

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

April 13, 2022

CALL TO ORDER AND RECORDING OF MEMBERS PRESENT AND ABSENT

The regular meeting of the Construction Industries Board was called to order by Chair Scott Soder at approximately 1:30 p.m. on Wednesday, April 13th, 2022, in the Conference Room of the Construction Industries Board.

MEMBERS PRESENT: Tony Boevers, Keith Deaver, Larry Buxton, Todd Finley, Lupe Ibarra, Jamey Mullin & Scott Soder

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

OTHERS PRESENT: Jon Dutton, Assistant Attorney General; Steve Funck, OMES ABS; David Hames, PHCC Executive Director; Kenny Whitson, 344 Training; Veronica Alarcon, OK Dept. of Commerce; Sal Lugo, Lowe's Companies Inc.; Mitchell Thomas, 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 13th day of April, 2022, 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 13th day of April, 2022.

NEW BUSINESS

There was no new business discussed.

PUBLIC COMMENTS

There were no public comments.

ADMINISTRATOR'S REPORT

Ms. Hubbard reported that the vacant position at the front window had been filled and that the agency welcomed Brandy Lermon to the team.

Ms. Hubbard reported that the seven additional PSI testing centers had been added to CIB's available exam locations and to the PSI candidate bulletin. She stated that CIB has posted the new locations update on the website and would be making social media posts about the new locations in the near future.

FINANCIAL REPORT

Written financial reports for the month ended March 31, 2022, prepared by OMES/ABS were provided for review and discussion.

PUBLIC RELATIONS REPORT

Workforce Development

Ms. Wojtek reported that the agency is continuing to move forward with the first Inter-Agency Agreement with Career Tech and looking to have the Mechanical video finalized by early May.

Ms. Wojtek reported that Marcie Mack resigned as the Director of Career Tech back at the end of January. She stated that former Representative Lee Denney is now serving as the Interim Director while they do a national search for a permanent replacement. She stated that there has already been a meeting with Ms. Denney and that the agency looks forward to continuing to work on the agreements.

Ms. Wojtek reported that she continues to meet with industry groups on Workforce Development so that they can increase collaboration and the sharing of information for recruiting into the industries.

Communications & Outreach

Ms. Wojtek reported that she is continuing to provide CIB information when requested about the trades and the industry to various industry groups and the public.

Ms. Wojtek reported that the active users for the website for the last month was 12,319. She stated that these users had over 50,000 page views. She stated that in continuing to dig into the analytics she was researching some of the sources of the users and that 58.53% of last month's users came from google with 28.36% coming directly to the CIB website.

Ms. Wojtek reported that all of the social media followings have increased since the last meeting. She stated that email subscribers are currently at 8,733.

Ms. Wojtek reported that she has continued researching and producing infographics, memes and artwork to assist in the agency's communications plan and thanked Board members who like and share posts.

Ms. Wojtek showed a few of the recent posts on the overhead screen.

Ms. Wojtek stated that she would also like to remind the Board that April 28th is International Workers' Memorial Day in honor of all those who never came home from work. She stated that the Governor has signed a resolution and CIB will be making a post that day.

Legislative Update

Ms. Wojtek reported that the last deadline for the legislature was March 24. She stated that bills needed to be heard out of their house of origin by that date.

Ms. Wojtek reported that there were 1,050 bills still alive after the deadline with 400 being leftover from last year.

Ms. Wojtek reported that tomorrow is the next legislative deadline, where bills must be heard out of the opposite chamber committee, except appropriations and budget bills which have until April 22nd.

Ms. Wojtek reported that a few bills that are still "alive" and have through tomorrow, to move to the next step:

- HB 1940 which deals with roofing contractors waving/paying for insurance deductibles as an inducement to use them. It places insurance claim prevision's in our roofing act that we are unable to enforce which causes confusion and unreasonable expectations of CIB, so she reached out to the author, Representative Hilbert's office and confirmed the intent of this legislation is not to have CIB enforce any aspect of the bill, but for insurance companies to have the ability to deny claims.
- SB 1716 allows for subcontracting labor crews for contracts under \$500,000 to be exempt from the roofing registration act.
- HB 2007 which would generally reduce the experience required for an individual to sit for certain Mechanical License exams if a contractors signs that the applicant is qualified.
- SB 1750 would allow home inspectors to estimate costs of repairs needed during their inspection.
- SB 1691 would allow certain individuals with criminal history to receive a license.
- SB 1549 would require state agencies to conduct (an additional) audit, this one by a 3rd party evaluation of the agencies' digital processes, forms, storage, etc. and then implement what the 3rd party reports to the legislature.

Ms. Wojtek stated that there are still several bills that would affect workers compensation, construction bidding on public projects, liens, etc. but she is not sure which bills will be moving forward.

Ms. Wojtek stated that the agency has continued to respond to legislative requests and inquiries as 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.

Mr. Hager reported that Mr. Mullins brought a couple concerns up at the previous meeting. He stated that Mr. Mullins had stated that PSI would not allow the use of 2015 International Residential Code books during testing. Mr. Hager stated that PSI was contacted, and stated that they have not heard of anyone being denied from taking the 2015 IRC book into the exam.

Mr. Hager reported that the next issue Mr. Mullins reported was that nobody could find the book for the exam. Mr. Hager stated that he did a quick internet search and was able to confirm that the books were easily accessible to the public.

Mr. Mullins stated that when he ordered the book a few months ago it said it was for plumbing, but when it came it had all the trades and was thick.

Mr. Hager said it is the International Residential Code so it comes with all trades and is thick due to having everything in it.

Mr. Mullins stated that the problem was with the proctors allowing test takers to take in the book because it was so large and was not just the plumbing trade and that test takers did not make an official complaint to PSI. Mr. Mullins stated that he just wanted to know if there was something else out there that just contained plumbing.

Mr. Hager stated that it is his understanding that if someone is denied taking in a book for testing, PSI is required to record that information and there has been nothing recorded showing that anybody has been denied the usage of a book.

Mr. Mullins thanked Mr. Hager and everyone involved with adding the residential journeyman exam statistics to the Plumbing report.

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 the 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 TODD FINLEY WITH SECOND BY KEITH DEAVER 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
Jamey Mullin
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 MARCH 23, 2022

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

MOTION BY TONY BOEVERS WITH SECOND BY KEITH DEAVER TO ACCEPT THE MARCH 23, 2022, BOARD MEETING MINUTES AS PRESENTED.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Lupe Ibarra
Jamey Mullin
Scott Soder

Abstaining: Todd Finley

CONSIDERATION AND POSSIBLE VOTE TO RE-APPOINT KENNY WHITSON AS A MEMBER OF THE OKLAHOMA STATE COMMITTEE OF PLUMBING EXAMINERS FOR A TWO-YEAR TERM ENDING SEPTEMBER 2024. TITLE 59 O.S. § 1004(A)(2)

Ms. Hubbard reported that there is a letter of recommendation for his re-appointment and that Mr. Whitson has been an active and involved member of the Committee and is willing and able to serve.

MOTION BY TODD FINLEY WITH SECOND BY LARRY BUXTON TO RE-APPOINT KENNY WHITSON AS A MEMBER OF THE OKLAHOMA STATE COMMITTEE OF PLUMBING EXAMINERS FOR A TWO-YEAR TERM ENDING SEPTEMBER 2024.

MOTION PASSED

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

Jamey Mullin
Scott Soder

CONSIDERATION AND POSSIBLE VOTE TO RE-APPOINT STACY COE AS A MEMBER OF THE OKLAHOMA STATE COMMITTEE OF PLUMBING EXAMINERS FOR A TWO-YEAR TERM ENDING SEPTEMBER 2024. TITLE 59 O.S. § 1004(A)(3)

Ms. Hubbard reported that Stacy Coe was initially appointed in 2016 and was re-appointed after that and is willing and able to continue serving.

Mr. Ibarra asked if anybody else has come up for this position.

Ms. Hubbard stated that nobody else has notified the agency of any interest in the position.

MOTION BY TONY BOEVERS WITH SECOND BY KEITH DEEVER TO RE-APPOINT STACY COE AS A MEMBER OF THE OKLAHOMA STATE COMMITTEE OF PLUMBING EXAMINERS FOR A TWO-YEAR TERM ENDING SEPTEMBER 2024.

MOTION PASSED

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

CONSIDERATION AND POSSIBLE VOTE TO RE-APPOINT JASON BEMENT, PLUMBING JOURNEYMAN, NOT A MEMBER OF A STATE PIPE TRADES ASSOCIATION, AS A MEMBER OF THE OKLAHOMA STATE COMMITTEE OF PLUMBING EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2024. TITLE 59 O.S. § 1004(A)(4)

Ms. Hubbard reported that both this seat and the previous one voted on (Stacy Coe's) have a statutory requirement that states that they not be a member of any trade association which is why there is no recommendation letter for either Stacy Coe or Jason Bement for the Board. Ms. Hubbard stated that Jason was initially appointed in 2021 to fill the remainder of the term when Mr. Lipcaman resigned, so this would be a re-appointment for his first full two year term.

MOTION BY LARRY BUXTON WITH SECOND BY TODD FINLEY TO RE-APPOINT JASON BEMENT AS A MEMBER OF THE OKLAHOMA STATE COMMITTEE OF PLUMBING EXAMINERS FOR A TWO-YEAR TERM ENDING SEPTEMBER 2024.

MOTION PASSED

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

DISCUSSION AND POSSIBLE VOTE TO ADVERTISE POSITION OPENING FOR SOON TO BE VACANT FIELD INVESTIGATOR POSITION (PLUMBING TRADE) DUE TO THE RETIREMENT OF TIM HILLMAN

Ms. Hubbard reported that this would be to advertise for a soon to be opening for a field investigator for the plumbing trade due to the retirement of Tim Hillman. Ms. Hubbard stated that after 19 years of service Tim will be retiring on May 1st, so if the Board so approves the agency would be able to advertise the position and receive applications.

MOTION BY KEITH DEAVER WITH SECOND BY LUPE IBARRA TO ADVERTISE POSITION OPENING FOR SOON TO BE VACANT FIELD INVESTIGATOR POSITION IN THE PLUMBING TRADE.

MOTION PASSED

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

DISCUSSION WITH POSSIBLE VOTE ON RENEWAL OF THE FOLLOWING CONTRACTS FOR FY 23:

i. Sunset Courier

Ms. Nunnery stated that Sunset Courier provides the CIB with courier services for delivery of the CIB's daily bank deposits. She stated that Sunset Courier has requested an increase of \$5.20 per day, a 53% increase for FY 23. She stated that Sunset Courier's reason for this increase is the rise in cost for fuel, supplies and bond. Ms. Nunnery stated that she surveyed other courier services and while she did not receive official quotes from them, one gave a preliminary quote of \$17-\$20 per day. She stated that some of the courier services polled could not meet CIB's tight pick-up time or did not deliver to CIB's bank.

Mr. Boevers stated that for the safety of CIB's staff he believed a courier service was necessary.

MOTION BY TONY BOEVERS WITH SECOND BY LUPE IBARRA TO RENEW THE CONTRACT WITH SUNSET COURIER AT THE INCREASED RATE FOR FY 23.

MOTION PASSED

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

ii. AT&T

Ms. Nunnery stated that the agency is requesting to continue the contract with AT&T at the current rate since this is the second year of a two-year contract.

MOTION BY KEITH DEAVER WITH SECOND BY LARRY BUXTON TO RENEW THE CONTRACT WITH AT&T FOR FY 23 AT THE SAME RATE AS FY 22

MOTION PASSED

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

iii. GALT

Ms. Nunnery stated that the agency is requesting to continue the contract with GALT for the agency's 3 temporary administrative support staff with a 32.9% increase requested by GALT due to a market analysis contacted by GALT indicating their Administrative Technicians were making less than the fair market value. Ms. Nunnery stated that GALT desires to provide equitable pay for those working for state agencies which will help GALT with obtaining and retaining talented staff in a time where turnover is costly for both GALT and CIB.

MOTION BY TONY BOEVERS WITH SECOND BY LUPE IBARRA TO RENEW THE CONTRACT FOR ADMINISTRATIVE SUPPORT SERVICES WITH GALT FOR FY 23 AT THE INCREASED RATE

MOTION PASSED

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

iv. XEROX

Ms. Nunnery stated that XEROX provides the agency with two copy/print/fax machines and that this is the second renewal of the contract with XEROX and there would be no increase from FY 22.

MOTION BY KEITH DEAVER WITH SECOND BY TODD FINLEY TO RENEW THE CONTRACT WITH XEROX AT THE SAME RATE AS FY 22

MOTION PASSED

Voting Aye: Tony Boevers

Larry Buxton
Keith Deaver
Todd Finley
Lupe Ibarra
Jamey Mullin
Scott Soder

v. Quadient/Neopost/MailFinance

Ms. Nunnery stated that Quadient/Neopost/MailFinance provides the CIB with the lease of the CIB's mail opener/folder/inserter. She stated that the agency is requesting the renewal of this lease with an increase of 21.31% annually due to the CIB's need to replace the current equipment which is unable to handle the large volume of mail received on a daily basis.

Mr. Mullin asked how many pieces of mail the agency receives.

Ms. Nunnery stated that it depends on the day but on average 200+ per day on a heavy day.

Mr. Buxton asked if there is an advantage to placing the copier/printers on a lease with the mail opener/folder/inserter.

Ms. Nunnery stated that we are currently in a lease with XEROX for the copier/printers but when that lease is up the agency can look at whether it would be cost effective to combine those services with these.

MOTION BY JAMEY MULLIN WITH SECOND BY KEITH DEAVER TO RENEW THE CONTRACT WITH OMES INTERAGENCY MAIL SERVICES FOR THE SAME RATE AS FY 22

MOTION PASSED

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

vi. OMES – Risk Management

Ms. Nunnery stated that OMES Risk Management provides CIB with Directors & Officers, Tort and Liability insurance. She stated the rate for FY 23 would include a 6% increase from FY 22. Ms. Nunnery stated that she was told the reason is due to market conditions to the specific line of commercial insurance, impact to the pool due to losses and experience of the entity for experience-based coverages.

MOTION BY TODD FINLEY WITH SECOND BY KEITH DEAVER TO RENEW CONTRACT WITH OMES RISK MANAGEMENT DIVISION WITH AN INCREASED RATE OF 6% ANNUALLY FROM FY 22.

MOTION PASSED

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

**REPORT AND DISCUSSION ON EMPLOYEE WORKERS' COMPENSATION CLAIM,
COURT NUMBER CM2020-05235A**

- (i) **Possible vote to convene into Executive Session – Pursuant to 25 O.S. § 307(B)(4), the Board may convene in Executive Session for confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the active advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.**
- (ii) **Possible vote to return to Open Session**

MOTION BY TONY BOEVERS WITH SECOND BY KEITH DEEVER TO CONVENE INTO EXECUTIVE SESSION

MOTION PASSED

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

Note: The Board went into Executive Session at approximately 2:04 p.m., and Mr. Dutton, Ms. Hubbard and Ms. Nunnery joined the Board in the Executive Session.

MOTION BY TODD FINLEY WITH SECOND BY JAMEY MULLIN TO RETURN TO OPEN SESSION FROM EXECUTIVE SESSION

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver
Todd Finley
Lupe Ibarra
Jamey Mullin

Scott Soder

Mr. Dutton noted that there were no votes taken in Executive Session.

BREAK

At approximately 2:26 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, Jamey Mullin and Scott Soder

Plumbing 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 Paul Magdeburg served as Chair of the Plumbing Hearing Board when Docket No. CIB-21-P-002 was heard.

Matters heard by the Plumbing Hearing Board on Docket No. CIB-21-P-002 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 21112	Jay Willoughby	Contracting without a license
Citation No. 21634	Tyler Atherton	Contracting without a license
Citation No. 21634	Richard Terry	Contractor working unlicensed or unregistered individual (per person)
Citation No. 21534	Richard Sullivent	Contracting without a license
Citation No. 21536	Alan Koon	Contracting without a license
Citation No. 21298	Anthony Flores	Contracting without a license
Citation No. 21306	Kevin Blackburn	Contractor working unlicensed or unregistered individual (per person)
Citation No. 21211	Max Watkins	Contracting without a license
Citation No. 21501	Wesley Kyle Britton	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 21505	Melvin Hull	Inactive contractor or journeyman engaged in contracting
Citation No. 21549	Alfredo Pacheco	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 21550	Isac Martinez Garcia	Unlicensed or unregistered individual performing trade work under the direction of another

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-21-P-002.

MOTION PASSED

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

ADJOURNMENT

MOTION BY TODD FINLEY WITH SECOND BY LUPE IBARRA TO ADJOURN THE MEETING.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Todd Finley
Lupe Ibarra
Jamey Mullin
Scott Soder

Voting Nay: Keith Deaver

The meeting was adjourned at approximately 2:31 p.m.

Minutes approved in Regular Session on the 25th day of May, 2022.

/s/ Scott Soder
Scott Soder, Chair

/s/ Stephanie Brown
Stephanie Brown, Board Secretary