

## **MINUTES OF THE MARCH 23, 2016 CONSTRUCTION CONTRACTORS BOARD MEETING**

The Construction Contractors Board (CCB) met on Wednesday, March 23, 2016, in the Board Room on the 6<sup>th</sup> floor at 201 High Street SE, Salem, Oregon.

### **Attendees:**

**Board members present:** Board Chair, Kimberly Wood and Sandi Warren.

**Board members appearing by phone:** Kurt Bolser, Jim Kitchin, Mariana Lindsay, Susan Steward & Jim Patrick.

**Absent excused:** Jerry Jones, Jr.

**Staff:** Communications & Education Manager Cheryl Martinis, Enforcement Manager Stan Jessup, Licensing Manager Laurie Hall, Central Services Manager Kim Ayers, Board Secretary Leslie Culpepper and Assistant Attorney General Susan Bischoff.

**Guests:** Bonnie Sullivan, Krista Dauenhauer, Kirsten Adams.

### **A. MEETING CALLED TO ORDER:**

Chair Wood called the meeting to order at 9:32 a.m.

### **B. APPROVAL OF AGENDA AND ORDER OF BUSINESS:**

**MOTION:** Sandi moved to approve the agenda.  
Motion carried unanimously.

### **C. APPROVAL OF MINUTES:**

**CHANGES:** Kimberly Wood stated that the portion of the consent agenda that lists "111400, NWC Nick Weitzer Co. LLC" as one of her named conflicts of interest is incorrect. Chair Wood is going to check her records to find out if another company should be on this list instead. She will be notifying Leslie Culpepper with updates.

**MOTION:** Sandi Warren moved to accept the February 24 board meeting minutes as amended. Motion carried unanimously.

**D. DATE OF NEXT REGULARLY SCHEDULED MEETING:** The next meeting is scheduled for April 27, in the Hearings Room on the first floor at 201 High Street SE, Salem, Oregon. This meeting will include the election of officers and Chair Wood hopes that everyone will be present.

### **E. PUBLIC COMMENT:**

**1. There were no public comments.**

**F. AGENCY REPORTS:****1. Agency Update**

This report was delivered by Enforcement Manager Stan Jessup.

**a. House Bill 4121:**

HB 1421 passed. Mr. Denno is now planning for the legislative session in 2017.

**2. Licensing**

Licensing Manager, Laurie Hall

**a. Second Quarter Statistical Reports:**

Licensing section gets many phone calls and a great deal of in-person traffic. Continuing Ed is by far the topic that gets the most inquiries. Many of the questions relate to the website. Many contractors need help with the online process. The vast majority of the phone calls are from residential contractors, not commercial. Many of the contractors are older and experienced as contractors. Often the contractors don't understand why they need to do the continuing ed more than once. Additionally, many contractors are uncomfortable with the online process.

Chair Wood asked whether or not we can create the online account for the contractors. Ms. Hall stated that their passwords would need to be created for them, which would be an Internet security problem.

**3. Communication and Education**

Communication and Education Manager, Cheryl Martinis

**a. Pre-License Education**

Approximately 261 people take the contractors test every month. 86% of first-time test takers pass the exam. Test takers report being happy with PSI, the test vendor. Spanish language test takers have a much lower passage rate. Ms. Martinis believes that some people who take the English version of the contractors test are not native English speakers but she is not sure how this affects the pass/fail rates of the English version of the test.

The reason for the low passage rate of the Spanish version of the test seems to be the translation of the reference manual. Ms. Martinis hopes that the new reference manual will be easier to translate. PSI is working with pre-license educators on this issue. They have a preferred translation of certain technical words and have submitted these translations to NASCLA for consideration. Some contractors may speak a mixture of Spanish and English.

They also extended the length of time given to take the test to 3 hours (from 2). Chair Wood asked to know how many people take the full three hours to take the test. Ms. Martinis doesn't know, but will look into it.

The test will be updated to the new manual starting on September 1. By mid-August, people need to know if they haven't tested yet that they will need a new manual. Ms.

Martinis is working with pre-license educators to ensure that everyone is updating the curriculum and materials, and writing letters to people who have taken classes but not taken the test. She will update the students herself if the pre-license educators are unable to do so. Chair Wood asked how they are notifying students, and Ms. Martinis said that she would follow up to find out how.

**b. Test Survey**

Exam-takers were asked how they felt about the test taking conditions, and they were satisfied overall. She recently asked agencies from states involved with NASCLA to share their test questions, and was given test questions from Louisiana. She is working with Kathi Dahlin to make new test questions and review current test questions.

There is a 1-hour training video called "Paying Under the Table." Ms. Martinis will send the link to Board Members.

Jim Patrick asked Ms. Martinis how many people passed the old test. Ms. Martinis said that the numbers were somewhere in the mid-70's to low-80's. Mr. Patrick also suggested that PSI put a check box on the test survey to ask test takers if English is their second language.

**4. Enforcement**

Stan Jessup, Enforcement Manager

**a. Enforcement Update**

A live contractor training class was held on February 17<sup>th</sup>. It was well attended.

The Enforcement section had 2 recent staff departures from the Compliance section. He is now recruiting for these positions. Mr. Jessup also reported that one of the Enforcement section mediators is retiring in June. This person covers  $\frac{3}{4}$  of the state. Mr. Jessup is trying to reallocate mediator coverage to make the coverage of the state more evenly divided among all mediators.

Regarding HB 4121, Mr. Jessup also reported that he recently received a call from a surety rep who wanted to know if the current dispute resolution process would remain the same. The surety rep was very glad to know that it would.

There was a mediator training on March 9. It was successful and the instructor well-received.

**5. Central Services**

Kimberlee Ayers, Central Services Manager

**a. Budget:**

Ms. Ayers reviewed the budget with the Board. Revenue and expenses are both slightly higher than what was projected, and much of the expenses are still attributed to the agency's move. Revenue is robust because of licensing renewals and new license applications. We are beginning the preliminary processes to lay out the 2017-19 budget.

**b. Licensing Software Update:**

The new software “My License” will be put into place soon. Building Codes Division will be the first to implement the upgrade beginning around April, and CCB will follow.

Recently the CCB upgraded the email server. All of the staff’s email boxes were moved from the old server to a new server, and new archiving software is being put into place. This software automates email archiving. Through this software, all archived email is easy to retrieve.

The server with the agency’s IT security program will be updated next.

**6. Comment from Stan Jessup**

Because of previous discussion in the meeting, Mr. Jessup wanted to make it clear that the vast majority of the phone calls that come in to the CCB are residential, and that many of our programs are focused on residential contractors. The vast majority of contractors in the state of Oregon are residential.

**G. OLD BUSINESS****1. Ethics and Public Records Related Issues**

Susan Bischoff updated the Board on use of personal computer equipment and technology. At the last board meeting the question was raised of how to protect personal information if CCB board emails are received on personal computers. Ms. Bischoff recommended that board members set up a separate email account for all board business, and that all board business is only conducted through that email account. She said that the Board could receive public records training. Any board email received on personal accounts could potentially make those personal accounts subject to public exploration or disclosure.

Chair Wood asked if it would be enough to have a special email set up for Board business, and to have that email forwarded to her work email. Ms. Bischoff said that this might protect the work email account, but that it would be difficult to say for certain.

The board members expressed interest in having the Public Records training.

In addition, Ms. Bischoff stated that legal counsel would be able to review some of the important parts of the Ethics training from February 24<sup>th</sup>, however, she requested that the Board members review the Ethics training and pick out their questions for future meetings. She requested that all questions be emailed to Leslie Culpepper.

**H. NEW BUSINESS****1. Confidential Email**

Ms. Bischoff reported that in a week or two there would be a confidential memo sent to the Board regarding an Enforcement case. There may need to be a special meeting of the

Board to discuss the memo. She encouraged Board members to make a “Confidential” sub-folder in their emails and to put it in that folder.

**2. “Day in the Life Of” Presentations**

Chair Wood requested that each section choose one employee to give a “Day in the Life Of” presentation for the next teleconference along with their section reports.

**3. Insurance Issue**

Mr. Patrick would like to put an insurance-related issue on the agenda for the April 27<sup>th</sup> meeting.

**I. ADJOURNED:**

The meeting adjourned at 10:30 a.m.