



Jerrick Hernandez <jhernandez@guamopa.com>

In the Appeal of Johndel International, Inc. dba JMI-Edison, Docket No. OPA-PA-23-002

R. Marsil Johnson <rmarsjohnson@bsjmlaw.com>

Thu, Oct 5, 2023 at 4:31 PM

To: Jerrick Hernandez <jhernandez@guamopa.com>

Cc: Vince Duenas <vduenas@guamopa.com>, Thyrza Bagana <tbagana@guamopa.com>, "Joshua D. Walsh" <jdwalsh@rwtguam.com>, William Brennan <Wbrennan@arriolafirm.com>, Richard Johnson <rljohnson@bsjmlaw.com>, "Merlyna W. Smith" <mwsmith@bsjmlaw.com>

Dear Mr. Hernandez:

Attached herewith for e-filing in the above-referenced matter are the following:

1. Interested Party Aircraft Service International, Inc. dba Menzies Aviation's Amended Witness List;
2. Interested Party Aircraft Service International, Inc. dba Menzies Aviation's Amended Exhibit List; and
3. Interested Party Aircraft Service International, Inc. dba Menzies Aviation's Exhibit "c" in .m4a format.

Kindly acknowledge receipt via return e-mail. Thank you. Should you have any questions, please let us know.

Regards,

R. Marsil Johnson

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3 attachments

2023.10.05 - Interested Party Menzies Amended Witness List re OPA PA-23-002.pdf

173K



Menzies Aviation Exhibit c Guam Contractors License Board Investigation Meeting Audio Nov 16 2021.m4a

11155K



2023.10.05 - Interested Party Menzies Amended Exhibit List re OPA PA-23-002.pdf

1130K

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11 **IN THE OFFICE OF PUBLIC ACCOUNTABILITY**
12 **PROCUREMENT APPEAL**

13 In the Appeal of)	Docket No. OPA-PA-23-002
)	
14 Johndel International, Inc. dba. JMI-)	
15 Edison,)	INTERESTED PARTY
)	MENZIES AVIATION'S
16 Appellant.)	AMENDED EXHIBIT LIST
)	
)	

17 Interested Party AIRCRAFT SERVICE INTERNATIONAL, INC. DBA MENZIES AVIATION
18 (“Menzies”), hereby submits its Amended Exhibit List for the hearing in this matter.

19 1. True and correct copies of Menzies’ Contractor’s License and that of its responsible
20 managing employee, issued by the Guam Contractors License Board on April 7, 2023, marked as
21 Exhibit “a”.

22 2. True and correct copies of Menzies’ Contractor’s License and that of its responsible
23 managing employee, issued by the Guam Contractors License Board on June 15, 2023, marked as
24 Exhibit “b”.

25 3. A true and correct copy of a recording of the November 16, 2021 Contractor’s
26 License Board Investigation Meeting, marked as Exhibit “c”.

27 4. A true and correct transcript of the November 16, 2021 Contractor’s License Board
28 Investigation Meeting, marked as Exhibit “d”.

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5. A true and correct copy of the March 21, 2023 Declaration of Cecil Orsini and its exhibits, filed with the Superior Court of Guam on March 24, 2023 and filed with the Office of Public Accountability by Johndel International, Inc. dba JMI-Edison as an attachment to its May 5, 2023 Comments on Agency Report in OPA-PA-23-002, marked as Exhibit “e”.

DATED this 5th day of October, 2023.

BLAIR STERLING JOHNSON & MARTINEZ
A PROFESSIONAL CORPORATION

BY: 

R. MARSIL JOHNSON
Attorneys for Party in Interest
Aircraft Service International, Inc.
dba Menzies Aviation

Exhibit “a”

2024

CONTRACTOR'S LICENSE

LOU LEON GUERRERO
Governor of Guam

JOSH TENORIO
Lt. Governor of Guam

Pursuant to the provisions of Chapter VII Title XI of the Government of Guam and the Rules and Regulations of the Contractors License Board, the Executive Director of Contractors hereby issues this license to:

Aircraft Service International, Inc. dba: Menzies Aviation

To engage in the business or act in the capacity
of a contractor in the following classifications

C13

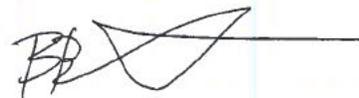
This license is the property of the Executive Director of Contractors, not transferable, and shall be returned to the Executive Director upon demand when suspended, revoked, or invalidated for any reason. It becomes void if not renewed on or before the expiration date.

Signature of RME
RME #

Signature of LICENSEE
License # CLB23-1829

GRT # 200500425
Issued: June 15, 2023

Certificate # C-0623-0415
Expires: June 30, 2024



BERNARD S. BENAVENTE
BOARD CHAIRMAN



CIRIACO C. SANCHEZ, Jr.
EXECUTIVE DIRECTOR



Exhibit “b”

2024

CONTRACTOR'S LICENSE

LOU LEON GUERRERO
Governor of Guam

JOSH TENORIO
Lt. Governor of Guam

Pursuant to the provisions of Chapter VII Title XI of the Government of Guam and the Rules and Regulations of the Contractors License Board, the Executive Director of Contractors hereby issues this license to:

**Ignacio C. Urlanda RMR For:
Aircraft Service International, Inc. dba: Menzies Aviation**

To engage in the business or act in the capacity
of a contractor in the following classifications

C13

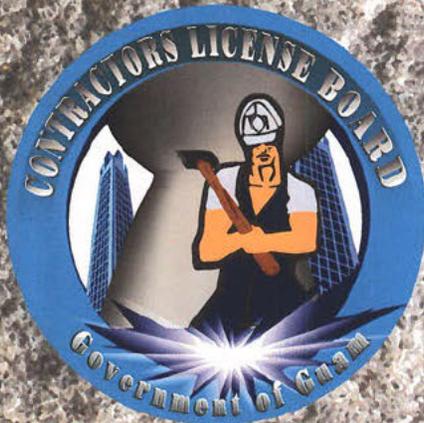
This license is the property of the Executive Director of Contractors, not transferable, and shall be returned to the Executive Director upon demand when suspended, revoked, or invalidated for any reason. It becomes void if not renewed on or before the expiration date.


Signature of RME
RME # CLB23-1830

Signature of LICENSEE
License #

GRT #
Issued: June 15, 2023

Certificate # R-0623-0416
Expires: June 30, 2024




BERNARD S. BENAVENTE
BOARD CHAIRMAN




CIRIACO C. SANCHEZ, Jr.
EXECUTIVE DIRECTOR

Exhibit “c”

This is an electronic exhibit and was sent as
a separate file.

Exhibit “d”

**Transcript of Contractor's License Board Investigation Meeting
November 16, 2021**

Investigator Marcus Finona: Today's date is November 16, 2021. The time is 9 a.m. The meeting is for case number 2021 09-04 Ed Ilaio versus ASIG or Menzies. People at the meeting is--in the meeting is Mr. Rodney Paet, Miss Mildred Sigaoat, and Mr....

R. Marsil Johnson: Mars Johnson.

Investigator Marcus Finona: Mars Johnson. And investigators here are Andrew Mesa and Investigator Marcus Finona. Okay, so officially recording. Like I said, we're here to discuss the complaint met Mr. Ilaio made against you guys.

R. Marsil Johnson: Okay.

Investigator Marcus Finona: You guys read the packet. It's kind of a lot. And yeah, I know.

R. Marsil Johnson: We got a copy of it here too, though. Okay. Well, I guess the main thing we wanted to point out is it seems kind of vague. That's our primary concern. Generally, with any sort of complaint, you want to make sure it's as clear as possible. Mr. Ilaio essentially, I guess, after he lost this procurement um to Menzies filed a complaint with the CLB and then filed a procurement protest at the same time, the basis being that Menzies didn't have a, a contractor's license. He didn't specify what contractor's license Menzies was supposed to have for the type of work that they're doing. And he's asking for some pretty severe penalties here. I figured that if Mr. Ilaio is going to make these types of claims, he has to be as specific as possible. As far as we're aware of, we can't figure out which license Mr. Ilaio claims that Menzies is supposed to have. And if we're going to provide a proper defense to it, we figure that we're entitled to figure out what type of or to notice as to what type of license he feels that we must have in this situation.

Investigator Marcus Finona: Ok.

R. Marsil Johnson: I think we spoke over the phone before. And I think it was your understanding, Mr. Finona, that that was supposed to be some type of electrical systems license. I think we went through that. And the electrical systems license, which I think is, is C-15. Is specific with respect to PA systems and sound systems. This is a procurement and this is a contract that has to deal with baggage handling, which has nothing to do with PA systems and sound systems at all. So, it doesn't seem that the C-15 would be the appropriate license for anybody to have in this situation at all. Um. So we did look through the other sort of specialty classifications, we couldn't figure out which one would apply to this procurement either,

Investigator Marcus Finona: Okay.

R. Marsil Johnson: And then looking at the class a Class A and Class B licenses that I was, it's broken down?

Investigator Marcus Finona: It's yeah.

R. Marsil Johnson: General construction, general engineering.

Investigator Marcus Finona: Yes, it's just classifications and then A would be the engineering B would be the building and then C and so forth, so on and so forth.

R. Marsil Johnson: Yeah. So, looking towards those that seems that this is based on a statute that's been adopted in California and a few other jurisdictions. There have been a few changes between the Guam statute and other jurisdictions. But it seems clear that the intent is that the contractors who are involved in building or putting permanent improvements into buildings must be licensed as contractors. This is a maintenance license involving the operation of the baggage system at the GIAA. And it doesn't seem that they they would rise up to the sort of the policy behind having contractors licensed on Guam.

Investigator Marcus Finona: Okay. Okay. So, with that said, we've spoke also before, and so today's meeting was just to get the response--

R. Marsil Johnson: Sure.

Investigator Marcus Finona: I was telling you before, exactly how you just said it now. That could easily be a response. Right? It's just our job to give you guys the complaint, right, that that another contractor thinks that he's has a case against you guys. So, he is in this right to make that complaint as well.

R. Marsil Johnson: Absolutely.

Investigator Marcus Finona: Um, I don't do the I don't answer whether he's right or wrong. It's up to our board to kind of decide that.

R. Marsil Johnson: Okay.

Investigator Marcus Finona: Chances are cases go beyond our board. It's happened before where it goes to litigation, our Guam local courts, right. And we follow whatever they decide. And um so the process we have right now is that the complaint came in by Mr. Ila. We issued you guys the notice to appear which you came today. Appreciate that. And the next step would be to get your response where that complaint, whether your response says there has no validity, or yes, we're wrong and I'm sorry, or whatever the response is, we accept that. And then we would take that to our board. They decide whether the case has merit or not. And if it does, and you guys want to contest the complaint, then we go towards

hearing. Or if we decide to settle and say I guess it doesn't have a merit, then you know, that's case closed. So, we're still in that process. And we still give Mr. Ilaio the due process and you guys that due process so we're still in the middle of everything is a little premature to just this is the final decision, you know this, that's not what we're going to do today. So, this is just like step one or step two now, I guess, because they initiated the complaint, and you guys are responding so?

R. Marsil Johnson: Sure.

Investigator Marcus Finona: So, this is where we're at right now.

R. Marsil Johnson: Totally understand.

Investigator Marcus Finona: Oh, for future meetings, too. Um, it's up to you guys, whether you do would like to come in? See, generally we have the contractors come in. That's just standard procedure for us. But since you guys don't even have a license with us, right, I don't believe you do.

Rodney Paet: No

Investigator Marcus Finona: Not any license at all right. So this kind of the reason why we can bring them in is because chances are they don't like to respond. This is generally speaking for contractors only, not necessarily the companies like you guys right? So, this is kind of the procedure. We can always go back and forth through emails if you guys wish, you know, because I know time is precious right? We can always do that. So, with that said, were you guys still gonna submit? I know you said you wanted to have questions or clear clarity today.

R. Marsil Johnson: Yeah.

Investigator Marcus Finona: And then.

R. Marsil Johnson: We just want to make sure we show face to show that we've taken this seriously.

Marcus Fionona: Sure.

R. Marsil Johnson: And that we answer any questions that you had before it goes to the board.

Investigator Marcus Finona: Okay.

R. Marsil Johnson: So if you have any questions, we're happy to answer any of them.

Investigator Marcus Finona: Okay. Um, I did. So, you mentioned you went through this listing, right,

R. Marsil Johnson: Sure.

Investigator Marcus Finona: And said he could not sort of identify which license.

R. Marsil Johnson: Yeah.

Investigator Marcus Finona: I think it was say the

R. Marsil Johnson: C-15 is the one I think we talked about

Investigator Marcus Finona: The electronic system contractor. I mean, so it said this special. The C-15 electronic system contractors specialty contractor whose contracting business in the execution of contracts requiring the ability to intelligently install, maintain, repair, and service electronic equipment and electronic controls for public address intercommunication master antenna, music distribution systems, electronic controls include those controls in conjunction with other specialty contracting work. So, I do see how you're seeing that it doesn't connect to the conveyor belt system. I mean, to be honest, I think that's gonna get really, really into details.

R. Marsil Johnson: Sure.

Investigator Marcus Finona: My opinion is just my opinion, of course. And so would you say that it's more connected to like, because it's conveyor belts, right. So it's a bit more in line with like the X elevator escalator type work.

R. Marsil Johnson: Let's see. Which one is that one again?

Investigator Marcus Finona: C-15 is the one you said.

R. Marsil Johnson: Yeah. Elevator is 16 right. Elevator installation contractor.

Investigator Marcus Finona: Yeah.

R. Marsil Johnson: Install and erect sheaves beams motors, sheaves, cable and wire ropes, ... [inaudible]. I think it's seems clear that elevators really kind of has more to do with people. I mean--

Investigator Marcus Finona: Okay.

R. Marsil Johnson: I know, there's elevator inspectors, I think they're probably the ones that are contracted.

Investigator Marcus Finona: Right, right. Right. I'm not saying that this is it is

R. Marsil Johnson: Sure.

Investigator Marcus Finona: I'm not saying that. That's what it is. I'm just trying to say that. You know, when when you do like maintenance work, generally speaking, you still should have a certain skill set of what you're working on. Right. And

R. Marsil Johnson: You do have certain employees that are licensed, though, right?

Rodney Paet: Electricians

R. Marsil Johnson: They have electricians that are licensed with the CLB.

Investigator Marcus Finona: Okay then yeah. Right? There you go. I mean, are they licensed with our agents?

Mildred Sigaoat: Yes

Investigator Marcus Finona: They are licensed with us? Okay, good. So, these are so we're getting somewhere here because I guess Mr. Ilaos was under the impression there's zero.

R. Marsil Johnson: Yup.

Investigator Marcus Finona: You know what I mean? And it could be that your electricians have their own personal names that are have licenses and not necessarily. Are you guys Menzies or ACIG? How do I address you guys?

Mildred Sigaoat: Our business license under ASIG.

Investigator Marcus Finona: Okay.

Mildred Sigaoat: DBA Menzies so.

R. Marsil Johnson: Either one works ASIG would probably be more specific though.

Investigator Marcus Finona: Correct. Okay.

Mildred Sigaoat: Yeah. On our building and everything on our letterheads and everything, it's Menzies aviation.

Investigator Marcus Finona: Okay? Okay, so, Menzies okay

Mildred Sigaoat: Menzies

Investigator Marcus Finona: Okay, so maybe it might not have Menzies under our office. It may say, you know, Joe Cruz. That's his electric. Oh, a license to be an electrician. So, and then he works for you. So, of course, he does have that license under you guys. So that's where you know, there's could be a discrepancy that Mr. Ilao doesn't know. And these are things that we can clarify for him. I'm just, you know, I'm giving options there because it could be that's the case. Right? And we don't know, we're still trying to figure this out. So, can I get the list of the names then of people who are on your side?

Rodney Paet: Listed?

Investigator Marcus Finona: No no no. If they're employees, then it's not a sub or anything.

Rodney Paet & Mildred Sigaoat: Alright.

Investigator Marcus Finona: They're they're a licensed contractor that works for Menzies and of course, he can use his license there. That's not a problem. If he's employed.

Rodney Paet: Okay, okay. We can go through our listing and then we'll provide it to

Investigator Marcus Finona: Okay.

R. Marsil Johnson: That's fine.

Investigator Marcus Finona: Okay okay. You know it's something I can give back right to Mr. Ilao to maybe he oh, wow. Okay, I know this guy. I guess he works there. You know, I mean, I don't know what his intentions are.

Rodney Paet: Sure.

Investigator Marcus Finona: Also, did you guys have a contractor before though?

Mildred Sigaoat: Under ASIG?

Marcus Fionona: Mmumm.

Mildred Sigaoat: Yes.

Investigator Marcus Finona: So what was his. Do you remember what his license? What..Which license he had before?

Mildred Sigaoat: The company?

Investigator Marcus Finona: I don't know? Because so I'm trying to figure that out? Who was your licensed contractor before? And what exactly did he need his license for?

Rodney Paet: Or the specific work that was required?

Investigator Marcus Finona: Right? What Why would you have hired a contractor? Or why would you have hired someone with a contractor's license then? I guess that would have been my question.

Mildred Sigaoat: I know.

Investigator Marcus Finona: What would have been the purpose?

Mildred Sigaoat: I know that noticed the company ASIG. Aircraft--It's either AGI or ASIG at the time, had a contractor's license.

Investigator Marcus Finona: What was what was it for in particular?

Mildred Finona: I believe...

Investigator Marcus Finona: Are you guys doing like other works or

Mildred Sigaoat: I believe it was for the jetway.

Investigator Marcus Finona: Okay, to repair the jetway or maintain maintenance or

Mildred Finona: Yeah.

Rodney Paet: Maintenance. Yeah.

Investigator Marcus Finona: And he was a electrician?

Rodney Paet: Well, because the jetways had HVAC on it.

Investigator Marcus Finona: Okay.

Rodney Paet: And so the air blowing...

Investigator Marcus Finona: Okay, as well, so it makes sense. Yeah, I've been on jetways before. We got air blowing through.

Rodney Paet: So prior to Menzies those days AGI time

Mildred Sigaoat: Actually made even maybe AGI Time

Rodney Paet: AGI

Mildred Sigaoat: The three companies before.

Rodney Paet: Okay. So our company changed names though.

Investigator Marcus Finona: Okay. And and do you guys still do those specific works?

Rodney Paet: Not the jetways.

Investigator Marcus Finona: So just that's okay. But then that makes sense. Right? Contractor no more because you don't do that work. That makes sense. So, there was no other work or that was the only...

Mildred Sigaoat: No. That was the only employee--

Investigator Marcus Finona: Employee that needed required licenses or anything.

Rodney Paet: No.

Investigator Marcus Finona: Okay, cool. Um. And what-what year was this? Because this guy was going back saying like, you guys, were doing this for like, five years already or so. So what what?

Mildred Sigaoat: The jetways have been a while. I'd say.

Rodney Paet: That was a long time ago. Maybe 2000s maybe?

Mildred Sigaoat: Yeah.

Investigator Marcus Finona: Okay. So, for sure more than 10 years ago.

Mildred Sigaoat: Yeah. About 10 years maybe. Yeah. Correct.

Rodney Paet: Yeah.

Investigator Marcus Finona: So, would you guys would you guys know what he's talking about then when he's saying like, you been operating without a license for like five years at least? Or something?

Rodney Paet: I guess. I guess its pertaining to the...

Mildred Sigaoat: We've being doing the baggage system.

Rodney Paet: Baggage system

Investigator Marcus Finona: Okay. For the past five years.

Mildred Sigaoat: Yes, and before that as well.

Investigator Marcus Finona: Okay. Okay. And when you guys were when you guys were like won the bid in the the bidding package, did it ever require you guys to give a license?

R. Marsil Johnson: Not that we've seen.

Investigator Marcus Finona: It's from the airport, right.

R. Marsil Johnson: Yeah.

Mildred Sigaoat: Correct.

Investigator Marcus Finona: When they gave out the bid.

Rodney Paet: We have provided all the documents to the airport.

R. Marsil Johnson: Yeah.

Rodney Paet: That's what they asked for and...

Investigator Marcus Finona: Okay.

Rodney Paet: That was sufficient for them so...

Investigator Marcus Finona: Okay.

R. Marsil Johnson: We looked through it. Generally, the requirements are for make sure that license businesses licensed to do business under Guam law. So, the Guam licensing law, that type of thing.

Investigator Marcus Finona: Okay, just just as long as you had a business license, basically,

R. Marsil Johnson: Yeah.

Investigator Marcus Finona: So they never--

R. Marsil Johnson: Had the appropriate license. Yeah, they didn't specify. So, for instance, I know the airport when they put up bids for for engineers and architects, they generally will require that they have a PEALS license.

Investigator Marcus Finona: Okay.

R. Marsil Johnson: But this type of I looked in this the bid from now and I would bid from five years ago and they didn't have a specific requirement for for any type of licensing CLB or PEALS license for this type of procurement though. They just had the general thing that's included in pretty much every government procurement that says that you have to abide by Guam's licensing law so you're licensed to do business in Guam.

Investigator Marcus Finona: So it's kind of like an umbrella kind of?

R. Marsil Johnson: Yeah.

Investigator Marcus Finona: Yeah, I see where it can get gray. Okay, so I guess, um, so I'm still going to be pending your response, then

R. Marsil Johnson: Sure.

Investigator Marcus Finona: And I'm really happy you guys came today. We don't have to take so much of your time anymore really, because I'm just here really to accept the response. And like you said, figure out some questions or concerns we had.

R. Marsil Johnson: We'll get you the written response, if not by the end of today, then by tomorrow so...

Investigator Marcus Finona: Okay.

R. Marsil Johnson: So the other people off-island have the chance to look at it before we submit it.

Investigator Marcus Finona: Sure. Not a problem. Yeah, just you know, don't make it so long.

R. Marsil Johnson: Yeah, no no, no worries.

Investigator Marcus Finona: Because this guy calls me like, oh man every two days asking updates.

R. Marsil Johnson: Oh, Ilao does?

Investigator Marcus Finona: Yeah, yeah Mr. Ilao.

R. Marsil Johnson: Interesting.

Investigator Marcus Finona: Yeah, yeah, we get some crazy complaints, man when they come in and...

R. Marsil Johnson: Very persistent with them.

Investigator Marcus Finona: Yeah, even I explained to them there's two processes. And it's, it's you know what I have to deal with really.

R. Marsil Johnson: Okay, sorry about that.

Investigator Marcus Finona: Yeah no no. It's cool its cool. I'm used to it already. It's just trying to make the response come in a little bit on time, you know,

R. Marsil Johnson: Yeah.

Investigator Marcus Finona: And because we've pushed our meeting back for so many times.

R. Marsil Johnson: Yeah.

Investigator Marcus Finona: So that's, I can understand to Mr. Ilao. And so yeah, I guess we can end the meeting now. If you guys have any other questions for us.

R. Marsil Johnson: No.

Rodney Paet: No.

R. Marsil Johnson: You guys, do you have any other questions as well? Or?

Investigator Marcus Finona: For me? Not at the moment? Um, I just I just wanted to know if you guys were aware of the licenses, I know, I've sent you some info, I believe?

R. Marsil Johnson: Yeah. I think so. I think you pointed me to the website.

Investigator Marcus Finona: Oh, that's right. I'm sorry. That's right. So yeah, I pointed you to to look at and that's because it comes with definitions as well. Right. So, it did help out. I know, this gets vague really sometimes. Yeah, I guess we just have to connect the dots where we can.

R. Marsil Johnson: Ultimately, it seems kind of clear that a lot of that has to do with installation of permanent fixtures inside of buildings, references, Edge H vac, escalator systems, elevator system, PA systems, those types of things you'd be drilling into a building to install. This contract specifically doesn't involve the installation of the of the baggage claim system. Is that correct? This is a maintenance system. This is a maintenance and operation contract.

Investigator Marcus Finona: Right.

Investigator Marcus Finona: There will be some rare moments where they might need to replace a piece of equipment. But this is something that's bolted to the floor that can be removed, you know, the next day or something. This isn't something like, like an HVAC system where you'd have to take take the walls down in order to remove it. It's not a structural part of the building. Yeah, it's, it's very different from like, say, taking in an elevator building, for instance, what these people are doing is really just operating existing machinery that's already been installed in the elevator in the airport years ago. And so we really don't understand how the contractor's license would really go into it, though. So, especially given the fact that looking through the general, the general engineering license, the general construction license, and it looks like there are two specialties required for each one of those. And it doesn't seem like any of those specialties would--would fit under this type of contract. And then looking through the list, we couldn't find one of those specialty contracts that would apply to this one. I understand if there was like no baggage conveyor type--

Investigator Marcus Finona
Right, right

R. Marsil Johnson
Clearly, or something that sort of generally had to do with moving items around or like, you know, railway type systems or something like that, though, but, but you know, honestly, looking through it, we couldn't figure out what it was. And we're kind of disappointed that Mr. Ilao didn't specify in his because he also

did this in a procurement protest. He made the very general complaint in the oh, here it is specific complaint at the first level of the procurement protest, saying that he didn't have a specialty license. And then he didn't identify which license that was. And then when they appealed it to the OPA, which is the next step of administrative review, his lawyers made it more general saying that they didn't have any business license.

Investigator Marcus Finona

Wow

R. Marsil Johnson: And then when they filed their their comments on the Agency report, which is sort of the first step where people get a chance to sort of explain their case at the OPA, they didn't go into what license was required, or the requirements of each license, they just sort of looked at the definition of a contractor, which is itself is very, pretty broad.

Investigator Marcus Finona: Right, right.

R. Marsil Johnson: But it really was an explanation of what particular type of licens is required. And so, we had to look into this going like, it's hard to defend against every single type of license that you're required to have, as opposed to sort of a specific complaint saying, "Well, you need to have this type of license. And because A, B and C..." That's a much easier thing for us to respond to, rather than going through the entirety of the the CLB regulations

Investigator Marcus Finona: I understand.

R. Marsil Johnson: And figuring out which one he thinks we might need to have

Investigator Marcus Finona: Right? Because so he also sent us the protests that he was filing with in OPA and so obviously, he's on a mission. So he does call us. I'm gonna update him of the meeting we had today.

R. Marsil Johnson: Okay.

Investigator Marcus Finona: Basically, it's just, we didn't get a response yet. And we're pending that you said, maybe tomorrow.

R. Marsil Johnson: Yeah. So we'll have you written something by tomorrow at the latest.

Investigator Marcus Finona: Okay.

R. Marsil Johnson: Just so you can continue with your with the administrative process.

Investigator Marcus Finona: Yeah. So yeah, right. So we have the process and then so so basically, I get the response. I show it to my supervisor. We go through with legal because you guys have lawyers now so we also have to...

R. Marsil Johnson: Absolutely.

Investigator Marcus Finona: ...legal counsel as well. So, we, I guess, figure out whether, like you said, what license is required? Because I think that's your biggest question then is what licenses is required for it to do that work for the conveyor belts.

R. Marsil Johnson: Yeah.

Investigator Marcus Finona: That will take it to our legal and I, that's when we figure out whether this case has merit or not. He's obviously on a mission. He went through the OPA's office. So, I guess we're kind of seeing what, what were they going to say about it as well to not to say that we're, we're waiting for their response, because of course, we're actually waiting for your response to that we can go to our process. But like, personally, I'm just curious to what is the next level for that because...

R. Marsil Johnson: For the OPA, I think the position the airport has taken and what our position is going to be as well as that is the generally the OPA doesn't have jurisdiction to determine whether somebody has or should have a CLB license. And this happened in a case that was issued by the by the OPA last month. Because they some I think it was one of the telecommunications bids went out. And somebody protested saying that, like I guess the winning bidder didn't have the right type of license from the Guam Telecommunications Commission. And so, the OPA said, Well, look, I don't have the expertise, and I'm not the board that's supposed to determine who's supposed to have a license or what kind of license I'm supposed to have. So that it was a dismissed it without prejudice, saying that process needs to go through first, before the OPA is going to make a decision.

Investigator Marcus Finona: So it sounds like we're going down that similar road.

R. Marsil Johnson: Yeah. Well that's what we think is gonna is gonna - that's what are argument is at least though

Investigator Marcus Finona: We're actually familiar with that case, as well.

R. Marsil Johnson: Oh, really?

Investigator Marcus Finona: Yeah. So, we understand we understand where, how it gets really gray. I mean, really, I wish I wish to it was more specific.

R. Marsil Johnson: Yeah.

Investigator Marcus Finona: But yeah, you as a lawyer? No, it's always written generally. So

R. Marsil Johnson: Yeah, and some of these laws haven't been updated in a long time too though so yeah, kind of, I mean, there's, I'm sure there's a few other licenses that could be put in there like networking licenses and stuff, like that...

Investigator Marcus Finona: For sure, especially with the world we live in today.

R. Marsil Johnson: Yeah.

Investigator Marcus Finona: Yeah. Right. And so I mean, so with that said, we can end today's meeting. Alright you guys, okay. So,

R. Marsil Johnson: Thank you very much for having us.

Investigator Marcus Finona: Meeting adjourned. I got 9:20 11/16/2021. Thank you.

Exhibit “e”

RAZZANO WALSH & TORRES, P.C.

SUITE 100, 139 MURRAY BLVD.
HAGÁTÑA, GUAM 96910
TELEPHONE: (671) 989-3009
FACSIMILE: (671) 989-8750

*Attorney for Petitioner
JMI-Edison*

FILED
SUPERIOR COURT
OF GUAM

2023 MAR 24 PM 4:56

CLERK OF COURT

BY: 

IN THE SUPERIOR COURT OF GUAM

JOHNDEL INTERNATIONAL, INC.
dba JMI-EDISON

Plaintiff,

v.

OFFICE OF PUBLIC
ACCOUNTABILITY, GUAM
INTERNATIONAL AIRPORT
AUTHORITY, Aircraft Services
International, Inc, dba MENZIES
AVIATION,

Defendant.

Civil Case No. CV0095-22

**DECLARATION OF
CECIL ORSINI**

I, Cecil Orsini, do hereby declare as follows:

1. In September 2021 I was the Director of the Contractors Licensing Board ("CLB").

2. I first met Ed Ila, President of JMI-Edison, when he filed his complaint against Menzies Aviation, Aircraft Service International, Inc. (Menzies), or Aircraft Services International Group (ASIG) in September 21, 2021.

3. Nida Bailey is the CLB's lead Investigator, and I assigned her investigative division to investigate Mr. Ila's complaint. Ms. Bailey, as she knows I have an open-door policy, introduced me to Mr. Ila and we spoke about his concerns

that the entities discussed above were operating the airport baggage system without an appropriate Contractor's license.

4. Most investigations begin, as this one did, with a complaint from the public.

5. While still at the office I had Ms. Bailey check the computer system to determine whether any of those entities had a contractor's license. It was confirmed that none of the entities in the system had a contractor's license. Therefore, the next step of an investigation would be to inspect the premises. It is also appropriate for a notice to appear to be issued in order to discuss the allegations with the party being complained of.

6. A notice to appear was issued on October 7, 2021, requesting the appearance before the Contractor's Licensing Board Investigation Unit on Thursday October 14, 2021. That notice is attached hereto as **Exhibit A**.

7. I do not recall the exact date upon which the meeting occurred, but pursuant to the notice to appear a meeting was conducted between myself, Ms. Nida Bailey, and two or three members of a team from Menzies. I also recall another investigator named Marcus in the office assisting with the investigation and attending the Menzies meeting.

8. Menzies explained they did not need a license because they had a master electrician, and they simply were operating under whatever authority he provided. Ms. Bailey explained to them that they needed a license and that they did not have one and that the use of a master electrician's license was not appropriate. Menzies

requested to adjourn the meeting and get together again to discuss the issues. Everyone agreed to that follow-up meeting.

9. No second meeting ever took place that I can recall between the CLB and Menzies.

10. I received an email from JMI President Ed Ilao following up on the status of our investigation.

11. Mr. Ilao included in one of his follow up communications a form letter for CLB review and use that was patterned after other correspondence that the CLB has generated from prior investigations of other contractors.

12. Attached hereto as **Exhibit B** is a true and correct copy of the December 22, 2021 email that I received and, then had Ms. Bailey and her team review it and propose changes to it, then directed my private secretary GERALYNN TENNESSEN STANLEY to send to Mr. Ilao pursuant to his request. Moreover, I attach the entire email chain between Mr. Ilao and my office including December 22, 2021, letter signed by me explaining the findings in case no. 2021-09-04.

13. Everything stated in the letter I signed on December 22, 2021, is true and correct, including the conclusions that Menzies did not hold a valid contractor's license, and they were informed that under the scope of work provided in the GIAA contract required a contractor's license. This letter is no different than the information provided to Menzies during the notice to appear meeting. Therefore, it is my position that Menzies knew all along that they had no contractor's License and that they were told to get one.

14. As a result of this letter as well as the OPA proceeding regarding Menzies and JMI-Edison, I was asked to resign by Acting Chief of Staff Alice Taijeron from the Office of the Governor. I understood that only the Board can request my resignation. I discussed it with Board Chairman Mr. Bernard Benavente, who told me I should not resign. Nevertheless, I did resign.

15. I've never been asked to clarify or explain my actions and instructions to the CLB staff, by any member of the OPA or any member of the executive branch, although I am happy to do so. The OPA decision made it appear as if I had the opportunity to testify before the OPA and explain what was going on but that was not true and I was never provided that opportunity.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 21 day of March, 2023.

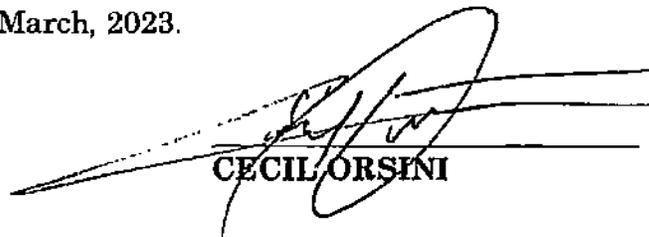

CECIL ORSINI

EXHIBIT A

EXHIBIT B

Monday, December 19, 2022 at 16:51:31 Chamorro Standard Time

Subject: Re: FW: JMI response to Menzies' Written Statement (CLB Case No. 2021-09-04)
Date: Wednesday, December 22, 2021 at 10:36:16 AM Chamorro Standard Time
From: Geralynn Tennessen Stanley <geralynn.stanley@clb.guam.gov>
To: Ed R. Ilae <ed_ila@jmigum.com>
CC: Buddy Orsini <cecil.orsini@clb.guam.gov>, Nida Bailey <nida.bailey@clb.guam.gov>, Marcus G. Finona <marcus.finona@clb.guam.gov>
Attachments: Finding & Decision - cs#2021-09-04.pdf

Good Morning Mr. Ilae,

Attached is the Finding & Decision document. Please review. If you have any questions please feel free to contact me or Mr. Orsini.

Kind Regards,
Geralynn Tennessen Stanley
Private Secretary
Contractors License Board

542 North Marine Corps Drive
Tamuning, Guam 96913
Tel: (671) 647-2965 Fax: (671) 649-2210

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On Wed, Dec 22, 2021 at 10:01 AM Ed R. Ilae <ed_ila@jmigum.com> wrote:

: Geralyn,

As per Mr. Orsini's instructions, please see the attached draft letter.

Best regards,

ED ILAE, P.E.

JMI-EDISON

Cell #: (671)688-7601

eMail: ed_ilao@miguam.com

: ----- Original message -----

From: "Ed R. Ilao" <ed_ilao@miguam.com>

Date: 12/13/21 2:59 PM (GMT+10:00)

To: Cecil Orsini <cecil.orsini@clb.guam.gov>

Subject: Re: JMI response to Menzies' Written Statement (CLB Case No. 2021-09-04)

Bro,

We will be having a motion hearing before the OPA on Dec 27th. Last day to file documents is on Dec 23rd. Would it be possible for CLB Investigations Section to be able to sign at least the attached sample letter by Dec 22nd? This will really help our case.

I'm sorry for following up too much...

Happy holidays!

Best regards,

ED ILAO, P.E.

JMI-EDISON

Cell #: (671)688-7601

eMail: ed_ilao@miguam.com

From: "Marcus G. Finona" <marcus.finona@clb.guam.gov>
Date: Thursday, December 9, 2021 at 1:16 PM
To: "Ed R. Ilao" <ed_ilao@imjguam.com>
Cc: Nida Bailey <nida.bailey@clb.guam.gov>, Cecil Orsini <cecil.orsini@clb.guam.gov>
Subject: Re: JMI response to Menzies' Written Statement (CLB Case No. 2021-09-04)

Hafa Adal Mr. Ilao,

Thank you for your email. I have received the response from your Attorney, Razzano Walsh & Torres, P.C., and I will get back to you as soon as we are done reviewing the documents. Should I have any questions or concerns, I will most certainly contact you. Thanks again.

On Thu, Dec 9, 2021 at 8:39 AM Ed R. Ilao <ed_ilao@imjguam.com> wrote:

Marcus,

Please see attached response to Menzies letter. I thought my lawyers would be better suited to provide a response to the Menzies letter. I believe my lawyers already sent this to you yesterday also.

To really get a grasp on the size of the Baggage Handling System which costs GIAA \$31M to complete, I suggest that you take a tour of the facility, if you haven't already done so.

Thank you, and should you need anything else, please don't hesitate to contact me.

Best regards,

ED LIAO, P.E.

President

JMI-EDISON

Cell #: (671)688-7601

eMail: ed_liao@jmiguam.com

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SI Yu'us Ma'ase,

Error! Filename not specified.Error! Filename not specified.Error! Filename not specified.

Marcus G. Finona

Investigator

Guam Contractors License Board *(Inelnon Malisenlayan Kontratista*

542 North Marine Corp Drive A. – Tamuning, Guam 96911

(671) 649-2219

marcus.finona@clb.guam.gov