



I Mina'Trentai Tres na Liheslaturan Guåhan
33rd Guam Legislature

Senator Nerissa Bretania Underwood, Ph.D.

Chairperson, Committee on Early Learning, Juvenile Justice,
Public Education and First Generation Initiatives

NOV 21 2016

The Honorable Judith T. Won Pat Ed.D.

Speaker

I Mina'trentai Tres Na Liheslaturan Guahan

155 Hesler Place

Hagatna, Guam 96910

Rory J. Respicio

VIA: The Honorable Rory J. Respicio

Chairperson, Committee on Rules

RE: Committee Report on the Appointment of Mr. Mark C. Mendiola

Dear Speaker Won Pat:

The Committee on Early Learning, Juvenile Justice, Public Education and First Generation Initiatives hereby reports out the nomination of Mr. Mark C. Mendiola to serve as the Parent Representative, Guam Education Board for a term of three (3) years from the date of confirmation by the Legislature as defined by §1301, Article 3, Chapter 1 of Title 5 Guam Code Annotated.

The Committee votes are as follows:

- 11 TO CONFIRM
- _____ TO NOT CONFIRM
- 1 TO REPORT OUT ONLY
- _____ TO ABSTAIN
- _____ TO PLACE IN INACTIVE FILE

2016 NOV 21 PM 12:06

Si Yu'os Ma'ásé!

Senator Nerissa Bretania Underwood, Ph.D.

Chairwoman

155 Hesler Place, Suite 104
Hagåtña, Guam 96910
Tel: (671) 969-0973/74
Fax: (671) 969-0975

Email: senatorunderwood@guamlegislature.org

COMMITTEE REPORT ON THE
APPOINTMENT OF
MR. MARK C. MENDIOLA
TO SERVE AS THE PARENT
REPRESENTATIVE TO THE GUAM
BOARD OF EDUCATION



I Mina Trentai Tres na Liheslaturan Guåhan
33rd Guam Legislature

Senator Nerissa Bretania Underwood, Ph.D.

Chairperson, Committee on Early Learning, Juvenile Justice,
Public Education and First Generation Initiatives

November 17, 2016

TO: All Members

Committee on Early Learning, Juvenile Justice, Public Education and First Generation Initiatives

FROM: Senator Nerissa Bretania Underwood, Ph.D.
Committee Chairperson

Subject: Committee Report on the Appointment of Mr. Mark C. Mendiola

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This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Appointment Letter to the Speaker
4. Copy of Appointment Packet & Supporting Documents
5. Public Hearing Sign-in Sheet
6. Copy of COR referral of the Appointment
7. Notices of Public Hearing
8. Copy of the Public Hearing Agenda

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

Si Yu'os Ma'ásé!



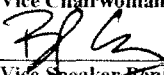

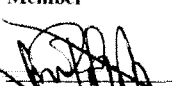

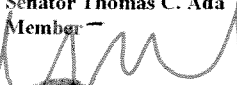

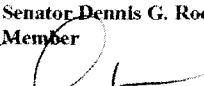
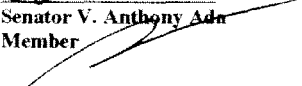

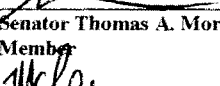
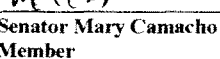
Senator Nerissa Bretania Underwood, Ph.D.
Chairwoman

IMINA' TRENAT TRES NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

Committee on Early Learning, Juvenile Justice, Public Education, and First Generation Initiatives

Appointee: Mr. Mark C. Mendiola
 Position: Parent Representative
 Guam Education Board

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 Senator Nerissa Bretania Underwood, Ph.D. Chairwoman	✓				
 Speaker Judith T. Won Pat, Ed.D. Vice Chairwoman	11/24/16				
 Vice Speaker Benjamin J.F. Cruz Member	7/2				
 Senator Rory J. Respicio Member	11-21-16				
 Senator Tina Maja Barnes Member	✓				
 Senator Thomas C. Ada Member	✓				
 Senator Michael San Nicolas Member	✓				
 Senator Frank Blas Aguon, Jr. Member	✓				
 Senator Dennis G. Rodriguez, Jr. Member	✓				
 Senator V. Anthony Ada Member	✓				
 Senator Brant McCreadie Member	✓				
 Senator Thomas A. Morrison Member	✓				
 Senator Mary Camacho Torres Member	✓				



COMMITTEE REPORT

I. OVERVIEW

The Committee on Early Learning, Juvenile Justice, Public Education, and First Generation Initiatives convened a Public Hearing on November 4, 2016 at 9:00 am in the *I Liheslatura's* public hearing room. Among the items on the agenda was the consideration of the appointment of Mr. Mark C. Mendiola to serve as the Parent Representative, Guam Education Board whose appointment history is as follows:

1. Appointed by Governor Edward B. Calvo on October 26, 2016 to serve three (3) years from the date of confirmation by the Legislature
2. Appointment packet forwarded to *I Liheslatura* on October 27, 2016;
3. Appointment packet forwarded to this Committee for the public hearing on October 27, 2016.

Public Notice Requirements

Notices were disseminated via e-mail to all senators and all main media broadcasting outlets on October 27, 2016 (5-day Notice), and again on November 1, 2016 (48-Hour Notice).

(a) Committee Members and Senators Present

Senator Nerissa Bretania Underwood, Ph.D.
Speaker Judith Won Pat, Vice Chair
Vice Speaker Benjamin Cruz
Senator Mary Torres
Senator Tina Muna-Barnes
Senator Thomas Ada
Senator Tony Ada
Senator Tommy Morrison

(b) Appearing before the Committee

Mr. Mark C. Mendiola, Appointee
Mr. Ron McNinch
Mr. Ben Meno
Mr. W.P. Leon Guerrero
Ms. Lourdes San Nicolas
Mr. David Shimizu



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Mr. Donald Platt
Mr. Enrique Torres
Mr. Peter Alexis Ada
Mr. John Jenson
Ms. Donn Muna Quinata

(c) Written Testimonies Submitted

Mr. Enrique Torres
Mr. David John
Ms. Jocelyn Bamba
Mr. Jesse Leon Guerrero
Mr. Ron McNinch
Mr. Wilfred Leon Guerrero
Ms. Carmen Fernandez

II. SUMMARY OF TESTIMONY & DISCUSSION

Nerissa Underwood: Good morning, everyone. The committee on early learning, juvenile justice, public education, and first generation initiatives is now called to order. Today is Friday, November 4, 2016 and it's 9:01 a.m. The only thing that we have on the agenda this morning is a confirmation hearing for the appointment of Mr. Mark Mendiola to the Guam Education Board(GDOE) as a parent representative. Notices for this public hearing were disseminated via email to all senators and all main media broad casting outlets on October 27, 2016 to meet the 5 day notice and again on November 1st to meet the 48 hour notice. I would like to acknowledge our speaker of the legislature Judy WonPat, who is also the vice chair for this committee. And to my right, I have senator Mary Torres and our Vice Speaker, BJ Cruz. Thank you very much for attending! I would like to call up Mr. Mark Mendiola please.

.....
Ok, so please state your name and you can start with your testimony



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Mark Mendiola: Hafa Adai, chairperson of public education, Dr. Nerissa Underwood, speaker WonPat, vice speaker BJ Cruz, senator Morrison, senator Torres. My name is Mark Benny Cruz Mendiola. Familian...yanfamiliantunda. I'm married to the lovely, Jennifer Carlson Mendiola, who is a math teacher at tiyan high school. And we have 5 wonderful boys; Josiah Mark, Zachary Robert, Benjamin Anthony, Micah Lee, and si mas putgonsi Elijah Jerome. Four of my children attend two of the finest public schools on Guam, respectively Agueda Johnson Middle School and OrdotChalan Pago Elementary school. Also with me, I have my siblings, my brother Paul Mendiola, my sister gale mendiola, and my brother in-law Matt Manibusan with here me today and my first cousin Corina Duenas Rivera. You know every morning, when I say my prayers, I thank the good Lord above for blessing me with a loving and supportive wife and the five children he's entrusted me with their upbringing. I come before this legislative body to seek your support and vote of confidence in becoming a member of the Guam Public School education policy board as a parent representative. When I was approached about considering the call to serve on the board, I paused for a moment and I reflected on my education journey as a child and into adulthood. As a young student, I struggled academically, this struggle lead me to be retained a grade level. Despite my struggles, with the love and courage and support of my parents, Benny Flores Mendiola and Martha Cruz Mendiola, that I was able to achieve my educational goals and graduate from high school. Furthermore, along my educational journey I was blessed to have the support of great teachers and many mentors. Because of their patience and understanding and I mean a lot of patience, I was able to become a first generation college graduate, which opened many doors in y professional career. I know as a parent I was a bigger and more important role in ensuring my children receive the best education possible so I can build a legacy my parents and teachers have instilled in me. Despite my busy schedule, I continue to remain active in my children's educational journey and I have volunteered my time in helping in schools and at the schools they attend. In fact, I am the current president of the Agueda Johnston Middle School 'parent teacher organization' and I was the president, the past president of the Agana Heights Elementary school 'parent teacher organization'. I want to reassure you senators that I will carry the same commitment and drive as a member of the board, representing all students and parents. You know I'm grateful, I am grateful for the thousands of employees of our department of education that wake up every morning to greet our 30,000+ students, ready to educate our future generation. Despite the current challenges, they are doing their best to provide our children with the best learning environment. I look forward to working with all stake holders of our school system especially our current board members. I understand our roles board members prescribe by law and our primary function is to develop policies and ensure that the superintendent is supervised and supported properly, and that the policies that we adopt are implemented and carried out effectively. I close my testimony with a quote from the late former senator, Angel Santos, "at times we may fail, at time we may make mistakes, but we must never make the mistake of failing to try. People deserve nothing less." And in this case senators, our children deserve nothing less but the best education and I'm willing to try and do my best to make that possible.

155 Hesler Place, Suite 104

Hagåtña, Guam 96910

Tel: (671) 969-0973/74

Fax: (671) 969-0975

Email: senatorunderwood@guamlegislature.org



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Nerissa Underwood: Thank you very much, Mark. That certainly was...you had provided more information about yourself that really again highlights and underscores your qualifications and your commitment to education. In reviewing your package, you have also had the experience of being the student rep for the University of Guam Board of Regions, correct?

Mark Mendiola: Yes, ma'am

Nerissa Underwood: correct. And so you also have that policy making, decision making experience and I have to disclose that you and I have known each other for a number of years, but you've known my husband a lot longer.

Mark Mendiola: Yes, ma'am

Nerissa Underwood: And, I have known you to be one who's really committed. You have been very supportive in many ways and personal ways and I really appreciate that, but we are here today to address your appointment to a very very important position, and especially at a time like this when there are a lot of issues that are still hanging with the department of education leadership, so I had provided you with a list of questions that I was going to ask you.

Mark Mendiola: Yes, Ma'am

Nerissa Underwood: But there may be additional questions that my colleagues might have.

Mark Mendiola: Mhm

Nerissa Underwood: And, so I'll go ahead and begin by of course by congratulating you and thanking you for accepting the nomination and the appointment.

Mark Mendiola: Yes, Ma'am

Nerissa Underwood: Ok, so Mark during our conversation regarding your nomination the other day, you had stated that you are committed to doing your best and your primary goal is to be of service to our DOE students and educators among whom are your children and who go to school as noted and also your wife, who is a teacher. Over the past couple of months, DOE reported that the reimbursement for utilities promised by festpac coordinators have not been paid. And, given your role as one of those festpac coordinators who work directly with DOE and the fact of lack of reimbursement to date, questions may raised about your commitment to our students, and doing your very best to putting our students and teachers first. So what do you have to say about this situation?

155 Hesler Place, Suite 104
Hagåtña, Guam 96910
Tel: (671) 969-0973/74
Fax: (671) 969-0975

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Mark Mendiola: Thank you for that question, senator. You know, I strongly believe that festpac was a great event and great partnership between the department of education and the government of Guam and there were a lot of agencies that came out in support of the festival of the pacific arts. I was the chair of the housing committee and I reassure you that we have the support of the superintendent, John Fernandez, along with the deputy superintendents, Mr. Joe Sanchez; who is now the acting superintendent, we also had Chris Anderson; who is a superintendent, and Erica Cruz. And in anticipation of our guest arriving, the festpac committee also made a lot of investments in improving school facilities prior to their arrival. We were able to invest money into fixing and upgrading the electrical situation at some of the schools. We were able to fix some of the shower facilities at some of the schools. We were able to provide services for maintenance and cleaning. And, the one question that has been posed was about the utilities that was used during festpac. I can say this much senator, that I have been in constitution with the leadership of department of education and we had posed some questions regarding the billing and we are working that out and we believe that we will come to a solution before the end of this month. And that we will properly pay what is due to the Department of Education.

Nerissa Underwood: So, what was quoted I believe was around 300,000 that was quoted by the department of education or was it a little bit more?

Mark Mendiola: Yes, and what we found out Ma`dam senator was that there was about 41 schools in the public school system and we utilized 8 schools and on a monthly bases the power consumption for those schools was about a million dollars. And for the 8 schools that we were utilizing over a 3 week period was one fourth of that and so we did work with administration to isolate the areas that we utilized in some of the schools and were working out the details to properly account for all the charges that were incurred for festpac.

Nerissa Underwood: So I fully understand the need for us to be accountable and for us to ensure that we don't over bill or we don't under bill. But I know and I also know that you know this Marc that DOE is constantly struggling with funds and that the release of cash sometimes might be delayed because we are just short of cash all around. We know that, that's a fact. So whether it's 300,000, 30,000, or 3,000. It can make that much of a difference to our students or our teachers. Our teachers as you would know, your wife would know this, that she has to purchase a lot of her supplies and materials. So the concern that had been raised about this is really the time limits to the reimbursement to the Department of Education. So I thank you that you are as right now stating that by the end of November they could perhaps see the reimbursement in some form and I will assume that you're going to fight very hard to ensure that they get

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reimbursed to the extent that they should be really reimbursed even if it is what more than what they had to build festpac.

Mark Mendiola: Yes, Ma'am. As chairperson of the housing committee it's always been a priority and I believe that the deputy superintendent is going to test that I've been in constant communication with them and we will come to a solution and address the issue and make the department whole.

Nerissa Underwood: Ok, so they'll have a good Christmas with the reimbursement! Yes, thank you. During our conversation you also noted that you had spent a lot of time studying title 9 because that has seem to be the federal law spoken about over the past 3 months and the following was obtained from the U.S. DOE website that addresses title 9. I'll just read it. Title 9 applies to institutions that receive federal financial assistance from the education department including state and local educational agencies. These agencies include approximately 16,500 local school districts and 7,000 post-secondary institutions as well as charter schools, for profit schools, libraries, and museums. Also included are rehabilitation agencies and education agencies of 50 states, the district of Columbia, and territories and possessions of the United States. Educational programs and activities that receive education department funds must operate in non discriminatory manner some key issues and areas in which recipients have title 9 obligations are recruitment, admissions, and counseling, financial assistance, athletics, sex based, harassment, treatment of pregnant and parenting students, discipline single sex education, and employment. Also, a recipient may not retaliate against any person for opposing unlawful, educational practice, or policy, or made charges testified or participated in any complaint action under title 9. For recipient to retaliate in any way is considered a violation of title 9 and the title 9 regulations that's volume 4 quote of federal regulations part 106 provide additional information for that. Based on your understanding of the forgoing, what are your two primary purposes of title 9?

Mark Mendiola: Senator, you know that I understand that that is a law and one the reasons that I started reading into title 9 before I was even considered to be appointed here, and this was because I have a son with special needs and I pose a question to his team that what's at stake if title 9 was violated and they basically told me that the services my son receives like bus transportation, speech services, his one to one aid, and as a parent that really concerned me. I understand that this law is very complex and that there are processes that have on be followed, but as a parent representative on the board I'm well aware that the public school system that advised me to reach out to the chair women, which I did and she shared with me that they are in the process of coming up with some policy and I want to contribute to that. In addition to that she had mentioned to me that there is a process or an opportunity to go through an orientation and so I don't claim to know everything about title 9. I understand that it may be a little more complex and what I read as a person not a lawyer but I do understand what is at stake for my son should title 9 be violated.

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Nerissa Underwood: So with title 9, the primary purpose is actually to provide a mechanism, right? For students or even employees to make a complaint should there be discrimination based on gender or that moves sexual harassment or sexual misconduct so that there is a process that needs to be followed. And you did read that in your studying, right?

Mark Mendiola: Yes, I did. But as it pertains to the department of education as I mentioned, I look forward to that orientation to find out what processes are in place and how I can contribute to that conversation as a parent who is actually using some of those services and that those services may be in jeopardy and so I just want to ensure that we follow our processes.

Nerissa Underwood: Right, so part of that process again to refresh your memory of what you had studied is that once a complaint is made there would have to be action that is taken by the department, correct? And you do agree with that? That was your collection of your study of title 9 and that right after that there would have to be an investigation? Right, and that that investigation has to be objective and fair not only to the student or person that is making the allegation or complaint but also to the one who is allegedly accused so there are protections for both parties, correct? You did get that?

Mark Mendiola: Yes, I did.

Nerissa Underwood: So as late as yesterday there was another complaint that was made and it came from..I'm not sure if she still is a student but a 20 year old young lady against one of the administrators, are you aware of that complaint?

Mark Mendiola: Yes, I read through the media sources that there is a complaint.

Nerissa Underwood: So if you were a member of the Guam Education Board and based about what you already know about tile 9, what steps would need to be taken immediately?

Mark Mendiola: You know at this time I defer to respond to that line of questioning because I do know that there are tremendous amount of issues surrounding that and I do know that if I'm confirmed, I would like to look at all the information presented to the board and I will vote my conscience based on what I know to be true. And I'll leave it at that.

Nerissa Underwood: Actually, I'm not asking you Mr. Mendiola to make a decision. I'm just asking about what would be the key steps you would need to take as a board member knowing what you already know about tile 9.



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Mark Mendiola: Well I appreciate that you highlighted the process for me and I'm pretty sure that members of the board are aware and I'm one of the board members and we have to work as a cohesive unit and I understand my role that I represent the parents and I will give input as a parent as to how we address these issues. Thank you.

Nerissa Underwood: One of the concerns that has been raised given your nomination has to do with your capacity, Mr. Mendiola, to think and act independently. Given the following, so the first one is that we understand that you are an unclassified employee of GEDA at this point, is that correct?

Mark Mendiola: Yes, that is correct

Nerissa Underwood: Will this have any bearing on the decisions that you make as a board member?

Mark Mendiola: I don't think so and the reason being is that when I sit on the board and as you mentioned earlier is that I sat on a governing board before, I've experienced receiving many opinions from many folks on certain issues and I make my decisions based on that and I voted my conscience on it. I'm pleased with the decisions I have made and I'm grateful that I have an appointment opportunity to work and learn in profession and grow using the skill sets that I attain at the University of Guam and so with that I just have to say you know when it comes to my decision making processes I will take into consideration, input from senators, stakeholders, the governor, and of course my fellow colleagues and I will take it for what it is my decision is based off the best interest of the students.

Underwood: So there were three members of the Guam Education Board who were appointed by the Governor. When the three members were voted, the three members voted to terminate the contract of Mr. Fernandez, the governor asked for their resignation. What would you say to those who have concerns about your capacity to put the welfare of the students at the center of a decision making process that may involve the termination of a superintendent of education?

Mark Mendiola: You know the governor made that call, it's his prerogative. He's appointing authority to the board of education and I understand that I do know, Mad'am senator, if controversial issues do come before me in topics that are hotly tested, I know that I am capable of making tough decisions that I need to make to move things forward. I stand on my principle, I will vote my conscience and I would basically stand by those decisions.

Underwood: So again specifically, if your decision is contrary to that of the governor and what the governor has stated publically and you were asked to resign, would you resign?

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Mark Mendiola: You know with all due respect, the governor hasn't asked me to resign, he's actually appointing me and I would like the opportunity to get into there to do the work necessary to get things done and to help my colleagues on the board move things forward. And, it's his purgative as the Governor of Guam to make that call and I would leave it to him to make that decision.

Underwood: And, you would resign even if you had made a decision that was based off of your critical analysis of the situation pertaining to our students?

Mark Mendiola: Senator, I believe that I answered that question to the best of my ability and if that ever arises, it may be a unique situation, I don't know I can't predict the future, but I do know that he's appointing me and in my discussion with him, he asked me to follow our policies and transparent about it and that's what I intend to do and the future, whatever it may hold and I make a decision, I'll be able to justify the position I take.

Underwood: Ok. Well there are a couple of reasons why I had asked you that. One of the concerns that had been raised by the public has to do with the stability of the leadership. Leadership is not just the superintendent of education; it involves the Guam Education Board as well. You understand that right?

Mark Mendiola: Yes

Underwood: So to the extent that there is that concern about the stability of the leadership, then the concern had been about your capacity to make decisions that really is based on your role as a parent rep., your role as the father of five children; four of which are going to school, and balancing that with the pointing authority. In fact, one of the questions that was raised to me was, well what does this mean now given that the three were asked to resign that made a decision that the governor did not agree with. Does this mean that Mr. Mendiola would have to check with the governor on what decision he has to make before he makes a decision? So you understand the concern that may have been raised, right?

Mendiola: Yeah, and that's a valid concern, senator. And, I believe that I know in my heart that I will make the decision based on what I know to be true and I will keep in mind, not only my children but the 30,000 children who go to school when I make those decisions. I will stand by those decisions.

Underwood: Thank you. I would like to... Mad 'am Vice chair, would you like to...

Won Pat: Thank you very much. What she asked were actually some of the questions I wanted to ask, but I would just like to reiterate them and they're very very simple. I do have some concerns being an educator myself and being a school principle for many years. The bottom line would be is that where does your loyalty lie?

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Mendiola: My loyalty lye with the children ma'am. You know I appreciate the governor's faith in me that I will make the right decisions and I believe that he thought about my appointment and realized that I have the capacity to make tough decisions but I believe that he will respect my decisions especially representing the parents on this board.

Won Pat: And, normally everyone works with a different process of making decisions. How will you before you make a decision, what are some of the things or processes that you have or go through to make any kind of a

Mendiola: Well you know, it's kind of like the universities Inina; Enlighten, discover, and to serve. And, so of course I would try and gather all the information. I understand there is subject matter experts that know more. I understand that I don't have all the answers, but I am willing to learn and it's a welcoming feeling that the board members that currently sitting on the board have been willing to invite me into learn and to grow into being an effective board member. So I'm up to the challenge and if these issues come before me I reassure that I will base my decision on what is before me and I will make that decision whether it controversial or noncontroversial and if my decision is unpopular, I will vote my conscience.

Won Pat: Excuse me, the one thing that also concerns me is individuals even upper management or even as a policy maker is that they do not push for their personal agenda, which would end up not be benefiting the children but rather of course additional cost which the department would be faced with and I just want to make sure that you're not going in with any personal agenda. And, like you said earlier is that it will be always for the children in mind.

Mendiola: And, my agenda right now ma'am is my children and the children we're serving in the public school system and I do know for a fact that there is going to be some tough decisions that we're going to have to make and I will base it on what I believe to be true and what I believe to be fact.

Won Pat: Thank you. Now, I'll disclose as well is that I know Mr. Mendiola for many years and that you are a friend and I'm not afraid to say that publically and I'm also going to say is that based on your background, based on your testimony is that you have my vote. Thank you.

Mendiola: Thank you ma'am speaker. Thank you. Si yu'usma'ase

Vice Speaker Cruz: Thank you very much for your testimony, Mr. Mendiola. Actually, I was disappointed how we met the other day and we had a very extensive discussion especially about Title 9. And, I was hoping that in your testimony rather than all the personal background that you provided in the testimony that you would've addressed some of the issues that were in the questions because my assignment to you was that if you don't mention it in your testimony then I will ask the question with the compliance of title 9. And, I mentioned to you that the protection of children is the core of my existence. It's as Senator Tina would put it, it's my heart and this fiscal conservatism is a new found concern that I have. The question that was posed to you by chairman Underwood with the readings that you had on Title

155 Hesler Place, Suite 104
Hagåtña, Guam 96910
Tel: (671) 969-0973/74
Fax: (671) 969-0975

Email: senatorunderwood@guamlegislature.org



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9, “what do you believe ought to be done with the current situation(the one that was announced yesterday).” I think she was just asking what procedures do you believe to have to be in place having read title 9, what procedures need to be met. Like in our discussion about the fact that maybe there needs to be an assignment of a full time Title 9 EEOC person in DOE and the discussion whether or not, should or should it not be an HR person or whether it should be a lawyer. But, she was just asking about the process and procedures. I don't think either one of us in our discussions even with you wanted to know what your vote would've been in either. With your knowledge and reading of title 9, what processes do you believe ought to be in place at the department of education. Not talking about any facts of this allegation, but what processes should be in place to address any allegation that comes forward today, yesterday, or three months ago.

Mendiola: Thank you, Senator. And, I do appreciate the time you spent with me and discussing this issue. After I left your office, I also visited and communicated with some of the other senators and they share the same sentiment. And, I was advised to also seek out what has been currently done on the board and what I've come to realize is that there are a lot of other things that's already in motion and I want it to be able to go and see what has been done to date. I do believe you have transmitted a letter a couple months ago mentioning that it's your core and you want these policies and procedures to be put in place. I know that the University of Guam and GCC has done that and that if I'm appointed or if I'm confirmed to the board of education then I will look into those policies and processes and have the stakeholders give the input on what is law and what opt to be done. I cannot second guess where and how far they have gone so far with the board in terms of this process but I will definitely when I get on the board, would like to be a part of this discussion and move this process along so that we can put it as a policy and share that with the community.

Cruz: Again, I'm not asking what you think they ought to be or what the decision ought to be. What do you believe the procedures and the process ought to be already? Like in the case with a child of special needs, you know that the department is responsible for having an IEP, IET, having a PO's process. All those kinds of things. Even without having any involvement in it, what processes do you believe or procedures do you believe the department ought to already have in place because of title 9? Already in place since Title 9 was enacted in the 90's, this being November 2016, what procedures should have already been in place? What kind of personnel should have been employed for certain things. Just without addressing any specific case just what procedure do you believe from your reading of Title 9 acquires the department of education to already have had in place.

155 Hesler Place, Suite 104
Hagåtña, Guam 96910
Tel: (671) 969-0973/74
Fax: (671) 969-0975

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Mendiola: I have a lot to learn Senator about Title 9. But the policies that need to be in place if there is an accusation or any issue that comes before the board that is properly handled.

Cruz: By whom? In what way?

Mendiola: If it's a personnel issue, it should be the superintendent that deals with the process handling personnel. When it comes to the supervision of the superintendent, it would be the board that makes that decision.

Cruz: Ok, I mean it was just those responses. I didn't want to keep pulling teeth to try and get the answers. It's just that there should be a process in place and the reason why. Today actually my core concern for children and fiscal conservatism meet up coincidentally almost serendipitously. Within the last 8 hours, the U.S. department of education levied a 2.5 million dollar fine. 2.5 dollar million dollar fine against the University of Pennsylvania for its failure to comply with its Cleary act. And, by the findings of the U.S. department of Education that it sent out this morning. Well this morning our time, but it would be east coast time probably in the last 6 hours. It sets a specific amount for each failure of them not naming someone, lack of administrative capability was a 27,000 dollar fine, omitting inadequate security cost was a fine for this amount, and the largest one, failure to properly classify for reported incidents and disclose crime statistics in 2008-2011. The proposed fine was 2,167,000 dollars. And, what scares me is that we know there's a settlement in GDOE of 80,000 dollars in assignment of a teacher in violation of ADA and that was for violation of them not following. GDOE barely has enough to pay for utilities and now it owes 300,000 by fest pac. There isn't enough money to be paying fines. In fact, my staff has advised me against what I would have foliated the agencies to see how much the government of Guam has already paid in fines for no compliance just to see how much we're losing, but I have been told "you may not want to know". But now that I see the U.S.D. levied 2.5 million against the University of Pennsylvania for what they did and what the administration failed to do and how they treated everybody that was reporting, I have to be concerned. Not only for my concerns for the children, but because of my concern for the budgetary implications of having to pay fines. I mean 2.8 million dollars, I'd much rather it be spent somewhere else. As we discussed, I wouldn't want U.S. DOE to have us under another financial management but a title 9 management and naming a team of lawyers that we have to pay for GDOE to oversee our... I'm hoping that everyone who is going to be named to the DOE board understands what the implications of some of the actions were. At the oversight hearing the board was sitting right here, Mr. Ada here when I railed on what they did and how that would be seen as retaliatory and the implications of that. And, so I'm really concerned about not only the cost, the wasted fine money, but I am concerned about the protection of the students and the protection of employees around any kind of sexual harassment and students in the department of education so I really hope that before we take a vote at some point you will read some more and come back to me and assure me that you understand what the process is that I'm hoping you would be able to go onto the board and explain what the rest of title 9 requires. That's what I was hoping, that's what I thought came out of our conversation in the office. So I wanted to see and hear that and I wanted you to make the commitment in your initial statement not being

155 Hesler Place, Suite 104
Hagåtña, Guam 96910
Tel: (671) 969-0973/74
Fax: (671) 969-0975

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pulled out by a question by the chair “that I will vote my conscience, that I will do what I believe is right” because I asked you the same question as an unclassified employee you may have made excellent decisions as a student regent but at the time that you didn’t have five children that you have to fend for. And with an unclassified position no protection by the classified system would that impact your decision, but I assured you was a fair question by the chair because there is no protection and we’re just concerned about how we move forward. The documents that I have provided you, you’re the only board member that has seen it, the only other person who has seen it is the previous superintendent. But I made no splash about it, I just wanted it done, and I want you to know that this has been something that I have been discussing with DOE management since March and I’m not only disappointed. I’m dismayed. You cannot even follow the depths of my anger that it’s still not in place at DOE and then to find out that the time I came out to appear before the board in May, they were having this all happen in the background when I came into the board against the superintendent’s wishes because he said “you know I’m busy with fest pac, I’ll get around to it” and I went to the board and said I want this policy implemented before the school opens and now it’s November and it’s still not done. I really really hope that if you’re confirmed onto the board that it is a top priority and that there should be a process in the same way that there is a process and procedure, ESOP for students with disabilities that there has to be a process in writing for GDOE to address in a very serious issue because it could cost us money and the destruction, but more importantly it will save of the destruction of many lives.

Underwood: Thank you, Mr. Vice Speaker.

Senator Torres: Mr. Mendiola it’s good that we met yesterday

Mendiola: Si Yu’Us Ma’ase

Torres: The only thing that I would ask you is that please a lot of time when we are in a very difficult situation where the truth hurts us and can hurt us where we still go down that troubled path and that’s the only thing that I would ask you and we talked about it a little yesterday about doing the right thing, being principled, you and I suffer consequences about being principled at some point in our career. But I think it’s necessary and it will alleviate a lot of concerns in the public because nobody at this point in our history appreciates a (Chamorro word: servant). And I know that you don’t see yourself as a (Chamorro word: servant)... That’s the sense that I’m getting from you, and I respect that, but we also want assurances that the people going to go in to replace those that were called to resign will look at the issue for what it is because there is a right and a wrong and as much as we don’t want to suffer the consequences of wrong if in fact there is wrong. We have to go with the system that’s the judicial system we pay for whatever mistakes we make and that is what you were saying to me yesterday, right? That you’re willing to keep an open mind understanding that decisions I collaboration with the board could directly harm your son or your family, but you’re still willing to make those hard decisions. Is that what..

Mendiola: Yes, ma’am

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Hagåtña, Guam 96910
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Torres: Thank you because Mark.... (Chamorro words: our work is hard right? But you know that there is a responsibility you must do what is needed to be done. If one person is angry or if you are not liked, or if they don't approve of what you are doing, you must continue to advance forward, if you are sure then advance forward, yes?)

Mendiola: (Chamorro words: yes.)

Torres: (Chamorro words: Thank You)

Mendiola: (Chamorro words: Thank You)

Underwood: Thank you senator Torres. Ok, Senator, Morrison.

Morrison: Thank you Madam chair. Good morning, Mr. Mendiola and welcome to your family and all those here to participate in this process. Certainly my colleagues have some really great concerns here and that makes a case for maybe a Segway to an oversight hearing or to at least extend an information hearing because as you stated earlier there's a lot of research that you need to do into title 9. You have a lot of learning to still take place, I think what we see out there with the bits and pieces coming from our media is that there's still a lot of people that need to learn on title 9 so certainly I thank you for raising that and being honest and saying that you need to learn more. I want to thank you for accepting this nomination during challenging times and I've attended many courses with you at the university of Guam and I know you personally Mark, and I know your family. I've watched you succeed in everything thing you've touched and participated in in any capacity of this government even in nonprofit organizations so I know where your hearts at and I know with some sort of round table discussions with your colleagues and the board that we can get to the bottom of a lot of the questions that are being brought up here and certainly you're here for a confirmation hearing and being grilled with questions that a lot of other folks need to answer to, I appreciate your openness and candor on these issues. I looked forward to working with you and addressing the challenges with the department of education. I look forward to supporting your confirmation and again congratulate you for taking on the challenge.

Mendiola: Thank you senator.

Underwood: Senator Ada

Ada: Mr. Mendiola, Good morning to you and good morning to your family, your wife. For a second there I thought we were having our oversight hearing here for DOE, wow, and you're not even confirmed to the board yet. You know it's very interesting and I hope that this goes back to the oversight hearing and maybe it's something that needs to be done and find out where the board's at with title 9 whether all the members are well versed with title 9 that they should be as the questions that were posed to you. And not only the board but I think also the acting superintendent but the deputy superintendents. This is very important. This question has been lingering, it goes back months, you were not even on the board but you

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Hagåtña, Guam 96910
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Fax: (671) 969-0975

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were expected to hypothetically give an answer to where you stand or what you would be thinking of. I think this should have been in place already. DOE is not new, it has been around for long already, for as long as this government has been around so the issue with title 9 is not a new issue. The questions that were posed to you were questions that could've been answered 10,15,20 years ago. Do we have policies in place for it? Do we have the answers that need to be answered for it? Does the board, the superintendent, the deputy superintendent have the knowledge, the in depth knowledge that this committee expects for them to have that the questions were posed to you? I think they should all, I think everyone should have answers especially when the vice speakers is asking, "what is it costing, what is costing the government with title 9 violations." I think for you to know that answer you can look into it in the current board and with the current board of doe should know that answer today. And, if this had been an oversight hearing I would have been happy to ask the rest of the board members to come up and the acting superintendent because I see that majority of them are here. The school leadership to answer the questions that were posed to you. I look forward to voting on your confirmation, you have my full support. To put yourself before this committee knowing what you're facing didn't deter you. You sat there and your temperament was just... I watched you the whole time. "No ma 'dam chair, ye senator, no senator", your temperament is remarkable. We've seen many individuals come before this committee and come before this body and it's not like that and I see why a lot of people refuse to sit on boards and commissions. It's because the way this body treats those who come before this body. You don't have to do it. You're comfortable where you're at, but you do it because your children right there, your wife right there, so for you to go through the line of questioning that you did, was it necessary? Maybe in some of the minds of the members it was but I think that maybe that's questions that can be answered by the board as a whole not just one individual member because not one individual member makes a decision and that's something that the whole leadership of the department of education should be able to answer also. So I look forward to working with you, voting on your confirmation, you have my full support. You have my full support. Thank you ma 'dam chair.

Mendiola: Thank you senator.

Underwood: thank you, senator ada. Now, Senator Tina Muna Barnes.

Senator Barnes: Ma 'dam chair for giving me the opportunity to speak and say a few comments about the appointee. First of all ma 'dam chair I'm going to have to disclose for the record that my identical twin sister Donna MunaQuinata is in the audience right now and has a very close working relationship with Mr. Mendiola and because of that our families were entwined with meeting and knowing and just becoming close family members to our family and I just want to disclose that for the record because as long as you were a student region, a part of the university of Guam's board of regions I want to say that my twin sister Donna talked really highly of the work that you've done there and the work that you continue to promote for the culture of our island and just being a family man. As I see your family, your children patiently waiting for you to complete this process. I will have to say, yesterday you gave me the opportunity to speak to you at length and I disclose for you the biasness that I have and as far as what I

155 Hesler Place, Suite 104
Hagåtña, Guam 96910
Tel: (671) 969-0973/74
Fax: (671) 969-0975

Email: senatorunderwood@guamlegislature.org



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believe should be the proper due process and every man is innocent until proven guilty and I share with you that working for the public defender's office for many years that's what I believe in my heart to be the right. I shared with you that I don't professto know at length region about title 9 and what happens in title 9 with procedures, but you did bring up to me "before I can make a decision, a just decision, and a right decision as a parent representative, you said "I must look at all the information that is before me." Not what everyone else is saying, but what is presented. And, I took that to heart yesterday Mr. Mark because I said, now in understand what my twin sister said about you back then. I understand, I see former regions here like Dr. Leon Guerrero and Dr. Shimizu. When situations arose back then and it wasn't popular to what the administration was saying, you guys continued to stand your ground. You stood your ground. You made sure that the reasoning of why the decision was made by the board as a majority, you showed the pros and cons, we talked about that and said that "if it is at the will of the appointing authority to release then let it be." But I make my decision based on what is presented and that is what I can say I appreciate about you because that is what my sister had shared in the past. I didn't know that she was coming in today and I want to thank her because it gives me a better understanding of why you said you would vote your conscience based on what is it... I'm coming to the conclusion, the true conclusion that when you look at title 9 and when you look at the due process and all the information and the investing facts that need to come before you make a decision and that all of that needs to be in place and I have got to believe that there is a check list that you guys have to go through with the board, am I right?

Mendiola: yes ma'am

Senator Barnes: So there should be a check list of what should happen in case this kind of information comes our way. I'm just going to say that when confirmed by the board, I mean when confirmed by this body that you continue to follow your heart, follow what's right by law, do not assume whatever said out there is going to be the choice that you're going to make based on what is going on out there in public court rooms. Do you understand what I'm saying?

Mendiola: I understand.

Senator Barnes: So if you keep shooting for your heart Mark, I believe that you will continue to one of the best representatives because as a parent representative and having to go through what you've been going through and being fair and composed and honest about the situation. I want to say you have my vote. I think yesterday's conversation with me at length, talking about the due process and talking about the information that is received before. You made me understand where you want to channel this. I may be appointed but I have to look at the evidence is what you shared with me so continue that and I want to thank everybody who did come out for you. It is not easy when you're up against public scrutiny. It's not easy so thank you for just stepping up to the plate during this really trying time and wanting to make a difference not just for the public school system but for the island in general because we have what, 36,000 kids in the public school system? So thank you very much, you do have my support...

155 Hesler Place, Suite 104
Hagåtña, Guam 96910
Tel: (671) 969-0973/74
Fax: (671) 969-0975

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Won Pat: Ma 'dam chair

Underwood: Yes

Won Pat: Thank you, I know we're really up against time here. And Mark, thank you again very much for being here and I did explain to you that we are not having a state funeral for the mayor that had past, but we are scheduled to be there at the church to present the official reef and the flag from the government of Guam, So please all of you, excuse us for having to leave early. Thank you ma 'dam chair.

Mendiola: Thank you senator Tina

Underwood: So Mark just some upright, I certainly hope that the questions that you and I had already discussed during our conversation that you don't view those as something that is intended as something to put your feet to the fire. The violation of title 9 noted by vice speaker is serious. It's not just serious in terms of the fiscal impact of an educational institution but it's quite serious relative to the welfare of our students. Title 9 and specifically that has been actually passed into law in the 70's. They made an amendment recently even in the 2000's to include sexual harassment and sexual misconduct. And the reason for that is students had viewed that if students are being bullied or harassed, it may stand in the way for them to receive the equal opportunity for them to be educated because the environment is not conducive to learning. That is why the issue of sexual harassment, sexual misconduct, or even sexual assault if reported by a student must be taken seriously. So the intent of title 9 is to protect the student but it is also intended to provide a pathway for them to feel safe in reporting if they are violated, if they feel like they're being harassed by somebody who is in authority or by another student that they would have that protection. So the procedures that you and I had discussed is making sure that it is reported, they know what their rights are that they can report it to the authorities and once it's reported certain actions need to be taken right away. Right, but the underlying purpose for title 9 is for the protection of our students from sexual harassment, from discrimination even based on their sexual orientation, so given that you really expressed and I believe you and that senator Torres had noted that you have that authentic concern for students and given that you are a father of five children. And knowing you that I have that level of confidence that knowing what you have learned that you are going to make those kinds of decisions that will be on behalf of our students and our educators and that what was this was primarily intended to be was for you to be able to explain to the public, to the community that you have that level of commitment, and that you have that courage to stand alone even if you have to on behalf of our students. And, this certainly is taking a lot of courage because you are in an unclassified, you made it clear in your testimony here and your conversation with me and I also believe with the other senators that you have to make a decision even if it means that it will cost you your livelihood, your job, you're going to stand firm on behalf of our students. And, I really admire that of you and I thank you very much for your patience. I thank you for the ongoing conversation. I hope that we can continue to have conversations about any questions that you might have, but certainly thank you for stepping up and I hope that you will have a conversation with vice speaker as well to give him the assurances that you are really taking this seriously.

155 Hesler Place, Suite 104
Hagåtña, Guam 96910
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Fax: (671) 969-0975

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Mendiola: yes ma'am

Underwood: Thank you. And so with that, you certainly are now excused from the table. I will now call up, your supporters. I believe there are those who have signed up. And so we have Lourdes San Nicholas, we have Mr. Leon Guerrero, we also have Mr. Ben Meno, we have Ron McNinch, we have... ok do we have enough seats? Lou San Nicholas, Dr. Leon Guerrero, and Mr. Ben Meno. Thank you, thank you very much. And we'll go ahead with Ms. San Nicholas.

San Nicolas: Buenas Mr. Vice Speaker, BJ Cruz, chairperson for public education; Senator Nerissa Bretania Underwood, and Senator Mary Torres. As the chairwoman for the Guam education Board and as a member of the board, I come before you to express and support the nomination of Mr. Mark Mendiola to the Guam Education Board as a parent representative. If confirmed, Mr. Mendiola; as a parents of students attending Guam public schools, as a spouse of a classroom teacher, and a contributing member of our island community. He will fulfill his duties and responsibilities, pursuant to 17GCA-Chapter 3 and 5GCA-Chapter 8. In addition, board policies do exist detailing of what is expected of Guam members of the education board. I welcome his ideas and insights of how to strengthen the role of the board and how to support the Guam department of education in the 20/20 vision for education on Guam. The 20/20 vision for education on Guam is the state's strategic plan that the board adopted on September 23, 2014. Mr. Mendiola's involvement and engagement in asking hard questions to what extent is a department meeting the goals and objectives is expected and contribute to the successes of that plan. Mr. Mendiola will be mindful that often times, tough and challenging decisions would have to be made based on facts and not on gossip and rumors. He will make decisions independently and will place the students as the center and focus of his decisions. He will be respectful of the decisions of the majority even if the decisions are different from his. I was inspired by my recent conversation with Mr. Mendiola where he informed me on how his decisions will be based on, his conscience and his commitment to be at service to the students at the public schools. Ma 'dam chair and members of the (Chamorro words: 33rd Guam) Legislature, I humbly ask for your support of confirming the appointment of Mr. Mark Mendiola as a parent representative to the Guam Education Board. I look forward to working in partnership with Mr. Mendiola that will ultimately benefit the student in the Guam Public Schools. Thank you for this opportunity to participate in today's confirmation for Mr. Mark Mendiola. Buenas to all of you.

Underwood: Thank you very much, Ms. San Nicholas. Mr. Meno.

Meno: (Chamorro word: Thank You, Thank You God Bless.) Good Morning (Chamorro Language: I came here to salute you, all of you that are there, our people that are here on the island are in need of good brains, good people, you are just that and believe that all your knowledge should be present and be strong. My name to be placed down to declare is Vicente Meno of Inarajan I was born before the war, I think I'm the oldest person here, but it doesn't matter I'm still here and I still can dance and there is no sin on me. Senator Underwood, we worked together remember those times, good times you were the head of the Sat 9 test and it was beautifully done with a lot of difficulties of course. I am here, to say yes to Mark

155 Hesler Place, Suite 104
Hagåtña, Guam 96910
Tel: (671) 969-0973/74
Fax: (671) 969-0975

Email: senatorunderwood@guamlegislature.org



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Mendiola, and I am waiting for that and I am giving him that and I am asking that of you to make it possible for that request to be approved. Why do I approve of Mark? On Wednesdays I have a store over at the Chamorro village, on Wednesdays only but I only sale items from the farm and you never purchased anything, yes Senator BJ Cruz passes by me and says hello but no matter. The point here is Mark Mendiola, Mark I don't know this person but one week I saw him there at the Chamorro village when a person slipped, an American woman slipped and slammed down hard. I said to him Mark look around the Chamorro village already a person slipped and fell, look into the situation and make necessary improvements not even 2 hours blocks were brought and put in place so people won't slip and fall. This person knows how to listen, how to understand, and how to do what needs to be done. In the short time I know Mark, those people there selling from the 5 x 7 food stores, and they use to owe debts now they are all paid now at his directions. The bathroom use to be, oh my gosh the stinky smell! But at his direction, "at his directions" the good directions ensured a positive outcome from him. That place over there where you enter there are plenty homeless, but we cannot authorize our homeless people to go in there and get up when the tourist come and when the tourist enter and see they will say hey! There's a bed in here! Mark cleaned that up. There's a lot I have to say about Mark, that's why speaking to you. Senator you know where I'm coming from the 3 "P" to provide...

Underwood: to protect...

Meno: to protect and promote and that is his believe and my believe and I ask that you understand. And by the way we have 4 more days for election I know it is gonna to be very difficult and our blood is going to go up but rest assured you are in the people of Guam's mind. For my final comment I've been an elected board of education before. I encourage you Madam Chair, Senator BJ Cruz, Senator Mary Torres, to put some money on the title 9. We must send our board to Napa and Nappyto attend those conference that's the only way that you can ensure, I was there. We do have at the University of Guam 2 individuals but it will never be the same. Let board go and attend that but you need a lot of money, to pay a lot of money for the registration. And you need to send all the board to insure all your dreams and your wishes and the protection. In addition I'm going to ask my former Judge now a Senator to empower, the equal employment opportunity that the President of the United State the second voter 1112 and the second voter of the Governor of Guam, empower the Civil Service Commission to give force so the equal employment opportunity be strong in every Government of Guam department cause it's not working. You have questioned the sexual harassment that is where the protocol, the process. That's my job when I was working for the Government of Guam beside the Department of education. Thank You and God Bless. Excuse me I have to go, I have another meeting good bye.

Underwood: (Chamorro words: A great big Thank You Mr. Meno)

155 Hesler Place, Suite 104
Hagåtña, Guam 96910
Tel: (671) 969-0973/74
Fax: (671) 969-0975

Email: senatorunderwood@guamlegislature.org



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Cruz: Because I have to ask Mr. Meno for everybody's indulgence, I wouldn't walk out on this meeting except for the fact that I have a commitment to students at JFK at 11 so please it's not that I don't think that this is important, but I made a commitment to students and I hope you understand excusing myself at this point. I'm not going to the state funeral, I'm going to students.

Underwood: Thank you Mr. Vice Chair, you're excused. Mr. President.

Leon Guerrero: Am I on?

Underwood: Yes, you're on. I believe that's...

Leon Guerrero: Ma 'dam chair Underwood, Senator Torres, my name is Wilfred P. Leon Guerrero. President of Heritage at the University of Guam. I'm here supporting and endorsing the appointment of Mr. Mark Mendiola to be a member of the board of education. I became acquainted with Mark when he served as director of the University of Guam regions foundation several years ago. I found Mark to be a good listener and respectful of others opinions. Mark has excellent communication skill and good judgement. He has an act for identifying issues when discussing information. Mark knows the roll of the board and will not interfere with the day to day operation with the department. He will be an asset to the board. I highly recommend and nourish that he be confirmed as a member of the board of education. And thank you for this opportunity to testify.

Underwood: Thank you Mr. President. Ok, Dr. McNinch.

McNinch: Thank you Ma 'dam chair, I believe we have regent Shimizu and regent Quinata if they would like to speak before me

Underwood: We have regent Shimizu and we also have Regent Quinata

McNinch: By the way, I hope that these regent could make regents America at the University one day.

Underwood: We'll take that into consideration, ok. So, regent Quinata.

Quinata: Good morning Ma 'dam chair, today I actually had something prepared but really for me it's just easier for me to talk about Mark from my heart so just thank you for allowing me the opportunity. Senator Mary, again thank you allowing for us to be here. I come before you to ask for your support in confirming Mark to the board of education and I can personally say to you that I've worked with Mark. I've known Mark for 19 years now and when the University of Guam was going through a very trying time, Mark was there to help us step up to the plate. When at the time when Dr. Shimizu sat at the board with us; who was our chairperson, allowed us the opportunity and never clipped our wings. He made us speak our voices and he made Mark and I work as hard as we could to promote the University to make it the true gem of the pacific. The gem in our backyard and if Mark can do that for the University, then what more for the island of Guam, the department of education. Mark is a hard working honest man. He's got

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faring. He's an amazing husband, I know that, I've known them for many years with Jen. We attended their wedding. I will say this to you, Mark was never afraid to take on any responsibility as far as working on the different committees. And, the committees that he chaired and also co-chaired student alumni affairs along with myself, and he was never afraid to take on any challenges that was given to us. And the one thing that Mark had was that he was such a good listener and he took care of the students at the University of Guam. He was never afraid to bring it to the board so ma 'dam chair and senator Mary, please that after considering all of our testimonies today only one thing comes out and it's a positive confirmation for Mr. Mendiola because I know that Mark will help push and fight for our students and all the students of the department of Education. He's a good, honest, hard-working man. Thank you.

Underwood: Thank you very much, Ms. Quinata. Ok, Regent; Dr. Shimizu.

Shimizu: Good morning and thank you very much for giving me this opportunity. Ma 'dam chair, senator Torres, it's nice to see you. I know it's a very busy morning and there are a lot of people here but I'm assuming are here to support Mark. I don't give my recommendations very easily when anyone asks unless I know that person because my name is behind that person. You know for whatever reason, I love my name, that's all that I have. A person is only as good as their name not the material things, not the earthly powers that we have, whether it is to govern an island, whether is it to branch another government, to have oversight and have that power, whether it is the board of education who's govern to board, but it is a tremendous amount of thermal. It's been going on for a long time, it's growing, it's one of the biggest agencies providing services to our families, not only our children. Not only for our future, but here and now. And, I spoke with Mark, I called Mark and said I need to talk to you because you asked me to support your nomination but we need to talk. I have no disagreements in terms of Mark's capacity and capability of being on a governing board. I've seen him, I've seen him grown as a student, I knew Mark before h got marries. I knew Mark before he had five boys; enough for a basketball team. Yeah, and there good looking boys. And I've seen Mark as a father. He takes great pride and really interest and seriousness in raising the five boys and of course his lovely wife. When I met with Mark, my comments to him was Mark you're entering into an area that is so terminal. You know a sign of leadership, a good captain is not when the waters are calm, never when the waters are calm. (Chamorro Words: When the water are rough the captain will rise up) When the waters are rough, you will emerge as a captain to take the ship in safely. Mark is a good candidate for this type of chowchow, for this type of rough seas. He has proven himself at least to me. When we had our share of rough waters at the University of Guam. As chairman, I let every individual, regent, make their own decision. I try not to influence them or pressure them because of the power of the chair. Power is very fleeting. I said Mark is rough waters. You're going to be challenged by some of the powers of all those areas that I have said in the head of state, in the policy, and in the board. You're going to have to dig down deep inside and accept the consequences of your actions because we have seen the consequences and actions of other board members and that is why we're here today. The consequences and they have accepted it, the consequences of their decision, and I want to commend those former appointed board members. I really do. This is not the reality show of trump, "you're fired." I told him that. The power of the governor to appoint you, appreciate that power, it

155 Hesler Place, Suite 104

Hagåtña, Guam 96910

Tel: (671) 969-0973/74

Fax: (671) 969-0975

Email: senatorunderwood@guamlegislature.org



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is a very precious thing to be appointed by the governor. It is equally precious for this legislature to understand and not also say well your decisions may be colored because people are asking this questions because you're an unclassified. All of those things Mark are going to be brought up. And, that's the right of fire. That's what we do here. We deliberate. We ask every question about you. You are now in the public rim, but make sure you understand the consequences of your decision. You must make those decisions in the best interest of your five boys and symbolize the 30,000. But really it's a very rough waters. The senators, I ask you to support them. I've seen the issues that goes back and forth, but that's a part of the job. Never lose sight of that ball. Never lose sight, Mark never lose sight no matter what. Now will you be willing to sacrifice that maybe you will not only be asked to resign but maybe your own employment as unclassified? Are you willing to put yourself in harms way. I'm not saying that's going to happen but I'm sure it's in the minds of everybody asking that question. I waited for his response, "if your job is on the line..what would you do Mark? What would you do" That's really hard when you're talking about bread and butter of the family and I don't know what the economic situation is with the other board members. But you know what, this is just a labor of love to be on this board. We should be thanking Mark and Dr. McNinch. Thank you very much to go into rough waters because sometimes the boat sinks and sometimes crew members drown. So I want to thank both of them. Mark's answer to me was, " Dr. Shimizu, I know that, I understand that." I said what would you do if there is policies differences between you and the governor or the chairwoman of education, or your board members? What would you do? Would you do what the governor wants? I would assume that as long as it's compatible with his principles. What would you do if the chairwoman or legislature say, "we want you to go this way." What would you do? If it's good input then I will make my decision based on the principle. Same thing with the governing board. So it all came down to me to say yes Mark I will come down. I'll come down from the (Chamorro word: Cave) because I don't go out as much. I'm happy to be here to support Mark Mendiola's nomination based on his answer. His answer that his principal will prevail not withstanding any consequences not only from Adelup or this body or from the governing board, but we must know that there is consequences. I know because I've gone through that, but you know your name and principle is most important. And, Mark has that and I said yes I will come. In fact, I had to go somewhere but I had to come back again so let you know that Mark is a man of principle. If he needs support to uphold that principle, Mark for whatever it is worth, my name is with you. And I will be there if you have any doubts, if you feel any pressure, ad you need someone to talk to like you always had done before. I am always there for you. Thank you very much. Si Yu`usMa`ase. And I must leave unless you have any question.

Underwood: Thank you very much, Dr. Shimizu. So we have Dr. McNinch and then I'll go ahead and then I'll go ahead and call up the others before we start. Thank you, Ms. Quinata. Ok, so we also have Jesse Leon Guerrero. It's just written or did... Jesse Leon Guerrero, ok. Don Platt? Dr. Don Platt? We have Enrique Torres and Peter Alexis Ada and I think Dr. Jenson. We can also, if you want to bring your chair and that would then..thank you. Ok, Dr. McNinch you can start.

155 Hesler Place, Suite 104
Hagåtña, Guam 96910
Tel: (671) 969-0973/74
Fax: (671) 969-0975

Email: senatorunderwood@guamlegislature.org



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McNinch: Thank you ma 'dam chair, my names Ron McNinch. I work at the University of Guam and I'm very pleased to say that Mark was my student for several years. I've known Mark Mendiola for over 17 maybe years he's a wonderful student and I've known him on a personal level after he graduated. I also attended Mark's wedding with my wife and daughter and my daughter who's a kindergarten student at the time explained that Jennifer looked just like a princess. I think everyone young girl has princesses of several models, certainly. Mark was an excellent MPA student in my program, he was a student regent, he was a teacher at Tinian; I visited him when he was a teacher in Tinian. He's very enthusiastic and great role model as a teacher. When he was in my MPA program, he studied politics, he studied government and one of his great encounters he shared with me was his experiences with Mr. Larry Ramirez. And, how Mr. Ramirez taught him a lot about how grass roots, politics, and grass roots government works. Certainly, also Mark is a proponent and strong advocate. Positive role model for the Chamorro culture also. And he was a boys scout executive so he's got all these neat and in addition to being a parent and PTO member and having great government experience. So he has quite a lot of good solid basis to be on this particular board. I have two general observations on this board to make briefly. First, the biggest budget on the government of Guam is the highest pressure of pretty much any board on Guam and yet the board members hardly get any pay at all. If, a person's going to be on this board they're going to have to do it as a labor of love because certainly the compensation isn't close to any other board other than probably the civil service commission. The other observation is this board, the board of education, needs a full time attorney. A person they can rely on as a board to help them with critical questions and critical problems. And not a hat hock AG who's kind of sort of, you know doesn't view their role as education. They need a designated education attorney to serve the board and probably the greater department of education and I say that using my public administration hat. The reason is there's a formula for public board service whether it's non-profit board or government boards. And, the formula is very simple. First, read and understand the law. You have to read the law of the agency, you have to read and understand the boundaries and rules of the agencies. And, that includes the behavior of commissioners and board members and also other sorted related laws that are permeant to the agency. Second, you have to read the rules, regulations, and procedures of the agency and understand them and be familiar with them. And be willing in both of those cases to admit if you don't understand it, you need to be willing to admit it and mitigate it, and fix it, and get your knowledge up to that point. The third point is that you follow the laws and rules. And by the way under the related rules, you also have to know your stakeholders and understand those boundaries. And then finally you base your decisions on the principles of following the law and following the best practice. I have to say that I've known Mark Mendiola for 17 years and he's not only been experienced in doing this, he's been trained to do this. And he has my full faith and confidence in doing this job as a board member. I'll tell you on December 2nd, my students were having a little conference on title 9, title 7, the Cleary act, and the Guam whistle blower act. And we're doing this as a public service and we're certainly going to invite any one from the public, or board members, or members of the community possible to join us. The key thing we all need to admit as community is that we constantly have to develop and enrich our skills if we're going to be on these critical boards. We don't know it all even if we've had experiences in education for 20 or 30 years. We constantly have to update

155 Hesler Place, Suite 104

Hagåtña, Guam 96910

Tel: (671) 969-0973/74

Fax: (671) 969-0975

Email: senatorunderwood@guamlegislature.org



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our skills and understanding of things and the reason is law changes. You know the symbol of the law is the turtle and if you go to the U.S. supreme court there are turtle everywhere. That's because justice is slow. The key thing is, our laws constantly emerge and because of that reason our board members need to constantly develop their skills. Mark has my full faith and confidence and I'm certainly pleased to be here today. And seeing his family now, many years later. He has the full family, so very pleased to be here. Thank you.

Underwood: Thank you, Ron.

Dr. Platt: Good morning senators, I'm Dr. Donald Platt, professor of history at the university of Guam and also president of our faculty union. I been at the university for 28 ½ years. I think there's only about 4 or 5 people who have been there longer. And out of the 28 years, I've been involved with the union board for about 20 of those 28 years. As presidency, 16 this is my 16th year. And I've gotten to know Mark shorter after I became union president because he was chosen as a student regent. So in the 16 years as union president, I've been able to serve with several of the student regents and Mark is the best that I've had in all these years I've been involved with it. I don't know about before, but when I was involved no one has come up to Mark's abilities on the board of regents. He was actively involved in all the discussions. I've attended every board meeting since being union president and most of the subcommittee meetings and he was actively involved in those, but the students who have followed him pretty much stay silent during the committee meetings and the general boarder. But Mark, his maturity was very noticeable, his ability to articulate his positions. The active role he took was very impressive and that was at a time the university was in what I call the dark ages from June 1996 to December of 2000, the university had reached a low point through the most incompetent administration you'd ever want to see at the university. And, Mark came in at that period. I was elected at that period, a real challenge. So they think the issues with the education board now are a challenge, he's been through that already. A very challenging time and with the support of Mark on the board, with David Shimizu who just spoke, with Dona MunaQuinata, of Marie Nelson, of Hulachon Beamer, we were able to keep politics out presidential searches, of anything, especially the regions nominating counsel. Thank you, senator Won Pat for that and Dr. Jenson for creating the best reforms ever implemented in govt. Guam; Took politics out of choosing the president, we've had several... I'm the only person on the island who has been in the last 4 consecutive presidential searches. Each one got better and better. The first, a disaster but the second one Mark was involved in that and they've gotten better since then. So in fact they were sued because they didn't do what they were supposed to from Adelup and that case was thrown out. It was not successful so he's used to that kind of pressure. He dealt with it very well. And I can't stress enough what an excellent choice this is to be on the board. And then of course there's his experience with being on the boy's scouts, serving on the endowment fund for UOG. I think president Fred mentioned that..is he gone? So, everyone will say a lot of positive things about him. I can't remember, it's been... see 15/17 years ago I was here quite a lot for things about the University. Will the senators hear our oral testimony? Will they see video tapes of it? Or is it just the written testimony?

155 Hesler Place, Suite 104
Hagåtña, Guam 96910
Tel: (671) 969-0973/74
Fax: (671) 969-0975

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Underwood: it's transcribed

Platt: Oh it's transcribed, good. Ok. Excellent. Well I can't say of much more, he's just an excellent choice. The questions that were asked early about what would he do in the situation, having seen Mark work on the board of regents I know that he'll hit the ground running and he will get the policies mailed about what the rules are and he will make sure we got to follow this this this this and this. And do it right. He has integrity, honesty, and that's what we need on that board. Integrity is very important and honesty. Thank you.

Underwood: thank you very much, Dr. Platt. And so we have Mr. Torres

Torres: Good morning ma 'dam speaker Won Pat, senator Nerissa Britania underwood; chairperson for the committee, and other senators and the people of Guam. Thank you for the opportunity to hear my testimony in your consideration for the favor in confirming Mr. Mark Mendiola's appointment to the Guam education board. I'm going to give you my experiences with Mark in a non-profit organization, which also adheres to a lot of compliances. The boy scouts of America has been through a lot of turmoil's especially with sexual abuse. I am Enrique Torres, an eagle scout, and former district executive for the Chamorro district counselor of boy scouts of America, and a former scout master. I had the privilege of joining Mark in the development of leadership; skills for young scouts throughout our island from 2005 – 2009. I first want to thank Mr. Mark Mendiola for his directorship of the local scouting program and the mentor ship of eagle scouts and other scouts and their leaders. Also for the proper management and program implementation and leadership training for the district during his tenner as district executive. It was though his leadership with guidance from the district committee, which is comprised of stake holders, business managers, CEO'S, and other people with dignified service. It was through his leadership with the guidance of the district committee that island wide scouting events, summer camps were safe and goal oriented. Mr. Mendiola received training from the national executive institute of the boy's scouts of America and various training, useful development programs. With his training in youth protection, Mark was unflinching in enforcing too deep adult leadership in all levels of youth and adult encounters, either at home, meetings, campouts, hikes or other events. This is a directive of the national office of the boy scouts of America. Screening of child molesters, bullying awareness and prevention, child abuse reporting are explicit and regulated in this policy. Mr. Mendiola's knowledge and experience in youth development will provide the current Guam board of education board with expected scrutiny in achieving a safe learning environment for student bringing relief and peace of mind for their parents or guardians. Additionally, Mark will be able to incorporate achievement or oriented goals adaptable from the scouting program for the board consideration and implementation in DOE's curriculum and instruction. Mark understand the importance of personal growth, establishing principles and character development as they relate to early childhood and youth development. Mr. Mark Mendiola is an example leader having compelling youth development trainings and experiences. His service, integrity, contribution, sacrifice, responsibility, and most importantly his loyalty to people, students, parents, and teachers will make his membership in the GDOE board logical, yet pertinent. Thank you very much.

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Underwood: Thank you very much, Mr. Torres. Now we have Dr. Jenson

Jenson: Thank you, ma 'dam chair. I just have a few things to add mostly to reiterate what the previous speakers have said. Mr. Mendiola is a man of solid integrity and certainly character. And it was my privilege to see him in action as a young man, 15 years ago, as a member of the board of regents who stepped in alongside the other courageous members of that board at a time when they were under enormous pressure to knuckle under political pressure. They followed their conscience and they did what was right for the University and people of Guam. Mr. Mendiola was an instrumental part of the leadership of the board and accommodation of the faculty leadership at the time that rallied and worked with members of the 26th legislature that put together the regent nominating counsel. And the university faculty senate institutions would have put an instrumental role in putting the university on the trajectory that it continues on to this day. He was a young man that showed the qualities that he continues to show and I've always seen him as one of the up and coming leaders of the community here and he has my full respect for taking on this appointment at a time when he's coming into a very difficult time for the board that he's stepping up to. I think he's demonstrated the D's. He's the man for the job. And he will provide the kind of integrity and moral leadership that our community needs at this time so that's my pleasure to endorse you.

Underwood: Thank you, Dr. Jenson. Mr. Ada

Mr. Ada: Thank you, ma 'dam chair, ma 'dam speaker, senator Torres. Good morning to all of you. When Mark walked up here or sat down here and he began his talk and he said exactly all his background, I sat back there and I've been there and I've done that. I was the president of the respected schools where my children went to school, I was the president of the PTO or the island wide, I was a participant of the ex-official member of the board of education, then appointed then elected so I know exactly what Mark is talking about. Mark introduced me this morning to five of his children and I said "oh my gosh, you got a good basketball team." What was also interesting was that Mark introduced me to his wife and if I heard it correctly she's a teacher at Tiyan, math. Nonetheless, that's good because we would like to see additional emphasis with vocational education and career education. I'm really hoping that I'll be able to see more push into this area. It is pretty clear based on the couple of weeks of events that the current board of education is at a stance steel, nothing is going to happen before January. Ladies and to those that are absent, that's to all. I'm asking you please consider. Once the second nominee has been presented to your committee, if it takes a special session, please do it. We got to move forward with education. I'm not saying education is at a stance, it's the leadership is what I'm talking about. Mark when I was talking with him said something that really struck me and it was a very simple word. He said he had his child with special needs. That's what the board also needs, someone who's walked that path. Mr. Mendiola here hearing everyone talk. My only opportunity with Mr. Mendiola to really talk with him or know a little more about him was at festpac. And he was very articulate in his presentation to the board and Senator Underwood when you were talking about the payment, I was the one who brought that up. But as the same token, I did ask what was the cause of this and the billing that GDOE got was for one month. I don't

155 Hesler Place, Suite 104
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Fax: (671) 969-0975

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know who asked the question because yes Mark was present when we said, “yes we will pay for the utilities including water.” But we will pay only for that period where we will use it. The bill that came was for a whole month so I did ask the business office to figure it out and let them pay for their two week usage. So in short ladies, senators, ma ‘dam speaker, I sit before you, come before you in full support and ask you for your endorsement and approval for Mr. Mark Mendiola to sit on the board of education. And I’m going to reiterate what I just finished saying a few seconds ago. Once you get the second name from Dr. McNich and once you’ve done your public hearing, I’d like to ask you to [please consider a special session to address this issue so we can move forward. Thank you very much.

Underwood: Thank you very much, Mr. Ada. I think we’ve exhausted the list. We have gone through everyone who has signed up and is there anyone else who would like to give testimony? Yes, please come up Mr. James.

James: Good morning, thank you for this opportunity to speak on Mr. Mendiola’s behalf. I met Mark Mendiola about 3 years ago when his son was coming up to Agueda Johnston and you’ve kind of explained some of the issues this young man had in his previous school and I assured him then that it would not take place under my leadership as a principle. My name is Mr. James, the principle of Agueda Johnston. So with that said, we talked for about an hour and I began to understand some of his concern and I think that anyone in this room associated in education has those same concerns especially about the most at risk students that we have in our department. I believe that he’ll be an asset to the Guam education board. He has extensive knowledge about operations and what he needs to do to move things forward. Obviously he’s a very successful businessman. He has a shop at the night market. I believe that he will not be persuaded by misinformation or misguided and I think the people have articulated that because he’s a very principled person.

He will stand by his conscience. I think that when he makes a decision the most important thing that he sees is his children but that perspective extends to all kids in DOE. And I truly believe he will be a wonderful asset and bring some stability that we’ve all talked about but also that he’ll bring a perspective of a parent that intimately impelled with everything that his children do. He has a wonderful wife that supports him in everything. I worked with mark during festpac because Agueda Johnston was one of the host schools and all of us at the time at the very beginning were working 20 hour days making sure that our guests were properly taken care of. This was a wonderful honor to be a part of this process and I saw Mark working at various hours from the afternoon to morning because I would drop my son off at time. So I asked him, “when was the last time you slept?” And he kind of made a joke, “what’s that?” So you know retaining a situation at times that is very demanding, I think that that speaks of his character when it comes to difficult situations and having that determination to get things done. One of the main reasons I’m here though is, Mr. Mendiola I actually cohered him into being co-member of my PTO. I saw the wonderful qualities he had, the way he treated his children, the way he demanded for excellence. Not only from me as a principle, but from my teachers as well who service his child. And he has been nothing but a support of Agueda Johnston and as a PTO president he has done some wonderful things with Agueda.

155 Hesler Place, Suite 104
Hagåtña, Guam 96910
Tel: (671) 969-0973/74
Fax: (671) 969-0975

Email: senatorunderwood@guamlegislature.org



I Mina'Trentai Tres na Liheslaturan Guåhan
33rd Guam Legislature

Senator Nerissa Bretania Underwood, Ph.D.

Chairperson, Committee on Early Learning, Juvenile Justice,
Public Education and First Generation Initiatives

We've gotten some more community support because of the things he has done and we're going to continue to move that ball forward. So as a principle of Agueda Johnston, I highly recommend that he would be confirmed. Another thing they do is on Monday, the 7th of November, the PTO is going to be rewarding for the student behavior. The PBIS assembly that we're going to have. The PTO board has donated 3 bikes, one for every grade level for student who gets selected as being the most improved or who's name gets pulled out of this box. But Mark Mendiola's an excellent asset to the Guam education board and I know that he'll do a wonderful job and I truly appreciate you allowing me to speak. Thank you.

Underwood: Yes Pika, please come up.

Pika: I come before you today with full disclosure that Mark Mendiola is married to my first cousin so I have known him a very long time. I have not had the opportunity to work with him but being present today, I had heard from those who have and I truly admire that. As a family member I have been watching him through the different positions that he has taken and I would say I admire him. We were both nominated or appointed to the board of education together, and we were on that bus together, and he called me and the first thing he told me was "Pika we're going to do this, we're going to go in there and we're going to make sure that things are being done right in the right way for the truth." Unfortunately, I had to hop off that bus in order to remain at my position with the Chamorro land trust but I fully support Mark and I know his heart is in the right place with his character. Thank you.

Underwood: Thank you very much, Pika. Well thank everyone and thank you Mark again for stepping up and accepting the nomination. And you certainly have the support, senators have stated their support for you, and you certainly have my support. Thank you for reaching out for us to have candidate conversation and for expressing your routine that every morning you pray and you pray for your family and community. I appreciate that. So with that, siyu'usma'ase for your testimonies. There being no additional individuals to present anymore or testimony for the public hearing and appointment of Mr. Mark Benny C. Mendiola to the Guam education boards is not concluded. The committee will continue to accept testimony until 5 p.m., Monday November 14, 2016. Testimonies may be submitted to the Guam Legislature, 155 Hesler place, Hagatna, Guam via email at james.servino@guamlegislature.org or via fax at 6719690975. The public hearing is now adjourned and it is 11:08 a.m. Thank you.

III. FINDINGS AND RECOMMENDATION

The Committee on Early Learning, Juvenile Justice, Public Education, and First Generation Initiatives here by reports out the nomination of Mr. Mark C. Mendiola to serve as the Parent Representative of the Guam education Board to serve at the pleasure of the Governor as defined by by §1301, Article 3, Chapter 1 of Title 5 Guam Code Annotated with the recommendation TO DO CONFIRM.

155 Hesler Place, Suite 104
Hagåtña, Guam 96910
Tel: (671) 969-0973/74
Fax: (671) 969-0975

Email: senatorunderwood@guamlegislature.org



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam.

OCT 26 2016

33-16-2130
Office of the Speaker
Judith T. Won Pat, Ed.D

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

Date: OCT 27, 2016
Time: 10:10 AM
Received By: [Signature]

RE: Board Appointment

Dear Madame Speaker:

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

- APPOINTEE: Mark Benny C. Mendiola
- POSITION: Parent of Student Enrolled Within GDOE Representative, Guam Education Board
- TERM LENGTH: **Three (3) years**
- TERM SERVED: To serve the unexpired term of Director Charlene Concepcion, from April 15, 2014 to April 14, 2017

2016 OCT 27 10:17

The appointment is subject to the consent of *ILiheslaturan Guåhan*. Please schedule a hearing at your earliest convenience.

Senseraamente,

EDDIE BAZA CALVO

2130

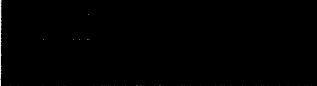


EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam.

001 2 5 2016

Mr. Mark Benny C. Mendiola


Dear Mr. Mendiola:

Thank you for your commitment to serve the people of Guam. The Calvo-Tenorio administration continues to face unprecedented challenges, both near and long-term. The task ahead of us will require the collective efforts of the best minds who will have the courage to make tough decisions for the good of all our people. I hereby appoint you to serve in the Calvo-Tenorio administration for the remainder of Director Charlene Concepcion's unexpired term indicated below as:

**Parent of Student Enrolled Within GDOE Representative,
Guam Education Board
Length of term: Three (3) years
Term served: April 15, 2014 to April 14, 2017**

This appointment is subject to the advice and consent of *I Liheslaturan Guåhan*. Please contact the Office of the Governor at 472-8931 should you have any questions.

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 and Section 13104.1:

NOMINEE INFORMATION

Last Name **Mendiola** First **Mark Benny** M.I. **C** Date [REDACTED]
 Address [REDACTED] Apartment/Unit # [REDACTED]
 City [REDACTED] State [REDACTED] ZIP [REDACTED]
 Phone [REDACTED] E-mail Address [REDACTED]

Position to which Appointment is Made **GDOE Board of Education Member**

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 **Guam Adventist Academy** City/State **Yona, Guam**
 From **1991** To **1995** Did you graduate? YES NO Degree
 College **University of Guam** City/State **Mangilao, Guam**
 From **1997** To **2001** Did you graduate? YES NO Degree **Exercise Science**

EDUCATION

Graduate School **University of Guam** City/State **Mangilao, Guam**
From **2001** To **2002** Did you graduate? **YES ■** **NO** Degree **MPA**
Other Degree _____ City/State _____
From _____ To _____ Did you graduate? **YES** **NO** Degree _____

EMPLOYMENT HISTORY

(1) Present Employer **Guam Economic Development Authority** Position **Special Assistant**
Address **Tamuning Guam** Dates Held **7/01/2015- Current**
(2) Previous Employer **University of Guam Endowment Foundation** Position **Executive Director**
Address **Mangilao Guam** Dates Held **2010-2015**
(3) Previous Employer **Boy Scouts of America** Position **District Executive**
Address **Tamuning, Guam** Dates Held **2008-2010**
(4) Previous Employer **Northern Marianas College** Position **Director of Advancement**
Address **Saipan Campus** Dates Held **2006-2008**
(5) Previous Employer **CNMI Public School System** Position **Teacher**
Address **Saipan PSS Office** Dates Held **2004-2006**

PRIOR GOVERNMENT OF GUAM SERVICE

Agency **GDOE** Phone _____
Address **Tiyan, Guam**
Job Title **Teacher** From **2002** To **2002**

PRIOR GOVERNMENT OF GUAM SERVICE

Agency Phone

Address

Job Title From To

PRIOR GOVERNMENT SERVICE (EXCLUDING GOVERNMENT OF GUAM)

Agency Phone

Address

Job Title From To

Agency Phone

Address

Job Title From: To

TRAINING

Institute/Seminars/On-the-Job Training Date

Accredited Investment Fiduciary AIF	2013-2015
Association of Governing Boards (AGB)	2000-2002

AWARDS

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

Agana Heights Elementary School PTO Parent Award, UOG Board of Regent Resolution, UOG Dean's List
UOG MARC Service Award

PROFESSIONAL INVOLVEMENT

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

UOG Board of Regent- Student Regent 2000-2002

COMMUNITY / CIVIC INVOLVEMENT

List organizations, activities, participated in, offices held

GSAT Loan Review Committee- Member, Guam Young Men's League of Guam- Member,
Agana Height PTO Past President, Current Agueda Johnston Middle School PTO President,
UOG Alumni Association- Past President

PUBLICATIONS AND PRESENTATIONS

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

MILITARY SERVICE (PLEASE ATTACH FORM DD-214)

Branch

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



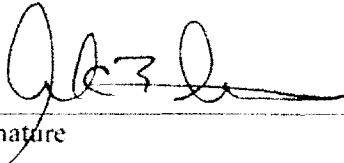
Statement of Financial Interests
(Required by 4 G.C.A. § 13104.1)

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

FROM: Mark Benny Cruz Mendiola

- 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
Lawn and Order 226 Naki St. Ordot	LAWN & JANITORIAL SERVICES - 100%
Guardian of the Marianas 226 Naki St. Ordot	EDUCATIONAL CONSULTING - 100%
Home Rental Unit 124 Chalan Chaot Ordot	RENTAL UNIT - 100%


Signature

10/20/16
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

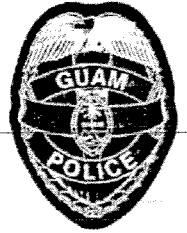
A handwritten signature in black ink, appearing to be "J. B. A.", written over a horizontal line.

Date

10/20/16



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



October 13, 2016

SUBJECT: CRIMINAL HISTORY RECORD

NAME:	Mark Benny C MENDIOLA		
DATE OF BIRTH:	██████████	FINGERPRINT#:	██████████
<input checked="" type="checkbox"/>	The individual has no record of criminal 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.

The absence of an original GUAM POLICE

~~copy invalidates this police clearance.~~
 REVISED 06/03/16

By Direction: angela

JOSEPH I. CRUZ

Chief of Police



SUPERIOR COURT OF GUAM

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

Telephone (671) 475-3370/475-3449

Fax (671) 472-2856

DANIELLE T. ROSETE
Clerk of Court

Name: **MARK BENNY C. MENDIOLA**

SS#:

ID#

Date of Birth:

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.

Criminal Record: Page **1** of **1**

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.

Civil Record: Page **1** of **1**

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, Hagatña, 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: 10/24/2016

DANIELLE T. ROSETE
Clerk of Court

BY: **JEANETTE B. ROBERTO**
Deputy Clerk

Prepared By: **CJQC**



The absence of an original Court Seal invalidates this document



**Mina' trenta Tres Na Liheslaturan Guahan
33rd GUAM LEGISLATURE**

**Senator Nerissa Bretania Underwood, Ph.D.
Chairperson, Committee on Early Learning, Juvenile Justice, Public Education, and
First Generation Initiative**

November 4, 2016

DOC 33GL-16-2130 – Confirmation Hearing on the Appointment of Mr. Mark Benny C. Mendiola, Member, Guam Education Board.

Sign In Sheet

Name	Address	Phone	Email	Written or Oral	Support of Appointee	
					Yes	No
X Ron McIninch	P.O. Box 5221, Mangilao	488 8884	guyvan@gmail.com	Both	X	
X Ben Mend	AMU			✓	✓	
X W P Leon Guerrero	P.O. Box 3237 HAGATNA GUAM 96932	477-2265	wplc@este.net	✓	✓	
X Lourdes St Nicolas	Deeds, GU	482-4157	lbnicolas@gov.net	Oral	✓	
X Jesse A Leon Guerrero	USG Station, Mangilao	735-2956		written	✓	
X David Shimizu	P.O. Box 170225, Inarajan	688-1946	d/shimizu@yahoo.com	Oral	X	
X Donald Platt	P.O. Box 25457, Barrigada, GU 96921	486-1776		Oral	X	

155 Hesler Place, Hagatna, Guam 96910
Ph. 969-0973/4 Fax. 969-0975
Email: senatorunderwood@guamlegislature.org

(1)



**Mina' trenta Tres Na Liheslaturan Guahan
33rd GUAM LEGISLATURE**

**Senator Nerissa Bretania Underwood, Ph.D.
Chairperson, Committee on Early Learning, Juvenile Justice, Public Education, and
First Generation Initiative**

November 4, 2016

DOC 33GL-16-2130 – Confirmation Hearing on the Appointment of Mr. Mark Benny C. Mendiola, Member, Guam Education Board.

Sign In Sheet

Name	Address	Phone	Email	Written or Oral	Support of Appointee	
					Yes	No
✓ Enrique Torres	Yona	888 8368	meets3@guam.net	Oral	✓	
✓ Peter Alexis Alm	Baniyala	982-7776		Oral	✓	
✓ John Jensen	Yona	777 0203	johnjens@xalwo.com	Oral	✓	
✓ Donna Maria Aquino	Talofafso	727.6862	donna@guamautspot.com	Oral	✓	

Testimony

Confirmation hearing for the appointment of Mr. Mark Mendiola to the Guam Education Board.

Given on Friday, November 4, 2016

Good morning Madam Speaker Wonpat, Senator Narissa, Bretania Underwood, Chairperson, Committee on Early Learning, Juvenile Justice, Public Education and First Generation Initiatives, and to you, honorable senator and the people of Guam.. Thank you for the opportunity to hear my testimony for your consideration in favor of confirming Mr. Mark Mendiola's appointment to the Guam Education Board.

I am Enrique Torres, an Eagle Scout, a former District Executive for the Chamorro District, Aloha Council with the Boy Scouts of America and a former Scoutmaster. I had the privilege of joining Mark in the development of leadership skills for young scouts through our island from 2005 through 2009.

I want to first thank Mr. Mendiola for his directorship of the local scouting program and the mentorship of Eagle Scouts and other scouts and their leaders. Also, for the proper management, program implementation and leadership training for the district during his tenure as a District Executive. It was through his leadership with guidance from the District Committee, that island wide scouting events, summer camps were safe and goal oriented.

Mr. Mendiola received training from the National Executive Institute of the Boys Scouts of America and various training useful in youth development. With his training in Youth Protection, Mark was unflinching in enforcing "two-deep" adult leadership at all levels of youth to adult encounters either at home meetings, camp-outs, hikes or other events. This is a directive by the National Office of the Boy Scouts of America. Screening for known child molesters, bully awareness and prevention, child abuse reporting are explicit and regulated in this policy. Mr. Mendiola's knowledge and experience in youth development will provide the current Guam Education Board with expected scrutiny in achieving a safe learning environment for students bringing relief and peace of mind for their parents or guardians.

Additionally, Mark will be able to incorporate achievement-oriented goals adaptable from the scouting program for the board's consideration and implementation in DOE's curriculum and instruction. Mark understands the importance of personal growth, establishing principles and character development as they relate to early childhood and youth development.

Mr. Mark Mendiola is an exemplary leader having compelling youth development trainings and experiences. His service, integrity, contribution, sacrifice, responsibility and most importantly his loyalty to pupils, parents and teachers will make his membership in the Guam Education Board, logical yet pertinent.



Enrique Torres

DJJ

November 1, 2016

Senator Nerissa Bretania Underwood, Ph.D.
Chairman
Committee on Early Learning, Juvenile Justice, Public Education
and First Generation Initiatives
32nd Guam Legislature
155 Hester Place
Hagatna, Guam 96910

Dear Senator Underwood,

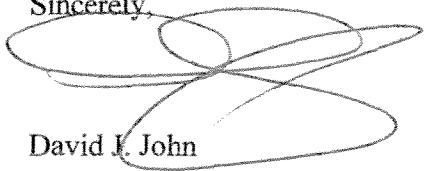
I am writing in support of Mark Mendiola to become a member of the Board of Education. I have worked with Mark both at the University of Guam Endowment Fund and at the Guam Economic Development Authority and consider him a friend.

I believe Mark is the unequivocally the right man for the job. He is someone who wants to do right by the community, is focused on organizational goals and has experience working with boards and the personalities that come with this type of organization structure.

The bottom line is Mark is both a pragmatic thinker and someone who will have empathy for the individual student that the board represents.

Please do not hesitate to contact me if I can provide further information.

Sincerely,



David J. John



Nerissa Underwood <senatorunderwood@guamlegislature.org>

Mr. Mark Mendiola

1 message

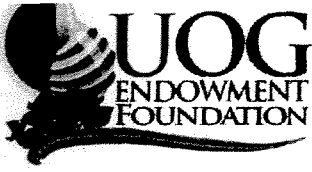
Jocelyn Bamba <jbamba7@gmail.com>
To: senatorunderwood@guamlegislature.org

Fri, Nov 4, 2016 at 7:30 AM

Hello Senator

I am a long time family friend of Mr. Mendiola, I am one here to support him as a great candidate to be selected for what he was nominated for in filling one of the vacant seat in the Department of Education. I known not only his history of being a long time family friend, but as well as his Education background he holds as well as his wife. He comes from a family that are Educated with holding Degrees as well as Retired Military, and younger generations still currently are active duty serving in the various Military Branches. I feel that he will do a great job, should he be chosen to fill the seat in the Department of Education.

Thank you



November 2, 2016

33rd Guam Legislature
155 Hesler Place
Hagatna, GU 96910

Board of Directors

Chairman
Mr. Jesse A. Leon Guerrero

Vice Chairman
Governor Joseph F. Ada

Treasurer
Mr. George Chiu

Executive Secretary
Dr. Robert A. Underwood

Directors
Mr. David John
Mrs. Elaine Cruz Jones
Mr. John T. Calvo
Dr. Wilfred P. Leon Guerrero
Dr. Saied Safabakhsh
Mr. Francisco Taitano

Dear Chairwoman Underwood and Members of the Committee:

Mr. Mark B. Mendiola served as the Executive Director for the UOG Endowment Foundation, a non-profit organization from June 2010 to June 2015. In this capacity, he was tasked with overseeing the Foundation's first major five-year capital campaign to raise \$30M.

In addition, Mr. Mendiola was required to cultivate relationships with both internal stakeholders at the University of Guam and external stakeholders such as the corporate community and alumni.

Through work with the Foundation board and the University leadership, the community has committed pledges toward the campaign of just over \$11M which includes a major land gift to the Foundation. The campaign is ongoing.

Mr. Mendiola, along with the staff, successfully executed numerous events on and off campus that raised funds for the University of Guam and supported operations for the Endowment Foundation.

In his capacity at the Foundation, he was also responsible for overseeing the investment assets in the various endowment funds and ensuring adherence to the organization's fiduciary responsibility to its hundreds of donors.

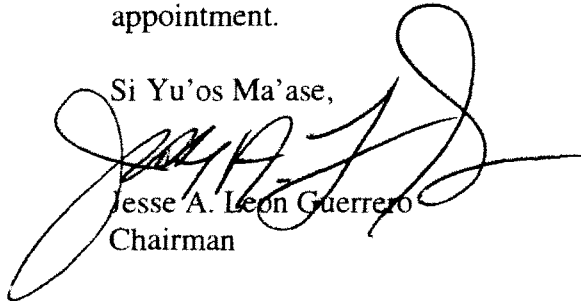
I worked directly with Mr. Mendiola on a daily basis and his commitment to serving the University of Guam through his work at the Endowment Foundation has been exceptional. I hereby unequivocally support his appointment by Governor Calvo to the Guam Education Board and sincerely encourage all Senators to unanimously confirm his appointment.

Endowment Team

Janiece A. Sablan
Executive Director

Cheryl E. Eusebio
Administrative Officer

Brianne L.G. Dunstan
Accounting Assistant

Si Yu'os Ma'ase,

Jesse A. Leon Guerrero
Chairman

Ron McInch
PO Box 5224
MANGILAO, GUAM 96923

4 Nov 2016

Letter of Support for Mr. MARK MENDIOLA for GDE Board

Dear Senator Underwood and Senators,

I am pleased to write this letter of support and provide testimony on his behalf. I have known Mark for over 18 years and he was my student in the Master of Public Administration program. Mark is bright, ambitious and he has a strong character. As the parent representative, I am sure he will serve our public and children well. Mark was a student regent at UOG, a school ~~at~~^{teacher} in Tinian and a public servant on Guam. I am pleased to say he is both a alumni and a friend.

Please consider this the highest form of support.

Sincerely, Ron McInch

Madam Chair and members of the Committee

My name is Wilfred P. Leon Guerrero, president emeritus of the University of Guam. I am here endorsing and supporting the appointment of Mr. Mark Mendiola to be a member of the Board of Education.

I became acquainted with Mark when he served as Director of the University of the Guam Endowment Foundation several years ago. I found Mark to be a good listener and respectful of other opinions. Mark has excellent communication skills and he has good judgment. He has a knack for identifying issues when discussing situations. Mark knows the role of a board and will not interfere with the day-to-day operation of the department. He will be an asset to the Board of Education.

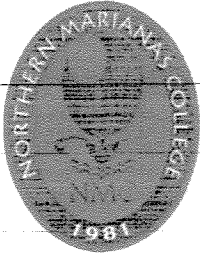
I highly recommend and urged that he be confirmed as a member of the Board of Education.

Thank you for the opportunity to testify. I will be glad to answer any questions you may have.



W.P. Leon Guerrero

11/4/16



Northern Marianas College
Office of the President

P.O. Box 501250 • Saipan, MP 96950 U.S.A. • Phone: (670) 237-6700
Fax: (670) 234-1270 • website: www.marianas.edu

November 7, 2016
Via Email

Honorable Nerissa Bretania Underwood, PhD
Senator
33rd Guam Legislature
Hagatna, Guam 96910

Re: Mark Mendiola Recommendation, Board of Education

Dear Senator Underwood:

It is with pleasure that I submit this letter giving strong recommendation for the confirmation of Mr. Mark Mendiola to the Guam Board of Education.

I have known Mark since the 1980s when he was an undergraduate student at UOG. At the time, I was the Student Activities Director. Mark displayed exemplary character as a student government leader. He served as student government president and later as Student Regent. During his leadership, he advanced many initiatives for students and was truly the students' voice of reason.

Mark served many leadership roles, most recently as the Executive Director of the UOG Foundation. In that role, he broke many fund development records. But I cannot speak more highly of him especially when he served as my Director of Institutional Advancement at the Northern Marianas College on Saipan around 2007. Mark was highly respected by the college, the Board of Regents, and the community. This respect allowed him to engage and sustain much needed support for the college. As always, he excelled in his work efforts and consistently broke fund development records. He was my most trusted direct report.

Mark has extensive successful experience in the education field and will bring a new level of expertise to the BOE. He is a man of integrity, dignity, and respect. There is no doubt that he will be a valuable asset for the People. Please give him your full consideration. Dangkulo na Si Yu'os ma'ase.'

Sincerely,

Dr. Carmen Fernandez
President

CONTACT: : Email: carmen.fernandez@marianas.edu; Cell: 671-929-7599; Office: 670-237-6700



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

October 27, 2016

Senator

Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

MEMORANDUM

Speaker

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

To: Rennae Meno
Clerk of the Legislature

Vice-Speaker

Benjamin J.F. Cruz
Member

From: Senator Rory J. Respicio
Chairperson of the Committee on Rules

Legislative Secretary

Tina Rose Muna Barnes
Member

Subject: Referral of Appointment

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

Senator

Dennis G. Rodriguez, Jr.
Member

Appointee: Mark Benny C. Mendiola
Position: Parent of Student Enrolled Within GDOE Representative, Guam Education Board

Senator

Frank Blas Aguon, Jr.
Member

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

Senator

Michael F.Q. San Nicolas
Member

"Doc. 33GL-16-2130: Governor's message transmitting the appointment of Mark Benny C. Mendiola, to serve as a Parent of Student Enrolled Within GDOE Representative, Guam Education Board."

Senator

Nerissa Bretania Underwood
Member

Please ensure that the subject appointment is referred, in my name, to **Senator Nerissa B. Underwood, Chairperson of the Committee on Early Learning, Juvenile Justice, Public Education, and First Generation Initiatives**. I also request that the same be forwarded to all Senators of *I Mina'trentai Tres Na Liheslaturan Guåhan*.

V. Anthony Ada
MINORITY LEADER

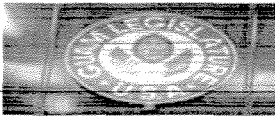
Mary C. Torres
MINORITY MEMBER

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

Si Yu'os ma'åse'!

I Mina'Trentai Tres Na Liheslaturan Guahan
Appointment Log Sheet

Date Received	M&C No.	Appointee	Position	Agency	Appt. Date	Term Length	Committee Referred	Date Referred	PH Date	CR Filed	Confirmed	Notes
10/27/16	33GL-16-2130	Mark Benny C. Mendiola	Parent of Student Enrolled Within GDOE Representative	Guam Education Board	10/26/16	Three (3) Years	Committee on Early Learning, Juvenile Justice, Public Education and First Generation Initiatives	10/27/16				



Ibarra Hernandez <ihernandez@guamlegislature.org>

CORRECTION: FIRST NOTICE - Confirmation Hearing on Friday, November 4, 2016

4 messages

Ibarra Hernandez <ihernandez@guamlegislature.org>

Thu, Oct 27, 2016 at 4:06 PM

To: PHrg Notice <phnotice@guamlegislature.org>, phmaterials@guamlegislature.org

Cc: mis <mis@guamlegislature.org>, sgtams@guamlegislature.org, bennymendiola@hotmail.com

Hello All,

Please disregard the previous email. Thank you!

MEMORANDUM

TO: All Honorable Senators, Media and Stakeholders

FROM: Senator Nerissa Bretania Underwood, Ph.D.

Subject: 1st Notice - Confirmation Hearing

Buenas yan Hafa Adai!

The Committee on Early Learning, Juvenile Justice, Public Education and First Generation Initiatives will be conducting a confirmation hearing on **Friday November 4th, 2016** beginning at **9:00 am** in the **Public Hearing Room**. This hearing is scheduled to receive public testimony on the following items:

- DOC 33GL-16-2130 – Confirmation Hearing on the Appointment of **Mr. Mark Benny C. Mendiola**, Member, Guam Education Board.

Pursuant to 5 GCA, Chapter 8, Subsection 8107, public hearing notices should be sent on Monday, September 19, 2016, which is five (5) working days prior and a second public notice on Thursday, September 22, 2016, which is forty-eight (48) hours prior.

Written notices may be submitted prior to, on the day of or up to ten (10) days after the public hearing to the Office of Senator Nerissa Bretania Underwood, Ph.D., 155 Hessler Place, Hagåtña, Guam 96910, or via email to senatorunderwood@guamlegislature.org. We comply with Title II of the Americans with

Disabilities Act (ADA). Should you require assistance or accommodations please contact James Servino, Scott Mendiola, or Ibarra Hernandez from our office at 969-0973

I look forward to your attendance and participation.

Si Yu'os Ma'ásé!

--
Cheers,


Ibarra "Barry" Hernandez


Policy Analyst

Office of Senator Nerissa Underwood

I Mina'trentai Tres na Liheslaturan Guåhan - 33rd Guam Legislature
671-969-0973

2 attachments

 **Appt Mark Benny C. Mendiola HISTORY.pdf**
1657K

 **firstnoticememo-MarkMendiola.pdf**
302K

Mary S. Maravilla <marym@guamlegislature.org>
To: Ibarra Hernandez <ihernandez@guamlegislature.org>

Thu, Oct 27, 2016 at 4:10 PM

Hey Barry,

FYI correction on dates.

" Pursuant to 5 GCA, Chapter 8, Subsection 8107, public hearing notices should be sent on **Monday, September 19, 2016**, which is five (5) working days prior and a second public notice on **Thursday, September 22, 2016**, which is forty-eight (48) hours prior. "

- Mary

--
Mary Maravilla

Administrative Assistant

Office of Senator Rory J. Respicio

Committee on Rules, Federal, Foreign and Micronesian Affairs, Human and Natural Resources, Election Reform and Capitol District

155 Hesler Street Hagatna, GU 96910

I Mina'Trentai Tres Na Liheslaturan Guåhan (33rd Guam Legislature)

tel: 671.472.7679 | fax: 671.472.3547

email: marym@guamlegislature.org

[Quoted text hidden]

Joe San Agustin <joesa@guamlegislature.org>
To: Ibarra Hernandez <ihernandez@guamlegislature.org>
Cc: adam@guamlegislature.org

Thu, Oct 27, 2016 at 4:07 PM

Now posted. thanks !

From: Ibarra Hernandez [mailto:ihernandez@guamlegislature.org]
Sent: Thursday, October 27, 2016 4:06 PM
To: PHrg Notice; phmaterials@guamlegislature.org
Cc: mis; sgtarms@guamlegislature.org; bennymendiola@hotmail.com
Subject: CORRECTION: FIRST NOTICE - Confirmation Hearing on Friday, November 4, 2016

[Quoted text hidden]

Ibarra Hernandez <ihernandez@guamlegislature.org> Thu, Oct 27, 2016 at 4:13 PM
To: PHrg Notice <phnotice@guamlegislature.org>, phmaterials@guamlegislature.org
Cc: mis <mis@guamlegislature.org>, sgtarms@guamlegislature.org, bennymendiola@hotmail.com

Hafa Adai Everyone,

Please disregard the dates shown in the memo:

"

" Pursuant to 5 GCA, Chapter 8, Subsection 8107, public hearing notices should be sent on **Monday, September 19, 2016**, which is five (5) working days prior and a second public notice on **Thursday, September 22, 2016**, which is forty-eight (48) hours prior. "

The dates would be Thursday October 27, 2016 and Wednesday November 2, 2016 respectively.

I apologize for the miscommunication.

On Thu, Oct 27, 2016 at 4:06 PM, Ibarra Hernandez <ihernandez@guamlegislature.org> wrote:

[Quoted text hidden]

[Quoted text hidden]



Ibarra Hernandez <ihernandez@guamlegislature.org>

SECOND NOTICE: Confirmation Hearing on Friday, November 4, 2016

2 messages

Ibarra Hernandez <ihernandez@guamlegislature.org>

Tue, Nov 1, 2016 at 11:02 AM

To: PHrg Notice <phnotice@guamlegislature.org>, phmaterials@guamlegislature.org

Cc: mis <mis@guamlegislature.org>, sgtarms@guamlegislature.org, bennymendiola@hotmail.com, mmendiola@investguam.com

November 1, 2016

MEMORANDUM

TO: All Honorable Senators, Media and Stakeholders

FROM: Senator Nerissa Bretania Underwood, Ph.D.

Subject: 2nd Notice - Confirmation Hearing

Buenas yan Hafa Adai!

The Committee on Early Learning, Juvenile Justice, Public Education and First Generation Initiatives will be conducting a confirmation hearing on **Friday November 4th, 2016** beginning at **9:00 am** in the **Public Hearing Room**. This hearing is scheduled to receive public testimony on the following items:

- DOC 33GL-16-2130 – Confirmation Hearing on the Appointment of **Mr. Mark Benny C. Mendiola**, Member, Guam Education Board.

Pursuant to 5 GCA, Chapter 8, Subsection 8107, public hearing notices should be sent on Thursday, October 27, which is five (5) working days prior and a second public notice on Tuesday, November 1, 2016.

Written notices may be submitted prior to, on the day of or up to ten (10) days after the public hearing to the Office of Senator Nerissa Bretania Underwood, Ph.D., 155 Hessler Place, Hagåtña, Guam 96910, or via email to senatorunderwood@guamlegislature.org. We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations please contact James Servino, Scott Mendiola, or Ibarra Hernandez from our office at 969-0973

I look forward to your attendance and participation.

Si Yu'os Ma'ásé!

cc: Sgt of Arms

Media

MIS

--
Cheers,

Ibarra "Barry" Hernandez


Policy Analyst


Office of Senator Nerissa Underwood

I Mina'trentai Tres na Liheslaturan Guáhan - 33rd Guam Legislature

671-969-0973

2 attachments

 **Secondnoticememo-MarkMendiola.pdf**
1483K


 **Appt Mark Benny C. Mendiola HISTORY.pdf**
1657K


Ibarra Hernandez <ihernandez@guamlegislature.org>
To: Maria Roberto <mroberto@gdoe.net>

Thu, Nov 3, 2016 at 12:28 PM

[Quoted text hidden]

2 attachments

 **Secondnoticememo-MarkMendiola.pdf**
1483K

 **Appt Mark Benny C. Mendiola HISTORY.pdf**
1657K

30thguamyouthcongress@gmail.com	committee@frankaguonjr.com	jason@kuam.com
action@weareguahan.com	communications@frankaguonjr.com	jason@senatormorrison.com
admin@bbmr.guam.gov	communications@guam.gov	jborja@senatorada.org
admin2@guamrealtors.com	cor@guamlegislature.org	jean@tinamunabarnes.com
admin@frankaguonjr.com	coy@senatorada.org	jennifer.lj.dulla@gmail.com
admin@guamrealtors.com	criggell@guamcourts.org	joan@kuam.com
admin@weareguahan.com	cyrus@senatorada.org	joe@toduguam.com
aguon4guam@gmail.com	danireyes@senatorbjcruz.com	joesa@guamlegislature.org
agusto.aflague@gmail.com	dcrisost@guam.gannett.com	john.calvo@noaa.gov
ahernandez@guamlegislature.org	debbieretuyan@judiwonpat.com	john@postguam.com
alan@tinamunabarnes.com	desori623@hotmail.com	johnluces@toduguam.com
alerta.jermaine@gmail.com	divider_j_jimenez@hotmail.com	johntaoconnor@gmail.com
aline4families@gmail.com	dleddy@guamchamber.com.gu	jon.calvo@mail.house.gov
am800guam@gmail.com	dmgeorge@guampdn.com	jontalk@gmail.com
amandalee.shelton@mail.house.gov	duenasenator@gmail.com	jpmanuel@gmail.com
amcborja@gmail.com	ed@tonyada.com	jstedtaotao@gmail.com
anitaataligmani@gmail.com	edelynn1130@hotmail.com	jtenorio@guamcourts.org
ann@toduguam.com	editor@postguam.com	julian.c.janssen@gmail.com
ataligba@gmail.com	editor@saipantribune.com	juliette@senatorada.org
assist_editor@glimpsesofguam.com	edpocaigne@judiwonpat.com	kai@spbguam.com
av@guamlegislature.org	elena.garcia@senatorbjcruz.com	kcharfauros74@gmail.com
avillaverde@guamlegislature.org	emanaloto@guamlegislature.org	kcn.kelly@gmail.com
avon.guam@gmail.com	emqcho@gmail.com	keepinginformed.671@gmail.com
baza.matthew@gmail.com	eo@guamrealtors.com	kelly.toves@mail.house.gov
bdydasco@senatorada.org	etajalle@guamlegislature.org	kennylg@guamlegislature.org
bernice@tinamunabarnes.com	ewinstoni@yahoo.com	kenq@kuam.com
berthaduenas@guamlegislature.org	fbtorres@judiwonpat.com	khmg@hbcguam.net
bmkelman@guampdn.com	fes22744@gmail.com	koreannews@guam.net
brantforguam@gmail.com	flores@senatorada.org	koreatv@kuentos.guam.net
bruce.lloyd.media@gmail.com	frank.blasjr@gmail.com	kstokish@gmail.com
bshringi@moylans.net	frank@judiwonpat.com	kstonews@ite.net
caquino@tinamunabarnes.com	gerry@postguam.com	kurtzman.guamlegis@gmail.com
carlaborja.73@yahoo.com	gerrypartido@gmail.com	kyle_brian@live.com
carlo.branch@gmail.com	gktv23@hotmail.com	law@guamag.org
carlo.branch@senatorbjcruz.com	guadalupeignacio@gmail.com	legislativecounsel@guamlegislature.org
carlsanchez@judiwonpat.com	guam.avon@gmail.com	leling@judiwonpat.com
carlsonc@pstripes.osd.mil	guam@pstripes.osd.mil	life@guampdn.com
ccastro@guamchamber.com.gu	guamnativesun@yahoo.com	ljalcairo@gmail.com
ccharfauros@guamag.org	hana@guam-shinbun.com	lmatthews@guampdn.com
cgogue@guampdsc.net	hermina.certeza@senatorbjcruz.com	louise@tonyada.com
cheerfulcatunao@yahoo.com	hill.bruce@abc.net.au	m.salaila@yahoo.com
christine.quinata@takecareasia.com	hottips@kuam.com	managingeditor@glimpsesofguam.com
chucktanner@toduguam.com	ihernandez@guamlegislature.org	mabuhaynews@yahoo.com
cipo@guamlegislature.org	info@chinesetimesguam.com	mahoquinene@guam.net
clerks@guamlegislature.org	james.servino@guamlegislature.org	malainse@gmail.com
cmduenas@guamlegislature.org	rlimtiaco@guampdn.com	maria.pangelinan@gec.guam.gov

Public Hearing Notice Listserv
phnotice@guamlegislature.org (Media, All Senators, and Staff)

Updated: October 27, 2016

martavictoriapalmtree@gmail.com	roryforguam@gmail.com
marycamachotorres@gmail.com	rowena@senatormorrison.com
maryfejeran@gmail.com	sabrina@kuam.com
marym@guamlegislature.org	sarah.elmore@senatorbjcruz.com
matthew.santos@senatorbjcruz.com	senator@senatorbjcruz.com
mcarlson@guamlegislature.org	senator@tinamunabarnes.com
mcperson.kathryn@abc.net.au	senatorbrantmccreadie@gmail.com
mcruz@hitradio100.com	senatorrodriguez@gmail.com
media@frankaguonjr.com	senatorsannicolas@gmail.com
menchu@toduguam.com	senatortonyada@guamlegislature.org
millie@tinamunabarnes.com	senatorunderwood@guamlegislature.org
mindy@kuam.com	senjvespaldon@gmail.com
mis@guamlegislature.org	sgtarms@guamlegislature.org
mlwheeler2000@yahoo.com	sitarose2@yahoo.com
mohernande@guampdn.com	sixquintanilla@gmail.com
monty.mcdowell@amiguam.com	slimtiaco@guampdn.com
mspeps4873@gmail.com	smendiola@guamlegislature.org
mwatanabe@guampdn.com	sonedera-salas@guamlegislature.org
natasha@toduguam.com	speaker@judiwonpat.com
nb.underwood@yahoo.com	staff@frankaguonjr.com
news@guampdn.com	stephaniemendiola@gmail.com
news@spbg Guam.com	tasigirl@gmail.com
nick@kuam.com	tcastro@guam.net
norman.aguilar@guamcc.edu	tcruznelson@gmail.com
office@senatorada.org	team5andahalfstar@gmail.com
officeassistant@frankaguonjr.com	telo.taitague@visitguam.org
oliviampalacios@gmail.com	thebigshow@k57.com
onlyonguam@acubedink.com	tina.alicto@yahoo.com
orleen@senatorbjcruz.com	tina@tinamunabarnes.com
orsini.rikki@gmail.com	tjtaitano@cs.com
oyaol.ngirairiki@gmail.com	tom@senatorada.org
pacificjournalist@gmail.com	tommy@senatormorrison.com
parroyo@k57.com	tony@senatorada.org
pdkprg@gmail.com	tony@tonyada.com
pete@tonyada.com	tritten@pstripes.osd.mil
peter@senatorada.org	tterlaje@guam.net
phill@spbg Guam.com	vparriola1@gmail.com
procurement@guamlegislature.org	vpaulino@guamlegislature.org
policy@frankaguonjr.com	xiosormd@gmail.com
publisher@glimpsesofguam.com	xiosormd@yahoo.com
rennae@guamlegislature.org	ylee2@guam.gannett.com
responsibleguam@gmail.com	
rfteehan@yahoo.com	
rsalas@senatorada.org	
ricknauta@hitradio100.com	
rolly@ktkb.com	



I Mina'Trentai Tres na Liheslaturan Guåhan

33rd Guam Legislature

Senator Nerissa Bretania Underwood, Ph.D.

Chairperson, Committee on Early Learning, Juvenile Justice,
Public Education and First Generation Initiatives

ROUND TABLE MEETING

Friday November 4, 2016

9:00 AM

Guam Legislature Public Hearing Room

Please be advised that Senator Nerissa Bretania Underwood, Ph.D., Chair of the Committee on Early Education, Juvenile Justice, Public Education, and First Generation Initiatives will be conducting a confirmation hearing on **Friday, November 4, 2016 10:00 a.m.** at *I Liheslaturan Guåhan's* Public Hearing Room.

Agenda

DOC 33GL-16-2130 – Confirmation Hearing on the Appointment of **Mr. Mark Benny C. Mendiola**, Member, Guam Education Board.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services or for further information, please call the Committee on Early Learning, Juvenile Justice, Public Education and First Generation Initiatives at 969-0973/4 or email at senatorunderwood@guamlegislature.org

Confirmation held for Mark Mendiola to sit on education board

Posted: Nov 04, 2016 4:07 PM
Updated: Nov 11, 2016 4:07 PM

By Ken Quintanilla [CONNECT](#)

A confirmation hearing was held this morning for the governor's latest appointee to the Guam Education Board. "I come before this legislative body to seek your support and your vote of confidence in becoming a member of the Guam Public School Education Policy Board as a parent representative," announced Mark Mendiola. He's already involved as the president of the Agueda Johnston Middle School Parent Teacher Organization, but if confirmed, Mendiola won't just be serving his four of five children attending public school, but the 30,000 others in the Guam Department of Education.

"Our children deserve nothing less than the best education, and I'm willing to try and do my best to make that possible," he said.

Mendiola is the governor's recent appointee to the Guam Education Board following the resignation of Charlene Concepcion and Ryan Torres. The governor called for their resignations, along with Ken Chargualaf, in the aftermath of the board's termination of superintendent Jon Fernandez's contract. Lawmakers questioned Mendiola on his knowledge of Title IX, the federal law that is at the center of controversy over the Fernandez firing.

Mendiola says he started reading about it, not because of Fernandez, but rather for his son with special needs, explaining, "I do understand what's at stake for my son should Title IX be violated."

And while he hasn't even been confirmed, lawmakers grilled Mendiola even more on Title IX and what steps he would take in light of a sexual harassment complaint filed just this week by a JP Torres Success Academy student. He said, "At this time, I defer to respond that line of questioning because I know there are tremendous amount of issues surrounding that, and I do know that if I'm confirmed, I would like to look at all the information presented to the board and I will vote my conscious based on what I know to be true. I'll leave it at that."

He repeatedly stressed he will stand by his decisions keeping in mind not just his children but the thousands of students attending DOE schools.

"I do know senator that controversial issues come before me and topics that are hotly contested, I know I'm capable of making the tough decisions to make to move things forward," he said.

The Governor's Office issued a release saying senators were "grilling the wrong person", and questioned why aren't they holding an oversight hearing for those currently on the board.

Senators grill Mark Mendiola, governor's education board nominee

Haidee V Eugenio, heugenio@guampdn.com 11:35 p.m. ChST November 4, 2016



(Photo: Haidee V. Eugenio/PDN)

Questions about the public school system's policies for sexual harassment dominated Friday's legislative confirmation hearing for Mark C. Mendiola, who is one of Gov. Eddie Calvo's new appointees to the Guam Education Board.

The school board is in the process of firing Superintendent Jon Fernandez after reviewing the results of an investigation into allegations of sexual harassment and misconduct against Fernandez.

A former student this week also [filed complaints \(/story/news/2016/11/02/student-files-sexual-harassment-complaint-against-fernandez-accuser/93154684/\)](#) with Guam police and with the school system, accusing

Assistant Superintendent for Vocational Technical Education Eleuterio Mesa of sexual harassment when he was her principal.

The school board now has two vacancies after Calvo, who disagreed with the school board's decision to fire Fernandez, called for the resignations of his appointed members, who voted in favor of the termination. Calvo on Friday also issued a written statement, saying he [appointed \(/story/news/2016/11/03/calvo-nominates-mendiola-mcninch-education-board/93226308/\)](#) Mendiola and University of Guam professor Ron McNinch to the school board, "to help fix the mess that senators refuse to fix."

Sen. Nerissa Underwood, chairwoman of the legislative committee on education, asked Mendiola whether he will consult the governor first before making any decision on matters that are facing the board. Mendiola said he will decide based on information presented to the board as a full body.

Speaker Judi Won Pat then asked, "Where will your loyalty lie?"

"My loyalty lies with the children. I appreciate the governor's faith in me that I will make the right decisions," Mendiola said. If confirmed, he will fill the appointed school board spot as a representative of parents. McNinch, who was appointed this week, would fill the board seat as a representative of businesses.

Underwood also asked Mendiola questions about Title IX of the Education Amendment of 1972, a federal human rights law that safeguard equal access to education and specifically prohibits sexual discrimination in federally funded education programs or activities.

Underwood and Vice Speaker Benjamin Cruz asked Mendiola for his opinion or understanding of policies and procedures when a sexual harassment complaint is filed, like the complaints against Fernandez and Mesa.



[PACIFIC DAILY NEWS](#)

[Calvo nominates Mendiola, McNinch to education board](#)

[\(http://www.guampdn.com/story/news/2016/11/03/calvo-nominates-mendiola-mcninch-education-board/93226308/\)](http://www.guampdn.com/story/news/2016/11/03/calvo-nominates-mendiola-mcninch-education-board/93226308/)

"At this time, I defer to respond to that line of questioning because I do know that there are tremendous amount of issues surrounding that, and I do know that if I'm confirmed, I would like to look at all the information that's presented to the board and I will vote my conscience based on what I know to be true," Mendiola said.

Cruz and Underwood said their questions were meant to gauge Mendiola's knowledge about Title IX, and not to see how he will vote on issues before the education board.

Cruz said he was disappointed that Mendiola's testimony did not state how he would address Title IX violations, among other things.

The education board, through its counsel, conducted a Title IX investigation, results of which led the board to vote 6 to 3 to end the contract of Fernandez, who was accused of misconduct and sexual harassment.

Failure to comply with Title IX requirements may result in the U.S. Department of Education withholding all or portions of the over \$50 million funds that Guam public schools receive annually.

Mendiola said his familiarity with Title IX was initially because of materials he read to help his son with special needs. He said since accepting the governor's nomination to the education board, he has read up on Title IX even more. Mendiola has four children in public schools, is married to a public school teacher and is active in parent-teacher organizations. He also served on the University of Guam board of regents.

Mendiola told senators he still has a lot to learn about Title IX.



PACIFIC DAILY NEWS

[Payroll glitch affects Guam DOE employees](#)

[\(http://www.guampdn.com/story/news/2016/11/03/payroll-glitch-affects-guam-doe-employees/93271438/\)](http://www.guampdn.com/story/news/2016/11/03/payroll-glitch-affects-guam-doe-employees/93271438/)

Sen. Tony Ada, R-Sinajana, said those questions could have been answered if the committee had called an oversight hearing on the decision to fire Fernandez.

Underwood has refused to hold an oversight hearing on the matter, despite Calvo's requests.

"The questions posed to you are questions that should have been answered 10 to 15 years ago. The current leadership at DOE should know the answers," Ada said. "I see why many refuse to serve on boards and commissions, because of the way this body is treating them."

Calvo issued a statement while the confirmation hearing was ongoing.

"These senators are grilling the wrong person. If they were so worried about what's going on at Guam DOE and the firing of Jon Fernandez then they should have called an oversight hearing of the current board when I told them to," Calvo said.

Senators also asked Mendiola, who was chairman of the housing committee for the Festival of Pacific Arts, about [\\$300,000 in unpaid utility bills \(story/news/2016/09/23/doe-talks-over-utility-costs-still-alive/90887974/\)](#) at the schools, which were used as housing for visiting participants in May and June.

Mendiola said the claims are still under review to make sure they cover only the areas and time used during FestPac.

Mendiola said the FestPac committee will try to resolve the matter before the end of November.



PACIFIC DAILY NEWS

[DOE: Talks over utility costs still alive](#)

[\(http://www.guampdn.com/story/news/2016/09/23/doe-talks-over-utility-costs-still-alive/90887974/\)](http://www.guampdn.com/story/news/2016/09/23/doe-talks-over-utility-costs-still-alive/90887974/)

Peter Alexcis Ada, an education board member, asked senators to confirm Mendiola's nomination even if it means holding a special session for the vote. He said this will help the board "move forward" in addressing the questions about Fernandez's termination, among other things.

Ada was among the over a dozen individuals who testified in support of Mendiola's nomination. Among them educators and business persons.

Underwood's committee will continue to accept testimony on Mendiola's nomination until Nov. 14.

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GDOE may see FestPac reimbursement by month's end

John O'Connor | Post News Staff | Nov 7, 2016



John O'Connor

Mark Mendiola, who was the chairman of the FestPac housing committee, said there was some concern with how much money GDOE stated it was owed. Post file photo

The Guam Department of Education may be receiving reimbursements by the end of the month for utility expenses accrued during the 2016 Festival of Pacific Arts, according to Guam Education Board appointee Mark Mendiola, who made the statements during his confirmation hearing on Nov. 4.

Mendiola is a special assistant in the Guam Economic Development Authority but was also the chairman of the FestPac housing committee. Eight public schools were used to house over 2,500 delegates from various island nations. The two week cultural event left GDOE with a utility bill of over \$300,000 promised to be reimbursed. But with total utility cost for all 41 public schools totaling to about \$1 million per month, Mendiola said, there was some concern with how much money GDOE stated it was owed.

"Some schools we didn't even use the entire facility," he added. "So we asked (the utilities) and the folks at GDOE to give us a detailed report as to what was expended. ... After reviewing it, we had more questions and then we shot it back for further clarification."

While the housing committee is closing out the numbers, Mendiola said he did not yet know how much GDOE may receive but understanding that they are under a lot of scrutiny, added that the committee wanted to ensure its calculations were accurate. Sen. Nerissa Underwood, the chairwoman of the legislative committee on public education, said she understood the committee's reasoning but noted that GDOE constantly struggled with funding.

"Whether its \$300,000, \$30,000 or \$3,000 it can make a difference to students and teachers ... Our teachers have to purchase a lot of their supplies and materials," Underwood said. "So the concern that had been raised about this is really the timeliness of the reimbursement."

Underwood then thanked Mendiola for indicating when the reimbursements could be made and asked that he ensure GDOE is given an accurate amount, whether it is more or less than what was requested.

An initial audit of FestPac found some deficiencies, such as a procurement that was not in line with law and funding shortfalls. Public Auditor Doris Flores Brooks has promised a post audit of the event but that has not yet been completed as the Office Public Accountability waits for bills to be closed out.

FestPac utility cost initially reported by GDOE:

• Power: \$272,101.43

• Water: \$47,874.12

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Reporting on utilities, healthcare, education and other topics.