

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

**PEALS Board Regular Meeting**

Tuesday, July 16, 2019, PEALS Board Conference Room Suite 208 3:02 PM – 4:17 PM

Present: Maria Elizabeth V. Cristi, PE/Sec & Treas. Paul L. Santos, PLS Member  
Masoud K. Teimoury, PE Member Vince Arriola, Director DPW  
Philip Villanueva, Public Member Catherine Gutierrez, Exec. Board Admin.  
Nixon Isaac, Board Investigator Atty. Thomas Keeler - AAG

Guest: Brent Wiese, AIA NCARB LEED AP BD+C Senior Vice President RIM

Absent: Cedric T. Cruz, RA

Item 1, Call to Order

Meeting called to order at 3:02 pm, as a quorum was present. Introduction of attendees. Board's Mission Statement announced.

Item 2, March 26, 2019 Regular Board Meeting Minutes & April 26, 2019 Special Board Meeting Minutes

Minutes were distributed to board members for review and approved as noted based on comments.

BM Santos PLS who was not in attendance of the May 30, 2019 Board meeting commented on Page 6 of 7 regarding the appointment of Interim PEALS EBA on 2<sup>nd</sup> paragraph (item 8E).

BM Santos did not recall making that exact statement.

BM Arriola DPW Director also commented that he did not hear the statement.

It was moved to delete the 2<sup>nd</sup> paragraph of that section and to approve May 30, 2019 meeting minutes.

Motion – BM Arriola

2<sup>nd</sup> : BM Villanueva

All in Favor : 4/0 Passed

Not Voting : BM Santos as he was not present at this meeting.

### Item 3. New Business

Election of New Officers due to Expired Terms and Newly Appointed Members.

#### 3.A Discussions

BM Cristi expressed concerns of about running the Board Meeting as her term expired and is a hold-over until a new appointment is made. Discussions regarding a provisions in the PEALS Law § 32107 allows a period of Ninety (90) days from the expiration of term till an appointment is made by the Governor. Atty. Thomas Keeler advised if the Governor fails to make an appointment, the matter goes before the Board for a vote.

BM Villanueva suggested we get the opinion of the Governor's legal counsel. Atty. Thomas Keeler advised the request for opinion should be directed through the AG's office then forwarded to Governor's legal counsel.

BM Santos advised the board that he requested from the Administration to remain a provisional appointment until August 2019, when he completes the work as a member of the NCEES National Surveying Examination Committee.

BM Arriola suggested that the board continue with the status quo until the Ninety (90) day period has expired. It was agreed.

#### 3.B Elections of Officers

BM Santos suggested to differ the election of officers until all official members are present. Further stating it is incumbent upon the board to give all new members a chance to participate in the election.

In agreement with BM Santos, BM Cristi moved that elections be differed.

Motion: BM Cristi, PE  
2<sup>ND</sup>: BM Santos, PLS  
All In Favor: 5/0 Passed

### Item 4. Complaints

#### 4.A Lorette T. Guerrero vs. Blas Atalig / Meliton S. Santos, PLS. No.053 case # 2017-002

Recap of the case was discussed. Blas Atalig an employee of Meliton S. Santos has had 3 previous complaints filed against him for projecting himself as a surveyor and collecting money from the customers for the work. Case was referred to the AG's office for assistance.

BI Nixon Isaac reported that he met with the AG a few weeks prior to the meeting. The AG requested submission of list of potential witnesses. The complaint which included the list of potential witnesses and Statement of Accusation was submitted in full by BI Nixon Isaac. Atty. Thomas Keeler commented that he thought Mr. Atalig had not responded and that he was already in default.

Atty. Thomas Keeler will be follow up with Assistant Attorney General Monty May for the status of the case.

BM Cristi announced the presence of Brent Wiese AIA NCARG LEED AP BD+C, Senior Vice President Managing Principal – Guam of RIM. Attending on behalf of the Guam Building Code Council and President to American Institute of Architects.

4.B APC Construction vs. Jerry B. Estrella, PE No 1680 Case # 2019-001

BI Nixon Isaac reported the Statement of Accusation was sent to Jerry B. Estrella on June 06, 2019 and it was returned as unclaimed on July 01, 2019. Jerry B. Estrella is no longer on island and we are not able to communicate with him. Efforts to reach him by email has been unsuccessful.

BI Nixon Isaac was asked by BM Maria Elizabeth V. Cristi if he checked the California State Licensures. BI Nixon Isaac responded that he checked several states and confirmed he is not licensed.

BM Arriola inquired what the complaint was. BI Nixon Isaac responded that it was an unfinished project Fire Protection Design.

Atty. Thomas Keeler commented that the notice of defense sent states if he was challenging the allegations he had 15 days to request a hearing. After the 15 days the board then can make a determination. The only thing the board would need to confirm was that the notice was properly given. The board can extend this for 90 days.

Atty. Thomas Keeler recommended to extend for 90 days.

BM Santos moved to extend the Statement of Accusation and charges against Jerry B. Estrella PE for another 90 Days.

Motion: BM Santos  
2<sup>ND</sup>: BM Arriola Director  
All In Favor : 5/0 Passed

4.C Amelia and Jose Garrido vs Meliton Santos, PLS No. 053 Case # 2019-002

BI Nixon Isaac turned over discussion to Interim EBA Catherine S. Gutierrez.

Interim EBA Catherine S. Gutierrez reported receiving a call from Mrs. Amelia Garrido the morning prior to the board meeting. The issue of an encroachment on the Garrido property was in questions. Mrs. Garrido's advised her attorney Peter Perez reviewed the map and confirmed there was no encroachment on their property. With that being confirmed Mrs. Garrido advised that they agreed to pay off the balance to complete the services and close the case.

Interim EBA Catherine S. Gutierrez added that in further discussions with the BI Nixon Isaac there was supposedly another map showing a fence that was encroaching on the property so the case may not be settled based on this information.

BM Vince Arriola commented that the Garridos met with him to discuss their concerns that it took a long time to complete the job. It took 4 years and the Garrido's received the final billing and still have not received the map.

Item 5. OLD BUSINESS

5 A. PEALS Rules and Regulations

Previously schedule meeting to discuss draft rules and regulations for comment did not take place June 24<sup>th</sup> / 26<sup>th</sup>, 2019. No confirmation from previous board EBA or previous Board Members on the matter.

Drafts are currently in circulation with various professionals for comments. Draft was submitted to AG. There were concerns that some of the Laws did not correspond with Rules and Regulations. It was discussed that some laws that had to be changed to in order for the Rules and Regulations for consistency.

Atty. Thomas Keeler recalled one of the provisions the board wanted was to amend / broaden their authority to approve application for applicant who were obviously qualified but somehow didn't technically meet all the requirements. Some examples were discussed. This broaden approval authority would require a change in the law.

BM Cristi instructed the draft be disseminated again for review. Atty. Thomas recommended all Board Members review existing laws to make sure all are satisfied with the proposed amendments.

Item 6. EBA REPORTS AND UPDATES

All reports had been prepared by previous EBA Ray Borja. Interim EBA Catherine S. Gutierrez advised if there were any questions she would do the research and provide a response.

BM Cristi pointed out in FY19 we are tracking about \$30,000.00 less revenues than last year. With the upcoming renewals due in October for Certificates of Authorization we will see an increase in activity to bring up the revenues.

2018 Reconciliation Report for OPA update. The report was submitted to OPA and is due every 6 months.

Item 7. OPEN DISCUSSIONS, INFORMATION AND ANNOUNCEMENTS

7 A. PEALS FY2019 Proposed Board Meeting Schedule

BM Cristi advised next board meeting was set for Tuesday September 10<sup>th</sup> 2019. BM Santos will not be on island at that time so it was agreed to reschedule the next board meeting on Thursday September 19, 2019 at 3:00 p.m.

7 B. NCEES Annual Meeting on August 14 – 17, 2019 in Washington, DC funding up to 3

Attending this year are BM Santos and Interim EBA Gutierrez.

Discussion on attendance of the annual meetings. Typically these meetings are attended by the EBA and 2 board members 1 surveyor and 1 engineer.

BM Crisiti mentioned the challenges of wanting to bring support staff to attend the meetings, however NCEES answered that is must be board members and the EBA who are present.

BM Villanueva commented that NCEES opened the attendance of staff. BM Cristi and BM Santos suggested that this was a proposed policy pending approval.

### 7 C. Interim PEALS EBA

Interim EBA briefly thanked the board and advise she was attending the upcoming conference to become more familiar with the board's functions.

BM Villanueva returned discussions back to the staff attendance at the NCEES annual meeting. He stated there was a stipulation/ statement opened the attendance to EBA, board members and staff. He advised he would ask and confirm.

### 7 D. Elevator Inspections

BM Arriola brought this matter up with the previous board chairman. There are concerns that there are only 3 inspectors on island and no regulatory entity to oversee the service and maintenance for elevators and escalators. BM Villanueva stated the Guam Fire Department has jurisdiction over safety issues with elevators. BM Arriola stated there is something in the statutes that mentioned DPW Director does in fact commission elevator inspections. To that degree there is some regulatory oversight from DPW.

Discussion was deferred to visitor Mr. Brent Wiese of the Guam Building Code Council. Mr. Wiese confirmed there was a chapter in the code for escalators but not regulatory or certification.

BM Arriola is asking that the board members look into this to see who certifies/regulates elevators and escalators.

Atty. Keeler stated that the law requires inspections twice a year. Last management had decided to amend the law. Recommendation was to amend that section of the law.

Mr. Wiese added to check with the Guam Fire Department as the International Fire Code has a provision for elevator inspections for certain features and if it is already in their fee structure for fines and penalties you have an enforcement arm there. Atty. Keeler to look into the matter as well.

### Item 8. PUBLIC COMMENT

- Guam PEALS Board Rules and Regulations

Brent Wiese Sr. V.P / Managing Principal RIM Architects and International Building Code Chairman inquired on the status of the draft of rules and regulations. BM Maria Elizabeth Cristi confirmed that the meeting scheduled in late June did not take place.

Copies of draft rules and regulations are to be sent out to Mr. Wiese and board members along with the law for review and comments.

- International Building Code (IBC) Seminar

Seminar to take place mid-November at the Sheraton.

The three day seminar will include International Building Code, International Fire Code and International Residential Code. The will cover changes from 2009 version to 2018 version.

Guam PEALS Board committed to assist by making a contributions to assist IBC for the seminar.

Anticipated attendance is 150 to 200 attendees.

Guam Building Code Council Mr. Bret Wiese is Chairman advised the board that the members include: Bill Miller, Vice Chair, Bill Beery Contractor Representative and 2 Realtor Representatives whose terms have expired. Two names have been submitted to the Governor's office for processing of appointment. Director of Public Works and the Chief of Guam Fire Department government and two members are from the public at large.

- **Guam Tropical Energy Code**

Mr. Wiese gave an update on Guam Tropical Energy Code from Guam Energy Office, the owner has approved and it will be going to the Legislature in a week or two.

- **Land Surveyor Drawings**

BM Teimoury opened discussions regarding plans and drawings specifically survey and subdivision maps that have been reviewed which may or may not be easily buildable, without the benefit of a topographical survey he stated, too many maps that are not buildable.

BM Santos advised that maps are overlaid above contours. Land Management can only advise the surveyors, ultimately it's the surveyor who would make the final decision. Adding that often times when they do a court distribution it is the court who dictates how the properties will be distributed. LM and the surveyors often don't have a choice but to follow as ordered. This system is beginning to change, at the last GSPLS meeting they have initiated a methodology to try to reduce the issues. LM wants to address these issues and is working on these issues.

BM Masoud Teirmoury suggested an outreach with Land Surveyors to discuss and address some of these issues.

Concerns that the law allows for a loop hole that frees up the developer putting any sort of development on so called 5 lots or less subdivision. This is causing problems with lack of sewage systems up north. It also prohibits roads connecting to lots, no ponding basin, no sidewalks, and no playgrounds for the kids, no water and no power. BM Santos, advises this is an old law and it is the law that needs to be reviewed and likely change. He will initiate a meeting with the Chief Planner to open discussions. Atty. Thomas Keeler will also look into this matter with respect to the law and potential changes.

- **Fees Scale**

BM Teirmoury discussed how fees should be increased taking into consideration the liability assumed for approval of these plans and permits. It was again mentioned that the fee schedule is based on the law and would have to be considered for change.

- **Sub-Division Plans**

BM Santos also expressed concerns regarding sub-division plans. When property is sub-divided for example 20 lots, then they come in with improvements that should be performed by a surveyor so when improvements are done as an 'As Built' it is not really clear what was done. Leaving the design plans not as accurate. This should be the responsibility of the surveyors. The Planning Division hopes to make this a provision down the road.

- **2004 Guam Vertical Datum**

There has been a significant change over the years with climate change sea levels are ever changing and rising. BM Masoud Teirmoury inquired if surveyors are using the datum. BM Santos confirmed that surveyors by law should be using the datum. LM does not review elevation certificates or topo's and has no control over these. LM and NGS are actively working on 2022 datum. Mean sea levels are still being utilized but there are mathematical conversions used as well as bench marks throughout the island. LM is in line with National Geodetic Surveys.

- Drone Surveyors

BM Villanueva inquired if there are any Drone Surveyors being used on island. BM Santos confirmed Mr. Dennis Balagtas is the only drone surveyor on island. Using Arial Photogrammetry. Accuracy is as best as he can make adjustments. Some difficulties would be if the area has canopy, they will still need boots on the ground for accuracy.


- DLM Report of Maps Submitted


BM Cristi noted that certain COA continue to show increased volumes of maps approved. It was agreed that this needed to be closely monitored.

**Item 9. Adjournment**

BM Arriola motioned to adjourn and seconded by BM Philip Villanueva. The motion passed and the meeting adjourned at 4:17 pm.

Approved by:

  
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Maria Elizabeth V. Cristi, PE  
Board Secretary / Treasurer

19 NOV. 2019   
Date