

The Guam Board of Registration For Professional Engineers, Architects and Land Surveyors
PEALS Board Regular Meeting
Thursday November 19, 2020

ITEM NO. 2 NEW BUSINESS (cont.)

B. Introduction of the Newly Appointed Architect Member Andrew T. Laguana (cont.)

Architect Member Andrew T. Laguana addressed the board stating he had previously served as a board member for 2 terms, a total of 8 years. He stated he has previously attended national meetings adding that he hoped he contributed to the PEALS board before he left. Mr. Laguana added that he is with the firm Architects Laguana.

BC Cristi added, Mr. Laguana served at the national level. Mr. Laguana confirmed he sat as the President of NCARB Region 6.

BC Cristi extended her thanks for his contribution of his time and talents with the board.

C. Certificate Presentation for New Engineer Intern – James Mark Au Chan

BC Cristi announced the first virtual Certificate Presentation for the PEALS Board and offered her congratulations to the newest Engineer Intern Mr. James Mark Au Chan. BC Cristi invited Mr. Chan to give a brief introduction.

Mr. Chan addressed the board stating he is currently employed with WM Engineering since 2010.

BC Cristi administered the virtual Certificate Presentation.

Mr. Chan is pursuing licensure in Mechanical and Fire Protection Engineering.

ITEM NO. 3 APPROVAL OF MEETING MINUTES

A. Approval of Meeting Minutes for July 9, 2020

BC Cristi thanked the PEALS board staff for preparation and dissemination meeting minutes sent on October 16, 2020 for the boards review in advance. BC Cristi called for comments.

DPW Director Arriola referenced the discussion on timeline issues and reference page 2 of the meeting minutes. He inquired if the board met the timelines in responding to complaints or any ongoing investigations since our last meeting. Board Investigator Nixon Isaac confirm the staff has been active in monitoring each complaint to ensure we are responding in a timely manner. He added that response letters issued to close out complaints without merit were sent out via certified mail.

BM Santos, reference Item No. 7 Public Comment, wherein its states Brent Weise representing AIA and GBCC discussed a letter from DPW regarding special inspections required of designers of record. BM Santos stated a copy of these correspondences should have been added to the meeting minutes for reference on their content. BC Cristi responded that DPW had issued a letter requiring the designers of record to conduct special certification inspections adding that the board was not provided a copy. DPW Director Arriola stated he would have a copy of the letters on file sent to the PEALS board administrator to be added to the addendum of the approved minutes.

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ITEM NO. 3 APPROVAL OF MEETING MINUTES (cont.)

A. Approval of Meeting Minutes for July 9, 2020 (cont.)

Architect Member Laguana spoke on the matter stating that the requirement for special certification inspection by designer of record was something that popped up and not everyone was notified of the requirement. DPW Director Arriola confirmed that the requirement was for a specific project and was not intended as a blanket requirement.

BC Cristi called for a motion to approve minutes with an addendum to add copies of the correspondences from DPW and AIA/GBCC to be added to the meeting minutes.

Motion : DWP Director Arriola

2nd : BM Santos

All In Favor : 5

Opposed : 0

Abstained : 2

ITEM NO. 4 OLD BUSINESS

A. Laws, Rules and Regulation Review

BC Cristi turned over the floor for discussions on Law, Rules and Regulations to EBA Gutierrez. EBA Gutierrez reported the last working session to review PEALS law, rules and regulations was held back in February 5, 2020. She continued stating at our board meeting of July 09, 2020 we discussed scheduling another working session however, due to COVID19 pandemic shut down this working session was not scheduled. EBA Gutierrez advised the board they were still waiting for comments from GPSE and others for their comments.

BC Cristi thanked the AIA for their comments on both the law and rules and regulations and stated EBA Gutierrez continues to follow up with GPSE for their contribution of comments on the matter. BC Cristi instructed EBA Gutierrez to continue to follow up with Mr. Thomas Camacho, PE for these comments.

BC Cristi addressed BM Santos to update the board on comments from the surveyors group to which BM Santos confirmed he would follow up for comments.

BM Santos, raised his concerns that the rules and regulations posted on the PEALS website were totally different from the working document they were using for the past 8 years, asking Architect Member Laguana if he recalled to which Architect Member Laguana stated he has not had a chance to reviewed rules and regulation posted. BS/T Cruz commented that the draft rules and regulation published on the website were proposed edits drafted by a previous boards which the board would use to carry the task through.

ITEM NO. 4 OLD BUSINESS (continued)

B. Laws, Rules and Regulation Review (continued)

BC Santos, showed the board a copy of a published rules and regulations booklet and stated that it was what the board was editing and trying to revise. He further stated that compared to the GAR published on the PEALS Board website were totally different, he added that there should be a basis of proposed changes and that should be the one that is published. BM Santos cited Public Law 2296 which requires that rules and regulations proposed by a government agency, after submission to the governor, be transmitted to the legislature in bill form for the convenience of the legislature, after the passage of 45 calendar days, plus seven legislative days, the rules and regulations are approved adding that he did not know if that was ever done and if it was approved.

Architect Member Laguana inquired when the booklet was published to which BM Santos responded that it was the 23rd legislature 1996 second regular session, bill number 612 signed by Carl C.T. Gutierrez by request of the governor. An act to establish rules and regulations and fees for the territorial Board of Registration for Professional Engineers, Architects and Land Surveyors. BM Santos continued stating it does not mention anywhere that it became a public law.

BC Cristi instructed EBA Gutierrez to check with the Compiler of Law to confirm what was actual approved and filed. DPW Director Arriola suggested that the board's legal counsel should be aware of what was approved and recommended EBA Gutierrez send an email inquiry with board members on copy on the subject. BM Santos inquired if we can ask the newest public member to assist in the research as she has good knowledge and understanding of rules and regulations.

BM Cristi moved to table discussion to our next meeting regarding the law, rules and regulations pending on the findings of EBA Gutierrez and Public Member Gogue.

ITEM NO. 5 EBA REPORT

A. Board Administrative Activities

BC Cristi called for EBA Report. EBA Gutierrez reported on finances confirming FY2021 Budget was approved at \$288,182.00, total revenues for FY2020 closed at \$259,550.00 with an excess of \$17,960.00 which rolled over to the new fiscal year. EBA Gutierrez continued, the PE exams were administered on October 23rd and 24th 2020 and COA renewals continued to be processed even during the closure due to the pandemic adding 58 COA's had been renewed and 55 COA renewals were pending. EBA Gutierrez stated the delays with most COA renewals was due to the delays in securing clearances from Revenue and Taxation. BC Cristi noted there was an increase in the number of COA's from the previous year and EBA Gutierrez confirmed there were 5 new COA applications that were processed for this year.

ITEM NO. 6 INVESTIGATIONS AND ENFORCEMENT

A. Board Investigator's Report

BC Cristi called for Board Investigators report. BI Isaac reported only 1 pending case opened and that this was the case currently with the AG's office. BC Cristi addressed DPW Director Arriola regarding a complainant's request for the return her documents related to her complaint regarding a permit for clearing and grading. Director Arriola responded stating this complaint was received some time ago and recalled the complaint was that the permit application approved was for clearing and grating project that turned into a quarrying operation. He continued stating that there was a significant distinction between permit applications for these two types of projects and that a DPW issued a stop order to this and several other projects similar to this complaint. BC Cristi asked Director Arriola to double check to see if DPW had fulfilled the complainants request for return of her documents to which Director Arriola responded that he would go back and confirm this.

ITEM NO. 7 OPEN DISCUSSIONS

A. Environmental and Geotechnical Engineering Application Requirement

BC Cristi called for open discussions. The board discussed the application requirements for Environmental and Geotechnical Engineering. BVC Teimoury had submitted an application for licensure in Environmental Engineering by Education, and Experience citing 25 GAR Ch. 1 § 1302 (b) (2) (A) (B).

BVC Teimoury provided back ground information on his education and experience for the board's consideration.

As Guam law is silent on licensure in Environmental Engineering or Geotechnical Engineering. These specific disciplines are licensed via comity only. The PEALS Board follows the guidelines set forth by NCEES. BC Cristi confirmed NCEES does administer examination for Environmental Engineering however it does not administer examination for Geotechnical Engineering which is only administered in a few jurisdictions and is a state specific examination. Again as there were some concerns of what version of the law we are following it would be best if we researched and confirmed what was filed with the Compiler of Law in order to make a lawful determination. BC Cristi recommended to table discussions for further review of the law.

(For full detailed audio recording of discussion are available on or website at www.guam-peals.org)

BC Cristi initiated open discussion on the topic of NCEES's Virtual Annual Meeting that took place on August 27th and 28th, 2020 US mainland. BC Cristi reported on the newly elected officers for Western Zone, Scott Bishop PS from Utah, as zone Vice President, Mohammad (Dr. Q) Qureshi, Ph.D., PE from California as Assistant VP and Richard Morre, PLS as Secretary-Treasurer. BC Cristi also announced to the board that BM Santos is currently serving on the NCEES Examination Committee on a national level. BC Cristi also announced for new members, EBA Gutierrez's efforts in establishing online applications and renewals to help in relieving the work load for the staff to focus on enforcement and other items as renewals process take up a much time and effort.

ITEM NO. 7 OPEN DISCUSSIONS (cont.)

BC Cristi requested the PEALS Board administration and staff ensure routing of files for review go to the board members according to discipline.

BM Santos, opened discussion on matter of concern regarding the validation of complaints. A report of and observation made by BM Santos involving a possible infraction was reported to the EBA which resulted with a response that, since a formal complaint was not submitted in writing the complaint would be considered hearsay if challenged hence no further actions would be taken. BM Santos stressed this requirement for a written complaint is a weakness in the board's ability to enforce the law and is yet another issue that should be addressed in the review of our law, rules and regulations. Director Arriola stated that there is a process in place for complaint made by a board member or a member of the general public adding that every complaint should be documented in writing.

BM Laguana opened discussions on calculating occupant load determinations for small business. He stated the importance of looking into opportunities to reduce the load calculations to help keep people working and small business open on our island. It was suggested to take a look at other states to determine how they are calculating occupant load determination and to work with the GBCC to come up with solutions to help the small business community and the people of Guam stay open and employed.

ITEM NO. 8 PUBLIC COMMENTS

BC Cristi opened the floor for public comments and asked public attendee Lucia Perez for her comments.

Lucia Perez offered some advice regarding concerns of the PEALS Law and the GAR. She gave a brief summary of the process of filing changes to the law, rules and regulations through the legislature for approval and for final posting with the Compiler of Law. She added in her observation that some of the concerns the board has over complaints and procedures are already covered under the Guam Code for the PEALS Board.

ITEM NO. 9 DPW PERMITS | DLM REVIEW

BC Cristi called for comments on DPW Permits and DLM review. BM Santos noted a discrepancy under the PEALS COA Master Listing of Firms, he requested clarification of service for AE COM license #202. He noted the Services of Letter did not include all the services AE COM is authorized to provide.

ITEM NO. 10 ADJURNMENT

BC Cristi called for motion to adjourn. BM Santos moved to adjourn, AM Laguana 2nd the motion. BC Cristi called for any discussion. No discussions. BM Cristi called for a vote to adjourn at 4:49pm.

Motioned : BM Santos
2nd : AM Laguana
All In Favor : Unanimous

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Approved by: *Mecristiff*
Maria Elizabeth V. Cristi, PE
Board Chairperson

Date : 01 FEBRUARY 2021 *10*