



# Underground & Above Board

Summer 2017, Issue 87

Landscape Contractors Board

## A Claim is Filed, Now What?

by Kim Gladwill-Rowley

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Over the last two years we've seen an increase in claims being filed. A majority of them are settled, never having to go to the board or Administrative Law Judge. This article is a reprint with edits from August 2014 that seems most relevant today:

When a complaint is filed with the Landscape Contractors Board (LCB) the first thing the office does is send a copy of the claim to you, the Landscape Contracting Business. What should you do? **Respond. Do not ignore the letters. Do not procrastinate.** The LCB realizes there are always two sides to every story and your written response to the complaint is important to the process. If you don't respond, the LCB may have to make a determination without your input.

You may also attempt to resolve the issue on your own, if you feel you can. If a resolution cannot be reached and the complainant is a homeowner, the LCB will offer to schedule an on-site meeting to assist in obtaining a resolution—both parties must agree to mediation.

If the complainant is a material supplier and you owe an outstanding balance, make arrangements for payments and let the LCB know about that arrangement.

If an on-site meeting is held, it will take place at the job site. If a resolution can be reached, it will be put in writing and be signed by both parties. At this point the LCB has not made a determina-

tion. The resolution is between you and the complainant. A majority of claims filed by homeowners are resolved at the on-site meeting. In most cases the LCB never has to make a determination.

If a resolution is not reached at the on-site meeting, the mediator/investigator will draft a report. The board will determine the action to be taken. If the board decision is not acceptable, either party may request a hearing and the case will go before an Administrative Law Judge (ALJ). This removes the case from the LCB's jurisdiction and the ALJ makes an independent determination.

Cases will be sent to the ALJ as binding arbitration, which means that the Arbitrators decision is final.

In all cases it is the LCB's intent to reach a resolution to the issues, if at all possible. Every business may experience a claim. In order to avoid claims, write strong, clear contracts that both your business and the customer understand and agree to. Deal with conflict in a business-like manner and provide exemplary customer service to minimize your risk. Claims aren't bad, but if ignored, can create a major problem for your business. The worst case is that your bond could be lost which affects your business' licensure.

What's at the top of complaints to the LCB? Lack of communication.

**LCB BOARD MEMBERS**

**William Bumgardner,**  
*Chair,* Medford

**Christine Hollenbeck,**  
*Vice Chair,* Portland

**Loren Radford,**  
Portland

**Molly McDowell**  
Dunston, Bend

**John Gawlista,** Portland

**Kevin Bailey,** Tualatin

**Industry Member,**  
Vacant

## LCB Staff & Board Meeting Dates

<b>Elizabeth Boxall</b> <i>Administrator x 224</i>	<b>Michael Hintz</b> <i>Investigator x 222</i>
<b>Kim Gladwill-Rowley</b> <i>Program Manager x 223</i>	<b>Athena Gaddis</b> <i>Office Assistant x 226</i>
<b>Jerri Jones</b> <i>Licensing Specialist x 221</i>	<b>(503) 967-6291</b>

**Upcoming LCB Board Meetings**

Sept 15 (Keizer)

Nov 17 (Keizer)

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

## What Is Inactive Status?

From time to time we hear “I am not performing landscape work so I am going to let my landscape construction professional license expire”. There is another option.

The board allows an individual to place an active landscape construction professional license and the landscape contracting business license on INACTIVE status by requesting this change in writing and paying the license fee each year. If this occurs outside of the renewal period, it’s a \$50 change of status fee. If it occurs at the time of renewal, only the renewal fee is collected. For the landscape construction professional, this means the CEH requirement is not needed until the individual decides to go back to active status. At that time, the individual will have to submit documentation that he/she has met the CEH re-

quirement for the 2-year period prior to the request to reinstate the license to active. Going inactive rather than allowing the individual license to expire means the person does not have to take the exam again to maintain the license as opposed to letting the license expire for a period of two years.

For the landscape contracting business it means that the bond, insurance and other licensing requirements do not need to be kept current but will need to be brought current before the business can be reinstated to active.

The law allows a landscape construction professional or landscape contracting business to go from active to inactive only once during a license period.

THINK ABOUT IT!

**INACTIVE**

### Office Closures

Sept 4, 2017

Nov 10, 2017

Nov 23-24, 2017

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

## Insurance and Bond Requirements –Who’s Responsible?

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

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

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 and civil penalty action 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.



## Welcome New LCB Licensees (Apr 2017 - Jun 2017)



### New Landscape Construction Professionals

MICHAEL	CROSSWHITE
ANTHONY	PABST
ALDEN	GRAY
MARTIN	RUIZ
JOHNATHON	CLARK
RYAN	BLAKELY
NOAH	SMITH-ROWE
LUCAS	JONES
GREGORY	WILSON
SILVIA	CID FERNANDEZ
JEFFREY	LUERS
JEFF	SMITH JR.
KENNETH	RUDE
STEVEN	BLETSCHER
JOSE	LANDEROS
MICHAEL	CARVALHO
ANTHONY	SMITH

### New Landscape Contracting Businesses

POLITI LANDSCAPE CONSTRUCTION LLC  
 OREGON SPRINKLER SYSTEMS LLC  
 NATHAN I HOLMES  
 ALDEN K GRAY III  
 RAINBOW VALLEY DESIGN & CONSTRUCTION INC  
 OUTDOOR AESTHETICS LANDSCAPE CONSTRUCTION LLC  
 PAMELA PEARCE  
 DESERT SUN LANDSCAPE MAINTENANCE, INC  
 ADVANCED LAND MANAGEMENT LLC  
 MARTIN RUIZ  
 THE GREEN HOME LANDSCAPE LLC  
 STEVE BLETSCHER  
 SIMPLE SOLUTIONS LANDCARE LLC  
 LANDSCAPE AESTHETICS, LLC  
 RAM LAWN CARE SOLUTIONS LLC  
 SWEETSTONE LANDSCAPES INC  
 ALEJANDRO ZARAGOZA INFANTE



## License Upgrades

Do you have a partial and have you ever thought about upgrading? It's easier than you may think! Contact Jerri Jones, our Licensing Specialist, to ask how to upgrade your license. There's no fee with the agency; just the test fees.

Once you get your candidate ID number and PSI is notified, you can begin sitting for tests.

This table shows the six sections of the exam for a landscape construction professional license. If you have a partial phase license and would like to upgrade, contact the office to learn which exams would be required to upgrade your license.

If you have an irrigation plus backflow license, it can be combined with a planting license to allow all landscaping work except hardscaping. If your business has a CCB license, that license would cover the hardscaping work.

Now is an excellent time to upgrade your license.

Contact Jerri Jones at (503) 967-6291 ext 221 or via email at [jerri.jones@oregon.gov](mailto:jerri.jones@oregon.gov)

	Laws, Rules & Business Practice	Plants & Turf	Hardscaping	Design, Grading & Drainage	Irrigation	Backflow
All Phase						
Standard						
Planting						
Irrigation Plus Backflow						

## Welcome New LCB Staff

Please welcome Athena Gaddis!

Athena started with the LCB in May 2017 as our part-time Office Assistant.

Athena brings with her a great background in customer service and is currently going to school part-time to grow her administrative skills. A native Oregonian living in Yamhill county with her fiancée, Athena is also a proud mother of two!

Athena helps to follow up on business insurance renewal certificates, workers' compensation reminders, process new applications, as well as many other office

duties that make the office run smoothly day-to-day.

If you're close stop by, you'll find Athena here most Mondays through Thursdays from 1:00pm—5:00pm and covering the office when we have board meetings.

We are glad to have filled our vacant position during the busy season with Athena. It's a lot to learn, but Athena is up to the challenge!



**Did you know... Changing your business from exempt to non-exempt is free and only requires a status change form? Form: <http://www.oregon.gov/LCB/Pages/forms.aspx>**

## Reporting Landscaping Law Violations to the LCB

The bottom line for any case the agency opens is that we need evidence. Not something someone thinks or believes, but hard evidence—witnesses, contracts, correspondence, copies of advertisements or websites.

We've been getting some reports that don't have enough information for the agency to use to open an enforcement case. Here's some helpful hints to help us take action against unlicensed violators.



If it's a written advertisement we need to know the publication and the publication date. If you send an ad in anonymously we don't have a way to find the ad, so be sure to send the whole page that has the publication name and date. Newspapers need to have the heading of the page the ad is on to show us when and where the ad occurred.

Sometimes we get operating reports that aren't meaningful. Make sure there's a landscaping law violation—landscaping work is defined by law. The agency has to have evidence to support taking action. Did you see the company or its employees doing the landscaping work? Is there a permit or other verification of what happened and who did it? Did you get the license plate number of the truck or vehicle at the site? Do you have an address?

Our agency is here to enforce Oregon landscaping laws. We need your help to do that. Reminders on how to report potential violations:

- 1) Use the Enforcement Referral form <http://www.oregon.gov/LCB/docs/enforcementrefer.pdf> and send it via fax or email
- 2) Call Michael's cell phone at 541-508-9563 and provide the information you have—his line is checked on the weekends as well as weekdays.

**LCB Enforcement Stats 4/1/2017 to 6/30/2017 (Go to [www.oregon.gov/lcb](http://www.oregon.gov/lcb) for version with names)**

City	Violation Type	Final Action
ALBANY	Advertising w/o License	Civil Penalty/Stipulated Order
ALOHA	Advertising w/o License	Civil Penalty/Stipulated Order
ASHLAND	Advertising w/o License x 2	Civil Penalty
BEAVERTON	Failure to Use Business License No in Advertising	Civil Penalty/Stipulated Order
BEND	Advertising w/o License x 2	Civil Penalty
	Operating w/o License	Civil Penalty
	Failure to Comply with min Standards for Contracts	Civil Penalty/Stipulated Order
CLACKAMAS	Failure to Use Business License No in Advertising	Civil Penalty/Stipulated Order
CORNELIUS	Failure to Require Direct Supervision	Civil Penalty
	Conduct that was Dishonest or Fraudulent	Civil Penalty
	Operating as a licensed business w/o an LCP	Civil Penalty
	Failure to comply with any part of ORS Chapter 671	Civil Penalty
COTTAGE GROVE	Advertising w/o License	Civil Penalty/Stipulated Order
DALLAS	Advertising w/o License	Civil Penalty/Stipulated Order
EUGENE	Advertising w/o License	Civil Penalty
FOREST GROVE	Operating w/o License	Civil Penalty/Stipulated Order
FORT COLLINS	Conduct that was Dishonest or Fraudulent	Civil Penalty/Stipulated Order
	Failure to comply with any part of ORS Chapter 671	Civil Penalty/Stipulated Order
	Failure to Perform Supervisory Responsibilities	Civil Penalty/Stipulated Order
INDEPENDENCE	Failure to Comply with Min Standards for Contracts	Civil Penalty/Stipulated Order
KEIZER	Advertising w/o License x 2	Civil Penalty
	Operating w/o License & Claim Filed	Civil Penalty
	Operating w/o License	Civil Penalty
LINCOLN CITY	Advertising w/o License	Letter of Concern
NEWBERG	Advertising w/o License	Civil Penalty/Stipulated Order
	Operating w/o License	Civil Penalty/Stipulated Order
NEWPORT	Advertising w/o License	Civil Penalty
OREGON CITY	Advertising w/o License	Civil Penalty/Stipulated Order
PORTLAND	Failure to Use Business License No in Advertising	Civil Penalty/Stipulated Order
SALEM	Failure to Use Business Lic No in Advert - subsequent	Civil Penalty/Stipulated Order
	Advertising w/o License x 2	Letter of Concern
SPRINGFIELD	Advertising w/o License	Civil Penalty/Stipulated Order
	Advertising w/o License	Letter of Concern
WARRENTON	Advertising w/o License	Civil Penalty/Stipulated Order

*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>*

Receiving a  
paper copy?  
We need your email address!

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We're on the web!  
[www.oregon.gov/lcb](http://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](http://www.oregon.gov/lcb)

## New LCB Public Board Member

Please meet Kevin Bailey, new LCB public board member:



A lifetime resident of Oregon, Kevin Bailey is very interested in community and state government. Kevin cemented his roots here, establishing a family in Tualatin and a career in Portland as a journeyman electrician. Kevin is a recent graduate of the Oregon Labor Candidate School. During his career as a journeyman electrician, Kevin has been fortunate to witness one side of a regulatory industry. His experiences in the building trades, and his academic pursuits prior to that, have nurtured his fascination of the government process. Kevin desires to help the state promote high standards and appropriate licensure enforcement. Kevin studied sustainable infrastructure while earning an interdisciplinary Master's of Science degree at the University of Calgary, which provided a unique and modern perspective.

**Interested in becoming a board member? We are looking to fill one industry board position!**  
Information on how to apply: [http://www.oregon.gov/gov/admin/Pages/How\\_To\\_Apply.aspx](http://www.oregon.gov/gov/admin/Pages/How_To_Apply.aspx)  
Or call Elizabeth at 503-967-6291 ext. 224