

**MINUTES OF THE MEETING OF THE BOARD OF COUNTY
COMMISSIONERS OF JOHNSON COUNTY, KANSAS, HELD ON THURSDAY,
AUGUST 9, 2001.**

A regular meeting of the Board of County Commissioners of Johnson County, Kansas, was held on Thursday, August 9, 2001, with the following members being present and participating, to-wit:

Vice-Chairman Susie Wolf
Commissioner Annabeth Surbaugh
Commissioner Gary Anderson
Commissioner George Gross

WHEREUPON, there came before the Board for consideration the matter of licensing and regulating contractors within the unincorporated area of Johnson County and authorizing cooperation with other jurisdictions through the creation of a multi-jurisdictional contractor licensing review board. The Board, being fully advised in the matter and after thorough discussion and careful deliberation, upon a motion duly made, seconded and carried, adopted the following Resolution, to wit:

**RESOLUTION ADOPTING CONTRACTOR LICENSING REGULATIONS AND
CREATING A CONTRACTOR LICENSING REVIEW BOARD**

Resolution No.058-01

WHEREAS, K.S.A. §§ 12-1510, 12-1527, 12-1543, and 12-1558 authorizes the Board of County Commissioners to adopt

and enforce such codes, standards, and regulations as the Board deems appropriate for the regulation of i) plumbers, ii) electricians, iii) mechanical heating, ventilation and air conditioning ("HVAC") contractors, and iv) general contractors, building contractors, and residential contractors ("Construction Contractors"); and

WHEREAS, the Board has adopted resolutions regulating certain segments of the construction industry by requiring that plumbers, HVAC contractors, and electricians meet certain competency requirements and obtain a license to do business in unincorporated Johnson County; and

WHEREAS, the Board now determines that regulating and licensing i) plumbers, ii) electricians, iii) HVAC contractors, and iv) Construction Contractors (collectively referred to as Contractors), is in the best interests of the citizens of Johnson County; and

WHEREAS, a public hearing was held on August 9, 2001, to allow any interested party to provide the Board of County Commissioners with evidence or testimony, concerning this matter; and

WHEREAS, after hearing all such evidence and testimony, the Board concludes that it is necessary and advisable to adopt the following regulations, standards, requirements and procedures for Contractors in the unincorporated areas of Johnson County, Kansas, and in those other areas of the

County as provided by subsequent inter-jurisdictional agreement:

1. Contractor Licensing Regulations Adopted. In order to safeguard life, health, and property, and to promote the public welfare, the Board hereby adopts the *Contractor Licensing Regulations* and the *Contractor Licensing Review Board Rules and Regulations* attached to this Resolution as Exhibit A and Exhibit B respectively.

2. Contractor License Review Board Established. For the purpose of administering the provisions of this Resolution and in order to establish and maintain a high standard of integrity, skill, and practice in the various construction fields, and to safeguard the life, health, property, and welfare of the public, the Board of County Commissioners hereby creates a Contractor Licensing Review Board ("CLRB") to consist of nine members to be appointed by the Board of County Commissioners. Prior to the initial appointment or subsequent expiration of any term of a CLRB member, any person, professional society, or association interested in the construction industries to be regulated by this Resolution may submit to the Board of County Commissioners a list of names of persons of recognized ability who have the qualifications prescribed for CLRB members. The Board of County Commissioners shall give consideration to the list of names submitted.

3. Qualifications of CLRB Members. The CLRB shall, to the extent qualified individuals are willing to serve, consist of the following members:

- (a) Two members shall be certified building code officials within Johnson County.
- (b) One member shall be licensed by the state of Kansas as an architect or civil engineer.
- (c) One member shall be a licensed general contractor or an employee of such contractor.
- (d) One member shall be a licensed building contractor or an employee of such contractor.
- (e) One member shall be a licensed residential contractor or an employee of such contractor.
- (f) Two members shall be licensed as an electrician, plumber, or HVAC contractor or an employee of such contractor.
- (g) One member shall be from the general public of Johnson County.

Every member, except the member from the general public, shall, at the time of the appointment, be active in the appointee's profession or trade and have had at least five (5) years experience in such appointee's profession or trade.

4. Term. (a) The term of office for CLRB members shall be four years, except for the members first appointed of which three members shall serve for two years, three members shall serve for three years and three members shall serve for four years. Vacancies occurring before the expiration of a term shall be filled in the manner of the original appointment for the remainder of the unexpired

term. CLRB members who have served a full four-year term may not be reappointed so as to succeed themselves but may be subsequently appointed after at least one year of non-membership.

(b) The members of the CLRB shall serve, without compensation, at the pleasure of the Board of County Commissioners.

(c) The members of the CLRB shall, by majority vote, elect a member as chairperson, who shall be a licensed Contractor or an employee of a licensed contractor, and a vice-chairperson. The Chairperson and vice-chairperson shall hold their respective offices for one year and may be re-elected for successive terms. The Chairperson, or acting Chairperson, shall not vote on matters before the CLRB except in the case of a tie vote.

(d) The CLRB may, in addition to the attached *Contractor Licensing Review Board Rules and Regulations*, adopt rules and regulations not inconsistent with this Resolution to carry into effect the provisions hereof, and such rules and regulations shall be published and copies thereof furnished to any person upon request.

(e) Contractors licensed under the provisions of this Resolution shall complete each calendar year at least eight (8) hours of continuing education directly related to construction codes adopted within Johnson County, Kansas. The CLRB may prescribe curricula and standards for such

education but may not, without the Board of County Commissioner's consent, modify the number of hours of required education.

(f) The CLRB shall examine, license, and renew licenses of duly qualified applicants and may conduct disciplinary hearings relating to the limitation, suspension, or revocation of any license.

(g) The CLRB shall develop an annual proposed budget for each year as a part of, and in conjunction with, the Johnson County Department of Planning, Development and Codes. The budget submission shall set forth anticipated revenues and expenses. All licensing and other monies collected by the CLRB shall be accounted for separately as part of the County budget in accordance with County accounting procedures.

5. Multi-jurisdictional Cooperation. It is contemplated that the Board of County Commissioners and several municipalities within Johnson County shall enter into one or more agreements to establish uniform or compatible contractor licensing regulations and to allow the CLRB to oversee the licensing and regulation of Contractors in such municipalities. The Chairman of the Board of County Commissioners, without further action by the Board, is authorized to sign any agreement on behalf of the Board of County Commissioners that is substantially in the form of the agreement attached to this Resolution as Exhibit C.

BE IT FURTHER RESOLVED THAT this Resolution shall, following its adoption by the Board, be implemented on January 1, 2002, and that a copy of this Resolution shall be published once in the official County newspaper before its effective date.

BE IT FURTHER RESOLVED THAT not less than three (3) copies of this Resolution shall be filed with the County Clerk and copies shall be made available for viewing by the public.

ADOPTED THIS 9th DAY OF AUGUST 2001.

BOARD OF COUNTY COMMISSIONERS
OF JOHNSON COUNTY, KANSAS

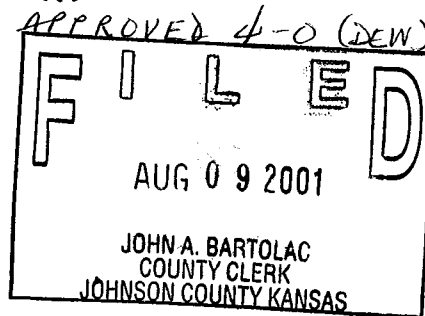
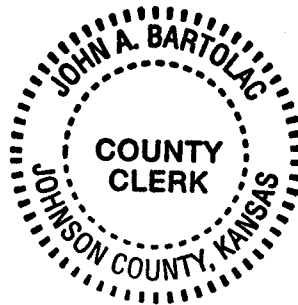
Susie Wolf
Susie Wolf, Vice Chairman

ATTEST:

John A. Bartolac
John A. Bartolac
County Clerk

APPROVED AS TO FORM:

Robert A. Ford
Robert A. Ford
Assistant County Counselor



Chapter 18.12
CONTRACTOR LICENSING REGULATIONS

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- 18.12.03. Exclusions**
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- 18.12.23 Contractor Licensing Regulations**

18.12.01. Intent. The purpose of this Chapter is to protect the public welfare by assuring that those undertaking the construction, alteration, repair, or demolition of structures are qualified to perform such services. It is further the intent that owner-occupants of single-family residential structures be permitted, without first obtaining a contractor's license, to perform minor work on such homeowner's residence.

18.12.02. Contractor Defined. A "contractor," within the meaning of this Chapter, is any person or firm that undertakes with or for another to construct, alter, repair, or demolish any structure or any portion thereof including every i) plumbing contractor, ii) electrical contractor, iii) mechanical heating, ventilation, and air conditioning ("HVAC") contractor, and iv) general contractor, building contractor, and residential contractor. Unless provided otherwise by this

Chapter, only a contractor licensed under the provisions of this Chapter may obtain a building permit. "Firm," for purposes of this Chapter, means any sole proprietorship, partnership, association, limited liability company, or corporation.

18.12.03. Exclusions. It is the intent of this Chapter that the contractor that obtains a building permit shall be responsible, within the scope of such permit, for the completion of the construction, alteration, repair, or demolition in accordance with all applicable building, electrical, plumbing and HVAC codes ("Codes"). However, the following persons are not "contractors" within the meaning of this Chapter:

(a) An employee or agent working for and under the supervision of a contractor licensed under this Chapter for the type of construction, alteration, repair or demolition being undertaken; and

(b) A homeowner who personally occupies or will occupy and undertakes the construction, alteration, repair, or maintenance of such homeowner's single-family residence or an accessory structure thereto. Notwithstanding the foregoing, for purposes of this section, any homeowner who undertakes the construction of a new residence for such homeowner's personal occupancy more than three times in any five year period shall be deemed to be a "contractor" under this Chapter.

18.12.04. Contractor Responsible for all Work. Upon issuance of a building permit to a contractor, such contractor shall be responsible for all work undertaken pursuant to such building permit, including work done by the contractor's employees, agents, and subcontractors.

18.12.05. Contractor Insurance. Every contractor except a contractor who has an "inactive license" shall keep in force a policy of general liability insurance including completed operations coverage. Such insurance policy shall be written with an insurance company licensed to do business in the State of Kansas. All contractors shall maintain general liability coverage in an amount not less than one million dollars per occurrence. In addition, every such contractor shall procure and maintain workers compensation insurance as required by law. A contractor, at the time of licensing under this Chapter, shall provide the Johnson County Department of Planning and Codes Enforcement with a certificate of insurance or other satisfactory evidence of the insurance coverage required by this Section.

18.12.06. Licenses Authorized. There shall be four separate classes of licenses authorized for contractors as provided in this Chapter.

18.12.07. Class A, General Contractor. A Class A License shall entitle the holder thereof to construct, remodel, repair, and demolish any structure. The annual Class A License fee shall be \$200.00.

18.12.08. Class B, Building Contractor. A Class B License shall entitle the holder thereof to

construct, remodel, repair, and demolish all structures not exceeding three stories in height. A Class B License shall also entitle the license holder to perform non-structural remodeling, tenant-finish, and repairs of all structures. The annual Class B License fee shall be \$200.00.

18.12.09. Class C, Residential Contractor. A Class C License shall entitle the holder thereof to construct, remodel, repair, and demolish single family or duplex residences and buildings accessory thereto. The annual Class C License fee shall be \$200.00.

18.12.10. Class D, Mechanical, Plumbing, and Electrical Contractors. A Class D License shall entitle the holder thereof to perform HVAC services, plumbing services, or electrical contractor services. The annual Class D License fee shall be \$200.00. A Class A through Class C license shall not entitle the license holder to perform HVAC services, plumbing services, or electrical services.

18.12.11. Application Form and Fee. The Johnson County Department of Planning and Codes Enforcement shall receive and process contractor license applications. An application fee not to exceed \$100.00 shall accompany each original application. No application fee shall be required in connection with a license renewal. All application and license fees shall be paid without proration. No contractor license may be transferred or assigned.

18.12.12. Renewal or Reinstatement of License. (a) Every contractor license shall be issued on a calendar year basis to expire on December 31st of each year. A contractor shall be entitled to renew such contractor's license upon satisfaction of the requirements of this Chapter. A license renewal application may be submitted to the county beginning on December first through and including the last day of January without a late fee. Thereafter, a \$75 late fee shall be collected to off set administrative costs incurred as a result of such late renewal. Unless an expired license is renewed within one year of its expiration, the contractor shall be required to make a new application and satisfy all of the then-existing contractor licensing requirements. License renewal applications shall be mailed by the Johnson County Department of Planning and Codes Enforcement no later than November first of each year to every licensed contractor at the address provided by the contractor. The failure to receive an application shall not excuse untimely license renewal.

(b) During the annual renewal period, a licensed contractor that has completed the annual requirement for continuing education may, upon the payment of \$100.00, have the contractor's license declared inactive. No building permit shall be issued to a contractor with an inactive license. The holder of an inactive license may annually renew the inactive license upon the completion of all continuing code education requirements and the payment of the annual renewal fee. The holder of an inactive license may obtain an active contractor's license at any time upon the payment of the required license fee.

(c) Any contractor whose license is suspended for any Code-related violation must provide satisfactory evidence to the Contractor Licensing Review Board ("CLRB") that the violation has been corrected in accordance with the applicable Code. Failure to provide such

evidence may result in the revocation of the contractor's license.

(d) When a contractor's license is revoked, a new license shall not be granted until the contractor has first passed an examination as required by Section 18.12.13 and has provided the CLRB with satisfactory evidence that a new license should be issued. If the contractor's license was revoked as the result of a Code-related violation, such contractor may not be re-licensed unless the CLRB determines that the violation has been corrected.

18.12.13. Examinations, license approval, and issuance. Contractor applicants shall be licensed by satisfying one or more of the following provisions:

(a) Obtain a certificate of competency from a nationally-recognized testing institution as contemplated by K.S.A. 12-1508 (plumbing contractors); K.S.A. 12-1525 (electrical contractors); K.S.A. 12-1541 (HVAC contractors); and K.S.A. 12-1556 (building and residential contractors); or

(b) Until July 1, 2003, a license may be obtained upon verification that a person or a firm's designated representative has the required number of years of full-time experience in the building construction industry for that license:

- (i) Class A License-- 15 years or more experience;
- (ii) Class B License-- 10 years or more experience;
- (iii) Class C and D Licenses-- 5 years or more experience; or

(c) Hold a bachelor's degree in engineering, architecture, or construction science from an accredited college or university; or

(d) The holder of a provisional license may obtain a regular license upon the completion of not less than 32 hours of codes-related education prior the expiration of such provisional license.

(e) The CLRB is hereby authorized to administer examinations to determine the qualifications of applicants and may utilize the International Conference of Building Officials examination, the Block & Associates (now Experior) examination, or other similar, nationally-recognized examination.

(f) The CLRB shall expeditiously process all license applications. The CLRB shall adopt reciprocity rules and regulations to allow persons and firms from other states to obtain a contractor's license based upon such person's or firm's licensure in such other state.

(g) The contractor-applicant shall disclose, at the time of application, any current or previous contractor license held in Kansas or any other state and any disciplinary actions taken against such contractor-applicant. If the contractor-applicant is employed by or a principal of a firm, the application shall disclose whether the firm or the firm's employees or principals have

had any contractor-related disciplinary action taken against them in Kansas or any other state. No license shall be issued to any contractor-applicant who has had a license suspended or revoked for disciplinary reasons, or who has surrendered a license during any disciplinary proceeding or investigation, within the immediately preceding five years. Any contractor-applicant denied a license under the provisions of this section may appeal such denial to the CLRB.

18.12.14. Provisional License. Until January 1, 2003, any person or firm that has obtained a building permit during 2001 may obtain a provisional contractor's license if all of the following conditions are met:

(a) At the time of the license application, the applicant, if an individual, or the designated representative, if a firm, is working full-time in the construction industry for the license Class requested; and

(b) The applicant for a Class A license shall have not less than 7 years of full-time experience in planning, supervising, and undertaking Class A type construction;

(c) The applicant for a Class B license shall have not less than 5 years of full-time experience in planning, supervising, and undertaking Class B type construction;

(d) The applicant for a Class C license shall have not less than 3 years of full-time experience in planning, supervising, and undertaking Class C type construction;

(e) The applicant for a Class D license shall have not less than 3 years of full-time experience in planning, layout, and installation in Class D type construction; and

(f) The applicant provides evidence of insurance coverage as required by Section 18.12.05; and

(g) All application and license fees are paid.

(h) For purposes of this section, 24 credit hours of post-secondary education in the courses of engineering, architecture, plumbing, electrical, building trades, or HVAC systems shall be deemed equivalent to one year of full-time experience. "Full-time" means a minimum of thirty hours a week carrying out the work of a contractor.

18.12.15. Renewal of Provisional License. The holder of a provisional license may renew the provisional license for an additional 365 days following its expiration. Upon the expiration of a provisional license, a contractor licensed under the provisional licensing provisions of this Chapter shall be required to satisfy the licensing requirements of Section 18.12.13.

18.12.16. Firms/Designated Representatives. (a) Under this Chapter, a firm may obtain, in the firm's name, a contractor's license provided that such firm has at least one full-time employee

who is designated by the firm as its representative and such designated representative satisfies one of the requirements of Section 18.12.13 or Section 18.12.14 of this Chapter. A designated representative must spend a minimum of thirty hours a week carrying out the work of the firm. Whenever a building permit is issued in the name of a firm, the firm shall be subject to these regulations and the jurisdiction of the CLRB.

(b) A contractor, including firms, may appoint, on forms provided by the Johnson County Planning Department, one or more individuals who shall be authorized to obtain building permits on behalf of the contractor. Such individuals are not required to be a licensed contractor.

18.12.17. Continuing Education. The CLRB shall establish continuing education requirements, rules, and regulations for contractors licensed under this Chapter. Every contractor shall complete at least 8 hours of continuing education as required by the CLRB each calendar year. The CLRB shall provide for the recognition of codes-related education provided by governmental entities, trade associations, contractor education providers, and others for courses and instruction directly related to those codes adopted within Johnson County, Kansas.

18.12.18. Contractor Discipline. The CLRB shall have the authority to admonish, reprimand, and otherwise discipline any contractor subject to the requirements of this Chapter including the suspension or revocation of the contractor's license issued under the provisions of this Chapter. Before a contractor is disciplined, a hearing shall be held following not less than ten days notice to the affected contractor. The CLRB may suspend or revoke a contractor's license if the CLRB concludes, following a hearing, that the contractor's action or inaction is:

(a) A serious or repeated violation of the provisions of this Chapter, any applicable Code, or the failure to comply within a reasonable time to any lawful written order of a building code official;

(b) A knowing and intentional misrepresentation of a material fact made in connection with obtaining a contractor's license or a building permit;

(c) A fraudulent or deceitful use of a contractor's license to obtain a building permit;

(d) A failure to obtain a building permit or to obtain a required inspection of an on-going project as required by any applicable Code;

(e) A failure to exercise regular, routine control and supervision over an on-going project for which the contractor has obtained a building permit;

(f) A failure to timely obtain a certificate of occupancy for a completed structure as required by applicable building safety code;

(g) A failure to hire a licensed electrical, plumbing, or HVAC contractor to supervise any electrical, plumbing, or HVAC work on the job site for which the contractor obtained a

building permit; or

(h) A failure by a contractor to pay the required application or licensing fees for a building permit, contractor license, or inspection fee.

18.12.19. Board Action. Upon a finding by a majority of the members present at the hearing that a contractor has violated one or more of the provisions of Section 18.12.18 of this Chapter, the CLRB may admonish, reprimand, or take other appropriate disciplinary action against such contractor including, but not limited to:

(a) Suspension of the contractor's license for a fixed period not to exceed ninety days.

(b) Suspension of the contractor's license for a fixed period exceeding 90 days, provided, however, the contractor shall have the right to have the suspension and the terms thereof reconsidered by the CLRB at the expiration of the first 90 days and every 90 days thereafter to determine if just cause exists to modify or terminate the suspension. Such reconsideration may, at the Board's option, include a hearing.

(c) Revocation of the contractor's license for a period not less than 12 months from the date of revocation. A contractor's license shall be revoked if the contractor has been suspended five times during any 36-month period.

(d) Any decision of the CLRB shall be made in writing and mailed to the contractor. A contractor may appeal any decision of the CLRB to the Board of County Commissioners by filing a notice of appeal with the CLRB within 30 days following the third day after the Contractor Licensing Review Board's written decision was mailed to the contractor as evidenced by a certificate of mailing which shall be included with the decision. When an appeal is filed, the secretary of the CLRB shall forward the appeal to the Board of County Commissioners together with the CLRB record. Appeals to the Board of County Commissioners shall be *de novo* and no action shall be taken by the CLRB during a pending appeal.

18.12.20. Safe Harbor Provision. A contractor shall not be found in violation of this Chapter, nor disciplined by the CLRB for a violation of an applicable building safety code provision if the contractor performs the work in accordance with and reliance upon duly certified plans and specifications prepared or approved by an architect or engineer licensed in Kansas without knowledge by the contractor that such plans and specifications, or pertinent parts thereof, are in violation of applicable Codes.

18.12.21. Hearings. All contested matters pertaining to the approval, issuance, suspension, revocation, renewal, and reinstatement of licenses, including examinations, shall be heard by the CLRB.

18.12.22. Rules and Regulations. The CLRB may adopt rules, regulations, and procedures

consistent with the provisions of this Chapter.

18.12.23. Contractor Licensing Regulations. This Chapter may be referred to as the "Contractor Licensing Regulations."

ADOPTED BY THE JOHNSON COUNTY BOARD OF COUNTY COMMISSIONERS ON
THE 9TH DAY OF AUGUST 2001.

**CONTRACTOR LICENSING REVIEW BOARD
RULES AND REGULATIONS**

- 1. Purpose**
- 2. Regular Meetings**
- 3. Special Meetings and Hearings**
- 4. Quorum**
- 5. Voting**
- 6. Officers**
- 7. Committees**
- 8. Continuing Education Committee**
- 9. Complaints**
- 10. Consumer Complaints**
- 11. Board Action**
- 12. Hearings**
- 13. Hearing Procedure**
- 14. Appeal**
- 15. Amendment**

1. Purpose. The purpose of these Rules and Regulations is to guide the Contractor Licensing Review Board ("CLRb") in carrying out its obligations and duties under the Contractor Licensing Regulations adopted by the Johnson County Board of County Commissioners by Resolution 058-01.

2. Regular Meetings. The CLRb shall meet on the second Thursday of every month at 6:00 p.m. in Room 1054 of the Johnson County Administration Building, 111 South Cherry, Olathe, Kansas, or at such other place and time as may be determined by the CLRb. The CLRb shall conduct its meetings in accordance with the Kansas open meetings act

3. Special Meetings and Hearings. Special meetings and matters that require a hearing may be called by the CLRb Chairman, the Vice-Chairman, or a majority of the CLRb members present and voting.

4. Quorum. Five members of the CLRb shall constitute a quorum for the transaction of CLRb business, including hearings. Attendance at any meeting may be in person or by conference telephone.

5. Voting. All actions by the CLRb shall be by a majority vote of those present except for any amendment to these Rules and Regulations which shall be by not less than a 2/3rd vote of the

entire board. The Chairman shall not cast a vote unless the vote is a tie in which event the Chairman shall cast the deciding vote. Proxy voting shall not be allowed.

6. Officers. The CLRB shall elect from its members a Chairman and a Vice-Chairman. The Chairman shall be licensed contractor or a full-time employee of a licensed contractor. The Chairman shall call and preside at all meetings and hearings of the CLRB. The Chairman shall be responsible for the preparation of the agenda of all CLRB meetings. The Chairman shall appoint a secretary who shall be responsible for recording the official actions of the CLRB, giving notice of any special meetings or hearings, and carrying out such duties and functions as the Chairman may direct. The secretary is not required to be a member of the CLRB. In the absence of the Chairman, the Vice-Chairman shall act as Chairman. In the absence of both the Chairman and Vice-Chairman, the members present shall, by majority vote, appoint a Chairman Pro-Tem who shall preside over the meeting or hearing.

7. Committees. The Chairman, by resolution adopted by a majority of the CLRB, may designate one or more committees, standing or ad hoc, each of which shall consist of three or more individuals who may or may not be member of the CLRB. Each committee shall consist of an equal number of building officials and contractors.

8. Continuing Education Committee. An Education Committee shall establish criteria for the technical training, code education, and business practices of contractors and shall present its recommendation to the CLRB for consideration and approval. Upon the adoption of continuing education requirements by the CLRB, the Education Committee shall have the power and authority to act on behalf of the CLRB with regard to any matter concerning the continuing education of contractors.

9. Complaints. Any person may file a written complaint with the CLRB on forms provided for that purpose. Every complaint shall set forth with particularity one or more of the following violations:

(a) A serious or repeated violation of the provisions of the Contractor Licensing Regulations, any applicable building, electrical, plumbing, or mechanical safety code ("Code"), or the failure to comply within a reasonable time to any lawful written order of a building code official;

(b) A knowing and intentional misrepresentation of a material fact made in connection with obtaining a contractor's license or a building permit;

(c) A fraudulent or deceitful use of a contractor's license to obtain a building permit;

(d) A failure to obtain a building permit or to obtain a required inspection of an on-going project for which the contractor has obtained a building permit;

(e) A failure to exercise regular, routine control and supervision over a construction project for which the contractor has obtained a building permit;

(f) A failure to timely obtain a certificate of occupancy for a structure as required by applicable building safety code;

(g) A failure to hire a licensed electrical, plumbing, or HVAC contractor to supervise any electrical, plumbing, or HVAC work on the job site for which the contractor obtained a building permit; or

(h) A failure to pay any required application or licensing fees for a building permit, contractor license, or inspection fee.

A complaint shall include any written material or documents then available to the complaining party.

10. Consumer Complaints. Consumer complaints relating to the quality of materials, workmanship, untimely construction, contract disputes, and similar matters are not within the purview of (a) through (h) above and are beyond the jurisdiction of the CLRB. No complaint shall be considered by the CLRB unless it meets the requirements of Paragraph 9 of these Rules and Regulations.

11. Board Action. Upon a finding by a majority of the members present at the hearing that a contractor has violated one or more of the provisions of the Contractor Licensing Regulations, the CLRB may admonish, reprimand, or take other appropriate disciplinary action against such contractor.

12. Hearings. All contested matters pertaining to the approval, issuance, suspension, revocation, renewal, and reinstatement of licenses, including examinations, shall be heard by the CLRB. The hearing shall be informal but witnesses shall testify under oath and a written decision shall be rendered by the CLRB setting forth the relevant findings and conclusions for any action taken by the CLRB. The Chairman or the Chairman's designate shall preside over the hearing.

13. Hearing Procedure. A hearing shall be held before the CLRB after not less than 10 days notice to the contractor and to the complainant setting forth the hearing date, time, and place and stating in general terms the nature of the complaint. The written complaint, including any supporting material or documents, shall be provided to the contractor prior to or at the hearing. The burden of proof shall be on the complainant to show, by a preponderance of the evidence presented, that the allegations set forth in the complaint are true. If the complainant, or a representative of the complainant, fails to appear at the scheduled hearing date, the CLRB may nonetheless proceed with the hearing. For good cause shown, the CLRB may grant a continuance, hold a hearing open, allow additions to the record after the hearing has concluded, or take other action in the interest of justice.

14. **Appeal.** A contractor may appeal any decision of the CLRB to the Board of County Commissioners by filing a notice of appeal with the CLRB within thirty days of the decision. The thirty-day appeal period shall commence three days after the date the decision is mailed to the contractor. The CLRB secretary shall forward the CLRB decision to the Board of County Commissioners together with the CLRB record.

15. **Amendment.** These Rules and Regulations may be amended by the CLRB at any regular or special meeting upon a vote of not less than 2/3rds of the entire CLRB Board.

ADOPTED BY THE JOHNSON COUNTY BOARD OF COUNTY COMMISSIONERS ON
THE 9th DAY OF AUGUST 2001 PURSUANT TO RESOLUTION 058-01.