

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

October 20, 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, October 20th, 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; Ron Morris, Electrical Supervisor; and Richard Hager, Plumbing & Roofing Supervisor; Dannette Yousey, Plumbing Secretary.

OTHERS PRESENT: Jon Dutton, Assistant Attorney General; LaTisha Edwards, OMES ABS; Steve Funck, OMES ABS; Mitchell Thomas, Career Tech; Tim Yaciuk, IEC OKC, Billy Swindell, State Auditor's Office; Kenny Whitson, 344 Training; Jimmy Griffy, IBEW; James Clouse, Local 344 P&P; Larry Brouk, Local 344 P&P.

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 20th day of October, 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 20th day of October, 2021.

NEW BUSINESS

There was no new business discussed.

PUBLIC COMMENTS

There were no public comments.

ADMINISTRATOR'S REPORT

Ms. Hubbard reported that the CIB's sub-lessor, OUBCC, has recently relocated to another suite in Shepherd center. She stated that there are a few final details being worked out to close outstanding issues with them, and that she appreciates Chairman Soder communicating with

them, especially about returning the matching end table sections to the board table. She stated discussions will be able to begin soon about repurposing that space.

Ms. Hubbard reported that the Budget Request for FY 2023 was timely filed with no changes requested to what the Board approved.

Ms. Hubbard reported that changes, examination review and application forms and letters for the new license and registration, due to legislation passed and signed last session, are progressing well. She stated that CIB will be ready to begin processing applications for Residential Plumbing Journeyman and Student Electrical Intern on November 1.

Ms. Hubbard reported that the credit card project is in final testing so it should not be very long now before it will be available to use. She stated that she would like to remind everyone that this is a phased project beginning with the Plumbing, Electrical and Mechanical trades. She stated that the other trades will be addressed in the next phase and that she looks forward to being able to report very soon that the project is live.

Ms. Hubbard reported that at the last meeting it was reported that a CIB employee working the front reception area had moved to another state. She stated that since then, another office employee took a job with another agency. She stated that CIB was able to hire two good candidates that started a little over a week ago. She stated that experienced staff is involved in training them and juggling this training with their regular responsibilities. She stated that several office employees have also been out on vacation, sick leave and one on extended sick leave. She stated that the combination has left the agency very short handed and that she appreciates everyone stepping up and doing what it takes to get these jobs done. She stated that if anyone hears concerns about any delays, please let the agency know so that CIB can keep the customer service top notch.

Ms. Hubbard reported that the next agenda item is the latest audit by the State Auditor and Inspector's Office. She stated that as a reminder, the SAI audits the CIB every year and these audit reports are public. She stated that the CIB has a link on its website to the SAI website that provides access to all of CIB's audit reports over the years. She stated that Billy would explain in more detail, but she wanted to mention that the SAI audit report is based on the Auditors requirement to use generally accepted standards that require accrual based accounting, but the state statute requires the CIB to account for funds on a regulatory basis which is cash basis. She stated that it would be further discussed and shown in the audit report presentation that the CIB is following the statutory requirements and is in compliance with regulatory/cash basis requirement and following the internal controls submitted to SAI.

REPORT BY OFFICE OF STATE AUDITOR & INSPECTOR ON FY 19 AUDIT

Mr. Swindell reviewed the FY 2019 financial audit report and stated that there were no reportable findings and no fraud or material misstatements. He stated that he appreciated how well staff worked to get his office the documentation needed for the audit.

Ms. Hubbard stated that she wanted to thank Billy and Wendy for their professional, independent and very thorough research. She stated that she also wanted to thank Steve Funck at OMES/ABS who oversees CIB's financial services and prepares CIB's financial statements for the Auditors. She stated that she also wanted to thank Windy, Stephanie, Dannette and all the office staff who works so diligently to accomplish such a clean audit.

FINANCIAL REPORT

Written financial reports for the month ended September 30, 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 CIB has received talking points specifically for its industries and hope to have those on the website soon.

Ms. Wojtek reported that CIB along with Career Tech are working on filming the Mechanical video.

Ms. Wojtek reported that she will be presenting to the Career Tech Board at their meeting tomorrow about the partnership and steps that have been taken on all that the agencies have been doing together.

Ms. Wojtek reported that she has a few new contacts with several school districts to continue pushing out the electrical video as well as using those contacts for future video's and materials.

Ms. Wojtek reported that October was Career in Construction month, and that Career Tech posted several things about it, and the Governor did a proclamation for it, so CIB has been able to push that out through social media as well.

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 14,781, which is up over 2,000 from the previous report. She stated that these users had almost 80,000 page views. She stated that the number one page viewed was the "Are They Licensed" page, likely due to the recent storms and the social media information posted about verifying licensing and registration.

Ms. Wojtek reported that the social media and email subscriptions have increased by almost 350 since 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, then showed the Board examples of those on the agency's Facebook page.

Legislative Update

Ms. Wojtek reported that there is not much to report on legislatively other than the Legislature has been meeting on interim studies.

Ms. Wojtek reported that the dates have been set for the Legislature to convene in special session to approve the new legislative districts as a result of the 2020 U.S. Census data. She stated that they will convene into special session on Monday, November 15th. She stated that the special session is limited to the topic for which they have convened.

Ms. Wojtek reported that the agency has continued to respond to legislative 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 September. 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 September. 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 September. Mr. Hager reported on activities of the Plumbing Division since the last Board meeting. There were several questions and further discussion with summary following.

Mr. Mullin asked questions regarding the number of contractors and journeyman and the ratio between contractors and journeyman.

Mr. Hager stated that while some of the contractors could be inactive, he was excited about the programs being developed to help increase the numbers.

Mr. Mullin stated that he wanted to point out a problem that has probably been pointed out before; it is that he considers the wide gap of contractors versus journeyman numbers to be crisis level, in comparison to the other trades. He does not have a solution but wanted to bring attention to it as a big problem if you are a contractor trying to hire a journeyman.

Mr. Boevers stated that over the past 4 years, there has been a slow increase in plumbing numbers and they have been consistently moving in a positive direction.

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 September. Mr. Hager reported on 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 KEITH DEAVER WITH SECOND BY LUPE IBARRA 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
Scott Soder

Abstaining: Jamey Mullin

Due to action taken on this item, Agenda Items 8(J) and 8(K) were not needed.

DISCUSSION AND POSSIBLE VOTE ON THE MINUTES OF THE REGULAR MEETING OF THE CONSTRUCTION INDUSTRIES BOARD HELD AUGUST 18, 2021

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

MOTION BY TONY BOEVERS WITH SECOND BY LARRY BUXTON TO ACCEPT THE AUGUST 18, 2021, BOARD MEETING MINUTES AS PRESENTED.

MOTION PASSED

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

Abstaining: Jamey Mullin

DISCUSSION WITH POSSIBLE VOTE TO AUTHORIZE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR TESTING SERVICES

Ms. Hubbard reported that our current contract expires in February and that the CIB complies with state open bidding laws which are very specific. She stated the first step is to ask the Board to approve CIB sending an RFP to OMES, and then having Central Purchasing issue it. She stated that CIB does not make any money off testing, that the test takers pay the testing vendor directly.

MOTION BY KEITH DEAVER WITH SECOND BY LUPE IBARRA TO AUTHORIZE ISSUANCE OF A REQUEST FOR PROPOSAL FOR TESTING SERVICES.

MOTION PASSED

Voting Aye: Tony Boevers
Larry Buxton
Keith Deaver

Todd Finley
Lupe Ibarra
Jamey Mullin
Scott Soder

DISCUSSION WITH POSSIBLE VOTE TO ALLOW TWO (2) OR NO MORE THAN THREE (3) BOARD MEMBERS, BASED ON AVAILABILITY, TO ASSIST IN EVALUATING RFP FOR TESTING SERVICES

Ms. Hubbard reported that once the RFP is issued and the time period to respond has passed, the responses are opened by OMES. She stated that OMES then provides those responses to CIB for evaluation. She stated that 2-3 Board members are needed to evaluate those responses.

Keith Deaver, Lupe Ibarra and Jamey Mullin volunteered to be evaluators.

MOTION BY TODD FINLEY WITH SECOND BY TONY BOEVERS TO ALLOW KEITH DEAVER, LUPE IBARRA AND JAMEY MULLIN TO BE THE BOARD MEMBERS TO EVALUATE RESPONSES TO THE REQUEST FOR PROPOSAL FOR TESTING SERVICES.

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

DISCUSSION WITH POSSIBLE VOTE ON THE CONSTRUCTION INDUSTRIES BOARD REGULAR MEETING DATES FOR CALENDAR YEAR 2022.

The following proposed dates for regular meetings of the CIB were presented for the Board's consideration:

January 26, 2022	July 27, 2022
February 9, 2022	August 17, 2022
March 23, 2022	September 21, 2022
April 13, 2022	October 19, 2022
May 25, 2022	November 16, 2022
June 22, 2022	December 14, 2022

MOTION BY LUPE IBARRA WITH SECOND BY LARRY BUXTON TO ACCEPT THE PROPOSED DATES FOR REGULAR MEETINGS OF THE CIB BOARD IN CALENDAR YEAR 2022.

MOTION PASSED

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

Jamey Mullin
Scott Soder

DISCUSSION WITH POSSIBLE VOTE TO RENEW CONTRACT WITH ECAPITOL FOR LEGISLATIVE TRACKING SERVICES FOR CALENDAR YEAR 2022.

Ms. Hubbard stated that in addition to notices and legislative tracking during the regular legislative session and any special session, eCapitol provides notices for interim studies and general legislative news. She stated there would be no change in rate for calendar year 2022.

MOTION BY TODD FINLEY WITH SECOND BY KEITH DEEVER TO APPROVE RENEWAL OF THE CONTRACT WITH ECAPITOL FOR LEGISLATIVE TRACKING SERVICES FOR CALENDAR YEAR 2022.

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 PLUMBING INDUSTRY RULES VIOLATIONS OF CLINTON VAN CASWELL, CITATION NOS. 21086 & 21087

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 TODD FINLEY WITH SECOND BY LUPE IBARRA TO ACCEPT THE PROPOSED ADMINISTRATIVE CONSENT ORDER *IN RE* THE MATTERS OF ALLEGED PLUMBING INDUSTRY RULES VIOLATIONS OF CLINTON VAN CASWELL, CITATION NOS. 21086 & 21087

MOTION PASSED

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

BREAK

At approximately 2:19 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 & 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 Tony Boevers served as Chair of the Electrical Hearing Board when Docket No. CIB-21-E-001 was heard.

Matters heard by the Electrical Hearing Board on Docket No. CIB-21-E-001 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 21106	Philip Jackson Jr.	Contracting without a license
Citation No. 21448	Jason Sitsler	Inactive contractor or journeyman engaged in contracting
Citation No. 21450	Jerod Wood	Loaning a license
Citation No. 21347	James McElfresh	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 21291	Perry Ketron	Inactive contractor or journeyman engaged in contracting
Citation No. 21292	Perry Ketron	Contractor working unlicensed or unregistered individual (per person)
Citation No. 21424	Lloyd Briscoe	Contracting without a license
Citation No. 21510	Kyle Hohlier	Contractor working registered apprentice without direct supervision (per apprentice)

MOTION BY KEITH DEAVER WITH SECOND BY TODD FINLEY TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO ELECTRICAL HEARING BOARD DOCKET CIB-21-E-001.

MOTION PASSED

Voting Aye: Larry Buxton
Keith Deaver
Todd Finley
Lupe Ibarra
Scott Soder

Recused: Tony Boevers

Abstaining: Jamey Mullin

Mechanical 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 Scott Soder served as Chair of the Mechanical Hearing Board when Docket No. CIB-21-M-001 was heard.

Matters heard by the Mechanical Hearing Board on Docket No. CIB-21-M-001 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 21449	Jason Sitsler	Contracting without a license
Citation No. 21385	Wesley Phillips	Contractor working unlicensed or unregistered individual (per person)

MOTION BY TONY BOEVERS WITH SECOND BY LARRY BUXTON TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO MECHANICAL HEARING BOARD DOCKET CIB-21-M-001.

MOTION PASSED

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

Recused: Scott Soder

Abstaining: Jamey Mullin

Plumbing Hearing Board:

Possible vote to approve or deny and remand the Proposed Orders recommended by the Administrative Law Judge in the following matters for which no timely appeal was filed:

Matters heard by the Mechanical Hearing Board on Docket No. CIB-21-P-001 as follows:

<u>Case No.</u>	<u>Respondent</u>	<u>Violation</u>
Citation No. 21413	Ricky Bastoe	Contracting without a license
Citation No. 21517	Omar Acuna	Contractor working registered apprentice without direct supervision (per apprentice)
Citation No. 21300	Kevin Shafer	Contracting without a license
Citation No. 21301	Derek Lane	Contracting without a license
Citation No. 21258	Harlan Yochum II	Contracting without a license

MOTION BY TODD FINLEY WITH SECOND BY KEITH DEEVER TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO PLUMBING HEARING BOARD DOCKET CIB-21-P-001.

MOTION PASSED

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

ADJOURNMENT

MOTION BY TONY BOEVERS WITH SECOND BY TODD FINLEY 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 2:26 p.m.

Minutes approved in Regular Session on the 17th day of November, 2021.

/s/ Scott Soder
Scott Soder, Chair

/s/ Stephanie Brown
Stephanie Brown, Board Secretary