



March 7, 2025

OFFICE OF THE SPEAKER  
FRANK F. BLAS JR.

MAR 07 2025

Time: 11:04 am

Received: [Signature]

Honorable Frank F. Blas, Jr.  
Speaker  
Honorable Telo T. Taitague  
Chairperson, Committee on Justice  
38<sup>th</sup> Guam Legislature  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

RECEIVED  
ISAH PEREDO  
3/7/25  
10:59 AM

**Subject: Attached 3/5/25 Letter From Gov. Alleging Corruption at AG's Office**

*Hafa Adai* Speaker Blas & Oversight Chairperson Taitague:

Please find the attached letter sent to the undersigned Attorney General of Guam 2 days ago. The Governor, who is herself and her Administration under civil and criminal investigation by the elected Public Auditor and the undersigned elected Attorney General, (incorrectly) concludes that incidents of Government Corruption occurred by myself and my staff regarding hiring practices that directly relate to my and my staff's performing legal duties required by Guam law for this **Chief Law Enforcement & Chief Legal Office** on behalf of my client, the People of Guam.

It is my belief that the Governor maintains a disqualifiable conflict of interest because of our duty to investigate and prosecute public official corruption, many of which are leading to this Governor and her Administration. We also have an ongoing civil Federal Court lawsuit against her and GHURA arising from improper use of \$100M ARP funds her medical complex project, and litigation regarding the 1990 abortion injunction. The Governor's does not request an unbiased investigation, but concludes that crimes occurred by myself and others. The letter contains clear errors of law and fact. The Governor intends to **weaponize** Guam's criminal justice system and engage in **lawfare** between herself and the People's only elected public prosecutor and my staff, at taxpayer expense. In addition to her clear conflict of interest, I believe she is retaliating against this elected law enforcement official because of our legal positions on her \$1B / 10 yr. medical complex project. This Office remains the last local defense against corrupt government officials, and switching out an elected AG with an appointed one endangers the taxpayers and our welfare.

I respectfully request that the Guam Legislature, or a committee therein, conduct an investigation into these (unfounded) allegations. We wish to participate and to provide testimony and documents that support our position that Guam law was followed.

**Office of the Attorney General**  
**Douglas B. Moylan · Attorney General of Guam**

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"Guam's Toughest Law Enforcers"

To create as many levels of review and "**get to the facts**," yesterday, I also engaged a 3 person panel to conduct an investigation into the Governor's allegations. The panel will interview relevant witnesses, as well as identify important legal documents, and apply the law to address the Governor's allegations arising from personnel practices. I intend to make the results of that investigation available to you. Myself and my Office staff will also be available to fully answer any questions you may ask.

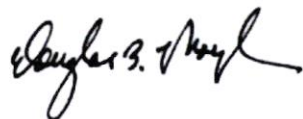
Notably, the Governor alleges 70 temporary, unclassified hires (aka Limited Term Appointments, "LTAs") are illegal. She is wrong. Since 2011, Guam law in P.L. No. 31-135 mandated AG Office autonomy over personnel matters in order to protect our People against criminals, and provide independence of the AG from both the Governor & Legis. to do my job. See PL 31-135:1. I hired LTAs to fulfill my duty to protect crime victims & us from criminals to put them prison. The majority of the unclassified LTAs are off-Island criminal prosecutors, and paralegal graduates of the University of Guam. The balance are critical support staff needing to be quickly hired versus the destructive delays that risk all our safety (i.e. months to hire a classified employee & DoA paralysis). It remains common knowledge, and recognized by the Supreme Court of Guam, that our Island lacks sufficient attorneys to serve our People in government and in the private sector. SCOG Prom. Order 06-006-25 (11/17/23). Also, the temporary atty. licenses were extended from 5 yrs. to 8 yrs. to attract off-Island atty. recruits so they don't need to take the Guam Bar Examination. SCOG Prom. Order 06-007-14 (3/31/23).

In addition, the allegations by the Governor are about spending the lump sum appropriation by the Guam Legislature to this Office. Your oversight of that spending appears to be one of the Guam Legislature's core duties. We welcome your scrutiny and discussion of important matters involving how this Governor is attempting to weaponize Guam's criminal justice system. The Organic Act provides for elected officials the only way to remove them is by recall.

After your investigation, I also respectfully request that the Guam Legislature enact legislation providing **fair procedures and protections** for every person within the Chief Law Enforcement Office to prevent retaliation and unjust lawfare. Other jurisdictions address when and how investigations can be started (prevent frivolous allegations); the scope of investigations; fair selection of a special prosecutor; scope of the special prosecutor's duties; salary; the limitation that financial reward not motivate prosecution; who will be in control of the special prosecutor's decision making discretion; and other important factors that prevent the **weaponization** of this position against the democratically elected Attorney General. Other jurisdictions legislatures also provide ample models that balance the important interests when someone tries to investigate and prosecute the People's duly elected prosecutor.

Thank you for your kind attention to the matters contained herein.

Respectfully,



**Douglas B. Moylan**  
Attorney General of Guam

LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN  
OFFICE OF THE GOVERNOR OF GUAM

**TRANSMITTED VIA HAND DELIVERY  
AND ELECTRONIC MAIL**

March 5, 2025

**DOUGLAS B. MOYLAN**

*Attorney General of Guam*

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**Re: APPOINTMENT OF SPECIAL ASSISTANT ATTORNEY GENERAL AND SPECIAL PROSECUTOR TO INVESTIGATE AND/OR PROSECUTE ACTIONS RE: ILLEGAL HIRING OF SCOTT MOYLAN, ILLEGAL PAYMENTS TO SHEENALYN HAWKINS, AND ILLEGAL EMPLOYMENT OF UNCLASSIFIED EMPLOYEES**

*Håfa Adai* Attorney General Moylan:

On behalf of the Honorable Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*, the Governor of Guam, I am writing to seek your agreement to the appointment of a Special Assistant Attorney General and a Special Prosecutor to investigate and, if necessary, to prosecute civil and criminal actions against you and Chief Deputy Attorney General Joseph Guthrie related to the illegal hiring of your brother Scott Moylan and the illegal slotting and payment of your fiancée Sheenalyn Hawkins, both of which may constitute an Illegal Expenditure pursuant to 5 GCA § 22401 and Official Misconduct pursuant to 9 GCA § 49.90, and the illegal employment of unclassified employees, which may also constitute an Illegal Expenditure pursuant to 5 GCA § 22401.

Because you and Mr. Guthrie would be the subjects of the investigations and potential prosecutions related to these actions, and the Governor has the Organic Act responsibility to ensure enforcement of the related laws, it is necessary that the Governor appoint a Special Assistant Attorney General and a Special Prosecutor to investigate and, as necessary, prosecute you and Mr. Guthrie for violations Guam law.

**Illegal Employment of Unclassified Employees**

The Organic Act of Guam, as amended, provides that the Guam Legislature "shall establish a merit system and, as far as practicable, appointments and promotions shall be made in accordance with such

RICARDO J. BORDALLO GOVERNOR'S COMPLEX  
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governor.guam.gov | (671) 472-8931

To: Douglas B. Moylan, Attorney General of Guam  
Fr: Jeffrey A. Moots, Legal Counsel | Office of the Governor of Guam  
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merit system.” 48 USC § 1422c. In 4 GCA §§ 4101 *et seq.*, the Legislature established the merit-based system on Guam. That enactment provides that, generally, “[e]mployment in the service of the government of Guam shall be based upon merit, and selection and promotion of employees shall be free of personal or political consideration.”

In furtherance of this policy, the Legislature divides employment in the government of Guam into classified and unclassified services, and required the Director of Administration to establish criteria governing the selection, promotion, performance, evaluation, demotion, suspension and other disciplinary for Executive Branch agencies, which shall include pay ranges for initial employment into established positions and classes, provides procedures for employment on the basis of merit, and an orderly method of recruitment. 4 GCA § 4105.

These procedures in turn shall include the announcement of vacancies and acceptance of applications, the conduct of examinations, establishment of employment lists with names of people eligible for employment, establishment of promotional policies, evaluation of employee work, transfer, promotion and reinstatement of employees in the competitive service, and a uniform system of resolving grievances. 4 GCA § 4106. These procedures ensure that, subject to exceptions, agencies hire and promote employees competitively, based on the merit and qualifications of the individual, and not based on subjective criteria such as loyalty, familial relationships, or romantic relationships. Hiring based on merit ensures that the government recruits and retains the most qualified personnel to provide services to the community, minimizes government waste, and prevents nepotism and preferential hiring abuses.

The Legislature further enacted exceptions to the general policy, authorizing certain offices, including the Office of the Governor, to employ unclassified employees, while limiting the unclassified employees that other agencies may employ. As you know, 4 GCA § 4102 authorizes the OAG to employ four (4) unclassified employees: (1) the Attorney General; (2) the secretary for the Attorney General; (3) the first assistant to the Attorney General, also known as the Chief Deputy (*see* 5 GCA § 30106 (b)); and (4) the special assistant to the Attorney General. Other than these 4 individuals, no other unclassified employees are permitted to be employed within the OAG.

The 2025 1<sup>st</sup> Quarter Staffing Pattern reveals that the OAG currently employs over seventy (70) non-exempt unclassified employees. The express limitations on your authority to employ these employees in the unclassified service are beyond reasonable dispute. In fact, your office has acknowledged that it is violating the law. In a July 8, 2024 email you produced on February 28, 2025 in response to a FOIA request from my office, Mr. Guthrie acknowledged that the Office of the Attorney General lacks authority to hire unclassified employees, and that annual budget law, which also lists positions that can be filled by unclassified employees, does not include the positions in your office currently filled by unclassified employees.

By attempting to circumvent the merit-based system established by the Guam Legislature, you are knowingly violating the Organic Act of Guam and Guam law, and paying government funds with no

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authority. On this basis, both you and Mr. Guthrie are subject to potential civil and criminal penalties, discussed below.

### **Illegal Hiring of Scott Moylan**

The Office of the Attorney General ("OAG") hired your brother Scott Moylan on April 25, 2024 in the unclassified position of "special assistant," class T-8 on the General Pay Plan, with a salary of \$119,875, though media reports also indicate your office intended to hire him as a "chief auditor" for the Government Corruption Division of your office, as position that has not been established.

Scott Moylan is the only employee in the OAG's 2025 1<sup>st</sup> Quarter Staffing Pattern designated as a "special assistant." As discussed above, Guam law authorizes you to employ one special assistant. While it is possible that Scott Moylan was given this distinction in an attempt to comply with the exceptions provided in 4 GCA § 4102, employing Scott Moylan in this capacity triggers the application of other statutes and regulations.

Title 5 GCA § 30121.2 authorizes the OAG to establish rules and regulations governing selection, promotion, performance evaluation, demotion, suspension, and other disciplinary action for OAG employees. The section further provides that until the OAG adopts such regulations, the DOA shall continue to apply to the OAG. DOA personnel rule 3.200 (Nepotism), prohibit persons within the first degree of relation such as siblings from being employed in the same department or agency in a direct supervisor-subordinate relationship. Because Scott Moylan is ostensibly employed as your special assistant, his employment appears to violate DOA Personnel Rule 3.200.

I understand that you have made representations in the media that *you* didn't hire Scott Moylan, Mr. Guthrie did. Mr. Guthrie is employed in an unclassified position that reports directly to you, and he serves at your pleasure. Your communications with Mr. Guthrie reveal that you alerted him to your brother's prospective application for employment with the OAG, and, noting your conflict, delegated to him the authority to take necessary actions related to your brother's employment, while simultaneously providing details of your brother's work experience. Suggesting that you did not influence your Chief Deputy to hire your brother, or that Mr. Guthrie would have hired or paid your brother \$120,000 as a starting salary, higher than any other employees within the Government Corruption Division, if he were not your brother, strains reason.

To the extent you believe it could be reasonably argued that you successfully screened yourself from hiring decisions involving your brother by "delegating" those responsibilities to Mr. Guthrie, Guam law would not exempt *Mr. Guthrie's* special assistant from the prohibition against unclassified hiring. Rather, Section 4102 only exempts *your* special assistant.

Guam law and DOA regulations do not permit you to employ your own brother as your special assistant, and you and Mr. Guthrie are subject to potential civil and criminal penalties, discussed below.

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### **Illegal Slotting and Payment of Sheenalyn Hawkins**

The OAG also employs your fiancée Sheenalyn Hawkins, who previously served as your administrative assistant prior to your election. Ms. Hawkins's employment was initially reported in the 2023 3<sup>rd</sup> Quarter Staffing Pattern as an unclassified Special Projects Coordinator, class N-10, with a salary of \$61,796. The 2024 1<sup>st</sup> Quarter Staffing Pattern, two quarters after her initial hire, reported Ms. Hawkins's salary as \$75,392, a raise of \$13,596. Her class and steps, however, remained at N-10.

On January 10, 2024, Ms. Hawkins was promoted to the position of Chief of Staff. Your statements to the media confirmed that she would be paid the same as the prior Chief of Staff, who was a Class T-10 employee and received a salary of \$127,602, a raise of \$52,210 from her most recent salary and more than double her initial salary.

DOA regulations limit the salary associated with promotions within an agency. DOA Rule 6.002 provides that an employee, when promoted to one class to another of a higher pay grade, shall receive a salary increase closest to and not less than a one-step increase in the pay grade held prior to promotion.

A one-step increase in Ms. Hawkins's prior pay grade of N-10 would be an N-11, with a salary of \$77,783. The closest salary in pay grade T to the N-11 salary is T-01, with a salary of \$92,950, approximately \$34,652 less than Ms. Hawkins's current salary.

Further, as discussed, Guam law authorizes your office to employ 4 unclassified employees, including yourself, your Chief Deputy, your secretary, and your special assistant. Because Mr. Guthrie serves as your Chief Deputy, and your brother Scott Moylan serves as your special assistant, the only other unclassified position in which Ms. Hawkins may lawfully serve is the position of secretary. Employing her as OAG Chief of Staff therefore constitutes a distinct violation of Guam law.

Guam law and DOA regulations do not permit you to employ Ms. Hawkins as an unclassified Chief of Staff, or to arbitrarily slot Ms. Hawkins at a T-10 class and pay her \$34,652 more than authorized under DOA regulations. On this basis, you and Mr. Guthrie are both subject to potential civil and criminal liability.

### **Civil and Criminal Liability for Violations of Guam Law**

#### *Illegal Expenditure*

Title 5 GCA § 22401 (a) provides in relevant part that no officer of the government of Guam shall make or authorize any obligation for other than an authorized purpose or employ personnel except as authorized by law. Section 22401 (c) further provides that any officer who shall knowingly and willfully violate subsection (a) shall be guilty of a misdemeanor. As the Guam Supreme Court held in *Attorney Gen. of Guam v. Gutierrez*, 2011 Guam 10, the Attorney General of Guam has authority to

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investigate and prosecute all illegal acts, and seek to recover any funds spent without authority or contrary to law, including illegal spending by government officials; *see also* 4 GCA §14109 (requiring officers to make restitution to the government of Guam for the amount of any payment prohibited by law or which did not represent a legal obligation under the appropriation involved).

Because of your unauthorized employment of non-exempt unclassified employees, your employment of your brother as your special assistant, and your illegal slotting and payments to your fiancée violate Guam law, payments made related to these actions constitute Illegal Expenditures under 5 GCA § 22401 and should be investigated and, as appropriate, prosecuted civilly and criminally. Mr. Guthrie should also be investigated and, as appropriate, prosecuted for his actions related to this matter.

#### *Official Misconduct*

Title 9 GCA § 49.90 provides that a public servant commits a misdemeanor if, with intent to benefit himself or another person he commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized.

Because your illegal employment of your brother as your special assistant and your illegal slotting and payments to your fiancée were unauthorized exercises of your official functions, performed with the intent to benefit your brother and your fiancée, your actions constitute Official Misconduct under 9 GCA § 49.90 and should be investigated and, as appropriate, prosecuted criminally. Mr. Guthrie should also be investigated and, as appropriate, prosecuted for his actions related to this matter.

#### **Appointment of Special Assistant Attorney General and Special Prosecutor**

The Guam Supreme Court held in *In re: Request of Leon Guerrero Relative to the Duties of the Attorney General of Guam to Executive Branch Agencies*, 2024 Guam 18 ¶¶ 72-75, that where the Attorney General “refuses to act, is incapable of acting, or is unavailable for some other reason,” the Governor, who has the duty to act lest the law go unenforced, is empowered to appoint special assistant attorneys general to perform her duties. The Court has further advised that the parties should seek to resolve the matter among themselves in the first instance, and, failing that, the Governor may file an action for declaratory judgment to determine whether you are indeed unavailable to carry out your duties.

The Court also noted a distinction between those circumstances where an Attorney General might be compelled to appoint a Special Assistant Attorney General or Special Prosecutor and those extraordinary circumstances where the Attorney General is unable to do so. *Id.* ¶ 79. No prosecutor or investigator you selected would be unconflicted when it came to an investigation into you.

Because you have a clear conflict against investigating or suing/prosecuting yourself and Mr. Guthrie, Governor Leon Guerrero seeks your agreement to the appointment of a special assistant attorney general and a special prosecutor to investigate, and if necessary, to prosecute civil and criminal actions against you and Mr. Guthrie.

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If you do not agree, the Governor will pursue an action for declaratory judgment regarding your unavailability, consistent with the Guam Supreme Court's edict in *In re: Request of Leon Guerrero Relative to the Duties of the Attorney General of Guam to Executive Branch Agencies*, 2004 Guam 18 ¶¶ 72-75.

Please respond to this letter no later than **March 12, 2025**. We look forward to hearing from you.

*Senseramente,*



**JEFFREY A. MOOTS**

*Legal Counsel*

Office of the Governor of Guam