



Sen. Thomas Ada
Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
I Mina Trentai Tres Na Liheslaturan Guahan • 33rd Guam Legislature

June 16, 2015

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina Trentai Tres Na Liheslaturan Guahan
155 Hesler Place
Hagåtña, Guam 96910

VIA: 
The Honorable Rory J. Respicio
Chairperson, Committee on Rules

[Handwritten mark]
2015 JUN 17 PM 4:32

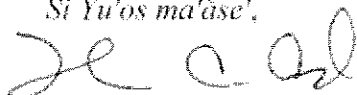
RE: Committee Report on Bill No. 29-33 (COR) As Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 29-33 (COR) As Substituted, "An Act To Approve The Settlement Between The Government of Guam and The Estate of Jose M. Torres as substituted by the Committee on Transportation, Infrastructure, Land, Border Protection, Veterans' Affairs and Procurement."

Committee votes are as follows:

- 4 TO DO PASS
- TO NOT PASS
- 1 TO REPORT OUT ONLY
- TO ABSTAIN
- TO PLACE IN INACTIVE FILE

Si Yu'os ma'ase',

Thomas C. Ada



Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement

I Mina Trentai Tres Na Libeslaturan Guahan • 33rd Guam Legislature

COMMITTEE REPORT ON

Bill No. 29-33 (COR)

As Substituted

**“An Act To Approve The Settlement
Between The Government of Guam
and The Estate of Jose M. Torres as
substituted by the Committee on
Transportation, Infrastructure,
Lands, Border Protection, Veterans’
Affairs and Procurement”**



Sen. Thomas Ada


Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
I Mina Trentai Tres Na Libeslaturan Guahan • 33rd Guam Legislature

June 16, 2015

MEMORANDUM

To: **All Members**
Committee on Transportation, Infrastructure, Land, Border Protection, Veterans' Affairs and Procurement

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

Subject: **Committee Report on Bill No. 29-33 (COR) As Substituted**

Transmitted herewith for your consideration is the Committee Report on Bill No. 29-33 (COR) As Substituted, "An Act To Approve The Settlement Between The Government of Guam and The Estate of Jose M. Torres."

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 29-33 (COR), As Introduced
- Copy of Bill No. 29-33 (COR), As Substituted
- Public Hearing Sign-in Sheet
- Copy of written testimony/letters
- Fiscal Note/Waiver
- COR Referral of Bill No. 29-33 (COR)
- Notices of Public Hearing
- 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.



Sen. Thomas Ada
Chairman

Committee on Transportation, Infrastructure, Lands,
 Border Protection, Veterans' Affairs and Procurement
I Mina Trentai Tres Na Libeslaturan Guahan • 33rd Guam Legislature

COMMITTEE VOTE SHEET

Bill No. 29-33 (COR) As Substituted, "An Act To Approve The Settlement Between The Government of Guam and The Estate of Jose M. Torres as substitute."

COMMITTEE MEMBERS	SIGNATURE	TO Pass	TO NOT Pass	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
SENATOR THOMAS C. ADA Chairperson		✓				
SENATOR RORY J. RESPICIO Vice Chairperson						
VICE SPEAKER BENJAMIN J.F. CRUZ Member		✓				
SENATOR FRANK B. AGUON, JR. Member		✓				
SENATOR DENNIS RODRIGUEZ, JR. Member		✓				
SENATOR NERISSA UNDERWOOD Member						
SENATOR FRANK BLAS, JR. Member						
SENATOR MARY TORRES Member						
SENATOR JAMES V. ESPALDON Member				✓		

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill 29-33 (COR) was introduced on January 22, 2015 by Senator B.J.F. Cruz and was subsequently referred on January 23, 2015 to the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement. The Committee convened a public hearing on March 13, 2015 at 1:30 pm in *I Liheslaturan Guahan* Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on March 5, 2015 (5-Day Notice) and again on March 11, 2015 (48-Hour Notice).

Senators Present

Senator Thomas C. Ada,	<i>Committee Chairperson</i>
Vice Speaker Benjamin J.F. Cruz	<i>Committee Member</i>
Sen. Nerissa B. Underwood	<i>Committee Member</i>
Sen. V. Anthony Ada	<i>Legislative Member</i>

The public hearing was Called-to-Order at 1:30pm.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Chairman Ada: Turns the floor over to the sponsor of the Bill.

Vice Speaker Cruz: Explains Bill 29-33 is a bill that he did not come up with on his own. He is just fulfilling his responsibility to the agency in which Speaker Cruz has purview over. Speaker Cruz then reads a cover letter that was submitted to his office on Jan. 20, 2015 by Mr. David Highsmith Assistant Attorney General. (*Please see attached letter*) He furthermore acknowledges 3 separate letters that were submitted and addressed to Speaker Won Pat by Mr. William C. Bischoff. (*Please see attached letters*) Vice Speaker received an email by the Attorney General's Office is considering a re-draft of the bill and postpone action until a revised bill is submitted.

Chairman Ada: We'll wait for the substitute bill to be submitted by the Attorney General's Office and then proceed with the Committee Report.

Submitted Written Testimony:

David J. Highsmith, *Assistant Attorney General* (January 20, 2015)

William C. Bischoff, *Assistant Attorney General, Government of Guam* (June 18, 2013)
(May 22, 2013) (February 7, 2013)

Elizabeth Barret-Anderson, *Attorney General* (March 27, 2015)

Mark Miller, *Interim GM of GWA* (March 23, 2015)

Joseph C. Razzano, *Civille & Tang, PLLC* (June 15, 2015)

III. FINDINGS AND RECOMMENDATIONS:

The committee, following the guidance of the Attorney General's Office, made changes in the substitute version of Bill 29-33(COR). The Attorney General's Office recommendation helped clarify the purpose of the legislation, eliminates legislative "acceptance" and "approval" of an executive settlement function, and directs deposit of the government's portion of the settlement proceeds for the benefit of the Guam Ancestral Lands Commission "Land Bank Fund." As well as incorporating, GWA's proposed language in the bill for preserving all bull cart trails in part of tract 100 parcel 1A-R1, 1A-1, 1A-1-R/W, 1A-R1 and a 10ft wide x80ft long easement interest on the property for a pre-existing 8in water line to be preserved on Tract 100 Parcel 1A-R1, Municipality of Dededo.

The Committee on Transportation, Infrastructure, Land, Border Protection, Veterans' Affairs and Procurement hereby reports out **Bill 29-33 (COR), As Substituted** by the Committee with the recommendation 4 to pass : 1 to report out.

IMINA'TRENTAI TRES NA LIHESLATURAN GUAHAN
2015 (First) Regular Session

Bill No. 29-33(COR)

Introduced by:

B.J.F. Cruz 

**AN ACT TO APPROVE THE SETTLEMENT BETWEEN THE
GOVERNMENT OF GUAM AND THE ESTATE OF JOSE
MARTINEZ TORRES.**

2015 JUN 22 PM 3:47



BE IT ENACTED BY THE PEOPLE OF GUAM:

Section One. Legislative Findings. Attached hereto and hereby incorporated herein is a Memorandum of Understanding executed in 2012 by attorneys representing the Government of Guam and attorneys representing the Co-Administrators of the Estate of Jose Martinez Torres. Said Memorandum of Understanding is intended to resolve Superior Court CV1093-06, a civil suit between the government and said Estate regarding ownership of Lot No. 5007, Dededo, Guam, Estate No. 2531, Suburban, a small parcel of land near the Micronesia Mall in Dededo, Guam. Said Memorandum of Understanding is self-explanatory and constitutes the legislative findings for this enactment.

Section Two. Said Memorandum of Understanding is hereby accepted and approved by I Liheslaturan Guahan as required by Title 21 G.C. A. § 60112.

Section Three. The Guam Ancestral Lands Commission shall execute and release a quitclaim deed transferring all of the Government of Guam's right, title

15 and interest in Lot No. 5007, Dededo, Guam, Estate No. 2531, Suburban, to
16 Goodwin Development Corporation upon the terms stated in said Memorandum
17 of Understanding, and subject to the current public access and utility easement as
18 described in said Memorandum of Understanding.


MEMORANDUM OF UNDERSTANDING

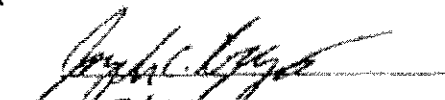
This memorandum of understanding sets out the material terms of the settlement between the Government of Guam ("Government") and the Estate of Jose M. Torres ("Estate") as a result of the mediation in Superior Court of Guam Civil Case No. CV 1093-06 (CV 1093-06).

1. The funds in escrow from the sale of Lot 5007, Dededo, Guam to Goodwind Development Corporation ("Goodwind") in the approximate amount of \$468,000.00 are to be split equally between the Estate and the Government. The Estate shall execute escrow instructions reflecting this equal split of these escrow funds, which instructions shall be submitted for approval to the Government.
2. Following approval from the Guam Legislature, pursuant to 21 GCA section 60112, and the execution by the Estate of the escrow instructions for the equal division of the escrow funds, the Government shall quitclaim its interest in Lot 5007, Dededo, Guam to Goodwind.
3. The transfer of Lot 5007 to Goodwind shall be subject to the current public access and utility easement as shown on the Relocation Survey Sketch of Part of Tract 100, attached hereto.
4. The Estate shall transfer its interest in Lot 5007 to Goodwind.
5. In entering into this MOU, there is no admission or concession by either party of any ownership or any other right, title or interest of any kind in Lot 5007 or any other real property that is or may be involved in any dispute with the Government, including any and all agencies of the Government, and this settlement cannot be pled as a defense or used in any way in any other current, future or pending litigation between the parties.
6. Each party is to bear its own costs and attorneys fees. Each party waives any right to collect, enforce, or assign, in any manner, any order regarding sanctions or attorneys fees awarded against the other party or its attorneys in CV 1093-06.
7. Each party agrees to cooperate with the other party, and to use its best efforts, to effectuate the settlement set out in this MOU. The parties agree to execute any other documents reasonably necessary to effectuate this settlement including, but not limited to, any releases, releases of its pendens, a more formal settlement agreement, and deeds to Lot 5007.
8. Following the legislative approval of the Government's interest in Lot 5007, the conveyance thereof to Goodwind, and the equal distribution of the above-described funds from escrow, the parties shall then execute and file a stipulation for dismissal with prejudice of CV 1093-06.

GOVERNMENT OF GUAM

ESTATE OF JOSE M. TORRES

WHL - (63 2nd?) H46
6-12-2012

 120612


 8/3/12

I MINA'TRENTAI TRES NA LIHESLATURAN GUÁHAN
2015 (First) Regular Session

Bill No. 29-33(COR)
As Substituted by the Committee

Introduced by: B. J. F. Cruz

**AN ACT TO APPROVE THE SETTLEMENT
BETWEEN THE GOVERNMENT OF GUAM
AND THE ESTATE OF JOSE M. TORRES.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Intent.** This enactment is intended to effect final resolution to
3 litigation involving the Government of Guam and the Estate of Jose
4 Martinez Torres, (hereinafter referred to as the "Estate") *Estate of Jose*
5 *Martinez Torres v. Government of Guam CV 1093-06*. The facts of the
6 litigation involve ownership to land deeded in 2002 by the Guam Ancestral
7 Lands Commission and approved by the Governor of Guam to a tract of land
8 allegedly once owned by the Estate in 1914, but auctioned away by action of
9 the Naval Government in 1915. The parties engaged in mediation efforts at
10 the instance of the Court, and reached settlement. This act is needed to effect
11 transfer of Lot 5007, which the Government asserts is within the inventory
12 of the Department of Land Management.

1 **Section 2.** The Government of Guam is authorized to transfer Lot
2 5007, Estate No 2531, Suburban, Guaranteed Claim No. 2802, Naval
3 Government of Guam to Goodwind Development Corporation (hereinafter
4 “Goodwind”) by quit claim deed, conveying any and all rights and title to
5 said property, in resolution of claims against the Government of Guam by,
6 and release of all claims by the Government of Guam against, Goodwind
7 and the Estate in *Estate of Jose Martinez Torres v. Government of Guam*
8 CV 1093-06.

9 **Section 3.** This act hereby grants unto the Guam Waterworks
10 Authority an estimated 10 feet wide X 80 feet long easement designated for
11 an 8-inch pre-existing water line to be reserved on part of Tract 100 Parcel
12 1A-R1, Municipality of Dededo. As well as to preserve all bull cart trail
13 easements in the interest of Guam Waterworks Authority on part of Tract
14 100 Parcel 1A-R1 as shown on L.M. 011-FY 86 under Land Management
15 I4-86T263 (see exhibit A), Parcel 1A-1, Parcel 1A-1-R/W, Parcel 1A-R1 as
16 shown on L.M. 403-FY88 under instrument number 414341. (see exhibit B)

17 **Section 4.** All proceeds realized from the settlement shall be
18 deposited into the Land Bank Fund pursuant to 21 GCA §60114.2, for the
19 benefit of the Guam Ancestral Lands Commission, under the purview of the
20 Department of Land Management.



Office of the Attorney General

Attorney General Elizabeth Barrett-Anderson



390 S. Marine Corps Drive, Ste. 706, Tamuning, Guam 96913 • Phone: (671) 475-3324 • Fax: (671) 472-2401 • Website: www.ago.gu

January 20, 2015

Senator B.J. Cruz
Vice-Speaker
Thirty-Third Guam Legislature
155 Hesler Street
Hagatna, Guam 96910

Re: CV1093-06

Dear Senator Cruz:

As you may recall, we sent you the attached settlement agreement and proposed bill last year with the request that you introduce the bill to approve the parties' settlement in CV1093-06. Unfortunately, no legislative action was taken. We forward the same bill and settlement to you for your kind consideration again this year in the hope that this case can finally be resolved.

Our office is available to answer questions and to testify regarding the bill if you so desire. Thank you very much.

Sincerely yours,


DAVID J. HIGHSMITH
Assistant Attorney General

cc: Joseph C. Razzano
F. Randall Cunliffe

Vice Speaker Benjamin J.F. Cruz

Date: 1-20-15 Time: 12:55

File No.: 33-44

Received By: Lena

MEMORANDUM OF UNDERSTANDING

This memorandum of understanding sets out the material terms of the settlement between the Government of Guam ("Government") and the Estate of Jose M. Torres ("Estate") as a result of the mediation in Superior Court of Guam Civil Case No. CV 1093-06 (CV1093-06).

1. The funds in escrow from the sale of Lot 5007, Dededo, Guam to Goodwind Development Corporation ("Goodwind") in the approximate amount of \$468,000.00 are to be split equally between the Estate and the Government. The Estate shall execute escrow instructions reflecting this equal split of these escrow funds, which instructions shall be submitted for approval to the Government.
2. Following approval from the Guam Legislature, pursuant to 21 GCA section 60112, and the execution by the Estate of the escrow instructions for the equal division of the escrow funds, the Government shall quitclaim its interest in Lot 5007, Dededo, Guam to Goodwind.
3. The transfer of Lot 5007 to Goodwind shall be subject to the current public access and utility easement as shown on the Relocation Survey Sketch of Part of Tract 100, attached hereto.
4. The Estate shall transfer its interest in Lot 5007 to Goodwind.
5. In entering into this MOU, there is no admission or concession by either party of any ownership or any other right, title or interest of any kind in Lot 5007 or any other real property that is or may be involved in any dispute with the Government, including any and all agencies of the Government, and this settlement cannot be pled as a defense or used in any way in any other current, future or pending litigation between the parties.
6. Each party is to bear its own costs and attorneys fees. Each party waives any right to collect, enforce, or assign, in any manner, any order regarding sanctions or attorneys fees awarded against the other party or its attorneys in CV1093-06.
7. Each party agrees to cooperate with the other party, and to use its best efforts, to effectuate the settlement set out in this MOU. The parties agree to execute any other documents reasonably necessary to effectuate this settlement including, but not limited to, any releases, releases of lis pendens, a more formal settlement agreement, and deeds to Lot 5007.
8. Following the legislative approval of the Government's interest in Lot 5007, the conveyance thereof to Goodwind, and the equal distribution of the above-described funds from escrow, the parties shall then execute and file a stipulation for dismissal with prejudice of CV1093-06.

GOVERNMENT OF GUAM

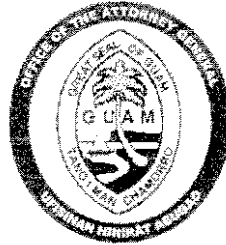
ESTATE OF JOSE M. TORRES

WHL - (C) [Signature], AAL
6-12-2012

[Signature]
120612

[Signature]
8/3/12

LEONARDO M. RAPADAS
Attorney General



PHILLIP J. TYDINGCO
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

June 18, 2013

52-13-503

Office of the Speaker
Judith T. Won Pat, Ed. D.

Date 6/18/2013
Time 1:26 PM
Received by [Signature]

VIA HAND-DELIVERY

Honorable Judith T. Won Pat, Ed.D.

Committee on Education, Public Library and Women's Affairs
I Mina'trentai Dos Na Liheslaturan Guahan
155 Hesler St.
Hagatna, Guam 96910

Re: Proposed Settlement of the Estate of Jose Martinez Torres vs. Godwind Development Co. and GovGuam; Superior Court of Guam Civil Case No. CV1093-06; AG File No. 06.0269

2013 JUN 18 PM 1:51
[Signature]

Dear Speaker Won Pat:

Yesterday, June 17th, at the hearing in Guam Superior Court Case No. CV1093-06, the Court set a further hearing date of September 16th, when I advised the Court that the Legislature had not yet taken up the issue whether to approve the proposed settlement.

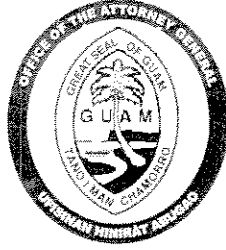
Thank you.

Sincerely,

[Signature]
WILLIAM C. BISCHOFF
Assistant Attorney General
Government of Guam

503

LEONARDO M. RAPADAS
Attorney General



PHILLIP J. TYDINGCO
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

May 22, 2013

32-13-428

Office of the Speaker
Judith T. Won Pat, Ed.D.

Date: 5/22/13
Time: 2:57 PM
Received by: [Signature]

VIA HAND-DELIVERY

Honorable Judith T. Won Pat, Ed.D.

Committee on Education, Public Library and Women's Affairs
I Mina'trentai Dos Na Liheslanuran Guahan
155 Hesler St.
Hagatna, Guam 96910

Re: Proposed Settlement of the Estate of Jose Martinez Torres vs. Goodwind Development Co. and GoyGuam; Superior Court of Guam Civil Case No. CV1093-06; AG File No. 06.0269

Dear Speaker Won Pat:

I write you about the attached letter delivered to your office on February 8, 2013, concerning a proposed settlement of a Superior Court case. The settlement would require Legislative approval.

On June 17, 2013, I am expected to advise the Court whether the Legislature approves of this proposed settlement.

Thank you.

Sincerely,

[Signature]
WILLIAM C. BISCHOFF
Assistant Attorney General
Government of Guam

2013 MAY 22 11:30 AM [Signature]

Given that this proposed settlement will necessarily involve a transfer of this government land to the Mall, 21 GCA §60112 requires Legislative approval of it.

We thus respectfully forward this proposed settlement of this case for consideration by the 32nd Guam Legislature.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "William C. Bischoff", written over the typed name.

WILLIAM C. BISCHOFF

Assistant Attorney General

MEMORANDUM OF UNDERSTANDING

This memorandum of understanding sets out the material terms of the settlement between the Government of Guam ("Government") and the Estate of Jose M. Torres ("Estate") as a result of the mediation in Superior Court of Guam Civil Case No. CV 1093-06 (CV 1093-06).

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2. Following approval from the Guam Legislature, pursuant to 21 GCA section 60112, and the execution by the Estate of the escrow instructions for the equal division of the escrow funds, the Government shall quitclaim its interest in Lot 5007, Dededo, Guam to Goodwind.
3. The transfer of Lot 5007 to Goodwind shall be subject to the current public access and utility easement as shown on the Relocation Survey Sketch of Part of Tract 100, attached hereto.
4. The Estate shall transfer its interest in Lot 5007 to Goodwind.
5. In entering into this MOU, there is no admission or concession by either party of any ownership or any other right, title or interest of any kind in Lot 5007 or any other real property that is or may be involved in any dispute with the Government, including any and all agencies of the Government, and this settlement cannot be pled as a defense or used in any way in any other current, future or pending litigation between the parties.
6. Each party is to bear its own costs and attorneys fees. Each party waives any right to collect, enforce, or assign, in any manner, any order regarding sanctions or attorneys fees awarded against the other party or its attorneys in CV 1093-06.
7. Each party agrees to cooperate with the other party, and to use its best efforts, to effectuate the settlement set out in this MOU. The parties agree to execute any other documents reasonably necessary to effectuate this settlement including, but not limited to, any releases, releases of lis pendens, a more formal settlement agreement, and deeds to Lot 5007.
8. Following the legislative approval of the Government's interest in Lot 5007, the conveyance thereof to Goodwind, and the equal distribution of the above-described funds from escrow, the parties shall then execute and file a stipulation for dismissal with prejudice of CV 1093-06.

GOVERNMENT OF GUAM

ESTATE OF JOSE M. TORRES

W. J. ...
12/12/12

[Signature]
12/06/12

[Signature]
8/3/12

2009 FEB 23 10 21 AM

IN THE SUPERIOR COURT OF GUAM

1			
2			
3	ESTATE OF JOSE MARTINEZ TORRES,)	CIVIL CASE NO. CV1093-06
4	deceased,)	
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This matter came before the Honorable Alberto C. Lamorena III on February 22, 2008 on Defendant's Motion to Amend, and on January 30, 2009 on Plaintiff and Defendant's Motions for Summary Judgment. Attorney William C. Bischoff appeared on behalf of Defendant. Appearing on behalf of Plaintiff were Attorneys Joseph C. Razzano and Lawrence J. Teker. After reading the parties' briefs and hearing the arguments, the Court took the matters under advisement. The Court now issues its Decision and Order.

FACTUAL HISTORY

This issue concerns a plot of land in the village of Dededo identified as Lot No. 5007 on Tract 100, and the easement located upon it.¹ The plot belonged to Pedro M. Duarte prior to 1914. On January 14, 1914, Mr. Duarte purported to sell land including the plot at issue to Jose Torres Martinez for \$4,000, of which Mr. Marmez immediately paid \$2,000. In 1915, assets of Mr. Duarte were seized by the Naval Government of Guam and placed up for public auction to

¹ The parties disagree on whether Lot No. 5007 was properly consolidated into Tract 100. As discussed below, this distinction is not critical to the Court's analysis.

1 cover restitution from Mr. Duarte's conviction for embezzlement during his service as
2 Postmaster. One of the assets listed for auction was the land in Dededo that included the plot at
3 issue. Mr. Martinez requested the asset be removed, and this request was initially granted by
4 Judge Luis Torres. However, the Governor of Guam declared the judgment null and void, which
5 was followed by an April 13, 1915 decree by Judge Frank Portusach that reiterated the
6 Governor's position that the existing Mortgage Law and executive general orders had not been
7 properly followed in the sale.
8

9
10 Mr. Martinez's attempts at appealing this decision or having his \$2,000 returned to him
11 were rebuffed, and the land was put up for auction. After no bidders matched the minimum
12 request by the government, the government had the property adjudicated to itself. In 1950 the
13 Department of the Interior conveyed the land to the Government of Guam.

14
15 On November 4, 2002 the Governor of Guam signed a grant deed, approved as to form
16 by the Acting Attorney General of Guam, purporting to transfer surplus government land, which
17 included the plot at issue, from the Government of Guam to the Ancestral Lands Commission.
18 On October 29, 2004, after a title hearing on the plot at issue on October 12, 2004, the Ancestral
19 Lands Commission issued a quitclaim deed on the plot granting it to the Plaintiff.

20
21 Plaintiff filed this case seeking to cancel the easement across the plot at issue created
22 under Instrument No. 414341, alleging it had not been approved by the Guam Legislature. The
23 Government of Guam and Goodwind Development Corporation answered and filed
24 counterclaims, including a counterclaim by the Government of Guam requesting the Court to
25 quiet title within the public access and utility easements on the plot at issue.
26

27
28 The Government of Guam and Goodwind Development Corporation filed a joint Motion
for Leave to File Amended Answer and Counterclaim on April 3, 2008. The Government of

1 Guam's Proposed Second Amended Answer and Counterclaim was substantially similar, with
2 the exception that the counterclaim requested the Court to quiet title to the entire property rather
3 than just the easement in the Government of Guam.
4

5 On May 16, 2008, Plaintiff filed a Motion for Summary Judgment. The Government of
6 Guam filed an opposition and its own cross-motion for summary judgment on June 18, 2008.
7 Goodwind Development Corporation settled separately with the Estate on October 23, 2008.
8 The Estate filed an opposition to the cross-motion and reply on December 5, 2008. The Court
9 now addresses these motions.
10

11 DISCUSSION

12 I. Motion to Amend

13 Defendant moves to amend its Counterclaim, seeking to modify its request for the Court
14 to quiet title from merely including the easement on the plot to including the entire plot at issue.
15 Guam Rule of Civil Procedure 15(a) provides that a party may amend the party's pleading only
16 by leave of court or by written consent of the adverse party. "In the absence of any apparent or
17 declared reason - such as undue delay, bad faith or dilatory motive on the part of the movant,
18 repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the
19 opposing party by virtue of allowance of the amendment, futility of amendment, etc.-the leave
20 sought should, as the rules require, be 'freely given.'" Foman v. Davis, 371 U.S. 178, 182
21 (1962). Arashi & Co., Inc. v. Nakashima Enterprises, Inc., 2005 Guam 21 at ¶ 16. "Under Rule
22 15 the district court may and should liberally allow an amendment to the pleadings if prejudice
23 does not result." Citizens Sec. Bank (Guam), Inc. v. Bidaure, 1997 Guam 3 at ¶ 16.
24
25

26 There is a lengthy delay between Defendant's initial Answer and his proposed
27 amendment, however it is largely due to the case having been temporarily removed to the
28

1 District Court. There appears to be no bad faith or dilatory motive on Defendant's part, nor
2 would allowing this amendment appear to cause prejudice to the Plaintiff, as the Plaintiff has
3 argued its summary judgment motion as if the amendment were also being considered by the
4 Court. See, e.g., Plaintiff's Opposition and Reply, December 5, 2008 at pg. 2-3, pg. 3 footnote 1.
5
6 As such, the Court grants Defendant's Motion to Amend.

7 **II. Standard for Summary Judgment**

8 Summary judgment shall be granted if there is no genuine issue as to any material fact
9 and the moving party is entitled to judgment as a matter of law. A genuine issue exists when
10 there is sufficient evidence establishing a factual dispute requiring resolution by a fact-finder.
11 Iizuka Corp. v. Kawasho Int'l [Guam], Inc., 1997 Guam 16, at ¶ 7; T.W. Elect. Serv., Inc. v.
12 Pacific Elec. Contractors Ass'n., 809 F.2d 626, 630 (9th Cir. 1987). The factual dispute must
13 concern a material fact. *Id.* Whether a fact is material is determined by the governing
14 substantive law; if the fact may affect the outcome, it is material. Anderson v. Liberty Lobby
15 Inc., 477 U.S. 242, 248, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986); Edwards Corp. v. Kawasho Int'l
16 [Guam], Inc., 2000 Guam 27, at ¶ 7.

17 Inferences must be drawn, and evidence must be viewed in the light most favorable to the
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20 Edwards Corp. v. Kawasho Int'l [Guam], Inc., 2000 Guam 27, at ¶ 7. The moving party is not
21 required to negate each element of the non-moving party's case. Rather, the moving party
22 satisfies and discharges its burden by establishing the absence of evidence to support the non-
23 moving party's case. Kim v. Hong, CVA97-007, page 3 (1997).

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2 present specific facts showing there is a genuine issue for trial. The nonmoving party may not
3 merely rely on conclusory allegations contained in the pleadings, but must present some
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5 to make a showing sufficient to establish the existence of an element essential to that party's
6 case, for which the party will bear the burden of proof at trial, then Rule 56(c) requires entry of
7 summary judgment against the non-moving party. Celotex Corp. v. Catrett, 477 U.S. 317
8 (1986).
9

10 III. Transfer of Lot No. 5007/Tract 100

11 Defendant alleges that the transfer of the land at issue from the Government of Guam to
12 the Ancestral Lands Commission is invalid because there was no legislative approval of the
13 transfer as required under Title 31 G.C.A. §60112. Plaintiff argues that several public laws,
14 including P.L. 24-45, P.L. 22-145, P.L. 23-23, or P.L. 25-178 indicate the approval of the
15 legislature to transfer ancestral lands to the Commission, thus no specialized legislation is
16 required.
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19 However, the history of the plot at issue demonstrates that it is not a member of the
20 classes of land transferred to the Ancestral Lands Commission by the aforementioned public
21 laws, nor is it one of the tracts specifically identified for transfer. Even if this Court were to
22 assume, *arguendo*, that the Plaintiff was the landowner of the plot at issue prior to its acquisition
23 by the Naval Government, the policy of the government to return lands to their estates does not
24 apply to lands clearly under existing public use, or lands acquired by the government prior to
25 January 1, 1930. See P.L. 23-23 at §2004(a)-(c), P.L. 24-45 at pg. 32.
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1 Plaintiff argues that the classification in P.L. 24-45 establishing January 1, 1930 as a
2 cutoff is unconstitutional because it deprives it of equal protection of laws. It claims that P.L. 22-
3 145 gave it a vested fee simple interest in the lands, and that the enactment of P.L. 24-45
4 subjected it to disparate treatment. But as mentioned above, the plot at issue was not part of the
5 lands included in P.L. 22-145, and even if it were, Section 8 of that law exempts land used for
6 public easements, as recognized by P.L. 24-25, pg. 31 line 21. Even if this Court assumed the
7 Estate had standing to challenge the classification, as it is questionable whether the Estate could
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9 cutoff date an unconstitutional distinction, the language in both P.L. 22-145 and P.L. 24-45
10 exempting land used for public easements would prevent the transfer of the plot at issue, and
11 would easily qualify as a legitimate distinction under the rational basis standard. Fields v. Legacy
12 Health System, 413 F.3d 943, 955 (9th Cir. 2005).

15 **IV. Estoppel by Deed**

16 Plaintiff contends that Defendant is estopped from denying Plaintiff's interest in the
17 estate under Title 21 G.C.A. §4204, which provides in part that "Every grant of an estate in real
18 property is conclusive against the grantor..." It also cites Taitano v. Lujan, 2005 Guam 26² and
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22 Boren v. State Personnel Bd., 234 P.2d 981 (Cal.1951). Here, the Governor did not have the
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14 Governor's decision to sign the deed, and the Attorney General's decision to approve the deed as
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18 Attorney General's approval to form as an approval to content, or whether the executive branch
19 was aware of the deficiency and proceeded regardless. There is also no evidence regarding the
20 potential damage to the public's interest if the Court were to acknowledge the estoppel. Because
21 both parties are moving for summary judgment, and neither side has established an absence of
22 evidence on the part of the opposing party in support of its position, the Court cannot make a
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³ The Court is concerned regarding the legal effect of an "approval as to form", especially as to how it affects a
governmental entity's susceptibility to an argument of estoppel.

1 issue of estoppel is determinative in this matter, the Court does not address the other issues
2 presented in the parties' briefs.

3
4 **CONCLUSION**

5 Based on the above, Defendant's Motion to Amend is GRANTED, Defendant's and
6 Plaintiff's Motions for Summary Judgment are DENIED.

7
8 **IT IS SO ORDERED** this 19th day of October, 2009.

9 **Original Signed By:**
10 **Hon. Alberto C. Lamorena, III**

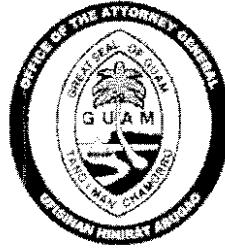
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12 Alberto C. Lamorena III
13 Presiding Judge
14 Superior Court of Guam

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18 I do hereby certify that the foregoing
19 is a full true and correct copy of the
20 original as filed with the Clerk of Court
21 Date at the Court of Guam:

22
23 OCT 19 2009

24
25 **Dominico M. Negra**
26
27
28

Leonardo M.
Rapadas
Attorney General



Phillip J. Tydingco
Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

February 7, 2013

32-13-103

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 2/8/13
Time 1:55 P.M.
Received by J. STEPHENSON

Honorable Judith T. Won Pat, Ed.D.
Speaker, 32nd Guam Legislature

Re: Proposed Settlement of Superior Court case CV1093-06,
Estate of Jose Martinez Torrus v. Goodwind Development Co. and GovGuam

Dear Speaker Won Pat,

I write you about a proposed settlement of a lawsuit that was brought against GovGuam. We were sent to court-ordered mediation after a great deal of litigation. The proposed settlement reached in the mediation would require Legislative approval.

The case involves a small lot, less than an acre, behind the Micronesian Mall. It includes part of the Fatima Street exit from the Mall. The government contemplated leasing the lot to the Mall when the Mall was being built, back in the 1980s, but the lease was never finalized. GovGuam has a power pole on the lot, serving the Mall and the surrounding area.

In November of 2002, then-Governor Gutierrez and then-Acting Attorney General Kono deeded this lot to the Guam Ancestral Lands Commission. But the lot was not federal excess land. It was not "Ancestral" land, as defined in the Ancestral Lands Act. The Honorable Judge Alberto C. Lamorena III has already ruled in this case, in an October 19, 2009 Decision and Order, that this transfer violated 21 GCA §60112. That statute requires legislative approval for the transfer of government land.

The deed by which the lot was unlawfully transferred to the Commission was apparently drafted by an attorney who with the assistance of one Mr. John Gilliam was working on behalf of heirs of the Jose Martinez Torres Estate. At that time, in 2002, Mr. Gilliam had been detailed by Governor Gutierrez to work at the Commission as its "Claims Facilitator," and to research the Estate's claim. The Estate's claim was not about a World

War II era land condemnation. It was about what the Estate says was an injustice concerning court rulings adverse to it in the years 1914-1915. This would be well before the January 1, 1930 jurisdictional cut-off date for an Ancestral Lands claim, no matter what.

After the 2002 deed to the Commission, in 2004, Mr. Gilliam appeared before the Commission now in a private capacity, on behalf of the Jose Martinez Torres Estate, and convinced the Commission to transfer the lot to the Estate. So the whole chain of events that resulted in the lot being deeded to the Estate was engineered by the Estate itself, or by people working specifically on behalf of the Estate.

The Attorney General's Office did not begin to learn about all that had happened until 2006. What happened was the Estate sued the government and the Mall (Goodwind Development Co.). The Estate sued based upon the deed it obtained from the Ancestral Lands Commission. The Estate sued demanding that the government remove its power pole and that the Mall cease utilizing the Fatima Street exit, or else pay the Estate. The Estate at one point sent a settlement offer for the government and the Mall to pay it \$750,000.00.

We filed a counterclaim that title to the lot should be quieted back into the name of the government because the lot should never have been deeded to the Ancestral Lands Commission in the first place and because the Estate did not have a valid Ancestral Lands claim to it in any event.

As already mentioned, Judge Lamorena agreed, in his October 19, 2009 Decision and Order, that the initial transfer of the lot to the Commission was unlawful. But the judge ruled there is a possibility the government could now be "estopped" from obtaining a final judgment cancelling the 2002 deed to the Commission, or the 2004 deed to the Estate. This is because the government (then-Governor Gutierrez and then-Acting AG Kono) was itself involved in the 2002 transaction. So we attended the court-ordered mediation.

Before the court-ordered mediation, the Mall reached its own settlement with the Estate. In that settlement, the Mall placed \$460,000.00 into escrow. This was to be paid to the Estate for the lot if the Estate were to win at trial and gain clear title to it.

The Estate had been offering to give the government \$23,000.00 of this money if the government would concede title of the lot to the Estate.

We thought this offer was ridiculous. We believe the government would have a strong likelihood of prevailing in a trial, and that as a matter of principle the Estate should not profit from this circumstance-of-its-own-contrivance in the first place.

The result of the mediation was the attached Memorandum Of Understanding that the funds placed in escrow by the Mall, about \$468,000.00 with interest at this time, be split equally between the Estate and the government; about \$234,000.00 going to each. Title to the lot would be transferred to the Mall, which of course agrees to grant the government the utilities easement for the power pole and any other utilities.

Given that this proposed settlement will necessarily involve a transfer of this government land to the Mall, 21 GCA §60112 requires Legislative approval of it.

We thus respectfully forward this proposed settlement of this case for consideration by the 32nd Guam Legislature.

Thank you.

Sincerely,


WILLIAM C. BISCHOFF
Assistant Attorney General

MEMORANDUM OF UNDERSTANDING

This memorandum of understanding sets out the material terms of the settlement between the Government of Guam ("Government") and the Estate of Jose M. Torres ("Estate") as a results of the mediation in Superior Court of Guam Civil Case No. CV 1093-06 (CV1093-06).

1. The funds in escrow from the sale of Lot 5007, Dededo, Guam to Goodwind Development Corporation ("Goodwind") in the approximate amount of \$468,000.00 are to be split equally between the Estate and the Government. The Estate shall execute escrow instructions reflecting this equal split of these escrow funds, which instructions shall be submitted for approval to the Government.
2. Following approval from the Guam Legislature, pursuant to 21 GCA section 60112, and the execution by the Estate of the escrow instructions for the equal division of the escrow funds, the Government shall quitclaim its interest in Lot 5007, Dededo, Guam to Goodwind.
3. The transfer of Lot 5007 to Goodwind shall be subject to the current public access and utility easement as shown on the Relocation Survey Sketch of Part of Tract 100, attached hereto.
4. The Estate shall transfer its interest in Lot 5007 to Goodwind.
5. In entering into this MOU, there is no admission or concession by either party of any ownership or any other right, title or interest of any kind in Lot 5007 or any other real property that is or may be involved in any dispute with the Government, including any and all agencies of the Government, and this settlement cannot be pled as a defense or used in any way in any other current, future or pending litigation between the parties.
6. Each party is to bear its own costs and attorneys fees. Each party waives any right to collect, enforce, or assign, in any manner, any order regarding sanctions or attorneys fees awarded against the other party or its attorneys in CV1093-06.
7. Each party agrees to cooperate with the other party, and to use its best efforts, to effectuate the settlement set out in this MOU. The parties agree to execute any other documents reasonably necessary to effectuate this settlement including, but not limited to, any releases, releases of lis pendens, a more formal settlement agreement, and deeds to Lot 5007.
8. Following the legislative approval of the Government's interest in Lot 5007, the conveyance thereof to Goodwind, and the equal distribution of the above-described funds from escrow, the parties shall then execute and file a stipulation for dismissal with prejudice of CV1093-06.

GOVERNMENT OF GUAM

ESTATE OF JOSE M. TORRES

David M. ...
12/20/12

120612

Jose M. Torres

8/3/12

FILED
SUPERIOR COURT
OF GUAM

19 FEB 11 11 5 21

IN THE SUPERIOR COURT OF GUAM

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4 ESTATE OF JOSE MARTINEZ TORRES,) CIVIL CASE NO. CV1093-06
deceased.)
5)
6 Plaintiff.)
7 vs.) DECISION AND ORDER
8)
9 THE GOVERNMENT OF GUAM.)
Defendant.)

10
11 This matter came before the Honorable Alberto C. Lamorena III on February 22, 2008 on
12 Defendant's Motion to Amend, and on January 30, 2009 on Plaintiff and Defendant's Motions
13 for Summary Judgment. Attorney William C. Bischoff appeared on behalf of Defendant.
14 Appearing on behalf of Plaintiff were Attorneys Joseph C. Razzano and Lawrence J. Teker.
15 After reading the parties' briefs and hearing the arguments, the Court took the matters under
16 advisement. The Court now issues its Decision and Order.
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19 **FACTUAL HISTORY**

20 This issue concerns a plot of land in the village of Dededo identified as Lot No. 5007 or
21 Tract 100, and the easement located upon it.¹ The plot belonged to Pedro M. Duarte prior to
22 1914. On January 14, 1914, Mr. Duarte purported to sell land including the plot at issue to Jose
23 Torres Martinez for \$4,000, of which Mr. Martinez immediately paid \$2,000. In 1915, assets of
24 Mr. Duarte were seized by the Naval Government of Guam and placed up for public auction to
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28 ¹ The parties disagree on whether Lot No. 5007 was properly consolidated into Tract 100. As discussed below, this
distinction is not critical to the Court's analysis.

1 cover restitution from Mr. Duarte's conviction for embezzlement during his service as
2 Postmaster. One of the assets listed for auction was the land in Dededo that included the plot at
3 issue. Mr. Martinez requested the asset be removed, and this request was initially granted by
4 Judge Luis Torres. However, the Governor of Guam declared the judgment null and void, which
5 was followed by an April 13, 1915 decree by Judge Frank Portusach that reiterated the
6 Governor's position that the existing Mortgage Law and executive general orders had not been
7 properly followed in the sale.
8

9
10 Mr. Martinez's attempts at appealing this decision or having his \$2,000 returned to him
11 were rebuffed, and the land was put up for auction. After no bidders matched the minimum
12 request by the government, the government had the property adjudicated to itself. In 1950 the
13 Department of the Interior conveyed the land to the Government of Guam.

14
15 On November 4, 2002 the Governor of Guam signed a grant deed, approved as to form
16 by the Acting Attorney General of Guam, purporting to transfer surplus government land, which
17 included the plot at issue, from the Government of Guam to the Ancestral Lands Commission.
18 On October 29, 2004, after a title hearing on the plot at issue on October 12, 2004, the Ancestral
19 Lands Commission issued a quitclaim deed on the plot granting it to the Plaintiff.

20
21 Plaintiff filed this case seeking to cancel the easement across the plot at issue created
22 under Instrument No. 414341, alleging it had not been approved by the Guam Legislature. The
23 Government of Guam and Goodwind Development Corporation answered and filed
24 counterclaims, including a counterclaim by the Government of Guam requesting the Court to
25 quiet title within the public access and utility easements on the plot at issue.
26

27
28 The Government of Guam and Goodwind Development Corporation filed a joint Motion
for Leave to File Amended Answer and Counterclaim on April 3, 2008. The Government of

1 Guam's Proposed Second Amended Answer and Counterclaim was substantially similar, with
2 the exception that the counterclaim requested the Court to quiet title to the entire property rather
3 than just the easement in the Government of Guam.

4
5 On May 16, 2008, Plaintiff filed a Motion for Summary Judgment. The Government of
6 Guam filed an opposition and its own cross-motion for summary judgment on June 18, 2008.
7 Goodwind Development Corporation settled separately with the Estate on October 23, 2008.
8 The Estate filed an opposition to the cross-motion and reply on December 5, 2008. The Court
9 now addresses these motions.

10 DISCUSSION

11 I. Motion to Amend

12
13 Defendant moves to amend its Counterclaim, seeking to modify its request for the Court
14 to quiet title from merely including the easement on the plot to including the entire plot at issue.
15 Guam Rule of Civil Procedure 15(a) provides that a party may amend the party's pleading only
16 by leave of court or by written consent of the adverse party. "In the absence of any apparent or
17 declared reason - such as undue delay, bad faith or dilatory motive on the part of the movant,
18 repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the
19 opposing party by virtue of allowance of the amendment, futility of amendment, etc.-the leave
20 sought should, as the rules require, be 'freely given.'" Foman v. Davis, 371 U.S. 178, 182
21 (1962). Arashi & Co., Inc. v. Nakashima Enterprises, Inc., 2005 Guam 21 at ¶ 16. "Under Rule
22 15 the district court may and should liberally allow an amendment to the pleadings if prejudice
23 does not result." Citizens Sec. Bank (Guam), Inc. v. Bidaure, 1997 Guam 3 at ¶ 16.

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27 There is a lengthy delay between Defendant's initial Answer and his proposed
28 amendment, however it is largely due to the case having been temporarily removed to the

1 District Court. There appears to be no bad faith or dilatory motive on Defendant's part, nor
2 would allowing this amendment appear to cause prejudice to the Plaintiff, as the Plaintiff has
3 argued its summary judgment motion as if the amendment were also being considered by the
4 Court. See, e.g., Plaintiff's Opposition and Reply, December 5, 2008 at pg. 2-3, pg. 3 footnote 1.
5 As such, the Court grants Defendant's Motion to Amend.
6

7 **II. Standard for Summary Judgment**

8 Summary judgment shall be granted if there is no genuine issue as to any material fact
9 and the moving party is entitled to judgment as a matter of law. A genuine issue exists when
10 there is sufficient evidence establishing a factual dispute requiring resolution by a fact-finder.
11 Iizuka Corp. v. Kawasho Int'l [Guam], Inc., 1997 Guam 10, at ¶ 7; I.W. Elect. Serv., Inc. v.
12 Pacific Elec. Contractors Ass'n., 809 F.2d 626, 630 (9th Cir. 1987). The factual dispute must
13 concern a material fact. *Id.* Whether a fact is material is determined by the governing
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2 presented in the parties' briefs.

3 **CONCLUSION**

4
5 Based on the above, Defendant's Motion to Amend is GRANTED, Defendant's and
6 Plaintiff's Motions for Summary Judgment are DENIED.

7
8 IT IS SO ORDERED this 19th day of October, 2009.

9 **Original Signed By:**
10 **Hon. Alberto C. Lamorena, III**

11
12 Alberto C. Lamorena III
13 Presiding Judge
14 Superior Court of Guam

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18 I do hereby certify that the foregoing
19 is a full true and correct copy of the
20 original as filed in the office of the
21 Clerk of the Court of Guam.
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OCT 19 2009
Domingo M. Nese
Clerk of the Court of Guam



Office of the Attorney General of Guam

590 S. Marine Corps Dr., Ste. 706, Tamuning, Guam 96913



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Administrator
VWAS Unit / Notary Unit
ext. 5030
pcamacho@guamag.org

March 27, 2015

3/27

Honorable Senator Thomas C. Ada
Committee on Transportation, Infrastructure, Lands, Border
Protection, Veterans' Affairs, and Procurement
I Mina'trentai Tres na Libesaturan Guåhan

Re: Bill No. 29-33 (COR) - An Act To Approve the Settlement
Between the Government of Guam and the Estates of Jose M. Torres

Hafa Adai Senator, and Members of the Committee:

Our Office supports the enactment of Bill 29-33. This Bill stems from nine (9) years of litigation between the Government of Guam, Goodwind Development, and the Estate of Jose Martinez Torres (hereinafter the "Estate"), *Estate of Jose Martinez Torres v. Government of Guam et al.* CV 1093-06. A settlement was reached between the parties in December 2012 whereby the Government agreed to transfer Lot 5007, the property in controversy, to Goodwind Development, third party purchaser, in exchange for an approximate Two Hundred and Eighty Thousand Dollars (\$280,000.00) to the Government of Guam. All parties entered a mediated settlement to this effect. Transfer of Lot 5007 is necessary to facilitate final mediated settlement.

The mediated settlement is a fair resolution of the legal issues disputed between the Government of Guam, the Estate, and Goodwind Development, some of which date back to 1915, and the Naval Government's "auction" of private landowner's properties. The Department of Land Management supports the draft legislation as equitable settlement of this litigation.

We are requesting changes to the language to the original draft bill as contained in the attached substitute version. The attached draft better clarifies the purpose of the legislation, eliminates legislative "acceptance" and "approval" of an executive settlement function, and directs deposit of the government's portion of the settlement proceeds for the benefit of the Guam Ancestral Lands Commission (GALC) "Land Bank Fund."

Sincerely,

Elizabeth Barrett-Anderson

Cc: Honorable Vice Speaker Benjamin J. Cruz
Director, Department of Land Management

NOT A DRAFT

I MINA' TRENTAI TRES NA LIHESLATURAN GUÁHAN
2015 (FIRST) REGULAR SESSION

Bill No. 29-33
As Substituted

Introduced by:

B. F. J. Cruz

**AN ACT TO APPROVE THE SETTLEMENT
BETWEEN THE GOVERNMENT OF GUAM
AND THE ESTATE OF JOSE M. TORRES**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Intent.** This enactment is intended to effect final resolution to
3 litigation involving the Government of Guam and the Estate of Jose Martinez
4 Torres, (hereinafter referred to as the "Estate") *Estate of Jose Martinez Torres v.*
5 *Government of Guam CV 1093-06*. The facts of the litigation involve ownership to
6 land deeded in 2002 by the Guam Ancestral Lands Commission and approved by
7 the Governor of Guam to a tract of land allegedly once owned by the Estate in
8 1914, but auctioned away by action of the Naval Government in 1915. The parties
9 engaged in mediation efforts at the instance of the Court, and reached settlement.
10 This act is needed to effect transfer of Lot 5007, which the Government asserts is
11 within the inventory of the Department of Land Management.

12 **Section 2.** The Government of Guam is authorized to transfer Lot #5007,
13 Estate No 2531, Suburban, Guaranteed Claim No. 2802, Naval Government of
14 Guam to Goodwind Development Corporation (hereinafter "Goodwind") by quit
15 claim deed, conveying any and all rights and title to said property in resolution of
16 claims against the Government of Guam by, and release of all claims by the

1 Government of Guam against, Goodwind and the Estate in *Estate of Jose Martínez*
2 *Torres v. Government of Guam* CV 1093-06.

3 **Section 3.** All proceeds realized from the settlement shall be deposited into
4 the Land Bank Fund pursuant to 21 GCA §60114.2, for the benefit of the Guam
5 Ancestral Lands Commission, under the purview of the Department of Land
6 Management.



GUAM WATERWORKS AUTHORITY

Gloria B. Nelson Public Service Building
688 Route 15, Mangilao, Guam 96913

June 16, 2015

AMENDED

Senator Thomas Ada
Senator, 33rd Guam Legislature
Ada Plaza Center, Suite 207
173 Aspinall Ave.
Hagatna, GU 96910

Subject: **Bill No. 29-33 (COR) An act to approve the settlement between the Government of Guam and the Estate of Jose Martinez Torres**

Dear Senator Ada:

Guam Waterworks Authority (GWA) is in receipt of your letter on March 5, 2015 relative to the above referenced matter.

GWA understands that the intent of the bill is to provide the Guam Ancestral Lands Commission (GALC) discretionary authority to transfer the Government of Guam's interest to Lot 5007, Dededo, Guam to Goodwind Development Corporation for valuable consideration and other terms as stated in the Memorandum of Understanding that is attached and made a part of the Bill. GWA further understands that the legislative authorization is to satisfy the requirements of 21 GCA section 60112.

Guam Waterworks Authority has done in house research and a field inspection and has determined that an **8" water line** runs through subject lot. **GWA hereby request for a 10' wide easement interest on the property for the existing 8" water line.**

GWA places no objection to Bill No. 29-33 for the transfer of the Government of Guam's interest in Lot 5007 subject to the following:

- GWA's easement interest in the **Bull Cart Trail** as shown in that certain Parcelling of Part of Tract 100 Parcel 1A map filed in the Department of Land Management as L.M. Checked No. 011-FY86 under Land Management I4-86T263.
- GWA's easement interest in the **Part of Tract 100 Parcel 1A-R1** as shown in that certain Parcelling of Part of Tract 100 Parcel 1A map filed in the Department of Land Management as L.M. Checked No. 011-FY86 under Land Management I4-86T263.


Note: Amended to correct legal description

- GWA's easement interest in the **Bull Cart Trail** as shown in that certain Real Estate Requirements Severance of Right of Way Within Tract 100, Parcel 1A-1 map filed in the Department of Land Management as L.M. Check No. 403-FY88 under Instrument Number 414341.

- GWA's easement interest in the **Part of Tract 100 Parcel 1A-1-R/W** as shown in that certain Real Estate Requirements Severance of Right of Way Within Tract 100, Parcel 1A-1 map filed in the Department of Land Management as L.M. Check No. 403-FY88 under Instrument Number 414341.
- GWA's easement interest in the **Part of Tract 100 Parcel 1A-R1** as shown in that certain Real Estate Requirements Severance of Right of Way Within Tract 100, Parcel 1A-1 map filed in the Department of Land Management as L.M. Check No. 403-FY88 under Instrument Number 414341.
- GWA's interest in the **public access and utility easement** as shown on the Relocation Survey Sketch of Part of Tract 100, attached to the Memorandum of Understanding between the Government of Guam and the Estate of Jose M. Torres.

Thank you for allowing GWA the opportunity to participate in this process. Should you have any questions regarding this matter, your staff may call Bobbie C. Cruz, Land Agent III, GWA Engineering at 300-6071.


Mark Miller
Interim General Manager



GUAM WATERWORKS AUTHORITY

Gloria B. Nelson Public Service Building
688 Route 15, Mangilao, Guam 96913

2/2/15
01:00pm
RECEIVED by the
Office of Senator
Thomas C. Ada

March 23, 2015

Senator Thomas Ada
Senator, 33rd Guam Legislature
Ada Plaza Center, Suite 207
173 Aspinall Ave.
Hagatna, GU 96910

Subject: **Bill No. 29-33 (COR) An act to approve the settlement between the Government of Guam and the Estate of Jose Martinez Torres**

Dear Senator Ada:

Guam Waterworks Authority (GWA) is in receipt of your letter on March 5, 2015 relative to the above referenced matter.

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Thank you for allowing GWA the opportunity to participate in this process. Should you have any questions regarding this matter, your staff may call Bobbie C. Cruz, Land Agent III, GWA Engineering at 300-6071.


Mark Miller 4/02/2015
Interim General Manager

CIVILLE & TANG, PLLC

www.civilletang.com

Sender's Direct E-Mail:
jrazzano@civilletang.com

June 15, 2015

VIA HAND DELIVERY and ELECTRONIC MAIL

Honorable Senator Thomas C. Ada
Libeslaturan Guahan
Committee on Transportation, Infrastructure,
Lands, Border Protection,
Veterans' Affairs, and Procurement.

Re: Bill No. 29-33 (COR) – An Act To Approve the Settlement Between the Government of Guam and the Estate of Jose M. Torres

Senator Ada and Members of the Committee,

My office represents the Estate of Jose Martinez Torres, the Plaintiff in Civil Case 1093-06—a civil case that will finally be settled upon the passage of Bill 29-33. I write to express my support for the bill, but I am also compelled to add some clarity to the submission your committee received on March 27, 2015 from the Office of the Attorney General (OAG). That submission, unlike previous efforts from the OAG, was provided to you without input from my client, and without any notice that a substitute version of the proposed legislation was being provided to you and the committee for consideration.

The OAG's correspondence avers that the latest draft "better clarifies the purpose of the legislation..." The proposed bill states that the land at the heart of the litigation was "allegedly once owned by the Estate in 1914..." That phrase does not aid in clarifying the legislation, as the Guam Ancestral Lands Commission determined in 2002 that the land was indeed owned by the Estate's ancestor, Jose Martinez Torres, from 1914 until the war broke out in 1944. *See* attached Final Written Decision and Order. Simply put, there is nothing "alleged" about the ownership of the property until the war. *Libeslaturan Guahan*, in passing the Guam Ancestral Lands Act, empowered the commission to establish both the "determination of ancestral title" and the "recording of Ancestral Land Title" to land falling under the Act. 21 GCA §80104(c). The inclusion of the caveat "allegedly" in the OAG's proposed bill not only muddies the waters about the final determination of ownership made by the GALC, but also ignores the *Libeslaturan Guahan's* desire to create a system with ancestral lands claims are determined with finality.

Honorable Senator Thomas C. Ada

June 15, 2015

Page 2

Again, despite my concerns with the phrasing chosen by the OAG, I would like to reiterate the Estate's support for Bill 29-33. The bill, if passed, would help draw to a close nearly a decade of litigation and allow all involved to move forward. Thank you for your consideration of the comments presented here, and I stand ready to address any concerns or questions you might have.

Very truly yours,



Joseph C. Razzano

cc: *Via Hand Delivery*
Honorable Senator Benjamin J. Cruz

**PROCEEDING BEFORE THE
GUAM ANCESTRAL LANDS COMMISSION**

IN RE ANCESTRAL TITLE AND
COMPENSATION FOR RELEASED
PORTION(S) OF LOT 5007
IN THE MUNICIPALITY OF
DEDEDO

**FINAL WRITTEN DECISION
AND ORDER**

The Guam Ancestral Lands Commission held a Title Hearing for Lot 5007 "As Dededo" and "As -- Ueudu" in the Municipality of Dededo on October 12, 2004. Commissioners Anita F. Orfino - Chairperson of the Board of Commissioners, Maria G. Cruz - Secretary/Treasurer of the Board of Commissioners, Lydia M. Tynes - Member, Ronald F. Eclavea - Member, and Mark C. Charfauros - Member were present and constituted a quorum of 5 as mandated by P.L. 25-180.

Evelyn V. O' Keefe appeared before the Commission presenting his/her claim on behalf of ancestral landowner Jose Torres Martinez. John D. Gilliam appeared as Claims Facilitator.

Evelyn V. O' Keefe directly, and through his/her Claims Facilitator submitted the following evidence to the Commission:

1. Exhibit A: Application of Evelyn V. O' Keefe
2. Exhibit B: n/a
3. Exhibit C: n/a
4. Exhibit D: n/a
5. Exhibit E: Grant Deed recorded on December 2, 2002 with the Department of Land Management, under Instrument No. 666056 which evidenced the transfer of the property described as Lot 5007, Dededo, Estate 2531 from the Government of Guam to the Guam Ancestral Lands Commission.
6. Exhibit F: Surveyor's Certification by Generalismo A. Villaflores, Professional Land Surveyor No. 64, finding, *inter alia*, that Lot 5007 Municipality of Dededo or portions thereof, is within the boundaries of the returned property described as Lot 5007, Dededo, Estate 2531.
7. Exhibit G: Abstract of Title prepared by Title Guarantee of Guam, Inc., on Lot 5007 Municipality of Dededo evidencing the chain of title for said Lot.

The Commission, having reviewed the evidence presented, having considered the testimony given under oath, and having voted on the Application, determines by greater weight of the evidence that Jose Torres Martinez is the landowner of Lot 5007 Municipality of Dededo. The Commission hereby directs the Chairperson and the Secretary of the Commission to execute a quitclaim deed in favor of the Estate of Jose Torres Martinez, for the return of the portion(s) of Lot 5007 Municipality of Dededo contained in the property described as Lot 5007, Dededo, Estate 2531.

By: Anita F. Orlino
Anita F. Orlino
Chairperson of the
Board of Commissioners

Date: ~~12/11/05~~ 10/19/04

By: _____
Maria G. Cruz
Secretary/Treasurer of the
Board of Commissioners

Date: _____

GALC Seal



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guahan • The 33rd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryjrespicio@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muna Barnes
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
Nerissa Bretania Underwood
Member

V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

February 5, 2015

Memorandum

To: Rennae Meno
Clerk of the Legislature

From: Senator Rory J. Respicio
Majority Leader & Rules Chair

Subject: Fiscal Notes and Waiver

Hafa Adai!

Attached please find the fiscal notes and waiver for the bill numbers listed below. Please note that the fiscal notes and waiver of fiscal note are issued on the bills as introduced.

FISCAL NOTES:

Bill No. 27-33(COR)

Bill No. 29-33(COR)

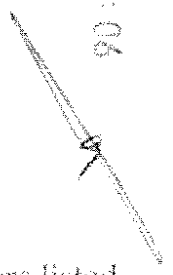
WAIVER:

Bill No. 28-33(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'ase'!

2015 FEB - 5 07 3: 06



**Bureau of Budget & Management Research
Fiscal Note of Bill No. 29-33 (COR)**

AN ACT TO APPROVE THE SETTLEMENT BETWEEN THE GOVERNMENT OF GUAM AND THE ESTATE OF JOSE MARTINEZ TORRES.

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Ancestral Lands Commission	Dept./Agency Head: Michael J.B. Borja, Director
Department's General Fund (GF) appropriation(s) to date:	116,182
Department's Other Fund (Specify) appropriation(s) to date: Trust for Guam Ancestral Lands Commission	-
Total Department/Agency Appropriation(s) to date:	\$116,182

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2014 Unreserved Fund Balance		\$0	\$0
FY 2015 Adopted Revenues	\$0	\$0	\$0
FY 2015 Appro. (P.L. 32-181 thru 32-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2015 (if applicable)	FY 2016	FY 2017	FY 2018	FY 2019
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Trust for Guam Ancestral Lands Commission	\$0	\$234,000	\$0	\$0	\$0	\$0
Total	\$0	\$234,000	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? Yes No
if Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? N/A Yes No
If no, what is the additional amount required? \$ _____ N/A
- Does the Bill establish a new program/agency? Yes No
If yes, will the program duplicate existing programs/agencies? N/A Yes No
Is there a federal mandate to establish the program/agency? Yes No
- Will the enactment of this Bill require new physical facilities? Yes No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: Yes No
 Requested agency comments not received by due date Other:

Analyst: Jason W. Baza Date: 1/30/15 Director: Anthony C. Blaz Date: 2/5/2015
Jason W. Baza, BMA I Anthony C. Blaz, Director

Footnotes:

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 29-33 (COR)
(for revenue generating provisions)

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	\$0	\$0	\$0	\$0	\$0
Trust for Guam Ancestral Lands Commission	<u>\$234,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Total	\$234,000	\$0	\$0	\$0	\$0

Comments:

1) The intent of the proposed legislation is to approve the settlement between the Government of Guam and the Estate of Jose Martinez Torres. The legislation will help facilitate the proceeding of the Memorandum of Understanding that divides the amount of \$468,000 equally between the Government of Guam and the Torres Estate.

Attached is a memorandum from the Office of the Attorney General dated February 7, 2013. This memorandum explains the sequence of events that led to the settlement between the Government of Guam, specifically the Guam Ancestral Lands Commission (GALC), and the Torres Estate. Each party is expected to receive \$234,000 plus

Per the GALC, the \$234,000 to be received should be deposited into the Trust for Guam Ancestral Lands Commission.



DIPATTAMENTON MINANEHAN TANO'
 (Department of Land Management)
GUBETNAMENTON GUAHAN
 (Government of Guam)



EDDIE BAZA CALVO
 Governor

MICHAEL J.B. BORJA
 Director

RAY TENORIO
 Lieutenant Governor

DAVID V. CAMACHO
 Deputy Director

Street Address:
 590 S. Marine Corps Drive
 Suite 733 ITC Building
 Tamuning, GU 96913

Mailing Address:
 P.O. Box 2950
 Hagatna, GU 96932

Website:
<http://dlm.guam.gov>

E-mail Address:
dmdir@land.guam.gov

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

February 4, 2015

Senator Thomas C. Ada
 33rd Guam Legislature
 Chairman, Committee on Transportation,
 Infrastructure, Lands, Border Protection,
 Veteran's Affairs and Procurement
 173 Aspinall Ave, Ste 207
 Hagatna, Guam 96910

SUBJECT: Testimony on Bill No. 29-33 (COR)

Buenas Yan Hafa Adai!

The Department of Land Management has reviewed Bill No. 29-33 - **An Act To Approve the Settlement Between the Government of Guam and the Estate of Jose Martinez Torres.**

Based of litigation and a settlement between the Government of Guam and the Estate of Jose Martinez Torres, the Guam Ancestral Lands Commission stands ready to execute the terms of settlement regarding Lot No. 5007, Dededo. However, we ask that the following section be added to the bill:

"Section Four. The Government of Guam's share of the equal distribution of the funds held in escrow from the sale of Lot No. 5007, Dededo, shall be deposited to the Guam Ancestral Lands Commission Land Bank Account, formally known as Trust for Guam Ancestral Lands Commission."

We appreciate the opportunity to submit our testimony.

Senseramente,


 MICHAEL J.B. BORJA



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

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

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

January 23, 2015

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

VIA E-MAIL

anthony.blaz@bbmr.guam.gov

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

Anthony C. Blaz
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

Vice-Speaker
Benjamin J.F. Cruz
Member

RE: Request for Fiscal Notes– Bill Nos. 29-33(COR) through 33-33(COR)

Legislative Secretary
Tina Rose Muna Barnes
Member

Hafa Adai Mr. Blaz:

Senator
Dennis G. Rodriguez, Jr.
Member

Transmitted herewith is a listing of *I Mina'trentai Tres na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Senator
Frank Blas Aguon, Jr.
Member

Si Yu'os ma'åse' for your attention to this matter.

Senator
Michael F.Q. San Nicolas
Member

Very Truly Yours,

Senator
Nerissa Bretania Underwood
Member

Senator Rory J. Respicio
Chairperson of the Committee on Rules

V. Anthony Ada
MINORITY LEADER

Attachment (1)

Mary C. Torres
MINORITY MEMBER

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
29-33 (COR)	B. J.F. Cruz	AN ACT TO APPROVE THE SETTLEMENT BETWEEN THE GOVERNMENT OF GUAM AND THE ESTATE OF JOSE MARTINEZ TORRES.
30-33 (COR)	B. J.F. Cruz	AN ACT TO AMEND § 30102(a) OF CHAPTER 30, TITLE 5 OF THE GUAM CODE ANNOTATED, TO REQUIRE AGENCIES PERMITTED TO RETAIN COUNSEL OTHER THAN THE ATTORNEY GENERAL, TO HIRE CLASSIFIED IN-HOUSE COUNSEL.
31-33 (COR)	B. J.F. Cruz	AN ACT TO AMEND § 26120 OF CHAPTER 26 OF TITLE 11 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE INSPECTION OF TAX RETURNS AND OTHER INFORMATION REQUIRED TO BE FILED OR FURNISHED BY THE TAXPAYER.
32-33 (COR)	R. J. Respicio, T. R. Muña Barnes, Judith T. Won Pat, Ed.D.	AN ACT RELATIVE TO THE DEMOLITION OF THE MANUEL F. L. GUERRERO ADMINISTRATION BUILDING IN HAGÁTÑA.
33-33 (COR)	T. R. Muña Barnes	AN ACT TO REZONE LOT NO. 5228-R4-R2-1, BARRIGADA, GUAM, FROM AGRICULTURAL ZONE (A) TO COMMERCIAL ZONE (C).



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature
155 Heder Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
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Senator
Nerissa Bretania Underwood
Member

V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

January 23, 2015

MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

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

Subject: **Referral of Bill No. 29-33(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 29-33(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Tres na Liheslaturan Guåhan*.

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

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Tres Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
29-33 (COR)	B. J.F. Cruz	AN ACT TO APPROVE THE SETTLEMENT BETWEEN THE GOVERNMENT OF GUAM AND THE ESTATE OF JOSE MARTINEZ TORRES.	01/22/15 3:47 p.m.	01/23/15	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement			



Senator Tom Ada

Blaine Dydasco <bdydasco@senatorada.org>

1st Public Hearing Notice: March 13, 2015 at 1:30 p.m.

1 message

Charlene Flores <flores@senatorada.org>

Thu, Mar 5, 2015 at 9:30 AM

To: Media <media@senatorada.org>, phnotice@guamlegislature.org, phmaterials@guamlegislature.org, Eric Palacios <eric.palacios@epa.guam.gov>, Conchita San Nicolas Taitano <conchita.taitano@epa.guam.gov>, vincent.pereira@epa.guam.gov, michael.omallan@epa.guam.gov, don.quinata@epa.guam.gov, william.austin@fe.navy.mil, jbenavente@gpagwa.com, mcamacho@gpagwa.com, gbotha@gpagwa.com, rriegand@gpagwa.com, David Leddy <dleddy@guamchamber.com.gu>, ccastro@guamchamber.com.gu, rdelgado@guamchamber.com.gu, info@ghra.org, bill.ada@ipehq.com, catherine.leonguerrero@exxonmobil.com, ddean@sppcorp.com, jbrown@portguam.com, frpangelinan@portguam.com, thomas@guamwaterworks.org, annborja@guamwaterworks.org, staylor@guamwaterworks.net, heidi@guamwaterworks.org, joseph.verga@gmha.org, glenn.leonguerrero@dpw.guam.gov, eleanor.borja@dpw.guam.gov, jessie.palican@dpw.guam.gov, maria.flores@revtax.guam.gov, john.camacho@revtax.guam.gov, Simon Sanchez <gdcmgr@ite.net>, lsabian@gpagwa.com, jtduenas@hotmail.com, jeffcharjohnson@hotmail.com, horeckylaw@teleguam.net, horecky@ite.net, ndynvn@yahoo.com, Lou Palomo <lpalomo@guampuc.com>, Marie Villanueva <marie@guam-peals.org>, Tammy Bamba <tammy.bamba@grta.guam.gov>, rick.agustin@grta.guam.gov, teresa.topasna@land.guam.gov, Ronnie Santos <ronnie.santos@clb.guam.gov>, michael.borja@land.guam.gov, david.camacho@land.guam.gov, dlmdir@land.guam.gov, dfbrooks@guamopa.org, jngo@ozemail.com.au, raunderwood@uguam.uog.edu, jpeterson@uguam.uog.edu, lmtoves@uguam.uog.edu, raymond.bias@dpr.guam.gov, pedro.leonguerrero@cqa.guam.gov, raffaele.sgambelluri@cqa.guam.gov, briana.roberto@cqa.guam.gov, benny.m.paulino@us.army.mil, johnny.lizama@ang.af.mil, john.unpingco@gvao.guam.gov, chuck.ada@guamairport.net, peterroy@guamairport.net, rosieb@guamairport.net, Chace Anderson <candersongbb@gmail.com>, Alicia Fejeran <avfejeran@gmail.com>, csr@guamcell.net, Clayton Duvall <clayton4gppcc@hotmail.com>, Chris Felix <felix@guam.net>, rjdguzman@hotmail.com, mail@cmlaw.us, claudia.acfalle@gsa.guam.gov, superintendent@gdoe.net, racruz@gtf.com, djtydingco@gta.net, jkriegel@docomopacific.com, jlai@docomopacific.com, Richard Yu <richard.yu@choicephonellc.com>, Rene Lao <rene.lao@choicephonellc.com>, john.compton@itehq.net, "Maria D. Sablan" <msablan@guamairport.net>, melissa.savares@gmail.com

March 5, 2015

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **1st Notice of Public Hearing: March 13, 2015 at 1:30 p.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs, and Procurement will be conducting a public hearing on **Friday, March 13, 2015 at 1:30 p.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guahan*. The agenda is as follows:


The Executive Appointment of Ms. Deedee S. Camacho to serve as member of the A.B. Won Pat International Airport Authority Board of Directors.

Bill No. 29-33 (COR) - B.J.F. Cruz

An act to approve the settlement between the Government of Guam and the Estate of Jose Martinez Torres.

Testimony on the Executive Appointment of Ms. Deedee S. Camacho and Bill No. 29-32(COR) should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until **Monday, March 16, 2015 at 5:00pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Charlene Flores at 473-3301. Please feel free to contact my office should you have any questions or concerns.

Charlene Flores
Policy Analyst
Office of Senator Thomas C. Ada
I Mind'trentai Tres na Liheslaturan Guahan - 33rd Guam Legislature
671-473-3301

 **1st PH Notice.pdf**
335K



Senator Tom Ada

Blaine Dydasco <bdydasco@senatorada.org>

2nd Notice of Public Hearing: March 13, 2015 at 1:30 p.m.

1 message

Charlene Flores <flores@senatorada.org>

Wed, Mar 11, 2015 at 8:59 AM

To: Media <media@senatorada.org>, phnotice@guamlegislature.org, phmaterials@guamlegislature.org, chuck.ada@guamairport.net, peterroy@guamairport.net, amandar@guamairport.net, jeana@guamairport.net, rosieb@guamairport.net, jbrown@portguam.com, frpangelinan@portguam.com, mdrtaitano@portguam.com, mduenas@portguam.com, Tammy Bamba <tammy.bamba@grta.guam.gov>, rick.agustin@grta.guam.gov, john.camacho@revtax.guam.gov, marie.benito@revtax.guam.gov, maria.flores@revtax.guam.gov, thomas@guamwaterworks.org, annborja@guamwaterworks.org, staylor@guamwaterworks.net, jbenavente@gpagwa.com, mcamacho@gpagwa.com, gbotha@gpagwa.com, glenn.leonguerrero@dpw.guam.gov, eleanorborja@dpw.guam.gov, jessie.palican@dpw.guam.gov, isablan@gpagwa.com, jtduenas@hotmail.com, jeffcharjohnson@hotmail.com, horeckylaw@teleguam.net, horecky@ite.net, Lou Palomo <lpalomo@guampuc.com>, Chace Anderson <candersongbb@gmail.com>, Alicia Fejeran <avfejeran@gmail.com>, Peter Calvo <peter.calvo@epa.guam.gov>, lucybk@teleguam.net, jvoacolo@micronesiarenewableenergy.com, djtydingco@gta.net, squenga@gta.net, eduardo.ordonez@clb.guam.gov, Ronnie Santos <ronnie.santos@clb.guam.gov>, reilly.ridgell@gmail.com, wiese@guambcc.org, wgmiller@guam.net, wbeery@ite.net, ray@guam-peals.org, hmruth@guam-peals.org, gabriel.jugo@englekirk.com, rsramos@guam-peals.org, jkriegel@docomopacific.com, jlai@docomopacific.com, Richard Yu <richard.yu@choicephonellic.com>, Rene Lao <rene.lao@choicephonellic.com>, john.compton@itehq.net, michael.borja@land.guam.gov, david.camacho@land.guam.gov, dimdir@land.guam.gov, pedro.leonguerrero@cqa.guam.gov, raffaele.sgambelluri@cqa.guam.gov, briana.roberto@cqa.guam.gov, benny.m.paulino.mil@mail.mil, john.p.guerrero.mil@mail.mil, john.unpingco@gvao.guam.gov, David Leddy <dleddy@guamchamber.com.gu>, ccastro@guamchamber.com.gu, dfbrooks@guamopa.org, jngoza@ozemail.com.au, claudia.acfalle@gsa.guam.gov, robert.kono@gsa.guam.gov, law@guamag.org, MELISSA SAVARES <melissa.savares@gmail.com>

March 11, 2015

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: 2nd Notice of Public Hearing: March 13, 2015 at 1:30 p.m.

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs, and Procurement will be conducting a public hearing on **Friday, March 13, 2015 at 1:30 p.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guahan*. The agenda is as follows:

The Executive Appointment of Ms. Deedee S. Camacho to serve as member of the A.B. Won Pat International Airport Authority Board of Directors.

Bill No. 29-33 (COR) - B.J.F. Cruz

An act to approve the settlement between the Government of Guam and the Estate of Jose Martinez Torres.

Testimony on the Executive Appointment of Ms. Deedee S. Camacho and Bill No. 29-33(COR) should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until **Monday, March 16, 2015 at 5:00pm.** Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Charlene Flores at 473-3301. Please feel free to contact my office should you have any questions or concerns.

Charlene Flores
Policy Analyst
Office of Senator Thomas C. Ada
I Mind'trentai Tres na Liheslaturan Guahan - 33rd Guam Legislature
671-473-3301

 **2nd PH Notice.pdf**
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Updated as of February 27, 2015

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Updated as of February 27, 2015

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Updated as of February 27, 2015

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Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
I Mina Trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

AGENDA

PUBLIC HEARING

Friday, March 13, 2015

Public Hearing Room, *I Liheslaturan Guåhan*

The agenda is as follows:

1:30 p.m.

The Executive Appointment of **Ms. Deedee S. Camacho** to serve as member of the A.B. Won Pat International Airport Authority Board of Directors.

Bill No. 29-33 (COR) - B.J.F. Cruz

An act to approve the settlement between the Government of Guam and the Estate of Jose Martinez Torres.

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