

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

MEETING MINUTES

**Minutes of the Construction Industries Commission Meeting held on
Wednesday, March 15, 2017 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 9:34 a.m.

ATTENDING this meeting were:

Chairman 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 of New Mexico
Commissioner Don Kaufman, Representing the Subcontracting Industry
Commissioner Rick Davis, Representing the Residential Construction Industry

ABSENT:

Commissioner Renee Edwards, Representing the People of New Mexico
Vice Chairmen Ken Wooten, Representing Practicing General Contractors

II. APPROVE AGENDA

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

SECOND: Commissioner Kaufman 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 these minutes.

V. OLD BUSINESS

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a. Approval of January 18, 2017 Minutes

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

SECOND: Commissioner Alvarado seconded the motion.

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

b. Order to Show Cause: 11-2259 Amen Plumbing and Heating

No action taken.

VI. NEW BUSINESS

a. Approval of Mechanical and Plumbing Continuing Education Courses

MOTION: Commissioner Alvarado moved to approve the Mechanical and Plumbing Continuing Education Courses

SECOND: Commissioner Kaufman seconded the motion.

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

b. Approval of Electrical Continuing Education Courses

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

SECOND: Commissioner Kaufman seconded the motion.

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

c. Approval of Licenses Issued in January 2017 and February 2017

MOTION: Commissioner Fellows moved to approve the licenses issued in January 2017 and February 2017 as presented.

SECOND: Commissioner Armstrong seconded the motion.

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

VII. EXECUTIVE SESSION

MOTION: Chairman Baker 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 Alvarado seconded the motion.

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

Chairman Baker	Yay
Commissioner Alvarado	Yay
Commissioner Armstrong	Yay
Commissioner Fellows	Yay

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Commissioner Kaufman
Commissioner Davis

Yay
Yay

After a unanimous vote the meeting was closed to the public at 10:20 a.m.

The meeting was re-opened to the public at 11:15 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

MOTION: Commissioner Fellows moved to table item VIII (a) (1 and 2) case numbers:

287; 14-07-16

311; 14-08-06

SECOND: Commissioner Alvarado seconded the motion.

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

MOTION: Commissioner Fellows moved to approve the proposed settlement agreement in the amount of \$300.00 per the terms of the settlement agreement to be paid within 60 days on agenda item VIII (a) (3) case numbers:

474; 14-08-14

SECOND: Commissioner Wooten seconded the motion.

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

MOTION: Commissioner Fellows moved to approve the proposed settlement agreement in the amount of \$300.00 per the terms of the settlement agreement to be paid within 60 days on agenda item VIII (a) (4) case numbers:

454; 14-11-12

SECOND: Commissioner Kaufman seconded the motion.

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

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MOTION: Commissioner Fellows moved to approve the proposed settlement agreement in the amount of \$300.00 per the terms of the settlement agreement to be paid within 60 days on agenda item VIII (a) (5) case numbers:

496; 14-12-30

SECOND: Commissioner Kaufman seconded the motion.

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

b. Deliberation on Licensee Disciplinary Action Cases

MOTION: Commissioner Fellows moved to dismiss agenda items VIII (b) (1) case numbers:

491; 14-12-23

52; 15-02-09

SECOND: Commissioner Kaufman seconded the motion.

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

c. Deliberation on Licensee Disciplinary Action Cases

MOTION: Commissioner Fellows moved to dismiss to agenda items VII (c) (1 through 10) case numbers:

137; 15-04-27

270; 16-07-05

335; 15-07-20UL

296; 16-08-15

57; 16-03-03

361; 16-10-14

81; 16-03-28

403; 16-12-06

175; 16-06-01

407; 16-12-07

SECOND: Commissioner Kaufman seconded the motion.

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

d. Deliberation on Licensee Disciplinary Action Cases

MOTION: Commissioner Fellows moved to close agenda items VII (d) (1 through 17) case numbers:

354; 13-08-21

302; 15-09-03

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256; 14-07-11	341; 15-10-07
286; 14-07-18	377; 15-11-03
400; 14-10-07	385; 15-11-06
436; 14-10-22	02; 16-01-07
34; 15-01-29	158; 16-06-17
145; 15-05-04	388; 16-09-28
173; 15-06-04	400; 16-12-05
249; 15-08-04	

SECOND: Commissioner Kaufman seconded the motion.

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

e. Deliberation on Licensee Disciplinary Action Cases

Complaint Committee Recommendations: Authorize the office of the Attorney General to issue a Notice of Contemplated Action

MOTION: Commissioner Fellows moved to refer to the Attorney General for issuance of a NCA on agenda items VIII (e) (1 through 9) case numbers:

92; 15-03-19	112; 64-04-20
209; 15-07-15	126; 16-05-06
330; 15-09-25	341; 16-09-21
44; 16-02-25	398; 16-11-28
87; 16-03-23	

SECOND: Commissioner Kaufman seconded the motion.

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

f. Deliberation on Licensee Disciplinary Action Cases

Complaint Committee Recommendations: Authorize the office of the Construction Industries Division Generals to issue a Pre-NCA with the understanding that if the terms are not met the case with be referred to the Attorney General for issuance of a NCA.

MOTION: Commissioner Fellows moved to issue a pre-NCA settlement agreements by CID on agenda items VIII (f) case numbers:

71; 16-03-14	376; 16-11-11
150; 16-05-23	408; 16-12-08
337; 16-08-22	

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SECOND: Commissioner Kaufman seconded the motion.

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

g. Deliberation on Licensee Disciplinary Action Cases

MOTION: Commissioner Fellows moved to approve the default orders assessing and a penalty of \$15,600.00 to be paid within 60 days and revocation of license and qualify party for one year on agenda item VIII (g) (1) case number:

481; 14-12-16

SECOND: Commissioner Kaufman seconded the motion.

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

MOTION: Commissioner Fellows moved to approve the default orders assessing and administrative penalty of \$2,448.94 to be paid within 60 days and revocation of license and qualify party for one year on agenda item VIII (g) (2) case number:

489; 14-12-23

SECOND: Commissioner Kaufman seconded the motion.

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

MOTION: Commissioner Fellows moved to approve the default orders assessing and administrative penalty of \$500.00 to be paid within 60 days and revocation of license and qualify party for five years on agenda item VIII (g) (3) case number:

492; 14-12-23 & 77; 15-02-10

SECOND: Commissioner Kaufman seconded the motion.

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

MOTION: Commissioner Fellows moved to issue a default orders assessing and administrative penalty of \$867.50 to be paid within 60 days and revocation of license and qualify party for one year on agenda item VIII (g) (4) case number:

04; 15-01-02

SECOND: Commissioner Kaufman seconded the motion.

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

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MOTION: Commissioner Fellows moved to approve the default orders assessing and administrative penalty of \$1,981.20 to be paid within 60 days and revocation of license and qualify party for one year on agenda item VIII (g) (5) case number:

13; 15-01-09

SECOND: Commissioner Kaufman seconded the motion.

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

MOTION: Commissioner Fellows moved to approve the default orders assessing and administrative penalty of \$1,280.00 to be paid within 60 days and revocation of license and qualify party for one year on agenda item VIII (g) (6) case number:

21; 15-01-09

SECOND: Commissioner Kaufman seconded the motion.

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

MOTION: Commissioner Fellows moved to approve the default orders assessing and administrative penalty of \$1,052.90 to be paid within 60 days and revocation of license and qualify party for one year on agenda item VIII (g) (7) case number:

51; 15-02-01 & 68; 15-03-03

SECOND: Commissioner Kaufman seconded the motion.

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

h. Deliberation on Licensee Disciplinary Action Cases

MOTION: Commissioner Kaufman moved to refer back to the division for consideration on how to proceed on agenda item VIII (h) (1) case number:

11-2153

No action taken.

i. Deliberation on Licensee Disciplinary Action Cases

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MOTION: Commissioner Fellows moved to approve the proposed settlement agreement in the amount of \$1,200.00 to be paid immediately on agenda item VIII (i) (1) case number:

93; 15-03-11

SECOND: Commissioner Armstrong seconded the motion.

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

MOTION: Commissioner Fellows moved to approve the proposed settlement agreement the amount of \$400.00 to be paid within 10 days on agenda item VIII (i) (2) case number:

197; 14-06-24

SECOND: Commissioner Kaufman seconded the motion.

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

MOTION: Commissioner Fellows moved to approve the proposed settlement agreement in the amount of \$1,000.00 to be paid immediately and licensee shall apply for a license and be certified within 90 days of signing of the agreement on agenda item VIII (g) (3) case number:

340; 16-09-20UL

SECOND: Commissioner Kaufman seconded the motion.

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

IX. NEXT MEETING DATE

REGULAR MEETING – MAY 17, 2017, RLD CONSTRUCTION
INDUSTRIES CONFERENCE ROOM, ALBUQUERQUE, NM

X. ADJOURN

With no further business to come before the Commission, the meeting was adjourned at approximately 1:29 p.m.

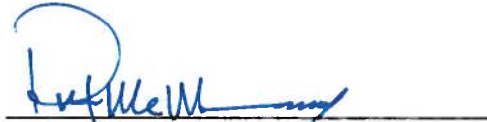
NEW MEXICO CONSTRUCTION
INDUSTRIES COMMISSION

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



RANDY BAKER
CHAIRMAN

5/17/17
DATE



PAT McMURRAY
DIRECTOR, CID/MHD

5/17/2017
DATE



New Mexico Regulation and Licensing Department

CONSTRUCTION INDUSTRIES DIVISION

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Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Claudia Armijo
DEPUTY GENERAL
COUNSEL

Pat McMurray
DIRECTOR

Sally Galanter
COUNSEL

TO: CONSTRUCTION INDUSTRIES COMMISSION

FROM: PAT McMURRAY, DIRECTOR, CID

SUBJECT: DIRECTOR'S REPORT

DATE: March 15, 2017

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 January and February, 2017.

As you all know, we are coming up on the end of the 2017, 60 day legislative Session, which began January 17th and ends, this Saturday, March 18th at noon!

Our appreciation to Representative Crowder and Senator Woods for sponsoring legislation for the LP Gas Bureau that clarifies both the technical definition of Liquefied Natural Gases (LNG) and Compressed Natural Gases (CNG) and better defines, for the courts, that violation of the LP Gas Act is a Full Misdemeanor, not a Petty Misdemeanor. This Bill helps both the LP Gas Bureau and our Investigations and Enforcement Unit in their implementation and Enforcement of our Responsibilities ensuring the Life/ Safety concerns of our customers/consumers.

I can't express enough my sincere thanks to the CID/MHD staff for their support in responding to FIR's, Fiscal Impact Reports, on Bills that were introduced, that in some way, if passed, would affect CID/MHD. Sally Galanter, our Legal Counsel and Rick Martinez, our Financial Manager headed the Team, they then called on any and all personnel by Bureau that the proposed bill would affect. All Bureau Chiefs and Managers were involved in providing analysis on specific bills. Lots of additional time and effort was provided to help ensure that each proposed Bill or Memorial was reviewed and analyzed in a timely manner. Again, Thanks to All for their commitment and involvement in this daunting task.

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

On a different note, I'm pleased to announce that CID/MHD Las Cruces has moved into our new lease space. We are still located in the Loretta Center on Main Street in Las Cruces, but re-located to a larger suite. RLD has expanded our services for the City of Las Cruces and the surrounding area. In addition to the CID/MHD staff, we now have personnel representing the RLD Boards and Commissions Division as well as the Securities Division. We started serving the Las Cruces area from our new location March 1st.

The last Administrative item I need to report is that I received, yesterday, a letter of Resignation from Commissioner Renee Edwards, notifying me that she is resigning from her position as a member of the Construction Industries Commission. It reads:

Plans & Permitting/Manager's Report

Richard Lucero – Plans & Permitting Manager

Plans for the month of January, 2017

- Total Plans Reviewed: 412...102 were commercial... 225 were Residential
- EPR 154 plans reviewed

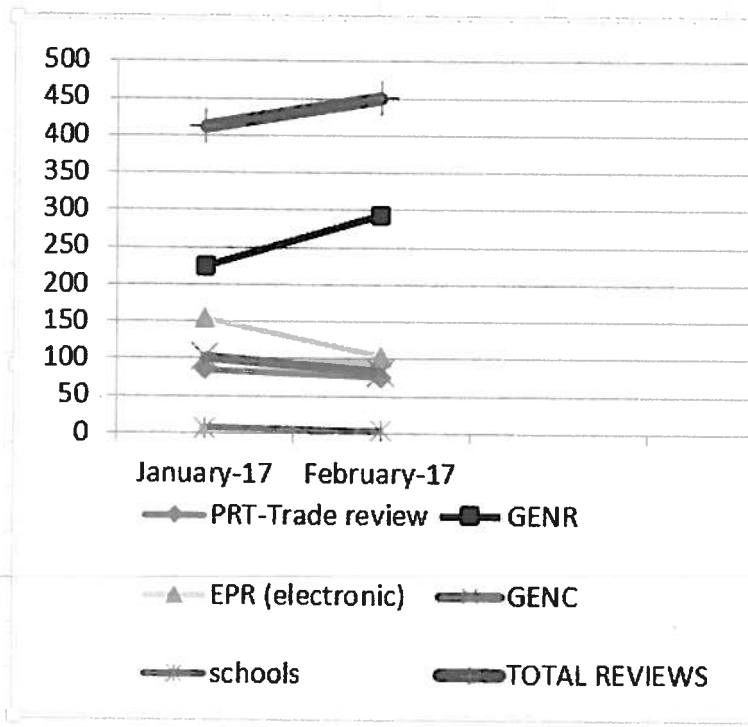
Public School Plans for the month: EPR- 7 plans reviewed

Plans for the month February, 2017

- Total Plans Reviewed: 451 ...82 were commercial...193 were Residential
- EPR 104 plans reviewed
- Public School Plans for the month: EPR- 3 plans reviewed

Plan Reviews	2017		
	January-17	February-17	March-17
PRT-Trade review	85	76	
GENR	225	293	
GENC	102	82	
TOTAL REVIEWS	412	451	0
Break Down			
EPR (electronic)	154	104	0
schools	7	3	
EPR Res	52	23	
EPR Com	41	31	
PRT-Trade review	54	47	
Valuations			
Commercial			
Residential			
schools			
Towers			

Third



URENCO USA FACILITY

Met with URENCO on March 6, 2017

Meeting to inform CID in the reduction of work force in 2017. Reduction of work force total at New Mexico Plant (50) asking for early retirement volunteers. No (new) work upcoming 2017, continuing to complete existing projects, including remodeling to replace roof top HVHC units to ground mounted refrigerated air and replace existing cooling system from Hydrogen refrigerant to a more cost effective system.

Call Center

CID Inspection Request Monthly Report for January 01, 2017 – January 31, 2017

Grand Total: 5,790 (incoming calls, emails, outgoing calls and voicemails)

CID Inspection Request Monthly Report for February 01, 2017 – February 28, 2017

Grand Total: 5,677 (incoming calls, email, outgoing calls and voicemails)

BUREAU UPDATES

GENERAL CONSTRUCTION BUREAU – January and February, 2017

Martin Romero - Bureau Chief

- Meeting was held in Belen with Keter Plastics to kick off plan preparation for the renovation of the existing Solo Cup building, which includes the construction of a new manufacturing facility located on the south side of existing solo cup facility. Steven Tomita, Development Services Manager, has requested that we assist Keter with the planning, engineering and permitting process. One of the topics they discussed was what they need to do to best expedite the process so that they can meet their schedule of opening production early fall of 2017.
- Meeting with Santa Fe County Land Use Jose E. Larranaga Development Review Team Leader, and Jaome Blay fire Marshall Offices regarding Glorieta zip lines and unpermitted work on facilities.

- On January 10, 2017 a meeting was held with Richard A. Martinez, Fire/Safety Programs Manager, Dominic Vigil, Assistant Facilities Manager NMCD, and John Ludi, New Mexico State Fire Marshal to discuss an annual Fire Marshal Inspection by the New Mexico State fire Marshal's office. Fire Marshal Inspection was conducted at the Main Penitentiary of New Mexico on November 28, 2017. At issue was the requirements for existing building sprinkler requirements. Existing Buildings erected prior to the date of adoption of the appropriate code, or for which a legal building permit has been issued are not required to meet current building code requirements.
- Code training was provided on the significant 2015 IRC code changes and NMAC General Provisions to the Northern Chapter of Building officials. Approved ICC CEUs have been provided for inspectors that attended.

MECHANICAL BUREAU – January and February, 2017

J.T. Baca – Bureau Chief

- Mechanical Bureau Chief, J.T. Baca, along with CID/MHD Senior Staff met with Santa Fe County planning and zoning and fire officials to provide guidance on codes and standards for the placement of "Tiny Homes". CID provided a Q and A session and provided relevant information regarding the listing, site utilities and placement of these homes. SF officials were provided a general information pamphlet that is distributed by CID General Construction Bureau. They were encouraged by CID staff to publish the information and use it to inform individuals of options and resources regarding Tiny Homes.
- Mechanical Bureau Chief, J.T. Baca, Chief Inspector Tamara Kuykendall along with CID Director Pat McMurray, Bureau Chiefs Martin Romero and Kelly Hunt met with Facebook Mechanical Contractor, and members of the local trade unions to provide information regarding permitting and inspections of the projects mechanical and plumbing work. The meeting was a good icebreaker as CID is committed to working on the project.
- Mechanical Bureau Chief, J.T. Baca, along with CID Director Pat McMurray, Bureau Chiefs Martin Romero and Kelly Hunt met with representatives from Keter Plastics and the City of Belen regarding the renovation of the existing Solo Cup plant and the construction of a new plastic injection molding plant on the premises. Keter Plastics representatives sought information regarding permitting, installation and inspections and were seeking CIDs help to expedite the project. The meeting was successful in establishing a good working partnership.

- Bureau Chief's J.T Baca and Martin Romero attend a PRC hearing on proposed rule changes to the State Fire Code regarding the use, installation and maintenance of Smoke, Fire Dampers and Smoke Control Systems. Chiefs Baca and Romero were asked to address the PRC to provide clarification regarding Building and Mechanical Code requirements and overlapping jurisdiction of these life safety systems as recently addressed in Senate Memorial 27. Both Chiefs provided clarification regarding conflicts between documents that will be helpful in the rewrite of the Fire Marshals NMAC rules.
- Bureau Chiefs, J.T. Baca, Hunt and Romero met with PSFA Maintenance and Operation Support Manager, Larry Tillotson and PSFA Planning and Design Manager Martica Casias. The meeting was to provide clarification of scope work under the NMAC 14.5.2 Annual Permit requirements, school maintenance personnel qualifications and who is required to certify as Journeyman. The meeting was successful in partnering with PSFA to better address school maintenance needs.
- Mechanical Bureau Chief, J.T. Baca and General Construction Bureau Chief Martin Romero met with Industry members and the working group for Fire Damper/Memorial 27. The meeting was to review final drafts of amended language prior to public hearings regarding rulemaking scheduled for six meetings statewide in March 2017. The hearings will be held by the New Mexico Public Regulatory Commission. The meeting resulted in a consensus of the final language draft as acceptable to proceed to public hearing.
- Mechanical Bureau Chief J.T. Baca along with Bureau Chiefs Kelly Hunt and Martin Romero, and Plans Manager Rick Lucero attended a meeting at CNM Workforce Training Center. The meeting was hosted by the CNM Construction Director and GB Contractor regarding students building modular dwelling structures called Eco Mods. The meeting entailed CID staff providing information regarding plans, permits, and inspections for modular standards requirements for the CNM staff. The meeting was successful in developing a partnering relationship between CID and the CNM construction education program.
- January- New Inspector Hired for Torrance County Vacancy

ELECTRICAL BUREAU – January and February, 2017

Kelly Hunt – Bureau Chief

- Received a variance request from Cupertino Electric on the Facebook project and was able to provide a one-time site specific ruling in their favor based upon Engineering design and manufacturers installation requirements being met.
- Met John Quale CNM and reviewed there assembly site with the Director and other Bureau Chiefs Look forward to working with the CNM Modular program.

- Our new ICC Preferred Provider status has proven very beneficial and timely with regard to supporting our inspectors with their required CEU's tied to their continued National Certification. We have provided room in our CID training for sister jurisdictions under the same CEU requirements to attend at no cost which fosters better communication relations along with closer code application between agencies.
- Attended the PRC public hearings in Rio Rancho and Roswell in support of John Ludi and the State Fire Marshal's Office and was able to deliver concise on point commentary reasoning for the codes to move forward based upon the enhanced Life and Property Safety features and enforcement.
- Our new inspector Martin Dimas (Ranchos De Taos) is fitting in nicely and adjusting well to his job responsibilities.

LP GAS BUREAU – January and February, 2017

Clay Bailey – Bureau Chief

- Inspections continue for TV series and movies that include “Midnight Texas” “Get Shorty” and “Soldado”.
- Special event inspections for January included the Toughest Monster Truck. It should be noted that the Special Event Season for the Bureau really starts up again in March, with the anticipation of TV pilots: St Patrick's Day Balloon Rally, Professional Bull Riders and Chocolate and Coffee show.
- On January 23, 25, and 26, 2017, Chief Inspector James Morrison traveled to Logan to conduct re-inspections regarding the ongoing investigation concerning the illegal furnaces that were installed on the east side of the state.
- On February 7, 2017, Bureau Chief Bailey along with CID Attorney Sally Galanter, Chief Building Inspector Tom Maese and Omar Haloman testified in Alamogordo District court regarding the Cohen case. The judge ruled in CID's favor, ordering Mr. Cohen to set a date for CID's required and requested onsite inspection of his property.
- On February 20, 2017, Bureau Chief Bailey and Investigations and Enforcement Manager Amanda Roybal met with the NM State Police and the District Attorney regarding the on going investigation on the east side of the state.
- On February 24, 2017, Chief Inspector James Morrison attended a Gathering of Nations meeting at Expo NM. This will be the first of many safety meetings concerning this event which is being held at Expo NM for the first time.
- From February 27 thru March 3, 2017, Bureau Chief Bailey attended the New Mexico International Association of Arson Investigators (NMIAAI) annual training seminar in Carlsbad NM.

- **CONGRATULATIONS** to Bureau Chief Bailey as he was re-elected to another term as President as the New Mexico International Association of Arson Investigators.

Questions?