



Susan Corbin <susan.corbin@csc.guam.gov>

Fwd: Request for Notice of Final Adverse Action - Leo Rustum Espia

1 message

Charles Esteves <charles.esteves@oldghs.guam.gov> Wed, May 11, 2022 at 6:55 AM

To: daniel.leonguerrero@csc.guam.gov

Cc: eric.miller@csc.guam.gov, roland.fejarang@csc.guam.gov, janeque.sagun@csc.guam.gov, susan.corbin@csc.guam.gov

Hafa Adai Executive Director Leon Guerrero,

Please see attached request to revoke Leo Rustum Espia's notice of final adverse action. I attempted to send it to the csc.document.filing@csc.guam.gov email address but received a failed delivery notification. Thank you.

r/
Charles

----- Forwarded message -----

From: **Charles Esteves** <charles.esteves@oldghs.guam.gov>

Date: Mon, May 9, 2022 at 1:50 PM

Subject: Request for Notice of Final Adverse Action - Leo Rustum Espia

To: <csc.document.filing@csc.guam.gov>

Civil Support Commission,

Attached is a request to revoke Leo Rustum Espia's notice of final adverse action unlawfully initiated by Samantha Brennan, Homeland Security Advisor. Please let me know if I need to address this with someone within the agency. Thank you.

r/
Charles Esteves
Administrator, Office of Civil Defense
(913) 705-9009

CIVIL SERVICE COMMISSION

2 attachments

Revocation of NFAA_Leo Rustum Espia.pdf
179K **Enclosures.pdf**
16141K11 2022
6:55 AM
RECEIVED

22-312



Lourdes A. Leon Guerrero
Governor
Joshua F. Tenorio
Lieutenant Governor

OFFICE OF CIVIL DEFENSE
Ufisinan Difensia Sibet
221-B Chalan Palasyo, Agana Heights, Guam 96910
Tel: (671) 475-9600 / Fax: (671) 477-3727
www.ghs.guam.gov



Charles V. Esteves
Administrator
Marie T. Quenga
Administrative Services Officer

May 9, 2022

MEMORANDUM FOR

Human Resources Division, Department of Administration, P.O. Box 7420, Tamuning, Guam 96931
Case Manager, Civil Service Commission, Bell Tower, 710 Marine Corps Drive, Suite 201, Hagatna, Guam, 96910

SUBJECT: Revocation of Notice of Final Adverse Action and Terminate Case File

1. Requesting to revoke Leo Rustum J. Espia's ('Leo') Notice of Final Adverse Action under CSC AA R. 11.7.4.¹

2. Background.

a. February 1, 2022. Samantha J. Brennan ('Samantha'), Homeland Security Advisor (HSA), coordinated with the Attorney General's office to conduct an administrative investigation on Leo for the use of a privately owned server (Enclosure 1).

b. February 17, 2022. Samantha issued a letter of warning to Leo for making false statements (Enclosure 2).

b. February 21, 2022. Samantha placed Leo on administrative leave according to the Department of Administration's (DOA) Personnel Rules and Regulations (PR&R) Rule 8.408 Absence Pending Formal Investigation² (Enclosure 3).

c. February 23, 2022. Leo responded to the HSA's letter of warning (Enclosure 4).

d. April 15, 2022. Samantha initiated a Notice of Proposed Adverse Action. AG1 Donald San Augustin from the Office of the Attorney General personally delivered it (Enclosure 5).

e. April 25, 2022. Leo responded to Samantha's Notice of Proposed Adverse Action (Enclosure 6).

f. April 26, 2022. Samantha initiated a Notice of Final Adverse Action to Leo and coordinated with AG1 Donald San Augustin from the Office of the Attorney General to personally deliver it (Enclosure 7).

¹ Civil Service Commission, Amended Adverse Action Appeal Rules of Procedure (Civil Service Commission, 2010), <https://csc.guam.gov/sites/default/files/Adverse-Action-Rules-of-Procedures.pdf>, 21.

² Guam Department of Administration, "Personnel Rules and Regulations," October 1, 1996, 89.

3. Authority. The HSA is not an appointing authority and therefore does not have disciplinary authority; 10 Guam Code Annotated (GCA), Chapter 65 provides that authority to the Administrator, Office of Civil Defense (Enclosure 8).

a. Administrator, Office of Civil Defense.

(1) 10 GCA §65103 (a). Designates the Administrator as the administrative head of the Office of Civil Defense.³

(2) 10 GCA §65103 (b). Authorizes the Administrator to employ personnel.⁴

b. Homeland Security Advisor, Office of Homeland Security. 5 GCA § 14.104.1 and § 14.104.2. list the HSA's duties and responsibilities (Enclosure 9). The position of the HSA is an advisory role. The legislation establishing the Office of Homeland Security and the position of Homeland Security Advisor:

(1) does not give the Office of Homeland Security control over the Office of Civil Defense.⁵

(2) does not name the HSA as a director or head of the agency; charges HSA to manage their office but does not authorize the HSA to employ personnel.⁶

(3) states the position is subject to funding, demonstrating its lack of essentiality for government functionality.⁷

(4) does not require a confirmation hearing generally reserved for directors and deputy directors because it is simply an advisory position.⁸

4. Unlawful Disciplinary Actions. Samantha's lack of authority makes her disciplinary actions against Leo unlawful.

5. Appearance of Retaliation. After reviewing the documents and the timeline, Samantha's actions appear retaliatory. There are multiple complaints related to Samantha's toxic leadership style and personality, the hostile work environment she created, and her actions against Leo (Enclosures 11-14). Leo's response to Samantha's letter of warning (Enclosure 2) alleges Samantha acted against him because of the following unlawful and illegal activities:

³ "Guam Civil Defense Act of 1951," 65103 §, accessed November 11, 2009, <http://www.guamcourts.org/CompilerofLaws/GCA/10gca/10gc065.PDF>.
<http://www.guamcourts.org/CompilerofLaws/GCA/10gca/10gc065.PDF>.

⁴ Ibid.

⁵ "Homeland Security and Emergency Management Modernization (P.L. 35-133:)," 14.102 § (2020), <http://www.guamcourts.org/CompilerofLaws/GCA/05gca/5gc001.PDF>.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

(1) Disabled Leo's Badge and Access to the Facility. By unlawfully denying Leo access to the facility, Samantha obstructs governmental functions according to 9 GCA § 55.45 by preventing Leo from performing his assigned government duties and responsibilities.⁹

(2) Instructed Staff Not to Talk to Leo. Samantha unlawfully instructed the staff to stop all communications with Leo. Samantha interfered with the grievance process in violation of DOA PR&R Rule 12.401. Additionally, Leo could not exercise his right to seek advice under DOA PR&R Rule 12.403 (Enclosure 15) because of Samantha's instructions given to the Administrative Services Officer / Equal Employment Opportunity Counselor to cease all communications with Leo (Enclosure 16).¹⁰

(3) Directed a Law Enforcement Officer to Check on Leo at the Clinic and Obtain Information. Besides the waste of government resources, Leo stated that Samantha sent a law enforcement officer to obtain information on Leo's purpose for visiting the clinic. If true, her actions and the law enforcement officer's actions may violate the Health Insurance Portability and Accountability Act of 1996 Privacy Rules.

6. As the disciplinary authority, I will do my due diligence and conduct an inquiry on the claims brought forth by Samantha when I return from military leave in June. If there are findings, I will ensure Leo is afforded job protection procedures outlined in DOA PR&R Rule 11.202 versus Samantha's extreme targeted approach aimed at dismissal:

a. Informal counseling

b. A reasonable opportunity to correct inadequate performance

7. Leo has over 20 years with the Office of Civil Defense. Having worked with him for seven of those twenty years, I can say that he is a hard worker, has a respectable reputation in the emergency management community, and has a clean record. I am troubled by the actions taken against him while I am away for military training. As Leo's direct supervisor and head of agency, thank you for hearing my case in support of him and the injustice against him.

8. Point of contact is the undersigned at mobile (913) 705-9009 or charles.esteves@ghs.guam.gov.



Digitally signed by Charles Vincent Esteves
DN: cn=Charles Vincent Esteves, o=Government of Guam,
ou=Office of Civil Defense,
email=charles.esteves@ghs.guam.gov, c=US
Date: 2022.05.09 13:35:05 -05'00'

CHARLES V. ESTEVES, MA, MPA, CM
Administrator
Office of Civil Defense

Enclosures

⁹ "9 Guam Code Annotated, Chapter 55 Interference with Government Operations and Law Enforcement," 55.45 § (2019), <http://www.guamcourts.org/CompilerofLaws/GCA/09gca/9gc055.PDF>.

¹⁰ Guam Department of Administration, "Personnel Rules and Regulations," 131.



Enclosure 11 (Incident Report_Michelle Galang_18 Feb)

GUAM HOMELAND SECURITY / OFFICE OF CIVIL DEFENSE

Inasiguran / Tano' Guahan / Ufisinan Difensia Sibet

221-B Chalan Palasyo, Agana Heights, Guam 96910

Tel: (671) 475-9600 / Fax: (671) 477-3727

Website: www.ghs.guam.gov



Lourdes A. Leon Guerrero
Governor
Joshua F. Tenorio
Lieutenant Governor

Samantha J. Brennan
Homeland Security Advisor
Charles V. Estaves
OCD Administrator

February 18, 2022

To: Guam Homeland Security / Office of Civil Defense

Attention: Equal Opportunity Officer (EEO)

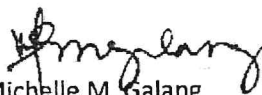
Subject: Incident Report – LEO ESPIA (Leave Forms)

Please see below the timeline of the incident.

- I got a text today at 9:17AM from Leo Espia notifying me about his leave forms to give to HSA
- 9:30 AM - I printed the leave forms and gave it to HSA
- 09:40 AM - Per HSA Leo's leave form is denied as an annual leave due to policy that any ANNUAL LEAVE requests must place in ahead of time. If he is sick, he needs to get checked and provide a doctor's certification. HSA specifically instructed me to tell LEO right away and LEO needs to call her regarding his status today.
- At 9:46 Called LEO via WhatsApp but the call did not made it through due to connections
- 9:47 AM called Leo again on local call via his cellphone. He has a hoarse voice, low tone and very soft that sounded really sick. I relayed the message to him that his leave is denied and needs to talk to HSA by today.
- Leo said he will see the doctor later today and will provide the doctor's note once he get it. He also stated it is noted on the email cc'd along HSA on his personal email because he could not access his GHS email.
- At 9:52 AM Leo texted back that he is not feeling well and will take a nap. He also texted that he will call HAS later this afternoon when he wakes up. I texted him back to "rest well sir and take care of your health, will worry the leave forms later".
- After a few minutes, I went to Marie's office to notify her about the leave for LEO is denied by HSA and talk about other work related matters when suddenly the HSA barged in to the room. I vividly remembered that she told me in front of Marie that whatever happens in Admin must stay in admin and no one should know.
- At 11:00 HSA stepped out in her office instructed me to reprint LEO's leave form and called me to her office. She demanded me to bring my cellphone.
- I noticed that there is another lady in her office, an older woman in her mid-size. She appears to be very close to HSA and they were whisperings while talking that I could barely understand it and I'm not sure what her presence with HSA is at that time. She sounded like an expert counselor, coaching HSA what to do.
- HSA asked me if I called LEO and relayed what she told me. I said "YES Mam".
- She asked me to call LEO on my cellphone and at 11:05am LEO picked up the call. I quickly told him that I'm on the phone with HSA on speaker. I felt the need to notify LEO so I can be neutral to what is going on between them.
- HSA ordered LEO to come to the office in the afternoon to talk to her. LEO replied "Mam I am sick and cannot come to the office today, I have a doctor's appointment and Im going to see him today.
- HSA replied again, "if you are going to the doctor who is your doctor and what time is your appointment?"
- LEO responded on low tone voice shaking "I will be going to Dr. Chenet as a walk-in at 1:30pm today"
- HSA replied on taunted tone," so LEO you don't have an appointment and you will see him this afternoon. After you see your doctor I want you to come to the office and see me at 3pm, understood?
- I am in awe of the conversation, I wanted to talk back and remind the HSA that is HIPAA violations for asking personal question to LEO. The employee is sick and you demanded him to come to work, what if he has COVID or we don't know why he is sick. Instead, I kept mum not to get involved.

- After we hung up on the phone with LEO, HSA instructed me not to talk to anyone about the situation.
- I told HSA that "what if My ASO Marie asked me what is going on, you know that technically she is my immediate supervisor, which is My boss too".
- HSA responded to me "then who is her boss", I said "you", she retorted back, "see I told you, I am in a charge, and whatever we've talked about it here, you do not disclose it to anyone, not to Marie, not to Pat, not to LEO. I will write you up if ever this leaks to anyone.
- If anyone asked about it, you should say "I'm not allowed to talk about it, per HSA instructions,"
- I am also instructed by her that do not accept a call, not to respond to emails or text, nor engage any conversation with LEO for she will respond to all of it.
- With her enraged mood today, I have no choice but to oblige to what she demands.
- I acknowledged and noted all instructions.
- HSA asked me if my phone is Government Issue and replied "yes".
- She took my phone, scrolled on the time where we called LEO and captured it. The lady that was in the room that I never dared to ask instructed her to do it.
- They both took a picture of conversation trails with LEO on whatsapp and all outcalls made to him today from my phone.
- The lady was talking about legal matters that I don't understand within their conversation because I actually have no idea what is going on between them.
- Before I left the room HSA instructed me to make an incident report about today with LEO.
- I wanted to talk back again and tell her that there is no incident report to write but with her kind of intimidation, the attitude and power check, I just walked away and do what was told just to avoid another confrontational conversation.
- I have provided the incident report as instructed by HSA. Took me three resubmission to her because she did not like the wordings I noted on the report.
- I have no knowledge of what is going on between LEO and HSA and the purpose of that report.

Sincerely


Michelle M. Galang
Administrative Assistant



Enclosure 12 (Incident Report_Michelle Galang_21 Feb)

GUAM HOMELAND SECURITY / OFFICE OF CIVIL DEFENSE

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Lourdes A. Leon Guerrero
Governor
Joshua F. Tenorio
Lieutenant Governor

Samantha J. Brennan
Homeland Security Advisor
Charles V. Esteves
OCD Administrator

February 21, 2022

To: Guam Homeland Security / Office of Civil Defense

Attention: Equal Opportunity Officer (EEO)

Subject: Incident Report – LEO ESPIA (Leave Forms)

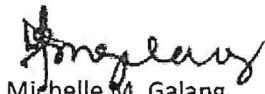
Please see below the timeline of the incident.

- 07:00AM, I saw the email from LEO this morning, and he sent it at 6am via email to HSA, cc'd me and Marie .
- It is payroll week this week and as a timekeeper I printed and prepare it for signature for HSA.
- 9:00am, I gave the leave forms to HSA, she started to get annoyed and in her loud voice, "Michelle what did I tell you last week, do not engage or even respond to LEO's email.
- I replied to her, "Mam, I did not respond to email, I just printed it, it was emailed to you, to me and to Marie. "
- She furiously said, "Did I asked you to print it, was the email sent to you? Or were you just cc'd on the email? You do not do anything if it is only cc'd to you. You don't print it unless I asked you to do so. See Michelle you are not listening to me. I am trying to get you out of this and protect you, but you keep involving yourself into this, before you print and you do something, ask me if first. ". She was yelling at me.
- I responded back " Boss, I am a timekeeper Im here to relay what was sent to me and first of all it is payroll week, it is my duty to ensure all timesheet and leave forms are being signed by the supervisors. I don't know what is going on and I don't even know where I stand between you and LEO and I don't want to get involved".
- She responded again in an irritated tone "I told you not to do engage or respond to email but look what are you doing, I don't know Michelle, Im trying to protect you but you keep involving yourself into this. Don't do anything unless I told you to do so". That was the second time she repetitively told me.
- I wanted to talk back at her and tell her how could you say you are protecting me when your response to every little thing sounded hostile. I felt, i am aggressively intimidated by her behavior. The way she speaks to me sounded like I'm always at fault when I am just relaying all the messages from employees.
- I walked away, left her office, felt stressed of how a petty issue can become like this.
- I was going to Marie's office but I noticed HSA stepped out in her office, looked at me, watching me where I am going. So I went back to my desk.
- After 10 minutes, I was about to go outside but I noticed HSA is standing at the hallway at the entrance of the Planning office and about to leave to walk behind to kitchen or MRFC area. I went to the bathroom, vomited twice and stayed for few minutes, after that I went straight to Pat's office. I was fumingly shaking. My head feels it's going to explode in pain. I had my PMS today and usually I managed to endure the headaches, but today I felt that all the veins in my head are going to snap.
- While at Pat's office I asked him if I can I stay in his office for 10 minutes because I need to talk to him. Pat is in the middle of the Morning EOC briefing via zoom. So I waited and when suddenly the HSA came to his office too and stood right next to me waiting for Pat's to finish.
- I got up and told Pat, I'll come back regarding Joel and John Sched.
- HSA asked me" what do you need in Pat". I just walked away.
- I went upstairs and stayed in my car. I prayed for a few minutes to gain my strength and called hubby what to do. I vomited twice and my headaches is really bad. I wont be able to drive to go home. I feel Im going to pass

out, I told him, I don't want to die here. Pick me up at 11am. He said he will come and get me and if anything call 911.

- My rights have been suppressed by her, my right as an employee, to whoever I choose to talk to, my freedom to talk to anyone, my freedom to go anywhere even in the bathroom, I feel I am being watched by her. I am no longer safe from her. I feel that she is going to eat me alive at anytime.
- at 10:30am I went back to Pat's office seeking for guidance. I wanted to talk to Marie but HSA is following me, I feel that she is stalking me and watching every move that I do when I leave my desk.
- Pat advised me to talk to Marie since she is the EEO, we called Marie to come to Pat's office and I relayed everything what HSA did to me since last Friday (February 18, 2022). Marie sent me home to calm me down.
- I notified HSA that I'm leaving early today and I don't feel well. Bad migraine on a combination of vertigo and stress. She said give your leave forms to Marie and I will look into it.
- I gave my leave forms to Marie and I left without further ado.

Sincerely



Michelle M. Galang

Administrative Assistant

March 10, 2022

To: Whom it May Concern
From: Cherika L. Chargualaf, GFD, ESF 4, 9, 10
Subject: Incident Report
Ref: Wednesday, February 16, 2022

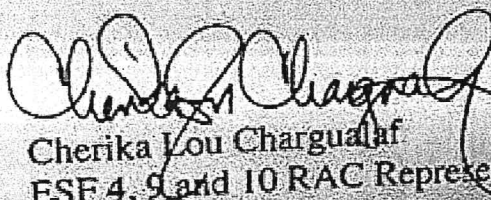
On Wednesday, February, 16, 2022, at 0900 hours, Mr. Peter Crisostomo conducted the morning briefing. After gathering updates from the different RAC representatives, Mr. Crisostomo called on the various Homeland Security sections (Operations, Logistics, Planning, etc.). He then called on Mr. Leo Espia, EOC Director. Mr. Espia stood at the front of the room and was addressing the RAC representatives present about the email that he had sent the previous Saturday and what those changes entail. He was explaining that the HSA is implementing remote EOC beginning Monday, February 21, 2022. He informed us that we, RAC representatives, are still expected to submit all daily reports, attend both morning and afternoon briefings, and answer to each other as well as other Homeland Security staff during the hours of 0800-1700.

It was at this point that I stood up and walked towards the middle aisle so that I can hear what he was saying better as well as voice my concerns. When he completed explaining the changes, I then began to explain that what the HSA, Homeland Security and the Office of Civil Defense is expecting of us isn't fair to us. They can't expect for us to return to our agencies and continue to be committed to the EOC and COVID Response. I told him that the 8 to 5'ers, once they are at their agencies, they are too busy doing other things for their agency to be focused on the EOC's needs. And personally for me, as a shift worker, if I am working a shift outside of the normal 0800-1700 hours and anyone is to message or call me for something that is urgent, I more than likely will not get that message right away. I told him that some issues that arise require immediate response and action and with us working remotely that isn't always going to happen. The RAC representatives from the Guam Army National Guard, Mr. Brenton Adams and GMH, Ms. Debbie also voiced similar thoughts and feelings regarding the changes. While they were talking I noticed the HSA walking back and forth outside the EOC door. Mr. Espia then thanked us for speaking up and voicing our concerns.

At this time the HSA entered the EOC. She stood at the front of the room with her arms crossed. Initially, Mr. Espia didn't see her come in but when he did he stopped talking, giving her the floor to speak. She then told him to continue. He informed her that we were just discussing the changes that were coming up on the posturing of the EOC. She told him that the EOC deactivating was not what was happening that all she was doing is that sending us to our agencies to work from there. Mr. Adams, GUNG, then said, "But ma'am, no disrespect but I don't understand how that is going to work." She stopped him from speaking and asked him if he has spoken with his management. He informed her that his direct supervisor is not tracking any changes. She then said that she spoke with a Guzman with the Guard and he approved the changes and until he speaks with his leadership then he can talk to her. She went on to say that she had spoken with all of our leadership and they are in agreement. It was then that Ms. Debbie, GMHA asked her whom from GMH she spoke with. She responded by saying that she hasn't spoken to GMH leadership yet as Ms. Lillian Posadas is on leave. Ms. Debbie informed her that Jeff Ventura was the Incident Commander for

GMH. The HSA said she'd contact him. I then began to repeat what I had said earlier in the briefing to Mr. Espia, about how expecting the RAC representatives to return to our agencies yet stay committed to the work being done in the EOC is not realistic. I went on to say that with the numbers being so high and the amount of patients in the hospitals and in the Isolation Facility being in the double digits this is not the appropriate time for the EOC to go to remote operations. She informed us that there are talks of closing the Isolation Facility in the upcoming two weeks. Both Mr. Adams and I then stated that maybe it would be a good idea to wait for that to happen then switch the EOC to remote but now is just not the right time. She then began talking about what other EOCs within the region are doing. How Guam is the only EOC in operations for twelve hour shifts. Mr. Adams attempted to explain that the few agencies that are activated til 2000 hours is due to the ongoing COVID transports operations. She cut him off and reminded him to speak with his leadership. With each RAC representative voicing their concerns she would interrupt them and tell them that they needed to relay their concerns to their leadership and not to her. She reminded us that this change was happening effective Monday, February 21, 2022. This type of conversation continued for another 30 minutes. She kept insisting that this was happening and that if it doesn't work then we can all return. Before she left the room she stopped and informed us that she did not appreciate that we were blaming Ms. Cara Chamberlain for the abrupt changes to the EOC's posturing. After she made that statement she walked out of the EOC.

Throughout this interaction with the HSA and the various RAC representatives, Mr. Espia stayed quiet and observed. Mr. Espia thanked all of us for all the work that we have done and continue to do in the COVID response efforts. He also thanked us for speaking up. He informed us that he had spoken to the HSA numerous times prior but it was great that she was given an opportunity to hear it from us, directly. The briefing was then concluded by Mr. Peter Crisostomo at 1012 hours.



Cherika Lou Chargualaf
ESF 4, 9 and 10 RAC Representative
EMD Supervisor
Guam Fire Department

Samantha Brennan was appointed as the Homeland Security Advisor (HSA) on October 26, 2021. Since her appointment, she has made the workplace at Guam Homeland Security/Office of Civil Defense, a hostile work environment and trusts only a handful of people to feed her information. There have been a series of incidents where Samantha Brennan has undermined hard working employees and did not value the efforts they have made into their projects. She constantly contradicts herself through her words and actions, shows favoritism, discriminates against Filipinos, and gossips to other employees about her discontentment with the employees she does not favor. The situations reflected in this letter are a compilation of incidents that took place with different parties, witnessed events, and concerned employees. We've reached a point where several people are working to transfer out of the organization and one employee has already quit.

Enclosure 14 (Incident Report_Maria Romulo)

The most recent event occurred on February 25, 2022 at 8 am. Samantha Brennan expected her subordinate to open the door for her as she walked in. As Mrs. Brennan was walking into the facility, she was walking at a much slower pace than her subordinate. As they were both walking the same path to clock-in, her subordinate entered first, which caused the first door to close in front of Mrs. Brennan. Whilst the subordinate was punching in their key-code to get to the second door, Mrs. Brennan finally opened the first door, and she told her subordinate that what happened was "So rude." The subordinate felt that comment was unnecessary, coming from the leader of their agency. The appointed HSA and the employee are more than capable of opening their own doors, neither one of them have a physical disability that would prevent them otherwise. The subordinate is not her servant and that is not in the subordinate's job description. As a sign of good faith and professionalism, the subordinate opened the door for Mrs. Brennan at the second entrance, apologized, and she piggy-backed on this subordinate's entrance card. As a safety and security protocol, each employee is supposed to swipe their own cards to enter and Mrs. Brennan failed to do so. Later in the day, Mrs. Brennan gossiped about this "situation" with another staff claiming that, "an incident took place" and made further comments about the subordinate that were inappropriate to this staff member. That same week, she gossiped to a supervisor and this person just laughed at the situation. This situation made that staff member feel that the Advisor was so entitled and assumed that the Advisor expects everyone else to grovel at her feet. Although it is common courtesy to open doors for others, employees are not required to drop everything to cater to someone else who is fully capable of opening a door. It is petty, and that subordinate's natural origin is Filipino.

The second incident that day occurred when she presented a memo to each department to sign under duress. Samantha Brennan conducted a meeting in which she disclosed to everyone that Leo Espia (another Filipino employee) had failed to answer his government issued phone and failed to respond to her. She shared with all the staff in attendance that Leo Espia has been placed on Administrative Leave. However, Mr. Espia has been in contact with our HR notifying Marie Quenga and members of his team of his condition. At the moment, Mr. Espia disclosed that he is so sick and is unable to stay up for long periods of time. The pressure and hostile work environment she has placed against him, has affected him greatly and has not helped his healing process. An employee's work status is and should be a confidential and personnel matter. Mrs. Brennan's actions have been inhumane towards Mr. Espia's health condition. Mrs. Brennan has also stated that Mr. Espia's work email has been disabled, and we are ordered not to communicate with him at all, whether it be through "email, in-person, phone call, text, or social media." Mrs. Brennan's approach has pressured staff members to unwillingly sign and acknowledge the gag order. The document we signed was on a separate sheet from the memo and could be altered at any time. Mrs. Brennan stated that anyone who contacts him will be reprimanded, which caused the employees to sign it, fearful of what is to come if they do not. This is a form of retaliation and segregation against a loyal employee. She notified the entire GHS/OCD staff except for Mariana Fusion Center and only the MRFC is questioning what happened to Leo because she skipped a group. If he did not do anything illegal, why are not his subordinates or staff unable to contact Leo to fulfill not only their own projects, but projects he left behind? Mr. Espia has also expressed that Mrs. Brennan is biased and constantly rejects and questions his leave, while she doesn't for others. Leo works 24 hours to respond to incidents and to fulfill requests from our federal grantors.

This makes staff question why there is preferential treatment and why do we accrue leave, if we cannot use it?

Leo Espia has worked diligently for decades for Guam Homeland Security and the Government of Guam. He has dedicated his life to emergency management. Due to their altercations with one another, she is retaliating against him on a personal level in front of other staff. She is segregating our agency and forcing us to deny talking to him, denying all of us our right to the first amendment and whistle-blowing. She has constantly stated that she is "not here to micromanage", but within two months of her appointment, she has stripped supervisors, such as Leo of their responsibilities of being a supervisor and placed all of the Planning Department under her supervision.

Another situation in which Mrs. Brennan's actions contradict her statement of "not here to micromanage," occurred when an employee was signing in to work. The employee had notified the time keeper that the time they indicated on the sign-in sheet does not reflect the actual time they had come into work. The employee wanted to clearly relay that, to prevent any misunderstanding of when they signed in. When Samantha Brennan overhears the conversation of the sign-in sheet, she storms out of her office, yells at the employee's face, breaking social distancing protocols, causing the decline of morale and placing the employee in a stressful situation throughout the entire day. Samantha Brennan never inquired as to why the employee had signed-in late. Her tone was so loud that it managed to reach the entire Emergency Operations Center, planning, and the Joint Information Center personnel. There have been countless times in which other staff members come in late and leaves early, but she never berates them. She only berates and is critical of a specific group of people, mainly Filipinos. She constantly bullies the same people into submission and allows other workers to leave work early on a daily basis. She is so conscious of employees signing in, but ignores when employees sign-out early.

Samantha Brennan has placed the State Warning Point (SWP) staff to track employees' attendance. If they did not physically see you walk in the front door, and you are not on their daily log, whether you came in or not, she will not pay you for that day. Even if you sign-in to work, she will not pay you if a member of the State Warning Point division did not see you. Even if you swipe-in using your key entry card to the building, she will not pay you. Even if your office-mates saw you the entire day, she will not pay you. Samantha Brennan is reliant on the people who have different shifts and roles in a day, have other duties and responsibilities, to track your attendance. The State Warning Point is incredibly busy and is often understaffed. There are times where the employees of the SWP are not at their desk due to other pressing matters. We are in the response phase of COVID-19 and the SWP is also in charge of loading/unloading supplies for the COVID-19 response.

She needs to make everyone understand how we have all these methods of tracking our attendance (i.e. a sign-in sheet and swipe in card that tracks every time you enter the building.), but is reliant if the State Warning Point staff sees employees or not? She does not track when people leave for lunch, when they come back, or when they leave for the day. She physically hand picks who she chooses to see at their office and questions why they're not at their desk, rather than using a company issued phone to call/message where they are. Does it make sense to issue employees a company cell phone if you're going to ask other people where they are? Her methods of tracking is biased and has divided the agency, induced more stress, and has made this office a hostile work environment. There was a time where two employees were not logged in on the State Warning Point log, but only one of them was paid. If this is her method of tracking, why did Samantha Brennan fail to ask and question one employee, but opted to pay that same employee if they weren't on the SWP's log?

On February 23, 2022, an employee notified Samantha Brennan on a February 23 at 0725 hrs, if they could sign leave to fix their car because it would not start. The HSA responded at 0744 hrs, "For the whole day?" The employee replied, "Not the whole day." However, that employee has already made it to work on time. The employee told the HSA that they were able to schedule their car to be fixed the next day, February 24. The employee notified her that this place does not accept walk-ins, is appointment based only, and will be relying on the courtesy shuttle service to drop them off to their desired location. The HSA asked the employee if they could schedule it on Friday instead. The HSA will not be responsible if the employee's car breaks down even further, so why would the HSA want the employee to wait to get it fixed? The employee told her the next availability is the following week. The HSA further questions the employee as to why they are requesting a certain amount of time off, to get the vehicle fixed. The employee told her they did not want to claim less hours off, in the event they will

not be able to come back on time, because they cannot determine who else will be utilizing the courtesy shuttle service. In fear and to prevent further possible retaliation, the employee informed Brennan that they would be able to call a taxi if they are not able to drop the employee in time. To confirm if this satisfied the HSA, the employee followed up numerous times with Samantha Brennan, which resulted with an unconfirmed response of, "I see." If it is Samantha Brennan's intent to deny the leave requested, she should just state it. It was just a simple request to take leave to get the employee's vehicle fixed. The following day, she asked the employee if they were able to get their car fixed and whether or not they signed leave. The employee made it clear that it was their intent to sign leave already. She lacks trust in employees after publicly announcing that all leave should be submitted to her for approval.

On December 22, 2022, a bunch of employees were setting up for two hours for the department's in-house Christmas party, to build morale during these hard times. The CTO leave was approved by the Human Resource officer because work was also being discussed at this time. The employees continued to set up after working hours and also worked together to finish setting up in the morning. At the end of the day, Samantha Brennan questioned one of the staff that was helping, why she wasn't helping to clean up after the party. She did not question any other staff why they did not break down, set up, or question what their role was in the party. Thus, another example of being lenient towards other employees and displaying favoritism. Being questioned for minor things like this has lowered morale and makes other staff not want to participate in any work functions. Since then, there have been no work celebrations the employee has participated in. This type of micromanaging can influence our quality of work and relationship towards other employees.

The worst incident occurred on the last week of December when Samantha Brennan called for certain staff members to attend a meeting who included the Planning supervisor, watch officer, planner, and Human Resource Officer. Brennan started off the meeting by yelling, "I'm not here to BACK HAND anyone..." This is coming from our Homeland Security Advisor, someone in a position of trust and power. Whatever the meeting was about, should she have started off the meeting with that? This approach made the employees in attendance feel unsafe and unable to voice their concerns. Samantha Brennan's approach is threatening and unprofessional. And this is someone that we are supposed to trust and respect as our agency's leader at a time when our island is responding to a public health emergency.

Samantha Brennan has targeted not one, but three Filipinos to be the center of her discrimination at the office. She has displayed prejudice and stalking behavior when it comes to signing off on leave and has mistreated these employees. Two employees were physically sick from the unnecessary stress she causes in the workplace. It has become a pattern that she heavily questions the Filipino employees. Other employees that she favors are able to sign leave to get a haircut or do other personal matters, without being questioned or berated. The staff members that she favors are also not pressured to sign-out or to be checked out by the State Warning Point employees.

Lastly, a meeting was held where the HSA has agreed to let the planning department take care of the roles of another employee, a Planner II. It was agreed that this was the route that would be taken. A day later, she gives the entire project to one employee in Planning. This causes additional stress and confusion when the HSA agrees to one thing and takes a different turn. All the work one employee was disregarded and was taken away. Similarly, one staff member was on leave and was issued a project. When she came back, this person was soliciting information and was notified that this project was given to someone else. This caused more confusion and stress towards the employee, which could have been avoided if the Advisor had stated that the project was given to someone else. She's turning staff against each other by letting them cross each other's lane without notifying them of what happened.

These occurring incidents have shown that Samantha Brennan is unfit to lead the Guam Homeland Security/Office of Civil Defense. She throws tantrums, publicly humiliates employees, and is biased. I am writing this letter for the best interest of the concerned parties. We are humbly requesting for a leader who can be professional and lead us to our goals.



Lourdes A. Leon Guerrero
Governor
Joshua F. Tenorio
Lieutenant Governor

Enclosure 16 (No Contact Notice_Leo Rustum Espia)

GUAM HOMELAND SECURITY / OFFICE OF CIVIL DEFENSE

Inasiguran / Tano' Guahan / Ufisinan Difensia Sibet
221-B Chalan Palasyo, Agana Heights, Guam 96910
Tel: (671) 475-9600 / Fax: (671) 477-3727
Website: www.ghs.guam.gov



Samantha J. Brennan
Homeland Security Advisor
Charles V. Esteves
OCD Administrator

GHS/OCD 0280-2022-047

February 25, 2022

To: GHS/OCD Employees / MRFC staff
From: Samantha J. Brennan, Homeland Security Advisor
Subject: No contact notice

Be advised Mr. Leo Espia is currently out on administrative leave and shall have no access to the GHS/OCD building until further notice. I am instructing all GHS/OCD & MRFC staff to refrain from having any contact with Mr. Leo Espia via WhatsApp, text, email, telephonically, social media or in person regarding any work related activities. I'm also instructing all GHS/OCD & MRFC staff not to have any discussions amongst each other regarding this matter.

Should there be any infractions, disciplinary action will follow.

Samantha J. Brennan