

**Construction Contractors Board**

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State of Oregon

Honorable Ted Kulongoski, Governor

Construction Contractors Board

Craig P. Smith, Administrator



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**NOTICE OF PUBLIC MEETING**

**Tuesday, January 26, 2010**

8:30 a.m.—3:00 p.m.

West Salem Roth's IGA, Oregon Room

130 Wallace Rd. NW

Salem, Oregon

**Times are Staff Estimates Only – Actual Agenda Item Times are Subject to Change by Chair**

8:30 a.m.

**(ITEM TYPE) (PAGE #)**

**A. Preliminary**

- 1. Call to Order
- 2. Approval of Agenda and Order of Business .....ACT (pg 1-2b)
- 3. Approval of Minutes, December 8, 2009, Board Meeting & Appeal Committee .....ACT (pg 3-20)
- 4. Board Member Reports .....DIS (no attach)
- 5. Agency Report:
  - a. Number of New Licenses Processed Per Month .....FYI (pg 21)
  - b. Rate of Renewals .....FYI (pg 22)
  - c. Fee Adjustment .....DIS/ACT (pg 23)
  - d. Workload Charts.....FYI (handout)

8:45 a.m.

**B. Ongoing Issues:**

- 1. DRS Streamlining:
  - a. Staff Chart .....DIS (pg 24-41)
  - b. Each Item:
    - 1) DRS Pre-Complaint Notices (no info. Today—LC in April)
    - 1a) Refer DRS Complaints to Small Claims Court .....DIS (handout)
    - 1b) Workflow and Paperwork.....DIS (pg 42-47)
    - 1c) Mediation Referred Quicker: .....DIS (pg 48-49)
    - 1d) DRS Fees—When to Require Payment of DRS Fee (see 1c above)
    - 1e) Time Between Actions –Combine Certain Actions (no info. today—April)
    - 2) Litigation or Bankruptcy—Close DRS Action (no info. Today—May)
    - 3a) Fee for Hearing.....DIS (pg 50-51)
    - 3b) Limiting Hearings .....DIS (pg 52-55)
    - 4a) Office of Administrative Hearings (OAH) .....DIS (pg 56)
    - 4b) Mandatory Negotiation Before Hearing (see 4a above)
    - 5a) Arbitration Agreements (no info. today-April)
    - 5b) Mandatory Arbitration for Complaints Over \$5,000 .....DIS (handout)
    - 6) Close Complaints (no info. today—April)
    - 7) Cost Estimator (no info. today—Budget package—Sept.)
    - 8) Move More Work to Specialists (no info. today—April)
    - 9) Secure Email (no info. today—May)
    - 10) Non-Owner Complaints .....DIS (pg 57-58)
    - 11) Penalizing Contractors that Don't Respond to CCB .....DIS (pg 59-62)
    - 12) Board Meeting Agenda (done)
    - 13) Same as 1e.....FYI (no attach.)
    - 14) DRS Staff Committee: (Committee appointed) .....FYI (no attach)

9:30 a.m.

- 2. Lead-Based Paint Program (Craig/Bob)
  - a. PowerPoint .....FYI (pg 63-73)
  - b. Rule Hearing Chart for January 26.....DIS (pg 74-98)
  - c. Draft Future Rules (required due to DHS).....DIS (pg 99-105)
  - d. Background Memo .....FYI (pg 106-117)
  - e. Flow Chart .....FYI (pg 118)

ACT = Action Needed    REV = Review Materials    DIS = Discussion    FYI = For Your Information    UP = Update

- f. 2009 ORS 701 re: Lead-Based Paint.....FYI (pg 119)
- g. Minutes and Supporting Documents .....FYI (pg 120-132)
- h. DHS 2009 Statutes and Draft Rules.....FYI (pg 133-171)

10:00 a.m.

- 3. Locksmith Program (Craig/Rich):
  - a. PowerPoint .....FYI (pg 172-181)
  - b. Rule Hearing Chart for January 26.....DIS (pg 182-190)
  - c. 2009 ORS 701 re: Locksmith .....FYI (pg 191)
  - d. Minutes and Supporting Documents .....FYI (pg 192-254)

10:30 a.m.

- 4. Continuing Education (Gina):
  - a. Memos from Gina 11/17/09 & 11/30/09 .....FYI (pg 255-259)
  - b. Rule Hearing Chart for January 26.....DIS (pg 260-261)
  - c. Revised Form .....FYI (pg 262-263)
  - d. Supporting Documents .....FYI (pg 264-266)
- 5. CCB Construction Standards .....DIS (handout)

10:45 a.m. Break

C. Special Programs—Implementation and Status (see above)

11:00 a.m.

C. Administrative Rules:

- 1. Administrative Rulemaking **Hearing** January 26, 2010:
  - a. Lead-Based Paint:
    - 1) Rule Language Chart .....ACT (pg 267-292)
    - 2) Rule Notice Forms.....FYI (pg 293-299)
  - b. Locksmith Program:
    - 1) Rule Language Chart .....ACT (pg 300-308)
    - 2) Rule Notice Forms.....FYI (pg 309-314)
  - c. Continuing Education and Info Notice to Owner:
    - 1) Rule Language Chart .....ACT (pg 315-316)
    - 2) Rule Notice Forms and Revised Form .....FYI (pg 317-321)

12:00 p.m. Working Lunch (we will likely have matters left over from above or begin review of program issues)

12:15 p.m.

- 2. Permanent Rules Filed—Forms (no action needed) .....FYI (pg 322-325)
- 3. First Look at Rules for April .....FYI (pg 326-335)

1:00 p.m.

D. Ongoing Issues (Old Business)

- 1. HB 3082 – Tax Compliance Project (Eric Smith, DOR):
  - a. Memo from Kristie Patton .....FYI (pg 335-337)
  - b. Draft Interagency Agreement .....FYI (pg 338-343)
  - c. Supporting Documents .....FYI (pg 344-352)

E. New Business

- 1. LC 138—Warranty Mandate (2010) .....DIS (pg 353-364)
- 2. LC 139—Pay Twice Fixes (2010).....DIS (pg 365-388)
- 3. TAC Northwest Memo (Rich Blank).....DIS (pg 389-391)
- 4. Letter to Bob Shiprack (Rich Blank) .....DIS (pg 392)
- 5. Letters from Vachss (Bob/Rich).....DIS (handout)

1:45 p.m.

Public Comment

1. Public Comment

This time is set aside for persons wishing to address the Board on any matter of interest. Speakers will be limited to five minutes, unless extended by the Board chair. The Board chair reserves the right to further limit or exclude repetitious or irrelevant presentations. **If written material is included, 20 three-hole punched copies of all information to be distributed to Board members should be given to the Recorder prior to the meeting. Action will not be taken at this meeting on citizen comments.** The Board, however, after hearing from interested citizens, may place items under new business on a future agenda so proper notice may be given to all interested parties. If no one wishes to comment, the next scheduled agenda item will be considered.

2:00 p.m.

- F. CCB Program Issues: (quarterly reports will be provided at January meeting)
  - 1. Administrative Services:
    - a. Quarterly Report.....FYI (pg 393-400)
  - 2. Education:
    - a. Quarterly Report.....FYI (pg 301-414)
    - b. BEST .....FYI (handout)
  - 3. Licensing/CSU:
    - a. Quarterly Report.....FYI (pg 415-472)
  - 4. Field Investigations:
    - a. Quarterly Report.....FYI (pg 473-506)
  - 5. Enforcement Program:
    - a. Quarterly Report.....FYI (pg 507-546)
  - 6. Dispute Resolution Services (DRS):
    - a. Quarterly Report.....FYI (pg 547-615)
  - 7. Administration:
    - a. News Clippings/Press Releases .....FYI (pg 616-621)
    - b. Board Calendar 2010 .....FYI (pg 622-623)

3:00 p.m. Adjournment

No Appeal Committee this meeting

*Although the Board does not normally go into executive session, the Board may meet in executive session under authority of ORS 192.660 to consult with counsel.*

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Catherine Dixon (503) 378-4621 extension 4077 or CCB's TTY number (503) 373-2218.*