In March 2020, Governor Brown issued Executive Order 20-04 (EO 20-04) which includes a directive to the Oregon Health Authority (OHA) and Oregon OSHA to jointly develop a proposal for standards to protect employees from workplace exposures to excessive heat and wildfire smoke.

Outdoor workers who are exposed to sudden or excessive heat are at risk of developing heat-related illness. Heat-related illnesses include, heat rash and cramps, heat exhaustion, and heat stroke. As temperatures and humidity increase, so does the level of risk to workers of developing a potentially life-threatening condition, especially when the body is generating its own heat when performing physical work. This situation is particularly serious when hot weather arrives suddenly or early in the season, before workers have had time to adjust to warm weather.

Over the next several months, Oregon OSHA will be holding virtual meetings for both rulemaking efforts with advisory committees and stakeholders to gather information and to begin drafting new occupational health standards on both preventing outdoor heat-related illness and protection from unhealthy levels of wildfire smoke. Stakeholders, such as landscape contractors, are encouraged to participate in rule-making activities. Meetings will focus on the following discussion points:

- Identification of potentially harmful levels to worker exposures;
- Engineering, administrative, and personal protection equipment controls to address potentially harmful exposures;
- Employee training and instruction; and
- Potential fiscal impacts of proposed rule requirements.

Additional and up-to-date information, including the draft rule, can be found on OSHA’s website at: [https://osha.oregon.gov/rules/advisory/heat/Pages/default.aspx](https://osha.oregon.gov/rules/advisory/heat/Pages/default.aspx)
Modified License Reminders

It’s now been two years since the modified license became available. For those modified license holders, below are reminders about scope limitations.

- **Job charges.** A modified license holder may perform up to $5,000 of allowed landscape work per job site, per year. An increase to $6,500 is allowed after 12 months without a claim filed or civil penalty issued. Job charges are the sum of all contracts (1 or more) during a 12-month period at the same job site with the same owner.

- **Allowed work.** Planting, (lawns, shrubs, vines, trees, or nursery stock), preparing the property for planting, fences, decks (when no permit is needed), arbors, patios, landscape edging, driveways, walkways, and grading (not to exceed 5 cubic yards).

- **Not allowed.** Drainage, irrigation, backflow, retaining walls, piercing of the building envelope, and low voltage lighting (low voltage lighting allowed after 12 months without a claim filed or civil penalty issued).

- **Other license phases.** The modified license may not be combined with another phase of license. To acquire another phase of license, additional testing must be passed for the desired phase of license.

- **Ownership.** The landscape construction professional must also be the business owner.

- **CCB licenses.** Modified license holders must not hold a residential or commercial general contractors license with the Construction Contractors Board. Attestation to this effect is required at each renewal.

For more information and answers to frequently asked questions, please visit: [https://www.oregon.gov/lcb/Documents/ModifiedLicenseFAQEnglish.pdf](https://www.oregon.gov/lcb/Documents/ModifiedLicenseFAQEnglish.pdf).

Online Renewals—One Year Mark

One year ago, the LCB launched a new system which allows licensees to renew and perform other tasks online. The LCB staff have helped many licensees access and renew using the new system. As we head into the second year, here are a few tips to help ensure a successful renewal.

- **Be sure the LCB has the correct email address on file** for both your individual LCP and business license. This is the email used to log in to the portals.

- **Add OregonLCB@thentiacloud.net to your email safe sender’s list.** Renewals become available approx. 60 days prior to your renewal due date. Reminders are emailed to the email address on record approx. 60 days and 30 days prior to renewal expiration.

- **Remember that there are two portals; a portal for the individual LCP and a portal for the business.** The same email address and password can be used for both.

- **Licenses and wallet cards can be printed from the portals.**

- **Keep the LCB up-to-date.** If you have a new address or new certificates for insurance or a new bond, submit these to the LCB through the portals.
Welcome New LCB Licensees! (March - June 2021)

New Landscape Construction Professionals

Alexandro Gaspar
Aloe Johnson
Andrew Stillman
Aneesa Winn
Anthony Constantine
Antonio Soto
Ariana Carlson
Arnold Morgan Jr.
Baldeinar Ortega
Bill Kuykendall
Blaine Dudley
Bryan Rapraeger
Cole Newman
Cornello Curiel
Craig Howard
Damon Schrosk
Daniel Camacho-Tejerano
Daniel House
Daniel Hyatt
Daniel Smith
Devin Chappell
Donnie Danials
Doug Hilden
Drake Camahan
Eric Von
Erica Smith
Erik Warren
Ernesto Pimentel
Gerardo Mena Rangel
Gustavo Canchola Vasquez
Jacob Gedde
James Bennett
James Meyers
Jamie Golden

Jamie Thurman
Jamison Weil
Jared Waldman
Jeremy Gregoire
Jesus Velazquez-Juarez
Jocelyn Capetillo
Jon Luoma
Jonathan Brown
Josh Brobeck
Joshua Fully
Joshua Grimmer
Kevin Chambers
Kris Sexton
Krystal Rheinholtz
Kyle Jones
Lawrence Perez
Louis Red Cloud

Luis Guzman
Luis Suarez
Luke Barnard
Luke Huber
Marcelo Gonzalez Garcia
Marco Pedraza
Mary Kuykendall
Matthew Fowler
Matthew Gravel
Maxwell McCutcheon
Melissa Thomson
Michael Avgi
Michael Esteves
Michael Hill
Michael Miracle
Nayef Alqahtani
Nicholas Adams

Nicolle Spencer
Oscar Alfaro Alfaro
Parker Vernon
Penelope Eberle
Peter Benzinger
Rolando Garcia Juarez
Rush Hicks
Samuel Mulder
Sean Fukuda
Shane Porterfield
Stephanie Pena
Thomas Fiedler
Tim Carmichael
Timothy Kilpatrick
Tonatiuh Sanchez
Troy Kiser
Victor Meza Herrera

New Landscape Contracting Businesses

A&N Landscape Maintenance LLC
Abel Silva Irrigation Plus LLC
Cardwell Hill Landscape Maintenance LLC
Caveman Backflow, LLC
Central Oregon Construction & Maintenance LLC
Chambers Designs LLC
Craig Thomas Howard
Crow Lauren Landscape Design LLC
Curiel's Landscape Maintenance and Handyman Services LLC
Dain Dejong-Stotthoff
Evergreen Valley Landscaping LLC
Fall River Enterprises LLC
Flying Squirrel Tree Service LLC
Full Circle Tree Service and Products LLC
Geologix, LLC
Greenworks Backflow LLC
Gustav's Yard Service & Irrigation LLC
High Desert Irrigation LLC
Hilden Landscape & Design LLC
Jamie Golden
Jeff Wilcott
Jeremy Gregoire
Jon Brown and Associates LLC
LaborMen LLC
Lawn and Leaf Landscapes LLC
Leibold Irrigation, Inc.
Lively Lawns and Landscape LLC
Manroot Landscape & Irrigation Repair LLC
Marco's Landscape LLC
Matthew J Malusky
Michael Avgi
Michael Hill
Morganic Roots Eco Firm LLC
Mountain To See Tree Service Inc
North River Contracting LLC
NW Tree service LLC
Opal Creek Landscape, LLC
Ortega's Landscaping LLC
Passionflower, LLC
Peter Benzinger
Phillip Carroll Landscaping, LLC
Precise Lawn Care, LLC
Rainscapes LLC
Red Cloud Tree Service LLC
Redyns, LLC
Reese Landscapes Salem, Inc
River Woods Landscape Maintenance LLC
Rucker & Company Services LLC
Service Solutions of Oregon
Solidago Landscaping LLC
Spring Valley Landscapes LLC
SSEC Apex Inc
Sutton Creek Land Management LLC
Taproot Landscaping Inc.
Tim Kilpatrick
Traveler Tree Care
Tree Chic LLC
Trident Irrigation LLC
Urban Village Designs LLC
Verde Sports Construction LLC
Victor Hugo Meza Herrera
Von Landscaping LLC
Yachats Yardscapes LLC
2021 Legislative Update

The 2021 legislative session adjourned on June 28, 2021. The LCB introduced Senate Bill 94 (below) and tracked many others that may be of interest to LCB licensees. Below are a few of the recently passed bills with a brief description of each. Click on the link for each bill to read the complete bill details or visit: https://olis.oregonlegislature.gov.

SB 94—Changes design requirement for practical skills tests offered by the Landscape Contractors Board. This change allows practical skills testing to be offered in an electronic format.

SB 569—Makes unlawful the employment practice of an employer to require an employee or proscriptive employee to possess or present a valid driver’s license as a condition of employment or continuation of employment.

HB 2031—Modifies definition of "pesticide applicator." Adds violations of federal law to reasons for which State Department of Agriculture may revoke, suspend or refuse to issue pesticide license or certificate.

HB 2409—Prohibits homeowners associations from requiring application of pesticide on owner’s property except as necessary for ecological or public health.

HB 2474—Expands eligibility for protected leave under Oregon Family Leave Act to all employees of a covered employer during public health emergency unless employee was employed for fewer than 30 days prior to commencing leave or worked an average of less than 25 hours per week in 30 days prior to commencing leave.

HB 2682—Requires person that rents utility vehicle to contracting agency to provide records that describe in detail results of most recent inspection that person performed or had performed on utility vehicle’s traction, structure, power train, control components and related parts and equipment in compliance with specified rules, regulations or standards.

HB 3082—Raises contract price at which public improvement contract solicitations are exempt from competitive bidding requirement from $5,000 to $10,000.

HB 3188—Changes definitions of "employer" and "worker" for purposes of workers’ compensation law.

Reminder: Business license numbers are now either 4-digits or 6-digits.

Be sure to include your business license number on all contracts and advertisements.
## LCB Enforcement Actions, Mar 1 - Jun 30, 2021

(For the complete version: [www.oregon.gov/lcb](http://www.oregon.gov/lcb))

<table>
<thead>
<tr>
<th>County</th>
<th>Violation Type</th>
<th>Final Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLACKAMAS</td>
<td>Failure to Use Business License No in Advertising, Failure to Notify Board of a Business Name</td>
<td>Letter of Concern</td>
</tr>
<tr>
<td>DESCHUTES</td>
<td>Operating w/o License &amp; Complaint Filed</td>
<td>Civil Penalty</td>
</tr>
<tr>
<td></td>
<td>Advertising w/o License</td>
<td>Civil Penalty / Stipulated Order</td>
</tr>
<tr>
<td></td>
<td>Failure to Require Direct Supervision, Conduct that was Dishonest or Fraudulent</td>
<td>Civil Penalty / Stipulated Order</td>
</tr>
<tr>
<td></td>
<td>Failure to Perform Supervisory Responsibilities, Failure to Maintain Business Registration, Conduct that was Dishonest or Fraudulent</td>
<td>Civil Penalty / Stipulated Order</td>
</tr>
<tr>
<td>JACKSON</td>
<td>Operating w/o License &amp; Complaint Filed</td>
<td>Civil Penalty / Stipulated Order</td>
</tr>
<tr>
<td></td>
<td>Failure to Comply with min Standards for Contracts</td>
<td>Civil Penalty / Stipulated Order</td>
</tr>
<tr>
<td></td>
<td>Failure to Use Business License No in Advertising, Failure to Notify Board of a Business Name</td>
<td>Letter of Concern</td>
</tr>
<tr>
<td>JOSEPHINE</td>
<td>Operating w/o License</td>
<td>Civil Penalty / Stipulated Order</td>
</tr>
<tr>
<td>LANE</td>
<td>Advertising w/o License, Operating w/o License x 2</td>
<td>Civil Penalty / Stipulated Order</td>
</tr>
<tr>
<td></td>
<td>Operating w/o License &amp; Complaint Filed</td>
<td>Civil Penalty / Stipulated Order</td>
</tr>
<tr>
<td>MARION</td>
<td>Advertising w/o License, Operating w/o License</td>
<td>Civil Penalty</td>
</tr>
<tr>
<td></td>
<td>Failure to Comply with min Standards for Contracts</td>
<td>Civil Penalty</td>
</tr>
<tr>
<td></td>
<td>Operating w/o License x 2</td>
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<td>Civil Penalty / Stipulated Order</td>
</tr>
<tr>
<td></td>
<td>Failure to Comply with min Standards for Contracts, Working w/o a Written Contract - 1st Offense, Working Outside Scope of License, Failure to Obtain a Permit, Advertising Outside Scope of License, Exceeding the modified landscape job size</td>
<td>Civil Penalty / Stipulated Order</td>
</tr>
<tr>
<td>MULTNOMAH</td>
<td>Operating w/o License, Advertising w/o License</td>
<td>Civil Penalty / Stipulated Order</td>
</tr>
<tr>
<td>POLK</td>
<td>Advertising w/o License, Operating w/o License x 2</td>
<td>Civil Penalty</td>
</tr>
<tr>
<td>WASHINGTON</td>
<td>Failure to Obtain Required Bond Amount</td>
<td>Civil Penalty</td>
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<tr>
<td></td>
<td>Advertising w/o License x 2</td>
<td>Civil Penalty / Stipulated Order</td>
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<tr>
<td></td>
<td>Working Outside Scope of License</td>
<td>Civil Penalty / Stipulated Order</td>
</tr>
<tr>
<td>YAMHILL</td>
<td>Operating w/o License, Advertising w/o License</td>
<td>Civil Penalty / Stipulated Order</td>
</tr>
</tbody>
</table>
Continuing Education

Struggling to complete your continuing education requirements? Visit the [LCB website](https://www.oregon.gov/lcb) for several pre-approved virtual options. Virtual options allow you to attend from your own location. Some courses are scheduled and some can be taken any time of day.

Don’t see a pre-approved course that interests you? If you attend a course not listed on the pre-approved list, it may still be eligible for post-approval. The course must meet subject matter criteria; technical (landscape related), business, or other (such as safety and first aid or board and commission membership). A request must be submitted to the agency with the following:

1. A completed [post-approval request form](#);
2. Copy of the course outline or agenda. If no outline or agenda is provided, handwritten or typed notes may be provided; and
3. Evidence of course completion from course provider (e.g.; certificate of completion).

As a reminder, continuing education is reported every two years. The year in which you are required to report depends on your individual LCP license number. Even numbered licenses report in even numbered years. Odd numbered licenses report in odd numbered years.

Those who have been licensed for less than 6 years are required report 16 hours each reporting period. Those who have been licensed more than 6 years are required to report 8 hours of for each reporting period.

**Reminder! If a contract has an arbitration clause, a statement that the consumer maybe waiving their right to the claim process is required.**