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FAX

To:	Ms. Carmen T. Charfauros Supply Management Administrator Department of Education 501 Mariner Avenue B-Building, Suite 116 Barrigada, Guam 96913 Phone: (671) 475-0438 Fax: (671) 472-5001 Email: ctcharfauros@gdoe.net	From:	Benjamin J.F. Cruz Public Auditor Office of Public Accountability
	Mr. James L.G. Stake, Esq. Legal Counsel 501 Mariner Avenue Barrigada, Guam 96913 Phone: (671) 300-1537 Email: jlgstake@gdoe.net ; legal-admin@gdoe.net	Pages:	3 (including cover page)
CC:	Mr. Sedfrey Linsangan President Guam Pacific Enterprise, Inc. Phone: (671) 649-6994/7/8 Email: guampacific@gmail.com	Date:	February 14, 2022
		Phone:	(671) 475-0390 x. 204
		Fax:	(671) 472-7951

Re: OPA-PA-22-003 Order of Dismissal

- For Review
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Thank you,
 Jerrick Hernandez, Auditor
jhernandez@guamopa.com



**BEFORE THE PUBLIC AUDITOR
PROCUREMENT APPEALS
TERRITORY OF GUAM**

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7 In the Appeal of) **Appeal No: OPA-PA-22-003**
8 Guam Pacific Enterprise, Inc.,) **ORDER OF DISMISSAL**
9 Appellant.)
10 _____)

11 To: **Purchasing Agency:**
12 Department of Education
13 C/O James L.G. Stake, Esq.
14 Legal Counsel
15 501 Mariner Avenue
16 Barrigada, Guam 96913
17 Phone: (671) 300-1537
18 Email: jlgstake@gdoe.net; legal-admin@gdoe.net

16 **Appellant:**
17 Guam Pacific Enterprise, Inc.
18 C/O Sedfrey Linsangan
19 President
20 Phone: (671) 649-6994/7/8
21 Email: guampacific@gmail.com

20 This is an order *sua sponte* dismissing the appeal filed on behalf of Guam Pacific Enterprises,
21 Inc. (“GPE”) herein without prejudice. Dismissal is warranted because the Office of Public
22 Accountability (the “OPA”) has no subject matter jurisdiction as this appeal is not properly before
23 the OPA.
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2 This appeal was brought by Sedfrey Linsangan as President, and on behalf of, GPE on
3 February 4, 2022. Previously, in Guam Pacific Enterprises, Inc. v. University of Guam, OPA-PA-
4 21-011, the duly appointed hearing officer dismissed that appeal on UOG's motion that the appeal
5 was not properly before the OPA, in that Linsangan, who is not licensed to practice law in Guam,
6 could not represent a corporation before this tribunal. *See* Decision and Order, OPA-PA-21-011
7 (Jan. 21, 2022).

8 Similarly, in Guam Pacific Enterprises, Inc. v. University of Guam, OPA-PA-21-015, the
9 duly appointed hearing officer dismissed GPE's appeal in that case on the same basis: that
10 Linsangan could not represent a corporation before this tribunal. *See* Order of Dismissal, OPA-PA-
11 21-015 (Jan. 31, 2022).

12 *See also* Guam Pacific Enterprises, Inc. v. Department of Education, OPA-PA-22-01 Order
13 of Dismissal (February 11, 2022).

14 Consistent with the dismissal of prior cases in which Linsangan purported to represent a
15 corporation, GPE's appeal herein is not properly before the OPA, and must be dismissed because
16 the OPA lacks subject matter jurisdiction over it.

17 Accordingly, IT IS HEREBY ORDERED that the appeal filed on behalf of GPE herein is
18 DISMISSED WITHOUT PREJUDICE. Each party shall bear its own attorneys' fees and costs.

19 **SO ORDERED** this 14th day of February, 2022 by:

20
21 

22 **Benjamin J. F. Cruz**
23 **Public Auditor of Guam**



Jerrick Hernandez <jhernandez@guamopa.com>

OPA-PA-22-003 Order of Dismissal

Jerrick Hernandez <jhernandez@guamopa.com>

Mon, Feb 14, 2022 at 3:01 PM

To: GPE INC <guampacific@gmail.com>, "James L.G. Stake" <jlgstake@gdoe.net>, "Carmen T. Charfauros" <ctcharfauros@gdoe.net>, Legal Admin <legal-admin@gdoe.net>

Hafa Adai,

Please see attached Order of Dismissal for OPA-PA-22-003. This email will serve as an official notice in lieu of a transmittal via Fax.

Please confirm receipt of this email and the attached document. Thank you.

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Regards,

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

Auditor

Office of Public Accountability – Guam

www.opaguam.org

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