New Mexico Regulation and Licensing Department

CONSTRUCTION INDUSTRIES COMMISSION

REGULAR MEETING MINUTES

Wednesday, July 17, 2019, 9:32 a.m.
5500 San Antonio Dr. NE
Albuquerque, NM 87109
Main Conference Room

DRAFT

I. CONVENE, DETERMINATION OF QUORUM AND INTRODUCTIONS:

Commissioners and Audience

Chair Baker called the meeting to order at 9:32 a.m. and asked for roll call.

COMMISSIONERS PRESENT:

Chair D. Randy Baker, Representing Licensed Electrical Contractors
Commissioner Vince Alvarado, Representing Organized Labor
Commissioner Dale Armstrong, Representing Licensed Mechanical Contractors
Commissioner Glenn Fellows, Representing Licensing and Practicing Architects
Commissioner Rick Davis, Representing the Residential Construction Industry
Commissioner Billy Romero, Representing the Liquefied Petroleum Gas Industry

COMMISSIONERS NOT IN ATTENDANCE:

Vice Chair Ken Wooten, Representing Practicing General Contractors
Commissioner Don Kaufman, Representing the Subcontracting Industry

Roll call was taken by Mary James and a quorum of the Commission was present.

II. APPROVE AGENDA

Commissioner Davis **MOTIONED** to approve the meeting agenda as presented. Commissioner Armstrong **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL.**

III. PUBLIC COMMENT

Public comment was received limiting comment to two (2) minutes and refraining from revealing the names of parties or case detail pertaining to disciplinary matters pending before the Commission.

IV. DIRECTOR'S REPORT

Acting Director Romero presented the Director's Report. The report is attached.

V. OLD BUSINESS

a. Approval of May 15, 2019 Minutes

Commissioner Armstrong **MOTIONED** to approve the May 15, 2019 minutes. Commissioner Fellows **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL.**

b. Update: PRC-State Fire Marshall

Lori Chavez, CID AG reported that a hearing scheduled for August 16, 2019.

VI. NEW BUSINESS

a. Approval of Licenses issued in May and June 2019

Commissioner Davis **MOTIONED** to approve the issued licenses. Commissioner Alvarado **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL.**

b. Approval of Mechanical Continuing Education Courses

Commissioner Armstrong **MOTIONED** to approve the Mechanical Continuation Education courses as presented. Commissioner Alvarado **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL.**

c. Approval of Electrical Continuing Education Courses

Commissioner Armstrong **MOTIONED** to approve the Electrical Continuation Education courses as presented. Commissioner Alvarado **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL.**

d. 2021 IBC Changes

Commissioner Fellows gave short report on his attendance at the Seminar.

VII. EXECUTIVE SESSION

Chair Baker made a **MOTION** to enter the Commission into executive session to discuss the cases listed on the agenda, pursuant to NMSA 1978, Sections 10-15-1(H) (1) and (3) of the Open Meetings Act. Authorizing closed session for matters related to issuance, suspension, renewal, or revocation of licenses, deliberations on pending administrative adjudicatory proceedings. Commissioner Fellows **SECONDED** the motion.

Chair Baker called for a roll call:

Chair Baker	Yes
Commissioner Alvarado	Yes
Commissioner Armstrong	Yes
Commissioner Fellows	Yes
Commissioner Davis	Yes
Commissioner Romero	Yes

The motion **PASSED** by **UNANIMOUS APPROVAL** and the Commission entered into Executive Session, the recorder was turned off and the meeting was closed to the public at 11:03 a.m.

Back in Open Session

The recorder was turned back on and the Commission returned to open session to the public at 11:58 a.m. Commissioner Kaufman stated that pursuant to NMSA 1978, Section 10-15-1(J) of the Open Meetings Act the matters discussed in Executive Session were limited only to the items listed in the motion.

VIII. ACTION ON ITEMS DISCUSSED DURING EXECUTIVE SESSION

Deliberation on Licensee Disciplinary Action Cases

1) 26; 15-01-22	4) 47; 19-03	7) 97; 19-04
2) 86; 17-03-27	5) 143; 16-04-27	8) 250; 18-11
3) 38; 19-02	6) 282; 18-12	9) 174; 17-05-31
10) 121; 19-06	11) 322; 15-09-15	12) 428; 14-10-24

Commissioner Davis made a **MOTION** to **CLOSE** the above cases. Commissioner Armstrong **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**

1) 56; 16-03-02	5) 135; 17-05-14	9) 359; 15-10-20	13) 278; 18-02
2) 131; 17-05-19	6) 225; 15-05-05	10) 71; 18-03	14) 04; 17-01-04
3) 200; 18-09	7) 287; 15-08-25	11) 101; 19-05	15) 234;15-07-27
4) 118; 16-04-26	8) 383; 158-11-05	12) 26; 19-02	16) 90; 15-03-18

Commissioner Fellows made a **MOTION** to approve the **SETTLEMENT AGREEMENT** as presented for above cases. Commissioner Armstrong **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

79; 19-05

Commissioner Fellows made a **MOTION** to refer the above case to the Attorney General's Office for **ISSUANCE OF A NOTICE OF CONTEMPLATED ACTION**. Commissioner Armstrong **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

234; 17-08-25

Commissioner Fellows made a **MOTION** to **TABLE** case numbers **234; 17-08-25** Commissioner Armstrong **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

115; 17-04-21
Commissioner Fellows made a **MOTION** on case number **115; 17-04-21** to issue a **DEFAULT ORDER** assessing an administrative penalty in the amount of $2, 474.00 to be paid within 60 days, and the revocation of qualifying party certificate and license for one (1) year. Commissioner Armstrong **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL.**

58; 17-03-02
Commissioner Fellows made a **MOTION** on case number **58; 17-03-02** to issue a **DEFAULT ORDER** assessing an administrative penalty in the amount of $ 500.0 to be paid within 60 days, and the revocation of qualifying party certificate and license for one (1) year. Commissioner Armstrong **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL.**

376: 14-09-16
Commissioner Fellows made a **MOTION** on case number **376: 14-09-16** to allow the licensee to retest and the reinstatement of license, must first pay the $500.00 penalty, if paid in full, the $100/per day fine will be waived. Commissioner Armstrong **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL.**

IX. NEXT MEETING DATE

Regular meeting is scheduled **September 18, 2019 at 9:30 am**, Regulation and Licensing Division, Construction Industries Division Main Conference Room, Albuquerque, New Mexico.

X. ADJOURN

With no further business to come before the Commission, the meeting was adjourned at 11:11 am.

NEW MEXICO CONSTRUCTION
INDUSTRIES COMMISSION

_____ _____
RANDY BAKER DATE
CHAIRMAN

_____ _____
MARTIN ROMERO DATE
CID ACTING DIRECTOR

DRAFT

Michelle Lujan Grisham
GOVERNOR

Marguerite Salazar
SUPERINTENDENT

Claudia Armijo
DEPUTY GENERAL COUNSEL

Martin Romero
ACTING DIRECTOR

Sally Galanter
COUNSEL

Administrative Services Division
(505) 476-4800

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

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TO: CONSTRUCTION INDUSTRIES COMMISSION

FROM: MARTIN ROMERO, ACTING DIRECTOR, CID

SUBJECT: ACTING DIRECTOR'S REPORT

DATE: July 17, 2019

Chairman & Members of the Construction Industries Commission
Director's Update:

Good Morning! Thank you for the opportunity to report to you today the events of CID for the months of March and April, 2019.

On behalf of all the Construction Industries employees I would like you to welcome Joseph Martinez as are new Electrical Bureau Chief. We believe that he possesses the skills and talent to enable the Construction Industries to reach new heights. Joseph's ability to listen, communicate and to relate to others on a personal or professional level also extend to include problem-solving abilities, empathy for others and a willingness to work together toward the common good of the division.

I want to also introduce Mark Komadina as our new criminal investigator for the central part of the state. He come to us from Sandoval County Sherriff Department. He has 15+ years of law enforcement experience. We believe that he possesses the skills and talent to enable the Construction Industries to reach new heights.

As the Certified Building Official for the Construction Industries Division ("CID") of the Regulation and Licensing Department as well as the Acting Director of the Division the following action has been taken. Based on a Request for Investigation received on April 8, 2019, by the Investigation and Enforcement Unit of CID, an investigation into the use by the City of Santa Fe of its annual permit issued by the Construction Industries Division ("CID") was initiated.

The city is mandated to ensure compliance with all statutes and regulations for utilization of the annual permit. NMSA 1978, § 60-13-46 as well as regulation 14.5.2.19 NMAC, govern annual permits issued by CID. Section 60-13-46 allows for the division to issue an annual permit to a political subdivision that regularly employs certified journeyman to work on premises owned by the political subdivision subject to certain requirements.

The requirements include completion of an application to the appropriate trade bureau, maintenance of a record of all work completed under the annual permit, allowing access to the appropriate trade bureau, payment of required fees and compliance with all New Mexico laws necessary for a political subdivision to complete work on its own buildings using the obtained annual permit.

CID's investigation has revealed that uncertified persons are performing electrical, mechanical and plumbing work on the convention center in violation of both the Construction Industries Licensing Act, its regulations and adopted codes. City employees have notified CID investigators that employees performing work are skilled mechanical structural employees. These employees are not certified journeymen and not apprentices directly supervised by certified journeymen. The work being performed by the young man, Mr. Williams, who recently passed, required a certified journeyman. Mr. Williams' prior work experience is neither electrical or mechanical but rather landscaping. Not only was the work being completed by Mr. Williams, not being performed by a certified journeyman but there was also no certified journeyman present to directly supervise Mr. Williams in the work which he was completing as a city employee. Additionally, the two persons generally supervising the work, Mr. Jesse Bartlett and Mr. Rolando Suarez, are not licensed contractors nor certified journeymen.

Pursuant to regulation 14.5.2.13 NMAC the building official is authorized to cancel or revoke a permit issued (7) "whenever the person to whom the permit is issued is in violation of the licensing and certification requirements of the act or NMAC." Because the City of Santa Fe is not in compliance with the Construction Industries Licensing Act and its regulations regarding use of the annual permit and requirements for proper utilization of certified journeymen and apprentices for work to be completed based on the annual permit, I, as the Certified Building Official for the Division, am cancelling the city's annual permit for the Electrical Repair & Maintenance for commercial work. The city of Santa Fe is to cease and desist completing any construction work on the convention center or other city owned property without first obtaining permits through the division until such time as the division properly issues an annual permit for the type of work the city is intending to complete through use of its employees.

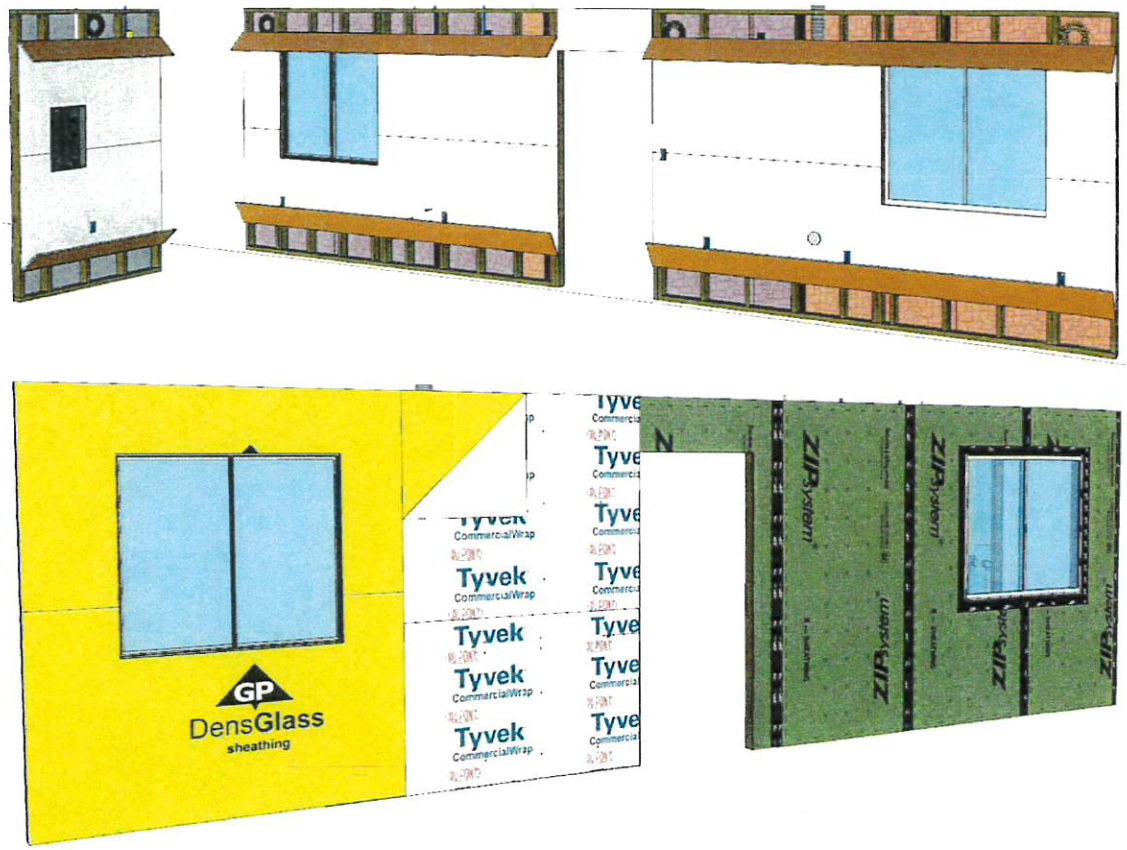
KATERRA

The basic regulatory scheme

- A manufacturer submits plans to a state agency or to an independent third party for review and approval.
- After plans are approved the state agency or independent third party will inspect the buildings or building components as they are being manufactured in a factory.
- Buildings or building components that comply are designated by a state approved label attached at the factory.
- A local jurisdiction will inspect the building or building components upon installation to determine they are correctly installed.

Ideally, this regulatory framework creates intra-state and inter-state conditions which facilitate the production and utilization of manufactured buildings and building components,

while assuring code compliance of such construction, the use of new technology, techniques and materials.



Plans & Permitting/Manager's Report
Richard Lucero – Plans & Permitting Manager
Plans for the month of May, 2019

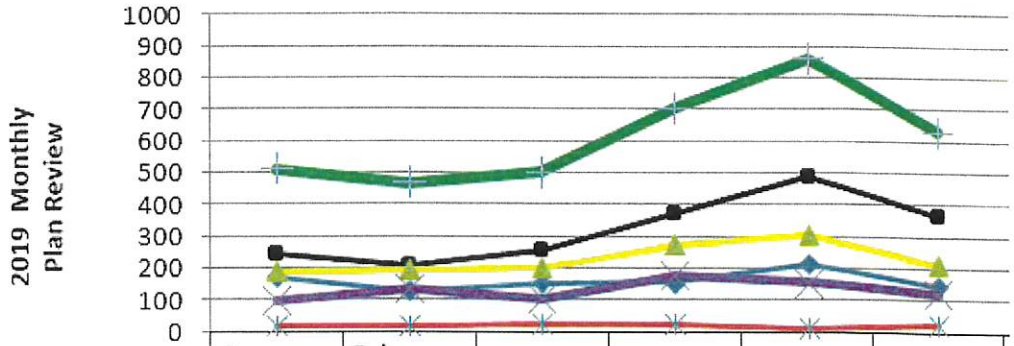
- Total Plans Reviewed: 858…154 were commercial… 489 were Residential
- EPR 301 plans reviewed
- Public School Plans for the month: EPR- 12 plans reviewed

Plans for the month June, 2019

- Total Plans Reviewed: 629 …121 were commercial…365 were Residential
- EPR 215 plans reviewed
- Public School Plans for the month: EPR- 23 plans reviewed

	2019					
Plan Reviews	January-19	February-19	March-19	April-19	May-19	June-19
PRT-Trade review	170	125	151	154	215	143
GENR	244	208	252	374	489	365
GENC	97	134	99	174	154	121
TOTAL REVIEWS	511	467	502	702	858	629
Break Down						
EPR (electronic)	189	192	201	276	301	215
schools	19	19	23	22	12	23
EPR Res	40	28	37	60	72	47
EPR Com	34	77	36	99	58	61
PRT-Trade review	115	87	128	117	171	107
Valuations						
Commercial						
Residential						
schools						

Third Fourth Series "EPR (electronic)" P Value: 235



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Call Center:

- CID Inspection Request Monthly Report for May 01, 2019 – May 31, 2019
- Grand Total: 6836 (incoming calls, emails, outgoing calls and voicemails).

- CID Inspection Request Monthly Report for June 01, 2019 – June 30, 2019.

- Grand Total: 6318 (incoming calls, email, outgoing calls and voicemails).

BUREAU UPDATES
GENERAL CONSTRUCTION BUREAU – May and June, 2019
Martin Romero – Bureau Chief

- Training on Marijuana facilities, June 17th and significant Changes in the 2015/2018 Energy Conservation Code.

- Final inspections are being performed on the Glorieta Camps at Pecos, Chrys Jaschke, project manager extended his gratitude to CID, and stated that he appreciates us working with the camps without shutting them down. Chavez-Greieves consulting engineers preformed the design engineering and follow up field assessment, CID confirmed, with inspections, on designed submittals.

- Assistant Attorney General M. Victoria Amada, requested a ride along with an inspector, to be able to relate to construction cases, when reviewing complaints and court cases. Mrs. Amada was able to view, all types of inspections performed by the General Construction bureau.

- The Milagro Middle School has been completed in Santa Fe. This project was built by Bradbury and Stamm and is approximately 8200 square foot. A complete Certificate of Occupancy was issued on June 25th.

- There are one-hundred-man camps being installed within the Jal/Eunice Area of SE New Mexico.

- Multi-Million Dollar, State of the Art Aquatic Center just completed in Artesia.

- SCEYE Balloon Hanger Reconstruction in progress at Roswell Airport.

- New Elementary/Middle School in Alamogordo nearing completion for Fall Semester 2019.

- Several New Multi-Million Dollar Buildings in progress at NMSU including a 250-unit Student Dorm facility.

MECHANICAL BUREAU – May and June, 2019
J.T. Baca – Bureau Chief

- Mechanical Bureau Chief, J.T. Baca participated in a meeting attended by CID senior Staff and Field Chiefs from Southern New Mexico regarding Stampeded Meats in Sunland Park, NM. CID staff facilitated the meeting to try to get the project moving

forward again. The meeting was productive and a deadline was set for completion and finals. Also there was coordination of inspections for the fire suppression system and the new added cryogenic system including requirements to submit drawings needed for changes.

- Bureau Chief J.T. Baca attended an IAPMO Standards Council meeting. The meeting was to review applications for committee appointment and a review of submitted challenges to Technical Committees for the 2021 code development of the Uniform codes.

- Bureau Chief Baca has met with several local industry members regarding reciprocity for journeyman certification with other states and municipalities who have similar licensing programs for tradesman. The goal is eventually to begin a reciprocity group to share journeyman to help alleviate the shortage of journeyman for mechanical and plumbing work within our state for projects like Facebook and Intel.

- The Mechanical Bureau in collaboration with the Manufactured Housing Division hosted IAPMO Fundamentals Training on the 2015 UMC and UPC. IAPMO Instructor Dan Rademacher highlighted fundamentals and current code changes. The training was mandatory for all MHD and CID Mechanical Bureau staff. A few multiple inspectors also attended the training. The training was a success and resulted in sixteen hours of CEU for inspectors.

- Mechanical Bureau Chief J.T. Baca and Mechanical Chief Inspectors attended a one day ICC training hosted by the General Construction Bureau regarding Cannabis and Hemp grow houses and processing facilities. The training was to inform the inspection staff on how codes apply to these facilities and occupancies. The training was beneficial as New Mexico is seeing an increase in this type of permit activity.

- Bureau Chief Baca and Chiefs Darnold, Kuykendall and Sanchez participated in a three-day review workshop with PSI. The workshop was to review test materials as SMEs for mechanical and plumbing licensing and certification. The workshop is half completed and will continue in late July or August for the second half of the material review.

- Bureau Chief Baca along with fellow Bureau Chiefs and CID senior staff attended and provided 2 1/2-day training sessions regarding annual permit activity for the City of Santa Fe. The training was attended by approximately forty individuals from the city who are responsible for upkeep and maintenance of all city building. The training was geared for apprentices and journeyman performing maintenance work and the limitations set forth in NMAC 14.9.2. 19 Annual Permits.

- Bureau Chief Baca attended the Electrical TAC meeting where a presentation by NASCLA was given regarding licensing and certification testing for journeyman traveling into New Mexico. This is an avenue the division is seeking to ease the shortage of journeyman tradesmen in New Mexico.

ELECTRICAL BUREAU – May and June, 2019
Joseph Martinez – Bureau Chiefs

- The Electrical Bureau met with Industry Leaders and interested parties to review changes to a new proposed ES-03 Endorsement which would endorse ES-03 contractors to perform certified installation for Proprietary Equipment and or Specified Engineered Equipment for Projects that require higher level of Fire Alarm and Telecommunications.

- The Electrical Bureau conducted interviews and hired Mr. Dennis LaDriere as Regional Chief Electrical Inspector for the Southern Region of New Mexico.

- The Electrical Bureau conducted interviews and hired Mr. Lorenzo Barraza as Electrical Inspector to cover parts of Santa Fe County and San Miguel County.

- The Electrical Bureau met with Industry leaders and PNM to discuss new Energy Storage Systems that have hit the market. This meeting was hosted by the City of Santa Fe for the purpose of educating building officials with installation instructions for code compliancy.

- Electrical Bureau attended a PSI hosted Exam Review for the first of two reviews to update the current exam for all CID Electrical Licenses and Certifications. The Electrical Bureau was assisted by E-TAC member and other local subject matter experts and Building Officials from the City of Rio Rancho and City of ABQ.

- The Electrical Bureau hosted a presentation from NASCLA at our June 2019 E-TAC meeting. The presentation included a power point instructional roadmap of the benefits and resources that the Electrical Bureau can utilize to assist the current increasing certified electrical journeyman labor shortage in New Mexico.

- The Electrical Bureau met with King Trailer Park in Farmington in efforts to assist Manufactured Housing Division and the City of Farmington Electrical Inspectors in planning for the site wide replacement of the electrical system. This planning enabled the project to be completed well within the time frame and cut down on wait times for reconnections.

LP GAS BUREAU – May and June, 2019
Clay Bailey –Bureau Chief

- Inspections movies include "Those Who Want Me Dead".

- Special event inspections included Smokey Bear Days, T or C Fiestas, Rio Grande Valley Celtic Festival, Fiesta del Cinco, Mother's Day Event, Southern charm, Ty Murray Invitational (PBR) San Juan River Festival, Albuquerque Wine Festival and

the Red River Memorial Day Motor Cycle Run, Slayer Concert and the Los Alamos Concert Series.

- On May 11, 2019, The complete LP Gas bureau inspectors attended a training regarding building requirements and the cannabis industry. Most of CID inspectors attended this training.

- On May15, 2019, Bureau Chief Bailey assisted the Santa Fe Sheriff's Office and the State Fire Marshal's Office with an investigation that resulted in three deaths. This was near the Espanola area.

- On May 20, 2019, CID Legal Counsel Sally Galanter and Bureau Chief Bailey returned to the scene of the three deaths. This was a joint investigation with the Santa Fe Sherriff's Office, State Fire Marshal's Office and the LP gas supplier's representatives.

- On May 23, 2019, Both Bureau Chief Bailey and Chief Inspector James Morrison conducted inspections for the upcoming Senior Olympics that are being held in Albuquerque this year.

- Inspections movies include "Those Who Want Me Dead", "Better Call Saul", "Army of the Dead" and "Interrogation".

- Special event inspections included Pride Fest, Folk fest and Rodeo de Santa Fe.

- On June 11, 2019, The complete LP Gas bureau inspectors attended a training regarding building requirements and the cannabis industry. Most of CID inspectors attended this training.

- On June 11, 2019, Bureau Chief Bailey conducted the final inspection for the Senior Olympics caldron on Civic Plaza.

- On June 17, 2019, Acting Director Martin Romero, CID Legal Counsel Sally Galanter and Bureau Chiefs Baca and Bailey conducted interviews for the Electrical Bureau Chief.

- On June 20, 2019, Chief Inspector Morrison attended the Freedom 4th vendor meeting regarding the upcoming 4th of July.

- On June 26, 2019, Bureau Chief Bailey attended the NM Propane Gas Association annual meeting. At this meeting Bureau Chief Bailey was recognized with a plaque for his commitment and support of the propane industry.

- On June 24, 2019, CID Legal Counsel and Bureau Chief Bailey attended a court hearing in Tucumcari regarding David Babb/TBZ Electric regarding working without a license.