

**LANDSCAPE CONTRACTORS BOARD**  
**Minutes of the March 15, 2013**  
**Board Meeting**  
**Medford, Oregon**

**PRESENT**

Board Members

Steven Carper, Chair  
John Gawlista, Vice Chair  
Larry Hoekman  
Annie Lee  
Joe Lymp  
Larry Thomas  
Lisa Walter Sedlacek

Staff

Shelley Sneed, Administrator  
Kim Gladwill-Rowley, Program Manager  
Vince Salomone, Investigator

Others

Bob Gipner  
William Woolard  
Jeff Martyn  
Randy Furtado  
David Searcy  
Danny Drew  
Herman Wanders  
Stacy Page  
Ted Smith  
Julie Smitherman, City of Ashland  
Ron Mente, LCB Contract Investigator

**EXCUSED**

None

**1. PROCEDURAL**

**A. Call to Order**

The meeting was called to order at 8:30 am by the Chair.

**B. Approval of Agenda and Order of Business**

**C. Approval of Minutes**

**1. January 17, 2013**

**Board Action:** Moved by Mr. Thomas and seconded to approve the January 17, 2013 minutes. Vote: 6-0.

The Board made a few minor edits to the January 17, 2013 minutes.

Ms. Sneed reported that she spoke with Mr. Snyder who stated that there is no agreement with the electrical board regarding the low voltage exemption. He thought the LCB should look at a separate low voltage exam for an endorsement. The exemption for low voltage wiring is for the landscape contracting business, so that means any phase of license can perform low voltage work. This will be considered at the six month review after the current changes are made to the exam.

**2. February 21, 2013**

**Board Action:** Moved by Mr. Lymp and seconded to approve the February 21, 2013 minutes. Vote: 6-0.

## **2. Administrator's Report**

### **A. Office Update**

The Board reviewed Ms. Sneed's report, which is attached and made a permanent part of these minutes. Ms. Sneed reported furlough days for the state will be ending June 30, 2013.

Mr. Salomone attended a trial against an unlicensed individual who was performing landscaping work without a license. This individual was licensed at one time, but both his individual and business licenses were revoked. He told the courts he gave up his licenses. The District Attorney requested Mr. Salomone testify about the licenses and the violations for working without a valid license. The trial ended with a plea agreement and sentencing with criminal charges and restitution for the consumer. The unlicensed person spent 5 days in jail and if he re-offends will be required to fulfill the rest of the 85 days he was originally given.

Ms. Sneed reported that she followed up with the Governor's Office regarding the maintenance legislation. Representative Clem's office allowed the LCB to work with legislative counsel on amendments to that bill. Ms. Sneed and Mr. Kemper testified at the first hearing where there were concerns about the high school/college kid earning money for school or clothes. The committee was not comfortable with that being defined in rule, so an amendment has been created. Another concern was the number of consumer complaints, which are not kept anywhere due to no regulation of maintenance at this time.

Molly McDowell from Bend will be Mr. Lymp's replacement and will attend the April Board meeting. She has a landscape architecture degree and may add to the discussion with the Architect Board. She will come to the LCB office in April to meet the staff and go through orientation.

The Exam Committee has finished the review of the exam questions. PSI will update the questions and references and also update the candidate information bulletin with the assistance of the LCB staff. There is an e-mail ready to go to PSI about all the changes regarding references, time accommodation, and open book. Everything will be in place and in the next week the office will know the exact publishing date of the new/updated questions.

Christine Valentine of the Landscape Architect Board provided Ms. Sneed with two tentative dates for the Boards to meet (May 9<sup>th</sup> or May 16<sup>th</sup>). The Board would like this meeting to take place on May 16<sup>th</sup>, which is the date prior to the May Board meeting. This meeting will be publicly noticed so that the interested parties are aware of what is happening. The Board would like Ms. McDowell to attend this meeting, if possible. This is open to all board members since it is a public meeting.

Ms. Sneed reported that she attempted to schedule a financial review with the company who performed last financial review, but they are limiting the number of reviews they perform and they have no openings. Ms Sneed spoke with the

Secretary of State, Audits Division and they will send information regarding a financial review or audit conducted by the firm contracted with that division. This information will be brought to the May meeting.

#### **B. 2011-2013 Financial Report**

The Board reviewed the updated unreconciled financial report as of February 28, 2013. Income is up as compared to last year by nearly \$6,000. New license applications are increasing, especially with individual licenses. The balance sheet shows the cash reserves are lower than last year at this time. As of February 28, 2013 there is nearly \$335,000 in liquid cash and at February 29, 2012 there was just above \$358,000 in cash reserves. The net loss for the year is \$56,415, which explains the decrease in liquid cash assets. Last year the net loss was nearly \$85,000. Staff have worked hard over the last year to decrease expenses.

The major income drivers are the individual license applications and exam resource material sales. The total applications/examination income is up over \$9,000, but licensing fees have decreased by nearly \$6,000 from last year. The major loss is lower business renewal fees. Civil penalty collections are up 6% compared to last year. Staff wages, taxes and benefits are lower than last year due to the furlough days and employee contributions to the health insurance costs. Overall the agency has lost \$16,000 less than budgeted for this year to date.

The Board discussed trade shows and the audiences at each one and building a new awareness for consumers understanding the hiring of unlicensed vs. licensed businesses. Staff will look at revamping the booth and possibly an internet connection to show the consumers how to look up a licensee.

**Board Action:** Moved by Mr. Gawlista and carried to approve the unreconciled financial report. Vote 6-0.

#### **C. 2013-2015 Proposed Budget Scenarios**

At the January 2013 Board meeting, the Board reviewed several budget scenarios for the 2013-2015 biennium. Based on that discussion the Board eliminated a few options that they were not in favor of and reviewed the following scenarios:

- #4. Elimination of ½ FTE of the Administrative Specialist II and ½ FTE of the Investigator/Mediator position with a \$22,904.50 deficit budget;
- #4.A. Elimination of ½ FTE of the Administrative Specialist II for the full biennium and ½ FTE of the Investigator/Mediator position for the 2<sup>nd</sup> year of the biennium with a \$65,563.34 deficit budget; and
- #5. Elimination of 1 FTE of the Administrative Specialist II position with a \$82,197.86 deficit budget. This has no impact on the investigator position.

Mr. Thomas believes that Scenario 4A seems to have the biggest impact on a deficit budget and keeps the investigator position intact for a year. There is also the option to amend the budget next year and not reduce the investigator position if the revenue has increased enough. He stated that scenario 5 will be difficult to regain that administrative position again. He believes if the Administrative Specialist II position can be retained ½ time it will be easier to manipulate as the picture becomes greener.

Mr. Gawlista stated that scenario 5 has the unemployment costs built into it. He reminded the Board that Mr. Salomone stated at the last meeting he would be able to stay with the agency as a part time employee. Mr. Gawlista wonders if the Administrative Specialist II would remain or leave for full time employment elsewhere.

Mr. Thomas stated the agency could hire another part time administrative position at a lower rate of pay. This is a major impact on a regulatory agency and on the people the Board depends on to run the agency.

Lisa questioned what the net reserves would be the at end of biennium if scenario 4A was adopted. Ms. Sneed stated that as of February 28<sup>th</sup> there is \$335,000 in checking & cash. She believes there will be just under \$400,000 by the end of the current biennium, but this is conservative without knowing how much income will come in over the next four months.

Mr. Thomas stated that he believes it is important to keep the investigator position funded full time for another year because this is the most important program the Board has for consumer protection. It is also important to the licensees that the agency keep tabs on the unlicensed performing illegal work. A cut in the enforcement program will cause a cut in services.

Ms. Sneed stated that some of the investigator's duties will have to shift to Ms. Gladwill-Rowley and herself. She and the staff will have to prioritize the work and be firm about what information is necessary to follow up on enforcement referrals. Mr. Salomone does a lot of follow up when a contract investigator submits a report and this will need to continue. Investigations may take longer to complete. Ms. Sneed stated she plans not to impact claim mediations through the claim process.

Mr. Thomas believes that if the investigator position is reduced it sends the wrong message regarding consumer protection to the public, licensees, and the legislature.

Ms. Walter Sedlacek stated she believes there has been a decrease in the amount of landscaping work being performed, so less enforcement needs to be performed. She stated there is a \$40,000 difference between the scenarios,

which is not extremely large with a budget this large, but it is a large difference between the two scenarios. She wonders if the investigator position could remain full time until Fall 2013.

Ms. Sneed stated the Board could amend the budget at any time.

Mr. Carper stated he believes there needs to be a reduction in both the investigator position and the administrative position. Mr. Hoekman stated the experience factor with Mr. Salomone is extremely crucial. Mr. Lymp stated he believes scenario 4a is the best choice with the hope there will be an increase in income. Even though the office has great people, they are not as difficult to replace as an experienced investigator.

Ms. Lee stated she is leaning towards scenario 4A and is very optimistic and expects the income to improve. She likes the option where the Board can go back and amend it. Mr. Carper stated he is leaning towards scenario 5 and believes the \$13,000 difference will be about even due to the time spent managing scenario 4A. Ms. Lee stated that if an administrative position is terminated it takes more of Ms. Sneed's and Ms. Gladwill-Rowley's time than if the investigator's position is reduced. Mr. Thomas stated there is great cross training in the office and the higher levels can fill in and are qualified for certain tasks in someone's absence. In scenario 4A if the person in the administrative position leaves LCB employment, the Administrator does not have to hire someone to replace that part time position; the position could be left open, if necessary. This way, by default, scenario 5 without the unemployment benefits takes place.

Ms. Sneed stated she has heard a sense of optimism and if income improves, her fear of scenario 5 is that by the end of this year there will be three new board members who don't know as much about this agency or the history. She believes scenario 4A gives her the flexibility of staffing as appropriate and she will not have to come back to the board to amend the budget; which requires rulemaking. She wants the Board to know that she will honor the decision of the Board no matter which scenario is decided.

**Board Action:** Moved by Mr. Thomas and carried to accept scenario 4A for the proposed budget for 2013-2015 biennium and moved into rulemaking. Vote: 6-0.

### **3. PROGRAM REPORTS**

#### **A. Examination Report**

The Board reviewed the examination statistics from 2003 through February 28, 2013. There were 123 exams taken in February 2013 and only 89 taken February 2012.

**B. License Count**

The Board reviewed the license counts as of March 1, 2013. The individual count has been holding steady, but the business count is still decreasing, but at a slower rate.

**C. Enforcement**

The Board reviewed a listing of final actions taken from January 1, 2013 through February 28, 2013. The board would like to see a report from Cascade Collections showing the total debt assigned to them to collect.

**D. Claims (Dispute Resolution)**

The board reviewed a listing of closed claims from January 1, 2013 through February 28, 2013. There were three claims closed.

**E. Education**

The Board reviewed the CEH audit statistics from January 1, 2010 through the present. The responses to the audit have increased and most licensees are aware of the requirement and are complying.

**4. OLD BUSINESS**

**A. 2013 Strategic Business Plan**

**Water Conservation & Efficiency Considerations in Landscaping**

Staff received several new website links to add to the LCB website. Other links should be sent to the office.

**Professional Education Collaboration**

Mr. Hoekman stated he updated the Administrator with the listing of community colleges with notes regarding a landscape or horticulture program. He wonders if there is a key person who coordinates with all the colleges and will research this. Ms. Sneed added the college representatives who were not licensees to the newsletter listing to receive future board newsletters. This is an outreach to community colleges to let them know there is a resource to speak to their classes as well as providing education of the new exam reference manual that they could use to teach or put together a curriculum. Mr. Hoekman believes there is a disconnection between taking the college courses and knowing there is an examination and license requirements prior to performing landscaping work. He also wonders if there is enough knowledge at the community colleges so that the curriculum is clear regarding what the LCB exam contains and the licensing requirements. The Board believes this type of communication needs to continue to the other colleges that Mr. Hoekman has not contacted.

Ms Sneed reported a licensee that is an instructor at PCC requested that community college courses be on the website for CEH. She requested colleges to submit information so this could be posted but has not received any feedback to add those courses. Building more relationships creates more opportunities to share the licensing requirements. Handouts are provided when Ms. Sneed speaks to a class, but the board believes these handouts should be provided as

part of the curriculum. There is an academic chair for landscaping/horticulture who is the best person to discuss the licensing piece and will help get this information into the curriculum. The Board believes the focus should be on programs that are attempting to produce those individuals who wish to become licensed landscape construction professionals. Mr. Hoekman found that the people in the instructional departments changes frequently, so there is no continuity. The outreach program should be structured prior to academic programs beginning. Ms. Sneed will develop a list of contacts and instructors and develop talking points to maintain consistency.

### **Regulation of Maintenance & Services**

This will be discussed later in the meeting.

### **Recruitment Enhancement**

Ms. Walter-Sedlacek's term will be expiring in September. She will use Mr. Thomas' action plan to recruit her replacement. There has been one application received from a southern Oregon licensee submitted to the Governor's office and another unlicensed person showing interest from that area.

### **Minimum Contract Standards**

This topic was discussed at the meeting last night with licensees and will be discussed as a potential legislative concept for 2015. This topic is regarding a specific dollar amount where no contract is required. The challenge is that, the claims mediation piece is based on a contract and will be difficult to mediate without a contract to show what was agreed upon. The board previously decided this topic should be industry driven, but are willing to put it on the list of LCB potential legislation in 2015.

### **Continue productive dialogue with OSLAB**

The Board determined a board position on irrigation design needs to be determined prior to the May 16<sup>th</sup> meeting with OSLAB. Mr. Lymp stated he believes a landscape construction profession should be able to provide a design or plan and be compensated so long as they are an owner or employed by a landscape contracting business. Chair Carper believes that different qualifications provide different levels of service. That should be up to the consumer to decide what they want to pay for. Mr. Thomas stated the focus is on the consumer protection that comes from the business; not the professional who is working outside a business license environment. Both boards may have to compromise with consumer protection as the focus. Ms. Sneed will draft a board position and e-mail to Board members for review.

### **Create a legislative committee to work on bills and proposed legislation**

The Board determined they wanted to create a legislative committee. John Gawlista will discuss this with Mike Snyder to see if he is interested in participating. Mr. Hoekman would also like to assist.

**Web-based advertising by landscape contracting businesses and maintenance companies**

This is an ongoing issue to watch.

**Working with specialty trades outside the scope of the LCB license**

This is a potential topic for 2015 legislation.

**Exam Committee**

The Exam Committee is a strong component of this board. The exam statistics need to be reviewed six months after the new questions and resources are updated. Ms. Sneed will write a report on the Exam Committee objectives, members, and history and have a discussion at the May meeting when the Assistant Attorney General is present. The Board believes at least one Board member should be a member of the Exam Committee as a link to the board.

The Board introduced the new contract investigator for the Medford area, Ron Mente.

**B. Review of Planting License**

The Board reviewed the issue of a new phase of license; a planting license. This topic was previously discussed last year, the Board voted note to initiate a planting license, and staff requested the Board look at this license again.

Mr. Hoekman stated he believes it may be time to review and reconsider the planting license in light of a lot of things happening within the legislative process, economics, and the industry environment. Mr. Thomas stated he maintains the same position and is in favor of a planting license. He believes it is a good model for a niche that hasn't been addressed in the industry. This will give the consumer choices. The tree service people are well qualified in botany and horticulture for trees and shrubs, but are not licensed to install them. Some do it anyway and do a good job of it and are falling under the radar. Arborists spoke last time and believe it to be a good addition to their license. Nursery owners are providing planting services and are also not licensed, but would like to be. Providing an opportunity to obtain a license increases the level of consumer protection. He believes a lot of designers were in favor of this license, but others did not understand the concept and did not support it.

Mr. Hoekman stated they are going to have the pass the exam and then have insurance and bonding. He is now in support of this license. Mr. Lymp was against the planting license before, but has now realized the consumer protection is in place and supports this license.

Mr. Gawlista stated he is still opposed to the license. He believes it will create confusion for the consumer if there is more than planting on a job and the additional work will need to be subcontracted to another business. He also believes this will create more work within the office to manage and keep the designations separated. The only difference between a standard license and a planting license is the hardscapes portion of the exam. He doesn't believe that

one portion of the exam is a large barrier and believes it gives a licensee more perspective as to how everything works together in the total project.

Mr. Hoekman believes the industry is going through an evolutionary process and a planting license does not relinquish anything. Actually, he believes it is gaining an advantage. There are a lot of trades required to build a residence. This is the same – there are a lot of trades to install a landscape now.

Mr. Gawlista stated the point is not to preserve the market place, but consumer protection. If the planting license could subcontract other landscape work, is there consumer protection?

Low voltage lighting was not included in the prior discussion of a planting license. If this is the decision again, legal counsel advice may be needed. Low voltage is lighting and irrigation control wiring.

OLCA was not in favor of a planting license. One of the reasons was the grading & drainage. Mr. Hoekman reminded the board that the legislature may perceive this board as promoting the industry and limiting individuals from creating a living when all they want to do is plant nursery stock.

Ms. Walter Sedlacek stated she dislikes revisiting a topic after a decision has been made. Also as a nursery owner, she has a lot of people who request the plants be planted for them. A nursery person will hold the license; not the person who does the work. They won't have the chance to charge up front to review the site prior to planting. However, with whole package is bonding and insurance. It is just a different environment in the nursery area.

Mr. Thomas stated the direct supervision element will still be in place and that not everyone reviews the site prior to planting. The bond and insurance provide consumer protection that isn't there now.

Ms. Lee stated she reviewed the documentation from the last discussion and is still in favor of this license. There were a number of people that came forward during the public comment period from all the different fields.

The effect on the budget if this license is approved is unknown at this time. The board asked the staff for their opinions of this license. Ms. Gladwill-Rowley and Mr. Salomone are in favor of this license. Ms. King is not in favor of this license.

**Board action:** Moved by Mr. Thomas and carried to direct staff to begin rulemaking process for the planting license as proposed and drawn out in this model of testing to include Laws & Rules, Planting and Grading & Drainage. Vote: 6-0.

## 5. PUBLIC COMMENT

Chair Carper opened the meeting for public comment at 1:00 p.m.

Herman Wanders

Mr. Wanders stated he has concerns regarding backflow requirements. Different water purveyors (municipalities) have different requirements, which create confusion. Many municipalities are just coming into compliance with the state requirements. The board does not regulate the homeowners who do not obtain a backflow. Licensees are required to obtain a permit and have the backflow tested. Whether or not there is a requirement, people are not complying with the requirement and Mr. Wanders believes nothing is being done about it.

Dave Searcy

The City of Medford has begun a program where they go out and canvass the neighborhoods regarding backflows. About half of the city has been reviewed as of this date. The only hammer the city has is turning the water off, but there is a legal process to take away water. The city is working with the building department and attempting to work with the homeowner. If the backflow has just been installed and no permit was obtained and the homeowner will not tell who the landscaper is that installed it, the homeowner will pay the permit and fines. A process is being implemented, but is not smooth yet.

William Woolard through Mr. Gawlista

Mr. Woolard had to leave, but requested Mr. Gawlista speak for him regarding the minimum dollar amount of contracts. This is important to him and he is in favor of adjusting the requirements to allow a specific dollar amount without a contract, specifically to irrigation head repair.

Ted Smith

Mr. Smith stated he appreciated the stickers on the vehicles and would like to see them issued again. When a contractor feels they are being harassed by the investigator, the investigator could check the sticker and check the license out prior to talking with the contractor or homeowner. He stated he always felt a sense of pride having the sticker on his truck.

Mr. Thomas stated the license could expire or be suspended and the stickers remain on the vehicle. Also the cost of those stickers was too great to the office. Licensees can get their own stickers created for their own vehicles. An investigator looks at license plates first. He encourages all licensees to be pro-active and put the company identity on all vehicles. Mr. Lymp stated all his vehicles have lettering and he gets phone calls where they refer to his vehicles because they have seen them and gotten the phone number off the trucks to contact him for service.

Chair Carper closed the meeting for public comment at 1:17 p.m.

## 6. LEGISLATIVE

### A. Review of Legislative Bills being tracked by LCB in 2013

The Board reviewed the listing of legislative bills being tracked by staff.

#### 1. HB2619 – Registration of Landscape Maintenance Businesses

Mr. Kemper and Ms. Sneed testified at the initial rule hearing. The Board reviewed the proposed amendments for an exemption for those individuals under 23 years old and enrolled in college and earning less than \$6,000 in landscape activities. A second hearing has not been scheduled at this time. OLCA has stated they will not take a position on this bill.

Mr. Carper stated he still has concerns regarding irrigation scheduling and water feature maintenance.

This is an avenue to track data and businesses and get information to them about laws and rules regarding when a license is required.

Randy Furtado

Mr. Furtado stated he believes maintenance companies should be registered. Many times he sees what others have done with irrigation controllers and believes it is a huge problem. This would create a sense of responsibility. Now they perform the work and then disappear.

Bob Gipner

Mr. Gipner agrees with registering maintenance companies. This is an ability to control them and a good step forward.

Julie Smith, City of Ashland

Ms. Smith wondered if a maintenance company is not registered if a fine will be issued? Ms. Sneed reported stop work orders can be issued, but they will have 2 days to get into compliance. If they get into compliance, no enforcement action will be taken. The legislation gives all landscape maintenance companies 6 months after the effective date to become registered.

Herman Wanders

Do they need a license within the city?

Yes, they must meet all business requirements within their place of business.

Randy Furtado

Mr. Furtado stated this will give a level of professionalism that doesn't exist now. Anyone can perform landscape maintenance work with no accountability and the exemptions sound reasonable to allow younger people to earn money.

Ted Smith

Mr. Smith stated he appreciates exemptions.

2. SB 557

This bill abolishes the LCB and transfers the licensing of landscaping and the assets and staff to the CCB. It also changes who has to be licensed and creates an opportunity for licensing at certain times and no license at other times. This will make enforcement and claims difficult. Bill Cross spoke with Senator Boquist who introduced this bill and stated Senator Boquist had 40 constituents that requested this. Ms. Sneed and Ms. Gladwill-Rowley met with Senator Boquist and he said this bill has no traction and he doesn't have the votes to get it passed. Senator Bates has been talking with him about LCB enforcement granting warnings instead of penalties. This bill is scheduled for hearing on March 28<sup>th</sup> at 3:00 p.m. Ms. Sneed and Mr. Gawlista will be in attendance to testify.

Ms. Walter Sedlacek reported that Senator Roblan received a letter from a constituent in favor of this bill. The complaint is the testing and licensing is onerous. This complaint came from someone who is not licensed with the LCB; but is licensed with the CCB.

Ms. Sneed sent a request to the Governor's Office to oppose this bill. The Governor has certain agenda priorities. They will not take a position, but will allow the LCB to take a position.

Mr. Lymp stated prior to 2002 the LCB was part of the CCB and the staff were CCB staff made up of 40-60 people and a licensee never spoke with the same person twice. It was very confusing and frustrating for LCB licensees. In 2000 OLCA decided they wanted the board to go semi-independent. This group does a better job of representing landscape constructing and protecting the consumer. LCB issues were diluted with the CCB.

Staff will create a list of taking points for Board members to contact their own legislators to discuss opposition.

3. SB 701

This bill was introduced by Senator Girod and eliminates the CEH requirement. He has one constituent who requested this bill. This bill does not have a hearing scheduled.

**B. Potential Legislative Changes for 2015 Legislative Session**

The Board discussed the following concepts and whether or not to place them on next meetings agenda and prioritizing them.

1. Add the LCB's authority to get compliance with our right to investigate (licensed and unlicensed). LCB discussed the agency's authority; is it over unlicensed or just licensees and is there a way to require they cooperate with investigations.  
The Board would like to keep this on the list.
2. Add that LCB licensees have a right to plan, install and/or maintain irrigation systems, ornamental water features and drainage systems.  
The Board would like to keep this on the list.
3. Create a minimum dollar amount of landscaping work that requires a written contract but retains consumer protection. The caveat with this one is retaining consumer protection due to potential damage to buildings or property due to the repair of an irrigation system.  
The Board would like to keep this on the list.
4. Change the address notification period from 10 days to something longer and looking into using the USPS notification to change the agency's records. Staff recommends changing to at least 30 days.  
The Board would like to proceed forward for 2015 for this legislative change to 30 days.
5. LCB licensees to have jurisdiction to maintain and repair, fences, decks, walkways, arbors, patios, etc (e.g. staining concrete and painting fences as maintenance versus installation services).  
The Board would like to keep this on the list.
6. Allowing LCB licensees to subcontract with specialty trades outside the scope of the LCB license. This legislation was attempted in 2005 specifically for electrical and plumbing work. Bill Cross, OLCA's lobbyist stated that Associated General Contractors had an issue with this and it might be an uphill battle. He didn't feel it was a hopeless battle if planned appropriately. This would allow LCB licensees to provide this service to the customer.  
The Board would like to keep this on the list.
7. Collecting hearing costs if party loses.  
Katharine Lozano, legal counsel, stated at a prior meeting that this hasn't been popular with the legislature, but has sometimes been acceptable if there is a ceiling on the cost. Oregon Health Licensing Agency has this ability to collect from Respondents; the cosmetologists ceiling is \$5,000. Having a ceiling makes it more palatable than an unlimited amount.  
The Board would like to keep this on the list.
8. Suspending licenses for non-landscaping debts (e.g. electrical violations, CCB violations, etc). The CCB will suspend licenses if unpaid civil penalty is owed to the LCB. LCB has no ability to reciprocate and suspend one of

our licensees if they have an outstanding civil penalty with the CCB, or another agency. There has been effort at the ICN group to coordinate and work together as state agencies. This isn't a self serving concept, but supports the state as a whole.

The Board would like to keep this on the list.

9. Creating an emeritus status with a lower fee and no ability to perform landscaping work. The LCB has a large segment of licensees that have been licensed a long time that value their license but aren't necessarily performing work.

Katharine Lozano, legal counsel stated that many licensing agencies have this type of status.

Staff was not sure how this was different from inactive status now. If the board wants a lower fee, the current inactive fee could be lowered and print "emeritus" on license card.

10. Immunity against board members for action taken. This may encourage more volunteers on the board and free up discourse where a board member may be in fear of voicing specific opinions. The Washington State Board of Pharmacy has this immunity. Staff will discuss this concept with legal counsel.

## **7. NEW BUSINESS**

### **A. Good Bye Joe Lymp**

The Board presented Mr. Lymp with a plaque for his years of service on the Board. His experience and ability to reflect back on where the industry has been and provide that insight to the board will be missed.

### **B. Thank You Larry Thomas**

The Board presented Mr. Thomas with a certificate for serving as Board Chair for 2012. Chair Carper stated Mr. Thomas "bloomed" and "came out of his shell" and has really become the person in many cases the other members look to for guidance.

## **8. ADJOURNMENT AND NEXT MEETING SCHEDULE**

**Board Action:** Moved by Mr. Gawlista and seconded to adjourn the meeting. Vote: 6-0. The meeting adjourned at 2:46 p.m. The next meeting of the Landscape Contractors Board will be April 18, 2013 by conference call. The following meeting will be held on May 17, 2013 in Salem.

Respectfully Submitted,

Kim Gladwill-Rowley  
Program Manager