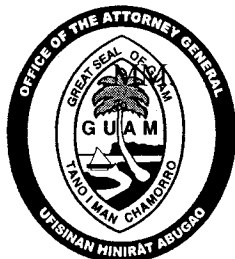


John M. Weisenberger
Attorney General



Phillip J. Tydingco
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

June 30, 2010

OPINION

Ref.: LEG 09-1191 & LEG 09-1211

To: Hon. Judith T. Won Pat, Speaker, Guam Legislature

From: The Attorney General

Re: **Senator Matt Rector**

On December 10, 2009, you sent our office a letter, requesting assistance in answering six questions regarding Senator Matt Rector.

Before we could respond, we had to acquire certain documents and then ascertain whether those documents were subject to restrictions on public disclosure. We contacted via telephone the California Department of Justice Legal Keeper of Records of the Bureau of Criminal Information and Analysis. We explained to her that the Office of the Attorney General was investigating alleged improprieties relating to an individual who had been previously arrested in California. We further explained that the individual in question claimed that the case had been expunged and that although we had already received a certain report from California, there was no reference therein to an expungement. The Keeper of Records expressed concern that it appeared to her that confidential information seemed to be flowing freely all over Guam media outlets. We informed her that our office took the issue of expungement very seriously and that we did not wish to inadvertently base any decision on expunged records.

The Keeper of Records informed us that the usual procedure following an order of expungement would be for the local court that issued the order to forward a report of this to the California Department of Justice where it would be entered into a disposition report. According to the Keeper of Records, based upon all documents that were available for her review, there is no indication that there was ever an expungement. She qualified the statement by saying that she can only base this statement upon what is presently available to the Department of Justice and that she does not have the ability to review court records where original orders could have been entered. She also explained that the report that we had previously received had a section where such expungements under California Penal Code Section 1203.4 would be notated and that section was not checked off. We confirmed this on the copy sent to us.

The Keeper of Records refused our request to send us a written statement verifying what she had told us, because she felt this went beyond the scope of her responsibilities and that she would first have to consult with her bureau chief. She also asked us to send our request in writing,