

**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**

**December 14, 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, December 14, 2016, in the Conference Room of the Construction Industries Board.

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

MEMBERS ABSENT: Paul Magdeburg

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 Ron Morris, Electrical Supervisor.

OTHERS PRESENT: Marc Edwards and Eric Davis, Phillips Murrah, P.C.; Mike Liston, PHCC; 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 14<sup>th</sup> day of December, 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 14<sup>th</sup> day of December, 2016.

**ADMINISTRATOR'S REPORT**

Ms. Hubbard reported that the CIB's new website went live December 7, and there has been positive feedback. There is one phase called Gov Delivery that is remaining to be completed. This is an overlay where an individual can enter their email address or phone number so that they can receive email or text updates on information posted to the website. It is hoped that this phase will be completed by the end of January. Ms. Hubbard reported that staff is working with GL Suites on a needed software version upgrade. CIB staff and staff from other licensing/regulatory agencies are continuing to meet with the state about possible new licensing software. Ms. Hubbard provided an update on the status of the RFP for testing services. She reported that a new phone system arranged for by the State was recently installed. The State is working towards having the same phone system throughout all state agencies. She also reported on the days the CIB offices will be closed in observance of the upcoming holidays. Ms.

Hubbard reported that notification was received that there would not be anyone present today from OMES Agency Business Services to review the financial reports.

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

The Board reviewed the written financial reports provided.

**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 November.

**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 November. 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 November. Mr. Morris reported on activities of the Electrical Division since the last Board meeting. Mr. Morris also reported that Rod Roberts, the candidate offered the new Electrical Field Investigator position, has accepted the offer and will start December 30.

**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 November. 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 SCOTT TUCKER WITH SECOND BY MIKE COOKE TO APPROVE THE CONSENT AGENDA FOR UNCONTESTED CITATIONS PAID, HEARINGS WAIVED.

MOTION PASSED

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

Absent: Paul Magdeburg

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 NOVEMBER 16, 2016.**

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

MOTION BY JAKE MATHERLY WITH SECOND BY SCOTT TUCKER TO APPROVE THE NOVEMBER 16, 2016, BOARD MEETING MINUTES AS PRESENTED.

MOTION PASSED

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

Absent: Paul Magdeburg

**DISCUSSION AND POSSIBLE VOTE ON OMES MASTER SERVICE AGREEMENT FOR SHARED SERVICES THROUGH OMES AGENCY BUSINESS SERVICES (ACCOUNTING/PURCHASING SERVICES), OMES HUMAN CAPITAL MANAGEMENT (PAYROLL SERVICES) AND OMES INFORMATIONAL SERVICES DIVISION (IT SERVICES).**

Ms. Hubbard reported that this item is not ready for consideration by the Board, and therefore no action was taken.

**PUBLIC COMMENTS**

There were no public comments.

**NEW BUSINESS**

There was no new business discussed.

**BREAK**

At approximately 1:41 p.m. the meeting was recessed for a short break.

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

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

MEMBERS ABSENT: Paul Magdeburg

**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-005 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12333	Jameson Bennett	Contracting without a license
Citation No. 12708	Jessiah Anderson	Contracting without a license
Citation No. 12709	Robert Campbell	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12710	Gerald Roskam	Contracting without a license
Citation No. 12819	Ernest Strong	Contracting without a license
Citation No. 12821	Charles Harber	Contracting without a license
Citation No. 12405	Clifton Thompson	Contracting without a license

MOTION BY JAKE MATHERLY WITH SECOND BY MIKE COOKE TO APPROVE THE CONSENT AGENDA AS SUBMITTED.

MOTION PASSED

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

**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-005 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12086	Charles Birdwell	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12087	Charles Birdwell	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12683	Brad Satterwhite	Contractor working unlicensed or unregistered individual (per person)
Citation No. 12547	Ernest Strong	Contracting without a license

MOTION BY KEVIN WESTMORELAND WITH SECOND BY MIKE COOKE TO APPROVE THE CONSENT AGENDA AS SUBMITTED.

MOTION PASSED

Voting Aye: Tony Boevers  
Mike Cooke  
Jake Matherly  
Kevin Westmoreland

Recused: Scott Tucker

Absent: Paul Magdeburg

**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-005 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12820	Toby Jamison	Contractor working unlicensed or unregistered individual (per person)
Citation No. 12788	Enrique Vizcaina	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12789	Roberto Garcia	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12792	Jeffrey Colliver	Contracting without a license
Citation No. 12745	Ernest Strong	Contracting without a license

MOTION BY MIKE COOKE WITH SECOND BY JAKE MATHERLY TO APPROVE THE CONSENT AGENDA AS SUBMITTED.

MOTION PASSED

Voting Aye: Mike Cooke  
Jake Matherly  
Scott Tucker  
Kevin Westmoreland

Recused: Tony Boevers

Absent: Paul Magdeburg

**INDIVIDUAL HEARING ON TIMELY FILED REQUEST FOR APPEAL AND RESPONSE BRIEF ON PROPOSED ORDER FOR CITATION NO. 12680 ISSUED TO RONALD LEHEW.**

**Review of Request for Appeal and Brief, and Brief in Response.**

- i. Possible vote to convene into Executive Session pursuant to 25 O.S. § 307(B)(8) to engage in deliberations on the Appeal of the Proposed Order for Citation No 12680.**
- ii. If Executive Session convened, vote to return to Open Session.**
- iii. Possible vote to Affirm or Deny and Remand, with or without instruction on the Request for Appeal of the Proposed Order for Citation Nos. 12680.**

It was noted that Scott Tucker would be recusing in this matter since he was involved at the trade Hearing Board level. Mr. Dutton provided a brief explanation of the Appeal process and noted that, because Mr. Lehew had not requested oral arguments, today's process begins with a review of the filings: the Proposed Order issued by the Administrative Law Judge, Mr. Lehew's Request for Appeal and Brief, and the Response Brief submitted by Marc Edwards. Mr. Dutton stated that if the Board chooses, it can go into Executive Session to discuss the documents.

**MOTION BY JAKE MATHERLY WITH SECOND BY MIKE COOKE TO GO INTO EXECUTIVE SESSION.**

**MOTION PASSED**

Voting Aye: Tony Boevers  
Mike Cooke  
Jake Matherly  
Kevin Westmoreland

Recused: Scott Tucker

Absent: Paul Magdeburg

Note: The Board, with the exception of Scott Tucker who recused on this item, entered into Executive Session at approximately 1:54 p.m.

**MOTION BY MIKE COOKE WITH SECOND BY JAKE MATHERLY TO RETURN TO OPEN SESSION.**

**MOTION PASSED**

Voting Aye: Tony Boevers  
Mike Cooke  
Jake Matherly  
Kevin Westmoreland

Recused: Scott Tucker

Absent: Paul Magdeburg

Note: The Board returned to Open Session at approximately 2:00 p.m.

**MOTION BY MIKE COOKE WITH SECOND BY JAKE MATHERLY TO AFFIRM THE REQUEST FOR APPEAL OF THE PROPOSED ORDER FOR CITATION 12680.**

**MOTION PASSED**

Voting Aye: Tony Boevers  
Mike Cooke  
Jake Matherly  
Kevin Westmoreland

Recused: Scott Tucker

Absent: Paul Magdeburg

Mr. Cooke indicated that he thought his motion was unclear and did not convey his intent. Mr. Dutton stated that the motion could be clarified and amended.

AMENDED MOTION BY MIKE COOKE WITH SECOND BY JAKE MATHERLY  
TO APPROVE THE PROPOSED ORDER FOR CITATION 12680.

MOTION PASSED

Voting Aye: Tony Boevers  
Mike Cooke  
Jake Matherly  
Kevin Westmoreland

Recused: Scott Tucker

Absent: Paul Magdeburg

### **ADJOURNMENT**

MOTION BY MIKE COOKE WITH SECOND BY JAKE MATHERLY TO  
ADJOURN THE MEETING.

MOTION PASSED

Voting Aye: Tony Boevers  
Mike Cooke  
Jake Matherly  
Kevin Westmoreland

Voting Nay: Scott Tucker

Absent: Paul Magdeburg

The meeting was adjourned at approximately 2:03 p.m.

Minutes approved in Regular Session on the 18th day of January, 2017.

/s/ Tony Boevers  
Tony Boevers, Chair

/s/ Linda Ruckman  
Linda Ruckman, Board Secretary