

ARTICLE 13 – CONTRACTOR LICENSING BOARD

5-1301

CONTRACTOR LICENSING BOARD ESTABLISHED.

For the purpose of administering the provisions of Chapter 5, Article 12 of the Code of the City of Lawrence, Kansas, 2003 Edition and amendments thereto, adopted in Ordinance No. 7870, and amended by Ordinance No. 7988, 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 Lawrence City Commission hereby creates a Contractor Licensing Board (“CLB”) to consist of nine members eight of which shall be appointed by the Mayor. The member who is a certified code official of the City of Lawrence shall be designated by the Neighborhood Resources Department Director. Prior to the initial appointment or subsequent expiration of any term of a CLB member, any person, professional society, or association interested in the construction industries to be regulated by Chapter 5, Article 12 as adopted in Ordinance No. 7870, may submit a list of names or persons of recognized ability who have the qualifications prescribed for CLB members. The Mayor shall give consideration to the list of names submitted (Ord. 7871, Ord. 7988)

5-1302

QUALIFICATIONS OF CLB MEMBERS.

The CLB shall, to the extent qualified individuals are willing to serve, consist of the following members: (Ord. 7988)

- a. One member shall be certified building code official of the City of Lawrence.
- b. One member shall be licensed by the state of Kansas as an architect, civil or professional 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. One member shall be from the general public of Lawrence.
- g. One member shall be a licensed electrical contractor or an employee of such contractor and shall at the time of appointment to the CLB be a member in good standing of the City’s Board of Electrical Appeals.
- h. One member shall be a licensed plumbing contractor or an employee of such contractor and shall at the time of appointment to the CLB be a member in good standing of the City’s Board of Plumbing and Gas Fitter Appeals.
- i. One member shall be a licensed mechanical contractor or an employee of such contractor and shall at the time of appointment to the CLB be a member in good standing of the City’s Board of Mechanical Appeals.

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.

5-1303

TERM.

- a. The term of office for CLB members shall be four years, except the terms of the members first appointed shall be as follows: (Ord. 7871, 7988)
 1. The member from the general public of Lawrence shall serve for four years;
 2. The licensed general contractor or an employee of such contractor shall serve four years;
 3. The licensed architect, civil or professional engineer shall serve three years;
 4. The licensed building contractor or an employee of such contractor shall serve three years;

5. The licensed residential contractor or an employee of such a contractor shall serve three years;
6. The licensed electrical contractor or an employee of such a contractor shall serve two years;
7. The licensed plumbing contractor or an employee of such contractor shall serve two years;
8. The licensed mechanical contractor of an employee of such contractor shall serve two years.

The City of Lawrence certified building code official's term shall be at the discretion of the Neighborhood Resources Department Director. 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. CLB members shall serve no more than two (2) full terms with the exception of the Neighborhood Resources Department staff member, who shall serve at the discretion of the Neighborhood Resources Department Director.

- b. The members of the CLB shall serve without compensation.
- c. The members of the CLB 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 CLB except in the case of a tie vote.
- d. The CLB may, in addition to the *Contractor Licensing Board Rules and Regulations*, adopt rules and regulations consistent with this Article to carry into effect the provisions hereof, and such rules and regulations shall be furnished to any person upon request.
- e. The CLB may conduct disciplinary hearings relating to the limitation, suspension, or revocation of any license. All hearings conducted by the CLB shall be in accordance with this Article and Sections 5-1219 and 5-1220 of Ordinance No. 7870, as amended.

5-1304 **REGULAR MEETINGS AND HEARINGS.**

The CLB shall meet at such place and time as may be determined by the CLB. The CLB shall conduct its meetings in accordance with the Kansas Open Meetings Act. (Ord. 7871)

5-1305 **SPECIAL MEETINGS AND HEARINGS.**

Special meetings and matters that require a hearing may be called by the CLB Chairperson, the Vice-Chairperson, or a majority of the CLB members present and voting. (Ord. 7871)

5-1306 **QUORUM.**

Five members of the CLB shall constitute a quorum for the transaction of CLB business, including hearings. Attendance at any meeting may be in person or by conference telephone. (Ord. 7871, Ord. 7988)

5-1307 **VOTING.**

All actions by the CLB 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 two-thirds vote of the entire board. The Chairperson shall not cast a vote unless the vote is a tie in which event the Chairperson shall cast the deciding vote. Proxy voting shall not be allowed. (Ord. 7871)

5-1308 **OFFICERS.**

The CLB shall elect from its members a Chairperson and a Vice-Chairperson. The Chairperson shall be licensed contractor or a full-time employee of a licensed contractor. The Chairperson shall call and preside at all meetings and hearings of the CLB. The Chairperson shall be responsible for the preparation of the agenda of all CLB meetings. The Certified Building Code Official shall be a member and act as Secretary to the Board. In the absence of the Chairperson, the Vice-Chairperson shall act as Chairperson. In the absence of both the Chairperson and Vice-Chairperson, the members present shall, by majority vote, appoint a Chairperson Pro-Tem who shall preside over the meeting or hearing. (Ord. 7871)

- 5-1309 **COMMITTEES.**
The Chairperson, by a majority of the CLB, 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 a member of the CLB. Each committee shall include a building official. (Ord. 7871)
- 5-1310 **COMPLAINTS.**
Any person may file a written complaint with the CLB on forms provided for that purpose. A complaint shall include any written material or documents then available to the complaining party. Every complaint shall set forth with particularity one or more of the following violations: (Ord. 7871)
- a. A serious or repeated violation of the provisions of the Contractor Licensing Regulations, 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 or Required Final Inspection for a completed structure as required by the applicable code;
 - g. A failure to hire a licensed Building Specialty, electrical, plumbing, or HVAC contractor to supervise any electrical, plumbing, HVAC or specialty work on the job site for which the contractor obtained a building permit;
 - h. A failure to pay any required application or licensing fees for a building permit, contractor license, or inspection fee; or
 - i. A violation of any one or more of the above items.
- 5-1311 **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 CLB. No complaint shall be considered by the CLB unless it meets the requirements of Chapter 5, Article 13, Section 5-1312. (Ord. 7871)
- 5-1312 **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 CLB may admonish, reprimand, or take other appropriate disciplinary action against such contractor, including but not limited to: (Ord. 7871)
- 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 CLB 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 two times during any 36 month period.
- 5-1313 **HEARINGS.**
All contested matters pertaining to the suspension, revocation, and reinstatement of licenses, including examinations, shall be heard by the CLB. The hearing shall be informal but witnesses shall testify under oath and a written decision shall be rendered by the CLB setting forth the relevant findings and conclusions for any

action taken by the CLB. The written decision of the CLB shall be mailed to the contractor. The Chairperson or the Chairperson's designate shall preside over the hearing. (Ord. 7871)

5-1314

HEARING PROCEDURE.

A hearing shall be held before the CLB 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 CLB may nonetheless proceed with the hearing. For good cause shown, the CLB 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. (Ord. 7871)

5-1315

APPEAL.

A contractor whose license is the subject of a CLB action may appeal any decision of the CLB to the City Commission by filing a notice of appeal with the CLB 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 as evidenced by a certificate of mailing which shall be included with the CLB decision. The CLB secretary shall forward the CLB decision and appeal to the City Commission together with the CLB record. Appeals to the City Commission shall be *de novo* and no action shall be taken by the CLB during a pending appeal. (Ord. 7871)