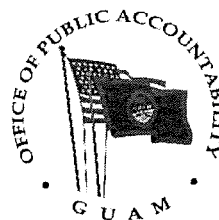


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 238 Archbishop Flores St.
 Hagåtña, Guam 96910



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| | | | |
|------------|--|------------------------------|---|
| To: | Mr. Glenn Leon Guerrero Director Department of Public Works 542 North Marine Corps Drive Upper Tumon, Guam 96913 Phone: (671)646-3121/3232 Fax: (671) 649-6178 | From: | Doris Flores Brooks Guam Public Auditor Office of Public Accountability |
| | Mr. Thomas Keeler Ms. Shannon Taitano Assistant Attorney Generals Office of the Attorney General of Guam 590 S. Marine Corps Drive, Suite 706 Tamuning, Guam, 96913 Fax: (671) 472-2493 | Pages: | 3 (including cover page) |
| CC: | Anita Arriola, Esq. Attorney for Appellant Core Tech International Corp. Arriola, Cowan & Arriola Tel: (671) 477-9730/33 Fax: (671) 477-9734 | Date: | January 29, 2018 |
| | | Phone: Fax: | (671) 475-0390 x. 216 (671) 472-7951 |
| Re: | OPA-PA-17-010 Decision and Order RE Appellant's Objections to the Purchasing Agency Filing Untimely Exhibits | | |

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

PROCUREMENT APPEALS

1
2
3
4
5
6 IN THE APPEAL OF,

7 CORE TECH INTERNATIONAL CORP,

8 Appellant
9

APPEAL NO: OPA-PA-17-010

DECISION AND ORDER RE
APPELLANT'S OBJECTIONS TO THE
PURCHASING AGENCY FILING
UNTIMELY EXHIBITS

10
11 To: **Purchasing Agency:**
12 Department of Public Works, Government of Guam
13 C/O Thomas P. Keeler, Esq.
14 Office of the Attorney General of Guam
15 590 S. Marine Corps Drive, Suite 706
16 Tamuning, Guam, 96913
17 Facsimile: (671) 472-2493

18
19 **Appellant:**
20 Core Tech International Corp.
21 C/O Anita P. Arriola, Esq.
22 259 Martyr Street, Suite 201
23 Hagåtña, Guam, 96910
24 Facsimile: (671) 477-9734

25
26 **THIS MATTER**, came before the Hearing Officer on December 11, 2017 pursuant to
27 the Appellant's (Hereafter Referred to as "CTI") Objections to the Purchasing Agency filing
28 Untimely Exhibits. After reviewing the aforementioned objection, the Hearing Officer, acting
sua sponte, hereby FINDS and ORDERS the following

1. The Hearing Officer finds that this objection is now moot. Generally, a claim is moot
when issues no longer live or the parties lack a legally cognizable legal interest in the outcome.
In Re Guardianship of Ulloa, 2014 Guam 32, ¶25. Accordingly, an issue should be dismissed as
moot when, by virtue of an intervening event, the appellate tribunal cannot grant effective relief

1 has already approved its subpoena requests for TAKAGI & ASSOCIATES, the local agent for
2 the bonding company or companies for the bridge project that is the subject of this matter. See
3 page 2, Appellant's Motion to Reconsider. Further, in its motion to reconsider, the Appellant
4 also admits that the law firm in fact represents the aforementioned bonding company or
5 companies. Id. The Hearing Officer further finds that the Appellant's argument that the
6 bonding company or companies or only represented by one of the partners of the firm and not the
7 law firm itself to have no merit. Likewise, the Hearing Officer finds that the Appellant's
8 argument that the subpoena is necessary to obtain communications between the law firm and
9 Assistant Attorney General TOM KEELER, ESQ., to determine if KEELER's legal advice to the
10 Purchasing Agency was reasonable, has no merit. Hence, the subpoena for TAKAGI &
11 ASSOCIATES is sufficient to determine whether there are any materials from the bonding
12 company or companies that are relevant to this matter because they are their local agents and
13 such information should reasonably be either in their custody or control.

14 2. Based on the foregoing, the Appellant's Motion to Reconsider is hereby DENIED

15
16 **SO ORDERED** this 29th day of January, 2018 by:

17
18
19 

20 _____
21 ANTHONY R. CAMACHO, ESQ.
22 Hearing Officer
23
24
25
26
27
28

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| | Mr. Thomas Keeler Ms. Shannon Taitano Assistant Attorney Generals Office of the Attorney General of Guam 590 S. Marine Corps Drive, Suite 706 Tamuning, Guam, 96913 Fax: (671) 472-2493 | Pages: | 3 (including cover page) |
| CC: | Anita Arriola, Esq. Attorney for Appellant Core Tech International Corp. Arriola, Cowan & Arriola Tel: (671) 477-9730/33 Fax: (671) 477-9734 | Date: | January 29, 2018 |
| | | Phone: | (671) 475-0390 x. 216 |
| | | Fax: | (671) 472-7951 |

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| 002 | 103 | 6714722493 | 01:35:27 p.m. 01-29-2018 | 00:00:41 | 3/3 | 1 | EC | HS | CP21600 |
| 003 | 103 | 6714779734 | 01:35:27 p.m. 01-29-2018 | 00:00:35 | 0/3 | 1 | EC | HS | FA9600 |



Jerrick Hernandez <jhernandez@guamopa.com>

OPA-PA-17-010 Decision and Order RE Appellant's Objections to the Purchasing Agency Filing Untimely Exhibits

1 message

Jerrick Hernandez <jhernandez@guamopa.com>

Mon, Jan 29, 2018 at 1:46 PM

To: Anita Arriola <anitaarriola@arriolacowan.com>

Hafa Adai,

Please confirm receipt of this email and the attached document.

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Regards,

Jerrick J.J.G. Hernandez, CGAP, CICA

Auditor

Office of Public Accountability – Guam

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