

The Guam Board of Registration for Professional Engineers, Architects, and Land Surveyors

PEALS Board Regular Meeting

Thursday, November 30, 2022 GEDA Board Room Suite 511, Tamuning Guam 3:19PM-4:58PM

Present: Cedric Q.T. Cruz RA, Board Chair Catherine S. Gutierrez, Exec. Board Adm.
Paul L. Santos, PLS Cathyann C. Gogue, Public Member
Masoud K. Teimoury, Ph.D. PE, Sec & Treas.
Marie Villanueva, Admin. Asst.

Absent: AAG, Atty. Tom Keeler Maria Elizabeth V. Cristi, PE
Nixon Isaac, Board Investigator Vincent P. Arriola, DPW Director, Vice Chair

Guest: Mateo C. Matanane, RA 465/Matan Architecture, LLC

Item 1, Call to Order

The Board's mission statement was announced. There being a quorum, the meeting was called to order at 3:19 pm.

Item 2, Memorial

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

Mr. Meliton S. Santos PE CE275, PLS 053
Mr. Alvin Isaac, Immediate family member of BI Nixon Isaac

Item 3, Review / Approval of Meeting Minutes

3 a Review of Meeting Minutes – September 29, 2022
3 b Review of Meeting Minutes – November 10, 2022

It was moved by BM Gogue, seconded by BM Santos, and unanimously carried out to approve the meeting minutes subject to corrections and clarification received by EBA Gutierrez no later than Friday, December 2, 2022.

Item 4, EBA Report

Board Administrative Activities

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

Promotions Specialty for the memorial plaque purchased for Andy Laguana in the amount of \$185.00.

TOG PEALS Special Funds Account is tracking at \$4,000 over this time last year.

BOH account is presently tracking at \$31,215.55 as of October 31, 2022.

EBA Gutierrez reported that the PEALS Board's FY23 budget had been significantly reduced. Further expenses will be drawn from our BOH account to perform daily operating expenses. According to the Government of Guam procurement procedures, the Board Chair and Sec. Treasurers are authorized to incur expenses per PEALS Law.

BM Santos would like to see if BI Isaac is able to attend off-island training pertaining to Specialized Investigative Courses that are available through the NCEES and/or NCARB organizations. EBA Gutierrez will review options as requested.

Sec. & Treas. Teimoury recommended a new position for a new Board Investigator for the upcoming FY24 Budget. Having another BI will assist the current Board Investigator in his duties – especially considering all the military buildup activities taking place on island. EBA Gutierrez and the Board Chair are willing to present to BBMR the new Budgetary Request and will do so accordingly. BM Gogue recommended we include the language saying that any lapse funds from the prior fiscal year be rolled over into the following year. BM Gogue will provide the language that her office used, relative to lapse funds, to EBA Gutierrez for her reference.

BM Gogue took note of the budget hearings of the Office of Attorney General where they had identified funds being issued to attorneys they staff, and they are charging the departments and divisions a fee when they are receiving appropriated funds through their budget request. EBA Gutierrez recognized this conflict as well, and per PEALS Law, we are assigned an Attorney through the Office of Attorney General and yet, have an MOU Contract with them for same services.

Item 5, Board Investigator's Report

Case Number PB-2022-03. A complaint was received from Mr. Aaron Burger upon Eddie Sy PE1249 (CE). Mr. Burger alleges that Mr. Sy may not be in compliance with PEALS Law, 25 GAR PROFESSIONAL & VOCATIONAL REGULATIONS CH. 1 GUAM BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS, ARTICLE 2 RULES OF

Item 8, Board Discussions

a. M Matanane, RA 465 request to rescind his architectural stamp from HCDI Data Center Project

Mr. Matanane came before the Board to discuss the topic on today's agenda, which involved his Professional Seal. Due to the following chain of events and circumstances, given in his spoken and written testimony before the Board today, he felt it necessary to submit a letter of request to rescind his signature and Professional Seal on a set of drawings that was submitted for a building permit approval. At the time of his request, the drawings were still in the process of being reviewed by the necessary agencies. Since then, revisions have been identified by the DPW Permit Administrator and although not able to release a copy of the approved drawings, assurance was received that all Mr. Matanane's stamped drawings have been returned and has now been assigned another Architect hired by his previous employer.

Mr. Matanane noted that knowing his professional seal and signature might still be tied to the original permit set, any future liability that may arise due to unforeseen conflicts, defects, or negligence, could be tracked back to him. Therefore, Mr. Matanane feels it is in his best interest and the only way to be fully absolved from all liability on the project was to submit a request to rescind his seals prior to permit approval.

BC Cruz thanked Mr. Matanane for coming before the Board to discuss his concerns. Mr. Matanane has not broken any PEALS Laws and sees no liability of his seal being affixed to this project. In light of the events and questions concerning this project; BC Cruz suggested the Board table this discussion for future review.

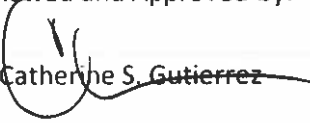
It was moved by BM Gogue, seconded by BM Santos, and unanimously carried out to table this discussion.

B. Work Verification Requirements for Former Employees of Deceased Registration

An inquiry came in from the late Andy Laguna's Office. They have several employees who have been working under the direct supervision of Mr. Laguana, a registered Architect. They are requesting Board consideration when applying for the ARE 5.0 application as work experience can no longer be verified.

Board noted that with a confirmation from Laguana's HR employees identifying their tenure, responsibilities, and collecting references from prior Laguana projects whom they have collaborated with, the Board would easily be able to approve candidates for ARE 5.0 seating.

Reviewed and Approved by:


/s/ Catherine S. Gutierrez

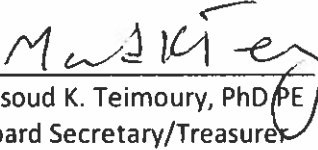
Catherine S. Gutierrez
Executive Board Administrator

BOARD APPROVED:

Approved by:


Cedric Q. T. Cruz, RA
Board Chair

2/15/23
Date


Masoud K. Teimoury, PhD/PE
Board Secretary/Treasurer

2/1/2023
Date

January 26, 2023

- 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. Facebook live had experienced technical difficulties.