



## Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation  
*I Mina'trentai Dos Na Liheslaturan Guåhan* • 32<sup>nd</sup> Guam Legislature

OCT 28 2013

### The Honorable Benjamin J.F Cruz

Acting-Speaker

*I Mina'trentai Dos Na Liheslaturan Guåhan*

155 Hesler Place

Hagåtña, Guam 96910

**VIA: The Honorable Rory J. Respicio**

Chairperson, Committee on Rules

**RE: Committee Report on the Appointment of Mr. Eduardo R. Ilao** to the Jose D. Leon Guerrero Commercial Port Authority of Guam Board of Directors.

Dear Speaker Cruz:

Transmitted herewith is the Committee Report on the appointment of Mr. Eduardo R. Ilao to serve as a Member of the Jose D. Leon Guerrero Port Authority of Guam Board of Directors, which was referred to the Committee on Public Safety, Infrastructure and Maritime Transportation.

The voting record is as follows:

<u>2</u>	TO CONFIRM
<u>1</u>	TO NOT CONFIRM
<u>5</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

*Si Yu'os ma'åse'.*

Thomas C. Ada

2013 OCT 29 AM 10:16



**Senator Thomas C. Ada**

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation

*I Mina'trentai Dos Na Liheslaturan Guåhan* • 32<sup>nd</sup> Guam Legislature

**COMMITTEE  
REPORT  
ON**

**THE APPOINTMENT OF**

**MR. EDUARDO R. ILAO**

**TO SERVE AS A MEMBER OF THE JOSE D. LEON  
GUERRERO COMMERCIAL PORT AUTHORITY OF GUAM  
BOARD OF DIRECTORS**



## Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation  
*I Mina'trentai Dos Na Libeslaturan Guahan • 32<sup>nd</sup> Guam Legislature*

October 24, 2013

### MEMORANDUM

To: **All Members**  
Committee on Public Safety, Infrastructure and Maritime Transportation

From: **Senator Thomas C. Ada**  
Committee Chairperson

Subject: **Committee Report on the Appointment of Mr. Eduardo R. Ilao**

Transmitted herewith for your consideration is the Committee Report on the appointment of Mr. Eduardo R. Ilao to serve as a Member of the Jose D. Leon Guerrero Port Authority of Guam Board of Directors.

This Committee Report was delayed to enable the Committee to verify statements made in the testimony provided by Mr. Jose Servino. Specifically, Mr. Servino registered a complaint with the CNMI Board of Professional Licensing (BOPL) that Mr. Ilao was "rubber stamping" engineering drawings. The Committee received a response on October 17, 2013 from the BOPL informing the Committee that the findings of their investigation were "confidential" and could not be released. The Committee's findings are included with Mr. Servino's testimony as attachments 3 through 9 (Attachments 1 and 2 were submitted by Mr. Servino as attachments to his testimony).

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of the Appointment Letter to the Speaker
- Copy of the Appointment Packet and Supporting Documents
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony and Supporting Documents
- Copy of COR Referral of the Appointment
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

*Si Yu'os ma'āse'*



## Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation

*I Mina'trentai Dos Na Libeslaturan Guahan • 32<sup>nd</sup> Guam Legislature*

### COMMITTEE VOTE SHEET

APPOINTEE: Mr. Eduardo R. Ilao  
 Position: Member, *Board of Directors*  
 Agency: Jose D. Leon Guerrero Port Authority of Guam

COMMITTEE MEMBERS	SIGNATURE	TO CONFIRM	TO NOT CONFIRM	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
SENATOR THOMAS C. ADA Chairperson	10/24/13 <i>[Signature]</i>			X		
SENATOR RORY J. RESPICIO Vice Chairperson	<i>[Signature]</i>			<i>mc</i> 10/28/13		
VICE SPEAKER BENJAMIN J.F. CRUZ Member	<i>[Signature]</i>					
SENATOR FRANK B. AGUON, JR. Member	10/24/13 <i>[Signature]</i>					
SENATOR MICHAEL F.Q. SAN NICOLAS Member	10/24/13 <i>[Signature]</i>			✓		
SENATOR ALINE A. YAMASHITA, PH.D. Minority Member	<i>[Signature]</i>	10/25/13				
SENATOR V. ANTHONY ADA Minority Member	10/24 <i>[Signature]</i>			✓		
SENATOR BRANT McCREADIE Minority Member	<i>[Signature]</i> 10.25.13			✓		



## Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation  
*I Mina'trentai Dos Na Liheslaturan Guåhan* • 32<sup>nd</sup> Guam Legislature

### COMMITTEE REPORT DIGEST

#### I. OVERVIEW

The Committee on Public Safety, Infrastructure and Maritime Transportation convened a public hearing on August 8, 2013 at 5:30 pm in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of the appointment of Mr. Eduardo R. Ilao to serve as a Member of the Jose D. Leon Guerrero Port Authority Board of Directors, whose appointment history is as follows:

- Appointed by Eddie Baza Calvo, Governor, on May 2, 2013;
- Appointment packet forwarded to *I Liheslatura* on May 2, 2013;
- Appointment packet forwarded to this committee for public consideration on May 2, 2013.

#### Public Notice Requirements

Notices were disseminated via email to all senators and all main media broadcasting outlets on Thursday, August 1, 2013 (5-Day Notice), and again on Tuesday, August 6, 2013 (48-Hour Notice).

#### Senators Present

Senator Thomas C. Ada	Committee Chairperson
Vice-Speaker Benjamin J.F. Cruz	Committee Member
Senator Tina Rose Muña Barnes	
Senator Brant McCreadie	Minority Member
Senator V. Anthony Ada	Minority Member
Senator Aline A. Yamashita Ph.D.	Minority Member
Senator Christopher M. Duenas	
Senator Thomas Morrison	
Senator Michael Limtiaco	

#### Testimony Received By Committee:

In addition to the oral testimony summarized below, the committee received written testimony before, during and after the hearing on August 8, 2013. Written Testimony was submitted to the Committee by:

Ms. Christine Baleto (In support of confirmation)

Mr. David Texeira (Asks Senators to question certain actions made by Port Board of Directors) (w/ Attachment – some information removed from attachment – due to: documents from Port Police marked '*confidential*' or information clearly identified as home phone numbers or addresses)

Mr. Daniel J. Tydingco (In support of confirmation)

Mr. Felix Pangelinan (In support of confirmation)

Mr. Francisco G. Santos (In support of confirmation)

Ms. Joanne M.S. Brown (In support of confirmation)  
Ms. Maria D.R. Taitano (In support of confirmation)  
Ms. Bernadette S. Meno (In opposition to confirmation)  
Ms. Mary C. Torres (In opposition to confirmation)  
Mr. Vicente T. Torres (In opposition to confirmation)  
Mr. Jose S. Servino (In opposition to confirmation)

- Following the receipt of testimony from Mr. Servino the Committee inquired with the Commonwealth of the Northern Marianas' Board of Professional Licensing (BOPL) requesting information regarding Mr. Servino's testimony.
- The following are attached to Mr. Servino's testimony as a result:
  - Attachment 1- J.S. – *Letter of Complaint (10/24/2011)*
  - Attachment 2 -J.S. – *Letter of Complaint Against Cecilio Dela Cruz (12/21/2011)*
  - Attachment 3 – TCA-Memo –*Information inquiry about complaints levied against Mr. Eduardo Ilao (08/26/2013)*
  - Attachment 4 – CNMI BOPL – *RE: Request for information on complaints filed with Board of Professional Licensing*
  - Attachment 5 – TCA-Memo – *Follow-up inquiry regarding complaints levied against Mr. Eduardo Ilao (10/15/2013)*
  - Attachment 6 – *Follow-Up request for Information from Senator Thomas C. Ada (10/15/2013)*
  - Attachment 7 – CNMI BOPL – *RE: Follow-up Request for Information from Senator Thomas C. Ada (10/16/2013)*
  - Attachment 8 – CNMI BOPL – *RE: Follow-up Request for Information from Senator Thomas C. Ada (10/17/2013)*
  - Attachment 9 –CNMI BOPL – *In response to your letter to the CNMI Board of Professional Licensing...(10/17/2013)*

## II. SUMMARY OF TESTIMONY AND DISCUSSION

The public hearing was Called-to-Order at 5:30 pm.

**Chairman Ada** states for the record, throughout the week his office has been receiving written testimony regarding Mr. Ilao's appointment. The committee received written testimony from Ms. Christine Baleto, who is currently a board member of the Port Authority's Board of Directors. He states her testimony is generally in support of the appointment of Mr. Ilao to serve a second term, but she did not ask to have her testimony read into the record. Chairman Ada further states the committee received written testimony from Mr. Daniel J. Tydingco, but he did not ask to have it read into the record, but generally the testimony is in support of Mr. Ilao's appointment to the Board. Chairman Ada states the committee also received written testimony from Ms. Mary C. Torres and she specifically asked that it be read into the record.

### **Ms. Mary C. Torres – Private Citizen**

Written Testimony (Read into the Record by Chairman Ada - See attached)

Ms. Mary Torres' testimony states she submits written testimony as a citizen of Guam in opposition to the confirmation of Mr. Ilao. Ms. Torres states she considers Mr. Ilao a good-natured individual and family man with a "good natured chuckle." Ms. Torres' testimony further

states that during her time as the General Manager of the Port Authority of Guam she observed Mr. Ilao as “aloof” and “a complicit participant who blatantly disregarded the Legislature’s policy that the formation of public policy should be transparent and not conducted in secret.” Ms. Torres’s testimony further states the confidence lost by Mr. Ilao in her management of the Port “pales in comparison to the confidence she lost in Mr. Ilao as a professional and a thoughtful human being.” She further states, “Ed endorsed the ruin of good people’s lives and sits idly by and does nothing to stop the port from being steered in a perilous direction...” Ms. Torres’ written testimony states in closing, “I do not support the re-nomination of Mr. Ed Ilao and I call into question his integrity and ability to effectively serve as a member of the Board of Directors of the Port Authority of Guam.”

**Chairman Ada** states the committee received written testimony from Port Employee, David G. Teixeria. Chairman Ada states Mr. Teixeria asked that his testimony be read into the record and Chairman Ada goes on by stating that he will read the parts that are pertinent to the hearing.

**Mr. David G. Teixeria - Equipment Operator II & Union Steward, Port Authority of Guam**  
Written Testimony (Read into record by Chairman Ada - See attached)

Mr. Teixeria’s testimony states his submission of testimony is to bring the committee’s attention to “a situation that is on the verge of imploding at the port, under the current leadership of the new general manager and this board of directors, laws are being broken, procedures and policies that protect the safety of us on the dock are not being followed and there is such a climate of fear and intimidation and retribution that people are scared to speak up.” Further, Mr. Teixeria’s testimony states Mr. Ed Ilao is aware of all these things and they are brought before him during the Board’s monthly meetings in the reports provided to him. Mr. Teixeria’s testimony closes by asking that before Senators confirm Mr. Ilao, they question him about the issues raised.

**Ms. Bernadette Meno – Private Citizen**  
Oral and written testimony – (See attached)

Ms. Meno provided written testimony in opposition to the re-confirmation of Mr. Eduardo Ilao to the Port Authority’s Board of Directors. Ms. Meno states, for full disclosure, that she is an employee of Senator Rory Respicio, but her testimony is in a personal capacity. Ms. Meno further states that there will be many people testifying about what a great man, volunteer and brilliant and successful businessman Mr. Ilao is. But she states, “Mr. Ilao is not here to be reviewed on those matters, rather, this time around should be focused on a review of his time as a board member and she is here to speak his actions or inactions as a board member.” She goes on by stating, “that she is one of many Port employees illegally and wrongfully terminated in one of the biggest political witch hunts and she was the main target. Before she speaks to that, she wants to speak to several other matters at the Port. Ms. Meno alludes to an issue recently brought to the Port Authority Board of Directors regarding payments made to a company without a contract. Ms. Meno states there are also issues with the Port’s Legal Services Contract. Ms. Meno further states that Mr. Ilao destroyed the lives of several former employees of the Port in a politically motivated attack and that Mr. Ilao attended numerous board meetings in violation of the Open Government Law and even allowed a tape recorder to be turned off during a board

meeting. Ms. Meno also states that Mr. Ilao and other Board Members approved the release of Ms. Meno's son's medical records 29 times in violation of the law. Ms. Meno questions what the medical records had to do with her accident seven months after his birth. Ms. Meno poses the question of whether Mr. Ilao or any of the Senators present would wish that type of treatment on their children. Ms. Meno closes by stating, *"I certainly hope that you don't allow your inaction on matters [to act] as a defense for why you allowed illegal and wrongful acts to move forward under your watch because your inaction is in fact an action, and your silence is deafening. Senators I humbly ask that you reject this nominee for consideration of a second term on the board for the Port Authority of Guam. We need individuals with the courage and integrity to do what is right fair and just for the Port and for all the people of Guam. Our island and our people deserve nothing less."*

**Ms. Maria Taitano - Acting General Manager, Port Authority of Guam**

Oral and written testimony

Ms. Taitano states for the record that she will read her written testimony (see attached) and that she will also read Ms. Joanne Brown's (General Manager, Port Authority of Guam) testimony and that of Mr. Felix Pangelinan (Deputy General Manager, Port Authority of Guam)

Ms. Taitano reads her written testimony in support of Mr. Ilao's reappointment to the Port Authority of Guam's Board of Directors. Ms. Taitano goes on by stating that though she only worked with Mr. Ilao for a short time at the Port, she has known him elsewhere as a professional. Ms. Taitano further states Mr. Ilao *"brings to the table experience and lessons learned that will not only further assist the port in its efforts to efficiently and effectively service its customers and stakeholders but will also improve and address the needs of the Port's most important asset, its Port-strong employees."*

**Ms. Joanne Brown – General Manager, Port Authority of Guam**

Written testimony (read into record by Ms. Maria Taitano – See Attached)

Ms. Brown's testimony states she is in support of the re-nomination of Mr. Ilao stating, *"Mr. Ilao has provided his experienced private sector perspective to improving the management, operations and accountability of the Port Authority of Guam to serve our island community."* Ms. Brown's testimony closes by stating, *"we wholeheartedly support his reappointment and ask this Committee and the Guam Legislature to also support his reconfirmation."*

**Mr. Felix Pangelinan - Interim Deputy General Manager, Port Authority of Guam**

Written testimony (read into record by Ms. Maria Taitano – See Attached)

Mr. Pangelinan's testimony states he is in favor of Mr. Ilao's nomination. Mr. Pangelinan's testimony further states, *"during his tenure as Board Member, he has made excellent strides in continuing the endeavor of moving the Port Authority closer to modernizing its facilities and improving upon its infrastructure."* Mr. Pangelinan states Mr. Ilao's experience and first hand knowledge of Port projects is beneficial and would continue to make him a valid asset to the agency and asks for the Senators' favorable consideration of his re-nomination to the Board.



**John B. Santos - Operations Manager, Port Authority of Guam**

Oral Testimony

Mr. Santos states that he has been at the Port for 27 years, all in operations. Mr. Santos goes on by stating that he and Mr. Ilao have been through a lot and that Ed [Mr. Ilao] has been there, working on the protocol manual and SLE and has specific knowledge of those things among other items that would allow for continuation on the Board. He states because of Mr. Ilao's experience from being already on the Board, he is supportive of him coming back.

**Ray Vega – Private Citizen**

Oral Testimony

Mr. Vega states he is in support of Mr. Ilao's nomination to the Port Authority of Guam Board of Directors. Mr. Vega further states he finds Mr. Ilao to be very disciplined and that he has utmost confidence in his decision-making. He continues saying, he has previously worked with Mr. Ilao's company for five years and that further, Mr. Ilao's public contributions speak for themselves. Mr. Vega cites Mr. Ilao's involvement with the American Red Cross and the Guam Community College. Mr. Vega states Mr. Ilao is a man of conviction with strong family values and that he goes to work with that in mind. Mr Vega further cites Mr. Ilao's education and calls for the Legislature to allow Mr. Ilao to return to the Port Authority Board of Directors.

**Ms. Mary Okada – President, Guam Community College**

Oral Testimony

Ms. Okada states she is in support of the appointment of Mr. Ed Ilao to the Port Authority Board and that she will submit written testimony after the hearing. Ms. Okada states Mr. Ilao served on the Guam Community College Board of Trustees in past years and currently serves on the GCC Foundation's Board of Governors. She further states the trustees and governors have really moved the college forward with capital improvements and the college's overall vision.

**John Ilao – Private Citizen**

Oral Testimony

Mr. John Ilao states that he has worked with his brother for twenty-five years. Mr. John Ilao further states that he and his brother have agreed on some things, and disagreed on other things and his brother does not care about where solutions come from as long as they improve the company. Mr. J Ilao closes by stating if Mr. Ed Ilao is confirmed to the Board, he believes he would bring that same approach to the Agency.

**Mr. Eloy Hara – Private Citizen**

Oral Testimony

Mr. Hara states he met Mr. Ilao years ago by recruiting him as a partner of a corporation to do business as power savers. Mr. Hara further states that he also worked with Mr. Ilao on the Guam Power Board and is aware of his performance as a GCC Board Member. Mr. Hara

continues by stating he came to testify about his years of public service, education, experience and his successful career as a businessman. Mr. Hara states that the other testimony regarding proceedings at the Civil Service Commission should include that that matter is presently under review by the proper authorities and he states he wants to reiterate that he is a Consolidated Commission on Utilities member and is only one out of five. States the testimony that said "*Ed Ilaio did this or that*" does not take into account that Board action requires majority of the Board. States that member's voices are only one voice and that Boards have no authority over the employee, as their authority stops at the General Manager level. Mr. Hara states that any board action cannot be attributed to just one member. Mr. Hara closes by stating that having known Mr. Ilaio as a business partner and knowing of his personal demeanor and integrity, supports his appointment.

**Mr. Eduardo R. Ilaio – Nominee**

Oral Testimony

Mr. Ilaio thanks the committee and states that he is currently the president of JMI Edison and ER Ilaio and Associates. Mr. Ilaio states he believes his collective education, work knowledge and experience, community service experience, and government board service familiarity give him unique qualifications to exercise his fiduciary responsibilities as a board member. Mr. Ilaio further states it would be a privilege to continue to support the people of Guam and thanks those in attendance, especially the Port-strong employees who support his confirmation.

**Discussion, Question and Answer**

**Vice-Speaker Cruz** asks Mr. Ilaio whether or not the major responsibility of a board, like the legislature, is to approve a budget?

**Mr. Ilaio** responds yes.

**Vice-Speaker Cruz** asks how long Mr. Ilaio has been on the Board at the Port?

**Mr. Ilaio** responds a little less than two years.

**Vice-Speaker Cruz** asks when the budgets were approved for the two fiscal years Mr. Ilaio was on the Board?

**Mr. Ilaio** responds that, during his first term, he thinks he got confirmed in February 2011, the budget was approved already so they did not have much say in that. For the fiscal years 2012 or 2013 they went through the process of budget presentations for management and of course approval of the budget.

**Vice-Speaker Cruz** states he went onto the website and in the last two years, eighty percent (80%) of the resolutions on the website are about people's retirement or untimely passing or in congratulations. Further states that he has not found one resolution to approve a budget. Asks where is the public to find the resolutions approving the budgets so that they could find where the Directors had discussion regarding the budget?

**Mr. Ilao** responds by stating he thinks it should be in the minutes. Mr. Ilao further states, for example in this fiscal year, we approved the budget one quarter at a time because of a lot of issues moving forward, one being the tariff, and it should be in the minutes.

**Vice-Speaker Cruz** asks as a businessman and former government board member whether or not there should be some sort of resolution, because he has spent many hours looking for discussion regarding the budget and asks how familiar Mr. Ilao is with the budget when he approved it?

**Mr. Ilao** states he was part of the working sessions but cannot speak to the details at this time because he does not remember much about it.

**Vice Speaker Cruz** states one of the major contracts is the legal counsel and asks if he remembers the caps for the legal counsel?

**Mr. Ilao** states he cannot.

**Vice Speaker-Cruz** asks if Mr. Ilao remembers when the board approved the amount or if he recalls being advised by management of problems with the legal counsel budget and the need to address it?

**Mr. Ilao** states he recalls a discussion about billing delays and that the Port may be exceeding the budget of the Legal Counsel, but beyond that he does not remember the numbers being presented.

**Vice-Speaker-Cruz** asks whether or not Mr. Ilao reviews the documents the Board is given?

**Mr. Ilao** responds yes.

**Vice-Speaker Cruz** states that he looked at the Board minutes in November where he found that Alma (Port Authority of Guam Procurement Manager) had a written document explaining the need to address the ceiling and the need to procure a new contract and asks Mr. Ilao if he believed they needed to procure a new contract having reached the max?

**Mr. Ilao** states he does not remember what he did and states what happened was they amended the contract.

**Vice-Speaker Cruz** asks when did the board approve the amendment of the contract?

**Mr. Ilao** states he does not remember.

**Vice-Speaker Cruz** states he has gone through the minutes and cannot find a board motion approving the amendment to the contract. States he has a copy of the FOIA showing the amendment deleting [section] 3.7 of the contract, but after going back to the periods before, he cannot find the board action giving the General Manager authority to sign the contract.

**Mr. Ilao** states he is sorry, but does not remember, further states that it was ten months ago.

**Vice-Speaker Cruz** clarifies it was four months ago.

**Mr. Ilao** asks Vice-Speaker Cruz if he said November.

**Vice-Speaker Cruz** states it was April fifth that Ms. Brown approved the amendment of the contract and that he cannot find any minutes or a board motion giving her the authority to do that. Asks if this is the way the board acts and whether or not Mr. Ilao believes this is important?

**Mr. Ilao** answers yes it should be.

**Vice-Speaker Cruz** asks did you understand the import of the deletion of what that section was?

**Mr. Ilao** asks on which one?

**Vice Speaker Cruz** states the amendment, [clarifies the date of the amendment] it was April fifth. Asks if Mr. Ilao understands the import of what that amendment was?

**Mr. Ilao** asks was there a board meeting before that?

**Vice-Speaker Cruz** states that is what he is trying to find out. When did the Board authorize the General Manager to remove section 3.7 in the contract?

**Mr. Ilao** states he does not remember.

**Vice-Speaker Cruz** clarifies whether he [Mr. Ilao] does not remember the discussion talking about the legal contract and the need to amend it.

**Mr. Ilao** responds yes.

**Vice-Speaker Cruz** states he believes it because he read all the minutes and is trying to find the motion that authorized it.

**Mr. Ilao** states he is not sure if he was still attending the meetings because he stopped attending in April because his term expired.

**Chairman Ada** interjects he believes Mr. Ilao's term expired in May on the ninety plus three-day rule.

**Vice-Speaker Cruz** states but even so, even if it was April, asks whether before his term expired, does he remember giving Ms. Brown the authorization to delete section 3.7 of the contract.

**Mr. Ilao** states he does not remember that.

**Vice Speaker Cruz** asks if he realizes the import of that?

**Mr. Ilao** states he does not.

**Vice-Speaker Cruz** states it lifts the cap and that he is trying to figure out how Ms. Conway certified the availability of funds and asks how much the Board budgeted for Legal contract for this fiscal year?

**Mr. Ilao** states he does not remember.

**Vice-Speaker Cruz** asks if it would surprise Mr. Ilao that by lifting the cap, the Port could run a legal fee in excess of three quarters of a million [dollars] if not more?

**Mr. Ilao** states considering all the cases that they have given the legal counsel, the right thing to do would be to put a cap but temporarily so that the legal counsel to do everything in the interest of the Port.

**Vice Speaker Cruz** asks Mr. Ilao about his private companies and how his legal services' outstanding items are billed and audited?

**Mr Ilao answers** our auditors would ask our legal counsel if there are any lawsuits pending, but nothing about money.

**Vice-Speaker Cruz** asks as a member of the board, do you review any of the documents transmitted to the auditors?

**Mr. Ilao** states he thinks in the past few years the board has not been given the chance to see the numbers before they go to the auditor.

**Vice-Speaker Cruz** asks do you believe that it is the Board's [duty to show] due diligence of what they are doing and how they vote on during the meetings.

**Mr. Ilao** states he reads all the documents presented to him.

**Vice-Speaker Cruz** asks if Mr. Ilao has seen any of the billings provided by the legal counsel?

**Mr. Ilao states** not that he can remember?

**Vice-Speaker Cruz asks** whether or not in November when Ms. Torres or Ms. Javier brought up the issue, did he see it as due diligence to determine whether or not they were exceeding the cap?

**Mr. Ilao** responds that he thinks they tasked the GM with looking into it.

**Vice-Speaker Cruz** asks if Mr. Ilao remembers a report coming back to the Board on the issue?

**Mr. Ilao** Answers no.

**Vice-Speaker Cruz** asks if it would surprise Mr. Ilao that the Legal Counsel sent a letter in November saying the Port had about \$100,000 in outstanding invoices with the Port that had not been billed?

**Mr. Ilao** states it would not surprise him because the Board was aware that his invoices were delayed.

**Vice-Speaker Cruz** asks whether Mr. Ilao felt as a Board Member that he could or should insist that he provide those invoices so the Port could adequately close its books?

**Mr. Ilao** responds our Chairman and GM asked our legal counsel to provide those invoices as soon as possible.

**Vice-Speaker Cruz** asks if it would surprise Mr. Ilao that in April of last year, the Board Chairman wrote to the legal counsel and wanted timely invoices and that in November, the GM and the Chairman requested timely billing and that from April to December, no invoices were submitted to the Port?

**Mr. Ilao** responds our Chairman and GM were given the directive and whether or not he complied our GM would have taken care of that.

**Vice-Speaker Cruz** asks if as a board member whether or not Mr. Ilao thought it was his fiduciary responsible to follow up of the issue?

**Mr. Ilao states** the board was unanimous in asking the legal counsel to submit billing on-time, the board's voice was the chairman.

**Vice-Speaker Cruz** asks if Mr. Ilao would be surprised that the Legal Counsel wrote to the auditor in January stating the November figure was still accurate, yet in the months that followed the Port was billed over \$270,000, did any of the Board think that was something they needed to address?

**Mr. Ilao** states that based on everything that was happening at the Port during that time period of October on then we understood that they would be billing more during that time period.

**Vice-Speaker Cruz** asks if Mr. Ilao saw any of the invoices when they came in starting in February for the services performed in October, November and December 2012?

**Mr. Ilao** answers no.

**Vice-Speaker Cruz** asks if Mr. Ilao would be surprise that he was billing about \$65,000 a month?

**Mr. Ilao** answers, for that period, no.

**Vice-Speaker Cruz** asks if Mr. Ilao would be surprised that by authorizing the GM and the Acting Financial Officer to sign that there are certified funds available for this amendment of the contract, that with all the civil service hearings and all the preparation that the monthly billings but would probably be closer to eighty (\$80,000) if not ninety (\$90,000), if not one-hundred thousand dollars a month because of all the additional work that was being done?

**Mr. Ilao** states it would not surprise him.

**Vice-Speaker Cruz** asks did you authorize them to sign this to say that there was a budget approved for up to one million dollars in legal fees?

**Mr. Ilao states he** is not sure of the dates, but he states believe he believes the board amended the budget to accommodate the legal fees.

**Vice-Speaker Cruz** states the meeting to deal with the budget was April 10<sup>th</sup> and the signing of the amendment was April 4<sup>th</sup> and thanks the Chairman and states that he's had enough with that.

**Senator Yamashita** thanks Mr. Ilao for once again being willing even with the "merry-go-round" of issues at the Port. States the Vice Speaker is attempting to address attention to detail and that's what is expected of Board Members but she also sees the fine line between policy and management. Also states its clear the Port's people are tired and she can see it. Further states that when she sees someone like John Santos testify on his behalf, she states that is meaningful because she knows he is boots on the ground and is about getting work done. Closes by thanking Mr. Ilao for his willingness to serve.

**Senator Morrison** thanks those who testified and invites Mr. Ilao to share some of the progress and challenges being faced at the Port.

**Mr. Ilao** states that there is a knowledge vacuum because one of the key employees, among others was let go. Further states as far as progress in the next two years, the Modernization Plan will transform the Port into a modern facility. Alludes to the Cranes and the upcoming PMC and the closing of the Loan with a Bank to carry out very much-needed repairs and purchase equipment and upgrade the financial management system. Mr. Ilao closes by alluding to several ongoing projects such as the emergency operations center and the warehouse demolition.

**Senator Morrison** thanks Mr. Ilao for sharing because he states that even though what is out there about the Port are negative issues, he can balance what's out there as well. Further states that though the Vice Speaker raised some issues, he thanks Mr. Ilao for his willingness and praises the support he has for his nomination.

**Senator Tony Ada** thanks Mr. Ilao for stepping up to the plate again and accepting a nomination to the Port Board. States that for Mr. Ilao to come back with everything that is going on speaks a lot to his willingness to face the consequences. Further states that because of the ongoing CSC issues and other things that are going on, there are probably questions Senators can not ask he states he just hopes that moving forward issues brought to issues brought to him and the board

are taken wholeheartedly so that we don't have to keep going through this time after time. Closes by stating that he knows the challenges at the Board are faced by all members of the Board. Asks how many members are on the Board.

**Chairman Ada** states Mr. Benito and Mr. Tydingco are on there ninety (90) days plus three (3) [legislative days].

**Senator Tony Ada** closes by stating it's important to keep continuity and again thanks Mr. Ilao for his willingness to serve.

**Senator Duenas** states despite the issues brought up, he thanks Mr. Ilao for his willingness to serve. Wants to afford Mr. Ilao the opportunity to discuss his career of public service so the committee and the public can glean more into Mr. Ilao's "longevity and depth rather than focus more on the bumpy roads that he's traversed."

**Mr. Ilao** states he will give the highlights and that during his time at GPA, he was given the opportunity to serve on the task force tasked with creating more generation. Further states because of the rolling blackouts in the mid-90s, they were tasked to procure more generation for GPA and had to sign a contract by September. States they were able to sign 88 Megawatts of power with ENRON and 40 Megawatts with TEMES. States that was the major highlight of his GPA Board Membership. Goes on to state that with GCC Board of Trustees, the biggest highlight for him was hiring Mary Okada as president, because although there were two very qualified candidates, they considered who could move GCC forward with everything GCC was facing at the time. Further states, the rest is history, she [Ms. Okada] got a lot of money from the feds and we are continuing to build GCC into the institution it should be to serve Guam in the next twenty years.

**Mr. Ilao** states that with the Port, moving forward, even with MARADs control of everything the Port will be moving forward.

**Senator Duenas** thanks the chair and states Mr. Ilao is a big thinker.

**Senator Limtiaco** thanks Mr. Ilao for his testimony and states that he and all his colleagues respect the CSC proceedings. Asks with all his previous board experience and the time out of family life, why he would he put himself through all of the public service and time requirements again?

**Mr. Ilao** responds stating that question has been asked by his wife and friends but states that he has a passion for doing what he can for Guam and helping it to address. States he does not want to be a complainer telling people about the problems on Guam. Further states he wants to be part of the solution.

**Senator Limtiaco** states that though it is extremely difficult to keep up with every detail with a board is difficult, but asks what are some of the tough decisions faced by the Board and in the past?



**Mr. Ilao** states the toughest decisions are the personnel actions and the easiest decisions are the business-related decisions.

**Senator Limtiaco** states that, as a private businessman Mr. Ilao must know the ramifications of personnel matters and asks Mr. Ilao about his experience?

**Mr. Ilao** states that he has the unfortunate experience of firing those close to him and states that he brings that to the board, that if someone is not performing, he has no problem letting them go.

**Senator Limtiaco** thanks Mr. Ilao for being willing to face the scrutiny he is facing.

**Senator Barnes** thanks Mr. Ilao for his willingness to serve and states it gives her pause in thinking about the amount of respect Mr. Ilao is willing to serve Guam with. States she noticed as Mr. Ilao spoke about previous experience that he did not acknowledge himself and the work he has done. States that she shares some of the same sentiments of her colleagues and thanks Mr. Ilao for stepping up to the plate.

**Senator McCreadie** thanks Mr. Ilao for his service to the community but states that there are some things brought up in testimony that he would like to ask questions about. States that Ms. Torres' testimony alleges Mr. Ilao and the Board violated the open government law on four occasions and asks Mr. Ilao to speak whether Mr. Ilao thought that was improper

**Mr. Ilao** states he denies any allegations of wrongdoing by Ms. Torres or Ms. Meno

**Senator McCreadie** asks about the allegation of a tape recorder being turned off at a meeting

**Mr. Ilao** states there may have been a recess or the Board may have taken a break

**Senator McCreadie** asks about Mr. Ilao's answers to Vice Speaker Cruz's questions and whether he didn't remember the conversations or if he didn't remember if the conversations ever happened

**Mr. Ilao** states if he stated he didn't remember, he just did not remember

**Senator McCreadie** states that Mr. Ilao stated he had unique qualifications and asks Mr. Ilao to speak to what his unique qualifications are

**Mr. Ilao** cites his engineering background, his company's status as a general and specialized contract and his experience with government boards and the business he has done with the government.

**Senator McCreadie** states that Mr. Ilao claimed he was a shy and silent guy and asks whether Mr. Ilao considers himself a strong member of a five-person team

**Mr. Ilao states** though he may be silent, it does not mean he does not know what is going on. Further states that other board members sometimes voice the concern he has and he speaks with his vote.

**Senator McCreadie** asks what Mr. Ilao's main priority is as a board member

**Mr. Ilao** states as a policy maker, his number one policy is to make sure management follows the law. States that with a lot going on at the Port, with less key employees they are having trouble doing that. Closes by stating that his experience will be valuable to the Port in the modernization program in the next few years.

**Senator McCreadie** asks about the state of the Port from an insider's perspective, specifically as a director and a divide that exists between the Port employees and management.

**Mr. Ilao** responds by stating management has communicated to employees they mean business and that they will do what they must to move the Port forward and that some employees will resist change and other will not.

**Senator McCreadie** states that obviously there is some sort of divide and that the Board may need to get creative and make the employees better rather than having to fire them.

**Mr. Ilao** states the board can certainly task the general manager to do that and that the board can participate in more programs to socialize with employees, but further states that they are policy makers and that they don't fire employees and are not even consulted when that happens.

**Senator McCreadie** clarifies if they can make recommendations

**Mr. Ilao** states they do not even make recommendations, they just give the GM the report and were just as shocked when she came back with the lay offs

**Senator McCreadie** states thanks Mr. Ilao and the chairman and states he looks forward to the confirmation when it hits the floor.

**Chairman Ada** asks Mr. Ilao to describe his awareness of the work climate at the Port.

**Mr. Ilao** states that he has not gone there and tries to stay away from the grounds of the Port because of the business he does with the Port and does not want to give the perception that anything is going on so he states he stays on a management level at the Port interacting with the GM and the assistant GM.

**Chairman Ada** states that one of the testimonies that came in reads, "laws are being broken, procedures and policies that protect employees on the dock are not being followed and there is such a climate of fear, intimidation and retribution that people are scared to speak up." Asks Mr. Ilao if he is not aware of that climate?

**Mr. Ilao** states no he is not.

**Chairman Ada** clarifies stating you are absolutely oblivious of that climate.

**Mr. Ilao** states that is a surprise to him as that has not been communicated him by anyone.

**Chairman Ada** asks if Mr. Ilao would be surprised that many of the employees on the docks have not complied with the OSHA safety requirements?

**Mr. Ilao** responds that he is not aware and states he believes they have budgeted money and even have contracts with companies who would do that for the Port.

**Chairman Ada** states he is concerned that there is a big divide and that the Board only goes to management. Further states that he is taken aback that anything that happens beyond the GM, the Board is oblivious too.

**Mr. Ilao** states though it may not look right and further states he welcomes suggestions on how to address those issues. Closes by stating, they are policy makers and if those issues are not communicated to the Board, how are they to correct it?

**Vice-Speaker Cruz** clarifies that with the comments Mr. Ilao has made about doing business with the Port he asks when the last ethics course Mr. Ilao has taken.

**Mr. Ilao** states a long time ago.

**Vice Speaker Cruz** clarifies that by law he should have taken an ethics course within six months of being confirmed in 2011.

**Mr. Ilao** states he does not remember taking the course and asks if it was at GCC or UOG and states he does not know if it has been offered.

**Vice-Speaker Cruz** states that he would like to request the certificates provided at the ethics course from the Port Board of Directors.

**Chairman Ada** states that a memo was sent to the Board in the last two weeks requesting that information.

**ViceSpeaker Cruz** because he did not realize Mr. Ilao was doing business with the Port and on the Port Board.

**Mr. Ilao states** he believes he knows where to tow the line because he has been through it at GCC and at GPA.

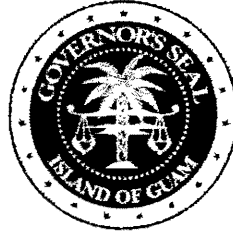
**Vice-Speaker Cruz** requests that he get a copy.

**Chairman Ada** closes by commending Mr. Ilao for stepping forward and adjourns the public hearing at 8:33pm.

### III. FINDINGS AND RECOMMENDATIONS

The Committee on Public Safety, Infrastructure and Maritime Administration hereby reports on the appointment of Mr. Eduardo R. Ilao to serve as a member of the Jose D. Leon Guerrero Port Authority of Guam Board of Directors, with the recommendation TO REPORT ONLY.

EDDIE BAZA CALVO  
Governor



RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Dos Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

MAY 02 2013

2013 MAY -2 PM 2:32

RE: Board Appointment

Dear Madame Speaker:

By virtue of the authority vested in me by the Organic Act of Guam and the local laws applicable to the following position, I am pleased to transmit the appointment and supporting documents for:

APPOINTEE:	Eduardo R. Ilaó
POSITION:	Member, Port Authority of Guam, Board of Directors
TERM BEING FILLED:	January 1, 2013 to December 31, 2015
LENGTH OF TERM:	Three (3) years

The appointment is subject to the advice and consent of *I Liheslaturan Guåhan*. Please schedule a hearing at your earliest convenience.

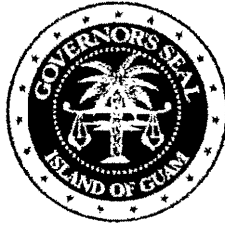
*Senseramente,*

EDDIE BAZA CALVO  
*I Maga'láhen Guåhan*  
Governor of Guam

304  
32-13-304 fa  
Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date 5/2/13  
Time 2:06 PM  
Received by Faith

Enclosure

EDDIE BAZA CALVO  
Governor



RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

APR 05 2013

April 2, 2013

Mr. Eduardo R. Ilaó  
P.O. Box 6577  
Tamuning Guam 96931

RE: Board Appointment

Dear Mr. Ilaó:

Thank you for your commitment to serve the people of Guam. The Calvo Tenorio administration is facing unprecedented challenges, both near and long-term. The task ahead of us will require the collective efforts of the best minds who have the courage to make tough decisions for the good of all our people. For these reasons, I hereby re-appoint you to serve in the Calvo Tenorio administration as:

**Member, Port Authority of Guam Board of Directors**  
**Term Being Fill: 01/01/2013 to 12/31/2015**  
**Length of Term: 3 years**

This appointment is subject to the advice and consent of *I Liheslaturan Guåhan*. Please contact the Office of the Governor at 472-8931 for further processing.

*Senseramente,*



EDDIE BAZA CALVO



OFFICE OF THE GOVERNOR  
GUAM

## Boards & Commissions Nomination Information

The following information is required for submission to the Speaker of *I Liheslaturan Guahan* in accordance with Title 4, Guam Code Annotated Section 2103.5:

### NOMINEE INFORMATION

Last Name Ilao First Eduardo M.I. R Date 04/29/13

Address [REDACTED] Apartment/Unit #

City [REDACTED] State [REDACTED] ZIP [REDACTED]

Phone [REDACTED] E-mail Address [edilao@jmiguam.com](mailto:edilao@jmiguam.com)

Position to which Appointment is Made Member, Port Authority of Guam Board of Directors

Are you a citizen of the United States? YES NO If no, are you authorized to work in the U.S.? YES NO

### EDUCATION

High School Paco Catholic School City/State Paco, Manila, Philippines

From 1974 To 1978 Did you graduate? YES NO Degree High School

College Illinois Institute of Technology City/State Chicago, IL

## EDUCATION

From	Aug-1980	To	Dec-1983	Did you graduate?	YES	NO	Degree	B.S.E.E.
Graduate School	Illinois Institute of Technology			City/State	Chicago, IL			
From	Aug-1984	To	Dec-1986	Did you graduate?	YES	NO	Degree	M.S.E.E.
Other Degree				City/State				
From		To		Did you graduate?	YES	NO	Degree	

## EMPLOYMENT HISTORY

(1) Present Employer	Johndel International, Inc.	Position	President
Address	P.O. Box 6577 Tamuning, Guam 96931	Dates Held	Jan-1987 to Present
(2) Present Employer	E.R. Ilao & Associates, Inc.(Part-Time)	Position	President
Address	P.O. Box 8769 Tamuning, Guam 96931	Dates Held	Apr-1994 to Present
(3) Previous Employer	M.R. Imaging Group. L.P.	Position	Chief Financial/Technical Officer
Address	384 Father Duenas Drive Tamuning, Guam 96913	Dates Held	Mar-1996 to May-2008
(4) Previous Employer	Built-Rite Construction Co.	Position	Operations Manager
Address	Tamuning, Guam 96913	Dates Held	Jun-1989 to Oct-1997
(5) Previous Employer	Electromotive-General Motors	Position	Associate Project Engineer
Address	LaGrange, IL	Dates Held	Feb-1984 to Mar-1986

## PRIOR GOVERNMENT OF GUAM SERVICE

Agency	Guam Power Authority	Phone	648-3002
Address	P.O. Box 2977 Hagatna, Guam 96932		
Job Title	Board Vice Chairman	From: 1995	To: 2000



## **PRIOR GOVERNMENT OF GUAM SERVICE**

Agency                    Guam Community College                    Phone    735-5638  
Address                    P.O. Box 23069  
                                  GMF, Guam 96921  
Job Title                    Board of Trustee                    From: 2007                    To: 2011

## **PRIOR GOVERNMENT OF GUAM SERVICE**

Agency                    Port Authority of Guam                    Phone    472-7678  
Address                    1026 Cabras Highway Ste 201  
                                  Piti, Guam 96925  
Job Title                    Member, Board of Directors                    From: 2011                    To: Present

## **PRIOR GOVERNMENT SERVICE (EXCLUDING GOVERNMENT OF GUAM)**

Agency                    N/A                    Phone  
Address  
Job Title                    From:                    To

Agency                    Phone  
Address  
Job Title                    From:                    To

## **TRAINING**

Institute/Seminars/On-the-Job Training:                    Date

## **AWARDS**

List all educational, professional, civic awards, and recognition for public service:

Maga'lahi Commendation - 1996

Filipino Community of Guam Award of Excellence in the Field of Business & Entrepreneurship - 2004

Jeffrey Butland Family-Owned Small Business of the Year - 2013

**PROFESSIONAL INVOLVEMENT**

List involvement on a local/national/international level, list organization, activities participated in, offices held:

Guam Chamber of Commerce, Guam Contractors Association, Guam Hotel & Restaurant Association

Association of Energy Engineers, American Solar Energy Society

National Fire Protection Association

American Association of Radon Scientists and Technologists

**COMMUNITY / CIVIC INVOLVEMENT**

List organizations, activities, participated in, offices held

American Red Cross – Guam Chapter (Chairman 2004-2007, Board Member 2002-present)

GCC Endowment Foundation (Board Member)

Batangas & Southern Tagalog Association of Guam (President 1993-94)

Guam Girl Scouts (Board Member)

**PUBLICATIONS AND PRESENTATIONS**

List any published articles, papers delivered at professional meetings, etc.:

N/A

**MILITARY SERVICE (PLEASE ATTACH FORM DD-214)**

Branch N/A

From To

Rank at Discharge

Type of Discharge

**OTHER INFORMATION**

(1) Have you ever been found guilty of a felony in any court, whether within or without the United States? YES NO

If so, please specify in detail:

Address of the court: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

Specific infraction committed: \_\_\_\_\_

(2) Have you ever been declared mentally incompetent by any court, whether within or without the United States? YES NO

If so, please specify in detail the reasons and facts related to such declaration:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) Have you ever been found not guilty or not punishable in any criminal proceedings by reason of insanity? YES NO

(4) Have you ever been confined to a mental institution for any reason? YES NO

If so, please specify in why the appointing authority believes you that you are not suffering from any mental illness or affliction:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



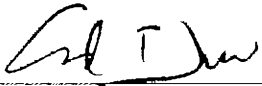
## Statement of Financial Interests

TO: Governor Eddie Baza Calvo  
Ricardo J. Bordallo Governor's Complex  
Adelup, Guam 96910

FROM: EDUARDO R. ILAO

- I have no financial interest in any business
- I do have interest(s) in the following business(es):

Name and address of business interest:	Type and amount of interest
Johndel International, Inc.	Shareholder - 26.65%
E.R. Ilaos & Associates, Inc.	Shareholder - 98%
Energy Resources International, LLC	Partner - 33-1/3%
G5 Systems & Services, Inc.	Shareholder - 40%
Renpower Corporation	Shareholder - 33-1/3%

  
Signature

4/29/2013  
Date



## Statement of Tax Liabilities


TO: Governor Eddie Baza Calvo  
Ricardo J. Bordallo Governor's Complex  
Adelup, Guam 96910

FROM: Eduardo R. Ilao

I have no delinquent or past due tax liabilities:

I do have delinquent or past due tax liabilities:

Name and address of business interest:	Type and amount of interest
Johndel International, Inc.	Shareholder - 26.65%
E.R. Ilao & Associates, Inc.	Shareholder - 98%
Energy Resources International, LLC	Shareholder - 33-1/3%
G5 Systems & Services, Inc.	Shareholder - 40%
Renpower Corporation	Shareholder - 33-1/3%

  
Signature

4/29/2013  
Date


**AFFIDAVIT / DECLARATION UNDER PENALTY OF PERJURY**

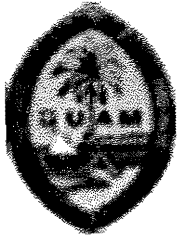
I, the undersigned, do hereby depose and say that: (1) I have read and reviewed the information contained in the attached Appointment/Nomination letter from the Governor of Guam; (2) that the matters contained in the Appointment/Nomination letter, together with all attachments thereto, are true and correct and that I am competent to testify to said matters; and (3) that this Declaration is made for the purpose of complying with the requirements of 4 G.C.A. Section 2103.5.

I declare under penalty of perjury under the laws of Guam (4 G.C.A. Section 4308) that the foregoing is true and correct.

Signature 

Date 4/29/2013

  
**SHEILA Z. MACATANGAY**  
NOTARY PUBLIC  
In and for Guam, U.S.A.  
My Commission Expires: **May 02, 2015**  
P.O. Box 315604 Tamuning, Guam 96931



**Government of Guam  
 GUAM POLICE DEPARTMENT  
 RECORDS & IDENTIFICATION SECTION  
 P.O. Box 23909  
 Guam Main Facility, Guam 96921**



April 3, 2013

**SUBJECT: CRIMINAL HISTORY RECORD**

<b>NAME:</b>	Eduardo R. ILAO		
<b>DATE OF BIRTH:</b>	██████████	<b>FINGERPRINT #:</b>	114 344
■	The individual has no record of conviction(s) in GPD files that are subject to Guam law and rules and regulations of the Department.		

\*\*\*\*\*NOTHING FOLLOWS\*\*\*\*\*

*THIS INFORMATION MAY BE LIMITED TO A LOCAL CRIMINAL OFFENSE ONLY AND IS NOT INTENDED FOR USE FOR ANY LOCAL, STATE, OR FEDERAL LAW ENFORCEMENT AGENCY. THIS CLEARANCE DOES NOT REFLECT ARREST(S) PENDING ADJUDICATION*

**By Direction: priscilla**

**FRED E. BORDALLO, JR.**  
 Chief of Police

The absence of an original GUAM POLICE seal invalidates this police clearance.  
 revised 07/12/11



# SUPERIOR COURT OF GUAM

Guam Judicial Center • 120 West O'Brien Drive • Hagåtña, Guam 96910

Telephone (671) 475-3370  
Fax (671) 477-1500

**RICHARD B. MARTINEZ**  
Clerk of Courts

Name: **EDUARDO R.ILAO**

SS#: ID# GUAM DL [REDACTED] Date of Birth: [REDACTED]

## CERTIFICATE OF SEARCH

The undersigned Clerk hereby certifies the following results of a diligent search of the records of this Court:

### Criminal Cases:

- A.  No Case Found.
- B. 1. Criminal Case No.
- 2. Criminal Case No.
- 3. Criminal Case No.
- 4. Criminal Case No.
- 5. Criminal Case No.

### Civil Cases:

- A.  No Case Found
- B. 1. Civil Case No.
- 2. Civil Case No.
- 3. Civil Case No.
- 4. Civil Case No.
- 5. Civil Case No.

Criminal Record: Page of

Civil Record: Page of

Request for further information may be addressed at the Records Division of the Superior Court of Guam, Guam Judicial Center, 120 West O'Brien Drive, Hagatna, Guam. Hours of operation are Monday - Friday, 8:00 a.m. to 5:00 p.m. Closed Saturday, Sunday and local/federal holidays. Court Clearances are Non-Refundable.

Dated: April 04, 2013

**RICHARD B. MARTINEZ**  
Clerk of Courts

BY: **ANIKA J JOHNSTON**  
Deputy Clerk

Prepared By: JJAP



The absence of an original Court Seal invalidates this document



Committee on Public Safety, Infrastructure and Maritime Transportation  
Confirmation Hearing  
August 8, 2013  
5:30 pm  
1 Liheslaturan Guåhan, Hagåtña

**Appointment of Mr. Eduardo Ilao to serve as a member to the Board of Directors of the Jose D. Leon Guerrero Port Authority of Guam**

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
Bernadette MENO	self	✓	✓		✓	482-2866
Julietta J. Inocencio	JMI			✓		488-7190
Ma. Angela A. Villacrusis	JMI			✓		469-9539
Karen Dimapilis				✓		488-4113
LEONARDO CORDOBA	JMI			✓		888-1027
MARIA TAITANO	PAG	✓	✓	✓		477-5931
SHEIVA MACATINGAY	JMI			✓		488-2291
Leana Willess	JMI			✓		488-7161
Hsie Hular	JMI			✓		788-9079
KRISTELLE SANCHEZ	JMI			✓		686-7246
JULIAN CESAR MACALMA	JMI			✓		8883863
FULBERT REY G. MANEJA	JMI			✓		7881903
SAMUEL A. CREDO	JMI			✓		6850959
Genec B. Libete	JMI			✓		16716850588
ANTONIO M. GONZALES	JMI			✓		9887636
Donnie J. Pomeroy	PAG			✓		477593
Carol V. Jenkins	PAG			✓		477-5931
Carmen Medeloa	PAG			✓		477593
Simon Peter Sandoz	PAG			✓		477-5931
JUDITH B. SANDOZ	PAG	✓		✓		477-5931
REY VEGA		✓		✓		6883151
David Alcam	GFS	✓		✓		687-8438





July 31, 2013

The Honorable Thomas C. Ada  
Chairman, Committee on Public Safety, Infrastructure, & Maritime Transportation  
*I Mina' Trentai Dos Na Liheslaturan Guahan*  
173 Aspinall Avenue  
Hagatna, Guam 96910

Hafa Adai Chairman Ada,

I am honored to have this opportunity to provide written testimony in support of the confirmation of Mr. Ed Ilao as a Board Member of the Port Authority of Guam (PAG). I have known him on a professional level for the past 1.5 years.

As you know, the PAG Board has been under extreme scrutiny and the subject of a great deal of media coverage. It is not easy for Members to serve while subjected to such pressures. Despite this, Ed has remained steadfast in putting PAG and the People of Guam's best interest at the forefront. During his previous tenure, he was instrumental in developing the Program Management Manual that guides all stakeholders in the administration of DOD funds for projects under the Port Modernization Program. He has provided advice and guidance to the Board, Management, and the Engineering Department on on-going as well as proposed projects. He further has taken on the challenge of serving on the Project Oversight Team for the Port Modernization Program.

Ed brings to the Board his expertise in Engineering. He holds a Master's Degree in Electrical Engineering; is a Certified Energy Manager (CEM); a licensed Electrical Engineer & Construction Manager; and a licensed General & Specialty Contractor. During this unprecedented period which PAG has many modernization projects happening; his knowledge, skills, and expertise are crucial. It is for this reason that I wholeheartedly support his confirmation and respectfully encourage the members of the committee to confirm his nomination.

Sincerely,



Christine Baleto  
General Manager, Market Wholesale Distributors  
Owner/Master Franchisee, Pacific Fruits LLC dba FROOTS  
Vice-Chairperson, Port Authority of Guam Board

Hafa Adai Senators,

My name is David G. Teixeira and I am a proud member of the Port Strong team. I am a Equipment Operator II and I also serve as the Union Steward for our employees. I am submitting written testimony tonight as I have to be at work this evening so I respectfully request that this testimony be read into the record at this hearing tonight.

I am here tonight to bring to your attention a situation that is on the verge of imploding at the Port. Under the current leadership of the new General Manager and this Board of Directors, laws are being broken, procedures and policies that protect the safety of us on the docks are not being followed and there is such a climate of fear and intimidation and retribution that people are scared to speak up. In fact, speaking up about wrongdoings which is considered Whistleblowing can even lead to you being physically assaulted.

I know Mr. Ed Ilaio is aware of all of these things as more as these matters are brought forth to him via the General Manager in all monthly meetings and are contained in her confidential employee and human resources report that she gives to them.

Senators, recently the GM with board approval suspended more than 20 employees for following a policy in place with the port. Joanne Brown suspended us for falsifying time sheets because our supervisor had secured us that night under the cancellation completion policy. Most decided not to fight this suspension because of the fear of retribution ongoing. Then, on July 20, 2013 I inquired of the leader on duty that day why port employees, many of them my union brothers, were being paid to work on a ship at 1.5 hours which is overtime but instead were forced to go up to the marina to set up canopies for liberation day and work on a float on the clock on government time. This supervisor became so angry that I would dare question anything being ordered by him and the GM that I was physically assaulted by him. I immediately went to Port police to report the assault and even had witness statements to verify what had happened. Obviously he was upset because I am a subordinate and I questioned what was happening but I am a Union Steward at the Port and it is my right and duty to question and protect the employees. As a Union Steward I am protected by local and federal laws. Senators I wholly and completely support the Liberation Day Festivities. I am the great grandson of Augeda Johnston, who helped create the very first Liberation Day parade in commemoration of our being liberated from the Japanese. However, I have a duty to make sure that public funds are not being abused in preparation of these activities.

Instead, the higher ups decided to trump up charges against me and just yesterday I was served an adverse action based on the incident. Senators this is just more evidence of the

corruption, lies, fraud, double face actions of those currently in power at the Port. The employees at the port, especially those working the docks, work in extreme conditions under difficult pressure without any regards to safety and the appropriate manpower to do what we do. But every day we pull off miracles. But it is getting harder and harder to do this as this climate of fear and intimidation continues to move throughout the Port.

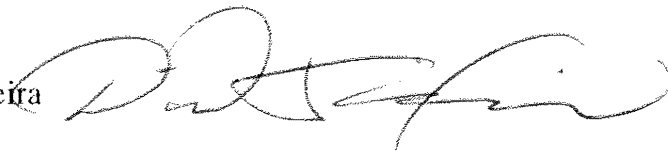
I would like to point out that this latest Adverse Action I received is undoubtedly in retaliation for an ongoing grievance that nearly 100 employees have filed against management and also because on July 17, just three days before I was assaulted, myself and two other employees filed an Ethics Code of Conduct Complaint with the Civil Service Commission against John and Ray Santos the top management of the Port Operations underneath Joanne Brown.

So I am sure that after tonight I will face even more retribution and harassment for coming forward and doing the right thing. Standing up and speaking out isn't always easy. I sure wish there were more who could do it.

Senators I ask that before you confirm him that you first address all the concerns brought forth and review the documents in question that I am submitting with this testimony.

Thank you,

David G. Teixeira



8/8/13



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

I Gobierno Guahan  
CIVIL SERVICE COMMISSION  
KUMISION I SETBISION SIBIT

1<sup>st</sup> Floor Suite 6A Phase II Complex  
777 Route 4, Sinajana, Guam 96910  
P.O. Box 3156 Hagaina, Guahan 96932  
Tel: 647-1855/57 Fax: 647-1867



Alberto "Tony" Lamorena V  
Executive Director

Employee Address and Contact Information / Disclosure Form

This form requests personal information that is relevant and necessary to reach a decision in your appeal. The Civil Service Commission collects this information in order to process appeals or complaints under its statutory and regulatory authority. Because your appeal or complaint is a voluntary action, you are not required to provide any personal information in connection with it. However, failure to supply the Civil Service Commission with all the information essential to reach a decision in your case could result in the rejection of your appeal or complaint.

You should know that your appeal or complaint is available to the public under the provisions of the Sunshine Reform Act of 1999. Information contained in your appeal or complaint file may be released as required by the Sunshine Reform Act of 1999. Some information about your appeal or complaint will also be used in a depersonalized form as a database for program statistics.

Please print the requested information below.

NAME OF EMPLOYEE: YOSHIDA, ANGELA  
YOSHIDA, KEN  
TEIXEIRA, DAVID

Last Name	First Name	Middle Initial
		747-0508

CONTACT INFORMATION: Work#: \_\_\_\_\_ Home#: \_\_\_\_\_ Cell #: 456-5744

Mailin Address: \_\_\_\_\_

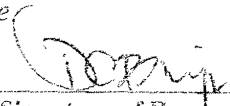
E-Mail Address: \_\_\_\_\_

**DISCLOSURE OF INFORMATION:** Upon filing of any appeal or complaint, documents submitted to the Civil Service Commission become public records / writing. The documents may be disclosed, inspected, or copied pursuant to the Sunshine Reform Act (5 GCA, Chapter 10) or other applicable law(s). Personal Information will not be made available (i.e. SSN#, home address, etc.) to the public.

*I hereby agree and acknowledge that upon any changes of the above information I will notify the Commission. Non-notification may result in my case being dismissed. Furthermore, I have read and understand the Disclosure of Information Statement above.*

PLEASE ATTACHED LETTER 7/17/13

Signature of Employee and Date

 7/17/13  
Signature of Representative and Date

Employee and their Representative, if any, shall be responsible to notify the Civil Service Commission of any changes in contact numbers or address. Employee shall be primarily responsible for notification to the Commission of any changes in representation. Failure to notify the Commission may result in the dismissal of your case for failure to attend hearings and conferences.

7-17-2013

Date

TO: Executive Director, Civil Service Commission  
YOSHIDA, ANGELA  
FROM: YOSHIDA, KEN TEIXEIRA, DAVID

SUBJECT: Letter of Appeal  / Letter of Complaint   
(must check one only, for multiple appeals or complaints please fill out additional forms)

Type of Appeal: (Please check only one (1) box)

- Adverse Actions
- Grievance
- Equal Employment Opportunity

Type of Complaint: (Please check only one (1) box)

- Post Audit
- Notice Of Personnel Action
- Public Employee Protection Act, "aka whistle blower", (applicable to classified & unclassified employees)
- Lay Off
- Priority Placement
- Furlough
- Political Activity, "aka mini-hatch", (applicable to classified & unclassified employees)
- Ethics in Procurement

I, SEE ATTACHED LETTER 7-17-13  Classified employee  / Unclassified employee   
(Full name)

of PEET AUTHORITY OF GUAM in the position of SEE ATTACHED LETTER  
(agency or department) (your official job title)

I believe the action is inappropriate for the following reasons:

SEE ATTACHED LETTER DATED JULY 17, 2013

SEE ATTACHED LETTER DATED JULY 17, 2013

(signature)

(date)

REP DAVID BARRALTA  
GFT



## BRIEF SUMMARY OF THE DIFFERENT APPEALS OR COMPLAINTS

Type of Appeals: Appeals involve a classified employee and management or their representatives arguing the matter before the Commissioners to render a decision in their favor. The burden of proof is on management on Adverse Actions and on other appeals, the burden of proof is on the employee.

- **Adverse Actions** – Is an action taken by management to suspend, demote or dismiss an employee from the classified service.
- **Grievance** – Normally include, but not limited to, such matters as employee-supervisor relationships, duty assignments not related to job classification, shift and job locations assignments, hours worked, working facilities and conditions, policies for granting leave and other related matters.
- **Equal Employment Opportunity** – Is an action taken by management or another employee discriminating in employment matters against any person on the basis of race, color, sex, religion, national origin, age, marital status, disability, or political affiliation, except for a bona fide occupational qualifications or legal requirements.

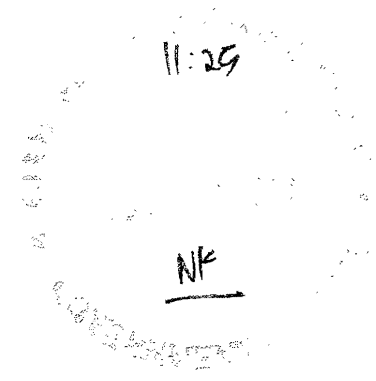
Type of Complaints: Complaints involve the CSC staff to prepare an **Assessment Report** to be presented before the Commissioners for their approval into a formal **Investigation**. The burden of proof is on the employee.

- **Post Audit** – A written request to review an action that is improperly applied in personnel matters.
- **Notice of Personnel Action** – A review of a Personal Action that is improperly applied pursuant to rule or law.
- **Public Employee Protection Act, “aka whistle blower”**, (applicable to classified & unclassified employees) – An action by any government of Guam employee that was done in retaliation because you reported waste and mismanagement of public funds, abuse of government authority, and illegal or unethical practices. Disclosure is required to your immediate supervisor, appointing authority or member of the Guam Legislature, before filing a complaint.
- **Lay Off** – Is an action taken by management, that is either improperly applied pursuant to the Lay Off procedures, or taken in bad faith.
- **Priority Placement** – Is an action taken by management, that is either improperly applied pursuant to the Priority Placement and Lay Off procedures, or taken in bad faith.
- **Furlough** – Is an action taken by management, that is either improperly applied pursuant to the Furlough procedures, or taken in bad faith.
- **Political Activity, “aka mini-hatch”**, (applicable to classified & unclassified employees) – An activity by any government of Guam employee that is prohibited by the Political Activity law.
- **Ethics in Procurement** – An action in violation of procurement practices pursuant to § GCA §5625 - §5633.

July 17, 2013

To: The Civil Service Commission

Re: Nepotism at the Port Authority of Guam



Director Lamorena;


Buenas Yan Saluda! This letter serves as a request for the Civil Service Commission (CSC) to investigate a violation of the Port Authority of Guam (PAG) Rules and Regulations. Under the PAG Rules and Regulations it reads:

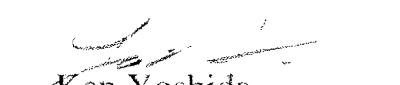
**3.200 Nepotism**


*A. Spouse and persons within the first degree of relation, such as, brother/ sister or parent/ child, may not be employed with the Port in a direct supervisor-subordinate relationship in the classified or unclassified service.*

Currently the PAG Operations Manager John Santos is in direct line supervision for his brother Raymond Santos Transportation Superintendent. Secondly another brother Paul Santos was recently hired as a Transportation Equipment Operator who is under his brothers John and Raymond Santos overall supervision. I request for immediate action from the CSC to investigate this blatant disregard to the rules and regulations of the Port authority of Guam.

Thank you,

  
Angela Aguirre Yoshida  
Cargo Checker

  
Ken Yoshida  
Equipment Operator II

  
David G. Terrier  
Equipment Operator II

**PORT AUTHORITY OF GUAM**

**Section VI - LABOR, EQUIPMENT & OTHER CHARGES TARIFF**

Item #	Description																																																																																																																		
80	<p><b>LABOR CHARGE-OUT RATES</b></p> <p><i>Effective :</i>                      All services billed at the labor charge out rate will be charged at the hourly rates shown below. This rate includes straight time, overtime, holiday, OT differential, holiday differential and night shift differential.</p> <p>Unless otherwise provided, hourly charge out rates will be charged for:</p> <ul style="list-style-type: none"> <li>• All services not specifically described in the tariff</li> <li>• Operations involving less than 50 Revenue Tons per hatch or 10 containers loaded or unloaded in a continuous operation or unusual vessels and conditions.</li> <li>• Labor rates for Special Services Request are billed at a minimum of 1 hour.</li> <li>• Except as otherwise provided in individual items, charges for materials furnished in connection with services will be assessed at <b>actual cost plus 30%</b>.</li> </ul> <p align="center"><i>(Rates below - \$ Per Hour)</i></p> <table border="1"> <thead> <tr> <th align="center"><u>Personnel</u></th> <th align="center"><u>Straight Time</u></th> <th align="center"><u>Over Time</u></th> <th align="center"><u>O/T Differ.</u></th> <th 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Mechanic	42.36	63.54	21.18	28.24	2.82	Riggers	38.91	58.37	19.46	25.94	2.59	Safety Officers	42.99	64.49	21.50	28.66	2.87	Security Guards	26.84	40.26	13.42	17.89	1.79	Stevedores	39.30	58.95	19.65	30.27	3.03	Welders	45.86	68.79	22.93	30.58	3.67
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**PORT AUTHORITY OF GUAM**

**Section VI - LABOR, EQUIPMENT & OTHER CHARGES TARIFF**

86	<b>EQUIPMENT UTILIZATION CHARGES</b>		
	<i>Effective:</i>		
	<u>Equipment</u>	<u>Straight - Time Per Hour (\$)</u>	<u>Minimum Charge/Hrs.</u>
	Battery Charger	<b>17.20</b>	1
	Compressor	<b>26.50</b>	1
	Forklift - 20,000 lbs, but less 40,000 lbs	<b>53.74</b>	1
	Forklift - Over 40,000 lbs.	<b>60.20</b>	1
	Forklift - Under 20,000 lbs.	<b>32.25</b>	1
	Gantry Crane, Heavy Lifts	<b>423.48</b>	2
	Impact Wrench	<b>5.50</b>	1
	Man Lift	<b>50.00</b>	1
	Pick-up Truck - 3/4 ton or less	<b>21.50</b>	1
	Side Lifter	<b>37.62</b>	1
	Top Lifter	<b>64.49</b>	1
Tractor	<b>36.54</b>	1	
Welding Machine	<b>36.54</b>	1	



GFT, AFT Local 1581

Timothy Fedenko, President  
Corazon Mucho, Secretary

Sanjay Sharma, Vice President  
James Lujan, Treasurer

May 8, 2013

The Honorable Eddie Baza Calvo  
Office of the Governor of Guam  
Ricardo J. Bordallo Governor's Complex  
Adelup, Guam 96910

Dear Governor Calvo,

Buenas Yan Hafa Adai!!! We continue to express our dedication and commitment to work with you and your administration to improve Guam's public structure and the quality of services it provides to our community and families. We humbly ask for your assistance in the finalizing of the Port Authority of Guam's Collective Bargaining Agreement (CBA) that was signed by the General Manager and the Port Authority Board of Directors on November 5, 2012, ratified by GFT members on November 9, 2012 and then signed by myself on November 16, 2013. Your consideration to prioritize this final process to allow the government employees their right as pursuant to **4 GCA Public Officers & Employees, Ch. 10 Public Employee-Management Relations Act.**

Our continued follow-ups with your office have determined that the current status of the CBA is currently awaiting review and approval from the Attorney General's office (received on March 19, 2013) which we have attempted to follow-up but were faced with resistance. We ask you to help in finalizing the CBA by your signing authority with contention from the Attorney General that is whole heartily looked upon by the 100's of Government Port Authority GFT members.

To note, as I'm sure you know thousands of Guam's public employees are proud members of GFT Local 1581 and I am incredibly proud to represent them. Our members want to be the best at their jobs as they can be, which is why they are so anxious to constitute their meaningful input into their working conditions through the CBA. Who knows better how to ensure the goods that come through Guam's only port get to our people than the workers who unload and load those ships? None of these hard working professionals want a free ride, they just want to be able to do their jobs in the best possible way and be treated with dignity and respect. I'm sure that you would agree that it is not too much for them to ask.

I know that the incredibly challenging role of Governor for our great island will keep you incredibly busy but I would like to schedule an official signing with the stakeholders of the CBA as soon as your schedule permits and I truly hope we can officiate this in a timely manner so that we can all get down to the business of building the Guamanian dream for all of Guam's families.

Si Yuus Masse,

Tim Fedenko  
GFT Union President

RECEIVED  
5/19/2013



SM  
COS  
GOV  
Legal  
CFD

**PREAMBLE**

Board of Directors, hereinafter

The Jose D. Leon Guerrero Commercial Port Board of Directors, hereinafter referred to as the "Port," and the Guam Federation of Teachers, Local 1581, hereinafter referred to as the "Union," enter this Agreement in conformity with the Public Employee-Management Relations Act, Title IV, Chapter 10, Guam Code Annotated, and Title 2, Chapter 5, Guam Administrative Rules and Regulations, including the Rules and Regulations for the Port Operations and Maintenance Division Employees.

**ARTICLE I – RECOGNITION AND DEFINITIONS**

The Port recognizes the Union as the exclusive Employee representative, subject to and in accordance with Public Employee Management Relations Act of Guam (Title 4, Chapter 10, GCA) and Jose D. Leon Guerrero Commercial Port Personnel Rules and Regulations (Title 12, Chapter 10, GCA) and those Rules and Regulations promulgated thereunder, for Operations and Maintenance Employees (full-time or part-time status). Operations and Maintenance Employees include but are not limited to Stevedores, Winch Operators, Riggers, Cargo Checkers, Planner-Work Coordinators, Equipment Operators, Crane Operators, Mobile Equipment Dispatchers, Carpenters, Plumbers, Painters, Electricians, Refrigeration Mechanics, Heavy Equipment Mechanics, Crane Mechanics, Welders, Preventive Maintenance Mechanics. The Employees filling these positions are members of the Bargaining Unit covered by this Agreement. Supervisors, Superintendents, Manager and Clerical employees are not members of the Bargaining Unit and this Agreement does not cover such Employees.

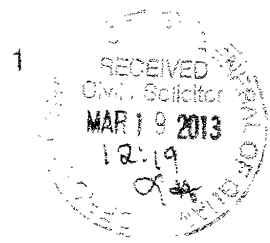
The Union agrees to represent equally and without prejudice all members of the Bargaining Unit for purposes of:

- (1) Consultations and/or negotiations with Port Management officials concerning terms and conditions of their employment not otherwise fixed by law; and
- (2) The settlement of grievances and disputes.

**ARTICLE II – UNION RIGHTS**

**2.A. WORKSITE VISITS**

The President of the Union or designated representative, or full-time Union members may visit member worksites to examine complaints pertaining to this



EFDD0113- 0313

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## ARTICLE II – UNION RIGHTS

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*[Handwritten signature and date]*  
1/2/12

Agreement, provided the representative(s) inform(s) the General Manager and Port Police Division prior to such visits and provides the purpose of the visit. All Union visits shall be subject to any and all applicable statutes, rules, regulations, and procedures including but not limited to procedures of the Port Police, TWIC, safety rules and federal or maritime security procedures.

## **2.B. BULLETIN BOARDS**

The Union may provide a bulletin board of up to three feet by three feet (3' x 3') in size and protruding no more than one and one-half feet ( 1.5') in each break room of a recognized collective bargaining unit for the purpose of communicating normal and usual Union business to the membership subject to OSHA regulations regarding fire and walkway access. Specific placement of such boards within a station shall be subject to the approval of the Division Head. The officially designated Union representative(s) at the worksite shall be responsible for maintaining such board. The bulletin board may be enclosed with a plexiglass cover to prevent damage.

## **2.C. PRE-SHIFT OPERATIONAL MEETINGS**

Management representatives shall conduct brief pre-shift operational meetings at or near the start of each shift. These meetings should not last more than a few minutes and should cover operational and safety matters. The designated Union representative may speak during such briefings and must limit any comments to one (1) minute.

## **2.D. NEW MEMBER ORIENTATION**

The Port agrees to distribute to new Operations and Maintenance Employees, upon appointment, a package of informational material provided by the Union. The informational material may include, but is not limited to: (a) cover letter from the Union; (b) information about the Union history and structure; (c) membership information; (d) contact information of the Union officers and Port Stewards and (e) information regarding Union meetings and events.

## **2.E. UNION STEWARDS**

The Port agrees to recognize Union Stewards, duly appointed by and acting as agents of the Union. The duties of a Union Steward within the Port include receiving and investigating complaints, and processing grievances in accordance with the terms of this Agreement and applicable laws, rules and regulations. The Union shall provide the Port with a written list of such Stewards and alternates, if any.



The Port shall permit Union Stewards to utilize a reasonable amount of work time with pay, approved in advance by the General Manager (which approval will not be unreasonably denied), for the purpose of handling and processing grievances.

Stewards or their alternates shall obtain permission from their immediate supervisors before leaving their worksite to perform duties as a Steward (which approval will not be unreasonably denied). Upon resuming their normal duties the Steward or alternate shall notify their supervisor.

## **2.F. MEETINGS**

The Port or Union may request a meeting with the other to discuss matters pertaining to this Agreement. A party shall respond to any such request for a meeting within seven (7) calendar days of receipt of such request. Such meeting shall occur within fourteen (14) calendar days of the response.

The designated Union Representative shall have the right to meet with the Port's General Manager or designee(s) to discuss matters on how Management and Labor can better work together to help further the mission of the Port to serve the people of Guam. The Port General Manager shall have the same right to meet with the designated Union representative for this purpose. All meetings shall occur during normal working hours (8:00 a.m. to 5:00 p.m.) Mondays through Fridays, excluding weekends and holidays, and shall occur within a reasonable amount of time from the time and date the request is received by either the General Manager or the Union.

During any meeting between Port management and the Union, each side will be allowed the same number of participants. Said number shall be by mutual agreement at the time of scheduling but not less than two (2) per side. The failure of either side to provide the agreed upon number shall not delay or cancel the meeting and none of the members of the other side shall be required to leave. All meetings with Port Superintendents and/or Supervisors shall occur when the members are in duty status.

The Port agrees to grant up to 2 (two) hours administrative leave for one (1) Employee Representative (to be selected by the Union – likely their Union Chair at the Port) to attend Board meetings. The Union shall provide the Port twenty-four (24) hours notice or more of who will be attending if not their designated rep. The Port will designate a slot on the Agenda for Employee Participation where the designated Union rep may speak and contribute.

## **2.G. UNION DUES**

The Union is the only Member organization for which the Port may deduct Union dues from a Member's wages. The Union shall provide the Port with signed membership forms from each Member authorizing said dues deductions from the Member's wages. No later than the first day in September of each year, the Union shall provide the Port with the Union's Dues scale for that fiscal year. The Port shall deduct the appropriate amount of Dues from the Union Members' pay checks and then transmit such Dues to the Union no later than seven (7) days after the relevant pay day.

The Port may charge the Union the actual cost of making Dues deductions, and if the Port elects to charge a cost it must provide the Union with justification of the actual costs within thirty (30) days of incurring such additional expenses. The Union, upon receipt of the Port's explanation of actual costs, must either dispute the billing or pay the charge within thirty (30) days of receiving the bill. If the Port passes on any cost associated with deducting Union Dues such charge shall not exceed two and one-half percent (2 ½%) of the total amount deducted.

## **2.H. UNION MEMBERSHIP LISTING**

Management will provide the Union via email, in excel format, within thirty (30) days from the effective date of this Agreement and on the start of each fiscal year thereafter, an alphabetized list of employee names subject to this Agreement, position title, pay grade, step & sub-step, mailing address, union membership deduction and division and department.

## **2.I. ASSIGNMENTS, TRANSFERS AND REASSIGNMENTS**

Assignments, Transfers and Reassignments shall be consistent with the Personnel Rules and Regulations as passed by Public Law 30-43. To the extent the Port maintains discretion over Employee assignments, Port Employees (classified, unclassified, or contract Employees) not covered by this Agreement shall not perform any work or operation normally performed by an Employee covered by this Agreement except in temporary cases of emergency. The Port shall not permit Employees covered by this Agreement to work outside their position except as required under P.L. 30-43. The Port may require Employees to perform functions relating to their scope of work and in support of their work role as long as the Employee is qualified to perform such work or it is part of a training program. The Port and Union agree that the Port may only assign Employees to perform support services when such assignment is in furtherance of the Employee's assigned duties and such assignment may only be for positions covered by this Agreement.

## **2.J. SHIFT WORKERS**

Shift workers will work a minimum of eight (8) hours a day, five (5) days a week. The Port will provide shift workers with schedules for two (2) week periods, and will do so two (2) weeks ahead of the start of that schedule. The Port will set shift workers' regular schedules to reflect workdays/nights of Monday through Friday.

The Port may require shift workers to work overtime on days/nights the shift workers are scheduled to work, for a maximum of fourteen (14) hours of work per day. The Port may require shift workers to work overtime hours on weekends and holidays and will utilize a rotation system so that all shift workers are provided an equal opportunity to volunteer to work the overtime hours. If the Port is unable to secure sufficient number of workers to satisfy the Port's work requirements on a weekend or holiday voluntarily, the Port may require employees to report to work.

## **ARTICLE III - MISCELLANEOUS PROVISIONS**

### **3.A. PERSONAL PROTECTIVE EQUIPMENT**

The Port shall provide all Employees covered by this Agreement with any necessary personal protective equipment required by applicable local and federal safety rules and regulations. All such equipment shall remain Port property.

### **3.B. POSTING OF AGREEMENT**

Copies of this Agreement shall be posted on both the Port and the Union web sites and on the Union bulletin boards within the Port.

### **3.C. EFFECTIVE DATES OF AGREEMENT**

This Agreement shall become effective upon the signing of all parties and shall remain in effect until midnight five (5) years from the date of the Board Chairperson's signature below. The parties through mutual agreement may reopen all or any part of this Agreement for renegotiation. This Agreement shall be renewed automatically for an additional five (5) years unless one of the parties shall have notified the other, in writing, of intent to allow the Agreement to expire at the end of its first five (5) year term one hundred twenty (120) days or earlier prior to the expiration of the current Agreement.

### **3.D. SEVERABILITY**

If any of the provisions of this Agreement or the application of such provisions shall be found to be contrary to law, the validity of the remainder of the provisions or the validity of the application of such provisions shall not be affected thereby.


IN WITNESS WHEREOF, the parties hereto, through their duly authorized representatives, hereby execute this Agreement on the date indicated below:

*Ratified for the Jose D. Leon  
Guerrero Commercial Port:*

By:   
ANISIA B. TERLAJE  
Acting General Manager


Date: Nov 12 2012

*Ratified for the Guam Federation  
of Teachers Local 1581:*

By:   
TIMOTHY R. FEDENKO  
President

Date: Nov 12 2012

*Jose D. Leon Guerrero Commercial  
Port Board of Directors:*

By:   
DANIEL J. TYDINGCO  
Chairperson

Date: Nov 12 2012

APPROVED:

  
EDWARD J.B. CALVO  
I Maga'lahen Guahan

Date: \_\_\_\_\_

PORT AUTHORITY OF GUAM  
JOSE D. LEON GUERRERO COMMERCIAL PORT  
PITI, GUAM

INFORMAL GRIEVANCE LEVEL- GRIEVANCE FORM- STEP 1

**EMPLOYEE NAME:** Port Authority of Guam Transportation, Stevedoring, and Terminal Employees

**NAME OF SUPERVISOR:** Michael Taijeron      Transportation Supervisor  
Joseph Quintanilla      Stevedoring Supervisor  
Neil Tamares      Terminal Supervisor

**WORK LOCATION:** Port Authority of Guam

**NATURE OF GRIEVANCE:** (Clearly state what happened and describe the events that caused the grievance. You may attach an additional sheet if more space is needed)

This Step I Grievance is to inform you that the continued ten (10) hour workday is in violation of the Port Authority Payroll Policy 04-88 for overtime pay.

Port Authority of Guam Payroll Policy 04-88

**XV. Overtime**

- A. Definition of Overtime Work: Authorized and approved hours of work performed in excess of eight (8) hours in a day**

Based on the provision we are entitled to three (3) hours of overtime pay a day that we work twelve (12) hours. Please see excerpt from Payroll Policy 04-88:

**D. Posting of Overtime Hours:** The posting of overtime work for employees shall be administered in the following manner:

1. Work in excess of eight (8) hours in a workday shall be posted at overtime rate.

**Example:**            Monday  
                             0700-1900

**Total:** 8 hours straight time  
             3 hours overtime

DATE AND TIME GRIEVANCE OCCURRED: June 21<sup>st</sup> 2013

WHERE EXACTLY DID THE GRIEVANCE TAKE PLACE: Port Authority of Guam

CORRECTIVE ACTION DESIRED (State briefly but completely the corrective action desired.)

To be compensated all overtime pay accrued for work performed over eight (8) hours a day.

DATE:

SIGNATURE:

INFORMAL- Step 1 – Informal discussion with Supervisor

Date discussed/ submitted: \_\_\_\_\_




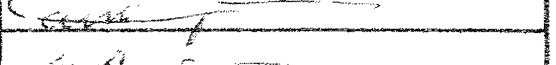
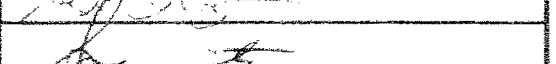
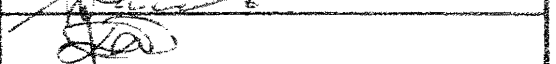


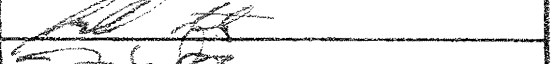




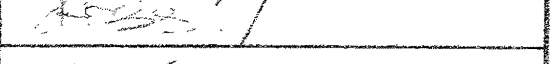



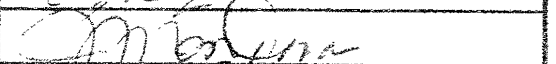


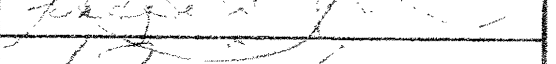
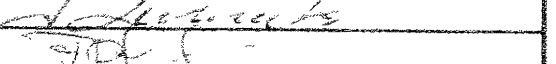








Date Supervisor Responded: \_\_\_\_\_

Supervisor's Response:

DATE:

SIGNATURE:

Name	Number	Signature
G. P. ...		
JESSE N. GUINATH	898-5575	
SHINOZU, RUDY	969-7692	
Robert ...	472-5038	
DAVID ...	486-5744	
ALAN ...	797-2165	
JAMES ...	765 ...	
... ..	495-7444	
... ..	637-3027	
... ..	637-5256	
... ..	347-0000	
... ..	789-2173	
Gerald ...	565-3837	
... ..	902-9440	
... ..	504-1111	
... ..	866-4600	
Ken A ...	747-0377	
... ..	498-9618	
... ..	757-1468	
... ..	565 ...	
Richard T. BAZZ	472-5771	
... ..	472-3175	
Angela ...	981-5312	
... ..	562 ...	
... ..	877-5775	

Name	Number	Signature
Sunguia Tanguina		
Joseph F. Aguilar		
<del>Joseph F. Aguilar</del>		
Anthony M. Concepcion		
Kenneth C. Cruz		
Anthony P. Yonasta		
KENNETH C. YONASTA		
EDWIN A. MALAGA		
Iki Benavente		
Frederick Atsigun		
FRANK SAIBOS		
Rafael H. Berja		
William P. Blandino		
José A. Anallón		
ADITHULA NAPUTI		
CHRISTOPHER P. CALAS		
CHRISTOPHER J. AGUIRRE		
Dominic Tanguina		
Richard A. Dyjasco		
CHRIS BENITO		
Joaquin Mandana		
Benjamin Tedpahogo		
Frank J. Segura		
Jeffrey J. Chamorro		
CHANCEY PEREZ	#1	
JULIEN CABE		
Joseph Pinault		
Frank Manibusan		
JOSE R. Blandino		
Mami Ogo		
ANTONY VERNI MARRELLA		







RECEIVED BY  
Office of Senator  
Thomas C. ...

1/18/13

Buenas yan hafa adai!

In regards to port operations personnel scheduling, currently port operations employees have a posted 10-hour workday schedule which is illegal and inappropriate and in direct violation of Public Law 30-43 (Port's Personnel Rules and Regulations) and Port Policy Memorandum No. 04-88. Current methods of scheduling are 10 hours a day and clearly being posted to evade overtime requirements and policies.

In the Port's Personnel Rules and Regulations defined on page 179 line 86, "Workday: a regularly reoccurring period of eight consecutive hours exclusive of a lunch hour". This defined workday is for all port employees, port-wide, and does not differentiate between administrative personnel or operations personnel. Currently with the operations 10 hour workday it looks as if operations personnel is being discriminated against.

STATEMENT OF POLICY -  
"applies to certain emp."

Port's Rules and Regulations General Provisions Chapter 8.000 (page 77): 8.001 Work Week

A. "The basic work week is (40) forty hours. Alternatively, a work week is a regular recurring period of 168 consecutive hours – seven (7) consecutive 24-hour periods. The workweek need not coincide with the calendar week. It may Begin any day of the week and any hour of the day, but it must in each case, **BE ESTABLISHED IN ADVANCE. THE WORKWEEK MAY BE CHANGED, BUT ONLY IF THE CHANGE IS ENTENDED TO BE PERMANENT AND IS NOT MADE TO EVADE OVERTIME REQUIREMENTS OR POLICIES.**"

(Page 78) 8.004 Work Week Schedule

A. "The schedule of workweek for shift workers shall be prepared and prominently posted at least two (2) weeks in advanced so that the employees affected will be informed. Such schedules shall not be less than two (2) weeks and shall not be changed except for good cause and provide affected employees are given at least 24 hours prior notice. Whenever possible, work schedules should permit an employee to enjoy a holiday on the day it is observed.

Agreed.

B. The General Manager may permit flexible work schedules as may be appropriate."

The only time flexible schedules are appropriate is during acts of natural disaster or imminent threat to the Port. Outside of these two items, flexible scheduling would be considered inappropriate.

In reference to Policy Memorandum No. 04-88 (page1)

"1. PURPOSE: To provide standard procedures and guidelines for utilization by payroll and timekeeping personnel to properly record, compute and/or process payments to employees for their worktime and premium pays.



Personnel scheduling that is evidently being made to evade Overtime Policies. Currently our scheduling is supposed to reflect eight (8) hours a day. Any hours worked beyond the scheduled eight (8) hour day shall translate to overtime for the employees' scheduled forty (40) workweek.

In regards to funding availability for employees' overtime compensation, we would like to point out that the shipping carriers are being billed at the rate of national average for all employees directly involved in the loading and unloading of cargo. Straight time rates, overtime rates, holiday differential, and nighttime differentials are all being billed to the shipping carriers. See attachment Section VI – LABOR, EQUIPMENT & OTHER CHARGES TARIFF Item #80 (Page 51) of the Port's Tariff.

This would also reflect that the shipping carriers are indeed currently being billed directly for the employees' overtime compensation; and the employees that are directly involved in the loading and unloading of these vessels are not receiving that compensation as a direct result of the ten hour day straight time scheduling.

See attachment (page 55) Item 86 EQUIPMENT UTILIZATION CHARGES. This shows that the shipping carriers are also being charged for the utilization of all cargo handling equipment being used in the movement of its cargo in addition to fuel surcharge.

When the employees asked the Operations Manager why the scheduling was changed from eight (8) hours a day to ten (10) hours a day, they were told that the board instructed him to cut back on overtime expenditures so that they can divert the funding up into the administration. The Operations Manager at this point should have informed the board of its rules and regulations and its current policies that he is mandated by law to follow.

See Chapter 3 (page 7) of Port's Rules and Regulations 3.000 ETHICAL CONDUCT AND RESPONSIBILITIES OF EMPLOYEES

- A "Public Service is a public trust. Employees are expected to be loyal to the U.S. Constitution, the Organic Act of Guam, and to perform their duties and responsibilities ethically and in accordance with laws."

We would also like for you to recognize that currently Port Operations employees have a Union Contract in place that has been signed off by the Acting General Manager, Anisia B. Terlaje; Port Board of Directors Chairperson, Daniel J. Tydingco; President for the Guam Federation of Teachers, Timothy R. Fedenko; and currently awaiting the governor's signature. (See attached as agreed upon in Union Contract on page 5 2.J. SHIFT WORKERS) "Shift workers will work a minimum of eight (8) hours a day, five (5) days a week. The Port will provide shift workers with schedules for two (2) week periods, and will do so two (2) weeks ahead of the start of that schedule. The Port will set shift workers' regular schedules to reflect workdays/nights of Monday through Friday." This language is consistent with

Port's Rules and Regulations and also in compliance with Port Policy Memorandum No. 04-88. Also see attached. Grievance being filed by Port employees in regards to scheduling and overtime compensation.

Your attention in this matter would greatly be appreciated by the Port's Operations Employees.  
Thank you.

# TRANSPORTATION DIVISION

## EMPLOYEES' DAILY SCHEDULE

(Name of vessel & type of operation)				DAY SHIFT	(Name of vessel & type of operation)				NIGHT SHIFT
KWOYA CATTLEYA V-133N					MELL SUDON V-24W				
DATE: 07/20/13				DAY: SAT	DATE: 07/20-21/13				DAY: SAT-SUN
EMP. NO.	OPERATOR		TIME	EMP. NO.	OPERATOR	EQPT	TIME		
GANG 4					GANG 1				S2006
3	1302 BALAJADIA, D.M.	<del>P17</del>	<del>0800-1900</del>	3	1062 CONCEPCION, A.M.	P16	1900-0700		
1	1039 QUICHOCHO, P.T.	XXX	OFF	1	1018 NAUTA, K.C.	P16	1900-0700		
2	1319 LORENZO, P.C. <i>RTS</i>	T	0800-1900	2	1358 YAMASTA, A.P.	20TON	0100-0700		
1	1057 CALIP, A.I.	XXX	OFF	1	1348 TAYAMA J. L.G.	TL	0100-0700		
1	1676 MESA, A.R.	T-P17 <i>38</i>	0800-1900	1	1698 BORJA, R.A.	T-P17	1900-0700		
2	1605 CASTANEDA, P.S.	T-P17 <i>57</i>	1300-1900	2	1785 TEDPAHAGO, B.M.	T-P17	1900-0700		
3	1799 SABLAN, R.D.	T-P16 <i>84</i>	0800-1900	3	1798 BENAVENTE I.A.	T-P17	1900-0700		
4	1828 DRILON, W.K. <i>RTS</i>	T-P16	0800-1900	4	1829 OGO, M.C.	T-P16	1900-0700		
5	1081 GARRIDO, R.	T-P17	0800-1900	5	1352 UNTALAN, A.Q.	T-P16	1900-0700		
GANG 5					GANG 2				P17
4	1305 CRUZ, F.R.J.	TL <i>06</i>	0800-1900	4	1327 MENO, J.R.	P17	1900-0700		
3	1005 CLAROS, P.Q.	<del>P17</del>	<del>0800-1900</del>	3	1396 FRANCISCO, A.R.	XXX	MIL		
1	1384 TORRES, G.F.	XXX	AL	1	1055 BORDALLO A.T.	P17	1900-0700		
2	1414 BAZA, R.T.	P17	0800-1900	2	1662 NEDEDOG, T.T.	TL	1900-0700		
1	1075 CRUZ, T.R.	<i>605</i>	0800-1900	1	1784 AGUIGUI, J.	T	1900-0700		
2	1253 EVANGELISTA, A.J.	T <i>67</i>	0800-1900	2	1824 CRUZ, K.T.	XXX	MIL		
3	1726 YOSHIDA, K.	XXX	XXX	3	1863 SANTOS, F.J.	T	1900-0700		
4	1864 AQUININGOC, J.	T <i>79</i>	0800-1900	4	1865 SANTOS, P.B.	T	1900-0700		
5	1779 CHARFAUROS, G.	XXX	XXX	5					
GANG 6					GANG 3				P16
3	1439 TENORIO, P.S.N.	IN CHARGE	0800-1900	3	1303 BAMBA, J.P.	IN CHARGE	1900-0700		
1	1399 TUDELA, A.I.	P16	1300-1900	1	1271 MALAGA, E.A.	XXX	AL		
2	1290 NANGAUTA, J.J.	P16	1300-1900	1	1649 ROBERTO, D.	TL	1900-0700		
1	1052 SANTOS, A.E.	TL <i>03</i>	1300-1900	1	1696 ATOIGUE, F.	T	1900-0700		
1	1689 TEIXEIRA, D.G.	T <i>90</i>	1300-1900	2	1797 PINAULA, J.P.	T	1900-0700		
2	1694 BLAS, A.D.	T <i>91</i>	1300-1900	3	1827 QUIDACHAY, P.T.	T	1900-0700		
3	1363 LAGUANA, D.R.	T	1300-1900	4	1691 FERNANDO, A.P.	T	1900-0700		
4	1866 SAN NICOLAS, R.I.	T <i>68</i>	1300-1900	5					
	1339 TAIJERON, M.U.	XXX	SL						
	1285 BLAS, E.F.S.	DISP	0800-1900		1351 PECINA, J.D.	DISP	1900-0700		
0	1104 LEON GUERRERO, J.F.	DISP	OFF						
0	1078 DIEGO, J.A.	XXX	RPT 2 ENTRY						
0	1326 SANCHEZ, K.	XXX	AL						
REMARKS:				REMARKS: SHIFT PERSONNEL TO SATISFY OPS WHEN MELL SUDONG IS COMPLETED.					

SUBMITTED BY: *M. J. A.*

**TRANSPORTATION DIVISION  
DAILY SIGN-IN SHEET**



VESSEL: KYOWA CATTLEYA VOY: 52 07/20/13  
 VESSEL: \_\_\_\_\_ VOY: \_\_\_\_\_  
 VESSEL: \_\_\_\_\_ VOY: \_\_\_\_\_

SAT  
FR

EMP. NO.	EMPLOYEE NAME	TITLE	MEAL PERIOD				SIGNATURE
			IN	OUT	IN	OUT	
1339	TAJERON, M.U.	SUPVR	XXX	XXX	XXX	SL	
1285	BLAS, E.F.S.	DISP.	0800	1200	1300	1900	<i>[Signature]</i>
1104	LEON GUERRERO, J.F.	DISP.	XXX	XXX	XXX	OFF	
<b>GANG 4</b>							
1302	BALAJADIA, D.M.	CO	0800	1200	1300	1900	<i>[Signature]</i>
1039	QUICHOCHO, P.T.	CO					
1319	LORENZO, P.C.	CO	0800				<i>[Signature]</i>
1057	CALIP, A.I.	EOIII	XXX	XXX	XXX	OFF	
1676	MESA, A.R.	EOII	0800	1200	1300	1900	<i>[Signature]</i>
1605	CASTANEDA, P.S.	EOII			1300	1900	<i>[Signature]</i>
1799	SABLAN, R.D.	EOII	0800	1200	1300	1900	<i>[Signature]</i>
1828	DRILON, W.K.	EOII	0800				<i>[Signature]</i>
1081	GARRIDO, R.	EOII					
<b>GANG 5</b>							
1305	CRUZ, F.R.J.	EO LDR	0800	1200	1300	1900	<i>[Signature]</i>
1005	CLAROS, P.Q.	CO	XXX	XXX	XXX	OFF	
1384	TORRES, G.F.	CO	XXX	XXX	XXX	AL	
1414	BAZA, R.T.	CO	0800	1200	1300	1900	<i>[Signature]</i>
1075	CRUZ, T.R.	EOIII	0800	1200	1300	1900	<i>[Signature]</i>
1253	EVANGELISTA, A.J.	EOII	0800	1200	1300	1800	<i>[Signature]</i>
1726	YOSHIDA, K.	EOII	XXX	XXX	XXX	OFF	
1864	AQUININGOC, J.	EOII	0800				
1779	CHARFAUROS, G.	EOII	XXX	XXX	XXX	OFF	
<b>GANG 6</b>							
1439	TENORIO, P.S.N.	CO LDR	0800	1200	1300	1900	<i>[Signature]</i>
1399	TUDELA, A.I.	CO			1300		<i>[Signature]</i>
1290	NANGAUTA, J.J.	CO			1300	1900	<i>[Signature]</i>
1052	SANTOS, A.E.	EO III			1300	1900	<i>[Signature]</i>
1689	TEIXEIRA, D.G.	EOII			1300	1900	<i>[Signature]</i>
1694	BLAS, A.D.	EOII			1300	1900	<i>[Signature]</i>
1363	LAGUANA, D.R.	EOII					
1866	SAN NICOLAS, R.I.	EOII			1300	1900	<i>[Signature]</i>
1078	DIEGO, J.A.	CO	XXX	XXX	XXX	XXX	RPT TO ENTRY
1326	SANCHEZ, K.	TL	XXX	XXX	XXX	AL	
						Certified By:	
						Leader/Supervisor	



## MASTER VESSEL WORK SCHEDULE

DAY:	Saturday		
DATE:	July 20, 2013		
VESSEL:	SW Harmony		
VOYAGE:	52	REF. #	20912
AGENT:	Norton Lily	BERTH	F-3
LINE HANDLING			
	GANG #	FROM:	TO:
TIE-UP:			
LET-GO:			
OPERATION			
GANG #	CRANE #	FROM:	TO:
W/Opr's	H#1-#3	0700	1900
VESSEL:	Kyowa Cattleya		
VOYAGE:	133N	REF. #	20943
AGENT:	MSA	BERTH	F-5/6
LINE HANDLING			
	GANG #	FROM:	TO:
TIE-UP:	#5	0700	0800
Dschg - 45 / Ldg - 175		220 moves	
OPERATION			
GANG #	CRANE #	FROM:	TO:
#6	P#16	1300	1900
#5	P#17	0800	1900
VESSEL:			
VOYAGE:		REF. #	
AGENT:		BERTH	
LINE HANDLING			
	GANG #	FROM:	TO:
TIE-UP:			
LET-GO:			
OPERATION			
GANG #	CRANE #	FROM:	TO:
#4	Terminal/Trans	OFF	

DAY:	Saturday / Sunday		
DATE:	July 20 / 21, 2013		
VESSEL:	SW Harmony		
VOYAGE:	52	REF. #	20912
AGENT:	Norton Lily	BERTH	F-3
LINE HANDLING			
	GANG #	FROM:	TO:
TIE-UP:			
LET-GO:			
OPERATION			
GANG #	CRANE #	FROM:	TO:
W/Opr's	H#1-#3	1900	0700
VESSEL:	Mell Sudong		
VOYAGE:	24W	REF. #	20937
AGENT:	CTSI	BERTH	F-5/6
LINE HANDLING			
	GANG #	FROM:	TO:
TIE-UP:	#3	1800	1900
Arrival vessel upon departure of Cattleya			
OPERATION			
GANG #	CRANE #	FROM:	TO:
#3	P#16	1900	0700
#2	P#17	1900	0700
VESSEL:	S2006		
VOYAGE:	13006	REF. #	20946
AGENT:	Ambyth	BERTH	F-4/5
LINE HANDLING			
	GANG #	FROM:	TO:
TIE-UP:	#1	2400	0100
LET-GO:			
OPERATION			
GANG #	CRANE #	FROM:	TO:
#1	Private Crane	0100	0700

THE ABOVE SCHEDULE IS BASED ON HARBOR MASTER VESSEL POSTING. THE ARRIVAL AND DEPARTURE IS ALSO "PROJECTED" AND MAY CHANGED BASED ON


**NEXT SCHEDULED SHIFT ROTATION IS JULY 28, 2013**

PAGE 1 OF 4

Approved By: \_\_\_\_\_  
 Stevedoring Superintendent, Simon Pinaula

Certified By: \_\_\_\_\_  
 Operation Manager, John B. Santos

## OPERATIONS PRE-SHIFT SAFETY BRIEFING

<b>DIVISION:</b> Equipment / Crane		<b>SUPERVISOR / LEADER:</b> 
<b>DATE:</b> 7/20/13	<b>SHIFT:</b> 2	<b>MEETING TIME START:</b> 0800
<b>LOCATION:</b> Crane break room		<b>MEETING TIME END:</b> 0810

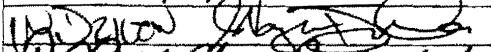

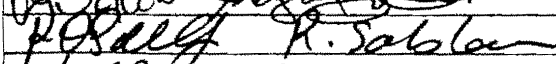
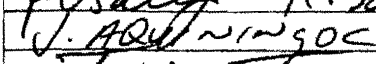
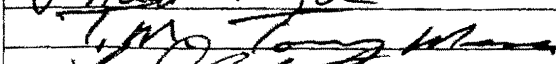
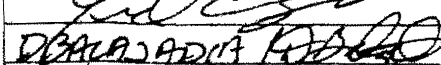

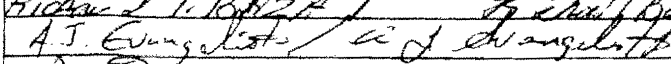
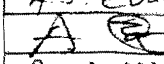
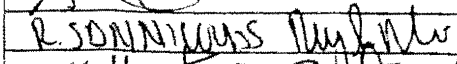
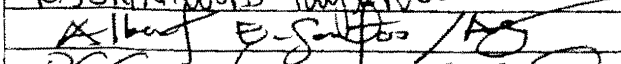
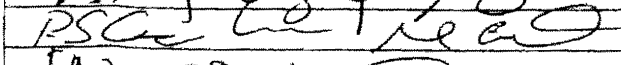
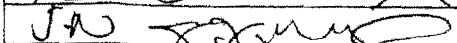
### TOPICS DISCUSSED

1) <b>Safety First</b> , oprt in safe manner. Everyone must attend and sign the safety briefing sheet.	6) Operators ensure your landing gear is clear from the ground @ about 15 to 16 inch above grd.	10) Keep the place clean, Keep a good House keeping.
2) PPE – Must be warn, Hard hats, Safety shoes and reflector vest	7) Crane or equipment operators if any defects or damages reported to your dispatcher / Leader right away.	11)
3) Safety briefing, everyone must attend & sign.	8) Crane operators communicate with the people on the vessel or on dock side if you need assistance.	12)
4) Service your equipment pre & post, make sure all liquids are top off. Pls check your tires pressure and drain air tank at your pre.	9) No smoking @ dock side, yard or on your assign equipments, only at designated areas.	13)

### EMPLOYEES SAFETY CONCERNS

1)	4)	7)
2)	5)	8)
3)	6)	9)

**NOTE:** Employee concern should be addressed by the Supervisor during the shift if possible.

: Original Copy – Superintendent      Copy – Operations Manager

**PREPARED BY:** 



# TRANSPORTATION DIVISION

## CRANE OPERATOR'S EQUIPMENT OPERATION INSPECTION

DATE: 7.20.13

PRE

POST

EQUIPMENT: (Check One)

Gantry 2     Gantry 3     POLA 14     POLA 16     POLA 17     OTHERS

CHECK THE APPROPRIATE BOX: S = Satisfactory    U = Unsatisfactory    NA = Not Applicable

		CONDITIONS	S	U	NA	Number Item for Reference Remarks and Annotate Pre or Post Inspection
Cab	1	Electrical System	✓			
	2	Chair (Operator)	✓			
	3	Housekeeping	✓			
	4	Fire Extinguisher(s)	✓			
	5	Windows	✓			L/R WINDOW DEFECTIVE LOC
Functional Mechanisms	6	Gantry (Left / Right)	✓			
	7	Boom (Up / Down)	✓			
	8	Hoist Brake (Up / Down)	✓			
	9	Trolley Brake (Fwd / Rev)	✓			TROLLEY RAIL BUMPY
Safety Device	10	Limit Switch (Hoist / Trolley)	✓			
	11	Spreader (Trim / List)	✓			
	12	Lights (Boom / Leg)	✓			
	13	Gantry (Alarm / Siren)	✓			
	14	Wind Indicator	✓			
Miscellaneous	15	Wire Ropes	✓			
	16	Sheaves	✓			
	17	Machine Guards	✓			
	18	Catwalk	✓			

1<sup>st</sup> Operator (Print): D. BALAJADIA

2<sup>nd</sup> Operator (Print): R. BAZA

Signature/Date: *[Signature]* 7.20.13

Signature/Date: \_\_\_\_\_

**G-3 MECHANICS**

Bill Libby                      888 - 6892  
 Roland Barcinas            888 - 8537  
     B.J.                            1 \* 47151  
     Frank                        1 \* 5045  
     Cris                            1 \* 18964  
     Jordan                        6 \* 63533

**Matson Mechanic**

Radio in CAB

KYOWA CATHLEYA - V133m

# TRANSPORTATION DIVISION

## CRANE OPERATOR'S EQUIPMENT OPERATION INSPECTION

DATE: 7-20-13      ( ) PRE      ( ) POST

EQUIPMENT: (Check One)						
<input type="checkbox"/> Gantry 2		<input type="checkbox"/> Gantry 3		<input type="checkbox"/> POLA 14		
<input type="checkbox"/> POLA 16		<input type="checkbox"/> POLA 17		<input type="checkbox"/> OTHERS		
CHECK THE APPROPRIATE BOX: S = Satisfactory      U = Unsatisfactory      NA = Not Applicable						
CONDITIONS			S	U	NA	Number Item for Reference Remarks and Annotate Pre or Post Inspection
Cab	1	Electrical System	/	/		
	2	Chair (Operator)	/	/		Def.
	3	Housekeeping	/	/		
	4	Fire Extinguisher(s)	/	/		
	5	Windows	/	/		Locks Def.
Functional Mechanisms	6	Gantry (Left / Right)	/	/		
	7	Boom (Up / Down)	/	/		
	8	Hoist Brake (Up / Down)	/	/		
	9	Trolley Brake (Fwd / Rev)	/	/		Rough Ride
Safety Device	10	Limit Switch (Hoist / Trolley)	/	/		
	11	Spreader (Trim / List)	/	/		
	12	Lights (Boom / Leg)	/	/		
	13	Gantry (Alarm / Siren)	/	/		
	14	Wind Indicator	/	/		
Miscellaneous	15	Wire Ropes	/	/		
	16	Sheaves	/	/		
	17	Machine Guards	/	/		
	18	Catwalk	/	/		

1<sup>st</sup> Operator (Print): JNO anguti  
 Signature/Date: [Signature]

2<sup>nd</sup> Operator (Print): \_\_\_\_\_  
 Signature/Date: \_\_\_\_\_

**G-3 MECHANICS**  
 Bill Libby                      888 - 6892  
 Roland Barcinas              888 - 8537  
 B.J.                              1 \* 47151  
 Frank                            1 \* 5045  
 Cris                              1 \* 18964  
 Jordan                          6 \* 63533

**Matson Mechanic**  
 Radio in CAB

Response to Proposed Adverse Action against David G. Teixeira for official documentation received on April 23, 2013 at 20:36.

This is my official statement that is submitted in addition to my testimony anticipated in the called meeting from Joann Brown on April 29, 2013 at 14:15 at the Port General Managers Office.

In regards to the following alleged charges, I stated a response as follows:

1. **(B) REFUSAL OR FAILURE TO PERFORM PRESCRIBED DUTIES AND RESPONSIBILITIES.**
  - a. I was acting on what I was instructed to do as informed and directed by my immediate supervisor/person-in-charge, Peter Tenorio. At this point, if I failed to follow the instruction it would be considered as insubordination and grounds for my immediate termination as indicated in the Ports Rules and Regulations under Chapter 11 Adverse Action, section 11.402 under conduct B. First offence, Minimum: Reprimand, Maximum: Dismissal.
2. **(D) FALSIFICATION OF RECORDS, SUCH AS, BUT NOT LIMITED TO REPORTS, TIME RECORDS, INFORMATION SYSTEM RECORDS, LEAVE RECORDS, EMPLOYMENT APPLICATION OR OTHER OFFICIAL AUTHORITY DOCUMENTS.**
  - a. I was instructed by my immediate supervisor/person-in-charge, Peter Tenorio to time in and out on the time sheet as 19:00 time in; 24:00 to 01:00 lunch; 06:00 time out. At that point I was following orders as I am prescribed to do.
3. **(H) UNAUTHORIZED ABSENCE**
  - a. I was then instructed to secure by my immediate supervisor/person-in-charge, Peter Tenorio.

In support of my decision on the date in question, I am presenting the following verbiage to support my action from the **Port Authority of Guam Policy Memorandum No. 04-88, pg. 6 Item VII. CERTIFICATION OF TIMECARD, Section A, B, and C.** It is not my position as a subordinate to question the legal validity of my immediate supervisor/person-in-charge, Peter Tenorio actions. Whether he is aware of Port Policy No. 04-88 and the Rules and Regulation established, I shall not be held under gross negligence for his or managements neglect or ignorance. Failure to communicate or act on these established policies is well beyond my pay grade to question his authority.

Furthermore, the posted 10 hours scheduling for my division are illegal in ref to **Port Authority of Guam Policy Memorandum No. 04-88, pg. 11 Item XIII. DEFINITION OF WORKWEEK CATEGORIES. Section C, Par 2 Normally, shift hours are from 0700 to 1900 hours, or 1900 to 0700 hours. In the event there are NO VESSELS IN PORT, the employee's workday shall consist of eight (8) hours, normally 0800 to 1700 hours in order to complete the schedule forty (40) hour workweek.** This section will also point out that us being scheduled for 10 hour is in violation continuously. Continuing, Referring to **Pg. 14 of the memorandum presented** shows an example of how Port operations employees are to be compensated under **Section D Example: 0700 to 1900 Total 8 hours straight time, 3 hours overtime.** As a result of our current scheduling, scheduling would reflect that they are intentionally being made to evade the Port overtime policy therefore violating Payroll Policy. I would like to add that a **WORKDAY** as defined in

the Port Rules and Regulation, Pg. 179 also reflects a ***regular recurring period of eight consecutive hours exclusive of lunch hour***. Recognizing that this defined workday is Port Wide and doesn't differentiate between the different departments at the Port.

Also, everything the Port employees are entitled to receive by law is not being provided by management.

1. Appropriate scheduling.
2. PPE and safety Equipment
3. Overtime compensation
4. Percentile increments in the Alan Serial Compensation Plan.

Finally, I am pointing out that our supervisors, superintendent and operations manager do not seem to follow or practice laws and policies/Rules and Regulation at the Port of Guam. All evidence will show they are continuously violating our rights of employees and also the very laws that they upheld to follow.

The result of Management actions to this unfortunate misunderstanding has created a CLIMATE OF FEAR amongst operation employees, bottom line is "Listen to your boss, You will get punished or Fired because they don't know what they are doing".

Signed and dated, 



**PORT OF GUAM**

ATURIDAT I PUETTON GUAHAN

**Jose D. Leon Guerrero Commercial Port**

1026 Cabras Highway, Suite 201, Piti, Guam 96925

Telephone: 671-477-5931/35 Facsimile: 671-477-2689/4445

Website: [www.portguam.com](http://www.portguam.com)



Eddie Baza Calvo

Governor of Guam

Ray Tenorio

Lieutenant Governor

August 6, 2013

Mr. David G. Teixeira  
Equipment Operator II  
Transportation Division  
Port Authority of Guam  
Piti, Guam 96925

Dear Mr. Teixeira:

This is to officially inform you that a proposed adverse action is being taken against you which may result in disciplinary action in accordance with the Port Authority of Guam Adverse Action Rules and Regulations. **This is only an alleged and not a matter already decided.**

This action is taken in accordance with Chapter 11, Rule 11.303, governing Authorized Causes for Adverse Action, of the Personnel Rules and Regulations as shown below:

1. On April 23, 2013, you were issued an official proposed adverse action for violating the Authority's Personnel Rules Regulations, Chapter 11, Adverse Action Procedures, Rule 11.303, governing Authorized Causes for Adverse Action, specifically **(B) Refusal or Failure to Perform Prescribed Duties and Responsibilities, (D) Falsification of records, such as, but not limited to reports, time records, information system records, leave records, employment applications or other official authority documents and (H) Unauthorized Absence.** In that notice you were advised that future violations of established rules, regulations and policies would result in a more severe disciplinary action taken against you.

Despite this, you again violated established rules as indicated below:

- (B) REFUSAL OR FAILURE TO PERFORM PRESCRIBED DUTIES AND RESPONSIBILITIES.**
- (E) INSUBORDINATION, INCLUDING BUT NOT LIMITED TO, RESISTING MANAGEMENT'S DIRECTIVES THROUGH ACTIONS AND/OR VERBAL EXCHANGE, OR FAILURE OR REFUSAL TO FOLLOW SUPERVISOR'S INSTRUCTIONS TO PERFORM ASSIGNED WORK, OR OTHERWISE FAILURE TO COMPLY WITH APPLICABLE ESTABLISHED WRITTEN POLICY(IES).**
- (Q) THREATENING, COERCING, HARASSING OR ACTS OF DISCRIMINATION TO EMPLOYEES, SUPERVISOR, CUSTOMERS OR INDIVIDUALS, TO INCLUDE SEXUAL HARASSMENT.**

Based on An email correspondence from Mr. Raymond B. Santos, Transportation Superintendent, and an Offense Report Form from Port Police, you were scheduled to work at 0700 to 1900 hours on July 20, 2013. After you reported to work as scheduled, your gang was asked to assist Gantry 17 since your gang had already completed your assignment. You then approached Mr. Peter Tenorio,



Crane Operator Leader, and asked to see the timesheet that Mr. Tenorio was holding. After seeing the timesheet you began to yell and complain to Mr. Tenorio that you should get paid overtime, because the crew that is assigned to Gantry 17 was not even on the premises. Mr. Tenorio tried to calm you down, but you became more violent and started to call Mr. Tenorio to fight. You also started to punch and kick the lockers that were in the office. Mr. Tenorio filed a Workplace Violence report with the Human Resources office.

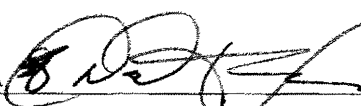
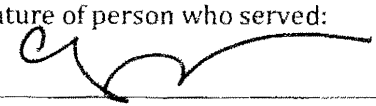
As an employee of this organization, it is your responsibility to ensure that you display respect and professionalism toward your superiors. Your conduct in this matter is unbecoming of an employee and this type of behavior will not be tolerated by this office. With regard to the foregoing, I am therefore serving you this notice of proposed adverse action for suspension, demotion or dismissal.

In accordance, with the Port Authority of Guam Personnel Rules and Regulations, Chapter 11, Rule 11.307, Employee's Answer, you are entitled to seek reconsideration of the proposed adverse action by answering the charges within 10 calendar days after receipt of the notice. The answer may be made orally or in writing or both. During this notice period, you will be retained on pay status.

My designated representative or I shall be available during the notice period to meet with you at the designated date and time requested by you. I may also designate a committee to hear your answer. I will consider your answer to the charges in the proposed adverse action notice. If you fail to answer during the notice period, your inaction shall construe as an answer and this office may proceed with the adverse action upon expiration of the notice period.

Sincerely,

  
JOANNE M.S. BROWN  
General Manager

Signature of Employee Served:	Date/Time:
DAVID G. TEIXEIRA 	8/7/13 . 2139
I, hereby certify that the original notice was served to the employee on <u>8/7/13</u> .	<input type="checkbox"/> Served personally <input type="checkbox"/> Copy left at last known address with person of suitable age and discretion <input type="checkbox"/> Registered Mail
Print name of person who served notice: <u>Carmelita C. Nededog</u>	Signature of person who served: 

Cc: Civil Service Commission  
Cc: Personnel Jacket

**COPY FOR YOUR INFORMATION**

**PORT AUTHORITY POLICE  
OFFENSE REPORT FORM**

1 Complaint No  
PAPDCS # 13-0063

2. Check <input checked="" type="checkbox"/> Person <input type="checkbox"/> Property <input type="checkbox"/> Incident <input type="checkbox"/> Missing Person			3. Beat A1	4. Crime/Offense HARASSMENT / TERRORIZING OFFICIAL MISCONDUCT				5. Alcohol/Drug Related <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
6. Complainant/Victim's Name  PETER SN TENORIO			a. Sex M	b. Race CHAM.	c. D.O.B [REDACTED]	d. Address 1026 CABRAS HWY ST. 201 PITI, GUAM 96915				a. Res. Phone [REDACTED]				
7. Reporting Person's Name  ANTHONY BLAS			a. Sex M	b. Race CHAM.	c. D.O.B - / - / -	d. Address 1026 CABRAS HWY ST. 201 PITI, GUAM 96915				a. Res. Phone 477-5931				
8. Comp. or Victim (Employed or School Attended)  PORT AUTHORITY OF GUAM			a. Occupation TRANSPORTATION CRANE OPERATOR LEADER #1439			b. Address 1026 CABRAS HWY ST. 201 PITI, GUAM 96915				c. Bus. Phone 477-5931				
9. Date & Time Occurred 7/20/13 1755HRS			10. Date & Time Reported 7/20/13 1755HRS			11. Location of Offense (Address) PORT COMPOUND WAREHOUSE 1 TRANSPORTATION OFFICE				12. Type of Premise OFFICE/WAREHOUSE BUILDING				
13. Vehicle <input type="checkbox"/> APB <input type="checkbox"/> SUSPECT	Date & Time	License No.	State	Year	Make	Body	Model	Clr.	Yr.	Identifying Characteristics of Veh.				
a														
b														
14. Source of Call VIA I-CONNECT RADIO			a. Date & Time 7/20/13 1755HRS			15. Date & Time Arrived 7/20/13 1757HRS			a. Location PORT COMPOUND WAREHOUSE 1 TRANSPORTATION OFFICE					
16. Date & Time Complainant Interviewed 7/20/13 1814HRS			17. Location of Interview PORT POLICE OFFICE						18. Written Statements? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
CODE: V - Victim (Other than in Block No. 1) show Sex, Race, Age; W-Witness; Parent or G-Guardian					19. Type of Property Taken N/A			20. Total Loss Value N/A						
21. Name PETER SN TENORIO		Code V	Address 161 LINDA WY. JONESTOWN TAMUNING, GU. 96913						Res. Phone [REDACTED]	Bus. Phone 477-5931				
a														
b														
c														
d														
22. Weapons or Means Used NONE		23. Method Used NONE		24. Nature of Injuries & Location NONE				25. Victim Hospitalized <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		26. Transported N/A				
27. Name of Missing Person or Suspect DAVE TEIXEIRA		Address 1026 CABRAS HWY ST. 201 PITI, GUAM 96915			Sex M	Race ---	Age ---	Ht. ---	Wt. ---	Eyes ---	Hair ---	Complexion LIGHT BROWN	Clothing N/A	Identifying Characteristics N/A
a														
b														
c														
d														
28. Possible Cause of Absence N/A					29. If Missing Person has run away before, give dates and where located N/A									
30. Possible Destination N/A					31. Physical Condition NORMAL					32. Mental Condition NORMAL				

PO2 J.A. SANDLIN 1748 / PO2 J.R. QUICHOCHO CRUZ

PO2 E.J. SALAS 1630

**OFFENSE REPORT FORM (Continued)**

33. Location of Victim's Property N/A		34. Type of Document N/A		35. Date & No. of Document N/A		36. Firm Name of Check N/A	
37. Made Payable to & Amount N/A			38. Signature on face N/A		39. Reason not Honored N/A		
40. Crime Tech. I.D. Number N/A			41. Date & Time Arrived N/A		42. Crime Scene Processed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
43. Complainant's Signature		44. Date & Time		45. Status (Check One) <input checked="" type="checkbox"/> Open <input type="checkbox"/> Police Service <input type="checkbox"/> Suspended <input type="checkbox"/> Closed			
46. Reporting Officer PO2 J.A. SANDLIN 1748		47. Second Officer PO2 J.R. QUICHOCHO-CRUZ 1688		48. OCH Disposition			
49. Copy Forwarded To: <input type="checkbox"/> Traffic <input type="checkbox"/> Youth <input type="checkbox"/> Narcotic <input type="checkbox"/> A.G. Office <input type="checkbox"/> Detectives <input checked="" type="checkbox"/> Other				60. Approving Supervisor PO2 E.J. SALAS 1630			

**Describe Incident**

**INFORMATION RECEIVED:**

AT ABOUT 1755HRS ON JULY 20, 2013, WHILE ON PATROL OFFICER JR CRUZ AND I (SANDLIN) RECEIVED A CALL VIA I-CONNECT FROM PORT POLICE DISPATCHER ASG BC TERLAJE ON A REPORTED COMPLAINT AT WAREHOUSE 1 IN REGARDS TO TRANSPORTATION EMPLOYEES.

**ARRIVED AT PORT COMPOUND WAREHOUSE 1:**

AT ABOUT 1757HRS SAME DATE, OFFICER JR CRUZ AND I ARRIVED AT PORT COMPOUND WAREHOUSE 1 TRANSPORTATIONS OFFICE AT WHICH TIME WE WERE ABLE TO MEET WITH PORT EMPLOYEE IDENTIFIED TO BE DAVE TEIXEIRA FROM TRANSPORTATION DIVISION. DAVE MENTION THAT PETER TENORIO TRANSPORTATION LEADER HAD AN CONFRONTATION WITH EACH OTHER ABOUT WORK. I THEN ASKED DAVE WHERE IS PETER TENORIO LOCATION AT WHICH TIME DAVE MENTION HE'S INSIDE WAREHOUSE 1 TRANSPORTATIONS OFFICE. I THEN INSTRUCTED DAVE TO STAY OUTSIDE UNTIL I FIND OUT ON WHAT'S GOING ON.

**PORT TRANSPORT LEADER LOCATED AND IDENTIFIED TO INCLUDE WITNESS:**

AT ABOUT 1800HRS SAME DATE, I WAS ABLE TO LOCATE PORT AUTHORITY TRANSPORTATION LEADER PETER TENORIO INSIDE WAREHOUSE 1 AT WHICH TIME I WAS ABLE TO CONDUCT A QUICK ASSESSMENT ON THE SITUATION BETWEEN PETER TENORIO, DAVE TEIXEIRA AND TO INCLUDE ONE PORT EMPLOYEE WHO WITNESS THE INCIDENT. I THEN INSTRUCTED PETER TENORIO AND THE WITNESS AT WHICH TIME HE IDENTIFIED HIM SELF TO BE ALBERT SANTOS TO PROCEED TO PORT POLICE OFFICE FOR FURTHER INFORMATION.

**COMPLAINANT TRANSPORTATION LEADER IDENTIFIED/INTERVIEWED:**

AT ABOUT 1820HRS SAME DATE, I ARRIVED AT PORT POLICE OFFICE ALONG WITH BOTH PORT EMPLOYEES PETER AND ALBERT AT WHICH TIME I WAS ABLE TO IDENTIFY PETER THROUGH HIS PORT IDENTIFICATION CARD AND DRIVERS LICENSE TO BE:

PETER SN TENORIO AGE:50  
 TRANSPORTATION CRANE OPERATOR LEADER ID#1439  
 D/L 1228050630 [REDACTED]  
 HT:5'6 WT:230 HR:BLK EYE:BRN  
 161 LINDA WY. JONESTOWN TAMUNING  
 C:727-0867 H [REDACTED]

WHO ORALLY STATED WHILE INSIDE WAREHOUSE 1 TRANSPORTATION OFFICE AREA ALONG WITH OTHER PORT EMPLOYEES. PETER ASKED THE GANTRY 16 OPERATORS OR CREW TO ASSIST GANTRY 17 SINCE THEY WERE COMPLETED ON THEIR SIDE OF THE VESSEL OPERATIONS. AS PETER HAD MENTION THAT DAVE TEIXEIRA APPROACHES PETER AND ASKED IF HE COULD SEE THE TIME SHEET THAT PETER WAS HOLDING. PETER STATED WHEN DAVE SAW THE TIME SHEET HE STARTED YELLING AND COMPLAINING TO PETER AND TELLING PETER HE SHOULD GET PAID FOR THE OVER TIME, BECAUSE THE CREW THAT WAS ON GANTRY 17 WAS NOT EVEN ON SITE WORKING ON THE VESSEL. PETER TRIED TO CALM DAVE DOWN BECAUSE DAVE JUST KEPT ON YELLING, PETER WAS TRYING TO EXPLAIN TO DAVE THE SITUATION BUT DAVE JUST KEPT ON YELLING. PETER THEN STARTED WALKING AWAY FROM DAVE. AS HE WAS DOING THAT DAVE JUST CONTINUED YELLING AND FOLLOWING PETER FROM BEHIND VERY CLOSE. AS PETER CONTINUED WALKING AWAY HE THEN TURNED AROUND TO TRY TO CALM DAVE DOWN AS PETER WAS TURNING AROUND DAVE WAS FOLLOWING SO CLOSE THAT PETER ACCIDENTALLY BUMPED INTO DAVE. PETER THEN STATED THAT'S WHEN DAVE STARTED ACCUSING PETER OF PUSHING HIM AND DAVE AGAIN AND AGAIN KEPT ON YELLING AND ACCUSING PETER OF PUSHING HIM AND THAT'S WHEN DAVE STARTED CALLING PETER OUT TO FIGHT AND DAVE SAYING HE'S NOT SCARED OF PETER, AS DAVE CONTINUED HE THEN STARTED PUNCHING AND KICKING THE PORT EMPLOYEES LOCKER THAT WAS JUST NEXT TO THEM AT TRANSPORTATIONS OFFICE. PETER STATED DAVE WAS BEING VERY DISRESPECTFUL AND AGGRESSIVE IN NATURE. EQUIPMENT OPERATOR LEADER KIN MENO OVER HEARD ALL THE LOUD YELLING FROM INSIDE THE OFFICE AT WHICH TIME HE THEN EXIT OUT AND TOLD DAVE TO STOP, AFTER THAT DAVE STOPPED AND EXITED OUT OF BUILDING. PETER THEN NOTIFIED TRANSPORTATION SUPERVISOR RAY SANTOS ABOUT THE SITUATION AND NOTIFIED ANTHONY BLAS TO CALL PORT POLICE FOR ASSISTANCE.

NOTE: PETER TENORIO REQUESTED THAT THIS MATTER BE HANDLE WITH-IN PORT AUTHORITY MANAGEMENT LEVEL AND NOT TO FILE ANY CRIMINAL CHARGES AGAINST DAVE TEIXEIRA.

( SEE ATTACHED WRITTEN STATEMENT FROM PETER TENORIO AND PHOTOS FOR FURTHER INFORMATION AND DISPOSITION )

SUPPLEMENT REPORT  
FORM-6

		1. Complainant, Driver, Victim, or Arrestee PETER SN TENORIO		2. Arrest No.	3. Complaint No. PAPD CS 13-0063
<input checked="" type="checkbox"/> Form Used As Continuation Sheet For Current Report			<input type="checkbox"/> Form Used to Report Follow up Investigation or Supplemental Information		
4. Extra Copies	5. Page No. 3	6. Traffic Citation No.	9. Correct Offense or incident Classification		Changed <input type="checkbox"/> Yes
7. Kind of Report Continued <input checked="" type="checkbox"/> Offense <input type="checkbox"/> Traffic Accident <input type="checkbox"/> Arrest <input type="checkbox"/> D.F.A.R			10. Multiple Clear-up? <input type="checkbox"/> Yes (List Other Complaint Nos. In Narrative)		<input checked="" type="checkbox"/> No
8. Offense, Charge or Incident on Original Report HARASSMENT / TERRORIZING / OFFICIAL MISCONDUCT			11. Value of Property Recovered \$ N/A		
12. Instructions for Follow Up or Supplemental Usage					
<p>WITNESS IDENTIFIED / INTERVIEWED:</p> <p>AT ABOUT 1835HRS SAME DATE, I WAS ABLE TO MEET WITH THE PORT EMPLOYEE WHO HAD WITNESS THE SITUATION THAT WAS GOING ON INSIDE TRANSPORTATION OFFICE AREA AT WAREHOUSE 1 AT WHICH TIME I WAS ABLE TO IDENTIFY HIM THROUGH HIS PORT IDENTIFICATION CARD TO BE:</p> <p style="text-align: center;">ALBERT E. SANTOS AGE:41 TRANSPORTATION EQUIPMENT OPERATOR III ID#1052 DOB [REDACTED] SS [REDACTED] WT.180 HT.5'6" EYE.BRO HR.BRO 147 SAN ROKE STREET AGAT C-868-9281</p> <p>WHO ORALLY STATED WHILE INSIDE WAREHOUSE 1 TRANSPORTATION OFFICE AREA STANDING NEXT TO PETER TENORIO AND DAVE TEIXEIRA WHILE DAVE WAS ARGUING WITH PETER. ALBERT SANTOS STATED DAVE JUST KEPT ON YELLING AT PETER ABOUT THE WORK SCHEDULE OVER HEARING DAVE COMPLAINING ABOUT WHY CERTAIN PORT EMPLOYEES ARE IN WORKING AND ANOTHER GROUP OF PORT EMPLOYEES ARE NOT WORKING. ALBERT WAS ABLE TO WITNESS WHEN PETER WAS TURNING AROUND TOWARDS DAVE HE SAW PETER ACCIDENTLY BUMPED INTO DAVE BECAUSE DAVE WAS FOLLOWING TOO CLOSE TO PETER WHILE TRYING TO EXPLAIN TO DAVE THE SITUATION IN REGARDS TO THE WORK SCHEDULE BUT DAVE WASN'T LISTENING HE JUST KEPT YELLING AT PETER. ALBERT ALSO HERD DAVE CALLING PETER TO FIGHT AND THAT DAVE WAS MENTIONING THAT HE'S NOT SCARED OF PETER. HE ALSO SAW DAVE KICKING AND PUNCHING THE EMPLOYEES LOCKER INSIDE WAREHOUSE 1 TRANSPORTATIONS AREA.</p> <p style="text-align: center;">( SEE ATTACHED WRITTEN STATEMENT FOR FURTHER INFORMATION AND DISPOSITION )</p>					
RECOMMENDATION:					
I RECOMMEND THAT THIS CASE REMAIN OPEN FOR FURTHER DISPOSITION AND A COPY OF THE REPORT BE FORWARDED TO THE GENERAL MANAGER, DEPUTY GENERAL MANAGER, OPERATIONS MANAGER, OPERATIONS SUPERVISOR, HUMAN RESOURCE, AND CHIEF OF PORT POLICE FOR THEIR FINAL INFORMATION AND DISPOSITION.					
30. Reporting Officer PO2 J.A. SANDLIN 1748			31. Status (Check One) <input checked="" type="checkbox"/> Open <input type="checkbox"/> Suspended <input type="checkbox"/> Closed		33. Date/Time Typed 7/20/13 1900HRS
32. Supervisor Approving PO2 E.J. SALAS 1630			34. Unit Referred To		35. UCR Disposition
36. Reviewer			No.		



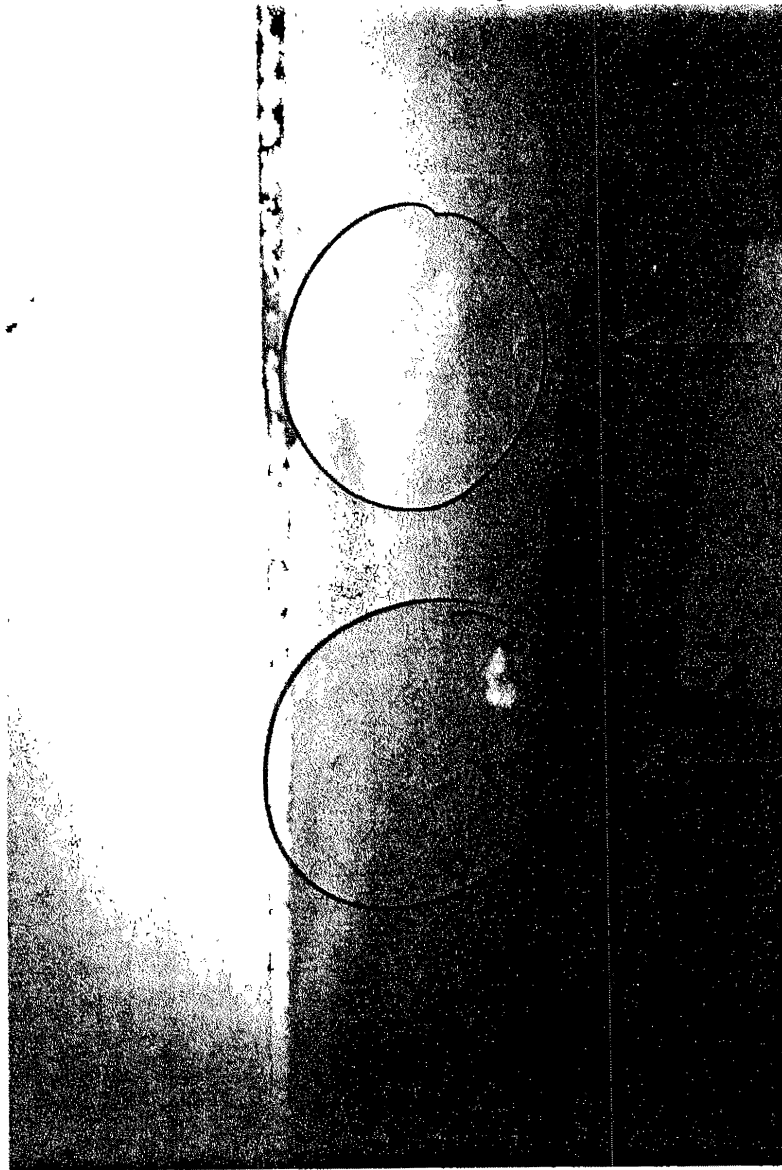
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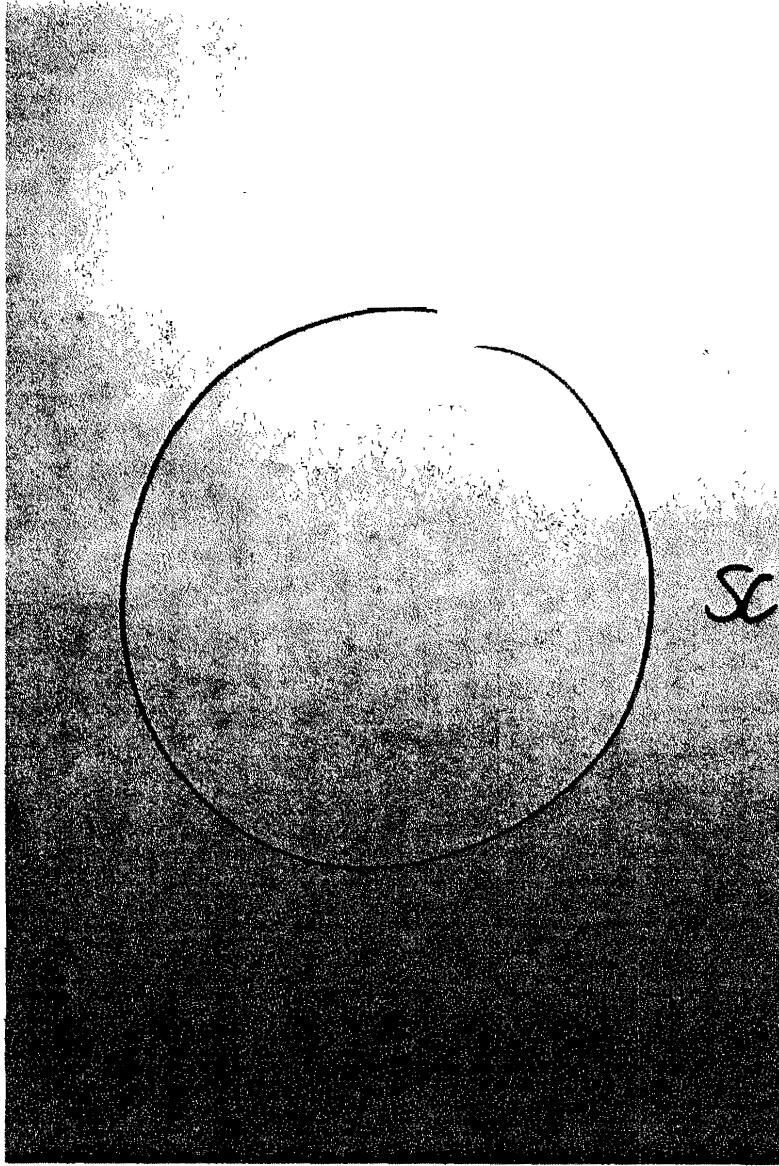
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RIGHT SIDE UP / LOCKER DAMAGE

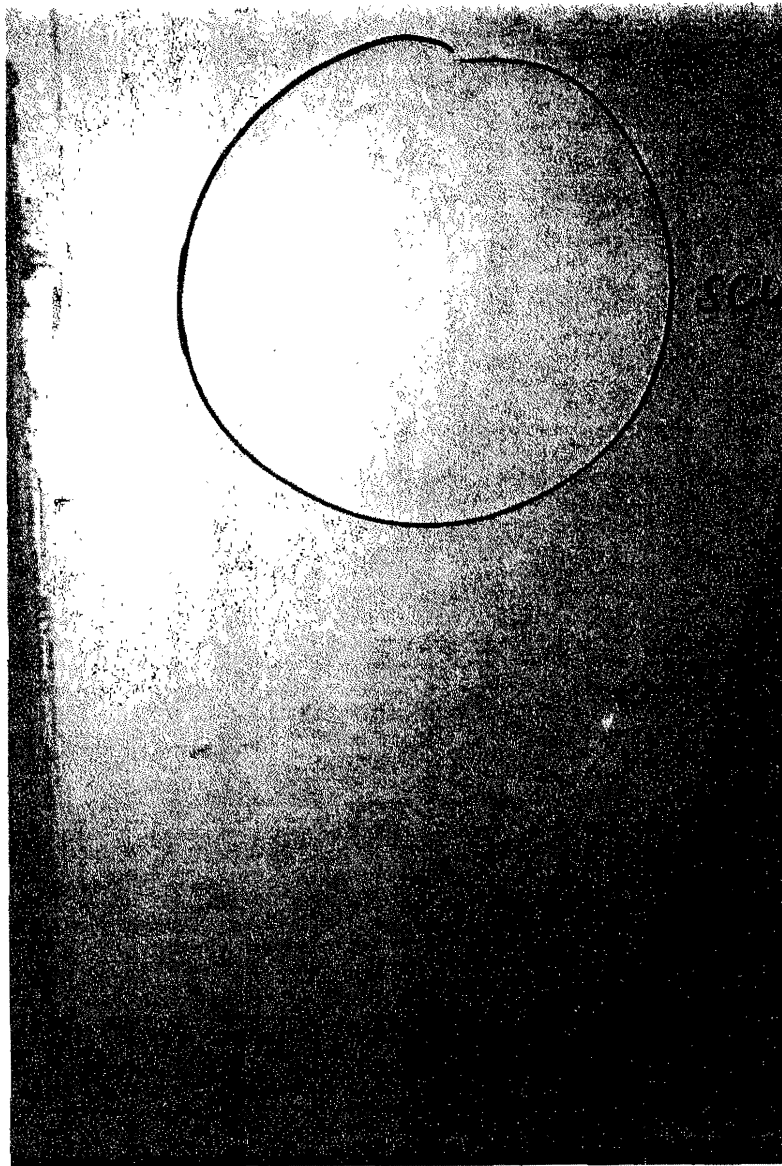


RIGHT SIDE WP/WOOLER DAMAGE



SCUFF MARK FROM BOOT

RIGHT SIDE UP



SCUFF MARK FROM BOOT

SUPPLEMENT REPORT  
FORM-6

1. Complainant, Driver, Victim, or Arrestee <b>PETER S.N. TENORIO</b>	2. Arrest No. <b>N/A</b>	3. Complaint No. <b>PAP#13-0063</b>
--	-----------------------------	--

<input checked="" type="checkbox"/> Form Used As Continuation Sheet For Current Report			<input type="checkbox"/> Form Used to Report Follow up Investigation or Supplemental Information		
4. Extra Copies <b>N/A</b>	5. Page No. <b>1</b>	6. Traffic Citation No. <b>N/A</b>	9. Correct Offense or incident Classification <b>N/A</b>	Changed <input type="checkbox"/> Yes	
7. Kind of Report Continued <input checked="" type="checkbox"/> Offense <input type="checkbox"/> Traffic Accident <input type="checkbox"/> Arrest <input type="checkbox"/> D.F.A.R.			10. Multiple Clear-up? <input type="checkbox"/> Yes (List Other Complaint Nos. In Narrative) <input type="checkbox"/> No		
8. Offense, Charge or Incident on Original Report <b>HARASSMENT/ TERRORIZING</b>			11. Value of Property Recovered <b>\$ N/A</b>		

12. Instructions for Follow Up or Supplemental Usage

INFORMATION RECEIVED:

AT ABOUT 1758HRS, JULY 20, 2013, WHILE ON PATROL, MYSELF, PO2 J.R. QUICHOCHO-CRUZ AND PO2 J.A. SANDLIN RECEIVED A CALL FROM PORT POLICE DISPATCHER ASG B.C. TERLAJE OF A REPORTED DISTURBANCE LOCATED AT THE PORT AUTHORITY TRANSPORTATION SECTION. THE REPORTING PERSON IS MR. ANTHONY BLAS- STEVEDORE LEADER.

ARRIVED AT LOCATION:

AT ABOUT 1800HRS, SAME DATE, PO2 J.A. SANDLIN AND I ARRIVED AT WAREHOUSE 1/ TRANSPORTATION SECTION AND NOTICED A MALE INDIVIDUAL AWAITING OUR ARRIVAL AND APPEARED TO BE UPSET.

(2) MALE INDIVIDUALS TRANSPORTED TO PORT POLICE OFFICE:

AT ABOUT 1820HRS, SAME DATE, (2) MALE INDIVIDUALS WERE TRANSPORTED FROM WAREHOUSE 1 TO PORT POLICE OFFICE FOR INTERVIEW.

MALE INDIVIDUAL IDENTIFIED/ INTERVIEWED:

AT ABOUT 1846HRS, SAME DATE, THE MALE INDIVIDUAL WAS IDENTIFIED THROUGH HIS PORT ID TO BE:

DAVID J. TEIXEIRA  
PORT ID# 1689  
EQUIPMENT OPERATOR II

STATED THAT AS HE WAS DRIVING TO WORK ABOUT 12:00PM-12:30PM HE WAS DRIVING PASS THE HAGATNA MARINA WHERE THE PORT AUTHORITY PARADE SPOT IS AND NOTICED (2) INDIVIDUALS FROM GANG #4 WHO ARE ON THE SAME SHIFT AS HIM PREPARING FOR THE LIBERATION DAY PARADE. AT ABOUT 1750HRS AFTER GANTRY #16 WAS COMPLETED ON THE KYOWA HE PROCEEDED TO WAREHOUSE 1- TRANSPORTATION SECTION TO TURN IN HIS TRACTOR KEY AND FIRE EXTINGUISHER AND AS HE WAS LOOKING OVER THE DAILY SCHEDULE AND SIGN IN SHEETS DATED FOR TODAY, JULY 20, 2013 HE NOTICED THE CERTAIN INDIVIDUALS WHOM HE SAW AT THE HAGATNA MARINA WERE SCHEDULED TO WORK AT 0800HRS AND ASSIGNED TO WORK THE VESSEL BUT WERE NOT IN. HE THEN PROCEEDED TO SEE THE PERSON IN CHARGE WHICH WAS MR. PETER TENORIO AND QUESTIONED "WHY ARE CERTAIN INDIVIDUALS ASSIGNED TO WORK TODAY AT 0800HRS WHO ARE BEING PAID OVERTIME BUT ASSIGNED ELSEWHERE?". AS PER MR. TEIXEIRA, HE THEN STATED THAT MR. TENORIO INSTRUCTED HIM TO GO AND ASSIST GANTRY #17 AND WALKED AWAY. AS MR. TEIXEIRA WAS FOLLOWING MR. TENORIO OUT OF THE OFFICE, HE STATED TO MR. TENORIO "THEY PUNISH US BY SUSPENDING US FOR FOLLOWING THE ORDER OF OUR LEADER TO GO AHEAD AND SECURE AND THEY'RE GONNA LET THESE GUYS MAKE OVERTIME BY DOING WORK AT THE MARINA FOR THE PARADE?" MR. TEIXEIRA THAN STATED THAT MR. TENORIO TURNED AROUND AND THEN PUSHED HIM CAUSING HIM TO TAKE 3-4 STEPS BACK. HE THEN NOTICED THAT MR. ALBERT BLAS WAS STANDING OUTSIDE OF WAREHOUSE 1 LOOKING IN AND NOTICED THE INCIDENT. SEE ATTACHED STATEMNT.

NOTE: MR. TEIXEIRA'S COMMENT REGARDING "SUSPENSION FOR FOLLOWING ORDERS" WAS AN INCIDENT THAT OCCURRED IN APRIL 2013.

WITNESS IDENTIFIED/ INTERVIEWED:

AT ABOUT 1823HRS, SAME DATE, MR. TEIXEIRA'S WITNESS TO THE INCIDENT WAS IDENTIFIED THROUGH HIS PORT ID TO BE:

ALBERT D. BLAS, JR.  
PORT ID #1694  
EQUIPMENT OPERATOR II

WHO STATED THAT AS HE WAS WALKING OUT OF WAREHOUSE 1, HE HEARD MR. TEIXEIRA AND MR. TENORIO ARGUING BECAUSE MR. TEIXEIRA WAS QUESTIONING THE SCHEDULE AND THAT IS WHEN MR. TENORIO GOT ALL WIRED UP, AND AS HE WAS STANDING AT THE END OF THE HALLWAY HE TURNED AROUND HE WITNESSED MR. TENORIO PUSH MR. TEIXEIRA ON THE CHEST. SEE ATTACHED STATEMENT.

NOTE: MR. TEIXEIRA'S WITNESS TO THE INCIDENT WAS INTERVIEWED FIRST DUE TO MR. TEIXEIRA WAS STILL TRYING TO CALM DOWN.

RECOMMENDATION: I RECOMMEND THIS SUPPLEMENT REPORT BE ATTACHED TO PO2 J.A. SANDLIN'S REPORT FOR ADDITIONAL INFORMATION.

30. Reporting Officer <i>[Signature]</i> PO2 J.R. QUICHOCHO-CRUZ 1688		31. Status (Check One) <input checked="" type="checkbox"/> Open <input type="checkbox"/> Suspended <input type="checkbox"/> Closed		33. Date/Time Typed <b>07/20/13 2100HRS</b>	Reproduced No.
32. Supervisor Approving <i>[Signature]</i> PO2 J.A. SANDLIN 1748		34. Unit Referred To: <b>1630</b>		35. UCR Disposition	
36. Reviewer <i>[Signature]</i> PO2 E.J. SALAS 1630					

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**PORT OF GUAM**  
 ATURIDAT I PUETTON GUAHAN  
**Jose D. Leon Guerrero Commercial Port**  
 1026 Cabras Highway, Suite 201, Piti, Guam 96925  
 Telephone: 671-477-5931/35 Facsimile: 671-477-2689/4445  
 Website: [www.portguam.com](http://www.portguam.com)



Eddie Baza Calvo  
 Governor of Guam  
 Ray Tenorio  
 Lieutenant Governor

Date: MAY 24, 2012

**NOTICE OF RESULTS OF PERFORMANCE EVALUATION REPORT**

Period Covered From: OCTOBER 13, 2010 To: OCTOBER 12, 2011

Training Rating

Probationary Rating

Annual Rating

Employee's Name DAVID G. TEIXEIRA Social Security No. [REDACTED]

Position Title EQUIPMENT OPERATOR II Division/Section TRANSPORTATION

**OVERALL RATING**

Outstanding

Satisfactory( )

Unsatisfactory( )

- ( ) This following indicates your employment status as a result of the above rating:
- ( ) You are given a permanent appointment as a classified employee on your current position.
- ( ) Continuation of probationary period to be extended an additional \_\_\_\_\_ months.
- ( ) Eligible for salary increment.
- (✓) Other: Executive Order 2011-14 stipulates "...(1) Effective...October 10, 2011 salary step increases for all classified employees and raises for unclassified employees of the Executive Branch shall be frozen and remain in effect until further rescinded. (2)...Annual performance evaluations for classified employees shall continue to be performed in accordance with the personnel rules and regulations..."

Should you desire a review of your rating, you may see your immediate supervisor or contact the Human Resources Division.

  
 MARY C. TORRES  
 GENERAL MANAGER

PORT AUTHORITY OF GUAM  
 Jose D. Leon Guerrero Commercial Port  
 Piti, Guam 96925

*Executive Order 2011-14 froze all salary step increases for all classified employees until rescinded. Once freeze is lifted and salary step increases are restored, the following is a reconstruction of what your salary per annum will be.*

<b>NAME OF EMPLOYEE:</b> DAVID G. TEIXEIRA	<b>POSITION TITLE:</b> EQUIPMENT OPERATOR II
<b>DEPARTMENT/DIVISION:</b> OPERATIONS /TRANSPORTATION	<b>EMPLOYEE NUMBER:</b> 1689

**Current Pay Grade/Step/Sub-Step as of October 10, 2011:**

Pay Grade/Step/Sub-Step	Salary Per Annum
G-8D	\$32,869.00

**Overall Performance Evaluation Rating:**

Annual Performance Evaluation Date	Overall Rating
October 13, 2010 to October 12, 2011	Outstanding

**Pay Grade/Step/Sub-Step once Salary Increment Freeze is lifted:**

Total Incremental Sub-Step Increase	Pay Grade/Step/Sub-Step	Salary Per Annum
5 + 1	G-10B	\$34,891.00

**Personnel Action processed during salary increment freeze period:**

Effective Date	Type of Personnel Action	Position Title	Pay Grade/Step/Sub-Step	Salary Per Annum
N/A	N/A	N/A	N/A	N/A

**Based on the above and once freeze is lifted, the following personnel action adjustments may be processed:**

Type of Action	Position Title	Pay Grade/Step/Sub-Step	Salary Per Annum	Next Salary Increment
Salary Increment	Equipment Operator II	G-10B	\$34,891.00	10/13/2012



PORT AUTHORITY OF GUAM  
 Jose D. Leon Guerrero Commercial Port  
 HUMAN RESOURCES DIVISION  
 Piti, GU 96925

**PERFORMANCE EVALUATION POINT SHEET**

<b>EMPLOYEE NAME:</b>	David G. Teixeira
<b>POSITION TITLE:</b>	Equip. Oper. II
<b>DEPARTMENT/DIVISION:</b>	Trans.
<b>EMPLOYEE NUMBER:</b>	

**1. Equivalent Points from Performance Evaluation**

<b>E's</b>	<u>9</u> x 5 points = <u>45</u>
<b>D's</b>	<u>4</u> x 4 points = <u>16</u>
<b>C's</b>	<u>0</u> x 3 points = <u>0</u>
<b>B's</b>	<u>0</u> x 2 points = <u>0</u>
<b>A's</b>	<u>0</u> x 1 points = <u>0</u>
<b>TOTAL POINTS:</b> <u>61</u>	

**2. Overall Evaluation Rating Earned**

	0-25 points = Unsatisfactory Performance – No Salary Increment
	26-34 points = Satisfactory (Marginal) – 2 Sub-steps
	35-49 points = Satisfactory – 3 Sub-steps
	50-59 points = Satisfactory (Highly) – 4 Sub-steps
✓	60-65 points = Outstanding – 5 Sub-steps



PORT AUTHORITY OF GUAM  
EMPLOYEE PERFORMANCE EVALUATION REPORT

Name of Employee David G. Texeira Position Title Equipment Operator II  
Period Covered  
From 10-13-2010 To 10-13-2011 Division/Section Transportation  
Name of Supervisor Raymond B. Santos Report Due Date \_\_\_\_\_  
Type of Rating Annual Date of Last Evaluation 09-30-2010

**INSTRUCTIONS:**

1. Review the evaluation in its entirety prior to beginning the written evaluation. If you feel you are not qualified to answer any of the specific items, please leave them blank.
2. A description of the column headings "A", "B", "C", "D" and "E" follows:
  - A. Unsatisfactory - Fails to meet position requirements or meets them only in part. Definitely below acceptable standards.
  - B. Satisfactory (Marginally) - In general meets minimum requirements of the job.
  - C. Satisfactory - Meets practically all position requirements.
  - D. Satisfactory (Highly) - Meets all job requirements and, in many instances, exceeds them.
  - E. Outstanding - In general exceeds position requirements. Operates at sustained performance.
3. The evaluation should encompass the entire period of time since the last evaluation as shown above. Recent happenings or isolated dramatic incidents should be minimized.
4. The supervisor and employee should have a common understanding of acceptable standards for the job being evaluated. Be certain that both employee and supervisor are familiar with the job description because the evaluation must embrace the entire job.
5. The performance factors exist, to some degree, in every job. However, some factors are more relevant than others. In the "Comments" section, then, the supervisor should indicate those factors which he/she considers to be more pertinent to the job that he/she is evaluating.
6. Comments are essential to the evaluation. When comments are requested, a one-word reply is neither satisfactory nor fair. Comments should be used to explain ratings; also to make specific suggestions for improvement and/or development.
7. Section III is of particular importance to the supervisor and the employee. Before an employee can improve his/her job performance the employee must know his/her strengths and areas of need. The supervisor must share this information so that the employee will know his/her status and needed development.
8. Whenever an "unsatisfactory" or "marginal" rating is given on any of the performance factors, the rater must state in Section IV just what action is planned to correct the situation.
9. Whenever an "outstanding" rating is given on any of the performance factors, the rater must state his/her justification for this rating in the respective comment section.
10. After completing the rating on the individual performance factors, the supervisor assigns one of three overall ratings to the employee i.e., unsatisfactory, satisfactory or outstanding by checking the appropriate block.
11. Employee signs and dates form only after the evaluation, comments, recommendations and rating have been explained and discussed by the rater/reviewer. The employee's signature does not denote concurrence with the rating. It merely signifies that the contents of the completed form were discussed with the employee. If the employee refuses to sign the form, the rater should note on the form that employee refused to sign and then sign the notation.
12. Upon completion of the report, forward on or before the due date to the Personnel Services Office.

**1. A. JOB PERFORMANCE FACTORS**

**QUANTITY OF WORK**

A	B	C	D	E	X
---	---	---	---	---	---

Produces an acceptable volume of work.

Comments: Mr. Teixeira works hard to produce beyond an acceptable volume of work.

**QUALITY OF WORK**

A	B	C	D	E	X
---	---	---	---	---	---

Produces an acceptable grade of work.

Comments: Mr. Teixeira produces great quality of work.

**TIMELINESS OF WORK**

A	B	C	D	E	X
---	---	---	---	---	---

Completes work assignments on or ahead of schedule.

Comments: Mr. Teixeira completes his assignment on time or ahead of schedule.

**COST**

A	B	C	D	E	X
---	---	---	---	---	---

Minimizes controllable cost and effectively utilizes resources on the job.

Comments: Mr. Teixeira makes sure that his assigned equipment is properly maintained and cleaned to minimize cost.

**SAFETY**

A	B	C	D	E	X
---	---	---	---	---	---

Observes safety and health standards.

Comments: Mr. Teixeira follows and observes P.A.G.'s safety and health standards.

**1. B. FACTORS AFFECTING JOB PERFORMANCE**

**INITIATIVE**

A	B	C	D	E	X
---	---	---	---	---	---

Performs assigned jobs in a self-confident, eager manner without detailed instructions.

Comments: Mr. Teixeira performs his assignment with pride and confidence with little or no supervision.

**ATTITUDE**

A	B	C	D	X	E
---	---	---	---	---	---

Shares interest, enthusiasm and cooperation.

Comments: Mr. Teixeira shows and shares great interest and enthusiasm at work. He needs to work on his attitude towards his fellow co-workers, superiors and others.

**ADAPTABILITY**

A	B	C	D	X	E
---	---	---	---	---	---

Learns new duties and adjusts to new situations.

Comments: Mr. Teixeira is very much willing to learn and to work with new situations that given to him.

**COMMUNICATION**

A  B  C  D  E

Effectively presents facts and ideas both orally and in writing; keeps his/her supervisors and other informed of pertinent matters.

Comments: Mr. Teixeira needs some work on communicating orally with his co-workers and superiors.

**RELATIONSHIPS WITH OTHERS**

A  B  C  D  E

Effectively works and deals with others, including co-workers, superiors and customers.

Comments: Mr. Teixeira has a good relationship with most of his co-workers, superiors and customers.

**JUDGMENT**

A  B  C  D  E

Decides correct course of action when some choice can be made.

Comments: Mr. Teixeira makes very good judgment calls and take the corrective action as needed.

**RESPONSIBILITY**

A  B  C  D  E

Assumes and carries out assigned jobs and is accountable for his/her results and actions.

Comments: Mr. Teixeira takes his assignment very seriously and will take accountable for his actions.

**PUNCTUALITY AND ATTENDANCE**

A  B  C  D  E

Total hours LWOP status 0

Comments: Mr. Teixeira has a good attendance and punctually.

II. **SUPERVISORY AND/OR TECHNICAL ABILITY** (Comment on areas as applicable: supervisory ability, leadership potential, technical ability. If possible, cite with examples on: ability to plan, organize, inspire teamwork and morale, delegate authority, give recognition and handle subordinates.

Mr. Teixeira is not in the supervisory position, but has the ability to complete his assigned task or assignment in a orderly fashion and strives to shows good team work.

III. **OVER-ALL EVALUATION AND RECOMMENDATON.** (Describe the results ACHIEVED compared with results EXPECTED. Consider the individual's strengths as well as his/her areas of need.)

Mr. Teixeira over-all evaluation is Outstanding. His positive attitude displays great interest and enthusiasm to do the job, his strength is that you can rely on him to do the job.

IV. **DEVELOPMENT GUIDE.** (Indicate development needs and recommend specific development actions which you believe will help the employee improve his/her performance or prepare him/her for greater responsibility beyond his/her present job.)

I recommend that Mr. Teixeira enrolled and participate in trainings, class and seminars.

V. In accordance with good supervisory practice, have you discussed with the employee his/her good points as well as his/her limitations, with a view toward improving his/her value to the Agency? (Check One)  Yes  No. (If "Yes" is checked, give approximate date, indicate subjects discussed and this employee's reaction.)

I have discussed with Mr. Teixeira his strong points and weak points.

VI. **RATING (OVER-ALL)**  Outstanding  
 Satisfactory  
 Unsatisfactory

VII. **SIGNATURES**

Rater: I have been the supervisor of the employee

From 10.1.10 to PRESENT  
9.28.11  
Date

[Signature]  
Signature

Reviewer: Employee has been under my general supervision

From — to PRESENT  
29 SEP 11  
Date

[Signature]  
Signature

Employee: I have reviewed this rating in an interview with my supervisor. My signature does not necessarily indicate my concurrence with the evaluation, recommendations or rating.

[Signature]  
Signature

9/28/11  
Date

Conference Date: 9-28-11

**PERSONNEL OFFICE USE ONLY**

This performance evaluation report has been reviewed by the Personnel Office.

[Signature]  
Signature

1-27-13  
Date

August 7, 2013

Honorable Thomas C. Ada  
Senator and Chairman  
Committee on Public Safety, Infrastructure & Maritime Transportation  
32<sup>nd</sup> Guam Legislature  
Hagatna, Guam 96910

Hafa Adai Senator Ada and Committee Members:

As I am away on work business, I write this testimony in support of the nomination of Ed Ilao to serve as a member of the Port Authority of Guam (PAG) Board Directors.

Having served alongside Ed Ilao for nearly two years as a fellow PAG Board Director, I have seen him first-hand provide sound ideas and recommendations to help usher our Port in the right path for both facility and operational modernization.

I am heartened that he has the time and ability to commit continuing this public service at the Port, as it is indeed very time consuming and intense. Because of the extremely critical role our Port has in the island economy and flow of commerce and goods, it is vitally important that our community have Board members (albeit, essentially as volunteers) who can give of their valuable time and experience to assist without expectation of coin or favor. In short, when one who is qualified to volunteer is asked to help our community, I would hope that favorable consideration be made in confirmation proceedings and that all parties work constructively and productively.

Ed's engineering background, civic duty credentials, and business acumen have been valuable resources which the PAG Board has reached to time and time again for making good long term decisions for the Port, the employees, port users and stakeholders, and the community-at-large. Further, Ed has unflappable integrity and well reasoned judgment and decision-making skills to serve on this Board.

Together, we have undertaken major endeavors such as the acquisition of cranes, re-calibrating the modernization plan and getting infrastructure projects moving forward, financing and tariff adjustments for the present and future, and upgrades to our marinas. Further, we have started to transform the Port operational infrastructure by standardizing procedures and processes which need refresh or have been non-existent.

Serving on what is perhaps the busiest and most challenging Board in our community, I believe Ed will continue to serve all stakeholder interests there in a balanced and productive manner. From the employees to the management, to the Port users to the Union, to policymakers and federal partners and the island consumers, balancing all those interests as a Port Authority of Guam Board Director should continue to be vested in a proven civic servant such as Ed Ilao. I respectfully request your favorable consideration of his nomination and confirmation of him at the earliest date possible, to ensure continuity and the pursuit of further achievements for the benefit of the Port.

Si Yu'us Ma'ase

Daniel Tydingco



**A.B. WON PAT**  
INTERNATIONAL AIRPORT AUTHORITY GUAM  
UNIVERSITY OF THE MARIANAS AIRPORT AUTHORITY GUAM

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August 6, 2013

VIA HAND DELIVERY

The Honorable Thomas C. Ada  
Senator  
*Mina' Trentai Dos Na Liheslaturan Guåhan*  
Chair, Committee on Public Safety, Infrastructure  
& Maritime Transportation  
Suite 207 Ada Plaza Center  
173 Aspinall Ave.  
Hagåtña, Guam 96910

3:40pm  
RECEIVED by the  
Office of Senator  
Thomas C. Ada  
(08/09/13)

**RE: Testimony in Support of Mr. Ed Ilao  
Re-appointment to the Port Authority of Guam's Board of Directors**

*Håfa Ådai* Senator Ada!

I am pleased to submit this written testimony in full support of the re-appointment of Mr. Ed Ilao, PE, CEM, to the Board of Directors of the Jose D. Leon Guerrero Commercial Port and Port Authority of Guam (PAG). I have known Mr. Ilao for over two decades and know him to be a respectable business entrepreneur and civic minded leader.

I am confident that Mr. Ilao will continue to bring a wealth of knowledge and professionalism to the Board. He has an outstanding business reputation on Guam having built his businesses, JMI –Edison and E.R. Ilao & Associates, Inc., from the ground up. His background as an engineer lends even more value to his presence on the PAG Board as he will be able to evaluate capital improvement and development projects from an engineering perspective.

Mr. Ilao is not only a keen businessman but has also been an active leader in the Filipino community on island. His civic mindedness has enabled him to give back to our island community in more ways than just generating economic activity. He will continue to be a great asset to the Port of Guam AND to the people of Guam!

Senseramente,

Francisco G. Santos  
Chairman  
Board of Directors





**PORT OF GUAM**  
ATURIDAT I PUETTON GUAHAN  
**Jose D. Leon Guerrero Commercial Port**  
1026 Cabras Highway, Suite 201, Piti, Guam 96925  
Telephone: 671-477-5931/35 Facsimile: 671-477-2689/4445  
Website: [www.portguam.com](http://www.portguam.com)



Eddie Baza Calvo  
Governor of Guam  
Ray Tenorio  
Lieutenant Governor

August 8, 2013

The Honorable Thomas C. Ada  
Chairman, Committee on Public Safety,  
Infrastructure & Maritime Transportation  
32<sup>nd</sup> Guam Legislature  
Ada Plaza Center, Suite 207  
137 Aspinall Avenue  
Hagatna, Guam 96910

**Re: Testimony – Appointment of Eduardo R. Ilao to serve as Board of Directors for the Jose D. Leon Guerrero Port Authority of Guam**

Hafa Adai Mr. Chairman and Members of the Committee:

For the record, my name is Felix R. Pangelinan, Interim Deputy General Manager of the Port Authority of Guam. I am providing testimony in full support of the re-appointment of Mr. Eduardo R. Ilao as a member of the Board of Directors for the Jose D. Leon Guerrero Commercial Port.


Mr. Ilao, during his tenure as Board member just recently, has made excellent strides in continuing the endeavor of moving the Port Authority closer to modernizing its facilities and improving upon its infrastructure.

He has brought valuable knowledge as a businessman to the Port Authority by being instrumental in the acquisition of the POLA crane ensuring efficient cargo movement and that Guam's lone seaport continues to provide the necessary goods to the people of Guam. Mr. Ilao was also influential in effectuating the protocol manual which is a critical component of the port modernization program movement forward. Other port developments and improvements Mr. Ilao supported during his term involves security enhancements project, Route 11 project, Hagatna marina site improvement, container freight building modification, are all notable milestones proven as success stories to the Port Authority that has materialized through his intimate involvement, oversight and encouragement.

With Mr. Ilao's familiarity, experience, and firsthand knowledge of port projects, serves beneficial for the Port Authority and he would continue to be a valuable asset to our agency.

On behalf of the Port Authority of Guam. I thank you for this opportunity to provide testimony in favor of the re-appointment of Mr. Eduardo R. Ilao and I ask for your favorable consideration on his reconfirmation.

Respectfully,

  
**FELIX R. PANGELINAN**  
Interim Deputy General Manager





**PORT OF GUAM**  
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Ada Plaza Center , Suite 207  
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Hagatna, Guam 96910

**Re: Testimony – Appointment of Eduardo R. Ilao to serve as Board of Directors for the Jose D. Leon Guerrero Port Authority of Guam**

Hafa Adai Mr. Chairman and Members of the Committee:

On behalf of the Management Team for the Port Authority of Guam, I am providing testimony in favor of the re-appointment of Mr. Eduardo R. Ilao to serve as a member of the Jose D. Leon Guerrero Commercial Port of Guam. Mr. Ilao has been a dedicated, responsible and active member of the Port Board during his most recent term. As a successful member of the Guam business community, Mr. Ilao has provided his experienced private sector perspective to improving the management, operations and accountability of the PAG to serve our island community.

The Port of Guam has faced many challenges and with Mr. Ilao's leadership along with fellow Board Members is working to ensure that the operations of the Port and personnel resources are accountable to the public that we serve.

Mr. Ilao has served for a little over two years and his continued contributions are greatly needed to move the PAG forward to address the implementation of its modernization projects. The Port Authority of Guam is currently undergoing its most significant upgrades and improvements to its infrastructure and facility expansions in the past 50 years. As such, it is a very important time to have qualified board members that are willing to invest their personnel time and take the Port's operations to an elevated level. Mr. Ilao has accepted this challenge and has stepped forward once again to continue to serve on the Port Board.

We wholeheartedly support his re-appointment and ask this Committee and the Guam Legislature to also support his reconfirmation.

Sincerely,

  
**JOANNE M.S. BROWN**  
General Manager



**PORT OF GUAM**

ATURIDAT I PUETTON GUAHAN

**Jose D. Leon Guerrero Commercial Port**

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The Honorable Thomas C. Ada  
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**Re: Testimony – Appointment of Eduardo R. Ilao to serve as Board of Directors for the Jose D. Leon Guerrero Port Authority of Guam**

Hafa Adai Mr. Chairman and Members of the Committee:

For the record, my name is Maria D.R. Taitano, Acting General Manager of the Port Authority of Guam. I appear before you today in support of the re-appointment of Mr. Eduardo R. Ilao as member to the Port Authority of Guam Board of Directors.

Although I only had the opportunity to work with Mr. Ilao for a short time since being hired by the Port, I have always been aware of his involvement in our community through his participation in many civic and philanthropic organizations, government services, business associations, and professional societies.

Mr. Ilao has shown his commitment to the island's community through his tireless contributions having served as either a member, Chairman or Vice Chairman of many local government and business associations and societies.

As a Port Authority Board member these past few years, he brings to the table experience and lessons learned that will not only further assist the Port in its efforts to efficiently and effectively service its customers and stakeholders but also improve and address the needs of the Port's most important asset...its Port strong employees.

Though the past year has been a challenging one for everyone in the Port community, the sincere effort by the Board, Management, and it employees to improve customer services through the modernization of Port facilities and equipment and enhancement of employees' core capabilities and compensation, I am convinced that his re-appointment will be critical as the Port moves forward in preparation for organic growth and the anticipated military buildup.

Testimony in Support of Eduardo R. Ilaio  
Port Authority of Guam Board of Directors  
August 8, 2013  
Page 2 of 2

Mr. Ilaio has been a valuable member of the Board and I believe he will continue to serve with the usual conviction in support of the many projects that the Port has recently undertaken. Also, his service as a Board member will ensure continuity of further improvements in the overall master plan of the Port.

Thank you for allowing me the opportunity to present testimony and I respectfully request your favorable confirmation to re-appoint Mr. Eduardo R. Ilaio to the Port Authority of Guam Board of Directors.

Most sincerely,

A handwritten signature in black ink, appearing to read "Maria D.R. Taitano". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

**MARIA D.R. TAITANO**  
Acting General Manager

August 8, 2013

Good evening Mr. Chairman and Honorable Senators:

My name is Bernadette Sterne Meno and I appear before you this evening to testify against to reconfirmation of Mr. Eduardo Ilao to the Port Authority of Guam Board of Directors. In an effort to provide full disclosure I do want to state for the record that I am an employee of Senator Rory Respicio but my testimony tonight is my own personal testimony.

I originally had planned on bringing my husband and children with me tonight so Mr. Ilao could see the faces of the people whose lives he has destroyed. My boys all picked out their clothes to wear tonight to sit by me as I testify. But just a few hours ago I changed my mind and I told my husband that the kids have already been through enough because of the actions of Mr. Ilao and his fellow board members so I asked that they all stay at home.

Senators I am sure you will hear a lot of testimony tonight from very important and powerful people about Mr. Ilao. I am sure they will talk about what a nice man he is, what a great volunteer he is, what a brilliant and successful business man he is and I am sure they are all correct. I am sure he is all of those things and more. Obviously he is a clever businessman because his packet will show just how many businesses he owns and we know how successful his companies are because they are making millions of dollars off of government contracts.

But Mr. Ilao is not here tonight to be reviewed on those matters. You heard this same testimony during his first confirmation hearing. This time around the focus should be on his record as a board member and what he has and has not done while serving in his capacity as a member of the board of directors. I am here tonight to speak to his actions or inactions if you will.

Senators, as most of you know I am one of many port employees illegally and wrongfully terminated in what is one of the biggest and most explosive political witch hunts in the history of our government. I was the main target as has been stated and all others - all of those innocent people - were what Adelup considered collateral damage. All of this was done with the direction and approval of Mr. Ed Ilao and his fellow board members.

But before I get into that matter, I want to discuss Mr. Ilao's record on other matters. Mr. Ed Ilao has allowed significant illegal matters and criminal acts to go unpunished and unaddressed at the Port. Specifically, it was brought to the Board and legal counsel's attention at a recent board meeting that the port had been paying monthly invoices - 10 months to be exact - to a company that has no legal contract with the Port. Knowing all of this, Mr. Ilao stayed silent.

Then there is the issue of the controversial legal services contract which has exceeded its cap and the fraudulent overbillings admitted to publicly by the board's legal counsel. As

the owner of many companies with significant government of Guam contracts, Mr. Ilao should know that a Stop Work Order is the best way to ensure that no further harm comes to the Port or the people of Guam by this law firm. Again - silence.

Maybe he will tell you he is shy. In his 2008 confirmation hearing before the legislature he was asked by Speaker Judy Won Pat what his biggest weakness is. He said it is that he is shy and not being assertive enough to get his point across. Well I've thought long and hard about that but I find it hard to believe that a successful business man who can wheel and deal to get those government bids to make millions for himself and would agree to sit on all these boards such as GPA, GCC and the Port could consider himself shy. Maybe he just chooses to be silent to avoid making angry the political powers that would upset any business deals he has with the government. That's not being shy, that is being self serving.

Sadly one thing Mr. Ilao chose to speak up about was his twisted and clearly politically-motivated views of the character and integrity of the Port's former General Manager Mary Torres. Mr. Ilao was aware of the immense political pressure being placed on Mrs. Torres to fire me and others as a part of this pathetic and cowardly political witch hunt, yet he did nothing to stop it and to give Mrs. Torres the protection and support she so rightly deserved from her board. Instead, after Mrs. Torres refused to give in to the pressure and chose to stand up for her integrity and character, Mr. Ilao personally took part in the attacks on her character and her work ethic. When Mary Torres refused to fire me and others and pleaded with the board to reject the legal counsel report which she informed them was filled with false statements, inaccuracies and poorly researched legal opinions, Mr. Ilao chose to fire Mrs. Torres. It was Mr. Ilao who, according to executive session transcripts, helped conspire to come up with a reason to publicly explain why they were firing her because the truth would have been just be too shocking for the public.

Mr. Ilao said those things and then stayed silent when the chairman and the board's legal counsel continued to attack Mary Torres for having the integrity that they so sorely lacked - the integrity to stand up for what was right, fair and just. Mr. Ilao said those things about a woman well respected in this community who is known for her candor, hard work, strength and integrity. How sad Mr. Ilao that you chose to destroy the reputation of a woman and her family that you have known for years and to do this despite, I am sure, believing in your heart that Mary Torres is NOT corrupt and NOT a criminal as you and your fellow board members have portrayed her to be.

Mr. Ilao, Mary Camacho Torres and her family are not the only people whose lives you have destroyed and whose character you have defamed publicly all in order to protect and aid and abet in this deceitful and criminal attack against innocent people.

Vivian Castro Leon, Jose Guevara, Francine Rocio, Frances Arriola Cepeda, Josette Javellana Javelosa, Leonora Leon Guerrero. These are just some of the names of the individual's whose lives you have destroyed. You attended illegal board meetings to discuss how to bring us down and you know that the Chairman recommended you all bring a "grave digger" to those illegal meetings. You broke numerous Open Government laws, agreed to

turn off recordings of some executive session meetings all in order to further this political witch hunt. Let me remind you Mr. Ilao of the jokes and laughter you and your board members shared in that day when ordering us to be fired one week before Christmas. In those secret Executive session transcripts, which I'm sure you never dreamed would eventually become public, you all laughed at what you were doing to us and our families --- through the laughter you all kept saying "Merry Christmas!" "Merry Christmas!" to the employees who you had just ordered to be fired and their lives destroyed. Merry Christmas indeed Mr. Ilao.

Mr. Ilao you were made aware, along with other board members, your new General Manager and your legal counsel that you illegally released the private medical records of my 2-year-old son. Despite having these warnings, you approved the release of his medical records for a total of 29 times in violations of numerous federal and local laws. For what reason Mr. Ilao? My son was born 7 months prior to my accident at the Port. He has nothing to do with this matter nor does his medical condition. You and your fellow board members via your incompetent legal counsel were so desperate to paint me as a liar that you released his medical records to prove, in your mind that I am a liar because and I will quote directly from your report prepared and approved by you where your legal counsel relays the conversation I had with the Port's doctor about my previous medical conditions. It mentions that I told the doctor about my previous medical issues and that I told him that I had in addition quote "three cesarean section and an appendectomy. There is no mention of her giving birth on February 21, 2011." End Quote. As such, in order for you Mr. Ilao and your Port lawyers to prove to everyone that I am a liar you released my son's medical records as an Exhibit in this report to back up this statement that I lied and withheld information about having a baby. Three cesarean sections Mr. Ilao. I told the doctor I had three c-sections. Are you and your Port lawyers so inept that you are not aware that having a cesarean section is in fact a form of birth? And what does his birth and medical condition have to do with anything that happened seven months later when I fell at the Port? Have you no decency at all Mr. Ilao? Are you so blinded by your eagerness to do the political dirty work of this administration to protect your personal government contracts that keep you so wealthy that you will illegally invade the privacy of a child? Have you no limits at all? No imaginary like that you won't cross? Is everyone including my innocent child fair game to you? Do I sound angry? Well you bet I am. How would you feel Mr. Ilao if someone did that to one of your children? How about you Senators? Is this the type of actions and public service you had in mind when you confirmed him to this board? Unfortunately my 2-year-old son is not the only one who has suffered through this ordeal. My husband and my other children have watched me suffer physically from my injury and emotionally from the devastation you have brought upon our family.

Mr. Ilao, I'm not quite sure what you thought would be expected of you as a board member. I'm not quite sure what went wrong with you in this process but clearly and sadly, somewhere along the way, you lost your humanity and your moral compass.

Serving as a public official whether as an employee, a board member or an elected leader comes with a great deal of responsibility. You must have the courage to do the right thing at

all times, the wisdom to know how to do it and the integrity to stand up and speak out when you know that something is wrong. Sadly you have not displayed these characteristics during your tenure as a member of the Port Authority of Guam Board of Directors. You have consistently chosen to take the easy road, the road leading to political rewards and not the road that would lead you to protecting the Port and the People of Guam. I certainly hope that you don't use your inaction on matters as a defense for why you allowed illegal and wrongful acts to move forward under your watch because your inaction is, in fact, an action and your silence has been deafening.

Senators, I humbly ask that you reject this nominee for consideration of a second term on the board for the Port Authority of Guam. We need individuals with the courage and integrity to do what is right, fair and just for the port and for all the people of Guam. Our island and our people deserve nothing less.

Thank you for your time and consideration.



Bernadette Sterne Meno

**Mary C. Torres**  
**277 Chalan Santo Papa**  
**Hagatna, Guam 96910**

August 8, 2013

VIA E-MAIL

[office@senatorada.org](mailto:office@senatorada.org)

Thomas C. Ada, Senator  
32<sup>nd</sup> Guam Legislature  
Suite 207A Ada Commercial Center  
173 Aspinall Avenue  
Hagatna, Guam 96910

**Re: Nomination of Eduardo R. Ilao to Port Authority of Guam Board of Directors**

Dear Senator Ada:

I respectfully submit this testimony in connection with the Legislative confirmation of Eduardo R. Ilao to the Port Authority of Guam Board of Directors. For the record, my name is Mary C. Torres and I submit this in my personal capacity as a citizen of Guam and as the former General Manager of the Port from February to December 2012.

Since the early 1990's, Ed Ilao has been a person well known to me and my family. I considered him a successful businessman, a supportive family man, and a good natured individual with a ready chuckle. He was a client of the law firm I previously worked for and I had many occasions to interact with him in a professional capacity. My husband also coached his children in sports for many years and I witnessed the care and attention he invested in his children and family. We were by many accounts, friends, and I was confident that we would work effectively together when I was hired at the Port Authority in February 2012 as the General Manager, and while he served as a member of the Board of Directors.

Based on past experience, Ed Ilao has extensive knowledge of good business practices and of government board policy. Yet while a member of the Port's Boards, I observed that he was rather aloof and did not exhibit those same qualities that I know he possesses. Instead, he was a complicit participant who permitted the Port's Board to blatantly disregard the legislative policy that the formation of public policy should be transparent and not conducted in secret. There were at least four meetings held by the Port's Board that were clearly in violation of the open government law that he participated in. Ed did not raise objections to these meetings which he should have known were improper and contrary to law. Moreover, he allowed a tape recorder to be turned off for a portion of the December 5, 2012 executive session board meeting, as evidenced in the minutes of that meeting.

What is most disconcerting to me is his inaction and poor judgment in dealing with obvious problems with the Port's legal counsel. I had raised concerns about the poor quality of work



product, the slow delivery of services, the untimely billing practices, and the suspicious invoices that were submitted. I specifically reached out to Ed, trusting that he was a long-time friend and would hear me out, expressing my frustration with legal counsel and the need for the Port to engage a commercial attorney who could work on outstanding matters that required the expertise of a commercial attorney. He acknowledged the legal firms shortcomings, joking at one time that he found no logic in Phillip's long winded recitations (and poor legal reasoning), but did nothing to address the issue. In fact, he remained silent when the other board members were dismissive of me every time I raised concern about Phillip's performance.

In reviewing the transcripts of the December 19, 2012 executive session board minutes, Ed expressed that he has lost confidence in me as a manager. At that meeting, I delivered my defense to the allegations by Phillips that I committed six misdemeanors and three felonies. My defense was based on thorough legal research, and adequately supported my request to the Board to delete all references to me in Phillip's erroneous report. Ed simply dismissed and mocked me. You can't imagine how it feels to be disrespected and thrown out of a position in such a callous and unfair manner. The hurt is magnified when it is inflicted by a person who knows my upstanding character well and has a long standing history with me, my husband and my brothers. We previously supported Ed and his family and we did a lot together throughout the years.

Ed, along with other board members, has caused great pain and hardship on the Port family. Perhaps it's true that Ed lost confidence in me as a manager, but that pales compared to the loss in confidence I have of him as a professional and as a thoughtful human being.

I hope, dear Senator that you will ask Ed Ilao what his understanding and views are of the open government law and whether he participated in any illegally convened meetings. Please question him about what he intends to do about the bloated legal billings which are not in accordance with the contract. Please also ask him about his thoughts in amending the legal services contract, contrary to Guam procurement law and the plain unambiguous language of the contract. Further ask him why he sanctions the libelous and slanderous actions of the board and legal counsel towards me. It is in fact a disappointment that someone like Ed Ilao, who should know better, has failed to speak up as a board member, and stand up for what is right.

Ed endorsed the ruin of good people's lives. He sits idly by and does nothing to stop the Port from being steered in a perilous direction because of political retribution, a faulty investigation and poorly reasoned legal conclusions. A true leader and compassionate human being would know when and how to act, particularly when it affects the livelihoods of career employees and the well-being of the agency. I do not support the re-nomination of Ed Ilao and I call into question his integrity and ability to effectively serve as a member of the Board of Directors of the Port Authority of Guam.

Sincerely,

/s/

Mary C. Torres

## TESTIMONY

August 9, 2013

To: 32<sup>nd</sup> Guam Legislature

Testimony of: Vicente T Torres

### AFFIDAVIT AND DECLARATION

1. My name is Vicente T. Torres, a resident of Barrigada Guam. I am a very concerned citizen of Guam.
2. The purpose of this testimony is to provide information to the 32<sup>nd</sup> Guam Legislature so it can properly vote on the pending confirmation of Eduard Ilao to the Board of the Commercial Port.
3. Mr. Eduard Ilao has a very questionable and dishonest background. His confirmation may have ill effects and impact on the people of Guam.
4. Mr. Eduard Ilao has a questionable and bad record that show he had personal gains in the past when he was confirmed to the Guam Power Authority Board. Before he was on that Board, his electrical company had only a few thousand dollars in contracts with GPA. After he got on the Board, his company was awarded major contracts totaling in the millions. You can check the records and verify this. He is even a close friend with former GPA administrator Eloy Hara.
5. Mr. Ilao has a record in the CNMI as a rubber stamper engineer for an illegal contract worker who solicited and designed the projects for him to rubber stamp illegally PE seal on the drawings. I can furnish supporting evidence on this. For more than a decade, he did not properly obtained a business license, a certificate of authorization and evaded paying CNMI taxes until he was reported of his illegal operation in 2011.
6. Now he is being accused by Guam citizens for not properly exercising his fiduciary duties as a director at the Guam Commercial Port Board.
7. The above is only the tip of the iceberg. If you look deeper, you may find more unethical and questionable records of Mr. Ilao's past.
8. I fully recommend that Mr. Eduard Ilao **not** be confirmed due to his unethical, dishonest, greedy and questionable past. He is not right for the Guam commercial Authority Board and the people of Guam. There are other citizens of Guam available who have clean records, ethical, honest and willing to best serve the people of Guam without personal gains.
9. The proceeding testimony referred to therein, are true and correct to the best of my knowledge, information and belief.

Signed under the penalties of perjury.

  
Vicente T. Torres



Office of  
Senator Tom Ada

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## Re: Ed Ilao

---

tom@senatorada.org <tom@senatorada.org>

Sun, Aug 11, 2013 at 7:01 PM

To: "Jose S. Servino, P.E." <servinoj@yahoo.com>

Cc: Brennan Willy <will@senatorada.org>

Mr. Servino,

Receipt acknowledged. Your testimony will be entered into the record and made a part of the Committee Report.

---

Tom Ada

Sent from my iPad

On Aug 11, 2013, at 6:26 PM, "Jose S. Servino, P.E." <servinoj@yahoo.com> wrote:

Buenas Senators,

I am forwarding a copy of a letter of complaint against Ed Ilao to the Board of Professional Licensing of the CNMI on his illegal rubber stamping of drawings in the CNMI done by an unlicensed contract worker who had connection in the government by his previous employment with DPW.

I hope this will shed some light on the unethical, dishonest and greedy character of Ed Ilao. He also has a bad record fattening his pocket as a Board member of GPA. He is doing the same thing as a Board member of PAG.

I hope that for the sake of the people of Guam that Ed Ilao not be confirmed to the PAG Board.

<Ltr of complaint on Ed Ilao to BOPL.doc>

<December 21.docx>

**JOSE S. SERVINO, PE**

**ADVANCED ENGINEERING CONSULTING COMPANY**

ELECTRICAL, ELECTRONICS, TELECOMMUNICATIONS, ENERGY, ADA and CONSTRUCTION MANAGEMENT

**SAIPAN OFFICE:**

San Jose Village Tammwoora Ave  
P.O. Box 505000, Saipan MP 96950  
Tel/ Fax: (670) 235-5073

**GUAM:**

454 CHALAN PALE RAMON HAYA  
YIGO, GUAM 96929  
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Email: [advancedengg@yahoo.com](mailto:advancedengg@yahoo.com) or [jservino@pticom.com](mailto:jservino@pticom.com), or [servinoj@yahoo.com](mailto:servinoj@yahoo.com)

DATE: October 24, 2011

LETTER OF COMPLAINT

TO: CNMI DPW

Subject: Complaint against Ed Ilao

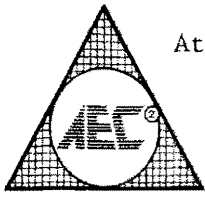
It has been my concern for some time now of a problem that has been badly affecting my business on Saipan and causing reduced business activity especially with the poor economy on Saipan. This problem also affects Saipan with loss of taxes due that is not being paid by off island individuals and companies.

The activity that is the cause of the problem is from a displaced foreign worker inspector named Cecilio Dela Cruz from DPW who now runs Well-Integrated Resources Electrical Service (WIRES). He has been intercepting electrical design projects going to DPW and doing the design work. Then he sends the design drawings to Ed Ilao on Guam to rubber stamp with his Saipan Professional Engineer (PE) Seal. Based on the 2011 Ed Ilao does not have a business license or pay taxes on Saipan since 2005. This should be investigated and if found true, he should be cited for violation of the CNMI Engineering law as well as given a "cease and decess order" It is a violation of the law and code of ethics to rubber stamp design drawings that is not properly supervised by the PE. Any projects on Saipan stamped by Ed Ilao should be rejected until he complies with the law. A/E should not be allowed to use his service without proper business license.

How many projects have been designed by Cecilio Dela Cruz and "rubber stamped" by Ed Ilao violating the CNMI Engineering law? How much taxes have been lost because of this type of activity? Local companies such as mine that pays taxes on Saipan and contribute to the local economy do not have a level playing field. It is unfair and unjust that these carpetbagger companies and individuals can conduct business illegally without a business license and not pay taxes.

Jose S. Servino, PE  
Saipan License #101  
President

cc: Attorney General  
Tax Dept.  
Public Auditor Office



**ADVANCED ENGINEERING CONSULTING COMPANY**  
ELECTRICAL, TELECOMMUNICATIONS and CONSTRUCTION MANAGEMENT ENGINEERING CONSULTANT



December 21, 2011

BOPL CNMI

Subject: Letter of complaint against Cecilio Dela Cruz

I forwarded a letter of complaint against Cecilio Del Cruz on December 14, 2011 charging him with soliciting and practicing engineering work without a PE license. I would like to cite the law he violated is section 12 Amendment 4 CMC 3218 of Public Law 17-39.

The complaint against Cecilio Dela Cruz is the fact that he is soliciting and practicing engineering without a license as evidenced by his work with Chris Fryling on the PSS Photovoltaic and Wind Turbine Project. I have also presented evidence on his work with Shell project. Dela Cruz worked on the project by Chris Fryling at the start. Ed Ilao was only brought into the picture later after I complained that Dela Cruz was not a PE and it is unethical for him to be reviewing the work of a PE.

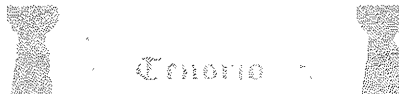
I request that the Board cite Dela Cruz for practicing engineering illegally without a PE license.

The complaint against Ed Ilao is his rubber stamping of projects on Saipan violating the law in that he does not control or provide the proper supervision of drawings as he only gets involved at the end of the project and no supervision was done. Also, he aids and abet Dela Cruz in his illegal acts in violation of Public Law 17-39.

Please adjudicate the complaints and provide the proper corrective action. It is the right thing to do.

Jose S. Servino, PE CEM  
President, Advanced Engineering Consulting Co.  
Familian Supiano yan Bibic, NSPE ID: 300015374  
E'59,ET'60,FDMS'62VAL,BSEE'65,NE'67,MBA'75,DMCM'95

Cc: AG  
OPA  
DPW





**Senator Thomas C. Ada**

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation  
*I Mina Trentai Dos Na Libeslaturan Guahan* • 32<sup>nd</sup> Guam Legislature

**August 26, 2013**

Ms. Florence Sablan  
Executive Director  
Northern Mariana Islands Board of Professional Licensing  
PO Box 502078  
Saipan, MP 96950

**Subject: Information inquiry about complaints levied against Mr. Eduardo Ilao**

Hafa adai, Executive Director Sablan

I am writing to respectfully request your aid in obtaining information on a series of complaints filed with your office between Oct and Dec 2011. Said complaints were filed by Mr. Jose Servino against Mr. Eduardo Ilao, a licensed and practicing PE (see attachments).

Mr. Ilao has recently been re-appointed by the Governor of Guam to serve on the Board of Directors of the Port Authority of Guam. During the confirmation hearing that was conducted on Aug 8, 2013, testimony was received from Mr. Jose Servino regarding the attached complaints dated Oct 24 and Dec 21, 2011. Presumably, the complaints were filed with your office on or about the same date. As Chairman of the Legislative Committee with oversight on Mr. Ilao's appointment, it is my duty to ascertain the disposition of these complaints.

I would greatly appreciate if your office can confirm if these, or any other complaints against Mr. Ilao, were formally filed with your office; and, if so, the status or resolution of such complaints. Additionally, I would be grateful if you could confirm that Saipan law explicitly prohibits the "rubber-stamping" of plans, similar to the following provisions in Guam law:

*...the registrant's licensee seal and signature shall constitute certification that the work thereon was done by him or under his responsible control. §32116(d)(4), Ch. 32, Title 22, GCA*

*The seal and signature and date shall be used by registrants only when the work being stamped was under the registrant's complete direction and responsible control, provided, that if the work was performed at an office outside of the locale in which the registrant permanently resides, then the seal may be used only if the registrant supervised the work on a full-time basis. §32116(d)(5), Ch. 32, Title 22, GCA*

*The Board shall have the power, duty, and responsibility [to punish]... any individual and/or business firm who is found guilty of... signing, affixing or permitting his seals to be affixed to any specifications, reports, drawings, plans, plats, design information, construction documents or calculations, surveys, or revisions thereof, which have not been prepared by the licensee or under the licensee's responsible control. §32120(b)(11), Ch. 32, Title 22, GCA*

Thank you in advance for your help. Please advise if your office will be able to provide the above-mentioned information by September 6, 2013. Should you have any questions, please do not hesitate to contact me or Mr. Cyrus Luhr at 1-671-473-3301.

Senseramente,



Thomas C. Ada

CC: Mr. Roman S. Demapan, Chairman, Board of Professional Licensing



Senator Tom Ada

---

## Fwd: Request for information on complaints filed with Board of Professional Licensing

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Cyrus Luhr <cyrus@senatorada.org>  
To: William Brennan <will@senatorada.org>

Mon, Oct 7, 2013 at 11:53 AM

Here's the email thread to date.

---  
Cyrus Luhr  
Senior Policy Analyst  
Office of Senator Thomas C. Ada  
*I Mina'trentai Dos na Liheslaturan Guåhan* - 32nd Guam Legislature  
671-473-3301

----- Forwarded message -----

From: **Cyrus Luhr** <cyrus@senatorada.org>  
Date: Fri, Sep 6, 2013 at 11:00 AM  
Subject: Re: Request for information on complaints filed with Board of Professional Licensing  
To: Florence Sablan <fkilili@gmail.com>

No worries at all. Thank you for the reply and update. We look forward to any feedback you can provide once the Board and legal counsel are ready.

Thank you,  
Cyrus

---  
Cyrus Luhr  
Senior Policy Analyst  
Office of Senator Thomas C. Ada  
*I Mina'trentai Dos na Liheslaturan Guåhan* - 32nd Guam Legislature  
671-473-3301

On Wed, Sep 4, 2013 at 9:34 AM, Florence Sablan <fkilili@gmail.com> wrote:  
Correction - our legal counsel will be back to work on 9/16/13. Thanks !

----- Forwarded message -----

From: **Florence Sablan** <fkilili@gmail.com>  
Date: 4 September 2013 08:27  
Subject: Re: Request for information on complaints filed with Board of Professional Licensing  
To: Cyrus Luhr <cyrus@senatorada.org>

Mr. Luhr,  
So sorry for the late reply to your email and response to Senator Ada's letter. I forwarded the matter to our BPL chairman, Mr. Roman Demapan, and have followed up with him twice and just received his reply this morning. I could've reply to Senator Ada's letter myself if our legal counsel is here but he's currently off-island and won't be back until 9/23/13. Pls convey my apologies to the senator. Thank you.



10/21/13

Attachment 4 - CNMI BOPL - RE: request for information ---  
Office of Senator Tom Ada Mail - Fwd: Request for information on complaints filed with Board of Professional Licensing

BOPL (PAGE 2 of 2)\_

Florence C. Sablan, Executive Director  
BOARD OF PROFESSIONAL LICENSING (BPL)  
HEALTH CARE PROFESSIONS LICENSING BOARD (HCPLB)  
P.O. Box 502078 Saipan, MP 96950  
fkilili@gmail.com  
(670) 664-4809 W  
(670) 664-4814 F

On 26 August 2013 10:32, Cyrus Luhr <cyrus@senatorada.org> wrote:

Dear Ms. Sablan,

Please see the attached memo from Senator Tom Ada regarding gathering information on some complaints filed with your office. We would greatly appreciate your assistance in providing information on this matter.

Please let me know if you have any questions or concerns. Thank you in advance for your help!

Kindest regards,  
Cyrus

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Cyrus Luhr  
Senior Policy Analyst  
Office of Senator Thomas C. Ada  
*I Mina'trentai Dos na Liheslaturan Guåhan* - 32nd Guam Legislature  
671-473-3301



## Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation  
*I Mina'trentai Dos Na Libeslaturan Guahan* • 32<sup>nd</sup> Guam Legislature

**October 15, 2013**

Ms. Florence Sablan  
Executive Director  
Northern Mariana Islands Board of Professional Licensing  
PO Box 502078  
Saipan, MP 96950

**Subject: Follow-up inquiry regarding complaints levied against Mr. Eduardo Ilao**

*Hafa Adai*, Executive Director Sablan.

I am writing in follow-up to my letter dated August 26, 2013. That letter was "to respectfully request your aid in obtaining information on a series of complaints filed with your office between October and December 2011... by Mr. Jose Servino against Mr. Eduardo Ilao... or any other complaints against Mr. Ilao [that] were formally filed with your office. [As well as] clarification of whether Saipan law explicitly prohibits the 'rubber stamping' of plans, similar to the provisions in Guam law (§3211(d)(4), Ch. 32, Title 22 GCA)."

On September 4, 2013, my office received your correspondence stating you would defer response to my initial inquiry until your legal counsel returned on September 16, 2013. As that date has come and gone, I am respectfully following up on the information requested.

Thank you for your attention to this matter. Should you have any questions please contact me or Mr. Cyrus Luhr at 1-671-473-3301.

Senseramente,

A handwritten signature in black ink, appearing to read "T. C. Ada".

Thomas C. Ada

CC: Mr. Roman S. Demapan, Chairman, Board of Professional Licensing



Senator Tom Ada

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## Follow-up Request for Information from Senator Thomas C. Ada

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William Brennan <will@senatorada.org>

Tue, Oct 15, 2013 at 11:33 AM

To: fkilili@gmail.com

Cc: rsdemapan@yahoo.com, Cyrus Luhr <cyrus@senatorada.org>

Bcc: Tom Ada <tom@senatorada.org>

Hafa Adai,

Please see the attached memo from Senator Thomas C. Ada following-up on his letter dated August 26, 2013 regarding '*gathering information on complaints filed with your office...*'

Should you have trouble viewing the attachment, please contact me.

Respectfully,

—

William Bucky Brennan  
Policy Analyst  
Office of Senator Thomas C. Ada  
I Mina' Trentai Dos Na Liheslaturan Guåhan - 32nd Guam Legislature  
Office (671) 473 - 3301

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 **TCA-Saipan BOPL- Follow-up.llao10.15.13.pdf**  
517K



in office  
Senator Tom Ada

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## Follow-up Request for Information from Senator Thomas C. Ada

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Florence Sablan <fkilili@gmail.com>  
To: William Brennan <will@senatorada.org>

Wed, Oct 16, 2013 at 10:23 AM

Mr. Brennan,

I'm so sorry for the delay response to Senator Ada's request but I'm still waiting to hear from our Board Chairman, Mr. Roman Demapan. Our legal counsel has prepared a draft letter since 9/25/13 to respond to the Senator's letter but Mr. Demapan has not approved the draft letter or even responded to my calls or emails as to this matter. I've forwarded your email w/attachment to him, sent him other emails yesterday to call me or respond via email re this matter but to no avail. Followed-up with him again this morning but still waiting to hear from him. Will get back to you as soon as I hear from him. Thank you for your patience.

Florence C. Sablan, Executive Director  
BOARD OF PROFESSIONAL LICENSING (BPL)  
HEALTH CARE PROFESSIONS LICENSING BOARD (HCPLB)  
P.O. Box 502078 Saipan, MP 96950  
fkilili@gmail.com  
(670) 664-4809 W  
(670) 664-4814 F  
[Quoted text hidden]



Senator Tom Ada

---

## Follow-up Request for Information from Senator Thomas C. Ada

---

Florence Sablan <fkilili@gmail.com>

Thu, Oct 17, 2013 at 9:44 AM

To: William Brennan <will@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>

Cc: Greg Castro <gcastro@ssfmcnmilc.com>, Gus Harb <gharb.cnmi.ago@gmail.com>

Mr. Brennan,

See attached letter from BPL's Vice-Chair response to Senator Ada's 8/26/13 letter. Again, so sorry for the delayed response

Florence C. Sablan, Executive Director  
BOARD OF PROFESSIONAL LICENSING (BPL)  
HEALTH CARE PROFESSIONS LICENSING BOARD (HCPLB)  
P.O. Box 502078 Saipan, MP 96950  
fkilili@gmail.com  
(670) 664-4809 W  
(670) 664-4814 F

On 15 October 2013 11:33, William Brennan <will@senatorada.org> wrote:  
[Quoted text hidden]



**1013 Resp Ltr to Sen Ada.docx**  
20K



Commonwealth of the Northern Mariana Islands  
BOARD OF PROFESSIONAL LICENSING  
P.O. Box 502078, #1242 Pohnpei Court  
Capitol Hill, Saipan, MP 96950  
Tel No: (670)664-4809 Fax: (670)664-4814  
Email: bpl@pticom.com

October 17, 2013

Senator Thomas C. Ada, Chairman  
Committee on Public Safety, Infrastructure  
and Maritime Transportation  
32<sup>nd</sup> Guam Legislature  
Ada Plaza Center, Ste. 207  
173 Aspinall Ave., Hagatna, Guam 96910

*Sent via Email*

Dear Senator Ada:

This letter is in response to your letter to the CNMI Board of Professional Licensing dated August 26, 2013. Commonwealth law expressly provides that the Board's investigation files are confidential and cannot be disclosed to the public. See 4 CMC § 8216(i). Thus, the Board cannot provide you with information regarding complaints made to the Board.

In regards to your inquiry about "rubber-stamping," please see the following excerpts pertaining to the use of seals in the Board's regulations for engineers, architects, land surveyors and landscape architects, codified at NMIAC § 125-20.1-001 et seq.

Part IX, Section 9.2, codified at NMIAC § 125-20.1-705, states:

- C. Whenever the seal is applied, the licensee's original signature and date of the signature shall be written adjacent to or across the seal. A facsimile signature or electronically digitized signature will not be acceptable.
- D. The seal shall be signed and dated by the licensee in such a manner that the seal, signature and date will be legible when reproduced.
- E. Authorized use of the prescribed seal is an individual act; therefore, the licensee shall personally inscribe the seal. The licensee is responsible for its security at all times. The licensee shall permit no other person or entity to use the prescribed seal.

Part IX, Section 9.3, codified at NMIAC § 125-20.1-710, states:

- C. The seal or stamp shall be prima facie evidence that the work was prepared by or under the direct supervision or control of the licensee named on the seal and the licensee accepts full responsibility and liability for the professional work represented.
  
- D. Licensees shall approve and seal only those design documents and surveys which are safe for public health, property and welfare in conformity with accepted engineering, architectural and land surveying standards.
  
- E. It shall be unlawful for anyone to seal or stamp any document with such seal or stamp after the license has expired or has been revoked or suspended unless such license has been renewed or reinstated.

Furthermore, the Board has the authority to take disciplinary action for "signing, affixing or permitting the licensee's seal or signature, or permitting the licensee's seal or signature to be affixed to any specifications, reports, drawings, plans, design information, construction documents, or calculations, or revisions thereof, which have not been prepared by the licensee or under the licensee's responsibility or his or her direct personal supervision." NMIAC § 125-20.1-1001(4).

If you have any other questions about the CNMI Board of Professional Licensing's regulations, please do not hesitate to contact us.

Respectfully,

/s/ Gregorio Q. Castro  
Vice-Chairman

xc: BPL Board Members  
File



**Senator Thomas C. Ada**

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation  
*I Mina'trentai Dos Na Liheslaturan Guåhan* • 32<sup>nd</sup> Guam Legislature

October 28, 2013

**The Honorable Rory J. Respicio**

*Chairman, Committee on Rules*

*I Mina'trentai Dos Na Liheslaturan Guåhan*

155 Hesler Place

Hagåtña, Guam 96910

**RE: Supplement to the Committee Report on the Appointment of Mr. Eduardo R. Ilao** to the Jose D. Leon Guerrero Commercial Port Authority of Guam Board of Directors. – (Addendum to the Testimony of Ms. Mary C. Torres)

*Hafa Adai*, Chairperson Respicio:

Transmitted herewith is a an addendum to the testimony of Ms. Mary C. Torres regarding the executive appointment of Mr. Eduardo R. Ilao to serve as a member to the Jose D. Leon Guerrero Commercial Port Authority of Guam’s Board of Directors. The addendum was received by the Committee, via email, on Friday, October 25, 2013 at 10:09am.

In the addendum, Ms. Torres states *“Because this matter may still be under consideration by your [Chairperson Thomas C. Ada’s] Committee, I respectfully submit additional information to substantiate concerns raised in my testimony that were refuted by [Mr.] Ed Ilao...”*

Please include the addendum as a supplement to the Committee Report on Mr. Eudardo Ilao’s Appointment. Should you have any questions or concerns, please contact me or William B. Brennan from my office.

*Si Yu'os ma'åse'*,

Thomas C. Ada

<b>Office of Senator Rory J. Respicio</b>	
<b>Name :</b>	<i>Ilao</i>
<b>Date/Time:</b>	<b>OCT 28 2013</b>
	<i>3:09 pm</i>



----- Forwarded message -----

From: **Mary C. Torres** <marycamachotorres@outlook.com>

Date: Fri, Oct 25, 2013 at 10:09 AM

Subject: Supplemental Testimony

To: "office@senatorada.org" <office@senatorada.org>, "senator@senatorbjcruz.com" <senator@senatorbjcruz.com>

Cc: "Mary C. Torres" <marycamachotorres@outlook.com>

October 25, 2013

Thomas C. Ada, Senator

32nd Guam Legislature

Suite 207A Ada Commercial Center

173 Aspinall Avenue  
Hagatna, Guam 96910

**Re: Nomination of Eduardo R. Ilao to Port Authority of Guam Board of Directors**

Dear Senator Ada:

Although the period to submit testimony in connection with the nomination of Ed Ilao to the Port Board of Directors has passed and a confirmation hearing was conducted by the legislative committee on August 8, 2013 on the matter, I am not aware that the matter has been reported out of committee or entertained by the entire legislative body at any subsequent session. Because this matter may still be under consideration by your committee, I respectfully submit additional information to substantiate concerns raised in my testimony that were refuted by Ed Ilao.

With regard to violations of the Open Government Act,

*Senator McCredie asked Ilao:* "On the third paragraph, it said you violated the Open Government Act, or the Board violated the Open Government Act on 4 occasions. Are you aware of that? And in your mind you are aware of that and it happened did you consider it improper?"

*Ilao's response was:* "Senator, I deny any and all, any wrongdoings in regards to any and all allegations that were brought forward here before this committee by Mrs. Torres and Ms. Meno."

For your information, the four specific meetings I referenced were convened as follows and I am aware there are e-mails between the board members about these meetings:

(1) April 4, 2012 at 12 noon at Ruby Tuesdays. The topic of discussion was USDA financing;

(2) June 22, 2012 at 8 a.m. at Shirleys Coffee Shop in Agana. The topic of discussion was the PUC/Crane Purchase;

(3) July 23, 2012 from 10 a.m.-12:30 p.m. at Phillips and Bordallo Law Offices. That meeting was held to discuss the YTK matter; and

(4) October 19, 2012 at 11:00a.m. at the Phillips and Bordallo Law Offices. The Workers Compensation claim of B. Meno was discussed at that meeting.

As you may recall, I testified that in further violation of the Open Government Act Ed allowed a tape recorder to be turned off for a portion of the December 5, 2012 executive session board meeting, as evidenced in the minutes of that meeting. During the August 8, 2013 confirmation hearing,

*Senator McCredi asked Ilaio:* "My next questions would be on December 5 testimony where the tape recorder was turned off, or a portion of the tape recorder was turned off and she said that the executive session Board meeting as evidenced in the minutes. Can you expand on that?"

*Ilaio's Response:* "We probably decided to take a recess or go to the restroom or have some coffee, I am not sure. You know, I mean a lot of times in our Board meetings we take at least 2 hours and we go into executive session, we take, we just need to take a recess. And of course when you take a recess, you turn off the recording."

It is disingenuous of Ilaio to make such comment when the minutes of the executive committee meeting of December 5, 2012 (that was approved by the board) records this occurrence as I've presented to your committee. A portion of those minutes are copied below for your convenience:

**Regular Board Meeting –November 28, 2012**

Reconvened December 3 & 5, 2012.

Page 58 of 64.

Transcript – Personnel Matters re Workers Compensation Claim: Report/Exhibits: Civil Service Commission.

Ms. Gibson: ... want this one off. – *[Whispered]*

Mrs. Baletto: What are you doing?!

*At this time and for unknown reasons, the recording was stopped during discussions with Mr. Pangelinan.*

*At this time, the Deputy General Manager Anisia B. Terlaje was present in executive session.*

A read of the transcript will show that the board was not recessed when the tape recorder was turned off and there is no official record of the discussion with Mr. Pangelinan, the Harbor Master, or the discussion that led up to Anisia Terlaje being summoned by the Board to sit in the December 5, 2012 reconvened executive session.

Another point made by Ila0 on August 8, 2013 regarding employee adverse action that is contradictory to action taken by him at the December 5, 2012 board meeting, is as follows:

*Ila0:* "We don't necessarily direct employees and we don't fire employees—it was the GM's prerogative to do that. We don't—we are not even consulted when that happened.

*McCredie:* "But you would be able to make recommendations, correct?"

*Ila0:* "We were just as surprised when we found out about the layoffs."

The December 5, 2012 executive session transcripts contain lengthy discussion about taking adverse action against employees. See one of these comments below:

**Regular Board Meeting –November 28, 2012**

Reconvened December 3 & 5, 2012.

Page 52 of 64.

Transcript – Personnel Matters re Workers Compensation Claim: Report/Exhibits; Civil Service Commission.

**Chairman:** "That the only route we have at this point unless somebody can find a different route. We have to get, if we want to proceed with this then we have to get at GM in place that's not going to challenge the findings of facts, not going to do the issuance of it that's conflicted on it. We're going to have to get a GM in place in an acting capacity and say – this is what the, these notices of proposed adverse action has to go out today and you're from the start to finish on this."

The discussion with Felix Pangelinan was not captured and transcribed as the tape recorder was turned off during that time, however, the direction of the board was made clear to Anisia Terlaje, who was summoned to the meeting after Felix Pangelinan. See record below:

**Regular Board Meeting –November 28, 2012**

Reconvened December 3 & 5, 2012.

Page 58 of 64.

Transcript – Personnel Matters re Workers Compensation Claim: Report/Exhibits; Civil Service Commission.

*At this time, the Deputy General Manager Anisia B. Terlaje was present in Executive Session.*

**VC:** We basically had through their investigation and came up with adverse action going to be done on a number of employees. Today is the last day of that timeframe to do the adverse action. Mary is, now you should understand that you and Mary are both listed in this report that you're signing off okay. However, Mary contested to a great degree, but that means that we still need a General Manager to issue the notice of adverse action. So that means if Mary's, upon Mary's leaving, then we can appoint you as General Manager and then you're going to sign off on the notices of proposed adverse action and bring them in. You willing to do that?

**DGM:** Yea.

**VC:** Well, that's what's going to have to happen then, you're going to have to, we'll have a meeting after this. The proposed adverse action it's all geared up ready to go. You're going to have to serve today and then that's when the clock starts ticking with regards to **DGM:** For the response.], for the response. Now because you're in it if there may be, we may have to have you designate somebody else to do the, just the hearing of it right. Just to ensure nothing gets muddled up. Right, as General Manager she can do that?

This personnel matter was well orchestrated by the board and the minutes of the November 28, 2012 meeting (reconvened on December 3rd and 5th, 2012) shows that the board did not afford the General Manager the prerogative of whether to take adverse action. It was clear from the minutes of the meetings that the board directed the adverse actions and for Ilao to suggest that the board was "not even consulted" is untrue.

Please consider this as an addendum to the testimony previously submitted to your committee. I have no interest other than to set the record straight and to substantiate my original testimony by referencing those matters of fact contained in public documents. Thank you for your attention.

Sincerely,

Mary C. Torres



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

May 2, 2013

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

## MEMORANDUM

Senator  
Vicente (Ben) C. Pangelinan  
Member

**To: Rennae Meno**  
*Clerk of the Legislature*

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

**From: Senator Rory J. Respicio**  
*Chairperson, Committee on Rules*

Senator  
Dennis G. Rodriguez, Jr.  
Member

**Subject: Referral of Appointment**

Vice-Speaker  
Benjamin J.F. Cruz  
Member

As Chairperson of the Committee on Rules, I am forwarding my referral of the following appointment:

Legislative Secretary  
Tina Rose Muña Barnes  
Member

**Appointee: Mr. Eduardo R. Ilao**  
**Position: Member, Port Authority of Guam, Board of Directors**

Senator  
Frank Blas Aguon, Jr.  
Member

For a copy of Mr. Ilao's appointment packet, please visit the Guam Legislature's website at [www.guamlegislature.com](http://www.guamlegislature.com). Under the "Reports" menu select the "Messages & Communications" option and refer to:

Senator  
Michael F.Q. San Nicolas  
Member

**"Doc 32GL-13-364: Governor's message transmitting the appointment of Mr. Eduardo R. Ilao, to serve as a Member, Port Authority of Guam, Board of Directors."**

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Please ensure that the subject appointment is referred, in my name, to **Senator Thomas C. Ada, Chairperson of the Committee on Public Safety, Infrastructure & Maritime Transportation**. I also request that the same be forwarded to all Senators of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Senator  
Aline Yamashita  
Member

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os ma'åse'!*

*1 Mina Trentai Dos Na Liheslaturan Guahan*

Date Received	M&C No.	Appointee	Position	Agency	Appt. Date	Term Length	Expiration Date of Action	Expiration Date of Term	Committee Referred	Date Referred	FH Date	CR Filed	Confirmed	Notes
5/02/2013	32GL-13-364	Eduardo R. Ilao	Member	Port Authority of Guam, Board of Directors	5/02/2013	3 Years			Committee on Public Safety, Infrastructure and Maritime Transportation	5/02/2013				



Senator Tom Ada

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## Public Hearing Notice - Thursday, August 8, at 5:30 pm

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Cyrus Luhr <cyrus@senatorada.org>

Tue, Aug 6, 2013 at 8:22 AM

To: phnotice@guamlegislature.org, media@senatorada.org

Hafa Adai,

Please see the attached memo regarding a Public Hearing being conducted by the Committee on Public Safety, Infrastructure & Maritime Transportation. This hearing will take place on **Thursday, August 8, at 5:30 pm**, in the Public Hearing room of *I Liheslatura*.

On the Agenda are the following items:

**Appointment of Mr. Andrew Niven to serve as a commissioner to the Guam Public Utilities Commission**

**Appointment of Ms. Filomena Cantoria to serve as a commissioner to the Guam Public Utilities Commission**


**Appointment of Mr. Eduardo R. Ilao to serve as a member to the Board of Directors for the Jose D. Leon Guerrero Port Authority of Guam**

Please let me know if you have any questions or concerns.

Thank you,  
Cyrus

—  
Cyrus Luhr  
Senior Policy Analyst  
Office of Senator Thomas C. Ada  
*I Mina'trentai Dos na Liheslaturan Guahan* - 32nd Guam Legislature  
671-473-3301

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 **PH - 2nd Notice - Aug 8, 2013.pdf**  
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## Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation  
*I Mina'trentai Dos Na Liheslaturan Guahan* • 32<sup>nd</sup> Guam Legislature

Aug 6, 2013

### MEMORANDUM

To: All Senators, Media, and Stakeholders  
Fr: Senator Thomas C. Ada  
Subject: **Public Hearing Notice: August 8, 2013 at 5:30 pm**

Please be advised that the Committee on Public Safety, Infrastructure, and Maritime Transportation is holding a public hearing on **Thursday, August 8, 2013 at 5:30pm**. This meeting will take place in the Public Hearing Room of *I Liheslatura*. The agenda is as follows:

#### **5:30 pm**

**Appointment** of Mr. Andrew Niven to serve as a commissioner to the Guam Public Utilities Commission

**Appointment** of Ms. Filomena Cantoria to serve as a commissioner to the Guam Public Utilities Commission

**Appointment** of Mr. Eduardo R. Ilao to serve as a member to the Board of Directors for the Jose D. Leon Guerrero Port Authority of Guam

Testimonies on bills should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until **August 22, 2013 at 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Cyrus Luhr at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.

*Si Yu'os Ma'ase.*

Thomas C. Ada





Senator Tom Ada

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## Public Hearing Notice - Thursday, August 8, at 5:30 pm

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William Brennan <will@senatorada.org>

Tue, Aug 6, 2013 at 11:49 AM

To: "Daniel J. Tydingco" <djtydingco@gta.net>

Cc: Christine Baleto <cbaleto@marketwholesale.com>, Shelly Gibson <sgibson@ite.net>, Mike Benito <MBenito@paylessmarkets.com>, jbrown@portguam.com, mdrtaitano@portguam.com, frpangelinan@portguam.com, "Margret N. Duenas" <mnduenas@portguam.com>

Hafa Adai,

Forwarding for your information.

Best,

—

William Bucky Brennan

Policy Analyst

Office of Senator Thomas C. Ada

I Mina' Trentai Dos Na Liheslaturan Guåhan - 32nd Guam Legislature

Office (671) 473 - 3301

[Quoted text hidden]



**PH - 2nd Notice - Aug 8, 2013.pdf**

508K



Senator Tom Ada

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## Public Hearing Notice - Thursday, August 8, at 5:30 pm

---

Cyrus Luhr <cyrus@senatorada.org>

Wed, Jul 31, 2013 at 4:58 PM

To: media@senatorada.org, phnotice@guamlegislature.org

Hafa Adai,

Please see the attached memo regarding a Public Hearing being conducted by the Committee on Public Safety, Infrastructure & Maritime Transportation. This hearing will take place on **Thursday, August 8, at 5:30 pm**, in the Public Hearing room of *I Liheslatura*.

On the Agenda are the following two items:

**Appointment of Mr. Andrew Niven to serve as a commissioner to the Guam Public Utilities Commission**

**Appointment of Ms. Filomena Cantoria to serve as a commissioner to the Guam Public Utilities Commission**

**Appointment of Mr. Eduardo R. Ilao to serve as a member to the Board of Directors for the Jose D. Leon Guerrero Port Authority of Guam**


Please let me know if you have any questions or concerns.

Thank you,  
Cyrus

--

Cyrus Luhr  
Senior Policy Analyst  
Office of Senator Thomas C. Ada  
*I Mina'trentai Dos na Liheslaturan Guåhan* - 32nd Guam Legislature  
671-473-3301

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## Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation  
*I Mina'trentai Dos Na I Liheslaturan Guahan* • 32<sup>nd</sup> Guam Legislature

July 31, 2013

### MEMORANDUM

To: All Senators, Media, and Stakeholders  
Fr: Senator Thomas C. Ada  
Subject: **Public Hearing Notice: August 8, 2013 at 5:30 pm**

Please be advised that the Committee on Public Safety, Infrastructure, and Maritime Transportation is holding a public hearing on **Thursday, August 8, 2013 at 5:30pm**. This meeting will take place in the Public Hearing Room of *I Liheslatura*. The agenda is as follows:

#### **5:30 pm**

**Appointment** of Mr. Andrew Niven to serve as a commissioner to the Guam Public Utilities Commission

**Appointment** of Ms. Filomena Cantoria to serve as a commissioner to the Guam Public Utilities Commission

**Appointment** of Mr. Eduardo R. Ilao to serve as a member to the Board of Directors for the Jose D. Leon Guerrero Port Authority of Guam

Testimonies on bills should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until **August 22, 2013 at 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Cyrus Luhr at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.

*Si Yu'os Ma'ase.*

Thomas C. Ada



Senator Tom Ada

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## Public Hearing Notice - Thursday, August 8, at 5:30 pm

---

Cyrus Luhr <cyrus@senatorada.org>

Wed, Jul 31, 2013 at 5:00 PM

To: Bernadette Meno <guam.avon@gmail.com>

Cc: Tom Ada <tom@senatorada.org>, William Brennan <will@senatorada.org>

Hafa Adai,

Per your request, I am forwarding you a copy of the official Public Hearing Notice. Please let me know if you need anything additional.

Thank you,  
Cyrus

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Cyrus Luhr  
Senior Policy Analyst  
Office of Senator Thomas C. Ada  
*I Mina'trentai Dos na Liheslaturan Guáhan* - 32nd Guam Legislature  
671-473-3301

[Quoted text hidden]



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Senator Tom Ada

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## Public Hearing Notice - Thursday, August 8, at 5:30 pm

---

William Brennan <will@senatorada.org>

Thu, Aug 1, 2013 at 8:23 AM

To: "Daniel J. Tydingco" <djtydingco@gta.net>

Cc: Christine Baleto <cbaleto@marketwholesale.com>, Mike Benito <MBenito@paylessmarkets.com>, Shelly Gibson <sgibson@ite.net>, jbrown@portguam.com, "Margret N. Duenas" <mnduenas@portguam.com>, edilao@jmiguam.com, mdrtaitano@portguam.com, frpangelinan@portguam.com, Tom Ada <tom@senatorada.org>

Hafa Adai,

Forwarding the 1st Notice for the Confirmation Hearing of Mr. Ed Ilao, to serve as a member of the PAG Board of Directors.

If you have trouble viewing the attachment, please contact me.

Respectfully,

William Bucky Brennan  
Policy Analyst  
Office of Senator Thomas C. Ada  
I Mina' Trentai Dos Na Liheslaturan Guåhan - 32nd Guam Legislature  
Office (671) 473 - 3301

----- Forwarded message -----

From: **Cyrus Luhr** <cyrus@senatorada.org>

Date: Wed, Jul 31, 2013 at 4:58 PM

Subject: Public Hearing Notice - Thursday, August 8, at 5:30 pm

To: media@senatorada.org, phnotice@guamlegislature.org

Hafa Adai,

Please see the attached memo regarding a Public Hearing being conducted by the Committee on Public Safety, Infrastructure & Maritime Transportation. This hearing will take place on **Thursday, August 8, at 5:30 pm**, in the Public Hearing room of *I Liheslatura*.

On the Agenda are the following three items:

**Appointment of Mr. Andrew Niven to serve as a commissioner to the Guam Public Utilities Commission**

**Appointment of Ms. Filomena Cantoria to serve as a commissioner to the Guam Public Utilities Commission**

**Appointment of Mr. Eduardo R. Ilao to serve as a member to the Board of Directors for the Jose D. Leon Guerrero Port Authority of Guam**

Please let me know if you have any questions or concerns.

Thank you,  
Cyrus

—  
Cyrus Luhr

Senior Policy Analyst  
Office of Senator Thomas C. Ada  
*I Mina'trentai Dos na Liheslaturan Guahan* - 32nd Guam Legislature  
671-473-3301



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 As of August 27, 2013

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As of August 27, 2013**

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## Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation  
*I Mina'trentai Dos Na Liheslaturan Guahan* • 32<sup>nd</sup> Guam Legislature

### AGENDA

#### CONFIRMATION HEARING

**Thursday, August 8, 2013**  
**Public Hearing Room, *I Liheslaturan Guahan***

The agenda is as follows:

#### **5:30pm**

**Appointment of Mr. Andrew Niven to serve as a **Commissioner** to the **Guam Public Utilities Commission****

**Appointment of Ms. Filomena Cantoria to serve as a **Commissioner** to the **Guam Public Utilities Commission****

**Appointment of Mr. Eduardo R. Ilao to serve as a **member** to the **Board of Directors** of the **Jose D. Leon Guerrero Port Authority of Guam****

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