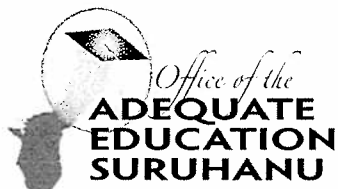


10/27



Dominic Terlaje  
Education Suruhanu

Office of the Adequate Education Suruhanu (OES)  
126 Ricardo J. Bordallo Governor's Complex, Adelup  
P.O. Box 2950 Hagatna, Guam 96932

Telephone: (671) 475-9130  
Email: [educationsuruhanu@guam.gov](mailto:educationsuruhanu@guam.gov)  
Web Address: [www.guamlegislature.com](http://www.guamlegislature.com)



November 4, 2009

30-09-1343

To: Superintendent of Education  
From: Education Suruhanu  
Subject: November 3, 2009 Finegayan Elementary School inspection

Office of the Speaker  
Judith T. Woon Pat, Ed. D.  
Date: 11/05/09  
Time: 10:45 AM  
Received by: [Signature]

Dear Dr. Bretania Underwood:

On November 3, my office along with the Department of Public Health and Social Services (DPHSS) and the Guam Environmental Protection Agency (GEPA) performed an inspection of the Finegayan Elementary School. During the inspection, DPHSS identified a total of 14 separate violations totaling 44 demerits which resulted in suspension of the School's sanitary permit resulting in the closure of the school. A copy of the November 3, 2009 DPHSS inspection report is attached. In addition, GEPA issued an inspection report identifying various discrepancies. A copy of the GEPA report is attached. Please be advised that reported violations and/or discrepancies are also considered violations of various provisions of the Fourteen (14) Points of P.L. 28-45 § 4 and as such, must be rectified immediately in order to come into compliance with the law.

While it is unfortunate that the Finegayan Elementary School was closed, GDOE was well aware that approximately six of the fourteen violations cited in the November 3, 2009 inspection are the same violations that were identified in a DPHSS inspection report dated March 19, 2009. The six DPHSS violation item numbers that appeared in both the November 3, and March 19, 2009 inspections are as follows: Item No. 8, 13, 21, 23, 29, and 31 (the repeat violations). For approximately seven months, GDOE failed to rectify the repeat violations. GDOE's failure to address reported violations in a timely manner is unacceptable and must not be tolerated. GDOE must hold accountable those individuals who failed to rectify the violations previously reported.

During the course of the November 3, 2009 inspection, the School Administrator stated that since the March 19, 2009 inspection, GDOE has provided little if any assistance to the Finegayan Elementary School in addressing the citations/violations identified in the March 2009 inspection report. GDOE must not wait until a school is closed before work is performed to rectify existing violations and/ or discrepancies. GDOE must work to resolve any difficulties they may be experiencing in their ability to timely respond to and rectify work orders, citations/violations, and/or discrepancies. GDOE should consider reviewing their Work Order and Citation/Violation Guide Policies and/or Procedures in order to ensure that work orders, citations/violations, and/or discrepancies are timely and effectively addressed. The law requires GDOE to provide a healthful, safe, and sanitary learning environment for all GDOE public school students, at all times of the school day, and at all GDOE public schools.

If you have questions, please do not hesitate to contact my office.

Respectfully,  
  
Dominic S. Terlaje

Attachment

cc: Speaker, 30<sup>th</sup> Guam Legislature  
GEPB Chairman

1344



# GUAM ENVIRONMENTAL PROTECTION AGENCY



AHENSIAN PRUTEKSION LINA' LA GUAHAN

P.O. BOX 22439 GMF • BARRIGADA GUAM 96921 • TEL: 475-1658/9 • FAX: 477-9402

## GEPA ONE STOP PERMIT SECTION Inspection Schedule

UN-OFFICIAL  
INSPECTION REPORT

Owner: FINEZAYAN ELEM. SCHOOL GEPA Permit No. \_\_\_\_\_  
 Contractor: \_\_\_\_\_ Project Type: SEWER TREATMENT PLANT  
 Location and Lot No. \_\_\_\_\_  
 Schedule Date: 11-03-09 Scheduled Time: 9:30 Date Requested: 11-03-09

Check the type of work requiring inspection:

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> On-Site Drainage System            | <input type="checkbox"/> Grease Interceptor       | <input type="checkbox"/> Sewage Treatment Plant |
| <input type="checkbox"/> Septic Tank / Leaching Field                  | <input type="checkbox"/> Site / Ocular Inspection | <input type="checkbox"/> Clearing and Grading   |
| <input checked="" type="checkbox"/> OTHERS WASTE WATER DISPOSAL SYSTEM | <input type="checkbox"/> Stockpiling              | <input type="checkbox"/> Backfilling            |

REMARKS: Explain clearly the type of work that requires inspection.

LAST ~~INSPECTION~~ INSPECTION PERIOD 03-25-09 THIS VIOLATION ALREADY NOTED  
 NEED TO PLUG AND SEALED TWO (2) 4" DIAMETER SEWER PIPELINE /  
 (REMOVED WATER CLOSET) AND 2 (TWO) 2" DIAMETER SEWER PIPE LINE  
 LOCATED NEAR THE ROOM 112 NEXT TO STAIRWAYS W/ ELECTRICAL ROOM  
 (DAMAGED ROOMS) TO CORRUPTOR X. J. BOA NEAR ROOM NEXT TO GIRLS  
 AND BOYS BATHROOM

Inspector's Name (Print): \_\_\_\_\_  
 INSPECTION: 11-03-09 and 9:30  
 (DATE) (TIME)

RECEIVED BY: [Signature]  
 R.M.E. of Contractor / Owner  
[Signature] 11/3/09  
 Address and Telephone No. \_\_\_\_\_

### Certification of GEPA Official:

I certify that all work / / has been done / / has not been done in compliance with GEPA Rules and Regulations: with the approved plans and specifications and with the Building Law of the Government of Guam.

\_\_\_\_\_  
 GEPA Official Date ( ) APPROVED ( ) DISAPPROVED

### INSTRUCTIONS:

This form is to be prepared in three (3) copies at the Building Permit One Stop Center, at least seventy-two (72) hours in advance.

### DISTRIBUTION:

1. GEPA One-Stop Permit Center Copy (White)
2. GEPA WPC Inspector Copy (Yellow)
3. Contractor / Owner's Copy (Pink)

### NOTE:

Provide (drawing or sketch) location map on the back sheet of the white copy. This is not valid unless pertinent inspection reports are attached in the white and yellow copy, and duly signed by the assigned GEPA staff.



# GUAM ENVIRONMENTAL PROTECTION AGENCY



## AHENSIAN PRUTEKSION LINA' LA GUAHAN

P.O. BOX 22439 GMF • BARRIGADA GUAM 96921 • TEL: 475-1658/9 • FAX: 477-9402

### GEPA ONE STOP PERMIT SECTION Inspection Schedule

UN-OFFICIAL  
INSPECTION REPORT

Owner: FINEZAYAN ELEMENTARY SCHOOL GEPA Permit No. \_\_\_\_\_  
Contractor: \_\_\_\_\_ Project Type: CPSS HEALTH & SAFETY NSP  
Location and Lot No. \_\_\_\_\_  
Schedule Date: 11/03/09 Scheduled Time: 9:30 AM Date Requested: 11/03/09

Check the type of work requiring inspection:

- On-Site Drainage System
- Grease Interceptor
- Sewage Treatment Plant
- Septic Tank / Leaching Field
- Site / Ocular Inspection
- Clearing and Grading
- OTHERS
- Stockpiling
- Backfilling

REMARKS: Explain clearly the type of work that requires inspection.

1. NEED TO INSTALL 1/2" SCREEN TO DRAINAGE INLET / CATCH BASIN UNDER REAR STEEL GRATINGS LOCATED NEAR ROOM 119 TO ROOM 121
2. AC DRAINLINE LEAKS INTO THE WALKWAY NEED TO REPAIR DRAIN LINES IMMEDIATELY LOCATED NEAR ROOM 117, ROOM 108
3. STANDING RAIN WATER TO BE FIXED IMMEDIATELY WITHIN NATURAL GRADE BACK ROAD RUSTICO A. JOMA HEATED NEAR ROOM 10 NEXT TO GIRLS AND BOYS BATHROOM

Inspector's Name (Print): \_\_\_\_\_  
INSPECTION: 11-03-09 and 9:30  
(DATE) (TIME)

Received by: [Signature]  
R.M.E. of Contractor / Owner  
11/3/09  
Address and Telephone No. \_\_\_\_\_

#### Certification of GEPA Official:

I certify that all work / / has been done / / has not been done in compliance with GEPA Rules and Regulations with the approved plans and specifications and with the Building Law of the Government of Guam.

\_\_\_\_\_  
GEPA Official ( ) APPROVED ( ) DISAPPROVED  
Date

#### INSTRUCTIONS:

This form is to be prepared in three (3) copies at the Building Permit One Stop Center, at least seventy-two (72) hours in advance.

#### DISTRIBUTION:

1. GEPA One-Stop Permit Center Copy (White)
2. GEPA WPC Inspector Copy (Yellow)
3. Contractor / Owner's Copy (Pink)

NOTE: Provide (drawing or sketch) location map on the back sheet of the white copy. This is not valid unless pertinent inspection reports are attached in the white and yellow copy, and duly signed by the assigned GEPA staff.

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES  
DIVISION OF ENVIRONMENTAL HEALTH

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44/D

SCHOOL BUILDING INSPECTION REPORT

REASON	INSPECTION DATE	ESTABLISHMENT NAME
Regular	11-03-2009	FINEGATAN Elementary School
Follow-up	INSPECTION TIME 9:15-3:50 HR. MIN.	OWNER/OPERATOR Department of Education
Complaint	TRAVEL TIME HR. MIN.	LOCATION MCS DEDEDO GUAM
Investigation	SANITARY PERMIT #	PERMIT CATEGORY STATUS (Circle One) Permanent, Temporary/Current, Expired
Other (Specify)		ESTAB. TYPE SCHOOL BLDG.

Based on an inspection this day the items listed below identify violations in operation or facilities which must be corrected by the next routine inspection or such shorter period of time as may be specified by the Department. Failure to comply may result in cessation of your operations.

ITEM NO.	REMARKS	CORRECT BY:
#07	Observed presence of gecko droppings near window louvers in room 130. Observed presence of cockroach in the new female toilet facility. Observed tires throughout the playground area near the fence line.	DATE 1
	- A PEST CONTROL COMPANY SHALL BE CONTACTED TO CONDUCT TREATMENT FOR THE REMOVAL OF VECTORS.	
	- TIRES SHALL BE REMOVED TO prevent the growth & harborage of vectors.	
#08	Observed overgrown vegetation throughout the school areas such as: across room 106 and roof top areas located above cafeteria.	2
	The school grounds shall be kept clean and free from overgrown vegetation to prevent injury.	

I have read and understand the above violation(s) and I am aware of the corrective measures to be taken.

\*When any of the following items are cited above, they shall be corrected within ten days of the inspection: (01); (02); (23); (27); (31).

RECEIVED BY (Name and Title)  
John Weselowski Acting Principal

DEH INSPECTOR (Name and Title)  
Denise Mitchell EHS-II Rannette B. CARAMANIS Anthony RITTER - EHS  
Rannette B. Caramanis

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES  
DIVISION OF ENVIRONMENTAL HEALTH

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44/10

SCHOOL BUILDING INSPECTION REPORT

REASON	INSPECTION DATE	ESTABLISHMENT NAME	
Regular <input checked="" type="checkbox"/>	11/03/2009	FINEGAYAN elementary school	
Follow-up <input type="checkbox"/>	INSPECTION TIME 9:45 - 3:50 HR. MIN.	OWNER/OPERATOR Department of Education	
Complaint <input type="checkbox"/>	TRAVEL TIME HR. MIN.	LOCATION NCS DEDEDO GUAM	
Investigation <input type="checkbox"/>	SANITARY PERMIT #	PERMIT CATEGORY STATUS (Circle One)	ESTAB. TYPE
Other (Specify)		Permanent Temporary/Current, Expired	SCHOOL BLDG.

Based on an inspection this day the items listed below identify violations in operation or facilities which must be corrected by the next routine inspection or such shorter period of time as may be specified by the Department. Failure to comply may result in cessation of your operations.

ITEM NO.	REMARKS	CORRECT BY:
#12	Observed room 316 Floor in disrepair.	2
	Floors shall be properly maintained & in good repair.	
#13	Observed rooms 128 and 216 with missing ceiling tiles. Observed dry rotted hallway awnings near rooms 133 & 132 and 316. Observed bare wood on hallway awnings near rooms 133 & 132.	2
	ceilings shall have surfaces of light color, kept clean and in good repair.	
	NOTE: CONSTRUCTION ON ROOF TOP ON ROOMS 201-220 IS STILL ON GOING WHILE STUDENTS ARE PRESENT IN THE CLASSROOMS.	
#15	Observed bare wood window and broken window louvers in room 214.	2
	Bare wood window shall be light of color and kept clear. Broken window louvers shall be replaced/repared and in good repair.	

I have read and understand the above violation(s) and I am aware of the corrective measures to be taken.

\*When any of the following items are cited above, they shall be corrected within ten days of the inspection: (01); (02); (23); (27); (31).

RECEIVED BY (Name and Title)

John Desolowski Acting Principal

DEH INSPECTOR (Name and Title)

DeLien Mitchell EHS-R RENEY B. CHAMBERS ANTHONY PERE  
Remediation M. Bartoza

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES  
DIVISION OF ENVIRONMENTAL HEALTH

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44/10

SCHOOL BUILDING INSPECTION REPORT

REASON	INSPECTION DATE	ESTABLISHMENT NAME
Regular	11/03/2009	FINEGATON Elementary School
Follow-up	INSPECTION TIME 9:45 3:50 HR. MIN.	OWNER/OPERATOR Department of Education
Complaint	TRAVEL TIME HR. MIN.	LOCATION NCS DEDEDO GUAM
Investigation	SANITARY PERMIT #	PERMIT CATEGORY STATUS (Circle One) Permanent, Temporary/Current, Expired
Other (Specify)		ESTAB. TYPE SCHOOL BLDG.

Based on an inspection this day the items listed below identify violations in operation or facilities which must be corrected by the next routine inspection or such shorter period of time as may be specified by the Department. Failure to comply may result in cessation of your operations.

ITEM NO.	REMARKS	CORRECT BY:
#21	Observed the following rooms with A/C units not working such as rooms 107, 108, 114, 214, 216, 317, 123, 202, and 210. (Identified by the Administrative Assistant of Finegaton Elementary School).	DATE 2
	Observed A/C Filter in rooms 315 & 316 with build up of dust.	
	ventilation shall be adequate to provide circulation. A/C unit filters shall be kept clean and free from dust.	
#23	Observed room 125 with a reading of 17 foot candle using the environmental meter.	2
	Observed room 124 with a reading of 11 foot candle using the environmental meter.	
	Rooms 124 & 125 did not meet the minimum light requirement of 30 foot candles.	
	Rooms 124 & 125 shall meet the minimum light requirement of 30 foot candles.	

I have read and understand the above violation(s) and I am aware of the corrective measures to be taken.

\*When any of the following items are cited above, they shall be corrected within ten days of the inspection: (01); (02); (23); (27); (31).

RECEIVED BY (Name and Title)  
John Wesolowski, Acting Principal  
DEH INSPECTOR (Name and Title)  
Dexter Mitchell  
RONALD B. CARANIAN  
ANTHONY PETER

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES  
DIVISION OF ENVIRONMENTAL HEALTH

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44/10

SCHOOL BUILDING INSPECTION REPORT

REASON		INSPECTION DATE 11/03/2009	ESTABLISHMENT NAME PINEGATON Elementary School	
Regular	✓	INSPECTION TIME	OWNER/OPERATOR	
Follow-up		0915 HR. 1540 MIN.	Department of Education	
Complaint		TRAVEL TIME	LOCATION	
Investigation		HR. MIN.	NCS DEDEDO GUAM	
Other (Specify)		SANITARY PERMIT #	PERMIT CATEGORY STATUS (Circle One) Permanent, Temporary/Current, Expired	ESTAB. TYPE SCHOOL BLDG.

Based on an inspection this day the items listed below identify violations in operation or facilities which must be corrected by the next routine inspection or such shorter period of time as may be specified by the Department. Failure to comply may result in cessation of your operations.

ITEM NO.	REMARKS	CORRECT BY:
	CONTINUATION:	DATE
	FOR ADEQUATE LIGHTING.	
#24	Observed sewer drains not properly secured located behind main office (COLD T-BUILDING)	4
	ALL SEWER DRAINS SHALL BE PROPERLY SECURED TO PREVENT THE BACK FLOW OF SEWAGE.	
#26	WATER FOUNTAIN RATIO OF 1 WATER FOUNTAIN FOR EVERY 75 STUDENTS WAS NOT MET. (1:75) TOTAL POPULATION OF STUDENTS IS 909 which indicates a total of 12 water fountains shall be properly working. However there are 9 not in good repair, out of a total of 14 water fountains.	4
	ALL FOUNTAINS SHALL BE REPAIRED OR REPLACED TO ENSURE ADEQUATE WATER SUPPLY FOR STUDENTS.	

I have read and understand the above violation(s) and I am aware of the corrective measures to be taken.

\*When any of the following items are cited above, they shall be corrected within ten days of the inspection: (01); (02); (23); (27); (31).

RECEIVED BY (Name and Title)  
John Wesdowski Acting Principal  
DEH INSPECTOR (Name and Title)  
RODOLFO B. CARRETERO Denier Mitchell EUSA  
ANTHONY RETTER  
Ramon M. Burlagan - FUS

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES  
DIVISION OF ENVIRONMENTAL HEALTH

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44/10

SCHOOL BUILDING INSPECTION REPORT

REASON	INSPECTION DATE	ESTABLISHMENT NAME	
Regular	11/09/2009	Finegan Elementary School	
Follow-up	INSPECTION TIME 9:15 - 3:50 HR. MIN.	OWNER/OPERATOR Department of Education	
Complaint	TRAVEL TIME HR. MIN.	LOCATION NCS DEDEDO GUAM	
Investigation	SANITARY PERMIT #	PERMIT CATEGORY STATUS (Circle One)	ESTAB. TYPE
Other (Specify)		Permanent, Temporary/Current, Expired	

Based on an inspection this day the items listed below identify violations in operation or facilities which must be corrected by the next routine inspection or such shorter period of time as may be specified by the Department. Failure to comply may result in cessation of your operations.

ITEM NO.	REMARKS	CORRECT BY: DATE
#28	Sanitary paper towels were not provided in most K-2nd handwashing stations. Sanitary paper towels shall be provided to prevent cross-contamination and spread of bacteria.	2
#29	Observed 4th grade restrooms with out paper towels. Observed Sanitary paper towel dispenser in disrepair	4
#31	A) Self closing devices were not provided in the following restrooms: 128, 129, 130, 131, 132, & 133 B) Toilet paper was not provided in the old 4th grade restrooms C) one partition door (stall door) was missing in the old 4th grade male restroom D) The ratio of urinals to students was not met. A total of 7 urinals were observed. 16 urinals are needed to meet the ratio of 1 urinal to 30 male students. The required number of urinals (16) is based on the male population of 483. All above violations shall be addressed.	6

I have read and understand the above violation(s) and I am aware of the corrective measures to be taken.

\*When any of the following items are cited above, they shall be corrected within ten days of the inspection: (01); (02); (23); (27); (31).

RECEIVED BY (Name and Title)

John Wesolowski Acting Principal

DEH INSPECTOR (Name and Title)

Derrien Mitchell ~~OSPE~~ RONALD B. CANNON/DANE ANTHONY RITTER

Renee L. M. Burlaza - FHC Penner...



DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES  
 DIVISION OF ENVIRONMENTAL HEALTH

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SCHOOL BUILDING INSPECTION REPORT

REASON		INSPECTION DATE	ESTABLISHMENT NAME	
Regular	✓	11/03/2009	FINEGAYAN Elementary School	
Follow-up		INSPECTION TIME 9:45 - 3:50 HR. MIN.	OWNER/OPERATOR Department of Education	
Complaint		TRAVEL TIME HR. MIN.	LOCATION NCS DEDEDO GUAM	
Investigation		SANITARY PERMIT #	PERMIT CATEGORY STATUS (Circle One) Permanent Temporary/Current, Expired	ESTAB. TYPE SCHOOL BLDG.
Other (Specify)				

Based on an inspection this day the items listed below identify violations in operation or facilities which must be corrected by the next routine inspection or such shorter period of time as may be specified by the Department. Failure to comply may result in cessation of your operations.

ITEM NO.	REMARKS	CORRECT BY:
#36	Observed Fire Extinguishers are in need of yearly certification.	DATE 4
	All Fire Extinguishers shall be certified yearly and maintained in good working condition.	
#37	Observed Swing set in major playground area in disrepair.	4
	ALL PLAYGROUND EQUIPMENT SHALL BE PROPERLY MAINTAINED TO ENSURE A SAFE PLAYGROUND ENVIRONMENT.	
	NOTE: DUE TO THE TOTAL # OF VIOLATIONS FOUND RESULTS IN A CLOSURE. OBSERVED AND NOTED REPEATED VIOLATIONS DURING THE PREVIOUS INSPECTION.	
	A \$ 50.00 REINSTATEMENT FEE MUST BE MADE TO DPHSS CASHIER TO OBTAIN THE SANITARY PERMIT IMMEDIATELY ONCE THE FOLLOW-UP INSPECTION IS CONDUCTED AND THE SUSPENSION HAS BEEN LIFTED BY CORRECTING THE VIOLATIONS THAT WERE CITED ABOVE. DISCUSSED VIOLATIONS WITH ASSISTANT PRINCIPAL JOHN WESOLOWSKI.	

I have read and understand the above violation(s) and I am aware of the corrective measures to be taken.

\*When any of the following items are cited above, they shall be corrected within ten days of the inspection: (01); (02); (23); (27); (31).

RECEIVED BY (Name and Title)  
 John Wesolowski Acting Principal  
 DEH INSPECTOR (Name and Title)  
 ROYAL B. CHAPMAN  
 Remyann M. Bunt  
 DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES



DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

GOVERNMENT OF GUAM  
P. O. BOX 2816  
HAGATNA, GUAM 96932



FINEGAYAN ELEMENTARY SCHOOL  
600E

Date: 11/03/2009

FINEGAYAN ELEMENTARY SCHOOL

Name of Establishment

As a result of this inspection, your establishment received a:

LETTER OF WARNING

\_\_\_\_\_  
(Demerit/Grade Points)

Once you have corrected all violations cited on your establishment's inspection report, you must provide us a written request for re-inspection to include a description of the corrective measures that you have implemented. If we do not receive a written re-inspection request from you, we will conduct a follow-up inspection after ten (10) Government of Guam working days from the official receipt of this notice to ensure that corrective measures have been taken.

Failure to correct violations may result in the closure of your establishment pursuant to section 21109(b) of 10GCA, Chapter 21.

NOTICE OF CLOSURE

44/10  
(Demerit/Grade Points)

Once you have corrected all violations cited on your establishment's inspection report, you should provide us a written request for re-inspection to include a description of the corrective measures that you have implemented. Unlike an establishment who has received a letter of warning, an establishment shall remain closed unless a written request for re-inspection is made. Under 10GCA §21109(b), you may request a hearing within five (5) Government of Guam working days of the date of this notice.

We look forward to working closely with you as partners in promoting health and sanitary practices on Guam. If you need further assistance, you can reach us at 735-7215 or (fax) 734-5556. Si Yu'us Ma'ase.

Sincerely,

FOR  
Director J. PETER ROBERTO, ACSW

Issued By: [Signature]  
Name of Inspector EAS-IT

Received By: [Signature]  
Establishment Representative