



THE CALIFORNIA LICENSED CONTRACTOR

EDMUND G. BROWN JR., Governor

FALL 1976

RICHARD B. SPOHN, Director

LEGISLATION

By the time this issue of the "California Licensed Contractor" reaches you, all of the bills we have been following will have been acted upon by the Legislature. The Governor will then have until October 2, 1976 to sign any bill which is to become effective on January 1, 1977. Most of the bills we have been following which will become law on the first day of next year will be described in more detail in the next issue.

Several of the bills which we reported on in the Summer 1976 issue were either defeated or allowed to die prior to the Legislature taking its summer recess. These dead bills are listed with a short description for information only.

ASSEMBLY BILL 3031 by Dixon which would have extended the three year statute of limitations on disciplinary action filed by the Registrar was defeated in Committee.

ASSEMBLY BILL 3034 by Vincent Thomas which would have amended Section 7159 of the Contractors License Law to allow larger downpayments on home improvement contracts died because of no action.

SENATE BILL 1495 by Robbins which would have included in statute the Board's definition of a landscape contractor failed in Committee.

SENATE BILL 1818 by Berryhill which would have extended the period in which legal actions to foreclose on liens could be made died because of no action.

SENATE BILL 1986 by Dunlap which would have substituted two public members for two contractor members on the Board was defeated in Committee.

The following bills are new, pending or have been chaptered since the report in the last issue.

ASSEMBLY BILL 1081 by Knox was reported in the last issue and has had no action since. It would redefine the term "contractor" to include a person who manages or supervises construction projects for owner-builders. It is in the Senate having

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THE TAILGATE SAFETY MEETING

The Construction Safety Orders adopted by the Occupational Safety and Health Standards Board require supervisory personnel to conduct short "tailgate" or "toolbox" safety meetings on the job with their crews every 10 working days or as needed to emphasize safety.

Although the "tailgate" or "toolbox" meeting is required, it is still a very practical, effective way to promote safety on the job, particularly if the meeting is kept short, simple and is conducted by a knowledgeable supervisor or foreman. In the case of a contractor with a small operation, the contractor himself may be the one to conduct the meeting.

A favorable feature of the "tailgate" meeting is that it can be used equally well for both large and small operations. In small operations it may be possible to have all employees at the meeting at one time, whereas with larger operations it may be more advantageous to split the employees into groups according to occupations or under the employees' specific foreman.

To make these "tailgate" safety meetings effective, there are a few points to remember.

1. Hold the meetings at least once a week. Regular meetings will give the employees the feeling that the meetings are a valuable, regular part of the job.

2. Perhaps the best time to hold the meetings is at the beginning of a shift when everyone is alert. If more convenient, however, the meetings can be held either right after lunch or right after a break.

3. The meetings should be held somewhere on the job where the people can sit and relax.

4. Be sure to limit each meeting to not more than 5 or 10 minutes. Continue to the next meeting any subject on which there is a great deal of unfinished discussion.

5. Choose only a single point or subject that is not too broad. This is very important.

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CHANGES OF NAME-STYLE OR ADDRESS

The importance of each licensee keeping the Registrar informed of changes in address, namestyle or personnel cannot be overstressed.

Having his current address on file in the records of the Contractors' State License Board assures the licensee of receiving renewal applications, "The California Licensed Contractor" and any correspondence or special notification emanating from the Headquarters Office.

The importance of a correct, current address is especially crucial at renewal time. Renewal applications are mailed to the last address recorded and on file. If a change of address occurs and the licensee fails to notify the Registrar of the change, the licensee may not receive his renewal application. Time for renewal may come and go without the licensee being aware of it. Since he is busy with his everyday contracting operation, he may not give the matter any thought until after his license has expired. An expired license is not only embarrassing to the licensee but may be very costly if he has to hire an attorney in an attempt to collect on unpaid contracts. Section 7031 of the Contractors License Law prohibits a contractor from maintaining any action in court for the collection of compensation for the performance of any act or contract for which a license is required unless he can prove that he was a duly licensed contractor *at all times* during the performance of a contract.

Receipt of "The California Licensed Contractor" is also very important to the licensee. The only notice most licensees will get concerning changes of law through legislation, changes in rules and regulations of the Board and policy changes in administration is through this bulletin. From time to time the bulletin makes other announcements of importance to the licensee.

Special notifications of important changes which cannot wait for the

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THE CALIFORNIA LICENSED CONTRACTOR

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STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor
RICHARD B. SPOHN, Director

LEO B. HOSCHLER
Registrar of Contractors

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The Registrar's Corner

The violation by a licensed contractor of any one of approximately 30 statutes in the Contractors License Law constitutes a cause for suspension or revocation of a contractor's license. Such action by the Registrar is done only as a matter of last resort and usually in those cases where settlement of the complaint by means other than suspension or revocation cannot be accomplished.

The majority of consumer complaints are settled through the arbitration and conciliation efforts of the investigating Deputy Registrars.

The only exception to this policy procedure by the Registrar results from an amendment to Section 7090 of the Contractors License Law, effective January 1, 1975, which in part provides that the wilful and deliberate failure by a licensed contractor to obtain a county or city building permit when required demands that the Registrar *shall* suspend or revoke the offender's license. The Registrar cannot dismiss or otherwise settle such a guilt finding—the license must be suspended or revoked—indeed a harsh penalty.

This type of complaint is being filed in increasing numbers by city and county departments charged with issuing permits and is resulting in a corresponding increase in the number of contractors being subjected to Agency investigations and costly administrative procedures whereby their licenses are suspended or revoked. Unfortunately many of those violations involve a contractor whose reputation and record as a

"good contractor" is only marred by this one violation which in itself invokes the serious consequences described.

CAUTION Before commencing a job, be sure and check whether a building permit is required. If it is needed, again be sure that either you as the contractor or the project owner obtains the proper permit. By doing these two simple things, you might be saving your contractor's license and your right to make a living as a building contractor.

BOARD MEETING HIGHLIGHTS

The Contractors' State License Board held its regular quarterly meeting in Sacramento on July 23, 1976.

The four new members of the Board who were recently appointed by Governor Brown were sworn in by Richard B. Spohn, Director of the Department of Consumer Affairs.

The Registrar of Contractors petitioned the Board to hold a public hearing in October to amend Board Rule 791 to bring it into conformance with Senate Bill 1614 which becomes law on January 1, 1977. The Board granted the petition.

Election of officers for 1976-77 was held. Roads Veale of Etna was elected Chairman. Dr. Charles W. Hostler of Newport Beach was elected Vice Chairman. Both the Chairman and Vice Chairman are Public Members.

Los Angeles was selected as the site for the next meeting. It will be held in the Auditorium in the State Building at 1st Street and Broadway on October 29, 1976.

SOUTHERN CALIFORNIA REGULATORY AREA SOUTHERN REGION

28 Civic Center Plaza
Room 351, Santa Ana
GORDON E. EATON, Regional Deputy
JAMES PROCTOR
Assistant Regional Deputy

District Offices

El Monte, 11001 East Valley Boulevard
JACK GLASS, Supervising Deputy
Santa Ana, 28 Civic Center Plaza
Room 690
DAVID R. PHILLIPS, Supervising Deputy
San Bernardino, 303 West Third Street
PHILLIP STINE, Supervising Deputy
San Diego, Room 5000, 1350 Front Street
E. P. HOYT, Supervising Deputy

SOUTHERN CALIFORNIA REGULATORY AREA CENTRAL REGION

State Office Building, Room 8110
107 South Broadway, Los Angeles
SAM BENDER, Regional Deputy
DAVID ACKERMAN
Assistant Regional Deputy

District Offices

West Los Angeles, 2034 Armacost
Avenue, Los Angeles
LEO MCCLUSKY, Supervising Deputy
Van Nuys, 14411 Van Owen Street
MEL COOPER, Supervising Deputy
Long Beach, Room 411, 320 Pine Avenue
ROBERT HALLORAN, Supervising Deputy
Ventura, Room 102, 2590 East Main Street
MARVIN LEFLER, Supervising Deputy
South Central, 10925 So. Central Avenue
Los Angeles
AUGUSTUS PAUL, Supervising Deputy

NONLICENSED FLOOR COVERING FIRM PENALIZED

A floor covering firm in Modesto and two of its former officers have agreed to pay \$5,000 in civil penalties in settlement of a Stanislaus County Superior Court suit filed by the Consumer Fraud Division of the District Attorney's Office. A condition of the settlement is that the firm refrain from illegal practices.

The suit which was filed in early February 1976 charged the firm with making false and misleading representations about merchandise and acting as a contractor without a contractor's license.

The Deputy Registrar representing the Contractors' State License Board in the Modesto area was in the process of investigating the nonlicensed activities of this floor covering firm when he was contacted by the Deputy District Attorney in charge of the Consumer Fraud Division of the District Attorney's Office. The Consumer Fraud Division had received several complaints against the firm and the deputy asked that the Contractors' State License Board work with him on the case.

This floor covering firm had filed an application for a C-15 Flooring and Floor Covering contractor's license but had proceeded to go into the contracting business prior to receipt of a license. This was when the Contractors' State License Board entered into the case. The Consumer Fraud Division of the District Attorney's Office got involved after receiving complaints regarding untrue or misleading representations made by the firm in its advertising.

The suit filed by the District Attorney of the Stanislaus County was a Complaint For Injunction, Civil Penalties and Other Relief, and requested a temporary and permanent injunction restraining and enjoining the defendants from engaging in or performing in any of the alleged acts, which were:

1. Representing themselves as licensed contractors.
2. Advertising defective merchandise without clearly indicating the merchandise was "seconds or irregular", blemished or rejected products by the manufacturer.
3. Committing any acts of unfair competition.

The suit further requested judgment to require full refunds to all persons who entered into contracts

for purchase of defendant's goods and a penalty of \$2,500 for each false and misleading representation made.

Prior to the suit going to court a stipulation was entered into by the defendants in which they agreed to a \$5,000 penalty and in which they agreed not to contract without obtaining a contractor's license, not to make misleading advertising relative to condition and price of the merchandise, to comply with requirements calling for identification of exact fiber content of merchandise and also to include the statement on future contracts that contractors are required to be licensed and providing the address of the Registrar of Contractors.

The former officers of the floor covering firm withdrew the pending application for contractor's license, sold the business interest and are presumably directing their efforts to other occupations.

Legislation

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been passed by the Assembly in January this year.

ASSEMBLY BILL 3567 by Chappie would require building departments to obtain employer identification numbers from all owner-builders who hire employees to work upon the owner-builder's construction projects. This bill was reported in the last issue. Since that time it has been passed by the Assembly and is now pending before the Senate.

ASSEMBLY BILL 4092 by Maddy would amend Section 3097 of the Mechanics' Lien Law. Section 3097 requires that prerequisite to the enforcement of a mechanic's lien on private work, the claimant must give a preliminary 20-day notice. Under present law the contractor must make a copy of his contract available for inspection by any person seeking to serve the preliminary notice. This bill amends this provision to require the contractor to make available the name and address of the owner of the property to any person seeking to serve the notice. This bill was not reported previously. It has passed the Assembly and is pending before the Senate.

ASSEMBLY BILL 4256 by Lewis was not previously reported. It would require all licensing agencies, including the Contractors' State License Board, to establish license periods and renewal dates in a manner which would best distribute renewal

work for efficiency and economy. It further provides that each agency shall report to the Legislature by January 1, 1978 on the system of license periods and renewal dates being utilized by the agency and showing that its system is the most efficient and economical. If this bill passes it is possible that this agency would be required to implement year-round renewals. The bill has passed the Assembly and is now in the Senate.

SENATE BILL 1379 by Dunlap, reported in the last issue, amends the preliminary 20-day notice section of the Mechanics' Lien Law to require a statement to be included on the notice which would be entitled "Notice to Property Owner". This notice would advise the owner on methods to protect himself against liens. This bill has been signed by the Governor. The effective date has been set for January 1, 1978 so that present forms can be used before new ones are required.

SENATE BILL 1614 by Deukmejian was previously reported and since that time has been signed by the Governor and will become law on January 1, 1977. This bill amends Section 7071.12 of the Contractors License Law. Under present law, before a contractor's license can be issued an applicant must file with the Registrar a Contractor's Bond or a cash deposit in the sum of \$2,500. Section 7071.12 provides for alternatives to the cash deposit. These alternatives being a bank certificate of deposit, a savings and loan assignment, government bearer bonds or cash. This bill adds an assignment to the Board of a credit union certificate for funds or share accounts. More about this bill will be in the next issue.

SENATE BILL 1967 by Berryhill, reported in the last issue, was signed by the Governor and will become law on January 1, 1977. This bill makes it a ground for disciplinary action for a contractor to include in a contract a clause which is void and unenforceable pursuant to Section 2782 of the Civil Code. This Civil Code section prohibits a contractor from including in a contract an agreement indemnifying him against liability for damages from death or injury to persons or property from the sole negligence or willful conduct of such contractor.

SENATE BILL 1748 by Behr was not previously reported because it was originally introduced as a healing arts bill. On June 24, 1976 it was amended to provide for energy insulations in existing residential structures. This bill would require the

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BUSINESS RESPONSIBILITIES OF THE CALIFORNIA CONTRACTOR

In the last issue of the "California Licensed Contractor", under this same heading, we wrote of the California contractors' responsibilities in paying Unemployment Insurance Tax under the California Unemployment Insurance Code. In this issue we focus attention on the contractors' responsibilities in collecting and paying Disability Insurance. As we indicated in the last issue, the Department of Benefit Payments has published material on these taxes which is available to the contractor just for the asking. This available material is more detailed in the various requirements than what we have attempted to do in these articles.

II. Disability Insurance

Most wage-earners covered under the unemployment insurance provisions of the California Unemployment Insurance Code are also covered under the disability insurance provisions of the Code.

Employers, self-employed persons and individuals in family employment, not subject to the Code, may obtain disability insurance coverage by voluntary elections.

The employee pays for disability insurance and its administration. The contributions are deducted from employees' wages, but are reported and paid by the employer. Employee contributions consist of one percent of the first \$9,000 in wages paid each year. For employers or self-employed individuals who elect disability insurance self-coverage, the cost is 1.25 percent of the tax limit for the year.

Wage-earner contributions withheld by the employer are paid by the employer to either (1) the State Disability Fund, or (2) a private plan. The law permits employees to elect private insurer coverage under a state-approved "voluntary plan". Those who do not so elect are covered under the State Plan.

Registration made pursuant to the requirements of the Unemployment Insurance Code is an automatic registration for disability insurance unless the employer has obtained approval of a voluntary plan from the Employment Development Department.

Employer Responsibility

Employers have certain responsibilities to their employees and to the State in connection with both unemployment insurance and disability insurance. Thus, even though employers do not pay for disability insurance, they should know the part they play in its administration.

It is the employer's obligation to inform his employees of their rights under the Code. The Employment Development Department helps in this by providing (1) DE-1857A, "Notice to Employees", informing employees of their rights under both Unemployment Insurance and Disability Insurance and (2) DE-1965A (annual), "Notice to Employees", regarding right to refund of excess contributions.

These notices are required to be prominently posted. If the employer has more than one bulletin board or location for notices he should request enough additional copies to meet his needs.

The DE-2515, "Disability Insurance—State Plan", a pamphlet outlining the basic provisions of the state program is best used by giving or sending a copy to the employee when he becomes ill, injured, and/or hospitalized from causes not related to his work. This pamphlet is also available in Spanish.

Action of Claim Notices

In order to process a claim for disability insurance and/or hospital benefits, information supplied by the claimant must be verified and supplemented by the employer. Employers of claimants under the State Plan coverage will receive a form DE-2503, "Notice of State Disability Claim Filed", every time a claim is filed.

As disability insurance is a separate program from unemployment insurance, the filing of a claim for disability insurance will not affect the employer's reserve account.

The employment, wage, and other information requested on the DE-2503 is essential to the proper handling of the claim. Promptness in responding will assume (1) that the correct determination is made, and (2) that an eligible claimant for disability insurance or hospital benefits is paid benefits when due.

Voluntary Plans

An employer's employees who, under the law, are covered by disability insurance may elect to be covered by a voluntary plan (underwritten by an insurance company or self-insurer) in preference to the State Plan. If they do, the State must approve the arrangement. A voluntary plan must equal all the State Plan provisions or benefits and better the State Plan in at least one provision. Details concerning voluntary plan coverage requirements may be obtained by writing the "Disability Insurance Group", UI-DI Section, Employment Development Department, 800 Capitol Mall, Sacramento, California 95814.

As under the State Plan, an employer may not withhold more than one percent of the taxable limit of calendar year wages paid to each employee as contributions for voluntary plan coverage.

It is the employer's responsibility to furnish every covered employee with a statement of coverage or a certificate of insurance under voluntary plan coverage. He is also required to keep on hand a supply of voluntary plan claim forms to be given to the employee when the employee has a disability. The conditions are in addition to posting the notice to employees.

(NEXT ISSUE—STATE PERSONAL INCOME TAX)

Tailgate

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6. Spend some time and thought prior to the meeting so you can be prepared to stimulate discussion if necessary.

7. Although the meeting may be opened by a statement of the subject and a presentation of the hazard or problem, attempt to encourage the group to get into a discussion of the subject. A summation of the solution which will provide safety should be made at the end of the discussion.

8. Positive approaches and conclusions should be used whenever possible.

SUGGESTED TOPICS

A number of topics can be covered at "tailgate" meetings, but the groups own activities should furnish the source of all or almost all of the topics.

1. An unsafe act or procedure that had been observed among the group can be reviewed to introduce a topic of safe practices or safe procedures. *Do not mention names.*

2. A recent injury or accident within your own operations or learned through a newspaper, trade journal or other source can be discussed.

3. If you have a new piece of equipment discuss how it can be safely used.

4. A good, safe job recently completed by your own group or your own organization can be reviewed.

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A NONLICENSEE

Recently a preliminary injunction was issued by a Superior Court of the State of California to enjoin and restrain a contractor from acting in the capacity of a contractor without a valid license issued by the Contractors' State License Board to so engage.

A newspaper in the Southern California area took up the cause of this nonlicensed contractor apparently without looking into the facts of the matter. An article appeared in the paper which made it appear that the subject was being denied his right to earn a living by the Registrar of Contractors. A concerned licensed contractor in the area, after reading the newspaper article, wrote to the paper in rebuttal of the original article.

Except for minor changes necessary to eliminate references to names and places, the newspaper article as it originally appeared follows under the title—"Good Contractor Can't Get License—Words Fail Him". This is a one-sided report from the nonlicensee and his attorney. The rebuttal appears under the title—"The Other Side".

"Good Contractor Can't Get License—Words Fail Him"

Licensing laws that deny a person the right to earn a living will be challenged in the courts—to the Supreme Court if necessary—says an attorney defending a cement contractor.

The attorney said his client "has proved by 24 years of satisfactory cement contracting in Southern California" that he knows his business.

Handicapped by the lack of schooling and his inability to understand complicated written questions in license examinations, the contractor lacks a state contractor's license.

In a civil court last week a Superior Court Judge issued a preliminary injunction, asked by the state registrar of contractors, forbidding the contractor to contract for cement work.

The judge advised the attorney to petition the court to order an oral examination for the contractor before the judge's final ruling. The judge did not indicate, however, if the ruling would be favorable.

"If the court denies the petition", the attorney said, "I will ask a writ of mandate compelling the state board to give the contractor an oral exam, and if the court denies to issue the writ, I will take the case to the Supreme Court on

grounds the contractor is being denied his constitutional right to earn a living."

The contractor was taken from school in the sixth grade in a southern state farming town to help his sharecropper parents and his seven brothers and three sisters to "chop cotton, pick cotton, cut new ground and cut wood."

At 15 he started working as a cement finisher's helper in the southern state. Except for a few years in wartime factory work and in the Navy in the South Pacific campaign where he "cooked for the bombardiers and fighter pilots", he has engaged in cement contracting ever since.

Although he holds no state license as a contractor, he has been issued city licenses by several cities in the area.

In some cities he has been able to work under an umbrella license of some other contractor after agreeing to pay 10 per cent of the contract price, according to documents he has turned over to the attorney.

The contractor and his wife of 25 years have three sons and a daughter, all residents in the area.

In the recent court testimony, the deputy attorney general who filed the injunctive proceeding said the contractor had been convicted six times of contracting without a license.

The contractor said he had spent time in jail just because he couldn't make sense out of the involved questions in written state exams, but that in most cases the courts gave him probation on condition that he pay back to property owners the fees they had paid him for his work.

"That way, they get the work done for free", he said. (End of newspaper article).

There are no records in this Agency's files of the nonlicensee having ever taken a written examination or for that matter of ever having filed an application for a contractor's license. One may wonder how the nonlicensee feels he is qualified to comment on the degree of difficulty of any of this Agency's examinations.

A licensed contractor reading the article believed that it was not fairly presented from a legitimate contractor's point of view, so he wrote a rebuttal. Following is what he wrote:

"The Other Side"

Your Sunday edition contained an article about a cement mason who had been denied the right to legally contract in California.

I can feel a certain amount of compassion for this man's plight, but as a legally licensed contractor competing against persons operating as unlicensed contractors, I cannot sympathize with them. First of all, an unlicensed contractor does not have the costs involved in a legitimate business, such as workmen's compensation, employee payrolls and deductions, liability insurance, surety and completion bonds, office, secretary, telephone, bookkeeping, advertising, trucks and equipment, and additional costs such as city license fees and permits.

I am proud of my business and take a great deal of pride in my work. My employees are personally supervised to do the same. My right to remain in business depends on my faithful performance to my clients.

My financial bond which is on file with the State of California insures my clients that if a dispute or claim were to arise, they are protected by law and the bond insures repayment of any financial loss awarded to them. If I, as a licensed contractor, fail to perform, or violate any of the contractor state codes, I can have my right to contract suspended or revoked by a court of law.

I had to struggle, save and learn my trade for years and pass the written state examination in order to contract legally in the state. I am constantly confronted in my bidding on jobs by unlicensed persons who can easily underbid me, as they incur none of the costs that I have of operating a legitimate business.

It stated in your article that this person had been convicted six times of contracting without a license. Well, someone had to complain to the Contractors' State License Board, either on his workmanship, contractual agreements or for the unlicensed part of the code.

We still live in a society that has to have guidelines for all to follow, even though this is still a free country and even though it causes hardships for some in order to conform. If it were to be as simple as passing an oral test in order to obtain a contractor's license, I pity the poor consumer.

A licensed contractor

It is without saying that the Registrar was appreciative of the letter of rebuttal sent to the paper by the licensed contractor. The Registrar is very concerned about the frustra-

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REVOKED 2ND QUARTER 1975-1976

Namestyle	Address	Date	Sections violated
A & M Contractors	4315 Heather Road, Long Beach	12/17/75	7107, 7113, 7119, 7120
Bauer, Howard N.	611 Utah Way, Escondido	10/14/75	7113, 7120
Bunch, Jacob Wm.	3056 Roswell, Los Angeles	10/24/75	7122.5
Cocita Construction Co.	10835 Crebs Ave., Northridge	12/17/75	7107, 7108, 7111, 7113, 7159
Designs for Living Inc.	15803 Hidden Hill Rd., Los Gatos	12/11/75	7112, 7114, 7115, 7120
Drake Builders	204 W. Prospect St., Ventura	10/31/75	7107, 7108, 7111, 7113, 7116, 7119, 7159
El Dorado Masonry	211 So. Fairview #D, Santa Ana	12/19/75	7107, 7108, 7113, 7115, 7120
Elm Construction	1509 Maryland St., Fairfield	12/19/75	7109, 7110
Fouché Construction Co.	3075 Wilshire Blvd., Ste. 606, Los Angeles	10/ 3/75	7109.5, 7110
H A D Steel Co.	20944 Itasca St., Chatsworth	11/12/75	7110, 7115
Houston, Clifford J.	1845 Island Ave., San Diego	12/13/75	7107, 7109, 7110, 7113, 7115, 7120
Juice Co., The	25617 Isle of View Place, Calabasas	11/22/75	7112
Kool Metal of Central Calif	201 W. Mill St. Apt. C, Santa Maria	11/ 8/75	7109, 7113, 7114, 7115
Kremco Contractors	8237 1/2 Canoga Ave., Canoga Park	12/ 2/75	7112, 7116
Lloyd Painting Co.	11120 Leadwell St., Sun Valley	10/24/75	7109, 7113, 7115
Mangano Corporation, The	3940 Compton Blvd., Lawndale	12/19/75	7122
Mangano Corp., The; Victor Metal Prod. Corp. & Mangano Corp. dba	3940 Compton Blvd., Lawndale	12/19/75	7109, 7113
McDermott Construction Co. Inc	P.O. Box 1632, Laguna Beach	12/17/75	7112
Metropolitan Electric; H. J. Miller dba	18447 Center St., Castro Valley	10/ 7/75	7108, 7113, 7117, 7120, 7122.5
Metropolitan Electric Inc.	2342 American Ave., Hayward	10/ 7/75	7113
Miller Enterprises	P.O. Box 539, Livermore	12/ 2/75	7109, 7113, 7115
Myers, Mill	13342 Barbara Ann, N. Hollywood	10/31/75	7109, 7113, 7115, 7159
Ottenbreit Construction Co.	449 Florence Ave., Oakland	12/19/75	7109, 7113, 7115, 7117.5
Pools by Carl	1133 Meadow Lane #23, Concord	12/ 2/75	7107, 7113, 7120
Roadrunner Construction Co.	22708 Marlyn Court, Hayward	12/10/75	7107, 7109, 7113
Santa Clara Awning & Screen	14336 Cordwood St., Saratoga	12/10/75	7107, 7108, 7110, 7114, 7115, 7119, 7120
Saylor, Rayburn R.	1616 No. Potrero Ave., So. El Monte	10/12/75	7107, 7109, 7114, 7115, 7119
Sierra Const. & Remodeling Co.	1056 Calle La Luna #1, Azusa	12/19/75	7107, 7109, 7110, 7113, 7115, 7117, 7159
Thomas Construction & Engineering Company	P.O. Box 567, Tahoe City	12/ 9/75	7107, 7109, 7113, 7119
Transamerican Builders Inc.	638 West Olive, Fresno	12/11/75	7109, 7113, 7116, 7119
Valley Ridge Development Co. Inc.	P.O. Box 974, Campbell	12/11/75	7098, 7114
Westgroup Diversified Inc.	1370 Second St., Baywood Park	12/10/75	7107, 7113

SUSPENDED 2ND QUARTER 1975-1976

Namestyle	Address	Date	Sections violated and suspension time
Allen, James H.	13683 Dronfield Ave., Sylmar	11/12/75	7109, 7113, 7115, 7159—Indef.
Aquatic Pool Builders	806 South Baldwin, Arcadia	11/14/75	7122.5—15 days
Aquatic Pools Incorporated	15514 East Proctor, City of Industry	11/14/75	7113—15 days
B Jay's Custom Cement Finishing	16562 Spruce St., Fountain Valley	11/12/75	7107, 7109, 7110, 7113, 7115, 7117, 7120, 7159—Indef.
Belle Electric Co.	20031 E. Chapman Ave., Orange	10/ 7-75	7097—1 year
Belle, J B Electric, Inc.	20031 E. Chapman Ave., Orange	10/ 7/75	7110—1 year
Cal State Roofing Co.	1227 S. Eastern Ave., Los Angeles	12/ 9/75	7109, 7113, 7115, 7116—Indef.
Carter, James Lee	4924 Presidio Dr., Los Angeles	11/ 7/75	7107, 7109, 7113, 7119—5 days
Catalina Pools; El Camino Pools Inc. dba	9010 Reseda Blvd., Northridge	11/10/75	7111, 7113, 7115, 7120, 7121, 7159— Indef.
Combs Construction	6279 Newcastle Ave., Goleta	11/12/75	7107, 7113, 7115, 7121—Indef.
Concept Management Company	170 No. Grand Ave., #301, Pasadena	10/10/75	7121—Indef.
Croke, Robert E.	405 Flora Place, Lafayette	12/18/75	7107, 7108, 7113, 7119, 7120
De Angelis, Joseph	12509 Central Road, Apple Valley	11/14/75	7122—15 days
Degler, Louis Henry	2445 San Carlos Ave., Castro Valley	11/10/75	7107, 7108, 7111, 7113, 7119—Indef.
Dotto, Robert Joseph	1414 W. Redondo Beach Blvd., Gardena	10/ 2/75	7122.5—Indef.
E C Pipeline Inc.	706 N. Richfield St., Placentia	12/10/75	7096, 7097, 7121, 7122—90 days
Easy Living Mobile Homes; Mobile Housing Inc. dba	617 Camino Del Rio South, San Diego	11/12/75	7107, 7113—Indef.
Eld Construction Company	972 Brookfield Dr., Clovis	10/ 3/75	7109, 7113, 7115, 7116, 7119—Indef.
Environmental Communities Development Inc.	152 W. Bastanchury Rd., Fullerton	12/10/75	7096, 7097, 7121, 7122—90 days
Environmental Communities Inc.	130 W. Bastanchury Rd., Fullerton	12/10/75	7114, 7115, 7117—90 days
Fater Construction Company	18040 Rayen St., Northridge	11/10/75	7122.5—Indef.
Figures Building and Construction Co.; C. H. Figures dba	2639 75th Ave., Oakland	11/10/75	7109, 7113, 7115, 7119, 7159—Indef.
Gees Electric	360 E. Alondra, Gardena	11/12/75	7113, 7117—Indef.
Greenwood, Wayne L.	815 Sycamore Ave., Modesto	11/10/75	7107, 7108, 7111, 7113, 7119, 7159b— Indef.
Hercules Stone	3532 Fairmont Ave., San Diego	10/15/75	7107, 7113, 7115—Indef.
Herron, Mel Inc.	718 E. Edna Place, Covina	11/12/75	7097—Indef.
Herron, Melvin L.	15949 Debesor St., La Puente	11/12/75	7120—Indef.
Hunt Co.	12491 Scott Grant Rd., Marysville	11/12/75	7115, 7120, 7121—Indef.
Interstate Contractors Inc.	8309 Pear Blossom, Little Rock	11/23/75	7112, 7121—30 days
Jag Electric	20031 E. Chapman Ave., Orange	10/ 7/75	7122.5—1 year
Landwer, Keith W.	4002 Via Lucero, #7, Santa Barbara	12/10/75	7108, 7113, 7120—15 days
Liege Corporation	1414 W. Redondo Beach Blvd., Gardena	10/ 2/75	7107, 7113—Indef.
Manjarrez, John R.	2100 Voorhees Ave., Redondo Beach	11/12/75	7107, 7109, 7113, 7115—Indef.
Maxfield, Raymond M.	1444 15th #6, Santa Monica	12/11/75	7107, 7113, 7159—5 days
Mayfield Roofing Co.	27633 Industrial Blvd., Hayward	12/17/75	7109, 7113, 7115—Indef.
Moen, Jerry R. Concrete Contractor	4678 Porter St., Fremont	11/10/75	7107, 7108, 7109, 7113, 7116—Indef.
Moore, Ray L. Construction Co.	1248 Orange St., San Bernardino	12/10/75	7107, 7113, 7117, 7120, 7159—Indef.
Nunez, Jesus Q. Jr. and Sons	9523 Rancho Dr., Beaumont	12/10/75	7109, 7113, 7159—5 days
Orange County Builders	923 North Highland Ave., Fullerton	11/25/75	7097—150 days
Orange County Remodeling Contractors & Builders; Charles Sargeant dba	923 North Highland, Fullerton	11/25/75	7107, 7113, 7119, 7120, 2159—150 days
Pack, Devar C.	1011 East Delaward Rd., Burbank	12/ 9/75	7108, 7110, 7111, 7115, 7116, 7119, 7120—Indef.
Page Roofing	61516 Valley View Dr., Joshua Tree	12/11/75	7114—Indef.
Paradise Enterprises	1219 West Trenton, Orange	12/ 9/75	7107, 7109, 7113, 7115, 7120, 7159— Indef.
Parkview Development Corporation	10880 Wilshire Blvd., Ste. 1800, Los Angeles	11/ 7/75	7097—5 days
R A Cement	11381 Church, Orange	12/19/75	7107, 7113, 7115, 7116, 7159, 7161— Indef.

SUSPENDED 2ND QUARTER 1975-1976

Namestyle	Address	Date	Sections violated and suspension time
Reese, John Jr.	P.O. Box 44816, Los Angeles	11/12/75	7107, 7109, 7110, 7113—Indef.
Richmond, Bill	6315 Rio Bonito Dr., Carmichael	12/ 2/75	7097—11 months
Richmond, Bill Inc.	6315 Rio Bonito Dr., Carmichael	12/ 2/75	7109, 7113—11 months
Schilling, Ronald R.	7570 Carlow Way, Dublin	12/10/75	7107, 7113—Indef.
Schrader Construction Company	P.O. Box 8074, Riverside	10/ 7/75	7071.11—Indef.
Schumsky, J. Robert General Engineering Contractor	4525 Avocado, La Mesa	12/ 9/75	7109, 7115—10 days
Simonian, Richard	130 W. Bastanchury Rd., Fullerton	12/10/75	7096, 7097, 7122.5—90 days
South Bay Builders	2208 Agnes Rd., Manhattan Beach	10/ 2/75	7108, 7111, 7120—Indef.
Spade Construction Co.	512 S. Concepcion, Santa Maria	12/11/75	7122.5—30 days
Sta-Dri Roofing	9515 Bellegrave, Riverside	12/11/75	7115—10 days
Stone, David Plastering	4930 Cloyne, Oxnard	11/12/75	7109, 7113, 7115—Indef.
Superior Acoustics	2301 Sycamore Dr., #4, Antioch	10/ 7/75	7113, 7115, 7120—Indef.
T. C. H. Pipeline Inc.	242 E. 4th St., San Bernardino	12/16/75	7110, 7111, 7115, 7120—Indef.
Tapley, Bob Concrete Const.	P.O. Box 35-x, Manteca	10/ 3/75	7107, 7109, 7110, 7113, 7117, 7119, 7120, 7154—Indef.
Thompson-Specialties	908 Gerard Way, San Jose	10/ 7/75	7122.5—Indef.
Tri-City Sewer Contractors	242 E. 4th St., San Bernardino	12/16/75	7122.5—Indef.
Tri-Level Construction Co.	1490 Holly Drive, Tracy	12/ 9/75	7108, 7115, 7120, 7159—Indef.
Valley Sheet Metal	P.O. Box 24054, San Jose	12/11/75	7112, 7114, 7122.5—90 days
Western Cabinet	971 Industrial Place, El Cajon	10/ 7/75	7107, 7113—6 months
White's, Bob Excavating	P.O. Box 1167, Tahoe City	10/ 7/75	7122.5—30 days
White's, Bob Excavating Corporation	P.O. Box 1167, Tahoe City	10/ 7/75	7109, 7113—30 days
Wilkins and Cason Co., The	1436 30th St., San Diego	11/12/75	7110—Indef.
Wirtanen Masonry	25158 Wiley Canyon Rd., Newhall	10/23/75	7109, 7113, 7115, 7159—15 days
Zaich, Matt J. Construction Co. & John A. Artukovich Sons, Inc.	6822 Farmdale Ave., N. Hollywood	10/14/75	7097—14 days
Zaich, Matt J. Construction Co. & Matt J. Zaich Individual	6828 Farmdale Ave., N. Hollywood	10/14/75	7097—14 days
Zaich, Matt J. Co. A Corp. & Matt J. Zaich Individual	6828 Farmdale, N. Hollywood	10/14/75	7097—14 days

DENIED 2ND QUARTER 1975-1976

Namestyle	Address	Date	Sections violated
Allenthorp, Robert J.	P.O. Box 138, Palm Springs	12/23/75	480 A 3, B
Masonry Specialties	RFD #1, Box 131, Pleasant Grove, Utah	11/26/75	480 (a) (3), 480 (b)
R & W Builders	11223 E. Acoro St., Cerritos	11/26/75	480 (a) (3), 480 (b)
Stephens, Dave	21290 Glenmont Dr., Saratoga	11/24/75	480 (a) (1) (3)
Sutherland, Wilburn A.	4789 Tyler, Riverside	10/ 2/75	480 (a) (3), 480 (b)

DISCIPLINARY ACTIONS DO NOT INCLUDE LICENSES SUSPENDED FOR FAILURE TO MAINTAIN REQUIRED BONDS

The following explanation may be helpful to those persons interested in the causes of disciplinary action indicated by sections violated in the table of Disciplinary Actions:

7071.11 Judgment or admitted claim against bond.	7112 Misrepresentation of a material fact on an application.	7122 Participation of licensee in violating Contractors Law.
7097 Suspension of additional licenses.	7113 Failure to complete a project for the price stated in the contract.	7122.5 Responsibility of Qualifying Person for acts committed by his principal.
7098 Revocation of additional licenses.		
7107 Abandonment of a project without legal excuse.	7113.5 Avoiding or settling for less than lawful obligations as a contractor through the various bankruptcy proceedings.	7123 Conviction of a Felony in connection with construction activities.
7108 Diverted funds or property received for a specific job to other purposes.	7114 Aiding and abetting an unlicensed person.	7124 A plea of nolo contendere is considered a conviction.
7109 Willfully disregarded plans and specifications, or has failed to complete the job in a good and workmanlike manner.	7115 Failure to comply with the Contractors Law.	7154 Employment of unregistered home improvement salesman.
	7116 Committing a willful or fraudulent act as a contractor.	
7109.5 Violation of Safety Laws resulting in death or serious injury.	7117 Acting as a contractor out of namestyle.	7155 Participation in violation by a home improvement salesman.
	7117.5 Contracting with inactive license.	
7110 Willful disregard and violation of building laws.	7118 Contracting with unlicensed person.	7157 Model Home, kickback prohibition.
7110.1 Violation of Section 206.5 of the Labor Code.	7119 Failure to prosecute a job with diligence.	7159 Failure to comply with contract requirements.
7111 Failure to keep records and to make them available to a representative of the registrar.	7120 Failure to pay for materials or services.	7161 False advertising.
	7121 Prohibition against associating with suspended or revoked licensees.	

Tailgate

cont. from pg. 4 col. 3

5. Review an unsafe condition that was not promptly corrected and emphasize the injury which could have happened because of it.

Other topics which can be discussed are:

1. Machinery Safeguards—Reasons why they are off and the consequences of leaving the safeguards off.
2. Portable Electric Tools—Proper maintenance and use of this important tool.
3. Defective Hand Tools—Importance of reporting and repairing or replacing defective hand tools.
4. Goggles—One out of 22 injuries in the State is to the eyes. Discuss when goggles should be worn.

ENCOURAGE PARTICIPATION

Whenever possible, the employees should be encouraged to speak and to offer recommendations or solutions—they will take more interest in carrying out the recommendations or solutions.

You as the contractor, supervisor or foreman should either lead the group or delegate someone else as the leader. If you delegate, discuss the subject beforehand and give pointers on conducting the meeting.

Notes or records should not be taken at meetings—it limits participation.

BULLETIN S-154—The Tailgate Safety Meeting may be obtained from the Division of Industrial Safety. If you need topics to discuss there are short one-page subjects called "Tailgate Topics" which also can be obtained from the Division of

Industrial Safety. Some of the topics are general and others pertain to occupations other than construction. You can obtain an Index of the Tailgate Topics as well as Bulletin S-154 by writing to the Division of Industrial Safety, Education and Research, 455 Golden Gate Avenue, San Francisco, California 94102.

A Nonlicensee

cont. from pg. 5 col. 3

tions faced daily by the Deputy Registrars in the field in trying to arrest the activities of the illegal contractor and by so doing protect the unwary consumer against incompetent, inexperienced, unlawful and fraudulent acts of the unlicensed operator. This is an example of those frustrations.

Legislation

cont. from pg. 3 col. 3

State Energy Resources Conservation and Development Commission to adopt regulations on or before July 1, 1977 prescribing standards for the insulation of attic space of existing residential structures. Under this bill all residences must already have or preparations made for obtaining attic insulation according to the Commission standards at the time the residence is sold. Inspections for compliance are to be made by the local building department or by a licensed contractor designated by the building department. If a contractor makes the inspection he cannot install the insulation or represent anyone who does perform the actual insulation. If this bill is passed by the Assembly it will then have to be returned to the Senate for concurrence with the Assembly amendments.

SENATE BILL 2116 by Gregorio would restructure the various boards within the Department of Consumer Affairs to substitute public members for industry members. The Contractors' State License Board would have three public members substituted for three contractor members. Under this bill the Contractors' State License Board would consist of five contractors, one member of a building trade's labor organization and seven public members. This bill has passed the Senate and is pending before the Assembly.

SENATE CONCURRENT RESOLUTION 104 by Robbins would request the building department of each city, county and city and county to provide each owner-builder applicant for a building permit for property improvements with a specified information form and recommend obtaining a signed verification form from each such owner-builder applicant. This resolution has been passed by the Senate and is awaiting action by the Assembly.

Change of Namestyle

cont. from pg. 1 col. 3

next publication of the bulletin are also made. Licensees who do not notify the Registrar of address changes may never receive these special notices.

Any change in namestyle or personnel should also be reported as they occur. It sometimes happens that what appears to the licensee as a simple change of name or personnel is in reality a change in entity and requires a new license. By reporting these changes promptly, any deviation from simple changes can be caught and corrective measures taken immediately.

As an example, if an individual licensee or a partnership licensee sends a change of name which includes an "Inc.," "Corp.," or "Corporation" in the namestyle, it alerts the files and records clerk that a corporation has been formed and a new license is required for the new entity. Proper forms are then returned to the licensee with a letter explaining that he is requesting more than a simple name change. On the other hand, if a partnership notifies the Registrar that John Doe has left the firm and Richard Roe has taken his place, it indicates to the clerk that a new partnership has been formed which also requires a new license. This too would be brought to the immediate attention of the licensee.

After citing reasons why it is to the advantage of the licensee to keep the Registrar posted of all changes in address, namestyle and personnel, there is still one compelling reason, that is, such reportage is required by law.

Section 7083 of the Contractors License Law requires that all licensees report to the Registrar all changes of personnel, namestyle, or addresses recorded in the files of Headquarters Office within 30 days after the changes are made.

Section 7117 provides that acting in the capacity of a contractor under

any license except in the name of the licensee as set forth upon the license or in accordance with the personnel of the licensee as set forth in the application for such license or as later changed as provided by law, constitutes a cause for disciplinary action against the license.

Further, failure to comply with Section 7083 is a cause for disciplinary action under Section 7115 of the Contractors License Law.

Finally, it is to the advantage of this agency as well as the licensee to keep all records correct and up-to-date.

NEW BOARD MEMBERS APPOINTED

The Office of the Governor has announced the new appointments to the Contractors' State License Board.

Juan Mancilla Ferrer of San Rafael, a plumber since 1949, has been appointed as the specialty contractor member to succeed Norman T. R. Heathorn whose term expired. Ferrer owns a plumbing firm and he is a native of Mexico.

Kenneth Clifford of Los Angeles is a general building contractor. He succeeds W. Daniel Larsen whose term expired. Clifford is the owner of a Los Angeles contracting firm and he is President of the California Indian Development Association.

Philip E. Decker of San Jose is an Attorney. He was appointed to fill one of the public member positions on the Board. Decker was a Codirector of the Public Interest Law Center and a Consultant to Consumers United of Palo Alto and the East Bay Consumers Alliance.

Kenneth G. Hahn of Ventura is Executive Secretary of the Ventura County Building and Construction Trades Council. Hahn was appointed to fill a new labor member position created by the Legislature in 1975 pursuant to Senate Bill 287 which also created an additional new public member position.

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STATE OF CALIFORNIA
DEPARTMENT OF
Consumer Affairs
CONTRACTORS' STATE LICENSE BOARD
1020 N Street
SACRAMENTO, CA 95814

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Legislation

cont. from pg. 3 col. 3

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