



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

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Joshua Smith  
Director

**NOTICE**

**REGULAR MEETING AT OKLAHOMA CITY, OKLAHOMA  
Of the Board of Tests for Alcohol and Drug Influence**

Oklahoma Department of Public Safety Complex  
Building No. 9, W.C. (Sarg) Smith Classroom  
3600 N. Martin Luther King Ave. Oklahoma City, OK  
**Tuesday May 18<sup>th</sup>, 2021  
10:00 A.M. CDT**

**AGENDA**

1. Call to Order and Roll Call
2. Statement of Compliance with the Open Meetings Act
  - a. Posting at BOT Office and email notices completed May 14, 2021
3. Welcome newly appointed Board members to first in-person meeting
  - a. Earl Morrison - CLEET
  - b. Michael Bell - Chiefs of Police
  - c. Dr. Amy Brown - Dept. of Health
4. Approval of Minutes
  - a. March 10, 2021 Special Board Meeting (Virtual)
5. Director's Report (FY22 Goals)
6. (\*Two Minute Comment period) from interested parties regarding the petition for Declaratory Ruling or Other Order regarding Disposable Materials, Supplies And Paraphernalia submitted by DPS
  - a. Department of Public Safety or designee
  - b. District Attorney's Council or designee
  - c. Mr. Stephen Fabian or designee
  - d. Mr. Brian Morton or designee

*\*All interested parties have been afforded opportunity to submit argument, information, and materials to the Board since November 10, 2020. Comments will be limited to the DPS submitted petition only.*
7. Discussion and possible action to enter executive session to discuss the following:
  - a. Declaratory Ruling or Other Order regarding Disposable Materials, Supplies And Paraphernalia to all parties  
*"It is unclear whether the matter before the Board is properly a declaratory ruling or other order. Nevertheless, the Board is authorized by OAC 40:1-1-5 to issue "other orders . . . whether affirmative, negative, injunctive, or declaratory in form." To the extent that this ruling or other order may be construed to be a rule that was not properly promulgated, both a declaratory ruling and "orders by an agency" are expressly excluded from the definition of "rule" in the Administrative Procedures Act. 75 O.S. § 250.3(17)(b) and (e)."*
8. Executive session pursuant to 25 O.S. § 307(B)(8) for the following items:
  - o Motion and Vote to enter Exec. Session
    - a. Declaratory Ruling or Other Order regarding Disposable Materials, Supplies And Paraphernalia response to all parties
  - o Motion and Vote to exit Exec. Session
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

*\*Actions the Board may take include but are not limited to adopting an order, taking no action, or continuing the matter.*

10. 2019 State Auditor findings update from Director and possible action regarding request for opinion from the Attorney General's Office
11. Public Comments – In accordance with the Open Meetings Act, no action will be taken on public comments.
12. New Business as defined and in accordance with 25 O.S. § 311
13. Adjournment