

**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**

**May 25<sup>th</sup>, 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, May 25<sup>th</sup>, 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; Mike Skinner; Joe Washington; Matt Wansley; Landon D. Varnell; John Burdin; Gary Cartwright; James Clouse; Matthew Holder; Christina Selby; Tim Taciuk, IEC-OKC; Eddie Snyder; Tom Barmann; Milton Mendez; Jason Kostic; Luke Kelley; James Harper; Greg M. Mullin, Stone Creek Plumbing; Mike Means, Oklahoma Home Builders Association; Jim Griffy, IBEW 1141; Jonathan Stroup, Code 3 Plumbing; Jessica McCormick, Plumbing Solutions; Edward McEntire, New Horizons Inspections; Jerry Anderson, Smart Guy Plumbing, Inc.; Kent Tippet, Plumbing Solutions; Ashley Whelan, Plumbing Solutions, Inc.; Zachary Tippet, Plumbing Solutions, Inc.; Meegan Holman, AKC Plumbing; Mitchell Thomas, ODCTE; Howard Hudson Sr.; Epic Plumbing; Dustin Perkey, D and D Drain; David Hames, PHCC; Noel Martin, MNTC; Joe Brown, MNTC; Colin McGoldrick, MNTC; Leslie Plemons, MNTC; Danny Hogue, MNTC, Mike Bass, Delco Electric; Larry Brouk.

**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 25<sup>th</sup> day of May, 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 25<sup>th</sup> day of May, 2022.

### **NEW BUSINESS**

There was no new business discussed.

### **PUBLIC COMMENTS**

*\*This is a summarization of the public comments of the May meeting based upon review of the recordings but is not a verbatim transcript.*

Jon Dutton explained to the Board and the public that those who would like to make public comments need to sign up on the sheet so that the Chairman can make sure to call each person who would like to speak. Mr. Dutton explained that upon being called to the podium, each person would have 3 minutes to speak and that he would be tracking that time. He stated that public comments is a time for the public to be able to make their comments to the Board, but is not a time for the Board to react, respond or make comments, they are just to hear what the public comments are. He stated that if there was anything the Board were to hear in the public comments that they would like to address, it can be put on a future agenda as an item to be discussed.

Christina Selby, City Plumbing Inspector for the City of Duncan stated that she received a letter that has been circulating and from what she has read from the papers up front it was from the Oklahoma Builders Association. She stated that on the internet it does not specify the organization that it was sent from. She stated that she has prepared a letter for Janis, but did not have time to send it through snail mail, since she did not get the letter until yesterday. She stated that she would like to read her letter out loud.

*\*Ms. Selby read part of her letter summarized below*

*Recently I was asked by numerous plumbers (both journeyman and contractors) in our jurisdiction about a letter that is circulating. After reading this letter carefully I offer the following response:*

*The International Codes are written so that codes are understood "Internationally" between contractors, inspectors, investigators, building officials, and other professionals. To put a test together in "Layman's Terms" verses the language provided in the ICC Codes, Oklahoma State Statutes, OSHA rules and other regulations will be detrimental to the citizens of our state. More lax knowledge requirements could be harmful to not only Oklahomans but citizens of other states that currently accept an Oklahoma License during emergency response. As you are aware, the codes are adopted and amended by Oklahoma Uniform Building Code Committee. To deviate from a minimum of 75% knowledge of all the laws, standards, codes and amendments and/or licensing requirements is lessening to the expectation of a person seeking professional services. When hiring a professional a home and/or business owner or builder would expect the license holder to know all the rules and regulations of their licensed industry. To change the minimal requirements and knowledge of a license holder is to simply state that the Oklahoma Construction Industries Board does not recognize the purpose of the adopted codes "to establish minimum requirements to safeguard the public safety, health and general welfare."*

*I acknowledge the validity of the concerns in Mr. Means letter, however, I have concerns as to his recommendations to solve these issues. I make the following suggestions and ask that the*

*Construction Industries Board for the safety of life, limb, health, property, and emergency responders please consider all options without compromising the standards set for our industry. I go on for vocational technical schools...*

Tim Yaciuk, Executive Director for the Independent Electrical Contractors Oklahoma City Chapter stated that the IEC would like to take the opportunity to respond to the letter being presented today. He stated that regarding point 1, PSI is a national company that is used by many states. He stated that IEC and its members were among those notified and aware of the new license category and that they received notification by email and through social media posts. He stated that CIB is very open and transparent about changes that affect the trades. He explained that according to the PSI website on what books and materials are allowed to take the residential test they are, the IRC 2015, Code of Federal Regulation 29 CFR part 1926 and mathematics for plumbers and pipe fitters by Lee Smith. He stated that IEC tells its members and students if you have issues with PSI not permitting allowed material, contact CIB immediately. He stated that as for the committee reviewing questions provided by PSI that is the way which the other trades work. He explained that PSI provides a bank of questions that are reviewed, those questions are approved and then put back into a test bank which allows for random ordering in use of questions to help prevent and limit cheating. He stated that the point that is of most concern to IEC is regarding direct supervision. He stated that the licensed trades are potentially dangerous and that the danger is not just to the workers but those around them and user of the property. He stated that the reason for direct supervision is to limit the potential dangers and prevent those situations from occurring and that the ability to see detail and quickly react would be lost especially when looking at a small screen such as a phone, tablet or laptop. He stated that IEC cannot consider direct supervision to be a text message or a photo in which communication is not maintained because there is no supervision just a momentary snapshot or even worse just a message with no visual supervision. He stated that it would be difficult to near impossible to enforce ratios. He stated that inspection and supervision are very different and with an inspection you are looking at a stationary completed portion of a project not a situation where work is being done and people are moving. He stated that IEC feels that points 5 and 6 are being directed at the wrong agency and that those are questions and issues that should be directed to the corporation commission. He stated that IEC looks forward to having discussions about these issues and continuing to work with those other groups.

Jason Kostic stated that he has been doing plumbing for about 8 years and without journeyman, and good contractors, there will not be a trade. He stated that you cannot supervise and teach and train an apprentice how to do stuff if you do not have a journeyman on that job. He stated that if you get rid of journeyman this trade will decline.

Luke Kelley stated he is a second generation licensed plumbing contractor. He stated that he is a plumbing contractor and the owner of Red Beard Plumbing in Edmond, Oklahoma. He stated that they primarily do residential though his background and training was completed in commercial plumbing. He stated he has 3 licensed journeyman and 3 apprentices 2 of which will be coming up for testing later this year. He stated he was shocked to find out that a residential license even existed or was in the works and does not agree with it. He stated there is no substantial difference between residential plumbing and commercial plumbing and to pretend there is a difference could put lives in danger. He stated that if you have a residential house next to a hospital they are on the same potable water supply system so if you contaminate the potable water supply system at a residence it is contaminated in that hospital and people's lives are in danger. He stated that to reduce the apprenticeship to 2 years is insulting, ignorant and dangerous to the public health that plumbers have been entrusted to

protect. He stated that it takes a minimum of 3 years but more like 5 to make a real journeyman. He stated that it is interesting the people pushing this are trying to make it easier to get a journeyman license but you see in the same proposal it is harder to get a contractor's license. He stated that dumbing down test language will not ensure any level of understanding of the code and the code test needs to be in code language. He further stated that lowering of the pass/fail rate again, does not do anyone any good and that you need to be able to make a 75% on this test. He stated that lowering the standards in the trade is going to lower the quality of licensees. He stated that it is going to make it easier for contractors that already bend the rules to maximize their profit while lowering the wages of the trade and making recruiting much more difficult in general. He stated that endangering the potable water, the drainage, sewer and natural gas systems, while we have already seen deaths on the news this year alone from natural gas and LP should not be considered since it would greatly increase the hazards to the consumers and the public health in general. He stated that he does not pretend to have all the answers and there obviously is a problem but that he does think the main answer is education. He stated that at his company they have instituted in-house training and if other contractors are finding it difficult to get their apprentices to where they need to be look at in-house training or look at outside training options, but the option can never be to lower standards.

Larry Brouk stated that his issue lies with the letter itself and the several inaccuracies with the letter. He stated that there are 5 major associations that are in the industry: PHCC, Plumbing, Heating, Cooling and Contractors, ABC, Associated Building Contractors; MCA, Mechanical Contractors Association; AGC, Association of General Contractors; and Plumbers and Pipefitters and that not one of these associations was reached out to in regards to any of the changes. He stated that as we continue to go about we take pride in our licenses and pride in the fact that we protect not only the health and safety of our communities and our hospitals, but our state and our nation. He stated to water down these regulations and rules would be a gross negligence and that we can just look no further than last year up in Edmond, Oklahoma, when a 14 year old girl turned on a toaster and her house blew up because of inadequate placement of an igniter on an LP gas system. He stated that there was no license because it was the homeowner. He stated that the letter talks about ONG but the reason ONG's employees do not have to have a license through the CIB is that they are in utilities and they have a more strenuous test in order to work for ONG. He stated that if you were going to sit here and even attempt to put LP gas, natural gas and medical gas under one license would be a gross negligence and to sit there and put your health, your lives along with your children at stake to go into a hospital or a dental office, the medical gas alone is of extreme importance. He stated that with direct supervision, you take an apprentice up in a ceiling grid following lines in a medical gas system and all you would be going on is what that apprentice shows you but if they did not go to the other side of the wall for you to see that those lines crossed you would have a crossed connection and somebody's life would be in danger and that is exactly what this letter would do.

Greg Mullin with Stone Creek Plumbing stated that his biggest concern is regarding apprentice qualifications and to be able to have enough training and qualifications to get to take the test. He stated that several years ago on the journeyman application there was not a part on there that required that the apprentice had to have an on file card verifying his employment. He stated that one of the other issues once that was changed was that he took his plumbing contractor's license in 1988 at a time whenever the test was ridiculous. He stated that he had to pour a lead joint in shop. He stated when he was 19 he passed his journeyman's test, wound up going back 30 days later, passed the contractors test then there has been so many different changes and changing of the guard. He stated it was the state Health Department where he had his license for a while and he is not sure what year it was changed to where this card is

what we use now to verify a guy's apprenticeship. He stated that the card does not verify the guy's hands on training and experience and that his experience verifies his hands on training and experience. He stated that up until that rule was changed and there had to be 3 years on file of the guys apprentice card they wound up taking the guys who it was not a big issue, they worked for plumbing companies for 5 or 6 years and in 2007 he hired a guy from Brandon's plumbing, who had been there for a year and a half, and he could sign for the guy to take his plumbing test, now he cannot do that anymore. He stated that apparently that rule was changed, maybe because of verification and that is the Construction Industries Board way of saying that we can verify that this guy actually has this apprenticeship. He stated that the actual term on that seems to be under direct supervision. He stated that direct supervision on the job site from the 1955 rules that he goes by, clearly, but that does not really apply to the guys who go to trade schools, technical schools, they can put all their hours together and help out with some of the qualifications for that. He stated that 2000 hours a year for a guy that is working 40 hours a week some of these plumbing companies have plumbers that work 60 and 70 hours a week so his concern is if verification is the issue, everybody has W-2's, because every one of these guys have to file taxes. He stated that a W-2 is a perfect way to verify that guy's employment, where he came from, and that he can push a button and pull up folders and they are legitimate you can find it with the internal revenue service and the Oklahoma tax commission that is what everyone needs for verification.

Howard Hudson signed up for public comments but declined to comment when called upon.

#### **ADMINISTRATOR'S REPORT**

Ms. Hubbard reported that since the Board's last meeting things have been very busy. She stated that the agency has been answering many questions from Legislators and industry.

She reported that she and Stephanie had a meeting with OMES, Central Purchasing Auditors on the agency's Internal Controls, that there were no issues raised at that time, and that the audit is continuing.

She stated that the agency has been working on and preparing the FY 2023 Budget Work Program for today's presentation that is listed later on the agency and thanked Stephanie for all of her help on it.

#### **FINANCIAL REPORT**

Written financial reports for the month ended April 30, 2022, prepared by OMES/ABS were provided for review and discussion.

#### **PUBLIC RELATIONS REPORT**

##### Workforce Development

Ms. Wojtek reported that she would like to show part of the draft of the Career Tech Mechanical video

*\*Ms. Wojtek showed a portion of the video*

Ms. Wojtek stated that she had the opportunity to attend the Skills USA event in Tulsa and was really excited to see all of the students and adults competing in the trades.

Ms. Wojtek stated that she is continuing to meet with industry groups on Workforce Development so that collaboration and sharing of information can be increased for recruiting into the industries, including the Oklahoma State Department of Education College and Career Readiness.

#### 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 16,921. She stated that in continuing to dig into the analytics she found that in the last month the new website visitors spent an average of 30 more seconds on the site than returning visitors did.

Ms. Wojtek reported that all of the social media followings have increased since the last meeting. She stated that email subscribers are currently at 8,954.

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.*

#### Legislative Update

Ms. Wojtek reported that the last deadline for the legislature was April 22. She stated that bills needed to be heard out of the opposite chamber by that date.

Ms. Wojtek reported that there were less than 850 bills still alive after the deadline.

Ms. Wojtek reported out of the 5,772 bills filed this session, a two year session, 1,036 made it to the Governor's desk. She stated that the Governor signed 907 bills, 3 bills went into effect because he took no action and he vetoed 28 bills in part or in whole as of this morning. She stated that he has just over 100 bills on his desk that he needs to take action by midnight on Thursday.

Ms. Wojtek stated that the deadline for the legislature to finish regular work is Friday, May 27 at 5:00 pm, however, they adjourned to call of the chair last Friday to give them the ability to return if they needed to this week but have not yet met this week.

Ms. Wojtek stated that the Legislature called for a concurrent special session that started last Wednesday and will continue into the summer. She stated that concurrent means they can meet at the same time as regular session, but they can only focus on what they called the special session for, which was ARPA funds appropriations.

Ms. Wojtek reported that a few bills that are still "alive" and have through tomorrow:

- 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 1691 would allow certain individuals with criminal history to receive a license as long as otherwise qualified. This was approved by the Governor on the 16<sup>th</sup>.

Ms. Wojtek reported that a few of the bills that she brought up at prior meetings but failed to meet the last two deadlines are;

- SB 1750 which would allow homes inspectors to estimate costs of repairs needed during their inspection.
- 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 1549 would require state agencies to conduct (an additional) audit, this one by a 3<sup>rd</sup> party evaluation of the agencies' digital processes, forms, storage, etc. and then implement what the 3<sup>rd</sup> party reports to the legislature.

#### **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 April. 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 April. 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 April. Mr. Hager reported on activities of the Plumbing Division since the last Board meeting.

Mr. Mullins asked Mr. Hager if he would agree that there is not a lot of activity under the residential journeyman section of the monthly report.

Mr. Hager stated that there were no residential journeyman exams taken in the month of April and only one applicant.

Mr. Mullins asked what Mr. Hager believed could be changed to get more involvement.

Mr. Hager stated that notice has been posted on social media and on the application, but that he was open to more suggestions.

Mr. Mullin stated that it seems the industry does not understand that the residential category is available.

Mr. Hager stated that it could also be that they just want to take the journeyman exam.

**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 April. 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 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 APRIL 13, 2022**

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

MOTION BY KEITH DEAVER WITH SECOND BY LUPE IBARRA TO ACCEPT THE APRIL 13, 2022, BOARD MEETING MINUTES AS PRESENTED.

MOTION PASSED

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



**DISCUSSION WITH POSSIBLE VOTE ON AN INTER-AGENCY AGREEMENT WITH THE OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION 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 2021 PURSUANT TO HB 1280 (2018) AUTHORED BY REPRESENTATIVE KEVIN WALLACE AND SENATOR JAMES LEEWRIGHT**

Ms. Wojtek stated that as she mentioned previously Lee Denney is serving as the interim director of Career Tech and that CIB held a meeting with her, Mitchell and several others in regards to the agreement. She stated that it was discussed that time was approaching to begin a new agreement for CIB fines collected in FY 2021 and that this would be the third agreement between the agencies.

Ms. Wojtek stated that it was discussed that additional communication would be helpful in accomplishing some of the specific projects already identified in the agreements. She stated that in addition, it was discussed that as the agencies drill down into the details, the CIB would be leaning on the expertise of ODCTE to help guide CIB on the potential areas of opportunities available and that the CIB would continue to bring its expertise on the industry and regulatory side.

Ms. Wojtek stated that social media was identified as an area that did not have sufficient clarification on responsibilities initially and that the discussion allowed for the understanding that there is no need for ODCTE to create social media posts for the CIB under this agreement since she came on board and is creating and handling CIB social media posts.

Ms. Wojtek stated that CIB requested additional clarification language for this agreement including but not limited to: quarterly reporting by Career Tech to the CIB Board, providing projected timeframes for completion, using written estimates for advanced approval to better identify what is needed in the scope of work on specific projects including talking points and lessons plans, which were further described in detail at the meeting.

Ms. Wojtek stated that the CIB provided draft language for the new agreement for ODCTE to review and respond to the CIB with any questions, concerns or changes but have not received a response from ODCTE yet. She stated that there are no new projects listed, but once the current projects are completed staff will bring more projects to the Board for approval.

Ms. Wojtek stated that overall they had a great conversation with ODCTE and staff looks forward to all both agencies will be able to do for workforce development through these agreements. She stated the amount of fines available from FY 2021 on this new agreement is \$115,863, and said that if ODCTE requests any changes on the new agreement those would be brought back to the Board for approval, but asked that the Board approve the agreement so that the funds could be transferred this fiscal year.

MOTION BY TONY BOEVERS WITH SECOND BY LARRY BUXTON TO APPROVE THE INTER-AGENCY AGREEMENT WITH THE OKLAHOMA DEPARTMENT OF CAREER TECHNOLOGY AND EDUCATION 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 2021 PURSUANT TO HB 1280 (2018).

MOTION PASSED

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

**DISCUSSION AND POSSIBLE VOTE TO REFER TO THE COMMITTEE OF PLUMBING EXAMINERS THE OKLAHOMA HOME BUILDERS LETTER DATED MARCH 31, 2022, IN WHOLE OR IN PART, RECOMMENDING AMENDMENTS TO THE OKLAHOMA PLUMBING INDUSTRY REGULATIONS.**

Mike Means stated that he is the Executive Officer for the Oklahoma Home Builders Association and that for the Board's purpose he would share a little history as well as talk about the genesis of the letter.

Mr. Means stated that first, for the last two or three years there has been a building boom in Oklahoma, especially on the residential side. He stated that due to all kinds of circumstances but especially the aging out of all contractors, not just the licensed trades, but all contractors there is a need for workforce development. He stated that once his group, as an association started looking at the issue that was affecting the plumbing trade, they noticed that there was a discrepancy in the law that dealt with plumbing compared to all the other trades. He stated that in fact, two and a half years ago he called Jan and talked to her about it and the biggest change is at the beginning of his letter that dealt really with five words and that is that the Construction Industries Board has the authority to define categories and limitations, and that those words are in all the other trade laws that are not in the plumbing trade. He stated that is when as an association they requested HB 1150, which they were able to pass and get the Governor to sign into law. He stated that now the CIB has the ability to define the categories and limitations so the next step is how to go about defining the categories and the limitations, and that is where this letter came from.

Mr. Means stated that the plumbing contractors that the association works with that are very active in the association met back in early spring, and talked about bringing some items to discuss to the Construction Industries Board and that is what this letter is. He stated that it is not a final document or a final proposal. He stated that they came up with these ideas and are putting them forward as possible amendments to get it in front of the plumbing examining plumbing division and bring it to discussion. He stated that he agrees with what Mr. Brooks (*Brouk*) said a minute ago that there are certain organizations that were not consulted. Mr. Means stated that they do not feel that having their residential plumbers meeting with the home

builders brought those guys in but that they figured they would get the letter to the plumbing division and then everybody would be consulted. He stated that he wrote down the notes from all of the different criticism that came in public comments, which are very much appreciated but at the same time he feels like there is still a lot of meat left in the letter that it appeared nobody had problems with so it is definitely still his request that this Board send the letter to the plumbing division, and ask them to hold meetings on it and allow the plumbing industry itself to consider what changes can be made to increase workforce development and what can be done to help certain aspects of the plumbing industry. Mr. Means stated that he likes Mr. Yaciuk, but has a big problem when he complains about the videos and the snapshots of not having direct supervision when we live in a world that is built on video. He stated that training can be built on video and that FaceTime and Zoom are incredible tools and when we have across this nation communities that are inspecting communities that are doing inspections by video then that is where the buck stops. He stated that he can do his work but until he receives an inspection certificate, he is not there because he has to have that, and if the buck stops with the inspector and they can do inspections by video across this country then there is no reason why we cannot be looking at how to incorporate those kinds of tools into the process.

Mr. Means stated again, he is just submitting this letter on behalf of the industry, the residential community, which is what he represents and is asking that the CIB send this to their plumbing division. Asking them or even directing them to say let's take a look at this and see what are some tools that we can do to expand the workforce, to keep Oklahoma moving instead of letting it age out. He stated that he is open for any questions, comments or criticisms.

Mr. Boevers stated that he has a question about the video training. He stated that he does not think you can compare video training to onsite direct supervision and that he believes there is a big difference there. He stated that doing an inspection, an inspector can control what is being shown but when you are doing a training on site, hands on, he does not think anything can replace that full 8 hour a day, working side by side with someone.

Mr. Means stated that he totally agrees with that, but he is not asking that it would be 100% video. He stated that he is asking why is there not a way to incorporate that into it.

Mr. Boevers stated that if you open the door to do video training, there is nothing to close it.

Mr. Means stated that he would agree but is also going to criticize and say one other thing. He stated that he lives out in a rural community and does not have access to people that can come to his house so when he has things that need to be repaired, he can go on YouTube and find people that do it, and he can copy it and learn from it and can get it done.

Mr. Boevers stated that it does not him a plumber.

Mr. Means stated that he is not saying it makes him a plumber.

Mr. Boevers stated that he understand where he is coming from as a home builder, but that he has been around home builders his entire life and thinks they believe they can do every aspect of that house, plumbing, electrical, heat and air, roofing, any part of it. He asked Mr. Means if 10 home builders were asked if they think they can pass the electrician's test or the plumber's test if they would probably all say yes, and Mr. Means stated he agreed.

Mr. Boevers continued by saying that if industry is going to try to get into trying to train people over video, it takes the teeth out of licensure. He stated that he is proud to have a license that he worked hard to get and that he hates any effect of trying to lessen the authority of that license. He stated for instance, there is one part of the letter where it discusses lowering the pass rate, 75 to 70, until the numbers get back up and then go back to 75. He explained that if 75 is the pass rate that they think it should be when the numbers are good then it would not make sense to lower it to 70 when the numbers are not good.

Mr. Means stated that those are arbitrary numbers that CIB came up with because in most schools if you get 60 percent you get a D and you pass.

Mr. Mullin asked if anybody knew when that was changed because it used to be passing rate was at 70 percent and at some point it was raised to 75.

Mr. Boevers stated that we would have to go back to the history to check that. He stated that the electrical test used to be 70 as well but it had a shop portion at that time, so when it went to full online testing he think that is when the rates were raised but that he is not stating that as a fact.

Chairman Soder stated that he would just like to clarify that what was stated was not the training of the apprentices, the statement was that the supervision from afar was the concern with the limitations on how many are being monitored by the one individual.

Mr. Means confirmed that was what the letter stated and said he is not asking the Board to approve all of these items today. He stated that the request is that it goes to the plumbing division to begin the discussion. He stated that once it gets to the plumbing division then stakeholders could be brought in for discussion and he is sure everybody would have ideas on how to improve things or how to maybe come up with these defined categories and limitations for each one of those. He stated for instance, I cannot remember if it is in the letter or not but a simple backhoe license, just a license to allow the guy to know how to run a backhoe and that would be all he does.

Chairman Soder stated that where we are today though on this agenda item is to send the letter on, either in whole or in part, so we want to make sure we are staying with that agenda item.

Mr. Mullin stated that going back to Mr. Means' letter and another comment that was made where one gentlemen mentioned a water heater that was installed by an unlicensed homeowner. He stated that this is the big issue that he has with the industry. He stated that he has had a plumbing contractor's license for 30 years and his biggest concern with the health and safety of the public is that the plumbing trade is the only one that has a negative contractor to journeyman ratio, so something has to be done. He stated that at some point that needs to be a center issue, because the issue that that gentleman brought up here was a great one in that in the absence of being able to find a plumber to come out and perform that service, you have somebody looking on YouTube and trying to install that valve and thinking that they know what they are doing when the apprentices that have installed a water heater or a system have installed around 200 of them and then you have got a homeowner trying to do it themselves because they cannot find a trained individual.

Chairman Soder stated that he believes the homeowner has the ability to do that on his own property. He stated that what they are speaking of is a commercial entity that is doing this for somebody else for payment, so another clarification I think.

Mr. Boevers stated that part of his concern about the letter is that it is taking a sledgehammer through the rules that are in place and have been in place. He stated that every one of the rules that has been in place has gone through a process to get there. He stated that rule changes have always gone through the entire process where it goes down to the plumbers themselves, the organizations, individuals meeting, we get stakeholders input. He stated that he thinks that we are a little ahead of that with the letter, because just based on who showed up and the public comments received today there are a lot of stakeholders here that do not like what they hear.

Mr. Means said that quite honestly they have put the cart before the horse because all the home builders are asking is that it go to the place where they can come and discuss.

Mr. Boevers stated that one of the first things that needs to happen is Jon needs to go through the letter and tell the Board what statutorily can be changed and cannot be changed.

Mr. Dutton stated that he would like to interject to state that he believes the CIB appreciates input on the rulemaking process but all rulemaking comes from the statutory authority that the Board does or does not have. He stated that if the Board does not have the authority, they cannot make rules to address that so when they are provided a recommendation or information it is his suggestion that the Board would vet that first to see what statutory authority they have before moving forward through the rulemaking process and then obviously if there is anything the Board deemed in the future to move on through the process it would go to the plumbing committee then go through the whole rulemaking process that is set up.

Mr. Means stated that he thinks that HB 1150 that was signed that now gives the CIB the authority to define categories and limitations and that is the CIB's authority.

Mr. Dutton stated that he is not going to say that would be his legal advice based upon one statutory statement when you have a bunch of different suggested things in the letter and that we need to look at the whole statute and take the statute as a whole to be able to identify what there would be authority for or not authority for.

Chairman Soder stated that some of the items in the letter appear to not be within the authority of the CIB.

Mr. Means stated that he would agree with and that the universal gas license is one to throw out an idea to discuss and bring forward. He stated that again in Oklahoma there is a tendency to not cross pollinate very well, that we have our own islands and why would you not have something brought forward but stated that again, a discussion begins with certain action points to throw out there. He stated that it is hard to have a discussion if nobody brings something forward and that is what the whole purpose of the letter was.

Chairman Soder stated that he appreciated the comments.

Mr. Mullin stated that in item #2 it refers to the comparison between the electrical, mechanical and plumbing available contractors compared to journeyman and when you have less than a one to one ratio at some point he thinks we need to take a look at that, but he thinks all of us could agree there is a big problem there now and how do we fix it. He stated that he is not saying that there are answers out there that have been revealed today but at some point it needs to be fixed. He stated that if we do not even have a one to one ratio in contractor to

journeyman, how do we expect contractors to work legally if they cannot do that and finding an avenue to address that, if that is the board of examiners, and task them to do that.

Chairman Soder stated that he thinks at this point we are also taking numbers that are based upon licensed participants being licensed plumbers and those that are non-licensed participating in the community so he believes there are some other issues there. He stated that right now we are talking about this letter and presenting it or moving it forward in whole or in part and that is where we stand right now.

Mr. Mullin stated that number 2 is in part.

Chairman Soder stated that he thinks that is where we are. He stated that at this point - do we send it off to the Plumbing Committee or do we make the recommendation that it be examined for the legal aspects of what the legal authority is of this entity.

Mr. Dutton stated that his recommendation would be that we vet through the proper statutory authority. He stated that he is not judging the specifics of what their suggestions are or are not and quality but more of a legality of does it fall under the CIB's statutory authority. He stated that he can bring that information back to the Board so they can decide as a Board to move on those items that they have statutory authority for and then go through the rulemaking process if that is what they choose to do.

Mr. Boevers suggested that the Board move to have Jon review the letter, indicate in his legal opinion what they have statutory ability to change rules on and then when he gets back to the Board they will reconvene and vote to send it down to the plumbing committee for further review and to have stakeholders, community meetings. He stated that the one thing he will say is rules are not a quick process and if there is a rule that needs to be changed it needs to go through the process because one of the goals of the CIB is to protect the plumbers including plumbing contractors, journeyman and apprentices and make sure that the Board is doing right by them. He stated that what works for one contractor may not work for the other 15 in the room and that is what concerns him about making a broad stroke change like this. He stated that it may come back from stakeholders and they say they love the changes, and want to do it and if that is the case then the Board will look at it that way, but he thinks that first off it needs to be sent down the right way, making sure that the Board is not giving them something to look at that they do not have authority to even look at or send back to the Board. He stated that once we figure that out then the Board will know what the next step is.

MOTION BY TONY BOEVERS WITH SECOND BY JAMEY MULLIN TO SEND THE OKLAHOMA HOME BUILDERS LETTER DATE MARCH 31, 2022, RECOMMENDING AMENDMENTS TO THE OKLAHOMA PLUMBING INDUSTRY REGULATIONS, TO JON DUTTON TO REVIEW WHAT IF ANY STATUTORY AUTHORITY THE BOARD HAS.

MOTION PASSED

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

Scott Soder

**DISCUSSION AND POSSIBLE VOTE ON RENEWAL OF RECIPROCAL JOURNEYMAN ELECTRICIAN LICENSE AGREEMENT BETWEEN THE STATES OF SOUTH DAKOTA AND OKLAHOMA, CONTINGENT UPON THE STATE OF SOUTH DAKOTA'S APPROVAL**

The Board was provided a copy of the proposed Reciprocal Journeyman Electrician License Agreement. Mr. Morris stated that the proposed agreement was approved by the Electrical Examiners Committee and if approved by the Board would still be contingent upon South Dakota's approval. He noted that there is no change in this reciprocal agreement from the last.

MOTION BY JAMEY MULLIN WITH SECOND BY LUPE IBARRA TO APPROVE THE RECIPROCAL JOURNEYMAN ELECTRICIAN LICENSE AGREEMENT BETWEEN THE STATES OF SOUTH DAKOTA AND OKLAHOMA.

MOTION PASSED

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

**DISCUSSION AND POSSIBLE VOTE ON EMPLOYEMENT, HIRING, APPOINTMENT, PROMOTION, DEMOTION, DISCIPLINING OR RESIGNATION OF ALL CIB STAFF SPECIFICALLY CONCERNING STAFF PAY ADJUSTMENTS FOR ALL ELIGIBLE CIB STAFF SUPPORTED BY RECENT SALARY MARKET RESEARCH**

- (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 eligible CIB employees as follows: Stephanie Brown, Cody Davis, David Fox, Alicia Gaytan-Hernandez, Michael Goertzen, Araceli Gomez, Richard Hager, Marion Harris, Brittany Haywood, Carla Hipkins, Raymond Howard, Janis Hubbard, Basel Kilani, Gary Kirk, Brandy Lermon, Timothy Mahoney, 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 possible action on changes to existing salaries, or setting salary ranges, for all eligible CIB employees as follows: Stephanie Brown, Cody Davis, David Fox, Alicia Gaytan-Hernandez, Michael Goertzen, Araceli Gomez, Richard Hager, Marion Harris, Brittany Haywood, Carla Hipkins, Raymond Howard,

**Janis Hubbard, Basel Kilani, Gary Kirk, Brandy Lermon, Timothy Mahoney, 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  
Jamey Mullin  
Scott Soder

Note: The Board went into Executive Session at approximately 2:42 p.m., and Mr. Dutton and Ms. Hubbard joined the Board in 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.

MOTION BY LARRY BUXTON WITH SECOND BY LUPE IBARRA TO GIVE ALL ELIGIBLE EMPLOYEES AS DISCUSSED IN EXECUTIVE SESSION AN 8% INCREASE OF THEIR CURRENT SALARY.

MOTION PASSED

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



**BREAK**

At approximately 3:23 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

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

**i. Office of the Attorney General**

Ms. Nunnery stated that the Office of the Attorney General provides the CIB with legal services. The agency is requesting the renewal of the contract for FY 23 with no increase.

MOTION BY TONY BOEVERS WITH SECOND BY LUPE IBARRA TO RENEW THE CONTRACT WITH THE OFFICE OF THE ATTORNEY GENERAL SAME RATE FOR FY 23.

MOTION PASSED

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

**ii. GL Suites**

Ms. Nunnery stated that GL Suites provides the agency with its licensing software. She stated that the agency is asking to continue to contract with GL Suites for FY 23 with 4 optional renewal periods. She stated that GL Suites has changed its business model which has restructured billable costs to the agency. She stated that the agency has been fortunate in the current and past business years to be afforded a low cost and flexible business structure. She stated that currently per year the agency has 1 project and 24 tasks, many of which it is required to use for defect corrections, and 11 users. She stated that outside of the allotted tasks and projects the agency has had to purchase expedited projects and tasks when unforeseen issues arose that resulted in the need for immediate software changes. She stated that included in the new contract are 1 project concurrently, with the possibility of 2 to 4 projects for year, 24 tasks, 11 users and no limit on free defect correction. She stated that in addition to the new contract cost the agency was requesting an additional 2 expedited projects and 2 expedited tasks that can be used for urgent unforeseen agency issues that require a software change. She stated that the agency would be working with Jon Dutton to negotiate some language changes within the contract.

Mr. Boevers noted that the AMANDA system is still listed on the Budget, and asked if there would be a point where it would be able to be removed.

Ms. Hubbard stated that it would be removed when CIB receives a written release from the agreement that was signed. She stated that she continues to raise the issue of the \$165,000 that was paid and for which the agency did not receive services when she meets with someone wanting CIB to change vendors.

MOTION BY TONY BOEVERS WITH SECOND BY LARRY BUXTON TO CONTINUE TO CONTRACT WITH GL SUITES FOR FY 23 WITH THE INCREASE AS DISCUSSED.

MOTION PASSED

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

**DISCUSSION WITH POSSIBLE VOTE ON A LEASE AGREEMENT FOR CURRENT OFFICE SPACE AT SHEPHERD CENTER WITH VTA, CURRENT LESSOR**

Ms. Hubbard stated that the agency recently received information on lease negotiations between state leasing and the mall. She stated that the rate would be \$12.75 per square foot. She stated that the agency is still trying to understand the details of what that includes, and needs the details on the scope of work for the new build out.

Mr. Boevers discussed the history of the lease rates and negotiating done by state leasing. He stated that the lessor has not confirmed everything the build out will include and stated that they are still waiting on that clarification from VTA.

MOTION BY TODD FINLEY WITH SECOND BY KEITH DEEVER TO APPROVE A LEASE WITH VTA AT \$12.75 PER SQUARE FOOT CONTINGENT UPON SATISFACTORY SCOPE OF WORK AND DOCUMENTATION AND ANY DEVIATIONS FROM THAT WOULD BE BROUGHT BACK TO THE BOARD FOR APPROVAL.

MOTION PASSED

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

**DISCUSSION AND POSSIBLE VOTE ON A PROPOSED FY 23 CIB BUDGET WORK PROGRAM**

Ms. Hubbard explained that the Board looks at the budget twice a year, in September for the budget request and now for the budget work program. She explained that the budget work program has to be input by July 1 for the agency to start paying bills. She stated that the budget being presented does not include the salary increase that was just voted on. She stated that prior to that agenda item the increase for FY 23 was .5%. She stated that the agency was able to find cost savings and reduce expenditures to offset increasing costs. She reminded the Board that the budget work program is not a statement of the amount the CIB will spend but it establishes the amount CIB would have the ability to spend. She stated that approval of the budget is not a blanket approval of all expenditures and does not mean that the Board is approving any particular contract as contracts will still be brought to the Board for approval. She stated that the budget simply reserves the funds so that the Board would have funds available to pay contracts and expenses as they have been doing.

MOTION BY TODD FINLEY WITH SECOND BY JAMEY MULLIN TO APPROVE THE FY 23 CIB BUDGET WORK PROGRAM AS AMENDED BY THE ADDITION OF ITEM O.

MOTION PASSED

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

**ADJOURNMENT**

MOTION BY LUPE IBARRA WITH SECOND BY JAMEY MULLIN TO ADJOURN THE MEETING.

MOTION PASSED

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

The meeting was adjourned at approximately 3:42 p.m.

Minutes approved in Regular Session on the 17<sup>th</sup> day of August, 2022.

/s/ Scott Soder  
Scott Soder, Chair

/s/ Stephanie Brown  
Stephanie Brown, Board Secretary