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OPA Releases Decision and Order for Procurement Appeal OPA-PA-21-011 Relative to In Propria Personum Representation

Guam Pacific Enterprise, Inc., vs. University of Guam

January 25, 2022

Hagåtña, Guam – The Office of Public Accountability (OPA) has issued a Decision and Order in OPA-PA-21-011, Guam Pacific Enterprise, Inc. (GPE, Inc.), vs. University of Guam (UOG), relative to In Propria Personum Representation.

GPE, Inc. Filed this appeal through its authorized representative, its President Mr. Sedfrey Linsangan, who is not an attorney licensed to practice in Guam. In their reply to the GPE, Inc.'s Opposition to Motion to Dismiss, UOG argued that, as GPE's pleadings, arguments and representation have been brought by a non-lawyer, its appeal is not properly before the OPA and must be dismissed. GPE, Inc.'s position was that it and other appellants have represented their organizations at appeal to the OPA in the past. While such may be the case, the issue of corporate representation In Propria Personum has not previously been analyzed in an appeal to the OPA.

In the Decision, the Hearing Officer concluded the OPA exercises jurisdiction to further the purpose of simplifying, clarifying and modernizing the law governing procurement by determining that a person without a license to practice law in Guam may not represent a corporation or other business entity that is formally organized under Guam's laws. By having a licensed attorney represent formally organized entities, the OPA implements a policy that helps ensure the fair and equitable treatment of all persons who deal with Guam's procurement system, increases economy in territorial activities and provides safeguards for maintenance of a procurement system of quality and integrity. The appeal was Dismissed with Prejudice.

The Parties were informed of their right to appeal the Hearing Officer's Decision to the Superior Court of Guam in accordance with Part D of Article 9 of 5 G.C.A. §5481(a) within fourteen (14) days after receipt of a Final Administrative Decision.

To view the full decision, please visit our website at www.opaguam.org, and for more information, please contact Jerrick Hernandez at jhernandez@guamopa.com or 475-0390 ext. 204.