

CONSTRUCTION INDUSTRIES COMMISSION OF THE STATE OF NEW MEXICO

MEETING MINUTES

Minutes of the Construction Industries Commission Special Meeting held on
Wednesday, January 20, 2016 at 5500 San Antonio Dr. NE, Albuquerque, NM 87109.

I. CONVENE, DETERMINATION OF QUORUM AND INTRODUCTIONS:

Commissioners and Audience

A quorum of the Commission was present and the meeting was convened at approximately at 9:37 a.m.

ATTENDING this meeting were:

Chairman D. Randy Baker, Representing Licensed Electrical Contractors
Vice Chairmen Kenneth Wooten, Representing Practicing General Contractors
Commissioner Renee Edwards, Representing the People of New Mexico
Commissioner Patrick Casey, Representing the Residential Construction Industry
Commissioner Vince Alvarado, Representing Organized Labor
Commissioner Lisa Fickling, Representing the Liquefied Petroleum Gas Industry
Commissioner Don Kaufman, Representing the Subcontracting Industry
Commissioner Glenn Fellows, Representing Architects of New Mexico
Commissioner Dale Armstrong, Representing Mechanical Contractors

ABSENT: None

II. APPROVE AGENDA

MOTION: Commissioner Casey moved for the approval of the agenda.

SECOND: Commissioner Fellows seconded the motion.

VOTE: All Commissioners present voted in favor of the motion.

III. PUBLIC COMMENT

Public comments were received.

IV. DIRECTOR'S REPORT

Director McMurray presented his report to the Commission which is attached to

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these minutes.

V. OLD BUSINESS

a. **Approval of November 18, 2015 Minutes**

MOTION: Commissioner Armstrong moved for the approval of the minutes.

SECOND: Commissioner Casey seconded the motion.

VOTE: All Commissioners present voted in favor of the motion with the exception of Commissioner Wooten who abstained from the vote.

b. **Approval of December 17, 2015 Minutes**

MOTION: Commissioner Fickling moved for the approval of the minutes.

SECOND: Commissioner Casey seconded the motion.

VOTE: All Commissioners present voted in favor of the motion with the exception of Commissioner Wooten and Edwards who abstained from the vote.

c. **Adoption of amendment to NMAC 14.6.6 Section 7, 8 & 9 Licensing Classification and Scopes**

MOTION: Commissioner Casey moved for the approval and adoption of the amendment to NMAC 14.6.6 Section 7, 8 & 9 Licensing Classification and Scopes.

SECOND: Commissioner Fellows seconded the motion.

VOTE: All Commissioners present voted in favor of the motion.

VI. NEW BUSINESS

a. **Approval of 2016 Open Meetings Resolution**

MOTION: Commissioner Wooten moved to approve the Open Meetings Resolution

SECOND: Commissioner Fellows seconded the motion.

VOTE: All Commissioners present voted in favor of the motion.

b. **Approval of Licenses Issued in November and December 2015**

MOTION: Commissioner Casey moved to approve Licenses Issued in September and October 2014.

SECOND: Commissioner Armstrong seconded the motion.

VOTE: All Commissioners present voted in favor of the motion.

c. **Approval of General Construction TAC (Technical Advisory Committee) member Mr. Bill Konopik**

MOTION: Commissioner Casey moved to approve Bill Konopik as a new member to the General Construction TAC.

SECOND: Commissioner Fellows seconded the motion.

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VOTE: All Commissioners present voted in favor of the motion.

d. Approval of Mechanical and Plumbing Continuing Education Courses

MOTION: Commissioner Casey moved to approve the Continuing Education Courses as presented.

SECOND: Commissioner Fellows seconded the motion.

VOTE: All Commissioners present voted in favor of the motion.

e. Approval of Electrical Continuing Education Courses:

MOTION: Commissioner Casey moved to approve the Continuing Education Courses as presented.

SECOND: Commissioner Armstrong seconded the motion.

VOTE: All Commissioners present voted in favor of the motion.

**f. Appeal of variance request by Lloyd and Associates Architects NMAC
14.5.1.13(c):**

MOTION: Commissioner Kaufman moved to deny that variance request present by Lloyd and Associates.

SECOND: Commissioner Alvarado seconded the motion.

VOTE: All Commissioners present voted in favor of the motion.

VII. EXECUTIVE SESSION

MOTION: Commissioner Kaufman moved to enter into executive session to discuss the listed cases, pursuant to NMSA 1978, Sections 10-15-1(H)(1), (3) and (7).

SECOND: Commissioner Casey seconded the motion.

VOTE: Chairman Baker called for a roll call vote. The votes of all members present are recorded below:

Chairman Baker	Yay
Commissioner Alvarado	Yay
Commissioner Edwards	Yay
Commissioner Kaufman	Yay
Commissioner Fellows	Yay
Commissioner Armstrong	Yay
Commissioner Casey	Yay

After a unanimous vote the meeting was closed to the public at 11:10 a.m.

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The meeting was re-opened to the public at 1:51 p.m. pursuant to NMSA 1978, Section 10-15-1(J).

Chairman Baker stated that the matters discussed in the closed meeting were limited only to those specified in the motion for closure or in the notice of the separate closed meeting.

Commissioner Casey excused himself from the meeting.

VIII. ACTION ON ITEMS DISCUSSED DURING EXECUTIVE SESSION

a. Deliberation on Licensee Disciplinary Action Cases

MOTION: Commission Kaufman moved to dismiss agenda item VII(a)(1 thru 7)(Case Nos. 23; 14-01-23, 89;14-03-10, 105; 15-03-23, 344; 15-09-04, 348;15-10-01, 458; 14-10-07, 468; 14-12-11)

SECOND: Commissioner Fellows seconded the motion.

VOTE: All Commission members present voted in favor of the motion with the exception of Commissioner Wooten who abstained from the vote.

b. Deliberation on Licensee Disciplinary Action Cases

MOTION: Commission Kaufman moved to close the agenda items VII(b)(1,2,3,4,5,6,7,8,9,10,11,12,13,14 and 15) (Case Nos.14; 13-12-03 UL, 40; 13-01-31, 112; 13-03-25UL, 310; 13-07-29, 374, 13-08-30, 408; 13-09-23, 442; 13-09-27, 279; 14-07-08, 310; 14-07-22, 120; 15-03-27, 167; 15-06-04, 199; 15-06-12; 212; 15-07-21, 261; 15-08-19, 297; 15-09-01).

SECOND: Commissioner Fellows seconded the motion.

VOTE: All Commission members present voted in favor of the motion with the exception of Commissioner Wooten who abstained from the vote.

c. Deliberation on Licensee Disciplinary Action Cases

Complaint Committee Recommendation: Authorize Pre-NCA Settlement Agreement; If Pre-NCA Settlement Agreement is not reached within 2 regularly scheduled meetings to then refer the case to the office of the Attorney General to issue a notice of contemplated action.

MOTION: Commission Kaufman moved to allow pre-NCA settlement and if not successful issuance of NCA on agenda item VII(c) (1,2,3,4,5 and 6) (Case Nos. 286; 14-07-18, 34; 15-01-29, 187; 15-06-18; 233; 15-07-27, 353; 15-10-15, 377; 15-11-03)

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SECOND: Commissioner Armstrong seconded the motion.

VOTE: All Commission members present voted in favor of the motion.

d. Deliberation on Licensee Disciplinary Action Cases

Complaint Committee Recommendation: Issuance of NCA; to refer to the office of the Attorney General for issuance of a Notice of Contemplated Action.

MOTION: Commissioner Kaufman moved to allow issuance of a Notice of Contemplated Action for agenda items VII(d)(1,2,3,4,5,6,7,8,9,10,11 and 12) (Case Nos. 100; 14-03-18, 200; 14-06-24, 296; 14-07-28, 297; 14-07-25, 423; 14-10-20, 484; 14-12-17; 02-24, 21; 15-01-09; 67; 15-02-24, 99; 15-03-24; 102; 15-03-28; 142; 15-04-08; 260; 15-08-25)

SECOND: Commissioner Fickling seconded the motion.

VOTE: All Commission members present voted in favor of the motion.

e. Deliberation on Licensee Disciplinary Action Cases

MOTION: Commissioner Kaufman moved to issue a default order for agenda item VII (e) (1) (Case No. 423; 13-09-18) in the amount of \$2,600.00 and revocation of respondents license and qualifying party's certificate.

SECOND: Commissioner Armstrong seconded the motion.

VOTE: All Commission members present voted in favor of the motion.

MOTION: Commissioner Kaufman moved to issue a default order for agenda item VII (e) (2) (Case No. 429; 13-09-23) in the amount of \$500.00 and revocation of respondents license and qualifying party's certificate.

SECOND: Commissioner Armstrong seconded the motion.

VOTE: All Commission members present voted in favor of the motion.

MOTION: Commissioner Armstrong moved to issue a default order for agenda item VII (e) (3) (Case No. 460; 13-10-16) in the amount of \$500.00 and revocation of respondents license and qualifying party's certificate.

SECOND: Commissioner Kaufman seconded the motion.

VOTE: All Commission members present voted in favor of the motion.

MOTION: Commissioner Kaufman moved to issue a default order for agenda item VII (e) (4) (Case No. 490; 13-11-05) in the amount of \$300.00 and suspension of respondents license and qualifying party's certificate for one year.

SECOND: Commissioner Alvarado seconded the motion.

VOTE: All Commission members present voted in favor of the motion.

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MOTION: Commissioner Kaufman moved to issue a default order for agenda item VII (e) (5) (Case No. 508; 13-11-20) in the amount of \$2,000.00 and revocation of respondents license and qualifying party's certificate.

SECOND: Commissioner Alvarado seconded the motion.

VOTE: All Commission members present voted in favor of the motion.

MOTION: Commissioner Wooten moved to issue a default order for agenda item VII (e) (6) (Case No. 277; 14-07-22) in the amount of \$6,327.00 and revocation of respondents license and qualifying party's certificate.

SECOND: Commissioner Kaufman seconded the motion.

VOTE: All Commission members present voted in favor of the motion.

f. Deliberation on Licensee Disciplinary Action Cases

MOTION: Commissioner Kaufman moved to approve the proposed settlement agreement
In the amount \$500.00 per the terms of the settlement agreement.
VII (f) (1) (Case No. 337; 13-08-09)

SECOND: Commissioner Armstrong seconded the motion.

VOTE: All Commission members present voted in favor of the motion.

MOTION: Commissioner Kaufman moved to approve the proposed settlement agreement
In the amount \$300.00 for the terms of the settlement agreement.
VII (f) (2) (Case No. 389; 13-09-05)

SECOND: Commissioner Alvarado seconded the motion.

VOTE: All Commission members present voted in favor of the motion.

MOTION: Commissioner Kaufman moved to approve the proposed settlement agreement
In the amount \$600.00 for the terms of the settlement agreement.
VII (f) (3) (Case No. 406; 13-09-09)

SECOND: Commissioner Alvarado seconded the motion.

VOTE: All Commission members present voted in favor of the motion.

MOTION: Commissioner Kaufman moved to approve the proposed settlement agreement
In the amount \$300.00 for the terms of the settlement agreement.
VII (f) (4) (Case No. 436; 13-09-25)

SECOND: Commissioner Armstrong seconded the motion.

VOTE: All Commission members present voted in favor of the motion.

g. Deliberation on Licensee Disciplinary Action Cases

MOTION: Commissioner Armstrong moved to dismiss the cases listed under agenda VII (g) (1, 2, 3, 4, 5, 6, 7, 8 and 9) (Case Nos. 188; 13-05-16, 241; 13-06-19, 327;

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13-07-27, 488; 13-11-04, 501; 13-11-19; 521; 13-12-09; 523; 13-11-29; 531;
13-12-11, 549; 13-12-27).

SECOND: Commissioner Kaufman seconded the motion.

VOTE: All Commission members present voted in favor of the motion.

h. *Special Considerations

MOTION: Commissioner Wooten moved to go forward with how the final decision and order reads and to not make any special considerations for the case listed under agenda VII (h) (Case No. 12-2476).

SECOND: Commissioner Alvarado seconded the motion.

VOTE: All Commission members present voted in favor of the motion.

i. *Deliberation in connection with Administrative Adjudicatory Proceedings*

No Action

j. *Deliberation Commission Counsel's Report on Pending or Threatened Litigation*

No Action

IX. NEXT MEETING DATE

REGULAR MEETING – MARCH 16, 2016, RLD CONSTRUCTION INDUSTRIES CONFERENCE ROOM, ALBUQUERQUE, NM

X. ADJOURN

With no further business to come before the Commission, the meeting was adjourned at approximately 2:10 p.m.

NEW MEXICO CONSTRUCTION
INDUSTRIES COMMISSION



D. RANDY BAKER



DATE

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

Chairman



PAT McMURRAY
DIRECTOR, CID/MHD

3-16-2016
DATE



Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Tania Maestas
ACTING CHIEF LEGAL
COUNSEL

Pat McMurray
DIRECTOR

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Construction Industries Division
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Financial Institutions Division
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New Mexico Regulation and Licensing Department CONSTRUCTION INDUSTRIES DIVISION

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TO: CONSTRUCTION INDUSTRIES COMMISSION
FROM: PAT McMURRAY, DIRECTOR, CID
SUBJECT: DIRECTOR'S REPORT
DATE: January 20, 2016

Chairman Baker & 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 November and December, 2015.

As we move in to a new year, 2016, CID is continuing its efforts to better the efficiency of the agency in regards to the permitting and inspection scheduling processes. The implementation of the new Accela software is only part of our pursuit for more efficiency.

We are working closely with local jurisdictions in regards to training and support.. We are improving the communications between the local jurisdictions and the state, especially in the area of code related interpretations and enforcement.

We are working more closely with the Attorney General's office, not only with the attorney from the Attorney General's office representing the Commission, but also with the prosecuting attorneys assigned by the Attorney's General Office to CID to ensure that legitimate complaints are addressed in a timely manner.

As you know, the 2016 Legislative Session began yesterday, January 19th and will run through February 18, 2016. The majority of the Session will deal with budget issues.

The New Mexico Regulation and Licensing Department (RLD) has a process in place so that agencies can respond through an FIR (Fiscal Impact Report) to each bill. We have a team in place consisting of myself, Rick Martinez, our Financial Manager, and Ms. Sally Galanter, legal counsel for CID to review and respond accordingly.

I also listed the Bureau Chiefs as "experts" for any specific comments and/or research that may be required as we assemble our responses. We have a 24 hour turn-around time for all FIR's so it is extremely important that we respond to each bill thoroughly, accurately, and efficiently.

CID continues to reduce its vacancy rate through new hires. We currently have 5 inspector positions either posted or listed for hiring.

CALL CENTER – CID-MHD INSPECTION REQUESTS

**CID Inspection Request Monthly Report For
November 01, 2015 – November 30, 2015
Grand Total: 6,299 (incoming calls ,emails, outgoing calls, voice mail)**

**CID Inspection Request Monthly Report For
December 01, 2015 – December 31, 2015
Grand Total: 6,272 (incoming calls, emails, outgoing calls, voice mail)**

Plans & Permitting/Manager's Report

Richard Lucero – Plans & Permitting Manager

Accela

Chris Archuleta continues to work with all Bureau Chiefs and other CID Staff in the implementation of the Accela software. Our sincere thanks to the IT Department of RLD for their unending support to both CID and MHD as we continue educating our customers regarding the use of the on-line permitting process.

Agency wide we continue to conduct Trainings with all inspectors in all Bureaus: General Building, Mechanical, Electrical, LP Gas and MHD. Our own Jason Davis, Electrical Inspector, has been instrumental in leading several in-house training sessions to all Bureaus.

We now have kiosks in the Albuquerque and Santa Fe offices so walk-ins can apply for their permits on-line themselves, and we have individuals available who can guide them through the on-line process. We will be installing a kiosk in the Las Cruces this month.

Plans for the month of November, 2015

- Total Plans Reviewed: 431... 105 were commercial... 213 were Residential
- EPR 78 plans reviewed

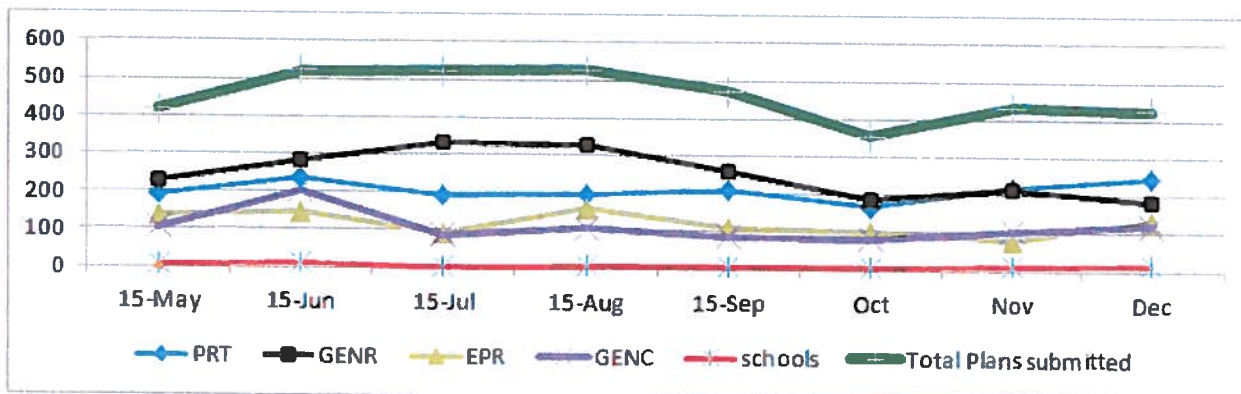
Public School Plans for the month: EPR- 13 plans reviewed

Plans for the month of December, 2015

- Total Plans Reviewed: 426 ...121 were commercial...181 were Residential
- EPR 131 plans reviewed

Public School Plans for the month: EPR- 15 plans

AI	AJ	AK	AL	AM	AN	AO	AP	AQ	AR
2015									2015
15-May	15-Jun	15-Jul	15-Aug	15-Sep	Oct	Nov	Dec	Plan Reviews	
191	237	193	198	212	167	218	245	PRT	
228	283	330	328	261	189	213	181	GENR	
419	520	523	526	473	356	431	426	Total Plans sub	
									Break Down
136	147	93	159	110	103	78	131	EPR	
104	205	87	107	86	82	105	121	GENC	
8	12	3	5	8	6	13	15	schools	
31	28	42	60	35	21			EPR Res	
105	119	51	99	75	82			EPR Com	
									Valuations
\$5,829,240	\$11,343,158	\$5,350,668	\$18,957,836	\$6,308,834	\$6,106,030			Commercial	
\$19,649,876	\$25,895,705	\$21,912,428	\$23,419,201	\$18,379,736	\$18,792,630			Residential	
\$2,194,501	\$66,058	\$590,321	\$1,639,724	\$3,310,640	\$111,234			schools	



The URENCO USA facility

The URENCO USA facility is currently staffed with 415 facilities and operations staff.

Construction contractors

Inspection Statistics (November) 11/10/2015

- **Structural**
 - Number of permits – 7
 - Number of inspections – 7148 (10/13/2015)
 - Combination of buildings – 3
 - Number of inspections – 7151 (11/10/2015)

- **Electrical**
 - Number of permits – 8
 - Number of inspections - 6907 (10/13/2015)
 - Combination of buildings – 2
 - Number of inspections – 6907 (11/10/2015)

- **Mechanical**
 - Number of permits - 15
 - Number of inspections 3212 (10/13/2015)
 - Combination of buildings – 1
 - Number of inspections – 3213 (11/10/2015)

- **Total Inspections - ending 11/10/2015 – 17, 271**

- Construction contractors

Inspection Statistics (December) 12/09/2015

- **Structural**

- Number of permits – 7
- Number of inspections – 7151 (11/10/2015)
- Combination of buildings – 8
- Number of inspections – 7159 (12/09/2015)

- **Electrical**

- Number of permits – 8
- Number of inspections – 6909 (11/10/2015)
- Combination of buildings – 18
- Number of inspections – 6927 (12/09/2015)

- **Mechanical**

- Number of permits – 15
- Number of inspections – 3212 (11/10/2015)
- Combination of buildings – 2

- Number of inspections – 3215 (12/09/2015)

Total Inspections - ending 12/09/2015 – 17, 299

BUREAU UPDATES

GENERAL CONSTRUCTION BUREAU – November and December, 2015

Martin Romero - Bureau Chief

- The CID Building inspector position for the Gallup, Grants, Farmington area was filled with the hiring of Joseph Herrera on November 23, 2015. Joseph brings twenty five years of experience in the construction trade in contracting, and inspections.
- Brian Houghtalin who was recently certified as an Electrical inspector for Chaves County has requested a multiple certification as a secondary discipline. The request was approved in accordance with NMAC 14.6.5.8 inspectors.
- Multiple inspector Mauro Rosales continues to work with Chief Inspector Tom Sanchez in the Northern region of the state on Plumbing, and Mechanical inspections.
- A town hall meeting was held on December 7, 2015 with the Town of Taos Council, City Manager Rick Bellis, Planning Department Staff, CID and Contractors were present to discuss the building permit process and to learn about the on-line submission process, and inspections. Since that meeting, the Town of Taos has requested, in writing, that CID State of NM take back the responsibility of all permitting and inspections.
- A Meeting was held with the city of Espanola City Manager, Kelly Duran, and the Planning Director, Patrick Nicholson on our processes within CID regarding permits and inspections. It was explained to them that if this is the direction that they want to go, CID, State of NM would need a letter from the city manager requesting our services. A letter was received on December 21, 2015, requesting our services; therefore, permits, and inspections under the responsibility and jurisdiction of CID NM began on January 4, 2016.

MECHANICAL BUREAU – November and December, 2016

J.T. Baca – Bureau Chief

- Bureau Chief J.T. Baca along with Bureau Chiefs Hunt and Romero, and Director Pat McMurray met with Chris Huchton, Facility Maintenance Manager & Operations Support Manager for NM Public School Facilities Authority and a delegation of individuals regarding annual permit scope, licensing requirements and training and

certification for public schools maintenance personnel. Other attendees Included, Bob Gorrell, PSFA Director, Mike Puelle, and Vicky Mora with AGC. The meeting was successful in bringing to the table the need to evaluate the impact of the CID rules and regulations regarding permits, scope of work limits, inspections and licensing requirements for PSFA maintenance programs.

- Bureau Chief J.T. Baca and Mechanical TAC Subcommittee member, David Wall and Chief Inspector Tamara Kuykendall met with PSI Proctors to provide a workshop concerning possible improvements in regards to the way the CID Mechanical and Plumbing practical exams are administered. The goal/purpose was to continually improve the journeyman practical test takers experience with PSI and CID and to provide a fair assessment for the candidate. The proctors provided feedback that was beneficial and will be considered in making changes in the exam content.
- The Mechanical Bureau held its regular TAC meeting on December 16th. A few of the agenda items included an update on Senate Bill Memorial 27 (Fire Dampers) where a final draft of proposed rule was presented by Vince Alvarado. Product review for approval of a new pure form of poly based pipe for water systems, CEU course review and a presentation by City of Albuquerque Chief Plumbing Inspector Roger Coble was provided to the TAC regarding the current city code adoption and changes to the city ordinance.

ELECTRICAL BUREAU – November and December, 2016

Kelly Hunt – Bureau Chief

- We have re-instated the quarterly electrical inspectors meetings for 2016 and look forward to attendance by all area political subdivision electrical jurisdictions representatives.
- Sickness and Snow precluded our December Electrical Quarterly meetings, however we did keep up with all necessary business to include ACCELA training utilizing multiple conference call sessions.
- Statewide Oil & Gas inspections are keeping a steady pace even though news of industry wide cutbacks continues to grow. Recently, several existing, older, oil and gas sites, still in production, have been inspected and some life and property safety issues were discovered. We are working with the industry/contractors at these sites to ensure effort to bring them, and keep them, in compliance continues.
- Overtime for the SE area inspections, driven by the Oil Patch was re-instated Thursday December 17th by Director McMurray in communication with Superintendent Unthank based upon request from industry.
- Chavez County successfully hired a new NM State Electrical Inspector; and are now performing their own electrical inspections.

- Inspector Joseph Martinez has successfully relocated to the Santa Fe area to take over retired inspector Pat Gilligan's territory, NE of SF, to include the Las Vegas and Mora municipalities along with San Miguel, Harding and Mora Counties.

LP GAS BUREAU – November and December, 2016

Clay Bailey – Bureau Chief

- Inspections for TV series "Graves" continue.
- Special event inspections included the Gildan New Mexico Bowl and other events held at UNM.
- Bureau Chief Bailey attended the New Mexico Fire Planning Task Force meeting on December 8, 2015.
- LP Inspector Position #4039 (Albuquerque) is in the process of being posted and is at SPO.
- Training with Ray Engstrom on testing cathodic protection on underground tanks is scheduled for January.
- On November 30 thru December 4, 2015, Bureau Chief Bailey attended CNG/LNG training in Spring Valley, NV.

Questions?