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DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
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DPHSS Draft COVID-19 Public Health Enforcement Rules Second Public Hearing
Wednesday, November 4, 2020, 2:00 p.m. to 4:00 p.m., via Zoom
Meeting Minutes

I. Call to order: 2:10 p.m.

II. Roll Call:

- a. DPHSS: Director Arthur San Agustin, Deputy Director Laurent Duenas, Deputy Director Terry Aguon, Acting DEH Chief Rosanna Rabago, Public Information Officer Janela Carrera
- b. Legislature 35th: Senator Kelly Marsh Taitano, Senator Telo Taitague, Senator Wil Castro, Senator James Moylan, Senator Mary Torres
- c. Archdiocese of Agana: Archbishop Michael Byrnes, Father Mike Crisostomo, Father Paul Gofigan, Communications Director Tony Diaz
- d. Present in the Zoom room:
Andrea Pellacani, Office of Senator Therese Terlaje, 35th Guam Legislature
Espenson, Office of Senator Clynt Ridgell, 35th Guam Legislature
Cathy Rivera Castro, Archdiocese of Agana COVID-19 Task Force
Julian Sablan, Guam Premier Outlets
Christopher Mafnas, General Public
Ron Weinberg, Assistant Attorney General
Oyaol Ngirairikl, Guam Daily Post
Jerry Toves
Jackie Suzuki
Krystal Paco-San Agustin, Governor's Office Press Secretary
Samuel Aptekar, DPHSS
Bertha Taijeron, DPHSS
Grace Bordallo, DPHSS
Vivian Pareja, DPHSS

TS

Jocelyn DG

Library PCI

Samsung Galaxy S7

III. Opening Remarks by DPHSS Director

IV. Public Comment

a. Archbishop Michael Byrnes

- i. Hi Mr. San Agustin! Thanks for the opportunity. I listen to a lot of people. Sometimes in the confessional. I don't reveal anybody's identity at all. What I have been hearing and I've checked with couple of other priests. A lot I've been hearing is anger and I believe a lot of the anger is due to the experience of this passed weeks and months where we find ourselves kinda going to pillar and from post. One day we are open. One day we are not. In general, a kind of feeling of inconsistency that is difficult for people and for anybody whether you're from the church or not in the church. It's difficult when your expectations are strong on you or what your expecting is hard to deal with sometimes. We love for all of our people to find a sense of peace of consistency so that we can live our lives kind of normal expectations. That's the main thing. I've been hearing it from a lot of priests and these are real people – in our parishes, schools, and businesses. So I'm not just speaking for the church. I wonder about the fines. Given my experienced, I think it would be helpful if we are going to that direction that we have it a moderate kind of something – make sure that I don't do that again. Again, that consistency of treatment I think is very important if we are going to go to that direction. Thank you!

b. Fr. Michael Crisostomo

- i. Initially, I was not going to testify. I was going to rely on Archbishop but he kind of hit a point about we as priest we listen to our people. A lot of times we get feedback from many of them. Though the concept of enforcement of these rules is good in its inception and I think that perhaps moving forward, we can. Before we even get to that point, a lot of the discussion from our community has been whether or not our community is even at that points of understanding the complexity and of course the danger of the virus and many of them especially when they come to church. Some of them don't know what to follow of the protocols that we have in place. The diocese has been developing these protocols since February and March and we even gone stepped further. We even have our own contact tracing team. Many of them that do come to the church don't realized that many of them are asymptomatic. They are looking for a place for healing, a place for consolation. I think if we continue this path of enforcement of rules – the penalties and the fines – I think many of them will not even report such a thing anymore. Rather than the deterrence, it will be the fear, that's being inflected upon our people. I just want to cautioned that at our committee and public health about that. There could be some balance to this. I hope that what we do here today is truly a benefit for our people and not being more stringent and restrictive for the right to worship and to be able to be in their churches. Again, it's just a testimony and I just want to provide that and hopefully it's received well.

c. Fr. Paul Gofigan

- i. I'd like to thank the Director for this dialogue between Department of Public Health and Social Services with the churches, especially the Catholic church and we have come a long way and trying to establish our protocols as Fr. Mike alluded to. The one thing that I still and I've harping from the very beginning of this pandemic was that the Catholic church does not belong in this venue. What we're talking about is businesses. The catholic church is not a business and one thing I really want to stress the

danger when you start having guidelines for the public as the church for commission – the danger when public health is going to dictate to the church on how it should celebrate its masses, perform different rituals. We don't have transactions in churches. All we have are our spiritual healing, reflections, especially the mass. This is what people are here for. We, in the Catholic church have been asking not just the Department of Public Health and Social Services but to gather in places of worship and have a roundtable with the Governor and the Department of Public Health and Social Services and talk about and put places of worship in this proper place not as a business. My eyes are so high when I saw the fines. The Catholic church is suffering a lot financially. We have not settled in yet with all the lawsuits and even without the lawsuits there are some parishes out there – it's very difficult as far as financial resources. It's very difficult for a parish to even get a thousand dollars for a month. You find that hard to believe but it's true. My worry in that area is – no fault on their own, no fault on the pastor. The pastor doing their very best and make sure that protocols are in lined. It's kind of injustice. The injustice that I want to talk about on the paragraph entitled severity – if there is any reason that rules were found to be invalid that the application of the fines are still there. I think got to reflect on that and make a change in that particular paragraph because as the Archbishop mentioned there's anger going on everywhere and we are still in the dark to live in a community such as Guam and have that wonderful spirit of inafamaolek. We try to do our best to support each other. Admonish one another and let's not go start hammering people down and most especially in places of worship. My main comment is that places of worship does not belong in this venue. It should belong in another roundtable discussion.

d. Sen. James Moylan

- i. Archbishop, Fathers, Mr. Director, thank you for the public hearing. I appreciate the fact that we are getting comments. It's really important so the public does understand what the executive order is trying to do with the additional requirements or penalties of being created. My concern, of course, is anytime, we bypass the triple A process, it could lead to other issues and I'm a just a little worried about that. We could do it one time and then we could it again. I do understand that we are just relating this strictly to the pandemic, the health pandemic. But at this point we can relate just about anything to the health pandemic as well. I would truly rather see the triple A process remain, but I understand the executive order of the governor is coming into play. So I want to thank you Director for having at least the public hearing considering the public's opinion on this especially as Pale Gofigan has mentioned. Maybe it is something we should consider to exempt, exempt the houses of worship, and allow them to continue their process cause they want to do the things right and will make it more difficult for the congregation then to consider this one more added measure to place upon them especially with our church at this time. Again, I'm just going back to this triple A process. Bypassing it, really for me it opens up a Pandora Box. I hope as executive orders do continue and possibly there are other things that need to be added, maybe curfew, I'm not sure, but that we -- I kindly ask that Mr. Director we continue these public hearings. If we can't have it at the Congress Building here, then at

least we can have it through the Executive Office, with the concurrence of the administrators or the Governor's directors. Kindly consider these comments especially from our houses of Worship, and to consider that in the plan, in the draft stage at this time. Thank you Director.

e. Sen. Mary Camacho Torres:

- i. Thank you very much. It's a bit surreal that I'm here listening to this testimony. At the same time I just got a message that someone very close to me just died of COVID, died of COVID that he contracted from exposure at work. Archbishop, I fully understand and support you, but what I wonder is in the church community those that are active church-goers, is it safe to say that many of them are elderly and people at risk to begin with. Can we just establish that as a benchline?

(Archbishop Michael J. Brynes:

No, it's even among young people as well, and it's not, I think it's frustration. They understand the problem of the coronavirus. The young people actually understand it stronger than some of us older folks. But I guess this idea of consistency is the thing I was trying to get at.)

- ii. As I'm reading the proposed rules and regs you know the purpose is very clear it all deals with protecting the public and promoting public health through implementation of procedures and guidances that are aimed at preventing the further spread of COVID. While I know that what is also occurring in in other jurisdictions that have been successful at curbing the rise in COVID is these types of measures. But I do agree and I can sympathize with the frustration and perhaps the middle ground here or the understanding is that where such fines and penalties will be imposed is where people are clearly violating the orders. I say this with the understanding that there are many businesses and places of assembly, say a church—I call that a place of assembly—where guidelines are being followed, where stringent protocols are being implemented and enforced so those types of places automatically would be in the clear to continue businesses and continue gatherings whereas those that are not and clearly violating safety protocols would be subject to violations, citations, violations and fines. I think that's really the point of discussion that we have to have is where do we delineate the establishments and places of gatherings and organizations that are fit to gather, fit to go, good to go, versus those that are violating protocols and maybe that's the middle ground and the balance that we all seek. Because I do see that that in in the world of where there are laws, fines and punishments is usually the remedy for violating those laws or restrictions so it isn't unreasonable to not have fines where there's violations of protocols. But i think in this case we can we can also establish where there are good, for example where you are safe to open or given the green light to open, you will not be fined for being open. But if you clearly violate things while you're open then that's where the Public Health has the authority to come in and enforce. I think, Archbishop, I understand where we have to go. It's such a painful and frustrating situation that we're in. I think what's really driving all of this too is the lack of understanding. People are frustrated because they believe that you know they're not so convinced about the public health threat. I think for many

people that's the situation. But I certainly would want to work towards that balance. For example, where you can establish that people are abiding and being extremely responsible, the clearance should be given for them and where those are not following protocols and clearly being reckless with public safety or threat to public safety those should be cited in violation, and maybe it's as simple as that. But I mostly wanted to listen because I think there is a way to incentivize people to behave or incentivize people to seek a better understanding about this public health emergency, and to maybe focus on what the emergency really is about. I think that there's a disconnect there. But like I said, maybe I'm being very emotional at this time because I've been to too many funerals lately of young people who have died from COVID, and I soon will be helping someone close to me bury her husband. He was fine two weeks ago. Absent COVID he would be alive today. It's a reality. We have to find that balance. Thank you very much.

(Archbishop Byrnes:
Amen. Thank you, Mary. God bless you.)

- f. Sen. Kelly Marsh Taitano (Ph.D)
- i. Si Yu'os Ma'ase, for that. I mostly wanted to listen to the public as well but I do have a couple of concerns or questions. It does seem that with all of the executive orders, and some of the other directives, that for a lot of people this is just a lot, and to try to feel like there's clarity that they understand exactly what all the expectations are at this particular time, it just seems that somehow we need to—especially if we're looking at any sort of penalty—to be working ever harder at providing that clarity. One of the things that I had brought up the other day was, we were updating the pandemic plan—or creating a pandemic plan out of the other emergency plan—there was this hierarchy or this chain of communication, and so while I appreciate that information comes from the Governor's office, information comes from DPHSS, and so forth, I'm curious where we are in the activation of this chain of command because when we were talking about it was to try to get information to all corners by having all religious leaders, all certain community leaders, and so forth, be able to be imparting the same information in. I'm just not sure that we've fully activated that so perhaps for the DPHSS director, he could clarify if that has been activated, if that's something that's to be continued to look at as being activated in the future to help provide clarity and fuller understanding of where we're at each day.

(Ms. Carrera: I don't know if the director would like to address that directly, but with all due respect, Senator, our public hearing today is really just focused on receiving public comment.)

- ii. Okay well I'd like to then put in a comment that it, from the public's perspective and from an elected leader's perspective, it doesn't seem like the full chain of command is being provided for this information. I thought it was a very good plan like it made a lot of sense that everybody was going to be saying the same thing and that we were going to be doing this across a breadth of the community. So my testimony is that we need more of that

because it does not seem that there's enough. The other is, and I'm not sure if I missed this for Saturday but as we're looking at this it seems to make sense to have especially with the lack of full understanding of all the different directives right now but to have a warning at the very least first before we start getting into penalties. I think perhaps for most of the community the desire is there to be compliant. So I think a warning is fair first to make sure that this person has heard, they understand, they've been informed, and then if we are to consider penalties to consider penalties after what is considered a fair number of warnings whether it's one or more. So those would be my two comments since some of the others were addressed already. Si Yu'os Ma'ase.

- iii. In reading through the draft of these rules and regulations, it just seemed to be that there's a lot of liberal language and it's just a broad sweep and Sen. Taitague mentioned some of this as well but these terms that are on the first page of it, it says, "These rules and regulations shall be liberally construed." And in Section 428105, where it says, "DPHSS shall use every available means to prevent the transmission of COVID-19." So these are just very broad terms, I mean every available means, you've the word 'every,' and they're so—I think that these need to be further bounded to use legal definitions as to what these means or to create tiers, yeah it just seems like a very broad stroke that can be applied. A lot of times with these things you have scales, so as has been mentioned in the testimony, a difference between five people congregating and something that's more onerous, for lack of a better term right now. So it just seems that there needs to be a lot more thought into creating more specific definitions, creating more nuances. Yeah, so the clarity that I had mentioned before and that others had brought up, that is really key and I think with the messaging, if there is that more consistent way of getting it out, we all know where we're at on a daily basis. I think a lot of that would do wonders with where we want to be and need to be before we get to these other considerations of taking it a step further so I just wanna bring up all of those concerns for those to really be looked at. The clarity, the chain of communication, having a scale for these different actions and penalties, having warnings so that people are truly informed. I mean we've been hearing that people do not feel that they're informed. So, yes I just want to make that call for a whole lot of examination and consideration before this moves any further.

g. Monte Mesa

- i. Hi, Good Afternoon. I think I have two points here. One in regards to the fines, I think the fines are a little bit too much. I think that issuing a warning is good but I think the fines especially at this point in time when businesses are continuing to suffer, and they're all trying to stay in business and try to generate as much business as possible, that putting fines will continue to burden the businesses. Secondly, I think that the Public Health has done a good job in trying to control the spread of the virus. I think you know there's a lot of good work working towards that. But I think when you look at the businesses, and in my particular case, with the shopping center, two of them, one at a GPO, and the other one at Tumon Sands, we've been following the strict protocols of what Public Health has put out, and we've added to that.

We've submitted those to Public Health for review, and we also invited Public Health to come down and inspect our social protocols. We've also increased our equipment and protocols to try to enhance the safety and the disinfection of our facility. Now that I see that okay some businesses out there may be not following all the safety protocols that they've had put through or are following Public Health protocols, yes you guys need to go out and do your work to police this to make sure that everyone is following. Now you know I know several other businesses are in the same way continuing to follow the Public Health rules and regulations to include enhancing some of that protocols to ensure the safety of their employees within their businesses so that if it's safe for the employees, it's also safe for the customers to patronize those particular businesses. I think we've been in this track for the last seven months. Our business, GPO TSP, we've learned a lot. We've continued to adjust and I'm saying you know we're complying we're also communicating with Public Health to ensure that we're up to date and that thank God so far we have no virus spreading within our facility or with any of the retail stores or with any of the restaurants. The opportunity that we're asking here is to allow the restaurants to have dine-in service. And this is where even if it's at the 50 percent seating capacity, this will go a long way in keeping these people in the restaurants employed but also keeping the business to remain in business. They can't operate the restaurants—no restaurant in Guam, as a matter of fact, will continue to operate with a 25 percent revenues that they can only generate. This cannot continue. So far I visited several other restaurants and they're doing, following the procedures that Public Health has put through. If there is an issue they mitigate it quickly, they shut down, they do what it takes to get their businesses back on track and reopen after they clear all their protocols. This is the way it's got to be. We have to live with this and continue to operate because we can't afford another shutdown. And really with imposing those fines, if it is the prerogative of Public Health to implement it, we will abide by it. But we are looking that we hope that it's not a shutdown mode that will be implemented soon because we don't know what rules and what or what new rules and regulations that Public Health would need to set up. So I hope that you guys would consider again looking at some of the businesses to be reopened like not totally reopen but at least the seating dine-in capacity for the restaurants need to be reviewed. I think we've done great with the retail side and I think most, majority of the retails I've been observing, not just at GPO or Tumon Sands, but are following the rules and regulations currently being imposed by the Public Health. Thank you.

- ii. I want to get an update on whether there are other new rules or regulations that may be implemented in the future, in addition to the fines. The bottom line here is that to keep people in place is to fine them, for the people not abiding by the rules that are not already set. Most of the things you put out for businesses to follow they are following them. Yes, if they are not following these guidelines, they should be held accountable. But is there anything else in the rules and regulations that is new? Because we have followed everything that DPHSS has put out. What are the rules because we need to know up front what needs to be followed. As I listen to the other

comments, there seem to be people who are not following the rules and they need to be held accountable, just as people who speed are. Is there anything new that we need to know about?

h. Senator Telo Taitague

- i. Thank you so much Janela, and for allowing me some extra time. I'm gonna also provide some written testimony, too, for the record. In the meantime there's some concerns I have with the rules and regs, and definitely because the process that we're going through right now is kind of it's a little bit different you know this is usually done by the Legislature and there's some questions I have with regards to this kind of process that we're doing it here but nonetheless we're here today, and I do greatly appreciate everything that Public Health has done to try and keep us safe and provide health care for our community as well. But there is something in the rules and regs that concerns me like most rules and regulations they have a statement that says, and this is Section 428106 B letter I, and it says, for the first offense such person shall be guilty of a violation punishable by fine not to exceed \$100. So my question is who determines if it's \$50, if it's \$25, if it's \$10, because it says not to exceed one hundred so anybody has the authority to decide what amount they want to do—want to implement—other than \$100, so there's question to that, if you want to be consistent. Of course it was mentioned on the last meeting that we had here, who do you have to enforce these rules at Public Health? Right now you guys are so tight, issues with staffing, funding is a major issue so I don't know how or if you have a plan on how you're going to fund this and that would be my first question to the director: Where's the funding coming to enforce these rules and regs? Hi Director, how are you?

(Ms. Carrera:

I don't know if the director would like to address this.)

(Mr. San Agustin:

Senators all here, it wouldn't be fair to respond to that; I did not respond to Senator Marsh Taitano's comment as indicated but definitely senator do you want to say whatever the questions you are definitely those questions are received as a comment that we will then incorporate in our review that: who is going to determine the amount of the fine, who is to enforce the rules, and the last is who's actually where are we funding this through. So although it's a question of being taken into consideration as points that we're here to refine and improve on those. And those are good points along the line with Senator Marsh Taitano who also presented. Just to be consistent, you know it would seem like responding to one senator but not the other. So we'll go ahead and take all your comments even questions and turn them into points of consideration for the improvement and the refinement of the proposed rules and regs.)

- ii. Okay, thank you. I should have figured when Senator Marsh usually comes before me with questions she has all my questions asked. She's very thorough when it comes to questions. Thank you Senator Marsh for asking those questions, too because it's great concern I have the same concerns as

you with regarding funding. As well it talks in Section 428106, it's very broad, very very broad, it allows the Department of Public Health to implement any kind of rules and regs. When you look at Section B where it says Public Health Emergency Declare—okay any person who violates a fair to obey any guidance or directive issued by Public Health Authority with respect to COVID-19 Public Health emergency declared in Executive Order 2020-03 or any extension they're after, thereof shall be punishable as follows you can put anything you want in there. I mean we can sit here and talk about these fines but anything that was you put in these executive orders or you follow suit with it's very very broad. I think that everybody here who's here to testify should at least know what you plan to put what rules you plan to put into place so that would be very helpful. Other than Senator Marsh's questions, and that last question, I appreciate it to hear back from you before anything has been implemented. Thank you for the opportunity, and again I appreciate the hard work that Public Health is doing and to the staff there too as well. Hi Rosanna.

i. Colonel Frank Flores

- i. Thank you for hearing me today. I really wish I didn't feel the need to address you. My name is Frank Flores. I'm here because in early August several employees from Island Girl Coffee were infected with COVID 19. One of those employees passed the virus onto a grandfather, that grandfather passed away on the first of September and that grandfather was my dad. So I'm here today because I'm outraged, I'm really angry. The measures proposed are weak, they create a bureaucracy of checks and rechecks and those measures are gonna drain public health and Guam Police Department from critical public safety work they should be doing and the proposed 3 strike tiered policy, it's tedious. It anticipates that people will violate PCOR restrictions, that businesses will violate these restrictions and those businesses who abide by the rules, God bless you. You should be allowed to operate freely. But I'm tired of hearing about violations like at McKrauts where inspectors and police officers have to go there 4 times. I'm tired of the Chamber of Commerce instead of penalizing and doing something about these businesses, giving harshly worded speeches and since so many businesses are following the rules, there's clear evidence, clear evidence that following the rules is a choice. You need to make ramifications for disagreeing with these rules severe. Because these violations are getting people killed. This amounts to manslaughter. For example, I handle explosives illegally, I cause an explosion, the debris hits a woman or child half a mile away, that's manslaughter. The same should be true for PCOR business violations. When we can link COVID-19 violations and virus spread to a death, what do we do, what do you do? The consequences for failing to abide by these restrictions have killed and will continue to kill good people. And business owners again in the media will say things like we've not seen the numbers anticipated or that these people would have died anyway, they haven't been in my shoes. They haven't been in my family's shoes. How about if we take your loved ones and we expose them to the same conditions my family has been exposed to these last few weeks? What are you gonna say when the virus claims someone you care deeply about? A wife, a husband, a child? I have a couple of suggestions, 2

of these are soapbox suggestions, please stop politicizing this issue. It's disrespectful to us who have lost loved ones. It shows a weakness of character, a desire for reelection, a desire to remain in power, political advancement, it's very self-serving, and with all due respect, it's inappropriate right now. The Chamber of Commerce and business community need to please their compatriots' rallies, hard speeches motorcades, it's a waste of time. With all due respect, waste of time and nobody's policing all these other businesses. Instead of a 3-tiered system, create a one and done system. A system where a business license is revoked immediately, and then 4 days later a board that consists of someone from public health, the Guam police department, the AG's office, rev and tax, and then include the family member who's lost someone from covid-19, let them determine permit revocation. These are tough times that call for courage and this is the courage that these decisions that might not allow you to get reelected but these decisions are gonna allow you to save lives. And I saw the courage in the face of the responders who took my dad to the ER. I see it in the face of the national guardsmen and women who are in our hotels and I'm impacted by this personally, this affects me deeply. And I'm disgusted by businesses who take the hafa adai pledge, that use photo ops to advertise their business while they still take risks with our lives. So if this goes the way traditional public hearings go the outcome's already been negotiated by all the powers that be and nothing that we do in this forum will have any bearing on the law. And the businesses that I mentioned are probably gonna go on to their social media accounts and they're gonna say that they didn't do anything wrong they'll do a press release they're gonna lie to protect themselves. So, if you're wondering what I want out of all of this, you know what I really want, I want my dad back. Since the good lord says that's not happening, I'd like justice, I'd like to prevent further loss. Thank you for your time.

j. Jennifer Ross

- i. My name is Jennifer Ross and I'm with Ross Hearing Aids and we're very, very concerned about the situation and as you know we work with primarily people in the older age group, and we wanna do everything possible to follow the rules and make sure that we protect our staff and the general public as well when it comes to I'm here just to observe and to ... what your plans are.
- ii. Stan mentioned (see k) that people are just gonna come into our homes or something of that nature. Was that ever part of the plan or were you talking about the general public in terms of their behavior in the general public not wearing a mask while in a public place or something of that nature. Or was there some plan to go to people's houses?

(Ms. Carrera: Were you directing that question to public health or to Mr. ?)

- iii. Who do I direct it to because Stan Wilson made the comment (see k) that there was an idea of going to people's houses and I was just curious as to whether that's planned whether that's something that's been discussed and

I don't know who to address it to because I'm not sure who's creating this plan.

(Mr. San Agustin: So, Ms. Ross, with regards to your question, again, what we'll do is that is a concern that will be used in the refinement of the rules and regs, so that we can reflect the comments made and make these rules and regs (... Background Noise...) So as an example if anyone who's participating says that these fines are too steep, what would be your recommendation that you would consider as appropriate or inappropriate, is it the one and done approach, and that's what we're looking at is really getting public input and we're weighing all your thoughts and concerns and really taking them into consideration so that what penalties and rules and regs are put forth will hopefully reflect the different concerns that we are hearing this afternoon but also that were submitted and those that were received last week Saturday on the 31st.)

k. Stan Wilson

- i. I have several issues. I wanna start with the people that are supposedly gonna give these citations or whatever they're gonna be called. Number one, are they gonna have a proper ID? Are they gonna have uniform? Are they gonna have some kind of training? And do they really expect they're gonna go into people's homes without a court search warrant? I mean you gotta be kidding. There's such a thing as the constitution and the bill of rights. you don't have a right to come into my home. Number 2, the activities that are allowed and not allowed in the last 8 months have been a moving target so I would like to see what acts are an act that can cause a fine to be levied against somebody. There needs to be a detailed list that's updated as things change because things have changed from day to day and not just the list that's published online but put in the newspaper, both Post and PDN. I mean you can't, you can't expect the public to keep track of, 'Oh, the parks are closed, oh, the parks are open, oh, the restaurants are open, oh, no they're closed again, oh, it's takeout only, oh, no they have outside.' I mean the rules change every day. You need to have whatever is a violation of these rules clearly outlined and published. The fact that this public hearing is being held with the suspended administrative adjudication law is kind of a farce. I mean the fact is Guam has been under emergency, I use that word strongly, for about 8 months and running. And the public, the thing that the governor put out the other day, said that that was suspended because it would hinder or delay the implementation, it indicates to me that there's a total lack of planning by the governor and Public Health because you don't think ahead, you didn't think months ago that you might have thing that you might want to do so this is an emergency on an emergency. It's outrageous. The last public hearing at least what was reported in the paper because I couldn't get on, there were people that talked about what do we do so that I can turn in my neighbor, so we have neighbors turning neighbors in, that sounds like something right out of Adolf Hitler or Pol Pot playbook. I mean it's obscene to think that people are gonna report on their neighbor's behaviors. Responsible citizens should of course follow certain basic parameters, I'm not sure what they are. But the fact that people could be turning other neighbors or friends or enemies in is kind of ludicrous. I think

that there's been generally a lack of proper behavior or I don't know how you wanna say it for the last months people not following the rules. But I mean go back to the beginning what happened weeks after this whole thing started. A huge portion of the governor's office was at a funeral in Agat or Umatac or whatever that was in the south and nobody was wearing a mask. They were all hugging each other and nobody was held accountable, nobody in the governor's office to my knowledge was held accountable for that behavior. How do you expect the public to behave if the leaders don't behave? The governor's son was in a widely circulated picture at a party with 20 people, nobody wearing a mask. Are you joking? I mean come on! So, the special people get to not follow the rules. Anyhow, this is crazy. If you're gonna try and fine people, and people that are out of work and, you really at least ought to have a clear set of what a violation is and that's never been done. I mean I don't know what I can do and what I can't do. From day to day. I guess I'm done, nobody cares I'm sure, bye.

1. Gina Campos

- i. You know I'm making an effort to participate with this public hearing, I participated in another public hearing recently with Senator Therese Terlaje and I wanna make sure, I'm trying to write down everything I wanna say so that I don't miss anything. But I specifically remember Senator Terlaje asking the public health epidemiologist about contact tracing and where, what businesses and locations are the cause for most of the spread and at that particular hearing which was maybe about a month ago I remember the answer being we don't have that information yet. And in spite of not having that information put in place, businesses continue to be closed down. And so that's a really great concern of mine that we're penalizing the business community and we still haven't figured it out. The other point that I wanted to make you know we can learn from those around us. COVID is not just here on Guam, it is global, we can look around outside our community and get best practices. Recently for the last 2 months, there have been epidemiologists from Harvard, Stanford and Oxford that have come out and said that closing your community, closing your economy is not the best practice. That it is not going to cure COVID. There is no cure for COVID. It's a virus. It is not going to go away. As we sit here participating in this public hearing, I am getting messages about different businesses that are closing down and selling equipment and... things over there, they cannot control what happens to them under the direction of this current administration. These businesses are closing down for no fault of their own. The other thing I wanna address is accountability. I choose whether I go to church or not. It is my decision. Nobody makes me go. When I go shopping for groceries nobody forces me to leave my house. Payless is now advertising that they deliver so I don't have to leave my home. It is a personal choice. As an adult I make that choice. I've been wondering how many people every day are dying from diabetes, how many people are being sent to dialysis, that's a pandemic as far as I'm concerned. I don't believe the government is there to ensure my day to day safety like this. When I get in my car, I can get into an accident and I can hurt others but I'm not forbidden from driving. I am calling for the senators that got reelected and who are still there until the end of the year to do something about this. And

I'm asking Public Health, I think your position should be why do we not know anything about the treatment of these patients other than the fact that they're on ventilators. There's medication that has come out for the last several months. Have you already gone out to secure the medication for the people of Guam? That is what public health should be doing. I am completely opposed to these penalties. Your community is already hurting. This is a public hearing. There's only a few of us on this, there's only a few of us in this meeting that are part of the public. I wanna see public health be more open and transparent about what kind of medication you're securing for these patients that are at the hospitals right now. And when people die of COVID and it's COVID-related, I wanna know what the other part of it is. You know why because it's important to the community to know. There are a lot of deaths that are not just COVID. It was something else and what's happening is people are afraid. You're instilling fear, the government is instilling fear into the community. How does that serve the community? It doesn't in my opinion, absolutely not. And one more thing that I just wanna bring up. The Governor's executive order or her memorandum or whatever it is, whatever they call it these days it said we understand if you wanna take your kids trick or treating. But do it safely. But my God, cemeteries were closed for all Soul's Day? And we're ok with that? So we can find a safe way to take our kids trick or treating and that's understandable but we can't go to the cemetery and pray or have services. And father Paul I agree with you the church should not be listening to any of these executive orders. I am an adult, if I wanna go to church that is on me. So Archbishop Byrnes that was for you, separate church and state. Let that begin immediately. We need our parishes, all of them, not just catholic, all of them, we need all of them to be open because people need a place to go because what's going on in this community is just beyond tolerance. I do not understand why our senators are not doing anything. The Speaker has given you an invitation. Take her up on it. And let adults be adults. I'm done.

m. Dr. Samir Ambrale

- i. I don't have a comment about the guidelines and penalties but I would like to say regarding the treatments at the hospital because I do work at the hospital in various committees is that we are using all the standard treatments that currently available through the FDA that have been made available to us to through the Department of Health and Human Services from the federal government, including the medication called remdesivir, dexamethasone, and we are working on using convalescent plasma also. So we are working round the clock. GMH has been a phenomenal team to work with and we are working around the clock to create new areas of treatment of patients there have been new tents put on site the last week. So I'm not the official spokesman but I wanted to give an update about that because somebody brought that up.
- ii. (in response to **Other Oral Questions(c)**) We all are worried about families and patients not able to visit in the hospital. Because we understand it's a crucial support system we all need to incorporate but during these hard times the risk that is real because of the high community transmission, the administration is taking these efforts to protect these patients at the hospital as well as the staff members. And one way that we can see these policies

reversed is when we have low community transmission and our numbers come down and that'll happen through the various guidelines that we have been advised about. The flipside to it we also, I'm an oncologist so we need certain procedures which are usually day procedures at the hospital they're also scared to go to the hospital because they are scared of getting COVID. A lot of people are scared of getting medical care. We need to reduce the transmission in our community. If you look at our cases, I feel that the penalties will disproportionately affect the socioeconomic class of patients, or population that do not have income or very little income. The second and third incidences when you are thinking about possibly imprisonment that could be a really sad outcome for these populations so I would consider we look for alternative scenarios of encouraging social distancing rather than penalizing somebody for having gatherings. I know we are running short of ideas because of these high numbers but I feel there is gonna be a disparity when you try to apply these penalties. I have patients who cannot afford a \$20 or \$40 co-pay for medical care, if such patients are put at risk of more penalties and possible jail time it's really unfortunate.

n. Andrew Blakley

- i. I'm a nurse practitioner. I work at an emergency department here locally. I'd like to just go on the record and say that we have plenty of anecdotal evidence, albeit a little different than our Guam community, that lockdowns don't work. We see this all over the United States, we see this in Sweden, we see case reports declining in both of these areas where they have not handed draconian and heavy-handed lockdowns to the community populous. I read over the potential fines which seem very draconian and kinda targeted towards a particular populous as someone said the discussions about these fines and the nature of them needs to be further delineated. Groups of five people, let's just be honest, I just don't see the implication and I just don't see how you're going to enforce that long term. The idea that you could leverage a society and a group of people via their pocket book in a community like Guam which is already strapped for cash seems a little misguided at the very least. I would have rather this conversation been today about how we're going to avoid lockdowns in the future, what our real case numbers look like and whether we're having real problems with regard to excess death, whether we're having problems with comorbidities and whether we're having problems with long term health problems from this coronavirus and the public implementation of the plan. I have one last thing to say. The reason that coronavirus has hit Guam so hard is because of the unhealthy population here. It didn't just come here and ravage all of us because it was just unknown disease that just killed people on a whim. It killed people that had hypertension and that were diabetic, that had obesity. Those things are endemic to Guam's culture for some reason and I don't see the Department of Public Health exercising draconian measures to stop people from becoming obese or stop people from drinking beer or stop people from eating pork. You know where is the line. If you're gonna draw the line here with regard to COVID and the hundred dollars for 5 people then heck let's draw it for fiestas and short ribs. That's all I have to say.

Other Oral Questions

- a. Sen. Taitague: What is the procedure after this hearing? Will you read our testimonies before a final decision is made?
(Response by Ms. Carrera: After this public hearing and after reading your testimonies, we will make edits to the draft rules/regs and then send to the Governor for review. Once it is approved, we will send to all three branches of government. Written testimony is being accepted until 4:10 PM today.)
- b. Sen. Marsh Taitano: For the record, I request that the draft rules be reviewed by the AG before being considered final.
(Response by Ms. Carrera Janela: For the record, there is legal review.)
Sen. Marsh Taitano: Ok, it is good to know there is legal process. Is this is the DPHSS private counsel or the AG?
(Response by Ms. Carrera: I need to follow up with the Director.)
Sen. Marsh Taitano: I request that it is the AG who opines, even after the DPHSS legal counsel reviews.
- c. Gina Campos: If I have a loved one at the hospital, I cannot go there to see that individual even if I were willing to sign a waiver, making it my responsibility if I got sick whether it was COVID or whatever else, and I'm wondering how much longer is that particular mandate gonna be in place because just this week, I received calls from two individuals, close family members of mine. We have a family member who is in the hospital and they couldn't go in there at all and it causes a lot of stress and anxiety. Who implemented this and how much longer is it gonna be in place? And at what point will individuals be allowed to make their own decisions about whether or not they want to go in there and sign whatever waiver you guys come up with saying that I will take that into my hands, it is my responsibility.
(Response by Ms. Carrera: For hospital visits, the Department of Public Health doesn't control the policies of GMH or GRMC and I know Dr. Samir is here and I don't know if he has the ability to respond to that question, but we have no control over GMH's policies.)
(Response by Mr. San Agustin: I too have a relative currently in one of the hospitals, and we've been advised, we too cannot go and visit our relative. I share that concern in terms of the question. Our PIO Mrs. Carrera, is correct that it is a GMH and a GRMC decision. It wasn't a directive that we issued.)
It's a tremendous stress to the family. Urges director to bring this issue up with GMH Administrator. Director assures he will bring this up.

Zoom Chat/Other Written Questions and Comments

- a. Fr. Mike Crisostomo: Listening to Session. No Testimony at this point.
- b. Andrew Blakley, FNP-BC: I have no affiliations, and do not represent a formal group.
- c. Frank Flores: I would like to testify.
- d. Jennifer Ross: From Ross Hearing Aids. Here to observe.
- e. Senator Wil Castro: DPHSS, I was looking in my email or WhatsApp notification for the link to the last set of meetings' minutes and/or submitted testimony. If a file has not been created or shared yet would you have an idea when we may have access to it? Thank you (in advance).
- f. A. Blakley, FNP-BC:
 - i. This disease is NOT taking the young, healthy members of our society. The truth of the matter is that since March, we have had some form of lockdown

or another. Have case numbers declined during that time? IF I am to accept that LOCKDOWNS are effective, I have to deal with the reality that we have seen NO changes in our case numbers and continue to deal with a bubbling public health issue, which is not unlike previous respiratory seasons.

- ii. Can the public access the mortality data for the last 10 or so years? While we talk about shutting down our economies and interrupting our way of life, it is important to have a target or a goal to define future objectives. In the case of CV19, what are the objective goals to: 1. STOP the lockdown 2. Ease current restrictions?
- iii. I work as a front-line worker. I see the faces of CV19 EVERYDAY. I understand their misery and their suffering. We deserve a legislature and its govt. agencies that are forward thinking, flexible, and honest.
- iv. A. Blakley, FNP-BC: There are some REAL public health emergencies impacting our island. Here they are: 1. Diabetes epidemic 2. Hypertension epidemic 3. Obesity epidemic. These REAL public health emergencies are compounding the effects of CV19. What did your department do about the excess deaths from Heart attack, renal failure, or stroke last year? Was it a lockdown? There must be appropriate and adequate response to THESE health emergencies, UNTIL the DPHSS and GovGuam is willing to tackle these issues, NOTHING will change in GUAM. We'll be having this same discussion during the next pandemic
- v. A. Blakley, FNP-BC: Personal LIBERTY should be held as the GOLD STANDARD. Not deaths, not cases. This virus will run its course, and until we have better diagnostics, better treatments, and MOST importantly, a MORE HEALTHY SOCIETY of responsible citizens who focus on their health and well-being, all the fines in the world WON'T change our plight.
- vi. A. Blakley, FNP-BC: I must re-iterate...we are not seeing changes in the numbers because the LOCKDOWNS have not worked...it isn't because they haven't been strong enough or tough enough. LOCKDOWNS don't work. They impose substantial harm to the economic, cultural, and individual. There are tons of real-life examples of communities that have flourished outside of lockdowns and harsh draconian measures.
- g. Jackie Suzuki: Just observing
- h. Jennifer Ross: I have a question.
- i. Gina Campos: I would like to comment
- j. TS: yes I was recently hospitalized with COVID pneumonia and GMH administered Remdesivir to me the same day it received its FDA approval, which indicates to me they have had it for awhile.
 - i. TS: no I just wanted to comment in support of GMH that they are prepared even with their limited resources.
- k. Christopher Mafnas:
 - i. One question that I'd like addressed, although I'm not sure if this is the right venue (forgive me). Can families have the option of a waiver form regarding dying family members?
 - ii. Christopher Mafnas: I have an autistic son and a wife with medical conditions. I was raised and taught that family is EVERYTHING. The idea that my autistic son or wife dying alone is ABSURD to me. I will stay by their side IN SICKNESS AND IN HEALTH because that was the covenant I made before God and the public. Thank you

- iii. Christopher Mafnas: Thank you, Ms. Gina and others for your feedback and information.
- iv. Kelly Marsh (Taitano): For the record, I request that the draft rules be reviewed by the AG before being considered final.

Facebook Live Comments

- a. Lisa Iriarte Quenga Tudela:
 - i. (1:52:37) I am completely on board with the decision to enforce whatever reasonable fines you feel is necessary, to prevent the reckless conduct of those who have no regard to the safety of our community... Thank you DPHSS & Janela, for the update
 - ii. (51:38) Like I've been saying. If individuals just follow safety protocols/precautions, that are put into place by our Public Health, they have nothing to worry about.
 - iii. (1:25:48) For someone (Campos), who couldn't wear a mask at the protest..... WOW! Do your part on being a responsible "Adult"! Reckless individuals are just one of the reasons, why by the count is climbing. You are just as guilty, for the rules that GMH has been forced to set!
 - iv. (1:56:40) Thank you to all of you for making this zoom possible.
 - v. (54:24) Society has gotten to a point where everyone has a "RIGHT", but nobody has a "RESPONSIBILITY"..... Be responsible. How hard can it be?
- b. Patricia Delores Duenas (1:04:42): You are right that is I don't believe the government is there might be like this when I get in my car if I could get in an accident and hurt others I'm not tripping from driving I am calling for the Senators that got re-elected and who are still there until the end of the year to do something about this I'm asking Public Health I think your position should
- c. Rosemary Laguana
 - i. (41:46) It's a disservice to the people that no one is allowed to question public health to clarify the topic! It looks like the decision to implement the fines is in place and pending the Governor's signature!
 - ii. (1:36:12) What us the timeframe for the implementation of the rules and guidelines with fines?
- d. Thomas Tenorio Bernardo (2:02:15): Good meeting
- e. Robert Sr M Barlongo (47:59): Awesome common sense!
- f. Donald Ferguson (1:46:40): I see lawsuits coming
- g. Lesa Carter (1:51:56): Where will the funds collected from violations be used?
- h. Rd Negrito (1:22:31): No more than two partners in the bedroom

V. Adjourn.

- a. Closing remarks by:
 - i. Director San Agustin: Closing Remarks. First and foremost, I want to thank everyone for attending this public hearing. We take your comments that were orally provided and the comments received through our email and weigh them, including the need for education, a warning before the fines are implemented. We want to take the time to review those and balance them so that we educate our public about personal responsibilities. We also want to provide a mechanism so that law enforcement can address the people who are not fulfilling these personal responsibilities. I want to thank all of the senators, our community members, and the archbishop for sharing your comments. Si Yu'os ma'ase.

- ii. DEH Acting Chief Robago: I want to thank everyone. We have listened to all of your concerns. Our division is responsible for enforcing the DPHSS guidelines and I can certainly understand the concern about things changing so quickly. We are trying to find ways to come together and find ways to be compliant as a community. It is never fun to invoke these penalties, give fines, or cite businesses. Our intention is always to work with the community and find the best possible solution. Thank you.

b. Time: 4:10 p.m.