



# The California Contractor

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## Stress less: Stay cool in times of chaos and crisis

By Michelle Stewart

**D**uring the past year and a half, many of us have undergone a time of acute stress. According to the Merriam-Webster tome, “stress is a state of mental tension and worry caused by problems in your life, work, etc.; something that causes strong feelings of worry or anxiety.”

Stress is not always a bad thing; some stress is normal and useful. Stress is the catalyst that can aid us in responding and reacting quickly and energetically. This is the fight or flight response that we need when we are in danger. It is useful and can also benefit us when we need a burst of energy to complete a task or athletic feat. However, the negative side of stress becomes apparent when we find ourselves in an ongoing pattern of stress. It becomes apparent when it affects our health—weakens the immune system, interferes with sleep patterns, causes overeating, headaches, stomach problems or back pain along with other ailments that affect good health and well-being.

Recent research by the American Psychological Association (APA) indicates that adults are getting fewer hours of sleep, skipping exercise, and engaging in unhealthy eating behaviors due to stress. In fact, 38% say they have overeaten or eaten unhealthy foods in the past month because of stress, and



43% say stress has caused them to lie awake at night in the past month.

To stress less, the key is to recognize what is creating your stress and how to manage it. Here are tips to jumpstart the healthy you program.

### Sleep

As the research pointed out, nearly half of adults say stress causes sleep interruptions, so let's have a look at sleep. Seven to eight hours of sleep is recommended for adults. In order to get there; try making these all part of your daily routine:

- Keep your bedtimes and wake times on a constant schedule.

Please see **STRESS**, page 2

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Make sure you're  
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alerts

The perfect is the  
enemy of the good

How polite are your  
employees?

*... and more*

## Stress: Indulge, but set healthy boundaries

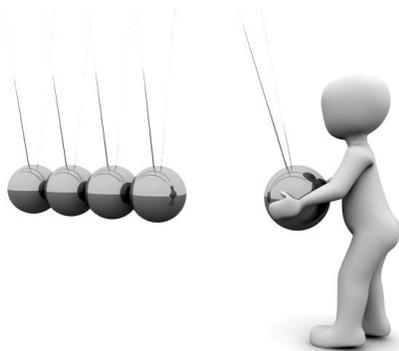
Continued from page 1

- Avoid spending time on the computer, smartphone or other electronic devices that are stimulating just before going to bed.
- Allow yourself 15 minutes of “quiet time” to wind down.
- Avoid eating a large meal late in the evening and balance out your intake of caffeine and alcohol.
- Reserve your bedroom for sleeping only, not as a combination dining room, TV room, exercise room, and home office.
- Keep your bedroom cool, dark, and quiet.
- Make sure your mattress is comfortable—they typically wear out in five to seven years.

### Food

Stress impacts what we eat, how much we eat and when we eat. Below are tips to help avoid overeating and some of my favorite stress-reducing foods to stock up on:

- Eat several small meals throughout the day. Eating a small amount every three to four hours keeps the blood sugar levels even, keeping the mind and body calmer.
- When you feel hungry, try drinking a beverage and wait 20 minutes, often you’re thirsty not hungry. And remember that all calories count, even in your beverages, so pay attention to what you drink, too! I’m a fan of water with a squeeze of lemon, but if you’re looking for a bit more flavor, there are lots of low and no-calorie options out there like iced tea, vitamin water and diet soda.
- Make it a habit to eat breakfast because skipping this critical first meal often leads to overindulgence before lunchtime.



- Keep your cubicle stocked with pre-portioned snacks that satisfy, like a small bag of almonds or a granola bar. Rather than rule out favorites, seek them out in portion-control sizes like the Coke Mini or the Minute Maid Coolers.
- Science shows us that these foods and nutrients aid in managing stress:
  - Vitamin B - green vegetables, potatoes, fresh fruit, wheat germ, wholegrain cereals, sea food, poultry, peas, beans, lentils, nuts, seeds and dried fruit.
  - Vitamin C - citrus fruits, blackberries, blackcurrants, fruit juice and fresh vegetables.
  - Zinc - wholegrain cereals, seafood, dairy products.
  - Complex Carbohydrates - potatoes, rice, and oats. These release glucose into the blood stream more slowly than refined carbohydrates.

### Exercise

The APA survey also pointed out the impact of stress on exercise; 39% said they had skipped exercise in the past month when they were feeling stressed. It is critical to include regular exercise in your daily or weekly routine. It will help you relax, and you’ll have more energy after the physical activity.

The trick is to find physical activity that you enjoy. Make it a priority, scheduling time to exercise on your calendar. Consider these other ways to keep active:

- Get a buddy, teaming up can help you stay committed and motivated.
- If you cannot set aside a 30 to 45-minute block of time, do several 5-10-minute segments daily.
- If exercising at home, minimize distractions.
- Avoid vigorous exercise about three hours before going to bed, although gentle stretching is OK.
- Always have an alternative activity that you can do, such as riding a stationary bike at home or doing an aerobics video if you can’t get to the gym or weather limits outdoor exercise.

You may not be able to do all of these immediately, but give your health a higher priority by taking steps to manage and lower stress in your life.

Takeaway: Stress affects physical and mental health. Take a timeout; enjoy 15 minutes of quiet time for you. Eat regular meals with ample fruits and vegetables, drink plenty of fluids, and exercise regularly. These small changes will have a big impact on your well-being.

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## LAW TALK

By Kenneth S. Grossbart  
of Abdulaziz, Grossbart & Rudman



# Licensure: Help is here

Those of you who are familiar with Business and Professions Code section 7031 know the harsh realities of contracting without a license. Under the present law, any person who performs work that requires a contractor's license must be a "duly licensed contractor at all times." If a determination is made that a contractor was not licensed at all times, unless a narrow exception applies, the contractor will be precluded from collecting for work performed even during periods of time in which the contractor was licensed. Furthermore, section 7031 also provides that a person may recover all monies they paid to the contractor who was not duly licensed at all times, and this is regardless of the quality of the work.

The harshness of the law as outlined in section 7031 was ruled upon by the California Supreme Court, which is California's highest court, in the case of *M.W. Erectors, Inc. v. Niederhauser Ornamental and Metal Works, Co., Inc.* In 1989, the California Supreme Court ruled that a contractor who had worked on the project for approximately a year-and-a-half but was unlicensed for the first seventeen (17) days of performance was considered to have not been duly licensed at all times and the court ultimately ruled that the contractor could collect nothing for all of its performance even though the contractor was considered to be unlicensed for only 17 days. Although the contractor was prepared not to accept any money for the work during those 17 days, the Supreme Court said it could not collect anything.

The harshness of this statute has hurt

The harshness of this statute has hurt many good contractors, including those who for one reason or another had a lapse in their license.

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many good contractors, including licensed contractors who for one reason or another had a lapse in their license. The lapse could have been because of a failure to timely renew their license, failure to make sure that their workers' compensation is timely renewed, and sometimes these are caused by the simple failure to notify the CSLB of a change in address.

In order to attempt to assist the contractor, who for certain excusable reasons had his or her license lapse, the Legislature created a Doctrine of Substantial Compliance. If the contractor could prove that he or she substantially complied with the Licensing Law, the contractor could avoid the lapse in licensure, could collect and would avoid the harsh penalties of section 7031. In order to rely upon the Doctrine of Substantial Compliance, the licensed contractor must: (1) had been duly licensed as a contractor in California prior to the

performance of the act or contract; (2) acted reasonably and in good faith to maintain proper licensure; (3) did not know or reasonably should not have known that he or she was not duly licensed when performance of the act or contract commenced; and (4) acted promptly and in good faith to reinstate his or her license upon learning its was invalid. Even though the Legislature saw fit to enact the Doctrine of Substantial Compliance, many contractors still had been unable to satisfy all four prongs of the Doctrine of Substantial Compliance, and the third prong was the most difficult to prove as there often was notice of a pending suspension or expiration that was ignored, which made the contractor ineligible for the exception.

Furthermore, the harsh realities of section 7031 do not take into consideration the quality of the work. The work performed can be the best work around, but if the contractor was not licensed at all times, it cannot collect. The courts have taken a strict position that the inability to collect applies regardless of the merits of the contractor's case. Fairness and equities do not apply. The fact that the owner received the benefit of the work is of no consequence.

However, some limited help appears to be on the horizon. AB 1793 gives judges (and thus contractors) more leeway in 7031 cases. The bill changes the Doctrine to make it simpler to prove. The most important prong to the public protection still applies - the contractor must prove it was licensed

**Please see LAW TALK, page 8**

# Emergency alerts: Make sure you're prepared

In this time of changing climate and health dangers, disaster preparedness is more important than ever. Luckily, modern technology has made it easy to get the warnings you, your family, or your workplace may need in case of emergency.

The Warning, Alert and Response Network (WARN) Act established the Wireless Emergency Alerts (WEA) system in 2008 and it became operational in 2012. WEA is an essential part of America's emergency preparedness. Since its launch, the WEA system has been used more than 61,000 times to warn the public about dangerous weather, missing children, and other critical situations—all through alerts on compatible cell phones and other mobile devices.

WEA is a public safety system that allows cell phone users to receive text-like messages alerting them of imminent threats to safety in their area. Wireless companies volunteer to participate in WEA, which is the result of a unique public/private partnership between the Federal Emergency Management Agency, the FCC, and the United States wireless industry in order to enhance public safety.

Authorized national, state, or local government authorities may send alerts regarding public safety emergencies—such as severe weather, missing children, or the need to evacuate—using WEA. WEA alerts are sent through FEMA's Integrated Public Alert and Warning System (IPAWS) to participating wireless carriers, which then push the alerts to compatible mobile devices in the affected area.

Citizens don't have to sign up or do anything to receive WEA alerts on their phones. Government officials can send emergency alerts to all subscribers with WEA-capable devices if their wireless carrier participates in the program.

For more information on WEA, visit [www.fcc.gov/sites/default/files/wireless\\_emergency\\_alerts\\_wea.pdf](http://www.fcc.gov/sites/default/files/wireless_emergency_alerts_wea.pdf).

If you are not receiving WEAs on your phone:



1 Check the settings on your mobile device and review your user manual (you may be able to find this online too). Older phones may not be WEA capable, and some cell phone models require you to enable WEAs. Some mobile service providers call these messages "Government Alerts," or "Emergency Alert Messages."

2 Check with your wireless provider to see if they can resolve the issue. All major phone providers and some smaller providers participate in WEA.

## Local alert systems

What about closer to home? For emergency alerts specific to your county, visit <http://calalerts.org/signup.html> and click on your county of residence (or work, or whatever location you'd like to receive alerts for). County links take visitors to a sign-up page for alerts specific to that county. A mobile phone number and email address may be required to sign up.

## Other alert systems

The Emergency Alert System (EAS) is a national public warning system that allows the president to address the nation within 10 minutes during a national emergency. State and local authorities may also use the system to deliver important emergency information such as weather information, imminent threats, AMBER alerts and local incident information targeted to specific areas.

The EAS is sent through broadcasters, satellite digital audio services, direct broadcast satellite providers, cable television systems and wireless cable systems.

The President has sole responsibility for determining when the national-level EAS will be activated. FEMA and the FCC are responsible for national-level tests and exercises. The EAS is also used when all other means of alerting the public are unavailable.

For weather-based alerts, NOAA Weather Radio All Hazards (NWR) (<https://www.weather.gov/nwr/>) is a nationwide network of radio stations that broadcast continuous weather information from the nearest National Weather Service office based on your physical location.

Known as the "Voice of NOAA's National Weather Service," NWR is provided as a public service by the National Oceanic and Atmospheric Administration (NOAA), part of the Department of Commerce. NWR includes more than 1000 transmitters, covering all 50 states, adjacent coastal waters, Puerto Rico, the U.S. Virgin Islands, and the U.S. Pacific Territories. NWR requires a special radio receiver or scanner capable of picking up the signal. Broadcasts are found in the VHF public service band at these seven frequencies (MHz):

- 162.400
- 162.425
- 162.450
- 162.475
- 162.500
- 162.525
- 162.550

In an emergency, every minute counts. Be prepared by making sure you receive the information you need, when you need it.

# Don't fall victim to perfectionism

By Donna Gunter

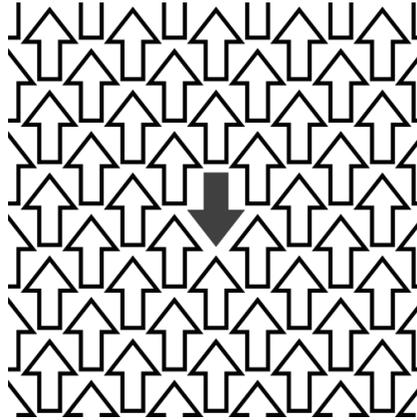
No, I'm not ready to release my....(fill in the blank here with ezine, ecourse, ebook, blog, website, etc.) because it's not quite ready. I need to...(fill in with your excuse here: do more work on it....have it edited....review the copywriting, etc.)”

How many times has a statement similar to that come out of your mouth? I know for me that it's happened more often than I care to recount. I am a recovering perfectionist who used to utter some variation of the above sentence with great regularity.

What I've discovered in my time as an Internet entrepreneur is that my need for perfection in my products or marketing materials is simply another excuse to procrastinate. Yep, when I try and convince myself that the ebook needs more copy editing or that my website needs just a few more pages to make it say just what I want it to say, all I'm doing is creating plausible excuses to put something off for a few more days, or even weeks or months. Why? Because inaction is safe -- you're not putting yourself out there to the world to face possible criticism. The longer you excuse yourself from taking action, however, the more difficult it becomes to build a business and create the kind of life you want for yourself.

Don't let yourself fall for your own fabricated excuses. Stop waiting for perfection. It's never going to arrive. Better to release something that may not be perfect than to release nothing at all. How much money can you make on an ebook that no one knows about? Last time I checked, it wasn't much!

Sure, you may fall under the scrutiny of other perfectionists in the Internet world who are gleefully waiting to tear you apart by pointing out your errors. Thank them for their constructive feedback, create a correction log, and let the criticism fall off of you like water off a duck's back. In my experience, those critics who have the leisure time to point out the flaws of others really aren't doing much with their own lives and businesses. That's why they have



the free time to correct the errors of others.

The whole notion of how perfectionism was holding me back was aptly illustrated at a Coachville conference I attended several years ago. The late Thomas Leonard, founder of Coachville, had brought up on stage a very successful Internet entrepreneur to speak to us about how he had found a great product to sell online and the process he used to uncover the hungry target market who would pay handsomely for the material he was selling. We were all given the 12-page handout of the long sales letter that was used to sell the product, and many of us were taking copious notes.

However, I noticed the guy next to me, an engineer, wasn't taking notes. Instead it appeared he was going through the sales letter and was making grammatical and punctuation corrections. He disappeared during our next break, and when I returned to my seat afterwards, I discovered that he had returned as well, but seemed to be highly agitated.

Without waiting for an invitation, he proceeded to tell me what had happened over the break that had gotten him so upset. He showed me his copy of the sales letter and the corrections he had made and said that he'd gone up to the speaker during the break and offered to give him the corrections to the sales letter. The speaker took a look and told

him, "No, thanks."

The engineer couldn't believe that this speaker wouldn't take advantage of all the work that he (the engineer) had done to correct the sales copy. The engineer thought the speaker was being rather foolish and apparently told the speaker that he was being short-sighted not to take advantage of the offered corrections.

The speaker informed the engineer that the sales letter in question was making him \$67,000 per month in sales and that he had no intention of "fixing" a good thing. Furthermore, the speaker explained that because he had worked so hard on crafting the wording of the sales letter and that the letter was bringing him so many sales that he'd be foolish to tinker with any portion of it.

Apparently the engineer left the conversation with the speaker in a huff and returned to his seat, still steaming, and still convinced that the speaker was making a grave mistake by not taking his copy editing advice. The engineer was so blinded by the need to be perfect and be right that he was blocking his path to online success. I bet today that he's still tweaking his sales copy or his product and has yet to do anything with coaching business.

So, which do you want to be? The engineer with the grammatically correct sales letter that never sees the light of day, or the Internet entrepreneur making \$67,000 per month off a product that has a sales letter with grammatical and punctuation mistakes?

Don't let your need to be perfect hold you back any longer from taking the action you need to release your product or service to the world. In most cases, taking action, even though it might be a bit flawed, is always better than no action.

*Donna Gunter is an online business coach at [www.OnlineBizU.com](http://www.OnlineBizU.com). Ask Donna an Internet Marketing question at <http://www.AskDonnaGunter.com>.*

# How polite are your employees? A quiz

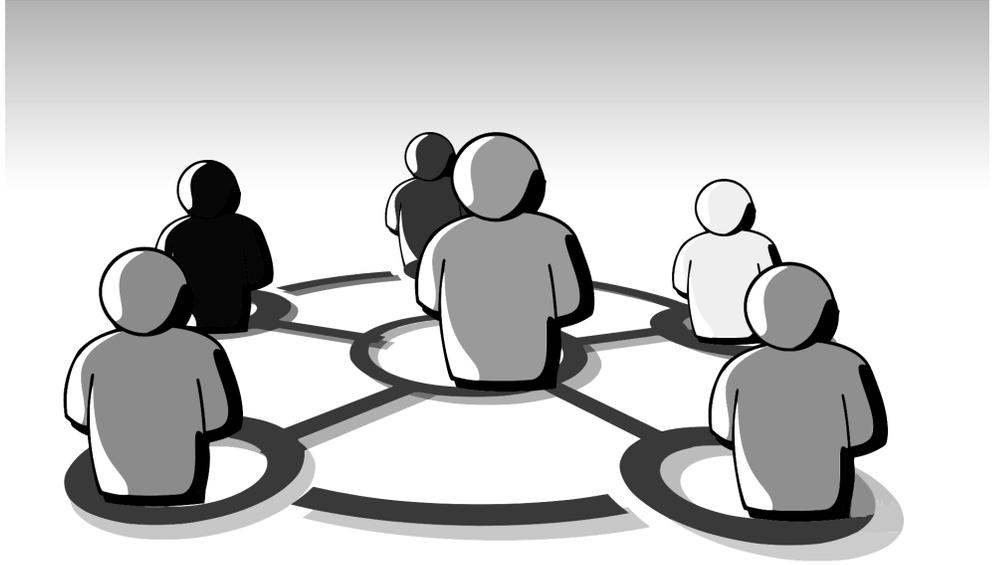
By Lydia Ramsey

**H**ave you ever thought about how much rudeness may be affecting your bottom line? What is the cost to your company when you or the people who represent you lack proper manners? Do you know how many clients are turned off by employees who would rather carry on a conversation with each other than with the person who came to purchase your service or product? Can you count the number of people who hang up and call someone else because the person who answered your phone put them on hold without asking permission? How does the client rate your professionalism when the employee who welcomes him to your office looks as if she is dressed for a day at the beach? Do your employees understand that it is more offensive than friendly to call the client by first name unless asked to do so? Are your employees treating each other with courtesy and respect? Do they honor the invisible walls of each other's cubicles? Do they work as a team and help each other or do they act like cast members on Survivor?

In today's fast-paced business world where too many people claim that they don't have time to be nice, it's easy to overlook the details that can help you grow your business, increase your profits and build long lasting client relationships.

Try taking this quick true/false quiz to test your own business etiquette expertise. Then run it by your employees.

1. Business etiquette is based on rank and hierarchy. True/False
2. If the information on your business card is incorrect, draw a line through it and write the correct information on the card. True/False
3. Business casual means dressing down one notch from business professional. True/False



4. In today's relaxed business environment, it is not necessary to ask your clients' permission before using their first names. True/False

5. Callers do not mind holding for information as much as holding for a person. True/False

6. You don't have to smile or make eye contact with your customers unless you feel like it. True/False

7. Handwritten notes are out of place in the business world. True/False

8. A man should wait for a woman to put out her hand in business before offering his. True/False

9. When composing an e-mail message, complete the "To" line last. True/False

10. Small talk around the office is a waste of time. True/False

11. People can hear you eating, drinking and chewing over the phone. True/False

12. If you receive a call on your cell phone when you are with a client, look to see who is calling, but don't answer it. True/False

Answers:

1. True. In business, you always defer to the senior or highest ranking person, regardless of age or gender.
2. False. Handing out business cards with information that is outdated or crossed off is unprofessional. Have new cards printed immediately.
3. True. Business casual is not an excuse to wear your favorite old clothes to the office. It is still business, and everyone needs to look professional.
4. False. Don't assume because our work world has become more informal that you can call clients by their first name. Use their titles and last names until they ask you to do otherwise.
5. True. Clients will wait contentedly while you search for information, working on their behalf. However, if they have to wait more than thirty seconds for you to come to the phone, they begin to wonder how much you value them or want their business.
6. False. This is only true if you are planning a going-out-of-business sale. Every client deserves a genuine smile and eye contact.

Please see ETIQUETTE, page 8

# SAFETY ... IT PAYS



## Ladder inspections promote steady safety

There are a reported 136,118 ladder related injuries in the United States annually! During a recent year, work-related falls from ladders resulted in approximately 119 fatalities and an estimated 17,540 serious injuries.

Not all these incidents are due to defective ladders; however, that can certainly be one of the factors. It is important that ladders are inspected regularly. OSHA requires it in several instances.

**OSHA 1910.25(d)(1)(x)** - Ladders shall be inspected frequently and those which have developed defects shall be withdrawn from service for repair or destruction and tagged or marked as "Dangerous, Do Not Use."

**OSHA 1910.26(c)(2)(vi)** - Ladders are to be inspected:

(c)(2)(vi)(a) If ladders tip over or

(c)(2)(vi)(d) If ladders are exposed to

oil and grease

**OSHA 1910.27(f)** – Fixed Ladders - All ladders shall be maintained in a safe condition. All ladders shall be inspected regularly, with the intervals between inspections being determined by use and exposure.

These required frequent inspections must be documented. Perhaps the easiest way is to have stickers or tags directly on the ladder itself and to have a ladder log to ensure they are all inspected as required.

Unfortunately frequently is a very subjective word. Truly each ladder must be evaluated on its use and exposure to damaging influences. You will want to inspect a ladder utilized daily that is in a high exposure area much more often than the office step stool used every now and then. There are also rules for use of all ladders:

• Maintain ladders free of oil, grease



and other slipping hazards.

- Do not load ladders beyond their maximum intended load nor beyond their manufacturer's rated capacity.
- Use ladders only for their designed purpose.
- Use ladders only on stable and level surfaces unless secured to prevent accidental movement.
- Do not use ladders on slippery surfaces unless secured or provided with slip-resistant feet to prevent accidental movement. Do not use slip resistant feet as a substitute for exercising care when placing, lashing or holding a ladder upon slippery surfaces.
- Secure ladders placed in areas such as passageways, doorways or driveways, or where they can be displaced by workplace activities or traffic to prevent accidental movement. Or use a barricade to keep traffic or activity away from the ladder.
- Keep areas clear around the top and bottom of ladders.
- Do not move, shift or extend ladders while in use.
- Use ladders equipped with nonconductive side rails if the worker or the ladder could contact exposed energized electrical equipment.

## OSHA CORNER

Please visit the following address on the web to download helpful safety posters, guides and pamphlets for a safer workplace.

<https://www.osha.gov/publications>



# Law Talk: If you have a lapse, pay attention

Continued from page 3

before it entered into the contract. However, the new bill removes the third prong from the inquiry. The contractor must prove it: (1) had been duly licensed as a contractor in this state prior to the performance of the act or contract; (2) acted reasonably and in good faith to maintain proper licensure; and (3) acted promptly and in good faith to remedy the failure to comply with the licensure requirements upon learning of the failure. Removed by this bill was the old prong number 3, which stated that the contractor did not know or reasonably should not have known that he or she was not duly licensed when performance of the act or contract commenced.

Although the change may help some, it will not assist those who were not licensed before the work started, or never licensed. It may not help those whose licenses were suspended or revoked for some wrongful act by the contractor. Every contractor who performs work that requires a contractor's licensure should do their very best to make sure that they are licensed at all times while doing their work. Avoid all gaps in your license and you will never have to worry about dealing with the concept of substantial compliance. However, to the extent that you do have an instance where your license has a lapse for whatever reason, pay particular attention to the Judicial Doctrine of Substantial Compliance because it may help you collect and avoid having to return money you received.

*Kenneth Grossbart is recognized as one of the foremost authorities in California construction law. Over the past 35 years, Ken has become a respected speaker on Mechanic's Liens and other construction related issues. Abdulaziz, Grossbart & Rudman provides this information as a service to its friends & clients and it does not establish an attorney-client relationship with the reader. This document is of a general nature and is not a substitute for legal advice. Since laws change frequently, contact an attorney before using this information. Ken Grossbart can be reached at Abdulaziz, Grossbart & Rudman: (818) 760-2000 or by E-Mail at [ksg@agrlaw.com](mailto:ksg@agrlaw.com), or at [www.agrlaw.com](http://www.agrlaw.com)*

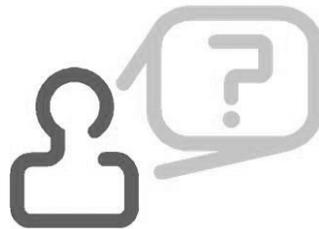
# Etiquette: Practice dealing with difficult customers

Continued from page 6

7. False. Handwritten notes have become almost as extinct as the typewriter. You will stand out from your competition every time you send off a short note written in your own hand.

8. False. Every woman should be prepared to shake hands as soon as she meets someone in business. For either a man or woman to hesitate could indicate a lack of confidence.

9. True. You can send e-mail without inserting an attachment, without checking for grammar and punctuation and without a subject line; but you cannot send e-mail



without an address. If you wait until you have carefully proofed your message and added all attachments before you complete the "To" line, you will never be embarrassed or have to apologize for your mistakes.

10. False. Small talk carried on at the right time, in the right place and on the right subject is a great way to build relationships among

co-workers.

11. True. Mouth noises are even louder over the phone. Just because your clients can't see you eating those potato chips doesn't mean they can't hear you munching on the other end of the line.

12. False. It is just as rude to pull out your phone to see who called as it is to have it on and take a call in front of a client. Turn your phone off and check your messages later in private.

If you had trouble with any of these questions, your employees will, too. If you want your employees to be at ease in business situations, to represent you well and help

build your business, give them the information they need. If you haven't done basic business etiquette skills training lately, do it now. Don't let rude behavior cost you business.

Make sure that your employees know how to handle clients over the phone, that they understand the importance of being attentive and alert to clients' needs, that the value other people's time and that they can deal with difficult people and situations with grace.

No one is born with good manners. People have to be taught, and from time to time, they need to be reminded of what they already know.

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