

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

**PEALS Board Regular Meeting**

**Thursday, September 12, 2024, GEDA Board Room Suite 511, Tamuning Guam 2:14 PM–4:37 PM**

**Members Present:**

Cedric Q.T. Cruz RA, Board Chair  
Paul L. Santos PLS, Sec. & Treas.  
Nixon Isaac, Board Investigator  
Marie Villanueva, Admin. Asst.

Zenon E. Belanger PE, Vice Chair  
Maria Elizabeth V. Cristi, PE  
Catherine S. Gutierrez, Exec. Board Adm

**Excused Absence:**

Vincent P. Arriola, DPW Director  
AAG, Atty. Tom Keeler

Cathyann C. Gogue, Public Member

**Also Present:** Mark Ruth, RA (Emeritus)  
James Gozum  
David Conner (Virtually via Zoom – Denver, CO)

Brent Wiese, RA / Rim Architect  
Mrs. James Gozum and Child

**Item 1, Call to Order**

Chairman Cruz called the meeting to order at 2:14 pm, announced the board's mission statement, and took roll call of the Board members and attendees.

B.C. Cruz inquired with the Board if there were any objections to prioritizing item 8 on today's agenda, which pertained to the application for Environmental Engineering Registration by Conner, David PE, due to a time zone disparity. The board expressed no objections, and the discussion proceeded accordingly.

**Item 8, Board Discussion**

a. Conner, David PE – Application for EnvE (Comity) - Lacking three Environmental References per PEALS Law § 32113(a)(4) General Requirements for Registration.

Mr. Conner thanked the Board for this opportunity to discuss his resume and clarify any reservations they may have regarding his application. After a thorough discussion, the Board reviewed the following recommendations.

Given that the field of Environmental Engineering is relatively new and not as established as Civil Engineering, the Board has decided to consider testimonies from existing Civil references. The board kindly requests the provided references, Messrs. Thompson, Vanier, Payne, or Kuhl, to submit additional attesting to Mr. Conner's work performance as an environmental engineer during their tenure in the Civil Engineering field. Alternatively, the Board will also welcome

testimonies from three other registered environmental engineers who can affirm his good character and experience. The Board announced a letter from EBA Gutierrez to Mr. Conner outlining that the information needed from the additional references would be released, and Connor agreed to provide the requested documents.

Mr. Conner expressed gratitude for the consideration.

*There were no further Zoom attendees, so the meeting was returned to the agenda as printed.*

#### Item 2, Certificate Presentation & Administration of Oath

- a. Steven P. Carbullido, PE – Civil PE 2248 (Was Not In Attendance in today's Meeting)
- b. Jerrold J. Gozum, RA – Architect 485
- c. Jayvert V. Perlas, PE – Mechanical 2238 (Was Not In Attendance in today's Meeting)
- d. Akashi J. Rouse, PE – Civil 2249 (Was Not In Attendance in today's Meeting)
- e. Tristan J. Castino, EIT – 361 (Was Not In Attendance in today's Meeting)
- f. Barnard Allan A. Cavitenio, EIT – 362 (Was Not In Attendance in today's Meeting)
- g. Marion J. Galino, EIT – 363 (Was Not In Attendance in today's Meeting)

#### Item 3, Review / Approval of Meeting Minutes

- a. Review Draft PEALS Regular Meeting Minutes of May 9, 2024

BM Cristi moved to approve the minutes pending proposed amendments. Any additional comments are to be submitted to EBA Gutierrez for revision no later than September 20, 2024. The motion was seconded by VC Belanger, and unanimously carried.

All in Favor: 4/4      Not In Favor: 0      Abstained: 0

#### Item 4, Executive Board Administrator's Report

- a. Financial Reports and System updates:
  - a. PEALS Special Funds Account revenues, as of August, are tracking \$4,480 over last year's figures. This figure is not included in the Bank of Hawaii account, which has an additional \$9,349.00, with expenditures from PDN (Announcement of Meetings per Law), AG's Office for the TriParty MOU for AG's Services, NCARB Membership Fees, and our Web enhancement services, which was due for the remainder of 2024.
  - b. EBA Gutierrez announced the subsequent approval of a proposed Review Module quotation of \$8,000 by the Board in a prior meeting and would like to amend the approval. Instead, she contemplates using an encrypted platform (BaseCamp, etc.)

separate from our webmaster. As part of this consideration, a trial run will involve PEALS staff scanning applications and required documents (education, experience, etc.) into a PDF file. This file will then be circulated among Board members for review using the Internet. The trial will commence on October 1st, beginning with any new or renewed applications. The Board has expressed concerns about confidentiality and requested legal guidance for protocol procedures. Adobe and BaseCamp are encrypted, and cost information will be provided for Board consideration. Till then, the request is on hold.

#### **5. Board Investigator's Report**

BI Isaac commenced his presentation to the Board by expressing gratitude for the opportunity to attend the NCEES Enforcement Conference in Chicago, IL, in August. The conference provided valuable insights and resources on investigating techniques, some of which he intends to implement in his ongoing investigations.

The following cases were reviewed:

**a. PB2023-01 - Complainant: Mark Mafnas Park [Respondent: Narcisco G. Custodio, PE CE629]**  
Accusation: Faulty Design of Septic Tank and Leaching Field

**- REVIEW - from February 1, 2024 PEALS Board Meeting Minutes:**

Determination: BI Isaac confirmed additional investigation and collaboration were conducted with DPW and EPA. Investigation concludes that the case does not have "Merit" based on faulty engineering design. Propose recommending dismissal based on the following: a) Mr. Custodio, the engineer of record, is deceased; and b) There is insufficient information to conclude that it is a design issue causing Mr. Park's repeated faulty septic tank.

The Department of Public Works and the Contractor's Licensing Board have conducted a review and determined that the fault lies with the Contractor and not due to the Engineer's design. The homeowner and Contractor have agreed to hire a new Engineer and rebuild the septic tank according to the new specifications.

**UPDATE:**

A letter was issued to Mr. Park to communicate the EBA's determination of No Merit. Subsequently, the PEALS Board, EBA Gutierrez, received a letter from the Contractor disputing the decision of No Merit and challenging its conclusion. The contractor provided a letter from Mr. Ruben U. Velezrubio PE CE914, dated January 30, 2024, citing discrepancies in the design engineer

on record as evidence to support their challenge. EBA Gutierrez is seeking guidance from the Board on how to proceed.

Sec. & Treas. Santos, seconded by VC Belanger, put forward the motion to reject the contractor's letter and uphold EBA Gutierrez's decision of No Merit, which was unanimously carried. EBA Gutierrez can write a letter effectively advising the contractor of this decision and closing the matter in its entirety.

All in Favor: 4/4      Not In Favor: 0      Abstained: 0

**b. PB2024-01 – Complainant: Joseph B. Cruz, Jr vs [Respondent: Eddy N. Sy PE CE1249]**

**Accusation: Unethical Professional Practice and Design Errors (Clearing and Grading / Excavation of Property).**

**Determination: Pending Investigation – Open Status**

During BI Isaac's initial investigation, Mr. Sy was found not upholding the PEALS Law of section § 32125. Contract Law Language.<sup>1</sup> As no contract exists between Mr. Cruz and Mr. Sy.

The motion to proceed with the investigation, mirroring previous complaints such as PB2023-01, was proposed by VC Belanger, seconded by BM Cristi, and unanimously approved. This will serve as a template for handling future similar complaints before reaching a determination regarding merit. To assist the EBA in the Contractor's Licensing Board, and other agencies responses to investigations, the letter can come from the Board Chair.

All in Favor: 4/4      Not In Favor: 0      Abstained: 0

**§ 32125. Contract Law Language**

(a) A Professional Engineer, Architect, Landscape Architect, or Land Surveyor shall use a written contract when contracting to provide professional engineering, architecture, landscape architecture, land surveying or construction management services to a client pursuant to this Chapter. The written contract shall be executed by the professional engineer, architect, landscape architect, or land surveyor and the client, or their representative, prior to the professional engineer, architect, landscape architect or land surveyor commencing work, unless the client knowingly states in writing that work may commence before the contract is executed. The written contract shall include, but not be limited to, all of the following:

(1) a description of the services to be provided to the client by the professional engineer, architect, landscape architect or land surveyor;

(2) a description of any basis of compensation applicable to the contract, and the method of payment agreed upon by the parties;

(3) the name, address, and license or certificate number of the professional engineer, architect, landscape architect or land surveyor, and the name and address of the client, and

(4) a description of the procedure that the professional engineer, architect, landscape architect or land surveyor and the client will use to accommodate additional services.

**Item 6, New Business**

**a. To allow Guam Land Matters Exam Outside of our Jurisdiction**

**Review:**

Sec. & Treas. Santos initiated a discussion on Board Approved Surveyors who are awaiting to take and pass the Guam Land Matters Exam. Due to our proximity to the United States, it is common practice for interested candidates to fly here to take the exam. We hope that they pass it on the first try to make the flight costs feasible. If the Board allows, Sec. & Treas. Santos suggested that, since there are two candidates who are respective board members in their state and members of the NCEES, we allow them to take the exam under his personal supervision, and another Guam Board Member or Executive Board Administrator, as an alternative to their dilemma. The next NCEES event is scheduled in August of this year. If the Board allows, Sec. & Treas. Santos is proposing to administer the Guam Land Matters exam to them at the annual meeting.

BM Cristi proposed that the PEALS Board members be given the opportunity to administer the Guam Land Matters exam at locations where Board Representatives and the applicants are present. This will help to address the need for registered land surveyors on the island. It is understood that appropriate chain of custody documentation will be provided for the exam, and verification of the individual taking the exam will be required. The exams will be graded upon their return to Guam.

A motion was presented to approve, with provisions for the confidentiality of test material. However, it was deemed moot as it was not clearly identified in the agenda notice for the 9/12/24 meeting in accordance with 5 GCA Government Operations, Ch. 8 Open Government Law. EBA Gutierrez will ensure its inclusion in the next Meeting Agenda Notice in compliance with the law.

**UPDATE:**

Sec. & Treas. Santos confirmed that, although the Guam PEALS was present at the conference, no examination was conducted. Candidates who initially expressed interest in taking the exam during conference hours later indicated that they were no longer available, and they would be in Guam due to their firm's requirements. They stated that they would reach out to the Guam PEALS Board to schedule an exam at a later date while on Guam.

The Board agreed to uphold this protocol as a potential future option to be assessed on a case-by-case basis.

A motion put forward by BM Cristi, seconded by VC Belenger, was unanimously approved to maintain this protocol as an option for future opportunities, permitting considerations on a case-by-case basis.

All in Favor: 4/4      Not In Favor: 0      Abstained: 0

#### Item 7, Old Business

- a. Law, Rules, and Regulations Review continued. EBA Gutierrez awaits its completion from the Board so it can proceed with the Adjudication process.

#### Item 8, Board Discussions

- a. Conner, David PE – Application for Environmental Engineering Registration – *Proceed to page one of these meeting minutes.*

- b. Velesrubio, Ruben U. PE CE/SE for Civil Engineering Services for COA Standard Testing Services.

The board deliberated on the COA Amendment application for Mr. Ruben U. Velesrubio, PE SE, seeking to assume the role of Main RME for Standard Testing Services, Inc.

The Board has raised concerns regarding Mr. Velesrubio's expertise in geotechnical engineering. To address these concerns, it is requested that Mr. Velesrubio provide the board with a letter of confidence or a letter of testimony showcasing his proficiency in geotechnical engineering, substantiated by evidence of his experience, successful projects, or relevant contributions. Until the receipt of this information, the application will remain on hold.

- c. Fernandez, Francisco N. – Application for PE Registration – Waiver of FE Exam Condition.

In keeping in line with prior requests from applicants asking for the same waiver, the request was denied, per PEALS Law §32113,(1)(D)(iv) "...the applicant passes the Fundamentals of Engineering examination (for applicants with Fundamentals of Engineering waivers from other jurisdictions); and..."

It was moved by Sec. & Treas. Santos, seconded by BM Cristi, and was unanimously approved to be consistent with this, and all prior applicants requesting for waiver of the FE Exam as required by PEALS Law; that Mr. Fernandez be denied his request to have the FE Exam waived.

All in Favor: 4/4      Not In Favor: 0      Abstained: 0

**9. Public Comment**

Mr. Brent Wiese, RA 319, representing Rim Architects, appeared before the Board to seek guidance on the appropriate protocol for notifying the Board of recent changes relevant to ownership. The Board advised Mr. Wiese that any alterations in the firm's structure or the assignments related to the Responsible Managing Employee must be reported to the Board by the corporation, partnership, or firm within thirty (30) days from the effective date of such changes. Mr. Wiese thanked the Board for its guidance.

No further comments were noted by the Public.

**10. DPW Permit and DLM Map Review – Tabled**

- a. Department of Land Management – Office of the Chief of Cadastre Report of Maps Submitted
- b. PEALS Building Permit Clearances

Sec. & Treas. Santos recommended relocating this item 10 to a more strategic position on the agenda to reduce the likelihood of it being tabled frequently. The Board reached a consensus, and EBA will make the necessary adjustments to the numbering of items.

**Item 11, Adjournment**

There being no further business, it was moved by BM Cristi, seconded by VC Belanger, and unanimously carried to adjourn the meeting at 4:37 PM.

All in Favor: 4/4      Not In Favor: 0      Abstained: 0

Taken and recorded by:

  
/s/ Marie Villandeva  
Administrative Assistant

Reviewed and Approved by:



Catherine S. Gutierrez  
Executive Board Administrator

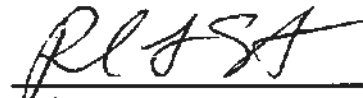
BOARD APPROVED:

Approved by:



Cedric Q.T. Cruz, RA  
Board Chair

4/17/25  
Date



Paul L. Santos, PLS  
Board Secretary & Treasurer

4/17/25  
Date

November 7, 2024

☐ Minutes approved as is

☐ Minutes approved with changes

Meeting Minutes reported today are a summary of discussion. Complete Audio file of today's meeting can be located at the Office of Accountability, Boards and Commissions website per Public Law 31-233 added Section 8113.1, Reporting Requirements for Boards and Commissions, to Chapter 8 of Title 5 GCA. Section 8113.1. And PEALS Website via Zoom Link. Government Meetings



## Addendum 1

### § 32125. Contract Law Language.

(a) A Professional Engineer, Architect, Landscape Architect, or Land Surveyor *shall* use a written contract when contracting to provide professional engineering, architecture, landscape architecture, land surveying or construction management services to a client pursuant to this Chapter. The written contract *shall* be executed by the professional engineer, architect, landscape architect, or land surveyor and the client, or their representative, prior to the professional engineer, architect, landscape architect or land surveyor commencing work, unless the client knowingly states in writing that work may commence before the contract is executed. The written contract *shall* include, but *not be limited to*, all of the following:

(1) a description of the services to be provided to the client by the professional engineer, architect, landscape architect or land surveyor;

(2) a description of any basis of compensation applicable to the contract, and the method of payment agreed upon by the parties;

(3) the name, address, and license or certificate number of the professional engineer, architect, landscape architect or land surveyor, and the name and address of the client; and

(4) a description of the procedure that the professional engineer, architect, landscape architect or land surveyor and the client will use to accommodate additional services.

(b) This Section *shall not* apply to any of the following:

(1) Professional engineering, architectural, landscape architectural or land surveying services rendered by a professional engineer, architect, landscape architect or land surveyor for which the client will *not* pay compensation.

(2) A professional engineer, architect, landscape architect or land surveyor who has a current or prior contractual relationship with the

client to provide engineering, architectural *or* land surveying services, and that client has paid the professional engineer, architect, landscape architect *or* land surveyor all of the fees that are due under the contract.

(3) *If* the client knowingly states in writing after full disclosure of this Section that a contract which complies with the requirements of this Section is *not* required.

(c) "Written Contract" as used in this Section includes a contract that is in electronic form.