



Underground & Above Board

Spring 2017, Issue 86

Landscape Contractors Board

2017 Legislative Update

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There are currently three (3) bills introduced for the 2017 legislative session. Below is brief information about each:

House Bill 3337

Brief Summary: Creates limited landscape construction professional license. Specifies scope of work that holder of limited license may perform.

- Creates a new limited (restricted) individual license (monetary limitation, not scope of work).
- Removes qualifications; experience and education requirements prior to licensing.
- Requires only the backflow exam for an all phase license. While the backflow exam remains, current exemptions provided to LCB by the Electricians Board (low voltage lighting & irrigation control wiring), and CCB (trees) could be jeopardized.
- The new limited license would be “all phase”, limiting the dollar amount the licensed business can perform to \$8,000 per project in a 12 month period.
- Would become effective 90 days after signed -or- 90 days after Jan 1, 2018; whichever is sooner.

Senate Bill 474

Brief Summary: Eliminates continuing education requirements for landscape construction professionals.

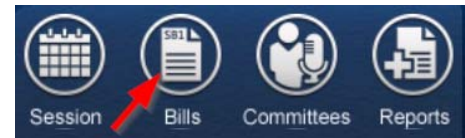
House Bill 2206

Brief Summary: Eliminates education, experience and examination requirements for issuance or renewal of landscape contracting business license or landscape construction professional license.

- This would mean that only owners or employees of a licensed landscape contracting business can get a license and only if they are performing landscape work (which we have defined). Thereby, this would remove the ability for groups such as designers, landscape maintenance companies, CCB licensees and backflow testers to get licensed.
- This would eliminate limited licenses such as; planting only, irrigation, and a standard license. It’s unclear in this bill version how existing limited license holders would be impacted moving forward.
- This could jeopardize current exemptions provided to LCB by the Plumber’s Board (backflow installation), Electricians Board (low voltage lighting & irrigation control wiring), and CCB (tree work).

For the full text of these bills, please visit the homepage of our website: <http://www.oregon.gov/LCB>

For up to date information about the status of each bill, you can visit the Oregon Legislative Information website at: <https://olis.leg.state.or.us> and enter in the bill number.



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Investigator x 222

Brianna Misitano
Office Assistant x 226

(503) 967-6291

Upcoming LCB Board Meetings

May 19 (Keizer)

July 21 (Keizer)

All State agency meetings:
<http://www.oregon.gov/transparency/PublicMeetingNotices.shtml>

Practical Skills Testing 2017

What is Practical Skills Testing?

The LCB now offers a Practical Skills Test in lieu of the traditional written test. This is a “hands-on” test which provides an alternative way to become licensed.

What license phases are available?

At this time, only limited phase licenses may be obtained through this option: [Planting](#) and [Irrigation plus Backflow licenses](#). The backflow section remains a written section and must be taken through the current written exam provider (PSI).

What’s required for licensure?

In addition to “hands-on” testing, a portion of the test process will include a smaller written exam for each license phase. Attending a four hour business course is also available in lieu of the full written exam.

When and Where?

The Practical Skills Test will be held on [July 28, 2017](#) at Clackamas Community College. The Oregon Landscape Contractors Association (OLCA) has offered leverage of the current Landscape Industry Certified Technician Exterior (LICT-E), formerly and more commonly known as the CLT, to serve as a portion of the testing process.

Business Course – what are my options?

An applicant that passes at least one phase of the Practical Skills “hands-on” portion may choose to take an approved business course in lieu of the traditional full written Laws, Rules & Business Practices test. A review may be provided, but results will not be considered for licensure. To attend the four hour business class (in English or Spanish) [offered on July 29, 2017](#), please contact Clackamas Community College: <https://www.clackamas.edu/Horticulture/>

How Do I Register?

A registration form is available on our website at www.oregon.gov/lcb and should be submitted to the LCB office. Spaces are limited so if you’re interested, please register soon!

The **deadline to register is June 15, 2017**.

For more FAQ’s please visit our website: www.oregon.gov/lcb or call us at (503) 967-6291.

Office Closures

May 29, 2017
July 4, 2017

Call, fax or email us to get complimentary copies of “What You Should Know” consumers guide brochure—use it to educate your customers!

2017-19 Proposed Budget

Each biennium the board approves a new agency budget. The 2017-19 budget is currently going through the rule making process. The proposed rule for OAR 808-001-0008 can be located on our website: <http://www.oregon.gov/LCB/docs/Rules/Budget.pdf>

Anyone can provide feedback during the comment period which goes through [April 30, 2017](#). If you have feedback you can email it to: lcb.info@oregon.gov or fax it to: (503) 967-6298.

The board meets on May 19, 2017 in Keizer, OR to review any feedback and adopt the budget.

If you have questions, please contact the office at: (503) 967-6291.

Business Ownership Changes — Selling Your Business?

Some of you are lucky enough to be considering retirement. Others of you are looking to make a life change and are selling your business to focus on a new endeavor. What happens when you sell your business?

Remember that your license isn’t an asset of the business. It is a privilege granted to an individual or a business based on meeting certain qualifications and requirements.

Given that, what are you actually selling when you sell your business? Can you sell your business license? Can you sell your client list? Can a new business use your business license number?

The answer is, it depends. ORS 671.600 says that with a change in ownership, a new business license is required unless your business is other than a corporation

with a change in corporate stock ownership.

When in doubt about license issues or requirements, call the agency to discuss before making any changes.

Call: (503) 967-6291 ext. 221

Welcome New LCB Licensees (Jan 2017 - Mar 2017)



New Landscape Construction Professionals

| | |
|-----------------------------|----------------------|
| AARON MCGRAW | KIMBERLY LEE |
| ADAM LOWERY | LEONARD ZACHARY |
| BAUDELIO OROPEZA- OLVERA | MICHAEL CARROLL |
| BENJAMIN SHONNARD | MICHAEL MAAHS |
| BRET PINKLY | MICHAEL WARFORD |
| CHARLES METCALF | MOISES URBINA-LADINO |
| CHARLES SMITH III | NATHAN HOLMES |
| COHAN FISH | PAMELA PEARCE |
| COLIN GUILLEY | PAUL POLITI |
| FELIPE MENDEZ-ROBLES | ROBERT INGE |
| GUY YOUNG | TAYLOR MUMFORD |
| JACQUELYN SCHROEDER | TODD WHITE |
| JAMES BORUP | TYLER CARTER |
| | WILLIAM BROWN |

New Landscape Contracting Businesses

C & R TRACTOR AND LANDSCAPING INC
 CESAR RAMIREZ
 DARRICK RITTER
 DIGGIT IRRIGATION AND HARSCAPES LLC
 ELISHA GARRY LANDSCAPE DESIGN LLC
 FELIPE MENDEZ R.
 FRANKLIN VALLE RECINOS
 GUY'S LANDSCAPE MAINTENANCE LLC
 HIGH DESERT LANDWORKS LLC
 J & L BORUP INC
 JACQUELYN L. LEIGH LANDSCAPE DESIGN, INSTALLATION & DETAILING, LLC
 JB LANDSCAPE & MAINTENANCE SERVICES LLC
 LAND-PRO LLC
 MAZAMA LANDSCAPES LLC
 RED SIDE LANDSCAPE LLC
 REFRESH ORGANIC LANDSCAPES LLC
 ROBERT OWERS LLC
 TOM HEMPEL TESTING LLC
 WAYNE NEWMAN
 WHITES LANDSCAPE AND IRRIGATION, LLC



CEH at Renewal Options

If your LCP license number (5 digits) ends in an odd number this is your year to report continuing education hours (CEH). If you have completed the required CEH prior to the expiration of your license then your license will be renewed. If you have not completed the required hours, consider these options:

1. Fill out the form leaving the CEH table incomplete and pay the licensing fee. You will receive a Notice of Refusal to Renew and Civil Penalty. You then have 21 days to complete the CEH requirement and if done before the expiration date of the license will allow you to renew without penalty. If not completed before the expiration date yet within the 21 days from the date of
2. Request to go "inactive". Pay licensing fee. There is no penalty, no reinstatement fee or late fee. You just have to meet CEH requirement to go active in the future; no extra fees.
3. Allow the license to expire (don't send in the form, don't pay a fee). To reinstate to active, you must meet the CEH requirement, pay the license fee and late fees. The license will show active from the date the licensing conditions are met.

In #2 and #3, the business that depends on your LCP license **will be suspended** and requires a \$30 reinstatement fee to become active. If the business went inactive, there is no fee to make the change to active.

Please check our CEH approved course lists which also include online options: http://www.oregon.gov/lcb/pages/continuing_education.aspx

2017 Trade Shows

May 5th-7th - COBA Spring Home & Garden Show, Deschutes Fair & Expo Center

| City | Violation Type | Final Action |
|---------------|--|--------------------------------|
| BANKS | Advertising w/o License | Civil Penalty/Stipulated Order |
| BAY CITY | Hiring Employees While Licensed as Exempt | Civil Penalty/Stipulated Order |
| | Working Outside Scope of License | Civil Penalty/Stipulated Order |
| BEND | Failure to Maintain Liability Insurance - Suspend x2 | Suspended License |
| | Failure to Pay Required Licensing Fees (Ind) | Refused to Renew |
| | Failure to Employ Landscape Construction Prof. x2 | Suspended License |
| BORING | Working w/o a Written Contract - 1st Offense | Civil Penalty/Stipulated Order |
| CANBY | Working Outside Scope of License | Civil Penalty/Stipulated Order |
| CENTRAL POINT | Working w/o a Written Contract - 1st Offense | Civil Penalty/Stipulated Order |
| | Failure to Use Business License No in Advertising | Letter of Concern |
| COOS BAY | Working w/o a Written Contract - 1st Offense | Civil Penalty/Stipulated Order |
| CORVALLIS | Failure to Use Business License No in Advertising | Letter of Concern |
| EUGENE | Failure to Register with the Corporation Division | Civil Penalty/Stipulated Order |
| | Failure to Use Business License No in Advertising | Civil Penalty/Stipulated Order |
| | Failure to Employ Landscape Construction Prof. | Suspended License |
| GLADSTONE | Advertising w/o License | Civil Penalty |
| | Failure to Respond to CEH Audit | Suspended License |
| GLENDALE | Advertising w/o License | Civil Penalty |
| GOLD BEACH | Failure to Employ Landscape Construction Prof. | Suspended License |
| GRANTS PASS | Advertising w/o License | Letter of Concern |
| GRESHAM | Failure to Maintain Liability Insurance - Suspend | Suspended License |
| | Advertising w/o License - 2nd offense | Civil Penalty |
| HAMMOND | Failure to Maintain Bond | Suspended License |
| HARRISBURG | Failure to Maintain Liability Insurance - Suspend | Suspended License |
| HERMISTON | Advertising w/o License | Civil Penalty/Stipulated Order |
| HILLSBORO | Failure to Use Business License No in Advertising | Civil Penalty/Stipulated Order |
| | Operating w/o License & Claim Filed | Civil Penalty |
| JACKSONVILLE | Failure to Obtain Workers Compensation | Civil Penalty/Stipulated Order |
| | Hiring Employees While Licensed as Exempt | Civil Penalty/Stipulated Order |
| KEIZER | Operating w/o License - 2nd Offense | Civil Penalty |
| KLAMATH FALLS | Failure to Maintain Bond | Suspended License |
| LAKE OSWEGO | Failure to Maintain Workers Compensation - Suspend | Suspended License |
| MCMINNVILLE | Advertising w/o License | Civil Penalty |
| | Failure to Maintain Bond | Suspended License |
| MEDFORD | Advertising w/o License | Civil Penalty/Stipulated Order |
| | Failure to Maintain Liability Insurance - Suspend | Suspended License |
| MILWAUKIE | Failure to Use Business License No in Advertising | Letter of Concern |
| MOLALLA | Failure to Maintain Bond | Suspended License |
| MYRTLE CREEK | Failure to Comply with min Standards for Contracts | Civil Penalty/Stipulated Order |
| NORTH BEND | Advertising w/o License | Civil Penalty/Stipulated Order |
| OREGON CITY | Failure to Employ Landscape Construction Prof. x2 | Suspended License |
| | Failure to Maintain Liability Insurance - Suspend | Suspended License |

If you witness unlicensed landscape work, please call 541-508-9563 or the LCB office at 503-967-6291.

You can also go to our website to complete a report:

<http://www.oregon.gov/LCB/docs/EnforcementActions/enforcementrefer.pdf>

| City | Violation Type | Final Action |
|-------------|---|--------------------------------|
| PORTLAND | Advertising w/o License x5 | Civil Penalty/Stipulated Order |
| | Failure to Maintain Liability Insurance - Suspend x2 | Suspended License |
| | Failure to Employ Landscape Construction Prof. x2 | Suspended License |
| | Operating w/o License | Civil Penalty / Settlement |
| PRINEVILLE | Failure to Employ Landscape Construction Prof. | Suspended License |
| PUYALLUP | Failure to Employ Landscape Construction Prof. | Suspended License |
| REDMOND | Hiring Employees While Licensed as Exempt | Civil Penalty/Stipulated Order |
| | Failure to Obtain Workers Compensation | Civil Penalty/Stipulated Order |
| | Failure to Employ Landscape Construction Prof. | Suspended License |
| SACRAMENTO | Advertising w/o License | Letter of Concern |
| SALEM | Failure to Maintain Workers Compensation - Suspend x2 | Suspended License |
| | Advertising w/o License x3 | Civil Penalty/Stipulated Order |
| | Failure to Maintain Liability Insurance - Suspend | Suspended License |
| | Failure to Pay Civil Penalty | Suspended License |
| SHERWOOD | Failure to Maintain Workers Compensation - Suspend | Suspended License |
| SPRINGFIELD | Advertising w/o License x2 | Civil Penalty/Stipulated Order |
| ST. PAUL | Failure to Employ Landscape Construction Prof. | Suspended License |
| STOCKTON | Advertising w/o License | Civil Penalty |
| SWISSHOME | Failure to Comply with min Standards for Contracts | Civil Penalty/Stipulated Order |
| | Hiring Employees While Licensed as Exempt | Civil Penalty/Stipulated Order |
| TERREBONNE | Advertising w/o License | Civil Penalty/Stipulated Order |
| TUALATIN | Operating w/o License | Civil Penalty/Stipulated Order |
| UNION | Failure to Register with the Corporation Division | Refused to Renew |
| WARRENTON | Failure to Use Business License No in Advertising | Civil Penalty/Stipulated Order |
| | Working Outside Scope of License | Civil Penalty/Stipulated Order |

2016 Top 5 Enforcement Actions:

1. Advertising without a license (141)
2. Failure to employ a Landscape Construction Professional (57)
3. Operating without a license (23)
4. Failure to Maintain Liability Insurance (18)
5. Failure to Maintain Workers Compensation (11) & Bond (11)

(does not include cases that were dismissed for no gap in coverage)

January 1, 2017 through March 31, 2017:

Violation types with the same final action are only listed once per city.

Total Cases with Final Actions = 89 *(does not include dismissed cases)*

As of January 1, 2016 the LCB has discretion to issue Letters of Concern.

Receiving a
paper copy?
We need your email address!

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E-mail: lcb.info@oregon.gov

We're on the web!
www.oregon.gov/lcb



DON'T FORGET! You need to report an address change to the LCB within 30 days of a move.
Feel free to mail, email or fax us your new address information. Or change you address online at: www.oregon.gov/lcb

Contract Elements Reminder

Do you wonder whether your contract is in compliance with the LCB's minimum standards? We want to help! The LCB is offering to review your contract. If you would like us to review your contract, please send a blank unsigned contract and we will send you feedback. Please do not send us a signed contract. The law (ORS 671.625) states a landscaping job over \$2,000 or more must be performed with a written contract.

THE STANDARDS:

Landscaping contracts and subcontracts with a homeowner or an agent of the homeowner shall include, but not be limited to, the following:

1. Landscape contracting business name, license number, business address and telephone number;
2. Consumer's name and address;
3. Address or location of work to be performed if different from the consumer's address;
4. General description of the work to be performed and the materials to be installed;
5. Estimated time for completion or estimated completion date;
6. Price and payment schedule;
7. Description of guarantee; if no guarantee such a statement shall be included;
8. Signatures of the authorized business representative and consumer;
9. Statement that the business is licensed by the State Landscape Contractors Board and the current address and phone number of the board.
10. If subcontractors will be used for the performance of landscaping work, the contract must include a statement notifying the consumer that there will be subcontractors used to perform landscape work.

We are looking for a new public AND industry board members!
Information on how to apply: http://www.oregon.gov/gov/admin/Pages/How_To_Apply.aspx