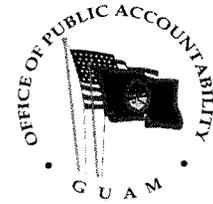


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FAX

To:	A.B. Won Pat Int'l Airport, Government of Guam C/O Michael A. Pangelinan, Esq. Calvo Fisher & Jacob, LLP Fax: 646-9403	From:	Doris Flores Brooks Guam Public Auditor Office of Public Accountability
	DFS Guam, L.P. C/O William J. Blair, Esq. Blair Sterling Johnson & Martinez, PC Fax: 472-4290	Pages:	4 (including cover page)
	DFS Guam, L.P. C/O Maurice M. Suh, Esq. Gibson, Dunn & Crutcher, LLP Fax: (213) 229-6260	Date:	June 5, 2013
		Phone: Fax:	475-0390 x. 211 472-7951

Re: OPA-PA-13-006 Order Staying Appellant's Appeal

Urgent For Review Please Comment Please Reply Please Recycle

Comments:

See attached for reference. Please acknowledge receipt of this transmittal by re-sending this cover page along with your firm or agency's receipt stamp, date, and initials of receiver.

Thank you,
 Llewelyn Terlaje, Audit Supervisor
 lterlaje@guamopa.org

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

PROCUREMENT APPEALS

IN THE APPEAL OF,

APPEAL NO: OPA-PA-13-006

DFS GUAM L.P.

**ORDER STAYING APPELLANT'S
APPEAL**

Appellant

To: **Purchasing Agency:**

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AND

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THIS MATTER came before the Public Auditor on May 31, 2013 pursuant to the Appellant's, DFS Guam, L.P., (Hereafter "DFS"), request for the Office of Public Accountability to immediately stay any and all further proceedings on this administrative appeal pursuant to 5

Notice of - 1

1 GCA Chapter 5. On the same day, the Guam International Airport Authority, Government of
2 Guam (Hereafter "GIAA") also issued a request for an order regarding whether the Public
3 Auditor will or will not stay the Appeal that was filed on May 30, 2013. After considering the
4 aforementioned requests and filings made by the parties, the Public Auditor hereby FINDS and
5 ORDERS the following:
6

7 1. The Public Auditor finds that *DFS Guam L.P., v. The A.B. Won Pat International*
8 *Airport Authority, Guam, Lotte Duty Free Guam LLC (Hereafter "Lotte"), et. al.*, Civil Case No.
9 CV 0685-13 (Superior Court of Guam) concerns the procurement that is the subject of this
10 appeal. Specifically, the aforementioned civil action concerns the Appellant in this matter
11 seeking judicial review of GIAA's May 17, 2013 denial of a Proposal Protest, which was filed by
12 DFS concerning Request for Proposal, GIAA 010-FY12 (Specialty Retail Concession).
13

14 2. The Public Auditor shall not take any further action on this appeal. Generally, if
15 an action concerning the procurement under appeal has commenced in court, the Public Auditor
16 shall not act on the appeal except to notify the parties and decline the matter due to judicial
17 involvement. 2 G.A.R., Div. 4, Chap. 12 §1210(b). This procurement regulation specifically
18 prohibits the Public Auditor from taking any action upon notification of pending judicial
19 proceedings. *Harbor Centre Guam Co., Ltd. et. al. v. Doris Flores Brooks as Public Auditor,*
20 *Office of Public Accountability*, SP0226, line 2, page 4, Decision and Order dated April 20, 2011
21 (Superior Court of Guam). Here, as stated above, *DFS Guam L.P., v. The A.B. Won Pat*
22 *International Airport Authority, Guam, Lotte Duty Free Guam LLC, et. al.*, Civil Case No. CV
23 0685-13 (Superior Court of Guam) concerns the procurement underlying this appeal. Thus, the
24 parties are hereby ON NOTICE of the aforementioned civil action and the Public Auditor shall
25 not take any further action on this appeal and hereby declines taking any further action due to the
26
27
28

