

PORT AUTHORITY OF GUAM

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NEWS RELEASE

Port Transmits Resolution to Attorney General

Piti, Guam, December 1, 2021: The Port Authority of Guam today transmitted to the Attorney General of Guam the resolution that addresses the illegal retroactive pay of former Port general manager Joanne Brown.

"As the current PAG General Manager, I am committed to ensuring the protection of ratepayer funds, particularly with regard to the misuse and misappropriation thereof, and will take appropriate actions without hesitation, especially when such matters are brought to my attention," Port General Manager Rory J. Respicio said in his transmittal letter sent to Attorney General Leevin T. Camacho. "Thus, having confirmed that several salary adjustments for the former PAG management were applied retroactively, and to guarantee the proper execution of this resolution, the PAG and the OAG must work diligently together to ensure that the illegal funds received by Senator Joanne Brown, as well as all those similarly situated both past and present, are recovered and returned back to the People of Guam."

On November 24, 2021 the Board of Directors passed Resolution No. 2021-34 directing Respicio to take any and all administrative and/or criminal actions necessary regarding the illegal Retroactive Salary Adjustments of former General Manager Joanne Brown. Earlier this year, General Manager Respicio requested that the Attorney General issue an opinion on the retroactive salary adjustments of former GM Joanne Brown based on the findings of a Performance Audit conducted by the Guam Office of Public Accountability. On November 9, 2021, the Port Authority of Guam received an Opinion Memorandum issued by the Office of the Attorney General. In their Opinion Memorandum to the PAG, the Attorney General's office enclosed their November 1, 2021 GHURA Opinion on illegal retroactive pay raises.

"You recognized in the OAG's GHURA Opinion, that Guam law prohibits retroactive pay unless expressly authorized by statute. While Title 4 GCA § 6202 entitles classified employees to an anniversary increment that cannot be annulled in the event of a delayed performance evaluation or increment certification, the law does not apply to unclassified/exempt employees – i.e. former PAG General manager and current Senator Joanne Brown," Respicio wrote today to the Attorney General. "Thus, absent statutory authority similar to Title 4 GCA § 6202, there is absolutely no authority for the former PAG General Manager, an unclassified employee, to receive retroactive pay increases."

The Port determined that approximately (8) pay adjustments for former General Manager Joanne Brown contained illegal retroactive payments worth thousands of dollars, all in violation of Guam law.

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“Mr. Attorney General, I trust that you will exercise your authority and join the PAG in taking all appropriate means necessary to act on this imperative resolution expeditiously,” General Manager Respicio wrote. “As public servants, we cannot sit idle and allow this to proceed without consequence. We must do right by the public and return all those illegal monies received back in to the rightful hands of the People of Guam.”

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