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**PERMANENT ADMINISTRATIVE ORDER**

**LCB 8-2024**

CHAPTER 808

LANDSCAPE CONTRACTORS BOARD

**FILED**

07/29/2024 4:22 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Charges for Documents; Refunds

EFFECTIVE DATE: 07/29/2024

AGENCY APPROVED DATE: 07/19/2024

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AMEND: 808-001-0020

RULE TITLE: Charges for Documents; Refunds

NOTICE FILED DATE: 05/30/2024

RULE SUMMARY: This rule updates obsolete information including corrections to titles of current exam study material resources and the addition of new study resources required for virtual testing.

RULE TEXT:

The Landscape Contractors Board adopts the most current version of the Department of Administrative Services Statewide Policy Number 107-001-030 regarding public records requests fees and charges, including the standardized fee schedule and public interest threshold for fee waiver or reduction.

(1) All requests for copies of public records pertaining to the State Landscape Contractors Board and available at the Board's office shall be in writing and may be delivered in person, by mail, by fax or by email. The request must include:

- (a) The name and address of the person requesting the public record;
- (b) The telephone number or other contact information for the person requesting the public record;
- (c) A sufficiently detailed description of the record(s) requested to allow the agency to search for and identify responsive records;
- (d) Date of request; and
- (e) Signature of the person requesting the public record. If delivered by email, just the written name of the person requesting the public record.

(2) Charges to the general public and to state agencies shall be payable in cash, check, money order, or any credit card accepted by the board office. Billing to such state agencies must be authorized by the Administrator. Checks or money orders shall be made payable to the Landscape Contractors Board.

(3) The Board accepts credit card payment submitted in person or by mail, e-mail or fax. Any credit card that is rejected by the bank and requested to be confiscated will be retained and returned to the bank. All payments by credit card that are rejected must be paid in full by a check or money order within ten days from notification of rejection.

(4) Charges for copies, documents, and services shall be as follows:

- (a) \$0.07 cents per black and white copy on letter or legal size paper and \$0.14 cents per copy on 11 X 17 size paper.
- (b) The cost of records transmitted by fax is \$.75 for the first page and \$.60 for each additional page, limited to a 20-

page maximum, not including the cover page.

(c) The cost of records transmitted by email is \$5 per email.

(d) Upon request, copies of public records may be provided electronically if the document(s) are stored in the agency's computer system. Flash drives will be provided at actual cost per flash drive and may contain as much information as the flash drive will hold. A flat fee of \$5.00 will be assessed if the total processing time of the associated public records request is less than the 30-minute threshold as per subsection (k) of this rule. Due to the threat of computer viruses, the agency will not permit requestors to provide flash drives for electronic reproduction of computer records.

(e) Actual cost for delivery of records such as postage and courier fees.

(f) Actual attorney fees charged to the agency for the cost of time spent by an attorney in reviewing the public records, redacting materials from the public records or segregating the public records into exempt and nonexempt records.

(g) The agency may require pre-payment of estimated fees before taking further action on a request.

(h) \$20 for each certification that an entity has or has not been licensed with the Landscape Contractors Board.

(i) \$20 for certified copies of documents.

(j) \$100 for listing of individual landscape construction professional contractors and/or landscape contracting businesses on flash drive or provided electronically through e-mail. Requests for searching or formatting the data will be billed as per subsection (k) of this rule. The Administrator may waive this charge for other public agencies.

(k) Labor charges that include researching, locating, compiling, editing or otherwise processing information and records:

(A) No charge for the first 30 minutes of labor time;

(B) Clerical time. Beginning with the 31st minute, the charge per total request is \$25 per hour or \$6.25 per quarter-hour. A prorated fee is not available for less than a quarter-hour;

(C) Managerial time. Beginning with the 31st minute, the charge per total request is \$40 per hour or \$10 per quarter-hour. A prorated fee is not available for less than a quarter-hour;

(D) Professional time. Beginning with the 31st minute, the charge per total request is \$75 per hour or \$18.75 per quarter-hour. A prorated fee is not available for less than a quarter-hour;

(E) DOJ, special attorney and other applicable legal fee time. The actual hourly rate charged for public records request-related services.

(L) For both machine copies and documents, an additional amount set at the discretion of the Administrator for time required for search, handling, and copying as stated in subsubsection (k) of this rule.

(m) \$20 for duplicate recording of Board meetings.

(n) \$20 for duplicate recordings of a three hour agency hearing or arbitration and \$10 for each additional 90 minute or fraction thereof of the hearing or arbitration.

(o) Plant Study Guide is the cost of the item, the cost of shipping and a fee for the cost of processing the order. Contact the State Landscape Contractors Board for the current charges.

(p) Landscape Construction, Custom 3rd edition, book by David Sauter is the cost of the item, the cost of shipping and a fee for the cost of processing the order. Contact the State Landscape Contractors Board for the current charges.

(q) Laws, Rules and Business Practices Guide is the cost of the item, the cost of shipping and a fee for the cost of processing the order. Contact the State Landscape Contractors Board for the current charges.

(r) Oregon Landscape Figure Booklet is the cost of the item, the cost of shipping and a fee for the cost of processing the order. Contact the State Landscape Contractors Board for the current charges.

(5) All sales of items in subsection (4) of this rule are final.

(6) Refunds: All requests for refunds must be in writing.

(a) Application fees are non refundable.

(b) Except as set forth in subsections (c) & (d) of this section, initial license and renewal fees are non-refundable and nontransferable.

(c) Landscape construction professional license fees. When an applicant for a landscape construction professional license withdraws their application or renewal or fails to complete the application or renewal process the agency may retain a processing fee of \$20 from any paid license fee.

(d) Landscape contracting business license fees. When an applicant for a landscape contracting business license withdraws their application or renewal or fails to complete the application or renewal process, the agency may retain a processing fee of \$50 from any paid license fee.

(7) If the agency receives payment of any fees or penalty by check and the check is returned to the agency by the bank, the payer of the fees may be assessed a charge of \$25 in addition to the required payment of the fees or penalty.

(8) The agency shall not refund fees or civil penalties overpaid by an amount of \$20 or less unless requested by the payer in writing within three years after the date payment is received by the agency, as provided by ORS 293.445.

STATUTORY/OTHER AUTHORITY: ORS 183, ORS 293.445, ORS 671.670

STATUTES/OTHER IMPLEMENTED: ORS 183, ORS 92.430, ORS 293.445, ORS 671