

MINUTES OF THE
RULES AND REGULATIONS COMMITTEE
STRUCTURAL PEST CONTROL BOARD
SEPTEMBER 17, 2003

The meeting was held on Wednesday September 17, 2003, at the Structural Pest Control Board (Conference Room), Sacramento, California, commencing at 10:00 AM with the following members constituting a quorum:

Larry Musgrove – Chair
John Ellinger
John Van Hooser
Dennis Patzer

Committee member Harvey Logan was not present.

I. ROLL CALL

Dennis Patzer read the roll call

II. APPROVAL OF DECEMBER 17, 2002, MINUTES

John Van Hooser moved that the December 17, 2002, committee meeting be approved. John Ellinger seconded the motion. Passed unanimously.

III. CALIFORNIA CODE OF REGULATIONS SECTION - 1918
SUPERVISION OF REGISTERED COMPANIES AND BRANCH
OFFICES

John Van Hooser moved that the revised language submitted by Robert Eisman (Deputy Attorney General) to the committee for supervision of registered companies and branch offices be submitted to the Board for approval. Dennis Patzer seconded the motion. Passed unanimously.

Revised Language:

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

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

IV. CALIFORNIA CODE OF REGULATIONS SECTION 1993.1 – REINSPECTION LANGUAGE

Dennis Patzer moved to place Don Chang's proposed modified language for CCR 1993.1 into the committees proposed statutory language for the modification of Business and Professions Code section 8516.

Revised Language:

8516.2 (a) Inspection reports shall also include the following statements. The registered company shall include in the report disclosures that pertain to property inspected.

1. "The exterior surface of the roof was not inspected. If you want the water tightness of the roof determined, you should contact a roofing contractor who is licensed by the Contractor's State License Board." Or, "The exterior surface of the roof was inspected to determine whether or not wood destroying pests or organism are present."
2. "A reinspection of the structure will be performed if an estimate or bid for making repairs was given on the inspection report, or thereafter. The request must be made within four (4) months. After four months a new inspection shall be performed. Any reinspection shall be performed for not more than the price of the registered company's previous inspection and shall be completed within 10 working days after a reinspection has been ordered.
3. "Reports on this structure prepared by various registered companies should list the same findings (i.e. termite infestations, termite damage, fungus damage, etc.). However,

recommendations to correct these findings may vary from company to company. You have a right to seek a second opinion from another company."

4. "NOTICE: The charge for service that this company subcontracts to another registered company may include the company's charges for arranging and administering such services that are in addition to the direct costs associated with paying the subcontractor. You may accept this company's bid or you may contract directly with another registered company licensed to perform the work. If you choose to contract directly with another registered company, this firm will not in any way be responsible for any act or omission in the performance of work that you directly contract with another to perform."
5. "NOTICE TO OWNER: Under the California Mechanics Lien Law any structural pest control company which contracts to do work for you, any contractor, subcontractor, laborer, supplier or other person who helps to improve your property, but is not paid for his or her work or supplies, has a right to enforce a claim against your property. This means that after a court hearing, your property could be sold by a court officer and the proceeds of the sale used to satisfy the indebtedness. This can happen even if you have paid your structural pest control company in full if the subcontractor, laborers or suppliers remain unpaid. To preserve their right to file a claim or lien against your property, certain claimants such as contractors or material suppliers are required to provide you with a document entitled "Preliminary Notice." Prime contractors and laborers for wages do not have to provide this notice. A Preliminary Notice is not a lien against your property. Its purpose is to notify you of persons who may have a right to file a lien against your property if they are not paid."
6. "State law requires that you be given the following information: **CAUTION-PESTICIDES ARE TOXIC CHEMICALS.** Structural Pest Control Companies are registered and regulated by the Structural Pest Control Board and apply pesticides which are registered and approved for use by the California Department of Pesticide Regulation and the United States Environmental Protection Agency. Registration is granted when the State finds that based on existing scientific evidence there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends upon the degree of exposure, so exposure should be minimized. If within 24 hours following application you experience symptoms similar to common seasonal illness comparable to the flu, contact your physician or poison control center (insert telephone number) and your pest control company immediately. For further information, contact any of the following: Your Pest Control

Company (insert telephone number); for Health Questions-the County Health Department (insert telephone number); for Application Information-the County Agricultural Commissioner (insert telephone number); and for Regulatory Information-the Structural Pest Control Board, (insert telephone number and address of the board)."

7. "This is a separated report which is defined as Section 1/Section 2 conditions evident on the date of the inspection. Section 1 contains items where there is visible evidence of active wood destroying pest or organisms or conditions that have resulted in or from wood destroying pests or organisms, Section 2 items are conditions deemed likely to lead to wood destroying pests or organisms but where no visible evidence of such was found. Further inspection items are defined as recommendations to inspect area(s) which during the original inspection did not allow the inspector access to complete the inspection and cannot be defined as Section 1 or Section 2.
8. "This company will reinspect repairs done by others within four months of the original inspection. A charge, if any can be no greater than the original inspection fee for each reinspection. The reinspection is a visual inspection and if inspection of concealed areas is desired, inspection of the work in progress will be necessary. Any guarantees must be received from parties performing repairs."

The meeting was adjourned at 11:30 AM.

LARRY MUSGROVE, Chairperson

Date