

AGENDA

CONSTRUCTION INDUSTRIES COMMISSION

REGULAR MEETING

Wednesday, March 18, 2015, 9:30 a.m.

5200 Oakland Ave. NE

Albuquerque, NM 87113

Main Conference Room

- I. **CONVENE, DETERMINATION OF QUORUM AND INTRODUCTIONS: COMMISSIONERS AND AUDIENCE**
- II. **APPROVE AGENDA**
- III. **PUBLIC COMMENT** – Please limit comments to 2 minutes per individual speaker and refrain from revealing the names of parties or case details pertaining to disciplinary matters pending before the Commission.
- IV. **DIRECTORS REPORT**
- V. **OLD BUSINESS**
 - a. Approval of January 14, 2015 Regular Meeting Minutes
- VI. **NEW BUSINESS**
 - a. Election of Commission Vice-Chair
 - b. Authorization for Administrative Prosecutor – Walter Hart
 - c. Request for Adoption of Proposed New Rules or Rule Changes:
 1. Rule 14.8.2 NMAC – New Mexico Plumbing Code
 2. Rule 14.8.3 NMAC – New Mexico Swimming Pool, Spa and Hot Tub Code
 3. Rule 14.9.2 NMAC – New Mexico Mechanical Code
 4. Rule 14.9.6 NMAC – New Mexico Solar Energy Code
 - d. Request for Approval to Proceed to Public Hearing:
 1. Rule 14.10.4.11(c) NMAC – New Mexico Electrical Code
 - e. Approval of Electrical Continuing Education Courses and Providers
 - f. Approval of Mechanical Continuing Education Courses and Providers
 - g. Approval of Licenses Issued in January and February 2015
- VII. **EXECUTIVE SESSION** – The Commission may close the meeting to the public and enter into executive session to discuss the cases listed under agenda items VII(a) – (f), pursuant to NMSA 1978, Sections 10-15-1(H)(1), (3) and (7). Such discussions shall pertain to the issuance, suspension, renewal or revocation of licenses, deliberations on pending administrative adjudicatory proceedings, and pending or threatened litigation.
 - a. **Deliberation on Licensee Disciplinary Action Cases in which Dismissal or Closure is recommended:**

Complaint Committee Recommendation: Dismissal

 1. 64; 13-02-25
 2. 92; 14-03-11

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| 3. 130; 14-04-07 | 6. 352; 14-08-28 |
| 4. 237; 14-07-09 | 7. 418; 14-10-16 |
| 5. 351; 14-08-28 | 8. 446; 14-10-28 |

Complaint Committee Recommendation: Closure

- | | |
|------------------|-------------------|
| 9. 12-2407 | 18. 78; 13-03-04 |
| 10. 12-2420 | 19. 534; 13-12-12 |
| 11. 12-2442 | 20. 206; 14-06-25 |
| 12. 12-2581 | 21. 269; 14-07-16 |
| 13. 12-2600 | 22. 270; 14-07-15 |
| 14. 12-2661 | 23. 326; 14-08-21 |
| 15. 12-2633 | 24. 368; 14-08-25 |
| 16. 12-2666 | 25. 389; 14-09-10 |
| 17. 20; 13-01-18 | 26. 465; 14-11-24 |

b. Deliberation on Licensee Disciplinary Action Cases in which Issuance of Notices of Contemplated Action (“NCA”) is Recommended:

Complaint Committee Recommendation: Issuance of NCA

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| 1. 514; 13-11-26 | 6. 300; 14-07-29 |
| 2. 515; 13-11-26 | 7. 385; 14-10-01 |
| 3. 60; 14-02-25 | 8. 428; 14-10-24 |
| 4. 150; 14-04-18 | 9. 480; 14-12-18 |
| 5. 248; 14-07-10 | |

c. Attorney General’s Report and Deliberation on Licensee Disciplinary Action Cases:

- | | |
|-------------|-------------------|
| 1. 11-2260 | 7. 12-2681 |
| 2. 11-1955* | 8. 40; 13-01-31* |
| 3. 12-2424 | 9. 44; 13-02-12 |
| 4. 12-2476* | 10. 64; 13-02-25 |
| 5. 12-2500* | 11. 98; 13-03-19 |
| 6. 12-2561* | 12. 131; 13-04-12 |

***Special Considerations**

d. Defaults:

- | | |
|-----------------|-----------------|
| 1. 12-12-0007 | 5. 34; 13-01-30 |
| 2. 12-2694 | 6. 43; 13-01-29 |
| 3. 06; 12-10-14 | 7. 51; 13-02-13 |
| 4. 23; 13-01-18 | 8. 96; 13-03-15 |

***Special Considerations**

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e. Deliberations in Connection with Administrative Adjudicatory Proceedings (Hearing Officer's Reports):

- | | |
|------------|------------|
| 1. 12-2398 | 4. 12-3126 |
| 2. 12-2635 | 5. 13-2720 |
| 3. 12-2693 | |

f. Commission Counsel's Report on Pending or Threatened Litigation:

1. Zitro Construction Services, v. New Mexico Construction Industries Commission, Case No. D-101-CV-2012-02397
2. The Ex-El Co. Inc. of the Southwest and Robert LePage v. CIC, Case No. D-101-CV-2013-01170
3. North Mesa Builders and Gary Ahlers v. Construction Industries Commission, Case No. D-101-CV-2015-00009

VIII. ACTION ON ITEMS DISCUSSED DURING EXECUTIVE SESSION

IX. NEXT MEETING DATE

Regular Meeting – May 20, 2015, Albuquerque, NM - RLD

X. ADJOURN