



# Underground & Above Board

November 2011, Issue 68

Landscape Contractors Board

## January 1, 2012 Rule Changes

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Effective January 1, 2012 there are three new rules going into effect:

#### BOND COVERAGE:

A landscape contracting bond will now cover backflow assembly testing services, the installation, repair or maintenance of backflow assemblies for irrigation systems and ornamental water features and the installation of irrigation control wiring and outdoor landscape lighting.

#### STATUS CHANGE FEE:

To convert a license from inactive status to active status or from active status to inactive status, other than at renewal, will cost \$50. To reinstate a suspended license will cost \$50.

#### WORKERS'

#### COMPENSATION:

Any landscape contracting business that has or hires employees must submit proof of workers' compensation coverage for those employees. Any landscape contracting business that leases its employees must verify that the leasing company or temporary service provider has workers' compensation coverage for those leased employees during an investigation or site check or at any other time the agency requests. Hiring employees without obtaining workers' compensation coverage can result in a penalty of up to \$1,000 and possible license suspension.

#### PROPOSED RULE CHANGES

The board will hold a public rule hearing on **November 28th at 1:00 p.m. at the Board office**. If you wish to attend or submit written comments, you are encouraged to do so. All written comments must be received by the close of the public hearing on November 28th. See page 2 for a brief summary of the proposed rule changes. The proposed rule language can be accessed on the webpage at [www.lcb.state.or.us](http://www.lcb.state.or.us). If you have any questions about any of these rules, please contact the board office.

**Did you know? Your renewal is considered on time if it is postmarked on or before the due date.**

## LCB Staff & 2012 Meeting Info

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

**Shelley Sneed**  
Administrator

**Kim Gladwill-Rowley**  
Program Manager

**Cindy Clark**  
Administrative Specialist

**Melissa King**  
Licensing Coordinator

**Vincent Salomone**  
Investigator

2012 LCB Board Meeting Dates	
January 20	March 16
May 18	July 20
September 21	November 16

## RULE HEARING SCHEDULED NOVEMBER 28, 2011—1:00 P.M. AT THE BOARD OFFICE

The proposed rule language can be accessed on the webpage at [www.lcb.state.or.us](http://www.lcb.state.or.us).

### CHANGE ORDERS AND CONTRACTS

Change orders or amendments to landscaping contracts and subcontracts will be required and shall identify the scope of the change or amendment, be agreed to by both parties, and be in writing. This does not require signatures by both parties, but does require a written agreement. A text or an e-mail from both parties stating agreement is acceptable.

The minimum contract standards will now require a description of the materials to be installed, together with the size and quantity. Previously the only requirement for materials to be listed was a listing of plant materials.

### NEW LICENSE PHASE – PLANTING LICENSE

A new landscape contracting license will be created for planting, grading & drainage and soil amendment. Current Irrigation Only licensees may want to add this phase of license to their current license phase.

### CONTINUING EDUCATION HOURS

- Reduces the number of continuing education hours required from 20 to 16 every two years.
- Eliminates the minimum number of hours in each category. There will still be a technical and a business category, but each licensee will determine how many hours in each category they want to take or if they want to take all 16 hours in one category.
- Eliminates the course approval process. Each licensee will determine the course or program of study they wish to take and, if audited, will state how it contributed to their professional competence.

### QUALIFICATIONS FOR TESTING AND LICENSING

The qualifications for testing and licensing will be amended.

**PROBATIONARY APPLICANT** may apply a subsequent time as a probationary applicant, but that applicant's passing scores from the first application will be considered expired.

### MANAGING EMPLOYEE

The rules are being amended to clarify that the managing employee is no longer required to be employed full time.

### REQUIREMENTS PRIOR TO PERFORMING LANDSCAPING WORK ON A STRUCTURE

Requires a landscape contracting business to confirm prior to the performance of landscaping work on a structure that the structure has been properly engineered and municipal approval has been obtained in writing or by issuance of a municipal permit for construction.

### Looking for State of Oregon contracting opportunities?

Oregon's E-Procurement System is ORPIN, visit:

<http://www.oregon.gov/DAS/SSD/SPO/eprocurement.shtml>

to register or learn more

## Building Your Business

### ODOT's Emerging Small Business Program

Did you know that in 2009 ODOT had \$11 million in contracts set aside for Emerging Small Businesses (ESB)? More than 90 projects had a component of ESB funding. Wonder if your business is qualified? Your business needs to be located in Oregon, earn less than \$1.133 million in avg. annual gross receipts and have fewer than 20 employees. Sound interesting? Visit : [www.oregon.gov/ODOT](http://www.oregon.gov/ODOT) for more info.

### SBDC training supports

ODOT has partnered with the Small Business Development Center network to provide business management training for prospective ODOT contractors. There may also be financial assistance to attend the program, if your business qualifies. Visit [www.oregon.gov/ODOT](http://www.oregon.gov/ODOT) or call Marcia Bagnall at Chemeketa's SBDC at 503/399-5088 for more information.

### SAIF Agricultural Safety Seminars

SAIF is offering their annual safety seminars around the state on three topics: 1) "ATV and Tractor Training," 2) "The Buzz on Chainsaw and Hearing Safety," and 3) "Making Sense of Safety Meetings." Seminars are offered in English & Spanish and qualify for CEH. For more info, visit: [http://www.saif.com/employer/employer\\_agseminars.aspx](http://www.saif.com/employer/employer_agseminars.aspx)

## How Does an LCB investigation begin?

A report of alleged illegal landscaping activity comes to the attention of the LCB staff in one of four primary ways:

- 1) by phone
- 2) e-mail
- 3) fax
- 4) U.S. mail

Sometimes an investigator conducts a site check and finds activity that warrants a formal investigation.

Any reports of alleged illegal work should include: 1) the site address (where the work is being performed), 2) a description of the work that is going on and

3) license plate numbers for any vehicles involved.

*Question: As of January 1st, what does your bond additionally cover?  
(Answer on page 5)*

After a report reaches the desk of the LCB's enforcement section, and before a person is sent out to investigate, more research may be conducted to gain a better understanding. LCB staff tries to determine who is doing the work, what kind of work is being performed and who the property owner is. From that research, the investigator will know if an on site investigation is necessary.

In many instances all necessary information can be obtained without sending any one out to the site, which maximizes the Agency's resources.

## Continuing Education Hours—what are your options?

Continuing Education (CEH) isn't everyone's favorite topic, but the law is in place that requires it. Here are several of your CEH options and how to earn the credits you need.

Our website has a list of preapproved courses that are being offered across the State. There's a list of **face to face** courses, where you'll need to go to a central location for the training. There's a link from the Agency's continuing education web page to those offerings. There

are also a number of preapproved **online courses**. Some of them are free and others are low cost. That list can be accessed from the Agency's continuing education web page too.

Did you know that you can get CEH credit for **volunteering**? If you are doing landscaping related volunteering—on a board, commission, or doing work, you can earn one hour of CEH for every three volunteer hours.

Here are some examples:

*Working on a community trail project*  
*Planning and managing a community landscaping project*

*Providing landscaping or maintenance services to a non-profit/school/church in your community*

*Serving on a board or commission related to landscaping*

You can also earn CEH credit for **teaching or presenting**. For every hour of instruction, you can get 2 hours of prep time—that's a total of 3 CEH hours.

## LCB Contract Investigators—where are they?

**All contract investigators must be dispatched by the Agency.** This information is provided so that our licensees know what types of field coverage the LCB has to investigate alleged illegal work. Please read the article above to know what information we need to begin an investigation.

Vincent Salomone is our staff investigator and handles all of our reports. He then dispatches contractor investigators if needed. Vince handles the Willamette valley.

LCB contract investigators are located in:

Gold Beach  
Hermiston  
Clackamas  
Ontario  
Medford  
Bend  
Eugene



Enforcement Statistics July 1 through October 31, 2011

City	Violation Type	City	Violation Type	City	Violation Type
ALBANY	Failure to Have Bond on File	CENTRAL POINT	Failure to Employ Landscape Construction Prof.	GRESHAM	3-Failure to Employ Landscape Construction Prof.
ASHLAND	Failure to Maintain Liability Insurance - Suspend	CENTRAL POINT	Failure to Notify Board - Address Change	HAPPY VALLEY	Advertising w/o License
ASHLAND	2-Operating w/o License	CENTRAL POINT	Failure to Obtain a Permit	HILLSBORO	Failure to Employ Landscape Construction Prof.
ASTORIA	Failure to Have Bond on File	CLACKAMAS	Advertising w/o License	HILLSBORO	Failure to Have Bond on File
AURORA	Failure to Complete CEH by the Deadline	CLACKAMAS	Failure to Maintain Liability Insurance - Suspend	HILLSBORO	Failure to Maintain Liability Insurance - Suspend
BAKER CITY	Failure to Employ Landscape Construction Prof.	CORVALLIS	Advertising w/o License	KALAMA	Failure to Have Bond on File
BEAVERTON	Failure to Employ Landscape Construction Prof.	CORVALLIS	Failure to Maintain Liability Insurance - Suspend	KEIZER	Failure to Pay Civil Penalty
BEAVERTON	Failure to Maintain Liability Insurance - Suspend	CORVALLIS	Operating w/o License	KEIZER	Owner of Business that Owes Penalties
BEND	4-Advertising w/o License	COTTAGE GROVE	Failure to Have Bond on File	LINCOLN CITY	Failure to Employ Landscape Construction Prof.
BEND	Advertising w/o License - 2nd offense	DAMASCUS	Operating w/o License	MCMINNVILLE	Operating w/o License
BEND	Failure to Maintain Liability Insurance - Suspend	DUNDEE	Failure to Employ Landscape Construction Prof.	MEDFORD	2-Advertising w/o License
BEND	2-Failure to Notify Board - Address Change	EAGLE POINT	Failure to Notify Board - Address Change	MEDFORD	Advertising w/o License - 2nd offense
BEND	Failure to Pay Civil Penalty	ESCONDIDO	Failure to Notify Board - Address Change	MEDFORD	2-Failure to Complete CEH by the Deadline
BEND	Failure to Replace Bond After Reduction for Claim	EUGENE	Advertising w/o License	MEDFORD	3-Failure to Employ Landscape Construction Prof.
BEND	3-Operating w/o License	EUGENE	Failure to Complete CEH by the Deadline	MEDFORD	Failure to Maintain Liability Insurance - Suspend
BORING	Failure to Maintain Liability Insurance - Suspend	EUGENE	2-Failure to Employ Landscape Construction Prof.	MOUNT ANGEL	Advertising w/o License
BROOKINGS	Operating w/o License	EUGENE	Working w/o a Written Contract - 1st Offense	NEWBERG	Failure to Employ Landscape Construction Prof.
CANNON BEACH	Advertising w/o License	GRANTS PASS	3-Advertising w/o License	NORTH BEND	Failure to Notify Board - Address Change
CAPE CORAL	Advertising w/o License	GRESHAM	Advertising w/o License	OREGON CITY	Failure to Complete CEH by the Deadline

City	Violation Type	City	Violation Type	City	Violation Type
OREGON CITY	Failure to Employ Landscape Construction Prof.	QUEEN CREEK	Failure to Notify Board - Address Change	TALENT	Failure to Complete CEH by the Deadline
OREGON CITY	Failure to Maintain Liability Insurance - Suspend	REDMOND	Advertising w/o License	TALENT	Operating w/o License - 3rd Offense
PACIFIC CITY	Failure to Use Business License No in Advertising	ROSEBURG	Operating w/o License & Claim Filed	TERREBONNE	Failure to Employ Landscape Construction Prof.
PAYETTE	Operating w/o License - 2nd Offense	SALEM	Advertising w/o License	THE DALLES	Failure to Notify Board - Address Change
PORTLAND	5-Advertising w/o License	SALEM	Failure to Complete CEH by the Deadline	TIGARD	Failure to Employ Landscape Construction Prof.
PORTLAND	Advertising w/o License - 2nd offense	SALEM	4-Failure to Employ Landscape Construction Prof.	TIGARD	Failure to Notify Board - Address Change
PORTLAND	5-Failure to Employ Landscape Construction Prof.	SALEM	Failure to Maintain Liability Insurance - Suspend	TROUTDALE	Failure to Employ Landscape Construction Prof.
PORTLAND	Failure to Have Bond on File	SALEM	Operating w/o License	TUALATIN	Failure to Have Bond on File
PORTLAND	3-Failure to Maintain Liability Insurance - Suspend	SHERWOOD	Advertising w/o License	VANCOUVER	2-Failure to Complete CEH by the Deadline
PORTLAND	3-Failure to Notify Board - Address Change	SHERWOOD	Failure to Comply with min Standards for Contracts	VANCOUVER	Failure to Employ Landscape Construction Prof.
PORTLAND	Failure to Obtain Required Bond Amount	SHERWOOD	Operating w/o License	WARREN	Operating w/o License - 2nd Offense
PORTLAND	Operating w/o License	SILVERTON	2-Advertising w/o License	WEST LINN	Failure to Complete CEH by the Deadline
PORTLAND	2-Operating w/o License & Claim Filed	SILVERTON	Working w/o a Written Contract - 1st Offense	WEST LINN	Failure to Have Bond on File
				WOLF CREEK	Failure to Notify Board - Address Change



*On behalf of the Landscape Contractors Board, the board members and staff would like to wish you and yours a happy holiday season.*

**Answer to bond question:** Your bond will cover backflow testing, repair, maintenance and installation, as well as low voltage work on irrigation controls and lighting.

Want to receive this via email? Email us at [lcbinfo@lcb.state.or.us](mailto:lcbinfo@lcb.state.or.us)

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We're on the web!

[www.lcb.state.or.us](http://www.lcb.state.or.us)



**DON'T FORGET! If you are bidding on a job outside of the scope of your current bond, you must increase your bond amount BEFORE submitting the bid.**

## *Farewell to Board Member Marty Gascoyne*

Marty Gascoyne will complete six years of LCB board service in December 2011. That's a major accomplishment in and of itself.

Marty is a long time landscape industry member. He has been licensed with the LCB since 1993 and is a member /owner of The Country Gardner LLC. The business is located in Cottage Grove, but serves the greater Eugene metro area with it's landscape design, maintenance and installation services.

Marty served as the LCB Board Vice Chairperson from January 19, 2007 to January 16, 2009. On January 16, 2009, Marty was voted in as Board Chairperson and served a two year term in that lead-

ership role with the agency.

Marty has a passion for service. Not only did Marty spend four of his six years on the LCB board role as a leader, but he also spent a great deal of his career active in the Oregon Landscape Contractors Association (OLCA).

If you've met Marty, you'll know that he is a man of patience and commitment. His love of this industry is evident in everything he does and on behalf of the LCB, we would like to thank Marty for his passion and commitment to Oregon's landscaping industry and his service to the agency.

We'll all look forward to seeing Marty's next steps in supporting the industry.



**What are your thoughts?** The board is going through the **RULE MAKING PROCESS** and this is your chance to be heard. Visit our website to see the proposed rule changes and then write, email or fax your comments to the board by **November 28th**.