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PROCUREMENT APPEALS

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Doris Flores Brooks, CPA, CGFM
Public Auditor

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PROCUREMENT APPEALS

FILE No. OPA-PA 09-012

IN THE APPEAL OF,
Z4 CORPORATION,

Appellant

) **APPEAL NO: OPA-PA-09-012**

) **ORDER GRANTING DEPARTMENT OF**
) **EDUCATION'S MOTION TO RECESS**
) **HEARING**

To: Purchasing Agency:

General Services Agency, Department of Administration, Government of Guam
148 Route 1 Marine Drive
Piti, Guam, 96915
Facsimile: (671) 472-4217

Department of Education
C/O Fred Nishihira, Esq.
P.O. Box DE
Hagåtña, Guam, 96910
Facsimile: (671) 472-5003

Appellant:

Z4 Corporation
C/O Aaron R. Jackson, Esq.
Mair, Mair, Spade & Thompson, LLC
238 A.F.C. Flores Street
Suite 801, DNA Building
Hagåtña, Guam, 96910
Facsimile: (671) 477-5206

THIS MATTER came before the Hearing Officer on February 23, 2010 pursuant to Purchasing Agency Department of Education's (Hereafter Referred to as "DOE") Motion to Recess the Hearing. After hearing the arguments of the parties and for good cause shown, the Hearing Officer hereby finds and **ORDERS** the following:

1. DOE desires to call Claudia Acfalle, the Chief Procurement Officer for the Government Services Agency of the Government of Guam (Hereafter Referred to as "GSA") or

1 Robert Kono, Assistant Chief Procurement Officer for GSA as DOE's next witnesses in this
2 matter.

3 2. DOE has sufficiently shown that Claudia Acfalle is currently unavailable due to her
4 husband being medically evacuated from Guam to Hawaii for surgery after the Hearing Officer
5 issued his January 22, 2010 Scheduling Order Re Hearing For Appellant's Appeal.

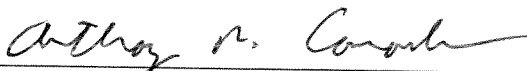
6 3. DOE has sufficiently shown that Robert Kono is currently unavailable due to his being
7 hospitalized the week prior to the start of the Hearing for Appellant's Appeal on February 22,
8 2010.

9 4. The Hearing Officer finds that the unavailability of Claudia Acfalle and Robert Kono
10 are due to extraordinary circumstances beyond the control of the parties in this matter.

11 5. The Hearing Officer further finds that Claudia Acfalle or Robert Kono may have
12 testimony relevant to the material issues in this matter and that there is a substantial risk that
13 DOE's case in chief may be prejudiced without this testimony.

14 6. DOE's Motion to Recess the Hearing for Appellant's Appeal in this matter to a time
15 when Claudia Acfalle and/or Robert Kono are available to testify in this matter is hereby
16 GRANTED and the Hearing for Appellant's Appeal in this matter shall be recessed on February
17 23, 2010 at 4:20 p.m., and reconvened on 9:00 a.m. on Monday, April 5, 2010, at Suite 502, 5th
18 Floor, DNA Building, 238 Archbishop Flores Street, Hagåtña, Guam, 96910.

19
20 **SO ORDERED** this 23rd day of February, 2010 by:

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25 ANTHONY R. CAMACHO, ESQ.
26 Hearing Officer
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Broadcast Report

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	<p>RECEIVED OFFICE OF THE PUBLIC AUDITOR PROCUREMENT APPEALS</p> <p>OFFICE OF THE PUBLIC AUDIT Doris Flores Brooks, CPA, CGFM Public Auditor</p> <p>PROCUREMENT APPEALS</p>	<p>FEB 24 2010</p> <p>TIME: <u>4:10</u> BY: <u>JNV</u> FILE No. OPA-PA <u>09-012</u></p>
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p>	<p>IN THE APPEAL OF,) APPEAL NO: OPA-PA-09-012</p> <p>Z4 CORPORATION,) ORDER GRANTING DEPARTMENT OF</p> <p style="text-align: center;">Appellant) EDUCATION'S MOTION TO RECESS</p> <p style="text-align: center;">) HEARING</p>	
<p>To: Purchasing Agency: General Services Agency, Department of Administration, Government of Guam 148 Route 1 Marine Drive Piti, Guam, 96915 Facsimile: (671) 472-4217</p> <p>Department of Education C/O Fred Nishihira, Esq. P.O. Box DE Hagåtña, Guam, 96910 Facsimile: (671) 472-5003</p> <p>Appellant: Z4 Corporation C/O Aaron R. Jackson, Esq. Mair, Mair, Spade & Thompson, LLC 238 A.F.C. Flores Street Suite 801, DNA Building Hagåtña, Guam, 96910 Facsimile: (671) 477-5206</p>		
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003	916	6714724217	05:16:03 p.m. 02-24-2010	00:00:38	2/2	1	EC	HS	CP28800