

**STATE OF NEW MEXICO
CONSTRUCTION INDUSTRIES COMMISSION
MINUTES**

**Regulation and Licensing – Construction Industries
Regular Meeting
Wednesday, March 21, 2012, 9:30 a.m.
Clovis Carver Public Library – North Annex
701 North Main
Clovis, NM 88101**

The Construction Industries Commission held a regular meeting on March 21, 2012. Officially attending the meeting was:

Randy D. Baker, Representing Licensed Electrical Contractors
Lisa Fickling, Representing the LP Gas Industry
Kevin Yearout, Representing Licensed Mechanical Contractors
Patrick Casey, Representing Residential Contractors
Don Kaufman, Representing Sub-contractors
Dale Dekker, Representing Licensed and Practicing Architects
Vince Alvarado, Member
Justin Woolf, Assistant Attorney General
Cholla Khoury, Assistant Attorney General
Katherine Martinez, Director, Construction Industries Division (CID)
Fermin Aragon, Acting Deputy Director of Field Operations, CID

Absent:

Ken Wooten, Representing General Building Contractors
Renee Edwards, Member

1. Convene, Determination of Quorum and Introductions: Commissioners and Audiences

Chairman Baker established that a quorum of the Commissioners was present convened the meeting at 9:30 a.m.

2. Approve Agenda

MOTION: Commissioner Casey moved for the Approval of Agenda with the following changes: Move Executive Session to follow Public Comment, remove from the agenda 7.a.II Case #1 09-1458 and Case #7 11-2009. Commissioner Dekker seconded the motion. VOTE: All voted in favor of the motion.

3. Public Comment

4. Executive Session

Commissioner Baker entertained a motion that the Construction Industries Commission go into Executive Session to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license; to deliberate pending cases; and to discuss pending litigation. VOTE: A roll call vote was taken with all commissioners voting to adjourn to executive session. The meeting adjourned to executive session at 9:50 a.m.

- Recommendation to close cases
- Request approval to proceed to issue Notices of Contemplated Actions
- AG Report on disciplinary actions
- Consideration of Hearing Officer's Reports
- Pending Litigation

Chairman Baker entertained a motion to open the meeting to the public. He further stated that only matters exempt from the open meeting requirement, NMSA 1978 10-15-1(H). No other matters were discussed, and no other actions were taken during executive session.

The meeting reconvened at 10:31 a.m.

a. Action on items discussed during Executive Session

1. Compliance Investigations

MOTION: Commissioner Yearout moved that compliance investigations listed on the agenda be closed as presented. Commissioner Casey seconded the motion. VOTE: All voted in favor of the motion.

1. 09-1287- Azteca Construction - Close	6. 10-1877 – B&L Development & Const. - Close	11. 11-2076 – J&W Construction - Close	16. 11-2173 – Black Flame Construction Inc. - Close
2. 09-1451 – Edelman Construction - Close	7. 10-1934 – Trapnell Baylor Real Estate Broker - Close	12. 11-2105 – Grants Plumbing & Services - Close	17. 11-2178 – Carlos Aguilar & Sons Heating & Cooling - Close
3. 10-1645 – MNM Drilling & Construction - Close	8. 11-1996 – Rooter Plus Plumbing & Heating - Close	13. 11-2136 – Kitchell contractors of Arizona Inc. - Close	18. 11- 2190 – Valerio's Construction Co. - Close
4. 10-1736 – Salmeron Electric - Close	9. 11-2043 – Laroc Refrigeration – Metal Division Inc. - Close	14. 11-2147 – Bjar Construction - Close	19. 11-2194 – Territorial Roofing Co. Inc. - Close

20. 11-2195 – Cedar SW Construction co. LLC - Close	23. 11-2201 – ABC Roofing Specialists - Close	26. 11-2246 – DRH Southwest construction Inc. - Close	29. 12-2274 – Universal Heating & Air - Close
21. 11-2198 – Luna Home Builders LLC - Close	24. 11-2205 – SMB Construction - Close	27. 12-2268-DC Builders - Close	30. 12-2280 – K-Ram Inc. - Close
22. 11-2200 – Clinger Pro Roofing - Close	25. 11-2222 – Bailey Land & Cattle LLC - Close	28. 12-2270 – 310 Solar LLC - Close	31. 12-2313 – The Window Connection - Close

II. MOTION: Commissioner Yearout moved that #18 11-2261 be corrected to read 12-2261 and cases 1 -17 go to NCA:

1. 09-1458 Remove	7. 11-2009 Remove	13. 11-2220
2. 10-1832	8. 11-2095	14. 11-2229
3. 11-1954	9. 11-2096	15. 11-2233
4. 11-1958	10. 11-2133	16. 11-2236
5. 11-1966	11. 11-2191	17. 11-2252
6. 11-1999	12. 11-2204	18. 11-2261 12-2261

Commissioner Casey seconded the motion. VOTE: All voted in favor of the motion.

Commissioner Yearout moved that #18 – 12-2261 go to NCA. Commissioner Casey seconded the motion. VOTE: All voted in favor of the motion. Commissioner Kaufman recused himself from voting.

III. AG Report on Disciplinary Actions:

- MOTION: Commissioner Kaufman moved to accept Settlement of the case as presented for **John Beaver – 06-1078 & 10-1720 and Talon Drilling Limited Partnership – 10-1658**. Commissioner Dekker seconded the motion. VOTE: All voted in favor of the motion.
- MOTION: Commissioner Kaufman moved for the license revocation and QP revocation and a penalty of five hundred dollars (\$500) for each revocation for a total penalty of one thousand dollars (\$1,000) as presented for the following: **National Lath & Plaster Inc – 10-1664, Castbros Construction – 10-1642, Tri-State – 10-1609, HDR Enterprises – 09-1567, Reliance Homes – 10-1626, and Carlos Coba – 10-1644**. Commissioner Dekker seconded the motion. VOTE: All voted in favor of the motion.
- MOTION: Commissioner Kaufman moved for the license revocation and a penalty of five hundred dollars (\$500) as presented for **Yarbrough Electrical Services – 10-1615**. Commissioner Alvarado seconded the motion. VOTE: All voted in favor of the motion.
- MOTION: Commissioner Kaufman moved to accept the Dismissal of the following cases as presented: **Window Masters – 08-0908, C-C Builders –**

09-1329, John Reed Construction – 08-1022, Rachel Matthew Homes – 10-1617, Treven Sprinkle – 10-1805. Commissioner Dekker seconded the motion. VOTE: All voted in favor of the motion.

IV. Request approval to proceed to issue Notices of Contemplated Actions:

Parent Responsibility Act:

The following licensees or certificate holders are more than 60 day in arrears for child support payments. As per statute it is necessary to revoke their licenses and certificates until proof is provided from Child Youth Family Division that the individual is in compliance. Therefore, the following individual will receive a Notice of Contemplated Action to revoke their licenses and certificates.

MOTION: Commissioner Kaufman moved that cases 1-52 go to NCA. Commissioner Yearout seconded the motion. VOTE: All voted in favor of the motion.

	License No	Status	Case
1	83883	Active	114753
2	7353	Suspended-FTCWPR	245156
3	81703	Active	150176
4	87125	Suspended-FTCWPR	14494
5	60252	Active	3450301
6	30388	Suspended-FTR	114234
7	370542	Active	223226
8	53947	Suspended-FTCWPR	259135
9	34074	Suspended-FTCWPR	2097101
10	359642	Suspended-FTCWPR	134330
11	32230	Suspended-FTCWPR	3446741
12	87210	Active	7103811
13	33224	Suspended-FTCWPR	143073
14	81897	Suspended-FTCWPR	125148
15	56933	Suspended-FTCWPR	43506
16	5791	Active	202320
17	57456	Suspended-FTCWPR	78675
18	86365	Suspended-FTCWPR	171367
19	7446	Suspended-FTCWPR	1180811
20	30233	Suspended-FTCWPR	153626
21	90659	Active	293774
22	10171	Suspended-FTCWPR	3388561
23	32174	Suspended-FTCWPR	125492
24	12098	Suspended-FTCWPR	1033702
25	371363	Suspended-FTCWPR	249014
26	32883	Suspended-FTCWPR	2148583
27	372413	Suspended-FTCWPR	306465
28	359874	Suspended-FTCWPR	135678
29	361687	Suspended-FTCWPR	172435

30	366147	Active	7072131
31	35175	Suspended-FTCWPR	127376
32	30202	Suspended-FTCWPR	240458
33	365211	Suspended-FTCWPR	184822
34	36158	Suspended-FTCWPR	245258
35	371520	Suspended-FTCWPR	3478801
36	33816	Suspended-FTCWPR	58173
37	350213	Suspended-FTCWPR	185569
38	360506	Suspended-FTCWPR	193806
39	12883	Suspended-FTCWPR	305923
40	35872	Suspended-FTCWPR	166060
41	87991	Suspended-FTCWPR	184050
42	30199	Suspended-FTCWPR	180347
43	83263	Active	180021
44	94087	Active	7133601
45	10289	Suspended-FTCWPR	74064
46	32601	Suspended-FTCWPR	281822
47	360426	Suspended-FTCWPR	291130
48	13347	Suspended-FTCWPR	220962
49	35292	Suspended-FTCWPR	5088351
50	86885	Active	89710
51	60589	Active	68019
52	362404	Suspended-FTCWPR	279688

b. Consideration of Hearing Officer's Reports:

1. Kenneco Construction – 09-1561

MOTION: Commissioner Kaufman moved to accept the Hearing Officer's Report as presented and Kenneco Construction be assessed an administrative penalty in the amount of one thousand dollars (\$1,000.00) for installing the roof without a pitch and in the amount of one thousand dollars (\$1,000.00) for misrepresenting to the division that there were no outstanding complaints at the time Kenneco Construction submitted the application to renew licensure, for a total administrative penalty of two thousand dollars (\$2,000.00). Commissioner Casey seconded the motion. VOTE: All voted in favor of the motion.

2. Shue Construction – 09-1549

MOTION: Commissioner Kaufman moved to accept the Hearing Officer's Report as presented to revoke Shue Constructions license and qualifying party certificate and assess an administrative penalty in the amount of five hundred dollars (\$500.00) for failing to properly terminate the water heater's temperature and pressure relief valve outside of the home; five hundred dollars (\$500.00) for failing to install a drip pan and drain that terminated outside of the home; and one thousand dollars (\$1,000.00) for performing services outside the scope of licensure, for a total administrative penalty of \$2,000.00. Commissioner Dekker seconded the

motion. VOTE: All voted in favor of the motion. Commissioner Casey recused himself from voting.

c. Pending Litigation – Assistant Attorney General, Justin Woolf informed the CIC members on pending litigation.

5. Directors Report – Director Martinez reported on the following items:

- Energy Code – Manual S – Problems were discovered and the CID Mechanical TAC with industry representation have formed a sub-committee to review and find a solution.
- CID staff have designed an organizational chart that demonstrates the structure of the CID organization and the relationships and relative ranks of positions within the organization
- Meeting with Space Port to discuss timeline for the issuance of their Certificate of Occupancy
- All bureaus are involved in the development and input into the Construction Tracking System (CTS)
- The General Construction Bureau held a two day training for their inspectors, plan examiners on performing Residential Energy Inspections.
- The General Construction Bureau held a TAC meeting to discuss Chapter 17, Special Inspections.
- The Electrical Bureau held a Electrical Inspector meeting/training for local jurisdiction inspectors in Ruidoso, Albuquerque and Santa Fe on electrical code.
- Electrical TAC discussed the HBVAC Mechanical disconnect for roof top units.
- Mechanical Bureau has organized a subcommittee to review Manual J,S,D to discuss problems raised regarding residential requirements on equipment sizing and evaporative cooling. The Bureaus is working on the Medical Gas code to determine if changes are required.
- LPG Bureau is currently inspecting move sets for the move Lone Ranger and also working with architectural and engineering firms working on the Guadalupe County Hospital site.
- LPG Bureau is will be starting their special event season, beginning with the Gathering of Nations event held at the UNM Pit.
- Director's first order of business will be to:
 - Reorganize so that every piece, every person, in CID plays a role in moving us forward
 - Recognize the crucial role the industry plays in our state's success and better serve them
 - Improve public trust and image
 - Establish our Division as an integral part of RLD, not a separate entity
 - Intend to utilize the industry as a resource
 - Improve services, response time and lift unnecessary costs to businesses
 - Create consistency in our decision-making and code interpretations
 - Will provide the Division with the tools necessary to perform optimally
 - Rollout a series of public service announcements targeted at consumers and contractors about unlicensed contracting

6. Old Business

a. Approval of the January 11, 2012 regular meeting minutes.

MOTION: Commissioner Dekker moved that the January 11, 2012 minutes be approved as amended by Commissioner Casey (4.b, last sentence, change VSOTE to VOTE, and 5.b, last second sentence, change Kaufman to Alvarado. Commissioner Yearout seconded the motion.

VOTE: All voted in favor of the motion.

7. New Business

a. Request to proceed to public hearing for comment:

I. NMAC 14.7.3.17 – Chapter 9 – Roof Assemblies – Construction Industries Division, with General Building TAC approval, recommends that changes to the New Mexico General Building Code be approved to proceed to public hearing for comment. Public hearings are proposed to be held in three locations throughout New Mexico (Albuquerque, Santa Fe and Las Cruces) to hear comments.

MOTION: Commissioner Dekker moved that NMAC 14.7.3.17 - R903.3, Plastered Parapets of the General Building Code be presented by the Division for public comment hearings to be held in three locations in New Mexico. Commissioner Kaufman seconded the motion. VOTE: All voted in favor of the motion.

II. NMAC 14.9.2.11.B – 2009 UMC Section 308.0 – Electrical Connections Code – Construction Industries Division, with Mechanical TAC approval, recommends that changes to the New Mexico Mechanical Code be approved to proceed to public hearing for comment. Public hearings are proposed to be held in three locations throughout New Mexico (Albuquerque, Santa Fe and Las Cruces) to hear comments.

MOTION: Commissioner Yearout moved that NMAC 14.9.2.11.B – 2009 UMC Section 308.0 – Electrical Connections Code, be presented by the Division for public comment hearings to be held in three locations in New Mexico. Commissioner Dekker seconded the motions. VOTE: All voted in favor of the motion.

b. Approval of Electrical Continuing Education courses and providers - The Construction Industries Division recommends the following continuing education courses and instructors are approved as presented:

2011 NEC Review & Update	Dan Dudley
2012 NFPA 70E & Electrical Safety for Electricians	Dan Dudley
NM OSHA 10	Angel Rivera & Rudolph Maio
2011 Code Changes	Clinton Cates
Motors & Controls	John McCamish
Grounding & Bonding (2011)	Rod Belisle

2011 NEC Updates Part 2	Tom Dorsey Sr. & Tom Dorsey Jr.
OSHA 10 Hour Construction	Richard K. Gegenheimer
First Aid and CPR	Richard K. Gegenheimer
2011 Soars Grounding & Bonding 11 th Edition	Stephen Gregory, Larry Bobo, Terry Schneider, Grant Hammett & Roderick K. Roberts
2012 NESC Update	Joseph T. Tratechaud
2012 NFPA 70E	Rocky Clark, James Jackson, Robert Hedrick, Joseph Tratechaud
Crane and Rigging	Rocky Clark, James Jackson, Robert Hedrick, Joseph Tratechaud

MOTION: Commissioner Casey moved that the courses and instructors submitted for electrical continuing education be approved as presented. Commissioner Dekker seconded the motion.
VOTE: All voted in favor of the motion.

c. Approval of Mechanical/Plumbing courses and providers – The Construction Industries Division recommends the following continuing education courses and instructors are approved as presented:

2009 UPC Code Review	Robert Draper
2009 UC code Review	Robert Draper
Excavation & Trenching	Maury, Bob Eichhorst
Hazardous Communication/MSDS/PPE	Maury Modine, Bob Eichhorst
Confined Space	Maury Modine, Bob Eichhorst
Backflow Prevention/Cross Connection Control	Arsenio Martinez, Bart Starr

MOTION: Commissioner Yearout moved that the courses and instructors submitted for mechanical/plumbing continuing education be approved as presented. Commissioner Dekker seconded the motion. VOTE: All voted in favor of the motion.

d. Approval of licenses issued in December, 2011 and January thru February, 2012 – The Construction Industries Division recommends that the licenses and certifications issued in December, 2011 and January thru February, 2012 be ratified as presented.

