

The Guam Board of Registration for Professional Engineers, Architects, and Land Surveyors
PEALS Board Regular Meeting
Thursday, February 1, 2024 GEDA Board Room Suite 511, Tamuning Guam 2:10 PM–4:19PM

Members Present:

Cedric Q.T. Cruz RA, Board Chair	Zenon E. Belanger, PE
Paul L. Santos, PLS	Catherine S. Gutierrez, Exec. Board Adm.
Maria Elizabeth V. Cristi, PE	Vincent P. Arriola, DPW Director, Vice Chair
Nixon Isaac, Board Investigator	Marie Villanueva, Admin. Asst.

Absent: Cathyann C. Gogue, Public Member AAG, Atty. Tom Keeler

Also Present: See [Appendix A. Guest List Sign-in Sheet]

Item 1, Call to Order

Board's mission statement was announced. There being a quorum, Chairman Cruz called the meeting to order at 2:10 pm.

BC Cruz announced that the term of Board Member Masoud K. Teimoury, PE, has come to an end. Governor Lourdes A. Leon Guerrero has appointed Mr. Zenon E. Belanger, PE, as the Engineer Member of the Guam Board of Registration for Professional Engineers, Architects, and Land Surveyors (PEALS). Mr. Belanger will fill the expired term of Masoud K. Teimoury, PhD PE, for a period of four (4) years, from June 29, 2023, to June 18, 2027. BC Cruz expressed gratitude for Mr. Teimoury's service, and the Board welcomed Mr. Belanger as the newest member.

Item 2, Certificate Presentation & Administration of Oath

- a. Marcris Maigne – FE Mechanical – EIT #358
- b. Pujol, Jose Ben Jr. – FE Civil – EIT #359

Item 3, Elections of Board Officer – (Proceed to Page 7)

BM Santos moved to postpone this item to the end of the agenda and BM Cristi seconded the motion. The motion was unanimously carried.

All in Favor: 5/5 Not In Favor: 0 Abstained: 0

Item 4, Review / Approval of Meeting Minutes

- a. Review Meeting Minutes of November 30, 2023

It was moved by BM Cristi, seconded by BM Belanger, and unanimously carried to approve meeting minutes with corrections received by EBA Gutierrez by Thursday, February 8, 2024.

All in Favor: 5/5 Not In Favor: 0 Abstained: 0

Item 5, Executive Board Administrator’s Report

- a. Renewal for Individual Registration is currently open and will end on April 30, 2024. All PEALS registrants have been informed about the deadline.
- b. Regarding the financial report, enclosed in today's agenda packet are the account statements for the PEALS Special Funds Account/Treasurer of Guam and the PEALS Bank of Hawaii account. As of December 2023, the TOG Account has a balance of \$56,000, while the BOH Account has a balance of \$7,246.

BM Santos inquired about the annual fees charged by NCARB and NCEES. EBA advised that the fees were \$5,000.00 and \$6,500.00, respectively, and stated that they may have already been paid. EBA Gutierrez will confirm the amounts and payment status.

Item 6, Investigations | Enforcement

PB2023-01 - Complainant: Mark Mafnas Park [Respondent: Narcisco G. Custodio, PE CE629]

Accusation: Issues with Septic Tank and Leaching Field

Determination: BI Isaac confirmed additional investigation and collaboration were conducted with DPW and EPA. Investigation concludes that the case does not have “Merit” based on faulty engineering design. Propose recommending dismissal based on the following: a) Mr. Custodio, the engineer of record, is deceased; and b) There is insufficient information to conclude that it is a design issue causing Mr. Park’s repeated faulty septic tank.

An update regarding the complaint: The Department of Public Works and the Contractor's Licensing Board have conducted a review and determined that the fault lies with the Contractor and not due to the Engineer's design. The homeowner and Contractor have agreed to hire a new Engineer and rebuild the septic tank according to the new specifications. The board determines this matter is now closed.

- a. **PB2023-07 – Complainant: PEALS Board vs [Respondent: Wenefredo E. Gallega, PE CE1199]**
Accusation: Stamping out of Discipline on Commercial Plans
Determination: EBA determined “Merit.”

Board table a decision on Disciplinary Action, if any, per PEALS Law §32120.

- b. **PB2023-08 - Complainant: PEALS Board vs. [Respondent: Future World Corporation]**
Accusation: Advertising in the Guam Daily Post for a generic process to actually perform engineering work by recruiting engineers without registration of firm and individual with the PEALS Board.
Determination: Pending Board’s Review

- c. **PB2023-09 - Complainant: PEALS Board vs. [Respondent: Core Tech International Corp]**
Accusation: Advertising in the Guam Daily Post for a generic process to actually perform engineering work by recruiting engineers without registration of firm and individual with the PEALS Board.
Determination: Pending Board’s Review

Board recommends EBA Gutierrez issue a letter of caution for PB2023-08 and PB2023-09 on future advertisements when hiring construction engineers by using the term Construction engineer with a civil or mechanical engineering background, not design.

The Board requires a copy of the ad for a determination.

BM Santos recommended we review Rules & Regulations for clarification of verbiage using or employing the words “engineer”, “engineering”, “architect”, “architecture”, “landscape architect”, “landscape architecture”, “surveyor”, “surveying”, or any modification or derivative thereof in its name or form of business activity, except as authorized in this Chapter; § 32122. Violations and Penalties.

Motion was carried by BM Santos, and seconded by BM Cristi, to defer action on PB2023-08 and PB2023-09 until further information can be received and reviewed.

All in Favor: 5/5 Not In Favor: 0 Abstained: 0

Item 7, Old Business

A review of laws, rules, and regulations has been postponed and rescheduled to convene on the 3rd week of March. EBA Gutierrez will provide guidance to the Board regarding the availability of the GEDA Conference room for the meeting. The tentative date for the review is March 11th, 2024, at 2 PM.

Item 8, New Business

The Guam Board of Registration for Professional Engineers, Architects, and Land Surveyors welcomed Mr. Zenon E. Belanger, PE, as their newest member in the Engineer capacity. However, the position of an Architect on the PEALS Board is still vacant and awaiting appointment by the Governor of Guam. Registered Architects interested in the position are suggested to contact the Governor's Office and make them aware of their availability to be considered for the appointment.

Item 9, Board Discussions

BM Cristi, Member of the National Council of Engineering Examiner's Committee (NCEES) on Education, noted the following highlights of the upcoming Western Zone Annual Meeting of which she is a part and request for the Board's consideration in favor:

1. Proposal to modify the NCEES Survey Education Award to consider emerging and smaller schools, such as Community Colleges, that are not ABET accredited in the selection of the Award.
2. Proposal evaluating students in terms of non-engineering courses, science courses, such as geology and meteorology, and what type of basic sciences count towards the engineering curriculum. So evaluators would review the records, and they would have more of a defined method of criteria. The Education Committee also asked the Committee on Uniform Procedures and Legislative Guidelines (UPLG) to look at the documents holistically to ensure that changing language in one area does not affect language in another area or that making the changes does not cause conflicting language between NCEES Model Law and Model Rules.
3. Vote on issues at the business sessions, including the election of a new president-elect. Nominees are: Mohammad "Dr. Q" Qureshi Ph.D., P.E. of California Board, and Elizabeth Johnston P.E. of the Alaska Board. For the Western Zone Vice President, we have Aaron Blaisdell, of the Washington State Board, Asst. Zone Vice President Sean St.Clair Ph.D., P.E. of

the Oregon Board. Scott Sayles P.E. from the Arizona Board might also be interested in becoming a candidate for the Western Zone Assistant Vice President.

If any PEALS Board Member is interested in serving as an officer representing the Western Zone, please email BM Cristi, who will forward your interest to the committee on your behalf. Deadline is 2/15/2024.

- a. Mr. William D. Edwards, PLS, via comity and newly approved applicant planning to take the Guam Land Matters Exam, requested the Board to collaborate with Lance Kenney from the Texas Board. The applicant suggested that Lance Kenney could assist in administering the exam via proctor, as it would be expensive to travel to Guam for each exam attempt. However, due to security reservations, the Board did not entertain any further discussion on forming a proctoring agreement. The request is denied.
- b. Plump, Richard Adam CE 1986 – Disciplinary Action from Kentucky Board – Board is advised.

A motion from BM Santos, and seconded by VC Arriola, and the Board unanimously approved sending a letter to Mr. Plump acknowledging the Kentucky Board’s action.

All in Favor: 5/5 Not In Favor: 0 Abstained: 0

- c. Kohl, Eric Scott, CE1938 – Notice of Reprimand from North Carolina Board – Board is advised.

A motion from BM Santos, and seconded by BM Cristi, and the Board unanimously approved sending a letter to Mr. Kohl acknowledging the North Carolina Board’s action. And to also advised him that his renewal for the new year will be reviewed for consideration.

All in Favor: 5/5 Not In Favor: 0 Abstained: 0

- d. Waters, Ross AE – Has applied for registration as an Architectural Engineer through the Comity process. However, he was unable to obtain the required three references from the discipline he is seeking, as per the PEALS Law requirement. As the discipline of Architectural Engineering is limited, the applicant has requested special consideration to allow references from Electrical and Mechanical Engineers in place of Architectural Engineers.

BM Santos moved, BM Cristi seconded, and the board unanimously accept the replacement of Architectural Engineer references with Electrical and Mechanical Engineer references.

All in Favor: 5/5 Not In Favor: 0 Abstained: 0

- e. Walter, Vernon, EE957 – Disciplinary Action from FL Board – Board is advised.

A motion from BM Santos, and seconded by BM Cristi, and the Board unanimously approved sending a letter to Mr. Walter acknowledging the Florida Board's action. They also advised him that his renewal for the new year will be reviewed for consideration.

All in Favor: 5/5 Not In Favor: 0 Abstained: 0

f. **Paul, Perry – Reconsideration of Application to sit and take the Principles and Practice of Surveying & Guam Land Matters Exams**

Update: BM Santos and EBA Gutierrez conducted an interview with Mr. Paul regarding his application for reconsideration of experience. During the interview, Mr. Paul admitted his lack of experience, specifically in regards to experience in boundary and/or property Surveying under a licensed surveyor. Although he has obtained experience as an individual, it was not under a licensed surveyor, and he lacks a year's worth of work under direct supervision as required by law.

After reviewing the documents provided and his oral testimony, BM Cristi made a motion to disapprove Mr. Paul's request to sit and take the Principle and Practice of Surveying as well as the Guam Land Matters exams. BM Santos seconded the motion. The Board will approve his acceptance only after he acquires the required experience with a licensed surveyor as his direct supervisor.

All in Favor: 5/5 Not in Favor: 0 Abstained: 0

10. Public Comment

a. **PB2023-02 - Complainant: Mateo C. Matanane, RA 468 vs. [Respondent: Kilhak Lee Kunimoto, RA 353]**

Accusation: Alleging Rubber Stamping and use of an Architect's seal with incorrect designation of "Professional Engineer" on his stamp for revision work for the GTA HDCI-Alupang Data Center in Tamuning (Project).

Determination: No Merit

Mr. Matanane recently received a letter of "No Merit" from EBA Gutierrez and has expressed his concerns regarding the decision. He strongly believes that if an architect or engineer had reviewed both sets of the documentation and plans he submitted as proof to substantiate his claim, it would have demonstrated his viewpoint. Mr. Matanane wishes to appeal the decision and has confirmed he will do so with his intention in writing.

The Board is advised and acknowledges his intent.

b. PB2023-01 - Complainant: Mark Mafnas Park [Respondent: Narcisco G. Custodio, PE CE629]

Accusation: Issues with Septic Tank and Leaching Field

Although investigation of the above determination of Complaint # PB2023-01 No Merit, it spurred board query on the assigned responsible managing employee, who, was designated as Mr. Ariel Canlas. Mr. Canlas does not hold a registration of either a draftsman or architect for design.

It was moved by BM Santos, and seconded by BM Belanger, to commence BI Isaac to begin investigations on Mr. Canlas of this regard.

All in Favor: 5/5

Not in Favor: 0

Abstained: 0

11. DPW Permit and DLM Map Review

Corrections on listing noted by BI Isaac.

3.Election of Board Officers (continued)

Elections of Officers:

Election of New Board Officers for CY2024 - Per Guam Law 22 GCA Chapter 32 Professional Engineers, Architects & Land Surveyors, §32104 (b) The Chairman, Vice-Chairman and Secretary/Treasurer *shall* be elected annually by majority vote of the Board members at the first regular meeting of the Board after January 1.

CHAIR

BM Santos initiated annual election by nominating Cedric Q.T. Cruz, RA as Chair, seconded by BM Cristi, and closed nominations.

All in Favor: 5/5

Not in Favor: 0

Abstained: 0

VICE CHAIR

Comments: BM Cristi nominated Zenon E. Belanger, PE to be as Vice Chair, seconded by BM Santos, and closed nominations.

All in Favor: 5/5

Not in Favor: 0

Abstained: 0

SECRETARY & TREASURER

BM Cristi nominated Paul L. Santos, PLS as Secretary/Treasurer, seconded by BM Vince Arriola, and closed nominations.

All in Favor: 5/5 Not in Favor: 0 Abstained: 0

Election of New Board Officers for CY2024 officially closed and approved the following appointments effective immediately:

- Board Chair – Cedric Q.T. Cruz, RA**
- Vice Chair – Zenon E. Belanger, PE**
- Secretary/Treasurer – Paul L. Santos, PLS**

PROVISIONAL

BM Santos nominated Maria Elizabeth V. Cristi, PE, as a Provisional Board Member, pending the Governor's or Legislatives appointment, seconded by BM Belanger.

All in Favor: 5/5 Not in Favor: 0 Abstained: 0

Item 12, Adjournment

There being no further business, it was moved by BM Cristi, seconded by BM Santos, and unanimously carried to adjourn the meeting at 4:19 PM.


Taken and recorded by:



/s/ Marie Villanueva

Administrative Assistant

Reviewed and Approved by:



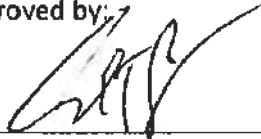
/s/ Catherine S. Gutierrez
Catherine S. Gutierrez

The Guam Board of Registration for Professional Engineers, Architects, and Land Surveyors
PEALS Board Regular Meeting
Thursday, February 1, 2024

Executive Board Administrator

BOARD APPROVED:

Approved by:



Cedric Q.T. Cruz, RA
Board Chair

6/4/24 PLS ST 6/3/2024

Date Paul L. Santos, PLS
Board Secretary & Treasurer

May 9, 2024

- Minutes approved as is
- Minutes approved with changes

Meeting Minutes reported today are a summary of discussion. Complete Audio file of today's meeting can be located at the Office of Accountability, Boards and Commissions website per Public Law 31-233 added Section 8113.1, Reporting Requirements for Boards and Commissions, to Chapter 8 of Title 5 GCA. Section 8113.1. And PEALS Website via Zoom Link. Government Meetings

[Appendix A.]

(insert Guest(s) Listing)

PEALS BOARD REGULAR MEETING
FEBRUARY 1, 2024
GEDA Board Room, Suite 515, South Marine Corps Drive
Tamuning

GUEST(S) LIST

	<u>NAME (in Print)</u>	<u>BUSINESS or AFFILIATION</u>
1.	<u>JOSE RON PUJOL</u>	<u>DPW</u>
2.	<u>MATEO MATANANE</u>	<u>MATAN ARCHITECTURE</u>
3.	<u>MAICA C. PUJOL</u>	<u>CIC</u>
4.	<u>MARK MITT</u>	<u>PUBLIC</u>
5.	<u>MARICRIS R. MAIGUE</u>	<u>CERTIFICATE PRESENTATION</u>
6.	<u>Gen Silvestro</u>	<u>- do -</u>
7.	<u>Jose Rumbak</u>	<u>DPW</u>
8.	<u>Peter Esteban</u>	<u>DPW</u>
9.	<u>Lyndee Echagorhi</u>	<u>WSP</u>
10.	<u></u>	<u></u>

