Board of Professional Engineers, Architects, Landscape Architects, and Land Surveyors
Meeting Minutes

Thursday, June 11, 2026 2:00 PM

Item 1, Call to Order

In the absence of Cedric QT Cruz, RA – Board Chairman; Zenon E. Belanger, PE Vice Chairman confirmed a quorum and called the meeting to order at 2:06 pm.

Item 2, Roll Call

Present

Zenon E Belanger, PE – Engineer Member - Vice Chair
Cathy Gogue, Public Member
Paul L Santos, PLS – Surveyor Member - Secretary Treasurer
Maria "Maily" Elizabeth V. Cristi, PE – Engineer Member
Catherine S Gutierrez, Executive Board Administrator
Nixon Isaac, Board Investigator
Vincent P Arriola– Director of Public Works / Board Member (joined via Zoom at 3:04 p.m.)

Absent

Cedric QT Cruz, RA – Board Chairman (Off Island)

Public Attendees Present

Brent Weise, AIA

The board's mission statement was recited:

"To safeguard life, health, property and the public welfare through the regulation of the practice of professional engineering, architecture, landscape architecture, and land surveying."

Item 3, Approval of Previous Meeting Minutes – June 11, 2026

3.A. Board reviewed the draft minutes of March 5, 2026 and discussed several corrections/clarifications:

NCEES Western Zone meeting attendance:

Previous minutes indicated that the Engineer Member Maily Cristi and Engineer Member Zenon Belanger Vice Chair were to attend the NCEES Western Zone Interim meeting.

Clarification: They did not attend due to a conflicting design meeting/consultation.

Direction: This fact will be recorded under this meeting's minutes (Old Business) rather than as a formal addendum to the March 5 minutes.

Old Business – Rules & Regulations meeting date (page 6):

Clarification that the rules and regulations meeting date referenced should remain March 18, 2026, not May 18.

Officer title correction – Item 9, Public Comments:

Minutes incorrectly reflected Cathy Gogue, Public member was nominated to the officer as "Chair."

Correction: Title should be Secretary-Treasurer (Treasurer), not Chair of NCARB Regions 6

Miscellaneous textual/format corrections:

Minor typographical and formatting changes were noted (including font/clarity improvements).

Motion:

To approve the March 5, 2026 minutes subject to the edits and clarifications discussed during this meeting and to allow members until Friday, June 19, 2026 to submit any additional corrections to the Executive Board Administrator Catherine S Gutierrez.

- Moved by: Board Public Member Cathy Gogue
- Seconded by: Engineer Board Member Maily Cristi
- Vote: Motion passed unanimously (ayes; no nays).

Item 4, Executive Board Administrator's Report

4.A. Administrative Assistant Vacancy / Staffing

Ongoing challenges filling the Administrative Assistant position. Working with Administration to secure an LTA (limited-term appointment). If the permanent position is still vacant when the LTA ends, the office will:

Issue formal job announcements,
Assemble an interview panel (including HR/AO participation),
Conduct interviews and proceed with regular hiring.

4.B. Use of GHURA Federally funded program for staffing

The Board has submitted interest to the GHURA LTA program funded by federal funds (often referred to as "Fix in Six" CDBG-ER.)

Awaiting acknowledgment/response from the Deputy Director overseeing the program.
Intent is to secure federally funded hires for administrative and permitting-related work (e.g., clearing permits) through the program

4.C. Registration Renewals / Registration Trends

Renewal period has ended; late renewals continue to trickle in (via both the traditional/manual system and the new online registration system).
Early observations indicate a decrease in active registrations possibly due to:

Registrants entering retirement or Emeritus status,
General late renewals.
Staff is still reconciling manual and online systems; final numbers will be reported at the next meeting.

4.D. Financial Report – Bank of Hawaii Account

Board's Bank of Hawaii account is balanced.

Reported total additions: $450, primarily from clearing-permit fees (corresponding to the same $450 shown on page 10 of the financial packet).

A $15 fee is charged per clearing permit.

Treasurer of Guam (interest/fund statements) not yet reflected for April, May, and June; will be updated once tallied.

4.E. Office Lease / GITA MOU & DOA Accounting

Office space lease MOU with GEDA was renewed; rent increased by approximately $500 per month partly due to its linkage to ITC rates.

Board must certify additional funds and process a JV (journal voucher) with DOA to cover the increased rent.

Issue identified with DOA's initial FY 2026 allotment setup in the new accounting system:

Rent-related line items were not properly funded, resulting in an apparent shortfall on paper despite sufficient cash in the Bank of Hawaii account.

Board is working with DOA to:
Correct category allocations,
Demonstrate available funds,
Allow rent and vendor payments to proceed.

4.F. Vendor Payment Issues (Xerox, NCEES, Board Member Stipends)

Significant delays paying Xerox and NCEES due to:

Vendor master data issues during transition to the new accounting system (NCEES loaded as a slightly different name, requiring re-vetting).

All non-government Board members must be re-vetted as vendors to receive stipends due to the new system.

NCEES invoice was eventually processed; Board's status with NCEES had temporarily been "inactive" until payment cleared.

For Xerox:

No current contract in place; an in-house small purchase RFP process is required:
Obtain three quotes, submit to GSA, obtain approval, then execute. Expected to take 2 months.
Meanwhile, payment for already-provided services has been challenging.

4.G. Use of Bank of Hawaii Funds for National Membership Dues

To avoid delays/embarrassment in paying national membership dues through DOA, the Board prefers to pay certain obligations directly from the Bank of Hawaii account (e.g., NCARB dues) and then use any resulting "excess" in the government account to support rent and other expenses.

NCEES dues ($5,000) have been successfully processed via DOA; that payment restored the Board's NCEES standing and allowed attendance at the annual meeting.
NCARB dues are expected in June and are approximately $7,000.

Motion (NCARB Payment from Bank of Hawaii):

To approve payment of $5,000 from the Bank of Hawaii account for annual NCARB membership dues, with the understanding that:

The payment will not be reimbursed back into Bank of Hawaii;

Instead, it will create relative excess capacity in the government-controlled account that can be used to help cover rent.

Moved by: [Board member – name not clearly captured]
Seconded by: [Board member – likely Treasurer (Secretary-Treasurer)]
Vote: Motion passed unanimously (ayes; no nays).

<u>Item 5, Board Investigator's Report (Nixon Isaac)</u>

5.A. Pending Complaint – Civil Engineer / Residential Construction

One complaint remains pending; no new written evidence received from complainant.

Summary of case:
Complainant engaged a civil engineer (engineer of record) and contractor for residential construction (including porch/extension).

Complaint alleges:

Poor workmanship and unresolved punch list items (e.g., hollow-sounding tile, aesthetic/finish issues). Desire to recover funds already paid to the engineer (approx. 80% of contract).

Engineer temporarily left island for medical reasons and reportedly notified the complainant; he later returned and conducted additional walkthroughs.
Many of the issues appear to be construction quality and warranty issues (contractor/materials) rather than failures in professional engineering practice.
The contractor, attempting to satisfy complainant, reportedly engaged an outside firm at its own cost to address porch/extension concerns, exceeding what was originally scoped.

Investigator and Board discussion concluded:
Issues are primarily a contractor/construction and civil matter, rather than a professional practice violation by the engineer.

The complainant was informed more documentation was needed but has not responded.
Complainant has already obtained certificate of occupancy and is residing in the home.

Resolution:

If no response is received within the applicable response period, the Board will:
Close the complaint, and issue a closure letter to the complainant explaining the rationale and the option to file anew with additional evidence in the future.

Item 6, Old Business

6.A. Laws, Rules & Regulations Review

Ongoing comprehensive review of the Board's laws, rules, and regulations continues.
Effort is currently delayed/back-burner due to competing commitments:
Several Board members (including the Chair, Zenon, Paul, and colleagues from Saipan) are involved in a NCEES "Island Initiatives" / Mobility-type workshop, with a hard deadline to deliver a product/report by July, reporting to NCEES Western Zone leadership.

Intention remains to:
Resume active work on rules & regulations once national commitments are satisfied.
Address issues such as reinstatement penalties, base-license requirements, and economic pathways to licensure as part of that review.

6.B. Application of Peter Bautista – Reinstatement vs. Comity

Background:

Mr. Peter Bautista is a civil engineer whose initial ("base") license was issued by this Board (Guam).

After living and working off-island for 20 years, he:

1. Initially applied for reinstatement of his lapsed Guam license.
2. Subsequently submitted an application for licensure by comity based on active licenses held in other jurisdictions (e.g., Arizona and Oregon/Washington).

Current Statutory/Rules Issue:

Existing Guam statute and regulations state that:

A registrant must renew not later than 90 days after expiration;
After 90 days, the Board "shall" impose penalties and require reinstatement, including:
Payment of back registration fees per year per discipline (e.g., $225/year), additional daily penalties for late renewal.

Historically, the Board has:

Required registrants with lapsed Guam "base" licenses to pay back fees and penalties to reinstate. Allowed other engineers and architects to obtain licensure by comity without back fees if they held active licenses in other jurisdictions and met comity requirements. In one prior case, allowed an installment payment plan for significant back fees; the registrant fully paid under that arrangement.

Discussion Points:

Equity and consistency:

Some past licensees have paid substantial back fees and penalties to reinstate lapsed Guam licenses. Allowing Mr. Bautista to bypass those fees via comity could be seen as inconsistent unless it is clearly within the law and applied prospectively to all similarly situated applicants.

Base license requirement:

Concern raised that because Guam issued Mr. Bautista's initial license, he should be required to maintain or reinstate that base license (with back fees) before benefiting from comity. However, feedback from other jurisdictions at NCEES Western Zone indicates: Most jurisdictions do not require the original ("base") license to remain active. They only require evidence that the

applicant once obtained an initial license after passing required examinations and now holds at least one current, active license elsewhere.

Language of the law ("shall" vs. discretionary standards):

At Western Zone conferences, experienced regulators (e.g., from Nevada) cautioned that the word "shall" in Guam's law, as interpreted in case law, is typically mandatory, limiting discretionary waivers of reinstatement requirements and penalties. Nevertheless, the law also provides a path for licensure by comity, and it is silent on whether a dormant initial Guam license automatically bars future licensure by comity when an applicant now holds an active license elsewhere.

Two potential paths for Mr. Bautista:

1. Reinstatement path:

Retains the original Guam license number, the registrant must pay all back fees and penalties as required by current statute and rules.

2. Comity path:

Treated as a new Guam license (new license number) issued by comity, evaluated solely under the Board's comity criteria, using his active out-of-state license(s) and NCES record; no back payment of old Guam fees, as this is not a reinstatement of the original license but an entirely new grant of licensure.

Fairness to local practitioners and future applicants:

Several members expressed that:
It may appear unfair or "punitive" to local practitioners who left Guam and later return if they must pay large arrears while non-local practitioners enter by comity with minimal cost. Conversely, it may be inequitable to those who have already paid significant back fees under the current rules if the Board now allows others to bypass those fees without a clear legal basis or prospective rule change.

Practice in other professions/jurisdictions:

Examples were given from business licensing (Revenue & Tax) where an old license was allowed to lapse and a new license was issued without forcing payment of all prior late-filing penalties. Similar flexibility is increasingly seen in professional licensure models emphasizing mobility and economic pathways to licensure.

Board Direction / Next Steps:

The Board recognizes that Mr. Bautista's temporary/conditional registration (tied to his government employment start date in August 2025) will soon expire (August 2026).

Before making a final decision on:
Whether Mr. Bautista may be licensed by comity, with a new license number and without paying back Guam arrears; or whether he must satisfy reinstatement obligations due to his Guam "base" license,

The Board will:

1. Re-engage the Office of the Attorney General:

Request a formal written opinion specifically addressing:
Whether the Board may lawfully grant licensure by comity to an applicant whose original license was issued by Guam and later lapsed, without requiring payment of back Guam fees and penalties;
How to interpret the "shall" language regarding reinstatement and penalties in light of the separate statutory provisions for licensure by comity. Re-submit the full case file, noting prior unanswered requests and the urgency due to the approaching expiration date.

2. Defer final action on Mr. Bautista's application (both reinstatement and comity) until:

The AG's opinion is received, or absent timely AG guidance, the Board must act at its next meeting based on its best legal interpretation and documented rationale.

Status:

Item tabled pending AG opinion and will be revisited at the next meeting. Discussion and concerns (including fairness, precedent, and economic mobility) are now on the record and will inform future rules & regulations revisions.

Item 7, New Business

7.A. DPW Permit & DLM Map Review Form – Readability / Format

Board briefly reviewed PW permit and DLM map review document. Concerns raised about very small font size making it difficult for Board members (many with visual challenges) to read.

Suggestions:

Reprint on larger paper size (e.g., 11" x 17" or legal) or use larger font. Provide as a separate hand out or distribute a PDF via email prior to meetings for easier on-screen zooming.

Action:

Staff will reformat and re-distribute electronically and/or print in a more legible format.
Item tabled until members have a readable copy; no approval required at this time since it was provided primarily for information.

Item 8, Public Comment

Public attendee Brent Weise was invited to comment. Discussion focused mainly on Board business; no specific, separate public motions or actions recorded.

Item 9, Announcements

9.A. NCARB Western Region WestCARB/ National Leadership:

Congratulations to Cathyann C Gogue, Board Public Member on being sworn in as Secretary-Treasurer for the NCARB Western Region (NCARB Region 6). She will serve alongside Ray Vigo, Chairperson, Courtney Haddick, Vice Chair, Coffee Polk, Member at Large and
Scott Sayles, Member at Large

9.B. NCARG Annual Business Meeting:

Three Board members will attend the upcoming NCARB annual meeting in Minneapolis as the Board's delegates Zenon E Belanger, PE-Vice Chair, Paul L Santos, PLS - Secretary Treasurer and Cathyann C Gogue, Board Public Member

9.C. Rules & Regulations Subcommittee:

Chair encouraged members to resume work on the Rules & Regulations once current national-level commitments (NCEES/NCARB projects) are completed. A request was made for a member to chair the rules & regulations subcommittee going forward.

Item 10, Adjournment

Motion: To adjourn the meeting.

Moved by: Paul L Santos, PLS – Board Secretary Treasurer
Seconded by: Maria Elizabeth "Maily" V Cristi, PE
Vote: Motion carried unanimously; meeting adjourned.

Adjournment Time: 3:04 pm

Board of Professional Engineers, Architects, Landscape Architects, and Land Surveyors
Meeting Minutes

Thursday, June 11, 2026 2:00 PM

Prepared by:
Catherine Gutierrez, Executive Board Administrator
Date prepared: June 25, 2026

Certification of Minutes
I hereby certify that these minutes are an accurate and complete record of the proceedings of the PEALS Board meeting held on June 11, 2026.

Cedric Cruz, AIA Board Architect Member & Board Chairman

Signature: _____

Date: 10/9/26

Paul L Santos, PLS Board Surveyor Member & Secretary Treasurer

Signature: _____

Date: 10/1/2026