

BOARD BULLETIN 2001-1

August 7, 2001

CLARIFICATION OF “ADVERTISEMENT” AND LICENSE NUMBER DISPLAY

Display of a contractor's license number on advertisements for business is addressed in Rule 6.11 of the Water Well Construction Rules, 2 CCR 402-2 (2000). The Rule states that “*all advertisements for services offered by licensed contractors, including internet pages, billboards, business cards, advertising in newspapers, telephone directories and trade journals, shall state the contractor's license number. Standard listings consisting of the company name, address and phone number such as in phone books, chamber of commerce business listings, and similar community publications are not considered advertisements*””. It was the Board's intent in developing the Rule to require contractors to display the license number authorizing their services whenever utilizing a media to offer those services to the public that exceeds a simple listing of the company name, address and telephone number in a community directory.

Competition for business has prompted some companies to utilize direct mailings to contact well permit recipients for the purpose of offering their services. The Board has determined that such solicitations are “advertisement” and offering of the services authorized by their license and therefore, the literature mailed to the potential customer must contain the license number of the contractor. Further, it is the opinion of the Board that it is unlawful to offer a service requiring a license from the Board in an advertisement or solicitation unless the advertisement contains a license number that has been issued for the performance of the service being offered. In instances where it is necessary to display more than one license number, the licensee's name should accompany the associated license number to avoid confusion or an appearance of misrepresentation. Each license number displayed should be identified with the service it authorizes (i.e. “1234 – pump installation”, “2345 – drilling”, or “3456 – drilling and pump installation”.

The Board believes that the measures necessary to correct the deficiency described above are minimal and easily accomplished by simply adding the license number(s) and name of the contractor(s) to the company/business letterhead. Such additions render the licensee readily identifiable to the customer and satisfy the requirements of Rule 6.11. Solicitations by mail distributed subsequent to the date of this Bulletin may be considered a violation of the referenced Rule.

Janet Bellis, Chair
Board of Examiners of Water Well Construction
and Pump Installation Contractors