



CONTRACTORS STATE LICENSE BOARD

BOARD MEETING MINUTES

September 29, 2021 Board Meeting Minutes

OPEN SESSION

1. CALL TO ORDER/ROLL CALL AND ESTABLISHMENT OF A QUORUM

Board Chair Susan Granzella called the meeting of the Contractors State License Board (CSLB) to order at 3:12 p.m., Wednesday, September 29, 2021, via WebEx teleconference.

A quorum was established.

Board Members Present

Susan Granzella, Chair

Kevin Albanese

Rodney Cobos

David De La Torre

Miguel Galarza

Don Giarratano

Diana Love

Michael Mark

Jim Ruane

Johnny Simpson

Mary Teichert

Board Members Absent

Frank Altamura, Jr.

Nancy Springer

CSLB Staff Present

David Fogt, Registrar

Michael Jamnetski, Chief of Legislation

Department of Consumer Affairs Staff Present

Jason Hurtado, Legal Counsel

Shelly Jones, WebEx Host and Moderator

Ryan Marcroft, Deputy Director for Legal Affairs

Department of Justice, Office of the Attorney General Staff Present

Joshua Room, Supervising Deputy Attorney General

Carter Ott, Deputy Attorney General



2. PUBLIC COMMENT SESSION FOR ITEMS NOT ON THE AGENDA AND FUTURE AGENDA ITEM REQUESTS

Public Comment

Davi Rodriguez expressed concern that CSLB complaints he had filed against a city for hiring unlicensed contractors were not being handled timely or effectively by CSLB staff. He said CSLB appears to prioritize investigation of unlicensed contractors performing small jobs over unlicensed contractors performing public works projects valued at hundreds of thousands of dollars. He said that he would appreciate the Board looking into the matter so that the complaints are resolved.

Board Staff Comment

Registrar David Fogt asked Mr. Rodriguez to leave his contact information in the chat room, and either he or one of his staff will contact Mr. Rodriguez to research his concerns.

Public Comment

Martin Herzfeld, licensed solar contractor, commented on the July 27, 2021, Board action, suggesting that the Board restore the solar contractor classification to its full vigor. He said that he sees no data to substantiate the decision to restrict the C-46 contractor from installing battery energy storage systems, specifically in the codes, including the international codes. Mr. Herzfeld said that he suggests a correlation between Business and Professions Code section 7109.5 and the OSHA catastrophes and fatalities summaries as well.

3. FINDING OF NECESSITY FOR SPECIAL MEETING (Gov. Code, § 11125.4)

Board Chair Granzella said that the Board has convened a special meeting today to discuss a pending litigation matter on which the Board must take immediate action. California's Bagley-Keene Open Meeting Act requires CSLB to make a finding regarding the necessity of holding a special meeting and the waiver of the usual 10-days' advance notice requirement for board meetings. She said that the finding must be made at the commencement of the board's meeting and provide specific facts to support the finding. Board Chair Granzella said that failure to adopt the finding would terminate this special meeting, and if this occurs, the Board would be prohibited from moving into closed session to meet and confer with legal counsel to discuss the pending litigation. She said that the finding must be adopted by two-thirds of the board members or by unanimous vote of the members if less than two-thirds are present.

MOTION: The Board finds that providing 10-days' advance notice of this meeting would pose a substantial hardship on the Board and that immediate action is required to protect the public interest, in that on September 28, 2021, the plaintiffs in the lawsuit that will be discussed in closed session filed a motion for a preliminary injunction



against the Board. The Board must respond to the motion by October 7, 2021, which is less than 10 days from today.

If the Board had to wait 10 days to meet about the pending litigation, it would be deprived of the ability to timely confer with counsel, discuss legal options, deliberate, and adopt its position and response to the pending litigation, including providing direction to counsel regarding the Board's response to the plaintiff's motion for a preliminary injunction.

This would be detrimental to the Board's litigation position in the lawsuit, and it would harm the public, which has an interest in the Board adequately conferring with counsel and timely responding to litigation filed against it.

The Board's next quarterly meeting is planned for December 2021, approximately two months after the deadline for the Board's response to the preliminary injunction motion.

In light of the pending litigation, including the pending motion response deadline, there is insufficient time for the Board to provide 10 days' advance notice of the meeting, and today's meeting with shortened notice is proper.

Jim Ruane moved; David De La Torre seconded. The motion carried unanimously, 11–0.

YEA: Susan Granzella, Kevin Albanese, Rodney Cobos, David De La Torre, Miguel Galarza, Don Giarratano, Diana Love, Michael Mark, Jim Ruane, Johnny Simpson, Mary Teichert

NAY: None

ABSENT: Frank Altamura, Jr. and Nancy Springer



CLOSED SESSION

- 4. CLOSED SESSION: PURSUANT TO GOVERNMENT CODE SECTIONS 11125.4(a)(1) and 11126(e)(1), the Board will confer with and receive advice from Legal Counsel and deliberate regarding the following matter: California Solar Energy Industries Association, Inc. v. Contractors State License Board; David Fogt, et al, Superior Court of the State of California, County of San Francisco, Case No. CGC-21-594911.**

The Board moved into closed session to address this agenda item.

RETURN TO OPEN SESSION

5. ADJOURNMENT

Board Chair Granzella adjourned the meeting at approximately 4:22 p.m. after returning to open session.