



Underground & Above Ground

June 2016, Issue 85

Landscape Contractors Board

The Investigative Scene by Michael Hintz

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LCB BOARD MEMBERS

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Loren Radford, Vice Chair, Portland
Molly McDowell
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John Gawlista, Portland
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This is Michael Hintz... LCB Investigator and Mediator coming to you live from the LCB Office (one of the best views in Salem)! As I am writing this, landscaping work around the state is in full swing. The result is that I don't have much time to enjoy the view as I'm either out responding to reports of unlicensed work, dispatching one of approximately 20 contract investigators and supporting them in their efforts, or glued to the phone and computer writing reports and responding to calls that come into our agency.

Our agency responds to ALL reports, taking each very seriously. We do our best to provide timely responses and follow up. As time allows, I am out in the field in various areas of Oregon performing site checks along with our contract investigators to ensure consumer protection as this is our ultimate goal. The state is large and our investigative resources are limited, so one of the things we have sought to do is to build relationships with licensees. If you think about it... who is most likely to come across possible unlicensed landscape work? YOU!

It doesn't take long to make a report to the LCB. A quick phone call is all that is needed in most instances. If you choose to collaborate in this manner, your reporting can remain anonymous. What we need is the following: location of where the work

is happening, any license plates of vehicles believed to be involved in the work, and/or identifying logo information and the specific nature and scope of the work being done.

For the quickest response, please call my cell phone at **541-508-9563** (even weekends)! Most of our contract investigators are more than willing to respond on a weekend call if available as well. You can even text photos and information if desired.

Misconception: I have found that many licensees are under the impression that we have to catch the unlicensed "red-handed" in order to take any action. This is simply not true. We can do enforcement action on the unlicensed for jobs that have been completed. This often happens through a citizen filing a claim that turns into an enforcement once it is discovered that the person who did the work was unlicensed. I've talked to a number of licensees about this issue and would like all of you to know that if you come across a job that needs to be "redone" because of poor unlicensed work, there is no time limit on this. All our agency has to do is prove that the unlicensed party did the work in order for us to take enforcement action. We do this through interviewing the homeowner, getting copies of checks and invoices etc., and even interviewing the unlicensed person or business that was

involved in the work, including subpoenas to obtain the information if needed.

I have heard many frustrated accounts from licensees regarding unlicensed persons or businesses underbidding them and taking their jobs. Sometimes this is not discovered until after the job is completed. I encourage you all to please take the time to report these instances.

If you ever have any concerns regarding potential enforcement issues, please call me on my cell or at the LCB office. Our agency seeks to protect the consumer from all the negative potentialities of unlicensed work and also desires to help keep the playing field even for those who have worked so diligently to obtain their licenses and all that is involved with maintaining it. Along with holding the unlicensed accountable, we do our best to educate them, and to encourage them toward licensing. There have been a number of instances where unlicensed violators have turned things around and become licensed.

Lastly, I desire to thank those of you with whom we have been able to partner in enforcement efforts! Your willingness to help makes our efforts so much more effective. The result is that the public is protected to a greater degree because of you.

LCB Staff & Board Meeting Dates

Elizabeth Boxall
Administrator x 224

Kim Gladwill-Rowley
Program Manager x 223

Jerri Jones
Licensing Specialist x 221

Michael Hintz
Investigator x 222

Brianna Misitano
Office Assistant x 226

(503) 967-6291

Upcoming LCB Board Meetings

May 20 (Keizer)
 July 15 (Keizer)

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

Practical Skills Testing Option

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 required.

When and Where?

The Practical Skills Test will be held annually, starting July 22, 2016 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 23, 2016, 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 must be completed and received in the LCB office. Spaces are limited so if you’re interested, please register soon! The **deadline to register is June 15, 2016**.

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

Office Closures

May 30, 2016

July 4, 2016

Traditional Written Exams and the Practical Skills Test are available in Spanish!

Direct Supervision by Kim Gladwill-Rowley

As summer is upon us, we are seeing more activity that indicates this reminder may be helpful:

What is meant by Direct Supervision?

Landscaping laws require that employees of licensed landscaping businesses and employees of a worker leasing company or temporary service provider may perform landscaping work without being licensed as a landscape construction professional (LCP) as long as they are employed by the business or performing work for that business through a leasing company or temporary service provider and are under the “direct supervision” of the LCP.

The Board defines direct supervision as the unlicensed employee:

1. has had instruction on the project from the LCP verbally or in writing;

2. knows the LCP by name;

3. knows how to contact the LCP; and

4. can communicate with the LCP within an hour, and, if unavailable, that LCP will return the call by the end of the day to that employee.

The LCP must perform the following supervisory duties:

1. review and initial the landscape plan and/or written contract for each job,

2. attend all on-site meetings and appear at any hearings that are a consequence of any claims filed, and

3. directly supervise all unlicensed employees.

For purposes of verification of the direct supervision requirement, it will be considered met if the LCP communicates with the

Board’s investigator who requested the unlicensed employee to contact the supervising LCP before midnight of the same day of the request.

Failure to be able to do this may be the catalyst for further investigation into the business and the employment relationship of the LCP. Failure to have direct supervision is double sided: \$200 for the business and \$200 for the LCP. Subsequent offenses may include a suspension of the license. This is a serious issue, so please be sure you are familiar with the responsibilities outlined.

Verification Form: <http://www.oregon.gov/LCB/docs/applications/verificationform.pdf>

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

Welcome New LCB Licensees (Feb 2016 - Apr 2016)



New Landscape Construction Professionals

ANDY PARKER	OMAR LUNA MARQUEZ
BRANDON YOUNGMAYR	PAUL SCHULTZ
BUD COHEN	ROBIN WINSTON
CHASE BAILEY	ROSS SEIDEL
DANIEL DOROSH	ROY BEAS
ENDRE ELTETO	SEAN WILLIAMS
ISAIAH MUHAMMAD	STEVEN INGERSON
JEFF WARREN	TIMOTHY FIDANZO
JENNIFER KUEHNLE	VICTOR FLORES
JONATHAN BREWER	WENDY KRAL
JONI ELTETO	WILLIAM HO
MAGDALENO OJEDA	YVONNE BABB
YANEZ	
MATTHEW SANTOS	
MICHAEL MOOERS	
MITCHELL REESE	

New Landscape Contracting Businesses

AFFINITY NW LANDSCAPING LLC	OREGON PRECISION GARDENS LLC
ALLUVIAL DIGS LLC	PARALLEL 45 LANDSCAPING LLC
ALWAYS GREENER LANDSCAPING, LLC	PARENIAL PATTERNS LLC
ASH CREEK FOREST MANAGEMENT LLC	REESE LANDSCAPE LLC
BELL GARDENS LAWN CARE, LLC	ROBIN WINSTON
BENITEZ IRRIGATION & MAINTENANCE INC	SUNSHINE TREE SERVICE INC
BUDCO GARDENS	TIMOTHY JAMES FIDANZO
CADWELL LANDCARE LLC	ZEPEDA GENERAL LANDSCAPE LLC
COMMERCIAL CARE LANDSCAPE PROF LLC	URBAN FLORISTRY LLC
CRAIG DE LA FE	
EARTHBORN LANDCARE LLC	
ECOBACKFLOW, LLC	
ELVIS NGUYEN	
FOUR AND SON'S LANDSCAPE SERVICES LLC	
GARDEN VALLEY LANDSCAPE MAINTENANCE CORP	
GRAFTING LANDSCAPE SERVICES LLC	
HAM-HOPSON AND ASSOCIATES LLC	
HEADWATERS OUTDOOR LIVING AND LANDSCAPE	
LEON'S LANDSCAPE MAINTENANCE CO	
MARCO JUAN ARIAS	
METAMORPHIC LANDSCAPES LLC	
MONARCH LANDSCAPING OR, LLC	
NATIVE PLANTSCAPES NW, LLC	
NW PRO LANDSCAPES LLC	
OASIS LANDSCAPE LLC	



Tree Work

Over the last several months, we've had many 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 type of license does my contractor need to perform tree work?

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?

removal or pruning of a tree, removal of limbs or stumps or limb guying.

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).

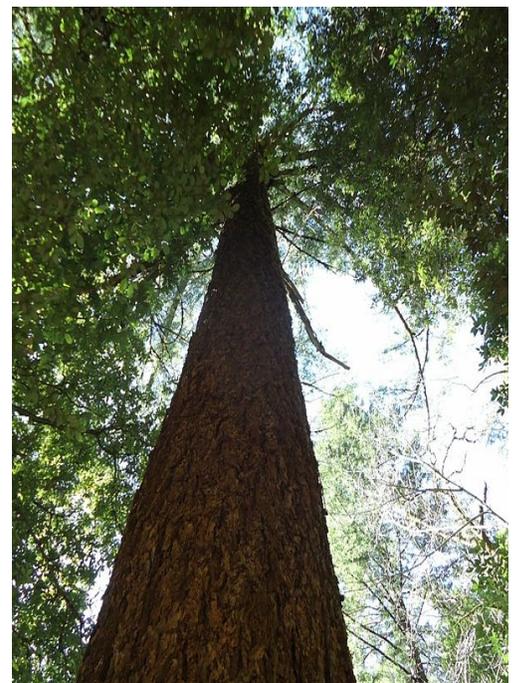
In a nutshell...

If you have a LCB Planting Only, Standard or All Phase license, you can plant trees as well as perform other tree work such as:

Questions???

Please call us at 503-967-6291 ext. 221.

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



City	Violation Type	Final Action
ALBANY	Failure to Maintain Bond	Suspended License
ALOHA	Failure to Maintain Liability Insurance - Suspend	Suspended License
AUMSVILLE	Failure to Complete Renewal form	Dismissed
	Failure to Employ Landscape Construction Prof.	Dismissed
BEAVERTON	Failure to Maintain Workers Compensation - Suspend	Dismissed
BEND	Failure to Maintain Liability Insurance - Suspend	Suspended License
	Failure to Employ Landscape Construction Prof.	Suspended License
	Failure to Maintain Liability Insurance - Suspend	Suspended License
	Failure to Maintain Bond	Dismissed
	Operating w/o License - 2nd Offense	Civil Penalty/Stipulated Order
	Conduct that is Injurious to the Public Welfare	Civil Penalty/Stipulated Order
	Failure to Employ Landscape Construction Prof.	Suspended License
CANBY	Failure to Maintain Workers Compensation - Suspend	Dismissed
CANNON BEACH	Failure to Employ Landscape Construction Prof.	Suspended License
CENTRAL POINT	Failure to Employ Landscape Construction Prof.	Suspended License
CORVALLIS	Failure to Maintain Liability Insurance - Suspend	Suspended License
DALLAS	Failure to Maintain Bond	Suspended License
EUGENE	Advertising w/o License	Letter of Concern
	Failure to Maintain Bond	Suspended License
	Failure to Employ Landscape Construction Prof.	Suspended License
GOLD HILL	Advertising w/o License	Civil Penalty
GRESHAM	Advertising w/o License	Civil Penalty
	Failure to Employ Landscape Construction Prof.	Suspended License
HILLSBORO	Failure to Use Business Lic No in Advert - subseq	Civil Penalty/Stipulated Order
HOOD RIVER	Failure to Maintain Workers Compensation - Suspend	Dismissed
JACKSONVILLE	Failure to Comply with min. Std for Contract - sub	Dismissed
KEIZER	Failure to Maintain Workers Compensation - Suspend	Suspended License
	Failure to Maintain Workers Compensation - Suspend	Dismissed
KLAMATH FALLS	Working Outside Scope of License	Civil Penalty/Stipulated Order
MEDFORD	Advertising w/o License	Dismissed
	Advertising w/o License	Civil Penalty/Stipulated Order
	Operating w/o License	Civil Penalty/Stipulated Order
	Failure to Employ Landscape Construction Prof.	Suspended License
	Failure to Maintain Workers Compensation - Suspend	Dismissed
	Failure to Maintain Bond	Suspended License
MILWAUKIE	Advertising w/o License	Civil Penalty/Stipulated Order
MONMOUTH	Advertising w/o License	Civil Penalty/Stipulated Order
NORTH PLAINS	Failure to Maintain Liability Insurance - Suspend	Dismissed
OREGON CITY	Failure to Notify Board of a Business Name	Dismissed
	Failure to Use Business License No in Advertising	Dismissed
	Failure to Maintain Liability Insurance - Suspend	Suspended License
	Advertising w/o License	Civil Penalty/Stipulated Order
PORTLAND	Failure to Employ Landscape Construction Prof.	Suspended License
	Advertising w/o License	Letter of Concern
	Failure to Maintain Bond	Dismissed
	Advertising w/o License	Civil Penalty
	Failure to Maintain Liability Insurance - Suspend	Dismissed
	Failure to Maintain Business Registration	Refused to Renew

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

City	Violation Type	Final Action
REDMOND	Operating w/o License	Civil Penalty/Stipulated Order
	Failure to Maintain Liability Insurance - Suspend	Suspended License
SALEM	Failure to Maintain Liability Insurance - Suspend	Dismissed
	Advertising w/o License - 2nd offense	Civil Penalty / Settlement
SCAPPOOSE	Failure to Employ Landscape Construction Prof.	Suspended License
SHERWOOD	Failure to Maintain Liability Insurance - Suspend	Suspended License
SUNRIVER	Failure to Maintain Bond	Dismissed
THE DALLES	Failure to Use Business License No in Advertising	Civil Penalty/Stipulated Order
TIGARD	Failure to Maintain Workers Compensation - Suspend	Suspended License
TILLAMOOK	Advertising w/o License	Civil Penalty
VANCOUVER	Advertising w/o License	Civil Penalty/Stipulated Order
VIDA	Failure to Employ Landscape Construction Prof.	Suspended License
WHITE CITY	Advertising w/o License	Civil Penalty/Stipulated Order
WOODBURN	Failure to Maintain Liability Insurance - Suspend	Suspended License
	Advertising w/o License	Civil Penalty
REDMOND	Operating w/o License	Civil Penalty/Stipulated Order
	Failure to Maintain Liability Insurance - Suspend	Suspended License
SALEM	Failure to Maintain Liability Insurance - Suspend	Dismissed
	Advertising w/o License - 2nd offense	Civil Penalty / Settlement
SCAPPOOSE	Failure to Employ Landscape Construction Prof.	Suspended License
SHERWOOD	Failure to Maintain Liability Insurance - Suspend	Suspended License
SUNRIVER	Failure to Maintain Bond	Dismissed
THE DALLES	Failure to Use Business License No in Advertising	Civil Penalty/Stipulated Order
TIGARD	Failure to Maintain Workers Compensation - Suspend	Suspended License
TILLAMOOK	Advertising w/o License	Civil Penalty
VANCOUVER	Advertising w/o License	Civil Penalty/Stipulated Order
VIDA	Failure to Employ Landscape Construction Prof.	Suspended License
WHITE CITY	Advertising w/o License	Civil Penalty/Stipulated Order
WOODBURN	Failure to Maintain Liability Insurance - Suspend	Suspended License
	Advertising w/o License	Civil Penalty

Enforcement Cases — Statistical Overview

February 1, 2016 through April 30, 2016

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

Total Cases with Final Actions = 95 *(includes dismissed cases)*

Licensed (35) 37% *(does not include dismissed cases = 15)* Unlicensed (45) 47%

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

The Board is still in the early stages of determining when these will be issued.

Receiving a
paper copy?

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Suite 2-101
Salem, OR 97301

Phone: (503) 967-6291
Fax: (503) 967-6298
E-mail: lcbinfo@lcb.state.or.us

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.

Welcome New LCB Staff

Please welcome Brianna Misitano!

Brianna started with the LCB on April 19, 2016 as our part-time Office Assistant.

Brianna graduated from Ashford University with a Bachelor of Arts in Public Relations and Marketing with a minor in Business Administration. A native Oregonian having recently moved back from Iowa with her husband, Brianna is also a proud new mommy!

Brianna is already helping 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 Brianna 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 Brianna. It's a lot to learn, but Brianna says she's up for the challenge!



Passionate about consumer protection? We are looking for a new public AND industry board members!
Contact Elizabeth Boxall for more information:
elizabeth.boxall@lcb.state.or.us