

The Guam Board of Registration for Professional Engineers, Architects and Land Surveyors
PEALS Board Regular Meeting
Tuesday, January 17, 2017, PEALS Board Conference Room Suite 208 3:00 PM - 5:45 PM

Present: H. Mark Ruth, RA, Chairman
Maria Elizabeth V Cristi, PE/Sec & Treas.
Philip I. Villanueva, Public Member
Liza J. Provido, RA
Marie Villanueva, Adm. Asst.

Gabriel A. Jugo PE SE, Vice Chair
Paul L. Santos, PLS, Member
Glenn Leon Guerrero, DPW Director
Atty. Tom Keeler, Asst. AG
Raymond C. Borja, Exec. Board Adm.

Absent: Nixon Isaac, Board Investigator

Guest: Jeffery Bell, DCA
Elizabeth Rodger, Self
Grato Singco Jr, Core Tech
Jeff Pangelinan, DCA
Kristina Hayes, Self
Andre Tenorio, GHD Inc,
Lillian Tenorio, Self
Thomas Anderson, Self
Marie M Santos, Self

Cindy Bell, Self
Jerome Chaz, DCA
Chevy Singco, Spouse
Jaime Pangelinan, Self
Marvic Acabado, Bordallo Engrs.
Kaye Tenorio, Self
Ed Tenorio, Self
Yigo Mayor Rudy M. Matanane

Before the opening of the meeting, BC Ruth administered the certificate presentation and oath to registrants: Singco, Acabado, Bell, Chaz, Pangelinan, and Tenorio in front of Board attendees. Shortly after, the meeting was called to order.

Sequencing of Meeting Timeline is not true to meeting agenda, which is why "All in Favor" motions are short of original members. In the future, all meeting minutes will unfold according to the order of the meeting; agenda listing is inconsequential.

Item 1, Call to Order

BC Ruth called the meeting to order at 3:00 pm.

Item 2, Minutes for Approval

2.A Board reviewed November 15, 2016, meeting minutes.

Motioned to approve meeting minutes' subject to any corrections being filed with the

Administrative Assistant, Marie Villanueva, and circulated to all members with revision cut off date of January 27, 2017.

UDPATE: Amendments were noted and corrected with final copy signed by then BC Ruth and Sec. & Treas. Cristi.

Motion: Sec. & Treas. Cristi

2nd: BM Santos

All in Favor: All

Discussion: Any comments are to be circulated to board for discussion prior to revision with changes to be highlighted for ease of reading.

Item 3, EBA Reports and Updates

3.A Board Administrative Activity from November 09, 2016, thru January 10, 2017, were reviewed and acknowledged by Board members. Revenue tracking at \$3900 more than last year.

Budget Request for FY2018 was submitted indicating additional expense of \$24,185 for travel expense to Hawaii for the PEALS Board, including staff, to attend the co-hosted NCEES Annual Event in April 2018. Submitted figures are being reviewed by BBMR as of this writing. Upon the return from the upcoming NCEES Board Presidents Assembly on February 3-4, 2017 in Atlanta GA, VC Jugo, and EBA Borja are invited to attend, they will have an updated synopsis of what other expense(s) or requirement(s) are needed if any for the Guam Board's consideration.

Item 4, Old Business

4.A Mark Arceo-Superior Court Case No. SD0946-10 - No change in case and remains status quo – Court Case No. SD0946-10 – No payments have been received as of 12/08/2015. AAG Highsmith had implemented a lien on his property. AAG Keeler to proceed with a Demand Letter to Arceo; giving him the opportunity to bring his account current, and if not, it will then be filed with collections. To this date, no additional funds have been collected. No update has been provided by Atty. Keeler as of today. PM Villanueva requested EBA Borja to confirm the statute of limitation on the lien placed by AAG Highsmith. EBA Borja stated no time limit applies.

AAG Keeler stated time limited does exists. EBA Borja to submit a copy of documents filed to confirm statute of limitation has not exceeded five (5) years.

- 4.B Liberty Perez – Status quo. DPW Director Leon Guerrero confirmed DPW has placed an appeal to the decision of the Civil Service Commission to reinstate Perez with back pay. This appeal is pending as of this date. DPW Director Leon Guerrero will advise the Board of any new action on Perez’s regard. As of this date, Perez is not employed by the government of Guam/DPW and no additional funds have been collected.

AAG Keeler requested EBA Borja pursue balance owed to the Board as Perez is still under an obligation to pay the Board regardless of employment status with DPW. AAG Keeler asked for a copy of promissory note or what was signed by Perez for his review. EBA Borja has authority to pursue, based on the promissory note.

- 4.C & D PEALS Rules and Regulations and Second Round to Amend PEALS Law

Second Round to Amend PEALS Law – Status quo.

EBA Borja gave a timeline of two weeks from today for him to complete rules and regulations task.

New 34th Guam Legislature has assigned our committee chair to Senator Frank Blas Aguon Jr. Board members are to coordinate with EBA Borja on scheduling an appointment to speak with Senator Aguon. A copy of the final draft of the Rules & Regulations will be provided to the new 34th Guam Legislature Committee Chair during the scheduled appointment.

- 4.E Complaints Against Robert R Ventura, PLS #054 - Status quo. Due to legal verbiage, AAG Keeler was requested by the Board to circulate Letter of Determination with stipulation language of conditions agreed by the Board. Letter to include a stipulation to state a status report summary, depicting the percentage completion of the pending sixty-eight Chamorro Land Trust Commission survey maps, submitted at a time-interval (monthly, etc.) specified by the Board would be considered satisfactory. The letter is pending as of this date. BM Santos confirms that Ventura has been diligently submitting maps to the Department of Land Management and continuing to make progress of his obligations.

BM Santos will submit an updated report to EBA Borja on count of completed surveys as of 1/17/2017.

- 4.F OFFICE OF PUBLIC ACCOUNTABILITY (OPA) PEALS NOTICE OF AUDIT RECEIVED – Status Quo

On September 22, 2016, a letter from the Public Auditor’s Office was received initiating a follow-up audit on the Guam Board of Registration for Professional Engineers,

Architects & Land Surveyors (PEALS BOARD) Funds and Financial Practices (OPA Report No. 11-07). Audit's objectives will be to determine: (1) whether PEALS funds and revenues were properly reported, deposited, and managed in accordance with applicable laws, regulations, and best practices, and (2) what efforts were made to ensure that appropriate corrective actions to address recommendations made in OPA Report No. 11-07 have been implemented and consistently applied. The scope of the audit will be from January 1, 2011, thru September 30, 2016, and is subject to change based on information gathered through preliminary review.

An OPA entrance meeting was performed on Monday, September 26, 2016, at 10AM with EBA Borja and Board Sec. & Treas. Cristi. With the surrender of required documents, exit of audit meeting will be concluded at their discretion.

During the meeting, Sec. & Treas. Cristi requested their recommendation on the revenue generated by the PEALS Office, whether funds could be placed in a separate account and used for expenses as per applicable laws, regulation and best practices. OPA Audit Supervisor Rodalyn Gerardo stated to read the law given to PEALS; confirm what it states if it reads that PEALS are "separate and apart from the general fund and carry other authority regarding excess amount" is present in our law. EBA Borja to review and clarify.

The Bank of Hawaii Policy and Procedures Update was mentioned. EBA Borja noted, the last discussion with AAG Keeler suggested we would work on the Rules & Regulations before we work on the policy for the Bank of Hawaii Account.

Item 5, New Business

5.A COA Board Requirement when RME resigns – Pernix Guam LLC ("PERNIX") COA #363

EBA Borja advised Pernix receipt of their letter to cancel PEALS Certificate of Authorization on December 06, 2016. No reply has been received to amend their original notice as of this date.

BC Ruth recommends the following verbiage for this and future cancellations "In accordance with your notice that serves as a cancellation of Pernix COA, with receipt of your letter, it is assumed you have no ongoing contracts, and your PEALS COA is being cancelled and we will no longer honor a COA from "PERNIX" in the following

services.....". EBA Borja to prepare letter to Pernix with recommended verbiage by BC Ruth as soon as possible.

5.B Election of New Board Officers for CY2017 - Per Guam Law 22 GCA Chapter 32 Professional Engineers, Architects & Land Surveyors, §32104 (b) The Chairman, Vice-Chairman and Secretary/Treasurer *shall* be elected annually by majority vote of the Board members at the first regular meeting of the Board after January 1.

Prior to voting, BC Ruth stated the Board Secretary & Treasurer, Cristi, had done an excellent job as Secretary & Treasurer during his term and felt she would be more valuable during the next term as Secretary & Treasurer. VC Jugo positively agreed.

CHAIR

BM Santos initiated annual election by nominating Gabriel Jugo, PE SE as Chair, seconded by Sec & Treas. Cristi. Motion to close nominations.

Motion: DPW Director Leon Guerrero

2nd: BM Santos

All those in favor: All

Discussion: So Elected by Acclamation.

VICE CHAIR

Comments:

BM Santos nominated Maria Elizabeth V Cristi, PE to be as Vice Chair, seconded by DPW Director Leon Guerrero.

VC Jugo, PE SE nominated H. Mark Ruth, RA, FAIA to be Vice Chair, seconded by BM Provido.

Motion to close nominations.

Motion: BM Provido

2nd: PM Villanueva

All those in favor: All

Discussion: None

All those in Favor: Maria Elizabeth V Cristi, PE: 3/7 ; H. Mark Ruth, RA FAIA: 4/7. H. Mark Ruth to be the new Vice Chair by majority vote.

Motion: BC Ruth

2nd: BM Provido

All those in favor: All

Discussion: None

SECRETARY & TREASURER

BM Santos nominated Maria Elizabeth V Cristi, PE as Secretary/Treasurer, seconded by VC Jugo. Motion to close nominations.

Motion: BC Ruth

2nd: DPW Director Leon Guerrero

All those in favor: All

Discussion: So Elected by Acclamation.

Election of New Board Officers for CY2017 officially closed and approved the following appointments effective immediately:

Board Chair – Gabriel A Jugo, PE SE

Vice Chair – H. Mark Ruth, RA

Secretary/Treasurer – Maria Elizabeth V Cristi, PE

Board members proceeded Meeting in their elected capacity.

5.C Honorable Senator Frank Blas Aguon, JR New chair (Oversight of PEALS Board). The following is for informational purposes only of newly appointed Committee Board.

Committee on Guam-U.S. Military Buildup, Infrastructure, and Transportation

Chairperson:

Senator Frank B. Aguon, Jr.

Vice Chairperson:

Senator Thomas A. Morrison

Members:

Senator Dennis G. Rodriguez, Jr.

Senator Joe S. San Agustin

Senator Régine Biscoe Lee

Senator Louise Borja Muña

Senator Fernando B. Esteves

Speaker Benjamin J.F. Cruz (*Ex-Officio* member)

5.D Anderson, Thomas T – Request Reinstatement of practice surveying and waiving of all Exam Requirements in the presence of a 10 year lapse due to Criminal Offense

Anderson appeared before the Board for an Application Review. He was not represented by counsel. He was accompanied by, Rudy M. Matanane, in support of Anderson.

Board tabled decision pending legal advice.

5.E Surveyor question regarding entering property for the purpose of Surveying

BM Santos explained the dilemma that often times a surveyor would have to cross boundary lines to do surveying of a property. AAG Keeler advised, as it stands, Guam laws require, if a person enters into private property for whatever reason, you need authorization. The Board has no jurisdiction of this regard.

AAG Keeler will submit a letter in Board's response.

AAG Keeler left the meeting to attend a previously scheduled appointment.

5.F Burket, Thomas B – ME Comity Applicant

EBA Borja placed before the Board a decision on whether to accept the comity application submitted by Burket based on his inability to obtain a single Mechanical reference due to: A) His age, 67-year-old, and B) Owning his own engineering firm for over 21 years and have never employed or sub-contracted with a mechanical engineer, and C) the only mechanical engineers he known, PE's, are either retired, current address unknown, or deceased.

Circulation of Burket's file shows the Board poll at three (3) yes, and three (3) no with the last member, Provido, RA, unable to review the file. Presently Burket has the following references: 3ea/Civil, 1ea/Electrical, and 1ea/Control System Engineer.

BM Santos moved to accept Burket application and waive PEALS law requirement of three (3) references in the required discipline as he held NCEES Council records and been practicing for 21+ years clear of disciplinary actions.

Motion: BM Santos

2nd: Sec. & Treas. Cristi

All in Favor: 5/7 (PM Villanueva voted against. VC Ruth left the meeting to attend a previously scheduled appointment prior to voting.)

Discussion: None

5.G Santos, Marie Melet G. – Request Second Extension of Expired ARE Exams – Pre-Rolling Clock

Santos appeared before the Board to request a second extension of expired ARE Exams. ARE 4.0 will run until June 2018, although Guam Board allowed Santos and all other candidates who requested for an extension of their expired exams till November 1, 2016. Sec & Treas. Cristi moved to allow Santos and *other active* candidates affected; the opportunity to be granted a credit of passed exams and allowed to continue to take the ARE 4.0 until June 2018.

Motion: Sec. & Treas. Cristi

2nd: BM Santos

All in Favor: 5/7 (VC Ruth recused himself. BC Jugo voted against)

Discussion: VC Ruth, Sec & Treas. Cristi, BM Provido, and EBA Borja will work together to advise all affected applicants. AAG Keeler suggests to use Ms. Santos as an example of “actively pursuing” therefore the Board can compare other applicant similarity and if they are not, you can notify the applicant you don’t believe, because It is subjective, that they have not been actively pursuing it, and if they think they have, they can petition the Board. Board so noted.

VC Ruth left the meeting to attend a previously scheduled appointment.

Item 6, Oath Administration of New Registrants

- 6.A Singco, Jr. Grato Yen, EIT #305
- 6.B Acabado, Marvic S. PE (ME) #1923
- 6.C Bell, Jeffery C. PE, (ME) #1920
- 6.D Chaz, Jerome PE (CE) #1921
- 6.E Pangelinan, Jeff P. PE (CE) 1919
- 6.F Tenorio, Andre Ada, PE (CE) 1924

Oath administered by BC Ruth and witnessed by all in attendance for both EIT and PE registrants *prior to Board Meeting opening.*

7. OPEN DISCUSSION, INFORMATION AND ANNOUNCEMENTS

- 7.A NCEES Board Presidents' Assembly on February 3-4, 2017 in Atlanta, GA
Attendees: BC Jugo, PE SE, and EBA Borja
- 7.B NCARB Regional Summit on March 09 – 11, 2017 in Jersey City, NJ
Attendees: BM Provido, EBA Borja, Pending 2 spaces (Staff & 1 Board Member)
- 7.C NCARB to attend Board Meeting April 14, 2017 – Friday 3PM
- 7.D NCEES Central/Western Zone Meeting on May 18-20, 2017, Denver CO
3 delegates invited to attend
- 7.E NCARB Mutual Recognition Arrangement with Australia and New Zealand
and ABA Announcement – Guam Board DID NOT APPROVE OR SIGN this arrangement
and WILL NOT HONOR this Recognition. Thus, is NOT IN EFFECT ON GUAM.
- 7.F PEALS 2017 Scheduled Board Meetings 3PM.
January 17, 2017, **COMPLETED**
March 28, 2017 – Tuesday
April 14, 2017 – Friday (*to accommodate NCARB Scheduled Visit*) DPW Director not able to attend
July 25, 2017 – Tuesday
September 12, 2017 – Tuesday

Item 8, Public Comments

No public comments or concerns were made or addressed.

Item 9 , DLM Survey Map Review, & PEALS DPW Permit Listing

- 9.A Department of Land Management – November 2016
- 9.B DPW Building Permits - November and December 2016
1. Notation required on why two SE are written for November, #86 & #87, GWWA Water Tanks

2. CE1401 Lodivico C Rapanut, PE – Noted as doing commercial work as well as an RME for Rocky Mountain Precast, LLC, and as a private consultant. PG 54, #80 – Proposed 2 Story House, and #84, Proposed 6 Unit Apartment.

Item 10, Adjournment

Next Board meeting will be held on **Tuesday, March 28, 2017, at 3:00 pm.**

Motion to adjourn.

Motion: DPW Director Leon Guerrero
2nd: Sec. & Treas. Cristi
All in Favor: 6/7
Discussion: None

With no further comments, the meeting adjourned at 5:45 PM.

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Approved by:



Gabriel A. Jugo, PE SE Board Chair



Maria Elizabeth V. Cristi, PE,
Board Secretary/Treasurer