New Mexico Regulation and Licensing Department

CONSTRUCTION INDUSTRIES COMMISSION

SPECIAL MEETING MINUTES

Friday, August 7, 2020
9:30 a.m.

WebEx

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

Acting Chair Romero called the meeting to order at 9:32 a.m. and asked for roll call.

COMMISSIONERS PRESENT:

Acting Chair Billy Romero, Representing the Liquefied Petroleum Gas Industry
Commissioner Dale Armstrong, Representing Licensed Mechanical Contractors
Commissioner Tim Nisly, Representing the Public
Commissioner Phillip Ramirez, Representing Practicing General Contractors
Commissioner Pamela Freund, Representing Practicing Architects
Commissioner James Borrego, Representing the Residential Construction Industry
Commissioner Vince Alvarado, Representing Organized Labor
Commissioner John McKinstry, Representing Practicing Electrical Contractors (in at 10:49 am)

COMMISSIONERS NOT IN ATTENDANCE:
Commissioner John Stroud, Representing the Subcontracting Industry

Roll call was taken by Mary James and a quorum of the Commission was present.

II. APPROVE AGENDA
Commissioner Ramirez **MOTIONED** to approve the meeting agenda as presented. Commissioner Alvarado **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

ROLL CALL
Acting Chair Romero – Yes
Commissioner Alvarado – Yes
Commissioner Armstrong – Yes
Commissioner Nisly – Yes
Commissioner Ramirez – Yes
Commissioner Freund – Yes
Commissioner Borrego – Yes

III. OLD BUSINESS

Approval of July 15, 2020 Regular Meeting Minutes

Commissioner Ramirez **MOTIONED** to approve the July 15, 2020 Meeting Minutes. Commissioner Borrego **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

ROLL CALL

Acting Chair Romero – Yes
Commissioner Alvarado – Yes
Commissioner Armstrong – Yes
Commissioner Nisly – Yes
Commissioner Ramirez – Yes
Commissioner Freund – Yes
Commissioner Borrego – Yes

IV. NEW BUSINESS

Commissioner Ramirez made a **MOTION** to include, as exhibit 44, public comment (received July 29, 2020 at 11:00 am) from Tom Solomon, NM Chapter of 350NM.Org into the Hearing Record of July 29, 2020. Commissioner Borrego **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

ROLL CALL

Acting Chair Romero – Yes
Commissioner Alvarado – Yes
Commissioner Armstrong – Yes
Commissioner Nisly – Yes
Commissioner Ramirez – Yes
Commissioner Freund – Yes
Commissioner Borrego – Yes

Commissioner Nisly made a **MOTION** to approve the repeal of rule 14.7.6 NMAC – 2009 New Mexico Energy Conservation Code replacing it with 14.7.6 NMAC – 2018 New Mexico Residential Energy Conservation Code with the amendment to 14.7.6.5 to change New Mexico Department of Energy to the New Mexico Energy, Minerals and Natural Resources Department. Commissioner Alvarado **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

ROLL CALL

Acting Chair Romero – Yes
Commissioner Alvarado – Yes
Commissioner Armstrong – Yes
Commissioner Nisly – Yes
Commissioner Ramirez – Yes
Commissioner Freund – Yes
Commissioner Borrego – Yes

Commissioner Alvarado made a **MOTION** to approve adding new part, 14.7.9 NMAC – 2018 New Mexico Commercial Energy Conservation Code with adding section 14.7.9.12(I) as to C.408.3.2 Documentation Requirements to read as follows:
The construction document shall specify that the document described in this section be provided to the building owner or owner's authorized agent. Commissioner Ramirez **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

ROLL CALL

Acting Chair Romero – Yes
Commissioner Alvarado – Yes
Commissioner Armstrong – Yes
Commissioner Nisly – Yes
Commissioner McKinstry in at 10:49 am – Yes
Commissioner Ramirez – Yes
Commissioner Freund – Yes
Commissioner Borrego – Yes

VII. EXECUTIVE SESSION

Acting Chair Romero made a **MOTION** to enter the Commission into executive session to discuss the cases listed on the agenda, pursuant to NMSA 1978, Sections 10-15-1(H) (1) and (3) of the Open Meetings Act. Authorizing closed session for matters related to issuance, suspension, renewal, or revocation of licenses, deliberations on pending administrative adjudicatory proceedings. Commissioner Armstrong **SECONDED** the motion.

Acting Chair Romero called for a roll call:

Acting Chair Romero	Yes
Commissioner Alvarado	Yes
Commissioner Armstrong	Yes
Commissioner Nisly	Yes
Commissioner Ramirez	Yes
Commissioner Freund	Yes
Commissioner Borrego	Yes
Commissioner McKinstry	Yes

The motion **PASSED** by **UNANIMOUS APPROVAL** and the Commission entered into Executive Session, the recorder was turned off and the meeting was closed to the public at 11:00 am.

Back in Open Session

The recorder was turned back on and the Commission returned to open session to the public at 11:58 am. Acting Chair Romero stated that pursuant to NMSA 1978, Section 10-15-1(J) of the Open Meetings Act the matters discussed in Executive Session were limited only to the items listed in the motion.

VIII. ACTION ON ITEMS DISCUSSED DURING EXECUTIVE SESSION
Deliberation on Licensee Disciplinary Action Cases

141; 19-07
Do it Right Electric (Tabled)

Commissioner McKinstry made a **MOTION** for case number **208; 18-09** (Lopez General Contracting) for the respondent to pay a $900 fine and to take a business law course within one year. Commissioner Borrego **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**

ROLL CALL

Acting Chair Romero – Yes
Commissioner Alvarado – Yes
Commissioner Armstrong – Yes
Commissioner Nisly – Yes
Commissioner Ramirez – Yes
Commissioner Freund – Yes
Commissioner Borrego – Yes
Commissioner McKinstry – Yes

Commissioner Nisley made a **MOTION** for case number **71; 18-03** (D&J Construction and Landscaping) to assess a $600 fine to be paid within 90 days. Commissioner Alvarado **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**

ROLL CALL

Acting Chair Romero – Yes
Commissioner Alvarado – Yes
Commissioner Armstrong – Yes
Commissioner Nisly – Yes
Commissioner Ramirez – Yes
Commissioner Freund – Yes
Commissioner Borrego – Yes
Commissioner McKinstry – Yes

IX. NEXT MEETING DATE

Regular meeting scheduled for **September 16, 2020 at 9:30 am**, Regulation and Licensing Division, Construction Industries Division Main Conference Room, Albuquerque, New Mexico.

X. ADJOURN

With no further business to come before the Commission, the meeting adjourned at 12:01 pm.

NEW MEXICO CONSTRUCTION INDUSTRIES COMMISSION

BILLY ROMERO
"Acting" CHAIRMAN

9-16-2020
DATE

CLAY BAILEY
CID DIRECTOR

9/16/20
DATE