

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



FAX

To:	Mr. Glenn Leon Guerrero Director Department of Public Works 542 North Marine Corps Drive Upper Tumon, Guam 96913 Phone: (671)646-3121/3232 Fax: (671) 649-6178	From:	Doris Flores Brooks Guam Public Auditor Office of Public Accountability
	Mr. Thomas Keeler Ms. Shannon Taitano Assistant Attorney Generals Office of the Attorney General of Guam 590 S. Marine Corps Drive, Suite 706 Tamuning, Guam, 96913 Fax: (671) 472-2493	Pages:	3 (including cover page)
CC:	Anita Arriola, Esq. Attorney for Appellant Core Tech International Corp. Arriola, Cowan & Arriola Tel: (671) 477-9730/33 Fax: (671) 477-9734	Date:	January 29, 2018
		Phone: Fax:	(671) 475-0390 x. 216 (671) 472-7951
Re:	OPA-PA-17-010 Decision and Order RE Appellant's Motion to Reconsider Denial of Subpoenas Request for Law Firm		

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

PROCUREMENT APPEALS

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6 IN THE APPEAL OF,

7 CORE TECH INTERNATIONAL CORP,

8 Appellant
9

) APPEAL NO: OPA-PA-17-010

) **DECISION AND ORDER RE**
) **APPELLANT'S MOTION TO**
) **RECONSIDER DENIAL OF SUBPOENA**
) **REQUEST FOR LAW FIRM**

10
11 To: **Purchasing Agency:**
12 Department of Public Works, Government of Guam
13 C/O Thomas P. Keeler, Esq.
14 Office of the Attorney General of Guam
15 590 S. Marine Corps Drive, Suite 706
16 Tamuning, Guam, 96913
17 Facsimile: (671) 472-2493

18
19 **Appellant:**
20 Core Tech International Corp.
21 C/O Anita P. Arriola, Esq.
22 259 Martyr Street, Suite 201
23 Hagåtña, Guam, 96910
24 Facsimile: (671) 477-9734


25 **THIS MATTER**, came before the Hearing Officer on December 4, 2017 pursuant to the
26 Appellant's (Hereafter Referred to as "CTI") Motion to Reconsider the Denial of its Request for
27 a Subpoena for the law firm of BLAIR STERLING JOHNSON & MARTINEZ (Hereafter
28 Referred to as "Law Firm"). After reviewing the aforementioned motion to reconsider, the
Hearing Officer, acting *sua sponte*, hereby FINDS and ORDERS the following

1. The Hearing Officer finds that the motion to reconsider has no merit. The Hearing Officer originally found that the Appellant's request for a subpoena for the law firm was unduly repetitious. The Appellant, in its motion to reconsider, readily admits that the Hearing Officer

1 whatever in favor of the appellant. *Id.* Further, a case can become moot at any stage of
2 litigation. *Id.*, at ¶26. Further, if a mootness issue is not raised by the parties, an appellate
3 tribunal is required to raise it *sua sponte*. *Sinanap, et.al., v. Cyfred Ltd., et.al.*, 2009 Guam 13,
4 ¶27. Here, the original exhibit filing deadline in this matter was set for November 22, 2017 and
5 this date was chosen so that the Office of Public Accountability (OPA) could receive and process
6 the parties exhibits in a timely manner prior to the hearing for the Appellant's Appeal that was
7 originally scheduled for December 13, 2017. However, on December 11, 2017, the OPA
8 partially granted, in relevant part, the Appellant's Motion for Sanctions by finding that the
9 Purchasing Agency failed to provide the Appellant a complete copy of the procurement record in
10 this matter and vacated the December 13, 2017 hearing and ordered the Purchasing Agency to
11 provide a complete procurement record to the Appellant by December 20, 2017 and rescheduling
12 the hearing to February 6, 2018. A new deadline for filing amended exhibits was scheduled for
13 January 19, 2018. However, on January 25, 2018, the OPA granted the Purchasing Agency's
14 Motion to Continue the formal hearing and this will necessitate a new deadline for the parties to
15 file their exhibits. Hence, the Appellant's objections are now moot because, due to the
16 Purchasing Agency not providing the Appellant a complete procurement record as ordered, a
17 new exhibit filing deadline will have to be scheduled in this matter, and because a new hearing
18 for the Appellant's Appeal will be scheduled.

19 2. Based on the foregoing, the Appellant's Objections to the Purchasing Agency filing
20 untimely exhibits is hereby DENIED because it is moot. The OPA shall issue an amended
21 Scheduling Order that includes a new exhibit filing deadline.

22
23 **SO ORDERED** this 29th day of January, 2018 by:

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27 
28 ANTHONY R. CAMACHO, ESQ.
Hearing Officer

Broadcast Report

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CC:	Anita Arriola, Esq. Attorney for Appellant Core Tech International Corp. Arriola, Cowan & Arriola Tel: (671) 477-9730/33 Fax: (671) 477-9734	Date:	January 29, 2018
		Phone:	(671) 475-0390 x. 216
		Fax:	(671) 472-7951

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Jerrick Hernandez <jhernandez@guamopa.com>

OPA-PA-17-010 Decision and Order RE Appellant's Motion to Reconsider Denial of Subpoenas Request for Law Firm

1 message

Jerrick Hernandez <jhernandez@guamopa.com>

Mon, Jan 29, 2018 at 1:46 PM

To: Anita Arriola <anitaarriola@arriolacowan.com>

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Regards,

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

Auditor

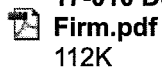
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**17-010 Decsion and Order RE Appellant's Motion to Reconsider Denial of Subpoenas Request for Law**