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7 Attorneys for
8 A.B. Won Pat International Airport Authority, Guam

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FILE NO OPA-PA: 13-008

9 **IN THE OFFICE OF PUBLIC ACCOUNTABILITY**
10 **PROCUREMENT APPEALS**

11
12 IN RE THE APPEAL OF DFS GUAM L.P.,

13
14 Appellant.

APPEAL NO.: OPA-PA-13-006

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**A.B. WON PAT INTERNATIONAL
AIRPORT AUTHORITY, GUAM'S
OBJECTION TO THE APPOINTMENT
OF PETER C. PEREZ**

ORIGINAL

1 The A.B. Won Pat International Airport Authority, Guam (“GIAA” or the “Airport”)
2 hereby files its objection to the appointment of Peter C. Perez (“Mr. Perez”) as hearing officer by
3 the Office of Public Accountability (“OPA”). On December 3, 2013, the OPA provided notice of
4 the appointment of Peter C. Perez as the hearing officer in this appeal. On December 13, 2013,
5 GIAA filed an objection to the OPA’s jurisdiction to appoint a hearing officer. On the same day,
6 DFS Guam L.P. (“DFS”) filed a response to the notice of appointment of hearing officer.¹

7 In its response, DFS disclosed that it had retained David Lujan, a partner at the law firm
8 of Lujan Aguigui & Perez LLP (“LAP” or the “Firm”), “to generally advise DFS about issues
9 related to the Guam International Airport Authority’s determination that Lotte Duty Free Guam
10 LLC was the successful proposer for the RFP that is the subject of this appeal.” (DFS Response
11 to Notice of Appointment of Hearing Officer (“DFS Response”), filed December 13, 2013.) DFS
12 also noted that Mr. Perez was a partner at LAP when DFS retained Mr. Lujan. (*Id.*) While DFS
13 has informed the OPA and the parties that Mr. Perez withdrew from LAP, the Firm still identifies
14 as “Lujan Aguigui & Perez LLP” and holds Mr. Perez out as a partner at LAP. (*See* Attachment
15 A.) The Firm’s website address is lujanaguiguierez.com. (*Id.*) Furthermore, James Brooks,
16 who is the husband of the OPA, Doris Flores Brooks, is currently a legal assistant at LAP and has
17 been working at LAP for several years.

18 In light of these facts, GIAA objects to Mr. Perez’s appointment as the hearing officer in
19 this appeal. DFS’s belief that these facts do not give rise to disqualification is mistaken. DFS
20 retained Mr. Lujan to advise on issues directly related to this appeal while Mr. Perez was still a
21 partner at LAP. Despite DFS’s statement that Mr. Perez has withdrawn from LAP, LAP is still
22 holding Mr. Perez out as a partner at the Firm. Because Mr. Perez’s firm was involved in
23 representing DFS in a substantially related matter that is the subject of this appeal, GIAA objects
24 to Mr. Perez sitting as the adjudicator to decide the matters herein.²

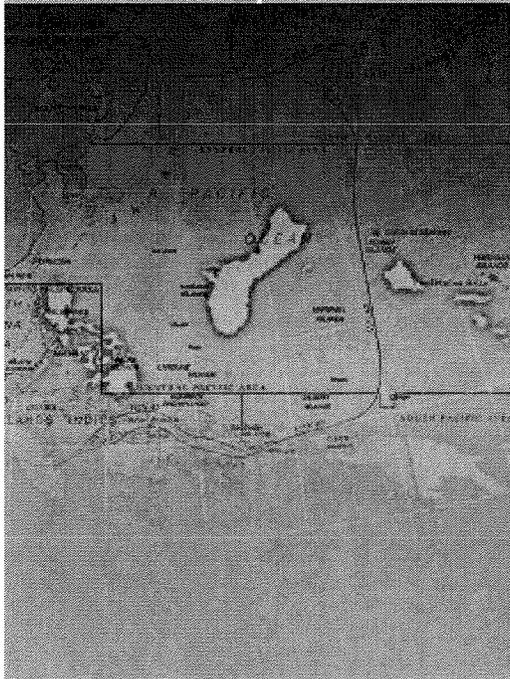
25 _____
26 ¹ GIAA submits this objection in light of DFS’s belated notice of Mr. Perez’s conflict. While DFS had known at the
27 time of the OPA’s appointment of Mr. Perez of its retention of Mr. Lujan, it did not provide notice of these
28 disqualifying facts until after GIAA filed its objection and without sufficient time for GIAA to file an objection
pursuant to the OPA’s deadline to file objections to the appointment of the hearing officer.

² GIAA restates its objection of the OPA’s exercise of jurisdiction over this appeal due to pending judicial
involvement.

ATTACHMENT A

LUJANAGUIGUIPEREZ.COM	
HOME	PRACTICE AREAS
FIRM PROFILE	INTERNATIONAL ALLIANCES
ATTORNEYS	CONTACT US

LUJAN AGUIGUI & PEREZ LLP ATTORNEYS AT LAW



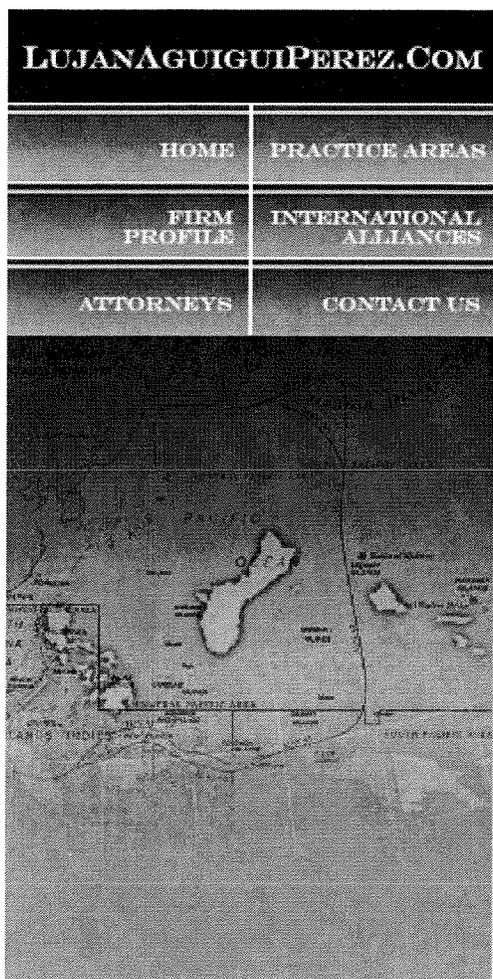
WELCOME

Lujan Aguigui & Perez LLP is a full-service law firm situated in Hagåtña (formerly Agaña), the capital city of the Island of Guam. Guam is located approximately 3,300 miles West of Hawaii, 1,500 miles East of the Philippines and 1,550 miles South of Japan. It is the westernmost territory of the United States and one of the leading tourist destinations in the Western Pacific. The firm provides legal representation and advice to some of the region's most prominent leaders, corporations, businesses, and government entities. Explore our website and learn more about us. We welcome your comments and inquiries.

ATTORNEYS

The firm's clients have access to experienced and talented partners and associates with top educational credentials and legal training. As one of Guam's largest law firms, our clients benefit from the collective resources, education, training, and experience of our lawyers and professional staff. [DETAILS](#)

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LUJAN AGUIGUI & PEREZ LLP ATTORNEYS AT LAW

ATTORNEYS

Mr. Peter C. Perez Partner

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 238 Archbishop Flores Street
 Hagåtña, Guam 96910
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Profile:

Peter C. Perez is a Partner with the firm. His practice emphasis is in criminal and civil litigation and appeals. Attorney Perez received his B.A. from Tufts University in 1991 and his J.D. from the William S. Richardson School of Law at the University of Hawaii, Manoa, in 1994. He has been in private practice since 1994.

Bar Admission

Guam
 Commonwealth of the Northern Mariana Islands
 U.S. Court of Appeals for the Ninth Circuit
 U.S. District Court, Northern Mariana Islands
 U.S. District Court, Guam

Joined the Law Firm in 2003

Areas of Practice

- Criminal Defense
- Civil Litigation
- Complex Civil Litigation
- Appellate Practice
- General Practice
- Government
- Telecommunications

Education

B.A., Tufts University, 1991
 J.D., University of Hawaii William S. Richardson School of Law, 1994

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**IN THE OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS**

IN RE THE APPEAL OF DFS GUAM L.P.,

Appellant.

APPEAL NO.: OPA-PA-13-006

CERTIFICATE OF SERVICE

1 I, Kathleen V. Fisher, declare as follows:

2 1. I am a partner of the law firm of Calvo Fisher & Jacob LLP, legal counsel for A.B.
3 Won Pat International Airport Authority, Guam.

4 2. That I am a citizen of the United States of America, over the age of eighteen years,
5 have personal knowledge of the facts stated herein, and if called to testify I could and would
6 competently testify thereto.

7 3. That on the 16th day of December, 2013, I caused a copy of **A.B. WON PAT**
8 **INTERNATIONAL AIRPORT AUTHORITY, GUAM'S OBJECTION TO THE**
9 **APPOINTMENT OF PETER C. PEREZ**, filed with the Office of Public Accountability to be
10 served upon the below-listed parties via hand delivery:

11 William J. Blair, Esq.
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22 **OFFICE OF THE ATTORNEY GENERAL**
23 287 West O'Brien Drive
24 Hagåtña, Guam 96910
Attorneys for the Territory of Guam

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