

**MINUTES OF THE REGULAR MEETING OF THE
CONSTRUCTION INDUSTRIES BOARD
Conference Room
2401 NW 23rd Street, Ste. 2F
Oklahoma City, OK 73107**

April 27, 2016

CALL TO ORDER AND RECORDING OF MEMBERS PRESENT AND ABSENT

The regular meeting of the Construction Industries Board was called to order by Chair Tony Boevers at approximately 1:30 p.m. on Wednesday, April 27, 2016, in the Conference Room of the Construction Industries Board.

MEMBERS PRESENT: Tony Boevers, Mike Cooke, Paul Magdeburg, Jake Matherly, Scott Tucker, and Kevin Westmoreland.

MEMBERS ABSENT: None

CIB STAFF PRESENT: Janis Hubbard, Administrator; Linda Ruckman, Board Secretary/Executive Assistant; Windy Nunnery, Office Manager; Gary Kirk, Mechanical Supervisor; Jim George, Plumbing Supervisor; and Ron Morris, Electrical Supervisor.

OTHERS PRESENT: LaTisha Edwards, OMES; Billy Swindell, State Auditor & Inspector's Office; Jim Bullington and Allen Stolhand, ODCTE; Bill Kite, ACCO/PCED.

STATEMENT OF COMPLIANCE WITH THE OPEN MEETING ACT

This regular meeting of the Construction Industries Board, scheduled to begin at 1:30 p.m. on this 27th day of April, 2016, has been convened in accordance with the Oklahoma Open Meeting Act, Oklahoma Statutes Title 25, §§ 301 through 314.

Further, this meeting was preceded by advance public notice filed electronically with the Secretary of State specifying the time and place of the meeting here convened. The Agenda was posted and displayed in public view on the office site of the Construction Industries Board and notice of this meeting was given at least twenty-four (24) hours prior hereto. Forty-nine people have filed a written request for notice of meetings of this public body to date.

Read aloud this 27th day of April, 2016.

ADMINISTRATOR'S REPORT

Ms. Hubbard reported that field staff are handing out information and checking for roofing registration, especially in the areas that sustained storm damage.

FINANCIAL REPORT FOR MONTH ENDED MARCH 31, 2016.

Ms. LaTisha Edwards reviewed the CIB's financial report for the period ended March 31, 2016.

MECHANICAL DIVISION REPORT

The Board was provided written reports on field contacts, citations, complaints, renewals, and applications received and new licenses processed during the months of February and March. Mr. Kirk reported on activities of the Mechanical Division since the last Board meeting.

PLUMBING DIVISION REPORT

The Board was provided written reports on field contacts, citations, complaints, renewals, and applications received and new licenses processed during the months of February and March. Mr. George reported on activities of the Plumbing Division since the last Board meeting.

ELECTRICAL DIVISION REPORT

The Board was provided a written report on field contacts, citations, complaints, renewals, and applications received and new licenses processed during the months of February and March. Mr. Morris reported on activities of the Electrical Division since the last Board meeting.

UPDATE BY OFFICE OF THE STATE AUDITOR & INSPECTOR ON STARTING THE AUDIT OF FY 2015.

Mr. Swindell reported that work on the FY 15 audit is beginning. He stated the increase in the cost for the FY 15 audit is to try to recoup the actual cost of performing the audit. He did not believe CIB's cost for the previous audits is a true reflection of actual cost to the State Auditor's Office for performing the audits.

Mr. Swindell stated that there are certain things that have to be communicated to those charged with governance. The communication is two way so that relevant matters are communicated to him as well. Any areas that require action be taken will be communicated to the CIB Board and to Ms. Hubbard in writing as to the action taken as well as the outcome. Mr. Swindell stated that the audit will be performed in accordance with the scope and timing communicated in the Engagement Letter dated April 19, 2016, a copy of which will be provided once it is executed.

LEGISLATIVE UPDATE

Mr. Ostrander reported on the status of legislation that could impact the CIB. He also reported that he does not expect any problems with the CIB's administrative rules that are moving through the process.

CONSENT AGENDA FOR UNCONTESTED CITATIONS PAID, HEARING WAIVED -- 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.

Mr. Dutton stated that this consent agenda item is related to individuals who paid their fine and waived their right to a hearing.

MOTION BY KEVIN WESTMORELAND WITH SECOND BY MIKE COOKE TO APPROVE THE CONSENT AGENDA FOR UNCONTESTED CITATIONS PAID, HEARINGS WAIVED.

MOTION PASSED

Voting Aye: Tony Boevers
Mike Cooke
Paul Magdeburg
Jake Matherly
Scott Tucker
Kevin Westmoreland

Due to action taken on this item, Agenda Items 5(I) and 5(J) were not needed.

DISCUSSION AND POSSIBLE VOTE ON THE MINUTES OF THE REGULAR MEETING OF THE CONSTRUCTION INDUSTRIES BOARD HELD FEBRUARY 24, 2016.

The Board was provided a draft of the Minutes of the Regular Meeting of the CIB held in February.

MOTION BY PAUL MAGDEBURG WITH SECOND BY JAKE MATHERLY TO APPROVE THE FEBRUARY 24, 2016, BOARD MEETING MINUTES AS PRESENTED.

MOTION PASSED

Voting Aye: Tony Boevers
Mike Cooke
Paul Magdeburg
Jake Matherly
Scott Tucker
Kevin Westmoreland

DISCUSSION WITH POSSIBLE VOTE ON THE ADMINISTRATIVE CONSENT ORDER REFLECTING AGREEMENT BETWEEN THE PARTIES *IN LIEU* OF AN ADMINISTRATIVE HEARING *IN RE* THE MATTERS OF ALLEGED PLUMBING INDUSTRY RULES VIOLATIONS OF RONALD DEAN DAY, CITATION NO. 12157.

Mr. Dutton stated that occasionally there are situations where due to facts and circumstances of a case it is determined the matter is best handled with a Consent Order. It is an agreed order where the Respondent waives their right to a hearing and the terms are agreed upon between the parties as described in the Consent Order.

The Board was provided a copy of the Proposed Consent Order for Citation No. 12157.

MOTION BY KEVIN WESTMORELAND WITH SECOND BY MIKE COOKE TO ACCEPT THE CONSENT ORDER RELATED TO CITATION NO. 12157.

MOTION PASSED

Voting Aye: Tony Boevers
Mike Cooke
Paul Magdeburg
Jake Matherly
Scott Tucker
Kevin Westmoreland

DISCUSSION WITH POSSIBLE VOTE ON THE ADMINISTRATIVE CONSENT ORDER REFLECTING AGREEMENT BETWEEN THE PARTIES *IN LIEU* OF AN ADMINISTRATIVE HEARING *IN RE* THE MATTERS OF ALLEGED MECHANICAL INDUSTRY RULES VIOLATIONS OF RONALD DEAN DAY, CITATION NO. 12158.

Mr. Dutton stated that occasionally there are situations where due to facts and circumstances of a case it is determined the matter is best handled with a Consent Order. It is an agreed order where the Respondent waives their right to a hearing and the terms are agreed upon between the parties as described in the Consent Order.

The Board was provided a copy of the proposed Consent Order for Citation No. 12158.

MOTION BY JAKE MATHERLY WITH SECOND BY MIKE COOKE TO ACCEPT THE CONSENT ORDER RELATED TO CITATION NO. 12158.

MOTION PASSED

Voting Aye: Tony Boevers
Mike Cooke
Paul Magdeburg
Jake Matherly
Scott Tucker
Kevin Westmoreland

DISCUSSION WITH POSSIBLE VOTE ON THE ADMINISTRATIVE CONSENT ORDER REFLECTING AGREEMENT BETWEEN THE PARTIES *IN LIEU* OF AN ADMINISTRATIVE HEARING *IN RE* THE MATTERS OF ALLEGED ELECTRICAL INDUSTRY RULES VIOLATIONS OF DAN FLECK, CITATION NO. 12444.

Mr. Dutton stated that occasionally there are situations where due to facts and circumstances of a case it is determined the matter is best handled with a Consent Order. It is an agreed order where the Respondent waives their right to a hearing and the terms are agreed upon between the parties as described in the Consent Order.

The Board was provided a copy of the proposed Consent Order for Citation No. 12444.

MOTION BY KEVIN WESTMORELAND WITH SECOND BY PAUL MAGDEBURG TO ACCEPT THE CONSENT ORDER RELATED TO CITATION NO. 12444.

MOTION PASSED

Voting Aye: Tony Boevers
Mike Cooke
Paul Magdeburg
Jake Matherly
Scott Tucker
Kevin Westmoreland

DISCUSSION WITH POSSIBLE VOTE ON THE ADMINISTRATIVE CONSENT ORDER REFLECTING AGREEMENT BETWEEN THE PARTIES *IN LIEU* OF AN APPEAL HEARING *IN RE* THE MATTERS OF ALLEGED ELECTRICAL INDUSTRY RULES VIOLATIONS OF JOHN A. LYNCH, CITATION NO. 12562.

Mr. Dutton stated that occasionally there are situations where due to facts and circumstances of a case it is determined the matter is best handled with a Consent Order. It is an agreed order where the Respondent waives their right to a hearing and the terms are agreed upon between the parties as described in the Consent Order.

The Board was provided a copy of the proposed Consent Order for Citation No. 12562.

MOTION BY JAKE MATHERLY WITH SECOND BY SCOTT TUCKER TO ACCEPT THE CONSENT ORDER RELATED TO CITATION NO. 12562.

MOTION PASSED

Voting Aye: Mike Cooke
Paul Magdeburg
Jake Matherly
Scott Tucker
Kevin Westmoreland

Recused: Tony Boevers

DISCUSSION WITH POSSIBLE VOTE ON RENEWAL OF THE FOLLOWING CONTRACTS FOR FY 17:

- | | |
|--|--------------------------|
| i. Attorney General | (Legal Services) |
| ii. Phillips Murrah PC | (Legal Services) |
| iii. Michael Mitchelson | (ALJ Services) |
| iv. James A. Slayton PC | (ALJ Services) |
| v. Oklahoma Legislative Consulting Group | (Legislative Consulting) |
| vi. Sunset Courier | (Courier Services) |
| vii. State Auditor & Inspector | (Auditing Services) |

Ms. Nunnery noted that the increase in cost with regard to the contract with the State Auditor & Inspector for the FY 15 audit has already been discussed. She then reported on the increase for the FY 17 contracts with the Attorney General and Sunset Courier, and on the increase in the cap for the contract with Michael Mitchelson. Ms. Nunnery reported that there was no change in cost or the cap for the contracts with Oklahoma Legislative Consulting Group, Phillips Murrah PC, and James A. Slayton PC.

MOTION BY PAUL MAGDEBURG WITH SECOND BY JAKE MATHERLY TO RENEW THE CONTRACTS AS LISTED ON THE AGENDA FOR FY 17.

MOTION PASSED

Voting Aye: Tony Boevers
Mike Cooke
Paul Magdeburg
Jake Matherly
Scott Tucker
Kevin Westmoreland

PUBLIC COMMENTS

Jim Bullington expressed appreciation for the support of the CIB Board and staff in the recent SKILLS USA. Mr. Bullington also reported on the enrollment in the night classes for Mid-Del's Plumbing Program. He said the classes are "busting at the seams," and Workforce Oklahoma is covering the cost for tuition and books for students.

NEW BUSINESS

There was no new business discussed.

BREAK

The meeting was recessed for a five-minute break at approximately 2:11 p.m.

RECORDING OF MEMBERS PRESENT AFTER SCHEDULED BREAK

MEMBERS PRESENT: Tony Boevers, Mike Cooke, Paul Magdeburg, Jake Matherly, Scott Tucker, and Kevin Westmoreland.

MEMBERS ABSENT: None

POSSIBLE VOTE TO REMOVE ITEM FROM CONSENT AGENDA FOR INDIVIDUAL ADMINISTRATIVE PROCEEDINGS FOR CONSIDERATION AS A SEPARATE ACTION ITEM.

There were no items removed for consideration as a separate action item; therefore, Agenda Item 12 was not needed.

CONSENT AGENDA FOR INDIVIDUAL ADMINISTRATIVE PROCEEDINGS - 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:

Plumbing Hearing Board:

Mr. Dutton noted that Paul Magdeburg served as Chair of the Mechanical Hearing Board when both of these dockets were heard.

Matters heard by the Plumbing Hearing Board on Docket CIB 16-P-001 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12277	Robert Mallory	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 12478	Gordon Bennett	Contracting without a license
Citation No. 12324	Jason Reed	Contracting without a license

Matters heard by the Plumbing Hearing Board on Docket CIB 16-P-002 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12162	Dexter Stewart	Contracting without a license
Citation No. 12422	Daniel McDonnell	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 12423	Greg Whatley	Contractor working registered apprentice without direct supervision (per apprentice)

Citation No. 12513	James Hayes	Contracting working unlicensed or unregistered individual (per person)
Citation No. 12641	Patrick Wood	Contracting working unlicensed or unregistered individual (per person)

MOTION BY JAKE MATHERLY WITH SECOND BY SCOTT TUCKER TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO PLUMBING HEARING BOARD DOCKET CIB-16-P-001 AND DOCKET CIB-16-P-002.

MOTION PASSED

Voting Aye: Tony Boevers
Mike Cooke
Jake Matherly
Scott Tucker
Kevin Westmoreland

Recused: Paul Magdeburg

Electrical Hearing Board:

Mr. Dutton noted that Tony Boevers served as Chair of the Electrical Hearing Board when both of these this docket was heard.

Matters heard by the Electrical Hearing Board on Docket No. CIB-16-E-001 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12632	Zachariah Cox	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 12639	Zachariah Cox	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 12640	Zachariah Cox	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 12407	Raymond Patterson Jr.	Contracting without a license
Citation No. 11625	John Jordan	Contracting without a license
Citation No. 12442	Donald Swartz	Inactive contractor or journeyman engaged in contracting

Matters heard by the Electrical Hearing Board on Docket CIB-16-E-002 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12686	James Carey	Contractor working registered apprentice without direct supervision (per apprentice)

Citation No. 12665	Curt McPherson	Contractor working unlicensed or unregistered individual (per person)
Citation No. 12635	Danny Blum	Contractor working unlicensed or unregistered individual (per person)

MOTION BY MIKE COOKE WITH SECOND BY PAUL MAGDEBURG TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO ELECTRICAL HEARING BOARD DOCKET CIB-16-E-001 AND DOCKET CIB-16-E-002.

MOTION PASSED

Voting Aye: Mike Cooke
Paul Magdeburg
Jake Matherly
Scott Tucker
Kevin Westmoreland

Recused: Tony Boevers

Mechanical Hearing Board:

Mr. Dutton noted that Jake Matherly served as Chair of the Mechanical Hearing Board and Scott Tucker was present when this docket was heard.

Matters heard by the Mechanical Hearing Board on Docket CIB-16-M-002 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12463	Stacey Gravitt	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 12240	Maximillan Ramos	Contracting without a license
Citation No. 12241	Maximillan Ramos	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 12542	Sean Dunagan	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12543	Lester Branch	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12544	Charles Branch	Contractor working unlicensed or unregistered individual (per person)

MOTION BY KEVIN WESTMORELAND WITH SECOND BY PAUL MAGDEBURG TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO MECHANICAL HEARING BOARD DOCKET CIB-16-M-002

MOTION PASSED

Voting Aye: Tony Boevers
Mike Cooke
Paul Magdeburg
Kevin Westmoreland

Recused: Jake Matherly
Scott Tucker

ADJOURNMENT

MOTION BY PAUL MAGDEBURG WITH SECOND BY KEVIN WESTMORELAND TO ADJOURN THE MEETING.

MOTION PASSED

Voting Aye: Tony Boevers
Paul Magdeburg
Jake Matherly
Scott Tucker
Kevin Westmoreland

Voting Nay: Mike Cooke

The meeting was adjourned at approximately 2:25 p.m.

Minutes approved in Regular Session on the 25th day of May, 2016.

/s/ Tony Boevers
Tony Boevers, Chair

/s/ Linda Ruckman
Linda Ruckman, Board Secretary