



PHCC Pipe Dope

Volume 16 Issue 11

November 2011

Plumbing-Heating-Cooling Contractors of Alameda & Contra Costa Counties, Inc.

The Presidents Report

by Daniel Bonetti

I would to thank all of you that attended the PHCC Golf Tournament of the 29th of September. This is one of the first events that had been a combined Local Association event. Other than the State Convention most all other events are local events only. I hope this is the beginning of more future events to be multi-association events. We did have a very large turnout of our membership that attended this event again showing that we are local is one of the most active in California. Having these joint events is one of the best ways to help grow the association. By attending you are able to meet other Contractors, Suppliers, Associate Members, PHCC State Staff, and begin to know people on a one to one basis.

We are currently working with the State PHCC and the National PHCC to begin combining a list and an understanding of all of the optional benefits that your membership brings. There are so many added benefits that are included with your membership that these sometimes get lost in the shuffle and get over looked. In the upcoming monthly meetings I will be reminding you of these money saving perks that available to you.

I also want to thank all of you that have helped sponsor our Local Scholarship Casino Night on the 18th, and those members and guests attending this event.

Daniel Bonetti
PHCC-ACCC President

Roeber's, Inc. Receives 2011 PHCC Safety Award

(Owatonna, Minnesota) . Federated Insurance proudly announced their fifth annual *Safety First!* Contractor of the Year Award on September 24, during the closing reception and officer installation of the Plumbing-Heating-Cooling-Contractors National Association's convention, CONNECT 2011, held in Minneapolis. This year's recipient was Roeber's Inc., a third-generation business serving the East Bay area of San Francisco.

Upon learning of the honor, John Roeber, president of the 26-employee company, said, "The safety programs at Roeber's vary from simple weekly work-wise announcement in the paychecks to a full Injury and Illness Prevention Program. By doing this, we have kept our claims and losses at a minimum."

The *Safety First!* award was created to recognize a PHCC contractor who takes advantage of Federated's risk management assistance to effectively implement sound risk management practices. With hundreds of clients eligible each year to receive this prestigious honor, it was Roeber's vigilant approach to loss control that elevated them among their peers.

Congratulations to Roeber's, Inc., for earning the Contractor of the Year award by practicing *Safety First!*

2011 - 2013
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IAPMO UPDATE

by John Cottrell

Question: What plumbing fixture has the weir of the trap above the vent inlet?

Answer: There is one exception to Code Section 905.5, a water closet. A vent pipe connection that is below the weir of the trap.

Question: What plumbing fixture has an "S" trap?

Answer: As you may know, an "S" trap is illegal, but an "S" trap is legal on a water closet.

Comment: Water closets and similar siphon waste fixtures do not require vent piping to protect their trap seals. A water closet is intentionally "S" trapped, so that siphonage will occur, emptying the entire trap seal and its contents with every flush.

The PHCC Pipe Dope is published 12 times per year for the Alameda & Contra Costa Counties Chapter of PHCC. Letters and opinions do not necessarily reflect the views of the officers or members of Alameda & Contra Costa PHCC.

PHCC-ACCC Members: Your staff is always looking for ways to serve you better. If you have a good article or hot tip let us know. Call (925) 455-4188 or fax information to (925) 455-4187, or send to chris@phccaccc.org

LAW TALK -

Does Operating Out Of Name Style Make Contractor Unlicensed?

Sam K. Abdulaziz & Kenneth S. Grossbart
Attorney at Law

.As you may be aware, it is very important for a licensed contractor to conduct business under the proper name - as it is shown on the CSLB records. Failure to do so is a cause for discipline by the CSLB and may prevent a contractor from collecting compensation if they are deemed to be unlicensed because of the incorrect name being used.

The California Courts of Appeal recently heard the case of David E. Ball v. Steadfast-BLK which sheds new light on this operating out of name style issue. David E. Ball ("Ball") was, is, and has been a duly licensed contractor with the CSLB as a sole proprietor. According to the CSLB, Ball has a fictitious name of "Clark Heating and Air Conditioning." Therefore, the correct name style would be "David E. Ball dba Clark Heating and Air Conditioning" or even "Clark Heating and Air Conditioning."

Given that nobody is perfect, and mistakes happen, Ball entered into a contract under the name style "Clark Air Conditioning & Heating." At first glance, it appears to be the same name; at least it contains all of the same words. The name is actually transposed and Ball therefore was operating out of name style. The question at hand is whether this made Ball an unlicensed contractor.

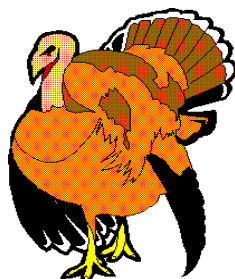
The trial court saw Ball as an unlicensed contractor because of his operating out of name style. They further determined that since he was an unlicensed contractor he could not bring any actions to seek compensation for his work, according to Business and Professions Code Â§ 7031(a). Because of this, the trial court ultimately dismissed Ball's foreclosure on the mechanic's lien cause of action.

Upon appeal, it was determined that any fictitious business name that Ball was operating his business under would still be "licensed" since Ball was the sole proprietor licensee not the fictitious name or dba, since the company is not a legal entity. Note that the CSLB licenses individuals (such as Ball), partnerships, corporations and soon, limited liability companies.

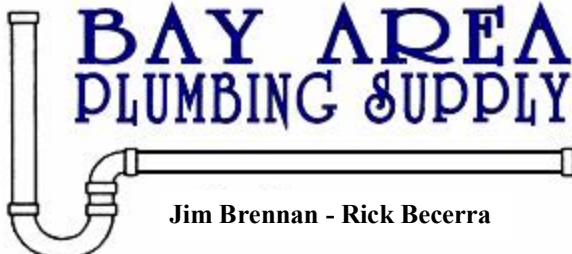
It was further found that even if Ball did break the law as laid out in the Contractors' State License Law that it was not sufficient to disallow him from seeking recovery for work performed. The violations could constitute a technical violation with the CSLB.

Although this decision gives the individual sole owner breathing room with respect to their name style when it comes to recovery, there are various technical violations that still pose a threat. These violations can cause an in depth investigation by CSLB Enforcement Representatives and bring disciplinary actions such as fines, license suspension, and even revocation of the license. The violation could also become public record for all further customers to see and possibly cause them not to enter into a contract.

As simple as it is, it's always a good idea for any type of contractor to make sure that everything they are doing is under the proper name style. It's a good foundation for the business.



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KALB'S COLUMN -- Oct. 21, 2010

LLC Contractor Licensing, Corporate Licenses and Business Names

Having many years experience assisting contractors, it's always a pleasure to hear from them again. In this particular case, my answer will likely be of interest to an unlimited number of contractors. Another contractor knows that the company name you're using has a direct impact on what kind of business comes through the door.

Q: I have worked with you several times applying for our Contractors Licenses. Our parent firm is a Limited Liability Company (LLC), which does business in Arizona, Nevada and other states. Our corporation was created solely for the purpose of contracting in California. With the change in California that will soon allow LLC's to hold Contractor's Licenses we're wondering whether there might be a provision for an entity like our corporation to transfer its licenses to its Parent Limited Liability Company? I would be interested in any information you might have regarding the upcoming change in California.

A: Thank you for your email and past use of our firm. I have written a letter, which I recently sent to a number of my clients (and others) who have expressed interest in securing a LLC license. This summarizes where the CSLB is at and when we expect the Board to allow LLC licenses to move forward (likely around January 1st). I have added your name to this list for future updates.

It does appear the CA Contractors Board will consider allowing a corporation to transfer its existing corporate license to the new LLC entity. However, there are a few restrictions so not every company will be able to take advantage of this provision.

Any reader interested in receiving a periodic LLC update, should contact my office by phone, fax or email.

Q: Hello, rather than trying to get someone on the phone at CSLB, which is nearly impossible I was hoping you might be able to help. We are looking to incorporate our Sole Owner construction business. We currently carry a B license and 2 specialty classes. Can the corporation have one name and the other 2 companies operate under different names but the same license number (i.e. XYZ Construction Inc.; XYZ Painting, XYZ Plumbing) or is there only ONE name allowed per license number? We only have "construction" in our name and feel it deters people who think we may not be legit painters or plumbers (even though we are!).

A: Thank you for the email inquiry. You have the option of incorporating and doing business under various names. Using your example, this means you'd end up with 3 licenses, each with a different name and number.

Coordinating these can be tricky due to a recent change in CSLB policy. For example, you may want to first secure a new license number for XYZ Construction Inc. or have your Sole Owner license transferred to the corporation. Once this is completed, the two other original license applications can be filed (for XYZ Painting, XYZ Plumbing). To reiterate, each business name must have its own license number.

Q: I would like to reactivate my corporate license and keep my personal license on ice. Can I do this? I remember a time when it was required that your personal license be active to qualify a corporate license.

A: I am not aware of any time in the last 30 years (which is as far back as my direct knowledge goes) where it was a requirement to have both licenses active. This being said, it is up to you, as the contractor, to make a personal decision on whether you want to reactivate one or both licenses. If you are unsure of the consequences, let's talk further.

Knowledge is power. Knowing where to go for the answers is half the battle. Get expert assistance immediately when you e-mail info@cutredtape.com, call (916) 443-0657, fax (916) 443-1908, or write me at Capitol Services, Inc., 1225 8th St. Ste. 580, Sacramento, CA 95814.

PHCC OF ALAMEDA AND CONTRA COSTA COUNTIES BOARD OF DIRECTORS



AND GENERAL MEMBERSHIP MEETING



DATE: November 15, 2011

PLACE: Frankie, Johnnie & Luigi Too! - Dublin
11891 Dublin Blvd
Dublin, CA 94568
Tel: (925) 828-9380

TIME: 5:00 P.M. Board of Director's Meeting
7:00 P.M. Dinner

PROGRAM: Dana Corey—Sweeney, Mason, Wilson & Bosomworth
Legislative updates, construction law retention, Idemnity changes
and new Lien Law codes

**IMPORTANT: RESPOND WITH NUMBER OF EMPLOYEES ATTENDING &
DINNER SELECTION NO LATER THAN**
than July 9th. Print this page and Fax To Chris at 455-4187 (925) or call (925) 455-4188

Salmon: _____ **Vegetarian:** _____

Chicken: _____ **Veal Marsala:** _____

Steak: _____

Company: _____

Names: _____

Please bring items for the soldiers, such as baby powder, shampoo, conditioners, q-tips, tooth brushes, sock, hard candy, etc. Sample sizes work great! I f you don't have time together up these items and would still like to donate leave a check with Chris.

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Mixet
Moen
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Sloan
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Under Partsmaster

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Executive Manager's Report

by Chris Bonetti

Thanks again to all who helped to make the annual Casino Nite once again a success! Thanks to all of our table sponsors, and gift sponsors which helped to make this Casino Nite another fun night! Special thanks to Nina and her crew with ARC Restoration for sponsoring the bbq dinner it was very well done and very tasty also. Thanks again Nina!

I would also like to thanks Marie Neuman with Water Damage Recovery for the cash donations which where raffled through the night!

The horseracing was new this year and a lot of fun too! Thanks to all who helped work the bar, the door and clean up too!

Thanks to all who attended this fund raiser. It's the fund raisers that keep your PHCC costs as low as possible throughout the year.

The Christmas Party will be held December 6th at Cattlemen's Steak House so watch for your invitation and be sure to RSVP as soon as possible as this will be sold out! This is a prepaid event.

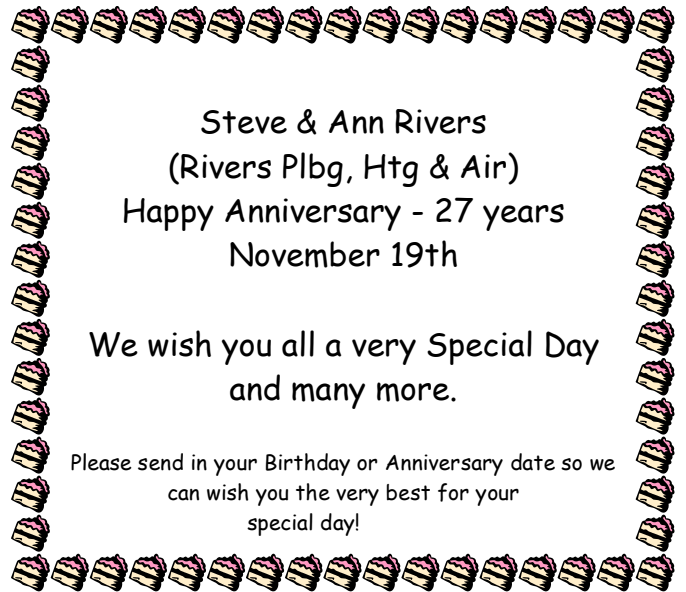
I am setting up a CPR class in February for our students in the training program so watch for details next month if you would like to sign up. Space will be limited and there will be a fee.

The annual crab feed will be January 21st so be sure to save this date!

Looking forward to seeing everyone at the next meeting be sure to attend as Dana Corey will have new up dated information on construction law retention, and lien laws so be sure to RSVP when you get the notice.

Chris
PHCC-ACCC

NOVEMBER'S Special Days



Steve & Ann Rivers
(Rivers Plbg, Htg & Air)
Happy Anniversary - 27 years
November 19th

We wish you all a very Special Day
and many more.

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can wish you the very best for your
special day!



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PHCC members can log into this site to access our library of previously recorded sessions at no charge. Click on the link below.

What's In Your Social Media Stew?

Date: Wednesday, November 2, 2011

Time: 3:00pm - 4:00pm ET

Free Member Webinar

Converting Random Strangers Into Raving Fans

Date: Wednesday, November 16, 2011

Time: 3:00pm - 4:00pm ET

Free Member Webinar

<http://www.phccweb.org/EducationEvents/content.cfm?ItemNumber=7789&navItemNumber=10130>

A decorative border of green Christmas trees surrounds the central text.

PHCC Christmas Party
December 6th
Cattlemen's Steakhouse
Livermore
Call in for reservations

A decorative wreath with a red bow is positioned to the left of the event details.

This is a prepaid event and fills up fast. Don't miss out! Contact Chris at the PHCC office
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