



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

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

Kevin Behrens
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.

**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 July 15, 2014
10:00 A.M. CST**

MINUTES

BOARD MEMBERS PRESENT:

Dr. Kenneth Blick, O.U. Health Sciences Center
Sheriff John Whetsel, Oklahoma County
Chief Vernon Griffin, Comanche Nation
Steve Emmons, CLEET
Major Rusty Rhoades, Oklahoma Highway Patrol

STAFF PRESENT:

Kevin Behrens, Director
Joshua Smith, Technician
Shelly Schultz, Interlock Program Admin
Vince Barnard, Senior Training Officer

BOARD MEMBERS ABSENT:

Dr. S. Terence Dunn, Oklahoma State Health Dept.
Kevin Kramer, 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 March 11, 2014 Regular Meeting

Action Taken: Steve Emmons made a motion to approve minutes. The motion was seconded by Chief Griffin. A roll call vote was taken with the following results Chairman Blick voted yes; Sheriff Whetsel voted yes, Steve Emmons voted yes, Major Rhoades voted yes, and Chief Griffin voted yes. The motion carried unanimously 5-0.

3. Director's Report

Director Behrens presented a power point slide show overview of the 2014 annual plan. The slide show highlighted areas of the 2014 annual plan and the progress made in relation to the annual plan in the last six months.

Action Taken: Sheriff Whetsel made a motion to accept Director's report. The motion was seconded by Steve Emmons. A roll call vote was taken with the following results Chairman Blick voted yes; Sheriff Whetsel voted yes, Steve Emmons voted yes, Major Rhoades voted yes, and Chief Griffin voted yes. The motion carried unanimously 5-0.

4. Discussion and possible action on proposed software updates to the Intoxilyzer 8000

Action Taken: Sheriff Whetsel made a motion to proceed with proposed software updates. The motion was seconded by Major Rhoades. A roll call vote was taken with the following results Chairman Blick voted yes; Sheriff Whetsel voted yes, Steve Emmons voted yes, Major Rhoades voted yes, and Chief Griffin voted yes. The motion carried unanimously

5. Proposed executive session pursuant to 25 O.S. §307(B) (1) to discuss "employment, hiring, appointment, promotion, demotion, disciplining or resignation" of:

- a. Vince Barnard
- b. Jenifer Martin
- c. Alisha Perry
- d. Shelly Schultz
- e. Joshua Smith
- f. Kevin Behrens

Action Taken: Sheriff Whetsel made a motion to enter executive session at 1100. The motion was seconded by Steve Emmons. A roll call vote was taken with the following results Chairman Blick voted yes; Sheriff Whetsel voted yes, Steve Emmons voted yes, Major Rhoades voted yes, and Chief Griffin voted yes. The motion carried unanimously 5-0

Action Taken: Steve Emmons made a motion to enter back into regular session at 1125. The motion was seconded by Chief Griffin. A roll call vote was taken with the following results Chairman Blick voted yes; Steve Emmons voted yes, Major Rhoades voted yes, and Chief Griffin voted yes. The motion carried unanimously 4-0

Action Taken: Steve Emmons made a motion for all six employees of the Board of Tests to receive a 6.5% pay increase pursuant to 25 O.S. §307(B)(1) to discuss "employment, hiring, appointment, promotion, demotion, disciplining or resignation" of Vince Barnard, Jenifer Martin, Alisha Perry, Shelly Schultz, Joshua Smith and Kevin Behrens. The motion was seconded by Chief Griffin. A roll call vote was taken with the following results Chairman Blick voted yes; Steve Emmons voted yes, Major Rhoades voted yes, and Chief Griffin voted yes. The motion carried unanimously 4-0

6. Public Comments

Thomas Hosty, Attorney, has concerns with keeping breath and maintenance records online. There would be a problem with the expungement statute. DPS and BOT are not required to expunge their records. Keeping them on line creates a record that will always

be there no matter if a case record was expunged or not. His also stated that nowhere in the history of BOT has the software for the Intoxilyzer 8000 been approved by the board.

Sheriff Whetsel stated the board may need to seek advisement from the board's legal counsel on how to proceed in regards to comments made by Thomas Hosty.

Chairman Blick stated when you have software in an instrument that makes decisions on the measurements given by the instrument the board should definitely consider those issues. Any issues other than those we can look at the output of the instrument and we can calculate to insure those are correct and the instrument is functioning properly. Dr. Blick agrees with Sheriff Whetsel to seek legal counsel on the software concerns made by Thomas Hosty.

Thomas Hosty followed up with asking the board to consider a ten year expungement policy on any and all records kept on line.

Director Behrens stated for the record; his review of the minutes from 2007; this board approved the use of the Intoxilyzer 8000 with Oklahoma software package.

7. New Business

Chairman Blick would like for Thomas Hosty's concerns with the expungement and software to be added as an agenda item for the next board meeting.

8. Adjournment

Action Taken: Chairman Blick made a motion to adjourn meeting. The motion was seconded by Chief Griffin. A roll call vote was taken with the following results Chairman Blick voted yes; Steve Emmons voted yes, Major Rhoades voted yes, and Chief Griffin voted yes. The motion carried unanimously 4-0

Respectfully submitted,



Dr. Kenneth Blick
Chairman

Board of Tests for Alcohol and Drug Influence