GUAM board of accountancy

September 4, 2019

356L-19-1001
Speaker Tina Rose Muña Barnes

SEP 10 2019
Time 9:46 (X)AM ( )PM
Received By: Alan

Honorable Amanda L. Shelton
Legislative Secretary, 35th Guam Legislature
Guam Congressional Building
163 Chalan Santo Papa
Hagatña, Guam 96910

RE: Guam Board of Accountancy Amended Rules

Dear Senator Shelton,

Pursuant to the requirements of Guam law under 5 G.C.A. § 9303(b), the Guam Board of Accountancy (GBA) submits the enclosed amendments to GBA's rules, as follows:

1) The original approved copy of the proposed amendments approved by the GBA Board at its regular Board meeting of February 21, 2019;

2) One duplicate copy of the approved amendments;

3) One copy of the entire record of the Public Hearing held at GBOA's office on March 15, 2019, including a copy of the Notice of Hearing published in the Guam Daily Post on March 4, 2019;

4) Attorney General's approval;

5) Governor's approval

In keeping with the filing period, we expect the change to take effect 90 days from the Legislative hearing date. Please advise us of such date soonest.

2019 SEP 10 AM 10:48

tel.671.647.0813 • fax.671.647.0816
email.guamboa@guamboa.org • www.guamboa.org
335 South Marine Corps Drive, Suite 101, Tamuning, GU 96913

1001

If you need any additional information, please call us at 671-647-0818 or email your request to execdir@guamboa.org. Thank you.

Sincerely,

Dave N. Sanford
Executive Director

cc: Honorable Speaker, Tina Rose Muna Barnes

tel.671.647.0813 • fax.671.647.0816
email.guamboa@guamboa.org • www.guamboa.org
335 South Marine Corps Drive, Suite 101, Tamuning, GU 96913

GUAM BOARD OF ACCOUNTANCY

335 S. Marine Corps Drive, Suite 101, Tamuning, GU 96913

MINUTES OF MEETING

February 21, 2019

I. CALL TO ORDER:

The meeting was called to order at 4:10 p.m. by Chairman John Onedera. The meeting was held in the GBOA Conference Room.

Members Present:	John Onedera, Chairman Todd Smith, Vice Chairman Jennie Chiu, Member
Excused Absences:	Francis Quinto Baba, Secretary-Treasurer Dafne Shimizu, Asst. Secretary-Treasurer
Also Present:	Dave Sanford, Executive Director Michele B. Santos, Asst. Executive Director Arleen Gay, Board Secretary

II. APPROVAL OF MINUTES:

Motion was made by Jennie Chiu and seconded by Todd Smith to approve the Board minutes of January 17, 2019. There being no further discussion or objections, the motion carried.

III. NEW BUSINESS:

A. GAEF Update: Members reviewed the Raymond James Account as of January 31, 2019 which indicated an ending balance of 2.15M and the February 20th update indicating 2.19M. Executive Director Dave Sanford reported that the market had gone up in the last few weeks and that since inception, our contributions were $90,000 to the good after having expenditures of approximately $130,000 spent on three summers of the Visitor Professorship Program. Some discussion was had on Dr. Annette Santo's meeting with Dean Brigida Octavio of the Adamson University in the Philippines. Dean Octavio had expressed to Dr. Santos her interest in the Program and said she would be available to teach at UOG for this summer's program. The Board members again expressed their concerns for the need of someone to come and teach courses that are not readily available and taught locally by resident or local professors. Dave Sanford said he had emailed some concerns regarding Dean Octavio but not had yet received a reply from Dr. Santos. Also, he said that he would arrange a meeting of the Standing Committee to meet during this month as there had

not been a any recent meetings. He would set up the meeting and raise the Board's concerns and report back to the members as the next Board meeting.

B. Requests for Approval:

- **CPA Exam Applications:** Motion was made by Todd Smith and seconded by Jennie Chiu to approve the CPA Exam Applications for the month of January 2019, as presented. There being no further discussion or objections, the motion carried.

- **Requests for Credit/NTS Extensions:**

1) **Mr. Sayed Mohamed Fouad Hassan**- Mr. Hassan is requesting an extension of his Audit credit. He has already passed Far and Reg. His audit credit expires July 31, 2019. He is an Egyptian working in Qatar and during the months of November and early December 2018, he was taking care of his father who was in and out of the hospital and has since passed on December 12, 2018. He is claiming that due to the hardship of caring for his father and his death and having to travel back and forth from Qatar to Egypt and back, it has been difficult to take the exam for Bec and thus, his request to extend his Audit credit extension to allow him ample time to take and pass his Bec. He did travel back to Qatar to take Bec on December 10, 2018 and did not pass. His Bec NTS expires July 11, 2019. He submitted a death certificate and doctor's notes but did not state the time he wished to be extended to. The Board members agreed to grant his request to extend his Audit credit until the end of November 2019.

2) **Ms. Qi Wang** – Because the New York testing center cancelled the exams due to operational issues, the Board agreed to extend Ms. Wang's request for NTS extension for Far and Reg until the end of May 2019.

3) **Mr. Tamer El Adl –** Mr. El Adl is requesting an extension of his Audit credit score which expires on October 31, 2019. His reason being that NASBA delayed three months in getting his exam score to him because of a 'system development'. He is requesting for an additional three months. His Bec credit expires May 31, 2020 and he wants the extension to coincide with that part. Because NASBA had already made previously arrangements to automatically extend those affected during the period and that this 'delay' occurred well over a year ago, the Board denied him his request. He apparently did not make any attempt to sit for any other exams while he was waiting for his score for the Audit exam.

4) **Mr. Daman Molri –** Mr. Molri is requesting NTS extensions of Audit and Reg which currently expire on March 31, 2019. He has been ordered by his doctor to stay in bed and restrict movement due to his severe back pain. He

did submit a doctor's note. The Board members agreed to grant him his request and extend his Audit and Reg until June 30, 2019.

5) **Ms. Qingqing Zeng –** Ms. Zeng is requesting to extend her NTS for Audit and Far which expires on June 11, 2019. Her reason being that her visa request was denied in January and she is going to resubmit her request. She is requesting an extension until December 31, 2019. No reason was given for the denial of her visa. The Board members agreed to extend her request until end of December 2019.

- **Grades – April/May – July/August Windows 2018** Motion made by Todd Smith and seconded by Jennie Chiu to approve the grades submitted. There being no further discussion or objections, the motion carried.

- **Applications for CPA Initial Certification and License to Practice:** Motion was made by Todd Smith and seconded by Jennie Chiu to approve the Applications for Initial Certification and License to Practice. There being no further discussion or objections, the motion carried.

IV. GENERAL DISCUSSION/ANNOUNCEMENTS:

- **NASBA Quarterly Communications Pack:** This Quarterly Communications Pack included the January 2019 Board of Directors' meeting, minutes of the Board of Directors' October 2018 meeting, new Regional Directors' focus questions, Focus Questions Executive Summary and CPA Examination Rule Change Language. Dave Sanford went over the highlights of each report. The Focus Questions comments are to be submitted by April 11, 2019. Dave Sanford told the members that the CPA Examination Rule Change Language could be done at any time as it would not take effect until such time as all State Boards were ready to support continuous testing. This would mean that candidates would be able to take a same section exam as soon as their grade was received from their previous attempt at the test. Currently, if you failed a section, you cannot retake the exam in the same window. He also said that the rule change would require a change to the current law but that NASBA's target date was January 2020, and his feeling was that it would be more towards the end of 2020.

- **Candidate Care Quarterly Report Q4 2018:** The Candidate Care Quarterly Report indicated that issues of restarts and multiple crashes during testing were high. This disrupted the ability of a candidate to focus on testing which, in some cases, resulted in extreme anxiety and caused unfair testing experience for most candidates attempting to sit for the exam. The problem is still ongoing and they still do not know where the problem lies.

- **NASBA's Legislative E-News:** Dave Sanford told the members that it was reported that a number of bills and laws doing away with the regulating of occupations was increasing within jurisdictions and that the question he had raised during a recent

conference call was were they willing to trust all their investments to unregulated/unlicensed persons who may be doing the audits for all the companies that they are investing in. Also included in this Legislative E-News was that currently 25 jurisdictions have implemented firm mobility, two jurisdictions presently not having individual mobility were Hawaii and the CNMI and that as of today, 52 jurisdictions allow non-CPAs to own a minority stake in CPA firms. New York, Hawaii and the CNMI are the other jurisdictions that have not adopted the UAA language allowing for non-CPAs to own a minority stake in a CPA firm.

- **Uniform CPA Exam 2019 CBT Fee Letter:** AICPA, Prometric and NASBA officially announced the candidate fees for exams for the periods 2019. Dave Sanford said that basically all fees would remain the same except for Prometric's hourly fee and the security fee which would go up a few cents.

- **UOG Request for Survey Questionnaire Dissemination:** UOG's Martha Suez-Sales sent an email saying that she was conducting a research for her dissertation on the ethical awareness of tax practitioners and was requesting whether her survey could be forwarded to GBOA and forwarded on to NASBA for dissemination to licensed CPAs. She attached UOG's approval of her study. The survey would be not only be locally but to be disseminated to all licensed CPAs overall. Dave Sanford said with the Board's approval he would make her request to NASBA and felt that this would be okay as long as not one licensee got specifically identified.

- **NC Response to PR Exposure Draft:** For the record, included in this agenda package was a letter from the Executive Director of the North Carolina State Board stating his comments to the exposure draft regarding revision to the AICPA Peer Review Board's oversight handbook. He said their stand was not anything different from GBOA's stand on the matter. The letter from the NC state Board stated 'While the Board appreciates that it's being given an opportunity to provide feedback, its concerning to the state boards, as the entities charged with public protection and most impacted by these changes, were not engaged during the initial stages of the process.'

Also discussed:

- The financial statement for the month of January was presented to the Board members for their review and approval.

- Also discussed was NASBA's CPA Examination and Licensing Services Proposal. Dave Sanford presented a FY2020 budget adjustment for the projected CPAES application processing costs and benefits. He explained the summary which presented what he felt was appropriate with the NASBA proposal. The proposal would be for NASBA to take over the processing of Initial and Rexam candidates and would include the raising of the fees to accommodate the fees charged by NASBA in the processing of Initial and Rexam Applications. It was noted that the last fee increase was eight years ago

and that most jurisdictions fees were higher than GBOA. GBOA staff would continue to handle the processing of licensing applications. Using NASBA to process applications would lessen the workload for GBOA staff along with the additional hiring of a general clerk. The workload has somewhat increased with the increasing volume of applications and the resignation of the Licensing Administrator. The NASBA proposal would include evaluating first time candidates to meet the educational requirements, accepting foreign credit card payments and handling any and all problems and issues that may occur with an individual candidate. The fee increase would require a public hearing and a 90 day wait period before submitting the proposed rule change to the Guam Legislature. The Board members present were all in agreement and approved the fee proposal to increase the fees for the Initial Examination applications from $50.00 to $200.00 and the ReExam application fees from $50.00 to $100.00.

- The Board members agreed to change the March meeting date of the 21st to Tuesday, March 19, 2019 as the Executive Director would not be on island until the month of May. It was not clear yet whether an April Board meeting would be held. All Board members present agreed to the March date change.

V. ADJOURNMENT:

There being no further discussion, motion was made by Todd Smith and seconded by Jennie Chiu to adjourn the meeting at 6:21 p.m. The motion carried.

Respectfully submitted:

Arleen E. Gay
Recording Secretary

GUAM BOARD OF ACCOUNTANCY

AMENDMENTS TO ADMINISTRATIVE RULES AND REGULATIONS

The following amendments were approved and adopted by the Guam Board of Accountancy Board of Directors on:

February 27, 2019
Date of Adoption

June 15, 2019
EFFECTIVE DATE

John E. Onedera, CPA
Chairman

Francis Q. Baba, CPA
Secretary

THE GUAM BOARD OF ACCOUNTANCY ENACTS THE FOLLOWING AMENDMENTS TO THE GUAM BOARD OF ACCOUNTANCY ADMINISTRATIVE RULES AND REGULATIONS PURSUANT TO TITLE 5 G.C.A. DIVISION 1, CHAPTER 9, ARTICLE 3, CHAPTER 9, THE ADMINISTRATIVE ADJUDICATION LAW.

Section One. The Guam Board of Accountancy will not submit an Economic Impact Statement because, pursuant to Title 5 G.C.A. § 9301(i), the Board has determined that the annual economic impact to the general public of these amendments is Five Hundred Thousand Dollars ($500,000.00) or less.

Section Two. Section 2103(d) of Chapter 2 of Title 25, Guam Administrative Rules is hereby *amended* to read:

(d) Fees. Fees charged by the Board shall be as established from time to time. The fees shall take effect on June 15, 2019, as follows:

(1) Exam applications.

(A) Application Processing Fees:

(i) Initial, Two Hundred Dollars ($200.00) per application,

(ii) Re-exam, One Hundred Dollars

($100.00) per application.

(iii) The Exam Application Fee to be given to Guam Board of Accountancy will be rebated or waived for those applicants demonstrating Guam residency.

(B) NASBA/Prometric/AICPA Fees, shall be determined by the actual amounts specified in the CBT Services Agreement between AICPA, NASBA, and Prometric, as amended from time to time.

(C) Jurisdictional Testing Fee shall be determined by the actual amounts specified in the agreement between Guam Board of Accountancy and NASBA's CPA Examination Services entity.

(i) The Jurisdictional Testing Fee to be given to Guam Board of Accountancy will be rebated or waived for those applicants demonstrating Guam residency.

(D) Application for Expiration Extensions (for Notice to Schedule, Conditional Credits, etc.), Fifty Dollars ($50.00)/application

(2) Certification/licensure.

(A) Initial.

(i) Active, per 22 GCA, §35105(f), Two

Hundred Twenty-Five Dollars ($225.00).

(ii) Inactive, per 22 GCA, §35105(g), Two Hundred Twenty-Five Dollars ($225.00).

(iii) Foreign, per 22 GCA, §35106(h), Two Hundred Twenty-Five Dollars ($225.00).

(iv) Substantial Equivalency, per 22 GCA, §35122, Two Hundred Twenty-Five Dollars ($225.00).

(B) Rènewal (annually).

(i) Active, per 22 GCA, §35105(f), One Hundred Dollars ($100.00).

(ii) Inactive, per 22 GCA, §35105(f), One Hundred Dollars ($100.00).

(iii) Foreign, per 22 GCA, §35106(h), One Hundred Dollars ($100.00).

(iv) Substantial Equivalency, per 22 GCA, §35122, One Hundred Dollars ($100.00).

(v) Retired, per 22 GCA, §35106(d), One Hundred Dollars ($100.00).

(C) Reinstatement.

(i) Active, per 22 GCA, §35105(f), Two Hundred Seventy-Five Dollars ($275.00).

(ii) Inactive, per 22 GCA, §35105(g), Two Hundred Seventy-Five Dollars ($275.00).

(iii) Foreign, per 22 GCA, §35106(h), Two

Hundred Seventy-Five Dollars ($275.00).

(iv) Substantial Equivalency, per 22 GCA, §35122, Two Hundred Seventy-Five Dollars ($275.00).

(D) Provisional (every ninety (90) days).

(i) Active, per 22 GCA. §35105(f), One Hundred Dollars ($100.00).

(ii) Inactive, per 22 GCA, §35105(g), One Hundred Dollars ($100.00).

(iii) Foreign, per 22 GCA, §35106(h), One Hundred Dollars ($100.00).

(iv) Substantial Equivalency, per 22 GCA, §35122, One Hundred Dollars ($100.00).

(3) Firm Permits to Practice:

(A) Initial Two Hundred Seventy-Five Dollars ($275.00).

(B) Renewal Two Hundred Twenty-Five Dollars ($225.00) (annually).

(C) Reinstatement Two Hundred Seventy-Five Dollars ($275.00).

(D) Provisional Two Hundred Twenty-Five Dollars ($225.00) (every ninety (90) days).

(4) Delinquency fee for late filing of any required CPE forms, or License/Permit renewal application forms Seventy-Five Dollars ($75.00) per form

(5) Copies of records, Seventy-Five Cents ($0.75)/page.

(6) Annual reports of the Board, Twenty-Five Dollars ($25.00)/copy.

(7) Requests for InterState Exchange of Information for

- Uniform CPA Examination Scores;

- CPA License Status; or

- Disciplinary Action (if applicable) - Twenty-Five Dollars ($25.00).

Guam Board of Accountancy
335 S. Marine Corps Dr., Ste 101
Tamuning, GU 96913

Transcript of Public Hearing for Fee Increase
Amended Rules and Regulations

March 15, 2019

On Friday, March 15, 2019, at 5:00 p.m. the Guam Board of Accountancy held a Public Hearing in the Conference Room of the Guam Board of Accountancy office located at 335 S. Marine Corps Dr., Suite 101, Tamuning. In attendance were Dave N. Sanford, Executive Director and Arleen Gay, GBA Recording Secretary and the staff of the Guam Board of Accountancy.

For the record, no one appeared to protest the fee increase, give testimony or to submit comments on the proposed Amended Rules and Regulations. Notice of the Public Hearing was posted in the Guam Daily Post on March 4, 2019, and the five copies of the amendments were made available for examination. No one came to examine the proposed amendments. Also, as of March 8, 2019, the notice of Public Hearing and proposed amendments were posted on the Guam Board of Accountancy website.

The Public Hearing ended at 5:30 p.m.

Arleen E Gay, Recording Secretary

Trump slams collusion probe

OXON HILL, Md. (Reuters) - President Donald Trump on Saturday attacked special counsel Robert Mueller ahead of his report on alleged Russia collusion by the Trump campaign in 2016 and said his political opponents were "trying to take me out with bull----."

In a speech that lasted more than two hours — his longest since taking office two years ago — Trump also vented about Democrats, a proposed "green new deal," illegal immigrants and criticism of his North Korea summit, while voicing optimism about his own re-election prospects in 2020.

Addressing a cheering audience at the annual Conservative Political Action Conference in Oxon Hill, Maryland, Trump veered off-script to launch a tirade about events that led to the Russia investigation.

He mocked his former attorney general, Jeff Sessions, and former FBI Director James Comey, both of whom Trump fired.

"We're waiting for a report by people who weren't elected," Trump said of the Mueller report, which is widely expected to be handed over to Attorney General William Barr in the coming days.

Deputy Attorney General Rod Rosenstein appointed Mueller in May 2017 to take over the Russia investigation after Trump fired Comey, whose agency had led the probe initially. Rosenstein is expected to step down by mid-March.

Swarms of young adults stood to applaud Trump in the packed hotel ballroom where he spoke, at times breaking into chants including "Trump is our Man" and "We Love You."

Trump said Comey was Mueller's "best friend," and implied Comey should have been fired before Trump took office.

"Unfortunately, you put the wrong people in a couple of positions and they leave people for a long time that shouldn't be there and all of a sudden they are trying to take you out with bull----, okay?" Trump said.

"Now Robert Mueller never received a vote and neither did the person who appointed him," he added.

Trump still has made no move to fire Mueller, a Republican and respected former FBI director who has conducted his investigation with utmost secrecy.

Trump also mocked the Southern accent of Sessions and criticized him for recusing himself from the Russia probe. In November, Trump fired Sessions, a former U.S. senator from Alabama who was among the first Republican lawmakers to back Trump's presidential bid.

Trump's face perspired as he lashed out at critics after a stressful week during which his former lawyer Michael Cohen accused the president in congressional testimony of breaking the law. Also, the president concluded a summit with North Korean leader Kim Jong Un in Hanoi without reaching a denuclearization deal.

The White House has rejected Cohen's allegations and on Saturday, Trump said his talks with Kim were productive and could lead to an agreement in which other, unspecified nations provide aid to Pyongyang.

Trump addressed criticism from the parents of Otto Warmbier, an American student who died after 17 months in a North Korean prison. They had complained when Trump said at a Hanoi news conference that he believed Kim had nothing to do with Warmbier's death.

"I love Otto," Trump said, but added he was trying to maintain "a delicate balance" with the North Koreans as he attempts to coax them into giving up their nuclear program.

Trump ridiculed a Democratic "green new deal" plan to fight climate change, pointing to provisions such as reducing airplane flights or eating less beef.



FIGHTING BACK: *President Donald Trump speaks at the Conservative Political Action Conference annual meeting March 2 at National Harbor near Washington. He blasted the investigation into alleged Russia collusion. Yuri Gripas/Reuters*

SpaceX tests astronaut capsule

CAPE CANAVERAL, Fla. (Reuters) - A SpaceX rocket with an unmanned crew capsule blasted off on Saturday for the International Space Station, in a key milestone for Elon Musk's space company and NASA's long-delayed goal to resume human spaceflight from U.S. soil later this year.

SpaceX's 16-foot-tall Crew Dragon capsule, atop a Falcon 9 rocket, lifted off from Florida's Kennedy Space Center at 2:49 a.m., carrying a test dummy nicknamed Ripley.

The capsule successfully separated from the rocket about 11 minutes later, sparking cheers in the control room, and began its journey to the space station.

"I almost thought we would fail. I thought maybe we'd have a 10 percent chance of reaching orbit starting out," Silicon Valley billionaire Musk said of his feelings when he founded the space company in 2002. "I'm a little emotionally exhausted because that was super stressful, but it worked."

The space station's three-member crew was expected to greet the capsule, carrying 400 pounds of supplies and test equipment, early Sunday morning, NASA said.

During its five-day stay, U.S. astronaut Anne McClain and Canadian astronaut David Saint-Jacques will run tests and inspect Crew Dragon's cabin.

NASA has awarded SpaceX and Boeing Co. $6.8 billion to build competing rocket and capsule systems to launch astronauts into orbit from American soil for the first time since the U.S. space shuttle was retired from service in 2011.

NOTICE OF PUBLIC HEARING

GUAM board of accountancy

335 South Marine Corps Drive Suite 101
Tamuning, GU 96913
TEL: 647-0813 • FAX: 647-0816

The Guam Board of Accountancy is conducting a public hearing on Monday, March 15, 2019, at 5:00 pm at the Guam Board of Accountancy Office located at 335 South Marine Corps Drive Suite 101, Tamuning, Guam, on the increase of existing fees as approved by the Board on February 21, 2019, to be effective June 13, 2019. Copies of the proposed Amendments to the Administrative Rules and Regulations amending Section 2103(d) of Chapter 2 of Title 25, Guam Administrative Rules, may be examined at the Guam Board of Accountancy Office located at 335 South Marine Corps Drive Suite 101, Tamuning, between the hours of 8 a.m. to 5 p.m. Monday through Friday. For further information please call 647-0813. Individuals requiring special accommodations, auxiliary aids or services, may contact Arleen Gay at 647-0813 ext 602.

/s/JOHN R. ONEDERA
Chairman, Guam Board of Accountancy

PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

PEREZ, VALENTINO G.
dba: **Guam's Own**

has applied for a Class: **1/ Manufacturer's (Alcoholic Beverage License)** said premises being marked as Lot: **#18, BLK 2, Tract 223 107 Etton Ct. Sinajana.**

PUBLIC NOTICE

The Guam Developmental Disabilities Council (GDDC) will hold its General Membership Meeting on Wednesday, March 13, 2019, from 11:00 a.m. to 2:00 p.m. at the Holiday Resort Chief Kepuha Room. All Council members are urged to attend. The meeting is open to the public. For persons requiring special accommodations, please contact 735-9127 to make arrangements with the hotel.

Lillian Kosaka
2019.4857

GUAM board of accountancy

June 21, 2019

MEMORANDUM

To: Governor of Guam

VIA: Attorney General of Guam

From: Executive Director, Guam Board of Accountancy

Subject: Amended Rules for Guam Board of Accountancy

Attached please find the Amended Rules for Guam Board of Accountancy for your review and approval.

Pursuant to the requirements of Guam law under 5 G.C.A. § 9303(b), the Guam Board of Accountancy (GBA) submits the enclosed amendments to GBA's rules, as follows:

1) Minutes of Board Meeting held on February 21, 2019 approving the Amended Rules
2) The original approved copy of the proposed amendments approved by the GBA Board at its regular Board meeting of February 21, 2019;
3) One copy of the entire record of the Public Hearing held at GBOA's office on March 15, 2019, including a copy of the Notice of Hearing published in the Guam Daily Post on March 4, 2019.

In keeping with the 90-day filing period, we anticipate these amendments taking effect as of June 18, 2019.

If you need any additional information, please call us at 671-647-0813 or email your request to execdir@guamboa.org. Thank you.

Sincerely,

Dave N. Sanford

tel.671.647.0813 • fax.671.647.0816
email.guamboa@guamboa.org • www.guamboa.org
335 South Marine Corps Drive, Suite 101, Tamuning, GU 96913

RECEIVED 6/21/19
OFFICE OF THE ATTORNEY GENERAL ADMINISTRATION

Doc. No. 35GL-19-1001.

OFFICE OF THE ATTORNEY GENERAL OF GUAM
590 S. Marine Corps Drive, Suite 901, Tamuning, Guam 96913
♦ Phone: 671.475.3324 extension 5015 ♦ Fax 671.477-4703 ♦ Email law@guamag.org

Hon. Leevin Taitano Camacho
Attorney General of Guam

July 19, 2019

RECEIVED
JUL 24 2019
GUAM BOARD OF ACCOUNTANCY

Mr. Dave N. Sanford, Executive Director
Guam Board of Accountancy
335 South Marine Corps Drive
Suite 101
Tamuning, GU 96913

Re: Request for Attorney General's Approval of Guam Board of Accountancy's Proposed Amendments to its Administrative Rules (Ref. GBOA 19-0389)

Dear Mr. Sanford:

We have completed our review of the Guam Board of Accountancy's proposed amendments to its Administrative Rules submitted to us on June 21, 2019.

Pursuant to the Administrative Adjudication Law (AAL), 5 GCA § 9303, I am approving the attached version of the proposed Rules as to form, constitutionality, compliance with the applicable requirements of the AAL, and compliance with your agency's statutory authority to promulgate rules, subject to the following comments.

From your correspondence you appear to be under the impression that the proposed amendments to your rules will become effective 90 days after the public hearing your Board held on March 15, 2019. That is incorrect. There have been amendments to the rule-making provisions of the AAL of which you may not be aware; specifically 5 GCA §§ 9301 and 9303 have been amended by P.L. 34-32 and P.L. 34-33, both signed into law on July 13, 2017 by Governor Eddie Baza Calvo.

Title 5 GCA § 9303 as amended by P.L. 34-032 now provides in pertinent part as follows:

> **§ 9303. Adoption, Repeal, Recission, or Amendment of Rules and Regulations: Circulation and Filing.**
>
> (a) * * *

(4) Upon written approval of *I Maga'låhi* as to policy, and approval of the Attorney General as to constitutionality, compliance with this Act, and compliance with the statutory authority for the promulgation of the rules, file with the Speaker of *I Liheslatura* a printed and an identical electronic (pdf and word) version of the proposed rules and regulations, and a printed and an identical electronic (pdf) copy of the entire agency record, to include minutes or a resolution showing board approval of proposed rules, certification of the agency record and compliance with each of the requirements of this Chapter, economic impact statements, and transcripts of any public hearings on the rules being proposed. Evidence of the Governor's and the Attorney General's approvals *shall* be included in the transmittal.

The subject line of the transmittal letter *shall* clearly include the following: **"This is a Transmittal to I Liheslaturan Guåhan of Proposed Rules and Regulations pursuant to the Administrative Adjudication Law."**

(b) If the proposed rules were not adopted by the agency or were not transmitted in full compliance with this Chapter, *I Liheslatura* may return the rules by an oversight committee letter, a rules resolution, or a legislative resolution to the agency for correction, and a new submittal in conformance with this Chapter *shall* be required. Proposed rules *shall* be referred to the legislative committee with oversight of the subject matter, and that committee or the Committee of the Whole *shall* conduct one (1) or more public hearings on the proposal within seventy-five (75) calendar days from the date of filing of the rules with the Speaker.

(c) No rule *shall* be effective until after compliance with the provisions of this Section and ninety (90) calendar days have elapsed from the date of filing with the Speaker of *I Liheslatura*. After the public hearing and the ninety (90) calendar days from the date of filing, the Speaker may certify, and the Legislative Secretary attest to, the default approval of compliant rules and regulations pursuant to this Chapter. *I Liheslaturan Guåhan* may, by the passage of a bill into law, approve, disapprove, or amend any rule within ninety (90) calendar days from the date of filing with the Speaker of *I Liheslatura*; *except* that any pending rules *shall* be deemed disapproved upon adjournment sine die of *I Liheslaturan Guåhan*.

5 GCA § 9303 (emphasis in italics and bold in the original).

The 90 day effective date period is not the date of the public hearing conducted by the agency required by 5 GCA § 9301, but the date of filing of the proposed rules together with the agency record, and approval of the Governor and Attorney General with the Speaker of *I Liheslatura* Then, in the event *I Liheslatura* declines to formally approve, disapprove, or amend the proposed rules by the passage of a bill into law within the 90 days, the Speaker may certify and the Legislative Secretary may attest to the default approval of compliant rules.

If you have any questions, please contact Deputy Attorney General of the Solicitor Division Karl P. Espaldon at (671) 475-3324, extension 3115.

Sincerely,

LEEVIN TAITANO CAMACHO
Attorney General

Enclosure

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

Transmitted via Central Files

RECEIVED
SEP 03 2019
GUAM BOARD OF ACCOUNTANCY

August 27, 2019

Dave N. Sanford
Executive Director
Guam Board of Accountancy
335 South Marine Corps Dr., Suite 101
Tamuning, Guam 96913

Re: *Amended* Rules for the Guam Board of Accountancy

Dear Mr. Sanford,

Thank you for submitting the *Amended* Rules for the Guam Board of Accountancy. In reviewing the documents, I was pleased to see the attention and detail that was afforded in their preparation. These *amended* rules and regulations, in updating the fees for initial examinations and re-examinations, play a significant role in ensuring that the Guam Board of Accountancy continues to meet demands due to the growing number of applications.

I encourage you to continue the good work in ensuring the efficacy of the Guam Board of Accountancy.

Now, therefore, I, Joshua F. Tenorio, *I Åkto Maga'låhen Guahan,* Acting Governor of Guam, pursuant to Title 5, Chapter 9, Article 3, am approving these *amended* rules and regulations as to policy. Please ensure you follow through and submit the amended rules to the Legislature.

Senseremente,

JOSHUA F. TENORIO
Åkto Maga'låhen Guahan
Acting Governor of Guam

Enclosure(s): Guam Board of Accountancy *Amended* Rules and Regulations

cc: Honorable Lourdes A. Leon Guerrero, *I Maga'hagan Guahan* (via email)

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