

**CIVIL SERVICE COMMISSION
BOARD OF COMMISSIONERS**

**POLITICAL ACTIVITY (MINI-HATCH)
INVESTIGATION REPORT**

**JULY 19, 2022
Tuesday, 9:00 a.m.**

Nicole Chargualaf

Employee

VS.

Guam Behavioral Health and Wellness Center

Management

CASE 22-MH01

TYPE OF CASE: Political Activity Complaint

**CIVIL SERVICE COMMISSION
INVESTIGATION HEARING**

**POLITICAL ACTIVITY INVESTIGATION HEARING
OPENING STATEMENT**

THE CIVIL SERVICE COMMISSION IS NOW IN SESSION TO HEAR STAFF'S POLITICAL ACTIVITY (MINI-HATCH) INVESTIGATION REPORT ON A COMPLAINT FILED ON MARCH 18, 2022 BY MS. NICOLE CHARGUALAF, CASE NO. 22-MH01, COMPLAINANT, CIVIL SERVICE COMMISSION VERSES THE GUAM BEHAVIORAL HEALTH AND WELLNESS CENTER (GBHWC) HEREAFTER MANAGEMENT.

INTRODUCTION OF COMMISSIONERS

MY NAME IS JUAN K. CALVO CHAIRPERSON, WILL THE REST OF THE COMMISSIONERS PLEASE INTRODUCE THEMSELVES FOR THE RECORD BEGINNING WITH THE VICE-CHAIR

INTRODUCTION OF COMMISSION STAFF

WILL THE STAFF PLEASE INTRODUCE THEMSELVES FOR THE RECORD BEGINNING WITH THE EXECUTIVE DIRECTOR

**INTRODUCTION OF THE PERSONNEL MANAGEMENT ADMINISTRATOR AND
THE CASE MANAGER**

WILL THE PMA AND THE CASE MANAGER PLEASE INTRODUCE THEMSELVES FOR THE RECORD:

THIS HEARING WILL BE STRICTLY CONFINED TO THE STAFFS PRESENTATION ON THE POLITICAL ACTIVITY INVESTIGATION REPORT FOR THE BOARDS CONSIDERATION AND FOR THE RECORD RECOGNIZES THE REPRESENTATIVES THAT ARE PRESENT.

CSC
DOCUMENTS

3/21/22, 8:31 AM

22-24101

Guam Civil Service Commission Mail - Fw: Formal Complaint Attached



Roland Fejarang <roland.fejarang@csc.guam.gov>

Fw: Formal Complaint Attached

1 message

COPY

Nicole A. Chargualaf <Nicole.Chargualaf@[redacted]>
To: "roland.fejarang" <roland.fejarang@[redacted]>

Fri, Mar 18, 2022 at 4:34 PM

NICOLE ANN CHARGUALAF

Project LINC Data Coordinator



Office: 671-647-4619 Email: nicole.chargualaf@[redacted]

Web: gbhwc.guam.gov Address: 790 Governor Carlos G Camacho Rd. Tamuning GU 96913

CIVIL SERVICE COMMISSION

-03-18-2022
4:34 PM
RECEIVED

22-201

CONFIDENTIALITY NOTICE:

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From: Nicole A. Chargualaf <Nicole.Chargualaf@[redacted]>
Sent: Friday, March 18, 2022 04:29 PM
To: cynthia.camacho <cynthia.camacho@[redacted]>
Subject: Fw: Formal Complaint Attached

Hoping for confirmation of receipt, please see attached for details.

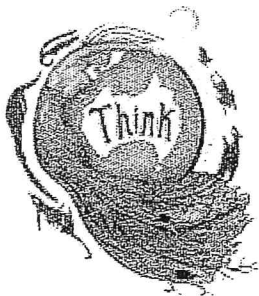
NICOLE ANN CHARGUALAF

Project LINC Data Coordinator



3/21/22, 8:31 AM

Guam Civil Service Commission Mail - Fw: Formal Complaint Attached



 COMPLAINT.pdf
174K



CIVIL SERVICE COMMISSION
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GOVERNMENT OF GUAM
I Gobierno Guahan
 Bell Tower, Suite 201
 710 West Marine Corps Drive
 Hagatna, Guam 96910



LOURDES A. LEON GUERRERO
 Governor

JOSHUA F. TENORIO
 Lieutenant Governor

Tel: (671) 647-1855/1857 • Fax: (671) 647-1867 • Website: csc.guam.gov

DANIEL D. LEON GUERRERO
 Executive Director

-03- 18 2022
 4:34 PM *SD*

Employee Address and Contact Information / Disclosure Form:

This form requests information that is relevant and necessary to reach a decision in your Appeal. The Civil Service Commission collects this information in order to process Appeals or Complaints under its statutory and regulatory authority. An Appeal or Complaint is a voluntary action, you are not required to provide any personal information in connection with it. However, failure to supply the Civil Service Commission with all the information essential to reach a decision in your case could result in the rejection of your Appeal or Complaint.

Please be advised that your Appeal or Complaint is available to the public under the provisions of the Sunshine Reform Act of 1999. Information contained in your Appeal or Complaint file may be released as required by the Sunshine Reform Act of 1999. Additionally, information about your Appeal or Complaint will also be used in a depersonalized form in a database for program statistics.

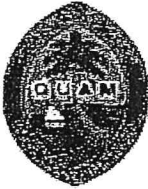
Please print legibly below:

Employee Name:	NICOLE ANN CHARGUALAF
Position Title:	TECHNICAL ASSISTANCE COORDINATOR/DATA
Agency/Department:	GUAM BEHAVIORAL HEALTH & WELLNESS CENTER
Home Phone:	[REDACTED]
Work Phone:	[REDACTED]
Cell Phone:	[REDACTED]
Home Address:	[REDACTED] 10
Mailing Address:	[REDACTED]
E-mail address:	[REDACTED]

DISCLOSURE OF INFORMATION: Upon filing of any Appeal or Complaint, all documents submitted to the Civil Service Commission become public records/writing. The documents may be disclosed, inspected, or copied pursuant to the Sunshine Reform Act (SGCA, Chapter 10) or other applicable law(s). Personal information will not be made available to the public (i.e., SSN#, home address, etc.).

I hereby agree and acknowledge that upon any changes of the above information, I will notify the Commission. Non-notification may result in my case being dismissed. Furthermore, I have read and understand the Disclosure of Information Statement above.

[Signature] 18 MAR 2022



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 710 West Marine Corps Drive
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LOURDES A. LEON GUERRERO
 Governor

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 Website: csc.guam.gov

DANIEL D. LEON GUERRERO
 Executive Director

JOSHUA F. TENORIO
 Lieutenant Governor

DATE: 18 MAR 2022

TO: Executive Director, Civil Service Commission

FROM: NICOLE A. CHARGUALAF

SUBJECT: Letter of Appeal Letter of Complaint
 (Must check only one (1) item. For multiple Appeals or Complaints please fill out additional forms.)

APPEAL: (Please check only one (1) box)

- Adverse Action Grievance Equal Employment Opportunity
 Lay-Off "Bad Faith" Furlough "Bad Faith" Priority Placement "Bad Faith"

COMPLAINT: (Please check only one (1) box)

- Post Audit Notice of Personnel Action Lay-Off Furlough Priority Placement
 Public Protection Act, "AKA: Whistle Blower" Ethics in Procurement Political Activity, "AKA: Mini-Hatch"

I, NICOLE ANN CHARGUALAF
 (Print Full Name)

A Classified employee Unclassified Employee of GBHWC in the position
 (Agency or Department)

TAG / DATA COORDINATOR, alleges that the action is inappropriate for the following reasons:
 (Your official job title)

Around 2pm
ON 02/23/2022 I received a campaign ticket from an HR representative that contained a lay/losh, Kings \$25 campaign ticket on work premises during work hours and was advised Director would be "collecting" for it. I asked not to participate & was then told through a "messenger" to "make her understand why she has her job." Then further explained, essentially that if I did not pay I would lose my job 3/18/22
 not have a job anymore. I submitted my notice of resignation shortly after & would like to file while I am still employed.

Signature & Date

**STAFF'S
INVESTIGATION
REPORT**



LOU A. LEON GUERRERO
Governor

JOSHUA TENORIO
Lieutenant Governor

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Website: csc.guam.gov



DANIEL D. LEON GUERRERO
Executive Director

CIVIL SERVICE COMMISSION
INVESTIGATIVE STAFF REPORT

Prepared by: Maria P. Masnayon
Personnel Management Analyst III
Nicole A. Chargualaf (Complainant) vs. GBHWC
Case No. 22-MH01

June 28, 2022

I. REQUEST:

On March 18, 2022 Ms. Nicole A. Chargualaf, an unclassified employee with Guam Behavioral Health and Wellness Center stated in her complaint that on or around 02/23/2022 she had received a campaign ticket from an HR representative that contained a LOU/JOSH, Kings \$25 campaign ticket on work premises during work hours and was advised the Director's would be "collecting" for it. Ms. Chargualaf asked not to participate and was then told through a "messenger" to "make her understand why she has her job". Ms. Chargualaf further explained essentially that if she did not pay for the ticket, she would not have a job anymore. Ms. Nicole A. Chargualaf, stated she submitted her resignation shortly because she wanted to file while she was still employed with GBHWC. **(EXHIBIT 1)**

II. AUTHORITY:

4 GCA §5101 - §5106 Political Activity. *(In its entirety)* **(EXHIBIT 2)**

III. BACKGROUND:

Ms. Chargualaf submitted two (2) resignation letters, first resignation letter was addressed to Mr. Libby which he returned back to Ms. Chargualaf for incorrect formatting with a sample letter for her to use **(EXHIBIT 3)** and the second was on March 8, 2022. **(EXHIBIT 4)**

This matter came before the Civil Service Commission for a Political Activity aka Mini-Hatch Act Staff Assessment hearing on April 7, 2022. The assessment report was presented by Ms. Cynthia Camacho, Personnel Management Analyst II. Present for the hearing were Chair-man Juan K. Calvo, Vice Chairman Anthony P. Benavente, Commissioner Priscilla T. Tuncap, Commissioner John Smith and Commissioner Robert C. Taitano. By a vote of 4 to 1 with vice-chair Benavente dissenting, the Commission voted in favor of waiting for Administrative Counsel's opinion before ruling on the Assessment Report.

On April 19, 2022 the Commission voted 5-0 to proceed into an investigation.
(EXHIBIT 5)

IV. INVESTIGATION PROCESS:

Staff interviewed the following;

Ms. Nicole Chargualaf – Complainant, Project LINC Data Coordinator
Mr. Jesse Libby – Project Director
Ms. Theresa Arriola – Director of GBHWC
Mr. Christopher Duenas – Administrative Assistant
Ms. Jamie Pangelinan – Training Coordinator
Ms. Carissa Pangelinan – Deputy Director

V. INVESTIGATION FINDINGS:

On April 20, 2022 Ms. Nicole Chargualaf was interviewed by Ms. Cynthia Camacho, PMA II and Mr. Roland Fejarang, PMA. Also present was Ms. Brogan Walker in support of the employee.

Ms. Chargualaf stated that on the morning of February 15, 2022 she was at her desk and Chris Duenas an HR representative walked into the Link office and was looking for her and had a handful of white envelopes. One of the envelopes had her name on it and he had handed it to her.

Ms. Chargualaf advised she was confused and Mr. Duenas looked “awkward” giving the envelope to her. She then stated “what am I supposed to do with this” and according to her Mr. Duenas responded, “Don’t worry about it, no rush the Director is collecting for it, though you can give the payment to me or to the Director but no rush” and he left. Ms. Chargualaf provided a photo of herself holding the ticket which was taken by Jamie Pangelinan (**EXHIBITS 6**). Ms. Chargualaf clarified that on the first picture with the ticket is on February 15, 2022 that is the day that she received the ticket.

Ms. Chargualaf further advised that it was her first experience with anything political and was caught off guard. She continued by stating that one of her co-workers (Ms. Jamie Pangelinan) also received a ticket who came over to her. Ms. Chargualaf informed her co-worker “does this mean from what I understood from Chris that we’re supposed to pay this?” and her co-worker responded, “I think so”. Ms. Chargualaf then informed her co-worker that she was not going to pay for the ticket. Ms. Pangelinan then informed her to “give it to me and I’ll pay for it and I’ll give it to my partner” and Ms. Chargualaf then gave her the ticket. Ms. Chargualaf wanted staff to know that Ms. Jamie Pangelinan, is the niece of the agency Deputy Director, Ms. Carissa Pangelinan.

According to Ms. Chargualaf, Ms. Pangelinan took the \$25 to give to the Deputy Director and the Director and informed them that she was going to take Ms. Chargualaf’s ticket and just pay for it and give it to her partner. Ms. Chargualaf then stated according to Ms. Pangelinan they (Deputy and Director) did not accept the funds and had told Ms. Pangelinan to take her money back and return the ticket to her (Ms. Chargualaf) and make her understand why she had a job even if it costs them their friendship.

Ms. Chargualaf stated that during this time Ms. Pangelinan was in the process of getting a promotion and believed that if this became a problem it would go as far as freezing Ms. Pangelinan's promotion because it was Ms. Pangelinan who had referred her (Ms. Chargualaf) for employment to GBHWC.

On Wednesday, February 16, 2022 Ms. Chargualaf received the ticket back from Ms. Pangelinan. Then on Friday, February 18, 2022, Ms. Chargualaf attempted to go to the director's office however she (the Director) was in a meeting all day. On the following Tuesday, February 22, 2022, Ms. Pangelinan had gone to lunch with the Deputy Director and according to Ms. Chargualaf on that day Ms. Pangelinan had texted her asking to speak to her when she returns from lunch with the Deputy Director.

According to Ms. Chargualaf, when Ms. Pangelinan returned from lunch, she informed Ms. Chargualaf that Director Theresa Arriola was going to collect the funds for the campaign tickets and that it was reported to her (Arriola) that everyone but 1 (one) person has given it to her and that the one person was her (Ms. Chargualaf).

Ms. Chargualaf stated she had taken Ms. Pangelinan's \$25 dollars and walked it to Chris Duenas in an envelope and gave it to him to pay for the ticket.

On May 16, 2022, staff interviewed Mr. Jesse Libby via zoom present was Mr. Roland Fejarang, PMA and Ms. Maria Masnayon, PMA III. Mr. Libby stated that he is a Project Director and is the Supervisor for Ms. Nicole Chargualaf.

According to Mr. Libby, he was somewhat surprised she filed a complaint and that she resigned due to political pressure. Mr. Libby recalled Ms. Chargualaf initially inform him that she was relocating. Mr. Libby stated that their conversation started off by Ms. Chargualaf stating that she was going to be relocating to Seattle Washington after learning her husband was offered a position there.

When Ms. Chargualaf submitted her first letter of resignation it was in the wrong format and Mr. Libby returned it back to her with a sample format (**EXHIBIT 3**). Mr. Libby asked her to re-address it to the Director instead of him. Ms. Chargualaf informed Mr. Libby that she did not want to address the letter to the Director because she was not happy with her or there was an issue and she said nice things about the program on the bottom part.

Mr. Libby then asked Ms. Chargualaf "I'm sorry did something happen" and that was when Ms. Chargualaf informed him about the campaign ticket and that she felt pressured and that she didn't want to participate in that.

Staff then asks Mr. Libby what is his knowledge of Political Activity, Mr. Libby responded that the law forbids actively campaigning on government grounds during working hours, its prohibited.

On May 17, 2022 Ms. Therese Arriola, Director of Guam Behavioral Health and Wellness Center was interviewed via zoom by Mr. Roland Fejarang, PMA also present is Ms. Maria Masnayon, PMA III.

Mr. Fejarang informed Ms. Arriola that Ms. Maria Masnayon, PMA III will now be handling this case from Ms. Cynthia Camacho, PMA II, which was at her request.

Mr. Fejarang explained to Ms. Arriola that staff had spoken to Nicole Chargualaf and Jesse Libby in regards to a political activity complaint filed by Ms. Chargualaf, that she was given a ticket by Chris Duenas and that the director instructed Mr. Duenas to give those tickets out.

Ms. Arriola advised that she is aware of the fundraising tickets because she also had a batch and bought all the tickets, but she was not aware of the fundraising tickets being sold or passed out in the office.

Ms. Arriola further stated that she was surprised Ms. Chargualaf filed a complaint because to her understanding she resigned because of her husband receiving a job offer in the mainland and that she was very happy while employed with GBHWC.

Mr. Fejarang informed Ms. Arriola that the ticket was given to Ms. Chargualaf by Chris Duenas and then she consulted with Ms. Jamie Pangelinan who is her best friend, after she was given the ticket because she felt very "confused" on the situation.

Ms. Arriola stated that to her understanding Ms. Chargualaf and Ms. Pangelinan are very good friends.

Mr. Fejarang continued explaining to Ms. Arriola that Ms. Chargualaf said that Ms. Pangelinan had paid for the ticket and that Ms. Pangelinan was instructed to retrieve her money and have Ms. Chargualaf pay for the ticket with her own money. Ms. Arriola denied that conversation ever took place.

Ms. Arriola stated that she did not give anyone any tickets to pass around or issue out or sell at GBHWC. Ms. Arriola had her own set of tickets and that she purchased all the tickets herself and passed them out to family and friends who she thought could have free lunch. Ms. Arriola informed staff that she never passed out paid or unpaid tickets to anybody in GBHWC. In fact the tickets she paid for were for her personal family and friends not affiliated with the agency.

On May 19, 2022 staff interviewed Mr. Chris Duenas via zoom, present for the interview is Mr. Roland Fejarang, PMA and Ms. Maria Masnayon, PMA III. Mr. Chris Duenas is currently the Administrative Assistant for GBHWC and became classified at the end of April 2022.

Mr. Duenas does know Nicole Chargualaf and that she is a former employee for GBHWC under one of the programs and had dealt with her several times because she would come into the HR office and he would assist her and also had processed her when she had resigned.

Mr. Duenas is aware that Ms. Chargualaf filed a Mini-Hatch/Political Activity Complaint with CSC.

Mr. Duenas admitted to staff, that he did go up to Ms. Chargualaf, during working hours at her office in GBHWC and presented her with an envelope, (at this time he informed staff that he was on his official break). Mr. Duenas admitted to staff that he was aware that there was a campaign ticket in the envelope because he had placed the ticket in the envelope himself.

Mr. Duenas stated that he obtained the political fund-raising tickets from his organization in the village of Dededo where he resides. The organization is the Committee to re-elect Lou and Josh for Governor and Lieutenant Governor.

Mr. Duenas stated that no one had instructed him to pass the tickets to anyone at GBHWC and the only reason that he had given Ms. Chargualaf one was because he considered Ms. Chargualaf as a close friend of his and a friend of the administration.

Mr. Duenas stated that at no time did Ms. Arriola (Director) give or instruct him to pass out any tickets, and that at no time did he tell Ms. Chargualaf, not to worry about it and that the Director will collect later on.

After Mr. Duenas had given the envelope to Ms. Chargualaf, he informed her that he would collect from her later and he then walked out of the office. Later that day he met Ms. Chargualaf in the hallway and she informs him that she is unable to pay for the ticket so he tells Ms. Chargualaf that it was fine and just give the ticket back to him and she advised okay.

On another day Ms. Chargualaf stops him again in the hallway and says that its o.k. that she is able to pay for the ticket and will give the payment soon. Mr. Duenas advised he was surprised because she was unable to pay for the ticket earlier. The payment exchange did happen when Ms. Chargualaf came to Mr. Duenas's office and handed him an envelope with her name on it and he had taken it from her and said "thank you". Ms. Chargualaf then says to him "aren't you even gonna open the envelope to see if the amount is correct?" Mr. Duenas responded, "No I trust you". Mr. Duenas was shocked to find out that Ms. Chargualaf had filed a complaint because he never had any idea that she had a problem with it.

Mr. Duenas stated that he was comfortable giving the ticket to Ms. Chargualaf and that they also shared a mutual friend whom he also had given a ticket to and that is Ms. Jamie Pangelinan, who is also a friend of the administration.

Mr. Duenas informed staff that at no time did he pressure Ms. Chargualaf into purchasing the ticket, and when he received the money for the ticket from her he then returned the funds back to the organization and that was basically it.

Staff asked Mr. Duenas if he is aware of the Political Activity Law, Mr. Duenas informed staff that he has heard of it but not is not familiar with it. He continued by stating that he has never received any orientation or training regarding the Political Activity Law or even read the law.

On May 20, 2022 Ms. Jamie Pangelinan was interviewed via Zoom by Ms. Maria Masnayon, PMA III and Mr. Roland Fejarang, PMA.

Ms. Pangelinan stated she does know Ms. Chargualaf and is a very close friend to her. That they are coworkers at GBHWC and is also aware that Ms. Chargualaf filed a Political Activity complaint.

Ms. Pangelinan confirmed that Ms. Chargualaf was given a white envelope containing a campaign fund raising ticket, because she also received one from Mr. Duenas at the same time. Mr. Duenas then left the area immediately and does not recall any conversation between Mr. Duenas and Ms. Chargualaf.

Ms. Pangelinan knew Ms. Chargualaf was not happy or comfortable with the tickets she explained to her why Mr. Duenas gave her a ticket. Ms. Pangelinan explained to Ms. Chargualaf that she was given a ticket because they are close friends and that Mr. Duenas knows the relationship and took for granted that Ms. Chargualaf would be okay with the ticket.

Ms. Pangelinan advised she knew Ms. Chargualaf was not happy with the situation and advised her she would pay for the ticket and will take her partner. Ms. Chargualaf then gave Ms. Pangelinan the ticket and Ms. Pangelinan then gave Ms. Chargualaf the money.

Ms. Pangelinan stated a lot of people knew she was an active supporter of the administration and because Ms. Chargualaf would ride with her to work, maybe Mr. Duenas thought that Ms. Chargualaf would be okay with it.

Ms. Pangelinan stated because her and Ms. Chargualaf are very close friends, she thought by just paying for the ticket the situation would resolve itself and never thought it would escalate to a complaint.

Staff questioned Ms. Pangelinan, have you ever had lunch with the deputy director, Ms. Carrisa Pangelinan and discuss Ms. Chargualaf's concern with regards to the fund-raising ticket. Ms. Pangelinan advised the deputy director is her aunt and has had many lunches with her but they never discussed any fund-raising ticket with regards to Ms. Chargualaf.

Staff questioned Ms. Pangelinan, did the deputy director or the director say to her, return the ticket back to Ms. Chargualaf and tell Ms. Chargualaf she will have to pay for the ticket. Ms. Pangelinan responded, no that is not true that she does not recall a conversation like that from management, in regards to Ms. Chargualaf.

Ms. Pangelinan stated the tickets she and Ms. Chargualaf received were from Mr. Duenas and not the deputy or the director.

Ms. Pangelinan admitted to taking the photograph of Ms. Chargualaf holding the ticket after she opened the envelope, however, she does not recall the second photograph of Ms. Chargualaf holding the envelope. **(EXHIBIT 7)**

Ms. Pangelinan stated to staff that she does not know the Political Activity Law extensively. She knows that it is for employees and supervisors to their subordinates that they cannot pressure employees to buy tickets or engage in anything like that and does not know the full details.

On May 27, 2022 Ms. Nicole Chargualaf was re-interviewed via Zoom by Ms. Maria Masnayon, PMA III and Mr. Roland Fejarang, PMA. Prior to the interview Mr. Fejarang informed Ms. Nicole that Ms. Masnayon will be handling her case.

Staff informed Ms. Chargualaf that she was being re-interviewed to clarify some of the information in her complaint.

Ms. Chargualaf confirmed with staff that Mr. Jesse Libby was her direct supervisor at the time that she was employed with GBHWC and recalls meeting with him regarding her resignation however she does not recall the date.

Ms. Chargualaf informed staff that she had a couple of meetings with Mr. Libby. On the first meeting she had with him, she had put in a “verbal” resignation. Ms. Nicole stated that she wanted to give Mr. Libby a “heads up” that she was going to put in her 2 (two) weeks” notice and that “we had plans on moving this summer” and that she was not comfortable working under the leadership and she just wanted to quit.

Staff asked Ms. Chargualaf that on the first meeting with Mr. Libby, was that to initially inform him of her intent to resign because she was relocating? Ms. Chargualaf responded, “Yes” and that was the extent of the conversation.

Ms. Chargualaf admitted to staff that at the first meeting with Mr. Libby there was no mention of political activity and that she just wanted to meet with him to initially inform him of her intent to resign because she was relocating.

Ms. Chargualaf stated that there was another meeting where she had actually turned in a written resignation letter and that was when she had opened up to him about what had happened to her regarding the campaign ticket and he also shared that he had gotten one also. Ms. Chargualaf informed staff that Mr. Libby was sympathetic and had apologized to her because of what was happening in regards to her receiving the ticket.

Ms. Chargualaf stated that Mr. Libby knew that the deputy and the director were handing out the campaign fundraising tickets and that other people had gotten them and were paying for them because he said that he had gotten one himself.

Ms. Chargualaf recalls that Mr. Chris Duenas was the one who had handed her the envelope with her name on it which contained the campaign ticket. She continued by stating that the problem was the messages that she was getting from Ms. Jamie Pangelinan.

Staff informed Ms. Chargualaf that staff did interview Ms. Jamie Pangelinan and Ms. Pangelinan admitted that she did in fact pay for the ticket for Ms. Chargualaf, so that she can use the ticket for her (Pangelinan) partner; however, Ms. Pangelinan denies that she had any discussion with either the Deputy Director or Director regarding Ms. Chargualaf’s allegations.

Staff advised Ms. Chargualaf that her statements regarding management, were not being corroborated by the individuals that were interviewed and became upset, replying, “I knew this would happen”.

Staff then inquired if there are any other persons she could direct us to interview or who could provide us additional evidence and we would look into it. Staff advised her that the investigation is not completed at this time.

IMPORTANT NOTE: *The internet ZOOM connection went down and staff was not able to continue the re-interview. Staff did send an email to Ms. Chargualaf to inquire if we could reestablish the ZOOM and she advised she did not want to participate any further. (EXHIBIT 8) Ms. Chargualaf did not provide any additional names or evidence for this investigation.*

On June 3, 2022 Mr. Jesse Libby was re-interviewed by Ms. Maria Masnayan, PMA III via phone.

Mr. Libby stated that he did a student internship at the legislature around 2014/2015, but did not meet Chris Duenas until he started working at GBHWC.

Mr. Libby stated that he also had received fundraising tickets from Chris Duenas at work during work hours. That they had met in the hallway and Mr. Duenas had asked him if he would like to purchase the fundraising tickets to re-elect Lou and Josh. Mr. Libby stated that he did purchase the ticket, paid for them and had given the money to Chris Duenas the same day. Mr. Libby does not recall the day that this transaction occurred.

At no time did Mr. Libby or Mr. Duenas discuss any concerns or situations regarding Ms. Nicole Chargualaf.

Mr. Libby stated he only recalls that when she (Chargualaf) had turned in her second written Letter of Resignation she informed him about herself receiving the campaign ticket and that was it. Nothing else was discussed.

On June 8, 2022 Ms. Jamie Pangelinan was re-interviewed by Maria Masnayan, PMA III via phone

Ms. Pangelinan advised staff she could not find the complete (whats-app texts), and that she had nothing further to add to the investigation.

On June 24, 2022 Ms. Carissa Pangelinan was interviewed via ZOOM by Ms. Maria Masnayan, PMA III and Mr. Roland Fejarang, PMA.

Ms. Carissa Pangelinan stated she is currently the Deputy Director of GBHWC.

Ms. Carissa Pangelinan stated that she does know Ms. Nicole Chargualaf the complainant and that they had initially met back in 2017 because Ms. Chargualaf is Ms. Pangelinan's brother's daughter's best-friend. In full disclosure, Ms. Pangelinan informed staff that Ms. Jamie Pangelinan, a current employee with GBHWC, is Ms. Chargualaf's best friend and is Ms. Carissa Pangelinan's niece.

Ms. Pangelinan stated she was only aware of the complaint when it was made public in the Daily Post and made aware of more of the details when it was filed in the agency's office. Director Therese Arriola informed her that there was a complaint made and had informed Ms. Pangelinan who the employees was and what the complaint was about.

Other than the media outlet and Ms. Arriola, Ms. Pangelinan stated that she was not made aware nor were there any discussions of the complaint made between herself and Ms. Jamie Pangelinan.

When asked by staff if she had received any tickets regarding this particular fundraiser, Ms. Pangelinan responded, "Yes" and that she had received them from her village organization. Ms. Pangelinan in full disclosure, stated that she is a cabinet member and also part of the village organization regarding the re-election campaign and that she did receive the re-election fund-raising tickets. Ms. Pangelinan informed staff that she did share the tickets with her friends and family and had kept some for herself and given some away for free.

Ms. Pangelinan stated that she did not receive the fundraising tickets from anyone in the GBHWC agency and that they were received from the re-election headquarters located at the old Nissan auto city.

Ms. Pangelinan stated that at no time did she give any tickets away to anyone during working hours or in any government building or at the GBHWC building.

Ms. Pangelinan stated that she was only made aware that tickets were being passed out at GBHWC when it had been released through the media.

When asked by staff at any time did Ms. Pangelinan and Ms. Jamie Pangelinan discuss Ms. Nicole Chargualaf's complaint regarding the fundraising tickets, or did Ms. Jamie Pangelinan disclose to her that she (Jamie Pangelinan) was going to pay for the ticket and stated to Ms. Jamie Pangelinan to "give those tickets back and remind her why she has her job?" Ms. Carissa Pangelinan responded, "No, I never said anything like that..."

On June 2, 2022 Mr. Chris Duenas was re-interviewed via phone while on emergency leave by Ms. Maria Masnayon PMA III. Staff would like to note that during this re-interview Mr. Chris Duenas was under duress. Mr. Duenas has been out for leave for a couple of weeks, employee had just buried his grand-mother 3 (three) days prior to this re-interview and his father has been in the hospital for a while.

Staff wanted to clarify with Mr. Duenas if his legal name is Chris or Christopher Duenas, Mr. Duenas informed staff that his legal name is Chris Duenas.

Staff asked Mr. Duenas if he had given anyone else at the agency fundraising tickets other than Ms. Nicole Chargualaf. Mr. Duenas responded, "No, it was just Nicole", staff asked if he was sure it was just Ms. Chargualaf, Mr. Duenas responded, "yes, just Nicole".

Staff asked Mr. Duenas when Ms. Chargualaf had given him the envelope with the payment in it, does he recall opening the envelope, Mr. Duenas responded that he does recall opening the envelope and inside the envelope was about \$20 or \$25, if he can recall.

Again, staff questioned Mr. Duenas if he is sure that he had opened the envelope from Ms. Chargualaf, Mr. Duenas stated that he did. Staff thanked him and parties hung up the phone.

Approximately, 10 minutes later, Mr. Duenas called staff back and had apologized about the re-interview. He informed staff that due to all the things going on with his grandmothers funeral and his father being very ill and being in the hospital, he recalled that he also had given an envelope to Ms. Jamie Pangelinan. That it was Ms. Jamie Pangelinan that he had given an envelope with the fundraising ticket first, then he gave Ms. Nicole Chargualaf an envelope.

Again, staff asked Mr. Duenas was there anyone else that he had given tickets to, again Mr. Duenas responded, "No".

Staff then asked if Ms. Jamie Pangelinan had paid for her fund raising ticket. Mr. Duenas stated that she did not give any funds to him that it was only Ms. Nicole Chargualaf, in an envelope containing about \$20 or \$25.00

VI. CONCLUSION:

During the course of this investigation, the staff has concluded the following that:

Ms. Nicole Chargualaf (**complainant**) did receive an envelope containing a political fundraising ticket at GBHWC. The ticket she received was for the committee to re-elect LOU & JOSH and the cost of the fundraiser ticket was for \$25. Ms. Chargualaf admitted to receiving money from Ms. Pangelinan to pay for the ticket, and finally returned the money for the fundraising ticket to Mr. Duenas on government premises during government work hours.

Ms. Nicole Chargualaf an unclassified employee of GBHWC is under the less restrictive employee group, and *indirectly and unintentionally* violated the Political Activity Law by agreeing to take the money from Ms. Pangelinan to pay for the ticket on her behalf and returning the funds to Mr. Duenas in a government building.

Therefore Ms. Nicole Chargualaf violated the following:

5 GCA 5103. Prohibited Activity.

(b) Specific activities in which employees are prohibited from participating include, but are not limited to:

(1) soliciting, *collecting, handling, disbursing* or accounting for assessments, contributions or other *funds for a political party*, partisan political organization or candidate; and,

(6) *using government* travel allowances, government transportation, government supplies or government *facilities for the benefit of any political party*, partisan political organization or candidate.

Mr. Chris Duenas admitted to staff that while on his personal break he distributed campaign fundraising tickets at GBHWC to Ms. Nicole Chargualaf and Ms. Jamie Pangelinan on government premises and during government work hours. Mr. Duenas also admitted to collecting funds from Ms. Chargualaf for the ticket during working hours.

Mr. Chris Duenas an unclassified employee of GBHWC is under the less restrictive employee group, and *indirectly and unintentionally* violated the Political Activity Law when engaging in the distribution (selling) and the collecting of money for the fundraising ticket on government premises during government work hours.

Therefore Mr. Chris Duenas violated the following:

5 GCA 5103. Prohibited Activity.

(b) Specific activities in which employees are prohibited from participating include, but are not limited to:

(1) soliciting, *collecting, handling, disbursing* or accounting for assessments, contributions or other *funds for a political party*, partisan political organization or candidate; and,

(2) organizing, *selling tickets to, seeking support for or actively participating in a fund-raising activity of a political party, partisan political organization or candidate;*

(6) *using government* travel allowances, government transportation, government supplies or government *facilities for the benefit of any political party*, partisan political organization or candidate.

Ms. Pangelinan confirmed that she did receive and paid for political fundraising tickets at GBHWC. Ms. Pangelinan admitted she paid for the ticket for herself and Ms. Chargualaf then gave money for the fundraising ticket to Mr. Duenas for her ticket and gave money for the fundraising ticket to Ms. Chargualaf for her partner on government premises and during government work hours.

Ms. Jamie Pangelinan unclassified employee of GBHWC is under the less restrictive employee group, and *indirectly and unintentionally* violated the Political Activity Law when accepting and paying for the fundraising ticket on government premises during government work hours.

Therefore Ms. Jaime Pangelinan violated the following:

5 GCA 5103. Prohibited Activity.

(b) Specific activities in which employees are prohibited from participating include, but are not limited to:

(6) *using government* travel allowances, government transportation, government supplies or government *facilities for the benefit of any political party*, partisan political organization or candidate.

Mr. Jesse Libby confirmed that he did receive a political fundraising ticket at GBHWC during government work hours.

Mr. Jesse Libby an unclassified employee of GBHWC is under the less restrictive employee group, and *indirectly and unintentionally* violated the Political Activity Law when receiving and paying for the fundraising tickets, on government premises (GBHWC) during government work hours.

Therefore Mr. Jesse Libby violated the following:

5 GCA 5103. Prohibited Activity.

(b) Specific activities in which employees are prohibited from participating include, but are not limited to:

(6) *using government* travel allowances, government transportation, government supplies or government *facilities for the benefit of any political party*, partisan political organization or candidate.

Staff further concludes that all of the above employees had limited or no knowledge about **4 GCA, Chapter 5. Political Activity** as it applies to employees of the government of Guam, and the Commission should determine whether a violation of § 5103 warrants removal or a penalty of not more than 30 (thirty) days suspension without pay to the employees for their *indirect and unintentional* participation.


The above employees believe because they were unclassified, that the political activity law did not apply to them and were not fully aware that receiving or disbursing a political ticket in a government building was a violation of 4 GCA § 5103.

These employees relied on their personal relationship (friendship) that everything would be acceptable regarding political activity in the workplace.


VII. RECOMMENDATION:

Staff recommends that Civil Service Commission impose the appropriate proportional penalty for the above employees for their involvement regarding the violation(s) of 4 GCA § 5103 in accordance with 4 GCA §5105(b) (**EXHIBIT 2**).

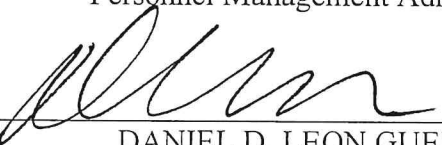
Respectfully submitted,

 6-28-22

MARIA P. MASNAYON
Personnel Management Analyst III

 6-28-22

ROLAND P. FEJARANG
Personnel Management Administrator

 7/1/2022

DANIEL D. LEON GUERRERO
Executive Director

Exhibits

1. Emp. complaint
2. 4GCA Chapter 5
3. Sample Ltr of Resign
4. Resign. Ltr to To whom it may concern dtd 8 Mar 2022
5. Ord After Hearing Case 22-MH01
6. Photo w/plaid blouse (N. Chargualaf)
7. Photo overalls (N. Chargualaf)
8. Emails from complainant (5-242022 thru 6-1-2022)