



Underground & Above Board

August 2012, Issue 67

Landscape /Contractors Board

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Laws and Rules Update

by Kim Gladwill-Rowley

RULE CHANGES

The Board recently proposed updating the minimum contract standards to require the name and license number of any subcontractor with a description of the landscaping work to be subcontracted. After discussion and input from the industry, the Board repealed that proposed rule. Instead, if subcontractors will be used for performance of landscaping work, the contract must include a statement notifying the consumer that there will be subcontractors used to perform landscaping work.

Administrative rules were also updated to clarify that a license is required to: install root penetration prevention materials; to place containers and

pots that require the use of power equipment to move; to clarify the managing employee requirements; to add criteria for allowing continuing education hours for preparation and research for teaching or presenting classes; and adopted the 2011-2013 budget.

OREGON LAW CHANGES

The Oregon Legislature passed two of the three bills submitted by the LCB:

House Bill 2156 expands services covered under an Oregon landscaping bond to include backflow assembly installation, repair, maintenance or testing; low voltage wiring for irrigation systems; and outdoor landscape lighting.

House Bill 2157 requires a landscape contracting business

with employees to obtain, maintain and submit proof of workers' compensation insurance coverage. It also requires verification of workers' compensation insurance coverage for landscape contracting businesses that use worker leasing companies or temporary service providers.

These new laws go into effect for any landscaping work completed on or after January 1, 2012. The Board is writing rules to document how the agency will implement these new statutory requirements.



Report any address change within 10 days. Login to your profile on the LCB website to get future newsletters sent by email. Click the "email newsletter" box on the screen.

Contact Information

Things change. Here's our new phone number, fax number and email address.

Please update your CONTRACTS and records if you have our old numbers.

Oregon Landscape Contractors Board

Phone: 503/967-6291

Fax: 503/967-6298

Email: lcbinfo@lcb.state.or.us

BEST WISHES

We wish the best to recent LCB retirees:

Michael Snyder, former Administrator

Ken Roth, former Investigator

- Board Members**
- Lisa Sedlacek, Florence, Chairperson
 - Larry Thomas, Astoria, Vice Chair
 - Steve Carper, Beaverton
 - Martin Gascoyne, Cottage Grove
 - Larry Hoekman, Beaverton
 - Joe Lymp, Sunriver
 - Annie Robertson, Portland

Office update—aka Points to Ponder

Boy does two months go by quickly! I began as the new Administrator on May 2nd and Mike Snyder spent an intensive week with me. He tried to share everything he knew with me in that week. He knows more than I could soak up, but I appreciate everything he taught me. Here's what I've learned so far:

The LCB has a dedicated, compassionate staff.

LCB licensees work hard to meet the letter of the law despite the economic challenges they face.

Our licensees have a variety of needs,

and they don't always agree and I appreciate everyone's willingness to train me and dialogue as I learn about the industry and the agency.

Licensees are courageous about sharing their needs and frustrations. When we did LCB and You Enforcement training in June, many of you came and told us what you are dealing with. Thank you for that.

Statutes, rules and policies can be confusing. As I learn and work with licensees and citizens about how our process works and what some of the rules mean, they aren't easy to understand (especially the casual, minor and inconse-

quential \$500 exemption). Many people just don't understand what that means and we need to educate licensees and the public about that.

Changing laws isn't easy. Mike worked on three pieces of legislation this session. Two of those bills passed and one did not. It was hard work educating the legislators and their staff about the intent of those statutes. Thanks to Bill Cross, OLCA's lobbyist for his support with that effort.

It's an honor and privilege to be here and I look forward to meeting each of you.

Shelley Hanson, Administrator

LCB Continuing Education

Renewal time can be stressful. You're busy working and may not have completed all of your continuing education (CEH) hours. How are you going to do that by the deadline? Here's some resources you may not be aware of.

Did you know there are **online classes** available and some are free? We recently had a gentleman stay up all night to complete his CEH requirement using free, online classes. That's dedication!

Visit our website and click the "Continuing Education" link for the list of approved courses:

www.lcb.state.or.us

"We will be offering a LCB and You course in the Portland area this Fall. Our June Salem classes were well attended. Thanks to everyone who came."

Are you a valued community volunteer? Did you know that you can get credit for **landscaping-related volunteer work**? See our website for the form to submit that for credit too.

You can also get credit for:

- Independent study**
- Other landscaping related courses**

Check our website for information on how to get credit for these nontraditional CEH activities.

Protecting yourself from civil penalties

Remember the following deadlines:

Your **individual license renewal date** (if you don't have it memorized or on your calendar, we'll send you a reminder nearly 60 days in advance). Also, it's on your license and pocket card too!

Your **business license renewal date**—it's on your license and pocket card and we'll send your renewal form nearly 60 days before the due date.

Changing your address—do it within 10 days to avoid the penalty and to receive your renewal notices and other LCB information.

Notify the board if the business has a change in **managing employees or LCP**.

Always use a **written contract** for work—if you have a claim filed against your business, you could be penalized for not having a legal contract. Agency rules specify the

minimum contract contents. Consult an attorney or look for other samples that may better meet your business needs.

Top 3 2009-2011 Enforcement infractions:

- 1) Advertising without a license
- 2) Failure to employ a LCP or have a LCP on payroll
- 3) Operating without a license

Department of Agriculture—Pesticides Division rules hearing

On June 14th, Oregon Department of Agriculture Pesticides Division filed proposed administrative rules to further clarify the licensing exemption for landscape maintenance professionals (ORS 634.106).

For more information, including the full text of the rule and a fact sheet, visit the following link:

<http://www.oregon.gov/ODA/PEST/docs/pdf/landscaperrule.pdf>

A hearing on the proposed rules will be held on August 4th 2011 at 9:00 am at the Department of Agriculture building in Salem.

What's wrong with this picture?

See the article on page 6 for the diagnosis.



Meet Your Board—Joe Lymp

Joe Lymp founded Deschutes Environmental Services, Inc. (D.E.S.) in 1971 to, by design, integrate complete horticultural services with sustainable living. Joe moved from Bend to Sunriver in 1970. In 1968 Joe worked as a laborer building the front 9 holes of the south golf course. He went on to become the Assistant Grounds Supervisor. In 1970, at age 22, Joe became the Sunriver Superintendent under the direction and mentorship of his dear friend Fred Fettersfield. As Super-

intendent he maintained the front 9 and installed the back 9 of the South Course.

In 1978, Joe Lymp was once again promoted, this time to Operations Manager. Simultaneously he was busy building his new landscape business. In 1982 when he left Sunriver Resort to focus on his own company, Joe was awarded the grounds maintenance contract for Sunriver Resort. Since then Joe & Jenney Lymp have continued to develop Deschutes Environmental Services into a

company with goals and values reflecting their Central Oregon community. Both Joe and Jenney are currently involved in community, city and state Landscape Industry policy. Thank you Joe for serving on the agency board.



LCB Calendar

Come meet your LCB staff. Here are some places that LCB staff will be in the next few months:

- “LCB Enforcement & You” course,
Portland — Fall 2011 (Date TBD)
- Portland Home & Garden Show —
9/29 to 10/2
- OLCA’s Expo — 12/1

LCB Staff

Shelley Hanson, Administrator

Kim Gladwill-Rowley, Program Manager

Cindy Clark, Administrative Specialist

Melissa King, Licensing Coordinator

Testing Centers

Here are the current testing centers for the LCB exams. Remember, you can retake sections for CEH credit.

- Baker City**
- Bend**
- Eugene**
- Independence**
- Medford**
- Portland**

Enforcement Statistics May 1 through June 30, 2011 (for more detailed information, www.lcb.state.or.us)

City	Violation Type	City	Violation Type
ADAIR VILLAGE	Advertising w/o License	GRESHAM	Failure to Maintain Liability Insurance - Suspend
ALOHA	Failure to Employ Landscape Construction Prof.	HILLSBORO	Failure to Maintain Liability Insurance - Gap
AURORA	Failure to Have Bond on File	HILLSBORO	Advertising w/o License
BEAVERTON	Failure to Notify Board - Address Change	HILLSBORO	Operating w/o License
BEND	Operating w/o License	HILLSBORO	Advertising w/o License
BEND	Failure to Complete CEH by the Deadline	KEIZER	Advertising w/o License
BEND	Advertising w/o License	KEIZER	Failure to Maintain Business Registration
BEND	Failure to Notify Board - Address Chg-2nd Offense	KEIZER	Failure to Employ Landscape Construction Prof.
BEND	Failure to Notify Board - Address Change	KLAMATH FALLS	Failing to Have a Replacement Bond on File
BEND	Failure to Notify Board - Address Change	KLAMATH FALLS	Failing to Pay in Full on Claim
BEND	Failure to Maintain Business Registration	KLAMATH FALLS	Failing to Pay in Full on Claim
BEND	Failure to Employ Landscape Construction Prof.	LAKE OSWEGO	Failure to Employ Landscape Construction Prof.
CANBY	Advertising w/o License	LONG BEACH	Operating w/o License
CENTRAL POINT	Advertising w/o License	MCMINNVILLE	Failure to Employ Landscape Construction Prof.
EAGLE POINT	Failure to Employ Landscape Construction Prof.	MCMINNVILLE	Failure to Employ Landscape Construction Prof.
EUGENE	Failure to Notify Board - Address Change	MCMINNVILLE	Failure to Maintain Liability Insurance - Suspend
EUGENE	Advertising w/o License	MEDFORD	Operating w/o License - 3rd Offense
EUGENE	Failure to Have Bond on File	MEDFORD	Advertising w/o License - 2nd offense
FOREST GROVE	Failure to Notify Board - Address Change	MEDFORD	Failure to Maintain Liability Insurance - Suspend
GEARHART	Operating w/o License	MONMOUTH	Operating w/o License
GLENEDEN BEACH	Failure to Employ Landscape Construction Prof.	OREGON CITY	Failure to Notify Board - Address Change
GOLD HILL	Advertising w/o License	OREGON CITY	Failure to Have Bond on File
GRANTS PASS	Advertising w/o License	OREGON CITY	Failing to Pay in Full on Claim
GRANTS PASS	Advertising w/o License	OREGON CITY	Failure to Maintain Liability Insurance - Suspend
GRANTS PASS	Failure to Maintain Liability Insurance - Suspend	PENDLETON	Operating w/o License
GRANTS PASS	Failure to Have Bond on File	PORTLAND	Failure to Respond to CEH Audit

City	Violation Type	City	Violation Type
PORTLAND	Failure to Complete CEH by the Deadline	SALEM	Failure to Employ Landscape Construction Prof.
PORTLAND	Failure to Notify Board - Address Change	SHERWOOD	Failure to Submit a Pay Stub
PORTLAND	Advertising w/o License	TALENT	Operating w/o License
PORTLAND	Failure to Notify Board - Address Change	TALENT	Failure to Maintain Liability Insurance - Suspend
PORTLAND	Failure to Complete CEH by the Deadline	TERREBONNE	Operating w/o License
PORTLAND	Failure to Maintain Business Registration	TERREBONNE	Failure to Pay Civil Penalty
PORTLAND	Failure to Respond to CEH Audit	TUALATIN	Failing to Pay in Full on Claim
PORTLAND	Failure to Employ Landscape Construction Prof.	TUALATIN	Failing to Pay in Full on Claim
SALEM	Advertising w/o License	TUALATIN	Failure to Employ Landscape Construction Prof.
SALEM	Advertising w/o License	VANCOUVER	Failure to Notify Board - Address Change
SALEM	Failure to Employ Landscape Construction Prof.	WEST LINN	Failure to Maintain Liability Insurance - Suspend
SALEM	Failure to Maintain Liability Insurance - Suspend	WILDERVILLE	Advertising w/o License
SALEM	Failure to Employ Landscape Construction Prof.	WILSONVILLE	Failure to Complete CEH by the Deadline

Landscape Construction 4th Ed update

David Sauter, author of “Landscape Construction,” is busy working on the updates and revisions to the fourth edition of the book. **LCB’s exam committee** spent an intensive week and then several phone and email sessions updating the exam questions and verifying the information for each question. Mr. Sauter’s new book will be a primary resource for future LCB exam takers. As of July 10th, five of the six chapters are nearing completion —they have been written, formatted and are being reviewed by industry professionals. The next step is to add the illustrations and send them to the publisher. Those chapters are: design, soils, landscape lighting, irrigation and water management. The sixth chapter is landscape overstructure. It has been outlined and is being completed.

The goal is to have all of the writing done by the end of August. We don’t have a final printing date, but our goal is the end of December. If you know someone interested in sitting for the LCP exam that doesn’t have the study materials, they may want to wait until the new Landscape Construction 4th edition is complete to get the most comprehensive, timely study guide to prepare for the exam. Book order information will be available on the agency’s website:

www.lcb.state.or.us

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We're on the web!

www.lcb.state.or.us



Picture left—LCB Board members at the July 16th in Beaverton



DON'T FORGET! You need to report an address change to LCB within 10 days of a move. Feel free to mail, email or fax us your new address information.

Phytophthora and You

One of the most important diseases that landscapers need to be aware of is **Phytophthora** (Fy-TOFF-thor-uh). **Phytophthora** species make up a group of microorganisms that are important plant pathogens. The name *Phytophthora* derives from Greek and literally means "plant destroyer." ***Phytophthora* disease is the number-one disease of nursery crops nationwide.**

Phytophthora organisms infect the root system starting in the fine root hairs, gradually moving into larger roots. After plant cells become infected, they lose the ability to take up and transmit water and nutrients. After the plant cells are killed, the leaves or roots discolor. At first the plant may exhibit subtle above-ground

symptoms such as reduced vigor, reduced growth, or "off" color. The organism continues to infect more and may eventually girdle the plant.

Many plants with *Phytophthora* root rot do not show aboveground symptoms until summer. As hot, dry weather sets in, the plant does not have enough roots left to keep up with transpiration. Plants may wilt and collapse. Because of the wilting, many people water plants even more than usual, flooding their roots, encouraging the pathogen, and potentially spreading the disease more.

When buying plant material, inspect the plants to see if they appear to be healthy. Nursery growers should be able to pro-

By: Lisa Walter-Sedlacek

vide you inspection information for *Phytophthora*. Ways to prevent *Phytophthora* from spreading:

- *Avoid allowing containers to sit in water, or on plastic or muddy woven materials for long periods
- *Hold your plants on gravel
- *Avoid reusing plastic nursery pots unless you sterilize the pot prior to reuse.
- *Clean off and disinfect your plant holding area periodically
- *Avoid overwatering plants
- *Avoid excessive use of nitrogen fertilizers
- *Avoid reusing potting soil.

Take OSU Extension's online *Phytophthora* course for more information.

Want to change the world? Apply to serve on the LCB Board! We have a position opening in December 2011.

Terms are three years and it's a chance to serve in a statewide capacity and shape public policy that affects Oregon's landscaping industry. To apply, visit the Governor's website at: <http://www.oregon.gov/Gov/pdf/forms/Interestformdown.pdf>