

LANDSCAPE CONTRACTORS BOARD
**Minutes of the September 21, 2007
Board Meeting**
Roth's IGA, Salem, Oregon

Please note that the minutes will not be approved until the Board meets on December 6, 2007.

PRESENT

Board Members

Matthew Triplett, Chair
Marty Gascoyne, Vice-Chair
Richard Hollenbeck
Maia Holliday
Joe Lymp
Lisa Walter Sedlacek

Others

Joanna Tucker-Davis, Assistant
Attorney General
Dan Fahndrich

Staff

Mike Snyder, Administrator
Kim Gladwill-Rowley, Program Manager
Ken Roth, Investigator

EXCUSED

Patrick Griffiths

1. PROCEDURAL

A. Call to Order

The meeting was called to order at 8:30 a.m.

B. Approval of Agenda and Order of Business

The agenda was approved.

Board Action: Moved by Gascoyne and seconded to approve agenda.

Vote 5 ayes; 0 nays.

C. Approval of Minutes

1. July 27, 2007 Work Session Minutes.

The Board reviewed the July 27, 2007 minutes.

Board Action: Moved by Gascoyne and seconded to approve the minutes of the July 27, 2007 minutes.

Several edits were suggested.

Amended Motion: Moved by Gascoyne and seconded to approve the minutes of the July 27, 2007 minutes as corrected. Vote: 5 ayes; 0 nays.

2. August 23, 2007 Board Meeting Minutes

The Board reviewed the August 23, 2007 minutes. .

Board Action: Moved by Gascoyne and seconded to approve the minutes of the June 14, 2007 minutes.

Several edits were suggested

Amended Motion: Moved by Gascoyne and seconded to approve the minutes of the August 23, 2007 minutes as corrected. Vote: 5 ayes; 0 nays.

2. Administrator's Report

A. Office Update

Mr. Snyder introduced Lisa Walter Sedlacek as a new board member from Florence, Oregon.

The Board reviewed Mr. Snyder's report, which is attached and made a permanent part of these minutes. Mr. Snyder reported the board will be drawing on its reserves for the next two years. Money will be taken out of savings at a rate of about \$10,000 per month and is expected to continue for approximately one year. One of the larger expenses is the new database in addition to the hiring of enforcement investigators. The contract with GL Suite will be terminated at the end of the year and they are cooperating with the new developer and have provided a download of information. Once the database is transferred, there will no longer be a monthly fee for a database. Mr. Snyder reported he will be signing a contract for web development for the licensing information.

Mr. Snyder met with the Independent Contractor Steering Committee and one of the current issues is enforcement and how to stop unlicensed individuals from telling the homeowners they are independent contractors. The first step is to educate people in Oregon, so a website was developed regarding independent contractors. The next step is to adopt rules specific to independent contractors, which have been completed. Now, the committee is focusing on enforcement. The largest issue is the sharing of information between the state agencies. Department of Revenue and Employment Department cannot share information with the LCB or CCB. The larger agencies have been receptive to these discussions and understand the need for consistency.

Mr. Snyder reported he attended a CCB stakeholders meeting and heard a presentation regarding their new statutory requirements since the last legislative session. LCB needs to keep attuned to the building envelop issue. CCB licensing is becoming more convoluted and they have a large number of changes coming up. Mr. Snyder spoke with Craig Smith, Administrator of CCB regarding the new continuing education requirement for both agencies and believes they should work together.

Shannon Gilkison's husband had a stroke last month but is doing well. The board expressed their concern and wanted to let her know their thoughts are with her.

B. 2005-2007 Financial Report

The Board reviewed the 2005-2007 financial reports. Mr. Snyder reported he had a CPA come in and review the books. The next audit is to begin soon. Once the audit is completed, the 2005-07 biennium will be closed.

Enforcement remains an issue, but the office has a new policy on how to input this information. Mr. Snyder reported he signed a new contract with another private collections company out of Portland. They will only take collection issues that are turned into judgments which are recorded at the county clerks office. Invoices will also be issued.

The board would like the balance sheet to better reflect the civil penalties, suspension of civil penalties and the doubtful civil penalties. The Board would like to have a financial management discussion.

Mr. Roth stated a first time offender that agrees to a reduced penalty does not necessarily mean the fine is ultimately reduced. If they do not obtain a license by the deadline, the fine is not reduced.

The Board discussed when to record civil penalties owed on the books. Ms. Dahlin, legal counsel has stated in the past the final order amount is the full amount that needs to be recorded. The board believes it would be helpful to know how much is being suspended. Mr. Gascoyne stated the balance sheet needs to have a line for potential suspension of penalties to reflect what that amount is. The Board would like to see what amount is suspended, what amount has aged beyond its collection potential and what amount remains.

Mr. Snyder stated he believes the budget is good at this time; however he does not like to spend money out of savings, but is committed to the enforcement program. LCB now has enough enforcement employees and the investigators are having a training session next week. The investigators need to know how enforcement impacts this agency and how to be accountable.

Mr. Snyder reported he signed with Accurint for \$95 per month to search their records for criminal records, drivers license information, judgments, etc. This will aid in the enforcement process and the collection process.

C. 2007-2009 Financial Report

The Board reviewed the current balance sheet as of August 31, 2007.

3. TESTING & LICENSING REPORT

A. Examination Report

Board members reviewed the exam statistics through August 2007. Demographics are being entered into GL Suite. Staff will wait for the new database to pull this information.

License Count

Board members reviewed the current license count. As of August 31, 2007 there are 1594 actively licensed individual landscape contractors and 1240 actively licensed landscape businesses.

B. Exam Committee Report/Hollenbeck

Mr. Hollenbeck reported the Exam Committee has not met since the last board meeting. The next meeting will be the first week of November to look at the number of questions in each category and discuss the change to the laws and rules section.

4. ENFORCEMENT REPORT

Board members reviewed a listing of final actions taken from July 1, 2007 through August 31, 2007. There were 68 cases with final actions taken. The board reviewed the summary sheet that shows a monthly summary of site checks and enforcements performed in the different counties.

Mr. Roth stated he believes the investigators are making progress in building relationships with other agencies. The information being received from licensees has become more thorough, which helps with the investigation process. He believes it is because the licensees now believe the LCB is taking action where they were not believing or confident of this before. The more involved he gets with enforcement, the more fascinating and complex it is. It is not as simple as writing a citation and collecting money. It's also not a quick process.

The Board reviewed folders that were distributed to the police academy with LCB information. 125 folders were submitted last month. The academy was very receptive to receiving these folders and have requested the format be a small, spiral-bound booklet so they are able to carry them in the patrol car. The academy gives classes approximately every 16 weeks and there are around 40 in a class.

5. CLAIMS (DISPUTE RESOLUTION)

Ms. Gladwill-Rowley reported there were 22 claims opened and 11 claims closed from July 1, 2007 through August 31, 2007.

Chair Triplett explained one of his neighbors filed a claim and Ken conducted the mediation. Chair Triplett questioned his neighbors about the mediation and they were very happy with how Mr. Roth conducted the mediation.

Mr. Roth reported he hears a lot of complaints from homeowners regarding supervision of the employees. There is a requirement that the licensed landscape contractor attend the on-site mediation and often the homeowners do not know who this person is.

6. EDUCATION ACTIVITIES

A. Plant CD

The Board discussed the cost of the new plant CD and supplying them to those who are already licensed. Staff will determine the cost and they will be made available free to those who apply for the license and at a cost to those who have not applied or are already licensed. This CD is not copyrighted, so anyone can duplicate it.

Mr. Snyder reported he had the logo blown up into a larger poster with the mission statement and a phrase "Before they install, Make the call! Check the license." This will be used at the trade shows in the LCB booth.

7. LEGISLATION

If there are any legislative concepts from the Board for the 2009 session, they need to be filed April 15, 2008. The deadline for the public's legislation is later than for state agencies. The Board will meet on January 17 & 18, 2008 to discuss future legislation and review the strategic plan. Ms. Sedlacek will look into accommodations in Florence for the January meeting. The Board would like legal counsel to attend that meeting.

The October 16, 2007 conference call is canceled. A November 16, 2007 conference call is scheduled.

8. LICENSING TASK FORCE

Mr. Gascoyne submitted two reports for review. This committee will hold its first meeting on October 19, 2007. Possibly a consumer and someone from the Construction Contractors Board should attend a few meetings. There are approximately 40-50 people who are stakeholders that will be brought into the discussion at some point.

9. OLD BUSINESS

None.

10. NEW BUSINESS

A. Review of Proposed Rule Amendments

The Board received the proposed rule amendments to be effective January 1, 2008. These rules were developed by staff with some input from stakeholders. The rules need to reflect the intent of the legislation and how to make it work. Board members were requested to send comments or suggestions to the Administrator no later than October 5, 2007. The deadline to file these rules is October 15, 2007.

11. PUBLIC COMMENT

Chair Triplett opened the meeting to public comment at 1:40 p.m. There was no one present who wished to speak at that time.

Chair Triplett closed the public comment period at 1:40 p.m.

Chair Triplett opened the meeting to public comment at 2:00 p.m. There was no public present at that time. Chair Triplett closed the public comment period at 2:00 p.m.

Mr. Roth stated Mr. Fahndrich was in attendance and he had a conversation with him and Mr. Fahndrich stated the option of using collection agencies was not available when he was on the board. He believes these changes happening with the board in the last five years are for the better.

Mr. Hollenbeck announced his daughter-in-law, Christine Hollenbeck is interested in volunteering for the Exam Committee. She is a certified irrigation auditor and backflow tester.

12. ADJOURNMENT AND NEXT MEETING SCHEDULE

The meeting adjourned at 2:05 p.m. The next meeting of the Landscape Contractors Board will be a conference call meeting in November, 2007.

Respectfully Submitted,

Kim Gladwill-Rowley
Program Manager