**MEETING MINUTES**

**Minutes of the Construction Industries Commission Meeting held on**

**Wednesday, March 21, 2018 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 9:31 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

Commissioner Rick Davis, Representing the Residential Construction Industry

Commissioner Billy Romero, Representing the Liquefied Petroleum Gas Industry

Commissioner Don Kaufman, Representing the Subcontracting Industry

ABSENT:

Vice Chairmen Ken Wooten, Representing Practicing General Contractors

**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**

Public comments were received.

**IV. DIRECTOR’S REPORT**

Acting Director Romero presented his report to the Commission which is attached to

these minutes.

**V. OLD BUSINESS**

1. **Approval of January 17, 2018 Minutes**

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

SECOND: Commissioner Alvarado seconded the motion.

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

**VI. NEW BUSINESS**

**a** **Approval of License issued in January 2018 and February 2018**

MOTION: Commissioner Fellows moved for approval of the listing as presented.

SECOND: Commissioner Alvarado seconded the motion.

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

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

MOTION: Commissioner Armstrong moved to approve the electrical continuing education

as presented.

SECOND: Commissioner Alvarado seconded the motion.

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

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

MOTION: Commissioner Alvarado moved to approve the plumbing and mechanical

continuing education courses as presented.

SECOND: Commissioner Kaufman seconded the motion.

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

**d.** **Request for approval of proposed changes to NMAC 14.8.2 New Mexico Plumbing**

**Code**

MOTION: Commissioner Alvarado moved for approval

SECOND: Commissioner Armstrong seconded the motion.

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

**e.**  **Request for approval of proposed changes to NMAC 14.9.2 New Mexico Mechanical**

**Code**

MOTION: Commissioner Alvarado moved for approval

SECOND: Commissioner Kaufman seconded the motion.

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

**f.**  **Request for approval of proposed changes to NMAC 14.7.6 New Mexico Energy**

**Conservation Code**

MOTION: Commissioner Armstrong moved for approval

SECOND: Commissioner Alvarado seconded the motion.

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

**g.**  **Request for approval of proposed changes to NMAC 14.5.1 General Provisions**

MOTION: Commissioner Kaufman moved for approval

SECOND: Commissioner Alvarado seconded the motion.

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

**h.**  **Request for approval of proposed changes to NMAC 14.5.2 Permits**

MOTION: Commissioner Kaufman moved for approval

SECOND: Commissioner Fellows seconded the motion.

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

**i.** **Request for approval of proposed changes to NMAC 14.5.3 Inspections**

MOTION: Commissioner Alvarado moved for approval

SECOND: Commissioner Kaufman 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 on agenda, pursuant to NMSA 1978, Sections 10-15-1(H) (1),(3)

and (7).

SECOND: Commissioner Fellows 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 Armstrong Yay

Commissioner Fellows Yay

Commissioner Davis Yay

Commissioner Romero Yay

After a unanimous vote the meeting was closed to the public at 10:08 a.m.

The meeting was re-opened to the public at 10:41 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.

**VIII. Action on Items Discussed During Executive Session**

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

MOTION: Commissioner Kaufman moved to dismiss agenda items VIII (a) (1, 2 and 3) Case Numbers:

201; 17-08-01

286; 17-11-07

294; 17-11-08

SECOND: Commissioner Romero seconded the motion.

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

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

MOTION: Commissioner Kaufman moved to close agenda items VIII (b) (1, 2, 3, 4, 5, 6, 7, 8,

9, 10 and 11) Case Numbers:

12-2301

111; 15-04-02

117; 15-04-13

205; 15-07-10

260; 15-08-25

369; 15-10-26

401; 15-12-04

05; 16-01-12

77; 17-01-19

109; 17-04-17

307; 17-12-08

SECOND: Commissioner Armstrong seconded the motion.

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

1. **Deliberation on Licensee Disciplinary Action Cases**

*Complaint Committee Recommendations: Authorize a pre-settlement negotiation and if*

*not met to refer to the Office of the Attorney General.*

MOTION: Commissioner Kaufman moved to approve the pre-settlement negotiations on agenda

items VIII (c) Case Numbers (1 and 2):

183; 17-07-12 223; 17-08-08

SECOND: Commissioner Armstrong seconded the motion.

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

1. **Deliberation on Licensee Disciplinary Action Cases**

MOTION: Commissioner Kaufman moved to issue a default order assessing and administrative penalty in the amount of $500.00 and revocation of license and qualifying certificate for one year on agenda items listed as VIII (d) (1) Case Number:

06; 15-12-18 Sticks and Stones Construction & Landscaping

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 assessing and administrative penalty in the amount of $500.00 and revocation of license and qualifying certificate for one year on agenda items listed as VIII (d) (2) Case Number:

03; 16-01-07 First Choice Improvements LLC

SECOND: Commissioner Armstrong seconded the motion.

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

1. **Deliberation on Licensee Disciplinary Action Cases**

MOTION: Commissioner Kaufman moved to approve the proposed settlement agreement in the amount on $300.00 to be paid immediately and to close the case for agenda item VIII (e) (1), case number:

98; 16-04-01 Horizon Enterprises Plumbing & Heating, Inc.

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 on $600.00 to be paid immediately and to close the case for agenda item VIII (e) (2), case number:

145; 16-05-1 Z Mechanical LLC

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 on $300.00 to be paid immediately and to close the case for agenda item VIII (e) (3), case number:

146; 16-05-17 Ordunez Builders

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 on $600.00 to be paid immediately and to close the case for agenda item VIII (e) (4), case number:

160; 17-06-19 DG Construction LLC

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 on $300.00 to be paid immediately and to close the case for agenda item VIII (e) (5), case number:

362; 16-10-14 Medlin Mechanical Inc.

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 on $300.00 to be paid immediately and to close the case for agenda item VIII (e) (6), case number:

112; 17-04-26 Bright Idea Electrical

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 Fellows moved to recalculate the $100.00 per day fine commencing on January 8, 2018 an that they waive all but 10% of that fine and that they payment of $1,418.52 be paid immediately and in conjunction with Acting Director Romero the licensee be allowed to retest for agenda item VIII (f) (1), case number:

420; 14-10-20 Tee Time Construction

SECOND: Commissioner Romero seconded the motion.

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

1. **Deliberation on Licensee Disciplinary Action Cases**

\*Please note item number VIII-g-1 was inadvertently skipped upon completion of agenda, there for there was not an item listed.

MOTION: Commissioner Kaufman moved to issue an order to show cause on agenda items VIII (g) (2) Case Number:

11-2227 North Mesa Builders D-101-CV-2015-00009

SECOND: Commissioner Armstrong seconded the motion.

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

MOTION: Commissioner Kaufman moved for no reinstatement or permission to apply for license be granted to licensee or qualifying party until all outstanding complaints and decisions and orders issued by this commission be resolved on agenda items VIII (g) (3) Case Number:

12-2635 Top Notch Exteriors

SECOND: Commissioner Armstrong seconded the motion.

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

**h. Deliberation on Licensee Disciplinary Action Cases**

MOTION: Commissioner Armstrong moved that the $100.00 per day penalty be waived and that to that the case be closed for agenda item VIII (h) (1), case number:

287; 14-07-16 Magic Roofing and Construction Co. Inc.

SECOND: Commissioner Kaufman seconded the motion.

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

**IX. Next Meeting dATE**

Regular Meeting – May 16, 2018, RLD consTruction

industries conference room, Albuquerque, NM

**X. Adjourn**

With no further business to come before the Commission, the meeting was adjourned at approximately 11:59 a.m.

NEW MEXICO CONSTRUCTION

INDUSTRIES COMMISSION

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RANDY BAKER DATE

CHAIRMAN

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MARTIN ROMERO DATE

ACTING DIRECTOR, CID