

1                                   **IN THE UNITED STATES DISTRICT COURT**  
2                                   **FOR THE DISTRICT OF PUERTO RICO**

3  
4   **UNITED STATES OF AMERICA,**

5   **Plaintiff,**

6                   **v.**

**CASE NO. 12-2039 (GAG)**

7   **COMMONWEALTH OF PUERTO RICO,**  
8   **et al.,**

9   **Defendants.**

10                                   **ORDER**

11           The Court has considered the arguments espoused by the Commonwealth and USDOJ  
12 pertaining to the issue of whether the Monitor's Community Surveys should be restricted or made  
13 public.<sup>1</sup> See Docket Nos. 1397, 1409, 1416 and 1416. The Court agrees with USDOJ in that the  
14 surveys are intended for public access. Accordingly, the Monitor shall proceed to file with the  
15 Court for public view as the last public survey submitted by Dr. Richard Blanco-Peck in 2018.

16           Prior surveys in this case have been publicly filed by the Monitor once Dr. Blanco-Peck  
17 submitted the same. More so, both the Commonwealth and USDOJ always agreed that the reports  
18 be made public. As a matter of fact, both parties participated in the development of the survey  
19 methodology and questions for all surveys, including the 2018 one. Lastly, neither part, despite  
20 having ample opportunity at the time, objected to Dr. Blanco-Peck's designation, nor raised the  
21 issue of a conflict or bias on his part.<sup>2</sup>

22  
23                                   

---

<sup>1</sup> The Court did not ask the Monitor to present a position on the matter.

24                                   <sup>2</sup> Admittedly, having Dr. Blanco-Peck perform the surveys resulted in a considerable savings of public funds versus having retained an expert from the U.S. mainland.

**Civil No. 12-2039 (GAG)**

1 When the Agreement in this case was entered and approved by the Court in 2013, the  
2 parties and Court all understood that public disclosure of survey results was the rule, and that in  
3 turn, this would ensure public accountability. The Commonwealth's present stance as to  
4 maintaining surveys results confidential, while certainly ably argued, would undo the law of the  
5 case in this seven-year old consent decree. It would also create a nefarious precedent in this and  
6 other consent decree cases, as every time a new administration comes into power, the  
7 Commonwealth or United States would seek to change the rules of engagement.

8 The parties' memoranda as to this matter (Docket Nos. 1397, 1409, 1416 and 1416) will  
9 become unrestricted at this time.

10 Finally, the Court stresses that the results of the 2018 survey only reflect the data collected  
11 and ensuing analysis at that time. Any future survey result can very well differ.

12  
13 **SO ORDERED.**

14 In San Juan, Puerto Rico this 27th day of February, 2020.

15 *s/ Gustavo A. Gelpí*  
16 GUSTAVO A. GELPÍ  
17 United States District Judge  
18  
19  
20  
21  
22  
23  
24