

**GUAM CANCER TRUST FUND COUNCIL MEETING  
MINUTES OF April 22, 2021  
Online Zoom Meeting at 4:00 PM**

**ATTENDANCE:**

Rachael T. Leon Guerrero, Chairperson, GCTF  
Cathy Rivera Castro, Council Member  
Ken Leon Guerrero, Council Member  
Remylynn Yamanaka, GCTF Project Manager  
Yvette C. Paulino, Council Member, School of Health  
Peter Sgro, Council Member  
Faraz Ouhadi, Council Member

Joann Paulino, GCTF Extension Assistant  
Dr. Tomas Krise, UOG President  
Anthony Camacho, UOG General Legal Counsel  
Senator Amanda Shelton's representative  
Natasha Charfauros, Office of Speaker Terlaje  
Joe Mesngon, Chief of Staff for San Agustin Office

**I. CALL TO ORDER** – Dr. Rachael Leon Guerrero called the meeting to order at **4:00pm**.

**II. APPROVAL OF MINUTES from 3/11/2021 & 3/25/2021**

- a. **March 11, 2021 Minutes** – everyone was in favor to pass the minutes.
  - i. Motion to accept Ken Leon Guerrero
  - ii. 2<sup>nd</sup> by Cathy Castro
- b. **March 25, 2021 Minutes**
  - i. Cathy Castro made a correction for Teresa Manibusan is supposed to be Committee director for Therese Terlaje
  - ii. Motion to approved made by Ken Leon Guerrero
  - iii. 2<sup>nd</sup> by Peter Sgro
  - iv. Oncologist to be delineated for new business. Rem will send it out.
  - v. Motion to approved Ken and Yvette Paulino

**III. REPORT FROM THE CHAIR**

- a. Financial Report as of 3/31/2021 – Dr. Leon Guerrero as the chair reported that GCTF currently has a total balance of \$2,765,856.26 in the account. \$2,479,099.25 of the total currently allocated while \$286,757.01 is unallocated.
- b. GCTF received a FOIA Request from the Office of Senator Joe S. San Agustin on April 15, 2021. They are requesting information about GMHA's request for GCTF monies, including meeting minutes, application documents, all correspondences via email relative to GMHA's application. A response was sent to Mr. Joe Mesnon at Senator San Agustin's office on April 21, 2021.
- c. Reminder of our roles as GCTF Council members
  - i. UOG is responsible for administering the GCTF and UOG is the only entity that is authorized to allocate GCTF funds, and UOG can only allocate GCTF funds to nonprofit and charitable organizations providing cancer screenings, treatments, support services, cancer education, and outreach programs. 11GC.A. Sec.26603(e)(2)(B) and Section 5.A, GCTF Rules & Regulations.
  - ii. The GCTF Council is not authorized to allocate GCTF funds, and its role is to evaluate applications from non-profit and charitable organizations, determining their eligibility for GCTF funds, rank them, and make recommendation to UOG as to whether to approve an application and what amount of funding an applicant should receive. Sections 10.A.b and c,

and 11.B and E, GCTF Rules & Regulations.

- iii. UOG's President must consider the recommendations of the GCTF Council and make the final determination of which applications to approve. Section 11.H, GCTF Rules & Regulations

#### **IV. REPORT FROM GCTF PROGRAM MANAGER**

- a. Program Manager Remylynn, Yamanaka, reported that the meeting minutes and audios from the previous meeting have been uploaded to the GCTF Website. However, some audios are not up yet due to the internet cutting off some of the audios.
- b. As of April 21, 2021, the following below are the remaining balance of the FY 2020 Contracts.
  - i. American Cancer Society - \$63,100.86 – done with the contract as of Jan 2021.
  - ii. Ayuda Foundation - \$455,345.18- they had an approved no cost extension and more invoices coming up.
  - iii. Edward M. Calvo - \$200,156.00 – have more invoices to close out for 2020.
  - iv. Guam Cancer Care (Dir) - \$666,645.06 - due to the pandemic they were not able to use it as much.
  - v. Guam Cancer Care (ED. &O) - \$81,567.50 - due to the pandemic they were not able to use it as much.
  - vi. Catholic Social Services – invoices are still in process as they were approved for a no cost extension.

#### **V. OLD BUSINESS**

- a. GMHA Application for FY 2021 Funding
  - i. Dr. Leon Guerrero brought up the topic about the GMHA Application for FY 2021 funding and the application was approved for a total of \$126,500 for 1) Medication; 2) Local oncologists; 3) Patient/Family Cancer Care/Prevention Training & education Programs/Materials (tablets, carrying cart, and Module & Translation Service). However, due to an eligibility issue raised by UOG Legal Counsel and President when it was time to sign the contract, GMHA's application will not be awarded. The reason is that GMHA is not a charitable organization, and they are a government entity and approving the application will violate GCTF's rules and regulations. And the next step for this, is that a letter will be sent to GMHA explaining why they will not be awarded for the FY2021 funding from GCTF.
  - ii. Dr. Yvette Paulino asked if there are segments of your nature that are charitable?
  - iii. Anthony Camacho stated “under our rules, in particular, Section two, a charitable organization means a non-profit entity and well organized for charitable purposes, such as for religious, charitable, scientific testing for public safety, literary or educational purposes, and is eligible or holds tax exempt status under federal law.  
  
The Guam Cancer Trust Fund funding can only go to non-profit or charitable organizations. There is a workaround around this. Example 1: If I was already providing some kind of medical services. I hired an oncologist and I had an MOA with GMH to use that oncologist's , I probably qualify for funding under that if I had applied for it. And so there are ways to achieve the intent within our rules”.

- iv. Dr. Leon Guerrero asked if the GCTF council members can make revisions to the Rules and Regs to allow government entities, like GMH
  - v. Anthony Camacho response if you wanted to do that, you could revise the Rules and Regs.
  - vi. Council Member Peter Sgro stated “he is really concerned that we have cancer patients that are not going to get medication because we are following legal opinion and we are going to follow what everybody thinks is right, But I think we're forgetting what we're really supposed to be doing. So because of that, you guys, I'm going to turn in my resignation and I resign effective immediately. Thank you”.
  - vii. Dr. Leon Guerrero also announced that due to this rule UOG’s Global Learning Center (GLE) is also not eligible to award GCTF funding for FY2021. The award has been rescinded and have informed GLE already about the decision.
- b. Pending submission of the Revised GCTF Rules and Regulations to the Guam Legislature

## **VI. NEW BUSINESS**

- a. Dr. Leon Guerrero proposed to add two (2) new items/provisions for the “Revised GCTF Rules and Regulations” before submitting to the legislature.
  - i. Under “Section 5. Guam Cancer Trust Fund Council” – add code of conduct for council members. Suggested language “GCTF Council Members are expected to serve as models of public conduct through our personal demeanor, public respect for civilized dialogue, whether via verbal or written communications, strict avoidance of conflict of interests, and commitment to GCTF self-regulation and periodic self-assessment.”
    - She stated that this is just a suggestion due to the events that had happened in the past weeks and the emails that have happened. Ken Leon Guerrero also added that this suggestion is a great idea. He also added that the statement below should add to mention that the “GCTF Council members serves the people of Guam, we are not lawyers, we are not actuaries, we are not lawyers. We are ordinary people who have taken the step to assist the University by taking some of the grunt work in helping clarify and resolve.” He also added that at the end of the statement it should add that “The Council Members should be able to request for opinions of Legal Council because it is the opinion or guidance of the Legal Council that protects the council. Council Member Cathy Castro, also asked if this rule is violated by a council member, will they be fined or apprehended? Ken Leon Guerrero also suggested that when this code of ethics is violated by a Council Member it should be a cause to remove that council member. Council Member Yvette Paulino suggested to add the following statement “the decision will be based upon UOG President’s discretion” as he has the authority to remove any of the council member.
    - A motion was passed to add the statement of code of ethics for council members to GCTF’s Rules & Regulations and corrects the error on who may remove a council member on GCTF’s Rules & Regulations.
      - 1<sup>st</sup> Motion by Ken Leon Guerrero
      - 2<sup>nd</sup> Motion by Dr. Faraz Ouhadi
      - Motions have been passed and approved by the council members.

- ii. Under “Section 7. Award Eligibility” Part A. and Part C.1
  - Dr, Leon Guerrero also suggested to revised “nonprofit and charitable organizations” to “nonprofit and/or charitable organizations including Government entities” under Section 7. Award Eligibility “Part A. and Part C.1
    - Under Section 7.A.2 Add examples for “Hospitals (e.g.) GMHA)”
    - Under Section 7.A.4 Add examples for Educational Institutions (e.g., UOG, GCC)”
      - Cathy Castro raised a question if adding “government entities” to eligible organizations would it then include Public Health? Yvette Paulino also raised her concern about making hasty decision on adding or revising the legibility as this has been a problem since day one. This is also to be fair with everyone who wants to apply.
      - Dr. Leon Guerrero also stated that she is more incline to not change the eligibility as these organization who are not qualified to apply for GCT Funding because they are able to get funding from somewhere else.
      - The council members decided to just leave the eligibility changes until next time once the rules are approved with the legislature.
        - 1<sup>st</sup> Motion made by Ken Leon Guerrero
        - 2<sup>nd</sup> by Cathy Castro
        - Motion is passed and approved by all council members.

## **VII. OPEN DISCUSSION/INFORMATION**

- a. Joe Mesngon from Senator San Augustin office shared that their inquiry about the GMHA application and stated that they had some concerns before because of GMHA’s eligibility as a nonprofit organization. He also stated that they are pleased that UOG General Counsel had clarified the eligibility issue. They wanted to make sure that the approval of GMHA’s application last meeting did not go through as there were some eligibility issues. He also stated that he is glad that GCTF Council Members are adding a code of conduct for everyone.

## **VIII. ADJOURNMENT**

- a. Dr. Leon Guerrero stated that she will be emailing Peter Sgro. for a formal resignation letter. Meeting was adjourned the meeting at 4:07pm.
  - i. 1<sup>st</sup> Motion by Ken Leon Guerrero
  - ii. 2<sup>nd</sup> Motion by Cathy Castro