



GUAM ELECTION COMMISSION

Kumision Ileksion Guåhan

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November 6, 2018

Honorable Elizabeth Barrett-Anderson
Attorney General of Guam
590 S. Marine Corps Drive, Suite 901
Tamuning, Guam 96913

FILE COPY

RE: 4 GCA § 13106 Failure to File Financial Disclosure

Håfa Adai Attorney General Barrett-Anderson:

Section 13106 of Title 4 Guam Code Annotated mandates the Guam Election Commission ("GEC") to report for appropriate action the name of any official or candidate who fails to file a financial report required by the Guam Public Official Disclosure Act.

All officials are required to file with the GEC, on or before April 22 of each calendar year, a written report containing the financial information required by law covering the preceding calendar year. The Executive Director of the GEC shall grant extensions for the filing of financial reports required. Any extension shall not exceed one hundred eighty (180) days beyond April 22 of each calendar year. For 2018, April 22 fell on a Sunday so the next available day, April 23, 2018, was considered the deadline.

Guam law defines an "official" as the chief executive officer, by whatever title may be known, of all agencies and instrumentalities of the government of Guam whether or not confirmed by I Liheslaturan Guåhan. 4 GCA § 13102(a)(3).

According to the FY2018 3rd Quarter Government of Guam Staffing Pattern for Bureau of Budget & Management Research, Mr. Lester Carlson holds the Deputy Director position at a Grade-Step E-U-04. Grade E-U refers to the pay grade provided for in the Executive Pay Plan under the Government of Guam Competitive Wage Act of 2014. The Executive Pay Plan covers all heads of department and agencies of the Executive Branch.

Notwithstanding Mr. Carlson's title as Deputy Director, Mr. Carlson is the highest-ranking "official" appointed by the Governor to oversee the BBMR. In other words, there is no appointed "Director." As such, Mr. Carlson is the *de facto* "chief executive officer" of the BBMR. Thus, the GEC believes that Mr. Carlson is subject to the reporting requirements of the Guam Public Official Disclosure Act. As of November 5, 2018, Mr. Lester Carlson, Deputy Director, Bureau of Budget Management Research, failed to file a financial disclosure report with the GEC.

Under its mandate, the GEC submits the name Mr. Lester Carlson as the sole individual who failed to file a Financial Disclosure Report with the GEC as required by law.

Should you have any further questions, please feel free to contact our office. Si Yu'os ma'åse'.

Sinseramente,

MARIA I.D. PANGELINAN
Executive Director

