

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

Thursday, March 31, 2022 GEDA Board Room Suite 515, Tamuning Guam 3:03 PM – 4:50 PM

Present:	Cedric Q.T. Cruz, Board Chair Paul L. Santos, PLS, Maria Elizabeth V. Cristi, PE Cathyann C. Gogue, Public Member	Masoud K. Teimoury, PE, Sec & Treas. Catherine S. Gutierrez, Exec. Board Adm. Nixon Isaac, Board Investigator
Absent:	AAG, Atty. Tom Keeler	Vincent P. Arriola, DPW Director/Vice Chair
Guest:	Aaron Burger, Self Ripple Industries	Brent Wiese, RA 319, AIA

Item 1, Call to Order

The Board's mission statement was announced. There being a quorum; the meeting was called to order at 3:03 pm.

Item 2, Review / Approval of Meeting Minutes

2.a Review of Meeting Minutes of January 27, 2022

BC Cruz announced the arrival of Cathyann C. Gogue, Public Member to the meeting.

BM Santos requested revision of meeting minutes to include case numbers, with full names of parties involved, as discussed. EBA Gutierrez acknowledged and noted change.

It was moved by BM Cristi, seconded by BM Gogue, and unanimously carried to approve meeting minutes with corrections and clarification received by EBA Gutierrez no later than Friday, April 15, 2022.

Item 3, EBA Report

3.a Board Administrative Activities

FY2022 NCARB Regional Summit Report

Held in Charlotte, NC March 2 – 5, 2022 – Attendees: EBA Gutierrez, BM Gogue and BC Cruz (Virtual Attendance). Notable topics:

- a. Diversity, Equity, and Inclusion (DEI) efforts with regards to licensure.

- b. Seven draft resolutions were discussed and will be voted on in the spring during the annual business meeting scheduled for June 2022 in Austin, Texas

Future Funded Meetings: Attendance is virtually and in-person for all meetings:

NCEES Western Zone – May 19 – 21, 2022 Stateline, Nevada - Three (3) Board Members and Board EBA are authorized to attend. If you are interested in attending, please advise EBA Gutierrez as soon as possible via email notification. NCEES DEADLINE FOR SUBMISSION OF ATTENDEES: April 4, 2022.

NCARB Annual Business Meeting – June 2 – 4, 2022 Austin, Texas - Three (3) Board Members, Board Attorney, and Board EBA are authorized to attend. If you are interested in attending, please advise EBA Gutierrez as soon as possible via email notification.

NCEES Annual Business Meeting - August 23 – 26, 2022 Carlsbad, California - Three (3) Board Members and Board EBA are authorized to attend. If you are interested in attending, please advise EBA Gutierrez as soon as possible via email notification.

NCEES State of Council Meeting – Will be done virtually. EBA Gutierrez will disseminate information via email to all Board Members so all may attend.

3.b MOU/MOA – PEALS Office Space Lease Agreement – Expiring May 31, 2022

EBA Gutierrez is pleased to advise the Board that current landlord, Guam Economic Development Authority (GEDA), has granted the lease renewal for the PEALS Board office space for another year. Board certification has been signed in accordance to PEALS Law, and concurrence has been granted by the divisions of BBMR and GEDA.

3.c Guam Land Matters Exam – March 26, 2022

The exam was held for one (1) individual. The exam was proctored by BI Isaac (Chief) and BM Santos. Results have yet to be tallied, but will be released for Board review and approval.

3.d Financial Report

Board was given prior statements, for PEALS Special Funds Account and the Bank of Hawaii account for perusal. EBA Gutierrez reviewed both accounts with the board.

PEALS annual renewals of individual license(s) are currently ongoing. This can be done via the PEALS website or by pen and paper as done in the past. PEALS website for renewal has been running smoothly. The one complaint from the registrants include licensees are not allowed to make payment online. EBA Gutierrez is working with the Department of Administration and the Treasurer of Guam regarding payment processing procedures via the internet. Intent being, once payment is made: certificates and/or pocket certificates will be added as completion of registration renewal. Board was given samples of designs for their input and approval.

Board requested to table printable digital registration certificates and pocket registration cards for further discussion. Board prefers an option of hard copies of these documents to be given to individuals and not just a printable page of said credentials.

EBA Gutierrez will disseminate a full tutorial to Board members as to how vendor website management team will issue these certificates: using two validations to ensure the security of certificate. EBA Gutierrez and vendor will be readily available to address any concerns or conflicts board members may have.

3.e In Memory of those who passed ~

Jeffrey C. Wheaton, PE Civil Engineer passed away on March 13, 2022
Funeral will be held on April 4, 2022, at Ada's Mortuary with his internment at the Guam Veterans Cemetery should anyone wish to attend.

Item 4, Investigations | Enforcement

4.a BI Isaac updated the Board since the last meeting of January 27, 2022, on the one (1) Open Case:

PB2021-04 – PEALS vs. Francisco SongSong – Unlicensed Practice of Land Surveying - Update

On the January 27, 2022 meeting. 1) PB2021-04 - 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 and requested that a third and final notice be given to allow recipient a chance to come before the Board either in person or virtual presence.

It was moved by BM Santos, and seconded by BC Cruz, and unanimously carried to table the decision regarding PB2021-004 until a third and final notice be given to allow the recipient a chance to come before the Board either in person, via representative or virtually. 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.

Update: No response has been received as of this meeting. Letter dated November 1, 2021 and was returned as "Undelivered" November 19, 2021. An investigation conducted indicates that Mr. Sonsong has since left the island with no forwarding address.

It was moved by BM Cristi, seconded by BM Gogue, and unanimously carried to approve and suspend case # PB2021-04 for a period of six (6) months until any activity or notification is received before that time. Board requested staff to reevaluate in reaching out to Mr. Songsong for his alleged improprieties after the six-month moratorium.

4.b PB2021-05 – Lujan vs Meliton S. Santos, PLS #053 – Unfinished Project April 2009 - Update

During the January 27, 2022 meeting, upon investigation, Meliton Santos replied to allegations via a written response to said complaint. BI Isaac forwarded his reply, and AAG Keeler conferred, Contract is expired due to the statute of limitations; Ms. Lujan will need to bring this up as a Civil Matter. This case is Closed.

It was moved by BM Santos, seconded by BM Cristi, PE and unanimously carried to have a letter sent to the complainant advising AAG's recommendation to move to a civil ligation in a court law as it is no longer within the PEALS Board purview. The complaint has exceeded the statute of limitations, and the Board is we are powerless to proceed with reviewing such complaint.

Update: BI Isaac confirmed the letter was sent and acknowledged received by Ms. Lujan on March 9, 2022.

Item 5, Old Business

5.a Law, Rules, and Regulations Review – Establish Date for Review

BM Santos commented that we should present to the Legislature our amended Rules and Regulations and repeal, in its entirety, the existing Rules and Regulations as published in the GARR. This way, we do not have to edit the current Rules and Regulations as published in the GARR, line by line or item by item, which seems to be the sticking point in our review.

Item 6, New Business

6.a Professional Competency

Board has requested staff to research individual registrant's obligations upon sickness or failing health. Board is not made aware of these conditions by registrants and is a concern.

EBA Gutierrez noted that as it stands there is nothing in the PEALS law that addresses this issue and it might be misconstrued as age discrimination. PEALS law only indicates Upon Death¹. In general, all contracts are issued in Good Faith.

Brent Wiese RA 319 came before the Board stating, that if health is an issue, at what term is a license suspended? Six (6) months, three (3) months? When does it end, or does it? Is the suspension temporary or permanent? Who would determine?

Sec & Treas. Teimoury recognizes that in other jurisdictions a Continuing Professional Education (CPE) program is in effect to dictate competency in registrants; although the PEALS law does not address CPE as it cannot presently conduct these exams. He suggested since we are doing online applications that this too might be an avenue to look into and be part of the report.

Board instructed EBA Gutierrez to reach out to other EBA peers in the NCEES and NCARB community on how their jurisdictions are addressing these concerns. A report is to be disseminated during the next Board Meeting for discussion and review.

6.b ICC REQUIREMENT

BM Gogue, advised the members that she is a member of NCARB's Professional Conduct Committee (PCC) on behalf of the Guam Board. In this committee, member review violations from the different jurisdictions. Based on the cases brought forth in this committee, recommendations are made by NCARB's legal counsel relative to non-compliance with the International Code Council (ICC) laws. Guam should hold professionals within our purview accountable for the laws that are in place. BM Gogue feels a letter should be sent on our Board's behalf to address these concerns with DPW so that their inspectors are properly trained and are able to identify violations.

It was moved by BM Gogue, seconded by BM Santos, and unanimously carried to have EBA Gutierrez submit a letter to VC Vincent P. Arriola, in his capacity as the Director of Department of Public Works, to have their plan examiners and field inspectors required to take and pass the International Code Council (ICC) and become ICC certified. Once violators are found guilty, advise the Board so that corrective

¹ 22 GCA BUSINESS REGULATIONS, CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS, §32117(c) Expirations and Renewals. (c) A Certificate of Registration shall expire upon the death of a registrant.

measures can be taken. BM Santos amended the motion to also include our PEALS Board Investigator be included to take such training and certification.

6.c APPLICATION REVIEW COMMITTEE/Preliminary Review – Developer Requirement

BM Santos noted that at present there are eight (8) governmental agencies that review planning document that incorporates preliminary engineering and surveying design. However, there is no sign of a PEALS registrant certification that is required. He feels this is not acceptable and should be addressed by the Board. Presently it is only done in the final stages to procure a Permit; which is against the PEALS Law.²

Board agrees and confirms it is a direct violation.

It was moved by BM Cristi, seconded by BM Gogue, and unanimously carried out to have EBA Gutierrez write a letter advising all governmental agencies on what is required per our law and to require PEALS verification of registrant(s) certifying documents that are being submitted.

Item 7, Board Discussions

7.a Yeo, Myeong-Ho – Application for PE Exam (EnvE)

Board discussion regarding Mr. Myeong-Ho's capability to take the exam based on his experience. Mr. Myeong-Ho was not able to attend today's meeting but sent a letter of clarification outlining his experience. In review, the Board approved his application based on his submission of additional documentation.

7.b Digital Certificates - - *(please refer to page 3, under 3.D Financial Report, ¶12 for Board discussion)*

Item 8, Public Comment

No comments were discussed.

² 22 GCA BUSINESS REGULATIONS, CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS, §32116(d)(3) Certificates — Seals. (3) The seal and dated signature shall be placed on all technical submissions, such as specifications, reports, plats, drawings, plans, design information and calculations, whenever presented to a client or any public or government agency, including government in-house designs.

Item 9, DPW Permit & DLM Survey Map Review

- A. Department of Land Management - Office of the Chief of Cadastre/ February 2022
- B. DPW Building Permits – (Grading/Building/Demolition/Clearing) / December 2021

Closing Comments

EBA Gutierrez acknowledged and will follow up a bereavement card for Mr. David Cox, NCEES President, wife's passing. She also noted the progress of the WCARB Laureate submission for Andrew T. Laguana, RA, and advised the Board it has been completed. A certificate will be mailed directly to him from WCARB.

Board requested we also provide him with a plaque on our behalf. EBA Gutierrez acknowledged such request.

Item 10, Adjournment

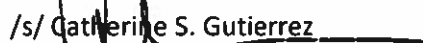
There being no further business, it was moved by BM Cristi, seconded by BM Gogue, and unanimously carried to adjourn the meeting at 4:50 PM.

Taken and recorded by:


/s/ Marie Villandueva

Administrative Assistant

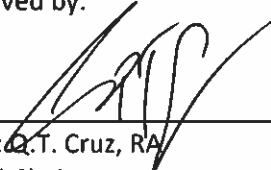
Reviewed and Approved by:


/s/ Catherine S. Gutierrez

Catherine S. Gutierrez
Executive Board Administrator


BOARD APPROVED:

Approved by:



Cedric Q.T. Cruz, RA
Board Chair

6/30/22
Date



Masoud K. Teimoury, PhD PE
Board Secretary/Treasurer

6/30/2022
Date

May 26, 2022

Minutes approved as is

Minutes approved with changes; see minutes _____