



# RESOLVING DISPUTES WITH YOUR CONTRACTOR

## Information for Filing a Complaint

### **Oregon Construction Contractors Board**

PO Box 14140

Salem, OR 97309-5052

Phone: 503-934-2247

Fax: 503-373-2007

E-mail: [disputes@ccb.state.or.us](mailto:disputes@ccb.state.or.us)

CCB Website: [www.oregon.gov/CCB](http://www.oregon.gov/CCB)



**DISCLAIMER:** This booklet is not meant to be a complete analysis of the Construction Contractor Board's laws and rules. This is general information and is not legal advice. If you have questions about how the law applies to your particular situation, you should talk to an attorney.

**Additional information** is available on the CCB website ([www.oregon.gov/CCB](http://www.oregon.gov/CCB)). You may also contact the Dispute Resolution Section at 503-934-2247 or by e-mail at [disputes@ccb.state.or.us](mailto:disputes@ccb.state.or.us)

## TYPES OF COMPLAINTS THAT CAN BE FILED

### Property Owner & Primary Contractor:

- Breach of contract and/or negligent or improper work.

### Subcontractor:

- Unpaid labor or for unpaid labor & materials.

### Employee:

- Unpaid wages or benefits.

### Material/Equipment Supplier:

- The cost of materials or equipment rental.

## TIME LIMITS FOR FILING A COMPLAINT

The CCB must have received your complaint within the time limit allowed for your type of complaint.

***There are no exceptions to the time limits.***

### **Property Owner:**

#### New Structure:

A property owner alleging breach of contract, negligence or improper work on a **new structure** must file a complaint within one year from the date the structure was first occupied or within two years of substantial completion of the structure, whichever is earlier.

#### Existing Structure:

A property owner who wants to file a complaint involving an **existing structure** must do so within one year after the date the work was substantially completed.

### **Prime Contractor:**

#### New Structure:

- A primary contractor against a subcontractor for breach of contract or negligent or improper work involving a **new structure** if:
  - The complaint is filed within 14 months from the date the structure was first occupied **or**
  - Two years after substantial completion of the structure, whichever is earlier.

#### Existing Structure:

- A primary contractor against a subcontractor for breach of contract or negligent or improper work involving an **existing structure** if:
  - The complaint is filed within 14 months from the date the contractor substantially completed the work.

### **Subcontractor, Employee, or Material/Equipment Supplier:**

- An employee alleging nonpayment of wages must file the complaint within one year from the date the wages were earned.
- A supplier alleging nonpayment for materials sold must file the complaint within one year from the date the materials were sold.
- A subcontractor alleging non-payment for labor or materials furnished to a primary contractor must file the complaint within one year from the date the work was performed.

*\*If you have a situation that doesn't fit these circumstances, call the Dispute Resolution Section at 503-934-2247 or e-mail [disputes@ccb.state.or.us](mailto:disputes@ccb.state.or.us)*

## BEFORE YOU FILE THE COMPLAINT

You may want to view the license of the contractor you are filing against and verify what type of bond they hold. You can do this at [www.oregon.gov/CCB](http://www.oregon.gov/CCB)

### **Pre-Complaint Notice:**

If you are filing against a ***residential bond***, you must first send the contractor written notice by certified mail that you plan to file a complaint. We cannot accept your complaint until 30 days after you have mailed this notice. The law requires only that the notice be mailed, not that the contractor receives it.

That notice gives you and the contractor an opportunity to resolve the dispute. You can generate a pre-complaint notice on the CCB website at:

[http://ccbed.ccb.state.or.us/new\\_web/asp/preclaim\\_notice.htm](http://ccbed.ccb.state.or.us/new_web/asp/preclaim_notice.htm)

The pre-complaint notice must include ***ALL*** of the following:

1. Date,
2. Contractor's Name,
3. Contractor's Address of Record, which can be found on the CCB website [www.oregon.gov/CCB](http://www.oregon.gov/CCB)
4. Your intent to file a complaint with the CCB, and
5. Your Name.

If you are filing against a ***commercial bond***, you must file a court action or begin arbitration before filing a complaint with us.

- You must deliver a copy of the court/arbitration filing and a completed CCB complaint form to the CCB and to the contractor's bonding company by certified mail, return receipt requested within 90 calendar days after you file the court complaint or begin arbitration and at least 30 days before a judgment/arbitration award is issued.
- No on-site meetings or mediations can be held by the CCB on complaints against commercial bonds.

If the work was performed on a ***small commercial*** structure, you may be able to file the complaint against the residential bond rather than the commercial bond.

- If the contractor had only a ***residential bond***:
  - You must file the complaint as if the structure were residential.
- If the contractor had only a ***commercial bond***:
  - You must file the complaint as a commercial complaint.
- If the contractor had both a ***residential*** and a ***commercial bond***:
  - You have the choice of which bond you want to file against.

If the work was performed on a ***large commercial*** structure, you must file your complaint against the contractor's commercial bond. If the contractor had no commercial bond in effect, then there will be no bond access for you.

You can call the Dispute Resolution Section of the CCB to determine the correct bonding company to notify and its address. If you call for this information you must know the date the contract was entered into or the work began, whichever was first, and the date the work ended.

## MISCELLANEOUS INFORMATION

- A copy of ALL documentation/information the CCB receives in a case will be sent to the other party.
- The CCB is not able to provide any legal advice.
- You will need certain required documents for your complaint.
  - A Completed Breach of Contract Complaint form.
  - A copy of the pre-complaint notice sent to the contractor.
  - A copy of the post office receipt showing that you sent the notice by certified mail.
  - All documentation showing a contractual relationship. (example: copy of the contract, invoices, estimates, front & back copy of checks, etc.)
- We can process your complaint more quickly if you:
  - Use only 8 ½ by 11 size paper. Small items should be taped to blank paper. No staples.
  - Send legible copies, not originals and if handwritten, use a black ink pen (not pencil).
  - Use white or light paper – other colors do not copy well and do not highlight portions of documents.
  - Do not submit documents in binders, notebooks, flash drives, or compact discs.
  - Do not submit photographs.

## COMPLAINT FORMS

***All complaints must be filed against licensed contractors using one of these forms:***

- Property Owner- Prime Contractor Complaint Form
- Subcontractor Complaint
- Material Supplier Complaint Form
- Employees Complaint Form

## COMPLAINT PROCESSING FEE

There will be a \$50.00 processing fee. **DO NOT** pay the fee at the time you file your complaint. Once the CCB receives your complaint and determines that we have jurisdiction to process the complaint, you will be notified to pay the fee.

**Additional information** is available on the CCB website ([www.oregon.gov/CCB](http://www.oregon.gov/CCB)). You may also contact the Dispute Resolution Section at 503-934-2247 or by e-mail at [disputes@ccb.state.or.us](mailto:disputes@ccb.state.or.us)