

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

PEALS Board Special Meeting

Tuesday, April 26, 2019, PEALS Board Conference Room Suite 208 3:00 PM

Present: Gabriel A. Jugo PE SE, Chairman H. Mark Ruth, RA, Vice Chair
Maria Elizabeth V. Cristi, PE/Sec & Treas. Atty. Tom Keeler, AAG
Liza J. Provido, RA, Member Vince Arriola, DPW Acting Director
Philip Villanueva, Public Member Raymond C. Borja, Exec. Board Admin.
Nixon Isaac, Board Investigator

Absent : Paul L. Santos, PLS, Member

Guest: Jose C. Benavente

Item 1, Call to Order

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

Item 2, Complaint: Jose C. Benavente vs. Paul L. Santos, PLS #68 (Case #PB2018-006)

2.A Discussion- Jose C. Benavente - Case #PB2018-006

Chair Jugo stated the purpose of the meeting and give a brief background information of the case. Mr. Benavente refiled his case against BM Paul Santos and include the EBA (Mr. Borja). Mr. Borja recused himself in all dealing with the case and the Board has no mechanism in determining the merit of the case. During the January 22, 2019 Board meeting the Board decided to use a third-party to assist in the determining if the case has merit or not.

Chair Jugo stated that during the March 26, 2016 Board meeting, the Board were unable to select among the three (3) Surveyors presented by BI Isaac.

BM Provido joined the Board Meeting with her arrival at 3:06pm.

Chair Jugo updated BM Provido and The Board continued with the discussion of the Board dilemma of not being able to determine if the case has merit or not.

Chair Jugo stated that BM Provido opposes the idea of using a third-party to assist with determination of merit or not with the case.

BM Provido stated that she was not at the January 22, 2019 meeting. The EBA had acted within his authority and if Mr. Benavente does not agree with his decision of no merit, BM Provido said that in Mr. Benavente's second complaint that include the EBA alleged bias, it is not the appropriate course of action for the Board to entertain. If there is a complaint against a Government Official, Complainant should file with the Civil Service Commission or the Attorney General office. Mr. Benavente's second complaint that include the EBA alleged colluding with Mr. Santos is not the

appropriate course of action for the Board to entertain and if there is a complaint against a Gov't official, complainant should file with the Civil Service or the Attorney General. Mr. Benavente was encouraged to seek resolution elsewhere.

BM Arriola said Mr. Benavente should have go to the Attorney General office for a resolution for this type of conflict.

Atty. Keeler stated the Board entertains a variety of items and agrees with BM Provido that this item of boundary disputes should not be presented to the Board and the idea of a border/boundary disputes is not for the Board to determine.

VC Ruth stated that the Board direction was to get expert advice.

Atty. Keeler pointed out that if there is a complaint against any of the Board Members or this dispute with Paul Santos is not for the Board to determine.

VC Ruth asked Atty. Keeler how does the Board move forward with the issue. Atty. Keeler said the issue is for the Court to decide and does not encourage the idea of a using third-party to assist.

Mr. Benavente stated that this issue might not even need a Surveyor but to go back to the Court decision and document number and everything for the original plot of property showing a 6x6 monument to honor but Mr. Santos did not honor it and instead used a 4x4 monument.

Chair Jugo stated to Mr. Benavente that the Board is not at the point of discussing the actual survey work but more so to arrive on how to resolve the complaint. The meeting is not to discuss the case technicality but more so on the determination of merit. Verbal exchange continues and Chair Jugo had to intercede and bring the meeting back into order.

It was moved by Chair Jugo that the Board continue with the January 22, 2019 Board decision but was retracted base on Sec. & Treas. Cristi's comment per the law the Surveyor that the Board pick to assist with the case does not have the authority to give recommendation of merit or no merit.

It was then moved by VC Ruth and seconded by BM Provido to retract the January 22, 2019 Board decision. The Board made a decision of no decision on Mr. Benavente's claim.

Motion: VC Ruth

2"d: BM Provido

Vote: 4/1/1 Motion Passed (4 in favor, 1 abstain & 1 against)

Item 3. Adjournment

It was moved by Chair Jugo, and seconded by BM Arriola and unanimously carried by all to adjourn the meeting with no further comments, the meeting adjourned at 3:35PM.

/NNI

(A) Folder/#101 (Gray)

Approved by: Termed Out 6/8/2019
Gabriel A. Jugo PE SE Board Chair
Mecristi
Maria Elizabeth V. Cristi, PE

Date
28 JUNE 2019 *o*
Date

) Minutes approved as is.

X Minutes approved with changes; see minutes 05/30/2019 *p,*