

MINUTES OF THE APRIL 27, 2016 CONSTRUCTION CONTRACTORS BOARD MEETING

The Construction Contractors Board (CCB) met on Wednesday, April 27, 2016, in the Hearings Room on the 1st floor of the Beardsley Building at 201 High Street SE, Salem, Oregon.

Attendees:

Board members present: Board Chair Kimberly Wood, Kurt Bolser, Jerry Jones Jr., Jim Kitchin, Vice Chair Jim Patrick, Susan Steward, Sandi Warren.

Board members appearing by phone: none

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: Kathy Nishimoto, Kirsten Adams.

A. MEETING CALLED TO ORDER:

Chair Wood called the meeting to order at 10:12 a.m, following an executive session.

B. APPROVAL OF AGENDA AND ORDER OF BUSINESS:

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

C. APPROVAL OF MINUTES:

MOTION: Jim Kitchin moved to accept the March 23rd board meeting minutes. Motion carried unanimously.

D. DATE OF NEXT REGULARLY SCHEDULED MEETING: The next meeting is the strategic planning session, scheduled for May 16, in the Hearings Room on the first floor of the Beardsley Building at 201 High Street SE, Salem, Oregon.

E. PUBLIC COMMENT:

1. There were no public comments.

F. ACTION ITEM UPDATE

1. Cheryl Martinis

This update was presented by Cheryl Martinis, Communication and Education Manager, who had answers to questions from the previous board meeting.

a. How many people take the full 3 hours to take the contractor's test?

- 87% of test takers go over 2 hours
- 70% of test takers use 2.5 hours
- 50% of the test takers use the full 3 hours

b. How are students being notified of the change to the new test on September 1?

- Providers are delivering the information by letters and emails.

G. UPDATE/PERSONNEL REPORT:

1. Jim Denno, CCB Administrator reported that Kimberly Ayers, Central Services Manager has accepted a position at another agency. Marianna Lindsay, Board Member, accepted a position as the interim Executive Director at the Center For Women's Leadership, and as a result was forced to resign from the Board. Mr. Denno read an email from Ms. Lindsay expressing her thanks to the Board and agency staff.

H. NEW BUSINESS

1. Responsible managing individuals leaving a business:

Laurie Hall, Licensing Manager, responded to the questions about what happens when an RMI leaves a business suddenly. When this happens, CCB is notified and a letter is sent notifying that the business needs to appoint a new RMI. The board would like to see a mechanism in place for a company to appoint an emergency RMI. Agency staff will research statute and rules and advise the board on potential options at a subsequent meeting.

2. Consent agenda:

Due to a potential conflict of interest, the following items were removed and considered separately:

- Board member Sandi Warren pulled file number 111209 from the consent agenda to be considered separately.

MOTION: Jim Patrick moved to ratify the action taken by staff and approve consent agenda notices of intent and final orders issued, with the exception of the file number listed above. Motion carried unanimously.

MOTION: Jim Patrick moved to ratify the action taken by staff on file no. 111209.

Motion carried unanimously, Ms. Warren abstained.

3. Sweep Totals

Enforcement manager Stan Jessup reported on the sweep that was recently conducted in partnership with the Department of Revenue in Marion/Polk counties.

4. Insurance Discussion

Vice-Chair Patrick led a discussion about potential gaps in contractor insurance policies. Some policies are written with a maintenance clause stating as long as the policy is maintained, it will cover previous work. If a contractor changes policies that coverage can be lost. There are policies available that cover several years into the past and 10 years into the future. The potential is there for long periods of non-coverage. There is "tail coverage" available that covers everything, but many contractors don't know about this option. Ms. Martinis suggested that we can educate contractors to work with their insurance agents. She will do some checking with the insurance industry on this issue.

5. Election of Officers

MOTION: Jim Kitchin moved to nominate Jim Patrick for the position of board chair. Motion carried unanimously. Mr. Patrick's term will begin in June.

MOTION: Kimberly Wood moved to nominate Jerry Jones for the position of vice chair. Motion carried unanimously. Mr. Jones's term will begin in June.

6. Allied Structural Rule Change Request, Request to Appear as Limited Party in Allied Structural Contested Case, and Consideration and Ratification of March 30 Denno Letter to Allied Structural

Allied Structural is seeking a temporary rule to allow a business trust to be represented by its RMI or owner. Allied Structural is also seeking a petition to make this into a permanent change. Both requests have been denied pending ratification of the March 30, 2016 letter from Mr. Denno to Patrick Koontz, which addresses both of these issues.

MOTION: Jim Patrick motioned to ratify the letter of March 30, 2016. The motion carried unanimously.

I. OLD BUSINESS

1. Proposed Rule Making

Ms. Martinis reviewed the proposed rule changes. Jerry Jones suggested that the exemption language should be made consistent for electricians, plumbers, architects, and engineers in OAR 812-022-0021, numbers (3)-(6), by adding the words "or an employee" to numbers (5) and (6). The board agreed.

Only one comment was received during the public comment period. A building inspector in Yamhill County requested exemption from the CE requirements for licensed building, plumbing, mechanical, plans examiner, fire/life safety inspectors and building officials. The Board did not wish to add this exemption to the rules at this time, but may consider adding it at a later date. The Board wanted more information about the CE requirements for these inspector certifications. Staff will follow up.

MOTION: Jerry Jones moved to adopt the rules as amended. The motion carried unanimously.

J. ADJOURNED:

The meeting adjourned at 11:13 a.m.