

I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUAHAN
Informational Briefing/ Oversight Hearing / Roundtable Hearing

REPORT	STANDING COMMITTEE / SENATOR	DATE	DATE FILED	NOTES
Oversight Hearing	Committee on Guam-U.S. Military Buildup, Infrastructure, and Transportation	8/2/17 10:00 a.m.	08/30/17 4:55 p.m.	Committee Report on the Oversight Hearing of the Guam Contractor's License Board (GCLB)



Senator
FRANK B. AGUON, JR.
Chairman

Senator
Thomas A. Morrison
Vice Chairman

Senator
Dennis G. Rodriguez, Jr.
Member

Senator
Joe S. San Agustin
Member

Senator
Régine Biscoe Lee
Member

Senator
Louisa Borja Muña
Member

Senator
Fernando B. Esteves
Member

Speaker
Benjamin J.F. Cruz
Ex-Officio

AUG 30 2017

The Honorable Benjamin J.F. Cruz

Speaker

I Mina' Trentai Kuátro Na Liheslaturan Guåhan

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

VIA: The Honorable Régine Biscoe Lee

Chairperson, Committee on Rules

RBL

RE: Committee Report on the Oversight Hearing of the Guam Contractor's License Board (GCLB).

Dear Senator Régine Biscoe Lee:

Transmitted herewith is the Committee Report, pursuant to Section 11.06(a) of Rule XI, on the Oversight Hearing of the Guam Contractor's License Board (GCLB).

Respectfully,

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Buildup | Infrastructure | Transportation

I Mina' Trentai Kuátro Na Liheslaturan Guåhan | 34th Guam Legislature

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COMMITTEE ON

Guam U.S. Military Buildup | Infrastructure | Transportation

I MINA' TRENTAI KUÁTRO NA LIHESLATURAN GUÁHAN | 34th GUAM LEGISLATURE



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Senator
Fernando B. Esteves
Member

Speaker
Benjamin J.F. Cruz
Ex-Officio

COMMITTEE REPORT

ON THE

Guam Contractor's

License Board (GCLB)

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910
PHONE: (671) 475-GUM1/2 (4861/2) | FAX: (671) 475-GUM3 (4863) |
EMAIL: AGUON4GUAM@GMAIL.COM

WWW.FRANKAGUONJR.COM



Office of Senator Frank B. Aguon, Jr. <admin@frankaguonjr.com>

1st Notice – Oversight Hearing on Wednesday, August 2, 2017 at 10:00 AM

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com>

Tue, Jul 25, 2017 at 12:49 PM

To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>

Cc: "Senator Frank B. Aguon, Jr." <aguon4guam@gmail.com>, Committee <committee@frankaguonjr.com>, Communications <communications@frankaguonjr.com>, Rosanna O'Mallan <staff@frankaguonjr.com>, Senator Aguon's Assistant <officeassistant@frankaguonjr.com>, "T.J. Quichocho" <outreach@frankaguonjr.com>, Tricia Benavente <media@frankaguonjr.com>

Bcc: chuck.ada@guamairport.net, eduardo.ordonez@clb.guam.gov, eleanor.borja@dpw.guam.gov, felix.benavente@dpw.guam.gov, gabriel.jugo@englekirk.com, gerardb@guamairport.net, Glenn Leon Guerrero <glenn.leonguerrero@dpw.guam.gov>, governor@guam.gov, jeana@guamairport.net, Joy Jean Rabon Arceo <jrarceo@portguam.com>, maria.flores@revtax.guam.gov, maria.perez@clb.guam.gov, marie@guam-peals.org, mecristi@pacificsoilsguam.com, mruth@traguam.com, myra.abaya@grta.guam.gov, penelope.gates@grta.guam.gov, peterroy@guamairport.net, phnotice@guamlegislature.org, rally.pilipina@grta.guam.gov, ray@guam-peals.org, rolanda@guamairport.net, rosieb@guamairport.net, "Alfred F. Duenas" <afduenas@portguam.com>, Andrew Tydingco <pokilabot@gmail.com>, Enrique Agustin <rick.agustin@grta.guam.gov>, felix Pangelinan <frpangelinan@portguam.com>, Gerard Cruz <gerard.cruz71@gmail.com>, Ginger Porter <ginger.porter47@gmail.com>, "Joanne M.S. Brown" <jbrown@portguam.com>, "John P. Camacho" <john.camacho@revtax.guam.gov>, "Joseph. duenas" <joseph.duenas@guam.gov>, Joy Unpingco <joy.unpingco@guam.gov>, Marge Duenas <mduenas@portguam.com>, Maria Taitano <mdrtaitano@gmail.com>, "Marie M. Benito" <marie.benito@revtax.guam.gov>, Mark Calvo <mark.calvo@guam.gov>, Melanie Mendiola <melmendiola@gmail.com>, Ray Tenorio <ray.tenorio@guam.gov>, Rose Ramsey <rose.ramsey@guam.gov>, "Vice Mayor Frank A. Benavente" <frankabenavente17@gmail.com>, carmelita.santos@clb.guam.gov, resiah.malaga@clb.guam.gov, Brent Wiese <wiese@guambcc.org>, reilly.ridgell@gmail.com, cbabauta@guampdn.com, editor@pacificislandtimes.com, janela@k57.com, kmora@guam.gannett.com, louella@postguam.com, michael@spbgum.com, nick@kuam.com, parroyo@k57.com, Gaynor Daleno <editor@postguam.com>, Guam PDN <news@guampdn.com>, Janela Buhain Carrera <janela@spbgum.com>, Jason Salas <jason@kuam.com>, Jerick Sablan <jpsablan@guampdn.com>, John O'Connor <john@postguam.com>, Krystal Paco <krystal@kuam.com>, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, Maria Louella Losinio <louella.losinio@gmail.com>, Neil Pang <neil@postguam.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Shawn Raymundo <sraymundo@guampdn.com>, Steve Limtiaco <slimtiaco@guampdn.com>, Valerie Maigne <valerie@kuam.com>

July 25, 2017

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK BLAS AGUON, JR.

Subject: 1st Notice – Oversight Hearing on Wednesday, August 2, 2017 at 10:00 AM

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1. **Guam Contractor's License Board (GCLB)**
 - a) Review of the application process;

- b) Review of complaints and appeals process;
- c) Number of applications submitted to the Agency for each of the past five (5) years;
- d) Number of Applications approved or denied for each of the past five (5) years;
 - Discussions on reason for denied applications;
- e) Any known irregularities that have been occurring at the Agency;
- f) Open discussion.

The Hearing will broadcast on local television, *GTA Channel 21 and Docomo Channel 117* or streamed online at:
www.guamlegislature.com.

The Committee requests that, if written testimonies are to be presented at the Informational Hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr. at Suite 503 DNA Bldg. 238 Archbishop Flores St. Hagåtña, Guam, or via fax to 475-GUM3(4863), or via email to: aguon4guam@gmail.com. Individuals requiring special accommodations, auxiliary aids, or services should contact our office at 475-4861/62. Please feel free to contact my office should you have any questions or concerns.

Un Dangkolo Na Si Yu'os Ma'ase!

--

Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Build-Up, Infrastructure and Transportation
SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGÁTÑA, GUAM 96910
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aguon4guam@gmail.com | www.frankaguonjr.com

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Guam U.S. Military Buildup | Infrastructure | Transportation

I MINA' TRENTAI KUÁTRO NA LIHESLATURAN GUÁHAN | 34th GUAM LEGISLATURE

July 25, 2017

Senator FRANK B. AGUON, JR. Chairman

Senator Thomas A. Morrison Vice Chairman

Senator Dennis G. Rodriguez, Jr. Member

Senator Joe S. San Agustin Member

Senator Régine Biscoe Lee Member

Senator Louise Borja Muña Member

Senator Fernando B. Esteves Member

Speaker Benjamin J.F. Cruz Ex-Officio

MEMORANDUM

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Un Dangkulo Na Siyupos Mo'ase!

SENATOR FRANK BLAS AGUON, JR.
Committee Chairman on Guam U.S. Military Buildup| Infrastructure | Transportation
I Mina' Trentai Kuatro Na Liheslaturan Guahan | 34th Guam Legislature

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EMAIL: AGUON4GUAM@GMAIL.COM

WWW.FRANKAGUONJR.COM



Office of Senator Frank B. Aguon, Jr. <admin@frankaguonjr.com>

2ND NOTICE- Oversight Hearing on Wednesday, August 2, 2017 at 10:00 AM

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com>

Mon, Jul 31, 2017 at 8:28 AM

To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>

Cc: "Senator Frank B. Aguon, Jr." <aguon4guam@gmail.com>, Committee <committee@frankaguonjr.com>, Communications <communications@frankaguonjr.com>, Rosanna O'Mallan <staff@frankaguonjr.com>, Senator Aguon's Assistant <officeassistant@frankaguonjr.com>, "T.J. Quichocho" <outreach@frankaguonjr.com>, Tricia Benavente <media@frankaguonjr.com>

Bcc: chuck.ada@guamairport.net, eduardo.ordonez@clb.guam.gov, eleanor.borja@dpw.guam.gov, felix.benavente@dpw.guam.gov, gabriel.jugo@englekirk.com, gerardb@guamairport.net, Glenn Leon Guerrero <glenn.leonguerrero@dpw.guam.gov>, governor@guam.gov, jeana@guamairport.net, Joy Jean Rabon Arceo <jrarceo@portguam.com>, maria.flores@revtax.guam.gov, Maria Perez <maria.perez@clb.guam.gov>, marie@guam-peals.org, mecristi@pacificsoilsguam.com, mruth@traguam.com, myra.abaya@grta.guam.gov, penelope.gates@grta.guam.gov, peterroy@guamairport.net, phnotice@guamlegislature.org, rally.pilipina@grta.guam.gov, ray@guam-peals.org, rolenda@guamairport.net, rosieb@guamairport.net, "Alfred F. Duenas" <afduenas@portguam.com>, Andrew Tydingco <pokilabot@gmail.com>, Enrique Agustin <rick.agustin@grta.guam.gov>, felix Pangelinan <frangelinan@portguam.com>, Gerard Cruz <gerard.cruz71@gmail.com>, Ginger Porter <ginger.porter47@gmail.com>, "Joanne M.S. Brown" <jbrown@portguam.com>, "John P. Camacho" <john.camacho@revtax.guam.gov>, "joseph. duenas" <joseph.duenas@guam.gov>, Joy Unpingco <joy.unpingco@guam.gov>, Marge Duenas <mduenas@portguam.com>, Maria Taitano <mdrtaitano@gmail.com>, "Marie M. Benito" <marie.benito@revtax.guam.gov>, Mark Calvo <mark.calvo@guam.gov>, Melanie Mendiola <melmendiola@gmail.com>, Ray Tenorio <ray.tenorio@guam.gov>, Rose Ramsey <rose.ramsey@guam.gov>, "Vice Mayor Frank A. Benavente" <frankabenavente17@gmail.com>, carmelita.santos@clb.guam.gov, Resiah Mae Malaga <resiah.malaga@clb.guam.gov>, Brent Wiese <wiese@guambcc.org>, reilly.ridgell@gmail.com, cbabauta@guampdn.com, editor@pacificislandtimes.com, janela@k57.com, kmora@guam.gannett.com, louella@postguam.com, michael@spbg Guam, nick@kuam.com, parroyo@k57.com, Gaynor Daleno <editor@postguam.com>, Guam PDN <news@guampdn.com>, Janela Buhain Carrera <janela@spbg Guam>, Jason Salas <jason@kuam.com>, Jerick Sablan <jpsablan@guampdn.com>, John O'Connor <john@postguam.com>, Krystal Paco <krystal@kuam.com>, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, Maria Louella Losinio <louella.losinio@gmail.com>, Neil Pang <neil@postguam.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Shawn Raymundo <rraymundo@guampdn.com>, Steve Limtiaco <slimtiaco@guampdn.com>, Valerie Maigue <valerie@kuam.com>

July 31, 2017

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK BLAS AGUON, JR.

Subject: 2ND Notice – Oversight Hearing on Wednesday, August 2, 2017 at 10:00 AM

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Un Dangkolo Na Si Yu'os Ma'ase!

--

Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Build-Up, Infrastructure and Transportation

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGÁTÑA, GUAM 96910

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July 31, 2017

Senator
FRANK B. AGUON, JR.
Chairman

MEMORANDUM

Senator
Thomas A. Morrison
Vice Chairman

To: All Senators, Media, and Stakeholders

Senator
Dennis G. Rodriguez, Jr.
Member

Fr: SENATOR FRANK BLAS AGUON, JR.

Senator
Joe S. San Agustin
Member

Subject: 2nd Notice – Oversight Hearing on Wednesday, August 2, 2017 at 10:00 AM

Senator
Régine Biscoe Lee
Member

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Senator
Louise Borja Muña
Member

1. Guam Contractor's License Board (GCLB)

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Senator
Fernando B. Esteves
Member

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Speaker
Benjamin J.F. Cruz
Ex-Officio

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Un Dânglo Na Sa'u'os Ma'ase!

SENATOR FRANK BLAS AGUON, JR.
Committee Chairman on Guam U.S. Military Buildup | Infrastructure | Transportation
I Mina' Trentai Kuâtro Na Liheslaturan Guåhan | 34th Guam Legislature

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910
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Office of
SENATOR FRANK B. AGUON, JR.

THIRTY-FOURTH GUAM LEGISLATURE · I MINA'TRENTAI KUÅTRO NA LIHESLATURAN GUÅHAN

July 25, 2017

Mr. Eduardo R. Ordonez
Executive Director
Guam Contractors' Licensing Board (GCLB)
542 North Marine Corps Drive
Tamuning, Guam 96913
Sent via Email: eduardo.ordonez@clb.guam.gov

INVITATION: Oversight Hearing on Wednesday, August 2, 2017 at 10:00 AM

In accordance with the *Open Government Law of Guam*, relative to notice for public meetings, please be advised that the *Committee on Guam U.S. Military Buildup, Infrastructure, and Transportation*, will convene an **Oversight Hearing on Wednesday, August 2, 2017 at 10:00 AM at the Guam Congress Building public hearing room.** Included on the agenda for discussion are the following topic(s):

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Un Dangkolo Na Si'ru os Ma'ase!

SENATOR FRANK BLAS AGUON, JR.

Committee Chairman on Guam U.S. Military Buildup | Infrastructure | Transportation
I Mina' Trentai Kuåtro Na Liheslaturan Guåhan | 34th Guam Legislature

CC: Reilly Ridgell, GCLB Board Chairman

Committee Chairman: Guam-US Military Buildup · Infrastructure · Transportation

238 Archbishop Flores St. · Suite 503 · DNA Bldg. · Hagåtña, GU 96910 · 671 475.GUM1/2/3



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FRANK B. AGUON, JR.
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Thomas A. Morrison
Vice Chairman

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Member

Senator
Joe S. San Agustin
Member

Senator
Reginé Biscoe Lee
Member

Senator
Louise Borja Muña
Member

Senator
Fernando B. Esteves
Member

Speaker
Benjamin J.F. Cruz
Ex-Officio

Guam Contractor's License Board (GCLB)

Oversight Hearing Agenda

Wednesday, August 2, 2017 at 10:00 AM

Guam Congress Building Public Hearing Room, Hagåtña

AGENDA

- I. Call to Order at 10:00AM
- II. Opening remarks/Announcements
- III. Guam Contractor's License Board (GCLB)
 - a. Review of the application process;
 - b. Review of complaints and appeals process;
 - c. Number of applications submitted to the Agency for each of the past five (5) years;
 - d. Number of Applications approved or denied for each of the past five (5) years;
 - i. Discussions on reason for denied applications;
 - e. Any known irregularities that have been occurring at the Agency;
- IV. Open discussions
- V. Closing Remarks
- VI. Adjournment

COMMITTEE ON GUAM U.S. MILITARY BUILDUP, INFRASTRUCTURE & TRANSPORTATION

I Mind' Trentai Kuatro Na Liheslaturan Guåhan / 34th Guam Legislature



SENATOR FRANK B. AGUON, JR.

CHAIRMAN

Oversight Hearing

Wednesday, August 02, 2017 at 10 AM



Guam Contractor's License Board (GCLB)

Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony		
Maivan Pizarro	Contractors License Board					
Phillip Santos	CHESIZE	928 8712				
Joe Sival	HSC	472 6134				
T. Tomaka Si	HSC	472-6634				
CAROL MARQUEZ	TRB	477-8353		✓		
JOHN S. MARQUEZ	TRB	727-8353	✓			

COMMITTEE ON GUAM U.S. MILITARY BUILDUP, INFRASTRUCTURE & TRANSPORTATION

I Mina' Trentai Ku'etro Na Liheslaturan Guåhan / 34th Guam Legislature



SENATOR FRANK B. AGUON, JR.

CHAIRMAN

Oversight Hearing

Wednesday, August 02, 2017 at 10 AM



Guam Contractor's License Board (GCLB)

Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony		
Mae Arile	LIB	649-9676				
Margaret Guerrero	CLB	649-2211				
Katherine Seiner	Guam CHFA	688-3050				
NELSEN, RESIAH	CLB	689-2201				
Santos, Pamela	CLB	649-2211				
VINCE Aguirre	CLB	646-7202				
ED ORPONEZ	N	632-2817				

COMMITTEE ON GUAM U.S. MILITARY BUILDUP, INFRASTRUCTURE & TRANSPORTATION

I Mina' Trentai Kuatro Na Liheslaturan Guahan / 34th Guam Legislature



SENATOR FRANK B. AGUON, JR.

CHAIRMAN

Oversight Hearing

Wednesday, August 02, 2017 at 10 AM



Guam Contractor's License Board (GCLB)

Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony		
Marci Poy	CLB	649-2212				
Nida Bailey	CLB	649-2219				
Arlie Custodi	CLB	649-2219				
Roberto Tengan	DOT	635-1844				



CONTRACTORS LICENSE BOARD

Inetnon Malisensiayen Kontratista

542 North Marine Corp Drive A. – Tamuning, Guam 96911
649-2211, 9676, 646-7626, 649-2965 649-2210(Fax)



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LI. GOVERNOR

EDUARDO R. ORDONEZ
EXECUTIVE DIRECTOR

August 1, 2017

Senator Frank B. Aguon, Jr.
Committee Chairman
Committee on Guam US Military Build –up,
Infrastructure & Transportation
Suite 503
DNA Bldg. 238 Archbishop Flores St.
Hagatna, Guam 96910

Subject: Oversight Hearing August 2, 2017

Dear Senator Aguon,

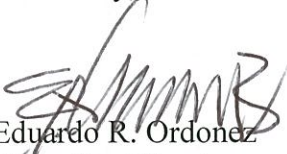
Good morning.

Forwarded are the documents requested by your office in connection with the scheduled Oversight hearing on August 2, 2017 at 10:00 A.M. at the Guam Congress Building public hearing room.

Hoping that you'll find anything in order. If there is any more information that you may need, please don't hesitate to contact our office.

Thank you.

Sincerely,


Eduardo R. Ordonez
Executive Director



CONTRACTORS LICENSE BOARD

Inetnon Malisensiyen Kontratista

542 North Marine Corp Drive A. – Tamuning, Guam 96911
649-2211, 9676, 646-7626, 649-2965 649-2210(Fax)



EDDIE BAZA CALVO
GOVERNOR

EDUARDO R. ORDONEZ
EXECUTIVE DIRECTOR

RAY TENORIO
Lt. GOVERNOR

July 31, 2017

Senator Frank B. Aguon, Jr.
Committee Chairman
Committee on Guam US Military Build –up,
Infrastructure & Transportation
Suite 503
DNA Bldg. 238 Archbishop Flores St.
Hagatna, Guam 96910

Subject: Oversight Hearing August 2, 2017

Dear Senator Aguon,

Respectfully submitting the herein information/documents in connection with scheduled Oversight Hearing on August 2, 2017, as follows;

A) REVIEW OF THE APPLICATION PROCESS :

1) Administration Section

a) Applicant submit Application form prescribed by the board.

• Documents required

- Certification of not less than three (3) persons in support of the of the applicants experience (must have had within the last 10 years immediately preceding filing an application, not less than four (4) years as foreman, supervising employee, or contractor in the particular contracting field the applicant intends to become a contractor. * The Board in its discretion, may approve certain technical training or business administration training as acceptable experience, but in no case will such training count as more than one (1) year experience.
- Certification of not less than two (2) persons who can attest that the applicant bears a good reputation for honesty, truthfulness and fair dealings.
- Proof of financial solvency (Bank Letter of credit attesting to financial solvency or financial statement from the Bank.
- List of Projects completed within the last four (4)years

2) Investigation Section

- Investigator conducts investigation on the applicant (interview)

- Once the applicant passes the interview, the investigator, returns the file to the Administration Division to schedule the written examination. (Examinations are given every 2nd and 4th Tuesday of the month.
- The Applicant pays the applicable fees to the treasurer of Guam.

ACTION ON APPLICATION

The board has forty-five days (45) after filing a proper application for license and payment of fees required to act on every application.

FAILURE TO PASS THE EXAMINATION

An applicant who fails to attain a passing grade, may be given a re-examination within ninety (90) days without necessity of reapplication or additional fee.

Attached is a copy of the Application Form as prescribed by the Board. The CLB application process is well structured and runs smoothly.

B) REVIEW OF COMPLAINTS AND APPEALS PROCESS :

I would like to inform you that since 2013 the CLB has not been regularly assigned an Assistant Attorney General (AAG). Recently, I have worked with AAG Thomas Keeler Assist on CLB legal issues.

COMPLAINT PROCESS:

- a) Consumers can file their complaints at our office by filling out the Consumer complaint form. (Attached is a copy)
- b) Complaints are forwarded to the Investigation Section and Logged in the Log book and assigned a case number.
- c) An Investigator is then assigned to the case.
 1. Investigator review the case and if additional documents or information are needed will call the complainant to submit.
 2. Investigator sends Notice to Appear to the contractor to give them an opportunity to respond.
(Some cases could be resolved if the complainant and the contractor are willing to come into settlement.)
(Some cases e.g. contracts, money disputes etc. are outside of our jurisdiction. In these cases the Board advise the parties to settle in court, as appropriate.)
 3. Upon completion of their investigation, the Investigator will give me a report with recommendation.
 4. I review the complaint and the Investigator's report and forward the complaint to the Board to consider at its next meeting (New Business).
 5. The CLB Board determines if a complaint is proper and what action to take.
 6. If the Board determines that a violation has occurred, a Citation is issued. (Attached is copy of the Citation), which was revised within the past year. The Citation places a contractor on notice of the alleged violation and the proposed

action. If the contractor disputes the allegations he has fifteen (15) days to notify the CLB of such and request a hearing.

7. Contested/Disputed cases goes to the CLB Board for a hearing.
8. In every case where it is proposed to refuse to grant a License or to revoke or suspend a license or refuse to renew a license, the Board gives the person concerned notice of hearing in conformity with Administrative Adjudication Law.

APPEALS – An applicant who has been refused a license and every licensee whose license has been suspended, revoked or not renewed may appeal the Contractor’s License Board’s decision to the Superior Court in the manner provided in the Administrative Adjudication Law.

C) NUMBER OF APPLICATIONS SUBMITTED TO THE AGENCY FOR EACH OF THE PAST FIVE (5) YEARS. (2012-2016)

The CLB had received **5,120** applications the past five (5) years.

Submitted (New, Renewal & Provisional)

FY 2012 - 1075

FY 2013 - 997

FY 2014 - 997

FY 2015 -1011

FY 2016 -1040

D) NUMBER OF APPLICATION APPROVED OR DENIED FOR EACH OF THE PAST (5) FIVE YEARS. (2012-2016)

The CLB had a total of **5,120** approved applications

Approved (New)	Renewal	Provisional
FY 2012 - 83	FY 2012 - 951	FY 2012 - 41
FY 2013 – 74	FY 2013 - 893	FY 2013 - 30
FY 2014 – 73	FY 2014 – 882	FY 2014 -42
FY 2015 – 82	FY 2015 – 885	FY 2015 -44
FY 2016 – 88	FY 2016 – 898	FY 2016 - 54

The six (6) applications were denied in the past five (5) years was submitted by the Investigation Supervisor. Denied applications stay with the Investigation Supervisor and he does not give it back to the Administration Section in spite of them asking for it to be returned.

- DISCUSSIONS ON REASON FOR DENIED APPLICATION

The main reason for the denial of the application is if the Applicant lacks the necessary experience for the Classification that they are applying for.

E) ANY KNOWN IRREGULARITIES THAT HAVE BEEN OCCURRING AT THE AGENCY

In general, the only irregularities that have occurred within the agency are limited to the improper and unauthorized action of one rogue investigator. Some examples of the Investigator's actions are as follows:


- Investigation Supervisor wrote to the Attorney General on the CLB Letterhead without my knowledge or permission. In his letter, Investigation Supervisor improperly complained of the assignment of a case which I had assigned to a different Investigator. The assignment of cases is my responsibility. If the Investigation Supervisor had an issue with the assignment, it should have been addressed to me and me alone.
- Improper and unauthorized taking of files assigned to other staff.
- Habitual absence of the Investigation Supervisor in the Board meetings in violation of my instructions.
- Investigation Supervisor leaving the CLB Log book inside his locked office hampering the operation of the office.
- Investigation supervisor not appearing for work this past week without having applied for and granted leave. The only notice given was a leave application form slipped under my door, which I discovered the following day (Saturday). The leave application was for (24 hours) (Monday – Wednesday.) I have written to DOA notifying that the leave application was denied. Investigation Supervisor did not appear for work all week. I am working with DOA on this matter and plan on actinf on Investigation Supervisor's unauthorized leave shortly.

Mr. Senator, I would like to inform you that the new Chairman of our Board of Directors is Ms. Marian Pizzaro, you can contact her at her email loveguam888@gmail.com.

In closing, all is in order with CLB operations other than its rogue Investigation Supervisor, which I am presently addressing. If there is any more information that you may need, please don't hesitate to contact my office.

Thank you.

Sincerely,


Eduardo R. Ordonez
Executive Director

Attachments:

Application form

Application Review & Checklist

Copy of Denied Application (reference to reason for denied application)

Copy of Complaint form

Copy of Citation



Guam Contractors License Board Government of Guam



542 N. Marine Drive Suite A Tamuning, Guam 96913
Tel: 649-9676, 649-2211, 649-2214 or 649-2210 (Fax)
Website: www-guam-clb.org

APPLICATION FOR EXAMINATION GUAM CONTRACTORS LICENSE

(RESPONSIBLE MANAGEMENT EMPLOYEE)

Application Fee: \$50.00

TYPE OR PRINT LEGIBLY IN INK

Name of Applicant (Last, First, Middle Initial)	Telephone Number	
Mailing Address:	Email address:	
Residential Address (House#, Street Name & Village)		
Classification Applying For		
Social Security Number	Date of Birth	Citizenship

All of the following questions must be answered. If you answer “yes” to any of the following question, attach a detailed statement identifying the transaction (i.e. past due bills, claims, suits, judgments of record or pending, or liens of record) and include the names and addresses of the parties involved. Indicate on the statement whether or not the obligation was discharged in bankruptcy.

1. Are there any unpaid past due bills or claims for labor, material, or services as a result of any construction contract or work undertaken by you or any organization in which you were a member?

Yes No
2. Are there now any liens, suits, or judgments of record pending as a result of any construction contract or work undertaken by you or any organization in which you were a member?

Yes No
3. Have you ever been convicted of any offense in Guam, or elsewhere, other than traffic violations?

Yes No
4. Have you, or any organization in which you were a member of the personnel, had a contractor’s license or any professional or vocational license denied, suspended or revoke by this or any other state?

Yes No
5. Are there now any judgments or admitted claims against any bond or cash deposit, in your name or in the name of any organization which you were a member, required by Law?

Yes No

WORK EXPERIENCE

Describe, in detail, your work experience. List most recent experience first.

Name and Address of Employer		Telephone Number	
Job Title	Period of Employment (Start –End)	Full-Time or Part-Time	
Describe, in detail, your duties and responsibilities			

Name and Address of Employer		Telephone Number	
Job Title	Period of Employment (Start –End)	Full-Time or Part-Time	
Describe, in detail, your duties and responsibilities			

WORK EXPERIENCE (Continued)

Describe, in detail, your work experience. List most recent experience first.

Name and Address of Employer		Telephone Number	
Job Title	Period of Employment (Start -End)	Full-Time or Part-Time	
Describe, in detail, your duties and responsibilities			

EDUCATIONAL or TECHNICAL TRAINING

List all educational or technical training below that pertain to the classification you are applying for. Original or certified copies of transcripts, Certificate of Degree or Apprenticeship Certification must be submitted with your application.

Name of Location of College, University or Training Institution	Course of Study	Type of Degree	Date Completed

I certify, under penalty of perjury under the laws of Guam, that the information provided above is true and correct. I also authorize the Contractors License Board to access, inquiry or obtain information necessary in order to clear my application for the purpose of obtaining a license from their office.

Signature of Applicant

Date

FOR CONTRACTORS LICENSE BOARD USE ONLY

NAME: _____

DATE OF EXAM	CLASSIFICATION	SCORE

NOTES & COMMENTS

CERTIFICATE IN SUPPORT OF EXAMINEE'S EXPERIENCE QUALIFICATIONS

<p>Name of Applicant (Last, First, M.I.) Please Print Clearly or Type</p> <hr style="width:80%; margin-left:auto; margin-right:auto;"/>

CERTIFIER MUST COMPLETE THE REMAINDER OF THIS FORM

Describe, in detail, as you know, the trades and duties performed by the Applicant.

How long have you known the applicant? _____
 Describe your relationship to the applicant (employee/employer, supervisor/subordinate) _____
 Did the applicant demonstrate a level of knowledge and skill expected of them in the duties described above? _____

Name of Certifier	Telephone Number(s)
Mailing Address	

I declare, under penalty of perjury under the laws of Guam, that the information herein is true and correct. (6 GCA &4308)

_____	_____
Signature of Certifier	Date

CERTIFICATE IN SUPPORT OF EXAMINEE'S EXPERIENCE QUALIFICATIONS

<p>Name of Applicant (Last, First, M.I.) Please Print Clearly or Type</p> <hr/>

CERTIFIER MUST COMPLETE THE REMAINDER OF THIS FORM

Describe, in detail, as you know, the trades and duties performed by the Applicant.

How long have you known the applicant? _____
Describe your relationship to the applicant (employee/employer, supervisor/subordinate) _____

Did the applicant demonstrate a level of knowledge and skill expected of them in the duties described above? _____

Name of Certifier	Telephone Number(s)
Mailing Address	

I declare, under penalty of perjury under the laws of Guam, that the information herein is true and correct. (6GCA &4308)

Signature of Certifier

Date

CERTIFICATE IN SUPPORT OF EXAMINEE'S CHARACTER

Name of Applicant (Last, First, M.I.) Please Print Clearly or Type

CERTIFIER MUST COMPLETE THE REMAINDER OF THIS FORM

The undersigned certify that I have known the applicant, whose name is subscribed above, to have a good reputation for honesty, truthfulness and fair dealings.

Comments:

How long have you known the applicant? _____

Describe your relationship to the applicant (employee/employer, supervisor/subordinate) _____

Name of Certifier	Telephone Number (s)
Mailing Address	

**Declare, under penalty under the laws of Guam, that the information herein is true and correct.
(GCA4308)**

Signature of Certifier	Date
------------------------	------

CERTIFICATE IN SUPPORT OF EXAMINEE'S CHARACTER

Name of Applicant (Last, First, M.I.) Please Print Clearly or Type

CERTIFIER MUST COMPLETE THE REMAINDER OF THIS FORM

The undersigned certify that I have known the applicant, whose name is subscribed above, to have a good reputation for honesty, truthfulness and fair dealings.

Comments:

How long have you known the applicant? _____

Describe your relationship to the applicant (employee/employer, supervisor/subordinate) _____

Name of Certifier	Telephone Number (s)
Mailing Address	

**Declare, under penalty under the laws of Guam, that the information herein is true and correct.
(GCA4308)**

Signature of Certifier	Date
------------------------	------

BANK LETTERHEAD

This information is CONFIDENTIAL and furnished
As a matter of business courtesy in reply to your inquiry.
No responsibility is assumed by the BANK of _____ or
its officer.

DATE: _____

CONTRACTORS LICENSE BOARD

The information check below is in reply to your recent inquiry regarding
*****JOHN DOE*****

And is given in confidence without liability on the part of this bank. It is based solely on our direct
experience with our customer.

___ Enclosed signature compares favorably.

___ Has maintained an account since	<u>January 1, 2010</u>
___ Year to Date	<u>\$15,000.00</u>
___ Present Balance	<u>\$10,000.00</u>
___ Account Number (S)	Savings ACCT #0102-111111

___ Account has been satisfactory.

___ Credit relations have been satisfactory.

___ Unable to locate record of credit relations.

___ Account recently opened. Not yet identified.

___ Please give full name, address, and line of business as we have similar names.

___ Please give the name or address of the branch where the subject is known.

Otherwise, we are unable to locate this name. We shall be pleased to recheck it for you upon receipt
of this specific reference.

REMARKS: _____ NONE _____

I, John Doe
Authorized the Bank of Hawaii
To release information

Joe Cruz
Operations Officer
Agana Branch

****SAMPLE****

**Arianna Isabella's Painting & Decorating
Financial Statement
As of June 6, 2006**

ASSETS

Current Assets

Checking/Savings

Cash in Bank 5,000.00

Cash on Hand 700.00

Total Current Assets \$5,700.00

Other Assets

Tools 20,000.00

Back hoe John Deer (2) 40,000.00

Total Other Assets 60,000.00

TOTAL ASSETS \$65,700.00

LIABILITY & EQUITY

Liabilities

GGEFCU – Auto (Rav 4) 25,000.00

PFCU – Auto (Tacoma) 20,350.00

PFCU Loan 20,350.00

Liabilities \$65,700.00

TOTAL LIABILITIES & EQUITY \$65,700.00

MUST STATE ON DOCUMENT:

****Pursuant to Section 4308, Title 6, Guam Code Annotated, I declare under the penalty of perjury under the Laws that the foregoing is true and correct.****

Name: _____

Signature: _____

Date: _____

Title: _____

**PROJECTS AND EXPERIENCES COMPLETED BY _____ IN SUPPORT FOR A
"C-8" - CEMENT CONCRETE CONTRACTOR LICENSE**

Project Start Date	Project End Date	Project	General Contractor	Trade Classifications Supervised	Scope of Work	Position / Title
22-Feb-10	22-May-10	City Mill- Nimitz Renovation 660 N. Nimitz Hwy, Honolulu, HI 96817	John Doe Construction, Inc.	Laborers, Masons, Carpenters, Sheet Metal Workers, Painters, Cement Finishers, Equipment Operators, Ironworkers, Plasterers, Tapers, Tile/Terrazo Setters, Welders, Roofers, Tile Setters, Electricians	Install new structural steel canopy into existing CMU walls. Install grout and reinforcing steel into ungrouted CMU cells. Demolish, remove and replace existing corroded rebars in existing concrete caves. Repair spalling concrete. Elastomeric coatings, epoxy injection, elastomeric membrane. Welding and structural steel, sheet metal roofing, sheet metal work, painting, ceramic tile work, concrete restoration and repair, plaster, electrical work, Scaffolds, forklifts, manlifts, skyjacks.	President / RME

SHAW

Project and Experience for: _____

Project Start Date	Project End Date	Project	General Contractor	Trade, Classification(s), Supervised	Scope of Work	Position/Title

2

APPLICATION REVIEW & CHECKLIST

- New-Application
- Re-Instatement Request
- Replacement/Additional RME
- Request for waiver
- Sole Proprietor
- Sole Proprietor w/RME
- Partnership/Joint Venture
- Corporation/LLC /LLP

Name of Company:		Email Address:	
RME Name:		Phone Number:	
Classification:		Social Security:	RME Number:

CHECK LIST OF CLEARANCES AND SUPPORTING DOCUMENTS

- Completed Application
- Completed RME Application
- Completed Clearances
- Completed Zone Clearances Form
- Financial Statement (President/Owner & RME)
- Certificate of Corporation/Partnership/Authority
- Articles of Corporation
- By-Laws of Corporation/Operating Agreement
- Worker's Compensation Insurance
- Bank Letter from Owner or President
- Bank Letter of RME
- Photo of Officer/Owner
- Photo of Officer
- Photo of Officer
- Photo of Officer
- Photo of RME

COMPANY HISTORY/ LICENSE STATUS

<i>NEW</i>

RME/OWNER INFORMATION/HISTORY

<i>RME</i>

CLB INVESTIGATION SECTION/REGISTRAR REVIEW/BOARD MEMBER REVIEW & COMMENTS

NAME	INITIALS	COMMENTS
Maria D. Perez Administrative Officer		
Eduardo O. Zapanta Investigation Supervisor		
Eduardo R. Ordonez Executive Director		
Revenue and Taxation		
Marian Pizzaro Board Chairman		

BOARD ACTION: APPROVED DISAPPROVED DATE:

FOR LICENSING SECTION USE ONLY

Company No.	RME No.	GRT:	Amount Due:
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3

Contractors License Board
Government of Guam
642 N. Marine Dr., - A
Tamuning, Guam 96911
Tel: 646-7262; 649-9676/2211
Fax: 649-2210

FOR OFFICE USE ONLY	
Date Received by CLB:	
Case Number Assigned:	
Investigator:	
Date Assigned:	

CONSUMER COMPLAINT FORM

INFORMATION ABOUT THE PERSON(S) MAKING THE COMPLAINT	
Name	Contact Numbers (H) (W)
Mailing Address	
Residential Address (House number, street name and village)	

INFORMATION ABOUT THE CONTRACTOR	
Company Name	Contact Number(s)
Mailing Address	
Office Location	

INFORMATION ABOUT THE CONTRACT		
Type of Contract (Verbal/Written)	Amount of Contract	Date of Contract
Amount Paid to Contractor	Date Work Started	Date Work Ceased
Describe Contract or Agreement (Renovation, Construction of New Home, Demolition, etc.)		

Nature of Complaint (If needed, please attach additional sheets)

Signature of Complainant

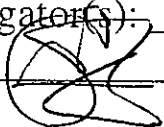
Date

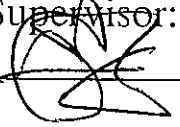
4

CHECK LIST FOR EXAMINATION FOR ADDITIONAL CLASSIFICATION

Name: Jacet, Ty
Classification Applying for: B
Phone Numbers: 687-8804
Date Submitted: April 8, 2016


Completed Application

Name of Investigator(s): ED ZAPANTA
Signature (s): 

Investigator Supervisor: Eduardo O. Zapanta
Signature: 

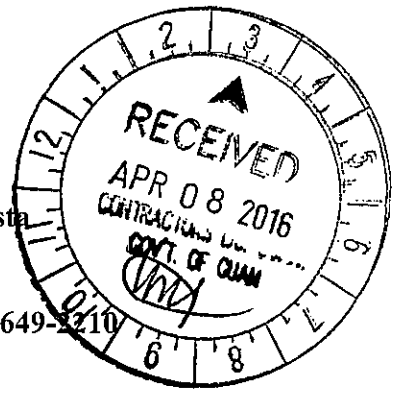
Classifications Applicant qualifies for:

Notes: INTERVIEWED MR. TY ON 4/25/16 @ 10:00 AM. EZ EXPLAINED TO MR. TY THAT ACCORDING TO THE EXPERIENCE HE SUBMITTED, IT DID NOT JUSTIFY THE (B) GEN. RDG. LIC. HE IS APPLYING FOR

Date given back to License Section: _____
Administrative Section Name & Signature: _____




Guam Contractors License Board
Guahan Inetnon Manlisensiayen Kontratista
542 N. Marine Corps Dr., Suite A
Tamuning, Guam 96913
Tel: 646-7262 / 649-2211 / 649-9676 • Fax: 649-2210



APPLICATION FOR ADDITIONAL CLASSIFICATION

Name of Applicant Ty Jacot	Social Security Number 101-62-1139	Email Address tjacot@setpacific.net
Mailing Address PMB242, 1270 N. Marine Corps Dr. Tamuning, GU	Telephone Number (s) 671-687-8804	
Current Classifications(s) C13, C13A	License Number RME# CLB14-1065, License# 7281	
Name of Company S.E.T. - Pacific, Inc.		

Any individual who wishes to obtain additional classifications must meet the minimum of four (4) years experience for each classification applied for. Experience must be justified, in this application. All areas of this application must be completed upon submission.

Classification(s) Applying for: General Building - B

WORK EXPERIENCE

Describe, in detail, your work experience. List the most recent experience first.

Name and Address of Employer S.E.T. - Pacific, Inc. -Same	Telephone Number 671-646-8990	Email Address Power@setpacific.net
Job Title General Manager	Period of Employment (date to date) July 2010 - Present	Full-Time or Part-Time Full Time

Describe your duties and responsibilities:
 As General Manager(GM) of S.E.T. - Pacific, Inc., I manage the company's daily, weekly and long term strategic activities and goals. Manage all departments, oversee the hiring of personnel, finalize project estimates, write and/or review procurement contracts, update company policy & procedures, provide guidance and recommendations to the President/CEO of the company. Perform complete on-site construction and project management duties, including scheduling, procurement, QA/QC, technical and administrative management for all activities. Coordinate and schedule work activities with other trades (civil, structural, mechanical and architectural) and/or subcontractors on the project. Manage and actively meet with subcontractors to insure conflicts and change orders are identified and addressed early on, in order to mitigate disputes. Work closely with the site safety representatives to ensure safety issues and activity hazardous are identified and rectified prior any work being started. Attend weekly project meetings and work closely with each company's representative to insure our work activities don't impede other contractor's scheduled activities. Coordinate with the Site Safety Health Officer (SSHO) to insure our team members and work force are performing there tasks in a professional and safe manner. Develop and implement daily work scope plans, quality control plans and closeout documents. Provide recommendations and expert advise to the President/CEO during contract, change order and closeout negotiations with the Prime Contractor.

Certified as a Project Management Professional (PMP) - November, 2013.
 Certified as a Master Electrician - May, 2015
 Certified as a Construction Quality Manager by U.S. Army Corps of Engineers - December, 2015

WORK EXPERIENCE

Describe, in detail, your work experience. List the most recent experience first.

Name and Address of Employer S.E.T. - Pacific, Inc. - Same	Telephone Number 671-646-8804	Email Address Power@setpacific.net
Job Title Sr. Vice President	Period of Employment (date to date) 2010 - 2007	Full-Time or Part-Time Full Time
Describe your duties and responsibilities: <p>Performed complete on-site construction and project management services for the construction, installation and start-up of the 2-MW Agana Shopping Center Power Facility. Performed the scheduling, coordination and supervision of all on-site work activities by the subcontractor teams (Civil, Structural, Engineering, Mechanical and Electrical). Managed project site safety personnel to insure all work activities were performed in a safe professional manner with no lost time accidents. Maintained weekly meetings with the Engineering firm and the specialty subcontractors to insure the numerous change orders were adequately addressed and scheduled appropriately. Coordinated and managed the transition from the construction phase to the start-up and commissioning phase to the Operation and Maintenance (O&M) phase of the project. Interviewed, hired and trained the O&M personnel to perform the start-up and commissioning activities. Developed the start-up and commissioning plans and procedures based on manufacture's O&M requirements. Coordinated and managed the start-up, commissioning and functional testing activities of the new equipment. Performed final check out, functional testing and initial start-up of the power facility. O&M plans and daily procedures were then developed to allow the operations group to effectively maintain the generators and facility.</p>		

WORK EXPERIENCE

Describe, in detail, your work experience. List the most recent experience first.

Name and Address of Employer S.E.T. - Pacific, Inc. - Same	Telephone Number 671-646-8990	Email Address Power@setpacific.net
Job Title Sr. Vice President	Period of Employment (date to date) 2007 - 2000	Full-Time or Part-Time Full Time
Describe your duties and responsibilities: <p>Performed 7 years of on-site project and construction management services for the operations, maintenance, repair and construction activities for the High Voltage Electric Utility power system for Naval Base Guam and Andersen AFB. Provided the management integration resources and technical data expertise for contract start-up and phase in. Scheduled, coordinated and managed all repair and construction activities on over 600 miles of overhead/underground high voltage circuits, one 20-MW Generating facility, approximately 85 portable emergency backup generators, 8 boiler/steam generating facilities and one centralized demineralized water production facility. Interviewed, hired and trained over 90 maintenance personnel to perform all required maintenance activities. Developed and implemented the base line maintenance schedules, daily work scope plans, safety plans, quality control plans, preventive maintenance plans and instructions. Developed and conducted weekly briefs with Government commands detailing repair and construction activity progress. Performed the preparation and submittal of project repair cost analysis and out of scope job cost estimates along with bill of materials. Developed and conducted post typhoon and post-earthquake disaster recovery briefings with Government commands detailing system integration capabilities, facility recovery and restoration execution schedules.</p>		

WORK EXPERIENCE

Describe, in detail, your work experience. List the most recent experience first.

Name and Address of Employer S.E.T. - Pacific, Inc. - Same	Telephone Number 671-646-8990	Email Address Power@setpacific.net
Job Title Sr. Vice President	Period of Employment (date to date) 2000-1995	Full-Time or Part-Time Full Time
Describe your duties and responsibilities: Performed as Power Plant Start-up Manager, Shift Operations Supervisor and Electrical Supervisor on four Co-generation power facilities. located in upstate NY. I was contracted to coordinate, schedule and manage the start-up, commissioning and testing activities of all four facilities over a four year period. Interviewed, hired and trained over 40 maintenance personnel to perform all required operations and maintenance activities. Developed and implemented equipment start-up, procedures, daily operational work scope plans, safety plans, quality control plans and preventive maintenance plans to successfully commission each facility. Coordinated start-up and commissioning activities with the construction trades and managed all stakeholders expectations.		

EDUCATIONAL OR TECHNICAL TRAINING

List all educational or technical training below that pertain to the classification(s) you are applying for. Original or certified copies of transcript, Certificate of Degree or Apprenticeship must be submitted with your application.

Name & Location of College University or Training Institute	Course of Study	Type of Degree	Date Completed
Canton Agricultural and Tech. College - NY	Electrical Eng.	A.A.S.	5/18/85
Guam Community College - Guam	Proj. Mang. Prof.	Certified PMP	9/12/13
Gov. Guam Contr. License Board	Master Elect.	Cert. Master Elect.	5/21/15
US Arm Corps of Eng. Learning Center	Contr. Qual Cont.	Cert. Cont. Qual. Cf	12/17/15
Navfac 40HR-EM385-1-1 Haz Rec. Train.	40hr Safety Clas.	Cert. Complete	4/13/14

I certify, under penalty of perjury under the Law of Guam, that the information provided above is true and correct (6 GCA 4308). I also authorize contractors License Board to access, inquire or obtain information necessary in order to clear my application for the purpose of obtaining a license from their office.



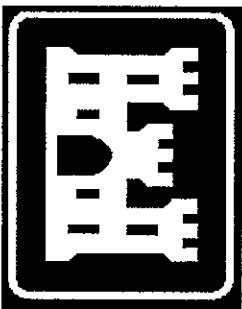
 Signature of Applicant

January 28, 2016

 Date

U.S. ARMY CORPS OF ENGINEERS

USACE LEARNING CENTER
HUNTSVILLE, ALABAMA



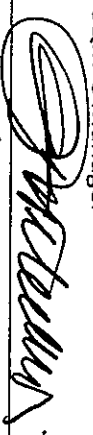
CERTIFICATE

Ty J. Jacot

MAR-01-16-00621

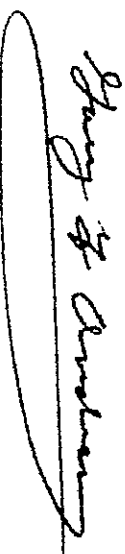
has completed the Corps of Engineers and Naval Facility Engineering Command Training Course

CONSTRUCTION QUALITY MANAGEMENT FOR CONTRACTORS - #784

TUMON, GUAM	16-17 December 2015	NAVFAC MARIANAS	ROSELLE GUARIN
Location	Training Date(s)	Instructional District/ NAVFAC	CQM-C Manager
ROMEO U. VELESRUBIO	romeo.velesrubio@fe.navy.mil	671-349-5404	
Facilitator/Instructor	Email	Telephone	Facilitator/Instructor Signature

THIS CERTIFICATE EXPIRES FIVE YEARS FROM DATE OF ISSUE

CQM-C Recertification online course: <https://www.myuln.net>



Director, USACE Learning Center

2015

CONTRACTORS' LICENSE

EDDIE BAZA CALVO
Governor of Guam

MASTER ELECTRICIAN

RAY TENORIO
Lt. Governor of Guam


Pursuant to the provisions of Chapter VII Title XI of the Government of Guam and the Rules and Regulations of the Contractors License Board, the Executive Director of Contractors hereby issues this license to:


Ty Jacot

To engage in the business or act in the capacity of a contractor in the following classifications

Master Electrician

This license is the property of the Executive Director of Contractors, not transferable, and shall be returned to the Executive Director upon demand when suspended, revoked, or invalidated for any reason. It becomes void if not renewed on or before the expiration date.



Signature of RME
RME #


Signature of LICENSEE
License # ME-15-031

GRT # 200601354
Issued: May 21, 2015

Certificate # ME-0515-0046
Expires: June 30, 2017




EDUARDO R. ORBONEZ
EXECUTIVE DIRECTOR



Project Management Institute

THIS IS TO CERTIFY THAT

Ty J Jacot

HAS BEEN FORMALLY EVALUATED FOR DEMONSTRATED EXPERIENCE, KNOWLEDGE AND PERFORMANCE
IN ACHIEVING AN ORGANIZATIONAL OBJECTIVE THROUGH DEFINING AND OVERSEEING PROJECTS AND
RESOURCES AND IS HEREBY BESTOWED THE GLOBAL CREDENTIAL

Project Management Professional

IN TESTIMONY WHEREOF, WE HAVE SUBSCRIBED OUR SIGNATURES UNDER THE SEAL OF THE INSTITUTE

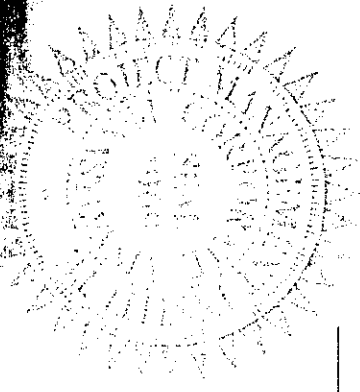
Deanna Landers • Chair, Board of Directors

Mark A. Langley • President and Chief Executive Officer

PMP® Number 1673038

PMP® Original Grant Date 12 November 2013

PMP® Expiration Date 11 November 2016



April 7, 2016

Project and Experience for SET Electric



Project Start Date	Project Start Date	Project	General Contractor	Trade Supervised	Scope of Work	Position / Title
July 2011	Sept. 2012	Strike Forward Operating Location Project, AAFB, Guam	dck-ecc pacific guam construction LLC	Laborers, Apprentices, Electricians, Equipment Operators, Fire Alarm Technicians, Communications Technicians	Installation of a new substation facility to include pad mounted switch gear, transformers, underground electrical circuits and pad mounted switches. Installed new fire alarm and communications equipment to complete the project.	General Manager
May 2012	March 2013	Guam Strike Ops and Tanker Task Force Renovation Project for Bldg. 22026, AAFB, Guam	P&S Construction Inc.	Laborers, Apprentices, Electricians, Equipment Operators, Fire Alarm Technicians, Communications Technicians	Demolition of existing equipment in Bldg. 22026 and Installation of a new electrical, communication and fire alarm systems to complete the new facility.	General Manager

March 2013	November 2013	Guam Strike Ops and Tanker Task Force Renovation Project Phase 2 for Bldg. 25002, AAFB, Guam	P&S Construction Inc.	Laborers, Apprentices, Electricians, Equipment Operators, Fire Alarm Technicians, Communication Technicians	Demolition of existing equipment in Bldg. 22026 and Installation of a new electrical, communication and fire alarm systems to complete the new facility.	General Manager/RME
January 2013	August 2014	Guam Strike - Conventional Munitions Maintenance Facility (CMMEF) Project, AAFB, Guam	P&S Construction Inc.	Laborers, Apprentices, Electricians, Equipment Operators, Fire Alarm Technicians, Communication Technicians	Installation of approximately 2 miles of new electrical and communication transmission lines to service the remote maintenance facility. Also, new construction work to install new pad mounted switch gear, transformers, underground electrical circuits, communication, fire alarm, lightning protection and grounding systems to complete the project.	General Manager/RME
April 2014	November 2015	Boeing Guam Inarajan Solar PV Project	Sunora Energy Solutions, LLC	Laborers, Apprentices, Electricians, Equipment Operators, Fire Alarm Technicians, Communication Technicians	Installation of a new substation facility to include pad mounted switch gear, transformers, underground electrical circuits and pad mounted switches. Installed new fire alarm and communications equipment to complete the project.	General Manager/RME
October 2015	Ongoing	Joint Regional Marianas (JRM), Guam, USA Consolidated Emergency Response Dispatch Center	VT Milcom	Laborers, Apprentices, Electricians, Equipment Operators, Fire Alarm Technicians	Demolition of existing equipment in JRM Headquarters, Bldg. 200 and Installation of a new electrical, communication and fire alarm systems to complete the new facility.	General Manager/RME

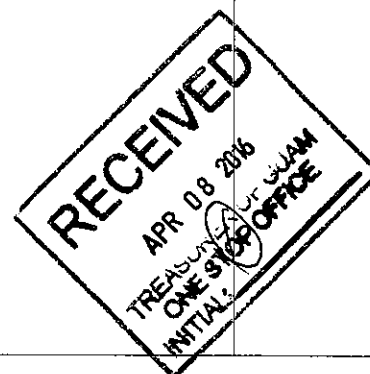
Contractors License Board
 542 N. Marine Corps Drive -A
 Tamuning, Guam 96913
 Tele: (671)649-9676,
 (671)649-2211
 Fax: (671)649-2210

Invoice

DATE	INVOICE #
4/8/2016	9436

BILL TO
Ty J. Jacot

ITEM	DESCRIPTION	AMOUNT
APPL FEE CO.	Acct. No. 3-21352126	50.00
	Additional Class Application	0.00
	MAA	
Total		50.00



5



**CONTRACTORS LICENSE BOARD
GOVERNMENT OF GUAM**

542 NORTH MARINE CORPS DRIVE – A
TAMUNING, GUAM 96911
TEL. NOS. 649-2211/9676 FAX NO. 649-2210

In the matter of the Contractors License)
Board Rules and Regulations and)
Title 21 GCA Chapter 70 §70121 Violation)
and Penalty assessed by the Board)

CITATION
Case # 2014-03-04

Citation Issued to:)
(RME))

P. O. Box 20399)
Barrigada, Guam 96921)

Respondent)

1. This citation serves as your notice of violation of the Administrative Rules and Regulations of the Government of Guam; Title 21 GCA Real Property Chapter 70 Contractors (Public Law 30-11) §70116 (a)(6), and §70121 Violation Penalty. You must pay the penalty and correct the violation referred to in this citation; unless within fifteen (15) days from the receipt of this citation, you notify the Contractors License Board in writing, that you intend to contest the citation and the penalty imposed. Should you desire to make such an appeal, an administrative hearing may be scheduled within thirty (30) days, at which time; you may present any rebuttal evidence to the alleged violation(s)

Should a hearing be necessary, your company will be advised, in writing, as to the scheduled date, time and place of such hearing. Should you fail to attend the hearing, as scheduled, all penalties will stand as assessed. Should you fail to pay the penalties assessed to your company, the CLB may initiate collection proceedings and pursue further legal action with the Attorney General's Office.

INVESTIGATION DETAILS

2. Investigation Date: March 11, 2014
3. Investigator Name:
4. Investigation Location: Tract 103-1A Lot 13, Block 2 Dededo, Guam
5. Investigation Allegation:
 - a.) Two (2) employees not wearing hard hats.
 - b.) Poor housekeeping.
 - c.) No rebar caps on exposed rebars.
 - d.) No safety barricade around deep excavation.
 - e.) Unsafe working platform

DESCRIPTION OF VIOLATION

6. §70116 (a) the Contractors License Board may revoke any license issued hereunder, or suspend the right of the licensee to use such licenses, or refuse to renew any such license for; (6) Willful violation of any law of the Territory *or* of any political subdivision thereof, relating to building, including any violation of any applicable rule *or* regulation of the Department of Public Health, *or* of any applicable **safety** *or* labor law;

and §70121 Any person who violates or omits to comply with any of the provisions of this Chapter shall be fined an amount no less than Two Hundred Dollars (\$200) but not to exceed fifty percent (50%) of the value of the project.

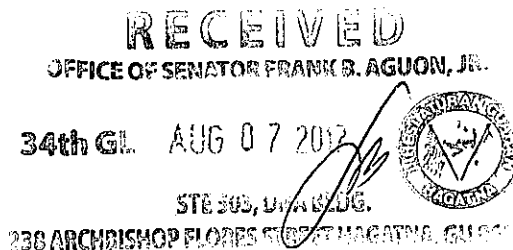
PENALTY ASSESSMENT AND ORDER FOR VIOLATION

7. That the Violation Penalty amount of One Thousand Two Hundred Dollars (\$1,200.00) is due within fifteen (15) working days upon receipt of this Citation if not contested.

8. Should you fail to comply with this citation, your case shall be forwarded to the Attorney General's Office for further legal action.

ISSUED UNDER THE BOARD this 18th day of March, 2014 pursuant to the provisions of Title 21 GCA Real Property Chapter 70 Contractors (Public Law 30-11) and the Contractors License Board Rules and Regulations.

Eduardo R. Ordonez
Executive Director



August 4, 2017

**VIA HAND DELIVERY
& FACSIMILE
(671) 649-2210**

Eduardo R. Ordonez
Executive Director
GUAM CONTRACTORS LICENSE BOARD
542 North Marine Corps Drive
Building A (Public Works Compound)
Tamuning, Guam 96913

RE: SHINGO KAWASHIMA AND KPL GUAM CO., LTD.

Dear Mr. Ordonez:

This law firm represents Mr. Shingo Kawashima, a citizen of Japan, and KPL Guam Co., Ltd. ("KPL"), which holds a contractor license issued by CLB, Certificate #C-0517-0137. Mr. Kawashima and KPL's RME, Mr. Vicente Carmona, are the targets of the "consumer" complaint filed by Mr. Tommy Tanaka, Jr., on behalf of HSG Co., Inc. ("HSG"), another contractor licensed by CLB. Mr. Tanaka's complaint was previously investigated and resolved by the CLB back in March of this year. I attach a copy of your March 9, 2107 letter to Mr. Tanaka for your convenient reference.

So the record is very clear, Mr. Shingo Kawashima is not a shareholder, director or officer of KPL, although his father, Mr. Shinya Kawashima, is the president of KPL and a major shareholder. Due to an admitted mistake on the part of your staff, Shingo Kawashima was erroneously issued a CLB identification card as a representative of KPL. I can only speculate that might have been due to the similarity of his name to that of his father. There could be no other reason.

The record should also be clear that Shingo Kawashima is a minority shareholder of HSG, the company Mr. Tanaka purports to represent. Mr. Tanaka and Shingo Kawashima are embroiled in a bitter shareholder dispute arising out of the souring of the

long-time business relationships between the Kawashima family and Mr. Tanaka. Another minority shareholder of HSG is HSJ Co., Ltd. ("HSJ"), a Japan corporation owned by the Kawashimas. HSJ for many years provided needed financial support for HSG's and Mr. Tanaka's activities in Guam, including purchasing vehicles and equipment used by HSG in its operations. After Mr. Tanaka claimed that HSG was insolvent and would go under unless HSJ agreed to provide additional financing to fund its operations and HSJ declined to do so due to concerns about Mr. Tanaka's management of HSG, Mr. Tanaka declared war on the HSJ and the Kawashimas.

Last year, Mr. Tanaka made a number of serious accusations against Shingo Kawashima personally as well as against Mr. Carmona. HSG has filed a lawsuit in the Superior Court of Guam against them based on those allegations. All of Mr. Tanaka's allegations are denied and the true facts will ultimately be determined by the court.

In the meantime, Mr. Tanaka has waged an aggressive campaign to smear and besmirch Mr. Kawashima and Mr. Carmona, who had been a long-time valued employee of HSG until he was fired by Mr. Tanaka last year. The "consumer complaint" filed with the CLB against them is just one aspect of that campaign. The complaint was an obvious, amateurish attempt to create problems for KPL, which now competes with HSG. Mr. Tanaka is attempting to use the CLB as a weapon in his war against his former allies, now rivals. You should not be fooled and believe otherwise.

My partner Tom Sterling worked with Mr. Carmona and your investigator Nida Bailey back in March to resolve the issues raised by Mr. Tanaka in his "complaint." The issues were quickly resolved, as evidenced by your March 9, 2017 letter. Somehow, though, these claims have come back to life, prompted it seems by your rogue investigator, Mr. Zapanta. As the result of Mr. Zapanta's curious (if not suspicious) zeal, Mr. Tanaka's baseless claims have become fodder for uninformed newspaper articles and editorials, and were prominently featured in the oversight hearing conducted by Sen. Frank Aguon on August 2. It was not surprising that Mr. Tanaka testified at the hearing, since he was the instigator. Sadly, Sen. Aguon seized on the newspaper articles and accepted the allegations as being true, without the benefit of any investigation whatsoever, and wrongfully castigated you and your staff who tried vainly to explain to him the facts.

At the hearing, Mr. Zapanta announced that he had caused a notice of hearing to be mailed to Mr. Carmona together with a recommendation that his RME license be revoked. The purpose of this letter is to put you and the CLB on notice that KPL and Mr. Carmona will vigorously contest any attempt to revoke Mr. Carmona's RME license upon which KPL relies in order to conduct its business.

At the oversight hearing, Sen. Aguon rudely disregarded the advice of your staff, and erroneously advised the CLB that you are empowered immediately to suspend or revoke a license. As one of your staff politely tried to explain to Sen. Aguon to no avail,

the CLB possesses no such power. You cannot first hang the accused and then give him a trial afterwards, as seems to be believed by Sen. Aguon. Both your enabling legislation and your rules and regulations prescribe specifically the process that must be followed. KPL will expect the CLB to follow the legal requirements to the tee.

Specifically, Rule 10.2(A) of the CLB's Rules and Regulations provides that:

- (A) In every case where it is proposed to refuse to grant a license or to revoke or suspend a license or to refuse to renew a license, the Board shall give the person concerned notice and hearing *conforming with the Administrative Adjudication Act*. The notice shall be given in writing by certified mail with return receipt requested at least fifteen (15) days before the hearing.

Guam's Administrative Adjudication Act ("AAA") is codified in Chapter 9 of Title 5 of the Guam Code Annotated. 5 G.C.A. §9100 et seq. The procedure to be followed in connection with a hearing to determine whether a license, privilege or other right should be revoked is set forth in 5 G.C.A. §9201. That section provides that such a hearing is to be initiated by filing an accusation. A hearing under the AAA is not properly initiated by the recommendation of an overly zealous and insubordinate investigator like Mr. Zapanta.

Per 5 G.C.A. §9201, an "accusation shall be a written statement of charges which shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged and the statutes and regulations which the respondent is alleged to have violated."

CLB will not have jurisdiction over Mr. Carmona with regard to any proper accusation until it is received by him. 5 G.C.A. §9205. Mr. Carmona will thereafter have 15 days to file a notice of defense. *Id.* Be assured that Mr. Carmona will file a notice of defense objecting to the accusation and requesting a hearing. The CLB cannot schedule any hearing prior to the time within which Mr. Carmona will be entitled to file his notice of defense.


Be advised that if the CLB does choose to file an accusation against Mr. Carmona, he will likely exercise his right under the AAA and the CLB's Rules and Regulations to subpoena witnesses. He will also seek the right to take depositions of material witnesses, as permitted under 5 G.C.A. §9218. Such witnesses will include, among other persons, Mr. Tanaka, the complainant, and Mr. Zapanta, Mr. Tanaka's curiously zealous advocate. We will have a lot of questions for them to answer—under oath.

Any hearing will have to be conducted by a hearing officer, who will need to be an attorney. 5 G.C.A. §9220(a).

If you have any questions or require additional information, please contact the undersigned or Thomas C. Sterling of this firm.

Very truly yours,

BLAIR STERLING JOHNSON & MARTINEZ
A Professional Corporation


WILLIAM J. BLAIR

Enclosure

cc: Marian Pizzaro, CLB Board Chairman
Attorney General Elizabeth Barrett Anderson
Senator Frank B. Aguon
Office of the Governor of Guam
Vicente J. Carmona, Jr.
KPL Guam Co., Ltd.
Mr. Shingo Kawashima
Thomas C. Sterling, Esq.

G5630922-02
G:\L\TR\WJB\1776-E R ORDONEZ (CLB) RE SHINGO KAWASHIMA AND KPL
GUAM CO., LTD..DOCX

CONTRACTORS LICENSE BOARD

Inetnon Malisensiayen Kontratista

542 North Marine Corp Drive A. – Tamuning, Guam 96911
649-2211, 9676, 2212, 647-2965 649-2210(Fax)

EDDIE BAZA CALVO
GOVERNOR

EDUARDO R. ORDONEZ
EXECUTIVE DIRECTOR

RAY TENORIO
Lt. GOVERNOR

COPY

Date: March 9, 2017

To: Mr. Thomas V. Tanaka, Jr.
One Tanaka Plaza
973 S. Marine Drive Suite 202
Tamuning, Guam 96913

Subject: Findings and Decision Case # 2017-02-04

Dear Mr. Tanaka,

The Contractors License Board (CLB) would like to inform you on our findings and decision in regards to your consumer complaint dated February 23, 2017.

A Notice to Appear was sent to Mr. Vicente J. Carmona 111, R.M.E. of KPL Co. Ltd. On March 1, 2017. Mr. Carmona had submitted a written reply to the allegations stated in the documents that was attached to your complaint.

Upon further investigation and research through our files, hereunder are our findings and decision;

1. Mr. Shingo Kawashima is not in an officer or any way associated with KPL Co. Ltd and therefore not entitled to be issued a Contractor's License I.D. We have requested for the I.D. card to be returned to our office. It has been returned and we had revoked it.
2. The Financial statement submitted to our office by Mr. Carmona was to support his application to obtain a contractor's license which is part of the requirements for a first time applicants. It was supported by his Bank statement and it was only intended as his personal assets for us to determine that he has the financial integrity to start his construction business once he passed and become a licensed contractor.

Based on the facts that we have gathered, we believe that there were no transactions entered by Mr. Shingo Kawashima under KPL Co. Ltd and therefore no violations under our rules and regulations.

We are hoping that our agency was able to help you with a satisfactory resolution to your complaint. If you have any more questions or need more information, please don't hesitate to contact our office.

Sincerely,



Eduardo R. Ordoñez
Executive Director

Cc: Mr. Vicente J. Carmona 111, R.M.E.
KPL Co. Ltd.

June 22, 2017

To: Honorable Senator Frank B. Aguon
Committee on Guam – U.S. Military Build-up,
Infrastructure & Transportation

From: Eduardo O. Zapanta
CLB Investigation Supervisor

Subject: Request for Oversight Hearing

Dear Hon. Senator Frank Aguon,

I am formally writing you my humble request letter for an Over Sight Hearing (OSH). I happen to approach your good office because the Contractors License Board (CLB) is under your committee's jurisdiction. According to your statement during our short meeting last June 12, 2017 at your office, you advised me to write a formal letter regarding this subject attached with the multiple concerns I want to address on the OSH.

Your Honor, if I may, let me just give you a brief information about myself before I relate to you my multiple serious concerns about our agency, CLB. I have been working with the CLB since year 2004 up to the present time as a classified employee. I started as a Contractor License Investigator and was promoted as the Investigation Supervisor during our former Executive Director, Thomas Morrison term (now a Senator). Some of my accomplishments I have shared with our agency are as follows: I designed our license certificate and its logo to make it look more neat than the previous which was just in plain text on a half-size bond paper and was even outsourced for an amount of \$15,000.00 which the CLB was able to save on its budget during those past years. I created examinations for more than 50 Specialty License Classifications that the CLB never required a testing before. In fact our agency was able to generate additional funds for every (\$50.00) examination fee for each specialty license classification, whereas before an amount of \$25.00 was only charged for the application fee and the applicant can add unlimited specialty license classifications without taking an exam, which puts the consumers and safety of the public at risk. I designed and supervised the full renovation of the CLB office to make it look more professional, since we are the licensing agency for all contractors on island. I proposed an interview procedure for applicants before they are scheduled for the written exam to assure that they have enough experience and qualify on any license classification they may apply for the assurance on protecting the safety of the public. Before I got hired by the Government of Guam, I already had about 24 years of experience in the construction industry, 9 years here in Guam and 15 from the Philippines. I achieved a Bachelor in Science degree in Architecture in Manila. I love my job because I know that I am part of the development and growing construction industry in our island even just in my humble small ways. Guam is my home and I will protect our island as much as I will protect the safety of its people.

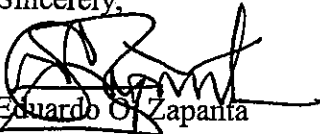
Your Honor I humbly ask for your assistance regarding multiple irregularities that have been occurring in our agency. It has come to the point that I cannot tolerate the multiple unfair dealings that some of my co-workers have been circumventing the standard protocols of the

Contractors License Board office. Attached herewith are multiple documentation of different scenarios and incidents that took place on various dates.

I hope and pray that each one of these issues be presented on the OSH procedures, that way, as public servants we can be transparent on serving the people and assure to protect the safety of the people of Guam that they deserve most. If I may, I would also like to humbly request Hon. Speaker B.J. Cruz and Hon. Senator Michael San Nicolas to be part of the OSH Panel which I think these issues are also the concerns of their respective committees.

Thank for giving me a chance of this great opportunity to present my concerns that needs your utmost attention on addressing all these serious matters on the OSH.

Sincerely,



Eduardo O. Zapanta

Cc: Hon. Speaker B.J. Cruz – Committee on Appropriation & Adjudication
Hon. Senator Michael F.Q. San Nicolas – Committee on Rules, General Gov't
Operations, Federal, Foreign & Regional Affairs



CONTRACTORS LICENSE BOARD

Inetnon Malisenstuyen Kontratista
542 North Marine Corp Drive A Tamuning, Guam 96914
(649-2211, 649-9676, 649-2210 Fax)



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

EDUARDO R. ORDONEZ
EXECUTIVE DIRECTOR

July 18, 2017

To: Board Members
Cc: Executive Director
Investigation Section

From: Eduardo O. Zapanta
Investigation Supervisor

Subject: **PROPOSED RECOMMENDATION TO REVOKE LICENSES:**

1. James Ji RME and Company License
2. Vicente J. Carmona RME License Only

Dear Contractor Licensing Board,

Last July 5, 2017 we had our most recent Board meeting and it was discussed that based on *21 GCA Real Property Chapter 70 Contractor, Public Law 30-11 §70117 HEARINGS. (a) In every case where it is proposed to refuse to grant a license or to revoke or suspend a license or to refuse to renew a license, the Contractors License Board shall give the person concerned notice and hearing in conformity with the Administrative Adjudication Law. The notice shall be given in writing by registered or certified mail with return receipt requested at least fifteen (15) days before the hearing.*

Since our most recent meeting, July 5, 2017 to July 19, 2017 which is the next scheduled meeting, based on the above mentioned subsection of the law, a total of **fourteen (14) days will not conform to the Administrative Adjudication Law.**

Attached herewith this letter, is the **Notice of Hearing to be signed by the Executive Director and the Board Chairman which will be sent by certified mail to both concerned RMEs and both complainants in compliance with subsection 70117 Hearings.**

Mr. Daukhety Netekamani and Mr. Thomas V. Tanaka have submitted supporting documents during the past Board meeting and were given both a chance on public comment, regarding their **valid concerns** which they are **both requesting to revoke** the two (2) above mentioned RMEs. In support of

the Proposed Recommendation to Revoke the RME Licenses of James Ji and Vicente Carmona with supported verbal statements and written document accordingly:

1. *James Ji dba JDK Construction – based on Civil Case No. CV1018-14, Stipulated Judgment filed in the Superior Court of Guam on January 11, 2017. (Grounds for Revocation of RME and Company Licenses)*
2. *Vicente J. Carmona – based on 21 GCA Real Property Chapter 70 Contractors Public Law 30-11, RME was found in violation of §70110 No License Issued When (2) Any person who does not possess a good reputation for honesty, truthfulness, financial integrity and fair dealing §70116 Revocation, Suspension and Renewal of Licenses (2) Any dishonest or fraudulent or deceitful act as a contractor which causes substantial damage to another (10) Misrepresentation of a material fact by an applicant in obtaining a license. Grounds for Revocation of RME License Only)*

The tentative schedule for the next Board Meeting is on August 16, 2017 at 10:00 a.m. in which the Notice of Hearing date will be set. The Board will make its decision on the set hearing date regarding the Proposed Recommendation to Revoke the RME License of:

1. *James Ji's RME and Company License – recommended for permanent revocation*
2. *Vicente Carmona's RME License only- recommended for permanent revocation*

Based on 21 GCA Real Property Chapter 70 Contractor, Public Law 30-11 §70103 Powers and Duties of the Board. In addition to any other duties and powers granted by this Chapter, the Contractors License Board shall (d) Suspend or revoke any license for any cause of prescribed by §70116 or for any cause for suspension or revocation prescribed by the rules and regulations (CLB Rules and Regulations Part I 1.1), and refuse to grant any license for any cause which would be grounds for revocation or suspension of a license.

*According to the **CONTRACTORS LICENSE BOARD RULES AND REGULATIONS Part I Authority and Purpose of Regulations, Exemption, Enforcement. 1.2 PURPOSE OF LAW PROTECTION, SAFETY OF PUBLIC.** The Board interprets the primary intent of the Legislature in creating the Board to be the protection of the public health, safety and general welfare in dealing with persons engaged in the construction industry and the affording to the public of an effective and practical protection against incompetent, inexperienced, unlawful and unfair practices of contractors with whom they may contract. All rules, regulations or orders adopted by the Board shall be interpreted and construed in light of the policies announced herein.*

On this day 19th day of July, 2017 Signed and Approved by:

Eduardo R. Ordonez
Executive Director

Marian Pizzaro
Board Chairman

August 1, 2017

The Honorable Frank B. Aguon, Jr.
Chairman and
Honorable Committee Members
Committee on Guam-U.S.Military Buildup, Infrastructure & Transportation
34th Guam Legislature
Hagatna, Guam 96932

Hafa Adai Senator Aguon and Committee Members:

To supplement my testimony of July 31, 2017, I am providing you with a copy of my attorney's letter to the Honorable Elizabeth Barrett-Anderson, Attorney General of Guam dated May 19, 2017, Re: Request for Review and Investigation Re: Guam Contractors License Board – Matters of Kuem Yang Corp./Suk B. Choi (RME) and Paul K. Chung DBA PKC Electric.

Thank you again for time and attention on this matter.

Si Yu'os Ma'ase,



MYUNG K. PARK

Enclosures



THE LAW OFFICES OF
IGNACIO CRUZ AGUIGUI
A PROFESSIONAL CORPORATION

May 19, 2017

Via Hand Delivery

Hon. Elizabeth Barrett-Anderson
Attorney General of Guam
ITC Bldg., Suite 901
590 S. Marine Corps Drive
Tamuning, Guam 96913

**Re: Request for Review and Investigation Re: Guam Contractors License Board
– Matter of *Keum Yang Corp./Suk B. Choi (RME)* and *Paul K. Chung DBA
PKC Electric***

Dear Attorney General Barrett-Anderson:

On behalf of my client, Mr. Myung K. Park, I am transmitting the enclosed materials requesting your review, action, and investigation regarding the above-referenced matters. Mr. Park has attempted to seek resolution and appropriate action from the Guam Contractors License Board (CLB) and its Executive Director, Eduardo Ordonez, regarding these issues. To Mr. Park's dismay and disappointment, the concerns he has raised, including concerns about official misconduct and possible bribery,¹ have been largely ignored. The Contractors License Board has failed to take any substantive actions to resolve these matters. Among other wrongful actions and inaction, it improperly dismissed Mr. Park's pending complaint last July and failed to entertain his new complaints which were filed on August 5, 2016. Copies of the August 5 complaints are enclosed (see Tab 3).

The CLB director, Eduardo Ordonez, in his recent letter of April 28, 2017 (copy enclosed at Tab 1), has apparently abdicated any responsibility regarding Mr. Park's inquiries, complaints, and concerns and has directed us to refer these matters to you. Therefore, I am sending you this instant letter along with copies of relevant materials. Nothing in Mr. Ordonez's April 28 letter suggests that Mr. Ordonez or the Board has reported or conveyed any of Mr. Park's serious allegations and concerns to the authorities including to the Attorney General's Office. Moreover, Mr. Ordonez and the Board have failed to meaningfully address any of the issues raised by Mr. Park in previous letters, and have ignored Mr. Park's allegations concerning a contractor's license illegally issued to Paul K. Chung DBA PKC Electric (see Tabs 2, 4). Mr. Park continues to stand by the statements and allegations contained in the letter of November 4, 2016, written on his behalf.

Mr. Park is willing to provide further information to your office upon request. Furthermore, your office might also wish to interview Mr. Eduardo Zapanta, Investigator

¹ See Tab 2 (enclosed copy of letter dated November 4, 2016, to Eduardo Ordonez, at page 2).

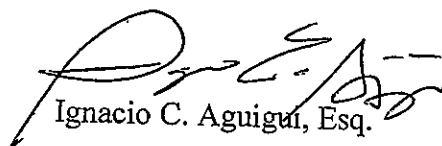
Supervisor at the CLB, whom Mr. Park believes has important and relevant knowledge and information about the misconduct and wrongdoing related to the CLB.

It continues to be Mr. Park's position that the continued licensing of unqualified contractors by the Contractors License Board violates the agency's mandates under the law, and seriously harms the public and the people of Guam. Mr. Park is informed and believes that these grave issues have been infecting the agency for a long time. It is Mr. Park's hope that you and your office can reverse this longstanding pattern of misconduct, rectify the harm that has been caused to Mr. Park and the general public, and properly attend to and take action to address these disconcerting concerns that have now been brought to your office's attention.

Your time and attention are appreciated.

Very truly yours,

THE LAW OFFICES OF IGNACIO CRUZ AGUIGUI


Ignacio C. Aguigui, Esq.

Enclosures (Tabs 1-4)

cc: Mr. Myung K. Park

**Testimony
regarding the
Contractors Licensing Process**

August 2, 2017

Good morning. My name is Carol Martinez. I am the President of TechRite Builders, and have been involved in the construction industry in Guam for the past 20 years. We have successfully completed the construction of numerous buildings from the ground up, including most recently the new Oka Payless supermarket. TechRite Builders has always been in good standing, and has never been cited for any reason by the Contractors Licensing Board (“CLB”).

Earlier this year, TechRite’s Responsible Management Employee (“RME”) suffered an untimely death. I notified the “CLB” immediately, and was informed that I had a period of 30 days to secure the services of another RME in order to maintain and renew our license, but that I would be given an extension of that deadline for an additional 30 to 60 days because of the circumstances. I was grateful for the additional time because I needed to renew TechRite’s license so that we could continue ongoing projects and retain our workers in what has become a very tight labor market.

TechRite has worked with a mechanical engineer, Mr. Chris Tsiao, for many years. Mr. Tsiao has experience in the construction industry here, and we have experience with him. Although Mr. Tsiao brought with him recommendations from several of Guam’s leading architects and engineers, Mr. Eduardo Zapanta, an Investigator for the CLB, told us that he would have to interview Mr. Tsiao, to determine his eligibility to take the RME examination. Mr. Zapanta also required Mr. Tsiao to provide a copy of his engineering diploma, although there is nothing in the application form for the RME examination and certification that would require any sort of diploma, let alone in engineering. Nonetheless, Mr. Zapanta insisted that it was necessary before he could even interview Mr. Tsiao to determine whether he is eligible to take the test.

Something that has puzzled and bothered me about this encounter is that Mr. Zapanta also refused to provide a copy of the RME examination study guide for Mr. Tsiao until after the interview had been successfully completed. To be clear, I offered to pay the \$75 fee for a copy of the study guide, but Mr. Zapanta refused.

Over the course of two decades, I have been through the process of renewing TechRite’s license many times, but I had never before encountered this kind of resistance from CLB staff. In the past, they have been very professional and helpful in the process, but this time Mr. Zapanta was obstructive. Ultimately, despite assurances that TechRite would be granted a 60 to 90 days’ extension because of our sudden loss, Mr. Zapanta informed me that the CLB Board had denied our request for that extension. Mr. Zapanta then told me that he could not renew our contractors’ license because the 30-day limit had expired, and suggested that we hire another RME.

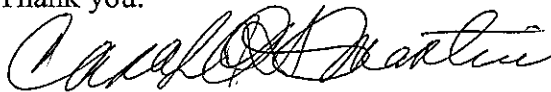
The point that I am trying to make here this morning is that there is a problem in the CLB offices. That problem has a name: it is Mr. Eduardo Zapanta. Mr. Zapanta has taken it upon

himself to control the licensing process from end to end, and has taken the liberty to impose requirements upon applicants that are neither addressed in the law nor in the CLB's regulations. I believe that requiring a Responsible Management Employee applicant to undergo and pass some sort of interview in order to be deemed eligible to take the RME test places Mr. Zapanta in a position of judge and jury in selecting Guam's RMEs. That inordinate level of power may be adversely affecting other participants in the construction industry as well. Under other circumstances and with procedural controls, a pre-examination interview could be considered to be a legitimate screening process, but it is not legally sanctioned in Guam today. Also, any applicant to take the test should be allowed to do so without having to meet some arbitrary, extralegal requirement imposed by Mr. Zapanta. Further, any person, applicant or not, who is willing and able to pay the \$75 fee for a copy of the RME examination study guide, a public document, should be provided with a copy. It should not depend upon the person requesting the study guide to have passed some sort of interview by Mr. Zapanta.

There must be some remedy for this unconscionable abuse of power within our government.

Members of the Committee, this is my first time testifying in a legislative hearing. I hope that my testimony will be helpful to you in your deliberations. However, if I have not been clear in any way, I will try to answer any questions that you might have regarding what I have said here today.

Thank you.

A handwritten signature in black ink, appearing to read "Carlos A. Martinez". The signature is fluid and cursive, with the first name "Carlos" being the most prominent part.

RECEIVED
OFFICE OF SENATOR FRANK B. AGUON, JR.

34th CL JUL 31 2017

STE 503, DWA BLDG.
130 ARCHBISHOP FLORES STREET HAGATNA, GU 96913



July 31, 2017

The Honorable Frank B. Aguon, Jr. and
Chairman,
Honorable Committee Members
Committee on Guam-U.S. Military Buildup, Infrastructure & Transportation
34th Guam Legislature
Hagatna, Guam 96932

Hafa Adai Senator Aguon and Committee Members:

I am respectfully submit this testimony in connection with the Oversight Hearing of the Guam Contractors License Board. For the record, my name is Mr. Myung K. Park. I am the President of P.I.C., Inc. and have offices established on Guam and California.

I would like to provide a summary as to what has occurred between the Agency and myself which eventually led to a request to the Attorney General for a review and investigation to be conducted on Guam Contractors License Board regarding the issuance of contractor licenses to Kuen Yang Corporation/Suk B Choi (RME) and Paul K. Chung DBA PKA Electric.

Summary of Events – Choi/Keum Yang

My interaction with the GCLB began in September 29, 2009 when I initially filed a complaint with them against Keum Yang Corporation and Suk B. Choi, collectively known as Choi/Keum Yang. The complaint alleged that Choi/Keum Yang provided false statements and representations on their license applications. Choi/Keum Yang answered falsely to the existence of a debt on their CLB license renewal forms and failing to pay a debt of over \$1 million owed to me/PIC

Two years after I filed my initial complaint, in November 30, 2011, the GCLB unanimously found during its meeting that an unpaid business debt of Choi/Keum Yang to me/PIC did in fact exist, and therefore necessarily found they answered falsely on their applications as to the existence of the unpaid debts. However, despite seriousness of such findings, GCLB decided at that time to take no action on these findings.

Subsequent to the 2011 GCLB findings were made, Choi/Keum Yang continued to falsely answer "No" as to the unpaid debt question, in no less than 6 applications for renewal, which were submitted and accepted by CLB staff. The applications were for license years 2012, 2013, 2014 2015, 2016 and now 2017.

Despite my protestations, year after year, the licenses were renewed and year after year no citation penalty have been enforced by GCLB. Finally, after years of GCLB sitting on this matter, a citation penalty in the amount of \$25,000 was issued to Choi/Keum Yang on September 3, 2015.

Yet, despite the issuance of citation penalty and no resolution to my complaint, GCLB issued a provisional license to Choi/Keum Yang on April 20, 2016 and gave them up to June 30, 2016 to pay the penalty fee.

Summary of Events – Paul K. Chung/PIC (Guam) Inc. aka PKC Electric

On June 4, 2013, I filed with GCLB a complaint against Mr. Paul K. Chung/PIC (Guam), Inc. for failure to pay for materials supplied by my company worth \$178,973.27. On December 3, 2013, GCLB issued a citation and penalty amount of \$2,500 to Mr. Chung.

On May 15, 2015, the Director issued a memorandum placing Mr. Chong and PIC (Guam) on a GCLB list of “Flagged Names/Companies with Unresolved Cases with the Contractors Licensing Board.” In this memorandum, the Director stated: *“The following list of names and company names are to be flagged from processing of license applications [sic], renewal or application for building permit clearances (unless otherwise noted). The Board orders that they need to be referred to the CLB investigation prior to any transaction with our agency.”*

One month after the Director issued this directive, Mr. Chung submitted an application for a contractor’s license in June 2015 for sole proprietor under the name PKC Electric. Instead of referring Mr. Chung’s application to the CLB investigation section, the Director, himself, initialed clearance on his application and issued him a contractor’s license on August 19, 2015.

Upon knowledge of the license issuance to Mr. Chung, I submitted a Freedom of Information Act (FOIA) request to GCLB. The documents provided by GCLB revealed disturbing actions taken by the Director and staff

In a letter dated February 16, 2016, the GCLB Director was asked as to why the GCLB Investigative Supervisor, who was readily available and accessible, was not asked to clear Mr. Chung’s application. It was also requested that an explanation be provided as to the circumstances which caused a bypass of the Investigative Supervisor’s clearance and necessitated the Director’s personal approval of Mr. Chung’s license even though Mr. Chung’s name was on the May 6 Flagged List. It was pointed out that the documents provided to me showed that Mr. Chung never paid the \$400 license fee in August 2015, when he was issued the license. He only paid the license fee five months later in January 2016. The Director was reminded that Guam law forbids the GCLB from issuing a license without payment of the applicable license fee. He was told that based on Mr. Chung’s failure to pay the fee alone, the license issued to him was illegal.

Summary of Events with GCLB on Complaints

On June 21, 2016, I found out that GCLB had scheduled a Board meeting on June 22, 2016 and my complaint may be discussed. While at GCLB office, I met with the director and asked why his agency did not notify me of the June 22nd scheduled meeting, The Director did not respond to my question, I asked him whether GCLB intends to retract the April 20, 2016 provisional license and \$25,000 citation penalty fee issued/assessed to Choi/Keum Yang. He replied, “No way!”. In that conversation, he told me that “*a certain government official took money concerning my case in November 2011*”. The Director kept asking me if I was going to attend the meeting. His constant inquiries on my attendance seemed that he was trying to discourage me from attending.

On June 22, 2016, my attorney and I attended the GCLB meeting. During the meeting, former Chairman, Mr. Reilley Ridgell, made a remark that he was “*tired of the case because it’s been too long*” and tried to improperly cause a dismissal to my 2009 complaint against Choi/Keum Yang without due process and without the presence or assistance of their legal counsel. Through my attorney, I objected to the dismissal to my complaint. I informed the Board that I received no formal notice that such action was being contemplated by the Board or that my complaint will be discussed at this meeting. The Chairman attempted to call for a vote of dismissal but one or more Board members indicated that they were not ready to entertain such action. It was then decided to postpone action on the case until their next meeting on July 20, 2016.

I was shocked by the actions of the GCLB former chairman, who appeared predisposed and hostile towards me and my case and appeared to take it upon himself to lead the charge to dismiss my case. The former Chairman appeared to me as being agitated and extremely eager to act quickly and get the other board members to agree to dismiss my case.

The following day, on June 23, 2016, I had found out GCLB issued to Choi/Keum Yang a renewal contractor’s license. I was upset that such issuance was done despite the pendency of my complaint and their Choi/Keum Yang’s failure to pay the citation penalty fee. When I questioned the Director as to why his agency issued the renewal contractor’s license, his response was that his administrative assistant, Ms. Maria Perez, did so without his knowledge.

On July 20, 2016, GCLB held a meeting which my attorney and I were present. I noticed that there was no legal counsel present for the GCLB to provide them with advice and guidance. At the meeting, the members, without providing any rationale behind their decisions, decided to close my complaint and dismiss the citations imposed on Choi/Keum Yang. My attorney requested GCLB to include in their order the regulations and/or law which supports their decision to close the complaint and dismiss the charge. Subsequently, GCLB issued their written decision and did not include any regulations and/or law—rather the decision only stated the following:

“Based on a duly convened meeting and quorum of the Board; and a proper Motion, seconded and carried, on July 20, 2016, the Board of Directors for the Contractors License Board resolved to close the above captioned Case No. 2009-02-07 and dismiss the Citations, including, but not limited to the Citation dated September 3, 2015.”

Upon receipt of the written decision, I filed another complaint with GCLB on August 5, 2016, against Choi/Keum Yang with GCLB. The complaint contained the same issues I had with Choi/Keum Yang and were not properly and legally addressed by the GCLB.

Looking back at the events which occurred in June and July, 2016, it is my belief that the Director, aided and abetted, and acted in concert with the former Chairman and likely others who are unknown to me and devised and/or actively participated in a secret plan to improperly dismiss my case.

On November 4, 2016, after 8 months of no response to my letter of February 16, 2016, a follow-up letter was sent to the Director requesting status of my complaints against Choi/Keum Yang and Mr. Chung. The letter included the conversation I had with the Director and his statement that *“a certain government official took money concerning my case in November 2011”*, the time when the GCLB Board knew Choi/Keum Yang owed a debt to PIC and failed to take any disciplinary action against them. He was told that his statement meant he had knowledge that a government official was bribed in connection with taking official action involving my case. He was informed that the disclosure was serious and I expected him to report this to the appropriate authorities for further investigation

Five (5) months later, the Director finally responded to my attorney in a letter dated April 28, 2017 denying he had a conversation with me regarding allegations of bribery. His letter states in part as follows: *“...Such an allegation by you or your client should be brought to the attention of the prosecution division of the Office of Attorney General, not to the CLB, as it would constitute a crime The CLB does not prosecute criminal cases...”* It should be noted that there was nothing contained in the Directors letter which suggested that he and the Board reported or conveyed any of my serious allegations and concerns to the appropriate authorities.

As a result of the Director’s letter, on May 19, 2017, my attorney on my behalf, requested the Attorney General, the Honorable Elizabeth Barrett-Anderson to review and investigate my concerns regarding the official misconduct and possibly bribery in connection with the illegal issuance of contractor’s licenses.

Please note the false representations made by Choi/Keum Yang and Mr. Chung are under oath and under penalty of perjury. GCLB was told on numerous occasions by my attorney that such false statement of this type may invoke criminal liability under the laws of Guam.

Questions were posed to GCLB in numerous correspondence as to:

1. Why hasn't the Board taken affirmative and decisive disciplinary action against these contractors after having been made aware of this illegal conduct.
2. Has GCLB reported this criminal activity to the appropriate authorities?

It was pointed out to GCLB that the contractors had violated the laws, rules and regulations which justifies renovation and/or suspension of their licenses based on the following items found in GCLB Rules, R. 10.1-A and 21 GCA §70116:

1. *Conviction of any felony or misdemeanor involving moral turpitude;*
2. *Any dishonest or fraudulent or deceitful act as a contractor which causes substantial damage to another;*
3. *Pursuing a continued or flagrant course of misrepresentation or of making false promises through advertising or otherwise;*
- ...
10. *Misrepresentation of a material fact by an applicant for obtaining a license*
- ...
12. *Willful failure in any material respect to comply with this Chapter or the rules and regulations promulgated pursuant thereto;*
- ...
14. *Willful failure to pay when due a debt incurred for services of materials rendered or purchases in connection with his operations as a contractor when he has the ability to pay or when he has received sufficient funds therefore as payment for the particular operation for which the services and materials were rendered or purchased;*
15. *The false denial of any debt due or the validity of the claim therefore with the intent to secure the license [sic], his employer or other person, any discount of such debt or with intent to hinder, delay or defraud the person to whom such debt is due.*

Additionally, GCLB was told that they are authorized, but chose not to do so for whatever reason, to impose onto these contractors fines approximately 50% of the debts owed to me/PIC. This is authorized in accordance with 21 GCA §70116, which states "*Any person who violates or omits to comply with any of the provisions in this Chapter shall be fined an amount no less than Two Hundred Dollars (\$200) but not to exceed fifty percent (50%) of the value of the project.*" (emphasis added)

Under Guam law, specifically, Title 9, Guam Code Annotated, §4.80 provides that a corporation may be held criminally responsible for the act of a managerial act. The section states: "*A corporation may be convicted of:*

- (1) *Any offense committed in furtherance of its affairs on the basis of conduct performed, authorized, requested, commanded or recklessly tolerated by*
 - (A) *the board of directors;*
 - (B) *a managerial agent acting in the scope of his employment; or*
 - (C) *any other person for whose conduct the statute defining the offense provides criminal responsibility;*
- (2) *Any offense consisting of a failure to perform a duty imposed by law; or*
- (3) *Any petty misdemeanor or violation committed by an agent of the corporation acting in the scope of his employment in furtherance of its affairs. “*

Again, GCLB chose not to report this criminal activity to the appropriate authorities and allowed continual issuance of license renewals to Choi/Keum Yang and Chung.

Aside from the investigation being conducted by the Attorney General’s office, it is suggested that a management audit also be conducted on Guam Contractors License Board by the Office of the Public Accountability. It would be interesting to know:

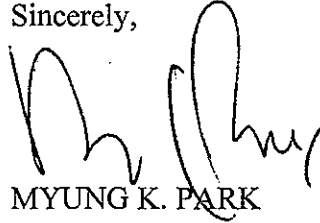
1. how many other contractors have complaints filed against them;
2. whether such complaints have been resolved in a timely fashion;
3. did these contractors continue to receive their renewal licenses despite complaints filed against them; and
4. how many contractors were issued citation penalties and if such fees were paid prior to them being issued their renewal licenses

The Director, as a public servant, in my eyes, failed to fulfill his fiduciary duties to protect the public and people of Guam from individuals and entities who have engaged in harmful, illegal and otherwise wrongful conduct. His conduct is not acceptable and should not be tolerated. His dereliction of his duties as a public servant subjects GCLB and Government of Guam to liability to Guam and United States laws.

Testimony to Committee on Guam-U.S.Military Buildup, Infrastructure & Transportation
Page 7
Oversight Hearing – Guam Contractors License Board

It has been a long 8 years and on many occasions frustrating, but I am somewhat relieved that the questionable decisions and actions by GCLB board, management and staff are being made public through this oversight hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Myung K. Park', written in a cursive style.

MYUNG K. PARK



CONTRACTORS LICENSE BOARD

Inetnon Malisensiyen Kontratista
542 North Marine Corp Drive A. - Tamuning, Guam 96911
649-2211, 9676, 646-7626, 649-2965 649-2210(Fax)



EDDIE BAZA CALVO
GOVERNOR

EDUARDO R. ORDONEZ
EXECUTIVE DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

Guam Contractors License Board)
Government of Guam)
)
)
)
)
)
)
James Ji (RME) Lic. #1400)
James Ji Foundation)
dba JF Builders Lic. #CLB13-1019)
License No. 1400)
P.O. Box 6403)
Tamuning, Guam 96931)
)
)
Respondent)
_____)

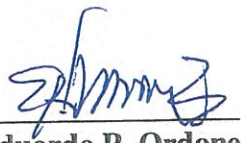
Case No. 2017-04-04

NOTICE OF HEARING


To: James Ji,

You are hereby notified that a hearing will be held before the Contractors Licensing Board at the CLB Conference Room (DPW Compound Building A) on the 16th day of August, 2017, at the hour of 10:00 a.m., upon a complaint filed against you and your company.

You may be present at the hearing, may be but need not be represented by counsel, may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying on this case.


Eduardo R. Ordonez
CLB, Executive Director


Marian Pizarro
Board Chairman

RECEIVED
OFFICE OF SENATOR FRANK B. AGUON, JR.
34th GL AUG 01 2017
STE 503, DMH BLDG.
258 ARCHBISHOP FLORES STREET MAGATNA GUAM


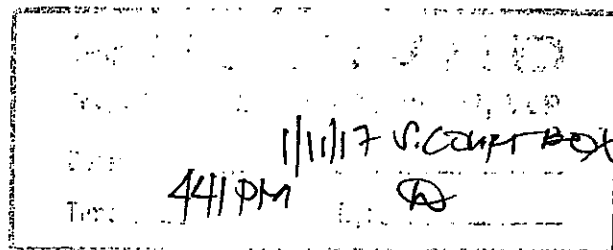
T. Timblin, Esq.

FILED
SUPERIOR COURT
OF GUAM

7 JAN 11 PM 2:45

CLERK OF COURT

William L. Gavras, Esq.
LAW OFFICES OF WILLIAM L. GAVRAS
A Professional Corporation
101 Salisbury Street
Dededo, Guam 96929
Telephone: 632-4357
Facsimile: 632-4368



Attorney for Defendants
YOUNG HEE JI and JAMES JI
dba JDK CONSTRUCTION

IN THE SUPERIOR COURT OF GUAM

MISAKO SUGIYAMA and
NETEKAMANI DAUKHETY,

Plaintiffs,

v.

YOUNG HEE JI and JAMES JI dba JDK
CONSTRUCTION,

Defendants.

CIVIL CASE NO. CV1018-14

STIPULATED JUDGMENT

It is hereby Ordered and Decreed that Judgment in this case is entered in favor of Plaintiffs and against Defendants in the amount of TWO HUNDRED NINETY-FOUR THOUSAND FIVE HUNDRED FORTY NINE DOLLARS AND 48 CENTS (\$294,549.48) [THREE HUNDRED FOURTEEN THOUSAND FIVE HUNDRED FORTY NINE DOLLARS AND 48 CENTS (\$314,549.48) – TWENTY THOUSAND DOLLARS (\$20,000.00) paid] and shall be entered *nunc pro tunc* to December 1, 2016. Execution and all collection are stayed pending payment of the judgment amount on May 1, 2017.

Should judgment not be paid by May 1, 2017, execution may commence. Post judgment interest shall accrue at the statutory rate of six percent and shall be calculated as of December 1, 2016.

Defendants shall have access to the subject premises as long as they remain current in payment as set forth herein, and Defendants may begin repairs on the premises immediately so long as all work permits as required by law are obtained in advance.

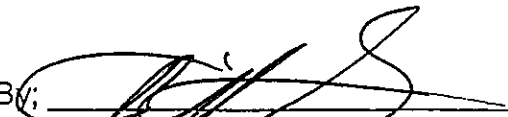
Defendants agree to save and hold harmless Plaintiffs from any damage claims by third parties resulting from such work.

Upon full satisfaction of this Judgment, Plaintiffs shall quitclaim the subject property to Defendants. As rescission is one of the counts on which judgment is granted, payment by Defendants is contingent upon the property having not been encumbered or transferred since the purchase of the property by Plaintiffs.

SO STIPULATED.

LAW OFFICE OF WILLIAM L. GAVRAS

Dated: 11/6/17

By: 
WILLIAM L. GAVRAS, ESQ.
Attorney for Defendants

YANZA FLYNN TIMBLIN, LLP

Dated: 1/9/17

By: 
TERENCE E. TIMBLIN, ESQ.

Attorney for Plaintiffs

SO ORDERED:

Dated: JAN 10 2017

Original Signed By: Hon Anita A Sukola

HONORABLE ANITA A. SUKOLA
Judge, Superior Court of Guam

I do hereby certify that the foregoing is a
full true and correct copy of the ORIGINAL
on file in the Office of the Clerk of
Court, Superior Court of Guam.

JAN 11 2017

Jerome James



CONTRACTORS LICENSE BOARD

Inetnon Malisensiyen Kontratista
542 North Marine Corp Drive A - Tamuning, Guam 96913
(Tel) 649-2211 646-7626; (Fax) 649-2210



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

EDUARDO R. ORDONEZ
EXECUTIVE DIRECTOR

February 14, 2017

To: Mr. Thomas V. Tanaka, Jr.
General Manager
HSG Co., Ltd.
One Tanaka Plaza
973 S. Marine Corps Drive
Suite 202, Tamuning
Guam 96913


Re: Freedom Of Information Act Request regarding Mr. Vincente Carmona III and VJC Construction.

Dear Mr. Tanaka,

This serves to respond to your letter of February 07, 2017, requesting any and all information relating to Mr. Vincente Carmona III and VJC Construction. According to our filing system the company VJC Construction is not a licensed contractor with the Contractors License Board (CLB). MR. Vincente Carmon III is only licensed as a Responsible Management Employee (RME) with the classifications A & B for KPL Co., Ltd., which is currently licensed with the CLB as of January 25, 2017. That information was given to you with your prior FOIA request that was submitted to the CLB on February 02, 2017.

If you have any questions or concerns please feel free to contact me or my private secretary Resiah Mae Nelsen at 671-647-2965.

Thank You,


Eduardo R. Ordonez
Executive Director

VJC Construction
Financial Statement
As of Oct. 20, 2016

ASSETS

Current Assets

Checking

Cash in Bank 3,188.00

Cash on Hand 300.00

Total Current Assets 3,488.00

Other Assets

Tools 500.00

Computer Laptop 400.00

Total other Assets 900.00

TOTAL ASSETS **4,388.00**

LIABILITIES & EQUITY

Liabilities

FHB – Auto (Hyundai Accent) 3,430.00

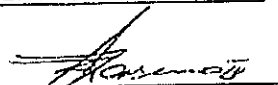
Liabilities 3,430.00

TOTAL LIABILITIES & EQUITY **3,430.00**

****Pursuant to Section 4308, Title 6, Guam Code annotated, I declare under the penalty of perjury under the Laws that the foregoing is true and correct.**

Name: Vicente J. Carmona III

Date: OCT. 27, 2016

Signature: 

Title: Owner



CONTRACTORS LICENSE BOARD

Inetnon Malisensiyen Kontratista
542 North Marine Corp Drive A. – Tamuning, Guam 96913
649-2211, 649-9676, 649-2210(Fax)



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNO

EDUARDO R. ORDONEZ
EXECUTIVE DIRECTOR

July 18, 2017

To: Board Members
Cc: Executive Director
Investigation Section

From: Eduardo O. Zapanta
Investigation Supervisor

Subject: **PROPOSED RECOMMENDATION TO REVOKE LICENSES:**

1. *James Ji RME and Company License*
2. *Vicente J. Carmona RME License Only*

Dear Contractor Licensing Board,

Last July 5, 2017 we had our most recent Board meeting and it was discussed that based on *21 GCA Real Property Chapter 70 Contractor, Public Law 30-11 §70117 HEARINGS. (a) In every case where it is proposed to refuse to grant a license or to revoke or suspend a license or to refuse to renew a license, the Contractors License Board shall give the person concerned notice and hearing in conformity with the Administrative Adjudication Law. The notice shall be given in writing by registered or certified mail with return receipt requested at least fifteen (15) days before the hearing.*

Since our most recent meeting, **July 5, 2017 to July 19, 2017** which is the next scheduled meeting, based on the above mentioned subsection of the law, a total of **fourteen (14) days will not conform to the Administrative Adjudication Law.**

Attached herewith this letter, is the **Notice of Hearing to be signed by the Executive Director and the Board Chairman which will be sent by certified mail to both concerned RMEs and both complainants in compliance with subsection 70117 Hearings.**

Mr. Daukhety Netekamani and Mr. Thomas V. Tanaka have submitted supporting documents during the past Board meeting and were given both a chance on public comment, regarding their **valid concerns** which they are **both requesting to revoke** the two (2) above mentioned RMEs. In support of

the Proposed Recommendation to Revoke the RME Licenses of James Ji and Vicente Carmona with supported verbal statements and written document accordingly:

1. *James Ji dba JDK Construction – based on Civil Case No. CV1018-14, Stipulated Judgment filed in the Superior Court of Guam on January 11, 2017. (Grounds for Revocation of RME and Company Licenses)*
2. *Vicente J. Carmona – based on 21 GCA Real Property Chapter 70 Contractors Public Law 30-11, RME was found in violation of §70110 No License Issued When (2) Any person who does not possess a good reputation for honesty, truthfulness, financial integrity and fair dealing §70116 Revocation, Suspension and Renewal of Licenses (2) Any dishonest or fraudulent or deceitful act as a contractor which causes substantial damage to another (10) Misrepresentation of a material fact by an applicant in obtaining a license. Grounds for Revocation of RME License Only)*

The tentative schedule for the next Board Meeting is on August 16, 2017 at 10:00 a.m. in which the Notice of Hearing date will be set. The Board will make its decision on the set hearing date regarding the Proposed Recommendation to Revoke the RME License of:

1. *James Ji's RME and Company License – recommended for permanent revocation*
2. *Vicente Carmona's RME License only- recommended for permanent revocation*

Based on 21 GCA Real Property Chapter 70 Contractor, Public Law 30-11 §70103 Powers and Duties of the Board. In addition to any other duties and powers granted by this Chapter, the Contractors License Board shall (d) Suspend or revoke any license for any cause of prescribed by §70116 or for any cause for suspension or revocation prescribed by the rules and regulations (CLB Rules and Regulations Part I 1.1), and refuse to grant any license for any cause which would be grounds for revocation or suspension of a license.

According to the **CONTRACTORS LICENSE BOARD RULES AND REGULATIONS Part I Authority and Purpose of Regulations, Exemption, Enforcement. 1.2 PURPOSE OF LAW PROTECTION, SAFETY OF PUBLIC. The Board interprets the primary intent of the Legislature in creating the Board to be the protection of the public health, safety and general welfare in dealing with persons engaged in the construction industry and the affording to the public of an effective and practical protection against incompetent, inexperienced, unlawful and unfair practices of contractors with whom they may contract. All rules, regulations or orders adopted by the Board shall be interpreted and construed in light of the policies announced herein.**

On this day 19th day of July, 2017 Signed and Approved by:

Eduardo R. Ordonez
Executive Director

Marian Pizarro
Board Chairman

T. Timblin, Esq.

FILED
SUPERIOR COURT
OF GUAM

7 JUN 11 PM 2:45

CLERK OF COURT

William L. Gavras, Esq.
LAW OFFICES OF WILLIAM L. GAVRAS
A Professional Corporation
101 Salisbury Street
Dededo, Guam 96929
Telephone: 632-4357
Facsimile: 632-4368

11/17/17
4:41 PM
V. COURT BOX
D

Attorney for Defendants
YOUNG HEE JI and JAMES JI
dba JDK CONSTRUCTION

IN THE SUPERIOR COURT OF GUAM

MISAKO SUGIYAMA and
NETEKAMANI DAUKHETY,

Plaintiffs,

v.

YOUNG HEE JI and JAMES JI dba JDK
CONSTRUCTION,

Defendants.

CIVIL CASE NO. CV1018-14

STIPULATED JUDGMENT

It is hereby Ordered and Decreed that Judgment in this case is entered in favor of Plaintiffs and against Defendants in the amount of TWO HUNDRED NINETY-FOUR THOUSAND FIVE HUNDRED FORTY NINE DOLLARS AND 48 CENTS (\$294,549.48) [THREE HUNDRED FOURTEEN THOUSAND FIVE HUNDRED FORTY NINE DOLLARS AND 48 CENTS (\$314,549.48) – TWENTY THOUSAND DOLLARS (\$20,000.00) paid] and shall be entered *nunc pro tunc* to December 1, 2016. Execution and all collection are stayed pending payment of the judgment amount on May 1, 2017.

Should judgment not be paid by May 1, 2017, execution may commence. Post judgment interest shall accrue at the statutory rate of six percent and shall be calculated as of December 1, 2016.

Defendants shall have access to the subject premises as long as they remain current in payment as set forth herein, and Defendants may begin repairs on the premises immediately so long as all work permits as required by law are obtained in advance.

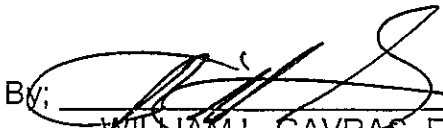
Defendants agree to save and hold harmless Plaintiffs from any damage claims by third parties resulting from such work.

Upon full satisfaction of this Judgment, Plaintiffs shall quitclaim the subject property to Defendants. As rescission is one of the counts on which judgment is granted, payment by Defendants is contingent upon the property having not been encumbered or transferred since the purchase of the property by Plaintiffs.

SO STIPULATED.

LAW OFFICE OF WILLIAM L. GAVRAS

Dated: 11/6/17

By: 
WILLIAM L. GAVRAS, ESQ.
Attorney for Defendants

YANZA FLYNN TIMBLIN, LLP

Dated: 11/9/17

By: 
TERENCE E. TIMBLIN, ESQ.

Sugiyama et al. v. Ji et al; CV1018-14
Stipulated Judgment
December 2016

Attorney for Plaintiffs

SO ORDERED:

Dated: JAN 10 2017

Original Signed By: Hon Anita A Sukola

HONORABLE ANITA A. SUKOLA
Judge, Superior Court of Guam

I do hereby certify that the foregoing is a
full true and correct copy of the ORIGINAL
on file in the Office of the Clerk of
Court, Superior Court of Guam.

JAN 11 2017

Jermaine James



CONTRACTORS LICENSE BOARD

Inetnon Malisensiyen Kontratista
542 North Marine Corp Drive A. – Tamuning, Guam 96911
649-2211, 9676, 646-7626, 649-2965 649-2210(Fax)



EDDIE BAZA CALVO
GOVERNOR

EDUARDO R. ORDONEZ
EXECUTIVE DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

Guam Contractors License Board)
Government of Guam)

Case No. 2017-02-04

Vicente J. Carmona (RME))
KPL Guam Co., Ltd.)
License No. CLB17-1306)
P.O. Box 5290)
Hagatna, Guam 96932)

NOTICE OF HEARING

Respondent)

To: Vicente J. Carmona,

You are hereby notified that a hearing will be held before the Contractors Licensing Board at the CLB Conference Room (DPW Compound Building A) on the **16th day of August, 2017,** at the hour of **10:00 a.m., upon a complaint filed against you and your company.**

You may be present at the hearing, may be but need not be represented by counsel, may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying on this case.

Eduardo R. Ordonez
CLB, Executive Director

Marian Pizarro
Board Chairman



CONTRACTORS LICENSE BOARD

Inetnon Malisensiyen Kontratista

542 North Marine Corp Drive A. – Tamuning, Guam 96911
649-2211, 9676, 646-7626, 649-2965 649-2210(Fax)



EDDIE BAZA CALVO
GOVERNOR

EDUARDO R. ORDONEZ
EXECUTIVE DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

Guam Contractors License Board)
Government of Guam)
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James Ji (RME) Lic. #1400)
James Ji Foundation)
dba JF Builders Lic. #CLB13-1019)
License No. 1400)
P.O. Box 6403)
Tamuning, Guam 96931)
)
)
Respondent)
_____)

Case No. 2017-04-04

NOTICE OF HEARING

To: James Ji,

You are hereby notified that a hearing will be held before the Contractors Licensing Board at the CLB Conference Room (DPW Compound Building A) on the **16th day of August, 2017,** at the hour of **10:00 a.m.,** upon a complaint filed against you and your company.

You may be present at the hearing, may be but need not be represented by counsel, may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying on this case.

Eduardo R. Ordonez
CLB, Executive Director

RECEIVED
OFFICE OF SENATOR FRANK B. AGUON, JR.

34th GL **AUG 01 2017**
STE 503, DNA BLDG.
238 ARCHBISHOP FLORES STREET HAGATNA GU 96911



Marian Pizarro
Board Chairman



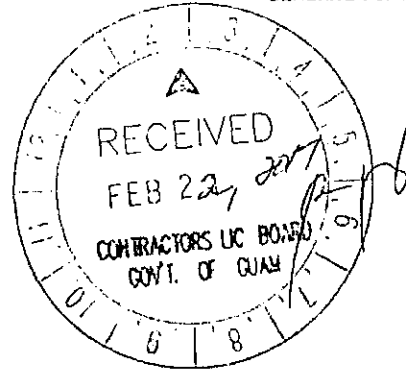
FILE COPY

HSG Co., Ltd.

A Service Disabled Veteran Owned Small Business
GENERAL CONTRACTOR ♦ LICENSE NO. CLB10-0670

February 17, 2017

Eduardo R. Ordonez
Contractors License Board
542 North Marine Corps Drive A
Tamuning, Guam 96913



RE: Shingo Kawashima, Vicente Carmona and VJC Construction
KPL Guam Construction

Dear Mr. Ordonez,

Thank you for providing the information regarding KPL Construction. Based on our review of the documentation, we would like to bring to your attention some key facts that may have been overlooked in the review process.

I. Shingo Kawashima CLB License

Mr. Shingo Kawashima has been issued a CLB ID conferring upon him the authority to conduct business on behalf of KPL Construction. Please note that Mr. Kawashima is a non-resident, non-US citizen of the United States. We believe Mr. Kawashima is a foreign national without the proper business visa's to conduct business on Guam. Your granting of a CLB ID to a foreign national to conduct business on Guam could be construed as a violation of immigration law. As such, we are respectfully requesting that you conduct further investigation as to whether or not Mr. Kawashima does in fact possess the necessary business or investor visas to enter Guam to do business on behalf of KPL Construction. If it is discovered that Mr. Kawashima does not in fact possess the appropriate visa to conduct business on Guam, we would respectfully request that the CLB ID be revoked immediately.

II. Mr. Vicente Carmona

Mr. Carmona submitted financial statements that we believe to be false and fraudulent. Based on the balance sheet provided, Mr. Carmona indicated that he is the owner of a VJC Construction company. According to your records, this company was never issued a Contractor's license. Clearly Mr. Carmona has perjured himself considering that the balance sheet was attested to as "True and Correct". By attesting to the financial statement, Mr. Carmona has committed fraud. This is a serious matter and believe is grounds for revoking the license issued to KPL as well as Mr. Carmona as the RME.

One Tanaka Plaza 973 South Marine Corps Drive
Suite 202, Tamuning Guam 96913
Tel: 1-671-472-6634 ♦ Fax: 1-671-472-6096 ♦ Mobile: 1-671-688-5066



to the right think!

HSG Co., Ltd.

A Service Disabled Veteran Owned Small Business
GENERAL CONTRACTOR ♦ LICENSE NO. CLB10-0670

Under 10.1 Causes for revocation or suspension of the Guam Contractor's Rules and Regulations the Board would have the right to revoke a license based on the following:

"2. Any dishonest or fraudulent or deceitful act as a contractor which causes substantial damage to another.

9. When a licensee being a corporation permits any officer or employee of such corporation who does not hold a license to have the direct management of contracting business thereof.

12. Willful failure in any material respect to comply with this Chapter or rules and regulations promulgated pursuant thereto"

Based on all of the above, we believe these represent strong grounds for re-examining the contractor's license issued to KPL Construction and if deemed appropriate, to revoke the recently issued Contractor's license to KPL Construction for violation of the CLB's rules.

We hope the CLB will take appropriate action. Please do not hesitate to contact us should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas V. Tanaka, Jr.', written over a horizontal line.

Thomas V. Tanaka, Jr.

Attached:

Shingo Kawashima KPL Contractor's License
VJC Construction Financial Statement
CLB Response

One Tanaka Plaza 973 South Marine Corps Drive
Suite 202, Tamuning Guam 96913
Tel: 1-671-472-6634 ♦ Fax: 1-671-472-6096 ♦ Mobile: 1-671-688-5066

2017 CONTRACTOR'S LICENSE



Shingo Kawashima

KPL Guam Co., Ltd.

License No. CLB17-1306

**THIS CERTIFIES THAT THE ABOVE INDIVIDUAL IS LICENSED FOR:
BUSINESS TRANSACTION ONLY**



License Type:
Corporation

EXPIRES: 06 30/2017

Eduardo R. Ordonez
Executive Director





ORIGINAL

HSG Co., Ltd.

A Service Disabled Veteran Owned Small Business

April 19, 2017

Marian Pizarro
Chairperson (Acting)
Guam Contractors License Board
Government of Guam
542 North Marine Corps Drive
Building A Public Works
Tamuning, Guam 96913

RECEIVED
APR 19 2017
Marian Pizarro

Madam Chair, members of the Board and Mr. Ordonez,

I come before the CLB Board to present my personal character reference of an RME applicant that you have recently issued a RME license. I am speaking of Vincente J. Carmona III.

Mr. Carmona was employed with HSG for approximately 8 years and was fired on September 30, 2016. The reason for his termination was that I discovered that Mr. Carmona was planning to open a competing company with a Director/Shareholder of HSG, Mr. Shingo Kawashima. It appears they have been devising this plan as far back as March of 2016. I personally have no issues with any individual who wishes to start their own company and who is willing to take the risk of being in business. My issue is that Mr. Carmona was conspiring with Mr. Kawashima while employed with HSG earning a salary with benefits of nearly \$80,000 per year. Attesting to his unethical conduct, Mr. Carmona waited for the opportune time to leave the company to compete against HSG's using the contacts, knowledge and confidential information gained while working for HSG. Both these individuals had fiduciary responsibility to protect the interest of HSG given that Mr. Carmona was a senior manager and Mr. Kawashima was a Director/Shareholder at that time.

Upon finding out about their intention and through the Freedom of Information Act, I requested information on Mr. Carmona's application with your Agency. I noticed as part of the application documents that Mr. Carmona submitted a Financial Statement under VJC Construction indicating its financial position as of October 20, 2016 and signed on October 27, 2016. I submitted a second Freedom of Information Act request on February 07, 2017 for information relating to VJC Construction and was informed by your agency on February 14, 2017 that *"According to our filing system the company VJC Construction is not a licensed contractor with the Contractors License Board (CLB)"*. I believe this is a clear violation of Section 4308, Title 6, Guam Code Annotated, wherein Mr. Carmona signed and submitted a fraudulent Financial Statement for VJC Construction which is not a licensed contractor or an actual company. Furthermore, and more importantly, Mr. Carmona declared under penalty of perjury under the laws of Guam that the financial statement he submitted to obtain his RME license was IN FACT true and correct. I was surprised when I received a response on this matter from your agency on March 09, 2017 indicating *"The Financial statement submitted to our office by Mr. Carmona was to support his application to obtain a contractor's license which is part of the*



HSG CO., LTD.
A Service Disabled Veteran Owned Small Business

requirements for a first time applicants. It was supported by his Bank statement and it was only intended as his personal assets for us to determine that he has the financial integrity to start his construction business once he passed and becomes a licensed contractor.” Based on this, the CLB considered this matter cleared. I am surprised that it is an acceptable practice for the CLB to accept fraudulent documents from a first time applicant and for it to be considered supporting documents for his application as an RME. If I am not mistaken RME means Responsible Management Employee. How responsible is it to submit fraudulent documents? Mr. Carmona explains on his response that he used his initials to make his own company as he was undecided on how to structure his entity, whether to be a sole proprietorship, partnership or corporation. So he simply made up a company, with no EIN, GRT or Corporate Documents and further explains that was done simply to reflect the bank balance on his personal bank account. If Mr. Carmona could not comprehend these simple applications instructions, how would he handle entering into multiple page construction contracts and comprehend his contractual obligations. I do not believe Mr. Carmona has the ability to enter into large contracts understanding his obligation.

I further discovered Mr. Shingo Kawashima was issued a CLB License I.D. which certifies *“That the above individual is licensed for KPL: Business Transaction Only”*. After interviewing Mr. Carmona and in response to my complaint your office responded indicating *“Mr. Kawashima is not an Officer or any way associated with KPL Co., Ltd. and therefore not entitled to be issued a Contractor’s License I.D.”* and Mr. Kawashima’s license has been returned. Further, In Mr. Carmona’s response to the CLB dated March 01, 2017 he blames your staff indicating that they asked and insisted on issuing Mr. Kawashima the license even if he was not involved with KPL. According to Mr. Carmona, your staff further indicated that it was not a problem for Mr. Kawashima to have an ID representing KPL. If Mr. Carmona’s character was one of integrity, he would have been truthful and honest about Mr. Kawashima not having any interest in KPL and recommend not to accept this CLB I.D. knowing this was improper. However, it was clear that Mr. Kawashima had some interest in KPL(although not reflected in the corporate books), otherwise, why would he have accepted the CLB License to do business under KPL Guam.

As part of my character reference submitted to CLB on March 15, 2017, I provided copies of a Notice of Levy from Family Finance Company, a Bankruptcy Petition, and mentioned three private individuals wherein Mr. Carmona borrowed money and as far as I am aware of, has yet to pay back. I believe this also provides some insight as to how Mr. Carmona handles his finances and attitude towards financial obligations. In fact, one of these individuals sought legal action for relief.

In the application, the CLB requires that the applicant submit a certificate of support certifying that the applicant is *“to have a good reputation for honesty, truthfulness and fair dealings”*. Based on my above testimony I do not believe Mr. Carmona meets any of these requirements. I requested to present my character reference before the Board because I wanted to personally meet and convey to each and every one of you my personal experience with Mr. Carmona and ask that you reconsider Mr. Carmona as an RME and suspend or revoked his License. You as the Board have a personal responsibility to the



HSG Co., Ltd.

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public at large to ensure the character of the individuals you license to do business on island deal with "*honesty, truthfulness and fair dealings*". It would be unfortunate if a complaint were to be filed against Mr. Carmona's company for dishonest and unfair dealings, particularly in light of the CLB's prior knowledge based on my testimony.

For your information, we have filed a law suit against both Mr. Carmona and Kawashima for breaching their fiduciary responsibility. This is how serious this matter is to us and we do not want them to do the same to others. I have attached a copy of the letters in my testimony for your reference.

Sincerely,

Thomas V. Tanaka, Jr.

President



CONTRACTORS LICENSE BOARD

Inetnon Malisensiyen Kontratista
542 North Marine Corp Drive A. Tamuning, Guam 96913
649-2211, 649-9676, 649-2210(Fax)



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNO

EDUARDO R. ORDONEZ
EXECUTIVE DIRECTOR

May 19, 2017

To: **Elizabeth Barrett Anderson**
Attorney General
Office of the Attorney General
590 S South Marine Corps Drive, Suite 706
Tamuning, Guam 96913

From: **Eduardo O. Zapanta**
CLB Investigation Supervisor
Contractors License Board
542 North Marine Corps Drive Bldg. A
Tamuning, Guam 96913

Subject: **Case # 2017-02-04 Thomas V. Tanaka Jr. / HSG Co., Ltd.**
Vs. Vicente J. Carmona / KPL Guam Co., Ltd.

Dear Honorable Attorney General,

I humbly would like to get an opinion from your office since you represent our agency as our legal counsel. I would like to forward the following documents regarding the above-mentioned case which I already forwarded to our Board members last May 10, 2017. It has been seven (7) working days and since then I have not receive any feedback from neither one of the Board Members. Our Executive Director, Mr. Eduardo Ordonez likewise never made any communication with me after he refused to reassign the said case to me. This case involves two issues, first is about the complainant's concerns and second is an internal issue about the Contractors License Board staffs.

As the Investigation Supervisor of the CLB, I tried to give courtesy to our Director to properly address the said complaint, but it seems that Mr. Ordonez looks like he chose to make me stay away from the case. Maybe there must be a reason why this case was totally mishandled and was kept totally concealed from my knowledge. Mr. Ordonez and Investigator Nida Bailey failed to follow our office standard protocol because they knowingly by- passed the system which is supposed to be brought up to my attention, before they even decide not to take action and just close the case and state that no violations were found. I do not understand how would a serious case with multiple violations such as Case # 2017-02-04 be closed just because the respondent returned the Contractors License ID to our office that was illegally issued by our admin staff.

Thomas V. Tanaka Jr.

5/22/17 RECEIVED 1137
OFFICE OF THE ATTORNEY GENERAL
ADMINISTRATIVE

Right now, I don't really know what is my next move because my position /title as a Contractor License Investigator Supervisor was not properly addressed according to the golden rule which is the proper chain of command that both my boss and subordinate were mistreating me and I find it very unjustly.


If Mr. Ordonez authorized me to take over the case, I could have conducted a reinvestigation and properly addressed the case according to our laws, rules and regulations. Though our Director and Investigator disrespected my position, I still offered my assistance to resolve the case according to the Administrative Adjudication Law in which the complainant was requesting that the issues be brought before the Board.

On the other hand, our internal issues are something that has to be addressed by the proper authorities because it is a very serious matter that has to be investigated. The main purpose of the Contractors License Board and its laws is mainly to protect the safety of the public which I feel that some of my co-workers failed abide by its purpose.

Your honor, I humbly ask your assistance regarding this sensitive matter about our agency's multiple irregularities that our own staff has been violating its own laws, rules and regulations, the fact that we must enforce it according to our mandate.

Thank you!

Respectfully yours,


Eduardo O. Zapanta

Cc: **CLB Board Members**
Office of the Governor
Eduardo R. Ordonez
Nida Bailey



CONTRACTORS LICENSE BOARD

Inetnon Malisensiyen Kontratista

542 North Marine Corp Drive A. -- Tamuning, Guam 96911
649-2211, 9676, 2212, 647-2965 649-2210(Fax)



EDDIE BAZA CALVO
GOVERNOR

EDUARDO R. ORDONEZ
EXECUTIVE DIRECTOR

RAY TENORIO
LT. GOVERNOR

Date: May 24, 2017

MEMORANDUM

To: **Eduardo O. Zapanta**
Investigation Supervisor, CLB

From : **Eduardo R. Ordonez**
Executive Director, CLB

Subject: **Your Letter to the Attorney General dated May 19, 2017**
Your memo dated May 9, 2017 RE- Reassignment of Cases
Case # 2017-02-04 Thomas V. Tanaka Jr./ HSG Co. Inc. vs. KPL Co. Ltd/
Vicente J. Carmona & Case # 2016-01-13 Theodore Nelson vs. Tereas, Inc.

Dear Mr. Eduardo Zapanta,

You fabricated a memo under my name dated May 9, 2017 addressed to the CLB Investigator Ms. Nida Bailey. The subject indicated "Authorization to reassign cases". You alleged mishandling of the cases and you want authorization to re-investigate and the case transferred to you.

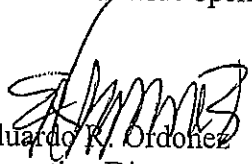
First and foremost when you wrote to the Atty. General Elizabeth Barrett Anderson on May 19, 2017 and the memo dated May 9, 2017 under my name without my prior authorization, you just committed fraud. I refused to sign the memo and this is in exercise of my management prerogative.

I was made to understand that the CLB investigator Ms. Nida Bailey was and is doing her job properly. If otherwise then you are not doing your job as a supervisor. You failed to assist and mitigate on problems that might come up. If you are not helping solve problems then you are part of the problem.

The minutes of the March 15, 2017 CLB Board meeting showed you had been "absent to all board meetings since 2016. When I asked you why you were not attending, you replied "Never mind about the CLB Board. They don't understand what they are doing". With this kind of mentality you don't Work as supervisor. You don't supervise. You did not respect and cooperate with the CLB.

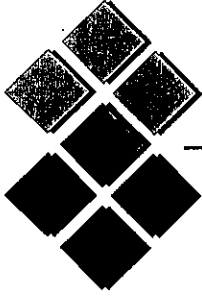
Please remember that CLB was created by the law. You work for me and the Board. We don't work For you. If you cannot work for me and the Board, you cannot work for the government of Guam.

The door is wide open if you are not a team player and cannot work with the CLB.



Eduardo R. Ordoñez
Executive Director

Cc : Governor's Office
Attorney General
CLB Board of Directors
Nida A. Bailey, CLB Investigator
File



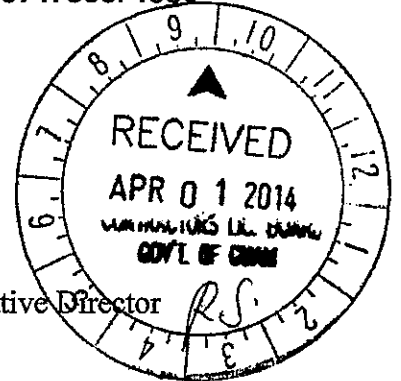
LSP CONSTRUCTION CO.

P.O. Box 218166 GMF · Barrigada, Guam 96921 · Tel.: 671. 888. 4880

E-mail: snlguam@hanmail.net

March 31, 2014

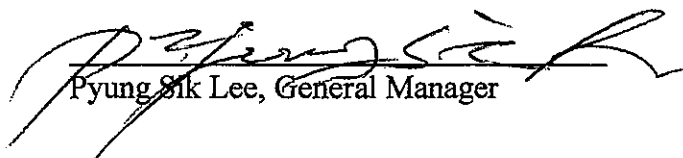
To: Eduardo R. Ordonez, Contractors License Board, Executive Director
Fr: Pyung Sik Lee, LSP Construction
Subject: SNL Case # 2012-11-07 Ref: Acct. #3-21352126 Invoice #6470



SNL case was issued the citations and with making direct payment and dealing with Maria Perez, Administrative Officer in which she received direct payment under LSP Construction. The day before I made the payment, I was dealing with Contractors License Board Administrative Officer, Maria Perez. Even though citations and investigation matters I was not supposed to be doing any coordination about the case to anybody in the office except the Investigation Unit and it was strictly confidential.

Your attention and response to this letter is most profoundly and greatly appreciated

Thank You,


Pyung Sik Lee, General Manager



Office of Senator Frank B. Aguon, Jr. <admin@frankaguonjr.com>

Fwd: Listing of Unlicensed Contractors from the Years of 2012-2017

Frank Aguon, Jr. <aguon4guam@gmail.com>
 To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>

Thu, Aug 17, 2017 at 3:35 PM

Un Dangkolo' Na Si Yu'os Ma'ase'

Respectfully,

SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Guam-U.S. Military Buildup, Infrastructure and Transportation
 Suite 503, DNA Bldg, 238 Archbishop Flores Street,
 Hagatna, Guam 96910
 email: aguon4guam@gmail.com
 Contact Nos. Office, 475-GUM1/2 (4861/2)

----- Forwarded message -----

From: **Vince Aguon** <vince.aguon@clb.guam.gov>
 Date: Thu, Aug 17, 2017 at 3:21 PM
 Subject: Listing of Unlicensed Contractors from the Years of 2012-2017
 To: aguon4guam@gmail.com
 Cc: Marian Jane <loveguam888@gmail.com>, James Casallo <jamescasallo@gmail.com>, joseph.guevara@dpw.guam.gov, michael.unsiog@revtax.guam.gov, robert.tongson@revtax.guam.gov, Eduardo R Ordonez <eduardo.ordonez@clb.guam.gov>, Eduardo Zapanta <eduardo.zapanta@clb.guam.gov>, Resiah Mae Malaga <resiah.malaga@clb.guam.gov>

Greetings Honorable Senator,

Here is drafted listing of the Unlicensed Contractors for the Years of 2012-2017 as per your request for review.

Total Amount as of this time for the Year of 2017: 9

Total Secure Services Guam
Pro Clean AC
Excellent Construction, Inc. (Licensed Contractor, performing construction work activities without possessing the Specialty Classification Licenses).
Il Gon Kim
Bestry Coproration
Arwin Tiamzon & Tammy Owen Camacho
Christopher Manalo
Christopher Manalo
Christopher Manalo

Total Amount for the Year of 2016: 5

Christopher Manalo**Joseph D. Lopez Sr. (Pestex Guam)****Christopher Manalo**

Romeo Garcia Reyes

Zhen Qing Chai

Total Amount for the Year of 2015: **6**

Xian Zhi Gu

Bert John Blas Alberto

Jei II Construction (Licensed Contractor performing construction work activities without possessing the Specialty Classification License).

Christopher Manalo (M & J Construction)

Jian Hua Construction (Licensed Contractor performing construction work activities without possessing the Specialty Classification License).

Carlito M. David

Total Amount for the Year of 2014: **6**

Raul Maramosa

GSI Pacific (Licensed Contractor performing construction work activities without possessing the Specialty Classification License)

Christopher Manalo

Joseph Cruz

Arnaldo S. Tapang

Christopher Manalo (M& J Construction)

Total Amount for the Year of 2013: **9**

Anthony Bonarrigo

Omar Padua

YCK Mecahnical

Benjamin Abat

Med Pharm

Karen Pan

GKI Corporation dba: Koresolar

Matthew S. Hunter

Richard Paulino (XS Corporation)

Total Amount for the Year of 2012: **9**

Triple C Builders

Pyung Sik Lee

James Han

IT & E Overseas, Inc

Carlos Fontanos

Michael Santos

Avelino "Fred" Rebara

Triple C Builders

M and B Incorporated dba: Loft

Total Amount for Unlicensed Contractors within the last Five (5) years: **Forty Four (44)**.

Please note the information gathered was obtained by the CLB Investigation Division Log Book. If you have any inquiries please contact me at 646-7262. Thank you.

Respectfully,

Vince Aguon

Contractors License Investigator

Contractors License Board

Government of Guam

542 N. Marine Corps Drive - A

Tamuning, Guam 96913

Tel. # 646-7262

Fax # 649-2210



Senator
FRANK B. AGUON, JR.
Chairman

Senator
Thomas A. Morrison
Vice Chairman

Senator
Dennis G. Rodriguez, Jr.
Member

Senator
Joe S. San Agustin
Member

Senator
Règine Biscoe Lee
Member

Senator
Louisa Borja Muña
Member

Senator
Fernando B. Esteves
Member

Speaker
Benjamin J.F. Cruz
Ex-Officio

COMMITTEE REPORT DIGEST

I. OVERVIEW

The Committee on Guam US Military Buildup, Infrastructure, and Transportation convened an Oversight Hearing on Wednesday, August 2, 2017 at 10:00 AM on the Guam Contractor's License Board. Among the item(s) on the agenda is:

- a) Review of the application process;
- b) Review of complaints and appeals process;
- c) Number of applications submitted to the Agency for each of the past five (5) years;
- d) Number of Applications approved or denied for each of the past five (5) years;
 - i. Discussions on reason for denied applications;
- e) Any known irregularities that have been occurring at the Agency;

Public Notice Requirements

Notices were disseminated via e-mail to all senators and all main media broadcasting outlets on Tuesday, July 25, 2017 (5-Day Notice), and again on Monday, July 31, 2017 (48-Hour Notice).

Senators Present

Senator Frank B. Aguon, Jr., Chairperson
Senator Thomas A. Morrison, Vice Chair
Senator Règine Biscoe Lee
Senator Telena C. Nelson
Speaker Benjamin J. Cruz, Speaker

II. SUMMARY OF TESTIMONY & DISCUSSION

The confirmation hearing was Called-to-Order at 10:00 AM.

Chairman Aguon

Hafa Adai, and Good Morning ladies and gentlemen. *Hafa Adai*, good morning. Ladies and gentlemen, if you can begin this oversight hearing on the Guam Contractors License Board scheduled for Wednesday, August 2nd, 2017, it is 10am in the morning and for purposes of the open door policy or Open Government Law the initial notification on this oversight hearing was disseminated on the 25th of July and the second notice was disseminated on the July 31st to all of the stakeholders as well as to our media partners in the community. I'd like to once again, thank our media partners for continuing to not only work with the legislative body, but work with the committee in disseminating this information on the oversight hearing.

Chairman Aguon

I do have a couple of individuals that have signed in, but ladies and gentlemen we are going to initiate this oversight hearing with the members of the Guam Contractors License Board. So, if I could invite Mr. Ordonez up front and any of the members of the Board who are presently here. Before we begin the discussion, I'd like to recognize Speaker Cruz, thank you very much Mr. Speaker for joining us this morning and also the Vice Chair of the Committee, Senator Tommy Morrison thank you Senator for joining us this morning.

The order of the agenda for the information of the public is the oversight of the Guam Contractors License Board. First item is the review of the application process, the second item is the review of complaints and appeals process, the third item is the number of applications submitted to the agency for each of the past five years, fourth item would be the number of applications approved or denied for each of the past five years and that would have a sub discussion under the discussion on reasons for denied applications. And then finally, I will open it up to any known irregularities or activities that have taken place with regards to the agency that either myself or members of the Committee or the Legislative Body would like to inquire with the members of the Guam Contractors License Board.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Good Morning Senators, Speakers, Senator Aguon and Senator Morrison, *Hafa Adai*. I am Sorry... Hey stop it!

Okay... We are so glad to be here, Senators, to answer some questions about it and yes we... 100% I would like to clarify everything for the good of our island, you know? So, as per agenda, A, B, C and D we sent these letters to the Legislature yesterday so we can start working on the... On your agenda. Which one do you want me to start?

Chairman Aguon

Mr. Ordonez, if I could ask you to just have the other individuals on the table identify themselves and then you can proceed.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Okay... Okay, thank you very much. Go ahead.

Chairman Aguon

Please if you can turn it on.

Ms. Marian Pizarro, Chairwoman, Contractors License Board

Hafa Adai, Buenas, My name is Marian Pizarro. I am the Chairman for the Guam Contractors License Board, Good Morning.

Chairman Aguon

Thank you.

Mr. Robert S. Tongson, Board member, Department of Revenue and Taxation

Good Morning Senators, my name is Robert S. Tongson I am the alternate Board Member of the Department of Revenue and Taxation.

Ms. Adelia Custodio

Good Morning, I am Vice Chairman Adelia Custodio.

Chairman Aguon

And we do have another member of the Committee that has joined us, Senator Rodriguez thank you very much Senator for joining us this morning. Mr. Ordonez, I did share with you the sequence of the questioning - line of questioning and the first one is the review of the application process and the purpose for this is to ensure that not only the Committee Members, but also the general public understands exactly what the application process is and then we'll go into some line of questions please, you may proceed.

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Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Okay, Senators, this is a preview of the application process. Applicant submit application from prescribed by the Board, this is the document required. Certification of not less than three persons in support of the applicant's experience must had at least ten years immediately preceding filing application,

[REFER TO WRITTEN TESTIMONY]

So, that's the application process Mr. Senator.

Chairman Aguon

And the approval authority... Mr. Ordonez, the approving authority is the Board? Is that correct?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes.

Chairman Aguon

Not the Executive Director, but the Board. Okay. Did you want to continue with your presentation, your written presentation, I know you have it the investigation section highlighted and you have the review of complaints and appeals process as part as your written testimony, did you want to go ahead and proceed with that? Or?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Okay. Yeah, okay, okay, Senator, okay. After that it will go to the investigation section for the Treasurer of Guam. Action for application, the Board has 40 days - 45 days I mean, I'm sorry. Filing a proper application for license and payment of the fees required to have on every application. Failure to pass the examination, the applicant will face the attained passing grade may be given a reexamination within 90 days without necessity of reapplication additional fee. Attached is a copy of the application... We have attached it here Senator, for as prescribed by the Board. The CLB the Contractor's License Board application process is well structured and runs smoothly.

Chairman Aguon

Mr. Ordonez, you may continue.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Continue with?

Chairman Aguon

With the Sub item B.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Thank you. Okay, on the B, review of complainants and appeals process, I'd like to inform you that since 2013 the CLB has not been regularly assigned an Assistant Attorney General. Recently, I have worked with assistant AG Thomas Keeler, to assist us on the CLB legal issues. Complaint process, consumers can file their complaints at our office by filling out the consumer complaint, complaint form, we have a form attached on our submittal there Senator.

[REFER TO WRITTEN TESTIMONY]

Number one, an investigator reviews the case and if additional documents or information are needed we'll call the complainant to submit it. Investigators sent notice to appeal to the contractor to give them an opportunity to respond. Some cases could be resolved if the complainant and the contractor are willing to come into settlement. Some cases and other contracts, money disputes are outside of our jurisdiction. In case the Board advise the parties to settle in court as appropriate. Upon completion of their investigation, the investigator will give me a report with recommendation. I review the complaint and investigator report and forward the complaint to the Board to consider at its next meeting to review new business - for the new business. The CLB Board determines if a complaint is proper and what action to take. If the Board determines that the violation has occurred a citation is issued, there's attachment there Senator, we attach it.

Which was revised within the past year. The citation places a contractor on notice of the highlighted violation and proposed... and proposed action. If the contractor disputes the allegation he has fifteen days to clarify the Contractor's License Board of such and request a hearing. Contested defeated cases goes to the CLB - CLB Board for a hearing.

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Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board CONT...

[REFER TO WRITTEN TESTIMONY]

We go on appeals.

[REFER TO WRITTEN TESTIMONY]

Number of applications submitted to the agency for each of the past five years as per your agenda Senator.

[REFER TO WRITTEN TESTIMONY]

But the Supervisor investigation came in on Monday, early in the morning so, it was submitted.

[REFER TO WRITTEN TESTIMONY]

I would like to inform you Senator, that since 2013 we have not been regularly assigned a Assistant Attorney General on our office. I have worked with the AG as of now, Assistant Attorney General Thomas Keeler to assist us on the CLB legal issues.

Complainant- Complaint process- consumers can file their complaints at our office by filling out the consumer complaint from our office, it is attached, we submitted an attached as a copy.

[REFER TO WRITTEN TESTIMONY]

If the Board determines that the violation has occurred and a citation is issued and, there attached is a copy of the citation, which was revised within the past year. So, the citation places a contractor on notice of valid violation.

[REFER TO WRITTEN TESTIMONY]

In every case where its purpose to refuse a grant, or license, or to revoke, or suspend a license, or refuse to renew a license the Board gives the person concern, notice of hearing in conformity with the administrative adjudication law.

Appeals, an applicant who has been refused a license and every license whose license has been suspended, revoked or not renewed may appeal the Contractor's License Board decision to the Superior Court or monitored by administrative action. Okay number of applications submitted...Oh I read this already.

Chairman Aguon

Yes, you did.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

That's it, no?

Chairman Aguon

Okay, Mr. Ordonez, thank you very much for your testimony. Just so that we can understand the process clearly, in this particular case the application process requires that documents be submitted -

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes.

Chairman Aguon

And certified by the applicant that all the information is true.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes, sir.

Chairman Aguon

Certification of not less than three persons is necessary to support that application and as application - applicant not - shall not have no less than four years in experience in certain areas.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes, sir.

Chairman Aguon

Either as a foreman, supervising employee, or contractor in a particular contracting-
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Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes, sir.

Chairman Aguon

Arena. Another requirement of the application process is a certification of not less than two persons who can attest that the applicant bears a good reputation for honesty, truthfulness and fair dealings.

Another requirement is proof of financial solvency, which would require a bank letter of credit attesting to the financial solvency or financial statement from the bank and then finally as part of the application process is a list of projects completed within the previous immediate four... Four years.

Now, when the Contractor's License Board receives the application packet and it has all this information, it is referred to the investigation section automatically?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes.

Chairman Aguon

The entire packet is referred to the investigation section and then the investigator conducts a thorough investigation to verify all the information.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Mhmm...

Chairman Aguon

And then works on administering the test?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Testing, yeah.

Chairman Aguon

There's an initial interview process where all the information is verified and then if that applicant successfully completes that initial interview process then that applicant is given the opportunity to take the test?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes, sir.

Chairman Aguon

Correct?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes, sir.

Chairman Aguon

And the examinations are provided every second and fourth Tuesdays of every month?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes, sir.

Chairman Aguon

Ok, now transitioning into the complaint process. So if in fact a complaint is filed, the complaint is referred to a investigator? Or to the investigation section?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

It will go first to the investigator, we have a form a complainant on the front so they will get that and then they will file a complaint and then after we receive that complaint we stamp and log it in our... And then we give it to the investigator.

Chairman Aguon

Then the investigator obviously investigates, reviews all of the information, verifies the validity of the complaint

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes sir.

Chairman Aguon

And then provides a report with a recommendation to the Executive Director or to the Board?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes, that's true.

Chairman Aguon

To?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

To recommend first to me, then after that I will give it to the Board.

Chairman Aguon

Okay, and then based on that, the Board has to act within a certain time frame?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes, sir.

Chairman Aguon

Is that correct?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes, sir.

Chairman Aguon

On any complaint.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes, sir.

Chairman Aguon

That is filed, what's that time frame?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

What is that, sir?

Chairman Aguon

When the investigation section completes the entire investigation, and provides a recommendation to the Executive Director and to the Board, how long is that time frame where the Board has to entertain that complaint?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Well we review the complaint and the investigator... Investigator report and we forward to the Board at its next meetings with the new business. So that the Board can make their recommendation.

Chairman Aguon

But, you do provide the complainant with a timeline to be notified?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes, sir.

Chairman Aguon

Right? Or the contractor that the complaint has been filed on...

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yeah.

Chairman Aguon

As well as the individual that filed the complaint -

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Mostly, they - the contractor will complain first and then we will investigate it, we will work on it on what their complaint is.

Chairman Aguon

So when the Board entertains, I guess in this case Ms. Pizarro, when the Board entertains a complaint, you require that in fact, the contractor as well as the individual filing the complaint both be present at that meeting?

Ms. Marian Pizarro, Chairwoman, Contractors License Board

Not necessarily.

Chairman Aguon

Please, if you can turn on the mic.

Ms. Marian Pizarro, Chairwoman, Contractors License Board

Not necessarily, what only is presented for the Board for any decisions is what the Board enacts.

Chairman Aguon

Okay, then is there a required time frame to notify the contractor or the individual that files a complaint that they would be entertained at a subsequent Board meeting?

Ms. Marian Pizarro, Chairwoman, Contractors License Board

A time frame is subject to the facts and any information that's going on between the contractor and the complainant, any parties in between. We have recommended encouraged timelines but however, that is just... At the discretion of the parties at hand.

Chairman Aguon

So, you don't have a fifteen-day requirement or a fourteen day requirement that the individual that is receiving a complaint or the contractor where the complaint is being filed, that they have to be notified at least fifteen days out from a Contractor's License Board meeting so, that they can have ample time to be able to be present, make accommodations and also the individual filing the complaint, there is no required timeline?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
Yeah... Yes, sir. We have... To give that timeline on that to work on that complaint.

Chairman Aguon

So, what - what's the required timeline for notification?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
Well on the -

Chairman Aguon

Because obviously, the Open Government Law requires that notices of meetings as well as the agenda be provided within one-week time frame, but my question is directly towards the Contractor's License Board.

Is there a required timeline to notify any contractor or any individual in which a complaint has been filed and it's been investigated and will be considered by the Board?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
[Inaudible]

Chairman Aguon

What I can do is I'm going to open up this discussion to someone who has also serviced as a Executive Director of the Contractor's License Board and he is also the Vice Chair of this Committee, so... So he can provide some additional information, Senator Morrison?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
Okay.

Senator Thomas A. Morrison

Thank you Mr. Chair, thank you Director Mr. Ordonez, Chairwoman Pizarro and members, staff of COB. Respect, specific to your question Mr. Chair, I think you know reviewing these cases. Some cases as noted by the chair-by Director Ordonez, some of these... I understand your pending on the not only the case load but on the... And also... The type of investigation, what... the contractor or individuals being cited for, you know... The timeline period really begins I mean, initiates there, but specifically to a... Threshold of fourteen or fifteen days I mean that's you know... critically [INAUDIBLE] on the- the investigation. On the Investigator Supervisor also to try to move these cases along and you know normally some of them are extensive that require the help of the Attorney General's Office.

So, you know having that time frame, but as far as notices once the investigators prepare to provide... Those facts or their finding to the Board, the investigation normally- or investigator normally would be present with - and notices would be provided to the complainant or to the- and to the contractor that these cases would be heard before the Board.

So, I hope that answers your question Mr. Chair. I think... if you are asking for like a threshold of when a case is filed it depends I mean some cases come in automatically, I mean if it's an unlicensed contractor sometimes that happens within a day or five days. These issues can get addressed where the unlicensed contractors, it is pretty obvious that the individual is unlicensed, but you know some cases required consumer complaints with workmanship, type of classification you those kinds are more extensive and require more time.

Chairman Aguon

Thank you very much, Senator Morrison, I think also in addition to the comments that has been shared by Senator Morrison. My - my issue is not the timeline for the investigation section to do their job. If because we anticipate that they will do a thorough and extensive work in validating any concerns or issues that are raised by someone filing a complaint and before they present anything to yourself, Director Ordonez or to the Board Members for consideration they have to make sure that it's complete and comprehensive and that it presents factual information.

Chairman Aguon CONT...

So, that's why with regards to the investigation section that's a component that I'm sure that they do due diligence in carrying out their responsibility.

My question is more or less with regards to upon the completion and upon forwarding the complaint - the finding and recommendation to Director Ordonez and to how long does it take before it is considered by the Board and your response is that it is most likely will be considered at the next Board meeting and then now in terms of due process and notification, I'm trying to backtrack. If they're going to be entertained in the next Board meeting how much time is provided for the contractor as well as the individual that has filed that complaint to be able to make accommodations so, that they can work their schedule and ensure they're present at that meeting when that complaint is reviewed and considered by the Board.

So, that is really where the line of question really comes in, in terms of how much time is actually provided and what I'm hearing is that it's added to the next docket for the next Board meeting and not necessarily meeting a fifteen-day timeline so that the individual and the contractor can have due process.

That's an issue that Madam Chair of the Board that I encourage you to look at because you certainly want to make sure that any individual or contractor that receives a complaint filed against them that they have every opportunity to not only review the documents, review the complaints, but also find out what the recommendations are and have that opportunity to be present at the Board meeting and any subsequent hearing that may be necessary.

Chairman Aguon

Now, let me just ask you, you mentioned Director Ordonez about the Contractor's License Board receiving complaints and what from I'm hearing from you is that if a complaint is filed, it is referred to the investigation section. Investigation section will carry out their responsibilities, do their research, provide a recommendation back to yourself as the Executive Director and then you decide when it is going to be placed in the next Board meeting. I received information where in fact a complaint was filed in 2009 perhaps this is not during your time so, please make sure you've qualified I'm just - I'm referring again to the process. Because if there's a process is in place we need to ensure all of the applicants and the contractors who submit an application that this is the process, this is the timeline, if there are any concerns or any complaints these are the additional timelines that have to be considered.

Now, if the Board or the Director exceeds those timelines then they have every right to come back and question the process in terms of fairness and ensuring that it applies to every single applicant and every single contractor that comes in there and puts in their application for a license.

So, there was a situation where a complaint was filed in 2009 and was not considered by the Board until 2015. When it was considered by the Board, the individual that filed the complaint was not satisfied with the response by the Board. This individual felt that the Board dismissed the content of the complaint and then re-filed a complaint and has attended every Board meeting re-filed a complaint in February, I believe last of year or earlier this year, and has has attended every Board meeting and has yet to have that complaint entertained and that's why this whole process is being reviewed to look at some of these issues that have surfaced. It's, I know that the media had covered several issues. One was a license being given to a non U.S. unauthorized individual. Can I ask you to please explain that only because it came out in the media and then it's also a concern that was raised as a complaint?

Ms. Marian Pizarro, Chairwoman, Contractors License Board

[INAUDIBLE]

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yeah, yeah.

Senator, I think I have to give this called in the admin on that administration. Where is Maria?

Chairman Aguon

I'm sorry Madam Chair?

Ms. Marian Pizarro, Chairwoman, Contractors License Board

Would that be okay for the administration section to answer your question?

Chairman Aguon

Absolutely, and please identify yourself for the record.

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board

Good Morning, my name is Maria Perez. I am the administrative officer for Contractors License Board. I'm in charge of licensing.

There was a corporation, the individual like we explained went through the process of the interview and then went before the Board for the review of the application. Myself, Mr. Zapanta, the investigator's Supervisor, Mr. Ordonez, Revenue and Taxation and the Board Members agreed because we don't just sign it, we review

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board

everything and that certain corporation was approved on regards to the ID card, there was an ID card that was issued to an individual and the ID card did not say that he was a - that he took the exam and it didn't say that he had classifications like general building, general engineering or anything it was issued by... We give ID cards to individuals who... Does business transactions so the ID card stated for business transactions if they are going to do any banking or anything like that. One of my staff members you know we made a mistake, we admit to it, we were later on found out about it. Our office, the investigator, Nida Bailey called -

Chairman Aguon

Ms. Perez, can I ask you to provide at least an assemblance of a timeline in terms of you recognize the mistake and then how long it took you to either rectify it or your final action on that mistake or does that contractor still presently have a license?

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board

No, the individual does not have the... ID card, within three days we were able to retrieve the ID card and the ID card did state for business transactions only. And it was retrieved.

Chairman Aguon

So, the license?

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board

It's an ID card -

Chairman Aguon

Okay. So the license was retracted?

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board

Yes, sir.

Chairman Aguon

On that contractor?

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board

Yes, the ID card yes.

Chairman Aguon

Okay, now let me ask another question with regards to red flagging contractors or licensees?

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board

Yes.

Chairman Aguon

Because there was a situation not too long ago where a list was disseminated to all of your personnel Director Ordonez. Highlighting certain contractors and red flagging them that they are not to receive a contractor's license. There was a situation in which that listing was posted for about 30 plus days and then one of the contractors on that list received a license after 30 days.

So can I ask what was the purpose of overriding your decision to red flag these individual contractors who had done business in the past and for whatever reason were placed on the red flagged list not to be given or considered licenses and I would think that anytime you red flag a contractor that, that red flag would stand for a minimum time frame of six months, a year or plus. But then, within 30 days one of those contractors on that list received a license.

Can you explain? Please? And I'm sure you are familiar with that situation.

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board

[INAUDIBLE]

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes, Senator, this is on the admin section. I can't explain really 100% on that, I will refer it to Maria, the admin officer. Thank you.

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board

On regards to red flagging an individual, our office usually request that we speak to the person that took the test which is the responsible management employee and they come into the office and they talk to the investigation or... because from my understanding we're not allowed to deny a contractor to renew a license unless we follow the Administrative Adjudication Act.

Chairman Aguon

I'm sorry, I understand that Ms. Perez but the law allows you or Mr. Ordonez and the Board to rescind any license when in fact any of these contractors meet certain conditions identified in the law.

So, it's not a question of Administrative Adjudication action, it's providing the contractor due process but if they break the law, you automatically that very moment, can rescind that license but provide the contractor with due process of recognizing what that offense was, what the illegal activity was and then give them that hearing, that opportunity for an appeal. That's where you on behalf of the interest of the business community and on behalf of the interests of the people of Guam, you have that responsibility. Provide an appeal process so that contractor or that individual will have due process of being able to provide information or to question anything that is being thrown in their direction as it applies to breaking the law. *But please know, that as stewards of the people of Guam, the law is on your side.*

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board

Yes.

Chairman Aguon

So, and, to make that statement that you are not allowed to rescind any application or any license without allowing the licensee to go through Administrative Adjudication process, that is absolutely incorrect and I encourage you to seek the guidance of your legal counsel from the Attorney General's Office so that, that representative will continue to guide you as the law provides because we do not as a community condone any illegal activity only because of the Administrative Adjudication process. You have a responsibility to rescind that license immediately, stop that business transaction or that contractor from conducting business and then allow that contractor to go through the due process in terms of being able to provide responses to the claim.

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board

Yes.

Chairman Aguon

But being mindful that you have an investigative arm in the Contractor's License Board, that only reinforces that opportunity to validate that, that contractor is breaking the law. So, please know that the law is on your side but you have to follow the law.

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board:

Yes, sir, and in order for us- in order for our section, before we do any - before anything I do, I always verify with my Director, I don't just do it on my own.

Chairman Aguon

Let me ask... Let me throw out another situation. Please Director Ordonez, and I'd like to and this is in regards to the administration of the examination, and apparently there was individual who had approached the Contractor's License Board, had undergone the initial interview process, preview process and had failed that part of the process and was notified. So that individual was not given an opportunity to take an examination test.

Okay, understanding the process, you allowed them to go through the initial interview, they successfully complete that, then they take the examination but because this individual did not complete, successfully complete the interview. They were not given an opportunity to take the exam.

That individual returns two years later to the Guam Contractor License Board and without going through the interview process, took the examination. Can I ask, why and how that took place?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Let me work on that Senators, and I will return... I will give you a letter about that. I don't recall that as of now but I'm going to work on that one.

Chairman Aguon

But Director Ordonez, I am giving you an opportunity to explain. Did that situation occur?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Well there is some, it has happened last...

Chairman Aguon

Mr. Ordonez, it is a yes or no. Did that situation occur?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

No, unless they are going to submit a complete -

Chairman Aguon

Mr. Ordonez, did that situation that I just highlighted occur? I am giving you another opportunity.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Okay. Thank you, that's correct.

Chairman Aguon

That story is correct?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes.

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Chairman Aguon

Okay. So how did you correct it after the fact?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Well, I am going to correct on that... From now on, since about three months ago... We're working on that Senators about especially about our law and the capability of those people applying some contractors. I am going to be stringent now, the applicants are supposed to be a capable to what he is applying for. Thank you.

Chairman Aguon

So what have you done to reinforce the process, Mr. Ordonez?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Well...

Chairman Aguon

Because if you are saying... And I am just asking you... Just understanding the process. I am just asking you okay, you saying now you're being more stringent, but what have you done to notify your team members or the people working at the Guam Contractors License Board entity, that this is now, the new policy moving forward. What have you done since recognizing that took place?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Well, yes Senator, I made a meeting about four months ago - three months ago something like that so... On those kind of mistake, I don't want to be happen from now on, everything will be... Go on by law. Thank you.

Chairman Aguon

You are saying from now on everything is going to go by the law?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes, sir.

Chairman Aguon

Director Ordonez, like I said the law is on your side.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes.

Chairman Aguon

As long as you are following it.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes, Senator.

But I'm not telling the public that there's something what is going on before so since I came there as a Director, after Senator Morrison. We are doing some improvement there and like I said, by next month there a two kind of engineers from the states and the Philippines to give us a new testing and some improvement for our territory.

Chairman Aguon

Thank you, Director Ordonez.

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board:

It's, it's -

Chairman Aguon

Madam Chair, do you have any statements you want to make on this entire discussion? No, Chairman Pizarro.

Ms. Marian Pizarro, Chairwoman, Contractors License Board

No, not this time. I am just listening and just gathering more information. I think Maria will like to comment on it if that will be okay Mr. Chairman.

Chairman Aguon

I am addressing the question to you, Madam Chair.

Ms. Marian Pizarro, Chairwoman, Contractors License Board

Oh, sorry.

Chairman Aguon

Because I just heard that there is a break in the process.

Ms. Marian Pizarro, Chairwoman, Contractors License Board

The scenario you just described is something new, that I just heard.

Chairman Aguon

Madam Chair, be mindful please. That is not the only scenario.

Ms. Marian Pizarro, Chairwoman, Contractors License Board

Oh, I see. Okay.

Chairman Aguon

And if you read the paper in the last couple of days, there are other situations that call for immediate attention of the Board Members.

Ms. Marian Pizarro, Chairwoman, Contractors License Board

Correct.

Chairman Aguon

Not only Director Ordonez, but the immediate attention of the Board Members to address these concerns

Chairman Aguon

because we want to ensure that any applicant, any contractor understands what the requirements are for the application

Ms. Marian Pizarro, Chairwoman, Contractors License Board

Absolutely.

Chairman Aguon

Meet all those requirements. Guess what? You are going to go through the investigation process. You will be given a license after you pass the examination. But in this case, I just shared a couple stories, situations where in fact it appears to me that some rules, I'm not going to go through the extent of laws...

Ms. Marian Pizarro, Chairwoman, Contractors License Board

Correct.

Chairman Aguon

May not have been followed.

Ms. Marian Pizarro, Chairwoman, Contractors License Board

I see.

Chairman Aguon

So Madam Chair...

Ms. Marian Pizarro, Chairwoman, Contractors License Board

Yes?

Chairman Aguon

I'm going to say this again and I'll say this for one last time, the law is on your side but you have to follow the law.

Ms. Marian Pizarro, Chairwoman, Contractors License Board

Absolutely.

Chairman Aguon

And I say that explicitly because of some of the concerns that have been forwarded to the Attorney General's office and if there is any validity from an outside entity, the Office of the Attorney General on some of the situations, it's going to come back to this very table right here.

Ms. Marian Pizarro, Chairwoman, Contractors License Board

Yes.

Chairman Aguon

And be mindful that if any Member of the Board, Director Ordonez, or any Member of the Contractor License Board does not comply with the law, you no longer have the protection of the government. I am making just a general statement.

Chairman Aguon

So, Mr. Ordonez, I think you have some work you need to do in getting this process refined, because there are some complaints about the process, about the fairness, about individuals who have lied in their application but the application information was taken on its face value, considered perhaps not by some/couple of the Board members here but were considered by the Board and approved and then a complaint was filed that some of the information provided in the application was untrue. And then the complaint was filed and to date the complaint hasn't been entertained.

So, that is an automatic reason to decertify or to take that license back from that contractor if that information provided in the initial application is untrue. And I'm talking about information that can be validated such as finances, which is one of the requirements that is why Director Ordonez, I asked you to highlight the process, highlight the requirements and one of the requirements is good financial standing.

Senator Morrison.

Senator Thomas A. Morrison

Thank you, Mr. Chair.

I just want to go back to the statement that was made by the Administrative Officer and Mr. Ordonez pointing out the reissuance of a license and when the license was red flagged or this applicant or contractor was red flagged, did the investigation unit advise the admin to place this license at least on a provisional? After such time their investigation is done regarding whatever findings they have? Or was it a reissuance of a new license with no provisional?

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board

I'm not sure which license they were talking about, but example on some applications where they stated that they took the test, they passed two years later they didn't come back in. What I would do is get the application, give it back to Mr. Ordonez and I'll say okay he was interviewed two years ago but the test scores are no longer good, can he fill out the three qualifications, the two-character reference and all the updated information? And in the past like we had former investigators, they said yeah, it's okay, because I interviewed him. So, that's how we went about it is, we verified with the investigator and they said it's okay and we get all the updated information -

Chairman Aguon

I'm sorry, Senator Morrison, yes an investigator interviewed that individual two years prior but that individual failed the first interview so by two years later by submitting a whole new application because they failed the first interview, don't you think that individual should go through a second interview and then proceed with the process?

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board

Yes, if they did fail then they should go through a second -

Chairman Aguon

In this scenario, that individual failed the interview.

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board

Okay.

Chairman Aguon

So two years later, you forewent, you disregarded the interview process and just went ahead and administered the examination.

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board

No, what we do is if they have an issue or anything I always give it to my director.

Chairman Aguon

I understand, Ms. Perez, you went and spoke with the director, can we go ahead and allow this individual to fill out the application but it doesn't mean you forgo or disregard the interview process because that individual failed the first interview so you disregard that completely, it's a whole new application. You have to go through the interview process it's either that or the process that was just highlighted a little earlier is out the door. And that's where the fairness and equity applies, every single applicant that comes in they want to know that they're going to be treated fairly, if there's an issue of other finances, an issue about the credibility, an issue about not getting necessary endorsements but others then they're not meeting the application requirements. But if they meet all those application requirements they have to go through the interview process they pass that they take the examination someone else comes in just because they took the examination or the interview process two years prior, failed it, they don't have to go through the interview process again?

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board:

No we -

Chairman Aguon

No, that's a scenario that happened in that situation,

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board:

Yeah, okay.

Chairman Aguon

Please Ms. Perez don't try to change it. I'm sorry, Mr. Vice.

Senator Thomas A. Morrison

Thank you, Mr. Chair.

You know, Mr. Ordonez you brought up the process, I understand that process very well and clear, you know the checks and balances of the investigation unit and the administration. Is there a clear separation of these two divisions, when it comes to - I mean checks and balances of these coming through or the reissuance of licenses renewals or the reissuance of those licenses that are going - or applicants, contractors, that are going on an inactive status?

Is the investigation reviewing that portion of it because I want to make sure there is a clear separation of... You talked about the process, I understand that process very well and we rely heavily on the on the investigation to really vet, especially to renewing and knowing that even these contractors may have some complaints against them but even through a reissuance the investigation would flag this contractor and notify, this is where admin comes in or yourself, to place this individual or contractor on a provisional license for amount of 30, 60 days to notify of people that this contractor has a pending issue that is being addressed and that's the reason.

Senator Thomas A. Morrison

why the provisional is there. That is why I was asking that earlier. That I am trying to understand if there is a clear separation of the process here and ensure that the investigation recommendations are adhered to. Is there a clear separation? So, you can tell this Body here that there is a clear -

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Thank you, Senator Morrison. Actually as of now, it's on the AG's office, that one. I submit that about two weeks ago, you know, about the provisional licensing thing. So, they might call me about next week, on that one, according to the AG's office.

Yes, I check that to the... So, that it will come up only one instead of two parts, you know. So, it is on the AG's office, on that case, Senator. We will notify you about...

Senator Thomas A. Morrison

Mr. Ordonez, I am trying to make sure, you know, we have the investigation section here and we have admin here, I just want to make sure that the people know we are trying to get some clarification here, that - you know, what I am sensing here or is that, even though we have a checks and balances process with the Contractor's Licensing Board, it seems like there is a commingling of or of duties, responsibilities.

There is a clear line where the investigation as stated earlier by the Chair, that the investigation flagged an applicant or contractor, therefore, immediately it should notify admin or yourself, that this contractor that this contractor should go a under provisional license until such time they their address their concerns with the Board. I am hoping there is really a clear separation of responsibilities.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes, Senator. When I checked that provisional license and self-construction, there is a big difference on that. So, that is the one I called out to the AG, so we'll find out by next week on that one. Thank you.

Senator Thomas A. Morrison

You know, what was reported in the media was a... Issuance of a license. I know the Chair brought up something similar but of a license issued to someone who didn't meet the criteria, outlined by yourself and clearly what the process is.

Did this individual, a contractor, provide a RME? I mean, or is it just the contractor, because it seems like this contractor was... Or this applicant was... What is seems in the paper it was a process that was bypassed, but I know that other process, maybe it needs to be clarified. Was this applicant applying through an RME? Responsible Management Employee?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
Well -

Senator Thomas A. Morrison
Are -

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
Go ahead, go ahead.

Senator Thomas A. Morrison
If you read that article in The Post, referring to an applicant that was issued a license... Sort of meaning that they were bypassing a process that we talked about earlier and I am just wondering, some of these contractor's applicants come in and it seems like a fast track process but they are coming in applying through a Responsible Management Employee. What was spelled in the article.

Was this applicant applying through an RME? Because if he wasn't applying through an RME then that applicant had to go through the whole full process of the interview and once the interview is cleared by investigation, the investigation will forward it, if it's approved to the Director, and admin would proceed with the testing of the contractor's law and whatever classification they are applying for. I am just trying to make sure because what was reported, it seems that this individual was able to bypass that process, if he wasn't applying through an RME.

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board
Okay, there's two issues that was put in the media. One, it stated that it bypassed the process but what happened was one of the staff members in the office was currently off-island so the Director requested an investigator to do the interview.

They went through the interview process. He got approved. He took the test. He passed it. It was signed off. Then, when the corporation documents came in, everything was attached. When we reviewed it, the document, I signed off on it, someone was saying they got bypassed. They didn't review it or anything, but we have documentations that I signed it, the investigator's supervisor signed it, Mr. Ordonez signed it, Revenue and Tax and one of the Board Member's signed it. So, it wasn't bypassed. He... This individual already viewed the packet and that's one of the things that's on the media.

Then, there's another issue where a contractor came in, he tried to get his license. In order for us to document, I asked my secretary if she can write an email to the investigation section and saying, this application is with you, we need a response, we need to do something within 45 days.

A month later came, we sent another request, no response. The contractor came back into our office and said, I really need my license. I said, I am sorry, I don't have your documentations. He goes, can I give you a copy of what you submitted? So, we said, okay.

So, we got the application, got all the necessary clearances. The individual that didn't sign off of it was off island. So, the Director reviewed it and signed on his behalf. That's another issue, but the original application is still... I never received it, but I do have a second copy. Then the license was issued.

Then, people were stating our office... The individual said he was coming in, example, maybe November, December. It was already typed up. He didn't come into the office until January and he made the payment. So, people are saying that we gave him a free license and then he can pay it later on, but that was not true.

I also have documentations from another contractor. He came in gave us his documents, he is disabled, and he turned in his documents in May. We typed out the license in May. He didn't come in until June, later part of June and then he made the payment. Our office does not give the licenses to the individual. We just waited for him to come in and that is why the receipt is different from the license date, but we do not release any licenses until the payment is made. Those are two of the items that was in the media.

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Ms. Maria Perez, Administrative Officer, Guam Contractors License Board

Then there is another issue, where the Board Members... I don't know if we already spoke about it, where we had two contractors. One contractor was saying that he was owed money by two of the contractors, but our Board reviewed it and our Board already agreed that it's a civil litigation.

So, we explained that to him; this is a civil case, when you get your outcome from the courts you are allowed to come back to our office and then we can settle it. But once you're in the courts we don't do anything. And then a few years later he comes in again and he tries to file the same complaint. But our Board Chairman says didn't we hear this already and I said we heard it. So, we said, it was already discussed in the past Board meeting and we already explained that this is a civil matter.

So, it is not that we weren't following the law, sometime people are not satisfied with our outcome so, they try and come in and file the same complaint, but our Board Members stood their ground and said it's a civil case. Even the documentation that was there, they were from off island.

Senator Thomas A. Morrison

Thank you. I just want to also, you know, make sure that recently... Public Law 33-10 requires the publication of all licensed contractors annually. You know, based on that listing that was published is that safe to say to our community that those contractors have gone through the process, whether it renewing or new, that those contractors have gone through the process of the Contractors Licensing Board and clearly vetted and safe to work with?

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board

Yes.

Senator Thomas A. Morrison

Mr. Chair, maybe comeback.

Chairman Aguon

Okay. Thank you very much, Senator Morrison. Senator Lee?

Senator Régine Biscoe Lee

Thank Mr. Chair and thank you all for being here this morning.

I did want to give the panel the opportunity to address many of the concerns that have been raised by my colleagues, that have been raised by the public. So, this is kind of a general question I wanted to ask. I understand you have the authority, you the authority to issue these licenses and with that authority also comes with great responsibility and the burden is really on your shoulders to, I guess, express or demonstrate to the public. So I just wanted to give you all, maybe we can start with you Mr. Odonez.

Mr. Odonez, I guess my question what can you say to the people of Guam that can kind of demonstrate your integrity in this process, that can demonstrate how- I know we've discussed how you vet some of the contractors who come to you, fill out the applications for their licenses, there have been a lot of issues raised but what can you say to uphold the public trust? To people who are just questioning your ability to lead and your ability to do your job? So, I just wanted to give you the opportunity to demonstrate or express the integrity of your office.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Thank you. Thank you, Senator.

Well, mostly, I... When they come in our office, I entertain good with - I say *Håfa Ådai* and welcome to Contractor's License Board. Then they are going to say, Sir, we are applying some - we are applying for contractor license. I told them you're very welcome, on the one.

Then we give them the format, the form that they're... And I told them it is good for Guam that you decide to have a business and our island will be improved, and you know. And I told them - so, I ask first what is their experience, those are the number one. And they said, like that, like this. And then I told them, so, go ahead a fill out this application and like I said you are very welcome to have a license to help the community and you know, the island, so, but make sure that you have the experience on what you are applying. That's all I am telling them, Senator, about it.

Senator Régine Biscoe Lee

Perhaps the Board Chairwoman could assist in responding to this question, but it is my understanding that so many members of our community who currently have contractor's licenses, who have been issued contractor's licenses in the past, so many people what to be able to follow the rules, they want a level playing field, and I think that is what we are trying get to the heart of the matter here is, it's great to be welcomed and it is great to have application presented to them, but can you tell us- what can you tell the committee and the community to help us feel better about this situation and to really feel like you are taking all the steps needed, you're really vetting, you're making that all these people that are applying have the qualifications, have the certifications, to be issued these licenses.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Well, we have a form that they have to follow, all the requirement to get their license and there is a lots of classification on that license. The A, is for horizontal, like civil work. B, is for structural. If you have a B license, you can build like a hotel, you know, so high rise. There is some classification that they can get it, like electrical, master plumber, and so many, so many things. If they cannot afford those, like general contractor, we can help on the - like business, like -

Senator Régine Biscoe Lee

Okay.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Like maintenance, like something like that.

Senator Régine Biscoe Lee

Thank you, Mr. Ordonez. Maybe- perhaps, the Board Chairwoman could expand on that or attempt to answer my question and maybe even Ms. Perez, if you would to jump in whenever she's completed.

Ms. Marian Pizarro, Board Chairman, Guam Contractors License Board

Thank you, Senator.

Ms. Marian Pizarro, Board Chairman, Guam Contractors License Board

Just with everything that's been discussed, I believe for myself and the other Board members, we honor the law and we take the rules and regulations very seriously and all the procedures that are set forth for the agency to follow and as much we adhere to it and if there's items that come to light we correct it, we try to address it, and we try to work with the team so that we are honoring and serving the people of Guam. And that is very important to myself and to the Board.

Senator Régine Biscoe Lee

So, what can you say to - I mean, I'm not sure if you fully answered the question that was posed by the Chairman and by other of my colleagues, but there have been certain members of our communities who have come back to the Contractor's License Board for years and still not had their issues resolved.

Senator Régine Biscoe Lee CONT...

So, it's my understanding that there were instances where you have found that a mistake has been made and you've tried to correct that and within days we've had a resolution to that but there have been others time where that hasn't been the case. So, that's very frustrating to the members of the public when they feel like their issues aren't being addressed, their concerns aren't being addressed in a timely manner. They can't continue with their business and like Mr. Ordonez had said and mentioned, this affects our economy negatively, it affects our economy.

So, what can you say to those people that had years of concerns that have been constantly raised, they've been attending these Board meetings and they haven't had their concerns addressed?

Ms. Marian Pizarro, Board Chairman, Guam Contractors License Board

One for sure, we want to make sure that any ongoing investigation that the reports are complete and final and truthful. So, any decision that's made by the Board, we want to make sure that everything is complete and true. So we just- we take those reports, we take those recommendations from every single agency, from the departments, we take those recommendations and we consider what would be the best decisions based on the laws.

So, if there is frustrations or misunderstandings, we at best try to communicate the decisions that are made, whether they are an agency level or a Board level, we try our best to just let them know that we are following the rules and the laws

Senator Régine Biscoe Lee

Ms. Perez.

Ms. Maria Perez, Administrative Officer, Guam Contractors License Board

Our office is basically, we try to arbitrate between the consumer and the contractor. We try to mediate to see how can we resolve our issues. We just spoke with one of the individuals who is assisting us with the examinations with their office and he was stating that anyone now who is trying to take the test is required to purchase the study guide because even if you take the test and pass, they still- you cannot use the excuse that I didn't know the law. So, that's one of the issues that we're trying to resolve and many times if we have just not too long ago we had an individual who had a complaint for over- trying to build her house over three- four years and I would say maybe it's 95% finished but she's gotten - they don't feel that nothing is being done.

My director will try and give it to someone else to see if they can take care of that case instead of it just sitting with one individual. So, the homeowner did request to give it to someone else and there was a tremendous difference when it was changed. As a matter of fact, she was supposed to be here today, but she is - I believe her husband is sick.

Senator Régine Biscoe Lee

Okay. Thank you. Thank you, Mr. Chair.

Chairman Aguon

Thank you very much, Senator Lee. Senator Nelson?

Senator Telena C. Nelson

Thank you, Mr. Chair.

Before I move forward with questions, I was wondering, if you could be so kind, if Mr. Eduardo Zapanta is here?

Chairman Aguon

Mr. Ordonez, would you mind if we invite your Chief Investigator up front?

Senator Telena C. Nelson

The reason I ask, Mr. Chair -

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
[INAUDIBLE]

Senator Telena C. Nelson

Is because there is very relevant testimony to the matter of what is being discussed today. So, it is very germane to the operations and what the center operating procedures that you have with in the Guam Contracting Licensing Board.

Is Mr. Zapanta here, Director Ordonez?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
You're talking about -

Chairman Aguon

Mr. Ordonez, as the Chair, I am going to request the presence of Mr. Zapanta, okay?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
Yeah, go ahead.

Chairman Aguon

So that he can respond to the good senator. Mr. Zapanta, if you could join us up front?

Chairman Aguon

Before she asks the question, can you identify yourself for the record and then the Good Senator Nelson will be asking you some questions.

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

Good Morning, your Honor, Senator Aguon, Senator Morrison, Senator Lee and Senator Nelson. My name is Eduardo O. Zapanta, the Investigation Supervisor of the Contractor Licensing Board.

Chairman Aguon

Thank you, Mr. Zapanta. Senator, if you could just indulge me, just one question.

Director Ordonez, is Mr. Zapanta on Government time or on personal leave? Is Mr. Zapanta on Government time or is he on personal leave?

Mr. Eduardo Ordonez, Executive Director, Guam Contractors License Board
On Government time, Sir.

Chairman Aguon

He's on Government time at the moment?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
Yeah.

Chairman Aguon

Okay, Mr. Zapanta, you recognize that you are on Government time, so, whatever questions are posed by the Good Senator or myself that we-

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board
Yes, sir.

Chairman Aguon
Request your cooperation.

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board
Yes, your Honor.

Chairman Aguon
Thank you, Director Ordonez.

Senator Telena C. Nelson
Thank you, Mr. Zapanta. Do you have prepared testimony for this oversight hearing?

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board
Yes, I do, but I was supposed to make copies yesterday at our office when our Administrative Officer tried to stop me from making copies at our office and-

Senator Telena C. Nelson
Okay. I have in front of me a May 19, 2017 letter to Elizabeth Barrett-Anderson from the Attorney General

Senator Telena C. Nelson
from Eduardo O. Zapanta, CLB, Investigation Supervisor is that you?

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board
Yes, your Honor.

Senator Telena C. Nelson
Senator. You raised a lot of concerns in this letter and I'd like for you to read out these concerns. So, if I could give him this copy of the letter and he could read from it.

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board
Yes, your Honor.

Senator Telena C. Nelson
Someone from our staff?

Thank you, Mr. Chair.

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board
Thank you.

Senator Telena C. Nelson
Is -

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board
May read my -

Senator Telena C. Nelson
Yes, please.

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

Thank you. This is addressed to Elizabeth Barrett-Anderson, Attorney General. Subject is about Case # 2017-02-04. Thomas B. Tanaka, Jr. or known as HSG CO., Ltd. Vs. Vicente J. Carmona known as KPL Guam Co., Ltd.

[WRITTEN TESTIMONY]

Senator Telena C. Nelson

Thank you, Mr. Zapanta. After sending this letter to the Attorney General's Office, did you receive a response?

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

As of present time, I haven't received any response from the AG.

Senator Telena C. Nelson

Okay and you stated that this case was reassigned to another investigator correct?

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

It was assigned while I was off island.

Senator Telena C. Nelson

Okay and you brought up concerns about the case?

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

Yes.

Senator Telena C. Nelson

Mr. Ordonez, what was your reason for this reassignment?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Actually, the case Mr. Zapanta-

Senator Telena C. Nelson

I'm sorry, I cannot hear you. Can you please speak into the mic?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Actually, that case, Mr. Zapanta is really the one in charge on that case and it was transferred to the other investigator and then he wants to get it back. He made a letter that he wants me to sign right away to get that case and then I told no because-

Senator Telena C. Nelson

Who made a letter?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

That investigator that is doing that case-

Senator Telena C. Nelson

What is the name of the investigator?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Nida Bailey.

Senator Telena C. Nelson

I'm sorry?

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Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
Nida Bailey.

Senator Telena C. Nelson
Okay.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
She's the one that's holding that Ted Nelson case, okay and then he's rushing me to - he made a letters, I have to sign it right away. And then, I told him I have to talk to my- this is a very serious problem and I need to talk to my boss, I got a boss, the Governor first before I sign everything. So, then that's the -

Senator Telena C. Nelson
Mr. Ordonez, you are the Executive Director?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
Yes.

Senator Telena C. Nelson
And what happened when you spoke with your boss? Who's your boss?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
Okay, my boss said it's good, you don't have to sign right away a letter that is not really reviewed by that time.

So, I didn't sign that letters to- and then after that, I wrote a letter to the AG that he used my letter head without my knowledge. He should have talked to me first before he wrote a letters to the AG. He cannot write a letters to the AG without my permission.

Senator Telena C. Nelson
So, what did you- if your boss told you to not sign it right away, what did you do then?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
Which one?

Senator Telena C. Nelson
For the investigation you discussed. What did you do then?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
Well, we just let it go. It took the files from other investigators-

Senator Telena C. Nelson
What do you mean you just let it go?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
He's the one who's holding now those files. He took those filings about those cases.

Senator Telena C. Nelson
Okay...

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
So, he's working on those cases now.

Senator Telena C. Nelson

Okay and the reason why I'm asking specific questions about cases because we also a testimony here from a Mr. Park and I know he is not the only concerned member or concerned constituent about dealing of the Guam Contracting Licensing Board and a matter of fact, some of these date back to 2010, 2011, that have yet to be resolved.

What is the reasoning these issues especially after many letters were written to the Guam Contracting Licensing Board?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Well, this case, Senator, it was dismissed twice by the Board and -

Senator Telena C. Nelson

Why was is dismissed?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

The Board dismissed that because that's too long, you know, how many years already and -

Senator Telena C. Nelson

So, you're telling me the Board dismissed the case because it's- what do you mean by too long?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

I think as of now it's - I think it's on the civil matter. Ms. Chair can you talk?

Ms. Marian Pizarro, Chairwoman, Contractors License Board

I believe that was the case that was previously discussed by Maria. It was already recommended and encouraged that it was a civil matter and it was outside our jurisdiction.

Senator Telena C. Nelson

For all the way up to 2017? In regards to Mr. Park's testimony.

Yes, Mr. Zapanta?

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

I would like to comment on this case since I am the investigator assigned to this case.

Actually, this case was brought up 2009. During that time, it was rejected by the Board because statute of limitations but then again, Mr. Park approached the AG and verified if the statute of limitations applied to the Contractors Licensing Board. So, Monty made an opinion and he advised that there is no statute limitation on Contractors License Board that applies.

So, the Board accepted the complaint when Mr. Park with that opinion form the Attorney General's office. So, it went on for about more than two years until the Board finally found out and agreed that there was a debt owed by Sook Be Choi (sp) or known as Kyo Young(sp) Corporation owed to Myoung K. Park (sp) known as PIC Inc. So, after the Board made the decision and voted- all voted and agreed that Mr. Choi owes a debt to Mr. Park.

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

They had the second question, should they take action or not? So, I was like wondering why should a question should be asked after finding out that in proving that there was a debt. So after that they decided to take no action on the case when it was proven that there was a debt like more than a million dollars of construction materials supplied to this contractor.

Senator Telena C. Nelson

Mr. Ordonez, is there a reason you chose to take no action on this specific case? Or the Board, do know?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

AG- oh sorry, actually, the AG, Senator is- if Mr. Park open that case, just tell him to go with us, with the Attorney General. The Attorney General they're the one whose handling that case now.

Senator Telena C. Nelson

But is there a reason why that you- there was no action taken at that time?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Well, according to the Board, because they said we are not collector we are not a court and that amount of money should be closed. That's what the Board said.

Senator Telena C. Nelson

Okay. Thank you, Mr. Chair. Just to make a statement, I see that there is a big gap in your standard operating procedures and there is a question of whether you are, you as an agency, or the Board are doing things with full integrity and I hope that you consider it really cleaning house and maybe also examining your position as the Executive Director.

Thank you. Thank you, Mr. Chair.

Chairman Aguon

Thank you very much, Senator Nelson. Thank you, Senators. Just a couple of follow up comments. First of all, Mr. Zapanta, you had your hands up. Did you want to add a comment?

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

I just want to add something to that last issue we were discussing. I just can't believe that no action is taken on that case because we've been handling smaller case such as safety issues, workmanship issues, different kinds of minor issues that we give citation to the contractor and they comply with the citation and we take action like putting them on provisional license until they make payment for the citation. But, in this case, this contractor, there wasn't action taken on his license, he's been renewing from 2012 to 2017 and even the citation at an amount of \$25,000 hasn't been paid.

Chairman Aguon

Let me ask-thank you, Mr. Zapanta. I guess this question would be posed to the Chairwoman of the Board, if there is a dispute and I understand if it's about a civil dispute between one contractor versus another, but if..

Chairman Aguon

there is a dispute in finances owed to another company or individual is that a cause for further reviewing an application or not granting an application? In your opinion as Chairwoman of the Board.

Ms. Marian Pizarro, Chairwoman, Contractors License Board

We would honor, if there's a dispute, whatever is decided from the court between the two parties, is what we -

Chairman Aguon

Do you know that you are empowered by the law to revoke if not grant a license to a contractor that has outstanding obligations to another contractor within their field? Do you know that you are authorized by law to rescind and not approve an application?

Ms. Marian Pizarro, Chairwoman, Contractors License Board

Correct. Yes, we have -

Chairman Aguon

But your comment, your previous comment, the reason why I had to inject that statement is because your previous comment is we would honor the court of law.

Your responsibility it to protect the community and if a contractor has an outstanding obligation and it says specifically, the law says specifically, within their field of service. So, if a contractor has a dispute or has an outstanding obligation then it is your responsibility to use the investigative arm of the Contractor’s License Board to validate that and either put additional restrictions or provisions on granting that license not revoking it automatically, because we want to, as a government entity on behalf of our people we want to foster business activity, we want to support the business community, but not at the expense of outstanding obligations that are not being met and we are giving them the license to go conduct another project and continue that entire scheme.

So, I had to interject in that and Madam Chair I would certainly encourage you to take a look at the powers and duties of the Board because you have so much authority. If any of these cases are challenged in court and they bring in the Board in as to why you did not follow the law, then I have no idea what is going to come to your defense because all it would take is one contractor to be given the opportunity to conduct business on Guam and knowing full well there are some other concerns and then bring harm to the community or to an individual or to a family member, not my- just a family member out there in the community and that’s one of the reasons I wanted to mention that.

Let me just read the powers and duties of the Board. Grant licenses to contractors pursuant to this chapter, you are very familiar with that. Suspend or revoke any license for any cause prescribed by subsection 70116 or for any cause for suspension or revocation prescribed by the rules and regulations and refuse to grant license for any because which would be grounds or revocation or suspension of a license. There are other provisions in here but going- referring to Section 70116, it highlights approximately in excess of 18 different items, 20 different items to be exact but let me just highlight a few.

[See 21 GCA Real Property 70116(a)(1)]

Right there, finances automatically become an issue at hand. Another subsection of that

[See 21 GCA Real Property(a)(10)]

There is a situation that is highlighted in the media and also discussed very briefly here where a contractor, in their application, misrepresented financial information. A complaint was filed that there was a misrepresentation of financial information and that proof can be provided and that complaint was never entertained. And let me read that again.

[See 21 GCA Real Property(a)(10)]

Another item is

[21 GCA REAL PROPERTY (a) (14)]

Another sub item,

[21 GCA REAL PROPERTY (a)(15)]

And then, one final sub item category,

[21 GCA REAL PROPERTY(b)]

That is why, Chairperson Pizarro, these are very explicit in the law to protect the interest of the people of Guam and you are tasked with the responsibility of carrying it out. Some of these situations that has been shared this morning tells me otherwise. If a complaint is filed then, Director Ordonez, you need to entertain that complaint. 2009 to 2015, that’s an extended time frame. 2016 to 2017, it’s best to entertain the complaint, allow your investigation section to do their job, to due diligence, and make recommendations to yourself as the director and to the Board. That’s all our people expect from us, is to serve as stewards and protect the interests of the community and protect the interest of the business themselves, the contractors. You’re protecting the interests of the contractors by virtue of giving them the license, but they also have certain prerequisites and requirements and they have to meet those requirements. To say that financial obligation is not part a parcel of a reason to rescind or to not grant a renewal, the law says otherwise. So, please revisit the law Chairperson Pizarro.

I have just a couple other questions. The contractor that was identified to not be a U.S. Citizen and a complaint was filed, where are we with that complaint? Director Ordonez?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
[INAUDIBLE]
I'm sorry.

Chairman Aguon
Okay, Ms. Perez? Thank you.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
I'll let Maria first to talk about on the administration... admin to receive some -

Chairman Aguon
But can you tell me exactly where it is now and then I'll ask for the explanation as to the process.

Where is it now?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
Which one, Senator?

Chairman Aguon
With the complaint that a non US Citizen was illegally given a license.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
Okay, yeah, okay. There was a complaint on that -

Chairman Aguon
When was the complaint filed?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
This was about almost two months now, something like that, or a month ago, something like that. Then, it was given a ID, a ID card.

Chairman Aguon
Correct.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
Like it is part of the corporation, something like that. So, and there's a complaint that came in our office and Mr. Zapanta at that time is off island, so, I assign that case to Ms. Nida Bailey, about that. I told her work on that right away because that is not good, not really good on our agency.

So, the investigator, Ms. -

Chairman Aguon
Director Ordonez -

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
Ms. Bailey work -

Chairman Aguon
It's not that it's not really good on our record -

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board
Yeah, it's not -

Chairman Aguon

It is illegal.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Illegal, yeah.

Chairman Aguon

There is a difference. Okay. Please continue.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Then, Ms. Nida Bailey work on it right away to get back that card, you know.

So, and then, we took that, and then that guys who has the ID, he left the island right away. So, that's the case on that.

Chairman Aguon

So, is the case closed? The individual is no longer authorized -

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

No, no more. It's gone already.

Chairman Aguon

Was it an official action of the Board?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Pardon me?

Chairman Aguon

Was that an official action of the Board to resend the license?

You did the administrative part.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

It was reported to the Board that incident and then that's why the state of work very fast to get back that -

Chairman Aguon

Director Ordonez, you did what you needed to do, you resided the card. Now was that an official action of the Board?

Chairperson Pizarro.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Go ahead.

Ms. Marian Pizarro, Chairwoman, Contractors License Board

Repeat your question sir.

Chairman Aguon

Did the Board act on that particular residing?

Ms. Marian Pizarro, Chairwoman, Contractors License Board

If it was an item on our agenda, we would make a decision -

Chairman Aguon

Chairperson Pizarro I specifically directed the question to you because the Board is the only authorized authority to give a license, to give a renewal and to reside a license. In another words he took the paper, he took the card back, but that contractor so called still has the authority to trans that action unless the Board resides it officially. So please, it's either we close the loop or not be challenged so we prevent any challenges in the future that's why I'm recommending that you please revisit the law because the law is on your side, but you need to be able to carry it through.

Director Ordonez I heard more than two different, three different situations this morning that they took action, but the only authority by law, by law is the Board to reside, to provide a renewal or to approve an application. So, every single application should go through the Board.

Director Ordonez, I understand as the administrative arm you doing the balk of the work on a daily basis, but it's the Board that is authorized by law not your position, not the admin officer, not the investigator, but the Board is authorized by law to provide- approve an application, to reside an application- or a license, or to provide a renewal.

The other... and I know I'm switching gears here just for a moment, but I've heard some concerns and complaints about unlicensed, I don't want to say contractors because do they fall under the category of contractors if their unlicensed, but unlicensed contractor. What is the Contractor's License Board doing about addressing that?

Director Ordonez?

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Senator, can I let the investigator... He is the one that has caught that unlicensed contractor so that he can explain, Mr. Aguon.

Chairman Aguon

Please, please if you can invite someone up.

Mr. Eduardo R. Ordonez, Executive Director, Guam Contractors License Board

Yes Mr. Aguon. Vince? Go to the other side.

Chairman Aguon

Please identify yourself for the record and respond to the question.

Mr. Vince Aguon, Investigator, Guam Contractors License Board

Buenas Senators. My name is Vince Aguon. I'm a Contractor's License Investigator.

Chairman Aguon

Yeah, the question was what is the Contractor's License Board doing about unlicensed contractors?

Mr. Vince Aguon, Investigator, Guam Contractors License Board

Hello, sorry forgive me. The Contractor's License Board and the investigation side is when we receive the complaint of an unlicensed contractors we gather the facts- sorry I don't know, I apologize. What the contractor's license investigation division doing right now so I'm going to receive the complaint of unlicensed contractors we go out there and we gather the facts when we received the complaint from the complainant, we gather the facts, we go to the residence and everything, we prepare everything and so far what the CLB investigation and myself has done is we go to the- we refer them to file a GPD report in the respective villages. I also, the CLB we go in the GPD's criminal investigation section and so far right now we would like to thank the GPD for networking with us because they have already apprehended one individual who been doing this for quite some time sir. So we also inform those complainants to go to GPD as well as we do our part too just for record.

It was currently in the newspaper where an unlicensed contractor was apprehended by GPD to the filings on the consumers, the public out there and as well as the filing of the CLB investigation division.

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Chairman Aguon

So aside from that one, what particular incident and Director Ordonez and the Board. I appreciate that particular response because in fact there is an unlicensed contractor that individual or that company has absolutely no business doing this- conducting business if in fact their saying, their contractors. Now, let me ask you, do you have any other complaints or pending list of unlicensed contractors that you're still investigating?

Mr. Vince Aguon, Investigator, Guam Contractors License Board

I do have some and I have referred it already to the GPD other cases of unlicensed contractors. What I've been doing is when I go on a side investigation field I go to each village majors and through other agencies about distributing pamphlets out as we are authorized to by law to about hiring a licensed contractor. I do have that document over there if... Alicia can you get that document there about licensing. So were out there doing to the public, the government agencies as well as the mayor's office and this is the documents that I've been passing out so to duly inform the public is there our victims out there and to duly inform the public what they should do.

Chairman Aguon

But do you have any pending -

Mr. Vince Aguon, Investigator, Guam Contractors License Board

Yes.

Chairman Aguon

Ongoing investigations

Mr. Vince Aguon, Investigator, Guam Contractors License Board

Yes, sir but it's - we're waiting for the rest of GPD to apprehend individuals and that's something out of our jurisdictions to do -

Chairman Aguon

Okay how many pending? One, two, three?

Mr. Vince Aguon, Investigator, Guam Contractors License Board

I have about two and then another case another individual apprehended many years ago. So -

Chairman Aguon

So, just based on this conversation, this discussion you know... the contractor license Board and please with hearing that in fact there's an ongoing process of ensuring that if there's a contractor, a unlicensed contractor out there that has been identified a complaint has been filed with contractor's license Board you conduct the investigation and the research and then you also include the arm of the Guam Police Department so that in fact they can - the two of you two entities can work together in addressing that so to all of the businesses out there, the individuals who are unlicensed this is your fair warning, that there's an arm within the Guam Contractors License Board that is tasked with that responsibility and if a complaint is filed then you can be assured that the proper investigation will be conducted and that the police department will be involved in the process.

So, I appreciate you sharing that because certainly we need to not only share the information with the community but let our people understand that it always starts with a complaint that's filed, if there is no complaint filed then investigative arm of the Contractor's License Board would not be able to go out and check actually conduct an investigation when in fact there's no complaint filed so I appreciate it Mr. Aguon for your comments this morning.

Senator, do you have any final questions?

Senator Thomas A. Morrison

Yes, thank you Mr. Chair. Yes, there's corporations out there, companies out there that deal in the in the construction industry providing products and services. I know, they are attached to our needs to provide a specific service if it was aircon or home improvement or electrical plumbing. Are you verifying or cross checking with the published license or listing, with these corporations that are that are providing and selling these products and when the consumer is purchasing the product are these corporations dealing with a licensed contractor to install these items or? Go ahead.

Mr. Vince Aguon, Investigator, Guam Contractors License Board

In regards to those who are selling air conditioning systems and everything like that, we've been receiving tips the CLB investigations division has acted upon it and what we do is we issue out a citation after all the facts have been gathered and there are laws being broken that is when the citation is issued. When they come in not only the citation, but I also give them a contract how to obtain a contractor's license. Most of those individuals

Mr. Vince Aguon, Investigator, Guam Contractors License Board

that were unlicensed selling and installing the product now have become licensed, but there are still some out there, but to my knowledge I believe there are some people that are hiring contractors to install it, some businesses.

Senator Thomas A. Morrison

Alright.

Director Ordonez, if I may recommend if you could look at an updating of listing in corporations or companies out there that are providing certain types of products either within the construction industry, plumbing, electrical you know whatever classification related that they have the- they have specific RME that to- or contractors to address installing these items because that is one of the complaints that came in that some corporations out there may be providing products out there to consumers that may not be dealing with a licensed contractor or licensed individual to put install these item's. So, you know, I know in the past were when we are updating these listing we verify these corporations. Some of them come in with all their RME's and we know exactly what their services they're providing and what products are serving.

Last question Mr. Chair, with Mr. Zapanta or Madam Chair, with the proceedings from the Board's and I was looking at the website and you know their meetings, Mr. Zapanta or Madam Chair, you can answer this. Is the investigation unit or the investigator handling a specific case allowed to present the facts and findings or is it the Executive Director or are they in the meetings to make recommendations to the Board and based on what facts and findings they've come across regarding certain contractor? So, they have a case and do you know they're clearly unlicensed you can make it very clear, but if workmanship or working with an unlicensed contractor there's a contractor's investigation unit presenting that to the Board? Or is it Mr. Ordonez?

Mr. Vince Aguon, Investigator, Guam Contractors License Board

Usually, when a complaint comes in, it's going to may describe how it should go about when a complaint comes in.

Senator Thomas A. Morrison

No, the question specifically...

Mr. Vince Aguon, Investigator, Guam Contractors License Board

Oh...

Senator Thomas A. Morrison

Is... I know that the process, I mean I just want to know if it's still ongoing that when through any proceedings that with the Board that the investigator handling a specific case presents the facts and findings to the Board and makes clearly whatever statement that needs to be made. So, the Board can make a decision.

Mr. Vince Aguon, Investigator, Guam Contractors License Board

Okay, certain cases there regarding mine. I email the Board members as well as the Director all one-time shot so they do you know because as the list gets we report to the Board and then Mr. Ordonez is the Executive Director. So, they are duly informed and then we get network with the private secretary to bring it into new business or agenda and then it goes to new business. So, they are duly informed on cases they're on what's going on that going to hearing or meetings.

Senator Thomas A. Morrison

Is the Investigator Supervisor here to present those case on behalf of the investigation unit?

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

Your Honor, we normally present our cases before the Board and just like what investigator Aguon mentioned that we sent email or we give them hard copies for them to review and then when the Board meeting times come we present our case whatever cases that we have and we make recommendations based on the facts and findings of our cases and then the Board will vote to base on our recommendation.

Senator Thomas A. Morrison

So, going back to this case that you reported to the Attorney General, you know you cited multiple violations did you make your recommendation to the Board?

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

Yes, actually I have this document, may I...

Chairman Aguon

Mr. Zapanta, just so that everyone is aware of the documents that you provided us can you highlight exactly what the documents are. You do not have to read them, just highlight them.

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

Your Honor, I sent the certified mail to the respondent Vicente Carmona, regarding the notice of hearing which is our standard procedures at least 15 days before the Board hearing. Which the Board chair and the Executive Director Mr. Ordonez signed. But, unfortunately, the recommendation as on the other page of the document I mean Mr. Ordonez... I'm sorry did i give you the... Unfortunately, they didn't sign the recommendation to revoke the license of Vicente J. Carmona which the complainant Mr. Thomas Tanaka is requesting of the Board.

Senator Thomas A. Morrison

The findings you have there, Mr. Zapanta is from the government that the contractor was using substandard materials for typhoon shelter.

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

No I think I gave you the wrong papers...

Senator Thomas A. Morrison

So, Mr. Zapanta it is still pending a hearing?

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

Yes, Sir.

Senator Thomas Morrison

Can you please talk into the mic, sir? Still pending a hearing in front of the Board?

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

Yes, this hearing is going to be held on August 16 of this month.

Senator Thomas Morrison

Ok thank you.

Senator Frank Aguon, Jr.

Thank you very much, Senator Morrison. And the documents he's making reference to are notice of hearing for James G and James G Foundation to be scheduled on the 16th day of August 2017 and then the other one is for Carmona for the same date, Vicente Carmona, also for the hearing date of the 16th of August 2017.

So, those are the documents that have been provided to us. Just a couple of follow on questions Mr. Aguon, I didn't get the number that you had for the undocumented, unlicensed contractors. How many do you have pending? Aside from the one that you've closed.

Mr. Vince Aguon, Investigator, Guam Contractors License Board

I apologize your Honor; I wasn't aware I was going to be called to discuss this subject.

Senator Frank Aguon, Jr.

Do you have any numbers?

Mr. Vince Aguon, Investigator, Guam Contractors License Board

I could perhaps at a later time provide you those documents to your office.

Senator Frank Aguon, Jr.

Please. Please.

Mr. Vince Aguon, Investigator, Guam Contractors License Board

The ones we have registered are already [INAUDIBLE], that's been filed with GPD.

Senator Frank Aguon, Jr.

Ok. Yes, Senator.

Senator Thomas Morrison

Mr. Ordonez, are you able to at least provide the committee of an estimate of the amount of unlicensed contractors citation. Do have any amount, Mr. Zapanta of how many unlicensed contractors have been cited and paid their fines?

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

Right now I don't have it on hand. I could submit to your office later on. I don't have the exact figure.

Senator Frank Aguon, Jr.

If you can give us the information for the last five years.

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

Pardon, Sir.

Senator Frank Aguon, Jr.

If you can give us by year, the information that the Senator is asking for the last five years.

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

Yes, I will.

Senator Frank Aguon, Jr.

How many unlicensed contractors have been investigated and complaints have been filed? Yes, Mr. Aguon.

Mr. Vince Aguon, Investigator, Guam Contractors License Board

Senator, I have three but these individuals are not complying by law and they may give a false address, so issuing them a citation may be challenging as we try to do it by certified mail or hand delivered and it's just a false area so issuing them citations is challenging as well.

Chairman Aguon

So those are all complaints within this last year, last two years?

Mr. Vince Aguon, Investigator, Guam Contractors License Board

For some that are unlicensed, Sir. Some are not cooperating, some comply and once they meet they just bail. They just leave. They don't want to see the face of the earth, on this side of the CLB.

Chairman Aguon

So what kind of support or reinforcement are you able to get from the Board or from the Director?

Mr. Vince Aguon, Investigator, Guam Contractors License Board

I'm so sorry again.

Chairman Aguon

What kind of additional support are you getting from the Director and from the Board so that you can go out there...

Mr. Vince Aguon, Investigator, Guam Contractors License Board

We have full support of them when it comes to unlicensed activity because we're doing it by certified mail as it says in law and adjudication law. Going with GPD after I informed Mr. Ordonez that we're going to be filing on behalf of the CLB and the consumers out there. So, we have the full support of Mr. Ordonez and the Board members and the law.

Chairman Aguon

But you have three pending complaints. So, -

Mr. Vince Aguon, Investigator, Guam Contractors License Board

Yes.

Chairman Aguon

What's the AG's timeline for the pending complaints?

Mr. Vince Aguon, Investigator, Guam Contractors License Board

So far, right now, I just have three this year, just by itself and they have been forwarded to GPD.

Chairman Aguon

Of unlicensed contractors? So, -

Mr. Vince Aguon, Investigator, Guam Contractors License Board

Yes, sir.

Chairman Aguon

So, you've done the initial investigation and then you forward it to GPD?

Mr. Vince Aguon, Investigator, Guam Contractors License Board

Yes, sir, that is correct. I will provide those documents for you. And one of the cases that was apprehended, it's within in a three-year timeframe because statute of limitations for Government of Guam is three years I believe.

Chairman Aguon

So, can I get a definite information on that?

Mr. Vince Aguon, Investigator, Guam Contractors License Board

I will provide -

Chairman Aguon

Director Ordonez? Mr. Aguon, please. I do need the information in regards to some complaints that have been filed on unlicensed contractors.

Mr. Vince Aguon, Investigator, Guam Contractors License Board

Yes, sir.

Chairman Aguon

Let me ask you a follow on question, he identifies a unlicensed contractor, goes to GPD, do you include the Attorney General's Office?

Mr. Vince Aguon, Investigator, Guam Contractors License Board

No, Sir.

Chairman Aguon

You may want to involve them in the whole process.

Mr. Vince Aguon, Investigator, Guam Contractors License Board

Thank you sir. We are still waiting pending a signed legal counsel to our office.

Chairman Aguon

Then what happens after it goes to GPD?

Mr. Vince Aguon, Investigator, Guam Contractors License Board

I just want to let you know, also not only referring them to GPD, I also informed them to go to the Attorney General's office to file within the consumer division or wherever it may go to help them that's where I inform the complaints to go, to file on behalf on under themselves.

Mr. Vince Aguon, Investigator, Guam Contractors License Board

It goes to GPD and after the rest I believe, they are arrested and booked and confined or booked and how that process is out of my area. But recently, this individual has been, this year, has been going to court. And, the judge, the court makes the judgement on that and then we go from there.

Chairman Aguon

And the reason why I'm asking is what happens after this, because that's within the arms of the law enforcement now. What happens after this? Does he come back to the Board does he come back to Director Ordonez to recommend to the Board, that these individuals highlighted are going to be red flagged and shall not receive any application or renewal of application or it be approved for anything within the authorized timeline of the law which says two years.

Yes, Mr. Aguon?

Mr. Vince Aguon, Investigator, Guam Contractors License Board

Your honor, just recently I presented to the Board during hearing on unlicensed activity, that to seek our legal counsel, to file an injunction on these individuals that are unlicensed because it states in law that we have the right to go and file an injunction on them but we're pending legal counsel and it was said in the past CLB meetings.

Chairman Aguon

So, you're looking at having contractor's licensing Board file an injunction. But, I am taking it a little further.

Mr. Vince Aguon, Investigator, Guam Contractors License Board

Yes, sir.

Chairman Aguon

The Board, the Board is the only authorized entity by law, that can give or approve an application, a renewal or rescind a license. So, it is about red flagging these individuals or these companies so that they never or at least in the authorized restriction, by law, are not even considered.

I'm seeing nods, but I'm acknowledging that's not even part of the process. It's a suggestion. That really, the Board... It was highlighted a little earlier that there is a red flag list, well guess what? That red flag list you include all these unlicensed contractors. And it should be a decision by the Board because you're the - the Board is the only entity that's authorized by law.

But - Yes? Mr. Zapata?

Folks, we're going to wrap it up.

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

Sir, I would just like to add on to your topic that your mentioning about unlicensed... Actually, I do the flag list. I separate the unlicensed from the pending license contractors with cases. So, I have a separate list of unlicensed red flag, on a yearly basis.

Chairman Aguon

So, this example will be added to your list?

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

Pardon, sir?

Chairman Aguon

So, the example that was highlighted by Mr. Aguon, that unlicensed contractor -

Mr. Eduardo Zapanta, Investigation Supervisor, Guam Contractors License Board

Yes, they should, they should be added to the - actually, when Mr. Aguon or Investigator Aguon receives a complaint, regarding even licensed or unlicensed contractors, he goes to the admin and red flag it on our system.

So, just to make sure when anybody comes in under that name that is red flagged under our system, they are ordered to see the investigation section.

Chairman Aguon

So, Director Ordenez and Chairwoman Pizarro, there is a process in place.

I just heard from Mr. Zapanta, that these business, unlicensed contractors, are red flagged. So, I'm hearing -

Mr. Vince Aguon, Investigator, Guam Contractors License Board

I know.

Chairman Aguon

I'm not getting the assurance from the Director and from the Board that you acknowledge that this process is in place.

Mr. Vince Aguon, Investigator, Guam Contractors License Board

Can I say something, your honor, when investigation finds these individuals, we give them that form to obtain a contractor's license. So as long as they are coming into compliance with laws we shouldn't deny them if they are going to do it legally. You know...

Chairman Aguon

Mr. Aguon, you are absolutely right. This is all about following the law.

Mr. Vince Aguon, Investigator, Guam Contractors License Board

Yes, sir.

Chairman Aguon

And if an applicant comes in and provides all that necessary documents, meets all the requirements, goes through the investigation, is cleared, passes the examination, by all means.

Mr. Vince Aguon, Investigator, Guam Contractors License Board

Yes, sir.

Chairman Aguon

That's what we are here for, discussing the process. And based on what was just shared with us by Mr. Zapanta and the initial responses, it's like there was a disconnect here.

Mr. Vince Aguon, Investigator, Guam Contractors License Board

Yes, sir.

Chairman Aguon

Because the loop of your investigation, for unlicensed contractors is closed by virtue of Mr. Zapanta saying that there's a red flag list. That unlicensed contractors automatically added to the red flag list. But I didn't get that assurance from the Board or from Director Ordonez. So, there's a disconnect here and we need to fix this process quickly.

Folks, today was a discussion of the process and listening and understanding exactly what the timelines are for an application for a complaint to be entertained and for those cases to be closed for the discovery on unlicensed contractors. This is all about the process of ensuring any future applicants and any contractors out there that the process is working.

Folks this morning I've heard that there's a disconnect and we need to fix it quick because like I've shared with you and perhaps I'm going to rephrase this one more time, the law is on your side but you have to follow the law. And we need to assure the public that this process is available for any future contractors and any existing contractors and then you ask the question why, because we want to assure our people and the business community and any individual or company or business that seeks the services of a contractor that has a valid license, that this process is good and you have the assurance that these contractors would meet this minimal requirements based on the application, and that there would be no shortcuts in the construction of their homes, and no shortcuts in the construction of their buildings or their facilities.

That's really where the heart and soul of this discussion and if there are some areas that needs to be connected and fixed regards to complaints, if a complaint is filed responded, based on the timeline that you provided because the sooner you provide responses the sooner you provide a decision then at least the individual that filed the complaint and the contractor that the complaint is filed against would understand exactly where they stand.

Upon the conclusion of that, so it all comes down to not only the process but the integrity of the licenses that you issue. So this concludes our discussion on the oversight on the Guam contractor's license Board. I hope that you have a lot of things to take away from this discussion and it really focuses on not only entertaining the complaints but assuring the community that the licenses they receive is a valid license that they can be sure that these contractors are abiding by their requirements of the law.

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Chairman Aguon CONT...

So other than that I'm going to conclude this discussion. I want to thank everyone in the audience who have attended this morning's oversight, it's an oversight specifically to look at the process and make sure that it works for the entire island community, so I appreciate your responses.

There's certain areas, takeaways that I need, information that I've requested during the course- this discussion that I would like request that it be provided to the chair so that I can disseminate it to the members within fifteen days. Please if not sooner get me that information and then we can proceed with insuring and ensuring the public of the entire process. Any individual in the audience who have filed complaints? What I can do is... because it's an oversight hearing the discussion with these individuals for the contractor license Board has concluded. I'm going to ask you Director Ordonez and Chairwoman Pizarro if you can remain with us. It would be providing information and then we will get you responses accordingly after you pose your question or your concern.

Okay, so I'm going to dismiss the panel and if there's anyone in the audience that would like to provide comments with regards to the process and our discussion today I'm going to invite you up to the front so Director Ordonez and the Board members, if I can ask you to please remain for a short while longer.

Thank you, thank you.

Okay ladies and gentlemen we're going to go ahead and proceed with the... If I can ask you, Director Ordonez and the Board members, if I can ask you if you can sit in the audience, just momentarily so that we can entertain any statements from members of the community. And then we will invite you back up... if we can get direct responses today.

Let me start from the right of the table, please if you can identify yourself for the record and provide your statement.

Joe Sikat, Director of HSG Construction

My name is Joe Sikat. I'm with HSG. I'm the director of the company.

Tommy Tanaka, President of HSG Construction

I'm Tommy Tanaka with HSG president.

Chairman Aguon

We're going to go with your statements okay? So if you have any statements Joe, Mr. Sikat, to provide to the committee and then we will entertain you and then we will go down the list. Please.

Joe Sikat, Director of HSG Construction

Thank you Mr. Chair and also Senator Morrison. We... HSG filed a complaint sometime in February, I think it's already been mentioned here, the details of that complaint. I just wanted to clarify that when the complaint was filed there was no mistake about the issuance of A license, B ID card being issued to a foreign national.

It was our complaint that initiated that process and then it was discovered that that mistake existed. Now, that license was issued in January, and the ID's were issued in January.

Mr. Tanaka attempted to file a complaint to essentially prevent the renewal in June. So, they had all the way from January through June to address this matter... and again... according to Mr. Zapanta this matter has still not been resolved and we're simply looking for... I think everyone has mentioned that we want fairness with like the integrity of the Board and the office to be appealed. We just want to do what's right and so we feel strongly that the applicant on- for the RME submit a documentation that was clearly as you pointed out Senator, Mr. Chairman was a materialness representation of the fact, and so particularly as it relates to the financial statements.

And I also want to make it clear that in that particular financial statement that individual stated and it was annotation

Joe Sikat, Director of HSG Construction CONT...

underneath, which I believe is required for all other statements that under penalty of perjury he has testified that the document that he was signing was in fact true and correct. When in fact the financial statement, the construction company that was noted on that statement did not exist, was not licensed and if it had been a mistake he also signed as the owner of this construction company which did not exist.

And so that was really our basis for contending that this individual did not have the proper integrity and the honesty and fair dealing that is a big part of the requirement of being a contractor. And so subsequently we filed that complaint and we also filed the complaint relating to the issuance of a ID to a non US citizen and it also goes to we believe, because we believe that the- that RME applicant as well as that foreign national were together, and now I believe there was documentation to that. That RME did not deny, did not in any way indicate that this person shouldn't have gotten this ID which for us further... supports our contention that this person lacks that integrity to be a contractor.

So of the basis of were protecting the public safety, we want to serve the people well and obviously also we want to make sure that as contractors in this industry we don't want other you know...contractors that, or other individuals that are not abiding by the rules and regulations and particularly the law that they're participating in this industry and so we want to protect the industry as well, and that's really our statement. I don't know if Mr. Tanaka has anything else to add.

Tommy Tanaka, President of HSG Construction

Yeah, Joe covered pretty much the basis of the complaint, the only other thing I wanted to add was... That the response from the CLB was basically they revoked the license and... from the Japanese national and then they also... the balance sheet and the personal bank statement of the individuals were the same and they felt that represented the right finances and they closed it. That process did not go to the Board, they closed it individually upon that investigator.

As you stated here earlier, I mean, after the investigation is done it should go to the Board for review and decision, it didn't get to that process, they just took it upon themselves to issue me a letter saying case closed.

Chairman Aguon

Mr. Tanaka and Mr. Sikat just a quick question, Is there a public discussion component of the Board meetings?

Joe Sikat, Director of HSG Construction

I believe -

Tommy Tanaka, President of HSG Construction

There is, there is. And I've been to the Board meetings, every Board meeting they've had since -

Chairman Aguon

Have you brought up this issue?

Tommy Tanaka, President of HSG Construction

Every Board meeting -

Chairman Aguon

During this public hearing discussion format?

Tommy Tanaka, President of HSG Construction

I just... In fact, because nothing happened, I went in and I made a public plea to the Board, saying, hey, you guys close this case. I don't believe you guys you know reviewed it enough. I asked the Board to take a look at it.

I been back there three or four times and up till now still no decision, the last meeting, Investigator Zapanta presented me with that notice of relocation hearing, but he explained that the Board didn't want to sign it, they didn't want to issue it, and I've been following up and trying to get a copy of assigned notice of hearing and relocation.

Chairman Aguon

Well you're aware of the hearing dates now -

Tommy Tanaka, President of HSG

Yes.

Chairman Aguon

For your complaints?

Tommy Tanaka, President of HSG

That's correct.

Chairman Aguon

Okay, so that I believe is in the process that would ultimately address or hopefully address your concern. Okay? So, do we acknowledge that?

Joe Sikat, Director of HSG Construction

Yes.

Chairman Aguon

Yes, and -

Joe Sikat, Director of HSG Construction

One last comment sir -

Chairman Aguon

Go ahead.

Joe Sikat, Director of HSG Construction

Also, just for the public record and also because there been some reports on media and also I believe there was a statement made by the CLB that the reason for this complaint was envy and jealousy. We want to make it absolutely clear that, that is not the case, that is absolutely false and that the reason we are - have filed the complaint is that we believe that there's been a violation of the due process and a violation of the law and hence our complaint and we have asked as a consequence to that, that these licenses be revoked.

Chairman Aguon

I believe that hearing -

Joe Sikat, Director of HSG Construction

Okay.

Chairman Aguon

Is scheduled already for August 16th so... based on the complaints that you've filed, so we're going to continue to monitor the entire process and ensure that any future complaints go through recognize process in a reasonable timeline.

So, Mr. Sikat and Mr. Tanaka, thank you sharing your perspective this morning.

Joe Sikat, Director of HSG Construction

Thank you Mr. Chairman, Thank you Senator Morrison.

Chairman Aguon

Thank you.

Tommy Tanaka, President of HSG

Thank you very much.

Chairman Aguon

Please, identify yourself for the record and your statement.

Mr. Theodore Nelson

Hafa Adai Senator Morrison and Senator Aguon. We heard of the over site meeting and I'm a complainant and a mistake holder. I filed a number of complaints with the Board... it's been...it hasn't been easy as a complainant and all that but in my opinion the time I filed my complaint it was led by Mr. Zapanta's leading investigator and was passed on to Mrs. Nida Bailey which I thought she did a sufficient and a great job. But I ran into road blocks for one thing, at the time I filed my complaints last year... You know, there was internal problems with their Board. For one thing, the lack of legal counsel, you know I can make reference to who my case, I can bring my case here but being it and seeing it... the attacks being made, I wish Mr. Zapanta's used diligence for my case and other complainants to bring it to a oversight hearing like today and only referencing to one case in the newspaper. I've even met the former chair before, Senator Tom Ada, myself and Mr. Tedtaotao, expressing our concerns with what's going on.

You know for one thing the lack of quorum, the follow up with the investigations and a lot of other things. A lot of time we would be the ones supplying a lot of information, a lot of facts, and everything you'd think, but tending to the case. In my case I felt like they were... Due to the legal counsel problems that started in October of 2016 when a attorney came in and made threats to the Board, you asked the Board to go ahead and they just say you work for the people, you have this behind you. But when you have attorneys my case, I'll take care of my case seeing it as a mistake holder, if you have attorney's even when my case was being presented, before I was allowed to present my case... I guess Mr. Zapanta was off island so I went, they informed me to go there Nita Bayley was there, the other investigators were there, my case was presented to the Board.

Mr. Theodore Nelson

A couple lawyers came up right before the Board meeting presented their case throwing papers out to the Board themselves and making assumptions, accusations, A toka hamzu, fraud and all that and all that... So, that's another crippling effect for the Board to run their decisions on any cases. Waiting for the first event of October of last year and you know the Board didn't even meet, a lack of quorum or they didn't meet for so many months based on all they have to meet or be disqualified but for that reason and the lack of legal counsel wondering proper decisions to protect the Board it leaves them as individuals like you mentioned earlier, Senator Aguon, you know if it goes to court... they can be taken into court and all that... But if you have the decision without the proper legal counsel, how can the director, investigators, or the Board try to have the right opinion to go and make the proper decision to protect them so they can protect us, you know? And that I see internally that's what happen, briefly what happen to the Board and it's still ongoing.

My case went out, this contractor was a habitual violator, admitted his violations, and not only to me but other complainants that he admitted it but yet they were given back their license, based on a decision because not even a week the investigators provided the Attorney General's Office without even reviewing it, giving it to another Attorney General, they had it less than 3 or 4 days without consulting the director, the Board, or investigators about the case... how can an attorney come to a finding without talking - presenting the facts you know?

So, that didn't occur so... the Board made the wrong decision and reissued their license. And that's us as mistake holder and complainants that these people were in violation of law and we feel because of them violating the law their habitual and there should be something done. I don't know if there are preventions in this law or Senator Morrison, you were there before, if you can add in... these habitual violators I don't care if they should file Chapter 13 and they were habitual violators before they filed bankruptcy, and then they go back to the Board, the contractors thing and they're apply and it's the same individuals that violated law passed are the same individuals violating the law now.

Mr. Theodore Nelson CONT...

Our properties are destroyed for life and the Board because of the problem with the legal counsel or quorum, the chair had to leave, I've went to meetings like Senator Tanaka - Tom Tanaka, and I tried to get into the meetings but it's hard for them to meet because of that one thing. You know? How can any institution or agency, I wish there was due diligence with the last year when we went into his office we brought our thick file and we talked to them expressing our concerns for ourselves and other mistake holders and the other complainants that own a property on Guam? These contractors go around the island, they make promises, maybe we're fools for believing and trusting for financial O's, financial gain or development of property, we get hurt, we fell through the cracks. Up to this time these guys are still operating, they have their license, the Board hasn't even come. My case is still pending, they tried to close my case, my case is variable of factors from the construction of property to supposedly contaminated soil put on my property that's means I got to go to EPA talk directly to the [INAUDIBLE] guys. Thank you to Mr. Mark Allwood Walter, Leon Guerrero, they allowed me to come in and express my concerns and now it's worth working with it [INAUDIBLE]. You know, that's why I asked Mr. Zapanta how come you're not following up, he says he's following it up, okay until I see it in writing, I get tired of emailing and emailing.

But you know?

Chairman Aguon

Mr. Nelson, Mr. Nelson where is your complaint at the moment.

Mr. Theodore Nelson

With them.

Chairman Aguon

And it's been there that long?

Mr. Theodore Nelson

For two years.

Chairman Aguon

Two years?

Mr. Theodore Nelson

Yeah.

Chairman Aguon

But I get-

Mr. Theodore Nelson

But they did, but they did. The contractors Board, the investigators used due diligence, they had the contractors move out all the debris, trash, oil drums and all that broken machinery and everything. They... also the some sort of form of compensation that was "inaudible" which they admitted but they didn't fulfill of the structure of my survey boundaries and all that which they have to as contractors be abided by because their at the project site and also my concern about... the soil being placed on my property.

I've been living the contractors Boards life just going in and calling and talking to administration and everything and I see the internal struggles going on between everybody but that's not I- there's nothing I can do about it but the only thing I can say, I think you should make reference to the Board not saying clean up their act or either weak, that wasn't brought up today, I was surprised it wasn't brought up by the Board chair, which before it was another Board chair which his name? Which was the old Board chair? The american guy?

[INAUDIBLE]

Mr. Theodore Nelson

Very respectful guy Riley, but when you have the attorneys throwing paper in and making threats of suing your pants off, suing the Board without any form of legal representation to back to Boards finding or when they make decisions a contractor can hire an attorney go in there and use form of intimidation and that's what I saw in two different occasions. I'm here just a simple guy with my complaint and [INAUDIBLE]. Do I bring in an attorney to intimidate these people that are trying to... provide me as a complainant the right and wrong? So that's what I see in it, you know, so maybe that's where all the fallout and the internal struggling and the fighting going on, I think that can be worked out respectfully and [INAUDIBLE] not because one individual has a road to the a museum and parks and all that, we didn't go and do that, you know, we went to the former chair, we sat with them and they promised us an oversight meeting referencing our cases and many others, we never got it, I applaud you guys for having this oversight meeting, it's time to wake up and shake the can.

Mr. Theodore Nelson

But you know, that's the way I look at it, my case is still pending I wait every month so I can see if i'm put on the agenda with the Board. I want these people, these habitual violators based on the provisions of this of what I read they can have their license [INAUDIBLE], but the Board, I don't know if their capable of doing it or their waiting to fund the Attorney General for - to get the findings. So, maybe that's the problem if they can get support with the Attorney General with their cases but it has to be done in some kind... that's their job to do.

So, I don't know what to say but that's where I come from

Chairman Aguon

I think Mr. Nelson you bring up a very legitimate issue and any time you're dealing with either the contractors or your providing a service such as renewing and approving applications and residing and canceling licenses certainly you always need the legal representation there so I hope the Board members who are in the audience listen to that very intently and understand that it's not a game of intimidation, they bring in their attorneys you always have discretion of suspending discussion until the next Board meeting and insure that the Office of the Attorney General has a legal attorney there representing the Government of Guam and the interest because Mr. Nelson it was alluded to a little earlier that the law protects the Board in a lot of their decisions but they have to make sure that they follow the process and allow due process to any of the contractors out there that have to go through hearing or whatever the case may be.

I appreciate you sharing your concern and I'm sure the Board -

Mr. Theodore Nelson

I was just concerned -

Chairman Aguon

Members have listened to you

Mr. Theodore Nelson

I was just concerned because when we filed this complaints, once we get the attorneys involved then it goes through civil litigation so until that time that civil litigation occurs and the findings of the Board to support the wrong done by the contractor then I can go to court, but if can't get a decision from the Board, a proper decision, a proper finding from the legal counsel then what is the purpose for going civil litigation. Like you've mentioned earlier I'd have to take everybody to court. You know. That's just my concern and that's what I've seen in the past 2 years.

I even had a case stating back to 2010 where this guy signed my contract, he said he was a contractor, a multi-million-dollar contract and he lied so it said with the Board it went to the Attorney General. Just last year I got a finding from the Board, they didn't do nothing.

Chairman Aguon

Okay. Thank You very much Mr. Nelson. I take it the firefighter is with you? So we'll proceed to...

Mr. Tom Tedtaotao

Good Morning Senator.

Chairman Aguon

You have a different case from.

Mr. Theodore Nelson

[INAUDIBLE]

Mr. Tom Tedtaotao

I have my own but I just wanted to say first my name is Tom Tedtaotao and I'm here representing myself I'm not representing the department. In fact, I signed personal leave to attend this, but just listening to the earlier discussions about the Board and how their performing I really think there is a disconnect there. I don't know if the Board members fully understand the authority that they have, maybe they glance through it but I don't believe they fully understand what they can and cannot do. Let me give you an occasion point-

Chairman Aguon

I'm sorry Mr. Tedtaotao just so that we clarify for the record you are on personal leave?

Mr. Tom Tedtaotao

Yes.

Chairman Aguon

Okay, okay. I just want to insure that any testimony you provide is not representative of-

Mr. Tom Tedtaotao

Is not representative of the department that I work for. I am here on my own accord. Okay... so the Board is like you stated earlier they have certain authorities and certain things they can do and in my case a license was revoked or slash suspended with the Board's approval yet to reinstate it requires Board approval but the director was able to reinstate it without Board approval that sort of confused me a little bit so there's some inconsistency there where when I ask why don't you guys- based on the investigation, the investigation was done it was substantiated that it was - the facts were true. The Board voted to suspend or revoke the license yet after certain conditions were met, not all but certain conditions were met the Board didn't approve to get the license reinstated it was just the director who reinstated it so that was a little bit confusing for me, how you needed the Board to revoke it but you don't need the Board to reinstate it.

Chairman Aguon

Actually that was one of the reasons why I read the revisions of the law to the members of the Board as the director Ordonez, that the authority rest with the Board. Ultimately any approval, any resending of a license or any renewal of a license is in powered with the Board not with the director, and I hope during the discussion this morning that was made very very clear because the director, based on legal language in the law the authority rest with the Board.

Mr. Tom Tedtaotao

So how does [INAUDIBLE] public hold the fire to the Boards feet when the Board is acting, let's say outside of their scope or not in the accordance of their authority, how does [INAUDIBLE] public handle that because the Board is the Board and they believe their voice is final so I'm not sure how to handle that who to go to or what have you but... in my appeal I had cited the section of the Boards rules and regs. And say you know I just kind of bullet point it and they still didn't... They still didn't act within the scope of their authority and I didn't understand that.

Chairman Aguon

Well you have several options available to you, one is the obviously the Office of the Attorney General because they would have legal guidance of representation to bring it to their attention and then the other option is what we're discussing today, is to try to fix the process and ensure that our people can be ensured that when a license is approved and provided by the Guam contractor's license Board that these are legitimate contractors.

Mr. Tom Tedtaotao

You know after today's discussion I'm hoping that the Board would see the light and make the corrections that needs to be made. I'm hoping that they'll go back and review their scope of authority that they can operate within. But one thing I do want to ask because I tried to bring this up to the Board and I want to ask the legislature maybe you can address this is when the Board doesn't meet the required to meet once every month when they don't meet Senator in 2016 of the twelve months that their supposed to meet , they met 3 times, 8 months they did not meet for whatever reason lack of quorum, lack of whatever, when Mr. Regel left lack of chairman so when I asked them I said you guys got to make this up because you went 5 months without a meeting, 5 months, the complaints that need to be entertained but lack of quorum, lack of this and lack of that. There's got to be a way where these guys have to make up those things, make up those meetings. Their required to meet on the third Wednesday of every month if they don't meet they won't schedule until the following month, same thing happens and they it just goes on and on and on, five months later there's still no meeting. There's got to be a way that you guys can change the law and say look if you don't meet on the eighth - on the third Wednesday of every month you need to make it up for that month and if it means holding a double session the following month or later that month then so be it but these guys if they don't meet then they don't meet, okay we'll just wait till the next.

Chairman Aguon

Now I appreciate your discussion -

Mr. Tom Tedtaotao

So they can't change it, it seems they can't change it so I'm hoping you guys can change the law to a law -

Chairman Aguon

Well first of all with the clarification of the law that there's only one entity it's called a Board it has the authority to approve or resend or to renew. Now the question is whether in fact these Board members are going to be consistent in entertaining some of these applications because when it comes to confirmation then please don't expect to come to this chairman and ask to be re-confirmed if the last two years you only attended 10 meetings out of 24 meetings [INAUDIBLE].

You know what I mean?

Mr. Tom Tedtaotao

Yeah.

Chairman Aguon

So, I mean this is where the confirmation process also has to be part of the evaluation process of these individuals being appointed. I respect whoever the governor, in this case Governor Calvo appoints to the Board but I also expect that you serve an interest of the people of Guam and support the process so that we don't have contractor applications waiting for five, six, months unnecessarily because a quorum if there's an issue with quorum you made a commitment at the offset to take on this responsibility then own it because it's public service to our people you know.

So, based on the discussion today I'm hoping with that better understanding that the process would flow a bit in terms of ensuring that whoever the contractors the application renewal decisions are done appropriately.

So Mr. Tedtaotao, thank you very much for your comments this morning next-

Mr. Tom Tedtaotao

That's it.

Chairman Aguon

Please if you can identify yourself for the record then proceed.

Mrs. Carol Martinez

My name is Carol Martinez and I'm with Tech-Rite Builders.

Good Afternoon, my name is Carol Martinez. I'm the president of Tech-Rite Builders and have been involved in the construction industry in Guam for the past 20 years. We have successfully completed the construction of numerous building underground up including the most recently the new Oka Payless Supermarket. Tech-Rite Builders has always been in good standing, has- never been cited for any reason by the Contractor's license Board. Earlier this year Tech Right Builders management employee, the RME, suffered in a timely death, I notified the CLB immediately and informed that I had appeared of 30 days to secure the services of another RME. In order to maintain and renew our license, but I would be given an extension of the deadline for an additional 30 to 60 days because of the circumstances. I was grateful for the additional time because I needed to renew tech right's license of the week could continue ongoing projects and retain our workers. In what has become a very tight labor market.

Tech-Rite Builders has worked with a mechanical engineer, Mr. Chris Disho for many years. Mr. Disho has experience in the construction industry here and have experienced with him, although Mr. Disho thought with his recommendations from several of Guam's leading architects and engineers. Mr. Eduardo Zapanta, an investigator for the CLB told us that he would have to interview Mr. Disho to determine his eligibility to take the RME examination. Mr. Zapanta also required Mr. Disho to provide a copy of this engineering diploma although there's nothing in the application form for the RME examination and certification that would require any sort of diploma, let alone an engineering, nonetheless Mr. Zapanta insisted that it be necessary before he would even interview Mr. Disho to determine he was eligible for the test. Something that has puzzled me and bothered me about this encounter is that Mr. Zapanta also refused to provide a copy of the RME examination study guide to Mr. Disho until after the interview had been successfully completed. To be clear, I offered to pay \$75.00 for the copy of the study guide but Mr. Zapanta refused, which I will added that is not written here, I went up to one of the staff members asked by law can I purchase that study guide and they said yes I can, a receipt was given to me I went and I paid the treasure of Guam and got that study guide.

Over the course of two decades I have been through the process of renewing Tech-Rites license many times but I have never before encountered this kind of resistance from the CLB group of staff. In the past they have been very professional and helpful in the process but this time Mr. Zapanta was very obstructive. Ultimately despite assurance that Tech-Rite would be granted a 60 to 90-day extension because of our sudden lost, Mr. Zapanta informed me that CLB Board had denied our request for the extension. Mind you I asked- went in and asked, was there ever a Board meeting, there was never a Board meeting, Mr. Zapanta went on to tell me that the Board denied the extension on my license. Mr. Zapanta then told me that he would not renew our contractor's license because the 30 day limit had expired and suggested that we hire another RME. The point that i'm trying to make here this morning- or this afternoon is that there is a problem with the CLB office, the problem has a name, it is Mr. Eduardo Zapanta. Mr. Zapanta has taken upon himself to control the licensing process from end to end and has taken liberty to impose requirements upon applicants that are not neither addressed in the law nor in the CLB regulations. I believe that inquiring- requiring a responsible management employee applicant to undergo and pass some sort of interview in order to be deemed eligible to take the RME test places Mr. Zapanta in a position of judge and jury in selecting Guam's RME's that's an ordanant level of power may be adversely affected by other participants in the construction industry as well.

Under other circumstances and perstitual controls the pre-examination interviews can be considered to be a legitimate- i'm sorry- to be a legitimate screening process but is not legally sanctioned in the- in Guam today. Also, an applicant to take the test should be allowed to do so without having to meet such arbitrarily, extra legal requirements imposed by Mr. Zapanta. Furthermore, any person, applicant or not who is willing to be able to pay the \$75.00 fee for a copy of the RME examination study guide, a public document should be provided with a copy, it should not be dependent upon the person requesting the study guide to have been passed some sort of interview by Mr. Zapanta.

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Mrs. Carol Martinez CONT...

There must be some remedy to this inconsiderable abuse of power in our government. Members of the committee, this is my first time testifying in the legislature's hearing. I hope that my testimony would be helpful to you when you're (INAUDIBLE) However, if I have not been clear in any way I will not try to answer- I will try to answer any questions you might have regarding what I have to say today.

Thank You.

Chairman Aguon

Thank you very much Mrs. Martinez.

Mr. John Martinez

My name is John Martinez and Carol Martinez is my wife and she's my boss. I'm the manager of Tech Right Builders. I'm here just in support of her you know testimony, but just the point here that again here we are, we been in the construction business for 20 years, we continue to operate and follow the rules, we employee... we have employees, I think we have, we keep about 21 of people employed four of which is permanent on a permanent payroll and we have 17 through our associated contractors. Whereas you know we are fairly consistent but then again my problem here is that, here's a situation where we have our RME who's passed so we go to the contractor's license Board because of this circumstances, you know we trust that maybe we can be assisted because and given an extension so that we can be able to secure another RME but we want... you know I think the concept here for an RME is totally not quite understood and I think that's the big problem here, and that's why if you look at that list I mean my goodness there's hundreds and hundreds and hundreds of contractors, funeral parlors, shoe repair shops, supermarkets that are contractors because because they have an RME.

You know I think- and here we are now okay, going in there I mean it's extremely difficult time and one

Mr. John Martinez

individual sits in front of my boss and tells her that you're not really contractors you know, you're just more painters, I'm looking at your file here and... the painters market that you just constructed here that's not from the ground up that's just a small project, I don't know that's just a four million dollar project I don't think that's too shabby and not only that but we've done all the other painters market except for one, we've constructed some of the very nice buildings here that you've complemented us on down in Agana and many others and so forth.

But I think the point we trying to put on here is that where does one man here decide that you know, I just don't understand this that before you can take a test no matter if you already presented documentations showing that you have- that you know that from architects, engineers, and so forth and you know... that you work with and... then you have to follow certain conditions and I think the issue here and we common here is that why don't you just get another RME but why should we get another RME we have somebody within our business here that- you know... you pay for another RME but why should I want to pay for another RME we have one that's within our company that can take the test.

Well we're still waiting for his... diploma that says he's a certified engineer, where does it say that you have to be a certified engineer for you to be- he's an engineer but not a certified engineer but we feel he is certainly capable and I think that we certainly merit that 30 or 60 days considering the situation of the untimely fashion of our RME so this led to a situation here right now where just like that because we don't want to use another RME and we want one of our own.

Here's a perfectly good business their just be thrown away side we were out of business. Now sorry to say but... again when we brought this up and filed a complaint with you know the director I guess he understood our situation and we were able to get what they call a provisional 90-day license but then in the meantime there was just all these tumbling blocks here because Mr. Zapanta said this and Mr. Zapanta said that and we're not supposed to do this and there, and it just- kind of got- it became extremely complicated, extremely complicated.

Mr. John Martinez CONT...

So,- well we now have another problem, our RME is in the Philippines and he has a heart attack you know so he's going to be there for a considerable amount of time. We have two large projects we had to forego here okay and simply because in all honesty we don't know if we can, if we can, if we can get our contractor's license or before September the 19th. Now another thing here is that you know, were- we do work for one of the largest insurance companies here, we're the contractors here and one of the biggest problems here we've always- we've always seemed to be going- you know being called upon to finish off projects- to finish off projects that were not completed or were not performed right by other contractors you know I must turn my back if he's still here and there's Mr. Devera, at least twice a month on some of these projects I have to go to him and inquire about this particular contractor that failed his project and he would advise me you know... that... for reasons why and that's why... I become caution.

But, then again that's one of our major problems here and we all know it we have a series of unqualified contractors out there and why is that? I think this is an opportune time for us to look into this now and all of this is a result of- because they have a RME. If you look at that RME listing if I may use a fictitious name how does grow your farms worth a housewife be an RME for an eligible contractor. I can give you that name but not here. Well it's very simple, well she can... she can- honestly she can make a good \$50,000 per annum I would think just from charging a fee so that somebody else that cannot pass the test or whatever cannot be a

Mr. John Martinez

contractor [INAUDIBLE]. I'll give you one good example, the way we utilize our RME okay, is we make sure that he participates which is what he is supposed to do. He is an employee and we use him as our subcontractor as well. Our RME, just our RME for example we have, you know we have... we pay approximately what, a \$100,000 a year is what... we average in paying our RME. We don't want another RME. We want somebody that was in our company... that'll be with us and that's the purpose of a RME. I bet you there's contractors here that whereas I'm quite sure that their through recommendations of the COB of an available RME, they don't even know who their RME is. I know three right now; they don't even know they don't even know who their RME is but their contractors.

Anyway I think this is just something that... this is opportune time but you might have to look into this and maybe Frank you can just kind of brush things up and you know clean up this department and maybe limit a lot of these... the situation that you know is- but actually our check here is that we do have a complaint against one individual and that is Mr. Zapanta and the reason for that is because of the way he handled our case without any consideration for... one guy can decide that he's qualified or who's not qualified so forth and your out of business regardless of the situation with us just imagine that cause of the untimely death of our RME.

Thank you very much.

Chairman Aguon

Thank you. Thank you Mr. Martinez for your statement.

Mr. Melda?

Mrs. Carol Martinez

Can I just have one more thing to say?

Chairman Aguon

Yes, ma'am.

Mrs. Carol Martinez

If anybody is going to say this is all hearsay or made up, I recorded the entire conversation. If either one of you would like to hear this behind closed doors you're more than willing to because Mr. Zapanta has indicated that I never- he never said anything. It's there, I was told that I was not going to be given that license because the Board decided not to, there was never even a Board meeting. He took this upon himself.

Chairman Aguon
Thank you very much

Mrs. Carol Martinez
Thank you

Chairman Aguon
Mr. Leon Guerrero?

Mr. Ken Leon Guerrero

This is a little loud- I'm Ken Guerrero for Guam Citizens for accountability and this is a little out of my normal appearances but the reason I'm here today is because a small general contractor who has been on- in business in this island for nearly 30 years asked me to make a statement on his behalf and that is that the biggest threat to contracting business contracting business - small business - small contractors on this island is unlicensed contractors. He loses 50% of the bids he delivers to unlicensed contractors. One time, he reported unlicensed contractors and apparently the investigators or whoever they sent out could never find them in the process of constructing the house. So, he made a comment to the effects of that house just magically appeared on this lot with no help or anything.

A which point in time it was relayed that if he keeps making unsubstantiated complaints like this

When I came here, it was going to be as much time devoted to the unlicensed. In fact, I saw the unlicensed contract was going to be the primary issue. That's why I came. I'm glad to see that you're addressing the procedural stuff because it gives me more insight into it. But I think that there needs to be more weight, more focus addressed on how these unlicensed contractors are able to get a large share of the residential construction, small building construction, renovation work and even government infrastructure projects that needs to be addressed.

Chairman Aguon
Thank you very much Mr. Leon Guerrero.

Senator?

Senator Thomas A. Morrison

Thank you, Mr. Chair. Thank you, Mrs. Martinez and Mr. Martinez for pointing out those, some of those items in the criteria that we may not follow. I know that very well, I will definitely address that with the Contract Licensing Board and look at that. Obviously, it really shouldn't be one person. I know that for a fact and that should be... Definitely go through this individual to be reviewed first and this investigation and now pass as the director now puts it.

You know, if there's any issue of concerns and of course the Board. to be looked at and allow the individual outlet

There's a lot of problems and it's within their power to have the public know that you know. You don't just take someone's word for their license. Have them prove it.

Chairman Aguon

Mr. Martinez we're going to - Just one point. Yes. If I might just add... Senator Morrison, you were right from when you first started and I think you were going to play a major role in upgrading the Contractors Licensing Board testing procedures and so forth. I think...

You didn't quite have the support at the time and I think that was your problem. But... Remember? We proceeded to come out with, we hired engineers which is the insurance company. We hired engineers where we presented you industry rates so you could have a guideline, we presented you the updated and so forth modifications so that we don't necessarily have to follow the California that has to be modified, does not apply to Guam, questions that are in that license that should not be answered here because it doesn't apply and if you make a mistake on that then... They were folded.

Chairman Aguon CONT...

I think you're in the position now, Mr. Morrison, through the support of the Chairman here, that I think you might look at that list, it'll be the opportune time, it's time to, I think, upgrade the Contractor's License, it's a very vital department. Senator Aguon, thank you very much for allowing us this... Then can you... Can you monitor our situation here? We're a real classic example here, we're - our license is only good 'till September the 19th. I think with the support of the Board now with this understanding, I think we might be able to continue on. As a good contractor.

And I need say, the staff, very helpful. It was just this one gentleman that... I was between a wall and rock. He just told me, no.

Chairman Aguon

Thank you very much, Mr. and Mrs. Martinez and Mr. Leon Guerrero. And to the Board Members as well as to Mr. Ordonez, thank you very much for your participation in today's hearing.

This concludes the oversight hearing on the Guam Contractors License Board.

Adjourned at 1:20 PM.

III. WRITTEN TESTIMONY

The following individuals submitted written testimonies to the Committee on Guam U.S. Military Buildup, Infrastructure, and Transportation *before, during, or after* the scheduled Public Hearing on Wednesday, August 2, 2017 at 10:00 AM on the Guam Contractor's License Board (GCLB).

1. Eduardo R. Odonez, Executive Director, Guam Contractor's License Board (GCLB)
2. Attorney William J. Blair, Blair Sterling Johnson & Martinez
3. Eduardo O. Zapanta, Investigation Supervisor, GCLB
4. Myung K. Park, Private Citizen
5. Carol Martinez, President, TechRite Builders
6. Myung K. Park, President, P.I.C., Inc.

IV. FINDINGS & RECOMMENDATIONS

The Committee on Guam U.S. Military Buildup, Infrastructure, and Transportation hereby reports on the Oversight Hearing of the Guam Contractor's License Board (GCLB) with the following finding(s), recommendation(s):

Chairman Aguon requested a response from GCLB to the following:

1. Number of pending unlicensed contractors;
 - a. Delivered via email to the Committee on Thursday, August 17, 2017 and included in Committee report;
2. How many unlicensed contractors have been cited within the last 5 years that have paid their fines;
3. All complaints that have been filed within the last 5 years on unlicensed contractors;
4. Documents for the three ongoing investigations on unlicensed contractors from Investigator Vince Aguon.

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Contractors' licenses questioned

AG asked to scrutinize cases that 'bypassed the system'

By **Gaynor D. Daleno**
editor@postguam.com

The Office of the Attorney General is being asked to investigate questioned contractors' licenses.

Eduardo Zapanta, an investigation supervisor for the license board, brought one of the questioned cases

to the attention of the AG's office on May 22, documents show.

Zapanta stated in documents furnished to the AG's office that the issuance of one contractor's license in February "bypassed the system" - it shouldn't have been issued without his review since he is the investigation supervisor.

Guam Contractors License Board Executive Director Eduardo Ordonez said, however, he has cleared up the matter with the AG's office.

He said the complaint was filed by contractor Tommy Tanaka Jr., who questioned why the licensing board issued a license to someone who worked for Tanaka and has now ventured on his own.

"I already talked to the AG," Ordonez said. And based on Ordonez's conversation with the AG's office, Ordonez said he thinks Tanaka should resolve

the issue with his former employee through a civil lawsuit.

In a May 10 letter to the license board, which was also provided to the AG's office, Zapanta wrote that the license was issued by certain license board staff while he was away from Guam on a medical trip for a few days.

When Zapanta came back in February and found out the license issued to a contractor was "illegally" done, he said he repeatedly sought to see the

CONTRACTORS continued on page 5

Soldiers return home

By **Andrew Roberto**
andrew@postguam.com

The mood in the A.B. Won Pat International Airport terminal was jovial, giddy and just a bit nervous as family members awaited the return of 21 members of the Army Reserve 368th Military Police Company, Guam.

According to Sgt. 1st Class Derick Carrillo, the soldiers completed a nine-month deployment to Bagram Air Base, Afghanistan. Their main duty while deployed was customs related, ensuring contraband neither entered nor left the base.

Carrillo said the needs of Army Reserve families are especially difficult because reservist families don't have the same kind of support systems as active-duty families.

"When you're a reservist, of everybody you know, probably like 10 percent is going through the same thing you're going through. You don't have that support system. The (soldier's) family, they're Army now. They have to be accustomed to adapt to Army life," he said.

Although adapting to Army life poses its fair share of challenges, every family The Guam Daily Post spoke to said they were able to adjust and adapt.

SOLDIERS continued on page 5



SWEET HOMECOMING: Spc. Adam Mendiola holds his 3-month-old daughter, Alice, for the first time. Twenty-one members of Guam's 368th Military Police Company, Guam Army Reserve, returned home Sunday, July 23 from deployment to Bagram, Afghanistan, in support of Operation Sentinel. David Castro/The Guam Daily Post

Magof MONDAYS

Pieology lends hand to USO; Medina aims for doctorate.

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New tourist attraction

Tumon Bay waterpark in the works.

PAGE 12



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CONTRACTORS continued from page 1

supporting documents for the issuance of the questioned license. After weeks of asking other board staff and management to see the documents, he said, Ordonez eventually told him the documents went missing during an alleged forced entry to Ordonez's office.

Forced office entry unreported

"On March 28, 2017, Mr. Ordonez called me ... to show me that someone forcefully opened his office door," Zapanta wrote. "I asked him if he noticed anything missing," Zapanta wrote to the license board.

"He said it was the file that he was to hand me regarding the illegal issuance of the contractor's license ID."

In Zapanta's letter to the board, which was provided to the AG, he said he doesn't believe a police report was filed despite his suggestion to do so, and "in spite of the fact that the intrusion came from inside the (Contractors License Board) office."

Another license board investigator

and a subordinate to Zapanta who handled the issuance of the questioned contractor's license hadn't been served with adverse action and was being transferred to another government agency instead, Zapanta wrote to the board.

Ordonez said the investigator Zapanta questioned is very capable with her job.

Almost three weeks after his letter outlining concerns to the license board, Zapanta wrote to the AG's office to voice his concerns.

Case considered closed

The license board's management didn't need to pursue the matter - and deemed it a closed case - because the questioned contractor's license ID was subsequently returned to the license board, according to Zapanta.

But the return of the license didn't resolve the questions that led up to why it was issued in the first place, Zapanta wrote.

"Your honor, I humbly ask your assistance regarding this sensitive matter about our agency's multiple irregu-

larities that our own staff has been violating its own laws, rules and regulations," Zapanta wrote.

Zapanta had given the governor's office a copy of his letter to the AG's office.

Other complaints 'largely ignored'

In another case, also brought to the attention of the AG's office last May, attorney Ignacio Aguigui wrote for his client, Myung K. Park, that Park's longstanding complaints filed with the license board have been "largely ignored."

Park had documented his allegations regarding two contractors' conduct - not the same contractor raised in Zapanta's letters - and filed formal complaints with the license board as early as in August last year, Aguigui wrote to the AG's office. Park also mentioned in his complaints that another contractor was allegedly illegally issued a contractor's license.

Ordonez did write to Aguigui on April 28, 2017, stating that Park's complaints "should be brought to the attention of the Prosecution Division of the attor-

ney general, not to the (Contractors License Board), as it would constitute a crime."

Ordonez also stated in his response to Park that two complaints filed by Park with the license board have been addressed and dismissed - twice.

"The (Contractors License Board) sees no reason to entertain a third complaint on the same allegations," Ordonez wrote to Park. "Third, any allegations of illegal actions by the CLB board members should be directed to the Office of the Attorney General," Ordonez added.

In Aguigui's letter to the AG's office, he wrote that Ordonez and the license board have failed to meaningfully address "any of the issues raised by Mr. Park" and ignored allegations concerning an illegally issued contractor's license.

Aguigui also wrote that "nothing in Ordonez's April 28 letter suggests that Mr. Ordonez or the board has reported any of Mr. Park's serious allegations and concerns to the authorities, including to the attorney general's office."



ALL HANDS ON DECK: Friends and family of Spc. Joleen Cruz eagerly await her arrival. Twenty-one members of Guam's 368th Military Police Company, Guam Army Reserve, returned home Sunday, July 23 from deployment to Bagram, Afghanistan, in support of Operation Sentinel.

SOLDIERS continued from page 1

Bruce Lizama said he was eager for the return of his sister, Christina Lizama, but said technology eased her absence. Christina Lizama might have missed his high school graduation, but Bruce had a way to make sure she had a small part in it, nonetheless.

"I was video chatting with her on my graduation," says Bruce Lizama, adding he felt amazing as he showed her off on the video screen while walking down the graduation aisle.

Cassandra Castro was present to welcome back her brother, John Cruz. She brought along Cruz's young son, Joziah, who she had been helping care for in Cruz's absence. She called this the toughest of Cruz's three deployments because it's the first one Joziah had experienced.

"I played 'aunty-daddy' duties," Castro said. "Anything his son needed, I was there, whether it was school, doctors or anything and everything."

Castro kept the day's events a secret, letting Joziah find out in person that his father was returning from deployment.

Jossete Guzman helped organize more than 20 of her family members to come out to the airport to welcome her sister, Joleen Cruz. The Cruz-Guzman families all sported identical gray T-shirts with Cruz's picture.

Cruz's husband, Vincent Cruz, played super dad while his wife was in Afghanistan, but he said he always had the Cruz family to lend a helping hand with the children.

"Family-wise, (the Guzman family) was always there," he said, adding that the hardest part of this deployment for him was "waking up to nobody next to you" and making sure that his kids were adequately cared for.

When the soldiers finally made their way through the arrival doors, the outpouring of love, laughter and excitement was a balm on the families' souls to help make up for the months apart.



GOOD TO BE HOME: Spc. Michelle Mateos gets a big hug as she arrives home. Twenty-one members of Guam's 368th Military Police Company, Guam Army Reserve, returned home Sunday, July 23 from deployment to Bagram, Afghanistan, in support of Operation Sentinel. Photos by David Castro/The Guam Daily Post



A REAL HUG: Spc. Brian Gumataotao gets a hug upon arriving on Guam. Twenty-one members of Guam's 368th Military Police Company, Guam Army Reserve returned home Sunday, July 23 from deployment to Bagram, Afghanistan, in support of Operation Sentinel.

Oversight hearing to discuss contractors license board

By Gaynor D. Daleno
editor@postguam.com

The legislative infrastructure committee will convene an oversight hearing to ask questions surrounding questioned issuance of licenses with the Guam Contractors License Board.

Committee Chairman Frank Aguon Jr. yesterday announced he's calling the oversight hearing and would like the management and board of the license board to appear and answer questions. The hearing is scheduled for 10 a.m. on Aug. 2.

Two separate complaints of alleged illegal issuance of contractors' licenses were brought to the attention of the Guam attorney general's office in May.

In one complaint the license board's investigation supervisor, Eduardo Zapanta, alleges the process to review a license application was bypassed and that part of the file concerning a questioned license went missing in the license



Frank Aguon Jr.

board executive director's office.

License board Executive Director Eduardo Ordonez said recently the issue is between a contractor and a former employee who decided to venture out on his own as a contractor. Ordonez said he had resolved the matter with the AG. He said the contractor who filed the complaint against the former employee was driven by "jealousy."

The license board closed the case after the questioned license was returned, but Zapanta wrote to the attorney general's office that that still didn't resolve why the system for issuing contractor licenses was bypassed.

Attorney: Complaints 'largely ignored'

In another complaint filed with the AG, attorney Ignacio Aguigui said his client Myung K. Park's longstanding complaints filed with the license board have been "largely ignored."

Park had documented his allegations regarding two contractors' conduct that should have led to the removal of their licenses — not the same contractor raised in Zapanta's letters — and filed formal complaints with the license board as early as in August last year, Aguigui wrote to the AG's office.

Park also mentioned in his complaint that another contractor was allegedly illegally issued a contractor's license but his information wasn't pursued by the license board.

Lotte Hotel executives spend some time cleaning up Tumon

By Andrew Roberto
andrew@postguam.com

Three members of the Lotte Hotel Guam in Tumon have been getting their hands dirty keeping the tourist district clean, as hotel General Manager Mike Lee, Planning Director Jaehwan Jeon and their associate Soo Kim sacrifice part of their lunch hour to pick up litter around their hotel every business day.

Lee, Jeon and Kim have all braved the blistering Tumon heat for over a year, picking up everything from flat tires to dead brown tree snakes, to empty can after empty can of beer.

It all started back in April of 2016, when Lee came onboard as general manager and had the idea to take charge of cleaning the area around Lotte Hotel. When we joined the trio, Lee had just finished a business meeting and was cleaning the village while wearing a suit.

"When (Lee) shared his idea with me and Soo Kim, I totally agreed with his idea," said Jeon. "The strong point of Guam is the clean air and the beautiful nature, so I want to keep the circumstance as much as I can."

Lee says that he was picking up litter even back when he worked in Korea, however, he became more motivated to clean in Guam because litter is everywhere in Tumon.

And although as the GM he could have his maintenance workers cleaning



Moo Heon Lee

the parking lots and surrounding areas, Lee would prefer that public areas be cleaned as well. To this end, he has taken it upon himself to get litter out of the village. He notes that because he is from Seoul, he can understand the Korean tourist market, which has become the fastest growing market in Guam's tourist industry. He believes that if everyone were to spend similar amounts of time cleaning their surrounding area, it would benefit the island's main industry.

"Many Koreans want to enjoy the clean air and clean beach and clean road. They want to see clean. But the situation is different. We have many cigarette butts and many plastic. I don't want to show that kind of situation to our tourist."

On the day The Guam Daily Post joined Lee, Jeon and Kim, most of the

trash appeared to be beer cans and tiny bits of plastic. All in all, the area between the Westin Resort Guam and the Hotel Nikko Guam yielded about 5 to 10 pounds of similar litter, which was picked up in around 40 minutes.

'A clean situation and a clean environment'

"Today (there) is so much (trash) because during the weekend we didn't clean," said Lee. "This trash is gathered from Saturday night to this morning. But if you visit tomorrow it will be more clean. I hope everybody joins this kind of cleaning. If so we will enjoy a clean situation and a clean environment."

It is Lee's observation that most litter is left after tourists and locals enjoy Tumon without disposing of trash in appropriate venues. However, he also believes people visit the area near his hotel at night and simply dump large amounts of trash illegally.

Soo Kim helps his bosses clean such illegal dump sites every work day. He says that although it was uncomfortable at first cleaning in the hot sun, eventually he felt like he was "being a contributing citizen" by helping around Tumon. It's allowed Kim to feel good about himself, knowing that he's contributed to positivity.

Lee agreed, saying that aside from the lunchtime cleanup being his "relaxing time," it feels good knowing that he works in a clean area.

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THE SECRET OF
CHANGE IS TO
FOCUS ALL OF
YOUR ENERGY,
NOT ON FIGHTING
THE OLD, BUT ON
BUILDING
THE NEW.

Decolonization curriculum debated

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The Commission on Decolonization still is unsure how to proceed with the implementation of decolonization education in Guam's schools.

Commissioners debated at length Tuesday whether or not the commission should be in charge of managing the curriculum, which would mandate teaching students topics ranging from colonial history to Guam's political status.

The debate started when a request for a curriculum writer was brought up. Commission members Lisa Natividad and Michael Bevacqua, who are in the subcommittee addressing decolonization education, said the commission should set the scope and framework for a curriculum writer to integrate the information.

While some members agreed that the commission should take the lead, Statehood Task Force representatives and former senators Eloy Hara and Eddie Duenas said the management of the curriculum should fall under the Guam Department of Education.



"This is DOE's function, let's give them the ideas and information. Let them put it into the curriculum," Hara said.

Natividad said DOE already has outlined a long-term guide on decolonization topics to teach students from kindergarten to 12th grade, but the education department does not have the resources to lead the curriculum.

Natividad said that based on a discussion she had with DOE Deputy Superintendent Joe Sanchez, the department seemed to lean toward the idea that the commission is better suited to augment the curriculum.

According to Natividad, Sanchez said the augmentation wouldn't need to go through a lengthy review by the Guam Education

RICK CRUZ/PDN
Gov. Eddie Calvo speaks during a Commission on Decolonization meeting at Adelup on Tuesday.

revamp the curriculum to include decolonization information, Natividad said. Vice Speaker Therese Terlaje asked to table the motion for a curriculum writer until the education subcommittee can draft a plan to pave the way for such a position. The subcommittee is scheduled to reconvene Thursday to address the issue.

The curriculum in part is meant to equip future generations with the knowledge necessary to decide on Guam's political future. The island's political status choices are free association, independence and statehood. It is unclear when a plebiscite vote on political status will occur.

Board as it's not a curriculum overhaul. Additionally, DOE would mostly tap resources it already has to

Oversight hearing set for contractors board

JERICK SABLAN
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The Legislature will hold an oversight hearing of the Guam Contractors License Board Wednesday over alleged questionable practices.

The hearing comes on the heels of a written request by Eduardo Zapanta, Contractors License Board investigation supervisor.

In his letter addressed to Sen. Frank Aguon Jr., D-Yona, Zapanta said that there have been multiple unfair dealings, and some employees have been circumventing the standard protocols of the Contractors License Board office. Aguon's committee has oversight over the board.

Contractors concerned

At least two contractors have expressed concern over the board's processes in letters sent to the board and the legislature.

Myung Park, president of

P.I.C., Inc. wrote to Aguon expressing concerns over a complaint he's been trying to resolve since 2009 with the board.

Park alleges Keum Yang Corp. and Suk B. Choi — known collectively as Choi/Keum Yang — provided false statements on license applications by failing to note debt to Park's company. Park said in his letter that Choi/Keum Yang was still able to get a license.

"In addition to questions raised concerning the issuance of certain contractors' licenses, the Committee would like to better understand the GCLB application and appeals process, and discuss any known irregularities that may have occurred at the Agency," Aguon said.

The hearing is scheduled for 10 a.m. at the Guam Congress Building public hearing room.

Woman faces federal drug charge

JASMINE STOLE
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A woman was charged in federal court Tuesday after authorities last week intercepted a U.S. priority mail package and found more than 50 gross grams of suspected methamphetamine inside, according to a magistrate's complaint.

The package was addressed to a Dededo post office box and sent from Tacoma, Washington. A U.S. postal inspector and the drugs hidden inside a magazine and an envelope in the package, court papers state.

After replacing the suspected drugs with a sham, authorities set up a controlled delivery at the post office in Dededo on Monday.

Delores Diana B.G. Westfall arrived at the post office Monday at about 2:15 p.m. and picked up the package, court documents state.

Stopped in car

Investigators stopped her 10 minutes later as she was getting into her car, detained her and took her to the U.S. Drug Enforcement Administration office.

Westfall was with another person who was not named in the court complaint. That person was also taken to the DEA office.

Westfall reportedly confessed to knowing the package had methamphetamine inside and said she was supposed to deliver it to someone in Agat.

She said she was going

to be paid with methamphetamine for the delivery, court documents state.

Different package

Last month, Westfall delivered a different package of meth to someone in Agat and received one gram of methamphetamine for that delivery, according to the complaint.

She was charged in the District Court of Guam with attempted possession of methamphetamine with intent to distribute.

Reporter Jasmine Stole covers crime, public safety and court proceedings. Follow her on Twitter @StoleJasmine. Follow Pacific Daily News on Facebook.com/GuampDN and on Instagram @guampdn.

Immigration status of contractor questioned

By Gaynor D. Daleno
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tee has received a copy of general contractor HSG Co. Ltd.'s complaint that a foreign national from Japan doesn't have the immigration status to do business in Guam as a contractor.

"Your granting of a (contractors license board) ID to a foreign national to conduct business on Guam could be construed as a violation of immigration law," wrote

STATUS continued on page 5



Watch the hearing

- The hearing will be broadcast on local television stations GTA Channel 21, and Docomo Channel 117.
It will also be streamed online at www.guamlegislature.com.
Comments may also be submitted by calling 475-4861/62.

Today's legislative oversight meeting on the Guam Contractors License Board will include a complaint that alleges the board issued a contractor's license to a non-U.S. citizen whose immigration status may not allow him to conduct business in Guam, according to documents.
The legislative infrastructure commit-

\$101M projected GovGuam health insurance cost

By Manny Cruz
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The government of Guam's health insurance cost for the financial year that begins in October 2018 is projected to hit \$101 million.

Christine Baletto, director of the Department of Administration, said the government team negotiated a savings of \$1.89 million in health insurance costs for next fiscal year by deciding to sign up with three health insurance companies. However, like this year, documents show GovGuam could have saved more - \$15.23 million - if the negotiating team had opted for an exclusive contract with TakeCare.

Employees' and retirees' share of the health insurance premium cost will increase by \$7.5 million, but subscribers can lower their

INSURANCE continued on page 5

Parents, kids prepare for school

SUPPLIES: Melanie Harvey took her two daughters out for some back-to-school shopping at Kmart in Tamuning on Tuesday. Public schools open on Aug. 17. Elementary schools will open 8:30 a.m. to 2:43 p.m.; middle schools 8:30 a.m. to 3:30 p.m.; John F. Kennedy, Southern and Tiyan High Schools 6:45 a.m. to 1:45 p.m.; George Washington, Simon Sanchez and Okkodo High Schools 7:15 a.m. to 2:15 p.m.; and JP Torres 6:45 a.m. to 1:45 p.m.

David Castro/The Guam Daily Post



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Papers for fired cop not yet processed

By John O'Connor
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The termination process for the police officer whose home yielded suspected drugs has not been completed, according to Guam Federation of Teachers representative Robert Koss, during a Civil Service Commission status

conference yesterday.

This delay is causing denial of certain compensation, according to Koss. In addition, Manny Perez's demotion at the department also hasn't been processed. The demotion occurred in March.

Koss said he may suggest Perez return to work because the termination

has not been processed.

Settlement agreement

In response to an inquiry from The Guam Daily Post, the police department indicated it would provide a public statement after the settlement is completed.

KOSS continued on page 5

New luxury

Hilton unveils 'hotel within a hotel.'

PAGE 12

Hardwood glory

Slay, Fuetsa duke it out in women's title game.

PAGE 32



LOOK COOL IN YOUR RIDE \$25 CARWASH BUNDLE



Delta Tire and Lube 649-3582(DLTA)

STATUS continued from page 1

company representative Tommy Tanaka Jr. "As such we are respectfully requesting that you conduct further investigation as to whether or not (the foreign national) does in fact possess the necessary business or investor visas to enter Guam to do business."

In another part of his complaint, Tanaka mentioned a different man who indicated in his license application that he is an owner of a construction company. The company that's the subject of this second complaint was never licensed to be a construction contractor, according to Tanaka.

The license board's investigation supervisor, Eduardo Zapanta, is one of the sources of the information that

Editorial

Read our editorial, "Contractors license board at issue during oversight hearing today," on page 18.

prompted the oversight hearing by Sen. Frank Aguon Jr.'s committee.

Executive Director Eduardo Ordonez has denied Zapanta's earlier allegations in a previous interview. Ordonez was in a meeting yesterday at his office when sought for comment.

Zapanta has provided the committee with information that processes were allegedly skipped and he was bypassed in the issuance of contractor licenses that were later found to

have questionable credentials.

Zapanta also shared documents with the committee in which he recommended the permanent revocation of licenses to a third construction company, and the license revocation of the manager for a construction company that misrepresented facts in an application for license with the board.

Another set of documents before the committee was submitted by businessman Myung K. Park, who said he has spent several years trying to request that the license board revoke or discontinue renewals for the licenses of two different contractors. These contractors denied in their license applications that they owe debts related to their business,

but Park said the two owed him more than \$1 million in unpaid construction materials.

One of the contractors Park questioned didn't pay the license board the \$400 license fee but still received a license in 2015, and only paid it in January 2016 when Park questioned the license board about it, according to Park. Failure to pay the fee alone should have prevented the issuance of the license, Park wrote.

"It has been a long eight years and on many occasions frustrating, but I am somewhat relieved that the questionable decision and actions by the (Guam Contractors License Board), management and staff are being made public through this oversight hearing," Park wrote on July 31.

KOSS continued from page 1

"The Guam Police Department and police officer Manuel Perez have reached a settlement agreement concerning the two administrative cases in which he was demoted and terminated from the police," GPD spokesman Officer A.J. Balajadia stated.

"Currently the settlement agreement ... is being reviewed by the Guam Police Department with the assistance of the Office of the Attorney General. Once that has been accomplished and all parties concerned have signed off (on) this agreement, the Guam Police Department will issue a final public statement concerning Manuel Perez and his status with the Guam Police Department."

The Guam Police Department announced Perez's termination in June.

March 7 drug arrest

Perez and his wife, Renee, were arrested March 7 after the Mandafia Drug Task Force raided the couple's Chalan Pago home and reportedly found several glass pipes, syringes, suspected drug ledgers, other drug paraphernalia and meth.

Officer Perez pleaded guilty to hindering apprehension and official misconduct in April but was initially hit with additional charges of posses-

KOSS: Guam Federation of Teachers representative Robert Koss, representing former police officer Manny Perez, addresses the Guam Civil Service Commission board on behalf of his client, David Castro/The Guam Daily Post



sion of a Scheduled II substance and obstructing governmental functions.

Perez received his final adverse action of dismissal from GPD on June 19, according to a police statement. However, the police chief stated that Perez was still entitled to due-process rights under the Civil Service Commission.

The termination occurred just two days before Perez was to appear before the CSC to contest his demotion.

"It has been a considerable amount of time since this employee was dismissed," Koss said during the status conference.

"(GPD) has not processed his personnel action yet. This denies him his accrued annual leave and, of course, access to his retirement. Guam law requires turnaround. I think, in a termination case, of 24

hours. We're months from that. So it seems to be a recurring problem."

CSC administrative legal counsel John Nowakowski said nothing could be done at this time and scheduled a continuation for 2 p.m. Aug. 15.

The delay in the termination processing was an additional issue Koss brought up during yesterday's status conference.

Perez and GPD had been working on a settlement agreement for his termination. A draft agreement stipulated that Perez would resign from the police department instead of being terminated. In exchange, Perez would withdraw his appeals with the CSC and agree that no back pay, fees or compensation associated with his demotion or termination would be due.

But no GPD management representative was at the status conference.

'Perez is in limbo'

"This employee is being allowed to resign in lieu of his dismissal. This would allow him better opportunities," Koss said.

"(Right now) Perez is in limbo, they haven't processed his termination, they haven't processed his settlement. There is nothing on record right now. ... This (settlement) has gotten back and forth a couple times already. GPD said this is what we would agree to."

GovGuam does not provide severance packages, according to Koss. Instead, employees get their unused annual leave and access to retirement, but this requires that the termination be processed.

Koss said he was generally disappointed at the diligence of the government, adding that the attorney general should be more diligent at prosecuting cases and the Department of Administration should also process personnel matters more quickly.

Perez's obligation, as a police officer, was to arrest his wife, knowing that she may be involved in drugs, according to Koss. Perez is held to a higher standard than most other citizens but chose family over his duties, Koss added.

"He tried to help (his wife), so that's official misconduct," Koss said.

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cost based on various health plan options, according to a memo from the negotiating team.

Three offerors - NetCare, SelectCare and TakeCare - submitted both exclusive and non-exclusive offers, from which the GovGuam negotiating party selected the "most economical and beneficial" health insurance proposal, documents state.

Documents show that TakeCare was ranked best for the exclusive contract provider, with annual premium costs of \$80.16 million, which would have been a savings of \$15.23 million over

the current fiscal year.

But ultimately the non-exclusive option was approved by Lt. Gov. Ray Tenorio, yielding overall annual premiums of \$101.01 million. The government negotiators negotiated \$3.4 million off the initial projected rates from the health insurance providers, according to Baletto's July 31 letter to the Legislature.

Tenorio approved the negotiating team's recommendation because Gov. Eddie Calvo has a conflict - his family owns Calvo's SelectCare.

Earlier this year, The Guam Daily Post reported that GovGuam had a \$10 million outstanding balance for

retiree health-care coverage, and a \$120,000 balance with NetCare Insurance, risking coverage for hundreds of foster children.

Under the new plan, SelectCare would maintain coverage for foster children at an expense to GovGuam of \$286 per child per month.

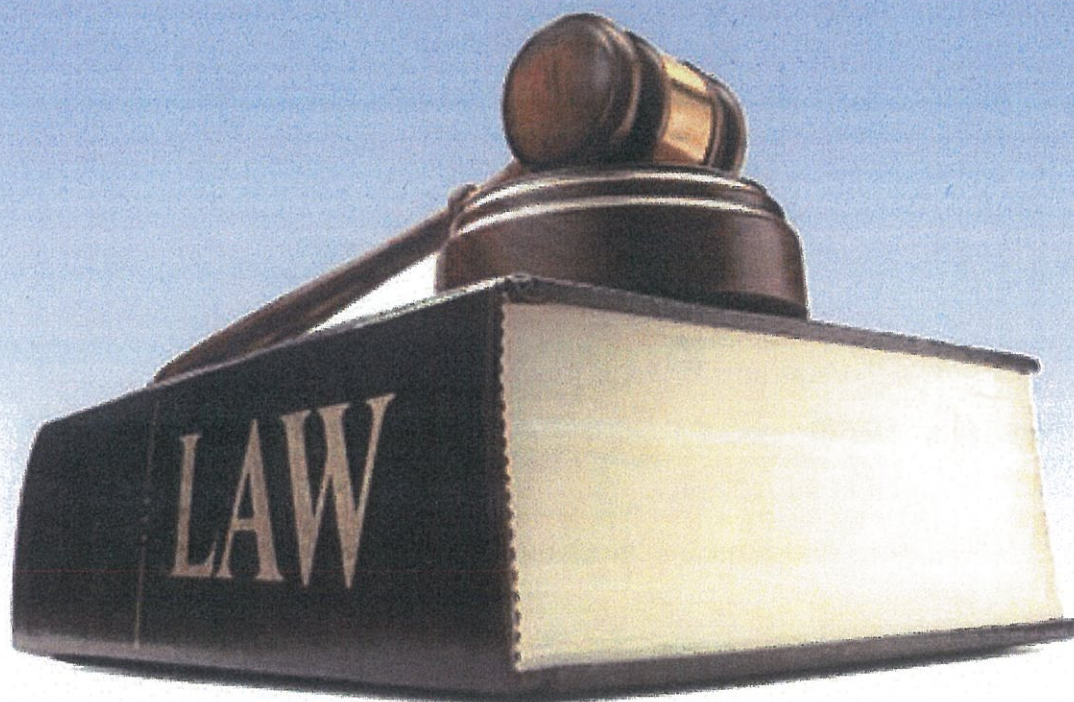
Earlier this year, Calvo vetoed Speaker Benjamin Cruz's Bill 3, which would have awarded an exclusive health insurance contract to the business that could offer the most economical deal. The speaker estimated an exclusive contract could have saved GovGuam \$20 million during the current fiscal year.

Legislators could have issued an override of the veto, but came up short of the necessary votes to do so.

Sen. Michael San Nicolas, who supported the override, shared similar sentiments, stating the \$20 million savings could have been appropriated elsewhere, where the government falls short of meeting the needs of Guam residents.

"It's called opportunity cost, and every dollar we put in one place is a dollar we didn't put someplace else," San Nicolas said. "That \$20 million could have afforded the public hospital equipment to conduct life-saving procedures."

21 GCA REAL PROPERTY CH. 70 CONTRACTORS PUBLIC LAW 30-11



21 GCA REAL PROPERTY
CH. 70 CONTRACTORS

CHAPTER 70
CONTRACTORS

SOURCE: This Chapter was added by P.L. 14-51, and later amended. The original enactment was to add §§ 19599 et seq. to the Government Code. The Chapter is placed here because of its relationship to prior Chapters of this Title. The entire Chapter was repealed and reenacted by P.L. 30-011:1 (Apr. 17, 2009).

- § 70100. Definitions.
- § 70101. Exemptions.
- § 70102. Contractors License Board.
- § 70103. Powers and Duties of Board.
- § 70104. Executive Director; Other Assistants.
- § 70105. Place of Meeting.
- § 70106. Classification.
- § 70107. Powers to Classify and Limit Operations.
- § 70108. Licenses Required.
- § 70108.1. Advertising.
- § 70109. Investigation Permitted.
- § 70109.1. Investigation Citation Authority.
- § 70109.2. Immediate Cease Work Order Permitted.
- § 70109.3. Cease Work Order Permitted.
- § 70110. No License Issued When.
- § 70111. Application: Fees.
- § 70112. Form of Licenses.
- § 70113. Place of Business and Posting of License.
- § 70114. Fees; Annual.
- § 70115. Action on Application.
- § 70116. Revocation, Suspension and Renewal of Licenses.
- § 70117. Hearings.
- § 70118. Appeal to Superior Court.
- § 70119. Disposition of Fees, Refunds.
- § 70120. Death *or* Dissociation.
- § 70121. Violation, Penalty.
- § 70122. Injunction.
- § 70123. Exemptions for Prior Licensees.

§ 70100. Definitions.

As used in this Chapter:

- (a) *Board* means the Contractors License Board.

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(b) *Contractor* means any person who undertakes to construct, alter, repair, add to, subtract from, improve, move, wreck *or* demolish any building, highway, road, railroad, excavation *or* other structure, project development *or* improvement *or* do any part thereof, including the erection of scaffolding *or* other structure of works in connection therewith for another person for a fee.

(c) Contractor includes a subcontractor and a specialty contractor.

(d) *Person* means an individual, partnership, joint venture, corporation *or* any combination thereof. Corporation includes an association, business trust *or* any organized group of persons.

(e) *Self-construction* means a project *or* operation performed by the owner for personal needs on personal premises; a self-constructed/performed project *or* operation *shall* otherwise be deemed performed by a contractor.

(f) *Investigator* means an employee with the Contractors License Board who conducts thorough investigations of applicants applying for a contractor's license and who inspects, regulates, and enforces the laws, rules and regulations of the Licensing Board for Contractors.

(g) *Responsible Management Employee* means the individual responsible for the direct management of the contracting business of the licensee.

§ 70101. Exemptions.

This Chapter *shall not* apply to:

(a) An officer *or* employee of the United States, the Territory *or* any political subdivision, *if* the project *or* operation is performed by employees thereof;

(b) Any person acting as a receiver, trustee in bankruptcy, administrator *or* executor, *or* any other person acting under any order *or* authorization of any court;

(c) A person who sells *or* installs any finished products, materials *or* articles *or* merchandise which are *not* actually fabricated into and *do not* become a permanent fixed part of the structure, *or* to the construction, alteration, improvement *or* repair of personal property;

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(d) Any project *or* operation for which the aggregate contract price for labor, materials and all other items is *less than* Two Thousand Five Hundred Dollars (\$2,500). This exemption *shall not* apply in any case wherein the undertaking is by a licensed contractor *or* is only part of a larger *or* major project *or* operation, whether undertaken by the same *or* a different contractor *or* in which a division of the project *or* operation is made in contracts of amounts *less than* Two Thousand Five Hundred Dollars (\$2,500) for the purpose of evading this Chapter *or* otherwise;

(e) A registered architect *or* professional engineer acting *solely* in a professional capacity;

(f) Any person who engages in the activities herein regulated as an employee with wages as *sole* compensation;

(g) Any person who undertakes either personally *or* through his *or* her employees, any project *or* operation for himself or herself; and

(h) Any co-partnership *or* joint venture *if* all members thereof hold licenses issued under this Chapter *or if* the person *or* persons who have direct management of the contracting business thereof hold a license for purposes of requiring additional contractor's licenses for the copartnership *or* joint venture.

§ 70102. Contractors License Board.

(a) There *shall* be a Contractors License Board compose of seven (7) members; two (2) of which *shall* be appointed by *I Maga'lahi* from the construction industry; three (3) of which *shall* be appointed by *I Maga'lahi* from the general public and who *shall* have no interest in the construction industry; the Director of Revenue and Taxation, ex-officio; and the Director of Public Works, ex-officio. Those members appointed by *I Maga'lahi* are subject to confirmation by *I Liheslatura*. Their terms *shall* be four (4) years.

(b) The concurrence of four (4) members of the Board *shall* be necessary for the validity of any of its actions.

(c) Organization, Records, Reports. Immediately upon the appointment and qualifications of the original members, and annually thereafter, the Board *shall* organize by the election of one (1) member as Chairman and one (1) member as Vice-Chairman. The Board *shall* keep a complete record of all its proceedings and *shall* present annually to the Governor through the Executive Director a detailed statement of the

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previous year, proceedings and such recommendations as the Board may deem proper.

(d) Compensation. Members of the Board *shall* receive the sum of Fifty Dollars (\$50) for each attendance at the meetings of the Board, provided, however, that *no* member *shall* receive more than One Hundred Dollars (\$100) per month.

§ 70103. Powers and Duties of Board.

In addition to any other duties and powers granted by this Chapter, the Contractors License Board *shall*:

(a) Grant licenses to contractors pursuant to this Chapter;

(b) Make, amend *or* repeal such rules and regulations as it may deem proper to fully effectuate this Chapter and carry out the purpose thereof, which purpose is the protection of the general public. All such rules and regulations *shall* be adopted pursuant to the Administrative Adjudication Law. The rules and regulations may forbid acts *or* practices deemed by the Board to be detrimental to the accomplishment of the purpose of this Chapter. The rules and regulations may require contractors to make reports to the Board containing such items of information as will better enable the Board to enforce this Chapter and rules and regulations, *or* as will better enable the Board from time to time to amend the rules and regulations more to fully effectuate the purposes of this Chapter. The rules and regulations may require contractors to furnish reports to owners containing such matters of information as the Board deems necessary to promote the purpose of this Chapter. The enumeration of specific matters which may properly be made the subject of rules and regulations *shall not* be construed to limit the Board's general power to make all rules and regulations necessary to fully effectuate the purpose of this Chapter;

(c) Enforce this Chapter and rules and regulations adopted pursuant thereto;

(d) Suspend *or* revoke any license for any cause prescribed by § 70116 *or* for any cause for suspension *or* revocation prescribed by the rules and regulations, and refuse to grant any license for any cause which would be grounds for revocation *or* suspension of a license;

(e) Publish and distribute pamphlets and circulars containing such information as it deems proper to further the accomplishment of the purpose of this Chapter; and

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(f) Contract professional testing services as deemed necessary to prepare, administer, and grade applicant examinations as may be required for the purpose of this Chapter.

§ 70104. Executive Director; Other Assistants.

(a) The Contractors License Board *shall* employ an Executive Director. The Executive Director *shall* be employed with due regard to his *or* her fitness, thorough administrative ability and knowledge of and experience in the business of contracting. The Executive Director *shall* act only with the advice and consent of the Board and *shall* be responsible to the Board. The Executive Director *shall* devote his *or* her entire time to the duties of the office and *shall not* be actively engaged *or* employed in any other business, vocation *or* employment, *nor* have any pecuniary interest, direct *or* indirect, in any contracting enterprise *or* enterprises conducted *or* carried on within the Territory.

(b) The Executive Director *shall*, under the supervision of the Board, administer this Chapter and the rules and regulations and orders established thereunder and perform such other duties as the Board may require; *shall* attend but *not* vote at all meetings of the Board; and *shall* be in charge of the offices of the Board and responsible to the Board for the preparation of reports and the collection and dissemination of data and other public information relating to contracting.

(c) The Board may, by written order filed in its office, delegate to the Executive Director such of its powers *or* duties as it deems reasonable and proper for the effective administration of this Chapter, *except* the power to make rules *or* regulations. The delegated powers and duties may be exercised by the Executive Director in the name of the Board.

(d) Subject to the Personnel Law, the Executive Director may employ and remove such administrative and clerical assistants as may be required, and prescribe their powers and duties.

§ 70105. Place of Meeting.

The Executive Director *shall* provide suitable quarters for meetings of the Contractors License Board and for the transaction of its other business.

§ 70106. Classification.

(a) For the purpose of classification, the contracting business includes any *or* all of the following branches:

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- (1) General Engineering Contracting;
- (2) General Building Contracting;
- (3) Specialty Contracting; and
- (4) Responsible Management Employee (R.M.E.).

(b) A *General Engineering Contractor* is a contractor whose principal contracting business is in connection with fixed works requiring specialized engineering knowledge and skill, including the following divisions *or* subjects: irrigations, drainage, water power, water supply, flood control, inland waterways, harbors, docks and wharves, shipyards and ports, dams and hydroelectric projects, levees, river control and reclamation works, highways, streets and roads, tunnels, airports and airways, sewer, sewage disposal plants and systems, waste reduction plants, bridges, overpasses, underpasses and other similar works, pipelines and other systems for the transmission of petroleum and other liquid *or* gaseous substances, parks, playgrounds and other recreational works, refineries, chemical plants and similar industrial plants requiring specialized engineering knowledge and skill, powerhouses, power plants and other utility plants and installations, mines and metallurgical plants, land leveling and earth-moving projects, excavating, grating, trenching, paving and surfacing work and cement and concrete works in connection with the above-mentioned fixed works.

(c) A *General Building Contractor* is a contractor whose principal contracting business is in connection with any structure built, being built *or* to be built, for the support, shelter and enclosure of persons, animals, chattels *or* movable property of any kind, requiring in its construction the use of more than two (2) unrelated building trades *or* crafts, *or* to do *or* superintend the whole *or* any part thereof.

(d) A *Specialty Contractor* is a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades *or* crafts.

(e) A *Responsible Management Employee* is an individual responsible for the direct management of the contracting business of the licensee and has proved contracting knowledge by both written examination, as administered by the Board, and the fulfillment of requirements, as stated in Part II Section 2.2 of the Guam Contractors License Board Rules and Regulations.

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§ 70107. Powers to Classify and Limit Operations.

(a) The Contractors License Board may adopt rules and regulations necessary to effect the classification of contractors and *shall* require a written examination in a manner consistent with established usage and procedure as found in the construction business, and may limit the field and scope of the operations of a licensed contractor to those in which the licensed contractor is classified and qualified to engage, as defined in § 70106.

(b) A licensee may make application for classification and be classified in more than one (1) classification *if* the licensee meets the qualifications prescribed by the Board for such additional classification. For qualifying *or* classifying in additional classifications, the licensee *shall* pay the appropriate application fee but *shall not* be required to pay any additional license fee.

(c) This Section *shall not* prohibit a specialty contractor from taking and executing a contract involving the use of two (2) *or* more crafts *or* trades, *if* the performance of the work in the crafts *or* trades, other than in which the specialty contractor is licensed, is *less than* thirty-five percent (35%) and supplemental to the performance of work in the craft for which the specialty contractor is licensed.

§ 70108. Licenses Required.

No person within the purview of this Chapter *shall* act, *or* assume to act, *or* advertise, as general engineering contractor, general building contractor *or* specialty contractor without a license previously obtained under and in compliance with this Chapter and the rules and regulations of the Contractors License Board.

§ 70108.1. Advertising.

(a) A Contractor may advertise in print *or* broadcast medium *only if* the contractor includes in the advertisement *or* listing the contractor's applicable and current license number, and provides proof of the number's validity to the publisher *or* producer of the advertising medium. Violation of this Section may be subject to the provisions of § 70116 and/or § 70121.

§ 70109. Investigation Permitted.

The Contractors License Board may investigate, classify and qualify applicants for contractor's licenses, and investigate for compliance with the

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rules and regulations of the Board and the provisions of this Chapter.

§ 70109.1. Investigation Citation Authority.

(a) In addition to any other remedy available, the investigator of the Contractors License Board may issue citations to acting contractors, licensed *or* unlicensed, in violation of the provisions of this Chapter and rules promulgated.

(b) Each citation *shall* be in writing and *shall* describe the basis of the citation, including the statutory provisions alleged to have been violated. The citation *shall* also contain an order to cease and desist from the violation, and an assessment of civil penalties *no less than* Two Hundred Dollars (\$200) but *not to exceed* fifty percent (50%) of the value of the project.

(c) Recipients of contractual work *shall* be notified of each violation in a timely manner.

§ 70109.2. Immediate Cease Work Order Permitted.

The investigator may issue an immediate cease work order to any person's construction activity where serious safety concerns are present.

§ 70109.3. Cease Work Order Permitted.

The Executive Director may issue a cease work order to any person's construction activity *if* found to be in violation of this Chapter and/or of any Contractors License Board rules and regulations.

§ 70110. No License Issued When.

No license hereunder *shall* be issued to:

(1) Any person unless said person has filed an application and paid the applicable fees therefore;

(2) Any person who *does not* possess a good reputation for honesty, truthfulness, financial integrity and fair dealing;

(3) Any co-partnership *or* joint venture who *does not* actively participate in at least one (1) construction job in the course of the license year in the contracting business and thereof *does not* hold an appropriate license;

(4) Any corporation, unless the contracting business thereof is under the direct management of an officer *or* employee thereof, and

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unless the officer *or* employee holds an appropriate Responsible Management Employee license;

(5) Any individual, unless eighteen (18) years of age *or* more; and

(6) Any person who employs other individuals as employees unless satisfactory proof is submitted by the person of a current workers' compensation insurance policy.

§ 70111. Application: Fees.

(a) Every applicant for a license under this Chapter *shall* file an application with the Contractors License Board in such form and setting forth such information as may be prescribed *or* required by the Board, and *shall* furnish such additional information bearing upon the issuance of the license as it *shall* require. Every application *shall* be sworn to before an officer authorized to administer oaths. In the case of a co-partnership, joint venture *or* corporation, any member *or* officer thereof may sign the application and verify the same on behalf of the applicant.

(b) Every application, in the case of an individual, *shall* be accompanied by sworn certificates of *not less than* two (2) persons who have known the applicant for a period of *not less than* six (6) months certifying that the applicant bears a good reputation for honesty, truthfulness and fair dealings.

(c) Every application for a license hereunder *shall* be accompanied by an application fee of Fifty Dollars (\$50.00)

§ 70112. Form of Licenses.

The form of every license *shall* be prescribed by the Contractors License Board and *shall* be issued in the name of the Board.

§ 70113. Place of Business and Posting of License.

A licensed contractor *shall* have and maintain a definite place of business in the Territory and *shall* display therein a personal contractor's license.

§ 70114. Fees; Annual.

(a) The annual fees for each license thereof prescribed by this Chapter *shall* be as follows:

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- (1) License Fee
 - License to act as specialty contractor.....\$400
 - License to act as general engineering contractor \$400
 - License to act as general building contractor..... \$400
- (2) License Fee for Responsible Management Employee (RME)
 - License to act as RME in specialty Contracting...\$400
 - License to act as RME in general engineering contracting\$400
 - License to act as RME in general building contracting..... \$400
- (3) Reissuance of a license or issuance of a certified copy of license \$20
- (4) Application:\$50
- (5) Application for Additional Classifications \$50
- (6) Letter of Good Standing \$50
- (7) Study Guide\$75
- (8) Inactive license fee (in lieu of renewal fee)\$50
- (9) Exam Fee..... \$50

(b) The annual fee *or* inactive license fee *shall* be paid on *or* before June 30 of each year for a license year beginning on July 1. Failure, neglect *or* refusal of any licensee to pay the annual fee before such date *shall* constitute a forfeiture of license. Any such license may be restored upon written application, therefore, within one (1) year from such date and the payment of the required fee plus an amount equal to ten percent (10%) thereof.

(c) Upon written request by a contractor, and for good cause, the Board *shall* place an active license in an inactive status. The license, upon payment of the annual inactive license fee, may continue inactive for a period of three (3) years after which time it must be reactivated *or shall* automatically become forfeited. The license may be reactivated at any time within the three (3)-year period by fulfilling the requirements for renewal, including the payment of the appropriate renewal fee.

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§ 70115. Action on Application.

Within forty-five (45) days after the filing of a proper application for a license and the payment of the required fees, the Contractors License Board *shall*:

(a) Conduct an investigation of the applicant and in such investigation may post pertinent information, including, but *not limited to*, the name and address of the applicant, and *if* the applicant is associated in any partnership, corporation *or* other entity, the names, addresses and official capacities of associates; and

(b) Either issue a license to the applicant *or* else notify the applicant in writing by registered mail of the Board's decision *not* to grant the license and specifically notify applicant of the right to have a hearing within fifteen (15) days from the receipt of the Board's decision. The hearing *shall* be conducted in accordance with § 70117.

§ 70116. Revocation, Suspension and Renewal of Licenses.

(a) The Contractors License Board may revoke any license issued hereunder, *or* suspend the right of the licensee to use such licenses, *or* refuse to renew any such license for any of the following causes:

(1) Conviction of any felony *or* misdemeanor involving moral turpitude;

(2) Any dishonest *or* fraudulent *or* deceitful act as a contractor which causes a substantial damage to another;

(3) Pursuing a continued and flagrant course of misrepresentation *or* of making false promises through advertising *or* otherwise;

(4) Abandonment of any construction project *or* operation without reasonable *or* legal excuse;

(5) Willful departure from *or* willful disregard of plans *or* specifications in any material respect without consent of the owner *or* ~~his~~ duly authorized representative, which is prejudicial to a person entitled to have the construction project *or* operation completed in accordance with such plans and specifications;

(6) Willful violation of any law of the Territory *or* of any political subdivision thereof, relating to building, including any violation of any applicable rule *or* regulation of the Department of

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Public Health, *or* of any applicable safety *or* labor law;

(7) Failure to make and keep records showing all contracts, documents, records, receipts and disbursements by a licensee of all ~~his~~ transactions as a contractor for a period of *not less than* three (3) years after completion of any construction project *or* operation to which the records refer *or* to permit inspections of such records by the Board;

(8) When the licensee being a co-partnership *or* a joint venture permits any member of such co-partnership *or* joint venture who *does not* hold a license to actively participate in the contracting business thereof;

(9) When the licensee being a corporation permits any officer *or* employee of such corporation who *does not* hold a license to have the direct management of the contracting business thereof;

(10) Misrepresentation of a material fact by an applicant in obtaining a license;

(11) Failure of a licensee to complete in a material respect any construction project *or* operation for the agreed price *if* such failure is without legal excuse;

(12) Willful failure in any material respect to comply with this Chapter *or* the rules and regulations promulgated pursuant thereto;

(13) Willful failure *or* refusal to prosecute a project *or* operation to completion with reasonable diligence;

(14) Willful failure to pay when due a debt incurred for services of materials rendered *or* purchased in connection with ~~his~~ operations as a contractor when the individual has the ability to pay *or* when the individual has received sufficient funds therefor as payment for the particular operation for which the services *or* materials were rendered *or* purchased;

(15) The false denial of any debt due *or* the validity of the claim therefor with intent to secure for licensee, employer *or* other person, any discount of such debt *or* with intent to hinder, delay *or* defraud the person to whom such debt is due;

(16) Failure to secure *or* maintain workmen's compensation insurance;

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(17) Knowingly entering into a contract with an unlicensed contractor involving work *or* activity for the performance of which licensing is required under this Chapter; *or*

(18) When the Responsible Management Employee and/or the majority stockholders have, under another corporate *or* company structure, caused the non-payment of employees wages and/or the abandonment of alien workers to become a burden on the Government.

(19) Willful failure to pay when due a debt *or* penalty incurred for damaging a public utility operated by the Guam Power Authority, the Guam Telephone Authority *or* the Guam Waterworks Authority and the Department of Public Works.

(20) Knowingly taps into any power, water, sewer line, *or* facility belonging to the Guam Power Authority and/or the Guam Waterworks Authority without first obtaining permission through the established service rules and regulations of each respective governmental agency.

(b) *No* license *shall* be suspended for longer than two (2) years and *no* person whose license is revoked *shall* be eligible for a new license until the expiration of two (2) years.

(c) For purposes of this Section, the Contractors License Board in cooperation and in conjunction with the Department of Public Works, Department of Revenue and Taxation and the Department of Labor may have investigative powers for purposes of carrying out the intent of this Section.

§ 70117. Hearings.

(a) In every case where it is proposed to refuse to grant a license *or* to revoke *or* suspend a license *or* to refuse to renew a license, the Contractors License Board *shall* give the person concerned notice and hearing in conformity with the Administrative Adjudication Law. The notice *shall* be given in writing by registered *or* certified mail with return receipt requested *at least* fifteen (15) days before the hearing.

(b) In all proceedings before it, the Board, and each member thereof, *shall* have the same powers with respect to administering oaths, compelling the attendance of witnesses and the production of documentary evidence and examining witnesses as are possessed by circuit judges at chambers. In case of disobedience by any person of any order of the Board, *or* any member thereof, *or* any subpoena issued by it, *or* the person, *or* the refusal

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of any witness to testify to any matter regarding which the individual may be questioned lawfully, any judge of the Superior Court, on application by the Board thereof, *shall* compel obedience as in the case of disobedience of the requirements of a subpoena issued by the Superior Court, *or* a refusal to testify therein.

§ 70118. Appeal to Superior Court.

An applicant who has been refused a license and every licensee whose license has been suspended, revoked *or not* renewed may appeal the Contractors License Board's decision to the Superior Court in the manner provided in the Administrative Adjudication Law.

§ 70119. Disposition of Fees, Refunds.

(a) Notwithstanding the Central Accounting Act, all fees and money collected under the provisions of this Chapter *shall* be deposited in a special fund known as the *Contractors License Board Fund*. This Fund *shall* be kept in a bank licensed to do business on Guam and funds *shall* be paid out only upon a request for payment *or* requisition submitted by the Executive Director *or* its personnel and countersigned by the Chairman of the Board. All monies in this Fund *shall* require legislative appropriation.

(b) The Board may request the Treasurer of Guam to have any fee erroneously paid to it under this Chapter refunded when the Board deems it just and equitable.

§ 70120. Death *or* Dissociation.

No co-partnership, joint venture *or* corporation *shall* be deemed to have violated any provision of this Chapter by acting *or* assuming to act as a contractor after the death *or* dissociation of a licensee who had the direct management of the contracting business thereof prior to final disposition by the Contractors License Board of an application for a license made within thirty (30) days from the date of the death *or* dissociation.

§ 70121. Violation, Penalty.

Any person who violates *or* omits to comply with any of the provisions of this Chapter *shall* be fined an amount *no less than* Two Hundred Dollars (\$200) but *not to exceed* fifty percent (50%) of the value of the project.

§ 70122. Injunction.

The Contractors License Board may, in addition to any other remedies

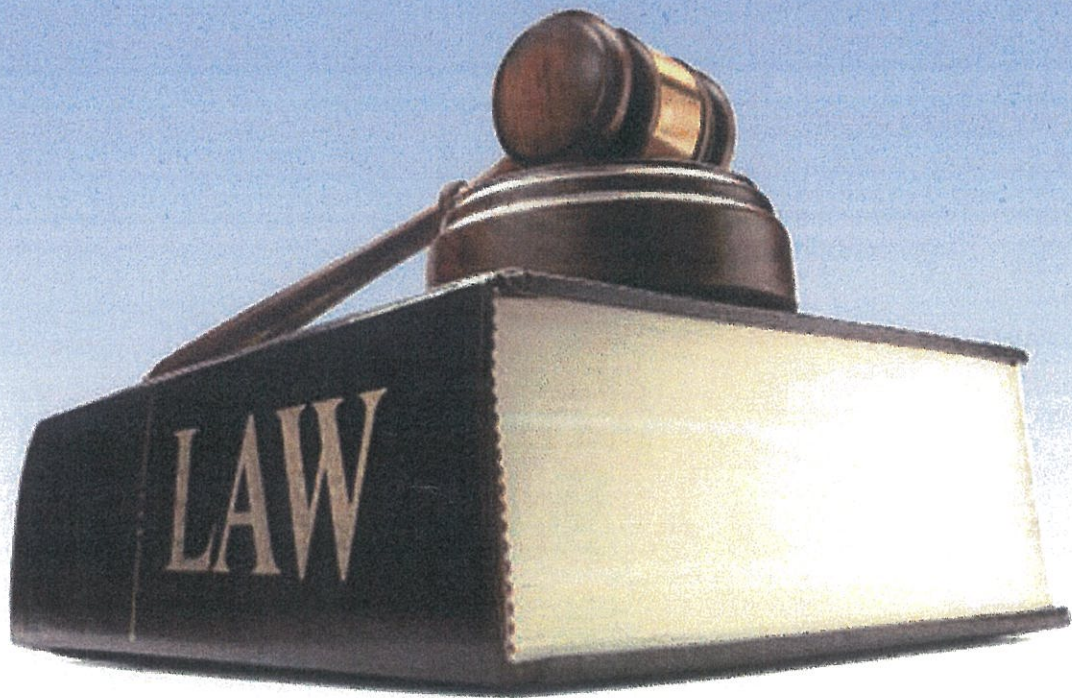
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available, apply to a judge of the Superior Court for a preliminary *or* permanent injunction restraining any person from acting *or* assuming to act *or* advertising as general engineering contractor, general building contractor *or* specialty contractor, without a license previously obtained under and in compliance with this Chapter and the rules and regulations of the Board and upon hearing and for cause shown, the judge may grant the preliminary *or* permanent injunction.

§ 70123. Exemptions for Prior Licensees.

Any contractor who obtained a valid contractor's license under the existing license statute prior to July 1, 1977, *shall* be *exempt* from the provisions of this Chapter relative to application, investigations and examinations. Any contractor with a valid license issued prior to July 1, 1977, with a classification different from those enumerated in § 70106, *shall* be automatically placed in the appropriate classification without the necessity of complying with the application, investigation and examination provisions of this Chapter. All other provisions *shall* apply.

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CONTRACTORS LICENSE BOARD

RULES AND REGULATIONS

PART I

AUTHORITY AND PURPOSE OF REGULATIONS, EXEMPTION, ENFORCEMENT

- 1.1 **AUTHORITY.** Authority to promulgate Rules and Regulations by the Contractors License Board is found in Section 10503 (b), Chapter VII, Title XI of the Government Code of Guam, as enacted by Public Law 14-51 (Bill 140). All references hereinafter to "Board" are to the Contractors License Board.
- 1.2 **PURPOSE OF LAW PROTECTION, SAFETY OF PUBLIC.** The Board interprets the primary intent of the Legislature in creating the Board to be the protection of the public health, safety and general welfare in dealing with persons engaged in the construction industry, and the affording to the public of an effective and practical protection against the incompetent, inexperienced, unlawful and unfair practices of contractors with whom they may contract. All rules, regulations or orders adopted by the Board shall be interpreted and construed in light of the policies announced herein.
- 1.3 **EXEMPTIONS.** These rules and regulations exempt those persons and projects identified in Section 10501 of the Government Code of Guam.

EXEMPTIONS FOR PRIOR LICENSES. Any contractor who obtained a valid contractors license with the then existing license statute prior to July 1, 1977 shall be exempted from provisions of this Chapter relative to application, investigation and examination. Any contractor with a valid license issued prior to July 1, 1977 with a classification different from those enumerated in Section 10506, Government Code of Guam, shall be automatically placed in the appropriated classification without the necessity of complying with the application, investigation and examination provisions of this Chapter. All other provisions shall apply providing, however, that Public Works endorsement, if prior to July 1, 1977 or license if on or after July 1, 1977 has not lapsed.

EXEMPTIONS FOR RESPONSIBLE MANAGEMENT EMPLOYEE. Any Responsible Management Employee that was registered under the Department of Public Works prior to July 1, 1977 shall be exempted from provisions of this regulation and this Chapter, Title XI, as enacted by Public Law 14-51 relative to application, investigation and examination. All other provisions shall apply providing, however, that Public Works endorsement, if prior to July 1, 1977 or license if on or after July 1, 1977 has not lapsed.

- 1.4 **VIOLATION AND PENALTY.** Any persons who violates, or omits to comply with any of the provisions of these rules and regulations or this Chapter shall be fined not more than TEN THOUSAND DOLLARS (\$10,000).
- 1.5 **INJUNCTION.** The Board may, in addition to any other remedies available, apply to a Judge of the Superior Court of Guam for a preliminary and/or permanent injunction restraining any person from acting or assuming to act or advertise as a General Engineering Contractor, General Building Contractor or Specialty Contractor without a licensee previously obtained under and in compliance with this Chapter and the rules and regulations of the Board. Upon hearings and for cause shown, the Judge may grant the preliminary and/or permanent injunction.

PART II

DEFINITIONS

- 2.1 **DIRECT MANAGEMENT OF THE CONTRACTING BUSINESS** as used in these rules and regulations means the general supervision of the construction projects undertaken by the licensee, the control of technical and administrative decisions, personnel management, the review of construction contracts and enforcing compliance with all laws and regulations affecting the contracting business.
- 2.2 **RESPONSIBLE MANAGEMENT EMPLOYEE.** A "Responsible Management Employee" means the

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individual responsible for the direct management of the licensee's shall not be deemed to have the direct management of the licensee's contracting business unless he is:

- (A) A bona fide employee principally employed by the licensee provided, however, that an individual may be a Responsible Management Employee for more than one firm if:
 - (1) There is a common ownership of at least fifty-one percent (51%) of the equity of each, for which he acts as Responsible Management Employee; or
 - (2) Each additional firm for which he acts as Responsible Management Employee is a subsidiary of or joint venture of the first; or
 - (3) There is a direct family relationship between the Responsible Management Employee and the Officers of each additional firm for which he acts as the Responsible Management Employee; or
 - (4) Notwithstanding (1), (2) and (3) above, there is a maximum limitation of three companies for which he may act as a Responsible Management Employee (RME) provided he pays for each RME license for each company. (Amended August 11, 1988)
- (B) In a position to secure full compliance with the rules and regulations as set forth by the Board.
- (C) Familiar with all contracts the firm enters into and is responsible for all contract provisions. To verify such familiarity, the Responsible Management Employee shall sign or initial all contracts.
- (D) Familiar with all projects the firm undertakes and is responsible for enforcement of record keeping of such projects, such records to include amount of time the Responsible Management Employee spends with the firm and payroll record of the Responsible Management Employee.
- (E) In residence in the Territory of Guam during the period in which the license is in effect or during the period a project is under construction.

2.3 EMPLOYEE. "Employee" means an individual who, with wages as his sole compensation, works under the supervision of an employer who is liable for paying his social security, unemployment and workmen's compensation contributions on behalf of the employee.

2.4 OWNER-BUILDER. "A person who undertakes an operation for himself" means a person who builds a structure on his own premises for his own personal needs, with no intent to sell, rent or lease such structure to someone else and which structure is not for use by the general public.

2.5 HOME IMPROVEMENT AND RENOVATION CONTRACTING. "Home Improvement and Renovation Contracting" means undertaking or holding oneself out as being able to undertake directly or indirectly renovation, remodeling, repairing or otherwise improving a residential property for compensation.

2.6 HOME IMPROVEMENT AND RENOVATION SALESMAN.

- (A) "Home Improvement and Renovation Salesman" means an individual who, as a representative of a home improvement contractor, solicits for or negotiates a home improvement contract.
- (B) Any individual representing more than one principal or acting on his own behalf as a home improvement and renovation salesman shall be treated for all purposes hereunder as a contractor and shall be required to hold a proper license.

CONTRACTORS LICENSE BOARD RULES AND REGULATIONS

PART III PROCESSING LICENSE APPLICATIONS

- 3.1 APPLICATION FORM FOR CONTRACTORS LICENSE. All applications for an original contractor's license shall be made in writing upon a form to be prescribed by the Board, which form shall be designed to seek from the applicant the following information:
- (A) A complete statement of the general nature of the applicant's contracting business;
 - (B) If the applicant is an Individual, his name and address; if a Partnership, the names and addresses of all partners, and the names and addresses of the Responsible Management Employee(s); if a Corporation, the names and addresses of the Responsible Management Employee(s) and all officers; if a Joint Venture, the names and addresses of the Employee(s). For the purpose of this article, any person(s) in any of the capacities set forth in this rule shall be deemed to be members of the personnel of applicant.
 - (C) A record of previous experience of applicant and applicant's Responsible Management Employee(s) in the field of construction. Designated the projects associated with by name, size, location and title of position held.
 - (D) Application in the case of an individual shall be accompanied by sworn certificates of not less than two (2) persons who have know the applicant for a period of not less than six (6) months, certifying that the applicant bears a good reputation for honesty, truthfulness and fair dealings.
 - (E) Nothing contained herein shall be construed to limit the Board's authority to seek from the applicant such other information pertinent to the character, experience and past and future methods of doing business as may be deemed necessary to determine the applicant's qualifications.
- 3.1 INDIVIDUAL LICENSES REQUIRED. Responsible Management Employee must be licensed. The Corporation, Partnership or Joint Venture which employs him must be also licensed as a contractor. Home Improvement and Renovation Salesman falling under Part II, 2.6 of these rules and regulations must be licensed.
- 3.2 MANAGEMENT OF APPLICANT TO FURNISH INFORMATION. An Officer, Director or Partner of an applicant shall furnish the information requested in the prescribed application form.
- 3.4 SIGNING AND VERIFICATION OF APPLICATIONS. Every Application for contractors' licenses shall be signed by the individual applying if applicant is an individual; if a Partnership, by a copartner; if a Corporation or Joint Venture, by its President or its authorized representative; and by all other persons concerning whom information is given in the application form. All persons signing the application shall swear to the truth of the statements contained therein before a notary public. Evidence of the authority of authorized representative of a Joint Venture or Corporation shall be filled with its application.
- 3.5 EXHIBITS REQUIRED. Every applicant shall be required to furnish the Board with the following documents:
- (A) If the applicant is an individual, sworn certificates of not less than two (2) persons who have known the applicant bears a good reputation for honesty, truthfulness and fair dealings.
 - (B) Not less than three (3) certificates in support of experience qualifications as set forth hereinafter in PART IV, Section 4.1 – 4.3.

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- (C) A current credit report on the individual applicant, on each partner and the Responsible Management Employee or Partnerships; on each member of the Responsible Management Employee of a Joint Venture; and on the Corporate entity and the Responsible Management Employee of a Corporation.
- (D) Proof of financial solvency, (Bank letter of credit attesting to solvency or financial statement from the Bank).
- (E) Evidence that applicant has obtained workmen's compensation insurance.
- (F) Evidence, upon the Board's request, that an individual applicant is of age of twenty (20) years or more.

3.6 REJECTION OF APPLICATIONS.

- (A) The Board shall reject any application which is insufficient or incomplete; or where the applicant has failed to satisfy the Board that the applicant:

- (1) demonstrates a record of integrity of fair dealings and fulfillment of prior contracts and possesses or demonstrates reasonable availability of adequate finances and facilities to undertake and successfully complete a contractual project.

- (2) is qualified by experience for the license sought.

- (B) The Board is empowered to deny approval of any application wherein the applicant is found to have violated regulatory statutes of any governmental agency of which violations demonstrate the lack of moral or professional integrity necessary to fulfill contract responsibilities. The Board will further reject the application if review of the record of the applicant reveals that the applicant was denied or had a license revoked by any regulatory agency for professional misconduct.

- (C) An application for an original contractors license will be automatically rejected when:

- (1) the applicant or Responsible Management Employee for the applicant, after having been notified to do so, fails to appear for the examination on the date notified.

- (2) the applicant or Responsible Management Employee for the applicant fails the examination and, after having been notified to do so, fails to appear for re-examination on the date notified;

- (3) the applicant, after having been notified to do so, fails to comply with any of the requirements in these rules and regulations or as may be established by the Board, within thirty (30) days from date of notification.

- (D) An application rejected pursuant to these provisions shall remain in possession of the Board for a time to be determined by the Board and shall not be returned.

3.7 WHEN A JOINT VENTURE REQUIRES A LICENSE.

- (A) No further licensing is required when all parties to the Joint Venture submit evidence to the Board that they hold current licenses.
- (B) If the Joint Venture, itself, is licensed, none of the parties in the Joint Venture are required to be licensed.

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3.8 CLASSIFICATION OF LICENSE FOR JOINT VENTURE.

The Board shall issue a license to a Joint Venture for the classification in which one of its members thereof is licensed.

**PART IV
EXPERIENCE QUALIFICATIONS**

4.1 EXPERIENCE REQUIREMENT. Every individual applicant must have had, within the past ten (10) years immediately preceding the filing of an application, not less than four (4) years experience as a foreman, supervising employee or contractor in the particular field of contracting in which the applicant intends to enlarge as a contractor. Corporations, Partnerships and Joint Venture must qualify through a Responsible Management Employee who meets these experience requirements.

4.2 POWER OF THE BOARD TO APPROVE OTHER EXPERIENCE. The Board in its discretion, may approve certain technical training or business administration training as acceptable experience, but in no case will such training count as more than one (1) year experience.

4.3 POWER OF THE BOARD TO ACCEPT EQUIVALENT KNOWLEDGE. The Board in its discretion, may accept any reasonably equivalent knowledge, training or experience of the applicant in lieu of a specific experience requirement if, upon investigation, it makes a detailed finding to that effect.

**PART V
FEES AND REFUNDS**

5.1 DISPOSITION OF FEES AND REFUNDS.

(A) All fees received by the Contractors License Board under this Chapter shall be deposited by the appointed agent of the Treasurer of Guam with the Treasurer of Guam. Annually, when the amount paid into the 'CONTRACTORS LICENSE BOARD FUND' equals the amount appropriated to the Board, any additional receipts during the remainder of the fiscal year shall be paid into the 'GENERAL FUND'.

(B) The Board may request the Treasurer of Guam to have any fee erroneously paid to it under this Chapter refunded when the Board deems it just and equitable.

5.2 APPLICATION FEE.

Every application for a license hereunder shall be accompanied by an application fee of FIFTY DOLLARS (\$50.00).

5.3 ANNUAL FEE.

(A) The annual fee for each license thereof prescribed by this Chapter shall be as follows:

License Fees for Contractor's License:	
(1) License to act as General Engineering Contractor.....	\$400.00
License to act as General Building Contractor.....	\$400.00
License to act as Specialty Contractor	\$400.00

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- (2) License Fee for Responsible Management Employee (RME)
 - License to act as RME in General Engineering Contractor \$400.00
 - License to act as RME in General Building Contractor \$400.00
 - License to act as RME in Specialty Contractor..... \$400.00
- (3) Reissuance of a license or issuance of a certified copy of license..... \$20.00
- (4) Application for additional classification
(Fee shall be charged for each application. More than one classification
may be requested on a single application without additional fee)..... \$50.00
- (5) Inactive License fee (in lieu of renewal fee)..... \$20.00

- (B) The annual fee or inactive license fee shall be paid on or before June 30th of each year for license year beginning on July 1st. Failure, neglect or refusal of any licensee to pay the annual fee before such date shall constitute a forfeiture of his license. Any such license may be restored upon written application therefore within one (1) year from such date and the payment of the required fee plus an amount equal to ten percent (10%) thereof.
- (C) Upon written request by a contractor and for good cause the Board shall place an active license in an inactive status. The license, upon payment of the annual inactive license fee, may continue inactive for a period of three (3) years after which time it must be reactivated or shall automatically become forfeited. The license may be reactivated at any time within the three-year period by fulfilling the requirements for renewal; including the payment of the appropriate renewal fee.

5.4 POWER OF THE BOARD TO PRORATE LICENSING FEES.

- (A) The Board established a pro-rate schedule on its licensing fees for new contractors and new Responsible Management Employee(s) on a quarterly basis:

FIRST QUARTER	(July, August, September).....	\$400.00
SECOND QUARTER	(October, November, December)	\$300.00
THIRD QUARTER	(January, February, March).....	\$200.00
FOURTH QUARTER	(April, May, June).....	\$100.00

PART VI CLASSIFICATIONS

6.1 ALL CONTRACTORS CLASSIFIED.

All persons heretofore or hereinafter licensed under these rules and regulations will be classified by the Board into one or more classifications and/or sub-classifications as follows:

General Engineering Contractor "A" License
 General Building Contractor..... "B" License
 Specialty Contractor..... "C" License

- (A) GENERAL ENGINEERING CONTRACTOR:
More than two (2) unrelated heavy construction trades or crafts including but not limited to the following:

Asphalt, Paving & Surfacing

File Driving & Foundation

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Cement Concrete
Concrete Paving & Surfacing
Classified Specialties
Demolition
Excavating, Grading & Trenching
Fencing
Gunite
Housing & Building Moving & Wrecking
Landscaping

Pest Control
Post Tension/Prestress
Reinforcing Steel
Septic Tank Sewage
Sewage; Disposal
Drain; Cement Pipe Laying
Stone Masonry
Structural Steel
Water Proofing
Welding

(B) GENERAL BUILDING CONTRACTOR:

More than two (2) unrelated building trades or crafts including but not limited to the following:

Acoustical Tile
Aluminum Roofing & Siding
Cabinet & Millwork
Carpentry Framing
Carpet Laying
Cement Concrete
Concrete Paving & Surfacing
Demolition
Drywall
Fencing
Floor Covering
Glazing
Gunite
House & Building Moving & Wrecking
Institutional & Commercial Equipment
Insulation
Landscaping
Lift Slab
Limited House Improvement & Renovation
Masonry
Masonry
Ornamental Metal

Painting & Decorating
Pest Control
Pile Driving & Foundation
Plastering
Post Tension/Prestress
Prefabricated Steel Building
Reinforcing Steel
Roofing
Septic Tank
Sheet Metal
Spray, Texture Coating
Stone Masonry
Structural Steel
Swimming Pool
Tile
Water Proofing
Welding
Wood Flooring
Wood Shingle & Shake
Classified Specialties

(C) SPECIALTY CONTRACTOR:

This classification shall not prohibit a specialty contractor from taking and executing a contract involving the use of two (2) or more crafts or trades, if the performance of the work is less than thirty-five percent (35%) and supplemental to the performance of work in the craft for which the specialty contractor is licensed.

Acoustical Tile
Aluminum Shingle & Siding
Asphalt Paving & Surfacing
Boiler, Hot Water Heating & Steam Fitting
Cabinet & Millwork
Carpentry Framing
Carpet Laying
Cement Concrete

Masonry
Ornamental Metal
Painting & Decorating
Pest Control
Pile Driving & Foundation
Plastering
Plumbing
Post Tensioning/Prestress

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Concrete Paving & Surfacing	Prefabricated Steel Building
Demolition	Reconditioning Concrete Water & Sewer Lines
Drywall	Refrigeration
Electrical	Reinforcing Steel
Electrical Pole & Line	Roofing
Electrical Sign	Sewer; Sewage Disposal Drain;
Electronic System	Cement Pipe Laying
Elevator Installation	Sheet Metal
Excavating, Grading & Trenching	Solar
Fire & Burglar Alarm	Spray, Texture Coating
Fire Protection	Structural Pest Control
Floor Covering	Structural Steel
Glazing	Swimming Pool
Gunite	Tile
House & Building Moving & Wrecking	Warm Air Heating, Ventilating & Air Conditioning
Institutional & Commercial Equipment	Water Chlorination
Insulation	Water Proofing
Landscaping	Welding
Lathing	Well Drilling
Lift Slab	Wood Flooring
Limited House Improvement & Renovation	Wood Shingle & Shake
	Classified Specialties

(D) DEFINITIONS OF SUB-CLASSIFICATIONS:

- C-1 Acoustical Tile Contractor:** A specialty contractor whose contracting business is the execution of the contracts requiring the ability to execute preparatory work necessary to bring surfaces to a condition where acoustical tile can be laid and to lay such tile by the use of adhesive or other acceptable installation media and to install metal suspension members and place acoustical materials for suspended ceilings.
- C-2 Aluminum Shingle & Siding Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to install aluminum shingles and siding so that an acceptable water-tight surface is obtained.
- C-3 Asphalt Paving & Surfacing Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently proportion, mix and place paving and surfacing consisting of graded mineral aggregates bonded with asphalt or bituminous materials so that a firm, smooth surface suitable for roadways, runways and parking areas is obtained.
- C-4 Boiler, Hot Water Heating & Steam Fitting Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently install fire-tube and water-tube power boilers and hot water heating boilers, including all fitting and piping, valves, gauges, pumps, radiators, convectors, fuel/oil tanks, fuel/oil lines, chimneys, fuels, heat insulation and all other devices, apparatus and equipment pertinent thereto.
- C-5 Cabinet & Millwork Contractor:** A specialty contractors whose contracting business is the execution of contracts requiring the ability to intelligently cut, surface, join and frame work and wood products into cabinets, cases, sash, doors, trim, non-bearing partition and such other mill products as are by the custom and usage accepted in the building and construction industry as cabinet and millwork. Included is the placing and finishing in buildings of such cabinet and millwork.
- C-6 Carpentry Framing Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently do carpentry framing. Such work to include floor framing and siding, roof framing including wood truss, roof sheathing and such other work as is by custom and usage accepted in the construction industry as carpentry framing. This classification

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- also includes work of the C-58 (Wood Flooring Contractor).
- C-7 Carpet Laying Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently prepare floor surfaces to a condition where acceptable fabric floor covering can be laid thereon and to lay such covering.
- C-8 Cement Concrete Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently proportion and mix aggregates, cement and water to make acceptable concrete and to pour, place and finish same, including the placing and setting of screens and forms for driveways and sidewalks. Excluded in this classification is the work covered by classification C-10 (Paving & Surfacing Contractor)
- C-9 Septic Tank Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to excavate and install septic tanks in compliance with the requirements of the Department of Public Health.
- C-10 Concrete Paving & Surfacing Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently proportion, mix and place paving and surfacing consisting of graded mineral aggregates bonded with cement so that a firm, smooth surface suitable for roadways, runways and parking areas is obtained.
- C-11 Demolition Contractor:** A specialty contractor business is the execution of contracts requiring the ability to intelligently demolish all types of buildings or structures and to remove all of such building or structure from the premises on which it was built.
- C-12 Drywall Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently install gypsum wallboard systems and sheathing; to tape and fill joints and indentation of wallboard with simulated acoustic or gypsum texture. This classification does not include work performed by classification C-33 (Painting) and C-36 (Plastering) Contractors.
- C-13 Electrical Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to place, install, erect or connect any electrical wires, fixtures, appliances, apparatus, raceways or conduits and lines which transmit, transform or utilize electrical energy.
- C-13 A Pole & Line Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to dress, ground, and anchor and erects poles designed to carry electrical wires and to connect and string electrical wires and fixtures and apparatus to and between such poles. C-13 (Electrical Contractor) is a pre-requisite to obtaining this classification.
- C-14 Electrical Sign Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently fabricate, install and erect electrical signs.
- C-15 Electronic System Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently install, maintain, repair and service electronic equipment and electronic controls for public address, intercommunication, master antenna and music distribution systems. Electronic controls include those controls in conjunction with other specialty contracting work.
- C-16 Elevator Installation Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently fabricate, install and erect sheaves beams motors, sheaves, cable and wire rope, guides, cab, counter weight, doors (including sidewalk elevator doors), hydraulic systems, automatic and manual controls, signal systems, and all other devices, apparatus and equipment appurtenances for the usage and efficient installation and operation of electrical, hydraulic and manually-operated elevators.
- C-17 Excavating, Grading & Trenching Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently dig, move and place earthen materials for a cut, fill, grade or trench, including the used of explosive in connection therewith.
- C-18 Fencing Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently assemble, fabricate and install metal fencing and gates.
- C-19 Fire & Burglar Alarm Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently install, maintain and require fire and burglar alarm systems.

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- C-20 Fire Protection Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently layout, fabricate and install approved types of fire prevention and protection systems including all mechanical apparatus, devices, piping and equipment appurtenances thereto except electrical devices, apparatus and wiring which shall be installed by specialty contractors in the classifications C-13 or C-15. The licensee shall have the ability to comply with applicable provisions of the NBFU Standards to meet all requirements of the local authorities having jurisdiction.
- C-21 Floor Covering Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently prepare floor surfaces to a condition where he can lay acceptable flooring with the use of linoleum, rubber, vinyl, cork, asphalt, plastic aluminates or such other materials as are by custom and usage in the construction industry known as composition flooring.
- C-22 Glazing Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently cut glass and to glaze frames, panels, sash and doors. It shall also include fabrication and installation of shower doors, tub enclosures, metal жалousies, store front metal and trim plastics, tempered glass doors including such items as frames and hardware and any allied products not stipulated above but affiliated with the glass and glazing industry.
- C-23 Gunite Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently proportion and mix aggregates, cement and water and to pneumatically apply and finish the mix including the setting of ground wires and pencil rods to establish the finished surface planes.
- C-24 House & building Moving and Wrecking Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently raise and underpin buildings so that alteration, additions, repairs and new sub-structures may be built under the permanently retained portions of such building and to move or wreck buildings provided; however, that wrecking shall be limited to those buildings which could otherwise be moved in whole or not more than three sections.
- C-25 Institutional & Commercial Equipment Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently install laboratory equipment, food services equipment, folding and sliding partitions, stationary metal partitions, and such other equipment and materials as are by custom and usage accepted in the construction industry as institutional and commercial equipment work. Excluded is the work done by classification C-13 (Electrical) and C-37 (Plumbing) Contractors.
- C-26 Insulation Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently install any insulating media in buildings and structures for the sole purpose of temperature control.
- C-27 Landscaping Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently prepare plots of land for architectural horticulture and to provide decorative treatment and arrange gardens, lawns, shrubs, vines, bushes, trees and other decorative vegetation; construct conservatories, hot and green houses, drainage and sprinkler systems and ornamental pools, tanks, fabricate and place garden furniture, statuary and monuments in connection therewith.
- C-28 Lathing Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently apply wood and metal lath, or any other materials which provide a key or suction base for the support of plaster-coating; including the light gauge metal shapes for the support of metal or other fireproof lath.
- C-29 Lift Slab Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently lift or lower concrete slabs or prefabricated steelwork, in a vertical dimension, into predesignated positions through the use of jacks.
- C-30 Limited Home Improvement & Renovation Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently perform the carpentry work to remodel and/or to make repairs to existing building or structures and to do any other work which would be incidental and supplemental to such remodeling or repairing. This contractor

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- shall be licensed only for contractors not exceeding Three thousand Five Hundred Dollars (\$3,500).
- C-31 Masonry Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently select, cut, and lay brick and other baked clay products, rough stone, cut and dressed stone, artificial stone and pre-case blocks, structural glass brick or block, laid at random or in courses with or without mortar.
- C-32 Ornamental Metal Contractor:** A specialty contractor, whose contracting business is the execution of contracts requiring the ability to intelligently cast, cut, shape, stamp, forge, weld, braze, solder, and fabricate any metal used in the building construction industry for the architectural treatment and ornamental decoration of buildings and structures. Excluded in this classification is the work done by classification C-44 (Sheet Metal Contractor) and C-48 (Structural Steel Contractor).
- C-33 Painting & Decorating Contractor:** A specialty contracting business is the execution of contracts requiring the ability to intelligently prepare surfaces, including the taping of joints in wallboard, and to apply acceptable finishes thereon with the used of paints, varnishes, shellacs, stains, fillers, waxes and any other vehicles and materials that may be mixed and applied as finish to surfaces of buildings including texture coating and coverings.
- C-34 Pest Control Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring a practical knowledge of the life cycles, habits and habitat of insects or pests in wood to enable him to determine where the insects or pests are and the proper method to use in ridding a building of such insects or pests. Excluded in this classification is the work done by classification C-47 (Structural Pest Control Contractor).
- C-35 Pile Driving & Foundation Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently drive pilings of wood, concrete or steel to cut off same and prepare pilings for permanent foundations.
- C-36 Plastering Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently prepare mixtures of sand, gypsum, plaster, quicklime or hydrate lime and water, or materials to create a permanent surface coating; including coloring for same, and to apply such mixtures by use of a plasterer's trowel, brush or spray gun to any surface which offers a mechanical key for the support of such mixture, or to which such mixture will adhere by suction; and to apply lath or any other material that will provide a base for such mixture.
- C-37 Plumbing Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently install water supply piping systems, waste water piping systems and fuel gas piping systems; within such structures and works where people or animals live, work and /or assemble.
- C-38 Post Tensioning Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently apply compression to concrete structures or various components by the use of steels, bars or wires and to bring such bars or wires to proper tension after the structures or components are built or placed.
- C-39 Reconditioning Concrete Pipeline Contractor:** A specialty contractor business is the execution of contracts requiring the ability to intelligently recondition or restore concrete water or sewer lines through the use of manually or machine applied grout.
- C-40 Refrigeration Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently construct, erect and install devices, machinery and units including Tempe ration insulation units, ducts, blowers, registers, humidity and thermostatic controls for the control of air temperature below fifty degrees Fahrenheit in refrigerators, refrigerator rooms and insulated refrigerator spaces.
- C-41 Reinforcing Steel Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently fabricate, place and tie still reinforcing bars (rods) of any profile, perimeter or cross section, that are or may be used to reinforce concrete buildings and structures.
- C-42 Roofing Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently prepare surfaces and apply a water-tight covering to such surfaces with the use of any or all of the following: asphalt, pitch, tar, felt, glass, fabric, flax,

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- composition, shingles, roof tile, slate and such other materials that are established by use and costumed as suitable for a water-tight cover. Included in this classification are the work performed by a C-55 (Waterproofing) contractor. Excluded in this classification is the work performed by classification C-2 (Aluminum Roofing & Siding) or C-59 (Wood Shingle & Shake) Contractors.
- C-43 Sewer, Sewage Disposal, Drain, Cement Pipe Laying Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently fabricate concrete and masonry sewers, sewage disposal, and drain structures, packaged sewer disposal plants, sewage lift stations, septic tanks and appurtenances thereto; to lay iron, steel, concrete, vitreous and non-vitreous pipe; including the excavation, grading, trenching, backfilling, paving and surfacing in connection therewith.
- C-44 Sheet Metal contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently cut, shape, fabricate and install sheet metal such as ornices, flashings, gutters, ladders, rainwater downspout, pand, kitchen equipment, duct work and metal flues.
- C-45 Spray texture Coating Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently prepare surfaces and apply acceptable texture coating finishes. Excluded in this classification are the works performed by classification C-33 (Painting & Decorating) and C-36 (Plastering) Contractors.
- C-46 Stone Masonry Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently select, cut and dress stone, and to construct ornamental walls, veneer walls and structure walls or columns from such stones; to lay stone in such manner that an acceptable paved surface is obtained and to construct stone retaining walls with or without mortar, sufficient in strength and weight to retain the earth which it was built to retain.
- C-47 Structural Pest Control Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the practical knowledge of the life cycles, habits and habitats of wood-destroying insects and household pests; the ability to destroy same and to intelligently repair any damage resulting from such insects and pests. Included in these classifications is the work performed by classification C-34 (Pest Control) Contractor.
- C-48 Structural Steel Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently fabricate and erect structural steel shapes, bars, rods and plated of any profile, perimeter or cross-section that are or may be used as structural members for buildings and structures, including riveting, bolting, welding and rigging in connection therewith.
- C-49 Swimming Pool Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to construct swimming pools with the use construction industry trades as are necessary for the construction of such pools.
- C-50 Tile Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to prepare a base upon which ceramic and other tile work, including all pseudo ceramic tile products, will adhere by suction or by adhesive and to install such tiles.
- C-51 Warm Air Heating, Ventilating & Air Conditioning Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently fabricate and install warm air heating and cooling systems, complete air conditioning systems, except those air conditioning systems requiring refrigeration as an integral part of he system.
- C-52 ----- OMITTED -----**
- C-53 Solar Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to place, install and erect apparatus for heating, water heating, air conditioning, refrigeration or other devices powered by solar energy or conversion of solar energy to electromotive forces used or to be used for specialties listed in Public Law 14-51 or these Rules & Regulations. Pre-requisites for the classification are: C-13 (Electrical), C-37 (Plumbing), C-40 (Refrigeration) & C-51 (Warm Air Heating, Ventilating & Air Conditioning).
- C-54 Water Chlorination Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to chlorinate water lines so that tests approved by the Department

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- of Public Health show that water in such lines meet the standard of that department and is acceptable by the Department of Public Health.
- C-55 Waterproofing Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently apply felt, flax, glass, asphaltum, pitch, latex or other materials or any combination for any thereof to surfaces to prevent, hold, keep and stop water vapor from penetrating and passing such materials.
- C-56 Welding Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently use gases and electrical energy or other heating media, fluxes and metal rods to cause materials to become fused or jointed together.
- C-57 Well Drilling Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring some practical knowledge for geology, hydrology, the occurrence of water in the ground, water levels in wells; the prevention of surface and sub-surface contamination and pollution of the ground-water supply; and the ability to intelligently bore, drill, excavate, and cover ground surfaces as necessary to complete the work.
- C-58 Wood Flooring Contractor:** A specialty contractor whose contracting business is the execution of contracts requiring the ability to intelligently law and repair wood floor and to finish such floors by sanding, filling and sealing.
- C-68 Classified Specialist:** A specialty contractor whose operations as such is in the performance or construction work requiring special skills and whose contracting business involves the use of specialized building trades in crafts not listed above and who meets the standards set by the board for such classification.

TEMPORARY CLASSIFICATIONS under C-68: The Contractors License Board (CLB) temporarily classifies the following list of specialist under C-68 in accordance to Part IV of the CLB Rules and Regulations.

****ABOVE/UNDERGROUND FUEL TANK INSTALLATION & FUEL LEAK MONITORING:**
A specialty contractor who installs and/or removes above/underground fuel storage tanks up to 20,000 gallons which have been or are to be used for dispensing gasoline, diesel fuel, waste oil or kerosene (no chemicals). This work involves the installation and/or removal of all incidental tank related piping, electrical work, including the installation of vapor probes in back fill areas of the tanks and any associated calibration work, including but not limited to the testing and adjustment of leak detection and vapor recovery equipment, such as automatic tank gauges, leak line detectors, vapor recovery lines, and in-station diagnostics. This contractor also performs work on pumps hoists, or other related equipment for facilities such as, but not limited to, service stations.

****AIR QUALITY CONTROL & AIR EMISSION TECH:** Air Quality Control & Air Emission Contractor test and monitors air quality with modern instruments for the control of air pollution. This classification includes the testing of air for the protection of high pollution levels in the air. This Contractor must be certified with the proper local and or federal governments.

****ALGAE REMOVAL:** Algae Removal Contractor uses approved chemicals and other equipment to safely remove algae from but not limited to pools, ponds, tanks and other areas where algae may grow. Including the maintenance and prevention of algae growth.

****ASBESTOS ABATEMENT OR REMOVAL:** Asbestos Abatement or Removal Contractor engages in any activity involving the enclosure, removal, encapsulation, renovation, repair, demolition, or other disturbances of asbestos or asbestos-containing material that may become friable. This Contractor must follow any/all local and or federal government laws regarding Asbestos Abatement or Removal.

****CATHODIC PROTECTION:** Cathodic Protection Contractor performs the work of controlling the corrosion of a metal surface by plating it with another, more corrosive metal, the more corrosive

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metal surface the cathode of an electrochemical cell. This method is used to protect metal structures from corrosion.

****COMMUNICATIONS/TELECOMMUNICATIONS:** A Communications/Telecommunications Contractor installs, services, repairs and maintains all types of communication. These systems include, but are not limited to telephone systems, sound systems, cable television systems, closed-circuit video systems, satellite dish antennas, computer repair, computer networking and data systems. Including the associated cabling, wiring, or fiber optics.

****CRANE/CRANE LIFTING/RENTAL:** Crane/Crane Lifting/Rental Contractor uses a crane to raise, lower, cribs, underpins and moves or removes structures, including their foundations, this classification also allows the contractor to rent the crane.

****EPOXY COATING/INJECTION:** Epoxy Coating/Injection Contractor prepares concrete for the application of epoxy coating/epoxy injection.

****GARAGE DOOR INSTALLATION (Doors and Windows Shutters):** Garage Door Installation Contractor installs, services, repairs and maintains all types of residential, commercial or industrial mechanical, overhead and sliding garage doors, including installation of window shutters which involves similar installation methods.

****GENERATOR MAINTENANCE, GENERATOR & SHELTER INSTALLATION:** Generator Maintenance, Generator & Shelter Installation Contractor installs, services, repairs and maintains all types of residential, commercial or industrial generators. This classification does not include construction of buildings for the shelter of the generators.

****GUARD RAILING (Now under C-18 Fencing and Guard Railing):** Fencing and Guard Railing Contractor assembles, fabricates, installs, services, repairs and maintains metal fencing, gates, handrails and guard rails.

****HORIZONTAL DIRECTIONAL DRILLING:** Horizontal Directional Drilling Contractor does sub-surface trenchless drilling for the installation of underground utilities.

****LEAD / LEAD BASE PAINT - ABATEMENT/REMOVAL:** Lead / Lead Base Paint Abatement/Removal Contractor test for possible lead / lead base paint contamination. More than one test may be required to ensure accuracy. Once the extent of contamination has been established, the contractor should determine the best method of abatement and all abatement alternatives should be considered. This contractor must follow any/all local and or federal government laws regarding Lead/Lead Base Paint - Abatement/Removal.

****LEAK DETECTION:** Leak Detection Contractor uses special equipment to find, indicate and locate leaks in water and fuel lines.

****MOLD REMEDIATION:** Mold Remediation Contractor identifies the extent of the mold hazard in a structure. Then removes or cleans contaminated materials in a way that prevents the emission of fungi and dust contaminated with fungi from leaving a work area and entering an occupied or non-abatement area, while protecting the health of workers performing the abatement. Including the maintenance and prevention of mold from reoccurring.

****ORDNANCE LOGISTICS SERVICES:** Ordnance is defined as military material such as combat weapons of all kinds with ammunitions and equipment required for their use. Ordnance includes all the things that make up a ship's or aircraft's armament - guns, ammunition and all equipment needed to control, operate and support the weapons. An ordnance logistics services contractor

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performs condition inspections, certifications, storage, inventory, segregation, packaging, surface transportation and loading/off-loading to/from vessels/aircraft of ordnance material or other associated material. Handling operations of these materials include the use of various industrial type of equipment to include, but not limited to mobile cranes, tractors, trailers fork trucks, top loaders, etc. All personnel directly involved in these operations must be qualified and certified through an explosive safety program and must adhere to all federal and local requirements and regulations.

****PAINTING & ROAD MARKING:** Painting & Road Marking Contractor prepares, but not limited to roadways, runways, driveways and parking areas for paint parking stripes, highway stripes or playcourt lines and install epoxy buttons or white dome dividers on highways.

****PIPE FITTING:** Pipe Fitting Contractor prepares, cut, fabricates and assembles pipe.

****ROCK CRUSHING / BLASTING:** Rock Crushing / Blasting Contractor prepares earthen material for crushing and preforming blasting work.

****SAND / WATER BLASTING:** Sand / Water Blasting Contractor uses the force of compressed air in conjunction with abrasive materials or water to clean or prepare surfaces for any protective, decorative and/or functional treatment.

****SHUTTER / TYPHOON SHUTTERS & BLINDS INSTALLATION (SHUTTER / TYPHOON SHUTTER AND WINDOW COVERING):** Shutter / Typhoon Shutters & Blinds Installation Contractor fabricates, maintains, repairs and installs decorative architectural functional window/glass or door covering products for the protection against Typhoon force winds and criminal intrusion products. Including but not limited to the following types of materials and fabrics that make up louvers, shutters, typhoon shutters, venetian and mini-blinds. Residential or commercial draperies, expanded metal, aluminum accordion and panel type, window and door shutters/ typhoon shutters.

****SIGN/SIGN INSTALLATION:** Sign / Sign Installation Contractor fabricates, maintains, repairs and installs all types of nonelectrical signs, including but not limited to, post or pole supported signs, signs attached to structures, painted wall signs and modifications to existing signs.

****SOLAR POWER SYSTEMS:** Solar Power Systems Contractor assembles and installs photovoltaic panels, batteries, controls and related low voltage D.C. Wiring.

****SOLAR ENERGY SYSTEMS:** Solar Energy Systems Contractor assembles, installs, maintains and repairs solar hot water systems in residential and commercial buildings and swimming pools, provided that this shall not include the installation of heat pumps or water heaters. To install solar heating and cooling systems in residential, commercial and industrial buildings.

****SOLAR HOT WATER SYSTEMS:** Solar Hot Water Systems Contractor assembles, installs, maintains and repairs collectors, storage vessels, controls, pumps and piping in connection therewith.

****SOLAR HEATING AND COOLING SYSTEMS:** Solar Heating and Cooling Systems Contractor installs, maintains and repairs solar heating and cooling systems; provided that all specialty work requiring a license is subcontracted to contractors licensed to perform that work.

****TRAFFIC LIGHTS:** Traffic Lights Contractor installs, services, maintains and repairs, traffic lights and lights for pedestrian traffic. This contractor must follow any/all local laws regarding Traffic Lights. A C-13 Electrical Contractor & C13A Pole and Line Contractor classifications are prerequisites to obtaining this classification.

CONTRACTORS LICENSE BOARD RULES AND REGULATIONS

****WATER TANKS:** Water Tank Contractor installs, maintains and repairs water storage tanks for the purpose of residential, commercial, agricultural and other related uses. Potable water tanks must meet National Sanitation Foundation (NSF) requirements for safe storage of drinking water. Electrical work if necessary must be done by specialty contractors in the classification C-13 Electrical Contractor. Plumbing work if necessary must be done by specialty contractors in the classification C-37 Plumbing Contractor.

****MISCELLANEOUS RETAIL PRODUCTS:** Miscellaneous Retail Products Contractor enters into contracts to install miscellaneous retail products sold by the licensee; provided that the installation work shall be subcontracted to and physically performed by appropriately licensed contractors. The licensee shall operate as a retailer at a fixed location; file a \$50,000 surety bond with the board; provide in-house financing; inform consumers that they do not physically perform the installation work and state that in all advertising; and be primarily responsible and liable for the actions of the other contractors performing the installation work. All Licensee's Contractors must be licensed with the proper classifications.

****PREFABRICATED STEEL BUILDING:** Prefabricated Steel Building Contractor installs, maintains and repairs, prefabricated steel buildings for but not limited to commercial, agricultural, industrial and residential use. The structure must meet all local government building codes. **A B, General Building Contractor classification is a prerequisite to obtaining this classification.**

****ELECTRICAL CABLE CASING**

****ELECTRICAL DECONTAMINATION**

****HAZWOPER**

****TOXIC MOLD REMEDIATION**

****TRANSMISSION TOWERS & SUB STATION PAINTING**

****UNDER WATER WORKS**

****WATER OIL ABATEMENT**

****REMOVAL OF HAZARDOUS MATERIALS**

****APPLIANCE SERVICES**

****JANITORIAL**

PART VII SCOPE OF CLASSIFICATION

7.1 GENERAL ENGINEERING, GENERAL BUILDING AND SPECIALTY CONTRACTORS.

- (A) A General Engineering Contractor is a contractor whose principal contracting business is in connection with fixed works requiring specialized engineering knowledge and skill including the following divisions and subjects: irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, docks and wharves, shipyards and ports, dams and hydro-electric projects; levees, tunnels, airports and airways, sewers and sewage disposal plants and systems, waste reduction plants, bridges, overpasses, underpasses and other similar works; pipelines and other systems for transmission of petroleum and other liquid or gaseous substances; parks, playgrounds and other recreational works; refineries; chemical plants and similar industrial plants requiring specialized engineering knowledge and skill; houses, power plants and other utility plants and

CONTRACTORS LICENSE BOARD RULES AND REGULATIONS

installations; mines, metallurgical plants, land leveling and surfacing work; and cement and concrete works in conjunction with the above mentioned fixed works.

- (B) A General Building Contractor is a contractor whose principal contracting business is in connection with any structure built, being built or to be built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind requiring in its construction the use of unrelated building trades or crafts or to do or superintend the whole or any part thereof.
- (C) A Specialty Contractor is a contractor whose operations as such are the performance of construction work requiring special skills and whose principal contracting business involves the use of specialized building trades or crafts or licensing to meet safety standards. Please note that plumbers; painters; carpenters; masonry; and ornamental decorations are examples of specialty contractors licensed with the Contractors License Board.
- (D) Any person who qualifies by written examination after the effective date of these rules for a contractors license in the general engineering contractor classification shall automatically be deemed to hold or be qualified for a license in the specialties listed under PART VI, Section 6.1, list A.

In addition, the general engineering contractor may install poles in all new poles lines and replace poles where circuits of 600 volts or less are involved; provided that framing, installation of the ground wires, insulators and conductors are performed by an electrical contractor holding C-13 classification.

- (E) Any person who qualifies by written examinations after the effective date of these rules for contractors license in the general building contractor classification shall automatically be deemed to hold or be listed under PART VI, Section 6.1, list B.
- (F) Any person who holds or qualifies for a specialty contractors license shall automatically be deemed to or be qualified for the sub-classification of his particular specialty.

7.2 LIMITATION OF CLASSIFICATIONS: All license classifications are subject to the following limitation:

- (A) A licensee classified as a general engineering contractor or as a general building contractor shall not act, assumed to act or advertise as a specialty contractor except in specialties for which he is licensed.
- (B) A general building contractor license entitles the holder to undertake a contract with one or more unrelated building trades or crafts.
- (C) A licensee classified as a specialty contractor shall not act, assume to act or advertise as a contractor in any classification(s) other than those in which he is licensed.
- (D) General building contractors and specialty contractors holding proper licenses need not have C-30, Limited Home Improvement and Renovation contractors license to engage in home improvement and renovation contracting in their own field.

7.3 WORK INCIDENTAL AND SUPPLEMENTAL.

Nothing contained in this article shall prohibit the performance of a contract in the classification in which any contractor is licensed by the Board.

7.4 ADDITIONAL CLASSIFICATION.

A Licensee may obtain additional classifications by filing an application and meeting the requirements regarding experience in the classification requested.

CONTRACTORS LICENSE BOARD RULES AND REGULATIONS

PART VIII EXAMINATIONS

8.1 EXAMINATION ON LAW AND RELATED SUBJECTS.

All applicants for an original contractors license shall be required to take and successfully pass a written examination designed to test the applicant's experience and general knowledge of the building, safety, health, labor and lien laws of the territory of the rudimentary administrative principles of the contracting business. This shall be called Examination, Part I.

8.2 EXAMINATION SUBJECT MATTER.

Separate specific written examinations shall be given for each classification in order to test the applicant's specialized knowledge in the field in which he desires to be licensed. This shall be called Examination, Part II.

8.3 KINDS OF EXAMINATION.

There shall be two (2) principal kinds of examinations: a "specific" examination which is the examination approved and prescribed for a particular classification and a "blanket" examination which is an examination approved and required for several or a group of classifications.

8.4 NEW EXAMINATIONS.

The Board shall from time to time as need arises cause new examinations to be prepared for several classifications for contractors.

8.5 FAILURE TO PASS EXAMINATION.

An examinee who fails to attain a passing grade or an examination for an original license may be given a re-examination within ninety (90) days without the necessity of reapplications or additional fee.

An applicant failing two (2) full testing cycles (original examination and re-examination) will be administered another examination in the same classification for a period of one (1) year immediately following the last re-examination administered.

At any time that re-examination is necessary, a letter will be addressed to the Board by the examinee. Re-examination will be administered upon arrival.

Applicants must then again file an original application which must meet all requirements of PART III of this Rules and Regulations and again be approved by the Board.

8.6 TIME AND PLACE OF EXAMINATION.

The Board shall set the time and place for the examination. The Board is authorized to select the examinations in the classification applied for from a list of examinations approved by the Board; fix the time to be allotted to examinees; and determine the manner and conditions under which the examination shall be given which shall be uniform for all applicants for a particular classification.

8.7 CREDITS OBTAINED.

All examination shall be in two (2) parts and shall be graded as follows:

CONTRACTORS LICENSE BOARD RULES AND REGULATIONS

PART I 50 CREDITS
PART II 50 CREDITS

A grade of seventy-five percent (75%) shall be the minimum passing grade for any examination. No examinee shall be deemed to have attained a passing grade unless he shall have attained a grade of not less than thirty-seven and one-half (37.5) credits in Part I and thirty-seven and one-half (37.5) credits in Part II. When an examinee shall have failed to attain a passing grade for either Part I or Part II of any examination, such examinee shall be required to submit to re-examination in that part where he failed.

8.8 WRITTEN EXAMINATION NOT REQUIRED.

No written examination shall be required of any applicant who shall have previously qualified by written examination within a period of four (4) years prior to his application; provided he applies for a license in the same classification for which the previous examination was given. The Board may waive the requirement for a written examination at its discretion for any applicant who has previously qualified by written examination.

8.9 TIME ELEMENT FOR EXAMINATION.

Upon arrival of his application, an applicant who is subject to examination must take such examination when notified or again file an original application for contractors license.

PART IX RENEWAL OF LICENSE

9.1 DATE FOR FILING.

The office of the Contractors License Board will clear and process all renewal applications received by April 20 of each year. All other renewal applications received after this date will be processed only after applicants have obtained clearances from: Department of Land Management; Department of Revenue and Taxation; Department of Labor and Department of Public Works.

9.2 FAILURE TO SUBMIT RENEWAL APPLICATION.

A renewal application must be made upon forms prescribed by the Board. Failure to apply for renewal on or before June 30th of each year shall automatically void a license and would require a licensee to submit an original application satisfying Part III of this Rules and Regulations.

9.3 PROPER FILING AUTHORIZES CONTRACTOR TO OPERATE.

The proper filing of a renewal application authorizes a contractor to continue operation until the actual issuance of the renewal license for the ensuing fiscal year; provided, the license of said applicant is not otherwise under suspension by reason of the decision of the Board in a disciplinary proceeding.

9.4 SUSPENSION.

No license which is under suspension by order of the Board or by operation of law shall be renewed until the suspension has been lifted and in such a case the filing of a renewal application form does not authorize operation as a contractor until the actual issuance of the renewal license.

CONTRACTORS LICENSE BOARD RULES AND REGULATIONS

9.5 BOARD MAY REFUSE TO RENEW.

The Board may refuse the issuance of a renewal license for failure or refusal on the part of the licensee to file the renewal application form prescribed by the Board or to comply with the rules and regulations as set forth by the Board.

9.6 BOND REQUIREMENT.

If an application is made for reinstatement of a suspended or revoked license as a result of violation of the Government Code of Guam, the Board may require as an added requirement for the reinstatement, proof of financial integrity such as a bond in an amount and under terms to be determined by the Board. The sum of any such bond shall be based on the magnitude of the operations of the applicant.

9.7 WAIVING A BOND.

The Board may waive the requirement of a bond where the applicant or licensee has made a full restitution to all parties injured, if any, as a result of the act for which his license was suspended or revoked.

9.8 PREVIOUS LICENSES.

A licensee originally endorsed prior to July 1, 1977 who meets all the requirements for the filing of his renewal application and who is otherwise entitled to the issuance of a renewal license shall not be required to take or pass an examination as a condition to the issuance of such renewal license.

9.9 RENEWAL APPLICATION MAILED.

Between the first (1st) and the fifteenth (15th) day of March each year, the Executive Secretary (Registrar) shall mail every licensee (except those under suspension) at his address of record with the Board, a renewal application form approved by the Board which form shall contain instructions to the licensee for the completion of the application and the conditions and requirements of a valid renewal shall be required to answer all questions in the approved renewal form as provided in Section 9.5 of this Part. The Board is not responsible for ensuring that the licensee applications are received by the applicants.

9.10 RENEWAL APPLICATION DATE.

To date upon which renewal application shall be deemed to be filed with the Board shall be the date of the postmark appearing upon the envelope containing the application, if sent by mail or by the item stamp marked thereon immediately upon receipt, if personally delivered.

9.12 CONDITIONS FOR RENEWAL LICENSE.

- (A) A renewal of license will not be made until the applicant establishes that he continues to have financial integrity which may be demonstrated by the absence of unpaid wage claims, mechanic's liens, material man's claims or unpaid tax assessments related to the activity for which the renewal is sought.
- (B) The applicant must show proof of financial solvency (bank letter of credit attesting to solvency or financial statement from the bank).
- (C) If at the time of renewal after examination of such materials as well as other information brought to its attention the Board has reasonable cause to believe that an applicant has not maintained satisfactory financial integrity, the Board shall, by registered mail, notify the applicant stating that the allegations upon which such a finding may be made and setting a place for Board's decision, an

CONTRACTORS LICENSE BOARD RULES AND REGULATIONS

applicant may continue to do business on his existing license subject to such action as may be taken by the Board to suspend the applicant's privilege of operation.

PART X REVOCATION, SUSPENSION AND LAPSE OF LICENSES

10.1 CAUSES FOR REVOCATION OR SUSPENSION.

- A. The Board may revoke any license issued hereunder, or suspend the right of licensee to use such licenses, or refuse to renew any such license for any of the following causes:
1. Conviction of any felony or misdemeanor involving moral turpitude;
 2. Any dishonest or fraudulent or deceitful act as a contractor which causes substantial damage to another;
 3. Pursuing a continued and flagrant course of misrepresentation or of making false promises through advertising or otherwise;
 4. Abandonment of any construction project or operation without reasonable or legal excuse;
 5. Willful departure from or willful disregard of plans or specifications in any material respect without consent of the owner or his duly authorized representative, which is prejudicial to a person entitled to have the construction project or operation completed in accordance with such plans and specifications;
 6. Willful violation of any law of the territory or of any political subdivision thereof, relating to building, including any violation of any applicable rule or regulation of the Department of Public Health, or of any applicable safety or labor law;
 7. Failure to make and keep records showing all contracts, documents, records, receipts and disbursements by a licensee of all his transaction as a contract for a period of not less than three (3) years after completion of any construction project or operation to which the records refer or permit inspections of such records by the Board;
 8. When the licensee being a copartnership or a joint venture permits any member of such copartnership or joint venture who does not hold a license to actively participate in the contracting business thereof;
 9. When the licensee being a corporation permits any officer or employee of such corporation who does not hold a license to have the direct management of the contracting business thereof;
 10. Misrepresentation of a material fact by an applicant in obtaining a license;
 11. Failure of a licensee to complete in a material respect any construction project or operation for the agreed price if a such failure is without legal excuse;
 12. Willful failure in any material respect to comply with this Chapter or the rules and regulations promulgated pursuant thereto;
 13. Willful failure or refusal to prosecute a project or operation to completion with reasonable diligence;

CONTRACTORS LICENSE BOARD RULES AND REGULATIONS

14. Willful failure to pay when due a debt incurred for services of materials rendered or purchases in connection with his operations as a contractor when he has the ability to pay or when he has received sufficient funds therefore as payment for the particular operation for which the services or materials were rendered or purchased;
15. The false denial of any debt due or the validity of the claim therefore with intent to secure for license, his employer or other person, any discount of such debt or with intent to hinder, delay or defraud the person to whom such debt is due;
16. Failure to secure or maintain workmen's compensation insurance;
17. Knowingly entering into a contract with an unlicensed contractor involving work or activity for the performance of which licensing is required under this Chapter;
18. When the Responsible Management Employee and/or the majority stockholders have, under another corporate or company structure, caused the non-payment of employees wages and/or the abandonment of alien workers to become a burden on the Government; or
19. Upon certification of failure of payment of taxes by the Department of Revenue and Taxation.

- (B) No license shall be suspended for longer than two (2) years and no person whose license is revoked shall be eligible for a new license until the expiration of two (2) years. At such time, an original application shall be submitted to the requirements of PART III of this Rules and Regulations.

10.2 HEARINGS AND APPEALS.

- (A) In every case where it is proposed to refuse to grant a license or to revoke or suspend a license or to refuse to renew a license, the Board shall give the person concerned notice and hearing conformity with the Administrative Adjudication Law. The notice shall be given in writing by certified mail with return receipt requested at least fifteen (15) days before the hearing.
- (B) In all proceeding before it, the Board and each member thereof shall have the same owners respecting administering oaths, compelling attendance of witnesses and the production of documentary evidence and examining witnesses are possessed by circuit judges at chambers. In case of disobedience by any person of any order of the Board or any member thereof or any subpoena issued by it or him or the refusal of any witness to testify to any matter regarding which he may be questioned lawfully, any judge of the Superior Court on application by the Board thereof shall compel obedience as in the case of a issued by the Superior Court or refusal to testify therein.
- (C) An applicant who has been refused a license and every licensee whose license has been suspended, revoked or not renewed may appeal the Board's decision to the Superior Court in the manner provided in the Administrative Adjudication Law.

10.3 NOTICE DUE CONTRACTORS LICENSE BOARD UPON DEATH, DISSOCIATION OR DISABILITY.

- (A) A licensee whose contracting business is under the direct management of an RME shall within thirty (30) days of death, dissociation or disability of such RME to notify the Board of such death, dissociation or disability. If notice is given, the license shall remain in force for a reasonable length of time, not less than thirty (30) days from such death or dissociation to be determined by the Board.
- (B) Disability includes any situation which the direct management of licensee's contracting business is no longer under the control of RME.

CONTRACTORS LICENSE BOARD RULES AND REGULATIONS

- (C) Failure of the licensee to notify the Board within thirty (30) days shall result in the license being automatically suspended without a hearing. The license may be reinstated when the licensee qualifies another individual as his RME.

10.4 BOARD JURISDICTION TO PROCEED.

The lapsing or suspension of a license by operation of law, by order or decision of the Board or a court of law, or by the voluntary surrender of a license by the licensee shall not deprive the Board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such license or to render a decision suspending or revoking such license.

PART XI OWNERSHIP AND MANAGEMENT OF LICENSE

11.1 LICENSE NON-TRANSFERABLE.

A license issued by the Board shall not be transferable. No licensee shall permit his contracting business to be under the direct management of an unlicensed RME.

11.2 CHANGE IN MANAGEMENT PERSONNEL.

Any change in the management personnel of the licensee as listed in the licensee's most recent application shall be reported to the Board within ten (10) days of such change.

PART XII DISCLOSURE TO OWNERS BY HOME IMPROVEMENT AND GENERAL BUILDING CONTRACTS

12.1 DISCLOSURE TO OWNERS.

Contractors engaging in home improvement, home building and renovation contracting shall, prior to obtaining a binding contract from the homeowner:

- (A) Disclose information pertaining to the contract and its performance which might mislead the homeowner to his detriment.
- (B) Provide homeowner with a copy of the contract form that will be used such copy to be the same on file with the Board.
- (C) Disclosure approximate percentage work to be subcontracted.
- (D) Disclosure whether bonded or not; if not, the extent of financial security available to assure performance of the contract.

PART XIII PLACE OF BUSINESS

13.1 PLACE OF BUSINESS.

No license shall be issued or renewed by the Board to any person excepting RME's who does not maintain a permanent place of business within the Territory wherein he may be served with notice, legal proceedings and wherein his license is prominently displayed.

CONTRACTORS LICENSE BOARD RULES AND REGULATIONS

13.2 CHANGE OF ADDRESS.

The licensee shall notify the Board of any change of address within thirty (30) days of such change.

PART XIV

REPORTS TO BOARD BY HOME IMPROVEMENT AND RENOVATION AND GENERAL BUILDING CONTRACTORS

14.1 REPORTS TO BOARD.

All contractors, including general building contractors engaged in home improvement and renovation shall maintain with the Board a current file containing the following:

- A. The form of contract he uses in his business. This form shall provide a clear statement of:
 - 1. Amount of Contract;
 - 2. Date of work is to commence and number of days for completion;
 - 3. Work to be performed and materials to be used;
 - 4. Approximate percentage of work to be sub-contracted; and
 - 5. Must provide a clear statement of the risk of loss of any payments made a salesman (printed in distinct capital letters next to the owner's signature line).

- B. A list of salesmen employed by the contractor and kept current by the contractor. Salesmen so listed shall be recognized as representing the contractor to each contract they negotiate. A contractor obtaining work through a salesman not listed as his employee may be held in violation of these rules and regulations.

- C. Signatures of the licensee, his RME, if any and all salesmen who are listed as being employed by the licensee.

PART XV

RESPONSIBILITY FOR GOOD WORKMANSHIP

15.1 RESPONSIBILITY OF GOOD WORKMANSHIP.

No licensee may, by failing to prepare written specification or otherwise, relieve himself or attempt to relieve himself of the responsibility of good workmanship.

15.2 IDENTIFICATION DISPLAY.

All contractors must display a sign and building permit on all building project sites identifying the licensee performing the project, title of the project, licensee's phone number, etc. (Amended 2/29/88).

PART XVI

CONFLICT WITH LEGISLATIVE ACT

16.1 CONFLICT WITH LEGISLATIVE ACT.

Any part of this Rules and Regulations may be deleted if in conflict with Chapter VII, Title XI as enacted in Public Law 14-51.

CONTRACTORS LICENSE BOARD RULES AND REGULATIONS

PART XVII ADDENDA

17.1 POWER OF THE BOARD TO ISSUE PROVISIONAL LICENSE.

- A. The board may issue a provisional license provided the applicant submits a written request for the license agreeing to comply with any condition the Board may establish for the licensee, including the provision that the license may be withdrawn at any time with hearing upon determination by the Board that the holder of the license has violated thereof or is otherwise not acting in the best interest of the public in the holder's construction business.
- B. The provisional license will only be issued by the Board when:
 - 1. The applicant has not met all requirements for the issuance or renewal of a license but the Board determines it to be in the best interest of the public to issue or renew the license on a provisional or conditional basis.
 - 2. The licensee has committed an act which may be ground for the revocation, suspension, or refusal to renew the license under Section 10516 of the Government Code of Guam, but the Board, in lieu of revoking, suspending, or refusing to renew the license, determines it to be in the best interest of the public to have the licensee retain the license on a provisional or conditional basis.
 - 3. Under other circumstances in which the Board determines it to be in the best interest of the public that a person be issued a provisional license. Other circumstances apply to self-construction projects or operations costing \$1,000 or more.
- C. The applicant must have four (4) years of experience as a foreman supervising employees or contractors in the particular field of contracting in which the applicant intends to engage as a contractor with the provisional license and the requirements of workmen's compensation insurance for the license and the requirements of the workmen's compensation for the protection of the workers. The contractor or workers must file gross receipt tax with the Department of Revenue and Taxation and the Department of Labor.
- D. The provisional license shall be subject to the same requirements as the regular license. Converting the provisional license to full license shall be in effect for not more than a year. The person issued the provisional license must possess knowledge in general engineering or general building contracting.

17.2 POWER OF THE BOARD TO ISSUE (OPTIONAL) MASTER SPECIALTY LICENSE.

The Board may issue (optional) master specialty license for two (2) years at \$100 provided applicant has ten (10) years or more experience in his specialty trade, has passed the written test in his trade and the oral examination to be performed by the Board, and must not have any violation of Public Law 14-51 within the past five (5) years at the time of application. (Amended 2/29/88).

Senator Thomas C. Ada,
Vice Chairperson

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Terlaje,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telena C. Nelson,
Member



Senator Dennis G. Rodriguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member

Senator Mary C. Torres,
Member

COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR
 SIKRITARIAN LIHESLATURAN GUAHAN
 I MINA TRENTAI KUATTRO NA LIHESLATURAN GUAHAN
 LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

COMMITTEE REPORT CHECKLIST

Part 1 / 1

OVERSIGHT HEARING By Senator FRANK B. AGUON, JR. on August 2, 2017 with Guam Contractor's License Board (GCLB)		
(A) PUBLIC HEARING	(1) HEARING NOTICES SR §§ 6.04(a)(1) and 6.04(a)(2), Open Government Law (5 GCA, Ch. 8)	
	<input checked="" type="checkbox"/> (a) Five (5) working days prior (ALL Senators & ALL Media)	Date and Time of Notice: July 25, 2017 @ 12:49 p.m.
	<input checked="" type="checkbox"/> (b) Forty-eight (48) hours prior (ALL Senators & ALL Media)	Date and Time of Notice: July 31, 2017 @ 8:28 a.m.
	(2) Date and Time of Hearing: August 2, 2017 @ 10:00 a.m.	3) Location: Guam Congress Building, Public Hearing Room
(B) COMMITTEE REPORT	(1) Committee Report filed with COR? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Date & Time: 8/30/17 10:25 a.m.
	(2) COMMITTEE REPORT COMPONENTS	
	(a) Front Page Transmittal to Speaker	<input checked="" type="checkbox"/>
	(a)(1) COR Chair Signature Line	<input checked="" type="checkbox"/>
	(b) Title Page	<input checked="" type="checkbox"/>
	(c) Notice of Public Hearing & Other Correspondence	<input checked="" type="checkbox"/>
	(d) Public Hearing Agenda	<input checked="" type="checkbox"/>
	(e) Public Hearing Sign-in Sheet	<input checked="" type="checkbox"/>
	(f) Written Testimonies & Additional Documents	<input checked="" type="checkbox"/>
	(g) Committee Report Digest(s)	<input checked="" type="checkbox"/>
	(h) Related News Reports (optional)	<input checked="" type="checkbox"/>
(i) Miscellaneous (optional)	<input checked="" type="checkbox"/>	
(j) Committee Report Checklist(s)	<input checked="" type="checkbox"/>	
	Originals	<input checked="" type="checkbox"/>
	Single-Sided	<input checked="" type="checkbox"/>
	Letter Size	<input checked="" type="checkbox"/>
	No Staples/ Paper Clips	<input checked="" type="checkbox"/>
(C) COR Action	<input checked="" type="checkbox"/> CMTE Report duly filed <input type="checkbox"/> CMTE Report non-conforming for acceptance; Return to Committee	COR CHAIR (Signature, Date & Time) 8.30.17 11:00 a.m.

