

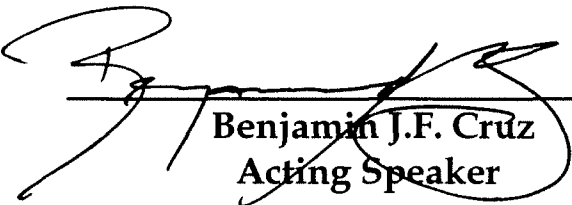
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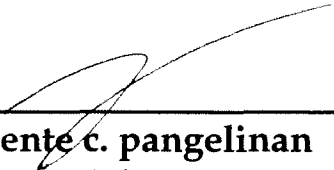
I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

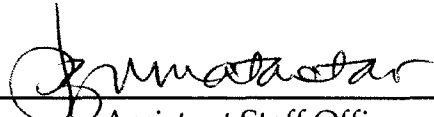
This is to certify that **Substitute Bill No. 25 (LS)**, "AN ACT TO REPEAL AND RE-ENACT CHAPTER 32 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS (PEALS) LAW," was on the 29th day of May 2009, duly and regularly passed.

Attested:


Benjamin J.F. Cruz
Acting Speaker


vicente c. pangelinan
Acting Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 9 day of June, 2009, at
3:05 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (First) Regular Session

Bill No. 25 (LS)

As substituted by the Committee on Utilities,
Transportation, Public Works and Veterans Affairs
and amended on the floor.

Introduced by:

J. V. Espaldon
T. C. Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
M. J. Rector
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

**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.**

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

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3 *repealed* and *re-enacted* to read:

4 **“CHAPTER 32**

5 **THE PROFESSIONAL ENGINEERS, ARCHITECTS**

6 **AND LAND SURVEYORS LAW (PEALS)**

1 **§32101. Name.** This Chapter may be cited as the *Professional*
2 *Engineers, Architects and Land Surveyors Law*.

3 **§32102. General Provisions.** In order to safeguard life, health,
4 and property, and to promote the public welfare, the practice of engineering,
5 architecture, landscape architecture and land surveying in Guam is hereby
6 declared to be subject to regulation in the public interest. It *shall* be
7 unlawful for any person to practice *or* to offer to practice engineering,
8 architecture, landscape architecture *or* land surveying in Guam as defined in
9 the provisions of this Chapter *or* to use in connection with his name *or*
10 otherwise assume *or* advertise any title *or* description tending to convey the
11 impression that he is an engineer, an architect, landscape architect *or* land
12 surveyor, unless such person has been duly registered *or* exempted under the
13 provisions of this Chapter. The practice of engineering, architecture,
14 landscape architecture and land surveying *shall* be deemed a privilege
15 granted by the government of Guam through the Guam Board of
16 Registration for Professional Engineers, Architects, Landscape Architects
17 and Land Surveyors, based on the qualifications of the individual as
18 evidenced by his certificate of registration which *shall not* be transferable.

19 **§32103. Definitions.** For the purpose of this Chapter, words used
20 in the masculine gender include the feminine, *or* vice-versa, where
21 appropriate.

22 (a) Engineer.

23 (1) *Engineer* means a person who, by reason of his special
24 knowledge and use of the mathematical, physical and engineering
25 sciences and the principles and methods of engineering analysis and
26 design, acquired by engineering education and engineering

1 experience, is qualified to practice engineering.

2 (2) *Professional Engineer* means a person who is duly
3 registered and licensed by the Guam Board of Registration for
4 Professional Engineers, Architects and Land Surveyors as a
5 Professional Engineer.

6 (3) *Professional Engineer, Emeritus*, means a person who is
7 a *Professional Engineer, Retired*, and who is sixty-five (65) years of
8 age; and has been a resident of Guam for at least five (5) years; and
9 has had *no* disciplinary action against him; and who applies to and is
10 approved by the Board to be granted the use of the honorific title,
11 *Professional Engineer, Emeritus*.

12 (4) *Professional Engineer, Retired* means a person who has
13 been duly licensed as a professional engineer by the Board and who
14 chooses to relinquish *or not* to renew a license and who applies to and
15 is approved by the Board to be granted the use of the honorific title,
16 *Professional Engineer, Retired*.

17 (5) *Engineer Intern* means a person who complies with the
18 requirements for education, experience and character, and has passed
19 an examination in the fundamental engineering subjects, as provided
20 in §32113 and §32115 of this Chapter.

21 (6) *Practice of Engineering* means any service *or* creative
22 work, the adequate performance of which requires engineering
23 education, training, and experience in the application of special
24 knowledge of the mathematical, physical, and engineering sciences to
25 such services *or* creative work as consultation, investigation, expert
26 technical testimony, evaluation, planning, design, and design

1 coordination of engineering works and systems, planning the use of
2 land, air and water, teaching of advanced engineering subjects,
3 performing engineering studies and the review and/or management of
4 construction for the purpose of monitoring and/or ensuring
5 compliance with drawings and specifications; any of which embraces
6 such services of work, either public *or* private, in connection with any
7 utilities, structures, buildings, machines, equipment, processes, work
8 systems, projects, communication systems, transportation systems,
9 and industrial or consumer products, *or* equipment of a control
10 systems, communications, mechanical, electrical, hydraulic,
11 pneumatic, chemical, environmental or thermal nature, insofar as they
12 involve safeguarding life, health, *or* property, and including such
13 other professional services as may be necessary to the planning,
14 progress, and completion of any engineering services.

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

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

1 able to perform, or who does perform any engineering service *or* work
2 *or* any other service designated by the practitioner which is
3 recognized as engineering.

4 (7) *Consulting Engineer* means a professional engineer
5 whose principal occupation is the independent practice of engineering;
6 whose livelihood is obtained by offering engineering services to the
7 public; who services clients as an independent fiduciary; who is
8 devoid of public, commercial and product affiliation that might tend
9 to infer a conflict of interest; and who is cognizant of his public and
10 legal responsibilities, and is capable of discharging them.

11 (b) Architect.

12 (1) *Architect* means a person, who by reason of his knowledge of
13 the mathematical, and physical sciences, and the principles of architecture
14 and architectural engineering acquired by professional education and
15 practical experience is qualified to engage in the practice of architecture and
16 who has been duly registered and licensed by the Guam Board of
17 Registration for Professional Engineers, Architects and Land Surveyors as
18 an Architect.

19 (2) *Practice of Architecture* means any service *or* creative work,
20 the adequate performance of which requires architectural education, training
21 and experience and the application of the mathematical and physical
22 sciences and the principles of architecture and architectural engineering to
23 such professional services *or* creative work as consultation, investigation,
24 evaluation, planning, design, construction management, supervision *or*
25 observation of construction for the purpose of assuring compliance with
26 specifications and design in connection with any building which has as its

1 principal purpose human occupancy *or* habitation, any other building, *or* any
2 monument, structure, waterfront development, site development *or* project
3 including topographic work, grading and engineering incidental to the
4 performance of any architectural service *or* other services recognized by
5 educational authorities as architecture.

6 (3) *Registered Architect* means an Architect holding a current
7 registration with the Guam Board of Registration for Professional Engineers,
8 Architects and Land Surveyors as a Registered Architect.

9 (4) *Architect, Emeritus* means a person who is an *Architect,*
10 *Retired,* and who is sixty-five (65) years of age; and has been registered on
11 Guam for at least five (5) years; and has been a resident of Guam for at least
12 five (5) years; and has had *no* disciplinary action against him; and who
13 applies to and is approved by the Board to be granted the use of the honorific
14 title, *Architect, Emeritus.*

15 (5) *Architect, Retired,* means a person who has been duly licensed
16 as an Architect by the Board and who chooses to relinquish or *not* to renew a
17 license and who applies to and is approved by the Board to be granted the
18 use of the honorific title, *Architect, Retired.*

19 (c) Landscape Architect.

20 (1) *Landscape Architect* means a person who has been duly
21 registered/licensed by the Board to engage in the practice of landscape
22 architecture in Guam.

23 (2) *Practice of Landscape Architecture* means:

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

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

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

25 (d) Land Surveyor.

26 (1) *Land Surveyor* means a person who is knowledgeable in

1 the technique of measuring land, educated in the basic principles of
2 mathematics, the related physical and applied sciences, and relevant
3 requirements of law for adequate evidence and all requisite to the
4 surveying of real property and engaged in the practice of land
5 surveying as herein defined.

6 (2) *Professional Land Surveyor* means a person who is duly
7 registered and licensed by the Guam Board of Registration for
8 Professional Engineers, Architects and Land Surveyors as a
9 Professional Land Surveyor, and who is a professional specialist in the
10 technique of measuring land, educated in the basic principles of
11 mathematics, the related physical and applied sciences, and the
12 relevant requirements of law for adequate evidence and all requisite to
13 surveying of real property, and engaged in the practice of surveying as
14 herein defined.

15 (3) *Professional Land Surveyor, Emeritus* means a person
16 who is a *Professional Land Surveyor, Retired*; and who is sixty five
17 (65) years of age; and has been registered on Guam for at least five (5)
18 years; and has been a resident of Guam for at least five (5) years; and
19 has had *no* disciplinary action against him; and who applies to and is
20 approved by the Board to be granted the use of the honorific title,
21 *Professional Land Surveyor, Emeritus*.

22 (4) *Professional Land Surveyor, Retired*, means a person
23 who has been duly licensed as a Professional Land Surveyor by this
24 Board and who chooses to relinquish or *not* to renew a license and
25 who applies to and is approved by the Board to be granted the use of
26 the honorific title, *Professional Land Surveyor, Retired*.

1 (5) *Land Surveyor Intern* means a person who has qualified
2 for, taken and passed the land surveyor intern examinations as
3 provided in this Chapter.

4 (6) *Practice of Land Surveying* means providing, or offering
5 to provide, professional services using such sciences as mathematics,
6 geodesy, and photogrammetry, and involving both (1) the making of
7 geometric measurements and gathering related information pertaining
8 to the physical and or legal features of the earth, improvements on the
9 earth, the space above, on, or below the earth, and (2) providing,
10 utilizing or developing the same into survey products, such as
11 graphics, data, maps, plans, reports, descriptions, or projects.
12 Professional services include acts of consultation, investigation,
13 testimony evaluation, expert technical testimony, planning, mapping,
14 assembling and interpreting gathered measurements and information
15 related to any one (1) or more of the following:

16 (A) Determining by measurement the configuration or
17 contour of the earth's surface or the position of fixed objects
18 thereon.

19 (B) Determining, by performing geodetic surveys, the
20 size and shape of the earth or the position of any point on the
21 earth.

22 (C) Locating, relocating, establishing, or retracing
23 property lines or boundaries of any tract of land, road, right-
24 of-way, or easement.

25 (D) Marking any survey for the division, subdivision,
26 or consolidation of any tract(s) of land.

1 (E) Locating or laying out alignments, positions, or
2 elevations for the construction of fixed works.

3 (F) Determining, by the use of principles of surveying,
4 the position for any survey monument (boundary or non-
5 boundary) or reference point; establishing or replacing any
6 such monument or reference point.

7 (G) Creating, preparing, or modifying electronic or
8 computerized data, relative to the performance of the activities
9 in the above described items (A) through (F).

10 (H) Certifying, within the metadata of a Geographical
11 Information System data base, the positional accuracy of the
12 features, cadastral and/or boundary lines, fixed objects,
13 utilities, images and graphically displayed data sets that are
14 used for base mapping.

15 A person shall be construed to practice or offer to
16 practice surveying, within the meaning and intent of this
17 Chapter, who by verbal claim, sign, advertisement, letterhead,
18 card, or in any other way represents themselves to be a land
19 surveyor or through the use of some other title implies that
20 they are a professional land surveyor or that they are licensed
21 under this Chapter; or who hold themselves out as able to
22 perform, or who does perform any surveying service or work
23 or any other service designated by the practitioner which is
24 recognized as surveying except to references to engineering
25 surveys.

26 (e) *Approved School* means institutions offering curricula

1 leading to first professional degrees in engineering, architecture,
2 landscape architecture or land surveying and are accredited by the
3 Accreditation Board for Engineering and Technology, Inc., or the
4 NCEES Center for Professional Engineering Education Services or
5 the National Architectural Accrediting Board.

6 (f) *ARE* means the current Architect Registration
7 Examination prepared by the National Council of Architectural
8 Registration Boards.

9 (g) *Association* means the act of a number of persons in
10 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
12 who have joined together for a certain or common objective.

13 (h) *Board* means the Guam Board of Registration for
14 Professional Engineers, Architects, and Land Surveyors, hereinafter
15 provided by this Chapter.

16 (i) *Certificate of Authorization* means those presents issued
17 by the Guam Board of Registration for Professional Engineers,
18 Architects and Land Surveyors to a corporation, partnership,
19 proprietorship, limited liability company, or other legal entity allowed
20 by Guam law, the name of that organization which serves to identify it
21 as having the legal right to offer engineering, architectural, landscape
22 architectural, land surveying or construction management services.
23 This Certificate of Authorization is separate and apart from the
24 Certificate of Authority issued by the Department of Revenue and
25 Taxation permitting a corporation to conduct business and engage in
26 the practice of services contained in the Certificate.

1 (j) *Certificate of Registration* means those presents issued
2 by the Guam Board of Registration for Professional Engineers,
3 Architects, Landscape Architects and Land Surveyors to an individual
4 in his own name, which serves to identify those legally entitled to
5 practice engineering, architecture, landscape architecture or land
6 surveying.

7 (k) *CLARB* means the Council of Landscape Architectural
8 Registration Boards.

9 (l) *Construction Management* to be performed by licensed
10 or registered engineers, architects, landscape architects, or land
11 surveyors, shall include, but *not* be limited to, professional services
12 during construction, such as, permitting process and coordination, bid
13 evaluation and contract award, processing of payment requests and
14 change orders, claims and dispute resolution, review and approval of
15 submittals and progress schedules, onsite quality assurance
16 inspections and testing, survey checks, compliance to contract
17 documents, and contract closeout including as-built drawings and
18 Operation & Maintenance manuals and training.

19 (m) *Corporation* means an association of individuals or legal
20 entity created by or under the authority of the laws of a territory, state
21 or nation, composed, in some rare instances, of a single person and his
22 successors, being the incumbents of a particular office, but ordinarily
23 consisting of an association of numerous individuals.

24 (n) *CSCS* means the California Special Civil Seismic
25 examination prepared by the California Board of Professional
26 Engineers and Land Surveyors.

1 (o) *IDP* means the Intern Development Program prepared
2 and issued by the NCARB.

3 (p) *L.A.R.E.* means the landscape architect registration
4 examination prepared by the Council of Landscape Architectural
5 Registration Boards.

6 (q) *NAAB* means the National Architectural Accrediting
7 Board.

8 (r) *NCARB* means the National Council of Architectural
9 Registration Boards.

10 (s) *NCEES* means the National Council of Examiners for
11 Engineering and Surveying.

12 (t) *Partner* means one who has united with others to form a
13 partnership in business.

14 (u) *Proprietorship* means a business, usually unincorporated,
15 owned and controlled exclusively by one (1) person. Such a business
16 is commonly designated as a “sole proprietorship”.

17 (v) *Registrant or Licensee* means any person holding a
18 current registration as a Professional Engineer, Registered Architect,
19 Landscape Architect or Professional Land Surveyor.

20 (w) *Responsible Control* means that amount of control over,
21 and detailed knowledge of, the content of the technical submission
22 during their preparation, as is ordinarily exercised by professional
23 engineers, registered architects, registered landscape architects and/or
24 professional land surveyors, applying the required professional
25 standard of care. Reviewing, or reviewing and correcting, technical
26 submissions after they have been prepared by others does *not*

1 constitute the exercise of responsible control because the reviewer has
2 neither control over, nor detailed professional knowledge of, the
3 content of such submissions throughout their preparation.

4 (x) *Responsible Managing Employee* means a person who is
5 licensed under this Chapter and who has been designated, pursuant to
6 §32123 of this Chapter, by the firm. The managing employee is
7 responsible for the engineering, architecture, landscape architecture or
8 land surveying work on Guam and/or for projects or property within
9 this jurisdiction offered or provided by the firm. A licensee may *not*
10 be designated as a responsible managing employee for more than one
11 (1) firm. An engineer, architect, landscape architect or surveyor who
12 renders occasional, part-time, or consulting services to, or for, a firm
13 may *not* be designated as a managing employee. The managing
14 employee's responsibilities include:

15 (1) renewal of the Certificate of Authorization and
16 notification to the Board of any change in the managing
17 employee;

18 (2) overall management of the firm's licensed and
19 subordinate personnel providing the engineering, architecture or
20 surveying work in this jurisdiction; and

21 (3) institution and adherence of policies of the firm
22 that are in accordance with the Rules of Professional Conduct,
23 adopted pursuant to §32109(e) of this Chapter.

24 (y) *Rules of Professional Conduct for Professional Engineers,*
25 *Architects, Landscape Architects, and Land Surveyors* means those rules
26 promulgated by the Board as authorized by law.

1 (z) *Technical Submissions* means designs, drawings, specifications,
2 studies, and other technical documents prepared in the course of practicing
3 engineering, architecture, landscape architecture and land surveying. All
4 technical submissions *shall* be identified by date and by name and address of
5 the licensee or licensee's firm.

6 (aa) *WCARB* means the Western Conference of Architectural
7 Registration Boards.

8 **§32104. Board Appointments; Terms.** A Guam Board of
9 Registration for Professional Engineers, Architect and Land Surveyors is
10 created whose duty *shall* be to administer the provisions of this Chapter.

11 (a) The Board *shall* consist of seven (7) members, at least two (2)
12 being female, to be constituted as follows: the Director of Public Works, five
13 (5) members who *shall* be registered under the provisions of this Chapter
14 and one (1) member of the general public who shall *not* have been registered
15 under the provisions of this Chapter, or practicing in any of the professions
16 covered by this Chapter. *Except* for the Director of Public Works, a member
17 *shall* be appointed by *I Maga'lahañ Guåhan* (Governor) for a term of four
18 (4) years. Of the five (5) registered professional members, two (2) *shall* be
19 registered architects (of which one (1) may be a landscape architect), two (2)
20 *shall* be professional engineers, and one (1) *shall* be a professional land
21 surveyor.

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

25 (c) Each member of the Board *shall* receive a notice of his
26 appointment from *I Maga'lahañ Guåhan* (Governor) and *shall* take an oath

1 for the faithful discharge of his duties. Appointments to the Board *shall* be
2 in such manner so that the term of each member *shall* expire at a different
3 time. On the expiration of the term of any member, *I Maga'lahen Guåhan*
4 (Governor) *shall* appoint a successor. A member may be reappointed to
5 succeed himself but for *not more than* two (2) consecutive terms. Each
6 member may hold office until the expiration of the term for which appointed
7 or until his successor has been duly appointed and qualified.

8 (d) In the event of a vacancy on the Board for any reason, resulting
9 in an unexpired term and *I Maga'lahen Guåhan* (Governor) fails to appoint
10 a successor within three (3) months after the vacancy occurs, the Board may
11 appoint a provisional member to serve in the interim until *I Maga'lahen*
12 *Guåhan* (Governor) makes an appointment.

13 **§32105. Board — Qualifications of Members.** Each member of
14 the Board *shall* be a citizen of the United States and a resident of Guam.
15 Board members who are required to be registered pursuant to §32104 of this
16 Chapter *shall* have been in responsible control in the lawful practice of
17 engineering, architecture, landscape architecture or land surveying for at
18 least eight (8) years, and with *no* record of disciplinary action from any
19 jurisdiction. The public member of the Board shall *not* be or have been an
20 engineer, architect or land surveyor.

21 **§32106. Board — Compensation and Expenses.** Board
22 Compensation and Travel *shall* follow the existing laws of the government
23 of Guam.

24 **§32107. Board — Removal of Members; Vacancies.** *I*
25 *Maga'lahen Guåhan* (Governor) may remove any member for misconduct,
26 incompetence, neglect of duty, or any sufficient cause, in the manner

1 prescribed by law for removal of government officials. Vacancies in the
2 membership of the Board *shall* be filled for the unexpired term by
3 appointment by *I Maga'lahaen Guåhan* (Governor) as provided in §32104.

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

9 **§32109. Board — Powers.** (a) The Board *shall* have the power
10 to adopt and amend all by-laws and rules of procedure *not* inconsistent with
11 the Organic Act of Guam and the laws of Guam, including, the adoption and
12 promulgation of the Rules of Professional Conduct for Professional
13 Engineers, Architects, Landscape Architects and Land Surveyors, which
14 *shall* be binding upon persons registered under this Chapter and which *shall*
15 be applicable to corporations, partnerships or associations holding a
16 Certificate of Authorization, which may be reasonably necessary for the
17 proper performance of its duties and the regulation of its procedures,
18 meetings, records, examinations and the conduct thereof. These actions by
19 the Board *shall* be binding upon the persons licensed or registered under this
20 Chapter, and on non-licensees found by the Board to be in violation of the
21 provisions of the Chapter, and *shall* be applicable to corporations holding a
22 Certificate of Authorization, as provided in §32123 of this Chapter.

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

25 (c) In carrying into effect the provisions of this Chapter, the Board,
26 under the hand of its Chairman and the seal of the Board, may subpoena

1 witnesses and compel their attendance, and also may require the submission
2 of books, papers, documents, or other pertinent data, in any disciplinary
3 matters, or in any case wherever a violation of this Chapter is alleged. Upon
4 failure or refusal to comply with any such order of the Board, or upon failure
5 to honor its subpoena, as herein provided, the Board may apply to a court of
6 any jurisdiction to enforce compliance with same.

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

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

22 (f) The adoption and amendment of such rules and regulations and
23 rules of procedure and rules of professional conduct *shall* be in accordance
24 with the provisions of the Administrative Adjudication Law.

25 (g) The Board may subject an applicant for registration to such
26 examinations, as may be provided for in the rules and regulations, to

1 determine his qualifications.

2 (h) The Board *shall* encourage private professional engineering,
3 architectural, landscape architectural, and land surveying societies to
4 conduct seminars to prepare applicants for the examinations and *shall* assist
5 in the coordination of the seminars.

6 (i) The Board *shall* have the power and authority to require a
7 demonstration of continuing professional competency of engineers,
8 architects, landscape architects and land surveyors as a condition of renewal
9 or relicensure.

10 (j) The Board *shall* have the authority for citation and fining
11 persons and business entities engaged in the unlawful practice of
12 engineering, architecture, landscape architecture and land surveying who are
13 *not* licensed or authorized in this jurisdiction, in accordance with §§ 32121
14 and 32122, and as provided by law.

15 (k) The Board *shall* maintain the PEALS Revolving Fund within
16 the cognizance of the members of the Board to continue to manage the day-
17 to-day financial obligations of the Board. Such revolving fund *shall* be
18 maintained separate and apart from other funds of the government of Guam,
19 and independent records and accounts *shall* be maintained in connection
20 therewith, as prescribed by the Chairman and members of the Board.
21 Furthermore, said Fund *shall* be subject to an annual audit by an independent
22 auditor.

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

25 (m) The Board *shall* have the power to adopt and collect fees in
26 amounts necessary to enable the Board to carry out its function under this

1 Chapter.

2 (n) The Board *shall* retain and exercise all administrative and civil
3 rights and remedies commonly available to agencies in the jurisdiction. *No*
4 action or other legal proceedings for damages shall be instituted against the
5 Board, or against any Board Member or employee or agent of the Board, for
6 any act done in good faith and in the intended performance of any power
7 granted under this Chapter, or for any neglect or default in the performance
8 or exercise in good faith of any such duty or power.

9 **§32110. Records and Reports.** (a) The Board *shall* keep a
10 record of its proceedings and of all applications for registration, which
11 record *shall* show:

- 12 (1) the applicant's name, age and last known address;
- 13 (2) the date of the application;
- 14 (3) the applicant's place of business;
- 15 (4) the applicant's education, experience and other qualifications;
- 16 (5) the type of examination required;
- 17 (6) whether or not the applicant was rejected;
- 18 (7) whether or not a certificate of registration was granted;
- 19 (8) the date of the action by the Board; and
- 20 (9) such other information as may be deemed necessary by the

21 Board.

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

26 (c) At the end of every fiscal year, the Board *shall* prepare and

1 submit to *I Maga'lahañ Guåhan* (Governor) and to *I Liheslaturan Guåhan*,
2 *no later than* the first day of November, a report of its transactions of the
3 preceding year, and *shall* transmit to them a complete statement of the
4 receipts and expenditures of the Board, attested by affidavits of its Chairman
5 and its Secretary/Treasurer.

6 (d) Board records and papers of the following class are of a
7 confidential nature and are *not* public records: all examination materials for
8 examinations *not* yet given and examination solutions for which the grades
9 have *not* yet been published; file records of examination problem solutions;
10 letters of inquiry and reference concerning applicants; Board inquiry forms
11 concerning applicants; investigation files where any investigation is still
12 pending; and all other matters of like confidential nature.

13 **§32111. Receipts and Disbursements.** (a) Notwithstanding the
14 Central Accounting Act, all fees and money collected under the provisions
15 of this Chapter *shall* be deposited in a special fund known as the
16 *Professional Engineers, Architects and Land Surveyors Fund*. This fund
17 *shall* be kept in a bank licensed to do business on Guam and funds *shall* be
18 paid out *only* upon a request for payment or requisition submitted by the
19 Secretary/Treasurer or its personnel, and countersigned by the Chairman of
20 the Board. All monies in this fund are hereby specifically appropriated *only*
21 for the use of the Board in pursuit of its authority.

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

1 (c) Upon an appropriation by *I Liheslaturan Guåhan* and subject
2 to any limitations which may be contained therein, the Board *shall* make
3 expenditures from this fund for any purpose which is approved by the Board
4 as reasonable and necessary for the proper performance of its duties under
5 this Chapter, including, the expenses of the Board delegates to meetings of,
6 and the membership fees to, the National Council of Examiners for
7 Engineering and Surveying and any of its subdivisions, the National Council
8 of Architectural Registration Boards and any of its subdivisions, and the
9 Council of Landscape Architectural Registration Boards and any of its
10 subdivisions.

11 (d) The Board *shall* employ in the classified positions an Executive
12 Board Administrator, Administrative Assistant, Board Investigator and other
13 administrative staff as are necessary for the proper performance of its work.
14 Salaries and other terms of compensation for each Board staff position *shall*
15 be determined by the Department of Administration. Payments of expenses
16 and salaries pursuant to the administration of this Chapter may *not* exceed
17 available funds of the Board.

18 (e) The Chairman of the Board is the designated Certifying Officer
19 and all expenditures from the fund *shall* be certified by the Chairman of the
20 Board. Under *no* circumstance shall the amount of warrants issued in
21 payment of the expenses and compensation provided for in this Chapter
22 exceed the amount of money collected.

23 (f) The Board *shall* adopt rules or regulations to provide for an
24 annual budget, an accounting procedure, and the fees for application,
25 registration, examination, re-examination, reciprocity, renewal of
26 registration, temporary permits, corporation permits, replacement of

1 certificates, reconsideration of application, and other services.

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

4 **§32112. Roster.** A complete roster showing the names and last
5 known addresses of all registered engineers, architects, landscape architects,
6 land surveyors, and business entities *shall* be published by the Secretary of
7 the Board annually, *no later than* the last day of the third month of each
8 year, and *shall* include each registrant's certificate or registration number.
9 The roster *shall* be in non-editable electronic format which is printable and
10 available via the internet. Notice of the publication and availability of the
11 roster *shall* be mailed to each person so registered, and paper copies of the
12 roster shall be placed on file with *I Maga'lahañ Guåhan*, the Speaker of *I*
13 *Liheslaturan Guåhan*, and other state and territorial boards, and with each
14 department and agency of the government of Guam.

15 **§32113. General Requirements for Registration.** (a) *No* person
16 shall be eligible for admission to the examination for registration for
17 professional engineer, architect, landscape architect or land surveyor, *or* for
18 enrollment as an engineer intern or land surveyor intern, under this Chapter
19 unless he:

20 (1) is a citizen of the United States, or a legally admitted alien
21 authorized to work in the United States;

22 (2) is of good moral character and repute.

23 (3) meets the professional qualifications prescribed by this Chapter;
24 and

25 (4) submits five (5) references with the applicant's application for
26 registration as a professional engineer, architect, landscape architect

1 or land surveyor, three (3) of which *shall* be from practitioners
2 registered in the discipline in which he seeks registration and having
3 personal knowledge of his experience in that discipline, or in the case
4 of an application for certification as an engineer intern or land
5 surveyor intern, by three (3) character references.

6 (b) The following *shall* be considered as minimum evidence
7 satisfactory to the Board that the applicant is qualified for registration:

8 (1) as a Professional Engineer:

9 (A) Licensure or Registration by Examination — An
10 Engineer Intern with a specific record of an additional four (4) years
11 or more of progressive experience on engineering projects of a grade
12 and character which indicates to the Board that the applicant may be
13 competent to practice engineering, at least one (1) year of which *shall*
14 have been under the supervision of a registered professional engineer,
15 *shall* be admitted to a current form of examination in the principles
16 and practices of engineering, and in the case of specific engineering
17 disciplines, other examinations as prescribed in the by-laws. (Upon
18 passing such examination(s), the applicant *shall* be granted a
19 certificate of registration to practice engineering on Guam, provided
20 the applicant is otherwise qualified.)

21 (B) Graduation, Experience and Examination — A graduate
22 of an engineering or related science curriculum of four (4) years or
23 more, other than the ones approved by the Board as being of
24 satisfactory standing, and with a specific record of eight (8) years or
25 more of progressive experience, at least two (2) years of which *shall*
26 have been under the supervision of a registered engineer on projects

1 of a grade and character which indicates to the Board that the
2 applicant may be competent to practice engineering, *shall* be admitted
3 to a current form of examination in the fundamentals of engineering
4 and a current form of examination in the principles and practice of
5 engineering as prescribed in the by-laws. Upon passing such
6 examination, the applicant *shall* be granted a certificate of registration
7 to practice engineering on Guam, provided the applicant is otherwise
8 qualified.

9 (C) A Non-graduate from a Technical Curriculum — A non-
10 graduate of an engineering or related science curriculum of four (4)
11 years or more, with a specific record of three (3) years or more in
12 such a curriculum plus twelve (12) years or more of progressive
13 experience on engineering projects, four (4) years of which must have
14 been under the supervision of a registered engineer, and of which at
15 least six (6) years have been in responsible control of engineering
16 projects of a grade and character which indicates to the Board that the
17 applicant may be competent to practice engineering, *shall* be admitted
18 to a current form of examination in the fundamentals of engineering
19 and the principles and practice of engineering as prescribed in the by-
20 laws. Upon passing such examination, the applicant *shall* be granted
21 a certificate of registration to practice engineering on Guam, provided
22 the applicant is otherwise qualified.

23 (D) Licensure or Registration by Comity or Endorsement —
24 A person whose qualifications meet the requirements of this Chapter
25 may, upon application, be registered as a professional engineer
26 identical to his active engineer registration in other jurisdictions *if* the

1 person meets all the requirements below:

2 (i) the applicant holds a current certificate of
3 registration in the practice of engineering issued by a proper
4 authority of a jurisdiction or possession of the United States, the
5 District of Columbia or any foreign country, based on
6 requirements that do *not* conflict with the provisions of this
7 Chapter from which a certificate of registration is recognized by
8 the National Council of Examiners for Engineering and
9 Surveying and possessing credentials that are, in the judgment
10 of the Board, of a standard *not* lower than specified in the
11 applicable section of this Chapter in effect in Guam at the time
12 such certificate was issued, may, upon application, which may
13 include a Council Record with NCEES, be registered or
14 licensed without further examination, except as required to
15 present evidence of knowledge of statutes, rules, and design
16 requirements unique to this jurisdiction, provided that:

17 (ii) he holds a valid certificate issued by the
18 Committee on National Council of Engineering Certification of
19 the National Council of Examiners for Engineering and
20 Surveying;

21 (iii) the applicant passes the California Special Civil
22 Seismic examination (for Civil Engineering applicants *only*);

23 (iv) the applicant passes the Fundamentals of
24 Engineering examination (for applicants with Fundamentals of
25 Engineering waivers from other jurisdictions); and

26 (v) the applicant maintains current registration with at

1 least one (1) other jurisdiction, the District of Columbia, a
2 territory or a possession of the United States.

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

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

16 (2) As an Engineer Intern:

17 (A) A college senior or a graduate of an engineering
18 curriculum of four (4) years or more, accredited by EAC/ABET, or
19 the equivalent, *shall* be admitted to the current form of examination in
20 the Fundamentals of Engineering prepared and furnished by NCEES.
21 Upon passing such examination and providing proof of graduation,
22 the applicant *shall* be certified or enrolled as an engineer intern, if the
23 applicant is otherwise qualified.

24 (B) Experience and Examination — An applicant with a
25 record of six (6) or more years of experience in engineering work of a
26 grade and character satisfactory to the Board, and who passes the

1 examination as prescribed in the by-laws *shall* be certified or enrolled
2 as an engineer intern, if the applicant is otherwise qualified.

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

10 (3) As an Architect:

11 (A) Education, Experience and Examination — A graduate
12 of an NAAB accredited program from a school of architecture
13 approved by the Board as being of satisfactory standing and with at
14 least three (3) years of progressive experience satisfactory to the
15 Board in architectural work covering the major categories of
16 architectural practice, at least two (2) years of which *shall* have been
17 under the supervision of a registered architect, *shall* be eligible for a
18 current form of examination as prescribed in the rules and regulations.
19 Upon passing such examination, the applicant *shall* be granted a
20 certificate of registration to practice architecture in Guam, if the
21 applicant is otherwise qualified.

22 (i) Effective June 1, 2009, a new or inactive candidate
23 applying to the Board for eligibility evaluation for the
24 Architect Registration Examination (ARE) *shall*, prior to
25 registration or licensure, complete the Intern Development
26 Program (IDP) of the National Council of Architectural

1 Registration Boards (NCARB), as defined herein and in the
2 rules and regulations set forth, and the most recent or current
3 form of IDP guidelines prepared and prescribed by the
4 NCARB. The IDP requirement does *not* apply to a candidate
5 who: (aa) was determined by the Board to be eligible on or
6 before May 31, 2009 and who is active in the examination
7 process; or (bb) has completed all the necessary education
8 equivalents prior to June 1, 2009, who has submitted a
9 completed application for eligibility evaluation to the Board
10 that is postmarked on or before May 31, 2009, and who has
11 been determined by the Board to be eligible.

12 (ii) A new or inactive candidate *shall* submit an
13 application form, as prescribed and furnished by the Board,
14 and accompanied by such supporting documents required
15 herein. Such supporting documents *shall* include the
16 candidate's current and valid IDP file transmitted by NCARB.

17 (iii) As a candidate acquires additional work
18 experience, it is the candidate's responsibility to ensure that
19 his/her employer(s) complete Employment Verification Forms
20 covering the work experience gained with that employer and
21 that the forms are submitted to the Board. Reporting *shall* be
22 as per most current NCARB policies and procedures.

23 (iv) Completion of the IDP *shall* fulfill the lawful
24 experience requirement provided in this Chapter, and in the
25 rules and regulations.

26 (B) Experience and Examination — An applicant having

1 eight (8) years of architectural training or educational experience
2 satisfactory to the Board, of which a minimum of three (3) years *shall*
3 be experience covering the major categories of architectural practice
4 under the supervision of a registered architect, *shall* be eligible for a
5 current form of examination as prescribed in the rules and regulations.
6 Upon passing such examination, the applicant *shall* be granted a
7 certificate of registration to practice architecture on Guam, if the
8 applicant is otherwise qualified.

9 (C) Licensure or Registration by Comity or Endorsement —
10 A person *shall* be licensed or registered without further examination,
11 if that person:

12 (i) holds a current and valid registration issued by a
13 registration authority recognized by the Board; or

14 (ii) holds a National Council of Architectural
15 Registration Board's Record; and

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

20 (4) As a Landscape Architect:

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

23 (i) holds a current and valid registration to engage in the
24 practice of landscape architecture issued by a proper authority
25 of a state or jurisdiction or possession of the United States, the
26 District of Columbia or any foreign country, has successfully

1 passed a Council of Landscape Architectural Registration
2 Boards (CLARB) landscape architectural registration
3 examination (LARE); or

4 (ii) holds a current and active Council Record issued by
5 the CLARB; and

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

10 (5) As a Land Surveyor:

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

18 (A) Licensure or Registration by Examination — A
19 Surveyor Intern with a specific record of four (4) years or more of
20 combined office and field experience satisfactory to the Board, in
21 surveying, of which a minimum of three (3) years' progressive
22 experience has been on surveying projects under the supervision of a
23 professional surveyor, *shall* be eligible to take the current form of
24 examination prepared and furnished by the NCEES in the principles
25 and practice of land surveying, and in Guam Land Matters as
26 prescribed in the by-laws. Upon passing such examination, the

1 applicant *shall* be granted a certificate of registration to practice land
2 surveying on Guam, provided the applicant is otherwise qualified.

3 (B) Education, Experience and Examination — A graduate of
4 a surveying or related science curriculum of four (4) years or more,
5 other than the ones approved by the Board as being of satisfactory
6 standing, and with a specific record of an additional eight (8) years of
7 combined office and field experience satisfactory to the Board in land
8 surveying, of which a minimum of three (3) years experience has been
9 in responsible control of land surveying projects under the supervision
10 of a registered land surveyor, *shall* be admitted to a current form of
11 examination in the fundamentals of land surveying, in the principles
12 and practice of land surveying and in Guam Land Matters as
13 prescribed in the by-laws. Upon passing such examination, the
14 applicant *shall* be granted a certificate of registration to practice land
15 surveying on Guam, provided he is otherwise qualified.

16 (C) Experience and Examination — An applicant with a
17 specific record of twelve (12) years or more of practice in land
18 surveying, of which at least eight (8) years have been in responsible
19 control of important land surveying work under the supervision of a
20 registered land surveyor, and of a grade and character satisfactory to
21 the Board which indicates to the Board that the applicant may be
22 competent to practice land surveying, and who has passed an
23 examination in the fundamentals of land surveying, in the principles
24 and practice of land surveying and in Guam Land Matters, *shall* be
25 granted a certificate of registration to practice land surveying on
26 Guam, provided he is otherwise qualified.

1 (D) Licensure or Registration by Comity or Endorsement —

2 (i) A person holding a certificate of registration to
3 engage in the practice of land surveying issued by a proper
4 authority of a jurisdiction or possession of the United States or
5 the District of Columbia, or any foreign country, based on
6 requirements that do *not* conflict with the provisions of this
7 Chapter, and possessing qualifications that are, in the judgment
8 of the Board, *not* lower than that specified in the applicable
9 licensure act in effect in this jurisdiction at the time such
10 certificate was issued, may, upon application, which may
11 include a Council Record with the NCEES, be licensed without
12 further examination, except as required to present evidence of
13 knowledge of statutes, rules and surveying requirements unique
14 to this jurisdiction, provided, that the applicant *shall* be required
15 to pass a written examination of *not less than* four (4) hours
16 duration on Guam Land Matters, which *shall* include questions
17 on laws, procedures and practices pertaining to land surveying
18 on Guam.

19 (ii) A person holding an active Council Record with
20 the NCEES, whose qualifications as evidenced by the Council
21 Record, meet the requirements of this Chapter, may, upon
22 application, be licensed without further examination, except as
23 required to examine the applicant's knowledge of statutes, rules
24 and surveying requirements unique to this jurisdiction, provided
25 that the applicant *shall* be required to pass a written
26 examination of *not less than* four (4) hours duration on Guam

1 Land Matters, which shall include questions on laws,
2 procedures and practices pertaining to land surveying on Guam.

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

7 (6) As a Land Surveyor Intern:

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

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

1 **§32114. Application and Registration Fees.** (a) Application for
2 registration as a professional engineer, architect, landscape architect or land
3 surveyor, or for certification as an engineer intern or land surveyor intern, or
4 for certificates of authorization, *shall* be on a form prescribed and furnished
5 by the Board. It *shall* contain statements made under oath showing the
6 applicant's education and a detailed summary of his technical and
7 engineering, architectural, landscape architectural and land surveying
8 experience, and *shall* include the names and complete mailing addresses of
9 his references, none of whom is a current member of the Board, as required
10 in §32113 of this Chapter.

11 The Board may accept the certified information contained in a valid
12 Council Record issued by the National Council of Examiners for
13 Engineering and Surveying Committee on National Engineering
14 Certification for professional engineer applicants, or a valid Council Record
15 issued by the National Council of Architectural Registration Boards for
16 architect applicants in lieu of the same information that is required on the
17 form prescribed and furnished by the Board.

18 (b) The application (for individuals and COAs), examination, and
19 registration (for individuals and COAs) fees *shall* be prescribed by the Board
20 and *shall* be specified in the rules and regulations.

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

23 **§32115. Examinations.** (a) The applicant may be subjected to
24 such examinations as may be deemed necessary to determine his
25 qualifications. The examinations will be held at such times and place as the
26 Board may direct.

1 (b) Examinations, as specified in the rules and regulations, may be
2 taken *only* after the applicant has met the other minimum requirements, as
3 provided for by §32113.

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

7 (d) A candidate whose grade in a previous examination indicates
8 that he is unprepared may, at the discretion of the Board, be required to wait
9 one (1) year before being eligible for re-examination.

10 (e) The Board *shall* have prepared and adopted a syllabus for the
11 examinations in engineering, architecture, landscape architecture and land
12 surveying. It *shall* be published in brochure form and be available as a
13 handout to any person interested in being registered as a professional
14 engineer, architect, landscape architect or land surveyor.

15 (f) Members of the PEALS Board are prohibited from taking any
16 engineering, architecture, landscape architecture or land surveying
17 examination administered on Guam while serving on the Board. However,
18 members may take such in another jurisdiction and have the examination
19 scores accepted on Guam by the Board, so long as said examination does *not*
20 conflict with the provisions of this Chapter, and is of a standard *not* lower
21 than that of an examination for the same administered on Guam.

22 **§32116. Certificates — Seals.** (a) The Board *shall* issue to each
23 applicant meeting the requirements of this Chapter a certificate of
24 registration which gives the registrant proper authority to practice his
25 profession on Guam. The certificate of registration for a professional
26 engineer *shall* carry the designation “PROFESSIONAL ENGINEER”, and

1 *shall* also designate the branch in which he is authorized to practice. The
2 certificate of registration for an architect *shall* carry the designation
3 “REGISTERED ARCHITECT”, and the certificate of registration for a
4 Landscape Architect *shall* carry the designation “REGISTERED
5 LANDSCAPE ARCHITECT”, and the certificate of registration for a land
6 surveyor *shall* carry the designation “PROFESSIONAL LAND
7 SURVEYOR”. It *shall* give the full name of the registrant with his
8 registration number and shall be signed by the Chairman, the
9 Secretary/Treasurer and the Executive Board Administrator under the seal of
10 the Board.

11 A properly entitled and endorsed identification card *shall* be issued
12 with the certificate of registration and reissued thereafter, as prescribed by
13 §32117 of this Chapter, to each registrant upon payment of the renewal fee.

14 Every registered engineer, architect, landscape architect or land
15 surveyor having a place of business or employment within this jurisdiction
16 *shall* display his certificate of registration in a conspicuous place in such
17 place of business or employment.

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

23 (c) The Board *shall* issue to each applicant meeting the
24 requirements of this Chapter a certificate of “engineer intern” or “land
25 surveyor intern”, as applicable. The certificate issued to the “engineer
26 intern” or “land surveyor intern” does *not* authorize the practice of

1 engineering or land surveying, and *only* indicates that his name has been
2 recorded by the Board as having passed the required examination.

3 (d) Each registrant hereunder *shall*, upon registration licensure,
4 have a seal of a design authorized by the Board, bearing the registrant's
5 name, registration number, and the designation, "Professional Engineer",
6 "Registered Architect", "Registered Landscape Architect", or "Professional
7 Land Surveyor". For Professional Engineers, the stamp or seal *shall* contain
8 the specific discipline for which he is authorized, the expiration date of the
9 registrant, or a space within which the expiration date must be written:

10 (1) The seal *shall* be an image, imprint or other medium
11 approved by the Board. Except for progress submittals, whenever the
12 seal is applied to a final work product, the registrant's written
13 signature, and date *shall* be signed adjacent to the seal with the
14 statement "*This work was prepared by me or under my responsible*
15 *control*". If the work product is *not* intended for construction, a
16 statement to that effect *shall* be placed on the document adjacent to
17 the seal. A facsimile signature will *not* be acceptable. Computer-
18 generated signatures and dates are *not* acceptable.

19 (2) Seals must be a permanent mark on the document being
20 sealed. The standard seal must be used on all original tracings,
21 blueprints, drawings, specifications, reports, and other documents
22 prepared by professional engineers, registered architects, registered
23 landscape architects or professional land surveyors.

24 (3) The seal and dated signature *shall* be placed on all
25 technical submissions, such as specifications, reports, plats, drawings,
26 plans, design information and calculations, whenever presented to a

1 client or any public or government agency, including government in-
2 house designs.

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

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

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

26 (7) It *shall* be unlawful for a registrant to affix or permit his

1 seal and signature, or facsimile thereof, to be affixed to any document
2 as above described after the expiration of a certificate, or for the
3 purpose of aiding or abetting any attempt to evade any provision of
4 this Chapter.

5 (8) Seals of Professional Engineers on Engineering
6 Documents:

7 (A) The seal of a professional engineer *shall* be placed
8 on each drawing, specification, plan, report or other document
9 which is in its final form and which involves the practice of
10 engineering as defined in this Chapter. A separate seal of a
11 professional engineer of the appropriate branch of engineering,
12 as such branches are designated on the various forms of
13 professional engineer registration certificates, and is required
14 for each portion of such document that involves a separate
15 branch of engineering, *except* as provided in sub-item (B) of
16 this item (8). For example, *except* as provided in sub-item (B)
17 of this item (8), so long as registration certificates classify “civil
18 engineering”, “structural engineering”, “mechanical
19 engineering” and “electrical engineering” as different branches
20 of engineering, the seal of a professional engineer of the civil
21 branch *shall* be required for each portion of an engineering
22 document involving civil work; the seal of a professional
23 engineer of the structural branch, or civil branch, *shall* be
24 required for each portion of an engineering document involving
25 structural work for any structure or building three (3) stories or
26 less in height; wherein the height of the stories shall be defined

1 as *not more than* twelve (12) feet, the seal of a professional
2 engineer of the structural branch *shall* be required for each
3 portion of an engineering document involving structural work
4 for any structure or building higher than three (3) stories; the
5 seal of a professional engineer of the mechanical branch *shall*
6 be required for each portion of an engineering document
7 involving mechanical work; and the seal of a professional
8 engineer of the electrical branch *shall* be required for each
9 portion of an engineering document involving electrical work.

10 (B) The requirement of a separate seal for each portion
11 of an engineering document involving a separate branch of
12 engineering is subject to the following exceptions:

13 (i) in the case of a document involving an
14 individual single family dwelling, two (2) family
15 dwellings, or two (2) family dwellings in a subdivision,
16 the seal of a professional engineer in the civil branch or
17 the seal of an architect, *shall* be sufficient;

18 (ii) in the case of a document involving work
19 incidental to the practice of engineering, the seal of any
20 professional engineer, regardless of his branch of
21 engineering, or the seal of an architect, *shall* be
22 sufficient.

23 (iii) the seal of a professional engineer of the
24 mechanical branch is sufficient for documents involving
25 plumbing work, air-conditioning and ventilation,
26 regardless of the height of a building;

1 (iv) in the case of document involving the design
2 of a fire sprinkler system, a seal of a professional
3 engineer in the fire protection branch *shall* be required.

4 (v) in the case of a document involving the
5 structural portion of a site adaptation of a pre-engineered
6 structure or building, the seal of a professional engineer
7 of either the civil branch or the structural branch is
8 sufficient; and

9 (vi) in the case of a document involving work for
10 which more than one (1) branch of engineering is
11 qualified, other than those types of work provided for in
12 sub-items (i), (ii), (iii), (iv), and (v) of this item (8), the
13 Board *shall* promulgate general guidelines for the sealing
14 of such a document. The guidelines *shall* reflect that
15 there are often broad overlaps between the authorized
16 practices of the various branches of engineering.

17 (9) Seals of Architects.

18 (A) All technical submissions, such as, drawings,
19 specifications, plans, reports or other documents, prepared by a
20 registered architect or under his responsible control *shall* bear his seal,
21 which *shall* mean that the architect was in responsible control over the
22 content of such technical submissions during their preparation, and
23 has applied the required professional standard of care. An architect
24 may sign and seal technical submissions, *only* if the technical
25 submissions were: (i) prepared by the architect, or; (ii) prepared by
26 persons under the architect's responsible control.

1 (B) Notwithstanding the provisions of sub-item (A) of this
2 item (9), in the case of a document involving an individual single
3 family dwelling, a seal of either an architect or a professional engineer
4 of the civil engineering branch *shall* be sufficient. Documents
5 involving two (2) family dwellings, or a subdivision development
6 with single family and two (2) family dwellings, the seal of a
7 professional engineer of the civil engineering branch is sufficient.

8 (C) The requirement contained in sub-item (A) of this item
9 (9) does *not* affect the need for a seal of a professional engineer of the
10 appropriate branch of engineering for each portion of a document that
11 involves a system of a separate branch of engineering.

12 (10) Seals of Professional Land Surveyors:

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

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

22 (ii) to further insure that field conditions of survey
23 documents are in full conformance with such survey, the
24 surveyor of record is required to establish a field reference point
25 from which building corners, setbacks and other pertinent
26 points may be derived if and when improvements are

1 contemplated on a property. This reference point must remain
2 in place and be protected from damage for the duration of the
3 construction of a project. Such reference point must be
4 indicated as referenced on the site plan of the project. It will be
5 the surveyor's responsibility to follow setbacks defined in the
6 Zoning Law, as may be required for building permit purposes;
7 and

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

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

26 (12) An Engineer, Architect, Landscape Architect and Land

1 Surveyor *shall* provide construction contract administration when
2 applications are made for building or construction permits involving the
3 public safety and health. The term “construction contract administration”
4 means making periodic visits to the site by a registered engineer, architect,
5 landscape architect or land surveyor, or authorized representatives as the
6 case may require, to observe the progress and quality of the executed work
7 and to determine, in general, if the work is proceeding in accordance with
8 the contract documents. It is *not* required that they make exhaustive or
9 continuous on-site inspections to check the quality or quantity of the work,
10 nor is it intended that the engineer, architect, landscape architect and land
11 surveyor be responsible for construction means, methods, techniques,
12 sequences or procedures, or for safety precautions and programs in
13 connection with the work.

14 (13) Building Official: The Building Official charged with the
15 responsibility of issuing building permits, must be in possession of a
16 signed/sealed set of plans and specifications.

17 **§32117. Expirations and Renewals.** (a) Certificates of
18 Registration *shall* expire on the last day of the month of April, and
19 Certificates of Authorization for corporations, partnerships, proprietorships
20 and associations shall expire on the last day of the month of October of each
21 year, following their year of issuance, and become invalid after that date,
22 unless renewed by submission of appropriate forms, as prescribed by the
23 Board.

24 (1) Renewals of Certificates of Authorization for
25 corporations, partnerships, limited liability companies, proprietorships
26 and associations *shall* require a clearance form from the Department

1 of Revenue and Taxation that they are current on their taxes with the
2 government of Guam, or have an agreement with the Department of
3 Revenue and Taxation for their back taxes. Such clearance *shall* be
4 submitted with their renewal application form.

5 (2) Expired Certificates of Registration may be renewed at
6 any time within sixty (60) days following the expiration date without
7 submission of an “Application for Reinstatement”, upon payment of
8 the renewal fee plus the penalty fee as prescribed by the Board. Any
9 individual registrant who fails to renew within (60) sixty days after
10 the date of expiration, *shall* be required to apply for a reinstatement of
11 registration, and pay the prescribed (back registration and penalty)
12 fees as prescribed by the Board.

13 (3) Certificates of Authorization may be renewed anytime
14 prior to the expiration date. A Certificate of Authorization is
15 considered null and void if *not* renewed before the expiration date.

16 (b) It *shall* be the duty of the Secretary/Treasurer of the Board to
17 notify every person registered under this Chapter, and every corporation,
18 partnership, limited liability company, proprietorship and association
19 holding a Certificate of Authorization under this Chapter, of the date of the
20 expiration of said Certificate of Registration or Certificate of Authorization,
21 and the amount of the fee required for its renewal. Such notice *shall* be
22 mailed to the registrant, or corporation, partnership, proprietorship or
23 association at his/her or its last known address at least one (1) month in
24 advance of the date of the expiration of said certificate. Renewal may be
25 effected at any time prior to or during the month of September by payment
26 of a fee as established by the Board.

1 (c) A Certificate of Registration *shall* expire upon the death of a
2 registrant.

3 **§32118. Replacement of Certificates.** (a) Replacement of
4 Certificates. A new Certificate of Registration, to replace any certificate
5 lost, destroyed, or mutilated, may be issued, subject to the rules of the Board
6 and upon payment of the prescribed fee, and such certificate *shall* be
7 stamped or marked “duplicate”.

8 (b) Re-issuance of Certificates. The Board, for reasons it deems
9 sufficient, may reissue a Certificate of Registration to any person whose
10 certificate has been revoked, provided, that four (4) or more members of the
11 Board vote in favor of such re-issuance.

12 **§32119. Public Works.** Government employees shall *not* engage
13 in the practice of engineering, architecture, landscape architecture or land
14 surveying, involving either public or private property, without the project
15 being under the direct charge and supervision of a registered engineer,
16 architect, landscape architect or land surveyor, as provided by this Chapter.

17 **§32120. Disciplinary Action — Revocation, Suspension,**
18 **Refusal to Issue, Restore, or Renew, Probation, Fine and/or Reprimand.**

19 (a) The publication of the rules of conduct for professional engineers,
20 architects, landscape architects and land surveyors, as provided for in
21 §32109 of this Chapter, *shall* constitute due notice to all registrants.

22 (b) The Board *shall* have the power, duty and authority to suspend,
23 refuse to renew, or revoke a Certificate of Registration, or a Certificate of
24 Authorization, or to reprimand, fine or any combination thereof, or levy a
25 civil penalty in an amount determined by the Board of not more than Five
26 Thousand Dollars (\$5,000) for each offense against any engineer, architect,

1 landscape architect, land surveyor or any individual and/or business firm
2 who is found guilty of:

3 (1) the practice of any fraud or deceit in obtaining or
4 attempting to obtain or renew a Certificate of Registration or
5 Certificate of Authorization;

6 (2) any gross negligence, incompetency or misconduct in the
7 practice of engineering, architecture, landscape architecture or land
8 surveying;

9 (3) conviction of, or entry of a plea of guilty or *nolo*
10 *contendere* to, any crime which is a felony, whether related to practice
11 or not; and conviction of, or entry of a plea of guilty to, any crime,
12 whether a felony, misdemeanor, or otherwise, an essential element of
13 which is dishonesty, or which is directly related to the practice of
14 engineering, architecture, landscape architecture or surveying;

15 (4) any felony or any crime involving moral turpitude, in
16 which case a certified copy of the record of conviction *shall* be
17 conclusive evidence thereof;

18 (5) failure to comply with any of the provisions of this
19 Chapter, or violation of any of the rules or regulations pertaining
20 thereto;

21 (6) discipline by another jurisdiction, territory, the District of
22 Columbia, foreign country, the United States government, or any
23 governmental agency, if at least one (1) of the grounds for discipline
24 is the same or substantially equivalent to those contained in this
25 Section;

26 (7) failure to provide information requested by the Board as

1 a result of a formal or informal complaint to the Board, which would
2 indicate a violation of this Chapter;

3 (8) knowingly making false statements or signing false
4 statements, certifications, or affidavits, to include payment;

5 (9) aiding or assisting another person in violating any
6 provision of this Chapter or the rules or regulations pertaining thereto;

7 (10) violating any terms of probation imposed by the Board or
8 using a seal, or practicing engineering, architecture, landscape
9 architecture or land surveying while the registrant's license is
10 suspended, revoked or non-renewed;

11 (11) signing, affixing or permitting his seals to be affixed to
12 any specifications, reports, drawings, plans, plats, design information,
13 construction documents or calculations, surveys, or revisions thereof,
14 which have *not* been prepared by the licensee or under the licensee's
15 responsible control;

16 (12) engaging in dishonorable, unethical, or unprofessional
17 conduct of a character likely to deceive, defraud, or harm the public;

18 (13) providing false testimony or information to the Board;

19 (14) habitual intoxication or addiction to the use of drugs or
20 alcohol so as to endanger health, safety and interest of the public by
21 impairing skill and care in professional services; or

22 (15) providing engineering, architectural, landscape
23 architectural or surveying services outside of the licensee's areas of
24 competence. Licensees must demonstrate by education or experience
25 that they are competent to practice in the subject field in question.

26 (c) A record of conviction of any of the offenses provided in

1 paragraph (b)(1) through (b)(15) above *shall* be conclusive evidence thereof.

2 (d) In addition to any other penalty provided in this Section, the
3 Board *shall* have the power to: revoke, suspend, place on probation, fine
4 and/or reprimand, or refuse to issue, restore or renew, the Certificate of
5 Authorization of any firm, where one (1) or more of its officers, directors,
6 partners, members, or managers have been found guilty of any conduct
7 which would constitute a violation under the provisions of this Section.

8 (e) In addition to or in lieu of any other penalty provided in this
9 Section, any licensee who violates a provision of this Chapter, or any rule or
10 regulation pertaining thereto, a civil penalty in an amount determined by the
11 Board of *not more than* \$5,000 for each offense.

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

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

17 (A) whether the amount imposed will be a substantial
18 economic deterrent to the violation;

19 (B) the circumstances leading to the violation; and

20 (C) the severity of the violation and the risk of harm to the
21 public.

22 **§32121. Disciplinary Action Procedures.** (a) Any person may
23 press charges of fraud, deceit, gross negligence, incompetence, misconduct,
24 or violation of the rules of professional conduct, against any individual
25 registrant, or against any corporation, limited liability company, partnership
26 or association holding a Certificate of Authorization. Such charges *shall* be

1 in writing and shall be sworn to by the person or persons making them and
2 shall be filed with the Secretary/Treasurer of the Board. The Board may
3 summarily take action, without compliance with the Administrative
4 Adjudication Law, to suspend, revoke, or deny a Certificate of Registration
5 or Authorization from any individual registrant, corporation, partnership or
6 association, when it has received or obtained either a record of conviction or
7 notice via news media and/or radio that said registrant, corporation, limited
8 liability company, partnership or association has been found guilty of a
9 crime.

10 (b) All charges, unless dismissed by the Board as unfounded or
11 trivial, *shall* be heard by the Board within three (3) months after the date on
12 which the charges have been determined to have merit by the Executive
13 Board Administrator. At the Board's discretion, an extension of time *up to*
14 an additional three (3) months for the hearing may be granted upon the
15 request of either party. The hearing *shall* be conducted in accordance with
16 the requirements of the Administrative Adjudication Law.

17 (c) The time and place for said hearing *shall* be fixed by the Board,
18 and a copy of the charges, together with a notice of the time and place of
19 hearing, *shall* be served on or mailed to the individual registrant, or
20 corporation, partnership, limited liability company or association holding a
21 Certificate of Authorization, or to his designated counsel in accordance with
22 the requirements of the Administrative Adjudication Law. At any hearing,
23 the accused *shall* have the right to appear in person or by counsel, or both, to
24 cross-examine witnesses in his or its defense, and to produce evidence and
25 witnesses in his own defense. If the accused person fails or refuses to
26 appear, the Board may proceed to hear and determine the validity of the

1 charges.

2 (d) If, after such hearing, a majority of the Board votes in favor of
3 sustaining the charges, the Board shall reprimand, suspend, refuse to renew,
4 or revoke the Certificate of Registration or Certificate of Authorization.

5 (e) Any individual registrant having a Certificate of Registration,
6 or corporation, partnership, limited liability company or association holding
7 a Certificate of Authorization, aggrieved by any action of the Board in
8 denying, suspending, refusing to renew or revoking his Certificate of
9 Registration, or its Certificate of Authorization, may appeal therefrom to the
10 proper court under normal civil procedures.

11 (f) The Board may, upon petition of a formerly licensed individual
12 registrant or corporation, partnership or association, reissue a Certificate of
13 Registration or Authorization, provided that *not less than* four (4) members
14 of the seven (7) member Board, vote in favor of such issuance.

15 (g) No Certificate of Registration or Authorization shall be
16 suspended, revoked or denied renewal by the Board, except after a hearing,
17 in accordance with the provisions of the Administrative Adjudication Law.

18 **§32122. Violations and Penalties.** (a) Civil Penalties for Non-
19 Licensees:

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

24 (A) engaging in the practice or offer to practice
25 engineering, architecture, landscape architecture or land
26 surveying in this jurisdiction without being licensed in

1 accordance with the provisions of this Chapter;

2 (B) using or employing the words “engineer”,
3 “engineering”, “architect”, “architecture”, “landscape
4 architect”, “landscape architecture”, “surveyor”, “surveying”,
5 or any modification or derivative thereof in its name or form of
6 business activity, except as authorized in this Chapter;

7 (C) presenting or attempting to use the certificate of
8 licensure or the seal of another licensed engineer, architect,
9 landscape architect or land surveyor;

10 (D) giving false or forged evidence of any kind to the
11 Board or any member thereof in obtaining or attempting to
12 obtain a certificate of licensure;

13 (E) falsely impersonating any other licensed engineer,
14 architect, landscape architect or land surveyor of like or
15 different name; or

16 (F) using or attempting to use an expired, suspended
17 or revoked or non-existent certificate of licensure or
18 authorization.

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

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

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

26 (A) whether the amount imposed will be a substantial

1 economic deterrent to the violation;

2 (B) the circumstances leading to the violation;

3 (C) the severity of the violation and the risk of harm to
4 the public;

5 (D) the economic benefits gained by the violator as a
6 result of non-compliance; and

7 (E) the interest of the public.

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

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

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

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

25 (b) Criminal Offenses

26 (1) Any person who *shall* practice, *or* offer to practice,

1 engineering, architecture, landscape architecture *or* land surveying on
2 Guam without being registered in accordance with the provisions of
3 this Chapter, *or* any person, firm, partnership, organization,
4 association, corporation *or* other entity using *or* employing the words,
5 “Engineer” *or* “Engineering”, “Architect” *or* “Architecture”,
6 “Landscape Architect”, “Land Surveyor” *or* “Land Surveying” *or* any
7 modification *or* derivative thereof in its name *or* form of business *or*
8 activity except as authorized in this Chapter, *or* any person presenting
9 *or* attempting to use the Certificate of Registration *or* the seal of
10 another, *or* any person who *shall* give any false *or* forged evidence of
11 any kind to the Board *or* to any member thereof *if* obtaining *or*
12 attempting to obtain a Certificate of Registration, *or* any person who
13 *shall* falsely impersonate any other registrant of like *or* different
14 name, *or* any person who *shall* attempt to use an expired *or* revoked
15 *or* non-existent Certificate of Registration, *or* who *shall* practice *or*
16 offer to practice when *not* qualified, *or* any person who falsely claims
17 that he is registered under this Chapter, *or* any person who *shall*
18 violate any of the provisions of this Chapter, *shall* be guilty of a petty
19 misdemeanor for the first offense, and a third degree felony for the
20 second *or* any subsequent offenses.

21 (2) It *shall* be the duty of all duly constituted officers of
22 Guam to enforce the provisions of this Chapter and to prosecute any
23 person violating same.

24 (3) The Attorney General of Guam *shall* act as legal advisor
25 to the Board and render such legal assistance as may be necessary in
26 carrying out the provisions of this Chapter. The Board may employ

1 independent counsel and necessary assistance to aid in the
2 enforcement of this Chapter, and the compensation and expenses,
3 therefore, *shall* be paid from funds of the Board.

4 (4) Any person who is *not* registered as a professional
5 engineer, architect, landscape architect *or* land surveyor under this
6 Chapter and who, by written *or* verbal claim, sign, advertisement,
7 letterhead, card *or* in any other way represents himself to be a
8 professional engineer, architect, landscape architect *or* land surveyor
9 *or* through the use of some other title implies that he is a professional
10 engineer, architect, landscape architect *or* land surveyor *or* that he is
11 registered under this Chapter *or* holds himself out as able to perform
12 any engineering service *or* work *or* any other service designated by
13 the practitioner which is recognized as engineering, architecture,
14 landscape architecture *or* land surveying *shall* be guilty of a petty
15 misdemeanor.

16 **§32123. Certificate of Authorization (COA).** (a) The practice
17 of *or* offer to practice engineering, architecture, landscape architecture *or*
18 land surveying as defined in §32103 of this Chapter by individual engineers,
19 architects, landscape architects *or* land surveyors registered under this
20 Chapter, *or* by individuals lawfully practicing under §32124 of this Chapter
21 through a corporation (including professional corporations), partnership
22 (including registered limited liability partnership), *or* limited liability
23 company, is permitted, subject to the provisions of this Chapter.

24 A corporation, partnership, proprietorship *or* limited liability company
25 holding itself out *or* performing any of the services involved in the practice
26 of engineering, architecture, landscape architecture *or* land surveying must

1 obtain a Certificate of Authorization from the Board. The Board may issue a
2 Certificate of Authorization to such corporation, partnership, proprietorship
3 *or* limited liability company, provided that:

4 (1) one (1) *or* more of the officers of a corporation; one (1)
5 *or* more of the general partners of a partnership (including limited
6 liability partnership); the *sole* proprietor of a proprietorship; *or* one (1)
7 *or* more of the managers of a limited liability company are registered
8 under this Chapter, *or* the engineering, architecture, landscape
9 architecture *or* land surveying registration law of another jurisdiction
10 within the United States, District of Columbia *or* its Territories; and

11 (2) any agreement to perform such services *shall* be
12 executed on behalf of the corporation, partnership, limited liability
13 company by the officer *or* officers, general partner *or* partners, *sole*
14 proprietor *or* by the manager *or* managers who are registered on
15 Guam and who exercises responsible control over the particular
16 services contracted for by the corporation, partnership, proprietorship
17 *or* limited liability company.

18 The requirements of this Chapter *shall not* prevent the
19 employees of such corporations, partnerships, proprietorships *or*
20 limited liability companies from performing engineering, architecture,
21 landscape architecture *or* land surveying services; provided, that all
22 technical submissions involving the practice of engineering,
23 architecture, landscape architecture *or* land surveying as defined in
24 this Chapter when issued, *or* filed for public record, *shall* be dated,
25 and bear the seal and signature of the professional engineer, architect,
26 landscape architect, *or* professional land surveyor under whose

1 responsible control it was prepared.

2 (b) A corporation, partnership, proprietorship *or* limited liability
3 company desiring a Certificate of Authorization *shall* furnish the Board such
4 information about its organization and activities as the Board may require by
5 regulation, and to designate the individual *or* individuals duly registered to
6 practice engineering (by discipline), architecture, landscape architecture, *or*
7 land surveying on Guam who *shall* be in responsible control of the practice
8 as the Responsible Managing Employee (RME).

9 (c) A multi-discipline firm who has more than one (1) designated
10 RME *shall* be required to have a minimum of one (1) RME and who must
11 have full control over the particular services contracted for by the firm. In
12 the event there *shall* be a change in any of these persons during the year,
13 such change *shall* be reported in the form as issued by the Board within
14 thirty (30) days after the effective date of said change.

15 *If* all of the requirements of this Section are met, the Board may issue
16 a Certificate of Authorization to such corporation, partnership,
17 proprietorship *or* limited liability company authorizing such organizations to
18 contract for and to collect fees for furnishing engineering, architecture,
19 landscape architecture or land surveying services. All off-island firms *shall*
20 be required to maintain a local office under the control of at least one (1)
21 Responsible Managing Employee who shall be in full control of the
22 operations of the firm. The COA *shall* be displayed in a conspicuous place
23 in such business.

24 *No* such corporation, partnership, proprietorship *or* limited liability
25 company shall be relieved of responsibility for the conduct or acts of its
26 agents, employees *or* officers by reason of its compliance with the

1 provisions of this Section, nor *shall* any individual practicing engineering,
2 architecture, landscape architecture *or* land surveying services performed by
3 reason of his employment *or* relationship with such corporation, partnership,
4 proprietorship or association.

5 A certificate of incorporation *shall not* be issued to an applicant for a
6 registration as a foreign firm to a firm which includes, among the objectives
7 for which it is established any of the words “engineer”, “engineering”,
8 “architect”, “architecture”, “landscape architect”, “landscape architecture”,
9 “surveyor”, “land surveying”, *or* any modification or derivation thereof,
10 unless the Board has issued for the said applicant a Certificate of
11 Authorization *or* letter indicating the eligibility of such applicant to receive
12 such a certificate. The firm *shall* supply such certificate *or* letter from the
13 Board with the applicant’s application for incorporation, licensure *or*
14 authorization.

15 (d) The responsible department within the government of Guam
16 *shall* decline to register any trade name *or* service mark which includes such
17 words as set forth in Subsection (c) of this Section, *or* modification *or*
18 derivatives thereof, in its firm name *or* logo type, except those firms holding
19 an authorization certificate under the provisions of this Section.

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

25 (f) This Section *shall not* require a Certificate of Authorization for
26 a firm performing engineering, architecture, landscape architecture *or* land

1 surveying for the firm itself *or* a parent *or* subsidiary of said firm.

2 (g) The Certificate of Authorization *shall* be renewed as herein
3 provided in §32117(a).

4 **§32124. Exclusive Jurisdiction of the Board -- Restriction on**
5 **Requirement for Additional Licenses or Fees.** No local jurisdiction *shall*
6 have the authority to require additional licensure or to require payment of
7 any fees in order for any professional engineer, architect, landscape architect
8 *or* land surveyor to engage in the practice of the profession for which the
9 Board has issued a license.

10 **§32125. Contract Law Language.** (a) A Professional Engineer,
11 Architect, Landscape Architect, *or* Land Surveyor *shall* use a written
12 contract when contracting to provide professional engineering, architecture,
13 landscape architecture, land surveying *or* construction management services
14 to a client pursuant to this Chapter. The written contract *shall* be executed
15 by the professional engineer, architect, landscape architect, *or* land surveyor
16 and the client, *or* their representative, prior to the professional engineer,
17 architect, landscape architect *or* land surveyor commencing work, unless the
18 client knowingly states in writing that work may commence before the
19 contract is executed. The written contract *shall* include, but *not be limited*
20 *to*, all of the following:

21 (1) a description of the services to be provided to the client
22 by the professional engineer, architect, landscape architect *or* land
23 surveyor;

24 (2) a description of any basis of compensation applicable to
25 the contract, and the method of payment agreed upon by the parties;

26 (3) the name, address, and license *or* certificate number of

1 the professional engineer, architect, landscape architect *or* land
2 surveyor, and the name and address of the client; and

3 (4) a description of the procedure that the professional
4 engineer, architect, landscape architect *or* land surveyor and the client
5 will use to accommodate additional services.

6 (b) This Section *shall not* apply to any of the following:

7 (1) Professional engineering, architectural, landscape
8 architectural *or* land surveying services rendered by a professional
9 engineer, architect, landscape architect *or* land surveyor for which the
10 client will *not* pay compensation.

11 (2) A professional engineer, architect, landscape architect *or*
12 land surveyor who has a current or prior contractual relationship with
13 the client to provide engineering, architectural *or* land surveying
14 services, and that client has paid the professional engineer, architect,
15 landscape architect *or* land surveyor all of the fees that are due under
16 the contract.

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

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

22 **§32126. Exemption Clause.** This Chapter *shall not* be construed
23 to prevent the practice by:

24 (a) Temporary Permits.

25 (1) Professional Engineer/Architect — The practice *or* offer
26 to practice engineering, architecture or landscape architecture by a

1 person *not* a resident of *or* having no established place of business on
2 Guam, provided such person is legally qualified by registration to
3 practice engineering, architecture *or* landscape architecture as defined
4 in §32103 of this Title, in his own state *or* territory and, in the case of
5 a person seeking to practice architecture, who has a current certificate
6 of registration issued by the National Council of Architectural
7 Registration Boards, and in the case of a person seeking to practice
8 landscape architecture, who has a correct Certificate of Registration
9 issued by the Council of Landscape Architectural Registration Boards.
10 Such person *shall* make application to the Board in writing and, after
11 payment of a fee as prescribed in the by-laws, may be granted written
12 permit for a definite period of time *not to exceed* one (1) year to do a
13 specific job, provided, however, that *no* right to practice engineering,
14 architecture *or* landscape architecture *shall* accrue to such applicant
15 with respect to any other work *not* set forth in said permit. However,
16 engineers hired as a chief engineer for a government entity may be
17 granted a one (1) year temporary license from the date of hire. Prior to
18 the expiration of his temporary license, the individual must submit an
19 application for a regular *or* permanent registration to practice
20 engineering, *if* otherwise qualified, in order to continue to serve as
21 Chief Engineer.

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

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

1 and therefore *shall not* be granted.

2 (b) Employees and Subordinates. The work of an employee *or* a
3 subordinate of a person holding a Certificate of Registration under this
4 Chapter *or* an employee of a person practicing lawfully under Subsection (a)
5 of this Section, provided, such work *does not* include final engineering,
6 architecture, landscape architecture *or* land surveying designs *or* decisions
7 and is done under the direct supervision of and verified by a person holding
8 a Certificate of Registration under this Chapter *or* a person practicing
9 lawfully under Subsection (a) of this Section.

10 (c) Practice of Construction Management. Any service *or* work, the
11 adequate performance of which involves professional construction
12 inspection *or* observation, certifications, shop drawing review and approval,
13 engineering calculations, specifications, revising construction details,
14 construction interpretation, etc., as defined in §32103 of this Chapter.

15 (d) The Chief Engineer for any government entity *shall* be
16 responsible for management of engineers of other disciplines.

17 **§32127. Duties of Recordors.** It *shall* be unlawful for the
18 recorder of deeds *or* the civil registrar of titles to file *or* record any map,
19 plat, survey *or* other documents, within the definition of land surveying,
20 which do *not* have impressed thereon and affixed thereto the personal
21 signature and seal of the professional land surveyor by whom *or* under
22 whose direct supervision the map, plat, survey *or* other documents were
23 prepared.

24 **§32128. Invalid Sections.** *If* any of the provisions of this
25 Chapter, *or if* any rule, regulation *or* order thereunder, *or if* the application
26 of such provision to any person or circumstance *shall* be held invalid, the

1 remainder of this Chapter and the application of such provision of this
2 Chapter *or* such rule, regulation *or* order to persons *or* circumstances, other
3 than those as to which it is held invalid, *shall not* be affected thereby.

4 **§32129. Effective Date.** This Law *shall* take effect thirty (30)
5 days from the date of passage.”