# CONTRACTORS LICENSE BOARD

*Inetnon Malisensiayen Kontratista*

542 North Marine Corp Drive A. – Tamuning, Guam 96913
(Tel) 649-2211/ 646-7626; (Fax) 649-2210

**EDDIE BAZA CALVO**
GOVERNOR

**RAY TENORIO**
LIEUTENANT GOVERNOR

**EDUARDO R. ORDONEZ**
EXECUTIVE DIRECTOR


July 5, 2017

GL# 34-17-698
Speaker Benjamin J.F. Cruz

JUL 05 2017
Time: 4P [ ] AM [ ] PM File No. ____
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**VIA HAND DELIVERY**

Speaker Benjamin J.F. Cruz
I Mina'trentai Kuattro Na Liheslaturan Guahan
Guam Congress Bldg.
163 Chalan Santo Papa
Hagatna, GU 96910

**SUBJECT: SUBMISSION OF MAY 24, 2017 BOARD MEETING MINUTES**

*Hafa Adai,*

Attached to this letter is the Agenda and Minutes for the Contractor License Board (CLB) Regular Monthly Meeting that was held on May 24, 2017.

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

Sincerely,

Eduardo R. Ordonez
Executive Director

0698

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EXECUTIVE DIRECTOR


Regular Board Meeting
*May 24, 2017*
CLB Conference Room

## AGENDA

I. Call to Order:

II. Roll Call:

III. Executive Session:
   a. Board needs to vote for Chairman & Vice-Chairman (which ever members are voted in will be presiding over Board Meeting)

IV. Approval of Minutes – March 15, 2017

V. Section Report:
   a. Administration Division – Maria Perez (Admin Officer)
   b. Investigation Division – Eduardo Zapanta (Investigation Supervisor)

VI. Old Business:
   a. Update of Case #2015-10-01 – Reinstatement of License for Tereas, Inc.

VII. New Business:
   a. Unlicensed Contractors – Investigator Vince Aguon
      i. Christopher Manalo
      ii. Arwin T. Taimzon
      iii. Tammy Owen Camacho
   b. 2nd Complaint filed (case #2016-08-07) by Mr. Theodor Nelson against Tereas, Inc. – Investigation Supervisor Eduardo Zapanta
   c. Thomas V. Tanaka/ HSG Co., Ltd. vs. Vicente J. Carmona III/ KPL Guam Co., Ltd. – Case# 2017-02-04 – Investigative Supervisor Eduardo Zapanta
   d. Daukhety Netekamani vs. James Ji dba: J.D.K. Construction & James Ji Foundation dba: JF Builders – Case# 2015-02-10 – Investigation Supervisor Eduardo Zapanta
   e. Matthew Larkin vs. Kingdom Construction – Case# 2017-02-01 – Investigator Vince Aguon

VIII. Public Comment:

IX. Executive Directors Report:

X. Announcement:

# CONTRACTORS LICENSE BOARD

*Inetnon Malisensiayen Kontratista*

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

**EDDIE BAZA CALVO**
GOVERNOR

**RAY TENORIO**
LIEUTENANT GOVERNOR

**EDUARDO R. ORDONEZ**
EXECUTIVE DIRECTOR


**Regular Board Meeting**
**May 24, 2017**
**CLB Conference Room, Upper Tumon**
**Minutes of May 24, 2017**

I. Call To Order: Meeting called to order at **10:10 am**

II. Roll Call:
   a. Adelia Custodio, Vice-Chairman
   b. Marian Pizarro, Member
   c. James Casallo, Member
   d. Joseph Ulloa, (Representative for Joseph Guevara), Ex-Officio (DPW)
   e. Michael Unsiog, Ex-Officio (Rev & Tax)

   CLB Staff Members Present:
   f. Eduardo Ordonez, Executive Director
   g. Resiah Mae Nelsen, Private Secretary
   h. Maria Perez, Administrative Officer
   i. Eduardo Zapanta, Investigation Supervisor
   j. Nida Bailey, Investigator

   Public Present:
   k. Thomas Tanaka Jr. (HSG Co., Ltd.)
   l. Daukhety Netekamani
   m. Lara Ozaki (Glimpses Publication)

III. Executive Session:
   a. Chairman and Vice-Chairman need to be voted on with all members present.
      - Marian Pizarro was nominated as Chairman by James Casallo. Favored by ALL.
      - Adelia Custodio was nominated as Vice-Chairman by Michael Unsiog. Favored by ALL.

IV. Approval of Minutes:
   a. March 14, 2017: A motion was made by James Casallo to approve the minutes. Favored by ALL.

V. Section Report:
   a. Administration - Maria Perez mentioned to the Board that the Guam Building Code Council (GBCC) is taken care of administratively by the Admin Section of the CLB. Currently the GBCC is trying to have a seminar for the ICC code book to update and renew their books for

Year 2015. For the seminar the GBCC will be flying in 3 specialist to provide information to the GBCC. *James Casallo* requests that the CLB Board Members receive the invitations electronically. *Vice-Chairman Adelia Custodio* asks if Maria has pushed forward with the changes needed for the Licensing Examinations. *Maria* mentions that they are waiting on the adoption of the 2015 ICC codes before changing the examinations because not all requirements needed in the US is followed on Guam.

b. Investigation – Eduardo Zapanta mentioned to the Board that 15 minutes before the Board Meeting, he received a letter from Director Eduardo Ordonez. Eduardo Zapanta requested from the Board if Private Secretary Resiah Mae Nelsen could read the letter out to the Board so he could give his response. The Board gave their permission. Resiah Mae Nelsen read out the Letter (a hard copy was given to all Board Members). *Eduardo Zapanta* explained in his response that he has never fabricated any documents as stated in the letter; it is not his job to fabricated things because his job is based on facts. He would not write any documents without the approval of the Director and that he opposes what is stated in the letter. *Eduardo Zapanta* explained that it is not that Investigator Nida Bailey isn't doing her job but that he believes she isn't doing her job properly and didn't handle the case of Mr. Thomas Tanaka Jr. properly. *Nida Bailey* responded to Eduardo Zapanta regarding his statement regarding the case of Mr. Tanaka, that she handled it properly and that the case wasn't officially closed but it was just closed on the 1st Letter submitted by Mr. Tanaka. *Eduardo Zapanta* mentioned that he was not informed about Mr. Tanaka's case until Private Secretary Resiah Mae Nelsen had given him the documents relating to the case. He understands that when the complaint was first given to the CLB office, he was off-island for medical reasons but was not informed when he returned. *Chairman Marian Pizarro* asked the Board Members if they needed more time to read the provided documents. *James Casallo* requests that Eduardo Zapanta give a brief summary to the Board on the issues he feels the Board should be informed about. *Eduardo Zapanta* mentioned that he feels that the Investigation Protocol was not followed. He also mentioned that he was not informed about Mr. Tanaka's case until Director Ordonez mentioned to him that his office was broken into and documents were stolen; which was not reported to the authorities. *Eduardo Zapanta* informed the Board that the items missing from Director Eduardo Ordonez's offices was the file that belonged to the case of Mr. Tanaka. The Director had told Eduardo Zapanta that Nida Bailey had a copy of the documents for the case. When he had asked Nida Bailey for a copy of the file, he was informed that she did not have the complete file. He mentioned that he received a copy of the complete file from Private Secretary Resiah Mae Nelsen. *James Casallo* questions Board is supposed to be involved with the concerns of Eduardo Zapanta. *Michael Unsiog* says that he believes that what Eduardo Zapanta concerns need to be internally handled because the Board is to hear the complaints that are being filed by the Public and come to a resolution. *Chairman Marian Pizarro* mentioned that she believes that the Board is there as a governance over the agency, but they do understand that there are a lot of stress happening in the CLB office their main goal is to assist the agency and the Government of Guam. A motion was made by James Casallo to dismiss the case between Eduardo Zapanta and Executive Director Eduardo Ordonez.

VI. Old Business:

a. Update of Case # 2015-10-01 – Reinstatement of License for Tereas, Inc.: Investigator Nida Bailey informed the Board that Mr. Tedtaotao was paid the full amount of $51,000.00 from Tereas, Inc. Mr. Tedtaotao called Nida Bailey to thank the Board personally for assisting him and his family. Nida Bailey informed the Board that since the payment had been made, the license for Tereas, Inc. has been reinstated as a full license. The case has been closed.

VII. New Business:

a. Unlicensed Contractors – Investigator Vince Aguon was not present but Eduardo Zapanta provided the Board Members with documents for review. *Eduardo Zapanta* mentioned that because these mentioned individuals are not licensed with the CLB, the facts that are collected by the complainants are forwarded to the Guam Police Department because it is a police case.

b. 2nd Complaint filed (Case #2016-08-07) by Mr. Theodor Nelson against Tereas, Inc. – Eduardo Zapanta mentioned to the Board that currently Mr. Nelson is still working with Guam EPA on the contamination that was brought into Mr. Nelsons property by Tereas, Inc. As soon as they has the findings from EPA he will bring his recommendation to the Board as requested by James Casallo and Michael Unsiog.

c. Thomas Tanaka/ HSG Co., Ltd. vs. Vicente J. Carmona III/ KPL Guam Co., Ltd.(case #2017-02-04) – Eduardo Zapanta mentioned that Mr. Tanaka had presented documents to the Board (hard copy documents were given to all Board members). Eduardo Zapanta mentioned that Mr. Tanaka is requesting that the Board take some kind of action on his complaint. *Michael Unsiog* asked Eduardo Zapanta what his recommendation is regarding this case. *Eduardo Zapanta* told the Board that his recommendation is to have the Board reinstate the case to him so that he could address all of Mr. Tanaka's concerns in the original complaint. *Chairman Marian Pizarro* said that it is to the discretion of the Director who oversees which case. *Mr. Tanaka* informed the Board that the biggest issue he has with this case is that Mr. Vincente Carmona III submitted a financial statement to the CLB under a company name that does not exist and that is not a licensed company under the CLB, which is a part of the application process to acquire a Contractor's License. *James Casallo* asked if the CLB had issued a Contractors License to KPL Guam Co., Ltd. and *Maria Perez* answered Yes, they have and KPL Guam Co., Ltd. has also renewed their license for Year 2018. *James Casallo* requests that this case be brought up during the next Board Meeting with the cases facts and finding along with the CLBs recommendation so that the Board is more informed when making a decision.

d. Daukhety Netekamani vs. James Ji dba: J.D.K. Construction & James Ji Foundation dba JP Builders (case # 2015-02-10) – Eduardo Zapanta mentioned that Mr. Netekamani has provided the Board with a copy of the judgement regarding his case since it was brought to court. *Chairman Marian Pizarro* asked if there is any action that needs to be taken regarding the matter. *Eduardo Zapanta* mentioned that James Ji has had his license reinstated after 2 years. Back in July 30, 2010 GWA filed a case regarding illegal tapping of a sewer line against James Ji. According to PL. 19-14 sec. 8; if any contractor knowingly taps into any water or sewer line belonging to GWA without any prior approval shall have their Contractors License revoked by the CLB; which did happen. June 15, 2011 was when the recommendation was made to revoke Mr. James Ji's license. July 13, 2011 the License of James Ji and JF Builders was officially revoked. On October 2013 the license of James Ji was reinstated without the Boards approval. *Eduardo Zapanta* mentions that his concern is that the Board is who revoked the license of James Ji and only the Board can reinstate the license which is not what happened which is the concern of Mr. Netekamani. *Maria Perez* mentioned that the James Ji did not have a license for 2 years and that they do not issue licenses unless the applicant has completed the clearances for the application. She also mentioned that Mae Arille was the person who was handling this application during that time along with Director Eduardo Ordonez. *Director Eduardo Ordonez* requested that Maria Perez takes a look back into the application of James Ji during the year of 2013.

e. Matthew Larkin vs. Kingdom Construction (case # 2017-02-01) – Investigator Vince Aguon was not present but Eduardo Zapanta provided the Board with documents to be reviewed. *James Casallo* informed the other Board Members that he needs to abstain from voting on this case along with the case of Mr. Tanaka. *Eduardo Zapanta* informed the Board of Vince Aguon's request to the Board to revise the citation that was issued to Kingdom Construction due to findings of documents that were later submitted. Requesting that the citation that

Kingdom Construction abandoned the construction without reasonable or legal excuse. The documents that were submitted were from a professional engineer which Kingdom Construction is only a licensed contractor and not a licensed professional engineer. The complaint submitted by Mr. Larkin was regarding the foundation that was built on a wetland property that was to be taken care of GEO engineers. *James Casallo* mentioned that on the project there was an architect involved and according to the PEALs Board an architect or a civil engineer can be the Designer Of Record (DOR) to stamp all the drawings. *James Casallo* mentioned that Mr. Larking might have to seek the opinion of a licensed civil engineer or a structural engineer regarding this matter.

VIII. Public Comment:

a. Daukhety Netekamani mentioned that James Ji contaminated his soil which was tested by professionals. Also mentioned that buried under his home are trees, waste material, and other contaminants. Boulders from his wall has fallen into his neighbor's property which came within some feet of their home. Mr. Netekamani also mentioned that his home was not the only one built this way by Mr. James Ji but that he has also spoken to other people who have the same complaints. He explained that Mr. James Ji pleaded guilty to this particular civil case and that he had put into their agreement which was signed by Mr. James Ji (which is currently being violated) that he could not enter the property without permission. Because of the extreme danger of the home, he has been forced to move out of his home because it has gotten to the point where the floor has split into half because of soil erosion.

b. Thomas Tanaka Jr. gave the Board his formal complaint but informed the Board that he wanted to give the Board testimonies. In addition to his letter, Mr. Tanaka added that the CLB had issued Mr. Carmona a license without the proper documents and it is a big concern of his. Also that Mr. Kawashima was issued an ID. Also that Mr. Carmona was an employee at the time and that Mr. Kawashima was a shareholder and a director during the time when they both had an interest in Mr. Tanaka's company when planning to start KPL Guam Co., Ltd.

IX. Announcement:

a. 2017 Statement of Disclosure of Interest, past due for some Board Members – Please submit as soon as possible.

b. Next Regular Board Meeting is scheduled for June 21, 2017. Special Board Meeting to be scheduled for June 28, 2017 (Tentative).

X. Adjournment: A motion was made by Michael Unsiog to adjourn the Board Meeting at 11:43 am. Seconded by James Casallo. Favored by ALL.