



OFFICE OF THE PUBLIC AUDITOR

PROCUREMENT APPEAL

In the Appeal of:

TEAL PACIFIC, LLC.

Appellant

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Appeal No.: OPA-PA-07-004

ORDER OF DISMISSAL

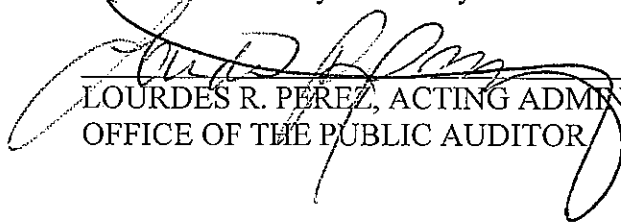
WHEREAS, the Public Auditor Doris Flores Brooks has determined that she must disqualify herself from this case. The Public Auditor has disclosed that a principal of the appellant, Dr. Nathaniel Berg, is the physician overseeing a serious medical condition of her spouse. The other principal, Mr. Siva Karuppan is a fellow patient at the same medical facility as her spouse and is also being treated by the same oncologist. In addition, the Hearing Officer appointed in this case, Robert G.P. Cruz, Esq. has disclosed that he has had a medical diagnostic test performed by Dr. Berg in late 2006. Further in a January 14, 2008, Pre-Hearing conference, the appellant's attorney also requested that the above mentioned appeal be transferred to the Superior Court as the Office of the Public Auditor may not have jurisdiction to hear the case due to the Public Auditor's disqualification.

Given the Public Auditor's recusal, the Office of the Public Auditor is barred from hearing the case by 2 GAR Section 12601 and that in the event of the disqualification of the Public Auditor, a procurement appeal must be taken to the Superior Court of Guam in accordance with 5 GCA Section 5480.

Based on the above, it is appropriate that the Office of the Public Auditor not be the arbiter in this procurement matter.

The Acting Administrator, designated by the Public Auditor, does hereby order the above-captioned appeal DISMISSED.

Dated this 17th day of January 2008



LOURDES R. PEREZ, ACTING ADMINISTRATOR
OFFICE OF THE PUBLIC AUDITOR

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