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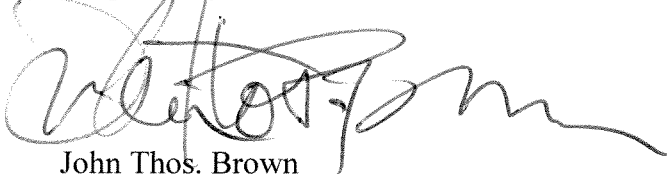
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS  
AUG 30 2012  
TIME 9:50AM BY MH  
FILE NO. OPA-PA-11-002

IN THE OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEAL

In the Appeal of	)	
	)	APPELLANT'S RESPONSE TO GDOE's
TOWN HOUSE DEPARTMENT STORES,	)	REQUEST FOR CLARIFICATION RE
INC., dba	)	EFFECT OF JUDICIAL PROCEEDING
ISLAND BUSINESS SYSTEMS	)	
& SUPPLIES,	)	DOCKET NO. OPA-PA-11-002
APPELLANT	)	
_____	)	

The Public Auditor issued a *final decision* terminating the contract on August 8, followed by an *Order Granting Request for Extension of Termination* on August 15. DOE and Xerox participated in obtaining the Extension. There is no longer any Appeal before the Public Auditor to "act on". The relevant regulation, if it applies, requires only that the Public Auditor "not act on the Appeal except to ... decline the matter". The ultimate question whether the termination decision was properly made is now before the Court in an action filed August 22, and it is for the Court to decide the efficacy of the final decision in this matter. DOE sought the instant Clarification on August 28, without giving the Public Auditor the 24 hour notice required in the regulation; Xerox gave formal notice of the action in its Response herein filed August 29. The Public Auditor should decline to respond to the request since to do so would "act on the Appeal" by again affecting the termination date or by issuing yet another "final" decision.

Respectfully submitted,



John Thos. Brown  
for Appellant  
August 30, 2012

**ORIGINAL**