

The Guam Board of Registration for Professional Engineers, Architects, and Land Surveyors
PEALS Board Regular Meeting
Thursday, March 06, 2025 GEDA Board Room Suite 511, Tamuning Guam 2:03 PM–4:04 PM

Members Present:

Cedric Q.T. Cruz RA, Board Chair	Paul L. Santos PLS, Sec. & Treas
Zenon E. Belanger PE, Vice Chair (Virtually via Zoom – Texas) – Arrived Late	
Maria Elizabeth V. Cristi, PE	Cathyann C. Gogue, Public Member
Nixon Isaac, Board Investigator	Catherine S. Gutierrez, Exec. Board Admin.
Marie Villanueva, Admin. Asst.	

Excused Absence:

Vincent P. Arriola, DPW Director	AAG, Atty. Tom Keeler
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Also Present: See [Appendix A. Guest List Sign-In Sheet]

Item 1, Call to Order

BC Cruz called the meeting to order at 2:03 p.m., announced the board's mission statement, and took a roll call of the Board members and attendees. With a quorum present, the meeting proceeded according to the agenda.

Item 2, Certificate Presentation & Administration of Oath

- a. Prudente, Elmer L. Jr. – Registered Architect #498
- b. Garcia, Ethan Gabriel Dilanco – EIT #369 (Absent)
- c. Parreno, Miehl Gargar – EIT #367
- d. Eugenio, Bernadette Palma – EIT #368

Item 3, Review / Approval of Meeting Minutes

- a. Review Draft PEALS Regular Meeting Minutes of January 9, 2025

BM Cristi moved to approve the minutes pending proposed amendments. Any additional comments are to be submitted to EBA Gutierrez for revision no later than March 20, 2025. The motion was seconded by BM Gogue and unanimously approved.

All in Favor: *4/5 Not In Favor: 0 Abstained: 0

*VC Belanger was not present during this motion.

Item 4, Executive Board Administrator's Report

EBA Gutierrez provided an update regarding the mutual agreement between NCEES and Engineering Council UK. The PEALS Board staff has engaged with professional societies in Guam to address concerns related to the minimal local presence and the inadequate consideration of local conditions relative to the agreement. A copy of their written testimony will be sent to the PEALS Board Members for review.

1. ****NCEES MBA Committee Meeting****: EBA Gutierrez represented our board at the NCEES MBA Committee Meeting held in Greenville, South Carolina, from January 13 to January 17.
2. ****NCARB Western Zone Regional Summit****: The NCARB Western Zone Regional Summit occurred in Philadelphia from February 28 to March 1 and was attended by EBA Gutierrez, BM Gogue, and VC Belanger.

Items discussed were the MRA agreement:

Architects can work internationally through the Mutual Recognition Agreement (MRA) between NCARB, the Architects Accreditation Council of Australia (AACA), and the New Zealand Registered Architects Board (NZRAB).

Eligibility Requirements:

To qualify for reciprocal licensure under this agreement, architects must be licensed and in good standing in a participating jurisdiction within the United States, Australia, or New Zealand. Additional jurisdiction-specific requirements may apply.

- For U.S. architects: Must hold an active NCARB Certificate. Those certified through the Education Alternative or Foreign Architect pathways are also eligible.
- For Australian architects: Must possess a current AACA Statement.

Note: Architects licensed or registered in their home country through another international Mutual Recognition Agreement are not eligible under this agreement.

Sec. & Treas. Santos asked for an update on discussions surrounding Diversity, Equity, and Inclusion (DEI). BM Gogue confirmed that the DEI committee remains active, noting that while no federal funding has been allocated for its initiatives so far, its work will continue. The committee has provided valuable recommendations on competencies and pathways to architecture. EBA Gutierrez added that any changes will require the council's approval before implementation.

BM Gogue noted that the Western Region Zone and other jurisdictions are questioning the necessity of MRAs. While these agreements were originally intended to facilitate international mobility for registration, there is a growing concern that they primarily benefit foreign professionals rather than local architects. The discussion emphasized the importance of protecting local interests and assessing the potential impact of these agreements on local architectural opportunities.

3. PEALS Board individual registration renewals are currently in progress. Please note that the deadline for renewal is April 30th, 2025.

4. Upcoming Events:

1. ****NCARB Annual Meeting****: This event will take place in June, at Scottsdale, Arizona
2. ****NCEES Western Zone Joint Meeting****: This event will take place in May 15-17, 2025, at Albuquerque, New Mexico. (Joint Meeting with the Central Zone)
3. ****NCEES Annual Meeting****: This event will take place in August 19-22, 2025, New Orleans, Louisiana at the Sheraton New Orleans. The annual meeting is the culmination of the Council's work for the year. Delegates will meet to decide key licensure issues, vote on election of a new president-elect, discuss professional issues for engineers, surveyors, member board administrators, and enforcement staff.

EBA Gutierrez will release details via email for Board Members' review and intent to attend.

a. Financial Report:

EBA Gutierrez presented a review of PEALS' monthly revenue, along with the BOH account statement and details regarding bank reconciliation, for the Board's consideration. Any questions or concerns were welcomed; however, none were raised.

b. Efficient Board Application Management System - Update

Board Members were given their first application for review. Glitches in formatting issue that happens when you open up the Google document were noted. While others are still trying to familiarize themselves with the program. EBA Gutierrez will look into the matter for ease of use.

Item 5, Board Investigator's Report

a. PB2023-06 – Complainant: Krista Perez-Merfalen vs. [Respondent: Eddy N. Sy PE CE1249]

Accusation: Alleged Faulty Design Leaching Field Septic Tank System

Determination: No Merit – Design Fault due to issues beyond his control, and due diligence was demonstrated (hidden spring-fed water source located beneath property placement)

BI Isaac presented a case involving Mrs. Merfalen and the respondent, Mr. Sy PE, regarding complications with a septic tank leaching field. BI Isaac detailed the extensive efforts made by the project coordinator and engineer to address the issue, including conducting soil tests and recommending a French-style leaching field.

A key challenge identified was the presence of a spring-fed water source on the property, which has contributed to recurring problems. The engineer and project coordinator explored various solutions, including the installation of a watertight holding tank, but this option was not pursued due to cost considerations.

In collaboration with the Guam EPA Division and Mr. Sy PE, it was determined that the complications were not caused by a design flaw but rather by an underground spring that emerges during periods of sustained heavy rainfall. Unfortunately, despite EPA recommendations, the site cannot support an effective remedial solution, leaving the homeowner without a viable resolution.

BM Gogue moved to accept BI Isaac's report and EBA Gutierrez's No Merit determination per PB2023-06 Complaint. The motion was seconded by BM Cristi, and unanimously carried.

All in Favor: *4/5 Not In Favor: 0 Abstained: 0

*VC Belanger was not present during this motion.

Item 6, Old Business

A. Law, Rules, and Regulations Review

The review of fees, laws, rules, and regulations is ongoing. EBA Gutierrez is awaiting the completion of this review from the Board to proceed with the adjudication process. Additionally, newly elected 38th legislative senators have designated Vice Speaker, Senator V. Anthony Ada, as the Legislative Committee Chair for the PEALS Board.

Item 7, Board Discussion

a. PLS Mapping Science Exam – Discussion/Ratify Motion made January 9, 2025

Sec. & Treas. Santos, presented the proposal for the introduction of a new NCEES exam module specifically focused on mapping sciences, which he supports. In response, the Board reached a consensus to submit a letter endorsing this initiative for consideration at the upcoming NCEES annual meeting.

Sec. & Treas. Santos moved to approve and support a mapping science examination based on Board discussion on January 9, 2025. The motion was seconded by BM Cristi, and was unanimously carried.

All in Favor: *4/5 Not In Favor: 0 Abstained: 0

*VC Belanger was not present during this motion.

b. NCEES – ECUK Mutual Recognition – Continued discussion from November 7, 2024. – *This topic was discussed out of order, please refer to page 2, 2. **NCARB Western Zone Regional Summit**.*

c. COA Application MAR DCMI, Inc. – Responsible Managing Employee (RME)

The Board reviewed MAR DCMI's application for COA reinstatement, along with the accompanying response letter and the proposed part-time provision of construction management and quality assurance services. While the response letter adequately addressed concerns about potential conflicts of interest related to employment with NAVFAC Marianas, the Board remained concerned about whether part-time services would sufficiently protect public welfare.

The Board also sought clarification on how MAR DCMI intends to provide these critical services with the necessary level of professional supervision on a part-time basis. Additionally, it was noted that MAR DCMI intends to exclude architectural services from its COA application. However, this modification is not allowed, as a Construction Management COA requires the inclusion of a professional license issued by the Board.

VC Belanger arrived before the Board via Zoom.

VC Belanger expressed concern that, given the RME's status as a current NAVFAC employee, there is potential for undue influence over contractors engaged in projects both related to and independent of the RME's company involvement.

Consequently, the PEALS Board has decided to deny MAR DCMI's COA reinstatement application as submitted.

Sec. & Treas. Santos moved to disapprove the COA reinstatement application, citing concerns about supervision and potential conflicts of interest. The motion was seconded by BM Gogue, and carried by a quorum.

All in Favor: 4/5 Not In Favor: 0 Abstained: 1/5

d. Borden III, Edward PE – EE2047 – Renewal Advisement of infraction from another State

The renewal season allows registrants to update their license status with relevant information. Mr. Borden's electrical registration is currently on probation in both Texas and Indiana due to an ongoing legal matter under deferred adjudication. He is subject to a six-year deferred adjudication, requiring completion of anger management and child care courses. His licenses in both states will remain on probation until the legal proceedings are resolved.

Sec & Treas. Santos motioned to renew Mr. Borden's license (EE2047), contingent on compliance with the court provisions in Texas. The motion was seconded by BM Gogue and unanimously approved by the Board.

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

Item 8, Public Comment

1. **NCEES Structural Forum Summary**

BM Cristi noted the high failure rates for the structural exam since its transition to a computerized format. She raised concerns about limited time to access electronic resources and references, which hinders candidates' ability to complete the exam efficiently. In response, the Board discussed the possibility of offering both written and computer-based exams or a hybrid format incorporating elements of both.

Additionally, Andrew Smith, PE (CE1127), via Zoom, and Thomas Camacho, PE (SE752), via email to EBA Gutierrez, requested a transcript of the forum meeting. EBA Gutierrez confirmed that the transcript would be distributed as soon as it is received from NCEES. Both Smith and Camacho echoed concerns about high failure rates and issues raised by NCEES applicants, noting that these concerns appeared to be dismissed by reviewers in attendance, warranting further attention.

EBA Gutierrez also announced the development of a new PAC Study for the Structural Exam, which will be shared with the Board and registrants once finalized.

2. Emeritus Status

Mr. Brent Wiese, RA 319, came before the Board and requested verification as to whether an Emeritus status would separate him from being a Board Member. EBA Gutierrez stated ¹PEALS Law indicates not. Appointment is by *I Maga'lahaen Guåhan* (Governor) as provided in § 32104.

Item 9, DPW Permit and DLM Map Review

- a. Department of Land Management – Office of the Chief of Cadastre Report of Maps Submitted
- b. PEALS Building Permit Clearances

No comments were noted.

Item 10, Adjournment

With no additional business to address, BM Cristi made a motion to adjourn the meeting, which was seconded by BM Gogue. The motion was unanimously approved, and the meeting was adjourned at 4:04 PM.

All in Favor: 5/5

Not In Favor: 0

Abstained: 0

Taken and recorded by:




/s/ Marie Villanueva

Administrative Assistant

¹ § 32105. Board — Qualifications of Members.

Each member of the Board shall be a citizen of the United States and a resident of Guam. Board members who are required to be registered pursuant to § 32104 of this Chapter shall have been in responsible control in the lawful practice of engineering, architecture, landscape architecture or land surveying for at least eight (8) years, and with no record of disciplinary action from any jurisdiction. The public member of the Board shall not be or have been an engineer, architect or land surveyor.

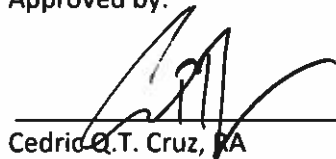
Reviewed and Approved by:



Catherine S. Gutierrez
Executive Board Administrator

BOARD APPROVED:

Approved by:



Cedric Q.T. Cruz, RA
Board Chair

6/5/25
Date


Paul L. Santos, PLS
Board Secretary & Treasurer

6/11/2025
Date

Thursday, May 8, 2025
☐ Minutes approved as is
☒ Minutes approved with changes

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

[Appendix A. Guest List Sign-In Sheet]