

# EXHIBIT R

## Department of Consumer Affairs

### Position Duty Statement

HR-41 (Revised 9/2019)

Page 1 of 5

|                                                            |                                                                                             |
|------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| <b>Classification Title</b><br>Investigator                | <b>Board/Bureau/Division</b><br>Contractors State License Board (CSLB or Board)/Enforcement |
| <b>Working Title</b><br>Field Investigator (Peace Officer) | <b>Office/Unit/Section/Geographic Location</b><br>Special Investigations Unit / Santa Rosa  |
| <b>Position Number</b><br>622-361-8610-007                 | <b>Name and Effective Date</b><br>Amanda Martinez                                           |

**General Statement:** Under the general direction of the Supervising Special Investigator I (SSI I), the incumbent conducts criminal and administrative investigations, and reactive special assignments based upon rules, regulations, and the Contractors License Laws in the Special Investigations Unit (SIU). Specific duties include, but are not limited to:

#### **A. SPECIFIC ACTIVITIES [Essential (E) / Marginal (M) Functions]**

**45% (E) Represents the CSLB in coordinating reactive criminal investigations with other CSLB investigators, district attorney investigators, prosecutors, and partnering agencies, with a special focus on CSLB's most egregious complaints, often involving criminal violations, this includes but is not limited to repeat offenders, financial crimes, and crimes against vulnerable populations:**

Conducts initial interviews with complainants and other witnesses and coordinates with other law enforcement agencies and prosecutors where appropriate. Investigations include job site visits to meet with industry experts and conducting interviews with complainants, family members, law enforcement and other witnesses. Conducts criminal investigations and reactive special assignments including the preparation and service of search warrants, investigative subpoenas. Makes referrals to prosecutors and enforcement/regulatory agencies as appropriate. (25%)

Conducts investigations of contractors by gathering statements, interviewing witnesses and gathering evidence with multiple complaints that include criminal violations that warrant a referral to a local prosecutor. This may require participating on a criminal investigation task force comprised of Special Investigators (SI). Works with local prosecutors to identify contractors with multiple complaints and develop investigative strategies to support criminal charges. (20%)

#### **25% (E) Report Writing, Review documents/evidence:**

Review documents/evidence in an investigation. Prepares detailed reports on a laptop computer from information gathered during investigations. Typed

reports include all statements, documentation, exhibits, probable law violations, and recommendation for appropriate disposition of the complaint upon closure.

**10% (E) Liaison and support to investigative centers:**

Review search warrants and affidavits completed by investigative centers then coordinates with prosecutors and serves search warrants on behalf of non-sworn investigators.

**10% (E) Review and Analysis, Meetings and Training:**

Reviews and analyzes evidence and investigative reports based upon progressive knowledge and experience of working level investigators for accuracy, completeness and soundness of logic. Analyzes work processes and recommends innovative and insightful process improvement suggestions and coordinates implementation with internal and external customers, SIs and Supervising Special Investigators (SSI). Travels to CSLB Headquarters (Sacramento) to attend meetings and training exercises when needed. Attend outside agency trainings related to financial crimes, elder abuse, investigative techniques, etc.

**10% (M) Work with Local Law Enforcement and Testify as a Lead Witness:**

Works closely with local law enforcement to coordinate surveillance, execute search/arrest warrants, and the apprehension of individuals with active arrest warrants. Works closely with District Attorney's Offices in preparation and service of Search Warrants. Serves as a liaison to the District Attorney's Offices. Coordinates and testifies as a lead witness for the Board and victims in matters relating to the construction industry; testifies as needed in administrative, criminal and civil proceedings.

**B. Supervision Received**

The incumbent works under the general direction of the SSI I but may receive assignments from the Deputy Chief of Enforcement (SSI II) or Chief of Enforcement (CEA A).

**C. Supervision Exercised**

None

**D. Administrative Responsibility**

None

**E. Personal Contacts**

Contact with consumers, licensees, and other potential witnesses - daily to gather statements and evidence in the investigation of complaints; District Attorneys' offices to coordinate prosecution of illegal activity; office of the Attorney General to assist in the administrative legal action process and

Duty Statement  
Investigator  
Page 2 of 5

hearings; other state, law enforcement, and local agencies (e.g., local building departments); attorneys that are a party to a complaint or case; and CSLB personnel in daily, routine business communications.

**F. Actions and Consequences**

Failure to properly conduct investigations according to Board procedures and the Contractors License Law could result in miscarriage of justice, harm to the consumer, the public, as well as the contractor. The liability to CSLB is great, as the functions of the person in this position include investigations that often result in a notice to appear in court, criminal prosecution, and arrest.

**G. Functional Requirements**

Incumbent performs field investigations, which require travel to project sites. The position requires the incumbent to spend approximately 60% of the time per week in the field which includes frequently remaining in a stationary position, frequently moving about to and/or from worksites, frequently in a construction area over uneven ground, sometimes outdoors in inclement weather, and occasionally position self to perform a variety of tasks, including retrieval of files and moving items weighting up to approximately 30 pounds.

In an office setting, with artificial light and temperature control, the incumbent also uses a personal computer to prepare investigative reports and initiate or respond to work-related email and uses both desk phones and mobile phones. In this setting, the incumbent must be able to frequently remain in a stationary position at a workstation (40%), standing requirements are consistent with office work, and also requires incumbent to position self to perform a variety of tasks including retrieval of files.

Environmental Conditions: The employee is required to work both indoors and outdoors, depending on the situation he or she is involved in, at any given time. While indoors, the temperature and humidity are reasonably controlled, but while out of doors, the employee is exposed to climatic conditions. The employee may be exposed to dust, fumes, and construction related materials.

Physical Requirements: While outdoors, the employee must occasionally position self to perform a variety of tasks on uneven ground.

**H. Other Information**

The incumbent must demonstrate the ability to act independently with flexibility and tact; willingness to work odd and irregular hours; good memory for names, faces, places and incidents. The incumbent must possess good oral and written communication skills; aptitude for investigation work; willingness as a learner to do routine or detailed work in order to learn the practical application of investigative principles; manage time and resources effectively and be responsive to CSLB and DCA management needs. Regular attendance and

punctuality are an essential part of the job. The incumbent is required to travel frequently throughout an assigned geographical area and occasionally outside an assigned geographic area by various methods of transportation.

The incumbent must also possess a valid driver license, a good driving record, and is expected to drive vehicles safely. The incumbent shall participate in DMV's Employer Pull Notice Program (EPN), which is a process for providing the Department with a report showing the driver's current public record as recorded by the DMV, and any subsequent convictions, failures to appear, accidents, driver's license suspensions, driver's license revocations, or any other actions taken against the driving privilege or license, added to the driver's DMV record. Incumbents in this position will be required to submit fingerprints to the Department of Justice for criminal history background clearance and be cleared before hiring.

This position is subject to Title 16, section 3830 of the California Code of Regulations, the Department of Consumer Affairs' Conflict of Interest Regulations. The incumbent is required to submit a Statement of Economic Interests (Form 700) within 30 days of assuming office, annually by April 1st, and within 30 days of leaving office.

Background Investigation: Pursuant to Governmental Code Section 1031, persons successful in peace officer examinations shall be required to undergo a thorough background investigation prior to appointment.

Medical Requirement: Pursuant to Government Code Section 1031, persons appointed to a peace officer class shall undergo a medical examination to determine that he or she can perform the essential functions of the job safely and effectively.

Psychological Requirement: Pursuant to POST Regulations 1002(a)(7) requires a psychological screening of applicants for peace officer classifications.

Training Requirements: Under provisions of Penal Code Section 832, successful completion of training is required for peace officer status in this classification.

**I have read and understand the duties listed above and I can perform these duties with or without reasonable accommodation.** (If you believe reasonable accommodation is necessary, discuss your concerns with the hiring supervisor. If unsure of a need for reasonable accommodation, inform the hiring supervisor, who will discuss your concerns with the Health & Safety Analyst.)

05/11/2022

Employee Signature

Date

Amanda Martinez

Printed Name

**I have discussed the duties of this position with and have provided a copy of this duty statement to the employee named above.**

5.13.22

Supervisor Signature

Date

Jessie Flores

Printed Name

**Created: 02/2020**

**Revised: 02/11/22**

**Approved: 4/20/22**

Duty Statement  
Investigator  
Page 5 of 5