

New Mexico Regulation and Licensing Department  
**CONSTRUCTION INDUSTRIES COMMISSION**

**REGULAR MEETING MINUTES**

Wednesday, March 20, 2019, 9:30 a.m.  
5500 San Antonio Dr. NE  
Albuquerque, NM 87109  
Main Conference Room

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

Commissioner Kaufman called the meeting to order at 9:30 a.m. and asked for roll call.

**COMMISSIONERS PRESENT:**

Commissioner Don Kaufman, Representing the Subcontracting Industry  
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

**COMMISSIONERS NOT IN ATTENDANCE:**

Chair D. Randy Baker, Representing Licensed Electrical Contractors  
Vice Chair Ken Wooten, Representing Practicing General Contractors

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

**II. APPROVE AGENDA**

Commissioner Fellows **MOTIONED** to approve the meeting agenda as presented.  
Commissioner Romero **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

**III. PUBLIC COMMENT**

There were no public comments.

**IV. DIRECTOR'S REPORT**

Acting Director Romero presented the Director's Report. The report is attached to the minutes.

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**V. OLD BUSINESS**

**Approval of January 16, 2019 Minutes**

Commissioner Fellows **MOTIONED** to approve the January 16, 2019 minutes. Commissioner Davis **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

**VI. NEW BUSINESS**

**a. Approval of Licenses issued in January and February 2019**

Commissioner Armstrong **MOTIONED** to approve the issued licenses. Commissioner Romero **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

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

Inspector Joseph Martinez reported that due to unforeseen circumstances there will be no Continuing Education Courses for approval at this meeting.

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

Commissioner Fellows **MOTIONED** to approve the plumbing and mechanical continuing education. Commissioner Romero **SECONDED** the motion. Motion passed by **MAJORITY APPROVAL**. (Commissioner Armstrong abstained from the vote).

**d. Approval of CIC Meeting Dates for 2020**

Commissioner Davis **MOTIONED** to approve the CIC Meeting Dates for 2020 as presented. Commissioner Fellows **SECONDED** the motion. Motion passed by **MAJORITY APPROVAL**.

**VII. EXECUTIVE SESSION**

Commissioner Kaufman 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), (3) and (7) 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 and pending or threatened litigations. Commissioner Fellows **SECONDED** the motion.

Commissioner Kaufman called for a roll call:

Commissioner Kaufman	Yes
Commissioner Alvarado	Yes
Commissioner Armstrong	Yes

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Commissioner Fellows	Yes
Commissioner Davis	Yes
Commissioner Romero	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 9:50 a.m.

**Back in Open Session**

The recorder was turned back on and the Commission returned to open session to the public at 1:10 p.m. Commissioner Kaufman 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**

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

- |                  |               |                   |
|------------------|---------------|-------------------|
| 1) 112; 18-05    | 5) 205; 18-09 | 9) 83; 18-04      |
| 2) 223; 17-08-08 | 6) 19; 19-01  | 10) 371; 16-10-31 |
| 3) 241; 18-11    | 7) 193; 18-09 |                   |
| 4) 40; 18-02     | 8) 97; 18-04  |                   |

Commissioner Alvarado made a **MOTION** to **CLOSE** the above cases. Commissioner Romero **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**

**b.1**

Commissioner Alvarado made a **MOTION** to refer case number **251; 18-11** to the Attorney General's Office for issuance of a **NOTICE OF CONTEMPLATED ACTION** and is not eligible for early resolution. Commissioner Davis **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

**b.2**

Commissioner Alvarado made a **MOTION** to refer case number **270; 18-12** to the Attorney General's Office to issue a **NOTICE OF CONTEMPLATED ACTION** and to consolidate with other similar cases already at the AGO's. Commissioner Romero **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

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**b.3-8**

280; 18-11	09; 19-01
199; 18-09	285; 18-12
198; 18-09	197; 18-09

Commissioner Alvarado made a **MOTION** to **CONSOLIDATE** the above cases and refer to the Attorney General's Office for **ISSUANCE OF A NOTICE OF CONTEMPLATED ACTION** and are not eligible for early resolution. Commissioner Romero **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

**b.9**

Commissioner Alvarado made a **MOTION** to refer case number **278; 18-12** to the Attorney General's Office for **ISSUANCE OF A NOTICE OF CONTEMPLATED ACTION**. Commissioner Davis **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

**c.**

Commissioner Alvarado made a **MOTION** on case number **12; 17-01-13** to issue a **DEFAULT ORDER** assessing an administrative penalty in the amount of \$3,000 to be paid within 60 days, and continuing the revocation of the license. Commissioner Romero **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

**d.1**

Commissioner Armstrong made a **MOTION** to approve the **SETTLEMENT AGREEMENT** as presented, Respondent will surrender her inspector certification and will no longer be allowed to do inspections in the State of New Mexico. Commissioner Fellows **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

**d.2-4**

270; 18-12	199; 18-09
280; 18-11	

Commissioner Armstrong made a **MOTION** to approve the **SETTLEMENT AGREEMENT** as presented. Commissioner Davis **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

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**d.5-8**

17; 02-0012                      383; 14-09-08  
478; 13-10-28                  414; 14-10-07

Commissioner Alvarado made a **MOTION** to **CLOSE** the above cases as all has been satisfied. Commissioner Fellows **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

**e.1**

Commissioner Fellows made a **MOTION** to approve case number **385; 14-10-01** and the retesting and reinstatement of license, once passed and the payment of \$4,165. If paid by check, check must clear bank. Commissioner Armstrong **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

**e.2**

Commissioner Fellows made a **MOTION** to approve case number **44; 16-02-25** for **SPECIAL CONSIDERATION** that they have already paid fine and are permitted to retest. Commissioner Romero **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

**e.3**

Commissioner Fellows made a **MOTION** to approve **DENY** case number **10-1795** for request of special reconsideration. Commissioner Fellows **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

**f.1-4**

Commissioner Armstrong made a **MOTION** to approve the **HEARING OFFICER REPORT** as follows:

1. McDonald Case number **174; 13-05-09**, respondent violated 60-13-23 and 14.5.3.8 (A) and (D).
2. Martin Case number **458-13-10-13**, respondent violated 60-13-23 and 14.5.2.8 (A)
3. Stark Case number **396; 14-09-15**, respondent violated 60-13-23, 14.5.2.8(A) and 14.5.3.8(A)(b).
4. Johnston/Meeker case number **357; 15-10-16**, respondent violated 60-13-23, 14-5-2-8(A) and 14.5.3.8(A).

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A panel (Commissioners Fellows, Romero, Armstrong and Davis) will draft a letter of reprimand within 60 days of hearing. Commissioner Alvarado **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

**IX. NEXT MEETING DATE**

Regular meeting is scheduled **May 15, 2019 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 was adjourned at 1:25 pm.

NEW MEXICO CONSTRUCTION  
INDUSTRIES COMMISSION

\_\_\_\_\_  
RANDY BAKER  
CHAIRMAN

\_\_\_\_\_  
DATE

\_\_\_\_\_  
MARTIN ROMERO  
CID ACTING DIRECTOR

\_\_\_\_\_  
DATE