

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

January 18, 2017

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, January 18, 2017, 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; Jim George, Plumbing Supervisor; Richard Hager, Roofing Supervisor; Gary Kirk, Mechanical Supervisor; Ron Morris, Electrical Supervisor; and Rod Roberts, Electrical Field Investigator.

OTHERS PRESENT: LaTisha Edwards, OMES; Jim Bullington, ODCTE; Mike Liston, PHCC; and Bill Kite, MEPO/ACCO.

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 18th day of January, 2017, 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 18th day of January, 2017.

HEARING AND CONSIDERATION OF PUBLIC COMMENTS, DISCUSSION AND POSSIBLE VOTE TO ADOPT PROPOSED AMENDMENTS TO TITLE 158 OF THE OKLAHOMA ADMINISTRATIVE CODE AS PRESENTED OR AS MAY BE REVISED AFTER PUBLIC HEARING AND DISCUSSION - PERMANENT RULEMAKING.

TITLE 158. CONSTRUCTION INDUSTRIES BOARD

CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES BOARD

Subchapter 3. General Operation and Procedures

158:1-3-9. Fees for plan review and project review for code conformance [AMENDED]

CHAPTER 10. FINE SCHEDULE

Subchapter 1. General Provisions

158:10-1-1.1. Definitions [AMENDED]

Subchapter 3. Administrative Fine Schedule

158:10-3-4. Payment of fines [AMENDED]

CHAPTER 30. PLUMBING INDUSTRY REGULATIONS

Subchapter 1. General Provisions

158:30-1-2. Definitions [AMENDED]

Subchapter 5. License Types, Bond Requirements, and Display of License Number and Firm Name

158:30-5-2. Insurance and bond requirements [AMENDED]

158:30-5-4. Plumbing journeymen and contractor licenses by reciprocity [AMENDED]

Subchapter 9. Examination Procedures, License and Registration Fees and Duration of Licenses

158:30-9-1. Examination and licensure procedures [AMENDED]

158:30-9-3. Duration of licenses [AMENDED]

158:30-9-4. Continuing Education [AMENDED]

CHAPTER 40. ELECTRICAL INDUSTRY REGULATIONS

Title 158. Construction Industries Board

Chapter 40. Electrical Industry Regulations

Subchapter 1. General Provisions

158:40-1-2. Definitions [AMENDED]

Subchapter 5. Licensing Requirements, Display of License, and Firm Name, and Bond Requirements

158:40-5-5. Bond and insurance requirements [AMENDED]

Subchapter 9. Examination Applications, Examinations and License and Registration Fees and Renewals

158:40-9-2. Examinations and licensure [AMENDED]

158:40-9-4. Continuing education [AMENDED]

CHAPTER 50. MECHANICAL INDUSTRY REGULATIONS

Subchapter 1. General Provisions

158:50-1-2. Definitions [AMENDED]

Subchapter 9. Qualifications for Mechanical Licensure, License and Registration Fees, Duration of License, Mechanical License Application, and Apprentice Registration

158:50-9-1. Qualifications for mechanical licensure [AMENDED]

158:50-9-6. Mechanical journeyman and contractor licenses by reciprocity [AMENDED]

158:50-9-7. Continuing Education [AMENDED]

CHAPTER 60. INSPECTORS REGULATIONS

Subchapter 5. Categories and Classifications of Inspector Licenses, Qualifications for Inspector Licensure, License Requirements for Inspectors, Fees, Certification and Continuing Education for Inspectors, and Continuing Education Courses

158:60-5-3. License requirements for inspectors [AMENDED]

158:60-5-5. Continuing education [AMENDED]

CHAPTER 70. HOME INSPECTION INDUSTRY REGULATIONS

Subchapter 1. General Provisions

158:70-1-2. Definitions [AMENDED]

Subchapter 9. Examination Applications, Examinations, Course Approval Requirements, Instructor Requirements, Continuing Education, Denied Application Appeal, Submission of Records, Substantial Compliance and Reciprocity

158:70-9-2. Examinations [AMENDED]

158:70-9-3. Course approval requirements [AMENDED]

158:70-9-5. Continuing education [AMENDED]

CHAPTER 85. ROOFING CONTRACTOR REGISTRATION REGULATIONS

Subchapter 1. General Provisions

158:85-1-2. Definitions [AMENDED]

Subchapter 2. Registration and Endorsement Application and Renewal Requirements, Procedures, Fees, Duration, Military and Reciprocity

158:85-2-1. Registration, insurance, and workers compensation coverage [AMENDED]

158:85-2-4. Renewal of registration and endorsement [AMENDED]

Subchapter 9. Endorsement Qualifications, Requirements, Examination and Continuing Education

158:85-9-3. Commercial endorsement examination [AMENDED]

158:85-9-4. Continuing education [AMENDED]

Chair Boevers announced that the rulemaking hearing and proceedings for Title 158 Chapter 1 would commence. Ms. Hubbard reported that the trade committees reviewed and made suggestions for the proposed rule amendments for all chapters except those for which there is no associated trade committee. She also noted that the proposed rules for all chapters being considered today are the same rules the Board approved for publication in November. The period for written comments has run. The time for the Governor to give direction regarding the proposed rules has also run with nothing being heard from the Governor's office.

Chair Boevers asked if any members of the public present wanted to make comments on the proposed rules for Chapter 1 of Title 158. There were no members of the public present wishing to make comments. It was noted for the record that there were no written comments received for Chapter 1.

MOTION BY JAKE MATHERLY WITH SECOND BY MIKE COOKE TO ADOPT
THE RULES FOR CHAPTER 1 OF TITLE 158 AS PROPOSED.

MOTION PASSED

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

Chair Boevers announced that the rulemaking hearing and proceedings for Title 158 Chapter 10 would commence. Chair Boevers asked if any members of the public wished to make comments on the proposed rules for Chapter 10. There were no members of the public present wishing to make comments. It was noted for the record that no written comments had been received for Chapter 10.

MOTION BY MIKE COOKE WITH SECOND BY PAUL MAGDEBURG TO
ADOPT THE RULES FOR CHAPTER 10 OF TITLE 158 AS PROPOSED.

MOTION PASSED

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

Chair Boevers announced that the rulemaking hearing and proceedings for Title 158 Chapter 30 would commence. Chair Boevers asked if any members of the public wished to make comments on the proposed rules for Chapter 30 of Title 158. There were no members of the public present wishing to make comments. It was noted for the record that no written comments had been received for Chapter 30.

MOTION BY MIKE COOKE WITH SECOND BY SCOTT TUCKER TO ADOPT
THE RULES FOR CHAPTER 30 OF TITLE 158 AS PROPOSED.

MOTION PASSED

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

Chair Boevers announced that the rulemaking hearing and proceedings for Title 158 Chapter 40 would commence. Chair Boevers asked if any members of the public wished to make comments on the proposed rules for Chapter 40 of Title 158. There were no members of the public present wishing to make comments. It was noted for the record that no written comments had been received for Chapter 40.

MOTION BY PAUL MAGDEBURG WITH SECOND BY MIKE COOKE TO
ADOPT THE RULES FOR CHAPTER 40 OF TITLE 158 AS PROPOSED.

MOTION PASSED

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

Chair Boevers announced that the rulemaking hearing and proceedings for Title 158 Chapter 50 would commence. Chair Boevers asked if any members of the public wished to make comments on the proposed rules for Chapter 50 of Title 158. There were no members of the public present wishing to make comments. It was noted for the record that no written comments had been received for Chapter 50.

MOTION BY JAKE MATHERLY WITH SECOND BY PAUL MAGDEBURG TO
ADOPT THE RULES FOR CHAPTER 50 OF TITLE 158 AS PROPOSED.

MOTION PASSED

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

Chair Boevers announced that the rulemaking hearing and proceedings for Title 158 Chapter 60 would commence. Chair Boevers asked if any members of the public wished to make comments on the proposed rules for Chapter 60 of Title 158. There were no members of the public present wishing to make comments. It was noted for the record that no written comments had been received for Chapter 60.

MOTION BY PAUL MAGDEBURG WITH SECOND BY MIKE COOKE TO
ADOPT THE RULES FOR CHAPTER 60 OF TITLE 158 AS PROPOSED.

MOTION PASSED

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

Chair Boevers announced that the rulemaking hearing and proceedings for Title 158 Chapter 70 would commence. Chair Boevers asked if any members of the public wished to make comments on the proposed rules for Chapter 70 of Title 158. There were no members of the public present wishing to make comments. It was noted for the record that no written comments had been received for Chapter 70.

MOTION BY KEVIN WESTMORELAND WITH SECOND BY SCOTT TUCKER
TO ADOPT THE RULES FOR CHAPTER 70 OF TITLE 158 AS PROPOSED.

MOTION PASSED

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

Chair Boevers announced that the rulemaking hearing and proceedings for Title 158 Chapter 85 would commence. Chair Boevers asked if any members of the public wished to make comments on the proposed rules for Chapter 85 of Title 158. There were no members of the public present wishing to make comments. It was noted for the record that no written comments had been received for Chapter 85.

MOTION BY MIKE COOKE WITH SECOND BY PAUL MAGDEBURG TO
ADOPT THE PROPOSED RULES FOR CHAPTER 85 OF OAC 158.

MOTION PASSED

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

BREAK

At approximately 1:45 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,
Scott Tucker, and Kevin Westmoreland

FINANCIAL REPORT FOR MONTH ENDED DECEMBER 31, 2016

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

ADMINISTRATOR'S REPORT

Ms. Hubbard reported that Secretary Doerflinger sent information to the agencies advising that the State General Revenue Fund is 2.7% below the estimate for the first six months of the fiscal year. She stated that staff is continuing to be diligent in monitoring revenue and expenses. There have been a lot of inquiries from the Governor's Office and the Legislature about our budget, expenditures, license numbers, etc. Ms. Hubbard reported she is scheduled to appear before the Select Agencies Appropriation Subcommittee next Tuesday. Ms. Hubbard reported that the Legislative Session starts February 6, and the deadline for bills to be filed is tomorrow, January 19. She also reported that effective January 1, 2017, the mileage reimbursement rate decreased from \$0.54 to \$0.47 per mile.

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 December. 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 December. 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 December. Mr. Morris reported on activities of the Electrical Division since the last Board meeting and introduced Rod Roberts, the new Electrical Field Investigator.

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 December. 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 JAKE MATHERLY WITH SECOND BY PAUL MAGDEBURG 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 8(I) and 8(J) were not needed.

DISCUSSION AND POSSIBLE VOTE ON THE MINUTES OF THE REGULAR MEETING OF THE CONSTRUCTION INDUSTRIES BOARD HELD DECEMBER 14, 2016.

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

MOTION BY PAUL MAGDEBURG WITH SECOND BY SCOTT TUCKER TO APPROVE THE DECEMBER 14, 2016, BOARD MEETING MINUTES AS PRESENTED.

MOTION PASSED

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

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 stated many of the shared services listed in the OMES Master Service Agreement have previously been presented as separate items. The Board previously approved the FY 17 contract for accounting/purchasing services and for payroll services, and there is no change in the rate for those services from the rate previously approved. OMES has put all shared services together in the form of a contract with appendices listing the details of each shared service. The IT services have been bundled into categories rather than each IT service being listed individually. The rates for IT services have changed a little with the primary increase being the PeopleSoft transaction fees, resulting in a net increase of about \$675.88 per month.

MOTION BY KEVIN WESTMORELAND WITH SECOND BY MIKE COOKE TO APPROVE THE OMES MASTER SERVICE AGREEMENT FOR SHARED SERVICES 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 MECHANICAL INDUSTRY RULES VIOLATIONS OF C. TERRY HUNT, CITATION NOS. 11677 AND 12721.

The Board was provided a copy of the proposed consent order for Citation Nos. 11677 and 12721.

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. Mr. Dutton recommended approval of the proposed consent order.

Chair Boevers asked if Mr. Hunt's licensing situation has been resolved, and Mr. Dutton responded that it is his understanding the situation has been corrected. Mr. Matherly asked if

the proposed consent order was agreed upon outside of the typical hearing process. Mr. Dutton responded that Mr. Hunt waived his right to a hearing. Ms. Hubbard stated that compliance is something that is looked for in consideration of a consent order. Mr. Cooke inquired as to whether the work performed by the unlicensed individuals was inspected by any agency.

MOTION BY JAKE MATHERLY WITH SECOND BY PAUL MAGDEBURG TO ACCEPT THE PROPOSED ADMINISTRATIVE CONSENT ORDER FOR CITATION NOS. 11677 AND 12721.

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 MICHAEL P. CONTI, CITATION NO. 12556.

The Board was provided a copy of the proposed consent order for Citation No 12556.

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. Mr. Dutton recommended approval of the proposed consent order.

There were questions raised regarding the circumstances resulting in the consent order. Mr. Matherly asked questions about factors that are considered for a consent order. There was discussion as to factors for determining whether or not a consent order is appropriate.

MOTION BY JAKE MATHERLY WITH SECOND BY MIKE COOKE TO ACCEPT THE PROPOSED ADMINISTRATIVE CONSENT ORDER FOR CITATION NO. 12556.

MOTION PASSED

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

CONSIDERATION AND POSSIBLE VOTE ON RECOMMENDATION OF EVALUATION COMMITTEE REGARDING RFP FOR TESTING SERVICES.

Chair Boevers stated the contract with the current testing services provider is ending. The CIB went through OMES to issue a request for proposals and solicit bids for the testing services. There were two respondents, Respondent A and Respondent B. A five member evaluation committee scored the proposals. The total scores came back 16 points apart with Respondent A

scoring a total of 486 points and Respondent B scoring a total of 470 points out of a possible 720 points.

Mr. Dutton noted that the reason some information about the Respondents and their proposals is not being specified in detail is an OMES rule that restricts discussion of certain items related to responses to an RFP being discussed in an open meeting prior to award being offered to the selected bidder. He stated the Board has a process previously approved in place, and the criteria was previously discussed and approved. He said there is a level of comfort in that while the Board may be voting on something that is unspecific, the Board has the specifics relied upon. The evaluation committee used that data and information, and the Board trusted the evaluation committee to go through that process.

Chair Boevers noted that each of the five individuals on the evaluation committee spent between 10 and 15 hours on the process of evaluating and scoring both responses based on the best value to the agency. He stated that both responses were very detailed proposals. Mr. Matherly asked if his understanding was correct that with the evaluation being based on best value, it is possible that if the Board selects the respondent with the highest score, it might not be selecting the respondent with the lowest fee schedule. Chair Boevers confirmed that was correct.

MOTION BY MIKE COOKE WITH SECOND BY PAUL MAGDEBURG TO RECOMMEND APPROVAL OF THE RESPONDENT WITH THE HIGHEST TOTAL SCORE (IDENTIFIED AS RESPONDENT A).

MOTION PASSED

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

PUBLIC COMMENTS

There were no public comments.

NEW BUSINESS

There was no new business discussed.

ADJOURNMENT

MOTION BY JAKE MATHERLY WITH SECOND BY KEVIN WESTMORELAND TO ADJOURN THE MEETING.

MOTION PASSED

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

Voting Nay: Scott Tucker

The meeting was adjourned at approximately 2:30 p.m.

Minutes approved in Regular Session on the 15th day of February, 2017.

/s/ Tony Boevers
Tony Boevers, Chair

/s/ Linda Ruckman
Linda Ruckman, Board Secretary