



OREGON LANDSCAPE CONTRACTORS BOARD
 2111 FRONT ST NE, STE 2-101, SALEM, OR 97301-0738
 LANDSCAPE CONSTRUCTION PROFESSIONAL (LCP) & MANAGING EMPLOYEE

VERIFICATION FORM

THIS FORM MUST BE COMPLETED if you are an employee or owner of a landscape contracting business and any part or all of the phase of licensure of the business is based upon the phase of your LCP license **AND/OR** if you are assuming the role of a managing employee for the landscape contracting business. This form must be notarized.

Misrepresentation of the employment relationship between a landscape contracting business and LCP is dishonest and will result in the suspension of your license. Random checks will be made with Oregon Employment Department to verify this employment.

If your employment or ownership changes you must notify the Landscape Contractors Board in writing within ten (10) days of the change.

Please initial below all that pertain to you and your relationship to the landscape contracting business:

_____ My LCP license is all or part of the phase of licensure of the landscape contracting business listed below and by signing below I accept the responsibilities of: OAR 808-002-0328 & OAR 808-003-0018(1)(a)-(c). *

_____ I am the managing owner or managing employee of the landscape contracting business listed below and by signing below I understand and accept the responsibilities of: ORS 671.595(1); OAR 808-002-0623 & OAR 808-002-0625. *

*Current state statute and administrative rules referenced may be found on the board website www.oregon.gov/lcb.

I, _____, certify with my signature below that I am an
 (please print name)
 employee or an owner of _____, license# pending and
 (Name of Business) (4 digit #)
 understand my responsibilities as listed in current state statute and administrative rule.

Signature: _____ Date: _____
(Must be signed in front of Notary Public)

LCP License # _____
 (5 digit #, if applicable)

County of _____ State of _____

Signed or attested before me on _____
 (Date)

_____ My Commission expires: ___/___/___
 NOTARY PUBLIC SIGNATURE

Supervisory Responsibilities of LCP

OAR 808-002-0328 Direct Supervision

"Direct supervision" as used in ORS 671.540(1)(q) and (r), means that a licensed landscape construction professional supervises any unlicensed employee who performs landscaping work such that the employee:

- (1) has had instruction on the project from the landscape construction professional, verbally or in writing;
- (2) knows the landscape construction professional by name;
- (3) knows how to contact the landscape construction professional; and
- (4) can communicate with the landscape construction professional within an hour, and, if unavailable, that landscape construction professional will return the call by end of day to the employee.

OAR 808-003-0018: Employment, Change of License Phase, Supervisory Responsibilities

(1) The licensed landscape construction professional who holds part or the complete phase basis of the landscape contracting business license must perform the following supervisory services:

- (a) Review and initial the landscape plan and written contract for each job;
- (b) Attend all on-site meetings and appear at any hearings that are a consequence of any claims filed against the landscape contracting business that relate to the landscape construction professional's phase of license; and
- (c) Directly supervise all non-licensed employees employed by the landscape contracting business as defined in OAR 808-002-0328. For the purpose of verification of direct supervision of an unlicensed employee as required by ORS 671.540(1)(q) or (r), the communication requirement of direct supervision will be considered met if the licensed landscape construction professional communicates with the Landscape Contractors Board investigator who requested the unlicensed employee to contact the supervising landscape construction professional before midnight of the same day of the request.

OAR 808-005-0020(10)(b)

Civil Penalties

- (10)(b) Failure of a landscape construction professional to comply with the supervisory responsibilities as required in OAR 808-003-0018(1): \$1,000 for the first offense; \$2,000 for the second offense; and \$2000 plus 6-month suspension of the license for the third offense.

Owner/Managing Employee

ORS 671.595(1)(2): Coursework and examination requirements for noncontractor owners and managing employees; notice of duty changes; rules. (1) As used in this section:

(a) "Managing employee" means a person who, at the time of an application for the issuance or renewal of a landscape contracting business license:

- (A) Is employed in landscaping work only by the applicant; and
- (B) Manages or shares in the management of the applicant, as defined by the State Landscape Contractors Board by rule.

(b) "Owner" means a person who at the time of an application for the issuance or renewal of a landscape contracting business license:

- (A) Has an ownership interest in the applicant; and
- (B) Manages or shares in the management of the applicant, as defined by the board by rule.

808-002-0623

Manages or shares in the management

"Manages or shares in the management" means to have a position in the business that is accountable for exercising delegated authority over the human and financial resources to accomplish the objectives of the business which may include, but is not limited to, the performance of the planning, directing, implement, organizing, evaluation, supervising or administering the operations of the business and includes the preparation or administration of contracts for landscaping work performed by the business.

808-002-0625

Managing Employee

The term "Managing Employee" is defined as any individual, including a general manager, business manager, or administrator employed by a landscape contracting business who exercises operational or managerial control over the business activities of the landscape contracting business. An individual can only be a managing employee of one landscaping business at a time.