

From: [Reid, Sean, PLN](#)
To: [Barry Walthall](#); [Mallory, Jerry, PLN](#)
Cc: [Scott McCullough](#); [Kurt Schroeder](#); [Toni Wheeler](#)
Subject: RE: Proposed change in licensing regulations
Date: Friday, September 27, 2013 1:16:56 PM

Barry,

Thanks for bring the change to our attention. We have discussed it internally and fee this will fall under the situation contemplated in the Agreement under item 2, which states in part, that in the case where “if a license class exists in one jurisdiction, but not the other, a contractor holding such license shall not be deemed to be qualified in the other jurisdiction...” and therefore will not require the 30-day notice to be invoked.

I will bring this to the attention of the Contractor License Review Board at their next regularly scheduled meeting as an informational item. We appreciate you bringing the matter to our attention and feel this further validates the atmosphere of cooperation in which reciprocity was established.

Sincerely,

Sean Reid

Sean W. Reid, C.B.O.

Program Manager

Johnson County Government

Contractor Licensing Program

111 S. Cherry Street, Suite 1000

Olathe, KS 66061

Desk (913) 715-2236

Office (913) 715-2233



From: Barry Walthall [mailto:bwalthall@lawrenceks.org]
Sent: Friday, September 20, 2013 2:37 PM
To: Reid, Sean, PLN; Mallory, Jerry, PLN
Cc: Scott McCullough; Kurt Schroeder; Toni Wheeler
Subject: Proposed change in licensing regulations

Jerry and Sean,

Attached is a letter requesting review of a proposed change to the City's licensing regulations creating a new license category for "Class L Limited" contractors. Also attached is a staff report to the City's CLB that contains additional information concerning the background for the request for a change and brief staff analysis of the issue.

As Sean and I discussed on the phone earlier today, this may not rise to the level of being a material change requiring the 30-day review contemplated in the reciprocity agreement. However, we believe that notifying you of the potential change and allowing you to determine whether the change is material is the correct process and the communication between programs is beneficial for both parties. We are holding a couple of potential projects up while the entire code change process plays out, so any help you can give in turning this around quickly is greatly appreciated.

Thanks for your consideration and let me know of any questions.

Barry Walthall, *Building Official* - bwalthall@lawrenceks.org
Planning & Development Services | www.lawrenceks.org/pds
Development Services Division, 1 Riverfront Plaza, Suite 110
P.O. Box 708, Lawrence, KS 66044
office (785) 832-3101 | fax (785) 832-3110

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<http://lawrenceks.org/pds/survey/satisfaction>.

17 September 2013

Dear Mr. Walthall,

Thank you for letting me know about the upcoming Contractor Licensing Board meeting on Thursday. Since I will be out of town that day, I am writing this letter and would greatly appreciate it if you would share my comments with the Board members.

I am writing as a resident of Lawrence. In May, when a tornado devastated Moore, Oklahoma, I was motivated to look into storm shelter options for my home here in Kansas. My house has no basement. I discovered several businesses that specialize in installing underground shelters by breaking through the concrete of a garage floor and securing a metal compartment that may be accessed by a sliding door on the garage floor surface. This kind of shelter appears to be an excellent option for me and my family.

After doing some research into different companies that install this kind of shelter – most of the businesses I found are located in Oklahoma – I decided to work with FlatSafe Tornadoes LLC because of the quality of their construction and attention to detail. I was not able to find a local company that is experienced in installing this kind of shelter. I am not a construction expert by any means, but comparing the information on company websites and customer reviews, I felt comfortable with my selection. I contacted the company, and we began to work on paperwork and setting a date for the installation.

In the process of applying to the City of Lawrence for a one-day building permit, we found that the application form has no category for this kind of work. Installing this type of shelter does not require any plumbing or electrical work. **I am writing to express my support of changing the licensing code to create an alternative, limited license category that would allow the installation of an underground tornado shelter in my garage.**

I understand that ensuring proper contractor licensing is an important aspect of consumer protection, and I appreciate the work done by the City of Lawrence and the Contractor Licensing Board to ensure public safety and well-being. I do hope that the Board will consider the benefits of these underground shelters because I know there are other Lawrence residents who are interested in this safety feature. Thank you for considering my comments in your deliberations.

Kind regards,

Shannon O'Lear
124 Sharon Dr., Lawrence, KS 66049
Tel. 840.6892
Email olear@ku.edu



City of Lawrence

PLANNING & DEVELOPMENT SERVICES

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September 19, 2013

Johnson County Contractor Licensing
Attn: Jerry Mallory, Building Official
111 South Cherry Street, Suite 1000
Olathe, Kansas 66061

Dear Mr. Mallory,

The City of Lawrence is considering a change to its contractor licensing regulations to create an additional license category for Class L Limited Contractors, as follows:

5-1513 Class L LIMITED SPECIALTY CONTRACTOR

A Class L License shall entitle the holder thereof to perform work limited in scope as approved by the Contractor Licensing Board in accordance with Section 5-1515(G). The annual Class L License fee shall be sixty-five dollars (\$65).

5-1515 Examinations, License Approval, and Issuance.

(G) A Class L Limited contractor license may be issued to a contractor applicant for work requiring building permits that is specialized in scope and does not fall within Class A, B, C, D, or E license categories. Applications for limited contractor licenses shall be made to the Contractor Licensing Board, and the Board shall approve or reject the license application based on credentials furnished to the Board in support of the license application demonstrating knowledge and ability to perform the specialized work for which the license is requested. The contractor applicant shall keep in force a policy of general liability insurance in accordance with Section 5-1506 Class A, B, and C contractors, or Class D and E contractors as deemed appropriate by the Board.

The attached staff report provides additional information and analysis concerning the origin and purpose of the proposed changes.

In accordance with the Reciprocal Contractor Licensing Agreement, this letter is advance written notice to allow Johnson County Contractor Licensing to determine whether the proposed changes may adversely affect its licensing program. Per the agreement a response is requested within thirty days; or sooner if at all possible.



Please contact Barry Walthall, 785-832-3101, with any questions concerning the proposed changes.

Sincerely,

A handwritten signature in blue ink, reading "Scott McCullough". The signature is fluid and cursive, with the first name "Scott" and last name "McCullough" clearly legible.

Scott McCullough
Director

C: Kurt Schroeder, Asst. Director of Planning and Development, Development Services
Barry Walthall, Building Codes Administrator
Toni R. Wheeler, City Attorney

Memorandum

City of Lawrence

Planning & Development Services

TO: Contractor Licensing Board
Building Code Board of Appeals

FROM: Barry Walthall, Building Code Official

C: Kurt Schroeder, Asst. Planning & Development Director – Development Services

Date: September 13, 2013

RE: Request for code change creating additional licensing category

Attached is a request from FlatSafe Tornado Shelters, LLC to consider adding a license classification for storm shelter installers. The City Commission received this request at their meeting on August 6, 2013 and referred the request to the Contractor Licensing Board for recommendations.

Staff Analysis

Because the scope of services provided by FlatSafe Tornado Shelters, LLC is limited to installation of under-slab storm shelters, the applicant does not believe that the company falls within an existing license classification, and has requested that the City consider a license classification either specifically for storm shelter installers or a license category for “not otherwise specified” contractors.

To demonstrate eligibility for a Class A General Contractor, Class B Building Contractor, or Class C Residential Contractor license in accordance with Section 5-1515 of the City of Lawrence Code, a company must specify a qualifying individual who has achieved a certificate of competence from a nationally recognized testing institution or holds a bachelor's degree in engineering, architecture or construction science from an accredited college or university.

Section 5-1515 also provides for a license to be issued based on reciprocity. Under the reciprocity provision an applicant may be issued a license without written examination if the other jurisdiction provides for similar action (i.e. will issue reciprocal licenses to City of Lawrence licensed contractors without written examination), and the Building Official must be presented with satisfactory proof that the qualifications of such applicants are equal to the qualifications of holders of similar licenses in the City of Lawrence. FlatSafe has provided a list of licenses held in other jurisdictions, but satisfactory proof that the qualifications required to obtain these licenses are equal to the qualifications of holders of similar licenses has not been presented. The issue of whether the other jurisdictions provide for similar action has not been evaluated. The City of Lawrence does not have reciprocity agreements with any of the jurisdictions on the list provided.

It may not be consistent with the purpose statement found in Section 5-1501 to issue Class A, B or C licenses to contractors that perform specialized work that requires only limited building code

knowledge; specifically that: "The purpose of this Article is to ensure that all persons desiring to perform contracting work in this city be duly licensed to ensure capable and skilled craftsmanship utilized in construction projects..." Such specialized contractors, if issued the standard classification licenses, would be eligible to obtain building permits for work they may not have the ability and knowledge to accomplish the goal of providing for capable and skilled craftsmanship.

Recommendation

Staff concurs that a change to the license regulations is warranted, and recommends that the Contractor Licensing Board and Building Code Board of Appeals recommend that the City Commission amend the City of Lawrence Code to create a new license category for a limited contractor's license as follows:

5-1513 Class L LIMITED SPECIALTY CONTRACTOR

A Class L License shall entitle the holder thereof to perform work limited in scope as approved by the Contractor Licensing Board in accordance with Section 5-1515(G). The annual Class L License fee shall be sixty-five dollars (\$65).

5-1515 Examinations, License Approval, and Issuance.

(G) A Class L Limited Contractor License may be issued to a contractor applicant for work requiring building permits that is specialized in scope and does not fall within Class A, B, C, D, or E License categories. Applications for Class L Licenses shall be made to the Contractor Licensing Board, and the Board shall approve or reject the license application based, on credentials furnished to the Board in support of the license application that would demonstrate knowledge and ability to perform the specialized work for which the license is requested. The contractor applicant shall keep in force a policy of general liability insurance in accordance with Section 5-1506 "Class A, B, and C Contractors," or "Class D and E Contractors," as deemed appropriate by the Board.