

NC Irrigation Contractors' Licensing Board Newsletter



May 2012

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NCICLB

P.O. Box 41421

Raleigh, NC 27629-1421

919-872-2229

919-872-1598 (fax)

info@nciclb.org

BOARD STAFF

Dr. Ronald Sneed, Board Chair

John Marmorato, Vice Chair

Dave Collins, Treasurer

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Anne Brown, Board Counsel

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Lindsey Griffin

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Meet the New Board Members

Chair's Thoughts

During the first four months of 2012, the Licensing Board has been busy. The Board met each month and had a booth at the Green and Growing Show in Greensboro in January. A Licensing Exam was held on February 10 with 38 candidates. At that time, a North Carolina specific portion of the exam was given for the first time. The North Carolina specific portion of the exam deals with North Carolina General Statute §89 G and the Rules to include Minimum Standards. These Rules were approved in July 2011 as part of NCGS §89 G. The maximum score a candidate can obtain on the North Carolina portion of the exam is 13.5. To have the North Carolina portion count, a candidate has to score a least 60 on the regular exam. The Board feels that candidates for licensure should be very familiar with NCGS §89 G and the Rules that are a part of NCGS §89 G and the North Carolina portion of the exam accomplishes that purpose. The Board also made a decision to allow anyone who had scored at least 60 or more on previous exams, one opportunity to take the North Carolina portion of the exam, and that exam was held April 27, 2012. Eleven people accepted the opportunity to take the North Carolina portion.

All future exams will include the regular exam and the North Carolina specific portion of the exam. The criteria will remain that a candidate must score 60 or better on the regular exam before the North Carolina portion will be counted toward a passing score. A combined score of at least 70 is required to become licensed. Exams will continue to be given each quarter. 2012 exams are scheduled for August 10 and November 9. Candidates can take the exam multiple times, but it is recommended that after the first attempt candidates spend more time in preparation. This means obtaining all the study material, possibly attending the Landscape Irrigation Contractors study course and doing independent study.

The Board welcomed two new Board members in 2012. They are Ron Price, landscape architect, Sears Design Group, Raleigh, NC, who replaced Bob Peter, who resigned in January, 2012 and Charles A. Allen IV, irrigation contractor, Green Biz Nursery and Landscaping, Inc, Fayetteville, NC, who replaced Charles Nieman, who resigned in April 2011.

Based on recommendations from the Continuing Education subcommittee, the Board made a decision to eliminate carryover Continuing Education credits after 2012. Carryover hours from 2011 can be used to satisfy Continuing Education renewal for 2013, however any extra credits received in 2012 cannot be used to satisfy renewal for 2014. The Board spent much time in discussion prior to making the decision. What the Board has found is that Contractors do a very poor job of properly reporting Regular hours and Carryover hours and this was presenting a logistical nightmare for the administrative staff to ensure that each contractor had met the criteria of 2-4 hours of business and 6-8 hours of landscape irrigation related education.

Ronald L. Price

New Board Member Ronald L. Price is a landscape architect with Sears Design Group, PA in Raleigh, NC. Price is a North Carolina licensed landscape architect, member of the American Society of Landscape Architects and the North Carolina Chapter of the American Society of Landscape Architects.

Mr. Price has previously served on the Continuing Education Committee of the NC Board of Landscape Architects. He is also a Professional Member of the Architectural Review Board of Governors Club, Chapel Hill, NC. Mr. Price has been working in the landscape industry business since 1979 and lives in Fuquay Varina, NC.

Charles Anthony Allen IV

New Board Member Charles A. Allen IV is the co-owner of Green Biz Nursery and Landscaping, Inc. He has over 30 years of experience managing business operations for a multifaceted landscaping, grounds maintenance, irrigation, and wholesale nursery company specializing in commercial, residential, industrial and DOT landscape projects.

Mr. Allen is a current NC Licensed Irrigation Contractor, NC Registered Landscape Contractor, NC Certified Plant Professional, NC Certified Nurseryman, and NC Licensed Pesticide Applicator.

Mr. Allen is a founding member of the Cape Fear Botanical Garden and was a Board Member for 5 years. He is also a member of the NC Nursery & Landscape Association, American Nursery & Landscape Association, Southern Nursery Association and the Carolinas Irrigation Association.

Mr. Allen is married to Cindy Allen, co-owner of his businesses, and has three children, two of which are presently working in the business.

Interesting Facts

As of May 2012 there are:

- * 856 Active Individual Licensees
- * 532 Active Corporate Licenses
- * 76 Individuals have been licensed by exam.
- * There have been 362 complaints submitted to date.
- * There are 24 cases that have been referred to the Department of Justice.

The Board continues to emphasize enforcement of NCGS §89 G. Each complaint received is considered. Most complaints are either unlicensed installers or advertising, but the Rules (Minimum Standards) violations are increasing. The Board now accepts anonymous complaints. Starting in 2012, any substantiated complaint is referred to the Legal staff. In 2012, two unlicensed installers have been permanently enjoined from engaging in irrigation construction or contracting as defined by NCGS §89 G-1(3) except as provided under NCGS §89 G-3 until the defendant or employees become licensed as an irrigation contractor. The Board has reached Settlement Agreements with a number of unlicensed installers and some licensed contractors. A number of unlicensed installers are no longer advertising irrigation and some have removed irrigation from a corporation, LLC or partnership web site. Once a complaint has been validated and legal action is completed, the information is posted on the Board website.

All licensed contractors should be aware that all irrigation construction or contracting performed by an individual, partnership, corporation, association, firm or any other group shall be under the direct supervision of an individual licensed by the Board. "Direct Supervision" is defined as an individual licensed contractor having personal responsibility for and control over all aspects of irrigation work at each job site. Also the Rules associated with NCGS §89 G, which were adopted in July 2011, provide a base requirement for all irrigation construction and contracting. Each contractor shall ensure that all installations meet or exceed the Rules. The number of complaints being submitted by property owners, related to Rules, is increasing. Some of the common complaints include: pipe not buried a minimum of 12 inches, valve boxes not at least 10 inch diameter, electrical wire splices not waterproofed using an UL listed device, mixed zones of rotors and sprays and/or microirrigation, improper spacing of rotors or sprays and sprinklers spraying onto impervious surfaces. Other potential violations are not providing the customer a Record Drawing, an Owner's Manual, Operating Schedule and Maintenance Schedule.

The Board would like to recruit some additional investigators. If you are interested, send a resume to the Board office. The Board will consider all applications and may request some to come for an interview. The Board needs to hear contractor concerns. Thank you for being a licensed North Carolina Irrigation Contractor.

NCICLB Website

The "new" NCICLB website has been up for about a year as of this writing. The Board is still working towards making the use of the site and its benefit to the consumer and licensees even better. Administrative attention to your license is a necessary evil and we want to make it as easy as possible.

The Board is working on improving the CEU tracking in order to make it more user friendly for the licensees and less cumbersome for the administrators. Having information easy to access and coordinate with individual educational activities will help you make sure you have enough CEU's and make sure they are properly accounted for. By having an interactive website your information is accessible when you want it and you can manage it when you have time. You can also leave questions for the administrator or report non compliance any time of the night or day. The administrator will take the necessary action the next business day. It is far more convenient for you to work on your own time and not be tied to the schedule of others. We encourage you to use the website and email to communicate with the administrator instead of by telephone. It is much more efficient and easier to document.

The Board Administrators are able to change content on the site without having to ask an outside web manager. This allows the Board to target information that is relevant to the

* 19 cases have been closed through settlement or injunction.

A complete legal update and details of settlements can be found on the nciclb website at <http://www.nciclb.org>.

IMPORTANT LITTLE KNOWN FACT

* An unlicensed installer cannot sub-contract to a licensed irrigation contractor. The contract must be between the licensed irrigation contractor and the customer.

Administrative Reminders

* License renewal forms are mailed out around the beginning of October each year. If you have not received your renewal form by November call the Board office to follow up on why you have not received the information.

* Remember to always get a "proof of attendance" when attending any continuing education class and to save them for the possibility of an audit.

* Do not send "proof of attendance" with your renewal unless the Board office has specifically requested it.

* Both the individual and corporate license must be renewed if your company is anything other than a sole proprietor.

* When submitting a complaint be sure to give the Board as much information as possible. If there is no site address the Board investigators cannot follow up on the complaint.

* If your Surety Bond expires and you change insurance company's, rather than renew the bond, you must send the Board office the **new** original Bond and Bond form. The bond form can be found on the NCICLB website.

* If you change company you must notify the Board in writing with the new contact information. You may have to submit a new corporate application and Surety Bond. Check with the Board office.

consumer and the licensee. The Administrator provides the latest statistics on enforcement and lists the names of violators so that you will know if someone is operating against the law.

Licensees and the public can quickly and easily give feedback on information that is posted or that they may be concerned about. In the future you may begin to see online polls to stimulate conversation between licensees and to give consumers a way to see what is happening in the irrigation construction industry. Our first priority is to protect the public.

The Board will begin looking at website statistics to see how much traffic the website receives, how the visitor got to the website and where, geographically, the visitor is from. Fortunately most of this convenience is free and will only get better.

Continuing Education Update

The CEU Committee reviews requested credit for numerous courses at each monthly meeting. The committee reviews the application to see if sufficient information is provided to approve the request. If pertinent information such as the qualifications of the presenter or a course outline that clearly indicates the content of the seminar is not sufficient, the committee may request that it be sent back with a request for further information. If the request meets the criteria, the committee will then recommend to the full Board that the course be approved. Once this is complete the course is assigned a course number and posted on the Board web site.

Because the CEU guidelines do not allow for the licensee to take the same course within a three year period, we are encouraging our CEU providers to make sure that they are offering licensees new and interesting courses that will qualify for contractors that have had their license for several years now.

One recent change adopted by the Board eliminates the use of carry over credit starting in 2013. This means that any valid carry over CEU's that you currently have may be used toward the ten credits required in the renewal of your license for 2013 but after that, carry over will not be allowed. After working with the NCICLB administrative staff and looking at the trends in other license boards the Board felt that the administrative cost and confusion by licensee could be eliminated by doing this. It was felt that those licensees who wish to educate themselves and advance their knowledge would continue to do so regardless of whether they could use those CEU's for licensee renewal or not.

The Board feels we are creating an incentive for contractors to educate their staff with an earlier decision to allow non-licensed full time employees of licensed irrigation contractors to receive half credit (up to 5 CEU's from this source) for any course that they have their employees attend. Thanks to the trade associations, suppliers, manufacturers and extension professionals for the great job they do in making educational courses available to our licensees.