

LANDSCAPE CONTRACTORS BOARD
Minutes of the April 16, 2009
Board Meeting
Conference Call

Please note that the minutes will not be approved until the Board meets on May 15, 2009.

PRESENT

Others

Board Members

None

Marty Gascoyne, Chair
Lisa Walter Sedlacek, Vice-Chair
Steven Carper
Joe Lymp
Larry Thomas
Matthew Triplett

Staff

Mike Snyder, Administrator
Kim Gladwill-Rowley, Program Manager

EXCUSED

Richard Hollenbeck

1. PROCEDURAL

A. Call to Order

The meeting was called to order at 2:04 p.m. by the Chair.

B. Approval of Agenda and Order of Business

Board Action: Moved by Ms. Walter Sedlacek and seconded to approve the agenda. Vote: 5-0

2. LEGISLATION

A. SB 147

Mr. Snyder gave a brief update on SB 147. He further reported that OLCA's legislative lobbyist, Bill Cross will be attempting to include SB 22 relating to pesticide application as an amendment to SB 147. This amendment will only include a portion of SB 22. The Chair of the Labor and Business Committee is allowing this amendment to be introduced and Senator Metzger, Chair on the Senate Business and Transportation, stated he would concur with any amendments that are made. Bill Cross stated that there are enough votes on the Senate side to re-pass this bill.

B. HB 2815

Mr. Snyder reported HB 2815 has been amended. This is the bill regarding the formation of a compliance network to deal with independent contractor issues. Representative Holvey is sponsoring this bill and proposes that a compliance

network be formed and compliance efforts be undertaken by this network to take criminal action against people that are flagrantly violating the independent contractor statute, misclassifying employees, paying under the table. The cost of administering this network will be paid out of a fee paid by all registered business to the Secretary of State Business Registry section. The LCB did not request to be included in the distribution of the money. LCB is semi-independent and not subject to Ways and Means. There is a section that explains the Department of Revenue will hold a reserve amount of money for this network and if there is a project that affects landscaping the LCB can have the compliance network approve DOJ fees paid by this fund.

C. Others

SB 930

The American Backflow Prevention Association has introduced a bill to allow backflow testers to maintain and repair backflow assemblies. This is a new bill and has not been heard as of this date.

HB2057 terminates two semi independent agencies and is up for a work session on April 20, 2009. The lobbyist hired by SIBA has contacted a lot of the members of the committee and he said 80% of the committee members are against this bill so is hopeful this bill will die in committee.

3. 2009-2011 BUDGET

The Board reviewed the proposed 2009-2011 budget. A rule hearing for the fee increase and proposed budget is scheduled for May 29, 2009. The board will be adopting the 2009-2011 budget at the June conference call meeting.

4. OLD BUSINESS

A. Search Committee/Thomas

Mr. Thomas reported he will be attending the OLCA board meeting on April 17, 2009 to request they select a member to participate on the Search Committee.

B. Guideline Committee/Lymp

Mr. Lymp reported there are individuals reviewing different sections of the guidelines. He has received two sections back and the sections that are not being reviewed at this time will be distributed to other members of the committee. Mr. Snyder will research a secure FTP site to be able to send these documents.

5. NEW BUSINESS

A. Continuing Education Hour Rules

Mr. Snyder reported the CEH rules state if a program is not pre-approved then the person has 7 days after the date of the class to submit documentation to the agency for approval. Seven days is restrictive and possibly unnecessary. When programs are pre-approved the rule says all documentation must be submitted to the agency within 30 days prior to program date. He has been lenient and not abided by that rule; approvals have been granted 1-2 days prior to the program date. When it gets closer to 2010, he stated he will be enforcing the 30 day

requirement. He believes 30 days is reasonable for the LCB office to process program approval applications.

The board discussed changing the 7 day requirement to 30 days, which is a more reasonable window of time for people who have attended a program to submit documentation for approval.

Board Action: Moved by Mr. Carper and carried to amend the current 7 days rule to 30 days and allow the Administrator to approve program less than 30 days prior to the program date for a period of time by emergency rule. Vote: 5-0.

B. Letter from Licensee re: Advertising

The board reviewed a letter from a licensee regarding failure to include the 4-digit license number in the advertisement. The board believes this rule is important. Staff was directed to amend OAR 808-005-0020 to replace the word "may" with "shall" or "must".

C. Prevailing Wage on Website

Mr. Snyder reported the LCB website now has a link to the CCB's information regarding prevailing wage requirements.

6. PUBLIC COMMENT

There was no one present who wished to speak.

7. ADJOURNMENT AND NEXT MEETING SCHEDULE

Moved by Mr. Triplett and seconded to adjourn the meeting.

The meeting adjourned at 2:44 p.m. The next meeting of the Landscape Contractors Board will be held May 15, 2009 in Roseburg.

Respectfully Submitted,

Kim Gladwill-Rowley
Program Manager