

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

June 21st, 2023

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, June 21st, 2023, in the Conference Room of the Construction Industries Board.

MEMBERS PRESENT: Tony Boevers, Larry Buxton, Keith Deaver, Todd Finley, Lupe Ibarra & Scott Soder

MEMBERS ABSENT: Jamey Mullin

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, Ron Morris, Electrical Supervisor and Gary Kirk, Mechanical Supervisor

OTHERS PRESENT: Jon Dutton, Assistant Attorney General; Melody Kellogg, OMES/ABS; Tim Yaciuk, IEC; Mike Goldston, Enterprise Electric; Brian Dearman, Local 344; Matt Wansley, MCA/SMACNA of OK; Johnny Miller, CIB Applicant; Travis Baird, Automation Integrated; Jim Griffy, IBEW 1141; Tony Rumpl, OMES Cybercommand; Tad Johnson, Convergent Tech; David Hames, PHCC/SMACNA

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 21st day of June, 2023, 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 21st day of June, 2023.

NEW BUSINESS

There was no new business discussed.

PUBLIC COMMENTS

There were no public comments.

ADMINISTRATOR'S REPORT

Ms. Hubbard reported that she wanted to follow up on some items from the last meeting. She stated that she has the updated Budget Work Program to pass out with the salary numbers adjusted to what the Board approved at the prior meeting and that the adjustment was very much appreciated.

Ms. Hubbard reported that on May 4, she emailed the information to the Board that was requested about the last audit and the presentation to the Board of the last audit.

Ms. Hubbard reported that on May 12, she emailed the information to the Board that was requested regarding committee appointments that remain for 2023 or were vacant, and it is similar to what is listed in agenda item M.

Ms. Hubbard reported that the office is still short staffed. She stated that the Administrative Program Officer for Roofing and Home Inspectors is still vacant. She stated that the agency thought it was being filled, but as it turns out it needs to be re-posted and the process will start over to fill that position.

Ms. Hubbard reported that the last thing she has to report on is the OMES Central Purchasing Audit. She thanked Stephanie for all the work she did in providing documents to them and answering their questions. She stated that their report is published online and that there was only one finding regarding the GL Suites contract that had previously been reviewed and approved by OMES ISD and ABS and that the finding has to do with a clause about disability access. She stated that the agency wrote a response, that it did not concur with that finding. She stated that in the contract there were other phrases that state they will comply with all federal and state laws, and the agency felt like that covered that particular phrasing. She stated that the next time the agency negotiates a contract with GL Suites it would make sure that particular phraseology is in there, but at this time the agency is moving forward with the current contract as it is.

FINANCIAL REPORT

Written financial reports for the month ended May 31st, 2023, prepared by OMES/ABS were provided for review and discussion.

PUBLIC RELATIONS REPORT

Ms. Wojtek reported that she recently completed CIB's Emergency Procedures for employees. She stated that the main reason to have emergency procedures is to do as much as possible to keep employees safe. She stated that the confusion of an emergency situation can make a bad situation worse and put lives at risk. She stated that CIB's Emergency Procedures include medical, fire, severe weather and natural disasters, suspicious items or bomb threat, active shooter, suspicious mail, environmental emergencies, extended power loss, elevator emergency and cyber-attack.

Workforce Development

Ms. Wojtek reported that in May she was able to attend Metro Tech's Joint Business & Industry and Legislators Advisory Council Breakfast where they had great conversations about how to better help meet industry's needs. She stated that she was excited to see CIB's trades be part of that conversation.

Ms. Wojtek reported that she has attended several workforce development meetings, including AGC's Workforce Development Coalition meeting.

Ms. Wojtek reported that today the Board would be discussing the Skilled Trade Education and Workforce Development Fund and application forms under another agenda item.

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, legislators and the public.

Ms. Wojtek reported that she was recently invited to speak at a trade graduation and it was a great experience to see the future of the industries.

Ms. Wojtek reported that on the agency's website analytics, there were 14,576 users that viewed the CIB website last month with 52,193 page views. She stated that 72% of users were new visitors to the site and 28% were returning users.

Ms. Wojtek reported an update on the agency's email subscribers stating that they are up to 11,272 and that all of the agency's social media followers/subscribers have increased as well.

Ms. Wojtek reported that she has continued researching and producing infographics, memes and artwork to assist in the agency's communications plan.

**Ms. Wojtek showed a few of the recent posts on the overhead screen.*

Legislative Update

Ms. Wojtek reported that Friday, May 26, 2023, was Sine Die Adjournment. She stated that special session does not officially end until June 30th unless they end it earlier.

Ms. Wojtek reported that she wanted to remind the Board that there were just over 3,080 bills and joint resolutions filed at the beginning of this year. She stated that of those, the Governor signed just over 340, he allowed 15 to go into effect without his signature, and he vetoed 50, however, 19 of those were overridden and became law. She stated that for those who enjoy statistics, that is just over 12% of the bills and joint resolutions introduced this year that became law. She stated that all budget bills were done under a special session so they are not part of the provided numbers.

Ms. Wojtek reported that a few bills that affect CIB and industries that have become law are:

- HB 2810, which extended the agency's sunset for three more years.
- SB 515 by Sen. Bergstrom which modified the Administrative Procedures Act.
- HB 2858 by Rep. Wallace that provided clean up language and expands the workforce funds to the Career Tech centers, not just the department, which she stated she would discuss further later in this agenda.
- SB 621 by Sen. Pugh that creates the Oklahoma Workforce Commission
- HB 1794 by Rep. Osburn which makes additional changes to the civil service division created last year governing state employees.
- HB 1738 by Rep. Townley which increases the workers compensation death benefit to surviving children.
- HB 1956 by Speaker McCall which changes those with a license who are not in compliance with the state income tax laws, from being unable to renew their license to a garnishment instead.

Ms. Wojtek stated that as a reminder that the bills which failed to meet deadline will still be available to be heard next year, however, if they failed by a vote, they will not.

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 May. Mr. Kirk reported on activities of the Mechanical Division since the last Board meeting.

Mr. Buxton stated that as he reviewed this report, he found the ratio of field contacts and citations to be really high both in relation to previous months and in relation to the other trades and asked if Mr. Kirk could expand on why that is.

Mr. Kirk stated that there was a bigger case with a lot more citations.

Mr. Buxton asked if they were all licensing citations and if Mr. Kirk could put numbers on what a big case is.

Mr. Kirk stated that about 80 or so would be on licensing in two different trades and 7 would be your normal different contracting without a license.

Mr. Soder asked if all 87 were from one case.

Mr. Kirk stated that they were in different locations.

Mr. Soder asked if they were to one contractor.

Mr. Kirk stated yes.

Mr. Soder asked if that struck Mr. Kirk as odd.

Mr. Kirk stated that it was a big case that they are looking into. He stated that the citations have not been issued but have been turned into him and they are working towards that.

Mr. Buxton asked Mr. Dutton how many questions or how deep they could dive into this subject because he really has a lot of interest in this.

Mr. Dutton stated that he would state that these citations have not been issued to potential respondents yet so he would really like to not get too far into it in case there is any evidentiary discussion. Mr. Dutton stated that he has preliminarily met with Mr. Kirk to discuss the volume of citations, and he is looking into what they have been issued for and he will follow up with Mr. Kirk and Ms. Hubbard about what his legal opinion is on having that many citations for one particular person.

Mr. Buxton stated that this seems highly unusual and he is not sure if it is appropriate and asked how the Board can get more information on it before it goes past this conversation.

Mr. Soder asked if someone could clarify that they are citations but have not been scrutinized as being supportable yet.

Mr. Dutton stated that they have not been issued but may have been investigated. He stated that the merits of those cases have to be reviewed to see if there is any substantial evidence to support that volume in relation to what the circumstances and facts are which is why he is cautious about the amount of discussion related to the facts because anybody could ask for an open record and use the discussion in a future administrative hearing case. He stated that if you are asking why are there 87 of those, he would say that is more of a policy issue that could be addressed.

Ms. Hubbard stated that she was just going to separate discussion about procedure versus merits of the case and that she is unsure where policy fits into that.

Mr. Dutton stated that it could be a policy and procedure.

Ms. Hubbard stated that yes policy and procedures could be discussed without getting into the particular case.

Mr. Finley asked Mr. Dutton to confirm he is already looking into it.

Mr. Dutton stated that he has spoken with Mr. Kirk about it and is looking into it.

Mr. Finley stated so now our best case is that you do your part and when it comes back to us, you can explain it.

Mr. Dutton stated correct, if it goes forward then he or Mr. Kirk can provide the Board more information.

Mr. Buxton stated that it seems irregular to him and he would like an opportunity to discuss it in more detail.

Mr. Dutton stated that he agrees and thinks the best thing to do would be to make an agenda item regarding the actual procedural aspect and not this particular case and then it can be discussed. He asked Mr. Buxton if that would address what he wants.

Mr. Buxton stated that he is not sure because he has not ever seen this, and not having been in this situation he wants to know how to go back to look at these citations and the merits of the case and how they came to be and that he understands that is what Mr. Dutton is doing but from a policy and procedure standpoint he wants to see more of this case.

Mr. Dutton stated that he understands that and that is why he is suggesting an agenda item too because this agenda item is just a report, so it is not going to be able to go in the direction he wants and there could be no direction given because it is not an agenda item at this particular item so he believes to address his procedure needs, it can be put on an agenda and then it can be discussed how the Board wants to move forward and do that at the next meeting.

Ms. Hubbard stated that when we are looking at the division reports that is just the activity of what the field staff have been doing. She stated that they wrote citations and that is what is on the report. She asked Mr. Kirk if he could explain what the next step is in order to give the Board a better feel as to what the next steps are for these 87 citations.

Mr. Kirk stated that the investigator at different locations would write citations according to his witnesses and proof or whatever statements he has, then he brings them to the supervisor and the supervisor has to look over them to see if the agency should issue that citation or not. Mr. Kirk stated that normally if it is just two or three citations the supervisor just approves them but since this is such a great amount they wanted to meet with Jon and get opinions and see if it was right to even do them. He stated that when they do these reports it is based on their activity for this month and they wrote that many citations, but it does not necessarily mean they will all be approved.

Mr. Soder asked if that scrutiny would be in place by the next meeting so that the Board would know if they were approved or not.

Mr. Kirk stated that it would probably happen pretty quick but they are for two different trades.

Mr. Boevers asked if typically an investigator is out on a site, finds a violation, writes a citation on the spot and presents it.

Mr. Kirk stated yes, sometimes.

Mr. Boevers stated that since there is a multitude here he is guessing that these were investigated but nothing was written on the spot, and they have been presented to Mr. Kirk and he is deciding if they are going to be given to the respondent or not.

Mr. Kirk stated yes.

Mr. Boevers stated that what really needs to be done is to let Mr. Dutton and Mr. Kirk do their due diligence on this and then come back to the Board with what the resolution is and then the Board can dig further at that point if they need to.

Mr. Soder stated that we are also talking about the procedural aspect too and he is trying to tie those together.

Mr. Dutton stated that a procedural item could be on the next agenda but it would not be specific to these citations.

Mr. Soder asked if they would also have the answers on this.

Ms. Hubbard stated that she is not sure if they are really going to get the answers to these specific citations or not because her understanding is they are going to be reviewed and then approved or voided.

Mr. Kirk agreed and stated that there could be less citations approved.

Mr. Boevers stated that if they are presented then it will go through the hearing process, and it cannot be discussed until after the hearing process.

Mr. Soder stated that he understands that but is wanting to know how many were issued versus excused so that the Board better understands the process.

Mr. Boevers stated that he believes if a lot of them are excused the Board needs to get involved to find out why they are being written in the first place if they are being excused later.

Mr. Buxton agreed.

Mr. Soder stated that he believes there needs to be an agenda item but also waiting for the response to how many were approved or voided.

Mr. Boevers stated that he wants to clarify that he is saying if they have merit, they need to be written and pursued but if they do not have merit that is where the Board needs to be involved.

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 May. 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 May. Mr. Hager reported on activities of the Plumbing Division since the last Board meeting.

ROOFING & OTHER DIVISION STATISTICAL REPORTS

The Board was provided a written report on roofing written warnings, citations, complaints, renewals, and applications received and new registrations and endorsements processed during the month of May along with Home Inspector and Building Inspector numbers. 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 TODD FINLEY WITH SECOND BY KEITH DEEVER TO APPROVE THE CONSENT AGENDA FOR UNCONTESTED CITATIONS PAID, HEARINGS WAIVED.

MOTION PASSED

Voting Aye: Tony Boevers

Larry Buxton
Keith Deaver
Lupe Ibarra
Todd Finley
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 26, 2023

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

MOTION BY KEITH DEAVER WITH SECOND BY LUPE IBARRA TO APPROVE THE APRIL 26, 2023, MEETING MINUTES AS PRESENTED

MOTION PASSED

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

DISCUSSION AND POSSIBLE VOTE ON THE PURCHASE OF A NEW SECURITY SYSTEM DUE TO OMES REQUIREMENTS

Ms. Nunnery stated that the CIB has a security system in place that is used for security measures and to monitor activity both in the lobby and inside the office. She stated that the cameras are also part of the agency's audit and business protocols. She stated earlier this year, due to OMES ISD updates the CIB became unable to utilize the camera system. She stated that upon discussion with OMES ISD regarding these issues the agency was notified that the current security camera system is not in compliance with OMES ISD required standards and would need to be replaced. She stated that the agency was given one option to continue using the current system that is not viable to office operations. She stated that Mr. Ruml informed the CIB that the state approved camera system is the AMAG Complete View. She stated that Mr. Ruml, Physical Threat Analyst with OMES ISD, is here today to provide the Board with information on the needed replacement of the security camera system and to answer any questions the Board may have. She stated that Travis Baird from Automation Integrated and Tad Johnson from Convergent, who are both vendors submitted by Tony Ruml as state use vendors who have also provided quotes. She stated that quotes provided give us a snapshot of what the estimated costs are to replace the system, however the actual cost may vary some depending on changes made.

Mr. Buxton asked Mr. Ruml what it is that was found to be not in compliance with the current system.

Mr. Ruml stated that there are two components. He stated that the first one is that it is essentially a web facing system that the agency purchased off the shelf from a local supply store. He stated that it does not meet cyber-security requirements and it is not in compliance with the state standard which they have developed to standardize all security platforms that are networked also to provide security.

Mr. Ruml stated that for camera systems there is one product that has been selected as the state standard and that is the complete view that you will receive quotes for.

Mr. Buxton asked what it is specifically that was found to not be in compliance and asked if it was just because it was purchased off the shelf and if they could make what the agency has work.

Mr. Ruml stated no. He stated that the system that was purchased was not designed for enterprise use, and is not designed to be tied into a statewide network platform. He stated that it does not have the capacity to have the end point management that they can put on the state standard platform.

Mr. Buxton asked if what he was wanting was to be able to have access to it from his point or from a centralized system at OMES.

Mr. Ruml stated yes, that there is a management platform that the state has already purchased and allows member agencies to connect to and they manage that and can monitor it for threats and make sure it stays updated and make sure there is no intrusion attempt.

Mr. Buxton asked if threats are cyber-security threats.

Mr. Ruml stated that every device that is attached to the network, so every camera in the current system is a potential attack vector for a bad actor to potentially access not only the agency's data but the state network as a whole, which is why they have developed these standards to try and minimize those risks.

Mr. Buxton stated that he understands the standards but still has some apprehension. He asked Mr. Ruml how long they have been using the standards they are using.

Mr. Ruml stated that the standard was adopted in April of 2021.

Mr. Buxton asked where it has been deployed successfully.

Mr. Ruml stated that the Department of Public Safety has been a large user of this platform for a lot longer than that.

Mr. Buxton asked, these systems that are being proposed how are they going to be able to be kept up to date, and what about the ongoing costs for that. He asked if the agency can find an off the shelf, one cost enterprise level that works, can that be used instead. He stated that as it is the agency would be carrying a debt already with another failed system, something separate but still failed that the agency still carries and he is curious to see how this is going to stand up to that. He stated that from an internet side can we not use a VPN and not portion this off so the agency can keep the system safe since the system works for what the agency is doing even though it does not work for OMES ISD.

Mr. Ruml stated that he thinks it is important to clarify that it is not him or cyber-command specifically but OMES IS who is tasked with the protection of the state network infrastructure and that was the authority behind which these standards were created. He stated that that is not to say that you cannot use anything else, but any deviation from the state standard would require an exception that is approved by the state CIO.

Mr. Buxton asked so there is a path.

Mr. Rumpl stated there is a path.

Mr. Boevers stated that if he is hearing Mr. Rumpl correctly what he is saying is that the threat is not to the CIB, but to the state system. He stated that if the agency has an IP camera out there that has access to the network, it is an intrusion point for anybody that is trying to attack any agency within the state.

Mr. Rumpl stated that is correct that it is a threat to CIB as well as the state as a whole.

Mr. Buxton stated that a VPN would isolate that out and would basically create a path to connect to and protect everything else. He asked if that could be partitioned off and the agency could just use a VPN.

Mr. Rumpl stated that it is possible but you would have to put together a proposal about how the agency would want it configured and then the state CIO would have to review and approve it.

Mr. Boevers asked if the Board could look at the options of what he is talking about versus changing the whole system and see what the cost benefits are both ways. Mr. Boevers asked how many cameras the agency currently has.

Ms. Nunnery stated that there are 10 but there are 6-7 more needed.

Mr. Rumpl stated that there is a lot of variance in types of camera systems, everything from a self-install which is essentially what CIB had to an enterprise system like the state standard is. There are a lot of factors that go into that, how are the camera feeds accessed, is it a web app or is it a hard client that is installed on specific machines with user granted access so those are all going to be factors when deciding whether a system is appropriate for this level of operation.

Mr. Boevers stated that if his memory is correct then when the agency put this system in they were following OMES at that time too, it was not something the agency just went and did.

Mr. Rumpl stated this is not a condemnation of anybody, standards change, IT strategies develop, it is just the changing times.

Mr. Deaver asked what the cost is and stated that he has not heard anybody talk about cost yet.

Mr. Soder stated that we have not gotten to that part yet.

Mr. Rumpl stated that cost will come from the vendors and does not have anything to do with OMES.

Mr. Boevers asked how many vendors there are.

Mr. Rumpl stated that the two vendors that are present today are both vetted vendors from statewide contract 1048 which concerns the security systems and are also approved for that product. He stated that there are other 1048 vendors but they are not approved vendors.

The Board heard proposals from the two vendors present to explain their quotes and detail the costs associated with their quotes.

Mr. Boevers stated that he believes the Board should table this item because it needs more time to consider and further evaluate both quotes. He asked Mr. Buxton to work with staff to review the quotes further.

Mr. Deaver agreed.

The Board decided to take no action on this item.

**There was no vote taken on this item.*

DISCUSSION AND POSSIBLE VOTE ON APPLICATION OF THE FOLLOWING STATUTES FOR THE CONSTRUCTION INDUSTRIES BOARD APPOINTED COMMITTEE SEATS EXPIRING IN 2023, OR CURRENTLY VACANT:

§1004 (A) Plumbing Committee, Plumbing Inspector seat, usually names provided by the Oklahoma Plumbing Inspectors Association (OPIA),

§1004(A)(1) Plumbing Committee, Plumbing Contractor, usually names provided by the Plumbing, Heating, Cooling Contractors Association (PHCC),

§1034 Inspector Committee, Mechanical Inspector, usually names provided by the Oklahoma Mechanical Inspectors Association (OMIA),

§1034 Inspector Committee, Municipal officer as defined in Section 1-102 of Title 11 (vacant), only aware of one appointment and was from nomination by the Oklahoma Municipal League (OML),

§1683(B)(1) Electrical Committee, Electrical Inspector seat, usually names provided by the International Association of Electrical Inspectors (IAEI), and

§1850.4(B)(3) Mechanical Committee, Layperson, names and references have been provided by state or local governmental representatives.

Ms. Hubbard stated that she presented this information based upon a request for it to be put on the agenda for the Board to discuss applying these statutes and noted that the Board member who requested the item is not present today.

Mr. Buxton asked if it would be appropriate to table this item until the Board member that requested it is present.

Ms. Hubbard stated that it is up to the Board if they want to take action or take no action.

Mr. Finley asked if he could get some clarification on what this item is. He stated if the agenda item is a vote to follow statutes because that is what it seems.

Ms. Hubbard stated that the wording tried to capture the request that was presented which was wanting to discuss the interpretation of the statutes.

Mr. Finley stated that he is not a lawyer and does not know if he is qualified to discuss that.

Mr. Dutton stated that when you interpret a statute there is case law that would say you follow the language of the statute. He stated that if there is not a definition then you use the common definition. He stated that if he recalls correctly from the previously meeting it seemed like there was some question as to how the language of the statute was being understood. He stated that he does not know if that is necessary or not necessary and that it is up to the Board to decide if they want to discuss these items or bring them back again because Mr. Finley is correct in that the statutory language is the statutory language and you can look at it from what you have been doing in the past or you can go forward from that point.

Mr. Deaver stated that since that person is not present he suggests it be tabled.

Mr. Finley asked if someone from legal could review it and come back with an opinion.

Mr. Soder stated that he does not think that is necessary because this is not changing the statute, it is just an interpretation.

Mr. Dutton stated that the Board is not changing the statute or dictating what the statute says. He stated to be more specific his understanding is that he was questioning which particular associations apply, so the Board would be looking at the application as to when it says associated with a contractor or something along those lines, you are determining the applicable association, you are not defining the statute other than what is already out there.

Mr. Deaver stated that where it states usually names provided by "x", usually means usually it does not mean shall and that is where the issue came from.

Ms. Hubbard stated that she would like to clarify that usually is not the wording from the statute.

Mr. Deaver stated that he is just reading what is there.

Ms. Hubbard stated that the wording he is reading is just historical information that she has provided for the Board so that everyone would have that same information, it is not the wording from the statute.

Mr. Boevers stated that he thinks it should be tabled and rename it to state discussion and explanation on application of the following statutes instead of a vote, he stated that he does not believe the Board should be voting on this.

Mr. Dutton stated that it does not have to be a voting item, but that the voting item would be needed if they were going to include other entities in the process.

The item was tabled.

**No vote was taken on this item.*

CONSIDERATION AND POSSIBLE VOTE TO RE-APPOINT GLEN CATES AS A MEMBER OF THE COMMITTEE OF PLUMBING EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2025. TITLE 59 O.S. § 1004(A)

Ms. Hubbard stated that behind tab N the Board would find a letter nominating Glen Cates to the Plumbing Inspector seat. She stated that Mr. Cates was originally appointed in 2012 and is willing, able, and honored to continue serving.

MOTION BY TODD FINLEY WITH SECOND BY LUPE IBARRA TO RE-APPOINT GLEN CATES TO THE COMMITTEE OF PLUMBING EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2025

MOTION PASSED

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

CONSIDERATION AND POSSIBLE VOTE TO RE-APPOINT RONNIE SMITH (PLUMBING CONTRACTOR) AS A MEMBER OF THE COMMITTEE OF PLUMBING EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2025. TITLE 59 O.S. § 1004(A)(1)

Ms. Hubbard stated that behind tab O the Board would find a letter nominating three people with Ronnie Smith being the first name and in bold letters. She stated that Ronnie Smith was first appointed in 2013 and he is willing, able and honored to continue serving.

MOTION BY KEITH DEAVER WITH SECOND BY TONY BOEVERS TO RE-APPOINT RONNIE SMITH TO THE COMMITTEE OF PLUMBING EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2025

MOTION PASSED

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

CONSIDERATION AND POSSIBLE VOTE TO RE-APPOINT JOHN MOORE (MECHANICAL INSPECTOR) AS A MEMBER OF THE INSPECTOR EXAMINERS COMMITTEE FOR A FOUR-YEAR TERM EXPIRING SEPTEMBER 2027. TITLE 59 O.S. § 1034

Ms. Hubbard stated that behind tab P the Board would find a letter nominating to re-appoint John Moore as a Mechanical Inspector. She stated that John Moore was originally appointed in 2011 and he is willing, able and honored to continue serving.

MOTION BY TONY BOEVERS WITH SECOND BY LARRY BUXTON TO RE-APPOINT JOHN MOORE TO THE COMMITTEE OF MECHANICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2025

MOTION PASSED

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

DISCUSSION AND POSSIBLE VOTE TO APPOINT A MEMBER OF THE INSPECTOR EXAMINERS COMMITTEE (MUNICIPAL OFFICER) FOR A FOUR-YEAR TERM EXPIRING SEPTEMBER 2027. TITLE 59 O.S. § 1034

Ms. Hubbard stated that at the time of posting the agenda it was believed the agency would have a letter with names but the agency has not received that letter, so there is nothing to present to the Board.

**No action was taking on this item.*

DISCUSSION AND POSSIBLE VOTE REGARDING APPOINTMENT OF THE ELECTRICAL INSPECTOR SEAT TO THE COMMITTEE OF ELECTRICAL EXAMINERS (POSITION FORMERLY HELD BY DAVID ADCOCK) FOR THE REMAINDER OF A TWO-YEAR TERM EXPIRING SEPTEMBER 2023. TITLE 59 O.S. § 1683(B)(1)

Ms. Hubbard stated that behind tab R the Board would find a letter nominating the appointment of Kevin Moore or Mike Jones. She asked for Ron to give the Board an update on what he found.

Mr. Morris stated that he found that the nomination for Kevin Moore falls just short of the 10 year requirement by about 7 months according to the statutes but that Mike Jones meets the statutory requirement.

MOTION BY TODD FINLEY WITH SECOND BY LARRY BUXTON TO APPOINT MIKE JONES TO THE COMMITTEE OF ELECTRICAL EXAMINERS FOR THE REMAINDER OF A TWO-YEAR TERM EXPIRING SEPTEMBER 2023

MOTION PASSED

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

DISCUSSION AND POSSIBLE VOTE REGARDING APPOINTMENT OF THE ELECTRICAL INSPECTOR SEAT TO THE COMMITTEE OF ELECTRICAL EXAMINERS (POSITION FORMERLY HELD BY DAVID ADCOCK) FOR THE REMAINDER OF A TWO-YEAR TERM EXPIRING SEPTEMBER 2025. TITLE 59 O.S. § 1683(B)(1)

Ms. Hubbard stated that since the previous item was for such a short period of time, now until September of 2023, this item is to go ahead with the next appointment time from September of 2023 to September of 2025 based upon the same letter.

MOTION BY LARRY BUXTON WITH SECOND BY TODD FINLEY TO APPOINT MIKE JONES TO THE COMMITTEE OF ELECTRICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2025

MOTION PASSED

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

DISCUSSION AND POSSIBLE VOTE TO RE-APPOINT MIGUEL BAEZ AS A LAYPERSON TO THE COMMITTEE OF MECHANICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2025. TITLE 59 O.S. § 1850.4(B)(3)

Ms. Hubbard stated that this item is for the re-appointment of Miguel Baez as the layperson and that there is no letter required. She stated that the Board just appointed Mr. Baez to this position last August and he is willing, able and honored to continue serving.

MOTION BY KEITH DEAVER WITH SECOND BY LUPE IBARRA TO RE-APPOINT MIGUEL BAEZ TO THE COMMITTEE OF MECHANICAL EXAMINERS FOR A TWO-YEAR TERM EXPIRING SEPTEMBER 2025

MOTION PASSED

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

DISCUSSION AND POSSIBLE VOTE ON ADMINISTRATIVE CONSENT ORDER REFLECTING AGREEMENT BETWEEN PARTIES IN LIEU OF AN ADMINISTRATIVE HEARING IN RE THE MATTERS OF ALLEGED PLUMBING INDUSTRY RULES VIOLATIONS OF DAVE SHAW, CITATION NO. 21859

Mr. Dutton stated there are times when a citation is issued and due to circumstances related to that citation the best resolution is a consent order which reduces the fine while the situation gets corrected without having to go to hearing.

MOTION BY LARRY BUXTON WITH SECOND BY KEITH DEAVER TO ACCEPT THE PROPOSED ADMINISTRATIVE CONSENT ORDER IN RE THE MATTERS OF ALLEGED PLUMBING INDUSTRY RULES VIOLATIONS OF DAVE SHAW, CITATION NO. 21859

MOTION PASSED

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

Scott Soder

DISCUSSION AND POSSIBLE VOTE ON THE TRANSFER OF FY 2022 ADMINISTRATIVE FINES TO THE SKILLED TRADE EDUCATION AND WORKFORCE DEVELOPMENT FUND

Ms. Wojtek stated that under tab V the Board can see how the agency determined the amount to be transferred. She noted that the bottom of the document states that if at any time the receipts of the Oklahoma Mechanical Licensing Revolving Fund, Electrical Licensing Revolving Fund, Plumbing Licensing Revolving Fund or Roofing Contractor Revolving Fund not including fine receipts, are less than actual expenses and outstanding encumbrances then the differences of the fine receipts over actual expenses and outstanding encumbrances if any, shall be transferred. She stated that the amount provided on the document is for FY 22 and explained how the amount was calculated.

MOTION BY TONY BOEVERS WITH SECOND BY LARRY BUXTON TO APPROVE THE TRANSFER OF THE FY 2022 ADMINISTRATIVE FINES TO THE SKILLED TRADE EDUCATION AND WORKFORCE DEVELOPMENT FUND.

MOTION PASSED

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

DISCUSSION AND POSSIBLE VOTE TO APPROVE APPLICATION CONTENT PURSUANT TO HB 2858 (2023) AND AUTHORIZE STAFF TO DRAFT APPLICATION FORM

Ms. Wojtek stated that under tab W the proposed content for the application form could be found. She stated that now that the agency can make agreements with the local Career Techs this item is to figure out how to handle the application form required. She stated that the form would be hyperlinked to the language in the statutes so that schools can confirm their compliance and ability to apply. She reviewed the application content and reasoning behind it and the Board discussed.

MOTION BY LUPE IBARRA WITH SECOND BY TODD FINLEY TO APPROVE APPLICATION CONTENT PURSUANT TO HB 2858 (2023) AND AUTHORIZE STAFF TO DRAFT APPLICATION FORM

MOTION PASSED

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

DISCUSSION AND POSSIBLE VOTE ON ADMINSTRATOR'S RECOMMENDATION OF CANDIDATE TO FILL THE VACANT PLUMBING FIELD INVESTIGATOR POSITION PREVIOUSLY HELD BY MARION HARRIS

Ms. Hubbard reported that this position is to fill the vacancy created by Marion Harris. She stated that the agency received applications and interviewed applicants and that the top scoring candidate, was Johnny Lee Miller who is present.

Mr. Hager introduced Mr. Miller and gave a brief bio to the Board.

Ms. Hubbard stated that it was her recommendation the Board extend an offer of employment to Johnny Lee Miller for the Plumbing Field Investigator position.

MOTION BY LUPE IBARRA WITH SECOND BY TODD FINLEY TO HIRE CANDIDATE JOHNNY LEE MILLER FOR THE PLUMBING FIELD INVESTIGATORS POSITION.

MOTION PASSED

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

DISCUSSION AND POSSIBLE VOTE ON RENEWAL OF RECIPROCAL JOURNEYMAN ELECTRICIAN LICENSE AGREEMENT BETWEEN THE STATES OF COLORADO 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 TONY BOEVERS WITH SECOND BY LARRY BUXTON TO RENEW THE RECIPROCAL JOURNEYMAN ELECTRICIAN LICENSE AGREEMENTS BETWEEN THE STATE OF OKLAHOMA AND THE STATE OF NEBRASKA

MOTION PASSED

Voting Aye: Tony Boevers

Larry Buxton
Keith Deaver
Todd Finley
Lupe Ibarra
Scott Soder

MOTION BY TONY BOEVERS WITH SECOND BY LUPE IBARRA TO RENEW THE RECIPROCAL JOURNEYMAN ELECTRICIAN LICENSE AGREEMENTS BETWEEN THE STATE OF OKLAHOMA AND THE STATE OF COLORADO

MOTION PASSED

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

BREAK

At approximately 3:16 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 and Scott Soder

APPEAL OF PROPOSED ORDER FOR CITATION NO. 21060 ISSUED TO MICHAEL GOLDSTON – TIMELY FIELD APPEAL AND BRIEF WITH REQUEST FOR ORAL ARGUMENT FOR INDIVIDUAL HEARING

- i. Review of Request for Appeal and Brief, and Brief in Response.
- ii. Hearing of Oral Arguments (limited to no more than 10 minutes for each side pursuant to OAC 158:1-5-13.1) – Michael Goldston, Pro Se; CIB Special Counsel
- iii. Possible vote to convene into Executive Session pursuant to 25 O.S. § 307(B)(8) to engage in deliberations on the Appeal of the Proposed Order for Citation No. 21060.
- iv. If Executive Session convened, vote to return to Open Session.
- v. Possible vote to Affirm the Proposed Order, Deny the Proposed Order or Remand the case to the Hearing Officer, with or without in the matter of the Appeal of the Proposed Order for Citation No. 21060

Mr. Dutton provided a brief explanation of the Appeal process and stated that both Mr. Goldston, Respondent, and Mr. Davis, Special Counsel for the CIB, were each allowed 10 minutes to present oral arguments and answer questions from the Board.

Following the oral arguments, Chair Soder asked if any Board members would like to make a motion to convene into executive session to discuss a decision on the matter.

MOTION BY KEITH DEAVER WITH SECOND BY LUPE IBARRA THAT THE BOARD GO INTO EXECUTIVE SESSION.

MOTION PASSED

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

Absent: Jamey Mullin

Note: The Board entered into Executive Session at approximately 3:30 p.m.

MOTION BY LARRY BUXTON WITH SECOND BY LUPE IBARRA TO RETURN TO OPEN SESSION

MOTION PASSED

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

Absent: Jamey Mullin

Note: The Board returned to Open Session at approximately 3:47 p.m.

MOTION BY TODD FINLEY WITH SECOND BY LARRY BUXTON TO DENY APPEAL AND UPHOLD THE PROPOSED ORDER FOR CITATION NO. 21060

MOTION PASSED

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

Absent: Jamey Mullin

ADJOURNMENT

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

MOTION PASSED

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

Scott Soder

The meeting was adjourned at approximately 3:47 p.m.

Minutes approved in Regular Session on the 26th day of July, 2023.

/s/ Scott Soder
Scott Soder, Chair

/s/ Stephanie Brown
Stephanie Brown, Board Secretary