



CONSTRUCTION CONTRACTORS BULLETIN BOARD

HELPING TO PREVENT AND RESOLVE PROBLEMS IN THE CONSTRUCTION INDUSTRY

January 2007

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New Year Greetings

By Tom Skaar, CCB Chair

2007 looks to be a big year!

The board welcomes two new board members, Richard De Wolf of Acriform, LLC and Mary Stern, Yamhill County Commissioner. (See *Board Member News* on page 2 for more information.) We believe they will be a great asset and look forward to working together.

January 8, 2007 kicks off the 74th Legislative Assembly. We look forward to this as an opportunity for improvement. To learn more about how the legislative process works, visit:

<http://www.leg.state.or.us>.

Last, but not least, the Task Force on Construction Claims (TFCC) has

completed its working meetings and will be offering its final report to the legislature.

With all this going on, the CCB will be focused on our mission:

“The Construction Contractors Board protects the public’s interest relating to improvements to real property. The Board regulates construction contractors and promote a competitive business environment through education, contractor licensing, dispute resolution and law enforcement.”

Yes, it will be a big year.

We wish you a happy and prosperous new year!

Administrative Rule Changes

The following is a summary of the rules passed at the Construction Contractors Board (CCB) December meeting. The rules become effective January 1, 2007.

■ A business that has a CCB license which has lapsed for 24 months or more must be issued a new CCB licensing number if the business requests to become actively licensed again. A new application must be filled out and the business owner must

designate a qualified responsible managing individual (RMI) to take the training and pass the test. OAR 812-003-0300 (3)

■ The term licensing fee was changed to application fee to implement the terminology in HB 2200 (Chapter 432 Oregon Laws 2005). OAR 812-003-0140

■ The terminology used for claim process (claim, claimant and

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Contractor Licensing Law: Making Changes to the Business

Does the New Year mean changes for your business?

The following are some of the more common changes and what to do about them with the CCB.

Changing the License Category

Your license category tells the CCB and your customers what type of work you have been licensed to do. Some categories limit what work can be performed or may have restrictions on the gross sales or total contract amounts. Each category has specific requirements of bond and insurance amounts.

The CCB licenses in the following categories:

- General Contractor- All Structures;
- General Contractor- Residential Only
- Specialty Contractor- All Structures
- Specialty Contractor- Residential Only
- Inspector
- Limited Contractor
- Licensed Developer

To change from one license category to another you must complete the Record Change Request form. Complete the form and submit it with \$20 change fee. If appropriate, include the increase or

decrease rider for your bond. If the amount of insurance has increased, you will also need to submit a new Certificate of Insurance showing the higher amount. You should contact your agent for these two items.

You can download the Record Change Request form from the CCB website, or you can request the form by calling the CCB at 503-378-4621

Change the Business Entity

When filling out the CCB application a business entity was chosen. It may have been a sole proprietorship, a partnership, an LLC or a corporation—to name a few. A change to your business entity requires a **new** license. You can download a CCB

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Construction Contractors Bulletin Board, Issue #67

This newsletter, an official publication of the Oregon Construction Contractors Board, gives Oregon contractors information on laws, policies and activities of the CCB and better business practices.

CCB mission:

The CCB protects the public's interest relating to improvements to real property. The Board regulates construction contractors and promotes a competitive business environment through education, contractor licensing, dispute resolution and law enforcement.

Board members:

*Tom Skaar, Portland
 **Walt Gamble, West Linn
 Chuck Crump, Salem
 Richard DeWolf, Portland
 Cliff Harkins, Canby
 Dennis Schad, Coos Bay
 Mary Stern, McMinnville
 Sandy Trainor, Sherwood
 *Chair, **Vice-chair

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In compliance with the Americans with Disabilities Act, this publication is available in alternative formats by contacting the editor.

Board Member News

Governor Theodore R. Kulongoski has appointed Richard De Wolf and Mary Stern to the Oregon Construction Contractors Board (CCB). De Wolf will serve as a representative from the residential/small commercial remodeling industry. Mary Stern is a County Commissioner for Yamhill County and will serve as the elected official representative.



De Wolf is the owner of Arciform, LLC—a design-build company specializing in the restoration and remodel of historic and vintage pre-World War II homes in Portland and its suburbs.



Stern is serving her second term as Yamhill County Commissioner.

Board member Jim Fairchild completed his term of service to the Construction Contractors policy board. Fairchild was appointed in 2001 and served two terms. He was the board chair during part of his last term and served as the chair of the Training and Education Advisory Committee.



Fairchild, as the Mayor of Dallas, served in the elected official capacity of the CCB policy board.

The board's next meeting is scheduled for 8:30 am on January 23, 2007 at the West Salem Roth's IGA hospitality facilities. The CCB meeting is in the Santiam Room. Information on board meetings is posted on the CCB website.

Licensing Law

Continued from page 2

application and the instructions from the website or call to have one mailed to you.

Changes of a person or persons that are officially on record with your CCB license may require a new license depending upon the business entity.

The following section can help you determine if the change in a person requires a new license or can be made using a Record Change Request form.

Changing the official personnel listed on the records for my license

Responsible Managing Individual or Designated Responsible Managing Individual

A change to the Responsible Managing Individual (RMI) must be immediately reported to the CCB using the Record Change Request form.

If the license was issued after July 1, 2000, and the RMI leaves the business, you must immediately replace the RMI with a new RMI that has taken the course and passed the education.

If the license was issued before July 1, 2000, and the RMI leaves the business, a new RMI must be immediately designated from the remaining personnel who have been continuously named on the license prior to July 1, 2000. If no personnel have been continuously named on the license or are not willing to be named the RMI, you must immediately replace the RMI with a new RMI that has taken the course and passed the education. There are some exemptions to this. Please call the CCB for further details.

Sole Proprietor

A sole proprietorship license cannot be transferred to anyone else including a spouse (this includes a change due to

the death of the sole proprietor). If a business is purchased from the holder of a sole proprietorship, the contractor's license is not part of that purchase. The purchaser must apply for and acquire his or her own license before he or she can contract legally.

Partner

If a partner leaves the business (this includes a change due to the death of a partner), the existing license is canceled immediately. The remaining partners must apply for and acquire a new license for the remaining partners before they can contract legally.

Members, Corporate Officers, or Trustees

If any of the members, officers or trustees listed in our records for a LLC, corporate or trust license leave the business, you must immediately report this information to the CCB. The status of the license is not affected (unless the person who leaves has been serving as the RMI for the license).

If you add a member, officer or trustee to your LLC, corporation or trust, you must immediately report this information to the CCB. Attach a copy of the company minutes. Adding personnel may affect your employer status.

To either remove or add a member, corporate officer or trustee to the license record, you must complete a Record Change Request form. There is no fee for this change. You can request this form by calling the CCB at 503-378-4621 or download and print the form from the CCB website.

Changing the Assumed Business Name (ABN)

You must first file the new name with the Corporation Division. To file a name,

download the forms at www.filinginoregon.com/forms or call 503-986-2200 for forms. Forms can be faxed to the Corporation Division at 503-378-4381, with a VISA or MasterCard number and expiration date. (Forms faxed to the Corporation Division will usually be filed within three working days.)

Once the forms have been filed with the Corporation Division, you can check the business registry database online to find your registry number at www.filinginoregon.com or call 503-986-2200.



When the name has been filed, you must complete a Record Change Request form with the CCB. You can download and print the form from the CCB website or you can have the form mailed to you by calling 503-378-4621. Complete and submit the form. If the change in a business name is for a partnership,

a corporation or LLC, then you must file amendments at the Oregon Corporation Division. Once this has been done, then you must send us a copy of those amendments showing that they have been filed. You will also need to send a name change rider for your bond and a new Certificate of Insurance reflecting the new name. You should contact your agent for these items.

If you have any questions, call the CCB Customer Service Unit (CSU) at 503-378-4621.

Administrative Rule Changes Continued from page 1

Statement of Claim) has been changed to complaint (complaint, complainant and Breach of Contract complaint).

- Amendments were made to clarify the amount of increased bond required when five or more complaints are filed. If the estimate of the damages exceeds the licensee's bond by less than 50%, the CCB may require a bond two times the amount required for that licensee's category. If the estimate of the damages exceeds the licensee's bond by more than 50% but less than 100%, the agency may require a bond three times the amount required for the licensee's category. If the estimate of the damages exceeds the licensee's

bond by 100% or more, the agency may require a bond five times the amount required for the licensee's category. OAR 812-005-0210

- Amendments were made to eliminate the suggestion that the agency may close a complaint if the surety bond is exhausted by prior complaints. OAR 812-004-0240
- Permits the agency to continue processing a complaint while waiting for a party to begin mediation or arbitration under the contract or waive the right to mediation or arbitration under the contract. OAR 812-004-0440 (1) (c) (C)

The following apply to Home Inspector rules:

- For application and eligibility, 10 points are awarded for a completed 3-credit hour minimum class in home inspection at an accredited college or university. OAR 812-008-0040 (3) (a)
- For application and eligibility, teaching for monetary compensation is included as applicable experience. OAR 812-008-0040 (4) (b)
- The agency has eliminated the approval of each course and requires the education providers to provide completion certificates that indicate the education provided to the student is within the subject area defined by the agency and the number of clock hours for the class. The agency has strengthened the criteria for approval to become an education provider. OAR 812-008-0074

New OSHA Reporting

Oregon employers will be required to report fatal work-related motor vehicle accidents to Oregon OSHA beginning Jan. 1, 2007 under recently updated safety and health rules.

Motor vehicle accidents nationally represent one-quarter of the total for workplace deaths. According to U.S. Bureau of Labor Statistics data, motor vehicle deaths on the job rose 2 percent in the United States during 2005. Motor vehicle accidents have been the leading cause of fatal workplace injuries in Oregon four of the past five years, accounting for 26 percent of fatalities compensable in the workers' compensation system between 2001 and 2005.

"We haven't done everything we can to create truly safe workplaces in Oregon until we address the largest single source of on-the-job fatalities in the state and in the nation - motor vehicles," said Michael Wood,

administrator of Oregon OSHA. "And our starting point needs to be a recognition that such deaths are workplace deaths. We need to track them and to treat them with the same seriousness and careful analysis that we try to provide whenever an employee is killed on the job."

As has been the case for many years, fatal heart attacks that occur at work also must be reported to Oregon OSHA. Not all fatal heart attacks reported to Oregon OSHA result in an investigation.

Workplace deaths (including heart attacks) must be reported to Oregon OSHA at (800) 922-2689 within eight hours of the employer being aware of the incident. Workplace accidents that send three or more employees to the hospital must also be reported within eight hours while employers must

New Minimum Wage

Effective January 1, 2007, the Oregon minimum wage increases by 30 cents to **\$7.80** per hour. ORS 653.025

This increase is a result of the passage of Ballot Measure 25, approved by Oregon voters on November 5, 2002. The minimum wage had been at \$6.50 per hour since January 1, 1999, but Measure 25 raised the wage to \$6.90 effective January 1, 2003 and also provided for annual indexing for calendar year 2004 and beyond.

Measure 25 requires the Commissioner of the Bureau of Labor and Industries to calculate an annual adjustment to the minimum wage each September for the following calendar year.

Green Seminars Continue

To help developers build projects that are nature-friendly, Metro is offering a series of seminars entitled “Green from the Ground Up.” The series features a number of green development practices and will demonstrate how to add value to projects while preserving and enhancing a property’s natural assets.



Experts from the building industry including engineers, c o n t r a c t o r s and landscape designers, as well as those from the marketing field will present practical

information and case studies and discuss successful strategies for marketing green developments.

“Research says that some buyers are willing to spend extra money on features that make their homes or other buildings nature-friendly,” said Metro Councilor Brian Newman. “This series will show developers how to add those features in a cost-effective manner.”

Interested parties are encouraged to register for one or all sessions online at Metro’s website www.metro-region.org/nature or by calling 503-797-1850. Two hours continuing education credits are offered to BOMI, Real Estate Brokers and Certified Master

Builders for all seminars except for the March 6 seminar, which offers four hours of credit.

The seminars are presented by Metro in partnership with the Oregon Department of Environmental Quality, the Home Builders Association of Metropolitan Portland, the Environmental Protection Agency, the Clackamas River Basin Council and the Clackamas Soil and Water Conservation District.

Tuesday, Jan 23, 2007, 2 to 4:30 p.m.
Home Builders Association of Metropolitan Portland
15555 SW Bangy Rd., Lake Oswego
Cost: \$10 for HBA members, \$20 for non-members

Speakers: Dan Hoyt and Christina Skellenger, Costa Pacific Communities; Steve Murray, PE, KPFF Consulting Engineers

In partnership with the Home Builders Association of Metropolitan Portland, Hoyt and Skellenger will present a case study of Villebois, a master-planned housing community with rainwater management, federal grants, wetland and forest restoration, open space network, tree preservation and LEED ND designation. Murray will present a case study of the New Columbia affordable housing project, which features pocket swales, filter boxes and dry wells. Marketing experts Steve Kokes and Leslie Carlson from Coates Kokes will discuss successful strategies for marketing green developments and Gail Shaloum, landscape architect from Metro, will provide an overview of habitat friendly practices and the latest information on permits and codes.

Tuesday, March 6, 2007, 8 a.m. to noon
Earth Advantage training room
16280 SW Upper Boones Ferry Rd., Portland
Cost: \$10

Speakers: Steve Murray, PE, KPFF Consulting Engineers; Mike Faha, principal, GreenWorks
 In partnership with Earth Advantage, Murray will present a case study of the New Columbia affordable housing project that features pocket swales, filter boxes and dry wells. This project retains 90 percent of the water on site, eliminating roughly 80 percent of underground pipes compared to a conventional development. Faha will present the latest examples of green development practices. Marketing experts Steve Kokes and Leslie Carlson from Coates Kokes will discuss successful strategies for marketing green developments, and Gail Shaloum, landscape architect from Metro, will provide an overview of habitat friendly practices and the latest information on permits and codes.

Wednesday, March 21, 2007 11:30 a.m. to 1 p.m.
NW Natural
220 NW Second Ave., Portland
Cost: \$20 for BOMA members; \$30 for non-members

Speakers: Amber Clayton, Portland Bureau of Environmental Services’ Clean River Rewards program; Kevin Robert Perry, landscape architect, Nevue Ngan Associates

At this luncheon, in partnership with the Portland Metropolitan Association of Building Owners and Managers, Clayton will discuss stormwater management retrofits in the City of Portland, including general guidance on construction and permitting, and how those retrofits can qualify ratepayers for discounts on their Portland stormwater utility fee. Perry will discuss design and construction of nationally recognized green street and rain garden projects. Marketing experts Steve Kokes and Leslie Carlson from Coates Kokes will discuss successful strategies for marketing green developments, and Gail Shaloum, landscape architect from Metro, will provide an overview of nature friendly practices and the latest information on permits and codes.

Civil Penalties Issued July 1, 2006 – September 30, 2006

Submitted by Rich Blank, Enforcement Manager

The Oregon Construction Contractors Board (CCB) recently announced final orders assessing civil penalties issued to Oregon contractors for violation of the Construction Contractors Law (ORS 701). Oregon law requires all construction contractors to be licensed with the CCB before they advertise, bid on or perform construction, remodeling or repair work.

The CCB issued 66 penalties from July 1, 2006 to September 30, 2006. The most common type of violation was operating as a contractor while not licensed. Contractors receiving penalties include:

* Currently licensed status as of October 6, 2006

Contractor	Doing Business As	City Where Violation Occurred	Penalty Amount	Violation	Currently Licensed? (CL)
Central Oregon					
Armadillo, Eduardo	Armadillo Construction	Bend	\$1,000	Operated as a contractor while not licensed	CL
Goossen, Glenn H.		Bend	\$600	Advertised as a contractor while not licensed	
McLean, John Clayton		Terrebonne	\$5,000	Operated as a contractor while not licensed	CL
R.J. Davis Enterprises		Bend	\$1,000	Had employees while licensed as an exempt contractor	CL
Storey, Jeremy S.		Prineville	\$1,000	Failed to obtain required permits	
Urbanc, Kevin D.		La Pine	\$5,000	Operated as a contractor while not licensed	
West, Chad Clinton		Bend	\$1,000	Operated as a contractor while not licensed	
Central Willamette Valley					
Birkel, Jerold John		Salem	\$5,000	Operated as a contractor while not licensed	
Bryan, William M.		McMinnville	\$1,000	Operated as a contractor while not licensed	
Iverson, Bryan Scott	Exclusive Window Tinting	Salem	\$600	Advertised as a contractor while not licensed	
Kasachev, Karl		Lyons	\$5,000	Operated as a contractor while not licensed	
King, Clarence Alvin		Dallas	\$5,000	Operated as a contractor while not licensed	
King, Clarence Alvin		Dallas	\$600	Advertised as a contractor while not licensed	
King, Clarence Alvin		Salem	\$700	Advertised as a contractor while not licensed	
Malone, Robert J.		Stayton	\$5,000	Operated as a contractor while not licensed	
Marin, Lucindo Alfredo		Newberg	\$1,000	Operated as a contractor while not licensed	
Matveev, Timofey		Silverton	\$1,000	Operated as a contractor while not licensed	
Smethers, Shane		Scotts Mills	\$5,000	Operated as a contractor while not licensed	
Coastal Oregon					
Rob's Custom Interiors, Inc.		Rockaway Beach	\$5,000	Operated as a contractor while not licensed	
Ruiz, Francisco Jose		Warrenton and Astoria	\$2,000	Operated as a contractor while not licensed	
Visions in Painting, Inc.		Seaside & Warrenton	\$1,000	Had employees while licensed as an exempt contractor	
Eastern Oregon					
Driggers, Donald		La Grande	\$1,000	Operated as a contractor while not licensed	
Eugene/Lane County Area					
Gabriel, James E.		Florence	\$1,000	Had employees while licensed as an exempt contractor	
Kuhlman, Fritz		Westlake	\$5,000	Operated as a contractor while not licensed	
O'Brien, Travis T.		Eugene	\$1,000	Had employees while licensed as an exempt contractor	
Pacifica West Corporation		Deadwood	\$1,000	Operated as a contractor while not licensed	
Toups, Jim		Junction City	\$5,000	Operated as a contractor while not licensed	
Westar Enterprises, Inc.	Westar Lawn Care, Inc.	Eugene	\$600	Advertised as a contractor while not licensed	

Northern Oregon

Aaron Susee Construction	St. Helens	\$1,000	Had employees while licensed as an exempt contractor	CL
Artisan Flooring & Remodeling LLC	Mulino	\$1,000	Operated as a contractor while not licensed	CL
Creative Construction & Design, Inc.	The Dalles	\$1,000	Operated as a contractor while not licensed	CL
Lowes Enterprises, Inc.	Tygh Valley	\$5,000	Operated as a contractor while not licensed	

Portland Metropolitan Area

Albrich, Dan Robert	Portland	\$5,000	Operated as a contractor while not licensed	
Alexander, Gye L.	Portland	\$5,000	Operated as a contractor while not licensed	
Anderson, Abran Jason Garth	Oregon City	\$1,000	Operated as a contractor while not licensed	
Garnett, Dan J. Garnett Construction, Inc.	Sherwood	\$5,000	Operated as a contractor while not licensed	
Green Hill Construction LLC	Portland	\$1,000	Operated as a contractor while not licensed	CL
Heath, Justin L.	Portland	\$5,000	Operated as a contractor while not licensed	
Heath, Justin L. JLH Consulting, Inc.	Portland	\$5,000	Operated as a contractor while not licensed	
Home Comfort Construction LLC	Portland & Clackamas	\$1,000	Had employees while licensed as an exempt contractor	CL
Hopper, Thomas Kirby	Aloha	\$5,000	Operated as a contractor while not licensed	CL
Luevano, Carlos Carpet Master	Tualatin	\$5,000	Operated as a contractor while not licensed	
Marin, Luz Maria	Aloha	\$1,000	Operated as a contractor while not licensed	
Matveev, Timofey	Sherwood & Beaverton	\$2,000	Operated as a contractor while not licensed	
Moala, Peni	Portland	\$5,000	Operated as a contractor while not licensed	
Moore, Robert Dean		\$1,000	Had employees while licensed as an exempt contractor	
Moore, Robert Dean	Troutdale	\$1,000	Dishonest or fraudulent conduct	
Owen, Steven	Lake Oswego	\$5,000	Operated as a contractor while not licensed	CL
Prickett, Michael James	Portland	\$1,000	Dishonest or fraudulent conduct	
Ramiro-Garcia, Jose	Aloha	\$1,000	Operated as a contractor while not licensed	
Sawyer, Joseph P.	Portland	\$1,000	Had employees while licensed as an exempt contractor	
Scott, Christopher Bryan	Milwaukie	\$1,000	Had employees while licensed as an exempt contractor	CL
Shnayder, Yehuda Zeev	Portland	\$5,000	Operated as a contractor while not licensed	
Shnayder, Yehuda Zeev	Gresham	\$5,000	Operated as a contractor while not licensed	
Shnayder, Yehuda Zeev	Portland	\$5,000	Operated as a contractor while not licensed	
Vargas-Navarete, Enrique	Gresham	\$1,000	Had employees while licensed as an exempt contractor	
Varona, Arturo	Portland	\$1,000	Operated as a contractor while not licensed	
White, Jody D.	Milwaukie	\$1,000	Operated as a contractor while not licensed	
Willison, Troy Allen	Oregon City	\$5,000	Operated as a contractor while not licensed	CL

Southern Oregon

Dewitt, Dennis Lee	Cave Junction	\$5,000	Operated as a contractor while not licensed	
Hibbard, David S.	Grants Pass	\$5,000	Operated as a contractor while not licensed	CL
Powless Roofing, Inc.	Klamath Falls	\$5,000	Operated as a contractor while not licensed	CL
Southview Properties LLC	Klamath Falls	\$1,000	Had employees while licensed as an exempt contractor	CL
Thornton, Leonard A. Jr.	Shady Cove	\$1,000	Had employees while licensed as an exempt contractor	
Treiger, Jay	Ashland	\$5,000	Operated as a contractor while not licensed	CL
Walker, Gerald Martin	Various	\$40,000	Operated as a contractor while not licensed	

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OSHA reporting

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report an incident that requires the overnight hospitalization of a worker within 24 hours.

Oregon OSHA updated reporting requirements in September 2006.

Resources and information about motor vehicle safety at work are available on the Oregon OSHA Web site, www.orosha.org, under "Vehicles" in the A-Z Topic Index.

Oregon OSHA, a division of the Department of Consumer & Business Services, enforces the state's workplace safety and health rules and works to improve workplace safety and health for all Oregon workers.

What's the buzz? CCB's "My License" is a great tool



CCB's "My License" is a web-based computer application that lets contractors conduct certain business actions with the CCB on-line. After signing up for a CCB "My License" account, contractors can:

- Update their address, phone numbers, and email address in the CCB records.
- Obtain help in securing liability insurance (Contractor MAP)
- Check and monitor the status of their license as well as the status of the contractors working with them. (e-Watch)

CCB's "e-Watch" is an automated system imbedded in "My License" that lets you monitor the status of other licensed contractors (such as subcontractors). Any time the CCB license status of a contractor on your "e-Watch" list changes, you will receive a status report automatically, via email, informing you of the change (including failure to have proof of proper liability insurance or bond). The purpose of the system is to help general contractors comply with the law, best business practices, and to only work with properly licensed bonded and insured subcontractors.

You can also use CCB's "e-Watch" to monitor your own license so you will be warned immediately in the event their license record needs attention.

Sign up for CCB's "My License" at www.oregon.gov/CCB.