



Office of the Attorney General
Alicia G. Limtiaco
 Attorney General of Guam
 Civil Division
 287 West O'Brien Drive
 Hagåtña, Guam 96910 • USA
 (671) 475-3324 • (671) 472-2493 (Fax)
 www.guamattorneygeneral.com

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT & DEALS

FEB 17 2010

TIME: 4:17
 BY: mmh
 FILE No. OPA-PA 10-002

Attorneys for the Government of Guam

BEFORE THE OFFICE OF THE PUBLIC AUDITOR
Procurement Appeal

In the Matter of the Appeal of)	DOCKET NO. OPA-PA 10-002
Teleguam Holdings, LLC)	
)	
D/B/A GTA Telecom,)	Motion For Public Auditor
)	To Recuse Self
Appellant.)	
)	
)	
)	

Now comes the General Services Agency, by and through its attorneys, the Office of the Attorney General, and moves the Public Auditor to recuse herself pursuant to 2 GAR, Div. 4, §12601. This motion is based upon this pleading and the Memorandum of Points and Authorities in Support of Motion For Public Auditor To Recuse Self, set out below.

Dated this 17th day of February 2010.

OFFICE OF THE ATTORNEY GENERAL
Alicia G. Limtiaco, Attorney General

By: John Weisenberger
JOHN WEISENBERGER
 Assistant Attorney General



MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR PUBLIC AUDITOR TO RECUSE SELF

On February 16, 2010 the General Services Agency and the Office of the Attorney General were advised by the Office of the Public Auditor of a letter dated February 9, 2010 from Eric N. Votaw, Vice President of Teleguam Holdings, LLC, the Appellant herein, to Anne T.S. Camacho, Office of the Public Auditor, that Mr. Terrence Brooks is legal council for the Appellant. That letter is attached hereto as Exhibit 1. It is further understood by the letter of Mr. Votaw that Terrence Brooks will not be representing Teleguam Holdings, LLC in the above-referenced proceeding. An email received by the Office of the Attorney General from Anne T.S. Camacho on February 16, 2010 advises that Terrence Brooks is the son of the Public Auditor, Doris Flores Brooks. The email is attached hereto as Exhibit 2.

Guam procurement regulation provides:

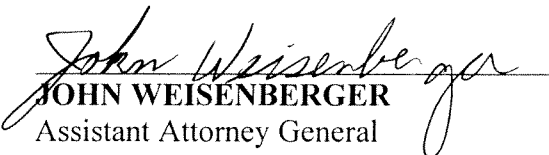
Disqualification of Public Auditor. The Public Auditor may recuse herself or himself at any time and notify all parties, or any party may raise the issue of disqualification and state the relevant facts prior to hearing. The Public Auditor shall make a determination and notify all parties. In the event of disqualification or recusal of the Public Auditor, a procurement Appeal must be taken to the Superior Court of Guam in accordance with 5 GCA §5480.

2 GAR, Div. 4, §12601.

The General Services Agency, through its attorneys, the Office of the Attorney General, requests that the Public Auditor, in order to avoid any appearance of impropriety, recuse herself from any further involvement in this matter.

Dated this 17th day of February 2010.

OFFICE OF THE ATTORNEY GENERAL
Alicia G. Limtiaco, Attorney General

By: 
JOHN WEISENBERGER
Assistant Attorney General

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR PUBLIC AUDITOR TO RECUSE SELF

On February 16, 2010 the General Services Agency and the Office of the Attorney General were advised by the Office of the Public Auditor of a letter dated February 9, 2010 from Eric N. Votaw, Vice President of Teleguam Holdings, LLC, the Appellant herein, to Anne T.S. Camacho, Office of the Public Auditor, that Mr. Terrence Brooks is legal council for the Appellant. That letter is attached hereto as Exhibit 1. It is further understood by the letter of Mr. Votaw that Terrence Brooks will not be representing Teleguam Holdings, LLC in the above-referenced proceeding. An email received by the Office of the Attorney General from Anne T.S. Camacho on February 16, 2010 advises that Terrence Brooks is the son of the Public Auditor, Doris Flores Brooks. The email is attached hereto as Exhibit 2.

Guam procurement regulation provides:

Disqualification of Public Auditor. The Public Auditor may recuse herself or himself at any time and notify all parties, or any party may raise the issue of disqualification and state the relevant facts prior to hearing. The Public Auditor shall make a determination and notify all parties. In the event of disqualification or recusal of the Public Auditor, a procurement Appeal must be taken to the Superior Court of Guam in accordance with 5 GCA §5480.

2 GAR, Div. 4, §12601.

The General Services Agency, through its attorneys, the Office of the Attorney General, requests that the Public Auditor, in order to avoid any appearance of impropriety, recuse herself from any further involvement in this matter.



624 North Marine Corps Drive
Tamuning, Guam 96913

February 9, 2010

Anne T. S. Camacho
Office of Public Accountability
Procurement Appeals Division
Suite 401 DNA Building
238 Archbishop Flores Street
Hagatna, Guam 96910

SUBJECT: OPA-PA-10-002 Conflict Documentation

Dear Ms. Camacho:

TeleGuam Holdings, LLC dba GTA Telecom ("GTA") is in receipt of your request dated February 9, 2010 regarding a verification of a potential conflict regarding Terrence Brooks, GTA's legal counsel.

Please be advised that GTA has not consulted Mr. Brooks for the formation of its appeal under OPA-PA-10-002. GTA has retained the law firm of Cunliffe and Cook as its legal representation regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric N. Votaw".

Eric N. Votaw
Vice President – Regulatory
GTA Telecom, LLC
671-644-0011 – Office
671-488-3088 - Mobile

Cc: Daniel Tydingco – GTA Telecom
Jeff Cook – Cunliffe and Cook

EXHIBIT 1

John Weisenberger

From: Anne Camacho [acamacho@guamopa.org]
Sent: Tuesday, February 16, 2010 3:58 PM
To: John Weisenberger; bobkono@yahoo.com
Cc: 'anthony camacho'; 'Doris Flores Brooks'
Subject: Appeal No. OPA-PA-10-002 (TeleGuam dba GTA / GSA) Conflicts Check - Response Requested

Good afternoon Mr. Weisenberger and Mr. Kono,

Please review the attached document submitted by GTA to OPA stating that Terrence Brooks (GTA Legal Counsel and the Public Auditor's son) is not associated with this appeal in any way and that the counsel of record is Cunliffe and Cook.

The Notice of Receipt of Appeal attachment is for your reference.

Please reply to this note and state GSA's and OAG's position (either for or against the Public Auditor hearing this appeal) to allow OPA to document your input on this conflicts check issue.

Thank you for your prompt reply.

Anne T. S. Camacho
Office of Public Accountability
Procurement Appeals Division
Suite 401 DNA Building
238 Archbishop Flores Street
Hagatna, Guam 96910
Tel: (671) 475-0390 ext. 291
Fax: (671) 472-7951
Email: acamacho@guamopa.org

NOTE:

This e-mail transmission and/or the accompanying attachment(s) may contain confidential or privileged information. If you are not the intended recipient of this e-mail, please inform the sender and delete it and any other electronic or hard copies immediately. Please do not distribute or disclose the contents to anyone. Thank you.

EXHIBIT 2