



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

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

Post Office Box 36307
Oklahoma City, Oklahoma 73136-2307
Phone: (405) 425-2460 Fax: (405) 425-2490
www.bot.ok.gov

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.

**SPECIAL BOARD MEETING
Of the Board of Tests for Alcohol and Drug Influence
Wednesday March 10, 2021 10:00 A.M. CDT**

Location:

THIS MEETING WILL BE HELD VIA TELECONFERENCING AND VIDEOCONFERENCING ONLY
***No persons except staff may attend the meeting in person at the BOT administrative offices in efforts to ensure staff safety during the state of emergency pandemic.**

MINUTES

(BOARD MEMBERS/STAFF ATTENDED THE MEETING IN PERSON AND VIA VIDEO/TELE-CONFERENCE USING GOTOMEETINGS. AN EXECUTIVE ORDER ISSUED BY THE GOVERNOR WAS IN EFFECT FOR A STATE OF EMERGENCY DUE TO THE COVID-19 PANDEMIC. THE MEETING WAS HELD IN COMPLIANCE WITH 25 O.S. § 307.1.)

BOARD MEMBERS PRESENT:

Dr. Kenneth Blick, OU Health Science - Chair
Dr. Jarrad Wagner, OSU Health Science - Vice Chair
Sheriff Chris West, Sheriffs and Peace Officers Association
Major Ronnie Hampton, Department of Public Safety
Chief Michael Bell, Oklahoma Assoc. Chiefs of Police
Director Earl Morrison, CLEET

STAFF PRESENT:

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

1. Call Meeting to Order

Action Taken: Dr. Blick called the meeting to order at approximately 10:00 a.m. Roll was taken; five members were present representing a quorum. Earl Morrison joined the meeting at approximately 10:05 a.m.

2. Statement of Compliance with the Open Meetings Act

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

3. Approval of Minutes

Action Taken: Dr. Wagner motioned to approve the minutes for the regular meeting held November 10, 2020. Major Hampton seconded the motion.

A roll call vote was taken with the following results Dr. Blick voted yes, Dr. Wagner voted yes, Major Hampton voted yes, Sheriff West voted yes, Chief Bell voted yes

4. Director's Report

Director Smith kept his update brief and referred to his monthly report to the Board members. The director introduced and welcomed new members Earl Morrison from CLEET and Chief Michael Bell from Oklahoma Assoc. Chiefs of Police as our newest Board members. He informed the Board the Department of Health position is still vacant. The director moved forward in recognizing Jenifer Steiner and Vince Barnard for their 10 years of service with the state of Oklahoma. They were presented with recognition certificates and pins. The director thanked the Board and staff for the active participation and continued endurance during the state of emergency.

Action Taken: Dr. Wagner motioned to approve the director's report. Sheriff West seconded the motion.

A roll call vote was taken with the following results Dr. Blick voted yes, Dr. Wagner voted yes, Major Hampton voted yes, Earl Morrison voted yes, Sheriff West voted yes, Chief Bell voted yes

5. Comments from interested parties for the petition for Declaratory Ruling or Other Order regarding Disposable Materials, Supplies And Paraphernalia submitted by DPS

All parties were given several minutes to address the Board members present. DPS was represented by Kevin Behrens, the District Attorney's Council was represented by Jeff Sifers, Mr. Stephen Fabian and Brian Morton represented themselves. DPS and the DAC encouraged the Board to adopt the proposed order. Mr. Fabian and Mr. Morton encouraged the Board to discuss the matter further and delay issuing any orders at this meeting.

6. Discussion and possible action for Declaratory Ruling or Other Order regarding Disposable Materials, Supplies and Paraphernalia to all parties

The director was asked for input regarding the proposed order by the chair. The director informed the Board that historically, the Board is often left out of court room discussion regarding our administrative rules and recommended that the Board issue the order so that state authority over breath testing might be heard and judges be informed even when the Board is not a present party.

Action Taken: Sheriff West motioned to withhold Board action until an in-person meeting could be conducted to discuss the issue further without technical difficulties interfering with the meeting. Chief Bell seconded the motion.

A roll call vote was taken with the following results Dr. Blick voted yes, Dr. Wagner voted yes, Major Hampton recused himself due to conflict of interest, Earl Morrison voted yes, Sheriff West voted yes, Chief Bell voted yes

7. Discussion and possible action on proposed Permanent Rulemaking

The director gave an overview of each proposed amendment to the administrative rules as requested by the chairman. The director informed the Board of one amendment to 40:40-1-2.

Action Taken: Major Hampton motioned to adopt the rules as amended. Dr. Wagner seconded the motion.

A roll call vote was taken with the following results Dr. Blick voted yes, Dr. Wagner voted yes, Major Hampton voted yes, Earl Morrison voted yes, Sheriff West voted yes, Chief Bell voted yes

8. Chairman's Report

Dr. Blick informed the Board that he had no additional information to report to the Board. He thanked the Board and staff for attending the lengthy meeting and all the efforts taken to make the meeting happen.

9. Public Comments

Mr. Morton and Mr. Fabian thanked the Board for their consideration and attention regarding the comment period. Mr. Morton asked if they would be given the option to address the Board again at the next meeting. Dr. Blick stated yes, parties would be allowed to give comment again.

10. New Business

No new business was discussed.

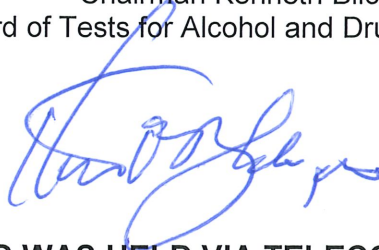
11. Adjournment

Action Taken: Dr. Wagner motioned to adjourn the meeting. Earl Morrison seconded the motion.

A roll call vote was taken with the following results Dr. Blick voted yes, Dr. Wagner voted yes, Major Hampton voted yes, Earl Morrison voted yes, Sheriff West voted yes, Chief Bell voted yes

Respectfully submitted,

Chairman Kenneth Blick
Board of Tests for Alcohol and Drug Influence

A handwritten signature in blue ink, appearing to read "Kenneth Blick", is written over the printed name and title.

**THIS MEETING WAS HELD VIA TELECONFERENCING AND
VIDEOCONFERENCING**