

# Construction Law Newsletter

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## EXECUTIVE COMMITTEE CONTINUES SERVICE TO MEMBERS

David Bartz  
Schwabe, Williamson & Wyatt PC

We are all members of a service profession. Each day we focus on tasks in a competitive legal environment. Appropriately, we focus first on service to clients. Speaking on behalf of my fellow members of the Executive Committee of the Construction Law Section, we remain committed to service to our colleagues in the Section. We can help you in many ways, from updating you on new legislation at the Oregon Legislature to giving notice of recent judicial decisions and new developments in the construction field.

Under the leadership of Chuck Pruitt, we completed a year of significant CLEs including an in-depth discussion on arbitration in Eugene and a CLE on the Construction Contractors Board in Tualatin as well as two newsletters. We have endeavored to keep you informed. This year will be no different.

Our activities this year will build towards the year's finale: a December CLE on troubled projects. On our way to the finale we will make a stop in March to hear from various organizations providing alternative dispute resolution services. In some way we will examine insurance and surety bonds and their role on the construction site.

In September we expect to provide our traditional round-up of all the legislation from the 2001 Oregon legislative session that impacts the construction industry and construction lawyers.

In December, should our plans hold true, we hope to present an interesting and in-depth look at

troubled projects and the steps construction lawyers and their clients can take to minimize failures -- or at least the consequences of failures.

Since the 2001 legislative session is already in high gear, let me pass along a website that should be very helpful: [www.leg.state.or.us](http://www.leg.state.or.us). Once there, you are only a few clicks away from the full text of 2001 measures and the status of bills as they weave their way through the legislative process. The executive committee continues to explore ways that the section members can use the section's website, but, meanwhile these direct links will get you to what you need directly.

The executive committee this year will work hard to get you valuable information in a useable format. If you have areas where this section could provide some practical assistance, please let us know. If a bill in Salem attracts your attention on construction issues, please let us know that as well. I can be reached at (503) 796-2907 or the e-mail address below. You can also contact any of the executive committee members.

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**CONSTRUCTION LIENS FOR DESIGN  
PROFESSIONALS AND SURVEYORS WHEN  
THE PROJECT IS NOT BUILT**

Joseph A. Tripi  
Schwabe, Williamson & Wyatt PC

Surveyors and design professionals such as architects and engineers often perform survey and design services for projects that never get started. Some attorneys and commentators have questioned whether such design professionals and surveyors can enforce construction lien rights in those situations. After all, design professionals and surveyors must file their lien claims not later than 75 days after completion of construction. ORS 87.035(1). When construction is not commenced, one could argue that there cannot be a completion date and, therefore, the construction lien statute cannot apply.

One case indicates design professionals and surveyors have lien rights in such circumstances. In *D.E.C. Engineering and Surveying, Inc. v. G&J Investments, Inc.*, 57 Or App 742 (1982), the court recognized a surveyor's construction lien even though construction had not commenced. The plaintiff had been hired to perform survey work necessary to prepare, plan, create and construct a subdivision. Plaintiff completed its survey work on December 4, 1978. No further work was done on the project after that date.

The court considered the project abandoned. Under former ORS 87.045(5) (1977) the date of completion for an abandoned project was either the date an abandonment notice was posted or the 60<sup>th</sup> day after work on the construction of the improvement ceased. The court does not state an abandonment notice had been posted. As a result, the court held the completion date was the 60<sup>th</sup> day after the surveyor's last day of work.

The only substantive change to ORS 87.045(5) since *D.E.C. Engineering and Surveying, Inc* is an increase in the abandonment period from 60 days to 75 days. As a result, *D.E.C. Engineering and Surveying, Inc.* is still good law. But, how good it is can be questioned.

The court and parties involved do not address the logical dilemma created by statute. Under ORS 87.045(1), the completion of construction of an improvement occurs when:

- (a) The improvement is substantially complete; or
- (b) A completion notice is posted and recorded as provided by ORS 87.045 (2) and (3); or
- (c) The improvement is abandoned as provided by ORS 87.045 (5).

Abandonment is the only possible form of completion that could arguably apply to projects where construction never starts. Where an abandonment notice is posted and recorded by an owner or mortgagee, perhaps the owner or mortgagee may be estopped from claiming the project does not have a specific completion date from which the 75 day perfection period will run.

However, where no abandonment notice is posted, the issue is even more problematic. In those instances, the date of abandonment is the "75<sup>th</sup> day after work on the construction of the improvement ceases". ORS 87.045(5)(a). How can there be a 75<sup>th</sup> day after work on construction ceases when construction never commences? The court does not address that issue.

Nevertheless, *D.E.C. Engineering* provides authority for the existence of a lien claim when construction has not commenced—or at least until the courts say otherwise.

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**CCB LICENSING OF DEVELOPERS**

**PART 1**

Jay O'Brien  
Schwabe, Williamson & Wyatt PC

Although Oregon law prevents recovery by contractors or subcontractors who are not timely and properly licensed by the Construction Contractors Board (CCB), many Oregon developers have long gone about their business

without becoming licensed by the CCB, assuming that they were exempt from the registration requirement. In a recent ruling by the Multnomah Circuit Court, this practice has been called into question, leaving developers at substantial risk should they seek legal recourse against contractors and subcontractors who do work for them.

In *Mega Pacific v. Irvington Place, LLC*, the court summarily dismissed a claim based on poor workmanship brought by a developer against a contractor because the developer was not licensed with the CCB. The developer raised new no fewer than 7 defenses to the licensure requirement, all of which were rejected by the court. The ease with which the court rejected the defenses has caused construction attorneys to closely examine the issue of developer licensing with the CCB.

The recent uncertainty is based on newfound concern regarding the level of protection provided by CCB rules that purportedly exempt certain developers from licensure. For example, CCB rules exempt developers who improve lots “with the intent of selling the lots without structures when contracting with licensed contractors to perform the improvement of lots.”

However, the statutes upon which the rules are based potentially sweep in developers who merely install roads and utilities only (and not houses or condominiums). Although the developer in *Mega Pacific* did, in fact, sell the lots with condominiums (structures by any reasonable definition), the court’s focus on the extremely broad statutory definition of “contractor” makes it unclear if developers who limit themselves to much more modest improvements of land may avoid licensure as indicated in the CCB rules.

In light of the uncertainty surrounding the licensing exemptions contained in the CCB rules, all Oregon developers, including those who construct road and utility infrastructure only, should seriously consider going through the necessary steps for licensing rather than risk being deprived the benefit of legal recourse in the event one of their contractors fouls up a costly job. Such steps include certain educational requirements, filing a surety bond with the Board, and providing

proof of liability, workers’ compensation, and casualty insurance to the Board. Licensing information can be obtained from the CCB by calling (503) 378-4621 or writing at 700 Summer Street, N.E., Suite 300, Salem, Oregon 97301.

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## CCB LICENSING OF DEVELOPERS

### PART 2

Loren D. Podwill and Andrew A. Grade  
Bullivant, Houser, Bailey PC

A recent Multnomah County Circuit Court ruling has important implications for Oregon’s real estate development community. As will be outlined below, project owners and/or developers may find that they are subject to Oregon’s contractor licensing laws.

As a result, these owners and/or developers may be unable to bring project—related claims, even for defective construction work, unless they obtain a license from the Oregon Construction Contractors Board. The risk of not registering is huge, as evidenced by the court’s recent dismissal of a \$3.9 million claim by an owner/developer against a general contractor and an architect for allegedly defective work.

#### Oregon Revised Statutes ch. 701

ORS Ch. 701 (1999) contains a myriad of statutes pertaining to construction in Oregon. ORS 701.055 requires that “contractors” obtain a license from the Oregon Construction Contractors Board (the “CCB”). The definition of a contractor is very broad and includes any person who, for compensation or with the intent to sell, offers or arranges to prepare a bid or actually submits a bid, to construct, alter, repair, add to, subtract from, improve, inspect, move or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement attached to real estate or to do any part thereof, whether the bid is accepted or not. ORS 701.005(3).

Unlike previous versions of the contractor licensing statutes, the current version of ORS Ch. 701 applies to all structures, not merely residential structures. Accordingly, Oregon's contractor licensing laws apply to all types of development projects, including condominiums, townhouses, apartments and mixed-use projects.<sup>1</sup>

The "teeth" of ORS Ch. 701 are found in ORS 701.065. This provides that a contractor may not commence a claim with the CCB, any arbitration or in any court, for compensation for any work or for the breach of any contract for work that is subject to ORS Ch. 701 unless the contractor is properly licensed, at the time the contractor bid or entered the contract for construction work, as well as continuously while performing the work for which compensation is sought. This prohibition applies to both contract and tort claims. *Bannister v. Longview Fiber Co.*, 134 Or App 332 (1995).

#### The "owner" exemption

ORS 701.010(5) creates an exemption from licensing for an owner who contracts for work to be performed by a licensed contractor. However, the statute goes on to provide, in part, that this exemption does not apply to a person who, in the pursuit of an independent business, constructs, remodels, repairs or for compensation and with the intent to sell the structure, arranges to have a structure constructed, remodeled or repaired.

According to the statute, failure to occupy the structure after completion is prima facie evidence of the owner's intent to sell the structure. This exemption envisions an owner who contracts for construction of a structure to be occupied by the owner after construction. Therefore, an owner/developer who arranges for construction with the intent of selling the project in whole or in

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<sup>1</sup> See OAR 812-002-0700, which provides that "structure" means "that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, or an improvement attached to real estate or any part thereof as described in ORS 701.005(2)."

part during or after completion may find that the owner exemption to the licensing requirement does not apply.

#### Developers may be subject to ORS Ch. 701

In December 2000, a Multnomah County Circuit Judge heard argument on a motion for summary judgment in a large construction case involving a mixed-use condominium and townhouse project.<sup>2</sup>

The owner/developer sought approximately \$3.9 million in damages from the general contractor and architect for breach of contract and negligence based on alleged defective work in construction. The general contractor and architect moved for summary judgment on the owner/developer's claims, contending that the owner/developer was subject to ORS Ch. 701 and was barred from bringing its claims because it had failed to be licensed with the CCB.

In response, the owner/developer argued that it was not a contractor under the contractor licensing laws and therefore did not have to be licensed with the CCB. Further, the owner/developer argued that, even if it were required to be licensed, the prohibition on claims under ORS 701.065 did not apply to the claim of an owner/developer against a general contractor for defective work.

The court agreed with the general contractor and architect and granted summary judgment, dismissing the owner/developer's claims. Specifically, the court found that the owner/developer's participation in the project qualified it as a contractor. The court further found that the "owner" exemption contained in ORS 701.010(5) did not apply because the owner/developer had arranged for construction with the intent of selling the condominium and townhouse units. The court was not persuaded by the fact that the owner/developer had retained

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<sup>2</sup> *Mega Pacific v. Irvington Place v. Sienna Architecture, et al.* Case Nos. 9903-03336, 9004-03475, 9903-03123, 9903-03286, 9906-06496, 9906-07106 and 9911-11853.

ownership of the retail unit that it had leased to unrelated business owners.<sup>1</sup>

Finally the court held that the prohibition against bringing claims applied to all project-related claims, even defective construction claims against the general contractor.

### Conclusion

To avoid the harsh consequences of ORS Ch. 701, project owners and developers need to ensure that they are in compliance with Oregon's contractor licensing laws. The best way to achieve this is to retain appropriate legal representation early and throughout the life of any development project. Depending on the circumstances, licensing with the CCB may be necessary. Obtaining a license, even after construction has commenced, may mitigate the problem. As the ruling outlined above demonstrates, the failure to license could have severe consequences.

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## OSHA REPORTING CHANGES

Alan L. Mitchell  
Furrer & Scott LLC

Recent proposed rules may create changes in the reporting requirements under the Occupational Safety and Health Act.

The federal proposed rules were published in January of 2001. President Bush placed the rules

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<sup>1</sup> Based on the facts of the case, the court also rejected application of a statutory savings clause. ORS 701.065(2) provides, in relevant part, that the court shall not bar the claims of a contractor if all three of the following are met: (1) the contractor was not aware of the requirement to be licensed and applied for a license not more than 90 days after becoming aware of the requirement; (2) the contractor was licensed at the time the claim was commenced; **and** (3) enforcement of the bar of claims would result in "substantial injustice" to the contractor.

temporarily on hold and the rules may not be finalized until late this summer or fall.

Oregon OSHA plans to heavily publicize the rules when they are finalized. Watch your mail and newspaper for these notices.

For most employers, the changes will merely be changes in the forms used for reporting. The existing "200" form will be a "300" form and the "101" summary form will be a "301" summary form. The summary form will now be a separate page from the reporting form.

For a few employers (but probably not construction companies), the changes may be greater. One proposal is to remove certain employers from the recordkeeping and reporting requirements altogether (for example, certain medical offices). Another possible change is to change the threshold for the requirements from employers with more than ten employees at any time during the year to employers with more than twenty employees at any time during the year.

There was an initial proposal to require general contractors to keep OSHA records for all of their subcontractors on a project. It appears that the final proposed OSHA rule, however, did not include this change. However, counsel for general contractors may want to include a contractual obligation for subcontractors to keep and maintain these records.

Again, these changes are proposed changes only. Once they go into effect, Oregon OSHA will widely publicize the new rules.

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## 2001 PUBLIC CONTRACTING MEASURES

Dana A. Anderson  
Assistant Attorney General

The 2001 Regular Session (71<sup>st</sup> Oregon Legislative Assembly) offers an interesting variety of public contracting measures, particularly as they affect public improvement contracts. This article

summarizes the 17 measures most closely followed by the Oregon Project Directors Association. Bills relating to the Construction Contractors Board, as well as those primarily affecting private construction, are summarized elsewhere in this newsletter. As used below, "SB" refers to a Senate Bill, "HB" refers to a House Bill and "HR" stands for House Resolution.

**HR 1** urges the Speaker to recognize the ongoing work of the Public Contracting Law Revision Work Group, composed of more than 70 people representing a cross section of public contracting, and to direct that an interim committee continue that work. This anticipates that a re-write of ORS Chapter 279 would be conducted between sessions and reported back for legislative consideration at the 2003 Regular Session. With this general revision pending, isolated changes are less likely to be well received this session.

**HB 2013** allows political subdivisions to enter into personal service contracts directly with an architect, engineer or land surveyor if the contract is for continuation of a project under described circumstances.

**HB 2014** provides the selection process (drawing lots or tossing a coin) for public agencies to use when candidates are equally qualified to perform personal service contracts for services of an engineer, architect or land surveyor.

**HB 2052** is the AGC and NECA backed modification of first-tier subcontractor disclosure requires. In an effort to reduce bid shopping, ORS 279.027 and 279.322 were amended in 1999 to require disclosures within four hours of bid opening for specified public improvements. The statute lacks specifics, is difficult to implement and has lead to numerous bid protests. The measure is intended to represent an industry consensus between public project owners, contractors, subcontractors and suppliers seeking legislative relief. Changes include restricting the classes of work for which disclosure is required, eliminating material suppliers, specifying how the prime may list itself for a class of work, creation of a disclosure form, adding to grounds for substitution, providing for subcontractor

complaints to the CCB and allowing the CCB to impose penalties. However, the measure appears to be stalled as subcontractor groups press for elimination of the four-hour period and sponsors stand firm on the earlier industry consensus.

**HB 2053** modifies exemptions from competitive bidding requirements to provide for use of interagency price agreements and public contracts. This is one of the measures proposed by the House Interim Committee on Agency Performance and Operations, Subcommittee on Public Purchasing and Contracting, that has been reviewing ORS Chapter 279 issues with the Public Contracting Law Revision Work Group between sessions.

**HB 2517** imposes strict liability on inspectors of structures for physical injury, death or property damage suffered by the possessor of a structure as a result of conditions that were subject to inspection, did not comply with building or specialty codes and were not substantially modified after final inspection.

**HB 2523** increases the threshold contract price from \$25,000 to \$250,000 for public works projects subject to prevailing wage rates.

**HB 2617** specifies additional reasons that may be used to disqualify persons as bidders or subcontractors on public contracts, including failure to carry required workers' compensation or unemployment insurance; material or mechanics' liens having been successfully claimed; finding of guilt for federal or state wage and hour law violations; or a history of violations relating to environmental, safe employment or OSHA laws.

**HB 2747** transfers duties, functions and powers relating to building and structural codes, occupational health and safety and workers' compensation from the Department of Consumer and Business Affairs to the Bureau of Labor and Industries. *See* SB 396.

**HB 2879**, at the request of the Oregon State Building Trades, directs public agencies to award public contracts to the "average responsible bidder", determined by eliminating the lowest and highest bids, averaging the remaining bids from

responsible bidders, and identifying the bidder closest to that average.

**HB 2936** creates an exemption from the practice of architecture for a licensed construction contractor making an offer that includes “appurtenant services” to be performed by a registered architect, provided that the offer discloses in writing that the contractor is not an architect and identifies the architect performing such services. The measure creates a similar exemption for the practice of engineering, and appears to address the Design-Build form of contracting while not mentioning that term.

**SB 343** creates the crime of theft of construction funds, committed by a contractor receiving compensation for construction or landscaping and knowingly failing to complete those services. Affirmative defenses include return of compensation within 30 days of written demand, and commencing or completing the project under described circumstances.

**SB 344** specifies that certain statutorily required contract conditions under ORS Chapter 279 apply only to public improvement contracts performed in Oregon, and clarifies conditions relating to hours of labor and workers compensation. SB 344, 347 and 348 were all filed at the request of the Department of Justice.

**SB 347** specifies circumstances under which a state agency may ratify a written contract under which work has been performed prior to approval by the Attorney General. Required amendments may not expand or reduce the scope of work, and the Attorney General may also determine whether retention of any of the consideration previously paid is consistent with terms of the ratified contract.

**SB 348** expands the scope of the Attorney General’s Model Public Contract Rules to include architectural, engineering “and related services”, allowing the Model Rules to be revised in accordance with industry practices in that area in order to make the rules more useful to public contracting agencies.

**SB 396**, at the request of Commissioner Jack Roberts for BOLI, abolishes BOLI and

transfers its duties and functions to the Director of the Department of Consumer and Business Services. *See* HB 2747.

**SB 703** requires that agencies consider the costs of disposal of clean fill in awarding public improvement contracts, and give a preference to bidders proposing to dispose of clean fill in qualified mines. Allows agencies to require contractors to dispose of clean fill in qualified mines in certain circumstances.

Information on these and other measures may be obtained on line at [www.leg.state.or.us](http://www.leg.state.or.us) by selecting “Bills/Laws” from the top banner menu and then selecting “2001 Regular Session”. Links are provided for the full text, measure history, staff summaries, topic index, tables and search methods.

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## 2001 PRIVATE CONTRACTING MEASURES

Bill Boyd, Claims Resolution Manager  
Kathleen Howlett, Education Manager  
Oregon Construction Contractors Board  
Joseph A. Tripi  
Schwabe, Williamson & Wyatt

Below is the status of some major bills affecting private contracting or contractors in general. Status is as of March 12, 2001.

**HB 2185** allows the CCB to **require a new bond** when payment is made from the contractor’s surety bond. *Status: Passed House, in Senate committee.*

**HB 2186** exempts **appraisers and home inspectors** acting within the scope of their own certification or license to be exempt from the other profession’s certification or license. Requires a licensed business to maintain a Responsible Managing Individual who has passed the state licensing test and requires out-of-state contractors to pass Oregon’s test. It allows an **inactive license status** at a contractor’s request. Makes other changes related to contractor licenses. *Status: Passed House, in Senate committee.*

**HB 2187** authorizes the CCB to take several **enforcement actions** against contractors who violate the law: It allows the CCB to place a contractor on probation who has a history of claims from a previous registration or license; and makes using another contractor's license number a Class A Misdemeanor. It authorizes the CCB to suspend or refuse to license a contractor if the contractor or any individual who is an owner, shareholder or officer of the contractor is or was the owner or officer of a business that owes any amount to a construction surety bond company or has had its license to operate as a construction contractor revoked by the contractor licensing agency in any state. It requires contractors to comply with BOLI laws or lose their license. *Status: In House committee.*

**HB 2188** changes CCB **advisory committees** and removes restrictions on the exercise of certain **duties, powers and functions of the CCB**. Amends ORS 670.304 to include the CCB. *Status: Passed House, in Senate committee.*

**HB 2189** reorganizes and clarifies CCB **claims processing statutes**. It allows court resolution for construction claims involving small commercial structures. It also removes certain environmental violations from review by the CCB. *Status: Passed House, in Senate committee.*

**HB 2201** allows the **Landscape Contractors Board to require claims to be arbitrated, unless the parties elect otherwise**. It also modifies procedural rules for claimants seeking to satisfy court judgments out of a contractor's deposit bond or letter of credit. *Status: Approved by House Business, Labor and Consumer Affairs committee, in House Judiciary committee.*

**HB 2202** allows the CCB to require that hearings for certain claims be conducted as **arbitrations** unless the parties elect otherwise. *Status: Approved by House Business, Labor and Consumer Affairs committee, in House Judiciary committee.*

**HB 2203** eliminates the **casual labor exemption**. *Status: The CCB is no longer*

*attempting to move this bill forward and it is presumably dead.*

**HB 2254** allows partnerships, LLCs and LLPs to **be represented in CCB proceedings** by a related individual who is not an attorney. *Status: Passed House, in Senate committee.*

**HB 2255** gives general contractors who meet the **home inspection certification exemption** 30 days to request the exemption and one year to pass the home inspector test without meeting eligibility requirements. Requires a certified home inspector perform all home inspections conducted for a real estate transfer. *Status: Passed House, in Senate committee.*

**HB 2322** increases the **maximum amount that may be paid from a contractor's bond** on a claim by a material supplier. The amount paid from a CCB bond to a nonowner claimant would not exceed (a) \$2,000 for a claim other than a claim based on furnishing materials used in construction; or (b) \$5,000 for a claim based on furnishing materials used in construction. *Status: In House committee.*

**HB 2684** expands the class of persons authorized to perfect a claim of **lien for professional services**. Under this bill, a land surveyor could have a lien when a survey is used for establishing property boundaries. *Status: In House committee.*

**HB 2685** would **subordinate liens**, mortgages, judgments, and security interests to liens on personal or real property for remedial action to abate environmental hazards, regardless of the date of creation. The state's lien upon real and personal property for remedial action costs to abate an environmental hazard would be superior to and have priority over tax liens or any lien without regard to the date of creation, filing, or recording of the liens. *Status: In House committee.*

**HB 2728** authorizes **payment of claim by a non-owner against contractor bond** of \$2,000 or 25 percent of bond, whichever is greater. *Status: Referred to House committee.*

**HB 2759** al



allows CCB to **recognize specialized education** and include specialized education in professional credentials of contractors. *Status: In House committee, public hearing held.*

**HB 2915 increases surety bond amount** required of general and specialty contractors. *Status: In House committee.*

**SB 320:** Allows CCB to **suspend or refuse to license** a business if the business or a person who owns or holds an interest in the business owes money due on a CCB claim or civil penalty or a certain type of court judgment. *Status: Passed Senate, in House committee.*

**SB 687 specifies minimum content for written contracts** between construction contractors and structure owner. *Status: In Senate committee.*

**SB 688** requires the Attorney General to establish a **Construction Fraud Unit** within the Department of Justice to investigate allegations and prosecute violations of construction fraud. Requires CCB to refer all suspected instances of working as a construction contractor without a license to the Fraud Unit for possible prosecution. *Status: In Senate committee.*

**SB 689 adds an additional year to the time for filing** certain owner and prime contractor claims with CCB. *Status: In Senate committee.*

To follow these and other construction related bills, go online at [www.ccb.state.or.us](http://www.ccb.state.or.us) or [www.leg.state.or.us](http://www.leg.state.or.us) or call the Capitol's Legislative Information and Citizen Access number at 503-986-1187 (Salem only) or 1-800-332-2313.

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### CCB TO ADOPT NEW RULES

Bill Boyd, Claims Resolution Manager  
Oregon Construction Contractors Board

The Construction Contractors Board will adopt new rules related to claim processing at its March 27, 2001 board meeting. The most

important change allows a claimant to file a residential claim in court without losing access to the bond. The claimant must still file a statement of claim within the time period specified by law.

Other amendments clarify when a claim must be closed with a contested case order and when closure by an informal order is allowed. This is important because judicial review of the two types of administrative orders is different.

You should find the new rules on the CCB web site at [www.ccb.state.or.us](http://www.ccb.state.or.us) after April 16, 2001. A printed copy of the rules should be available after April 23 and can be obtained by calling (503) 378-4621 ext. 4974.

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### UPCOMING CLES

#### **June 6, 2001: "Emerging Surety and Insurance Issues"**

This CLE will discuss some of the current "hot topics" in surety and insurance law as they pertain to the construction industry.

The CLE is scheduled to be held at the Greek Deli in downtown Portland from noon until 1:30, with a cost of approximately \$15.00. For details, contact Alan Mitchell at (503) 620-4540.

#### **September \_\_?, 2001: "2001 Legislative and Case Law Update"**

This CLE will present an overview of 2001 legislative changes and recent cases that will most impact construction law practitioners. An exact date has not yet been determined, although it should be shortly after the legislative session ends.

Dana Anderson will address public contract issues and David Douthwaite will address private contract issues. For details, contact Rod Mills at (503) 223-6740. The exact date, location and cost for this CLE will be announced in the next newsletter as well as via letter (and e-mail).

**December 7, 2001: “Lessons from Oregon Troubled Projects”**

This CLE will look at several recent troubled projects in Oregon and attempt to extract some lessons to help avoid future troubled projects. The presenters will discuss The Round at Beaverton Central, the Pamco project and the Sundance Cinema.

The CLE is scheduled to be held at the Greek Deli in downtown Portland from noon until 2:00, with a cost of approximately \$15.00. For details, contact Reg Perry at (503) 691-2949.

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**BE A WEB MASTER!**

No, not Spiderman. The Construction Law Section is seeking someone to assist with updating and modernizing its web page. The OSB has provided some nice new web creation tools and possibilities.

This is a great opportunity for a newer member of the section to gain some “visibility” with the other members. If you are interested (or you want one of your junior associates to be interested), call Alan Mitchell at (503) 620-4540.



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