

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

MEETING MINUTES

**Minutes for the Construction Industries Commission's Regular Meeting held on
Wednesday, March 18, 2015 at 5200 Oakland Ave. NE, Albuquerque, NM 87113.**

**I. CONVENE, DETERMINATION OF QUORUM AND INTRODUCTIONS:
Commissioners and Audience**

Commissioner Wooten established that a quorum of the Commission was present and convened the meeting approximately at 9:30 a.m.

ATTENDING this meeting were:

Commissioner Patrick Casey, Representing the Residential Construction Industry
Commissioner Don Kaufman, Representing the Subcontracting Industry
Commissioner Kenneth Wooten, Representing Practicing General Contractors
Commissioner Vince Alvarado, Representing Organized Labor
Commissioner Renee Edwards, Representing the People of New Mexico
Commissioner Lisa Fickling, Representing the Liquefied Petroleum Gas Industry

ABSENT:

Chairman D. Randy Baker, Representing Licensed Electrical Contractors

II. APPROVE AGENDA

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

SECOND: Commissioner Casey 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 as an exhibit hereto.

V. OLD BUSINESS

a. Approval of January 14, 2015 minutes

Commission counsel indicated the minutes were reviewed and deemed to satisfy all Open Meetings Act requirements and accurately reflect the proceedings of that meeting.

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

SECOND: Commissioner Casey seconded the motion.

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

VI. NEW BUSINESS

a. Election of Commission Vice-Chair

MOTION: Commissioner Kaufman moved to elect Ken Wooten as CIC Vice-Chair.

SECOND: Commissioner Alvarado seconded the motion.

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

b. Authorization for Administrative Prosecutor

MOTION: Commissioner Kaufman moved to give authority to the Administrative Prosecutor to combine multiple cases into one (1) NCA.

SECOND: Commissioner Casey seconded the motion.

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

c. Request for Adoption of proposed New Rules or Rule Changes

1. Rule 14.8.2 NMAC – New Mexico Plumbing Code

Jerome Baca stated these changes will promulgate rule that will adopt the 2012 edition of the Uniform Plumbing code as amended. This rule update will bring plumbing systems installation in line with current industry practices and standards regarding safety and use of new materials and methods. These minimum requirements will aid in the protection of life and property for the citizens and licensees of New Mexico.

MOTION: Commissioner Casey moved to adopt the proposed Rule 14.8.2 NMAC – New Mexico Plumbing Code 2012 for the reasons stated by Mr. Baca.

SECOND: Commissioner Kaufman seconded the motion.

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

2. Rule 14.8.3 NMAC – New Mexico Swimming Pool, Spa and Hot Tub Code

Jerome Baca stated these changes will promulgate rule that will adopt the 2012 edition of the Uniform Swimming Pool, Spa and Hot Tub code as amended. This rule update will bring Swimming Pool, Spa & Hot Tub installations in line with current industry practices and standards regarding safety and use of new materials

and methods. These minimum requirements will aid in the protection of life and property for the citizens and licensees of New Mexico.

MOTION: Commissioner Casey moved to adopt the proposed Rule 14.8.3 NMAC – New Mexico Swimming Pool, Spa and Hot Tub Code 2012 for the reasons stated by Mr. Baca.

SECOND: Commissioner Kaufman seconded the motion.

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

3. Rule 14.9.2 NMAC – New Mexico Mechanical Code

Jerome Baca stated these changes will promulgate rule that will adopt the 2012 edition of the Uniform Mechanical Code as amended. This rule update will bring mechanical system installations in line with current industry practices and standards regarding safety and the use of new materials and methods. These minimum requirements will aid in the protection of life and property for the citizens and licensees of New Mexico.

MOTION: Commissioner Casey moved to adopt the proposed Rule 14.9.2 NMAC – New Mexico Mechanical Code 2012 for the reasons stated by Mr. Baca.

SECOND: Commissioner Alvarado seconded the motion.

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

4. Rule 14.9.6 NMAC – New Mexico Solar Energy Code

Jerome Baca stated these changes will promulgate rule that will adopt the 2012 edition of the Uniform solar Energy Code as amended. This rule update will bring solar Thermal installations in line with current industry practices and standards regarding safety and use of new materials and methods. These minimum requirements will aid in the protection of life and property for the citizens and licensees of New Mexico.

MOTION: Commissioner Casey moved to adopt the proposed Rule 14.9.6 NMAC – New Mexico Solar Energy Code 2012 for the reasons stated by Mr. Baca.

SECOND: Commissioner Alvarado seconded the motion.

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

d. Request for Approval to Proceed to Public Hearing

1. Rule 14.10.4.11(c) NMAC – New Mexico Electrical Code

MOTION: Commissioner Casey move to approve that proposed Rule 14.10.4.11(c) NMAC – New Mexico Electrical Code proceed to public hearing, as presented.

SECOND: Commissioner Edwards seconded the motion.

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

e. Approval of Electrical Continuing Education Courses and Providers

MOTION: Commissioner Casey moved to approve the Electrical Continuing Education Courses and Providers, as presented.

SECOND: Commissioner Kaufman seconded the motion.

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

f. Approval of Mechanical Continuing Education Courses and Providers

MOTION: Commissioner Casey moved to approve the Mechanical Continuing Education courses and Providers, as presented.

SECOND: Commissioner Fickling seconded the motion.

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

g. Approval of Licenses Issued in January and February 2015

MOTION: Commissioner Casey moved to approve licenses issue in January and February 2015, 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 close the meeting to the public and to 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 pertain to the issuance, suspension, renewal or revocation of licenses, deliberations on pending administrative adjudicatory proceedings, and pending or threatened litigation.

SECOND: Commissioner Casey seconded the motion.

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

| | |
|-----------------------|-----|
| Commissioner Casey | Yay |
| Commissioner Kaufman | Yay |
| Commissioner Fickling | Yay |
| Commissioner Wooten | Yay |
| Commissioner Edwards | Yay |
| Commissioner Alvarado | Yay |

Noting that the motion to close passed unanimously, Vice-Chairman Wooten declared the meeting closed to the public at 11:02 a.m.

Vice-Chairman Wooten re-opened the meeting to the public at 2:16 p.m. Vice-Chairman Wooten stated that pursuant to NMSA 1978, Section 10-15-1(J), the matters discussed in closed meeting (executive session) were limited to only those specified in the motion for closure.

VIII. ACTION ON ITEMS DISCUSSED DURING EXECUTIVE SESSION

a. Deliberation on Licensee Disciplinary Action Cases in which Dismissal or Closure is Recommended:

Complaint Committee Recommendation: Dismissal

MOTION: Commissioner Casey moved to dismiss agenda items VII(a)(1)-(8).

SECOND: Commissioner Kaufman seconded the motion.

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

Complaint Committee Recommendation: Closure

MOTION: Commissioner Kaufman moved to close agenda items VII(a)(9)-(26).

SECOND: Commissioner Casey seconded the motion.

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

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

Complaint Committee Recommendation: Authorize Pre-NCA Settlement Agreement; If Pre-NCA Settlement Negotiations Unsuccessful, Issuance of NCA

MOTION: Commissioner Kaufman moved to allow for consolidation and issue Notices of Contemplated Action for agenda items VII(b)(1) and (2).

SECOND: Commissioner Fickling seconded the motion.

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

MOTION: Commissioner Kaufman moved to issue notices of contemplated action in agenda items VII(b)(4),(5),(7) and (8).

SECOND: Commissioner Alvarado seconded the motion.

VOTE: All Commission members present voted in favor of the motion, with the exception of commissioner Wooten, who recused himself from the vote.

MOTION: Commissioner Kaufman moved to issue a notice of contemplated action in agenda item VII(b)(9) and recommended possible consolidation.

SECOND: Commissioner Alvarado seconded the motion.

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

The Commission noted that tabled agenda items VII(b)(3) (Case Nos. 60; 14-02-25 and 300; 14-07-29) at this meeting.

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

MOTION: Regarding agenda item VII(c)(3) (Case No. 12-2424), Commissioner Kaufman moved to approve the proposed consolidated settlement agreement in the amount of \$1,500.

SECOND: Commissioner Fickling seconded the motion.

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

MOTION: Regarding agenda item VII(c)(4) and (8) (Case Nos. 12-2476 & 40; 13-01-31), Commissioner Kaufman moved to re-open and set for hearing with the agreement that the contractor waives hearing deadlines and venue.

SECOND: Commissioner Alvarado seconded the motion.

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

MOTION: Regarding agenda item VII(c)(7) (Case No. 12-2681), Commissioner Kaufman moved to approve the proposed settlement agreement in the amount of \$300.

SECOND: Commissioner Fickling seconded the motion.

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

MOTION: Regarding agenda item VII(c)(9) (Case No. 44; 13-02-12), Commissioner Kaufman moved to dismiss.

SECOND: Commissioner Alvarado seconded the motion.

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

MOTION: Regarding agenda item VII(c)(11) (Case No. 98; 13-03-19), Commissioner Kaufman moved to approve the proposed settlement agreement in the amount of \$300.

SECOND: Commissioner Alvarado seconded the motion.

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

MOTION: Regarding agenda item VII(c)(12) (Case No. 131; 13-04-12), Commissioner Kaufman moved to approve the proposed settlement agreement in the amount of \$650.

SECOND: Commissioner Alvarado seconded the motion.

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

The Commission noted that it was taking no action on agenda item VII(c)(1), (2), (5) and (6)(Case Nos. 11-2260, 11-1955, 12-2500, 12-2561) and VII(c)(10) (Case No. 64; 13-02-25) was a duplicate.

d. Defaults

MOTION: Commissioner Kaufman moved to issue default orders for agenda items VII(d)(1) thru (8) (Case Nos. 12-12-0007, 12-2694, 06; 12-10-14, 23; 13-01-18, 34; 13-01-30, 43; 13-01-29, 51; 13-02-13, 96; 13-03-15).

SECOND: Commissioner Fickling seconded the motion.

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

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

MOTION: Commissioner Kaufman moved to issue a final decision and order adopting the hearing officer's findings of fact, making conclusions of law, and dismissing all charges on agenda item VII(e)(1) (Case No. 12-2398), (3) (Case No. 12-2693) and (5) (Case 13-2720).

SECOND: Commissioner Alvarado seconded the motion.

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

MOTION: Commissioner Kaufman moved to issue a final decision and order adopting the hearing officer's findings of fact, making conclusions of law, and assessing an administrative penalty of \$500 per violation, constituting a total administrative penalty of \$2,000 on agenda item VII(e)(2) (Case No. 12-2635).

SECOND: Commissioner Alvarado seconded the motion.

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

MOTION: Commissioner Kaufman moved to issue a final decision and order adopting the hearing officer's findings of fact, making conclusions of law, and assessing an administrative penalty of \$500 on agenda item VII(e)(4) (Case No. 12-3126).

SECOND: Commissioner Alvarado seconded the motion.

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

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

MOTION: Commissioner Kaufman moved to authorize legal counsel to proceed consistent with the Commission's deliberations in regard to agenda items VII(f)(1-3).

SECOND: Commissioner Alvarado seconded the motion.

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

IX. NEXT MEETING DATE

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

X. ADJOURN

With no further business to come before the Commission, Vice-Chairman Wooten declared this meeting adjourned at approximately 2:25 p.m.

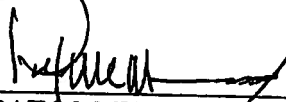
NEW MEXICO CONSTRUCTION
INDUSTRIES COMMISSION



D. RANDY BAKER
Chairman

5/20/15
DATE

ATTEST:



PAT McMURRAY
DIRECTOR, CID/MHD

5/20/2015
DATE



New Mexico Regulation and Licensing Department

CONSTRUCTION INDUSTRIES DIVISION

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www.rld.state.nm.us

Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Tania Maestas
ACTING CHIEF LEGAL
COUNSEL

Pat McMurray
DIRECTOR

MEMORANDUM

TO: CONSTRUCTION INDUSTRIES COMMISSION

FROM: PAT McMURRAY, DIRECTOR, CID/MHD

SUBJECT: DIRECTOR'S REPORT

DATE: March 18, 2015

Chairman Baker & Members of the Construction Industries Commission

Director's Update:

- I want to express my sincere thanks to both Commissioner Dale Dekker and Vice Chair/Commissioner Kevin Yearout for their many years of dedicated service to CID as Commissioners. Their knowledge, expertise, and common sense approach to concerns/issues, in providing guidance and direction through their leadership as members of the Construction Industries Commission will be missed. It has been my pleasure and privilege to have served with them this past year. Thank you Kevin and Dale for helping make CID and the Commission better because of your dedicated service.
- RLD has purchased new management software to help all divisions of Regulations and Licensing Department better serve the public. CID has begun the process of reviewing and mapping our processes and procedures for this new construction software. I want to thank my entire staff for the time and dedication they are giving to this process; identifying needs, issues, concerns, reworking some processes, streamlining procedures, etc. so that we as an agency can better serve our customers. We are looking at the entire process of permitting, inspection services, as well as better documentation and scheduling. In the implementation of Phase 2, which is probably a year away, we anticipate bringing licensing into the agency, which as you know is currently implemented through a third party. The purpose of all this is to provide service to our customers in a better, more timely manner, with improved project documentation.

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

Personnel:

Making Progress regarding CID/MHD Vacancy Rate!

Waiting for positions to be advertised:

Customer Service Rep-O – Albuquerque

Waiting to receive list/setup interviews:

Electrical Inspector – Dona Ana

Electrical Inspector – Quay

Lawyer Supervisor – Albuquerque

LP Inspector – Albuquerque

New Hire:

Calvin McIntire - LP Gas Inspector – Otero County

CALL CENTER – CID-MHD INSPECTION REQUESTS

January

4,695 (incoming calls, e-mails, outgoing calls, voice mail)

February

4,957 (incoming calls, e-mails, outgoing calls, voice mail)

Plans & Permitting Report

Plans for the month of January, 2015

- Total Plans Reviewed: 286... 81 were commercial 146 were Residential
- EPR 91 plans reviewed

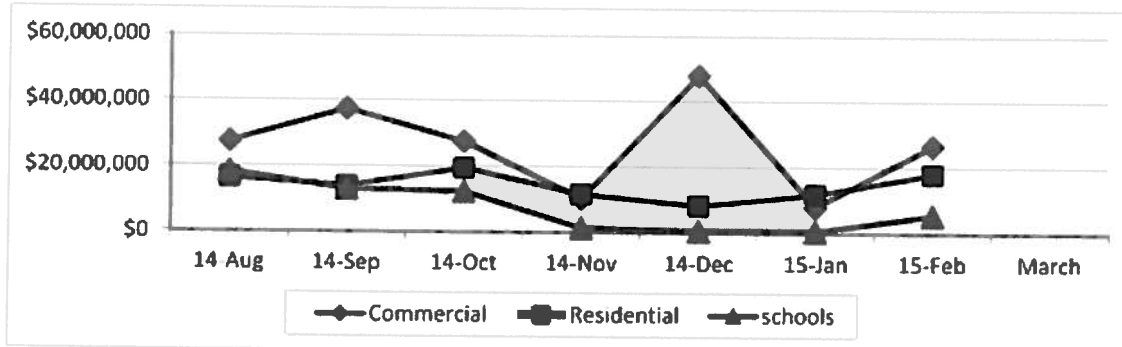
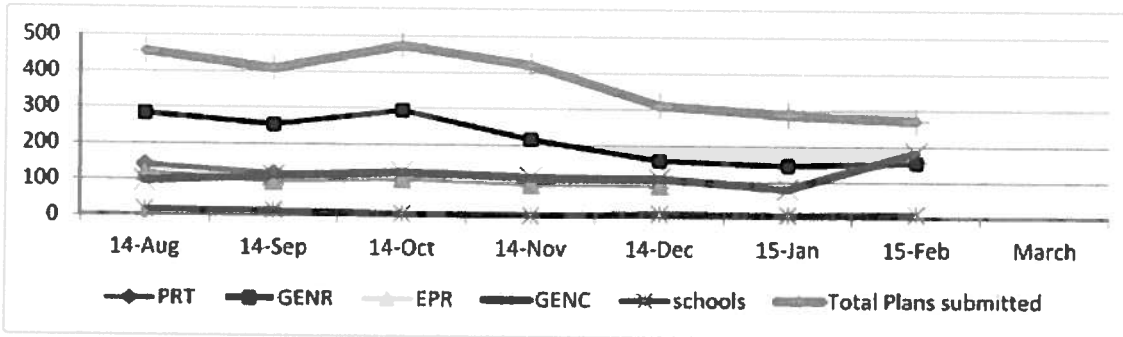
Public School Plans for the month: EPR- 8 plans reviewed

Plans for the month of February, 2015

- Total Plans Reviewed: 271 ... 183 were commercial 154 were Residential
- EPR 90 plans reviewed

Public School Plans for the month: EPR- 12 plans reviewed

| 2014 PLAN REVIEW STATUS | | | | | 2014 | 2015 | | | PLAN REVIEW STATUS |
|-------------------------|--------------|--------------|--------------|--------------|--------------|--------------|-------|---------------|--------------------|
| 14-Aug | 14-Sep | 14-Oct | 14-Nov | 14-Dec | 15-Jan | 15-Feb | March | Plan Review | |
| 173 | 155 | 180 | 206 | 153 | 140 | 117 | | PRT | |
| 282 | 253 | 294 | 215 | 158 | 146 | 154 | | GENR | |
| 455 | 408 | 474 | 421 | 311 | 286 | 271 | | Total Plans s | |
| | | | | | | | | Break Down | |
| 124 | 95 | 117 | 96 | 104 | 91 | 90 | | EPR | |
| 96 | 111 | 122 | 110 | 108 | 81 | 183 | | GENC | |
| 16 | 14 | 7 | 4 | 10 | 8 | 12 | | schools | |
| 36 | 31 | 48 | 30 | 47 | 20 | 17 | | EPR Res | |
| 88 | 64 | 69 | 66 | 57 | 71 | 73 | 0 | EPR Com | |
| | | | | | | | | Valuations | |
| \$27,503,770 | \$37,465,083 | \$27,571,618 | \$10,257,370 | \$47,996,112 | \$7,882,549 | \$26,692,304 | | Commercial | |
| \$16,421,407 | \$13,990,942 | \$19,508,128 | \$11,581,229 | \$8,186,610 | \$11,715,131 | \$18,044,638 | | Residential | |
| \$18,302,919 | \$12,935,880 | \$12,274,293 | \$1,295,455 | \$466,436 | \$411,604 | \$5,484,493 | | schools | |
| \$0 | \$0 | \$0 | | | | | | | |



The URENCO USA facility
is currently staffed with approximately 290
construction staff and 480
operation and construction support staff.

Inspection Statistics (02/09/2015)

- **Structural**
 - Number of permits – 7
 - Number of inspections – 6921 (12-10-2014)
 - Combination of buildings – 75
 - Number of inspections – 6996 (02-09-2015)

- **Electrical**
 - Number of permits – 8
 - Number of inspections – 6774 (12-10-2014)
 - Combination of buildings – 39
 - Number of inspections – 6813 (02-09-2015)

- **Mechanical**
 - Number of permits - 15
 - Number of inspections – 3176 (12-10-2014)
 - Combination of buildings – 32
 - Number of inspections – 3208 (02-09-2015)
 - Total Inspections – ending 02-09-2015 – 17,017

BUREAU UPDATES

GENERAL CONSTRUCTION BUREAU – January and February, 2015

Martin Romero - Bureau Chief

- We continue to have Code Review meetings with the intention of adopting the 2015 IBC & IRC. The earliest that we would be adopting these codes would be July 1, 2016.
- We continue to work with outside agencies, Public School Facilities Authority (PSFA), the State Fire Marshal's Office, and the State of NM Historical Preservation Division on projects throughout NM.
- Training was provided by GAF representatives regarding common roof problems and inspection practices in the field. Both Local inspectors (Municipalities) and State inspectors all intended.
- The Village of Angel Fire requested that their Fire Chief be the Certified Building Official for the Village of Angel Fire building department. This request was reviewed and approved.
- Meeting and working with the Spray Polyurethane Foam Alliance (SPFA), Met with Industry members to discuss spray foam practices in the State of New Mexico, and a new proposed SPFA certification program.

ELECTRICAL BUREAU – January and February, 2015

Kelly Hunt – Bureau Chief

- Continue to have Municipal Inspectors ride with us for training and "same call" mentoring as well as travel to regional meetings. This has strengthened the professional relationships and opened better communications between the Municipalities and the State inspectors.
- Multiple complaints received concerning 210.64 Service Outlet Receptacle as it applies to Agriculture type installations. The Electrical Bureau researched multiple states dealing with same issue. They have provided clarifying language or amended article so as not to affect 480 v. only water oil & gas well applications. An amendment request for the NMEC is being presented today requesting "public hearings to address this issue.
- Recently, two additional electrical inspector positions have been approved for advertisement and hiring. This will go a long way in getting the Electrical Bureau closure to filling it's vacant positions and will drastically reduce the current need for overtime.

MECHANICAL BUREAU – January and February, 2015

J.T. Baca – Bureau Chief

- The mechanical bureau has been working with the LP gas Bureau to develop a joint training workshop to be held in March 2015 for the LP and Mechanical bureau field inspection staff. The training will focus on consistency in the inspection process, improved customer service and open communication between LP and Mechanical inspectors. The training will consist of scenario based code exercises, communication and cooperation and likenesses and differences between each bureau's licensees and permitting processes and codes.
- Mechanical Bureau Chief J.T. Baca and Chief Inspector Tamara Kuykendall have been working with the CID and RLD staff to incorporate the Mechanical permit and inspection process into the development of the new permitting and inspection software program. The bureau has been reviewing its inspection processes and permits to be able to provide for accurate information needed for this program rollout. Several meetings to develop and incorporate each bureau's information with much success. More meetings are scheduled to follow.
- Mechanical Bureau Chief J.T. Baca attended a one day workshop training at the International Association of Plumbing and Mechanical Officials (IAPMO) headquarters in Ontario California recently. Bureau Chief Baca sits on two committees for IAPMO. The UPC workshop committee meeting develops scenario based training for the upcoming annual international business and education conference held each year. This training benefits all state mechanical inspectors as Bureau Chief Baca is allowed by IAPMO the use of training materials to conduct this training in New Mexico. Chief Baca anticipates one of his submitted training drawings will be used in the international training and will be published in the IAPMO by monthly magazine which is circulated worldwide.

The Mechanical Bureau has attended and facilitated several meetings regarding Senate Memorial 27, from the 2014 Legislative Session. The memorial requests the State Fire Marshal convene a working group to study and make recommendations concerning the inspection & testing of fire/smoke dampers and smoke control systems. The CID Mechanical and General Construction Bureaus were resolved to participate and provide input based on their adopted codes and overlapping authority. Future meetings are scheduled and continue and recommendations are being made to the SFMO by the working group.

LP GAS BUREAU – January and February, 2015

Clay Bailey – Bureau Chief

- Since the retirement of Chief Inspector George Watkins, Bureau Chief Bailey has taken on the movie inspections. Inspections for TV series and movies included “Scorched Trials”, “Ridiculous Six”, “4-10-4”, and “Hell Bent”; a commercial for Presbyterian Hospital was also performed.
- Meetings with the City of Albuquerque, Albuquerque Fire Marshal’s Office and representatives for ISGB (Bead makers) were conducted. This is in regards to an upcoming event to be held at the Albuquerque Convention Center.
- Special event inspections included the Monster Truck Tour in Rio Rancho, The Shriners Circus, Monster Truck Jam and Super Nationals held in Albuquerque.
- Bureau Chief Bailey rode along with Inspector Billy Macejowski in the Clovis and Portales area. This helps promote inspection consistency throughout the bureau.

Scheduled Training:

- Working on three days’ worth of training with one day to include training with the Mechanical Bureau inspectors. The plan is to have this training toward the end of March.

Up Coming Alerts:

- The PBR held at the Pit unofficially is the start of our special event season. It is scheduled for the end of March.
- Bureau Chief Bailey and Admin Assistant Brenda Sakelarlis are scheduled to attend the Group 2 Analysis Session pertaining to Acella on March 11th.

Questions?