

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
RESOLUTION STATUS

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
239-34 (COR)	Committee on Ethics and Standards	Relative to the Committee on Ethics and Standards' findings of acts committed by Senator James V. Espaldon which violated the Code of Ethics and Standards and the Committee's recommendation for disciplinary action.	9/19/17 4:48 p.m.							

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2017 (FIRST) Regular Session

Resolution No. ²³⁹-34 (COR)

Introduced by:

Committee on Ethics and Standards ^{F.B.E.}

Relative to the Committee on Ethics and Standards' findings of acts committed by Senator James V. Espaldon which violated the Code of Ethics and Standards and the Committee's recommendation for disciplinary action.

2017 SEP 19 PM 4: 48
F.B.W.

1 **BE IT RESOLVED BY I MINA'TRENTAI KUÁTTRO NA**
2 **LIHESLATURAN GUÁHAN:**

3 **WHEREAS**, on May 16, 2017, the Committee received an ethics complaint
4 made against Senator James V. Espaldon, the respondent, by Edwin K. Propst, the
5 complainant, under threat of perjury; and

6 **WHEREAS**, the Committee finds that General Pacific Services Marianas, Inc.
7 (GPSM) and Robert and Amellia Toelkes paid for Senator Espaldon's meals, airfare,
8 and other travel expenses in at least one trip to Korea and several trips to Saipan
9 during his tenure, and that Senator Espaldon engaged in these actions at least in part
10 for his own personal gain by receiving something of value; and

11 **WHEREAS**, the Committee finds that Senator Espaldon in fact knew and in
12 any event should have known of conflicts of interest with Phil Roberto related to
13 GPSM, Robert and Amellia Toelkes, and the Commonwealth Utilities Commission
14 (CUC); and

1 **WHEREAS**, the Committee finds that Senator Espaldon in fact knew and in
2 any event should have known of conflicts of interest with Adelina C. Roberto related
3 to GPSM, Robert and Amellia Toelkes, and the CUC; and

4 **WHEREAS**, the Committee finds that Senator Espaldon in fact knew and in
5 any event should have known that GPSM and Robert and Amellia Toelkes sought to
6 use his influence as a senator in order to influence the CUC; and

7 **WHEREAS**, the Committee finds that Senator Espaldon failed to consider the
8 public's perception of his actions noted above; and

9 **WHEREAS**, the Committee finds that Senator Espaldon's actions reflect poorly
10 upon his office and upon his colleagues; and

11 **WHEREAS**, the Committee finds that CNMI Governor Ralph Torres and the
12 CNMI Legislature perceived the procurement transaction between the CUC and
13 GPSM as improper. Consequently, the CNMI Legislature directed the CUC to
14 withdraw its procurement award to GPSM, and the CNMI Governor called for the
15 removal of five (5) CUC board members; now, therefore, be it

16 **RESOLVED**, that *I Mina' Trentai Kuåttro Na Liheslaturan Guåhan* does
17 hereby, on behalf of the people of Guam, finds that per the factual record and §
18 19.02(c) of the Code of Ethics and Standards, Senator Espaldon did fail to conduct his
19 life, both public and private, so as to bring honor and respect to his office; and be it
20 further

21 **RESOLVED**, that *I Mina' Trentai Kuåttro Na Liheslaturan Guåhan* does
22 hereby, on behalf of the people of Guam, censures Senator Espaldon for this violation;
23 remove him from leadership positions in *I Liheslatura* for the remainder of the
24 legislative term; and require that he and his staff attend sixteen (16) hours of refresher
25 ethics in government program within thirty (30) days after the adoption of this
26 resolution which shall be paid for with his office funds; and be it further

1 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to,
2 the adoption hereof, and that copies of the same be thereafter transmitted to Senator
3 James V. Espaldon, the respondent, and Edwin K. Propst, the complainant.

**DULY AND REGULARLY ADOPTED BY I MINA'TRENTAI KUÁTTRO NA
LIHESLATURAN GUÁHAN ON THE ___ DAY OF _____ 2017.**

BENJAMIN J.F. CRUZ
Speaker

RÉGINE BISCOE LEE
Legislative Secretary