

## **MINUTES OF THE JUNE 29, 2016 CONSTRUCTION CONTRACTORS BOARD MEETING**

The Construction Contractors Board (CCB) met on Wednesday, June 29, 2016, in the Hearings Room on the 1<sup>st</sup> floor of the Beardsley Building at 201 High Street SE, Salem, Oregon.

### **Attendees:**

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

**Board members appearing by phone:** none

**Staff:** Communications & Education Manager Cheryl Martinis, Enforcement Manager Stan Jessup, Licensing Manager Laurie Hall, Board Secretary Leslie Culpepper, Assistant Attorney General Susan Bischoff, Cindy Mora and Tori Garcia.

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

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

Jim Patrick called the meeting to order at 9:30 a.m.

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

The Enforcement Consent Agenda was added to the Board agenda. Jim Patrick approved the Board agenda by consensus.

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

**MOTION:** Kimberly Wood moved to accept the May 25, 2016 board meeting minutes. Motion carried unanimously.

### **D. DATE OF NEXT REGULARLY SCHEDULED MEETING:** The next meeting is a Teleconference meeting on July 27, 2016, in the Board room on the 6<sup>th</sup> floor of the Beardsley Building at 201 High Street SE, Salem, Oregon.

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

1. There were no public comments.

### **F. INTRODUCTION OF NEW BOARD MEMBER:**

1. Board Chair, Jim Patrick, introduced the new Board member, Eric Olson.

### **G. AGENCY REPORTS**

#### **1. Agency Update, Jim Denno**

- a) After the recent online security breach, the State Enterprise Security Office (ESO) performed a detailed log analysis of CCB Databases. It was discovered that 10 records had been compromised. No licensed contractors had their identities stolen. Notifications were sent out to the affected parties. The ESO made recommendations to take steps to “harden” the

database, contract for a complete security assessment, and obtain advanced security training for IT staff, CCB is following through with those recommendations.

b) In the last several weeks, CCB has been involved in discussions regarding Oregon's regulations of lead. The governor's office wants to make sure the state is adequately protecting the public. This is a broad discussion with multiple agencies and includes lead-based paint regulations. In the lead based paint program, the OHA oversees training and certification of people who work with lead based paint, and enforcement for non-CCB licensees. CCB issues Lead Based Paint licenses to contractors who have taken the training, and conducts enforcement. The governor's office is facilitating a work group that will include the CCB, OHA, OSHA and DEQ. The group will meet in late July.

## **2. Year 1 Contractor Update, Cheryl Martinis**

For the past year, the CCB has been publishing informational articles in the Toolbox newsletter profiling a first-year painting contractor. These articles were intended to illustrate the experience of a contractor learning the trade, developing best business practices and so on. Now that this series of articles and interviews has reached its completion, Ms. Martinis gave an update to the board. Tori Garcia in the Education section showed a video compilation of the contractor's interviews.

## **3. Enforcement Update, Stan Jessup**

Mr. Jessup discussed the two maps in the board packet, one map showing field investigator and mediator coverage of the state in 2014 and one map showing coverage of the state as of July of this year, illustrating the more efficient and complete coverage of the state now among mediators and field investigators.

# **H. OLD BUSINESS**

## **1. Responsible Managing Individuals, Laurie Hall**

Currently, when the CCB finds out that an RMI has left a business, the CCB gives the contractor 30 days to find a new RMI. If the business does not comply, the issue is sent to Enforcement. This is agency policy and not a formal rule at this time. The CCB is not able to introduce legislation at this time, but would support stakeholder legislation to address the issue.

# **I. NEW BUSINESS**

## **1. 2017-2019 Budget Review, Cindy Mora and Stan Jessup**

Ms. Mora discussed the CCB Budget. CCB's beginning balance is very healthy and it's looking less likely that a fee increase will be necessary in 2017-19.

## **2. Reconsideration of Final Order, Stan Jessup**

Mr. Jessup discussed a case that involved construction of a residence from an unlicensed contractor. The contractor was issued a Notice of Intent which became a Final Order by default for working without a license. The contractor asked for a reconsideration of the civil penalty on the basis that they believed they had responded to the Notice of Intent with a request for reduction of civil penalty. This Final Order has been ratified by the Board and therefore the agency does not have the authority to offer a settlement agreement. The agency is now requesting the board to reconsider the Final Order and enter into a settlement

agreement with the contractor to suspend a portion of the civil penalty as long as there are no further violations for one year. After some discussion, it was decided that two years would be more appropriate.

**MOTION:** Jerry Jones, Jr. moved to withdraw the final order in case #111011 (Red Gap) in favor of a settlement agreement that suspends collection of \$4,000 of the \$5,000 penalty for period of two years pending payment of \$1,000 and no violations for a 2 year period. Motion carried with 7-1, Kimberly Wood voting opposed.

### **3. Appointment of Program Liaisons, Jim Patrick**

Board members volunteer to serve as program liaisons for administration, licensing, enforcement and education. Chair Patrick requested that the Board members notify him of their preferences and he will make assignments at the next meeting.

### **4. Consent Agenda, Stan Jessup**

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

- Jerry Jones, Jr. indicated a potential conflict of interest on file number 112357.

**MOTION:** Sandi Warren moved to ratify the action taken by staff and approve consent agenda notices of intent and final orders issued, minus the file numbers listed above. Motion carried unanimously.

**MOTION:** Sandi Warren moved to ratify the action taken by staff on 112357. Motion carried unanimously, Mr. Jones abstained.

### **5. Board Member Kimberly Wood's Tenure is Ending**

Kimberly Wood announced that she has accepted an appointment to the Management Labor Advisory committee and her last CCB board meeting will be the August meeting.

## **K. ADJOURNED:**

The meeting adjourned at 10:52 p.m.