

The Guam Board of Registration for Professional Engineers, Architects and Land Surveyors
PEALS Board Regular Meeting
Tuesday, September 12, 2017, PEALS Board Conference Room Suite 208 03:05 PM - 5:05 PM

Present: Gabriel A. Jugo PE SE, Chairman H. Mark Ruth, RA, Vice Chair
Maria Elizabeth V Cristi, PE/Sec & Treas. Paul L. Santos, PLS, Member
Liza J. Provido, RA Philip I. Villanueva, Public Member
Glenn Leon Guerrero, DPW Director Raymond C. Borja, Exec. Board Adm.
AAG Tom Keeler Marie Villanueva, Adm. Asst.
Nixon Isaac, Board Investigator

Guests: None

1.0 Call To Order

All members were in attendance. The meeting was called to order at 3:05PM by BC Jugo.

2.0 Review July 25, 2017 – Regular Meeting Minutes

The following comments were noted:

BM Provido notes, Page 7 of 9, second paragraph. Strike two sentences beginning at “There seems to be no stopping.. It’s frustrating” as it leads to being subjective. BC Jugo suggested inserting “Sec. & Treas. Cristi expressed frustration indicating there seems to be no stopping Atalig as long as he is employed with Meliton Santos who stamps his work”. And strike “It’s frustrating.”

BM Santos notes, page 2, first paragraph, last sentence. To eliminate the underline in the last sentence.

It was moved by BM Provido and seconded by Sec. & Treas. Cristi, and unanimously carried to accept the meeting minutes with the corrections as mentioned above. 7/0

3.A EBA Reports and Updates: 3.A Board Administrative Activities –July 11 thru September 05, 2017

EBA Borja reviewed page 15 – AS400 Statement of Appropriations, Allotment Outstanding Encumbrance and Expenditures. Page 16-17 PEALS FY17 Revenue and FY 16 Previous Year Comparison sheet indicates we are \$16K down. EBA noted reasoning is due to No Penalty/Fines for the year. Revenue from October NCEES Exams as is now done directly by examinees and will no longer be handled by the Guam PEALS Board. Pg 18 is the PEALS Monthly Revenues from FY12 to Current, Breakdown of Expenditures, and a listing of PEALS FY18 Budget Breakdown of Object Class as of September 5, 2017. FY 18 Budget is on hold as the Governor has since vetoed legislation. Page 19 – 20 shows Bank of Hawaii Activity and Statements for July and August 2017 with supporting documents on pages 21 and 22.

EBA Borja reported the last invoice from NCEES (April 2017 Exam Scoring) is still in a requisition state and not been issued a purchase order as of this date. EBA requested Board guidance. BC Jugo suggested a letter be submitted to the Chief Procurement Officer with chronicling information, consequences and need

to push this requisition as soon as possible. AAG Keeler suggested to also cc our Senatorial Oversight Chair Senator Aguon to reiterate the establishment of using the revolving Bank of Hawaii account.

If NCEES refrains from providing material for the October 2017 Exam for non-payment; EBA Borja is to call for a Special Board Meeting.

For informational purposes only, page 23 – 24, is the PEALS website Google Analytics Report.

3.B OPA REPORT UPDATE:

EBA Borja and BC Jugo reviewed corrective action plan per item that was given to the Public Auditor as our reply to the list of audit recommendations

Page 25 – 26 1.a, we are in compliance. 1.b, we are in compliance, 2.a, EBA Borja to prepare first bi-annual report showing the reconciliation of registrants on or about 9/30/2017 for Board verification. 2.b is currently in progress. EBA Borja and BI Isaac attended QuickBooks class as scheduled. EBA Borja and AA Villanueva will attend next scheduled 60-hour course. 2.c EBA Borja is still working on the corrective action plan.

Once we are in compliance with the Audit Report, EBA to establish the use of the Revolving Bank of Hawaii account in lieu of the AS400. Thus, taking control of all procurement purchases, payments and approved budgeted deposits through BBMR directly. BOH policy to be established via Rules & Regulations.

3.C File/Record Keeping, Office Expansion

EBA Borja still working on digitizing and will advise Board accordingly. BC Jugo requested EBA Borja research policies of the Department of Administration or Government of Guam concerning file keeping and/or digitizing and to work on a plan.

4.0 Complaints

EBA Review Complaint Listing on pages 27 – 28. EBA Borja established today, during this meeting, that PB-2017-002 Lorette T. Guerrero vs. Blas Cruz Atalig has Merit and will be writing a letter advising so. Depending upon the response of the Complainant, the Board will have 90 days to proceed with a hearing if requested. BC Jugo noted to have “Complaint Listing” show date of acknowledgment of letter or date of letter.

BM Ruth suggested indicating which cases are “active” vs. “inactive”.

BM Santos questioned then AAG Highsmith’s option to proceed with criminal litigation. AAG Keeler noted the charge that the AG’s office can impose would be a third-degree misdemeanor and not viewed as a priority item.

5.A & 5.B Old Business: (A) Liberty Perez & (B) Mark Arceo-Superior Court Case No. SD0946-10

EBA Borja referred the Board to appendage pages 29 and 30 which shows letters received from the Attorney General Office to the PEALS Board in regards to Liberty Perez stating "...the Office of the Attorney General is closing its file in the case effective today. The PEALS Board imposed a \$5,000.00 fine on Ms. Perez in 2007 which it reduced to \$3,500.00 on March 21, 2011. This negotiated settlement was never reduced to writing or pursued in court. Ms. Perez made a few payments, but stopped in 2014". "...we believe that the fine is unenforceable because the longest pertinent statutory period of limitations on Guam is four years. "

In regards to Mark J.B. Arceo a letter from the Attorney General Office dated August 2, 2017, notes "...is closing its file in this case effective today. The judgment entered against Mr. Mark J.B. Arceo expired on January 11, 2016, five years after it was issued."

AAG Keeler will look into the matter of Perez pertaining to the March 21, 2011 documentation and request file to remain "Open."

BM Provido states if utilized correctly, penalty and fines could be entered into QuickBooks to show pending payments in the financial statements and not just revenue received. It will list accounts Receivable and Payables pending.

AAG Keeler also reiterated the option to request both parties, Perez and Arceo to come in and reaffirm their debt to the PEALS Board. EBA Borja states he has no known address on either of them at the present time but will try and contact them per AAG Keeler's suggestion.

5.C PEALS Rules and Regulations (R & R) Review.

Next Rules & Regulations meeting will be held on **September 19, 2017, Tuesday, 3PM,** Guam PEALS Office, Conference Room.

A point of discussion, BC Jugo looking into amending licenses fees so that it is for two (2) years instead of the one (1) renewal presently existing. Reasoning: A) Reduce workload for Staff, B) Increase Registration Retention or have the option to choose for an additional year.

5.D Second Round to Amend PEALS Law.

EBA Borja states updating the Rules and Regulations is priority before revising the Law to reflect the current regulations, practices and protocols of these professions.

5.E Complaints Against Roberto R. Ventura, PLS

Update: PB2014-015, & PB2016-003. BM Santos advised that Ventura's health has turned for the worse. Ventura's maps currently incomplete; will remain pending indefinitely.

It was moved by VC Ruth, seconded by BM Provido, and unanimously carried to have EBA Borja follow up with Ventura's office with a letter from the Board for an official statement regarding the status of complainants pending maps. 7/0

5.F Agreement with California State for CSCS Exam – Expired on June 30, 2017

AAG Keeler completed his review with minor revisions. EBA Borja has submitted it to the California State office for concurrence. Their legal division has it is still under review as of today's meeting date.

5.G Sardea, Peter R.K. PE – Fire Protection Engineer (FPE) exam applicant

The original application of Sardea was discussed via the Board on September 06, 2016. The Board advised him of the negative reference and requested an additional reference showing the experience required to sit for the FPE exam and a Work Verification Reference for one (1) year in the FPE field by a licensed FPE. Then, VC Jugo's, motion that in doing so, the Board would allow attendance of October 2017 Exam.

Sardea's file shows an additional reference was obtained. Although, not in his favor. VC Ruth acknowledges that Sardea's experience shows reviewing work done by a licensed FPE, but not doing the work of professionals. Professionals may feel that reviewing their work is not comparable to actually doing their work.

EBA Borja has discussed the Board's decision with Sardea to deny exam registration based on lack of experience. Sardea will resubmit his application upon gaining more experience and extended appreciation to the Board for their due diligence.

5.H Sotto, Eric Perez – PE Applicant, not registered in any state, passed all required exams.

Sotto obtained an ABET Degree, passed the FE Exam in another state, passed the PE (Civil) Exam in California, and passed the California Seismic, although did not pass the Survey; which is required to allow Sotto to receive his California license. Sotto then came to Guam and applied to our jurisdiction via Comity. EBA Borja states he meets all the PEALS Law requirements to be licensed but, does not hold a license in any other jurisdiction. There is no category for this in our Law and required Board guidance.

Sotto's years of experience was verified. The file was re-circulated through the Board and was given registration.

5.I AG Opinion on PEALS Code of Ethics update

AAG Keeler will be releasing an official opinion soon and apologizes for not having it for today's meeting. Board discussion ensued on points, directives regarding confusion and dilemmas the professional society face when being requested to provide fees. AAG Keeler will circulate a soft copy to the Board for their input.

BC Jugo requested an update on the SSHS IFB regarding the violation of the PEALS Professional Code of Ethics on IFB NO. 730-5-1057-L-YIG -- Lease Financing For Design, Renovation, Rehabilitation, Construction and Maintenance of Simon Sanchez High School.

At 3:25 p.m. DPW Director Leon Guerrero recused himself from this discussion and was excused from the meeting.

AAG Keeler continued with virtual certainty this bid will terminate and will be re-bid. In regards to the violation, the Government is still interested in taking a look at the breakdown and requested for Board's direction on how to present it? BC Jugo points to eliminate the separation of Architect and Engineering fees from the bid form or utilize a generic percentage. AAG Keeler noted Board's suggestion.

At 3:30 p.m. DPW Director Leon Guerrero returned to the meeting.

6.A Wolf, Eric Michael – ME Comity Applicant

Wolf had submitted his application and checked "Yes" to box 4, "Have you ever been convicted of a criminal offense (except minor traffic violations with less than a \$500.00 fine)?" Included with his application was a letter of explanation for the DUI. All court-ordered sanctions have been satisfied, and Wolf is in good standing with the State of Georgia.

Although the Board did have a majority vote to approve his application; VC Ruth noted in his review to discuss at the Board Meeting.

It was moved by PM Villanueva and seconded by Sec. & Treas Cristi, and carried to acknowledge approved application with a majority vote of its members 6/1 (VC Ruth).

6.B Ngirailild, Joseph Uehara – ARE Applicant

Ngirailild application first was circulated with incorrect information regarding experience. Since then, it has been corrected and states Ngirailild has accumulated eleven (11) years and Seven (7) months. Guam PEALS Law states, eight (8) years is required if the applicant does not have an ABET/NAAB education. BC Jugo motioned that in light of the revised experience form, the Board accept Ngirailild application and be allowed to take the ARE Exams.

It was moved by BC Jugo and seconded by Sec. & Treas Cristi, and unanimously carried to acknowledge approved application with a majority vote of its members 6/0 (VC Ruth – Abstained as Ngirailid is employed with Taniguchi Ruth Makio Architects).

7.0 Open Discussion, Information and Announcements

It was reported in the Pacific Daily News that former land surveyor, Thomas T. Anderson, who was sentenced in 1997 to three years in prison in connection with the theft of government land was indicted again on Wednesday, August 30, 2017. BM Provideo wanted to thank the Board for holding firm the position initially enforced with regards to Thomas T. Anderson second attempt to reactivate his surveying license and not allow him licensure after he had surrendered it as court mandated.

At 4:42 p.m. AAG Keeler was excused from the meeting.

Sec. & Treas. Cristi commented she had received a call regarding clarification on Topography and Linear maps and questioned if a Civil Engineer could do such maps? BM Santos states, “No, they can only be done by a licensed surveyor.” After discussion, by consensus of the Board, a Civil Engineer can show a grading plan without a topo, is accepted for residential, but assumes all risks.

7.A NCARB Regional Summits on March 8-10, 2018 in Wichita, KS

7.B NCEES Zone Regional Meeting on April 5-7, 2018 in Honolulu, HI

Three (3) Board Members (to include EBA) are to be paid for by NCEES.
One (1) Board Staff (AA) to be paid for by NCEES Western Zone
The remaining members and staff will be based on the approved FY 18 Budget.

BC Jugo recommends Board Members book before October 10th to obtain best air rates.

7.C PEALS FY 2018 Proposed Meeting Schedule (*) Change

PEALS Board Meetings

November 14, 2017 – Tuesday

1st Meeting - January 16, 2018 – Tuesday

2nd Mtg – (*)*March 20, 2018 – Tuesday*

3rd Mtg – May 29, 2018 – Tuesday

4th Mtg – July 31, 2018 – Tuesday

5th Mtg – September 11, 2018 – Tuesday

Council Meetings

March 2018 Wichita Kanas (NCARB Regional Summit)

April 5-7, 2018 Honolulu, HI (NCEES Western Zone)

June 2018 Detroit, MI (NCARB Annual Meeting)

August 2018 – pending – NCEES Annual Meeting

October 2018 – pending – NCARB MBC/MBR Summit)

8.0 Public Comment

There were no public comments given at this meeting.

9.A & 9.B DPW PERIT & DLM SURVEY MAP REVIEW

Pg 45, Item 45 – BPI #B17000631 – IP & E Holdings - Clarification Required –
List shows this project COA is EMPSCO, but they hold no Architectural,
Mechanical or Electrical RME Licenses (COA). Title Sheet Listing – should be
RME for EMPSCO and not A. Tsutsui. EBA Borja will follow up with concern.

Closing Comments:

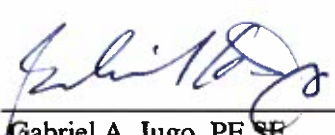
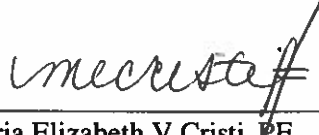
VC Ruth noted that BM Provido would be on another Governmental Board and in doing so
leaves uncertainty as to the PEALS Law which requires two (2) female Board members. AAG Keeler was
excused from the meeting earlier and his opinion was not requested. BM Provido reminded VC Ruth that
a quorum can still be met with the vacancy of a female member.

10. ADJOURNMENT

It was moved by DPW Director Leon Guerrero and seconded by Sec. & Treas Cristi, and
unanimously carried to adjourn the meeting. 7/0

With no further comments, the meeting adjourned at 5:05 P. M.

/mnv
(A)Folder/#74

Approved by:  11/27/2017  12.03.2017
Gabriel A. Jugo, PE SE Date Maria Elizabeth V Cristi, PE, Date
Board Chair Board Secretary/Treasurer

- () Minutes approved as is.
- (X) Minutes approved with changes; see minutes 11/14/2017