



Underground & Above Board

Spring 2021, Issue 98

Landscape Contractors Board

Direct Supervision Requirements

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With spring just around the corner, it's a good time to refresh your knowledge about direct supervision requirements.

What is meant by direct supervision?

The landscape construction professional (LCP) must perform the following supervisory duties:

1. directly supervise all unlicensed employees;
2. review and initial the landscape plan and/or written contract for each job; and
3. attend all onsite meetings.

The unlicensed employee must:

1. have instruction on the project from the LCP verbally or in writing;
2. know the LCP by name;
3. know how to contact the LCP; and
4. be able to communicate with the LCP within an hour, and, if unavailable, that LCP will return the call by the end of the day to the employee.

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.

What happens if direct supervision rules are not met?

Failure to be able to do this may lead to further investigation into the business and the employment relationship of the LCP. Failure to have direct supervision is double sided: \$1,200 for the business and \$1,200 for the LCP. Subsequent offenses may include a suspension of the license. It's important to be familiar with the responsibilities outlined in the [verification form](#).

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

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(503) 967-6291

Upcoming LCB Board Meetings

Mar 19, 2021 (Salem)

May 21, 2021 (Keizer)

[All State Agency Meetings Link](#)

Japanese Beetle Update

The yard debris quarantine has been put in place to help stop the spread of the invasive Japanese beetle. Landscapers and residents with large loads of yard debris material from within the quarantine boundary (see map below) must use this FREE drop-off site for large loads of quarantined yard debris. The Japanese beetle can be spread by transporting soil, plant material, and other growing media that contains hidden Japanese beetle eggs, larvae, or adults.

To help stop the spread of Japanese beetle,

the following items must either; 1) Not leave the quarantined area; 2) Put into the standard curbside waste bins for the haulers to move to the drop-off; 3) Taken to Best Buy in Town Landscaping Supply drop-off site. **Grass clippings, plants with roots or soil attached, sod or turfgrass, growing media (i.e. potting soil from raised beds, NOT fill dirt), compost, bulbs or tubers of ornamental plants, and any loads of yard debris that contain these materials.**

Please avoid mixing loads of quarantined yard debris with non-plant material, or other garbage.

To view the 2021 quarantine boundary map and for more information, please visit: <https://www.japanesebeetlepx.info/prevention.html> or contact Oregon Department of Agriculture. Email: japanesebeetle@oda.state.or.us or call (800) 525-0137.

Help educate consumers about the value of licensing with a tri-fold informational business card holder! Contact us today to request quantities of 20 be mailed to you! lcb.info@oregon.gov to request

2021 Legislation

The 2021 legislative session began in January. The LCB introduced Senate Bill 94, listed below, and is tracking many others that may be of interest to landscape contracting businesses and landscape construction professionals.

Below are a few of the bills with a brief description of each. Click on the link to each bill to read the complete bill details and see status updates as it moves through the legislative process or visit: <https://olis.oregonlegislature.gov>.

[Senate Bill 94](#)—Introduced by the LCB, if passed, this bill would allow the practical skills exam to be offered in an electronic format, not just hands-on.

[Senate Bill 488](#)—Adds exposure to or infection by SARS-CoV-2 to definition of occupational disease for purposes of workers' compensation.

[Senate Bill 569](#)—Makes unlawful employment practice for employer to require employee or prospective employee to possess or present valid driver's license as condition of employment or continuation of employment.

[House Bill 2039](#)—Provides that insurer and self-insured employer may keep records of workers' compensation claims at location outside this state if insurer or self-insured employer makes records available to Department of Consumer and Business Services at location inside this state.

[House Bill 2474](#)—Expands applicability of certain provisions relating to family leave to employers who employ one or more employees.

[House Bill 2588](#)—Requires employers to monitor daily outdoor air quality and determine whether employees who perform outdoor work activities will be at risk of exposure to unhealthy air quality due to certain concentration levels of particulate matter in air.

[House Bill 2682](#)—Directs Construction Contractors Board to adopt rules that require persons that lease construction vehicles in this state to maintain construction vehicles in condition that allows for safe and reliable operation of construction vehicles, to keep certain logs, records and documents and to

provide or offer to provide training in safe and reliable operation of construction vehicles.

[House Bill 2974](#)—Provides that conditioning employment on refraining from using any substance that is lawful to use in this state is unlawful employment practice.

[House Bill 3023](#)—Prohibits sale or use of two-cycle gasoline-powered leaf blowers in counties with population greater than 400,000.

[House Bill 3025](#)—Adds exposure to or infection by SARS-CoV-2 to definition of occupational disease for purposes of workers' compensation.

[House Bill 3032](#)—Repeals provisions relating to prohibition on employer's ability to exclude applicant from initial interview because of past criminal conviction.

To learn more about how to participate in the legislative process, please visit: <https://www.oregonlegislature.gov/citizen>

Welcome New LCB Licensees! (Nov 2020 - Feb 2021)

New Landscape Construction Professionals

Ahisar	Orozco	Eufrosina	Cervantes Santos	Lauren	Crow
Benjamin	Redmond-Davenport	Geoffrey	McMullen	Lucas	Barrett
Benjamin	Enebo	Holly	Clovis	Luis	Correa
Brian	Lewis	Jason	Rodriguez	Maria G	Uribe Zapien
Brian	Waxman	Jeremy	Bellizzi	Mark	Bunsen
Cody	Morgan	John	Foshee	Matt	Malusky
Cristian	Olguin-Zea	Jonathon	Andes	Michael	Peters
Cristian	Ortega	Jordan	Ashland	Phillip	Carroll
David	Szucs	Josiah	Davidson	Sally	McCurdy
Dayna	Keough	Julie	Hedges	Stephen	Burlison
Derick	Swain	Justin	Parsons	Travis	Trammell
Donald	Benton	Justine	Brumm	Trevor	Shankle
Donavan	Hesedahl	Karolina	Villanueva	Zakariah	Weinstein
Dustin	Blocker	Keith	Colston		
Eric	Modelska-Pohl	Kyle	Jones		

New Landscape Contracting Businesses

Action Irrigation LLC	JB LANDSCAPE SERVICE LLC
AG Yard Care LLC	Jonathon M Andes
Agency Creek Contract Cutting LLC	Jones Landscape & Tractor, LLC
AL FRESCO LLC	KOHA Services LLC.
Bend Landscape LLC	Labormen LLC
Bens Backflow LLC	Land Appeal
Bruton Backflow and Irrigation, LLC	Matthew Erickson
CS Professional Plant Care LLC	Northwest Turf & Tree LLC
Derick Swain's Family Tree Services, Inc	Plantzy LLC
Dry Oak Inc	Prieto Landscaping LLC
Dustin Clys Blocker	Rainsweet Landscape Services LLC
Element Landscape Maintenance	Redmond Home & Garden Service LLC
Elevated Outdoor Services LLC	Rivers Empire Scapes LLC
Eslama Irrigation and Landscape Construction, LLC	Simon and Simon and Associates Inc
Good Earth Gardens LLC	Stephens Landscape Maintenance LLC
Grant Custom Homes LLC	Sustain O Scapes LLC
Green Scape Landscaping LLC	Terra Beaut, LLC
HD Landscape and Maintenance LLC	Tom Asch
HedgesPDX, LLC	Veray Enterprises LLC
Jac and Don's Lawns LLC	VLM Landscaping LLC
	Z.T. Poole, LLC

2021 Success Elements

Start off the season in a good status! Below are elements of success in maintaining your licenses with the LCB.

Continuing Education. Know if you are due to report continuing education and how many hours. Reporting is every two years based on your license number. Reporting is based on your LCP license number.

Odd numbered licenses report in odd numbered years. Even numbered licenses report in even numbered years. If you've been licensed for 6 years, or more you're reporting requirement is 8-hours. If you've been licensed less than 6 years, you're reporting requirement is 16-hours.

Advertising Review. Review all advertising to ensure it contains your business license number. This includes all social media, vehicles, business cards, and contracts.

Contract Review. Review your contract to ensure it meets all 11 required elements. LCB will review contracts and provide feedback. For a review, please email a sample contract to lcb.info@oregon.gov.

Report Address Changes. Address changes are required to be reported to the board within 30-days.

Insurance, Bond, and Worker's Comp. Ensure the LCB has the most current certificate of coverage for insurance, bond, and worker's comp (if applicable).

Questions? Please call (503) 967-6291 ext. 221 or email: lcb.info@oregon.gov.

Holidays Observed

May 31, 2021
July 5, 2021

**Announcement: Business license numbers are now either 4-digits –or– 6-digits!
Be sure to use your business number on all contracts and advertising.**

2021-23 Budget

Budget planning for the 2021-23 biennium started in September of 2020. In January 2020, the board reviewed a couple budget proposals. The board will review additional proposals in March 2021.

Once a scenario is approved by the board, the board will direct staff to proceed through the rule-making process with a target adoption date prior to the start of the biennium of July 1, 2021.

The LCB budget has typically had a history of more predictable budget forecasting. However, the 2019-21 brought new variables with significant expenses increases overall for which the agency is still realizing the outcome.

The 2021-23 budget planning cycle also brings special considerations having an array of impacts such as:

- Short- and long-term economic impacts from the pandemic.
- Receptivity of the potential practical skills electronic format.
- Success of the new arborist phase license, which became available Jan 1, 2021.
- Fire restoration work and the increase in demand for landscape contractors (and potential increase in unlicensed activities).

Additional information will be provided through the rule-making process which will include a public hearing. For additional information about the budget, please contact the agency.



LCB Enforcement Stats Nov 1, 2020 to Feb 28, 2021 (Go to www.oregon.gov/lcb for complete version)

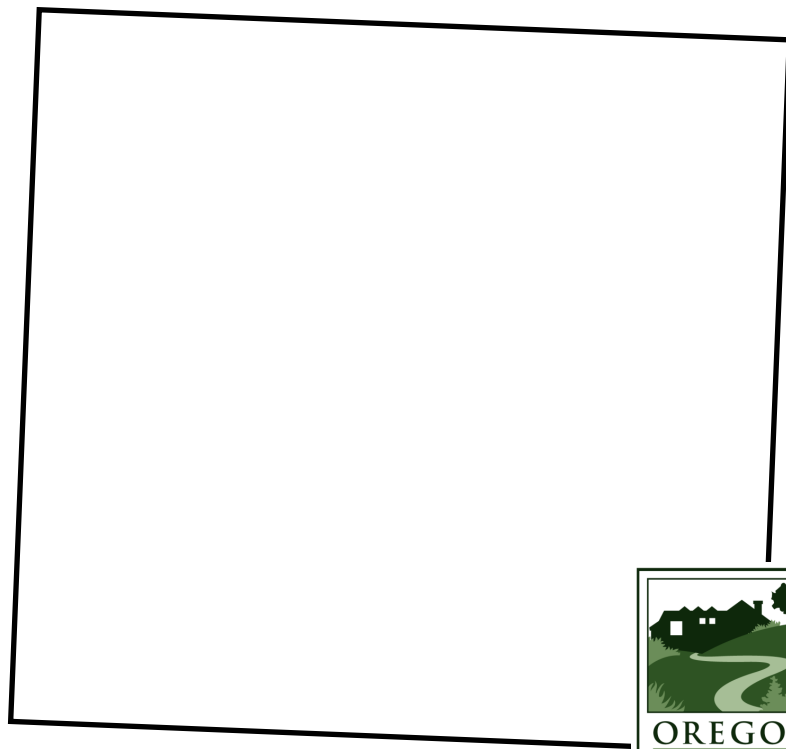
County	Violation Type	Final Action
DESCHUTES	Failure to Comply with min Standards for Contracts	Civil Penalty / Stipulated Order
JACKSON	Working Outside Scope of License, Advertising Outside Scope of License, Failure to Use Business License No in Advertising	Civil Penalty / Stipulated Order
LANE	Operating w/o License, Advertising w/o License	Civil Penalty / Stipulated Order
MARION	Operating w/o License x 2	Civil Penalty / Stipulated Order
	Operating w/o License & Complaint Filed	Civil Penalty / Stipulated Order
MULTNOMAH	Operating w/o License	Civil Penalty / Stipulated Order
OUT OF STATE	Operating w/o License & Complaint Filed	Civil Penalty
	Operating w/o License x 2	Civil Penalty / Stipulated Order
POLK	Operating w/o License	Civil Penalty
WASHINGTON	Failure to Comply with min. Std for Contract - sub, Failure to Obtain a Permit	Civil Penalty
	Operating w/o License	Civil Penalty / Stipulated Order
	Failure to Comply with min Standards for Contracts	Civil Penalty / Stipulated Order
	Advertising w/o License	Civil Penalty / Stipulated Order
	Failure to Use Business License No in Advertising	Letter of Concern
	Failure to Register with the Corporation Division, Failure to Use Business License No in Advertising	Letter of Concern
YAMHILL	Advertising w/o License - 2nd offense, Operating w/o License - 2nd Offense	Civil Penalty / Stipulated Order

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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

2020—Year in Review

For most of us, 2020 was an eventful year, to say the least. Despite some challenges, below are a few LCB highlights from the year:

New online licensing system. With the [new online system](#) you can renew your license (approx. 60-days prior to license expiration), update contact information, report and track continuing education, and print your license and wallet card.

New arborist license phase. In partnership with the Pacific Northwest International Society of Arboriculture, LCB created a new [arborist license](#) phase for those who are certified arborists with the ISA.

Practical skills exam changes introduced. The LCB drafted a legislative concept in 2020 that would allow the practical skills exam to be offered in an electronic format. The change would offer better accessibility and a reduced price. The concept became [Senate Bill 94](#) in the 2021 legislative session (see page 2 for more information).

Enforcement program changes. Program changes were made to settlement offers which offers unlicensed respondent's (1st and 2nd offenses only) a further penalty reduction if they obtain a landscape contracting business license within 6-months. Compliance in licensing is how the consumer is protected.

Claim settlements increased. After a few years of experiencing a high-volume of unsuccessfully mediated claims (consumer complaints), the board started to see an increase in settlements agreements occurring with fewer requests for hearings. This reduces hearing related expenses to the agency and is a win-win for both licensees and consumers.

We look forward to what 2021 has to offer and wish you all much prosperity this year!

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