

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

Thursday, May 26, 2022 GEDA Board Room Suite 511, Tamuning Guam 3:15 PM – 4:35 PM

Present: Cedric Q.T. Cruz, Board Chair
Paul L. Santos, PLS,
Maria Elizabeth V. Cristi, PE
Cathyann C. Gogue, Public Member
Catherine S. Gutierrez, Exec. Board Adm.
Nixon Isaac, Board Investigator

Absent: AAG, Atty. Tom Keeler
Masoud K. Teimoury, PE, Sec & Treas.
Vincent P. Arriola, DPW Director/Vice Chair

Guest: Kenneth M. Rekdahl, PE, CE1321

Item 1, Call to Order

In memory of those who have passed, BC Cruz requested a moment of silence for the following individuals:

Mr. Francisco Leon Guerrero Castro, Land Surveyor, PLS 019
Mr. Jeremias A Carrera, Civil Engineer, PE 669
Mr. Richard Dick Newman Cody, Architect, RA 358
Mr. Joaquin Camacho Arriola, father of Vincent P. Arriola, DPW Director/PEALS Vice Chair

BC Cruz recited the board's mission statement. There being a quorum; the meeting was called to order at 3:15 pm.

Item 2, Certificate Presentation

Being that none of the recipients attended this board meeting, BC Cruz continues to move forward with the meeting agenda.

Item 3, Review / Approval of Meeting Minutes

3. A Review of Meeting Minutes of March 31, 2022

BM Cristi moved to approve meeting minutes with corrections and clarifications received by the EBA no later than Friday, June 03, 2022. BM Gogue seconded, and unanimously carried to approve meeting minutes with corrections and clarification received by EBA Gutierrez no later than Friday, June 03, 2022.

Item 4, EBA Report

Board Administrative Activities

NCEES Western Zone – May 19 – 21, 2022 Stateline, Nevada -

In attendance representing the PEALS Board were EBA Gutierrez, BM Santos, and BM Gogue.

During this meeting, elections for Vice President and Assistant Vice President were held. Resulting in Dr. Q. Mohammad Qureshi Ph.D., PE (California) as the new Vice President and Elizabeth Johnson PE (Alaska) as Assistant Vice President.

Notes for Board Discussion during this meeting; was a motion to present to the upcoming NCEES Annual Business Meeting - August 23 – 26, 2022 Carlsbad, California the following amendment per section NCEES Model Law subpart 130.10.B – B.

Guam attendees voted in favor of changes to the modified requirements, as it does not interfere or conflict with the existing PEALS Law. Amendment reads as follows:

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure by comity as a professional engineer:

3. An individual holding a certificate of licensure to engage in the practice of engineering issued by the District of Columbia, another state, a territory, or a possession of the United States, may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction, if they meet all three (3) of the following criteria:

- a) has been actively licensed for a minimum of ten (10) years continuous immediately preceding application of this jurisdiction;
- b) has not received any form of disciplinary action related to professional conduct or practice from any jurisdiction within the five (5) years immediately preceding application to this jurisdiction; and
- c) has not had their professional license suspended or revoked at any time from any jurisdiction.

Section of this resolution is provided in today's agenda package, page 20. BM Cristi requested some time to review and digest the contents of the proposed motion and expressed her concerns with item 1, "1. An individual holding a certificate of licensure to engage in the practice of engineering issued by a proper

authority of any jurisdiction or any foreign country...” Guam PEALS law does not recognize foreign countries and conflicts with NCEES Model Law. Board noted Guam PEALS Law prevails over NCEES Model Law.

Board Administrative Activities

1. Principles of Practice Engineering (Structural) Exam was conducted on May 23, 2022, with one (1) examinee. Chief Proctor was BI Isaac and Proctor by EBA Gutierrez. Results have yet to be tallied, but will be released to Board for review and approval.

2. FY 2022 Registrant breakdown is as follows as of May 26, 2022:

555 Professional Engineers: (173 - Local), (382 Off Island)

14 Professional Land Surveyors: (9 - Local), (5 Off Island)

90 Registered Architects: (Local – 30), (Off-Island – 60)

6 Registered Landscape Architects: (6 – Off Island)

Any individual registrant who fails to renew within (60) sixty days after the date of expiration shall be required to apply for a reinstatement of registration, and pay the prescribed (back registration and penalty) fees as prescribed by PEALS Law.

3. EBA Gutierrez confirmed Board’s sympathy card was sent to Mr. David Cox, NCEES CEO. Mr. Cox acknowledged receipt of the Board’s card and sends his great appreciation for the sentiments.
4. It was noted that some of our aging registrants appeared to struggle with the completion of the renewal application forms, which prompted board discussions on maintaining and ensuring continuing competency such as continuing education courses or minimal testing requirements. EBA Gutierrez reported on Continuing Professional Competency: PEALS law does not require or call for continuing education courses or, any other type of continuing professional competency, adding, that the law states the board does have the right to promulgate the law to include this requirement.

EBA Gutierrez noted that most jurisdictions do require continuing education however, there are a few jurisdictions that do not.

BM Cristi noted the registrant’s state of health, is a concern.

EBA Gutierrez noted that EBA Forum had a discussion on Professional Personal Development Hours, and 5% of jurisdictions conduct audits of their registrants to ensure that they are keeping up with the personal development hours.

NCEES provides a continuing professional competency guideline. So, if the Board moves forward, and desires to implement continuing education credits, there is a guideline for PEALS to review and amend, adjusting to our jurisdiction.

5. Board was given prior statements, both for the PEALS Special Funds Account and the Bank of Hawaii account for perusal.
6. EBA Gutierrez noted she is still working on the honorary plaque for Mr. Andrew T. Laguana.
7. Upcoming Meetings:

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. Board would need to advise on a designated Voting Delegate for the Guam Board.

During this event, there will be a Law Enforcement Program 9:00 a.m.–4:00 p.m. An instructor from the Council on Licensure, Enforcement, and Regulation (CLEAR) will present this program, which has been customized for NCEES to include content from three modules of the National Certified Investigator and Inspector Training (NCIT) programs. Board approved Board Investigator, Nixon Isaac, to attend. If he is not fully funded by NCEES, the Board has also approved to use PEALS Bank of Hawaii account for his conference fee, travel, hotel, and per diem.

It was moved by BM Gogue, seconded by BM Santos, and unanimously carried to approve the use of the Bank of Hawaii Account, to cover PEALS Board Investigator costs of the conference fee, travel, hotel, and per diem in attendance to the NCEES Annual Business Meeting; should he not be funded by NCEES.

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

Item 5, Investigations | Enforcement

BI Isaac reviewed to the Board on PEALS Complaint/Enforcement Summary given on page 18 of today's agenda packet. No new cases have been reported as of May 26, 2022.

Item 6, Old Business

Law, Rules, and Regulations Review – Establish the Date for the next Work Session

Board has agreed on tentative available dates for the next Rules & Regulation work session to be held at 3:00 PM either on Thursday, July 14th, Tuesday, July,19th or Monday, July 25th; based on the availability of GEDA's Conference room.

The Office of the Complier of Laws has offered its services to assist the Board in its endeavor. EBA Gutierrez is to extend an invitation to their office to attend once a date is confirmed.

Item 7 & 8, New Business & Board Discussions

a. Lund, Christopher -Individual Registration – Construction Management CE1187 CM1187

On renewal of individual registrants, it was noted that only one (1) was given a Construction Management license, Mr. Christopher Lund. EBA Gutierrez requested guidance as we have no license application as an individual for construction management. But yet, he has been issued, and renewed for many years, as having both a Civil and Construction Management license.

BM Cristi noted that construction engineering management is an offshoot of civil engineering. Each being a different degree. As to why he was given a separate registration as a Civil Engineer and Construction Management in 1999 the Board is not sure but is within his field as a Civil Engineer.

EBA Gutierrez thanked the Board for its clarification.

b. PEALS Digital Certificates & Printable Registration Cards via online website

EBA Gutierrez disseminated a full tutorial to Board members as to how the vendor website management team will issue these certificates: using two validations to ensure the security of the certificate.

The final release of the certificate(s) given by the EBA is done after Board approval. Certificates can be issued either by website or hard copies to a paid registrant.

Online payments are now 100% in effect and are presently being conducted.

BM Santos suggested that EBA Gutierrez looks into the possibility of having applications viewed online by the board for approval. Doing so would alleviate staff runs with individual folders, and would expedite the Board's review and approval process. EBA Gutierrez agreed and will report on the possibility through the vendor website management team.

Item 9, Public Comment

a. At the PEALS Board Regular meeting held on October 14, 2021, the application to take PLS Exam- Kenneth M. Rekdahl, PE # CE1321 - was denied.

BM Santos stated reason for the denial of Mr. Rekdahl's request was his ability to show progressive experience in the surveying field to take the exam. Board affirms the decision and recommends he uses his employment to develop sufficient land surveying experience. Once acquired, he may resubmit for Board review and reconsideration. The original application is good for a year.

It was moved by BM Gogue seconded by DPW Arriola and unanimously carried to deny the application at this time. EBA Gutierrez released a letter to Mr. Rekdahl regarding Board's decision.

Kenneth M. Rekdahl, PE, CE1321 came before the Board today introducing his intent to reapply with additional information and additional experience as recommended by the Board. The application for reconsideration was given to the PEALS office yesterday with hope of a favorable response.

b. At the PEALS Board Regular meeting held on March 31, 2022, Item 6, New Business 6. c the following was reviewed:

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. But no sign of a PEALS registrant certification is required. He feels this is not acceptable and

should be addressed. Presently it is only done in the final stages to procure a Permit; which is against the PEALS Law.¹

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 established PEALS law, and to require PEALS verification of registrant(s) certifying documents being submitted.

On page 17, in today's agenda packet, BM Santos requested a review of the PEALS Board draft letter to agencies detailing PEALS law requirements. After board discussion, it was agreed that the draft presented is approved and is to be released.

9. c In reflection on the above issue, due to the death of Mr. Francisco Leon Guerrero Castro, Land Surveyor, PLS 019, the Department of Land Management/Office of the Chief of Cadastre managed by BM Santos, was given fifty (50) maps; ten (10) of which can be salvaged to completion but the rest will need to be rejected due to non-signature of Mr. Castro.

Public members who have paid and signed a contract of service before his passing will need to go thru his estate via the Courts for reimbursement of services not rendered.

BM Santos is conferring with PEALS Attorney Keeler on how to best handle this situation and will report his findings at the next Board meeting.

Item 10, DPW Permit & DLM Survey Map Review

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

Item 10, Adjournment

¹ 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.

There being no further business, it was moved by BM Cristi, seconded by BM Gogue, and unanimously carried to adjourn the meeting at 4:35 PM.

Taken and recorded by:


/s/ Marie Villanueva

Administrative Assistant

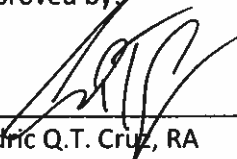
Reviewed and Approved by:


/s/ Catherine S. Gutierrez


Catherine S. Gutierrez
Executive Board Administrator

BOARD APPROVED:

Approved by:


Cedric Q.T. Cruz, RA
Board Chair

8/15/22
Date


Masoud K. Teimoury, PhD PE
Board Secretary/Treasurer

8/18/2022
Date

July 28, 2022

- Minutes approved as is
- Minutes approved with changes