

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

PEALS Board Regular Meeting

Thursday, January 14, 2021 East West Business Center Suite 207 3:17 PM - 5:25 PM

Present: Maria Elizabeth V. Cristi, PE, Board Chair Masoud K. Teimoury, PE, Vice Chair
Cedric Q.T. Cruz, RA, Sec & Treas. Paul L. Santos, PLS,
Catherine S. Gutierrez, Exec. Board Adm. Nixon Isaac, Board Investigator

Absent: Andrew T. Laguana, RA Member Cathyann C. Gogue, Public Member
Vincent P. Arriola, DPW Director AAG, Atty. Tom Keeler

Guest: Christian Wise, PE Lucia Perez, Public Attendee

Item 1, Call to Order

BC Cristi called for introduction of attendees, confirmed a quorum and called the meeting to order at 3:17 pm. The board's mission statement was announced.

BM Santos, moved to change the order of the agenda moving Item 2.C Election of Board Officers to the end of the meeting. VC Teimoury seconded the motion. BC Cristi called for a vote. All in favor 4/0, motion passed.

Item 2, NEW BUSINESS - PRESENTATION AND OATH FOR NEW REGISTERED CERTIFICATE

2.A WISE, Cristian PE 2111 (Civil)

BC Cristi administered the oath and presented certificate for Civil Engineering to Cristian Wise, PE.

2.B Architect Member

BC Cristi, advised the Board Architect Member, Andrew T. Laguana, RA was under medical supervision due to a health issue and will not be able to attend meetings until further notice. EBA Gutierrez was requested to extend to him, and his family, the Board's best wishes for his speedy recovery.

2.C Election of Officers – *(Moved to end of the meeting agenda outline.)*

Item 3, Review of Meeting Minutes of November 19, 2020 VIA ZOOM

It was moved by BM Santos and seconded by Sec. & Treas. Cruz, and unanimously carried to approve meeting minutes with corrections and clarification.

Item 4, OLD BUSINESS

4.A Law, Rules and Regulations Review

4.A.1 Update on Title 25 GAR Law Adopted and Files – 25 GARR Chapter 1

EBA Gutierrez addressed Board concerns regarding prior submission of Rules and Rules given to the Legislature with a response from the office of the Complier Law Executive Directors. The Guam Compliers of Law confirms the version published on the PEALS Board website is identical to the 1997 print publication, remains the only version that has been officially adopted, and is the only one currently in effect.

BM Santos recognized that prior Board Members had been using the proposed draft as their rules and regulations to govern activities and agreed that we must be guided by Title 25 GAR Chapter 1 and by our statutes under 22 GCA Chapter 32.

VC Teimoury noted that Draft Rules and Regulations posted along with officially adopted Title 25 GAR on the PEALS Board website may be causing some confusion. Sec. & Treas. Cruz recommends PEALS website be updated to replace the current version of Draft Rules and Regulations with a watermark "DRAFT" and a disclosure indicating these are "proposed amendments and not law" to eliminate any misunderstandings. EBA Gutierrez acknowledged.

BM Santos agrees that with a new and updated Rules & Regulations this new Board will be able to address concerns that have previously inhibited the Board's clarity on discipline(s) and procedures. BC Cristi cited Atty. Keeler, recommended that when we do revise our Rules and Regulations we also review and bring current the PEALS Law so to expound together.

It was moved by VC Teimoury, seconded by BM Santos, and unanimously carried to update PEALS Law, Rules and Regulations in tandem.

4.A.2 Update on Submission of Comments

EBA Gutierrez updated the board that there have been no responses or submission of comments by AIA. BM Santos clarified that the proposed rules & regulations listed on website must be reformatted to reflect existing PEALS GAR, per section, per legislative requirements. Next workshop meeting is tentatively scheduled for the last week of February, 2021.

Item 5, EBA Report

5.A Board Administrative Activities

5.A.1 Online Permitting

EBA Gutierrez reported the PEALS Board Website is currently undergoing reconstruction enhancements to include online applications and data management for PEALS Board clients. The demo to be completed on January 22, 2021 and will be sent out to the board of their perusal and input.

Our goal is to work towards being able to receive online applications for new applicants and registrants, as well as renewals. The review of each applicant's files by each board members will be performed as currently conducted. Once approved by the Board, only then will the PEALS Office complete the renewal or approval of application.

5.A.2 Financial Report

Board was given prior statements, both for the PEALS Special Funds Account, and the Bank of Hawaii account for your perusal. Only one (1) check was issued from the BOH account during this time. It was for postage, as PEALS postage meter is presently being acquired through GSA. Existing machine had to be replaced. BC Cristi requested EBA Gutierrez to submit a copy of check(s) written in future packets. EBA Gutierrez acknowledged.

Item 6, Investigation / Enforcement

Bl Isaac stated all prior cases have all been addressed with one (1) case pending review from the Attorney General office¹. From November 2020 until the present, we have received one (1) new case which he is presently working on. More information on that case is pending EBA Gutierrez's review.

Item 7, Open Discussion

7.A Masoud Khalaj-Teimoury, Application for Registration via Comity:

PEALS Board Member, VC Masoud Khalaj-Teimoury, submitted an application on November 19, 2020, to obtain an Environmental Engineering license via Comity (per 25GAR1 Sub Section 1302(b)(2A-B). Teimoury currently holds a Civil registration on Guam, (CE804), Kentucky (CE 16229) and the Northern Marianas Island of Saipan (CE270). He applied and passed the Fundamentals of Engineering in Kentucky in 1981, and the Professional Practice Examination of Engineering in the discipline of Civil in Kentucky in 1989. Mr. Teimoury holds a Doctor of Philosophy - Environmental Studies and Water Security: Interdisciplinary Program from the University of Alaska Fairbanks, as well as a Master of Science in Civil Engineering and a Bachelor's in Civil Engineering from the University of Louisville, Lexington Kentucky. The curriculum is ABET accredited. Experience is met per PEALS Law with well over 30+ years of documented experience.

Mr. Teimoury is requesting approval of his application to practice as an Environmental Engineer in Guam. He requests a waiver of the Environmental Engineering examination requirement citing 25 GAR Professional & Vocational Regulations Ch. 1 Guam Board of Registration for Professional Engineers, Architects and Land Surveyors Section 1302 Examinations (b) (2) that allow the Board to waive an examination.

BM Santos gave both verbal and written testimonies of support for Mr. Tiemoury's application, noting his 30 plus years of experience and education and recommends the board waive the Examination requirement as allowed in PEALS Rules. Sec. & Trea. Cruz is also in support of this waiver.

Decision of application was deferred to Board Review.

¹Footnote:

PEALS Board Regular Meeting, Thursday, June 7, 2018, Case #2017-002 Lorette T. Guerrero vs. Blas Atalig/Meliton S. Santos, PLS #053.

Item 7, Open Discussion (cont.)

7.B WSP USA Inc., PEALS Certificate of Authorization Renewal - Responsible Managing Employee – Mr. Kobayashi, PE CE1821

Per PEALS Law §32123(e) an authorization certificate under the provisions of this Section. (e) An engineer, architect, landscape architect or land surveyor who renders occasional part-time or consulting engineering, architectural, landscape architect or land surveying services to or for a firm may not, for the purposes of this Section, be designated as being responsible for the professional activities of the firm.

Board has obtained information that Mr. Lynden Masao Kobayashi, PE C1821 is currently a consultant as the Chief Engineer for the Department of Public Works while holding a permanent position as the main RME with WSP.

VC Tiemoury motioned, seconded by Sec/Treas. Cruz was unanimously approved; directing EBA Gutierrez to submit a letter to WSP requesting that requesting that Mr. Kobayashi either (1) step down as WSP's RME to remain DPW's Chief Engineer or (2) assign another individual as WSP's RME so Mr. Kobayashi remain in his role. EBA Gutierrez acknowledged and will circulate folder once requirement has been met.

7.C Wiss, Janney, Elstner Associates, Inc. – PEALS Certificate of Authorization Renewal – Disclosure of Reprimand in the state of North Carolina Board

Guam Board has been notified of this reprimand and EBA Gutierrez acted by requesting that a Letter of Good Standing be submitted for Board record from the State of North Carolina. Said letter was received and is included in their folder for Board review.

Decision of application was deferred to Board Review.

Item 8. Public Comments

None

Item 9, DPW Permit & DLM Survey Map Review

9.A. Department of Land Management - Report was not submitted by DLM

9.B. DPW Building Permits

Review of documents was deferred. Please direct any comments or questions to EBA Gutierrez not later than a week from today.

Item 9, NEW BUSINESS

9.A. Election of Officers

Defer until the next meeting as Sec. & Treas. Cruz was excused from the meeting at 5:15PM, leaving the Board without a quorum.

Item 10, ADJOURNMENT

There being no further business, BC Cristi adjourned the meeting at 5:24PM.

Taken and recorded by:

/s/ Marie Villanueva
Administrative Assistant



Reviewed and Approved by:

/s/ Catherine S. Gutierrez



Catherine S. Gutierrez
Executive Board Administrator

BOARD APPROVED:

Approved by:		<u>03.11.2021</u>		<u>3/20/21</u>
	Maria Elizabeth V. Cristi, PE Board Chair	Date	Cedre Q.T. Cruz, RA Board Secretary/Treasurer	Date

March 09, 2021

Minutes approved as is

Minutes approved with changes; see minutes _____

