



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

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

Joshua Smith  
State 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.

**Regular 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 May 18, 2021  
10:00 A.M. CDT**

**MINUTES**

**BOARD MEMBERS PRESENT:**

Dr. Kenneth Blick, OU Health Science - Chair  
Major Ronnie Hampton, Department of Public Safety  
Earl Morrison, CLEET  
Dr. Amy Brown, Oklahoma Department of Health  
Chief Michael Bell, Oklahoma Assoc. Chiefs of Police  
Kevin Kramer, OSBI

**STAFF PRESENT:**

Josh Smith, Director  
Jenifer Steiner, Business Manager  
David Barnett, Interlock Administrator  
Christopher Pape, Breath-Test Admin  
Vince Barnard, Training Administrator  
Magan Sloan, Interlock Customer Asst.

**1. Call Meeting to Order**

**Action Taken:** Dr. Blick called the meeting to order at approximately 10:00 a.m. Roll was taken; six members were present representing a quorum.

**2. Statement of Compliance with the Open Meetings Act**

**Action Taken:** Dr. Blick gave statement of compliance for the record.

**3. Welcome newly appointed Board members to first in-person meeting**

**Action Taken:** Dr. Blick welcomed Earl Morrison, CLEET; Chief Michael Bell, Chiefs of Police Association; and Dr. Amy Brown, Oklahoma Department of Health to the Board and thanked them for volunteering to sit on the Board.

**4. Approval of Minutes: March 10, 2021 Special Board Meeting (Virtual)**

**Action Taken:** Kevin Kramer motioned to approve the March 10, 2021 Special Meeting Minutes. Major Ronnie Hampton seconded the motion.

A roll call vote was taken with the following results Dr. Blick voted yes, Major Ronnie Hampton voted yes, Earl Morrison voted yes, Dr. Amy Brown voted yes, Kevin Kramer voted yes, Chief Bell voted yes

**5. Director's Report**

Director Joshua Smith welcomed the Board to the meeting and thanked them for their continued support in the agency's mission. He then updated the Board on the agency's goal for Fiscal Year 2022. Beginning with the roll out of and migration of the new asset management software Asset Panda Cloud. He let the Board know we are working towards virtualizing the COBRA proxy computer to enable BOT staff to remote into our COBRA server offsite and we are working with Oklahoma Interactive to finish correcting our breath testing permit acquisitioning process and permit database. He continued with telling the Board we are striving to host BOT records online for self-serve open record fulfillment. Online records will be limited to non-invasive documents such as instrument maintenance records and other records that don't broadly publish vital personal information and the agency will still fulfill open records requests submitted by all parties. He completed his director's report with announcing Vince Barnard's retirement scheduled to be effective June 1, 2022.

**Action Taken:** Kevin Kramer motioned to accept the Director's Report, Dr. Amy Brown seconded the motion

A roll call vote was taken with the following results Dr. Blick voted yes, Major Ronnie Hampton voted yes, Earl Morrison voted yes, Dr. Amy Brown voted yes, Kevin Kramer voted yes, Chief Bell voted yes

**6. Comment Period (limited to two minutes) from interested parties regarding the petition for Declaratory Ruling or Other Order regarding Disposable Materials, Supplies and Paraphernalia submitted by the Department of Public Safety**

Comments were given by:

Kevin Behrens, representing the Department of Public Safety  
Jeff Sifers, representing the District Attorney's Counsel  
Steve Fabian, Fabian & Associates  
Brian Morton, Hunsucker Legal Group

**No Action Taken**

**7. Discussion and possible action to enter executive session to discuss the Declaratory Ruling or Other Order regarding Disposable Materials, Supplies and Paraphernalia to all parties**

The Board briefly discussed entering an executive session and moved to next agenda item.

**8. Executive Session pursuant to 25 O.S. § 307(B)(8) for Declaratory Ruling or Other Order regarding Disposable Materials, Supplies and Paraphernalia to all parties**

**Action Taken:** Earl Morrison motioned to enter executive session at 10:21 am, Kevin Kramer seconded the motion

A roll call vote was taken with the following results Dr. Blick voted yes, Major Ronnie Hampton voted yes, Earl Morrison voted yes, Dr. Amy Brown voted yes, Kevin Kramer voted yes, Chief Bell voted yes

**Action Taken:** Dr. Amy Brown motioned to exit executive session at 10:42 am, Kevin Kramer seconded the motion

A roll call vote was taken with the following results Dr. Blick voted yes, Major Ronnie Hampton voted yes, Earl Morrison voted yes, Dr. Amy Brown voted yes, Kevin Kramer voted yes, Chief Bell voted yes

**9. Discussion and possible action to issue order, dismiss, or continue the matter regarding Declaratory Ruling or Other Order regarding Disposable Materials, Supplies and Paraphernalia to all parties**

**Action Taken:** Kevin Kramer motioned the Board approve the Declaratory or Other Order regarding Disposable Materials, Supplies and Paraphernalia to all parties with the amendment of removing Dr. Jarrad Wagner from the signature block due to his absence from the meeting, Earl Morrison seconded the motion

A roll call vote was taken with the following results Dr. Blick voted yes, Major Ronnie Hampton abstained from the vote, Earl Morrison voted yes, Dr. Amy Brown voted yes, Kevin Kramer voted yes, Chief Bell voted yes

**10. 2019 State Audit findings from Director and possible action request for the opinion from the Attorney General's Office**

Director Joshua Smith explained to the Board that after reviewing the 2019 State Audit findings we had updated and created internal policy and procedures to be in compliance with the findings. He explained to the Board one of the findings from the audit was the Board of Tests is a self-sustaining agency and has failed to transfer the required 10% of fees collected to the state general fund per 62 O.S. § 211. BOT disputed the finding that it is "a self-sustaining board" subject to § 211 since 2003 BOT has received pass-through appropriation funding averaging approximately \$300,000 annually from the Department of Public Safety pursuant to 47 O.S. § 759(A). Director Joshua Smith requested the Board order him to submit the drafted request to the Attorney General's Office for an opinion on this matter.

**Action Taken:** Chief Michael Bell motioned to accept the letter as written and order Director Joshua Smith to proceed, Earl Morrison seconded the motion

A roll call vote was taken with the following results Dr. Blick voted yes, Major Ronnie Hampton voted yes, Earl Morrison voted yes, Dr. Amy Brown voted yes, Kevin Kramer voted yes, Chief Bell voted yes

**11. Public Comments**

Public Comments were given by:

Thomas Hosty  
Brian Morton  
Steve Fabian

**12. New Business**

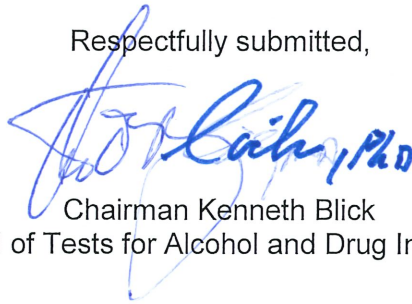
Director Joshua Smith mentioned he would start sending calendar invites to the Board members for future scheduled Board meetings. He also notified the Board about the newly filed petition regarding Bailey vs. BOT and that the Attorney General's Office reported no action was necessary from the Board at this time.

**13. Adjournment**

**Action Taken:** Kevin Kramer motioned to adjourn the meeting, Dr. Amy Brown seconded the motion

A roll call vote was taken with the following results Dr. Blick voted yes, Major Ronnie Hampton voted yes, Earl Morrison voted yes, Dr. Amy Brown voted yes, Kevin Kramer voted yes, Chief Bell voted yes

Respectfully submitted,



Chairman Kenneth Blick  
Board of Tests for Alcohol and Drug Influence

**A digital copy of these minutes is kept on record at the Board of Tests  
Available upon request.**