

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

PEALS Board Regular Meeting

Thursday, January 27, 2022 GEDA Board Room Suite 511, Tamuning Guam 3:08 PM – 4:54 PM

Present:	Maria Elizabeth V. Cristi, Board Chair Paul L. Santos, PLS, Catherine S. Gutierrez, Exec. Board Adm.	Cedric Q.T. Cruz, Sec & Treas. Vincent P. Arriola, DPW Director Nixon Isaac, Board Investigator
Absent:	Andrew T. Laguana, RA Member Cathyann C. Gogue, Public Member	AAG, Atty. Tom Keeler Masoud K. Teimoury, PE, Vice Chair
Guest:	Maegan Catahay Brent Wiese, RA / AIA	Jeff Cheng, UOG Ernesto Guades, PhD / Asst Prof. UOG

Item 1, Call to Order

Board's mission statement was announced. There being a quorum; meeting was then called to order at 3:08 pm.

Item 2, New Certificate Presentation | Administration of Oath

- 2.A Dante W. Balmores, PE Civil #2140
- 2.B Nathaniel F. T. Lizama, - EIT #330
- 2.C Maegan G. A. Catahay – EIT #332

Item 3, Approval of Meeting Minutes

Review of Meeting Minutes of October 14, 2021

It was moved by Sec & Treas. Cruz, seconded by BM Santos, and unanimously carried to approve meeting minutes with corrections and clarification received by EBA Gutierrez no later than Friday, February 11, 2022.

Item 4, EBA Report

4.A Board Administrative Activities

-October 2021

The following were processed:

110 COA Firms, with a total of 12 Firms not renewed from last year

-NCEES Pen and Pencil Exams held on October 21-22, 2021. Nine (9) Examinees in Total

4.B Financial Report as of January 2022

Board was given prior statements: for PEALS Special Funds Account and the Bank of Hawaii account, for perusal.

Budget Request for FY23 was submitted to BBMR. By February, we will have an updated report on approval of funds requested.

Should you have any questions or concerns regarding the report, the EBA is always available.

Item 5, Investigations | Enforcement

5.A BI Isaac updated the Board since the last meeting held October 14, 2021 on the two (2) Open Cases.

1) PB2021-04 – PEALS v. Francisco Songsong – Allegation unlicensed practice of Land Surveying.

It was determined by EBA Gutierrez as having Merit. A Second Notice of Violation - Cease and Desist Order - to the individual was mailed; with no response as of this date. BI Isaac reports claimant is off-island due to a medical illness. EBA Gutierrez requested Board approval to proceed with enforcement. Board was not in agreement in committing to a decision at this time. Requested that a final and third notice be given.

It was moved by BM Santos, seconded by Sec & Treas. Cruz, and unanimously carried to table a decision on PB2021-004 until final notice be sent to allow the recipient an opportunity to come before the Board either in person, via representative or virtual presence. Third Notice to be given a reply extension date of 60 days, vs the 30 days per the Administrative Adjudication Law 5GCA Government Operations Ch. 9, §9233. Decision: Effective Date. ¹

¹ 5 GCA GOVERNMENT OPERATIONS CH. 9 ADMINISTRATIVE ADJUDICATION LAW § 9233. Decision: Effective Date. The decision shall become effective thirty (30) days after it is delivered or mailed to respondent unless a reconsideration is ordered within that time, or the agency orders that the decision shall become effective sooner, or a stay of execution is granted. A stay of execution may be included in the decision, or if not included therein may be granted by the agency at any time before the decision becomes effective. SOURCE: GC § 24133

2) PB2021-05 – Lujan vs Meliton S. Santos, PLS #053 – Unfinished Project April 2009

Upon investigation, Meliton Santos replied to allegations via written response. BI Isaac forwarded his reply, and AAG Keeler conferred, Contract is expired. Due to the statute of limitations; Ms. Lujan will need to report as a Civil Matter. This case is closed.

It was moved by BM Santos, seconded by BC Cristi, PE and unanimously carried to have a letter sent to the complainant advising to further this complaint to a civil ligation in a court of law as it is no longer in our purview, due to statute of limitations, we are powerless to proceed with the complaint.

Item 6, Old Business

6.A Law, Rules and Regulations Review – Ongoing

With the transformation of utilizing Google Docs, the professional societies are now listing their contributions and/or suggestions; with the Architectural and Surveyor societies at the forefront. Once completed EBA Gutierrez will formalize it and present it to the Board for their review and consideration.

Item 7, New Business

BC Cristi, PE called for a five (5) minute recess to review PEALS Law regarding the elections of officers.

7.A Elections of Officers, per 22GCA §32104(b) Board Appointments: Terms. “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.”

BC Cristi, PE continued the meeting and was then called to order at 4:05 pm.

Election of New Board Officers for CY2022 officially closed and approved the following appointments effective end of this meeting.

Board Chair - Cedric Q.T. Cruz, RA
Vice-Chair – Vincent P. Arriola, DPW Director
Secretary & Treasurer – Masoud K. Teimoury, PhD PE

Item 8, Board Discussion

8.A TG Engineers – Inquiry regarding engineering stamp on “As-Built” Design Drawings – Matter Resolved – Permit Clearance Given

TG Engineers requested clarification on requirements and/or guidelines on an engineer stamp approved by the Board in this regard.

TG Engineers provided an update after the release of today’s agenda and retracted their request, as it was a matter of permit clearance. This matter was resolved by TG Engineers and the Department of Public Works: No longer an issue to be addressed by the Board.

BM Santos noted clarification is a valid issue and should be addressed in the upcoming Law, Rules & Regulations. Board agreed and will review upon completion of EBA Gutierrez report of Google Documentations received.

8.B Application for Registration – Dave R. Wall – Mechanical via Comity

In his application, Mr. Wall disclosed disciplinary action taken against him by the Kentucky Board of Licensee in 2014. The Missouri Board entered into a consent decree on Mr. Wall and placed his license on probation for a period of one year for failing to report 2014 discipline by the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors (Kentucky Board) on his application for a license in Missouri. As a result of failing to report 2014 discipline by Board jurisdictions from Wisconsin, Oklahoma, Colorado, Massachusetts, and Ohio issued their letters of reprimand as well.

The Board has serious concerns that registrants practicing in this jurisdiction maintain a standard of professional care that is in accordance with the ethical code of conduct and its licensing laws.

It was moved by BM Santos, seconded by BC Cristi, PE and unanimously carried to have a letter sent to Mr. Wall noting that a decision of denial is in effect due to the disciplinary action taken against him by the Kentucky Board of Licenses. Unless he provides a letter of Good Standing from the Boards of Kentucky, Wisconsin, Oklahoma, Missouri, Colorado, Massachusetts, and Ohio; this decision will hold as a Denied application. The application is good till May 2022. Once this time has passed, he will need to reapply as a new applicant for Board Review.

8.C Application for Registration – Rolando T. Tumaque – Civil via Comity - Request to Waive FE Requirement

Per Peals Law §32113(a)(b)(1)(D)(iv) General Requirements for Registration ..”(iv) the applicant passes the Fundamentals of Engineering examination (for applicants with Fundamentals of Engineering waivers from other jurisdictions); and...”

The request has been denied, as it is a requirement from every engineering registrant, per Guam Law.

It was moved by Sec & Treas. Cruz, seconded by BC Cristi, and unanimously carried to have a letter sent to Mr. Tumaque stating the above denial of waiver.

8.D University of Guam (UOG) 2025 Target date for ABET Accreditation – FE Exam Requirements

Dr. Cheng came before the Board. He is encouraging UOG students, while in their Senior year, to take the FE Exam via the Guam Board.

He noted students who have just graduated are not given this privilege as the University is not granted the ABET credentials. He is requesting a waiver for these students and military personnel who are taking their senior year in engineering to be able to take the FE exam in Guam.

Board confirms the following:

- a) PEALS law §32113(a)(2)(A) addresses and allows for candidates, in their senior year “A college senior.....” can take the FE Exam. Submission of proof is required that candidate is a college senior.
- b) PEALS Law §32113(a)(2)(C) addressed and allows for candidates, ... other than the ones approved by the Board as being of satisfactory standing, shall be admitted to an examination as prescribed in the by-laws”. In view of this provision, it was moved by BM Santos, seconded by BC Cristi, PE and unanimously carried to allow engineering students of the University of Guam to sit and take the exam with proof of their college transcripts.

8.E WCARB Laureate – submission for Andrew T. Laguana, RA – PEALS Board Member

It is with regret to advise the Board that Mr. Andrew T. Laguana, RA, PEALS Board Member, has had failing health issues; and will no longer be able to sit as a Board Architect Member.

His firm, Architects Laguana, LLC, will be closing effective January 31, 2022, with the exception of current projects, which will be addressed by Ms. Liza J. Prodivo, RA - #257.

EBA Gutierrez recommended submitting Mr. Laguana's name to the Western Council of Architectural Registration Boards Laureate program. Recognizing his contributions to the Council as a Vice President and past PEALS Board Member terms.

Board wholeheartedly agreed. BM Vincent P. Arriola, DPW Director, also requested recognition by the Guam Legislature. EBA Gutierrez acknowledged.

Item 9. Public Comment

In Memory of those who passed~

Conrado "Ding" Vales PE #209, Mechanical Engineer, passing was recognized by the Board.

Jeremias Andrade Carrera, PE #669, Civil Engineer, passing was recognized by the Board.

Item 10, DPW Permit & DLM Survey Map Review

A. Department of Land Management – October 2021

B. DPW Building Permits – (Grading/Building/Demolition/Clearing) – October, November 2021

The review of documents was deferred. Please direct any comments or concerns to BI Isaac no later than two weeks from today.

Item 11, Adjournment

There being no further business, it was moved by BM Santos, seconded by Sec & Treas. Cruz, RA, and unanimously carried to adjourn the meeting at 4:54 PM.

Taken and recorded by:


/s/ Marie Villanueva

Administrative Assistant

Reviewed and Approved by:


/s/ Catherine S. Gutierrez

Catherine S. Gutierrez
Executive Board Administrator

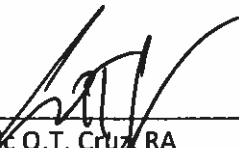
BOARD APPROVED:

Approved by:



Maria Elizabeth V. Cristi, PE
Board Chair

04.13.2022
Date



Cedric Q.T. Cruz, RA
Board Secretary/Treasurer

4/4/22
Date

March 31, 2022

Minutes approved as is

Minutes approved with changes; see minutes _____

