



Underground & Above Board

Winter 2023, Issue 104

Landscape Contractors Board

Important Changes to Contract Requirements

New Contract Rules in Effect January 2, 2024

Beginning January 2, 2024 all landscape contracting businesses must include a "Notice of Right to Cancel a Contract" page in written contracts.

A PDF copy of the Notice can also be downloaded from the LCB website: www.oregon.gov/lcb

To find out more information about minimum contract standards visit the Contracts page on our website: www.oregon.gov/lcb

Landscape jobs totaling \$2,000 or more must be performed with a **written contract**.

Protect yourself by making sure your contracts meet the 13 essential elements of a Landscape Construction Contract:

1. Landscape contracting business name, license number, business physical address, mailing address, and telephone number;
2. Homeowner/Consumer's name and address;
3. Address or location of work to be performed if different from the homeowner/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 is being provided, a statement that no guarantee is being provided;

(Continued on page 2)

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Inside this issue:

New Board Member	2
Bonds	3
Continuing Education	3
Enforcement Actions	4

LCB BOARD MEMBERS

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Vice Chair, Portland

Jose Lopez
McMinnville

Janet Johnson
Tigard

Seth Morvay
Albany

Jeff Cope
Corvallis

Molly McDowell
Bend

LCB Staff & Board Meeting Dates

Annie von Domitz Administrator x 224	Michael Hintz Investigator x 222
Kim Gladwill-Rowley Program Manager x 223	Kellie Mingus Program Specialist x220
Juanita Montes Romero Licensing Specialist x 221	Celina Rowley Office Assistant x 226

Upcoming Board Meetings

January 18 & 19 , 2024

March 15, 2024

May 17, 2024

[All State Agency Meetings Link](#)

Important Changes to Contract Requirements *(continued)*

8. Signatures of the authorized business representative and homeowner/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 any landscaping work, the contract must include a statement notifying the homeowner/consumer subcontractors may be used.
11. If the contract contains an arbitration clause, the contract must include language explain that if the homeowner/consumer signs the contract, the homeowner/consumer may be waiving their right to access the Board's claim process and may not have access to the landscape contracting business' bond.
12. Starting January 2, 2024, A "*Notice of Right to Cancel Contract*" page must be attached to the written contract. This Notice explains the consumer has three business days to cancel a contract and that the cancellation must be in writing, and clearly state the contract is being canceled. This form also has a place where the consumer may waive that three-business day period.
13. A form of electronic communication such as fax, email, or text messaging the consumer can use to send a cancellation notice to the landscape contracting business within that three-business day period.

Contracts missing one or more of the required elements are subject to a civil penalty and may not be enforceable by the landscape contracting business.

New Board Member– Janet Johnson



Janet Johnson lives in Tigard, Oregon and has worked in the Financial Industry for over 35 years. She has a Business degree with a minor in Economics. In her early 20's she moved from LaGrande Oregon with her husband to work for Burroughs (UNISYS), which sells technology to banks and credit unions. Today, Janet travels from Hawaii to New York helping banks stay current on banking regulations and customer demands. The past 8 years, she has worked for Fiserv out of Wisconsin as a Relationship Manager.

In 2019, Janet had a large deck project that turned bad right after signing. With the help of the Landscape Contractors Board, she filed a claim and worked through the process. "It was a huge learning experience for me. I really want to make a difference for the landscape industry and pay forward my knowledge of my experience." said Janet. "I am very happy to have been appointed to the LCB Board and look forward to making positive changes for Oregon. I look forward to 2024 and this new position on the Board."

In her free time, Janet enjoys spending most of her time with her two adult children and finding new places to go and see in Oregon.

Do You Have the Correct Surety Bond?

Bonds are one of the most important consumer protection tools available. It important to make sure your bond is current and appropriate for the size of jobs your business contracts and bids. Landscape contracting businesses are responsible for keeping their bond up to date.

Remember:

- If you have a job, or are bidding on a job, that grows to more than your bond allows, you must increase your bond immediately.
- If your bond pays out on a claim, you must pay back the bond company and make sure they do not cancel your bond or reduce your bond amount.

The Board has been seeing an increase in the number of businesses performing landscape jobs greater than the bond allows. In some cases the jobs have higher contracts from the start, and in some cases the jobs have change orders that put the landscape job over the bond limit.

Check the chart below to make sure your bond covers the amount of work your company performs:

<u>BOND AMOUNT</u>	<u>JOB CHARGE</u>
\$3,000	\$0 up to and including \$10,000 or less
\$10,000	More than \$10,000 but less than \$25,000. Also, if you are installing walkways, driveways, patios, decks, fences, arbors, retaining walls NOT in conjunction with a landscape job
\$15,000	\$25,000 but less than \$50,000 or Probationary All Phases licenses
\$20,000	\$50,000 or greater

Protect Yourself! You can receive a \$1,200 civil penalty for having an insufficient bond and suspension of the license until the bond is increased.

Avoid license renewal delays by keeping your business registry up-to-date with [Secretary of State!](#)



Winter is a great time to catch up on your CEH

Avoid renewal delays and make sure you have completed your continuing education requirements for the year! You can find a list of pre-approved courses on the [LCB website](#), under the [Continuing Education Page](#). On that page you will also find reporting requirements.

Having a hard time keeping track of the CEH activities you complete? You can add them to your online portal throughout the year to help speed up your renewal process.

Enforcement Actions Completed August 8, 2023 — December 13, 2023

County	Violation Type	Final Action
BAKER	Advertising w/o License, Operating w/o License & Complaint Filed	Civil Penalty / Stipulated Order
	Operating w/o License	Civil Penalty / Stipulated Order
BENTON	Operating w/o License	Civil Penalty
	Failure to Maintain Bond	Suspended License
	Advertising Outside Scope of License, Failure to Use Business License No in Advertising	Letter of Education
CLACKAMAS	Advertising w/o License	Civil Penalty / Stipulated Order
	Failure to Maintain Bond	Suspended License
	Failure to Complete CEH by the Deadline	Civil Penalty / Stipulated Order
	Operating w/o License	Civil Penalty / Stipulated Order
CLATSOP	Advertising w/o License	Civil Penalty / Stipulated Order
COLUMBIA	Advertising w/o License	Civil Penalty / Stipulated Order
CROOK	Operating w/o License & Complaint Filed	Civil Penalty / Stipulated Order
DESCHUTES	Advertising w/o License	Civil Penalty / Stipulated Order
	Advertising w/o License	Civil Penalty / Stipulated Order
	Advertising w/o License	Civil Penalty / Stipulated Order
	Failing to Pay in Full on Claim	Revoked
DESCHUTES	Failure to Notify Board of a Business Name, Failure to Use Business License No in Advertising	Letter of Education
	Failure to Pay Civil Penalty	Suspended License
DOUGLAS	Advertising w/o License	Civil Penalty / Stipulated Order
	Failure to Replace Bond After Reduction for Claim, Owes a Landscaping Debt	Suspended License
HARNEY	Working w/o a Written Contract - 1st Offense	Civil Penalty / Stipulated Order
JACKSON	Advertising w/o License	Civil Penalty
	Advertising w/o License, Operating w/o License	Civil Penalty / Stipulated Order
	Operating w/o License	Civil Penalty
	Operating w/o License	Civil Penalty / Stipulated Order
	Failure to Maintain Bond	Suspended License
	Owes a Landscaping Debt, Conduct that was Dishonest or Fraudulent	Revoked
JEFFERSON	Advertising w/o License	Civil Penalty / Stipulated Order
	Operating w/o License	Civil Penalty / Stipulated Order
KLAMATH	Failure to Maintain Bond	Suspended License
LANE	Advertising w/o License	Civil Penalty
	Advertising w/o License	Civil Penalty
	Advertising w/o License	Civil Penalty / Stipulated Order
	Failure to Maintain Bond	Suspended License

Enforcement Actions (*continued* — For the complete version: www.oregon.gov/lcb)

County	Violation Type	Final Action
LANE	Failing to Pay in Full on Claim	Revoked
	Operating w/o License	Civil Penalty / Stipulated Order
LINCOLN	Operating w/o License & Complaint Filed	Civil Penalty / Stipulated Order
LINN	Failure to Comply with min Standards for Contracts	Civil Penalty
	Failure to Comply with min Standards for Contracts	Civil Penalty
	Failure to Comply with min Standards for Contracts	Civil Penalty
	Failure to Replace Bond After Reduction for Claim	Suspended License
MARION	Advertising Outside Scope of License	Civil Penalty
	Advertising w/o License	Civil Penalty
	Advertising w/o License	Civil Penalty / Stipulated Order
	Advertising w/o License, Operating w/o License	Civil Penalty / Stipulated Order
	Failure to Maintain Bond	Suspended License
	Operating w/o License	Civil Penalty / Stipulated Order
MULTNOMAH	Advertising w/o License	Civil Penalty / Stipulated Order
	Failure to Use Business License No in Advertising	Letter of Education
	Failure to Maintain Bond	Suspended License
	Failure to Comply with min Standards for Contracts, Failure to Obtain Required Bond Amount	Civil Penalty / Stipulated Order & Suspended License
OUT OF STATE	Operating w/o License	Civil Penalty
POLK	Advertising w/o License	Civil Penalty
WASHINGTON	Advertising w/o License	Civil Penalty / Stipulated Order
	Advertising w/o License	Civil Penalty / Stipulated Order
	Advertising w/o License	Civil Penalty / Stipulated Order
	Advertising w/o License - 2nd offense, Working Outside Scope of License, Failure to Comply with min Standards for Contracts	Civil Penalty
	Failure to Pay Civil Penalty	Suspended License
	Failure to Comply with min Standards for Contracts, Failure to Obtain Required Bond Amount	Civil Penalty / Stipulated Order
YAMHILL	Operating w/o License & Complaint Filed	Civil Penalty
	Operating w/o License, Advertising w/o License	Civil Penalty / Stipulated Order
	Advertising w/o License	Civil Penalty / Stipulated Order
	Operating w/o License	Civil Penalty / Stipulated Order
	Failure to comply with any part of ORS Chapter 671, Failure to conform to information provided on the application	Suspended License

Receiving a
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We need your email address!

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Fax: (503) 967-6298
Email: lcb.info@lcb.oregon.gov

Visit us at:
www.oregon.gov/lcb



Address changes must be reported to the LCB within 30 days and can be submitted through the [online portals](https://www.oregon.gov/lcb/Pages/Update.aspx) at <https://www.oregon.gov/lcb/Pages/Update.aspx> or by emailing, faxing, or mailing to the agency.

The Landscape Contractors Board meets regularly every other month, and the public is welcome to attend. You can find a list of upcoming board meetings, meeting agendas & past meeting minutes on the LCB website on the [Meeting Schedule & Minutes](#) page.

Do you know someone who is passionate about serving consumers and their industry? We are looking for a new industry board member!

Contact Annie von Domitz for more information: annie.vondomitz@lcb.oregon.gov



Holidays Observed

December 25, 2023– Christmas Day

January 1, 2024- New Year's Day

January 15, 2024– Martin Luther King Jr. Day

February 19, 2024– Presidents' Day