

DIRECTOR  
Eric D. Miller



ADMINISTRATIVE DIRECTOR  
Bernadette S.N. Chargualaf

# PUBLIC DEFENDER SERVICE CORPORATION (Kotperasion Setbision Defensot Pupbleku)

GOVERNMENT OF GUAM  
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William B. Jones

February 24, 2014

**Hand-Delivered**

Speaker Judith T. Won Pat, Ed. D.  
I Mina' Trenta Dos Na Liheslaturan Guahan  
155 Hesler Place, Suite 201  
Hagåtña, Guam 96910

32-14-1346  
Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date 2.24.14  
Time 3:56 PM  
Received by J \*CDS

2014 FEB 24 PM 4:13  
*[Handwritten signature]*

Dear Speaker Won Pat:

Pursuant to §8113.1 of Chapter 8 Title 5 GCA, enclosed you will please find two (2) compact discs containing electronic files of the meeting packets used for the Public Defender Service Corporation Board of Trustees' meetings conducted on January 14, 2014, and February 21, 2014.

We appreciate your attention to this matter, and look forward to answering any questions you may have in this regard.

Sincerely,

*[Handwritten signature]*  
BERNADETTE S.N. CHARGUALAF  
Board Secretary

**PUBLIC DEFENDER SERVICE CORPORATION**  
**Board of Trustees Regular Meeting**  
**Tuesday, January 14, 2014**  
**Conference Room,**  
**Public Defender Service Corporation**  
**12:30 p.m.**

**A G E N D A**

- I. Call to Order**
- II. Roll Call**
- III. Proof of Due Notice of Meeting:**
  - 5 Working Days Notice: Marianas Variety, Monday, January 06, 2014
  - 48 Hours Notice: Marianas Variety, Friday, January 10, 2014
- IV. Determination of Quorum**
- V. Approval of Minutes: (Regular Meeting of October 08, 2013)**
- VI. Old/Unfinished Business:**
  - A. Financial Status Update (PDSC and APD Allotment Releases)
  - B. Domestic Violence Program Update
  - C. Alternate Public Defender Update
  - D. PDSC's Policy for Conflicts of Interest  
(PDSC Resolution No. 03-14)
  - E. PDSC Client Eligibility Criteria  
(PDSC Resolution No. 04-14)
  - F. Pacific Judicial Council Public Defender's Training
- VII. New Business:**
  - A. PDSC Fiscal Year 2014 Budget Appropriation:  
PDSC Resolution No. 05-14 (Additional Lapsed Funds  
Requested for FY14 Shortfall)
  - B. PDSC Resolution No. 06-14: Use of APD Lapsed Funds to Pay  
For Atty. Eric Overton's Attendance at CACJ Conference  
in San Francisco on December 13-14, 2013
  - C. PDSC Resolution No. 07-14: Request to Use PDSC Lapsed Funds  
To Purchase Network Scanner
  - D. Extending Appreciation to  
Chief Justice F. Philip Carbullido as Chairman of the PDSC  
Board of Trustees from January 18, 2011 to January 18, 2014
- VIII. Public Discussion**
- IX. Adjournment and Next Meeting Date**

## Police now carrying Tasers

By Jasmine Stole  
jasmine@mvguam.com  
Variety News Staff

THE Guam Police Department has trained and certified about 45 of its officers to handle Tasers while on duty.

Sgt. Anthony Chaco, one of the department's certified instructors, said this is the first time the department has certified officers to use the devices. Chaco added that the goal is to eventually certify all the officers in the department.

Chaco said most of the officers certified have been exposed to the power a Taser holds so they know how it feels to be on the receiving end of the weapon.

GPD currently has eight Tasers: four of the X26 type and four X2 types. Each of the four precincts is assigned one Taser. One has been assigned to the department's highway patrol division and another one will be designated for the local SWAT team. Chaco said the last two Tasers will be reserved for training.

"This is just another tool for them. It's another option that they have now," Chaco said.

Other nonlethal weapons available to GPD officers are pepper spray and collapsible batons for use at the officer's discretion when handling a violent suspect. "Each officer perceives a situation differ-

GPD currently has eight Tasers: four of the X26 type and four X2 types.

ently. Each officer has a different level of power when it comes to whatever situation they're dealing with," Chaco said.

He likened the officers' discretion to an officer of a smaller stature dealing with a larger suspect and making a judgment call versus a larger officer handling the same suspect.

"We do tell them 'don't rely on the Taser,'" Chaco added.

GPD has equipment logs to keep track of the Tasers. The four precincts assigned to each precinct will be rotated for every shift within their respective precinct, Chaco said. He added that it will be up to the officers' supervisors to determine who, among those who have undergone training, will carry the device. Most supervisors underwent training as well, Chaco said.

Chaco has been certified to instruct Taser use for about five years. Initially, he was among a few of the department's personnel that went to the Taser Training Academy in Arizona. According to Chaco, instructors must be recertified every three years and users must be recertified every year.

## Ylig Bridge construction

(DPW) - Construction work at the Ylig Bridge continues this week with roadside work including guardrails, sedimentation basin and drainage system.

Lane closures and traffic detours may be required for the safety of motorists traveling in the area.

The new bridge is now open with a posted sign of 15 mph speed limit for the next few weeks as the contractor completes the work. Motorists

may expect intermittent traffic delays. Motorists should observe the posted speed limit and all construction signs.

The contractor is working at the Agfayan Bridge located south of the Inarajan pier (facing Bear Rock). Motorists should observe the posted speed limit and all construction signs and expect intermittent traffic delays during the day.

Traffic control is installed and there is a one lane closure at this time.

### NOTICE OF PUBLIC MEETING

The Public Defender Service Corporation Board of Trustees will conduct a regular meeting on **Tuesday, January 14, 2014 at 12:30 p.m.** in the Conference Room of the Public Defender Service Corporation, located at the MVP Sinajana Commercial Building, Unit B, 779 Route 4, Sinajana, Guam 96910.

Copies of the agenda will be available prior to the meeting at the Public Defender Service Corporation (address above).

Individuals requiring special accommodations are asked to contact Mrs. Bernadette S.N. Chargualaf at 475-3100.

/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO  
Chairman

This public notice is paid for with government funds administered by the Public Defender Service Corporation.



Sen. Chris Duenas introduced Bill 203 to stimulate the purchase of electric vehicles, noting that the island is an ideal location for the use of these plugged-in vehicles. Variety file photo

## Electric vehicle rebate bill to be heard

By Louella Loaino  
louella@mvguam.com  
Variety News Staff

BILL 203, a measure that would provide an additional \$7,500 cash rebate for any person or business that purchases an electric vehicle, will be discussed in a public hearing this Friday at 10 a.m.

Sen. Chris Duenas introduced the bill to stimulate the purchase of electric vehicles, or EVs, noting that the island is an ideal location for the use of the plug-in vehicles.

As proposed in Bill 203, the Guam Energy Office is to oversee the implementation of the rebate program, which shall be funded from the government of Guam general fund starting in fiscal 2015.

Specifically, the bill sets

an annual appropriation of \$375,000 from the general fund to the Guam Energy Office to fund the rebates of eligible claimants.

If the bill becomes law, the rebates will be offered in addition to any federal tax credit applicable to the vehicle purchase.

After the introduction of the bill, the senator noted that the measure was the product of working with key advisors on how to address the rising cost of living on Guam.

The Guam Power Authority, as noted in the bill, had estimated that the cost to fill up an electric vehicle is about \$2.50 per gallon, as opposed to \$4.73 per gallon of unleaded gas at the time the bill was written.

Duenas noted in a release that

the more Guam residents save at the pump, the more disposable income they have to spend on their families at local stores and restaurants.

"Ultimately, more money circulates on the island rather than the millions of dollars that go off-island each year in oil to Singapore. A family that spends \$400 a month on gas will save about half of this if they switch to an electric vehicle. This is \$200 more a month for additional food, clothes and entertainment," Duenas said.

He added that Bill 203 would put more money in the pockets of Guam's working families, stimulate the economy, and allow the government and the private sector to fast-track technology and sustainability.

### Proposed Issuance of Underground Injection Control System

Operating Permits for E.C. Development Corporation  
Public Review and Comment Period: January 9, 2014 - February 7, 2014

The Guam Environmental Protection Agency (Guam EPA) runs the Underground Injection Control (UIC) Program, as mandated by the Safe Drinking Water Act, and approved by U.S. E.P.A.

The Agency regulates all applicable activities as set forth in the Guam's UIC Regulations. The UIC Program requires operating permits for all existing injection wells/systems. This includes wells built prior to the approval of the regulations are still in operation, and wells/system constructed after the effective date of the regulations.

Guam EPA has received renewal applications from E.C. Development Corporation for three injection systems located at Calvo Commercial Center, Harmon Loop Road, Dededo, Guam. The commercial building has offices, warehouse, clinic, radio station, game room, and subsurface drainage system at the parking area.

On the basis of a preliminary UIC requirement review, the Administrator has proposed issuing UIC permits to allow discharges of stormwater runoff into the injection systems.

The discharges contain stormwater runoff only. No industrial discharges or any discharges are allowed into the systems.

The permits for these applications will require:

- 1 - Only stormwater runoff to be discharged into the injection systems
- 2 - Semi-annual monitoring of water quality for MEAS, Oil and Grease, TSS-10, Endrin, Lindane, Toxaphene, 2,4-D, 2,4,5-TP Silvax, Heptachlor, Methoxychlor, Lead, Benzene, Ethylbenzene, Xylene, Toluene, MTBE, Boron, CDD, and pH;
- 3 - Assurance regarding repairs, replacement, or abandonment of the well/system in the event of failure;
- 4 - A laboratory analysis report of runoff water taken from the designated sampling point of the system; and
- 5 - Compliance with other UIC requirements.

A copy of the Draft Permits and Permit Applications for the above applicant and all other supporting documents are available for public inspection from 8 a.m. until 5 p.m.

Monday through Friday at the Water Resources Management Program Section of the Water Division, Guam Environmental Protection Agency, located at 15-6101 Mariner Ave., Tyan, Barrigada 96913.

For more information, contact Ms. Susan Marquez at (671) 300-4778 or at (671) 300-4751.

Written comments on the draft permits may be hand delivered to the address above or mailed to the address below. Comments must be received by Guam EPA no later than 5 p.m., Friday, February 07, 2014. No fax submittals will be accepted.

Administrator  
Guam Environmental Protection Agency  
P.O. Box 22438 GMF  
Barrigada, Guam 96921

If there are no appeals, the Draft Permits become final. Operation of the injection systems identified by the applicant may proceed subject to the conditions of the permits and other applicable legal requirements.

The final decision to set conditions and issue the final permits or deny application for the permits will be decided after all comments have been considered. If no comments are received within the 30-day waiting period, the final permits shall be issued immediately after the commenting period closes.

Please bring this information to the attention of all persons who may be interested in this matter.

/s/ ERIC M. PALACIOS-Administrator



# Boat capsizes at Hagåtña Boat Basin, Rota man killed

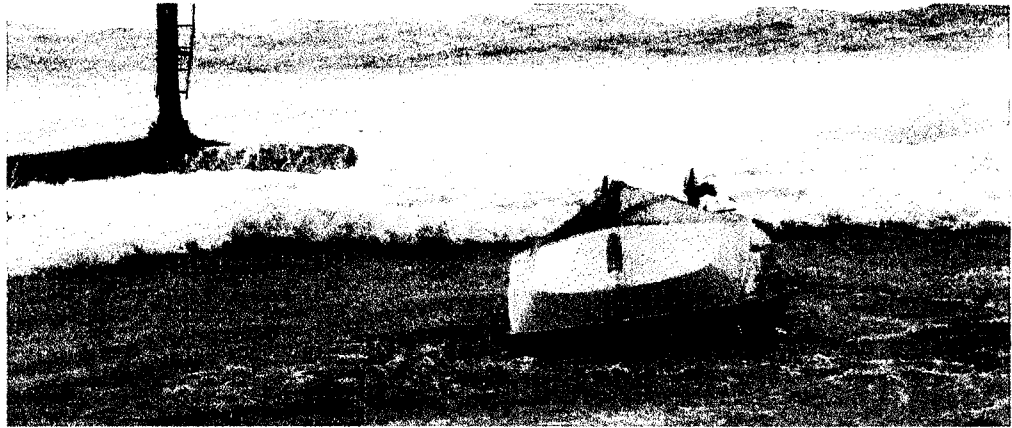
By Gina Tabonara-Reilly  
gina@mvguam.com  
Variety News Staff

A MAN from Rota died and another was injured yesterday morning when they fell into the water at the Hagåtña Boat Basin after their boat capsized.

The victim, whose identity is being withheld pending the notification of next of kin, was pulled from the water by rescue team members from Coast Guard Sector Guam and the Guam Fire Department minutes after a 911 call was made at about 7:20 a.m.

According to Lt. Ed Artero, GFD spokesman, CPR was administered to the victim en route to Naval Hospital where he was pronounced dead at 8:05 a.m.

The second man on the boat suffered minor injuries and was first treated on the scene and then transported to Guam Memorial



The boat overturned right in the middle of the entrance to the boat basin where waves were noticeably rough. Frank Whitman / Variety

Hospital for evaluation.

Witnesses said the victim and his companion were on their way to Rota where they live.

The boat overturned right in the middle of the entrance to the

boat basin where waves were noticeably rough.

Meteorologists said the water off Guam and the Marianas was hazardous for small vessels yesterday with seas of 9 to 11

feet and sustained winds of 22 to 25 knots.

Yesterday's death is the fifth water-related fatality in the last 30 days. The victim is the second resulting from a capsized boat

in the Hagåtña Boat Basin.

On Dec. 20, 50-year-old Joseph Anthony Terrell drowned after his boat capsized while leaving the Hagåtña Boat Basin.

## PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

**JAM SUK AN**  
dba: **AH MARKET**

has applied for a Class: (5) GENERAL OFF SALE, ALCOHOLIC BEVERAGE LICENSE said premises being marked as Lot: 1103-1-1-3 Rt-10, Mangilao.

## PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

**TOLENTINO, ERMANZOR DR.**  
dba: **LET'S DANCE**

has applied for a Class: (4) GENERAL ON SALE BEER ALCOHOLIC BEVERAGE LICENSE said premises being marked as Lot: L 2102-1-R 548 S. Marina Corp. Dr., Tamuning.

## NOTICE OF PUBLIC MEETING

The Public Defender Service Corporation Board of Trustees will conduct a regular meeting on **Tuesday, January 14, 2014 at 12:30 p.m.** in the Conference Room of the Public Defender Service Corporation, located at the MVP Sinajana Commercial Building, Unit B, 779 Route 4, Sinajana, Guam 96910.

Copies of the agenda will be available prior to the meeting at the Public Defender Service Corporation (address above).

Individuals requiring special accommodations are asked to contact Mrs. Bernadette S.N. Chargualaf at 475-3100.

**/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO**  
Chairman

This public notice is paid for with government funds administered by the Public Defender Service Corporation.

## Man injured after pickup truck flips

By Gina Tabonara-Reilly  
gina@mvguam.com  
Variety News Staff

THE male operator of a white pickup truck was rushed to Guam Memorial Hospital after his vehicle flipped over in front of the Hagåtña Boat Basin yesterday morning.

Traffic was rerouted and backed up for miles at the height of the morning rush hour along Marine Corps Drive in Hagåtña as police investigated the accident.

The driver was injured and initially treated at the scene by a responding ambulance team from the Guam Fire Department. He was transferred to Guam Memorial Hospital for further examination with no life-threatening injuries.

The southbound lane was closed because of the mess from



Traffic was rerouted and backed up for miles at the height of the morning rush hour along Marine Corps Drive in Hagåtña after a white pickup truck flipped in front of the Hagåtña Boat Basin yesterday morning. Anwar Younis / Variety

the spilled contents of the truck. The lane was reopened after an hour.

The Guam Highway Patrol Division is still investigating the accident.

## Farmers' assistance funds released

By Mar-Vic Cagurangan  
marvic@mvguam.com  
Variety News Staff

THE Office of the Governor yesterday released \$350,000 worth of checks to assist farmers who lost crops as a result of stormy weather last year.

According to the governor's office, the funds seek to help farmers recover from their losses resulting from damage to their crops.

"We made sure that we could provide them with funding as quickly and responsibly as possible so they could rebuild. For some of these Guamanians,

farming is their livelihood," said acting Gov. Ray Tenorio.

The farmers' plight came to light during a roundtable meeting hosted by the Legislature in November.

Prior to the meeting, Sen. Rory Respicio wrote to Gov. Eddie Calvo urging him to declare a state of emergency and allow up to \$250,000 in funding assistance for farmers affected by Typhoon Francisco.

At the same time, the Guam Economic Development Authority board approved a six-month loan allocating up to

\$20,000 per farmer.

The loan can be extended for 24 months at a 4 percent interest rate.

Late last year, the Legislature passed Bill 223, amending the measure to increase the allocation for distressed farmers to \$790,000.

Initially, the bill proposed allocating \$400,000 from service fees from the issuance of the Guam Waterworks Authority bonds to the Department of Agriculture for the sole purpose of funding the Compensation to Farmers for Crop Damages Program.

Marianas Variety-Guam Edition is circulated by home and office delivery, consignments, and vending machines throughout Guam, as mail delivery to the Federated States of Micronesia, the Marshall Islands, South Pacific, Hawaii, Japan and the continental U.S. Daily coverage can also be read from our website [www.mvguam.com](http://www.mvguam.com).

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**PUBLIC DEFENDER SERVICE CORPORATION  
BOARD OF TRUSTEES  
Regular Meeting  
of  
Tuesday, October 08, 2013  
12:45 p.m.  
PDSC Conference Room**

**MINUTES**

**I. CALL TO ORDER:**

This meeting was called to order by the Chairman, Chief Justice F. Philip Carbullido at 12:45 p.m.

**II. ROLL CALL:**

Present: Chief Justice F. Philip Carbullido, Chairman  
Attorney Cynthia Ecube, Guam Bar Association President  
Donna Muna-Quinata, Member

Others Present: Attorney Eric D. Miller, PDSC Executive Director  
Bernadette S.N. Chargualaf, PDSC Administrative Director  
Attorney Stephen P. Hattori, Alternate Public Defender  
Michael S. Moreno, Chief Fiscal Officer  
Julito B. Tingson, Jr., MIS Administrator  
Bernadette L.P. Lizama, Personnel Specialist IV  
Cecelia M. Fernandez, Administrative Assistant

**III. PROOF OF DUE NOTICE OF MEETING:**

“Notice of Public Meeting” was published in Marianas Variety on Friday, September 27, 2013 and Friday, October 04, 2013.

**IV. DETERMINATION OF QUORUM:**

With the presence of three (3) board members, a quorum was determined for this meeting.

**V. APPROVAL OF MINUTES:** Minutes of the regular board meeting held on Tuesday, August 27, 2013 were adopted and approved.

**VI. OLD BUSINESS:**

**A. Financial Status Update (PDSC and APD Allotment Releases):** Chief Fiscal Officer Michael S. Moreno reported that PDSC received all allotments for Fiscal

Year 2013 (100%); the same status applied to allotments for the Alternate Public Defender (APD).

- B. Domestic Violence Program Update:** The monthly reimbursements for this program are up to date.
- C. Alternate Public Defender Update:** Due to the absence of APD Supervising Attorney Annie Gayle, an update for APD was not available.
- D. PDSC's Policy for Conflicts of Interest:** This matter was deferred to the next meeting in order to give Executive Director Eric Miller ample time to develop a resolution for this matter, which the board can then officially adopt.
- E. PDSC Client Eligibility Criteria:** Presented by Executive Director Miller, this involves the consideration of a client's assets in addition to his/her household income when determining eligibility for PDSC services. (Assets include possessions such as cars, land, bank accounts, stocks, bonds, etc.) Surveys were conducted with other legal offices involving charges for various types of criminal cases. According to Attorney Miller, the guidelines followed by the Guam Legal Services Corporation appear to be the most practicable for the PDSC. This amounts to a maximum value of \$2,500 for the first person in a family, and \$1,500 for each additional family member.

However, this item was deferred to the next meeting so that a resolution can be prepared, presented and adopted.

- F. Pacific Judicial Council Public Defender Training:** Both Chief Justice Carbullido and Executive Director Eric Miller provided input on this subject.

This event will be sponsored by the Pacific Judicial Council, with Ms. Josephine Cepeda handling the logistics. Ms. Cepeda had prepared the resolution with a budget amount that was submitted to the Pacific Judicial Council for their approval. U.S. District Court Chief Judge Frances Tydingco-Gatewood was instrumental in pushing this matter through.

Approximately seventy-five (75) to eighty (80) persons will be in attendance; this training session will take place from February 26-28, 2014.

## **VII. NEW BUSINESS:**

- A. Resolution No. 01-14 (Request to Use Lapsed Funds to Cover Budgetary Shortfalls for Operations in Fiscal Year 2014):** Presented by Chief Fiscal Officer Michael Moreno, an analysis of the agency's FY2014 legislative appropriation and projected expenditures for its operations were provided. Summarily, \$6,415 from lapsed funds was requested in order to meet the Corporation's needs for FY2014. After a brief discussion, this resolution was adopted and approved.

- B. Resolution No. 02-14:** Personnel Specialist IV Bernadette Lizama provided results of her reconstruction of Joleen M.G. Cruz's Personnel Jacket with respect to her pay assignment when she was first employed by the PDSC. (Ms. Cruz was employed by the office of the Attorney General prior to the PDSC.) Apparently, there was an inconsistency upon her hiring when she was designated as a "Probational Appointment" rather than a "Transfer-Promotion". (§4114 of Chapter 4, Title 4 GCA)

Ms. Lizama's evaluation indicated that \$5,107.95 (inclusive of the government's share of contributions to the Retirement Fund, and Medicare taxes) was required to settle this matter. Resolution No. 02-14 was adopted and approved.

**VI. PUBLIC DISCUSSION:** None.

**VII. NEXT MEETING DATE:** A tentative date of December 05, 2013 was set for the next board meeting. There being no further business up for discussion, this meeting was adjourned at 1:20 p.m.

Respectfully submitted,

  
BERNADETTE S.N. CHARGUALAF  
Secretary

# **Agenda Item #VI-D**

## **PDSC's Policy for Conflicts of Interest (Resolution No. 03-14)**



**BEFORE THE  
BOARD OF TRUSTEES OF THE  
PUBLIC DEFENDER SERVICE CORPORATION  
RELATIVE TO THE APPROVAL OF THE  
PUBLIC DEFENDER SERVICE CORPORATION'S  
STANDARD OPERATING PROCEDURES (SOP)  
FOR CONFLICTS OF INTEREST**

**RESOLUTION NO. PDSC 03-14**

- WHEREAS,** Chapter 11, Title 12 Guam Code Annotated established the Public Defender Service Corporation; and
- WHEREAS,** §11104 of Chapter 11, Title 12 Guam Code Annotated defines the duties of the Corporation in Criminal Cases indicating that “the Corporation may assist the judges of the courts of Guam in ruling on cases of indigency and in establishing criteria for determining when the services of the Corporation are appropriate”; and
- WHEREAS,** §11106 of Chapter 11, Title 12 Guam Code Annotated grants the Corporation “the power to do any and all things necessary to further the purposes of this Chapter” ; and
- WHEREAS,** §11107 of Chapter 11, Title 12 Guam Code Annotated (Board of Trustees) states, “All powers vested the Corporation, except as otherwise provided in this Chapter, shall be exercised by the Board; and
- WHEREAS,** a written policy relative to a consistent methodology for determining CONFLICTS OF INTEREST in cases assigned to the Corporation by the courts of Guam is non-existent; and
- WHEREAS,** the Board of Trustees, recognizing the need for the development and implementation of such a policy, has instructed the PDSC Executive Director to create one which will be brought before the Board for its review and approval; and
- WHEREAS,** on January 14, 2014 Executive Director Eric D. Miller presented the attached PDSC Standard Operating Procedures (Attachment “A”) for Conflicts of Interest to the Board of Trustees; now therefore be it
- RESOLVED,** the Board of Trustees of the Public Defender Service Corporation, at its duly-noticed meeting of January 14, 2014, hereby approves the Corporation’s Standard Operating Procedures (Attachment “A”) for Conflicts of Interest, which is attached hereto and made a part of this resolution; and be it further
- RESOLVED,** these Standard Operating Procedures (Attachment “A”) for Conflicts of Interest shall take effect immediately.

**DULY AND REGULARLY ADOPTED** this 14<sup>th</sup> day of January, 2014.

---

Chief Justice F. PHILIP CARBULLIDO

ATTEST:

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BERNADETTE S.N. CHARGUALAF  
Secretary

**ATTACHMENT "A"**  
**(PDSC Board of Trustees Resolution No. 03-14)**

**STANDARD OPERATING PROCEDURE**

<b>DIVISION/SECTION:</b> <b>LEGAL SERVICES (Attorneys, Legal Secretaries, Legal Clerks)</b>		
<b>NUMBER:</b> <b>001-FY2014</b>	<b>DATE OF ISSUE:</b> <b>January 14, 2014</b>	<b>EFFECTIVE DATE:</b> <b>January 14, 2014</b>
<b>SUBJECT: Conflicts of Interest (Withdrawals from Cases due to Conflicts)</b>		

**BACKGROUND:**

The Public Defender Service Corporation (PDSC) is a *public corporation* of the Government of Guam (§11103, Chapter 11, Title 12 Guam Code Annotated). The primary functions of the agency include the provision of legal services, primarily in the representation of indigent defendants brought before the courts of Guam.

In some instances, the PDSC is required to withdraw as counsel of record when a conflict of interest exists. The Corporation seeks to establish a written policy which will provide guidelines as to when these withdrawals should occur.

**AUTHORITY:**

**Chapter 11, Title 12 Guam Code Annotated** established the Public Defender Service Corporation. In particular, §11104 defines the duties of the Corporation in Criminal Cases, and states that "the Corporation may assist the judges of the courts of Guam in ruling on cases of indigency and in establishing criteria for determining when the services of the Corporation are appropriate".

The **Guam Rules of Professional Conduct (GRPC)** provides guidelines for determining whether a conflict exists.

**PURPOSE:**

This Standard Operating Procedure shall provide a consistent methodology and/or guide in determining whether a conflict of interest exists, and therefore the PDSC must withdraw from a certain case.

## **APPLICABILITY:**

This Standard Operating Procedure shall apply to all PDSC employees, especially the Legal Clerical Services division, the Legal Secretarial Services Division and the Attorneys division. These personnel are directly involved in the processing of cases received by the Corporation. (Please see “Procedures” below.)

## **POLICY:**

The Public Defender Service Corporation shall not accept clients where the acceptance of the client would create a conflict of interest with respect to a current or former client, or an employee of the PDSC. In determining whether a conflict exists, the PDSC will be guided by the Guam Rules of Professional Conduct (GRPC). The following is a guide to making those decisions in specific situations:

### ➤ **Witness is a Former Client:**

1. PDSC shall not reveal information relating to the former representation except as allowed by the GROC. [GRPC 1.9 (c) (2)]
2. PDSC shall not represent a client where current representation is with respect to the same or substantially related matter, and the current and former clients have interests adverse to each other. [GRPC 1.9 (a)]

**Example:** PDSC represents the victim in a Domestic Violence case, and has obtained an Order of Protection. Subsequently, the PDSC is appointed to represent the abuser in a new assault case against the former client.

PDSC would move to withdraw from representing the abuser in the assault case, because current representation is with respect to the same or substantially related matter, and the current and former clients have interests adverse to each other.

### ➤ **Witness is a Current Client:** This is a CONFLICT [GRPC 1.7 (a) (1)] UNLESS:

1. Representation of the witness is unrelated to a current case; and
2. Continued representation of both parties will not negatively impact the representation of either client; and
3. Both clients sign a Waiver of Conflict. [GRPC 1.7 (b)]

**Example:** PDSC represents a child in a Juvenile case. PDSC is subsequently appointed to represent the child’s father in a Family Violence case where the

juvenile client is a victim. Although the two cases are unrelated, continuing representation of both would negatively impact the representation of the two clients. Continued representation of the father would mean challenging the veracity of our juvenile client, and would harm the attorney-client relationship in the Juvenile case.

**Example:** PDSC represents a client on a DWI charge. Subsequently, we are appointed to represent a defendant charged with drug possession where the DWI client is a passenger in the car at the time the defendant was arrested for possession of drugs in the same car. The drug case is unrelated to the DWI case. Continued representation of both would probably not negatively impact representation of either client, but we would require BOTH clients to sign a Waiver of Conflict before we continued with both cases.

➤ **Victim is a Current Client:** This is a CONFLICT. [GRPC 1.7 (a) (1)]

➤ **Where two (2) cases come in at about the same time:**

Where two (2) cases come in at about the same time but there is determined to be a conflict, the PDSC will continue with the case which came in FIRST, and move to withdraw from the case which came in SECOND in time, unless we can avoid a conflict by taking the SECOND in time (because we represented the SECOND in time in other cases).

➤ **Where a PDSC employee, or a member of his/her immediate family is the victim or a witness:**

This is a CONFLICT. [GRPC 1.7 (a) (2)]

➤ **Where a PDSC employee has a connection to the victim or witness:**

Representation will be declined by the staff attorney where there is a significant risk that the representation of the client will be materially limited by the personal interests of the staff attorney. PDSC will assign the case to another staff attorney without a disqualifying conflict. The client and the Court will be advised of the staff attorney's disqualifying personal interest. [GRPC 1.7 (a) (2)]

**Disclosure:** Where the PDSC has a potential conflict, but determines that withdrawal is not required, the PDSC shall nevertheless advise the Court and the parties involved of the potential conflict.

**PROCEDURES:**

1. The Legal Clerical Services division (Front Office) receives charging documents indicating the PDSC has been appointed by the Court to represent a defendant in a case.
2. The assigned Legal Clerk checks for conflicts involving parties and witnesses in Abacus (case management software), and notes any potential conflicts in writing on the Note Sheet provided in each case file.
3. The case file is then transmitted to the assigned attorney.
4. The assigned attorney reviews the case file for potential conflicts. If the attorney determines there is a conflict, he/she shall request written permission to withdraw from the CONFLICT COORDINATOR (Executive Director or his designee).
5. When Police Reports are received, the assigned attorney reviews them and identifies all relevant names mentioned in this document which need to be checked for conflicts in Abacus (case management software).
6. The assigned attorney's Legal Secretary processes identified names in Abacus, and reports his/her findings back to the assigned attorney.
7. The assigned attorney reviews potential conflicts and determines whether one exists.
8. If the assigned attorney determines there is a conflict, he/she shall seek written permission from the CONFLICT COORDINATOR (Executive Director or his designee), to withdraw from the case.



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Attorney ERIC D. MILLER  
Executive Director

Date: 4/14/14

# **Agenda Item # VI-E**

## **PDSC Client Eligibility Criteria (Resolution No. 04-14)**

**BEFORE THE  
BOARD OF TRUSTEES OF THE  
PUBLIC DEFENDER SERVICE CORPORATION (PDSC)  
RELATIVE TO THE ADOPTION AND APPROVAL  
OF THE UPDATED  
PDSC ELIGIBILITY GUIDELINES**

**RESOLUTION NO. 04-14**

- WHEREAS,** Chapter 11, Title 12 Guam Code Annotated established the Public Defender Service Corporation “to provide legal aid and assistance to those persons in Guam who are unable to afford counsel”; and
- WHEREAS,** while Chapter 11, Title 12 Guam Code Annotated provides the discretionary powers for judges to determine whether a defendant is indigent, and whether his case is to be referred to the PDSC, the corporation is also permitted to assist the judges of the courts of Guam in ruling on cases of indigency and in establishing criteria for determining when the services of the Corporation are appropriate; and
- WHEREAS,** the PDSC relies on the Federal Poverty Guidelines used by various public assistance programs in determining a client’s eligibility for its services; and
- WHEREAS,** periodic adjustments of these guidelines have been necessary in order to accommodate changes in Guam’s economic climate (i.e., minimum wage adjustments, cost-of-living increases, etc.); and
- WHEREAS,** on July 12, 2011 the PDSC submitted the attached Eligibility Guidelines (based on household income), and received approval for its immediate implementation from the Board of Trustees; and
- WHEREAS,** the above-mentioned Eligibility Guidelines did not provide for the consideration of a client’s assets (i.e., cars, real estate, bank accounts, stocks, bonds, etc.); and
- WHEREAS,** historically, the PDSC’s Eligibility Guidelines took into account a client’s assets when determining his/her eligibility for PDSC’s services; and
- WHEREAS,** it is imperative that specific allowances for assets (as listed above), be included in determining a client’s eligibility for legal assistance from the PDSC; now therefore be it
- RESOLVED,** the Board of Trustees of the Public Defender Service Corporation, in its duly-noticed meeting of January 14, 2014, hereby reaffirms the Income Guidelines reflected on “Attachment A” of PDSC Board Resolution No. 07-11, and approves the inclusion of the language, “Additionally, household assets may not exceed \$2,500 per person, and \$1,500 for each additional household member.”; and be it further
- RESOLVED,** these Eligibility Guidelines shall become effective immediately.



**DULY AND REGULARLY ADOPTED** this 14<sup>th</sup> day of January, 2014.

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**Chief Justice F. PHILIP CARBULLIDO**  
Chairman

ATTEST:

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**BERNADETTE S.N. CHARGUALAF**  
Secretary

Attachment "A"  
(PDSC Board Resolution No. 04-14)

**PUBLIC DEFENDER SERVICE CORPORATION  
ELIGIBILITY GUIDELINES**

(Adopted by the PDSC Board of Trustees  
on January 14, 2014)

**2011 HHS POVERTY GUIDELINES**

<b>Persons In Family</b>	<b>48 Contiguous States and D.C.</b>	<b>\$10/hr</b>	<b>Hourly Wage:</b>
1	\$10,890	\$20,800	\$10.00
2	14,710	24,620	11.83
3	18,530	28,440	13.67
4	22,350	32,260	15.51
5	26,170	36,080	17.35
6	29,990	39,900	19.18
7	33,810	43,720	21.02
8	37,630	47,540	22.86
For each additional person, add	3,820	3,820	Annual Wage/2080 Hours

**Additionally, household assets (i.e., cars, land, bank accounts, stocks and/or bonds, etc.) may not exceed \$2,500 per person and \$1,500 for each additional household member.**

# **Agenda Item #VII-A**

## **Additional Lapsed Funds Requested for FY2014 Shortfall**

**(Resolution No. 05-14)**

**BEFORE THE  
BOARD OF TRUSTEES OF THE  
PUBLIC DEFENDER SERVICE CORPORATION  
RELATIVE TO THE USE OF LAPSED FUNDS  
TO COVER BUDGETARY SHORTFALLS FOR OPERATIONS  
IN FISCAL YEAR 2014**

**RESOLUTION NO. PDSC 05-14**

- WHEREAS,** §11113.1 of 12 GCA authorizes the Public Defender Service Corporation (PDSC) to retain unexpended appropriations beginning with Fiscal Year 2000, and to carry these funds over into succeeding fiscal years; and
- WHEREAS,** the PDSC Board of Trustees adopted Resolution No. 99-07 requiring Board approval for the budgeting of and/or spending authorization(s) for these lapsed funds; and
- WHEREAS,** the language contained in Public Law 32-068 appropriated \$3,661,522 in Chapter VII, Part II, Section 1; \$35,354 for Merit Bonus Awards in Chapter VII, Part II, Section 1; and \$158,259 for Medical, Dental and Life Insurance contributions in Chapter XIV, Part II, Section 4; and
- WHEREAS,** the PDSC erroneously recognized the \$158,259 for Medical, Dental and Life Insurance contributions as a separate appropriation (as set forth in previous fiscal years), when in fact this amount is included in the \$3,661,522 general appropriation; and
- WHEREAS,** on October 8, 2013 PDSC Board Resolution No. 01-14 was adopted and approved, authorizing the Corporation to expend \$6,415 in lapsed funds to cover the anticipated shortfall for FY2014; and
- WHEREAS,** in order to correct the above-described error and provide for the government's contributions for medical, dental and life insurance premiums involving PDSC personnel, the use of additional lapsed funds is necessary; and
- WHEREAS,** as provided for in Public Law 32-068, the amount of **\$158,259** is required for medical, dental and life insurance premiums (government's share); now therefore be it
- RESOLVED,** The Board of Trustees of the Public Defender Service Corporation, in its meeting of January 14, 2014, hereby approves the Corporation's request for the expenditure of **\$158,259** of lapsed funds for the purpose of meeting the government's share of medical, dental and life insurance premiums in Fiscal Year 2014.

**DULY AND REGULARLY ADOPTED** this 14<sup>th</sup> day of January, 2014.

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Chief Justice F. PHILIP CARBULLIDO

ATTEST:

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BERNADETTE S.N. CHARGUALAF  
Secretary

1	Guam Fire Department	\$785,955	\$57,470	\$44,676
2	PBS Guam	\$30,053	\$2,255	\$1,377
3	Guam Comm. for Ed. Cert.	\$10,616	\$775	
4	Office of Public Accountability	\$56,617	\$4,658	\$3,060
5	Chamorro Land Trust Commission	\$21,231	\$1,551	\$1,071
6	Guam Regional Transit Authority	\$19,130	\$1,386	\$765
7	<b>Total</b>	<b>\$6,293,327</b>	<b>\$471,284</b>	<b>\$423,388</b>

8           **Section 4. Agency Allocations for Medical, Dental, and Life Insurance**  
9 **for Branches and Agencies.** The amounts in this Section *shall* be allocated from  
10 the General Fund and Special Funds appropriations and Federal Matching Grants-  
11 in-Aid authorizations in this Act to the Branches and Agencies as outlined in this  
12 Section for government of Guam Employees medical, dental, and life insurance  
13 premiums in Fiscal Year 2014.

14		<b>Medical Ins.</b>	<b>Dental Ins.</b>	<b>Life Ins.</b>
15	Guam Legislature	\$288,513	\$12,021	\$19,890
16	Guam Department of Education	\$5,496,671	\$412,753	\$394,986
17	University of Guam	\$1,004,843	\$72,078	\$57,953
18	Guam Community College	\$556,086	\$43,909	\$41,157
19	Public Defender Service Corporation	\$141,069	\$9,693	\$7,497
20	<b>Total</b>	<b>\$7,487,182</b>	<b>\$550,454</b>	<b>\$521,483</b>

21           **Section 5. Government of Guam Health Insurance Program**  
22 **Reporting.**

23           (a) All health insurance carriers for the government of Guam *shall* submit  
24 a monthly written report and corresponding Microsoft Excel file of said report to  
25 the Department of Administration and the Office of Finance Budget aggregating  
26 the:

**CHAPTER VII**  
**LEGAL SERVICES**

**PART II – PUBLIC DEFENDER SERVICE CORPORATION**

1       **Section 1. Appropriation.** The sum of Three Million Six Hundred Sixty  
2 One Thousand Five Hundred Twenty Two Dollars (**\$3,661,522**) is appropriated  
3 from the General Fund to the Public Defender Service Corporation (PDSC) for its  
4 operations, including personnel services, for Fiscal Year 2014.

5       *No more than* Three Million Three Hundred Thirty Six Thousand Six  
6 Hundred Thirty One Dollars (**\$3,336,631**) *shall* be expended for Personnel Object  
7 Categories (111 to 115).

8       **Section 2. Transfer Authority for the PDSC.** The PDSC may transfer  
9 funds between appropriations made in this Act for the PDSC, *provided*, that the  
10 PDSC notify *I Maga'lâhen Guâhan* and the Speaker of *I Liheslaturan Guâhan* *no*  
11 *later than* fifteen (15) working days before the transfer is made, *except* that *no*  
12 funds *shall* be transferred to Personnel Services Object Categories (111 to 115).

13       **Section 3. Appropriation for Merit Bonus Payments.**

14       (a) The sum of Thirty Five Thousand Three Hundred Fifty Four Dollars  
15 (**\$35,354**) is appropriated from the General Fund to the Public Defender Services  
16 Corporation for the payment of merit bonuses.

17       (b) Notwithstanding any other provision of law, *I Maga'lâhen Guâhan shall*  
18 *provide* a written report to the Speaker of *I Liheslaturan Guâhan* for *I Liheslaturan*  
19 *Guâhan's* consideration, *no later than* the first (1<sup>st</sup>) of each month during Fiscal  
20 Year 2014, that details any available funds identified by *I Maga'lâhen Guâhan* for  
21 the payment of retroactive merit bonuses above the amount of the appropriation in  
22 Subsection (a), for the employees of the Public Defender Service Corporation. *I*  
23 *Maga'lâhen Guâhan shall only* expend funds for the payment of retroactive merit

## **Agenda Item #VII-B**

**Use of APD Lapsed Funds  
to Pay for  
Atty ERIC R. OVERTON's  
Attendance at  
CACJ Conference  
(Resolution No. 06-14)**



**BEFORE THE  
BOARD OF TRUSTEES OF THE  
PUBLIC DEFENDER SERVICE CORPORATION  
RELATIVE TO THE USE OF  
ALTERNATE PUBLIC DEFENDER LAPSED FUNDS  
TO COVER COSTS ASSOCIATED WITH  
ATTORNEY ERIC R. OVERTON'S ATTENDANCE AT THE  
CALIFORNIA ATTORNEYS FOR CRIMINAL JUSTICE (CACJ)  
ANNUAL FALL CRIMINAL DEFENSE SEMINAR**

**RESOLUTION NO. PDSC 06-14**

- WHEREAS,** the office of the Alternate Public Defender (APD), a separate division of the Public Defender Service Corporation (PDSC, was established through PDSC Board of Trustees Resolution No. 08-04; and
- WHEREAS,** the PDSC Board of Trustees approved the APD's Fiscal Year 2014 Budget Request through Board Resolution No. 06-13 ; and
- WHEREAS,** the 2013 Judicial Council of Guam subsequently approved the APD's Fiscal Year 2014 Budget Request through Resolution No. JC13-019; and
- WHEREAS,** due to continued budgetary constraints, the PDSC was directed to retain a "maintenance budget" for the APD, which resulted in the absence of funds for off-island training; and
- WHEREAS,** APD Attorney Eric R. Overton was provided with the opportunity to attend the California Attorneys for Criminal Justice's (CACJ) Annual Fall Criminal Defense Seminar in San Francisco, California on December 13-14, 2013, assuming personal responsibility for air fare; and
- WHEREAS,** Attorney Overton requests that the APD provide for registration (\$325.00) and per diem (\$1,458.00) expenses totaling \$1,783.00; and
- WHEREAS,** a review of the APD's finances revealed that there sufficient lapsed funds exists to cover these expenses; and
- WHEREAS,** the PDSC Board of Trustees was not able to conduct a meeting prior to Attorney Overton's departure from Guam in order to hear and approve this request; and
- WHEREAS,** APD Supervising Attorney AnaMaria C. Gayle authorized the use and release of these funds to Attorney Overton; now therefore be it

**RESOLVED,** The Board of Trustees of the Public Defender Service Corporation, in its meeting of January 14, 2014, hereby approves the Corporation's request for the expenditure of \$1,783.00 of APD's lapsed funds for the purpose of providing for registration and per diem costs associated with APD Attorney Eric R. Overton's attendance at the CACJ's Annual Fall Criminal Defense Seminar from December 13-14, 2013.

**DULY AND REGULARLY ADOPTED** this 14<sup>th</sup> day of January, 2014.

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Chief Justice F. PHILIP CARBULLIDO

ATTEST:

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BERNADETTE S.N. CHARGUALAF  
Secretary



# CACJ's Annual Fall Criminal Defense Seminar

December 13-14th, 2013  
Hotel Nikko- San Francisco  
222 Mason Street  
San Francisco, CA 94102  
7.5 MCLE hours

Friday, December 13, 2013

**Charles Garry Memorial Lecture**  
Defending the Defenseless  
*John Cleary*

Saturday, December 14, 2013

**The Year in Review &  
The Best & Worst Cases in the last 40 years**  
*Al Menaster*

**These 40 Years of CACJ**  
*Ephraim Margolin*

**Ethical Challenges of the Web & Social Media:  
2013 & Beyond**  
*Charles Sevilla*

**Public Records Act: Uncovering the Treasure Trove**  
*Marcia Morrissey, Elisabeth Semel*

**Prosecutorial Misconduct:  
Recognizing it and Dealing with it**  
*James Thomson*

**Owning Your Courtroom**  
*Tony Serra*

**Communicating with the Jury through Empathy**  
*Jack Earley*

**California Attorneys for Criminal Justice**  
1555 River Park Drive, Suite 105  
Sacramento, CA 95815  
Phone: (916) 643-1800  
Fax: (916) 643-1836

**FOR MORE INFORMATION OR TO  
REGISTER GO TO: [WWW.CACJ.ORG](http://WWW.CACJ.ORG)**

### CONFIDENTIALITY PLEDGE

My signature indicates my criminal law practice is devoted exclusively to the defense.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**7.5 MCLE Hours Available**

Register by Friday, December 6, 2013 to get the  
Pre-Registration Rates  
**REGISTER TODAY!!**

### CACJ MEMBER PRE REGISTRATION

- CACJ Member Attorney  \$225.00
- CACJ Member Public Defender  \$190.00
- CACJ Investigator/ Other Memb.  \$160.00
- CACJ Attorney Member (0-5 Yrs)  \$60.00
- CACJ Law Student  \$19.50

### NON MEMBER PRE REGISTRATION

- Attorney & Investigator/Other  \$325.00
- Law Student  \$65.00

- Hard Copy Syllabus  \$25.00
- Additional Lunch  \$50.00

### GROUP DISCOUNTS:

Groups of 5-19 = 10% • 20-34 = 20% • 35 or more = 25%  
Pre-register AS A GROUP by December 6, 2013. Preregistration forms must be received together - Not available Online!  
Group discounts do not apply to CACJ Attorneys 0-5 years and Law Students

Name: Eric Overton

Address: PO Box 951

City/State/Zip: Hagatna, GU 96932

Bar Number: 260929 Date Admitted to the Bar: 12/08

Phone: (671) 487-6785 Fax: \_\_\_\_\_

Email Address: ericoverton@gmail

Total Amount Enclosed: \$ 325  
 Check Enclosed Charge my:  Visa  MasterCard

Account Number: \_\_\_\_\_

3 Digit Security Code: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Billing Address: Same as above

Signature [Signature] Date 11/20/13



CREDIT CARD (...2953)

<u>Trans Date</u>	<u>Post Date</u>	<u>Type</u>	<u>Description</u>	<u>Amount</u>
<input type="checkbox"/> 11/20/2013	11/21/2013	Sale	CA ATTY CRIMINAL JUSTI	\$325.00
<b>Transaction Number</b> 75500593325482100614832				
916-6431800, CA 958150000 US In-person transaction				

# ALTERNATE PUBLIC DEFENDER

Government of Guam  
 Suite 902, Pacific News Building  
 238 AFC Flores Street  
 Hagåtña, Guam 96910  
 Phone: (671) 475-3234 Fax: (671) 475-3238

VENDOR NAME:  
**ERIC OVERTON**



APDVO #2014-018  
 Date: 12/03/2013  
 Allotment: 290.1  
 Check Issued: 7792

DESCRIPTION	TOTAL
PER DIEM for travel and attendance at the CACJ's Annual Fall Criminal Defense Seminar: Dec 13-14, 2013	1,458.00
<b>Hotel Nikko San Francisco, CA (7.5 MCLE hours): 6 days including 4 days' travel time at rate of \$243 (Federal guidelines for San Francisco, CA)</b>	
<b>Reimbursement of REGISTRATION FEE</b>	325.00
Remarks: Payment will come from APD Lapsed Funds since off-island travel for FY2014 was not budgeted for. Authorization: Chief Justice Carbullido and APD Supervising Attorney Annie Gayle.	
TOTAL	<b>\$1,783.00</b>

\_\_\_\_\_  
 Certifying Officer DATE  
 Certified Funds Available

\_\_\_\_\_  
 Eric D. Miller, Executive Director DATE

## **Agenda Item #VII-C**

**Request to Use PDSC  
Lapsed Funds to  
Purchase Network Scanner**

**(Resolution No. 07-14)**

**BEFORE THE  
BOARD OF TRUSTEES OF THE  
PUBLIC DEFENDER SERVICE CORPORATION  
RELATIVE TO THE USE OF LAPSED FUNDS  
TO PURCHASE A NETWORK SCANNER**

**RESOLUTION NO. PDSC 07-14**

- WHEREAS,** §11113.1 of 12 GCA authorizes the Public Defender Service Corporation (PDSC) to retain unexpended appropriations beginning with Fiscal Year 2000, and to carry these funds over into succeeding fiscal years; and
- WHEREAS,** the PDSC Board of Trustees adopted Resolution No. 99-07 requiring Board approval for the budgeting of and/or spending authorization(s) for these lapsed funds; and
- WHEREAS,** in its Fiscal Year 2014 Budget Request, which was approved by the PDSC Board of Trustees on March 27, 2013, the amount of \$1,500 was requested for the purchase of a network scanner; and
- WHEREAS,** the purpose of this network scanner is to enable the immediate electronic storage of closed PDSC client files and to provide for greater efficiency in case management (linked with the Abacus case management system in place); and
- WHEREAS,** a price quote of \$2,300 for a network scanner suitable for the needs of the PDSC was obtained by the MIS Administrator on January 13, 2014; and
- WHEREAS,** an additional \$800 is required in order to make this acquisition; now therefore be it
- RESOLVED,** The Board of Trustees of the Public Defender Service Corporation, in its meeting of January 14, 2014, hereby approves the Corporation's request for the expenditure of **\$800.00** of lapsed funds for the purchase of a network scanner as described herein.

**DULY AND REGULARLY ADOPTED** this 14<sup>th</sup> day of January, 2014.

\_\_\_\_\_  
Chief Justice F. PHILIP CARBULLIDO

ATTEST:

\_\_\_\_\_  
BERNADETTE S.N. CHARGUALAF  
Secretary

**PUBLIC DEFENDER SERVICE CORPORATION**  
**Board of Trustees Regular Meeting**  
**Friday, February 21, 2014**  
**Conference Room,**  
**Public Defender Service Corporation**  
**12:30 p.m.**

**A G E N D A**

- I. Call to Order**
- II. Roll Call**
- III. Proof of Due Notice of Meeting:**
  - 5 Working Days Notice: Marianas Variety, Monday, February 14, 2014
  - 48 Hours Notice: Marianas Variety, Wednesday, February 19, 2014
- IV. Determination of Quorum**
- V. Approval of Minutes: (Regular Meeting of January 14, 2014)**
- VI. Old/Unfinished Business:**
  - A. Financial Status Update (PDSC and APD Allotment Releases)
  - B. Domestic Violence Program Update
  - C. Alternate Public Defender Update
  - D. Pacific Judicial Council Public Defender's Training
  - E. PDSC Fiscal Year 2014 Budget Appropriation:  
PDSC Resolution No. 05-14 (Correction/Amendment to  
PDSC Resolution No. 01-14 re: FY14 Shortfall)
- VII. New Business:**
  - A. Extending Appreciation to DONNA MUNA QUINATA and  
CATHYANN C. GOGUE, members of the PDSC  
Board of Trustees from January 2004 to January 2014
  - B. Introduction of Attorney Donna Cruz and Mrs. Annette Ada,  
Chief Justice's appointments to the PDSC Board of Trustees
  - C. PDSC Executive Director's Performance Review (due February 2014)
  - D. 2014 Competitive Wage Act, also known as the "Hay Study Implementation"  
(Informational Purposes Only)
  - E. PDSC Investigators and the Law Enforcement Pay Plan  
(Information Purposes Only)
- VIII. Public Discussion**
- IX. Adjournment and Next Meeting Date**



# Analysis: US car sales slowdown triggers discount war

**DETROIT (Reuters)** – A one-two punch of bad weather and overproduction has ignited a price war among U.S. car dealers and manufacturers.

Frigid temperatures and winter storms in the past six weeks have slowed retail sales and showroom traffic, inflating inventories of unsold vehicles and triggering a new round of steep discounts by carmakers and their dealers.

While many analysts believe the spike in incentives is a short-term reaction, "the danger is that this could be the beginning of an escalating arms race for market share," said Eric Lyman, vice president for industry consultant ALG.

Some of the heftiest discounts are being offered by Ford Motor Co. and General Motors Co. dealers on the 2014 Ford F-150 and Chevrolet Silverado full-size pickup trucks.

But Japanese automakers Toyota Motor Corp. and Honda Motor Co., two companies that historically have shied away from incentives, also are heavily discounting their popular mid-size family sedans, which like the big trucks have been hit hard by the weather-induced slowdown.

Honda Accord sales in January dropped 14 percent from the previous year, causing inventories to climb to 114 days, from 71 days at the end of December, according to research firm Autodata. Honda's U.S. arm has responded by maintaining an aggressive spending rate, with customer and dealer incentives



up 300 percent from a year ago, according to auto analyst Joseph Spak of RBC Capital Markets.

As part of a nationwide Presidents Day sale, Honda is offering inexpensive lease deals and low-interest loans on the 2014 Accord.

Toyota Camry sales in January dropped 27 percent, pushing inventories higher and inducing Toyota Motors Sales USA to hike incentives 38 percent from a year ago, according to RBC. Camry customers can choose from zero-interest financing, low lease rates or a rebate of up to \$1,750.

If sales don't pick up soon, Spak said, "Toyota may have to revise current (production) schedules and/or utilize still higher incentives."

The Detroit-based automakers are not immune to the

discount wars.

Sales of the mid-size Ford Fusion, which competes with the Camry and the Accord, dipped nearly 8 percent in January and inventories climbed to 97 days. Ford has responded by offering customers a choice of cut-rate financing, cheap lease rates or cash rebates of up to \$2,000.

Ford dealers are providing even deeper discounts. According to research firm TrueCar, the parent of ALG, U.S. dealerships are selling the 2014 Fusion at an average discount of \$2,581, or 11 percent below the sticker price.

While analysts such as Joseph Amaro of Buckingham Research Group expect automakers and dealers to be forced to maintain and even raise discounts if sales continue to

◀ Frigid temperatures and winter storms in the past six weeks have slowed retail sales and showroom traffic, inflating inventories of unsold vehicles and triggering a new round of steep discounts by carmakers and their dealers. Reuters

founder in February and March, at least one observer believes the longer-term outlook is more positive.

Given that the average age of U.S. vehicles is at a historic high of nearly 12 years and up to 1.5 million new drivers a year are expected to enter the market over the next five years, "U.S. sales can be sustained at a relatively high level" through 2019, according to analyst Michael Ward of Sterne Agee.

## Lenders repossessed fewer homes in January

**LOS ANGELES (AP)** – Lenders repossessed fewer U.S. homes in January, bringing the number of completed foreclosures down to the lowest level in more than six years.

Even so, many states posted sharp increases in the number of homes entering the foreclosure process for the first time, a trend that raises the likelihood that those states will see a surge in foreclosed homes later this year.

Banks took back 30,226 homes last month, a drop of 4 percent from December, foreclosure listing firm RealtyTrac Inc. said Thursday.

Completed foreclosures were down 40 percent from January last year to the lowest level since July 2007, the firm said.

A dozen states posted annual increases in foreclosures, including New York, Oklahoma, Connecticut and New Jersey.

While foreclosures remain elevated in many populous

states, they have been steadily on the wane since the U.S. housing market and economy began to rebound after years of decline.

The U.S. housing market has emerged from a deep slump, aided by rising home prices, steady job growth and fewer troubled loans dating back to the housing-bubble days. Meanwhile, more homeowners are keeping up with their mortgage payments.

That's led to fewer homes entering the foreclosure pipeline on a national level.

In some states, however, there is a backlog of homes with mortgages gone unpaid. Typically these are states like New York and Florida, where the courts play a role in the foreclosure process. In other states, like California and Nevada, laws aimed at stalling foreclosures have extended the time it takes for the process to play out.

As a result, some of those homes with mortgages gone unpaid are only now entering

the foreclosure process or being scheduled for auction.

"We're going to have this year some states that are still seeing the last surges in foreclosure activity because of continued delays in the process," said Daren Blomquist, a vice president at RealtyTrac. "Not even an improving economy may help a lot of these."

Last month, 22 states posted annual increases in homes that got started on the path to foreclosure. Maryland, Connecticut, New Jersey and California had the biggest increases. In California, foreclosure starts rose on an annual basis for the first time in more than a year.

All told, banks initiated foreclosure actions against 57,259 U.S. homes last month, a 10 percent jump from December, RealtyTrac said. Foreclosure starts typically pick up in January after slowing in December. They were down 12 percent from a year ago.

Many of these homes are likely to begin making their way through the foreclosure process this year, Blomquist said.

### NOTICE OF PUBLIC MEETING

The Public Defender Service Corporation Board of Trustees will conduct a regular meeting on **Friday, February 21, 2014 at 12:30 p.m.** in the Conference Room of the Public Defender Service Corporation, located at the MVP Sinajana Commercial Building, Unit B, 779 Route 4, Sinajana, Guam 96910.

Copies of the agenda will be available prior to the meeting at the Public Defender Service Corporation (address above).

Individuals requiring special accommodations are asked to contact Mrs. Bernadette S.N. Chargualaf at 475-3100.

/s/ CHIEF JUSTICE ROBERT J. TORRES, JR.  
Chairman

*This public notice is paid for with government funds administered by the Public Defender Service Corporation.*



**GSA General Services Agency**  
(Añenshon Seibision Hinlrat)  
Department of Administration  
Government of Guam  
148 Route 1 Marine Drive, Piti, Guam 96916  
Tel: 475-1707-13 Fax: 475-4217/475-1716/475-1727



**THIS ADVERTISEMENT WAS PAID WITH GOVERNMENT FUNDS BY:**

### DEPARTMENT OF AGRICULTURE

A non-refundable fee of \$10.00 per bid package will be assessed. Certified Check, Cashier's Check, Cash will be accepted. No personal or company check. Payment for bid package picked up after 3:00 pm will not be accepted.

### INVITATION FOR BID

**BID NO.:** GSA-015-14

**FOR:** DEPLOYMENT OF SHALLOW WATER MOORING SYSTEM

**OPENING DATE:** 3/3/14

**TIME:** 10:00

**PLACE:** GENERAL SERVICES AGENCY  
PITI, GUAM – CONFERENCE ROOM

**INTERESTED PARTIES MAY PICK UP FORMS/SPECIFICATIONS AT SAID PLACE**

/s/ CLAUDIA S. ACFALLE  
Chief Procurement Officer

✉ Story tips, photo submissions or ideas? Submit material to [business@mvguam.com](mailto:business@mvguam.com).  
 MARIANAS VARIETY GUAM EDITION

## Is it OK to lie about money?

**NEW YORK (Reuters)**—Lying to a spouse, or a parent, or a kid about one's financial affairs? Terrible idea.

But there are absolutes, and then there is real life. Real life is messy sometimes, and confusing, and not always what you wanted.

And in real life, most of us lie about money. A lot.

According to one survey from the Baltimore-based fund shop T. Rowe Price, 77 percent of parents say they are not always honest with their kids about finances. Fifteen percent fudge the truth at least once a week.

When it comes to spouses, nearly half of Americans lie to their partners about money, according to research on "financial infidelity" by TODAY.com and Self Magazine.

Which begs the question: Is it ever OK to lie about money?

"Sure," says Mark La Spisa, president of Vermillion Financial Advisors in South Barrington, Ill.

"Money is private, and you are not obligated to share all your

financial information with every family member. In fact, sometimes talking too much about money can open you up to be a victim."

After all, some lies are made with the best intentions. If you are struggling with serious money problems, for instance, you likely don't want to share that information with your 6-year-old.

Coming up with the mortgage payment or putting food on the table are very adult concerns — kids should not fret about those issues, which could cause long-term insecurities.

If too-young children ask about family finances, most people might say everything is fine, and there is nothing to worry about. Such a lie isn't malicious, in fact, it is done with their interests at heart.

Some of the most common money lies, according to the Financial Infidelity poll: hiding a purchase from your partner, claiming it was bought on sale or asserting that something new was obtained long ago.

Roughly 6 million Americans keep financial accounts concealed from their significant others, according to a poll by CreditCards.com. Such secrets might be kept to maintain a feeling of financial independence.

"There is a lot of fear around the question, 'Am I going to be OK in future?,'" says Mikelann Valterra, a financial coach in Seattle and the author of "Why Women Earn Less." "They're creating pockets of security so they'll be able to sleep at night."

Valterra's advice? Tell your marital partner the truth. "When it comes to other relatives, you don't owe them anything," she said. "If they are constantly hounding you for money, being over-honest could harm you."

There are a host of other tricky scenarios that play out among families every day. If your child wants you to splurge on a pricey item, for instance, how do you respond? According to the T. Rowe Price survey, 32 percent of parents lie and say they can't afford it.

## Japanese consumers spent less on food, clothes in 2013

**TOKYO (Reuters)**— Japanese consumers ended last year with a whimper instead of the bang many had expected, reinforcing a nagging worry that the prime minister's aggressive policies are struggling to find support among those key to its success.

Economic growth figures on Monday added to evidence that concern about job security is holding back consumers, trumping the urge to spend before a rise in the national sales tax rate in April makes goods more expensive.

Although Japan's jobless rate is at a six-year low, the number of contract workers, who are paid less than regular staff, is at a record high.

That equation is undermining the government's base scenario that consumer spending will boom in the months before the tax hike, fall sharply immediately afterwards and then resume steady growth underpinned by falling unemployment and rising wages.

Such a scenario is key to the broader goal of dragging the sluggish economy out of almost two decades of stagnation marked by grinding deflation and on to a path of sustainable growth.

The government, which has played an unusually prominent role in lobbying companies to raise wages, could come under pressure to use more structural economic reforms to broaden growth and reverse labor market reforms that could increase contract workers.

The Bank of Japan could face calls to ease policy but can likely fend off the pressure, arguing that its economic forecasts already take into account swings in consumer spending. It unleashed a program last year of massive cash injections into

the economy that is now bigger than that of the U.S. Federal Reserve.

Overall economic growth in the October-December period was much lower than expected at 0.3 percent.

Purchases of cars were the main reason for the increase in consumption, but Japanese spent less on clothes and food, which pessimists say is a sign of weakening confidence because it suggests lower income earners are holding back.

In December, consumer sentiment hit the lowest level in just over a year due to a spreading fear that wages will stop improving, Cabinet Office data showed.

A six-year-low jobless rate of 3.7 percent should, in theory, give consumers confidence to spend. But new jobs are going to contract workers, who earn on average only a third of what regular employees get paid.

In December, contract workers made up a record 37.5 percent of the workforce, up from 35.3 percent at the start of the year. During that time, the ratio of regular workers fell to 62.5 percent from 64.7 percent.

When Japan last raised the sales tax in 1997, contract workers accounted for around 23 percent of the workforce.

Compounding the problem, Prime Minister Shinzo Abe is pushing legislation that would make it easier for companies to replace regular employees with contract workers.

The aim of the legislation is to make the labor force more mobile and flexible, but this could backfire by hurting consumption, just as it did when the ruling Liberal Democratic Party first expanded the number of contract workers in the early 2000s.

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### NOTICE OF PUBLIC MEETING

The Public Defender Service Corporation Board of Trustees will conduct a regular meeting on **Friday, February 21, 2014 at 12:30 p.m.** in the Conference Room of the Public Defender Service Corporation, located at the MVP Sinajana Commercial Building, Unit B, 779 Route 4, Sinajana, Guam 96910.

Copies of the agenda will be available prior to the meeting at the Public Defender Service Corporation (address above).

Individuals requiring special accommodations are asked to contact Mrs. Bernadette S.N. Chargualaf at 475-3100.

**/s/ CHIEF JUSTICE ROBERT J. TORRES, JR.**  
 Chairman

*This public notice is paid for with government funds administered by the Public Defender Service Corporation.*

**PUBLIC DEFENDER SERVICE CORPORATION  
BOARD OF TRUSTEES  
Regular Meeting  
of  
Tuesday, January 14, 2014  
12:42 p.m.  
PDSC Conference Room**

**MINUTES**

**I. CALL TO ORDER:**

This meeting was called to order by the Chairman, Chief Justice F. Philip Carbullido at 12:42 p.m.

**II. ROLL CALL:**

Present: Chief Justice F. Philip Carbullido, Chairman  
Presiding Judge Alberto C. Lamorena III  
Attorney Cynthia Ecube, Guam Bar Association President  
CathyAnn C. Gogue, Member

Absent: Donna Muña Quinata, Member (excused)

Others Present: Attorney Eric D. Miller, PDSC Executive Director  
Attorney AnaMaria C. Gayle, Alternate Public Defender  
Bernadette S.N. Chargualaf, PDSC Administrative Director  
Michael S. Moreno, Chief Fiscal Officer  
Kenneth A. Lim, Computer Systems Analyst  
Cecelia M. Fernandez, Administrative Assistant

**III. PROOF OF DUE NOTICE OF MEETING:**

“Notice of Public Meeting” was published in Marianas Variety on Monday, January 06, 2014 and Friday, January 10, 2014.

**IV. DETERMINATION OF QUORUM:**

With the presence of three (3) board members, a quorum was determined for this meeting. (Presiding Judge Lamorena arrived after the determination of a quorum.)

**V. APPROVAL OF MINUTES:** Minutes of the regular board meeting held on Tuesday, October 08, 2013 were adopted and approved, with a correction indicating that member CathyAnn C. Gogue was present.

## **VI. OLD BUSINESS:**

- A. Financial Status Update (PDSC and APD Allotment Releases):** Chief Fiscal Officer Michael S. Moreno reported that PDSC has received allotments through November 2013; allotments for the Alternate Public Defender (APD) were received for the first quarter of FY2014.

Chief Justice Carbullido directed that a letter addressed to the Department of Administration requesting the release of the December 2013 allotment be transmitted.

- B. Domestic Violence Program Update:** The monthly reimbursements for this program are up to date. The current grant will end on March 31, 2014 and has a \$10,000 balance to date.

- C. Alternate Public Defender Update:** APD Supervising Attorney Annie Gayle informed those present that Attorney Eric Overton attended a CACJ Conference in San Francisco on December 13-14, 2013. (See item B under New Business.)

Attorney Stephen P. Hattori also went to a Sexual/Domestic Violence conference.

The hiring of a Legal Clerk I, as approved in the APD's Fiscal Year 2014 Budget Request is in progress.

- D. PDSC's Policy for Conflicts of Interest (PDSC Resolution No. 03-14):** Executive Director Eric Miller presented the Corporation's Standard Operating Procedure No. 001-FY2014 governing Conflicts of Interest, which will provide a consistent methodology in determining whether a "conflict of interest" exists in a given case, thereby necessitating the PDSC's withdrawal.

Resolution No. 03-14 was subsequently approved and adopted.

- E. PDSC Client Eligibility Criteria (PDSC Resolution No. 04-14):** Presented by Executive Director Miller, this involves the consideration of a client's assets in addition to his/her household income when determining eligibility for PDSC services. (Assets include possessions such as cars, land, bank accounts, stocks, bonds, etc.)

The guidelines followed by the Guam Legal Services Corporation appear to be the most practicable for the PDSC. This amounts to a maximum value of \$2,500 for the first person in a family, and \$1,500 for each additional family member.

Following the approval and adoption of Resolution No. 04-14, Chief Justice Carbullido directed that a written memorandum be submitted to the Clerk of Court requesting his assistance in the enforcement of the eligibility criteria and/or guidelines. In addition, the Clerk of Courts would be asked to share this information with all judges for their use when determining a potential client's eligibility for the Corporation's services.

- F. Pacific Judicial Council Public Defender Training:** Executive Director Eric Miller provided input on this subject.

Sponsored by the Pacific Judicial Council, attendees at this forum will avail themselves with at least fourteen (14) hours of Continuing Legal Education (CLE) credits. Registration fees have been established at \$150 per attorney.

Trainers include Attorney Richard McGhee and his colleagues who will be coming from the Tennessee Trial College.

Presiding Judge Lamorena has asked Superior Court judges, to lighten their calendars on February 26-28, 2014 in consideration of attorneys who will be attending this event. (Another memorandum to this effect will be distributed to them.)

## **VII. NEW BUSINESS:**

- A. Resolution No. 05-14 (Request to Use Additional Lapsed Funds to Cover Budgetary Shortfalls for Operations in Fiscal Year 2014):** This matter was tabled until the next meeting so that PDSC can provide details as to projected expenditures for FY2014.
- B. Resolution No. 06-14 (Request to Use APD Lapsed Funds to Pay for Attorney Eric Overton's Attendance at the CACJ Conference in San Francisco, California on December 13-14, 2013):** APD Supervising Attorney Annie Gayle mentioned that Attorney Eric Overton assumed costs for air fare to this event, and that APD funds to cover registration fees and per diem were being requested.

Chief Justice Carbullido expressed concern relative to the allowance of travel time and felt that a total of four (4) days is excessive. PDSC Administrative Director Bennette Chargualaf indicated that the Corporation's Travel Policy will be revisited and that the Chief Justice's concerns will be addressed. Hence, per diem allowances for travel time will be limited to two (2) days (one day TO, and 1 day FROM).

- C. Resolution No. 07-14 (Request to Use PDSC Lapsed Funds to Purchase a Network Scanner):** Director Eric Miller informed board members that the amount of \$1,500 was requested and approved in the Corporation's Fiscal Year 2014 budget for the purchase of a network scanner. This equipment will enable the immediate electronic storage of closed PDSC client files, and provide for greater efficiency in case management (linked with the Abacus case management system in place).

However, the MIS Administrator received a price quote of \$2,300 on January 13, 2014, necessitating this request for an additional \$800.

Resolution No. 07-14 was then approved and adopted.

- D. Extending Appreciation to Chief Justice F. Philip Carbullido as Chairman of the PDSC Board of Trustees from January 18, 2011 to January 18, 2014:** Executive Director Miller thanked the Chief Justice for his leadership and support of the PDSC's mission, and presented him with a plaque expressing the Corporation's gratitude.

Prior to this meeting, the PDSC employees provided an Appreciation Luncheon for board members and staff.

**VI. PUBLIC DISCUSSION:** None.

**VII. NEXT MEETING DATE:** The next meeting date will be determined after consultation with the next Chief Justice of the Supreme Court (and Chairperson of the PDSC Board of Trustees).

There being no further business up for discussion, this meeting was adjourned at 1:25 p.m.

Respectfully submitted,

  
BERNADETTE S.N. CHARGUALAF  
Secretary



**PUBLIC DEFENDER SERVICE CORPORATION**  
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**GOVERNMENT OF GUAM**

MVP Sinajana Commercial Building, Unit B  
779 Route 4  
Sinajana, Guam 96910-5174  
Tel (671) 475 3100 Fax: (671) 477 5844



**BOARD OF TRUSTEES**

Hon. Robert J. Torres  
Chairman

Hon. Alberto C. Lamarena, III  
Vice-Chairman

Atty. Cynthia V. Ecube  
Member

**ADMINISTRATION**

Eric D. Miller  
Director

Bernadette S.N. Changuial  
Administrative Director

February 14, 2014

Attorney Donna M. Cruz  
C/O: Criminal Justice and Social Science Dept.  
Guam Community College  
P.O. Box 23069 GMF  
Barrigada, Guam 96921

Subject: Appointment to Public Defender Service Corporation Board of Trustees

Dear Atty. Cruz.

As Chairperson of the Public Service Defender Corporation Board of Trustees, I hereby appoint you as a Trustee. We thank you in advance for agreeing to take on this responsibility.

Pursuant to 12GCA § 11107, the term of your appointment shall be for three (3) years beginning February 14, 2014 and expiring on February 13, 2017. As a Trustee, your public service is a valuable contribution towards preserving the rights of the indigent community. Your commitment and compassion are vital to the mission of the Board of Trustees.

I am certain that your service on the board will be an immense contribution to the Public Defender's goals and tasks that lay ahead.

I look forward to serving with you on the board and seeing you at the next board meeting on February 21, 2014 at 12:30pm at the Public Defender Office in Sinajana. The agenda and necessary documents will be sent to you.

Best Regards,

Robert J. Torres  
Chief Justice of Guam

Cc: Atty. Eric D. Miller, Executive Director, Public Services Corporation  
[emiller@guamodsc.net](mailto:emiller@guamodsc.net)



**PUBLIC DEFENDER SERVICE CORPORATION**  
*(Kotperasion Setbision Defensot Pubbleku)*

GOVERNMENT OF GUAM

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**BOARD OF TRUSTEES**

Hon. Robert J. Torres  
Chairman

Hon. Alberto C. Lamorena, III  
Vice-Chairman

Atty. Cynthia V. Ecube  
Member

February 19, 2014

Ms. Annette Ada  
P.O. Box 791  
Hagatna, Guam 96932  
[annetada@gmail.com](mailto:annetada@gmail.com)

Subject: Appointment to Public Defender Service Corporation Board of Trustees

Dear Ms. Ada:

As Chairperson of the Public Service Defender Corporation Board of Trustees, I hereby appoint you as a Trustee. We thank you in advance for agreeing to take on this responsibility.

Pursuant to 12GCA § 11107, the term of your appointment shall be for three (3) years beginning February 19, 2014 and expiring on February 20, 2017. As a Trustee, your public service is a valuable contribution towards preserving the rights of the indigent community. Your commitment and compassion are vital to the mission of the Board of Trustees.

I am certain that your service on the board will be an immense contribution to the Public Defender's goals and tasks that lay ahead.

I look forward to serving with you on the board and seeing you at the next board meeting on February 21, 2014 at 12:30pm at the Public Defender Office in Sinajana. The agenda and necessary documents will be sent to you.

Best Regards,

Robert J. Torres  
Chief Justice of Guam

Cc: Atty. Eric D. Miller, Executive Director, Public Services Corporation  
[emiller@guampdsc.net](mailto:emiller@guampdsc.net)

**ADMINISTRATION**

Eric D. Miller  
Director

Bernadette S.N. Chorgualaf  
Administrative Director



**BEFORE THE  
BOARD OF TRUSTEES OF THE  
PUBLIC DEFENDER SERVICE CORPORATION  
RELATIVE TO THE USE OF LAPSED FUNDS  
TO COVER BUDGETARY SHORTFALLS FOR OPERATIONS  
IN FISCAL YEAR 2014**

**RESOLUTION NO. PDSC 05-14 (Corrected)**

- WHEREAS,** §11113.1 of 12 GCA authorizes the Public Defender Service Corporation (PDSC) to retain unexpended appropriations beginning with Fiscal Year 2000, and to carry these funds over into succeeding fiscal years; and
- WHEREAS,** the PDSC Board of Trustees adopted Resolution No. 99-07 requiring Board approval for the budgeting of and/or spending authorization(s) for these lapsed funds; and
- WHEREAS,** the language contained in Public Law 32-068 appropriated \$3,661,522 in Chapter VII, Part II, Section 1; \$35,354 for Merit Bonus Awards in Chapter VII, Part II, Section 1; and \$158,259 for Medical, Dental and Life Insurance contributions in Chapter XIV, Part II, Section 4; and
- WHEREAS,** the PDSC erroneously recognized the \$158,259 for Medical, Dental and Life Insurance contributions as a separate appropriation (as set forth in previous fiscal years), when in fact this amount is included in the \$3,661,522 general appropriation; and
- WHEREAS,** on October 8, 2013 PDSC Board Resolution No. 01-14 was adopted and approved, authorizing the Corporation to expend \$6,415 in lapsed funds to cover the anticipated shortfall for FY2014; and
- WHEREAS,** in order to correct the above-described error and provide for the government's contributions for medical, dental and life insurance premiums involving PDSC personnel, as well as additional expenses for operations, the use of additional lapsed funds is necessary; and
- WHEREAS,** a re-evaluation of the Corporation's spending priorities has taken place, and realizing further cost savings, the amount of **\$54,358** is now required to cover projected expenses for the remainder of Fiscal Year 2014 (as reflected on the attached spreadsheets); now therefore be it
- RESOLVED,** the Board of Trustees of the Public Defender Service Corporation, in its meeting of January 14, 2014, hereby approves the Corporation's request for **\$54,358** of lapsed funds in order to cover expenditures (operations) in Fiscal Year 2014; and be it further

**RESOLVED,** the spreadsheets depicting the Corporation's projected expenditures through September 30, 2014 are incorporated herewith and made a part of this resolution.

**DULY AND REGULARLY ADOPTED** this 21st day of February, 2014.

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Chief Justice ROBERT J. TORRES,  
Chairman

ATTEST:

---

BERNADETTE S.N. CHARGUALAF  
Secretary

PUBLIC DEFENDER SERVICE CORP.  
 FY 2014 BUDGET PROJECTION by Program by Categories

	DIRECTOR	ATTYS	INV	LEG SEC	REC / PRO	PROCESS	LEG CLERK	FISC	PERS	MISS	TOTAL	Amount From Authorized Budget (Less Personnel)	Shortfall	Excess from Authorized Personnel Cost	Requested Amount From Lapsed Funds
111 SALARIES											0				
113 BENEFITS (RET, RET DC D&D, Medicare)											0				
114 BENEFITS (MED, DEN & LIFE)											0				
<b>TOTAL PERSONNEL</b>	0	0	0	0	0	0	0	0	0	0	0				
OFF-ISLAND TRAVEL											0				
MILEAGE REIMB.											0				
<b>220 TOTAL OFF ISL/MILEAGE</b>	0	0	0	0	0	0	0	0	0	0	0				
<b>230 CONTRACTUAL</b>															
Prof Dues- Malpractice Ins. PDSC share only	14,500										14,500				
Equipment Rental- Xerox \$1250 x 12 mons	15,000										15,000				
Westlaw Services \$ _____ x 12 mons	23,000										23,000				
Lease of Telephone system \$1200 x 12	13,656										13,656				
Lease of Vehicle -Ray 4 \$605 x 12	7,260										7,260				
Lease of Vehicle -Corolla \$460 x 12	5,520										5,520				
Vehicle Insurance	3,900										3,900				
Services for Surveillance Camera \$80 x 12	960										960				
Contents Insurance	8,000										8,000				
Phone license 1 new atty, 1 new leg sec				0							0				
Notary bonding 2 x \$250				0							0				
Equipment Maintenance-Canon Archiving						3,400					3,400				
Add: Commercial Shredding of documents						0					0				
Equipment Maint- Gets Business 250 x 2							500				500				
Equipment Rental Pitney Bowes 150 x 4								600			600				
Equipment Maintenance \$250 x 4								1,000			1,000				
Purchase accounting software								1,300			1,300				
Quickbooks payroll subscription								500			500				
HR Software \$236 x 12								2,860			2,860				
Adobe Acrobat X Suite								1,300			1,300				
Off-site Data Backup Solution service (online backup)								0			0				
Annual renewal for Recorder Software (SonClear)								400			400				
Firewall Security Service (Sonic Wall)								1,500			1,500				
Abacus Maintenance								13,140			13,140				
Norton Endpoint Security (50 users license) Anti virus								1,000			1,000				
Internet Domain name and hosting web site								500			500				
Server Hard Disk Software Diskkeeper								1,200			1,200				
Fixed Asset Software								500			500				
3 Additional Abacus Client Licenses proposed staff				0				0			0				
Mobile access to Abacus (B)								1,600			1,600				
Annual renewal for Archive Software								4,000			4,000				
<b>#230 TOTAL CONTRACTUAL</b>	91,796	0	0	0	3,400	0	500	3,400	4,160	23,840	127,096	24,923.00	102,173.00	64,405.00	37,768.00

**#233 RENTAL** 271,200 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 271,200 271,200.00 - -

EST. 1.88333 x 120006=22600 x 12

**#240 SUPPLIES AND MATERIAL** 3,800 1,600 800 2,700 600 800 1,200 11,000 700 5,500 28,700 5,984.00 22,716.00 14,516.00 8,200.00

**EQUIPMENT <\$5000**

Office furniture for proposed staff 0

Computer workstation for proposed staff 0

Telephone instruments for proposed staff 0

4-drawer filing cabinets for Ali, Brian, Mikaela, Suresh 0

Replace obsolete workstations 11,600 11,600

Portable video/digital camera 0

Replacement chair for Charmaine 0

To replace obsolete battery ups 2,500 2,500

ID scanner 0

Heavy duty shredder 2,000 2,000

Desktop Scanner 1,500 1,500

External Drives for B/Up Fiscal Data 1,000 1,000

Replace obsolete printer 1,200 1,200

**TOTAL EQUIPMENT <\$5000** 0 0 0 0 2,000 0 0 2,200 0 15,600 19,800 4,128.00 15,672.00 10,122.00 5,550.00

**DRUG TESTING** 2,000 2,000 2,000.00 - -

Guam Bar Dues (300 x 16 )+\$150 4,950 4,950

NACDL \$200, NLADA \$715 915 915

Training On-Island - attorneys 6,000 6,000

Training On-Island - staff 3,000 3,000

Advertising Cost-Board Meeting and job announce 7,000 7,000

Advertising Cost-Bids, RFP 2,500 2,500

Board Stipends 1,800 1,800

Anticipated fees for Payroll 1,300 1,300

Legal Subscriptions 2,100 2,100

Process Server Fees \$50 x 7 350 350

Other fees (police clearance, transcript copy, etc) 300 300

Rental of Safety Box (MIS Backup Data) 250 250

**TOTAL MISCELLANEOUS** 21,765 8,100 0 0 0 350 0 0 0 250 30,465 6,352.00 24,113.00 14,858.00 9,255.00

**TOTAL OPERATIONS** 390,561 9,700 800 2,700 6,000 1,150 1,700 16,600 4,860 45,190 479,261

POWER EST. \$2400 X 12	28,800	28,800	28,800,00	-	-	6,415.00
TELEPHONE and Toll charges	20,640	0	0	0	0	0
TOTAL UTILITIES	49,440	49,440	20,640,00	-	-	0

Data Storage Server  
 CAPITAL OUTLAY > \$5000.01

440,001	9,700	800	2,700	6,000	1,150	1,700	16,600	4,860	45,190	528,701	364,027.00	164,674.00	103,901.00	54,358.00
DIRECTOR	ATTYS	INV	LEG	REC /	PROCESS	CLERK	FISC	PKRS	MIIS	TOTAL	Amount From Authorized Budget (Less Personnel)	Shortfall	Excess from Authorized Personnel Cost	Requested Amount From Lapsed Funds

Received per resolution 01-14