

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

May 26, 2021

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, May 26, 2021, in the Conference Room of the Construction Industries Board.

MEMBERS PRESENT: Tony Boevers, Larry Buxton, Keith Deaver, Todd Finley, Lupe Ibarra, Paul Magdeburg and Scott Soder.

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

OTHERS PRESENT: Jon Dutton, Assistant Attorney General; LaTisha Edwards, OMES ABS; Michael Iseley, Lowe's Home Centers, LLC; Tony Price, RayTech Home Inspections; Rob McClendon, Career Tech; Jesse Hensley, Sheet Metal Workers 124; Kenny Whitson, PP344.

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 26th day of May, 2021, 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 26th day of May, 2021.

NEW BUSINESS

There was no new business discussed.

PUBLIC COMMENTS

There were no public comments.

ADMINISTRATOR'S REPORT

Ms. Hubbard reported that CIB's new Cabinet Secretary, Susan Winchester, came to the CIB for a meeting, which went well. She reported that the agency is continuing to work on a plan to safely open the lobby, and that the current plan is July 1. She stated that the offices have

always been open and licenses have still been processed every day, so the re-opening would be the lobby only.

FINANCIAL REPORT

Written financial reports for the month ended April 30, 2021, prepared by OMES/ABS were provided for review and discussion.

PUBLIC RELATIONS REPORT

Workforce Development

Ms. Wojtek reported that OETA invited CIB to be part of their Round Table Discussion to talk about Construction Careers in Oklahoma. She stated she was joined by the Labor Commissioner and Dr. Marcie Mack from Career Tech and that it aired on OETA on Friday, April 23rd and was a great opportunity to get information out about the industries. She reported that she would be emailing them the links to both the OETA discussion and the Oklahoma Career Tech discussion on Construction Industry in Oklahoma.

Ms. Wojtek reported that the agency is continuing to move forward with the first inter-agency agreement with Career Tech and that they have provided CIB with some updated research information, they have been working on updating informational flyers and talking points and have a rough cut of the electrical industry video. She stated that Rob McClendon from Career Tech is here today to introduce the video.

**Electrical Industry Video was shown.*

Ms. Wojtek reported that they were able to get great footage when shooting the video so they will be making several videos for multiple purposes, and gave the examples of a 10 minute educational video the industry for teachers and counselors to use, and a shorter 2 minute clip for social media as well as one for adult career fairs. She stated that once the electrical films are complete, they will begin working on the Mechanical industry videos.

Communications & Outreach

Ms. Wojtek reported that the active users for the website for the last 28 days was 11,579 compared to 10,987 last month. She reported that the main increase was seen in the "Are They Licensed" page the week following the hail storm that hit Oklahoma. She reported that the agency can actually trace several hundred hits to that page coming directly from the Norman Transcript after they posted an article about confirming roofer registration and posting a link to the CIB's page in their article. She stated that moving forward, she will keep sharing analytics with the Board as she keeps digging into the data.

Ms. Wojtek reported that the CIB's Facebook following has increased by 6% and email subscribers have increase by 338 since the last meeting.

Ms. Wojtek reported that she has continued researching and producing infographics, memes and artwork to assist in the agency's communications plan, and showed the Board examples of those on the agency's Facebook page.

Legislative Update

Ms. Wojtek reported that the deadline for bills to be out of the opposite chamber was April 22nd. She stated that the next bill deadline is May 28th, Sine Die. She stated that there have been

several appointments/re-appointments to both the Board and Home Inspector's Committee that passed through the Senate Business and Commerce and received Senate approval since the last meeting.

Ms. Wojtek reported that there were several bills that have passed and been signed by the Governor that would affect the industries as well as the agency. She stated some of those include changes to Workers' Compensation, Public Works Bidding Process, bonding, liens, rule making process and others.

Ms. Wojtek reported that the agency has continued responding to Legislator's and industries' inquiries and providing regulatory rules and administration information when requested.

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 March. 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 March. Mr. Morris reported on activities of the Electrical 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 March. 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 March. 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
Todd Finley
Lupe Ibarra

Paul Magdeburg
Scott Soder

Due to action taken on this item, Agenda Items 7(I) and 7(J) were not needed.

DISCUSSION AND POSSIBLE VOTE ON THE MINUTES OF THE REGULAR MEETING OF THE CONSTRUCTION INDUSTRIES BOARD HELD APRIL 14, 2021

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

MOTION BY TONY BOEVERS WITH SECOND BY LARRY BUXTON TO ACCEPT THE APRIL 14, 2021, BOARD MEETING MINUTES AS PRESENTED.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Lupe Ibarra
Paul Magdeburg
Scott Soder

Abstaining: Keith Deaver
Todd Finley

DISCUSSION AND POSSIBLE VOTE ON THE ADMINISTRATIVE CONSENT ORDER REFLECTING AGREEMENT BETWEEN THE PARTIES *IN LIEU* OF AN ADMINISTRATIVE HEARING *IN RE* THE MATTERS OF ALLEGED MECHANICAL INDUSTRY RULES VIOLATIONS OF RICHARD L TURNER

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 SCOTT SODER WITH SECOND BY KEITH DEEVER TO ACCEPT THE PROPOSED ADMINISTRATIVE CONSENT ORDER *IN RE* THE MATTERS OF ALLEGED MECHANICAL INDUSTRY RULES VIOLATIONS OF RICHARD L. TURNER

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Todd Finley
Lupe Ibarra
Paul Magdeburg
Scott Soder

DISCUSSION AND POSSIBLE VOTE ON AMENDMENT TO THE CIB EMPLOYEE HANDBOOK SECTION 3-6, CODE OF ETHICS, ORIGINALLY ADOPTED AUGUST 23, 2017

The Board was provided a draft of the proposed language. Ms. Hubbard stated there is one sentence that the agency would like to add to section 3-6, Code of Ethics. Mr. Boevers recommended changing the term "Office Manager" in that sentence to "Administrator's Designee".

MOTION BY SCOTT SODER WITH SECOND BY LUPE IBARRA TO APPROVE THE CIB EMPLOYEE HANDBOOK AMENDMENT TO SECTION 3-6, CODE OF ETHICS WITH CHANGE AS DISCUSSED

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Todd Finley
Lupe Ibarra
Paul Magdeburg
Scott Soder

DISCUSSION AND POSSIBLE VOTE ON ADOPTING PROPOSED CIB EMPLOYEE HANDBOOK SECTION 11, CONTINUITY OF OPERATIONS

The Board was provided a draft of the proposed Section 11. Ms. Hubbard stated that the current employee handbook currently does not accommodate office staff working outside of the office like was needed during the COVID-19 Pandemic. While there was an emergency order from the Governor the agency was able to use but once that expired, the agency's handbook was insufficient to address any other plan outside of office staff being inside the office. This proposed section would align with the agency's Continuity of Operations Plan for any emergency and not just a pandemic.

MOTION BY KEITH DEAVER WITH SECOND BY SCOTT SODER TO ADOPT SECTION 11, CONTINUITY OF OPERATIONS, TO THE CIB EMPLOYEE HANDBOOK AS WRITTEN

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Todd Finley
Lupe Ibarra
Paul Magdeburg
Scott Soder

DISCUSSION AND POSSIBLE VOTE ON INTER-AGENCY AGREEMENT WITH THE OKLAHOMA DEPARTMENT OF CAREER TECHNOLOGY IN PARTNERING TO DEVELOP AND IMPLEMENT A WORKFORCE DEVELOPMENT PROGRAM TO PROVIDE CAREER AWARENESS AND INTEREST IN THE PURSUIT OF A LICENSED/REGISTERED SKILLED TRADE CAREER, AND TRADE EDUCATION PROGRAMS FOR SKILLED TRADE CAREERS IN THE PLUMBING, ELECTRICAL , MECHANICAL AND ROOFING TRADES FUNDED BY ADMINISTRATIVE FINES COLLECTED IN FY 2020 PURSUANT TO HB 1280 (2018) AUTHORED BY REPRESENTATIVE KEVIN WALLACE AND SENATOR JAMES

LEEWRIGHT (THE INTER-AGENCY AGREEMENT FOR FY 2019 ADMINISTRATIVE FINES WAS PREVIOUSLY APPROVED)

Ms. Hubbard stated that the inter-agency agreement with Career Tech for Administrative fines collected in FY 2019 had just been signed when COVID hit, and it delayed implementation. She stated that in looking at administrative fines collected in FY 2020 the agency is not able to pay all of the fine money to Career Tech due to some of the fines being needed to cover expenses and encumbrances. She provided the calculation to the Board to show how the fines available are determined under the law, and provided them with the amount for the fines collected for the FY 2020 contract with Career Tech.

MOTION BY TODD FINLEY WITH SECOND BY SCOTT SODER TO APPROVE THE INTER-AGENCY AGREEMENT WITH OKLAHOMA DEPARTMENT OF CAREER TECHNOLOGY IN PARTNERING TO DEVELOP AND IMPLEMENT A WORKFORCE DEVELOPMENT PROGRAM TO PROVIDE CAREER AWARENESS AND INTEREST IN THE PURSUIT OF A LICENSED/REGISTERED SKILLED TRADE CAREER, AND TRADE EDUCATION PROGRAMS FOR SKILLED TRADE CAREERS IN THE PLUMBING, ELECTRICAL, MECHANICAL AND ROOFING TRADES FUNDED BY ADMINISTRATIVE FINES COLLECTED IN FY 2020 PURSUANT TO HB 280 (2018)

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Todd Finley
Lupe Ibarra
Paul Magdeburg
Scott Soder

CONSIDERATION AND POSSIBLE VOTE ONE-TIME PAY DIFFERENTIAL FOR SPECIAL OR EXTRA DUTIES UNDER EXTRAORDINARY CIRCUMSTANCES DURING THE COVID-19 PANDEMIC AND RECOVERY FOR ALL ELIGIBLE EMPLOYEES IN POSITIONS EMPLOYED ON MAY 31, 2021

- (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 changes to existing salaries, or setting salary ranges, for all CIB employees as follows: Carla Bell, Stephanie Brown, Cody Davis, David Fox, Araceli Gomez, Richard Hager, Elizabeth Handy, Marion Harris, Brittany Haywood, Timothy Hillman, Ray Howard, Janis Hubbard, Regina James, Basel Kilani, Gary Kirk, Ron Morris, Robert Newberg, Windy Nunnery, Buddy Osborn, Derric Pruitt, Amanda Riley, Stanley Scheilz, Charles Scott, Tamara Solano, Kim Stell, Ronnie Terry, David Veteto, Gary Williamson, Debra Wojtek, Shereice Word, Christopher Wyre and Dannette Yousey.
- (ii) Possible vote to return to Open Session

- (iii) Possible vote on matters discussed in Executive Session related to pay differential for special or extra duties during the COVID-19 pandemic and recovery for all CIB employees in positions employed on May 31, 2021 as follows: Carla Bell, Stephanie Brown, Cody Davis, David Fox, Araceli Gomez, Richard Hager, Elizabeth Handy, Marion Harris, Brittany Haywood, Timothy Hillman, Ray Howard, Janis Hubbard, Regina James, Basel Kilani, Gary Kirk, Ron Morris, Robert Newberg, Windy Nunnery, Buddy Osborn, Derric Pruitt, Amanda Riley, Stanley Scheilz, Charles Scott, Tamara Solano, Kim Stell, Ronnie Terry, David Veteto, Gary Williamson, Debra Wojtek, Shereice Word, Christopher Wyre and Dannette Yousey.

MOTION BY TONY BOEVERS WITH SECOND BY TODD FINLEY TO CONVENE INTO EXECUTIVE SESSION

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Todd Finley
Lupe Ibarra
Paul Magdeburg
Scott Soder

Note: The Board went into Executive Session at approximately 2:11 p.m., and Mr. Dutton and Ms. Hubbard joined the Board in the Executive Session.

MOTION BY KEITH DEAVER WITH SECOND BY SCOTT SODER TO RETURN TO OPEN SESSION FROM EXECUTIVE SESSIONS

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Todd Finley
Lupe Ibarra
Paul Magdeburg
Scott Soder

Chairman Magdeburg noted that there were no votes taken in Executive Session.

MOTION BY TONY BOEVERS WITH SECOND BY SCOTT SODER PROVIDE A ONE-TIME PAY DIFFERENTIAL OF \$2,000 FOR SPECIAL OR EXTRA DUTIES UNDER EXTRAORDINARY CIRCUMSTANCES DURING THE COVID-19 PANDEMIC AND RECOVERY TO ALL EMPLOYEES IN POSITIONS EMPLOYED ON MAY 31, 2021

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Todd Finley

Lupe Ibarra
Paul Magdeburg
Scott Soder

DISCUSSION AND POSSIBLE VOTE ON A PROPOSED FY22 CIB BUDGET WORK PROGRAM

Ms. Hubbard reported that the proposed budget for FY 22 is the same amount as last year's budget. She stated that there were some adjustments but they were offset in other areas. She 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 as expenditures are approved by the Board. She reported that the only thing that is unsure on this budget is that the agency received word from OMES ISD that their rates may go up or down depending on how much money is appropriated to them and that the agency would not be notified until after legislative session.

MOTION BY TODD FINLEY WITH SECOND BY KEITH DEEVER TO ACCEPT
THE PROPOSED FY 22 BUDGET WORK PROGRAM AS PRESENTED

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Todd Finley
Lupe Ibarra
Paul Magdeburg
Scott Soder

BREAK

At approximately 3:03 pm the meeting was recessed for a short break.

RECORDING OF MEMBERS PRESENT AFTER SCHEDULED BREAK

MEMBERS PRESENT: Tony Boevers, Larry Buxton, Keith Deaver, Todd Finley, Lupe Ibarra, Paul Magdeburg and Scott Soder

Mechanical Hearing Board:

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:

Mr. Dutton noted that Keith Deaver served as Chair of the Mechanical Hearing Board when Docket No. CIB-20-M-004 was heard.

Matters heard by the Mechanical Hearing Board on Docket No. CIB-20-M-004 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
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Citation No. 21119 Nizar Yousuf Contractor working without a license

MOTION BY SCOTT SODER WITH SECOND BY LARRY BUXTON TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO ELECTRICAL HEARING BOARD DOCKET CIB-20-M-004.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Todd Finley
Lupe Ibarra
Paul Magdeburg
Scott Soder

Recused: Keith Deaver

Plumbing Hearing Board:

Mr. Dutton noted that Scott Soder served as Chair of the Plumbing Hearing Board when Docket No. CIB-20-P-004 was heard.

Matters heard by the Plumbing Hearing Board on Docket No. CIB-20-P-004 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 21174	Anthony Doyle	Contracting without a license

MOTION BY TONY BOEVERS WITH SECOND BY LUPE IBARRA TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO PLUMBING HEARING BOARD DOCKET CIB-20-P-004.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Todd Finley
Lupe Ibarra
Paul Magdeburg

Recused: Scott Soder

Electrical Hearing Board:

Mr. Dutton noted that Paul Magdeburg served as Chair of the Electrical Hearing Board when Docket No. CIB-20-E-003 was heard.

Matters heard by the Electrical Hearing Board on Docket No. CIB-20-E-003 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 21400	Eric Ingle	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 21270	Abayomi Reid	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 21271	Abayomi Reid	Contractor working unlicensed or unregistered individual (per person)
Citation No. 21175	Anthony Doyle	Contracting without a license
Citation No. 21408	Kyle Hohlier	Contractor working unlicensed or unregistered individual (per person)
Citation No. 21293	Dempsey Tipps Jr.	Contractor working unlicensed or unregistered individual (per person)
Citation No. 21268	David Jankowsky	Contracting without a license
Citation No. 21348	Moyse Duncan	Contracting without a license

MOTION BY SCOTT SODER WITH SECOND BY TONY BOEVERS TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO ELECTRICAL HEARING BOARD DOCKET CIB-20-E-003.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Todd Finley
Lupe Ibarra
Scott Soder

Recused: Paul Magdeburg

ADJOURNMENT

MOTION BY TODD FINLEY WITH SECOND BY TONY BOEVERS TO ADJOURN THE MEETING.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Todd Finley
Lupe Ibarra
Paul Magdeburg
Scott Soder

The meeting was adjourned at approximately 3:12 p.m.

Minutes approved in Regular Session on the 21 day of July, 2021.

/s/ Paul Magedeburg
Paul Magedeburg, Chair

/s/ Stephanie Brown
Stephanie Brown, Board Secretary