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CH. 32 PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS

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

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§ 32101. Name.

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

SOURCE: GC § 47000.

§ 32102. General Provisions.

In order to safeguard life, health, and property, and to promote the public welfare, the practice of engineering, architecture and land surveying

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

SOURCE: GC § 47001. Amended by P.L. 18-34:1.

§ 32103. Definitions.

(a) *Engineer.*

(1) *Engineer* - The term *engineer*, within the intent of this Act shall mean a person who, by reason of his special knowledge and use of the mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering.

(2) *Professional Engineer* - The term, *Professional engineer*, as used in this Act, shall mean a person who has been duly registered and licensed by the Territorial Board of Registration for Professional Engineers, Architects and Land Surveyors as a Professional Engineer.

(3) *Engineer Intern* - The term, *engineer intern*, as used in this Act, shall mean a person who complies with the requirements for education, experience and character, and has passed an examination in the fundamental engineering subjects, as provided in §§ 32113 and 32115 of this Act.

(4) *Practice of Engineering* - The term *practice of engineering*, as used in this Title, means any service or creative work, the adequate performance of which requires engineering education, training and experience in the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, expert technical testimony, evaluation, planning, design, construction management of

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engineering works and systems, planning the use of the land and waters, engineering teaching of advanced engineering subjects or courses related thereto, engineering surveys, and the inspection of construction for the purpose of assuring compliance with drawings and specifications; any of which embraces such service or work either public or private, in connection with any utilities, structures, buildings, machines equipment, process, work systems, or projects and including such architectural work as may be incidental to the practice of engineering, industrial or consumer products or equipment of a control systems, communications, mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services.

(5) *Consulting engineer* - The term *consulting engineer*, as used in this Title, 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 its capable of discharging them.

(b) *Architect*.

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

(2) *Practice of Architecture* - The term *practice of architecture*, as used in this Title, 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 principals of architecture and architectural engineering to such professional services or creative work as consultation, investigation evaluation, planning, design, construction

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

(3) *Registered Architect* - The term, *Registered Architect*, as used in this Act, shall mean a person who has duly been registered and licensed by the Territorial Board of Registration for Professional Engineers, Architects and Land Surveyors as a Registered Architect.

(c) *Land Surveyor*.

(1) *Land surveyor* - The term, *land surveyor*, as used in this Act, shall mean a person 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 relevant requirements of law for adequate evidence and all requisite to the surveying of a real property and engaged in the practice of land surveying as herein defined and has been duly registered and licensed by the Territorial Board of Registration for Professional Engineers, Architects and Land Surveyors as a land surveyor.

(2) *Professional Land Surveyor* - The term, *Professional Land Surveyor*, as used in this Title, shall mean a person who has been duly registered and licensed by the Territorial Board of Registration for Professional Engineers, Architects and Land Surveyors as a Professional Land Surveyor.

(3) *Land Surveyor Intern* - The term, *Land Surveyor Intern*, as used in this Title, means a person who has qualified for, taken and passed the land surveyor intern examinations as provided in this Title.

(4) *Practice of Land Surveying* - The term *practice of land surveying*, as used in this Title, means any service work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the Earth, within the

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underground workings, and on the beds of bodies of water for the purposes of determining areas and volumes, for the monumenting of property boundaries, and for the platting and layout of lands and subdivisions thereof, including the topography, alignment and grades of streets, and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys, including construction management-related services, such as new construction layouts and post construction survey verification of as-built conditions of horizontal and vertical works.

(d) *Approved School* - The term *Approved school*, as used in this Act, shall mean institutions offering curricula leading to first professional degrees in engineering, architecture, or land surveying and are accredited by the Accreditation Board for Engineering and Technology, Inc., or the NCEES Ad Hoc Subcommittee on Foreign Education of the International Relations Committee, or the National Architectural Accreditation Board.

(e) *ARE* - The term *ARE*, as used in this Act, shall mean the Architect Registration Examination provided by the National Council of Architectural Registration Boards.

(f) *Association* - The term *Association*, as used in this Act, shall mean 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 object.

(g) *Board* - The term, *Board*, as used in this Act shall mean the Territorial Board of Registration for Professional Engineers, Architects and Land Surveyors, hereinafter provided by this Act.

(h) *Certificate of Authorization* shall mean those presents issued by the Guam Board of Registration for Professional Engineers, Architects and Land Surveyors to a corporation, company, etc.; in the name of that organization which serves to identify it as having the legal right to offer engineering, architectural, land surveying or construction management services.

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

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(j) *Construction Management* - The term *construction management* as used in this Act, to be performed by licensed and registered engineers, architects or land surveyors, shall include, but not 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 and maintenance manuals and training.

(k) *Corporation* - *Corporation*, as used in this Act, shall mean an association of individuals or legal entity created by or under the authority of the laws of a state or nation, composed, in some rare instances, or a single person and his successors, being the incumbents of a particular office, but ordinarily consisting of an association of numerous individuals.

(l) *CSCS* - The term *CSCS*, as used in this Act, shall mean the California Special Civil Seismic examination provided by the California Board of Professional Engineers and Land Surveyors.

(m) *Partner* - *Partner* as used in this Act shall mean one who has united with others to form a partnership or limited liability partnership in business.

(n) *Proprietorship* - *Proprietorship*, as used in this Act, shall mean a form of business owned and controlled exclusively by one (1) person. Such a business is commonly designated a 'sole proprietorship.

(o) *Registrant or Licensee* - *Registrant or Licensee*, as used in this Act, shall mean any person holding a current registration as a Professional Engineer, Registered Architect or Professional Land Surveyor.

(p) *Resident Agent*- *Resident Agent*, as used in this Act, shall mean a person residing in Guam designated for service process.

(q) *Responsible Control* - The term *Responsible Control*, as used in this Act, shall mean direct control and personal supervision of engineering, architectural or land surveying projects.

(r) *Responsible Managing Employee* - *Responsible Managing Employee*, as used in this Act, shall mean a natural person who is licensed under this Act and who has been designated pursuant to § 32123 of this Act by the firm. The managing agent is responsible for the engineering,

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architecture and 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 managing employee for more than one (1) firm.

(s) *Rules of Professional Conduct for Professional Engineers, Architects and Land Surveyors* - The term *rules of Professional Conduct for Professional Engineers, Architects and Land Surveyors*, as used in this Title, means those rules promulgated by the Board as authorized by law.

SOURCE: GC § 47002. Subsections (a)(4) amended by P.L. 18-43:2; (a)(5) added by P.L. 18-43:3; (b)(2) amended by P.L. 18-43:4; (c)(1)(1.1) added by P.L. 18-43:5; subsection (c)(2) amended by P.L. 18-43:6; subsection (d) repealed by P.L. 18-43:7. Subsections (e)-(h) renumbered by P.L. 18-43:7 and subsection (h) added by P.L. 18-43:7. Subsection (a)(3) repealed and reenacted by P.L. 24-263:2; subsection (a)(4) amended by P.L. 24-263:3; subsection (b)(2) amended by P.L. 24-263:4; subsection (b)(3) added by P.L. 24-263:5; subsection (c)(1)(1.1) repealed by P.L. 24-263:6; subsection (c)(2) renumbered to (c)(4) and amended by P.L. 24-263:7; subsection (c)(2) added by P.L. 24-263:8; subsection (c)(3) added by P.L. 24-263:9; subsection (e) repealed by P.L. 24-263:10; subsection (h) renumbered to (s) by P.L. 24-263:11; subsection (g) renumbered to (h) and amended by P.L. 24-263:12; subsection (d) renumbered to (g) by P.L. 24-263:13; subsection (f) renumbered to (i) and amended by P.L. 24-263:14; added subsection (d) added by P.L. 24-263:15; subsection (e) added by P.L. 24-263:16; subsection (f) added by P.L. 24-263:17; subsection (j) added by P.L. 24-263:18; subsection (k) added by P.L. 24-263:19; subsection (l) added by P.L. 24-263:20; subsection (m) added by P.L. 24-263:21; subsection (n) added by P.L. 24-263:22; subsection (o) added by P.L. 24-263:23; subsection (p) added by P.L. 24-263:24; subsection (q) added by P.L. 24-263:25; subsection (r) added by P.L. 24-263:26.

§ 32104. Board Appointments; Terms.

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

(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 Title and one (1) member of the general public who shall not have been registered under the provisions of this Title or practicing in any of the professions covered by this Title. Except for the Director of Public Works, a member shall be appointed by *I Maga'lahaen Guahan* for a term of four (4) years. Of the five (5) registered professional members, two (2) shall be architects, two (2) shall be professional engineers and one (1) shall be a professional land surveyor.

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(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'lahren Guahan* 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'lahren Guahan* shall appoint a successor. A member may be reappointed to succeed himself, but not for 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 reason resulting in an unexpired term and *I Maga'lahren Guahan* failing 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 Guahan* makes an appointment.

SOURCE: GC § 47003. Repealed and reenacted by P.L. 18-43:8. Amended by P.L. 24-263:27.

§ 32105. Board - Qualification 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 Title shall have been in responsible control in the lawful practice of engineering, architecture or land surveying for at least five (5) years. The public member of the Board shall not be nor have been an engineer, architect or land surveyor.

SOURCE: GC § 47004. Amended by P.L. 18-43:9. Amended by P.L. 24-263:28.

§ 32106. Board - Compensation and Expenses.

(a) Each member of the Board shall be entitled to receive compensation as provided for in the By-Laws and by law and shall be reimbursed for reasonable and necessary expenses incurred in the course of official duties, when attending to the work of the Board or any of its committees and during time spent in necessary travel.

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

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

SOURCE: GC § 47005. Amended by P.L. 15-148:19. Repealed and reenacted by P.L. 18-43:10. Amended by P.L. 24-263:29.

§ 32107. Board - Removal of Members - Vacancies.

The Governor may remove any member for misconduct, incompetency, neglect of duty, or any sufficient cause, in the manner prescribed by law for removal of territorial officials. Vacancies in the membership of the Board shall be filled for the unexpired term by appointment by the Governor as provided in § 32104.

SOURCE: GC § 47006.

§ 32108. Board - Organization and Meetings.

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

SOURCE: GC § 47007. Amended by P.L. 18-43:11.

§ 32109. Board - Powers.

(a) The Board shall have the power to adopt and amend all by-laws and rules of procedure not inconsistent with the Organic Act of Guam and laws of this Territory, including the adoption and promulgation of Rules of Professional Conduct for Professional Engineers, Architects, and Land Surveyors, which shall be binding upon persons registered under this Title 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 regulation of its procedures, meetings, records, examinations and the conduct thereof.

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

(c) In carrying into effect the provisions of this Title, the Board under the hand of its chairman and the seal of the Board, may subpoena witnesses

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

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

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

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

(g) the Board may subject an applicant for registration to such examinations as may be provided for in the by-laws to determine his qualifications.

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

(i) The Board shall have the power and authority to require a demonstration of continuing professional competency of engineers, architects and land surveyors as a condition of 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 or land surveying who are not licensed or authorized in this jurisdiction as provided by law.

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(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.

SOURCE: GC § 47008. Amended by P.L. 18-43:12. Subsection (i) added by P.L. 24-263:30. Subsection (j) added by P.L. 24-263:31. Subsection (k) added by P.L. 24-263:32.

§ 32110. Records and Reports.

(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'lahaen Guahan* and to *I Liheslaturan Guahan* 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.

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(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.

SOURCE: GC § 47009. Repealed and reenacted by P.L. 18-43:13. Subsection (c) is amended by P.L. 24-263:33.

§ 32111. Receipts and Disbursements.

(a) Notwithstanding the Central Accounting Act, all fees and money collected under the provisions of this Title shall be deposited in a special 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 Administrator, in the sum of Thirty Thousand Dollars (\$30,000.00) each. The premium of said bonds shall be regarded as proper and necessary expenses of the Board.

(c) Upon an appropriation by *I Liheslaturan Guahan* 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 Title, 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 and the National Council of Architectural Registration Boards and any of its subdivisions.

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

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(e) The Chairman of the Board is designated the 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 Title exceed the amount of money collected.

(f) The Board shall adopt rules or by-laws to provide for an annual budget, an accounting procedure, and the fees for application, registration, examination, reexamination, reciprocity, renewal of registration, temporary permits, corporation permits, replacement of certificates, reconsideration of application, and other services.

SOURCE: GC § 47009.1. Added by P.L. 14-135:6. Repealed and reenacted by P.L. 18-43:14. Subsection (a) amended by P.L. 24-263:34; subsection (b) amended by P.L. 24-263:35; subsection (c) amended by P.L. 24-263:36; subsection (f) repealed by P.L. 24-263:37; subsection (d) renumbered to (e) by P.L. 24-263:38; subsection (d) added by P.L. 24-263:39; subsection (e) renumbered to (f) by P.L. 24-263:40. Effective January 1, 2006, reference to the “Civil Service Commission,” amended to “Director of Administration” pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

§ 32112. Roster.

A complete roster of showing the names and last known addresses of all registered engineers, architects, land surveyors, and business entities shall be published by the Secretary of the Board annually not later than the last day of the third month of each year and shall include each registrant's certificate or registration number. Copies of this roster shall be mailed to each person so registered and to each applicant for registration, and shall be placed on file with *I Maga'lahaen Guahan*, the Speaker of *I Liheslaturan Guahan*, other state and territorial boards, and with each department and agency of the government of Guam. Additional copies may be purchased from the PEALS Board office.

SOURCE: GC § 47010; amended by P.L. 18-43:15. Amended by P.L. 24-263:41.

§ 32113. General Requirements for Registration.

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

(1) is a citizen of the United States or permanent resident alien eligible for United States Citizenship;

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(2) is of good moral character and repute;
(3) meets the professional qualifications prescribed by this Title;
and

(4) submits five (5) references with the applicant's application for registration as a professional engineer, architect or land surveyor, three (3) of which shall be from practitioners licensed and registered in the discipline 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 satisfactory to the Board that the applicant is qualified for registration:

(1) as a Professional Engineer:

(i) Graduation, Experience and Examination. A graduate of an engineering curriculum of four (4) years or more approved by the Board as being of satisfactory standing; and with a specific record of an additional four (4) years of lawful progressive experience on engineering projects satisfactory to the Board, at least one (1) year of which shall have been under the supervision of a registered engineer of a grade and character which indicates to the Board that the applicant may be competent to practice engineering, shall be admitted to a written examination in the fundamentals of engineering and a written examination in the principles and practice of engineering as prescribed by 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.);

(ii) 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, shall be admitted to a written examination in the fundamentals of engineering and a written examination 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 in Guam, provided he is otherwise qualified.);

(iii) A Non-graduate from a Technical Curriculum. A non-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, shall be admitted to a written examination in the fundamentals of engineering and 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.);

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

(aa) the applicant holds a certificate of registration to engage in the practice of engineering issued to him by a proper authority of a state, territory or possession of the United States, the District of Columbia or any foreign country from which a certificate of registration is recognized by the National Council of Examiners for Engineering and Surveying at such time that the National Council of Examiners for Engineering and Surveying recognizes registration from any foreign country, so long as the issuance of such certificate is based on verified evidence and is based on requirements that do not conflict with the provision of this Title and which are of a standard not lower than specified in the applicable section of this Title in effect in Guam at the time such certificate was issued; or

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

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

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

(ee) the applicant maintains current registration from his based jurisdiction where license was obtained through examination; and

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

(2) as an Engineering Intern:

(i) Graduation and Examination. A college senior or graduate of an engineering curriculum of four (4) years or more approved by the Board as being of satisfactory standing who has passed the examination as prescribed in the By-Laws shall be certified or enrolled as an engineer intern, if the applicant is otherwise qualified;

(ii) Experience and Examination. An applicant with a 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; and

(iii) 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.);

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(3) as an Architect:

(i) Graduation Experience and Examination. A graduate of a curriculum of not less than five (5) years from a school of architecture approved by the Board as being of satisfactory standing and at least three (3) years of progressive experience satisfactory to the Board in 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, shall be eligible for a written examination as prescribed in the By-Laws. (Upon passing such examination, the applicant shall be granted a certificate of registration to practice architecture in Guam, if he is otherwise qualified.);

(ii) 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 experienced covering the major categories of architectural practice under the supervision of a registered architect, shall be eligible for a written examination as prescribed in the By-Laws (Upon passing such examination, the applicant shall be granted a certificate of registration to practice architecture on Guam, if he is otherwise qualified.); and

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

(4) as a Land Surveyor:

(i) Graduation, Experience and Examination. A graduate of a surveying curriculum of four (4) years or more at an institution approved by the Board as being of satisfactory standing and with a specific record of an additional four (4) years or more of progressive combined office and field experience on land surveying work at least two (2) years of which shall be under the supervision of a registered land surveyor and of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying, shall be eligible for a written examination in the fundamentals of land surveying, in the principals 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 in Guam, provided the applicant is otherwise qualified.);

(ii) 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 at least 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 written 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.);

(iii) 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 a written 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

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registration to practice land surveying on Guam, provided he is otherwise qualified;

(iv) Registration by Comity or Endorsement. A person holding a certificate of registration to engage in the practice of land surveying on the basis of comparable qualifications issued by a proper authority of a state, territory or possession of the United States or the District of Columbia who in the opinion of the Board the requirements of this Title will be given comity consideration (However, the applicant may be required to take such examinations as the Board may deem necessary to determine the applicant's qualifications, but in any event, 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.); and

(v) 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;

(5) as a Land Surveyor Intern:

(i) Graduation 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 written 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.); and

(ii) 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 four (4) years of combined office and field experience in land surveying satisfactory to the Board, shall be admitted to a written 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

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for examination. Upon passing such examination, the applicant shall be certified or enrolled as a land surveyor intern, if the applicant is otherwise qualified.

SOURCE: GC § 47011. R/R by P.L. 18-43:16. Subsection (v)(aa) amended by P.L. 20-221:112. Repealed and reenacted by P.L. 24-263:42.

§ 32114. Application and Registration Fees.

(a) Application for registration as a professional engineer, architect or land surveyor or for certification as an engineer intern or land surveyor intern 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 and land surveying experience, and shall include the names and complete mailing addresses of his references, none of whom should be member of the Board, as required in §47011 of this Title.

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 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, examination and registration fees shall be prescribed by the Board and shall be specified in the by-laws.

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

SOURCE: GC § 47012. R/R by P.L. 18-43:17. Subsection (a) amended by P.L. 24-263:43.

§ 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) Written examinations as specified in the by-laws 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.

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(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 written examinations in engineering, 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 or land surveyor.

(f) Members of the PEALS Board are prohibited from taking any engineering, architect, 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 Title and is of a standard not lower than that of an examination for the same administered on Guam.

SOURCE: GC § 47013. Subsection (f) added by P.L. 24-263:44.

§ 32116. Certificate – Seals.

(a) The Board shall issue to each applicant meeting the requirements of this Title a certificate of registration which gives the registrant proper authority to practice registrant's 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 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 and the Secretary/Treasurer 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 Title to each registrant upon payment of the renewal fee.

(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 or land surveyor while the said certificate remains unrevoked or unexpired.

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(c) The Board shall issue to each applicant meeting the requirements of this Title 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 and licensure, obtain a stamp or seal of the design authorized by the Board, bearing the registrant's name, registration number, and the designation, 'Professional Engineer,' 'Registered Architect' or 'Professional Land Surveyor.' The stamp or seal shall contain the expiration date of the registrant, or a space within which the expiration date must be written.

(1) The seal shall be an image or imprint from a rubber stamp, or other medium approved by the Board. Whenever the seal is applied, the registrant's written signature shall be signed adjacent to the seal with the statement "This work was prepared by me or under my direct supervision." 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 or professional land surveyors.

(3) The seal and 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.

(4) The seal and 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's 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 unauthorized firm, partnership or corporation, each sheet shall be

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sealed and signed by the registrants involved. The principal in responsible control shall sign, seal and date the title or the first sheet.

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

(8) Seals of Professional Engineers on Engineering Documents:

(i) 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 Title. 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, is required for each portion of such document that involves a separate branch of engineering registration certificates, is required for each portion of such document that involves a separate branch of engineering, except as provided in Sub-item (ii) of this Item (8). For example, except as provided in Sub-item (ii) 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)

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stories or less in height; 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 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.

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

(aa) 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;

(bb) in 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;

(cc) a 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;

(dd) in case of a document involving the design of a fire sprinkler system, a seal of a professional engineer in the mechanical branch shall be required;

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

(ff) 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 (aa), (bb), (cc), (dd) and (ee) of this Item (8), the Board shall promulgate general guidelines for the sealing of such a

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document. The guidelines shall reflect that there are often broad overlaps between the authorized practice of the various branches of engineering.

(9) Seals of Architects.

(i) The seal of an architect shall be placed on each drawing, specification, plan or report or other document which is in its final form and which involves work with respect to any building which has as its principle purpose human occupancy or habitation, or which involves any other aspect of the practice of architecture as defined in this Title.

(ii) Notwithstanding the provisions of Sub-item (i) 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.

(iii) The requirement contained in Sub-item (1) 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 Land Surveyors.

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

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

(bb) to further insure that field conditions of survey documents are in full conformance with such survey, the surveyor of record is required to establish a field reference

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

(cc) all documents prepared and certified by a professional land surveyor shall be stamped with a statement under the seal stating: 'I hereby certify that this map was prepared by me or under my direct supervision. That it is based on a field survey made in [*insert date*], in accordance with all applicable laws and regulations. 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) through (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.

SOURCE: GC § 47014. Repealed and reenacted by P.L. 18-43:18. Repealed and reenacted by P.L. 24-263:45.

§ 32117. Expirations and Renewals.

Certificates of registration and certificates of authorization for corporations, partnerships, proprietorships and associations shall expire on the last day of the month of September of each year, following their year of issuance and shall become invalid after that date unless renewed. Such license may be renewed at any time within six (6) months following the expiration date upon payment of the renewal fee plus penalty fee as prescribed by the Board. Upon failure to renew within six (6) months after the date of expiration, the licensee shall be required to submit an application

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for 'Reinstatement of Registration' form. It shall be the duty of the Secretary/Treasurer of the Board to notify every person registered under this Act, and every corporation, partnership, proprietorship and association holding a certificate of authorization under this Act, of the date of 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 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. Renewal of an expired certificate may be effected under rules prescribed by the By-Laws. A certificate of registration shall expire upon the death of a registrant.

SOURCE: GC § 47015. Amended by P.L. 24-263:46.

§ 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) Reissuance of certificates. The Board for reasons it deems sufficient may reissue a certificate of registration to any person whose certificate has been revoked providing four (4) or more members of the Board vote in favor of such reissuance.

SOURCE: GC § 47016; subsection (b) amended by P.L. 18-43:19. Subsection (a) amended by P.L. 24-263:47.

§ 32119. Public Works.

Government employees shall not engage in the practice of engineering, 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 or land surveyor as provided by this Act.

SOURCE: GC § 47017.

§ 32120. Disciplinary Action - Revocation, Suspension or Reprimand.

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

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(b) The Board shall have the power, duty and authority to suspend, refuse to renew or revoke a certificate of registration or to reprimand, fine or any combination thereof, or levy a civil penalty in an amount not less than Five Thousand Dollars (\$5,000.00) for each offense against any engineer, architect, land surveyor or other individual who is found guilty of:

(1) the practice of any fraud or deceit in obtaining a certificate of registration or certificate of authorization;

(2) any gross negligence, incompetence or misconduct, in the practice of his profession, engineering, architecture or land surveying;

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

(4) violation of the rules of professional conduct adopted and promulgated by the Board;

(5) violation of any provision of the Title;

(6) aiding and abetting in the practice of professional engineering, architecture or land surveying any person not duly authorized to practice engineering, architecture, or land surveying under the provisions of this Title;

(7) permitting his seals to be affixed to any plans, specifications or drawings that were not prepared by him or under his personal supervision, by his employee or subordinate;

(8) 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 Act;

(9) convictions for 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

(10) practicing or offering to practice engineering, architecture or land surveying without a current license from this Board.

(c) A record or conviction of any of the offenses provided in Paragraphs (b)(1) through (b)(10) above shall be conclusive evidence thereof.

(d) The Board shall have the power to: (1) revoke a certificate of authorization, or (2) to suspend a certificate of any corporation, partnership,

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proprietorship or association where one (1) or more of his officers or principals have been found guilty under this Section, or (3) assess fines against the firm.

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

SOURCE: GC § 47018. Subsection (a) added and subsections (b), (c) and (d) renumbered by P.L. 18-43:20. Subsection (b) amended by P.L. 24-263:48. Subsection (c) amended by P.L. 24-263:49. Subsection (d) amended by P.L. 24-263:50. Subsection (e) added by 24-263:51.

§ 32121. Disciplinary Action - Procedure.

(a) Any person may prefer charges of fraud, deceit, gross negligence, incompetence, misconduct or violation of the rules of professional conduct, against any individual registrant, or against any corporation, 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. Furthermore, notwithstanding Subsection (g) of this Section, the Board may take action to suspend or revoke a certificate of authorization from any individual registrant, corporation, partnership or association when it has received notice via news media and/or radio that said registrant, corporation, 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 Board Administrator or Board Investigator.

(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 personally served on or mailed to the last known address of such individual registrant, or corporation, partnership or association holding a certificate of authorization, at least thirty (30) days before the date fixed for the hearing. At any hearing, 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 vote in favor of sustaining the charges, the Board shall reprimand, suspend, refuse to renew, or revoke the certificate of registration or certificate of authorization. The

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Board, for reasons it may deem sufficient, may reissue a certificate of registration to any person whose certificate has been revoked.

(e) Any individual registrant having a certificate of registration, or corporation, partnership 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 an individual registrant or corporation, partnership or association holding a certificate of authorization, reissue a certificate of registration or authorization, provided that a majority of the members of the 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.

SOURCE: GC § 47019. Subsection (a) amended by P.L. 24-263:52. Subsection (b) amended by P.L. 24-263:53.

§ 32122. Violations and Penalties.

(a) Any person who shall practice, or offer to practice, engineering, architecture or land surveying in this Territory without being registered in accordance with the provisions of this Title, or any person, firm, partnership, organization, association, corporation or other entity using or employing the words *Engineer* or *Engineering*, *Architect* or *Architecture*, *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 Title, 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 Title, or any person who shall violate any of the provisions of this Title, shall be guilty of a petty misdemeanor.

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(b) It shall be the duty of all duly constituted officers of the territory to enforce the provisions of its Title and to prosecute any person violating same.

(c) The Attorney General of Guam shall act as legal advisor to the Board and render such legal assistance as may be necessary in carrying out the provisions of this Act. The Board may employ counsel and necessary assistance to aid in the enforcement of this Title and the compensation and expenses therefor shall be paid from funds of the Board.

(d) Any person who is not registered as a professional engineer under this Title and who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself to be a professional engineer or through the use of some other title implies that he is a professional engineer or that he is registered under this Title 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 shall be guilty of a petty misdemeanor.

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

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

SOURCE: GC § 47020. Amended by P.L. 13-187:228; further amended by P.L. 18-43:21.

§ 32123. Authorization Certificates.

(a) The practice of or offer to practice engineering, architecture or land surveying as defined in § 32103 of this Title by individual engineers,

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architects or land surveyors registered under this Title, or to be lawfully practicing under § 32124 of this Title through a corporation, including professional corporations, partnership, including registered limited liability partnership, proprietorship or limited liability company is permitted, subject to the provisions of this Title.

A corporation, partnership, proprietorship or limited liability company holding itself out or performing any of the services involved in the practice of engineering, architecture or land surveying must be issued a certificate of authorization by the Board; provided that one (1) or more of the directors of a corporation; one (1) or more of the general partners of a partnership; the sole proprietor of a proprietorship; or one (1) or more of the managers of a limited liability company are registered under this Title or the engineering, architecture or land surveying registration law of another jurisdiction within the United States, District of Columbia or its territories; and further provided that any agreement to perform such services shall be executed on behalf of the corporation, partnership, proprietorship or limited liability company by the director or directors, general partner or partners, sole proprietor or by the manager or managers who are registered on Guam and who exercise responsible control over the particular services contracted for by the corporation, partnership, proprietorship or limited liability company.

The requirements of this Title shall *not* prevent the employees of such corporations, partnerships, proprietorships or limited liability companies from performing engineering, architecture or land surveying services; provided, that all technical submissions involving the practice of engineering, architecture or land surveying as defined in this Title when issued, or filed for public record, shall be dated, and bear the seal and signature of the professional engineer, 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, architecture or land surveying in this Territory who shall be in responsible control of the practice as the Responsible Managing Employee ('RME'). A multi-discipline firm who has more than one (1) designated RME shall be required to have a minimum of one (1) RME available on a full time basis with 75% physical presence and must have full control over the particular services contracted for by the firm. In the event

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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.

(c) 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 or land surveying services. All off-island firms shall be required to maintain a local office under the control of at least one (1) Responsible Managing Employee who shall be available on a full time basis with a seventy-five percent (75%) physical presence in full control of the operations of the firm.

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 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 which includes among the objectives for which it is established any of the words 'engineer,' 'engineering,' 'architect,' 'architectural,' '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 or letter from the Board with the applicant's application for incorporation or registration

(d) The responsible department within the territory 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 authorization certificates under the provisions of this Section.

(e) An engineer, architect or land surveyor who renders occasional part-time or consulting engineering, architectural 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.

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SOURCE: GC § 47021. Repealed and reenacted by P.L. 18-43:22. Subsection (a) amended by P.L. 24-263:54. Subsection (b) amended by P.L. 24-263:55. Subsection (c) amended by P.L. 24-263:56.

§ 32124. Exemption Clause.

This Act shall not be construed to prevent the practice by:

(a) Temporary Permits.

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

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

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

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

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approval, technical calculations, revising, construction details, construction interpretation, etc. as defined in § 32103 of this Title.

SOURCE: GC § 47022; amended by P.L. 18-43:23. Amended by P.L. 24-263:57.

§ 32125. Duties of Recorders.

It shall be unlawful for the recorder of deeds or the 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 registered land surveyor by whom or under whose director supervision the map, plat, survey or other documents were prepared.

SOURCE: GC § 47022.1; added by P.L. 18-43:24.

§ 32126. Invalid Sections.

If any of the provisions of this Act, 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 Act and the application of such provision of this Act or such rule, regulation or order to persons or circumstances, other than those as to which it is held invalid, shall not be affected thereby.

SOURCE: GC § 47023.
