MINUTES OF THE
SPECIAL MEETING OF THE
STRUCTURAL PEST CONTROL BOARD
December 6, 2011

The meeting was held on Tuesday, December 6, 2011, in the Butterfly Room located at 12300 Lower Azusa Road in Arcadia, commencing at 10:49 A.M. with the following members constituting a quorum:

Curtis Good, President
David Tamayo, Vice President
Cliff Utley
Cris Arzate

Board staff present:
Bill Douglas, Interim Registrar / Executive Officer
Susan Saylor, Assistant Executive Officer
Ronni O'Flaherty, Staff Services Analyst

Departmental staff present:
Jodi Clary, Legal Counsel
Peggy Byerly, Staff Environmental Scientist

Board Liaison, Deputy Attorney General, Rene Judkiewicz was also in attendance.

ROLL CALL

Ms. Saylor read the roll call.

FLAG SALUTE

Mr. Good led everyone in the flag salute.

PETITION FOR MODIFICATION / TERMINATION OF PROBATION

The Board sat with Administrative Law Judge Michael J. Scarlett to hear the Petition for Modification / Termination of Probation of William Roberts, Operators License No. 10627 and Field Representatives License No. 18880. The petitioner was informed that he would be notified by mail of the Board's decision.

FREDDIE MAC HOMES / HOME STEPS UPDATE

Ms. Judkiewicz stated that the notice sent to the real estate industry by Freddie Mac's Home Steps program is in violation of the Structural Pest Control Act in that it offers services normally provided by pest control industry with out a license. She recommended that a letter is sent to Freddie Mac's Home Steps program notifying them that the notice is in violation of the Structural Pest Control Act and warn them that they may be cited for future violations.

Mr. Good asked Ms. Judkiewicz what the citable violation is in this case.

Ms. Judkiewicz responded that Freddie Mac is in violation of Business and Professions Code Section 8556 because the disclosure should have been included in the notice. She recommended that staff sends a letter to Freddie Mac's Home Steps program telling them that future notices of this nature need to cite Business and Professions Code 8556.

Mr. Utley recommended that the sections of law that were violated in sending this notice be cited in the letter, but suggested making the letter inclusive of the entire Structural Pest Control Act. He stated that this notice prevents pest control licensees in California from doing what they are licensed to do.

Ms. Clary stated that the Structural Pest Control Act is written for enforcement over pest control licensees and has no enforcement capabilities over a national organization. She recommended taking a position that the Board is in opposition of the notice in that it is an unsafe practice and not in the best interest of the consumer. She added that the contents of this notice are not citable under the Structural Pest Control Act.

Mr. Good expressed concern regarding what circumstances initiated this notice being written.

Mr. Utley stated that the process in which this notice recommends puts pest control companies at risk because they are signing off of work that they did not perform and can not guarantee was performed in a proper and workmanlike manner. He added that this notice may be in violation of more than just the Structural Pest Control Act, but possibly other state or federal laws.

Mr. Tamayo commented that the Board needs to build a solid case referencing sections of the Act letting Freddie Mac's Home Steps program know that they are preventing consumers from being protected by the Structural Pest Control Act.

Mr. Utley suggested that a letter is sent to Freddie Mac's Home Steps program from the Board as well as the Attorney General's Office.

Mr. Arzate recommended looking into whether or not any other states are disputing this notice.

Ms. Judkiewicz stated that she will look into other state's concerns.

Ms. Clary recommended working with Mr. Douglas and Ms. Judkiewicz to draft a letter to be sent to Freddie Mac's Home Steps program.

Mr. Good stated that if this notice was sent out nationally that its intent may be to protect the consumer because not all states have a regulatory body overseeing the pest control industry.

Mr. Douglas stated that this subject will be discussed again at the January Board meeting.

Mr. Arzate asked if the Attorney General's office can provide an update at the next meeting.

> Mr. Tamayo moved and Mr. Arzate seconded to take a position of opposition to the content of this notice because it is contrary to the intent of the consumer protection element of the Structural Pest Control Act and directed staff to draft correspondence to send to Freddie Mac's Home Steps program in these regards. Passed unanimously.

CLOSED SESSION

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

The open meeting resumed at 3:02 P.M.

APPROVAL OF MINUTES OF THE OCTOBER 5-6, 2011 BOARD MEETING

> Mr. Arzate moved and Mr. Utley seconded to approve the minutes of the October 5-6, 2011 Board meeting. Passed unanimously.

APPROVAL OF THE 2012 STRUCTURAL PEST CONTROL BOARD STRATEGIC PLAN

Mr. Douglas introduced the draft 2012 Strategic Plan to the Board members and stated that Mr. Bienati would like their feedback before making additional revisions.

Mr. Arzate stated that Mr. Bienati does not have all of his original feedback.

Mr. Tamayo commented that the Strategic Plan would benefit from more public input.

> Mr. Utley moved and Mr. Tamayo seconded to table this agenda item to the January 12, 2012 meeting. Passed unanimously.

CLARIFICATION OF PROCEDURE REGARDING TEST HOLES

Mr. Douglas stated that at the meeting of the Structural Pest Control Act Review Committee that the committee suggested to modify the notice that recently went out to industry members clarifying the process for test holes.

Mr. Good stated that whenever a recommendation for further inspection of an inaccessible area is made and completed, that it is considered work completed and that when a supplemental report is issued for the findings of the inaccessible area, a notice of completion should be issued as well showing that the initial recommendation from the original report to open the inaccessible area was completed.

Mr. Douglas stated that The Structural Pest Control Act Review Committee will report on this item at the January Board meeting.

BOARD MEMBER APPOINTMENTS

Mr. Douglas reported that there has not been an update regarding when additional members of the Board may be appointed.

> Mr. Good moved and Mr. Arzate seconded to direct staff to write a letter to the Governor's Office from the Board President letting them know that the Board is in immediate danger of losing quorum. Passed unanimously.

Mr. Good asked for staff to set an appointment for him to meet with the Appointment Secretary.

PUBLIC COMMENTS NOT ON THE AGENDA

Ms. Byerly asked for clarification of her assignment to look into mitigation measures to assist with the break in issues occurring during fumigations.

Mr. Good asked that Ms. Byerly provide information relevant to fumigation enforcement and communicating with law enforcement.

ADJOURNMENT

The meeting adjourned at 3:33 P.M.

President

1/12/12
DATE

William Douglas,
Interim Executive Officer