

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

**June 29, 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, June 29, 2016, in the Conference Room of the Construction Industries Board.

MEMBERS PRESENT: Tony Boevers, Paul Magdeburg, Scott Tucker, and Kevin Westmoreland.

MEMBERS ABSENT: Mike Cooke and Jake Matherly

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

OTHERS PRESENT: LaTisha Edwards, OMES; Mike Liston, PHCC; Steve Motley and Gary Cartwright, P&P Local 344; Jim Bullington, ODCTE; and Bill Kite, ACCO/PCEO.

**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 29<sup>th</sup> day of June, 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 29<sup>th</sup> day of June, 2016.

**ADMINISTRATOR'S REPORT**

Ms. Hubbard reported on the Canadian County District Court's ruling on an appeal of a Final Order related to plumbing citations, with the citations being upheld. Ms. Hubbard reported that CIB staff members have seen six demonstrations of new licensing software the State is considering, some of which look very promising. Ms. Hubbard reported on other IT upgrades. Ms. Hubbard reported that she has attended various industry meetings. A lot of good feedback from industry has been received. It was reported that all requests for approval sent to the Cabinet Secretary for items included in the FY 17 budget work program have been approved. Ms. Hubbard expressed appreciation to staff for their hard work on fiscal year end activities and deadline projects.

**FINANCIAL REPORT FOR MONTH ENDED MAY 31, 2016.**

Ms. LaTisha Edwards reviewed the CIB's financial report for the month ended May 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 month of May. 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 month of May. 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 month of May. Mr. Morris reported on activities of the Electrical Division since the last Board meeting.

**ROOFING DIVISION REPORT**

The Board was provided a written report on written warnings, citations, complaints, renewals, and applications received and new registrations and endorsements processed during the month of May. Mr. Hager reported on activities of the Roofing Division.

**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 PAUL MAGDEBURG WITH SECOND BY SCOTT TUCKER TO APPROVE THE CONSENT AGENDA FOR UNCONTESTED CITATIONS PAID, HEARINGS WAIVED.

MOTION PASSED

Voting Aye: Tony Boevers  
Paul Magdeburg  
Scott Tucker  
Kevin Westmoreland

Absent: Mike Cooke  
Jake Matherly

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

**DISCUSSION AND POSSIBLE VOTE ON THE MINUTES OF THE REGULAR MEETING OF THE CONSTRUCTION INDUSTRIES BOARD HELD MAY 25, 2016.**

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

MOTION BY PAUL MAGDEBURG WITH SECOND BY KEVIN WESTMORELAND TO APPROVE THE MAY 25, 2016, BOARD MEETING MINUTES AS PRESENTED.

MOTION PASSED

Voting Aye: Tony Boevers  
Paul Magdeburg  
Scott Tucker  
Kevin Westmoreland

Absent: Mike Cooke  
Jake Matherly

**DISCUSSION WITH POSSIBLE VOTE TO AUTHORIZE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR TESTING SERVICES.**

Ms. Hubbard reported that the last contract for testing services was entered into in 2011 with PSI. It was a one year contract with four renewal options. We are at the end of the renewals, so another RFP needs to be issued to see who is interested in providing testing services. She noted that OMES Agency Business Services assists in issuing the RFP so that we are in compliance with State purchasing laws.

MOTION BY KEVIN WESTMORELAND WITH SECOND BY PAUL MAGDEBURG TO AUTHORIZE ISSUANCE OF AN RFP FOR TESTING SERVICES.

MOTION PASSED

Voting Aye: Tony Boevers  
Paul Magdeburg  
Scott Tucker  
Kevin Westmoreland

Absent: Mike Cooke  
Jake Matherly

**DISCUSSION WITH POSSIBLE VOTE ON MEMBERSHIP OF SUBCOMMITTEE TO ASSIST IN EVALUATING RESPONSES TO RFP FOR TESTING SERVICES.**

Ms. Hubbard stated that in further research and in talking with Mr. Dutton, it has been determined that this is an administrative process and the Chair already has authority to designate which Board members would assist in the evaluation. Therefore, no action is required on this agenda item.

**DISCUSSION WITH POSSIBLE VOTE TO APPROVE ADVERTISING POSITION OPENING FOR AN ELECTRICAL FIELD INVESTIGATOR.**

Ms. Hubbard noted that this position was discussed when the budget work program for FY 17 was presented. The required paperwork has been submitted, and approval to add the position has been received from the Cabinet Secretary.

MOTION BY KEVIN WESTMORELAND WITH SECOND BY SCOTT TUCKER TO APPROVE ADVERTISING A POSITION OPENING FOR AN ELECTRICAL FIELD INVESTIGATOR.

MOTION PASSED

Voting Aye: Tony Boevers  
Paul Magdeburg  
Scott Tucker  
Kevin Westmoreland

Absent: Mike Cooke  
Jake Matherly

**DISCUSSION WITH POSSIBLE VOTE TO APPROVE ADVERTISING POSITION OPENING FOR A BUSINESS PROGRAM OFFICER AND POSSIBLE VOTE ON PERMISSION FOR THE ADMINISTRATOR TO HIRE FOR THE POSITION.**

Ms. Hubbard stated that the Board always has an opportunity to make the final determination on hiring for field staff positions. Some time back the Board granted authority for the Administrator to advertise position openings and hire for administrative office staff positions, with the exception of the Office Manager position and the Board Secretary/Executive Assistant position. Ms. Hubbard requested authority to interview, select and hire for this new administrative office staff position.

MOTION BY PAUL MAGDEBURG WITH SECOND BY SCOTT TUCKER TO APPROVE ADVERTISING A POSITION OPENING FOR A BUSINESS PROGRAM OFFICER AND TO AUTHORIZE THE ADMINISTRATOR TO HIRE FOR THE POSITION.

MOTION PASSED

Voting Aye: Tony Boevers  
Paul Magdeburg  
Scott Tucker  
Kevin Westmoreland

Absent: Mike Cooke  
Jake Matherly

**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 EUGENE L. CUNNINGHAM, CITATION NO. 12269.**

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. 12269.

MOTION BY PAUL MAGDEBURG WITH SECOND BY SCOTT TUCKER TO ACCEPT THE ADMINISTRATIVE CONSENT ORDER FOR CITATION NO. 12269.

MOTION PASSED

Voting Aye: Tony Boevers  
Paul Magdeburg  
Scott Tucker  
Kevin Westmoreland

Absent: Mike Cooke  
Jake Matherly

**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 WAYNE A. STEPHENS, CITATION NO. 12425.**

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. 12425.

MOTION BY PAUL MAGDEBURG WITH SECOND BY SCOTT TUCKER TO ACCEPT THE ADMINISTRATIVE CONSENT ORDER FOR CITATION NO. 12425.

MOTION PASSED

Voting Aye: Tony Boevers  
Paul Magdeburg  
Scott Tucker  
Kevin Westmoreland

Absent: Mike Cooke  
Jake Matherly

**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 STEPHEN C. WEED, CITATION NO. 12678.**

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. 12678.

MOTION BY KEVIN WESTMORELAND WITH SECOND BY SCOTT TUCKER TO ACCEPT THE ADMINISTRATIVE CONSENT ORDER FOR CITATION NO. 12678.

MOTION PASSED

Voting Aye: Tony Boevers  
Paul Magdeburg  
Scott Tucker  
Kevin Westmoreland

Absent: Mike Cooke  
Jake Matherly

**CONSIDERATION AND POSSIBLE VOTE TO RE-APPOINT KENNY WHITSON (PLUMBING JOURNEYMAN) AS A MEMBER OF THE OKLAHOMA STATE COMMITTEE OF PLUMBING EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2018. TITLE 59 O.S. § 1004(A)(2).**

Ms. Hubbard reported that Mr. Whitson has served on the Plumbing Examiners Committee since 2010, and he is willing and able to continue serving.

MOTION BY PAUL MAGDEBURG WITH SECOND BY SCOTT TUCKER TO RE-APPOINT KENNY WHITSON AS A MEMBER OF THE OKLAHOMA STATE COMMITTEE OF PLUMBING EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2018.

MOTION PASSED

Voting Aye: Tony Boevers  
Paul Magdeburg  
Scott Tucker  
Kevin Westmoreland

Absent: Mike Cooke  
Jake Matherly

**CONSIDERATION AND POSSIBLE VOTE TO RE-APPOINT CHARLES FITCH (PLUMBING JOURNEYMAN) AS A MEMBER OF THE OKLAHOMA STATE COMMITTEE OF PLUMBING EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2018. TITLE 59 O.S. § 1004(A)(4).**

Ms. Hubbard reported that Mr. Fitch has served on the Plumbing Examiners Committee consistently since 2002, and he is willing and able to continue serving.

MOTION BY SCOTT TUCKER WITH SECOND BY KEVIN WESTMORELAND TO RE-APPOINT CHARLES FITCH AS A MEMBER OF THE OKLAHOMA STATE COMMITTEE OF PLUMBING EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2018.

MOTION PASSED

Voting Aye: Tony Boevers  
Paul Magdeburg  
Scott Tucker  
Kevin Westmoreland

Absent: Mike Cooke  
Jake Matherly

**CONSIDERATION AND POSSIBLE VOTE TO RE-APPOINT SONNY STAS (INDEPENDENT ELECTRICAL CONTRACTOR) AS A MEMBER OF THE COMMITTEE OF ELECTRICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2018. TITLE 59 O.S. § 1683(B)(6).**

Ms. Hubbard reported that Mr. Stas has served on the Electrical Examiners Committee since May 2014, and he is willing and able to continue serving.

MOTION BY SCOTT TUCKER WITH SECOND BY KEVIN WESTMORELAND TO RE-APPOINT SONNY STAS AS A MEMBER OF THE COMMITTEE OF ELECTRICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2018.

MOTION PASSED

Voting Aye: Tony Boevers  
Paul Magdeburg  
Scott Tucker  
Kevin Westmoreland

Absent: Mike Cooke  
Jake Matherly

**CONSIDERATION AND POSSIBLE VOTE TO RE-APPOINT CLIFF STEWART (ELECTRICAL JOURNEYMAN) AS A MEMBER OF THE COMMITTEE OF ELECTRICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2018. TITLE 59 O.S. § 1683(B)(4).**

Ms. Hubbard reported that Mr. Stewart has served on the Electrical Examiners Committee since 2014, and he is willing and able to continue serving.

MOTION BY KEVIN WESTMORELAND WITH SECOND BY SCOTT TUCKER TO RE-APPOINT CLIFF STEWART AS A MEMBER OF THE COMMITTEE OF ELECTRICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2018.

MOTION PASSED

Voting Aye: Tony Boevers  
Paul Magdeburg  
Scott Tucker  
Kevin Westmoreland

Absent: Mike Cooke  
Jake Matherly

**CONSIDERATION AND POSSIBLE VOTE TO RE-APPOINT LES CURRIE (ELECTRICAL INSPECTOR) AS A MEMBER OF THE COMMITTEE OF INSPECTOR EXAMINERS FOR A FOUR-YEAR TERM EXPIRING SEPTEMBER 2020. TITLE 59 O.S. § 1034.**

Ms. Hubbard reported that Mr. Currie has served as a member of the Committee of Inspector Examiners since 2002, and he is willing and able to continue serving.

MOTION BY PAUL MAGDEBURG WITH SECOND BY SCOTT TUCKER TO RE-APPOINT LES CURRIE AS A MEMBER OF THE COMMITTEE OF INSPECTOR EXAMINERS FOR A FOUR-YEAR TERM EXPIRING SEPTEMBER 2020.

MOTION PASSED

Voting Aye: Tony Boevers  
Paul Magdeburg  
Scott Tucker  
Kevin Westmoreland

Absent: Mike Cooke  
Jake Matherly

**CONSIDERATION AND POSSIBLE VOTE TO RE-APPOINT JAMES MANSELL (LAY MEMBER) AS A MEMBER OF THE COMMITTEE OF INSPECTOR EXAMINERS FOR A FOUR-YEAR TERM EXPIRING SEPTEMBER 2020. TITLE 59 O.S. § 1034.**

Ms. Hubbard reported that Mr. Mansell has served on the Inspector Examiners Committee since March 2008, and he is willing and able to continue serving.

MOTION BY PAUL MAGDEBURG WITH SECOND BY KEVIN WESTMORELAND TO RE-APPOINT JAMES MANSSELL AS A MEMBER OF THE COMMITTEE OF INSPECTOR EXAMINERS FOR A FOUR-YEAR TERM EXPIRING SEPTEMBER 2020.

MOTION PASSED

Voting Aye: Tony Boevers  
Paul Magdeburg  
Scott Tucker  
Kevin Westmoreland

Absent: Mike Cooke  
Jake Matherly

**DISCUSSION AND POSSIBLE VOTE ON INVITATION TO 2016 NASCLA ANNUAL CONFERENCE, WITH OUT-OF-STATE TRAVEL COSTS TO BE WHOLLY PAID FOR BY AN ENTITY OTHER THAN THE STATE.**

Ms. Hubbard gave the Board information about NASCLA, the National Association of State Contractors Licensing Agencies, and resources available to NASCLA members. She noted that she currently serves on the NASCLA Board of Directors. The NASCLA Annual Conference is a very educational program and Board and industry members from all over the nation attend.

Ms. Hubbard stated this is an agenda item because the Governor has an Executive Order that directs that non-essential out-of-state travel, even if it is wholly paid for by another entity, has to be approved by the Cabinet Secretary. It would need to be approved by the Board before requesting Cabinet Secretary approval. No CIB dollars would be spent for the out-of-state travel. Ms. Hubbard stated that NASCLA offered at some point to pay her travel expenses to attend the conference. She does not know if that offer still stands or if her schedule will allow, but she needs to get the approval process moving so that she can inform NASCLA.

MOTION BY PAUL MAGDEBURG WITH SECOND BY KEVIN WESTMORELAND TO ALLOW MS. HUBBARD TO ATTEND THE 2016 NASCLA ANNUAL CONFERENCE.

MOTION PASSED

Voting Aye: Tony Boevers  
Paul Magdeburg  
Scott Tucker  
Kevin Westmoreland

Absent: Mike Cooke  
Jake Matherly

**DISCUSSION AND POSSIBLE VOTE ON INVITATION TO SERVE AS SUBJECT MATTER EXPERT AT A NATIONAL CERTIFICATION PROGRAM FOR CONSTRUCTION CODE INSPECTORS (NCPCCI) ITEM/FORM REVIEW MEETING, WITH ALL OUT-OF-STATE TRAVEL COSTS TO BE WHOLLY PAID FOR BY AN ENTITY OTHER THAN THE STATE.**

Mr. Kirk stated that this is a Committee he has served on since 2002. The Committee reviews the NCPCCI exams for Inspectors in Mechanical I & II and Plan Review to make sure the exam questions are up to date with current codes. No CIB dollars would be spent for expenses related to his travel for this meeting.



MOTION BY SCOTT TUCKER WITH SECOND BY PAUL MAGDEBURG TO ALLOW MR. KIRK TO TRAVEL TO THE NCPCCI ITEM/FORM REVIEW MEETING.

MOTION PASSED

Voting Aye: Tony Boevers  
Paul Magdeburg  
Scott Tucker  
Kevin Westmoreland

Absent: Mike Cooke  
Jake Matherly

**DISCUSSION AND POSSIBLE VOTE FOR CHAIR AND VICE CHAIR BEGINNING SEPTEMBER 1, 2016, PURSUANT TO 59 O.S. § 1000.3(A)(1).**

Ms. Hubbard noted that she spoke with Mike Cooke and Jake Matherly to make sure they knew elections were taking place, and they had no objection to moving forward with the agenda item in their absence.

MOTION BY PAUL MAGDEBURG WITH SECOND BY SCOTT TUCKER TO NOMINATE TONY BOEVERS AS CHAIR EFFECTIVE SEPTEMBER 1, 2016.

MOTION PASSED

Voting Aye: Paul Magdeburg  
Scott Tucker  
Kevin Westmoreland

Abstentions: Tony Boevers

Absent: Mike Cooke  
Jake Matherly

MOTION BY PAUL MAGDEBURG WITH SECOND BY KEVIN WESTMORELAND TO NOMINATE SCOTT TUCKER AS VICE CHAIR EFFECTIVE SEPTEMBER 1, 2016.

MOTION PASSED

Voting Aye: Tony Boevers  
Paul Magdeburg  
Kevin Westmoreland

Abstentions: Scott Tucker

Absent: Mike Cooke  
Jake Matherly

**PUBLIC COMMENTS**

There were no public comments.

**NEW BUSINESS**

There was no new business discussed.

**ADJOURNMENT**

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

MOTION PASSED

Voting Aye: Tony Boevers  
Paul Magdeburg  
Scott Tucker  
Kevin Westmoreland

Absent: Mike Cooke  
Jake Matherly

The meeting was adjourned at approximately 2:10 p.m.

Minutes approved in Regular Session on the 28th day of September, 2016.

/s/ Tony Boevers  
Tony Boevers, Chair

/s/ Linda Ruckman  
Linda Ruckman, Board Secretary