington Post

LA VERGNE, Tenn. - The homes on Tammy Sue Lane aren't fancy. Modest in size and clad in vinyl siding, the houses were priced below \$200,000 when most were built about 15 years ago, and for many families in suburban Nashville, they represented a first chance at homeownership.

A corrections officer bought one, and so did a housekeeper, and an electrician.

Then some of the world's wealthiest people bought in.

Over the past six years, 19 of the 32 homes on Tammy Sue Lane have been purchased by a billion-dollar investment venture, part of an unprecedented flow of global finance into the American suburbs. Less than 10 years old, the company has amassed one of the nation's largest portfolios of single-family houses, becoming the landlord for tens of thousands of families.

The venture, Progress Residential, acquires as many as 2,000 houses a month through the use of a computerized property-search algorithm and swift all-cash offers. Progress executives boast that the company's efficient management practices have been a boon to their tenants who cannot afford to buy one of the "entry level" homes.

But according to previously undisclosed documents and dozens of interviews with renters and former employees, Progress Residential has been ringing up substantial profits for wealthy investors around the world while outbidding middle-class home buyers and subjecting tenants to what they allege are unfair rent hikes, shoddy maintenance and excessive fees.

"There's just no human decency," said Victoria Bates, an Amazon warehouse worker who lives on Tammy Sue Lane with her husband and 10-year-old daughter. Bates said the company regularly failed to fulfill ordinary maintenance requests. While the company said it "addressed" within five days most of the 37 work orders she submitted, Bates said most of the time it didn't



**EVICTED DURING THE PANDEMIC:** Valerie and Mark Gitt at their home in Murfreesboro, Tenn., southeast of La Vergne. They lived in La Vergne until Progress Residential sought their eviction for not being able to fully pay their rent during the pandemic. They decided to move.  
Salwan Georges/The Washington Post

fix what was needed: It took several months for the company to repair a leaky water heater, she said.

Meanwhile, Bates said, the firm levies a profusion of fees that "take advantage of regular people working paycheck to paycheck."

In a statement, Progress Residential defended its operations, including the treatment of tenants, saying that its rents and fees are in line with industry standards and market rates.

"All of our entities conduct business according to the highest ethical and legal standards," the company said.

Behind Progress Residential is Pretium Partners, a New York-based investment firm whose business plan and investors are revealed in the Pandora Papers, a trove of offshore financial records obtained by the International Consortium of Investigative Journalists and shared with The Washington Post.

The plan sought to exploit the 2008 U.S. housing crash, which forced millions of homeowners into foreclosure and left a glut of cheap houses for sale. The financiers' plan called for buying up tens of thousands of these properties at depressed prices and renting them to families who had lost their homes or, because of tightened

lending practices, could no longer qualify for a mortgage.

To raise money for the project, Pretium Partners sent confidential invitations to people wealthy enough to put up at least \$2 million. Executives projected annualized returns of 15 to 20%, according to a 238-page solicitation to investors in 2012. In total, Pretium Partners raised more than \$1 billion, and the resulting real estate venture became Progress Residential.

The venture would "capitalize on the severe distress in the residential real estate market in the United States," according to the pitch memo. The homes would be rented to families "who have been displaced by foreclosure or are otherwise unable to obtain financing despite being able to afford a home purchase."

Among those who profited from America's housing crash, according to the documents, was a Cayman Islands trust funded by one of Canada's most powerful political donors, Stephen Bronfman, an heir to the billion-dollar Seagram spirits fortune. Another was Vikram Bhargava, who co-founded an online gambling company that debuted on the London Stock Exchange valued at \$8.5 billion. Pretium made legal arrangements so such foreign investors would have limited exposure to U.S. taxes, according to tax experts.

While the documents do not identify most of the other investors, they show that an outside share of the potential profit was earmarked for Donald R. Mullen Jr., founder and chief executive of Pretium Partners, and others in the firm.

Mullen is well known in financial circles for his tenure at Goldman Sachs, where he helped oversee that firm's lucrative bet against U.S. housing and mortgage markets ahead of the 2008 crisis. That bet, a strategy popularly known as "the big short," allowed Goldman to profit as markets plummeted.



The University of Guam Solicits Applications To Establish A List of Eligibles For The Following Position (Tenure/Non-Tenure Track Appointment, Full/Part-Time, Subject to the availability of funds):

## #021-22 ASSISTANT PROFESSOR TO ASSOCIATE PROFESSOR (GEOLOGY)

Contact the Human Resources Office at (671) 735-2350 for additional information regarding requirements, qualifications and application deadline, 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. View the Human Resources Office website at <http://www.uog.edu/hro> for detailed information on the job announcement. For further information, please email Dr. Yong Sang Kim, Search Committee Chair at [kimys@triton.uog.edu](mailto:kimys@triton.uog.edu)

The University of Guam is a U.S. accredited institution and an Equal Opportunity Employer and Provider and complies with the Americans with Disabilities Act. For assistance, please contact the Director, EE and Title IX/ADA Coordinator at (671) 735-2244; (671) 735-2243 (TTY).

/s/ JOSEPH B. GUMATAOTAO

Acting Chief Human Resources Officer

THIS AD IS PAID FOR BY UNIVERSITY OF GUAM FUNDS

## NOTICE OF PUBLIC MEETING

Public Defender Service Corporation's Board of Trustees will have a meeting **Tuesday, December 28, 2021 at 12:30 PM** in the PDSC conference room of the Public Defender Service Corporation, located at MVP Sinajaña Commercial Building, Unit B, 779 Route 4, Sinajaña, Guam 96910. A workstation is set up in the Corporation's lobby for any member of the public who would like to observe and offer comments. The meeting will be held via video conferencing and a link to the meeting is available through the PDSC website or PDSC YouTube Channel [https://www.youtube.com/channel/UCQML-DJGGsY\\_Y9qzAII6mw](https://www.youtube.com/channel/UCQML-DJGGsY_Y9qzAII6mw).

**Agenda:** I. Call to Order; II. Roll Call; III. Proof of Due Notice of Meeting; IV. Determination of Quorum; V. Approval of Minutes; VI. Old Business: A. Financial Status Update (PDSC, APD and DVP) Allotment Releases; B. Report from PDSC Executive Director; C. Report from APD Managing Attorney; D. Elder Justice Center Program Update; VII. New Business: A. American Rescue Plan Funding; VIII. Public Discussion; and IX. Adjournment and Next Meeting Date:

Copies of the agenda and meeting packet will be available prior to the meeting at the Public Defender Service Corporation's office or on their website at [www.pdsc.org](http://www.pdsc.org). Individuals requiring special accommodations are asked to contact Ms. Cathy Gogue at 671-475-3100.

Publication of Notice is paid for by government of Guam funds.

/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO  
Chairman

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**PUBLIC DEFENDER SERVICE CORPORATION**  
Board of Trustees' Meeting  
Tuesday, November 23, 2021 – 12:30 PM  
via Video Conferencing - Zoom  
Public Defender Service Corporation Conference Room

**MINUTES**

**I. CALL TO ORDER**

The meeting was called to order at 12:31 p.m. on November 23, 2021 by Chairman Chief Justice F. Philip Carbullido.

**II. ROLL CALL**

Present: Chief Justice F. Philip Carbullido, Chairman, calling in from Guam Judicial Center  
Presiding Judge Alberto C. Lamorena, III, Vice Chairman, calling in from Guam Judicial Center  
Attorney Cynthia V. Ecube, Member, calling in from Hagåtña  
Trustee Donna M. Quinata, Member, calling in from Hagåtña  
Attorney Jacque T. Terlaje, GBA President ,(entered the Zoom meeting after roll call) calling in from Hagåtña

Others Present: Stephen P. Hattori, Executive Director  
John P. Morrison, Deputy Director  
AnaMaria Gayle, APD Managing Attorney  
Cathyann Gogue, Administrative Director  
Michael Moreno, Chief Fiscal Officer  
Julito Tingson, MIS Administrator  
Kenneth Lim, Network Specialist  
Katherine Sablan, Personnel Specialist IV  
Audre Hattori, APD Management Officer  
Cathleen L.G. Moylan, Program Coordinator IV  
Kathy Siguenza, Elder Justice Center  
Charlene San Nicolas, DPHSS-DSC  
Jeanette Gomez, DPHSS-DSC

**III. PROOF OF DUE NOTICE OF MEETINGS**

“Notice of Public Meeting” was published in the Guam Daily Post on Tuesday, November 16, 2021 and Friday, November 19, 2021.

**IV. DETERMINATION OF QUORUM**

With the presence of four (4) out of the five (5) board members, a quorum was determined for the meeting to proceed.

V. **APPROVAL OF MINUTES**

Chairman Chief Justice Carbullido proceeded with the approval of the minutes of the regular board meeting of October 26, 2021.

**Motion to adopt the minutes subject to correction was made by Presiding Judge Lamorena and seconded by Trustee Quinata. Approved by acclamation.**

VI. **OLD BUSINESS**

A. **FINANCIAL STATUS UPDATE (PDSC, APD AND DVP) ALLOTMENT RELEASES**

CFO Moreno reported that PDSC and APD are at 70% of the budget allotment request for FY2022. We are expecting another allotment for payroll this week.

All services for DVP except for sexual assault-related cases are being invoiced to the ICJR (Improving Criminal Justice Response) program. Approval and MOUs for STOP2020 have been received.

Signed MOU and Work Requests for the first quarter of FY2022 for EJC have been approved and received. Payments for billings of March through July have been received. At the end of September 2021, grant funding has been completely exhausted. Receivables as of this Board meeting are for the months of August and September in the amount of \$28,000.00 and \$7,400.00 for the month of October (FY2022).

Chief Justice Carbullido inquired about outstanding payables for EJC where AD Gogue confirmed that only salaries for contractual and one full time employee are being paid at the start of the fiscal year. Per DPHSS, reimbursements is generally made after 60 days on invoicing. DPHSS' Jeanette Gomez added that unpaid invoices have been processed through their business office and is going through the proper channels for payment. The MOU for FY2022 has been registered and a copy was provided to PC Moylan prior to this meeting. Chief Justice Carbullido inquired if PDSC's cash flow is able to advance EJC funding. ED Hattori confirmed that through PDSC funding, we are able to advance EJC for salaries and discussions so far, with DPHSS, have been positive with assurances of reimbursement.

**Motion to authorize PDSC to advance funds to cover personnel costs for the Elder Justice Center until reimbursements are available was made by Trustee Ecube and seconded by Presiding Judge Lamorena. Approved by acclamation.**

**Amended motion that PDSC report said transactions to the Board of Trustees was made by Presiding Judge Lamorena and seconded by Trustee Ecube. Approved by acclamation.**

**Amended motion to authorize PDSC management to cover personnel costs for the Elder Justice Center until reimbursements are available so long as PDSC's general operations are not compromised was made by Trustee Ecube and seconded by Presiding Judge Lamorena. Approved by acclamation.**

B. REPORT FROM PDSC EXECUTIVE DIRECTOR

ED Hattori reported that PDSC was approved to receive American Rescue Plan funding in the amount of \$1.5 million. Through this funding, \$1.1 million is intended for EJC to expand its services. PDSC will need to prepare a spending plan and staffing pattern in order to meet ARP compliance. This funding will allow PDSC to hire staff outside the Corporation to work for EJC.

C. REPORT FROM APD MANAGING ATTORNEY

MA Gayle stated that aside from New Business requesting for an Above-Step recruitment, she has no major items to report.

D. ELDER JUSTICE CENTER UPDATE

Attorney Siguenza reported that due to a personal matters, she has stepped down as the Managing Attorney of EJC. Her resignation will be effective September 30, 2021. However, she will stay on board as a part-time attorney and assist with the Advisory Council.

PC Moylan reported that per the MOU with DPHSS, they are required to serve at least 25 clients per month. EJC has been able to fulfill this requirement except for the month of October where the team focused on training and transition. They received 75 inquiries, added 52 people to their waitlist, opened six (6) cases, and closed 67 cases. Of these 75 inquiries, some requests were for services outside of EJC's scope such as deeds of gift, probates and guardianships. The cases we are not able to handle, we made referrals primarily to the Guam Bar Association. They also participated in GetCare and technical assistance training, as well as two (2) outreach events where they had 21 participants. EJC hired a senior law clerk, Jessica Lee, who will assist with intake and case management.

ED Hattori confirmed that Attorney Siguenza has committed to work 40 hours per pay period. They will also bill for two other part-time attorneys, as well as for J. Lee who will be able to assist with basic legal questions relative to the program. We are hoping to hire one full-time attorney to increase client services. Chief Justice Carbullido asked if recruitment has started which ED Hattori replied that they have reached out to several attorneys but it is contingent upon the release the ARP funds.

Chief Justice Carbullido announced that Guam Bar President J. Terlaje has joined the meeting. Participating in the discussion, GBA President Terlaje recommended

that ED Hattori issue an announcement for the EJC Managing Attorney position and utilize the GBA's listserv. He acknowledged this recommendation and will do so with the receipt of ARP funding.

## VII. NEW BUSINESS

### A. AMERICAN RESCUE PLAN FUNDING (Exhibit A)

Chief Justice Carbullido inquired if PD received the ARP funds. AD Gogue responded by advising the board that we were notified by BBMR that we would receive a total of \$1,572,000.00. Of that, \$580,070.00 is pending transfer into PDSC's account from DOA. PDSC proposes to earmark the entire allotment for EJC and to reimburse PDSC for some of the costs incurred during the pandemic which came from the general fund. We propose to split the funding for EJC between fiscal years 2022 and 2023 in anticipation that we receive additional money from the Division of Senior Citizens in the amount of \$192,144 per fiscal year. ARP funding will cover the remaining balance needed for personnel and operations. We anticipate that \$580,070 will be used for FY2022 and \$601,375 will be used for FY2023. PDSC will also propose to include services for veterans as stated in the letter submitted to the Governor's office requesting ARP funding.

Chief Justice Carbullido inquired if these proposals fall within the limitations of ARP requirements. AD Gogue confirmed that we are within the guidelines of the Interim Final Rules for ARP. She further stated that we wish to hire for EJC based on the budget scenarios submitted at the prior board meeting. Chief Justice Carbullido asked if the new employees will be detailed from PDSC. We are not looking to have FTEs from PDSC transferred or hold limited term positions at EJC. He further asked that the Board be informed of any decisions made by PDSC management regarding ARP spending to avoid any reimbursement of a federal entity in the event PDSC is not compliant with ARP requirements.

Chief Justice Carbullido requested that at the next Board meeting, management discuss the ARP with the board. Trustee Terlaje added that she, too, would like to see the hiring plan to ensure that any new classified employees of the EJC will not be absorbed by the general fund in the event it does not fall within ARP guidelines and because ARP funding is not a guaranteed commitment for a long term basis. She further stated that future hires may need to be on a limited term basis in order to protect PDSC's criminal indigent program. Chief Justice Carbullido agreed and stated he does not wish to interrupt EJC's current operations. Presiding Judge Lamorena added that perhaps the new hires should be on a contractual basis without health or retirement benefits. ED Hattori confirmed that PDSC is not authorized to hire classified employees with grant funding and until such time the Legislature can appropriate permanent funding for EJC, all staff will need to be LTA or contractual. Trustee Quinata shared that she hopes to see the program go beyond two years and that they all do what is necessary to make it permanent. Trustee Ecube echoed Trustee Quinata's sentiments and wants to ensure that as fiduciaries, the Board is appropriating the funds correctly. She suggests they

discuss this further at the next meeting. Chief Justice Carbullido asked that PDSC create a plan of action for the next meeting inclusive of the concerns of the Trustees.

**B. ABOVE-STEP RECRUITMENT – C. LEMONS (Exhibit B)**

MA Gayle proposed that APD hire Attorney C. Lemons one-step above his former position at PDSC. Attorney Lemons will inherit the case load of Attorney Zona which includes appeals and murder, burglary, and CSC cases hence the need for an experienced trial attorney. APD is asking to hire Attorney Lemons at a Step 8 and informed the board that he will more likely be with APD for six months to a year, at most, before retirement. Trustee Ecube inquired if there were any upcoming trials and evidentiary hearings Attorney Lemons will pick up which MA Gayle confirmed that there are upcoming murder trials, as well as motions submitted by Attorney Zona that need to be addressed. Trustee Ecube further inquired if Attorney Lemons will be able to address said cases and if APD will continue to recruit for this position which MA Gayle confirmed they will. Chief Justice Carbullido understands MA Gayle's position in the interim. He asked if there would be a financial impact on APD's budget and if benefits would be included. MA Gayle responded that benefits would be included since Attorney Lemons would still be contributing to retirement. There being no further questions regarding the Above-Step Recruitment, a call for the question was made. **Motion to adopt the Above-Step Recruitment of Attorney Clyde Lemons as requested by APD's Managing Attorney Gayle was made by Presiding Judge Lamorena and seconded by Trustee Terlaje. Approved by acclamation.**

**VIII. EXECUTIVE SESSION**

None.

**IX. PUBLIC DISCUSSION**

None.

**X. ADJOURNMENT AND NEXT MEETING DATE:**

With no further matters to discuss, **motion was made by Presiding Judge Lamorena and seconded by Trustee Quinata to adjourn the meeting. Approved by acclamation.**

The next BOT meeting is scheduled for Tuesday, December 28, 2021, at 12:30 p.m. in the PDSC conference room via Zoom/YouTube.

Respectfully submitted,

/s/

CATHY GOGUE  
Board Secretary



**Old Business**  
**Agenda Item VI-E**  
**American Recovery**  
**Plan**



# **American Rescue Plan Act**

## **Spending Plan December 3, 2021**

**American Rescue Plan Act  
Spending Plan  
Department / Agency Narrative**

[BBMR AN-N1]

**FUNCTION:** PUBLIC SAFETY JUDICIARY/LEGAL AFFAIRS  
**AGENCY:** PUBLIC DEFENDER SERVICE CORPORATION (PDSC)

**MISSION STATEMENT:**

As public servants, the Public Defender Service Corporation (PDSC) exists to provide effective legal assistance to those unable to afford private counsel, thereby ensuring equal protection of their lawful rights, in accordance with prescribed ethics, laws, rules and regulations.

**GOALS AND OBJECTIVES:**

- Goal 1:** To off-set budget shortfalls in the current and successive fiscal years resulting from GovGuam’s projected revenue shortfall, due to COVID-19, PDSC will earmark apart of the funds provided by the American Rescue Plan Act to make-up for budget shortfall.
- Objective 1:** Continue providing effective legal services in criminal and civil matters despite the budget shortfall experienced in FY2021 and into FY2022.
  - Objective 2:** Increase legal assistance for criminal and civil clients after each fiscal year and ensure the 6<sup>th</sup> Amendment Rights are protected for all residents in Guam.
- Goal 2:** To acquire sufficient resources that help to provide effective legal representation and expand services that extend beyond criminal matters and includes our desire of holistic defense for the benefit of our clients.
- Objective 1:** Within the first 30-days of receipt of funding, secure appropriate staffing that complements and/or expands services we want to offer in the community – more specifically as it relates to civil matters and holistic services.
  - Objective 2:** Within the 1<sup>st</sup> quarter of the calendar year, set-up portals/devices at Department of Corrections so that clients are able to communicate virtually with their attorneys and/or family members.
- Goal 3:** To provide expanded or enhance services – more specifically as it relates to civil matters – that meet the needs of our clients and the community.
- Objective 1:** Upon receipt of funds, enhance PDSC’s ability to offer mandated civil legal services that include the Elder Justice Center (EJC) and servicing Guam’s military veterans as well as individuals who are victims of domestic abuse.
  - Objective 2:** Increase by 10%, the number of seniors and veterans served by the end of the calendar to who are able to access legal services from Guam’ EJC.
  - Objective 3:** Provide language interpreters/assistance for the Corporation’s diverse client population that will assist with effective legal representation.

**IMPACT STATEMENT:**

With the landmark 1963 case of Gideon v. Wainwright, PDSC continues to ensure that Constitution rights are fundamental and essential prerequisites in our community so that citizens have a fair justice system with competent and effective lawyers defending them. PDSC is committed to providing judicial fairness and that laws be applied equally. The Corporation exists to help provide a system of checks and balances for the criminal justice system as a whole so that the legal system provides justice for all.

**AGENCY SPENDING PLAN:**

The Corporation will continue to maintain its practice of frugal spending and sound fiscal responsibility, based on the Final Interim Rules provided with the American Rescue Plan funding. PDSC is confident that the funds provided through this program will enable the Corporation to provide equitable access to legal assistance for Guam's indigent population relative to criminal matters in addition to providing services to individuals in need of legal services in civil matters. As a result of COVID-19, public defender offices throughout the nation are seeing their clients' rights to a speedy trial taking a backseat as courts try to adjust to safety protocols as a result of the pandemic. This is no different in Guam as PDSC attorneys work to ensure that their clients are not being punished solely because of their socioeconomic status and/or because of the lack of mental health resources available to them especially during these challenging times.

COVID-19 has added stress to the entire criminal justice system; however, PDSC's clients are faced with the brunt of it and the additional funds received by the American Rescue Plan will allow the Corporation to better serve the underserved. ARP funding priority will be as follows:

1. Assist in off-setting expenses for the Elder Justice Center (EDJ) so that general fund money is not used to assist with Guam's elderly.

2. Expand services at EJC to include services to Guam's military veterans. Guam has one of the highest rates per capita of individuals enlisting in the armed services. While their military experience provided them with additional skill-sets and strength, their combat experience has unfortunately left a growing number of veterans with issue such as PTSD and traumatic brain injury. Based on research, one in five veterans has symptoms of a mental health disorder or cognitive impairment. One in six veterans who served in Operation Enduring Freedom and Operation Iraqi Freedom suffer from a substance use issue. Research continues to draw a link between substance use and combat-related mental illness. Left untreated, mental health disorders common among veterans can directly lead to involvement in the criminal justice system. Consequently, to provide legal service through EJC will coincide with Judiciary's Veterans' Courtroom.

3. PDSC will hire the necessary staff to efficiently as well as effectively run the EJC. The staff hired through DPHSS' Elderly Legal Assistance Services program as well as ARP funding will be hired on a limited-term appointment basis, subject to grant funding. **All employees hired for EJC are on a limited-term appointment only.**

4. Off-set budget shortfalls anticipated in FY2022 and possibly FY2023. In FY2021 and FY2022 we were not allotted the budget amounts requested in our submittal. Consequently we were short in FY2021 and are expecting to run short in FY2022. We will use ARP money to cover budget shortfalls for this year and into the proceeding year.



Function: Public Safety

Department/Agency: Public Defender Service Corporation

BD-1

Program: Summary

Funding: American Rescue Plan (ARP)

		<b>FY 2022</b>		
		A	B	C
AS400 Account Code	Appropriation Classification	General Fund FY2022 Request	General Fund FY2022 Appropriated	ARP FY2022 Request For Shortfall
	<b>PERSONNEL SERVICES</b>			
111	Regular Salaries/Increments/Special Pay	\$ 3,357,555	\$ 2,992,775	\$ 248,050
112	Overtime			
113	Benefits	956,343	852,442	70,653
114	Insurance Benefits (Medical / Dental / Life)	317,126	282,672	23,429
	<b>TOTAL PERSONNEL SERVICES</b>			
	<b>TOTAL PERSONNEL SERVICES</b>	<b>\$ 4,631,024</b>	<b>\$ 4,127,889</b>	<b>\$ 342,132</b>
	<b>OPERATIONS</b>			
220	TRAVEL- Off-Island/Local Mileage Reimburs.	-	-	0
230	CONTRACTUAL SERVICES:	190,510	169,812	15,247
233	OFFICE SPACE RENTAL:	309,280	275,678	22,849
240	SUPPLIES & MATERIALS:	41,620	37,098	3,075
250	EQUIPMENT:	48,597	43,317	3,590
270	WORKERS COMPENSATION	-	-	-
271	DRUG TESTING	200	178	15
280	SUB-RECIPIENT/SUBGRANT:	-	-	\$ -
290	MISCELLANEOUS:	61,182	54,535	4,520
	<b>TOTAL OPERATIONS</b>	<b>\$ 651,389</b>	<b>\$ 580,619</b>	<b>\$ 49,296</b>
	<b>UTILITIES</b>			
361	Power	-	-	-
362	Water/ Sewer	-	-	-
363	Telephone	-	-	-
	<b>TOTAL UTILITIES</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
450	<b>CAPITAL OUTLAY</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
	<b>TOTAL APPROPRIATIONS</b>	<b>\$ 5,282,413</b>	<b>\$ 4,708,508</b>	<b>\$ 391,428</b>

BUDGET DIGEST SUMMARY - PUBLIC DEFENDER SERVICE CORPORATION (American Rescue Plan)

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FOOTNOTES:

For Fiscal Year 2022 the amount of \$391,428 from the American Rescue Plan funds is budgeted to supplement the shortfall from the General Fund as appropriated for PDSC as follows:

1. **PERSONNEL SERVICES:**

<b>FY 2022</b>	
	<b><u>SALARIES:</u></b>
\$ 248,050	> Mandated employees' salary and benefits as proposed in PDSC's Budget proposal to the Legislature.
	<b><u>BENEFITS</u></b>
94,082	> Mandated government's share of retirement contributions. Retirement benefits and government's share of Insurance benefits are based on FY2022 levels
<u>\$ 342,132</u>	<b><i>TOTAL FOR SUPPLEMENTAL FUNDING FOR PERSONNEL COSTS IN FY2022</i></b>

2. **OPERATIONS**

\$ 15,247	<b><u>CONTRACTUAL SERVICES</u></b>
22,849	<b><u>OFFICE SPACE RENTAL</u></b>
3,075	<b><u>SUPPLIES &amp; Materials</u></b>
3,590	<b><u>SMALL EQUIPMENT</u></b>
15	<b><u>DRUG TESTING</u></b>
4,520	<b><u>MISCELLANEOUS</u></b>
<u>\$ 49,296</u>	<b><i>TOTAL FOR SUPPLEMENTAL FUNDING FOR OPERATIONS IN FY2022</i></b>
<u>\$ 391,428</u>	<b><i>SUPPLEMENTAL GRAND TOTAL FOR PERSONNEL AND OPERATIONS COSTS IN FY2022</i></b>

Function: Public Safety

Department/Agency: Public Defender Service Corporation - ELDER JUSTICE CENTER

BD-1

Program: Summary

Funding: American Rescue Plan (ARP)

AS400 Account Code	Appropriation Classification	FY 2022			FY 2023		
		A	B	C	D	E	F
		DSC GRANT FY2022 Expenditures & Encumbrances	ARP FY2022 Request	TOTAL FY2022	DSC GRANT FY2023 Expenditures & Encumbrances	ARP FY2023 Request	TOTAL FY2023
	<b>PERSONNEL SERVICES</b>						
111	Regular Salaries/Increments/Special Pay	\$ 41,800	\$ 205,280	\$ 247,080	\$ 91,841	\$ 228,550	\$ 320,391
112	Overtime						
113	Benefits	31,780	147,243	179,023	44,676	151,796	\$ 196,472
114	Insurance Benefits (Medical / Dental / Life)						
	<b>TOTAL PERSONNEL SERVICES</b>						
	<b>TOTAL PERSONNEL SERVICES</b>	\$ 73,580	\$ 352,523	\$ 426,103	\$ 136,518	\$ 380,346	\$516,863
	<b>OPERATIONS</b>						
220	TRAVEL- Off-Island/Local Mileage Reimburs.	-	-	0	-	-	0
230	CONTRACTUAL SERVICES:	116,084	49,389	\$ 165,474	52,992	41,582	\$ 94,574
233	OFFICE SPACE RENTAL:	-	99,000	\$ 99,000	-	99,000	\$ 99,000
240	SUPPLIES & MATERIALS:	2,400	-	\$ 2,400	2,400	-	\$ 2,400
250	EQUIPMENT:	-	44,123	\$ 44,123	-	10,583	\$ 10,583
270	WORKERS COMPENSATION	-	-	\$ -	-	-	\$ -
271	DRUG TESTING	80	-	\$ 80	-	-	\$ -
280	SUB-RECIPIENT/SUBGRANT:	-	-	\$ -	-	-	\$ -
290	MISCELLANEOUS:	-	6,235	6,235	234	16,565	16,799
	<b>TOTAL OPERATIONS</b>	\$ 118,564	\$ 198,747	\$ 317,311	\$ 55,626	\$ 167,730	\$ 223,356
	<b>UTILITIES</b>						
361	Power	-	24,000	24,000	-	24,000	24,000
362	Water/ Sewer	-	4,800	4,800	-	4,800	4,800
363	Telephone	-	-	-	-	-	-
	<b>TOTAL UTILITIES</b>	-	28,800	\$ 28,800	-	28,800	\$ 28,800
450	<b>CAPITAL OUTLAY</b>	\$ -	\$ -	\$ -	\$ -	\$ 24,500	\$ 24,500
	<b>TOTAL APPROPRIATIONS</b>	\$ 192,144	\$ 580,070	\$ 772,214	\$ 192,144	\$ 601,375	\$793,519

**FUNCTIONAL AREA:** PUBLIC SAFETY  
**DEPARTMENT/AGENCY:** PUBLIC DEFENDER SERVICE CORPORATION - ELDER JUSTICE CENTER  
**PROGRAM:** SUMMARY  
**FUND:** AMERICAN RESCUE PLAN

Input by Department

Input by Department

(A)	(B)	(C)	(D)	(E)	(J)	(K)	(L)	(N)	(O)	(P)	(Q)	(R)	(S)	
Post No.	Position Title	Name of Incumbent	Grade / Step	Salary	(E+F+G+I) Subtotal	Benefits					Medical ( Premium)	Dental ( Premium)	Total Benefits ( K thru Q )	( J + R ) TOTAL
						Retirement 28.32%	Accrued Leave	Retire (DDI) (\$19.01*26PP)	Medicare (1.45% * J)	Life 1/				
1	ATTORNEY 4	VACANT-LTA	AL-4-1	\$ 76,158	\$ 76,158	\$ 21,568	\$ 11,424	\$ 495	\$ 1,104	\$ 187	\$ 11,916	\$ 468	\$ 47,162	\$ 123,320
2	PARALEGAL II	VACANT-LTA	L-1	37,100	37,100	10,507	5,565	495	538	187	11,916	468	29,676	66,776
3	LEGAL SECRETARY III	VACANT-LTA	J-1	31,076	31,076	8,801	4,661	495	451	187	11,916	468	26,979	58,055
4	LEGAL SECRETARY I	VACANT-LTA	H-1	26,520	26,520	7,510	3,978	495	385	187	11,916	468	24,939	51,459
5	LEGAL CLERK II	VACANT-LTA	H-2	27,525	27,525	7,795	4,129	495	399	187	11,916	468	25,389	52,914
		<b>Grand Total:</b>	----	\$ 198,379	\$ 198,379	\$ 56,181	\$ 29,757	\$ 2,475	\$ 2,876	\$ 935	\$ 59,580	\$ 2,340	\$ 154,144	\$ 352,523

**NOTE: All employees hired for EJC through DPHSS' LAS grant or the American Rescue Plan are Limited-Term Employees.**