



# Underground & Above Board

Winter 2018, Issue 91

Landscape Contractors Board

## Modified License Proposed

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**LCB BOARD MEMBERS**

**Christine Hollenbeck, Chair**, Portland  
**Molly McDowell Dunston, Vice Chair**, Bend  
**William Bumgardner**, Medford  
**Kevin Bailey**, Tualatin  
**Jeff Cope**, Corvallis  
**Seth Morvay**, Industry Member Position  
**Vacant**, Industry Position

Introduced by legislators in 2017, House Bill 3337 proposed the creation of a new limited license. The bill passed the house floor, but died in a senate committee.

After the 2017 legislative session ended, the Governor's office asked the LCB to formulate ideas and criteria under which a new limited license would be feasible through rule-making to help with workforce entry. A new license of this type seemed imminent so the board saw the opportunity to shape this outcome.

After board discussion and feedback from members of interested stakeholder groups such as the Oregon Landscape Contractors Association (OLCA), Southern Oregon Landscape Contractors Association (SOLA), Association of Landscape Designers (APLD), educators, and water conservation representatives, a proposed rule has been filed which is summarized below.

- ⇒ One-year landscape related experience qualification required;
- ⇒ Licensee must be the owner of the business ;
- ⇒ \$5,000 job limit (per jobsite, per customer, per year). An increase to \$6,500 may be allowed after 24 months without a claim filed or civil penalty issued;
- ⇒ Must pass laws, rules, and business practice section of the exam;

- ⇒ No piercing of the dwelling allowed;
- ⇒ Subcontracting would be allowed.

Proposed to be **allowed** in scope:

- Planting (lawns, shrubs, vines, trees, or nursery stock)
- Preparing the property for planting
- Fences
- Decks (when no permit is required)
- Arbors
- Patios
- Landscape edging
- Driveways
- Walkways
- Grading (with allowed landscaping, not to exceed 5 cu yds)

Proposed to be **disallowed**:

- Drainage
- Ornamental water features
- Irrigation
- Backflow
- Low voltage lighting (allowed after 24 mos. without a claim filed or civil penalty issued)
- Retaining walls

A rule hearing will be held on December 6, 2018 at 9:00 am at the Keizer Community Center, 930 Chemawa Road NE, Keizer, OR. Written comments will be accepted through December 14, 2018.

## LCB Staff & Board Meeting Dates

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

**Upcoming LCB Board Meetings**

Nov 16, 2018 (Keizer)  
 Jan 25, 2019 (Keizer)  
All State agency meetings:

## Japanese Beetle Update *(by Chris Hedstrom, Department of Agriculture)*

Oregon Department of Agriculture has completed its exotic pest survey season for 2018. The Japanese beetle eradication program in Washington County is expected to continue in 2019.

ODA saw a reduction of 42% in the overall population detected in the area following their first year of treatment in 2017. Beetles captured per trap were reduced by 38%. While the numbers are heading in the right direction, there is still a lot of work to do, and the project is expected to continue for at least a few more years.

Although the treatment area was greatly expanded between 2017 and 2018, the treatment area will be generally the same for 2019. The response plan for 2019 is

expected to be released in late November. In addition to Japanese beetle, the Oregon Department of Agriculture also detected Oriental beetle (*Anomala orientalis*), another potential nursery and turf pest, in Portland this summer. This is the first detection of this pest in the western states.

ODA also detected Gypsy moth in five different counties, including a relatively large population in Benton County (Corvallis), where an eradication program is still in the early planning stages.

For more information, please contact Chris Hedstrom with the Department of Agriculture at (503) 986-4654.

### Office Closures

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Nov 11, 22-23, 2018  
Dec 25, 2018  
Jan 1 & 15, 2019



**Winter is a great time to complete your continuing education requirement!**

For a current list of pre-approved classes visit:  
[https://www.oregon.gov/lcb/pages/continuing\\_education.aspx](https://www.oregon.gov/lcb/pages/continuing_education.aspx)

## Pesticide Applicators

Did you know that you may need a special license to apply pesticides and/or fertilizer? Below is an excerpt from the Oregon Department of Agriculture regarding licensing:

### When licensing is NOT needed

- When applying pesticides, other than Restricted Use Pesticides (RUPs), to property owned by you or your employer
- Applications of general use pesticides by public employees with non-powered equipment, except on school properties

- Advising others on general use pesticides
- Applying pesticides as a part of landscape maintenance under specific conditions
- Applying pesticides as a public employee using machine-powered equipment and/or applying RUPs
- Applying pesticides on school properties

### When licensing IS needed

- Buying, applying, or supervising the use of RUPs
- Advising others on the use of RUPs
- Applying pesticides to someone else's property (private or public land)

For more information, please contact the Oregon Department of Agriculture: (503) 986-4550 or visit: <https://www.oregon.gov/ODA/programs/Pesticides/Licensing/Pages/PesticideLicensing.aspx>

## Welcome New LCB Licensees (Jul 2018 - Oct 2018)



### New Landscape Construction Professionals

JOHN	COOK
BRYON	DEMOS
SHANE	DOUGLAS
FERNANDO	HERNANDEZ-ALVAREZ
DANIEL	JOHNSTON
EDWARD	KARLAN
BRADLEY	KAY
SHILOH	KENYON
JOSE	LOPEZ
LINDA SUE	MILLETT
OLIVIA	MORGAN
JANELLE	MYER
JON	PARKS
ROBERT ANTONIO	PEREZ
ANTHONY	PHILLIPS
AUSTIN	ROOD
JOSE	SIERRA
JAMES	TRANHAM
ROY	WHITE

### New Landscape Contracting Businesses

ABIQUA LANDSCAPE MAINTENANCE LLC  
 BILLYGOAT LANDSCAPING LLC  
 BLUE SKYE LANDSCAPING, LLC  
 BOB FENCE AND LANDSCAPE LLC  
 BRYON DEMOS ENTERPRISES, LLC  
 EDWARD KARLAN  
 EMERY & SONS CONSTRUCTION GROUP LLC  
 FIGUEROAS LANDSCAPING & CONSTRUCTION, LLC  
 GOLD MOUNTAIN CONSTRUCTION LLC  
 GREENHAVEN LANDSCAPES INC  
 HARDCAPING, LANDSCAPING, GROUNDSKEEPING AND REPAIR LLC  
 JAMES R LINNERT  
 JL SCOTT INC  
 JW LANDWORKS INC  
 MILLAR YARDS AND LANDSCAPES LLC  
 MOLINA REAL ESTATE SERVICES INC  
 PRELL INC  
 RELAY RESOURCES ENTERPRISES  
 RITCHIE VILLAGOMEZ  
 ROODS LANDSCAPE MANAGEMENT LLC  
 ROY L WHITE  
 SALDANA BROTHERS LANDSCAPES LLC  
 THE LAND CONNECT INC  
 THE YARD ARTISAN LLC  
 TREE CARE UNLIMITED LLC  
 TYLER ANDREW SWANSON  
 WILLY CHAVEZ LANDSCAPE SERVICES INC



**Interested in becoming a board member?**  
**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

**LCB Enforcement Stats 7/1/2018 to 10/31/2018 (Go to [www.oregon.gov/lcb](http://www.oregon.gov/lcb) for complete version)**

County	Violation Type	Final Action
BENTON	advertising without a license	Letter of Concern
CLACKAMAS	advertising outside the scope of the license	Civil Penalty/Stipulated Order
	advertising without a license	Civil Penalty/Stipulated Order
	advertising without a license, operating as a landscape contracting business without a license x2	Civil Penalty/Stipulated Order
	operating as a landscape contracting business without a license	Civil Penalty/Stipulated Order
	operating as a landscape contracting business w/out a license - 2nd offense	Civil Penalty/Stipulated Order
	failure to pay a civil penalty	Refused to Renew
CLARK	advertising without a license x2	Civil Penalty
COOS	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 x2	Civil Penalty/Stipulated Order
CURRY	advertising without a license	Civil Penalty
	operating as a landscape contracting business 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/Stipulated Order
DESCHUTES	advertising without a license x2	Civil Penalty/Stipulated Order
	hiring employees while licensed as exempt under ORS 671.525	Civil Penalty/Stipulated Order
	operating as a landscape contracting business without a license	Civil Penalty/Stipulated Order
	operating as a landscape contracting business without a license and a claim has been filed for damages arising out of that work	Civil Penalty/Stipulated Order
	working outside scope of license	Civil Penalty/Stipulated Order
	advertising without a license	Letter of Concern
	failure to obtain workers compensation, hiring employees while licensed as exempt under ORS 671.525	Suspended License
	failure to pay a civil penalty x2	Suspended License
DOUGLAS	advertising without a license, operating as a landscape contracting business without a license	Civil Penalty/Stipulated Order
JACKSON	failure to obtain a permit	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	Letter of Concern
	advertising without a license x3	Civil Penalty/Stipulated Order
	advertising without a license, operating as a landscape contracting business without a license x2	Civil Penalty/Stipulated Order
	operating as a landscape contracting business without a license	Civil Penalty/Stipulated Order
JEFFERSON	advertising without a license	Civil Penalty/Stipulated Order
	advertising without a license	Letter of Concern
JOSEPHINE	failure to comply with minimum standards for contracts	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	Civil Penalty/Stipulated Order
	working outside scope of license, performing landscaping work without a written contract	Civil Penalty/Stipulated Order
LANE	advertising without a license x5	Civil Penalty/Stipulated Order
	advertising without a license, operating as a landscape contracting business without a license x2	Civil Penalty/Stipulated Order
	operating as a landscape contracting business without a license x2	Civil Penalty/Stipulated Order
LINN	advertising without a license x3	Civil Penalty/Stipulated Order
MARION	advertising without a license x6	Civil Penalty/Stipulated Order
	advertising without a license x5	Letter of Concern

**LCB Enforcement Stats 7/1/2018 to 10/31/2018 (Go to [www.oregon.gov/lcb](http://www.oregon.gov/lcb) for complete version)**

County	Violation Type	Final Action
MARION (cont'd)	advertising without a license - 2nd offense x2	Civil Penalty/Stipulated Order
	advertising without a license, operating as a landscape contracting business without a license x2	Civil Penalty/Stipulated Order
	operating as a landscape contracting business without a license	Civil Penalty/Stipulated Order
	failure to use the landscape contracting business license number in an advertisement	Letter of Concern
MULTNOMAH	advertising without a license	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 outside the scope of the license, working outside scope of license	Civil Penalty/Stipulated Order
	advertising without a license x4	Civil Penalty/Stipulated Order
OUT OF STATE	operating as a landscape contracting business without a license x2	Civil Penalty/Stipulated Order
	advertising without a license	Letter of Concern
POLK	advertising without a license	Civil Penalty/Stipulated Order
	advertising without a license	Letter of Concern
TILLAMOOK	advertising outside the scope of the license	Civil Penalty/Stipulated Order
	working outside scope of license	Civil Penalty/Stipulated Order
WASHINGTON	advertising without a license x5	Civil Penalty/Stipulated Order
	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
	advertising without a license, operating as a landscape contracting business without a license, violation of a stop work order	Civil Penalty
	operating as a landscape contracting business without a license and a claim has been filed for damages arising out of that work x2	Civil Penalty/Stipulated Order
	operating as a landscape contracting business without a license, operating as a landscape contracting business without a license - 2nd offense, advertising without a license - 2nd offense	Civil Penalty
	failure to comply with minimum standards for contracts	Civil Penalty/Stipulated Order
	operating as a landscape contracting business without a 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
YAMHILL	advertising without a license	Letter of Concern

## Backflow Assembly Testing in Oregon

The Oregon Health Authority certifies Backflow Assembly Testers and Cross Connection Specialists in the State of Oregon. All backflow assembly testing in Oregon must be performed by Oregon Health Authority (OHA)-certified Backflow Assembly Tester.

A Construction Contractors Board license (CCB) or Landscape Contractors Board li-

license (LCB) is required if you provide backflow assembly testing for a fee.

If you currently hold an active all phase or irrigation and backflow license with the LCB, you can install backflow devices for the purpose of landscaping, but you cannot repair or test without a backflow assembly certification. Backflow re-certification

courses are pre-approved for continuing education hours through the LCB.

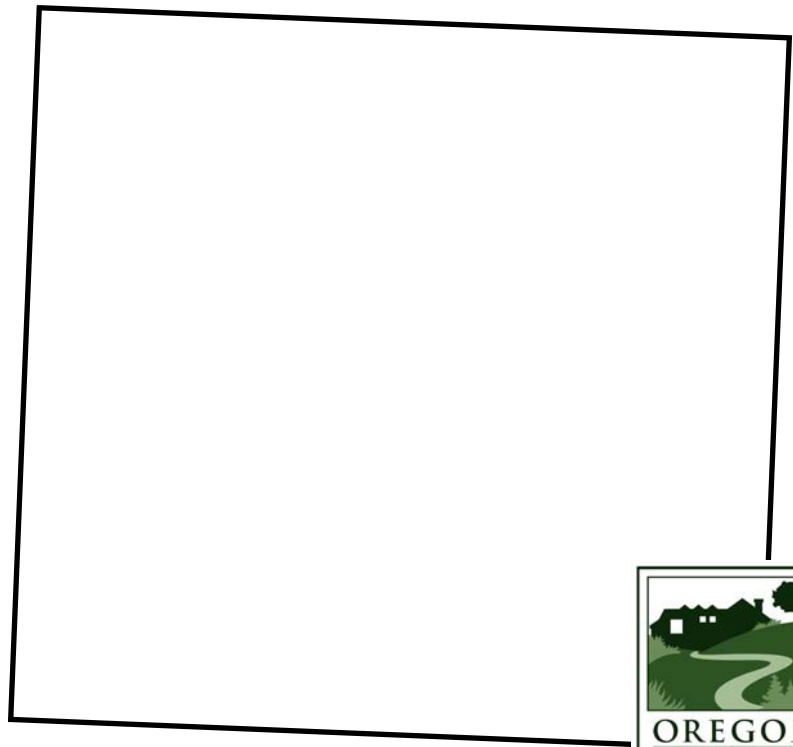
For information about backflow assembly testing certification in Oregon, contact the Oregon Health Authority at (971) 673-0405.

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

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2111 Front Street NE  
Suite 2-101  
Salem, OR 97301  
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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)

## Meet Seth Morvay, New LCB Board Member

Please welcome Seth Morvay, owner of Urban Floristry LLC in Albany, OR, a landscape construction company offering the full range of landscaping services. He runs the company with his wife and they employ 2-5 people year-round, and growing. His specialty is in plant species identification, specifically in the Pacific Northwest, and landscape design.

He has a Bachelor of Science in Horticulture from OSU and while attending school, worked on a research project on bryophytes (moss) and their application in the landscape under a Senior Researcher in the College of Agricultural Sciences. Seth worked in the nursery and landscape industry building his plant knowledge, IPM skills, and landscape construction skills during school. He was also an active member in his children's elementary school PTC and helped build a school garden and then led groups of 20-60 kids after-school for the school garden club. Seth actively volunteered with Vets Helping Vets and credits much of his early business success to the network of veterans he met through the organization.

Seth was born in Vermont but spent the majority of his life moving coast to coast as a military child. He credits his diverse interpersonal understanding and etiquette to meeting so many different people in such a wide variety of places over the years. He has worked in many different industries throughout his life, from building countertops to selling electrical supplies to being a certified chef. Seth also served in the US Navy, the third generation in his family, where he gained the leadership and management skills necessary to run a work crew in his business today.

Seth and his family moved to Oregon in 2008. In his spare time, he stays busy working on his yard and doing home projects as well as camping and visiting the coast with his family. He has a daughter, Alice, and twin sons, Drake and Dylan. His kids are heavily involved in karate and his daughter plays multiple musical instruments in band which keeps the family pretty busy. They have 2 dogs and 3 cats and close to a thousand plant species on their small city lot.



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