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 Hagåtña, Guam 96910



FAX

To:	Mr. John M. Quinata Executive Manager Guam International Airport Authority P.O. Box 8770 Tamuning, Guam 96931 Phone: (671) 646-0300 Fax: (671) 646-8823 Email: john.quinata@guamaiport.net	From:	Benjamin J.F. Cruz Public Auditor Office of Public Accountability
	Mr. William B. Brennan, Esq. Attorney for Guam International Airport Authority Arriola Law Firm 259, Martyr Street, Suite 201 Hagåtña, Guam 96910 Phone: (671) 477-9730/33 Fax: (671) 477-9734 Email: attorneys@arriolafirm.com	Pages:	3 (including cover page)
CC:	Mr. Joshua D. Walsh, Esq. Attorney for Appellant JMI-Edison Razano Walsh & Torres, P.C. 139 Murrery Blvd. Hagåtña, Guam 96910 Phone: (671) 989-3009 Email: jdwalsh@rwtguam.com	Date:	June 13, 2023
	Mr. R. Marsil Johnson, Esq. Attorney for Interested Party Menzies Aviation Blair Sterling Johnson & Martinez A Professional Corporation 238 Archbishop Flores St. Ste.1008 Hagåtña, Guam 96910 Phone: (671) 477-7857 Fax: (671) 472-4290 Email: rmarsjohnson@bsjmlaw.com	Phone:	(671) 475-0390 x. 204
		Fax:	(671) 472-7951

Re: OPA-PA-23-002 Order Appointing Hearing Officer

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

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ORDER

Pursuant to 2 GAR Div. 4 § 12109, attorney JOSEPH B. McDONALD is appointed to act as the hearing officer for all further proceedings with respect to OPA-PA-23-002 and shall have and may exercise any and all relevant powers and authorities conferred on hearing officers, as provided for under the Procurement Law and regulation.¹

SO ORDERED this 13th day of June, 2023 by:



Benjamin J. F. Cruz
Public Auditor of Guam

¹ Appellant JMI–Edison (“JMI”) filed its Notice of Appeal in this matter on April 10, 2023 and on May 19, 2023 filed its Motion for Appointment of Alternate Administrative Hearing Officer or in the Alternative an Order Directing the Superior Court to Hear this Matter (JMI’s “Motion”). On June 6, 2023, Interested Party Menzies Aviation filed its opposition to JMI’s Motion. Under binding Supreme Court of Guam caselaw, administrative hearing officers are presumed to be free from bias, and their recusal requires a concrete showing of actual bias, not a mere appearance of impropriety. *Sule v. Guam Board of Dental Examiners*, 2008 Guam 20 ¶¶ 17-20. While that is the law for recusal of administrative hearing officers, under 2 GAR Div. 4 § 12109, the Public Auditor’s appointment of a hearing officer is discretionary and does not require the Public Auditor’s disqualification or recusal as a condition to the appointment. Thus, the appointment of attorney McDonald as hearing officer here is discretionary and not based on any consideration of the Public Auditor’s disqualification or recusal.



Jerrick Hernandez <jhernandez@guamopa.com>

OPA-PA-23-002 Order Appointing Hearing Officer

Jerrick Hernandez <jhernandez@guamopa.com>

Tue, Jun 13, 2023 at 10:44 AM

To: "Joshua D. Walsh" <jdwalsh@rwtguam.com>, "Joseph C. Razzano" <jrazzano@rwtguam.com>, "R. Marsil Johnson" <rmarsjohnson@bsjmlaw.com>, William Brennan <wbrennan@arriolafirm.com>, Anita Arriola <aarriola@arriolafirm.com>, GIAA Official <official@guamairport.net>

Cc: Thyrsa Bagana <tbagana@guamopa.com>

Hafa Adai,

Please see attached Order Appointing Hearing Officer for OPA-PA-23-002. 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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Best Regards,



Jerrick J.J.G. Hernandez, MA, CFE, CGAP, CICA
Accountability Auditor

Office of Public Accountability

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