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**VICE SPEAKER BENJAMIN J.F. CRUZ**

Committee on Appropriations and Adjudication  
senator@senatorbjcruz.com | www.senatorbjcruz.com



*I Mina'trentai Tres na Liheslaturan Guåhan*

**THE 33RD GUAM LEGISLATURE**

155 Hesler Place, Suite 107, Hagåtña, Guam 96910

T: (671) 477-2520/1 | F: (671) 477-2522

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January 25, 2016

**Transmitted via Electronic Mail**

governor@guam.gov

The Honorable Edward J.B. Calvo  
Governor of Guam  
Ricardo J. Bordallo Governor's Complex  
Hagåtña, Guam 96910

**Re: FOIA Response: Budget Status Reports and Transmittal Request Orders**

Dear Governor Calvo:

*Håfa adai!* I am in receipt of your request, received electronically on January 20, 2016, for additional financial documents relative to interoffice transfers. As you are very well aware given your time in the Guam Legislature, quarterly Budget Status Reports (BSRs) and approved Transmittal Request Orders (TROs) are prepared and/or finalized and approved by the Fiscal Office of the Guam Legislature. With this understanding and in the name of transparency, I have requested that the Fiscal Office post the documents responsive to your request on the 33<sup>rd</sup> Guam Legislature's website at [www.guamlegislature.com](http://www.guamlegislature.com).

The discrepancy noted in your request for documents is a difference between the BSRs and the aggregate amount of transfers found in TROs that are in your possession as provided to you by the Guam Legislature's Fiscal Office. I note that your office requested for TROs dating back to January 2013 through January 2015, yet your most recent request compares these TROs to BSRs from October 2011 to September 2015, which predictably will not reconcile. Additionally, after further review of the TROs attached to your request, your office appears to have overlooked several TROs that appear to be duplicates, and inadvertently included those in its analysis.

I believe that the documents responsive to your request that have been posted to the Guam Legislature's website should allay your concerns in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Benjamin J.F. Cruz", is written over a printed name. The signature is stylized and includes a large flourish at the end.

Benjamin J.F. Cruz

cc: Lt. Governor Raymond S. Tenorio, [ray.tenorio@guam.gov](mailto:ray.tenorio@guam.gov)  
Mr. Vincent P. Arriola, Executive Director, 33rd Guam Legislature, [vparriola1@gmail.com](mailto:vparriola1@gmail.com)  
All Senators  
Mr. Troy O. Torres, Senior Advisor (Strategic Planning), [troy.torres@guam.gov](mailto:troy.torres@guam.gov)



## FOIA: Major discrepancy in your financials

Troy Torres <troy.torres@guam.gov>

Wed, Jan 20, 2016 at 12:48 AM

To: "Benjamin J.F. Cruz" <senator@senatorbjcruz.com>

Cc: Eddie Calvo <eddiecalvo@yahoo.com>, Ray Tenorio <ray.tenorio@guam.gov>, Gov Senior Staff <ss@guam.gov>

TO: The Vice Speaker

CC: Email directory, the Governor, the Lt. Governor, the Senior Staff

ATTACHMENTS: Two sets of documents

Dear Vice Speaker Cruz,

Financial documents related to transfers into and out of your office are either missing or abbreviated. \$(15,687.06) remains unaccounted in transfers, when comparing records on your budget status reports (BSR) to those of your transmittal request orders (TRO). Please see the chart below:

<b>BENJAMIN CRUZ (547)</b>						
Appropriation	FY 2012	FY 2013	FY 2014	FY 2015		Total Transfers (FY12-FY15)
CF - Prior Fiscal Years	18,108.18	10,157.38	18,067.85	19,662.81	In	37,922.00
Appropriation - Budget Allotment	311,272.00	295,708.00	311,272.00	331,516.00	Out	(71,779.24)
5% Fund Reserves	-	-	-	-	Net	(33,857.24)
Release 5% Fund Reserve	-	-	-	-		
Total Allotments	311,272.00	295,708.00	311,272.00	331,516.00		
Net Transfers	(2,900.00)	23,065.00	(26,454.97)	(11,880.21)	BSR Total	(18,170.18)
Available	326,480.18	328,930.38	302,884.88	339,298.60		
Operational Expenditures	313,322.80	310,862.53	283,222.07	296,225.13	Diff	(15,687.06)
Less Expenditures	13,157.38	18,067.85	19,662.81	43,073.47		

Net transfers into and out of your office amount to \$(18,170.18) on your BSRs. But the tally of your actual transfer documents, the TROs, show a different number: \$(33,857.24).

This is a major discrepancy, as the tally of your TROs should equal the amounts reported in your BSRs.

In light of this discrepancy, I hereby request, by the authority granted by the Sunshine Reform Act of 1999 (5GCA

§10103, WITH PENALTIES provided for in §10112), the following documents:

- ALL your office's quarterly budget status reports for the past 21 quarters.
- ALL your office's transmittal request orders and transfers for the past 21 quarters.
- ALL the documents that account for the difference (contained in the table above) between the net transfers indicated by the BSRs sent to me and the transfer documents sent to me.

The Legislature has been failing to provide complete sets of the documents I have requested under the FOIA. It is my hope you comply with the law. Failure of a public official to comply, according to 5GCA §10112, is a misdemeanor.

I attached the copies of your BSRs and TROs provided, after my FOIA request, by the Legislature.

Thank you, and God bless.


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**imagine**  
**GUAM**

Troy Torres  
Senior Advisor, Strategic Planning  
Office of the Governor of Guam  
[671.475.9213](tel:671.475.9213) (o)

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**2 attachments**

 **01192016235606-0001 (1).pdf**  
415K

 **01192016235742-0001.pdf**  
104K