

Rules & Regulations presented herein ~~was were prepared by the Professional Engineers, Architects and Land Surveyors Board with the assistance of other professional individuals and associations.~~ The main thrust of its task force committee is to provide all the necessary guidelines to professional undertakings as to applications, licensing, and the understanding of basic requirements, criteria, processes and procedures to ensure the proper performance of such professional duties.

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~~The PEALS Board commends and highly endorses the invaluable efforts of these professional individuals and societies in formulating together the following rules and regulations, policies and procedures.~~

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SECTION I. INTRODUCTION

1.A. PURPOSE

The purpose of adopting rules of procedure is to ensure the proper performance of the duties of the ~~Territorial~~ Guam Board of Registration for Professional Engineers, Architects and Land Surveyors (hereinafter known as the PEALS Board) by the regulation of registration procedures, meetings, records, examinations and the conduct thereof.

1.B. REQUIREMENTS FOR ADOPTION

The adopted rules of procedure ~~must shall~~ be consistent with the Organic Act and Laws of Guam ~~this Territory~~ . The rules ~~must shall~~ be promulgated and approved by the Board and they ~~must shall~~ be adopted in accordance with Administrative ~~Adjudication Act~~Adjudication Law.

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1.C. AUTHORITY OF RULES

Rules of procedure adopted by the Board shall be binding upon persons ~~or entities under provisions of registered under~~ Title ~~XLIII 22~~ of the ~~Government Code of Guam~~ Guam Code Annotated Chapter 32 (hereinafter ~~known referred to~~ as the ~~Act Law~~) and shall be applicable to corporations, partnerships, associations, and joint ventures holding a certificate of authorization issued by the Board.

1.D. ENFORCEMENT

The Board may initiate action in cases where an individual's or business entity's actions might reasonably be judged to be in non-compliance with the provisions of the Law.

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SECTION II. DEFINITIONS

2.A. GENERAL

~~Terms used in these rules and regulations, but not specifically defined herein, shall have the same definitions as in the Act or in general usage.~~

2.B. ENGINEERING TERMS

A. The following terms are defined in 22 GCA,§32103 of the Law:

a. Engineer

- 1. Engineer**
- 2. Professional Engineer**
- 3. Professional Engineer, Emeritus**
- 4. Professional Engineer, Retired**
- 5. Engineer Intern**
- 6. Practice of Engineering**
- 7. Consulting Engineer**

b. Architect

- 1. Architect**
- 2. Practice of Architecture**
- 3. Architect Emeritus**
- 4. Architect Retired**

c. Landscape Architect

- 1. Landscape Architect**
- 2. Practice of Landscape Architecture**

d. Land Surveyor

- 1. Land Surveyor**
- 2. Professional Land Surveyor**
- 3. Professional Land Surveyor Emeritus**
- 4. Professional Land Surveyor Retired**
- 5. Land Surveyor Intern**

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6. Practice of Land Surveying

- e. Approved School
- f. ARE
- g. Association
- h. Board
- i. Certificate of Authorization
- j. Certificate of Registration
- k. CLARB
- l. Construction Management
- m. Corporation
- n. CSCS
- o. IDP (currently known as AXP)
- p. LARE
- q. NAAB
- r. NCARB
- s. NCEES
- t. Partner
- u. Proprietorship
- v. Registrant or Licensee
- w. Responsible Control
- x. Responsible Managing Employee
- y. Rules of Professional Conduct for Professional Engineers, Architects, Landscape Architects, and Land Surveyors
- z. Technical Submissions
- aa. WCARB

B. Terms not defined in GCA §32103 of the Law shall mean as follows and shall not be construed to permit the practice of any of the other branches of engineering or architecture except where specifically stated:

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1. ENGINEER

~~1. Engineer--The term "engineer" shall be as defined in the Act.~~

~~2. Professional Engineer--The term "professional engineer" shall be as defined in the Act.~~

~~3. Engineer Intern--The term "engineer intern" shall be as defined in the Act.~~

~~4. Practice of Engineering--The term "practice of engineering" shall be as defined in the Act.~~

a. Architectural Engineering--The term "Architectural Engineering" is that branch of professional engineering which specializes in the knowledge and skills of the broader engineering disciplines related to building systems integration, electrical systems, mechanical systems, structural systems, project management and construction administration.

b. Chemical Engineering--The term "chemical engineering" is that branch of professional engineering which embraces studies or activities relating to the development and application procedures in which chemical or physical changes of materials are involved. These processes are usually resolved into a coordinated series of unit physical operations and unit chemical processes. It is concerned with the research, design, production, operational, organizational and economic aspects of the above.

5c. Civil Engineering--The term "civil engineering" is that branch of engineering which embraces the following studies or activities in connection with fixed works for irrigation, drainage, waterpower, water supply, flood control, inland waterways, harbors, municipal improvements, railroads, highways, bridges, tunnels, airports and airfieldsways, purification of water, sewerage, refuse disposal, foundations, framed and homogenous structures, buildings, as subject to or limited by other provisions of the ~~LawAct, or bridges:~~

- (a) The economics of, the use and design of, materials of construction and the determination of their physical qualities.
- (b) The supervision of the construction of engineering structures.
- (c) The investigation of the laws, phenomena and forces of nature.
- (d) Appraisals of valuations.
- (e) The preparation and/or submission of designs, plans and specification and engineering reports. Civil engineering also includes city and regional planning insofar as any of the above features are concerned therein.

6d. Electrical Engineering--The term "electrical engineering" is that branch of professional engineering which embraces engineering studies or activities relating to the generation, transmission, and utilization of electrical energy, including the design of electrical, electronic and magnetic circuits and the control of their operation and the design of electrical gear. It is concerned with the research, operational, organizational, and economical aspects of the above.

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e. Environmental Engineering—The term “environmental engineering” is that branch of engineering which applies engineering principles to improve and maintain the environment for protection of human health and at risk ecosystems. It involves hydrology, water resources management, bioremediation, water management, waste disposal, air pollution control, industrial hygiene, and environmental sustainability.

f. Fire Protection Engineering—The term “fire protection engineering” is that branch of professional engineering which relates to safeguarding of life and property from fire, and fire-related hazards; and requires the ability to apply this knowledge to the identification, evaluation, correction, or prevention of present or potential fire and fire related panic hazards in a building, groups of buildings, or communities, and to recommend the arrangement and use of fire resistant building materials and fire detection and extinguishing systems, devices, and apparatus in order to protect life and property.

7g. Industrial Engineering--The term "industrial engineering" is that branch of professional engineering which requires such education and experience as is necessary to investigate, to design, and to evaluate systems of workers, materials and facilities for the purpose of economical and efficient production, use, and distribution. It requires the application of specialized engineering knowledge of the mathematical and physical sciences, together with the principles and methods of engineering analysis and design to specify, predict, and to evaluate the results to be obtained from such systems. The above definition of industrial engineering shall not be construed to permit the practice of any of the other recognized branches of engineering.

~~8. Chemical Engineering~~—The term "chemical engineering" is that branch of professional engineering which embraces studies or activities relating to the development and application procedures in which chemical or physical changes of materials are involved. These process are usually resolved into a coordinated series of unit physical operations and unit chemical processes. It is concerned with the research, design, production, operational, organizational and economic aspects of the above. The definition of chemical engineering shall not be construed to permit the practice of civil, electrical or mechanical engineering.

9h. Mechanical Engineering--The term "mechanical engineering" is that branch of professional engineering which deals with engineering problems relating to generation, transmission, and utilization of energy in the thermal or mechanical form and also with engineering problems relating to the production of tools, machinery, and their products and to heating ventilation, refrigeration and plumbing. It is concerned with the research, design, operational, organizational, and aspects of the above.

40i. Structural Engineering--The term "structural engineering" is that branch of professional engineering which deals with the investigation of, the design of, the selection of and construction supervision of the force resisting and load supporting members of structures such as foundations, walls, columns, slabs, beams, girders, trusses, and similar members where such investigation, design, selection, and supervision requires a knowledge of the physical properties of the

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materials used for such members, and a knowledge of the methods used their erection.

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11. Consulting Engineer--The term "consulting engineer" shall be as defined in the Act.

2.C. ARCHITECTURAL TERMS

1. Architect--The term "architect" shall be as defined in the Act.

2. Practice of Architecture--The term "practice of architecture" shall be as defined in the Act.

2. ARCHITECT

a. Architect Intern--The term "architect intern" shall mean a person or individual who holds an architecture degree who works under the supervision of a registered architect and is enrolled in the NCARB experience certification program (formerly IDP).

b. AXP The term "AXP" shall mean Architectural Experience Program

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2.D. LAND SURVEYING TERMS

1. Land Surveyor--The term "land surveyor" shall be as defined in the Act.

2. Land Surveyor Intern--The term "land surveyor intern" shall be as defined in the Act.

3. Practice of Land Surveying--The term "practice of land surveying" shall be as defined in the Act.

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3. INCLUSIONS AND EXCLUSIONS TO THE PRACTICE OF LAND SURVEYING

a. Activities included within the practice of Land Surveying: Activities that must be accomplished by or under the responsible charge of a professional land surveyor (unless specifically exempted under subsection 2 of this section), include but are not limited to the following:

i. The creation of maps and georeferenced databases representing authoritative locations for boundaries, the location of fixed works or topography. This includes maps or georeferenced databases prepared by any person, firm, or government agency where that data is provided to the public as a survey product.

ii. Original data acquisition or the resolution of conflicts between multiple data resources, when used for the authoritative location of features within the following data themes: geodetic control, orthoimagery, elevation and hydrographic, fixed works, public and private boundaries, and cadastral information.

iii. Certification of positional accuracy of maps or measured survey data.

iv. Adjustment or authoritative interpretation of raw survey data.

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v. Geographic Information System (GIS)-based parcel or cadastral mapping used for authoritative boundary definition purposes wherein land title or development rights for individual parcels are, or may be, affected.

vi. Authoritative interpretation of maps, deeds, or other land title documents to resolve conflicting data elements.

vii. Acquisition of field data required to authoritatively position fixed works or cadastral data relative to geodetic control.

viii. Analysis, adjustment or transformation of cadastral data of the parcel layer(s) with respect to the geodetic control layer within a GIS resulting in the affirmation of positional accuracy.

b. Activities excluded from the practice of Land Surveying: A distinction must be made between the use of electronic systems between making or documenting original measurements in the creation of land survey products versus the copying, interpretation or representation of those measurements in such systems. Further, a distinction must be made according to the intent, use, or purpose of measurement products in electronic systems to determine a definitive location versus the use of those products as a locational reference for planning, infrastructure management and general information. The following items are not to be included as activities within the practice of land surveying:

i. The creation of general maps:

1. Prepared by private firms or government agencies for use as guides to motorists, boaters, aviators, or pedestrians;

2. Preparation for publication in a gazetteer or atlas as an educational tool or reference publication;

3. Prepared for or by educational institutions for use in the curriculum of any course or study;

4. Produced by any electronic or print media firm as an illustrative guide to the geographic location of any event;

5. Prepared by laypersons for conversational or illustrative purposes. This includes advertising material and users guides.

ii. The transcription of previously georeferenced data into a GIS or LIS by manual or electronic means, and the maintenance thereof, provided the data are clearly not intended to indicate the authoritative location of property boundaries, the precise definition of the shape or contour of the earth, and/or the precise location of fixed works of humans.

iii. The transcription of public record data, without modification except for graphical purposes, into a GIS or LIS-based cadaster (tax maps and associated records) by manual or cadaster, provided the data are clearly not intended to authoritatively represent property boundaries. This includes tax maps and zoning maps.

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iv. The preparation of any document by any federal government agency that does not define real property boundaries. This includes civilian and military versions of quadrangle topographic maps, military maps, satellite imagery, and other such documents.

v. The incorporation or use of documents or databases prepared by any federal agency into a GIS/LIS, including but not limited to, federal census and demographic data, quadrangle topographic maps, and military maps.

vi. Inventory maps and databases created by any organization, in either hard copy or electronic form, or physical features, facilities, or infrastructure that are wholly contained within properties to which they have rights or for which they have management responsibilities. The distribution of these maps and/or databases outside the organization must contain appropriate metadata describing, at a minimum, the accuracy, method of compilation, data source(s) and date(s), and disclaimers of use clearly indicating that the data are not intended to be used as a survey product.

vii. Maps and databases depicting the distribution of natural resources or phenomena prepared by foresters, geologists, soil scientists, geophysicists, biologists, archaeologists, historians, or other persons qualified to document such data.

viii. Maps and georeferenced databases depicting physical features and events prepared by any government agency where the access to that data is restricted by statute. This includes georeferenced data generated by law enforcement agencies involving crime statistics and criminal activities.

2.E. OTHER TERMS

- ~~1. Board--The term "Board" shall be as defined in the Act.~~
- ~~2. Responsible Charge--The term "responsible charge" shall be as defined in the Act.~~
- ~~3. Certificate of Registration--The term "certificate of registration" shall be as defined in the Act.~~
- ~~4. Certificate of Authorization--The term "certificate of authorization" shall be as defined in the Act.~~
- ~~5. Rules of Professional Conduct for Professional Engineers, Architects and Land Surveyors--The term "rules of professional conduct for professional engineers, architects and land surveyors" shall be as defined in the Act.~~
- ~~6. NCEES--The term "NCEES" shall mean the National Council of Examiners for Engineering and Surveying.~~

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~~7. NCARB--The term "NCARB" shall mean the National Council of Architectural Registration Board.~~

~~8. WCARB--The term "WCARB" shall mean the Western Council of Architectural Registration Board.~~

~~9C. CBPELGS--The term "CBPELS" shall mean the California Board of Professional Engineers, and Land Surveyors and Geologists.~~

~~10D. ABET--The term "ABET" shall mean the Accreditation Board for Engineering and Technology. The previous name for this organization as used in the Act is the "Engineers Council for Professional Development".~~

~~11. NAAB--The term "NAAB" shall mean the National Architectural Accrediting Board.~~

~~12E. Temporary Permit--The term "temporary Permit" shall mean a permit issued as authorized by the Act Law for the temporary practice of professional engineering, architecture or landscape architecture.~~ Formatted: Font color: Dark-Red, Strikethrough

~~13. Principal--The term "principal" shall mean the person responsible for the management and professional activities of a firm engaged in the practice of engineering, architecture of land surveying.~~

~~14. Emeritus--The term "emeritus" shall be professional engineers, architects or land surveyors who are 65 years of older, who have met past registration and residency requirements as deemed appropriate by the Board, and who are not practicing withing their profession but wish to maintain their professional title.~~

~~15F. Human Occupancy or Habitation--The term "human occupancy or habitation" shall refer to structures where people live, work, recreate, congregate or assemble or portions of structures that define a room or space intended to be lived in or actively used in a public or private manner at different times for different purposes. This is to differentiate from structures and buildings whose primary purpose is for storage or to house mechanical or electrical equipment.~~

~~16G. Commercial Building(s)--The term "commercial building(s)" shall mean a single building, not a complex of or multiple buildings facility or facilities, used for commercial purposes.~~

~~17H. Firm--The term "firm" shall mean any legal corporation, partnership, limited partnership, association, joint venture, joint stock association or other form of business entity other than a sole proprietorship.~~

~~I. Incidental--The term "incidental" shall mean performance of any service or design which is a small part of a larger project and is simple in design or minor in cost for which the practitioner is qualified.~~

~~J. Seal--The term "seal" shall mean an image approved by the Board. The image shall include, at a minimum, specific information such as name, discipline, license number, and date of expiration.~~

~~K. Subdivision--The term "subdivision" shall mean a division of land into two or more parcels or lots for the purposes of providing Land Surveying services.~~

~~L. Design Build--The term "design build" shall mean a project delivery method in which the design and construction services are contracted by a single entity.~~

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SECTION III. ORGANIZATION OF THE BOARD

3.A. OFFICERS

~~The Board shall have for its officers a Chairman, Vice Chairman and Secretary/Treasurer. The Chairman, Vice Chairman and Secretary/Treasurer shall be elected annually, as defined by the Act, by majority vote of the Board members at the first regular meeting of the Board after January 1 of each year.~~The duties of the officers of the Board shall be as follows.

(1) Chairman: The Chairman shall be the executive head of the Board and shall preside at all meetings, appoint special committees, co-sign all Certificates issued by the Board and ~~sign all vouchers issued by the Board~~ act as Certifying Officer as per 22 GCA §32111(e) of the Law.

(2) Vice-Chairman: The Vice-Chairman shall perform ~~all such duties as are assigned by~~ of the Chairman ~~in case the latter is incapacitated, or absent from the meeting and shall serve as Chairman in the absence or recusal of the Chairman.~~

(3) Secretary/Treasurer: The Secretary/Treasurer shall ~~serve as Chairman in the absence of both the Chairman and Vice-Chairman and shall~~ perform such duties as may be assigned by the Chairman and shall conduct ~~or oversee~~ all financial transactions in accordance with ~~the applicable procedures of the Government of Guam standard accounting procedures.~~ The Secretary/Treasurer shall serve as Chairman in the absence of both the Chairman and ViceChairman.

3.B MEETINGS

(1) ~~Six (6) regular meetings shall be held commencing in January and every other month thereafter~~Refer to 22 GCA §32108 of the Law. The regular meeting shall be held at a time and place determined by the Board.

(2) The Chairman may call special meetings when ~~he/she deems~~ necessary ~~and shall also call special meetings or~~ upon written request of two members. The members shall be notified by any expedient means at least ~~two (2) five (5)~~ days in advance of the purpose, date, time and place of each meeting.

(3) ~~Notices of meeting dates and the times shall normally be given several months in advance for all the regular meetings of the year.~~The date, time, place, and agenda of all meetings must be published in accordance with the ~~appropriate laws of the Territory of Guam.~~

(4) All meetings shall be open to the public unless the meeting is closed for reasons defined by the laws ~~of this Territory of Guam.~~

3.C. QUORUM

~~A quorum of the board shall be as stated in the Act. Refer to 22 GCA §32108 of the Law.~~

3.D. VOTING

~~All members of the Board, including the Chairman, shall be entitled to vote and to make or to second motions. A majority vote of those present shall be required to pass a motion. The Chairman shall vote as a member of the Board.~~

3.E. RULES OF ORDER

~~The latest edition of~~ Roberts Rules of Order shall govern the normal proceedings of the Board ~~unless except as~~ otherwise provided by these rules and regulations. ~~Other~~ Such exceptions ~~shall~~ include hearings which may be disciplinary in nature.

3.FE. COMPENSATION AND EXPENSES

Members of the Board shall receive compensation as authorized by the law and shall be reimbursed for reasonable and necessary expenses incurred in the course of official duties, when attending to the work of the Board or any of its committees, and when attending meetings and conferences of NCEES, NCARB, ~~WCARB~~, or any other national organizations which impact ~~on~~ Board matters, and during time spent in necessary travel.

3.GF. BOARD ADMINISTRATOR

~~The Board may employ and determine the compensation of a Board Administrator who shall be responsible for the administration of the policies of the Board and for the processing of its routine operations. Under the policy direction and guidance of the Board, the Executive Board Administrator is a classified employee of the government who administers the resources and staff of the Board, and is responsible for interpreting and executing the intent of all Board policies, rules and regulations and programs governing the practice of engineering, architecture, landscape architecture, land surveying and construction management.~~

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3.HG. EMPLOYMENT OF PERSONNEL

The Board may employ those persons required and qualified, including full-or part-time, necessary to assist in the performance of the administration of the laws ~~of Guam~~ and ~~those~~ rules and regulations regarding ~~regulating~~ the practice of engineering, architecture, landscape architecture and land surveying. Such employees may include the use of consultants and/or counsel, and clerical personnel when deemed necessary.

3.IH. BUDGET

Prior to October 1st of each year, the Board shall prepare a budget for submission to the Legislature for the ensuing fiscal year. Upon appropriation by the Legislature, the Board shall make expenditures from this budget for the purposes as stated. The Chairman shall have the authority be authorized to certify all necessary expenditures in accordance with the amount appropriated.

3.JI. ACCOUNTING PROCEDURES

(1) ~~Cash~~Receipts

~~The Board will only accept non-cash payments (check, money order, etc.) A Consecutivelynumbered receipts shall be issued for all money-payments received by the Board. Such payments shall be deposited to the Treasurer of Guam. The Chairman of the Board or Board Administrator of the Board shall maintain and keep current a record of all financial transactions based on standard accounting procedures including reconciliation of accounts. receive all money paid to the Board and shall issue consecutively-numbered receipts thereof. Such money shall be turned over to the Cashier in the Building Permit Division acknowledging receipt of the money. The Chairman of the Board shall appoint a serve as Certifying Officer as per 22 GCA §32111(e) and shall oversee financial records on behalf of the Board.~~

~~who shall keep appropriate books on behalf of the Board and shall record in the Cash Receipt Book a record of all money received as stated in the law.~~

(2) ~~Cash-Disbursements~~Revolving Fund

~~All cash disbursements shall be supported by invoices or purchase orders, and shall be approved by the Chairman of the Board for payment. All cash disbursements shall be recorded in the cash disbursement book. The Board shall adopt policies and procedures for the revolving fund as authorized under 22 GCA §32109(k).~~

(3) Financial Reports

Monthly Financial Reports shall be prepared by the Executive Board Administrator and certified by the Certifying Officer as of the last day of each month ~~and~~, submitted to the Secretary/Treasurer ~~of the Board and reported to the Board during its regular meetings~~. An Annual Financial Report shall be prepared by the Executive Board Administrator and certified by the Certifying Officer as of the last day of the fiscal year ~~and~~, submitted to the Secretary/Treasurer ~~of the Board and reported to the Board during its next regular meeting~~.

3.KJ. PUBLICATIONS OF THE BOARD

~~The publications of the Board shall include but not be limited to:~~

(1) The Executive Board Administrator shall publish and make Apublic an annual roster showing the name and last known address of each licensed and registered professional engineer, architect, landscape architect, land surveyor, ~~engineer intern, land surveyor intern,~~ and firm registered in ~~this Territory~~this jurisdiction. The roster shall be in non-editable electronic format available in the PEALS website www.guam-peals.org ~~published annually and distributed to each registrant.~~

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(2) The complete current text of ~~the Act~~the Law, Rules and Regulations and ~~Rules of Professional Conduct of the Board (Code of Ethics)~~ shall be published or re-issued as deemed necessary by the Board and distributed to each registrant upon initial registration. The text of each document shall be in non-editable electronic format available in the PEALS website www.guam-peals.org.

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(3) The Annual Report of the Board ~~which shall be published~~ prepared and submitted to I Maga'Lahen or Maga'håga Guåhan (Governor of Guam) and Lihislaturan Guåhan (Guam Legislature) for publication in the Citizens Centric Report annually no later than ninety (90) days after end of the fiscal year and shall include, but not be limited to, the following:

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- (a) schedule dates of examinations held;
- (b) a summary of the law enforcement activities of the Board;
- (c) ~~a summary of all financial transactions of the previous year;~~ a financial report of previous fiscal year as per 22 GCA §32110(c).
- (d) the name, registration number, and address, and registration number of each engineer, architects, landscape architect, land surveyor, ~~engineer intern, land surveyor intern, corporation, partnership, and association and firm~~ registered during the report period as per 22 GCA §32112; and
- (e) ~~a list of the name,s and addresses, temporary registration number of all each engineers, architects or landscape architect who is granted a and firms which were issued temporary permits along with the date issued during the report period.~~

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3.LK. USE OF FORMS

All applications and requests ~~for which the Board has prescribed a form~~ must be presented in the ~~prescribed~~ forms prescribed by the Board. Copies of forms ~~in use~~ and instruction for their completion shall be available from the office of the Board or the Board's website www.guam-peals.org.

3.ML. RECORDS

Records shall be kept and secured at the Board's office with the Board staff responsible for the security of the records of the Board. The ~~Sunshine Reform Freedom of Information~~ Act requires that most records, papers and reports of the Board are public in nature and, unless specifically exempted, may be obtained through the Chairman of the Board upon written request and payment of costs of reproduction, handling and mailing. ~~Other records, papers and reports, which are considered confidential, shall not be released except when required by court action. These include, but are not limited to, examination material for examinations not given, file records of examination problem solutions, letters of inquiry and reference concerning applicants, investigative files where investigation is pending and all other materials of a confidential nature~~

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SECTION IV. APPLICATIONS

4.A. KINDS OF APPLICATIONS

Applications for registration as a professional Engineer, Architect, Landscape Architect or Land Surveyor or certification as an EI or LSI shall require that an applicant present his/her qualifications on forms prescribed by this Board.

(1) Applications for registration as a professional engineer, architects, landscape architect and land surveyor shall be accepted from those who believe that they ~~shall be~~ qualified by education and experience according to the laws ~~of this Territory of Guam~~, to be registered as a professional engineer, architect, landscape architect and land surveyor.

(2) Applications for certification as an Engineer Intern or Land Surveyor Intern ~~are shall be~~ accepted from those who believe that ~~registration,~~ according to the laws of ~~surveyor~~ ~~except for that of~~ ~~experience~~ they have the necessary qualifications for his Territory of Guam, as a professional engineer or land

(3) Intern and may take the fundamentals examination during his or her senior year. degree in an engineering school may at least a four-year program leading to a baccalaureate certification by examination as an Engineer

(4) For comity applications, in lieu of information that is requested on the form prescribed and furnished by this Board, the Board may accept records of licensure in from other jurisdiction verified by NCARB in the case of architects, and verified by CLARB in the case of engineer and land surveyors in lieu

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landscape architects, and verified by NCEES in the case of form prescribed and furnished by of requiring the same information that is requested on the this Board. Such persons are expected to obtain initial ba or hold current registration from another jurisdiction and examination.

(5) For comity applications, in the case of structural engine jurisdiction, the applicant must have passed the NCEES examinations.

4. B. COMPLETING APPLICATIONS

(1) ~~Approved a~~Applications forms for registration or certification Architect, Land Surveyor, or certification as an Engineer-I Intern be obtained from either the Board or the Board's website v application-s shall be attested before a Notary Public and dated passport-size photograph of the applicant. The pf retouched and shall have been taken within thirty (30) day:

(2) Applications must be neatly written or typed. W space provided on the forms is inadequate, supplementary sheets of white paper, 8.5 inches by 11 inches in size shal used.

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signed and

- (3) Completed application forms shall be accompanied by a photocopy of the applicant's undergraduate and graduate diplomas, official or certified transcripts of all college courses and degrees, a photocopy of the professional registration certificate and current registration card or other information from the jurisdiction where registration was acquired by examination, sealed character reference forms and work experience forms.
- (4) ~~In order to allow sufficient time for processing and for securing examinations, a~~All applicants who ~~may~~ require examinations must file a completed application with the Board at least ninety (90) days before the date ~~set for the appropriate examinations~~.
- (5) Withholding information or providing false or misleading statements ~~which are untrue or misrepresent the facts~~ shall be cause for denial of an application.
- (6) It is the responsibility of the applicant to ~~supply~~ submit the required character references, verification of work experience, and other information required to complete the review and evaluation of his application ~~complete and correct address of all references and to be sure that the references respond, this could delay the processing of an application either until a reply is obtained or another reference is given~~.
- (7) In the case of applicants for Architect by examination, the applicant must provide certificate of completion from the NCARB experience certification program (AXP formerly IDP).

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~~(78) In relating~~ For professional training experience, the applicant must account for all employment ~~or work experience~~ for the period of time which has elapsed since the beginning of the employment record. If ~~not-un~~employed, or if employed in ~~other kinds of unrelated~~ work, this should be indicated in the experience record.

~~(89) References shall be submitted in accordance with Section VII of these rules and 22 GCA §32113(a)(4). The names of three or more registered practitioners of the profession and branch, in the case of engineers, in which registration is sought having knowledge of the professional qualifications of the applicant shall be submitted in the application form. All information received from references will be held in strict confidence by the Board. No Neither a member of the Board nor a relative either by blood or by marriage, nor a subordinate may serve as a reference, shall be included in the references. For structural engineering exam applicants, the Board may waive the requirement for three (3) structural references and accept two (2) such references with a civil engineer for the third.~~

~~(910) Due to the confidential nature of information concerning verification of character and work experience of an applicant, all information from references must be delivered to the Board in a sealed envelope and will be held in strict confidence by the Board. †The Board shall accept completed forms only when delivered through the normal postal or courier service or f hand-delivered to the Board by the person responsible for completing the form. All verification of character and experience, must be properly signed and authenticated by the referring individual, person completing the form. All verification of experience must be subscribed and sworn to by the individual completing the form before a Notary Public or other person qualified to administer oaths.~~

~~(11) The Board analysis of the applicant's experience record is based not only on the duration of the time spent in professional work of a responsible character, but also on the importance~~

and nature of the work. The applicant is required to provide a complete and accurate record as possible.

(12) ~~The seal of a professional engineer, registered architect, registered landscape architect or professional land surveyor under this jurisdiction or any jurisdiction may be used in lieu of a Notary Public.~~

(1013) In the absence of a Board-verified work experience, in instances where verification of experiences of an applicant is impossible due to the applicant supervisor’s demise, a defunct company or undeliverable by postal service, the applicant shall be required to submit ~~other~~ evidence of employment with said organization satisfactory to the Board.

4. C. SEQUENTIAL EXAM APPLICATIONS

(1) An applicant for registration as an engineer or land surveyor will not be assigned to the Fundamentals exam and the Professional exam simultaneously.

(2) The applicant must have passed the Fundamentals exam or been officially approved by the Board for ~~EIT~~ waiver before taking the Professional Exam.

(3) ~~An applicant for the Structural exam must first be registered as a Civil Engineer and have a specific record of two (2) years of work experience in the discipline of structural engineering under a licensed structural engineer after first atobtaining registration as a civil engineer before being allowed to take the Structural Exam. Registration as a civil engineer must be obtained by passing the Civil exam.~~

(4) An applicant who has passed all the required examinations in another jurisdiction but has not obtained initial registration, and has met Guam’s requirements, may be eligible for registration in Guam based on education, experience and examination.

4.D. APPLICATIONS FROM NON-RESIDENTS

Except for military personnel assigned to duty in this Territory, applications will not be accepted for assignment to the Fundamentals of Engineering exam, the Professional Engineering exam or the Architectural exam from persons who are not residents of this Territory. Such persons are expected to secure registration or certification by examination in their home state or state in which they resided before applying for registration or certification in this Territory by comity.

4. ~~BE.~~ APPLICATIONS FROM APPLICANTS WITH DEGREE FROM FOREIGN SCHOOLS

(1) All foreign language documentation submitted with the completed application must be accompanied with translation certified to be accurate by competent authority.

(2) The applicants who for political or other valid reasons are unable to obtain their transcripts of their college courses shall be required to complete a supplementary application form as approved by NCEES or NCARB or CLARB.

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4.EF. DISPOSAL DISPOSITION OF APPLICATIONS

~~Applications may be approved; deferred for further information, more experience, questionable references, or other reasons; or may be denied.~~

(1) ~~Approved Applications for assignment to examinations:~~ When an application is approved by the Board for assignment to an exam, the applicant will be assigned by the exam offeror to the next scheduled exam.

(2) ~~Approved Applications for registration or certification by Comity:~~ When an application is approved for comity by the Board, the applicant shall be granted registration or certification by the Board.

(3) ~~Deferred Applications:~~ Applications deferred for any reason shall be retained on file pending later disposition when proper ~~remedy as~~ documentation requested ~~is presented is~~ submitted. Applications which have been in deferred status for two years shall revert to denied status.

(4) ~~Denied Applications:~~ When an application is denied, it shall be kept on file for a minimum of one year ~~and then destroyed~~.

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4.FG. RECONSIDERATION OF APPLICATIONS

Reconsideration may be requested of an application which has been denied when the request is based on additional information and/or evidence which could affect the original decision. A reconsideration request must be made within one (1) year after the decision was made to reject the original application. Those not requesting reconsideration within the one (1) year period following rejection must file a new application in order to be considered.

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4.GH. RETENTION OF RECORDS OF APPLICATIONS

All approved applications shall be maintained and stored by the Board staff. Applications which are disapproved or denied after processing shall be destroyed after a minimum of one (1) year and the completed application form, exclusive of letters or forms of references and other assembled information, will be returned to the applicant if requested. In accordance with a retention schedule of applications by the Board, the following retention time will be observed after which the applications may be destroyed:

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(1) Examination Inactive File: 5 (five) years

(2) Deceased: 3 (three) years after death

(3) Inactive/Deferred: 2 (two) years after last response to request for additional information

(4) Denied: 1 year

The application from a person who has been judged to be in violation of the ~~Act~~ Law will be retained in a file by the Board permanently even if the ~~individual has his/her person's~~ license ~~has been~~ revoked, suspended or ~~if the person voluntarily withdraws his/her registration~~ is voluntarily withdrawn once a violation is under review or consideration.

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SECTION V. FEES

5.A. METHOD OF PAYMENT

(1) Fees shall be payable to the Treasurer of Guam in care of the ~~Territorial Guam~~ Board of Registration for Professional Engineers, Architects and Land Surveyors, ~~East-West Business Center, Unit D-Suite 308, 718 No. Marine Dr., Upper Tumon, Guam 96911.~~

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(2) Payment of fees must be made by check or money order whether delivered personally or by mail. Applications received without the proper fee will be returned to the applicant. ~~All fees paid~~ are non-refundable.

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(3) Applicants who fail to appear for examination to which they have been assigned shall forfeit the examination fee and shall be required to pay a new fee for subsequent examination assignments.

5.B. CHANGES IN AMOUNT OF FEES

~~The amount of a fee to be charged~~ Fees shall be as established or changed by the Board regulation in accordance with ~~Public Law 13-405 GCA Chapter 9 Administrative Adjudication Law.~~

The schedule of fees is as follows:

<u>APPLICATION FEE</u>	
● <u>INDIVIDUAL (Per Discipline):</u>	\$120
● <u>CERTIFICATE OF AUTHORIZATION (COA):</u>	\$150
<u>REGISTRATION INITIAL AND RENEWAL FEE</u>	
● <u>INDIVIDUAL (Per Discipline):</u>	\$225
<u>Initial, 6 months or less from renewal</u>	\$125
● <u>COA/FIRM:</u>	\$225
<u>Per Service/Discipline Provided</u>	
● <u>LATE REGISTRATION FEE PER MONTH:</u>	\$25
<u>EXAMINATION FEE</u>	
● <u>CALIFORNIA SPECIAL CIVIL SEISMIC:</u>	Exam Fee + \$50
<u>CSCS-Does not include Testing Center Exam Site Fees</u>	

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● PROCTOR NCEES EXAM: _____ \$150

Other State Boards Applicants, Active Military Only

● GUAM LAND MATTERS (GLM): _____ \$75

● ALL NCEES AND NCARB EXAMS FEES ARE PAID DIRECTLY TO THE COUNCILS AND DOES NOT INCLUDE TESTING CENTER EXAM SITE FEES

OTHER FEES

● EMERITUS STATUS: _____ \$50

One Time Fee

● RETIRE STATUS: _____ \$50

Annual Fee

● INTERN CERTIFICATES: _____ \$25

● TEMPORARY PERMIT: _____ \$1,000

● REPLACEMENT/DUPLICATION OF CERTIFICATES: _____ \$150

● POCKET REGISTRATION CARD: _____ \$30

Replacement

● BUILDING PERMIT APPLICATION CLEARANCE: _____ \$15

● PEALS BOARD LAW _____ \$30

● COPIES OF PUBLIC DOCUMENTS WILL FOLLOW P.L. 5GCA §1.00/FIRST PAGAND \$0.25 FOR THE REMAINING PAGES

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5.C. RENEWAL FEES

(1) Renewal fees for individual registration are payable on or before April 30 of each year for Certificates of Registration. the last day of the month of September of each year.

(2) Renewal fees are payable on or before October 30 of each year for Certificates of Authorization.

(2) Each registrant will be notified by the Board of the expiration date of his/her certificate of registration and the amount of the renewal fee at least one (1) month before the expiration date.

(3) Renewal Fee Charges for Late Renewals in excess of one month shall be subject to a \$25 per month fee for a maximum of six (6) months sixty (60) days without submission of Reinstatement Application. If the licensee fails to pay within the sixty (60) day period, the license would shall lapse. After the lapse period, the license shall be and invalid and that the licensee must comply with Section XVIII (A) for reinstatement.

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(4) After a license has lapsed, the Board shall notify the Head of Building Permits of those individuals no longer holding current licenses. Such notice shall be issued in a reasonably prudent time frame after the date expiration.

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SECTION VI. CURRICULA APPROVED BY THE BOARD

6.A. ENGINEERING

(1) Engineering Curricula Approved by the Board:

The term "a graduate of an engineering curriculum of four (4) years or more approved by the Board as being of satisfactory standing" ~~shall used in Section 47011 (b) (1) (i) of the Government Code is interpreted by this Board to~~ mean a baccalaureate degree in engineering accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET) at the time of the awarding of the degree.

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(2) Engineering Curricula Other than the Ones Approved by the Board:

The term "a graduate of an engineering curriculum other than the ones approved by the Board as being of satisfactory standing" used in ~~Section 47011 (b) (1) (ii) of the Government Code 22 GCA §32113(b)(1)(B) shall is interpreted by this Board to~~ mean a baccalaureate degree in engineering not accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET) ~~such as those curricula recently developed or curricula offered by foreign schools evaluated by the Board as being of high-quality essentially equal to those curricula which are accredited. In lieu of the requirements of an ABET-accredited degree, an applicant must obtain an ABET evaluation report that demonstrates that he/she has such other educational experience deemed equivalent to a professional degree in architecture from a NAAB-accredited program.~~

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6.B. ARCHITECTURE

(1) Architectural Curricula Approved by the Board:

The term "a graduate of an architectural curricula approved by the Board as being satisfactory standing" ~~a National Architectural Accrediting Board (NAAB) accredited program used in 22 GCA §32113(b)(3)(A) Section 47011 (b) (3) (i) of the Government Code is interpreted by this Board to~~ shall mean at least a baccalaureate degree in architecture accredited by ~~NAAB the National Architectural Accrediting Board (NAAB) at the time of the awarding of the degree. Architectural curricula from a non-NAAB school may be accepted on an individual basis upon review by an evaluation consultant recommended by NCARB.~~

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(2) Architectural Curricula Other than the Ones Approved by the Board:

~~In lieu of the requirements of a NAAB-accredited degree, an applicant must obtain an NCARB evaluation report that demonstrates that he/she has such other educational experience deemed equivalent to a professional degree in architecture from a NAAB-accredited program.~~

6.C. LAND SURVEYING

(1) Land Surveying Curricula Approved by the Board:

The term "a graduate of land surveying curriculum of four (4) years or more approved by the Board as being of satisfactory standing" used Section 47011 (b) (4) (i) of the Government Code shall be interpreted by the Board to mean a baccalaureate degree in land surveying which has been evaluated and approved by the Board as being of high quality.

The following shall be considered as minimum evidence to the Board that the applicant is qualified in terms of education to be certified as a Surveyor Intern:

- (A) Graduation from a "surveying curriculum of four (4) years or more" as used in 22 GCA §32113(6)(A) and accredited by EAC/ABET or ASAT/ABET at the time of awarding of the baccalaureate degree. (The Board may accept the degree if accreditation is received within a prescribed period of time as determined by the Board.)
- (B) Graduation from a "surveying or related science curriculum of four (4) years or more" is interpreted to be a baccalaureate degree including land surveying courses, mathematics and the physical sciences.

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(2) Land Surveying or Related Science Curricula Other than the Ones Approved by the Board:

The term "a graduate of a surveying or related science curriculum of four (4) years or more, other than the ones approved by the Board as being of satisfactory standing" used in Section 47011 (b) (4) (i) of the Government Code 22 GCA §32113(5)(B) shall ~~is interpreted to~~ mean a baccalaureate degree in areas in which land surveying courses ~~may be taught~~ are taught in the curriculum along with mathematics and the physical sciences.

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7.C LANDSCAPE ARCHITECTURE

(1) Landscape Architecture Curricula Approved by the Board

The term "a graduate of landscape architecture having obtained a first professional degree in landscape architecture from a program which has been accredited by the Landscape Architectural Accreditation Board (LAAB).

- (A) An undergraduate first professional program must be a baccalaureate program of at least four (4) years academic duration.
- (B) A graduate first professional program must be a master's program equivalent to at least three (3) years academic duration.

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SECTION VII. EXPERIENCE

7.A. AS A PROFESSIONAL ENGINEER

In evaluating experience which indicates to the Board that the applicant may be competent to practice engineering, the following will be considered:

(1) Experience must be progressive on engineering projects to indicate that it is increasing quality and complexity and requiring responsibility.

~~(2) Only work of an engineering nature which following graduation is creditable.~~

~~(3) Experience must not be obtained in violation of the Act the Law.~~

~~(4) Experience gained in government service including the Armed Services, to be creditable, must be of character equivalent to that which would have been gained in the private sector doing similar work. Normally, it would be expected that the applicant while in the Government Service or Armed Services, shall have served in an engineering or engineering related group under the supervision of a PE.~~

~~(5) Experience should be gained under the supervision of a registered Professional Engineer or if not, an explanation showing why the experience is considered acceptable should be made by the applicant.~~

~~(6) For sales experience to be creditable, it must be demonstrated that engineering principles were required and used in gaining the experience.~~

~~(7) For teaching experience to be creditable, it must be at an advanced level in an engineering or engineering related courses at an advanced level in a college or university offering an engineering program of four (4) years. curriculum approved by the Board. Employment must be at a teaching grade of at least Assistant Professor.~~

~~(8) Experience gained in the design of an engineering curriculum at the rank of Assistant Professor or higher and where the curriculum is approved by the Board shall be creditable.~~

~~(9) Successful completion of graduate study leading to the Master's degree in engineering which has followed a baccalaureate degree in engineering may be used for credit for one year's experience. If the Ph.D. in engineering is completed under the same conditions, an additional year of experience may be credited. If the Ph.D. is obtained without the Master's degree, the credit for experience may be up to two years.~~

~~(10) Experience may not be anticipated. The experience must have been received gained at the time the application is submitted.~~

~~(11) Experience as a contractor in the construction of a project designed by a Professional Engineer or in employment considered as that of supervising construction of such work may be considered as creditable experience but will not fulfill 100% of the design experience required and shall be at the discretion of the Board.~~

~~(12) Part time experiences shall be a minimum of 20 hours per week and must be accompanied by timecards and payroll documents. Working in-on a project with someone registered in another firm shall not constitute acceptable experience required.~~

7.B. AS A PROFESSIONAL REGISTERED ARCHITECT

In evaluating experience which indicates to the Board that the applicant may be competent to practice architecture, the following is required:

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(1) ARE Applicants: All applicants for the Architectural Registration Exam (ARE) shall possess the minimum qualifications required by NCARB where such requirements do not conflict with the Law. All applicants for the ARE must have completed the NCARB experience certification program (AXP formerly IDP).

(2) Experience in Lieu of Degree Applicants: The Board may allow an applicant without an architecture degree to sit for the ARE upon determination that such applicant has attained the knowledge and skill approximating that attained by graduation from an accredited architecture curriculum including the submission of a record of eight (8) years or more of experience in architecture work of a character deemed satisfactory by the Board. Such experience shall include completion of the NCARB experience certification program requirements. Two years (2) of eight (8) or more years may be accepted if determined that such experience is directly related to architecture under the direct supervision of a registered engineer or landscape architect. At least six (6) years of such experience must be obtained while working under the direct supervision of a registered architect.

~~In evaluating experience which indicates to the Board that the applicant may be competent to practice architecture, the following will be considered:~~

~~(1) The Intern Architect Development Program (IDP) shall be recognized as an alternative to achieving total acceptable practice. Such approval shall coincide with IDP standards and requirements.~~

~~(2) The IDP emphasizes a broad range of experience with emphasis in construction document preparation. In totaling the experiences listed in items 3 through 8 below, the maximum are listed, but even then the total acceptable time will require a broad base experience generally paralleling that of IDP.~~

~~(3) Diversified experience in architecture as an employee in the office of an architect. An organization will be considered to be an "office of an architect" if one of the two following conditions is met: (a) the principal business of the organization in which the applicant works is the practice of architecture and the applicant works under the direct supervision of an individual licensed architect practicing as a principal; or (b) the principal business of the organization (or affiliates) is construction and the incidental practice of architecture has had a substantial economic impact upon the registered architects employed by the organization, and the applicant works under the direct supervision of an individual licensed architect practicing as a principal. Provided, however, that in the case of (b) above, the Board will evaluate the time on an individual basis recognizing the need for overall design time and that the well-rounded experience needed requires more than direct construction-related time.~~

~~CREDIT ALLOWED: 100% MAXIMUM: No Limit~~

~~(4) Diversified experience in architecture as an employee of an organization (other than offices of architects) when the experience is under the direct supervision of an architect.~~

~~CREDIT ALLOWED: 50% MAXIMUM: 2 Years~~

~~(5) Experience directly related to architecture, when under the direct supervision of an architect, but not qualifying as diversified experience or when under the direct supervision of a professional engineer, landscape architect, planner or interior designer.~~

~~CREDIT ALLOWED: 50% MAXIMUM: 1 Year~~

~~(6) Experience, other than (3), (4) or (5) above, directly related to on-site building construction operations or experiences involving physical analysis of existing buildings.~~

~~CREDIT ALLOWED: 50% MAXIMUM: 6 Months~~

~~(7) A Master's or Doctorate degree in architecture (except where the degree is the first professional degree).~~

~~CREDIT ALLOWED: 100% MAXIMUM: 1 Year~~

~~(8) Teaching or research in an NAAB-accredited architectural program.~~

~~CREDIT ALLOWED: 100% MAXIMUM: 1 Year~~

~~(9) For those applicants applying under the category "Experience and Examination", the quality of experience is more important than for those applicants who possess a degree. The 8 years of experience, at least 3 years of which shall have been under a registered architect, will be the absolute minimum quality time. Design experience and a broad background approximating that of the 5 years educational qualification shall be required. It is quite possible that to achieve said experience, the Board may deem that more total years than eight (8) may be required.~~

~~(10) Part time experience must be accompanied by timecards and payroll documentation. Working on a project with someone registered in another firm does not constitute acceptable experience required.~~

~~(11) Experience may not be anticipated. The experience must have been received at the time the application is submitted.~~

7.C AS A LAND SURVEYOR

In evaluating experience which indicates to the Board that the applicant may be competent to practice land surveying, the following will be considered:

- (1) Experience must be progressive on land surveying projects to indicate that it is of increasing quality and complexity and requiring greater responsibility.
- (2) Experience must not be obtained in violation of ~~the Act~~the Law.

- (3) Experience gained in the government service including the Armed Services, to be creditable, must be of character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant while in the government service or Armed Services, shall have served in a land surveying or land surveying related group.
- (4) Experience should be gained under the supervision of a registered Professional Land Surveyor or if not, an explanation showing why the experience is considered acceptable should be made by the applicant.

(5) For teaching experience to be creditable it must be at an advanced level in a land surveying curriculum approved by the Board.

(6) A substantial portion of the experience must be spent in charge of work related to property conveyance and/or boundary line determination.

(7) Must demonstrate adequate experience in the technical field aspects of the profession.

(68) Experience may not be anticipated. The experience must have been ~~received at~~ gained by the time application is submitted.

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SECTION VIII. REFERENCES

8.A. References are those individuals who should have personal knowledge of an applicant and who are able to issue judgements concerning an applicant's experience, ability, character or reputation.

8.B. For registration requirements as a professional engineer, architect, landscape architect or land surveyor refer to 22 GCA §32113(a)(4). ~~as a professional engineer, architect, or land surveyor, an applicant must submit five (5) references, three (3) of whom shall be professional engineers, professional architects or professional land surveyors having personal knowledge of the applicant's engineering, architecture or land surveying experience.~~ For professional engineer applicants, the first three engineer references named shall be licensed or registered in the discipline branch of engineering in which licensure is sought by the applicant.

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8.C. For certification as an engineer intern or land surveyor intern, at least three (3) character references must be given.

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~~8.D. Each reference will be contacted for verification of character and experience. Verification will be made by the Board by sending reference request form to each reference given. It is the responsibility of the applicant to give the present and complete mailing address of each reference. Failure to do so may delay action on the application.~~

8.E. ~~Relative by either blood or marriage~~ Family members or subordinates may not be used as references as per Section 4(B)(9) COMPLETING APPLICATIONS.

Commented [LP20]: Already referenced in 4(B)(9).

8.F. No current Board member shall be used as a reference as per Section 4(B)(9) COMPLETING APPLICATIONS or as determined by the Board.

8.G. Each applicant should send the character reference form to inform the person being used as a references.

8.H. It is the responsibility of the applicant to assure ensure the ~~return~~ submission of completed reference forms, educational transcripts, verification of work experience and verification of licensure or registration in from other states jurisdictions with the application packet to the Board ~~within a reasonable time~~. All references, transcripts and registration verifications must be complete before any Board action may be taken on an application.

8.H. Replies received from references regarding the qualifications of an applicant shall be placed in files which are considered non-public records. The source and character of the information will be not divulged without approval of the reference or, as in special cases, when required by law.

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SECTION IX. EXAMINATIONS

9.A. GENERAL PROVISIONS

~~(1) The application and experience record as filled out and submitted by an applicant for registration is an important document. The Board analysis of the applicant's experience record is based not only on the duration of the time spent in professional work of a responsible character, but also on the importance and nature of the work. The applicant is encouraged to provide a complete and accurate record as possible.~~

~~(2) The Board shall notify the applicant of the date, place and time of the examination along with any information available for the distribution to the examinees received by the Board from NCEES, NCARB and/or CBPELS at least thirty (30) days from the date of examination.~~

~~(3) The applicant shall notify the Board of whether or not he/she will appear for the examination within ten (10) days after receipt of notification of assignment to an exam.~~

(41) The Board shall rely on the pass point-grading criteria as developed and used by the NCARB, NCEES, CLARB, and CBPELSG in evaluating examination scores. The applicant must secure a "PASS" score based on the exam offeror's grading criteria.

~~(2) The Board shall follow NCARB, NCEES, and CBPELSG policies and procedures for the administration of the examination.~~

~~(3) An approved applicant shall be given twelve (12) months to take the examination within twelve (12) months after Board approval of application.~~

9.B. ENGINEERING EXAMINATIONS

(1) CLASSIFICATION: The Board will use the following current form of examinations, prepared and furnished by ~~the National Council of Examiners for Engineering and Surveying NCEES~~, for registration as an Engineer.

- (a) An examination known as the Fundamentals of Engineering (FE) examination ~~of eight (8) hours duration~~ for certification as an Engineer Intern.
- (b) An examination known as the Principles and Practice of Engineering (PPE) examination ~~of eight (8) hours duration~~ for registration as a Professional Engineer.
- (c) An examination by CBPELSG known as the California Special Civil Seismic (CSCS) examination, ~~of two and one-half (2 1/2) hours duration~~ for registration as a Professional Engineer in the case of Civil Engineer.

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- (d) An examination known as the Structural Engineering (SE) examination for registration as Professional Engineer in the case of Structural Engineer.

~~(2) **PASSING SCORE:** Each applicant must secure a minimum grade of seventy based on the pass point criteria conforming to current practices of NCFES.~~

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(3) ELIGIBILITY REQUIREMENT:

- (a) An applicant for registration as a Professional Engineer will not be ~~assigned-admitted~~ to sit for the PPE examination until satisfactorily fulfilling all application requirements of the FE examination has been passed or waived by the Board.
- (b) No applicant may be ~~assigned admitted~~ to sit for the FE or the PE examination until the Board has established that the applicant is eligible for the examination.
- (c) An applicant for certification as an Engineer ~~Intern~~ becomes eligible for assignment ~~may be eligible to sit for~~ the FE examination during the last semester of the senior year of enrollment in a Board approved engineering program leading to a baccalaureate degree in engineering. The enrollment of the applicant must be verified by the school being attended by the applicant.

(4) EXAMINATION OFFERINGS: An applicant who fails to pass either the FE, ~~CSCS, or PPE, or SE~~ examinations may be assigned to offerings of the examination upon repayment of the examination fees.

- ~~(a) An approved applicant shall be given two (2) consecutive opportunities to take the examination. In the event he does not avail himself of these opportunities, his application shall be permanently filed and he will then have the status of a new applicant. The first opportunity shall be the next available examination schedule following approval of the application.~~
- An applicant will be notified by the Board at least sixty (60) days before examination date of approval to take the examination.
- An applicant must submit an application at least ninety (90) days before the examination date in order to sit for the examination.

(5) RE-EXAMINATION: ~~Applications for re-examination must be received by the PEALS Board at least thirty (30) days prior to the examination period, and shall be accompanied by the applicable re-examination fee.~~

9.C. ARCHITECTURAL EXAMINATIONS

(1) **CLASSIFICATION:** The Board will use the current form of examination prepared and furnished by ~~the National Council of Architectural Registration Boards (NCARB)~~ known as the Architect Registration Examination (ARE) for registration as an Architect.

(2) ~~**PASSING SCORE:** Each applicant must secure a minimum grade of seventy-five or a "PASS" based on the pass point criteria conforming to current practice of NCARB for each part of the examination.~~

(3) **ELIGIBILITY REQUIREMENT:** No applicant may be ~~assigned-admitted~~ to sit for any part of the ~~Architect Registration Examination ARE~~ until the Board has established that the applicant is eligible for the examinations.

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|

EXAMINATION OFFERINGS:

- (a) ~~An applicant who fails to pass part or parts of the Architect Registration Examination shall be permitted to sit for subsequent offerings of the examination upon payment of the examination fee. The Board will allow its applicants to take the ARE at any NCARB approved test center.~~
- (b) ~~NCARB may require retaking of other parts if registration is not attained after a certain period of time and the Board will review NCARB's recommendation on such matters. The Board will accept the examination results as determined by NCARB and will report the results to the applicant.~~

~~RE-EXAMINATION: Applications for re-examination must be received by the PEALS Board at least thirty (30) days prior to the examination period, and shall be accompanied by the licable re-examination fee.~~

I. LAND SURVEYING EXAMINATIONS

CLASSIFICATION: The Board will use the following current form of examination, prepared and ~~the National Council of Examiners for Engineering and Surveying-NCEES and GLM or examination~~ for registration as a Land Surveyor:

- (a) An examination known as the Fundamentals of ~~Land~~ Surveying (FLS) examination of ~~eight (8) hours duration~~ for certification as a Land Surveyor Intern (LSI).
- (b) An examination known as the Principles and Practice of ~~Land~~ Surveying (PPLS) examination, ~~of six (6) hours duration~~.
- (c) ~~An A locally prepared~~ examination known as the Guam Land Matters (GLM) examination on ~~territorial~~ laws and procedures for the practice of land surveying on Guam, ~~of four (4) hours duration~~ for registration as a Land Surveyor.

~~(2) -PASSING SCORE: Each applicant must secure a minimum grade of seventy for each part of the examination based on the pass point criteria conforming to current practices of NCEES.~~

ELIGIBILITY REQUIREMENT:

- (a) An applicant for registration as a Professional Land Surveyor will not be ~~assigned~~ ~~admitted~~ to ~~sit for~~ the PPLS examination until the LSI examination has been passed.
- (b) No applicant may be ~~assigned-admitted~~ to ~~sit for~~ the FLS examination or the PPLS examination until the Board has established that the applicant is eligible for the examinations.

EXAMINATION OFFERINGS: An applicant who fails to pass either the ~~FLS, or PPLS, or GLM~~ mination may be assigned to additional offerings of the examination upon repayment of the mination fees.

- (a) ~~An approved applicant shall be given two consecutive opportunities to take the~~

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~~examination. In the event he does not avail himself of these opportunities, his application shall be permanently filed and he will then have the status of new applicant. The first opportunity shall be the first examination schedule following approval of the application.~~

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locally prepared

~~(3)~~

(4)

- : An applicant will be notified by the Board at least sixty (60) days before examination date of approval to take the examination.
- : An applicant must submit an application at least ninety (90) days before the examination date in order to sit for the examination.

~~(5) RE-EXAMINATION: Applications for re-examination must be received by the PEALS Board at least thirty (30) days prior to the examination period, and shall be accompanied by the applicable re-examination fee.~~

9.E. STRUCTURAL ENGINEERING EXAMINATION

(1) CLASSIFICATION: The Board will use the ~~following~~ current form of examinations, prepared and furnished by NCEES, for registration as a Structural Engineer: ~~An examination known as the Principles and Practice of Structural Engineering Examination of sixteen (16) hours duration for registration as a Professional Structural Engineer.~~

(2) ~~PASSING SCORE: Each applicant must secure a minimum grade of seventy based on the pass point criteria conforming to current practices of NCEES.~~

~~(3) ELIGIBILITY REQUIREMENT:~~

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An applicant for registration as a Professional ~~Structural Engineer in the Structural discipline~~ will not be assigned to the ~~Principles and Practice of Structural Engineering Examination-SE~~ until registration as a Professional ~~Civil Engineer in the Civil discipline in the Territory Guam~~ has been obtained. In addition to prior registration as a Civil Engineer, the applicant must present evidence that he or she has practiced in the branch of structural engineering for a minimum of two (2) years after obtaining registration as a civil engineer before the Board will consider allowing the applicant to ~~sit for the SEthe Principles and Practice of Structural Engineering Examination.~~

(4) EXAMINATION OFFERINGS:

- (a) An applicant who fails to pass either portion of the ~~Structural Engineering Examination-SE~~ may be assigned to additional offerings of the examination upon repayment of the examination fees.
- ~~(b) An approved applicant shall be given two consecutive opportunities to take the examination. In the event he does not avail himself of these opportunities, his application shall be permanently filed and he will then have the status of a new applicant. The first opportunity shall be the first examination schedule following approval of the application.~~
- ~~(c) The Board will accept "Pass" rating of an applicant to either morning or afternoon session of Part II of the Structural Engineering examination and only that session failed by an applicant need be retaken.~~

- (5) ~~RE-EXAMINATION: Applications for re-examination must be received by the PEALS Board at least 30 days prior to the examination period, and shall be accompanied by the applicable reexamination fee.~~

9.F. EXAMINATION DATES AND LOCATIONS

~~(1) Written examinations shall be offered on dates set by NCEES, CBPELS and NCARB. Normally, these shall be in the spring and fall of the year. Dates are generally available from the office of the Board a few months in advance of the exams. The Board shall notify the applicant of the location, date and time of the pencil-and-paper based examinations. Information received from the exam offeror (NCEES, CBPELSG) shall be distributed to the examinees at least thirty (30) days from the date of examination. The Board shall administer the GLM local examination.~~

~~(2) The applicant shall register for computer based examinations approved by the Board with the exam offeror to reserve the examination(s). The applicant shall coordinate with the exam offeror for payment of fees and administration of the examination(s).~~

~~(23) Locations at which the examinations are given are designated by the Board and this information shall be available at least one (1) month in advance of the examinations. Computer based examinations shall be taken at computer test sites approved by the exam offeror.~~

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9.G. PROCTORING EXAMINATIONS OF OTHER JURISDICTIONS

~~Proctoring examinations for other jurisdictions is at the discretion of the Board. A fee for proctoring an examination will be charged based on the fee established by the Board. The Board will not accept proctoring of any examination except for active military personnel assigned to Guam.~~

9.H. LANGUAGE OF THE EXAMINATION

The language of the examination shall be English.

9.I. STUDY INFORMATION

The Board will not distribute copies of questions used on prior examinations. ~~NCEES, NCARB and CBPELS offer for sale e~~Copies of sample questions asked on prior examinations ~~they~~ may be purchased directly from ~~the exam offerors~~ them. ~~Applicants are also encouraged to contact local professional societies and individual registrants for study assistance that may be available.~~

9.J. INSTRUCTIONS FOR EXAMINEES

~~(1) Instructions for the nationally administered standard examinations shall be provided by the exam offeror.~~

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~~(2) Instructions for the GLM shall be provided prior to each the examination will declare an the examination will be declared to be open book or open book with limitations or closed~~

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book. ~~The administration of the GLM examination shall be based on NCEES examination policies.~~ When an applicant sits for an open book examination, any books, bound materials of any sort, permitted calculators which are battery-operated and non-printing may be used. None of this material may be loaned or exchanged between or among examinees. ~~The Board will take into consideration the specific examination policies of the NCEES, NCARB or CBPELS when administering examinations prepared and made available through those organizations and will make appropriate notification to examinees of those policies.~~

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9.K. FAILURE TO ATTEND AN EXAMINATION

(1) ~~An applicant who fails to attend an examination for which he or she has been scheduled will forfeit the fee paid for the examination. The examination fee or penalty will not be forfeited may be waived~~ in case of illness, death in the immediate family, or other unavoidable causes for absence for which the applicant can certify under oath, ~~witnessed by a Notary Public, or other official designated to witness oaths.~~

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(2) Failure of an applicant to attend an examination for which he or she has been scheduled to attend does not count as a failure of the examination.

9.L. EXAMINATION RESULTS

Examination results, after review and approval ~~of passing scores~~ by the Board, will be supplied provided in writing to each examinee. ~~An applicant who receives a failing score shall be advised of his/her score in writing. A person receiving a passing score shall be informed in writing of the individual's successfully passing the exam without the score being released. The examinee may be informed verbally of the passing score (where a numerical score is applicable) provided that the examinee signs a written statement that such information is for personal knowledge and shall not be for merit or personal gain and shall never be publicized.~~

9.M. REVIEW OF FAILED EXAMINATIONS

~~An applicant who fails to make a passing score on an examination may review the examination paper within thirty (30) days after receiving the result. The review must be done in the office of the Board under the supervision of a staff member. Review of failed examinations shall be in accordance with the policies of the organizations responsible for preparation and distribution of them.~~

9.N. EXAMINATION FOR RECORD PURPOSES

(1) Any engineer, architect or land surveyor registered by this Board without examination may take, for record purposes, the examinations offered by NCEES, NCARB, CLARB and CBPELSG upon approval of the Board and payment of the examination fee.

(2) Failure to pass any examination for record purposes will in no way affect current certification or registration.

SECTION X. CLASSIFICATION OF REGISTRATION

10.A. ENGINEERING

(1) CLASSIFICATION OF REGISTRATION: Successful applicants shall be registered or certified under one of the classifications as prescribed by the laws of ~~this Territory~~ Guam:

- (a) Professional Engineer - by education as applicable, experience and examination, or by comity
- (b) Engineer Intern - by education as applicable and examination

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(2) BRANCHES OF ENGINEERING

- (a) ~~Civil~~ Architectural
- (b) ~~Structural~~ Civil
- (c) ~~Mechanical~~ Chemical
- (d) Electrical
- (e) ~~Chemical~~ Environmental
- (f) ~~Industrial~~ Fire Protection
- (g) Industrial
- (h) Mechanical
- (i) Structural
- (g) Other disciplines for which NCEES prepares standard examination may be recognized by the Board as the need arises. ~~The rules shall be amended as required to include those disciplines not previously listed.~~

10.B. ARCHITECTURE

CLASSIFICATION OF REGISTRATION: Successful applicants shall be registered as Architects as prescribed by the laws of ~~this Territory~~ of Guam.

- (a) Registered Architect: By education as applicable, experience and examination, or by comity
- (b) Intern Architect: By completion of NCARB experience certification program (AXP formerly IDP)

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10.C. LANDSCAPE ARCHITECTURE

CLASSIFICATION OF REGISTRATION: Successful applicants shall be registered or certified as Landscape Architects as prescribed by the laws of Guam.

(a) Registered Landscape Architect- By Comity. A person must hold current registration whose examinations are recognized by CLARB.

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10.CD. LAND SURVEYING

CLASSIFICATION OF REGISTRATION: Successful applicants shall be registered or certified under on the classifications as prescribed by the laws of this Territory of Guam:

- (a) Registered Professional Land Surveyor-By education as applicable, experience and examination, or by comity with local examination
- (b) Land Surveyor Intern-By education as applicable, experience and examination

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10.D. EMERITUS

Professional Engineers, Architects, Landscape Architects, or Professional Land Surveyors who are sixty-five (65) years of age or older, who have been registered in Guam for at least five (5) years and who has have been a residents of Guam for at least five (5) years and has no record of disciplinary action may be eligible for "Emeritus" status and corresponding reduced registration fees as determined by the Board. The honorific title is given as a form of recognition for their accomplishments and to maintain their professional status with retirement from formal practice.

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(1) A Professional Engineer, Architect, Landscape Architect or Professional Land Surveyor to qualify as Emeritus must be "retired" and must not participate in the preparation of construction documents, calculations, reports, expert testimony, and other aspects of professional services, with the exception of teaching or authoring of publications or articles.

The intent is to permit a reduced fee for such individuals as a show of respect for their accomplishments, so they may maintain their professional title but without formal practice.

10.E. RETIRED

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Professional Engineers, Architects, Landscape Architects, or Professional Land Surveyors who are registered with the Board may be eligible for "Retired" status upon Board approval and must not engage in the preparation of construction documents, calculations, reports, expert testimony, or authoring of publications or articles. If a retired registrant should desire to be reinstated to active status, all applicable back fees and penalties shall be paid.

10.E. CERTIFICATE OF AUTHORIZATION

(1) Practice of Corporations, Partnerships or Associations Business Entity

Any ~~Business Entity corporation, partnership, joint venture or any other association of two (2) or more firms,~~ whether organized and registered under the laws of Guam or any other jurisdiction, ~~may shall~~ not offer to engage in the practice of engineering, architecture, land surveying or construction management services involving the practices thereof in Guam until such ~~Business Entity corporation, partnership, joint venture or association~~ has obtained a certificate of authorization issued by the Board.

- (d) A fee as set forth in the Fee Schedule of the Board.

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(2) Application for a Certificate of Authorization

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Applications for a Certificate of Authorization of ~~partnerships, corporations, joint ventures any business entity~~ or associations to engage in engineering, architecture, landscape architecture, land surveying or construction management services shall be on the form prescribed by the Board and may be obtained from the PEALS Board ~~at their office~~ or the Board's website. The application shall contain the following information:

- (a) The name, registration number, ~~and signature~~ and contact information of the Engineer, Architect, Landscape Architect or Land Surveyor registered on Guam who will be responsible for all engineering, architecture, landscape architecture, land surveying or construction management services of the ~~corporation business entity~~ or association; ~~in the case of partnership, the name, registration number and residential addresses of each general partner~~ engaging in the practice of engineering, architecture, landscape architecture, land surveying or construction management in Guam;
- (b) The name, address, registration number (if applicable), ~~and signature~~ and contact information of all the officers and/or partners of the ~~business entity corporation, partnership or association including each officer or partner's percentage of ownership and/or share.~~ ~~(Amended by P.L. 24-263)~~

(3) ~~The name, address and signature of acceptance of the corporation, partnership or association's agent, or representative on Guam. (Deleted by P.L. 24-263)~~

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(4) Accompanying Documents

All Applications for a Certificate of Authorization shall be accompanied by the following documents:

- (a) ~~In the case of a corporation or association, a~~ A copy of ~~the corporation's business entity's legal documents, i.e.~~ articles of incorporation, by-laws, agreements and similar ~~charter documents~~ certified by the ~~Secretary of State~~ of the jurisdiction in which the corporation is organized and filed with Guam Department of Revenue and Taxation; and, a copy of a certificate as a foreign or domestic corporation issued by the Department of Revenue and Taxation.
- ~~(b) In the case of a partnership, a copy of the partnership agreement signed by the general partners.~~
- (c) In the case of a sole proprietor operating under a fictitious name, a document issued by the Department of Revenue and Taxation recognizing authority to "certificate of transacting business under a fictitious name." ~~from Guam Department of Revenue and Taxation.~~
- (e) A statement of disclosure by ~~A~~ any government employee or official, whether federal or of the Government of Guam, or for a Government of Guam semi-autonomous agency, who is a part owner, shareholder or member of the Board of Directors of a firm receiving a Certificate of Authorization, shall specifically make such involvement known to the PEALS Board. Failure to receive such disclosure may be grounds for revocation of the Certificate of Authorization.

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~~The PEALS Board shall publish such information for the general public once a year and, at the Board's discretion, may notify the agency involved. Failure to receive such disclosure may be grounds for revocation of the Certificate of Authorization.~~

(4) Expirations and Renewals

- (a) A Certificate of Authorization shall be issued as of the date it is approved by the Board and shall be valid until the last day of the month of September of each year.
- (b) A Renewal Notice shall be electronically transmitted or mailed annually by the Board, ~~not later than the last day of August~~ at least 30 days prior to registration expiration, to the last known address of the ~~corporation, partnership business entity~~ or

association showing the expiration date of their certificate and the amount of the fee for renewal. The annual fee shall be as set forth in the Fee Schedule of the Board.

- (c) Application to renew the Certificate of Authorization shall be on the form prescribed by the Board and shall be submitted to the Board ~~no later than the last day of the month of September of each year prior to the date of expiration~~. If any change occurs in any of the information provided to the Board, ~~corporate legal documents reflecting the~~ **Commented [LP39]:** Legal already shown in rough draft change(s) shall accompany the renewal application. ~~The renewal application must be complete and accompanied by a Tax Clearance Form completed/stamped by the Department of Revenue and Taxation.~~
- (d) The Board shall consider the application for Certificate of Authorization a renewal application if there are no change(s) made from the original application ~~or if there are deletion(s) of service or engineering discipline(s) provided or offered by the corporation, partnership or association.~~
- (e) The Board shall consider the application for a Certificate of Authorization ~~a new-an~~ amended application if there are changes(s) made from the original application or when there are additions or deletions to the type(s) or services or engineering discipline(s) being provided or offered by the ~~corporation, partnership or association~~ business entity.

(5) Amendments of Certificate of Authorization

Changes in the ~~corporation, partnership or association's business entity's~~ organization and responsible engineer, architect, landscape architect or land surveyor during the year shall be reported on the same application for Certificate of Authorization form and shall be filed with the Board within thirty (30) days after the effective date of such change with the applicable application fee.

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SECTION XI. REGISTRATIONS

11.A. REGISTRATION NUMBER AS A PROFESSIONAL ENGINEER, REGISTERED ARCHITECT, REGISTERED LANDSCAPE ARCHITECT OR REGISTERED PROFESSIONAL LAND SURVEYOR

Each registrant shall be assigned a registration number at the time registration is granted by the Board. Numbers shall be issued consecutively and separately for professional engineers, registered architects, registered landscape architects and registered professional land surveyors and in the order in which applicants are ~~granted registration~~ pay their registration fees. ~~The registrant will be advised of his/her number by the Board.~~

11.B. CERTIFICATES OF REGISTRATION/AUTHORIZATION

The Board shall issue a Certificate of Registration or Certificate of Authorization to an applicant who has met the requirements of ~~this Territory~~ Guam and who has paid the registration fee prescribed by the Board. The certificate will be signed by the Chairman and Secretary of the Board and will show the registrant's registration number and seal of the Board.

11.C. REISSUANCE OF CERTIFICATE

~~When a Certificate of Registration or Authorization is lost, destroyed or mutilated, it~~ will be replaced upon a written request accompanied by the prescribed fee by a registrant in good standing, upon approval of the Board and upon ~~payment of the prescribed fee~~ approval of the Board.

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SECTION XII. SEALS

12.A. SEAL OF THE BOARD

The official seal ~~authorized by~~ of the Board shall consist of the seal of ~~the Territory of Guam,~~ ~~surrounded by and~~ the words, "TerritorialGuam Board of Registration for Professional Engineers, Architects, and Land Surveyors".

12.B. SEAL OF REGISTRATION REGISTRANT

Refer to 22 GCA §32116(d) for sealing requirements.

(1) ~~When an applicant is granted registration, he/she shall obtain a seal of a design authorized by the Board. The seal shall be an image or imprint from a rubber stamp or other medium as approved by the Board. The seal must not be less than 1 ½" (one and one-half) inches and not more than 2 (two) 2 inches in diameter and shall bear contain~~ the following information:

- (a) Registrant's Name as it appears on the certificate issued by the Board;
- (b) ~~Registrant's~~ Registration Number ~~and discipline (in the case of professional engineers only).~~
- (c) Contain the words "Professional Engineer" and branch of engineering approved by the Board centered on the seal (Civil, Structural, Mechanical or Electrical), "Registered Architect", "Registered Landscape Architect" or "Professional Land Surveyor". Each discipline shall have a separate seal for each profession;
- (d) Contain the word "Guam";
- (e) Expiration date or space within which the expiration date shall be written.

~~(2) Seals must be a permanent mark on the document being sealed. The standard seal must be used on all original tracings, blue prints, drawings, specifications, reports and other documents prepared by professional engineers, registered architects or registered land surveyors.~~

~~(3) Whenever the seal is applied, t~~The registrant's hand-written signature shall be signed across or adjacent to the seal with the statement "This work was prepared by me or under my ~~direct supervision~~ responsible control" and include the date of signing.

12.C. SEAL ON DOCUMENTS

Refer to 22 GCA §32116(d) for sealing requirements.

(1) ~~The seal and signature of the registrant shall be placed in all specifications, reports, drawings, plans, design information and calculations or land surveys, plats, and calculations whenever presented to a client or any public or government agency to certify that the work thereon was done by the registrant or under the direct supervision of the registrant.~~

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(2) The seal and signature shall be placed on all original copies, tracings or other ~~reproducible documents so that the seal and signature will be reproduced when copies are made.~~

(1) The seal and dated signature shall be placed on all technical submissions which are required by building authorities for building permits or regulatory approvals, or are intended for construction purposes, including all addenda and other changes to such submissions. The seal and dated signature shall mean that the registrant was in responsible control over the content of such technical submissions during their preparation and has applied the required professional standard of care.

~~(3) For residential projects the seal will be placed when the documents contain more than one sheet. The first or title page sheet shall be sealed and signed by all registrants involved in the work or those registrants who directly supervised the work and are responsible for it. In addition, each sheet shall be sealed and signed by the registrant or registrants responsible for each sheet.~~

~~When a firm performs the work, each sheet shall be signed by the registrant or registrants who actually did the work. The-In addition, the primary Responsible Managing Employee (RME) having full control over the operations of the firm principal person in charge shall also sign, and seal and date the title or first sheet.~~

Commented [LP43]: 22 GCA §32116(d)(3)

~~(4) The seal and signature shall be placed on work only when it was under the registrant's direct supervision, provided that if the work was performed at an office outside the locale in which the registrant permanently resides, the seal may be used only if the registrant supervised the work on a full-time basis.~~

Commented [LP44]: 22 GCA §32116(d)(4)

Commented [LP41]: Rough draft shows Registered.

Commented [LP42]: Paragraph already stated in the law

Commented [LP45]: 22 GCA §32116(d)(5)

(6) Title Block contents:

(a)

1.

2.

~~(5) When a registrant of another state has a temporary permit to practice in this Territory, he shall use his/her state's registration seal and affix his/her signature and a copy of the temporary permit to work done in this Territory.~~

Commented [LP46]: 22 GCA §32116

~~(3) In the case of a document involving a commercial project, a seal of an architect and all appropriate engineering disciplines shall be required for each portion of drawings regardless of the height of the building. The civil engineer may also seal and sign the structural portion of the document provided it is not more than three stories in height as per 22 GCA §32116(d)(8)(A). One of the registrants shall be designated as the registered design professional in responsible charge of all disciplines involved in the work, and shall be responsible for reviewing and coordinating submittal documents prepared by the other disciplines.~~

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~~(4) In the case of a document involving prefabricated and pre-engineered structures to be adapted to a site, a seal of civil engineer shall be required unless the structure is three or more stories in height as per 22 GCA §32116(d)(8)(a) in such case a seal of a structural engineer shall be required.~~

(5) Title Block on Drawings:

~~(a) A title block shall appear on all drawings and site plans. Title block information is not required in renderings. Similar information shall appear on the title page of all specifications which are prepared, signed and sealed by the engineer, architect or landscape architect in responsible charge.~~

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~~(b) The title block shall be affixed on each drawing in such a manner as to reproduce clearly on all prints and reproductions thereof.~~

~~When the engineer, architect or landscape architect practices as an individual or sole proprietor, the title block shall contain:~~

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~~_____ The full name of the licensee or registrant;~~

~~_____ The title "Professional Engineer", Registered Architect", or "Registered Landscape Architect";~~

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~~_____ The address of the licensee or registrant;~~

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~~_____ A space for the name of the client and the location of the project;~~

~~_____ A space for the seal and handwritten signature of the registrant in responsible control charge, and the date when signed.~~

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~~When the engineer, architect or landscape architect practices as a business entity organized under the laws of Guam, the title block shall contain:~~

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~~_____ The business entity's name;~~

4.

5. (b)

1.

2. The address of the business entity;

3. A space for the name of the client and the location of the project;

4. The name, COA number, and space for the handwritten signature of the registrant in responsible control, and the date when signed.

(67) Seals of Professional Engineers: Refer to Section 32116 of P.L. 24-26322 GCA §32116(d)(8)

(78) Seals of Registered Architects: Refer to Section 32116 of P.L. 24-26322 GCA §32116(d)(9)

(89) Seals of Professional Land Surveyors: Refer to Section 32116 of P.L. 24-26322 GCA §32116(d)(10)

SECTION XIII. CONTINUING PROFESSIONAL COMPETENCY

12.A All licensees or registrants shall meet the continuing professional competency requirements for professional development as a condition for licensure or registration renewal.

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SECTION XIII. MOONLIGHTING/PART TIME WORK

13.A. MOONLIGHTING/PART TIME WORK

Registrants who are working on projects ~~part time outside of regular full-time employment while still at another job working full time~~, are cautioned that all work must be done under their ~~direct supervision~~ responsible control. ~~The Board may at its discretion, review monthly project applications from the Building Permits Section of the Department of Public Works and Survey Division of the Department of Land Management.~~ If the quantity or size of projects being sealed by a registrant working on a part-time moonlighting basis exceeds what the Board considers consistent with proper professional work, the registrant may be requested by the Board to appear for further review of the matter. Further disciplinary actions including suspension or revocation of license may be initiated. The Responsible Managing Employee (RME) shall not engage in moonlighting work that conflicts or interferes with their responsibilities as an RME.

The registrant may be required to submit ~~timecards and payroll records documenting that documents or information to support that the work was~~ were prepared under his or her ~~complete direction and responsible~~ responsible control.

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SECTION XIV. OTHER ITEMS

14.A. CONSTRUCTION MANAGEMENT

(1) The ~~purpose and intent of the PEALS Board is not to necessarily define or limit the bounds of Construction Management, but to~~ shall regulate those aspects of construction management, as defined under 22 GCA §32103(L), that are clearly the elements within the professional practice of engineering, architecture, landscape architecture and land surveying and shall be performed within their discipline as ~~regulated by the PEALS Board, as per the general provisions of the Act.~~

(2) Any ~~person individual or business entity, corporation, partnership or association~~ providing services under the heading of 'Construction Management' shall initially have professional registration or Certificate of Authorization for Construction Management ~~be required to have the following services performed by engineers, architects, or land surveyors duly registered in this Territory. Such s~~Services shall fall under the broad definition of engineering, architecture, landscape architecture and land surveying ~~and shall~~ include but are not limited to:

- (a) Professional construction inspection or observation.
- (b) Certifications
- (c) ~~Shop drawing Submittal~~ review and /or approval
- (d) Engineering calculations
- (e) Revising construction details
- (f) Documents interpretation

14.B. DESIGN BUILD

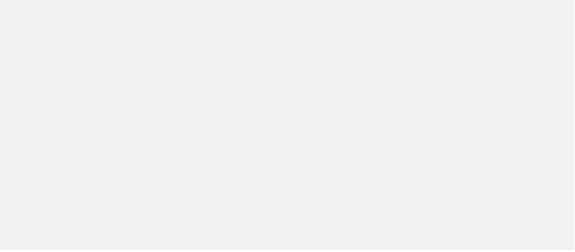
The PEALS Board shall regulate those aspects of design build as defined in 22 GCA §32108(B) that are clearly the elements within the professional practice of engineering, architecture, landscape architecture, and land surveying and shall be performed within their discipline under 22 GCA §32102.

14.CB. RESPONSIBLE MANAGING EMPLOYEE - LIMITS OF CONTROL

In order to qualify and maintain a Certificate of Authorization, the Responsible ~~Management~~ Managing Employee's (RME) limits of responsible professional control will be considered as set forth:

Commented [LP47]: Not in R&R rough draft

(1) The work and tasks under the RME shall be in proportion to what would constitute reasonable control on a project in accordance with ~~Section 47014.d.4 22 GCA §32116(d)(5)-~~



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The sealing and stamping of documents without full time supervision of the work is contrary to the Law. In addition, all ~~firms-business entities~~ and RMEs, by the representation and acceptance of the Certificate of Authorization, shall acknowledge and accept the Board's authority to review the limits of control of the RME at the Board's discretion.

14. ~~DC~~. RESPONSIBLE MANAGING EMPLOYEE - FULL TIME

(1) The Responsible Management Employees (RME) shall be employed on a full time basis ~~with seventy five (75%) percent physical presence~~ in full responsible control of the operations of the ~~firm in order for the organization-~~ business entity in order to qualify for and maintain a Certificate of Authorization.

(2) ~~The Responsible Management Employee (RME) may still conduct registered endeavors on his/her own, but to a very limited extent, commensurate with the very limited work time.~~

SECTION XV. TEMPORARY PERMITS

15.A. ENGINEERS AND ARCHITECTS

(1) ~~GENERAL PROVISIONS: This Board may grant a temporary permit to a person who is not a resident of this Territory or who has no established place of business and desire to practice or offer to practice engineering or architecture in this Territory provided such person is legally qualified by registration in his/her home jurisdiction and that his/her qualifications for obtaining the permit meet those required for registration under the Act. For an Architect, this requires, as a minimum, an NCARB certificate. To obtain a temporary permit, an applicant must apply to this Board on forms provided by it, receive approval from the Board, and pay a fee as established by the Board.~~

(2) ~~LENGTH OF SCOPE OF PERMIT: The permit shall be granted for a definite length of time not to exceed one (1) year to do a specific job and shall provide that there is no right to practice engineering or architecture with respect to any other works not set forth in the permit.~~

(3) ~~MULTIPLE TEMPORARY PERMITS or consecutive Temporary Permits shall not be issued. A minimum period of five years shall be required between Temporary Permits and all applicants shall be encouraged to apply for regular registration.~~

15.B. LAND SURVEYORS

The practice of land surveying under a temporary permit by a person recognized as a professional land surveyor in another jurisdiction is not considered to be in the best interest of the public and therefore, shall not be granted.

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SECTION XVI. EXPIRATIONS, RENEWALS AND REINSTATEMENT S

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15.A. The responsibility for the timely renewal of a registrant's license rests solely with the individual registrant. The responsibility for the timely renewal of a business entity's COA rests solely with the business entity.

~~156-AB. As per 22 GCA §32117, A a~~ renewal notice shall be electronically transmitted or mailed ~~annually~~ by the Secretary of the Board, ~~not later than the last day of August, at least thirty (30) days prior to the registration renewal~~ to the last known address of ~~every~~ persons holding a ~~e~~Certificate of ~~r~~Registration ~~under the Act~~ and to ~~every~~ firms holding a ~~e~~Certificate of ~~a~~Authorization showing the expiration date of their certificate and the amount of the fee for renewal.

~~156-BC.~~ The annual renewal fee shall be established by regulation of the Board.

~~156-CD.~~ Renewal fees may be paid any time prior to the expiration date but must be paid on or prior to the expiration date in order to avoid penalty for late renewal.

~~156-DE.~~ Any renewal fee received after the expiration date shall be assessed \$~~250~~ per month for each month of delayed. Individual registrants have for a maximum of six (6) months sixty (60) days after which a reinstatement application shall be required. A Certificate of Authorization is considered null and void if not renewed before the expiration date. without submitting the reinstatement application. Refer to 22 GCA §32117(a)(3).

~~16.E. After six (6) months of failure to renew a certificate of registration, a registrant shall be required to file a Request for Reinstatement of Registration with the Board and may be required to appear for an interview with the Board, and shall be required to pay all penalty and past registration fees.~~

~~16.F. The responsibility for the timely renewal of a registrant's license rests solely with the individual licensee.~~

~~156-GF.~~ After ten (10) years of lapse, the registrant shall be required to retake ~~the~~ all applicable current exams prior to being eligible for registration. In cases of Comity where the applicant has maintained their ~~base state~~ registration in another jurisdiction, a new application for Comity will be required.

15G. Individuals with Emeritus and Retired status must apply for reinstatement to resume formal practice and shall pay re-application and back registration fees for every month from date of last registration.

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SECTION XVII. PROFESSIONAL CONDUCT

167.A. RULES OF PROFESSIONAL CONDUCT

The Board has prepared and adopted Rules of Professional Conduct for Professional Engineers, Architects, Landscape Architects and Land Surveyors.

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All persons and business entities registered under ~~the provisions of the Act the Law~~ are charged with ~~having knowledge of the existence of knowledge and compliance with~~ the Rules of Professional Conduct as ~~per 22 GCA §32109(e), well as amendments from time to time which are made known in writing to every registrant and applicant for registration. The Rules and amendments are also published in the Roster of Professional Engineers, Architects and Land Surveyors and are binding on all registrants.~~

167.C. CONVICTIONS RECORD OF DISCIPLINARY ACTION

A registrant of this Board who has been fined, ~~received a~~reprimanded, put on probation, subject to any restriction, or whose license has been surrendered, has entered into a stipulation, or had a license revoked, suspended or denied in another jurisdiction for reasons or causes which this Board finds would constitute a violation of the law governing the practice of engineering, architecture, landscape architecture or land surveying in this ~~Territory jurisdiction~~ or any rule or regulation promulgated by this Board shall be sufficient cause for levying a fine, reprimanding the registrant, denying, revoking, or suspending a license to practice engineering, architecture, landscape architecture or land surveying by the registrant in this ~~Territory jurisdiction under the Law.~~

167.D. SEVERABILITY

In the case of court action which declares for any reason any of the above Rules and Professional Conduct invalid, the remainder shall continue in full force and each of the Rules of Professional Conduct and/or parts thereof are severable.

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SECTION XVIII. COMPLIANCE AND ENFORCEMENT

178.A. COMPLIANCE

(1) The statutes of this ~~Territory jurisdiction~~ provide that ~~person individuals or business entities~~ must be registered to practice or offer to practice engineering, architecture, ~~landscape architecture~~ or land surveying in this ~~Territory jurisdiction~~. Any ~~person individual~~, firm, partnership, organization, association, corporation or ~~other other business~~ entity using the words "engineer", "engineering", "architect", "architecture", "land surveyor", or "land surveying" or any modification or derivative thereof in its name of form of business activity except as authorized in ~~the Act the Law~~, or any person presenting or attempting to use the certificate of registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the Board or any member thereof in obtaining or attempting to obtain a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked or non-existent certificate of registration, or who shall practice or offer to practice when not qualified, or any person who falsely claims that he or she is registered under ~~the Act the Law~~, or any person who shall violate any of the provisions of ~~the Act the Law~~ shall be ~~guilty of a petty misdemeanor~~ subject to disciplinary action or to civil proceedings under the Law.

(2) ~~Any individual or corporation registered with this Board to perform land surveying services shall comply with the minimum standards modified for land surveyors in this Territory.~~

18.B. ENFORCEMENT

~~This Board may initiate action in cases where a person's actions might reasonably be judged to be in non-compliance with the provisions of the Act. (moved to SECTION I(1)(D).~~

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SECTION XVIII. DISCIPLINARY ACTION

189.A. COMPLAINTS

Proceedings to fine, reprimand, suspend, refuse to renew or to revoke an individual's eCertificate of rRegistration or a firm's business entity's eCertificate of aAuthorization may be initiated by any person who may ~~prefer~~ submit charges of fraud, deceit, gross negligence, incompetence, misconduct, or violation of the Rules of Professional Conduct.

(1) Any and all charges presented against any individual registrant, or against any entity corporation, partnership or association holding a eCertificate of aAuthorization must be made in writing on a PEALS complain form, and signed by, sworn to by the person or persons making the complaint them before a Notary Public and shall be filed with the Secretary of in the office of the PEALS Board.

(2) ~~All charges made should include the following: the name and address of the complaint and respondent, a concise statement of the complaint with facts supporting the allegation that a violation has occurred and a statement of the relief sought. The complainant shall sign the complaint witnessed by a Notary Public.~~

(3) Complaints may also be initiated by any member of the Board or by motion to be **Formatted:** Strikethrough initiated by PEALS staff, ~~Procedures are available at the PEALS office, where only~~ **Formatted:** Strikethrough submittal of facts or documents are concerned i.e. false advertising, inappropriate phone listing, **Formatted:** Not Highlight business card, etc. Such submittals shall be without opinion. The submitting Board member **Formatted:** Not Highlight may participate in actions pertaining to the matter without prejudice provided **Formatted:** Not Highlight opinions were not included with the submittals.

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(4) ~~Prior to any disciplinary action being taken, the Board may negotiate a Settlement of the~~ **Formatted:** Not Highlight charges.

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(5) ~~If no response is received by the Board by the due date, the Board may proceed on the~~ **Formatted:** Not Highlight Accusation without a hearing.

189.B. SUMMONS AND COMPLAINT STATEMENT OF ISSUES

(1) In the event the Executive Board-Administrator determines that the complaint has merit, the Board shall determine if a notice of accusation and statement of charges shall be issued to the respondent, a probable cause exists, the Legal Counsel of the Board shall be requested to prepare a summons and complaint.

(2) The summons and complaint notice of accusation and statement of charges or by any means authorized under the Administrative Adjudicated Law (AAL) shall be personally served or mailed to the last known address of the individual registrant(s) charged or firm holding a certificate of authorization-respondent. The respondent shall be given 15 days to

~~respond, and if a disciplinary hearing is requested, the date shall be set within 30 days of the response, at least thirty (30) days before the date fixed for hearing. If mailed, a return receipt shall be requested.~~

(3) ~~If no response is received by the Board by the due date, the Board may proceed with disciplinary action without a hearing. Prior to any disciplinary action being taken, the Board may negotiate a settlement of the charges.~~

~~(34) The charges must be heard by the Board in accordance with 22 GCA §32121. The summons and complaint shall show the time, place and nature of the hearing, a statement of legal authority and jurisdiction under which the hearing is to be held, reference to the particular section of statutes and/or rules involved, and a short and plain statement of the matters asserted. The notice of the summons and complaint shall indicate that at any hearing the accused individual registrant or firm holding a certificate shall have the right to appear in person or be represented by counsel or both to cross-examine witnesses in his or her or its defense and to produce evidence and witnesses of his or her or its defense. If the accused person or corporation fails or refuses to appear, the Board may proceed to hear and determine the validity of the charges. The notice shall be in substantial compliance with the requirements of the laws of this Territory.~~

189.C. EVIDENTIARY MATTERS

The Board shall follow the Administrative Adjudication ~~Act~~ Law on ~~this evidentiary matters~~ during a disciplinary hearing.

189.D. CONDUCT OF HEARING

The Board shall follow the Administrative Adjudication Act Law wherein either the Legal Counsel shall ~~hear the case~~ shall act as hearing officer or in case of conflict, the Board shall appoint a hearing officer and who shall make recommendations to the Board, or where the Board hears the case, ~~the Board may appoint a hearing officer to preside as judge over the case~~ the hearing officer shall act as the judge.

18.E. ORDER OF THE BOARD

The Board shall issue a judgement and order in a timely manner ~~as soon as possible~~ from the date of the final hearing.

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19.F. DISCIPLINE

~~Upon order by the Board in which the respondent is found guilty of the charges preferred, the Board may issue a reprimand, suspend, refuse to renew or revoke the individual's certificate of registration or the firm's certificate of authorization.~~

Refer to 22 GCA §32121(d). At its discretion, the Board may stay, permanently or temporarily, the execution of its order conditioned on any provision that the Board believes appropriate under the circumstances for the case.

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SECTION XX. REINSTATEMENT OF REGISTRATION OR CERTIFICATION AFTER SUSPENSION

20.A. PETITION FOR REINSTATEMENT

~~Upon petition of an individual registrant or firm formerly holding a certificate of registration or authorization, which has since been suspended, the Board may reissue a certificate of registration or authorization provided that a majority of the members of the Board vote in favor of such issuance.~~ Refer to Refer to 22 GCA §32121(f). Reinstatement shall be granted upon payment of all back registration and late penalty fees. Such reinstatement shall not supersede any prior record of disciplinary action.

20.B. BOARD ACTION

The Board, for reasons it may deem sufficient, may reissue a certificate of registration to any person or a certificate of authorization to any corporation whose certificate has been

~~suspended. Such reissuance shall not supersede prior Board decisions and recommendations as to penalty etc. taken for disciplinary action.~~

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SECTION XXI. CONFLICT AND BIAS

A Board Member shall be excused and shall not ~~participate on any discussion or~~ vote in any action, disciplinary or otherwise, if the Board Member may be biased for or against a Respondent or the ~~ire~~ may exist a potential conflict of interest. If a potential conflict of interest or bias exists, such ~~determination-judgement~~ shall be made by a majority vote of the ~~remaining Board members original Board quorum~~.

If the Board member has a potential conflict, that Board member ~~is obligated to~~ may disclose such a potential conflict.

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SECTION XXII. SEVERABILITY

If any of the Rules and Regulations, or any part thereof, ~~of this Board promulgated under the provisions of the rule making authority for Territory agencies~~ are found by the courts to be invalid for any reason, the remainder shall continue in full force and effect. Each Rule and/or any portion thereof shall be severable.

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SECTION XXIII. ADOPTION AND AMENDMENT OF RULES

23.A. ADOPTION OF RULES

Rules or regulations are adopted by this Board, under the ~~provision of the Code of Laws Law~~ governing the practice of engineering, architecture, landscape architecture or land surveying which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. They must not be inconsistent with the Constitution and the laws of ~~this Territory Guam~~.

23.B. PETITION FOR ADOPTION OR AMENDMENT OF RULES

An interested person may petition the Board requesting the promulgation amendment or repeal of a regulation. The petition shall be submitted in the following form:

PETITION TO ADOPT, AMEND OR REPEAL A REGULATION

(1) Name of Petitioner

Address of Petitioner

Phone No. Of Petitioner

(2) Description of the change which is proposed or requested. (Clearly and concisely describe the changes which are proposed showing either the new proposal or an amendment with deletions and additions or a statement to repeal a quoted regulation).

(3) Purpose of proposed change. (Describe what effect the proposed change will have and why you believe it should be made).

(4) Signature of petitioner and date.

Signature Date

The Board, within ~~thirty (30)~~ ninety (90) days, shall either deny the petition in writing with reasons for the denial or initiate regulation-making procedures for further consideration of the change.

23.C. PROCEDURE FOR ADOPTION AND AMENDMENT OF RULES

Procedures for adoption and amendment of rules and regulations of this Board shall be in compliance with the Administrative Adjudication ~~Act~~ Law of ~~this Territory~~ Guam.

Promulgated and adopted: August 1, 1996.