

IN THE COURT OF APPEALS
FOR THE STATE OF NEW MEXICO

Southwest Energy Efficiency Project,
Environment New Mexico, Sundancer
Creations Custom Builders, LLC,
eSolved, Inc., Tammy Fiebelkorn,
Faren Dancer, Sanders Moore,
Erika Wolf, and Sommer Batterson,

COURT OF APPEALS OF NEW MEXICO
RECEIVED

JUN 13 2013

Wendy F Jones

Appellants,

v.

No.

the New Mexico Construction Industries
Commission, the New Mexico Construction
Industries Division, and Katherine Martinez,
Director of the New Mexico Construction
Industries Division,

Appellees.

NOTICE OF APPEAL

Southwest Energy Efficiency Project, Environment New Mexico,
Sundancer Creations Custom Builders, LLC, eSolved, Inc., Tammy
Fiebelkorn, Faren Dancer, Sanders Moore, Erika Wolf, and Sommer
Batterson (referred to as “the Appellants”) hereby appeal to the New Mexico
Court of Appeals from the May 15, 2013 decision of the New Mexico
Construction Industries Commission, the New Mexico Construction
Industries Division, and Katherine Martinez, the Director of the New

Mexico Construction Industries Division (referred to as “the Appellees”) adopting four New Mexico building codes. Those four building codes are: the 2011 New Mexico Electrical Code (NMAC 14.10.4), the 2009 New Mexico Energy Conservation Code (NMAC 14-7.6), the 2009 New Mexico Mechanical Code (NMAC 14.9.2), and the 2009 New Mexico Plumbing Code (NMAC 14.8.2).

This appeal is filed pursuant to Rule 12-601 of the Rules of Appellate Procedure. In accordance with Rule 12-208.H of the Rules of Appellate Procedure, the Appellants are paying their \$125.00 docketing fee with the filing of this Notice of Appeal.

This appeal is also filed pursuant to NMSA 1978 §61-1-31 of the Uniform Licensing Act. In accordance with NMSA 1978 §61-1-31.B, the Appellants hereby certify that they have made satisfactory arrangements with the Appellees for preparation of the record at the Appellants’ expense.

Also in accordance with NMSA 1978 §61-1-31.B, the Appellants have attached to this Notice of Appeal five Exhibits.

Exhibit 1 is the New Mexico Construction Industries Commission’s Statement of Reasons (approved by the New Mexico Construction Industries Commission at its meeting on June 3, 2013) for its adoption of the four building codes attached as Exhibits 2, 3, 4, and 5.

Exhibit 2 is the three cover sheets with which the 2011 New Mexico Electrical Code was filed with the State Records Center and the attached seven page 2011 New Mexico Electrical Code. As is indicated on both documents, they were filed with the State Records Center on May 29, 2013.

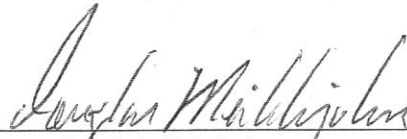
Exhibit 3 is the three cover sheets with which the 2009 New Mexico Energy Conservation Code was filed with the State Records Center and the attached five page New Mexico Energy Conservation Code. As is indicated on both documents, they were filed with the State Records Center on May 29, 2013.

Exhibit 4 is the three cover sheets with which the 2009 New Mexico Mechanical Code was filed with the State Records Center and the attached six page 2009 New Mexico Mechanical Code. As is indicated on both documents, they were filed with the State Records Center on May 29, 2013.

Exhibit 5 is the three cover sheets with which the 2009 New Mexico Plumbing Code was filed with the State Records Center and the attached seven page New Mexico Plumbing Code. As is indicated on both documents, they were filed with the State Records Center on May 29, 2013.

Dated: June 13, 2013.

NEW MEXICO
ENVIRONMENTAL LAW CENTER



Douglas Meiklejohn

R. Bruce Frederick

Eric Jantz

Jonathan Block

1405 Luisa Street, Suite 5

Santa Fe, N.M. 87505

Telephone: (505) 989-9022

Facsimile: (505) 989-3769

Attorneys for the Appellants

Certificate of Service

I certify that on June 13, 2013 copies of this Notice of Appeal were sent by electronic mail and first class mail to:

James McKay
General Counsel
Regulation and Licensing
Department
2550 Cerrillos Road
Santa Fe, N.M. 87505
james.mckay@state.nm.us

Attorney for the New Mexico
Construction Industries Division
and Katherine Martinez

Luis Carrasco
Al Lama
Office of the Attorney General
P.O. Drawer 1508
Santa Fe, N.M. 87504-1508
lcarrasco@nmag.gov
alama@nmag.gov

Attorneys for the New Mexico
Construction Industries
Commission


Douglas Meiklejohn