



**STATE OF OKLAHOMA
BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE**

Post Office Box 36307

Dr. Kenneth E. Blick, Ph.D.
Chairman

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Joshua Smith
Interim Director

The agenda for this meeting was posted in accordance with Title 25 Section 311.A.9, at the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, 3600 North Martin Luther King Avenue, Building 9, Oklahoma City, OK, 73111.

**Special Meeting AT OKLAHOMA CITY, OKLAHOMA
Of the Board of Tests for Alcohol and Drug Influence
Oklahoma Department of Public Safety Complex,
W.C. Sarg Smith Classroom
3600 North Martin Luther King Avenue, Oklahoma City, OK, 73111**

**Tuesday December 3, 2019
10:00 A.M. CDT**

MINUTES

BOARD MEMBERS PRESENT:

Dr. Kenneth Blick, OUHSC
Charles Gerhart, CLEET
Chief Curt Terry, Woodward PD
Major Todd Blish, OHP
Dr. Jarrad Wagner, OSU Health Science
Dr. Terence Dunn, Department of Health
Sheriff Chris West, Canadian County
Kevin Kramer, OSBI

STAFF PRESENT:

Josh Smith, Interim Director
Jenifer Martin, Office Manager
David Barnett, Interlock Administrator
Vince Barnard, Training Administrator

1. Call Meeting to Order

Action Taken: Dr. Blick called the meeting to order at 10:00 a.m. Roll was taken; seven members were present representing a quorum. Dr. Dunn arrived at 10:10 bringing the total board member count to eight.

2. Statement of Compliance with the Open Meeting Act

Dr. Blick gave statement of compliance

3. Approval of Minutes for August 13, 2019 Regular Meeting:

Action Taken: Kevin Kramer moved to approve the minutes, Chuck Gerhart seconded the motion. A roll call vote was taken with the following results Dr. Blick voted yes, Dr. Wagner voted yes, Major Blish voted yes, Charles Gerhart voted yes, Kevin Kramer voted yes, Sheriff West voted yes, Chief Terry voted yes.

4. Interim Director's Report

Interim Director Smith let the board members know we were able to get each member a copy of the Open Records Handbook. He also gave updates on training, instrumentation, interlock, and administration. The training program will be modifying and putting forth new training materials as needed for the changes implemented by the IDAP Program. The interlock division has inspected over 90% of the service centers in the State. Compliance testing and training also happens during the service center inspections. The maintenance program has ordered new forms for the Intoxilyzer to comply with the changes brought on by the new IDAP Program. There have been over 100 gateways deployed since January 2019, leaving around 20 more to be installed across the state. The administration is facing a few challenges with changes to comply with the IDAP Program. The IDAP Program is requiring DPS to receive a verified violation for the ignition interlock. The violations will be monitored and verified by the Board of Tests. This is going to require a full time staff member. One of the challenges we face is the limited space we have in the building we are housed in currently. Interim Director Smith would like to work with the chair and vice-chair on solutions for the space issue. Also, on the administration side we have three employees that will attend the Public Information Officer training as soon as enrollment is made available.

Action Taken: Dr. Wagner moved to approve the Interim Director's Report, Major Blish seconded the motion. A roll call vote was taken with the following results Dr. Blick voted yes, Dr. Wagner voted yes, Major Blish voted yes, Charles Gerhart voted yes, Dr. Dunn abstained, Kevin Kramer voted yes, Sheriff West voted yes, Chief Terry voted yes.

5. Discussion and possible action on selection of regular board meetings for calendar year 2020

The proposed dates for regular board meetings for calendar year 2020 are

February 25, 2020

May 12, 2020

August 11, 2020

November 3, 2020

Action Taken: Dr. Wagner moved to approve the proposed dates for regular board meetings as February 25 2020, May 12 2020, August 11 2020 and November 3 2020. Major Blish seconded the motion. A roll call vote was taken with the following results Dr. Blick voted yes, Dr. Wagner voted yes, Major Blish voted yes, Charles Gerhart voted yes, Dr. Dunn voted yes, Kevin Kramer voted yes, Sheriff West voted yes, Chief Terry voted yes.

6. **Discussion and possible action on agency travel pursuant to Amended Executive order 2019-13**

The proposed agency travel is as follows:

Borkenstein Alcohol Course – 2 persons (Adjunct instructor Chris Liles and Board Member Curt Terry)

IACT – 2 staff members

AIIPA – 3 staff members

DRE National Conference – 2 staff members

Lifesavers Conference – 2 staff members

Action Taken: Chuck Gerhart moved to approve the requested agency travel, Chief Terry seconded the motion. A roll call vote was taken with the following results Dr. Blick voted yes, Dr. Wagner voted yes, Major Blish voted yes, Charles Gerhart voted yes, Dr. Dunn voted yes, Kevin Kramer voted yes, Sheriff West voted yes, Chief Terry voted yes.

7. **Discussion and possible action on the proposed rules to be introduced for Permanent Rulemaking Process**

- a. **OAC Title 40 Chapter 10 (committee drafted)**
- b. **OAC Title 40 Chapter 15 (committee drafted)**
- c. **OAC Title 40 Chapter 20 (committee drafted)**
- d. **OAC Title 40 Chapter 35 (committee drafted)**
- e. **OAC Title 40 Chapter 40 (committee drafted)**
- f. **OAC Title 40 Chapter 55 (committee drafted)**

Action Taken: Chuck Gerhart moved to approve moving forward with public comment regarding the proposed rule changes. Kevin Kramer seconded the motion. A roll call vote was taken with the following results Dr. Blick voted yes, Dr. Wagner voted yes, Major Blish voted yes, Charles Gerhart voted yes, Dr. Dunn voted yes, Kevin Kramer voted yes, Sheriff West voted yes, Chief Terry voted yes.

8. **Discussion and possible action on the proposed rules to be introduced for Permanent Rulemaking Process**

- a. **OAC Title 40 Chapter 10**
- b. **OAC Title 40 Chapter 25**
- c. **OAC Title 40 Chapter 30**
- d. **OAC Title 40 Chapter 50**

Action Taken: Dr. Wagner moved to approve moving forward with public comment regarding proposed rule changes. Sheriff West seconded the motion. A roll call vote was taken with the following results Dr. Blick voted yes, Dr. Wagner voted yes, Major Blish voted yes, Charles Gerhart voted yes, Dr. Dunn voted yes, Kevin Kramer voted yes, Sheriff West voted yes, Chief Terry voted yes.

9. Discussion and possible action on inducting John Kevin Behrens into the Board of Tests Hall of Fame

Action Taken: Sheriff West moved to approve inducting Kevin Behrens into the Board of Tests Hall of Fame. Major Blish seconded the motion. A roll call vote was taken with the following results Dr. Blick voted yes, Dr. Wagner voted yes, Major Blish voted yes, Charles Gerhart voted yes, Dr. Dunn voted yes, Kevin Kramer voted yes, Sheriff West voted yes, Chief Terry voted yes.

10. Chairman's Report:

Dr. Blick would like to salute Josh for the effort and hard work he has displayed with leading the board through the interim role. Dr. Blick would like for Josh to think about taking on a more permanent role as the director and will be considering putting that recommendation to the board soon. Dr. Blick also recognized the superb efforts that the staff has put forward and how pleased he is with the quality of personnel and teamwork that Kevin Behrens had a heavy role in creating. Dr. Blick also thanked the board members for their high attendance rate regarding board meetings.

11. Public Comments

Comments given by:
Steve Fabian
Thomas Hosty
Shelly Schultz
Major Blish
Brian Morton

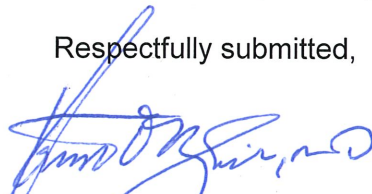
12. New Business as defined and in accordance with 25 O.S § 311

No new Business

13. Adjournment

Action Taken: Chief Terry moved to adjourn. Kevin Kramer seconded the motion. A roll call vote was taken with the following results Dr. Blick voted yes, Dr. Wagner voted yes, Major Blish voted yes, Charles Gerhart voted yes, Dr. Dunn voted yes, Kevin Kramer voted yes, Sheriff West voted yes, Chief Terry voted yes.

Respectfully submitted,



Chairman Kenneth Blick
Board of Tests for Alcohol and Drug Influence