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**IDAPA 32
TITLE 01
Chapter 01**

IDAPA 32 - PUBLIC WORKS CONTRACTORS STATE LICENSES BOARD

32.01.01 - RULES OF THE PUBLIC WORKS CONTRACTORS LICENSES BOARD

000. LEGAL AUTHORITY.

The authority of the Board to adopt rules of practice and procedure is provided in Section 54-1907, Idaho Code, as amended. (7-1-93)

001. PURPOSE.

The purpose of these rules is to implement the administration and enforcement of the License Act. (7-1-93)

002. INTENT.

The Board believes the legislature in providing the License Act and subsequent amendments thereto, intended to afford some protection to officials of units of government at all levels in their dealing with persons, firms or corporations engaging in the construction, reconstruction or repair of Public Works. The licensing of a person, firm or corporation as a "Public Works Contractor" shall give to the investing public body some assurance of the contractor's reputation, ability, qualifications, experience and financial responsibility. (7-1-93)

003. DEFINITIONS.

As used in these rules. (7-1-93)

01. Applicant. Shall mean any person who has filed an application with the Board. (7-1-93)

02. Licensee. Shall mean any individual proprietor, copartnership, limited liability partnership, limited liability company, corporation, joint venture or other business organization who holds a current, unrevoked license. (3-19-99)

03. Petitioner. Shall mean: (7-1-93)

a. Any licensee who has filed with the Board a written request for the change or addition to the types of construction for which he is licensed; (7-1-93)

b. Any applicant or licensee requesting a rehearing in any proceeding; (7-1-93)

c. Any interested person requesting the promulgation, amendment or repeal of a rule, or; (7-1-93)

d. Any interested person requesting a declaratory ruling on the applicability of the License Act or of any rule or order of the Board. (7-1-93)

04. Staff. Shall mean Executive Director or other members of the staff as appropriate who may appear and participate in any proceedings before the Board. (3-19-99)

05. Hearing Officer. Shall mean that person designated by the Chairman of the Board to conduct or assist in any proceeding before the Board. (7-1-93)

06. Legal Counsel. For the Board shall be as designated by the Board. (3-19-99)

07. Supplier. Persons who only supply goods or equipment to a construction project and do not perform any other construction contracting duties. Suppliers shall be exempt from licensure. (3-19-99)

08. Executive Director. Shall refer to and shall mean the same as the Registrar. (3-19-99)

004. -- 099. (RESERVED).

100. PLACE OF BUSINESS.

The principal place of business of the Board shall be 355 N. Orchard, Suite 107, PO Box 83720, Statehouse Mail, Boise, ID 83720-0073, telephone (208) 327-7326, fax (208) 327-7377, office hours 8:00 a.m. to 5:00 p.m. (3-19-99)

101. MEETINGS.

Notice of regular and special meetings. The Executive Director shall give due notice of any regular or special meeting to each member of the Board. (3-19-99)

102. COMMUNICATION.

All written communications, forms and documents concerning any matter covered by the Act or these rules shall be addressed to the Executive Director of the Board (not to members of the Board or staff). All communications are deemed officially received only when delivered to the principal office of the Board. (3-19-99)

103. PETITIONS.

Petitions may be filed by application. An applicant or licensee seeking a rehearing of the decision and order of the Board on any application, or in any disciplinary proceeding, must file a written petition. (3-19-99)

104. FORM AND CONTENT.

01. Form. The form, including the heading, the name of the petitioner and the purpose of the petition shall be in the manner prescribed in these rules. (3-19-99)

02. Paragraph 1. Shall state the petitioner's interest in the matter. (3-19-99)

03. Paragraph 2. Shall state the petitioner's request in brief, precise and specific terms, including references to any pertinent statutes or rules. (3-19-99)

04. Paragraph 3. Shall contain the statements of fact to support the petitioner's request. Briefs and supporting documents may accompany petitions. (3-19-99)

05. Dated And Signed. The petition shall be dated and signed by the petitioner. (3-19-99)

06. Filed. The petition shall be filed with the Board. The Board shall acknowledge the petition by First Class Mail with the notice of hearing or the decision of the Board in the matter. (3-19-99)

105. REVIEW.

Petitions will be reviewed, heard and decided at regular monthly meetings of the Board. (3-19-99)

106. SPECIAL PROVISIONS GOVERNING PETITIONS FOR EXTENSION OF TIME.

01. Filing Deadline. A written petition for an extension of time shall be filed by the last working day of the month the license expires. The petition shall state briefly and concisely the reason(s) for the extension of time. The petition shall request an extension be granted for a specified number of days not to exceed sixty (60) days. Petitions for more than sixty (60) days will not be honored. (3-19-99)

02. Accompaniments. The petition shall be accompanied by the proper license fees and filed with the Board not later than the last day of the licensing period. A petition filed without the fees or filed after the license has expired will not be honored. (3-19-99)

03. Approval Of Petition. Approval of a petition for an extension of time shall authorize operation as a contractor until actual issuance of such renewal license for the ensuing licensing period, provided the application for renewal is filed with the Board within the extended time specified. (3-19-99)

04. Failure To File. Should the licensee fail to file his application for renewal on or before the last day of the extended time specified in the notice, his license shall lapse and expire on that day. (3-19-99)

107. SPECIAL PROVISIONS COVERED IN A PETITION TO CHANGE OR ADD TYPES OF CONSTRUCTION.

The petition to change or add types of construction shall be supported by evidence or work history, performance, experience, equipment and financial responsibility, as deemed necessary in the circumstances. (3-19-99)

108. RECORDS.

The Board shall maintain in its offices in Boise, Idaho, an indexed record of all applications, licenses issued, licenses renewed and all revocations, cancellations, and suspensions of licenses. (3-19-99)

109. COPIES.

The Board shall furnish a certified copy of any license issued upon receipt of the sum of fifty cents (\$.50). (3-19-99)

110. DIRECTORY - LISTS.

The Board shall publish a directory of the names and addresses of contractors licensed pursuant to Title 54, Chapter 19, Idaho Code. (3-19-99)

01. Furnish Lists. The Board may furnish lists to such public works and building departments, public officials or public bodies, architects and professional engineers, and other persons interested in or allied with the building and construction industry in this or any other state as deemed advisable, and at such intervals as deemed necessary, whenever funds therefor are available. (3-19-99)

02. Request For Copies. Copies of the list may be furnished by the Board upon request to any firm or individual upon payment of a reasonable fee fixed by the Board. (3-19-99)

111. POCKET CARDS.

The Board may issue pocket cards to licensees that may serve as satisfactory evidence of the possession of a license and current renewal. (3-19-99)

112. STATEMENT FOR PUBLIC WORKS PROJECTS.

The Board shall promote and encourage the publication of a statement regarding licensing requirements in the advertised specifications for public works projects. (3-19-99)

113. POSTED NOTICES.

The Board shall promote and encourage the posting of notices regarding licensing requirements in conspicuous places in public offices and buildings. (3-19-99)

114. PUBLICATION.

The Board shall, upon request and periodically, as needed, publish and distribute statements and placards regarding licensing requirements to public officials, architects, engineers and other interested persons. (3-19-99)

115. BID PROPOSALS.

The Board shall promote and encourage the use of provisions requiring the posting of license certificate numbers on bid proposal forms for public works projects. (3-19-99)

116. NAMING SUBCONTRACTORS.

The Board shall promote and encourage the use of provisions requiring the posting of license certificate numbers in those instances where subcontractors and specialty contractors are required to be named in the bid proposal form for public works projects. (3-19-99)

117. REVIEW.

The Board may review the basis for a contested case at any regular or special meeting. (3-19-99)

118. ANSWER.

An answer to a citation and complaint shall be filed within ten (10) days after the citation is served. Answers shall be reviewed at regular or special meetings of the Board. (3-19-99)

119. NOTICE OF HEARING.

In any contested case where a hearing is set, due notice of the date, time and place shall be served on the applicant or licensee by Certified Mail, and such other interested persons, including complainants, by First Class Mail. (3-19-99)

120. FINANCIAL STATEMENTS.

The Board may, at its discretion, require that the financial reports furnished by the applicant be prepared by an accountant. All financial information submitted by an applicant shall be considered confidential and exempt from public inspection. (3-19-99)

121. APPRAISALS.

The Board may, in its discretion, require the appraisal of any real or chattel property reported by an applicant or licensee. Such appraisals shall be conducted by a disinterested person or firm established and qualified to perform such services. (3-19-99)

122. REFERENCES.

The Board may, in its discretion, require an applicant for an original or renewal license to furnish such personal, business, character, financial or other written references as the Board may deem necessary and advisable in determining the applicant's qualifications. (3-19-99)

123. ORAL COMPLAINTS.

An oral complaint alleging a violation of the License Act shall be reduced to writing, verified, and filed with the Board in the form and manner provided in these rules. (3-19-99)

124. DETERMINING COVERAGE.

The Board shall make its own determinations as to whether contractors, builders, subcontractors, specialty contractors, or material men are covered by Title 54, Chapter 14, Idaho Code, even though such determinations may differ from those of the owner, other interested persons or agencies. The Board may make its own determinations as to whether a specific type of work or project shall be regarded as "public works construction" within the meaning of the License Act, even though such determinations may differ from those of the owner, other interested persons or agencies. (3-19-99)

125. -- 199. (RESERVED).

200. CLASSES.

01. Class. "Class" of any license shall be as designated and defined in Section 54-1904, Idaho Code as amended. (7-1-93)

02. Limit Of One License. A licensee will be permitted to hold only one (1) class of license at any given time. (7-1-93)

03. Filing Upgrade Application. A licensee in one class who desires a license of another class shall prepare and file an upgrade application, current financial statement and pay the fee for such other class. (3-19-99)

04. Voiding Old License. When a licensee of one class has been issued a license of another class, the previous license shall be null and void. (7-1-93)

201. FEES.

01. Fees. Fees for each class of license shall be as designated and defined in Sections 54-1904, and 54-4510, Idaho Code. (3-19-99)

02. Payment Of Fees. Fees shall be payable to "Treasurer, State of Idaho". (7-1-93)

03. Application Filed With Fees. Fees shall accompany the application for a license. An application filed without the proper fees shall be deemed incomplete. (3-19-99)

04. Nonrefundable Fees. Fees accompanying original applications and fees accompanying renewal applications are for the administration and enforcement of the Act and shall not be refunded to the applicant pursuant to Sections 54-1911 and 54-1912, Idaho Code, respectively. (3-19-99)

05. Construction Manager Licensing Fees. (3-19-99)

- a. The fee for initial examination and licensing shall be two hundred dollars (\$200). (3-19-99)
- b. The fee for license renewal shall be two hundred dollars (\$200). (3-19-99)
- c. The fee for an inactive license shall be fifty dollars (\$50). (3-19-99)
- d. The fee for license reinstatement shall be two hundred dollars (\$200). (3-19-99)
- e. The fee for administering the examination shall be the standard fee established for taking that examination. (3-19-99)
- f. The fee for issuing and for reinstating a certificate of authority shall be one hundred dollars (\$100). (3-19-99)

202. GUIDELINES.

The financial guidelines for obtaining and maintaining a license under this Act shall be as follows: (7-1-93)

01. Heavy, Highway, Building, And Specialty Construction Class AAA License. An applicant requesting a Class AAA license in Heavy, Highway, Specialty or Building Construction shall have a minimum net worth of six hundred thousand dollars (\$600,000) with two hundred thousand dollars (\$200,000) in working capital. (3-19-99)

02. Heavy, Highway, Building, And Specialty Construction Class AA License. An applicant requesting a Class AA license in Heavy, Highway, Specialty or Building Construction shall have a minimum net worth of four hundred fifty thousand dollars (\$450,000) with one hundred fifty thousand dollars (\$150,000) in working capital. (3-19-99)

03. Heavy, Highway, Building, And Specialty Construction Class A License. An applicant requesting a Class A license in Heavy, Highway, Specialty or Building Construction shall have a minimum net worth of three hundred thousand dollars (\$300,000) with one hundred thousand dollars (\$100,000) in working capital. (3-19-99)

04. Heavy, Highway, Building, And Specialty Construction Class B License. An applicant requesting a Class B license in Heavy, Highway, Specialty or Building Construction shall have a minimum net worth of one hundred fifty thousand dollars (\$150,000) with fifty thousand dollars (\$50,000) in working capital. (3-19-99)

05. Heavy, Highway, Building, And Specialty Construction Class C License. An applicant requesting a Class C license in Heavy, Highway, Specialty or Building Construction shall have a minimum net worth of twenty five thousand dollars (\$25,000) with seven thousand five hundred dollars (\$7,500) in working capital. (3-19-99)

06. Heavy, Highway, Building, And Specialty Construction Class D License. An applicant requesting a Class D license in Heavy, Highway, Specialty or Building Construction shall have a minimum net worth of ten thousand dollars (\$10,000) with three thousand dollars (\$3,000) in working capital. (3-19-99)

07. Indemnification. If the applicant's financial resources do not meet the Board requirements, an applicant may seek to indemnify its net worth and working capital by using a third party's assets to meet the minimum requirements for licensure. This must be done prior to licensure in writing in a form and manner approved by the Board. (3-19-99)

203. RIGHTS GRANTED UNDER LICENSES.

01. Rights. Rights granted to licensees shall be as designated and defined in Section 54-1904, Idaho Code, and as provided in these rules. (7-1-93)

02. Estimated Cost. The estimated cost and bid limit for each class of license shall be as defined in Section 54-1904, Idaho Code. (7-1-93)

03. Total Bid Cost. The total of any single bid on a given public works project, or the aggregate total of any split bids, or the aggregate total of any base bid and any alternate bid items, or the aggregate total of any separate bid by a licensee of any class, except Class AAA, shall not exceed the estimated cost or bid limit of the class of license held by the licensee. The aggregate total of bids shall include all bids of the subcontractors. Subcontractors bids shall not be considered a separate bid for the purposes of computing the bid on a given public works project. (3-19-99)

04. Two Or More Licensees. Two (2) or more licensees of the same class or of different classes shall not be permitted to combine the estimated cost or bid limit of their licenses to submit a bid in excess of the license held by either licensee. (7-1-93)

204. TYPES OF CONSTRUCTION.

The types of construction for which licenses are issued shall be as defined and designated in Section 54-1901, Idaho Code, and as provided in these rules. (7-1-93)

01. Public Works Construction. A license of any class may be issued for one (1) or more types of public works construction. (7-1-93)

02. Type 4. A license for Type 4, Specialty Construction, shall list one (1) or more specialty categories to which the licensee is restricted. These categories include, but shall not be limited to, the following: Acoustical-Drywall, Air Conditioning & Warm-Air Heating, Blasting, Bridges & Structures, Building Cleaning & Maintenance, Chimney Repair, Clearing, Communications & Alarm Systems, Concrete, Craning & Erection, Crushing, Demolition, Drilling, Electrical (the application must include a State License Number), Elevators/Lifts/Hoists, Excavation & Grading, Fencing, Fire Sprinkler Systems (the application must include a State License Number), Flooring, Floor Coverings/Carpeting, Glass & Glazing, Hauling, Institutional Equipment, Insulation, Landscaping/Seeding/Mulching, Lath & Plaster, Masonry, Guard Rails & Safety Barriers, Millwork & Fixtures, Ornamental Metals, Painting & Decorating, Paving, Pesticide Spraying (the application must include a State License Number), Plumbing (the application must include a State License Number), Refrigeration, Roofing & Siding, Sand Blasting, Sheet Metal, Signing, Sprinklers/ Irrigation Systems, Steel Fabrication/Erection/Installation, Tile/Terrazzo, Traffic Marking & Striping, Utilities, Waterproofing/Caulking, Well Drilling (the application must include a State License Number), Boiler, Hot-Water Heating & Steam Fitting, Other. (3-19-99)

03. Scope And Coverage. The Board will determine the scope and coverage of each type and category based on what is commonly accepted and practiced by reasonable men engaged in the construction industry. (7-1-93)

04. Type 4 License Holder. The holder of a license for Type 4, Specialty Construction shall be entitled to bid a public works project as a prime contractor or as a subcontractor, if more than fifty percent (50%) of the work to be performed by him on such project is covered by a category or categories listed on the license held by the licensee. (7-1-93)

05. Copies Of State Licenses. The applicant must submit a copy of any license for any specialty issued by other state agencies. (3-19-99)

205. -- 299. (RESERVED).

300. FILING.

Applicant may file an application form, financial statement and fee with the Board by mail or in person. (7-1-93)

301. SCREENING - NOTICE.

The Executive Director and staff will receive and screen each application for completeness, clarity, etc. If an application is incomplete, notice of same will be mailed to the applicant by First Class Mail. The notice will specify the incomplete items to be completed. If necessary, the application form will be returned to the sender for completion. (3-19-99)

302. (RESERVED).

303. REVIEW BY BOARD.

At a regular meeting on the date scheduled, the application, other information, data, documents and references will be reviewed by the Board. If the application is approved, a License Certificate will be issued effective from the date of approval. (7-1-93)

304. DENIED APPLICATIONS.

If, after reviewing the application, other information, data, documents or references, the Board decides: (7-1-93)

01. Incomplete Information. The information before the Board is incomplete, inadequate or in conflict, and further action is required before a decision can be rendered. (7-1-93)

02. Denial Of Application. The information before the Board is such that it would appear proper to deny the application, notice of same will be mailed to the applicant, by certified mail. The notice will state the basis for the action of the Board and may suggest means by which the matter might be remedied, and shall provide the applicant an opportunity to answer, to show cause, and shall set a date, time and place for a hearing in the matter. (7-1-93)

305. ANSWER AND APPEARANCE.

The applicant shall have not less than five (5) nor more than thirty (30) days from the date the notice is served to file a written answer to show cause and to make a written and/or personal appearance before the Board at the scheduled hearing. (7-1-93)

306. HEARING - APPROVAL.

At a regular meeting on the date set for the hearing, the Board will review the written answer to show cause and any additional information, data, documents or references furnished by the applicant or other interested persons, and the testimony of the applicant or other persons, if a personal appearance is made, and reconsider the application. If the Board approves the application, a License Certificate will be issued effective from the date the application is approved without further hearing on the matter. (7-1-93)

307. HEARING - DENIED APPLICATIONS.

After reviewing the answer, any additional information, data, documents or references furnished by the applicant or other interested persons, and the testimony of the applicant or other persons, the Board may deny the application, and a decision to that effect will be served on the applicant by Certified Mail. (3-19-99)

308. FAILURE TO ANSWER OR APPEAR.

If the applicant fails to file a written answer to show cause, or fails to make an appearance either in writing or in person at the scheduled hearing, after due notice of same has been served, the Board may take note of such failure to answer or appear and enter a decision denying the application without further hearing on the matter. The written decision of the Board will be served on the applicant by Certified Mail. (7-1-93)

309. ACCEPTANCE OF DECISION.

In any notice, hearing or decision, the Board may, in its discretion, deem it proper to deny any application for any class and/or type(s) and approve the application for another class and/or types(s) and serve notice of same on the applicant. If the applicant accepts in writing such other class and/or types(s) the Executive Director shall issue a License Certificate effective on the date applicant's written acceptance is filed with the Board without further hearing or action in the matter by the Board. (3-19-99)

310. PETITION FOR REHEARING.

A petition for rehearing may be filed by the applicant whose application has been denied within twenty (20) days

from the date the decision of the Board denying the application is served on the applicant. (7-1-93)

311. REVIEW OF PETITION.

A petition for rehearing will be reviewed at a regular meeting of the Board and treated in the manner specified in these rules for petitions. (7-1-93)

312. NOTICE OF REHEARING.

If a petition for rehearing is approved, the Board shall set a date, time and place for the rehearing, notify the applicant by Certified Mail, and proceed in the manner specified in these rules for hearings. (7-1-93)

313. -- 399. (RESERVED).

400. APPLICATION FOR ORIGINAL LICENSE.

An application for an Original license, together with the fees, financial statement, references and License Examination therefor, shall be filed with the Board prior to consideration thereof by the Board (Section 54-1911). (7-1-93)

401. APPLICATION FOR ANNUAL RENEWAL.

An application for annual renewal of a current license together with the fees therefor shall be filed not later than the last day of the license period. Timely filing shall authorize operation as a contractor by the licensee until actual issuance of the renewal license for the ensuing year or until final decision of the Board is rendered in any proceeding. (Section 54-1912, Idaho Code). (7-1-93)

402. APPLICATION FOR RENEWAL OF A LAPSED OR EXPIRED LICENSE.

An application for renewal of a lapsed or expired license, together with the fees therefor, shall be filed with the Board (Section 54-1912). For purposes of these rules, all licenses issued under the Act shall lapse and expire on the last day of the license period, and shall be considered a delinquent renewal for a one (1) year period. (7-1-93)

403. -- 499. (RESERVED).

500. LICENSE NON-TRANSFERABLE.

The license certificate shall be non-transferable either to another person or to a successor business organization such as a partnership, corporation, joint venture, or other combination thereof. (Sec. 54-1912, Idaho Code) (7-1-93)

501. CHANGED BUSINESS ORGANIZATION.

A licensee who undergoes a change in business organization or structure (such as a change from an individual proprietor to a copartnership, corporation, limited liability partnership, limited liability company, joint venture or other combination thereof) must file an application on behalf of such successor organization within sixty (60) days after such change occurs. The Board may authorize the continuous operation of the licensee as a contractor during the interim period until the application of the successor organization is reviewed; provided written notice of such change is filed with the Board within thirty (30) days after such change occurs. A change in ownership requires that an original application be filed. All members of a joint venture must be licensed at the time of bidding. (3-19-99)

502. SURVIVING PARTNER.

A surviving member or members of a licensed COPARTNERSHIP by reason of death shall be entitled to continue in business under such license until the expiration date thereof, provided the APPLICATION FOR PERMISSION is made to the Board within thirty (30) days after the death of a member, and the application (for permission) is approved by the Board. (7-1-93)

503. VOLUNTARY CHANGE IN COPARTNERSHIP.

Where there is a Voluntary Change of individual partners in a licensed copartnership, the remaining or succeeding partner or partners shall be required to file an application for an original license. (7-1-93)

504. -- 599. (RESERVED).

600. COMPLIANCE.

Licensee shall comply with all the provisions of the Act and the Rules and Regulations promulgated thereunder.

(7-1-93)

601. SUBCONTRACT LIMIT.

Licensee shall not subcontract in excess of eighty (80%) percent of the work under any contract to be performed by him as a public works contractor according to the contract prices therein set forth, unless otherwise provided in the specifications of such contract. (7-1-93)

602. SPECIALTY SUBCONTRACTORS.

Licensee shall not sublet any part of any contract for specialty construction to a specialty contractor who is not licensed in accordance with this Act. (7-1-93)

603. DISPLAY CERTIFICATE.

Licensee shall sign and display the license certificate issued to him in his main office or chief place of business. (7-1-93)

604. POSSESSION OF CERTIFICATE.

Licensee shall furnish satisfactory evidence of the possession of a license certificate and the current renewal thereof upon demand. (7-1-93)

605. LICENSE NUMBER ON BIDS.

Licensee shall place his license number on any and all bids submitted or contracts entered into, for any public works projects in the state of Idaho. (7-1-93)

606. FILE RENEWAL.

Licensee shall prepare and submit a timely application for license renewal. (7-1-93)

607. (RESERVED).

608. CHANGES IN LICENSE CERTIFICATE.

When any change in the license certificate has been approved by the Board, a new license certificate shall be issued. (3-19-99)

609. USE OF LICENSE BY ANOTHER.

Licensee shall not aid or abet an unlicensed person to evade the provisions of the Act, or knowingly combine or conspire with an unlicensed person, or allow his license to be used by an unlicensed person, or act as agent or partner or associate or otherwise, of an unlicensed person with intent to evade the provisions of the Act. (7-1-93)

610. UNLICENSED CONTRACTORS.

Licensee shall not knowingly enter into a contract with a contractor while such contractor is not licensed. (7-1-93)

611. -- 699. (RESERVED).

700. PROCEEDINGS FOR DISCIPLINARY ACTIONS.

The procedure for the handling of complaints filed pursuant to Section 54-1914, Idaho Code, and for the proceedings for the suspension or revocation of a license shall be as provided in IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," the Administrative Procedure Act, as found in Chapter 67, Title 52, Idaho Code, and Sections 54-1915 through 54-1919, Idaho Code, as amended and as supplemented by these rules. (3-19-99)

701. FORMS.

The complaint, citation, answer, notice of hearing, decision and order of the Board and other related documents shall be filed in the form and manner prescribed in these rules, in IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," and the Administrative Procedure Act. (3-19-99)

702. TECHNICALITIES OF FORM.

The Board may, in its discretion, during any hearing or proceeding waive any technicalities of form not deemed necessary in the circumstances. (7-1-93)

703. HEARINGS.

The general procedure for hearings before the Board shall be as prescribed in these rules and Title 67, Chapter 52, Idaho Code. (3-19-99)

704. NOTICE, ANSWER, HEARING, DECISION AND ORDER.

The notice, answer, hearing, decision and order of the Board in proceedings concerning the impaired financial responsibility of a licensee pursuant to Section 54-1914A, Idaho Code, shall be in the form and manner as those provided in these rules. (7-1-93)

705. -- 799. (RESERVED).

800. HEARING PROCEDURE.

In order to expedite hearings and to assist persons appearing before the Public Works Contractors License Board, the Board has adopted the following general procedure: (3-19-99)

- 01. Hearings.** Hearings before the Board are conducted in an informal and summary manner. (7-1-93)
- 02. Counsel.** Interested persons appearing before the Board may be represented by counsel. (7-1-93)
- 03. Notice.** Reasonable notice of any hearing will be furnished to any interested persons. (7-1-93)
- 04. Notes.** Any interested persons may request, in writing, five (5) days before any scheduled hearing in a contested case that the oral proceedings thereof be taken in the form of stenographic notes to be transcribed at his own expense. (7-1-93)
- 05. Stipulations.** If the parties can agree upon any facts, issues or questions to be presented to the Board, appropriate stipulations may be made. (7-1-93)
- 06. Continuance.** In the event a hearing cannot be completed within the time allotted, the Board may, in its discretion, continue same to a subsequent meeting as it deems necessary for proper consideration of the purpose for the hearing. (7-1-93)
- 07. Procedure.** The Board reserves the right to amend, modify or repeal all or any part of the above procedure or to dispense with any part thereof, at any hearing before the Board, as it may deem necessary in the circumstances. (7-1-93)

801. -- 899. (RESERVED).

900. THE BOARD.

The Board may, in its discretion, upon the filing of a verified complaint, charging any person or firm with acting in the capacity of a Public Works Contractor without a license, or charging any public officer who has knowingly let a public contract to any person or firm who does not hold a license, as provided in Section 54-1920, Idaho Code, investigate and enter an oral and/or written protest with the interested parties. In any protest entered, the Board may: (7-1-93)

- 01. Withdrawal.** Seek the withdrawal of any bid made or offered by an unlicensed person; (7-1-93)
- 02. Rejection.** Seek the rejection of any bid made or offered by an unlicensed person; (7-1-93)
- 03. Refusal.** Seek the refusal of the payment of any estimate to an unlicensed person or firm; (7-1-93)
- 04. Compliance.** Seek immediate compliance with the Act by such unlicensed person or firm; (7-1-93)
- 05. Restrain.** Seek to restrain such unlicensed person or firm from acting as a Public Works Contractor without a license; (7-1-93)
- 06. Prevention.** Seek to prevent the award of a contract or to obtain the cancellation or revocation of

any public contract that has been awarded to an unlicensed person or firm. (7-1-93)

07. Other. Failing in this, the Board shall refer the complaint and any other related documents to the County Attorney in the County where the events are alleged to have occurred to be processed in the manner provided in Section 54-1920, Idaho Code. (7-1-93)

901. -- 999. (RESERVED).

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