

# CONSTRUCTION INDUSTRIES COMMISSION OF THE STATE OF NEW MEXICO

## MEETING MINUTES

Minutes of the Construction Industries Commission Meeting held on  
Wednesday, May 18, 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 9:40 a.m.

**ATTENDING** this meeting were:

Chairman D. Randy Baker, Representing Licensed Electrical Contractors  
Commissioner Lisa Fickling, Representing the Liquefied Petroleum Gas Industry  
Commissioner Patrick Casey, Representing the Residential Construction Industry  
Commissioner Don Kaufman, Representing the Subcontracting Industry  
Commissioner Dale Armstrong, Representing Mechanical Contractors

**ABSENT:**

Vice Chairmen Kenneth Wooten, Representing Practicing General Contractors  
Commissioner Renee Edwards, Representing the People of New Mexico  
Commissioner Vince Alvarado, Representing Organized Labor  
Commissioner Glenn Fellows, Representing Architects of New Mexico

### **II. APPROVE AGENDA**

**MOTION:** Commissioner Kaufman moved for the approval of the agenda.

**SECOND:** Commissioner Armstrong seconded the motion.

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

### **III. PUBLIC COMMENT**

No public comment.

### **IV. DIRECTOR'S REPORT**

Director McMurray presented his report to the Commission which is attached to these minutes.

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**V. OLD BUSINESS**

**a. Approval of March 16, 2016 Minutes**

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

SECOND: Commissioner Kaufman seconded the motion.

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

**VI. NEW BUSINESS**

**a. Approval of Licenses Issued in March and April 2016**

MOTION: Commissioner Casey moved to approve Licenses Issued in  
March and April 2016

SECOND: Commissioner Kaufman seconded the motion.

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

**b. Approval of Mechanical and Plumbing Continuing Education Courses**

MOTION: Commissioner Kaufman 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.

**c. Approval of Electrical Continuing Education Courses**

MOTION: Commissioner Kaufman moved to approve the continuing education courses  
as presented.

SECOND: Commissioner Fickling 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 Fickling	Yay

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Commissioner Casey	Yay
Commissioner Kaufman	Yay
Commissioner Armstrong	Yay

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

The meeting was re-opened to the public at 10:52 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.

## **VIII. ACTION ON ITEMS DISCUSSED DURING EXECUTIVE SESSION**

### **a. Deliberation on Licensee Disciplinary Action Cases**

- 1) MOTION: Commission Kaufman moved to table agenda item VII (a) (1 and 2) Case Numbers: 52; 14-02-121, 19; 14-04-21

SECOND: Commissioner Armstrong seconded the motion.

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

- 2) MOTION: Commission Kaufman moved to dismiss agenda item VII (b) (4 thru 24) Case Numbers: 407; 14-08-13, 11; 15-04-07, 118; 15-04-10, 149; 15-05-06, 183; 15-06-17, 233; 15-07-27, 247; 15-08-05, 283; 15-08-24, 282; 15-08-24, 282; 15-08-06, 290; 15-08-26, 353; 15-10-15, 408; 15-11-23, 345; 15-09-23, 356; 15-10-16, 367; 15-10-26, 381; 15-11-04, 387; 15-11-06, 394; 15-11-12, 398; 15-11-16, 25; 16-01-27, 38; 16-02-24

SECOND: Commissioner Armstrong seconded the motion.

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

### **b. Deliberation on Licensee Disciplinary Action Cases**

MOTION: Commission Kaufman moved to close the agenda items VII(b) (1 thru 6 and 8 thru 21) Case Numbers: 10-1892, 11-2129, 12-2272, 12-2275, 12-2288, 12-2296, 12; 12-12-19, 13-2718, 49; 13-02-12, 198; 13-05-22, 436; 13-09-25, 513; 13-11-25, 137; 14-04-28, 251; 14-07-10, 242; 15-08-13, 286; 15-08-28, 365; 15-10-23, 402; 15-11-30, 14; 16-01-24, 43; 16-02-22

SECOND: Commissioner Armstrong seconded the motion.

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

### **c. Deliberation on Licensee Disciplinary Action Cases**

*Complaint Committee Recommendation: Authorize Pre-NCA Settlement Agreement; If Pre-NCA Settlement Agreement is not reached to then refer*

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*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)

Case Numbers: 436; 14-10-22

SECOND: Commissioner Armstrong seconded the motion.

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

*Complaint Committee Recommendation: Dismissal*

MOTION: Commission Kaufman moved to allow Pre-NCA settlement and if not successful issuance of NCA on agenda item VII (c) (2)

Case Number: 399; 15-11-19

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 allow for consolidation and authorize the 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 thru 11) Case Numbers: 287; 14-07-16, 240; 14-07-09, 331; 14-08-22, 417; 14-04-10, 431; 14-10-27, 138; 15-04-02, 179; 15-06-26, 225; 15-05-05, 287; 15-08-25, 383; 15-11-05, 315; 15-09-11, 415; 15-12-08, 04; 16-01-13).

SECOND: Commissioner Armstrong seconded the motion.

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

MOTION: Commissioner Casey moved to table agenda items VII (d) (12) Case Numbers: 225; 15-05-05, 287; 15-08-25, & 383; 15-11-05

SECOND: Commissioner Armstrong 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 assessing an administrative penalty of \$500.00 and revocation of respondents licensing and qualifying party certificate in agenda item VII (e) (1 thru 3) Case Numbers: 22; 14-01-22, 53; 14-02-13, 57; 14-02-18

SECOND: Commissioner Armstrong seconded the motion.

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

MOTION: Commissioner Kaufman moved to table agenda item VII (e) (4) Case Numbers: 67; 14-02-25

SECOND: Commissioner Armstrong 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 reinstate the license for W.W. Plumbing Agenda item VII (f) (1) Case Number: 11-2158

SECOND: Commissioner Armstrong seconded the motion.

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

MOTION: Commissioner Kaufman moved to approve the stipulated agreement to reinstate the licenses agenda item VII (f) (2 thru 3) Case Numbers: 12-2464, 12-2692

SECOND: Commissioner Armstrong seconded the motion.

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

MOTION: Commissioner Kaufman moved to approve the pre-settlement agreements for agenda item VII (f) (4 thru 7) Case Numbers: 286; 14-07-18, 34; 15-01-29, 187; 15-06-18, 377; 15-11-03

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 Kaufman moved to dismiss the cases listed under agenda VII (g) (1) Case Number: 11-2149

SECOND: Commissioner Armstrong seconded the motion.

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

**h.**

MOTION: Commissioner Kaufman moved to issue a notice of contemplated action in case listed under agenda VII (h) (1) Case Number: 182; 14-06-15

SECOND: Commissioner Armstrong seconded the motion.

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

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**IX. NEXT MEETING DATE**

REGULAR MEETING – JULY 20 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 11:00 a.m.

NEW MEXICO CONSTRUCTION  
INDUSTRIES COMMISSION

  
KENNETH WOOTEN  
Vice Chairman

7.20.16  
DATE

  
PAT McMURRAY  
DIRECTOR, CID/MHD

7.25.2016  
DATE