

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

September 25, 2019

CALL TO ORDER AND RECORDING OF MEMBERS PRESENT AND ABSENT

The regular meeting of the Construction Industries Board was called to order by Chair Paul Magdeburg at approximately 1:30 p.m. on Wednesday, September 25, 2019, in the Conference Room of the Construction Industries Board.

MEMBERS PRESENT: Tony Boevers, Larry Buxton, Keith Deaver, Paul Magdeburg, Scott Soder, Scott Tucker, and Kevin Westmoreland.

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

OTHERS PRESENT: Jon Dutton, Assistant Attorney General; LaTisha Edwards, OMES; Bill Kite, MEPO of Oklahoma, Inc.; Ric Russell, Career Tech.

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 25th day of September, 2019, 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 25th day of September, 2019.

NEW BOARD MEMBER INTRODUCTION AND WELCOME

Chair Magdeburg welcomed new CIB Board member Larry Buxton, who is representing electrical contractors.

ADMINISTRATOR'S REPORT

Ms. Hubbard extended condolences to the family of Greg Walker, who was a mechanical investigator for CIB.

She reported that the electrical storm the prior month had damaged CIB's security camera system. She explained efforts to repair the system were unsuccessful. The company that sold the current system said the system was beyond fixing and quoted the agency a price to purchase a 16 camera replacement system that seemed too expensive for the CIB. She stated

that staff researched and found a 20 camera system for approximately a quarter of the cost of the 16 camera system quoted, so she approved that purchase based upon the urgency for security purposes.

Ms. Hubbard reported that at the last meeting the Board approved a new Appendix C on the Master Service Agreement with OMES for IT services, and discussed staffs efforts to determine what the agency actually was being charged to lower the cost as much as possible. She stated since that approval the agency had received notice of a town hall meeting. She explained OMES had a consulting firm review IT rates and recommend changes, with the primary purpose being to align and “true up” rates with OMES’ costs in providing services to agencies. She reported CIB staff members will be attending the town hall meeting to see how this would affect CIB for the next fiscal year.

Ms. Hubbard reported that it was the time of year to start looking at the lease again and that CIB would start negotiations soon. She stated the OUBCC, the current tenant, would be leaving soon and that would allow CIB to repurpose their space. She also stated she anticipated the cost of rent going from \$11 per square foot to \$12 per square foot for the next fiscal year.

Ms. Hubbard reported the agency had received 5 resumes for the Electrical Investigator position and that interviews would start soon. She also reported CIB received about 20 resumes for the new Public Information position and she would be reaching out to the interview subcommittee to determine how to proceed with those.

Ms. Hubbard reported she appeared before the Occupational Licensing Advisory Commission regarding the Home Inspector license. She stated it was reviewed by the Commission in November and several members had raised issues with Home Inspector licensing. She reported that several Home Inspectors had attended. As a result, she worked with industry leaders to come up with solutions to the issues. She reported there would be language presented to the Board in November in the proposed administrative rules that incorporates many of the solutions.

Ms. Hubbard reported the agency received a contact from a solar system seller who had contacted Representative Munson’s office and a staff person with the Occupational Licensing Advisory Commission. The CIB hosted a stakeholders meeting that included Representative Munson and about 12 people, not including staff. It was a very informative meeting with helpful information exchanged. She has asked Ron Morris to provide more detail to the Board in his report.

FINANCIAL REPORT FOR MONTH ENDED AUGUST 31, 2019

Ms. LaTisha Edwards reviewed the CIB’s financial report for the month ended August 31, 2019.

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.

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 and detailed the

solar systems stakeholder meeting that was held with CIB staff, Representative Munson and others.

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. Hager reported on activities of the Plumbing 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 KEITH DEAVER WITH SECOND BY SCOTT SODER TO APPROVE THE CONSENT AGENDA FOR UNCONTESTED CITATIONS PAID, HEARINGS WAIVED.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Paul Magdeburg
Scott Soder
Scott Tucker
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 21, 2019.

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

MOTION BY TONY BOEVERS WITH SECOND BY KEVIN WESTMORELAND TO ACCEPT THE AUGUST 21, 2019, BOARD MEETING MINUTES AS PRESENTED.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Paul Magdeburg
Scott Soder
Scott Tucker

Kevin Westmoreland

CONSIDERATION AND POSSIBLE VOTE TO RE-APPOINT JOE HUTMACHER AS A MEMBER OF THE COMMITTEE OF ELECTRICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2021. TITLE 59 O.S. § 1683(B)(2)

Ms. Hubbard reported that Mr. Hutmacher is willing and able to continue to serve on the committee. She stated that he has been an active and committed member.

MOTION BY SCOTT SODER WITH SECOND BY TONY BOEVERS TO RE-APPOINT JOE HUTMACHER AS A MEMBER OF THE COMMITTEE OF ELECTRICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2021.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Paul Magdeburg
Scott Soder
Scott Tucker
Kevin Westmoreland

CONSIDERATION AND POSSIBLE VOTE TO RE-APPOINT DON BEACH AS A MEMBER OF THE COMMITTEE OF ELECTRICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2021. TITLE 59 O.S. § 1683(B)(3)

Ms. Hubbard reported that Mr. Beach is willing and able to continue to serve on the committee. She stated that he has been an active and committed member.

MOTION BY TONY BOEVERS WITH SECOND BY KEITH DEEVER TO RE-APPOINT DON BEACH AS A MEMBER OF THE COMMITTEE OF ELECTRICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2021.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Paul Magdeburg
Scott Soder
Scott Tucker
Kevin Westmoreland

CONSIDERATION AND POSSIBLE VOTE TO RE-APPOINT MIKE BASS AS A MEMBER OF THE COMMITTEE OF ELECTRICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2021. TITLE 59 O.S. § 1683(B)(5)

Ms. Hubbard reported that Mr. Bass is willing and able to continue to serve on the committee. She stated that he has been an active and committed member.

MOTION BY KEITH DEAVER WITH SECOND BY SCOTT SODER TO RE-APPOINT MIKE BASS AS A MEMBER OF THE COMMITTEE OF ELECTRICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2021.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Paul Magdeburg
Scott Soder
Scott Tucker
Kevin Westmoreland

PUBLIC COMMENTS

There were no public comments.

NEW BUSINESS

There was no new business discussed.

BREAK

At approximately 1:55 p.m. the meeting was recessed for a short break.

RECORDING OF MEMBERS PRESENT AFTER THE SCHEDULED BREAK

MEMBERS PRESENT: Tony Boevers, Larry Buxton, Keith Deaver, Paul Magdeburg, Scott Soder, Scott Tucker, and Kevin Westmoreland

DISCUSSION AND POSSIBLE VOTE REGARDING PROPOSED EMERGENCY AMENDMENTS TO CHAPTER 60 OF TITLE 158 OF THE OKLAHOMA ADMINISTRATIVE CODE AS LISTED BELOW

DISCUSSION AND POSSIBLE VOTE ON FINDING THAT AN EMERGENCY RULE IS NECESSARY TO COMPLY WITH DEADLINES IN AMENDMENTS TO AN AGENCY'S GOVERNING LAW OR FEDERAL PROGRAMS

DISCUSSION AND POSSIBLE VOTE ON PROPOSED EMERGENCY RULE/AMENDMENTS TO CHAPTER 60 OF TITLE 158

Ms. Hubbard reported the changes to the statute as a result of SB 733 that are effective on November 1, 2019 and how those changes would affect the CIB.

MOTION BY KEITH DEAVER WITH SECOND BY SCOTT SODER TO FIND THAT AS A RESULT OF SB 733 EMERGENCY RULES ARE NECESSARY TO COMPLY WITH CHANGES IN STATUTE

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Paul Magdeburg
Scott Soder

Scott Tucker
Kevin Westmoreland

TITLE 158. CONSTRUCTION INDUSTRIES BOARD

CHAPTER 60. INSPECTORS REGULATIONS

SUBCHAPTER 1. GENERAL PROVISIONS

158:60-1-2. Definitions

SUBCHAPTER 3. PROCEDURES OF THE COMMITTEE

158:60-3-2. Hearings and Complaints

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

158:60-5-2. Qualifications for inspector licensure

158:60-5-2.1. Acceptance of Military education, training and experience toward qualification
for licensure examination

158:60-5-3. License requirements for inspectors

158:60-5-3.1. Authorized agents Provider

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

SUBCHAPTER 9. DURATION OF LICENSES

158:60-9-3. Duration of licenses

Ms. Hubbard reviewed and discussed with the Board the proposed emergency rules for Chapter 60 of Title 158 of the Oklahoma Administrative Code ("OAC"). Mr. Dutton and Ms. Hubbard noted that rules are meant to clarify the statute. The statute is the overriding authority and the rules clarify some of the broader language of the statute.

The Board took action following the review/discussion for each subchapter as follows:

MOTION BY TONY BOEVERS WITH SECOND BY SCOTT TUCKER TO
APPROVE THE PROPOSED EMERGENCY RULES FOR CHAPTER 60,
SUBCHAPTER 1, OF TITLE 158 OF THE OAC.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Paul Magdeburg
Scott Soder
Scott Tucker
Kevin Westmoreland

MOTION BY SCOTT TUCKER WITH SECOND BY SCOTT SODER TO APPROVE THE PROPOSED EMERGENCY RULES FOR CHAPTER 60, SUBCHAPTER 3, OF TITLE 158 OF THE OAC.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Paul Magdeburg
Scott Soder
Scott Tucker
Kevin Westmoreland

MOTION BY SCOTT SODER WITH SECOND BY KEITH DEAVER TO APPROVE THE PROPOSED EMERGENCY RULES FOR CHAPTER 60, SUBCHAPTER 5, OF TITLE 158 OF THE OAC.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Paul Magdeburg
Scott Soder
Scott Tucker
Kevin Westmoreland

MOTION BY TONY BOEVERS WITH SECOND BY SCOTT TUCKER TO APPROVE THE PROPOSED EMERGENCY RULES FOR CHAPTER 60, SUBCHAPTER 9, OF TITLE 158 OF THE OAC.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Paul Magdeburg
Scott Soder
Scott Tucker
Kevin Westmoreland

Electrical Hearing Board:

Mr. Dutton noted that Tony Boevers served as Chair of the Electrical Hearing Board when Docket No. CIB-19-E-002 was heard.

Matters heard by the Electrical Hearing Board on Docket No. CIB-19-E-002 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 20904	Bradley Russell	Contractor working unlicensed or unregistered individual (per person)

Citation No. 20861	William Branam	Inactive contractor or journeyman engaged in contracting
Citation No. 20371	Justin Shell	Contracting without a license
Citation No. 20918	Bryan Cruz	Contracting without a license

MOTION BY KEVIN WESTMORELAND WITH SECOND BY SCOTT SODER TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO ELECTRICAL HEARING BOARD DOCKET CIB-19-E-002.

MOTION PASSED

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

Recused: Tony Boevers

Mechanical Hearing Board:

Mr. Dutton noted that Tony Boevers served as Chair of the Mechanical Hearing Board when Docket No. CIB-19-M-003 was heard.

Matters heard by the Mechanical Hearing Board on Docket No. CIB-19-M-003 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 20472	Shannon Taylor	Contracting without a license

MOTION BY SCOTT SODER WITH SECOND BY KEITH DEAVER TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO MECHANICAL HEARING BOARD DOCKET CIB-19-M-003.

MOTION PASSED

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

Recused: Tony Boevers

Electrical Hearing Board:

Mr. Dutton noted that Tony Boevers served as Chair of the Electrical Hearing Board when Docket No. CIB-19-E-003 was heard.

Matters heard by the Electrical Hearing Board on Docket No. CIB-19-E-003 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 20485	David Wynn	Contracting without a license
Citation No. 20967	Scott Tillery	Contracting without a license
Citation No. 20932	Toby Jamison	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 ELECTRICAL HEARING BOARD DOCKET CIB-19-E-003.

MOTION PASSED

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

Recused: Tony Boevers

Plumbing Hearing Board:

Mr. Dutton noted that Paul Magdeburg served as Chair of the Plumbing Hearing Board when Docket No. CIB-19-P-003 was heard.

Matters heard by the Plumbing Hearing Board on Docket No. CIB-19-P-003 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 20471	Shannon Taylor	Contracting without a license
Citation No. 20484	David Wynn	Contracting without a license

MOTION BY SCOTT TUCKER 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-19-P-003.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Scott Soder
Scott Tucker
Kevin Westmoreland

Recused: Paul Magdeburg

POSSIBLE VOTE TO REMOVE ITEM FROM CONSENT AGENDA FOR INDIVIDUAL ADMINISTRATIVE PROCEEDINGS FOR CONSIDERATION AS A SEPARATE ACTION ITEM

There were no items removed for consideration as a separate action item; therefore, agenda items 13 and 14 were not needed.

ADJOURNMENT

MOTION BY TONY BOEVERS WITH SECOND BY KEVIN WESTMORELAND TO ADJOURN THE MEETING.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Paul Magdeburg
Scott Soder
Scott Tucker
Kevin Westmoreland

Voting Nay: Keith Deaver

The meeting was adjourned at approximately 2:16 p.m.

Minutes approved in Regular Session on the 23rd day of October, 2019.

/s/ Paul Magdeburg
Paul Magdeburg, Chair

/s/ Stephanie Brown
Stephanie Brown, Board Secretary