MINUTES OF THE REGULAR MEETING OF THE CONSTRUCTION INDUSTRIES BOARD

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

May 24, 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 1:34 p.m. on Wednesday, May 24, 2017, in the Conference Room of the Construction Industries Board.

MEMBERS PRESENT: Tony Boevers, Keith Deaver, Paul Magdeburg, Scott Tucker, and

Kevin Westmoreland.

MEMBERS ABSENT: Mike Cooke and Jake Matherly.

CIB STAFF PRESENT: 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: Steven Hawkins, OMES; Matt Moore; Bill Kite, MEPO of

Oklahoma; Jim Bullington, Jeff Huffman and Allen Stolhand,

ODCTE.

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 24th day of May, 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 24th day of May, 2017.

NEW BOARD MEMBER INTRODUCTION AND WELCOME

Chair Boevers welcomed new CIB Board member Keith Deaver, who is representing the mechanical journeymen.

FINANCIAL REPORT FOR MONTH ENDED APRIL 30, 2017

Mr. Steven Hawkins reviewed the CIB's financial report for the month ended April 30, 2017.

LEGISLATIVE UPDATE

Mr. Phil Ostrander reported on legislation which would directly impact the CIB. He also reported on the status of the omnibus bill for administrative rules. Mr. Ostrander expressed appreciation for the opportunity to work with Ms. Hubbard and the CIB.

Chair Boevers noted that this is the first Board meeting Ms. Hubbard has missed and that she was unable to be present due to a death in the family.

MECHANICAL 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 April. Mr. Kirk reported on activities of the Mechanical Division since the last Board meeting.

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

MOTION PASSED

Voting Aye: Tony Boevers

Keith Deaver Paul Magdeburg Scott Tucker

Kevin Westmoreland

Absent: Mike Cooke

Jake Matherly

Due to action taken on this item, Agenda Items 6(H) and 6(I) were not needed.

<u>DISCUSSION AND POSSIBLE VOTE ON THE MINUTES OF THE REGULAR MEETING OF THE CONSTRUCTION INDUSTRIES BOARD HELD APRIL 19, 2017.</u>

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

MOTION BY PAUL MAGDEBURG WITH SECOND BY KEVIN WESTMORELAND TO ACCEPT THE APRIL 19, 2017, BOARD MEETING MINUTES AS PRESENTED.

MOTION PASSED

Voting Aye: Tony Boevers

Keith Deaver Paul Magdeburg Scott Tucker

Kevin Westmoreland

Absent: Mike Cooke

Jake Matherly

DISCUSSION WITH POSSIBLE VOTE ON CONTINUING TO USE SERVICES OF THE FOLLOWING AT ESTIMATED COSTS AS REFLECTED IN PROPOSED FY 18 BUDGET WORK PROGRAM:

i. GL Suites (Licensing Database)

Ms. Nunnery stated that GL Suites is the licensing database system currently used. The only expected increase for FY 18 is an increase for the consumer price index, and that increase would be effective July 1, 2017. The only additional charges that could be incurred would be the cost for tasks or projects purchased outside the allotted tasks and projects for the year.

MOTION BY KEVIN WESTMORELAND WITH SECOND BY PAUL MAGDEBURG TO ACCEPT CONTINUING TO USE SERVICES OF GL SUITES FOR FY 18.

MOTION PASSED

Voting Aye: Tony Boevers

Keith Deaver Paul Magdeburg Scott Tucker

Kevin Westmoreland

Absent: Mike Cooke

Jake Matherly

ii. Sunset Courier (Courier Services)

Ms. Nunnery stated Sunset Courier provides courier services for delivering deposits to the bank. She stated there is no change in cost for the services for FY 18.

MOTION BY PAUL MAGDEBURG WITH SECOND BY SCOTT TUCKER TO CONTINUE USING SERVICES OF SUNSET COURIER FOR FY 18.

MOTION PASSED

Voting Aye: Tony Boevers

Keith Deaver Paul Magdeburg Scott Tucker

Kevin Westmoreland

Absent: Mike Cooke

Jake Matherly

iii. OMES – Interagency Mail (Shared Mailing Services)

Ms. Nunnery stated that OMES Interagency Mail provides postage and mail handling services. There is no change in cost of services for FY 18.

MOTION BY SCOTT TUCKER WITH SECOND BY KEVIN WESTMORELAND TO ACCEPT CONTINUING TO USE THE SERVICES OF OMES INTERAGENCY MAIL FOR FY 18.

MOTION PASSED

Voting Aye: Tony Boevers

Keith Deaver Paul Magdeburg Scott Tucker

Kevin Westmoreland

Absent: Mike Cooke

Jake Matherly

iv. OMES - Risk Management Division (Workers' Comp Insurance)

Ms. Nunnery stated that the OMES Risk Management Division indicated it does not have information as to the cost of Workers' Comp Insurance for FY 18, but recommended that the CIB budget for a 10% increase.

MOTION BY SCOTT TUCKER WITH SECOND BY PAUL MAGDEBURG TO ACCEPT CONTINUING TO USE THE SERVICES OF OMES RISK MANAGEMENT DIVISION FOR WORKERS' COMENSATION INSURANCE FOR FY 18.

MOTION PASSED

Voting Aye: Tony Boevers

Keith Deaver Paul Magdeburg Scott Tucker

Kevin Westmoreland

Absent: Mike Cooke

Jake Matherly

v. MailFinance (Rental of Folder/Inserter & Letter Opener)

Ms. Nunnery stated that MailFinance provides the lease of the folder/inserter and letter opener, and there is no change in cost for FY 18.

MOTION BY KEITH DEAVER WITH SECOND BY SCOTT TUCKER TO ACCEPT CONTINUING TO USE THE SERVICES OF MAILFINANCE FOR FY 18.

MOTION PASSED

Voting Aye: Tony Boevers

Keith Deaver Paul Magdeburg Scott Tucker

Kevin Westmoreland

Absent: Mike Cooke

Jake Matherly

vi. AT&T Wireless (Wireless Phone Services)

Ms. Nunnery stated that AT&T provides wireless phone and hot spot services for field staff. There is no change in price for services, but it is anticipated the total cost will increase for a change in quantity of services due to additional hot spots for field staff.

There was discussion about exploring options for wireless phone services from other State approved vendors and whether or not there was time to do so since a contract needs to be in place on July 1. Mr. Dutton noted that even if the Board votes to continue using services of AT&T, there is a 30 day "out clause" on all state contracts and other options could be explored in the coming months.

MOTION BY PAUL MAGDEBURG WITH SECOND BY KEVIN WESTMORELAND TO ACCEPT CONTINUING TO USE THE SERVICES OF AT&T DURING FY 18.

MOTION PASSED

Voting Aye: Tony Boevers

Keith Deaver Paul Magdeburg Scott Tucker

Kevin Westmoreland

Absent: Mike Cooke

Jake Matherly

- vii. OMES Master Service Agreement ("MSA") Including:
 - 1. Agency Business Services Division Shared Financial Services
 - 2. Human Capital Management Division Shared Payroll Services
 - 3. Information Services Division Shared IT Services

(NOTE – MSA previously approved in January 2017. Any change over estimated cost as reflected in proposed FY 18 Budget Work Program will be brought to the Board upon notification of change.)

Ms. Nunnery stated that the CIB has received no notice of a price change, and OMES is required to provide 30 days' notice. Ms. Nunnery stated that any change in price over the estimated cost as reflected in the proposed FY 18 Budget Work Program would be brought to the Board upon notification of the change.

MOTION BY KEVIN WESTMORELAND WITH SECOND BY PAUL MAGDEBURG TO ACCEPT CONTINUING TO USE OMES SHARED FINANCIAL SERVICES, SHARED PAYROLL SERVICES, AND SHARED IT SERVICES FOR FY 18.

MOTION PASSED

Voting Aye: Tony Boevers

Keith Deaver Paul Magdeburg Scott Tucker

Kevin Westmoreland

Absent: Mike Cooke

Jake Matherly

<u>DISCUSSION AND POSSIBLE VOTE ON A PROPOSED FY 18 CIB BUDGET WORK</u> PROGRAM

Chair Boevers stated that the proposed budget for FY 18 is an increase of approximately \$180,000.00 over the FY 17 budget. He stated the budget is not a statement of the amount the CIB will spend, but it establishes the amount the CIB would have the ability to spend. It was discussed that although the proposed budget includes a wage increase for staff, any wage increase would have to be brought to the Board for approval.

MOTION BY SCOTT TUCKER WITH SECOND BY PAUL MAGDEBURG TO ACCEPT THE PROPOSED FY 18 BUDGET WORK PROGRAM AS PRESENTED.

MOTION PASSED

Voting Aye: Tony Boevers

Keith Deaver Paul Magdeburg Scott Tucker

Kevin Westmoreland

Absent: Mike Cooke

Jake Matherly

DISCUSSION AND POSSIBLE VOTE ON ADOPTING PROPOSED SECTION 2 OF A CIB EMPLOYEE HANDBOOK

The Board was provided a draft of the proposed Section 2 of a CIB Employee Handbook. Ms. Nunnery explained this is a continuation of the handbook we have been working on and that she along with Ms. Hubbard and Linda Ruckman prepared the material and it was reviewed by Mr. Dutton.

Ms. Nunnery and Mr. Dutton discussed revisions to Subsection 2-5 made as a result of the Board's comments in April. Ms. Nunnery stated that the revised draft was sent to staff for review, and no requests for changes were received.

MOTION BY KEITH DEAVER WITH SECOND BY KEVIN WESTMORELAND TO ACCEPT SECTION 2 OF THE CIB EMPLOYEE HANDBOOK AS PRESENTED.

MOTION PASSED

Voting Aye: Tony Boevers

Keith Deaver Paul Magdeburg Scott Tucker

Kevin Westmoreland

Absent: Mike Cooke

Jake Matherly

<u>DISCUSSION AND POSSIBLE VOTE ON ADOPTING PROPOSED SECTION 3 OF A CIB EMPLOYEE HANDBOOK</u>

The Board was provided a draft of the proposed Section 3 of a CIB Employee Handbook. Ms. Nunnery along with Ms. Hubbard and Linda Ruckman prepared the material and it was reviewed by Mr. Dutton. Ms. Nunnery stated that the draft for Section 3 was emailed to staff for review, and there were no concerns expressed or requests for changes.

MOTION BY PAUL MAGDEBURG WITH SECOND BY SCOTT TUCKER TO ACCEPT SECTION 3 OF THE CIB EMPLOYEE HANDBOOK AS PRESENTED.

MOTION PASSED

Voting Aye: Tony Boevers

Keith Deaver Paul Magdeburg Scott Tucker

Kevin Westmoreland

Absent: Mike Cooke

Jake Matherly

PUBLIC COMMENTS

Matt Moore addressed the Board. Mr. Moore asked that the Board consider his request to appeal the denial of his application for a journeyman license. He stated that he started working on March 26, 2014, and recently turned in his application for a journeyman license, but the application was denied. He asked that the Board look at his application. Mr. Moore stated that he has all of his check stubs, performance sheets, and everything else to show he was working during this time, and he thought it was not fair that his application was denied.

Jim Bullington addressed the Board. He introduced his Supervisor, Jeff Huffman, and his coworker, Allen Stolhand who were also present. Mr. Bullington stated that both he and Mr. Stolhand work in the Trade and Industrial (T&I) Division at CareerTech as Program Specialists. He stated that he works with the licensed trades, and Mr. Stolhand works primarily with the general construction trades – carpentry, cabinet making, and masonry. He stated that the T&I Division and the student organization are coming off of what they feel was one of the most successful student conferences ever. He expressed appreciation to the CIB for its support of the SkillsUSA competition. Mr. Bullington also announced that he has submitted his retirement with CareerTech effective July. He stated that Mr. Stolhand and Mr. Huffman will the CIB's contact until his position is filled. He noted that he expects to be involved with SkillsUSA for a long time, and he expressed appreciation for the work of the CIB.

NEW BUSINESS

There was no new business discussed.

BREAK

The meeting was recessed at approximately 2:17 p.m. for short break.

RECORDING OF MEMBERS PRESENT AFTER SCHEDULED BREAK

MEMBERS PRESENT: Tony Boevers, Keith Deaver, Paul Magdeburg, Scott Tucker, and

Kevin Westmoreland.

MEMBERS ABSENT: Mike Cooke and Jake Matherly.

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 13 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 Docket No. CIB-16-P-006 and Docket No. CIB-17-P-001 were heard.

Matters heard by the Plumbing Hearing Board on Docket No. CIB-16-P-006 as follows:

Case No.	Respondent	<u>Violation</u>
Citation No. 12825	Mike Sykes	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12827	Carl Owens	Contractor working unlicensed or unregistered individual (per person)
Citation No. 12828	Martin Eaves	Contracting without a license
Citation No. 12916	Eric Sawyer	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 12848	James Hayes	Contractor working unlicensed or unregistered individual (per person)
Citation No. 12849	James Hayes	Contractor working registered apprentice without direct supervision (per apprentice)

Citation No. 12716	Michael Barlow	Failure to properly display license number/firm name on vehicles
Citation No. 12870	Michael Barlow	Contractor working unlicensed or unregistered individual (per person)

Matters heard by the Plumbing Hearing Board on Docket No. CIB-17-P-001 as follows:

Case No.	Respondent	<u>Violation</u>
Citation No. 12920	Danny Miller	Contracting without a license
Citation No. 12921	Ollin Long	Contractor working unlicensed or unregistered individual (per person)

MOTION BY SCOTT TUCKER 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-006 AND DOCKET CIB-17-P-001.

MOTION PASSED

Voting Aye: Tony Boevers

Keith Deaver Scott Tucker

Kevin Westmoreland

Recused: Paul Magdeburg

Absent: Mike Cooke

Jake Matherly

Mechanical Hearing Board:

Mr. Dutton noted that Jake Matherly served as Chair of the Mechanical Hearing Board when Docket No. CIB-16-M-006 was heard, and that Scott Tucker served as Chair when Docket No. CIB-17-M-001 was heard.

Matters heard by the Mechanical Hearing Board on Docket No. CIB-16-M-006 as follows:

Case No.	Respondent	<u>Violation</u>
Citation No. 12706	Bradley Yelton	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 12558	Gerardo Pena	Inactive contractor or journeyman engaged in contracting
Citation No. 12545	Reginald Johnson	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12805	Travis Fogle	Contracting without a license

MOTION BY KEVIN WESTMORELAND 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-006.

MOTION PASSED

Voting Aye: Tony Boevers

Keith Deaver Paul Magdeburg Scott Tucker

Kevin Westmoreland

Absent: Mike Cooke

Jake Matherly

Matters heard by the Mechanical Hearing Board on Docket No. CIB-17-M-001 as follows:

Case No.	Respondent	<u>Violation</u>
Citation No. 12722	Frank Thornburg	Contractor working unlicensed or unregistered individual (per person)
Citation No. 12796	Juan Laboy	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12797	Isaac Smith	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12798	James Gillespie	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12799	David Little	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12800	Raymond Barton	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12801	Paul Sellers	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12802	Aaron McCarty	Inactive contractor or journeyman engaged in contracting
Citation No. 12813	Jason Gee	Contracting without a license
Citation No. 12815	Jeremy McElvany	Contracting without a license
Citation No. 12994	Edward Baker	Contracting without a license
Citation No. 12574	Matt Holsted	Contracting without a license

Citation No. 12473	Thomas Slavik	Inactive contractor or journeyman engaged in contracting
Citation No. 12475	Shannon James	Contracting without a license
Citation No. 12812	Jimmy Beets	Contracting without a license

MOTION BY KEITH DEAVER WITH SECOND BY KEVIN WESTMORELAND TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO MECHANICAL HEARING BOARD DOCKET CIB-17-M-001.

MOTION PASSED

Voting Aye: Tony Boevers

Keith Deaver Paul Magdeburg Kevin Westmoreland

Recused: Scott Tucker

Absent: Mike Cooke
Jake Matherly

Electrical Hearing Board:

Mr. Dutton noted that Tony Boevers served as Chair of the Electrical Hearing Board when Docket No. CIB-16-E-006 and Docket No. CIB-17-E-001 were heard.

Matters heard by the Electrical Hearing Board on Docket No. CIB-16-E-006 as follows:

Case No.	Respondent	<u>Violation</u>
Citation No. 12826	Thomas Andrews	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 12838	Earl Huffman	Contracting without a license
Citation No. 12839	Earl Huffman	Contracting without a license
Citation No. 12840	Earl Huffman	Contracting without a license
Citation No. 12841	Earl Huffman	Contracting without a license
Citation No. 12842	Earl Huffman	Contracting without a license
Citation No. 12880	Chris Dean	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12881	Raymond Crone	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12890	Charles O'Neal	Contracting without a license
Citation No. 12892	James Dawson	Contracting without a license

Citation No. 12938	Kevin Newville	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 12939	Shelby Burkhart	Apprentice working without direct supervision in violation of 158:40-5-1(a)
Citation No. 12940	Patric Wenner	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 12523	William Thompson	Contractor working unlicensed or unregistered individual (per person)
Citation No. 12524	William Thompson	Failure to properly display license number/firm name on vehicles
Citation No. 12525	William Thompson	Failure to properly display license number/firm name on vehicles
Citation No. 12850	Kevin Newville	Contractor working unlicensed or unregistered individual (per person)
Citation No. 12851	Ronnie Jennings	Contracting without a license
Citation No. 12925	Phillip Ferrell	Contractor working unlicensed or unregistered individual (per person)

ii. Matters heard by the Electrical Hearing Board on Docket No. CIB-17-E-001 as follows:

Case No.	Respondent	<u>Violation</u>
Citation No. 12947	Richard Dorris	Contractor working unlicensed or unregistered individual (per person)
Citation No. 12747	Edward Ortega	Contracting without a license
Citation No. 12858	James Culbertson	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12859	James Montgomery	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12860	Rusty Tuthill	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12861	Bryan Cain	Contracting without a license
Citation No. 12950	Jimmy Beets	Contracting without a license

MOTION BY KEVIN WESTMORELAND WITH SECOND BY SCOTT TUCKER TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO ELECTRICAL HEARING BOARD DOCKET NO. CIB-16-E-006 AND DOCKET NO. CIB-17-E-001.

MOTION PASSED

Voting Aye: Keith Deaver

Paul Magdeburg Scott Tucker

Jake Matherly

Kevin Westmoreland

Recused: Tony Boevers
Absent: Mike Cooke

ADJOURNMENT

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

MOTION PASSED

Voting Aye: Tony Boevers

Keith Deaver Paul Magdeburg Scott Tucker

Kevin Westmoreland

Absent: Mike Cooke

Jake Matherly

The meeting was adjourned at approximately 2:25 p.m.	
Minutes approved in Regular Session on the <u>28th</u> day of <u>June</u> , 2017.	
/s/ Tony Boevers Tony Boevers, Chair	

/s/ Linda Ruckman ____

Linda Ruckman, Board Secretary