

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



FAX

To:	Mr. Jesse Garcia, Acting Director Department of Public Works 542 North Marine Corps Drive Upper Tumon, Guam 96913 Phone: (671)646-3121/3232 Fax: (671) 649-6178	From:	Anthony Camacho Hearing Officer Office of Public Accountability
	Thomas Keeler, Esq., Assistant Attorney General 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:	Terrence M. Brooks, Esq Co-Counsel for DPW Brooks Concepcion Law, P.C. 247 Martyr Street, Ste. 101 Hagåtña, Guam 96910 Fax: (671) 477-5790	Date:	February 6, 2019
	Joyce C.H. Tang, Esq. (Attorney for Appellant Korando) Civile & Tang, PLLC 330 Hernan Cortez Avenue Suite 200 Hagåtña, Guam 96910 Phone: (671) 472-8868/9 Fax: (671) 477-2511	Phone:	(671) 475-0390 x. 203
	Vanessa L. Williams, Esq. (Attorney for Appellant Korando) Law Office of Vanessa L. Williams, P.C. GCIC Bldg., Suite 500 Hagåtña, Guam 96910 Phone: (671) 477-1389 Email: VLW@vlwilliamslaw.com	Fax:	(671) 472-7951

Re: OPA-PA-18-002 Order Granting Motion to Quash David Yao's Subpoena

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 Jerrick Hernandez, Auditor
 jhernandez@guamopa.com

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2
3 **OFFICE OF PUBLIC ACCOUNTABILITY**
4 **PROCUREMENT APPEALS**

5
6 IN THE APPEAL OF,

) **APPEAL NO: OPA-PA-18-002**

7 KORANDO CORPORATION,

) **ORDER GRANTING MOTION TO**
) **QUASH DAVID YAO'S SUBPOENA**

8 Appellant
9

10 **To: Purchasing Agency:**

11 Department of Public Works, Government of Guam
12 C/O Thomas P. Keeler, Esq., Assistant Attorney General
13 Office of the Attorney General, Civil Solicitor Division
14 ITC Bldg., Ste. 706
15 Tamuning, Guam, 96913
16 Facsimile: (671) 472-2493

17 **Appellant:**

18 Korando Corporation
19 C/O Joyce C.H. Tang, Esq.
20 Cville & Tang PLLC
21 330 Hernan Cortez Ave., Ste. 200
22 Hagåtña, Guam, 96910
23 Facsimile: (671) 477-2511

24 **Witness:**

25 David Yao
26 C/O Mitchell F. Thompson
27 238 Archbishop Flores St., Suite 801
28 Hagåtña, Guam, 96910
Facsimile: (671) 477-5206

THIS MATTER, came before the Hearing Officer for Procurement Appeals on February 5, 2019 pursuant to Witness DAVID YAO's Motion to Quash Subpoena. For good cause shown, the Hearing Officer hereby FINDS and ORDERS the following:

1 1. On January 25, 2019 Witness DAVID YAO was served a subpoena by the Appellant
2 to appear and testify at the Hearing Re Appellant's Appeal scheduled for February 11, 2019 at
3 9:00 a.m.

4 2. Witness DAVID YAO is currently scheduled to leave Guam to attend the Victor
5 Oceania Championships in Melbourne, Australia, for the week of February 11, 2019 as part of a
6 Guam team from the Guam National Badminton Federation. Further, his appearance at the
7 February 11, 2019 will likely result in considerable monetary loss as he has purchased his
8 tickets, since October, 2018, and would also likely result in the Guam team withdrawing from
9 the competition.

10 3. Counsel for the Witness attempted to negotiate alternative methods for DAVID YAO
11 to testify at the hearing with Counsel for the Appellant, however, no agreement was reached.

12 4. The Hearing Officer FINDS that DAVID YAO's appearance at the February 11, 2019
13 in compliance with the Subpoena served upon him will result in great undue burden upon him.

14 5. Accordingly, DAVID YAO's Motion to Quash the subpoena is hereby GRANTED
15 and the subpoena served upon DAVID YAO is hereby quashed and is no longer of any force or
16 effect.

17 6. The Appellant may serve DAVID YAO with another subpoena to appear at a hearing
18 after he returns so that his testimony may be taken, if the Parties are unable to negotiate an
19 alternative means of taking his testimony.

20
21 **SO ORDERED** this 6th day of February, 2019 by:

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

Broadcast Report

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	Thomas Keeler, Esq., Assistant Attorney General Office of the Attorney General of Guam 590 S. Marine Corps Drive, Suite 706 Tumuning, Guam, 96913 Fax: (671) 472-2493	Pages:	3 (including cover page)	
CC:	Terrence M. Brooks, Esq Co-Counsel for DPW Brooks Concepcion Law, P.C. 247 Martyr Street, Ste. 101 Hagåtña, Guam 96910 Fax: (671) 477-5790	Date:	February 6, 2019	
	Joyce C.H. Tang, Esq. (Attorney for Appellant Korando) Civile & Tang, PLLC 330 Hernan Cortez Avenue Suite 200 Hagåtña, Guam 96910 Phone: (671) 472-8868/9 Fax: (671) 477-2511	Phone:	(671) 475-0390 x. 203	
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004	863	671 4772511	02:03:56 p.m. 02-06-2019	00:00:32	3/3	1	EC	HS	CP31200
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Jerrick Hernandez <jhernandez@guamopa.com>

OPA-PA-18-002 Order Granting Motion to Quash David Yao's Subpoena

1 message

Jerrick Hernandez <jhernandez@guamopa.com>
To: Vanessa Williams <vlw@vlwilliamsllaw.com>

Wed, Feb 6, 2019 at 2:30 PM

Hafa Adail


See the attached Order. Please confirm receipt of this email and the attachment.

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Regards,

Jerrick J.J.G. Hernandez, CGAP, CICA
Auditor
Office of Public Accountability – Guam
www.opaguam.org
Tel. (671) 475-0390 ext. 208
Fax (671) 472-7951

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