

ABOVE BOARD

LANDSCAPE CONTRACTORS BOARD (LCB)

July/August, 2008, Issue 55



UNDERGROUND

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RULE HEARING ON AUGUST 20, 2008

The Board will be holding a rule hearing:

Date: August 20, 2008

Time: 8:00 a.m.

Location: Roth's IGA, 1130 Wallace Road, Salem

These rules deal with:

- Amending the direct supervision of unlicensed employees by the landscape construction professional;
- Adopting a \$10 fee for a hard copy and a \$5 fee for a CD copy of the Owner/Managing Employee Manual;
- Adopting a \$20 fee for a reprint of a license card; and
- Miscellaneous housekeeping issues

For copies of the rule language, please visit the Board's website at www.lcb.state.or.us or contact Kim Gladwill-Rowley, Rules Coordinator at (503) 378-5909 ext. 223.

BOARD MEMBERS

Matt Triplett, Portland, CHAIR

Martin Gascoyne, Eugene, VICE CHAIR

Steve Carper, Beaverton

Richard Hollenbeck, Estacada

Joe Lymp, Sunriver

Lisa Sedlacek, Florence

Larry Thomas, Astoria

FORGOT YOUR BOND??

How big are the projects your business is performing?

It has come to the attention of the board as the investigators perform site checks and as consumers file claims on licensed landscape contracting businesses that many businesses are not increasing their bond when they perform projects greater than their current bond allows. Failure to increase the bond which increases consumer protection will result in a first time fine of \$500 and subsequent penalties of up to \$1000 and suspension of the landscape contracting business license. Please check the website to see what amount of bond the board has on file for your business.

Trivia Question:

In 2010, how many CEH will a licensed landscape construction professional who has an odd numbered license number (5 digit) be required to have before his/her individual license will be renewed?

See page 5 for the answer

POINTS TO PONDER

Survey Results By Michael A. Snyder, CLP; Administrator

The board wants to thank all of you that filled out and returned the survey the board distributed. There was an overwhelming response (over 540) and I thought it would be good to share some of the results that came in:

The majority of the individuals who responded stated they had been licensed for 11 to 20 years with the 1-5 year licensees next; followed by the 20+ years and then the 6-10year licensees.

A. With respect to the "purpose of the board"

The top four purposes were (highest listed first):

- Provide Consumer Protection
- Make sure every landscape contracting business is licensed and bonded
- Make sure the laws for landscape construction are consistent and enforceable.
- Impose civil penalties on those that are not licensed.

The bottom three purposes were (lowest listed last):

- Limit the amount of competition in the industry
- Penalize the consumer for contracting with the unlicensed
- Make it easy to obtain a license

B. 95% of the respondents wanted to keep the LCB examination

C. 85% indicated the exam provided consumer protection

D. 82% indicated the bond provided consumer protection

E. 73% indicated direct supervision assures proper work

F. 70% indicated that those who perform the work should demonstrate competency

G. 57% indicated that the unlicensed could perform the work as well as the licensed

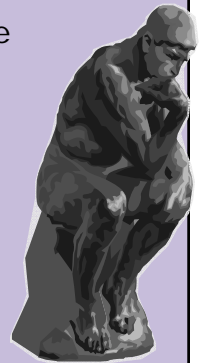
H. 56% indicated that the individual was not responsible for the work, it is just the business.

I. 41% indicated they were in favor of the one license system

What is interesting about this, from my perspective, is how this lines up with the mission statement of the board: Promote consumer protection (#1); contractor competency (exam, supervision, demonstrate competency #2) and fair competition in Oregon's landscape construction industry (consistent & enforceable laws and imposition of penalties to unlicensed #3).

It is also interesting to note that close to the top of the ranking was for the board to assure competency in the work performed, protect the landscape construction industry, be an advocate for the industry and patrol the state for illegal activity.

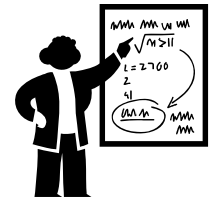
The board is taking these responses under consideration and consequently has determined they will not move forward with a one license system during this legislative session. Consumer protection, competency and enforcement are dominant and how the board continues to provide these elements continues to be an interesting discussion for the board.



Owner/Managing Employee Course Provider

The first of many, we hope!

The board has approved a course provider for the Owner/Managing Employee 16 hour course that is required of all owners or managing employees of new landscape contracting businesses. This course is a "distant learning" course and the provider has formatted the material and created a self directed learning program for those who desire to take this course through their school.



The provider is Pro Studies; Superior Studies, Inc out of Bend, Oregon. Persons desiring to take this course can contact them at (541) 388-1021 or on the web: www.pro-studies.com.

The board is now in negotiation with a testing company that will administer this exam and possibly the entire LCP examination for the board. As this information becomes available, please check the LCB website for new information.

CEH (Continued Education Hours) Process

The board has been receiving frequent calls about the CEH process and how this "all works" and how to obtain the required CEH for the renewal of the individual landscape construction professional license (5 digit #). Here is a summary of what you can do:

- First check our website and see what courses have been approved for granting CEH. (Note: all courses at accredited colleges are automatically preapproved though not listed and any Continued Education Credits you are required to obtain for other licenses/certifications such as pesticide license, Irrigation Auditor or CLT/CLP certifications are accepted as long as those credit hours are verifiable). Also notice that many of the courses are "ongoing" so contact the provider to see when the next scheduled course will be held.
- If the course IS preapproved then the course provider will issue you a certificate that states you attended and are granted a certain number of CEH. **NOTE: Do Not** send the certificate into the LCB unless you are audited. You will be notified by the Board if you are required to send in the documentation for CEH before your individual (5 digit #) license will be renewed. The board does not retain certificates for you.
- If you decide to attend a course that is **Not Preapproved** then you have **seven days** after attending the course to submit the course approval form found on the website along with the course outline and documentation that verifies you actually attended the course. The board will review the information and if approved will send you a document stating the course is approved and the number of CEH granted for the course. You must retain this document to receive CEH for this course when audited. If not approved you will be notified of that fact. There is NO guarantee that these courses will be approved.
- Remember that volunteering on boards and commissions related to the landscape industry, volunteering for landscape related community projects and presenting courses also qualify for CEH if these events are preapproved through the board.
- Optional: if you plan on attending a course that is not preapproved, ask the course provider to submit the documentation for approval then others that attend can gain CEH without having to submit the documentation themselves within seven days of attending.

The first audit is scheduled for 2010. Even numbered licensees (5 digit #) will be subject to audit and will be required to have 10 CEH before their license is renewed. In 2011, odd numbered licensees will be required to have 20 CEH before renewal.

ENFORCEMENT ACTIONS MAY 1, 2008 THROUGH JUNE 30, 2008

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.

Name	City	Violation Type	Final Action
LARRY D MOORE	ASTORIA	Operating & Advertising w/o License	Civil Penalty / Settlement
JASON A OSTLIE	BEAVERTON	Failure to Notify Board - Address Change	Civil Penalty / Settlement
STEVE BRENT SHOUSE	BEND	Failure to Notify Board - Address Change	Civil Penalty
JUSTIN T EWER	BEND	Failure to Notify Board - Address Change	Civil Penalty / Settlement
MORRISSEY LLC dba: ECO-LOGIC LANDSCAPING	BEND	Failure to Use Business License No in Advertising	Civil Penalty / Settlement
LAWRENCE R NICHOLS	BEND	Failure to Notify Board - Address Change	Civil Penalty / Settlement
MATTHEW B RIDGWAY	BEND	Failure to Notify Board - Address Change	Civil Penalty / Settlement
KELLY L MARTIN dba: HIGH DESERT LANDSCAPE	BEND	Failure to Maintain Bond	Suspended License
WILLIAM H HUXLEY III	BORING	Failure to Notify Board - Address Change	Civil Penalty
RYAN E BECK	CANBY	Failure to Notify Board - Address Change	Civil Penalty / Settlement
HUGH KRUSE dba: Hugh Kruse Landscape & Clean-Up	CENTRAL POINT	Advertising w/o License	Civil Penalty / Settlement
STAN LEGORE	COLUMBIA CITY	Failure to Notify Board - Address Change	Civil Penalty / Settlement
LARS SWENSON dba: OCEAN BAY LANDSCAPE MAINTENANCE	COOS BAY	Operating w/o License	Civil Penalty
JOHN M ABBATE	EAGLE POINT	Operating w/o License - 2nd Offense	Civil Penalty
JOHN V OLIVEIRA JR	EAGLE POINT	Failure to Notify Board - Address Change	Civil Penalty / Settlement
DONALD R WILLIAMS JR dba: F&S IRRIGATION PLUMBING & ELECTRICAL SUPPLY	EUGENE	Failure to Notify Board - Address Change	Civil Penalty
SCOTT & DONNA ROOT dba: Genesis Gardens & Design	EUGENE	Advertising w/o License	Civil Penalty
GARY F BAUMBERGER	EUGENE	Failure to Notify Board - Address Change	Civil Penalty / Settlement
JONATHAN DIPALMA	EUGENE	Advertising w/o License	Civil Penalty / Settlement
MATTHEW SCHMIDT dba: TRINITY LANDSCAPE AND CONSTRUCTION	EUGENE	Advertising w/o License	Civil Penalty / Settlement
KEITH M YOUNG	FAIRVIEW	Failure to Notify Board - Address Change	Civil Penalty / Settlement
BRADLEY ALLEN GROW dba: Grow's Professional Yard Maintenance	GRANTS PASS	Operating w/o License - 2nd Offense	Civil Penalty
FRITZ C MESMAN	GRANTS PASS	Failure to Notify Board - Address Change	Civil Penalty / Settlement
DONALD L KREIN	HERMISTON	Failure to Notify Board - Address Change	Civil Penalty / Settlement
GENE D JONES dba: GENE JONES LANDSCAPING	HERMISTON	Failure to Maintain Liability Insurance	Suspended License
VIP LANDSCAPE SERVICES INC	HILLSBORO	Failure to Notify Board - Address Change	Civil Penalty / Settlement
LUCILO GIRON	HUBBARD	Advertising w/o License	Civil Penalty
CLIFFORD M PALLIN	JUNCTION CITY	Failure to Notify Board - Address Change	Civil Penalty / Settlement
MARK R MARTIN	LAFAYETTE	Failure to Notify Board - Address Change	Civil Penalty / Settlement
ROGER MIELKE	LAKE OSWEGO	Failure to Appear at On-Site Meeting	Civil Penalty
JEFF WILCOTT	LAKE OSWEGO	Failure to Notify Board - Address Change	Civil Penalty / Settlement
MARVIN LANE dba: C & M's Waterworks Landscape Maintenance LLC	MEDFORD	Operating w/o License & Claim Filed	Civil Penalty
PRO LANDSCAPE AND CONSTRUCTION	MEDFORD	Failure to Comply with min Standards for Contracts	Civil Penalty
JEFFERY LYNN ROGERS dba: Northwest Services	MEDFORD	Operating w/o License	Civil Penalty

GREGORY T SNOW	MEDFORD	Failure to Notify Board - Address Change	Civil Penalty
LARRY CARSON	MEDFORD	Operating w/o License	Civil Penalty / Settlement
PERITE MEAUTA dba: Tree Surgeon Experts	MILWAUKIE	Advertising w/o License	Civil Penalty
MARK P BARBOUR	MILWAUKIE	Failure to Notify Board - Address Change	Civil Penalty / Settlement
RON CLARKS ARTISTIC LANDSCAPES INC	MONROE	Failure to Obtain Required Bond Amount; Failure to Use Business License No in Advertising; Failure to Comply with Min. Standards for Contracts	Civil Penalty / Settlement
MIGUEL MARQUEZ MUNOZ dba: Marquez LAWN MAINTENANCE	ODELL	Operating w/o License	Civil Penalty
A-1 GENERAL CLEAN-UP AND LANDSCAPE COMPANY, INC	PORTLAND	Failure to Comply with min Standards for Contracts	Civil Penalty
LONG NGUYEN dba: GREEN-UP LANDSCAPE	PORTLAND	Failure to Maintain Liability Insurance	Civil Penalty
RICHARD J PAUL	PORTLAND	Failure to Notify Board - Address Change	Civil Penalty
SHIRLEY TALIMAO dba: Tripple Tree & Home Improvement Gen Contracting	PORTLAND	Advertising w/o License	Civil Penalty
RUFINO VIVAR	PORTLAND	Advertising w/o License	Civil Penalty
BRANDT L VROMAN	PORTLAND	Failure to Notify Board - Address Change	Civil Penalty
LEONARD E BARRETT III	PORTLAND	Failure to Notify Board - Address Change	Civil Penalty / Settlement
ALBERT E ESTERLY	PORTLAND	Failure to Notify Board - Address Change	Civil Penalty / Settlement
PAUL LINDSLEY	PORTLAND	Failure to Notify Board - Address Change	Civil Penalty / Settlement
ERICH C PETSCHKE	PORTLAND	Failure to Notify Board - Address Change	Civil Penalty / Settlement
JOSE SOTO	PORTLAND	Operating w/o License	Civil Penalty / Settlement
DEAN INNOVATIONS	PORTLAND	Failure to Employ Landscape Construction Prof.	Suspended License
TERRI L CAFAZZO	PRESCOTT	Failure to Notify Board - Address Change	Civil Penalty / Settlement
LOUIS JAMES BOMOTTI dba: Pro Design & Maintenance	SALEM	Operating w/o License & Claim Filed	Civil Penalty
THOMAS P SHANE	SALEM	Failure to Notify Board - Address Change	Civil Penalty
GREEN THUMB LANDSCAPE & MAINTENANCE INC dba: GREEN THUMB LANDSCAPING	SALEM	Working w/o a Written Contract - 1st Offense	Civil Penalty / Settlement
ANDREW W HENEVELD	SALEM	Failure to Notify Board - Address Change	Civil Penalty / Settlement
PREMIER LANDSCAPE SERVICES LLC	SHERWOOD	Operating w/o License	Civil Penalty / Settlement
STEPHEN J RAMOS	SHERWOOD	Failure to Notify Board - Address Change	Civil Penalty / Settlement
CARL G REED	SHOREWOOD	Failure to Notify Board - Address Change	Civil Penalty / Settlement
RONALD THOMPSON dba: THOMPSON DESIGNS & INTERIORS	SILVERTON	Failure to Obtain Required Bond Amount	Civil Penalty
TIM E DAVIS dba: SPECIALTY CONTRACTORS	SPRINGFIELD	Failure to Maintain Liability Insurance	Civil Penalty / Settlement
REYES L CARDENAS	TIGARD	Operating w/o License	Civil Penalty
ROBERT J PIERCE	TUCSON	Failure to Notify Board - Address Change	Civil Penalty
FANEL DANIEL MOTORCA (REGISTERED AGENT) ALL PHASE CONSTRUCTION SERVICES LLC	VANCOUVER	Operating w/o License	Civil Penalty
WATER-RITE INC	VANCOUVER	Operating w/o License	Civil Penalty / Settlement
GARY ZUMWALT dba: Zumwalt Landscape	VANCOUVER	Operating w/o License	Civil Penalty / Settlement
G & S DESIGNS LLC	VANCOUVER	Failure to Maintain Liability Insurance	Suspended License
MAIA F HOLLIDAY	WHEELER	Failure to Notify Board - Address Change	Civil Penalty / Settlement
PATRIOT IRRIGATION & LANDSCAPE INC	WHITE CITY	Failure to Notify Board - Address Change	Civil Penalty
BRAVO LANDSCAPE MAINTENANCE LLC	WOODBURN	Failure to Obtain a Permit; Working w/o a Written Contract—1st Offense	Civil Penalty



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Staff:
 Michael A. Snyder, CLP
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 Kim Gladwill-Rowley
 Program Manager
 Cindy Clark
 Office Administrator
 Melissa King
 License Coordinator
 Staff Investigators:
 Ken Roth
 Ron Klingler
 Bob Van Houten
 Vincent Salomone

Landscape Contractors Board
 2111 Front St. NE
 Suite 2-101
 Salem, OR 97301



MISSION STATEMENT
 Promoting Consumer Protection, Contractor Competency and Fair
 Competition in Oregon's Landscape Construction Industry

MEET YOUR BOARD

Matt Triplett, 2nd term (2007-2010; Current Board Chair)



Matt Triplett CLP, CLT, CLIA is one of two owners of Willamette Landscape Services, Inc. located in Tualatin, OR. His company provides landscape maintenance services primarily to homeowners associations, town homes and condominiums. Willamette Landscape Services, Inc. has irrigation repair and design / enhancement divisions that provide services to the company's existing clientele. Established in 1987, National Award Winning WLS has carefully grown to nearly 70 peak season employees while steadfastly refusing to compromise on their top quality service focus.

Matt has been extremely active in landscape professional circles. He is a recent Past President of the Oregon Landscape Contractors Association, a past chairman of the International Landscape Technician Council and has participated on many industry committees. Currently, Matt sits on the Oregon Landscape Contractors Board (Chair); the Professional Landcare Network Board and is the Chairman of the International Certification Council. As a Certified Landscape Professional, Certified Landscape Technician, and Certified Landscape Irrigation Auditor, as well as being an All-Phase Landscape Construction Professional. Matt strongly believes in the power of education and networking provided through state and national trade associations.

The board greatly appreciates the continued service and leadership that Matt brings to the Board. Thanks Matt!