

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

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

SOURCE: GC § 47000 *et seq.* with subsequent amendments. Entire chapter repealed and reenacted by P.L. 30-035:1 (June 19, 2009), effective July 19, 2009, pursuant to § 32129 of this chapter.

- § 32101. Name.
- § 32102. General Provisions.
- § 32103. Definitions.
- § 32104. Board Appointments; Terms.
- § 32105. Board - Qualifications of Members.
- § 32106. Board - Compensation and Expenses.
- § 32107. Board - Removal of Members - Vacancies.
- § 32108. Board - Organization and Meetings.
- § 32109. Board - Powers.
- § 32110. Records and Reports.
- § 32111. Receipts and Disbursements.
- § 32112. Roster.
- § 32113. General Requirements for Registration.
- § 32114. Application and Registration Fees.
- § 32115. Examinations.
- § 32116. Certificate - Seals.
- § 32117. Expiration and Renewals.
- § 32118. Replacement of Certificates.
- § 32119. Public Works.
- § 32120. Disciplinary Action - Revocation, Suspension, Refusal to Issue, Restore, or Renew, Probation, Fine and/or Reprimand.
- § 32121. Disciplinary Action Procedures.
- § 32122. Violations and Penalties.
- § 32123. Certificate of Authorization (COA).
- § 32124. Exclusive Jurisdiction of the Board – Restriction on Requirement for Additional Licenses or Fees.
- § 32125. Contract Law Language.
- § 32126. Exemption Clause.
- § 32127. Duties of Records.
- § 32128. Invalid Sections.
- § 32129. Effective Date.

§ 32101. Name.

This Chapter may be cited as the *Professional Engineers, Architects and Land Surveyors Law*.

§ 32102. General Provisions.

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

§ 32103. Definitions.

For the purpose of this Chapter, words used in the masculine gender include the feminine, *or* vice-versa, where appropriate.

(a) Engineer.

(1) *Engineer* means a person who, by reason of his special knowledge and use of the mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering.

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

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

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

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

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

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

Design coordination includes the review and coordination of

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

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

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

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

(b) Architect.

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

(2) *Practice of Architecture* means any service *or* creative work, the adequate performance of which requires architectural education, training and experience and the application of the mathematical and physical sciences and the principles of architecture and architectural engineering to such professional

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

services *or* creative work as consultation, investigation, evaluation, planning, design, construction management, supervision *or* observation of construction for the purpose of assuring compliance with specifications and design in connection with any building which has as its principal purpose human occupancy *or* habitation, any other building, *or* any monument, structure, waterfront development, site development *or* project including topographic work, grading and engineering incidental to the performance of any architectural service *or* other services recognized by educational authorities as architecture.

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

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

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

(c) Landscape Architect.

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

(2) *Practice of Landscape Architecture* means:

(A) Those who hold themselves out as able to perform professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision where the

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

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

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

(d) Land Surveyor.

(1) *Land Surveyor* means a person who is knowledgeable in the technique of measuring land, educated in the basic principles of mathematics, the related physical and applied sciences, and relevant requirements of law for adequate evidence and all requisite to the surveying of real property and engaged in the practice of land surveying as herein defined.

(2) *Professional Land Surveyor* means a person who is duly registered and licensed by the Guam Board of Registration

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

for Professional Engineers, Architects and Land Surveyors as a Professional Land Surveyor, and who is a professional specialist in the technique of measuring land, educated in the basic principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence and all requisite to surveying of real property, and engaged in the practice of surveying as herein defined.

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

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

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

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

(A) Determining by measurement the configuration or

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

contour of the earth's surface or the position of fixed objects thereon.

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

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

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

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

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

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

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

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

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

(e) *Approved School* means institutions offering curricula leading to first professional degrees in engineering, architecture, landscape architecture or land surveying and are accredited by the Accreditation Board for Engineering and Technology, Inc., or the NCEES Center for Professional Engineering Education Services or the National Architectural Accrediting Board.

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

(g) *Association* means the act of a number of persons in uniting together for some special purpose or business. It is a term of vague meaning used to indicate a collection or organization of persons who have joined together for a certain or common objective.

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

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

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

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

(l) *Construction Management* to be performed by licensed or registered engineers, architects, landscape architects, or land surveyors,

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

shall include, but *not* be limited to, professional services during construction, such as, permitting process and coordination, bid evaluation and contract award, processing of payment requests and change orders, claims and dispute resolution, review and approval of submittals and progress schedules, onsite quality assurance inspections and testing, survey checks, compliance to contract documents, and contract closeout including as-built drawings and Operation & Maintenance manuals and training.

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

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

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

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

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

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

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

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

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

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

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

(w) *Responsible Control* means that amount of control over, and detailed knowledge of, the content of the technical submission during their preparation, as is ordinarily exercised by professional engineers, registered architects, registered landscape architects and/or professional land surveyors, applying the required professional standard of care. Reviewing, or reviewing and correcting, technical submissions after they have been prepared by others does *not* constitute the exercise of responsible control because the reviewer has neither control over, nor detailed professional knowledge of, the content of such submissions throughout their preparation.

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

- (1) renewal of the Certificate of Authorization and notification to the Board of any change in the managing employee;
- (2) overall management of the firm's licensed and subordinate personnel providing the engineering, architecture or surveying work in this jurisdiction; and
- (3) institution and adherence of policies of the firm that are in accordance with the Rules of Professional Conduct, adopted pursuant to § 32109(e) of this Chapter.

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

(z) *Technical Submissions* means designs, drawings, specifications, studies, and other technical documents prepared in the course of practicing engineering, architecture, landscape architecture and land surveying. All technical submissions *shall* be identified by

date and by name and address of the licensee or licensee's firm.

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

§ 32104. Board Appointments; Terms.

A Guam Board of Registration for Professional Engineers, Architect and Land Surveyors is created whose duty *shall* be to administer the provisions of this Chapter.

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

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

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

(d) In the event of a vacancy on the Board for any reason, resulting in an unexpired term and *I Maga'lahaen Guåhan* (Governor) fails to appoint a successor within three (3) months after the vacancy

occurs, the Board may appoint a provisional member to serve in the interim until *I Maga'lahren Guåhan* (Governor) makes an appointment.

§ 32105. Board — Qualifications of Members.

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

§ 32106. Board — Compensation and Expenses.

Board Compensation and Travel *shall* follow the existing laws of the government of Guam.

§ 32107. Board — Removal of Members; Vacancies.

I Maga'lahren Guåhan (Governor) may remove any member for misconduct, incompetence, neglect of duty, or any sufficient cause, in the manner prescribed by law for removal of government officials. Vacancies in the membership of the Board *shall* be filled for the unexpired term by appointment by *I Maga'lahren Guåhan* (Governor) as provided in § 32104.

§ 32108. Board — Organization and Meetings.

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

§ 32109. Board — Powers.

(a) The Board *shall* have the power to adopt and amend all by-laws and rules of procedure *not* inconsistent with the Organic Act of Guam and the laws of Guam, including, the adoption and promulgation of the Rules of Professional Conduct for Professional Engineers, Architects, Landscape Architects and Land Surveyors, which *shall* be binding upon persons registered under this Chapter and which *shall* be applicable to corporations, partnerships or associations holding a Certificate of Authorization, which may be reasonably necessary for the proper performance of its duties and the

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

regulation of its procedures, meetings, records, examinations and the conduct thereof. These actions by the Board *shall* be binding upon the persons licensed or registered under this Chapter, and on non-licensees found by the Board to be in violation of the provisions of the Chapter, and *shall* be applicable to corporations holding a Certificate of Authorization, as provided in § 32123 of this Chapter.

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

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

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

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

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

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

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

determine his qualifications.

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

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

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

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

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

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

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

§ 32110. Records and Reports.

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

(a) The Board *shall* keep a record of its proceedings and of all applications for registration, which record *shall* show:

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

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

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

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

§ 32111. Receipts and Disbursements.

(a) Notwithstanding the Central Accounting Act, all fees and money collected under the provisions of this Chapter *shall* be deposited in a special

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

fund known as the *Professional Engineers, Architects and Land Surveyors Fund*. This fund *shall* be kept in a bank licensed to do business on Guam and funds *shall* be paid out *only* upon a request for payment or requisition submitted by the Secretary/Treasurer or its personnel, and countersigned by the Chairman of the Board. All monies in this fund are hereby specifically appropriated *only* for the use of the Board in pursuit of its authority.

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

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

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

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

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

permits, corporation permits, replacement of certificates, reconsideration of application, and other services.

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

§ 32112. Roster.

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

§ 32113. General Requirements for Registration.

(a) *No* person shall be eligible for admission to the examination for registration for professional engineer, architect, landscape architect or land surveyor, *or* for enrollment as an engineer intern or land surveyor intern, under this Chapter unless he:

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

(2) is of good moral character and repute.

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

(4) submits five (5) references with the applicant's application for registration as a professional engineer, architect, landscape architect or land surveyor, three (3) of which *shall* be from practitioners registered in the discipline in which he seeks registration and having personal knowledge of his experience in that discipline, or in the case of an application for certification as an engineer intern or land surveyor intern, by three (3) character references.

(b) The following *shall* be considered as minimum evidence

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

satisfactory to the Board that the applicant is qualified for registration:

(1) as a Professional Engineer:

(A) Licensure or Registration by Examination — An Engineer Intern and a graduate of an engineering curriculum of four (4) years or more, accredited by EAC/ABET or the equivalent, with a specific record of four (4) years or more of progressive experience on engineering projects of a grade and character which indicates to the Board that the applicant may be competent to practice engineering, at least one (1) year of which *shall* have been under the supervision of a registered professional engineer, *shall* be admitted to a current form of examination, recognized by the PEALS Board, in the principles and practices of engineering, and in the case of specific engineering disciplines, other examinations as prescribed in the by-laws. Upon passing such examination(s), the applicant *shall* be granted a certificate of registration to practice engineering on Guam, provided the applicant is otherwise qualified. Creditable experience towards the required four (4) years stipulated by this Subsection *shall* begin at a point after graduation from an engineering program accredited by EAC/ABET, or the equivalent.

(B) Graduation, Experience and Examination — A graduate of an engineering or related science curriculum of four (4) years or more, other than the ones approved by the Board as being of satisfactory standing, and with a specific record of eight (8) years or more of progressive experience, at least two (2) years of which *shall* have been under the supervision of a registered engineer on projects of a grade and character which indicates to the Board that the applicant may be competent to practice engineering, and having passed a current form of examination, recognized by the PEALS Board, in the fundamentals of engineering may be admitted to a current form of examination, recognized by the PEALS Board, in the principles and practice of engineering as prescribed in the by-laws. Upon passing such examination, the applicant *shall* be granted a certificate of registration to practice engineering on Guam, provided the applicant is otherwise qualified.

(C) A Non-graduate from a Technical Curriculum — A non-

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

graduate of an engineering or related science curriculum of four (4) years or more, with a specific record of three (3) years or more in such a curriculum plus twelve (12) years or more of progressive experience on engineering projects, four (4) years of which must have been under the supervision of a registered engineer, and of which at least six (6) years have been in responsible control of engineering projects of a grade and character which indicates to the Board that the applicant may be competent to practice engineering, and having passed a current form of examination, recognized by the PEALS Board, in the fundamentals of engineering may be admitted to a current form of examination, recognized by the PEALS Board, in the principles and practice of engineering as prescribed in the by-laws. Upon passing such examination, the applicant *shall* be granted a certificate of registration to practice engineering on Guam, provided the applicant is otherwise qualified.

(D) Licensure or Registration by Comity or Endorsement —

A person whose qualifications meet the requirements of this Chapter may, upon application, be registered as a professional engineer identical to his active engineer registration in other jurisdictions *if* the person meets all the requirements below:

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

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

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

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

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

(v) the applicant maintains current registration with at least one (1) other jurisdiction, the District of Columbia, a territory or a possession of the United States.

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

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

(2) As an Engineer Intern:

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

(B) Experience and Examination — An applicant with a

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

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

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

(3) As an Architect:

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

(i) Effective June 1, 2009, an applicant to the Architect Registration Examination (ARE) *shall*, prior to exam eligibility, complete the Intern Development Program (IDP) of the National Council of Architectural Registration Boards (NCARB), as defined herein and in the rules and regulations set forth, and the most recent or current form of IDP guidelines prepared and prescribed by the NCARB. The IDP requirement *does not* apply to a candidate who:

(aa) was determined by the Board to be eligible on or before May 31, 2009, and who is active in the examination process; or

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

(bb) has completed all the necessary education equivalents prior to June 1, 2009, who has submitted a completed application for eligibility evaluation to the Board that is postmarked on or before May 31, 2009, and who has been determined by the Board to be eligible.

(ii) An applicant *shall* obtain an IDP certification upon completion of the Intern Development Program, and *shall* submit such certificate with the application form.

(iii) As an applicant acquires additional work experience as required by the Board, it is the applicant's responsibility to ensure that his/her employer(s) complete the Employment Verification Forms covering the additional work experience gained with that employer, and that the forms are submitted to the Board. Reporting *shall* be as per most current NCARB policies and procedures.

(B) Experience and Examination – An applicant having eight (8) years of architectural training or educational experience satisfactory to the Board, of which a minimum of three (3) years *shall* be experience covering the major categories of architectural practice under the supervision of a registered architect, and having completed the Intern Development Program, *shall* be eligible for a current form of examination as prescribed in the rules and regulations. Upon passing such examination, the applicant *shall* be granted a certificate of registration to practice architecture on Guam, if the applicant is otherwise qualified.

(i) The requirements of Subsection (A)(i) through (iii) of this §32113(b)(3) *shall* also apply to this Subsection (B).

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

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

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

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

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

(4) As a Landscape Architect:

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

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

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

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

(5) As a Land Surveyor:

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

(A) Licensure or Registration by Examination — A Surveyor Intern with a specific record of four (4) years or more of combined office and field experience satisfactory to the Board in surveying, of which a minimum of three (3) years' progressive experience has been on surveying projects under the supervision

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

of a professional surveyor, *shall* be eligible to take the current form of examination prepared and furnished by the NCEES in the principles and practice of land surveying, and in Guam Land Matters as prescribed in the by-laws. Upon passing such examination, the applicant *shall* be granted a certificate of registration to practice land surveying on Guam, provided the applicant is otherwise qualified. Creditable experience towards the required four (4) years stipulated by this Subsection may be completed at any point, prior to or after, the applicant successfully passes the Fundamentals of Land Surveying examination. The Board may require additional information, including an oral interview, to verify and confirm that the experience requirements under a professional land surveyor have been met.

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

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

qualified.

(D) Licensure or Registration by Comity or Endorsement —

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

(ii) A person holding an active Council Record with the NCEES, whose qualifications as evidenced by the Council Record, meet the requirements of this Chapter, may, upon application, be licensed without further examination, except as required to examine the applicant's knowledge of statutes, rules and surveying requirements unique to this jurisdiction, provided that the applicant *shall* be required to pass a written examination of *not less than* four (4) hours duration on Guam Land Matters, which shall include questions on laws, procedures and practices pertaining to land surveying on Guam.

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

(6) As a Land Surveyor Intern:

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

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

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

SOURCE: Subsections (b)(1)(A - C) amended by P.L. 33-028:2 (May 7, 2015). Subsections (b)(3)(A-B) amended by P.L. 33-028:3 (May 7, 2015). Subsection (b)(5)(A) amended by P.L. 33-028:4 (May 7, 2015).

§ 32114. Application and Registration Fees.

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

The Board may accept the certified information contained in a valid Council Record issued by the National Council of Examiners for Engineering and Surveying Committee on National Engineering Certification for professional engineer applicants, or a valid Council Record

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

issued by the National Council of Architectural Registration Boards for architect applicants in lieu of the same information that is required on the form prescribed and furnished by the Board.

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

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

§ 32115. Examinations.

(a) The applicant may be subjected to such examinations as may be deemed necessary to determine his qualifications. The examinations will be held at such times and place as the Board may direct.

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

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

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

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

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

§ 32116. Certificates — Seals.

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

(a) The Board *shall* issue to each applicant meeting the requirements of this Chapter a certificate of registration which gives the registrant proper authority to practice his profession on Guam. The certificate of registration for a professional engineer *shall* carry the designation “PROFESSIONAL ENGINEER”, and *shall* also designate the branch in which he is authorized to practice. The certificate of registration for an architect *shall* carry the designation “REGISTERED ARCHITECT”, and the certificate of registration for a Landscape Architect *shall* carry the designation “REGISTERED LANDSCAPE ARCHITECT”, and the certificate of registration for a land surveyor *shall* carry the designation “PROFESSIONAL LAND SURVEYOR”. It *shall* give the full name of the registrant with his registration number and shall be signed by the Chairman, the Secretary/Treasurer and the Executive Board Administrator under the seal of the Board.

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

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

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

(c) The Board *shall* issue to each applicant meeting the requirements of this Chapter a certificate of “engineer intern” or “land surveyor intern”, as applicable. The certificate issued to the “engineer intern” or “land surveyor intern” does *not* authorize the practice of engineering or land surveying, and *only* indicates that his name has been recorded by the Board as having passed the required examination.

(d) Each registrant hereunder *shall*, upon registration licensure, have a seal of a design authorized by the Board, bearing the registrant’s name, registration number, and the designation, “Professional Engineer”, “Registered Architect”, “Registered Landscape Architect”, or “Professional

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

Land Surveyor". For Professional Engineers, the stamp or seal *shall* contain the specific discipline for which he is authorized, the expiration date of the registrant, or a space within which the expiration date must be written:

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

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

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

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

(5) The seal and signature and date *shall* be used by registrants *only* when the work being stamped was under the registrant's complete

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

direction and responsible control, provided, that if the work was performed at an office outside of the locale in which the registrant permanently resides, then the seal may be used *only* if the registrant supervised the work on a full-time basis.

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

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

(8) Seals of Professional Engineers on Engineering Documents:

(A) The seal of a professional engineer *shall* be placed on each drawing, specification, plan, report or other document which is in its final form and which involves the practice of engineering as defined in this Chapter. A separate seal of a professional engineer of the appropriate branch of engineering, as such branches are designated on the various forms of professional engineer registration certificates, and is required for each portion of such document that involves a separate branch of engineering, *except* as provided in sub-item (B) of this item (8). For example, *except* as provided in sub-item (B) of this item (8), so long as registration certificates classify “civil engineering”, “structural engineering”, “mechanical engineering” and “electrical engineering” as different branches of engineering, the seal of a professional engineer of the civil branch *shall* be required for each portion of an engineering document involving civil work; the seal of a professional engineer of the structural branch, or civil branch, *shall* be required for each portion of an engineering document involving structural work for any structure or building three (3) stories or less in height; wherein the height of the stories shall be defined as *not more than* twelve (12) feet, the seal of a professional engineer of the structural branch *shall* be required for each portion of an engineering document involving structural work for any structure or building higher than three (3) stories; the seal of a professional engineer of the mechanical branch *shall* be

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

required for each portion of an engineering document involving mechanical work; and the seal of a professional engineer of the electrical branch *shall* be required for each portion of an engineering document involving electrical work.

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

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

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

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

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

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

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

(9) Seals of Architects.

(A) All technical submissions, such as, drawings, specifications, plans, reports or other documents, prepared by a registered architect or under his responsible control *shall* bear his seal, which *shall* mean that the architect was in responsible control over the content of such technical submissions during their preparation, and has applied the required professional standard of care. An architect may sign and seal technical submissions, *only* if the technical submissions were:

- (i) prepared by the architect, or;
- (ii) prepared by persons under the architect's responsible control.

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

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

(10) Seals of Professional Land Surveyors:

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

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

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

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

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

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

(12) An Engineer, Architect, Landscape Architect and Land Surveyor *shall* provide construction contract administration when applications are made for building or construction permits involving the public safety and health. The term "construction contract administration" means making periodic visits to the site by a registered engineer, architect, landscape architect or land surveyor, or authorized representatives as the case may require, to observe the progress and

quality of the executed work and to determine, in general, if the work is proceeding in accordance with the contract documents. It is *not* required that they make exhaustive or continuous on-site inspections to check the quality or quantity of the work, nor is it intended that the engineer, architect, landscape architect and land surveyor be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the work.

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

§ 32117. Expirations and Renewals.

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

(1) Renewals of Certificates of Authorization for corporations, partnerships, limited liability companies, proprietorships and associations *shall* require a clearance form from the Department of Revenue and Taxation that they are current on their taxes with the government of Guam, or have an agreement with the Department of Revenue and Taxation for their back taxes. Such clearance *shall* be submitted with their renewal application form.

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

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

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

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

§ 32118. Replacement of Certificates.

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

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

§ 32119. Public Works.

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

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

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

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

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

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

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

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

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

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

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

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

(7) failure to provide information requested by the Board as a result of a formal or informal complaint to the Board, which would indicate a violation of this Chapter;

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

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

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

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

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

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

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

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

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

(c) A record of conviction of any of the offenses provided in paragraph (b)(1) through (b)(15) above *shall* be conclusive evidence thereof.

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

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

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

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

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

- (A) whether the amount imposed will be a substantial economic deterrent to the violation;
- (B) the circumstances leading to the violation; and
- (C) the severity of the violation and the risk of harm to the public.

§ 32121. Disciplinary Action Procedures.

(a) Any person may press charges of fraud, deceit, gross negligence, incompetence, misconduct, or violation of the rules of professional conduct, against any individual registrant, or against any corporation, limited liability company, partnership or association holding a Certificate of Authorization. Such charges *shall* be in writing and shall be sworn to by the person or persons making them and shall be filed with the Secretary/Treasurer of the Board. The Board may summarily take action, without compliance with the Administrative Adjudication Law, to suspend, revoke, or deny a Certificate of Registration or Authorization from any individual registrant, corporation, partnership or association, when it has received or obtained either a record of conviction or notice via news media and/or radio that said registrant, corporation, limited liability company, partnership or association has been found guilty of a crime.

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

(c) The time and place for said hearing *shall* be fixed by the Board, and a copy of the charges, together with a notice of the time and place of hearing, *shall* be served on or mailed to the individual registrant, or corporation, partnership, limited liability company or association holding a Certificate of Authorization, or to his designated counsel in accordance with the requirements of the Administrative Adjudication Law. At any hearing,

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

the accused *shall* have the right to appear in person or by counsel, or both, to cross-examine witnesses in his or its defense, and to produce evidence and witnesses in his own defense. If the accused person fails or refuses to appear, the Board may proceed to hear and determine the validity of the charges.

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

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

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

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

§ 32122. Violations and Penalties.

(a) Civil Penalties for Non-Licensees:

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

(A) engaging in the practice or offer to practice engineering, architecture, landscape architecture or land surveying in this jurisdiction without being licensed in accordance with the provisions of this Chapter;

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

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

- (C) presenting or attempting to use the certificate of licensure or the seal of another licensed engineer, architect, landscape architect or land surveyor;
 - (D) giving false or forged evidence of any kind to the Board or any member thereof in obtaining or attempting to obtain a certificate of licensure;
 - (E) falsely impersonating any other licensed engineer, architect, landscape architect or land surveyor of like or different name; or
 - (F) using or attempting to use an expired, suspended or revoked or non-existent certificate of licensure or authorization.
- (2) A civil penalty levied under this Section may not be less than \$5,000 for each offense.
- (3) Each day of continued violation may constitute a separate offense.
- (4) In determining the amount of civil penalty to be assessed pursuant to this Section, the Board may consider such factors as the following:
- (A) whether the amount imposed will be a substantial economic deterrent to the violation;
 - (B) the circumstances leading to the violation;
 - (C) the severity of the violation and the risk of harm to the public;
 - (D) the economic benefits gained by the violator as a result of non-compliance; and
 - (E) the interest of the public.
- (5) Before issuing an order under this Section, the Board *shall* provide the person written notice and opportunity to request a hearing on the record, which need *not* be in accordance with the provisions of the Administrative Adjudication Law.
- (6) A person aggrieved by the levy of a civil penalty under this Section, may file an appeal with the Superior Court for judicial review of the penalty aforementioned.

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

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

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

(b) Criminal Offenses

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

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

(3) The Attorney General of Guam *shall* act as legal advisor to

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

the Board and render such legal assistance as may be necessary in carrying out the provisions of this Chapter. The Board may employ independent counsel and necessary assistance to aid in the enforcement of this Chapter, and the compensation and expenses, therefore, *shall* be paid from funds of the Board.

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

§ 32123. Certificate of Authorization (COA).

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

A corporation, partnership, proprietorship *or* limited liability company holding itself out *or* performing any of the services involved in the practice of engineering, architecture, landscape architecture *or* land surveying must obtain a Certificate of Authorization from the Board. The Board may issue a Certificate of Authorization to such corporation, partnership, proprietorship *or* limited liability company, provided that:

(1) one (1) *or* more of the officers of a corporation; one (1) *or* more of the general partners of a partnership (including limited liability partnership); the *sole* proprietor of a proprietorship; *or* one (1) *or* more of the managers of a limited liability company are registered under this Chapter, *or* the engineering, architecture, landscape architecture *or* land

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

surveying registration law of another jurisdiction within the United States, District of Columbia *or* its Territories; and

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

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

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

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

If all of the requirements of this Section are met, the Board may issue a Certificate of Authorization to such corporation, partnership, proprietorship *or* limited liability company authorizing such organizations to contract for and to collect fees for furnishing engineering, architecture, landscape architecture *or* land surveying services. All off-island firms *shall* be required

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

to maintain a local office under the control of at least one (1) Responsible Managing Employee who shall be in full control of the operations of the firm. The COA *shall* be displayed in a conspicuous place in such business.

No such corporation, partnership, proprietorship *or* limited liability company shall be relieved of responsibility for the conduct or acts of its agents, employees *or* officers by reason of its compliance with the provisions of this Section, nor *shall* any individual practicing engineering, architecture, landscape architecture *or* land surveying services performed by reason of his employment *or* relationship with such corporation, partnership, proprietorship *or* association.

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

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

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

(f) This Section *shall not* require a Certificate of Authorization for a firm performing engineering, architecture, landscape architecture *or* land surveying for the firm itself *or* a parent *or* subsidiary of said firm.

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

§ 32124. Exclusive Jurisdiction of the Board -- Restriction on Requirement for Additional Licenses or Fees.

No local jurisdiction *shall* have the authority to require additional licensure or to require payment of any fees in order for any professional engineer, architect, landscape architect *or* land surveyor to engage in the practice of the profession for which the Board has issued a license.

§ 32125. Contract Law Language.

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

- (1) a description of the services to be provided to the client by the professional engineer, architect, landscape architect *or* land surveyor;
- (2) a description of any basis of compensation applicable to the contract, and the method of payment agreed upon by the parties;
- (3) the name, address, and license *or* certificate number of the professional engineer, architect, landscape architect *or* land surveyor, and the name and address of the client; and
- (4) a description of the procedure that the professional engineer, architect, landscape architect *or* land surveyor and the client will use to accommodate additional services.

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

- (1) Professional engineering, architectural, landscape architectural *or* land surveying services rendered by a professional engineer, architect, landscape architect *or* land surveyor for which the client will *not* pay compensation.
- (2) A professional engineer, architect, landscape architect *or* land surveyor who has a current or prior contractual relationship with the

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

client to provide engineering, architectural *or* land surveying services, and that client has paid the professional engineer, architect, landscape architect *or* land surveyor all of the fees that are due under the contract.

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

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

§ 32126. Exemption Clause.

This Chapter *shall not* be construed to prevent the practice by:

(a) Temporary Permits.

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

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

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

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

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

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

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

§ 32127. Duties of Recorders.

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

§ 32128. Invalid Sections.

If any of the provisions of this Chapter, *or if* any rule, regulation *or* order thereunder, *or if* the application of such provision to any person or circumstance *shall* be held invalid, the remainder of this Chapter and the application of such provision of this Chapter *or* such rule, regulation *or*

22 GCA BUSINESS REGULATIONS
CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

order to persons *or* circumstances, other than those as to which it is held invalid, *shall not* be affected thereby.

§ 32129. Effective Date.

This Law *shall* take effect thirty (30) days from the date of passage.
