

9 ABOVE BOARD

LANDSCAPE CONTRACTORS BOARD (LCB)

May 2011, Issue 66



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SAVE A TREE!

You can now request to have the newsletter sent to you via email by checking the email box on your license profile:

<https://www.oregonlcb.com/contractorsearch/login.aspx>

If you need help contact the office and we will assist you.

NEW ADMINISTRATOR HIRED

On March 25, 2011 the Board hired Shelley Hanson to become the new administrator for the State Landscape Contractors Board. On May 1, 2011 she will begin her duties with the LCB and Mike Snyder will begin his transition away from the Board.

Shelley Hanson is an enrolled member of the Confederated Tribes of Grand Ronde and has spent the last 21 years in various positions at her Tribe. Most recently Shelley was the Director of the Spirit Mountain Community Fund, the philanthropic arm of the Tribe that has gifted over \$53 million to Oregonians in the past 13 years. Shelley has a MBA from Atkinson Graduate School of Management and two bachelor's degrees from Oregon State University. In her spare time Shelley spends time with her fiancée Mitch, participates in several non-profit boards and is studying to be a new thought minister. Shelley is mom to Kayla Leno. Kayla is 21 and works at their Tribal health clinic.



The Board and staff are excited about Shelley filling the administrator position and are looking forward to a seamless transition and bright future with her at the helm.

BOARD MEMBERS

Lisa Sedlacek, Florence
CHAIR

Larry Thomas, Astoria
VICE CHAIR

Steve Carper, Beaverton

Martin Gascoyne, Cottage Grove

Larry Hoekman, Beaverton

Joe Lymp, Sunriver

Annie Robertson, Portland

NOTICE:

NEW PHONE NUMBERS FOR LCB OFFICE

Due to the increased cost of phone service from the State Data Center, Voice Services, the board decided to move away from the state phone system and use a private carrier.

Effective Immediately the New Phone Numbers are:

Phone: (503) 967-6291

Fax: (503) 967-6298

Please remember to change this information on Your Contracts!

POINTS TO PONDER

It's been a great experience!

By Michael A. Snyder, CLP; Administrator



I guess you could call this my "swan song" as I retire from the State Landscape Contractors Board. As a basic principle, I am convinced that it takes an interest in justice, and a passion for one's belief, to confront issues that feel unfair or in some way disagree with one's sense of what is right. It's that interest and passion that gives me a great deal of hope for this industry now and in the future.

Since the board's beginnings, and certainly since I've been Administrator, a lot of change has occurred as the board has diligently worked to bring the statutes to the industry and the industry to the statutes. It remains apparent, that reconciling with the statutes has shown there are laws with which the licensed landscape construction industry disagrees. There are many examples but some of the most contentious are requiring: (1) the 4 digit license number on all written advertisement; (2) continuous liability insurance and bond on file with the board; (3) a LCP to directly supervise all unlicensed employees that are performing landscaping work; (4) a LCP to have continued education hours (CEH) to renew the license; and (5) a licensee to notify the board of a change of mailing address within 10 days of that change. These types of requirements have caused significant outcries from the industry. However there will be no change in these laws unless those that believe the law needs to change take a different approach other than directing their anger at LCB staff members who are not the voice for changing the laws. Attending board meetings, contacting your legislators and becoming engaged in the process are the channels that create avenues for change to occur.

Speaking personally and sincerely, I am keenly aware that some of the decisions I have had to make have affected many of you, directly and indirectly. Those decisions may have caused you to pause, contemplate, and react in different ways. Some of you have been angry and have voiced that to me and staff in different ways, some, admittedly, not pleasant. Others, though angry, have been calm and forthright and displayed a significant amount of self-composure while addressing the issues with us. What I can honestly say is that I did enjoy those many moments when the dialogue, the candid responses, and the willingness to respect one another continued to exist when the discussion had finished - even when there was still disagreement.

Speaking broadly, if this industry is going to meet the challenge of being a "legitimate profession," it will take a concerted channeling of energy, passion and interest to focus itself into something that will make a real difference. It will require a refusal to remain a segmented industry. Strength will come from joining together to make a better industry for all that choose this noble profession. I can't think of another profession that deals with the artistic, aesthetic, environmental, and technical issues of construction more than landscape construction. It is a profession that continues to make the world a more beautiful, safe, and friendly place to live. How wonderful it is that this industry exists to construct those outdoor living spaces for people of all economic levels. Even the poorest among us desire to have a landscape that is reflective of our view on life. Creative and thoughtful landscaping seems to provide a sense of altruism in people as they share the space and feeling of nature that is created in a landscape.

So, as I leave this position, I have this to say: I thank you for allowing me the opportunity to serve you and the citizens of Oregon. I have had wonderful support from a compassionate, competent and loyal staff and board that remain committed to serving the mission of the LCB. I am grateful that there are those who disagreed with me yet chose to continue to dialogue, becoming involved in the process of changing the laws. This industry has great potential and I only hope that I have made a small contribution to its growth and that you, as members of this industry, will channel your energy into cultivating the respect this industry deserves.

Thank you for your kind thoughts, words, and encouragements as I say good-bye.

Trivia Question: *Who is responsible to make sure a current certificate of insurance and current Surety Bond is on file with the LCB at all times?* **Answer p 6**

RULE HEARING SET

MAY 20, 2011

The Board is having a rule hearing at the next regular scheduled board meeting, May 20th at Roth IGA in West Salem at 10 am. The rules that are being considered are:

OAR 808-001-0008: Budget for 2011-2013

OAR 808-002-0020: Contract requirements: adding subcontracting notification requirement.

OAR 808-002-0200: Casual, Minor, or Inconsequential: adds planting of pots and containers that require power equipment to move to the definition.

OAR 808-002-0620: Maintenance: Adds planting of outdoor pots and containers that can be moved without power equipment to definition

OAR 808-002-0455: Install: clarifies the definition of install for nursery stock installed outdoors and landscaping work on structures must be approved by structural engineer or architect.

OAR 808-002-0500: Landscaping Work: clarifies the definition of landscaping work to include the installation of root penetration materials and other planting media.

OAR 808-040-0025: Continued Education Programs: Adds preparation and research for teaching or presenting as allowable hours for CEH.

OAR 808-040-0040: Acceptable Subject Matter:

Adds preparation and research for teaching or presenting as acceptable subject matter for CEH.

OAR 808-003-0015: Application for Landscape Contracting Business and Landscape Construction Professional: Creates a requirement of a verification form from the designated managing employee who is not an owner of a business.

OAR 808-030-0010: Owner/Managing Employee: Removes information that is dated material.

OAR 808-030-0015: New rule (Managing Employee Requirements): Clarifies the requirements for fulfilling the role of managing employee.

OAR 808-030-0018: New Rule (Managing Owner Requirements): Clarifies the requirements for fulfilling the role of managing owner

OAR 808-005-0020: Civil Penalties: Adds penalty for failure to comply with Administrative rules and failure to notify board when managing employee ceases to act in the role of managing employee.

NOTE:

To read all the rule changes go to the LCB website: www.lcb.state.or.us. The link to these rules are under "ANNOUNCEMENTS" on the homepage or request a copy of the rules to be sent to you by calling the office (503) 967-6291

The rule hearing is on May 20th, 2011 at the Roth IGA in West Salem at 10 am. You may submit written testimony until 5pm on May 23rd, the last day of public comment.

LEGISLATION UPDATE

HB 2156: The bill has been amended to remove the requirement for a consistent \$15K bond for all landscape contracting businesses but still allow access to the bond for the testing, installation and repair of backflow assemblies as well as the installation of low voltage wiring for landscape lighting and irrigation. The bill has moved through the House and has a hearing in the Senate Committee: Business, Transportation and Economic Development Committee on May 2nd.

HB 2157: Workers Compensation has been passed by the House and has a hearing in the Senate Committee: Business, Transportation and Economic Development Committee on May 2nd.

HB 2158: LCP Examination Change has been passed by the House and has a hearing in the Senate Committee: Business, Transportation and Economic Development Committee on May 2nd.

ENFORCEMENT ACTIONS FEBRUARY 1, 2011 THROUGH APRIL 30, 2011

THESE ACTIONS ARE FOR FINAL ACTIONS ONLY AND ARE NOT THE TOTAL NUMBER OF ACTIONS TAKEN DURING THE PERIOD, SINCE SOME ARE STILL UNDER INVESTIGATION. THIS IS SUMMARY INFORMATION ONLY.

FOR COMPLETE & DETAILED INFORMATION SEE: WWW.LCB.STATE.OR.US

City	Violation Type	#	City	Violation Type	#
ALBANY	Failure to Maintain Liability Insurance - Suspend	1	EUGENE	Failure to Require Direct Supervision	1
ALOHA	Failure to Maintain Liability Insurance - Suspend	1	FOREST GROVE	Operating w/o License	1
ASHLAND	Failure to Pay Civil Penalty	1	GLIDE	Operating w/o License - 2nd Offense	1
ASHLAND	Operating w/o License	1	GRANTS PASS	Advertising w/o License	3
ASTORIA	Failure to Complete CEH by the Deadline	1	GRANTS PASS	Failure to Employ Landscape Construction Prof.	1
ASTORIA	Failure to Employ Landscape Construction Prof.	1	GRANTS PASS	Failure to Notify Board of a Business Name	1
ASTORIA	Operating w/o License & Claim Filed	1	GRANTS PASS	Failure to Use Business License No in Advertising	1
BEAVERTON	Advertising w/o License	1	GRESHAM	Failure to Pay Civil Penalty	1
BEAVERTON	Failure to Employ Landscape Construction Prof.	1	HARRISBURG	Owner of Bus/Owes on Court & Final Order of Clai	1
BEAVERTON	Failure to Maintain Liability Insurance - Suspend	3	HILLSBORO	Advertising w/o License	1
BEAVERTON	Failure to Notify Board - Address Change	1	HILLSBORO	Failure to Have Bond on File	1
BEAVERTON	Failure to Perform Supervisory Responsibilities	1	HILLSBORO	Failure to Maintain Liability Insurance - Suspend	1
BEAVERTON	Failure to Perform Supervisory Responsibilities-2nd	1	JACKSONVILLE	Failure to Employ Landscape Construction Prof.	1
BELLEVUE	Failure to Employ Landscape Construction Prof.	1	JEFFERSON	Failure to Employ Landscape Construction Prof.	1
BELLEVUE	Failure to Maintain Bond	1	JUNCTION CITY	Advertising w/o License	1
BEND	Advertising w/o License	3	KLAMATH FALLS	Advertising w/o License	1
BEND	Failure to Comply with min Standards for Contracts	1	KLAMATH FALLS	Failure to Maintain Liability Insurance - Gap	1
BEND	Failure to Employ Landscape Construction Prof.	2	KLAMATH FALLS	Failure to Maintain Liability Insurance - Suspend	2
BEND	Failure to Maintain Liability Insurance - Gap	1	LAFAYETTE	Failure to Nbtify Board - Address Change	1
BEND	Failure to Maintain Liability Insurance - Suspend	2	MADRAS	Failure to Have an LCP on Payroll	1
BEND	Failure to Notify Board-Change in Mng Individual	1	MADRAS	Failure to Require Direct Supervision	1
BEND	Hiring Employees While Licensed as Exempt	1	MADRAS	Working w/o a Written Contract - 1st Offense	1
BEND	Operating w/o License & Claim Filed	1	MEDFORD	Advertising w/o License	4
BORING	Failure to Complete CEH by the Deadline	1	MEDFORD	Failure to Comply with min. Std for Contract - sub	1
BORING	Failure to Obtain New License for Entity Change	1	MEDFORD	Failure to Obtain a Permit	1
CENTRAL POINT	Advertising w/o License	2	MEDFORD	Operating w/o License	2
CENTRAL POINT	Failure to Comply with min Standards for Contracts	1	MEDFORD	Operating w/o License & Claim Filed	2
CENTRAL POINT	Hiring Employees While Licensed as Exempt	1	MEDFORD	Working w/o a Written Contract - subsequent	1
CLACKAMAS	Failure to Employ Landscape Construction Prof.	1	MILWAUKIE	Advertising w/o License - 2nd offense	1
CLACKAMAS	Failure to Maintain Business Registration	1	MILWAUKIE	Failure to Maintain Liability Insurance - Suspend	1
COOS BAY	Advertising w/o License	1	MILWAUKIE	Failure to Nbtify Board - Termination of Employ	1
CORNELIUS	Advertising w/o License	1	NEWBERG	Failure to Have Bond on File	1
CORVALLIS	Failure to Maintain Bond	1	NEWPORT	Failure to Complete CEH by the Deadline	1
EAGLE CREEK	Failure to Complete CEH by the Deadline	1	ONTARIO	Failure to Notify Board-Change in Mng Individual	1
EAGLE POINT	Advertising w/o License	3	OREGON CITY	Advertising w/o License	1
EAGLE POINT	Operating w/o License - 2nd Offense	1	OREGON CITY	Failure to Employ Landscape Construction Prof.	1
EAGLE POINT	Operating w/o License - 3rd Offense	1	OREGON CITY	Failure to Pay Required Licensing Fees (Ind)	1
EUGENE	Advertising w/o License	2	PENDLETON	Failure to Employ Landscape Construction Prof.	1
EUGENE	Failure to Comply with Plumbing Code	1	PORTLAND	Advertising w/o License	6
EUGENE	Failure to Employ Landscape Construction Prof.	2	PORTLAND	Failure to Employ Landscape Construction Prof.	2
EUGENE	Failure to Have an LCP on Payroll	1	PORTLAND	Failure to Maintain Bond	1

ENFORCEMENT CONTINUED

City	Violation Type	#	City	Violation Type	#
PORTLAND	Failure to Maintain Liability Insurance - Gap	1	TALENT	Advertising w/o License	1
PORTLAND	Failure to Maintain Liability Insurance - Suspend	1	TALENT	Failure to Employ Landscape Construction Prof.	1
PORTLAND	Failure to Notify Board-Change in Mng Individual	1	TALENT	Failure to Pay Civil Penalty	1
PORTLAND	Failure to Perform Supervisory Responsibilities-2nd	2	TALENT	Hiring Employees While Licensed as Exempt	1
PORTLAND	Failure to Require Direct Supervision- 3rd Offense	1	TALENT	Operating w/o License	2
PORTLAND	Failure to Respond to CEH Audit	1	TILLAMOOK	Failure to Employ Landscape Construction Prof.	1
PORTLAND	Failure to Use Business Lic No in Advert - subseq	1	TILLAMOOK	Failure to Maintain Bond	1
PRINEVILLE	Failure to Maintain Liability Insurance - Suspend	2	TRCUTDALE	Failure to Use Business License No in Advertising	1
REDMOND	Operating w/o License	2	TUALATIN	Advertising w/o License	1
RENTON	Operating w/o License	1	TUALATIN	Failure to Submit a Pay Stub	1
SALEM	Advertising w/o License	1	TUALATIN	Hiring Employees While Licensed as Exempt	1
SALEM	Failure to Employ Landscape Construction Prof.	1	VANCOUVER	Advertising w/o License	1
SALEM	Failure to Maintain Bond	2	VANCOUVER	Failure to Employ Landscape Construction Prof.	1
SALEM	Failure to Use Business License No in Advertising	1	VENTURA	Failure to Employ Landscape Construction Prof.	1
SCOTTSDALE	Failure to Maintain Liability Insurance - Suspend	1	WARRENTON	Failure to Maintain Liability Insurance - Suspend	1
SEASIDE	Advertising w/o License	1	WEED	Failure to Maintain Liability Insurance - Suspend	1
SEATTLE	Failure to Complete CEH by the Deadline	1	WEST LINN	Advertising w/o License	1
SHERWOOD	Failure to Use Business License No in Advertising	1	WEST LINN	Failure to Complete CEH by the Deadline	1
SILVERTON	Failure to Complete CEH by the Deadline	1	WHITE CITY	Operating w/o License	1
SPRINGFIELD	Advertising w/o License	1	WILSONVILLE	Failure to Complete CEH by the Deadline	1
SPRINGFIELD	Failure to Maintain Liability Insurance - Suspend	1	WINSTON	Failure to Notify Board-Change in Mng Individual	1
ST. PAUL	Failure to Maintain Bond	1	WISHRAM	Failure to Employ Landscape Construction Prof.	1
ST. PAUL	Failure to Maintain Liability Insurance - Gap	1	WOODBURN	Failure to Complete CEH by the Deadline	1
ST. PAUL	Failure to Maintain Liability Insurance - Suspend	1	WOODBURN	Failure to Maintain Bond	1
			YAMHILL	Failure to Perform Supervisory Responsibilities	1

For detailed information go to the LCB Website Under Enforcement Actions: www.lcb.state.or.us
TOTAL ENFORCEMENT ACTIONS: 161

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MOVING?

DON'T FORGET TO NOTIFY THE BOARD– GO ONLINE!

It's an easy process to notify the board of your change in address or other contact information, just go online to: <https://www.oregonlcb.com/contractorsearch/login.aspx>, login using your user ID and password and the make the changes. If you have forgotten the user ID and password and need help, please contact the office and we will assist you: (503) 967-6291.

If this doesn't work for you then fill out the change of address form on our website @: <http://www.lcb.state.or.us/LCB/forms.shtml> and either mail, fax or scan and email the form into the office. The board's email address is: lcb.info@state.or.us and the new fax number is (503) 967-6298.

Remember: Law requires all licensees to notify the board within 10 days of a mailing address change.



Note: If you would like to have future newsletters sent by email, log into your profile on the LCB website and check the Email Newsletter box on the screen.
 Phone: (503) 967-6291 Fax: (503) 967-6298
 Email: lcb.info@state.or.us
 Web: www.lcb.state.or.us

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 Ken Roth
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Landscapes Contractors Board
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 Salem, OR 97301



The Landscape Contractors Board regulates the landscape construction industry in Oregon for the protection of the public interest and to promote a fair and competitive business environment through Education, Licensing, Dispute Resolution and Enforcement.

MISSION STATEMENT

INSURANCE and BOND REQUIREMENTS
Who's Responsible

Recently the board has had to issue Notices of Immediate Suspension of License to a greater number of licensed landscape contracting businesses because there is not a current certificate of Liability Insurance or current Surety Bond **on file** (in our office) with the Board. The law requires the landscape contracting business to provide proof of continuous liability insurance coverage to the board and that the bond, deposit, or letter of credit is continuously **on file** with the board. This is the responsibility of the landscape contracting business – not the insurance company or the LCB staff.

Just telling the insurance company that they need to send in the information does not guarantee that the certificate of insurance or bond reaches the agency. LCB staff does send out a notice to the landscape business approximately 10 days prior to insurance's expiration. The LCB staff also sends out a letter if a notice of cancellation from the insurance or bonding company is received prior to an expiration to allow time for the landscape contracting business to get **on file** a new or reinstated insurance or bond. To wait or to assume someone else took care of the issue may potentially result in a suspension of the license and civil penalty action (if there is a gap in coverage) that could have been avoided.

Taking time to verify the information has reached the board will insure your landscape contracting business will not be the subject of such civil action.