MINUTES OF THE
SPECIAL MEETING OF THE
STRUCTURAL PEST CONTROL BOARD
JULY 18, 2003

The meeting was held on Friday, July 18, 2003, at the Department of Consumer Affairs, 400 R Street, First Floor Hearing Room, Sacramento, California, commencing at 8:10 AM with the following members constituting a quorum:

Michael Roth, President
Jean Melton, Vice President
Bill Morris
Mustapha Sesay
Gregory Traum
Ken Trongo

Board member Karl Thurmond was not present

Board staff present:

Kelli Okuma, Registrar
Susan Saylor, Assistant Registrar
Dennis Patzer, Enforcement
Barbara Howe, Licensing

Departmental staff present:

Donald Chang, Legal Counsel

Board Liaison Deputy Attorney General Robert Eisman was also in attendance.

I. ROLL CALL

Ms. Saylor read the roll call.

II. REINSTATEMENT HEARING

The Board sat with Administrative Law Judge Ann Elizabeth Sarli and Deputy Attorney General Michael J. Weinberger to hear the Petitions for Reinstatement of Raymond De La Torre, Operator's License No. 9544, and Epigmenio De La Torre, Field Representative's License No. FR 14151. The petitioners were informed they would be notified by mail of the Board's decision.

III. CLOSED SESSION

The Board adjourned to closed session to consider the Petitions for Reinstatements.

IV. FLAG SALUTE

Ms. Melton led the flag salute. Mr. Roth asked that during the flag salute, everyone remember the troops who are still in harm's way.

Mr. Roth announced that Kenneth Trongo had been re-appointed by Governor Gray Davis to another full term as a member of the Structural Pest Control Board and stated the Board members were all very pleased and delighted with his re-appointment.

V. PUBLIC HEARING TO ADOPT SECTIONS 1923 (CONSUMER COMPLAINT DISCLOSURE) AND AMEND SECTIONS 1953 (REVISED APPLICATION FOR CONTINUING EDUCATION ACTIVITY FORM), 1970 (REVISED FUMIGATION LOG), 1983 (IN-GROUND TERMITE BAIT STATIONS REMOVAL), 1996.1 (INSPECTION AND COMPLETION TAGS), AND 1996.3 (PENALTY FOR FAILING TO REPORT WDO ACTIVITIES) OF TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS

Mr. Chang announced for the record that the date was July 18, 2003, the time was 9:25AM and the meeting was being held in Sacramento. He stated a quorum of the Board was present, a notice had been filed with the Office of Administrative Law (OAL) and a copy sent to all interested parties.

Mr. Chang announced the hearing was being held to consider the adoption of Section 1923 and proposed changes to Board rules' Sections 1953, 1970, 1983, 1996.1, and 1996.3 as outlined in the public notice. The hearing would be open to take oral testimony and/or documentary evidence by any person interested in these regulations. All oral testimony or documentary evidence would be considered by the Board pursuant to the requirements of the Administrative Procedures Act before formally adopting the proposed amendments to the regulations, or any recommendations for change that might evolve as a result of the hearing.

Mr. Chang announced that after all interested parties had testified, the testimony phase of the hearing would be closed and the Board would then consider the appropriate action to be taken for any regulatory changes. He asked if there were any questions concerning the nature of the proceedings or the procedures to be followed. As there were none, he opened the hearing to the public for oral testimony and/or documentary evidence.

Proposed Adoption of Regulation Section 1923

There were no public comments.

Proposed Amendment of Regulation Section 1953

There were no public comments.

Proposed Amendment of Regulation Section 1970

There were no public comments.

Proposed Amendment of Regulation Section 1983

There were no public comments.

Proposed Amendment of Regulation Section 1996.1

There were no public comments.

Proposed Amendment of Regulation Section 1996.3

John Van Hooser, Ultratech Division, recommended to:

- Leave the spot blank on the form where the $1.50 fee is located, as the fees frequently change.

Bill Gillespie, government watcher, commented that:

- He would like to see the cost savings associated with data submission versus the filing of the reports.

Robert Eisman, Department of Justice, commented he had noted a couple of typographical errors. The word "Report" should be added in the third line of the first paragraph and read: "WDO Inspection and Completion Activity Report Form," in order to have consistent nomenclature. In the second paragraph, subsection (3) was missing an "a" and should read: "Branch office, (when a branch office issues inspection report or notice or work completed)," and subsection (6) was missing an "s" and should read: "License numbers of licensees performing the inspection." He further commented that the date should be included in the proposed text also, as it is referenced on the form.

As there were no further comments, Mr. Chang concluded the public oral testimony phase of the regulatory hearing and stated the proposals would be referred back to the Board for consideration of comments and possible action on the proposals.

Proposal to Adopt Regulation Section 1923

Mr. Chang commented he had some suggestions and recommendations also. The Proposed Adoption of Regulation Section 1923(e) should have the word "director" changed to read: registrar, and subsection (f) should have the word "working " taken out, which would then read: ten (10) days.

Mr. Sesay moved and Mr. Trongo seconded to authorize staff to modify the proposed language of section 1923(e) and 1923(f) as recommended by legal counsel, make the modifications available for a 15-day public comment period, and delegate authority to the registrar to adopt the proposed regulation as follows, provided there are no adverse public comments:

§1923. Consumer Complaint Disclosure.

(a) The Board shall establish and maintain a complaint history report to provide members of the public with complaint information that has been filed with the Board against licensees and registrants of the Board.

(b) The consumer complaint history report shall contain information about consumer complaints and, if applicable, shall include:

(1) License / company registration status and history;

(2) Total number of complaints meeting the conditions of disclosure listed in subsection (d)(1);

(3) Date and nature of the complaints;

(4) A description of how the business responded to the complaints;

(5) Current status of the complaints, including information regarding any referral, legal action, administrative disciplinary action, or criminal prosecution;

(6) Total number of disciplinary, enforcement and public corrective actions taken by the Board;

(7) Brief summary of disciplinary, enforcement and public corrective actions taken by the Board;

(8) Information which is statutorily mandated to be disclosed;

(9) Any additional public information available that may be useful to consumers when making consumer decisions;

(10) A description of the type of public information not included in the report, i.e., civil judgments, criminal convictions, unsubstantiated complaints; and

(11) Disclaimers indicating the report does not constitute endorsement or non-endorsement of a business, and that the report may not contain all available information.

(c)(1) The consumer complaint history report shall not include any personal information about the complainant or the licensee / registered company against whom the complaint was filed.

(2) Disclosure of pending complaints and cases against licensees / registered companies under investigation or in the process of legal action shall contain a disclaimer stating that the complaint(s) against the licensee / registered company is/are alleged and no final legal determination has yet been made. The report may also include further disclaimers, or cautionary statements, regarding such pending cases. Citations that have been corrected or resolved shall be reported as such.

(d)(1) The Board shall disclose consumer complaint information in a consumer complaint history report when the registrar or his or her designee, has determined that all of the following have occurred:

(A) A substantiated consumer transaction has occurred;

(B) The licensee / registered company has been provided an opportunity to respond to the complaint;

(C) A probable violation has occurred or there is a possible risk of harm to the public: and

(D) The complaint will be referred for legal action.

(2) A substantiated consumer transaction is defined as a bona fide financial transaction between an individual customer and a business to procure and sell goods or services.

(3) A complaint that is determined to meet the criteria listed in subsection (d)(1) shall be incorporated into the consumer complaint history report no later than ten (10) working days after the conditions of disclosure have been met.

(e) Information about a complaint shall not be disclosed in the consumer complaint history report if it is determined by the ~~director~~ registrar or his or her designee that any of the following apply:

(1) The complaint is without merit;

(2) The complaint involves a non-consumer matter (e.g., labor grievances, labor relations, tax matter, etc.);

(3) Disclosure is prohibited by statute or regulation;

(4) Disclosure might compromise an investigation or prosecution; or

(5) Disclosure might endanger or injure the complainant.

(f) Consumer complaint history reports, when feasible and to the extent required or permitted by law, shall be made available on the Internet, in writing, and by telephone.

Any person may request a consumer complaint history report by telephone, in person, or in writing (including fax, email, and Internet). Such requests for information shall be responded to within ten (10) ~~working~~ days.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8620, Business and Professions Code.

Passed unanimously.

Proposal to Amend Regulation Section 1953

Mr. Roth asked the Board members if everyone was in favor of amending Regulation Section 1953 as proposed:

§1953. Approval of Activities.

(a) Providers of activities of continuing education in pest control shall request approval as a provider and of activities on forms provided by the Board (See Form 43M-18 (Rev. ~~3/87~~ 6/02) at the end of this section) accompanied by the required fees. Requests for approval of activities must be submitted to the Board no later than 60 days prior to presentation of the activity unless exception is granted by the Registrar.

(b) All providers must notify the Board 30 days prior to the presentation of any board approved activity, unless exception is granted by the Registrar.

(c) All providers must submit a course attendance roster (See Form No. 43M-46(New 3/93) at the end of this section) to the Structural Pest Control Board within five working days after every course instructed.
(d) After giving the provider a written notice and an opportunity to respond, the Board may withdraw approval of any activity, when good cause exists. Good cause shall include, but not be limited to, failure actually to meet the standards for approval of activities which are outlined in subsection (f) of this section.
(e) Unless otherwise indicated on the written notification of approval, or unless an approval is withdrawn by the Board at an earlier date, approval of each activity shall remain in effect for 3 years.
(f) In order to be approved, activities must be:
(1) Directly related to the field of structural pest control;
(2) Provided by an institution, association, university, or other entity assuming full responsibility over the course program;
(3) Composed of a formal program of learning which requires attendance and participation, and which provides at least one hour of instruction, a syllabus, an evaluation method on Form No. 43M-38 9 (NEW 5/87) (which is printed at the end of this section), a certificate of completion on Form No. 43M-39 8 (NEW 5/87) (which is printed at the end of this section); and,
(4) Conducted by an instructor who has qualified by meeting two of the following experience requirements:
(A) Completion of training in the subject of the activity,
(B) Six months' experience working in the area covered by the activity within the preceding three years,
(C) Experience teaching a activity of similar content within the preceding five years,
(D) Completion of any post-secondary studies related to the subject matter of the activity,
(E) Author of the activity being reviewed, or a credentialed instructor.
(g) No activity which focuses on the policies, procedures or products of a single firm, or which consists of meetings which are a normal part of in-house staff or employee training shall be approved.

* Shaded area represents another pending rulemaking change waiting OAL approval.

Passed unanimously.

Proposal to Amend Regulation Section 1970

Mr. Roth asked the Board members if everyone was in favor of amending Regulation Section 1970 as proposed:

§1970. Standards and Record Requirements
For the purpose of maintaining proper standards of safety and the establishment of responsibility in handling the dangerous gases used in fumigation and the pesticides used in other pest control operations, a registered company shall compile and retain for a period of at least three years, a log for each fumigation job and for each pesticide control operation in which a pesticide is used by the registered company or the registered company's employee.

(a) The log (See Form 43M-47 (~~New 5/96~~ Rev. 5/03) at the end of this section) for each fumigation job shall contain the following information:

Name, address and company registration certificate number of prime contractor.

Name, address and company registration certificate number of subcontractor, if any.

Address of property.

Date of fumigation.

Name and address of owner or his or her agent.

~~Name and address of guard.~~

Date and hour fire department was notified pursuant to Business and Professions Code section 8505.5.

~~Date and hour police department was notified, where required by local ordinance.~~

Date and hour county agricultural commissioner was notified and method of notification, where required.

Property description including type of structure as to details of roofing, walls, and the presence of construction elements, conduits, drains, or vacuum systems that could allow the passage of fumigant from the structure to be fumigated to any adjacent or adjoining structure(s), thereby connecting them, and method(s) used to prevent passage of the fumigant.

Cubic feet fumigated.

Target pest(s).

Kind of fumigant(s) used.

United States Environmental Protection Agency registration number(s) of fumigant(s).

Name of warning agent and amount used.

Type of sealing method used.

Weather conditions as to temperature and wind.

Date and hour fumigant introduced.

Cylinder number of each fumigant used.

Weight of each fumigant cylinder before introduction of gas.

Pounds of fumigant used from each cylinder.

Total pounds of fumigant used.

List of any extraordinary safety precautions taken.

Name, signature and license number of operator or field representative releasing fumigant.

First name and surname of crew when fumigant was released, when aeration commenced and when the property was released for occupancy.

Indication of whether or not safety equipment was available at the fumigation site at the time the fumigant was introduced, when ventilation commenced and when the property was released for occupancy.

Date and hour aeration commenced.

Conditions of tarp and seal.

Name, signature and license number of operator or field representative commencing ventilation.

Type of device(s) used to test for re-entry.

Date and hour ready for occupancy.

Name, signature and license number of operator or field representative releasing property for occupancy.

Method used to calculate amount of fumigant used.

Factors used in calculation of fumigant.

Special notes or comments pertinent to fumigation.

(b) The report for each pest control operation, other than fumigation, in which a pesticide is used shall contain the following information:

Date of treatment.

Name of owner or his or her agent.

Address of property.

Description of area treated.

Target pest(s).

Pesticide and amount used.

Identity of person or persons who applied the pesticide.

(c) The term "fraudulent act" as used in Section 8642 includes but is not limited to the falsification of any records pertaining to fumigation jobs or other pest control operations in which a pesticide other than a fumigant is used.

Passed unanimously.

Proposal to Amend Regulation Section 1983

Mr. Roth asked the Board members if everyone was in favor of amending Regulation Section 1983 as proposed:

§1983. Handling, Use, and Storage of Pesticides.

(a) Each container in which any pesticide is stored, carried or transported shall be adequately labeled in accordance with the provisions of Articles 1 and 5, Chapter 2, Division 7 of the Food and Agriculture Code (relating to economic poisons) and regulations adopted by the Department of Pesticide Regulation thereunder.

(b) Service kits which contain any pesticide or preparation thereof shall be handled with extreme caution and in no case shall such a kit be left where children or other unauthorized persons might remove the contents.

(c) When any pesticide or preparation thereof is carried on a truck or other vehicle, a suitable storage space shall be provided thereon. Under no circumstances shall such storage be left either unlocked or unattended when containing any pesticide or preparation thereof.

(d) Where there is danger of food or drug contamination, all food or drug commodities and all utensils or equipment used in the preparation of food or drugs shall be adequately covered to insure against contamination by pesticidal materials, unless the contamination will be dissipated or otherwise removed prior to the time the food or drugs are consumed or the utensils or equipment used.

(e) No rodenticide or avicide shall be used in such manner as to be readily accessible to children or pets.

(f) All rodenticides and avicides shall be removed from readily accessible places upon termination of the particular service.

(g) Under no circumstances shall oil base insecticidal materials be used in or near open flames or active heaters.

(h) Tracking powders shall be used only at floor level or in such places as warrant their safe use.

(i) When a covered or uncovered bait station is used for any ~~pesticide~~ rodenticide or avicide the bait station shall be adequately marked with the signal word or symbols required on the original ~~pesticide~~ rodenticide or avicide label, the generic name of the pesticide, and the name, address and telephone number of the structural pest control company. ~~A building which is vacated, posted, locked and in the care, custody and control of the registered company shall be considered the bait station.~~

(j) When a Termite baiting system contract is terminated, any toxicant, excluding liquid termiticides, used to modify, control, change or eliminate the behavior and existence of termites, shall be removed from the property.

*** Shaded area represents another pending rulemaking change waiting OAL approval.**

Passed unanimously.

Proposal to Amend Regulation Section 1996.1

Mr. Roth asked the Board members if everyone was in favor of amending Regulation Section 1996.1 as proposed:

§1996.1. Inspection and Completion Tags.

(a) An inspection tag shall be posted in the attic or sub-area, or in the garage whenever an inspection for wood-destroying pests or organisms is made. The inspection tag shall be not less than 3" by 5" and shall contain the firm's name, date of inspection and the following statement: "Do not remove--Structural Pest Control Board Regulation 1996.1."

(b) If the registered company completes any work with respect to wood-destroying pests or organisms, it shall post a completion tag next to the inspection tag. The completion tag shall be not less than 3" by 5" and shall contain the firm's name, date of completion and name of any chemical used or method (s) of treatment.

(c) The inspection report shall indicate the location of the inspection tag. The inspection report must also indicate the presence of any other inspection or fumigation tag that is less than two years old and any similar completion tag. A registered company shall not remove any tag.

Passed unanimously.

Proposal to Amend Regulation Section 1996.3

Mr. Roth asked the Board members if all were in favor of amending Regulation Section 1996.3, to authorize staff to modify the proposed language as suggested by Deputy Attorney General Robert Eisman, to make the modifications available for a 15-day public comment period, and delegate authority to the registrar to adopt the proposed regulation amendment as follows, provided there are no adverse public comments:

§ 1996.3 Requirements for Reporting Property Addresses.

(a) The address of each property inspected and/or upon which work was completed shall be reported on a form prescribed by the Board and designated as the WDO Inspection and Completion Activity Report Form (~~See~~ see Form No. 43M-52 ~~)~~ (Rev. 5/03) at the end of this section). This form shall be prepared by each registered company and shall comply with all of the requirements pursuant to Section 8516 (b), and 8518.

(b) The form shall contain the following information for each property inspected and/or upon which work was completed~~.~~ :

(1) Company Name

(2) Company registration number~~.~~

(3) Branch office, registration number (when a branch office issues an inspection report or notice ~~,or~~ of work completed).

(4) Date of Activity

~~(4)~~(5) Address of property inspected or upon which work was completed, including zip code~~.~~

~~(5)~~(6) ~~Specify Inspection or Completion and the date.~~ Activity Code

~~(6)~~(7) License number of licensees performing the inspection~~.~~

(c) Failure of a registered company to report and file with the Board the address of any property inspected or upon which work was completed pursuant to Section 8616 (b)~~,~~ or 8518 are grounds for disciplinary action and subject to a fine of not more than two thousand five hundred dollars ($2,500).

NOTE: Authority cited: Section 8525, Business and Professions Code, Reference Sections 8561, and 8518.

Passed unanimously.

VI. REGISTRAR'S REPORT

Ms. Okuma reported:

- The quarterly report format for the Strategic Plan was reviewed with the Board members.
- Objective 1.1 – Broaden Public Participation and Involvement - 246 consumer groups have been identified and a draft letter to these groups has been developed.
- Objective 1.2 – Publish the Board newsletter – the newsletter was published and distributed on July 2, 2003.

Mr. Morris stated the newsletter was very well done.

Mr. Roth asked for comments from the audience.

John Van Hooser, Ultratech Division, said it was very good.

Larry Musgrove, Western Exterminators, asked that it be created more often.

- Objective 1.3 – Keep the Board Website Current - There were no identifiable deliverables relative to keeping the website current. Staff assigned ownership is somewhat isolated from daily activities within the Board, so updating the website is more reactive than proactive. Ownership may have to be reassigned. A perceived problem with the website exists. Consumers and licensees periodically report incorrect information listed on the site. She explained the site is two-fold: staff can update one element of the site, while the other element is permanently linked with the Department of Consumer Affairs. Because of the link, there might be instances where historical information could be perceived as current and therefore outdated.

Mr. Roth asked if the disciplinary actions listed on the website were included in the problem areas.

Ms. Okuma replied that all license information, including disciplinary actions, can be found on the Department's database. When the Board takes disciplinary action, staff separately updates the website that is within staff control.

Mr. Roth asked that the element within staff control be kept more current as it is very much out of date.

- Objective 2.1 – Develop Written Survey - Staff was behind target with the objective of developing and implementing a written survey to determine what licensees are doing in regard to industry practices.
- Objective 2.2 – Review Laws and Regulations - A committee had been appointed and had met several times. Its recommendations were currently pending legal counsel rewrite, which will be completed by the committee's next scheduled meeting in September.
- Objective 2.3 - Complete Development and Implementation of Regulations Governing the use of Termite Baits - The Board already adopted two regulations, which were recently approved by the Office of Administrative Law (OAL). Today, another regulation is pending adoption.
- Objective 2.4 - Recommend Uniform Standards for Approving and not Approving Educators and Allocations of Credit, and ways to Restructure the Means and Methods of Providing Continuing Education to Licensees - A committee had been appointed and its recommendations would be heard today.
- Objective 2.5 - Complete the Process of Filing Wood Destroying Organism Activities Online - All deliverables had been completed except for implementing the plan for filing WDO activities online, which has a target date of July 1, 2004.
- Objective 3.1 - Provide Board with enforcement information so they could increase their knowledge base - Staff was not current on this objective as the first

deliverable was still pending completion. Staff had been unsuccessful in generating a report format with only specific complaint information culled from the system, so a list was provided to the Board members intended for the members to randomly select which cases they wanted to review. Staff was looking for additional direction as to what the Board members wanted to see.

Mr. Roth asked Board members for input on the complaint cases list.

Mr. Morris raised his concerns with unnecessary paperwork and whether this objective would be cost-effective or not.

Mr. Trongo asked for clarification regarding cite and fine amounts associated with section 8516(b) as it appeared they could range anywhere from $25 to $2,500.

Mr. Patzer replied that when section 8516(b) referenced a $2,500 fine it was usually for failure to file WDO activity reports. When section 8516(b) referenced a $25 to $50 fine it was usually for a subsection of 8516(b) referencing inspection report requirements.

Mr. Roth asked if Board members would be amenable to having staff randomly pick every 25th or 30th file for review.

Mr. Sesay stated he did not want to do that.

Mr. Traum stated he did not want to do that.

Mr. Roth commented that unless the Board wanted to change its objective, a random review of files would benefit the members.

- Objective 4.1 - Report on the use of Computer-Based Testing as a Means for Improving the Exam Process - There was no progress on the deliverables due to continued funding and budget constraints.
- Objective 5.1 - Professionalize the Board Meetings - In that Mr. Roth had ownership of the objective, status had been completed and was ongoing.
- Objective 5.2 - Research and Report on the Feasibility of Recording Conversations Between Board Staff and the Public for Quality Control Purposes - Enhancement to the phone system had a bid estimate of $30,000 and it was currently cost-prohibitive. No further progress would be made on this objective until the budget situation was clearer.
- During a meeting with the Director, Ms. Hamilton had requested that Board members be reassured that it was the Legislature's intent to return the Board's borrowed monies at some point in the future. And, because of the current budget situation, if there were an urgent need for the money to be returned sooner, such need would have to be demonstrated and then approved by the Department of Finance.

Mr. Morris questioned if there were a written document regarding return of the money.

Ms. Okuma responded she and Ms. Hamilton had only a verbal discussion.

Mr. Morris asked how other Boards were seeking reassurance of the return of borrowed funds.

Mr. Chang responded there was an established legal precedent, in that approximately 15 years ago the state had taken money from specially funded agencies. At that time a lawsuit was filed stating that use of these special funds was inappropriate. A Supreme Court decision subsequently ruled that the monies could be borrowed or loaned, but they could not be taken from specially funded agencies. So, although there was no specific document stating the money will be returned, there was the Supreme Court decision, which states the money cannot be taken, it can only be borrowed or loaned.

- Board members had been provided a copy of the agenda and registration form for the Association of Structural Pest Control Regulatory Officials (ASPRO) Conference that California is hosting in August in Sacramento. Staff had been working with ASPRO and she felt the conference would be informative.
- Due to the seriousness of the budget deficit, the Department had asked the Board to postpone any non-necessary, non-emergency type meetings. Therefore, some scheduled committee meetings had been cancelled and the setting of committees previously appointed had been postponed. The Pre-Treatment Committee members had been identified, invited to join, and that meeting would be scheduled once the budget was signed.
- Assembly Bill 1006 (Chu) died; Senate Bill 363 (Figueroa) was in the process.

Ms. Saylor reported:

- As a result of the budget cuts and deficit, a student assistant employee voluntarily left the Board in May. Had he not, he would have been furloughed two weeks ago when the Board was notified to furlough two additional seasonal employees. These employees had worked for the Board a number of years and it was not clear if these employees could be rehired in the future. In June, five employees were identified as surplus status, due to the 10% reduction the Board was required to identify in the budget. If the state budget is not resolved, those five individuals may end up in a layoff situation. If budget cuts go through and those five employees are laid off, she and the registrar will be identifying those services the Board will no longer be able to provide.
- The Board members had asked that section 1918 be placed on the agenda for this Board meeting. The Laws and Regulations Committee meeting had been postponed until September, so staff would bring section 1918 to October's Board meeting.
- In the 2002 Continuing Education Audit, 733 licensees were audited. Of those, 83 were in non-compliance, which is about 11%. Staff was in the final stages of identifying recommendations for disciplinary action for those 83 licensees.

- The Office of Administrative Law (OAL) approved adoption of sections 1993.2, Termite Bait Station, and 1993.3, In-Ground Termite Bait Stations. OAL also approved amendment of section 1991, which addressed the disclosure statement pertaining to local treatments.
- Licensing statistics and survey results were reviewed with the Board members.

Mr. Patzer reported:

- He participated in the annual mandatory County Agricultural Commissioners' pesticide use training with the Department of Pesticide Regulation. Industry also participated in the training by providing fumigators and Branch 2 and 3 personnel for exercises.
- In June he attended EPA-sponsored structural pest control training in Austin, Texas put on by the Texas Structural Pest Control Board, where he learned more about pre-treatment applications.

Ms. Okuma clarified to the Board members that Mr. Patzer's trip to Texas had been approved by the Environmental Protection Agency (EPA) and the Department of Consumer Affairs and his expenses were paid entirely by EPA.

- Mr. Patzer stated Board staff was in the process of meeting with representatives from the County Agricultural Commissioners and Sealers Association in regards to implementing the requirement that companies or individuals take courses after receiving citation(s) from the County Agricultural Commissioners Office for pesticide use violation(s).
- Contractors State Licensing Board (CSLB) has been contacted regarding issuance of licenses in a special category for bird control. CSLB agreed to provide a list of those licensees; who will be contacted and informed they have to be licensed by the Structural Pest Control Board if they practice pigeon control.

VII. PROPOSED AMENDMENT TO PROCEDURE NO. G-8, DUTIES OF THE PRESIDENT AND VICE PRESIDENT

Mr. Roth commented that when he first took office the procedures identifying the duties of the president and vice president were re-written. After discussion with staff this year and in order to provide the president of the Board with the flexibility he/she needs, it was suggested that number 11 of the procedures be rewritten to include emergency or urgent matters.

Mr. Morris commented that under vice president, the words "to" and "or" were out of place.

Mr. Roth asked for a vote in respect to use of the words "emergency or urgent:"

11. In intervals between meetings of the board, the president shall have authority to make decisions respecting emergency or urgent matters.

Passed unanimously.

Mr. Roth asked for a vote with respect to changing the words "to" and "or:"

1. If the president is temporarily unable ~~to~~ or unwilling ~~or~~ to perform his or her duties as president, the vice president shall perform all of the duties of the president, and when so acting shall have all the powers of, and be subject to all the restrictions upon, the president.

   Passed unanimously.

VIII. FUNCTIONS, RESPONSIBILITIES AND OBLIGATIONS OF BOARD MEMBERS – ERIC BERUMEN, DEPARTMENT OF CONSUMER AFFAIRS

Ms. Okuma reported that the presentation of the Functions, Responsibilities and Obligations of Board Members had not been completed and was postponed to a future meeting.

IX. APPROVAL OF APRIL 3 AND 4, 2003 BOARD MEETING MINUTES

Mr. Trongo moved to approve the minutes of the meeting of April 3 and 4, 2003.

Mr. Roth asked if there were any comments on the minutes.

Bill Gillespie, government watcher, questioned why his comments on section 1950 were not included in the minutes, as he had driven from San Carlos to Sacramento to submit his comments on section 1950 in writing.

Ms. Okuma responded that written comments were included in the rule-making file, whereas the minutes were reflective of oral testimony. She stated his comments had been submitted and would become part of the rule-making file itself, a public document, and would be responded to in the final statement of reasons.

Mr. Morris wanted to revisit section 1914 and asked if the proposal deferred responsibility of a company name style to the Department of Corporations or the Secretary of State.

Mr. Roth responded that the Structural Pest Control Board was merely giving up its authority in the approval of company name styles.

Passed unanimously.

Mr. Roth wished to publicly state that he had read a lot of minutes over the years and that he felt these were the best minutes he had ever read. They were thorough, cogent and lucid; one could have missed the meeting, read the minutes and felt as if they attended the meeting. Mr. Roth wished to compliment staff for such an excellent job.

Ms. Okuma responded she was glad to hear Mr. Roth's comments. Barbara Howe was the staff person who prepared the minutes and Dennis Patzer reviewed them.

X. REGULATION OF HEALTH RELATED MOLD REMEDIATION

Mr. Roth stated he wanted to speak with the Board members regarding regulating mold remediation and/or establishment of a new license category for health related molds. He said the legislature had passed a law to study the issue of mold remediation by the Department of Health Services, but Health Services had not undertaken the study because of monetary issues. At this point nothing was being done, and although the Department of Pesticide Regulation had expressed an interest in filling the void, they also had yet to do something. It seemed to him that the same reasons why the public should have a Board to protect them from the types of things pest control licensees do would apply equally to the issue of mold remediation. As a consumer, Mr. Roth saw an enormous hole in the regulations, felt it was a crime in a non-legal sense that there was a situation like this and said he would like to see the Board begin addressing the issue. It could mean just adopting a position that the area needed to be licensed by someone else and then taking a public position in that regard to build ground level support for when the day came and there was money. It could also mean a recommendation issued for a separate license category by someone else, or a separate category in the Structural Pest Control Board, or the Department of Pesticide Regulation or Department of Health Services, or monies appropriated to regulate mold remediation. He stated he was open to any suggestions as to how to proceed.

Mr. Trongo pointed out that most all of the insurance companies had already excluded mold from any policies for structural pest control businesses; therefore, if licensees were told they had to address mold, everyone would be uninsured.

Mr. Traum clarified there were individuals called Industrial Hygienists who were licensed to identify mold and he felt it was wrong to put this on the back of the pest control industry as mold is a health related issue. He mentioned that when the Board held its teleconference meeting awhile ago, a few members disagreed with having anything to do with the mold issue and he felt this was as far as they should go because it is a health issue and outside the scope of the licensees of the Board.

Mr. Roth asked who certified Industrial Hygienists.

Eric Paulsen, Pest Control Operator's of California, stated the American Board of Industrial Hygiene certifies Industrial Hygienists.

Mr. Roth asked if it was a governmental or private foundation board.

Eric Paulsen replied he believed it was a private accreditation board.

Mr. Morris commented the Board had already taken a position on the toxic mold situation but he agreed that at the very least it was important the Board make a statement as to its awareness of the severity of the still unattended and unaccounted for problem.

Mr. Sesay commented that one of the reasons the Board had decided to leave the issue alone was because Board licensees had neither the expertise nor experience in this area.

Mr. Trongo asked if this should be discussed at Strategic Planning instead.

Harvey Logan, Pest Control Operators of California, commented he agreed with several of the comments made. He did not believe this belonged with the Structural Pest Control Industry as he felt it was a health related problem. It was his impression that the Department of Pesticide Regulation (DPR) was going to create a licensing category for the purpose of mold inspection and remediation. He felt DPR was far more appropriate than the Structural Pest Control Board, even though the most appropriate place would be the Health Department. He stated the Health Department should be licensing people because mold is a health problem, not a structural one.

Larry Musgrove, Western Exterminators, stated the mold issue had gotten out of control across the United States with many claims, and so the private carriers were restricting payouts to $2,000 and $5,000. He felt this problem would become less severe on its own as less reward will be involved when people make claims.

Bill Gillespie, government watcher, stated other states have already addressed this issue. The Association of Structural Pest Control Regulatory Officials (ASPRO) has an item on its Sacramento agenda regarding toxic mold and the feedback could be helpful.

Randy Zopf, Roseville Termite and Pest Control, stated that although the pest control industry is not required to report mold or mildew issues, it is required to report the conditions that may have caused those issues to develop. He saw a major double standard and asked the Board members how to walk the center of the path. Even though licensees are not supposed to be looking for the mold per se, if there is an issue that is causing mold, for instance a roof leak causing the development of mold on a wall, and the mold is not reported, it was guaranteed there would be trouble for the licensee. He further explained that under a sink there could be mold or black mildew on the back wall of the cabinet stemming from an environmental issue because items were being stored improperly under the sink, and he wondered how to report that because there was no causation from a structural sense.

Mr. Trongo stated the Board was not saying the mold was not reportable, but the issue is are you qualified to state if the mold is toxic or not. He said he was not qualified and could not report if the mold were toxic or not. The Board was not saying to not report the conditions. The Board was saying: "we are not qualified to report toxic mold."

Mr. Traum mentioned that in his company, if there was an excessive moisture condition or an old water stain and there was a mold condition, it was reported as an unknown black surface growth.

Mr. Morris commented that his question of making a statement had been fulfilled because he wanted to establish a record of concern from the Board regarding this sensitive matter. With the Board's and audience current participation, he felt a record of sensitivity and concern was indeed being established. He felt if there were future legislative questions asked regarding how the Structural Pest Control Board felt on this issue, at least there would be this public record of concern.

John Van Hooser, Ultratech Division, commented that if this were brought into the structural pest control's area, there would be a tremendous problem because of the training of the Branch 3 licensees. There would have to be massive changes in the statutes, a lot of regulations redone, and people would have to be trained in mold remediation. He said it was going on right now where people were doing mold remediation and identifying mold, and if a Branch 3 company wanted to hire an industrial hygienist and then hire a contractor to do the repairs, it is out there, people can do it if they want to. But the suggestion that someone in the industry needs to do this and it is not us, that is the way you ought to go.

XI. PROCEDURES TO APPROACH NEXT STRATEGIC PLANNING SESSION

Mr. Roth asked that the Board members discuss its approach to strategic planning to determine if they wanted to continue with the same traditional way of conducting planning meetings, or if there were another approach the Board would like to consider. He stated that maybe some of the Board members had ideas on how to make it different, how to vary it, how to add something to it or take something away.

Mr. Morris felt that having a coach from the Department assist the Board members had been very effective; however, he would like to ask the Board members to think out of the box a bit to see if there were a better way to do it. He then asked Ms. Okuma if other Boards or Bureaus were using methods they should be aware of.

Ms. Okuma replied she had not spoken to any other executive officers regarding their Strategic Plans or meetings, so she did not know the answer to that question. However, she and Susan Saylor had participated in a training session that addressed how to conduct strategic planning meetings and it offered the same format the Board had been following the past couple of years. She mentioned there were books and publications about strategic planning so there were a variety of ways to approach the issue. She stated Ken Miller, who facilitated meetings for the past two years, had made a very quick decision to retire and was now in Hawaii. Travis McCann, who also works for the Department of Consumer Affairs, offered to facilitate for the Board at the next meeting and he might have a different approach, so just the difference of that dynamic could change the tone of the meeting.

Mr. Morris asked that Ms. Okuma check with other executive officers to see what they were doing.

Mr. Trongo asked Mr. Roth if he had some ideas as he had placed this item on the agenda, and then asked if he felt their strategic planning process was broken.

Mr. Roth responded he did have one thought; he did not feel the strategic planning was broken, and it could be possible other Board members had thoughts also. He stated the comments expressed today were helpful and it would be good to check with the other executive officers, as that could prove helpful also. He then stated his thought was that the Board members did not have the benefit of the full two days during the last two meetings as both times on the beginning of the second day staff had left by 1:00 PM or 2:00 PM. He said he had spoken to Ken Miller at the end of the last meeting after everyone left, and he had told him of his frustration because two days was a very prolapsed period of time. He said that with most Boards and many of his other clients he would spend a week or at least an extended period of time working with their strategic planning, so he felt he was short-circuiting getting this Board to its result. Mr. Roth then said he had asked Ms. Okuma to schedule two full working days for the next Strategic Planning meeting so the Board could have the full benefit of the strategic planning process.

Mr. Trongo requested the floor to revisit the review of case files with Ms. Okuma.

Mr. Trongo commented that last year or the year before there were changes made in the policies and procedures, whereby Board members would review case files on a random basis. He asked if that was rescinded, or did it start and then subsequently stop?

Ms. Okuma replied the Board took it out of policies and procedures but said they would revisit the issue. It was then placed in the Strategic Plan, where it was now, waiting to be addressed.

Mr. Trongo replied that in retrospect it would be good if the Board reviewed a few case files on a random basis; if nothing else it was a proper form of supervision on the Board's part.

Mr. Morris replied he was in support.

Ms. Okuma asked that each Board member place an "X" next to the file number they would like to see on the complaint list she had provided them earlier.

XII. CONTINUING EDUCATION COMMITTEE REPORT AND SUMMARY RECOMMENDATIONS

Doug Carver, Chairman for the Continuing Education (CE) Committee, gave a summary verbal presentation regarding the CE Committee's recommendations from prior committee meetings. He began by stating that the original task of the committee was both specific and general, in that the committee was asked to look at the guidelines for approved courses and to look in general at the continuing education requirements, with the idea to improve the continuing education process so that service provided to consumers was thereby served.

The first recommendation the committee made was for the Board to establish a standing Advisory Committee to review courses as requested by the staff and to conduct audits determining if the courses were in fact conforming to the requirements. The committee suggested a Board member be the chairperson, that there be an equal number of course providers and non providers on the committee.

The second recommendation was to remove the sentence in Section 1950.5(c) and (d) which stated: "Additional hours may be approved depending on the complexity of the activity and its relevance to new developments in the field of pest control." That was becoming problematic as it was felt to have too wide of an area of discretion.

The third recommendation was to recommend that the Board, either by itself or by directing the Rules and Regulations Committee, amend 1950.5 to require all activities that provide technical or rules and regulations continuing education hours include an exam.

The fourth recommendation was for the Board to ask the Rules and Regulations Committee to develop language to ensure continuing education complies with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

The fifth recommendation was to have 10 questions per hour of instruction, with a 40-question minimum for any activity of instruction of four hours or more. All questions are to be either true or false or multiple choice and in order to pass the exam the participant must achieve a 70% or better score on the exam. A feedback card was developed which would be sent directly by the participant to Board staff in order to provide some feedback on the effectiveness of the courses from the point of view of the participant.

The committee's last recommendation was to raise the number of continuing education hours required by four, with those four hours being dedicated to a class in ethics.

Ms. Melton stated the report sounded good and the committee had done a good job.

Mr. Traum stated the four additional hours in ethics was an excellent idea.

Mr. Morris commented he felt the committee had followed the Board's direction but was unsure where to go from here in terms of the next step.

Mr. Roth stated the Board could vote on each of the suggestions one at a time if they were comfortable doing that without seeing the proposals in writing first.

Mr. Sesay commented he would prefer to see the proposals in writing before he voted.

Mr. Roth asked if there was a sufficient amount of trained people in the area who could teach the ethics courses.

Doug Carver replied the committee did not research the supply of qualified ethics' teachers, although he suspected business schools might be helpful in that regard.

Mr. Sesay felt that teachers would be attracted to the pest control industry because of the creation of course requirements in ethics.

Bill Gillespie, government watcher, asked to see a written report so he could address his comments in writing. He questioned if there was a quorum at the last committee meeting.

Mr. Chang stated that a quorum is more than the majority, so if the full committee was comprised of five people and there were three members attending, that would constitute a quorum.

Bill Gillespie stated a public hearing would be necessary since some of these suggestions involved changes in the regulations.

Larry Musgrove, Western Exterminators, questioned if other industries had a program that called for courses in ethics and if so, were they successful. He also asked what types of questions would be covered in an examination on ethics.

Doug Carver replied that both the real estate and legal industry have requirements in ethics classes, but as to how effective or satisfactory to the people involved, he could not answer.

Larry Musgrove stated on the surface he felt it sounded good but questioned the fabric of the actual item.

Doug Carver replied that the committee did discuss the fabric and that he felt there were crucial ethical dilemmas, questions and circumstances that are faced by inspectors, operators and even staff on an almost daily basis. He felt that courses in ethics would offer the opportunity to present case studies; for example an inspector who is confronted with two realtors, a buyer and an owner during the inspection who pummel him or her with a series of questions. How would this be handled, ethically? Additionally, if an employer has instructed an employee to do something that does not seem particularly legal, ethical or appears shady, some of those kinds of circumstances could be presented along with different types of responses. Mr. Carver admitted he was certainly not an ethics expert but felt there would be a lot of material that could be interesting and informative for those who go through these dilemmas on a daily basis and could use help, guidance or feedback on how to deal with those issues.

Mr. Patzer commented that currently there are courses in business and college level ethics approved by the Board that are primarily used as a condition of probation.

John Van Hooser, Continuing Education Committee Member, commented that business practices were to be included with the ethics in the committee's discussions and recommendations. He stated he was opposed to increasing the hours, he had voted against it and had a problem with adding an additional category to licensees who would now have to remember to acquire: rules and regulations, technical, general and now ethics continuing education credits in order to renew their license every three years. He felt this would be confusing and lead to problems with people understanding the requirements.

He said that continuing education had been the same for 15 years and there were still people who didn't understand they needed to get technical hours in the branch of their license. However, although he did not agree with the committee's recommendation, he would endorse it.

Mr. Morris asked Mr. John Van Hooser if he was opposed to the additional four hours or to the fact there was an additional category, and if it was the category, could ethics dovetail into the rules and regulations category.

John Van Hooser stated he felt ethics could be dovetailed into the rules and regulations category and that at the committee meetings he had suggested ethics class as a one-time thing. He based his opinion on the idea that with ethics there might not be any new subject matter and the content would just be repeated every three years. He stated if ethics were added into the rules and regulations category, general could then be reduced to two hours and ethics could be set at two hours, which would not increase the continuing education hours by four. He stated he felt an additional four hours were a burden on the industry.

Mr. Morris stated he respected Mr. Van Hooser's opinions highly and commented that he felt the Board was really interested in additional hours in ethics for the pure purpose of ethics education, as there appeared to be a problem in that area. He asked if Mr. Van Hooser would be willing to make the rules and regulations category 12 hours instead of the current eight.

John Van Hooser stated he could see reducing the eight hours by two, making it six hours rules and regulations, reducing the ethics to two hours, and lumping ethics in with business practices so the licensee would not have to contend with another item when renewing their license. He agreed that ethics was probably a good thing as he had seen some unethical practices during his working years.

Mr. Trongo commented he had a problem with doing this verbally as it did not seem to be proper procedure to make a decision based on what the Board members had just been told. He stated his preference was to have the issues in front of him in writing before he voted.

Mr. Morris agreed.

Mr. Roth asked Mr. Doug Carver to submit a more detailed, written explanation of the committee's recommendations for the Board's consideration.

Ms. Okuma suggested that staff take the minutes and put them in a format that would allow the Board to understand the issues and the necessary action for each one. Staff would run those by Mr. Carver and the other committee members to ensure an accurate reflection of the committee's actions and provide the written recommendations to the Board members before the next Board Meeting, in addition to including them in the Board package.

Mr. Roth moved and Mr. Sesay seconded that staff place the committee's recommendations into written format for the Board's review at the next Board meeting. Passed unanimously

XIII. PROTEST TO RESEARCH GRANT REQUEST FOR PROPOSAL PROCEDURES

Mr. Roth stated he would like to collapse Items XIII and XIV to a certain extent, as Item XIII was a letter from Professor and Entomologist Michael K. Rust of the University of California, Riverside, protesting the procedures followed by the Forest Products Laboratory in the Request for Proposal (RFP) approval process, while Item XIV was the approval of grants based upon the RFP's that had come in. Mr. Roth wanted everyone to understand that Forest Product Lab administers the Request for Proposal process and holds the money before it is distributed to those awarded the grants. That process now being complete, the Research Advisory Panel had looked at the submitted RFP's and made recommendations to the Board as to how the money should be allocated. It was the Board's job today, in Item XIV, to determine whether to approve or to recall some or all of those recommendations.

Mr. Roth stated he would like some discussion concerning the protest by Professor and Entomologist Michael K. Rust of the University of California, Riverside, as to the process that was used because it could have some effect on whether or not the Board approved the recommendations made by the Research Advisory Panel.

Michael Rust, University of California, Riverside, stated he would like to add one additional document from the Vice Chancellor of the Office of Research Affairs which went to the Assistant Dean at UC Berkeley. It was essentially a protest of the lack of notification to any state or other university research facility in California, as it appeared the only campus notified was UC Berkeley.

Mr. Chang suggested adding that document item and allowing Michael Rust to make a brief presentation.

Michael Rust explained his complaint was on behalf of five faculty members, two post doctorates, seven staff scientists and five graduate students at UC Riverside (UCR) who have been actively involved for many years in urban pest management research for this industry and the consumers of this state. The faculty members and the principal investigators at UC Riverside all understood this was a competitive process; they lived on soft grants and were simply requesting to be allowed to participate in the process.

He voiced two complaints; first, there was a failure of the Structural Pest Control Board and the University of California, Forest Products Research Laboratory to adequately distribute and disseminate the RFP to people who could provide important research proposals; second, the process by which this was done was quite selective, biased and slanted towards the interests of the University of California, Forest Products Research Laboratory.

He said the RFP had been sent to the Division of Agriculture and Natural Resources (ANR) newsletter, where it was on the third page as a small paragraph; to the Pest Control

Operators of California (PCOC), going out in its magazine, but if one was not a member they would not receive it; to the Wood-Science List Server; to the USDA Forest Service; to the Forest Products Lab List Server; to the International Research Group on Wood Preservation; to Dr. Rex Baker at Cal Poly and the UC Forest Products Laboratory site. The only research institution in the whole state that was notified was the UCB Research of Office Affairs - no Cal States and no other UC campuses, and if one went through the list one could see those notified were all related to wood destroying organisms. He questioned why a typical urban entomologist would be looking in these particular avenues for an RFP. He stated he was not out to disparage UC Berkeley, but if one looked over the years, one of the major providers in California of research, science, education and training for the structural pest control industry, was the University of California, Riverside. He thought what might have happened was that UC Forest Products Laboratory notified the people they most often worked with, wood researchers. Very simply, he stated the RFP did not get out to all the people it should have.

He continued with his second complaint, concerning the process by which notification was done, as it appeared to show a conflict of interest. He stated all the topics - termites, powderpost beetles, Argentine ants and dry rot, very specifically, Meruliporia incrassata - the items called for in the research proposal, was the second proposal in a row asking for work in powderpost beetles. He mentioned that if one looked at a pest control technology survey of the top 100 companies in the country and California, only about one-third of the businesses dealt with wood destroying organisms. This RFP was almost totally wood destroying organisms, which narrowed the focus so much that scientists and other people from the system were excluded from participating, and interactions could not be stimulated between different universities and the industry. For example, he stated, Robert Krieger is a toxicologist on campus working on human pesticide exposure issues in urban environments, doing dosometry work inside structures and on things treated by chemicals the pest control industry uses, which is at the forefront of the kind of things needed to know, such as what are the real risks involved when chemicals are used to control insects in our industry. Additionally, yellow jackets represented one of the major stinging pest problems in the state and when DPR and the EPA revoked the license for micro encapsulated Diazanon it left the industry with nothing to control that problem. This research proposal excluded these types of research, vertebrae pests, red imported fire ants, cockroaches, water runoff issues and health and safety issues.

He went on with a proposal that he and his fellow researchers would like the Board to consider: to hold onto the proposals already garnered but to extend a call to other researchers for the same period of time. He suggested, now that the Forest Products Laboratory was closed and undergoing reorganization, that the Board ask the Vice President's Office of Agriculture and Natural Resources for their assistance in preparing a more open system for developing RFP's for the industry. He then suggested other models: the University of California Integrated Pest Management Program, Center for Invasive Species Research, UC Mosquito Research, all boards which handle hundreds of thousands and millions of dollars every year in RFP's. He felt if the process was revamped a bit it would encourage, stimulate and foster the University community to work more closely with

the structural pest control industry in the future. On behalf of all the staff, faculty and others at UCR, he hoped the Board would consider allowing them to become part of the process.

Mr. Morris asked for clarification on the letter where it stated: although the program was administrated by the University of California, the only campus to which the RFP had been sent was Berkeley. Mr. Morris stated it was his understanding that an RFP had been sent in from both the University of Maine and the North Carolina State University.

Michael Rust replied he felt it was embarrassing and inexcusable that the University of California could have an RFP in its own system and not notify other UC campuses about it. That was why he brought the subject up with the Vice Chancellor of Research and why a letter had gone on to the Vice President's Office as well as the Associate Dean of Forestry.

Mr. Roth asked for clarification on the RFP being sent to the Department of Agriculture and Natural Resources and what organization it was.

Michael Rust stated it was within the University of California and the RFP had been published as a small paragraph on the third page of their newsletter.

Mr. Roth asked if it would have worked better if the RFP had been placed on the first page in bold headlines.

Michael Rust replied no, because the main avenue for university researchers to get information about impending grants was from UC's Research of Office Affairs. He commented the National Science Foundation (NSF) and National Institute of Health (NIH), in fact all major funding agencies and grants went through these offices.

Mr. Morris mentioned that Mr. Rust had been part of research for 28 years, which he felt was extensive, and asked if in the past he had been part of the process with the RFP's.

Michael Rust replied yes and that he had also received grants in the past from the Board.

Mr. Morris then asked Mr. Rust to explain what had changed and how these documents were received in the past.

Ms. Okuma replied that historically the issuance of the RFP's were handled by the Structural Pest Control Board and Board staff, together with the assistance of the Department of Consumer Affairs, who would develop the request for proposals. Whenever monies were available, the documents were then mailed directly to those researchers on a list created by Board staff. What changed was, because the contractual process took so long, legislation had been introduced which allowed the Board to identify another entity to do the contractual process in the hopes of expediting the process. That entity ultimately became the Forest Products Laboratory team, who took a different approach.

Mr. Roth mentioned the letter from Professor Rust was dated June 10, 2003 and the recommendations of the Research Advisory Panel were dated May 9, 2003. He felt that unless everyone was a seer they would have been unaware of the protest at the time of the recommendations. Mr. Roth asked Harvey Logan how the committee would like to proceed, after having heard from Professor Rust.

Harvey Logan, Pest Control Operators of California, stated the Research Advisory Panel had statutorily followed the rules when making their recommendations regarding the five requests received from the University of California, Irvine, the University of California, Berkeley, the United States Department of Agriculture, the University of Maine and North Carolina State University.

Mr. Roth asked him to restate the requests received from other UC Campuses.

Harvey Logan replied UC Irvine, UC Berkeley and the Department of Agriculture. He commented he had called the Board to make sure the five submissions were the only ones and that had been confirmed. Given Dr. Rust's comments he believed the Board should make a determination as to what to do before the panel made a recommendation.

Michael Rust commented the faculty and group at UC Riverside were not suggesting the Board not fund the chosen group. They just wanted an opportunity to participate in the process.

Mr. Roth responded that if the Board ruled on the recommendations today there would be no more money to give away for several more years. He then asked Mr. Rust how he thought the other UC campuses found out about the RFP.

Michael Rust responded it was an interesting question but could not answer that. He continued that he was fairly familiar with Argentine ants and had been working with them for about 15 years, publishing a fair amount on the insect, but the actual people doing the research on these ants were Holloway and Chase at UC San Diego, Deborah Gordon at Stanford, and a group working on an eradication effort on Catalina and Channel Islands. John Klotz and Les Greenberg also actively published on Argentine ants and he reiterated he didn't think any of these people were aware funding for their research was available.

Mr. Roth asked what would happen if some of the recommendations were not approved.

Mr. Chang replied that another RFP would have to be issued if the Board wished to not award the entire amount at this time. He then commented that the real issue was whether or not there had been adequate publication for the RFP, because from a strictly legal point of view the law's minimum requirement was that the RFP be advertised in the California State Contracts Register.

Mr. Roth then asked if the Board could decline all of the recommendations, and if so would that also mean a new Request for Proposal process?

Mr. Chang responded yes, the Board could decline all the recommendations. The money would stay in the account for future use and a new RFP process would begin.

Mr. Roth asked Mr. Harvey Logan if a delay of six to eight months would be deleterious.

Harvey Logan responded there were others in the room that could answer that better, particularly as two people in the room had authored two of the research proposals. However, from his point of view, he did not think a six to eight month delay would be injurious to the process. His only concern was at this point six years had already passed since the Board had any research monies go out; but, he could see the dilemma the Board was in.

Michael Haverty, Proposal Submitter, to avoid misrepresentation on how researchers got their information, stated he wanted the Board members to know that organizations had different ways of funding their researchers. Although some people received salaries, others had to go out and look for the money themselves. Once an organization was found, a proposal was written. He commented that every researcher should have a way of finding out what is available because if one just sat around and waited to be called, the odds were slim. He mentioned that if one had been attending the Structural Pest Control Board meetings the flow of how things happen would be known, such as Forest Products Lab being designated and the Request for Proposal coming out. He said he would feel disenfranchised if things were changed, because he had followed what was going on, had watched the procedure and submitted legitimate proposals for funding in a timely manner.

Michael Rust replied he had been up every month as indicated, the fact that these monies were becoming available had never been mentioned, and the only reason he discovered them was because Don Reierson, a Staff Research Associate of his, periodically called Ms. Okuma to ask about the research funds. He then said he had hoped the University of California, once a research proposal was submitted, would have the common decency to send it to all Offices of Research Affairs in the UC system, but this had not been done.

Mr. Sesay asked Dr. Michael Haverty how he knew about this funding and if he had received anything in the mail or some other communication about it.

Michael Haverty replied he knew it was coming and had been researching the Forest Products Lab website, where he found the forms that needed to be filled out and the outline of how the proposal should look.

Vernard Lewis, UC Berkeley, commented he would not go into the specifics of the RFP but stated he found out about it because this was the fourth time of going through this procedure. He generally tries to attend several Board meetings every year and he contacts people. At the January meeting there was a review of this very process. As for the big picture, he asked if anyone in the audience was aware of an eleven million dollar grant coming from the United Nations for termites. Probably not, and why not, he asked, because most are not out beating the bushes to pull up that information, which he stated was his job. As for those who turned in proposals, it took a lot of time and they already went

through the competitive process. He worried that delaying this much longer would create a chance that some of the current game players would leave and much needed expertise would be lost.

Mr. Trongo commented that Professor Rust made a powerful argument. He said he was bothered by the fact there were applications from the Department of Agriculture, the University of Irvine, University of Maine and North Carolina State University, some of whom he was sure were not on any list. He wasn't sure anything had been done wrong, first of all, and second, it sounded as if the problem was not with the Board but with the UC system, as the Board itself would have no control over whether or not UC notified all its campuses.

Bill Gillespie, government watcher, stated that for a number of years he had been incensed at the incestuousness of the Board and at the Board giving its research to UC Berkeley. He stated he had discussed this problem with the head of the Entomology Department at Texas A&M and Ken Grace at the University of Irvine, but not yet discussed it with Dr. Rust. He stated that what the Board had here was friendship and that people liked UC Berkeley because it was just down the road. He felt that somebody on the Board watching over the committees would help solve these types of problems.

Mr. Morris countered that as a new member of the Research Advisory Panel he did not know about any of Mr. Gillespie's allegations. He stated he went in and just did the best he could. He felt the reason Forest Products Lab garnered the RFP's was to allow the Board to get out of the business of being totally responsible for the grants and he said it was Forest Products Lab's responsibility to set up the requests for proposals and then send them back to the Research Advisory Panel for evaluation.

Mr. Roth asked Ms. Okuma to clarify the procedure again.

Ms. Okuma explained that in the past it took a year to a year and a half for the office to get a contract through the Department of Consumer Affairs and award money to the approved researchers. The contract was something the Department's contract staff did not understand and they kept trying to make it fit their standard contractual procedures. Legislation was introduced to take that contract out of the Department's hands, with the thought that if the monies the Board held were given to an entity outside of state government, than that entity would not be bound by the hoops the Board was being asked to jump through. The legislation allowed the Board to identify an entity to hold the money, which turned out to be Forest Products Laboratory. So the intent was they would have the money and put out the Request for Proposals. The Panel and the Board still had the same responsibilities and once they did their job than Forest Products Lab would dole out money based on what the Board had approved.

Mr. Morris stated he wanted to support and the Research Advisory Panel had certainly followed all the rules and procedures that were given. However, in terms of maybe trying to put the blame or the responsibility onto the Board, he did not feel that was the case here.

Mr. Roth cited the example Professor Rust gave of human pesticide exposure issues in urban environments and things treated by chemicals the pest control industry uses. As a layperson he felt that type of research would be of great interest to him. He wondered if the Board wished to proceed with the grant proposal as given or to deny the funding, and if funding was denied, how important would it be to have other proposals submitted.

Mr. Traum asked how everyone would be notified if funding was denied today.

Mr. Roth asked Professor Rust if the University of California would be prepared to exercise an RFP at no cost.

Michael Rust stated Mr. Roth would need to ask the University that question, as typically there was a charge of 3-4% for direct handling of a grant and on a two million dollar invasive species grant that he was aware of, 2% was being applied to overhead costs. He reiterated he was merely making a suggestion to reopen the process, and not demanding that such be the case at this time as he saw it as a future situation.

Mr. Roth asked Mr. Chang if approval was necessary today.

Mr. Chang replied no; however, there was a schedule with timelines already in print and not awarding the money could impact those timelines. He stated that first it would have to be determined if Forest Products Lab had advertised the RFP in the California State Contracts Register. If that had not been done, than the entire RFP would have to be denied.

Mr. Morris commented it would be best to find out whether or not Forest Products Lab had advertised because if they had not there would be no further discussion.

Mr. Roth replied he agreed but at the same time wondered if the Board members would be amenable to opening the proposals up to other suggestions.

Mr. Chang said if the Board members wanted to open the proposals up again they would have to not award the current RFP.

Mr. Trongo suggested directing Mr. Chang to look into how the process was handled and report back to the Board, because if it had not been handled properly the RFP would be thrown out and their discussions would be moot.

John Van Hooser, Ultratech Division, commented that the money was generated from the industry and he felt they had waited a long time for everything to go forward; he was opposed to any delay and urged the Board members to pass what they had today. He suggested advertising in a better way in the future.

Mr. Chang responded he understood industry's concerns but there was a possibility the process was flawed. He said rather than waiting until the next Board meeting in October, the Board members could hold a special teleconference meeting in August, but if the process were valid than the issue would become whether or not to award the monies.

Harvey Logan, Pest Control Operators of California, commented he agreed with Mr. Van Hooser's comments and would hate to see the proposals that the panel went through and evaluated denied because he felt they were very important to the industry. He questioned if a meeting in August would still maintain the deadlines referenced in the current proposal.

Mr. Chang responded a meeting in August would put everything off by however long the delay was between today's meeting and the one in August. Because the main deadlines were the advertising and the deadline for submissions, once those were completed, the next step was awarding the contract and any appeals would be rolled forward.

Larry Musgrove, Western Exterminators, commented that the argument appeared to be within the University of California, not the Board. He felt the committee and Board staff did their job. If the communication flaws were improved for the next research grant, since that opportunity was not that far into the future, he was in favor of moving forward as soon as possible as it had been seven years just to get to this point.

Michael Haverty asked that Mr. Chang find out if the RFP was advertised correctly. He felt the previous request for proposals were too exclusive and asked that they be more inclusive in the future.

Mr. Chang responded that he would check to see if the RFP had been properly advertised.

Mr. Roth adjourned everyone for lunch at 12:50 PM, to reconvene at 2:00 PM.

The meeting reconvened at 2:10 PM.

Mr. Roth asked for Mr. Chang's report.

Mr. Chang reported that the website had been checked as far back as 1999; discussions had been held with analysts at the Department of General Services, who are responsible for maintaining the California State Contracts Register site, and no posting had been found for the RFP. Under those circumstances it appeared the RFP did not comply with the minimum legal requirements for advertisement. He recommended the Board not award anything today, as the RFP appeared to be a flawed contract and therefore subject to legal challenge.

XIV. APPROVAL OF RESEARCH GRANT PROPOSALS

Mr. Trongo moved and Ms. Melton seconded to withdraw the recommendations for approval of research grant proposals based upon the information acquired today, as the RFP appeared flawed. Passed unanimously.

Mr. Chang suggested that the Board proceed next by finding out the name of the successor in charge of the RFP from UC Berkeley, as Forest Products Lab was no longer in existence, after which the Board should discuss the scope of the next RFP and obtain some assurances that when it is completed it is by people who know contract requirements.

Mr. Morris asked if this voided the contract established with Forest Products Lab.

Ms. Okuma replied that Board staff had received a letter from Richard Standiford in mid-June, directed to the Department of Consumer Affairs, to change the name of the contract from Forest Products Lab to the UC Project Coordinator at the Regents of the University of California. When the letter was received, staff was asked to look into the legalities of handing the contract over to a new entity without the Board's approval. While that was being done Michael Rust's protest surfaced. The contract had not yet been amended to change the name to the UC Project Coordinator at the Regents of the University of California, an entity in place ready to go forward with the contract, because staff wanted a legal opinion on the validity of an entity change on the contract.

Mr. Trongo recommended the Board move ahead and get the RFP back out as soon as possible, through proper channels.

Mr. Chang suggested that he and the registrar work together, discuss with the UC Project Coordinator at the Regents of the University of California to see if they are capable of performing the tasks that are needed, evaluate whether or not the contract can be amended and then present their findings to the Board members.

Mr. Trongo expressed his reluctance over this process, as he did not wish it to go on for months and months with no resolution.

Mr. Chang responded he understood the need to move quickly and suggested having a teleconference meeting before the next Board meeting.

Mr. Roth asked for something in writing to review before the teleconference meeting.

Vernard Lewis, UC Berkeley, commented he was confused. He stated the Dean's Office had conducted an internal review and found no problem with the RFP and the files had been sent to the Board for review. He felt it was a double jeopardy opportunity.

Mr. Roth replied that the people on his campus were probably unaware of what was discovered today, namely that the RFP had not been properly noticed on the California State Contracts Register site.

Michael Haverty felt if there was a contract with the UC Forest Products Lab and it stated they had to do something that was critical to completing the entire process, it was a bad oversight.

Mr. Chang replied he did not know what was in the contract between the Board and Forest Products Lab, but they would still have to comply with applicable laws when issuing an RFP. The Board did not have the authority to delegate a third party and disregard state law.

Michael Haverty replied that UC Berkeley had RFP processes internally and they would surely know about advertising on the California State Contracts Register website.

Mr. Chang replied yes they would and some contracts advertised by UC Berkeley were on the website when they were looking for advertising by Forest Products Lab; he commented someone failed to comply with that requirement in the case of the Forest Products Lab.

Harvey Logan, Pest Control Operators of California, commented he was wary about shopping again for another entity and hoped the process would be dispatched with haste as they were now coming up on seven years since any research money had been awarded and four or five years since their legislation had been signed by the governor. He wanted a quick turn around on this and stated his concern that any other monies coming in from the industry would now be subject to withdrawal by the State of California given the current budget situation.

Mr. Roth replied that the Board concurred and that was why there would be a teleconference coming up in August.

> Mr. Traum moved and Mr. Morris seconded to receive recommendations from staff and legal counsel on how to proceed on this matter for the August teleconference. Passed unanimously.

Mr. Trongo asked Mr. Chang if it were discovered everything had been done properly, would the Board still be able to approve the submitted proposals.

Mr. Chang replied yes, if everything were done properly the Board members would merely need a motion to reconsider today's action. But if today's events proved correct and things were not done properly, Forest Products Lab would be notified that the contract would not be awarded and then given a chance to respond.

XV. RECOMMENDATION TO APPOINT BOARD MEMBERS TO OVERSEE STANDING AND SPECIAL COMMITTEES

Mr. Morris opened for discussion his suggestion to have Board members assigned directly to various Board committees and to give the President authority to appoint them so that each Board member would become part of a committee, as opposed to ad hoc.

Mr. Trongo commented that Board members might have a tendency to overpower a committee. He was not in opposition but felt the policies and procedures already in place were fine. He did not feel a Board member needed to attend committee meetings and then return to the Board to report because that was the chairperson's job.

Ms. Okuma responded that the wording in Procedure No. G-3: The will appoint a board member to each committee to oversee the committee and report to the Board the committee's progress/recommendations. was her wording, not Mr. Morris'. She stated she had assumed that what Mr. Morris envisioned was similar to other Boards, with committees performing certain functions and being assigned to a specific Board member. So with a two-day Board meeting, the first day would be primarily for committees, and the second day Board members who oversaw or chaired a committee would make their report. Decisions would then be made on the issues the subcommittees had worked out.

Mr. Morris commented his purpose was to create a lot more interaction on a regular basis with the committees and a Board member. He felt that having a Board member tied into a committee would foster more communication and interactivity. He asked if there might be financial matters to be considered if an additional member were added to the committee.

Ms. Okuma stated she envisioned the number of committee members being appointed would remain the same.

Mr. Morris suggested having three trade people and one Board member.

Mr. Traum commented he did not understand the purpose of the proposal. He understood the concerns and that the interaction of Board members would be good, but he felt the committees were doing a fabulous job. He did not know where a Board member's input would make a difference and questioned why one should be seated on a committee.

Mr. Morris replied that from an interaction point of view a Board member should be part of the committees. He stated he sat on a couple and found them very informative in terms of the conduction of the committee and the information discussed. He agreed the committees had performed excellently and asked for any chairperson in the audience to express how they would feel at having a Board member present.

Harvey Logan, Pest Control Operators of California, commented Mr. Morris had sat on the Research Advisory Panel and everything had been fine. He did not see any problem with a Board member sitting on a committee but he hoped the member would be careful not to intimidate committee members. He felt an objective opinion so the Board member could react and mull everything over would be very important.

Mr. Sesay commented he felt the committees should be independent, a Board member could be considered a spy, and Board members should stay out of the process.

Mr. Roth commented if a Board member did not wish to participate on a committee they could decline the appointment, and if a Board member wished to participate they could accept the appointment, so he was not sure if the addition to Procedure No. G-3 would change anything.

Mr. Morris stated Harvey Logan's comment that a Board member could intimidate some of the committee members made sense, and he hated to hear it because he felt that was certainly not the intention of the proposal. However, if there were a strong feeling of possible intimidation, he would recommend the request be tabled.

Mr. Roth asked that the proposal be placed on October's Board Meeting Schedule.

XVI. PROPOSED AMENDMENT OF SECTION 1970 TO REQUIRE THAT BRANCH 3 REGISTERED COMPANIES RETAIN FUMIGATION LOGS

Mr. Roth commented that the next item, a proposal to amend section 1970 to require that Branch 3 registered companies retain fumigation logs, would be noticed for public hearing if approved today.

Mr. Patzer reported that within the course of routine Branch 3 office records checks specialists run across fumigation logs to compare with subcontractor logs, which are sometimes inconsistent with each other. He mentioned the prime contractor (a Branch 3 company) was responsible for the subcontractor so he was suggesting there be a requirement that the subcontractor provide the prime contractor with a copy of the fumigation log. That way the prime contractor could evaluate the subcontractor, determine if they were following the rules and regulations, and if necessary, a business decision to engage the services of another subcontractor could be soundly made.

Mr. Trongo stated he had a problem with the law, because he did not feel a Branch 3 company should be subject to a fine if a subcontractor violates the law.

Mr. Patzer agreed that the prime contractor is already held out to that requirement and stated he was not proposing a $500 fine for the prime contractor because that was already in the law under pesticide use enforcement. He was proposing that if the prime contractors were already being held to that standard it seemed natural they would want as much information as possible to ensure the subcontractor was not placing them in harm's way.

Mr. Traum asked what kinds of inconsistencies specialists were finding and how would the Branch 3 companies obtain the fumigation log from the subcontractor.

Mr. Patzer replied the requirement that the subcontractor provide the prime contractor with a copy of the fumigation log would be set forth in regulation. Inconsistencies could include one document stating an aeration time different from another document, or the completed fume log is with the subcontractor while the prime was only provided with a copy of what was happening in between. The fume log also stated how much gas was shot into the structure, which would give the prime contractor the ability to determine if they were getting their money's worth, as sometimes a job would get a short shot.

Mr. Trongo commented that his company already gets a copy of the fume log from his fumigator and they retain it. He questioned how many times this had been an issue in the last five years.

Mr. Patzer replied he could not say how many times it had been an issue; he had been made aware of the problem by specialists in the field; he compared it against the current responsibilities of prime contractors and decided to write a proposal for the Board's consideration.

John Van Hooser, Ultratech Division, stated the law requires the Occupant's Fumigation Notice be kept by both Branch 1 and Branch 3 companies, while the fume log is only kept by the Branch 1. This posed problems when the Branch 1 company went out of business and there was a problem with the fumigation, because the documentation was no longer available. He was definitely in favor of the proposal and suggested making it ten working days instead of three days.

Larry Musgrove, Western Exterminators, commented he had some reservations because it was just another piece of paper companies would have to keep, and there was really no guarantee the paperwork was accurate anyway.

Mr. Morris asked Mr. Patzer how his proposal was consumer friendly.

Mr. Patzer replied if a Branch 1 company goes out of business their records are gone. If the fume logs are required to be provided to the prime contractor, it can be useful when a consumer has a subsequent complaint about the fumigation. It is also another method specialists could use to obtain records for their cases.

Mr. Morris asked if the proposal were not adopted, would that be a consumer unfriendly situation.

Mr. Patzer replied he did not necessarily believe so, he felt the proposal was an enhancer.

Mr. Roth asked if it were usual for the prime contractor to not be provided copies of the logs of the fumigation by their subcontractor.

Mr. Patzer replied he felt that in most situations the prime had a copy of the log, but he could not state whether that log was complete or not.

Larry Musgrove, Western Exterminators, asked how the prime contractor would know if what was on the fume log was proper or valid. In fumigation, the real test for the consumer was that the termites were exterminated and going back on the fumigation meant the termites had not been exterminated. Anything could be on the log, but if the termites were back, the house would need to be re-fumigated and the prime contractor would be responsible for it because they were obligated to that customer. He did not see the necessity of adding more burdens to the Board or to pest control company's staff.

John Van Hooser, Ultratech Division, commented that if Larry's argument was bought than the fumigating company could stop sending the Occupant's Fumigation Notice (OFN) already required by regulation. He felt the OFN and the fume log both went together, so if a company was not going to keep the log, there was no reason to keep the OFN because it did not have nearly the amount of information as the log. Secondly, he mentioned the Board had revoked several fumigation company licenses, so he wanted the Board members to think about where the logs for the fumigations performed by those companies were. If there were questions about their fumigations, where would one obtain a copy of the log?

Larry Musgrove, Western Exterminators, replied to the statement by John Van Hooser. He stated the OFN dealt with occupant's safety and saving lives because there was endangerment to people's health and possible death if they were unaware of the time period the garage or house were being fumigated. He felt these were two different things, apples and oranges, as the log was after the fact.

John Van Hooser countered that all the OFN showed was that the occupant received that information. It showed nothing at all about the fumigation, how much gas was used, the size of the building, names of the crewmembers, etc.

Mr. Morris moved and Mr. Traum seconded to notice the proposed amendment to section 1970 for public hearing. Passed by majority (Ayes –Ms. Melton, Mr. Morris, Mr. Roth, Mr. Sesay, Mr. Traum. Nay – Mr. Trongo).

Mr. Roth moved and Mr. Morris seconded to amend the resolution just passed by changing the words three days to ten working days and to notice the proposed amendment to section 1970 for public hearing. Passed by majority (Ayes – Ms. Melton, Mr. Morris, Mr. Roth, Mr. Sesay, Mr. Traum. Nay – Mr. Trongo).

XVII. NAMESTYLE APPROVAL OF ENVIRO PRO PEST MANAGEMENT SERVICES

Mr. Roth reported that the request had been withdrawn.

XVIII. ELECTION OF OFFICERS

Mr. Roth wished to remind the public and any of the Board members who might not recall, that the past practice of the Structural Pest Control Board had been to elect its officers annually at the end of the October meeting. When he became president last year he suggested that officers be elected at the meeting in July, although they would not assume their office until the end of the October meeting. That suggestion was adopted and his reason for the change was so the officers-elect would have a three month up-front-window before actually assuming office in order to prioritize and organize what they wished to do during their term.

Mr. Chang asked for nominations for the office of president.

Mr. Roth nominated Jean Melton as President of the Structural Pest Control Board. Passed unanimously.

Mr. Morris nominated Michael Roth for the office of vice president. Passed unanimously.

XIX. BOARD MEETING CALENDAR FOR ANNUAL MEETING AND STRATEGIC PLANNING MEETING

The Strategic Planning meeting will be held November 20 and 21, 2003, at Harris Ranch.

The Board meeting in October was changed to October 16 and 17, 2003, in Riverside. The following meeting will be held January 22 and 23, 2004, in Berkeley.

XX. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

John Van Hooser, Ultratech Division, commended Mr. Roth on the article he wrote for the newsletter wherein he stated he wished to increase participation at these meetings. He then suggested to Mr. Roth that instead of going through the procedures and then the Board members, if members of the audience were recognized earlier they could provide history, information, and possibly even answer some of the questions being passed back and forth among the Board members.

Mr. Roth thanked John Van Hooser for his comment.

Harvey Logan, Pest Control Operators of California, stated he agreed with John Van Hooser and thought the order in which Mr. Roth held Board member discussions was a little backwards. He felt Mr. Roth should ask for audience participation before the Board discussion as the Board members could benefit from comments heard from the audience, which could then be taken into consideration during closed discussion. But the way the procedure was now, Board member discussion came first; therefore it was almost a mind-set before the public comments began, and Board members either had to change the direction of their conversation or ignore anything heard that was persuasive.

Mr. Roth stated he thought the process had been working and was pleased with it so far. He said his idea was not greater participation from those who were already participating, but rather from the larger population of the general public not currently participating in these meetings. He was sorry the order in which he held the meetings was not cared for. He would be president only one more meeting and the next president could go another way. He did not think anyone had been denied the ability to make the points they wanted to make and felt the Board has continued to benefit from the expertise received from the audience. At the same time, however, he felt the meetings were Board meetings first. He appreciated the comments.

Bill Gillespie, government watcher, stated he had three items: first on the review of the audit of continuing education, he felt that Elizabeth James was doing a fabulous job. She was thorough and very considerate and thoughtful; second, he stated there was a problem for the past 25 to 30 years in that public members really did not know much about pest control, just what members of the industry told them. From time to time, no problems now, a rotten apple would appear on the Board to contaminate the whole thing. He stated he was getting at the point that public members need to know more about pest control, and had two suggestions on how to do that. One - get on a committee; and two – have your addresses and phone numbers available to industry members to call whenever they wished.

Mr. Roth questioned if it would be improper to have the Pest Control Operators of California (PCOC) place Board members on its list.

Harvey Logan, Pest Control Operators of California, stated he accepted the offer, to give PCOC an address and it would be placed on its mailing list.

Bill Gillespie, government watcher, stated he had one more item. He felt there was a problem with the public knowing what was going on at the Board and one thing to help would be getting the Board minutes out within fifteen days after a Board meeting. He stated right now they were overlapping and although regular attendees could probably keep track, it made it difficult for those who wanted to read something but did not come to Board meetings. He felt it was a little too long to wait three months to read the Board minutes, and as for the other set of minutes, industry people had access to them but the public did not.

Mr. Morris commented that Bill Gillespie had some good comments and wanted to address the statement of the other minutes, as he was unaware of them. He did feel the comment of getting the Board minutes out earlier had some merit. He directed that question to Ms. Okuma to see if it were a doable request.

Ms. Okuma replied that Board meeting minutes were not public information until approved by the Board, which was why there was a three-month lapse. If Bill Gillespie was asking that the Board prepare minutes and sent them out as a draft, legally that could not be done.

Mr. Chang commented that although it might be legal to send the minutes out as a draft, it would certainly be bad policy. He suggested that copies of the recordings of the meetings could be requested, as they were public records.

Bill Gillespie asked if he could obtain a copy of the tapes. He then stated he would really like to see the Continuing Education (CE) recommendations, as he did not remember what their final disposition was.

Mr. Roth stated that staff was going to draft a written report of the CE recommendations for the Board members' consideration at the next meeting.

As there were no more public comments, Mr. Roth adjourned the public meeting at 3:35 PM.

XXI. CLOSED SESSION

The Board adjourned to closed session to consider administrative actions in accordance with subdivision (c)(3) of Section 11126 of the Government Code.

Mr. Roth adjourned the meeting at 4:45 PM.

Michael Roth
MICHAEL ROTH, President

Kelli Okuma
KELLI OKUMA, Registrar

10-17-03
DATE