

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

**Regulation and Licensing – Construction Industries  
Regular Meeting  
Wednesday, November 14, 2012, 9:30 a.m.  
5200 Oakland Ave. NE  
Albuquerque, NM 87113**

The Construction Industries Commission held a regular meeting on November 14, 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  
Vince Alvarado, Member  
Katherine Martinez, Director, Construction Industries Division (CID)  
Land Clark, Deputy Director of Field Operations, CID

ABSENT: 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 9:35 a.m.

**2. Approve Agenda**

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

**3. Public Comment**

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

- Martha Murillo has been hire as a Compliance Officer
- Melody Goslow was hired for the Office and Permitting Manager in Las Cruces
- Joel Joyce was hired as a General Building Inspector, Albuquerque area
- Curtis Derrick Fortney was hired as a General Building Inspector, Gallup area
- Aaron Moore was hired as an Electrical Inspector, Hobbs area
- Chief Inspectors Kelly Hunt and Ray Benavidez have provided excellent leadership over the past few months for the efforts in covering the Hobbs area

- Congratulations to Deputy Director Land Clark who has accepted the Chief Building Official position for the city of Albuquerque's Planning and Zoning Department. Land's years of institutional knowledge and ability to distill information so the Division runs efficiently in all aspects will be missed. He will be a huge asset to the city and the industry.
- On October 11, 2012, Director Martinez presented at the ASA Membership meeting. Great opportunity to connect with the Subcontracting community on all of CID's efforts to streamline licensing and present the Electronic Plan Review (EPR) program
- On November 7, 2012, Deputy Director Clark presented the Las Cruces Homebuilders Association with the new EPR program. CID Bureau Chiefs presented key changes to code with the adoption of the 2009 IECC. The code piece was beneficial to the Association as the city of Las Cruces has adopted the NM Codes. The Alamogordo Homebuilders have now requested the same presentation.
- In October, 2012, Director Martinez met with Senator Leavell to discuss concerns regarding licensing and delays for oil patch work in the Hobbs area. With the volume of well installations and the need to approve electrical connections quickly to not impede production, the oil and gas companies cannot wait for individual approvals. CID has clarified the licensing requirements for "behind the fence work" and will hold an additional stakeholder meeting with Senator Leavell to streamline the permitting process.
- Superintendent Dennis and Director Martinez visited the Union Pacific site last month and toured the entire 12 mile facility. When completed, it will serve as the largest refueling station in the country.
- CID Bureau Chief J.T. Baca hosted a workshop on the October 29, 2012 for a (2) day code update and outreach training. This was provided on behalf of Dona Ana County for their area journeyman, code officials and contractors to accommodate their adoption of the current CID codes. CEU credits were provided each day for the code update presentation to allow journeyman the opportunity at meeting the CID requirements.
- CID staff met with the City of Las Cruces Mayor and City Manager on September 25, 2012 to discuss the city's adoption of the NM codes and in October, 2012 the city Council unanimously passed the state code adoption.
- Director Martinez, Licensing Manager Andy Dalmy and PSI staff visited the Dona Ana Community College and toured the facility where they are offering a location to PSI to conduct practical testing for CID. This will serve as a huge benefit to contractors in the region and will help with addressing unlicensed contracting concerns in the southern part of the state. The division hopes to complete an MOU with the university and PSI in the next month.
- The new electronic file protocol for EPR has been implemented to accommodate plans with individual sheets. Code text is now being entered into EPR from the ICC website. CID continues to give demonstrations statewide on the EPR submittals. To date demonstrations have been given to Las Cruces Homebuilders, NAIOP, Intel and Urenco.
- Since the last meeting, there has been significant progress at the Spaceport. The Hanger Facility (THF) has received Certificate of Occupancy. The SOC building (Support Operations) has received its CO. CID was also able to participate in a tour with NAIOP leadership, developing leaders and board members on the day the CO was issued.

- (2) New procedures have been established since the last meeting: EPR – electronic file protocol implemented to accommodate plans with individual sheets and RCI testing and certification procedures.
- CID and Intel have entered into an MOU to clarify their annual permit: Clarifies language in the amended Annual Permit (R/M-industrial permits) to ensure accommodation of tool replacement and exchange and clarifies what Annual permit does not include.
- The Residential Certified Inspector (RCI) program has been a huge success. The following inspectors have passed their first round of multiple certification exams: Lois Blocker, Edward Sanchez, Doug Rapp, James Darnold, and Thomas Maese.
- LP Gas Bureau has prepared the documentation for the movie special effects and for the concerts required for the Standards also including the fees and affidavits.
- LP Inspectors monitored the Balloon Fiesta vendors and refueling stations throughout the event. The fueling station is world class and the LP Bureau plays an integral role in the event's success.

## 5. Old Business

- a. Approval of meeting minutes for September 12, 2012.

MOTION: Commissioner Casey moved to accept the September 12, 2012 minutes as presented. Commissioner Alvarado seconded the motion. VOTE: All voted in favor of the motion.

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

## 6. New Business

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

CPR/First Aid Course AHA	Mary Bailey, Kris Hohmann, Sherri Ricco, Steve Davenport
Principles & Application of Electrical Grounding	Jefferson Bronfeld
NEC 2011 Code Changes part 1	Durwood Wise
NEC 2011 Code Changes Part 2	Durwood Wise
NEC 2011 Code Changes Part 1	Jack Thormahlen
NEC 2011 Code changes Part 2	Jack Thormahlen
NFPA 70E	Jack Thormahlen
Electrical Fundamentals	Jack Thormahlen
Grounding & Bonding	Jack Thormahlen
Wiring & Protection	Jack Thormahlen
Safety on the Job	Gregory Shaw
What is your role as PM	Gregory Shaw
2011 NEC Changes Part 1 NME500	Donald Mechleke
2011 NEC Changes Part 2 NME501	Donald Mechleke
Electrical Safety	Wes Mozley
Construction Safety	Wes Mozley

NFPA 70E	Wes Mozley
OSHA 10 Construction	Wes Mozley
OSHA 30 Construction	Wes Mozley
NEC Update	Wes Mozley
Grounding & Bonding	Wes Mozley
Motor Controls	Wes Mozley
Electrical Troubleshooting & Preventive Maintenance	Wes Mozley
Solar Photovoltaic Systems Article 690	Wes Mozley
OSHA 10 (Course Approval #2011-110)	Michael Cummings

MOTION: Commissioner Casey moved that the courses and instructors submitted for electrical continuing education be approved as presented. Commissioner Kaufman seconded the motion.

VOTE: All voted in favor of the motion.

b. Request to proceed to Public Hearing:

1. NMAC 14.12.3.15, Placement of Modular Structures

MOTION: Commissioner Kaufman made a motion to proceed to Public Hearing on NMAC 14.12.3.15, Placement of Modular Structures as presented. Commissioner Dekker seconded the motion. VOTE: All voted in favor of the motion

2. NMAC 14.7.3.17 – Chapter 9 Roof Assemblies: B. (1) Section 903.2.1

MOTION: Commissioner Casey made a motion to proceed to Public Hearing on NMAC 14.7.3.17 – Chapter 9 roof Assemblies: B. (1) Section 903.2.1 as presented. Commissioner Kaufman seconded the motion. VOTE: All voted in favor of the motion.

c. Request Approval to Adopt:

1. NMAC 19.15.40.12B, NMAC 19.15.40.15G – LP-8 classifications.

MOTION: Commissioner Casey made a motion to approve and adopt NMAC 19.15.40.12B and NMAC 19.15.40.15G-LP-8 classifications as presented. Commissioner Fickling seconded the motion. VOTE: All voted in favor of the motion.

d. Approval of licenses issued in September and October, 2012 – The Construction Industries division recommends that the licenses and certifications issued in September and October, 2012 be ratified as presented.

MOTION: Commissioner Casey moved that the licenses and certifications issued by CID in September and October, 2012 be approved as presented. Commissioner Fickling 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 10:20 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 Wooten moved to open the meeting to the public. Commissioner Alvarado seconded the motion. VOTE: All voted in favor of the motion. The meeting reconvened at 1:08 p.m.

**a. Action on items discussed during Executive Session**  
 I. Compliance Investigations

MOTION: Commissioner Casey moved that compliance investigations listed on the agenda 1 thru 35 be closed as presented. Commissioner Dekker seconded the motion. VOTE: All voted in favor of the motion. Commissioner Alvarado recused himself from voting.

MOTION: Commissioner Dekker moved that compliance investigations listed on the agenda 36-74 be closed as presented. Commissioner Yearout seconded the motion. VOTE: All voted in favor of the motion. Commissioner Casey recused himself from voting.

MOTION: Commissioner Kaufman moved that compliance investigations listed on the agenda 75-107 be closed as presented. Commissioner Fickling seconded the motion. VOTE: All voted in favor of the motion. Commissioner Wooten recused himself from voting.

MOTION: Commissioner Kaufman moved that compliance investigations listed on the agenda 108 be closed as presented. Commissioner Casey seconded the motion. VOTE: All voted in favor of the motion. Commissioner Wooten recused himself from voting.

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|----|---------|--|
| 1  | 11-1961 | Delicias Plumbing                        |
| 2  | 11-1982 | Davis the Plumber                        |
| 3  | 11-1983 | Professional Roofing                     |
| 4  | 11-1985 | Premier Concrete                         |
| 5  | 11-2011 | Sunburst Mobile Housing.                 |
| 6  | 11-2014 | Taylor'ed Building Ltd.                  |
| 7  | 11-2015 | MNM Drafting and Construction            |
| 8  | 11-2016 | Fred Leisher Construction                |
| 9  | 11-2017 | Fidel's Plumbing & Heating               |
| 10 | 11-2018 | Caliente Properties Ltd. Co.             |
| 11 | 11-2019 | JEM Construction                         |
| 12 | 11-2020 | Davis Brothers Plumbing and Heating Inc. |
| 13 | 11-2028 | Jade Electric                            |
| 14 | 11-2032 | M&M Lath Plaster and Roofing             |
| 15 | 11-2033 | Harris Quality Home Builders             |
| 16 | 11-2034 | Braswell Roofing Inc.                    |
| 17 | 11-2035 | Alcon LLC                                |
| 18 | 11-2036 | Clog Busters Inc.                        |
| 19 | 11-2048 | Sears Home Improvement Products Inc.     |

20	11-2049	5 Star General Contracting
21	11-2050	All Seasons Roofing
22	11-2052	Industrial Asphalt Co. Inc.
23	11-2053	Lowe's Home Center's Inc.
24	11-2054	Lauren K. Homes Inc.
25	11-2056	Aguirre Mechanical
26	11-2057	Advantage Foam Roofing
27	11-2058	EM Construction
28	11-2059	J.C. Septic Tank Company
29	11-2063	All Veteran's Roofing
30	11-2064	Cherokee Builders
31	11-2222	Bailey Land & Cattle LLC
32	11-2144	National Lath & Plaster Inc.
33	11-2145	Flowmaster Plumbing & Mechanical LLC
34	11-2174	TMD Construction
35	11-2175	Drew Construction
36	11-2176	Selective Styles LLC
37	11-2214	Homes by Joe Boyden LLC
38	11-2256	Timberland Construction Inc.
39	11-2257	Gossett Construction and Investment
40	11-2258	Albuquerque Works
41	12-2294	Coyazo Construction
42	12-2295	Dean Douglas Mechanical
43	12-2313	The Window Connection
44	12-2320	Better Homes Construction
45	12-2334	The Window Connection
46	12-2335	C.D. General Contractors
47	12-2336	Ex-El Co of NM, Inc.
48	12-2343	Ojeda Construction
49	12-2449	Stillbrooke Homes Inc.
50	12-2356	Entire Home Service
51	12-2360	New Mexico Building and Remodeling
52	12-2361	Figueroa Construction Inc.
53	12-2363	Eric Thomas Plumbing, LLC
54	12-2375	Majestic Roofing
55	12-2381	Cartwright's Plumbing & Heating
56	12-2382	Roto Rooter
57	12-2384	Perea's Tile Works
58	12-2385	Superior Plumbing Inc.
59	12-2386	Duratech Electrical
60	12-2387	Coyazo Construction
61	12-2396	Cross Town Construction and Trucking
62	12-2416	Oso Construction Inc.
63	12-2441	GRA Drywall & Building Specialists LLC
64	12-2468	Dick' Asphalt
65	12-2512	Jerry Pendley Construction

66	12-2516	Creative Design Builders
67	12-2526	Northern Constructors Inc.
68	12-2527	Insurance Restoration Services
69	12-2530	J.A.G. Roofing
70	12-2539	Wendell D. Hall Drywall
71	12-2544	Reddi Services Inc.
72	12-2545	Paul Davis Restoration of NM Inc.
73	12-2549	All State Roofing LLC
74	12-2552	VB Construction Inc.
75	12-2554	Tony's Handyman Company
76	12-2557	First Fueling Systems Inc.
77	12-2558	O.P. Fire Protection
78	12-2564	Affordable Urethane Foam Roofing
79	12-2565	Statewide Home Services
80	12-2568	M's and J's Construction
81	12-2569	Hever and Veronica Iturralde
82	12-2570	Glenwood Construction
83	12-2286	Martinez Trucking
84	12-2571	Private Homeowner
85	12-2573	Tucker Renovations Inc.
86	12-2579	Caballero Construction Company
87	12-2582	Unknown
88	12-2583	Insurance Restoration Services
89	12-2588	People's Plumbing Heating & Cooling LLC
90	12-2592	Unknown
91	10-1925	Zoki's Homeology
92	10-1926	Bob Johnson Builders
93	10-1928	Lawrence Tafoya
94	10-1929	A&B Builders, LLC
95	10-1935	Sears Home Improvement
96	10-1937	Deep Rock Water Systems
97	10-1938	Universal Water Systems
98	10-1939	MK Plumbing Solutions, LLC
99	10-1940	Cedar Crest Excavation Co.
100	10-1941	Navajo Concrete, LLC
101	10-1942	San Pedro Construction
102	10-1943	LSJ Mechanical
103	10-1944	A&B Builders, LLC
104	10-1945	X-treme Concrete Coating
105	10-1946	Omar Gonzales
106	10-1947	Northridge Electric Inc.
107	10-1948	Top Notch Exteriors
108	12-2562	Mesa Verde Enterprises

II. MOTION: Commissioner Kaufman moved that NCA cases listed on the agenda 1- 6 go to NCA. Commissioner Yearout seconded the motion. VOTE: All voted in favor of the motion. Commissioners Alvarado recused himself from voting.

MOTION: Commissioner Kaufman moved that NCA case listed on the agenda 7 go to NCA. Commissioner Dekker seconded the motion. VOTE: All voted in favor of the motion. Commissioners Wooten recused himself from voting.

MOTION: Commissioner Kaufman moved that NCA cases listed on the agenda 8-10 go to NCA. Commissioner Wooten seconded the motion. VOTE: All voted in favor of the motion. Commissioners Alvarado recused himself from voting.

MOTION: Commissioner Kaufman moved that NCA cases listed on the agenda 11-19 go to NCA. Commissioner Alvarado seconded the motion. VOTE: All voted in favor of the motion. Commissioners Casey recused himself from voting.

MOTION: Commissioner Kaufman moved that NCA cases listed on the agenda 1- 6 go to NCA. Commissioner Alvarado seconded the motion. VOTE: All voted in favor of the motion. Commissioner Wooten recused himself from voting.

- 1 11-2129
- 2 11-2192
- 3 11-2241
- 4 12-2272
- 5 12-2276
- 6 12-2282
- 7 12-2296
- 8 12-2325
- 9 12-2349
- 10 12-2400
- 11 12-2431
- 12 12-2447
- 13 12-2462
- 14 12-2483
- 15 12-2507
- 16 12-2514
- 17 12-2534
- 18 12-2537
- 19 12-2444
- 20 12-2536
- 21 12-2555
- 22 12-2559
- 23 12-2560
- 24 12-2561
- 25 12-2567

### III. Discussion Items

MOTION: Commissioner Casey moved that NCA case 7.III.2 listed on the agenda to NCA. Commissioner Casey seconded the motion. VOTE: All voted in favor of the motion. Commissioner Wooten recused himself from voting.

1. Case No.12-2574
2. Case No.12-2575



IV. AG report on disciplinary actions

**1. Edward Reyes Construction and Eduardo Headly-Reyes, No. 10-1832**

MOTION: Commissioner Kaufman moved to approve Settlement contingent on receiving signed Settlement Agreement. Commissioner Casey seconded the motion. All voted in favor of the motion

**2. Excel Roofing Technologies, No. 10-1845**

MOTION: Commissioner Kaufman moved to accept Settlement Agreement as presented. Commissioner Casey seconded the motion. All voted in favor of the motion.

**3. Michael Austin Wright Contractor and Michael Austin Wright, No. 11-2148**

MOTION: Commissioner Kaufman moved to accept the dismissal as presented. Commissioner Casey seconded the motion. All voted in favor of the motion.

**4. Powertripp Electric and Tripp Bennett, No. 08-0984**

MOTION: Commissioner Kaufman moved to accept the dismissal as presented. Commissioner Casey seconded the motion. All voted in favor of the motion.

**5. Powertripp Electric and Tripp Bennett, No. 10-1921**

MOTION: Commissioner Kaufman moved to accept the dismissal as presented. Commissioner Casey seconded the motion. All voted in favor of the motion.

**6. John Reed Construction, No. 11-2045**

(aka Reed, John Construction and J & P. Homebuilder)

MOTION: Commissioner Kaufman moved to issue default order as presented. Commissioner Casey seconded the motion. All voted in favor of the motion.

**7. G & T Roofing and Stanley B. Griffin, No. 10-1752**

MOTION: Commissioner Kaufman moved to issue default order as presented. Commissioner Casey seconded the motion. All voted in favor of the motion.

**8. His Glory's Mechanical and Arnold Smith, No. 11-1955**

MOTION: Commissioner Kaufman moved to issue default order as presented. Commissioner Casey seconded the motion. All voted in favor of the motion.

**9. M. A. Gonzales and Miguel A. Gonzales, No. 10-1835**

MOTION: Commissioner Kaufman moved to issue default order as presented. Commissioner Casey seconded the motion. All voted in favor of the motion.

**10. Martin Anthony Segura, No. 10-1811**

MOTION: Commissioner Kaufman moved to issue amended Notice of Contemplated Action as per noticing requirements as presented. Commissioner Casey seconded the motion. All voted in favor of the motion.

**11. Mendoza's Construction and Julio Mendoza, No. 11-2070**

MOTION: Commissioner Kaufman moved to issue default order as presented. Commissioner Casey seconded the motion. All voted in favor of the motion.

**12. The Window Connection and James Champion, No. 11-2095**

MOTION: Commissioner Kaufman moved to issue default order as presented. Commissioner Casey seconded the motion. All voted in favor of the motion.

**13. Homecad Design and Construction, Inc., Louie F. Archuletta, No. 10-1699**

MOTION: Commissioner Kaufman moved to issue default order as presented. Commissioner Casey seconded the motion. All voted in favor of the motion.

**14. Brian McPartlon Roofing and Brian McPartlon, No. 11-2191**

