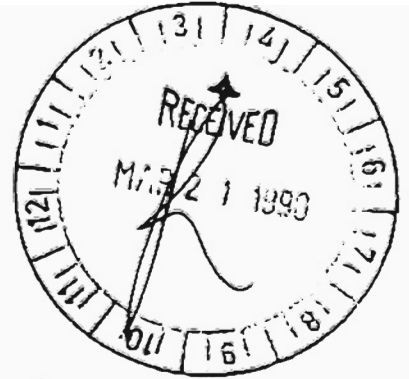




*Secretary of Guam  
Territory of Guam*

OFFICE OF THE GOVERNOR  
URSINAN I MAGA LAHE  
AGANA, GUAM 96910 U.S.A.

MAR 20 1990



*R. B. ...*

The Honorable Joe T. San Agustin  
Speaker, Twentieth Guam Legislature  
Post Office Box CB-1  
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 1197, which I have signed into law this date as  
Public Law No. 20-143.

Sincerely,

*Joseph F. Ada*  
JOSEPH F. ADA  
Governor

200776

Attachment



Commonwealth Now!

TWENTIETH GUAM LEGISLATURE  
1990 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 1197 (COR), "AN ACT TO APPROPRIATE TWENTY-FIVE THOUSAND FOUR HUNDRED EIGHTY-SEVEN DOLLARS TO THE GOVERNMENT OF GUAM CLAIMS FUND TO COMPENSATE AND PROVIDE SUBSTITUTE FUNDING TO THE OCEANVIEW HIGH SCHOOL STUDENT FUND," was on the 2nd day of March, 1990, duly and regularly passed.

  
JOE T. SAN AGUSTIN  
Speaker

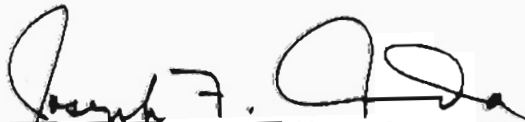
Attested:

  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 9<sup>th</sup> day of March, 1990,  
at 5:00 o'clock p.m.

  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
JOSEPH F. ADA  
Governor of Guam

Date: MAR 20 1990

Public Law No. 20-143

TWENTIETH GUAM LEGISLATURE  
1990 (SECOND) Regular Session

Bill No. 1197 (COR)  
As substituted by the Committee  
on Ways and Means and further  
substituted by the Committee on  
Rules 2/28/90.

Introduced by:

C. T. C. Gutierrez  
A. R. Unpingco  
T. S. Nelson

---

J. G. Bamba  
M. D. A. Manibusan  
M. C. Ruth  
D. F. Brooks  
H. D. Dierking  
F. J. A. Quitugua  
J. P. Aguon  
E. P. Arriola  
M. Z. Bordallo  
E. R. Duenas  
E. M. Espaldon  
P. C. Lujan  
G. Mailloux  
D. Parkinson  
E. D. Reyes  
J. T. San Agustin  
F. R. Santos  
T. V. C. Tanaka

AN ACT TO APPROPRIATE TWENTY-FIVE  
THOUSAND FOUR HUNDRED EIGHTY-SEVEN  
DOLLARS TO THE GOVERNMENT OF GUAM  
CLAIMS FUND TO COMPENSATE AND  
PROVIDE SUBSTITUTE FUNDING TO THE  
OCEANVIEW HIGH SCHOOL STUDENT FUND.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2 Section 1. The Legislature finds that the Department of Education was  
3 lax in monitoring the student funds hereinafter described and is responsible  
4 for the losses therefrom. Accordingly, Twenty-Five Thousand Four  
5 Hundred Eighty-Seven Dollars (\$25,487) are appropriated from the General  
6 Fund to the Government of Guam Claims Fund to cover claims filed by all  
7 persons who suffered losses from the Oceanview Student Activities Fund

1 during previous School Years. Any funds not expended from this  
2 appropriation shall revert to the General Fund within one (1) year from the  
3 effective date of this Act. The statute of limitation on claims filed in  
4 connection with the Oceanview Student Activities Fund for such school year  
5 is hereby tolled. This appropriation is intended to right the wrong which  
6 occurred when funds raised by the students and placed in the Oceanview  
7 High School Student Fund were discovered missing. The Legislature  
8 intends that the fundraising efforts and hard work of the students be  
9 recognized through the payment of any valid claim. If the government of  
10 Guam is able to recover the missing funds, or any portion thereof, the  
11 same shall be deposited in the General Fund.

TWENTIETH GUAM LEGISLATURE  
1989 (FIRST) Regular Session

ROLL CALL SHEET

Bill No. 1197

Date: 3/2/90

Resolution No. \_\_\_\_\_

QUESTION: \_\_\_\_\_

	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. P. Aguon	✓			
E. P. Arriola	✓			
J. G. Bamba	✓			
M. Z. Bordallo	✓			
D. F. Brooks	✓			
H. D. Dierking	✓			
E. R. Duenas	✓			
E. M. Espaldon	✓			
C. T. C. Gutierrez	✓			
P. C. Lujan				✓
G. Mailloux	✓			
M. D. A. Manibusan	✓			
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. A. Quitugua	✓			
E. D. Reyes	✓			
M. C. Ruth	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka	✓			
A. R. Unpingco	✓			

TWENTIETH GUAM LEGISLATURE  
1990 (SECOND) Regular Session

FEB 08 '90

Bill No. 1197 (coe)  
Introduced by:

*C. T. C. Gutierrez*  
C. T. C. GUTIERREZ  
A. R. UNPINGCO  
T. S. NELSON

AN ACT TO ADD SECTION 3361.26 TO THE CIVIL CODE TO PROVIDE SUBSTITUTE FUNDING TO THE OCEANVIEW HIGH SCHOOL STUDENT FUNDS IN THE AMOUNT OF EIGHT THOUSAND FOUR HUNDRED DOLLARS (\$8,400).

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

2 Section 1. A new Section 3361.26 is hereby added to Chapter III, Title II, Part  
3 I, Division Four of the Civil Code to read:

4 "Section 3361.26. (a) Legislative Intent.

5 WHEREAS, the sum of Twenty-Five Thousand Two Hundred  
6 Dollars (\$25,200) accumulated in the Student Fund of Oceanview High  
7 School cannot be found; and

8 WHEREAS, the missing funds were intended for the benefit of  
9 the graduating classes of 1988, 1989 and 1990, the one of 1990 to graduate  
10 in June of 1990, it is therefore the intent of the legislation to provide  
11 the Class of 1990, Oceanview High School with the interim funding in  
12 the amount of Eight Thousand Four Hundred Dollars (\$8,400) from the  
13 unexpended funds accumulated to date in the Criminal Injuries  
14 Compensation Fund.

15 (b) The provisions of Public Law 16-86 (1)-(4) notwithstanding  
16 the clerk of the Superior Court of Guam shall, within thirty (30) days of  
17 the passage of this Act into law, disburse the sum of Eight Thousand  
18 Four Hundred Dollars (\$8,400) from funds held by the court in the  
19 Criminal Injuries Compensation Funds account to the Student Fund of  
20 the Oceanview High School.

1                   (c) In the event that Section 3361.26 of the Civil Code is declared  
2                   invalid by a court of competent jurisdiction and an appropriation of  
3                   Eight Thousand Four Hundred Dollars (\$8,400) is hereby made out of  
4                   the General Fund to accomplish the purpose of this Act as delineated  
5                   in Subsection (a).

# Twentieth Guam Legislature

163 Chalan Santo Papa St.  
Agana, Guam U.S.A. 96910  
(671) 472-3407/8/9/10



Chairman, Committee  
on Ways & Means  
Vice-Chairman, Committee  
on Tourism & Transportation

CARL T. C. GUTIERREZ  
Senator

February 27, 1990

Honorable Speaker Joe T. San Agustin  
Speaker, Twentieth Guam Legislature  
163 Chalan Santo Papa  
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Ways & Means wishes to report out its findings on **BILL NO. 1197** to the full Legislature with the recommendation to do Pass.

The Committee Voting Record is as follows:

TO PASS:	<u>10</u>
NOT TO PASS:	<u>0</u>
ABSTENTIONS:	<u>0</u>
REPORT OUT ONLY:	<u>0</u>
OFF-ISLAND:	<u>1</u>

Copies of the Committee Report and all pertinent documents are attached for your information.

Sincerely,

  
CARL T. C. GUTIERREZ



Twentieth Guam Legislature  
Committee on Ways & Means  
**VOTING SHEET**

BILL NO.  
**1197**

AN ACT TO APPROPRIATE TWENTY FIVE THOUSAND FOUR HUNDRED EIGHTY SEVEN DOLLARS (\$25,487) TO THE GOVERNMENT OF GUAM CLAIMS FUND TO COMPENSATE AND PROVIDE SUBSTITUTE FUNDING TO THE OCEANVIEW HIGH SCHOOL STUDENT FUND.

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>TO PLACE IN INACTIVE FILE</u>
<i>Carl T. C. Gutierrez</i> Senator Carl T. C. GUTIERREZ Chairman	✓			
<i>Herminia D. Dierking</i> Senator Herminia D. DIERKING Vice-Chairman	✓			
<i>John P. Aguon</i> Senator John P. AGUON Member	-			
<i>George Bamba</i> Senator George BAMBA Member	✓			
<i>Doris Brooks</i> Senator Doris BROOKS Member	✓			
<i>Ernesto Espaldon</i> Senator Ernesto ESPALDON Member				
<i>Marilyn Manibusan</i> Senator Marilyn MANIBUSAN Member	✓ 2/27/90			
<i>Ted S. Nelson</i> Senator Ted S. NELSON Member	✓			
<i>Don Parkinson</i> Senator Don PARKINSON Member				
<i>Franklin J. A. Quitugua</i> Senator Franklin J. A. QUITUGUA Member	✓			
<i>Martha C. Ruth</i> Senator Martha C. RUTH Member	✓ 2/27/90			

## COMMITTEE REPORT

### BILL 1197

AN ACT TO ADD SECTION 3361.26 TO THE CIVIL CODE TO PROVIDE SUBSTITUTE FUNDING TO THE OCEANVIEW HIGH SCHOOL STUDENT FUNDS IN THE AMOUNT OF EIGHT THOUSAND FOUR HUNDRED DOLLARS (\$8,400).

The Committee on Ways & Means held a public hearing on Tuesday, February 13, 1990 at 7pm at the Agat Community Center to gather testimony on Bill 1197. Committee Chairman Carl T. C. Gutierrez conducted the hearing, being joined by Senators Tony Unpingco, Elizabeth Arriola, Doris Brooks, Martha Ruth, Gordon Mailloux, and Ted Nelson.

### BACKGROUND

Approximately 3 years ago, an incident occurred at OHS (OHS) whereby money placed into student account funds were discovered to be missing. The funds were audited and it was determined that \$25,487.38 was missing from the funds. P. public Law 14-130 requires non-appropriated funds to be deposited into the an account with the school treasurer responsible for keeping records for the account. The students at OHS were victims of a crime whereby money that they had worked hard to raise was stolen. To this date, no one has been prosecuted for the theft and no money has been recovered or paid back to the students or the student fund. Bill 1197 is an attempt to rectify this wrong by way of partial compensation. As originally introduced, Bill 1197 appropriates \$8,400 to be paid to the Student Fund at OHS. This amount was originally inserted in the bill because even though the original amount missing is more than \$25,000, several classes have already graduated and therefore could not benefit from compensation paid to the Student Fund at OHS for this year. Bill 1197 is an attempt to correct a wrong, since government officials by law were responsible for the funds raised by the students.

### TESTIMONY

Written testimony in favor of Bill 1197 was submitted by Lawrence J. Cunningham, teacher at OHS; Anita A. Sukola, Director, Department of Education; Kenneth P. Chargualaf, Principal, OHS; Karolyn Duponcheel, Principal, Simon Sanchez High School (SSHS); Ramon Fleiseig, Advisor, OHS Close-Up Club; Mary M. Tenafiel, junior, OHS, Elizabeth Barrett-Anderson, Attorney General of Guam. Some handwritten testimony in the form of notes from several Oceanview students was also submitted along with oral remarks

Numerous individuals also showed up to testify orally. A summary of their testimony is as follows:

**1. LAWRENCE J. CUNNINGHAM**

Mr. Cunningham testified as a teacher from OHS, a parent, a member of the Parent Advisory Council at OHS. Mr. Cunningham had submitted a written letter to the Committee and read this letter for the record. To summarize, he felt that the funds were entrusted to the government and therefore the government is responsible for the restitution. The students should be taught that crime does not pay. Although \$25,000 was taken no justice has yet been done.

**2. KENNETH P. CHARGUALAF**

Mr. Chargualaf testified personally. He testified on behalf of himself and also as a representative of Anita A. Sukola Director, DOE. Mr. Chargualaf read the letter from Ms. Sukola for the record. The letter is in favor of the bill, and indicates that some steps had been taken by the department to avoid any future problem of this nature. Mr. Chargualaf then read into the record his letter of testimony as principal. He was also in favor of the bill.

**3. KAROLYN DUPONCHEEL**

Ms. Duponcheel testified as a parent, a former teacher and activity director, and as principal of SSHS. She read her testimony into the record. In summary she felt that Bill 1197 indicated that adults with political power will fight for the rights of the young to see that justice is done.

**4. RAMON FLESEIG**

Mr. Fleseig read his letter of testimony into the record. He indicated that \$2,500 was stolen from a previous Close-Up Club but this money should be returned to the present Close-Up members to assist them.

**5. AGAT MAYOR ANTONIO C. BABAUTA**

Mayor Babauta read a statement of support of the bill for the record. He did not submit written testimony, however. Mayor Babauta indicated that although the amount of money appropriated in Bill 1197 was a good start he hoped more funds are appropriated later to cover the entire amount of the theft.

**6. SANTA RITA MAYOR GREG BORJA**

Mayor Borja indicated that he was a representative at the OHS Council. He echoed Mayor Babauta in asking the committee to return the entire amount stolen to the OHS Student funds.

**7. PITI MAYOR ISABEL HAGGARD**

Mayor Haggard testified as a parent of a 1989 student who graduated from OHS. She expressed sympathy with the problem and indicated that it has been more than two years since the incident and hoped that something is done to rectify the situation.

**8. ROSE DAMIEN**

OHS senior class president, Ms. Damien, read a handwritten statement before the committee. Ms. Damien indicated that the students had waited for three years for help in this situation and had been ignored until the hearing on this bill today. Ms. Damien emphasized that money is not what really matters but that she had been brought up as a young person to respect our government. She wants to see this wrong corrected and that this type of incident not occur in the future.

**9. DARYL GARCIA**

OHS senior, Mr. Garcia read a handwritten statement into the record. He will graduate in 1990. He stated that the students had struggled with difficulty to pay off all the debts that they owed and that the situation was aggravated by the theft of the \$25,000. He indicated that the appropriation in Bill 1197 would now enable the students to pay off their own expenses.

**10. DARLENE DELOSO**

Youth Congress representative from OHS, Ms. Deloso, read a handwritten statement into the record. She indicated that the students had spent a great deal of time, effort to bring spirit, leadership and respect to the meaning of hard work but that the fruits of their labors were taken away from them for selfish reasons by someone who stole from them. Ms. Deloso said the students wanted a chance to enjoy what they worked for. She also indicated that money isn't everything, but is a new start and a chance for new pride and strength. She also stated that it was sad to testify on such an incident and that the students reaction to the coming appropriation was not to celebrate but to ask for help and to fight for what was right and restoration of their hope.

**11. LAURA ESPINOSA**

Student Body President, OHS, Ms. Espinosa, read a handwritten testimony into the record. She indicated that she could not substantiate the amount that is missing from the Student Body Association account, however the money that was taken from student accounts indicates that the government needs to look into the provisions of P. L. 13-130 which requires the students to deposit money into an account established by the school and she recommends that a change be made to this requirement.

**12. JENNIFER CRUZ**

OHS Yearbook Editor, Ms. Cruz, testified to the committee that although the event took place three years ago and that the students have had to work twice as hard to put out a yearbook that the amount appropriated will be quite appreciated and will enable them to put out a yearbook.

After the above testimony was received a period of questions and answers followed. Chairman Gutierrez questioned Daryl Garcia regarding the whole amount that was missing. The Chairman indicated that the reason the \$8,400 was placed into the bill is that the former students would not benefit if the entire \$25,000 amount missing

was appropriated. Mr. Cunningham explained the various clubs and bills to be paid and also indicated that he felt the full amount should be appropriated because there is a dire need for these funds to pay bills and implement the club programs. The Chairman indicated that when the bill is reported out that the whole amount would be included since he is satisfied that that would be appropriate considering the use of the funds. The Chairman also mentioned that the AG of Guam recommends a different procedure for the return of the funds to OHS and that it be appropriated to the Claims Fund rather to the Victim Compensation Fund and be awarded to OHS upon a claim from OHS for the money.

### **COMMITTEE FINDINGS**

All persons submitting written and oral testimony testified in favor of Bill 1197. A number of individuals suggested that the bill be amended to include the entire amount or at least more than what is presently stated in the appropriation in order to adequately compensate the students at OHS. Bill 1197 needs redrafting and the recommendations of the AG should be followed to appropriate the full amount to the government Claims Fund, to be dispersed to the OHS Student Funds upon claim by OHS students. The reason for this is that the present language of the bill requires the disbursement of the funds be from the Criminal Injuries Compensation Fund but an appropriation to the government Claims Fund is a more appropriate route.

A fiscal note was not part of the testimony on Bill 1197.

### **RECOMMENDATION**

The Committee on Ways and Means recommends that a substitute Bill No. 1197 be passed by the Twentieth Guam Legislature.

TWENTIETH GUAM LEGISLATURE  
1990 (Second) Regular Session

Bill No. 1197  
Committee on Ways & Means  
Introduced by:

As Substituted by

C. T.C. GUTIERREZ  
A. R. UNPINGCO  
T. S. NELSON

*CRUTH*  
*M.P. Manibusan*  
*D.B. Corp*  
*F.S.A.G.*

AN ACT TO APPROPRIATE TWENTY FIVE THOUSAND FOUR HUNDRED  
EIGHTY SEVEN DOLLARS (\$25,487) TO THE GOVERNMENT OF  
GUAM CLAIMS FUND TO COMPENSATE AND PROVIDE SUBSTITUTE  
FUNDING TO THE OCEANVIEW HIGH SCHOOL STUDENT FUND.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2 Section 1. (a) The sum of Twenty Five Thousand Four  
3 Hundred Eighty-Seven Dollars (\$25,487) is appropriated from  
4 the General Fund to the Government of Guam Claims Fund to  
5 cover claims filed by person(s) who suffered losses from the  
6 Oceanview Student Activities Fund during School Year 86-87.  
7 Any funds not expended from this appropriation shall revert  
8 back to the General Fund within one year of this act. The  
9 statute of limitation on claims filed with regard to the  
10 Oceanview Student Activities Fund for SY86-87 is hereby  
11 tolled. These funds are specifically intended to right the  
12 wrong which occurred when funds raised by the students and  
13 placed in the Oceanview High School Student Fund were  
14 discovered missing. The Legislature desires that the  
15 fundraising efforts and hard work of the students be  
16 recognized through payment of any valid claim.

WENTIETH GUAM LEGISLATURE  
1990 (SECOND) Regular Session

Bill No. 1197  
Introduced by:

*C. T. C. Gutierrez*  
C. T. C. GUTIERREZ 9:03  
A. R. UNPINGCO  
T. S. NELSON

AN ACT TO ADD SECTION 3361.26 TO THE CIVIL CODE TO PROVIDE SUBSTITUTE FUNDING TO THE OCEANVIEW HIGH SCHOOL STUDENT FUNDS IN THE AMOUNT OF EIGHT THOUSAND FOUR HUNDRED DOLLARS (\$8,400).

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

2 Section 1. A new Section 3361.26 is hereby added to Chapter III, Title II, Part  
3 I, Division Four of the Civil Code to read:

4 "Section 3361.26. (a) Legislative Intent.

5 WHEREAS, the sum of Twenty-Five Thousand Two Hundred  
6 Dollars (\$25,200) accumulated in the Student Fund of Oceanview High  
7 School cannot be found; and

8 WHEREAS, the missing funds were intended for the benefit of  
9 the graduating classes of 1988, 1989 and 1990, the one of 1990 to graduate  
10 in June of 1990, it is therefore the intent of the legislation to provide  
11 the Class of 1990, Oceanview High School with the interim funding in  
12 the amount of Eight Thousand Four Hundred Dollars (\$8,400) from the  
13 unexpended funds accumulated to date in the Criminal Injuries  
14 Compensation Fund.

15 (b) The provisions of Public Law 16-86 (1)-(4) notwithstanding  
16 the clerk of the Superior Court of Guam shall, within thirty (30) days of  
17 the passage of this Act into law, disburse the sum of Eight Thousand  
18 Four Hundred Dollars (\$8,400) from funds held by the court in the  
19 Criminal Injuries Compensation Funds account to the Student Fund of  
20 the Oceanview High School.

1           (c) In the event that Section 3361.26 of the Civil Code is declared  
2           invalid by a court of competent jurisdiction and an appropriation of  
3           Eight Thousand Four Hundred Dollars (\$8,400) is hereby made out of  
4           the General Fund to accomplish the purpose of this Act as delineated  
5           in Subsection (a).





**Elizabeth Barrett-Anderson**  
*Attorney General*

**Office of the Attorney General**  
**Territory of Guam**

**Donald L. Paillette**  
*Chief Deputy Attorney General*

Phone: (671) 472-6841-4  
Telefax: (671) 472-2493  
Telex: (650) 697-5352

February 13, 1990

Senator Carl T.C. Gutierrez  
Chairman, Committee on Ways & Means  
Twentieth Guam Legislature  
Agana, Guam 96910

Re: Bill No. 1197

Dear Mr. Chairman and Members of this Committee:

We have reviewed Bill No. 1197, an act to add a new Section 3361.26 to the Civil Code of Guam for purposes of compensating the students of Oceanview High School for losses to their Student Activities Fund. This is a matter which our department is keenly aware of, and a matter which the Director of Education and I have discussed at length. We are encouraged by your efforts on behalf of the students injured due to losses suffered to their account.

For practical reasons, I would like to suggest that the bill be redrafted to consider an appropriation of the stated sum directly to the Government Claims Fund as an appropriate fund to handle this matter. The Criminal Injuries Compensation Commission is presently defunct due to a sunset provision in the original law which caused the Commission to expire December 31, 1986.

I would like to strongly recommend that the Legislature directly appropriate the stated amount to the Government Claims Fund for the specific intention of entertaining a potential claim by the students upon the Fund. Any remaining funds not approved upon presentation of claims for review could either be returned to the General Fund, or directed to the Department of Education.

*Rec'd: 2-14-90  
10:30 AM*

Senator Carl T.C. Gutierrez  
Re: Bill No. 1197  
February 13, 1990

for educational purposes related to the students of Oceanview High School. We have given the use of the Government Claims Fund our review, and suggest this avenue of approach as an alternative to use of the Criminal Injuries Compensation Fund. We would like to prepare a substituted version for the Committee's consideration and subsequent approval.

Thank you for your efforts.

Sincerely,

  
ELIZABETH BARRETT-ANDERSON



ANITA A. SUKOLA  
Director of Education

OFFICE OF THE DIRECTOR  
DEPARTMENT OF EDUCATION  
GOVERNMENT OF GUAM  
P.O. BOX DE  
AGANA, GUAM 96910  
TEL.: 472-8901/2/3/4



Deputy Director

February 13, 1990

Honorable Carl T.C. Gutierrez  
Chairman, Committee on Ways & Means  
Twentieth Guam Legislature  
163 Chalan Santo Papa  
Agana, Guam 96910

Re: Bill No. 1197

Dear Senator Gutierrez:

On behalf of the students of Oceanview High School, I would like to take this time to express my heartfelt appreciation to the Committee on Ways and Means for taking the impetus to address the three year issue of Oceanview's missing student funds in the amount of \$25,487.38.

The students have waited for such a time for this. It is, however, unfortunate that there are some classes that will not benefit from this gesture. Nonetheless, the appropriation of \$8,400.00 from either the Criminal Injuries Compensation Funds held by the court or from the General Fund will be greatly appreciated by the students.

The Department of Education has taken the following steps to curtail any mishandling of funds in future by providing inservice training for Department employees regarding Guam laws in managing funds in their immediate possession. The Attorney General's Office, the Bureau of Budget and Management Research and the Department of Revenue and Taxation were also made part of this training of nonappropriated funds awareness. Principals were instructed that they were no longer to sign for funds for PTA/PTOs as they are nonprofit organizations, independent of the Department of Education.

The Department is thankful for the opportunity to testify at this public hearing on Bill No. 1197. Along with the students and faculty of Oceanview High School, we await the passage of this bill.

Si Yu'os ma'ase',

  
ANITA A. SUKOLA  
Director

AAS/mra



# *Oceanview High School*

GOVERNMENT OF GUAM

P.O. BOX DE

AGANA, GUAM 96910

565-2961-4

FAX: 565-3259

***"HOME OF THE KNIGHTS"***

Accredited by the Western Association of Schools and Colleges



KENNETH P. CHARGUALAF

Principal

MARY A. T. MEEKS

Asst. Principal

SYLVIA A. TAITANO

Asst. Principal

February 13, 1990

Honorable Carl T. C. Guiterrez  
Chairman, Committee on Ways and Means  
Agana, Guam 96910

Dear Senator Guiterrez and members of the Committee on Ways and Means,

I would like to take this opportunity to thank you for giving me this time to testify in favor of Bill No. 1197. Bill No. 1197 has been long awaited for by our student body and faculty.

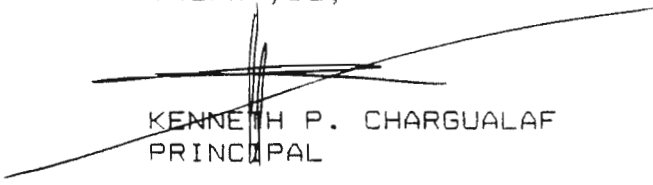
I was the assistant principal here at Oceanview High School at the time the money was discovered missing. Upon learning of the alleged theft, I requested that an audit be made of the non-appropriated funds which are mainly student account funds. At the time the audit was conducted, \$25,487.38 was discovered missing. Immediately thereafter, I requested the possible responsible person to be removed from here in order to preserve the integrity of the student account records. Meanwhile, I insisted that the matter be brought before the Attorney General's Office for possible criminal investigation.

For three years the students, faculty, and the school community continued to battle for justice to prevail! We have requested repeatedly to receive compensation for the money that is rightfully the students'. Money that the Government of Guam requires to be deposited into an account for non-appropriated funds as per Public Law 14-130. The School Treasurer is responsible for keeping the records of such accounts. Since this is a law mandating such process, we feel that the Government of Guam is primarily responsible in the reimbursement of the missing funds.

I am glad to see that our leaders have taken it upon themselves to see that the students receive compensation for the funds that were missing. Our students can now feel that their voices are being heard when they ask for justice. Bill No. 1197 is the answer to the "cry" of help to the students. The \$8,400.00 from either the Criminal Injuries Compensation Fund or the General Fund will be greatly appreciated by Oceanview High School and the community it services.

On behalf of the student body, faculty, and everyone who has taken this burden as their cross, I would like to again thank you for this opportunity to publicly state my opinion.

Thank you,

  
KENNETH P. CHARGUALAF  
PRINCIPAL

Oceanview High School  
Agat, Guam 96928

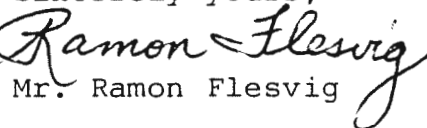
February 13, 1990

Dear Sir:

I am the advisor of this year's Oceanview Close Up Club. Close Up is a federally funded program which sends students from all over the United States and its territories to Washington D.C., New York City, Pennsylvania, and Virginia to participate in conferences pertaining to the workings of the American government.

Oceanview has been allotted four scholarship positions. However, in order to enable more students to benefit from this once in a lifetime opportunity, the CloseUp Club raises money in order for two additional students to go. Through car washes, food concessions, dances, movies, and other fund raising activities which involve long hours of hard work from the Close Up members and advisors, they successfully reach their goal.

Two thousand five hundred dollars was stolen from a previous Close Up Club. This money should be returned to the present Close Up members to assist them in their efforts to send additional students to Washington D.C. this summer. There they will study the examples of our legislators in action. Please show them that justice prevails in the American democratic system by returning what rightfully belongs to them.

Sincerely yours,  
  
Mr. Ramon Flesvig

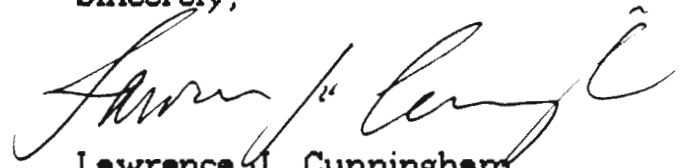
February 13, 1990

Dear Senators:

The Oceanview High School students and staff must have our trust restored in the Government of Guam. The students are forced to place their student funds in the Government's care. The Government is responsible for that money. Therefore, I am in favor of Bill 1197 which will help compensate the students for the money that was stolen from them.

Unfortunately, a few of my former students are in the Guam Penitentiary for breaking into a home and stealing less than one hundred dollars. This is in stark contrast to those who commit "white collar" crimes. Privileged, older, middle class people from a so called "good" family can steal \$25,000.00 and never even get slapped on the hand. Justice must be done. Restitution must be made to the students now, and the person responsible for this crime against our youth must be brought to trial. Anything less will be a travesty of justice.

Sincerely,



Lawrence J. Cunningham  
Box 7187  
Agat, Guam 96928

GOOD EVENING,

FEB. 13, 1990

THANK YOU SEN. GUTIERREZ AND THE COMMITTEE ON  
WAYS & MEANS FOR ADDRESSING THE FINANCIAL  
PROBLEM~~ED~~ THAT WE HAVE FACED FOR ~~3~~ YEARS.

I, DARRELL GARCIA, A SENIOR AT OCEANVIEW  
HIGH SCHOOL AM TESTIFYING ON BEHALF OF THE  
SENIOR CLASS<sup>OF 1990</sup> AND THE STUDENT BODY IN FAVOR  
OF BILL 1197

AN ACT TO ADD SECTION 3361.26 TO THE CIVIL  
CODE TO PROVIDE SUBSTITUTE FUNDING TO THE OCEAN-  
VIEW HIGH SCHOOL STUDENT FUNDS IN THE  
AMOUNT OF EIGHT THOUSAND FOUR HUNDRED  
DOLLARS (\$8,400).

THE CLASS OF 1990 AS FRESHMEN IN SCHOOL YEAR  
1980-~~81~~ WERE ONE OF THE VICTIMS OF A CRIME  
WHICH AFFECTED A STUDENT POPULATION OF ABOUT  
800 AND THE ~~NEIGHBORING~~ COMMUNITIES.

SINCE OUR FRESHMAN YEAR WE HAVE STRUGGLED  
TO PAY OFF THE DEBTS LEFT BEHIND BY THE  
PREVIOUS CLASSES.

WITH A LOT OF HARD WORK AND EFFORT, WE  
HAVE PAID OFF MOST OF THOSE DEBTS ONLY TO  
REALIZE THAT WE NOW MUST FIND A WAY TO  
PAY OUR OWN DEBTS.



WITH THE ASSISTANCE OF SEN. QUITEREZ  
THE COMMITTEE ON WAYS AND MEANS, THE  
21ST GUAM LEGISLATURE AND THROUGH BILL  
1197 IT WILL RELIEVE THE BURDEN OF THE  
STUDENT BODY OF OCEANVIEW HIGH SCHOOL, FACULTY  
AND STAFF AND PARENTS OF THE COMMUNITY.

WE URGE YOU TO TAKE FURTHER ACTION  
WITH BILL 1197, SO THAT WE WILL NO  
LONGER HAVE TO SUFFER FOR THE WRONG-  
DOING OF OTHERS.

ONCE AGAIN, THANK-YOU SEN. QUITEREZ  
AND COMMITTEE ON WAYS AND MEANS, OUR  
DEEPEST GRATITUDE FROM THE CLASS OF 1990  
AND THE STUDENT BODY OF OCEANVIEW HIGH SCHOOL

Senator Gutierrez, members of on the Committee of  
ways and means.

Thank you for the opportunity of testifying  
in favor of Bill No. 1197. Oceanview High School  
I am Laura Espinosa, Student Body President.  
On behalf of the student body at Oceanview  
High School I would like to commend  
your committee for the action it is taking  
to reimburse the students ~~for~~ for \$8,400  
of the \$25,000.00 in missing funds.

At this time I am unable to tell  
you the amount missing from the SBA  
account; however, the fact that money  
was taken from the student's account shows  
that our Government needs to look  
closely at Public Law 14-130 which require  
that we students deposit our money into  
~~the school treasury~~ an account established  
by the school.

I commend the committee for this bill  
and I ask whole heartedly that our  
legislators look into changing Public Law 14-13

and the various  
organizations of  
Oceanview High

Good evening - senators - friends - school  
colleagues and parents  
my name is Darlene Dulan ~~for the~~ ~~news~~.

I am here to say a few words on  
behalf of my colleagues. Through the  
years, months, and days many of  
of us students of Oceanview have  
given up precious time and full hearted  
inner strength to raise money to  
enable us to get ~~what we want~~  
the things we want. <sup>need</sup> We have  
done so many things to bring spirit,  
leadership and respect to the  
meaning of HARD WORK.

During this time which we put  
in this hard work to raise money,  
many of what we worked so hard  
for was slipping away before our  
eyes. We have put trust in the  
workers of our school most especially  
in the faculty. But it is  
unfortunate to see hard work and  
time taken away for selfish reasons.  
We as students put trust into the  
leaders of our school only to find  
ourselves in a degrading form of  
words we never thought we would  
have to say. It was a  
small crime to do, but an even  
bigger crime to 'take something  
that is not yours.

what we students want is what we deserve, the chance to experience and enjoy what we have earned. But please to everyone here who is listening to me, do not get me wrong - money isn't everything, but it's a start to restoring what we once had.

It is a start to a new pride, a new strength, and the gaining of a trust that we feel is worth it if we the young people ~~leader~~ of Guam are worth it to our government to our senators and to the people who are here today. and hear our hearts cry for justice and hear us say give us what we deserve, give us what we have given to society, give us something to believe in, give us your full support.

Each and every one of us put in more than 2 cents - we are young - ~~but strong~~ - and that is no excuse to forget, no excuse to not listen, no excuse to say wait!

Because WE ARE STRONG!

It is <sup>in my</sup> very sad to be here today, because the essence of the event is not something to celebrate, but an unfortunate event that never should have happened.

It is a shame that one person can do so much to hurt so many. But we cannot change the past because what ~~is~~ done is done,

but we are here for a purpose and that purpose is to ask help and fight for what we believe is right and see if there is hope - we have found hope in ourselves - but now its time to find hope in our leaders who we know work hard everyday.

~~But most importantly it is~~  
~~time for you to make~~  
US see the HOPE IN YOU.

PASS BILL — let us see if senators make a foundation that works —

1197

a foundation where we can  
only see the HOPE IN

February 13, 1990

To: 20th Guam Legislature

Dear Senators.

My name is Mary Penafiel and I am a Junior at Oceanview High School. I hold the office of Secretary in our Student Body Organization. This is my written testimony in favor of Bill 1197.

I feel that Oceanview High School should be compensated for the over \$25,000.00, which was taken from our funds in 1987. This extremely large sum of money was entrusted to the Department of Education. Therefore, the Department of Education should make restitution to the various school organizations whose reputation has been tarnished by this unfortunate incident. I believe that the students should not suffer for some irresponsible person's actions. I hope that through this hearing Oceanview High School will finally be given at least part of the \$25,000.00 which was wrongfully taken from them.

*Mary M. Penafiel*  
Sincerely,

February 13, 1990



TWENTIETH GUAM LEGISLATURE  
 COMMITTEE ON WAYS & MEANS  
 PUBLIC HEARING TESTIMONY SIGN-IN ROSTER

**BILL 1197:**

**AN ACT TO ADD SECTION 3361.26 TO THE CIVIL CODE TO PROVIDE SUBSTITUTE FUNDING TO THE OCEANVIEW HIGH SCHOOL STUDENT FUNDS IN THE AMOUNT OF EIGHT THOUSAND FOUR HUNDRED DOLLARS (\$8,400).**

NAME OF WITNESS <i>(Please print clearly)</i>	REPRESENTING	STATEMENT <i>(W or O)</i>	TESTIMONY <i>(check one)</i>	
			FOR	AGAINST

✓ Kardyn L. Duponcheel		O	✓	
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✓ Anita A. Sakala		O	✓	
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✓ Kenneth P. Chayoff		O	✓	
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