

**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**

**September 27, 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, September 27, 2017, in the Conference Room of the Construction Industries Board.

**MEMBERS PRESENT:** Tony Boevers, Mike Cooke, Keith Deaver, Paul Magdeburg, Scott Soder, and Scott Tucker.

**MEMBERS ABSENT:** Kevin Westmoreland.

**CIB STAFF PRESENT:** Janis Hubbard, Administrator; Linda Ruckman, Board Secretary/ Executive Assistant; Windy Nunnery, Office Manager; Gary Kirk, Mechanical Supervisor; Ron Morris, Electrical Supervisor; Jim George, Plumbing Supervisor; and Richard Hager, Roofing Supervisor.

**OTHERS PRESENT:** Jon Dutton, Assistant Attorney General; Billy Swindell and Wendy Wilkinson, State Auditor & Inspector's Office; LaTisha Edwards, OMES; Lee Davis, OMES; Tim Yaciuk, IEC-OKC; Bill Kite, MEPO of Oklahoma, Inc.; Craig Higley, Higley Consulting; Gerry Battles, Oklahoma State University – CEAT; Scott Hopkins, OK NECA; Mike Bass, Delco Electric; and Mike Liston, PHCC.

**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 27<sup>th</sup> day of September, 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 27<sup>th</sup> day of September, 2017.

**NEW BOARD MEMBER WELCOME**

Chair Boevers welcomed new CIB Board member Scott Soder, who is a mechanical contractor.

**ADMINISTRATOR'S REPORT**

Ms. Hubbard reported that the Committees are beginning to look at any necessary proposed administrative rule changes. It is anticipated that any proposed rule changes would come to the CIB Board in November, which would be the first step. Proposed rules have to be published for

comments, a public hearing would be scheduled for the January Board meeting, and then any rules adopted by the Board would go to the Legislature and Governor for consideration. Ms. Hubbard reported that staff has been working with the State Auditors on the FY 16 audit which is being presented today, and staff will begin pulling records and working with the auditors on the required annual audit for FY 17.

**REPORT BY OFFICE OF STATE AUDITOR & INSPECTOR ON FY 16 AUDIT**

Mr. Swindell reviewed the FY 2016 financial audit report. He discussed a finding with regard to missing/skipped receipt numbers. He stated the missing numbers were due to receipts created and deleted by GL Suites, and the skipped numbers were due to a glitch with a server. Mr. Swindell stated that they were able to identify the issues and the receipts and determined there was no impact on revenues collected or any impact on the system itself. He also noted changes in the FY 18 contract with GL Suites which address the issue of GL Suites testing in live production.

**FINANCIAL REPORT FOR MONTH ENDED AUGUST 31, 2017**

Ms. LaTisha Edwards reviewed the CIB's financial report for the month ended August 31, 2017.

**LEGISLATIVE UPDATE**

Mr. Ostrander reported on the Special Legislative Session currently in progress and the events which created the need for the Special Session. He stated there have been issues dealing with Inspectors and some ambiguities in the law. Mr. Ostrander discussed that legislation was passed during the last session which addressed the situation of municipalities wanting to contract with private firms to do inspections. He noted, however, that just because a law goes into effect November 1 does not mean it can be implemented. State agencies have to go through a rulemaking process and ask permission from the Legislature as to how to implement the law. He commented on the Boards utilization of legal counsel for guidance in making decisions. He also commented on a recent news report based loosely on an interview.

**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 August. 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 August. 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 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 month of 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 SCOTT TUCKER WITH SECOND BY PAUL MAGDEBURG TO APPROVE THE CONSENT AGENDA FOR UNCONTESTED CITATIONS PAID, HEARINGS WAIVED.

MOTION PASSED

Voting Aye: Tony Boevers  
Mike Cooke  
Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker

Absent: Kevin Westmoreland

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

**DISCUSSION AND POSSIBLE VOTE ON THE MINUTES OF THE REGULAR MEETING OF THE CONSTRUCTION INDUSTRIES BOARD HELD AUGUST 23, 2017.**

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

MOTION BY KEITH DEAVER WITH SECOND BY MIKE COOKE TO APPROVE THE AUGUST 23, 2017, BOARD MEETING MINUTES AS PRESENTED.

MOTION PASSED

Voting Aye: Tony Boevers  
Mike Cooke  
Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker

Absent: Kevin Westmoreland

**CONSIDERATION AND POSSIBLE VOTE REGARDING APPOINTMENT TO THE COMMITTEE OF ELECTRICAL EXAMINERS FOR A TWO-YEAR TERM ENDING SEPTEMBER 2019 (POSITION CURRENTLY HELD BY DARYLE ANDREWS). 59 § 1683(B)(5).**

Ms. Hubbard reported that Daryle Andrews has served on the Committee of Electrical Examiners for 24 years, and has decided that he does not wish to be considered for re-appointment. Ms. Hubbard expressed appreciation for Mr. Andrews' service on the Committee.

Ms. Hubbard stated that there is a willing volunteer, Mike Bass, who is present today. The Board was provided a copy of a letter submitted by the Oklahoma City Chapter of the Independent Electrical Contractors in support of Mr. Bass's appointment and a copy of Mr. Bass's resume.

MOTION BY MIKE COOKE WITH SECOND BY PAUL MAGDEBURG TO APPOINT MIKE BASS AS A MEMBER OF THE COMMITTEE OF ELECTRICAL EXAMINERS FOR A TWO-YEAR TERM.

MOTION PASSED

Voting Aye: Tony Boevers  
Mike Cooke  
Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker

Absent: Kevin Westmoreland

**DISCUSSION AND POSSIBLE VOTE TO ADVERTISE POSITION OPENING FOR FIELD INVESTIGATOR (PLUMBING TRADE) FOR THE SOUTHWEST REGION, DUE TO UPCOMING RETIREMENT OF LARRY JONES.**

Ms. Hubbard reported that Larry Jones will be retiring at the end of this month, and what is being requested is permission to advertise for this opening.

MOTION BY SCOTT TUCKER WITH SECOND BY MIKE COOKE TO ADVERTISE THE POSITION OPENING.

MOTION PASSED

Voting Aye: Tony Boevers  
Mike Cooke  
Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker

Absent: Kevin Westmoreland

**DISCUSSION AND POSSIBLE VOTE ON THE EMPLOYMENT, HIRING, APPOINTMENT, RESIGNATION, CHANGES TO EXISTING SALARIES, OR SETTING SALARY RANGES FOR THE PLUMBING SUPERVISOR POSITION AND ASSIGNED DUTIES CURRENTLY PERFORMED BY JIM GEORGE DUE TO MR. GEORGE'S UPCOMING RETIREMENT.**

- (i) Possible vote to convene into Executive Session -- Pursuant to 25 O.S. § 307 (B)(1), the Board may convene in Executive Session to discuss the employment, hiring, appointment, resignation, changes to existing salaries, or setting salary ranges for the Plumbing Supervisor position and assigned duties currently performed by Jim George.
- (ii) Possible vote to return to Open Session.
- (iii) Possible vote on matters discussed in Executive Session related to the employment, hiring, appointment, resignation, changes to existing salaries, or setting salary ranges for the Plumbing Supervisor position and assigned duties currently performed by Jim George.

Ms. Hubbard stated that direction is needed as to how the Board wants to proceed in dealing with the soon to be vacant Plumbing Supervisor position and with the other duties and responsibilities for which Mr. George is responsible.

MOTION BY MIKE COOKE WITH SECOND BY PAUL MAGDEBURG TO  
CONVENE INTO EXECUTIVE SESSION.

MOTION PASSED

Voting Aye: Tony Boevers  
Mike Cooke  
Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker

Absent: Kevin Westmoreland

The Board entered into Executive Session as approximately 2:04 p.m.

MOTION BY SCOTT TUCKER WITH SECOND BY PAUL MAGDEBURG TO  
RETURN TO OPEN SESSION.

MOTION PASSED

Voting Aye: Tony Boevers  
Mike Cooke  
Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker

Absent: Kevin Westmoreland

The Board returned to Open Session at approximately 2:55 p.m.

### **BREAK**

Immediately after the Board returned to Open Session, Chair Boevers announced the meeting would be recessed for a five-minute break.

### **RECORDING OF MEMBERS PRESENT AFTER BREAK**

MEMBERS PRESENT: Tony Boevers, Mike Cooke, Keith Deaver, Paul Magdeburg,  
Scott Soder, and Scott Tucker.

MEMBERS ABSENT: Kevin Westmoreland.

Chair Boevers announced that Agenda Item 7(O) was being tabled for further discussion and would be revisited at next month's meeting. Mr. Dutton noted for the record that no votes were taken during the Executive Session.

### **PUBLIC COMMENTS**

Mr. Craig Higley addressed the Board. Mr. Higley stated that one of the things he has done over the last couple of months is quite a bit of research on building inspectors throughout Oklahoma in populations over 10,000 that are required to have inspectors, qualified inspectors, licensed inspectors. He said one thing he found is an extreme amount of cities, over 50%, that were not in compliance with approximately 38 inspectors who also were not in compliance with the inspections they were doing. Building inspections play a huge role in the life and safety of citizens within their built environments. They are the ones who make sure the state adopted

building codes are enforced throughout the state of Oklahoma. Mr. Higley said one thing he has found in that process is that the CIB under the direction of Janis Hubbard has not done any due diligence as far as following up with these cities, making sure that city inspectors are qualified, and doing any sort of auditing or investigating on these individuals. Mr. Higley said he has already sent a letter to the Board stating his position with where things should happen. He said he thinks there needs to be accountability for those who are in charge and who should be making sure that those laws are being adhered to. He said the CIB is responsible for those laws and the CIB needs to hold those who are in charge of those laws accountable and making sure those things happen. Mr. Higley said he is sure this is not the end of it, and he just wanted to make a comment to the Board today. He said this is a time to make accountability. Mr. Higley stated that he thinks everything that he has said is factual and can be verified with proper investigation. He encouraged the Board to make the appropriate decisions and investigations and make the right things happen for the State of Oklahoma and its citizens.

Tim Yaciuk addressed the Board. Mr. Yaciuk said he just wanted to take the opportunity to thank the Board and thank the CIB staff for their assistance and their ability to be reached by industry over the last several years. He said this Board has been the most approachable that he as an industry representative has worked with. Mr. Yaciuk said he has been with IEC for 12 years now and the Board has always been available, and available for questions. He said the same goes for staff. Mr. Yaciuk said he looks forward to continuing to work with the Board and staff and even with the previous speaker. He said he and the previous speaker already had some conversation about looking at ways they might be able to work together and see if there is a problem, identify the problem, and see if there is anything they can do to work as industry to fix the problem.

#### **NEW BUSINESS**

There was no new business discussed.

#### **RECOGNITION OF SERVICE AND PRESENTATION OF CERTIFICATE TO PLUMBING SUPERVISOR JIM GEORGE**

Ms. Hubbard stated that Mr. George has been representing the plumbing industry through the CIB, even before the CIB was the CIB. He has served 28 years. She said that Mr. George served 6 months as Interim Administrator and has provided a vast amount of knowledge and expertise to her and to others and has served the CIB very well. Ms. Hubbard stated she appreciates everything Mr. George has done and counts him as a friend.

Chair Boevers presented Mr. George with a certificate of appreciation for his service.

#### **BREAK**

At approximately 3:09 p.m. the meeting was recessed for a short break.

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

MEMBERS PRESENT: Tony Boevers, Mike Cooke, Keith Deaver, Paul Magdeburg, Scott Soder, 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 14 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 Scott Tucker served as Chair of the Plumbing Hearing Board when Docket No. CIB-17-P-003 was heard.

Matters heard by the Plumbing Hearing Board on Docket No. CIB-17-P-003 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12723	Jeffrey Morrow	Contractor working unlicensed or unregistered individual (per person)
Citation No. 13017	Jeffrey Moreland	Contracting without a license
Citation No. 13034	Russell Graves	Contracting without a license

MOTION BY KEITH DEAVER WITH SECOND BY SCOTT SODER TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO PLUMBING HEARING BOARD DOCKET CIB-17-P-003.

MOTION PASSED

Voting Aye: Tony Boevers  
Mike Cook  
Keith Deaver  
Paul Magdeburg  
Scott Soder

Recused: Scott Tucker

Absent: Kevin Westmoreland

**Mechanical Hearing Board:**

Mr. Dutton noted that Scott Tucker served as Chair of the Mechanical Hearing Board when Docket No. CIB-17-M-003 was heard.

Matters heard by the Mechanical Hearing Board on Docket No. CIB-17-M-003 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12873	Cody Lake	Unlicensed or unregistered individual performing trade work under the direction of another

Citation No. 12874	Donald Bass Jr.	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12810	David Trimble	Unlicensed or unregistered individual performing trade work under the direction of another

MOTION BY PAUL MAGDEBURG 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-17-M-003.

MOTION PASSED

Voting Aye: Tony Boevers  
Mike Cook  
Keith Deaver  
Paul Magdeburg  
Scott Soder

Recused: Scott Tucker

Absent: Kevin Westmoreland

**Electrical Hearing Board:**

Mr. Dutton noted that Tony Boevers served as Chair of the Electrical Hearing Board when Docket No. CIB-17-E-003 was heard.

Matters heard by the Electrical Hearing Board on Docket No. CIB-17-E-003 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12991	Jeffrey Karber	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 13060	Devin Hamlin	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 13061	Vince Shriner	Contractor working unlicensed or unregistered individual (per person)
Citation No. 13025	John Jones	Contracting without a license
Citation No. 13026	Travis Todd	Contracting without a license



MOTION BY PAUL MAGDEBURG WITH SECOND BY MIKE COOKE TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO ELECTRICAL HEARING BOARD DOCKET CIB-17-E-003.

MOTION PASSED

Voting Aye: Mike Cook  
Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker

Recused: Tony Boevers

Absent: Kevin Westmoreland

**ADJOURNMENT**

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

MOTION PASSED

Voting Aye: Tony Boevers  
Mike Cooke  
Keith Deaver  
Paul Magdeburg  
Scott Soder

Voting Nay: Scott Tucker

Absent: Kevin Westmoreland

The meeting was adjourned at approximately 3:16 p.m.

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

/s/ Tony Boevers  
Tony Boevers, Chair

/s/ Linda Ruckman  
Linda Ruckman, Board Secretary