



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

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

J. Robert Blakeburn
State Director of Tests for
Alcohol and Drug Influence

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,
Building No. 9, W.C. (Sarg) Smith Classroom
3600 North Martin Luther King Avenue, Oklahoma City, OK, 73111
February 13, 2013
MINUTES**

BOARD MEMBERS PRESENT:

Dr. Kenneth Blick, O.U. Health Sciences Center
Mr. Kevin Kramer, OSBI
Dr. Terence Dunn, OK Dept. of Health
Sheriff John Whetsel, Oklahoma County
Chief Byron Cox, Weatherford Police Dept.

STAFF PRESENT:

Kevin Behrens, Interim Director
Shelly Schultz, Ignition Interlock P.A.
Jenifer Martin, Admin. Tech.

BOARD MEMBERS ABSENT:

Mr. Steve Emmons, CLEET
Major Rusty Rhoades, Oklahoma Highway Patrol

GUESTS:

Kevin McClure
Trooper Jeff Dean
Tom Hosty
John Lindsey
Joanne Horn
Sandra Balzer
Jeff Skinner
John Justin Wolf
John Wickstrom
Timothy Levey
Stephen Fabian
Alan R. Woodland
Paul Wallace

ORGANIZATION:

OAG
OHP
Hosty Law Office
DPS
DPS
OAG
Lifesaver
OK Co DA
Smart Start
Smart Start
Fabian and Assoc.
Lawyer
OSBI

1. Call Meeting to Order

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

2. **Approval of Minutes of August 12, 2012 Regular Meeting**

Action Taken: Sheriff Whetsel made a motion to approve the minutes from the August 12, 2012 regular meeting. The motion was seconded by Chief Cox. A roll call vote was taken with the following results: Mr. Kramer voted yes; Dr. Dunn voted yes; Chief Cox voted yes; Sheriff Whetsel voted yes and Chairman Blick voted yes. The motion carried unanimously 5-0.

3. **Approval of Minutes of October 29, 2012 Special Meeting**

Action Taken: Sheriff Whetsel made a motion to approve the minutes from the October 29, 2012 special meeting. The motion was seconded by Chief Cox. A roll call vote was taken with the following results: Mr. Kramer voted yes; Dr. Dunn voted yes; Chief Cox voted yes; Sheriff Whetsel voted yes and Chairman Blick voted yes. The motion carried unanimously 5-0.

4. **Director's Report**

Interim Director Kevin Behrens gave an introduction to the board about himself. He expressed his thanks to Jenifer Martin and Shelly Schultz staff members of the Board of Tests. He thanked the Board for their support. Interim Director Behrens talked about the measurement of success and said we are still determining how we will measure our success. Interim Director stated we have identified a direction we need to go in order to build our agency. We will be building intentionality, integrity, and consistency in the administrative office. Based upon his (Kevin's) experience he is confident we are going in the right direction. Interim Director Behrens gave the floor to the Board for questions they might have for him.

Chairman Blick stated he was impressed with what Kevin Behrens has done so far. He is looking forward to working with him in the future.

Action Taken: No Action Taken

5. Proposed executive session pursuant to 25 O.S. § 307(B)(4) for confidential communications between the Board and its attorney(s) concerning a pending claim against the Board.

a. Vote to enter executive session.

Action Taken: Chief Cox made a motion to enter executive session. The motion was seconded by Dr. Dunn. A roll call vote was taken with the following results: Mr. Kramer voted yes; Dr. Dunn voted yes; Chief Cox voted yes; Sheriff Whetsel voted yes and Chairman Blick voted yes. The motion carried unanimously 5-0.

b. Vote to exit executive session.

Action Taken: Sheriff Whetsel made a motion to exit executive session. The motion was seconded by Dr. Dunn. A roll call vote was taken with the following results: Mr. Kramer voted yes; Dr. Dunn voted yes; Chief Cox voted yes; Sheriff Whetsel voted yes and Chairman Blick voted yes. The motion carried unanimously 5-0.

Possible action taken as a result of Executive Session.

Action Taken: Sheriff Whetsel made a motion to have the Board's attorney handle the claim. The motion was seconded by Chief Cox. A roll call vote was taken with the following results: Mr. Kramer voted yes; Dr. Dunn voted yes; Chief Cox voted yes;

Sheriff Whetsel voted yes and Chairman Blick voted yes. The motion carried unanimously 5-0.

6. Proposed executive session pursuant to 25 O.S. § 307(B)(1) for discussion and possible action on hiring recommendations for vacant positions at the Administrative Offices of the Board of Tests.

- a. Vote to enter executive session.

Action Taken: Chief Cox made a motion to enter executive session. The motion was seconded by Mr. Kramer. A roll call vote was taken with the following results: Mr. Kramer voted yes; Dr. Dunn voted yes; Chief Cox voted yes; Sheriff Whetsel voted yes and Chairman Blick voted yes. The motion carried unanimously 5-0.

- b. Vote to exit executive session.

Action Taken: Sheriff Whetsel made a motion to exit executive session. The motion was seconded by Dr. Dunn. A roll call vote was taken with the following results: Mr. Kramer voted yes; Dr. Dunn voted yes; Chief Cox voted yes; Sheriff Whetsel voted yes and Chairman Blick voted yes. The motion carried unanimously 5-0.

Chief Cox left the meeting during this executive session.

Possible action taken as a result of Executive Session.

Action Taken: Sheriff Whetsel made a motion to table item 6 until a special meeting can be called for Friday at 1:30 pm 2-15-13 for purposes of interviewing and hiring 3 vacant positions. The motion was seconded by Dr. Dunn. A roll call vote was taken with the following results: Mr. Kramer voted yes; Dr. Dunn voted yes; Sheriff Whetsel voted yes and Chairman Blick voted yes. The motion carried unanimously 4-0.

7. Discussion and Possible action on request to reconsider expungement of the Intoxilyzer 5000-D as an approved breath testing instrument.

Action Taken: Sheriff Whetsel made a motion to table items 7, 8, and 9 until the next special meeting. The motion was seconded by Mr. Kramer. A roll call vote was taken with the following results: Mr. Kramer voted yes; Dr. Dunn voted yes; Sheriff Whetsel voted yes and Chairman Blick voted yes. The motion carried unanimously 4-0.

8. Discussion and possible action on recommendations from CMI for resolving issues with the external battery on the Intoxilyzer 8000.

Action Taken: Sheriff Whetsel made a motion to table items 7, 8, and 9 until the next special meeting. The motion was seconded by Mr. Kramer. A roll call vote was taken with the following results: Mr. Kramer voted yes; Dr. Dunn voted yes; Sheriff Whetsel voted yes and Chairman Blick voted yes. The motion carried unanimously 4-0.

9. Discussion and possible action on clarifying the June 12, 2008, resolution of the Board approving pressurized gas cylinders containing a known breath-alcohol equivalent ratio of nitrogen and ethanol gas.

Action Taken: Sheriff Whetsel made a motion to table items 7, 8, and 9 until the next special meeting. The motion was seconded by Mr. Kramer. A roll call vote was taken with the following results: Mr. Kramer voted yes; Dr. Dunn voted yes; Sheriff Whetsel voted yes and Chairman Blick voted yes. The motion carried unanimously 4-0.

10. New Business

No new business.

11. Adjournment.

Action Taken: Mr. Kramer made a motion to adjourn. The motion was seconded by Dr. Dunn. A roll call vote was taken with the following results: Mr. Kramer voted yes; Dr. Dunn voted yes; Sheriff Whetsel voted yes and Chairman Blick voted yes. The motion carried unanimously 4-0.

Respectfully submitted,



Dr. Kenneth Blick
Chairman

Board of Tests for Alcohol and Drug Influence