

**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**

**November 15, 2017**

**CALL TO ORDER AND RECORDING OF MEMBERS PRESENT AND ABSENT**

The regular meeting of the Construction Industries Board was called to order by Vice Chair Scott Tucker at approximately 1:30 p.m. on Wednesday, November 15, 2017, in the Conference Room of the Construction Industries Board.

MEMBERS PRESENT: Keith Deaver, Paul Magdeburg, Scott Soder, Scott Tucker, and Kevin Westmoreland.

MEMBERS ABSENT: Tony Boevers and Mike Cooke

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

OTHERS PRESENT: Jon Dutton, Assistant Attorney General; LaTisha Edwards, OMES; Mike Maenner, Inspector; Kenny Whitson, 344 Training; Mike Liston, PHCC; Scott Hopkins, OKNECA; Ernie Gomes; MNTC; Allen Stolhand and Ric Russell, CareerTech; Jim Buillington, CareerTech (retired); and Bill Kite, MEPO of Oklahoma.

**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 15<sup>th</sup> day of November, 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 15<sup>th</sup> day of November, 2017.

**ADMINISTRATOR'S REPORT**

Ms. Hubbard reported on the status of the review of resumes received for the Board Secretary/Executive Assistant position. She also reported that OMES is converting agencies to a cloud based office system and the conversion for the CIB will be taking place the end of November. Ms. Hubbard reported on a meeting she and Mr. Hager attended with a representative of DEQ regarding DEQ's rule change for the definition of water supply. She also reported that the CIB's new rule books which contain the rules that became effective October 1, 2017, now also include courtesy exam study aids, workers comp and lien law references, and that the booklets can be taken into the examination room as a resource.

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

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

**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 October. 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 October. Mr. Hager 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 October. 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 October. 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 SODER WITH SECOND BY PAUL MAGDEBURG TO APPROVE THE CONSENT AGENDA FOR UNCONTESTED CITATIONS PAID, HEARINGS WAIVED.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

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 OCTOBER 18, 2017.**

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

MOTION WAS MADE BY PAUL MAGDEBURG WITH SECOND BY SCOTT SODER, AND SUBSEQUENTLY WITHDRAWN, TO APPROVE THE OCTOBER 18, 2017, BOARD MEETING MINUTES AS PRESENTED.

Mr. Dutton stated that since two Board members present were not able to attend the October Board meeting, an appropriate motion would be to accept the Minutes as written.

MOTION BY SCOTT SODER WITH SECOND BY PAUL MAGDEBURG TO ACCEPT THE OCTOBER 18, 2017, BOARD MEETING MINUTES AS WRITTEN.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

**DISCUSSION AND POSSIBLE VOTE TO ADVERTISE POSITION OPENING FOR FIELD INVESTIGATOR (MECHANICAL TRADE).**

Ms. Hubbard reported that since Richard Hager is the new Plumbing Supervisor, there is an open position for a field investigator for the mechanical trade.

MOTION BY PAUL MAGDEBURG WITH SECOND BY KEVIN WESTMORELAND TO ADVERTISE A POSITION OPENING FOR FIELD INVESTIGATOR IN THE MECHANICAL TRADE.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

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

Ms. Hubbard noted that the Board previously approved advertising a position opening for a field investigator in the plumbing trade for the southwest region. Since that time there is a new Plumbing Supervisor, and she would like the Plumbing Supervisor to have the latitude to divide the territories as he believes is best for the Plumbing Division. She asked that the Board approve advertising the position without any specific geographical location.

MOTION BY KEITH DEEVER WITH SECOND BY PAUL MAGDEBURG TO ADVERTISE THE POSITION OPENING FOR A FIELD INVESTIGATOR FOR THE PLUMBING TRADE WITHOUT A SPECIFIC GEOGRAPHICAL LOCATION.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

**DISCUSSION WITH POSSIBLE VOTE ON THE ADMINISTRATIVE CONSENT ORDER REFLECTING AGREEMENT BETWEEN THE PARTIES IN LIEU OF AN ADMINISTRATIVE HEARING IN RE THE MATTER OF THE ALLEGED ELECTRICAL INDUSTRY RULES VIOLATIONS OF JOSE GIOVANNY HERNANDEZ, CITATION NOS. 12928 AND 12929.**

The Board was provided a copy of the proposed consent order for Citation Nos. 12928 and 12929.

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.

MOTION BY PAUL MAGDEBURG WITH SECOND BY KEVIN WESTMORELAND TO ACCEPT THE ADMINISTRATIVE CONSENT ORDER FOR CITATION NOS. 12928 AND 12929.

MOTION PASSED

Voting Aye: Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Voting Nay: Keith Deaver

Absent: Tony Boevers  
Mike Cooke

**DISCUSSION AND POSSIBLE VOTE ON CIB APPOINTEE TO THE OKLAHOMA UNIFORM BUILDING CODE COMMISSION.**

Ms. Hubbard stated there is nothing to present today regarding this agenda item and that it is hoped it can be addressed at the next Board meeting.

**DISCUSSION AND POSSIBLE VOTE REGARDING APPOINTMENT OF ELECTRICAL JOURNEYMAN TO SERVE ON THE OKLAHOMA STATE ELECTRICAL INSTALLATION CODE VARIANCE AND APPEALS BOARD (POSITION PREVIOUSLY HELD BY DARYLE ANDREWS). 59 O.S. § 1697(B)(1).**

Ms. Hubbard stated that there is a journeyman seat open on the Electrical Installation Code Variance and Appeals Board. The seat was previously held by Daryle Andrews who did not apply for reappointment to the Electrical Examiners Committee. Ms. Hubbard stated that Cliff Stewart has volunteered and is willing and able to sit on this Board.

MOTION BY SCOTT SODER WITH SECOND BY KEITH DEEVER TO APPOINT CLIFF STEWART TO THE OKLAHOMA STATE ELECTRICAL INSTALLATION CODE VARIANCE AND APPEALS BOARD.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

### **PUBLIC COMMENTS**

Mike Liston expressed appreciation for being considered for the CIB Designee position on the OUBCC Board. He said he was honored and flattered that the Board considered him for the position, but after discussion with his wife he decided that he could not accept the appointment.

Charles Snyder addressed the Board. Mr. Snyder stated he is an inactive unlimited building inspector and a licensed professional engineer. Mr. Snyder had concerns about the proposed rules for OAC 158:60 related to Authorized Agents. He believed that once the rules are effective, some municipalities are planning to use Authorized Agents for all residential inspections and treating them much like one would a subcontractor where the Authorized Agent would be paid directly by the contractor. Mr. Snyder believed that goes against the meaning and intent of the proposed rules. Mr. Snyder felt the proposed rules should include strong language to ensure that an Authorized Agent is not under contract with the contractor and is not receiving direct payment from the contractor as that would be a conflict of interest.

Jim Bullington, who recently retired from CareerTech, addressed the Board. Mr. Bullington introduced Ric Russell as the "new Jim." He stated Mr. Russell has been an HVAC instructor for about 20 years and will be working on the SkillsUSA program and will be CareerTech's liaison with the CIB field staff.

### **NEW BUSINESS**

There was no new business discussed.

### **BREAK**

At approximately 1: 58 p.m. the meeting was recessed for a five-minute break.

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

MEMBERS PRESENT: Keith Deaver, Paul Magdeburg, Scott Soder, Scott Tucker, and Kevin Westmoreland.

MEMBERS ABSENT: Tony Boevers and Mike Cooke.

**DISCUSSION OF PROPOSED PERMANENT AMENDMENTS TO OAC 158 AS LISTED BELOW OR AS MAY BE PROPOSED ON OAC 158 DURING THE MEETING, INCLUSIVE OF TRADE COMMITTEE RECOMMENDATIONS, AND POSSIBLE VOTE ON PROPOSED DRAFT LANGUAGE OF RULES, AS PRESENTED OR AS MAY BE AMENDED DURING THE MEETING, FOR PUBLICATION AND RULE MAKING PROCESS INCLUDING PUBLIC COMMENT AND A FUTURE PUBLIC HEARING.**

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD**

**CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES BOARD**

SUBCHAPTER 5. PROCEDURE IN INDIVIDUAL PROCEEDINGS

158:1-5-11. Default [AMENDED]

158:1-5-12. Order [AMENDED]

158:1-5-14. Settlement [AMENDED]

**CHAPTER 10. FINE SCHEDULE**

SUBCHAPTER 3. ADMINISTRATIVE FINE SCHEDULE

158:10-3-1. Common requirements under the Electrical License Act, the Mechanical Licensing Act, the Plumbing License Law of 1955, Home Inspection Licensing Act, and the Roofing Contractor Registration Act [AMENDED]

**CHAPTER 30. PLUMBING INDUSTRY REGULATIONS**

SUBCHAPTER 1. GENERAL PROVISIONS

158:30-1-3. License and registration requirement [AMENDED]

SUBCHAPTER 3. PROCEDURES OF THE COMMITTEE AND HEARING BOARD

158:30-3-1. Procedures of the Committee [AMENDED]

SUBCHAPTER 5. LICENSE TYPES, BOND REQUIREMENTS, AND DISPLAY OF LICENSE NUMBER AND FIRM NAME

158:30-5-1. License and registration types [AMENDED]

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

SUBCHAPTER 9. EXAMINATION PROCEDURES, LICENSE AND REGISTRATION FEES AND DURATION OF LICENSES

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

**CHAPTER 40. ELECTRICAL INDUSTRY REGULATIONS**

SUBCHAPTER 1. GENERAL PROVISIONS

158:40-1-3. License and registration requirement [AMENDED]

SUBCHAPTER 5. LICENSING REQUIREMENTS, DISPLAY OF LICENSE, AND FIRM NAME, AND BOND REQUIREMENTS

158:40-5-1. Apprentice requirements [AMENDED]

158:40-5-2. Journeyman requirements [AMENDED]

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

SUBCHAPTER 7. LICENSE CLASSIFICATIONS

158:40-7-7. Poultry house contractor license [AMENDED]

SUBCHAPTER 11. LICENSE REVOCATION OR SUSPENSION AND PROHIBITED ACTS

158:40-11-2. Prohibited acts [AMENDED]

**CHAPTER 50. MECHANICAL INDUSTRY REGULATIONS**

SUBCHAPTER 1. GENERAL PROVISIONS

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

158:50-1-3. License and registration requirement and exemptions [AMENDED]

SUBCHAPTER 5. LICENSE TYPES, LIMITATIONS OF LICENSES, CONTRACTOR SPECIAL REQUIREMENTS AND DISPLAY OF LICENSE NUMBER AND FIRM NAME

158:50-5-1. License types [AMENDED]

158:50-5-2. Limitations of licenses [AMENDED]

158:50-5-3. Bond and insurance requirements [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]

158:50-9-5. Apprentice registration [AMENDED]

SUBCHAPTER 11. LICENSE REVOCATION OR SUSPENSION AND PROHIBITED ACTS

158:50-11-2. Prohibited acts [AMENDED]

158:50-11-3. License/registration revocation or suspension [AMENDED]

**CHAPTER 60. INSPECTORS REGULATIONS**

SUBCHAPTER 1. GENERAL PROVISIONS

158:60-1-2. Definitions [AMENDED]

SUBCHAPTER 3. PROCEDURES OF THE COMMITTEE

158:60-3-1. Procedures of the Committee [NEW]

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

158:60-5-1. Categories and classifications of inspector licenses [AMENDED]

158:60-5-2. Qualifications for inspector licensure [AMENDED]

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

158:60-5-3.1. Authorized agents [NEW]

158:60-5-4. Fees, certification and continuing education for inspectors [AMENDED]

SUBCHAPTER 9. DURATION OF LICENSES

158:60-9-3. Duration of licenses [NEW]

## **CHAPTER 70. HOME INSPECTION INDUSTRY REGULATIONS**

### **SUBCHAPTER 5. LICENSE REQUIREMENTS, LICENSE FEES, LICENSE PERIOD, RE-EXAMINATION, DISPLAY AND INSURANCE**

158:70-5-2. License fees, license period, re-examination, display, and insurance requirements [AMENDED]

### **SUBCHAPTER 9. EXAMINATION APPLICATIONS, EXAMINATIONS, COURSE APPROVAL REQUIREMENTS, INSTRUCTOR REQUIREMENTS, CONTINUING EDUCATION, DENIED APPLICATION APPEAL, SUBMISSION OF RECORDS, SUBSTANTIAL COMPLIANCE AND RECIPROCITY**

158:70-9-5. 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~~ workers' compensation coverage [AMENDED]

158:85-2-2. Endorsement required for commercial roofing work [AMENDED]

### **SUBCHAPTER 5. REGISTRATION AND ENDORSEMENT REQUIREMENTS AND LIMITATIONS, DISPLAY OF REGISTRATION NUMBER, ENDORSEMENT, FIRM NAME AND CONTACT INFORMATION, EXCLUSIONS**

158:85-5-1. Registration requirements [AMENDED]

158:85-5-3. Registration responsibilities and limitations [AMENDED]

### **SUBCHAPTER 11. REGISTRATION AND ENDORSEMENT REVOCATION OR SUSPENSION AND PROHIBITED ACTS**

158:85-11-1. Registration and endorsement retention requirements [AMENDED]

158:85-11-2. Prohibited acts [AMENDED]

The Board was provided a draft of proposed rules for Chapters 1, 10, 30, 40, 50, 60, 70, and 85 of OAC 158. Ms. Hubbard stated that staff has been working with industry associations, representatives of stakeholder groups, inspector groups, representatives of municipalities, homebuilders, general contractors, and others about the proposed rule changes. Ms. Hubbard reported that the trade committees have reviewed and approved the proposed changes for their respective trades with the exception of a new definition for OAC 60 that did not go before the Committee and some slight verbiage changes for some chapters relating to Workers' Comp requirements due to the Workers' Comp Commission changing the name of a form.

Ms. Hubbard stated that the agenda item today is for the Board to consider approving a draft for publication. This is one of the first steps in the Administrative Procedures Act for the rulemaking process. The process also includes a 30 day written comment period, a public hearing which would be scheduled for the January CIB meeting, etc.

Ms. Hubbard reviewed the proposed changes for Chapter 1, Subchapter 5, of OAC 158.



MOTION BY PAUL MAGDEBURG WITH SECOND BY KEITH DEEVER TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 1, SUBCHAPTER 5, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

Ms. Hubbard reviewed the proposed changes for Chapter 10, Subchapter 3, of OAC 158.

MOTION BY SCOTT SODER WITH SECOND BY PAUL MAGDEBURG TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 10, SUBCHAPTER 3, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

Ms. Hubbard reviewed the proposed amendments to Chapter 30, Subchapter 1, of OAC 158.

MOTION BY PAUL MAGDEBURG WITH SECOND BY KEITH DEEVER TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 30, SUBCHAPTER 1, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

Ms. Hubbard reviewed the proposed amendments to Chapter 30, Subchapter 3, of OAC 158.

MOTION BY KEVIN WESTMORELAND WITH SECOND BY PAUL MAGDEBURG TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 30, SUBCHAPTER 3, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

Ms. Hubbard reviewed the proposed amendments to Chapter 30, Subchapter 5, of OAC 158.

MOTION BY SCOTT SODER WITH SECOND BY KEITH DEEVER TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 30, SUBCHAPTER 5, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

Ms. Hubbard reviewed the proposed amendments to Chapter 30, Subchapter 9, of OAC 158.

MOTION BY KEITH DEEVER WITH SECOND BY SCOTT SODER TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 30, SUBCHAPTER 9, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

Ms. Hubbard reviewed the proposed amendments to Chapter 40, Subchapter 1, of OAC 158.

MOTION BY SCOTT SODER WITH SECOND BY KEVIN WESTMORELAND TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 40, SUBCHAPTER 1, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

Ms. Hubbard reviewed the proposed amendments to Chapter 40, Subchapter 5, of OAC 158.

MOTION BY PAUL MAGDEBURG WITH SECOND BY KEVIN WESTMORELAND TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 40, SUBCHAPTER 5, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

Ms. Hubbard reviewed the proposed amendments to Chapter 40, Subchapter 7, of OAC 158.

MOTION BY SCOTT SODER WITH SECOND BY KEITH DEEVER TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 40, SUBCHAPTER 7, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

Ms. Hubbard reviewed the proposed amendments to Chapter 40, Subchapter 11, of OAC 158.

MOTION BY KEITH DEEVER WITH SECOND BY PAUL MAGDEBURG TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 40, SUBCHAPTER 11, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

Ms. Hubbard reviewed separate issues for Chapter 50 of OAC 158 and a draft that combined the proposed amendments for the separate issues into a single document. Ms. Hubbard noted that one of the separate issues for Chapter 50 related to a new license category of limited residential installer. Mr. Kirk stated that members of industry requested a change in the experience level required for a residential installer. Mr. Kirk discussed the experience requirement for the proposed new category and the limitations as to the mechanical work a person with a limited residential installer license would be able to perform. Ms. Hubbard stated that the Committee and many contractors were excited about the proposed new category. Ms. Hubbard and Mr. Kirk also discussed how the related proposed changes expanded the mechanical work that could be performed by a limited residential journeyman.

Ms. Hubbard stated another issue addressed in the proposed amendments relates to a provision for an endorsed apprentice. Ms. Hubbard and Mr. Kirk discussed the request from CareerTech that led to the proposed amendments and the expectation that it could help grow the industry by increasing examination pass rates and streamlining apprentice employment. They also discussed the requirements for having a registration as an endorsed apprentice and the requirements an endorsed apprentice would have to meet to later receive a license as a journeyman.

Ms. Hubbard then reviewed other proposed amendments to Chapter 50 not specifically related to the limited residential installer and endorsed apprentice issues.

The Board took action following the review/discussion of the proposed amendments to Chapter 50 on each subchapter as follows:

MOTION BY KEITH DEAVER WITH SECOND BY KEVIN WESTMORELAND  
TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 50,  
SUBCHAPTER 1, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

MOTION BY KEVIN WESTMORELAND WITH SECOND BY PAUL  
MAGDEBURG TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR  
CHAPTER 50, SUBCHAPTER 5, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

MOTION BY KEITH DEAVER WITH SECOND BY SCOTT SODER TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 50, SUBCHAPTER 9, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

MOTION BY PAUL MAGDEBURG WITH SECOND BY SCOTT SODER TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 50, SUBCHAPTER 11, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

Ms. Hubbard and Mr. Dutton discussed the need for proposed amendments to Chapter 60 of OAC 158 as a result of legislation passed earlier this year which amended the Oklahoma Inspectors Act and included provisions for a new classification of Authorized Agent. Mr. Dutton stated that the proposed amendments are meant to clarify the statutory language.

Board members expressed concern about whether or not the proposed amendments could easily be understood by the public. There was also concern expressed as to whether the proposed rules would prevent an Authorized Agent from being hired by and paid by a contractor rather than a political subdivision which could result in a conflict of interest between a contractor and an Authorized Agent. Mr. Dutton pointed out the proposed new definition for "Direction and Control" which he felt addressed this concern.

Following the discussion, the Board took action on the proposed amendments to Chapter 60 on each subchapter as follows:

MOTION BY PAUL MAGDEBURG WITH SECOND BY SCOTT SODER TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 60, SUBCHAPTER 1, OF OAC 158.

MOTION PASSED

Voting Aye: Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Voting Nay: Keith Deaver

Absent: Tony Boevers  
Mike Cooke

MOTION BY KEVIN WESTMORELAND WITH SECOND BY SCOTT SODER TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 60, SUBCHAPTER 3, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

MOTION BY KEVIN WESTMORELAND WITH SECOND BY PAUL MAGDEBURG TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 60, SUBCHAPTER 5, OF OAC 158.

MOTION PASSED

Voting Aye: Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Voting Nay: Keith Deaver

Absent: Tony Boevers  
Mike Cooke

MOTION BY PAUL MAGDEBURG WITH SECOND BY SCOTT SODER TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 60, SUBCHAPTER 9, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

Ms. Hubbard reviewed the proposed amendments to Chapter 70, Subchapter 5, of OAC 158.

MOTION BY SCOTT SODER WITH SECOND BY PAUL MAGDEBURG TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 70, SUBCHAPTER 5, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

Ms. Hubbard reviewed the proposed amendments to Chapter 70, Subchapter 9, of OAC 158.

MOTION BY KEITH DEAVER WITH SECOND BY KEVIN WESTMORELAND TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 70, SUBCHAPTER 9, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

Ms. Hubbard noted that most of the proposed amendments to Chapter 85 are the result of Attorney General Opinion 2017 OK AG 9. Ms. Hubbard reviewed the proposed amendments to Chapter 85, Subchapter 1, of OAC 158.

MOTION BY KEITH DEAVER WITH SECOND BY SCOTT SODER TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 85, SUBCHAPTER 1, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

Ms. Hubbard reviewed the proposed amendments to Chapter 85, Subchapter 2, of OAC 158.

MOTION BY KEVIN WESTMORELAND WITH SECOND BY SCOTT SODER TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 85, SUBCHAPTER 2, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

Ms. Hubbard reviewed the proposed amendments to Chapter 85, Subchapter 5, of OAC 158.

MOTION BY SCOTT SODER WITH SECOND BY PAUL MAGDEBURG TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 85, SUBCHAPTER 5, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

Ms. Hubbard reviewed the proposed amendments to Chapter 85, Subchapter 11, of OAC 158.

MOTION BY KEITH DEEVER WITH SECOND BY PAUL MAGDEBURG TO ACCEPT THE DRAFT OF THE PROPOSED RULES FOR CHAPTER 85, SUBCHAPTER 11, OF OAC 158.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

**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-17-P-004 was heard.

Matters heard by the Plumbing Hearing Board on Docket No. CIB-17-P-004 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12337	William Rutz	Contracting without a license
Citation No. 13101	Oreste Palacios	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 13102	Jose L. Alverado Medina	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12919	James Hayes	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 13037	William Kozik	Contractor working unlicensed or unregistered individual (per person)
Citation No. 13004	Kyle Dilbeck	Contracting without a license
Citation No. 13006	Jimmy Brown Jr.	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 PLUMBING HEARING BOARD DOCKET CIB-17-P-004.

MOTION PASSED

Voting Aye: Keith Deaver  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Recused: Paul Magdeburg

Absent: Tony Boevers  
Mike Cooke

**Mechanical Hearing Board:**

Mr. Dutton noted that Scott Tucker served as Chair of the Mechanical Hearing Board when Docket No. CIB-17-M-004 was heard.

Matters heard by the Mechanical Hearing Board on Docket No. CIB-17-M-004 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12975	Scott Smith	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 13068	Lee Thompson	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 12818	Jorge Garcia	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 12961	Jerry Studdard	Contractor working unlicensed or unregistered individual (per person)

MOTION BY SCOTT SODER 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-17-M-004.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Kevin Westmoreland

Recused: Scott Tucker

Absent: Tony Boevers  
Mike Cooke

**Electrical Hearing Board:**

Mr. Dutton noted that Tony Boevers served as Chair of the Electrical Hearing Board when Docket No. CIB-17-E-001 and Docket No. CIB-17-E-004 were heard.

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

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 12411	Robert Penner	Contracting without a license

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

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

Matters heard by the Electrical Hearing Board on Docket No. CIB-17-E-004 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 13065	Paul Conover	Failure to properly display license number/firm name on vehicles
Citation No. 13054	Jimmy Brown Jr.	Contracting without a license

MOTION BY KEVIN WESTMORELAND WITH SECOND BY KEITH DEAVER TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO ELECTRICAL HEARING BOARD DOCKET CIB-17-E-004.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

**Roofing Hearing Board:**

Mr. Dutton noted that Tony Boevers served as Chair of the Roofing Hearing Board when Docket No. CIB-17-R-004 was heard.

Matters heard by the Roofing Hearing Board on Docket No. CIB-17-R-004 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 20294	Onasis Navarrete	Contracting without registration and commercial endorsement

MOTION BY SCOTT SODER WITH SECOND BY KEITH DEAVER TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO ROOFING HEARING BOARD DOCKET CIB-17-R-004.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

**ADJOURNMENT**

MOTION BY SCOTT SODER WITH SECOND BY KEITH DEEVER TO  
ADJOURN THE MEETING.

MOTION PASSED

Voting Aye: Keith Deaver  
Paul Magdeburg  
Scott Soder  
Scott Tucker  
Kevin Westmoreland

Absent: Tony Boevers  
Mike Cooke

The meeting was adjourned at approximately 3:08 p.m.

Minutes approved in Regular Session on the 17<sup>th</sup> day of January, 2018.

/s/ Tony Boevers  
Tony Boevers, Chair

/s/ Stephanie Brown  
Stephanie Brown, Board Secretary