



Underground & Above Board

Summer 2018, Issue 90

Landscape Contractors Board

Top Ten Enforcement Actions

Receiving a paper copy? We need your email address!

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It's no one's favorite topic, but staying informed is great way to keep your business in good standing. In order from most to least, the list below are the top ten enforcement actions the LCB has taken in the last two years on licensed businesses and how you can avoid them:

- 1. Failure to have a certificate of liability insurance on file at board office.** (See page 6)
- 2. Failure to maintain workers' compensation.** (See page 6)
- 3. Failure to employ a landscape construction professional.** This can happen when the LCP does not renew on time or at all. Try adding a reminder to your calendar to help your LCP (or yourself) remember!
- 4. Failure to maintain a bond.** (See page 6)
- 5. Failure to use the landscape contracting business license number in an advertisement.** Your 4-digit license number is required on all written advertisements, including social media and referral websites such as Angie's List, Porch.com and GoSmith.com.

6. Failure to comply with minimum standards for contracts. The most frequently seen examples are; missing LCB current contact information, guarantee statement, and estimated completion date. You can check your contract element requirements here to see if you meet them:

<https://www.oregon.gov/LCB/docs/contractdvditems/elements.pdf>

- 7. Conduct that was dishonest or fraudulent.** This one seems pretty straight forward. Just being honest and doing the right thing for the consumer should keep you clear of this one.
- 8. Failure to perform supervisory responsibilities.** The primary issue we've seen here are landscape construction professionals (LCPs) who are not aware of the work employees are performing.
- 9. Performing landscaping work without a written contract.** Work over \$2,000 requires a written contract.
- 10. Working outside the scope of a license.** (See page 2)

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(503) 967-6291

Upcoming LCB Board Meetings

July 20, 2018 (Keizer)

Sept 21, 2018 (Keizer)

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

Working Outside License Scope

With a great demand for landscaping work it can be all too tempting to work outside the scope of a limited license (e.g. planting only, irrigation and back-

flow only, or standard).

We are seeing an increase of reports and enforcement actions on licensees with a limited license being taken because of this temptation.

Office Closures

July 4, 2018
Sept 3, 2018



Ready to upgrade?

Now is a great time to start testing for additional sections of the exam to upgrade your license. You can also earn continuing education hours for testing!

What about subcontracting?

Remember that the business can subcontract for work outside the scope of the license they hold. Example; if the landscape construction

professional holds an irrigation and backflow only license, they can subcontract for planting work.

Give us a call or drop us a line and we'll let PSI know you're ready to test again, ensure you have your candidate identification number and send you any updated study material information needed.

Call us at (503) 967-6291 ext. 221 or email: lcb.info@oregon.gov

Avoid late fees and challenges pulling permits by renewing on time!

Tree Work Reminder

Over the last several months, we've had increased inquiries from licensees and homeowners as to what an LCB licensee can do when it comes to tree work.

Below are some common questions:

What does my LCB license allow me to do?

What if I have an Irrigation and Backflow only license?

What is the difference between the Construction Contractors Board (CCB) and LCB license when it comes to tree work?

In a nutshell...

Most tree work such as removal, pruning, stump removal or guying can be done with either an LCB or CCB license. However, planting of trees can only be done under the appropriate LCB license type (Planting Only, Standard or All Phase).

As of January 1, 2016 the LCB bond covers licensed businesses who do tree work (CCB laws allow LCB licensed businesses to perform the work, but there was previously not bond coverage to protect consumers for the work performed).

Questions???

Call us at (503) 967-6291 ext. 221.

As always, please check with the CCB for questions regarding their laws.

Ownership Changes?

Be sure to contact the LCB so we can walk you through the steps needed.

Welcome New LCB Licensees (Mar 2018 - Jun 2018)



New Landscape Construction Professionals

| | | | | | |
|-------------|----------------|-----------|------------------|-----------|-------------------|
| SANTIAGO | BARAJAS OROZCO | JOEL | GRIFFIN | MASON | MILLAR |
| KENNETH | BARTUS | JOAN | GUTIERREZ | DANIEL | MILROY |
| ERIC | BILDERBACK | CLAIRE | HAFER | FERNANDO | MOLINA |
| TIMOTHY | BOWMAN | MATTHEW | HAMMACK | PEDRO | PACHECO |
| MATTHEW | BOWMAN | STEVEN | HAUSER | MICHAEL | PARKS |
| BENJAMIN | BOYER | COLSON | HAYES | ERIC | PFEIFFER-ROBINSON |
| JEREMY | BYRNES | TIMOTHY | HEFFELBOWER | KOUROSH | POURNADERI |
| FRANCISCO | CERVANTES | ANTONIO | HERNANDEZ-GUZMAN | MIZAE | RAMIREZ |
| JULIO | CHAVEZ | PATRICK | HUGHES | FERNANDO | ROMERO |
| CHRISTOPHER | CONDON | JEROME | JOHNSON | FRANCISCO | SALDANA |
| KASONDRA | DE JESUS | LAWRENCE | JONES | BRETT | SWANSON |
| REX | DODGE | SHAWN | KLAUS | CODY | TAUBE |
| JOHN | DOUGHERTY | ZACHARY | LOCICERO | JONATHAN | VARCOE |
| MICHAEL | DOUGLAS | MCKENSIE | LUI | | |
| RAINES | DUNLAP | TREVOR | MARCH | | |
| PAUL | EDWARDS | JOSE LUIS | MARTINEZ-ALCOSER | | |

New Landscape Contracting Businesses

| | | |
|---|---|-------------------------------------|
| 5-R EXCAVATION AND PAVING LLC | DYNAMIC VISTAS LLC | NATURESCAPES LLC |
| ALL POINTS LANDSCAPING LLC | EARTHMARK GROUP LLC | NORTHWEST LANDSCAPE INNOVATIONS LLC |
| AM IRRIGATION LLC | ELEMENT LANDSCAPING & DESIGN LLC | OPAL GARDENS LANDSCAPING LLC |
| BEAR CLAW SERVICES INC | ELITE LANDSCAPE SERVICES, INC. | PACIFIC HILLS LLC |
| BENJAMIN A BOYER | ERIC BILDERBACK | RAINES DUNLAP |
| BOSKY DELL NATIVES INC | FINGERPRINT OUTDOORS NORTHWEST LLC | RUNNING Y RANCH MANAGEMENT LLC |
| BUENA VISTA HARDSCAPES LLC | FRUITFUL TREE CARE LLC | SHAWN KLAUS |
| CASCAPES, LLC | HW YARDCARE & DESIGN INC | STEVEN MILLER |
| CHARLES BROOKS | INTERNATIONAL TALES INC | TETHEROW GOLF COURSE, LLC |
| CURB APPEAL BY FRANCISCO LLC | JESSE'S GREEN THUMB | THE GARDEN SPECIALISTS LLC |
| D & M LAWN MAINTENANCE LLC | JULIAN'S CONSTRUCTION AND LANDSCAPE LLC | TINY TURF LLC |
| DARWIN KESNER CLOUD | JUSTINO ARREOLA | US-A-CONSTRUCTION LLC |
| DE JESUS LANDSCAPE MAINTENANCE LLC | KEYSTONE LANDSCAPE AND DESIGN LLC | WATER BOY SPRINKLER & GARDEN LLC |
| DEEPLY ROOTED LANDSCAPES LLC | M & M SERVICES LLC | |
| DIAMOND LANDSCAPE GROUP LLC | MARCH ENTERPRISES INC | WHEEL AND BARROW LANDSCAPE DESIGN |
| DOWN TO EARTH LANDSCAPING LAWN CARE LLC | MARK E FORSTER | YAK LANDSCAPE MAINTENANCE, LLC |
| DRY OAK INC | MIZAE RAMIREZ | YARD PERFECTIONS LLC |

LCB Enforcement Stats 3/1/201 to 6/30/2018 (Go to www.oregon.gov/lcb for complete version)

| County | Violation Type | Final Action |
|-----------|---|----------------------------------|
| BENTON | advertising without a license | Civil Penalty/Stipulated Order |
| | advertising without a license x2 | Letter of Concern |
| CLACKAMAS | advertising without a license x3 | Civil Penalty |
| | advertising without a license - 2nd offense | Civil Penalty |
| | advertising without a license, operating as a landscape contracting business without a license and a claim has been filed for damages arising out of that work | Civil Penalty |
| | hiring employees while licensed as exempt under ORS 671.525 | Civil Penalty, Suspended License |
| | advertising without a license | Letter of Concern |
| CLATSOP | advertising without a license | Civil Penalty/Stipulated Order |
| COLUMBIA | advertising without a license | Letter of Concern |
| COOS | advertising without a license | Letter of Concern |
| DESCHUTES | advertising without a license x3 | Civil Penalty/Stipulated Order |
| | working outside scope of license | Civil Penalty/Stipulated Order |
| | advertising without a license | Letter of Concern |
| | failure to use the landscape contracting business license number in an advertisement | Letter of Concern |
| | failure to pay required business licensing fees, failure to complete the renewal form | Refused to Renew |
| JACKSON | advertising without a license x4 | Civil Penalty/Stipulated Order |
| | advertising without a license, operating as a landscape contracting business without a license | Civil Penalty/Stipulated Order |
| | operating as a landscape contracting business without a license | Civil Penalty/Stipulated Order |
| | advertising without a license | Letter of Concern |
| JOSEPHINE | working outside scope of license | Civil Penalty |
| | advertising without a license x2 | Civil Penalty/Stipulated Order |
| | advertising without a license | Letter of Concern |
| | failure to use the landscape contracting business license number in an advertisement | Letter of Concern |
| | failure to use the landscape contracting business license number in an advertisement | Letter of Concern |
| KLAMATH | failure to comply with minimum standards for contracts | Civil Penalty |
| LANE | advertising without a license x5 | Civil Penalty/Stipulated Order |
| | failure to comply with minimum standards for contracts, failure to require direct supervision, working outside scope of license | Civil Penalty/Stipulated Order |
| | failure to obtain required bond amount | Civil Penalty/Stipulated Order |
| | failure to obtain required bond amount, failure to require direct supervision, failure to use the landscape contracting business license number in an advertisement, working outside scope of license, performing landscaping work without a written contract | Civil Penalty/Stipulated Order |
| | failure to perform supervisory responsibilities | Civil Penalty/Stipulated Order |
| | advertising without a license | Letter of Concern |

Potential Advertising Without a License? Send a picture or link to lcb.info@oregon.gov or text (541) 508-9563.

LCB Enforcement Stats 3/1/201 to 6/30/2018 (Go to www.oregon.gov/lcb for complete version)

| County | Violation Type | Final Action |
|--------------|---|--------------------------------|
| LINN | advertising without a license x2 | Civil Penalty/Stipulated Order |
| | advertising without a license x2 | Letter of Concern |
| | failure to use the landscape contracting business license number in an advertisement | Letter of Concern |
| MARION | advertising without a license x3 | Civil Penalty/Stipulated Order |
| | advertising without a license - 2nd offense | Civil Penalty/Stipulated Order |
| | advertising without a license, operating as a landscape contracting business without a license | Civil Penalty/Stipulated Order |
| | advertising without a license x6 | Letter of Concern |
| | failure to maintain business registration | Refused to Renew |
| MULTNOMAH | advertising without a license x5 | Civil Penalty |
| | operating as a landscape contracting business without a license | Civil Penalty/Stipulated Order |
| | advertising without a license x3 | Letter of Concern |
| OUT OF STATE | failure to notify the Board within 30 days of an address change | Civil Penalty/Stipulated Order |
| POLK | advertising without a license, operating as a landscape contracting business without a license | Civil Penalty |
| | advertising without a license | Letter of Concern |
| UMATILLA | failure to use the landscape contracting business license number in an advertisement | Letter of Concern |
| WASHINGTON | advertising without a license x5 | Civil Penalty/Stipulated Order |
| | advertising without a license - 2nd offense | Civil Penalty |
| | operating as a landscape contracting business without a license | Civil Penalty |
| | operating as a landscape contracting business without a license and a claim has been filed for damages arising out of that work | Civil Penalty |
| | advertising without a license, operating as a landscape contracting business without a license | Civil Penalty/Stipulated Order |
| | failure to comply with minimum standards for contracts x2 | Civil Penalty/Stipulated Order |
| YAMHILL | advertising without a license | Letter of Concern |
| | failure to perform supervisory responsibilities | Civil Penalty/Stipulated Order |

Rule Changes

The following administrative rules were amended March to June 2018 and are now effective:

- Written contracts required to explain that an arbitration clause may restrict access to the Board’s claim process and bond; and

- Applicants passing the practical skills modules and full written exam may take the business class in lieu of the Laws, Rules & Business Practices written exam section.

Questions?

Call (503) 967-6291 ext. 223

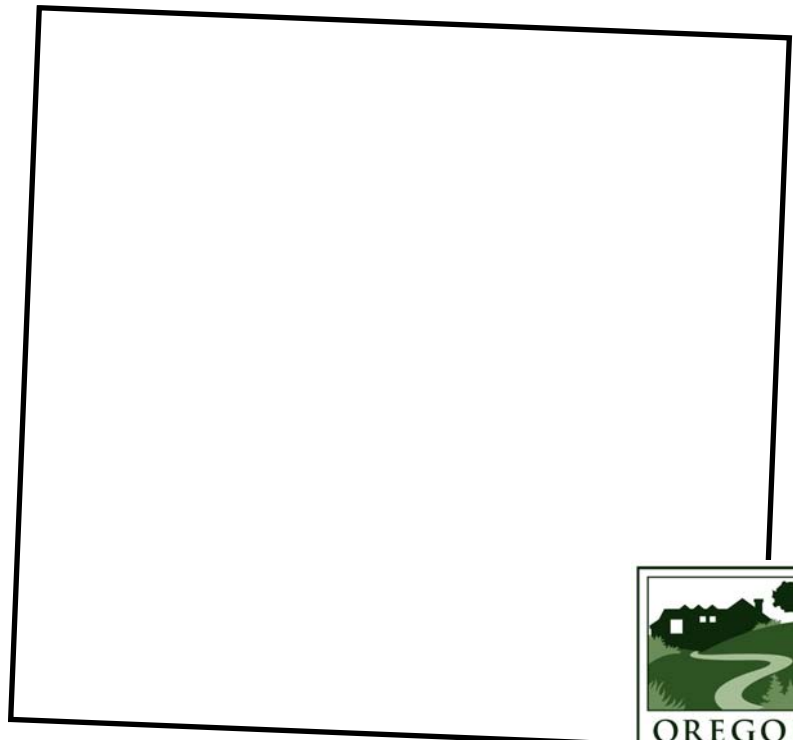


Reminder! LCB *current* address and phone number are required on all contracts. We are seeing some contracts with old information. Make sure yours is up to date!

Receiving a
paper copy?
We need your email address!

2111 Front Street NE
Suite 2-101
Salem, OR 97301
Phone: (503) 967-6291
Fax: (503) 967-6298
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

Insurance and Bond Requirements

Recently, the board has had to issue Notices of Immediate Suspension of License to a greater number of licensed landscape contracting businesses because there is not a current certificate of liability insurance, current Workers' Compensation, or current Surety Bond **on file** (in our office) with the board. The law requires the landscape contracting business to provide proof of continuous liability insurance coverage and worker's compensation (if applicable) to the board and that the bond, deposit, or letter of credit is continuously **on file** with the board. This is the responsibility of the landscape contracting business.

Requesting the insurance company to send in the information does not guarantee that the certificate of insurance, workers' compensation, or bond reaches the agency. LCB staff sends out a notice to the landscape business approximately 10 days prior to insurance's expiration.

The LCB staff also sends out a letter if a notice of cancelation from the insurance, workers' compensation, or bonding company is received prior to an expiration to allow time for the landscape contracting business to get **on file** a new or reinstated insurance, worker's compensation, or bond. To wait or to assume someone else took care of the issue may potentially result in a suspension of the license that could have been avoided.

Taking time to verify the information has reached the board will insure your landscape contracting business will not be the subject of such civil action.



**Avoid license renewal delays by keeping your
business registry up-to-date with Secretary of State!**