

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



FAX

To:	Ms. Claudia S. Acfalle Chief Procurement Officer General Services Agency Department of Administration 148 Route 1 Marine Drive Piti, Guam 96915 Phone: (671) 475-1707 Fax: (671) 475-1727/472-4217	From:	Benjamin J.F. Cruz Public Auditor Office of Public Accountability	
	Ms. Sandra Cruz Miller, Esq., Assistant Deputy Attorney General Office of the Attorney General of Guam 590 S. Marine Corps Drive, Suite 706 Tamuning, Guam, 96913 Fax: (671) 472-2493	Pages:	4 (including cover page)	
CC:	Geri E. Diaz, Esq. (Attorney for Appellant Basil Food) Camacho Calvo Law Group LLC 134 W Soledad Ave., Suite 401 Hagatna, Guam 96910 Phone: (671) 472-6813 Fax: (671) 477-4375	Date:	July 9, 2020	
	Vanessa L. Williams, Esq. (Attorney for Interested Party SH Enterprises, Inc.) Law Office of Vanessa L. Williams, P.C. 414 West Soledad Avenue GCIC Bldg., Suite 500 Hagåtña, Guam 96910 Phone: (671) 477-1389 Email: VLW@vlwillmslaw.com	Phone:	(671) 475-0390 x. 211	
		Fax:	(671) 472-7951	

Re: OPA-PA-19-011 and 20-003 Order Reversing Recusal of Public Auditor and Appointment and Designation of Hearing Officer to Preside Over Appeals

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Thank you,
 Jerrick Hernandez, Auditor
jhernandez@guamopa.com

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**PROCUREMENT APPEALS
TERRITORY OF GUAM**

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7 IN THE APPEAL OF,) **APPEAL NO: OPA-PA-19-011**
8) **OPA-PA-20-003**
9 BASIL FOOD INDUSTRIAL SERVICES)
CORPORATION,) **ORDER REVERSING RECUSAL OF**
10) **PUBLIC AUDITOR AND APPOINTMENT**
11) **AND DESIGNATION OF HEARING**
Appellant) **OFFICER TO PRESIDE OVER APPEALS**

12 **To: Purchasing Agency:**
13 General Services Agency
14 C/O Sandra Cruz Miller, Esq.
15 Office of the Attorney General of Guam
16 590 S. Marine Corps Drive, Suite 706
17 Tamuning, Guam, 96913
18 Facsimile: (671) 472-2493

19 **Appellant:**
20 Basil Food Industrial Services Corporation
21 C/O Geri E. Diaz, Esq.
22 Camacho Calvo Law Group LLC
23 356 E. Marine Corps Drive, Suite 201
24 Hagåtña, Guam, 96910
25 Facsimile: (671) 477-4375

26 **Interested Party:**
27 SH Enterprises, Inc.
28 C/O Vanessa Williams, Esq.
414 W. Soledad Ave., Suite 500
Hagåtña, Guam, 96910
Email: VLW@VLWILLIAMSLAW.COM

NOTICE IS HEREBY GIVEN that the Public Auditor is reversing December 31, 2020,
and March 1, 2020, Recusals and Orders Appointing and Designating Hearing Officer Anthony R.
Camacho to Preside Over the referenced consolidated appeals.

1
2 **I. Facts**

3 On December 16, 2019, Basil Food Industrial Services Corporation (“Appellant”) filed a
4 Notice of Appeal relative to the procurement of Nutrition Services for the Comprehensive
5 Management, Operations, and Maintenance of the Elderly Nutrition Program, Congregate Meals
6 and Home-Delivered. The Office of Public Accountability (“OPA”) assigned this appeal case no.
7 OPA-PA-19-011

8 On December 26, 2019, the law firm of Civile & Tang, PLLC, through Attorney Joyce
9 C.H. Tang filed a Notice of Entry of Appearance on behalf of interested party S.H. Enterprises,
10 Inc.

11 On December 31, 2019, the Public Auditor issued the Recusal and Order Appointing and
12 Designating Hearing Officer Anthony R. Camacho to Preside Over the appeal, to avoid the
13 appearance of impropriety caused by his social relationship with Ms. Tang.

14 On February 27, 2020, the Appellant filed a second appeal relative to the same
15 procurement in OPA-PA-19-011, and the OPA assigned this appeal case no. OPA-PA-20-003.

16 On March 1, 2020, the Public Auditor issued the Recusal and Order Appointing and
17 Designating Hearing Officer Anthony R. Camacho to Preside Over the appeal, citing the same
18 conflict with Ms. Tang representing the interested party.

19 On March 13, 2020, Hearing Officer Camacho issued the Order Consolidated appeals
20 OPA-PA-19-011 and OPA-PA-20-003.

21 **II. Basis for Reversal of Recusal and Appointment of Hearing Officer to Preside Over**
22 **Appeal**

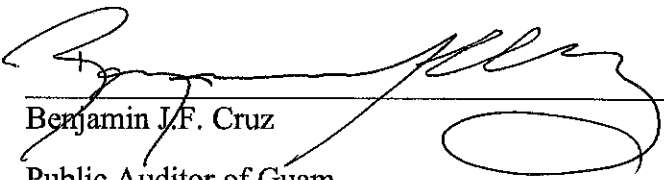
23 On February 14, 2020, the Law Office of Vanessa L. Williams, P.C., through Attorney
24 Vanessa L. Williams filed a Substitution of Counsel in place of the law firm of Civile & Tang,
25 PLLC in representing the interested party.

26 On July 7, 2020, the Appellant filed a Notice of Disqualification of Procurement Appeals
27 Hearing Officer Anthony Camacho, citing Hearing Officer Camacho’s employment as Legal
28 Counsel for the University of Guam and serving as a contracted Hearing Officer for the OPA

1
2 violates 5 G.C.A. §30113, which states that governmental attorneys shall not engage in private
3 practice.

4 Therefore, since the law firm of Civile and Tang, PLLC is no longer representing the
5 interested party and because the Appellant has requested Hearing Officer Camacho be
6 disqualified, the Public Auditor has decided to reverse his recusal and appointment of Hearing
7 Officer Camacho and regain his authority to preside over the referenced consolidated appeals.

8 **SO ORDERED** this 9th day of July 2020 by:

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12 Benjamin J.F. Cruz
13 Public Auditor of Guam
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TRANSACTION REPORT

JUL/09/2020/THU 11:58 AM

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DATE	START T.	RECEIVER	COM.TIME	PAGE	TYPE/NOTE	FILE
JUL/09	11:50AM	4751727			MEMORY BUSY	0799001
	11:51AM	4722493			MEMORY BUSY	0799002
	11:51AM	4774375			MEMORY BUSY	0799003
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	12:39PM	4774375			MEMORY BUSY	0802003
TOTAL			0:00:00	0		

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Jerrick Hernandez <jhernandez@guamopa.com>

OPA-PA-19-011 and 20-003 Order Reversing Recusal of Public Auditor and Appointment and Designation of Hearing Officer to Preside Over Appeals

Jerrick Hernandez <jhernandez@guamopa.com>

Thu, Jul 9, 2020 at 12:52 PM

To: Vanessa Williams <vlw@vlwilliamslaw.com>, "Geri E. Diaz" <gdiaz@icclawgroup.com>, Robert Kono <robert.kono@gsa.guam.gov>, Sandra Miller <smiller@oagguam.org>

Cc: Clariza Roque <croque@guamopa.com>

Hafa Adail

Please see attached Order Reversing Recusal of Public Auditor and Appointment and Designation of Hearing Officer to Preside Over Appeals for OPA-PA-19-011 and 20-003. The Order was also faxed to the parties.

Please confirm receipt of this email and the attached document.

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Regards,

Jerrick J.J.G. Hernandez, MA, 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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