STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
STRUCTURAL PEST CONTROL BOARD – ADMINISTRATION UNIT
2005 EVERGREEN STREET, STE. 1500 SACRAMENTO, CA 95815
P 916-561-8700 | F 916-263-2469 | WWW.PESTBOARD.CA.GOV

BOARD MEETING

NOTICE and AGENDA

Wednesday, July 22, 2015
1:00 P.M.
Thursday, July 23, 2015
8:00 A.M.

Sheraton Ontario Airport Hotel
Orchid Room
429 N. Vineyard Avenue
Ontario, CA 91764

Contact Person: Susan Saylor
(916) 561-8700

AGENDA

The public may provide comment on any issue before the Board
at the time the agenda item is discussed.

Wednesday – 1:00 P.M.

I. Roll Call / Establishment of Quorum

II. Flag Salute / Pledge of Allegiance

III. Petition for Reinstatement
Bradley D Kendrick/ FR 45047, Branch 2 and RA 48245, Branch 3

IV. Petition for Modification/Termination of Probation
Jaime Chavez/ OPR 11254, Branches 1 and 3

V. Petition for Reinstatement
Hernando Barrios/ OPR 10090, Branches 2 and 3

VI. Closed Session – Pursuant to subdivision (c) (3) of Section 11126 of the Government Code, the Board will meet in closed session to consider proposed disciplinary actions, stipulated settlements, and petitions for modification / termination of probation and reinstatement

Return to Open Session

VII. Adjournment

Thursday – 8:00 A.M. Resume Open Session

VIII. Roll Call / Establishment of Quorum

IX. Flag Salute / Pledge of Allegiance

Thursday – 8:00 A.M., Continued

X. Public Hearing: Title 16, Division 19, California Code of Regulations Adding section 1960, to Require Fingerprint Background Clearance for all Licensees not Already Fingerprinted upon Renewal; Amending sections 1936, 1936.1, and 1936.2, to Update and Revise the Operator, Field Representative, Company Registration and Applicator Applications; and Amending 1970.4 to allow the Occupant Fumigation Notice to be available in Electronic Format

XI. Public Comment on Items Not on the Agenda

The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]

XII. Approval of the Minutes from the March 25 & 26, 2015 Board Meeting

XIII. Executive Officer's Report

- Licensing and Enforcement Survey Results and Statistics
- Staffing Changes
- WDO Statistics
- Examination Development – Occupational Analyses
- Legislative Updates
- Regulatory Update

XIV. Pre-treatment Committee Update

XV. Presentation, Discussion and Consideration of Continuing Education (CE) Integrated Pest Management Review Committee Recommended Changes to Current CE regulations

XVI. Presentation, Discussion and Consideration of Proposed Recommended Changes to the Board's Disciplinary Guidelines; Consideration of Regulatory Amendments

XVII. Discussion and Review of Qualifying Manager's Responsibilities

XVIII. Discussion of Legal Counsel Opinion of the Board's Involvement in Development of Examination Study Guides

XIX. Review and Consideration of Style Options for Strategic Plan with SPCB Logo

XX. Board Calendar

XXI. Future Agenda Items

XXII. Adjournment

The meeting may be cancelled or changed without notice. For verification, please check the Board's website at www.pestboard.ca.gov or call 916-561-8700. Action may be taken on any item on the agenda. Any item may be taken out of order to accommodate speakers and/or to maintain a quorum.

Meetings of the Structural Pest Control Board are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. The public may take appropriate opportunities to comment on any issue before the Board at the time the item is heard, but the President may, at his discretion, apportion available time among those who wish to speak. The public may comment on issues not on the agenda, but Board Members cannot discuss any issue that is not listed on the agenda. If you are presenting information to the Board, please provide 13 copies of your testimony for the Board Members and staff. Copying equipment is not available at the meeting location.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Structural Pest Control Board at (916) 561-8700 or email pestboard@dca.ca.gov or send a written request to the Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

This agenda can be found on the Structural Pest Control Board's Website at: www.pestboard.ca.gov

TITLE 16. STRUCTURAL PEST CONTROL BOARD

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board (Board) is proposing to take action as described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

Sheraton Ontario Airport
Orchid Ballroom
429 N. Vineyard Avenue
Ontario, CA 91764
July 23, 2015
8:00 A.M.

Any interested person, or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile to the Board at (916) 263-2469 or by email to pestboard@dca.ca.gov. The written comment period closes at **5:00 P.M. on Wednesday, July 22, 2015.** The Board will only consider comments received at the Board Office by that time. Submit comments to:

David Skelton, Administrative Analyst
Structural Pest Control Board
2005 Evergreen Street, Suite 1500
Sacramento, CA 95815

With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE:

Pursuant to the authority granted by Business and Professions (B&P) Code Section 8525 and to implement, interpret, or make specific B&P Code Sections 144 and 8520.1 and Penal Code (PC) Section 11105(b)(10), the Board is considering the addition of Section 1960 to Title 16, Division 19 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST

On July 1, 2004, B&P Code Section 144 became effective and the Board began requiring licensure applicants to submit their fingerprints for the purpose of conducting a criminal history record check. However, some individuals who were licensed prior to July 1, 2004 may have not submitted their fingerprints for the purpose of conducting a criminal history record check.

In order to fully implement the fingerprint requirement mandate outlined in B&P Code Section 144, the Board is proposing to add Title 16, Division 19, Section 1960 to the CCR to require all licensees who have not submitted their fingerprints for purposes of conducting a criminal history check be required to do so as a condition of license renewal.

Policy Statement Overview / Anticipated Benefits of the Proposed Regulation:

Pursuant to B&P Code Section 8520.1, the Board's highest priority is protection of the public when exercising its regulatory functions. The Board anticipates that the proposed regulatory action will benefit the public by providing the Board a means to ascertain the possible criminal history of its applicants for renewal of licensure.

Consistency and Compatibility With Existing State Regulations:

During the process of developing the proposed regulation the Board conducted a search for any similar regulations relating to this topic. The Board determined that the proposed regulatory action is not inconsistent or incompatible with existing regulations. The Board is the only state agency authorized to require applicants for a Structural Pest Control license to submit fingerprints for the purpose of conducting a criminal history record check; therefore, the proposed regulation will not conflict with any existing regulation related to that topic.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs / Savings in Federal Funding to the State: None

Nondiscretionary Costs / Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement: None

Business Impact Statement

The Board has determined that the proposed regulation will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

The Board made this determination based on the regulatory effect of the proposed regulation applying only to individual licensees, and more specifically, only individual licensees who have never submitted fingerprints for the purpose of conducting a criminal history record check.

The following reporting, record keeping, or other compliance requirements are projected to result from the proposed regulation: None

Cost Impact on Representative Private Person or Business

The cost impact that a representative private person would necessarily incur to be in reasonable compliance with the proposed regulation and that are known to the Board are:

Structural Pest Control Board Licensees Who Have Never Submitted a Set of Fingerprints For the Purpose of Conducting a Criminal History Record Check

As of February, 2015 the Board regulates 20,504 licensees. Of these, the Board estimates that 5,058 were licensed prior to July 1, 2004 and have therefore never submitted their fingerprints for the purpose of conducting a criminal history record check.

In order to submit a set of fingerprints for the purpose of conducting a criminal history record check, an individual must complete a Livescan, whereby their fingerprints are electronically submitted to the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI).

The cost associated with completing a Livescan is as follows - The DOJ and FBI charge a combined total of $49, and the location that electronically transmits the fingerprints charges a "rolling fee" that generally ranges from $20 to $35. Therefore, for an individual affected by the proposed regulation, there will be a one-time cost of $69 to $84.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Board has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the state. The Board made this determination because the regulatory effect of the proposal will apply only to individual applicants and not to businesses.

The Board has determined that the proposed regulatory action will not affect the creation of new businesses or the elimination of existing businesses within the state. The Board made this determination because the regulatory effect of the proposal will apply only to individual applicants and not to businesses.

The Board has determined that the proposed regulatory action will not affect the expansion of businesses currently doing business within the state. The Board made this determination because the regulatory effect of the proposal will apply only to individual applicants and not to businesses.

The Board has determined that the proposed regulatory action will benefit the health of welfare of California's residents, worker safety, and the state's environment in the following ways:

The Board's highest priority in exercising its regulatory authority is protection of the public. The proposed regulation will enable the Board to require its license renewal applicants to submit a set of fingerprints for the purpose of conducting a criminal history record check if they have never done so. The health and safety of California's residents will benefit from the Board being able to ascertain the possible criminal history of license renewal applicants.

BUSINESS REPORTING REQUIREMENT STATEMENT

The Board has determined that the proposed regulation will not create a reporting requirement for businesses. The Board made this determination because the regulatory effect of the proposal will apply only to individual applicants and not to businesses.

EFFECT ON HOUSING COSTS

The Board has determined that the proposed regulation will have no effect on housing costs. The Board made this determination because the regulatory effect of the proposal is not relevant to housing costs.

EFFECT ON SMALL BUSINESS

The proposed regulation will not have an effect on small businesses because it will apply only to individuals who are applying for renewal of licensure who have never submitted a set of fingerprints for the purpose of conducting a criminal history record check.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board's office located at, 2005 Evergreen Street, Suite 1500, Sacramento, California, 95815, or by visiting the Board's website at http://www.pestboard.ca.gov/forms/index.shtml.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: **David Skelton**

Address: **Structural Pest Control Board**
2005 Evergreen Street, Suite 1500
Sacramento, CA 95815

Telephone Number: **(916) 561-8722**

Fax Number: **(916) 263-2469**

Email Address: david.skelton@dca.ca.gov

The backup contact person is:

Name: **Ronni O'Flaherty**

Address: **Structural Pest Control Board**
2005 Evergreen Street, Suite 1500
Sacramento, CA 95815

Telephone Number: **(916) 561-8736**

Fax Number: **(916) 263-2469**

Email Address: ronni.oflaherty@dca.ca.gov

Website access: Materials regarding this proposal can be found at the Board's website at http://www.pestboard.ca.gov/forms/index.shtml.

TITLE 16. STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

INITIAL STATEMENT OF REASONS

Hearing Date: July 23, 2015

Subject Matter of Proposed Regulation: License Renewal Fingerprint Requirement

Section Affected: Title 16, California Code of Regulations, Section 1960

PROBLEM BEING ADDRESSED:

On July 1, 2004, Senate Bill 907 (Burton) became effective. As a result, the Structural Pest Control Board (Board) was made subject to the provisions of Business and Professions (B&P) Code Section 144 and began requiring new licensure applicants to submit their fingerprints for the purpose of conducting a criminal history record check.

Anyone licensed by the Board prior to July 1, 2004 has never been required to submit their fingerprints for the purpose of conducting a criminal history record check.

The Board seeks to add Section 1960 to Title 16, Division 19 of the California Code of Regulations (CCR) in order to implement B&P Code Section 144 to require applicants for renewal of licensure who have never submitted their fingerprints for the purpose of conducting a criminal history record check to do so as a condition of license renewal.

NECESSITY

The Board has determined that in order to address the problem outlined above, and to fully effectuate and implement B&P Code Section 144 it is necessary to add section 1960 to Title 16, Division 19 of the CCR.

B&P Code Section 144 mandates that the Board require applicants for licensure to submit a set of fingerprints for the purpose of conducting a criminal history record check. Because the Board currently regulates approximately 5,058 licensees who were licensed prior to July 1, 2004 when the Board was made subject to the provisions of B&P Code Section 144, and in order to fully implement B&P Code Section 144, it is necessary to create regulation that will require applicants for renewal of licensure to submit a set of fingerprints for the purpose of conducting a criminal history record check.

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT, OR REPEAL:

Add Section 1960:

The purpose of this addition is to require applicants who have never submitted a set of fingerprints for the purpose of conducting a criminal history record check to do so as a condition of license renewal.

ANTICIPATED BENEFITS FROM THIS REGULATORY ACTION:

Pursuant to B&P Code Section 8520.1, the Board's highest priority when exercising its regulatory authority is protection of the public. The Board anticipates that the health and safety of California residents will benefit as a result of the Board being able to obtain and evaluate the criminal history of its licensees seeking renewal.

UNDERLYING DATA

1. Applicant Fingerprint Processing Fees (As of August 17, 2012)
2. Applicant Livescan Locations and Hours of Operation
3. Structural Pest Control Board Internal Licensing Statistics, March 2015

BUSINESS IMPACT

This regulation will not have a significant adverse economic impact on businesses.
This initial determination is based on the following facts or evidence/documents/testimony:

The Board has determined that no significant economic impact directly affecting businesses will result from the proposed regulation. The Board has made this determination because the proposed regulation would apply only to individual licensees. In the event that a business pays for an individual licensee to satisfy the requirements imposed by the proposed regulation the cost has been determined to be $69 - $84, per renewal applicant, and would therefore not be considered a significant economic impact.

ECONOMIC IMPACT ASSESSMENT

Creation or Elimination of Jobs Within the State

The Board anticipates that the proposed regulation will have little impact on the creation or elimination of jobs within the state. The proposed regulation may preclude certain individuals from retaining licensure, and also could result in the loss of their current employment. However, the Board found that this likely would not affect the present industry's demand for qualified licensees.

Creation of New or Elimination of Existing Businesses Within the State

The Board anticipates that the proposed regulation will have no effect on the creation of new businesses and may have small effect on the elimination of existing businesses.

The Board anticipates that the proposed regulation will have little impact on the creation of new businesses, because the proposed regulation would apply only to individual licensees who have never submitted a set of fingerprints for the purpose of conducting a criminal history background check. As such, this proposed regulation likely would not encourage individual licensees to create new pest control businesses.

The Board also anticipates that the proposed regulation will have little impact to the elimination of existing businesses, because the proposed regulation will require licensees who have never submitted a set of fingerprints for the purpose of conducting a criminal history record check to do so as a condition of license renewal. It is possible that the results of the criminal history record check could lead to the Board pursuing disciplinary action, including license revocation, against individuals who own and operate pest control businesses. The Board cannot offer an estimate on the number of businesses that may be affected as a result of the proposed regulation. However, given the small percentage of current licensees being disciplined for substantially related convictions, the Board projects that the number of licensees being affected by this proposed regulation to be minimal. In turn, the number of existing businesses being affected as well is expected to be negligible.

Expansion of Businesses Currently Doing Business Within the State

The Board anticipates that the proposed regulation will not impact the expansion of businesses currently doing business within the state. The Board has made this determination because the proposed regulation applies only to individual licensees who have never submitted their fingerprints for the purpose of conducting a criminal history record check, and thus is not relevant to the expansion of current businesses within the state.

Benefits to the Health and Welfare of California Residents, Worker Safety, and Environment

This regulatory proposal benefits the health and welfare of California residents because it will ensure that previously undetected licensees, who were convicted of substantially related crimes, would be identified, disciplined, and thus reduce the dangers to the health and welfare of the public.

The Board has determined that the proposed regulation does not affect worker safety. The Board has made this determination because the proposed regulation is not relevant to worker safety.

The Board has determined that the proposed regulation does not affect the state's environment. The Board has made this determination because the proposed regulation is not relevant to state's environment.

MANDATE ON SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed regulation indirectly requires license renewal applicants to utilize Livescan technology because the DOJ requires that criminal history record checks be conducted via the Livescan process.

Livescan technology is well established and readily available throughout California.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons or businesses or equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

Alternative 1: Continue to allow renewal of licensure for applicants who have never submitted a set of fingerprints for the purpose of conducting a criminal history record check.

Rejected: In order to fully implement B&P Code Section 144, and to comply with its requirement to protect the public as outlined in B&P Code Section 8520.1, the Board has determined that it must seek regulatory authority to require applicants for renewal of licensure who have never submitted a set of fingerprints for the purpose of conducting a criminal history record check do so as a condition of license renewal.

TITLE 16. STRUCTURAL PEST CONTROL BOARD

LICENSE RENEWAL FINGERPRINT REQUIREMENT

Proposed Language

Add Section 1960 to Division 19, Title 16, of the California Code of Regulations to read as follows:

§ 1960. License Renewal Fingerprint Requirement.

All licensees applying for a license renewal must submit a set of fingerprints for the purpose of conducting a criminal history record check as a condition for license renewal. Applications for license renewal will be deemed incomplete and not eligible for renewal if a set of fingerprints is not included with the application. This section applies to licensees whose license expires on or after June 30, 2016. This section does not apply to licensees who already have submitted a set of fingerprints for the purpose of conducting a criminal history record check.

Authority cited: Section 8525, Business and Professions Code. Reference: Sections 144 and 8520.1, Business and Professions Code; Section 11105(b)(10), Penal Code.

TITLE 16. STRUCTURAL PEST CONTROL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

NOTICE OF PROPOSED CHANGES

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board (Board) is proposing to take the action as described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

Sheraton Ontario Airport
Orchid Ballroom
429 N. Vineyard Avenue
Ontario, CA 91764
July 23, 2015
8:00 A.M.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 P.M., on Wednesday, July 22, 2015, or must be received by the Board at the hearing. The Board upon its own motion or at the instance of any interested party may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE:

Pursuant to the authority vested by section 8525 of the Business and Professions Code and to implement, interpret or make specific sections 114.5, 115.5, 480, 8560-8566, 8610, and 8674 of the Business and Professions Code and sections 11361.5 and 11361.7 of the Health and Safety Code, the Board is considering changes to sections 1936, 1936.1, and 1936.2, Division 19 of Title 16 of the California Code of Regulations, and more specifically, forms 43L-1 (Rev 8/06), 43L-14 (Rev 8/90), 43L-26 (Rev 3/90), and 43E-21 (Rev 5/95) as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law requires applicants for licensure or registration with the Structural Pest Control Board to disclose various information concerning their possible criminal history, military service, and work experience that is related to the license for which they are applying.

The Board seeks to revise licensure application forms 43L-1 (Rev 8/06), 43L-14 (Rev 8/90), 43L-26 (Rev 3/90), and 43E-21 (Rev 5/95) in order to determine whether an applicant is eligible for expedited military or veteran status and, pursuant to Health and Safety Code sections 11361.5 and 11361.7, to make clear that certain arrests and convictions do not need to be disclosed on the application.

Additionally, the Board seeks to revise its licensure application forms by adding questions that attempt to ascertain whether an applicant has the requisite experience for the license being sought as well as the applicant's criminal and licensure history in order to determine if they are eligible to be licensed.

Further, there are some minor changes such as the Board's address and the current governor. Finally, the Board is proposing to revise its licensure application forms in order to make them consistent for each license type offered by the Board; specifically, Operator (OPR), Field Representative (FR), Applicator (RA), and Principle Registration (PR).

ANTICIPATED BENEFITS

The benefit of the proposed regulation will be to ensure compliance with existing California law. Currently, the Board's licensure applications do not inquire about military or veteran status, nor do they inquire about a spouse or domestic partners military status. Revising the Board's licensure applications will benefit licensure applicants by allowing the Board to ascertain their military or veteran status. This will better enable the Board to avail them of the benefits their designation allows.

Additionally, the Board's licensure applicants will benefit from the exclusion of questions concerning certain minor marijuana possession arrests or convictions older than two years. Currently, the Board's licensure applications do not advise applicants that they do not need to disclose certain minor marijuana possession arrests or convictions older than two years. The revised questions make it clear that such convictions and/or arrests do not need to be disclosed.

Lastly, consumers will benefit from the addition of questions that will better enable the Board to determine licensure eligibility as it relates to applicant experience and criminal and licensure background information.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS:

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are not inconsistent or incompatible with existing state regulations. The Board is the only state agency authorized to require applicants to complete licensure applications forms to be licensed in the practice of structural pest control; therefore, the proposed regulations will not conflict with any other regulations.

DOCUMENTS INCORPORATED BY REFERENCE:

1. Application for Operator's License - Form 43L-1 (Rev. 10/15)
2. Application for Field Representative's License - Form 43L-14 (Rev. 10/15)
3. Application for Registration of Company - Form 43L-26 (Rev. 10/15)
4. Application for Applicator's License - Form 43L-21 (Rev. 10/15)

FISCAL IMPACT ESTIMATES:

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulation would not have a significant statewide economic impact affecting business, including the ability of California businesses to compete with businesses in other states.

The following reporting, record keeping, or other compliance requirements are projected to result from the proposed action: None

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS:

The Board has determined that the proposed regulations will affect small businesses because the company registration application is being revised. However, this will be an insignificant affect.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. The Board has made this determination because the proposed regulation is not relevant to the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

The proposed regulation will benefit applicants who are veterans of the military by allowing the Board to ascertain their veteran status and avail them of the benefits that designation allows.

Additionally, the proposed regulation will benefit applicants by informing them that certain criminal convictions do not need to be disclosed.

Further, the proposed regulation will benefit consumers in California by providing the Board the means to ascertain the relevant criminal and work history of its applicants.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described

in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board's office located at, 2005 Evergreen Street, Suite 1500, Sacramento, California, 95815, or by visiting the Board's website at http://www.pestboard.ca.gov/forms/index.shtml.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	David Skelton (Administrative Analyst)
Address:	Structural Pest Control Board 2005 Evergreen Street, Suite 1500 Sacramento, CA 95815

Telephone Number:	916-561-8700
Fax Number:	916-263-2469
Email Address:	david.skelton@dca.ca.gov

The backup contact person is:

Name:	Ronni O'Flaherty (Administrative Analyst)
Address:	Structural Pest Control Board 2005 Evergreen Street, Suite 1500 Sacramento, CA 95815
Telephone Number:	916-561-8700
Fax Number:	916-263-2469
Email Address:	ronni.oflaherty@dca.ca.gov

TITLE 16. STRUCTURAL PEST CONTROL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

INITIAL STATEMENT OF REASONS

HEARING DATE: July 23, 2015

SUBJECT MATTER OF PROPOSED REGULATIONS: Licensure application form revisions.

SECTIONS AFFECTED: California Code of Regulations, Title 16, Division 19, Sections 1936, 1936.1, 1936.2

INTRODUCTION/SPECIFIC PURPOSE:

Assembly Bill 1904 (Block, Chapter 399, Statutes of 2012) added section 115.5 to Division 1, Chapter 1 of the Business and Professions Code and required Boards to expedite the licensure process for applicants who are either married to, or in a domestic partnership with, an active duty member of the Armed Forces of the United States of America assigned to an active duty station in this state under official duty military orders.

Assembly Bill 1057 (Medina, Chapter 693, Statutes of 2013) added section 114.5 to Division 1, Chapter 1 of the Business and Professions Code. Commencing January 1, 2015, all Boards shall inquire on every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military.

Under the Uniform Controlled Substances Act, arrests or convictions for certain minor marijuana possession charges need not be reported on applications. Section 11361.5 of Article 2, Chapter 6, Division 10 of the Health and Safety Code requires the destruction of records for certain minor marijuana possession charges two years after the conviction, or the arrest if it did not result in a conviction. Section 11361.7(b) of Article 2, Chapter 6, Division 10 of the Health and Safety Code provides that no Board can deny or limit a license based on certain minor marijuana possession charges two years after the conviction, or the arrest if it did not result in a conviction.

Section 11361.7(c) of Article 2, Chapter 6, Division 10 of the Health and Safety Code provides that an applicant may indicate in response to any question concerning prior arrest or conviction that he or she was neither arrested or convicted of the act in certain

minor marijuana possession charges two years after the conviction, or the arrest if it did not result in a conviction.

The Board seeks to revise licensure application forms 43L-1 (Rev 8/06), 43L-14 (Rev 8/90), 43L-26 (Rev 3/90), and 43E-21 (Rev 5/95) in order to determine whether the individual is eligible for expedited military or veteran status and make clear certain arrests and convictions do not need to be disclosed on the application.

Additionally, the Board seeks to revise its licensure application forms by adding questions to determine if an applicant has the requisite experience for the license being sought as well as whether an applicant's criminal or disciplinary background meets the criteria for denial of licensure.

Further, there are some minor changes such as the Board's address and the current governor. Finally, the Board is proposing to revise its licensure application forms in order to make them consistent for each license type offered by the Board, specifically, Operator (OPR), Field Representative (FR), Applicator (RA), and Principle Registration (PR).

Problem Being Addressed:

Currently, the Board's licensure applications are not in compliance with California Law. The proposed regulations will bring the Board's licensure applications into compliance with existing California law.

ANTICIPATED BENEFITS

The benefit of the proposed regulation will be to ensure compliance with California law. Currently, the Board's licensure applications do not inquire about military or veteran status, nor do they inquire about a spouse or domestic partners military status. Revising the Board's licensure applications will benefit licensure applicants by allowing the Board to ascertain their military or veteran status. This will better enable the Board to avail them of the benefits their designation allows.

Additionally, the Board's licensure applicants will benefit from the exclusion of questions concerning certain minor marijuana possession arrests or convictions older than two years. Currently, the Board's licensure applications do not advise applicants that they do not need to disclose certain minor marijuana possession arrests or convictions older than two years.

Lastly, consumers will benefit from the addition of questions that will better enable the Board to determine licensure eligibility as it relates to applicant experience and criminal and licensure background information.

FACTUAL BASIS / RATIONALE

Pursuant to Business and Professions Code section 8525, the Board has the authority to amend reasonably necessary rules and regulations relating to the practice of pest control and its various branches.

The Board seeks to make these regulatory changes subject to the legislative authority granted by Business and Professions Code sections 114.5, 115.5, 480, 8560-8566, 8610, and 8674 and Health and Safety Code Sections 11361.5, 11361.7The addition of sections 114.5 and 115.5 to Division 1, Chapter 1 of the Business and Professions Code and existing sections 11361.7(b) and 11361.7(c) of Article 2, Chapter 6, Division 10 of the Health and Safety Code, make it necessary for the Board to revise its licensure application forms.

The proposed regulatory action will allow the Board to revise its licensure application forms in order to ensure compliance with California law.

Specifically, the Board seeks to add questions to its licensure applications that will allow it to ascertain military and veteran status as well the military status of an applicant's partner in a legal union, spouse or, domestic partner.

Additionally, the Board seeks to add language to its licensure applications advising applicants that is not necessary to disclose certain minor marijuana related convictions two after the conviction or if the arrest did not result in a conviction.

The Board also seeks to add a field that provides applicants the ability to provide their electronic mail address.

Lastly, the Board seeks to revise its licensure application forms by adding questions that attempt to ascertain whether an applicant has the requisite experience for the license being sought as well as the applicant's criminal and licensure history in order to determine if they are eligible to be licensed.

The Board is also proposing to repeal language in CCR sections 1936(a)(2) and 1936.2(a)(1) that is no longer relevant.

For CCR section 1936(a)(2) the Board seeks to repeal language that states that applications received less than 15 days prior to the next scheduled examination will not be considered. This language is no longer relevant because this section deals only with licensure and not examinations. In the past, the Board dealt with examinations and licensure on the same form but that is no longer the case.

For CCR Section 1936.2(a)(1) the Board seeks to repeal language that states that applicants may file their application for licensure at any of the Board's designated examination administrators including county agricultural commissioners. This language is no longer relevant because this section deals only with licensure and not examinations. In the past, the Board dealt with examinations and licensure on the same form but that is no longer the case.

Specifically, the Board seeks to revise each of its licensure application forms by adding the following questions-

§1936.2, Form 43L-21

1. Applicant's Date of Birth: Pursuant to Business and Professions Code Sections 8561, 8562, 8563, and 8564.5 an applicant for an operators, field representatives, or applicators license must be 18 years of age or older. Adding this question enables the Board to determine if an applicant meets the minimum age requirement for licensure.

2. Driver's License Number: Pursuant to Business and Professions Code Sections 8561, 8562, 8563, and 8564.5 an applicant for an operators, field representatives, or applicators license must be 18 years of age or older. Adding this question enables the Board to verify that an applicant meets the minimum age requirement for licensure.

3. Social Security Number or Individual Tax Identification Number: Pursuant to Business and Professions Code Section 30 the Board may not process an application unless the applicant has provided his or her Social Security or Individual Tax Identification Number.

4. Are you 18 Years of Age or Older?: Pursuant to Business and Professions Code Sections 8561, 8562, 8563, and 8564.5 an applicant for an operators, field representatives, or applicators license must be 18 years of age or older. Adding this question enables the Board to verify that an applicant meets the minimum age requirement for licensure.

5. Have you ever applied for the Applicator examination?: Pursuant to Business and Professions Code 8564.6 the Board seeks to add this question in order to determine if the applicant is seeking an original applicators license.

6. Are you presently licensed or have you been previously licensed as a structural pest control applicator, field representative, or operator or equivalent in this or any other state?: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

7. Give the name and address of individuals and businesses with whom you have been associated in the pest control business and partners or business associates in the last five years.: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

8. Are you at the present time employed or engaged in the structural pest control business?: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine the applicant's work history in the field of structural pest control.

9. Have you ever had a professional or vocational license refused, denied, suspended or revoked by this or any other state agency?: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

10. Do you have any pending disciplinary actions against you in regards to any professional or vocational licenses?: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

11. Have you ever been connected with any person, partnership, or corporation, whose professional or vocational license was refused, denied, suspended or revoked by this or any other State agency?: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary

or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

12. Have you ever been convicted of, or plead guilty or nolo contendere to ANY offense in the United States or a foreign country? This includes every citation, infraction, misdemeanor and/or felony, including traffic violations. NOTE: Convictions that were adjudicated in the juvenile court or convictions two years or older under California Health and Safety Code sections 11357(b), (c), (d), (e) or section 11360(b) should NOT be reported. Convictions that were later expunged from the records of the court or set aside pursuant to section 1203.4, 1203.4(a), or 1203.41 of the California Penal Code or equivalent non-California law MUST be disclosed. (Minor traffic violations resulting in a fine of $300.00 or less do not need to be disclosed.) Proof of dismissal: If you have obtained a dismissal of your conviction(s) pursuant to Penal Code sections 1203.4, 1203.4(a), or 1203.41, please submit a certified copy of the court order dismissing the conviction(s) with your application. If YES, attach a signed detailed statement.: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria. Additionally, section 11361.5 of Article 2, Chapter 6, Division 10 of the Health and Safety Code requires the destruction of records for certain minor marijuana possession charges two years after the conviction, or the arrest if it did not result in a conviction. Section 11361.7(b) of Article 2, Chapter 6, Division 10 of the Health and Safety Code provides that no Board can deny or limit a license based on certain minor marijuana possession charges two years after the conviction, or the arrest if it did not result in a conviction. Additionally, if an applicant has obtained a dismissal of convictions pursuant to Sections 1203.4, 1203.4(a), or 1203.41 of the Penal Code the Board requests a certified copy of that court order.

13. Is any criminal action pending against you, or are you currently awaiting judgment and sentencing following entry of a guilty plea or jury verdict?: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

14. Are you currently in the United States military?: Assembly Bill 1057 (Medina, Chapter 693, Statutes of 2013) added section 114.5 to Division 1, Chapter 1 of the Business and Professions Code. Commencing January 1, 2015, all Boards shall inquire on every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military.

15. Are you, or someone that either marred, in a legal union or domestic partnership with, an active member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders? Assembly Bill 1904 (Block, Chapter 399, Statutes of 2012) added section 115.5 to Division 1, Chapter 1 of the Business and Professions Code and required Boards to expedite the licensure process for applicants who are either married to, or in a domestic partnership with, an active duty member of the Armed Forces of the United States of America assigned to an active duty station in this state under official duty military orders.

16. Have you ever served in the United States military? Assembly Bill 1057 (Medina, Chapter 693, Statutes of 2013) added section 114.5 to Division 1, Chapter 1 of the Business and Professions Code. Commencing January 1, 2015, all Boards shall inquire on every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military.

17. Have you ever been found guilty of any violation or any provision of the Structural Pest Control Act?: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

<u>§1936.1, Form 43L-26</u>

1. Social Security Number or Individual Tax Identification Number: Pursuant to Business and Professions Code Section 30 the Board may not process an application unless the applicant has provided his or her Social Security or Individual Tax Identification Number.

2. Do you have any pending disciplinary actions against you in regards to any professional or vocational licenses?: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

3. Have you, or any of you, ever been convicted of, or plead guilty or nolo contendere to ANY offense in the United States or a foreign country? This includes every citation, infraction, misdemeanor and/or felony, including traffic violations. NOTE: Convictions that were adjudicated in the juvenile court or

convictions two years or older under California Health and Safety Code sections 11357(b), (c), (d), (e) or section 11360(b) should NOT be reported. Convictions that were later expunged from the records of the court or set aside pursuant to section 1203.4, 1203.4(a), or 1203.41 of the California Penal Code or equivalent non-California law MUST be disclosed. (Minor traffic violations resulting in a fine of $300.00 or less do not need to be disclosed.) Proof of dismissal: If you have obtained a dismissal of your conviction(s) pursuant to Penal Code sections 1203.4, 1203.4(a), or 1203.41, please submit a certified copy of the court order dismissing the conviction(s) with your application. If YES, attach a signed detailed statement.: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria. Additionally, section 11361.5 of Article 2, Chapter 6, Division 10 of the Health and Safety Code requires the destruction of records for certain minor marijuana possession charges two years after the conviction, or the arrest if it did not result in a conviction. Section 11361.7(b) of Article 2, Chapter 6, Division 10 of the Health and Safety Code provides that no Board can deny or limit a license based on certain minor marijuana possession charges two years after the conviction, or the arrest if it did not result in a conviction. Additionally, if an applicant has obtained a dismissal of convictions pursuant to Sections 1203.4, 1203.4(a), or 1203.41 of the Penal Code the Board requests a certified copy of that court order.

4. Is any criminal action pending against you, or are you currently awaiting judgment and sentencing following entry of a guilty plea or jury verdict?: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

5. Are you currently in the United States military?: Assembly Bill 1057 (Medina, Chapter 693, Statutes of 2013) added section 114.5 to Division 1, Chapter 1 of the Business and Professions Code. Commencing January 1, 2015, all Boards shall inquire on every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military.

6. Are you, or someone that either marred, in a legal union or domestic partnership with, an active member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders? Assembly Bill 1904 (Block, Chapter 399, Statutes of 2012) added section 115.5 to Division 1, Chapter 1 of the Business and Professions Code and required Boards to expedite the licensure process for applicants who are either married to, or in

a domestic partnership with, an active duty member of the Armed Forces of the United States of America assigned to an active duty station in this state under official duty military orders.

7. Have you ever served in the United States military? Assembly Bill 1057 (Medina, Chapter 693, Statutes of 2013) added section 114.5 to Division 1, Chapter 1 of the Business and Professions Code. Commencing January 1, 2015, all Boards shall inquire on every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military.

8. Are there shareholders of this company with 10% ownership or more?: Business and Professions Code section 8610 requires the Board's applications to ask if there are shareholders with 10% or more ownership.

§1936, Form 43L-1

1. Applicant's Date of Birth: Pursuant to Business and Professions Code Sections 8561, 8562, 8563, and 8564.5 an applicant for an operators, field representatives, or applicators license must be 18 years of age or older. Adding this question enables the Board to determine if an applicant meets the minimum age requirement for licensure.

2. Driver's License Number: Pursuant to Business and Professions Code Sections 8561, 8562, 8563, and 8564.5 an applicant for an operators, field representatives, or applicators license must be 18 years of age or older. Adding this question enables the Board to verify that an applicant meets the minimum age requirement for licensure.

3. Social Security Number or Individual Tax Identification Number: Pursuant to Business and Professions Code Section 30 the Board may not process an application unless the applicant has provided his or her Social Security or Individual Tax Identification Number.

4. Are you presently licensed or have you been previously licensed as a structural pest control applicator, field representative, or operator or equivalent in this or any other state?: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

5. Give the name and address of individuals and businesses with whom you have been associated in the pest control business and partners or business associates

in the last five years.: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

6. Are you now or have you ever been licensed to do structural pest control in another state? If yes provide the name of the State and license number, type of license, and name license issued under. Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

7. Are you at the present time employed or engaged in the structural pest control business?: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

8. Have you ever had a professional or vocational license refused, denied, suspended or revoked by this or any other state agency?: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

9. Do you have any pending disciplinary actions against you in regards to any professional or vocational licenses?: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

10. Have you ever been connected with any person, partnership, or corporation, whose professional or vocational license was refused, denied, suspended or revoked by this or any other State agency?: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

11. Have you ever been convicted of, or plead guilty or nolo contendere to ANY offense in the United States or a foreign country? This includes every citation, infraction, misdemeanor and/or felony, including traffic violations. NOTE:

Convictions that were adjudicated in the juvenile court or convictions two years or older under California Health and Safety Code sections 11357(b), (c), (d), (e) or section 11360(b) should NOT be reported. Convictions that were later expunged from the records of the court or set aside pursuant to section 1203.4, 1203.4(a), or 1203.41 of the California Penal Code or equivalent non-California law MUST be disclosed. (Minor traffic violations resulting in a fine of $300.00 or less do not need to be disclosed.) Proof of dismissal: If you have obtained a dismissal of your conviction(s) pursuant to Penal Code sections 1203.4, 1203.4(a), or 1203.41, please submit a certified copy of the court order dismissing the conviction(s) with your application. If YES, attach a signed detailed statement.: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria. Additionally, section 11361.5 of Article 2, Chapter 6, Division 10 of the Health and Safety Code requires the destruction of records for certain minor marijuana possession charges two years after the conviction, or the arrest if it did not result in a conviction. Section 11361.7(b) of Article 2, Chapter 6, Division 10 of the Health and Safety Code provides that no Board can deny or limit a license based on certain minor marijuana possession charges two years after the conviction, or the arrest if it did not result in a conviction. Additionally, if an applicant has obtained a dismissal of convictions pursuant to Sections 1203.4, 1203.4(a), or 1203.41 of the Penal Code the Board requests a certified copy of that court order.

12. Is any criminal action pending against you, or are you currently awaiting judgment and sentencing following entry of a guilty plea or jury verdict?: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

13. Are you currently in the United States military?: Assembly Bill 1057 (Medina, Chapter 693, Statutes of 2013) added section 114.5 to Division 1, Chapter 1 of the Business and Professions Code. Commencing January 1, 2015, all Boards shall inquire on every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military.

14. Are you, or someone that either marred, in a legal union or domestic partnership with, an active member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders? Assembly Bill 1904 (Block, Chapter 399, Statutes of 2012) added section 115.5 to Division 1, Chapter 1 of the Business and Professions Code and required

Boards to expedite the licensure process for applicants who are either married to, or in a domestic partnership with, an active duty member of the Armed Forces of the United States of America assigned to an active duty station in this state under official duty military orders.

15. Have you ever served in the United States military? Assembly Bill 1057 (Medina, Chapter 693, Statutes of 2013) added section 114.5 to Division 1, Chapter 1 of the Business and Professions Code. Commencing January 1, 2015, all Boards shall inquire on every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military.

16. Have you ever been found guilty of any violation or any provision of the Structural Pest Control Act?: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

17. Experience- Submit all actual compensated structural pest control experience gained while in the employ of a company registered in the state of California. Experience must be certified on a CERTIFICATE OF EXPERIENCE FORM. Attach certificate of experience form(s) to this application. Pursuant to B&P Code section 8562 an applicant for an operator's license must provide proof satisfactory to the Board that he or she has the requisite experience for said license. The Board seeks to add this question to determine if applicants meet the licensing criteria established in B&P Code 8610.

18. Equivalent Experience / Training- Submit all experience / training which you believe is equivalent to experience / training gained while in the employ of a pest control company. Such activities can include but are not limited to military experience, structural pest control related occupations or any other related activity. Pursuant to B&P Code section 8562 an applicant for an operator's license must provide proof satisfactory to the Board that he or she has the requisite experience, or the equivalent of said experience for said license. The Board seeks to add this question to determine if applicants meet the licensing criteria established in B&P Code 8610.

19. Out of State Experience- Out of state experience will be evaluated as to the equivalency of experience under a structural pest control company registered to do business in the State of California. State in which you gained experience? Do you hold a license issued by that state? If YES you must have a certified license

history sent to the California Structural Pest Control Board from that state's licensing agency as well as a copy of that state's Rules and Regulations. Pursuant to B&P Code section 8562 an applicant for an operator's license must provide proof satisfactory to the Board that he or she has the requisite experience for said license. The Board seeks to add this question to determine if applicants from other states meet the licensing criteria established in B&P Code 8562.

§1936, Form 43L-14

1. Applicant's Date of Birth: Pursuant to Business and Professions Code Sections 8561, 8562, 8563, and 8564.5 an applicant for an operators, field representatives, or applicators license must be 18 years of age or older. Adding this question enables the Board to determine if an applicant meets the minimum age requirement for licensure.

2. Driver's License Number: Pursuant to Business and Professions Code Sections 8561, 8562, 8563, and 8564.5 an applicant for an operators, field representatives, or applicators license must be 18 years of age or older. Adding this question enables the Board to verify that an applicant meets the minimum age requirement for licensure.

3. Social Security Number or Individual Tax Identification Number: Pursuant to Business and Professions Code Section 30 the Board may not process an application unless the applicant has provided his or her Social Security or Individual Tax Identification Number.

4. Previous Employer: Pursuant to Business and Professions Code Section 8564 an application for a Field Representative's license shall include the name and place of business of the person who last employed them.

5. Give the name and address of individuals and businesses with whom you have been associated in the pest control business and partners or business associates in the last five years.: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

6. Do you have any pending disciplinary actions against you in regards to any professional or vocational licenses?: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

7. Have you ever been connected with any person, partnership, or corporation, whose professional or vocational license was refused, denied, suspended or revoked by this or any other State agency?: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

8. Have you ever been convicted of, or plead guilty or nolo contendere to ANY offense in the United States or a foreign country? This includes every citation, infraction, misdemeanor and/or felony, including traffic violations. NOTE: Convictions that were adjudicated in the juvenile court or convictions two years or older under California Health and Safety Code sections 11357(b), (c), (d), (e) or section 11360(b) should NOT be reported. Convictions that were later expunged from the records of the court or set aside pursuant to section 1203.4, 1203.4(a), or 1203.41 of the California Penal Code or equivalent non-California law MUST be disclosed. (Minor traffic violations resulting in a fine of $300.00 or less do not need to be disclosed.) Proof of dismissal: If you have obtained a dismissal of your conviction(s) pursuant to Penal Code sections 1203.4, 1203.4(a), or 1203.41, please submit a certified copy of the court order dismissing the conviction(s) with your application. If YES, attach a signed detailed statement.: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria. Additionally, section 11361.5 of Article 2, Chapter 6, Division 10 of the Health and Safety Code requires the destruction of records for certain minor marijuana possession charges two years after the conviction, or the arrest if it did not result in a conviction. Section 11361.7(b) of Article 2, Chapter 6, Division 10 of the Health and Safety Code provides that no Board can deny or limit a license based on certain minor marijuana possession charges two years after the conviction, or the arrest if it did not result in a conviction. Additionally, if an applicant has obtained a dismissal of convictions pursuant to Sections 1203.4, 1203.4(a), or 1203.41 of the Penal Code the Board requests a certified copy of that court order.

9. Is any criminal action pending against you, or are you currently awaiting judgment and sentencing following entry of a guilty plea or jury verdict?: Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

10. Experience- Submit all actual compensated structural pest control experience gained while in the employ of a company registered in the state of California. Experience must be certified on a CERTIFICATE OF EXPERIENCE FORM. Attach certificate of experience form(s) to this application. Pursuant to B&P Code section 8562 an applicant for an operator's license must provide proof satisfactory to the Board that he or she has the requisite experience for said license. The Board seeks to add this question to determine if applicants meet the licensing criteria established in B&P Code 8562.

11. Equivalent Experience / Training- Submit all experience / training which you believe is equivalent to experience / training gained while in the employ of a pest control company. Such activities can include but are not limited to military experience, structural pest control related occupations or any other related activity. Pursuant to B&P Code section 8562 an applicant for an operator's license must provide proof satisfactory to the Board that he or she has the requisite experience, or the equivalent of said experience for said license. The Board seeks to add this question to determine if applicants meet the licensing criteria established in B&P Code 8562.

12. Out of State Experience- Out of state experience will be evaluated as to the equivalency of experience under a structural pest control company registered to do business in the State of California. State in which you gained experience? Do you hold a license issued by that state? If YES you must have a certified license history sent to the California Structural Pest Control Board from that state's licensing agency as well as a copy of that state's Rules and Regulations. Pursuant to Business and Professions Code Section 480 the Board may deny a license based on certain criminal, disciplinary or license history. The Board seeks to add this question in order to determine if an applicant meets licensing criteria.

13. Are you currently in the United States military?: Assembly Bill 1057 (Medina, Chapter 693, Statutes of 2013) added section 114.5 to Division 1, Chapter 1 of the Business and Professions Code. Commencing January 1, 2015, all Boards shall inquire on every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military.

14. Are you, or someone that either marred, in a legal union or domestic partnership with, an active member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders? Assembly Bill 1904 (Block, Chapter 399, Statutes of 2012) added section 115.5 to Division 1, Chapter 1 of the Business and Professions Code and required

Boards to expedite the licensure process for applicants who are either married to, or in a domestic partnership with, an active duty member of the Armed Forces of the United States of America assigned to an active duty station in this state under official duty military orders.

15. Have you ever served in the United States military? Assembly Bill 1057 (Medina, Chapter 693, Statutes of 2013) added section 114.5 to Division 1, Chapter 1 of the Business and Professions Code. Commencing January 1, 2015, all Boards shall inquire on every application for licensure if the individual applying for licensure is serving in, or has previously served in, the military.

UNDERLYING DATA:

1. Assembly Bill 1904 (Block, Chapter 399, Statutes of 2012)
2. Assembly Bill 1057 (Medina, Chapter 693, Statutes of 2013)

BUSINESS IMPACT

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

The proposed regulation will have no adverse economic impact on businesses because it is a form update. There is no economic impact that will result from the Board updating its licensure forms.

ECONOMIC IMPACT ASSESSMENT

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because it is not relevant to the creation or elimination of jobs within the State of California.

- It will not eliminate existing businesses because it is not relevant to the elimination of existing businesses.

- It will not create new businesses because it is not relevant to the creation of existing businesses.

- It will not affect the expansion of businesses currently doing business within the State of California because it is not relevant to the expansion of businesses currently doing business within the State of California

- It will benefit the Health and Welfare of the residents of California by helping to ensure that the Board is able to obtain relevant information of its applicants for licensure. This information will help the Board make sure that applicants meet the experience level, and criminal background criteria for licensure.

- It will benefit worker safety by enabling the Board to ask for information about its applicants for licensure that will ensure they meet the requisite skill and experience level for the license they seek.

- It does not benefit the state's environment because it is not relevant to the state's environment.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

This regulation does not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons or businesses or equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

Alternative No. 1: The Board continues to use the licensure applications as written.

Rejected: The Board's licensure applications need to be revised to ensure compliance with California law.

STRUCTURAL PEST CONTROL BOARD

Proposed Language

(1) Amend Section 1936 of Article 3 of Division 19 of Title 16 of the California Code of Regulations to read as follows:

§ 1936. Form and Date for Filing Application for License.

(a) An application for an initial operator's or field representative's license shall be:
(1) Filed at the principal office of the board on ~~a form provided by the board (See~~ Form 43L-1 (Rev. ~~8/06~~ 4/15) or Form 43L-14(Rev. ~~8/90~~ 4/15)), which are hereby incorporated by reference, ~~which is printed at the end of this section~~ and shall comply with every requirement shown thereon.

(2) Accompanied by the required ~~examination~~ fee. ~~Applications not filed with the board at least 15 days prior to the next scheduled examination will not be considered for that examination.~~

(b) All documents filed in support of any application will be retained by the board; provided, however, that the board may at its discretion permit such documents to be withdrawn upon substitution of a true copy.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference Sections 114.5, 115.5, 480, 8560-8566 and 8674, Business and Professions Code. Sections 11361.5 and 11361.7 Health and Safety Code.

(2) Amend Section 1936.1 of Article 3 of Division 19 of Title 16 of the California Code of Regulations to read as follows:

§ 1936.1. Form and Date for Filing Application for Company Registration Certificate.

(a) An application for a company registration certificate shall be:

(1) Filed at the principal office of the board on ~~a form provided by the board (See~~ Form ~~No.~~ 43L-26 (Rev. ~~(3/90~~ 4/15), which is hereby incorporated by reference, ~~at the end of this section)~~ and shall comply with every requirement shown thereon.

(2) Accompanied by the required company registration fee.

(b) All documents filed in support of any application will be retained by the board; provided, however, that the board may at its discretion permit such documents to be withdrawn upon substitution of a true copy.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference Sections 114.5, 115.5, 480, 8610 and 8674, Business and Professions Code. Sections 11361.5 and 11361.7 Health and Safety Code.

(3) Amend Section 1936.2 of Article 3 of Division 19 of Title 16 of the California Code of Regulations to read as follows:

§ 1936.2. Form for Filing Application for Applicator's License.

(a) An application for an initial applicator's license shall be:

(1) Filed at the principal office of the board~~ or at the office of one of the board's designated examination administrators, including, but not limited to, county agricultural commissioners,~~ on ~~a form provided by the board (See~~ Form 43~~E~~L-21 (~~New 5/95~~ Rev. 4/15), which is hereby incorporated by reference, ~~which is printed at the end of this section)~~ and shall comply with every requirement shown thereon.

(2) Accompanied by the required ~~examination~~ fee.

(b) All documents filed in support of any application will be retained by the board.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference Sections 114.5, 115.5, 480, 8564.5 and 8564.6, Business and Professions Code. Sections 11361.5 and 11361.7 Health and Safety Code.

TITLE 16. STRUCTURAL PEST CONTROL BOARD

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board (Board) is proposing to take action as described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

Sheraton Ontario Airport
Orchid Ballroom
429 N. Vineyard Avenue
Ontario, CA 91764
July 23, 2015
8:00 A.M.

Any interested person, or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile to the Board at (916) 263-2469 or by email to pestboard@dca.ca.gov. The written comment period closes at **5:00 P.M. on Wednesday, July 22, 2015.** The Board will only consider comments received at the Board Office by that time. Submit comments to:

David Skelton, Administrative Analyst
Structural Pest Control Board
2005 Evergreen Street, Suite 1500
Sacramento, CA 95815

With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority granted by Business and Professions (B&P) Code Section 8525 and to implement, interpret, or make specific B&P Code Sections 8505.7, 8505.13, and 8538 the Board is proposing to amend Section 1970.4 of Division 19, of Title 16, of the California Code of Regulations (CCR).

INFORMATIVE DIGEST

Currently, CCR Section 1970.4 requires that a properly signed form or copy thereof of an Occupant Fumigation Notice (OFN) (Form 43M-8) be in the possession of the licensed fumigator at the time the fumigant is released.

As currently written, CCR Section 1970.4 makes no allowance for the properly signed form or copy thereof to be in electronic form.

In order to clarify its meaning and intent, and to update its regulatory language in consideration of available industry technology, the Board seeks to amend CCR Section 1970.4 by adding language to make it explicitly clear that an electronic copy of the OFN is permissible.

Policy Statement Overview / Anticipated Benefits of the Proposed Regulation

The regulations enforced by the Board exist for the protection of California consumers and to inform licensees of their rights and responsibilities within the scope of practice. Currently, the regulations are silent as to whether an OFN can be in electronic format. As such, signed paper copies of the OFN have to be given physically to the licensed fumigator before fumigation can begin. The proposed regulation would allow licensed fumigators to begin their fumigation work if they have signed copies of the OFN in an electronic format.

The Board anticipates that the proposed change will have the benefit of clarifying regulatory language that has become vague. As currently written, CCR Section 1970.4 requires a signed form or copy of the OFN to be present at the time the fumigant is released. Technology that is commonly used today allows for documents to be stored and displayed electronically however, the current language makes no allowance for that technology to be employed.

Consistency and Compatibility with Existing State Regulations:

During the process of developing the proposed regulation the Board conducted a search for any similar regulations relating to this topic. The Board determined that the proposed regulatory action is not inconsistent or incompatible with existing regulations. The Board is the only state agency authorized to require that a signed copy of the OFN be present at the time the fumigant is released; therefore the proposed regulation will not conflict with any existing regulations on that topic.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs / Savings in Federal Funding to the State: None

Nondiscretionary Costs / Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement: None

BUSINESS IMPACT STATEMENT

The Board has determined that the proposed regulation will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.
The Board made this determination because the proposed regulation seeks only to make a clarifying change in the regulatory language and will impose no new requirements, monetary or otherwise.

The following reporting, record keeping, or other compliance requirements are projected to result from the proposed regulation: None

Cost Impact on Representative Private Person or Business

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS

The Board has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the state. The Board made this determination because the proposed regulation seeks only to clarify existing language and imposes no new requirements on the regulated public.

The Board has determined that the proposed regulatory action will not affect the creation of new businesses or the elimination of existing businesses within the state. The Board made this determination because the proposed regulation seeks only to clarify existing language and imposes no new requirements on the regulated public.

The Board has determined that the proposed regulatory action will not affect the expansion of businesses currently doing business within the state. The Board made this determination because the proposed regulation seeks only to clarify existing language and imposes no new requirements on the regulated public.

The Board has determined that the proposed regulatory action will benefit the health of welfare of California's residents, worker safety, and the state's environment in the following ways:

By clarifying vague regulatory language to allow electronically stored and displayed documents to satisfy the existing regulatory requirements of CCR Section 1970.4. More specifically, by making it clear that an electronic copy of the signed OFN is acceptable.

BUSINESS REPORTING REQUIREMENT STATEMENT

The Board has determined that the proposed regulation will not create a reporting requirement for businesses. The Board made this determination because the proposed regulation seeks only to clarify existing language and imposes no new requirements on the regulated public.

The Board has determined that the proposed regulation will have no effect on housing costs. The Board made this determination because the regulatory effect of the proposal is not relevant to housing costs.

EFFECT ON HOUSING COSTS

The Board has determined that the proposed regulation will have no effect on housing costs. The Board made this determination because the regulatory effect of the proposal is not relevant to housing costs.

EFFECT ON SMALL BUSINESS

The proposed regulation will not have an effect on small businesses because it will only clarify existing language and imposes no new requirements that would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the

Board's office located at, 2005 Evergreen Street, Suite 1500, Sacramento, California, 95815, or by visiting the Board's website at http://www.pestboard.ca.gov/forms/index.shtml.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: **David Skelton**

Address: **Structural Pest Control Board**
2005 Evergreen Street, Suite 1500
Sacramento, CA 95815

Telephone Number: **(916) 561-8722**

Fax Number: **(916) 263-2469**

Email Address: david.skelton@dca.ca.gov

The backup contact person is:

Name: **Ronni O'Flaherty**

Address: **Structural Pest Control Board**
2005 Evergreen Street, Suite 1500
Sacramento, CA 95815

Telephone Number: **(916) 561-8736**

Fax Number: **(916) 263-2469**

Email Address: ronni.oflaherty@dca.ca.gov

Website access: Materials regarding this proposal can be found at the Board's website at http://www.pestboard.ca.gov/forms/index.shtml.

TITLE 16. STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

INITIAL STATEMENT OF REASONS

Hearing Date: July 23, 2015

Subject Matter of Proposed Regulation: Pesticide Disclosure Requirements

Section Affected: 16 CCR 1970.4

PROBLEM BEING ADDRESSED:

Title 16, California Code of Regulations (CCR), Section 1970.4 requires that a properly signed form or copy thereof of an Occupant Fumigation Notice (OFN) (Form 43M-8) be in the possession of the licensed fumigator at the time the fumigant is released.

As currently written, CCR Section 1970.4 makes no allowance for the properly signed form or copy thereof to be in electronic form.

ANTICIPATED BENEFITS FROM THIS REGULATORY ACTION:

The Board anticipates that the proposed change will have the benefit of clarifying regulatory language that has become vague. As currently written, CCR Section 1970.4 requires a signed form or copy of the OFN to be present at the time the fumigant is released. Technology that is commonly used today allows for documents to be stored and displayed electronically however, the current language makes no explicit allowance for that technology to be employed.

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT OR REPEAL:

There are two purposes to the requested regulation change. The first purpose is to better and fully implement B&P Code Section 8538, which mandates that specific pest and pesticide information be provided and be available to the owner or owner's agent and tenant. The second purpose is to clarify a regulation by adding language that makes it explicitly clear that an electronic copy of an OFN is acceptable and meets the requirement of the licensed fumigator possessing a signed form or copy of the OFN prior to releasing the fumigant.

NECESSITY

To better implement Business and Professions Code (B&P Code) Section 8538, the Board has determined that it is necessary to amend CCR Section 1970.4 to allow for the possession of an electronic copy of the OFN to satisfy the requirement that a licensed fumigator possess a signed form or copy of an OFN prior to releasing fumigants.

Technology that is commonly used today allows for documents to be stored and displayed electronically and in consideration of these two factors, the Board finds it necessary to clarify the regulatory language in 16 CCR Section 1970.4.

UNDERLYING DATA

None

BUSINESS IMPACT

This regulation will not have a significant adverse economic impact on businesses.
This initial determination is based on the following facts or evidence/documents/testimony: The amendment only allows an existing form to be in kept in an electronic format.

ECONOMIC IMPACT ASSESSMENT

Creation or Elimination of Jobs Within the State

The Board anticipates that the proposed regulation will not impact the creation or elimination of jobs within the state. The Board has made this determination because the proposed regulation seeks only to clarify existing language and imposes no new requirements on the regulated public.

Creation of New or Elimination of Existing Businesses Within the State

The Board anticipates that the proposed regulation will have no effect on the creation of new businesses or the elimination of existing businesses. The Board has made this determination because the proposed regulation seeks only to clarify existing language and imposes no new requirements on the regulated public.

Expansion of Businesses Currently Doing Business Within the State

The Board anticipates that the proposed regulation will not impact the expansion of businesses currently doing business within the state. The Board has made this determination because the proposed regulation seeks only to clarify existing language and imposes no new requirements on the regulated public.

Benefits to the Health and Welfare of California Residents, Worker Safety, and Environment

The Board has determined that the proposed regulation will benefit the health and welfare of California residents by clarifying language in a manner that will allow licensed companies performing fumigations to possess an OFN in electronic form. In clarifying this language, the

Board is making it easier for licensed companies to comply with a requirement that is in place for the protection of the public.

The Board has determined that the proposed regulation does not affect worker safety. The Board has made this determination because the proposed regulation is not relevant to worker safety.

The Board has determined that the proposed regulation does not affect the state's environment. The Board has made this determination because the proposed regulation is not relevant to state's environment.

MANDATE ON SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed regulation does not impose a mandate requiring the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons or businesses or equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

Alternative 1: Continue to require that a paper copy of the OFN be in possession of the licensed fumigator at the time the fumigant is released.

Rejected: In order to effectively implement the intent of the enabling statutes it is necessary to amend CCR Section 1970.4 in a manner that will clearly make an allowance for an electronic copy of the OFN to satisfy the requirement that a signed form or copy thereof be in possession of the licensed fumigator at the time the fumigant is released.

Technology that is commonly used today allows for documents to be stored and displayed electronically and in consideration of that the Board finds it necessary to clarify the regulatory language in CCR Section 1970.4.

TITLE 16. STRUCTURAL PEST CONTROL BOARD

PESTICIDE DISCLOSURE REQUIREMENTS

Proposed Language

Amend subsection (a) of Section 1970.4 of Division 19, Title 16, of the California Code of Regulations to read as follows:

§ 1970.4. Pesticide Disclosure Requirement.

(a) The primary contractor for fumigation shall have in his or her possession and shall provide to any subcontractor for fumigation a form (See Form 43M-48 (Rev. 5/07) at the end of this section) signed by the occupants or designated agent of a structure. The primary contractor for fumigation and the subcontractor for fumigation shall retain a copy of the occupants fumigation notice for a period of at least three years. In case of multiple-family dwellings, the owner, manager or designated agent of the building may obtain signatures and/or verify the notification of the occupants.

The form shall state the name of the pest to be controlled, the pesticide(s)/fumigant(s) proposed to be used, the active ingredient(s) and the health cautionary statement as required under section 8538 of the code. The form shall also state that a lethal gas (poison) will be used in the building on indicated dates and that it is unsafe to return to the building until a certification notice for reentry is posted by the licensed fumigator. The form shall also indicate that the occupant has received the prime contractor's information regarding the procedures for leaving the structure.

The properly signed form or a copy, written or electronic, thereof shall be in the possession of the licensed fumigator when the fumigant is released. Such form shall be attached to and become a permanent part of the fumigation log upon completion of the fumigation.

* * *

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8505.7, 8505.13 and 8538, Business and Professions Code.

MINUTES OF THE MEETING OF THE
STRUCTURAL PEST CONTROL BOARD

The meeting was held March 25 and 26, 2015 at the Department of Consumer Affairs, Hearing Room, 2005 Evergreen Street, Sacramento, California.

Board Members Present:

Dave Tamayo, President
Curtis Good, Vice President
Naresh Duggal (March 26)
Mike Duran
Marissa Quiroz
Cliff Utley

Board Staff Present:

Susan Saylor, Executive Officer
Robert Lucas, Assistant Executive Officer
Kathy Boyle, Chief Enforcement Officer
David Skelton, Administrative Analyst

Departmental Staff Present:

Frederic Chan-You, Legal Counsel
Kurt Heppler, Legal Counsel

Wednesday, March 25, 2015

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Tamayo called the meeting to order at 1:00 P.M. and Ms. Saylor called roll.

Board members Tamayo, Good, Duran, Quiroz and Utley were present.

Board members Brand and Duggal were absent.

A quorum of the Board was established.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

Mr. Tamayo lead everyone in the flag salute and recitation of the Pledge of Allegiance.

PETITION FOR REINSTATMENT
RICARDO WINKLER – FR 37722 BRANCH 3

Administrative Law Judge Marcie Larson sat with the Board to hear the Petition for Reinstatement for Ricardo Winkler, Field Representative License Number 37722. The petitioner was informed that he would be notified by mail of the Board's decision.

CLOSED SESSION

Pursuant to subdivision (c) (3) of section 11126 of the Government Code, the Board met in closed session to consider proposed disciplinary actions, stipulated settlements, and petitions for modification / termination of probation and reinstatements.

Return to Open Session

ADJOURNMENT

The meeting adjourned for the day at 3:27 P.M.

Thursday, March 26, 2015

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Tamayo called the meeting to order at 8:01 A.M. and Ms. Saylor called roll.

Board members Tamayo, Good, Duggal, Duran, Quiroz, and Utley were present.

Board member Brand was absent.

A quorum of the Board was established.

STATEMENT IN RECOGNITION, IN APPRECIATION AND IN MEMORY OF DARRELL ENNES

Mr. Tamayo gave a statement in appreciation of Darrell Ennes citing his energy, insight, contributions to the industry, and the respect and love his colleagues and family felt for him.

Mr. Good added a statement in appreciation and memory of Dan Prechtl, Beneficial Exterminating, citing his excellent professional record as a fumigator and his passion for his work.

Martyn Hopper, Pest Control Operators of California (PCOC), stated that both Mr. Ennes and Mr. Prechtl were industry giants who were experts in their fields and that they will be missed.

Mr. Tamayo asked staff to prepare a resolution in both Mr. Ennes and Mr. Prechtl's honor.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

There were no public comments for items not on the agenda.

APPROVAL OF MINUTES OF THE JANUARY 14 & 15, 2015 BOARD MEETING

Mr. Duran moved and Mr. Utley seconded to approve the minutes of the January 14 & 15, 2015 Board Meeting. Passed unanimously. (AYES: TAMAYO, GOOD, DUGGAL, DURAN, UTLEY. NOES: NONE. ABSTENTIONS: QUIROZ)

EXECUTIVE OFFICER'S REPORT

Ms. Saylor reported to the Board on licensing and enforcement survey results and statistics, staffing changes, wood destroying organisms (WDO) statistics, Computer Based Testing (CBT), and the Applicator expiration date change to June 30.

Ms. Saylor addressed industry concern about the amount of time it takes for applicants to schedule themselves for the Applicator exam by sharing statistics illustrating Board processing time for Applicator examination applications.

The Board inquired about the feasibility of having industry or colleges submit examination questions to the Office of Professional Examination Services (OPES) to possibly be used in examination construction.

Ms. Saylor asked for industry help in providing Subject Matter Experts (SMEs) for use in the development of the Applicator Examination and stated that she would inquire with OPES as to the feasibility of industry or colleges remotely submitting questions.

Ms. Saylor stated that staff has finished moving Applicator expiration dates forward to June 30th.

Mr. Good asked that staff make efforts to notify industry of Applicator expiration dates having moved forward to June 30th.

DISCUSSION, CONSIDERATION AND REQUEST FOR FURTHER BOARD GUIDANCE TO THE CONTINUING EDUCATION (CE) INTEGRATED PEST MANAGEMENT REVIEW COMMITTEE REGARDING PREVIOUSLY RECOMMENDED CHANGES AND / OR ANY OTHER CHANGES TO THE CURRENT CE REGULATIONS

The Board considered the recommendations of the CE IPM Review Committee and discussed additional revisions to the CE IPM structure for the Committee to consider and incorporate.

The following topics were identified by the Board as areas for the CE IPM Review Committee to consider incorporating into their recommended changes –

- The implementation of a requirement that CE Providers inform licensees how the courses they provide fit into their CE requirements.

- The addition of a component to the CE categories that addresses the responsibilities of a Qualifying Manager.

- Further clarification on how the auditing and quality control of approved CE courses would be accomplished.

- A justification or rationale for the recommendation that an increase in the total number of CE hours is needed.

- A recommendation for how the CE IPM Review Committee's proposed changes would be implemented and an estimate of the cost associated with the implementation.

- An explanation of why the Committee feels its recommendations for change are necessary in order to satisfy the Administrative Procedure Act's (APA) necessity requirement for regulatory changes.

Mr. Utley moved and Mr. Good seconded for the CE IPM Review Committee to continue their work and to incorporate the topics identified above into their recommendation to the Board. Passed unanimously. (AYES: TAMAYO, GOOD, DUGGAL, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

PRESENTATION AND CONSIDERATION OF STRUCTURAL PEST CONTROL BOARD LOGO

Mr. Good moved and Mr. Duran seconded to accept new option 1, as shown in Board Meeting Materials, as the new Board Logo. Passed unanimously. (AYES: TAMAYO, GOOD, DUGGAL, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

PRESENTATION AND CONSIDERATION OF STRATEGIC PLAN

Mr. Utley moved and Mr. Good seconded to accept the Strategic Plan, as shown in Board Meeting Materials, with the incorporation of the new Board Logo. Passed unanimously. (AYES: TAMAYO, DUGGAL, DURAN, GOOD, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

DISCUSSION AND CONSIDERATION OF POTENTIAL REGULATORY CHANGE TO REQUIRE ALL CURRENT LICENSEES WHO HAVE NOT PREVIOUSLY BEEN FINGERPRINTED TO BE FINGERPRINTED UPON LICENSE RENEWAL

Ms. Saylor reported that there were no attendees at an Interested Parties Meeting the Board held to discuss the potential regulatory change to require all current licensees who have not previously been fingerprinted to be fingerprinted upon license renewal.

The Board and members of the public inquired as to how many licensees would be affected and how the requirement would be implemented.

Ms. Saylor stated that based on staff research approximately 5,000 licensees would be affected by the proposed regulation and that they would be able to submit fingerprints any time before their renewal date to satisfy the requirement.

Mr. Heppler stated that the requirement to get fingerprinted, and the results of the fingerprint analysis are separate issues and that any potential discipline that could result would be done under existing authority.

> Mr. Duran moved and Mr. Good seconded to approve the proposed language and direct staff to begin the rulemaking process to require all licensees who have never submitted a set of fingerprints to do so as condition of license renewal. Passed unanimously. (AYES: TAMAYO, GOOD, DUGGAL, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

PRE-TREATMENT COMMITTEE UPDATE

Eric Paulsen, Chairman, Structural Pest Control Board Pre-Treatment Committee, briefed the Board on the progress of the Pre-Treatment Committee, its initial recommendations, and its goals moving forward.

Mr. Good suggested that the Committee consider including Scott LaFave, Nisus Corporation, as either a Committee Member, or an attending member of the public.

Mr. Tamayo asked if it had been determined yet whether statutory, regulatory or policy changes would be needed to accomplish the Committee's recommendations.

Mr. Heppler stated that that determination would be made subsequent to the Committee determining what their final recommendation will be.

Mr. Paulsen stated that the Pre-Treatment Committee will next meet on April 15, 2015 at the Board's office in Sacramento.

PRESENTATION, DISCUSSION AND CONSIDERATION OF PROPOSED RECOMMENDED CHANGES TO THE BOARD'S DISCIPLINARY GUIDELINES

Ms. Saylor stated that based on the Board's direction, staff prepared recommendations to update the Board's Disciplinary Guidelines as shown in the Board Meeting Materials.

Mr. Chan-You stated that the recommendations are meant to provide more guidance in the determination of appropriate discipline.

Mr. Tamayo stated that for more serious violations the minimum penalty suggested by the Board's Disciplinary Guidelines could possibly be increased.

Mr. Heppler stated that the lengths of probation suggested by the Disciplinary Guidelines could also be updated.

The Board tabled the approval of the recommendations to change the Disciplinary Guidelines until the July 22 & 23, 2015 Meeting in San Diego in order to consider Mr. Tamayo and Mr. Heppler's suggestions.

DISCUSSION AND POSSIBLE ACTION REGARDING EXAMINATION STUDY GUIDES

Ms. Saylor stated that an Interested Parties Meeting on the subject of the creation of examination study guides will be held on April 28, 2015 at the Board's office in Sacramento.

The Board held a discussion with the public on the subject of the creation of examination study guides where the following issues were discussed –

- The Board's role in the creation of examination study guides and whether or not the industry is allowed to produce a study guide on its own.
- The need for examinations to be linked to the material that is included in the study guides.
- The distinction between creating an examination study guide and exam subversion.
- The need for OPES to be included in the process of creating examination study guides.

Ms. Saylor stated that OPES will be invited to the April 28, 2015 Interested Parties Meeting.

Mr. Heppler stated that he would research the legality of Board involvement in making an industry produced study guide available to the public as well as the line separating the production of study guides from exam subversion.

ADJOURNMENT

The meeting was adjourned at 10:54 A.M.

Dave Tamayo, President	Date

LICENSING UNIT SURVEY RESULTS

July 22-23, 2015 – SPCB Meeting
February 26, 2015 – July 2, 2015

Response cards are sent to licensees, registered companies, and applicants receiving the following services: Licensure, Renewal of License, Upgrade/Downgrade License, Change of Qualifying Manager, Bond/Insurance, Company Registration, Transfer of Employment, Change of Address, and Examination. 541 survey cards were mailed during this reporting period. 42 responses were received.

	Question	Yes	No	N/A
1	Was staff courteous?	98%	2%	0%
2	Did staff understand your question?	98%	0%	2%
3	Did staff clearly answer your question?	96%	0%	4%
4	Did staff promptly return your telephone call?	67%	7%	26%
5	Did staff efficiently and promptly handle your transaction?	91%	2%	7%
6	How long did it take to complete its action on your file?* (Average)	18 days		

*There were 24 responses to question 6, ranging from 1 day to 45 days.

Company Registration: 19 days average (5 responses)

Operator License: 30 days average (2 responses)

Field Representative License: 14 days average (4 responses)

Applicator License: 11 days average (2 responses)

Transfer of Employment: No responses

Change of Address: No responses

Bond/Insurance: No responses

Change of Qualifying Manager: No responses

Examination: 19 days average (11 responses)

Comments:

- Staff is great, the testing/licensing process itself is too complicated and lengthy.

- Still waiting for over three weeks for license.
- Please establish email to let us make questions.
- Challenging test, very simple process to take test. Staff was professional.
- Everyone was very helpful.
- Thank you.
- Frank Munoz and team members were very helpful. Thank you guys and girls.
- Return phone calls. I shouldn't have had to call back next day.
- It was worth the 1 month wait. It was only a month but I waited my whole life to get it so thank you!
- The lady I spoke to was extremely rude.
- My concerns were handled with true professional service.
- Frank is a great guy, but it seems like he has a heavy workload.
- Frank Munoz was very professional and courteous. Got everything done in a timely manner. Thank you kindly!
- I can't really remember how long it took, but Frank was very professional and prompt.
- It was a lengthy process, but they did everything possible to make it as smooth and easy as possible.
- Mr. Munoz did an excellent job with helping to register our company!
- My situation took longer than normal but the Board was not at fault. Frank Munoz was amazing. Very lucky to have him on staff.
- Great place to test
- The lady that scheduled my Branch 2 and 3 exam dates was very polite and did whatever she could to make sure the times and dates were convenient for me. She was outgoing and seemed genuinely happy. Thank you.
- Frank Munoz at licensing is a true professional. People at PSI very nice and helpful. Thanks.
- Keep on doing a good job.
- Location for testing very convenient.
- Great, understanding, fast service.
- I had missed a question and my application was sent back. I corrected it and sent back, therefore it took some time. All good now!

COMPLAINT HANDLING SURVEY

July 22-23, 2015 – SPCB Meeting
February 26, 2015 – July 2, 2015

Results from survey cards sent to consumers and companies for closed complaints/cases.

7 responses were received from consumers

	Question	Yes	No	N/R
1	Was our representative courteous?	5	1	1
2	Do you feel the representative understood your problem?	6	1	0
3	Did our representative fully explain our role and jurisdiction over your problem?	6	1	0
4	Did our representative deal with your problem in a fair and reasonable manner?	4	2	1
5	Were you satisfied with the results?	6	1	0
6	If you experience structural pest control problems in the future, would you contact the Board?	7	0	0
7	Will you recommend our serves to others?	7	0	0
8	How long did it take the Board to complete its action on your problem?*(Average)	38 days		

*There were 6 survey responses from question number 8. The answers ranged from 10 days to 15 weeks.

10 responses were received from companies

	Question	Yes	No	N/R
1	Was our representative courteous?	10	0	0
2	Do you feel the representative understood the aspects of the case?	10	0	0
3	Did our representative deal with the case in a fair and reasonable manner?	10	0	0
4	Were you given adequate time to resolve the consumer complaint?	10	0	0
5	Were you satisfied with the results?	10	0	0

COMPLAINT SURVEY RESPONSES
July 22-23, 2015 - SPCB Meeting

15-1	Consumer	15 weeks, to the end of construction.
15-58	Company	No comment
15-123	Company	No comment
15-190	Company	No comment
15-229	Consumer	Ila Kopp and Greg Adams were accurate, diligent, and professional! Thank you!
15-234	Company	Thank you
15-244	Company	No comment
15-314	Consumer	Everything was handled by mail
15-344	Company	No comment
15-344	Consumer	No comment
15-350	Company	The representative was very courteous and explained things very clearly. She was understanding and helpful in giving me all of the information I needed to help me resolve the issue.
15-352	Company	No comment
15-352	Consumer	No comment
15-373	Consumer	No comment
15-373	Company	No comment
15-392	Company	No comment
15-424	Consumer	Note: Terminix did not fully reimburse me for months after they notified you they had.

STRUCTURAL PEST CONTROL BOARD STATISTICS FOR MAY 2015 Page 1 of 2	FISCAL YEAR 2014/2015		FISCAL YEAR 2013/2014	
EXAMINATION	**Monthly**	**Year To Date**	**Monthly**	**Year To Date**
Field Representatives Scheduled/Authorized	450	4,953	370	5,283
Field Representatives Examined	440	3,638	285	3,691
Field Representatives Passed	198	1,077	106	950
Field Representatives Failed	242	2,561	179	2,741
Operators Scheduled/Authorized	42	438	37	576
Operators Examined	32	386	46	463
Operators Passed	16	180	15	192
Operators Failed	16	206	31	271
Applicators Examined	296	2,180	307	2,551
Applicators Passed	163	1,031	168	1,311
Applicators Failed	133	1,149	139	1,240
Field Representatives Passing Rate	45%	30%	37%	26%
Operator Passing Rate	50%	47%	33%	41%
Applicators Passing Rate	55%	47%	55%	51%
LICENSING				
Field Representative Licenses Issued	188	767	89	720
Operator Licenses Issued	19	125	9	181
Company Registrations Issued	16	204	27	244
Branch Office Registrations Issued	4	30	1	47
Change of Registered Company Officers	4	27	0	28
Change Of Qualifying Manager	10	94	11	122
Applicator Licenses Issued	129	961	176	1,232
Duplicate Licenses Issued	50	856	70	864
Upgrade Present License	24	180	15	158
Change of Status Processed	25	291	28	312
Address Change	120	1,254	131	1,521
Address Change (Principal Office)	20	214	21	246
Address Change (Branch Office)	2	15	2	16
Transfer of Employment Processed	73	1,138	105	1,363
Change of Name	0	8	4	17
Change of Registered Company Name	0	9	4	13
License Histories Prepared	19	223	16	179
Down Grade Present License	56	545	32	335
LICENSES/REGISTRATIONS IN EFFECT				
Field Representative		10,701		10,310
Operator		4,082		3,795
Company Registration		2,980		2,946
Branch Office		448		445
Licensed Applicator		6,430		5,756
LICENSES/REGISTRATIONS ON PROBATION				
Companies		20		22
Licensees		96		93

STRUCTURAL PEST CONTROL BOARD STATISTICS FOR MAY 2015 Page 2 of 2	FISCAL YEAR 2014/2015		FISCAL YEAR 2013/2014	
	Monthly	Year To Date	Monthly	Year To Date
LICENSES RENEWED				
Operator	306	461	312	487
Field Representative	502	1,408	556	961
Applicator	44	412	54	436
LICENSES/ REGISTRATIONS CANCELED				
Operator	3	214	2	176
Field Representative	13	877	8	1,054
Company Registration	9	167	15	134
Branch Office	1	26	1	34
Applicator	17	741	71	827
LICENSES DENIED				
Licenses	4	18	2	21
INVESTIGATIVE FINES PROCESSED				
Fines Processed	$0	$104	$204	$433
Penalty Assessment	$0	$0	$50	$2,632
Pesticide Fines	$8,125	$112,570	$6,875	$92,765
STAMPS SOLD				
Pesticide	5,960	64,670	5,870	63,380
SEARCHES MADE				
Public	86	801	73	871
Complaints	44	386	39	512
BOND & INSURANCE				
Bonds Processed	10	759	250	886
Insurance Processed	220	2526	240	2,510
Restoration Bonds Processed	2	8	0	0
Suspension Orders	39	515	40	296
Cancellations Processed	39	785	21	501
Change of Bond/Insurance	42	959	141	1,063
CONTINUING EDUCATION EXAMS				
Field Representative Examined	0	0	0	1
Field Representative Passed	0	0	0	0
Field Representative Failed	0	0	0	0
Operator Examined	0	0	0	1
Operator Passed	0	0	0	0
Operator Failed	0	0	0	0
Applicator Examined	0	0	0	0
Applicator Passed	0	0	0	0
Applicator Failed	0	0	0	0

WDO ACTIVITIES FILED

	2010/11	2011/12	2012/13	2013/14	2014/15	MO. AVG
July	99,163	116,972	110,432	123,958	122,803	**114,666**
August	104,141	124,622	110,534	116,087	112,400	**113,557**
September	87,158	117,013	103,223	129,161	116,100	**110,531**
October	113,586	120,171	120,645	117,714	123,250	**119,073**
November	90,626	110,723	102,655	103,787	94,750	**100,508**
December	81,140	91,644	88,935	101,132	95,373	**91,645**
January	77,774	84,492	94,775	92,959	88,247	**87,649**
February	83,071	95,226	98,208	88,870	97,884	**92,652**
March	109,522	108,429	114,785	109,979	124,448	**113,433**
April	117,107	118,528	121,802	122,692	131,292	**122,284**
May	120,792	111,594	115,207	114,956	124,648	**117,439**
June	118,929	113,080	116,313	117,773		**116,524**
FY Total	***1,203,009***	***1,312,494***	***1,297,514***	***1,339,068***	***1,231,195***	**1,276,656**
AVG PER MO.	100,251	109,375	108,126	111,589	111,927	

EXAMINATION STATISTICS AS OF 6/29/15

Examination	Stat Dates	Release Date	# of Examinees	Passing Rate	# of Repeat Examinees
RA	1/1/15 - 2/28/15	Jan-15	162	39%	4
RA	3/1/15 - 06/29/15	Mar-15	1162	51%	284
FR1	3/1/15 - 06/29/15	May-13	19	47%	8
FR2	1/1/15 - 2/28/15	Jun-14	464	24%	208
FR2	3/1/15 - 06/29/15	Mar-15	1246	41%	509
FR3	1/1/15 - 2/28/15	Jun-14	245	22%	129
FR3	3/1/15 - 06/29/15	Mar-15	390	51%	191
OPR1	3/1/15 - 06/29/15	May-13	8	25%	6
OPR2	3/17/14 - 12/31/14	May-13	81	36%	75
OPR2	3/1/15 - 06/29/15	Jan-15	85	53%	33
OPR3	03/17/14 - 12/31/14	May-13	101	49%	27
OPR3	3/1/15 - 06/29/15	Jan-15	45	64%	14

CURRENT VERSION OF EXAM
PREVIOUS VERSION OF EXAM

California LEGISLATIVE INFORMATION

SB-799 Business and professions. (2015-2016)

AMENDED IN ASSEMBLY JUNE 25, 2015

AMENDED IN SENATE APRIL 20, 2015

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

SENATE BILL No. 799

Introduced by Committee on Business, Professions and Economic Development (Senators Hill (Chair), Bates, Berryhill, Block, Galgiani, Hernandez, Jackson, Mendoza, and Wieckowski)

March 18, 2015

An act to amend Sections *5055,* 5070.1, 5087, 6735, 7083, 7200, 7200.5, 7200.7, 7201, 7202, 7208, 7209, 7209.5, 7210.5, 7211.1, 7211.2, 7215, 7215.5, 7217, 7685, *7818,* 8508, 8513, 8552, 8611, and 17913 of, and to repeal Section 8516.5 of, the Business and Professions Code, and to amend Section 13995.40 of the Government Code, relating to business and professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 799, as amended, Committee on Business, Professions and Economic Development. Business and professions.

required to be included in the establishment's general price list, pursuant to federal rule, and a statement that the general price list is available upon request.

(2) Information posted pursuant to paragraph (1) shall be provided by a link from the ~~home page~~ *homepage* of the Internet Web ~~site.~~ *site with a word or combination of words, including, but not limited to, "goods," "merchandise," "products," or "services."*

(3) An establishment that posts on its Internet Web site home page the words "price information" or a similar phrase that includes the word "price," with a link that leads to the establishment's general price list, need not comply with paragraphs (1) or (2).

(4) Nothing in this subdivision shall be construed to affect an establishment's obligations under federal or state law effective prior to January 1, 2013.

(5) This subdivision shall become operative on January 1, 2013.

SEC. 21. *Section 7818 of the Business and Professions Code is amended to read:*

7818. The board, pursuant to the provisions contained in Chapter ~~4.5~~ *3.5* (commencing with Section ~~11371)~~ *11340)* of Part 1 of Division 3 of Title 2 of the Government Code, may adopt, amend or repeal rules and regulations to carry out the provisions of this chapter.

~~**SEC. 20.**~~***SEC. 22.*** Section 8508 of the Business and Professions Code is amended to read:

8508. "Household" means any structure and its contents ~~which~~ *that* are used for ~~man~~ *persons* and ~~his~~ *their* convenience.

~~**SEC. 21.**~~***SEC. 23.*** Section 8513 of the Business and Professions Code is amended to read:

8513. (a) The board shall prescribe a form entitled "Notice to Owner" that shall describe, in nontechnical language and in a clear and coherent manner using words with common and everyday meaning, the pertinent provisions of this state's mechanics lien laws and the rights and responsibilities of an owner of property and a registered pest control company thereunder. Each company registered under this chapter, prior to entering into a contract with an owner for work for which a company registration is required, shall give a copy of this "Notice to Owner" to the owner, his or her agent, or the payer.

(b) No company that is required to be registered under this chapter shall require or request a waiver of lien rights from any subcontractor, employee, or supplier.

(c) Each company registered under this chapter that acts as a subcontractor for another company registered under this chapter shall, within 20 days of

commencement of any work for which a company registration is required, give the preliminary notice in accordance with Chapter 2 (commencing with Section 8200) of Title 2 of Part 6 of Division 4 of the Civil Code, to the owner, his or her agent, or the payer.

(d) Each company registered under this chapter that acts as a prime contractor for work for which a company registration is required shall, prior to accepting payment for the work, furnish to the owner, his or her agent, or the payer a full and unconditional release from any claim of mechanics lien by any subcontractor entitled to enforce a mechanics lien pursuant to Section 8410 of the Civil Code.

(e) Each company registered under this chapter that subcontracts to another company registered under this chapter work for which a company registration is required shall furnish to the subcontractor the name of the owner, his or her agent, or the payer.

~~(f) The provisions of this section shall be applicable only to those registered companies, as defined in Section 8506.1, operating pursuant to a Branch 1 or Branch 3 registration.~~

~~(g)~~ *(f)* A violation of the provisions of this section is a ground for disciplinary action.

~~**SEC. 22.**~~***SEC. 24.*** Section 8516.5 of the Business and Professions Code is repealed.

~~**8516.5.**~~
~~Any registered company that makes an inspection of any property relating to the absence or presence of wood destroying pests or organisms on such property and makes a report of such inspection shall furnish a copy of the report either to the owner of the property or to the agent of the owner, within 10 working days after the date the inspection is commenced, except an inspection report prepared for use by an attorney for litigation is not required to be furnished.~~

~~**SEC. 23.**~~***SEC. 25.*** Section 8552 of the Business and Professions Code is amended to read:

8552. It is unlawful for any person to advertise or represent in any manner that any pest control work, in whole or in part, has been done upon any structure, unless the work has been performed by a ~~company registered under~~ *registered company, except as otherwise provided in* this chapter.

~~**SEC. 24.**~~***SEC. 26.*** Section 8611 of the Business and Professions Code is amended to read:

8611. *(a)* Each branch office shall have a branch supervisor designated by the registered company to supervise and assist the company's employees who are located at that branch. The branch supervisor shall be an individual who is

licensed by the board as an operator or a field representative *in the branch or branches of business being conducted* and his or her license shall be prominently displayed in the branch office.

(b) If a branch supervisor ceases for any reason to be connected with a registered company, the company shall notify the registrar in writing within 10 days from that cessation. If this notice is given, the company's branch office registration shall remain in force for a reasonable length of time to be determined by rules of the board, during which period the company shall submit to the registrar in writing the name of another qualified branch supervisor.

~~SEC. 25.~~***SEC. 27.*** Section 17913 of the Business and Professions Code is amended to read:

17913. (a) The fictitious business name statement shall contain all of the information required by this subdivision and shall be substantially in the following form:

FICTITIOUS BUSINESS NAME STATEMENT

The following person (persons) is (are) doing business as

*

at ** :

***

This business is conducted by ****

The registrant commenced to transact business under the fictitious business name or names listed above on

*****

I declare that all information in this statement is true and correct. (A registrant who declares as true any material matter pursuant to Section 17913 of the Business and Professions Code that the registrant knows to be false is guilty of a

California LEGISLATIVE INFORMATION

AB-551 Rental property: bed bugs. (2015-2016)

SECTION 1. Section 1942.5 of the Civil Code is amended to read:

1942.5. (a) If the lessor retaliates against the lessee because of the exercise by the lessee of his *or her* rights under this chapter or because of his *or her* complaint to an appropriate agency as to tenantability of a dwelling, and if the lessee of a dwelling is not in default as to the payment of his *or her* rent, the lessor may not recover possession of a dwelling in any action or proceeding, cause the lessee to quit involuntarily, increase the rent, or decrease any services within 180 days of any of the following:

(1) After the date upon which the lessee, in good faith, has given notice pursuant to Section 1942, *has provided notice pursuant to Section 1954.14,* or has made an oral complaint to the lessor regarding tenantability.

(2) After the date upon which the lessee, in good faith, has filed a written complaint, or an oral complaint which is registered or otherwise recorded in writing, with an appropriate agency, of which the lessor has notice, for the purpose of obtaining correction of a condition relating to tenantability.

(3) After the date of an inspection or issuance of a citation, resulting from a complaint described in paragraph (2) of which the lessor did not have notice.

(4) After the filing of appropriate documents commencing a judicial or arbitration proceeding involving the issue of tenantability.

(5) After entry of judgment or the signing of an arbitration award, if any, when in the judicial proceeding or arbitration the issue of tenantability is determined adversely to the lessor.

In each instance, the 180-day period shall run from the latest applicable date referred to in paragraphs (1) to (5), inclusive.

(b) A lessee may not invoke subdivision (a) more than once in any 12-month period.

(c) It is unlawful for a lessor to increase rent, decrease services, cause a lessee to quit involuntarily, bring an action to recover possession, or threaten to do any of those acts, for the purpose of retaliating against the lessee because he or she has

lawfully organized or participated in a lessees' association or an organization advocating lessees' rights or has lawfully and peaceably exercised any rights under the law. In an action brought by or against the lessee pursuant to this subdivision, the lessee shall bear the burden of producing evidence that the lessor's conduct was, in fact, retaliatory.

(d) Nothing in this section shall be construed as limiting in any way the exercise by the lessor of his or her rights under any lease or agreement or any law pertaining to the hiring of property or his or her right to do any of the acts described in subdivision (a) or (c) for any lawful cause. Any waiver by a lessee of his or her rights under this section is void as contrary to public policy.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a lessor may recover possession of a dwelling and do any of the other acts described in subdivision (a) within the period or periods prescribed therein, or within subdivision (c), if the notice of termination, rent increase, or other act, and any pleading or statement of issues in an arbitration, if any, states the ground upon which the lessor, in good faith, seeks to recover possession, increase rent, or do any of the other acts described in subdivision (a) or (c). If the statement is controverted, the lessor shall establish its truth at the trial or other hearing.

(f) Any lessor or agent of a lessor who violates this section shall be liable to the lessee in a civil action for all of the following:

(1) The actual damages sustained by the lessee.

(2) Punitive damages in an amount of not less than one hundred dollars ($100) nor more than two thousand dollars ($2,000) for each retaliatory act where the lessor or agent has been guilty of fraud, oppression, or malice with respect to that act.

(g) In any action brought for damages for retaliatory eviction, the court shall award reasonable attorney's fees to the prevailing party if either party requests attorney's fees upon the initiation of the action.

(h) The remedies provided by this section shall be in addition to any other remedies provided by statutory or decisional law.

SEC. 2. Section 1954.1 of the Civil Code is amended and renumbered to read:

~~1954.1.~~ ***1954.05.*** In any general assignment for the benefit of creditors, as defined in Section 493.010 of the Code of Civil Procedure, the assignee shall have the right to occupy, for a period of up to 90 days after the date of the assignment, any business premises held under a lease by the assignor upon payment when due of the monthly rental reserved in the lease for the period of such occupancy, notwithstanding any provision in the ~~lease (whether~~ *lease, whether* heretofore or hereafter entered ~~into)~~ *into,* for the termination thereof upon the making of the assignment or the insolvency of the lessee or other condition relating to the

financial condition of the lessee. This section shall be construed as establishing the reasonable rental value of the premises recoverable by a landlord upon a holding-over by the tenant upon the termination of a lease under the circumstances specified herein.

SEC. 3. *Chapter 2.5 (commencing with Section 1954.1) is added to Title 5 of Part 4 of Division 3 of the Civil Code, to read:*

CHAPTER 2.5. Bed Bug Infestations

1954.1. *The Legislature finds and declares:*

(a) Controlling bed bugs is uniquely challenging, as bed bug resistance to existing insecticidal control measures is significant. Cooperation among landlords, tenants, and pest control operators is required for successful control.

(b) Tenants, property owners, and pest control operators have distinct rights and responsibilities regarding bed bug infestations.

(c) Effective control is more likely to occur when landlords and tenants are informed of the best practices for bed bug control.

(d) Early detection and reporting of bed bugs is an important component required for preventing bed bug infestations. Tenants should not face retaliation for reporting a problem.

(e) Lack of cooperation by landlords and tenants can undermine pest control operator efforts to identify the presence of bed bugs and control an infestation. Depending on the treatment strategy, it is often critical that tenants cooperate with pest control operators by reducing clutter, washing clothes, or performing other activities. Likewise, inadequate or untimely response or planning by landlords may exacerbate an infestation.

(f) Specific, enforceable duties of tenants and landlords are necessary so that the failure of a tenant or landlord to cooperate fully does not prevent effective investigation, treatment, and monitoring of all infested and surrounding units.

1954.11. *For the purposes of this chapter:*

(a) "Bed bug management plan" means a written plan prepared by a pest control operator for a property. The plan will outline the responsibilities of the landlord and shall be consistent with NPMA best practices and tailored to the conditions at the property. The plan shall include, but is not limited to, the following:

(1) Education of tenants to reduce the risk of introduction of bed bugs to the property and to encourage reporting. Education methods and frequency shall be based on resources of the landlord.

(2) Housekeeping and building maintenance procedures to help prevent bed bug harborage, including recommendations from a pest control operator about

correcting bed bug hiding places and entry points, for example by sealing cracks and crevices in walls, ceilings, and floors, and fixing loose moldings and peeling wallpaper.

(3) The landlord's process for responding to complaints and a brief statement of the requirements of this chapter.

(4) Written documentation of any bed bug treatment program.

(5) Use of monitoring devices on a proactive basis, routine monitoring inspections by trained employees or licensed pest control operators, if appropriate, as determined by the pest control operator and based upon the resources of the landlord.

(6) A complaint log that documents compliance with this chapter.

(b) "Bed bug treatment program" means a program, based on NPMA best practices, for treating an infestation to remove or kill visible and accessible bed bugs and their eggs, either immediately or through residual effects. The program shall be structured to continue until the infestation is controlled.

(c) "Complaint log" means part of a bed bug management plan that tracks a landlord's ongoing responses to each bed bug report. The complaint log shall include, but is not limited to, verification inspection and inspection of adjacent units, results of inspections, records of notices provided to tenants, unit preparation inspections, treatment type, locations and dates, and followup inspections.

(d) "Inspection" means an investigation of the premises, using NPMA best practices to confirm or rule out a bed bug infestation, to identify all infested areas to determine treatment tactics, or to verify that an infestation has been eliminated.

(e) "NPMA best practices" means best management practices for bed bugs issued by the National Pest Management Association in effect on January 1, 2015.

(f) "Pest control operator" means an individual with a Branch 2 license from the Structural Pest Control Board.

(g) "Pretreatment checklist" means unit preparation requirements tailored to the treatment method, consistent with NPMA best practices, including, but not limited to, easy-to-understand instructions, pictures, and diagrams, prepared by the pest control operator and provided to tenants by the landlord or pest control operator. The checklist shall include instructions for how to treat tenant clothing, personal furnishings, and other belongings, if treatment is required, and shall provide contact information for the pest control operator to answer questions prior to treatment.

1954.12. *On and after July 1, 2016, prior to creating a new tenancy for a dwelling*

unit, a landlord shall provide a written notice to the prospective tenant as provided in this section. This notice shall be provided to all other tenants by January 1, 2017. The notice shall be in at least 10-point type and shall include, but is not limited to, the following:

(a) General information about bed bug identification, behavior and biology, the importance of cooperation for prevention and treatment, and the importance of and for prompt written reporting of suspected infestations to the landlord. The information shall be in substantially the following form:

Information about Bed Bugs

Bed bug Appearance: Adult bed bugs have flat bodies about 1/4 of an inch in length. They are copper colored and have six legs. Young bed bugs are nearly colorless and are very small, about 1/16 of an inch in length. Bed bugs do not fly. They either crawl or are carried from place to place. When a bed bug feeds, its body swells and becomes bright red, making it appear to be a different insect. Bed bugs can be hard to find and identify because they are tiny and try to stay hidden.

Life Cycle and Reproduction: The typical lifespan of a bed bug is 10 months. They can survive for months without feeding. Female bed bugs lay one to five eggs per day. Bed bugs grow to full adulthood in about 21 days.

Bed bug Bites: Because bed bugs usually feed at night when people are sleeping, most people do not realize they were bitten. Bed bugs do not transmit disease but are a nuisance. A person's reaction to insect bites is an immune response and so varies from person to person. Sometimes the red welts caused by the bites will not be apparent until many days after a person was bitten.

Common signs of bed bugs and symptoms of a possible infestation:

- *Small red to reddish brown fecal spots on mattresses, upholstery, or walls.*
- *Molted bed bug skins, white, sticky eggs, or empty eggshells.*
- *Very heavily infested areas may have a characteristically sweet odor.*
- *Red, itchy bite marks, especially on the legs, arms, and other body parts exposed while sleeping.*

More information: See the websites of the United States Environmental Protection Agency, California State Structural Pest Control Board, and the National Pest Management Association.

(b) The procedure to report suspected infestations to the landlord.

(c) Whether the property has a bed bug management plan.

(d) A copy of this chapter.

1954.13. *A tenant shall not knowingly bring onto a property personal furnishings or belongings that are infested with bed bugs.*

1954.14. *(a) Within seven days after a tenant finds or reasonably suspects a bed bug infestation at a property, the tenant shall notify the landlord in writing of that fact and the evidence of infestation. Evidence of infestation includes, but is not limited to, any recurring or unexplained bites, stings, irritation, or sores of the skin that the tenant knows or reasonably suspects are caused by bed bugs.*

(b) Within five business days after a tenant or a public agency notifies a landlord of an infestation or suspected infestation, the landlord shall retain the services of a pest control operator to verify the tenant's complaint and to conduct an inspection, if determined to be necessary by the pest control operator.

(c) Entry to inspect a tenant's dwelling unit shall comply with Section 1954. Entry to inspect any unit selected by the pest control operator and to conduct followup inspections of surrounding units until bed bugs have been eliminated is a necessary service for the purpose of Section 1954. Tenants shall cooperate with the inspection to facilitate the detection of bed bugs, including providing requested information to facilitate the detection of bed bugs to the pest control operator.

(d) If a pest control operator's inspection confirms that a bed bug infestation exists:

(1) The landlord shall notify all tenants of units identified for treatment by the pest control operator of the findings of infestation. The notification shall be in writing and made within 48 hours of receipt of the pest control operator's findings. For confirmed infestations in common areas, all tenants shall be provided notice of the pest control operator's findings.

(2) If further inspections of the affected units or surrounding units are necessary as determined by the pest control operator, based on the NPMA best practices, subsequent notices shall include information about future inspections. Each subsequent entry shall require a separate notice conforming to Section 1954.

1954.15. *(a) After an infestation is confirmed as described in Section 1954.14, the landlord shall contract with a pest control operator to prepare and implement a bed bug treatment program to begin within a reasonable time. Ten days after the infestation confirmation shall be presumed as a reasonable time.*

(b) At least seven calendar days prior to treatment, the landlord shall provide to the affected tenants with the following:

(1) A cover sheet from the landlord, in at least 10-point type, disclosing:

(A) The date or dates of treatment, the deadline for tenant preparation of the unit, and the date, hour, and length of time, if any, the tenant shall be absent from the unit.

(B) A statement that the tenant may request assistance or an extension of time to prepare the unit, to the extent required by law, to reasonably accommodate a disability.

(C) A statement that a tenant not entitled to a reasonable accommodation under law may also request an extension of time to prepare the unit.

(2) A pretreatment checklist with information provided by the pest control operator, which shall be in accordance with NPMA best practices.

(c) The tenant shall fulfill his or her responsibilities for unit preparation before the scheduled treatment, as described in the pest control operator's pretreatment checklist. Tenants shall be responsible for the management of their belongings, including, but not limited to, clothing and personal furnishings.

(d) Tenants who are not able to fulfill their unit preparation responsibilities shall promptly notify the landlord. For a tenant not entitled to a reasonable accommodation under law who requests an extension of time to prepare the unit, the landlord shall extend the preparation time by three days.

(e) If an extension of time is provided in order to reasonably accommodate a tenant required under law to receive a reasonable accommodation, or for other tenants as provided in subdivision (d), the landlord shall provide all affected tenants with a notice of the revised dates specified in subparagraph (A) of paragraph (1) of subdivision (a).

(f) A tenant shall cooperate in vacating his or her unit as notified for treatment purposes and shall not reenter the unit until directed by the pest control operator to do so.

(g) Inspection of unit preparation and bed bug treatment and posttreatment inspection and monitoring of all affected and surrounding units as recommended by the pest control operator are a necessary service for the purpose of Section 1954. In addition to the cover sheet and any revisions under subdivision (e), the landlord shall provide separate written notice of entry pursuant to Section 1954 for treatments.

1954.16. *After a bed bug infestation is confirmed by a pest control operator, or by a code enforcement officer or a health officer under paragraph (12) of subdivision (a) of Section 17920.3 of the Health and Safety Code, a pest control operator and the landlord shall prepare a written bed bug management plan for the property. This plan shall be made available to tenants upon request.*

1954.17. *It is unlawful for a landlord to rent or lease, or offer to rent or lease, any*

vacant dwelling unit that the landlord knows or should reasonably know has a current bed bug infestation.

1954.18. *Service of a three-day notice and filing of an unlawful detainer action to enforce tenant responsibilities under this chapter shall not be considered unlawful retaliation under Section 1942.5.*

1954.19. *If a landlord has notice of an infestation and follows the procedures of this chapter, the property shall not, with respect to bed bugs, be considered to be substandard as defined in Section 17920.3 of the Health and Safety Code, to be untenantable as defined in Section 1941.1, or to be in breach of the implied warranty of habitability.*

1954.20. *A landlord or tenant disposing of items infested with bed bugs, including, but not limited to, bedding, furniture, clothing, draperies, carpeting, or padding, shall securely seal the material in a plastic bag that is all of the following:*

(a) Of a size as to readily contain the disposed material.

(b) Labeled as being infested with bed bugs.

(c) Furnished as needed to the tenant by the property owner or pest control operator.

1954.21. *In addition to any other remedies provided by law, a landlord or tenant may sue for injunctive or declaratory relief for violations of this chapter.*

1954.22. *A landlord shall not be liable for any damages due to delays in bed bug treatment and control that are outside the landlord's control.*

1954.23. *(a) Except as provided in subdivision (b), to the end of providing a single, uniform approach to the treatment of bed bug infestations in residential tenancies in California, it is the intent of the Legislature to occupy the field with regard to this subject. Cities, counties, and other local entities are prohibited from enacting a local law on this subject.*

(b) The comprehensive ordinances and regulations of the City and County of San Francisco regarding the treatment and control of bed bug infestations are deemed to satisfy this chapter and are not preempted.

California LEGISLATIVE INFORMATION

SB-328 Landlords: notice of pesticide use. (2015-2016)

SECTION 1. *The Legislature finds and declares all of the following:*

(a) Existing law requires licensed pest control operators to provide to tenants advance written notification that includes the pest to be targeted, the pesticide to be used, the frequency of its use, and a health and safety statement.

(b) Landlords or authorized agents may apply commercial pesticides without using the services of a licensed structural pest control operator, as defined in Section 8506 of the Business and Professions Code. There is no requirement for landlords or authorized agents to notify tenants when pesticides are applied to their units or common areas.

SEC. 2. *Section 1940.8.5 is added to the Civil Code, to read:*

1940.8.5. *(a) For purposes of this section, the following terms have the following meanings:*

(1) "Authorized agent" means an individual, organization, or other entity that has entered into an agreement with a landlord to act on the landlord's behalf in relation to the management of a residential rental property.

(2) "Landlord" means an owner of residential rental property.

(3) "Pest" means a living organism that causes damage to property or economic loss, or transmits or produces diseases.

(4) "Pesticide" means any substance, or mixture of substances, that is intended to be used for controlling, destroying, repelling, or mitigating any pest or organism.

(5) "Licensed structural pest control operator" has the same meaning as "structural pest control operator" as set forth in Section 8506 of the Business and Professions Code.

(b) (1) A landlord or authorized agent that applies any pesticide to a dwelling unit without a licensed structural pest control operator shall provide, consistent with the requirements of paragraph (2), a tenant of that dwelling unit and a tenant in each neighboring dwelling unit that could reasonably be impacted by the pesticide

use with written notice that contains, in nontechnical language and in a clear and coherent manner, the following statements and information:

(A) The pest or pests to be controlled.

(B) The name and brand of the pesticide product proposed to be used.

(C) "State law requires that you be given the following information:

CAUTION – PESTICIDES ARE TOXIC CHEMICALS. The California Department of Pesticide Regulation and the United States Environmental Protection Agency allow the unlicensed use of certain pesticides based on existing scientific evidence that there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends upon the degree of exposure, so exposure should be minimized.

If within 24 hours following application of a pesticide, a person experiences symptoms similar to common seasonal illness comparable to influenza, the person should contact a physician, appropriate licensed health care provider, or the California Poison Control System (telephone number).

For further information, contact any of the following: for Health Questions – the County Health Department (telephone number) and for Regulatory Information – the Department of Pesticide Regulation (telephone number)."

(D) The approximate date, time, and frequency with which the pesticide will be applied.

(E) The following notification:

"The approximate date, time, and frequency of this pesticide application is subject to change if a tenant in the unit the pesticides will be applied waives the 24-hour waiting period."

(2) The tenant shall receive the notice at least 24 hours prior to application of the pesticide in at least one of the following ways:

(A) First-class mail.

(B) Personal delivery.

(3) Upon receipt of written notification, the tenant may sign a waiver to allow the landlord or authorized agent to apply a pesticide at an agreed upon time within 24 hours.

(c) (1) If a landlord or authorized agent applies any pesticide to a common area without a licensed structural pest control operator, the landlord or authorized agent shall post written notice in a conspicuous place in the common area in which a pesticide is to be applied that contains, in nontechnical language and in

clear and coherent manner, the following information:

(A) The pest or pests to be controlled.

(B) The name and brand of the pesticide product proposed to be used.

(C) "State law requires that you be given the following information:

CAUTION – PESTICIDES ARE TOXIC CHEMICALS. The California Department of Pesticide Regulation and the United States Environmental Protection Agency allow the unlicensed use of certain pesticides based on existing scientific evidence that there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends upon the degree of exposure, so exposure should be minimized.

If within 24 hours following application of a pesticide, a person experiences symptoms similar to common seasonal illness comparable to influenza, the person should contact a physician, appropriate licensed health care provider, or the California Poison Control System (telephone number).

For further information, contact any of the following: for Health Questions – the County Health Department (telephone number) and for Regulatory Information – the Department of Pesticide Regulation (telephone number)."

(D) The approximate date, time, and frequency with which the pesticide will be applied.

(2) (A) The notice shall be posted at least 24 hours before a pesticide application in a common area and shall remain posted for at least 24 hours after the pesticide is applied.

(B) Landlords and their authorized agents are not liable for any notice removed from a common area without the knowledge or consent of the landlord or authorized agent.

(C) If the pest poses an immediate threat to health and safety, thereby making compliance with the 24-hour prior notice requirements of subparagraph (A) unreasonable, a landlord or authorized agent shall post the notification as soon as practicable, but not later than one hour after the pesticide is applied.

(d) Nothing in this section abrogates the responsibility of a registered structural pest control company to abide by the notification requirements of Section 8538 of the Business and Professions Code.

(e) Nothing in this section authorizes a landlord or authorized agent to enter a tenant's dwelling unit in violation of Section 1954.

STRUCTURAL PEST CONTROL BOARD

REGULATORY ACTION STATUS

SECTION	SUBJECT	STATUS
1911	Addresses – Permits licensees to request a mailing address other than the address of record.	March 13, 1996 – Approved by the Office of Administrative Law.
	Addresses – Requires applicators to report change of address.	August 12, 1996 – Approved by the Office of Administrative Law.
	Transfer of Employment – Allow employers to disassociate employees	**January 15, 2015 – Proposed text approved by Board Members**
1912	Branch Office Registration – Section 100 Change. To change the phrase "A registered company who opens a branch shall ..." to "A registered company which opens a branch office shall..."	Section 100 Change – Approved by the Office of Administrative Law on May 17, 2004.
1914	Name Style – Delete Board's responsibility to disapprove confusingly similar name styles.	December 16, 1998 – Public Hearing. Disapproved by the Board. April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 Approved by the Office of Administrative Law.
1918	Supervision – Clarifies that a field representative or an operator can supervise. Supervision – Permits qualifying managers to supervise multiple locations.	August 12, 1996 – Approved by the Office of Administrative Law. December 16, 1998 – Public Hearing. Referred to Rules and Regulations Committee. August 6, 1999 – Modified language mailed. January 11, 2001 Public Hearing. Adopted by the Board. Rulemaking file not completed by deadline of December 1, 2001

1918	Re-states supervision of multiple locations, clarifies liability / responsibility of qualifying manager[s] & supervisor(s).	April 4, 2003 Public Hearing, referred to Rules and Regs Committee. Committee meeting held September 17, 2003. Placed on agenda for October 17, 2003 Bd. Mtg. Modified Text mailed Nov. 19, 2003. Comments due Dec. 3, 2003. No comments rec'd. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.
1919	Research Panel – Deletes reference to public board member on panel.	March 13, 1996 – Approved by the Office of Administrative Law.
1920	Cite & Fine – Authorizes board staff to issue citations and fines.	August 13, 1998 – Approved by the Office of Administrative Law.
	Cite & Fine – Amends to clarify no appeal after modification of decision.	October 15, 1999 – Public Hearing - Board voted to adopt.
1920 (e)(1)(2)(3)	Cite & Fine – Specifies that a second informal conference for a modified citation will not be allowed.	January 11, 2001 - Public Hearing - Board voted to adopt. December 1, 2001 Rulemaking File not completed by deadline. April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.

1920(b)	Citation - Assessment of Fines – SB 362 increased max fine amt to $5000. Repealed specific criteria required in assessing fines in excess of $2,500.	Section 100 Change pending Administrative decision to go forward. Filed with Sec. of State: 12-18-03. Board approved DCA's four sets of circumstance for max. fine on October 8, 2004. Noticed for Public Hearing July 15, 2005. December 30, 2005 – Approved by the Office of Administrative Law. Agency subsequently agreed that the specific criteria from 2004 for fines in excess of $2,500 should no longer apply. Board approved on April 22, 2010. December 22, 2010 Notice, ISOR, Language, Std 399 submitted to Linda Otani for review/approval by DPR and Agency. April 12, 2011 DPR returned package with approval signatures. May 10, 2012 – Public Hearing – Board voted to adopt. March 22, 2013 rulemaking file filed with Office of Administrative Law May 8, 2013 – Disapproved by OAL Economic Impact Statement not included June 25, 2013 – 15 day notice to add Economic Impact Statement July 17, 2015 – Resubmitted to OAL August 8, 2013 – Approved by OAL Became Effective October 1, 2013
1922	Civil Penalty Actions by Commissioners – Specifies penalty ranges. Penalty ranges serious, minor and moderate upped to mirror new law.	May 14, 1998 – Approved by the Office of Administrative Law. Noticed for Public Hearing: October 7, 2005. Adopted by the Board. August 25, 2006 – Approved by the Office of Administrative Law.
1922.3	Course requirements by County Agricultural Commissioners - Will place into regulation specific guidelines for licensee / County Ag Commissioners re: civil penalty actions.	Noticed for the April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.

1923	Consumer Complaint Disclosure. DCA created new document: Public Information System – Disclosure.	July 18, 2003 - Public Hearing - Board approved to adopt after proposed language modified with a 15-day public comment period. Rulemaking file placed on hold due to Executive Order. Withdrawn by DCA Legal Dept. Noticed for Public Hearing: October 7, 2005. Board voted to not proceed. (Language needs re-drafting – (a)4(d)(A) and (B)(ii) – now conforms to healing arts situation, and, if [A] is satisfied – so is [B])
1934	Board Approved Operator's License Course – Specifies time period in which courses must be completed.	August 13, 1998 – Approved by the Office of Administrative Law.
1936	**Operator and Field Representative License Applications Revisions to include military / veteran status, revised criminal history question, etc.**	March 27, 2014 – Staff directed by Board to begin rulemaking process to revise forms June 4, 2015 - Noticed for Public Hearing **July 23, 2015 - Public Hearing**
1936.1	**Company Registration Form Revisions to include military / veteran status, revised criminal history question, etc.**	March 27, 2014 – Staff directed by Board to begin rulemaking process to revise forms June 4, 2015 - Noticed for Public Hearing **July 23, 2015 - Public Hearing**
1936.2	Applicator – Established by regulation the form for the applicator's license.	August 12, 1996 – Approved by the Office of Administrative Law.
	Applicator License Application Form Revisions to include military / veteran status, revised criminal history question, etc.	March 27, 2014 – Staff directed by Board to begin rulemaking process to revise forms June 4, 2015 - Noticed for Public Hearing **July 23, 2015 - Public Hearing**

1937	Qualification of Applicant – Specifies minimum number of hours of training and experience. IPM training and experience – Requires that branch 2 and/or 3 applicants complete training and experience in structural Integrated Pest Management as part of their pre-licensing requirements	August 13, 1998 – Approved by the Office of Administrative Law. January 2008 – Noticed for Public Hearing to amend the current regulation. April 18, 2008 - Public Hearing - Board approved to adopt. June 26, 2008 - Rulemaking file submitted to DCA for Director review. November 18, 2008 – Clarification of the effective date needed for section 1950 of the rulemaking file. January 6, 2009 – Rulemaking file submitted to DCA for Director review. March 20, 2009 - Approved by the Office of Administrative Law.
1937.11	Disciplinary Guidelines – Incorporates by reference the Manual of Disciplinary Guidelines and Model Disciplinary Orders. Clean up language to change reference of UC Berkeley correspondence course to a CE course approved by board.	April 14, 1997 – Approved by the Office of Administrative Law. Board approved on October 28, 2010. December 22, 2010 Notice, ISOR, Language, Std 399 submitted to Linda Otani for review/approval by DPR and Agency. April 12, 2011 DPR returned package with approval signatures. May 10, 2012 – Public Hearing - Board voted to adopt. March 22, 2013 rulemaking file filed with Office of Administrative Law May 8, 2013 – Disapproved by OAL Economic Impact Statement not included June 25, 2013 – 15 day notice to add Economic Impact Statement July 17, 2015 – Resubmitted to OAL August 8, 2013 – Approved by OAL Became Effective October 1, 2013

1937.11	**Revisions regarding when suspension time must be served, length of probation, tolling of probation, etc.**	**March 26, 2015 - Board ask for additional time to review and ensure that maximum penalties are sufficient.**
1937.17	Customer Notification of Licensure – Adopts regulation requiring practitioner notification to customer of licensure.	October 15, 1999 – Public Hearing - Referred to committee. January 18, 2002 - Public Hearing adopted by the board with modified text. December 16, 2002 - Approved by the Office of Administrative Law.
1940 1941 1942	Applicator – Amends these actions to make distinction between field representatives, operators and applicators.	August 12, 1996 – Approved by the Office of Administrative Law.
1948 1948	Applicator Renewal Fee – Establishes the fee for applicator license renewal. Applicator – Establish and specify fee for applicator's license and license renewal. Applicator license/renewal fee lowered to $10, Operator license/renewal fee lowered to $120.	June 26, 1998 – Public Hearing. Pending approval by Department of Finance. January 20, 2000 – Public Hearing - Board voted to adopt. March 13, 2002 disapproved by OAL. April 12, 2002 Public Hearing: Board voted to take no action. May 5, 2002: Rulemaking file submitted to the Director. July 7, 2002 file disapproved, DCA opposed approval due to Board's current fund condition. April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. April 2005 - DCA opposed proposal. Withdrawn from rulemaking file on April 28, 2005 for separate submission. Noticed for Public Hearing: October 7, 2005. Adopted by the Board. August 25, 2006 – Approved by the Office of Administrative Law.

	Field Representative – Increase field representative examination fee.	October 15, 1999 – Public Hearing - Adopted by the Board. January 20, 2000 Board decided to drop this section.
1950	Continuing Education - Deletes outdated renewal requirements.	August 12, 1996 - Approved by the Office of Administrative Law.
1950	Applicator Continuing Education – Establish and specify number and type of continuing education hours required for renewal of applicator's license. At April 2005 Hearing CE hours were changed to 12 hrs total, 8 covering pesticide application/use and 4 covering SPC Act & its rules & regulations or structural pest related agencies' rules & regulations.	June 26, 1998 - Public Hearing. Pending approval by Department of Finance. January 20, 2000 - Public Hearing Board voted to adopt. March 13, 2001 disapproved by the OAL. April 12, 2002 - Public Hearing. Board voted to adopt. Disapproved by the Director July 7, 2002. April 4, 2003 - Public Hearing - Board voted to proceed after 15-Day Notice. Notice mailed June 11, 2003, final comments due June 30, 2003. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Board voted to proceed after a 15-Day Notice. Notice mailed: May 27, 2005. March 21, 2006 - Approved by the Office of Administrative Law.
1950	Continuing Education - Deletes language regarding Wood Roof Cleaning & Treatment Continuing Education - Hours.	Change without Regulatory Effect - Approved by the Office of Administrative Law effective March 26, 2002.
	Continuing Education - To establish four hours in ethics for license renewal of Operators and Field Representatives.	Noticed for April 23, 2004 Bd. Mtg. Matter considered and rejected at July 23, 2004 Special Mtg. Withdrawn July 2004 with Notice of Decision Not to Proceed.
	Continuing Education - Requires that branch 2 and/or 3 licensees gain continuing education hours in structural Integrated Pest Management as part of their license renewal requirements.	Noticed for the April 18, 2008 Board Meeting. April 18, 2008 - Public Hearing - Board approved to adopt after proposed language modified with a 15-day public comment period. June 26, 2008 - Rulemaking file submitted to DCA for Director review. November 18, 2008 – Clarification of the effective date needed for section 1950 of the rulemaking file. January 6, 2009 – Rulemaking file submitted to DCA for Director review. March 20, 2009 - Approved by the Office of Administrative Law.

1950.1	Armed Services Exemption – Grants a one-year extension for a licensee to complete his/her continuing education requirements if his/her license expired while serving for the United States armed services.	Noticed for the January 23, 2009 Board Meeting. January 23, 2009 - Public hearing, Board voted to send out 15-day notice of modified text. February 9, 2009 – Notice of modified text sent out. June 10, 2009 - Rulemaking file submitted to DCA for Director review. August 5, 2009 – Received approved rulemaking file from DCA. August 5, 2009 – Final rulemaking file submitted to OAL. September 16, 2009 – Approved by the Office of Administrative Law
1950.5(c),(d)(g),(h),[g] 1950.5(c),(d)(g),(h),[g] 1950.5	Continuing Education - Requires that course providers administer a second examination.	March 13, 1996 - Approved by the Office of Administrative Law.
	Continuing Education Requirements, Hour Value System, removal of language regarding wood roof cleaning and treatment.	March 26, 2002 - Approved by the Office of Administrative Law
	Hour Value System - Require all C.E. providers to administer written tests after licensees complete approved courses in technical or rules and regulations; equivalent activities will no longer be granted C.E.; Board mtg. attendance will drop to 4 hrs total C.E. credit - 1 hr General Ed and 1 hr Rules & Regs per meeting.	Noticed for the April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.
	Hour Value System - Establish an hour value for board approved Integrated Pest Management courses.	Noticed for the April 18, 2008 Board Meeting. April 18, 2008 - Public Hearing - Board approved to adopt. June 26, 2008 - Rulemaking file submitted to DCA for Director review. November 18, 2008 – Clarification of the effective date needed for section 1950 of the rulemaking file. January 6, 2009 – Rulemaking file submitted to DCA for Director review. March 20, 2009 - Approved by the Office of Administrative Law.
1951	Continuing Education - Makes distinction between field representative, operators and applicators.	August 12, 1996 - Approved by the Office of Administrative Law.

	Continuing Education – Licensing examination to replace continuing education examination.	October 15, 1999 – Public Hearing - referred to committee. April 6, 2000 – Committee recommendations to the Board.
	Examination in Lieu of C.E. - To change references of operator/field representative to "licensee" and clarify that a passing score is 70% or higher.	Noticed for the April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.
1953(a)	Providers of Continuing Education - C.E. providers that providers do not charge an attendee fee to be exempt from the $25 course approval fee. Thus eliminating financial burden to the provider. Adopt a revised form 43M-18.	January 11, 2001 - Public Hearing - Board voted to adopt. February 2001-DCA opposed proposal. July 18, 2003 - Public Hearing Board voted to adopt new form. March 17, 2004 Rulemaking file on hold due to Executive Order. Approved by Office Of Administrative Law on August 12, 2004.
1953(f)(3)	Approval of Activities - Revised Form.	July 18, 2003 Public Hearing - Board voted to adopt the revised form. Approved by Office Administrative Law, Section 100 Change effective on May 2, 2003.
1953(f)(3)	Section 100 Change – Typo. The dates for the form numbers were duplicated. Delete (New 5/87) and replace it with (Rev. 11/99) Revise the form - Return it back to 43M-38 (5/87). Current form (Rev.11/99) is obsolete. Correction of reversal of form numbers 43M-38 and 43M-39 in language and 43M-39 given Rev.10/03 date.	Section 100 Change to OAL on May 13, 2004. Withdrawn June 17, 2004. Change requires language be re-noticed. Board needs to notice for public hearing. Approved by the Office of Administrative Law - July 6, 2005
1953(3) (A)(C)(D)(E) (4)(g)	Approval of Activities - Clean up language in item (3)(A), define "syllabus" in item (3)(C), revision of form No 43M-39, and language regarding the cost of postage in item (3)(D), delete the words "or products" and language regarding the approval for meetings of in-house staff or employee training being approved in item (4)(g).	Noticed for April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.

1953(f)(3)(D)	Approval of Activities - Remove the requirement that continuing education course providers provide course evaluation forms to students.	Noticed for the April 18, 2008 Board Meeting. April 18, 2008 - Public Hearing - Board approved to adopt. June 26, 2008 - Rulemaking file submitted to DCA for Director review. November 18, 2008 – Clarification of the effective date needed for section 1950 of the rulemaking file. January 6, 2009 – Rulemaking file submitted to DCA for Director review. March 20, 2009 - Approved by the Office of Administrative Law.
1960 (New, Proposed)	**Fingerprint Requirement – requires all licensees who have not previously been fingerprinted to do so upon license renewal**	March 26, 2015 - Text Approved by Board Members June 4, 2015 - Noticed for Public Hearing **July 23, 2015 - Public Hearing**
1970	Standards - Construction elements allowing passage of fumigants.	October 12, 2000 - Public Hearing - Board voted to adopt with modifications. November 23, 2001 - Approved by the Office of Administrative Law.
1970	Fumigation Log - Delete the reporting requirements of the name and address of the guard, and delete the date and hour the police department was notified of fumigation. Rev. form 43M-47. Add additional fumigant calculators on the Fumigation Log	January 11, 2001 - Public Hearing - Board voted to adopt. Rulemaking file not complete by deadline of December 1, 2001. April 4, 2003 - Public Hearing. Due to errors in language, re-noticed for July 18, 2003 - Public Hearing. Board voted to adopt new language and revise log form number 43M-47. Approved by Office of Administrative Law on August 12, 2004. Noticed for Public Hearing July 20, 2007. July 20, 2007 - Public Hearing. Board voted to adopt. September 26, 2007 language under DCA legal review by the Director. March 17, 2008 – Approved by the Director, filed with the Office of Administrative Law. April 29, 2008 – Approved by the Office of Administrative Law.

	Standards and Record Requirements - Fumigating contractors will be required to provide a complete fumigation log to its prime contractors and retain the log for 3 years.	July 18, 2003 - Board voted to place on October 17, 2003 board meeting agenda. October 17, 2003 Board voted not to adopt. Noticed for Public Hearing July 20, 2007. July 20, 2007 - Public Hearing. Board voted to adopt. September 26, 2007 language under DCA legal review by the Director. March 17, 2008 – Approved by the Director, filed with the Office of Administrative Law. April 29, 2008 – Approved by the Office of Administrative Law.
1970.3	Securing Against Entry - Includes clamshell locks and pins in general description of secondary locks.	March 13, 1996 - Approved by the Office of Administrative Law.
1970.4	Pesticide Disclosure Requirement - Requires primary contractor to retain OFN for three years.	July 28, 1995 - Board voted to adopt. Technical error - Necessary to re-notice all amendments.
	Pesticide Disclosure Requirement - Includes the required Occupants Fumigation Notice into regulation.	May 12, 1995 - Public Hearing. Referred to the Laws and Regulations Committee for further review. December 8, 1995 - Board adopted revision to the OFN. Technical error-Necessary to re-notice all amendments.
1970.4	Pesticide Disclosure Requirement - Requires primary contractor to retain Occupants Fumigation Notice (OFN) for three years. Includes the required OFN into regulation.	April 28, 1998 – Approved by the Office of Administrative Law.
	Pet Notification - Amends OFN to include notification regarding neighboring pets.	January 20, 2000 - Board voted to adopt. June 23, 2000 Board voted not to proceed. January 2005 Board voted to proceed. Noticed for Public Hearing July 15, 2005. December 30, 2005 – Approved by the Office of Administrative Law.
	Disclosure Requirement - Deletes language regarding Wood Roof Cleaning & Treatment Pesticide.	March 26, 2002 change without regulatory effect approved by the Office of Administrative Law.

	Disclosure Requirement – Include presence of conduit language on the OFN	Noticed for Public Hearing July 20, 2007. July 20, 2007 - Public Hearing. Board voted to adopt. September 26, 2007 language under DCA legal review by the Director. March 17, 2008 – Approved by the Director, filed with the Office of Administrative Law. April 29, 2008 – Approved by the Office of Administrative Law.
1970.4	**Allows for signed Occupants Fumigation Notice to be in electronic format**	January 15, 2015 - Text Approved by Board Members June 4, 2015 - Noticed for Public Hearing **July 23, 2015 - Public Hearing**
1970.5	Aeration - Clarifies that a field representative or operator must be present during aeration. Amendment regarding when licensee is required to be present to correlate with DPR's CAP regulation. – DEAD 05/10/12	August 12, 1996 – Approved by the Office of Administrative Law. December 22, 2010 Notice, ISOR, Language, Std 399 submitted to Linda Otani for review/approval by DPR. March 11, 2011 DPR request this regulation be repealed. April 28, 2011 Board voted to repeal regulation. May 10, 2012 – Public Hearing – Board voted to non-adopt proposed repeal of regulation.
1970.6	Fumigation - Construction elements allowing passage of fumigants.	December 16, 1998 - Public Hearing - Action postponed until further input. June 18, 1999 - Board voted to adopt with modifications. November 23, 2001 - Approved by the Office of Administrative Law.
1971	Gas Masks – Removed the subsection concerning gas masks. B&P Code section 8505.15 was repealed January 1, 2008	Noticed for Public Hearing July 24, 2009 July 24, 2009 – Board members voted to carryover to next board meeting. October 22, 2009 – Board members voted not to proceed with amending the regulation.
1973	Re-entry Requirements - Requires use of proper testing equipment and changes printing on re-entry notice from red to black.	March 13, 1996 - Approved by the Office of Administrative Law.

1973	Notice of Re-entry – Replace a product trade name with the active ingredient.	Noticed for Public Hearing July 20, 2007. July 20, 2007 - Public Hearing. Board voted to adopt. September 26, 2007 language under DCA legal review by the Director. March 17, 2008 – Approved by the Director, filed with the Office of Administrative Law. April 29, 2008 – Approved by the Office of Administrative Law.
1974	Fumigation Warning Signs - Specifies size and placement of signs. Fumigation warning signs to include the name of the fumigant used and its active ingredient.	March 13, 1996 - Approved by the Office of Administrative Law. Noticed for Public Hearing January 21, 2010 Public hearing held January 21,2010 – Board voted to adopt . May 18, 2010, Rulemaking File submitted to DPR for approval. September 23, 2010 DPR returned package with approval signatures. September 30, 2010 Rulemaking File submitted to OAL. November 8, 2010 approved by OAL
1983(i)	Handling, Use and Storage of Pesticides - Clarification of bait station (rodenticide and avicide) reference.	December 16, 1998 - Public Hearing December 30, 1998 - Notice of Modification mailed. January 11, 2001 - Public Hearing - Board voted to adopt. Rulemaking File not complete by deadline date of December 1, 2001. April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.
1983(j)	Language regarding the removal of termite bait stations when a contract for service is terminated.	July 18, 2003 - Public hearing Board voted to adopt with proposed amendments. Approved by the Office of Administrative Law on August 12, 2004

1984	Proposed regulation to define structural Integrated Pest Management	October 2007 – Noticed for Public Hearing to adopt new section. March 10, 2008 – Final rulemaking file submitted to the Department. June 6, 2008 – Approved by the Director, filed with the Office of Administrative Law. July 9, 2008 - Approved by the Office of Administrative Law. Noticed for the January 23, 2009 Board Meeting. January 23, 2009 - Public hearing, Board voted to adopt with proposed amendments. June 10, 2009 - Rulemaking file submitted to DCA for Director review. August 5, 2009 – Received approved rulemaking file from DCA. August 5, 2009 – Final rulemaking file submitted to OAL. September 16, 2009 – Approved by the Office of Administrative Law
1990	Report Requirements - Defines separated reports and structural members, and addresses reporting requirements for carpenter ants/bees.	March 13, 1996 - Approved by the Office of Administrative Law.
1990(g)	Report Requirements – Inspection of wooden decks.	April 28, 1998 - Approved by the Office of Administrative Law.
1990.1	Report Requirements - Repeal language under Section 8516.1(b) and (c)(1)(8).	March 26, 2002 change without regulatory effect - Approved by the Office of Administrative Law.
1991	Report Requirements - Eliminates requirement to cover accessible pellets and frass, and requires replacement of wood members no longer serving purpose to support or adorn the structure.	March 13, 1996 - Approved by the Office of Administrative Law.
1991(A)(B)(C)	Report Requirements - Specifies the restoration, refastening, removal or replacement of wooden decks, wooden stairs or wooden landings.	April 28, 1998 - Approved by the Office of Administrative Law.
1991(a)(5)	Report Requirements – Allows for reinforcement of fungus infected wood and permits surface fungus to be chemically treated or left as is	April 3, 1996 – Approved by the Office of Administrative Law.

1991(a)(5)	once the moisture is eliminated.	
1991(a)(8)c)	Report Requirements – Requires registered companies to report that local treatment and/or corrective work will not eradicate other undetected infestations which may be located in other areas of the structure.	October 6, 1995 – Public Hearing - Board voted to non-adopt. Referred to committee to consider the matter of an all-encompassing disclosure statement on all inspection reports addressing inaccessible areas and potential infection and infestations.
	Report Requirements - Local treatment notification.	October 15, 1999 Public Hearing - Board voted to adopt. January 11, 2001 - Referred back to committee for comments. October 19, 2001 Public Hearing - Board voted to non-adopt, referred language back to committee. August 31, 2002 publication date expired. October 11, 2002 - Re-noticed -Public Hearing. Board voted to adopt. January 8, 2003 language under DCA legal review by the Director. February 21, 2003 filed with the Office of Administrative Law. Rulemaking file withdrawn from OAL March 27, 2003 pending a 15-Day Notice. File resubmitted to OAL. July 26, 2003 - Approved by the Office of Administrative Law.
1991(a)(9)	Report Requirement - Corrective Measures for extermination of a subterranean termite infestation and termite tubes. Exception for above ground termite bait stations.	January 11, 2001 Board voted to amend 1991(a)(9). October 19, 2001 Board passed unanimously to modify language with a 15-Day Notice. Notice mailed January 28, 2002, 1 year past the publication date. Bd. needs to re-notice. Noticed for Public Hearing July 15, 2005. December 30, 2005 – Approved by the Office of Administrative Law.
1991(13)(A)(B)(C)	Report Requirements - Delete specific recommendations regarding wooden decks, wooden stairs and landings. Language already exists in 1991(a)(5).	October 19, 2001 Board voted to repeal the language. August 31, 2002 publication date expired. April 4, 2003 - Public Hearing. Board voted to go forward after 15-Day Notice. Notice mailed June 11, 2003, final comments due June 30, 2003. February 14, 2004 rulemaking file expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.

1991(b)(10)	Report Requirements – Non-substantive correction to heading.	March 28, 2000 – Filed with the Office of Administrative Law. May 15, 2000 - Approved by the Office of Administrative Law.
1993(a)(b)(c)(d)(e)	Inspection - Specifies that reports shall comply With 8516 and defines different types of inspection reports. Also clarifies difference between duties performed by a field representative, operator and applicator.	March 13, 1996 - Approved by the Office of Administrative Law.
	Inspection Reports - Clarifies that the requirement applies to licensed field representative and licensed operators, not license applicators.	August 12,1996 - Approved by the Office of Administrative Law.
	Deletes language regarding the filing of stamps.	April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 rulemaking file expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 -Approved by the Office of Administrative Law.
1993, 1998	Report Requirements – To eliminate reference to filing inspection reports and notices of work completed and require companies to file the address of properties inspected.	January 20, 2000 - Public Hearing Board voted to adopt. March 13, 2001 Rulemaking File disapproved by the Office of Administrative Law. April 4, 2003 - Public Hearing. Sec.1996 proceed with a 15-Day Notice, Sec. 1996.3 re-notice for July 18, 2003 meeting, Sec.1993 & 1998 Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.
1993.1	Reinspection Language – To adopt section 1993.1 to require Wood Destroying Pest and Organism Inspection Reports to contain statement that work performed by others must be reinspected within ten days of request at a charge no greater than the original inspection fee.	May 22, 1998 – Rulemaking file disapproved by Office of Administrative Law. December 16, 1998 – Public Hearing. December 30, 1998 - Notice of Modifications mailed. January 11, 2001 - Public Hearing. Board voted to adopt. December 1, 2001 rulemaking file not completed by deadline. April 4, 2003 re-noticed for Public Hearing. Approved by the Office of Administrative Law - July 6, 2005.

1993.2	Bait Stations.	October 19, 2001 Board passed to adopt new language. Publication date expired. October 11, 2002 language re-noticed for Board meeting. December 23, 2002 rulemaking file under review. January 8, 2003 under DCA legal review by the Director. February 21, 2003 filed with the Office of Administrative Law. March 27, 2003 rulemaking file withdrawn from OAL pending a 15-Day Notice. July 26, 2003 - Approved by the Office of Administrative Law.
1993.3	Bait Stations.	October 12, 2001 Board passed to adopt new language. Publication date expired. Language re-noticed for October 11, 2002 Board meeting. Rulemaking package under review 12-23-02. January 8, 2003 – Under DCA legal review by the Director. February 21, 2003 filed with the Office of Administrative Law. March 27, 2003 rulemaking file withdrawn from OAL pending a 15-Day Notice. July 26, 2003 - Approved by the Office of Administrative Law.
1996	Pre-Treatment - Specifies Pre-Treatment Inspection Report/Notice of Intent form.	August 30, 1996 - Public Hearing. Amendment was not adopted. Board referred to Pre-Treatment Committee.
	Inspection Report – Includes a first page of the Inspection Report for scanning purposes.	August 13, 1998 – Approved by the Office of Administrative Law.
1996	Requirements for Reporting All Inspections Under Section 8516(b).	January 18, 2002 Public Hearing - Board voted to adopt. Form Rev. date completed 1-15-03. April 4, 2003 Board again voted to adopt regulatory lang. Noticed for Public Hearing July 15, 2005. December 30, 2005 – Approved by the Office of Administrative Law.
1996.2	Revised Inspection Report Form and Standard Notice of work Completed and Not Completed.	December 16, 2002 - Approved by the Office of Administrative Law.

1996.1	Inspection and Completion Tags - The completion tag shall include the method(s) of treatment. Completion tag to include the trade name of any pesticide used and active ingredient.	July 18, 2003 Public Hearing - Board members voted to adopt. Rulemaking file placed on hold due to Executive Order. Approved by Office of Administrative Law August 12, 2004 Noticed for Public Hearing January 21, 2010 Public hearing held January 21,2010 – Board voted to adopt. May 18, 2010, Rulemaking File submitted to DPR for approval. September 23, 2010 DPR returned package with approval signatures. September 30, 2010 Rulemaking File submitted to OAL. November 8, 2010 approved by OAL.
1996.2	Completion Notice – Includes a first page of the Completion Notice for scanning purposes.	August 13, 1998 – Approved by the Office of Administrative Law.
	Revised Completion Notice Form.	January 18, 2002 Public Hearing - Adopted by the Board. December 16, 2002 - Approved by the Office of Administrative Law.
1996.3	Requirements for Reporting property addresses. Adopt new language that will provide guidelines of what is required when filing the WDO form with the Board. Increase filing fee to $2.00 on form Increase filing fee to $2.50 on form	March 17, 2003 Rulemaking file on hold due to Executive Order. July 18, 2003 Public Hearing - Board voted to adopt after a 15-Day Notice of modified language. Approved by Office of Administrative Law July 13, 2004 Noticed for Public Hearing July 24, 2009 July 24, 2009 – Board voted to adopt. Sept. 3, 2009 – Rulemaking file submitted to DCA for review. January 21, 2010, Board considered 15-day comments to increase fee to $2.50. Board voted to adopt at $2.50 per activity. May 20, 2010 Office of Administrative Law approves Rulemaking File to increase fee to $2.50 effective July 1, 2010.

1997	Filing Fee – Inspection Reports and Completion Notices. Filing Fee – Inspection Reports and Completion Notices – Fee increase.	October 15, 1996 – Approved by the Office of Administrative Law. December 16, 1998 – Public Hearing Adopted by Board. Rulemaking file not submitted based on
		recommendations from DCA that fee increase not necessary to fund condition.
1997	Filing Fee – WDO Activity Filing Fee.	December 16, 1999 – Non-substantive change without regulatory effect filed with the Office of Administrative Law. January 28, 2000 - Approved by the Office of Administrative Law.
	Filing Fee – Increase WDO Activity Filing Fee to $2.00.	Noticed for Public Hearing July 24, 2009 July 24, 2009 Board voted to adopt. Sept. 3, 2009 – Rulemaking file submitted to DCA for review.
	15-Day Modified Text to increase fee to $2.50 per activity effective July 1, 2010	Dec. 28, 2009 – Board passed unanimously to modify language with a 15-Day Notice. Notice mailed on December 29, 2009, final comments due January 13, 2010 January 21, 2010, Board considered 15-day comments to increase fee to $2.50. Board voted to adopt at $2.50 per activity. May 20, 2010 Office of Administrative Law approves Rulemaking File to increase fee to $2.50 effective July 1, 2010.

1999.5	Advertising Guidelines. Include an introductory statement to clarify the purpose of the regulation. Clarify that certain subsections pertain only to Branch 3 companies.	June 18, 1999 – Public Hearing August 27, 1999 – Modified language mailed November 22, 2001 approved by the Office of Administrative Law. September 24, 2002 non-substantive change without regulatory effect approved by the Office of Administrative Law. October 2007 – Noticed for Public Hearing to amend the current regulation. January 2008 – Board moved to request further analysis by Legal Counsel and staff. June 26, 2008 - Rulemaking file submitted to DCA for Director review.
1999.5		September 11, 2008 - Rulemaking file submitted to OAL for approval. October 24, 2008 - Rulemaking file disapproved by OAL. February 19, 2009 – Task Force meeting held to discuss OAL's disapproval March 2009 – Extension granted by OAL. June 2, 2009 – Resubmittal submitted to DCA for Director review. June 8, 2009 – Resubmittal submitted to OAL for approval. July 17, 2009 – Approved by OAL

RECOMMENDATIONS OF THE STRUCTURAL PEST CONTROL BOARD CONTINUING EDUCATION INTEGRATED PEST MANAGEMENT REVIEW COMMITTEE

RECOMMENDATION #1

The creation of 3 new Continuing Education (CE) categories, to replace the existing categories, to be named, Laws & Regulations (L&R), Application & Intervention (A&I), and Integrated Pest Management (IPM).

Below is a breakdown of the content that has been assigned to the new Continuing Education categories which will be used as a guide for Continuing Education providers and the Board during the course approval process.

LAWS & REGULATIONS

All classes must cite the authority / law that the topic relates to (e.g. Business & Professions Code Section, California Code of Regulations Section, Food & Agricultural Code Section)

- Existing or New Laws and Regulations
- Structural Pest Control Act
- DPR Requirements
- CAC Requirements
- OSHA Requirements

INTEGRATED PEST MANAGEMENT

IPM here is defined as:
"Structural integrated pest management (IPM) means a systematic decision making approach to managing pests, which focuses on long-term prevention or suppression with minimal impact on human health, property, the environment, and non-target organisms. Structural IPM incorporates all reasonable measures to prevent pest problems by properly identifying pests, monitoring population dynamics, and using behavioral, physical, biological or chemical pest population control measures to reduce pests to acceptable levels." (Taken from CCR 1984)

This excerpt has given the committee a working definition of IPM with details that further clarify the topics that would qualify for the IPM category in continuing education.

All classes must include posting and reading of IPM definition in CCR 1984. Introduction of class must discuss how this topic fits into the IPM category rather than Application and Intervention.

- Identification and Biology
- Damage and Thresholds
- Monitoring (How, What to Use, What to Look For, Reporting)
- Prevention (Long Term and Short Term, Including Pest Prevention by Design in Building and Construction.

- Entomology and Other Related Fields to the Branch Licenses
- Selection of Intervention (What was Chosen and Why)
- Management Process
- Possible Evaluation of the Selected Intervention

APPLICATION & INTERVENTION

Application and Intervention and defined as:
"If a pesticide application or other intervention is determined to be necessary, the selection and application of the intervention shall be performed in a manner that minimizes risk to people, property, the environment, and non-target organisms, while providing effective pest management.
(b) For the purpose of this section, intervention means an action, device, product or practice that is intended for the prevention, control, management, elimination or abatement of a pest." (Taken from CCR 1984)

This excerpt has given the committee direction as to what topics would be most relevant to Applicators while also being compliant with the limitation of the Applicator's license.

All classes must include posting and reading of IPM definition in CCR 1984. Introduction of class must discuss how this topic fits into the Application and Intervention category rather than IPM.

- Application of Pesticides
- Proper Use and Manner
- Calibration and Maintenance
- Use Rates or Volumes Applied
- Human Health Impacts to Misapplication
- Labels (How to Read Labels for the Products the Technician Uses)
- Worker Safety, Including Respirators, Ladders, and Fit Tests
- Environmental Impacts to Misapplication
- Water Quality
- Endangered Species
- Record Keeping (Documentation, State Mandated Forms, Treatment Records)
  Nonchemical Practices (Safety & Effective Implementation of Exclusion, Heat Treatment, Removal)

RECOMMENDATION #2

That existing total CE hour requirements for each license type and combination be applied to the corresponding new CE categories in the proportions shown below and that the hour requirement for the Laws & Regulations category be capped at 3.

Applicators – 20% L&R, 60% A&I, and 20% IPM.

Branch 1 Field Representatives and Operators – 20% L&R and 80% A%I.

Branch 2 & 3 Field Representatives – 15% L&R, 25% A&I, and 60% IPM.

Branch 1, 2, and 3 Field Representatives and Operators – 11% L&R, 46% A&I, and 43% IPM.

Please see Attachment for a chart showing the Continuing Education requirements as proposed by the Committee alongside the existing Continuing Education requirements.

RECOMMENDATION #3

To set the effective date 3 years from when any potential regulatory change resulting from the Committee's recommendations becomes operative.

RECOMMENDATION #4

That instructors be required at the beginning of their courses to make a statement informing the attendees what category, or categories the course fits into and how many hours of Continuing Education credit they will receive.

RECOMMENDATION #5

To use the list of justifications (shown below) as the rationale for the Committee's recommended changes and to use them where appropriate during the formal rulemaking process.

Justifications for Changes to Branch 1 Operator and Field Representative CE Requirements

- Changes in aeration procedures
- Minimize risks to non-target organisms
- Toxicity training
- Lack of relevant material for L&R category
- Technical changes in fumigation process in past years
- Emphasize safety of materials used (stewardship training)

Justifications for Changes to Branch 2 & 3 Operator and Field Representative CE Requirements

- IPM is underutilized to the detriment of the health and welfare of California residents
- Breadth of subject matter that needs to be covered
- Decision making process is more important than A&I in the field
- Lack of relevant material in L&R category
- Preparing industry for emerging consumer demand for IPM
- Local government adoption of IPM guidelines
- IPM practices in child care
- IPM practices in schools
- Increased pesticide levels detected in natural resources

- Human health impacts associated with pesticides

Justifications for Changes to Applicator CE Requirements

- Preparation for advances in licensure
- Improve ability to communicate with Field Representatives / Operators
- Better serve the needs of consumers
- Lack of relevant material in L&R category
- Preparing industry for emerging consumer demand for IPM
- Local government adoption of IPM guidelines
- IPM practices in child care
- IPM practices in schools

RECOMMENDATION #6

For Board staff to recommend an update to the Application for Continuing Education Activity Form (Form 43M-18) in a manner that will require Continuing Education providers to specifically list the content that will be covered in the course and how it relates to the category in which they seek approval.

RECOMMENDATION #7

For Board staff to research and recommend a proposal to accomplish in person auditing of Continuing Education courses. Staff's proposal will include specific details such as, who does the auditing, how often, which courses are audited, and how the program will be funded.

RECOMMENDATION #8

For Board staff to recommend a comprehensive system to better inform licensees of their Continuing Education requirements.

The Committee suggested that staff consider the following ideas while preparing its recommendation -

The creation of a mandatory Continuing Education course that outlines the Continuing Education requirements of the licensee.

The publication of an informational worksheet outlining Continuing Education requirements to be disseminated by the Board and / or Continuing Education providers.

A MANUAL
OF
DISCIPLINARY GUIDELINES
AND
MODEL DISCIPLINARY
ORDERS

STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

201~~0~~5

STRUCTURAL PEST CONTROL BOARD

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DISCIPLINARY GUIDELINES

INTRODUCTION

~~To establish consistency in~~ In reaching a decision on a disciplinary ~~penalties for similar offenses,~~ action under the Administrative Procedure Act (Government Code Section 11400 et seq), the Structural Pest Control Board ~~establishes these~~ and the Administrative Law Judge shall consider the uniform disciplinary guidelines as set forth herein.

The Board recognizes that these ~~penalties~~ terms of discipline and conditions of probation are merely guidelines and that the Board and the ~~a~~Administrative ~~l~~Law ~~j~~Judge~~s~~ must be free to exercise their discretion in such cases. However, ~~the Board desires that these~~ deviation from such guidelines ~~be followed to the extent possible and requests that the administrative law judge hearing the case include some explanation of any~~ is appropriate only when facts of the case warrant such a departure ~~or omissions from the guidelines~~. As such, any departure from these guidelines should be explained and noted fully in the proposed decision or disciplinary order ~~so that the circumstances can be better understood by the Board during its review of the case for ultimate action~~.

The Board desires that matters in extenuation or mitigation, as well as those in aggravation, be fully considered and noted in the proposed decision or disciplinary order. Of primary importance is the effect of the licensee's or ~~/~~ registrant's conduct/action ~~had or can have~~ on the public as consumers.

PENALTY GUIDELINES

Violation	Minimum Penalty	Optional Probation Conditions	Maximum Penalty
Section 8635 Disregard of Specifications	Suspension, Stayed, ~~3~~ 4 Years Probation	~~16, 17/18/~~19, 20, 21, 22, 23	Revocation and Optional Condition 24
Section 8636 Violation of Laws	Suspension, Stayed, ~~3~~ 4 Years Probation	~~16, 17/18/~~19, 20, 21, 22, 23	Revocation and Optional Condition 24
Section 8637 Misrepresentation	Revocation and Optional Condition 24	Discretionary	Revocation and Optional Condition 24
Section 8638 Violation of Contracts	Suspension, Stayed, ~~3~~ 4 Years Probation	~~16, 17/18/~~19, 20, 21, 23	Revocation and Optional Condition 24
Section 8639 Aiding and Abetting	~~Suspension~~ Revocation, Stayed, ~~3~~ 5 Years Probation	~~16, 17/18/~~19, 20, 21, 23	Revocation and Optional Condition 24
Section 8640 Real Estate Rebates	~~Suspension~~ Revocation, Stayed, ~~3~~ 4 Years Probation	~~16, 17/18/~~19, 20, 21, 23	Revocation and Optional Condition 24
Section 8641 Violation of Chapter and Rules	Suspension, Stayed, ~~3~~ 4 Years Probation	~~16, 17/18/~~19, 20, 21, 22, 23, 25	Revocation and Optional Condition 24
Section 8642 Fraud	Revocation, Stayed, 5 Years Probation and Optional Condition 24 ~~Suspension, Stayed, 3 Years Probation~~	~~16, 17/18/~~19, 20, 21, 22, 23, 25	Revocation and Optional Condition 24

Violation	Minimum Penalty	Optional Probation Condition	Maximum Penalty
Section 8643 Negligent Handling or Use of Poisonous Agent	Revocation, Stayed, 4 Years Probation	~~16, 17/18/~~19, 20, 21, 23, 25	Revocation and Optional Condition 24
Section 8644 Misrepresentation After Inspection	~~Suspension~~ Revocation, Stayed, ~~3~~ 5 Years Probation	~~16, 17/18/~~19, 20, 21, 22, 23, 25	Revocation and Optional Condition 24
Section 8645 Impersonation	~~Suspension~~ Revocation, Stayed, ~~3~~ 5 Years Probation	~~16,~~ 20, 21, 23	Revocation and Optional Condition 24
Section 8646 Disregard of Laws	Suspension, Stayed, 3 Years Probation	~~16, 17/18/~~19, 20, 21, 23, 25	Revocation and Optional Condition 24
Section 8646.5 Cease & Desist	Suspension, Stayed, 3 Years Probation	~~16, 17/18/~~19, 20, 21, 23	Revocation and Optional Condition 24

Violation	Minimum Penalty	Optional Probation Conditions	Maximum Penalty
Section 8647 Violation of Laws as to Insecticides	Suspension, Stayed, 3 Years Probation	~~16, 17/18/~~19, 20, 21, 23	Revocation and Optional Condition 24
Section 8648 False Advertising	Suspension, Stayed, ~~3~~ 4 Years Probation	~~16, 17/18/~~19, 20, 23	Revocation and Optional Condition 24
Section 8649 Conviction, Evidence	Revocation, Stayed, ~~3~~ 5 Years Probation	~~16,~~ 20, 21, 23	Revocation and Optional Condition 24
Section 8650 Name and Location as Licensed	Suspension, Stayed, 3 Years Probation	~~16, 17/18/~~19, 20, 21, 23	Revocation and Optional Condition 24
Section 8651 Performing or Soliciting Beyond Scope of License	Revocation, Stayed, ~~3~~ 4 Years Probation	~~16, 17/18/~~19, 20, 21, 23	Revocation and Optional Condition 24
Section 8652 Failure to Make and Keep All Reports	Suspension, Stayed, 3 Years Probation	~~16, 17/18/~~19, 20, 21, 23	Revocation and Optional Condition 24
Section 8653 Withholding Payment	Suspension, Stayed, ~~3~~ 4 Years Probation	~~16, 17/18/~~19, 20, 21, 23	Revocation and Optional Condition 24
Section 8654 Prohibition Against Association of Suspended Operator	Suspension, Stayed, 3 Years Probation	~~16, 17/18/~~19, 20, 21, 23	Revocation and Optional Condition 24
Section 8655 Charge Substantially Related	Revocation, Stayed, ~~3~~ 5 Years Probation	~~16, 17/18/~~19, 20, 21, 23	Revocation and Optional Condition 24

Violation	Minimum Penalty	Optional Probation Conditions	Maximum Penalty
Section 8657 Appointment of Receiver	~~Suspension~~ Revocation, Stayed, ~~3~~ 4 Years Probation	~~16, 17/18/~~19, 20, 21, 23	Revocation and Optional Condition 24
Section 8666 Excessive Work	Revocation, Stayed ~~3~~ 4 Years Probation	~~16, 17/18/~~19, 20, 21 23, 25	Revocation and Optional Condition 24
Violation of Probation	Extend Probation 1 to 5 years with ~~Appropriate~~ New or Amended Conditions	Discretionary	Revoke Probation and Impose Stayed Penalty
All Other Violations	Suspension, Stayed 3 Years Probation	Discretionary	Revocation Optional Condition 24

FACTORS IN AGGRAVATION AND MITIGATION AND IN EXTENUATION TO BE CONSIDERED FOR DISCIPLINARY CASES

In determining whether ~~the minimum, maximum, or an intermediate penalty~~ revocation, suspension, or probation is to be imposed in a given disciplinary case, factors such as the following should be considered:

~~1. Actual or potential harm to the public.~~
~~2. Actual or potential harm to any consumer.~~
~~3. Prior disciplinary record.~~
~~4. Number and / or variety of current violations.~~
~~5. Mitigation evidence.~~
~~6. In case of a criminal conviction, compliance with terms of sentence.~~
~~7. Overall criminal record.~~
~~8. Whether the conduct was knowing, willful, reckless or inadvertent.~~
~~9. The financial benefit to the respondent.~~
~~10. Evidence that the unlawful act was part of a pattern of practice.~~
~~11. Currently on probation.~~

I) Factors in Aggravation: Crimes or Acts
- a. Nature and severity under consideration.
- b. Actual or potential harm to the public or any consumer.
- c. Pending and final records of any cause of action from any investigation, hearing, or court of competent jurisdiction in this state or any other venue.
- d. Conduct was knowing, willful, reckless, or negligent.
- e. Whether financially motivated.
- f. Involved fraud, misrepresentation and/or dishonesty.
- g. Whether a pattern of practice.
- h. Length of time passed since the act or omission.
- i. Length and seriousness of the administrative, civil or criminal record.
- j. Negative status of any administrative, civil or criminal probation, or of any criminal parole imposed, regardless of venue.
- k. Compliance with, including but not exclusive to, restitution, fines or community service lawfully imposed in this state or any other venue.

II. Factors in Mitigation: Crimes or Acts
- a. Satisfaction of any lawfully imposed sanctions or other conditions including, but not exclusive to, restitution, fines or compliance arising from any cause of action.
- b. Participation and completion of training, counseling or rehabilitation programs.
- c. No prior disciplinary actions.
- d. Not a pattern of practice.
- e. Evidence of substantial measures to prevent the occurrence of future violations.
- f. Neither willful, reckless, or negligent.
- g. The public or any consumer was not actually or potentially harmed.

h. The length of time passed since the act or omission, or completion of probation, or completion of parole.
i. No prior criminal record.
j. If applicable, evidence of expungement proceedings or dismissal pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.
k. Other relevant evidence of rehabilitation.

III. Matters in Extenuation: Crimes or Acts
a. Circumstances deemed beyond one's direction or control.
b. Degree of knowledge and/or participation constituting cause for discipline.
c. Coercion or oppression.
d. Incapacitation, physical or mental condition.

The Board does not intend that any one or combination of the above factors be required to justify the ~~minimum or maximum penalty as opposed to an intermediate one.~~ degree of discipline to be imposed.

STANDARD TERMS AND CONDITIONS OF PROBATION

The standard terms of probation generally appearing in every case are:

A. Obey all laws [8] *
B. File quarterly reports [9]
C. Tolling of probation if respondent moves out of state; or surrenders, is suspended, does not renew, or inactivates license [10]
D. Notice to employers [11]
E. Notice to employees [12]
F. Posting of suspension sign [13]
G. ~~Violation~~ Completion of probation [14]
H. ~~Completion~~ Violation of probation [15]
I. Cost Recovery [16]
J. Interview / Records: Board Or Its Designee [17]
K. License Surrender [18]

OPTIONAL TERMS AND CONDITIONS OF PROBATION

A. Actual suspension of license / registration certificate [~~16~~19]
B. Completion of continuing education course appropriate Branch 1 [~~17~~20], Branch 2 [~~18~~21], or Branch 3 [~~19~~22]
C. Reimbursement to the Board for random inspections [~~20~~23]
D. Payment of inspection fee [~~21~~24]
E. Restitution to consumer [~~22~~25]
F. Prohibition from serving as officer, director, associate, partner or qualifying manager [~~23~~26]

G. No ownership of registered company [~~24~~27]
H. Take and pass licensure examination [~~25~~28]

DEFAULT DECISION

The disciplinary penalty in a default decision is revocation.

CIVIL PENALTY IN LIEU OF SUSPENSION

The Board has the authority to assess a civil penalty in lieu of actual suspension as follows:

(a) not more than $5,000 for an actual suspension of 1 to 19 days
(b) not more than $10,000 for an actual suspension of 20 to 45 days

The respondent may express a preference for paying a civil penalty in lieu of actual suspension, but the Board is not bound by any expression of preference.

If such preference is expressed, it should be included in the proposed decision.

MODEL DISCIPLINARY ORDERS

MODEL NUMBERS

[1] Revocation – Single Cause

(Ex. Operator's / Field Representative's) License / Company Registration Certificate No. (Ex. OPR 1234) issued to Respondent (Ex. John Doe) is revoked.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

[2] Revocation – Multiple Causes

(Ex. Operator's / Field Representative's) License / Company Registration Certificate No. (Ex. OPR 1234) issued to respondent (Ex. John Doe) is revoked pursuant to Determination of Issues (Ex. I, II, and III) separately and for all of them.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

[3] Suspension – Single Cause

(Ex. Operator's / Field Representative's) License / Company Registration Certificate No. (Ex. OPR 1234, Branch X and Branch X or Branch X only) issued to Respondent (Ex. John Doe) is suspended (Ex. Thirty (30) consecutive days) beginning the effective date of the decision.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

[4] Suspension – Multiple Causes ~~(run concurrently)~~

(Ex. Operator's / Field Representative's) License / Company Registration Certificate No. (Ex. OPR 1234, Branch X and Branch X or Branch X only) issued to respondent (Ex. John Doe) is suspended for (Ex. thirty (30) consecutive days) pursuant to Determination of Issues (Ex. I, II, and III) separately and for all of them. All suspensions shall run concurrently beginning the effective date of the decision.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

[5] Suspension – Multiple Causes ~~(run consecutively)~~

(Ex. Operator's / Field Representative's) License / Company Registration Certificate No. (Ex. OPR 1234) issued to respondent (Ex. John Doe) is suspended (Ex. Thirty (30) consecutive days) pursuant to Determination of Issues (Ex. I, II, and III) and (Ex. Sixty (60) consecutive days) pursuant to Determination of Issues (Ex. IV and V). These suspensions shall run consecutively, for a total period of (Ex. Ninety (90) consecutive days) beginning the effective date of the decision.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

[6] Standard Stay Order

However, (revocation / suspension) is stayed and respondent is placed on probation for (Ex. three (3) years) upon the following terms and conditions:

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

[7] Probation

a. However, (revocation / suspension) is stayed and respondent is placed on probation for _____ years upon the following terms and conditions:

or

b. Respondent is placed on probation for a period of three ( ), four ( ) or five ( ) years.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

STANDARD CONDITIONS

[8] Obey All Laws

Respondent shall obey all federal, state and local laws including all laws and rules relating to the practice of structural pest control.

He/she shall submit a completed California Department of Justice and federal Livescan fingerprint forms, unless previously submitted as part of the licensure application process. Fingerprint forms shall be submitted within thirty (30) calendar days of the effective date of the Decision and Order.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

[9] Quarterly Reports

Respondent shall file quarterly reports with the Board during the period of probation~~.~~, no later than ten (10) days after the end of the quarter.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

[10] Tolling of Probation

~~Should~~ If respondent leaves California ~~to reside~~ for more than thirty (30) days, ~~outside this state~~, respondent must notify the Board in writing no later than ten (10) days prior to the planned date of departure ~~of the dates of departure~~ and return. Periods ~~of~~ out of state ~~residency,~~ or ~~practice~~ when such state license has been surrendered, suspended, placed on inactive status, or is not renewed, shall not reduce the probationary period ~~outside the state shall not apply to reduction of the probationary period~~.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

[11] Notice to Employers

Respondent shall notify all present and prospective employers of the decision in case No. (Ex. 91-01) and the terms, conditions and restriction imposed on respondent by said decision. Within 30 days of the effective date of this decision, and within 15 days of respondent undertaking new employment, respondent shall cause his/her employer, owner and qualifying manager to report to the Board in writing acknowledging he/she has read the decision in case No. (Ex. 90-01).

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

[12] Notice to Employees

Respondent shall, upon or before the effective date of this decision, post and ~~or~~ circulate a notice to all employees involved in structural pest control operations which accurately recite the terms and conditions of probation. Respondent shall be responsible for said notice being immediately available to said employees. "Employees" as used in this provision includes all full-time, part-time, temporary and relief employees and independent contractors employed or hired at any time during probation. The notice shall be posted in a conspicuous place where employees can see it and shall remain posted the entire term of probation.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

[13] Posted Notice of Suspension

Respondent structural pest control company shall prominently post a suspension notice provided by the Board of the Board's order of suspension at its principle office and each of its branch offices in a place conspicuous and readable to the public. Said notice shall remain so posted during the entire period of actual suspension.

[14] Completion of Probation

Upon successful completion of probation, respondent's license / certificate will be fully restored.

[15] Violation of Probation

Should respondent violate probation in any respect, the Board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If an accusation, statement of issues, or a petition to revoke probation is filed against respondent during probation, or if respondent requests a hearing to be conducted pursuant to 11500 of the Government Code, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

[16] Cost Recovery

Respondent shall reimburse the Board investigation and enforcement costs in the amount of $_____. Respondent shall be permitted to pay these costs within 90 days of the effective date of decision or through a payment plan approved by the Board. Failure to make a timely payment, and/or failure to complete payment of cost recovery, shall constitute a violation of probation, which may subject Respondent's license to outright revocation.

Periods of non-practice by Respondent shall not relieve respondent of his or her obligation to reimburse the Board for its investigative and enforcement costs. Probation shall not be terminated until all costs are paid-in-full.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

[17] Interview / Records: Board Or Its Designees

Respondent shall be available in person upon reasonable request for interviews and the review of records either at respondent's place of business, residence, or other agreed upon location throughout the term of probation.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

[18] License Surrender

Following the effective date of this decision, if respondent ceases practicing in the pest control industry due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may request the voluntary surrender of respondent's license/registration to the Board. The Board reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall within fifteen (15) days deliver his/her wall and pocket license and company registration wall certificate. Respondent will no longer be subject to the terms and conditions of probation and the surrender of respondent's license/registration shall be deemed a disciplinary action. However, if respondent re-applies for a license or registration, the application shall be treated as a petition for reinstatement of a revoked license/registration. Under these circumstances, Respondent's prior probationary time shall be restored effective the date of surrender and shall be in addition to any probationary time required if reinstatement is granted.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

OPTIONAL CONDITIONS

~~[16]~~ [19] Actual Suspension

(Ex. Operator's/Field Representative's) License/Company Registration No. (Ex. OPR 1234, Branch X and Branch X or Branch X only) issued to (Ex. John Doe) serves an actual suspension of (Ex. ten (10) consecutive days) beginning the effective date of the decision.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

~~[17]~~ [20] Continuing Education Course – Branch 1

Respondent (Ex. John Doe) shall complete a continuing education course for pest control in Branch 1 (fumigation) within six (6) months of the effective date of this decision in addition to the existing license renewal requirements ~~within eighteen (18) months of the effective date of this decision~~.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

~~[18]~~ [21] Continuing Education Course – Branch 2

Respondent (Ex. John Doe) shall complete a continuing education course for pest control in Branch 2 (general pest) within six (6) months of the effective date of this decision in addition to the existing license renewal requirements ~~within eighteen (18) months of the effective date of this decision~~.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

~~[19]~~ [22] Continuing Education Course – Branch 3

Respondent (Ex. John Doe) shall complete a continuing education course for pest control in Branch 3 (wood destroying pests and organisms) within six (6) months of the effective date of this decision in addition to the existing license renewal requirements ~~within eighteen (18) months of the effective date of this decision~~.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

~~[20]~~ [23] Random Inspections

Respondent shall reimburse the Board for (Ex. one (1)) random inspection per (Ex. quarter) by Board specialists during the period of probation not to exceed $125 per inspection.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

~~[21]~~ [24] Inspection Fees

Respondent shall pay to the registrar, or designee, an inspection fee of (Ex. $50) within thirty (30) days from the effective date of this decision.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

~~[22]~~ [25] Reimbursement to Consumer

Respondent shall submit proof to the registrar that restitution in the amount of (Ex. $8,000) has been made to (Ex. John Smith) within (Ex. thirty (30) days) of the effective date of the decision.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

~~[23]~~ [26] Prohibited from Serving as Officer, Director, Associate, Partner, or Qualifying Manager

Respondent is prohibited from serving as an officer, director, associate, partner, qualifying manager, ~~or~~ branch office manager or responsible managing employee of any registered company during the period that discipline is imposed on (Ex. Operator's/Field Representative's) License No. (Ex. OPR 1234).

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

~~[24]~~ [27] No Interest In Any Registered Company

Respondent shall not have any legal or beneficial interest in any company currently or hereinafter registered by the Board.

~~[25]~~ [28] Take And Pass Licensure Examinations

Within (Ex. six (6) months) of the effective date of this decision, respondent shall take and pass the (Ex. Operator's/Field Representative's) examination currently required of new applicants for (Ex. Operator's/Field Representative's) license. The examination shall be taken on regularly scheduled dates. Respondent shall pay the established examination fee. If respondent fails to pass said examination within (Ex. Six (6) months) of the effective date of this decision, respondent shall notify the board and shall cease practice until respondent takes and successfully passes said examination.

(Note: For this section single underline denotes existing language. Double underline denotes language to be added.)

CROSS REFERENCE
BUSINESS AND PROFESSIONS CODE (B&P)
SECTIONS TO BUSINESS AND PROFESSIONS CODE SECTION
ESTABLISHING GROUNDS FOR DISCIPLINARY ACTION

VIOLATION OF B&P CODE SECTION	GROUNDS FOR DISCIPLINE UNDER B&P CODE SECTION
8505	8651
8505.1	8646
8505.2	8646
8505.3	8646
8505.4	8646
8505.5	8646
8505.6	8646
8505.7	8646
8505.8	8646
8505.9	8646
8505.10	8646
8505.11	8646
8505.12	8646
8505.13	8646
8505.14	8646
~~8505.15~~	~~8646~~
8505.16	8646
8505.17	8646
8506(c)	8641
8506.1	8641
8506.2	8641
8507	8651
8507.1	8651
8509	8641
8513	8641
8514	8641
8514.5	8641
8516	8641
~~8516.1~~	~~8641~~
~~8516.2~~	~~8641~~
8516.5	8641
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8613	8641, 8651
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8635	8641
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8657	8641, 8646
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8695	8641
8697	8641
8697.4	8641
8698.1	8641

CROSS REFERENCE
CALIFORNIA CODE OF REGULATIONS (CCR) SECTIONS
TO BUSINESS AND PROFESSIONS CODE SECTION
ESTABLISHING GROUNDS FOR DISCIPLINARY ACTION

VIOLATION OF CCR SECTION	GROUNDS FOR DISCIPLINE UNDER B&P CODE
1911	8641
1912	8650
1913	8641, 8650
1914	8650
1916	8641
1917	8650
1918	8641
1937	8641
1937.12	8641
1937.13	8641
1937.14	8635, 8636
1937.16	8641
1937.17	8641
1970(a)(b)	8652
1970.3	8646
1970.4(a)(b)(c)(d)(e)(f)	8646
1970.5	8646
1970.6	8646
1971(a)(1)(A)(B)(C)	8646
1971(a)(1)(b)	8646, 8647
1971(a)(2)	8646, 8647
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1974	8646
1983	8643, 8647
1990	8641
1991	8641
1992	8641
1993	8641
1993.1	8641
1994	8641
1996	8641
1996.1	8641
1996.2	8641
1996.3	8641
1998	8641
1998(f)	8652
1999.5	8641

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DEPARTMENT OF CONSUMER AFFAIRS

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MEMORANDUM

DATE	July 6, 2015
TO	Board Members
FROM	Susan Saylor Executive Officer
SUBJECT	**Agenda Item XVII – Discussion and Review of Qualifying Manager's Responsibilities**

At a recent board meeting, a board member requested that this issue be placed on an upcoming board meeting agenda for review and discussion.

Included in your board packages are Business and Professions Code (BPC) sections 8506.2, 8610, and 8611. California Code of Regulations (CCR) section 1918 is also included in board packages which further defines the requirements of a qualifying manager.

The Act Review Committee previously made recommended changes to BPC 8506.2 which you board members approved at the January 2015 board meeting. That recommendation is also include in board packages. Staff was unable to obtain an author for a legislative bill during this session, and have started working on obtaining an author for next legislative session.

8506.2. A "qualifying manager" is the licensed operator or operators designated by a registered company to supervise the daily business of the company and to be physically present at the principle office or branch office(s) location for a minimum of seventy-two (72) hours every three (3) consecutive calendar months to supervise and assist the company's employees. These hours shall be documented and provided to the Board upon request ~~available to supervise and assist the company's employees~~.

California LEGISLATIVE INFORMATION

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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.8] *(Heading of Division 3 added by Stats. 1939, Ch. 30.)*

CHAPTER 14. Structural Pest Control Operators [8500 - 8697.5] *(Chapter 14 repealed and added by Stats. 1941, Ch. 1163.)*

ARTICLE 1. General Provisions [8500 - 8519.5] *(Article 1 added by Stats. 1941, Ch. 1163.)*

8506.2. A "qualifying manager" is the licensed operator or operators designated by a registered company to supervise the daily business of the company and to be available to supervise and assist the company's employees.

(Added by Stats. 1985, Ch. 1348, Sec. 14. Operative January 1, 1987, by Sec. 97 of Ch. 1348.)

California LEGISLATIVE INFORMATION

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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.8] *(Heading of Division 3 added by Stats. 1939, Ch. 30.)*

CHAPTER 14. Structural Pest Control Operators [8500 - 8697.5] *(Chapter 14 repealed and added by Stats. 1941, Ch. 1163.)*

ARTICLE 6. Regulation of Licensees [8610 - 8619] *(Article 6 added by Stats. 1941, Ch. 1163.)*

8610. (a) Every company that engages in the practice of structural pest control, as a sole proprietorship, partnership, corporation, or other organization or any combination thereof, shall be registered with the Structural Pest Control Board. Each application for a company registration shall include the name of the company's owner if it is a sole proprietorship, the names of the partners, if it is a partnership, or the names of its officers and shareholders with 10 percent or more ownership interest, if it is a corporation, and the address of the company's principal office in this state.

(b) (1) A company registration shall not be issued to an applicant that has an officer, director, qualifying manager, responsible managing employee, or an individual who otherwise exercises dominion or control over the company, whose license or registration is revoked or suspended at the time of the application as the result of disciplinary action pursuant to this chapter.

(2) A company registration shall not be issued to an applicant that has an officer, director, qualifying manager, responsible managing employee, or an individual who otherwise exercises dominion or control over the company, who owns or has owned in the past more than a 10 percent interest in another sole proprietorship, partnership, corporation, or other organization that has its license or registration revoked or suspended at the time of the application as the result of disciplinary action pursuant to this chapter.

(c) Each registered company shall designate an individual or individuals who hold an operator's license to act as its qualifying manager or managers. The qualifying manager or managers must be licensed in each branch of pest control in which the company engages in business. The designated qualifying manager or managers shall supervise the daily business of the company and shall be available to supervise and assist all employees of the company, in accordance with regulations which the board may establish.

(d) No individual who holds an operator's license shall act as a qualifying manager for more than two registered companies.

(1) Any individual, who on January 1, 2008, is acting as the qualifying manager for more than two registered companies shall comply with this subdivision by January 1, 2010.

(2) Commencing January 1, 2010, failure to comply with this subdivision shall result in the disassociation of the qualifying manager and the automatic suspension of the company's registration.

(3) This subdivision shall not apply to a company engaging in the practice of structural pest control as a corporation and which has an additional company or companies operating under that corporation and doing business in a name other than the corporation name.

(Amended by Stats. 2007, Ch. 354, Sec. 32. Effective January 1, 2008.)

California LEGISLATIVE INFORMATION

Code: Select Code Section: Search

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.8] *(Heading of Division 3 added by Stats. 1939, Ch. 30.)*

CHAPTER 14. Structural Pest Control Operators [8500 - 8697.5] *(Chapter 14 repealed and added by Stats. 1941, Ch. 1163.)*

ARTICLE 6. Regulation of Licensees [8610 - 8619] *(Article 6 added by Stats. 1941, Ch. 1163.)*

8611. Each branch office shall have a branch supervisor designated by the registered company to supervise and assist the company's employees who are located at that branch. The branch supervisor shall be an individual who is licensed by the board as an operator or a field representative and his or her license shall be prominently displayed in the branch office.

If a branch supervisor ceases for any reason to be connected with a registered company, the company shall notify the registrar in writing within 10 days from that cessation. If this notice is given, the company's branch office registration shall remain in force for a reasonable length of time to be determined by rules of the board, during which period the company shall submit to the registrar in writing the name of another qualified branch supervisor.

(Amended by Stats. 2007, Ch. 354, Sec. 33. Effective January 1, 2008.)

WestlawNext California Code of Regulations

§ 1918. Supervision of Registered Companies and Branch Offices.
16 CA ADC § 1918
BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations Currentness
Title 16. Professional and Vocational Regulations
Division 19. Structural Pest Control Board
Article 2. Administration (Refs & Annos)

16 CCR § 1918

§ 1918. Supervision of Registered Companies and Branch Offices.

"Supervise" as used in Business and Professions Code Sections 8506.2, 8610 and 8611 means the oversight, direction, control, and inspection of the daily business of the company and its employees, and the availability to observe, assist, and instruct company employees, as needed to secure full compliance with all laws and regulations governing structural pest control.

In cases of ownership of more than one registered company by the same sole owner, corporation or partnership where the qualifying manager or managers cannot supervise each registered company because of the location of the companies, the qualifying manager or managers may designate an individual or individuals licensed as an operator or as a field representative in the branch or branches of business being conducted to supervise the company. This designated supervisor or supervisors must be under the direct supervision of the qualifying manager or managers. Any such designation of supervisors does not relieve the qualifying manager or managers of responsibility to supervise as required in sections 8506.2 and 8610.

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8506.2, 8610 and 8611, Business and Professions Code.

HISTORY

1. New section filed 6-15-89; operative 7-15-89 (Register 89, No. 25).

2. Amendment of section filed 8-12-96; operative 9-11-96 (Register 96, No. 33).

3. Amendment filed 3-21-2006; operative 4-20-2006 (Register 2006, No. 12).

This database is current through 6/12/15 Register 2015, No. 24

16 CCR § 1918, 16 CA ADC § 1918

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MEMORANDUM

DATE	July 6, 2015
TO	Board Members
FROM	Susan Saylor Executive Officer
SUBJECT	**Agenda Item XIX – Review and Consideration of Style Options for Strategic Plan with SPCB Logo**

The Strategic Plan is in your board packages again merely for you to approve the Logo which has been added and the new color scheme to match the Logo. If approved, it will be printed, posted on our web site and circulated.

Strategic Plan

2015–2018

Structural Pest Control Board

SPCB

STRUCTURAL PEST CONTROL BOARD

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Message from the President

On behalf of the California Structural Pest Control Board (SPCB), I'm pleased to present our updated strategic plan. This plan benefited from the thoughtful input and discussion of Board members, staff, and industry. It was created to provide a framework and identify priorities for SPCB's efforts over the next few years to modernize operations and adapt to an evolving pest control industry.

This document is the road map toward our vision of SPCB as a national leader, by achieving the highest standards of consumer protection and promoting a high degree of professionalism in the State's structural pest control industry.

Dave Tamayo, President
California Structural Pest Control Board

About the Board

In 1935, in response to lobbying by what was then known as the California Pest Control Association and that later became the Pest Control Operators of California, Assembly Bill 2382, "An act to regulate the practice of structural pest control; to create the Structural Pest Control Board; to provide for the registration and licensing of persons engaged in such practice, and for the protection of the public in the practice of structural pest control," was passed by the California State Legislature. The bill was signed by the Governor on July 20, 1935, and became law on September 15, 1935.

The Structural Pest Control Board (Board) is composed of seven members of which, by law, four are public members and three are members of the pest control industry. The Governor appoints two public members and three licensed industry members. The Senate Rules Committee and the Speaker of the Assembly each appoint one public member. Board members may serve up to two four-year terms.

The Board, under jurisdiction of the Department of Consumer Affairs (DCA), was transferred via legislation to the jurisdiction of the Department of Pesticide Regulation, operative October 23, 2009 (ABX4, 20, Strickland and Huber, 2009). The Board returned to the DCA effective July 1, 2013, under the Governor's 2011–2012 Reorganization Plan No. 2 and AB 1317 (Frazier, 2013).

2007 Strategic Plan Accomplishments

Examination Subversion – In February 2013, the Board learned that its examinations were compromised. The Board worked with the Division of Investigation to investigate and prepare evidence against those involved in compromising the examination. The investigation resulted in two individuals being arrested and later convicted on two counts of burglary for helping people cheat on not just the Board's examinations, but several State licensing examinations. One of these individuals was sentenced to 30 days of jail and ordered to pay restitution to the State agencies involved to a sum of $400,000. The interference with the subversion of the examination was crucial to the integrity of the Board's examinations and hence, the protection of consumers.

Examination Development – In 2013, the Board contracted with DCA's Office of Professional Examination Services to write current and relevant examinations for all of its licenses. Having current examinations is important to consumer protection to ensure people coming into the industry have the necessary skills and knowledge to perform the work they are licensed to perform while implementing the most recently acknowledged practices.

Implementation of Computer Based Testing (CBT) – In February 2014, the Board implemented CBT, which has been a long-standing desire of the industry and Board alike. CBT improves examination accessibility since the candidate can schedule themselves at their convenience and in one of 17 locations throughout the State, or 22 additional locations throughout the country. Previously, the exams were given only once a month and only available at two locations in the State. CBT also provides for better examination security and reduces the risk of examinations being compromised. The Board is contracted with an outside vendor who administers several State licensing and other examinations, and exercises much better security precautions than were previously available.

Development of an Act Review Committee – In 2011, the Board appointed an Act Review Committee to review the Structural Pest Control Act for relevance and consistency. This committee has met almost every month since and has made several recommendations for updates to the Act. Some of these recommendations have already been approved by the Board, passed legislation, and become effective.

Utilizing Modern Technologies – In January 2011, the Board began maintaining an e-mail notification subscription listing where interested parties can subscribe to and receive all of the Board meeting agendas, approved minutes, regulation changes, and other mailings that are otherwise only mailed from the Board. In October 2014, the Board began posting meeting materials on its website and webcasting Board meetings. These utilizations of modern technology greatly improve the ability of the industry and other interested parties to stay informed on current issues and recent changes.

Increasing Consumer Protection by Increasing Bond and Insurance Requirements – Senate Bill 662 passed in October 2013, significantly increasing the Board's bond and insurance requirements. Increased bond and insurance requirements ensures better consumer protection and makes companies more liable for their work.

Consumer Savings - In the Fiscal Year (FY) 2013–2014 alone, the Board collected more than $39,000 in cost recovery and restitution to consumers. Consumers saved approximately $82,000 through the Board's mediations and investigations programs.

Integrated Pest Management (IPM) – In 2007, the Board developed an IPM Task Force, whose intent was to define IPM. In 2008, a definition of IPM was passed into regulation and in 2009, IPM was added as a requirement of prelicensure training and as a continuing education requirement for all licensees. Including IPM education as initial prelicensure training and continuing education requirements is important because it makes the licensee better aware of nonchemical approaches and strategies to prevent and minimize pests while creating a minimal impact on human health, property, the environment, and nontarget organisms.

Chief Enforcement Officer – In 2008, a Budget Change Proposal was approved for a new Chief Enforcement Officer position at the Staff Services Manager I (SSMI) level to address the coordination of the Board's Statewide regulatory enforcement program activities. In FY 2003–04, the Board's Deputy Chief Enforcement position, which performed the above-mentioned activities, was abolished via Control Section 4.10. Approval of the Budget Change Proposal allowed the Board to recruit an SSMI to once again head enforcement activities.

Addressing Unlicensed Activity and the Underground Economy – In 2013, the Board began partnering with the Department of Industrial Relations, Division of Labor Standards Enforcement, and sibling agencies to counteract the negative effects of the underground economy. The Board endeavors to initiate proactive investigations, as opposed to only the traditional reactive investigations, that would not solely be based on administrative or criminal sanctions.

Mission

To protect the general welfare of Californians and the environment by promoting outreach, education, and regulation of the structural pest management profession.

Vision

The Structural Pest Control Board will strive to be the national regulatory leader of pest management.

Values

Consumer Protection

We make effective and informed decisions in the best interest and for the safety of Californians.

Professionalism

We ensure that qualified, proficient, and skilled staff provides services to the State of California.

Efficiency

We diligently identify the best ways to deliver high-quality services with the most efficient use of our resources.

Integrity

We are committed to honesty, ethical conduct, and responsibility.

Strategic Goals

1 *LICENSING, EXAMINATIONS, AND CONTINUING EDUCATION*

The Board promotes licensing standards to protect consumers and allow reasonable access to the profession. Additionally, the Board oversees and approves continuing education and examination standards to ensure excellence in practice and promote public safety.

2 *ENFORCEMENT*

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practice of structural pest control.

3 *LEGISLATION, REGULATIONS, AND POLICY*

The Board pursues statutes, regulations, policies, and procedures that strengthen and support the Board's mandate and mission.

4 *OUTREACH*

The Board informs consumers, licensees, and stakeholders about the practice and regulation of the profession.

5 *ORGANIZATIONAL EFFECTIVENESS*

The Board standard is to build an excellent organization through proper Board governance, effective leadership, and responsible management.

GOAL 1: LICENSING, EXAMINATIONS, AND CONTINUING EDUCATION

The Board promotes licensing standards to protect consumers and allow reasonable access to the profession. Additionally, the Board oversees and approves continuing education and examination standards to ensure excellence in practice and promote public safety.

1.1 Evaluate continuing education provider qualifications and criteria to strengthen the approval process.

1.2 Review and refine the licensing and renewal processes to increase licensees' level of compliance.

1.3 Review and analyze exam questions and current reference materials to develop study guides and materials that focus on essential occupational principles and practices.

1.4 Evaluate continuing education categories and hourly requirements, with emphasis on core competencies.

1.5 Increase continuing education course field audits to ensure standards are met and proper training is received.

GOAL 2: ENFORCEMENT

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practice of structural pest control.

2.1 Increase proactive enforcement to effectively reduce the frequency of unlawful pest control services.

2.2 Implement enhancements to Board response and coordination with local governments and other partners on fumigation emergencies and where multiple (serious level) pest control violations exist.

2.3 Seek statutory authority to automatically suspend or, with cause, revoke any license or registration based on noncompliance of citation.

2.4 Seek statutory authority to automatically suspend any license or registration based on an owner's or licensee's failure to satisfy court judgments, arbitration awards, tax liens, and other lawfully imposed sanctions related to the pest control profession.

2.5 Seek statutory authority to require any person listed on the principle registration or branch office registration to take continuing education or Board-approved courses as a condition of a Board-issued citation.

2.6 Seek statutory authority to deny the renewal of a license based on an owner's or licensee's failure to comply with any provision of the Structural Pest Control Act (i.e., failure to post a restoration bond, complete continuing education courses, or comply with an order of abatement).

GOAL 3: LEGISLATION, REGULATIONS, AND POLICY

The Board pursues statutes, regulations, policies, and procedures that strengthen and support the Board's mandate and mission.

3.1 Establish a committee to research pre- and postlicensing requirements and consider developing or amending those requirements to ensure all those practicing structural pest control are properly regulated.

3.2 Evaluate and forecast current fee structure to ensure fees support the operational needs of the Board.

3.3 Research, review, and make recommendations regarding the roles and responsibilities of a qualifying manager and branch office supervisor and accordingly pursue statutory and/or regulatory changes.

3.4 Pursue regulatory changes to include new and/or updated provisions for all Board forms based on priority and operational need.

3.5 Explore alternatives to foster improved communication with other agencies and the Legislature to improve timely tracking of sensitive or competing legislation.

GOAL 4: OUTREACH

The Board informs consumers, licensees, and stakeholders about the practice and regulation of the profession.

4.1 Develop an outreach plan to create awareness of the Board's mission and function, using a variety of proven methods.

4.2 Develop strategy to educate licensees and consumers on the new web access tools that will be available through BreEZe.

4.3 Partner with DCA and other agencies to leverage outreach efforts.

4.4 Promote the Board's web-based license status lookup tool though public and private partnerships.

4.5 Establish alliances with continuing education providers so that they may educate and inform licensees about how to avoid the most common enforcement violations.

GOAL 5: ORGANIZATIONAL EFFECTIVENESS

The Board standard is to build an excellent organization through proper Board governance, effective leadership, and responsible management.

5.1 Review and consolidate Board member orientation materials and training that is specific to the Board and industry with emphasis on policies, procedures, responsibilities, and functions of the Board.

5.2 Continue to monitor staffing levels to achieve Board's mandated goals and objectives in the areas of enforcement and continuing education, and pursue budgetary authority to support Board operations.

5.3 Research ways to use technology to increase operational efficiencies and effectiveness.

5.4 Analyze pay and classification structure of staff to ensure it aligns with the Board's recruitment and retention plan, and pursue resources, as appropriate, to meet those needs.

Strategic Planning Process

To understand the environment in which the Board operates and to identify factors that could impact the Board's success, DCA's SOLID unit conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- An online survey sent to 5,000 stakeholders, comprised of industry professionals, professional associations, continuing education providers, and others who expressed interest in the strategic direction of the Board.
- A staff focus group on September 11, 2014, in which eight Board staff members participated.
- An online survey sent to field staff, in which five members responded.
- Telephone interviews with Board members in August and September 2014.

The most significant themes and trends identified from the environmental scan were discussed by the Board executive team and Board during a strategic planning session facilitated by SOLID on October 15, 2014. This information guided the Board in the development of its mission, vision, and values while directing the Board in the formulation of its strategic goals and objectives as outlined in the 2015–2018 Structural Pest Control Board Strategic Plan.

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This strategic plan is based on stakeholder information and discussions facilitated by SOLID for the California Structural Pest Control Board (Board) in August and September 2014. Subsequent amendments may have been made after Board adoption of this plan.

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

October 2015

◄ Sep 2015 | Nov 2015 ►

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7 SPCB Meeting (Sacramento)	8 SPCB Meeting (Sacramento)	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January 2016

◄ Dec 2015 | Feb 2016 ►

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13 SPCB Meeting (San Diego)	14 SPCB Meeting (San Diego)	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

March 2016

◄ Feb 2016 | Apr 2016 ►

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 47	2 48	3 49	4 50	5 51
6 52	7 53	8 54	9 55	10 56	11 57	12 58
13 59	14 60	15 61	16 62	17 63	18 64	19 65
20 66	21 67	22 68	23 69	24 70	25 71	26 72
27 73	28 74	29 75	30 76	31 77		

April 2016

◄ Mar 2016 | May 2016 ►

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 78	2 79
3 80	4 81	5 82	6 83	7 84	8 85	9 86
10 87	11 88	12 89	13 90	14 91	15 92	16 93
17 94	18 95	19 96	20 97	21 98	22 99	23 100
24 101	25 102	26 103	27 104	28 105	29 106	30 107

July 2016

◄ Jun 2016 | Aug 2016 ►

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						