

California Licensed Contractor

DAVID R. PHILLIPS, Registrar

Spring 1990

GEORGE DEUKMEJIAN, Governor

Public Contract Bids Must be Complete to Compete

Legislation now in effect, amended the Business and Professions Code making it a misdemeanor for a person without a contractor's license to submit a bid for contracting work to a public agency.

In addition to being licensed at the time of bidding, contractors must include the following on each bid:

1. Contractor license number
2. Expiration date of the license
3. A statement regarding the truth of the information contained in the bid.

Exceptions to these requirements include persons who are specifically exempted from the law, for example joint venture bidders, and bids submitted for federally funded projects. All other bidders must comply in order to be considered responsive to the bid requirements.

As this issue of the CLC goes to press, Senator John Seymour has authored clean-up legislation that will eliminate these requirements. This urgency measure is currently in the Assembly and will then proceed to the Governor's desk for where it will be signed into law. The original intent of the legislation was only to preclude unlicensed contractors from the bid process. The CSLB will notify local jurisdictions and contractors when the clean-up legislation goes into effect. ■

Legislative Summary, 1989 Session

The following is a summary of legislation passed and signed into law by the Governor. With the exception of AB 967, an urgency measure relating to the Board's Mandatory Arbitration Pilot Program, all legislation took effect January 1, 1990.

Fines Increased for Contracting without a License

AB 636 (Eastin). Courts may penalize a person previously convicted of contracting without a license. The fine may be 20% of the contract or \$4,500, whichever is greater, or imprisonment in the county jail, or both. Court-imposed fines must be paid directly to the county treasurer, if action was brought by a county district attorney, or to the city treasurer if action was brought by the city attorney.

Judgment/Discipline Security Bonds

AB 762 (Mountjoy). This law deletes the \$50,000 judgment security bond maximum required for contractors who were convicted for failing to pay a contractor, consumer, employee or material supplier, and limits the necessity of a judgment bond to reinstatement, reactivation, or issuance of a license. An applicant has 90 days from notification by the board to file the judgment bond and the bond may be reduced at license renewal in the event of partial satisfaction of the judgment. Failure to maintain the bond will result in automatic suspension of license. Licensees must notify the Board within 90 days of any judgment entered against them and failure to do

so will result in automatic suspension of the license.

License Examinations

AB 781 (Mountjoy). No examination will be required for qualifying individuals applying for licenses if within the five-year period immediately preceding application for license, the qualifying individual has either personally passed the written examination for the same classification being applied for or has served as the qualifying individual for a licensee whose license was in good standing during that five year period.

Proof of Licensure to Collect in Court

AB 841 (Hrazee). This law makes proof of licensure a requirement of the licensee to bring or maintain any legal action to recover or collect compensation for the performance of any action or contract for which a contractor's license is required. The judicial doctrine of substantial compliance shall not apply to this provision. If a contractor wants to bring an action against another contractor for whom work was performed or against a building owner or other party to a contract, that contractor must now prove to the court that he or she has a valid contractor's license for the class in which the work was performed and at the time it was performed in order to proceed with the legal action.

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Automatic License Revocation/Suspension Program Update

by Cruz Reyna, Special Assistant to the Registrar

In the summer edition of the California Licensed Contractor, we reported the implementation of the Automatic License Suspension/Revocation Program. This is the program used by the CSLB to automatically suspend and revoke the licenses of contractors who fail to comply with the civil penalty or the "order to correct" contained in a citation issued by the Registrar.

The program has now been operating for more than one year. As of January 1, 1990, the CSLB mailed 499 "Notices of Intent to Suspend License"

letters to delinquent licensed contractors. The letters notified the delinquent contractors to comply with the citation or show cause as to why their licenses should not be suspended. Seventy-four of the delinquent contractors who were notified complied with the citation within 30 days of receipt of our notice. Three hundred and forty-three delinquent licensed contractors had their licenses suspended. Of those with suspended licenses, 45 com-

continued on page 6, Automatic Revocation

Correction

In *New Penalties for Unlicensed Citation* (page 3, Fall/Winter CLC), the wrong telephone number was listed for answers to questions regarding implementation of AB 636.

Questions regarding this measure should be addressed to (916) 366-5153. ■

California Licensed Contractor

Official Publication of the
Contractors State License Board

Spring 1990

STATE OF CALIFORNIA

GEORGE DEUKMEJIAN

Governor

MICHAEL A. KELLEY

Director, Department of Consumer Affairs

DAVID R. PHILLIPS

Registrar of Contractors

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Letters to the editor, articles, information of interest to contractors and suggestions for future articles are welcome. Deadlines for submittal are January 1, March 1, June 1, and September 1. Inclusion of submitted material in the quarterly CLC is at the discretion of the editor and dependent on time and space considerations.

Headquarters of the CSLB is located at:

9835 Goethe Road
P.O. Box 26000
Sacramento, California 95826

**DISCIPLINARY ACTION
July to September 1989**

Note: Disciplinary actions do not include licenses suspended for failure to maintain required bonds. The following explanation may be helpful to identify causes of disciplinary action indicated by sections referenced in the table of Disciplinary Actions.

<i>Business and Professions Codes</i>			
490	Relationship of conviction of a crime to licensed activity	7111	Failure to keep records and to make them available to a representative of the Registrar
7018.5	Failure to provide notice to owner regarding lien provisions	7111.1	Refusal to or failure to cooperate with deputy in investigation
7026.7	Advertising as a contractor without a license	7112	Misrepresentation of a material fact on an application
7028	Acting in the capacity of a contractor without a license	7113	Failure to complete a project for the price stated in the contract
7029	Contracting as a joint venture without the required license	7113.5	Avoiding or settling for less than lawful obligations as a contractor through the various bankruptcy proceedings
7029.6	Failing, as a plumbing contractor, to display his name, address and contractor's license on each side of the commercial vehicle used in his business	7114	Aiding and abetting an unlicensed person
7030	Failing to include in a contract the notice that contractors are licensed by the Contractors State License Board	7115	Failure to comply with the Contractors' Law
7030.5	Failing to fulfill the requirement that the contractor's license number be placed on all contracts, subcontracts, calls for bid, and other forms of advertising	7116	Committing a willful or fraudulent act as a contractor
7071.11	Judgment or admitted claim against bond	7117	Acting as a contractor out of namestyle
7083	Failing to report a change of address, namestyle, or personnel within 90 days	7117.5	Contracting with inactive license
7097	Suspension of additional licenses	7118	Contracting with unlicensed person
7098	Revocation of additional licenses	7119	Failure to prosecute a job with diligence
7099.6	Non-compliance with a final citation	7120	Failure to pay for materials or services
7107	Abandonment of a project without legal excuse	7121	Prohibition against associating with suspended or revoked licensee
7108	Diverted funds or property received for a specific job to other purposes	7122	Participation of license in violating Contractors Law
7109	Willfully disregarded plans and specifications, or has failed to complete the job in a good and workmanlike manner	7122.5	Responsibility of Qualifying Person for acts committed by his/her principal
7109.5	Violation of Safety Laws resulting in death or serious injury	7123	Conviction of a Felony in connection with construction activities
7110	Willful disregard and violation of building laws	7124	A plea of nolo contendere is considered a conviction
7110.1	Violation of Section 206.5 of the Labor Code	7154	Employment of unregistered home improvement salesman
		7155	Participation in violation by a home improvement salesman
		7157	Model Home kickback prohibition
		7159	Failure to comply with contract requirements
		7161(b)	False advertising

LICENSES REVOKED

NAMESTYLE	ADDRESS	LICENSE#	EFFECTIVE DATE	VIOLATION CONTRACTORS LAW
Adams, Nick R. Contracting	241 E.Mariana St, Rialto, CA 92376	307457	9/1/89	7099.6, 7121
Alesco Developers and Builders Inc	3118 W 48 St, Los Angeles, CA 90043	417725	9/15/89	7099.6, 7121
Avalon Builders	PO Box 40857, Santa Barbara, CA 93140	305337	9/3/89	7099.6, 7107, 7113, 7121.5
Aztec Pools, Inc	PO Box 479, Los Alamitos, CA 90720	336552	8/4/89	7107, 7113, 7121.5
B&J Construction and Landscaping	PO Box 493385, Redding, CA 96049	434248	7/7/89	7107, 7109, 7121
Barker's Roofing	2495 Parsons, Merced, CA 95340	454321	8/4/89	7009.6, 7121
Best Way Construction	12845 B.Josephine, Garden Grove, CA 92641	453884	8/26/89	7099.6, 7121
C&C Interiors, Inc	1095 Calimesa Bl, Calimesa, CA 92320	339422	7/25/89	7107, 7113, 7121, 7121.5
CID Builders General Building Contractors	1611 Crenshaw Bl, Ste 176, Torrance, CA 90501	304106	9/15/89	7098, 7121.5
California Barns, Inc	2556 W. 16th St, Merced, CA 95348	501682	7/28/89	7109, 7110, 7111.1, 7113
Carbajal's Roofing	6023 Allwood, Riverside, CA 92509	357628	9/3/89	7099.6, 7071.11, 7121, 7121.5
Cardoza Construction Co	25896 E. 7th St, San Bernardino, CA 92410	302553	8/4/89	7109, 7113, 7115 (7159), 7116, 7119, 7121
Colburn, Kenneth H.	PO Box 12028, El Cajon, CA 92022	462725	8/4/89	7099.6, 7121.5
Covina Roofing Company	599 S. Bannock #211, Covina, CA 91723	381558	8/4/89	7109, 7110, 7115 (7030, 7159), 7121
Davis, Donald E.	3620 2nd Av, Los Angeles, CA 90018	424015	9/14/89	7109, 7113, 7114, 7117 (a), 7121

Disciplinary Action, continued from page 2

NAME/STYLE	ADDRESS	LICENSE#	EFFECTIVE DATE	VIOLATION CONTRACTORS LAW
Deignan Construction	344 Pine Hill Rd, Mill Valley, CA 94941	421760	7/5/89	7107, 7109, 7110, 7113, 7115, (7030, 7159), 7117.6, 7121
Full Energy Spectrum Inc	3061 La Jolla #H, Anaheim, CA 92806	415702	8/18/89	7114, 7115, (7159), 7116, 7153, 7154, 7155.5, 7161
Heil Construction	360 Chesterfield Av, Half Moon Bay, CA 94019	449643	8/2/89	7098, 7122.5
Heil Construction Inc.	360 Chesterfield Av, Half Moon Bay, CA 94019	460495	8/2/89	7106.5, 7107, 7110, 7113, 7115, (7159), 7121
Himelfarb, Ron Construction	7925 Hemingway Av, San Diego, CA 92120	367433	8/4/89	7109, 7111, 7113, 7115, (7159), 7116, 7118, 7121
Home Patio Concepts	410 W. Coast Hwy #294, Newport Beach, CA 92663	411584	7/7/89	7114, 7121.5
HRW Corporation	PO Box 21595, Concord, CA 94521	463069	8/2/89	7109, 7110, 7113, 7121, 7121.5
Hughes, Daniel Cecil	435 Park Av, Yuba City, CA 95991	299273	9/3/89	7107, 7113, 7121
Hunt, Bob	4165 Reedhurst Av, San Jose, CA 95118	442618	7/2/89	7109, 7113, 7121
Imperial Home Specialties	1650 Skyline Dr, Lemon Grove, CA 92045	484406	9/1/89	7099.6, 7107, 7108, 7109, 7110, 7113, 7115, (7018.5, 7028, 7159), 7116, 7117.6, 7119, 7120, 7121
Irwin Construction Company	9250 Greenback Ln, Ste 124, Orangevale, CA 95662	359366	9/1/89	7110, 7111.1
Kristofka Construction (Jim Kristofka General Contractor, dba)	6081 Kiser, Huntington Beach, CA 92647	466153	8/20/89	490, 7099.6, 7108, 7113, 7123, 7121.5
Landon, Greg Roofing Co	23406 Balmoral Ln, Canoga Park, CA 91307	446162	9/3/89	7107, 7113, 7116, 7121
Langford, William A.	1199 Broadway, Ste 190, Burlingame, CA 94010	478080	9/15/89	7115, (7028), 7117.5 (b), 7123, 7121.5
Lunenschloss, Edward V.	233 E. Willow #127, Long Beach, CA 90806	400349	8/23/89	7098, 7121
Lyles, James Construction	1737 S. Valley Ctr, Glendora, CA 91740	377390	9/3/89	7099.6, 7121
Merchant Roofing Company	10315 Woodley Av, Granada Hills, CA 91344	483551	9/1/89	7071.11, 7107, 7113, 7115, (7030, 7159), 7116, 7121
Mingo, Morvin	60285 Latham Dr, Joshua Tree, CA 92252	430188	9/1/89	7109, 7110, 7121
Mr. Build/Aabats (CJ Smith Corp, dba)	PO Box 978, Garden Grove, CA 92642	440655	9/14/89	7109, 7110, 7113, 7121, 7121.5
Noel, Rick	13260 Kioma Rd #1, Apple Valley, CA 92308	516131	9/3/89	7107, 7113, 7115, (7083), 7116, 7117 (a), 7121.5
OK Enterprises	7741 Alabama Av #5, Canoga Park, CA 91304	424116	8/4/89	7109, 7113, 7121.5
R&M Builders	PO Box 3685, Long Beach, CA 90803	404655	7/25/89	7109, 7121, 7121.5
Rapid Roofing	4800 S. G St, Oxnard, CA 93030	417947	9/1/89	7099.6, 7109, 7110, 7113, 7115 (7030), 7121
Serenada Homes	1782 Lehi Ct, Fairfield, CA 94533	352694	8/24/89	7109, 7110, 7113
Silver Falls Corporation	2556 W. 16th St, Merced, CA 95340	428589	7/28/89	7097, 7098
Solorio, Joe Building Contractor	#116 910 Monterey St, Hollister, CA 95023	316618	9/3/89	7107, 7109, 7110, 7113, 7115 (7159), 7121, 7121.5
Springer Construction	16702 Nearview Dr, Canyon Country, CA 91351	419157	8/4/89	7107, 7109, 7110, 7113, 7115 (7030, 7159), 7121
Stein, Rolf Josef	6951 Warner Av, Ste 400, Huntington Beach, CA 92647	362168	7/13/89	7109
Sum Construction	54 Vivian Dr, Pleasant Hill, CA 94523	403062	8/2/89	7098, 7122.5
Superior Improvements Systems	3954 S Lasalle St, Los Angeles, CA 90065	336797	8/4/89	7107, 7109, 7110, 7113, 7115 (7028, 7159), 7121, 7121.5
TWC Development & Construction Co	5601 W Slauson Av, #270, Culver City, CA 90230	491215	9/1/89	490, 7112, 7121
Towell, Don & Sons	8466 Everest St, Downey, CA 90242	435144	8/26/89	7115 (7028, 7159), 7116, 7121
Tru Frame Builders	PO Box 1838, Chino, CA 92334	431025	7/7/89	7109, 7113, 7115 (7159), 7117.6, 7121
Ventzke, B.R. Company	33017 Malinda Av, Acton, CA 93510	389245	8/24/89	7107, 7113, 7116, 7121
Zollinger, Walter Harvey	1336 W Valley View, Fullerton, CA 92633	328026	8/18/89	7114, 7115 (7159), 7116, 7153, 7154, 7155.5, 7161

LICENSES SUSPENDED

NAME/STYLE	ADDRESS	LICENSE#	EFFECTIVE DATE	VIOLATION CONTRACTORS LAW
Antelope Valley Plastering	PO Box 247, 3380 Camden, Rossmore, CA 93560	401570	8/4/89 - Indef.	7099.6, 7121
Patios Unlimited	968 E. Rancheros Dr., Ste. R, San Marcos, CA 92069	434776	8/2/89 - Indef.	7099.6, 7121
Womack Construction	499 Peninsula Dr., Lake Almanor, CA 96137	463119	8/18/89 - 60 days	7109, 7113

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Underground Storage Tank Installation and Removal

by Bob Berrigan, Chief Licensing Deputy

The issue of which license classification is needed to install or remove underground storage tanks has been before the Board several times in the last few years.

Most recently, a General Engineering Contractor (A), David McCain, asked the Board to review its policy that allows a Plumbing Contractor (C-36) to perform this work. The Board referred the matter to its Licensing Committee for consideration. The Licensing Committee felt a separate Ad Hoc Committee was needed to review this issue. Notice of the Ad Hoc Committee formation and meeting date was provided to all concerned parties.

The Ad Hoc Committee meeting was held on January 17, 1990, in Long Beach with approximately 70 contractors in attendance. The groups represented at this meeting were General Engineering Contractors (A), Plumbing Contractors (C-36), Limited Specialty Contractors (C-61-D-40 Service Station Equipment), State Water Resources Control Board representatives, and interested members from the public.

The Ad Hoc Committee heard extensive testimony and asked those testifying numerous questions to understand how this work was currently being performed. After the committee reported its recommendations, the Board established the following policy.

Plumbing Contractors (C-36) - Plumbing contractors may install or remove any underground storage tank (UST) that provides a service to a building. This includes storage tanks for service stations (up to a capacity of 20,000 gallons). Any other type of UST may only be installed or removed by a General Engineering Contractor (A).

Limited Specialty Contractor (C-61-D-40) - Service Station Equipment contractors may install or remove fuel USTs at service stations or any other site up to a capacity of 20,000 gallons; however, this classification (C-61-D-40) will no longer be issued by CSLB. Applicants for this class will be required to obtain a General Engineering Class (A), or a Plumbing Class (C-36). Those contractors presently holding C-61-D-40 will be allowed to continue installations as outlined above. Those contractors presently holding the C-61-D-40 will be allowed to obtain new licenses in this same class in the event of incorporation.

General Engineering Contractors (A) - General Engineering Contractors may install or remove USTs for any purpose at any location.

The CSLB will seek legislation to require that any contractor who installs and/or removes USTs be required to pass the Hazardous Substance Removal Certification Examination as required by Section 7058.7 of Chapter 9 of the California Business and Professions Code. Presently, Section 7058.7 only applies to those contractors who dig into the surface of the earth on certain sites listed by the California Department of Health and EPA as "super fund sites."

Questions concerning this policy may be directed to Bob Berrigan, Chief Licensing Deputy, (916) 366-5206.

Don't Lose Your License by Inaction

Many former licensees are learning the hard way that a license can be lost because of their inaction. In the last CLC, a corporation had its license revoked because it ignored a notice that would affect the license status of its qualifier. (*The Importance of Knowing Who is Qualifying Your License, page 5, Fall/Winter 1989*).

In this article, we'll discuss other common ways in which licenses are unnecessarily lost because of inaction.

Background: John Doe obtains a general building contractor's license and conducts business without incident for several years. In 1989, John Doe and a homeowner enter into a contract to remodel the kitchen and bathroom for \$20,000. Well into the project, a dispute arises about the quality of work. The homeowner feels the work was done poorly, but John Doe does not agree. The homeowner already paid the entire \$20,000, but files a complaint with the Board. An independent expert hired by the Board reports that work was not done to trade standards and estimates a cost of \$5,000 to correct the work. A citation is issued to John Doe assessing a civil penalty of \$500 and an order of correction to either pay \$5,000 to the homeowner or re-do the work to trade standards. The citation is sent to Doe's address of record (the address Doe gave the Board at the time he applied for the license). One copy of the citation is sent by first class mail and another by certified mail, return receipt requested.

Scenario #1: John Doe is busy with other jobs and feels the homeowner on the disputed project is unreasonable. He decides to ignore the citation by not picking up the certified mail and not reading the first class mail, or he reads the citation but ignores it.

Scenario #2: John Doe has moved to another address since the time he applied for the license but did not notify the Board or the post office of his new address. Therefore, the post office returned the mail as "moved, no forwarding address." [Note: Even if the post office is notified, a forwarding address is only good for six months.]

Scenario #3: Same as #2, except Doe notifies the post office of his new address, but does NOT notify the Board of his change of address because he assumes it is sufficient to let the post office know. The post office fails to process the address change correctly and returns mail to the senders. One of the returned pieces is the citation from the Board.

Scenario #4: John Doe receives the citation and files a timely appeal because he feels he is right. However, when notified of the hearing date and location, he feels he is too busy with other jobs to show up at the hearing.

Scenario #5: John Doe is a Responsible Managing Officer (RMO), the qualifier for ABC Corporation's license. John Doe also has an active individual license as a general building contractor. ABC Corporation is cited for a violation, but does not comply with the citation because it is bankrupt. The CSLB mails the citation to ABC and John Doe (the

**continued on page 7,
Don't Lose Your License**

Disciplinary Action, continued from page 3

LICENSES AUTOMATICALLY REVOKED UNDER B&P §7090.1

NAME/STYLE	ADDRESS	LICENSE#	EFFECTIVE DATE	VIOLATION CONTRACTORS LAW
Advance Tile Co.	1619 Trona Way, San Jose, CA 95125	313257	8/5/89	7090.1
All Star Rooter Inc.	PO Box 1246, Pleasanton, CA 94566	462102	8/8/89	7090.1
American Energy and Technologies (American Telephone and Technology, dba)	PO Box 278, Milpitas, CA 95035	475201	9/21/89	7090.1
Anderson Painting	222 West 1st St, Mt Carmel, IL 62863	350326	8/8/89	7090.1
Applied Roofing Inc	1561 W Lambert Rd, La Habra, CA 90631	367920	8/21/89	7090.1
Arnold's Mobile Home Service	2420 Old Alturas Rd, Redding, CA 96001	264130	9/22/89	7090.1
Atlas Development and Construction	33246 Lake Pyramid, Fremont, CA 94536	394467	8/8/89	7090.1
B & J Pool Plastering	35675 Ave 13 1/2, Madera, CA 93638	392493	9/24/89	7090.1
Baker, R.E.	PO Box 40, Pilot Hill, CA 95664	315234	9/18/89	7090.1
Bay Cities Roofing Co.	2447 Bartlett St, Oakland, CA 94601	456961	9/24/89	7090.1
Bear Roof	511-A No. Eureka St, Redlands, CA 92374	359376	8/20/89	7090.1
Bishop Bennie & Sons	343 Sawyer St, Vallejo, CA 92374	399020	9/18/89	7090.1
Boss Construction Inc	39365 W Esplanade, San Jacinto, CA 92383	475204	9/9/89	7090.1
Boss Construction Inc	39365 W Esplanade, San Jacinto, CA 92383	475204	8/19/89	7090.1
Botts, Bill	PO Box 17, Corning, CA 96021	452622	8/7/89	7090.1
California Commercial Roofing Inc	10600 Bigge St, San Leandro, CA 94577	473924	9/30/89	7090.1
California Patios	82-269 Sierra Ave, Indio, CA 92201	470282	8/21/89	7090.1
Cambell, Jess	829 Taylor St, Crescent City, CA 95531	465701	8/8/89	7090.1
Central Valley Roofing	2036 N Hayes, Fresno, CA 93711	407384	8/8/89	7090.1
Christopher, Steven D & Assoc.	1944 Broadmoor St, Livermore, CA 94550	460895	9/24/89	7090.1
Complete Landscaping Construction Service	2216 Delaware, Huntington Beach, CA 92648	473324	8/20/89	7090.1
Corra Roofing	32657 Brenda Way #2, Union City, CA 94587	443338	8/8/89	7090.1
Craftsman Tile Co	21806 Belleview Creek Rd, Sonoma, CA 95370	373845	8/5/89	7090.1
Craig, Aaron Construction	6105 Orchard Av, Richmond, CA 94804	284260	8/5/89	7090.1
Custom Bath Refinishers Inc	6037 Beach Bl, Buena Park, CA 90621	460117	9/9/89	7090.1
D & J Construction	PO Box 843, Ione, CA 95640	366639	8/5/89	7090.1
Dodson, Bruce & Assoc	PO Box 2198, Atascadero, CA 93423	279922	9/9/89	7090.1
Ed's Carpet Service	2637 Newhall St, Santa Clara, CA 95050	269675	8/8/89	7090.1
Fanos Construction Co	PO Box 1379, Woodbridge, CA 95258	246247	8/5/89	7090.1
Ferro, Leonard M Construction Co	1828 Joann Av, Modesto, CA 95350	318635	8/7/89	7090.1
Frame, Ronald S.	12820 Wright Av, Chino, CA 91710	266264	9/15/89	7090.1
Fulton, Craig	1147 San Angalo Dr, Salinas, CA 93901	455786	8/8/89	7090.1
Gentlemen's Drywall	PO Box 12, Tulare, CA 93274	359002	9/27/89	7090.1
Gordon & Sons Contracting	3716 Pullman Dr, Sacramento, CA 95827	354691	8/5/89	7090.1
Girdley A. Co	107 John Way, Grass Valley, CA 95949	240848	9/18/89	7090.1
Griffith, R Cement Contracting	8321 10th, Hesperia, CA 92345	440421	8/20/89	7090.1
Guaranteed Insulation	478 W Hamilton Av Ste 251, Cambell, CA 95008	439793	8/8/89	7090.1
Guinn, Fletcher Wayne	21731 Church St, Perris, CA 92370	404900	8/20/89	7090.1
Hawkes Bros. Roofing	4481 Ross Rd, Sebastopol, CA 95472	456228	9/22/89	7090.1
Intervest General Developments Inc	2422 Arden Wy, A30, Sacramento, CA 95825	365947	9/30/89	7090.1
Islander Construction Company	103 Amherst Av, Menlo Park, CA 94025	336044	8/8/89	7090.1
J R Construction	1224 N Ladera Vista Dr, Fullerton, CA 92631	266773	9/24/89	7090.1
Joe's Landscaping Contractors	3944-A Old Santa Rita Rd, Pleasanton, CA 94566	446317	8/8/89	7090.1
Johnson, Clifford Roofing	7975 N Magee Way, Tucson, AZ 85714	397516	8/7/89	7090.1
Johnson Construction and Interiors	2877 Pinto Ln, Anderson, CA 96007	284449	9/21/89	7090.1
Johnson Drywall & Painting Inc	PO Box 493504, Redding, CA 96049-3504	425403	8/5/89	7090.1
Johnson Drywall Service	PO Box 3504, Redding, CA 96001	257315	8/5/89	7090.1
Juge, Joseph R Construction	3523 Becerra Wy, Sacramento, CA 95821	430311	9/22/89	7090.1
Kissinger, Ronald K	39 California Av Ste 301, Pleasanton, CA 94566	405512	8/5/89	7090.1
Kupper, K. M.	PO Box 643, Folsom, CA 95630	559482	8/8/89	7090.1
L&L Construction	6501 Simson St, Oakland, CA 94605	367099	9/17/89	7090.1
Lakeside Drywall	590 Olivene Ct, Placerville, CA 95667	435612	8/8/89	7090.1
Landscape Originals	2451 Los Padres, Rowland Heights, CA 91748	413275	8/20/89	7090.1
Liles, James Alford	5374 Capary Rd, Riverside, CA 92509	432580	8/20/89	7090.1
Lindsey Drywall	PO Box 7930, Stockton, CA 95207	259496	8/8/89	7090.1
Masters Jim Concrete	1678 Shadow Oaks Place, Thousand Oaks, CA 91360	412152	9/9/89	7090.1

Fire Protection Systems Installers Licensed

by Bob Berrigan, Chief Licensing Deputy

Contractors must have a new specialty license issued by the CSLB in order to install fire protection sprinkler systems in buildings. Assembly Bill 3841, effective January 1, 1990, established the Fire Protection Class (C-16) license for work that, until then, had been done by Fire Protection Contractors (C-16), Plumbing Contractors (C-36), Limited Specialty Contractors (C-61), and in certain situations, General Building Contractors (B).

Since then, there has been some confusion about which license classification is appropriate for installing the water supply line for a building's sprinkler system.

The underground water supply line between the system shut-off valve or fire department connection and the first joint or mechanical connection above grade at or in the building to service the fire protection system may be installed by the following contractors:

- General Engineering Contractors (A)
- Fire Protection Contractors (C-16)
- Plumbing Contractors (C-36)
- Pipeline Contractors (C-34)

Installation of the fire protection system inside the building may be done only by a Fire Protection Contractor (C-16).

This policy has been provided to all city and county building departments and fire service agencies.

Questions regarding the Fire Protection License class or related matters may be addressed to Bob Berrigan, Chief Licensing Deputy at (916) 366-5206. ■

Commercial Rehab Directory Available

The California Main Street Program in the California Department of Commerce has compiled a sourcebook of commercial building rehabilitation materials. Resources for Commercial Building Rehabilitation is a directory of contractors who provide materials and services in the field of commercial rehabilitation. Compiled with the assistance of Main Street architects, this 67-page publication lists contractors from throughout the United States and includes 26 areas of expertise including awnings, glass, and masonry as well as salvage, terracotta and windows.

The directory is particularly useful to downtown revitalization programs, and is specifically tar-

continued on page 7, Commercial Rehab

Disciplinary Action, continued from page 4

LICENSES AUTOMATICALLY REVOKED UNDER B&P §7090.1

NAME/STYLE	ADDRESS	LICENSE#	EFFECTIVE DATE	VIOLATION CONTRACTORS LAW
Medeiros, Steve Painting & Decorating	17248 Via El Cerrito, San Lorenzo, CA 94580	471152	8/8/89	7090.1
Miles, T. General Contractor	4050 Godley Rd, Lincoln, CA 95648	341054	8/7/89	7090.1
Millerman-Simas Construction	2804 Burlington Pl, Stockton, CA 95209	429936	8/8/89	7090.1
Miller Roofing	615 N Monte, Fresno, CA 93728	415502	8/8/89	7090.1
Mobilehomes USA Inc	PO Box 1816, Idyllwild, CA 92349	373555	9/17/89	7090.1
Moon CA & Assoc	1771 Laguna St #8, Concord, CA 94520	447693	8/7/89	7090.1
Mr. Build (W/T Building Enterprises, dba)	155E Nardi Ln, Martinez, CA 94553	401629	8/8/89	7090.1
Myrik, Isaac	PO Box 19490, Los Angeles, CA 90019	263521	8/20/89	7090.1
NCO Plumbing	3508 Elda Av, Bakersfield, CA 93307	321757	8/7/89	7090.1
Nortec	PO Box 643, Folsom, CA 95630	459146	8/8/89	7090.1
Oak Creek Building*Jeremiah Miller	1677 Cornell Dr, Mountain View, CA 94040	478443	8/8/89	7090.1
Ovatt Construction Inc	1425 East Motel Dr, Merced, CA 95340	439753	8/8/89	7090.1
Page Construction Co	1330 Claremont Dr, San Bruno, CA 94066	465576	8/8/89	7090.1
Perry Masonry Co	8724 Ruth Elen St, Los Angeles, CA 90047	368426	9/15/89	7090.1
Pir's Linoleum Service	2530 Paddock Dr, San Ramon, CA 94583	351374	9/17/89	7090.1
Power-On Electric Inc	1245 Old Bayshore Hwy, San Jose, CA 95112	451886	8/8/89	7090.1
R & J Construction	PO Box 1516, Twain Harte, CA 95383	404736	8/8/89	7090.1
R G Asphalt Paving	2905 Old Almaden Rd #14, San Jose, CA 95125	407783	8/8/89	7090.1
Ray's Pool Service	PO Box 495, 5050 Salida Bl, Salida, CA 95368	408327	8/8/89	7090.1
Redding Painting	4135 St Patrick Av, Redding, CA 96003	428154	8/8/89	7090.1
Roden, WL Const. Co.	16536 Friar Rd, Weed, CA 96094	423719	8/7/89	7090.1
Rodgers, William P	PO Box 576, Loveland, Co 80539	400262	9/21/89	7090.1
Roesner, Robert C	5723 Gilbert Dr, Redding, CA 96002	194943	8/7/89	7090.1
Shave Construction	1261 East St, Redding, CA 96001	468374	8/8/89	7090.1
Shaw, Curtis Painting	1123 Silver Oak Ct, San Jose, CA 95120	473695	9/24/89	7090.1
Silva's Construction	4021 Woodruff Av, Oakland, CA 94602	370280	8/8/89	7090.1
Simas, DJ Construction	4509 E Morada Pl, Stockton, CA 95212	393371	8/8/89	7090.1
Simas, Dave Painting	4509 E Morada Pl, Stockton, CA 95212	268288	8/8/89	7090.1
Six Star Construction Inc	9340 So Union, Bakersfield, CA 93307	472696	9/17/89	7090.1
Sizemore, Paul Roof Maintenance	PO Box 237, Bethel Island, CA 94511	321153	8/5/89	7090.1
Smith, James E	1239 Old Bayshore Hwy, San Jose, CA 95112	380300	8/8/89	7090.1
Smyth, Mike General Contractor	114 Molizas Rd, Danville, CA 94526	359383	9/27/89	7090.1
Snyder, Robert	8975 Providence Ln, Roseville, CA 95661	289081	8/6/89	7090.1
Specialized Construction Co	1650 S Tipton, Visalia, CA 93277	330662	8/8/89	7090.1
Stanley, TW	2405 Sunrise Dr, Bakersfield, CA 93309,	334383	8/8/89	7090.1
Steadman Engineering	41426 Roberts Av, Fremont, CA 94538	418849	8/5/89	7090.1
Steve 'N' Ray's Roofing	18050 Juniper, Hesperia, CA 92345	486997	8/21/89	7090.1
Stewart, Gene Concrete	3925 Corral Canyon Road, Bonita, CA 92002	411291	8/5/89	7090.1
Stone Masters	3301-B W. MacArthur Bl, Santa Ana, CA 92704	514537	9/3/89	7090.1
TAR Roofing (TAR Enterprises Inc, dba)	4255 Williams Rd #140, San Jose, CA 95129	445297	9/27/89	7090.1
TNT Construction	3367 Walnut Av, Signal Hill, CA 90806	457338	8/19/89	7090.1
Taylor, James Lalk	PO Box 1136, Watsonville, CA 95077	318437	8/8/89	7090.1
Taylor, TW Construction	PO Box 726, Concord, CA 94522	354029	9/30/89	7090.1
Thompson, Kenneth A	10043 Bell Mooney Rd, Jamestown, CA 95327	365099	8/5/89	7090.1
Tone Builders Inc	9948 Hibert St, Ste 206, San Diego, CA 92131	252526	9/9/89	7090.1
Triathlon Building & Frameworks	1017 S Daniel Wy, San Jose, CA 95128	265724	8/8/89	7090.1
Triple "T" Construction Inc	3509 Pontiac St, Rubidoux, CA 92509	494875	9/15/89	7090.1
Valley Roofing Co	PO Box 8031, Van Nuys, CA 91409	263979	8/21/89	7090.1
Vessel, Larry Construction	1424 Whitmore, Ceres, CA 95307	350985	9/27/89	7090.1
Wagner, Ted	3320 Adeline St, Berkeley, CA 94703	403490	9/18/89	7090.1
Wes CAL Construction	3829 Vista Ct, La Crescenta, CA 91214	440144	9/9/89	7090.1
Western Builders Construction Co	2720 Aldon St, La Verne, CA 91750	366509	9/9/89	7090.1
Western Painting	424 Alameda, Redwood City, CA 94062	484698	8/8/89	7090.1
Whittaker, Doug Aluminum Products	7119 Garden, San Bernardino, CA 92404	268127	9/24/89	7090.1
Wilton Construction	PO Box 325, Wilton, CA 95693	456079	8/7/89	7090.1
Woodward & Sons	3130 Harmony Place, La Crescenta, CA 91214	435187	8/19/89	7090.1

Advertising by Licensed and Unlicensed Contractors

by Ron Russo, California Attorney General's Office

Contractors and consumers have expressed confusion about advertising statutes affecting the construction industry. In this article, the Attorney General's Office hopes to clarify advertising regulations pertaining to those engaged in construction or improvement work.

The Attorney General's Office interprets Sections 7026.6, 7026.7, 7026.8, and 7099.10 in the following manner:

According to Section 7026.6, any person who uses a sign or card or who advertises or lists himself or herself in a way which would indicate to the public that he or she is a contractor or includes a name or namestyle in a classified advertisement or directory under a classification for construction or work of improvement is subject to regulation by the Registrar of Contractors regardless of whether his or her operations as a builder would otherwise be exempted.

For example, if a person who would otherwise be exempt from having to obtain a contractor's license because of the owner-builder exemption or because of the minor work (under \$300) exemption were to advertise and hand out business cards, or list in the yellow pages in a manner which indicated that the person was a contractor, then that person would be required to obtain a contractor's license, could be prosecuted or cited for contracting without a license, and could be prosecuted for misdemeanor unlawful advertising under Section 7026.7.

According to Section 7026.7, subdivision (a), any person who advertises for construction or improvement work must have not only a valid license, but also a license in the classification for the work advertised. For example, anyone who advertises that he or she will perform electrical or masonry work must hold a valid license for that classification (e.g., a C-10 electrical license or a C-29 masonry license). Violators of this section are guilty of a misdemeanor. The only exception is that a licensed general building contractor (a "B" licensee) and a licensed general engineering contractor (an "A" licensee) may advertise as a general contractor.

Any person who advertises for construction or improvement work and lacks the necessary license is guilty of a violation of Section 7026.7, regardless of the form of advertising used. For example, if an individual lacking a C-10 license were to solicit electrical work through the use of telemarketing, that would constitute a violation of Section 7026.7

even though telemarketing is not listed as a form of advertising in Section 7026.7, subdivision (b).

Also, if a person without a C-29 license sought masonry work by placing leaflets on car windshields or front doorsteps, that too would constitute a violation of Section 7026.7, even though it is not a form of advertising listed in Section 7026.7, subdivision (b).

Section 7026.7, subdivision (c) provides for a fine of between \$700 and \$1,000 for any violation of the section. This fine, however, is in addition to any other punishment which may elsewhere be imposed for a violation of this section. Thus, as will be explained below, an individual lacking a C-10 license and advertising for electrical work could receive a one thousand dollar fine, have his or her telephone service disconnected, and face an additional civil penalty (usually a fine).

Section 7099.10 provides for a citation and disconnection of telephone service for violations of Section 7026.7 that occur in an alphabetical or classified directory. According to Section 7099.10, the Registrar may issue a citation if the Registrar has probable cause (i.e., has more evidence for than against) to believe that a licensee, an applicant for a license, or an unlicensed individual acting in the capacity of a contractor has violated section 7026.7 by advertising in the yellow pages without being properly licensed. This citation would require the violator to cease the unlawful advertising, and the telephone company furnishing services to the violator would be notified to disconnect the telephone service furnished to any telephone number listed in the unlawful advertising. In addition, the citation may provide for the assessment of a civil penalty against the violator. As stated previously, these penalties are in addition to any punishment imposed under Section 7026.7.

Section 7099.10 contains a provision for a hearing should the recipient of a citation wish to contest the citation. The hearing must take place within ninety days after the Registrar has received notification that the individual wishes to contest the citation.

If the person to whom a citation is issued fails to comply with a final order of correction, the Registrar shall inform the Public Utilities Commission. The Public Utilities Commission will require the telephone company providing service to that person to

disconnect telephone service to any number contained in the unlawful advertising.

If the telephone company complies in good faith with an order by the Public Utilities Commission to terminate service pursuant to Section 7099.10, it will be immune from lawsuits arising from the termination of service.

Section 7026.8 is one exception to the various sections prohibiting advertising without a proper license. It provides that any person not licensed by the provisions of the Contractors License Law may advertise for construction or improvement work provided that the person states in the advertisement that he or she is not licensed under the Contractors License Law. This statement must be easily readable and included whenever and wherever the advertisement appears.

At first glance 7026.8 seems to conflict with the Section 7026.7. However, given the manner in which the laws are interpreted, there may be little, if any, conflict between the two sections.

In order to understand the meaning of a given law, it is helpful to analyze the legislative intent behind it. Section 7026.7 was added to the Contractors License Law in 1957 and amended in 1978. The Legislature enacted section 7026.8 in 1978 and is presumed to have known that Section 7026.7 existed. Therefore, it can be presumed that the Legislature intended Section 7026.8 to supersede any conflicting Contractors License Laws existing at the time. Indeed, the first few words of section 7026.8 state that it applies "Notwithstanding any other provision of [the Contractors License Law]."

Accordingly, Section 7026.8 allows a person to advertise for construction or improvement work so long as he or she states in the advertisement that he or she is unlicensed. In order for an unlicensed individual to advertise under Section 7026.8, however, it must be plainly visible in the advertisement that the person is not licensed. It is not acceptable, for instance, for an advertisement written in 14 or 16 point type to place the notice stating that the individual is unlicensed in an obscure location in the advertisement in 7 point type.

In summary, if an individual advertising for construction or improvement work lacks the proper license, and fails to clearly state that he or she is unlicensed, then the person is subject to several actions ranging from civil penalties to criminal prosecution. ■

Automatic Revocation, continued from page 1

plied with the citation shortly after suspension and 237 had their licenses revoked. Those not counted in these numbers were in various stages of processing at the reporting date of January 1.

CSLB enforcement staff has found this is a valuable tool to ensure swift and sure disciplinary action after a violation of law has occurred. Under the accusation process many of these delinquent licensees would still be operating pending a formal

hearing.

All licensees should understand the consequences of failing to comply with a citation. These tips will help avoid needless and expensive licensing problems.

1. Make sure that you maintain a current business address with the Registrar. It's the law!

2. If you receive a citation, make sure that you take care of the matter promptly. If you are not sure

what the citation means, contact the CSLB.

3. If you receive a citation and comply with the terms of the citation, make sure you notify the CSLB that you have complied with the citation.

4. Remember, time is important to you. Do not let a citation go unattended. You could lose your appeal rights, your license could be suspended, or your license could be revoked. ■

Don't Lose Your License, continued from page 4

qualifier) at the corporation's address of record as required by CSLB laws. The mail is returned because ABC is no longer in business. John Doe's copy of the citation is also returned because ABC is closed. The citation has been properly served; the law requires that the citation be mailed to the address of record for both the corporation and the qualifier. In the meantime, John Doe moves. He notifies CSLB of his new address for the individual license, but fails to mention that his new address applies to his qualifying ABC Corporation as well. ABC Corporation is automatically suspended and John Doe is notified since he is the qualifier. This time, the notice is sent to Doe's new address because his individual license could be affected if ABC does not comply with the citation.

Scenario 6: James Smith is a Vice-President for the same ABC Corporation mentioned in Scenario #5. Smith did not have any knowledge about or participation in the events that led to the disciplinary action against the corporation, so even though he had heard that the corporation had been cited, he does nothing. Two years later, Smith decides to apply for a contractor's license and discovers that he cannot receive one because of the revocation of the ABC Corporation license (the corporation for which he was Vice-President). Smith did not contact the CSLB to clarify that he did not have any knowledge of or participation in the violation, and to make sure that the original investigation reflected that fact.

In the first three scenarios, after the appeal period of 15 working days, CSLB records would show that Doe failed to respond to the citation. The citation would automatically become a final order of the Registrar.

In scenario #4, Board records would show that Doe was notified at his last address of record of the hearing date and place, but failed to show for the hearing. Therefore, a "default decision" would be rendered reaffirming the citation as written.

In scenario #5, if Doe ignored the license suspension of ABC Corporation, he would lose his individual license. As qualifier, he is held responsible for the conduct of ABC Corporation.

In scenario #6, Smith will not be able to receive a license until he can either demonstrate that he did not have any knowledge of or participation in the violation or that he will comply with the previous citation by paying civil penalties and fulfilling the order of correction.

In the first five scenarios, Doe would lose his license by inaction. In the sixth scenario, Smith would not be able to obtain a license.

The moral of this story is: do not jeopardize your license by inaction.

- If you believe there has been an error in the legal action filed by the CSLB, exercise your right to appeal within 15 working days of the date of the citation, and appear at the hearing!

- If you move, make sure you notify the Board of your new address. Maintaining the most current address of record for all of your licenses is your responsibility.

- Do not ignore any written communications from the Contractors State License Board. If the communication is unclear, immediately call the office to determine what action is necessary.

- If you are an officer on a corporation license and you hear that the license is in trouble with the CSLB, but you had no knowledge of or participation in the events leading to the trouble, immediately get in touch with the office handling the case to make sure the investigator understands this fact.

The ramifications of losing a license through inaction can be substantial: (1) you will be required to wait at least one year before you can reapply, (2) you will have to obtain a disciplinary bond of \$15,000 or more, (3) you will have to pay new application and licensing fees, (4) CSLB records will show that your license was lost due to disciplinary action [Note: This information is public and is released to the calling public when a request for license verification is received.], and (5) you will not be able to obtain a new license if you had knowledge of or participated in the violations while you were an officer of a corporation that had its license disciplined.

The moral of this story is:

*don't jeopardize your
license by inaction.*

Legislation, continued from page 1

Mandatory Arbitration Pilot Program

AB 967 (Bentley). Effective September 30, 1989, CSLB will be allowed to start a pilot project in the Oakland and Long Beach District Offices where complaints that involve damages less than \$2,500 will be referred to arbitration. Disputes in which the damage is over \$2,500 may be assigned to arbitration at the discretion of the Registrar. This bill will also allow CSLB to pay for one expert witness upon the request of either party in the dispute. If the pilot program is determined by the Registrar to be successful, the Registrar may implement it in CSLB offices throughout the state.

Unlicensed Activity Unit Demonstration Project

AB 2279 (Eastin). A separate enforcement unit was created solely for the purpose of tackling the unlicensed contractor problem. This is a pilot project in Southern California. Deputies assigned to this unit may issue "Notice to Appear in Court" citations.

License Required for Utility-Related Contracting

SB 279 (Montoya). This law deletes the provision that would have repealed existing law which states gas, heat, or electrical corporations regulated by the Public Utilities Commission are prohibited from conducting any work for which a contractor's license is required.

Industry Experts Needed

The CSLB's Industry Expert Program has proved to be a valuable professional resource for contractors and consumers in resolving consumer complaints. After more than a year of successful service, the CSLB has identified the need for additional industry experts, in a few license classes, to assist with staff investigations and to serve as expert witnesses in the Board's mandatory and voluntary arbitration programs.

Among the license classes for which industry experts are needed throughout the state are:

B	C-8	C-10	C-12
C-15	C-27	C-33	C-36
C-39	C-51	C-53	C-54

Contractors interested in being a part of the CSLB Industry Expert Program must be "hands on" contractors whose experience and expertise will stand the test of direct testimony and cross examination in a court of law.

Interested contractors may write or call the Board's regional offices to obtain an IEP application.

Southern Region Office

14714 Carmenita Road, Suite 400
Norwalk, CA 90650
(213) 921-2020

Northern Region Office

P.O. Box 26888
Sacramento, CA 95826
(916) 366-5291.

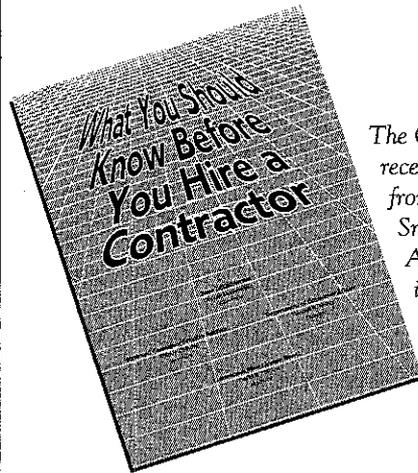
License Required to Bid on Public Projects

SB 853 (Seymour). It will be considered a misdemeanor for a person without a contractor's license to submit a bid to a public agency to engage in the business or act in the capacity of a contractor. (See related story, *Public Contract Bids Must be Complete to Compete*, page 1.)

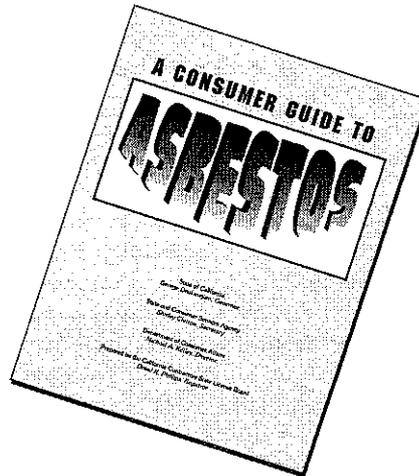
Judgment/Discipline Bond and Self-Employed Experience Authorized for Licensure

SB 1038 (Doolittle). This bill includes several significant provisions affecting the authority of the Registrar over unlicensed contractors seeking licensure. (1) The Registrar may again accept self-employed experience. However, if a person has been convicted of contracting without a license, pursuant to B&P Code section 7028, he or she may not apply for one year. (2) If a nonlicensed citation has been issued, and a consumer has suffered material injury, the cited applicant must satisfactorily settle any such outstanding injury. (3) An applicant who has been convicted of or been issued a citation for contracting without a valid contractor's license must post a bond in twice the amount normally required, when substantial material injury has occurred. (4) If a citation for unlicensed activity has been issued, part of the civil penalty assessed may be waived if the cited person completes all the requirements listed here and is issued a contractor's license. Additionally, five percent of applicants claiming self-employed experience will be investigated by the Registrar. ■

Federal and State Emergency Relief Lenders Assist CSLB Consumer Protection



The CSLB received a letter from the U.S. Small Business Administration in January 1990. An excerpt of that letter is reprinted here.



"The U.S. Small Business Administration, through its Disaster Area 4 Office, is currently accepting applications and approving low interest disaster loans to victims of the Loma Prieta Earthquake (October 1989). I have read your publication entitled *What You Should Know Before You Hire a Contractor*. I found it to be an excellent work on the subject of real estate construction, and a necessary tool for all disaster victims with significant real estate damage.

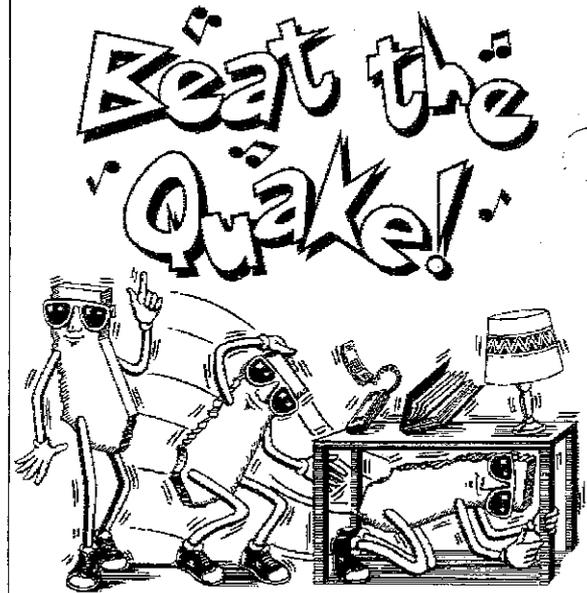
Accordingly, we request that you allow SBA to assist in the dissemination of this valuable information by distributing the publication to our borrowers... The total need should fall between 8,000 and

12,000 copies."

In February, the CSLB received a similar request from the disaster relief program of the State Department of Housing and Community Development.

The CSLB welcomes offers of assistance from all public agencies wishing to provide the consumer protection information contained in its two booklets, *What You Should Know Before You Hire a Contractor* and *A Consumer Guide to Asbestos*.

Building departments, city and district attorney consumer protection offices, and community service agencies may request reasonable numbers of copies of these books from the headquarters address found on page 2.



Duck, Cover and Hold

Are the Steps to Take.
Practice Now to Beat the Quake.

April is California Earthquake Preparedness Month, sponsored by the Governor's Office of Emergency Services. This public service message is brought to you by the CSLB with hopes that when the next one hits, we will all be prepared!



Official Publication

Contractors State License Board

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