

**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**

**October 26, 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 1:37 p.m. on Wednesday, October 26, 2016, in the Conference Room of the Construction Industries Board.

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

MEMBERS ABSENT: Kevin Westmoreland.

CIB STAFF PRESENT: Janis Hubbard, Administrator; Linda Ruckman, Board Secretary/Executive Assistant; Windy Nunnery, Office Manager; Jim George, Plumbing Supervisor; Richard Hager, Roofing Supervisor; and Rachel Mains, Business Programs Officer/Assistant.

OTHERS PRESENT: Billy Swindell, State Auditor & Inspector's Office; LaTisha Edwards, OMES; Bill Kite, ACCO of Oklahoma; Jim Bullington, ODCTE; and Scott Hopkins, OKNECA.

**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 26<sup>th</sup> day of October, 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 26<sup>th</sup> day of October, 2016.

**REPORT BY OFFICE OF STATE AUDITOR & INSPECTOR ON FY 15 AUDIT**

Mr. Swindell reviewed the FY 2015 financial audit report and stated that there were no reportable findings.

**FINANCIAL REPORT FOR MONTH ENDED SEPTEMBER 30, 2016**

Ms. LaTisha Edwards reviewed the CIB's financial report for the month ended September 30, 2016.

### **ADMINISTRATOR'S REPORT**

Ms. Hubbard reported that another attorney will be assigned to work with the CIB to replace Dominic Williams who has accepted an opportunity in another state. She reported that staff has been working on completing a survey for the new endeavor to find licensing software. Staff is continuing to work and have meetings on the CIB's web page development. Staff has been working with another service called Gov Delivery that will appear on the web page where an individual can sign up to get emails or texts about specific areas in which they have an interest. This will tie into the social media and efforts to get more information out to the public.

Ms. Hubbard reported on meetings with industry she has attended this month. She also reported on a new law which becomes effective November 1, 2016, that will impact travel reimbursement. Ms. Hubbard reported that staff is continuing to work on getting the RFP issued for a testing vendor.

Ms. Hubbard reported on questions raised as to the CIB's interpretation of the Inspectors Act. She also reported that it has been requested that the CIB look at revising the requirements for a limited residential mechanical journeyman. Ms. Hubbard stated that this will need to go to the Mechanical Examiners Committee for study and to obtain feedback from industry. She reported that next month the CIB will be looking at a draft of proposed permanent amendments to consider for approval to publish and begin the process for public comments, a public hearing, etc.

### **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 September.

### **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 September. Mr. George reported on activities of the Plumbing Division since the last Board meeting.

### **ELECTRICAL 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 September.

### **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 September. 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 JAKE MATHERLY 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

Absent: 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 SEPTEMBER 28, 2016.**

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

MOTION BY PAUL MAGDEBURG WITH SECOND BY SCOTT TUCKER TO APPROVE THE SEPTEMBER 28, 2016, BOARD MEETING MINUTES AS PRESENTED.

MOTION PASSED

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

Absent: Kevin Westmoreland

**DISCUSSION WITH POSSIBLE VOTE TO APPROVE RECIPROCAL JOURNEYMAN ELECTRICIAN LICENSE AGREEMENT BETWEEN THE STATES OF ARKANSAS AND OKLAHOMA.**

Ms. Hubbard reported that the proposed agreement is really a renewal with the only change being a change in dates with the agreement expiring in five years. She reported that the Electrical Examiners Committee has approved the agreement and recommends CIB approval. It was discussed that the agreement only pertained to licensing as a journeyman. Ms. Hubbard briefly discussed the factors the Electrical Supervisor and Electrical Examiners Committee review to determine if the licensing requirements of another state are "substantially" equivalent to those of Oklahoma.

MOTION BY JAKE MATHERLY WITH SECOND BY MIKE COOKE 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

Absent: Kevin Westmoreland

**DISCUSSION WITH POSSIBLE VOTE TO APPROVE RECIPROCAL ELECTRICAL JOURNEYMAN LICENSING AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF LICENSING AND REGULATION AND THE STATE OF OKLAHOMA.**

Ms. Hubbard reported that this is also a renewal of an existing agreement. There was some tweaking of a definition at the CIB's request, but the terms are the same and the renewal would be for another period of five years.

MOTION BY MIKE COOKE WITH SECOND BY PAUL MAGDEBURG TO APPROVE THE RECIPROCAL ELECTRICAL JOURNEYMAN LICENSING AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF LICENSING AND REGULATION AND THE STATE OF OKLAHOMA.

MOTION PASSED

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

Absent: Kevin Westmoreland

**DISCUSSION WITH POSSIBLE VOTE TO RENEW CONTRACT WITH ECAPITOL FOR LEGISLATIVE TRACKING SERVICES FOR CALENDAR YEAR 2017.**

Ms. Nunnery reported that for the last several years the CIB has utilized eCapitol for legislative tracking services. In addition to legislative tracking, eCapitol provides news stories and helps keep subscribers current with what is going on at the Capitol. Ms. Nunnery stated that approval is being requested to contract with eCapitol for another year with no change in rate.

MOTION BY JAKE MATHERLY WITH SECOND BY MIKE COOKE TO APPROVE RENEWAL OF THE CONTRACT WITH ECAPITOL FOR LEGISLATIVE TRACKING SERVICES FOR CALENDAR YEAR 2017.

MOTION PASSED

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

Absent: Kevin Westmoreland

**DISCUSSION WITH POSSIBLE VOTE ON THE CONSTRUCTION INDUSTRIES BOARD REGULAR MEETING DATES FOR CALENDAR YEAR 2017.**

The following proposed dates for regular meetings of the CIB were presented for the Board's consideration:

January 18, 2017  
February 15, 2017  
March 22, 2017  
April 19, 2017  
May 24, 2017  
June 28, 2017

July 26, 2017  
August 23, 2017  
September 27, 2017  
October 18, 2017  
November 15, 2017  
December 13, 2017

MOTION BY SCOTT TUCKER WITH SECOND BY PAUL MAGDEBURG TO ACCEPT THE PROPOSED DATES FOR REGULAR MEETINGS OF THE CIB BOARD IN CALENDAR YEAR 2017.

MOTION PASSED

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

Absent: Kevin Westmoreland

**PUBLIC COMMENTS**

There were no public comments.

**NEW BUSINESS**

There was no new business discussed.

**BREAK**

At approximately 2:07 p.m. the meeting was recessed for a short break.

**RECORDING OF MEMBERS PRESENT AFTER THE SCHEDULED BREAK**

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

MEMBERS ABSENT: Kevin Westmoreland

**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 Plumbing Hearing Board when this docket was heard.

Matters heard by the Plumbing Hearing Board on Docket No. CIB-16-P-004 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12332	George Brandon	Contracting without a license
Citation No. 12701	Robert Jones	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 12535	Chadwic Cochran	Contractor working unlicensed or unregistered individual (per person)
Citation No. 12482	Caleb Davis	Contracting without a license
Citation No. 12479	Neal Turner	Contracting without a license

MOTION BY MIKE COOKE WITH SECOND BY JAKE MATHERLY TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO PLUMBING HEARING BOARD DOCKET CIB-16-P-004.

MOTION PASSED

Voting Aye: Tony Boevers  
Mike Cooke  
Jake Matherly  
Scott Tucker

Recused: Paul Magdeburg

Absent: Kevin Westmoreland

**Mechanical Hearing Board:**

Mr. Dutton noted that Jake Matherly 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-004 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12668	Raymond Maness	Contracting without a license
Citation No. 12468	Jason Wood	Contracting without a license

MOTION BY MIKE COOKE 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-004.

MOTION PASSED

Voting Aye: Tony Boevers  
Mike Cooke  
Paul Magdeburg  
Scott Tucker

Recused: Jake Matherly

Absent: Kevin Westmoreland

**Electrical Hearing Board:**

Mr. Dutton noted that Tony Boevers 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-004 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12729	Allen Knight	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12730	Brandon Knight	Contracting without a license
Citation No. 12733	Travis Jeffries	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 12736	Travis Jeffries	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 12714	Travis Jeffries	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 12408	Gregory Castellow	Inactive contractor or journeyman engaged in contracting
Citation No. 12646	Bobby Nichols	Contracting without a license
Citation No. 12395	Joseph Rood	Contracting without a license

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-004.

MOTION PASSED

Voting Aye: Mike Cooke  
Paul Magdeburg  
Jake Matherly  
Scott Tucker

Recused: Tony Boevers

Absent: Kevin Westmoreland

**ADJOURNMENT**

MOTION BY JAKE MATHERLY WITH SECOND BY PAUL MAGDEBURG TO  
ADJOURN THE MEETING.

MOTION PASSED

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

Absent: Kevin Westmoreland

The meeting was adjourned at approximately 2:15 p.m.

Minutes approved in Regular Session on the 16<sup>th</sup> day of November, 2016.

/s/ Tony Boevers  
Tony Boevers, Chair

/s/ Linda Ruckman  
Linda Ruckman, Board Secretary