

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

**November 30<sup>th</sup>, 2022**

**CALL TO ORDER AND RECORDING OF MEMBERS PRESENT AND ABSENT**

The special meeting of the Construction Industries Board was called to order by Chair Scott Soder at approximately 1:30 p.m. on Wednesday, November 30<sup>th</sup>, 2022, in the Conference Room of the Construction Industries Board.

MEMBERS PRESENT: Tony Boevers, Keith Deaver, Larry Buxton, Todd Finley, Jamey Mullin & Scott Soder

MEMBERS ABSENT: Lupe Ibarra

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; Steve Funck and Melody Kellogg, OMES/ABS; Tim Yaciuk, IEC; Matt Wansley, MCA-SMACNA Oklahoma; Mike Means, Oklahoma Home Builders Association; Jonathan Jackson and Carl Stanley, A-1 Electric Heat & Air; Kent Tippet and Zach Tippet, Plumbing Solutions; Jesse Mathews, Plumbing

**STATEMENT OF COMPLIANCE WITH THE OPEN MEETING ACT**

This special meeting of the Construction Industries Board, scheduled to begin at 1:30 p.m. on this 30<sup>th</sup> day of November, 2022, has been convened in accordance with the Oklahoma Open Meeting Act, Oklahoma Statutes Title 25, §§ 301 through 314.

This special meeting was proceeded by forty-eight (48) hours advance public notice filed with the Secretary of State specifying the time and place of the meeting here convened. Further, the agenda was posted and displayed in public view on the office site of the Construction Industries Board at least twenty-four hours prior hereto.

Fifty people have filed a written request for notice of meetings of this public body to date.

Read aloud this 30<sup>th</sup> day of November, 2022.

**NEW BUSINESS**

There was no new business discussed.

**PUBLIC COMMENTS**

There were no public comments.

### **ADMINISTRATOR'S REPORT**

Ms. Hubbard reported that Oklahoma City has approved the permits for the remodel and that there would be a construction meeting with Shepherd Center and their contractors soon to review the construction scheduled and to set a start date for the remodel of the space formerly used by OUBCC.

Ms. Hubbard stated that she wanted to thank Shepherd Center for the new, fresh coat of paint in the conference room and stated that they would be touching up the paint in the office area and cleaning the carpet soon.

Ms. Hubbard reported that on December 8<sup>th</sup>, there would be an appreciation luncheon for staff that will recognize their years of service to the CIB and the state.

Ms. Hubbard reported that following recommendations to observe the CIB Hearings Boards as good examples of the citation hearing process, the Inspectors and Executive Staff of the Oklahoma Board of Cosmetology & Barbering attended the November Plumbing Hearing Board. She stated that CIB welcomed them and tried to answer all of their questions as they incorporate parts of the CIB's citation and hearing process.

### **FINANCIAL REPORT**

Written financial reports for the month ended October 31<sup>st</sup>, 2022, prepared by OMES/ABS were provided for review and discussion.

### **PUBLIC RELATIONS REPORT**

#### **Workforce Development**

Ms. Wojtek reported that on November 3-4 several CIB staff members were able to participate in the Oklahoma City 8<sup>th</sup> grade Career Fair that was held at OCCC.

Ms. Wojtek reported that on November 10<sup>th</sup> she attended the Build My Futures Event in Tulsa and that it had many hands on activities for students to help create interest in construction careers.

Ms. Wojtek reported that November 14<sup>th</sup> – 18<sup>th</sup> was National Apprenticeship Week and that she knows there were several events around the state including one that made the Oklahoma News Report.

Ms. Wojtek stated that she is continuing to meet with industry groups on Workforce Development so the agency can increase collaboration and sharing of information for recruiting into the industries.

#### **Communications & Outreach**

Ms. Wojtek reported that she is continuing to provide CIB information when requested about the trades and the industry to various industry groups and the public.

Ms. Wojtek reported that the active users for the website for the last month was 10,475. She stated that these users had 38,901 page views. She stated that in continuing to dig into the analytics in the past month there were 400 page views for the new Online Payment page.

Ms. Wojtek reported that all of the CIB's social media accounts as well as the email database have hit milestones. She stated that the twitter account has doubled its followers, while the Facebook page has quadrupled its following since she started in 2020. She stated that the email subscribers have also more than doubled from 4,887 to 10,022 as of Monday, crossing the 10,000 mark.

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

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

#### Legislative Update

Ms. Wojtek reported that elections were held on November 8<sup>th</sup> and the new House and Senate members took their oath of office on Wednesday, November 16<sup>th</sup>.

Ms. Wojtek reported that for the newly elected and returning members of Oklahoma's statewide elected officials, their oath of office will be held on the second Monday in January, which falls on January 9<sup>th</sup> in 2023.

Ms. Wojtek reported that the bill request deadline for lawmakers to submit ideas for bills will be on Friday, December 9<sup>th</sup>. She stated that the bill filing deadline will be January 19<sup>th</sup> and that session will start on February 6<sup>th</sup> at noon.

#### **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.

Mr. Mullin asked about the ratio of complaints to citations. He asked if there was any merit to the complaints. Mr. Morris stated that it is normal to run into situations where someone will suspect something and they will investigate it only to find out that there is really no issue. Mr. Morris stated that they run into problems sometimes where a contractor bid on a job and someone else got the job and they are upset so they file complaints that sometimes have no merit to them so the ratios do not always add up.

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

#### **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. 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 KEITH DEAVER WITH SECOND BY JAMEY MULLIN TO APPROVE THE CONSENT AGENDA FOR UNCONTESTED CITATIONS PAID, HEARINGS WAIVED.

MOTION PASSED

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

Due to action taken on this item, Agenda Items 6(I) and 6(J) were not needed.

**DISCUSSION AND POSSIBLE VOTE ON THE MINUTES OF THE REGULAR MEETING OF THE CONSTRUCTION INDUSTRIES BOARD HELD SEPTEMBER 21, 2022**

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

MOTION BY TONY BOEVERS WITH SECOND BY LARRRY BUXTON TO ACCEPT THE SEPTEMBER 21, 2022, BOARD MEETING MINUTES AS PRESENTED.

MOTION PASSED

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

**DISCUSSION AND POSSIBLE VOTE ON ADMINSTRATOR'S RECOMMENDATION OF CANDIDATE TO FILL THE VACANT PLUMBING FIELD INVESTIGATOR POSITION**

Ms. Hubbard reported that this position is to fill the vacancy created by Tim Hillman's retirement. She stated that the agency received 9 applications and interviewed 4 applicants. She stated that the interviewers were Gary, Ron, Richard, Windy and herself. She stated that today the top scoring candidate, Michael Smith, is present. She stated that it was her recommendation the

Board extend an offer of employment to Michael Smith for the Plumbing Field Investigator position.

MOTION BY TONY BOEVERS WITH SECOND BY JAMEY MULLIN TO HIRE CANDIDATE MICHAEL SMITH FOR THE PLUMBING FIELD INVESTIGATORS POSITION.

MOTION PASSED

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

**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**

Mr. Boevers asked if the next 4 items could be discussed simultaneously since they are all related and then voted on separately. Mr. Dutton advised they could be all discussed together as long as the items were distinguished when speaking about them for the public to understand. Chairman Soder than read through all the related agenda items.

**DISUCSSION WITH POSSIBLE VOTE TO RECONSIDER THE PREVIOUS VOTE MADE AT THE MAY 25, 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**

**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**

**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**

Mike Means stated that the association was involved with getting HB 1150 passed a couple of sessions ago regarding being able to make amendments to plumbing licensing, allowing categories and limitations to different licenses. He stated that the other trades licensed by the CIB have that ability and plumbing did not. Mr. Means stated that they had several meetings with members of their association that are plumbers about what would be suitable or best case

scenario which formulated the letter that was first drafted back in March and sent to the CIB for consideration. He stated that it was at that meeting where they heard from a lot of people in the industry outside of those that were members of his own association and at that time the CIB voted to send it to legal counsel to review what things the Board could do. He stated they have been waiting to hear what kind of answer there might be but at the same time started meeting with other interested parties, even those outside of the association to find out what was more reasonable. He stated that obviously they had overreached and had thrown so many things out there that it was tough to consider all at once. He stated that they started looking at what would be the best thing to help residential plumbers. He stated that the first thing they thought they should do is ask for a retraction and bring that letter back and focus on more specific items. Mr. Means stated that if he had a vote in this he would ask that the Board retract the letter from March 31, 2022, retract the vote where it was sent to legal counsel and then let the new letter be sent to the Plumbing Committee for consideration.

Kent Tippett stated that he was involved with the first letter. He stated that he agrees that there were some things that residential plumbers did not exactly agree with but they felt it was a way to open discussion for something to be done in the plumbing industry that would bring it in line with surrounding states that have some of the same things in line with their licenses. He stated that he does understand it was a little bit of an overreach. He stated they have since come together and discussed it more and feel the new letter is a legitimate focused area where the residential plumbing industry can be helped and brought in line not only with other states but with other industries within Oklahoma. He stated that he feels the 5,000 btu limitation for a gas installer will take care of most of the small one and two family dwelling homes. He stated that those people will not be able to make final connections to appliances, they will only be allowed to run gas lines inside the residence, followed by a gauge inspection by a city or department. He stated that he feels it is better for a contractor to be able to sign off on those people after twelve months or a length of time deemed adequate because he believes contractors have a better idea of who is capable of doing those jobs versus a 3 year time limit where a person can take a test but could not plumb themselves out of an outhouse. He stated they do not know anything but take tests and talk good. He stated that he feels it is adequate that a contractor can sign off on a person that is sufficient that he should be able to do these tasks.

Jonathan Jackson stated that he is an unlimited mechanical and electrical contractor with licenses in liquefied petroleum gas and universal refrigeration license. He stated that he was also on the international energy conservation code committee last year as well. He stated that he is one of the owners of A-1 Heat & Air and currently they employ 91 people. He stated they have a lot of different licenses at their company and all of that is to the benefit and availability of having multiple licenses. He stated that he was asked to come speak to the benefits of having different licenses and how they have helped the electrical and mechanical industries. He stated that he believes there is two reasons to have these licenses. He stated that not all companies do the same things in their industry. He stated that mechanical industry has refrigeration companies, companies that just do vented range hoods for commercial, residential companies, industrial, and that he believes in mechanical there is 11 different licenses in the mechanical licensing act. He stated he believes that has really benefited the industry. He stated that he if they did not have that availability he does not believe they would have as many journeyman and contractors as they have in the industry and he believes that is a huge benefit for a company that only does residential. He stated that years ago he had multiple apprentices that could not pass their limited or unlimited journeyman license exam but they were able to pass the installers license exam because it tested specifically over what they did every day and that helped. He stated that apprentices are forced out of the industry when they cannot advance. He stated that he loves the mechanical industry because there are so many sub categories and you can really

find your niche. He stated that he thinks it is an injustice to the plumbing industry if they do not have the same opportunity. He believes the trades should not be held back from advancing.

Tony Boevers stated he had a question for Mr. Means. Mr. Boevers stated that one of the agenda items is to withdrawal the original letter. He stated that during the public comments section of the August meeting there was an accusation made that the letter was not originated by the Oklahoma Home Builders Association but by a Board member and they provided some back up for that. He asked Mr. Means if he could speak to how that letter came about. Mr. Means stated that the letter did originate with him but that some of the ideas contained in the letter did originate from one of the Board members who was a member of the association who was also very involved in the passage of that legislation. Mr. Means stated that he would address the Board member by name, Mr. Mullin. He stated that the first time he met Mr. Mullin personally was in Representative Mike Osburn's office, who was the House author carrying that legislation for them. He stated that Mr. Tippett and several others were in the room as well and they discussed many of those ideas in that meeting with Representative Osburn. Mr. Means stated that when they started meeting after the passage of the bill about what would be requested, Mr. Mullins shared his specific ideas of what he thought they would need. Mr. Means stated that yes some of those ideas originated with him but they were already being discussed and then he (Mr. Means) drafted the letter and included those items that was then presented to association members and then to Ms. Hubbard.

Mr. Boevers said the accusations made during public comments at the meeting tied to Mr. Mullins and Mr. Ibarra, who is not here today, were about how the Board is controlled, the origins of the letter, and a post made by Greg Mullin. He stated that there was a document provided that showed the letter originated from Jamey Mullin's computer. He stated that they are trying to figure out how this has been pushed through to try and get a vote before the Board and it seems to him that it was circumventing the process. There was a letter put through to the Board requesting the Board to vote, and he realizes it has been changed to say that it was just a starting point, but originally it was pretty clear about having a vote and making these changes. He stated that the Board is just looking for transparency about how this came about. He stated that he is not opposed to a change of any rules in any of the industries but he wants to make sure that it is done the proper way and not in a cloak of darkness. He stated that when there were these public comments it felt like a Board member facilitated rule changes that were personal to him.

Mr. Means stated that the letter itself was sent to Mr. Mullin, as it was sent to others to look at because he wants to make sure he is making the request in the proper language since he is not a plumber.

Mr. Boevers stated that it is not normal for the Home Builders to come out and make plumbing changes. He stated they would usually get on board with something that the plumbing organizations are for but in this case Home Builders is leading the charge which is not what usually happens. He stated that usually the industries reach out and say we would like to see this change and it is brought up through trade organizations.

Mr. Means stated that he understands that but the history of the legislation itself was not unified from the industry. He stated there were plumbing contractors and industry folks that were not receptive to making a legislative change at all. He stated that it was even suggested that they just write what they wanted into the law, but he wanted to give the language to the industry so the industry could regulate itself, which is why they came back with the same wording that is in

the mechanical and electrical laws that allows the Construction Industries Board to define limitations and categories.

Mr. Boevers stated that he is not against the bill or having the ability to make rule changes in the industries because it has worked well in electrical and mechanical. He stated that what is being asked for today is a reasonable request. He stated that he is an electrician and is not here to dictate what a plumber does, but what he is here for is the oversight to say the industry has spoken, we have a consensus, we have a statewide effort that says yes as an industry this is what we want. He stated that in the first meeting we were 180 degrees from that and there were a lot of vocal people who were upset that the letter was before the Board.

Mr. Means said he agrees and that is why they are asking that it be retracted. He stated that they have had several meetings after with people outside of the association and they recognize that they needed something more acceptable to the plumbing industry itself.

Mr. Boevers asked if anyone else was a part of the request to withdrawal that letter. Mr. Means stated that it was a decision that was made by people inside his association, that are members and some are plumbers that stated they should rescind the letter and come back with specific requests about what we need done.

Mr. Soder asked if the withdrawal of the letter was requested by the association if that did include a member of this Board. Mr. Means stated no, not on the question to rescind. He stated that because of the first meeting Mr. Mullin has not been included in any further or subsequent meetings. Mr. Means stated that Greg Mullin was invited to other meetings but has not attended other meetings.

Mr. Boevers stated that there is no issue with Greg Mullin attending any meetings.

Mr. Means stated that they had names of some that were opposed to all or parts of their initial letter and he has tried to include them in subsequent meetings. He stated that some have attended and some have not but they purposely left Jamey Mullin out of those meetings.

Mr. Buxton asked if any trade organizations were invited or included in any of the subsequent meetings. He stated that they did talk to the plumbers and pipe fitters union guys and they offered their comments and would prefer not to participate in a public meeting.

Mr. Tippett stated that before this legislation he did not know who Mike Means was. He stated that through being in direct contact with some of the biggest builders in Oklahoma and explaining the problems they were having, numerous builders put them into contact with Mike Means so the letter did not start with Jamey Mullin and he did not know who Jamey was. He stated that yes he has been in contact with and has met with Jamey several times but the letter did not originate from Jamey. He stated that this was a conglomerate of a meeting they had with the Oklahoma Home Builders. He stated that the residential plumbing industry has no representation. He stated that before they started this process they did not have anyone speaking for the residential industry so they have to take things on by themselves and figure out the process to get things changed. He stated people are generally opposed to changing anything with plumbing rules and daggers come out when it is mentioned. He stated that they got input from Jamey on the first letter, but he had nothing to do with the second letter and they are just trying to expand the market for individuals to get into the residential market.



Mr. Boevers stated that he appreciated the background on it. He stated again that he is not stating that these rules should or should not be changed but is worried about the process of getting there. He stated that you cannot have one group come in make a change and then end up with the rest of the state mad that the change was made just for that one group. He stated that he and Jamey Mullin had conversations early on when he got on the Board about the process of how change has to happen and it has to come from industry and it has to be almost a grass roots effort to get buy in, but you need statewide support and then get it into the Plumbing Committee and let them work on it. He stated that the first thing before the Board is the retraction of the March letter. He stated that instead of retracting the March letter he would like to attach the new letter as an addendum to the first letter since the new letter mentions the old letter.

Mr. Finley asked why the letter would need to be retracted since it is already part of public record. Mr. Dutton stated that he thinks it is just a distinction to say that the first letter is not going to be evaluated for rules but the new letter will be looked at going forward.

Mr. Boevers stated that the second letter is stating what to do with the first letter so the first one needs to stay as part of the record.

MOTION BY TONY BOEVERS WITH SECOND BY TODD FINLEY TO VOID THE MARCH 31, 2022, LETTER BUT ATTACH THE VOIDED LETTER TO THE OCTOBER 19, 2022, LETTER AS PART OF THE RECORD

MOTION PASSED

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

Recused: Jamey Mullin

MOTION BY TONY BOEVERS WITH SECOND BY KEITH DEEVER TO DISCONTINUE THE REVIEW OF THE MARCH 31, 2022, LETTER BY LEGAL COUNSEL

MOTION PASSED

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

Recused: Jamey Mullin

Mr. Finley stated that he understands some carts got put in front of the horses on some things. He stated that there needs to be an understanding that changes need to happen sometimes to improve the industry but there is a process and the Board wants to make sure that the process is in place so that everyone involved in this can have a say. He stated that he thinks it is a fair

statement that there is an ethical format in place for changes and moving forward that is all that is trying to be accomplished is making sure those changes are made fair and ethically.

MOTION BY TONY BOEVERS WITH SECOND BY KEITH DEAVER TO MOVE THE OCTOBER 19, 2022, LETTER TO THE PLUMBING COMMITTEE WITH DIRECTION THAT THE COMMITTEE INVOLVE INDUSTRY BEFORE THEY ACT ON THE LETTER

MOTION PASSED

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

Recused: Jamey Mullin

Mr. Buxton stated that this is not against any one person but in the court of public opinion there have been some things levied towards the Board about how they think, rule or perform. He stated that he thinks to have clean hands, to know that the right thing was done, and everything was looked at clearly and all procedures were handled properly, he believes the ethics commission is the best way to ensure that there is no other accusation that can be made or levied.

Mr. Boevers stated that he has always operated under the assumption that it does not only have to be right, it has to look right and with how this started with the first meeting and the first letter, he felt like the first letter was jumping a lot of hurdles and putting the Board in a bad position. He stated that when the next meeting came in August when the allegations were levied, it was nepotism, it was cronyism and that this Board was controlled by unions, there were a lot of things put out there that just are not true. He stated that there needs to be an understanding about how we got here and we can avoid this mistake in the future. He stated that the Board needs to think hard about pushing this further than what it is and decide if we can move on with the information we have or if it would need to go to review.

Mr. Deaver stated he believes that they did a great job today explaining the origins of the letter and the mistakes made of how it was presented to begin with so he does not believe it needs to go forward.

Mr. Finley stated that this is difficult and that he agrees that it was very well articulated who originated the letter, but at the same time we do have the public who have made some statements and I am trying to decide if I was in that seat right now what would I want to do and for myself I would want an independent investigation on myself if I was involved that way it would clear me and give me the final approval of yes I did something right or I did something wrong and this is how to continue on.

Chairman Soder stated that the issue at hand is how the original letter became. Not the fact that it was retracted, not the fact that it was modified, not the fact that if it had not been brought to light that it could have still continued. He stated that there was an action that appears to be inappropriate that needs to be vetted by someone outside of this Board. He stated that he agreed with Mr. Deaver that they explained the new letter and the overreach well today, but

believe the issue is how that first letter came about and if it was as open and transparent as the Board should be.

Mr. Boevers stated that part of his issue is they need to keep the integrity of the Board and he feels like they were put in a bad position whether it was knowingly or unknowingly. He stated that he thinks things are righted moving forward but that does not un-ring the bell.

Mr. Finley stated that in the articulation today about where the letter came from the ethics commission may look at that and say yeah you figured it out, here is your rubber stamp, but I would feel more comfortable with that rubber stamp and having someone review it and say yes you are good.

MOTION BY TODD FINLEY WITH SECOND BY LARRY BUXTON TO REFER TO THE OKLAHOMA ETHICS COMMISSION FOR AN INDEPENDENT INVESTIGATION ON INFORMATION RECEIVED DURING OPEN MEETINGS INVOLVING 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 COMMISSIONS PROCEDURES FOR RECEIVING COMPLAINTS AND AS APPROVED BY THE CIB CHAIR

MOTION PASSED

Voting Aye: Tony Boevers  
Larry Buxton  
Todd Finley  
Scott Soder

Voting Nay: Keith Deaver

Recused: Jamey Mullin

**DISCUSSION AND POSSIBLE VOTE TO ADVERTISE POSITION OPENING FOR THE VACANT FIELD INVESTIGATOR POSITION (ELECTRICAL TRADE) FORMERLY HELD BY RAY HOWARD**

Ms. Hubbard stated that Ray Howard left to take another position closer to his home. She stated that the position is open and the agency would like to post it and receive applications for that position.

MOTION BY TONY BOEVERS WITH SECOND BY TODD FINLEY TO ADVERTISE POSITION OPENING FOR THE VACANT FIELD INVESTIGATOR POSITION (ELECTRICAL TRADE) FORMERLY HELD BY RAY HOWARD

MOTION PASSED

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

Scott Soder

**DISCUSSION AND POSSIBLE VOTE TO ADVERTISE POSITION OPENING FOR THE VACANT FIELD INVESTIGATOR POSITION (PLUMBING TRADE) FORMERLY HELD BY MARION HARRIS**

Ms. Hubbard stated that Marion Harris moved out of his assigned territory for family reasons. She stated that the position is open and the agency would like to post it and receive applications for that position.

MOTION BY TODD FINLEY WITH SECOND BY LARRY BUXTON TO ADVERTISE POSITION OPENING FOR THE VACANT FIELD INVESTIGATOR POSITION (PLUMBING TRADE) FORMERLY HELD BY MARION HARRIS

MOTION PASSED

Voting Aye: Tony Boevers  
Larry Buxton  
Keith Deaver  
Todd Finley  
Jamey Mullin  
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 ELECTRICAL INDUSTRY RULES VIOLATIONS OF RICHARD E ADAMS, CITATION NO. 21841**

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 TODD FINLEY WITH SECOND BY TONY BOEVERS TO ACCEPT THE PROPOSED ADMINISTRATIVE CONSENT ORDER IN RE THE MATTERS OF ALLEGED ELECTRICAL INDUSTRY RULES VIOLATIONS OF RICHARD E ADAMS, CITATION NO. 21841

MOTION PASSED

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

**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**

- (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.**

MOTION BY KEITH DEEVER WITH SECOND BY LARRY BUXTON TO CONVENE INTO EXECUTIVE SESSION

MOTION PASSED

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

Note: The Board went into Executive Session at approximately 2:56 p.m., and Mr. Dutton, Ms. Hubbard and Ms. Nunnery joined the Board in the Executive Session.

MOTION BY KEITH DEEVER WITH SECOND BY JAMEY MULLIN TO RETURN TO OPEN SESSION FROM EXECUTIVE SESSION

MOTION PASSED

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

Mr. Dutton noted that there were no votes taken in Executive Session.

MOTION BY TODD FINLEY WITH SECOND BY LARRY BUXTON TO AUTHORIZE STAFF TO MOVE FORWARD WITH THE RESOLUTION OF THE CASE AS DISCUSSED IN EXECUTIVE SESSION

MOTION PASSED

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

Scott Soder

At approximately 3:51 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, Jamey Mullin and Scott Soder

**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:

Mr. Dutton noted that Lupe Ibarra served as Chair of the Plumbing Hearing Board when Docket No. CIB-21-P-005 was heard and he is not present today.

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

MOTION BY TONY BOEVERS 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-005.

MOTION PASSED

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

**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-005 was heard.

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)

MOTION BY KEITH DEAVER 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-005.

MOTION PASSED

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

Recused: Scott Soder

**Roofing 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 Roofing Hearing Board when Docket No. CIB-21-R-005 was heard.

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

MOTION BY TODD FINLEY WITH SECOND BY KEITH DEAVER TO ACCEPT THE PROPOSED ORDERS FOR THE MATTERS LISTED ON THE CONSENT AGENDA RELATED TO ROOFING HEARING BOARD DOCKET CIB-21-R-005.

MOTION PASSED

Voting Aye: Larry Buxton  
Keith Deaver  
Todd Finley  
Jamey Mullin  
Scott Soder

Recused: Tony Boevers

### **ADJOURNMENT**

MOTION BY TONY BOEVERS WITH SECOND BY KEITH DEAVER TO ADJOURN THE MEETING.

MOTION PASSED

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

The meeting was adjourned at approximately 3:54 p.m.

Minutes approved in Regular Session on the 22<sup>nd</sup> day of March, 2023.

/s/ Scott Soder  
Scott Soder, Chair

/s/ Stephanie Brown  
Stephanie Brown, Board Secretary