



**CALIFORNIA
LANDSCAPE
CONTRACTORS
ASSOCIATION**

September 27, 1995

JIM EVERETT
Chairman of the Board
Everett Landscape
Woodside
(415) 363-0461
FAX: (415) 363-1236

RICHARD JARK
President
South Coast Landscaping
Los Alamitos
(310) 596-6666
FAX: (310) 434-6386

JOHN REDMOND
President-Elect
Cypress Landscape Inc.
Fairfield
(707) 425-3338
FAX: (707) 428-1280

DAVE PENRY
Vice President
Redwood Landscaping
Santa Rosa
(707) 528-3013
FAX: (707) 528-3883

CHARLES NUNLEY
Vice President
Lalshmi Landscape Company
Altadena
(818) 791-4886
FAX: (818) 794-7170

KEN CHASE
Vice President
Lifescapes-A Landscape
Develop. Co.
Chico
(916) 894-5453
FAX: (916) 893-4763

KEN CROWL
Vice President
Riverside Landscape
and Irrigation
Riverside
(909) 687-4242
FAX: (909) 687-4274

RANDY TAVENNER
Vice President-Finance
H & R Building Services
Petaluma
(707) 763-1506
FAX: (707) 765-9467

KENT ENGLAND
Vice President-Secretary
England & Company
Redwood City
(415) 369-2341
FAX: (415) 637-0400

RICHARD CONSIDINE
Associate Member
Representative
Superior Sod
Tehachapi
(805) 822-8455
FAX: (805) 822-5978

SHARON McGUIRE
Executive Director

 CALIFORNIA LANDSCAPE CONTRACTORS ASSOCIATION		<table border="1"> <tr> <td>No. of Pages</td> </tr> </table>	No. of Pages
No. of Pages			
To	From		
Co.	Co.		
Dept.	Phone No.		
Fax No.	Fax No.		

Landscape contractors are clearly permitted by law to do design-build work.

Business & Professions Code Section 5644 exempts from the landscape architect's certification requirement "... any person who holds a valid state license or other such authority which authorizes the person to engage in a business or occupation, in so far as the person engages in a professional, occupational or business activity within the scope of that license"

Business & Professions Code Section 5537.2 also provides that the law "... does not prohibit a licensed contractor from performing any of the services permitted by Chapter 9 (commencing with Section 7000) Division 3, within the classification for which the license is issued. Those services may include the preparation of shop and field drawings for work which he or she has contracted or offered to perform, and designing systems and facilities which are necessary to the completion of contracting services which he or she has contracted to perform."

Landscape contractors also have a specific exemption which is codified in Business & Professions Code Section 7027.5. That section provides that a landscape contractor working within the classification for which the license is issued may design systems or facilities for work to be performed and supervised by that contractor.

The Contractors State License Board has interpreted Section 7027.5 to authorize licensed landscape contractors to do the design work on their own projects. However, licensed landscape contractors are prohibited from preparing designs and selling them to others to perform. A 1992 letter from the CSLB, signed by then Licensing Deputy Bob Christiansen, states in relevant part

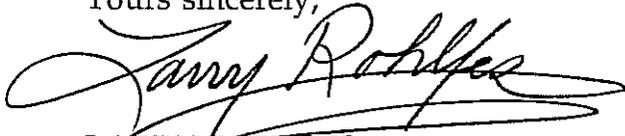
September 27, 1992

Page 2

that " ... Contractors Law provides that a landscape contractor can legally design the projects he/she is contracting to perform ..." and that " ... all contractors are allowed to do design work on their own projects" This letter also states the following: "Our C-27 contractors are informed that they cannot prepare designs and sell them to others to perform. Section 5537, 5537.2 of the Business and Professions Code exempts contractors from the Architects Act for designing their own work. Of course, to do the design work and sell those designs to others is a violation of the law."

I hope this letter is helpful to you. Let me know if you need copies of the above-mentioned code sections and letter from the CSLB. If you would like direct assistance from the CSLB on this problem, I suggest you call Dale Stewart, the Board's license classifications deputy, at (916) 255-4145.

Yours sincerely,



LARRY ROHLFES
Director of Governmental Affairs

cc: Executive director Sharon McGuire