

**Department of Consumer Affairs**

Position Duty Statement

HR-041 (new 7/15)

<b>Classification Title</b> Enforcement Representative II (Non-Peace Officer)	<b>Board/Bureau/Division:</b> Contractors State License Board (CSLB or Board)
<b>Working Title</b>	<b>Office/Unit/Section/Geographic Location</b> Enforcement/Statewide Investigative Fraud Team (SWIFT) – Sacramento
<b>Position Number</b> 622-341-8800-001	<b>Name and Effective Date</b>

**General Statement:** Under the general direction of the Enforcement Supervisor I, the incumbent will be assigned to either the Labor Enforcement Task Force (LETF) or the Joint Enforcement Strike Force (JESF) and will independently perform a wide variety of the most complex tasks focusing on proactive enforcement of laws relating to unlicensed activity and fraudulent activity by licensed contractors. Work will also include investigations of consumer complaints (reactive enforcement). Duties include, but are not limited to the following:

**A. SPECIFIC ACTIVITIES [Essential (E) / Marginal (M) Functions]**

**30% (E)      Lead Enforcement Representative**

- Serve in the capacity as lead in the Sacramento SWIFT unit; act as a technical and analytical resource for Enforcement Representative I's (ER I's) and support staff for the most complex of issues; meet with the public and represent the Board in the interpretation and enforcement of Contractors State License Board laws, rules, regulations and licensing classification structure; train and mentor new Enforcement Representatives; perform ride-alongs with working level ERI's to guide their development. Occasionally assist the Enforcement Supervisor in reviewing and approving investigation reports, and non-legal closing summaries.

**30% (E)      Undercover Sting Operations**

- Independently work with district attorneys and local law enforcement to lead and coordinate sting operations targeting unlicensed contractors. Locate sting properties by contacting existing industry partners and contacts or by establishing new contacts. Research existing databases of contact information for and/or follow up on leads about persons with information about sting homes to use for an operation; involves identifying targets by researching existing complaints and advertisements published in public forums that meet the criteria for contractors law violations, contacting those targets, scheduling appointments and acting in an undercover capacity by posing as an interested homeowner and securing a bid from a contractor during the sting operation. Act as the lead investigator of sting operations on a rotational basis. Issue citations or Notices to Appear to all violators found during stings. Submit timely and accurate tally sheets reflecting the number of legal actions issued and complaints to be opened resulting from the operation to the supervisor, following all sting operations. Prepare a timely, concise, complete, accurate and typed report, recommending appropriate dispositions, including filing administrative and/or criminal actions upon completion of all stings.

- 10% (E) Lead Investigations**
- Receive, review and respond immediately to third party complaints, or “leads,” alleging unlicensed activity or labor law violations on current construction projects by following up with complainant and interviewing the source of the lead to verify information integrity and accuracy, ensuring the facts alleged meet the criteria for agency response to a contractor’s law violation. Conduct preliminary research prior to going to the job sites to confirm location and jurisdiction over the activity.
  - Independently investigate alleged violations of contractor’s license laws to determine whether substantial evidence exists to warrant filing a legal action, in the form of an administrative citation, accusation or referral for criminal prosecution of the suspect for alleged violations of contractor’s law. Gather, review and interpret documentation and evidence related to complaints alleging unlicensed activity, to include but not limited to contracts, permits, invoices, cancelled checks, and photographs. Upon evidence review, take appropriate legal action as necessary by determining whether sufficient evidence exists to recommend disciplinary action against the suspect for violations of contractor’s law or otherwise refer or close the complaint as necessary, based on the evidence or lack thereof. Prepare a timely, concise, complete, accurate and typed report, recommending appropriate dispositions, including filing administrative and/or criminal actions upon completion of all lead investigations/operations.
- 10% (E) Sweep Operations**
- Responsible for the planning, coordination, and implementation of construction sweep operations in Northern California. In a lead capacity, work with other CSLB Enforcement Representatives or partner with agents from various local and state agencies including District Attorney Offices, California Division of Labor Standards Enforcement (DLSE), Division of Occupational Safety & Health (Cal/OSHA) and Employment Development Department (EDD) to target and inspect construction projects which may be operating in violation of state license, tax, employment, insurance and health and safety laws. Issue citations and stop orders when appropriate, to all violators found during sweeps. Submit timely and accurate tally sheets reflecting the number of legal actions issued and complaints to be opened resulting from the operation to the supervisor after all sweep operations. Upon completion of all sweep investigations/operations, prepare a timely, concise, complete, accurate and typed report, recommending appropriate dispositions, including filing administrative and/or criminal actions.
- 10% (E) Testifying in Court**
- Professionally represent the CSLB and testify to investigation reports in civil, administrative and criminal proceedings.
- 5% (E) Outreach**
- Develop and maintain professional relationships with members from various industry associations, labor organizations, building departments, district attorney offices, and law enforcement agencies to obtain and follow up on leads alleging violation of Contractors’ License Law and Labor Law, and/or aid in the procurement of sting homes for use in future operations. Perform public speaking presentations for various trade and consumer groups for the purpose of educating consumers on provisions of contractor’s law relevant to

protecting their interests in every home improvement contract. Publish by providing materials and explaining in person to industry persons and contractors the laws that must be followed to ensure compliance with contractor's law. Respond to natural disasters such as fires, earthquakes and floods to represent CSLB at Local Assistance Centers, to alert consumers to possible scams of unscrupulous contractors attempting to capitalize on heightened construction needs in disaster areas; establish CSLB presence in such areas as an available resource for support and information. Conduct sweeps in disaster areas to deter and abate unlicensed or illegal activity.

**5% (M) Reactive Consumer Cases**

- Investigate reactive consumer complaints filed against licensed and unlicensed contractors, as well as complaints alleging illegal advertising. Investigations will focus on identifying violations of CSLB Licensing Laws and Labor Laws, including laws requiring contractors maintain workers compensation policies for employees, and will involve conducting job site visits, securing industry experts and interviewing victims, witnesses and suspects.

**B. Supervision Received**

The incumbent is under the general direction of the Enforcement Supervisor I, but may receive assignments and training from the Enforcement Supervisor II.

**C. Supervision Exercised**

The Enforcement Representative II is a non-supervisory position, but acts in a lead capacity to train, mentor and review the work of Enforcement Representative I's.

**D. Administrative Responsibility**

None

**E. Personal Contacts**

The incumbent has daily contact with contractors in order to investigate proactive and occasional reactive complaints. In addition, the incumbent may have frequent contact with multiple State agencies, industry associations, labor organizations, district attorneys, and law enforcement agencies to obtain and follow up on leads alleging violation of CSLB License Law. The incumbent may have periodic contact with the public, associated with speaking presentations.

**F. Actions and Consequences**

Failure to properly conduct investigations according to Board procedures and the Contractors State License Law could result in miscarriage of justice, harm to the consumer, as well as the contractor.

**G. Functional Requirements**

The incumbent performs field investigations, which requires automobile travel to project sites. The position requires the incumbent to spend approximately 60% of the time per week in the field, which includes sitting/driving to/from worksites and walking, frequently in a construction area over uneven ground, sometimes outdoors in inclement weather; and occasionally light lifting, up to approximately 30 pounds.

In an office setting, with artificial light and temperature control, the incumbent also uses a personal computer to prepare investigative reports and initiate or respond to work-related email, and uses both desk phones and mobile phones. In this setting, sitting at a

workstation (40%), and standing requirements are consistent with office work and also requires bending and stooping to retrieve files.

Environmental Conditions: The employee is required to work both indoors and outdoors, depending on the situation he or she is involved in, at any given time. While indoors, the temperature and humidity is reasonably controlled, but while out of doors, the employee is exposed to climatic conditions. The employee may be exposed to dust, fumes and construction related materials

**Physical Requirements:**

While outdoors, the employee must occasionally walk on uneven ground, bend, stoop and climb.

**H. Other Information**

The incumbent must demonstrate the ability to act independently with flexibility and tact; willingness to work odd and irregular hours; good memory for names, faces, and incidents; willingness to travel. Travel within assigned geographical location and occasionally outside of assigned geographical location, involving trips up to several hundred miles from the assigned office, and overnight stays up to several days. The incumbent must also possess a valid driver license, a good driving record, and is expected to drive vehicles safely. Incumbent may participate in the DMV Employer Pull Notice Program. Incumbent in this position will be fingerprinted for the purpose of obtaining a criminal record check. Additionally, incumbent must pass a medical examination to ensure fitness.

This position is subject to the Department of Consumer Affairs' Conflict of Interest Code (16 CCR §3830).

**I have read and understand the duties listed above and I can perform these duties with or without reasonable accommodation.** (If you believe reasonable accommodation is necessary, discuss your concerns with the hiring supervisor. If unsure of a need for reasonable accommodation, inform the hiring supervisor, who will discuss your concerns with the Health & Safety analyst.)

\_\_\_\_\_  
Employee Signature Date

\_\_\_\_\_  
Printed Name

**I have discussed the duties of this position with and have provided a copy of this duty statement to the employee named above.**

\_\_\_\_\_  
Supervisor Signature Date

\_\_\_\_\_  
Printed Name