

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

Tuesday, March 27, 2018, PEALS Board Conference Room Suite 208 3:00 PM - 5:35 PM

Present: Gabriel A. Jugo PE SE, Chairman H. Mark Ruth, RA, Vice Chair
Maria Elizabeth V. Cristi, PE/Sec & Treas. Philip I. Villanueva, Public Member
Paul L. Santos, PLS, Member AAG, Atty. Tom Keeler
Liza J. Provido, RA, Member Raymond C. Borja, Exec. Board Adm.
Nixon Isaac, Board Investigator Marie Villanueva, Adm. Asst.

Absent: Glenn Leon Guerrero, DPW Director

Guest: Michael P. Matsumoto PE843, SSFM Darwin Isip, Self
Attorney R. Marsil Johnson (N15 Guam Inc) Nina Isip, Self
Brent Wiese, RA 319 Daannah Isip, Self
Renato O. Martinez, RA 441 Dafneigh Isip, Self
Christopher F. Fryling RA356 Jacob Miller, Self
Carlos Salas, SSFM Mark G. Miller, Self

Prior to the opening of today's meeting, BC Jugo administered Certificate Presentation for New Engineer Intern before the Board for Jacob Patrick Miller and Darwin Banal Isip. Congratulations for passing the Fundamentals of Engineering Examination.

Item 2, CERTIFICATE PRESENTATION FOR NEW ENGINEER INTERN

2A. MILLER, Jacob Patrick EIT #313

2A. ISIP, Darwin Banal, EIT #314

Item 1, Call to Order

Board's mission statement was announced. The meeting was then called to order at 3:00 pm, as a quorum, was present.

It was moved by BC Jugo, seconded by Sec. & Treas. Cristi, to go out of agenda order to entertain our guests that are currently present. Motion passed 4/0 (BM's Provido and Santos arrived late and were not present during the time this motion was made).

Item 6.C, OLD BUSINESS, COA Application N15 Guam Inc. – RME: Renato O. Martinez for 2 Firms*

At the Board's request, Christopher F. Fryling, RA 356 announced his presence in today's meeting on behalf of N15 Guam Inc. BC Jugo requested clarification of the COA application and status of RME/Renato O. Martinez.

Mr. Fryling stated, taking into account the PEALS Law allowance of a registered individual the ability to be the main Responsible Managing Employee for an organization in obtaining a COA, only once; N15 Guam Inc. submitted a letter stating the removal of Renato O. Martinez RA441, as the main RME. In Mr. Martinez's place is now Mr. Fryling. With this change of RME, the Board can now proceed with a review of the application.

Atty. Keeler joined the Board Meeting with his arrival at 3:01PM.

VC Ruth questioned if the owners of N15 Guam Inc. made a proposal for a project on Guam prior to submitting their COA application to the PEALS Board. Mr. Fryling stated no. VC Ruth was requested by N15 Guam Inc. Attorney, R. Marsil Johnson, a copy of any evidence to the contrary. VC Ruth refused said request. AAG Keeler suggested VC Ruth abstain from voting on the approval of N15 Guam Inc. COA. VC Ruth acknowledged. AAG Keeler advised the Board to disregard VC Ruth's claim of a proposal when reviewing N15's COA application. Mr. Fryling noted, N15 Guam Inc. has been meeting with individuals regarding setting up an office on Guam and believes no solicitation of work has been issued. With that being said, the Board thanked N15 Guam Inc.'s attendance.

(*proceed to page 7 of 10 for the conclusion of discussion as this was discussed out of order of agenda for quests in attendance.)

7.B New Business, COA Application Pacific PM-CM LLC – CE and CM Services, 7 Companies/Firms form LLC

BM Provido joined the Board Meeting with her arrival at 3:05PM.

BC Jugo questioned the structure of alliance of such companies, services performed and what particular RFP that initiated the application. Mr. Matsumoto, SSFM stated this application was in response to a proposal for a prime contract with the U.S. Department of the Navy, Navy Facilities Engineering Command, Pacific to provide Construction Management Services for NAVFAC Pacific. The initial proposal will entertain Civil and Construction Management Services. If additional services are required or awarded to PM-CM LLC, Mr. Matsumoto will immediately request for an amendment to PEALS COA in compliance with Law. BC Jugo cautioned that COA is for services offered as a prime consultant and you will need to issue sub-contracts for other disciplines and not perform them in-house with your partners who maybe licensed individuals for those disciplines but not as part of your specific PM-CM LLC.

BM Santos joined the Board Meeting with his arrival at 3:07PM.

Sec. & Treas. Cristi questioned SSFM Designer on Record for Route 3 and Navy Housing project, and the designated main RME for COA Pacific PM-CM LLC, Wendy G. McLain CE 1319. Specifically overlapping responsibilities to this COA. Sec. & Treas. Cristi also questioned the structural alliance with Pacific Alliance, SSFM, and Pacific PM-CM. Mr. Matsumoto, SSFM, noted Pacific Alliance is a completely separate entity and performs non-DOD operations. The military solicitation called for a program manager, as written, did not indicate how much work it would entail so Mr. Matsumoto could not, at this point, answer Sec. & Treas. Cristi's first question regarding overlapping of responsibilities until an award is issued.

Sec. & Treas. Cristi questioned why PM-CM LLC had submitted a PEALS COA application. Mr. Matsumoto, SSFM, stated Pacific PM-CM LLC wanted to pay Guam taxes and made sure all avenues in obtaining Business License and a PEALS COA in anticipation of selection be done in preparation of award. If not selected by Navy, then COA would dissolve.

BC Jugo thanked all the guests in attendance for coming out.

*(*proceed to page 8 of 10 for the conclusion of discussion as this was discussed out of order of agenda for guests in attendance.)*

5.B R.O. Martinez Architects LLC premature permit prior to Board approval of COA Case #2018-001

Renato Martinez, RA#441 officially withdraws his letter of February 20, 2018, and announced his resolution to dissolve R.O. Martinez Architects LLC completely.

Renato "Tato" Osemena Martinez RA 441 presented himself to the Board. Accusation and statement of charges were issued and received by Mr. Martinez on January 26, 2018. Mr. Martinez gave clarification to a) waive request for a hearing of this regard, and b) admitting to the error of premature signing as a design firm. Mr. Martinez expressed remorse to the Board stating no malicious/deceptive intent to the public and requested for Board leniency.

BM Provido concluded her research of Mr. Martinez and confirmed that this would be his first offense. The original motion of disciplinary action made at February 20, 2018 board meeting was for \$500, as a first-time offense, and record be purged a year after still is not agreeable. Ms. Provido questioned if we are developing a pro-rated defined penalty, with records being expunged a year later, what would happen to future board members who have no knowledge of

this arrangement? Atty. Keeler noted that record(s) that are purged would be inappropriate to be referred to in future disciplinary actions for the next board to be reconsidering it. VC Ruth's concern was so that it not be required to be listed in the application of Mr. Martinez in another state or territory; and that this fine be considered as an Administrative Fine vs. a Disciplinary Fine.

BC Jugo brought to the Board's attention from the last meeting an article in the Marianas Business Variety (MBV) project for the mayor of Ordot Chalan Pago for a facility designed by R.O. Martinez Architects LLC. BC Jugo questioned if Mr. Martinez had solicited himself as an individual or as a firm. Mr. Martinez clarified he sits on the mayor's council and had performed the work as an individual, pro-bono with no contract and was surprised to see the article as he had designed it more than a year ago, and had not stamped any drawings.

It was moved by BC Jugo, seconded by Sec. & Treas. Cristi, in view of the new evidence, to generate a formal complaint, have BI Isaac review documentation and advise the Board. In doing so to also request a second extension of another 90 days. Motion Passed 5/1 (BM Villanueva Abstained)

BC Jugo stated to return to original Meeting Agenda, left initially at item 2.

3.A Review February 20, 2018 – Regular Meeting Minutes

Comments:

(BM Santos) – 1st Page, "Present" – Strike one "Keeler," as it was listed twice. List Liza J. Provido, RA as "Member." Item 2.A Jimenez, Ma. Viveth Bartolome, PE. Indicate Discipline: "Civil." Page 3 last paragraph, ..Guam Building Code "Council" and Page 6, 5.B third paragraph, last sentence "Counsel." Delete these words.

(Sec. & Treas. Cristi) – Page 7, 8.B, second paragraph first line to include, "Prior to AAG Keeler's leaving the meeting, AAG Keeler..."

(VC Ruth) – Page 4, 5.B R.O. Martinez Architects LLC – It should note, "Was continued on Page 6". Page 6 5.B Continued: Motion: Failed. To include (failed – lack of a quorum: 4 required by law).

(BC Jugo) - Page 8, 9.0 Public Comment, correct name to "Brent".

(BM Santos) – Page 7, 8A, last sentence to read, "...in place of Public Member's suggestion."

It was moved by Sec. & Treas. Cristi, seconded by BM Santos to approve meeting minutes of February 20, 2018, with corrections as discussed. Motion passed 6/0.

4.A EBA Reports and Updates

Board Administrative activity from February 16, 2018, through March 20, 2018, were reviewed and acknowledge by Board Members. Present revenue was tracking at \$23K more than last year. Bank of Hawaii statement for the month of February 2018 with ending balance at \$3,982.64.

4.B OPA Follow-up audit of PEALS

No change in PEALS office status of audit recommendations as of January 19, 2018. BC Jugo noted a second bi-annual report would be due soon. Review and simplify the fee structure to avoid confusion in the fee application is also still pending. As well as the Compiler of Laws rules and regulations update. EBA Borja states his completion target date is May/June this year.

BM Provideo noted that even if the EBA attended classes for QuickBooks, the accounting structure required is beyond his capabilities. BM Provideo will generate requisition verbiage to allow an accounting firm/individual to implement full utilization of QuickBooks to record all PEALS Fund and PEALS Board Revolving Fund checking account revenues and expenditures. PEALS Budget has always had this avenue listed although a requisition was never done. EBA Borja confirms funds are available and will allocate accordingly.

It was moved by BM Provideo and seconded by Sec. & Treas. Cristi that the Board developed a Request for Proposal to retain an accountant and have funds available for services rendered and drawn down according to an as needed basis to fulfill QuickBooks OPA Audit Recommendation 2.C. Motion Passed 5/1. (BM Villanueva – Abstained)

4.C EBA Reports and Updates File/Record Keeping

AAG Keeler requested a formal written request to review and comment on the File/Record Keeping as this will be part of the Rules and Regulations to be submitted to the Legislature. EBA Borja to comply.

4.D Public Law 34-87 and GOG Funding Constraints

P.L. 34-87 is on the agenda as a general topic of discussion. EBA Borja has advised the Governor's office our reduction of 20% in cost savings in view of P.L. 34-87. Cutting: Travel Budget -\$17K, Office Expansion -\$19K, -\$16K for Renovation = \$52K in cost savings that the EBA has agreed to return back to BBMR.

VC Ruth commented that some states have "Sunset Provisions" in their law and must be present before the Legislature every fourth year to receive funding. VC Ruth suggested EBA Borja request for a copy of their appeal/presentation to their legislature for guidance to the EBA should we be called before the Legislature. NCARB would be happy to assist, EBA would only need to request for assistance. BM Provido stated it would be best to have the material on hand and ready if need be.

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

Blas Atalig Judgement and Order was received by Mr. Atalig on February 28, 2018. AAG Keeler noted Atalig now has only two avenues: A) To request for a reconsideration of motion, B) A reply from the PEALS Board; thanking him for his concerns and reiterating he had been given an opportunity for a hearing and Mr. Atalig elected not to have one. And to remind him to make payment in the form of a check, payable to the Treasurer of Guam.

On a similar note, EBA Borja he was verbally contacted by a Mr. Salas at the Governor's office; and EBA had surrendered all documents pertaining to the Jose C. Benavente vs. Paul Santos, PLS #068 Case #PB2016-010. EBA Determined - No Merit on Case #PB2016-010. It looks as though Messrs. Blas and Benavente are speaking with the Governor's office expressing their discontent with the Board's decision.

AAG Keeler noted there is no need to respond at this point.

It was moved by BC Jugo, seconded by BM Villanueva, to follow AAG Keeler's recommendation noted above and proceed with item B) A reply from the PEALS Board; thanking him for his concerns and reiterating he had been given an opportunity for a hearing and he elected not to have one. And to remind him to make payment in the form of a check, payable to the Treasurer of Guam. Letter to be released tomorrow with an extension of payment of fine to include an additional 15 Days. Motion Passed: 5/1 (BM Santos abstained).

5.B R.O. Martinez Architects LLC (proceed with page 3 of 10 as this was discussed out of order of agenda)

5.C Complaints: Alfred & Jovelynda Ceraos vs. Efren Santos, PLS #060 Case #2018-002

Board reviewed BI Isaac's Investigative Report; concluding that no violation of the PEALS Law or Code of Ethics was broken. Board noted report does not state how BI Isaac came to a conclusion or show resolution to the original complaint.

EBA Borja explained Jovelynda Ceraos filed a complaint against Efren Santos regarding boundary issues. AAG Keeler noted it is an issue the title insurance company should be resolving. EBA Borja agrees and that being the case, stated verbally, case #2018-002 has No Merit.

AAG Keeler noted the issue is still unresolved; the PEALS Board does not have sufficient evidence to make a determination one way or the other at this particular time. AAG Keeler explained, the complaint is coming from Ms. Ceraos. It is incumbent upon her to provide the evidence. Letter in reply should state, if the Board has not received additional information within 30 days, we will consider this complaint closed.

BM Santos, in the capacity of the Chief of Cadastre of Guam, noted boundary surveying is not as simple as we believe it to be. It is very complex. The survey by Efren Santos, may or may not be correct; the survey by Francisco Castro, may or may not be correct. A complete overall survey will have to be done; and neither of them has shown the Board otherwise. At this point in time, we cannot ascertain who is right or who is wrong. The only resolution is if all parties negotiate and to whatever boundary is mutually agreeable; or the matter will need to go to court. BM Santos suggested what the EBA should do is advise complainant and Messrs. Santos and Castro of these options and encourage them to come together to resolve this dispute. BM Santos offered his division's services to assist with Ms. Ceraos. EBA Borja acknowledged.

6.A PEALS Rules and Regulations

Next Rules and Regulations session is tentatively scheduled for Thursday, April 19th, to be held at the Guam PEALS Conference room at 3:00PM.

6.B Second Round to Amend PEALS Law

Status quo. Still pending the release of Rules and Regulations as mentioned above.

*6.C COA Application N15 Guam, Inc. (proceed to page 1 of 10 as this was discussed out of order of agenda for initial deliberation)

BC Jugo stated file to be circulated for Board review, and no conclusion for firm registration has been determined as of this writing.

6.D AG Opinion on PEALS Code of Ethics Update

AAG Keeler noted 80% of the opinion was drafted and we should get a formal reply by week's end.

7.A Melchor, Geoffrey G. – CE Comity applicant request to Waive FE Exam Requirement

Board noted receipt of Melchor's letter requesting to waive FE Exam requirement. Board has no policy to waive the FE Exam requirement in either the PEALS Law or Rules & Regulations and request cannot be entertained. The request is not valid.

It was moved by BM Provido, seconded by VC Ruth to allow Melchor to take and pass the Fundamentals of Engineering in order to become a licensed engineer of the PEALS Board. Motion passed 6/0. EBA Borja to advise applicant via letter of the Board's decision.

*7.B COA Application Pacific PM-CM LLC – CE & CM Services, 7 Companies/Firms form LLC (proceed to page 2 of 10 as this was discussed out of order of agenda for initial deliberation)

It was moved by VC Ruth, seconded by BM Santos to approve the application of Pacific PM-CM LLC for Civil and Construction Management Services. Motion Passed 5/1 (Sec. & Treas. Cristi abstained).

At 5:20 PM, AAG Keeler was excused from the meeting.

8.A NCEES Zone Regional Meeting on April 5-7, 2018 in Honolulu, HI, NCEES funding up to 4

Due to Government of Guam funding constraints, only NCEES funded will attend. Board discussed contribution and gift bags for attendees. This will be done voluntarily in both amount and willingness of Board members.

8.B NCARB Annual Meeting on June 28-30, 2018 in Detroit, MI, NCARB funding up to 4

Tabled for next Board meeting - May 31, 2018.

8.C NCEES Annual Meeting on August 15-18, 2018

Tabled for next Board meeting - May 31, 2018.

8.D PEALS FY 2018 Proposed Board Meeting Schedule

BM Santos will not be able to attend July 31, 2018 Board scheduled meeting. He will be in attendance at his daughter's wedding in Palau. BM Santos extended an invitation to all Board Members should they decide to attend.

9.0 Public Comment

Brent L. Wiese, RA 319 came before the Board in the capacity of AIA President and as Guam Building Code Seminar Representative. Regrettably, advising the Board of a missed timeline in GSA's ability to procure books and materials for said event has now caused the building code seminar ICC 2009 – 2018 to be pushed back to July. Mr. Wiese will advise the Board on a new firm date once selected.

Brent L. Wiese, RA 319 requested a copy of the Attorney General decision on the Code of Ethics once it is released and received by the PEALS Board.

Mr. Wiese advised the Board that work being on military bases are now required to have a building permit through DPW. Since the PEALS Board has no jurisdiction on military bases, it is presumed PEALS clearance will not be required. EBA Borja to confirm assumption.

10.0 DPW Permit & DLM Survey Map Review

- A. Department of Land Management – February 2018
- B. DPW Building Permits – February 2018

Board members are to review on their own and if any comments or suggestions to bring it to EBA Borja's attention.

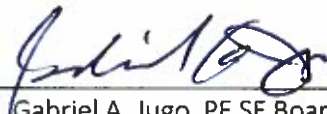
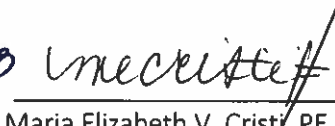
11. Adjournment

It was moved by BC Jugo and seconded by Sec. & Treas. Cristi and unanimously carried by all to adjourn the meeting with no further comments; the meeting adjourned at 5:35 PM.

/mnv

The Guam Board of Registration for Professional Engineers, Architects and Land Surveyors
PEALS Board Regular Meeting
Tuesday, March 27, 2018

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Approved by:  6/12/2018  06/26/2018
Gabriel A. Jugo, PE SE Board Chair Date Maria Elizabeth V. Cristi, PE Date (P)
Board Secretary/Treasurer

- Minutes approved as is.
- Minutes approved with changes; see minutes _____