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LAVONNE GRIFFIN-VALADE  
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DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

PERMANENT ADMINISTRATIVE ORDER

LCB 1-2024

CHAPTER 808

LANDSCAPE CONTRACTORS BOARD

FILED

06/03/2024 1:07 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Allows Email Correspondence During Claim Process and Corrects Reference to OAR 137-003-0520.

EFFECTIVE DATE: 06/03/2024

AGENCY APPROVED DATE: 05/17/2024

CONTACT: Kellie Mingus

503-967-6291, Ext. 220

kellie.s.mingus@lcb.oregon.gov

2111 Front Street BE Ste 2-101

2111 Front St NE Suite 2-101

Salem, OR 97301

Filed By:

Kellie Mingus

Rules Coordinator

RULES:

808-001-0030, 808-002-0540, 808-004-0211, 808-008-0085

AMEND: 808-001-0030

NOTICE FILED DATE: 03/28/2024

RULE SUMMARY: Corrects references to OAR 137-003-0520(11).

CHANGES TO RULE:

808-001-0030

When Mail Deemed Delivered; Response Time to Notices ¶

(1) Except as provided in section (2) of this rule, mail shall be considered delivered to a person when deposited in the United States mail with the correct amount of postage and addressed to the last known address of record of the person.¶

(2) If the agency directs mail to a person who is not a licensee or a claimant under division 4 of these rules, the mail shall not be deemed delivered if it is returned as undeliverable because the person moved with no forwarding address.¶

(3) Time for responses to all notices to a person delivered by placement in the United States mail with the correct amount of postage and addressed to the last known address of the person shall run from the date of mailing, unless otherwise specified in the notice.¶

(4) OAR 137-003-0520(10~~1~~) shall apply to the computation of time to respond to a notice under this rule, whether the notice is related to a contested case, arbitration or any other matter.

Statutory/Other Authority: ORS 183.415, ORS 670.310, ORS 671.670

Statutes/Other Implemented: ORS 183.415, ~~671~~

AMEND: 808-002-0540

NOTICE FILED DATE: 03/28/2024

RULE SUMMARY: Removes claimant because the claimant's last known address of record will be defined in a different rule.

CHANGES TO RULE:

808-002-0540

Last-Known Address of Record ¶

"Last-known address of record" for a landscape construction professional, or a landscape contracting business ~~or~~ ~~for a claimant~~, as used in ORS 671.603(2), means the mailing address provided by the landscape construction professional, or landscape contracting business ~~or claimant~~ in writing to the agency.

Statutory/Other Authority: ORS 670.310, ORS 671.670

Statutes/Other Implemented: ORS 671.603

AMEND: 808-004-0211

NOTICE FILED DATE: 03/28/2024

RULE SUMMARY: Update rule to allow email correspondence during a claim process.

CHANGES TO RULE:

808-004-0211

Address of Claimant and Respondent ¶

(1) Initial notice of a contested case or arbitration directed to the last known address of record of a party to a claim shall be considered delivered when deposited in the United States mail and sent registered or certified or post office receipt secured.¶

(2) All other communication directed to the last known email address of record or mailing address of record of a party to a claim shall be considered delivered when sent by email or deposited in the United States mail and sent by regular mail. The last known address of a claimant means the email address or mailing address provided by the claimant in writing to the agency when the claim was initially filed or as a change of address as stated in subsection

(3). The last known address of the respondent has the same meaning as stated in OAR 808-002-0540.¶

(3) A party must notify the agency in writing within 10 days of any change in the party's mailing or email address, withdrawal or change of the party's attorney, or change of mailing or email address of the party's attorney during the processing of the claim and until 90 days after the date the agency notifies the parties that the claim is closed.

Statutory/Other Authority: ORS 670.310, ORS 671.670

Statutes/Other Implemented: ORS 671.603

AMEND: 808-008-0085

NOTICE FILED DATE: 03/28/2024

RULE SUMMARY: Update rule to include email address as a valid means of communication.

CHANGES TO RULE:

808-008-0085

Filing and Service of Pleadings and Other Documents ¶¶

(1) Unless otherwise provided by these rules, documents, correspondence, motions, pleadings, rulings and orders filed in an arbitration under these rules shall be filed as follows:¶¶

(a) With the agency before a claim or dispute is referred by the agency to the Office of Administrative Hearings.¶¶

(b) With the Office of Administrative Hearings or assigned arbitrator after the agency refers the claim or dispute to the Office of Administrative Hearings and before the arbitrator issues an award.¶¶

(c) With the agency after the arbitrator issues an award.¶¶

(2) After the agency refers a claim or dispute to the Office of Administrative Hearings and before the arbitrator issues an award, a person who files a document such as a correspondence, motion, pleading, ruling or order with the Office of Administrative Hearings or arbitrator in an arbitration shall serve copies of the document filed on the parties to the claim or dispute or their counsel if the parties are represented. Service under this section shall be by hand delivery, by facsimile, by email, or by mail.¶¶

(3) In addition to the requirements of OAR 808-004-0210~~1~~, after the agency refers the claim or dispute to the Office of Administrative ~~H~~earings and before the arbitrator issues an award a party must notify the Office of Administrative Hearings or arbitrator, and other parties to the claim or dispute of any change in the party's address or email address, withdrawal or change of party's attorney or change of address or email address of the party's attorney.

Statutory/Other Authority: ORS 183.310 - 183.500, ORS 670.310, ORS 671.670

Statutes/Other Implemented: ORS 183. 671