

CONSTRUCTION INDUSTRIES BOARD

(A self-funded, non-appropriated agency whose mission is to protect life and property by licensing and inspection of the related trades for the health, safety and welfare of the public.)

Regular Board Meeting

**Conference Room
2401 N.W. 23rd Street, Suite 2F
Oklahoma City, Oklahoma 73107**

November 15, 2017

1:30 p.m.

AGENDA

Note: The Board may discuss, vote to approve, vote to disapprove, vote to table or decide not to discuss any item on the agenda.

- 1. CALL TO ORDER AND RECORDING OF MEMBERS PRESENT AND ABSENT** – Vice Chair Scott Tucker/Linda Ruckman
- 2. STATEMENT OF COMPLIANCE WITH THE OPEN MEETING ACT** – Linda Ruckman
- 3. REPORTS**
 - (A) Administrator's Report – Janis Hubbard, Administrator
 - (B) Financial Report for month ended October 31, 2017 – OMES Agency Business Services Representative
- 4. DIVISION REPORTS**
 - (C) Mechanical Division statistical report and Division activity update – Gary Kirk, Supervisor
 - (D) Plumbing Division statistical report and Division activity update – Richard Hager, Supervisor
 - (E) Electrical Division statistical report and Division activity update – Ron Morris, Supervisor
 - (F) Roofing Division statistical report and Division activity update – Richard Hager, Supervisor

5. CONSENT AGENDA FOR UNCONTESTED CITATIONS PAID, HEARING WAIVED

- (G) Review and possible vote to approve all fines, penalties and fees assessed and collected on uncontested matters where administrative hearing was waived and fines have already been paid, as reflected on the Management Statement of Activities by trade revolving fund. (Any item may be removed from the consent agenda by any Board member who requests to discuss the item for consideration as a separate action item.) – Jon Dutton, Assistant Attorney General
- (H) Possible vote to remove item from Consent Agenda for Uncontested Citations Paid, Hearing Waived, for consideration as a separate action item – Jon Dutton, Assistant Attorney General
- (I) Discussion and possible action on items removed from Consent Agenda for Uncontested Citations Paid, Hearing Waived.

6. ACTION AND DISCUSSION ITEMS:

- (J) Discussion and possible vote on the Minutes of the Regular Meeting of the Construction Industries Board held October 18, 2017 – Vice Chair Scott Tucker
- (K) Discussion and possible vote to advertise position opening for Field Investigator (Mechanical Trade) - Janis Hubbard, Administrator
- (L) Discussion and possible vote to advertise position opening for Field Investigator (Plumbing Trade) due to retirement of Larry Jones - Janis Hubbard, Administrator
- (M) Discussion with possible vote on the Administrative Consent Order reflecting agreement between the parties in lieu of an administrative hearing In Re the Matter of the Alleged Electrical Industry Rules Violations of Jose Giovanni Hernandez, Citation Nos. 12928 and 12929 - Jon Dutton, Assistant Attorney General
- (N) Discussion and possible vote on CIB appointee to the Oklahoma Uniform Building Code Commission – Janis Hubbard, Administrator
- (O) Discussion and possible vote regarding appointment of Electrical Journeyman to serve on the Oklahoma State Electrical Installation Code Variance and Appeals Board (position previously held by Daryle Andrews). 59 O.S. § 1697(B)(1) - Janis Hubbard, Administrator

7. PUBLIC COMMENTS (limit 3 minutes per person)

8. NEW BUSINESS

IN ACCORDANCE WITH 25 O.S. § 311(A)(9), NEW BUSINESS NOT KNOWN AT THE TIME OF THE POSTING OF THE AGENDA, IF ANY, WILL NOW BE HEARD.

9. BREAK

10. RECORDING OF MEMBERS PRESENT AFTER SCHEDULED BREAK – Linda Ruckman

11. ADDITIONAL GENERAL DISCUSSION AND ACTION ITEMS:

- (P) Discussion of proposed permanent amendments to OAC 158 as listed below or as may be proposed on OAC 158 during the meeting, inclusive of trade committee recommendations, and possible vote on proposed draft language of rules, as presented or as may be amended during the meeting, for publication and rule making process including public comment and a future public hearing – Janis Hubbard, Administrator

TITLE 158. CONSTRUCTION INDUSTRIES BOARD

CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES BOARD

SUBCHAPTER 5. PROCEDURE IN INDIVIDUAL PROCEEDINGS

158:1-5-11. Default [AMENDED]

158:1-5-12. Order [AMENDED]

158:1-5-14. Settlement [AMENDED]

CHAPTER 10. FINE SCHEDULE

SUBCHAPTER 3. ADMINISTRATIVE FINE SCHEDULE

158:10-3-1. Common requirements under the Electrical License Act, the Mechanical Licensing Act, the Plumbing License Law of 1955, Home Inspection Licensing Act, and the Roofing Contractor Registration Act [AMENDED]

CHAPTER 30. PLUMBING INDUSTRY REGULATIONS

SUBCHAPTER 1. GENERAL PROVISIONS

158:30-1-3. License and registration requirement [AMENDED]

SUBCHAPTER 3. PROCEDURES OF THE COMMITTEE AND HEARING BOARD

158:30-3-1. Procedures of the Committee [AMENDED]

SUBCHAPTER 5. LICENSE TYPES, BOND REQUIREMENTS, AND DISPLAY OF LICENSE NUMBER AND FIRM NAME

158:30-5-1. License and registration types [AMENDED]

158:30-5-2. Insurance and bond requirements [AMENDED]

SUBCHAPTER 9. EXAMINATION PROCEDURES, LICENSE AND REGISTRATION FEES AND DURATION OF LICENSES

158:30-9-1. Examination and licensure procedures [AMENDED]

CHAPTER 40. ELECTRICAL INDUSTRY REGULATIONS

SUBCHAPTER 1. GENERAL PROVISIONS

158:40-1-3. License and registration requirement [AMENDED]

SUBCHAPTER 5. LICENSING REQUIREMENTS, DISPLAY OF LICENSE, AND FIRM NAME, AND BOND REQUIREMENTS

- 158:40-5-1. Apprentice requirements [AMENDED]
- 158:40-5-2. Journeyman requirements [AMENDED]
- 158:40-5-5. Bond and insurance requirements [AMENDED]

SUBCHAPTER 7. LICENSE CLASSIFICATIONS

- 158:40-7-7. Poultry house contractor license [AMENDED]

SUBCHAPTER 11. LICENSE REVOCATION OR SUSPENSION AND PROHIBITED ACTS

- 158:40-11-2. Prohibited acts [AMENDED]

CHAPTER 50. MECHANICAL INDUSTRY REGULATIONS

SUBCHAPTER 1. GENERAL PROVISIONS

- 158:50-1-2. Definitions [AMENDED]
- 158:50-1-3. License and registration requirement and exemptions [AMENDED]

SUBCHAPTER 5. LICENSE TYPES, LIMITATIONS OF LICENSES, CONTRACTOR SPECIAL REQUIREMENTS AND DISPLAY OF LICENSE NUMBER AND FIRM NAME

- 158:50-5-1. License types [AMENDED]
- 158:50-5-2. Limitations of licenses [AMENDED]
- 158:50-5-3. Bond and insurance requirements [AMENDED]

SUBCHAPTER 9. QUALIFICATIONS FOR MECHANICAL LICENSURE, LICENSE AND REGISTRATION FEES, DURATION OF LICENSE, MECHANICAL LICENSE APPLICATION, AND APPRENTICE REGISTRATION

- 158:50-9-1. Qualifications for mechanical licensure [AMENDED]
- 158:50-9-5. Apprentice registration [AMENDED]

SUBCHAPTER 11. LICENSE REVOCATION OR SUSPENSION AND PROHIBITED ACTS

- 158:50-11-2. Prohibited acts [AMENDED]
- 158:50-11-3. License/registration revocation or suspension [AMENDED]

CHAPTER 60. INSPECTORS REGULATIONS

SUBCHAPTER 1. GENERAL PROVISIONS

- 158:60-1-2. Definitions [AMENDED]

SUBCHAPTER 3. PROCEDURES OF THE COMMITTEE

- 158:60-3-1. Procedures of the Committee [NEW]

SUBCHAPTER 5. CATEGORIES AND CLASSIFICATIONS OF INSPECTOR LICENSES, QUALIFICATIONS FOR INSPECTOR LICENSURE, LICENSE REQUIREMENTS FOR INSPECTORS, FEES, CERTIFICATION AND CONTINUING EDUCATION FOR INSPECTORS, AND CONTINUING EDUCATION COURSES

- 158:60-5-1. Categories and classifications of inspector licenses [AMENDED]
- 158:60-5-2. Qualifications for inspector licensure [AMENDED]
- 158:60-5-3. License requirements for inspectors [AMENDED]
- 158:60-5-3.1. Authorized agents [NEW]
- 158:60-5-4. Fees, certification and continuing education for inspectors [AMENDED]

SUBCHAPTER 9. DURATION OF LICENSES
158:60-9-3. Duration of licenses [NEW]

CHAPTER 70. HOME INSPECTION INDUSTRY REGULATIONS

SUBCHAPTER 5. LICENSE REQUIREMENTS, LICENSE FEES, LICENSE PERIOD, RE-EXAMINATION, DISPLAY AND INSURANCE
158:70-5-2. License fees, license period, re-examination, display, and insurance requirements [AMENDED]

SUBCHAPTER 9. EXAMINATION APPLICATIONS, EXAMINATIONS, COURSE APPROVAL REQUIREMENTS, INSTRUCTOR REQUIREMENTS, CONTINUING EDUCATION, DENIED APPLICATION APPEAL, SUBMISSION OF RECORDS, SUBSTANTIAL COMPLIANCE AND RECIPROCITY
158:70-9-5. Continuing education [AMENDED]

CHAPTER 85. ROOFING CONTRACTOR REGISTRATION REGULATIONS

SUBCHAPTER 1. GENERAL PROVISIONS
158:85-1-2. Definitions [AMENDED]

SUBCHAPTER 2. REGISTRATION AND ENDORSEMENT APPLICATION AND RENEWAL REQUIREMENTS, PROCEDURES, FEES, DURATION, MILITARY AND RECIPROCITY
158:85-2-1. Registration, insurance, and ~~workers~~ workers' compensation coverage [AMENDED]
158:85-2-2. Endorsement required for commercial roofing work [AMENDED]

SUBCHAPTER 5. REGISTRATION AND ENDORSEMENT REQUIREMENTS AND LIMITATIONS, DISPLAY OF REGISTRATION NUMBER, ENDORSEMENT, FIRM NAME AND CONTACT INFORMATION, EXCLUSIONS
158:85-5-1. Registration requirements [AMENDED]
158:85-5-3. Registration responsibilities and limitations [AMENDED]

SUBCHAPTER 11. REGISTRATION AND ENDORSEMENT REVOCATION OR SUSPENSION AND PROHIBITED ACTS
158:85-11-1. Registration and endorsement retention requirements [AMENDED]
158:85-11-2. Prohibited acts [AMENDED]

12. POSSIBLE VOTE TO REMOVE ITEM FROM CONSENT AGENDA FOR INDIVIDUAL ADMINISTRATIVE PROCEEDINGS FOR CONSIDERATION AS A SEPARATE ACTION ITEM – Jon Dutton, Assistant Attorney General

13. DISCUSSION AND POSSIBLE ACTION ON ANY ITEM REMOVED FROM CONSENT AGENDA FOR INDIVIDUAL ADMINISTRATIVE PROCEEDINGS – Jon Dutton, Assistant Attorney General

- i. Possible vote to convene into Executive Session pursuant to 25 O.S. § 307(B)(8) to engage in deliberations on any matter removed from Consent Agenda for Individual Administrative Proceedings.

- ii. If Executive Session convened, vote to return to Open Session.
- iii. Possible vote on any matter removed from Consent Agenda for Individual Administrative Proceedings discussed in Executive Session or in Open Session.

14. CONSENT AGENDA FOR INDIVIDUAL ADMINISTRATIVE PROCEEDINGS - (Any item may be removed from the consent agenda by any Board member who requests to discuss the item for consideration as a separate action item.) – Jon Dutton, Assistant Attorney General

- (Q) Possible vote to approve or deny and remand the Proposed Orders recommended by the Administrative Law Judge in the following matters for which no timely appeal was filed:

Matters heard by the Plumbing Hearing Board on Docket No. CIB-17-P-004 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12337	William Rutz	Contracting without a license
Citation No. 13101	Oreste Palacios	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 13102	Jose L. Alverado Medina	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12919	James Hayes	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 13037	William Kozik	Contractor working unlicensed or unregistered individual (per person)
Citation No. 13004	Kyle Dilbeck	Contracting without a license
Citation No. 13006	Jimmy Brown Jr.	Contracting without a license

- (R) Possible vote to approve or deny and remand the Proposed Orders recommended by the Administrative Law Judge in the following matters for which no timely appeal was filed:

Matters heard by the Mechanical Hearing Board on Docket No. CIB-17-M-004 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12975	Scott Smith	Unlicensed or unregistered individual performing trade work under the direction of another

Citation No. 13068	Lee Thompson	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12818	Jorge Garcia	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 12961	Jerry Studdard	Contractor working unlicensed or unregistered individual (per person)

(S) Possible vote to approve or deny and remand the Proposed Orders recommended by the Administrative Law Judge in the following matters for which no timely appeal was filed:

i. Matters heard by the Electrical Hearing Board on Docket No. CIB-17-E-001 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12411	Robert Penner	Contracting without a license

ii. Matters heard by the Electrical Hearing Board on Docket No. CIB-17-E-004 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 13065	Paul Conover	Failure to properly display license number/firm name on vehicles
Citation No. 13054	Jimmy Brown Jr.	Contracting without a license

(T) Possible vote to approve or deny and remand the Proposed Orders recommended by the Administrative Law Judge in the following matters for which no timely appeal was filed:

Matters heard by the Roofing Hearing Board on Docket No. CIB-17-R-004 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 20294	Onasis Navarrete	Contracting without registration and commercial endorsement

15. ADJOURNMENT