

RECEIVED

OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: 5/27/16

TIME: 4:10  AM  PM BY: EMO

FILE NO OPA-PA: 16-003

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

FISHER & ASSOCIATES  
Suite 101 De La Corte Building  
167 East Marine Corp. Drive  
Hagåtña, Guam 96910  
Telephone: (671) 472-1131  
Facsimile: (671) 472-2886  
Counsel for Guam Visitors Bureau

BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY  
HAGÁTÑA, GUAM

IN THE APPEAL OF	)	OPA-PA-16-003
	)	
TLK MARKETING CO., LTD.	)	<b>OPPOSITION TO A MOTION IN RE A</b>
	)	<b>HEARING IN THIS MATTER</b>
Appellant	)	
	)	
	)	
	)	
	)	
	)	
	)	
	)	
	)	

**COMES NOW APPELLEE** Guam Visitors Bureau and Moves the Office of Public Accountability vacate hearing dates in this Appeal.

**\*\*\* Statement of Fact\*\*\***

1. Appellant TLK Marketing Co., Ltd., filed an appeal of an agency decision in this matter on 22 April 2016. *See In the Appeal of TLK Marketing Co. Ltd., OPA-PA-16-003.*
2. This Appeal does not concern a suspension or a debarment of a contractor.
3. Appellant submitted a Comment on the Agency Record on 19 May 2016.

1 4. Neither Appellant nor Appellee has requested a hearing on the merits in  
2 this matter.

3  
4 **\*\*\* Statement of Points and Authority \*\*\***

5 Guam Administrative Rules and Regulations provide,

6  
7 In all Appeals to the Public Auditor of suspension or debarment, a hearing  
8 shall be conducted. In all other Appeals, including Appeals of protests or  
9 contract disputes, the parties shall either request a hearing in writing or  
10 waive their right to a hearing and submit the case on the record without a  
11 hearing. Request for a hearing shall be made prior to the expiration of the  
12 time period allowed for filing comments on the agency report, and shall  
13 be in a form substantially similar to Appendix D to this Chapter. Except  
14 in unusual circumstances, requests for a hearing received after such time  
15 will not be honored.

16 *2 Guam Admin. R. & Reg. §12108(emphasis added).*

17 Here neither Appellant nor Appellee has requested a hearing and the time for  
18 filing comments on an agency report has lapsed. Accordingly, the right to a  
19 hearing is waived and the case is submitted on the record.

20 **\*\*\* Relief Requested \*\*\***

21 **APPELLEE** Guam Visitors Bureau respectfully Prays the Office of Public  
22 Accountability vacate a hearing in this matter scheduled for 06 July 2016 .

23  
24 

25 \_\_\_\_\_  
Thomas J. Fisher  
Legal Counsel for Appellee