

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

November 17, 2021

CALL TO ORDER AND RECORDING OF MEMBERS PRESENT AND ABSENT

The regular meeting of the Construction Industries Board was called to order by Chair Scott Soder at approximately 1:30 p.m. on Wednesday, November 17th, 2021, in the Conference Room of the Construction Industries Board.

MEMBERS PRESENT: Tony Boevers, Larry Buxton, Keith Deaver, 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 and Outreach Officer; Gary Kirk, Mechanical Supervisor and Ron Morris, Electrical Supervisor.

OTHERS PRESENT: Jon Dutton, Assistant Attorney General; LaTisha Edwards, OMES ABS; Mitchell Thomas, Career Tech; Tim Yaciuk, IEC OKC; Kenny Whitson, 344 Training; Jimmy Griffy, IBEW.

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 17th day of November, 2021, has been convened in accordance with the Oklahoma Open Meeting Act, Oklahoma Statutes Title 25, §§ 301 through 314.

Further, this meeting was preceded by advance public notice filed electronically with the Secretary of State specifying the time and place of the meeting here convened. The Agenda was posted and displayed in public view on the office site of the Construction Industries Board and notice of this meeting was given at least twenty-four (24) hours prior hereto. Fifty people have filed a written request for notice of meetings of this public body to date.

Read aloud this 17th day of November, 2021.

NEW BUSINESS

There was no new business discussed.

PUBLIC COMMENTS

There were no public comments.

ADMINISTRATOR'S REPORT

Ms. Hubbard reported that there were new and additional forms and legal language required for the testing services RFP approved at the last meeting. She stated that Stephanie did a great job working with Central Purchasing on the documents and that the hope is that the RFP will be issued by the end of the week and will close towards the end of December with evaluations to be performed about the 2nd week of January. She stated that the Evaluation Subcommittee would be contacted soon to schedule dates for evaluation and that two dates would be scheduled in case of inclement weather.

Ms. Hubbard reported that the agency has been told that the two table sections at the end of the horseshoe board table that were taken by OUBCC will be returned. She stated that she would keep the Board updated if there are any unresolved issues as a result of the OUBCC vacating their space.

Ms. Hubbard reported that she wanted to clarify what was reported at the last meeting about the Residential Plumbing Exam. She stated that although the exam is ready, due to miscommunication there has been a slight delay in getting the exam set up between the entities for automated processing of approved applicants for scheduling purposes. She stated that this should be resolved very quickly.

Ms. Hubbard reported that she wanted the Board to be aware that there were some public comments made at the Electrical Committee by several people. She stated that many comments were generalized statements about the agency, and concerns over an alleged lack of enforcement they said were mainly based on statements made to them by a few field investigators. She stated that some of the comments she understood to be asking the committee for the CIB to: hire more inspectors, pay the inspectors more, have inspectors perform more electrical code inspections, check unlicensed people for possible violations, and increase the amount of the fine.

Ms. Hubbard reported that the agency is continuing to look into the issues raised that are within the agency's statutory authority and will keep the Board updated. She stated that Tony Boevers was at the Electrical Committee meeting and has been involved in discussions and may have something to add.

Tony Boevers stated that he met with one of the people who spoke at the committee meeting a couple of times and exchanged emails with him about his issues/concerns. This was done as an individual and not as an action on behalf of the Board. He addressed each of their comments in a lengthy explanation about how the CIB works. He stated that he feels like he has addressed everything he had requested, but doubts that it has satisfied him. He stated that he does not feel like it is anything the Board needs to address at this point, but that the committee could evaluate it further.

FINANCIAL REPORT

Written financial reports for the month ended October 31, 2021, 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. She stated that they are working on filming the Mechanical video, and thanked Scott Soder for securing a filming location.

Ms. Wojtek reported that the Workforce Development tools are being used around the state, including Poteau where Larry Buxton spoke to several hundred seniors about our industry.

Ms. Wojtek reported that she presented to the Career Tech Board meeting about the partnership and steps taken on all that the agencies are doing together and that presentation went really well.

Ms. Wojtek reported that the agency participated in the Oklahoma City Public Schools 8th grade Career Expo which was a two day event that had more than 2,000 8th grade participants. She stated that it was a great opportunity to be able to speak about the industries to so many students.

Ms. Wojtek reported that she and Jan had the opportunity to participate in the Oklahoma Digital Government Summit which featured multiple informative and educational sessions on a variety of technology topics throughout the day. She stated it helped to provide insight on how we as the State of Oklahoma can assist in the transformation and evolution of technology, IT support, innovation and more to best serve Oklahoma.

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 28 days was 10,150. She stated that these users had almost 42,469 page views. She stated that an interesting fact about the website analytics are the website usage by time, which is relatively consistent with the agency's office hours, with most usage occurring between 8:30 am and 4:00 pm and the last day of the month, no matter what day of the week that falls on.

Ms. Wojtek reported that the social media subscriptions have increased since the last meeting, most notably the Facebook page which hit over 700 likes.

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

Legislative Update

Ms. Wojtek reported that the Legislature wrapped up its meetings on interim studies.

Ms. Wojtek reported that on Monday the Legislature convened into special session to approve the new legislative districts as a result of the 2020 U.S. Census data. She stated that the special session is limited to the topic for which it has been convened, which in this case is redistricting.

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 October. 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 October. 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 October.

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 October.

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 8(I) and 8(J) were not needed.

DISCUSSION AND POSSIBLE VOTE ON THE MINUTES OF THE REGULAR MEETING OF THE CONSTRUCTION INDUSTRIES BOARD HELD OCTOBER 20, 2021

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

MOTION BY KEITH DEAVER WITH SECOND BY JAMEY MULLIN TO ACCEPT THE OCTOBER 20, 2021, 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 AMENDMENT TO THE CIB EMPLOYEE HANDBOOK SECTION 4-4, WORK STATION (PERSONAL COMPUTER) AND MOBILE DEVICE USAGE, ORIGINALLY ADOPTED AUGUST 23, 2017

Ms. Hubbard reported employee handbook was originally adopted in 2017, and these changes are to update to OMES/ISD standards for equipment and device security.

MOTION BY TODD FINLEY WITH SECOND BY LUPE IBARRA TO APPROVE AMENDMENTS TO THE CIB EMPLOYEE HANDBOOK SECTION 4-4, WORK STATION (PERSONAL COMPUTER) AND MOBILE DEVICE USAGE AS PRESENTED.

MOTION PASSED

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

DISCUSSION AND POSSIBLE VOTE ON THE ADMINISTRATIVE CONSENT ORDER REFLECTING AGREEMENT BETWEEN THE PARTIES *IN LIEU* OF AN ADMINISTRATIVE HEARING *IN RE* THE MATTERS OF ALLEGED ELECTRICAL INDUSTRY RULES VIOLATIONS OF BRIAN KIRK, CITATION NOS. 21720 & 21721

Mr. Dutton stated that occasionally there are situations where due to facts and circumstances of a case it is determined the matter is best handled with a consent order. It is an agreed order where the Respondent waives their right to a hearing and the terms are agreed upon between the parties as described in the consent order. Mr. Dutton recommended approval of the proposed consent order.

MOTION BY KEITH DEEVER WITH SECOND BY TODD FINLEY TO ACCEPT THE PROPOSED ADMINISTRATIVE CONSENT ORDER *IN RE* THE MATTERS OF ALLEGED ELECTRICAL INDUSTRY RULES VIOLATIONS OF BRIAN KIRK, CITATION NOS. 21720 & 21721

MOTION PASSED

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

DISCUSSION WITH POSSIBLE VOTE TO GRANT CIB STAFF AUTHORITY TO REVIEW AND SUBMIT APPROPRIATE WRITTEN PUBLIC COMMENTS, DURING THE REQUEST FOR PUBLIC COMMENT PERIOD OF NOVEMBER 1 – DECEMBER 1, 2021, ON ADMINISTRATIVE RULES PROPOSED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH THAT CAN AFFECT AND ASSIST CIB OPERATIONS

Ms. Hubbard reported that no one at OSDH, OMMA, the Legislature or anywhere else ever contacted her for CIB input. She stated that she was able to get a meeting with the new OMMA Director Adria Berry a couple of months ago to discuss issues CIB is having concerning complaints about unlicensed activity and building code violations in medical marijuana grow and processing facilities. She stated that Director Berry seemed very interested in partnering together to help CIB address the issues.

Ms. Hubbard reported that OMMA has been very busy with many other, very serious wide-ranging issues. She further stated to help understand the large and complex issues, in the last month there have been numerous Interim Studies on Medical Marijuana issues ranging from Ag to banking to tax to commerce to seed-to-sale enforcement to the black/illegal market with 3 deaths reported to staffing to adding inspectors and to patient impact just to name a few.

Ms. Hubbard reported that OSDH has filed proposed permanent rules and is requesting public comments within the 30 day period between November 1 and December 1, 2021.

Ms. Hubbard reported that it is believed that there are OSDH proposed permanent rules in this group having language that could be adjusted to assist the CIB in its operations, including enforcement of its licensing acts. She stated that in order to get traction started in partnering and collaborating with OMMA, the CIB staff would like the opportunity to review OSDH/OMMA's proposed permanent rules and submit public comment from the CIB in areas that would assist the CIB in addressing its life-safety concerns, including:

1. Identifying unlicensed persons performing work required by Oklahoma laws to be performed by a licensed contractor performing work on a medical marijuana facility,
2. Resolve intrinsic limitations in the ability of the CIB to access or obtain necessary information to identify the owner and contractor in order to inspect for licensing and code compliance with the licensing acts administered by the CIB as allowed by law,
3. Resolve life-safety issues due to the lack of building code compliance through the current Certificate of Compliance process that appears insufficient on many occasions based upon complaints received of life-safety issues, and
4. Shore up possible lack of clarity in CIB's authority to perform building code inspections on installations, modifications, or alterations to plumbing, electrical, and mechanical systems in medical marijuana facilities outside of authorities having jurisdiction with a current inspector.

Ms. Hubbard reported that the comments are needed because facility locations and ownership information is not readily available; attempts to obtain needed information on-site as to work performed requiring licensing or address code violations have proved to be overly difficult, inefficient, and sometimes dangerous, especially recognizing the significant law enforcement activities due to criminal elements and that marijuana, even for medical use, is still a Federal

crime; and statutory authority for performing code inspections of plumbing, electrical and mechanical systems in medical marijuana facility buildings may appear to lack clarity for CIB.

Ms. Hubbard reported that these comments are rightfully within the authority of OSDH and OMMA since they have full statutory authority on medical marijuana facilities and commercial business licensees, and have authority to address issues related to the medical marijuana program including inspecting and examining all licensed premises to enforce compliance with all safety, electrical, fire, plumbing, waste, construction and building specification codes, and require:

"All commercial licensees meet the standards of applicable state and local electrical, fire, plumbing, waste and building specification codes including but not limited to the codes adopted by the Oklahoma Uniform Building Code Commission as set forth in OAC 748:20."

Ms. Hubbard reported that she believes CIB could accomplish a lot, maybe not all, of what is needed, but that this could be a great start. She stated that it is important to remind everyone that there is no statewide permitting process and building code inspections are not required outside of the jurisdictions that require them. She stated that generally CIB has to discover locations or receive a complaint with sufficient detail to locate them.

Ms. Hubbard reported that, remembering that these are OSDH rules within the context of their authority and mission, the CIB's public comments could include something along the lines of:

-requiring the commercial business license applicant to provide the trade contractor name, license number, and contact information of the contractor installing, modifying, or altering any plumbing, electrical, mechanical, or roofing system in a medical marijuana facility in writing to the CIB in advance of commencement of the work.

-OSDH conducting an inspection on all medical marijuana facilities for compliance with statewide building codes adopted by the OUBCC, as their statute now requires, through or in collaboration with local authorities having jurisdiction with an inspector, the CIB, or on its own authority.

She stated that again, this would be public comment and open record, and OSDH/OMMA must consider the comments but do not have to take any action on CIB's comments. She stated that she would try to have a meeting with them to discuss CIB's public comments, concerns, and how any public comments could pave the way to partnering in addressing licensing and code enforcement issues.

She stated that she knows many Board members have the same concerns and hopes to get traction on partnering with OSDH/OMMA and that she is happy to answer any questions.

Board members discussed some of the issues in this industry and the life-safety issues as a result.

MOTION BY TONY BOEVERS WITH SECOND BY LUPE IBARRA GRANT CIB STAFF AUTHORITY TO REVIEW AND SUBMIT APPROPRIATE WRITTEN PUBLIC COMMENTS, DURING THE REQUEST FOR PUBLIC COMMENT PERIOD OF NOVEMBER 1 – DECEMBER 1, 2021, ON ADMINISTRATIVE

RULES PROPOSED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH
THAT CAN AFFECT AND ASSIST CIB OPERATIONS

MOTION PASSED

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

CONSENT AGENDA TO RENEW ELECTRICAL RECIPROCITY AGREEMENTS – (ANY ITEM MAY BE REMOVED FROM THE CONSENT AGENDA BY ANY BOARD MEMBER WHO REQUESTS TO DISCUSS THE ITEM FOR CONSIDERATION AS A SEPARATE ACTION ITEM)

Mr. Dutton stated that this consent agenda is in relation to electrical reciprocity agreements. He explained the reciprocity process.

DISCUSSION AND POSSIBLE VOTE ON RENEWAL OF RECIPROCAL JOURNEYMAN ELECTRICIAN LICENSE AGREEMENT BETWEEN THE STATES OF MONTANA AND OKLAHOMA

DISCUSSION AND POSSIBLE VOTE ON RENEWAL OF RECIPROCAL JOURNEYMAN ELECTRICIAN LICENSE AGREEMENT BETWEEN THE STATES OF ARKANSAS AND OKLAHOMA

Ron Morris explained for both items the benefits of having reciprocity agreements between states, explained the exam comparison process and answered questions from the Board.

MOTION BY TODD FINLEY WITH SECOND BY LUPE IBARRA TO RENEW THE RECIPROCAL JOURNEYMAN ELECTRICIAN LICENSE AGREEMENTS BETWEEN THE STATE OF OKLAHOMA AND THE STATES OF MONTANA & ARKANSAS

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 KEITH DEEVER 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 2:06 p.m.

Minutes approved in Regular Session on the 26th day of January, 2022.

/s/ Scott Soder
Scott Soder, Chair

/s/ Stephanie Brown
Stephanie Brown, Board Secretary