

The Guam Board of Registration for Professional Engineers, Architects, and Land Surveyors  
**PEALS Board Regular Meeting**

Thursday, July 28, 2022 GEDA Board Room Suite 511, Tamuning Guam 3:13 PM – 4:26 PM

Present:	Cedric Q.T. Cruz RA, Board Chair Paul L. Santos, PLS Maria Elizabeth V. Cristi, PE	Catherine S. Gutierrez, Exec. Board Adm. Vincent P. Arriola, DPW Director, Vice Chair Marie Villanueva, Admin. Asst.
Absent:	AAG, Atty. Tom Keeler Nixon Isaac, Board Investigator	Cathyann C. Gogue, Public Member Masoud K. Teimoury, PhD PE, Sec & Treas.
Guest:	Karen Chan, Self Joel Christian Tiru, Self	James M.A Chan, Self Joel M. Tiru, Self

Item 1, Call to Order

In memory of those who have passed, BC Cruz requested a moment of silence for the following individual:

Mr. Andrew Tenorio Laguana, Architect, AIA, RA 226 PEALS Board Member

Board's mission statement was announced. There being a quorum, the meeting was then called to order at 3:13 pm.

Item 2, Certificate Presentation & Oath

Joel C.S. Tiru – EIT #334  
James M.A. Chan – PE Mechanical #2154

Item 3, Review / Approval of Meeting Minutes

3.A Review of Meeting Minutes of May 26, 2022

It was moved by BM Cristi, seconded by VC Arriola, and unanimously carried out to approve meeting minutes with corrections and clarification received by EBA Gutierrez no later than Friday, August 05, 2022.

Item 4, EBA Report

Board Administrative Activities

Future Funded Meetings: Attendance is virtually and in-person for all meetings:

- a) 2022 NCARB Annual Business Meeting, June 2022, in attendance were BC Cruz (virtually), BM Gogue, and EBA Gutierrez, both in-person.

Notable comments:

NCARB President Chair, Mr. Alfred Vidaurri Jr., NOMA, FAIA of Fort Worth Texas, revealed a new vision statement for the organization to ensure a safe space in place for all communities. The vision statement will enhance the mission and objectives outlined in the current strategic plan. During this meeting, delegates elected member Mr. Bayliss Ward from Bozeman, Montana, as the FY23 New NCARB President/Chair of the Board.

The following resolutions were noted:

**Resolution 2022-01: Mutual Recognition Agreement With the United Kingdom.** This resolution has the membership ratify the Mutual Recognition Arrangement (MRA) development between NCARB and the U.K.'s Architect Registration Board (ARB). The agreement is expected to be signed in Fall 2022, and if the agreement is ratified, it will be implemented in late 2022 or early 2023.

RESOLVED, that the Mutual Recognition Agreement between the National Council of Architectural Registration Boards (NCARB), representing the 55 architectural registration boards of the United States, and Architects Registration Board (ARB), representing the United Kingdom, be and hereby is ratified and approved.

**Resolution 2022-02: NCARB Model Law and Regulations Amendment – Definition of Responsible Charge.** The Responsible Charge Task Force is recommending that the definition of responsible charge be updated to reflect modern practice standards, including changing the term in Model Law to “responsible control.” The proposed responsible control language expands the existing definition to bring regulation into alignment with the current practice while, removing ambiguity and clearly defining the critical components and expectations of architects in responsible control.

RESOLVED, that the definition for “Responsible Charge” in Section 103 Definitions of the NCARB Model Law and Regulations be revised as indicated below: ~~“16) Responsible Charge—The control over and detailed professional knowledge of the development and execution of the project, including Technical Submissions, as is ordinarily exercised by an Architect applying the required professional standard of care.~~ **To Now Read: Responsible Control – Responsibility for exercising the ultimate authority over, and possessing the knowledge and ability to oversee, delegate, and integrate the design and technical decisions related to the preparation of the project’s instruments of service and the project’s implementation in conformance with the standard of care.”** FURTHER RESOLVED, that all instances of “Responsible Charge” within the NCARB Model

Law and Regulations be revised to “Responsible Control”; and FURTHER RESOLVED, that following the approval of the resolutions by an absolute majority of the Council Member Boards, such resolutions will become effective July 1, 2022.

**Resolution 2022-05: NCARB Bylaws Amendment – Diversity, Equity, and Inclusion (DEI) Committee.** This resolution turns the Diversity Collaborative into a standing advisory committee in the NCARB Bylaws to ensure the continuity of its important work. This update to the Bylaws would further demonstrate the Council’s ongoing commitment to diversity, equity, and inclusion: send a clear signal that this work is a priority to the organization; and will allow the committee the opportunity to continue to evolve.

RESOLVED, that Article XII, Section 8 in the NCARB Bylaws be revised to insert the following language as new subsection 1 of Article XII, Section 8: “**I. Diversity, Equity, and Inclusion Committee: The Diversity, Equity, and Inclusion (DEI) Committee explores and recommends strategies to improve the diversity, equity, and inclusive culture of NCARB to ensure that the organization represents the population it serves.**” FURTHERED RESOLVED, that subsections following the insertion in Article XII, Section 8 be re-lettered; and FURTHERED RESOLVED, that following the approval of the resolutions by a two-thirds majority of the Council Member Boards, such resolutions will become effective July 1, 2022.

b) Upcoming Events:

NCEES Annual Business Meeting - August 23 – 26, 2022 Carlsbad, California –

Board members scheduled to attend are BM Gogue, Sec. & Treas. Teimoury, BM Cristi, BM Santos, and EBA Gutierrez.

c) At the PEALS Board Regular meeting held on March 31, 2022, Item 6, New Business 6.c the following was reviewed.

APPLICATION REVIEW COMMITTEE/Preliminary Review – Developer Requirement

BM Santos noted that at present there are eight (8) governmental agencies to review planning documents incorporating preliminary engineering and surveying designs. Currently, there is no evidence of a PEALS registrant certification required on preliminary documents. He feels this is not acceptable and should be addressed. Presently

certification is done only in the final stages to procure a Permit; which is against the PEALS Law.<sup>1</sup>

Board agrees and confirms it is a direct violation.

It was moved by BM Cristi, seconded by BM Gogue, and unanimously carried out to have EBA Gutierrez write a letter advising all governmental agencies on what is required per established PEALS law, and to require PEALS verification of registrant(s) certifying documents being submitted.

**Update:** Said letter of clarification was confirmed by EBA Gutierrez to have been sent to all respective recipients as well as placed on the PEALS Website.

It will also be disseminated to all PEALS registrants as required per today's meeting.

d) EBA Gutierrez will proceed with the Honorary plaque for Mr. Andrew T. Laguana RA. It will be ordered next week, and we hope to have it available for presentation to Mr. Laguana's family at our next PEALS Regular Board Meeting in September. EBA Gutierrez will advise the Board if this event is possible.

e) PEALS Digital Certificates, Printable Registration Cards, & Board Review via online website

EBA Gutierrez disseminated a full tutorial to Board members on how the vendor website management team will issue these certificates: using two validations to ensure the certificate's security.

The final release of the certificate(s) given by the EBA is done after Board approval. Certificates can be issued either by website or hard copies to a paid registrant.

Online payments are now 100% in effect and are presently being administered.

BM Santos suggested that EBA Gutierrez look into the ability to have the application process include an Online Board Review. Doing so would alleviate staff runs with individual folders and

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<sup>1</sup> 22 GCA BUSINESS REGULATIONS, CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS, §32116(d)(3) Certificates — Seals. (3) The seal and dated signature shall be placed on all technical submissions, such as specifications, reports, plats, drawings, plans, design information and calculations, whenever presented to a client or any public or government agency, including government in-house designs.

would accelerate the Board review and approval process. EBA Gutierrez agreed and will report on the possibility through our vendor website management team.

**UPDATE:** EBA Gutierrez noted this is a work in progress and will advise the Board accordingly. BM Cristi suggested that Board members only be given the ability to review documents once an applicant is complete, with no pending exam requirement(s). EBA Gutierrez will look into this matter.

- f) Board was given prior statements, both for the PEALS Special Funds Account and the PEALS Bank of Hawaii account for perusal. Payment from the BOH Account was issued to the Trades Academy in the amount of \$150.00 for the classroom rental fee for the April 2022 NCEES PPE Structural Exam.

#### Item 5, Investigations | Enforcement

EBA Gutierrez reviewed the PEALS Complaint/Enforcement Summary to the Board, on page 17 of today's agenda packet. One (1) new case has been identified, but the complainant has yet to fill out a formal complaint form. EBA Gutierrez is awaiting the completion of this form prior to proceeding with an investigation.

- a) Case number PB2021-004, PEALS Board vs Songsong Surveying Services. On March 31, 2022, at the PEALS Board Regular Meeting, Case was suspended and monitored for any activity by Mr. Songsong.

It was moved by BM Cristi, seconded by BM Gogue, and unanimously carried to approve and suspend case # PB2021-04 for a period of six (6) months until any activity or notification is received before that time. Board requested staff to reevaluate and to reach out again to Mr. Songsong for his alleged improprieties after the six-month moratorium.

**UPDATE:** As of July 28, 2022, the Board is advised that Mr. Songsong, while off island, has resigned from his employment and is no longer on island.

It was moved by BM Santos, seconded by VC Arriola, and unanimously carried to approve the closure of this case; and to retain Case File PB2021-004, for future reference should he return to Guam.

- b) PB2021-05 – Lujan vs Meliton S. Santos, PLS #053 – Unfinished Project April 2009 - Update

On the January 27, 2022 meeting, upon investigation, Meliton Santos replied to allegations via a written response. BI Isaac forwarded his reply, and AAG Keeler

conferred, Contract is expired due to the statute of limitations; Ms. Lujan will need to bring this up as a Civil Matter. This case is Closed.

It was moved by BM Santos, seconded by BC Cristi, and unanimously carried to have a letter sent to the complainant advising to further this complaint as a civil litigation in a court as it is no longer with Board purview due to statute of limitations. The Board is not bound to proceed with the complaint.

**UPDATE:** EBA Gutierrez confirmed Board's decision on the matter was mailed to Mrs. Lujan via certified mail on March 2, 2022. No response from Mrs. Lujan has been received since July 28, 2022.

#### Item 6, Old Business

Law, Rules, and Regulations Review – Work Session July 25, 2022

The Office of the Complier of Laws offered its services to assist the Board in its endeavor at its last Rules and Regulations work session. BC Cruz reminded all of their assignments with a goal date of December 2022 for completion of work to be presented to the upcoming 37<sup>th</sup> Guam Legislature.

#### Item 7 & 8, New Business & Board Discussions

- a) BC Cruz requested clarification from EBA Gutierrez on a question received from Architect registrants regarding a new tax requirement for sole proprietors; insisting they obtain a Rev & Tax Certificate of Authorization in order to file with Rev. & Tax. EBA Gutierrez is unfamiliar with this law and will request clarification from the Rev. & Tax Director prior to advising the Board. BM Cristi offered her assistance with Letter of Clarification.
- b) BM Cristi requested clarification from VC Arriola on a new DPW Permit Clearance requirement to conduct soil investigation and backfill percolation testing for small homeowners. BM Cristi has assisted the public by directing them to the Guam Environmental website, which lists a generalization of soils and wastewater design on Guam. She recommended their engineer or architect avail themselves of this information to lessen the cost. The International Building Code stipulates there are some provisions that allow them to assume certain design law sections within the comfort levels of the designers. BM Cristi stated that hiring a professional engineer, these answers would be provided and questioned why it is a separate requirement of the Permit process.

VC Arriola is not unfamiliar with this new requirement and will look into this for her.

Board members surmised it might be due to a reflection of PEALS registrants' Rubber-Stamping plans and recommended a letter be disseminated as cautionary advisement. EBA Gutierrez is to ready a draft letter via the advisement of Board Attorney AG Keeler. BM Cristi will assist EBA Gutierrez on verbiage. Once approved for release by the Board, a copy is to be disseminated to all PEALS registrants and posted on PEALS Website for immediate review to all.

Item 9, Public Comment

None

Item 10, DPW Permit & DLM Survey Map Review

- A. Department of Land Management - Office of the Chief of Cadastre/ May & June 2022
- B. DPW Building Permits – (Grading/Building/Demolition/Clearing) / February 2022

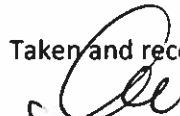
BM Santos questioned "As Built Drawings" on the building permit listing referencing number 30 on February 2022, Mangilao Solar, LLC. VC Arriola had knowledge of the change order of and addressed the board's concern.

BC Cruz surmised it may be to show what they had constructed prior to including the new amended work order. VC Arriola confirmed this.

Item 11, Adjournment

There being no further business, it was moved by BM Gogue, seconded by BM Cristi, and unanimously carried to adjourn the meeting at 4:35 PM.


Taken and recorded by:



/s/ Marie Villanueva

Administrative Assistant

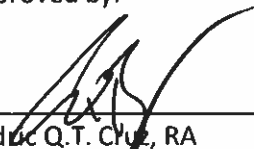
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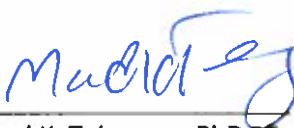
/s/  Catherine S. Gutierrez

Catherine S. Gutierrez  
Executive Board Administrator

BOARD APPROVED:

Approved by:

  
Cedric Q.T. Cruz, RA  
Board Chair

  
Date 10/27/22 Masoud K. Teimoury, PhD PE  
Board Secretary/Treasurer

10/27/22  
Date

September 29, 2022

[ ] Minutes approved as is

[ ] Minutes approved with changes