EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam

APR 0 7 2017

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

GL# 34-17-377
Speaker Benjamin J.F. Cruz

APR 10 2017
Time: 10:07 AM PM File No.
Received By:

RE: Letter of Resignation

Dear Mr. Speaker:

Pursuant to 4 GCA § 2103.6, transmitted herewith is a copy of the Letter of Resignation submitted by the following member and their perspective board/commission:

Name	Board / Commission	Effective Date
Richard W. Hamlin	Alcoholic Beverage Control Board	March 17, 2017

We have certainly appreciated his service to our island community and wish him and his family God's best in their endeavors!

Senseramente,

EDDIE BAZA CALVO

0377

Enclosure

RICHARD W. HAMLIN

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March 17, 2017

Mr. Renie Llaneta
Chairman, Alcoholic Beverage Control Board
344 Farenholt Ave.
Tamuning, GU 96931
VIA: Hand Delivery

RE: Resignation from Alcoholic Beverage Control Board

Dear Chairman Llaneta:

I am proud of my work in the Guam Alcoholic Beverage Control Board, including my February 6, 2016 memorandum which informed the Board and public of "unpublished" legal provisions within Board purview (attached).

The attached memorandum is illustrative of my thoughtful, principled approach as an attorney and Board member. This stands in stark contrast to the approach of the media.

Due to recent media actions, and to remove even the appearance of impropriety upon the Board, I hereby tender my resignation from the Guam Alcoholic Beverage Control Board, effectively immediately.

Very truly yours,

Richard W. Hamlin

Human Trafficking, ABC License Exclusion, Code Omission

Richard W. Hamlin <rwhamlin@guamimmigration.com> Sat, Feb 6, 2016 at 8:49 PM
To: John Taitano <jraytaitano@gmail.com>, Tiffany Tam <tiffanytam@me.com>, "rey. llaneta1" <rey.llaneta1@gmail.com>, bmejia <bmejia@tripleb.com>
Cc: David Santos <David.Santos@revtax.guam.gov>, "Vicente S. Bautista" <Vicente.Bautista@revtax.guam.gov>, "Joe S. San Agustin" <Joe.SanAgustin@revtax.guam.gov>, "Gabriel MT. Certeza" <Gabriel.Certeza@revtax.guam.gov>

Date: February 6, 2016
To: Alcoholic Beverage Control Board
From: Richard Hamlin, Alcoholic Beverage Control Board Member
VIA EMAIL

RE: Human Trafficking, ABC License Exclusion, Code Omission

As members of the ABC Board, it is our duty to be familiar with all laws pertaining to Alcoholic Beverage Licenses. For our ease of reference, I am in the process of researching, compiling and organizing relevant laws, regulations, opinions and similar documents. In the course of my research, I identified a substantive omission in the published Guam Code Annotated relating to human trafficking and ineligibility for Alcoholic Beverage Licenses.

Specifically, Public Law 30-26 ("An act to add a new Chapter 26 to Title 9, GCA, relative to combating human trafficking on Guam and to protecting victims of human trafficking from sexual and economic exploitation," signed into law on June 16, 2009) contains the following provision:

> **§ 26.05 Criminal Liability of Business Entities**
> ...
> (c) Any business, or criminally culpable employee, officer, director, owner, co-owner or shareholder of such business, convicted of a violation of this Chapter, or a conviction of a human trafficking crime in another jurisdiction or country, is inelegible for any type of Alcoholic Beverage License. Any business composed of, or employing in any capacity, an employee, officer, director, owner, co-owner or shareholder, who has been convicted of a violation of this Chapter, or a conviction of a human trafficking crime in another jurisdiction or country, is ineligible for any type of Alcoholic Beverage License.

Unfortunately, the currently published codification of this law, 9 G.C.A. § 26.05, omits the subsection (c) provision in its entirety. This omission pertains only to subsection (c) of § 26.05, whereas Subsections (a) and (b) are codified and published accurately. Anyone relying on the currently uncorrected Guam Code Annotated (published online at "http://www.guamcourts.org/compileroflaws/gca.html") would be unaware of this provision concerning human trafficking and license eligibility. For your further understanding of this omission, the entirety of both PL30-026 and currently uncorrected Guam Code Annoted Title 9, Chapter 26 are attached hereto.

I brought this issue to the attention of the Office of the Compiler of Laws more than two weeks ago. They appreciate the notification, confirmed that there was an inadvertent omission, and inform me that it will be corrected by adding subsection (c) of 9 G.C.A. § 26.05 with the next online code update. The Guam Compiler is faced with an extensive and unending task -- they depend on the continuing cooperation and teamwork of all Guam government agencies to ensure the public has access to the most complete and accurate materials.

There are at least three reasons this legal provision warrants current mention:

1. The provision is "hidden law," insofar as it is can be found only in one subsection within the complete text of PL30-26, and is omitted from the currently published Guam Code Annotated. I would venture that most license holders, attorneys and government officials, relying on the GCA, are complete unaware of the provision.
2. The provision remains non-obvious in its organization within the code. Even after correction by the Compiler, it remains buried in one small subsection of Title 9, Chapter 26 of the Guam Code, whereas almost all other laws mentioning Alcoholic Beverage Licenses are neatly contained in Chapter 3 of Title 11.

3. The provision implicates an important problem -- human trafficking is a global issue of grave concern to everyone who values liberty and human dignity.

Public Law 30-26, § 26.05(c) was enacted to address issues of human trafficking in Guam businesses serving alcoholic beverages, and contains specific language governing ineligibility for Alcoholic Beverage Licenses. As board members, it is important that we all be aware of this provision and continue to take those steps prudent to ensure we are executing our duties faithfully.

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2 attachments

Uncorrected 9gc026.pdf
162K

P.L. 30-26 - Bill No. 36.pdf
470K