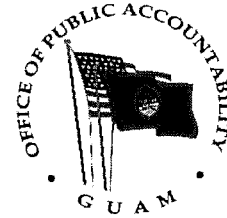


Suite 401 DNA Building  
 238 Archbishop Flores St.  
 Hagåtña, Guam 96910



# FAX

<b>To:</b>	<b>John M. Benavente, P.E.</b> General Manager  <b>D. Graham Botha, Esq.</b> General Counsel Guam Power Authority P.O. Box 2977 Agana, Guam 96932	<b>From:</b>	<b>Doris Flores Brooks</b> Guam Public Auditor Office of Public Accountability
<b>Phone:</b> <b>Fax:</b>	(671) 648-3225/3203/3002 (671) 648-3290	<b>Pages:</b>	3 (including cover page)
<b>CC:</b>	<b>Georgette Bello Concepcion, Esq</b> <b>Brooks Concepcion Law, P.C.</b> Attorney for Appellant America's Best Electricmart, Inc. 247 Martyr Steet, Ste. 101 Hagatna, Guam 96910	<b>Date:</b>	April 24, 2017
<b>Phone:</b> <b>Fax:</b>	(671) 472-6848 (671) 477-5790	<b>Phone:</b> <b>Fax:</b>	475-0390 x. 208 472-7951

**Re:** OPA-PA-17-006 Recusal of Public Auditor and Order Designating OPA Staff Member to Preside Over Appeal

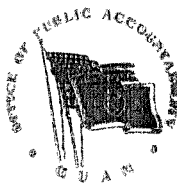
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Thank you,  
 Jerrick Hernandez  
 Auditor  
[jhernandez@guamopa.org](mailto:jhernandez@guamopa.org)

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OFFICE OF PUBLIC ACCOUNTABILITY  
Doris Flores Brooks, CPA, CGFM  
Public Auditor

**PROCUREMENT APPEALS**

IN THE APPEAL OF,

America's Best Electricmart, Inc.,

Appellant

APPEAL NO: OPA-PA-17-006

**RECUSAL OF PUBLIC AUDITOR AND  
ORDER DESIGNATING OPA STAFF  
MEMBER TO PRESIDE OVER APPEAL**

To: **Purchasing Agency:**  
Guam Power Authority  
C/O D. Graham Botha, Esq.  
Gloria B. Nelson Public Service Bldg.  
688 Route 15, Suite 302  
Mangilao, Guam 96913  
Telephone: (671) 648-3203/3002  
Facsimile: (671) 648-3290

**Appellant:**  
America's Best Electricmart, Inc.  
C/O Georgette Bello Conception, Esq.  
Brooks Conception Law, P.C.  
247 Martyr Street, Ste. 101  
Hagatna, Guam 96910  
Telephone: (671) 472-6848  
Facsimile: (671) 477-5790

**THIS MATTER**, came before the Public Auditor on April 20, 2017 pursuant to the Appellant's Notice of Appeal. After reviewing the Notice of Appeal, the Public Auditor must **RECUSE** herself from this matter due to a conflict of interest and, pursuant to 2 G.A.R., Div. 4, Chap. 12, §12116, hereby designates a member of her staff to preside over this matter as follows:

1. Recusal of the Public Auditor. The Public Auditor may recuse herself at any time and notify all the parties. 2 G.A.R., Div. 4, Chap. 12, §12116. Here, the Public Auditor's step-son, Terrence M. Brooks, Esq., has a business or partnership relationship with the attorney representing the Appellant. It shall be a breach of ethical standards for any employee to

1 participate directly or indirectly in a procurement when the employee knows that any member of  
2 the employee's immediate family has a financial interest pertaining to the procurement. 5  
3 G.C.A. §5628(a)(1). The term "immediate family" as used in the aforementioned statute means  
4 a spouse, children, parent, brothers, and sisters. 5 G.C.A. §5601(g). Here, the Public Auditor  
5 finds that the fact that Terrence M. Brooks, Esq., is her stepson would qualify him as a member  
6 of her immediate family. The term "financial interest" as used in the aforementioned statute  
7 means ownership of any interest or involvement in any relationship from which, or as a result of  
8 which, a person within the past year has received, or is presently or in the future entitled to  
9 receive, more than \$2,500. 5 G.C.A. §5601(e)(1). Here, the Public Auditor finds that by virtue  
10 of his business or partnership relationship with the Appellant's attorney, Terrence M. Brooks,  
11 Esq., has likely received or will likely receive in the future more than \$2,500. Public  
12 employment is a public trust and public employees, such as the Public Auditor, must discharge  
13 their duties impartially so as to assure fair competitive access to governmental procurement and  
14 they should conduct themselves in such a manner as to foster public confidence and integrity of  
15 Guam's procurement organization. Therefore, based on the foregoing, the Public Auditor has a  
16 conflict of interest and must recuse herself from this matter and shall not participate in it in any  
17 direct or indirect manner.

18 2. Designation of Deputy Public Auditor to Preside Over Appeal. In the event of  
19 recusal by the Public Auditor, the Public Auditor shall designate a member of her staff to preside  
20 over the matter. 2 G.A.R., Div. 4, Chap. 12, §12116. The Public Auditor hereby DESIGNATES  
21 Deputy Public Auditor Yuka Hechanova to preside over this matter.

22  
23 **SO ORDERED** this 24<sup>th</sup> day of April, 2017.

24  
25 

26 \_\_\_\_\_  
27 DORIS FLORES BROOKS, CPA, CGFM  
28 PUBLIC AUDITOR

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<b>Fax:</b>	(671) 472-6848 (671) 477-5790	<b>Fax:</b>	472-7931

**Re:** OPA-PA-17-006 Recusal of Public Auditor and Order Designating OPA Staff Member to Preside Over Appeal

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 Jerrick Hernandez  
 Auditor  
[jhernandez@guamopa.org](mailto:jhernandez@guamopa.org)

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**Abbreviations:**

HS: Host send	PL: Polled local	MP: Mailbox print	CP: Completed	TS: Terminated by system
HR: Host receive	PR: Polled remote	RP: Report	FA: Fail	G3: Group 3
WS: Waiting send	MS: Mailbox save	FF: Fax Forward	TU: Terminated by user	EC: Error Correct