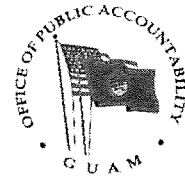


Suite 401 DNA Building
 238 Archbishop Flores St.
 Hagåtña, Guam 96910



FAX

To:	Mr. Peter John Camacho Chief Executive Officer Guam Memorial Hospital Authority (GMHA) 850 Gov Carlos G. Camacho Rd Tamuning, Guam 96913	From:	Doris Flores Brooks Guam Public Auditor Office of Public Accountability
Phone: Fax:	(671) 647-2555 (671) 649-0145/ 647-2214	Pages:	4 (including cover page)
CC:	Minakshi V. Hemlani, Esq. Law Offices of Minakshi V. Hemlani, P.C. (Attorney for GMHA)	Date:	January 23, 2018
Phone: Fax:	(671) 588-2030 (671) 649-2030	Phone: Fax:	(671) 475-0390 x. 208 (671) 472-7951
CC:	Mr. Joshua Walsh, Esq. Civille & Tang PLLC (Attorney for Appellant JMI Edison)		
Phone: Fax:	(671) 472-8868/9 (671) 477-2511		
CC:	Ms. Georgette Bello Concepcion, Esq. Brooks Concepcion Law, P.C. (Attorney for Interested Party Oka Pacific, Inc.)		
Phone: Fax:	(671) 472-6848 (671) 477-5790		

Re: OPA-PA-18-001 Recusal of Public Auditor and Order Designating OPA Staff Member to Preside Over Appeal

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 Auditor
jhernandez@guamopa.com

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OFFICE OF PUBLIC ACCOUNTABILITY
Doris Flores Brooks, CPA, CGFM
Public Auditor

PROCUREMENT APPEALS

1
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3
4
5
6 IN THE APPEAL OF,

) **APPEAL NO: OPA-PA-18-001**

7 JMI Edison,

) **RECUSAL OF PUBLIC AUDITOR AND
ORDER DESIGNATING OPA STAFF
MEMBER TO PRESIDE OVER APPEAL**

8 Appellant
9

10 To: **Purchasing Agency:**
11 Guam Memorial Hospital Authority
12 C/O Minakshi V. Hemlani Esq.
13 Law Offices of Minakshi V. Hemlani, P.C.
14 Suite C312 OP Plaza, 285 Farenholt Ave.
15 Tamuning, Guam 96913
16 Telephone: (671) 588-2030
17 Fascimile: (671) 649-2030

18 **Appellant:**
19 JMI Edison
20 C/O Joshua D. Walsh Esq.
21 Civile & Tang PLLC
22 330 Hernan Cortez Avenue, Ste. 200
23 Hagatna, Guam 96910
24 Telephone: (671) 472-8868
25 Fascimile: (671) 477-2511

26 **Interested Party:**
27 Oka Pacific, Inc.
28 C/O Georgette Bello Concepcion, Esq.
Brooks Concepcion Law, P.C.
247 Martyr Street, Ste. 101
Hagatna, Guam 96910
Telephone: (671) 472-6848
Fascimile: (671) 477-5790

THIS MATTER, came before the Public Auditor on January 22, 2018 pursuant to the Entry of Appearance as Interested Party of OKA Pacific and Request for Service of Pleadings and Filings (Entry of Appearance). After reviewing the Entry of Appearance, the Public Auditor

1 must RECUSE herself from this matter due to a conflict of interest and, pursuant to 2 G.A.R.,
2 Div. 4, Chap. 12, §12116, hereby designates a member of her staff to preside over this matter as
3 follows:

4 1. Recusal of the Public Auditor. The Public Auditor may recuse herself at any time and
5 notify all the parties. 2 G.A.R., Div. 4, Chap. 12, §12116. Here, the Public Auditor's step-son,
6 Terrence M. Brooks, Esq., has a business or partnership relationship with the attorney
7 representing the Interested Party. It shall be a breach of ethical standards for any employee to
8 participate directly or indirectly in a procurement when the employee knows that any member of
9 the employee's immediate family has a financial interest pertaining to the procurement. 5
10 G.C.A. §5628(a)(1). The term "immediate family" as used in the aforementioned statute means
11 a spouse, children, parent, brothers, and sisters. 5 G.C.A. §5601(g).

12 Here, the Public Auditor finds that the fact that Terrence M. Brooks, Esq., is her stepson
13 would qualify him as a member of her immediate family. The term "financial interest" as used
14 in the aforementioned statute means ownership of any interest or involvement in any relationship
15 from which, or as a result of which, a person within the past year has received, or is presently or
16 in the future entitled to receive, more than \$2,500. 5 G.C.A. §5601(e)(1). Here, the Public
17 Auditor finds that by virtue of his business or partnership relationship with the Interested Party's
18 attorney, Terrence M. Brooks, Esq., has likely received or will likely receive in the future more
19 than \$2,500. Public employment is a public trust and public employees, such as the Public
20 Auditor, must discharge their duties impartially so as to assure fair competitive access to
21 governmental procurement and they should conduct themselves in such a manner as to foster
22 public confidence and integrity of Guam's procurement organization. Therefore, based on the
23 foregoing, the Public Auditor has a conflict of interest and must recuse herself from this matter
24 and shall not participate in it in any direct or indirect manner.

1 2. Designation of Deputy Public Auditor to Preside Over Appeal. In the event of
2 recusal by the Public Auditor, the Public Auditor shall designate a member of her staff to preside
3 over the matter. 2 G.A.R., Div. 4, Chap. 12, §12116. The Public Auditor hereby DESIGNATES
4 Deputy Public Auditor Yuka Hechanova to preside over this matter.

5
6 **SO ORDERED** this 23rd day of January, 2018.

7
8 

9 _____
10 DORIS FLORES BROOKS, CPA, CGFM
11 PUBLIC AUDITOR

Broadcast Report

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002	082	6472214	03:05:56 p.m. 01-23-2018	00:00:00	0/4	1	--	HS	FA
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005	082	477 5790	03:05:56 p.m. 01-23-2018	00:00:54	4/4	1	EC	HS	CP21600



Jerrick Hernandez <jhernandez@guamopa.com>

OPA-PA-18-001 Notice of Pre-Hearing Conference and Motion Filing Deadline

1 message

Jerrick Hernandez <jhernandez@guamopa.com>

Wed, Jan 24, 2018 at 10:54 AM

To: receptionist@civilletang.com, Katrina Untalan <kuntalan@civilletang.com>

Hafa Adail

Please confirm receipt of this email and the attachment. The document was initially faxed on January 23, 2018, but failed to go through.

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Regards,

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

Auditor

Office of Public Accountability – Guam

www.opaguam.org

Tel. (671) 475-0390 ext. 208

Fax (671) 472-7951

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