

The Guam Board of Registration for Professional Engineers, Architects and Land Surveyors
PEALS Board Regular Meeting
Tuesday, March 28, 2017, PEALS Board Conference Room Suite 208 3:04 PM - 5:55 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 Atty. Tom Keeler, Asst AG
Raymond C. Borja, Exec. Board Adm. Marie Villanueva, Adm. Asst.
Nixon Isaac, Board Investigator

Absent: Philip I. Villanueva, Public Member Glenn Leon Guerrero, DPW Director

Guest: None

Item 1, Call to Order

BC Jugo called the meeting to order at 3:04 pm. Members in attendance as noted above, with the exception of BM Provido, RA who had arrived later on in the meeting. See notation below (*) when actual arrival to the meeting.

Item 2, Minutes for Approval

2.A Board reviewed January 17, 2017, meeting minutes.

Motioned to approve meeting minutes' subject to corrections being discussed in today's meeting.

Comments:

(VC Ruth) 4.C.D Rules and Regulation and Second Round to Amend PEALS Law.

Need to insert that a copy of the final draft of the Rules & Regulations will be provided to the new 34th Guam Legislature committee chair during the scheduled appointment with Senator Aguon.

(BM Santos) 5.C Wanted it clear that information of members and Vice Chairperson indicated on

5.C was for informational purposes only and that no discussion was made regarding it's newly appointed members.

(VC Ruth) 4.F The Bank of Hawaii Revolving account was discussed and no mentioned was stated in the meeting minutes, regarding Updating the Policy and Procedures. EBA Borja noted, the last discussion with AAG Keeler we would work on the Rules & Regulations before we work on the policy for the Bank of Hawaii Account. VC Ruth wanted it stated to note that we would update the Bank of Hawaii Policy.

() For the Record: Liza J Provido, RA just joined the meeting.*

(BC Jugo) 4.F to note the Board would discuss the Bank of Hawaii Revolving Account Policy issue with AAG Keeler prior to discussing it in the meeting. VC Ruth noted, BM Provido had updated the Bank of Hawaii Policy in the past, and she has also had to update the draft of Rules and Regulations recently.

(VC Ruth) 5.B Elections VC Ruth wanted the following included in the meeting minutes, "Prior to voting, BC Ruth said that Board Secretary & Treasurer Cristi had done an excellent job as Secretary & Treasurer during his term and felt she would be more valuable during the next term as Secretary & Treasurer that's why he voted for himself". VC Jugo also stated the same prior to voting.

(VC Ruth) 5.G Discussion of Marie M. Santos

(VC Ruth) Sequencing of Meeting Timeline is not true to meeting agenda, which is why "All in Favor" motions are short of original members. VC Ruth wanted it noted as it is unclear. In the future, all meeting minutes will unfold according to the order of the meeting; agenda listing is inconsequential.

(VC Ruth) 7.E NCARB Mutual Recognition Arrangement with Australia and New Zealand was Announced. VC Ruth wanted to make it clear that the Guam Board DID NOT APPROVE OR SIGN this arrangement and WILL NOT HONOR this Recognition. Thus, is NOT IN EFFECT ON GUAM.

(BC Jugo) 5.G All in Favor should read "5/7", to insert "BC Jugo voted against." The last sentence in Discussion: should read. Board so noted and to strike out the words "and agreed."

Motion: VC Ruth

2nd: BM Santos

All in Favor: 5/5, Against: None, Abstain: None

Item 3, EBA Reports and Updates

3.A Board Administrative Activity from January 11, 2017, thru March 20, 2017, were reviewed and acknowledged by Board members. Revenue tracking at \$6000 more than last year.

EBA Borja revenue reported gone up in some areas, and some have gone down.

Permits: -\$1000 If you have any questions, EBA will be happy to sit down and explain all the object categories.

As of March 20, 2017 Revenue generated: \$128K, Expenses: \$105K

Revenue per Month, as of March 20, 2017, shows an increase in October and a big increase in February and March with eleven more days remaining.

Budget Certification was presented to the Board showing that BBMR has approved the figures submitted. VC Ruth noted correctly that the Legislative is still pending. EBA Borja states we have been blessed that BBMR sends it to the Legislature and they don't question it, and in the past, the Legislature didn't feel we need to go before them, and they just approve it.

Sec. & Treas. Cristi commented the increase in revenue for February and March is mostly in part of the renewals for the Professional Licenses. It was requested we indicate on our memo "Dear Registrant" because some a female engineer advised her receiving it as "Dear Mr. " Request is noted.

BC Jugo questioned if the changed figure for MOA AAG services from \$33K to \$36K were reflective in the budget. EBA Borja stated no. Numbers will be going down as it is presently divided by three agencies; the Guam PEALS Board being one of the three. Memorandum of Agreement (MOA) between the AG's office and DPW is broken into three divisions: DPW/PEALS and the Guam Building Code Council (GBCC) was originally for \$33K, now that the Contractors Licensing Board (CLB) will also be included in the MOA, PEALS amount will drop. The MOA is presently at Brent Weise's office for review and signature. Once it is approved, actual figures will be based on as "As Needed Basis" and EBA doesn't perceive the whole amount to be exhausted within the year.

BM Santos noted the change in Travel Budget Request for FY2018 NCEES Zone Meeting originally showing the expense of \$24,185 but now shows \$17,199.00. EBA Borja confirms the original total amount of budget was cut by BBMR and thus EBA had to adjust figures. He is hoping travel expense to Hawaii for the PEALS Board, including staff, to attend the co-hosted NCEES Annual Event in April 2018 can be met by cost saving measures (e.g. sharing rooms, etc.) NCEES has commented they will set up their allotment to increase cost coverage of an additional Guam staff by one; thus, allowing a total of four to be covered. This event will be held on May 18, 2018, in Hawaii.

Bank of Hawaii statement shows a check in the amount of \$49.10 payable to Guam Teleguam for telephone services DOA will not pay. Board approval was received and a copy of the receipt, check payment and current GTA billing stating a credit in the amount is per appendages 16 thru 19.

EBA Borja reported his Laptop is malfunctioning and requested Board's permission to utilize the BOH account for computer analysis fee. Three quotes have been obtained with the lowest bidder at \$45.00. Once an analysis is performed, we will know how to proceed; either thru GSA procurement or if the fee is small, the request to use the BOH account using proper procurement procedures.

VC Ruth motion to allow EBA Borja to write a \$45.00 check for the purpose of computer analysis of his Laptop.

Motion: VC Ruth

2nd: Sec. & Treas. Cristi

All in Favor: 5/5 Against: None, Abstain: None

PEALS Complaint List was given to Board attendees during today's meeting.

Complaints should be handled in a timely manner 14-45 days as originally advised on his first meeting when becoming AAG for the PEALS Board, but was not done as EBA was busy addressing issues from the OPA and missed opportunities in December and January meetings. In doing so, cases from PB2016-007 through PB2016-011 and PB2017-001 are still open.

EBA Borja wanted to address PB2016-008 Merit Status determination at today's meeting. PB2016-008 Ronald G. Gonzales PE912 vs. Frank James "Jim" Lyon PE1408 – allegedly made remarks of embezzlement against him although was denied by Lyon and stated witnesses of Gonzales complaint. In review, EBA Borja declared at today's meeting that complaint has No Merit.

Board received EBA Borja's determination report and noted No Merit. Gonzales should re-file complaint with grounds of evidence or proof. AAG Keeler stated it is best to make a determination on what was presented and state it in a letter to him. In the future, EBA Borja to circulate file two days prior to Board Meeting for members to get a chance to review the case file.

Sec. & Treas. Cristi questioned if Zennon was Gonzales's replacement for Lyon. EBA confirms no. EBA will circulate file.

Other complaints are still pending with BI Isaac and AAG Keeler.

Three complaints against Pineda are still pending due to Pineda being off the island for Medical reasons. BM Provido stated that list shows reports having been completed. EBA confirms but states he has not reviewed or gave the Board his determination. Pineda has since returned, he

immediately started on his maps and presently showed progress to complete pending jobs. EBA Borja confirms on the next Board meeting on April 14th; he will provide the Board with Merit/No Merit on all of these complaints.

PB2016-008 No Merit determined by EBA today.

PB2016-007 Matthew Kleva vs. Goulin (Colin) Hua Mathew BI Isaac report was submitted to EBA Borja and was returned to look into a couple more things as he felt it was incomplete. BC Jugo timeline 11/28/2017 should show as incomplete. AAG Keeler stated to submit a letter to DPW Director, Glenn Leon Guerrero, stating EBA's findings and Board's concern as it is their responsibility and ours to enlighten concerns of Permits being issued with inadequate drawings if it so exists, and to *immediately* send an investigator to inspect the property to ascertain if it is life threatening to property and life. VC Ruth states that a lot of drawings are done properly, although construction is done improperly.

The remainder of the lists will be done at the next Board meeting.

BC Jugo stated this listed would be a continuing item at future Board meetings. EBA concurred.

BM Santos wanted to review listing as a whole. The Highlighted Portions notation indicates "Working with AG (T. Keeler)" and questioned what does it mean? EBA Borja stated BI Isaac and himself have been communicating with AAG Keeler. AAG Keeler commented it was the first time he saw it and states anything after 90 Days of Date Filed will not be addressed by him. EBA Borja and BI Isaac should do their due diligence in following up with AAG Keeler accordingly. AAG Keeler reiterated that we must stick with the timeline; as he had originally advised on his first meeting when becoming AAG PEALS representative.

BM Santos questioned and believed there was one more Blas Atalig case of complaint not showing on EBA Complaint List where AAG Keeler had to review and forward it to court due to repetitive, and blatant disregard of court stipulation by performing as a Land Surveyor and perform an injunction. AAG Keeler will check into it.

Sec. & Treas. Cristi, upon reading the law on the position's responsibility of the Board Sec. & Treas commented; once a complaint is filed, it should be forwarded to the Sec. & Treas. Cristi noted not seeing any of the most recent complaints listed in today's meeting and a surprise to her. EBA Borja to correct that immediately. VC Ruth confirms this has happened in the past as well, where he was not advised accordingly. BC Jugo stated to include a column indicating Sec. & Treas. advised date, to show conformance to the law. VC Ruth suggests she place her initials on the office date stamp to indicate you have acknowledged receipt of said complaint.

Item 4, Old Business

4.A Liberty Perez – Status quo. DPW Director Leon Guerrero confirmed DPW has placed an appeal to the decision of the Civil Service Commission to reinstate Perez with back pay. This appeal is pending. DPW Director Leon Guerrero will advise the Board of any new action on Perez’s regard. As of this date, Perez is not employed by the Government of Guam/DPW and no additional funds have been collected.

AAG Keeler requested EBA Borja pursue balance owed to the Board as Perez is still under an obligation to pay the Board regardless of employment status with DPW. AAG Keeler asked for a copy of promissory note or what was signed by Perez for his review. EBA Borja has authority to pursue, based on the promissory note.

No update at today’s Board meeting as DPW Leon Guerrero was not present for a follow up if any. EBA Borja directed Board to appendage pages #21 and #22. This mailed on February 20, 2017, and was returned as “Unclaimed” on March 13, 2017. No other attempts have been made. AAG Keeler noted and will refer to ligation over at the AG’s office. The collection will not be made for another year or two, but within the statute of limitation, we will be able to go back on each installment missed.

4.B Mark Arceo-Superior Court Case No. SD0946-10 - No change in case and remains status quo – Court Case No. SD0946-10 – No payments have been received as of 12/08/2015. AAG Highsmith had implemented a lien on his property. AAG Keeler to proceed with a Demand Letter to Arceo; giving him the opportunity to bring his account current, and if not, it will then be filed with collections. To this date, no additional funds have been collected. No update has been provided by Atty. Keeler as of today. PM Villanueva requested EBA Borja to confirm the statute of limitation on the lien placed by AAG Highsmith. EBA Borja stated no time limit applies.

AAG Keeler stated time limited does exist. EBA Borja to submit a copy of documents filed to confirm statute of limitation has not exceeded five (5) years.

EBA Borja directed Board to appendage pages #23 and #34. This was mailed on February 20, 2017, and was returned as “Unclaimed” on March 14, 2017. No other attempts have been made. AAG Keeler is slightly concerned as it may be past the statute of limitation. He will review. BC Jugo requested status on the lien placed for Mark Arceo by then AAG Highsmith. EBA Borja stated that a lien has been recorded at Department of Land Management and should be paid when Mr. Arceo sells or refines. AAG Keeler states that is not entirely correct. It’s a judgment, so a judgment has a period of time to be valid. AAG Keeler requested to be provided a copy of the Lien and wondered if one was given to him. EBA Borja states he’s not sure, but will

provide him a copy. AAG Keeler reiterates any type of judgments from a court has to be renewed within every four or five years. AAG Keeler notes, anybody or anything, if you are not seeing any action within three or six month period, you must follow up. It's just a matter of professional courtesy as a backup to each other.

4.C PEALS Rules and Regulations

The task to complete rules and regulations was given to BM Provideo. BM Provideo reminded all members to review her email sent out for their input. A clean copy will be presented for ease of reading once the final go-around is completed. It will be sent to Senator Aguon's office and our professional societies for their input. BC Jugo tabled said discussion till this is done.

Next Rules and Regulations session is scheduled for April 20th, Thursday to be held at the Guam PEALS Conference room at 3:00PM. AAG Keeler suggests making generic limitations with regards to the PEALS Board Bank, procedures, and state "as may be amended from time to time." Once done, we can submit to AAG Keeler for his review.

4.D Second Round to Amend PEALS Law

BM Provideo notes with the completion of rules and regulations; it will identify areas in the Law that need to be amended. VC Ruth noted with the constant amendment(s) of the NCEES and NCARB model laws, it is hard to keep up, and we will have to address those issues.

BC Jugo has been addressing these changes and has made a list. This too can be addressed at a separate meeting as well. VC Ruth states this was be done at the next R&R meeting.

4.E Complaints Against Robert R Ventura, PLS - Status quo. Due to legal verbiage, AAG Keeler

was requested by the Board to circulate Letter of Determination with stipulation language of conditions agreed by the Board. Letter to include a stipulation to state a status report summary, depicting the percentage completion of the pending sixty-eight Chamorro Land Trust Commission survey maps, submitted at a time-interval (monthly, etc.) specified by the Board would be considered satisfactory. The letter is pending as of this date. BM Santos confirms that Ventura has been diligently submitting maps to the Department of Land Management and continuing to make progress of his obligations.

BM Santos reports he has since returned from his medical leave and is completing maps steadily.

4.F OFFICE OF PUBLIC ACCOUNTABILITY (OPA) PEALS NOTICE OF AUDIT RECEIVED – Status Quo

EBA Borja reports he has been requested by OPA Auditors to submit a list of documentation.

AAG Keeler stepped out to take a call.

EBA Borja has not been able to reply to their requests, but OPA has given PEALS until the end of this week to comply.

VC Ruth wants a copy of their requested list so the Board can have a compressive picture of what the issues are in front of us; then we will address them accordingly.

EBA Borja noted, and a list will be provided. BC Jugo noted, one of the issues was requisitions not being signed by the Board Chair. BC Jugo and Sec. & Treas. Cristi will now have to sign off on any and all requisitions. Law states chairperson is the certifying officer, which has not been complied with in the past. Going forward, Board will comply.

AAG Keeler returned to the meeting.

BC Jugo questioned if a government standard for holding of government files in terms of security? Does one exist? EBA Borja state not, but our PEALS law indicates a timeline where we keep inactive files for a year; then we can destroy them. Although, we are presented with many instances where Verification of Exam(s) are required to be furnished well after an inactive file exists. Prior EBA had circumvented this problem by scanning folder to a CD for future inquiries. EBA Borja will inquire with DOA on their practicing procedures. AAG Keeler knows that files are to be maintained, including emails, for a period of five years.

VC Ruth recommends placing the restroom keys outside of the file cabinet room for precautionary measure as it makes the files vulnerable. EBA Borja noted.

AAG Keeler recommends keeping special documents electronically (e.g. minutes, applications, disciplinary actions, and email files, etc.,) and coordinate with an IT person see how to best organize it for future preservation.

BC Jugo notes this is something we can to follow up on and discuss in the future.

One issue raised by the OPA auditor is citizenship. Applicant must be a citizen of the United States, a permanent resident alien qualified for US citizenship, or a legally admitted alien authorized to work in the United States. Files pulled by the OPA Auditor did not indicate whether or not proof was submitted. EBA Borja has since then required proof for record purposes or that applicant is authorized to work in the united states for all new applicants.

Item 5, New Business

5.A PEALS COA Late renewal Elmer M. Pineda dba: Pineda Surveying LLC

Due to medical reasons of himself and his spouse, Pineda had submitted an application to renew his PEAL COA license late and had requested for leniency of late fees due to medical hardship and difficulties with Rev & Tax. Board did not extend leniency and all late fees will apply.

BM Santos just wanted to clarify that he noted this was Pineda's second time of missing the renewal of his PEALS COA. He was not aware of that and questioned why he needed a COA, and wondered why couldn't he just renew his individual license and still perform the work? BM Provide confirms he can practice as a sole proprietor if he doesn't want to pay the fine. EBA Borja wants to see the COA in place as he is using Pineda Surveying LLC.

Motion to implement the late fee.

Motion: VC Ruth

2nd: BM Santos

All in Favor: 5/ 5 Against: None, Abstain: None

5.B H. Mark Ruth application for Emeritus Status

To not give the appearance of a conflict of interest by being a Board Member, in the capacity of an Emeritus, VC Ruth will withdraw his emeritus application till the end of his term as a Board Member.

5.C Jackson, William M – Application for Architectural Engineer Comity request to waive FE Exam

Jackson submitted an application to be registered on Guam. Jackson's FE Exam has waived in Arizona due to his twelve years of experience and only took the PE Exam. Now he is applying on Guam for reciprocity, and technically, PEALS Laws state he does not meet the requirements to receive a license as he did not take his FE Exam. Jackson is registered in Georgia, Alabama, North Carolina, and South Carolina as an Architectural Engineer with this omission. EBA Borja indicated other Member Board Administrators accept this as normal from other jurisdictions (e.g., Wyoming, Tennessee, Texas, Colorado, Maine, Oklahoma, etc.). Historically, the Guam Board did not allow it and made it a requirement to obtain the FE prior to registration. BC Jugo stressed, if you allow it once, you will open it for others. BM Santos and Sec. & Treas. Cristi agrees. We should remain consistent.

Sec. & Treas. Cristi moved that we not waive the FE Exam requirement and maintain our policy of consistency that every individual is applying for reciprocity on our island be required to have the FE and PE exams taken and passed prior to obtaining registration.

Motion: Sec. & Treas. Cristi

2nd: BM Santos

All in Favor: 5/5, Against: None, Abstain: None

5.D Anderson, Thomas T – Request Reinstatement of practice surveying and waiving of all Exam

Requirements in the presence of a 10-year lapse due to Criminal Offense and Court Ordered to surrender his license in July 1991. Twenty-Five years has since lapsed since he last registered and practiced in the capacity of a surveyor.

Anderson and his counsel were not present at today's meeting. AAG Keeler commented that application received by Anderson is not a valid application. Anderson had voluntary surrendered his license per Guam PEALS Law, subsection 32121(f) that states, "...may upon petition of a formally licensed individual registrant or corporation or association reissue ...".

What AAG Keeler suggests was to write Anderson; advised him that the application for reinstatement is inappropriate and does not apply to his circumstances, but that the Board will treat it as a petition under subsection just noted above, and state that the Board will make a vote at the next meeting.

VC Ruth questioned if Continuing Education is an appropriate avenue for Anderson? AAG Keeler confirms yes. But at this point, he has no rights.

BM Provido states that with a ten-year lapse Continuing Education still would not cover time lost. VC Ruth wondered if Anderson could produce documentation of his court proceedings for Board review would it be acceptable to allow registration? AAG Keeler states no.

Board debated rules of engagement and noted there is nothing for them to attest to.

VC Ruth wants to have the Board make a decision now. Why reject his application and allow Anderson to re-submit and continue the path of obtaining a registration? BM Santos concurred and suggested to placed it before the Board for a decision today.

BC Jugo states we must address the Ethics issue, not only the competency issue. VC Ruth states we can't make an ethical determination, other than that he served time. He didn't renew his license, and we did not revoke it. Anderson voluntarily surrendered it. BM Santos at one time, had a copy of Anderson court agreement indicating that he could not practice surveying unless he is going to do work with the government to prevent future land scams. And it also stated he was not allowed to engage in any kind activity pertaining to land matters unless he does it with the concurrence of the Department of Land Management. Department of Land Management never exercised this clause to allow him to practice.

VC Ruth motioned that we will not allow waiving of taking exams, although this does not address the ethical issue. Sec. & Treas. Cristi questioned this motion, approving his application, the Board believes he is in a position to become registered? Which is not agreed. Ethically, he broke all the rules of our profession. BM Provido states we should keep our position as written on the attached appendage page 33.

BC Jugo questioned are we to follow AAG Keeler's suggestion and address the issue if he makes another attempt through his lawyer at showing the Board his remorse and what he's done to correct this ethical issue/violation? Sec. & Treas. Cristi noted it would be him just spending more money on his legal counsel and feels a decision of each Board Member has been made. BM Provido doesn't see any significant changes in the time when he last appeared before the Board in 2011; compared to today. VC Ruth states, we can re-send Board's decision made on April 27, 2011, appendage page #33 and motion so.

BM Provido motion to send Anderson a letter stating that the Board maintains its decision made on April 27, 2011, from his last request and that it concludes his request. AAG Keeler wants it considered that his application for reinstatement is not appropriate as Anderson had surrendered his license, therefore, it is not subject to renewal except for subsection # 32121(f) Board confirms and allows AAG Keeler's recommendation to be included in the motion.

Motion: BM Provido

2nd: VC Ruth

All in Favor: 5/5, Against: None, Abstain: None

5.E Johnson, Jerod G – Application for CE and SE registration does not have CSCS 2.5Hr Exam

BC Jugo brought this individual application to the Board to use as a template for future applicants, although still be presented on a case-by-case basis. Johnson has a Ph.D. in Civil and Environmental Engineering, taken the 8-hour FE Exam, 8-hour PE Civil, and 16-hour Structural Exam, holds both Civil and Structural Licenses in seven other states and has 15+ years of experience as a Civil engineer and 10 years as a Structural engineer; is applying to the Guam Board for a Civil and Structural licenses. BC Jugo learned from past board predecessors that if the applicant lacks CSCS requirement, to count exam hours taken and passed to determine equivalency of the CSCS requirement. Johnson's application shows his ability to perform Structural engineering and has demonstrated the ability to understand seismic principals and competency to be a Structural Engineer. So In the past, we have always required Civil applicants to take the CSCS 2.5-hour exam if the initial license was obtained after Oct 1995.

Sec. & Treas. Cristi suggests we look at his transcripts to see if 2.5 Hours of seismic credit is listed to substitute in lieu of the exam. BC Jugo stated Education counts towards experience not necessarily exam hours. Johnson clearly over excels in this division and should be allowed to be exempt from taking the required 2.5Hrs CSCS Exam.

BC Jugo motion on an individual application, Johnson in this instance, to approve his request licensure as a Civil based upon his qualifications, his exams taken, and his ability to demonstrate knowledge in seismicity and earthquake experience and stated that he meets the requirements for both Civil and Structural registration.

Motion: BC Jugo

2nd: BM Santos

All in Favor: 4/5 Against: None, Abstain: 1 (Sec. & Treas. Cristi)

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

EBA Borja states contract documents have yet to be received from California. Once received; it will be reviewed by AAG Keeler for the Governor's signature. AAG Keeler will see if the Governor's signature is required as it is a government agency to government agency contract and may not need the Governor of Guam's signature. He will look into it and review upon receipt of contract from EBA Borja.

5.G PL 31-233 5 GCA Sections 8813.1 of the Open Government Law

For informational purposes per appendage pages #17 - #40, to show why the Board is not following the law. This is something we will definitely be doing and posting on the website. AAG Keeler did research and found that the decision given by AAG Highsmith has caused two other Boards to be sued for violation of said government act. AAG Keeler referenced that so that it would be safe to say; he would no longer be giving the advice to disregard this law. VC Ruth recommends we should implement accordingly effective today.

5.H DLM Letter regarding CLTC survey projects for Meliton S. Santos PLS No. 53 – EBA Borja submitted to the Board for informational purposes. No action is required.

5.I Meliton S. Santos response to DLM Letter – EBA Borja submitted to the Board for informational purposes. No action is required.

5.J John M Robertson, PE recommendations to R&R Changes. EBA Borja submitted to the Board for informational purposes. Sec. & Treas. Cristi noted to table discussion and have it addressed in the April 20, 2017, Rules & Regulations meeting.

5.K Complaint: Jose C Benavente vs. Paul L. Santos, PLS Case #2016-010

BM Santos recused himself from this portion of the meeting and physically left the Meeting.

A letter with no attachment was delivered to the Guam PEALS Board office on September 25, 2015, per appendage on page #45 and #46. EBA Borja had replied to Benavente on October 26, 2015, indicating that per document received, it's intent was not clear. Case # PB2015-006

On September 15, 2016, Benavente filled out and submitted a PEALS Complaint form stating Paul Limtiaco Santos, PLS 068, encroached on to his family property when he surveyed the adjoining lot per appendage on page#48 and #49. Case #PB2016-010

BI Isaac had completed and submitted his investigation report to the EBA on March 24, 2016. EBA Borja determination of No Merit has been submitted in today's meeting.

VC Ruth questioned why BI Isaac's report is not presented in today's meeting. We should be able to review all contents at the next meeting and submit your decision then. As it stands now, it's not clear other than what the complaintive states and what Santos submitted and replied on appendage on pages #48 – 52.

Simply put, it's an issue of alleged overlapping of boundaries, and we as the Board must make a decision on whether a problem exists without the use of our resident Surveyor as he is the one named in the complaint. BC Jugo suggests we extend our reach to an another surveyor who would be a third party to look into the matter so as not to show a conflict of interest in either the complainant or accused. If we asked a resident surveyor, they might take the position to weight on Santos's side to keep from their own maps from being delayed for processing. AAG Keeler noted Santos's response notes survey map was done in 2001, 16 years ago, went through a review process, and was approved. VC Ruth states we should be scientific in our approach and confers with BC Jugo.

This case will be discussed at the next Board meeting.

BM Santos was summoned back to the Board Meeting.

AAG Keeler, with the confirmation from Board Members in attendance that he is no longer needed for the remainder of the meeting; left the meeting.

Item 6, Open Discussion, Information and Announcements

6.A NCARB to attend Board Meeting April 14, 2017 – Friday 3PM

Kristine A. Harding, NCARB President, Michael Armstrong NCARB CEO &
Joshua C. Batkin, Director, Council Relations

VC Ruth reviewed agenda of the NCARB visit, which will include a River Cruise, and luncheon, on April 15th, Saturday, as well as going around the island to several tourists stops. With the concurrence of the Board, EBA Borja will be sending an email to confirm attendance to finalize arrangements. Sec. & Treas. Cristi stated due to Holy Week; she will not be participating with the pleasantries as she has prior commitments with her Church. BC Jugo stated to make prior arrangements for payments in advance between Board Members, so EBA Borja will not spend his own funds.

6.B NCEES Central/Western Zone Meeting on May 18-20, 2017, Denver CO

To be attended by Sec. & Treas. Cristi and BM Santos, PLS. BC Jugo, will take the spot of MBA - EBA Borja, and attend the MBA Meetings on his behalf as EBA will be on leave.

6.C NCARB Annual Meeting on June 22 – 24, 2017 in Boston, MA

To be attended by VC Ruth, BM Provido, EBA Borja and DPW Director Glenn Leon Guerrero will take the spot of Public Member Villanueva as he will not be able to attend.

6.D PEALS 2017 Scheduled Board Meetings 3PM unless noted below.

January 17, 2017, **COMPLETED**

March 28, 2017 – **COMPLETED**

April 14, 2017 – Friday 9:00AM, *due to Good Friday (to accommodate NCARB Scheduled Visit)*

DPW Director not able to attend

July 25, 2017 – Tuesday

September 12, 2017 – Tuesday

6.E EBA Borja Vacation Schedule. EBA Borja announced his annual leave for Board information stating his last leave request was three years ago.

Annual Leave: 05/11/2017 thru 06/01/2017

Annual Leave: 06/26/2017 thru 07/06/2017

6.F Statement of Disclosure for Board Members due on Friday, April 21, 2017 – Listed as a reminder notice. As of today, only Chair, Vice Chair, and Public Member have complied.

Item 7, Public Comments

No public comments or concerns were made or addressed.

Item 8, DLM Survey Map Review, & PEALS DPW Permit Listing

8.A Department of Land Management –December 2016 and January 2017

8.B PEALS DPW Building Permits – January and February 2017

January #4 and January #79, February #88 – Lists No Title Page but strongly feels it should clearly state a Responsible Managing Employee as it shows more than 1 discipline. There has to be a Design Professional & Responsible Control named on the Title Page, as stated in the Building Code. BC Jugo suggests we should advise DPW Director Leon Guerrero of this concern as it should be called out on the Permit Application Form. Sec. & Treas. Cristi confirms we should look into the matter when updating the Rules & Regs.

January #43 – Swimming Pool – Stamped by one Civil engineer as it is Residential. BC Jugo notes, Lot will define the Zone (R1/R2). BM Provido noted, if for private use, then residential requirement would apply. VC Ruth notes, there's no electrical.

February #4 – Who's the Electrical Engineer? BI Isaac to double check.

BC Jugo noted our PEALS Building Permit Clearance listing is an excellent service to the community but is not mandated, although, available.

Item 9, Adjournment

Next Board meeting will be held on **Friday, April 14, 2017, at 9:00 am.**

Motion to adjourn.

Motion: BC Jugo

2nd: Sec. & Treas. Cristi


All in Favor: 4/5 Against: None, Abstain: 1 (Sec. & Treas. Cristi)

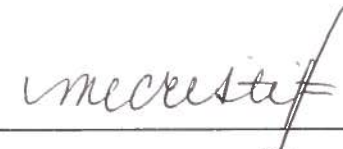
With no further comments, the meeting adjourned at 5:55 PM.

/mrv

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The Guam Board of Registration for Professional Engineers, Architects and Land Surveyors
PEALS Board Regular Meeting
Tuesday, March 28, 2017

Approved by:  _____
Gabriel A. Jugo, PE SE Board Chair

 _____
Maria Elizabeth V Cristi, PE,
Board Secretary/Treasurer