

# 9 ABOVE BOARD

Landscape Contractors Board (LCB)

February, 2008, Issue 53



UNDERGROUND

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## Legislative Update Changes for 2008

1. Continued education requirement for all licensed landscape construction professionals (see article in this edition).
2. Change of terminology: Change individual landscape contractor to "landscape construction professional" and change landscaping business to "landscape contracting business". Please note it is the business that is the contracting agent, not the individual.
3. Probationary License. As of January 1, 2008 an individual does not have to meet the education and experience requirements that are currently in place in order to sit for the All Phase plus Backflow examination. However, the individual has one year from the date of first sitting to pass all the sections after which the individual will be granted a probationary license. The probation can be removed after two years, if the individual:
  - a. Works as an employee of a licensed landscape contracting business under the direct supervision of a non-probation landscape construction professional for 24 months; or
  - b. Works as an employee of a licensed landscape contracting business where the individual serves as the phase basis of the business and supervises the landscape operations of the business, but the business must carry a \$15,000 bond and can only perform landscape projects that are \$15,000 or less for a period of 24 months; or
  - c. Starts his/her own landscape contracting business but the business must carry a \$15,000 bond and can only perform landscape projects that are \$15,000 or less for a period of 24 months; or
  - d. Actively operates as a construction contractor licensed with the construction contractors Board for a period of 24 months.
4. Owner/Managing employee testing. As of January 1, 2008 any landscape contracting business that is owned by an individual who does not hold the landscape construction professional license must have an owner or designated managing employee take a course and pass an examination before a license will be issued to this business. This does not remove the requirement that the business either be owned or employ a licensed landscape construction professional to supervise the landscape operations and the unlicensed employees of the landscape contracting business.
5. Limitations on Bond. Non-owner claimants who file a claim with the LCB can only access up to \$3000 of the bond, letter of credit or certificate of deposit on file with the LCB. Though these types

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## BOARD MEMBERS

**Matt Triplett, Portland, Chair**

**Martin Gascoyne, Eugene, Vice Chair**

**Steve Carper, Beaverton**

**Richard Hollenbeck, Estacada**

**Maia Holliday, Manzanita**

**Joe Lymp, Sunriver**

**Lisa Sedlacek, Florence**

## Continuing Education Requirement

On June 22, 2007 the Governor signed House Bill 2538 into law. This new law requires all licensed landscape construction professionals to complete continuing education hours every year and requires the Landscape Contractors Board (LCB) to adopt rules establishing the continuing education requirements.

On December 14, 2007 the LCB adopted the following rules:

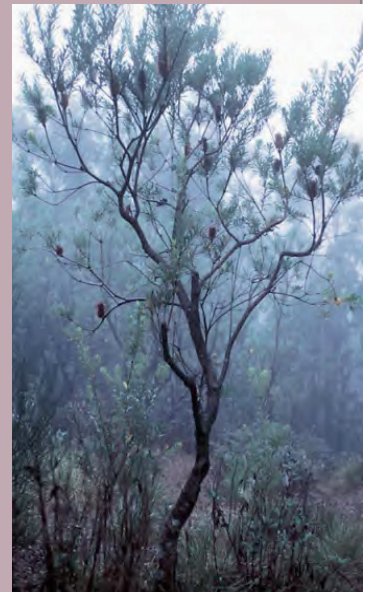
1. All landscape construction professionals must complete 20 hours of continuing education hours (CEH) every 2 years.
2. A minimum of 4 CEH are required in subjects related to landscape contracting business practice and a minimum of 8 CEH are required in subjects related to the technical area of landscape construction. The remaining hours may be in either of the above subjects or in subjects including, but not limited to workplace safety, environmental & sustainable landscape practices and/or community service. See the newly adopted rules on the LCB website for examples of these courses.
3. Even numbered licensed landscape construction professionals must complete and report 10 CEH by their first renewal in 2010 with a minimum of 2 hours in business practice and 4 hours in the technical area of landscape construction. After 2010 even numbered licensees must complete and report the full 20 CEH with the renewal every even numbered year thereafter (2012, 2014, etc.)
4. Odd numbered licensed landscape construction professionals must complete and report 20 CEH by their first renewal in 2011 and every odd numbered year thereafter (2013, 2015, etc.).

This table shows the CEH requirements each year for even and odd license numbers:

License No.	2009	2010	2011	Every 2 years
Even	0	10 CEH	0	20 CEH
Odd	0	0	20 CEH	20 CEH

5. All programs must be approved by the LCB. See the LCB website for a listing of approved course providers. Licensees that take a course that is not pre-approved may submit the required information within 7 days of taking the course to request that a course be approved.
6. Licensees are required to maintain a record of attendance for a minimum of 2 years following the renewal date.
7. A percentage of licensees will be audited to verify compliance with the CEH requirement. This audit will be random. When audited a licensee must submit documentation to show proof of completion (a certificate of attendance) within 20 days of the request. If documentation is incomplete, the licensee must correct the deficiency within 30 calendar days. Misrepresentation or failing to meet the continuing education requirement may result in a civil penalty and suspension or revocation of the landscape construction professional license.

Please review the board's website regarding the continuing education requirement. If you have any questions or do not have access to the internet, please contact the board office.



# POINTS TO PONDER

## WHAT DID YOU REALLY SIGN UP FOR???

by Michael A. Snyder, CLP

A common perception about licensing with the State Landscape Contractors Board (LCB) is that the board will somehow "protect" the landscape construction professional and landscape contracting business by making sure that everyone who performs landscape work is licensed. The Board strives to catch all the "bad guys" out there and with the industry's help we are making headway in that direction. It is an uphill battle and with the demand for landscape construction work on the rise and the number of licensed landscape contracting businesses being limited, the challenge continues to grow.

What is ironic about this is that many who violate the law are not registered with any licensing agency nor are they listed in any data base that would give the board some way of informing them that they are or may be in violation of Oregon Law. However, if any "licensed" landscape construction professional or any "licensed" landscape contracting business violates the law they are easily identified, tracked and found since they are listed in a data base. So what did you sign up for anyway?

What licensing really means is that those that are licensed are well informed about doing business in Oregon, believe consumer protection is important; demonstrate competency and accountability in their workmanship and work hard at demonstrating ethical business practices for both their clients and employees. It is the LCB's mission to promote that type of business practice and consumer protection in Oregon, and as a licensee, you have asked the LCB to intervene in your business affairs for that purpose and sometimes that can result in action not to your liking. That action can be avoided if you continue to remain well informed and willing to comply with the laws that govern this industry.

It's a huge commitment to "sign on" to be licensed, but it shows a willingness to be distinct, accountable and fiscally responsible for the work you perform in a landscape contracting business.

It's the Board's honor to serve you, our clients, who have shown this type of commitment. You are the model for a professional industry.

### TOP SIX VIOLATIONS FOR 2006 & 2007

	2006	2007
Operating without a License	122	106
Advertising without a License	102	88
Bond Cancelled	42	35
Failure to Employ Licensed Construction Professional	47	43
Failure to Maintain Insurance	35	32
Failure to Comply with Contract Standards	12	10
Number of Cases Opened	449	438
Other Violations	89	124

# Final Enforcement Actions Oct. 1, 2007 through Dec. 31, 2007

Name	City	Violation Type	Final Action	Order Date
Dennis Hickethier	Aloha	Operating w/o License	\$2000 civil penalty	10/12/2007
Dennis Hickethier	Aloha	Advertising w/o License	\$600 civil penalty	10/22/2007
Extreme Landscape LLC	Aumsville	Working outside scope of License and no Contract	\$1500 civil penalty; settlement agreement - \$500 suspended, promise not to adv out of scope of license, upgrade bus license	12/12/2007
Blazer Landscape Inc	Beaverton	Failure to Maintain Insurance	\$500 civil penalty	10/23/2007
A Touch of Class Landscapes LLC	Beaverton	Failure to Maintain Insurance	Suspended Business License	10/26/2007
Len Gangle	Beaverton	Failure to Maintain Insurance	Suspended Business License	11/30/2007
InLine Design Inc	Bend	Operating w/o License	\$1000 civil penalty; settlement agreement - \$750 suspended, license business	10/3/2007
Chris H Watwood	Bend	Failure to Appear at On-Site Meeting	\$200 civil penalty	11/2/2007
Aaron Ashworth	Bend	Operating w/o License	\$1000 civil penalty	11/14/2007
Justin Black	Bend	Operating w/o License	\$600 civil penalty; settlement agreement - \$475 suspended, correct name	11/15/2007
Daniel Cornilius Dumitrescu	Boring	Failure to Maintain Bond and Insurance	Refuse to Renew	10/11/2007
D.J. Fabrycki	Boring	Advertising w/o License	\$600 civil penalty; settlement agreement - \$475 suspended, correct name w/corp	12/27/2007
Pedro Camacho	Canby	Advertising w/o License	\$600 civil penalty; settlement agreement - \$550 suspended, correct business cards	10/25/2007
Melissa Thornton & Adrian Chavira dba Passionflower (Partnership)	Cannon Beach	Failure to Employ Licensed Contractor	Business License Suspended	11/1/2007
Danny Acrey	Central Point	Operating w/o License	\$1000 civil penalty; settlement agreement - \$750 suspended, obtain license	10/10/2007
Ken Wilson	Chemult	Operating w/o License	\$1000 civil penalty; settlement agreement-suspended \$750, promise not to landscape	10/2/2007
Sundance Landscape, Inc	Coos Bay	Advertising w/o License	\$600 civil penalty; settlement agreement - \$475 suspended, license business	12/31/2007
John David French	Gladstone	Failure to Maintain Insurance	\$500 civil penalty	10/18/2007
Ken Speulda	Gladstone	Advertising w/o License	\$600 civil penalty; settlement agreement - \$475 suspended, correct business cards	10/31/2007
Larry D Titus Construction, LLC	Gold Beach	Operating w/o License	\$1000 civil penalty; settlement agreement - \$750 suspended, obtain bus license	10/22/2007
Erik Daniel Salokangas	Grants Pass	Operating w/o License	\$1000 civil penalty; settlement agreement - \$750 Suspended, obatin business license	10/3/2007
Robert Archy	Grants Pass	Operating & Advertising w/o License	\$1600 civil penalty	10/12/2007
Sarah E Vischer	Grants Pass	Failure to Employ Licensed Contractor	Suspend Business License	11/19/2007
John Edward Rodriguez	Grants Pass	Operating w/o License	\$2000 civil penalty; settlement agreement - \$1500 suspended, promises not to perform landscape work.	12/10/2007
Grant County Excavation Inc	Hillsboro	Operating w/o License	\$1000 civil penalty; settlement agreement - \$750 suspend, obtain business license	11/15/2007
Ron Williams	Hines	Operating w/o License	\$2000 civil penalty; settlement agreement - \$1500 suspended, obtain license or become employed	10/25/2007
Eola Hills Landscaping Inc	Independence	Failure to use License Number in Advertising	\$200 civil penalty	10/31/2007
Advanced Landscape Group LLC	Jacksonville	Advertising w/o License	Issued Warning	10/11/2007
Advanced Landscape Group LLC	Jacksonville	Failure to Require Supervision/No Contract	Adopt Proposed Order to Dismiss	10/16/2007
Ricardo Romero	Keizer	No Supervision or Permit	\$1000 civil penalty	10/5/2007
Marco Martinez	Keizer	Advertising w/o License	\$600 civil penalty; settlement agreement - \$475 suspended, correct business card	11/5/2007
Rios Lawn Maintenance Inc	Keizer	Operating w/o License	\$1000 civil penalty	11/13/2007
Juan Morales Gonzales	Keizer	Operating w/o License	\$1000 civil penalty	11/16/2007
Wet-N-Wild Sprinklers Inc	Klamath Falls	Failure to obtain a permit for Backflow Install	\$1000 civil penalty; settlement agreement - \$900 suspended, provide permits	11/1/2007
Mike Warner	LaGrande	Operating w/o License	\$2000 civil penalty; settlement agreement - \$500 suspended, promise not to landscape	10/10/2007
The Mielke Way Landscaping Inc	Lake Oswego	Failure to Employ Licensed Contractor	Suspended Business License	10/19/2007
Ken Van Hoesen	Lakeview	Operating w/o License	\$2000 civil penalty	11/8/2007
Daniel Mims	McMinnville	Advertising w/o License	\$600 civil penalty	10/9/2007

William D Danielson	Medford	Failure to Supervise Landscape Work	\$200 Civil Penalty	10/16/2007
Shane Carson	Medford	Advertising w/o License	\$600 civil penalty	11/27/2007
Alejandro Zaragoza	Medford	Failure to Register with the Corporation Division	Suspended Business License	12/27/2007
Amazing Works Inc	Nampa	Operating w/o License	\$1000 civil penalty; settlement agreement - \$250 suspended, promises not to landscape	10/29/2007
Darwin Lopez	Portland	Advertising w/o License	\$600 civil penalty; settlement agreement - \$550 suspended, correct bus name	10/22/2007
James C Boyd Jr	Portland	Failure to Employ Licensed Contractor	Refused to Issue	10/16/2007
Flores & Vizzuett, Inc.	Portland	Advertising w/o License	\$600 civil penalty	10/22/2007
Ernesto Prado Prado's Landscape Maintenance, LLC	Portland	Operating w/o License	\$1600 civil penalty	10/29/2007
Teufel Nursery Inc	Portland	Failure to require direct supervision	\$900 civil penalty	10/30/2007
Janis Mennona	Portland	Advertising w/o License	\$600 civil penalty; settlement agreement - \$475 suspended, correct bus card	10/31/2007
Northwest Landscape Services of Oregon LLC	Portland	Failure to Maintain Insurance	Suspended Business License	11/5/2007
Frank W Barbour	Portland	Failure to Supervise Landscape Work	\$200 civil penalty; settlement agreement - \$50 suspended, promise to supervise	11/15/2007
Lawrence A Teufel	Portland	Failure to Supervise Landscape Work	\$200 civil penalty; settlement agreement - \$50 suspended, promise to supervise	11/15/2007
Sean McCoy	Portland	Advertising w/o License	\$600 civil penalty; settlement agreement - \$475 suspended, correct business cards	11/15/2007
Jose Alvarez	Portland	Operating w/o License	\$1000 civil penalty	11/26/2007
Tomas Lopez	Portland	Advertising w/o License	\$600 civil penalty; settlement agreement - \$475 suspended, correct business card	11/28/2007
Rafael Hernandez	Portland	Advertising w/o License	\$600 civil penalty	12/7/2008
Randy Brooks	Redmond	Advertising w/o License	\$600 civil penalty	11/2/2007
Phillip Bennett	Roseburg	Bond Cancelled	Suspended Business License	11/8/2007
Farrar Incorporated	Roseburg	Operating w/o License	\$1000 civil penalty; settlement agreement - \$750 suspended, obtain business license	12/11/2007
Federico Corzo-Fernandez	Salem	Failure to Appear at On-Site Meeting	\$200 civil penalty	10/11/2007
Crateau Landscape LLC	Salem	Failure to Maintain Insurance	Suspend Business License	10/30/2007
Greenway Scapes LLC	Salem	Working w/o a Contract	Educational Letter	12/3/2007
Green Acres Landscape, Inc	Salem	Failure to use License Number in Advertising	\$200 civil penalty	12/19/2007
Patrick O'Connor Jr	Talent	Working w/o a Contract	Educational Letter	12/3/2007
Jack Dickson	Tigard	Operating w/o License	\$1000 civil penalty	10/2/2007
Dick Franklin	Tigard	Failure to Maintain Insurance	\$500 civil penalty	11/14/2007
Forest & Green Natural Landscaping, LLC	Tigard	Advertising w/o License	\$600 civil penalty	11/26/2007
D&J Landscape Contractors	Vancouver	Failure to use License Number in Advertising	\$200 civil penalty	10/24/2007
Chris Bigelow	Warrenton	Operating w/o License	\$1000 civil penalty; settlement agreement - \$750 suspended, obtain license or become employed	10/24/2007
Zachary Cox	White City	Operating w/o License	\$1000 civil penalty	11/1/2007
Todd A Hankwitz	White City	Operating w/o License-2nd offense	\$2000 civil penalty	10/22/2007
Holdens Landscaping and Construction, Inc	White City	Failure to appear and comply w/min contract stds	\$200 civil penalty	12/7/2007
Holdens Landscaping & Construction, Inc	White City	Working outside scope of License	\$500 civil penalty	12/7/2007
White Water Landscape Services, LLC	Williams	Failure to obtain proper bond amount	\$1500 civil penalty; settlement agreement - \$1250 suspended, correct bond amount	11/15/2007
Rodney Lee Howell	Winchester	Operating w/o License	\$1000 civil penalty; settlement agreement- \$750 suspended, promise not to landscape	10/2/2007
Deverne A Carson	Wolf Creek	Failure to pay Civil Penalty	Suspended Business License	10/3/2007
Olegario V Martinez (Camacho)	Woodburn	Operating w/o License	\$3000 civil penalty; settlement agreement - \$2250 suspended, obtain license or become employed	10/22/2007

Staff Investigators  
 Ken Roth  
 Ron Klingler  
 Bob Van Houten  
 Vince Salomone  
 Michael A. Snyder, CLP,  
 Administrator  
 Kim Gladwill-Rowley  
 Program Manager  
 Cindy J. Clark  
 Office Administrator  
 Shannon Gillison  
 Licensing Coordinator



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MISSION STATEMENT  
 Promoting Consumer Protection, Contractor Competency and Fair Competition  
 in the Landscape Construction Industry

**Leg. Update, Continued from Page 1**

of claims have a different ranking than "owner" claims, the amount that can be dispersed from the surety is now limited to \$3000, to provide more consumer protection.

6. Adverse Decision Notification. All licensees must now notify the board upon renewal of any court orders, arbitration awards, or judgments that have been successfully filed against them for the performance

## COME SEE US AT THE YARD, GARDEN & PATIO SHOW

The LCB will display informational materials in Booth 404 at the Yard Garden and Patio Show held at the Oregon Convention Center

February 15-17, 2008.

We will staff the booth to provide direct contact to the public and landscape construction professionals about licensing and consumer protection in the landscape construction industry.

of landscape work before the license will be renewed. This means any individual or business that has unresolved financial

issues. as a result of these types of court actions will have to show active progress in resolving the issue or face suspension of license.

### RECEIVE RULE NOTICES BY MAIL OR E-MAIL

The LCB's newsletter publication does not always provide for timely notification of changes to the LCB's Administrative Rules. The LCB has both mail and e-mail notification methods available.

The LCB encourages anyone interested in receiving information on rule changes to send a written request to the LCB with your name, address, e-mail address, and your preference for regular mail or e-mail notification. You may also provide this information by e-mail to the Administrative Rules Coordinator, Kim Gladwill-Rowley at [kim.gladwill@state.or.us](mailto:kim.gladwill@state.or.us).