

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

PEALS Regular Board Meeting

Thursday November 21, 2019, PEALS Conference Room 718 N Marine Corps Dr., Ste. 208
Upper Tumon, GU 96913

Present : BOARD MEMBERS STAFF

 Paul L. Santos, PLS Catherine S. Gutierrez, Interim EBA
 Maria Elizabeth V. Cristi, PE Nixon N. Isaac, Board Investigator
 Philip Villanueva Public Member
 Cedric Q.T. Cruz, RA
 Masoud Teimoury, PE

Absent : Vincent P. Arriola, DPW Director
 Atty. Thomas Keeler

ITEM NO. 1 CALL TO ORDER

Interim Board Chairman BM Santos called the Board Meeting order at 3:25pm. Introduction of attendees. A quorum was confirmed by BM Cristi. Mission Statement was announced.

BM Santos announced meeting agenda would be conducted out of order in order to conduct presentation of EIT Certificates.

Presentation of EIT Certificates to

- i. Joemani M. Bambilla
- ii. John Irvin A. Manaus

ITEM NO. 2 APPROVAL OF MEETING MINUTES

A. Meeting minutes from September 19, 2019

BM Santos opened the floor to comments on meeting minutes from September 19, 2019. BM Villanueva inquired if an updated report on the complaint filed by Carol Ann Pruyne was completed per meeting minutes. Interim EBA Gutierrez responded, with further instructions from the board's Legal Counsel a letter was sent to the complainant via registered mail allowing 15 days to submit more sufficient and supporting evidence for the basis of her complaint. Interim EBA Gutierrez further added that the 15 day period has since expired rendering the complaint as closed.

BM Santos remarked on item no. 9 DLM Survey Maps Review, the last statement on the first paragraph to be corrected.

Minutes were approved with corrections.

BM Teimoury joined the meeting.

BM Teimoury joined the meeting.

ITEM NO. 2 APPROVAL OF MEETING MINUTES (Continued)

Motion to Approve : BM Cruz
2ND : BM Villanueva
All in Favor : 3 / 2 Passed

B. Meeting Minutes Special Board Meeting of November 8, 2019

BM Santos opened the floor for discussions on minutes from special board meeting of November 8, 2019.

Minutes from Special Board Meeting of November 8, 2019 were reviewed and approved with typographical corrections.

Motion : BM Cristi
2ND : BM Cruz
All in Favor : 5/0 Passed

ITEM NO. 3 NEW BUSINESS

A. Presentation of EIT Certificates was moved under Item No. 1 Call to Order

- i. BM Cristi's appoint was renewed for a 2nd term.
- ii. Board Appointment of Chairperson, Vice Chairperson and Secretary Treasurer will be valid till January 2020 per PEALS Law.

B. Election of Officers

BM Villanueva asked if we will be electing Chairperson and Vice Chairperson at this meeting. BM Santos responded that it was his opinion that the board forgo or defer the discussion until January 2020 as this was the last meeting of the year and elections would have to be held again in January.

BM Villanueva commented that the problem with deferring election of officers, as the certifying officer for distribution of funds should be the board's chairman by law. Adding that there are no provisions in the law allowing the Secretary Treasurer acting as the chairman to approve funds. BM Villanueva further added that he believed the board should elect a chairman and vice chairman now then come January the board redo the process of elections as required by law.

BM Santos requested for further comments. BM Cristi responded that one of the challenges would be that there are a lot of documents that would need to be in place for 2 month it is not just about being a certifying officer the Bank of Hawaii account is one example. The Secretary Treasurer is a signatory

of this account. Interim EBA Gutierrez joined in comment that BM Cristi is a signatory on the Bank of Hawaii account.

ITEM NO. 3 NEW BUSINESS (Continued)

B. Election of Officers (Continued)

BM Villanueva expressed his great disappointment with BM Cristi and the previous board officers in allowing the board and office to run noncompliant with Administrative Adjudication and Open Government Laws for the past 3 years. BM Villanueva discussed in length the issues with complaints not being properly announced to allow both complainants and respondent to plead their cases.

(For detailed discussions, please refer to audio recording of meeting available on our website at www.quam-peals.org)

BM Santos called point of order to move forward. BM Santos asked if there was a consensus to vote for officers at this meeting as pointed out by BM Villanueva if we failed to vote for officers the board would be in violation with the law with respect to the ability to certify funds. BM Cruz asked if the board could get the opinion of the legal counsel. In the absence of Atty. Keeler, the board recessed to contact Atty. Keeler for his counsel on the matter. The board resumed as it was recommended by Atty. Keeler to proceed with nominations of board officers.

BM Santos opened the floor for nominations for Secretary Treasurer. BM Villanueva nominated BM Cruz.

BM Santos announced BM Cedric Cruz Architect member as new Secretary Treasurer.

Moved: BM Villanueva
2nd : BM Teimoury
All in Favor : 5/0

BM Santos opened the floor for nominations of Vice Chair. BM Villanueva nominated BM Paul Santos.

BM Santos announced BM Paul Santos, PLS member as new Vice Chair.

Motion : BM Villanueva
2nd : BM Cruz
All in Favor : 5/0

BM Santos opened the floor for nominations of Chair. BM Villanueva nominated BM Teimoury for Chair. BM Cruz nominated BM Cristi for Chair. BM Santos announced two nominations on the floor for Chair, BM Cristi and BM Teimoury. BM Santos called for a vote.

BM Santos announce BM Cristi, PE member as new Chair.

ITEM NO. 3 NEW BUSINESS (Continued)

B. Election of Officers (Continued)

BM Teimoury
All in Favor : 2/3

BM Cristi
All in Favor : 4/1

ITEM NO. 4 COMPLAINTS

A. PLS. No. 053 Case No. 2017-002 Lorette T. Guerrero v. Blas Atalig

BI Isaac and Interim EBA Gutierrez reported an update on this case. Interim EBA Gutierrez stated the pretrial hearing that was scheduled for November 11, 2019 was rescheduled as the respondent Blas Atalig had acquired defense services from the law firm of Civile and Tang and presiding Judge Iriarte had recused herself from the case due to a conflict of interest. The pretrial hearing was the rescheduled for November 15, 2019. However since the respondent had acquired the services of legal counsel Atty. Keeler requested to review the case documents before rescheduling the next pretrial hearing till further notice.

ITEM NO. 5 OLD BUSINESS

A. Rules and Regulations

BM Santos called for discussions and updates. Interim EBA Gutierrez updated the board advising that hard copies of the final draft changes of rules and regulations were disseminated to the various professionals for review giving a deadline of October 31, 2019 for comments. Adding as of this meeting the only comments received were from the University of Guam's School of Engineers and Mr. Andrew Laguana, R.A.

BM Teimoury inquired about Andrew Laguana, R.A.'s concerns in rules and regulations. BM Cruz replied that Mr. Adrew Laguana R.A. was concerned about the certification requirement for construction management. The rules and regulations currently to not require the constructions management be of technical knowledge or certified in any discipline.

(For detailed discussions, please refer to audio recording of meeting available on our website at www.quam-peals.org)

BM Santos stated that after compiling comments the board would still need to hold a public hearing then the draft rules and regulations would then go before the legislature for review per the Administrative Adjudication Law. BM Villanueva added when Atty. Keeler reviewed the draft he advised that some of the laws needed to be addressed in order for draft changes in the rules and regulations to be valid.

BM Santos returned to point of order. The board agreed to extend the deadline to compile comments from professionals of October 31, 2019 to January 31, 2020 in order that the board members may be

ITEM NO. 5 OLD BUSINESS (Continued)

A. Rules and Regulations (Continued)

given a chance to review the draft for discussions during a working session scheduled for February 25, 2020 at 3:00pm.

ITEM NO. 6 EBA REPORT

A. Board Administrative Activities

Interim EBA reported briefly on financial information included in the agenda packet. Reports included end of FY2019 summary and the first month of FY2020 financial report.

B. COA Renewals Ended October 31, 2019

Brief summary of COA renewals was included in the agenda packet.

C. Bank of Hawaii Account

Interim EBA reported on the Bank of Hawaii account balance notifying the board that monthly financial statements have not been received via USPS from the bank since September and that last statements received were for the month of June and July 2019. Further advising the board that only a signatory of the PEALS Board account would be able to request these statements to be sent for the months not received.

Interim EBA Gutierrez opened discussions to allow for permit clearance fees to be deposited into the PEALS Board Bank of Hawaii account, to be strictly used for board related activities such as seminars, training and education programs. BM Villanueva state the PEALS Law does allow for such an account as long as the EBA has credentials to manage the account via an accounting program like QuickBooks. It was agreed that a letter be drafted to inform the OPA of the Board's interest.

BM Santos announce the suggestion on the floor made by the Interim EBA to allow the permit fees to be deposited into the PEALS Board Bank of Hawaii account to be used for the purpose of board functions and activities. Adding that the account shall be deposited and reconciled frequently in order to maintain transparency of account activities.

Motion : BM Cruz

2nd : BM Cristi

All in Favor : 5/0

ITEM NO. 6 EBA REPORT (Continued)

D. NCEES VISIT 2019

Interim EBA Gutierrez gave a brief report on the successful visit of NCEES COE David Cox and Western Zone Vice President Brian Robertson in October. Presentation Luncheon with professionals, Presentation before University of Guam student in the Engineering Program and meeting with the Governor and Lt. Governor were all successful and beneficial to all.

BM Santos also added that it was a success and that we were fortunate that NCEES was able to visit Guam which shows that the Guam Board is recognized and that we are a big factor in Professional Engineers and Surveyors disciplines. BM Cristi added that CEO David Cox indicated he would help in securing donation /funding to support the University of Guam's School of Engineering. She further added this is very important because of our region in the Western Pacific we cover 2 million square miles and the University of Guam is the only institute with an Engineering program in the area.

BM Teimoury stated he would like to take caution in referring to the University of Guam's School of Engineering program because the school has not become ABET certified. He stated they are pre-engineering program until they meet all the requirements of a ABET certified school. Adding that the school has not yet acquired funding.

ITEM NO. 7 OPEN DISCUSSION

A. Harrington, Daniel Patrick

Applicant is seeking licensure in Guam as an Architectural Engineer. BM Santos, lead discussions regarding the applicant. BM Santos stated that after consulting with Western Zone Vice President Brian Robertson of NCEES who himself an Architectural Engineer with a license as and Electrical Engineer there should not be any reason not to approve the application. BM Cruz commented that as a registered architect he is not able to determine what types of services he would provide with this type of license on Guam and that the board needed to clearly determine what work this applicant would be allowed to review.

BM Cristi moved that the board grant Daniel Patrick Harrington Architectural Engineering license provided that a letter be included stipulating that he practice only in his area of competence in accordance with the disciplines offered by the NCEES and the PEALS Law.

Motioned : BM Cristi
2nd : BM Teimoury
All in Favor : 5/0

ITEM NO. 7 OPEN DISCUSSION (Continued)

B. Wood Environment & Infrastructure Solutions, Inc.

BM Villanueva noted that there was a previous case against the applicant that was dismissed for lack of evidence so he approved the application. All other board members called for board discussion. BM Teimoury inquired why they are dropping the Civil Engineering practice. After reviewing the file it was determined that there was a change in the personal appointed as the Responsible Managing Employee. BM Teimoury stated his concerns were address.

BM Santos called for a motion to approve application.

Motioned : BM Cruz

2nd : BM Teimoury

All in Favor : 5/0

C. Burns & McDonnell Engineering Co., LLC COA Renewal

Interim EBA Gutierrez stated BM Teimoury questioned why the Responsible Managing Employee (RME) was not a member of or an officer of the company's board. BM Teimoury stated it was his understanding that a company's officers are primarily the same as the RME, otherwise what the definition of an officer of the company. BM Teimoury added that the named RME did not match the board members listed he was confused.

BM Cristi stated that it was her understanding that unless a company is owned by a technical or registered individual, they would then act as the company's RME. She further added that there are companies that are owned or financed by non-technical or registered professionals but the RME of the company appointed must be is a register licensed professional. BM Teimoury's stated his concern was addressed.

BM Villanueva asked in the event this firm goes to court and the suite is against a structural deficiency and the RME holds a license as civil engineer who then would be responsible. BM Cristi clarified that the RME does hold a license for both Civil and Structural Engineering.

BM Santos called for a motion to approve or disapprove renewal.

Motioned: BM Cristi

2nd : BM Cruz

All in Favor : 5/0

ITEM NO. 7 OPEN DISCUSSION (Continued)

D. PEALS Board Meeting Schedule for FY2020

BM Santos opened discussions confirming the schedule for FY2020. BM Santos stated the PEALS Board is required to have 6 meetings per year but not limited to 6 further adding we can have more if needed and are allowed to call for special board meetings when needed.

E. Continuing Education

BM Santos opened discussions on continuing education. BM Teimoury stated we need to have more time to discuss what continuing education will entail. Using the ICC Seminar as an example BM Teimoury expressed his disappointment in sending 18 people on his staff to attend this seminar which he did not find beneficial. BM Teimoury stated that in the previous seminar held in 2009 had more presentation on technical aspects. BM Teimoury added that he would have no inclination to donate monies to this seminar coming from GBCC as it did not provided any educational value.

BM Santos stated it is appropriate to ensure that continuing education be added to the Rules and Regulations.

BM Santos opened discussion regarding the board's commitment to make a contribution to support the GBCC's ICC seminar. BM Santos suggested the board hold on discussion of the board's contribution subject the conditions set forth such as meeting continuing education, the submission of the financial report from GBCC for the seminar and DOA's approval to transfer from general funds to the board's Bank of Hawaii account.

BM Santos called point of order going back to discussions on continuing education. BM Teimoury stated there should be broader discussions on what is considered continuing education for each discipline. BM Teimoury suggest each board member come up with some ideas in their particular disciplines. BM Teimoury suggested they look at the issue of environment a common topic.

BM Santos suggested each board member in their specific disciplines come up with ideas for broader board discussions for a potential workshop.

ITEM NO. 9 PUBLIC COMMENT

BM Santos called for public comments. No public comments

ITEM NO. 10 DPW PERMIT & DLM SURVEY MAP REVIEW

A. Department of Land Management – September 2019

BM Santos called for comments on the report. No comments.

ITEM NO. 10 DPW PERMIT & DLM SURVEY MAP REVIEW Cont.

B. DPW Building Permit

BM Santos called for comment on the building permit summary. BM Cristi asked BI Isaac to check on item no. 22 of the report. BM Cristi stated that she believes Wenefredo Gallega, is a Civil Engineer and not a Structural Engineer per the report. BI Isaac will verify and confirm.

BM Villanueva excused himself from the meeting at 5:48pm.

BM Cristi addressed BM Teimoury and inquired about a proposed 3 story parking structure by the Bayview Hotel whose contractor is CoreTech. BM Cristi asked if the steep vertical cut behind the building was certified by a licensed engineer. BM Teimoury replied that he will investigate this to confirm this.

ITEM NO. 11 ADJOURNMENT

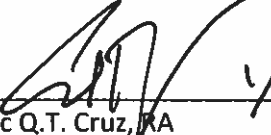
BM Santos called for motion to adjourn the meeting. Meeting was adjourned at 5:55 pm.

Motioned: BM Cristi
2nd : BM Santos
All in Favor : 4/0

Approved by:

 01.27.2020

Maria Elizabeth V. Cristi, PE
Board Chair

 1/20/20

Cedric Q.T. Cruz, RA
Board Secretary Treasurer

- (✓) Minutes approved as is.
- () Minutes approved with changes