

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 April 17, 2007 by the
(Date prior to or same as filing date.)

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

to become effective May 1, 2007. Rulemaking Notice was published in the April 2007 Oregon Bulletin.**
(Date upon filing or later) (Month and Year)

RULE CAPTION

License Fitness Standards Rule

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.
812-003-0450

AMEND:

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 & 701.235

Stat. Auth.

Other Authority

ORS 701.135

Stats. Implemented

RULE SUMMARY

In order to exercise authority under ORS 701.135(1)(h) to deny a license to a person who has been convicted of a felony involving crimes that are violent, threatening, intimidating or sexually predatory, which could result in the public being at risk of harm, the CCB adopted rules establishing license standards of fitness. Adoption of the rule ties abusive or predatory behavior crimes to a set of standards that allow the agency to properly exercise its authority to deny a license to individuals who pose a serious continued threat to the public.

Authorized Signer

Catherine Dixon April 24, 2007
Printed Name 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 1st 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 15th 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. If you don't have web access, contact Cathy Dixon at (503) 378-4621 ext. 4077 for assistance in receiving a copy.

812-003-0450

License Fitness Standards

(1) In considering whether to sanction an applicant or licensee pursuant to ORS 701.135(1)(h)(A), (B), (C), (D), (E), or (F), the agency shall consider whether the applicant's or licensee's criminal conduct is substantially related to the fitness and ability of the applicant or licensee to engage in construction contracting. Fitness to engage in construction contracting includes, but is not limited to, the ability to refrain from of violent, threatening, intimidating or sexually predatory behavior. Factors to be considered in denying or refusing to issue or renew a license include, but are not limited to, the date of the offense and the circumstances of the crime. In addition, factors relating to rehabilitation, or lack thereof, as evidenced by intervening events include, but are not limited to: failure to complete the criminal sentence, including probation or parole; failure to complete court ordered treatment; or failure to pay court ordered restitution.

(2) Upon notice and request from the Board, it will be the duty of an applicant or licensee to provide the requested information in order for the Board to conduct a criminal background check as authorized by ORS 701.135(1)(h)(A), (B), (C), (D), (E), or (F). Requested information includes but is not limited to police reports, record of conviction, parole or probation reports, restitution records, counseling reports, and letters of recommendation.

(3) Failure to provide requested information in (2) of this section may result in the denial of a license.

(4) A contractor licensed under ORS 701 must immediately report to the Board if the contractor is convicted of any crime listed in ORS 701.135(1)(h)(A), (B), (C), (D), (E) or (F).

Stat. Auth.: ORS 670.310 & 701.235

Stats. Implemented: ORS 701.135

(4/07)