DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

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JOSEPH L. M. SANCHEZ
Superintendent of Education, Acting

July 6, 2018

GL #34-18-2055
Speaker Benjamin J.F. Cruz

JUL 06 2018
Time: 1:36 [ ] AM [Y] PM File No. _____
Received By: _____

Honorable Benjamin J.F. Cruz
Speaker, 34th Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910

Dear Speaker Cruz:

Håfa Adai! I am submitting the Guam Education Board packet for the Special Board meeting scheduled for Tuesday, July 10, 2018, 4 pm, at the Superintendent's Conference Room, Bldg. A, Tiyan.

Should you have any questions, please contact me at 300-1547.

2018 JUL -6 PM 3:37

Attachment
- GEB Meeting Packet

cc: File

2055

Public Notices

GUAM EDUCATION BOARD

500 Mariner Avenue
Barrigada, Guam 96913-1608
Telephone Number: (671) 300-1627
Facsimile Number: (671) 472-5001
Website Address: www.gdoe.net/geb

MARK B. MENDIOLA
Chairman

MARIA A. GUTIERREZ
Vice Chairwoman

8th Guam Education Board
SPECIAL MEETING
Tuesday, July 10, 2018
4 PM
Superintendent's Conference Room, Building A, Tiyan

AGENDA

I. **Meeting Call to Order**

II. **Roll Call of Members**

III. **New Business**

1. Personnel Matters
2. Creation of Positions – School Resource Officer (Attendance) and School Resource Officer Supervisor (Attendance)

IV. **Executive Session**

V. **Adjournment**

VOTING MEMBERS: Mark B. Mendiola, Chairman, Maria A. Gutierrez, Vice Chair, Peter Alecxis D. Ada, Lourdes M. Benavente, Robert A. Crisostomo, James C. Lujan, Ronald L. McNinch, PhD, Lourdes B. San Nicolas
EX-OFFICIO MEMBERS: VACANT, IBOGS Representative, Mark McCarthy (AHES), GFT Representative, Mayor, Rudy M. Matanane, MCOG Representative
EXECUTIVE SECRETARY: Jon J. P. Fernandez, GDOE Superintendent

Tax amnesty could bring in $25M

By Kevin Kerrigan
kevin@postguam.com

Department of Revenue and Taxation Director John Camacho estimates that the total amount of unpaid taxes collected during this year's tax amnesty could eventually reach $25 million, if the delinquent taxpayers who applied for it pay the full amount of what they owe by the Aug. 6 deadline.

The amnesty application period lasted six weeks. It began May 7 and ended at the close of business June 19, after being extended twice.

The preliminary numbers show that 1,956 taxpayers submitted applications. They admitted to owing $23.1 million in back taxes. So far, the actual amount collected is about $11.5 million, said Camacho. The balance owed is still $11.6 million.

However, the total amount due is likely to increase, said Camacho.



John Camacho

"A lot of taxpayers came in during the final two days," said Camacho, "and those numbers are still being tallied," he said.

Camacho said the goal was between $20 million and $25 million so he expects to get a couple of million dollars more. The final numbers should be available later this week, he added.

The delinquent taxpayers had to put down a minimum deposit of 10 percent of what they owed. Some already paid the full amount. Those who did not have until Aug. 6 to raise the remaining money they owe and pay off their balances.

Breakdown

Of the 1,956 delinquent taxpayers who applied for the amnesty, 1,097 sought amnesty for the income and business privilege taxes. They owe $22,037,563.32.

For property tax amnesty, 859 applied. They owe $1,124,028.32.

Under the amnesty, delinquent taxpayers have to pay only the principal amount they owe. All penalties and interest are forgiven.

However, Camacho warns that if the balance of principal owed by any tax amnesty applicant is not paid by Aug. 6, then penalties and interest will apply on what is left unpaid.

Corporate taxpayers

The amnesty reveals that the largest amount of unpaid taxes is owed by Guam's corporations and businesses.

The applicants who filed for amnesty from the corporate and business privilege taxes admitted not paying $13,326,163.46 of what they owed.

These delinquent corporate taxpayers have paid all but $5 million of that amount.

Camacho did not know the number of these applicants, and he could not reveal their names.

Those applying for amnesty from the individual and withholding income taxes admitted owing a total of $8,711,399.86. They have yet to pay $5.7 million of that total.



Yona holds its first Dinanña Taotao Tåno'

FESTIVAL: *Hundreds of island residents enjoy the southern village of Yona's first Dinanña Taotao Tåno' (A Festival of the People of the Land), held over the weekend at the Yona Night Market Grounds. Festive food, cultural dancing, games and live entertainment drew residents from around the island for an exciting weekend extravaganza. Tihu Lujan/The Guam Daily Post*

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DIPÅTTAMENTON I KAOHAO GUINAHAN CHAMORRO
DEPARTMENT OF CHAMORRO AFFAIRS

BOARD OF TRUSTEES

will hold its regular Board Meeting on Tuesday, July 10, 2018 at 2pm, at the Hagåtña Restoration & Redevelopment Authority (HRRA) Conference room. 1st Floor Terlaje Professional Building, Hagåtña.

Individuals requiring special accommodations may contact Patti Hernandez at 475-4278.

This Ad was paid for with Government funds.

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MARK B. MENDIOLA, Chairman
MARIA A. GUTIERREZ, Vice Chairwoman

PUBLIC NOTICE

8th Guam Education Board
SPECIAL MEETING
Tuesday, July 10, 2018, 4 PM
Superintendent's Conference Room, Building A., Tiyan

AGENDA

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2. Creation of Positions – School Resource Officer (attendance) and School Resource Officer Supervisor (Attendance)
IV. Adjournment

Individuals requiring special accommodations or information may contact Leilani Cruz, Administrative Officer at 300-1627 or by email: lmbcruz@gdoe.net.
This advertisement was paid by GDOE local funds.

New Business

Robert Klitzkie, Esq.
22 Baki Ct., Yigo, GU 96929
(671) 653-6607
klitzkie@hotmail.com
June 24, 2018

Re: Complaint to the Election Commission pursuant to 4 GCA § 8104
Petition to the Guam Education Board pursuant 48 USC § 1423k[1]

To: Election Commission and Guam Education Board

The undersigned alleges or claims that Superintendent of Education, Jon Fernandez, has violated one or more provisions of 3 GCA Ch.8, 4 GCA §§ 15204, 15404 and 17 GCA § 3103.1 (a) 13

1. For easy reference there is set out at the end of this complaint a copy-and-paste rendition of a document inscribed: "For immediate release, June 21, 2018 Please call Ashley Calvo-Rodriguez at 487-1194 for more information."[2]
2. The Rodriguez+Cruz release begins, "The Department of Education issued an ultimatum to public school teacher Dave Cruz, who also is a retired Air Force colonel and candidate for lieutenant governor: withdraw from the race for lieutenant governor,[3] resign as a teacher, or face termination."
3. David Cruz is a candidate for Lt. Governor. The ultimatum Jon Fernandez presented to Cruz, is a violation of 4 GCA § 8202 which reads, "§ 8202. Payment of Value to Induce Candidate to Withdraw. A person shall not, directly or indirectly, by himself or herself or through any other person or persons, advance or pay, or cause to be paid, any money or other valuable offer to, or for the use of any other person, in consideration of a person withdrawing as a candidate for a public office. Any person who violates this provision is guilty of a felony."
4. David Cruz violated 4 GCA § 5103(a) (4) (our so-called Mini Hatch Act) as amply explained in the June 17 petition submitted herewith and incorporated by reference, which was submitted to Fernandez on Friday. As pointed out in that petition, Fernandez could fire Cruz pursuant to DOA Personnel Rules 11.63.1 if Cruz were a classified employee. If Cruz is an unclassified employee Fernandez can terminate his employment "for convenience or cause" pursuant 3.3 of the Cruz contact by simply giving Cruz notice.[4]
5. Fernandez presented Cruz with the ultimatum: that if he abandons his campaign he can keep his $124,000 *per annum* job: The

Doc. No. 34GL-18-2055.

may reprimand, put on probation, demote, suspend, or discharge any employee found to have violated this Chapter.

11. Because of the interplay among § § 4 GCA 8202, 8206 and 4 GCA § 15404 the Guam Education Board has the ability to reprimand, put on probation, demote or suspend as well as terminate pursuant to 17 GCA § 3103.1 (a) 13
12. The same conduct described in ¶4 of the Rodriguez+Cruz release suggests a violation of 4 GCA § 8206, which reads: "§ 8206. Payment to Promote Election. Any person who, with the intent to promote the election of himself or herself or any other person, furnishes or engages to pay or deliver any money or property for any purposes intended to promote the election of any nominee or candidate, except as to the expenses of holding and conducting public meetings for the discussion of questions, and of printing and circulating handbills and other papers prior to an election, is guilty of a misdemeanor. Jon Fernandez violated § 8206.

Petition to the Guam Education Board: Please take appropriate disciplinary action against Superintendent Jon Fernandez as per ¶ 11. *supra.*

Prayer on the complaint to the Election Commission, please:

1. Entertain this complaint pursuant to 3 GCA § 8104;
2. Try, hear and decide this matter pursuant to 3 GCA § 2106;
3. Obey all provisions of the Open Government and Sunshine Laws;
4. **Do not** try to evade your responsibilities as you did with Alice Taijeron's letter of June 1 to Troy Torres, by pretending that the complaint arises under Chapter 17 *vice* Chapter 8 as you did in the Taijeron letter.[6]

Respectfully submitted,

/s/ Robert Klitzkie

Robert Klitzkie

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[1] Because the complaint and the petition arise from a common nucleus of operative facts and arise primarily pursuant to 3 GCA Ch. 8, they are set out in a single document.

[2] The Rodriguez+Cruz release was received by email and is presumed genuine. No claim as to the truth or falsity of the statements in the release is made, however it is submitted that for the purposes of the referenced statutes the statements are "well pleaded allegations."

[3] Yellow highlight is supplied by the author to add clarity.

[4] It is submitted that both Cruz and Fernandez are estopped to deny that Cruz is unclassified.

among them being the fight against corruption. From the start of their campaign, many political forces have tried to tear this team down and prevent their run for Adelup.

"They want me to resign, not because I'm a bad teacher, but because of politics," Dave said. "I'm not going to give up on my students just for politics. If I do that, it makes me no better than our opponents. The reason I'm running is to make a difference and get rid of these kinds of antics."

If DOE terminates Cruz's contract for political reasons, Dave wants his students to know when he and Dennis win the election, although he won't be in front of them in the classroom, he will be their number one advocate from Adelup.

"Others have turned on this man, but Lena and I won't," Dennis said. "Today he had the opportunity to turn on us for the $124,000 annual pay he was getting, and he didn't choose the money. He chose public service. He chose to run in this campaign. We are forever grateful for him and Jenny and the sacrifices they're willing to make for the people of Guam."

-- End Release -

Executive Session