

The Guam Board of Registration for Professional Engineers, Architects and Land Surveyors
PEALS Board Regular Meeting
Tuesday, February 20, 2018, PEALS Board Conference Room Suite 208 3:03 PM - 5:39 PM

Present: Gabriel A. Jugo PE SE, Chairman
Maria Elizabeth V Cristi, PE/Sec & Treas.
AAG Thomas Keeler
Raymond C. Borja, Exec. Board Adm.
Marie Villanueva, Adm. Asst.

H. Mark Ruth, RA, Vice Chair
Paul L. Santos, PLS, Member
Liza J. Provido, RA Member
Nixon Isaac, Board Investigator

Absent: Glenn Leon Guerrero, DPW Director

Philip I. Villanueva, Public Member

Guest: Ma. Viveth Bartolome Jimenez
Renato O. Martinez, RA 441

Brent Wiese, RA 319

Prior to the opening of today's meeting, BC Jugo administered Oath of Profession before the Board for Ma. Viveth Bartolome. Congratulations to our newly acquired professional.

Item 2, Oath Administration of New Registrant via Examination

2A. Jimenez, Ma. Viveth Bartolome, PE, Civil #1984

Item 1, Call to Order

Board mission statement was announced. The meeting was then called to order at 3:03 pm, as a quorum was present.

Item 3, Minutes for Approval

2A. Board reviewed January 16, 2018, meeting minutes.

Comments:

(Sec. & Treas. Cristi) When would be an appropriate time to request for a follow up on items the EBA was to complete? BC Jugo noted, by the next meeting.

(VC Ruth) Minutes referring to "PM" Villanueva, not consistent with other names and prefers the use of "BM" instead.

(BC Jugo) Page 4 of 14, 4C. first paragraph, first line. "...a follow up letter..." Eliminate second "a" after follow up. 5A. first paragraph, last line, ..."AAG Keeler advised that Mr. Atalig's presence was not..." Eliminate "was not" and replace with "...did not constitute..."

(BC Jugo) Page 5 of 14, 5A. third paragraph, last sentence. Included final sentence as follows, "Mr. Atalig did not answer."

(BC Jugo) Page 6 of 14, 5A. second paragraph 5th line down, correct to read, "case incident." Replace (.) with a comma and insert the word "but" this is not the first time insert (.) Same paragraph, 8th line down, "Santos Jr., stated is a fault in doing so,...." Correct to read: "Santos Jr., stated is at fault in doing so..." Same page, fourth paragraph, third line down should read: "Atalig to state his case. " Same paragraph, second line from the last sentence, should read, "on, I know you are an ..."

(BC Jugo) Page 7 of 14, 5. First paragraph and second paragraph. Eliminate appendages noted in both paragraphs.

(BC Jugo) Page 12 of 14, 7A. Third to the last paragraph to read, "BM Santos nominated PM Villanueva as Secretary/Treasurer."

(BM Provido) Page 12 of 14, 7A. Second sentence to eliminate ..."and not ever elect."

(VC Ruth) Page 13 of 14, 7A. First sentence to read "BM Cristi withdrawal as Vice-Chair. Cristi prefers to serve again as Sec. & Treas. "

(VC Ruth) Page 14 of 14, 8E. First sentence to read, " EBA Borja requested Board approval to move the proposed meeting from May 29, 2018, to May 31, 2018, because of the Memorial Day Holiday. "

Motioned to approve with corrections.

Motion: BC Jugo

2nd: VC Ruth

All in Favor: 5/0

Motion: Passed

Item 4, EBA Reports and Updates

4A. Board Administrative Activity from January 06, 2018 thru February 15, 2018, were reviewed and

acknowledged by Board members. Present revenue exceeds expenses although checks for PEALS rent and other payables have yet to be issued due to government revenue shortfalls.

PEALS Bank of Hawaii Statement for the month of January 2018 was released with ending balance as of January 31, 2018, at \$4,117.64. Check, #169, dated 1/17/2018, was written in the amount of \$135.00 payable to the University of Guam for room rental charge, October 2017 NCEES Fall Exam. Copy of check and invoice was submitted to the Board as proof at today's meeting.

PEALS FY2019 Budget Request \$370K breakdown vs. BBMR allotted amount of \$342K was presented to the Board. Board's request has since been reduced to Governor's Request of only \$312K, due to the new tax laws.

Item 4B. FY 2019 Budget (To Expand and renew/apply for fees online)

This is on hold until government financial situation improves.

Item 4C. OPA PEALS follow-up Audit

EBA Borja submitted a reply to OPA on January 19, 2018, stating one of the four audited issues are in compliance as of this date. Listing for a reconciliation of COA is still pending and was not issued to OPA. EBA Borja did submit a copy of individual registrants. QuickBooks courses are pending GSA's procurement. Most classes are available, but if attendee minimums are not met, the course is dropped. EBA Borja to continue to coordinate with GSA and to retain a file to show PEALS efforts in this regard. Simplifications of PEALS fee schedule was submitted to the Board today for their comments and review. BC Jugo stated to clarify initial 6 months, prorated fee of \$125. Sec. & Treas. Cristi noted grammatical error "Retire" should read "Retired."

New Fee Schedule format will be submitted with Rules & Regulations to the Legislature in preparation of Triple-A procedures for full implementation.

4D. File/Record Keeping, Office Expansion – Status Quo from the last meeting

EBA Borja has yet to submit a draft to AAG Keeler. Confirmation of final PEALS Record/File Retention SOP will be given at the next meeting.

At 3:37pm Brent Wiese, RA 319/President of AIA and Chairman of the Guam Building Code joined the meeting.

Office lease requisition has been given to GSA per the IFB procedure. No bid opening date has been provided as of November 14, 2017. Relative to the new budget released by the Governor, relocation has been placed on hold.

EBA Borja concluded his report to Board members.

5A. Complaint: Lorette T. Guerrero vs. Blas Atalig/Meliton S. Santos, PLS No. 053 Case #2017-002

Discussion of penalty if any to be given to Mr. Atalig was discussed. Board concurred the following:

- *\$5,000 fine for unlicensed practice
- *Restate cease and desist order from Office of the Attorney General
- *cc Meliton Santos of Board's decision

Motion: BM Provide
2nd: Sec. & Treas. Cristi
All in Favor: 5/0
Motion: Passed

5B. R. O. Martinez Architects LLC – Premature permit prior to Board approval of COA Case #2017-002 (Part I) Continue to Page 6 for further deliberation)

Renato "Tato" Osemena Martinez RA441 presented himself to the Board. Accusation and Statement of Charges were issued and received by Mr. Martinez on January 26, 2018. Mr. Martinez gave clarification at today's meeting too, a) waived request for a hearing of this regard, and b) admitting to the error of premature signing as a design firm. Mr. Martinez expressed remorse to the Board stating no malicious/deceptive intent to the public and request for Board leniency.

Item 6A. Rules & Regulations

Next Rules and Regulations session is scheduled for Tuesday, March 06, 2018 to be held at the Guam PEALS Conference room at 3:00 PM.

Item 6B. Second Round to Amend PEALS Law

Status quo. Still pending the release of Rules and Regulations as mentioned above.

Item 6D. Complaints against Robert R. Ventura, PLS – TG Engineers, PC

Motion by the Board at the last meeting on January 16, 2018, is still pending by EBA Borja as TG Engineers did not give the authorization to include their letter as the Board's response. AAG Keeler advised ample time has been given, proceed with the letter of advisement to complainants without an accompanying letter from TG Engineers. Board concurred. Any questions should be referred to the Chamorro of Land Trust/Department of Land Management. Sec & Treas. Cristi noted to indicate "closed" on the complaint list prepared by BI Isaac.

6D. Agreement with California State for CSCS Exam

The contract has been signed and in effect until June 30, 2022. California Department of Consumer Affairs noted the only difference being that exams will be offered throughout the year, on a quarterly basis instead of twice a year.

6E. AG Opinion on PEALS Code of Ethics Update

AAG Keeler has followed up with his office, and a written decision will be released.

7A. New Business: Biscocho, Neopito, Request to re-start and take NCARB 5.0 Version

Mr. Biscocho has been an ARE inactive candidate for more than two years and requests the Board that he be given exemption and not have to submit a new application due to family medical hardship.

Since it has been over four years from the last exam and after careful review of his file and consideration of his hardship, Board concurs that Mr. Biscocho must re-apply as required administratively to begin taking the 5.0 ARE version. Board did not give exemption. EBA Borja to advise candidate accordingly.

7B. New Business: Hickey, Edward Alfred - 2006 Decree with Kentucky Board

New applicant disclosed a Decree with Kentucky Board upon submission of an application for Civil registration to the Guam Board. Board reviewed documentation received and listed that since no other infractions had been done since then, and with other Boards, to allow Mr. Hickey a license with the understanding that he can only perform in the service of Civil engineering. BC Jugo will assist EBA Borja with a letter specifying a threshold of each discipline per Guam Law.

Motion: BC Jugo

2nd: Sec & Treas. Cristi

All in Favor: 4/1 (VC Ruth)

Motion: Passed

Item 7C. COA Application N15 Guam, Inc. – Responsible Managing Employee (RME) for two Firms

A letter from Mr. Renato "Tato" Osemena Martinez RA441 was received on February 09, 2018, requesting his transfer as an RME from R.O. Martinez Architect LLC COA#388 upon completion of Board approval for the design firm N15 Guam Inc.

Mr. Martinez, being present at today's meeting explained in detail his intent. BC Jugo explained administratively it is required that he withdraw as an RME for R.O. Martinez Architect LLC first in order to proceed with the review of N15 Guam Inc. This would not dissolve R.O. Martinez Architect LLC, only remain inactive without an RME.

5B. Complaints: R.O. Martinez Architects LLC Case #2017-002 (Part II)

In continuation to above item 7C, and 5B part I, the following discussion ensued.

Since a hearing was waived, the Board discussed this case severity with previous cases that have come to the Board and noted the following:

- *Coming before the Board and showing remorse,
- *Proving representation as a sole proprietor and not as a design firm,
- *Proposed \$500 fine for the oversight, and place Martinez on probation period of three years. Once the third year has expired, with no addition, the Board will expunge said fine from PEALS disciplinary records. Nothing stated on NCARB Records or any other state.

Motion: Sec. & Treas. Cristi

2nd: BC Jugo

Motion: Failed 3/2 (VC Ruth and BM Provido Abstained)

Discussion: BM Provido requests for more time to review the files of Mr. Martinez, as this is not the first time Mr. Martinez has come before the Board and the proposed fine might not apply. If a vote is to be taken, she will abstain on these grounds.

Board moved to act on its first grant of extension, to case #2017-002 to 90 Days, effective Today 2/20/2018.

1st Motion: VC Ruth

2nd: BM Provido

All in Favor: 4/1 (BC Jugo)

Motion: Passed

Mr. Martinez thanked the Board to allow him to come before the Board and in closing, indicated hardship on his part and requested for the Board's diligence in resolving this matter as soon as possible.

At 5:15 PM, AAG Keeler was excused from the meeting.

At 5:15 PM, VC Ruth left the meeting.

At 5:18 PM, VC Ruth returned to the meeting.

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

To be attended by BM Provido, DPW Director Glenn Leon Guerrero, and EBA Borja. EBA Borja was not able to get approval for BI Isaac to attend in place of the Public Member's suggestion.

8B. NCEES Zone Regional meeting on April 5-7, 2018 in Honolulu, HI (Co-Hosted Event)

NCEES funded delegates: BC Jugo, EBA Borja, BM Santos; AA Villanueva – Western Zone Funded. Sec. & Treas. Cristi will attend as an unfunded delegate.

Prior to AAG Keeler's leaving the meeting, AAG Keeler, in view of the Executive Order issued by the Governor of Guam, has retracted his invitation. Board has also decided not to seek Government of Guam funds for the same reason for remaining board members and staff.

Hawaii has given a dollar amount of \$1000 for Guam's share for assistance. This dollar amount is also inclusive of gift-giveaway costs. Guam Board members are suggested to donate individually with no set amount. Checks are to be given to EBA Borja. He will advise the board accordingly to whom the check is made payable. VC Ruth stated he would donate \$250. BC Jugo graciously accepted his offer with a thank you.

BC Jugo noted the Guam PEALS office would remain open with BI Isaac handing daily operations until the return of EBA Borja.

8C. NCARB Annual Meeting on June 28 – 30, 2018 in Detroit, MI

Up to four will be funded. Attendees to be confirmed by next meeting.

8D. NCEES Annual Meeting on August 15 – 18, 2018 in Scottsdale, AZ

Up to four will be funded. Attendees to be confirmed by next meeting.

8E. PEALS FY 2018 Proposed Board Meeting Schedule

Next scheduled meeting is Thursday, May 31, 2018, due to March meeting changes switched for today February 20, 2018. BC Jugo suggested to table this discussion and if a new meeting is required by then to advise the Board via email.

The Board may convene sooner, if needed, and tentatively scheduled the next Board meeting on March 27, 2018.

9. Public Comment

Brent L. Wiese, RA319 came before the Board in the capacity of AIA President and as the Guam Building Code Seminar representative. He has been reappointed by the Governor of Guam for another five-year term.

A building code seminar ICC 2009 – 2018 co-hosted with the Guam Community College is tentatively scheduled for April 18, 19, and 20, 2018.

A letter will be given to the PEALS Board requesting for assistance once dates confirm.

In closing, Mr. Wiese requested for a copy of the Guam PEALS Board Rules & Regulations, upon completion, for his reference. The Guam Building Code Council also needs to update their R&R for the Compiler of Law.

VC Ruth requested for an update on the Energy Code which the building code council is working on. Mr. Wiese noted it is on the Governor's desk for review.


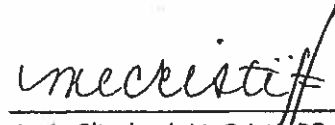
11. Adjournment

It was moved by BC Jugo and seconded by BM Santos and unanimously carried by all to adjourn the meeting with no further comments; the meeting adjourned at 5:39 PM.

/mnv

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The Guam Board of Registration for Professional Engineers, Architects and Land Surveyors
PEALS Board Regular Meeting
Tuesday, February 20, 2018

Approved by:  4/19/18  06.01.2018 @
Gabriel A. Jugo, PE SE Board Chair Date Maria Elizabeth V. Cristi, PE, Date
Board Secretary/Treasurer

- () Minutes approved as is.
- (X) Minutes approved with changes; see minutes March 27, 2018