

LANDSCAPE CONTRACTORS BOARD
Minutes of the May 29, 2009
Board Meeting
Conference Call

Please note that the minutes will not be approved until the Board meets on July 17, 2009.

PRESENT

Others

Board Members

None

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

Staff

Mike Snyder, Administrator
Kim Gladwill-Rowley, Program Manager
Ken Roth, Investigator

EXCUSED

None

1. PROCEDURAL

A. Call to Order

The meeting was called to order at 104 p.m. by the Chair.

B. Approval of Agenda and Order of Business

Moved items

Board Action: Moved by Ms. Walter Sedlacek and seconded to approve the agenda. Vote: 6-0

2. LEGISLATIVE UPDATE

A. SB 147

Mr. Snyder gave a brief update on SB 147.

B. HB 2366

Mr. Snyder reported HB 2366 has died.

C. SB 203

SB 203 is a CCB bill that mentions lien law issues and states an original contractor must give the information notice and this bill is mostly about the licensees for the CCB. If work is considered a improvement, a person performing the work is considered a contractor. LCB has an exemption from

licensure from CCB to perform work if they hold current license with LCB, but it doesn't make an LCB licensee "not a contractor". It means CCB has no jurisdiction.

3. ADOPTION OF 2009-2011 BUDGET

The Board reviewed the proposed 2009-2011 budget. See Administrative Rule Hearing Report.

4. ADMINISTRATIVE RULE HEARING REPORT

Mr. Snyder reported the rule hearing was held May 29, 2009. There were no members of the public or the industry present. Board members reviews two e-mails received at the LCB office from two licensees who were opposed to the fee increases.

Mr. Snyder reported the CCB appeared before the Ways and Means Committee to approve their budget. They asked for a fee increase from \$260 to \$410 for a two year license. The committee denied that request and gave them an increase to \$320 to take effect in 2010. A few committee members stated they did not believe fee increases should occur during these harsh economic times. Mr. Snyder cautioned the board to think about the increases and the perception.

Moved by Mr. Thomas and carried to adopt the 2009-2011 budget as proposed.
Vote: 6-0.

Mr. Carper asked if staff did any comparison of the fee increase as to what was allowed for the CCB. Mr. Snyder reported the CCB was given a 25% increase from \$260 to \$320 for a two year license with 20 times as many licensees as the LCB. The LCB increase for an individual license is \$75 to \$95, which is close to a 25% increase. Business licenses go from \$225 to \$260 which is a 17% increase

Newsletters were sent in May 2009 to all licensed individuals and businesses explaining the fee increase and the deficit from the current biennium. Mr. Snyder presented the proposed budget to OLCA and no opposition was received. If the fees are increased, then complaints may be taken to legislators. Mr. Lymp stated he believes the board should stick with the fee increases as proposed. He understands it is a bad time to raise prices, but dipping into reserves cannot continue. The budget is \$100,000 less than last biennium. The fee increase will create a balanced budget. Chair Gascoyne stated it is a bad time to increase fees, but a worse time to decrease enforcement.

Ms. Sedlacek stated that if licensees were given the choice of no fee increase or less enforcement, she believes they would choose the fee increase. Mr. Lymp stated that is a large unemployment rate in Oregon and a lot of people are looking for anything they can do to make a buck and without enforcement it will be difficult for those licensed businesses.

Moved by Mr. Carper and carried to adopt rule amendments to OAR 808-001-0008, 808-003-0045, 808-003-0100, 808-003-0105, 808-003-0130. Vote 6-0.

Ms. Gladwill-Rowley requested one change to 808-003-0130 (9) due to a typo.

Moved by Mr. Carper and carried to amend 808-003-0130(9) to read "License card as required by OAR 808-003-0105(4): \$20". Vote 6-0

5. OLD BUSINESS

A. Guidelines Committee

Mr. Lymp reported the Guidelines Committee is moving ahead and he is hearing from a different person each week about completing a new section. Six out of fifteen chapters have been completed. Mr. Hollenbeck stated he is reviewing the grading portion and will prepare a study guide for the grading portion of the exam when he has finished.

B. Search Committee

Deferred to the July meeting.

6. NEW BUSINESS

A. Chair Gascoyne announced it appears there is a replacement for Mr. Hollenbeck's position. This person is an attorney with an interest in the landscaping field and has worked for the Department of Justice. Mr. Triplett volunteered to mentor the new board member after the assignment has been made by the Governor's Office.

B. Conference in Denver in September (CLEAR)

Mr. Snyder stated he is looking for comments back from board members regarding the conference with the Clear program for the Administrator and Lead Investigator. This conference and the travel will be budgeted under staff training and travel.

7. PUBLIC COMMENT

There was no one present who wished to speak.

8. ADJOURNMENT AND NEXT MEETING SCHEDULE

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

The meeting adjourned at 1:38 p.m. The next meeting of the Landscape Contractors Board will be held July 17, 2009 in Salem.

Respectfully Submitted,

Kim Gladwill-Rowley
Program Manager