

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

Phone: (671) 475-0390
FAX: (671) 472-7951



OFFICE OF THE PUBLIC AUDITOR

Fax

To: Thomas J. Fisher, Esq. – Attorney for Appellant **From:** OPA Procurement Appeals
David J. Highsmith, Esq. – Attorney for
Appellee

Agency: Shimizu Canto & Fisher **Pages** ⁵ (Including cover)
Office of the Attorney General, Guam

CC: Robert H. Kono – Acting Director Dept. of **Date:** Wednesday– 12/24/08
Mental Health and Substance Abuse


Fax: 472-2886 / 472-2493 / 649-6948 **Phone:** 472-1131 / 475-3324 / 647-5330

Re: (1) Notice of Hearing and (2) Corrected Scheduling Dates on
Scheduling Order re Formal Hearing: OPA-PA-08-008

Urgent For Review Please Comment Please Reply Please Recycle

● **Comments:**

See orders attached and please acknowledge receipt by re-sending this cover page along with the firm or agency stamp, date, and initials of receiver. Thank you.

 Theresa Gumataotao – 475-0390 x 220 tgumataotao@quamopa.org

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OFFICE OF THE PUBLIC AUDITOR

PROCUREMENT APPEALS

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6 IN THE APPEAL OF,
7 LATTE TREATMENT CENTER, INC.,
8 Appellant

APPEAL NO: OPA-PA-08-008

NOTICE OF HEARING

9
10 To: **Attorney for Appellant: Latte Treatment Center, Inc.**
11 Thomas J. Fisher, Esq.
12 Shimizu Canto & Fisher
13 De La Corte Building, Suite 101
14 167 East Marine Corps Drive
15 Hagatna, Guam, 96910

VIA FACSIMILE: (671) 472-2886

16 **Attorney for Appellee: Department of Mental Health and Substance Abuse**
17 David J. Highsmith, Esq.
18 Assistant Attorney General, Civil Division
19 Office of the Attorney General
20 287 West O'Brien Drive
21 Hagatna, Guam, 96910

VIA FACSIMILE: (671) 472-2493

22 **Appellee: Department of Mental Health and Substance Abuse**
23 Mr. Robert H. Kono
24 Acting Director
25 Department of Mental Health and Substance Abuse (DMHSA)
26 790 Governor Carlos G. Camacho Road
27 Tamuning, Guam 96913

VIA FACSIMILE (671)-649-6948

28 You are hereby notified that a Hearing will be held on Friday January 23, 2009, at 9:00 A.M.
before Public Auditor Doris Flores Brooks and the appointed Hearing Officer for Procurement
Appeals, Anthony R. Camacho, Esq. relative to the above-referenced procurement appeal.

Notice of Hearing- 1

1 The Hearing will be held at the Department of Corrections, Conference Room, located on the 5th
2 floor of the DNA Building, Suite 505, at 238 Archbishop Flores Street, Hagatna Guam 96910.
3 You may be present at the Hearing and may be represented by counsel. Further, you may present
4 any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying
5 against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses
6 and the production of books, documents, or other things by applying to the appointed Hearing
7 Officer for Procurement Appeals at the Office of the Public Auditor.

8 This Notice of Hearing is issued this 24th day of December 2008, by the Office the Public
9 Auditor. Please acknowledge receipt of this Notice and return to the Office of the Public
10 Auditor.

11
12
13 **Acknowledged receipt:**

14
15 _____
16 Receiver's Signature

17
18 _____
19 Print Name

20
21 _____
22 Date



OFFICE OF THE PUBLIC AUDITOR

PROCUREMENT APPEALS

1
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6 IN THE APPEAL OF,
7 LATTE TREATMENT CENTER, INC,
8 Appellant

APPEAL NO: OPA-PA-08-008

SCHEDULING ORDER RE FORMAL
HEARING

9
10 To: **Attorney for Appellant: Latte Treatment Center, Inc.**
11 Thomas J. Fisher, Esq.
12 Shimizu Canto & Fisher
13 De La Corte Building, Suite 101
14 167 East Marine Corps Drive
15 Hagatna, Guam, 96910

VIA FACSIMILE: (671) 472-2886

16 **Attorney for Appellee: Department of Mental Health and Substance Abuse**
17 David J. Highsmith, Esq.
18 Assistant Attorney General, Civil Division
19 Office of the Attorney General
20 287 West O'Brien Drive
21 Hagatna, Guam, 96910

VIA FACSIMILE: (671) 472-2493

22 **THIS MATTER** came before the Office of the Public Auditor on December 5, 2008, for
23 a Pre-Hearing Conference. The Appellant was represented by its Counsel of Record, Thomas J.
24 Fisher, Esq. and a representative for the appellant was present. No representatives from the
25 purchasing agency, the Department of Mental Health and Substance Abuse (Hereafter referred to
26 as "DMHSA") were present; however, DMHSA was represented by its Counsel of Record
27 Assistant Attorney General David J. Highsmith.
28

1 The following schedule is hereby ordered for the Hearing on Appellant's appeal, but
2 remains subject to change at the discretion of the Hearing Officer:

3
4 **Filing Deadline For
Hearing Materials:**

5 January 14, 2008⁹ at 5:00 P.M.

6 Parties shall file and serve on the other parties, no later than this
7 date and time, copies of their respective Witness Lists, Exhibit
8 Lists, Exhibits, Admissions of Fact, and List of Issues which
9 require evidence or arguments to be presented at the Hearing. The
Parties may file stipulated joint witness, exhibits, issues lists, and
admissions of fact in lieu of filing such documents separately. Four
copies of all lists and exhibits must be submitted to OPA.

10 **Filing Deadline for
Hearing Briefs:**

11 January 16, 2008⁹ at 5:00 P.M.

12 The parties shall file and serve on the other parties, their Hearing
13 Briefs summarizing their arguments concerning contested issues
no later than this date and time.

14 **Hearing Date:**

15 January 23, 2008⁹ at 9:00 A.M.

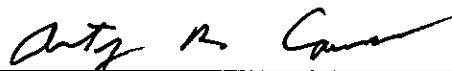
16 (Notice to issue no later than ten days prior – January 13, 2008)
17 The Hearing will proceed in the following order: (1) Opening
Statements of the Parties; (2) Appellant's Case in Chief; (3) The
Purchasing Agency's Case in Chief; (4) Closing Statements of the
Parties.

18 **Filing Deadline for
Brief Re Remedies:**

19 January 28, 2008^{9A} at 5:00 P.M.

20 The Parties may, but are not required to, file and serve on the other
21 parties, additional briefs on the issue of Remedies no later than this
date and time.

22 **SO ORDERED** this 5th day of December, 2008 by:

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