



Jerrick Hernandez <jhernandez@guamopa.com>

OPA-PA-19-011 and 20-003 Amended Order Reversing Recusal of Public Auditor and Appointment and Designation of Hearing Officer to Preside Over Appeals

Jerrick Hernandez <jhernandez@guamopa.com>

Fri, Jul 10, 2020 at 11:57 AM

To: "Geri E. Diaz" <gdiaz@icclawgroup.com>, Vanessa Williams <vlw@vwilliamslaw.com>, Sandra Miller <smiller@oagguam.org>, Robert Kono <robert.kono@gsa.guam.gov>, "Alice B. Mendoza" <amendoza@icclawgroup.com>
Cc: Clariza Roque <croque@guamopa.com>

Hafa Adai,

Please see the attached Amended Order Reversing Recusal of Public Auditor and Appointment and Designation of Hearing Officer to Preside Over Appeals for OPA-PA-19-011 and 20-003.

Please confirm receipt of this email and the attached document.

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Regards,

Jerrick J.J.G. Hernandez, MA, CGAP, CICA

Auditor

Office of Public Accountability – Guam

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 **19-011 & 20-003 Amended Order Reversing Recusal of Public Auditor and Appointment and Designation of Hearing Officer to Preside Over Appeals.pdf**
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**PROCUREMENT APPEALS
TERRITORY OF GUAM**

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7 IN THE APPEAL OF,

8 BASIL FOOD INDUSTRIAL SERVICES
9 CORPORATION,

10 Appellant
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) **APPEAL NO: OPA-PA-19-011**
) **OPA-PA-20-003**

) **AMENDED ORDER REVERSING**
) **RECUSAL OF PUBLIC AUDITOR AND**
) **APPOINTMENT AND DESIGNATION OF**
) **HEARING OFFICER TO PRESIDE**
) **OVER APPEALS**

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13 To: **Purchasing Agency:**
14 General Services Agency
15 C/O Sandra Cruz Miller, Esq.
16 Office of the Attorney General of Guam
17 590 S. Marine Corps Drive, Suite 706
18 Tamuning, Guam, 96913
19 Facsimile: (671) 472-2493

20 **Appellant:**
21 Basil Food Industrial Services Corporation
22 C/O Geri E. Diaz, Esq.
23 Camacho Calvo Law Group LLC
24 356 E. Marine Corps Drive, Suite 201
25 Hagåtña, Guam, 96910
26 Facsimile: (671) 477-4375

27 **Interested Party:**
28 SH Enterprises, Inc.
C/O Vanessa Williams, Esq.
414 W. Soledad Ave., Suite 500
Hagåtña, Guam, 96910
Email: VLW@VLWILLIAMSLAW.COM

1 **NOTICE IS HEREBY GIVEN** that the Public Auditor is reversing his December 31,
2 2020, and March 1, 2020, Recusals and Orders Appointing and Designating Hearing Officer
3 Anthony R. Camacho to Preside Over the referenced consolidated appeals.
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5 **I. Facts**

6 On December 16, 2019, Basil Food Industrial Services Corporation (“Appellant”) filed a
7 Notice of Appeal relative to the procurement of Nutrition Services for the Comprehensive
8 Management, Operations, and Maintenance of the Elderly Nutrition Program, Congregate Meals
9 and Home-Delivered. The Office of Public Accountability (“OPA”) assigned this appeal case no.
10 OPA-PA-19-011

11 On December 26, 2019, the law firm of Civile & Tang, PLLC, through Attorney Joyce
12 C.H. Tang filed a Notice of Entry of Appearance on behalf of interested party S.H. Enterprises,
13 Inc.

14 On December 31, 2019, the Public Auditor issued the Recusal and Order Appointing and
15 Designating Hearing Officer Anthony R. Camacho to Preside Over the appeal, to avoid the
16 appearance of impropriety caused by his social relationship with Ms. Tang.

17 On February 14, 2020, the Law Office of Vanessa L. Williams, P.C., through Attorney
18 Vanessa L. Williams filed a Substitution of Counsel in place of the law firm of Civile & Tang,
19 PLLC in representing the interested party.

20 On February 27, 2020, the Appellant filed a second appeal relative to the same
21 procurement in OPA-PA-19-011, and the OPA assigned this appeal case no. OPA-PA-20-003.

22 On March 1, 2020, the Public Auditor issued the Recusal and Order Appointing and
23 Designating Hearing Officer Anthony R. Camacho to Preside Over the appeal, to avoid the
24 appearance of impropriety caused by his familial relationship with Ms. Williams.

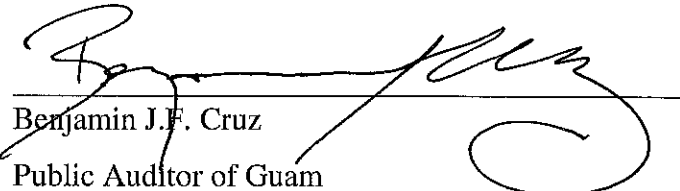
25 On March 13, 2020, Hearing Officer Camacho issued the Order Consolidated appeals
26 OPA-PA-19-011 and OPA-PA-20-003.
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1 **II. Basis for Reversal of Recusal and Appointment of Hearing Officer to Preside Over**
2 **Appeal**

3 On July 7, 2020, the Appellant filed a Notice of Disqualification of Procurement Appeals
4 Hearing Officer Anthony Camacho, citing Hearing Officer Camacho's employment as Legal
5 Counsel for the University of Guam and serving as a contracted Hearing Officer for the OPA
6 violates 5 G.C.A. §30113, which states that governmental attorneys shall not engage in private
7 practice.

8 Therefore, since the law firm of Civile and Tang, PLLC is no longer representing the
9 interested party, the Public Auditor's familial relationship with Ms. Williams is no longer an issue,
10 and the Appellant has requested Hearing Officer Camacho be disqualified, the Public Auditor has
11 decided to reverse his recusal and appointment of Hearing Officer Camacho and regain his
12 authority to preside over the referenced consolidated appeals.

13 **SO ORDERED** this 10th day of July 2020 by:

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18 Benjamin J.F. Cruz
19 Public Auditor of Guam
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