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HAND DELIVERED

The Honorable Speaker Judith Won Pat, Ed.D
30th Guam Legislature
155 Hesler Plaza
Hagatna, Guam 96910

October 1, 2009

Subject: Ethics Complaint Against Senator Matt Rector and Call to Convene Ethics Committee of the 30th Guam Legislature

Dear Speaker Won Pat:

Please accept this letter as a formal ethics complaint. I am filing this complaint with your office relative to various activities conducted by Senator Matt Rector. In my opinion, his actions continue to violate the most elementary principles of ethics, as they apply to Public Officials. I would like to state, that my complaint is filed as an individual taxpayer and a lifelong resident of Guam. Nothing contained in this complaint should be construed in any manner whatsoever as one I have filed in any other capacity. As a lifelong resident and taxpayer of Guam, I have given this matter significant thought prior to the preparation of this ethics complaint. I strongly feel that this complaint has merit and handled in a manner which is provided for by the people of Guam.

I feel it is important to first express my views on the differences between ethics and law. It is important that the distinction be made, because often, doing what is considered "right or wrong" and doing what is considered to be "legal and illegal" get confused. It is important to me that Senator Rector not seek to characterize law and ethics as one. The differences in the two have been recognized in many professions for decades. In my view, "ethics" has to do with an individual's sense of right or wrong, an inherent consciousness that all human beings possess and are influenced by. The "law" however, evolves from a governmental process whereby the Legislature drafts bills based on public input and other information gathered from public proceedings which are then either signed into law by the Executive Branch,

Office of the Speaker
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and if not signed into law by the Executive Branch, then is returned to the Legislative body for other optional considerations. While principles of “ethics” involve inherent understandings of right from wrong, the “law” is a codified version of actions or inactions created through a government process.

Before I state some of the reasons justifying this ethics complaint, I feel it is also important that the Oath of Office that Senator Rector took to become a public official be considered. Congress and the Guam Legislature have the power to regulate and even enact laws that punish private businesses for unethical practices. It is not uncommon to hear Senator Rector make assumptions or accusations about the Guam business community engaging in alleged unethical practices. The right to regulate business practices and protect consumers from unethical business practices comes from the very same source as the Oath of Office that Senator Rector swore by when he accepted the position of Senator as provided to him by the people of Guam. The very core of a Public Official’s Oath of Office is based, not only on principles of the United States Constitution, but equally important, our Organic Act of Guam.

The Constitution and the Organic Act were not created to protect individuals from other individuals. Instead, it was created to protect the interest of the people from Government action or action by Public Officials that adversely impact the rights of the people. If Senator Rector, a Public Official who is employed by the taxpayers of Guam, can take steps to protect his own personal interest under the guise of unethical practices; then I, along with all the taxpayers of our island, have the same right to challenge his own actions, if we feel such actions are unethical. The Oath of Office is a serious commitment to the people of Guam, that one will discharge his or her duties consistent with not only laws, but also with an inherent sense of right and wrong which is the very essence of what “ethics” is all about.

I believe that the basis of my complaint has been raised before by some of your colleagues, members of the public and even certain media officials. Senator Rector serves as a Senator and also serves as the President of the Guam Federation of Teachers (hereinafter referred to as the “Union.”). In this dual capacity, I feel it is imperative that the Legislature’s Ethics Committee determine, with full disclosure what funds from his Legislative budget have and continue to be spent on fostering Union activities. This includes, but is not limited to rent being paid for his legislative office space, which reports have indicated is being paid to the Union. Also such expenses as copying charges for handouts provided during his public speeches supporting Union activities. In addition, his participation in the public hearing

process that involves proposed laws that also appears to benefit the Union he simultaneously serves as President. I also ask the Legislature's Ethics Committee to determine the extent of Senator Rector's involvement in negotiating matters related to pay scales of Port Authority of Guam employees while again also simultaneously serving as a Senator and President of the Union.

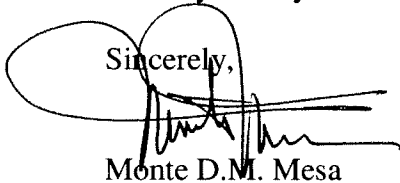
Although I have set forth the above differences between "ethics" and "law," notwithstanding those differences, there are also laws that provide guidance in determining the inherent sense of right and wrong which is the basic foundation of my ethics complaint filed herein against Senator Matt Rector. He is a public employee, receives a salary from funds collected by the taxpayers of Guam, has resources available to him (such as an office and staff) paid for by the taxpayers of Guam and yet his status as a Senator meets all the definitions of a "Public Official" and "Public Employee."

Therefore, based on principles of ethics: Is it right that Senator Rector maintain the office of a Senator while also maintaining the position of President of the Union? Is it right to use one's office as Senator to further the interest of the very Union that Senator is the President of? Is it right that the President of the Union also be the Chairman of the Committee on Labor, the very committee where proposed laws are considered that may benefit the Union? Is it right that a Senator, who is also President of a Union, be engaged in activities with government agencies that involve Union related activities? Is it right that a Senator use his budget to pay rent to the Union, which he serves as President?

I wholeheartedly believe the answer to the questions is a clear and definite "No". I respectfully request Madam Speaker, to convene the Legislature's Ethics Committee to address these serious ethical issues.

Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read "Monte D.M. Mesa", with a large, sweeping flourish above it.

Monte D.M. Mesa

Cc: All Senators
All media outlets