

Secretary of State  
Certificate and Order for Filing  
**PERMANENT ADMINISTRATIVE RULES**

I certify that the attached copies\* are true, full and correct copies of the PERMANENT Rule(s) adopted on October 28, 2008 by the  
(Date prior to or same as filing date.)

<u>Construction Contractors Board</u> (Agency and Division)		<u>OAD 812</u> (Administrative Rules Chapter Number)
<u>Catherine Dixon</u> (Rules Coordinator)	<u>700 Summer Street NE Suite 300, Salem OR 97310</u> (Address)	<u>378-4621 ext. 4077</u> (Telephone)

to become effective November 20, 2008 Rulemaking Notice was published in the October 2008 Oregon Bulletin.\*\*  
(Date upon filing or later) (Month and Year)

**RULE CAPTION**

Conflict of Interest – Training Providers/Instructors Who Are Responsible Managing Individuals (RMIs)

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

List each rule number separately, 000-000-0000.

**ADOPT:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**AMEND:**

812-006-0100      812-006-0200

**REPEAL:**

**Renumber:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**Amend & Renumber:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 670.310, 701.122, 701.235

Stat. Auth.

Other Authority

ORS 701.005, 701.091 & 701.122

Stats. Implemented

**RULE SUMMARY**

812-006-0100 is amended to state that an active responsible managing individual (RMI) may not be: 1) an approved training provider, 2) the principal of an approved training provider; or 3) a trainer.

812-006-0200 is amended to provide that no training provider may offer or provide training if the training provider is an active RMI; and provides that no trainer may offer or provide training if the trainer is an active RMI.

\_\_\_\_\_  
Authorized Signer

Catherine Dixon  
Printed Name

November 20, 2008  
Date

\*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

\*\*The *Oregon Bulletin* is published on the 1<sup>st</sup> of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15<sup>th</sup> day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday. ARC 930-2005

**NOTE:** In order to save postage and printing costs in these difficult times, CCB is only providing a copy of the notice. To view the language of each individual rule change, please go to our web site at [http://www.oregon.gov/CCB/Laws\\_Rules.shtml#Administrative\\_Rule\\_Notices](http://www.oregon.gov/CCB/Laws_Rules.shtml#Administrative_Rule_Notices). If you don't have web access, contact Cathy Dixon at (503) 378-4621 ext. 4077 for assistance in receiving a copy.

## **812-006-0100**

### **Responsible Managing Individual**

(1) As used in these rules, a responsible managing individual (RMI) has that meaning as provided in ORS 701.005(15).

(2) Upon initial application, an applicant for a contractor's license shall designate at least one individual as the applicant's RMI and;

(a) Provide evidence that the applicant's RMI has completed the training and passed the test, as provided for in ORS 701.122, OAR 812-006-0150 and 812-006-0300; or

(b) Document that the applicant's RMI has experience as required by OAR 812-006-0450.

(3) An individual who is not an owner may not be designated as the RMI of more than one licensee.

**(4) An RMI may not be an approved training provider or the principal of an approved provider or an approved trainer, as provided in OAR 812-006-0200, while serving as an RMI for a licensee. For purposes of this rule, the principal of an approved provider includes any owner, partner, officer, member, manager or trustee of the provider.**

~~[(4)]~~ **(5)** When an RMI leaves a business, the business shall:

(a) Immediately appoint another RMI; and

(b) Immediately notify the agency in writing of the name of the individual and the date the individual joined the business.

~~[(5)]~~ **(6)** An RMI appointed under section (4) of this rule must:

(a) Document completion of the training and testing requirements under ORS 701.122, OAR 812-006-0150 and 812-006-0300; or

(b) Document that the RMI has experience as required by OAR 812-006-0450.

Stat. Auth.: ORS 670.310, 701.122 & 701.235

Stats. Implemented: ORS 701.005, 701.091 & 701.122

(12/01, 8/05, 5/06, 9/06, 6/08, 11/08)

(Amended and renumbered from 812-006-0011, 9/06)

## **812-006-0200**

### **Training Provider Approval**

(1) No training shall meet the requirements of ORS 701.122 unless it is offered by a provider approved by the agency.

(2) To receive agency approval, individuals and organizations shall make application and sign an agreement with the agency prior to offering the training.

(3) The provider application shall include, but will not be limited to, provisions for:

(a) Recording the name, address, contact information, and name of responsible administrator of the provider.

(b) Submitting trainer resumes or work summaries that demonstrate that all its trainers have at least two years experience either teaching adults or working in subject areas outlined in the Oregon Contractors Reference Manual.

(4) No provider may offer or provide any training until there is a fully executed agreement between the provider and the agency.

**(5) No provider may offer or provide any training if, at the time of offering or providing the training, the provider is an RMI of a licensee.**

~~[(5)]~~ **(6)** A provider must comply at all times with the following requirements:

(a) The provider will provide 16-hours of training under OAR 812-006-0150.

(b) The provider will verify that each student taking the training has a current agency-approved manual.

(c) The provider will use agency-approved curriculum and the agency-approved training manual.

(d) The provider will send electronic records of completion to the agency in a format approved by the agency and keep records of completion for a minimum of five years.

(e) The provider will communicate law changes and program procedural changes received from the agency to the provider's trainers and will implement these changes within 30 business days.

(f) The provider will use only approved trainers who have at least two years' total experience either teaching adults or working in the trainer's subject area or a combination of the two. **CCB will not approve as a trainer any individual who, at the time of offering or providing the training, is an RMI of a licensee.**

(g) The provider will request and receive, in writing, agency approval of all trainers at least 10 business days before trainers are scheduled to teach.

(h) The provider will provide a mechanism for students to contact their trainer(s) outside of class for a minimum of one hour per week for 90 days from date of enrollment.

(i) The provider will give all students information about how to contact trainers and hours of availability before the end of the training.

(j) The provider will comply with all applicable federal and state laws.

~~[(6)]~~ **(7)** The agency may publicize a provider's test passage rate for its students.

~~[(7)]~~ **(8)** The agency may revoke a provider's right to offer training and terminate the agreement of a provider at any time the provider fails to:

(a) Meet any requirement of the agreement; or

(b) Comply with these rules.

~~[(8)]~~ **(9)** The agency may revoke a provider's right to offer training and terminate the agreement of a provider:

(a) Whose students do not pass the agency test on their first attempt at least 70 percent of the time after the provider has provided training for at least three months, or whose students fail to maintain the 70 percent first attempt test passing rate during the remaining period of the agreement; or

(b) Who acquires or attempts to acquire agency test questions by unauthorized means, including but not limited to, photographing, photocopying or videotaping any part of the agency's test or paying or offering incentives to individuals or business entities to write down, photograph or videotape any part of the agency's test.

Stat. Auth.: ORS 670.310, 701.122 & 701.235

Stats. Implemented: ORS 701.122

(1/92, 2/92, 5/00, 12/01, 5/02, 6/03, temp. 1/05, 6/05, 8/05, 12/05, 9/06, 6/08)

(Amended and renumbered from 812-006-0030, 9/06, 11/08)