

OFFICE OF PUBLIC ACCOUNTABILITY

Doris Flores Brooks, CPA, CGFM Public Auditor

PROCUREMENT APPEALS

IN THE APPEAL OF,

APPEAL NO: OPA-PA-16-007

CORE TECH INTERNATIONAL CORP.

OPA-PA-16-011

Appellant

DECISION AND ORDER RE GOVERNMENT'S MOTION TO QUASH SUBPOENA OF THE HONORABLE

JUDITH T. WON PAT

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To:

Department of Public Works, Government of Guam

Tamuning, Guam, 96913

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Interested Party:

Appellant:

Guam Educational Facilities Foundations, Inc.

C/O Ignacio C. Aguigui, Esq.

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THIS MATTER, came before the Hearing Officer on September 15, 2016 for a Hearing on the Government's September 14, 2016 Motion to Quash the Subpoena for the Honorable Judith T. Won Pat. The Appellant was represented by Joyce C.H. Tang, Esq., and Leslie A. Travis, Esq. The Government was represented by Deputy Attorney General Kenneth Orcutt,

Decision & Order Re Motion to Quash Subpoena - 1

1. The Government's Motion is hereby GRANTED. The Appellant argues that the testimony of the Honorable Judith T. Won Pat, Speaker of the 33rd Guam Legislature, is necessary to establish that the Government intended to exceed the \$100,000,000 limitation on the solicitation at issue in this appeal, especially the Guam Department of Education's (GDOE) request that Speaker Won Pat provide an opinion about whether the law authorizing the solicitation authorized the \$100,000,000 cap. However, the Hearing Officer finds that this evidence would be cumulative. Specifically, the Appellant called the GDOE Superintendent Jon Fernandez as a witness in this matter and he testified that he requested the aforementioned opinion and that Speaker Won Pat provided him a written opinion regarding whether there was a \$100,000,000 limitation or cap on the solicitation at issue in this appeal. Further, Speaker Won Pat's written opinion, which is in the form of a letter addressed to Fernandez, is already a part of the record in this matter and was used as an Exhibit by the Appellant. There are no material issues regarding the fact that Speaker Won Pat wrote the letter, that is was received by Fernandez, when he received it, and his reaction to it. Hence, Speaker Won Pat's testimony regarding the letter would merely be cumulative and would not substantively add any additional evidence bearing on the material issues of fact in this matter.

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