



MEMORANDUM

Prepared for: Oregon State Senate
Date: October 27, 2021
By: Leslie Porter, Analyst
Re: Legislative Review of Executive Appointments

LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

CONSTRUCTION CONTRACTORS BOARD

The Governor has appointed the following individuals to the Construction Contractors Board subject to Senate confirmation.¹

Appointees

Abel Carbajal of Independence; New Appointment
Deborah Flagan of Bend; New Appointment

Term

Carbajal: November 19, 2021 – June 30, 2025
Flagan: November 19, 2021 – June 30, 2025

Appointment/Confirmation Authority

[ORS 701.205 \(2019\)](#)

Statement of Economic Interest²

Not required.

Statutory Requirements³

The board consists of nine members appointed by the Governor and confirmed by the Senate.⁴

- Three members must be residential contractors who primarily work on residential or small commercial structures, including one contractor engaged in the business of remodeling (**CARBAJAL, OLSEN, FLAGAN**);
- Two members must be public members (NOBLE, STEWARD);
- One member must be an elected representative of a governing body of local government (DORROH);
- Two members must be commercial general contractors who primarily work on large commercial structures (BOCHSLER, MARTINEZ); and

¹ [Or. Const. art. III sect. 4](#), [ORS 171.562 \(2019\)](#), [ORS 171.565 \(2019\)](#).

² [ORS 244.050 \(2019\)](#).

³ [ORS 182.100 \(2019\)](#) for affirmative action policy and [ORS 236.115 \(2019\)](#) for diversity criteria.

⁴ [ORS 701.205 \(2019\)](#).

- One member must be a commercial specialty contractor who primarily works on large commercial structures or a residential limited contractor (BOLSER).

One of the six contractor members may be certified as a home inspector. Contractor members must be licensed and in good standing during their term in office.

Members serve four-year terms and at the pleasure of the Governor. The board must select from its members a chairperson, vice chairperson, and such other officers for such terms and with such duties and powers as the board considers necessary. A majority of the members constitutes a quorum for the transaction of business.

Duties and Authority

The board licenses construction contractors operating in Oregon and provides dispute resolution and education services for consumers and licensees.

The board must:⁵

- administer construction contractor licensing for the state;
- adopt by rule training requirements for licensees;
- receive and adjudicate complaints filed against licensees;
- create and maintain a list of contractors and subcontractors who have been determined to be not qualified to hold or participate in a public contract for a public improvement;
- at least once each month, provide to investigative units of the Department of Revenue (DoR), Department of Consumer and Business Services (DCBS), and Oregon Employment Department (OED) the name and address of each person who acts as a contractor in violation of this chapter or who knowingly assists an unlicensed person or a licensed contractor that is not properly endorsed to act in violation of applicable laws;
- adopt rules to carry out the provisions assigned to the board, including language for surety bonds, processing requirements for complaints, and processes for recovery against surety bonds;
- before July 1 of each year, determine the amounts of the fees to be charged for license applications or renewals;
- supply DoR and OED with a partial or complete list of licensees as deemed necessary by the board;
- upon request, provide notification of the status of one or more licensees;
- adopt rules establishing a continuing education system for residential contractors licensed by the board;
- investigate allegations of illegal activity in the construction industry and seek civil or criminal prosecution of illegal activity that warrants more than an administrative sanction;
- forward complaints regarding wage and hour violations to the Bureau of Labor and Industries;

⁵ [ORS 701.021 to 701.995 \(2019\)](#).

- adopt rules that require a contractor to use standard contractual terms in a construction contract;
- adopt by rule a consumer notice form designed to inform a property owner or original purchaser of the actions the property owner or original purchaser should take to protect the property owner in a residential structure or zero-lot-line dwelling repair, remodel or construction project or to protect the original purchaser in a residential structure or zero-lot-line dwelling construction project;
- adopt rules describing the minimum information that a contractor shall provide to a property owner or original purchaser of a recommended maintenance schedule;
- adopt by rule a model list of accessibility features recommended for inclusion in a list of features that a developer supplies to a purchaser of residential housing; and
- report all civil penalties or sanctions imposed for violations related to lead-based paint activities to the Oregon Health Authority, DCBS, and the Department of Environmental Quality.

The board may:⁶

- revoke, suspend, or refuse to issue or reissue a license under specified conditions;
- determine the validity of complaints filed against licensees;
- assess civil penalties;
- create advisory committees as the board considers necessary;
- investigate the activities of any person engaged in the building and construction industry to determine compliance with applicable laws;
- with the approval of the city or county, conduct investigations with city or county inspectors;
- administer oaths, issue notices and subpoenas in the name of the board, compel the attendance of witnesses and the production of evidence, hold hearings, and perform such other acts as are reasonably necessary to carry out its duties;
- order work to be stopped if a contractor is working on a structure without proper licensure;
- adopt rules prescribing terms and conditions under which a contractor may substitute a letter of credit from a bank authorized to do business in this state instead of the bond requirements prescribed in statute;
- retain 20 percent annually from civil penalties to cover costs associated with collecting those civil penalties;
- enter into agreements with approved continuing education providers for the providers to offer education developed by the board, determine the number of continuing education hours to be credited for an approved course, and establish reasonable fees for the approval of entities as continuing education providers;
- enter into interagency agreements with DCBS for the provision of duties regarding licenses, registrations, and other authorizations, or regulated activities of a contractor; and

⁶ [ORS 701.010 to 701.992 \(2019\)](#).

- adopt rules to make licensure optional for persons who offer, bid, or undertake to perform work peripheral to construction, as defined by administrative rule of the board.

Executive Appointments Board Roster

Construction Contractors Board

Agency: None
Authorization: ORS 701.205
Members: Min: 9 Max: 9
Term Length: 4 years Limit: 2
Senate confirmation required? Yes

Policy Area: Labor/Trades

Board Contact:
Chris Huntington
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Salem, OR 97301
503-934-2188

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sara.heinz@state.or.us

Current Appointments:

Member Name and Address (Alphabetical)

Dylan J Bochsler General Contractor Term(s): 07-01-2020 - 06-30-2024 12-19-2016 - 06-30-2020	Position Number: 5
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Kurt J Bolser, Chair General Contractor; Large Commercial Structures Term(s): 07-01-2019 - 06-30-2023 07-01-2015 - 06-30-2019	Position Number: 6
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Abel Carbajal Contractor, Residential/Small Commercial Remodeling Term(s): 11-19-2021 - 06-30-2025	Position Number: 2
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Patty Dorroh Local Government Term(s): 07-01-2019 - 06-30-2023 05-25-2018 - 06-30-2019	Position Number: 3
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Deb Flagan Contractor, Residential/Small Commercial Term(s): 11-19-2021 - 06-30-2025	Position Number: 9
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Jim Kitchin Contractor, Residential/Small Commercial Remodeling Term(s): 07-01-2016 - 06-30-2020 10-01-2015 - 06-30-2016	Position Number: 2
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Rosa E Martinez General Contractor Term(s): 11-25-2019 - 06-30-2023	Position Number: 8
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Andrea Noble Public Member Term(s): 07-01-2018 - 06-30-2022 09-25-2017 - 06-30-2018	Position Number: 4
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Executive Appointments Board Roster

Construction Contractors Board

Member Name and Address (Alphabetical)

Policy Area: Labor/Trades

Eric R Olsen Residential/Small Commerical Contractor Term(s): 11-25-2019 - 06-30-2022	Position Number: 1
James B Patrick Contractor, Residential/Small Commercial Term(s): 07-01-2016 - 06-30-2020 07-01-2012 - 06-30-2016	Position Number: 9
Susan M Steward Public Member Term(s): 07-01-2019 - 06-30-2023 07-01-2015 - 06-30-2019	Position Number: 7