



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

PROCUREMENT APPEALS

IN THE APPEAL OF,

TakeCare Insurance Company, Inc.

Appellant

APPEAL NO: OPA-PA-18-003

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

To: **Purchasing Agency:**
Department of Administration
C/O Edward Birn
P.O. Box 884
Hagatna, Guam 96932
Telephone: (671) 477-1101
Facsimile: (671) 477-6788

Appellant:
TakeCare Insurance Company, Inc.
C/O Arvin Lojo
Baltej Pavilion, Suite 308
415 Chalan San Antonio
Tamuning, Guam 96913
Telephone: (671) 300-7147
Facsimile: (671) 647-3559

THIS MATTER, came before the Public Auditor on May 4, 2018 pursuant to the Notice of Appeal filed by TakeCare Insurance Company, Inc.. After reviewing the Notice of Appeal, the Public Auditor desires to RECUSE herself from this matter to avoid an appearance of 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 during her bid for re-election for the elected Public Auditor position, received campaign contributions from the President and Legal Counsel of TakeCare Insurance Company, Inc. in 2012. Further, the

1 Public Auditor received campaign contributions from certain key managers of Calvo's Insurance
2 in 2012 and 2016. The Public Auditor also received campaign contributions from NetCare Life
3 & Health Insurance in 2016. All three insurance companies have a direct involvement in
4 providing health insurance services to the Government of Guam. It shall be a conflict of interest
5 for any employee to assist any person or business or act in a representative capacity before any
6 territorial agency for any compensation in any transaction involving the Territory. 4 G.C.A. §
7 15205 (c).

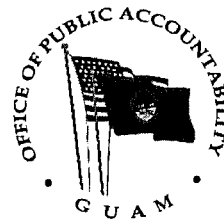
8 Here, the Public Auditor finds that as a candidate in the 2012 and 2016 elections for
9 Public Auditor, she received campaigned contributions from the Appellant and other insurance
10 companies directly involved with the procurement for health insurance services to the
11 Government of Guam's Group Health Insurance Program. Here, the Public Auditor finds that by
12 virtue of their contributions, and her role as the decision maker in this adjudicatory process for
13 this procurement appeal, even the mere appearance of a conflict of interest may come into
14 question. Public employment is a public trust and public employees, such as the Public Auditor,
15 must discharge their duties impartially so as to assure fair competitive access to governmental
16 procurement and they should conduct themselves in such a manner as to foster public confidence
17 and integrity of Guam's procurement organization. Therefore, based on the foregoing, the Public
18 Auditor desires to recuse herself from this matter due to an appearance of a conflict of interest
19 and shall not participate in it in any direct or indirect manner.

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

24
25 **SO ORDERED** this 14th day of May, 2018.

26
27 
28 _____
DORIS FLORES BROOKS, CPA, CGFM
PUBLIC AUDITOR

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



FAX

To:	Mr. Edward Birn Director Department of Administration P.O. Box 884 Hagåtña, Guam 96932 Fax: (671) 477-6788	From:	Doris Flores Brooks Guam Deputy Public Auditor Office of Public Accountability
		Pages:	3 (including cover page)
CC:	Arvin Lojo TakeCare Insurance Company, Inc. Baltej Pavilion, Suite 308 415 Chalan San Antonio Tamuning, Guam 96913 Fax: (671) 647-3559 arvin.lojo@takecareasia.com	Date:	May 14, 2018
		Phone: Fax:	(671) 475-0390 x. 208 (671) 472-7951
Re:	OPA-PA-18-003 Recusal of Public Auditor and Order Designating OPA Deputy Public Auditor to Preside Over Appeal		

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Thank you,
 Jerrick Hernandez
 Auditor
 jhernandez@guamopa.com

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