

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

PEALS Regular Board Meeting

Thursday March 12, 2020

PEALS Conference Room 718 N Marine Corps Dr., Ste. 208 Upper Tumon, GU 96913

Present :	BOARD MEMBERS	STAFF
	Paul L. Santos, PLS Maria Elizabeth V. Cristi, PE Philip Villanueva Public Member Cedric Q.T. Cruz, RA Masoud K. Teimoury, PE Atty. Thomas Keeler	Catherine S. Gutierrez, EBA Nixon N. Isaac, Board Investigator
Absent :	Vincent P. Arriola, DPW Director	
Guest :	Celvin Pagcu – DCA Mark Dorado Alex M. Dorado Ferdie Pagcu Alma Pagcu Brent Wiese	Shiella Pagcu Cecilia Dorado Vivian Dames Bianca Luy Hugo Luy

**ITEM NO. 1 CALL TO ORDER**

BC Cristi called the Board Meeting to order at 3:20pm. Introduction of attendees. BC Cristi confirmed a quorum. Mission Statement was announced.

**ITEM NO. 2 NEW BUSINESS**

**A. Presentation and Oath for New Registrant Certificates**

- i. Mark Allen Dorado, PE (PE2078 - Civil)
- ii. Celvin Lopez Pagcu, PE (PE 2075 - Civil)

BC Cristi administered the oath and presented New Registrant Certificate.

*(Audio recording of the Oath is available on our website at [www.guam-peals.org](http://www.guam-peals.org).)*

**B. Election of Officers**

BC Cristi announced base on the Board of Registration for Profession Engineers, Architects and Land Surveyors (PEALS) law requires elections for officers to be held in January of each year. However, not all technical board members were present during the January 22, 2020 regular board meeting. Election of officers was since deferred to the next board meeting.

BC Cristi announce all technical members were present during this meeting and opened the floor for nomination of board members beginning with the position of Secretary Treasurer.

BM Santos, nominated BM Cedric Q.T. Cruz for Secretary Treasurer, BM Villanueva, Public Member second the nomination. BC Cristi called for a vote.

Motioned : BM Santos, PLS  
2<sup>ND</sup> : BM Villanueva, Public Member  
All In Favor : 5/0

BC Cristi opened the floor for nomination of Vice Chairperson.

BM Santos, nominated BM Masoud K. Teimoury, for Vice Chairperson. BM Cruz, second the motion. BC Cristi called for a vote.

Motioned : BM Santos, PLS  
2<sup>ND</sup> : BM Cruz, RA  
All In Favor : 5/0

BC Cristi opened the floor for nomination of Chairperson.

BM Santos nominated BM Maria Elizabeth Cristi for Chairperson. BM Teimoury second the Motion. BC Cristi for discussion and any other nominations. BM Villanueva stated he wanted to nominate BM Teimoury for Chairperson however he was already voted as Vice Chairperson. BC Cristi called for a vote.

Motioned : BM Santos, PLS  
2<sup>ND</sup> : BVC Teimoury, PE  
All In Favor : 4/1  
Abstained : BM Villanueva

ITEM NO. 3 APPROVAL OF MEETING MINUTES

**A. Meeting minutes from November 21, 2019**

BC Cristi announced approved meeting minutes for special board meeting of November 21, 2019 are included in the agenda packet.

**B. Meeting minutes from January 22, 2020**

BC Cristi called for review of minutes from regular board meeting held on January 22, 2020.

BC Cristi announced the presence of Brent Weise who is attending for AIA and GBCC.

BC Cristi opened the floor for discussion or correction on meeting minutes of January 22, 2020, BM Santos noted a few minor typo's to be corrected. BC Cristi called for a vote to approve meeting minutes.

BM Santos motioned to approve meeting minutes with correction to typographical errors once it is returned to the EBA via electronic copy. BM Villanueva second the motion.

Motion : BM Santos PLS

2<sup>ND</sup> : BM Villanueva Public Member

All In Favor : 5/0 – Motioned Carried.

ITEM NO. 8 PUBLIC COMMENT

BC Cristi announced the presence of Vivian Dames representative for Complainant Delle Swegler Nadler. She requested the board to move public comments ahead on the agenda to allow Ms. Dames to speak before the board. The board agreed to listen to public comments at this time.

Vivian Dames stated she was in attendance at this board meeting only to observe and report any action taken by the board on a complaint submitted by Ms. Delle Swegler Nadler via the board chairperson Maria Elizabeth V. Cristi. She continued stating, on March 5, 2020 Ms. Delle Swegler Nadler submitted a complaint regarding the mass clearing and grating plans for Marianas Stone Company / Fadian Development Incorporated. Ms. Dames provided a brief summary of the complaint before the board.

BC Cristi interjected and explained the handling procedures of a complaint before the PEALS Board in detail. BC Cristi explained that a formal PEALS board complaint form must first be completed and signed the complainant in order to launch an official investigation. BC Cristi advised that the Board Investigator Nixon Isaac would be sending the form to Ms. Delle Swagler Nadler via email to start the process. She continued stating that while a complaint is under investigation the board is prohibited from discussions on the details of the complaint until it is officially brought before the board in a hearing. BC Cristi assured Ms. Dames that the board will conduct the investigation on the matter in accordance with the law.

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**ITEM NO. 4 ENFORCEMENT | INVESTIGATIONS**

BC Cristi called for the report from board investigator (BI) Nixon Isaac. BI Nixon Isaac opened by thanking the board especially recognizing the public member Phillip Villanueva and EBA Gutierrez for allowing him the opportunity to attend the NCARB 2020 Regional Summit in Cambridge MA.

BI Isaac provided a brief summary of open complaints listed on the BI's report which was included in the agenda packet.

BM Santos inquired how the board responded to case # PB2019-008. EBA Gutierrez responded by advising that the board issued a letter to the complainant Mr. John E.Q. Cepeda requesting for more specific details as to how the respondent violated any laws or behaved in any inappropriate or unethical manner.

Attorney Tom Keeler interjected in stating Mr. Cepeda's complaint was very general in nature with did not provide certain actions taken by the respondent.

EBA Gutierrez further added the board extended a 30 day period for the complainant to respond to the letter adding that the 30 day time frame has since expired without any response from Mr. Cepeda rendering the case closed in line with Adjudication Laws. The respondent would now have to re-file his complaint if he is so inclined.

BC Cristi announce BI Isaac to will further update the board on the judgement in the criminal case of the United States of America v. Wagdy A. Guirguis. BI Isaac deferred this matter to Atty. Keeler.

Atty. Keeler gave a brief summary explaining that the board was waiting for documentation from the District Court of the State of Hawaii to confirm the conviction Wagdy A. Guirguis a former practicing PE of variety of charges including tax evasion and tampering of witnesses etc. With the document confirming his conviction now on file no board action would be required in this case and can summarily void his certification/registration.

BC Cristi stated that the board will now keep the judgement documents on file adding, to her knowledge Wagdy A. Guirguis never attempted to renew his registration since closing out this matter.

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ITEM NO. 5 OLD BUSINESS

**1. GBCC | ICC Seminar**

BC Cristi opened discussions on old business referring to a letter from GCC regarding the PEALS board's contribution to the ICC/GBCC Seminar and Board Resolution for the same included in the agenda packet.

BC Cristi recapped the board's commitment to GBCC to help offset cost for the ICC Seminar subject to the contingencies agreed upon in the special board meeting held back in November 08, 2019 as follows:

1. GBCC's budget shortfall for the seminar.
2. Approval from BBMR to transfer funds for this contribution to GCC.
3. Applicability of funds would strictly be for educational purposes of the seminar only.
4. GBCC must provide a financial statement showing allocation of the contribution for audit purposes.

BC Cristi called for a motion that action be taken by the EBA to discuss allowing the transfer of funds for BBMR's approval. BST Cruz made the motion to move forward with ensuring all 4 conditions are met to proceed with the contribution. Pending approval from BBMR to transfer funds from the PEALS Board's special funds to GCC. BC Cristi second the motion.

BC Cristi called for discussions. BM Santos PLS, asked to clarify that the motion was for the EBA to proceed in engaging with BBMR to approve the transfer of funds. BC Cristi confirmed BM Santos's understanding of the motion on the floor.

BVC Teimoury expressed that the credentials of the speaker is of utmost importance and that it was in his opinion that the lectures did not impart quality or sufficient information relative to educating the professions of the changes in the International Building Code.

BC Cristi acknowledged BVC Teimoury's comments to be noted in our meeting minutes.

BC Cristi called for a vote.

Motioned : BST Cruz, RA

2<sup>ND</sup> : BC Cristi, PE

All in Favor : 4/1

Abstained : BVC Teimoury, PE

ITEM NO. 5 OLD BUSINESS (continued)

**2. Rules and Regulations Update**

BC Cristi stated on February 5, 2020 the board held a 2 hour work session to review the existing PEALS law and rules and regulations. She continued that various items were reviewed and needed further study and clarification such as the area of competence (the definition of), responsible control, exemptions, the code of ethics, consideration of the Brooks Act v. the Sherman Act, the RME physical presence requirement were amongst other topics reviewed.

BC Cristi requested the EBA to check and verify the COA's RME physical presence requirements which was previously stated in applications for renewals there was a 75% physical requirement, due to mobility and other issues at one point previous board made a change removing this requirement. Adding, based on information from NCEES and NCARB we would like to address mobility and licensure reciprocity in our upcoming Rules and Regulations working session scheduled for April 5, 2020 at 3:00pm in the PEALS Board conference room. Continuing she added BVC Teimoury would like to add discussions on how the PEALS Board will consider disbursements of funding for continuing educational purposes.

BC Cristi called for any additional topics to be discussed at the next R&R meeting. BM Santos was recognized. BM Santos stated he did recall the previous board created a resolution regarding the waiver of the residency requirement for COA's upon application for licensure in Guam adding after 6 months the COA would have to establish a physical address. BM Santos added he was not sure if this was still relevant. BM Villanueva asked if this fell under GAR, rules and regulations or the law. BM Santos replied that he was not too sure and asked BI Isaac to check into this further.

BC Cristi made a correction on the next scheduled date for Rules and Regulations work session stating it is scheduled for April 2, 2020 at 3:00pm. She continued in stating if the board members had any additional issues to be discussed to please send them to EBA Gutierrez to be added onto the list for discussion.

ITEM NO. 6 EBA REPORT

EBA Gutierrez reported on AS400 PEALS Board Special Funds account, revenues summary and renewals for October 2019.

EBA Gutierrez reported on the status of the closing of the PEALS Board's Bank of Hawaii checking account and the opening of a Bank of Guam checking account. She continued in stating that the PEALS Board had started the process to open the Bank of Guam checking account. However, election of new officers during the January board meeting was deferred as not all technical members were present to vote. scheduled to be held in the regular board meeting was deferred until all technical board members were pre with the upcoming election of new officer's in January this was delayed until a complete board. Further adding, now that new officers are in place we can move forward in establishing the new checking account with Bank of Guam.

ITEM NO. 6 EBA REPORT (continued)

BVC Teimoury asked about the PEALS Board Special Funds account. He inquired if this account was for the fees and dues collected from registrants. EBA Gutierrez confirmed his understanding.

EBA Gutierrez gave her trip report on her attendance of Board Member & Executive Orientation which was collaboration with NCARB, NCEES, CIDQ and CLARB leading into BI Isaac's trip report on his attendance at the Western.

EBA Gutierrez stated that at the orientation she learned that other states in the review process of registrants the review was done at the Administrative level which allowed the board members to focus on policy and policy development. She suggested that the board consider the same process for the PEALS Board. BM Santos interjected by stating that all though various states practice the approval of applicants at the administrative level, Guam is unique in that Civil and Structural PE still have certain requirement for review by the licensed board members. He added for all other registrations as long as they are Model Law Engineer then these can be left for review at the administrative level. BC Cristi commented that a board resolution would be required to change any processes in the review of applicants. BC Cristi called to table the discussion for the next board meeting to give board member some time to think about the processes and what would need to be changed if any.

BC Cristi called on BI Isaac to give his trip report. BI Isaac reported on his attendance at the 2020 Regional Summit held in Cambridge MS. BI Nixon reported on the enforcement segment of the summit. BI Isaac reported on the different processes the varied from state to state. BC Cristi asked how the PEALS Board's processed differed from other boards. BI Isaac responded in stating that we our process is similar majority of the boards. BI Isaac continued in stating that most boards began with educating the complainant and respondent before imposing any fines or penalties. BM Villanueva stated that the PEALS's law requires a hearing be held before the board imposes any fines. BC Crisi stated that as long as we follow the law and follow the process we will give due process to all. Finally, BI Isaac reported on the piling of disciplinary charges. BM Villanueva asked if the PEALS Board reported when a registrant has been disciplined or assessed any fines or penalties to NCARB or NCEES. EBA Gutierrez confirmed the PEALS Board must report these to record holders of NCARB or NCEES.

EBA Gutierrez announced that NCEES made a donation of \$25,000.00 to the University of Guam's engineering program as a result of presentation and discussions during their visit in October 2019. The donation was given in support of the Engineering Programs efforts towards ABET accreditation for laboratory equipment and other expenses. She added that a presentation of the donation was to be held at the University's Advisory Council meeting on March 27, 2020.

BM Villanueva asked BVC Teimoury if he had any objection to donation of funds to a school that is not existing. BVC Teimoury responded no he did not. BM Santos recalled a discussion regarding the University's Engineering program as not being ABET accredited.

*(Audio recording of detailed discussions on this matter are available on our website at [www.guam-peals.org](http://www.guam-peals.org).)*

**ITEM NO. 7 OPEN DISCUSSIONS**

BC Cristi called for open discussions.

**A. NCEES Zone Interim Meeting – Houston TX – April 23-25, 2020**

EBA Gutierrez confirmed attendance along with BC Cristi and BM Santos. Adding, if any other board members are interested in attending to please send notice by email not later than March 30, 2020.

(It was noted BM Villanueva stepped out of the meeting for a few minutes.)

**B. NCARB Annual Meeting – Austin TX June 18-20, 2020**

EBA Gutierrez gave a summary of NCARB Annual Meeting. EBA Gutierrez asked BST Cruz to please confirm if he will be attending. Adding all meetings are subject to cancelation depending on the COVID19 situation.

**C. NCEES Annual Meeting – Chicago IL August 26-29, 2020**

EBA Gutierrez gave a summary of NCEES Annual Meeting. EBA Gutierrez requested confirmation from board members interested in attending to advise by email for submission. Adding again that all meetings are subject to cancellation due to COVID 19 situation.

BC Cristi reported on Engineering Week activities stating she conducted presentations before several high schools to spark interest in the professions.

BC Cristi called for open discussions from Brent Wiese RA, Chairman of GBCC. Mr. Wiese thanked the board for their assistance in funding of the GPCC / GCC sponsored ICC Seminar. Continuing, Mr. Weise expressed his regret to know BM Teimoury's disappointment with the speaker at the recent seminar and noted that there were others who shared the same comments. Mr. Weise further advised plans for upcoming seminars and are already making sure the speaker would be easy to understand and follow. Mr. Weise advised the next step for the Building Code Council was to host various workshops to be held once a month to cover sections of the code. Notice will be sent via the media. All are invited to attend.

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**ITEM NO. 9 DPW & DLM SURVEY MAP REVIEW**

DPW & DLM Survey Maps were reviewed.

Several verifications and corrections were discussed and noted corrections to be made.

BVC Teimoury posed a question to BST Cruz how reasonable is it for a registered architect reviewing drawings with multiple disciplines for 10 different drawings. BST Cruz responded by stating it is reasonable perhaps if he has an arrangement with the developer. Adding, not knowing what the details are as long as they have an arrangement with the developer there should not be cause for concern. Finally, adding it is possible for an architecture to do a reasonable amount of work on several family homes.

BC Cristi announced BM Villanueva's exit from the meeting.

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**ITEM NO. 10 ADJOURNMENT**

BC Cristi called for a motioned to adjourn. BM Santos moved to adjourn the meeting at 4:50 pm on March 12, 2020. BST Cruz, second the motion.

BC Cristi called for any discussions. There were no further discussions. Meeting was adjourned.

Motioned : BVC Santos

2<sup>nd</sup> : BST Cruz

All In Favor : 4/0 Motioned Carried

Approved by : \_\_\_\_\_

  
Cedric Q.T. Cruz, RA  
Board Secretary/Treasurer

Date : \_\_\_\_\_

