REPORT OF THE REGISTRAR

W
hat a whirlwind the last few months have been! During my term as Interim Registrar, I have gained a greater appreciation for the important services the Board provides contractors and consumers. As fate would have it, soon after my arrival at CSLB, duty called under most unexpected and unfortunate circumstances. After the Napa Valley earthquake hit in September, I witnessed first hand how quickly and efficiently this organization can leap into action, when Board staff arrived on the scene within 48 hours of the disaster.

While there, Board representatives worked with local officials to educate the public on how to best hire contractors and also conducted a sting of unlicensed contractors preying on earthquake victims. Together, these actions served to level the playing field for our licensees and reduce consumer vulnerability.

The Contractors State License Board is on the cutting edge when it comes to providing its licensees with services and information that will serve them well in their profession. And this issue of the CLC works to that end. Here you’ll find information on our upcoming Contractor Education Seminars and how to accurately prepare a bid. Further, you’ll read about the programs and procedures, such as the Industry Expert Program and Subject Matter Experts, used by CSLB to ensure fair and efficient treatment and testing of contractors. In addition, this issue includes regular features like Tales from the Front, the Contractor Education Corner and legislative updates.

Free, Fast and Fascinating Contractor Ed Seminars

Round Three Coming Soon to a City Near You

T
he California Contractors State License Board is coming your way with a new series of Free, Fast & Fascinating Contractor Education Seminars for 2001!

Take advantage of this special opportunity at a location near you—don’t miss these free seminars and an opportunity to meet representatives of the CSLB, Cal/OSHA, your local building department, and other officials.

Attendance is limited, so licensed contractors must register on a first come, first served basis.

Please fill out the registration form on the back page of this newsletter and fax or mail a copy to CSLB. You will receive a confirmation with details about your seminar.

This year’s seminars are:

Using the Contract as a Recipe for Excellence. Your contract is not only a description of duties—it’s a risk control tool and an opportunity to guarantee excellence in workmanship, communication and business practices. Presented by Bill Dexter, Director of Cal Poly’s Center for Construction Education, and Mary Jones, Chair of the Century City Bar Association.

CAL/OSHA: Your Partner in Work Site Safety. Learn how to protect your business, yourself and your employees. Representatives of Cal/OSHA will present current information on their free consultation services, new laws relating to worksite safety and the Cal/OSHA enforcement process.

Ask the Experts. Here’s your chance to ask and be answered! A panel of government and industry experts will convene to field your questions.

TALES FROM THE FRONT

Everclear Defendants Bound for Trial

Due in large part to the investigative efforts of CSLB’s Enforcement staff, a Ventura County Superior Court Judge has bound the owner and two employees of an unlicensed water filtration system sales company (Everclear Water Systems) for trial. A trial date has been set for January 3, 2001. It is suspected that as many as 2,000 victims—predominantly Latinos—may have been defrauded by the trio.

The employees, also charged with one felony and two misdemeanor violations in San Bernardino County, failed to appear for arraignment on October 17. Earlier this year, the Ventura County District Attorney’s Office charged Everclear owner Aurora Elizabeth Vergara with 14 counts, including conspiracy to commit grand theft and fraud, unlawful water treatment device sales, and contracting without a license. Vergara was held to answer on an additional felony count of conspiracy to defraud after the hearing.

Employees Juan Castaneda Abanto and Laura Dora Ortega Saenz were each charged with 28 counts, including grand theft by false pretenses, conspiracy to commit a crime, unlawful water treatment device sales, and contracting without a license.

According to records, employees of Everclear solicited Hispanic residents to hear a two-to-four-hour water filtration presentation in their home. The presentation involved scare tactics including stories of children dying from drinking the local tap water, written contract violations such as not including a “Truth in Lending” statement or “Right to Cancel” clause, misrepresentations that the written interest charges could be ignored, and promises of unlimited free soap products or pots and pans, which never materialized.

The sales pitch was given in Spanish, but parts of the contracts—which ranged from $4,000 to $6,000—were in English, a violation of the California Civil Code.

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Bilingual Senior Scam Stoppers a Success

Last summer, the Contractors State License Board held its first bilingual Spanish Senior Scam Stoppers. The forums provided seniors an opportunity to get information on current scams and consumer protection tips from several organizations such as the CSLB, the Bureau of Automotive Repair and the Medical Board. Large crowds of seniors (more than 275 total) attending the seminars held in East Los Angeles on July 11 and in Montebello on August 23 indicated the forums’ obvious success. “These forums are an important way to educate the public on how to best protect itself from scams and unscrupulous con artists in a variety of fields. They also offer the opportunity to provide information on how best to hire honest professionals. By teaming with other agencies, Uninvision and community-based organizations, the Board maximizes its potential to serve a wider consumer base,” said Board Member Minnie Lopez-Baffo.

Several other Senior Scam Stoppers targeting diverse senior groups are planned in the Central and Hacienda Heights areas of Los Angeles.

New C-31 Construction Zone Traffic Control License Established

Legislation signed by the Governor last year changed the definition of contractor to include construction zone traffic control work. As a result, the Board was required to establish a new license classification and define the scope of work for the new classification. The regulation establishing the new C-31 Construction Zone Traffic Control license classification has been approved (California Code of Regulations 852.31).

A construction zone traffic control contractor flags and prepares or removes lane closures or traffic diversions, utilizing portable devices such as cones, delineators, barricades, sign stands, flashing beacons, flashing arrow trailers, and changeable message signs on roadways, including, but not limited to, public streets, highways, or any public conveyance. After January 1, 2001, a license will be required for construction zone traffic control work.

If you contract for construction zone traffic control work exclusively, you must hold the new C-31 license. However, if this work is part of, or incidental to, a larger project you are working on, then an additional C-31 license will not be required. For example, an “A” contractor who is resurfacing a roadway would not be required to obtain the new C-31 license for the traffic control work required on the project because this work is part of, and incidental to, the overall “A” project. However, if the “A” contractor subcontracts the traffic control work, the subcontractor must be a properly licensed C-31 contractor.

To add the new classification to your license, you must submit an “Application for Additional Classification.” For questions, contact Joyce May by calling (916) 255-4089. You may also reach her at Jmay@cslb.ca.gov, or P.O. Box 26000, Sacramento, CA 95827.

Bob Alvarado Ends Board Service After Seven Years

Following a Board meeting on September 25 in Sacramento that included farewell wishes, expressions of gratitude and the traditional plaque and cake, Board Member Bob Alvarado quietly left his post with the Contractors State License Board. Originally appointed to the Board by the Governor in 1993, Mr. Alvarado has served more than seven years as the Board’s labor organization representative. Always an active member of the Board, Mr. Alvarado need not fear boredom now. Continued positions on the Pinole Planning Commission, the Commission on Health and Safety and Workers’ Compensation and the Bay Counties Carpenters Union, along with a “day” job as District Manager for the Northern California Carpenter’s Regional Council, all keep Mr. Alvarado busy and productive. CSLB staff extends a heartfelt thanks to Mr. Alvarado for his work with the Board.

The California Licensed Contractor

is an official publication of the Contractors State License Board

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Gina Crawford, Editor
Open Enrollment for CSLB’s Industry Expert Program

Industry Experts (IEs) perform a valuable service for the Board, contractors and the people of California. When a consumer files a complaint with the Board, IEs may review the job and determine if industry standards have been met. The list of IEs currently includes approximately 600 contractors representing all licensing classifications. The IE list is distributed statewide to all investigators and field offices and will be updated as necessary and distributed biannually.

The process for becoming an IE has been streamlined. New applicants must enroll during the “open enrollment” period when the Board will solicit applications in classifications that are not adequately represented on the IE list. The Board’s next open enrollment period is January 2001 when applications will be accepted in the following classifications:

- C-5 Carpenter
- C-8 Concrete
- C-13 Fencing
- C-15 Flooring
- C-20 Heating, Ventilating and Air Conditioning
- C-39 Roofing
- C-53 Swimming Pools

After the Board receives your application, your licensing and enforcement history will be reviewed. You will be notified of your application status and scheduled IE training. Training is held throughout the state when appropriate. The Board anticipates giving IE Program training to new experts at least biannually.

For questions call Jonathan Parsley at (916) 255-2798 or Kaaren Krueger at (916) 255-2788.

Who Wants To Be an SME?

Have you ever wanted to contribute to the improvement of the contracting profession? Here’s your chance. The CSLB is in the process of examining each of its trades to ensure applicants are tested only on those tasks that are actually performed on the job and is currently recruiting licensed contractors to help with the examination process.

Subject Matter Experts (SMEs) help to ensure examinations reflect current real job knowledge. Participation in a two-day workshop in Sacramento qualifies you as an SME, and entitles you to travel and hotel reimbursement plus a $200 honorarium. Moreover, you will have the pride of knowing that you have contributed to your trade in a meaningful way.

The Board is recruiting licensed contractors in the following classifications to participate as SMEs in two-day workshops in Sacramento:

- B General Building Contractor
- C-2 Insulation and Acoustical
- C-7 Low Voltage Systems
- C-9 Drywall
- C-10 Electrical
- C-12 Earthwork and Paving
- C-20 Warm-Air Heating, Ventilating and Air-Conditioning
- C-21 Building Moving/Demolition
- C-27 Landscaping
- C-33 Painting and Decorating
- C-34 Pipeline
- C-36 Plumbing
- C-47 General Manufactured Housing
- C-54 Tile (ceramic and mosaic) Law and Business

If you’re interested in participating in a workshop, leave a message at (916) 255-3221. Include your name, trade, phone and FAX numbers and the best time to reach you. When contacted by CSLB staff, indicate the most convenient time for you to participate and every effort will be made to accommodate your schedule.

Examination Updates

Examinations for the following classifications are being updated: C-4 (Boiler, Hot Water Heating and Steam Fitting); C-16 (Fire Protection); C-17 (Glazing); C-34 (Pipeline); C-47 (General Manufactured Housing); and Hazardous Substance Removal. If you receive a survey regarding these exams, please take the time to complete and return it to CSLB in the postage-paid return envelope. The effort you make to accurately complete the survey will be reflected in the quality of the examination that is given to future contractors.

Board Sunset Date Extended with SB 2029

SB 2029 (Figueroa) extends the Board’s sunset date to January 1, 2003, adds two additional legislature-appointed consumer representatives to the Board and allows the Director of the Department of Consumer Affairs to monitor the Board’s enforcement program through the appointment of an Enforcement Monitor. SB 2029 also requires CSLB to study issues regarding surety bonds, recovery funds, the reengineering process, and home equity lending scams and report findings to the DCA and the Legislature.

SB 2029 also requires Home Improvement Certified (HIC) contractors to disclose their General Liability Insurance status and the value of that insurance. In addition, the bill requires HIC contractors to provide homeowners with a checklist of things they should know when evaluating a home improvement contract. The Board is currently working on developing this checklist. These two requirements will not become effective until ninety days after the CSLB adopts the necessary regulations.

The governor signed AB 2029 and all other provisions become effective January 1, 2001.

AB 2370 (Honda) was sponsored by the CSLB and would have required applicants to submit fingerprints to the Board for the purpose of criminal background checks. This bill failed passage.

AB 1849 (Wiggins) would have created the special Fraud Investigation Unit within CSLB’s enforcement program to investigate all types of fraudulent activity including labor law violations. This bill failed passage in the legislature.

AB 2112 (Dutra) would have created a home warranty program administered by the CSLB, to provide a dispute resolution program for construction defects in new homes. This bill failed passage.

SB 1524 (Figueroa) sponsored by the Department of Insurance, would have allowed a homeowner to perfect a claim against a contractor’s bond without having to prove that the underlying violation of the Contractors’ License Law was willful or deliberate. The bill failed passage in this form, was later amended to deal with unrelated issues, and was subsequently signed by the governor.
Attention C-10 Licensees

New Certification Coming

A 22-member Advisory Committee has been charged with the task of assisting the Department of Industrial Relations’ (DIR) Division of Apprenticeship Standards Division Chief in developing testing and certification standards for electrical workers working with more than 100 volts amperes. The committee makes recommendations to the Division Chief based on the findings of six separate panels that focus on the enforcement, testing, qualifications, fees, public relations and specialty issues of the pending certification. The advisory committee and panel members represent a diverse cross section of industry members.

AB 931 (chaptered in October 1999) mandated the Division of Apprenticeship Standards to “establish and validate minimum standards for the competency and training of electricians...” Although the deadline for developing the regulations was originally January 1, 2001 it has since been legislatively changed to July 1, 2001. Once regulations are in place, the DIR, Division of Apprenticeship Standards will notify C-10 contractors of the new certification requirements and timelines.

New regulations will not apply to persons performing work to which section 7042.1 of the Business and Professions Code is applicable or to work ordinarily and customarily performed by apprenticeship programs.

An informational web site containing contractors’ frequently asked questions will soon be available through DIR’s web site at www.dir.ca.gov.

Horizontal Drilling Requirements

H orizontal Directional Drilling (HDD) operators performing directional drilling on state or local public property are required to be trained in the safe operation of HDD equipment. This training must include basic operation and safety of the HDD equipment as contained in the HDD equipment Manufacturer’s Operator Manual. The training must also be provided by the HDD equipment manufacturer, HDD equipment authorized dealer or manufacturer’s authorized trainer.

The California Department of Transportation has mandated that as of July 1, 2001, all horizontal directional drilling operators must have in their possession a Caltrans form TR-0770 “Proof of Training.” An operator’s failure to possess this form could result in the job being shut down.

For more information regarding these requirements, contact Joe Morones, Department of Transportation, Office of Encroachment Permits, P.O. Box 942837, Sacramento, CA 94273-0001. Mr. Morones can also be reached by phone at (916) 654-6085, or by e-mail at jmorones@dot.ca.gov.
Guesstimate or Cost Breakdown?

By William S. Craig, III

In a survey conducted last spring, 77 percent of responding contractors said they wanted to learn more about the bidding process. The following article, written by CSLB Industry Expert Bill Craig, addresses the issue.

A highly successful remodeling contractor shared this pearl of wisdom with me many years ago.

“A manufacturer develops a product and then decides what to charge for it. But a contractor first decides what to charge and then has to produce the product for that amount.”

So how does a contractor do that without getting burned? Many contractors will tell you it takes careful “guesstimating” along with some luck. I disagree. You will be more successful if you learn, and apply, the fundamentals of a cost breakdown.

Take a moment to look at the two primary sections in the sample Cost Breakdown on page 7. Lines 1–40 focus on breakdown items, while lines 41–50 focus on business expenses and calculations.

**Breakdown Items**

This sample was designed for use by residential remodelers, but you can adapt it to your needs by customizing lines 1–40. Going down your list, arrange items in the order the work will occur.

Next go across the list. Comments such as “remove swing set,” “16x20 slab,” or “30-yr dimensional comp shingles” should be included in the “Notes” column on the appropriate line. You might also note names of subcontractors and the dates of their bids.

Your best computations of the “unburdened” material and labor costs go under the “Materials” and “Labor” columns, while their total, as well as subcontractor bids, are listed under “Budget.” Use your best judgment when listing a price before you get a bid, remembering that the amount you put in the last column becomes your budget. Can you build it for that?

Test your customized form by entering tasks and figures from recent jobs. Is there a place for everything? How does the estimate compare to the actual job cost? When you’re convinced the form is thorough, copy just this portion of the list and carry it with you. Each time you assess a new project, use it as a checklist.

**Business Expenses and Computations**

Lines 41–50 require some definitions and an understanding of the mechanics of the form. A subtotal is determined by adding the budgeted amounts on lines 1–40. Next, you must add in the cost of doing business. These costs include contingency fees, supervision, sales commission, hard costs, mark-up and profit.

**NOTE:** The percentages indicated in the hypothetical computations on this part of the form are for illustrative purposes only and do not represent a recommendation on the part of the CSLB or myself. You must determine the appropriate percentages for your business by studying your past performance.

Contingency fees cover unexpected costs such as vandalism, theft or damage, done by your workers or equipment, to the owner’s property. The nature of your work and your worker’s proficiency will determine the percentage you should apply on line 42.

Include your superintendent’s base pay (less all benefits) on line 43 and your salesperson’s total commission on line 44. Commissions are often paid 50 percent when a permit has been issued and 50 percent when final inspection has been passed. The last payment is sometimes adjusted up or down depending on how well actual costs compare to budgeted costs.

Hard costs include the total unburdened price (nothing but sales tax and cartage are added) you expect to pay for all materials, labor, subcontractors, contingency, supervision, and commission directly chargeable to this job.

With the exception of the “Bond/Fund Control fee,” (optional item added on line 49), the amount on line 45 includes all costs directly chargeable to this specific job.

After calculating your hard costs, you must factor in your overhead expenses and administrative costs such as rent, utilities, equipment, payroll, insurance, license fees, etc., plus any other indirect costs that cannot be charged directly to a specific job. Some estimating manuals suggest a 25 percent mark-up for residential remodelers. While not an unrealistic starting point, your actual costs and a host of other factors can vary your mark-up dramatically…in either direction.

When trying to cut business costs, this is the area in which to start.

Your monetary reward—if, but only if, you produce the job within budget—will be the amount on line 47. An 8 percent profit is fairly typical of the construction industry, but some contractors use an inflated profit margin coupled with a deflated mark-up, or vice versa.

Others include profit within mark-up. Add lines 41–47 to arrive at a subtotal on line 48. If neither a performance bond nor a fund control fee is included, this will be your final contract price.

If you buy a performance bond or engage a fund control service to handle your disbursements and collection of lien releases, the cost is added on line 49.

If due thought was given to each item above, the price you arrive at on line 50 will be right for the job. Always complete the form before giving a prospect even a “rough estimate” of the price. And go over your math at least twice—a mistake could cost one or two days’ pay! Once you’ve figured the job cost, don’t be persuaded to drop your price just because someone else bid less. Your price reflects what you need to cover your costs.

As you work with the breakdown, you will soon realize (if you haven’t already) the project dictates the amount on line 41 while you—and how you run your business—dictates the amount on line 50. How you operate your business will determine the costs you must recover on lines 42–49. But you must recover them if you are going to be successful. Good luck!

William S. Craig, III is a 21-year veteran of the contracting business with extensive remodeling and home improvement experience. He is an arbitrator, industry expert, FEMA field inspector, and author of policy and procedure manuals for major remodeling retailers. A San Diego-based general building contractor, Mr. Craig is also the president-elect of the local Forensic Consultants’ Association.
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<tr>
<td>42 Contingency</td>
<td>Multiply item 41 by 2%</td>
<td></td>
<td></td>
<td>400</td>
</tr>
<tr>
<td>43 Supervision</td>
<td>Add items 41 and 42, multiply total by 5%</td>
<td></td>
<td></td>
<td>1,020</td>
</tr>
<tr>
<td>44 Sales Commission</td>
<td>Add items 41 and 42, multiply total by 5%</td>
<td></td>
<td></td>
<td>1,020</td>
</tr>
<tr>
<td>45 HARD COST</td>
<td>Add items 41 thru 44</td>
<td></td>
<td></td>
<td>$22,440</td>
</tr>
<tr>
<td>46 Mark-Up</td>
<td>Multiply item 45 by 25%</td>
<td></td>
<td></td>
<td>5,610</td>
</tr>
<tr>
<td>47 Profit</td>
<td>Multiply item 45 by 8%</td>
<td></td>
<td></td>
<td>1,795</td>
</tr>
<tr>
<td>48 Subtotal</td>
<td>Add items 45 thru 47</td>
<td></td>
<td></td>
<td>$29,845</td>
</tr>
<tr>
<td>49 Bond/FC Fee</td>
<td>Multiply item 48 by 2%</td>
<td></td>
<td></td>
<td>597</td>
</tr>
<tr>
<td>50 CONTRACT PRICE</td>
<td>Add items 48 and 49</td>
<td></td>
<td></td>
<td>$30,442</td>
</tr>
</tbody>
</table>
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Please enroll me in the Contractor Education Seminar checked at right, then mail or FAX me the details:

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Address ___________________________________________
City ________________ ZIP ____________
Phone (____) _________ FAX (____) ____________
License # ___________ Number Attending _____

SEMINAR I WILL ATTEND (check one):
☐ Martinez—Tuesday, January 9, 2001
☐ Auburn—Tuesday, January 23, 2001
☐ San Pedro—Tuesday, February 6, 2001
☐ Salinas—Tuesday, February 27, 2001
☐ Temecula—Tuesday, March 13, 2001
☐ Sonora—Tuesday, March 27, 2001
☐ Bakersfield—Tuesday, April 3, 2001
☐ Willits—Tuesday, April 17, 2001

SCHEDULE
6:00–6:30 p.m. Registration
6:30–7:30 p.m. Using the Contract as a Recipe for Excellence
7:30–7:45 p.m. Break
7:45–8:45 p.m. Cal/OSHA: Your Partner in Work Site Safety
8:45–9:00 p.m. Break
9:00–9:30 p.m. Ask the Experts

CSLB must receive your FAX at least seven days before the seminar you wish to attend in order to return your confirmation! If you haven’t received your confirmation within a week, call the Seminar Message Hotline, (916) 255-4778, and we’ll call back.

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