

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

**REGULAR MEETING MINUTES**

Wednesday, May 17, 2023, 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**

Chair Billy Romero called the meeting to order at 9:30 a.m. and asked for roll call.

**COMMISSIONERS PRESENT:**

Chair Billy Romero, representing the Liquefied Petroleum Gas Industry  
Vice Chair Philip Ramirez, representing Practicing General Contractors  
Commissioner John Stroud, representing Subcontracting Industries  
Commissioner James Borrego, representing the Residential Construction Industry  
Commissioner Dale Armstrong, representing Licensed Mechanical Contractors  
Commissioner Pamela Freund, representing Practicing Architects

**COMMISSIONERS NOT IN ATTENDANCE:**

Commissioner Tim Nisly, representing the Public  
Commissioner John McKinstry, representing Practicing Electrical Contractors

Roll call was taken by Eliza Casados and a quorum of the Commission was present.

Commissioner Armstrong left the Commission meeting at 12:10pm.

**II. APPROVE AGENDA**

Vice Chair Ramirez **MOTIONED** to approve the meeting agenda. Commissioner Borrego **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

**III. PUBLIC COMMENT**

Laurie Nadeau – Homeowner

**IV. DIRECTOR'S REPORT**

Director Bailey presented the Director's Report. The report is attached.

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**V. OLD BUSINESS**

**Approval of the March 15, 2023, Regular Meeting Minutes.**

Vice Chair Ramirez **MOTIONED** to approve the minutes. Commissioner Borrego **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

**Approval of the Building Code Rules**

Vice Chair Ramirez made a **MOTION** to approve the Building Code Rules. Commissioner Borrego **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

**VI. NEW BUSINESS**

**a. Approval of Licenses issued in March and April 2023**

Katherine Torres-Swick presented the information regarding issued licenses to the commission. Commissioner Armstrong **MOTIONED** to approve the issued licenses. Commissioner Borrego **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

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

Mechanical Bureau Chief Tamara Kuykendall presented the information regarding mechanical continuing education courses to the commission. Commissioner Armstrong **MOTIONED** to approve the mechanical continuing education. Vice Chair Ramirez **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

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

Electrical Bureau Chief Mike Padilla presented the information regarding electrical continuing education courses to the commission. Commissioner Armstrong **MOTIONED** to approve the electrical continuing education. Vice Chair Ramirez **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

**VII. EXECUTIVE SESSION**

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),(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. Vice Chair Ramirez **SECONDED** the motion.

Chair Romero called for a roll call:

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Chair Romero	Yes
Vice Chair Ramirez	Yes
Commissioner Armstrong	Yes
Commissioner Stroud	Yes
Commissioner Freund	Yes
Commissioner Borrego	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 10:08 a.m.

**Back in Open Session**

The recorder was turned back on, and the Commission returned to open session to the public at 12:15 p.m. Chair Romero stated that pursuant to NMSA 1978, Section 10-15-1(J) of the Open Meeting 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**

- a. 159-21-08, 310-21-11, 359-21-12, 056-22-02, 125-22-04, 269-22-07, 315-22-08, 464-22-12, 470-22-12, 099-23-03, 127-23-04, 193-22-05, 231-22-06, 305-22-08, 358-22-09, 398-22-10, 424-22-10, 465-22-12, 035-23-02.

Vice Chair Ramirez made a **MOTION** to **CLOSE** the above cases. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

- b. 387-22-10, 473-22-12, 410-21-12, 353-22-09, 366-22-09, 395-22-10, 436-22-11, 438-22-11, 454-22-12, 436-22-12, 472-22-12, 038-23-02.

Vice Chair Ramirez made a **MOTION** for case numbers 473-22-12, 353-22-09, 366-22-09, 395-22-10, 436-22-11, 438-22-11, 463-22-12, 472-22-12, to authorize the Division to offer a pre-NCA referral settlement and \$300 fine. If the settlement offer is refused, the case shall be referred to the Attorney General's Office for issuance of a **NOTICE OF CONTEMPLATED ACTION**. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

Vice Chair Ramirez made a **MOTION** for case numbers 387-22-10, to authorize the Division to offer a pre-NCA referral settlement and \$500 fine. If the settlement offer is refused, the case shall be referred to the Attorney General's Office for issuance of a

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**NOTICE OF CONTEMPLATED ACTION.** Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

Vice Chair Ramirez made a **MOTION** for case number **454-22-12, 038-23-02**, to authorize the Division to offer a pre-NCA referral settlement and \$2,500 fine. If the settlement offer is refused, the case shall be referred to the Attorney General's Office for issuance of a **NOTICE OF CONTEMPLATED ACTION**. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

Vice Chair Ramirez made a **MOTION** for case number **410-21-12**, to authorize the Division to offer a pre-NCA referral settlement and \$2,683 fine. If the settlement offer is refused, the case shall be referred to the Attorney General's Office for issuance of a **NOTICE OF CONTEMPLATED ACTION**. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

- c. **130-21-06, 292-21-11, 164-22-05, 177-22-05, 277-22-08, 388-22-10, 414-22-10, 431-22-10, 458-22-12A, 458-22-12B, 373-21-12, 064-22-02, 199-22-06, 320-22-08, 378-22-09, 403-22-10, 404-22-10, 003-23-01, 015-23-01, 037-23-02, 131-23-04.**

Vice Chair Ramirez made a **MOTION** to refer case numbers listed under agenda item VIII(C) to the Attorney General's Office for issuance of a **NOTICE OF CONTEMPLATED ACTION**. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

- d. **101-21-05, 311-21-11, 312-21-11, 123-22-04, 300-22-08, 379-22-09, 131-22-04, 294-21-11, 383-21-12.**

Vice Chair Ramirez made a **MOTION** for case number **101-21-05**, to issue a default order and assess a \$10,200 fine to be paid within 60 days and revoke respondent's license and qualifying party certificate for one (1) year. If not paid within 60 days a \$100 per day fee will be added. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

Vice Chair Ramirez made a **MOTION** for case number **311-22-11**, to issue a default order and assess a \$1,032 fine to be paid within 60 days and revoke respondent's license and qualifying party certificate for one (1) year. If not paid within 60 days a \$100 per day fee will be added. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

Vice Chair Ramirez made a **MOTION** for case number **312-21-11**, to issue a default order and assess a \$840 fine to be paid within 60 days and revoke respondent's license and

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qualifying party certificate for one (1) year. If not paid within 60 days a \$100 per day fee will be added. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

Vice Chair Ramirez made a **MOTION** for case number **123-22-04**, to issue a default order and assess a \$5,891 fine to be paid within 60 days and revoke respondent's license and qualifying party certificate for one (1) year. If not paid within 60 days a \$100 per day fee will be added. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

Vice Chair Ramirez made a **MOTION** for case number **300-22-08**, to issue a default order and assess a \$500 fine to be paid within 60 days and revoke respondent's license and qualifying party certificate for one (1) year. If not paid within 60 days a \$100 per day fee will be added. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

Vice Chair Ramirez made a **MOTION** for case number **379-22-09**, to issue a default order and assess a \$680 fine to be paid within 60 days and revoke respondent's license and qualifying party certificate for one (1) year. If not paid within 60 days a \$100 per day fee will be added. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

Vice Chair Ramirez made a **MOTION** for case number **131-22-04**, to issue a default order and assess a \$4,092 fine to be paid within 60 days and revoke respondent's license and qualifying party certificate for one (1) year. If not paid within 60 days a \$100 per day fee will be added. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

Vice Chair Ramirez made a **MOTION** for case number **294-21-11**, to issue a default order and assess a \$500 fine to be paid within 60 days and revoke respondent's license and qualifying party certificate for one (1) year. If not paid within 60 days a \$100 per day fee will be added. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

Vice Chair Ramirez made a **MOTION** for case number **383-21-12**, to issue a default order and assess a \$1,008 fine to be paid within 60 days and revoke respondent's license and qualifying party certificate for one (1) year. If not paid within 60 days a \$100 per day fee will be added. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

e. **Settlement Agreement:**

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Vice Chair Ramirez made a **MOTION** for case number **337-21-12**, to accept the settlement agreement of a \$500 fine to be paid within 90 days from today's date 5/17/2023. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

Vice Chair Ramirez made a **MOTION** for case number **126;20-06**, to accept the settlement agreement of a \$100 fine to be paid within 30 days from today's date 5/17/2023. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

**f. Special Considerations:**

Vice Chair Ramirez made a **MOTION** for case number **061-23-03**, to accept the Divisions recommendation to issue a Notice of Contemplated Action and go straight to hearing with no settlement offer. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

Vice Chair Ramirez made a **MOTION** for the **Marvin Homes** special consideration request to reject the respondent's request for special consideration. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

Vice Chair Ramirez made a **MOTION** for the **Adolf Garcia** special consideration request to reject the respondent's request for special consideration. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

Vice Chair Ramirez made a **MOTION** for the **JTR Electric** special consideration request to reject the respondent's request for special consideration. Commissioner Stroud **SECONDED** the motion. Motion passed by **UNANIMOUS APPROVAL**.

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**IX. NEXT MEETING DATE**

Regular meeting is scheduled for **July 19, 2023 at 9:30 am**, Regulation and Licensing Division, Construction Industries Division Main Conference Room, Albuquerque, New Mexico.

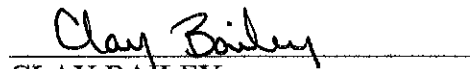
**X. ADJOURN**

With no further business to come before the Commission, the meeting was adjourned at 12:46 P.M.

NEW MEXICO CONSTRUCTION  
INDUSTRIES COMMISSION

  
\_\_\_\_\_  
PHIL RAMIREZ  
VICE CHAIRMAN

7-19-23  
DATE

  
\_\_\_\_\_  
CLAY BAILEY  
CID DIRECTOR

7/19/23  
DATE



**NMRLD**

NEW MEXICO  
REGULATION &  
LICENSING DEPARTMENT

STATE OF NEW MEXICO  
MICHELLE LUJAN GRISHAM, GOVERNOR  
Linda M. Trujillo, Superintendent  
Clay Bailey, Deputy Superintendent

**TO:** CONSTRUCTION INDUSTRIES COMMISSION

**FROM:** CLAY BAILEY, DIRECTOR

**SUBJECT:** DIRECTOR'S REPORT

**DATE:** MAY 17, 2023

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**Chairman & Members of the Construction Industries Commission**

**DIRECTOR'S UPDATE:**

Good morning! Thank you for the opportunity to report to you today the events of CID for the months of March and April.

LP Gas Bureau Chief Morrison both addressed the New Mexico Propane Gas Association at their spring meeting.

We are in the process of ordering 16 new pickups.

I along with CID staff members had a quarterly with PSI upper management. PSI will also be taking on the MHD licensing.

CID staff assisted the Aging and Long Term Department with health well fare checks for Developmental Disabilities Supports Division..

**EMPLOYEE ACTIONS FOR MARCH & APRIL 2023**

- Juan Sanchez accepted the electrical inspector position in the Las Cruces area. His first day was March 18, 2023.
- Quindi Otero accepted a position as a paralegal. This position will help support Lori Chavez. Her first day was March 18, 2023.
- Beatrice Medina accepted the position as the Compliance Supervisor. Her first day was March 18, 2023.



- Crystal Rodriguez accepted a Compliance Investigator position in the Las Cruces area. Her first day was April 1, 2023.
- Gabriel Garcia accepted a plan review position in the Las Cruces area. His first day was March 18, 2023.
- Julia Bustamante accepted a plan review position in the Santa Fe area. Her first day was April 1, 2023.
- Mario Portillo, who recently accepted the CID Deputy Director position is now filling in as Acting ASD Director.
- We are in the process of posting or conducting interviews for General Building and Electrical Inspectors.

## **PLANS & PERMITTING & CALL CENTER**

### **PLANS & PERMITTING – March and April 2023**

#### **Chris Archuleta – Manager**

- Plans for the month of March 2023
- Total Plans Reviewed: 1,001 (301 Commercial, 370 Residential, 307 Residential Solar, Public Schools, 23)
- Plans for the month of April 2023
- Total Plans Reviewed: 1,102 (386 Commercial, 441 Residential, 265 Residential Solar, Public Schools, 10)

## **CALL CENTER**

### **CID INSPECTION REQUEST REPORT – March & April 2023**

- March 1 – 31, 2023
- Grand Total: 3,700 (incoming calls, emails, outgoing calls, and voicemails).
- April 1 -30, 2023
- Grand Total: 3,772 (incoming calls, email, outgoing calls, and voicemails).



## **BUREAU UPDATES**

### **GENERAL CONSTRUCTION BUREAU – March & April 2023** **Martin Romero – Bureau Chief**

- Chief Romero held a TAC meeting. Several variance requests were discussed and alternative methods for unconventional situations. Also, a presentation was given to the TAC members regarding how Adobe has evolved over the years.
- Construction Industries will no longer be accepting permit applications after March 24<sup>th</sup> for the Village of Corrales.
- CID Deputy Director Portillo and General Building Bureau Chief Romero attended, the regulations and requirements in Chicago for the \$1 billion in funding through the Inflation Reduction Act. (IRA) The funding has not been released, so it's unclear how the U.S. Department of Energy will consider the funding of the 2021 IECC.
- Site meeting with Elizabeth J. Hamilton, LCSW Deputy Director Children Youth & Families Department and Alexis Cde Baca with Behavioral Health Services for CYFD.
- Project Safehouse out of Bernalillo County on an already existing State building. They requested to meet with CID and the State Fire Marshall at the same time to see if they are going to need a fire sprinkler system and if the room space meets current occupancy code requirements.
- Meeting with design team and Regina C. Chacon Deputy Director State Programs Department of Military Affairs. Project Job Challenge at Expo New Mexico for teens. Barracks portion (south wing, they are not planning on changing the occupancy, since it is used as barracks for the 4H kids during EXPO. They will be using the 2nd floor west wing as a Physical Training, Classroom, and Living Rec area. EXPO NM uses the 1st floor of this wing for storage. The east portion of the building will be used as office/admin, kitchen and dining.



## **ELECTRICAL BUREAU – March & April 2023**

### **Mike Padilla – Bureau Chief**

- Electrical Bureau Chief conducted multiple site visits to Facebook/Meta, met with electrical contractors to ensure CID is completing inspections on schedule and to provide guidance in resolving design/code violations.
- Electrical Bureau conducted multiple visits at the UNMH Tower Expansion, met with electrical contractors to ensure CID is completing inspections on schedule, GC/EC anticipates number of inspections to increase in the next month.
- Week of May 5th – 12th, Electrical Bureau had an inspector on site full time for the week. Electrical Bureau Chief on site for 2 of the 5 days conducting inspections.
- Electrical Bureau is working on a resolution related to MHD/CID permitting for solar projects to help streamline the process. (still in process)
- Electrical Bureau working with staff to revise number/type of inspections to streamline the process for contractors. (still in process)

## **MECHANICAL BUREAU – March & April 2023**

### **Tamara Kuykendall – Bureau Chief**

- During the months of January and February the Mechanical Bureau had 1,430 permits issued and the inspectors did over 3,300 inspections. The Mechanical Bureau completed over 140 plan reviews during the months of March and April.
- Bureau Chief Romero, Bureau Chief Kuykendall and Bureau Chief Padilla have been working with the Department of Corrections and General Services Department on several “temporary” worker housing units that have been placed throughout the state. The units were placed without plan review and proper permitting. The Bureau Chiefs have had several meetings with GSD and have come up with a plan to move these projects forward.
- Bureau Chief Kuykendall attended several General Building TAC meetings regarding projects happening across the state. While UNMH is well underway, there have been over 175 ASI’s (Architectural Supplemental Instructions) submitted to CID for review, including but not limited to the fire/smoke damper issue.



- The Bureau Chiefs met with PSFA, the Alamogordo School District, and Studio SW Architects on the new Alamogordo Middle School project projected to start later this year, early next year. The design team wanted to meet with CID regarding the location of the school and the lot drainage/grading plan. Also included in the discussion of the school design was the restroom configuration as it is unique and will need prior approval from all bureaus.
- Bureau Chief Kuykendall has been working with the Pipeline Safety Bureau to set up training for the mechanical inspectors regarding master meters, the jurisdiction of master meters, and operators of master meters.

### **LP GAS BUREAU – March & April 2023**

#### **James Morrison – Bureau Chief**

- PRC forwarded a complaint to the LP Gas Bureau Chief from a homeowner claiming his propane company will not deliver his gas and cannot get the company to respond to him. I made a call to the manager. The complaint was resolved immediately, and I responded back to the homeowner and PRC.
- Chief Morrison met with two individuals from PHMSA to discuss what they do when they inspect propane companies and to let us know they are available for help or questions should we have any regarding what they inspect.
- Chief Morrison continues to conduct cannabis extraction systems.
- Movie inspections were conducted for “Outer Range”, “Karma”, Duster” and “Rez Ball”.
- Special Event inspections included Southwest Chocolate and Coffee Fest, UNM Fiestas, International Festival, Fiesta Del Cinco, Nizhoni Days Pow Wow and The Gathering of Nations.

