

**MINUTES OF THE REGULAR MEETING OF THE
CONSTRUCTION INDUSTRIES BOARD**

**Conference Room
2401 NW 23rd Street, Ste. 2F
Oklahoma City, OK 73107**

September 28, 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, September 28, 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; Ron Morris, Electrical Supervisor; Richard Hager, Roofing Supervisor; and Rachel Mains, Business Programs Officer/Assistant.

OTHERS PRESENT: LaTisha Edwards, OMES; Stacy Coe, Coe Plumbing; and Bill Kite, ACCO of Oklahoma/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 28th day of September, 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. Fifty people have filed a written request for notice of meetings of this public body to date.

Read aloud this 28th day of September, 2016.

ADMINISTRATOR'S REPORT

Ms. Hubbard reported the administrative rules adopted by the Board were approved. Lincoln Hill, with Empire Roofing, has been appointed to the Roofing Examiners Committee in the position previously held by Gerry Shepherd. Ms. Hubbard reported that she has been invited to speak at meetings of several industry associations and she also spoke at the Career Tech Annual Meeting. Staff is currently working with OMES IT on updating the CIB website. Also, the State has held meetings with vendors demonstrating licensing software, and it appears that the CIB may have an opportunity to receive a different licensing software than AMANDA. The State is going through an arduous process of demonstrations and issuance of an RFP, and when more information is received it will be reported to the Board. Ms. Hubbard reported that the FY 2015 audit is complete and there were no reportable findings. She congratulated staff for their hard work and a job well done. The audit report will be presented at the October Board meeting.

FINANCIAL REPORT FOR MONTH ENDED AUGUST 31, 2016.

Ms. LaTisha Edwards reviewed the CIB's financial report for the month ended August 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 June, July and August.

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 June, July, and August.

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 June, July, and August. 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 months of June, July, and August. Mr. Hager reported on activities of the Roofing Division since the last Board meeting.

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 MIKE COOKE WITH SECOND BY SCOTT TUCKER 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(H) and 5(I) were not needed.

DISCUSSION WITH POSSIBLE VOTE ON THE FY 2018 CIB BUDGET REQUEST.

Ms. Hubbard reviewed a draft of a proposed budget request. She pointed out that approval of a budget request is not a blanket approval of expenditures and does not mean that the Board is approving any particular contract or expense as they will be brought to the Board for specific approval as in the past. The budget request simply reserves the funds so that the Board would have the funds available to pay contracts and expenses as the Board has been doing.

MOTION BY JAKE MATHERLY WITH SECOND BY PAUL MAGDEBURG TO APPROVE THE PROPOSED BUDGET REQUEST WHICH INCLUDES FUNDING FOR A SALARY INCREASE OF UP TO 5%.

MOTION PASSED

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

DISCUSSION AND POSSIBLE VOTE ON THE MINUTES OF THE REGULAR MEETING OF THE CONSTRUCTION INDUSTRIES BOARD HELD JUNE 29, 2016.

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

MOTION BY PAUL MAGDEBURG WITH SECOND BY KEVIN WESTMORELAND TO APPROVE THE JUNE 29, 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 TO APPROVE RECIPROCAL JOURNEYMAN ELECTRICIAN LICENSE AGREEMENT BETWEEN THE STATES OF MONTANA AND OKLAHOMA.

Mr. Morris reported that the CIB currently has an agreement with the State of Montana. This agreement would supersede the agreement currently in place. Mr. Morris stated that the goal is to get all of the reciprocal agreements on a five year term so that there would have to be a review every five years to make sure there have been no significant changes in licensing requirements.

Mr. Dutton stated that this new agreement incorporates State contracting principles to make sure the agreement is in compliance with Oklahoma law.

MOTION BY MIKE COOKE WITH SECOND BY JAKE MATHERLY TO APPROVE THE RECIPROCAL JOURNEYMAN ELECTRICIAN LICENSE AGREEMENT BETWEEN THE STATES OF MONTANA AND OKLAHOMA AS PRESENTED.

MOTION PASSED

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

CONSIDERATION AND POSSIBLE VOTE TO RE-APPOINT DAVID SMITH (BUILDING AND CONSTRUCTION INSPECTOR) AS A MEMBER OF THE COMMITTEE OF ROOFING EXAMINERS FOR A TWO-YEAR TERM EXPIRING OCTOBER 31, 2018. TITLE 59 O.S. § 1151.26(B)(5).

Ms. Hubbard reported that David Smith is the City Inspector for the City of Woodward. The City of Woodward was one of the first jurisdictions to permit for shingle reroofing and inspect for roofing. Mr. Smith is willing to continue serving. Ms. Hubbard stated that the CIB worked with the Oklahoma Building Inspectors and the Oklahoma Municipal League to coordinate a recommendation when Mr. Smith was first appointed, and she recommended that Mr. Smith be reappointed for a two-year term expiring October 31, 2018.

MOTION BY JAKE MATHERLY WITH SECOND BY SCOTT TUCKER TO RE-APPOINT DAVID SMITH TO THE COMMITTEE OF ROOFING EXAMINERS FOR A TWO-YEAR TERM EXPIRING OCTOBER 31, 2018.

MOTION PASSED

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

CONSIDERATION AND POSSIBLE VOTE ON EXTENSION OF LEASE AGREEMENT FOR OFFICE SPACE WITH VTA FOR THE PERIOD OF 10/1/2016 THROUGH 9/30/2017.

Ms. Hubbard reported that the extension of the lease agreement would be for the CIB's last option period on the contract with VTA (Shepherd Mall) at the current rate of \$11.00 per square foot. The CIB will be working with the OMES Division of Capital Assets Management (OMES DCAM) Real Estate & Leasing Services (REALS) Unit to see where they want the agency located after the VTA contract ends. The CIB has been advised that OMES DCAM (REALS) anticipates having to negotiate at a higher rate next year. Ms. Hubbard recommended that the Board approve the extension of the lease agreement with VTA for the period of 10/1/2016 through 9/30/2017 at the current rate.

MOTION BY MIKE COOKE WITH SECOND BY JAKE MATHERLY TO EXTEND THE LEASE AGREEMENT FOR OFFICE SPACE WITH VTA FOR THE PERIOD OF 10/1/2016 THROUGH 9/30/2017.

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 DAVID HENDERSON, CITATION NO. 12833.

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. 12833.

MOTION BY KEVIN WESTMORELAND WITH SECOND BY PAUL MAGDEBURG TO ACCEPT THE ADMINISTRATIVE CONSENT ORDER FOR CITATION NO. 12833.

MOTION PASSED

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

DISCUSSION WITH POSSIBLE VOTE ON APPOINTMENT OF A PLUMBING CONTRACTOR TO SERVE ON THE STATE COMMITTEE OF PLUMBING EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2018 (POSITION PREVIOUSLY HELD BY CLIFFORD PEACOCK). 59 O.S. § 1004(A)(3).

Ms. Hubbard stated that this position on the Plumbing Examiners Committee is for a plumbing contractor who is not a member of an association of plumbing contractors; therefore, there is no list of candidates for the Board's consideration. Ms. Hubbard introduced Stacy Coe and gave a brief summary of her qualifications/experience. Ms. Coe then provided the Board with more detailed information as to her qualifications/experience and willingness to serve.

MOTION BY PAUL MAGDEBURG WITH SECOND BY SCOTT TUCKER TO APPOINT STACY COE TO THE COMMITTEE OF PLUMBING EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2018.

MOTION PASSED

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

DISCUSSION FOR THE PURPOSES OF GETTING INPUT/FEEDBACK FROM THE BOARD TO ASSIST STAFF IN THE PREPARATION OF A DRAFT OF POSSIBLE AMENDMENTS TO OAC 158 TO BE PRESENTED TO THE BOARD IN NOVEMBER.

Ms. Hubbard advised the Board as to discussion by the trade committees about possible rule changes. She stated that since some matters the committees are considering could be considered administrative policy issues, she thought it would be good to get input from the Board to assist in the preparation of the draft of proposed rule changes that would be presented to the Board in November.

There was discussion about whether or not there is a need for rules/rule amendments related to the contractor exam and administrative procedures involved in handling various aspects of the application process for examination and its relation to other license categories.

NOTE: During the discussion on this agenda item, at approximately 2:50 p.m., the Board meeting was recessed for approximately a three minute unscheduled break.

RECORDING OF MEMBERS PRESENT AFTER UNSCHEDULED BREAK

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

MEMBERS ABSENT: None

The discussion on Agenda Item 6(P) continued after the unscheduled break.

PUBLIC COMMENTS

Bill Kite expressed appreciation to the Board for its work. Mr. Kite felt there is a problem with contractors with one and two man shops not knowing business requirements such as lien laws and workers' compensation requirements. He stated his organization tries to bring business development to the contractors. A conference was recently held on liens and collections, and one is coming up on the wage and labor law changes. Mr. Kite said he would like to see the CEU requirement for contractors include a requirement for classes on business development.

Mr. Kite stated that his organization recently started a scholarship fund to help the Tech Centers attract students. He also believed many people are not aware of benefits that are available to individuals willing to come into the trades such as student assistance or sponsorship benefits. He said there is a need to get more people in the industry and a need to assist contractors with professional development.

NEW BUSINESS

There was no new business discussed.

BREAK

At approximately 3:33 p.m. the meeting was recessed for approximately a five minute break.

RECORDING OF MEMBERS PRESENT AFTER THE 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 Jake Matherly served as Chair of the Plumbing Hearing Board when this docket was heard.

Matters heard by the Plumbing Hearing Board on Docket No. CIB-16-P-003 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
12167	Dexter Stewart	Contracting without a license
12426	Wayne Stephens	Contracting without a license
12400	Joshua West	Contracting without a license

MOTION BY MIKE COOKE WITH SECOND BY KEVIN WESTMORELAND TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO PLUMBING HEARING BOARD DOCKET CIB-16-P-003.

MOTION PASSED

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

Recused: Jake Matherly

Mechanical Hearing Board:

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

Matters heard by the Mechanical Hearing Board on Docket No. CIB-16-M-003 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
12534	Stephen Lee	Contractor working unlicensed or unregistered individual (per person)
12541	Mell Kuhn	Contractor working unlicensed or unregistered individual (per person)

MOTION BY JAKE MATHERLY WITH SECOND BY MIKE COOKE TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO MECHANICAL HEARING BOARD DOCKET CIB-16-M-003.

MOTION PASSED

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

Recused: Scott Tucker

Electrical Hearing Board:

Mr. Dutton noted that Mike Cooke served as Chair of the Electrical Hearing Board when this docket was heard.

Matters heard by the Electrical Hearing Board on Docket No. CIB-16-E-003 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
12691	Jason Raska	Contractor working unlicensed or unregistered individual (per person)
12677	Jeffrey Weed	Contractor 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 ELECTRICAL HEARING BOARD DOCKET CIB-16-E-003.

MOTION PASSED

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

Recused: Mike Cooke

ADJOURNMENT

MOTION BY MIKE COOKE WITH SECOND BY PAUL MAGDEBURG TO ADJOURN THE MEETING.

MOTION PASSED

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

Voting Nay: Scott Tucker

The meeting was adjourned at approximately 3:42 p.m.

Minutes approved in Regular Session on the 26th day of October, 2016.

/s/ Tony Boevers
Tony Boevers, Chair

/s/ Linda Ruckman
Linda Ruckman, Board Secretary