

# AGENDA

**CONSTRUCTION INDUSTRIES COMMISSION  
SPECIAL MEETING  
Wednesday, September 24, 2014, 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 July 16, 2014 Meeting Minutes**
- VI. **NEW BUSINESS**
  - a. **Request for Proposed New Rules or Rule Changes to Proceed to Public Hearing:**
    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
  - b. **Request for Adoption of Proposed New Rules or Rule Changes:**
    1. Rule 19.15.40.24(A) and (B) NMAC – Standards
    2. Rule 19.15.40.15(D) NMAC – License Classification, Scopes and Fees
    3. Rule 14.5.2.8(G) and (H) NMAC – Permits
    4. Rule 14.5.9 NMAC– Code Bond Determination
  - c. **Approval of Electrical Continuing Education Courses and Providers**
  - d. **Approval of Mechanical Continuing Education Courses and Providers**
  - e. **Approval of Licenses Issued in July and August 2014**
  - f. **Content and Posting of Commission Meeting Minutes**
- 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) – (g), 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.

# AGENDA

## **a. Deliberation on Licensee Disciplinary Action Cases in which Dismissal or Closure is recommended:**

*Complaint Committee Recommendation: Dismissal*

- |                  |            |
|------------------|------------|
| 1. 12-2563       | 4. 12-2406 |
| 2. 479; 13-10-22 | 5. 12-2563 |
| 3. 12-2566       |            |

*Complaint Committee Recommendation: Closure*

- |                  |                                |
|------------------|--------------------------------|
| 6. 171; 14-06-11 | 13. 12-2333                    |
| 7. 175; 14-06-11 | 14. 12-2392, 12-2393 & 12-2422 |
| 8. 217; 14-06-26 | 15. 12-2404                    |
| 9. 243; 14-07-10 | 16. 12-2412                    |
| 10. 11-2157      | 17. 12-2415                    |
| 11. 11-2207      | 18. 12-2444                    |
| 12. 12-2318      | 19. 12-2459                    |

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

*Complaint Committee Recommendation: Issuance of NCA*

- |                  |                   |
|------------------|-------------------|
| 1. 201; 14-06-24 | 7. 154; 14-04-29  |
| 2. 45; 14-02-11  | 8. 155; 14-04-29  |
| 3. 137; 14-04-28 | 9. 176; 14-06-01  |
| 4. 151; 14-04-29 | 10. 463; 13-10-11 |
| 5. 152; 14-04-29 | 11. 67; 14-02-28  |
| 6. 153; 14-04-29 | 12. 192; 14-06-19 |

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

- |                  |            |
|------------------|------------|
| 1. 138; 13-04-17 | 3. 12-2703 |
| 2. 222; 13-06-11 | 4. 12-2553 |

## **d. Deliberations in Connection with Administrative Adjudicatory Proceedings (Settlement Agreements):**

- |            |             |
|------------|-------------|
| 1. 12-2460 | 7. 12-2455  |
| 2. 12-2667 | 8. 12-2680  |
| 3. 12-2471 | 9. 12-2366  |
| 4. 12-2483 | 10. 12-2348 |
| 5. 12-2567 | 11. 12-2442 |
| 6. 12-2679 | 12. 12-2669 |

## **e. Defaults:**

- |            |            |
|------------|------------|
| 1. 12-2507 | 2. 12-2373 |
|------------|------------|

## **f. Deliberations in Connection with Administrative Adjudicatory Proceedings (Hearing Officer’s Reports):**

- |            |            |
|------------|------------|
| 1. 12-2431 | 2. 12-2432 |
|------------|------------|

# AGENDA

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

1. Southwest Energy Efficiency Project, et al. v. New Mexico Construction Industries Commission, et al. – NM Court of Appeals Case No. 32,939
2. The Ex-El Co. Inc. of the Southwest and Robert LePage v. Construction Industries Commission State of New Mexico - Case No. D-101-CV-2013-01170
3. Kirby Gene Spillman v. Construction Industries Commission of NM Regulation and Licensing Dept. - Case No. D-307-CV-2012-02030

**VIII. ACTION ON ITEMS DISCUSSED DURING EXECUTIVE SESSION**

**IX. NEXT MEETING DATE**

Regular Meeting – November 19, 2014, Albuquerque, NM - RLD

**X. ADJOURN**

# AGENDA