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

September 15, 2017

GL#34-17-976
Speaker Benjamin J.F. Cruz

SEP 15 2017
Time: 4:00 [ ] AM [ ] PM File No. 34-904
Received By:

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 AUGUST 16, 2017 MEETING AGENDA & 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 August 16, 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

2017 SEP 15 PM 4:12

0976

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EXECUTIVE DIRECTOR

Regular Board Meeting
August 16, 2017
CLB Conference Room

AGENDA

I. Call to Order:

II. Roll Call:

III. Approval of Minutes – July 19, 2017

IV. Section Report:
- a. Administration Division – Maria Perez (Admin Officer)
  - i. Delta Construction, LLC
  - ii. American Fireproofing, Inc.
- b. Investigation Division – Eduardo Zapanta (Investigation Supervisor) – Not Present

V. Executive Directors Report:

VI. Old Business:
- a. Update Provided by Investigator Vince Aguon:
  - i. Unlicensed Contractors
  - ii. Matthew Larkin vs. Kingdom Construction – Case #2017-02-01
  - iii. Bestry Corp. – Recommendation to refuse to issue license

VII. New Business:
- a. 2nd complaint filed (Case#2016-08-07) by Mr. Theodor Nelson against Tereas, Inc. – Investigation Supervisor Eduardo Zapanta

VIII. Board Hearing:
- a. Vincente J. Carmona III (KPL Guam Co., Ltd.) – Case# 2017-02-04 – Postponed
- b. James Ji dba: J.D.K. Construction & James Ji Foundation dba: JF Builders – Case# 2015-02-10 – Postponed
- c. Wenefredo Gallege dba: SGS Construction – Case# 2015-06-02 - Postponed

IX. Public Comment:

X. Announcement:
- a. Special Board Meeting (To Be Scheduled)
- b. Next Regular Board Meeting, **September 20, 2017 @ 10:00 AM**

XI. Adjournment:

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
August 16, 2017
CLB Conference Room, Upper Tumon
Minutes of August 16, 2017

I. Call To Order: Meeting called to order at **10:24 am**

II. Roll Call:
a. Marian Pizarro, Chairman
b. James Casallo, Member (via Skype)
c. Joseph Guevara, DPW Ex-Officio
d. Michael Unsiog, Rev. & Tax Ex-Officio

CLB Staff Members Present:
e. Eduardo Ordonez, Executive Director
f. Resiah Mae Nelsen, Private Secretary
g. Vince Aguon, Investigator
h. Nida Bailey, Investigator
i. Maria Perez, Administrative Officer

Public Present:
j. Thomas Tanaka Jr. (HSG Co., Ltd.)
k. Daukhety Netekamani
l. Frank Perez

III. Approval of Minutes:
a. July 19, 2017: A motion was made by Joseph Guevara to approve the minutes of July 19, 2017. Seconded by Michael Unsiog. Favored by ALL.

IV. Section Report:
a. Administration –
- Delta Construction, LLC & American Fireproofing, Inc.: As per Ms. Perez, these two subcontractors were hired by Black Construction to come to Guam to work on the Guam International Airport Authority. Currently they have submitted some documents to start the application process for a Contractor's License with the CLB but some documents are still currently pending. These companies are requesting if they could be granted and **Provisional License**. The two contractors are currently license in the US with their specialty. We received the letter from Black Construction since June 2017 and we have still not given them a response but in their request Black Construction is requesting if the CLB would be

able to assist them in this situation. *Nida Bailey* mentioned that since they are already license in the US that the CLB should allow them to just submit the documents and accept it. *Eduardo Ordonez* mentioned that the CLB has been working on this but Maria has been trying to work with the Guam Fire Department but she has been unable to have a meeting with them. *Joseph Guevara* asked about the documents that need to be submitted for review. *Maria Perez* responded that the documents that have been submitted are only some of the documents. With these documents they are showing the CLB their credentials to set up an exam date which needs to happen after an interview with the GFD. What they are asking is help because before submitting all documents because they do not want to bring all their equipment to Guam only to be denied or failed in getting a license.

b. Investigation – No report given due to Eduardo Zapanta not being present. - *Michael Unsiog* informs the Board that this might be an internal issue but he does not think it is professional that some people are always absent and that this person's absence is affecting the issues on the agenda that are assigned to them.

V. Executive Directors Report:

a. There are still some contractors who are renewing their licenses late but they are paying the 10% late fee. Also there are some documents that need review and approval by the Board. *Chairman Marian Pizarro* requests that the committee be informed about the status of the CLBs Legal Counsel.

VI. Old Business:

a. Unlicensed Contractors: Documents submitted to Board Members; once the Board makes a decision and order, that decision and order is submitted to the court. *Maria Perez* says that before going through with this process, it needs to be verified. She will be trying to find the documents to support this because she says she was informed that even if these people are unlicensed contractors the legislative rule is trumped by the federal law and that these peoples are still entitled to have a hearing in front of the CLB Board.

b. Matthew Larkin vs. Kingdom Construction – Case # 2017-02-01: Documents submitted to Board Members; *Vince Aguon* mentions that a decision and order was drafted to vacate the citation to Kingdom Construction due to a technicality. As informed with new supporting documents submitted to the CLB. The complaint was originally filed for Kingdom Enterprise. The citation was for $14,000 which in his opinion is too steep. So Vince would like to vacate the citation and draft a new one addressed to Kingdom Enterprise. A motion to vacate and issue another citation was made by Marian Pizarro. Seconded by Joseph Guevara. Favored by ALL.

c. Bestry Corp – Recommendation to refuse to issue License: Documents submitted to Board Members; Vince Aguon is recommending to deny the approval of Bestry Corp. application to obtain a license because they have violated multiple government agencies rules and regulations. *Maria Perez* says that before denying them a license the CLB should seek a recommendation from Legal Counsel. *Vince Aguon* mentions that it states in the CLB rules and regulations we are following the law by having the Board, first, make a decision and order. *Joseph Guevara* mentioned that this contractor has not done any work on Guam and has multiple violations with the CLB along with DPW and other Agencies. *Maria Perez* mentions that the application has been in the CLB office for some time, that in the beginning Vince Aguon said it is ok to give them a license and then because there was evidence against Bestry Corp. and then decided to not allow then to obtain a license. That instead of just denying the license the Board should just give Bestry Corp. the license and then later revoke it. *Vince Aguon* reads the rules and regulations, that the Board is empowered to deny the approval of any application due to a number of issues. *Joseph Guevara* asks what the difference is with someone doing the work and bringing it in front of the Board for approval and someone doing the work and bringing it in front of the Board for rejection. *Michael*

Unsiog mentions that we need to act upon this ASAP because this application has been in the CLB office since May. *Resiah Mae Nelsen* read the rules and regulations to the Board to obtain clarification on what will be presented to the Board as of Today. According to the rules and regulations ALL APPLICATIONS (new, renewal, and inactive applications) must be brought in front of the Board in which Michael Unsiog and Joseph Guevara agree on. According to Vince Aguon, Bestry Corp. was conducting construction without a license, they have violations with DOL wage and hour along with DPWs permits by using the name of a licensed contractor who was unaware of his name being used. Bestry Corp. has been informed to submit supporting documents as well as had a notice to appear, they have also paid the citation from the CLB. A motion was made by Joseph Guevara to deny the approval of the Contractors License application for Bestry Corp. Seconded by Michael Unsiog. Favored by ALL.

VII. New Business:
   a. 2nd complaint filed (Case#2016-08-07) by Mr. Theodor Nelson against Tereas, Inc. – Investigation Supervisor Eduardo Zapanta – Eduardo Zapanta was not present

VIII. Board Hearing: Hearings postponed due to Eduardo Zapanta not being present since he is the Investigator assigned to these cases.
   a. Vincente J. Carmona III (KPL Guam Co., Ltd.) – Case# 2017-02-04 – Postponed
   b. James Ji dba: J.D.K. Construction & James Ji Foundation dba: JF Builders – Case# 2015-02-10 – Postponed
   c. Wenefredo Gallege dba: SGS Construction – Case# 2015-06-02 – Postponed

IX. Public Comment:
   a. Frank Perez – Present to inquire the difference between obtaining a Contractor's License from the CLB and a Business License for Dept. of Rev & Tax for HVAC companies.
   b. Daukhety Netekamani – Present to follow up on Case# 2015-02-10. A motion to revoke the license of James Ji Foundation dba: FB Builders was made by Joseph Guevara. Seconded by Michael Unsiog. Favored by ALL.

X. Announcement:
   a. Next scheduled Board Meeting for **September 20, 2017 @ 10 am.**
   b. Special Board Meeting to be scheduled for **August 30, 2017 @ 10 am.**

XI. Adjournment: A motion was made by Joseph Guevara to adjourn the Board Meeting at 12:06 pm. Seconded by Michael Unsiog. Favored by ALL.