

**OFFICE OF INSPECTOR GENERAL**  
*City of Albuquerque*



*INVESTIGATION*  
*PLANNING DEPARTMENT*



505-768-ESA1 (505-768-3721)

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Peter Pacheco  
Acting Inspector General

## OFFICE OF INSPECTOR GENERAL

*City of Albuquerque*

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### EXECUTIVE SUMMARY

Information was brought to the Office of Inspector General's attention by the Chief Building Official for the Building and Safety Division of the Planning Department regarding allegations of impropriety against a former City Residential Building Inspector with the department. Both the Chief Building Official and the Chief Plumbing/Mechanical Inspector had concerns upon learning that while still employed, the former inspector issued several inspection approval tags for local construction and renovation projects in which he also performed some plumbing work. Concerns were also raised that the former inspector may have been performing contract plumbing work during times he had taken approved sick and vacation leave from his job as an inspector for the City.

#### **Investigative Facts**

1. The former inspector did contract work on various projects during the time his license was on hold with the State due to his employment as a City inspector.
2. The former inspector also inspected the contract work that he performed and inappropriately issued green approval tags.
3. The former inspector was not entering information for inspections in the division's database.
4. The former inspector acknowledged that he was aware of department policies and the requirements of an inspector by signing off on division directives.
5. The former inspector violated City Ordinance § 3-3-10 Outside Employment and the State Governmental Conduct Act § 10-16-4.2. Disclosure of outside employment.

#### **Conclusion**

Not only were the former inspector's actions in violation of City and department policies and directives, but the former inspector was also in violation of State of New Mexico regulations for Inspectors, as well as the Construction Industries Licensing Act of 1978 (CILA).

The Planning Department, Building Safety Division have already been in the process of reorganizing and making improvements within the Division. Several directives have been put into place. There has also been a reclassification for inspectors, and the Division has been working to ensure that those employed are compliant with State requirements and are certified at both the State and national levels.

The OIG is forwarding this report to the City's Legal Department to determine if the City will take any legal action against the former inspector. The Building Safety Division also plans to forward this report to the New Mexico Regulation and Licensing Department, Construction Industries Division to look into this matter and determine if any action should be taken against the former inspector.



**CITY OF ALBUQUERQUE**  
*Office of Inspector General*  
P.O. BOX 1293, ALBUQUERQUE, NM 87103

December 9, 2015

Accountability in Government Oversight Committee  
City of Albuquerque  
Albuquerque, New Mexico

Investigation: Planning Department  
16-201

**Final Draft**

## **INVESTIGATIVE REPORT**

### **INTRODUCTION**

Information was brought to our attention by the Chief Building Official for the Building and Safety Division of the Planning Department regarding allegations of impropriety by a former City Residential Building Inspector with the department. Information surfaced that the former inspector issued several inspection approval tags for a local restaurant job in which he had also performed most of the (unlicensed) plumbing work. There were also suspicions that the former inspector was performing contract plumbing work during times he had taken approved sick and vacation leave from his City job, as the dates on some of the tags coincide with leave dates on his timesheet.

As the Office of Inspector General (OIG) began looking into the matter, additional issues came to light involving this former inspector and his involvement with projects on two (2) additional properties.

### **BACKGROUND**

Prior to his employment with the City of Albuquerque, the former inspector worked for a private company inspecting plumbing and mechanical systems in new and existing homes for home warranty. Before obtaining his inspector certifications, he started as an apprentice plumber. He later worked as a journeyman plumber and mechanical installer; and at one point, was the owner and operator of his own plumbing and heating business.

The former inspector has held the following licenses and certifications:

- JPG Journeyman (Journeyman Plumbing and Gas)
- MM01 (plumbing license)
- MM02 (gas license)
- Manufactured Housing Division License
- Plumbing Inspector Certification (State of New Mexico)
- Mechanical Inspector Certification (State of New Mexico)

The former inspector was hired by the Building and Safety Division of the Planning Department in the fall of 2006 and held the position of Residential Building Inspector until mid-January 2015. According to the Chief Building Official and the Chief Plumbing/Mechanical Inspector, he held certifications from the State of New Mexico for both Plumber Inspector and Mechanical Inspector. He also obtained his national Plumbing Inspector Certification through the International Association of Plumbing and Mechanical Officials (IAPMO) in early 2008. However, he lacked a mechanical national certification.

Section 14.6.5.8 of the New Mexico Administrative Code (NMAC) addresses inspectors, and states:

***B. CERTIFICATION:***

*(1) The trade bureau shall ascertain, by written communication, the qualifications and knowledge of an applicant. Each candidate shall satisfactorily pass the respective bureau inspector examination at which time the division will issue a certificate to the candidate; however, the division reserves the right to deny the issuance of a certificate for reasonable and just cause on its own motion.*

*(2) Each inspector must pass the examination of a national certifying organization recognized by the division within one (1) year of employment; and remain current by such verifying organization to maintain state inspector certification.*

Because the former inspector lacked the mechanical national certification, he should have been de-certified by the State Construction Industries Commission. The Planning Department notified the State of this. In addition, on September 4, 2014 the former inspector received and signed Building Safety Division Directive 1407 “Certification”, which states:

- To perform inspections in New Mexico, the state requires inspectors be certified by NM CID and by a national recognized agency. It is my understanding that to date, you have been unsuccessful in obtaining the required nationally recognized certification for mechanical inspector.
- All inspectors that lack required certifications will be extended a 30 day period to schedule the applicable certification exam. Documentation of the scheduled exam must be provided to your supervisor.
- 60 additional days, not to exceed 90 total days, will be allowed to provide documentation of a passing score of all required exams.

The former inspector was given until the end of calendar year 2014 to pass the national mechanical certification exam. However, after a couple of attempts, he failed to obtain his national mechanical inspector certification. As a result, in January 2015 he was reassigned to the Zoning Code Enforcement Division of the Planning Department, as a Code Enforcement Specialist. He ultimately resigned from the City in April 2015.

The State of New Mexico contractor database, PSI shows both the MM01 plumbing license and MM02 gas license were reinstated for the former inspector on April 22, 2015. The database also shows the company name the former inspector currently works under. Both the address and phone number associated with this company are the same address and phone number listed for the former inspector on his City employment records.

### **Initial Complaint**

Actions of the former inspector came to light in April of 2015, as follows:

- Another inspector with the department (coincidentally with the same first name as the former inspector) received a text from a mechanical contractor regarding a restaurant job that was in process.
- The mechanical contractor was trying to contact the former inspector to let him know he was ready to finish that particular restaurant job.
- When the Chief Plumbing/Mechanical Inspector (Chief) researched the project, he found there were no inspection entries in the database.
- The mechanical contractor became confused when the Chief instructed him to call for an inspection and it would be assigned to the inspector for that area.
- The mechanical contractor explained that the former inspector had told him to only contact the former inspector directly.
- The Chief then informed the contractor that not only was the former inspector no longer employed with the City, but also that it has been contrary to policy for two (2) years for inspection requests to be called directly to an inspector.

Building Safety Division Directive 1402 “Inspection Requests” states:

- All requests should be routed via an entry from the applicable Planning Assistant (PA) and conducted by the inspector assigned to the area unless re-assigned by the section supervisor.
- If an inspector receives a request directly from the permittee that is in the inspector’s area the inspector may schedule, enter and perform the inspection if circumstances dictate that would be more efficient.
- If an inspector receives a request directly from the permittee that is out of the inspector’s area the inspector may not schedule, enter or perform the inspection without authorization from the inspector’s supervisor.

Building Safety Division Directive 1501 “Inspection and Plan Review Assignment” states:

- All requests should be routed via an entry from a Planning Assistant II (PAII) and conducted by the inspector assigned to the area unless re-assigned by the section supervisor.
- If an inspector receives a request directly from the permittee that is in the inspector’s area the inspector should advise the permittee to call the inspection in but may schedule, enter and perform the inspection if circumstances dictate that the direct request would be more efficient. If an inspection is self-scheduled by the inspector, the inspector must notify the inspector’s supervisor.
- If an inspector receives a request directly from the permittee that is out of the inspector’s area the inspector may not schedule, enter or perform the inspection without authorization from the inspector’s supervisor.
- Plan review assignments will be distributed by a supervisor and only may be reassigned with supervisor approval.

Both Directives conclude with the statement:

**“This is intended to avoid any appearance of preferential treatment or impropriety.”**

The Chief informed the OIG that he believes the project was in the former inspector’s assigned inspection areas. However, the former inspector was still in violation of the directives, as he did not instruct the mechanical contractor that he still needs to call the inspection into the division, nor did the former inspector notify his supervisor that he had self-scheduled the inspection of the project.

### **Additional Violations**

The mechanical contractor informed the Chief that the former inspector not only instructed the contractor to only call him directly, but the former inspector also performed most of the plumbing work for the restaurant job.

It is a conflict of interest for an inspector employed by the City of Albuquerque to both perform work and inspect that work. In addition, when employed with the City as an inspector, the former inspector’s license was surrendered and his certification was in abeyance. Therefore, any work he performed on the restaurant project was unlicensed work.

As stated in the Construction Industries Licensing Act of 1978 (CILA), Section 60-13-8:

B. Any person employed or placed under contract by the division or by any county or municipality for the purpose of carrying out the provisions of the Construction Industries Licensing Act who holds any contractor’s license or certificate of competence issued by the division, shall, as a condition of employment surrender the contractor’s license or certificate of competence to the division to be held in inactive status. The division shall place the license or certificate on hold effective from the date the employment or contract begins until the date the employment or contract terminates. The license or certificate

shall remain in effect after the hold period for the same number of days as it would have remained in effect but for the hold.

The same language can also be found in NMAC 14.6.5.8 (C) (1).

Inspectors must put their contracting and journeyman certification in abeyance while they are employed to do inspections.

The Chief Building Official confirmed the State was notified when the former inspector received his certification to perform inspections and became employed with the City of Albuquerque as an inspector.

The former inspector misrepresented himself and the City by doing unlicensed work and then approving the work he had done by issuing inspection Green Tags indicating that the work was in compliance with City regulations.

The former inspector was also in violation of both City Ordinance and New Mexico State Statute regarding outside employment.

City Ordinance states:

§ 3-3-10 OUTSIDE EMPLOYMENT.

No employee shall engage in outside employment without prior approval of the Chief Administrative Officer, or a designee of the Chief Administrative Officer. No employee shall continue outside employment if such employment has a negative impact on his or her job performance. A determination that such employment has a negative impact on an employee's job performance is not the subject of a grievance as defined in § 3-1-24 of this chapter. No employee who is receiving Worker's Compensation benefits shall engage in outside employment.

('74 Code, § 2-3-10) (Ord. 31-1985)

New Mexico State Statute states:

§ 10-16-4.2. Disclosure of outside employment

A public officer or employee shall disclose in writing to the officer's or employee's respective office or employer all employment engaged in by the officer or employee other than the employment with or service to a state agency or local government agency.

The OIG reviewed the former inspector's personnel file, and did not find that he ever filed an outside employment form to conduct contract plumbing work.



## **Meeting between Chief and Mechanical Contractor**

The Chief Plumbing/Mechanical Inspector questioned the contractor about the lack of inspections, given that there were no inspection entries in the database for the restaurant project. The contractor stated he had several green approval tags from the former inspector, and provided copies of six (6) inspection tags, which were signed and provided by the former inspector. One tag was dated October 2, 2014; one was dated October 23, 2014; one was dated October 30, 2014; and three (3) were dated December 24, 2014.

The contractor confirmed that he did the mechanical work on the restaurant project, and indicated that some of the plumbing work had been laid. The contractor initially hired his own licensed plumber for the project. However, the former inspector allegedly began telling the plumber what he could and could not do, and ended up “chasing the plumber off.” The contractor went on to explain that he then hired a second plumber, but ultimately, the former inspector chased that plumber off as well. The contractor stated that the former inspector then went to talk to him and told him “Listen, if you want this done right, you can have me and my guys do it. You can pay us this much and we’ll get it done for you.” The contractor indicated that the former inspector ended up doing about ninety percent (90%) of the plumbing work. (Note: The former inspector’s license was surrendered at the time.) This happened around the end of September 2014, and the contractor confirmed he paid the former inspector in cash. He commented that the former inspector changed so many things when he went out to the restaurant site, which was a large factor in the contractor losing around \$10,000 on this job.

The OIG made several attempts to contact this mechanical contractor to speak with him directly, but were unable to leave messages due to his voice mailbox being full.

## **Subsequent Issues**

Around mid-October 2015, the Chief Plumbing/Mechanical Inspector contacted the OIG stating that additional incidents had surfaced on two other projects involving the former inspector.

### **Project One:**

One incident was a renovation project on a residential property. The Chief explained that complaints had been issued by the City for work without a permit on this particular property. He also expressed concerns that the former inspector may have again been acting as a contractor on unlicensed work while employed as a City inspector. He indicated that the former inspector issued a green inspection approval tag when there was no permit issued for this property. The tag was dated March 17, 2014 and was signed by the former inspector. In addition, there were no entries in the department’s inspection database showing there were inspections ever scheduled for this property. Nor were there entries of pass/fail on inspections which would match the tag issued by the former inspector.

The OIG met with the remodeling contractor for this project. He explained that his brother purchased the property approximately a year and a half ago for the purpose of renovating and flipping the property, and that he assisted his brother with this project. He stated that sometime around February or March of 2015, he ran into the former inspector who told him that he was getting his plumbing license and was planning on leaving City employment. The former

inspector provided his card and told the remodeling contractor that if he ever needed a plumber, to give him a call. The remodeling contractor informed the OIG that he met the former inspector about five or six years ago, but stated he had never actually worked with him.

For this home renovation project, the remodeling contractor stated that somebody else had done the plumbing work in a new bathroom that was put in. He decided to go ahead and contact the former inspector because he wanted him to check the plumbing and make sure it was done correctly. The remodeling contractor stated, however, that he wanted him to check the plumbing work as a plumber -- not as an inspector. He confirmed that his brother paid \$600.00 cash to the former inspector and that it was all paid up front.

The OIG asked the remodeling contractor about the green approval tag that was signed by the former inspector. He stated that he did not know anything about that tag until the City went out to the property and the Chief inquired about it, after pointing out various things that had not been done in the new bathroom. The remodeling contractor also stated that the March 17, 2014 date on the approval tag was incorrect. He explained there is no way the former inspector could have been out at the job site in 2014 because the remodeling contractor did not have contact with him until 2015.

The remodeling contractor also commented that soon after the former inspector was paid the \$600.00 cash, he stopped going out to the job site, would not answer phone calls and would not return phone calls. The remodeling contractor stated both he and his brother probably spent a couple of months trying to get in contact with the former contractor.

The remodeling contractor did state that the former inspector did finally contact them to correct the plumbing issues.

### **Project Two:**

Another incident involved a tenant improvement project for a CrossFit-type gym. The Chief explained there were red tags issued approximately a year ago for work without a permit on this project. The proper permits have recently been taken out and work has since been underway there. The Chief indicated that the current plumbers on the project had told him during a recent inspection that the unpermitted work was done by the former inspector. The current general contractor on the project, as well as the current tenant/gym owner (tenant), confirmed this as well. According to the Chief, the tenant confirmed that the former inspector did the unpermitted work while working as an inspector for the City. The tenant also informed the Chief that although the former inspector was paid up front, he never completed the job.

The OIG met with the current general contractor and the tenant/gym owner. The tenant stated that approximately a year ago, the main contractor who was working on the project at the time recommended the tenant use the former inspector to do the plumbing work. The tenant stated he went ahead and hired the former inspector. He explained that he was aware of the former inspector's position with the City at the time. He remembers the former inspector commenting at some point that he was starting his own business in approximately three or four months and planned to leave his job with the City.

The OIG asked why permits were not initially pulled, and the tenant explained that it was in part due to the former inspector's involvement with the project that he did not think to pull the proper permits. He commented that the former inspector made it known that he was an inspector with the City and gave the impression that he knew exactly what needed to be done; so at the time, nobody really questioned anything. He stated there was even a time or two when the former inspector came out to the job site in a City vehicle.

The tenant confirmed that he paid the former inspector a majority of the money up front. He stated that it was about \$9,000, but there was a couple thousand more that needed to be paid. He stated that he paid the former inspector by check and that initially, the former inspector was going to have the tenant make the check out to his plumbing company. However, at the last minute, the former inspector had the tenant write the check out directly to him. The tenant provided the OIG with photos of two checks, both written out to the former inspector, and both in the amount of \$4,500. Photos also show that the checks were endorsed by the former inspector and deposited.

The tenant also provided a copy of a proposal that the former inspector had given to him, which specified the plumbing work the former inspector planned to do and the cost of that work (\$9,000). All information was typed onto the proposal form, but the form was only half completed. The form was also dated November 18, 2013, but the improvement project at the gym did not begin until the fall of 2014. The company name on the header of the proposal form was different than any of those the OIG had found associated with the former inspector. The company address listed on the form also differed from addresses the OIG found for the former inspector. When the OIG researched the address, it did not come up as an actual existing address in Albuquerque.

The tenant stated that the former inspector was on the job only a couple of weeks or so and then he stopped coming out to the job site. He added that both he and the previous main contractor were unable to get hold of the former inspector, trying multiple times to contact him, until finally the previous main contractor was able to reach him. The tenant indicated that the former contractor came back out maybe once or twice more. He added that the former inspector's sons actually ended up coming to the job site to do some of the work. The tenant could not recall the sons' names and was unaware of whether they themselves were licensed or not.

The OIG asked if the former inspector issued any green approval tags on this project. The tenant stated there were no green tags and explained that around this time one year ago, a "tip" was called into the City concerning the construction project underway at the gym. He stated he did not know who called in this tip, but it was then that the City came out and issued the red tags for work without a permit. (Documentation provided by the Chief show that a Building Complaint was received on October 29, 2014 indicating that major construction and remodeling was being done at this gym. Documentation was also provided showing the red tag issued on November 4, 2014. The department's inspection database also shows no other entries for this property around this time.)

The proper permits have since been pulled for this project. The tenant indicated he ended up hiring a new general contractor (who is the current general contractor) and has had a couple of plumbing companies out at the job site repairing major issues -- including some issues that the former inspector should have initially checked and been aware of.

## **Timesheet Issue**

The Chief Building Official and the Chief Plumbing/Mechanical Inspector also expressed concerns that the former inspector may have been performing contract plumbing work during times he had taken approved sick and vacation leave from his City job.

Copies of the former inspector's timesheets were provided to the OIG. Of the leave taken, the OIG found the following red flags:

- September 26, 2015, 3.5 hours of vacation leave taken. First check written to the former inspector by tenant of the gym that was under construction.
- October 13, 2014, eight (8) hours of sick leave taken. Second check written to the former inspector by tenant of the gym that was under construction.
- October 23, 2014, eight (8) hours of sick leave taken. Date coincides with the date on one of the tags that the mechanical contractor produces for the restaurant project in which the former inspector was said to have done the plumbing work.

(Note: The former inspector also took one (1) hour of vacation leave and one (1) hour of comp time on October 29, 2014, which is the same date that the division received the anonymous "tip" about the gym construction project.)

## **RECOMMENDATIONS**

1. The Building Safety Division should consider creating and implementing a directive which addresses the entry of all information related to inspections into the database.
2. The Building Safety Division should consider having inspectors sign a document stating that they will not solicit any business for themselves or others while employed by the City.
3. The Building Safety Division should consider informing every contractor that comes in for a permit that City employees are not to do any work for the contractor, and that they are to contact the appropriate City employee if any City employee tries to solicit themselves or anyone else to do work.
4. The Building Safety Division should consider having inspection tags that are pre-numbered so they can be tracked and reconciled with Division records. Each inspector should check out tags so there is a record for who issued each tag.

## CONCLUSION

When the former inspector became employed as a City inspector, he surrendered his plumbing and gas licenses with the State, as required. However, the former inspector continued to perform contract plumbing on projects, and subsequently inspected his own work. In addition, red flags indicate that the former inspector may have been conducting said work and inspections during times he had taken approved sick and vacation leave from his City job.

Not only were the former inspector's actions in violation of City and department policies and directives, but the former inspector was also in violation of State of New Mexico regulations for Inspectors, as well as the Construction Industries Licensing Act of 1978 (CILA).

The Planning Department and Building Safety Division have already been in the process of reorganizing and making improvements within the Division. Several directives have been put into place. There has also been a reclassification for inspectors, and the Division has been working to ensure that those employed are compliant with State requirements and are certified at both the State and national levels.

The OIG is forwarding this report to the City's Legal Department to determine if the City will take any legal action against the former inspector. The Building Safety Division also plans to forward this report to the New Mexico Regulation and Licensing Department, Construction Industries Division to look into this matter and determine if any action should be taken against the former inspector.

REVIEWED BY:

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Acting IG

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IG Investigator

APPROVED:

APPROVED FOR PUBLICATION:

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Peter J. Pacheco, CFE, CIGI  
Acting IG, Office of Inspector General

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Chairperson, Accountability in Government  
Government Oversight

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# City of Albuquerque

## Planning Department

Richard J. Berry, Mayor

Interoffice Memorandum

December 9, 2015

To: Peter Pacheco, Office of Inspector General

From: Suzanne Lubar, Planning Director

Re: Response to Office of Inspector General's Recommendations Made in the December 9, 2015, Investigative Report

Below, please find the Planning Department's response to the recommendations of the Office of Inspector General made in the December 9, 2015, Investigative Report. The Planning Department respectfully requests to be present at the AGO meeting when this report will be submitted for approval. Thank you for your consideration.

1. **Recommendation:** The Building Safety Division should consider creating and implementing a directive which addresses the entry of all information related to inspections into the database.

**Response:** Agree.

**Implementation:** A directive was distributed to all Building Safety employees instructing the employee of data entry requirements. (See enclosed.) This directive will also be provided to all new hires in this division.

**Timeline:** Completed.

2. **Recommendation:** The Building Safety Division should consider having inspectors sign a document stating that they will not solicit any business for themselves or others while employed by the City.

**Response:** Agree.

**Implementation:** A directive was distributed to all Building Safety employees to acknowledge the city's policy for personal business during city work hours. The directive also informs inspectors of the inactive status of State licensure and certification. (See enclosed.) The directive must be signed and returned by all existing employees, as well as all new hires in this division.



**Timeline:** Distribution is complete and collection of the signed documents will be finalized by 01 January 2016.

3. **Recommendation:** The Building Safety Division should consider informing every contractor that comes in for a permit that City employees are not to do any work for the contractor, and that they are to contact the appropriate City employee if any City employee tries to solicit themselves or anyone else to do work.

**Response:** Agree.

**Implementation:** The Division will distribute information to contractors and the public via posters, division and department websites, newsletters, and social media.

**Timeline:** In process and ongoing. Initial distribution of this information will be completed by 01 January 2016 and will continue periodically thereafter.

4. **Recommendation:** The Building Safety Division should consider having inspection tags that are pre-numbered so they can be tracked and reconciled with Division records. Each inspector should check out tags so there is a record for who issued each tag.

**Response:** Agree. However, we do not believe that this particular recommendation would have helped prevent the problems created by the employee in this case because there were not any tags missing, but rather the tags were known to be improperly issued by the inspector. The reconciliation of numbered tags to inspections would not have revealed anything we did not already know. Any tag attributed to an improper inspection is inappropriate, regardless of whether the tag is numbered or not. The numbering of tags, however, could be useful to track distribution and ensure that unused approval documents are collected from inspectors when an inspector separates employment with the Building Safety Division.

**Implementation:** The division will reconfigure the template for tags to include sequential numbering and assign and log a numbered range of tags to each inspector.

**Timeline:** We are in the process of identifying an appropriate vendor to supply numbered tags, and we will place an order soon as possible.





## Building Safety Division Directive

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Directive Number:

1505

Date:

04 Dec. 15

Directive Name:

Data Entry Requirements

To: Building Safety Division

Purpose: To emphasize and clarify the need to accurately and timely enter work results into the database.

Scope: This Directive applies to all Building Safety employees

### **Effective immediately:**

- All work that requires data entry must be entered accurately in the appropriate system as soon as practical after the work is completed. If you are unable to complete the entry by the end of the shift, please complete the data entry at the beginning of the next work day. If the system is not available, please enter the results as soon as possible after the system is restored. If you are unable to enter results for any reason contact your supervisor immediately.

If you have any questions, please don't hesitate to contact me.

Thank you.

Land Clark, Chief Building Official



# Building Safety Division Directive

Directive Number:

1506

Date:

07 Dec. 15

Directive Name:

Personal Business Operation

To: Building Safety Division

Purpose: To inform Building Safety employees that operating a personal business during working hours is not appropriate.

Scope: This Directive applies to all Building Safety employees

## Effective immediately:

- Operation of a personal business while performing the duties as a deputy of the Building Safety Division is not permitted. Your position as a government official may lead individuals to infer any business solicitation while conducting city business is related, thus highly inappropriate.

City of Albuquerque, Personnel Rules & Regulations, Conditions of Employment, 301.18 Sales by Employees:

Employees are required to direct their attention to their duties and responsibilities during work hours. No employee shall conduct or operate a personal business, which includes promotion, sales, scheduling or any related activity during work hours. This includes the sale of goods or services for profit. Employees may be allowed to conduct limited sales for fund raising activities during their lunch period or breaks.

- Inspectors only: Where applicable, while employed by the city to enforce the provisions of the Construction Industries Licensing Act and the Albuquerque Uniformed Administrative Code as a State Certified Inspector, your contracting license(s), Qualifying Parting certification(s) and/or journeyman certification(s) are placed in abeyance. Acting in any capacity associated with state licensure or certification when in inactive status is a violation of the Act and not allowed.

New Mexico Construction Industries Licensing Act, 60-13-8 B.:

Any person employed or placed under contract by the division or by any county or municipality for the purpose of carrying out the provisions of the Construction Industries Licensing Act who holds any contractor's license or certificate of competence issued by the division, shall, as a condition of employment surrender the contractor's license or certificate of competence to the division to be held in inactive status. The division shall place the license or certificate on hold effective from the date the employment or contract begins until the date the employment or contract terminates. The license or certificate shall remain in effect after the hold period for the same number of days as it would have remained in effect but for the hold.

**History:** 1953 Comp., § 67-35-12, enacted by Laws 1967, ch. 199, § 12; 1977, ch. 245, § 170; 1987, ch. 283, § 2.

- If you have any questions concerning this directive, please contact your supervisor.

Thank you.



Land Clark, Chief Building Official

I have read, understood, and retained a copy of this directive and agree to comply with that described above.

\_\_\_\_\_  
Signature of Employee

Date: \_\_\_\_\_

\_\_\_\_\_  
Printed Name of Employee