

CONSTRUCTION INDUSTRIES BOARD

(A self-funded, non-appropriated agency whose mission is to protect life and property by licensing and inspection of the related trades for the health, safety and welfare of the public.)

Special Board Meeting

**Conference Room
2401 N.W. 23rd Street, Suite 2F
Oklahoma City, Oklahoma 73107**

November 30, 2022

1:30 p.m.

AGENDA

Note: The Board may discuss, vote to approve, vote to disapprove, vote to table or decide not to discuss any item on the agenda.

- 1. CALL TO ORDER AND RECORDING OF MEMBERS PRESENT AND ABSENT - Chair Scott Soder/Stephanie Brown**
- 2. STATEMENT OF COMPLIANCE WITH THE OPEN MEETING ACT – Stephanie Brown**
- 3. PUBLIC COMMENTS**

(Opportunity for the Board to receive public comments. Each person wanting to make a public comment is asked to sign in and remember time is limited to three minutes. To comply with the intent of the public notice requirements, the Board does not respond to or discuss comments regarding matters not on today's agenda.) – Jon Dutton, Assistant Attorney General
- 4. REPORTS**
 - (A) Administrator's Report – Janis Hubbard, Administrator
 - (B) Financial Report – OMES ABS Representative
 - (C) Public Relations Report – Debra Wojtek, Public Relations and Outreach Officer
 - Workforce Development
 - Communications and Outreach
 - Legislative Update

5. DIVISION REPORTS

- (D) Mechanical Division statistical report and Division activity update – Gary Kirk, Supervisor
- (E) Electrical Division statistical report and Division activity update – Ron Morris, Supervisor
- (F) Plumbing Division statistical report and Division activity update – Richard Hager, Supervisor
- (G) Roofing Division statistical report and Division activity update – Richard Hager, Supervisor

6. CONSENT AGENDA FOR UNCONTESTED CITATIONS PAID, HEARING WAIVED

- (H) 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. (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.) – Jon Dutton, Assistant Attorney General
- (I) Possible vote to remove item from Consent Agenda for Uncontested Citations Paid, Hearing Waived, for consideration as a separate action item – Jon Dutton, Assistant Attorney General
- (J) Discussion and possible action on items removed from Consent Agenda for Uncontested Citations Paid, Hearing Waived.

7. ACTION AND DISCUSSION ITEMS:

- (K) Discussion and possible vote on the Minutes of the Regular Meeting of the Construction Industries Board held September 21, 2022 – Chair Scott Soder
- (L) Discussion and possible vote on Administrator's recommendation of Candidate to fill the vacant Plumbing Field Investigator position – Janis Hubbard, Administrator
 - (i) Possible vote to convene into Executive Session pursuant to 25 O.S. § 307(B)(1) for discussion and possible action on Administrator's recommendation of for employment, hiring, appointment, for the vacant Plumbing Field Investigator position.
 - (ii) If Executive Session convened, vote to return to Open Session.
 - (iii) Possible vote on matters discussed related to Administrator's recommendation of Candidate for employment, hiring, appointment, for the vacant Plumbing Field Investigator position either from Executive Session or as discussed in Open Session.

- (M) Discussion and possible vote on the Oklahoma Home Builders letter dated October 19, 2022, requesting retraction of their letter dated March 31, 2022, recommending amendments to the Oklahoma Plumbing Industry Regulations. – Mike Means, Oklahoma Home Builders Association Kent Tippett & Zach Tippett, Plumbing Solutions; Johnathan Jackson, A-1 Heat and Air
- (N) Discussion and possible vote to reconsider the previous vote made at the May 25th, 2022, Board meeting to send the Oklahoma Home Builders Association letter dated March 31, 2022, to legal review to address what if any statutory authority the Board has at the request of the Oklahoma Home Builders Association to retract that letter. – Chair Scott Soder
- (O) Discussion and possible vote to review and/or refer to the Committee of Plumbing Examiners the Oklahoma Home Builders Association letter dated October 19, 2022, in whole or in part, recommending amendments to the Oklahoma Plumbing Industry Regulations. – Mike Means, Oklahoma Home Builders Association; Kent Tippett & Zach Tippett, Plumbing Solutions; Johnathan Jackson, A-1 Heat and Air
- (P) Discussion and possible vote on referring to the Oklahoma Ethics Commission for an independent investigation on information received during open meetings involving the letters of the Oklahoma Home Builders Association submitted to the Board, proposing regulatory amendments in the Oklahoma Plumbing Industry and subsequent public comments raising concerns and providing additional information about letter origins, interests, and impartiality of Board members, to be submitted by the Board Secretary pursuant to the Ethics Commission's procedures for receiving complaints and as approved by the CIB Chair. – Chair Scott Soder
- (Q) Discussion and possible vote to advertise position opening for the vacant Field Investigator position (Electrical Trade) formerly held by Ray Howard – Janis Hubbard, Administrator
- (R) Discussion and possible vote to advertise position opening for the vacant Field Investigator position (Plumbing Trade) formerly held by Marion Harris – Janis Hubbard, Administrator
- (S) Discussion and possible vote on Administrative Consent Order reflecting agreement between parties in lieu of an administrative hearing in Re the Matters of Alleged Electrical Industry Rules Violations of Richard E. Adams, Citation No. 21841 - Jon Dutton, Assistant Attorney General
- (T) Discussion and possible vote on employment of Charles Scott, employee, and update regarding employee workers' compensation claim, Charles W. Scott v. Construction Industries Board, Court Number CM2020-05235A – Leah Keele, Workers' Compensation Attorney & Jon Dutton, Assistant Attorney General
 - (i) Possible vote to convene into Executive Session -- Pursuant to 25 O.S. § 307(B)(1) & (4), the Board may convene in Executive Session to discuss the employment of any employee and for confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the active advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.

- (ii) Possible vote to return to Open Session
- (iii) Discussion and possible vote on matters discussed in executive session.

8. BREAK

9. RECORDING OF MEMBERS PRESENT AFTER SCHEDULED BREAK – Stephanie Brown

10. POSSIBLE VOTE TO REMOVE ITEM FROM CONSENT AGENDA FOR INDIVIDUAL ADMINISTRATIVE PROCEEDINGS FOR CONSIDERATION AS A SEPARATE ACTION ITEM – Jon Dutton, Assistant Attorney General

11. DISCUSSION AND POSSIBLE ACTION ON ANY ITEM REMOVED FROM CONSENT AGENDA FOR INDIVIDUAL ADMINISTRATIVE PROCEEDINGS – Jon Dutton, Assistant Attorney General

- i. Possible vote to convene into Executive Session pursuant to 25 O.S. § 307(B)(8) to engage in deliberations on any matter removed from Consent Agenda for Individual Administrative Proceedings.
- ii. If Executive Session convened, vote to return to Open Session.
- iii. Possible vote on any matter removed from Consent Agenda for Individual Administrative Proceedings discussed in Executive Session or in Open Session.

12. CONSENT AGENDA FOR INDIVIDUAL ADMINISTRATIVE PROCEEDINGS - (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.) – Jon Dutton, Assistant Attorney General

- (U) 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 Plumbing Hearing Board on Docket No. CIB-21-P-005 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 22713	Cody Frye	Inactive contractor or journeyman engaged in contracting
Citation No. 21641	Daniel Edwards	Contracting without a license
Citation No. 21642	Daniel Edwards	Contracting without a license
Citation No. 21646	Daniel Edwards	Contracting without a license
Citation No. 21647	Samuel Antonio	Contracting without a license
Citation No. 21246	Shane Bagley	Contracting without a license
Citation No. 21734	James Snyder	Contracting without a license

- (V) 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 Mechanical Hearing Board on Docket No. CIB-21-M-005 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 21645	Daniel Edwards	Contracting without a license
Citation No. 21492	Kristopher Hartgrave	Contractor working unlicensed or unregistered individual (per person)
Citation No. 21493	Kristopher Hartgrave	Contracting without a license
Citation No. 21312	James Pruett	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 20726	Shane Bagley	Contracting without a license
Citation No. 20891	Shane Bagley	Contracting without a license
Citation No. 21243	Shane Bagley	Contracting without a license
Citation No. 21244	James Erwin	Contracting without a license
Citation No. 21878	Jonathon Montez	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 21879	Sanchez Portillo	Unlicensed or unregistered individual performing trade work under the direction of another
Citation No. 21824	Chadwick Bowen	Contractor working unlicensed or unregistered individual (per person)

- (W) 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-21-R-005 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 21639	Daniel Edwards	Contracting without registration
Citation No. 21640	Daniel Edwards	Contracting without registration
Citation No. 21899	Medardo Dubon Mejia	Contracting without registration

13. ADJOURNMENT