

**I MINA 'TRENTA NA LIHESLATURAN GUÅHAN**  
**2009 (First) REGULAR SESSION**

Bill No. 25 (LS)

Introduced by:

J.V. Espaldan

**AN ACT TO REPEAL AND RE-ENACT CHAPTER 32 OF  
TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE  
PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND  
SURVEYORS (PEALS) LAW.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1.** Chapter 32 of Division 3, Title 22, Guam Code Annotated is repealed and re-enacted to read:

**“CHAPTER 32  
THE PROFESSIONAL ENGINEERS, ARCHITECTS  
AND LAND SURVEYORS LAW (PEALS)**

**§32101. NAME.** This ~~[title]~~ Chapter may be cited as the *Professional Engineers, Architects and Land Surveyors Law*.

**§32102. GENERAL PROVISIONS.** In order to safeguard life, health, and property, and to promote the public welfare, the practice of engineering, architecture and land surveying in Guam is hereby declared to be subject to regulation in the public interest. It shall be unlawful for any person to practice, or to offer to practice, engineering, architecture or land surveying in Guam as defined in the provisions of this ~~[Title]~~ Chapter, or to use in connection with his name or otherwise assume, or advertise any title or description tending to convey the impression that he is an engineer, an architect or land surveyor, unless such person has been duly registered or exempted under the provisions of this ~~[Title]~~ Chapter. The practice of engineering, architecture and land surveying shall be deemed a privilege granted by the territory through the Guam Board of Registration for Professional Engineers, Architects and Land Surveyors, based on the qualifications of the individual as evidenced by his certificate of registration which shall not be transferable.

**§32103. DEFINITIONS.**

(a) Engineer.

- (1) Engineer — The term *Engineer*, within the intent of this ~~[Act]~~ Chapter shall mean a person who, by reason of his special knowledge and use of the mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering.
- (2) Professional Engineer — The term *Professional Engineer*, as used in this ~~[Act]~~ Chapter, shall mean a person who ~~[has been]~~ is duly registered and licensed by the Guam Board of Registration for Professional Engineers, Architects and Land Surveyors as a Professional Engineer.
- (3) Professional Engineer, Emeritus — The term *Professional Engineer, Emeritus* as used in this Chapter, shall mean a person who is a *Professional Engineer, Retired*, and who is sixty five (65) years of age; and has been a resident of Guam for at least five (5) years; and has had no disciplinary action against him; and who applies to and

is approved by the Board to be granted the use of the honorific title, *Professional Engineer, Emeritus*.

- (4) Professional Engineer, Retired ---- The term *Professional Engineer, Retired* as used in this Chapter, shall mean a person who has been duly licensed as a professional engineer by the Board and who chooses to relinquish or not to renew a license and who applies to and is approved by the Board to be granted the use of the honorific title, *Professional Engineer, Retired*.

~~[(3)]~~(5) Engineer Intern — The term *Engineer Intern*, as used in this [Aet] Chapter, shall mean a person who complies with the requirements for education, experience and character, and has passed an examination in the fundamental engineering subjects, as provided in §32113 and §32115 of this [Aet] Chapter.

~~[(4)]~~ (6) Practice of Engineering — The term *Practice of Engineering*, as used in this [Title] Chapter, means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, expert technical testimony, evaluation, planning, design, ~~[construction management of engineering works and systems, planning the use of land and waters, engineering teaching of advanced engineering subjects or courses related thereto, engineering surveys, and the inspection of construction for the purpose of assuring compliance with drawings and specifications; any of which embraces such services or work either public or private, in connection with any utilities, structures, buildings, machines equipment, processes, work systems, or project and including such architectural work as may be incidental to the practice of engineering, industrial or consumer products or equipment of a control systems, communications, mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services.]~~ and design coordination of engineering works and systems, planning the use of land, air and water, teaching of advanced engineering subjects, performing engineering studies and the review and/or management of construction for the purpose of monitoring and/or ensuring compliance with drawings and specifications; any of which embraces such services of work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, communication systems, transportation systems, and industrial or consumer products, or equipment of a control systems, communications, mechanical, electrical, hydraulic, pneumatic, chemical, environmental or thermal nature, insofar as they involve safeguarding life, health, or property, and including such other professional services as may be necessary to the planning, progress, and completion of any engineering services.

Design coordination includes the review and coordination of those technical submissions prepared by others, including as appropriate and without limitation, consulting engineers, architects, landscape architects, surveyors, and other professionals working under the direction of the engineer.

A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this Chapter, who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents themselves to be a professional engineer, or through the use of some other title implies that they are a professional engineer or that they are licensed under this Chapter; or who hold themselves out as able to perform, or who does perform any engineering service

or work or any other service designated by the practitioner which is recognized as engineering.

(5)(7) Consulting Engineer — The term *Consulting Engineer*, as used in this [Title] Chapter, means a professional engineer whose principal occupation is the independent practice of engineering; whose livelihood is obtained by offering engineering services to the public; who services clients as an independent fiduciary; who is devoid of public, commercial and product affiliation that might tend to infer a conflict of interest; and who is cognizant of his public and legal responsibilities, and is capable of discharging them.

(b) Architect.

(1) Architect — The term *Architect*, as used in this [Aet] Chapter, shall mean a person, who by reason of his knowledge of the mathematical, and physical sciences, and the principles of architecture and architectural engineering acquired by professional education and practical experience is qualified to engage in the practice of architecture and who has been duly registered and licensed by the Guam Board of Registration for Professional Engineers, Architects and Land Surveyors as an Architect.

(2) Practice of Architecture — The term *Practice of Architecture*, as used in this [Title] Chapter, means any service or creative work, the adequate performance of which requires architectural education, training and experience and the application of the mathematical and physical sciences and the principles of architecture and architectural engineering to such professional services or creative work as consultation, investigation, evaluation, planning, design, construction management, [or] supervision or observation of construction for the purpose of assuring compliance with specifications and design in connection with any building which has as its principal purpose human occupancy or habitation, any other building, or any monument, structure, waterfront development, site development or project including topographic work, grading and engineering incidental to the performance of any architectural service or other services recognized by educational authorities as architecture.

(3) Registered Architect — The term *Registered Architect*, as used in this Chapter, shall mean [a] the person who has been duly registered and licensed by an Architect holding a current registration with the Guam Board of Registration for Professional Engineers, Architects and Land Surveyors as a Registered Architect.

(4) Architect Emeritus — The term *Architect Emeritus*, as used in this Chapter, shall mean a person who is an “Architect, Retired”; and who is sixty five (65) years of age; and has been registered on Guam for at least five (5) years; and has been a resident of Guam for at least five (5) years; and has had no disciplinary action against him; and who applies to and is approved by the Board to be granted the use of the honorific title, *Architect, Emeritus*.

(5) Architect, Retired — The term *Architect, Retired*, as used in this Chapter, shall mean a person who has been duly licensed as an Architect by the Board and who chooses to relinquish or not to renew a license and who applies to and is approved by the Board to be granted the use of the honorific title, *Architect, Retired*.

(c) Landscape Architect

(1) Landscape Architect — The term *Landscape Architect*, shall mean a person who has been duly registered/licensed by the Board to engage in the practice of landscape architecture in Guam.

(2) Practice of Landscape Architecture — The term *Practice of Landscape Architecture* means:

(a) Those who holds themselves out as able to perform professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and

1 specifications, and responsible supervision where the dominant purpose of such services is  
2 the preservation and enhancement of land uses and natural land features; the location and  
3 construction of aesthetically pleasing and functional approaches for structures, roadways,  
4 and walkways; and design for equestrian trails, plantings, landscape irrigation, landscape  
5 lighting, and landscape grading. This practice shall include the location, arrangements, and  
6 design of such tangible objects and features as are incidental and necessary o the purposes  
7 outlined herein. Nothing herein shall preclude a duly registered landscape architect from  
8 planning the development of land areas and elements used thereon or from performing any  
9 of the services described in this section in connection with the settings, approaches, or  
10 environment for buildings, structures, or facilities. A registered landscape architect shall not  
11 practice or offer to practice architecture or any branch of engineering.

12 (b) A person is considered to be practicing or offering to practice landscape architecture,  
13 within the meaning and intent of the law, who practices the profession of landscape  
14 architecture or who, by verbal claim, sign, advertisement, letterhead, card or in any other  
15 way represents themselves to be a landscape architect or through the use of some other title,  
16 implies that they are licensed or holds themselves out as able to perform or who does  
17 perform any landscape architecture service or work or any other service designated by the  
18 practitioner which is recognized as landscape architecture.

19 **(e)(d) Land Surveyor.**

20 (1) Land Surveyor — The term ‘Land Surveyor’, as used in this [Aet] Chapter, shall  
21 mean a person who is knowledgeable in the technique of measuring land, educated in the  
22 basic principles of mathematics, the related physical and applied sciences, and relevant  
23 requirements of law for adequate evidence and all requisite to the surveying of a real  
24 property and engaged in the practice of land surveying as herein defined. ~~and has been duly~~  
25 ~~registered and licensed by the Guam Board of Registration for Professional Engineers,~~  
26 ~~Architects and Land Surveyors as a Land Surveyor.~~

27 (2) Professional Land Surveyor — The term *Professional Land Surveyor*, as used in this  
28 [Title] Chapter, shall mean a person who ~~[has been]~~ is duly registered and licensed by the  
29 Guam Board of Registration for Professional Engineers, Architects and Land Surveyors as a  
30 Professional Land Surveyor, and who is a professional specialist in the technique of  
31 measuring land, educated in the basic principles of mathematics, the related physical and  
32 applied sciences, and the relevant requirements of law for adequate evidence and all requisite  
33 to surveying of real property, and engaged in the practice of surveying as herein defined.

34 (3) Professional Land Surveyor, Emeritus — the term *Professional Land Surveyor,*  
35 *Emeritus* as used in this Chapter, shall mean a person who is a professional land surveyor  
36 retired; and who is sixty five (65) years of age; and has been registered on Guam for at least  
37 five (5) years; and has been a resident of Guam for at least five (5) years; and has had no  
38 disciplinary action against him; and who applies to and is approved by the Board to be  
39 granted the use of the honorific title, *Professional Land Surveyor, Emeritus.*

40 (4) Professional Land Surveyor, Retired — the term *Professional Land Surveyor,*  
41 *Retired* as used in this Chapter shall be a person who has been duly licensed as a  
42 professional land surveyor by this Board and who chooses to relinquish or not to renew a  
43 license and who applies to and is approved by the Board to be granted the use of the  
44 honorific title, *Professional Land Surveyor, Retired.*

45 ~~{(3)}~~(5) Land Surveyor Intern — ~~[t]~~The term *Land Surveyor Intern*, as used in this  
46 [Title] Chapter, means a person who has qualified for, taken and passed the land surveyor  
47 intern examinations as provided in this [Title] Chapter.

1 [(4)] (6) Practice of Land Surveying — The term *Practice of Land Surveying*, as used in this  
2 [Title] Chapter, ~~[means any service or work, the adequate performance of which involves the~~  
3 ~~application of special knowledge of the principles of mathematics, the related physical and~~  
4 ~~applied sciences, and the relevant requirements of law for adequate evidence to the act of~~  
5 ~~measuring and locating lines, angles, elevations, natural and man-made features in the air, on the~~  
6 ~~surface of the earth, within the underground workings, and on the beds of bodies of water for~~  
7 ~~the purposes of determining areas and volumes, for the monumenting of property boundaries,~~  
8 ~~and for the platting and layout of lands and subdivisions thereof, including the topography,~~  
9 ~~alignment and grades of streets, and for the preparation and perpetuation of maps, record plats,~~  
10 ~~field note records and property descriptions that represent these surveys, including construction~~  
11 ~~management related services such as new construction layouts and post construction survey~~  
12 ~~verification of as built conditions of horizontal and vertical works.] shall mean providing, or~~  
13 offering to provide, professional services using such sciences as mathematics, geodesy, and  
14 photogrammetry, and involving both (1) the making of geometric measurements and gathering  
15 related information pertaining to the physical and or legal features of the earth, improvements on  
16 the earth, the space above, on, or below the earth, and (2) providing, utilizing or developing the  
17 same into survey products, such as graphics, data, maps, plans, reports, descriptions, or projects.  
18 Professional services include acts of consultation, investigation, testimony evaluation, expert  
19 technical testimony, planning, mapping, assembling and interpreting gathered measurements and  
20 information related to any one or more of the following:

- 21 a. Determining by measurement the configuration or contour of the earth's surface or  
22 the position of fixed objects thereon.
- 23 b. Determining by performing geodetic surveys the size and shape of the earth or the  
24 position of any point on the earth.
- 25 c. Locating, relocating, establishing, or retracing property lines or boundaries of any  
26 tract of land, road, right-of-way, or easement.
- 27 d. Marking any survey for the division, subdivision, or consolidation of any tract(s) of  
28 land.
- 29 e. Locating or laying out alignments, positions, or elevations for the construction of  
30 fixed works.
- 31 f. Determining, by the use of principles of surveying, the position for any survey  
32 monument (boundary or non-boundary) or reference point; establishing or replacing  
33 any such monument or reference point.
- 34 g. Creating, preparing, or modifying electronic or computerized data, relative to the  
35 performance of the activities in the above described items a through f.
- 36 h. Certifying, within the metadata of a Geographical Information System data base, the  
37 positional accuracy of the features, cadastral and/or boundary lines, fixed objects,  
38 utilities, images and graphically displayed data sets that are used for base mapping.

39 A person shall be construed to practice or offer to practice surveying, within the meaning and  
40 intent of this Chapter, who by verbal claim, sign, advertisement, letterhead, card, or in any other  
41 way represents themselves to be a land surveyor or through the use of some other title implies  
42 that they are a professional land surveyor or that they are licensed under this Chapter; or who  
43 hold themselves out as able to perform, or who does perform any surveying service or work or  
44 any other service designated by the practitioner which is recognized as surveying except to  
45 references to engineering surveys.

46 (d) Approved School — The term *Approved School* as used in this [Title] Chapter, shall mean

1 institutions offering curricula leading to first professional degrees in engineering, architecture or  
2 land surveying and are accredited by the Accreditation Board for Engineering and Technology,  
3 Inc.,~~[for the NCEES Ad Hoc Subcommittee on Foreign Education of the International Relations~~  
4 ~~Committee,]~~ or the NCEES Center for Professional Engineering Education Services or the  
5 National Architectural Accreditation Board.

6 (e) ARE — The term *ARE* as used in this ~~[Title]~~ Chapter shall mean the current Architect  
7 Registration Examination ~~[provided]~~ prepared by the National Council of Architectural  
8 Registration Boards.

9 (f) Association — The term *Association* as used in this ~~[Title]~~ Chapter, shall mean the act of a  
10 number of persons in uniting together for some special purpose or business. It is a term of  
11 vague meaning used to indicate a collection or organization of persons who have joined  
12 together for a certain or common objective.

13 (g) Board — The term *Board*, as used in this ~~[Aet]~~ Chapter shall mean the Guam Board of  
14 Registration for Professional Engineers, Architects, and Land Surveyors, hereinafter  
15 provided by this ~~[Aet]~~ Chapter.

16 (h) Certificate of Authorization — The term *Certificate of Authorization* as used in this Chapter,  
17 shall mean those presents issued by the Guam Board of Registration for Professional  
18 Engineers, Architects and Land Surveyors to a corporation, ~~[company,]~~ partnership,  
19 proprietorship, limited liability company, or other legal entity allowed by Guam Law ~~[ete.;~~  
20 in the name of that organization which serves to identify it as having the legal right to offer  
21 engineering, architectural, land surveying or construction management services.

22 (i) Certificate of Registration — The term *Certificate of Registration* as used in this Chapter  
23 shall mean those presents issued by the Guam Board of Registration for Professional  
24 Engineers, Architects and Land Surveyors to an individual in his own name, which serves to  
25 identify those legally entitled to practice engineering, architecture or land surveying.

26 (j) CLARB — The term *CLARB* as used in this Chapter shall mean the Council of Landscape  
27 Architectural Registration Boards.

28 ~~{(i)}~~(k) Construction Management — ~~[t]~~The term *Construction Management*, as used in this  
29 ~~[Aet]~~ Chapter, to be performed by licensed engineers, architects, or land surveyors, shall  
30 include but not be limited to professional services during construction such as permitting  
31 process and coordination, bid evaluation and contract award, processing of payment requests  
32 and change orders, claims and dispute resolution, review and approval of submittals and  
33 progress schedules, onsite quality assurance inspections and testing, survey checks,  
34 compliance to contract documents, and contract closeout including as-built drawings and  
35 Operation & Maintenance manuals and training.

36 ~~{(k)}~~(l) Corporation — The term *Corporation*, as used in this ~~[Aet]~~ Chapter, shall mean an  
37 association of individuals or legal entity created by or under the authority of the laws of a  
38 territory, state or nation, composed, in some rare instances, o~~[f]~~ a single person and his  
39 successors, being the incumbents of a particular office, but ordinarily consisting of an  
40 association of numerous individuals.

41 ~~{(l)}~~(m) CSCS---- The term *CSCS* as used in this ~~[Aet]~~ Chapter shall mean the California  
42 Special Civil Seismic examination ~~[provided]~~ prepared by the California Board of  
43 Professional Engineers and Land Surveyors.

44 (n) IDP — The letters ‘IDP’ as used in this Chapter shall mean Intern Development  
45 Program prepared and issued by the NCARB.

46 (o) L.A.R.E. — The letters ‘L.A.R.E.’ as used in this Chapter shall mean the landscape  
47 architect registration examination prepared by the Council of Landscape Architectural

1           Registration Boards.

2 (p) NCARB — The term ‘NCARB’ as used in this Chapter shall mean the National Council  
3 of Architectural Registration Boards.

4 (q) NCEES — The term ‘NCEES’ as used in this Chapter shall mean the National Council  
5 of Examiners for Engineering and Surveying.

6 ~~(m)(r)~~ Partner — The term *Partner* as used in this [Aet] Chapter, shall mean one who has  
7 united with others to form a partnership in business.

8 ~~(n)(s)~~ Proprietorship — The term *Proprietorship* as used in this [Aet] Chapter, shall mean  
9 business, usually unincorporated, owned and controlled exclusively by one person. Such a  
10 business is commonly designated a ‘sole proprietorship’.

11 ~~(o)(t)~~ Registrant or Licensee — The term *Registrant or Licensee* as used this [Aet] Chapter  
12 shall mean any person holding a current registration as a Professional Engineer, Registered  
13 Architect or Professional Land Surveyor.

14 ~~(p)(u)~~ Responsible Control — The term *Responsible Control*, as used in this [Aet] Chapter,  
15 shall mean [direct control and personal supervision of engineering, architectural or land  
16 surveying projects.] that amount of control over and detailed knowledge of the content of the  
17 technical submission during their preparation as is ordinarily exercised by professional  
18 engineers, registered architects and/or professional land surveyors applying the required  
19 professional standard of care. Reviewing, or reviewing and correcting, technical  
20 submissions after they have been prepared by others does not constitute the exercise of  
21 responsible control because the reviewer has neither control over nor detailed professional  
22 knowledge of the content of such submissions throughout their preparation.

23 ~~(r)(v)~~ Responsible Managing Employee — The term *Responsible Managing Employee*, as  
24 used in this Aet Chapter, shall mean a person who is licensed under this [Aet] Chapter and  
25 who has been designated pursuant to §32123 of this [Aet] Chapter by the firm. The  
26 managing employee is responsible for the engineering, architecture or land surveying work  
27 on Guam and/or for projects or property within this jurisdiction offered or provided by the  
28 firm. A licensee may not be designated as a responsible managing employee for more than  
29 one (1) firm. An engineer, architect or surveyor who renders occasional part-time, or  
30 consulting services to, or for, a firm may not be designated as a managing employee. The  
31 managing employee’s responsibilities include:

- 32 1. Renewal of the Certificate of Authorization and notification to the Board of any change  
33 in the managing employee.
- 34 2. Overall supervision of the firm’s licensed and subordinate personnel providing the  
35 engineering, architecture or surveying work in this jurisdiction.
- 36 3. Institution and adherence of policies of the firm that are in accordance with the Rules of  
37 Professional Conduct, adopted pursuant to Section 32109(e) of this Chapter.

38 ~~(s)(w)~~ Rules of Professional Conduct for Professional Engineers, Architects and Land  
39 Surveyors — The term *Rules of Professional Conduct for Professional Engineers,*  
40 *Architects and Land Surveyors* as used in this [Title] Chapter, means those rules  
41 promulgated by the Board as authorized by law.

42 (x) Technical Submissions — Designs, drawings, specifications, studies, and other  
43 technical documents prepared in the course of practicing engineering, architecture and land  
44 surveying. All technical submissions shall be identified by date and by name and address of  
45 the licensee or licensee’s firm.

46 (y) WCARB — The term *WCARB* as used in this Chapter, shall mean the Western Council  
47 of Architectural Registration Boards.

1       **§32104. Board Appointments; Terms.** A Guam Board of Registration for Professional  
2 Engineers, Architect and Land Surveyors is created whose duty shall be to administer the provisions  
3 of this [Title] Chapter.

4       (a) The Board shall consist of seven (7) members, at least two (2) being female, to be  
5 constituted as follows: the Director of Public Works, five (5) members who shall be  
6 registered under the provisions of this [Title] Chapter and one (1) member of the general  
7 public who shall not have been registered under the provisions of this [Title] Chapter or  
8 practicing in any of the professions covered by this [Title] Chapter. Except for the Director  
9 of Public Works, a member shall be appointed by *I Maga'lahaen Guahan (Governor)* for a  
10 term of four (4) years. Of the five (5) registered professional members, two (2) shall be  
11 registered architects, two (2) shall be professional engineers, and one (1) shall be a  
12 professional land surveyor.

13       (b) The Chairman, Vice-Chairman and Secretary/Treasurer shall be elected annually by  
14 majority vote of the Board members at the first regular meeting of the Board after January 1.

15       (c) Each member of the Board shall receive a notice of his appointment from the *I*  
16 *Maga'lahaen Guahan (Governor)* and shall take an oath for the faithful discharge of his  
17 duties. Appointments to the Board shall be in such manner so that the term of each member  
18 shall expire at a different time. On the expiration of the term of any member, *I Maga'lahaen*  
19 *Guahan (Governor)* shall appoint a successor. A member may be reappointed to succeed  
20 himself but not for more than two (2) consecutive terms. Each member may hold office until  
21 the expiration of the term for which appointed or until his successor has been duly appointed  
22 and qualified.

23       (d) In the event of a vacancy on the Board for reason resulting in an unexpired term and *I*  
24 *Maga'lahaen Guahan (Governor)* failing to appoint a successor within three (3) months after  
25 the vacancy occurs, the Board may appoint a provisional member to serve in the interim  
26 until the *I Maga'lahaen Guahan (Governor)* makes an appointment.

27       **§32105. Board -- Qualifications of Members.** Each member of the Board shall be a citizen  
28 of the United States and a resident of Guam. Board members who are required to be  
29 registered pursuant to §32104 of this [Title] Chapter shall have been in responsible  
30 control in the lawful practice of engineering, architecture or land surveying for at least  
31 ~~[five (5)]~~ eight (8) years and with no record of disciplinary action from any jurisdiction.  
32 The public member of the Board shall not be or have been an engineer, architect or land  
33 surveyor.

34       **§32106. Board -- Compensation and Expenses.** (a) Each member of the Board shall be  
35 entitled to receive compensation as provided for in the ~~[by laws]~~ rules and regulations  
36 and by law and shall be reimbursed for reasonable and necessary expenses incurred in  
37 the course of official duties, when attending to the work of the Board or any of its  
38 committees and during time spent in necessary travel.

39       (b) Members shall be reimbursed for conference or convention registration fees,  
40 all actual traveling, incidental and clerical expenses necessarily incurred in carrying out  
41 the provisions of this [Title] Chapter.

42       (c) The Board shall budget for and pay travel expenses of members of the Board,  
43 officers, consultants and staff, as approved by the Board and certified by the Chairman.

44       **§32107. Board -- Removal of Members; Vacancies.** The *I Maga'lahaen Guahan (Governor)*  
45 may remove any member for misconduct, ~~[incompetency]~~ incompetence, neglect of  
46 duty, or any sufficient cause, in the manner prescribed by law for removal of territorial  
47 officials. Vacancies in the membership of the Board shall be filled for the unexpired



term by appointment by the *I Maga'lahaen Guahan* (Governor) as provided in §32104.

**§32108. Board -- Organization and Meetings.** The Board shall hold at least six (6) regular meetings each year. Special meetings may be held as the ~~[by-laws]~~ rules and regulations of the Board provide. A quorum of the Board shall consist of not less than four (4) members, three (3) of whom shall be registered under the provisions of this ~~[Title]~~ Chapter.

**§32109. Board -- Powers.** (a) The Board shall have the power to adopt and amend all by-laws and rules of procedure not inconsistent with the Organic Act of Guam and laws of ~~[this Territory,]~~ Guam, including the adoption and promulgation of Rules of Professional Conduct for Professional Engineers, Architects, and Land Surveyors, which shall be binding upon persons registered under this ~~[Title]~~ Chapter and which shall be applicable to corporations, partnerships or associations holding a Certificate of Authorization, which may be reasonabl[e]y necessary for the proper performance of its duties and the regulation of its procedures, meetings, records, examinations and the conduct thereof. These actions by the Board shall be binding upon the persons registered or licensed under this Chapter and on non-licensees found by the Board to be in violation of provisions of the Chapter and shall be applicable to corporations holding a certificate of authorization as provided in Section 32123 of this Chapter.

(b) The Board shall adopt and have an official seal, which shall be affixed to each certificate issued.

(c) In carrying into effect the provisions of this ~~[Title]~~ Chapter, the Board under the hand of its Chairman and the seal of the Board, may subpoena witnesses and compel their attendance and also may require the submission of books, papers, documents, or other pertinent data, in any disciplinary matters, or in any case wherever a violation of this ~~[Title]~~ Chapter is alleged. Upon failure or refusal to comply with any such order of the Board, or upon failure to honor its subpoena, as herein provided, the Board may apply to a court of any jurisdiction to enforce compliance with same.

(d) The Board, in the name of ~~[the Territory]~~ Guam, may apply for relief by injunction in the Superior Court, without bond, to enforce the provisions of this ~~[Title]~~ Chapter, or to restrain any violation thereof. In such proceedings, it shall not be necessary to allege or prove, either that an adequate remedy at law does not exist, or that substantial or irreparable damage would result from the continued violation thereof. The members of the Board shall not be personally liable under ~~[this]~~ these proceedings.

(e) The Board shall have prepared and shall adopt a set of rules for professional conduct which shall be binding upon persons registered under this ~~[Title]~~ Chapter, and which shall be made known in writing to every registrant and applicant for registration under this ~~[Title]~~ Chapter, and which shall be published in the roster provided for in §32112 of this ~~[Title]~~ Chapter. The Board may revise and amend these rules for professional conduct from time to time and shall forthwith notify each registrant in writing of such revisions or amendments.

(f) The adoption and amendment of such ~~[by-laws and]~~ rules and regulations and rules of procedure and rules of professional conduct shall be in accordance with the provisions of the Administrative Adjudication Law.

(g) The Board may subject an applicant for registration to such examinations as may be provided for in the ~~[by-laws]~~ rules and regulations to determine his qualifications.

(h) The Board shall encourage private professional engineering and architectural societies to conduct seminars to prepare applicants for the examinations and shall assist in the coordination of the seminars.

(i) The Board shall have the power and authority to require a demonstration of continuing professional competency of engineers, architects and land surveyors as a condition of

1 renewal or relicensure.

2 (j) The Board shall have the authority for citation and fining persons and business  
3 entities engaged in the unlawful practice of engineering, architecture and land surveying who are not  
4 licensed or authorized in this jurisdiction in accordance with Sections 32121 and 32122, and as  
5 provided by law.

6 (k) The Board shall maintain the PEALS Revolving Fund within the cognizance of the  
7 members of the Board to continue to manage the day-to-day financial obligations of the Board.  
8 Such revolving fund shall be maintained separate and apart from other funds of the government of  
9 Guam, and independent records and accounts shall be maintained in connection therewith as  
10 prescribed by the Chairman and members of the Board. Furthermore, said Fund shall be subject to  
11 an annual audit by an independent auditor.

12 (l) The Board shall have the power to appoint committees to assist the Board's efforts in  
13 carrying out the responsibilities of this Chapter.

14 (m) The Board shall have the power to adopt and collect fees in amounts necessary to  
15 enable the Board to carry out its function under this Chapter.

16 (n) The Board shall retain and exercise all administrative and civil rights and remedies  
17 commonly available to agencies in the jurisdiction. No action or other legal proceedings for  
18 damages shall be instituted against the Board or against any Board Member or employee or agent of  
19 the Board for any act done in good faith and in the intended performance of any power granted  
20 under this Chapter or for any neglect or default in the performance or exercise in good faith of any  
21 such duty or power.

22 **§32110. Records and Reports.** (a) The Board shall keep a record of its proceedings  
23 and of all applications for registration, which record shall show:

- 24 (1) the applicant's name, age and last known address;  
25 (2) the date of the application;  
26 (3) the applicant's place of business;  
27 (4) the applicant's education, experience and other qualifications;  
28 (5) the type of examination required;  
29 (6) whether or not the applicant was rejected;  
30 (7) whether or not a certificate of registration was granted;  
31 (8) the date of the action by the Board; and  
32 (9) such other information as may be deemed necessary by the Board.

33 (b) The record of the Board shall be *prima facie* evidence of the proceedings of the  
34 Board, and a transcript thereof, duly certified by the Secretary under seal, shall be admissible  
35 as evidence with the same force and effect as if the original were produced.

36 (c) At the end of every fiscal year, the Board shall prepare and submit to *I Maga'laha*  
37 *Guahan* (Governor) and to *I Liheslaturan Guahan* (Guam Legislature) no later than the  
38 first day of November, a report of its transactions of the preceding year, and shall  
39 transmit to them a complete statement of the receipts and expenditures of the Board,  
40 attested by affidavits of its Chairman and its Secretary/Treasurer.

41 (d) Board records and papers of the following class are of a confidential nature and are not  
42 public records: all examination materials for examinations not yet given and examination  
43 solutions for which the grades have not yet been published; file records of examination  
44 problem solutions, letters of inquiry and reference concerning applicants, Board inquiry  
45 forms concerning applicants, investigation files where any investigation is still pending,  
46 and all other matters of like confidential nature.

47 **§32111. Receipts and Disbursements.** (a) Notwithstanding the Central Accounting Act,

1 all fees and money collected under the provisions of this [Title] Chapter shall be deposited in a  
2 special fund known as the *Professional Engineers, Architects and Land Surveyors Fund*. This fund  
3 shall be kept in a bank licensed to do business on Guam and funds shall be paid out only upon a  
4 request for payment or requisition submitted by the Secretary/Treasurer or its personnel and  
5 countersigned by the Chairman of the Board. All monies in this fund are hereby specifically  
6 appropriated only for the use of the Board in pursuit of its authority.

7 (b) The Board shall provide surety bonds in the name of Guam on behalf of the Chairman, the  
8 Secretary/Treasurer and the Executive Board Administrator, in the sum of Thirty Thousand Dollars  
9 (\$30,000) each. The premium on said bonds shall be regarded as proper and necessary expenses of  
10 the Board.

11 (c) Upon an appropriation by *I Liheslaturan Guahan* (Guam Legislature) and subject to any  
12 limitations which may be contained therein, the Board shall make expenditures from this fund for  
13 any purpose which is approved by the Board as reasonable and necessary for the proper  
14 performance of its duties under this [Title] Chapter, including the expenses of the Board delegates to  
15 meetings of and the membership fees to the National Council of Examiners for Engineering and  
16 Surveying and any of its subdivisions and the National Council of Architectural Registration Boards  
17 and any of its subdivisions.

18 (d) The Board shall employ in the classified positions an Executive Board Administrator,  
19 Administrative Assistant, Board Investigator and other administrative staff as are necessary for the  
20 proper performance of its work. Salaries and other terms of compensation for each Board staff  
21 position shall be determined by the ~~[Civil Service Commission]~~ Department of Administration.  
22 Payments of expenses and salaries pursuant to the administration of this [Title] Chapter may not  
23 exceed available funds of the Board.

24 (e) The Chairman of the Board is the designated Certifying Officer and all expenditures from  
25 the fund shall be certified by the Chairman of the Board. Under no circumstance shall the amount of  
26 warrants issued in payment of the expenses and compensation provided for in this [Title] Chapter  
27 exceed the amount of money collected.

28 (f) The Board shall adopt rules or ~~[by-laws]~~ regulations to provide for an annual budget, an  
29 accounting procedure, and the fees for application, registration, examination, re-examination,  
30 reciprocity, renewal of registration, temporary permits, corporation permits, replacement of  
31 certificates, reconsideration of application, and other services.

32 (g) The Board shall maintain membership in NCARB, NCEES and its subdivisions and pay the  
33 necessary costs thereof.

34 **§32112. Roster.** A complete roster showing the names and last known addresses of all  
35 registered engineers, architects, land surveyors, and business entities shall be published by the  
36 Secretary of the Board annually not later than the last day of the third month of each year, and shall  
37 include each registrant's certificate or registration number. The roster shall be in non-editable  
38 electronic format which is printable and available via the internet. Notice of the publication and  
39 availability of the ~~{Copies of this}~~ roster shall be mailed to each person so registered ~~[and to each~~  
40 ~~applicant for registration]~~, paper copies of the roster ~~[and]~~ shall be placed on file with *I Maga'laha*  
41 *Guahan* (Governor), the Speaker of *I Liheslaturan Guahan* (Guam Legislature), and other state and  
42 territorial boards, and with each department and agency of the Government of Guam. ~~[Additional~~  
43 ~~copies may be purchased from the PEALS Board office.]~~

44 **§32113. General Requirements for Registration.** (a) No person shall be eligible for  
45 admission to the examination for registration for professional engineer, architect or land surveyor, or  
46 for enrollment as an engineer intern or land surveyor intern, under this [Title] Chapter unless he:

47 (1) is a citizen of the United States or a ~~[permanent resident alien eligible for United States~~

- 1        ~~citizenship;~~ legally admitted alien authorized to work in the United States;  
2        (2) is of good moral character and repute.  
3        (3) meets the professional qualifications prescribed by this [Title] Chapter; and;  
4        (4) submits five (5) references with the applicant's application for registration as a  
5        professional engineer, architect or land surveyor, three (3) of which shall be from  
6        practitioners registered in the discipline in which he seeks registration and having  
7        personal knowledge of his experience in that discipline, or in the case of an application  
8        for certification as an engineer intern or land surveyor intern, by three (3) character  
9        references.
- 10       (b) The following shall be considered as minimum evidence satisfactory to the Board that the  
11       applicant is qualified for registration:  
12       (1) as a Professional Engineer:  
13       (i)     ~~[Graduation, Experience and]~~ Licensure or Registration by Examination —  
14       An Engineer Intern with a specific record of an additional four years or more of  
15       progressive experience on engineering projects of a grade and character which indicates  
16       to the Board that the applicant may be competent to practice engineering shall be  
17       admitted to an eight hour written examination in the principles and practices of  
18       engineering, and in the case of specific engineering disciplines, other examinations as  
19       prescribed in the by-laws. ~~[graduate of an engineering curriculum of four (4) years or~~  
20       ~~more approved by the Board as being of satisfactory standing; and with a specific record~~  
21       ~~of an additional four (4) years of lawful progressive experience on engineering projects~~  
22       ~~satisfactory to the Board, at least one (1) year of which shall have been under the~~  
23       ~~supervision of a registered engineer of a grade and character which indicates to the Board~~  
24       ~~that the applicant may be competent to practice engineering, shall be admitted to a~~  
25       ~~written examination in the fundamentals of engineering and a written examination in the~~  
26       ~~principles and practice of engineering as prescribed by the by-laws.]~~ (Upon passing such  
27       examination(s), the applicant shall be granted a certificate of registration to practice  
28       engineering on Guam, provided the applicant is otherwise qualified.)  
29       (ii)     Graduation, Experience and Examination — A graduate of an engineering or  
30       related science curriculum of four (4) years or more, other than the ones approved by the  
31       Board as being of satisfactory standing, and with a specific record of eight (8) years or  
32       more of progressive experience, at least two (2) years of which shall have been under  
33       the supervision of a registered engineer on projects of a grade and character which  
34       indicates to the Board that the applicant may be competent to practice engineering, shall  
35       be admitted to a written examination in the fundamentals of engineering and a written  
36       examination in the principles and practice of engineering as prescribed in the by-laws.  
37       Upon passing such examination, the applicant shall be granted a certificate of registration  
38       to practice engineering on Guam, provided the applicant is otherwise qualified.  
39       (iii)     A Non-graduate from a Technical Curriculum — A non-graduate of an  
40       engineering or related science curriculum of four (4) years or more, with a specific  
41       record of three (3) years or more in such a curriculum plus twelve (12) years or more of  
42       progressive experience on engineering projects four (4) years of which must have been  
43       under the supervision of a registered engineer and of which at least six (6) years have  
44       been in responsible control of engineering projects of a grade and character which  
45       indicates to the Board that the applicant may be competent to practice engineering, shall  
46       be admitted to a written examination in the fundamentals of engineering and the  
47       principles and practice of engineering as prescribed in the by-laws. Upon passing such

examination, the applicant shall be granted a certificate of registration to practice engineering on Guam, provided the applicant is otherwise qualified.

(iv) Licensure or Registration by Comity or Endorsement — A person whose qualifications meet the requirements of this [Title] Chapter may, upon application, be registered as a professional engineer identical to his active engineer registration in other jurisdictions if:

(aa) ~~[the applicant holds]~~ a current certificate of registration ~~[to engage]~~ in the practice of engineering issued ~~[to him]~~ by a proper authority of a ~~[state, territory]~~ jurisdiction or possession of the United States, the District of Columbia or any foreign country, based on requirements that do not conflict with the provisions of this Chapter [from which a certificate of registration is recognized by the National Council of Examiners for Engineering and Surveying at such time that the National Council of Examiners for Engineering and Surveying recognizes registration from any foreign country, so long as the issuance of such certificate is based on verified evidence and is based on requirements that do not conflict with the provision of this Title] and possessing credentials that are, in the judgment of the Board, [which are] of a standard not lower than specified in the applicable section of this [Title] Chapter in effect in Guam at the time such certificate was issued may upon application, which may include a Council Record with NCEES, be registered or licensed without further examination except as required to present evidence of knowledge of statutes, rules, and design requirements unique to this jurisdiction, provided that ;[or]

(bb) he holds a valid certificate issued by the Committee on National Council of Engineering Certification of the National Council of Examiners for Engineering and Surveying;

(cc) the applicant passes the California Special Civil Seismic examination (for Civil Engineering applicants only);

(dd) the applicant passes the Fundamentals of Engineering examination (for applicants with Fundamentals of Engineering waivers from other jurisdictions); and

(ee) ~~the applicant maintains current registration from his based jurisdiction where license was obtained through examination in~~ with at least one other jurisdiction, the District of Columbia, a territory or a possession of the United States.

(ff) A person holding an active Council Record with the NCEES, whose qualifications as evidenced by the Council Record, meet the requirements of this Chapter, may, upon application, be licensed or registered without further examination except as required to examine the applicant's knowledge of statutes, rules and design requirements unique to this jurisdiction, provided the applicant passes the California Special Civil Seismic (CSCS) examination (for Civil engineering applicants only).

(v) Engineering Teaching — Engineering teaching in a college or university offering an approved engineering curriculum of four (4) years or more may satisfy only a portion of the required engineering experience.

(2) As an Engineer Intern:

(i) ~~[Graduation and Examination]~~ A college senior or a graduate of an engineering curriculum of four (4) years or more, ~~approved by the Board as being of satisfactory standing who has passed the examination as prescribed in the by-laws accredited by EAC/ABET, or the equivalent shall be admitted to the current form of examination in the~~

1 Fundamentals of Engineering prepared and furnished by NCEES. Upon passing such  
2 examination and providing proof of graduation, the applicant shall be certified or  
3 enrolled as an engineer intern, if the applicant is otherwise qualified.

4 (ii) Experience and Examination — An applicant with a record of six (6) or more years of  
5 experience in engineering work of a grade and character satisfactory to the Board, and  
6 who passes the examination as prescribed in the by-laws shall be certified or enrolled as  
7 an engineer intern, if the applicant is otherwise qualified.

8 (iii) Graduation, Experience and Examination — A graduate of an engineering or related  
9 science curriculum of four (4) years or more, other than the ones approved by the Board  
10 as being of satisfactory standing, shall be admitted to an examination as prescribed in the  
11 by-laws. Upon passing such examination, the applicant shall be certified or endorsed as  
12 an engineer intern, if the applicant is otherwise qualified.

13 (3) As an Architect:

14 (i) ~~[Graduation,]~~ Education, Experience and Examination — A graduate of an NAAB  
15 accredited program ~~[curriculum of not less than five (5) years]~~ from a school of  
16 architecture approved by the Board as being of satisfactory standing and at least three (3)  
17 years of progressive experience satisfactory to the Board in architectural work covering  
18 the major categories of architectural practice, at least two (2) years of which shall have  
19 been under the supervision of a registered architect, shall be eligible for a written  
20 examination as prescribed in the ~~[by-laws]~~ rules and regulations. Upon passing such  
21 examination, the applicant shall be granted a certificate of registration to practice  
22 architecture in ~~[this territory]~~ Guam, if the applicant is otherwise qualified.

23 (aa) Effective June 1, 2009, a new or inactive candidate applying to the Board for  
24 eligibility evaluation for the Architect Registration Examination (ARE) shall prior to  
25 registration or licensure complete the Intern Development Program (IDP) of the National  
26 Council of Architectural Registration Boards (NCARB), as defined herein and in the  
27 rules and regulations set forth, and the most recent or current form of IDP guidelines  
28 prepared and prescribed by the NCARB. The IDP requirement does not apply to a  
29 candidate who: (a) was determined by the Board to be eligible on or before May 31,  
30 2009 and who is active in the examination process; or (b) has completed all the  
31 necessary education equivalents prior to June 1, 2009, who has submitted a completed  
32 application for eligibility evaluation to the Board that is postmarked on or before May  
33 31, 2009, and who has been determined by the Board to be eligible.

34 (bb) A new or inactive candidate shall submit an Application form, as prescribed  
35 and furnished by the Board, and accompanied by such supporting documents required  
36 herein. Such supporting documents shall include the candidate's current and valid IDP  
37 file transmitted by NCARB.

38 (cc) As a candidate acquires additional work experience, it is the candidate's  
39 responsibility to ensure that his/her employer(s) complete Employment Verification  
40 Forms covering the work experience gained with that employer and that the forms are  
41 submitted to the Board. Reporting shall be as per most current NCARB policies and  
42 procedures.

43 (dd) Completion of the IDP shall fulfill the lawful experience requirement  
44 provided in this Chapter and in the rules and regulations.

45 (ii) Experience and Examination — An applicant having eight (8) years of architectural training  
46 or educational experience satisfactory to the Board of which a minimum of three (3) years  
47 shall be experienced covering the major categories of architectural practice under the

supervision of a registered architect, shall be eligible for a written examination as prescribed in the ~~[by-laws]~~ rules and regulations. Upon passing such examination, the applicant shall be granted a certificate of registration to practice architecture on Guam, if the applicant is otherwise qualified.

(iii) Licensure or Registration by Comity or Endorsement — A person shall be licensed or registered without further examination, if that person: ~~[who in the opinion of the Board meets the requirements of this Title and who holds a certificate of registration to engage in the practice of architecture on the basis of comparable qualifications issued by the proper authority of a state, Territory or possession of the United States, or the District of Columbia, or by any foreign country with which the National Council of Architectural Registration Boards holds a formal agreement of inter-recognition, based on requirements that do not conflict with the provisions of this Title and which are of a standard not lower than specified in the applicable section of this Title in effect on Guam at the time such certificate was issued, and based on verified evidence, as set forth in a current certificate of qualification issued by the National Council of Architectural Registration Boards, be registered without further examination.]~~

(aa) holds a current and valid registration issued by a registration authority recognized by the Board; and

(bb) holds a National Council of Architectural Registration Board's Record; and

(cc) files his application with the Board, upon a form prescribed and furnished by the Board, containing such information satisfactory to the Board, concerning the person, as the Board considers pertinent.

(4) As a Landscape Architect:

(i) Licensure or Registration by Comity or Endorsement: A person, shall be registered without further examination, if that person:

(aa) holds a current and valid registration to engage in the practice of landscape architecture issued by a proper authority of a state or jurisdiction or possession of the United States, the District of Columbia or any foreign country, have successfully passed a Council of Landscape Architectural Registration Boards (CLARB) landscape architectural registration examination (LARE); or

(bb) holds a current and active Council Record issued by the CLARB; and

(cc) files his application on a form prescribed and furnished by the Board, containing such information satisfactory to the Board, concerning the person as the Board considers pertinent.

~~(4)~~(5) As a Land Surveyor:

The evaluation of a professional surveyor applicant's qualifications involves consideration of education, technical, and surveying experience, exhibits of surveying projects with which the applicant has been associated, recommendations by references, and a review of these categories during the interview if the Board deems it necessary. The following shall be considered as minimum evidence to the Board that the applicant is qualified for registration or licensure as a professional surveyor:

(i) Licensure or Registration by [Graduation, Experience and] Examination — ~~A graduate of a surveying curriculum of four (4) years or more at an institution approved by the Board as being of satisfactory standing and with a specific record of an additional four (4) years or more of progressive combined office and field experience on land surveying work at least two (2) years of which shall be under the supervision of a registered land surveyor and of a grade and character which indicates to the Board that the applicant may be competent to~~

- 1 ~~practice land surveying, surveyor Intern with a specific record of an additional four (4) years~~  
2 ~~of combined office and field experience satisfactory to the Board, in surveying, of which a~~  
3 ~~minimum of three (3) years' progressive experience has been on surveying projects under~~  
4 ~~the supervision of a professional surveyor shall be eligible to take the current form of~~  
5 ~~examination prepared and furnished by the NCEES [or a written examination in the~~  
6 ~~fundamentals of land surveying,] in the principles and practice of land surveying, and in~~  
7 ~~Guam Land Matters as prescribed in the by-laws. (Upon passing such examination, the~~  
8 ~~applicant shall be granted a certificate of registration to practice land surveying on Guam,~~  
9 ~~provided the applicant is otherwise qualified.)~~
- 10 (ii) Education, Experience and Examination — A graduate of a surveying or related science  
11 curriculum of four (4) years or more, other than the ones approved by the Board as being of  
12 satisfactory standing, and with a specific record of an additional eight (8) years of combined  
13 office and field experience satisfactory to the Board in land surveying of which a minimum  
14 of three (3) years experience has been in responsible control of land surveying projects under  
15 the supervision of a registered land surveyor, shall be admitted to a written examination in  
16 the fundamentals of land surveying, in the principles and practice of land surveying and in  
17 Guam Land Matters as prescribed in the by-laws. Upon passing such examination, the  
18 applicant shall be granted a certificate of registration to practice land surveying on Guam,  
19 provided he is otherwise qualified.
- 20 (iii) Experience and Examination — An applicant with a specific record of twelve (12) years or  
21 more of practice in land surveying, of which at least eight (8) years have been in responsible  
22 control of important land surveying work under the supervision of a registered land  
23 surveyor, and of a grade and character satisfactory to the Board which indicates to the Board  
24 that the applicant may be competent to practice land surveying, and who has passed a written  
25 examination in the fundamentals of land surveying, in the principles and practice of land  
26 surveying and in Guam Land Matters, shall be granted a certificate of registration to practice  
27 land surveying on Guam, provided he is otherwise qualified.
- 28 (iv) Licensure or Registration by Comity or Endorsement —
- 29 (aa) A person holding a certificate of registration to engage in the practice of land  
30 surveying ~~[on the basis of comparable qualifications]~~ issued by a proper authority of a  
31 jurisdiction [state, territory] or possession of the United States or the District of  
32 Columbia, or any foreign country, based on requirements that do not conflict with the  
33 provisions of this [who in the opinion of the Board meets the requirements of this Title]  
34 Chapter, and possessing qualifications that are, in the judgment of the Board, not lower  
35 than that specified in the applicable licensure act in effect in this jurisdiction at the time  
36 such certificate was issued, may upon application, which may include a Council Record  
37 with the NCEES, be licensed without further examination except as required to present  
38 evidence of knowledge of statutes, rules and surveying requirements unique to this  
39 jurisdiction, provided that [will be given comity consideration. However, the applicant  
40 may be required to take such examinations as the Board may deem necessary to  
41 determine the applicant's qualifications, but in any event,] the applicant shall be required  
42 to pass a written examination of not less than four (4) hours duration on Guam Land  
43 Matters, which shall include questions on laws, procedures and practices pertaining to  
44 land surveying on Guam.
- 45 (bb) A person holding an active Council Record with the NCEES, whose qualifications as  
46 evidenced by the Council Record, meet the requirements of this Chapter, may, upon  
47 application, be licensed without further examination except as required to examine the



1 applicant's knowledge of statutes, rules and surveying requirements unique to this  
2 jurisdiction, provided that the applicant shall be required to pass a written examination of  
3 not less than four (4) hours duration on Guam Land Matters, which shall include  
4 questions on laws, procedures and practices pertaining to land surveying on Guam.

- 5 (v) Surveying Teaching — Surveying teaching in a college or university offering an approved  
6 surveying curriculum of four (4) years or more may be considered as land surveying  
7 experience satisfactory to the Board.

8 (5) As a Land Surveyor Intern:

- 9 (i) ~~[Graduation]~~ Education and Examination — A college senior or a graduate of surveying  
10 curriculum of four (4) years or more approved by the Board as being of satisfactory standing  
11 shall be admitted to a written examination in the fundamentals of land surveying, as  
12 prescribed in the by-laws. Upon passing such examination, the applicant shall be certified or  
13 enrolled as a land surveyor intern, if he is otherwise qualified.

- 14 (ii) Education, Experience and Examination — An applicant, upon satisfactory completion of a  
15 land surveying or related science curriculum of two (2) years or more, and with a specific  
16 record of an additional (4) years of combined office and field experience in land surveying  
17 satisfactory to the Board, shall be admitted to a written examination in the fundamentals of  
18 land surveying as prescribed in the by-laws. Should the applicant fail to pass the  
19 fundamentals of land surveying examination on two occasions, the applicant shall be  
20 required to complete a refresher course satisfactory to the Board before being readmitted for  
21 examination. Upon passing such examination, the applicant shall be certified or enrolled as  
22 a land surveyor intern, if he is otherwise qualified.

23 **§32114. Application and Registration Fees.** (a) Application for registration as a professional  
24 engineer, architect or land surveyor or for certification as an engineer intern or land surveyor intern,  
25 or for certificates of authorization, shall be on a form prescribed and furnished by the Board. It shall  
26 contain statements made under oath showing the applicant's education and a detailed summary of  
27 his technical and engineering, architectural and land surveying experience, and shall include the  
28 names and complete mailing addresses of his references, none of whom ~~{should be}~~ is a current  
29 member of the Board, as required in §32113 of this ~~[Title]~~ Chapter.

30 The Board may accept the certified information contained in a valid Council Record issued by  
31 the National Council of Examiners for Engineering and Surveying Committee on National  
32 Engineering Certification for professional engineer applicants or a valid Council Record issued by  
33 the National Council of Architectural Registration Boards for architect applicants in lieu of the same  
34 information that is required on the form prescribed and furnished by the Board.

35 (b) The application ~~(for individuals and COAs)~~, examination, and registration ~~(for individuals~~  
36 and COAs) fees shall be prescribed by the Board and shall be specified in the ~~[by-laws]~~ rules and  
37 regulations.

38 (c) No fee refund will be made after the application has been received and acted upon by the  
39 Board even if registration is denied.

40 **§32115. Examinations.** (a) The applicant may be subjected to such examinations as may be  
41 deemed necessary to determine his qualifications. The examinations will be held at such times and  
42 place as the Board may direct.

43 (b) Written examinations as specified in the ~~by-laws~~ rules and regulations may be taken only  
44 after the applicant has met the other minimum requirements as provided for by §32113.

45 (c) A candidate failing an examination may apply for re-examination, which may be granted  
46 upon payment of a fee established by the Board.

47 (d) A candidate whose grade in a previous examination indicates that he is unprepared may at

1 the discretion of the Board be required to wait one (1) year before being eligible for re-examination.

2 (e) The Board shall have prepared and adopted a syllabus for the written examinations in  
3 engineering, architecture, and land surveying. It shall be published in brochure form and be  
4 available as a handout to any person interested in being registered as a professional engineer,  
5 architect, or land surveyor.

6 (f) Members of the PEALS Board are prohibited from taking any engineering, architecture or  
7 land surveying examination administered on Guam while serving on the Board. However, members  
8 may take such in another jurisdiction and have the examination scores accepted on Guam by the  
9 Board, so long as said examination does not conflict with the provisions of this [Title] Chapter and  
10 is of a standard not lower than that of an examination for the same administered on Guam.

11 **§32116. Certificates -- Seals.** (a) The Board shall issue to each applicant meeting the  
12 requirements of this [Title] Chapter a certificate of registration which gives the registrant proper  
13 authority to practice his profession on Guam. The certificate of registration for a professional  
14 engineer shall carry the designation 'PROFESSIONAL ENGINEER' and shall also designate the  
15 branch in which he is authorized to practice. The certificate of registration for an architect shall  
16 carry the designation 'REGISTERED ARCHITECT' and the certificate of registration for a land  
17 surveyor shall carry the designation 'PROFESSIONAL LAND SURVEYOR'. It shall give the full  
18 name of the registrant with his registration number and shall be signed by the Chairman, [and] the  
19 Secretary/Treasurer and the Executive Board Administrator under the seal of the Board.

20 A properly entitled and endorsed identification card shall be issued with the certificate of  
21 registration and reissued thereafter as prescribed by §32117 of this [Title] Chapter to each registrant  
22 upon payment of the renewal fee.

23 Every registered engineer, architect or land surveyor having a place business or employment  
24 within this jurisdiction shall display his certificate of registration in a conspicuous place in such  
25 place of business or employment.

26 (b) The issuance of a certificate of registration by the Board shall be prima facie evidence that  
27 the person named therein is entitled to all the rights, privileges, and responsibilities of an engineer,  
28 architect or land surveyor while the said certificate remains unrevoked or unexpired.

29 (c) The Board shall issue to each applicant meeting the requirements of this [Title] Chapter a  
30 certificate of "engineer intern" or "land surveyor intern" as applicable. The certificate issued to the  
31 "engineer intern" or "land surveyor intern" does not authorize the practice of engineering or land  
32 surveying and only indicates that his name has been recorded by the Board as having passed the  
33 required examination.

34 (d) Each registrant hereunder shall, upon registration licensure, ~~[obtain a stamp or seal of the]~~  
35 have a seal of a design authorized by the Board, bearing the registrant's name, registration number,  
36 and the designation, "Professional Engineer", "Registered Architect" or "Professional Land  
37 Surveyor". For Professional Engineers, the stamp or seal shall contain the specific discipline for  
38 which he is authorized, the expiration date of the registrant, or a space within which the expiration  
39 date must be written:

40 (1) The seal shall be an image ~~[or]~~, imprint ~~[from a rubber stamp]~~ or other medium  
41 approved by the Board. Except for progress submittals, [W]henver the seal is applied to a  
42 final work product, the registrant's written signature ,and date shall be signed adjacent to the  
43 seal with the statement "This work was prepared by me or under my [direct supervision]  
44 responsible control". If the work product is not intended for construction, a statement to  
45 that effect shall be placed on the document adjacent to the seal. A facsimile signature will  
46 not be acceptable. Computer- generated signatures and dates are not acceptable.

47 (2) Seals must be a permanent mark on the document being sealed. The standard seal

1 must be used on all original tracings, blueprints, drawings, specifications, reports, and other  
2 documents prepared by professional engineers, registered architects or professional land  
3 surveyors.

4 (3) The seal and dated signature shall be placed on all technical submissions such as  
5 specifications, reports, plats, drawings, plans, design information and calculations whenever  
6 presented to a client or any public or government agency including government in-house  
7 designs.

8 (4) The seal and dated signature shall be placed on all original copies, tracings or other  
9 reproducible documents in such a manner that the seal and signature will be reproduced.  
10 The application of the registrant's licensee's seal and signature shall constitute certification  
11 that the work thereon was done by him or under his responsible control. In the case of  
12 multiple sealings, the first or title page shall be sealed and signed by all involved. In  
13 addition, each sheet shall be sealed and signed by the registrant or registrants responsible for  
14 each sheet. In the case of an authorized firm, partnership or corporation, each sheet shall be  
15 sealed and signed by the registrants involved. ~~The principal in responsible control~~ The  
16 Responsible Managing Employee (RME) in charge of operations within the jurisdiction shall  
17 sign, seal, and date the title or the first sheet.

18 (5) The seal and signature and date shall be used by registrants only when the work  
19 being stamped was under the registrant's complete direction and responsible control,  
20 provided that if the work was performed at an office outside of the locale in which the  
21 registrant permanently resides, then the seal may be used only if the registrant supervised the  
22 work on a full-time basis.

23 (6) In the case of temporary permit issued to a registrant licensee of another state or  
24 jurisdiction, the registrant shall use his state of registration seal and shall affix his signature  
25 and temporary permit number and date of issue to all his work.

26 (7) It shall be unlawful for a registrant to affix or permit his seal and signature, or  
27 facsimile thereof, to be affixed to any document as above described after the expiration of a  
28 certificate, or for the purpose of aiding or abetting any attempt to evade any provision of this  
29 {Title} Chapter.

30 (8) Seals of Professional Engineers on Engineering Documents:

31 (i) The seal of a professional engineer shall be placed on each drawing,  
32 specification, plan, report or other document which is in its final form and which  
33 involves the practice of engineering as defined in this {Title} Chapter. A separate seal of  
34 a professional engineer of the appropriate branch of engineering, as such branches are  
35 designated on the various forms of professional engineer registration certificates, is  
36 required for each portion of such document that involves a separate branch of  
37 engineering registration certificates, is required for each portion of such document that  
38 involves a separate branch of engineering, except as provided in Sub-item (ii) of this  
39 item (8). For example, except as provided in Sub-item (ii) of this item (8), so long as  
40 registration certificates classify 'civil engineering', 'structural engineering', 'mechanical  
41 engineering' and 'electrical engineering' as different branches of engineering, the seal of  
42 a professional engineer of the civil branch shall be required for each portion of an  
43 engineering document involving civil work; the seal of a professional engineer of the  
44 structural branch or civil branch shall be required for each portion of engineering  
45 document involving structural work for any structure or building three (3) stories or less  
46 in height; wherein the height of the stories shall be defined as not more than twelve (12)  
47 feet, the seal of a professional engineer of the structural branch shall be required for each

1 portion of an engineering document involving structural work for any structure or  
2 building higher than three (3) stories; the seal of a professional engineer of the  
3 mechanical branch shall be required for each portion of an engineering document  
4 involving mechanical work; and the seal of a professional engineer of the electrical  
5 branch shall be required for each portion of an engineering document involving electrical  
6 work.

7 (ii) The requirement of a separate seal for each portion of an engineering  
8 document involving a separate branch of engineering is subject to the following  
9 exceptions:

10 (aa) in the case of a document involving an individual single family  
11 dwelling, two (2) family dwellings, or two (2) family dwellings in a subdivision, the  
12 seal of a professional engineer in the civil branch or the seal of an architect shall be  
13 sufficient;

14 (bb) in the case of a document involving work incidental to the practice of  
15 engineering, the seal of any professional engineer, regardless of his branch of  
16 engineering, or the seal of an architect shall be sufficient.

17 (cc) seal of a professional engineer of the mechanical branch is sufficient  
18 for documents involving plumbing work, air-conditioning and ventilation, regardless  
19 of the height of a building;

20 (dd) in the case of document involving the design of a fire sprinkler  
21 system, a seal of a professional engineer in the ~~[mechanical]~~ fire protection branch  
22 shall be required.

23 (ee) in the case of a document involving the structural portion of a site  
24 adaptation of a pre-engineered structure or building, the seal of a professional  
25 engineer of either the civil branch or the structural branch is sufficient; and

26 (ff) in the case of a document involving work for which more than one (1)  
27 branch of engineering is qualified, other than those types of work provided for in  
28 Sub-items (aa), (bb), (cc), (dd), and (ee) of this item (8), the Board shall promulgate  
29 general guidelines for the sealing of such a document. The guidelines shall reflect  
30 that there are often broad overlaps between the authorized practice of the various  
31 branches of engineering.

32 (9) Seals of Architects.

33 (i) All technical submissions, such as drawings, specifications, plans, reports or  
34 other documents, prepared by a registered architect or under his responsible control  
35 shall bear his seal, which shall mean that the architect was in responsible control over  
36 the content of such technical submissions during their preparation and has applied the  
37 required professional standard of care. An architect may sign and seal technical  
38 submissions, only if the technical submissions were: (1) prepared by the architect, or;  
39 (2) prepared by persons under the architect's responsible control. ~~[The seal of an~~  
40 ~~architect shall be placed on each drawing, specification, plan, report or other~~  
41 ~~document which is in its final form and which involves work with respect to any~~  
42 ~~building which has as its principal purpose human occupancy or habitation, or which~~  
43 ~~involves any other aspect of the practice of architecture as defined in this Title.]~~

44 (ii) Notwithstanding the provisions of Sub-item (i) of this item (9), in the case of  
45 a document involving an individual single family dwelling, a seal of either an  
46 architect or a professional engineer of the civil engineering branch shall be sufficient.  
47 Documents involving two (2) family dwellings, or a subdivision development with

single family and two (2) family dwellings, the seal of a professional engineer of the civil engineering branch is sufficient.

(iii) The requirement contained in Sub-item (4 i) of this item (9) does not affect the need for a seal of a professional engineer of the appropriate branch of engineering for each portion of a document that involves a system of a separate branch of engineering.

(10) Seals of Professional Land Surveyors:

(i) The seal of a Land Surveyor shall be placed on each drawing, plan, property metes and bounds descriptions, computation sheets, reports and other documents in their final form which involve the practice of land surveying, to wit:

(aa) any office offering to perform land surveys must have a licensed professional land surveyor in charge of the operations, be available on a full time basis with a 75% physical presence and must have full control of the survey operation;

(bb) to further insure that field conditions of survey documents are in full conformance with such survey, the surveyor of record is required to establish a field reference point from which building corners, setbacks and other pertinent points may be derived if and when improvements are contemplated on a property. This reference point must remain in place and be protected from damage for the duration of the construction of a project. Such reference point must be indicated as referenced on the site plan of the project. It will be the surveyor's responsibility to follow setbacks defined in the Zoning Law as may be required for building permit purposes; and

(cc) all documents prepared and certified by a professional land surveyor shall be stamped with a statement under the seal stating: "I hereby certify that this map was prepared by me or under my direct supervision, that it is based on a field survey made in (insert date), in accordance with all applicable laws and regulations, and that I am responsible for the accuracy of all data and information shown hereon. I also certify that all the monuments are of the character and occupy the positions indicated in this map".

(11) With respect to work incidental to the practice of engineering and work incidental to the practice of architecture, the Board shall promulgate general guidelines which shall include examples of incidental work and which shall set limitations on the permissible extent of such incidental work. Such guidelines shall be consistent with items (8) and (9) of this Subsection (d), including the requirements in those items for separate seals per branch of engineering and for the seal of an architect in the case of a building which has as its principal purpose human occupancy or habitation.

(12) An Engineer, Architect and Land Surveyor shall provide construction contract administration when applications are made for building or construction permits involving the public safety and health. The term "construction contract administration" means making periodic visits to the site by a registered engineer, architect or land surveyor or authorized representatives as the case may require, to observe the progress and quality of the executed work and to determine, in general, if the work is proceeding in accordance with the contract documents. It is not required that they make exhaustive or continuous on-site inspections to check the quality or quantity of the work nor it is intended that the engineer, architect and land surveyor be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the work.

(13) Building Official: The Building Official charged with the responsibility of issuing

1 building permit, must be in possession of a signed/sealed set of plans and specifications.

2 **§32117. Expirations and Renewals.** (a) Certificates of registration and certificates of  
3 authorization for corporations, partnerships, proprietorships and associations shall expire on the last  
4 day of the month of September of each year, following their year of issuance and become invalid  
5 after that date unless renewed by submission of appropriate forms as prescribed by the Board.

6 (1) Renewals of Certificates of Authorization for corporations, partnerships,  
7 proprietorships and associations shall submit a clearance form from the Department of  
8 Revenue and Taxation that they are current on their taxes with the Government of Guam, or  
9 have an agreement with Department of Revenue and Taxation for their back taxes. Such  
10 clearance shall be submitted with their renewal application form.

11 (2) ~~[Such]~~ Expired Certificates of Registration ~~[license]~~ may be renewed at any time  
12 within ~~[six (6) months]~~ sixty (60) days following the expiration date without submission of  
13 “Application for Reinstatement” upon payment of the renewal fee plus penalty fee as  
14 prescribed by the Board. ~~[Upon failure to]~~ Any individual registrant who fails to renew  
15 within ~~six (6) months~~ (60) sixty days after the date of expiration, ~~[the licensee]~~ shall be  
16 required to apply for a reinstatement of registration, pay the prescribed (back registration and  
17 penalty) fees as prescribed by the Board. ~~[and in circumstances submit an application for~~  
18 ~~‘Reinstatement of Registration’ form.]~~

19 (3) Certificates of Authorization may be renewed anytime prior to the expiration date. A  
20 Certificate of Authorization is considered null and void if not renewed before the expiration  
21 date.

22 (b) It shall be the duty of the Secretary/Treasurer of the Board to notify every person  
23 registered under this [Aet] Chapter, and every corporation, partnership, proprietorship and  
24 association holding a certificate of authorization under this [Aet] Chapter, of the date of the  
25 expiration of said certificate of registration or certificate of authorization, and the amount of the fee  
26 required for its renewal. Such notice shall be mailed to the registrant or corporation, partnership,  
27 proprietorship or association at his/her or its last known address at least one (1) month in advance of  
28 the date of the expiration of said certificate. Renewal may be effected at any time prior to or during  
29 the month of September by payment of a fee as established by the Board. [Renewal of an expired  
30 certificate may be effected under rules prescribed by the by-laws.]

31 (c) A certificate of registration shall expire upon the death of a registrant.

32 **§32118. Replacement of Certificates.** (a) Replacement of Certificates. A new certificate  
33 of registration, to replace any certificate lost, destroyed, or mutilated, may be issued subject to the  
34 rules of the Board and upon payment of the prescribed fee and such certificate shall be stamped or  
35 marked “duplicate”.

36 (b) Re-issuance of Certificates. The Board for reasons it deems sufficient may reissue a  
37 certificate of registration to any person whose certificate has been revoked providing four (4) or  
38 more members of the Board vote in favor of such re-issuance.

39 **§32119. Public Works.** Government employees shall not engage in the practice of  
40 engineering, architecture, or land surveying involving either public or private property without the  
41 project being under the direct charge and supervision of a registered engineer, architect or land  
42 surveyor as provided by this [Aet] Chapter.

43 **§32120. Disciplinary Action -- Revocation, Suspension, Refusal to Issue, Restore, or**  
44 **Renew, Probation, Fine and/or Reprimand.** ~~[Powers]~~ (a) The publication of the rules of conduct  
45 for professional engineers, architects and land surveyors as provided for in §32109 or this [Title]  
46 Chapter shall constitute due notice to all registrants.

47 (b) The Board shall have the power, duty and authority to suspend, refuse to renew or revoke a

1 certificate of registration, or a certificate of authorization or to reprimand, fine or any combination  
2 thereof, or levy a civil penalty in an amount determined by the Board or not [less] more than Five  
3 Thousand Dollars (\$5,000) for each offense against any engineer, architect, land surveyor or any  
4 individual and/or business firm who is found guilty of:

- 5 (1) the practice of any fraud or deceit in obtaining or attempting to obtain or renew a  
6 certificate of registration or certificate of authorization;
- 7 (2) any gross negligence, incompetency, or misconduct, in the practice of his profession,  
8 engineering, architecture or land surveying;
- 9 (3) conviction of or entry of a plea of guilty or nolo contendere to any crime which is a  
10 felony, whether related to practice or not; and conviction of or entry of a plea of guilty to  
11 any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is  
12 dishonesty or which is directly related to the practice of engineering, architecture or  
13 surveying;
- 14 (4) any felony or any crime involving moral turpitude, in which case a certified copy of the  
15 record of conviction shall be conclusive evidence thereof;
- 16 (5) failure to comply with any of the provisions of this Chapter or violation of any of the  
17 rules or regulations pertaining thereto [of professional conduct adopted and promulgated  
18 by the Board];
- 19 (6) discipline by another jurisdiction, territory, the District of Columbia, foreign country, the  
20 United States government, or any governmental agency, if at least one of the grounds for  
21 discipline is the same or substantially equivalent to those contained in this section.  
22 [violation of any provision of this Title];
- 23 (7) failure to provide information requested by the Board as a result of a formal or informal  
24 complaint to the Board which would indicate a violation of this Chapter;
- 25 (8) knowingly making false statements or signing false statements, certifications, or  
26 affidavits to include payment;
- 27 ~~(6)~~(9) aiding [and] or assisting [abetting] another person in violating any provision of this  
28 Chapter or the rules or regulations pertaining thereto [in the practice of professional  
29 engineering, architecture, or land surveying any person not duly authorized to practice  
30 engineering, architecture, or land surveying under the provisions of this Title];
- 31 ~~(7)~~(10) violating any terms of probation imposed by the Board or using a seal, or practicing  
32 engineering, architecture or land surveying while the registrants license is suspended,  
33 revoked, non-renewed;
- 34 (11) signing, affixing or permitting his seals to be affixed to any specifications, reports,  
35 drawings, plans, plats design information, construction documents or calculations, surveys,  
36 or revisions thereof which have not [specifications, or drawings that were not] been prepared  
37 by the licensee him or under the licensee's [responsibility or direct his personal supervision,  
38 by his employee or subordinate] responsible control;
- 39 (12) [failure to provide information requested by the Board as a result of a formal or  
40 informal complaint to the Board which would indicate a violation of this Act;
- 41 ~~(9)~~(13) engaging in dishonorable, unethical, or unprofessional conduct of a character  
42 likely to deceive, defraud, or harm the public;
- 43 (13) providing false testimony or information to the Board;
- 44 (14) [convictions for] habitual intoxication or addiction to the use of drugs or alcohol so  
45 as to endanger health, safety and interest of the public by impairing skill and care in  
46 professional services; or
- 47 ~~(10)~~(15) providing engineering, architectural or surveying services outside of the licensee's

1 areas of competence. Licensees must demonstrate by education or experience that they are  
2 competent to practice in the subject field in question. ~~practicing or offering to practice~~  
3 ~~engineering, architecture or land surveying without a current license from this Board.~~

4 (c) A record ~~[or]~~ of conviction of any of the offenses provided in paragraph (b)(1) through  
5 (b)(10)(16) above shall be conclusive evidence thereof.

6 (d) In addition to any other penalty provided in this Section, [T]the Board shall have the power  
7 to: revoke, suspend, place on probation, fine and/or reprimand, or refuse to issue, restore or renew,  
8 the certificate of authorization of any firm where one or more of its officers, directors, partners,  
9 members, or managers have been found guilty of any conduct which would constitute a violation  
10 under the provisions of this Section.

11 (1) revoke a certificate of authorization, or

12 (2) to suspend a certificate of authorization for a period of time not exceeding two (2) years  
13 of any corporation, partnership or association where one or more of his officers or  
14 principals have been found guilty under this Section, or

15 (3) assess fines against the firm.

16 (e) ~~[Each day of continued violation may constitute a separate offense.]~~ In addition to or in lieu  
17 of any other penalty provided in this Section, any licensee who violates a provision of this  
18 Chapter, or any rule or regulation pertaining thereto, a civil penalty in an amount determined  
19 by the Board or not more than \$5,000 for each offense.

20 (1) Each day of continued violation may constitute a separate offense.

21 (2) In determining the amount of civil penalty to be assessed pursuant to this Section, the  
22 Board may consider such factors as the following:

23 (i) whether the amount imposed will be substantial economic deterrent to the  
24 violation;

25 (ii) the circumstances leading to the violation;

26 (iii) the severity of the violation and the risk of harm to the public.

27 **§32121. Disciplinary Action Procedures.** (a) Any person may prefer charges of fraud,  
28 deceit, gross negligence, incompetence, misconduct, or violation of the rules of professional  
29 conduct, against any individual registrant, or against any corporation, partnership or association  
30 holding a certificate of authorization. Such charges shall be in writing and shall be sworn to by the  
31 person or persons making them and shall be filed with the Secretary/Treasurer of the Board.  
32 ~~[Furthermore, notwithstanding Subsection (g) of this Section, t]The Board may summarily take~~  
33 action without compliance with the Administrative Adjudication Law, to suspend ~~[or-revoke], or~~  
34 deny a certificate of registration or authorization from any individual registrant, corporation,  
35 partnership or association when it has received or obtained either a record of conviction or notice via  
36 news media and/or radio that said registrant, corporation, partnership or association has been found  
37 guilty of a crime.

38 (b) All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by  
39 the Board within three (3) months after the date on which the charges have been determined to have  
40 merit by the Executive Board Administrator ~~[or Board Investigator]~~. At the Board's discretion, an  
41 extension of time up to an additional three (3) months for the hearing may be granted upon the  
42 request of either party. The hearing shall be conducted in accordance with the requirements of the  
43 Administrative Adjudication Law.

44 (c) The time and place for said hearing shall be fixed by the Board, and a copy of the  
45 charges, together with a notice of the time and place of hearing, shall be ~~[personally]~~ served on or  
46 mailed to the ~~[last known address of such]~~ individual registrant, or corporation, partnership, or  
47 association holding a certificate of authorization, or to his designated counsel in accordance with the



1 requirements of the Administrative Adjudication Law. [at least thirty (30) days before the date fixed  
2 for the hearing.] At any hearing, the accused shall have the right to appear in person or by counsel,  
3 or both, to cross-examine witnesses in his or its defense, and to produce evidence and witnesses in  
4 his own defense. If the accused person fails or refuses to appear, the Board may proceed to hear and  
5 determine the validity of the charges.

6 (d) If, after such hearing, a majority of the Board votes in favor of sustaining the  
7 charges, the Board shall reprimand, suspend, refuse to renew, or revoke the certificate of registration  
8 or certificate of authorization. ~~[The Board, for reasons it may deem sufficient, may reissue a~~  
9 ~~certificate of registration to any person whose certificate has been revoked.]~~

10 (e) Any individual registrant having a certificate of registration, or corporation,  
11 partnership or association holding a certificate of authorization, aggrieved by any action of the  
12 Board in denying, suspending, refusing to renew or revoking his certificate of registration, or its  
13 certificate of authorization, may appeal therefrom to the proper court under normal civil procedures.

14 (f) The Board may, upon petition of a formerly licensed individual registrant or  
15 corporation, partnership or association ~~[holding a certificate of authorization]~~, reissue a certificate of  
16 registration or authorization, provided that ~~[a majority of the members of the Board]~~ not less than  
17 four (4) members of the seven (7) member Board, vote in favor of such issuance.

18 (g) No certificate of registration or authorization shall be suspended, revoked or denied  
19 renewal by the Board, except after a hearing in accordance with the provisions of the Administrative  
20 Adjudication Law.

21 **§32122. Violations and Penalties. (a) Civil Penalties for Non-Licensees:**

22 (1) In addition to any other provision of law, the Board may enter an order assessing a  
23 civil penalty against any person, firm, partnership, or corporation found guilty by the Board  
24 of:

25 (i) Engaging in the practice or offer to practice of engineering, architecture or  
26 land surveying in this jurisdiction without being licensed in accordance with the  
27 provisions of this Chapter;

28 (ii) Using or employing the words “engineer”, “engineering”, “architect”,  
29 “architecture”, “surveyor”, “surveying”, or any modification or derivative thereof in its  
30 name or form of business activity, except as authorized in this Chapter;

31 (iii) Presenting or attempting to use the certificate of licensure or the seal of  
32 another licensed engineer, architect or land surveyor;

33 (iv) Giving false or forged evidence of any kind to the Board or any member  
34 thereof in obtaining or attempting to obtain a certificate of licensure;

35 (v) Falsely impersonating any other licensed engineer, architect or land surveyor  
36 of like or different name; or

37 (vi) Using or attempting to use an expired, suspended or revoked or non-existent  
38 certificate of licensure or authorization;

39 (2) A civil penalty levied under this Section may not be less than \$5,000 for each  
40 offense.

41 (3) Each day of continued violation may constitute a separate offense.

42 (4) In determining the amount of civil penalty to be assessed pursuant to this Section, the  
43 Board may consider such factors as the following:

44 (i) Whether the amount imposed will be a substantial economic deterrent to the  
45 violation;

46 (ii) The circumstances leading to the violation;

47 (iii) The severity of the violation and risk of harm to the public;

1 (iv) The economic benefits gained by the violator as a result of non-compliance; and

2 (v) The interest of the public.

3 (5) Before issuing an order under this Section, the Board shall provide the person written  
4 notice and opportunity to request a hearing on the record, which need not be in accordance  
5 with the provisions of the Administrative Adjudication Law.

6 (6) A person aggrieved by the levy of a civil penalty under this Section may file an  
7 appeal with the Superior Court for judicial review of the penalty aforementioned.

8 (7) If a person fails to pay a civil penalty within thirty (30) days after the entry of an  
9 order under Subsection (a)(1) of this Section, or if the order is stayed pending an appeal,  
10 within ten (10) days after the court issues a final judgment in favor of the Board of an order  
11 appealed in accordance with Subsection (a)(6) of this Section, the Board shall notify the  
12 Attorney General. The Attorney General may commence a civil action to recover the  
13 amount of the penalty, plus attorney's fees and costs.

14 (8) An action to enforce an order under this Section may be combined with an action of  
15 an injunction.

16 (b) Criminal Offenses

17 (i) Any person who shall practice, or offer to practice, engineering, architecture  
18 or land surveying on Guam without being registered in accordance with the provisions of  
19 this [Title] Chapter, or any person, firm, partnership, organization, association, corporation  
20 or other entity using or employing the words, 'Engineer' or 'Engineering', 'Architect' or  
21 'Architecture', 'Land Surveyor' or 'Land Surveying' or any modification or derivative  
22 thereof in its name or form of business or activity except as authorized in this [Title]  
23 Chapter, or any person presenting or attempting to use the certificate of registration or the  
24 seal of another, or any person who shall give any false or forged evidence of any kind to the  
25 Board or to any member thereof if obtaining or attempting to obtain a certificate of  
26 registration, or any person who shall falsely impersonate any other registrant of like or  
27 different name, or any person who shall attempt to use an expired or revoked or non-existent  
28 certificate of registration, or who shall practice or offer to practice when not qualified, or any  
29 person who falsely claims that he is registered under this [Title] Chapter, or any person who  
30 shall violate any of the provisions of this [Title] Chapter, shall be guilty of a petty  
31 misdemeanor for the first offense and a third degree felony for the second or any subsequent  
32 offenses.

33 ~~(b)(ii)~~ It shall be the duty of all duly constituted officers of ~~[the territory]~~ Guam to enforce  
34 the provisions of this [Title] Chapter and to prosecute any person violating same.

35 ~~(c)~~(iii) The Attorney General of Guam shall act as legal advisor to the Board and render  
36 such legal assistance as may be necessary in carrying out the provisions of this [Aet]  
37 Chapter. The Board may employ independent counsel and necessary assistance to aid in the  
38 enforcement of this [Title] Chapter and the compensation and expenses therefor shall be paid  
39 from funds of the Board.

40 ~~(d)~~(iv) Any person who is not registered as a professional engineer, architect or land  
41 surveyor under this [Title] Chapter and who, by written or verbal claim, sign, advertisement,  
42 letterhead, card or in any other way represents himself to be a professional engineer, architect or  
43 land surveyor or through the use of some other title implies that he is a professional engineer,  
44 architect or land surveyor or that he is registered under this [Title] Chapter or holds himself out  
45 as able to perform any engineering service or work or any other service designated by the  
46 practitioner which is recognized as engineering, architecture or land surveying shall be guilty of  
47 a petty misdemeanor.

1       **§32123. Certificate of Authorization [Certificates] (COA).** (a) The practice of or offer to  
2 practice engineering, architecture or land surveying as defined in §32103 of this [Title] Chapter by  
3 individual engineers, architects or land surveyors registered under this [Title] Chapter, or b[e]y  
4 individuals lawfully practicing under §32124 of this [Title] Chapter through a corporation  
5 (including professional corporations), partnership (including registered limited liability partnership),  
6 or limited liability company is permitted, subject to the provisions of this [Title] Chapter.

7       A corporation, partnership, proprietorship or limited liability company holding itself out or  
8 performing any of the services involved in the practice of engineering, architecture or land  
9 surveying must ~~[be issued]~~ obtain a certificate of authorization ~~[by]~~ from the Board. The Board may  
10 issue a Certificate of Authorization to such corporation, partnership, proprietorship or limited  
11 liability company; provided that:

12       (i) one (1) or more of the directors of a corporation; one (1) or more of the general partners of a  
13 partnership; the sole proprietor of a proprietorship; or one or more of the managers of a  
14 limited liability company are registered under this [Title] Chapter or the engineering,  
15 architecture or land surveying registration law of another jurisdiction within the United  
16 States, District of Columbia or its Territories; and

17       (ii) ~~[further provided that]~~ any agreement to perform such services shall be executed on behalf of  
18 the corporation, partnership, limited liability company by the director or directors, general  
19 partner or partners, sole proprietor, or by the manager or managers who are registered on  
20 Guam and who exercises responsible control over the particular services contracted for by  
21 the corporation, partnership, proprietorship or limited liability company.

22       The requirements of this [Title] Chapter shall not prevent the employees of such corporations,  
23 partnerships, proprietorships or limited liability companies from performing engineering,  
24 architecture or land surveying services; provided that all technical submissions involving the  
25 practice of engineering, architecture or land surveying as defined in this [Title] Chapter when  
26 issued, or filed for public record, shall be dated, and bear the seal and signature of the professional  
27 engineer, architect, or professional land surveyor under whose responsible control it was prepared.

28       (b) A corporation, partnership, proprietorship or limited liability company desiring a certificate  
29 of authorization shall furnish the Board such information about its organization and activities as the  
30 Board may require by regulation and to designate the individual or individuals duly registered to  
31 practice engineering (by discipline), architecture or land surveying on Guam who shall be in  
32 responsible control of the practice as the Responsible Managing Employee (RME).

33       (c) A multi-discipline firm who has more than one (1) designated RME shall be required to have  
34 a minimum of one (1) RME available on a full time basis with 75% physical presence and who must  
35 have full control over the particular services contracted for by the firm. In the event there shall be a  
36 change in any of these persons during the year, such change shall be reported in the form as issued  
37 by the Board within thirty (30) days after the effective date of said change.

38       If all of the requirements of this Section are met, the Board may issue a certificate of  
39 authorization to such corporation, partnership, proprietorship or limited liability company  
40 authorizing such organizations to contract for and to collect fees for furnishing engineering,  
41 architecture or land surveying services. All off-island firms shall be required to maintain a local  
42 office under the control of at least one (1) Responsible Managing Employee who shall be [available  
43 on a full time basis with a seventy five (75%) physical presenee] in full control of the operations of  
44 the firm. The COA shall be displayed in a conspicuous place in such business.

45       No such corporation, partnership, proprietorship or limited liability company shall be relieved of  
46 responsibility for the conduct or acts of its agents, employees or officers by reason of its compliance  
47 with the provisions of this Section, nor shall any individual practicing engineering, architecture or

1 land surveying services performed by reason of his employment or relationship with such  
2 corporation, partnership, proprietorship or association.

3 A certificate of incorporation shall not be issued to an applicant for a registration as a foreign  
4 firm to a firm which includes among the objectives for which it is established any of the words  
5 engineer', 'engineering', 'architect', 'architectural', 'surveyor', 'land surveying', or any  
6 modification or derivation thereof, unless the Board has issued for the said applicant a certificate of  
7 authorization or letter indicating the eligibility of such applicant to receive such a certificate. The  
8 firm shall supply such certificate or letter from the Board with the applicant's application for  
9 incorporation, ~~[or registration]~~ licensure or authorization.

10 (d) The responsible department within the government of Guam shall decline to register any  
11 trade name or service mark which includes such words as set forth in Subsection [©] (c) of this  
12 Section, or modification or derivatives thereof, in its firm name or logo type, except those firms  
13 holding authorization certificate under the provisions of this Section.

14 (e) An engineer, architect or land surveyor who renders occasional part-time or consulting  
15 engineering, architectural or land surveying services to or for a firm may not, for the purposes of  
16 this Section, be designated as being responsible for the professional activities of the firm.

17 (f) This section shall not require a certificate of authorization for a firm performing engineering,  
18 architecture or land surveying for the firm itself or a parent or subsidiary of said firm.

19 (g) The certificate of authorization shall be renewed as herein before provided in Section  
20 §32117(a).

21 **§32124. Exclusive Jurisdiction of the Board -- Restriction on requirement for additional**  
22 **licenses or fees.** No local jurisdiction shall have the authority to require additional licensure or to  
23 require payment of any fees in order for any professional engineer, architect or land surveyor to  
24 engage in the practice of the profession for which the Board has issued a license.

25 **§32125. Contract Law Language.** (a) A Professional Engineer, Architect or Land Surveyor  
26 shall use a written contract when contracting to provide professional engineering, architecture, land  
27 surveying or construction management services to a client pursuant to this Chapter. The written  
28 contract shall be executed by the professional engineer, architect or land surveyor and the client, or  
29 his representative, prior to the professional engineer, architect or land surveyor commencing work,  
30 unless the client knowingly states in writing that work may commence before the contract is  
31 executed. The written contract shall include, but not limited to, all of the following:

32 (1) A description of the services to be provided to the client by the professional engineer,  
33 architect or land surveyor.

34 (2) A description of any basis of compensation applicable to the contract, and the method of  
35 payment agreed upon by the parties.

36 (3) The name, address, and license or certificate number of the professional engineer,  
37 architect or land surveyor, and the name and address of the client.

38 (4) A description of the procedure that the professional engineer, architect or land surveyor  
39 and the client will use to accommodate additional services.

40 (b) This section shall not apply to any of the following:

41 (1) Professional engineering, architectural or land surveying services rendered by a  
42 professional engineer, architect or land surveyor for which the client will not pay  
43 compensation.

44 (2) A professional engineer, architect or land surveyor who has a current or prior contractual  
45 relationship with the client to provide engineering, architectural or land surveying services,  
46 and that client has paid the professional engineer, architect or land surveyor all of the fees  
47 that are due under the contract.

(3) If the client knowingly states in writing after full disclosure of this section that a contract which complies with the requirements of this section is not required.

(c) “Written Contract” as used in this Section includes a contract that is in electronic form.

**§3212[4]6. Exemption Clause.** This ~~[Act]~~ Chapter shall not be construed to prevent the practice by:

(a) Temporary Permits.

(1) Professional Engineer/Architect — The practice or offer to practice engineering or architecture by a person not a resident of or having no established place of business on Guam, provided such person is legally qualified by registration to practice engineering or architecture as defined in §32103 of this Title, in his own state or territory and, in the case of a person seeking to practice architecture, who has a current certificate of registration issued by the National Council of Architectural Registration Boards. Such person shall make application to the Board in writing and after payment of a fee as prescribed in the by-laws may be granted written permit for a definite period of time not to exceed one (1) year to do a specific job, provided, however, that no right to practice engineering or architecture shall accrue to such applicant with respect to any other work not set forth in said permit.

For Civil Engineers only: The applicant must have passed the CSCS examination.

(2) Land Surveyor. The practice of land surveying under a temporary permit by a person registered as a land surveyor in another state is not considered to be in the best interest of the public and therefore shall not be granted.

(b) Employees and Subordinates. ~~[T]he~~ work of an employee or a subordinate of a person holding a certificate of registration under this ~~[Title]~~ Chapter, or an employee of a person practicing lawfully under Subsection (a) of this Section; provided such work does not include final engineering, architecture or land surveying designs or decisions and is done under the direct supervision of and verified by a person holding certificate of registration under this ~~Title~~ Chapter or a person practicing lawfully under Subsection (a) of this Section.

(c) Practice of Construction Management. Any service or work, the adequate performance of which involves professional construction inspection or observation, certifications, shop drawing review and approval, engineering calculations, revising construction details, construction interpretation, etc. as defined in §32103 of this ~~[Title]~~ Chapter.

(d) an employee, agent or officer of any agency, department, autonomous agency or public corporation of the government of Guam who are reviewing drawings and specifications for compliance with building codes, regulations or standards of the said entity if the drawings and specifications have been signed and sealed by a professional architect or professional engineer or the preparation of the drawings. In this paragraph, “codes” includes codes relating to building, mechanical, plumbing, electrical, utility, and fire standards;

(e) any officer, agent or employee of an agency, department, autonomous agency or public corporation of the government of Guam engaged in the practice of locating, plotting or mapping the location of government facilities by whatever means aside from the identification of boundaries;

(f) any officer or employee of an agency, department, autonomous agency or public corporation of the government of Guam building trades crafts, earthwork, grounds keeping, or nursery operations, and superintendents, supervisors, or inspectors in the performance of their customary duties;

(g) a contractor performing work designed by a professional architect, engineer, or landscape architect or the supervision of the construction of the work as a supervisor or superintendent for a contractor who is acting on behalf of an agency, department, autonomous agency or public

1        corporation of the government of Guam.

2        **§3212[5]7. Duties of Recorders.** It shall be unlawful for the recorder of deeds or the civil  
3 registrar of titles to file or record any map, plat, survey or other documents within the definition of  
4 land surveying which do not have impressed thereon and affixed thereto the personal signature and  
5 seal of the ~~[registered]~~ professional land surveyor by whom or under whose direct supervision the  
6 map, plat, survey or other documents were prepared.

7        **§3212[6]8. Invalid Sections.** If any of the provisions of this ~~[Act]~~ Chapter, or if any rule,  
8 regulation or order thereunder, or if the application of such provision to any person or circumstance  
9 shall be held invalid, the remainder of this ~~[Act]~~ Chapter and the application of such provision of  
10 this ~~[Act]~~ Chapter or such rule, regulation or order to persons or circumstances, other than those as  
11 to which it is held invalid, shall not be affected thereby.

12        **§3212[7]9. Effective Date.** This law shall take effect thirty (30) days from the date of passage.”