Note that the Legislature has taken steps to ensure that any protected personal identifying information has been redacted or excluded in whole or in part in order to protect the privacy of any individual(s) whose information has been included as part of this transmittal.

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

35-GL-19-0279
Speaker Tina Rose Muña Barnes

MAR 2 6 2019
Time 4:38 (AM) PM
Received By:

2019 MAR 28 AM 10:11

March 26, 2019

Honorable Tina Muna Barnes
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96932

Dear Madame Speaker:

Our office has recently been notified that the Legislature has deemed the submission for Colonel Esther Aguigui's confirmation lacking. The law requires that the Governor, when seeking confirmation of her appointees, submit:

> the name of the nominee to a position in a nomination letter to be hand delivered to the office of the Speaker. The nomination letter shall include the following: name; position to which the appointment is made; address; citizenship; age; educational background; prior government service whether within or without the government of Guam; information pertinent to the position's qualifications; police clearance report; a copy of DD Form 214 for those with prior military service; special distinctions and honors; whether the nominee has been found guilty of a felony in any court, whether within or without the United States, and if so, shall specify in detail the address of the court, the date of conviction and the specific infraction committed; whether the nominee has been declared mentally incompetent by any court, whether within or without the United States, and if so, specify in detail reasons and facts related to such declaration; whether the nominee has been found not guilty or not punishable in any criminal proceedings by reason of insanity; whether the nominee has been confined to a mental institution for any reason, and if so, the reasons why the appointing authority believes the nominee is not suffering from any mental illness or affliction.
>
> 4 GCA §2103.5.

0279

RICARDO J. BORDALLO GOVERNOR'S COMPLEX • HAGÅTÑA, GUAM 96910
P.O. BOX 2950 • HAGÅTÑA, GUAM 96910
671.472.8931 • 671.472.8932/6

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The law does not reference nor does it require that an appointing authority provide information as to whether an appointee is "now undergoing court action of any kind." The police clearance form provided is a military form that is subject to significantly more scrutiny than what is normally accepted by the Legislature for appointments subject to confirmation. The missing information/notation for Box #13 is unnecessary for the police clearance requirement.

Even so, we have provided another clearance in the more recognizable Guam Police Department form for your review. Please consider accepting the military form in the future.

Should you have any questions, please contact the Governor's Legal Office @ 475-9475.

Senseramente,

HAIG T. HUYNH
Legal Counsel

cc: Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan,* Governor of Guam
Joshua F. Tenorio, *I Sigundo Maga'låhen Guåhan,* Lt. Governor of Guam

Enclosure (1): police clearance

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Government of Guam
GUAM POLICE DEPARTMENT
RECORDS & IDENTIFICATION SECTION
P.O. Box 23909
Guam Main Facility, Guam 96921

March 22, 2019

SUBJECT: CRIMINAL HISTORY RECORD

NAME:	**Esther Joan Cruz AGUIGUI**		
DATE OF BIRTH:	[redacted]	**FINGERPRINT#:**	[redacted]
■	**The individual has no record of criminal conviction(s) in GPD files that are subject to Guam law and rules and regulations of the Department.**		

*****************NOTHING FOLLOWS******************

THIS INFORMATION MAY BE LIMITED TO A LOCAL CRIMINAL OFFENSE ONLY AND IS NOT INTENDED FOR USE FOR ANY LOCAL, STATE, OR FEDERAL LAW ENFORCEMENT AGENCY.

By Direction: BARBIE

The absence of an original GUAM POLICE seal invalidates this police clearance.
REVISED 01/06/19

STEPHEN C. IGNACIO
Acting Chief of Police