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Assembly California Legislature



KEN COOLEY
ASSEMBLYMAN, EIGHTH DISTRICT

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COMMISSION

July 1, 2013

Mr. Phillip Cocciante

Dear Mr. Cocciante,

Thank you for contacting me regarding your issue with the Contractors State Licensing Board, and their scrutiny of applicants with 'self-employed' experience.

My office contacted the CLSB for more information, and a representative from the Licensing Division was able to provide a detailed response to your inquiry, which I have attached to this letter. If you have any questions or concerns, please contact my case worker, Steven Stenzler, at (916) 464-1910, or by e-mail at steven.stenzler@asm.ca.gov.

It is my pleasure to serve you in the California State Assembly. If you need further assistance on this or any other state-related matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Ken Cooley".

KEN COOLEY
Assemblyman, 8th District



Thank you for contacting the Office of Assemblyman Ken Cooley regarding your issues with the Contractors State License Board (CSLB). In preparation for our response to your inquiry, we contacted CSLB for input on their application processing.

You cited California Code of Regulations (CCR) Section 816, which in part allows CSLB the ability to require an applicant to provide other information necessary to determine the applicant's qualifications. We will reference several other sections of law with which you may be familiar and that are relevant to this discussion. CCR 825 in part requires an applicant to have had four years of at least journey-level experience within the last 10 years in the specific classification for which the applicant is applying. CCR 824 in part requires CSLB to conduct a comprehensive field investigation of a minimum of 3% of all applications, in areas including claimed experience. Business and Professions Code (BPC) Section 7068 in part requires that statements made by or on behalf of an applicant regarding the applicant's experience be verified by a "qualified and responsible person."

The last section of law referenced above, BPC 7068, means that the person who signs the Certification of Work Experience form as the certifier must be qualified and responsible to verify at least four years of the applicant's work experience that meets the requirements set forth in CCR 825. Certifiers sign the Certification of Work Experience form under penalty of perjury stating that they have "direct knowledge of the work covering the time period outlined" on the form. Certifiers can come in many forms – licensed contractors, employers, foremen/supervisors, fellow employees, clients, etc. Given the technical nature of the work and the extended periods of time involved, some of these certifier types are logically more "qualified and responsible" than others. Generally speaking, a licensed contractor who employs an applicant and oversees his/her work activities on a regular and continuous basis for the required four-year period raises far fewer questions in the application review process than does a client who worked directly with an unlicensed applicant for a single job that lasted several weeks or months.

In addition, there are varying levels of technical and business expertise involved in the classifications for which CSLB licenses. CSLB considers several trades to be the most critical classifications, such as A – General Engineering, B – General Building, C-10 Electrical, and C-36 Plumbing. These trades have higher degrees of public health, safety, and welfare implications involved.

As with all State agencies, and all responsible businesses in fact, CSLB continuously monitors its processes and procedures and strives to be as thorough and efficient in its practices as possible, always with the goal of upholding its mandate of public and consumer protection. CSLB's streamlined processing of applications that require additional substantiation of the experience is a good example of this. As mandated by CCR 824, CSLB conducts comprehensive field investigations of applications. These formal experience investigations involve staff from CSLB's Enforcement Division and can take several months to complete. By requesting the necessary supporting documentation, as allowed by CCR 816, as part of the application review process within the Licensing Division, CSLB is improving the efficiency of its application reviews and the effectiveness of its public protection. Without this streamlined application review process, many of the subject applications would have to undergo the formal Enforcement Division experience investigations.