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CH. 15 STANDARD OF CONDUCT

CHAPTER 15

**STANDARD OF CONDUCT FOR ELECTED OFFICERS,
APPOINTED OFFICERS, AND PUBLIC EMPLOYEES OF THE
GOVERNMENT OF GUAM**

NOTE: Chapter 15 was added by P.L. 23-105:1 (July 8, 1996).

2021 NOTE: Pursuant to P.L. 23-111 (July 26, 1996), statutes governing the Pedro “Doc” Sanchez Professional Scholarship were to be codified as a new Chapter 15 to Title 4 GCA; however, Chapter 15 had previously been designated by P.L. 23-105 (July 8, 1996). The Compiler moved the provisions for the “Doc” Sanchez program to Article 9, Chapter 15, of Title 17 GCA; they were again moved to Article 5 of Chapter 28, Title 17 GCA. *See* 2019 NOTE to Chapter 28, Title 17 GCA.

- Article 1. General Provisions.
- Article 2. Specified Standards.
- Article 3. Guam Ethics Commission.
- Article 4. Administration and Enforcement.

**ARTICLE 1
GENERAL PROVISIONS**

- § 15100. Construction.
- § 15101. Applicability.
- § 15102. Definitions.

§ 15100. Construction.

This Chapter shall be liberally construed by the courts of Guam to promote the highest standards of ethical conduct within the government of Guam.

2021 NOTE: References to “territory” and “territorial” replaced with “Guam” pursuant to 1 GCA § 420.

§ 15101. Applicability.

This Chapter shall apply to every employee as defined herein.

§ 15102. Definitions.

When used in this Chapter, these key words shall have the indicated meaning:

- (a) *business* includes any corporation, partnership, any

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sole proprietorship, any trust or foundation, or any other individual or organization carrying on any business whether or not operated for profit;

(b) *compensation* means any money, thing of value or economic benefit conferred on or received by any person subject to this Chapter, in return for services rendered or to be rendered by himself or another;

(c) *controlling interest* means any proprietary or ownership interest in a business or other undertaking;

(d) *employee* means any nominated, appointed, or elected officer or individual employed with a Guam agency as defined herein, including members of boards or commissions, and persons under personal services contracts;

(e) *employment* means any rendering of services for compensation;

(f) *financial interest* means an interest held by an individual, his *or* her spouse, natural, adopted, *or* dependent children, parents, parents-in-law, siblings, *or* siblings-in-law which is:

- (1) an ownership interest in a business;
- (2) a creditor interest in an insolvent business;
- (3) an employment, *or* prospective employment for which negotiations have begun;
- (4) an ownership interest in personal *or* real property;
- (5) a loan *or* other debtor interest; *or*
- (6) a directorship *or* officership in a business.

(g) *judicial officers* includes the Justices of the Supreme Court, whether full- or part-time, and Judges of the Superior Court, including Judges pro tem and referees;

(h) *legislator* means any duly elected members of the Guam Legislature;

(i) *official act* or *official action* means a decision,

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recommendation, approval, disapproval, or other action, including inaction which involves the use of discretionary and non-discretionary authority;

(j) *official authority* includes administrative, judicial or legislative powers of decision, recommendation, approval, disapproval, or other discretionary or non-discretionary action; and

(k) *Guam agency* or *agency* shall mean every branch of government, public corporations, all government of Guam departments, bureaus, and line agencies, autonomous and semi-autonomous agencies, instrumentalities, entities or sub-entities thereof, the Mayor's Council, and Mayors' Offices.

SOURCE: Section 15102 added by P.L. 23-105:1 (July 8, 1996). Subsection (f) amended by P.L. 30-030:2 (June 16, 2009).

2021 NOTE: References to "territorial" replaced with "Guam" pursuant to 1 GCA § 420.

ARTICLE 2
SPECIFIED STANDARDS

- § 15201. Gifts.
- § 15202. Reporting of Gifts.
- § 15203. Confidential Information.
- § 15204. Fair Treatment.
- § 15205. Conflicts of Interest.
- § 15206. Contracts.
- § 15207. Contracts Voidable.
- § 15208. Requirements of Disclosure.
- § 15209. Disclosure Files; Disposition.
- § 15210. Restrictions on Post Employment.
- § 15211. Violation.

§ 15201. Gifts.

No employee shall solicit, accept, or receive, directly or indirectly, any gift valued singly or in the aggregate from a single source in excess of \$200, whether in the form of money, prize,

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service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, when a reasonable person would infer that the gift is intended to influence the employee in the performance of that individual's official duties or is intended as a reward for any official action on that individual's part.

§ 15202. Reporting of Gifts.

(a) Every employee shall file a gifts disclosure statement with the Guam Ethics Commission on June 30 of each year if all the following conditions are met:

(1) The employee, or spouse or dependent child of an employee, received directly or indirectly from any source any gift or gifts valued singly or in the aggregate from a single source in excess of \$200, whether the gift is in the form of money, services, goods, or in any other form;

(2) The source of the gift or gifts have interests that may be affected by the official action or lack of action by the employee; and

(3) The gift is not exempted by subsection (d) from reporting requirements under this section.

(b) The report shall cover the period from January 1 of the preceding calendar year through December 31 of the year of the report.

(c) The gifts disclosure statement shall contain the following information:

(1) A description of the gift;

(2) A good faith estimate of the value of the gift;

(3) The date the gift was received; and

(4) The name of the person, business entity, or organization from whom, or on behalf of whom, the gift was received.

(d) Excluded from the reporting requirements of this section are the following:

(1) Gifts received by will or intestate succession;

(2) Gifts received by way of distribution of any inter

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vivos or testamentary trust established by a spouse or ancestor;

(3) Gifts from a spouse, fiancé, fiancée, any relative within three degrees of consanguinity or the spouse, fiancé, or fiancée of such a relative. A gift from any such person is a reportable gift if the person is acting as an agent or intermediary for any person not covered by this paragraph;

(4) Political campaign contributions that comply with Guam law. This section shall not exempt the recipient of campaign contributions from the reporting requirements of the Election Code.

(5) Anything available to or distributed to the public generally without regard to the official status of the recipient;

(6) Gifts that within thirty days after receipt, are returned to the giver or delivered to a public body or to a bona fide educational or charitable organization without the donation being claimed as a charitable contribution for tax purposes; and

(7) Exchange of approximately equal value on holidays, birthday, or special occasions.

(e) Failure of an employee to file a gifts disclosure statement as required by this section shall be a violation of this chapter.

2021 NOTE: References to “territorial” replaced with “Guam” pursuant to 1 GCA § 420.

§ 15203. Confidential Information.

No employee shall disclose information which is considered a private document by existing law, and which the employee acquires in the course of official duties, or use the information for personal gain or for the benefit of someone else.

§ 15204. Fair Treatment.

No employee shall use or attempt to use an official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for himself or herself, a spouse, children, or others, including but not limited to the following:

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(a) seeking other employment or contract for services by the use or attempted use of the individual's office or position;

(b) accepting, receiving, or soliciting compensation for the performance of official duties or responsibilities except as provided by law;

(c) using government time, equipment, or other facilities for private business purposes;

(d) soliciting, selling, or otherwise engaging in a financial transaction with a subordinate or a person or business whom the employee inspects or supervises in official capacity.

(e) Nothing herein shall be construed to prohibit a legislator from introducing bills and resolutions, serving on committees or making statements or taking action in the exercise of legislative functions. Every legislator shall file with the Guam Ethics Commission a full and complete public disclosure of the nature and extent of the legislator's interest on any legislative transaction which primarily affects only the legislator or legislators involved or their spouses and not the community as a whole or a segment thereof. Disclosure must be made at time of introduction of such legislation, or when the legislator shall first have knowledge of such legislation.

§ 15205. Conflicts of Interest.

(a) No employee shall take any official action directly affecting:

(1) business or other undertaking in which the employee has a financial interest; or

(2) private undertaking in which the employee is engaged as legal counsel, advisor, consultant, representative, or other agency capacity.

A department head who is unable to be disqualified on any matter described in item (1) or (2) of this Subsection may be in violation of this Subsection even if the individual has complied with the disclosure requirements of § 15208; and a person whose

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position on a board, commission or committee is mandated by statute, resolution or executive order to have particular qualifications shall only be prohibited from taking official action that directly and specifically affects a business or undertaking in which such person has a financial interest; provided that the financial interest is related to the member's particular qualifications.

(b) No employee shall acquire financial interests in any business or other undertaking which the employee has reason to believe may be directly involved in official action to be taken by the employee.

(c) No employee shall assist any person or business or act in a representative capacity before any territorial agency for any compensation in any transaction involving Guam.

(d) No employee shall assist any person or business or act in a representative capacity for a fee or other compensation to secure passage of a bill or to obtain a contract, claim, or other transaction or proposal in which the employee has participated or will participate as an employee, nor shall the employee assist any person, or business, or act in a representative capacity for a fee or other compensation on such bill, contract, claim, or other transaction or proposal before the Legislature or Guam agency of which the individual is an employee.

(e) No employee shall assist any person or business or act in a representative capacity before a Guam agency for a fee or other compensation, on any bill, contract, claim, or other transaction or proposal involving official action by the agency if the employee has official authority over that agency unless such employee has complied with the disclosure requirements of § 15208.

(f) Nothing herein shall preclude an employee from having outside business interests or employment so long as such interests or employment do not interfere with performance of official duties and is not otherwise in direct conflict with this Chapter.

(g) All employees, as defined in this Section, who know, *or* with reasonable investigation should know, that the employee has a financial interest in any decision pending before that employee *or* the agency of which the employee is a member *shall not* vote

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for or against, discuss, decide, in any way participate in considering the matter, *or* seek to influence the votes *or* decisions of others on such matter.

Prior to any determination of the matter, the employee *shall* verbally disclose at the meeting, *if* any, the nature of such interest, and *shall* have such disclosure placed in the official records of the agency. Should an employee be absent from that meeting *or* a portion of that meeting, the employee is required to verbally disclose the nature of the conflict at the next attended meeting and said disclosure *shall* be placed in the official records of the agency. Further, the employee must complete a Disclosure of Conflicts of Interest form with the Guam Election Commission within three (3) working days upon the employee's recognition of said conflict.

(h) A legislator who casts a vote with respect to any bill on the floor of the Guam Legislature in which the legislator has a financial interest shall prepare a written statement that identifies the bill, the legislator's vote and the nature of the legislator's financial interest. The legislator shall file the statement with the Office of the Speaker and a copy immediately provided to the Clerk of *I Liheslaturan Guåhan* prior to voting. The statement shall be posted on *I Liheslaturan Guåhan's* website.

(i) The Guam Election Commission shall be the main repository for the Disclosure of Conflicts of Interest forms and shall create such form to be distributed to all departments, agencies, boards and commissions. Such form shall include, but not be limited to, the name of the employee, the entity represented, and a statement of disclosure describing the matter or decision pending before the employee, and the nature and description of the conflict.

SOURCE: Section 15205 added by P.L. 23-105:1 (July 8, 1996). Subsections (g), (h), and (i) added by P.L. 30-030:3 (June 16, 2009).

2021 NOTE: References to "Territory" and "territorial" replaced with "Guam" pursuant to 1 GCA § 420.

§ 15206. Contracts.

(a) A Guam agency shall not enter into any contract with an employee or with a business in which an employee has a

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controlling interest, unless the contract has been awarded through an open, public process. A Guam agency may, however, enter into such contract without resort to competitive bidding process when, in the opinion of the General Services Agency or the procurement officer of that branch of government, the property or services does not fall within the purview of competitive bidding; provided that written justification for the non-competitive award of such contract be made a matter of public record and shall be filed with the Guam Ethics Commission at least ten (10) days before such contract is entered into.

With regards to members of boards, commissions, and committees, this Subsection shall apply only to contracts entered into between a business in which a member has a controlling interest and a Guam agency in which the board, commission, or committee to which the individual is appointed has jurisdiction.

(b) A Guam agency shall not enter into a contract with any person or business which is represented or assisted in a material manner in the matter by a person who has been an employee of that agency within the preceding twelve (12) months and who participated while in territorial office or employment in a material manner in the matter with which the contract is directly concerned.

2021 NOTE: References to “territorial” replaced with “Guam” pursuant to 1 GCA § 420.

§ 15207. Contracts Voidable.

In addition to any other penalty provided by law, any contract entered into by the Guam in violation of this Chapter, is voidable by the Guam; provided that in any act to void a contract pursuant to this Section, the interests of third parties who may be damaged thereby, shall be taken into account, and the action to void the transaction is initiated within ninety (90) days after the determination of a violation under this Chapter. The Attorney General shall have the authority to enforce this provision.

2021 NOTE: References to “Territory” replaced with “Guam” pursuant to 1 GCA § 420.

§ 15208. Requirements of Disclosure.

(a) All financial disclosure reports required to be filed with the Guam Election Commission pursuant to Chapter 13 of Title 4,

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Guam Code Annotated, shall be reported to the Guam Ethics Commission within three working days of filing with the Guam Election Commission.

(b) The Guam Election Commission shall require additional information on its financial disclosure reports, as may be requested by the Ethics Commission in accordance with this Section, and the Ethics Commission may request such information directly of the employee if it is not forthcoming from the Election Commission.

(c) Failure of an employee to file a disclosure of financial interests as required by this Chapter shall be a violation of this Chapter.

§ 15209. Disclosure Files; Disposition.

(a) All financial disclosure statements filed by an employee shall be maintained by the Guam Ethics Commission during the term of office of the employee, and for a period of three years thereafter. Upon the expiration of the three-year period, the financial disclosure statement and all copies thereof shall be destroyed.

(b) Nothing herein shall bar the Guam Ethics Commission from retaining a financial disclosure statement or copy of a financial disclosure statement that has become part of a charge case or advisory opinion request, or is part of an ongoing investigation.

§ 15210. Restrictions on Post Employment.

(a) No former employee shall disclose any information which by law is not available to the public and which the employee acquired in the course of official duties or use the information for personal gain or the benefit of anyone.

(b) No former employee shall, within twelve (12) months after termination from employment, assist any person or business, or act in a representative capacity for a fee or other consideration, on matters involving official action by the particular territorial agency with which the employee had actually served.

(c) This Section shall prohibit any agency from contracting

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with a former employee to act on a matter on behalf of the Territory within the period of limitations stated herein, unless exempted by law.

2021 NOTE: References to “Territory” and “territorial” replaced with “Guam” pursuant to 1 GCA § 420.

§ 15211. Violation.

(a) Any Guam action obtained in violation of this chapter for employees is voidable in the same manner as voidable contracts as provided for under § 15207; and Guam, by the Attorney General, may pursue all legal and equitable remedies available to it.

(b) Guam, by the Attorney General, may recover any fee, compensation, gift, or profit received by such person as a result of a violation of these standards by an employee or former employee. Action to recover under the Subsection (b) shall be brought within two (2) years of such violation under this Chapter.

2021 NOTE: References to “Territory” and “territorial” replaced with “Guam” pursuant to 1 GCA § 420.

ARTICLE 3

GUAM ETHICS COMMISSION

§ 15301. Guam Ethics Commission Established; Composition.

(a) There shall be within the government of Guam, an autonomous and independent commission to be known as the ‘Guam Ethics Commission.’ The Commission shall consist of seven (7) members to be appointed by *I Maga'håga*. Each appointee shall be a United States citizen and a bona fide resident of Guam. No person who has ever been convicted of a felony shall be eligible to serve on the Commission. Members of the Commission shall not be an employee, as defined herein, or have any member of their immediate family employed by the government of Guam. All appointments to the Guam Ethics Commission shall be confirmed by *I Liheslatura*.

(b) The Chair of the Commission shall be elected by the

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majority of the Commission. The term of office of each member shall be for four (4) years, provided that of the original members, two (2) shall hold office for two (2) years, two (2) shall hold office for three (3) years, and one (1) shall hold office for four (4) years. The determination of these members' length of office shall be by lot drawn by the members at their initial meeting. No person shall be appointed consecutively to more than two (2) terms as a member of the Commission.

(c) Members shall serve without compensation, except that they shall receive a stipend of Fifty Dollars (\$50.00) per meeting not to exceed four (4) meetings per calendar month, and shall be compensated for all normal expenses of travel, and for the cost of meals while in session.

(d) Vacancies shall be filled for the remainder of the unexpired term in the same manner as the original appointments. *I Maga'håga* may remove or suspend any member of the Commission for cause, upon the filing of a written finding with the Commission and upon service of a copy of the written findings on the member removed or suspended.

SOURCE: Amended by P.L. 27-141:3. Amended by P.L. 36-028:2 (June 11, 2021).

2021 NOTE: Subsection designations added pursuant to authority granted by 1 GCA § 1606.

ARTICLE 4
ADMINISTRATION AND ENFORCEMENT

- § 15401. Duties of Commission; Complaint, Hearing, Determination.
- § 15402. Filing of False Charges.
- § 15403. Procedure.
- § 15404. Disciplinary Action for Violation.
- § 15405. Cooperation.
- § 15406. Concurrent Jurisdiction.
- § 15407. Executive Director and Guam Ethics Commission Staff.

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- § 15408. Prohibition From Political Activity.
- § 15409. Applicability of Ethics in Government Program.
- § 15410. Ethics in Government Program Guidelines.
- § 15411. Judicial Branch.
- § 15412. Repeal.
- § 15413. Severability.

§ 15401. Duties of Commission; Complaint, Hearing, Determination.

(a) The Commission shall have the following powers and duties:

(1) It shall prescribe a form for the financial disclosures required by § 15208 and shall establish an orderly procedure for implementing the requirements of that Section.

(2) It shall render advisory opinions upon the request of any employee or former employee as to whether the facts and circumstances of a particular case constitutes or will constitute a violation of the code of ethics. The opinion rendered, until amended or revoked, shall be binding on the Commission in any subsequent charges concerning the employee or former employee who sought the opinion and acted in reliance on it in good faith, unless material facts were omitted or misstated by the employee or former employee in the request for an advisory opinion.

(3) It shall initiate, receive and consider charges concerning alleged violations of this Chapter, initiate or make investigations, and hold hearings.

(4) It may subpoena witnesses, administer oaths, and take testimony relating to matters before the Commission and require the production for examination of any books, papers or electronic records relative to any matter under investigation or in question before the Commission. Before the Commission shall exercise any of the powers authorized herein with respect to any investigation or hearings, it shall by formal resolution, supported by a vote of five or more members of the Commission, define the nature and scope of its inquiry.

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(5) It may, from time to time, make, amend, and repeal such rules and regulations, not inconsistent with this Chapter as in the opinion of the Commission, seem appropriate for the carrying out of this Chapter for the efficient administration thereof, including every matter or thing required to be done or which may be done with the approval or consent or by order or under the direction or supervision of or as prescribed by the Commission. The rules and regulations, shall be adopted in conformance with the Administrative Adjudication Law, and shall have the force and effect of law.

(6) It shall have jurisdiction for purposes of investigation and taking appropriate action on alleged violations of this Chapter in all proceedings commenced within three (3) years of an alleged violation of this Chapter by an employee, or a former employee. Nothing herein shall bar proceedings against a person who by fraud or other device, prevents discovery of a violation of this Chapter. A proceeding shall be deemed commenced by the signing of a charge by five (5) or more members of the Commission.

(7) It shall distribute its publications without cost to the public and shall initiate and maintain programs with the purpose of educating the citizenry and employees on matters of ethics in government employment.

(8) It may retain one (1) or more attorneys, who shall be admitted to practice before the courts of Guam, who shall advise the Commission and its Executive Director on all legal matters pertaining to the Commission. The designated counsel shall represent the Commission in litigation in which the Commission is interested or involved. The terms, conditions, and compensation of employment of any such attorney shall be determined by the Commission, and the attorney(s) shall serve at the pleasure of the Commission. Notwithstanding any other provision of law, the Commission is authorized to pay for billable hours performed under the legal contract issued in Fiscal Year 2021 utilizing funds appropriated to the Guam Ethics Commission by the Guam Legislature in Fiscal Year 2022.

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(b) Charges concerning the violation of this Chapter shall be in writing, signed by the person making the charge under oath, except that any charge initiated by the Commission must be signed by five (5) or more members of the Commission. The Commission shall notify in writing every person against whom a charge is received and afford him an opportunity to explain the conduct alleged to be in violation of this Chapter. The Commission may investigate, after compliance with this Section, such charges and render an informal advisory opinion to the alleged violator. The Commission shall investigate all charges on a confidential basis, having available all the powers herein provided, and proceedings at this stage shall not be public. If the informal advisory opinion indicates a probable violation, the person charged shall request a formal opinion or within a reasonable time comply with the informal advisory opinion. If the person charged fails to comply with such informal advisory opinion or if a majority of the members of the Commission determine that there is a probable cause for belief that a violation of this Chapter might have occurred, a copy of the charge and a further statement of the alleged violation shall be personally served upon the alleged violator in accordance with the rules for personal service found in Guam Rules of Civil Procedure. The person so charged shall have twenty (20) days after service thereof to respond in writing to the charge and statement.

(c) Any Commission member or any individual, including the individual making the charge, who without permission of the Commission, divulges information obtained from the Commission or who reveals confidential actions of or what happened in closed proceedings before the Commission concerning the charge prior to the issuance of the complaint or other final action by the Commission, except as permitted by this Chapter, shall be guilty of a misdemeanor.

(d) If after twenty (20) days following personal service, a majority of the members of the Commission conclude that there is reason to believe that a violation of this Chapter has been committed, then the Commission shall set a time and place for a hearing, giving notice to the complainant and the alleged violator. All parties shall have an opportunity (1) to be heard, (2) to subpoena witnesses and require the production of any books,

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papers, records, or electronic recordings relative to the proceedings, (3) to be represented by counsel, and (4) to have the right of cross-examination. All witnesses shall testify under oath and the hearings shall be closed to the public unless the party complained against requests an open hearing. The Commission shall not be bound by the strict rules of evidence but the Commission's findings must be based upon competent and substantial evidence. All testimony and other evidence taken at the hearing shall be recorded. Copies of transcripts of such record shall be available only to the complainant and the alleged violator at their own expense, and the fees therefor shall be deposited into the General Fund.

(e) The Commission shall make its findings and render its decision based on a preponderance of the evidence. A decision of the Commission pertaining to the conduct of any employee shall be in writing and signed by five (5) or more of the members of the Commission. Deliberations of the Commission shall be closed to the public and to all parties.

(f) The Commission shall cause to be published yearly summaries of decisions, advisory opinions, and informal advisory opinions. The Commission shall make sufficient deletions in the summaries to prevent disclosing the identify of persons involved in the decisions or opinions.

NOTE: Added by P.L. 23-105:1 (July 8, 1996). Subsection (a)(8) added by P.L. 36-067 (Dec. 27, 2021).

§ 15402. Filing of False Charges.

(a) Any person who knowingly and intentionally files a false charge with the commission, or any member of the commission who initiates action against any Guam official, Guam employee, or any other person covered by this chapter, knowing such charge to be false, shall be guilty of the crime of perjury and subject to the penalty set forth in Title 9 of Guam Code Annotated (Crimes and Corrections).

(b) Whoever is convicted in a court of competent jurisdiction of the crime of perjury under this section, in addition to any other punishment prescribed by law thereof, shall be required by court order to reimburse the person against whom the false charge was

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filed for all of the person's legal expenses and court costs incurred in relation to that person's defense against the false complaint.

(c) If such charge is filed within six months prior to an election in which the accused's name appears on the ballot, the person filing the false complaint shall pay to the accused the amount set out above, and shall also pay an equal amount to the general fund of Guam.

(d) This section shall not supersede or preclude any other right or remedy at law available to the person falsely accused.

2021 NOTE: Reference to "Territory" replaced with "Guam" pursuant to 1 GCA § 420.

§ 15403. Procedure.

(a) When the Commission, after due hearings, believes that there is cause for the possible filing of criminal charges, it shall refer the complaint to the Attorney General's Office or appropriate authority for its disposition.

(b) With respect to former employees, the Commission may, with the consent of five (5) or more members of the Commission, issue a public statement of its findings and conclusions, and the Attorney General may exercise whatever legal or equitable remedies are available to Guam.

(c) When after due hearing, the Commission finds that the violation committed by an employee is non-criminal in nature, the Commission will remand the case to the agency where the employee is employed with the recommendation that the agency impose the corresponding punishment in accordance with the agency's personnel rules and regulations.

2021 NOTE: Reference to "Territory" replaced with "Guam" pursuant to 1 GCA § 420.

§ 15404. Disciplinary Action for Violation.

In addition to any other powers the Civil Service Commission or other government agency may have to discipline employees, the appropriate agency involved may reprimand, put on probation, demote, suspend, or discharge any employee found to have violated this Chapter.

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§ 15405. Cooperation.

The Guam Ethics Commission may request and shall receive from every governmental agency cooperation and assistance in the performance of its duties.

§ 15406. Concurrent Jurisdiction.

In addition to any provision contained in this Chapter, the Legislature and the Judicial Branch may each prescribe further rules of conduct covering its members and may investigate and discipline its employees for any violation of this Chapter, or its own Rules, or both.

§ 15407. Executive Director and Guam Ethics Commission Staff.

(a) The Guam Ethics Commission may employ such persons as it deems necessary for the performance of its functions. It shall submit an annual budget request to the Legislature for its required operations.

(1) The Executive Director shall submit an annual fiscal year budget to the Guam Ethics Commission for its review and approval no later than January 31 of each calendar year.

(2) The Guam Ethics Commission shall review and approve a fiscal year budget necessary to meet all of the Commission's statutory requirements and abide by all policies and procedures set forth in this Chapter and corresponding rules and regulations.

(3) The Guam Ethics Commission's Executive Director shall submit to I Liheslatura an approved annual budget for each fiscal year, no later than the date prescribed by I Liheslaturan Guåhan, and shall include a detailed breakdown of the funding level necessary to meet all of the Commission's statutory requirements and abide by all policies and procedures set forth in corresponding rules and regulations.

(4) The annual Guam Ethics Commission budgetary appropriations approved by I Liheslaturan Guåhan and

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signed into law by the Governor of Guam shall be exempt from the Bureau of Budget and Management Research, Office of the Governor of Guam, budgetary allotment control as generally provided in 5 GCA § 1303.

(5) The Guam Ethics Commission may draw against its respective appropriations as needed to meet its obligations in accordance with a drawdown schedule that the Guam Ethics Commission submits to the Director of Administration. If the Guam Ethics Commission fails to submit its drawdown schedule by October 31, the Director of Administration may withhold a drawdown request for the current fiscal year until such time the Commission submits its drawdown schedule for the entire fiscal year. The Director of Administration shall not, for any reason, withhold any amount appropriated by I Liheslaturan Guåhan to the Guam Ethics Commission.

(b) The Commission shall appoint an Executive Director who shall:

(1) administer the laws under this Chapter and all Commission policies, and ensure that investigations and subsequent hearings are held in accordance with the procedures outlined in this Chapter ;

(2) manage the daily operations of the Commission and perform duties as assigned by the Commission or specified by law or rule or regulation ;

(3) be the ex-officio secretary for the Commission but shall not be a voting member thereof. As such secretary, the Executive Director shall keep the minutes of the Commission's proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the Commission shall prescribe; and

(4) be a member of the unclassified service and shall receive an annual salary within a range of compensation to be prescribed by the Commission in accordance with the laws of Guam. Said Executive Director shall serve at the pleasure of the Commission; provided, however, that the Executive

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Director may not be removed unless that person's removal is ratified by a vote of four (4) or more Commission members.

(c) Staffing for the Guam Ethics Commission.

(1) With the consent of the Guam Ethics Commission, the Executive Director is authorized to hire and dismiss staff to support the operations of the Guam Ethics Commission.

(2) The Executive Director shall be supervised by the Commission, and staff of the Commission shall be under the direct supervision of the Executive Director.

(3) The Executive Director is responsible for developing, initiating, and implementing workplace policies..

SOURCE: Added by P.L. 23-105:1 (July 12, 1996). Amended by P.L. 36-028:3 (June 11, 2021).

2021 NOTE: This provision was formerly entitled "Staff" and was renamed pursuant to P.L. 36-028:3 (June 11, 2021).

§ 15408. Prohibition from Political Activity.

Members of the ethics commission and its staff shall not take an active part in political management or in political campaigns during the term of office or employment.

§ 15409. Applicability of Ethics in Government Program.

(a) Any person who is an elected official of the government of Guam shall attend an ethics in government program within ninety (90) days of taking office. Additionally, elected officials shall undergo refresher ethics in government program at least once every four (4) years. The Guam Ethics Commission ("Commission") may grant permission for an elected official to attend a later program for good cause shown. The Commission shall award a certificate of completion to those completing the program.

(b) Any person who is appointed to a position as board or commission member, including autonomous agencies, director, deputy director, or by whatever title denotes the head and first assistant of a government of Guam agency, department, public corporation, authority, or any other entity of the executive branch,

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shall attend an ethics in government program within the first six (6) months of his or her appointment. Additionally, appointed officials shall undergo refresher ethics in government program at least once every four (4) years. The Commission may grant permission for an appointed official to attend a later program for good cause shown. The Commission shall award a certificate of completion to those completing the program.

(c) All government of Guam employees shall attend an ethics in government program within the first six (6) months of his or her employment. All existing employees prior to enactment of this Subsection shall be required to attend an ethics in government program within thirty-six (36) months after enactment of this Subsection. Additionally, employees shall undergo an ethics in government program refresher course at least once every four (4) years. The Commission may grant permission for an employee to attend a later program for good cause shown. The Commission shall award a certificate of completion to those completing the program.

SOURCE: Added by P.L. 23-105:1 (July 8, 1996). Repealed and reenacted by P.L. 28-076:2 (Nov. 25, 2005), effective Jan. 1, 2007. Subsection (c) added by P.L. 36-025:2 (May 12, 2021).

§ 15410. Ethics in Government Program Guidelines.

The ethics in government program shall be provided by the Guam Ethics Commission or other providers approved by the Guam Ethics Commission. The Public Auditor shall develop standards for the ethics program until the Guam Ethics Commission is appointed and functioning, at which time the Commission shall assume authority to develop the standards. Should the Guam Ethics Commission not be impaneled for at least six (6) consecutive months, the Public Auditor will still have the authority to develop standards for the ethics program until the Guam Ethics Commission is impaneled. The providers shall repeat the course as necessary to accommodate those who are required to attend. The course shall not exceed four (4) hours and shall be available in a single day and its scheduling shall accommodate the different work schedules of the persons affected by this Act.

(a) The program topics shall include, but not be limited

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to:

- (1) Guam statutes concerning ethics;
- (2) Guam statutes concerning lobbying;
- (3) Group participation in discussing, analyzing, and solving general ethics-related dilemmas;
- (4) Guam procurement laws and regulations;
- (5) Guam contracting laws and regulations;
- (6) Parliamentary procedure;
- (7) Fiduciary responsibility;
- (8) Personnel policy;
- (9) Government finance; and
- (10) Open Government Law and Sunshine Reform Act of 1999.

(b) The cost of tuition, books and training materials for the ethics in government program of the officials or employees specified in § 15409(b) or § 15409(c) of this Chapter, shall be paid by the agency that employs the official or employee.

(c) The Guam Ethics Commission shall develop rules and regulations for the enforcement of the Ethics in Government Program Guidelines.

(d) No later than thirty (30) days after the end of each fiscal year, every director, administrator, president or head of a government of Guam agency, including line agencies, autonomous and semi-autonomous agencies, public corporations, the Mayors Council of Guam, the Courts of the Judiciary of Guam, and *I Liheslaturan Guåhan* shall electronically submit to the Guam Ethics Commission, in an electronic portable document format, an “Ethics Training Compliance Report.” Said report shall at minimum list the employees by name, job title, and each ethics program completed, and the date of completion.

SOURCE: Repealed and reenacted by P.L. 28-076:3 (Nov. 25, 2005), effective Jan. 1, 2007. Amended by P.L. 36-025:3 (May 12, 2021).

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§ 15411. Judicial Branch.

The Chief Justice of the Supreme Court shall have jurisdiction and governance over all justices and judges of the judicial branch in matters of ethics as covered in this Chapter 15.

SOURCE: P.L. 28-076:4 (Nov. 25, 2005), effective Jan. 1, 2007.

§15412. Repeal.

Those portions of the Guam Code Annotated and the Government Code of Guam, which are in conflict with any section of this Chapter, are hereby *repealed*.

SOURCE: Added by P.L. 28-076:5 (Nov. 25, 2005), effective Jan. 1, 2007.

§ 15413. Severability.

If any part of this Chapter 15 shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, or invalid as applied to a class of cases, such judgment shall not affect, impair, or invalidate the remainder thereof, and shall be confined in its operation to the part thereof directly involved in the controversy in which such judgment shall have been rendered.

SOURCE: Added by P.L. 28-076:6 (Nov. 25, 2005), effective Jan. 1, 2007.
