

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

January 26, 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, January 26th, 2022, in the Conference Room of the Construction Industries Board.

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

MEMBERS ABSENT: Keith Deaver

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

OTHERS PRESENT: Jon Dutton, Assistant Attorney General; Steve Funck, OMES ABS; Mitchell Thomas, Career Tech; Kenny Whitson, 344 Training.

*arrived after roll call

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 January, 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 26th day of January, 2022.

NEW BUSINESS

There was no new business discussed.

PUBLIC COMMENTS

There were no public comments.

ADMINISTRATOR'S REPORT

Ms. Hubbard reported that twenty years ago industry representatives and policymakers came together to streamline administration and bring transparency to agency and committee operations by bringing the trade committees out from under the State Health Department and

placing them under the Construction Industries Board. She stated that a lot of changes have been made since then to the laws affecting the CIB and the trade acts it administers and that it was appropriate to remind everyone of this milestone.

Ms. Hubbard reported that she and Debra attended the November 30th OLAC meeting where OLAC discussed what areas they would be looking at during the next round of license reviews. She stated that over the past four years, CIB licenses have been reviewed with no formal recommendations for changes to be made to the trades CIB administers. She stated that some OLAC members expected legislation to be filed possibly changing their authority or scope and that the agency would continue to follow their meetings.

Ms. Hubbard reported that there are several important OMMA updates to share. She stated that shortly after the November CIB meeting, there was a meeting at OMMA with the deputy director and the Manager of Interagency Collaboration to discuss the written public comments CIB was wanting to submit. She stated that OMMA was happy for CIB to do that and were excited about more coordination between the agencies and the abilities of their new Compliance Coordinator to assist CIB with needed information on facilities. She stated that CIB timely filed public comments and provided the Board a copy for their review and noted that the comments reflect what the Board previously considered at the November meeting. She stated that on January 12, 2022, there was another meeting with OMMA to coordinate and streamline regulatory and enforcement processes and the sharing of information and that Representatives as well as members of the State Fire Marshall's office, Architects' Board and the Engineering Board were invited. She stated that Jerin Presley, OMMA's Manager of Interagency Collaboration; 3 representatives from the Engineering Board; and CIB staff were all in attendance. She stated that a plan was discussed to share information on license holders with CIB and for CIB to report sites when they cannot find information on them. She stated that OMMA does not collect information on any owner's employees and that it would be very difficult for them to do based upon the ownership percentages of multiple owners allowed under the current law. She stated that OMMA reported that even though their Compliance Coordinator position is currently vacant, they would still try to help get CIB licensee information. She stated that various steps in the current licensing process were discussed including concerns with the building code requirement sign off in the Certificate of Compliance. She stated that OMMA is looking at how to better educate and train those signing off on those building code requirements. She reported that OMMA expects a very large number of legislative bills to be filed on medical marijuana. She stated that OMMA is working with legislators on an idea for having a two tiered system with a 90 day temporary initial license, inspection by Fire Marshall, and if not then the 90 day temporary would expire and no regular license would issue at that time. She stated that Mr. Presley explained that he did not represent the OSDH legal department but wanted to let CIB know that their legal department has questions about OMMA's authority to inspect facilities and hope to get their authority cleared up through legislation this session to help with their legal authority concerns and issues. She stated that the Engineering representatives clarified that each site should have a set of plans with an Engineering stamp and seal for that site. She stated that during the discussion on the current statewide adopted Mechanical Code, it was noted that Medical Marijuana facilities are currently coded as F1 (manufacturing) and there is no code revision allowing for CO2 infused grow operations. She stated that it was discussed that if medical marijuana facilities are coded as manufacturing, then both Electrical and Mechanical work could possibly be performed by the owner's employees without licenses unless the local jurisdiction required licensing since both acts have exemptions for employees of owners. She stated that without employer/employee information being available to CIB, there continues to be great difficulty in determining which individual is or is not

required to be licensed. She stated that it was a good meeting and that CIB greatly appreciates OMMA having Mr. Presley be available to the CIB and his willingness to help the agency coordinate and streamline information where they can. She stated that she also appreciates CIB's Field Supervisors attending that meeting and the Engineering and Architects Boards' representatives also. She stated that Mr. Presley explained that OMMA maintains a website and call center that can be used by any person to contact OMMA to report problems with a medical marijuana facility. She stated that Mr. Presley did not have an update on any OMMA action or non-action on CIB's public comments to OSDH/OMMA's proposed administrative rules.

Ms. Hubbard reported that a copy of CIB's response, pursuant to Title 75 § 250.10 of the Oklahoma Statute, to a request to review and repeal a Home Inspector Industry Administrative Rule had been provided for the Board. She stated that the rule was properly adopted following the Oklahoma Administrative Procedures Act. She stated that the Board would have approved it in November of 2019 after the Committee of Home Inspector Examiners approved it at their October 2019 meeting. She stated that it is a comprehensive response with three attachments marked by separate book tabs immediately following the response letter and that she would be happy to answer any questions about the response.

Ms. Hubbard reported that she attended the quarterly meeting called by the CIB's Cabinet Secretary on December 13. She stated that updates were provided explaining that the 3rd party vendor providing computer help desk services, NTT, will be replaced when their contract ends. She stated that OMES is working with the Legislature on funding with the goal of obtaining an increase in funding so that any additional help desk costs would not have to be passed on to the agencies. She stated that they also learned that the new HR software called WorkDay, part of the BrightPath project, is expected to deploy in May and training will begin soon for all state employees.

**Mr. Mullin arrived at the meeting.*

Ms. Hubbard reported that the meeting with State Leasing originally scheduled for last week was postponed due to COVID-10 protocols and that the agency would be working to reschedule that meeting as soon as possible.

Ms. Hubbard reported that the agency held a staff appreciation luncheon on December 9, where the agency recognized and thanked staff for their contribution to the CIB, especially during COVID-19 when reduced traffic in the office and social distancing have been needed to reduce the risk of exposure to office staff. She stated that service pins were also handed out for 2020 and 2021.

Ms. Hubbard reported that OMES is now requiring quarterly reporting on the status of the Employee Engagement Action Plan based on results of the Employee Engagement Survey they conduct. She stated that the top area for improvement was identified as employees respect for each other. She stated that the recommended action to address the issue is to determine specific behaviors our team agrees makes them feel respected such as acknowledging each other's contributions, being mindful of each other's time, being kind and respectful in speech and actions with co-workers and customers, and directly but in a civil and professional way confronting violations of disrespectful behaviors at the time they happen. She stated that she has had meetings with Supervisors and office leadership and that the Supervisors have had meetings with those in their division. She stated that she believes this new requirement will

assist the agency in improving communication within the agency and result in improved attitudes, overall positive feelings of accomplishment and contribution towards a healthy and respectful workplace environment.

Ms. Hubbard reported that the new software, WorkDay/BrightPath, that she previously mentioned will be taking over all HR portions of PeopleSoft with some additional areas from hiring employees, training classes, time keeping, to final separation of employment. She stated that PeopleSoft Financial will be updated, but remain for now. She stated that extensive training will be required for all employees.

Ms. Hubbard reported that she knows each Board member has had to deal with health/safety issues of employees while managing time commitments to their customers. She stated that it is probably very similar to what the agency is experiencing and she wanted to make sure that they were aware of some areas. She stated that the second of two new hires has left and since then the agency has hired one replacement for the reception area and has the second position posted. She stated that experienced staff is involved in training and juggling this training with their regular responsibilities and covering for those who have been out on planned leave, sick leave, or working at home to observe COVID-19 protocols. She stated that several field staff have been out due to COVID-19 protocols as well. She stated that Field Supervisors have been working to make sure the territories are being covered by other staff. She stated that the agency has been and continues to be short-handed and that we are doing everything we can think of to keep staff safe from the risk of exposures to COVID-19 while still being able to keep the lobby open, timely process applications and serve the customers. She stated that it does take about five office employees to keep the lobby open due to required separation of duties in processing receipts, deposits, applications and phone calls. She stated that every time she says we are "stretched to the limit" it seems something else happens and the agency is able to pull a rabbit out of a hat to keep providing good service. She stated that Windy is doing a great job balancing employee health with customer service needs and staff is doing a great job continuing to be willing to put forth the needed extra effort. She stated that she appreciates everyone stepping up to do what it takes. She stated that the Board needs to know it has been and continues to be a serious situation that the agency will continue to manage and asked that if they hear concerns about any delays to let her know so they can be handled and the agency can maintain its good customer service.

FINANCIAL REPORT

Written financial reports for the month ended December 31, 2021, prepared by OMES/ABS were provided for review and discussion.

PUBLIC RELATIONS REPORT

Ms. Wojtek was not present at the meeting but gave her report by phone.

Workforce Development

Ms. Wojtek reported that the agency is continuing to move forward with the first Inter-Agency Agreement with Career Tech. She stated that they are working on filming the Mechanical video, and thanked Scott Soder for securing a filming location of the first filming that occurred on January 10th. She stated that they were able to get a lot of really good footage to use.

Ms. Wojtek reported that she met with a few 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 20,046. She stated that these users had over 60,000 page views. She stated that in continuing to dig into the analytics she has looked at the browsers that website viewers are coming from and in the last month 72.02% came to the CIB website through Chrome followed by Safari, Edge and Firefox.

Ms. Wojtek reported that all of the social media followings have increased since the last meeting and that email subscribers are currently at 8,260 up almost 400 from 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 thanked Board members who like and share posts.

Legislative Update

Ms. Wojtek reported that the Legislature is going to convene on February 7.

Ms. Wojtek reported that the deadline for legislators to pre-file their bills was January 20th and there were just under 2,300 bills filed for this year. She stated that the agency is still working on sorting through to see which, if any, affect the CIB and the industries. She stated that she also wanted to make sure that members are aware that this is the 2nd year of a 2 year session, so any bill that is still alive from last year could still be passed this year.

Ms. Wojtek stated that the agency has continued to respond to legislative requests and inquiries as requested. She stated that the agency had the opportunity to host Representative Boatman who had questions about the roofing registration process and that the meeting went really well.

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 December. 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 December. 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 December. 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 December. 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 TONY BOEVERS WITH SECOND BY LARRY BUXTON TO APPROVE THE CONSENT AGENDA FOR UNCONTESTED CITATIONS PAID, HEARINGS WAIVED.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
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 NOVEMBER 17, 2021

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

MOTION BY TODD FINLEY WITH SECOND BY JAMEY MULLIN TO ACCEPT THE NOVEMBER 17, 2021, BOARD MEETING MINUTES AS PRESENTED.

MOTION PASSED

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

DISCUSSION WITH POSSIBLE VOTE ON UPDATES TO CIB EMPLOYEE HANDBOOK INCLUDING CHANGES BEING MADE AS A RESULT OF RECENT STATUTORY AND RULE CHANGES FROM HUMAN CAPITAL MANAGEMENT REGARDING STATE EMPLOYEES

Ms. Hubbard reported that the proposed changes were highlighted in yellow on the document provided and could be found throughout the handbook. She stated that because they are throughout the handbook and for transparency, it was best to present the Board with the complete Handbook. She stated that the changes have been reviewed by the CIB's legal

advisor and approved for presentation to the Board and that she was happy to answer any questions.

MOTION BY JAMEY MULLIN WITH SECOND BY LUPE IBARRA TO APPROVE CHANGES TO THE CIB EMPLOYEE HANDBOOK AS PRESENTED.

MOTION PASSED

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

DISCUSSION AND POSSIBLE VOTE ON THE APPOINTMENT OF CHAD DENSON (BUILDING AND CONSTRUCTION INSPECTOR) AS A MEMBER OF THE COMMITTEE OF ROOFING EXAMINERS FOR THE REMAINDER OF A TWO-YEAR TERM EXPIRING OCTOBER 31, 2022, REPLACING DAVID SMITH WHO IS RETIRING. TITLE 59 O.S. § 1151.26(B)(5)

Ms. Hubbard reported that one member shall be appointed by the Construction Industries Board and shall be a licensed or certified building inspector with a minimum of 5 years' actual job experience in building code inspections. This member shall be selected from a list of at least three qualified and eligible inspectors and submitted by a state organization representing inspectors. She stated that Mr. Denson meets the statutory requirements and told the Board members that behind Tab M they could find the letter listing at least 3 qualified and eligible inspectors submitted by OBIA, the statewide organization representing inspectors.

MOTION BY LUPE IBARRA WITH SECOND BY TONY BOEVERS TO APPOINT CHAD DENSON AS A MEMBER OF THE COMMITTEE OF ROOFING EXAMINERS FOR THE REMAINDER OF A TWO-YEAR TERM EXPIRING OCTOBER 31, 2022.

MOTION PASSED

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

CONSIDERATION WITH POSSIBLE VOTE ON THE RECOMMENDATION OF RFP EVALUATION SUB-COMMITTEE TO RECOMMEND TO CENTRAL PURCHASING A CONTRACT FOR TESTING SERVICES BE AWARDED TO VENDOR A

Ms. Hubbard reported that CIB's RFP's fall under the authority of OMES Central Purchasing. She stated that they are the ones who have the authority to actually award a bid. She stated that the CIB's authority is to make a recommendation to them to award the bid for testing services. She stated that Central Purchasing has very strict confidentiality requirements before the bid is awarded and that those requirements prohibit her from disclosing the name of a vendor responding to the RFP before the bid is awarded. She stated that likewise it prohibits her from identifying today those on the evaluation team. She stated that these confidentiality

requirements are the reason the vendor is listed only as vendor A on the agenda. She stated that she would like to thank Stephanie for all the great work she did to prepare the documentation to help streamline the information for the evaluation team. She stated that she can tell the Board that vendor A was the high scoring bid.

MOTION BY LUPE IBARRA WITH SECOND BY TODD FINLEY TO RECOMMEND TO CENTRAL PURCHASING THAT A CONTRACT FOR TESTING SERVICES BE AWARDED TO VENDOR A

MOTION PASSED

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

BREAK

At approximately 2:18 pm the meeting was recessed for a short break.

RECORDING OF MEMBERS PRESENT AFTER SCHEDULED BREAK

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

Roofing 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:

Matters heard by the Roofing Hearing Board on Docket No. CIB-20-R-001 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 21259	Rick Sharpton	Contracting without registration and commercial endorsement
Citation No. 21262	Jose Palacios	Contracting without registration and commercial endorsement
Citation No. 21425	Derwin Nasalroad	Loaning a license

MOTION BY LUPE IBARRA WITH SECOND BY LARRY BUXTON TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO ROOFING HEARING BOARD DOCKET CIB-20-R-001.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Todd Finley
Lupe Ibarra

Jamey Mullin
Scott Soder

Electrical 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 Todd Finley served as Chair of the Electrical Hearing Board when Docket No. CIB-21-E-002 was heard.

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

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 21056	Eric Aukes	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 21057	Brice Keeler	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 21456	Phillip Harrington	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 21455	Phillip Harrington	Loaning a license
Citation No. 21533	Richard Sullivent	Contracting without a license
Citation No. 21058	Richard Hill	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 21527	Dustin Martin	Contractor working unlicensed or unregistered individual (per person)
Citation No. 21060	Michael Goldston	Contractor working unlicensed or unregistered individual (per person)
Citation No. 21059	Dakoda Hill	Unlicensed or unregistered individual performing trade work under the direction of another

MOTION BY TONY BOEVERS WITH SECOND BY JAMEY MULLIN TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO ELECTRICAL HEARING BOARD DOCKET CIB-21-E-002.

MOTION PASSED

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

Recused: Todd Finley

ADJOURNMENT

MOTION BY LUPE IBARRA WITH SECOND BY TONY BOEVERS TO
ADJOURN THE MEETING.

MOTION PASSED

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

The meeting was adjourned at approximately 2:21 p.m.

Minutes approved in Regular Session on the 23rd day of March, 2022.

/s/ Scott Soder
Scott Soder, Chair

/s/ Stephanie Brown
Stephanie Brown, Board Secretary