

The Guam Board of Registration for Professional Engineers, Architects and Land Surveyors

PEALS Board Regular Meeting

Tuesday, November 14, 2017, PEALS Board Conference Room Suite 208 3:00 PM - 5:15 PM

Present: Gabriel A. Jugo PE SE, Chairman
Maria Elizabeth V. Cristi, PE/Sec & Treas.
Philip I. Villanueva, Public Member
Nixon Isaac, Board Investigator
H. Mark Ruth, RA, Vice Chair
Paul L. Santos, PLS,
Raymond C. Borja, Exec. Board Adm.
Marie Villanueva, Adm. Asst.

Absent: Liza J. Provido, RA
AAG Tom Keeler
Glenn Leon Guerrero, DPW Director

Guests: None

1.0 Call To Order

The meeting was called to order at 3:00PM by BC Jugo with a quorum present.

2.0 Review September 12, 2017 – Regular Board Meeting Minutes

PM Villanueva joined the Board meeting with his arrival at 3:03pm.

Review of Meeting Minutes September 12, 2017, was circulated for review. The following comments were noted:

VC Ruth noted page 5 of 7, second paragraph. To strike the third sentence in its entirety; as it is an unqualified statement. Specifications to the Simon Sanchez bid were never given to the PEALS Board for review.

VC Ruth noted page 7 of 7, "Closing Comments.", first paragraph, first sentence, "...BM Provido would be moving on to another...". To eliminate "moving" and "to" and restructure the sentence to read, "... BM Provido will be a member of another Governmental..."

BM Santos noted page 2 of 7, second paragraph, "...Exam Booklets hostage for..." To eliminate "hostage." PM Villanueva suggested to now state "...refrained from providing testing materials."

BM Santos noted page 3 of 7, first paragraph, fourth sentence to be corrected to read. "...payments, but shopped..." "shopped" to be corrected to "stopped."

BM Santos noted page 6 of 7, first paragraph, first paragraph, "...indicated..." should be corrected to read "indicted."

It was moved by VC Ruth and seconded by BM Santos, and unanimously carried to accept the meeting minutes with the corrections as mentioned above.

3.A Board Administrative Activities: 09/06/17 – 11/06/2017

EBA Borja reviewed PEALS FY17 Revenue and FY 16 Previous Year Comparison sheet which indicates revenues were exceeded by \$18K compared to this similar time period last year. The difference in revenue is due to the early renewals.

Page 14 shows Monthly Revenue and Expenditures as of October 01, 2017 – November 06, 2017.

PEALS Budget for FY2018 given by the General Fund is \$310,650 with authorization to roll funds from previous years deposits in the amount of \$31,445 for a total of \$342,095 Per P.L. 32-42.

Pages 18 and 19 provide the breakdown of revenues generated from October 2016 through September 2017.

Pages 20, 21 and 22 show the Bank of Hawaii Activity and Statements for September and October 2017. No checks were issued during this time frame. The ending balance of the account as of 31, October 2017 is \$4,117.64.

With no further comments, EBA Borja concluded his report to Board members.

3.B Office of Public Auditor (OPA) REPORT UPDATE:

EBA Borja and BC Jugo reviewed the itemized corrective action plan that was given to the Public Auditor as our response to the list of audit recommendations

2.a, EBA Borja prepared a first bi-annual report showing the reconciliation of registrants as of 9/30/2017 for Board verification per pages 28 – 29. BC Jugo is requesting a further breakdown of COA per Licensing year. Sec. & Treas. Cristi noted the need for clarification for individuals paying twice; by stating “paid twice in the fiscal year 2017” and footnote “Board Member(s) who are employed by the Government of Guam are exempt from paying professional licensing renewal registration fee.” for clarification. 2.b is currently in progress. 2.c EBA Borja still working on this.

When corrective actions are implemented in accordance with the Audit Report and with the Board’s acknowledgment/approval, a copy of this final report will be forwarded to the Public Auditor.

3.C File/Record Keeping, Office Expansion

EBA Borja still working on digitizing and will advise Board accordingly. EBA Borja submitted a draft on Proposed Retention and Disposition schedule through the guidelines of Department of Administration Policy of Records Retention per 5 GCA Chapter 20, Article 6 Records Management Act for final retention at GSA. EBA Borja will work with AAG Keeler to confirm if the final PEALS SOP is compliant with Government of Guam's Guidelines.

Office lease requisition has been given to GSA per the IFB procedure. No bid opening date has been provided as of November 14, 2017.

4.A Complaint: Lorette T. Guerrero vs. Blas Atalig/Meliton S. Santos, PLS 053 Case #2017-002

EBA Borja established on 9/12/2017 that PB-2017-002 Lorette T. Guerrero vs. Blas Cruz Atalig had Merit. Atalig was advised of the Merit decision and he waived his request for a hearing. Mr. Atalig instead requested to be allowed to come before the Board and speak. Mr. Atalig was on today's agenda, although Atalig replied with another letter to the Board dated November 6, 2017, to re-schedule as he was not able to attend until Meliton S. Santos returns from off-island.

It was moved by VC Ruth, seconded by BM Santos, to A) Have PB-2017-002 case extended for another 3 months per §32121(b) following all legal procedures, B) Place this case on the Agenda of the next scheduled Board meeting, January 16, 2018; Mr. Atalig to be allowed to speak to the Board with the understanding this is not a hearing. Motion (A & B) passed 4/1 (BC Jugo – Opposed)

4.B Complaint: Kenneth Quidachay Ursua vs. Roberto R. Ventura, PLS 054 Case #2017-003

In receipt of this complaint and others against Roberto R. Ventura, PLS, EBA Borja advised that he made a phone call to Roberto R. Ventura, PLS employer, TG Engineers PC, Tor Gudmundsen, PE CE1002. Gudmundsen agreed to assist with Ventura's pending maps and apologized for not advising the Board via letter sooner. He is meeting with Ventura's son, Ricky Ventura PE CE1928, currently employed with TG Engineers PC, to discuss the status of pending maps. Gudmundsen will provide the Board a response by week's end, a listing of projects that Ventura PLS was working on; and based on the resources of TG Engineers PC, will advise the Board on how they will assist Ventura.

Case #2017-003 Update: BI Isaac is still working on Investigative Report. Although acknowledged by Board Secretary & Treasurer Cristi, this complaint has yet to be pre-circulated to all Board members.

5.A & 5.B Old Business: (A) Liberty Perez & (B) Mark Arceo-Superior Court Case No. SD0946-10

Status quo from the last meeting as AAG Keeler was not present at today's meeting.

PEALS Board in regards to Liberty Perez stating "...the Office of the Attorney General is closing its file in the case effective today. The PEALS Board imposed a \$5,000.00 fine on Ms. Perez in 2007

which it reduced to \$3,500.00 on March 21, 2011. This negotiated settlement was never reduced to writing or pursued in court. Ms. Perez made a few payments, but stopped in 2014". "...we believe that the fine is unenforceable because the longest pertinent statutory period of limitations on Guam is four years. "

In regards to Mark J.B. Arceo a letter from the Attorney General Office dated August 2, 2017, notes "...is closing its file, in this case, effective today. The judgment entered against Mr. Mark J.B. Arceo expired on January 11, 2016, five years after it was issued."

AAG Keeler will look into the matter of Perez pertaining to the March 21, 2011, documentation and request file to be remained "Open."

5.C PEALS Rules and Regulations (R & R) Review.

Will need to schedule another R&R meeting. BM Provido will be the one to call upon a new date for review. Once given, EBA Borja will advise the Board accordingly.

5.D Second Round to Amend PEALS Law.

EBA Borja states making the Rules and Regulations is priority to changing the Law.

5.E Complaints Against Roberto R. Ventura, PLS

PB2014-015, & PB2016-003. BM Santos advised that Ventura's health has turned for the worse and, would probably not fully recover. Mr. Ventura's maps currently incomplete will remain pending indefinitely.

Update: Department of Land Management (DLM) has provided for the Board a current list of Ventura's maps. These are presented on pages 61 – 64.

BM Santos, in the capacity of the Guam CHIEF OF CADASTRE for DLM, explained the color coding of "Outstanding Projects for CLTC" list given for the Board's review. Sections colored "Green" are completed maps. Sections colored in "Pink" have issues regarding Lot Numbers, etc.

EBA Borja is waiting to receive a letter of the survey status of Roberto R. Ventura, PLS from his employer, TG Engineers PC, Tor Gudmundsen, PE CE1002. Gudmundsen agreed to assist with Ventura's pending maps and will prepare a letter to the Board. The Board has allowed a time extension for Gudmundsen to provide a response until the end of the month.

5.F Agreement with California State for CSCS Exam – Expired on June 30, 2017

AAG Keeler completed his review with minor revisions. EBA Borja had submitted it to the California State Office for concurrence. California State Office had replied and had agreed to one

of the recommended revisions; to extend payment period to ninety (90) days. However, the California State Division will not remove the Indemnification provision on the Schedule C Addendum. AAG Keeler to review and confirm with AG's office if this is allowable.

5.G AG Opinion on PEALS Code of Ethics update

Board discussion ensued on points, directives regarding confusion and dilemmas the Professionals face when being requested to provide fees. The Board's request for the AG to provide a legal opinion has been reassigned to another AAG personnel. EBA Borja to follow up.

6.A New Business: Levison, Michael Thomas, ARE Applicant

November 03, 2016 Levison applied to be registered to take the Architect Registration Examination (ARE) based on his experience and examination. Levison graduated from Montana State University with a BAED in May 2010 and the University of Alaska in Fairbanks, with a BS Mathematics in June 2015. Levison holds an NCARB record no. 438814 and has completed the AXP (formally known as IDP) in September 2010. Board reviewed, and comments indicated justification to request for experience confirmation as Guam Law §32113(3)(B) requires either (8) years of architectural training or educational experience satisfactory to the Board.

EBA Borja reviewed his application and stated Levison show six (6) years of experience and needs Board clearance in determining, by considering his transcripts, to allow for remainder required years via his education. Board member architect, VC Ruth confirmed he will evaluate the transcripts and verify with BM Provido findings which are applicable to be credited as experience.

7.A NCARB Regional Summit on March 8-10, 2018 in Wichita, KS

No comments made.

7.B NCEES Zone Regional Meeting on April 5-7, 2018 in Honolulu, HI

Preliminary discussions between the Hawaii, Guam and the Northern Marianas Island boards are now underway. EBA Borja contacted the Guam Visitors Bureau regarding promotional items. Sec. & Treas. Cristi requested looking into Guam Bags as a souvenir to the event. BC Jugo asked a list be generated of board members who will be in attendance, for airfare and accommodations, so as to be voted on at the next board meeting January 16, 2018. Everyone is invited, we just need firm numbers for budgetary purposes.

BC Jugo is hesitant about closing the PEALS office and will confer with AAG Keeler.

7.C PEALS FY 2018 Proposed Meeting Schedule

PEALS Board Meetings

- 1st Meeting - January 16, 2018 – Tuesday
- 2nd Mtg – March 20, 2018 – Tuesday
- 3rd Mtg – May 29, 2018 – Tuesday
- 4th Mtg – July 31, 2018 – Tuesday
- 5th Mtg – September 11, 2018 – Tuesday

Council Meetings

- April 5-7, 2018 Honolulu, HI (NCEES Western Zone)
- June 28-30, 2018 Detroit, MI (NCARB Annual Meeting)
- August 15-18, 2018 Scottsdale, AZ (NCEES Annual Meeting)
- October 2018 – pending – (NCARB MBC/MBR Summit)

PEALS Christmas Luncheon to be tentatively held at Delmonico on December 11, 2017, at 11:30AM.

8. PUBLIC COMMENT

There were no public comments given at this meeting.

9. DPW PERMIT & DLM SURVEY MAP REVIEW

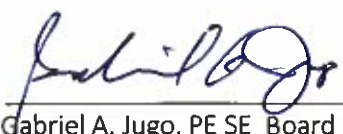
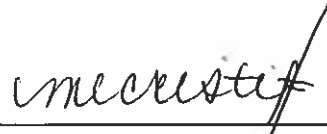
- a. Department of Land Management – July through October 2017
- b. DPW Building Permits – September thru October 2017
 - i. Page 65 Item 1 – Sewer Pump Station Shelter
 - 1. Is this Residential or Government?
 - ii. Page 70, Item #5 – Boring Test (8" down to 50')
 - 1. Is a Building Permit required for test borings?
 - 2. If so, by which agency?

10. ADJOURNMENT

It was moved by Sec. & Treas. Cristi and seconded by BC Jugo, and unanimously carried by all to adjourn the meeting.

With no further comments, except wishing all a Happy Thanksgiving, the meeting adjourned at 5:15PM.

/mnv
(A)Folder/#76

Approved by:  1/29/2018  02/01/2018
Gabriel A. Jugo, PE SE Board Date Maria Elizabeth V. Cristi/PE, Board Secretary/Treasurer Date

- (X) Minutes approved as is.
- () Minutes approved with changes; see minutes _____