

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

**Regulation and Licensing – Construction Industries
Regular Meeting
Wednesday, May 23, 2012, 9:30 a.m.
5200 Oakland Ave. NE
Albuquerque, NM 87113**

The Construction Industries Commission held a regular meeting on May 23, 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
Ken Wooten, Representing General Building Contractors
Renee Edwards, Member
Vince Alvarado, Member
Justin Woolf, Assistant Attorney General
Cholla Khoury, Assistant Attorney General
Katherine Martinez, Director, Construction Industries Division (CID)
Land Clark, Deputy Director of Field Operations, CID

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 Yearout moved for the Approval of Agenda. Commissioner Dekker seconded the motion. VOTE: All voted in favor of the motion.

3. Public Comment

None

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

- Land Clark is the Deputy Director/Field Ops for CID and MHD
- Gloria Ruiz is now the CID/MHD Executive Assistant to the Director
- CID has advertised for (7) additional inspector positions
- Have made several trips to the southern part of the state to establish better relationships with local building officials. Have met with Las Cruces and Dona Ana building officials

and various planning zoning and fire marshal representatives to clarify permitting, compliance investigation, inspections and communication questions.

- Creation of a “Building Official” email list to notify local officials about upcoming TAC’s, code and policy changes in a more timely and effective way
- CID has held Division wide inspector meetings to discuss inspector issue in the field. These meetings have allowed the Division to move forward in a positive direction and have helped clarify internal policies to lead the Division to operate in a more functional manner.
- Have purchased (2) plan review workstations to allow users to send CID AutoCAD drawings or PDF documents of their plans for review.
- DOE checklist has been condensed to climate zone identification, HVAC load calculations that comply with section 405.6 of the IECC, design professional/owner affidavit.
- In April, the Bureau Chiefs, along with area inspectors and myself visited the URENCO facility. LES held a project update meeting and conducted a tour of the facility.
- Travelled to the Space Port with Bureau Chiefs to conduct a construction progress meeting and a timeline for the issuance of their Certificate of Occupancy.
- CID is providing Final Inspection Verification for phases of the project that do not require a CO. This assists the NMSA in meeting the contractual requirements with Virgin Galactic.

5. Old Business

- a. Approval of meeting minutes for March 21, 2012.

MOTION: Commissioner Kaufman moved to accept the March 21, 2012 minutes as presented. Commissioner Dekker seconded the motion. VOTE: All voted in favor of the motion.

- b. CTS (Construction Tracking System) update – Deputy Director Clark presented the Commission with highlights of the new permitting system (CTS).

- c. IECC Checklist and sizing of residential HVAC Equipment – J.T. Baca, Mechanical Bureau Chief presented on behalf of the Division updates on the IECC checklist and sizing of residential HVAC equipment. Discussion took place.

6. New Business

- a. Request to proceed to public hearing for comment:

MOTION: Commissioner Casey moved that changes to NMAC 14.7.2.26, 2009 New Mexico Commercial/Residential Building Code – Subsoil Drainage and Damp-proofing - proceed to public hearing for comment as presented. Commissioner Dekker seconded the motion. VOTE: All voted in favor.

MOTION: Commissioner Casey moved that changes to NMAC 14.6.6.10 B and C – Electrical License Classification for Water Well Pump Installers - proceed to public hearing for comment as presented. Commissioner Yearout seconded the motion. VOTE: All in favor of the motion.

- b. Selection of Venue for Hearings: Where Licensee resides or where conduct occurred – Discussion took place – MOTION: Commissioner Casey moved to allow RLD/CID to schedule

hearings where licensee resides or where the act occurred whichever is the closest location to schedule hearings and with sufficient notice/communication with the Hearing Officer (Commissioner). Commissioner Kaufman seconded the motion. All voted in favor of the motion.

c. Joint Powers Agreement with RLD for Parental Responsibility Act matters – Discussion took place. MOTION: Commissioner Kaufman moved to approve the Joint Powers Agreement for the Parental Responsibility Act. Commissioner Yearout seconded the motion. VOTE: Commissioner Casey – Voted No, All other voted in favor of the motion and passed.

d. Licensing classification working Group – Director Martinez presented information on “Licensing Classification” working groups.

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

Basic Life Support/First Aide (CPR/FA/AED)	Christopher Carrasco
2012 NFPA 70E Interim Code cycle Refresher Course	Larry Crum
Residential Electrical Inspections	David Burt, Don Hursey

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.

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

2009 UMC Code Review	Salvatore Benevegna, David Jensen
2009 UPC Code Review	Salvatore Benevegna, David Jensen
Fall Protection Training	John Eckel, Ronald Schwab
Basic Life Support/First Aide/CPR/FA/AED	Christopher Carrasco

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

e. Approval of licenses issued in March and April, 2012 – The Construction Industries Division recommends that the licenses and certifications issued in March and April, 2012 be ratified as presented.

MOTION: Commissioner Yearout moved that the licenses and certifications issued by CID in March and April, 2012 be approved as presented. Commissioner Casey seconded the motion. VOTE: All voted in favor of the motion.

7. 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 11:12 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.

MOTION: Commissioner Dekker moved to open the meeting to the public. Commissioner Yearout seconded the motion. VOTE: All voted in favor of the motion. The meeting reconvened at 12:54 p.m.

a. Action on items discussed during Executive Session

1. Compliance Investigations

MOTION: Commissioner Kaufman moved that compliance investigations listed on the agenda 1 thru 25 be closed as presented. Commissioner Alvarado seconded the motion. VOTE: All voted in favor of the motion.

MOTION: Commissioner Kaufman moved that compliance investigations listed on the agenda 26-27 be closed as presented. Commissioner Dekker seconded the motion. VOTE: Commissioners Yearout and Wooten recused themselves from voting. All voted in favor of the motion.

1. 10-1878- Joe R. Chavez Construction - Close	5. 11-2088 – Artistic Homes Inc. - Close	9. 11-2197 – Professional Contractors - Close	13. 11-2248 – Custom Homes by Marvelous Marvin Construction Co. - Close
2. 11-1972 – Eagle Carports Inc. - Close	6. 11-2093 – B-Jar Construction Inc. - Close	10. 11-2217 – Murillo Construction - Close	14. 12-2262 – United Service - Close
3. 11-2067 –CRM Plumbing Contractor - Close	7. 11-2168 – Cartwright’s Plumbing & Heating- Close	11. 11-2225 – Private Owner - Close	15. 12-2265 – Sandia Builders - Close
4. 11-2082 – ATI Construction Inc. - Close	8. 11-2188 – Full House Construction - Close	12. 11-2242 – Cell-Spray Inc. - Close	16. 12-2271 – Rodeo Construction - Close

17. 12-2303 – C. Smith Construction- Close	20. 12-2315 – JR Builders - Close	23. 12-2324 – Jimbo’s Plumbing - Close	26. 12-2391 – Sundt Construction- Close
18. 12-2306 – Private Owner - Close	21. 12-2316 – DRH Southwest Construction Inc. - Close	24. 12-2326 – Bob Johnson Builders Inc. - Close	27. 12-2392 – Ames Construction Inc. - Close
19. 12-2311 – Stone cold Enterprises LLC - Close	22. 12-2322 – Fuller Homes Inc. - Close	25. 12-2338 – Rick’s Plumbing & Heating - Close	

II. MOTION: Commissioner Kaufman moved that cases 11-2001, 11-2140, 11-2207, 11-2221, 11-2227, 12-2253, 12-2284, 12-2297, 12-2342, 12-2345, 12-2347, 12-2354 go to NCA. Commissioner Fickling seconded the motion. VOTE: All voted in favor of the motion

MOTION: Commissioner Kaufman moved that 09-1458 be dismissed. Commissioner Casey seconded the motion. VOTE: All voted in favor of the motion.

MOTION: Commissioner Kaufman moved that 11-2010 be issued a Pre-NCA Settlement offer for \$250 for each violation to equal \$500 total, if licensee does not comply, this case will go to NCA. Commissioner Alvarado seconded the motion. VOTE: All voted in favor of the motion.

MOTION: Commissioner Kaufman moved that 11-2129 be issued a Letter of Warning for alleged violations. Commissioner Fickling seconded the motion. VOTE: All voted in favor of the motion.

MOTION: Commissioner Kaufman moved that 11-2234 be issued a Pre-NCA Settlement offer for \$250 and to get a certificate from PSI for Journeyman’s Certificate and if licensee does not comply, this case will go to NCA. Commissioner Alvarado seconded the motion. VOTE: All voted in favor of the motion.

MOTION: Commissioner Kaufman moved that 11-2245 be issued a Pre-NCA Settlement offer of 10% of the contract or send to a NCA. Commissioner Alvarado seconded the motion. VOTE: All voted in favor of the motion.

MOTION: Commissioner Kaufman moved that 12-2267, 12-2301, 12-2337 be issued a Pre-NCA Settlement offer of \$500 or send to a NCA. Commissioner Alvarado seconded. VOTE: All voted in favor of the motion.

MOTION: Commissioner Kaufman moved that 12-2350 be issued a Pre-NCA Settlement offer of \$250 or send to a NCA. Commissioner Alvarado seconded the motion. VOTE: All voted in favor of the motion.

MOTION: Commissioner Kaufman moved that 12-2355 be issued a Pre-NCA Settlement officer of \$500 or send to a NCA. Commissioner Fickling seconded the motion. VOTE: Commissioner Casey recused himself from voting. All voted in favor of the motion.

1. 09-1458	7. 11-2221	13. 12-2284	19. 12-2345
2. 11-2001	8. 11-2227	14. 12-2297	20. 12-2347
3. 11-2010	9. 11-2234	15. 12-2301	21. 12-2350
4. 11-2129	10. 11-2245	16. 12-2337	22. 12-2354
5. 11-2140	11. 12-2253	17. 12-2342	23. 12-2355
6. 11-2207	12. 12-2267	18. 12-2344	

III. AG Report on Disciplinary Actions:

- MOTION: Commissioner Kaufman moved to accept Motion to Dismiss of the case as presented for **Dominic Vigil – 10-1612 and Enchantment Roofing Services, Inc.** Commissioner Fickling seconded the motion. VOTE: All voted in favor of the motion.

b. Consideration of Hearing Officer’s Report:

MOTION: Commissioner Kaufman moved for the license revocation as presented for the following: **Home Plumbing, Heating, & Air Conditioning – 10-1712.** Commissioner Alvarado seconded the motion. VOTE: Commissioner Casey recused himself from voting. All voted in favor of the motion.

c. Settlement Agreement:

MOTION: Commissioner Kaufman moved to accept settlement agreements as presented for **10-1706 -Roof Doctor & 10-1731-Global Structures.** Commissioner Alvarado seconded the motion. VOTE: All voted in favor of the motion.

d. Unlicensed Contractor :

MOTION: Commissioner Kaufman moved that **12-4016** go to NCA. Commissioner Alvarado seconded the motion. VOTE: All voted in favor of the motion. Commissioner Yearout and Wooten recused themselves from voting.

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

MOTION: Commissioner Kaufman moved that the Commission is denying request for “Motion to Stay Revocation of Contractor’s License” in case No. 06-0190 & 09-1519 - Michael Long General Contractor, LLC. Commissioner Alvarado seconded the motion. VOTE: All voted in favor of the motion

MOTION: Commissioner Kaufman moved for the ratification to accept the settlement agreement and send to hearing. Commissioner Alvarado seconded the motion. VOTE: All voted in favor of the motion.

