

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



FAX

To:	Ms. Carmen T. Charfauros Supply Management Administrator Department of Education 501 Mariner Avenue B-Building, Suite 116 Barrigada, Guam 96913 Phone: (671) 475-0438 Fax: (671) 472-5001 Email: ctcharfauros@gdoe.net	From:	Benjamin J.F. Cruz Public Auditor Office of Public Accountability
	Mr. James L.G. Stake, Esq. Legal Counsel 501 Mariner Avenue Barrigada, Guam 96913 Phone: (671) 300-1537 Email: jlgstake@gdoe.net ; legal-admin@gdoe.net	Pages:	3 (including cover page)
CC:	Mr. Joshua D. Walsh, Esq. Attorney for Appellant Pacific Data Systems, Inc. Razzano Walsh & Torres, P.C. 139 Murrary Blvd. Hagåtña, Guam 96910 Phone: (671) 989-3009 Email: jdwalsh@rwtguam.com	Date:	October 5, 2021
		Phone:	(671) 475-0390 x. 204
		Fax:	(671) 472-7951

Re: OPA-PA-21-004 and OPA-PA-21-005 Order of Dismissal Without Prejudice

- For Review
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Thank you,
 Jerrick Hernandez, Auditor
jhernandez@guamopa.com



**BEFORE THE PUBLIC AUDITOR
PROCUREMENT APPEALS
TERRITORY OF GUAM**

In the Appeal of)
Pacific Data Systems, Inc. (PDS),)
Appellant.)
_____)

Appeal No: OPA-PA-21-004
Appeal No: OPA-PA-21-005
ORDER OF DISMISSAL WITHOUT
PREJUDICE

To: **Purchasing Agency:**
Department of Education
C/O James L.G. Stake, Esq.
Legal Counsel
501 Mariner Avenue
Barrigada, Guam 96913
Phone: (671) 300-1537
Email: jlgstake@gdoe.net; legal-admin@gdoe.net

Appellant:
Pacific Data Systems, Inc.
C/O Joshua D. Walsh, Esq.
Razzano Walsh & Torres, P.C.
Suite 100, 139 Murray Blvd.
Hagatna, Guam 96910
Phone: (671) 989-3009
Fax (671) 989-8750
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On October 5, 2021, the parties through counsel, Joshua D. Walsh, Esq. and Joseph C. Razzano, Esq., Attorneys for Appellant Pacific Data Systems, Inc. (PDS), and James L.G. Stake, Esq., Legal Counsel Appellee and Purchasing Agency Department of Education (GDOE), appeared before the Public Auditor for a Formal Hearing regarding the above reference case numbers.

During the formal hearing, the Public Auditor granted DOE's Motion to Dismiss For Lack of Subject Matter Jurisdiction filed on August 31, 2021. However, PDS was instructed to file a

1 petition or complaint regarding the issue of Teleguam Holdings LLC's (GTA) bid prices violating
2 the Telecommunication Act with the Guam Public Utilities Committee to decide on that issue first,
3 as they are the proper forum, and then they may re-file an appeal with the Office of Public
4 Accountability as these consolidated appeals will be Dismissed Without Prejudice.
5

6 IT IS HEREBY ORDERED that the above-referenced case numbers be DISMISSED
7 WITHOUT PREJUDICE. Each party shall bear their own attorneys' fees and costs.
8

9 **SO ORDERED** this 5th day of October 2021 by:

10
11 

12 _____
13 **Benjamin J.F. Cruz**
14 **Public Auditor of Guam**
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Jerrick Hernandez <jhernandez@guamopa.com>

OPA-PA-21-004 and 21-005 Order of Dismissal Without Prejudice

Jerrick Hernandez <jhernandez@guamopa.com>

Tue, Oct 5, 2021 at 2:54 PM

To: "Joshua D. Walsh" <jdwalsh@rwtguam.com>, "James L.G. Stake" <jlgstake@gdoe.net>, Legal Admin <legal-admin@gdoe.net>, "Carmen T. Charfauros" <ctcharfauros@gdoe.net>, "Edwin J. Torres" <etorres@rwtguam.com>

Cc: Thyrza Bagana <tbagana@guamopa.com>

Hafa Adai,

Please see attached Order of Dismissal Without Prejudice for OPA-PA-21-004 and 21-005. This email will serve as an official notice in lieu of a transmittal via Fax.

Please confirm receipt of this email and the attached document. Thank you.

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Regards,

Jerrick J.J.G. Hernandez, MA, CGAP, CICA

Auditor

Office of Public Accountability – Guam

www.opaguam.org

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