

STRUCTURAL PEST CONTROL BOARD STATISTICS FOR MAY 2021	FISCAL YEAR 2020/2021		FISCAL YEAR 2019/2020	
	Monthly	Year To Date	Monthly	Year To Date
EXAMINATION				
Field Representatives Scheduled/Authorized	554	5,135	287	5,197
Field Representatives Examined	520	3,716	314	3,386
Field Representatives Passed	350	2,246	228	1,903
Field Representatives Failed	170	1,470	86	1,483
Operators Scheduled/Authorized	41	415	16	473
Operators Examined	59	409	33	378
Operators Passed	36	306	14	187
Operators Failed	23	103	19	191
Applicators Scheduled/Authorized	357	3,065	124	2,434
Applicators Examined	255	2,294	92	1,764
Applicators Passed	163	1,387	63	1,147
Applicators Failed	92	907	29	617
Field Representatives Passing Rate	67%	60%	73%	56%
Operator Passing Rate	61%	75%	42%	49%
Applicators Passing Rate	64%	60%	68%	65%
LICENSING				
Field Representative Licenses Issued	255	1,573	39	1,362
Operator Licenses Issued	22	227	6	139
Company Registrations Issued	34	213	19	197
Branch Office Registrations Issued	6	43	3	46
Change of Registered Company Officers	3	30	1	35
Change Of Qualifying Manager	11	104	13	90
Applicator Licenses Issued	127	1,239	29	1,109
Duplicate Licenses Issued	130	1,046	43	672
Upgrade Present License	38	255	16	239
Change of Status Processed	30	277	16	333
Address Change	170	1,281	65	1,107
Address Change (Principal Office)	31	248	15	212
Address Change (Branch Office)	0	8	2	9
Transfer of Employment Processed	143	1,706	77	1,371
Change of Name	0	20	0	16
Change of Registered Company Name	0	5	1	18
License Histories Prepared	2	78	3	104
Down Grade Present License	108	694	21	677
LICENSES/REGISTRATIONS IN EFFECT				
Field Representative		14,340		13,787
Operator		4,391		4,274
Company Registration		3,221		3,148
Branch Office		458		447
Licensed Applicator		7,089		6,954
LICENSES/REGISTRATIONS ON PROBATION				
Companies		24		25
Licensees		120		113

STRUCTURAL PEST CONTROL BOARD STATISTICS FOR MAY 2021	FISCAL YEAR 2020/2021		FISCAL YEAR 2019/2020	
	Monthly	Year To Date	Monthly	Year To Date
LICENSES RENEWED				
Operator	281	621	361	659
Field Representative	395	1,478	591	1,463
Applicator	104	522	168	509
LICENSES/ REGISTRATIONS CANCELLED				
Operator	1	18	1	13
Field Representative	23	150	7	112
Company Registration	11	141	18	168
Branch Office	1	27	2	37
Applicator	7	81	4	108
LICENSES DENIED				
Licenses	2	34	1	31
INVESTIGATIVE FINES PROCESSED				
Specialist Fines	\$8,325	\$91,784	\$12,005	\$80,645
Civil Penalties	\$0	\$1,564	\$111	\$429
County Fines	\$7,550	\$95,027	\$14,870	\$94,142
STAMPS SOLD				
Pesticide	6,861	72,972	6,400	68,290
SEARCHES MADE				
Public	42	571	38	671
Complaints	5	96	7	85
BOND & INSURANCE				
Bonds Processed	6	96	15	128
Insurance Processed	283	2,532	220	2421
Restoration Bonds Processed	0	0	0	3
Suspension Orders	26	229	47	391
Cancellations Processed	24	231	37	248
Change of Bond/Insurance	21	253	0	96

WDO ACTIVITIES FILED

	2016/17	2017/18	2018/19	2019/20	2020/2021	Monthly Average FY16/17 to FY19/20	Daily Avg
July	111,086	124,000	117,000	125,000	118,800	119,177	3,844
August	121,000	128,400	128,000	124,400	115,200	123,400	3,981
September	119,089	119,000	110,445	119,300	122,500	118,067	3,936
October	125,804	124,100	127,700	123,200	135,500	127,261	4,105
November	118,121	117,000	105,000	110,500	114,100	112,944	3,765
December	106,000	96,100	93,600	89,000	100,500	97,040	3,130
January	96,000	94,900	90,000	95,000	93,000	93,780	3,025
February	95,000	96,900	93,000	99,000	97,400	96,260	3,438
March	127,300	115,000	116,000	116,000	114,800	117,820	3,801
April	122,120	115,000	127,600	92,000	117,000	114,744	3,825
May	132,900	123,000	133,100	99,500	109,600	119,620	3,859
June	135,000	127,000	137,600	106,500	110,000	123,220	4,107
FY Total	1,409,420	1,380,400	1,379,045	1,299,400	1,348,400	1,363,333	
AVG PER MO	117,452	115,033	114,920	108,283	112,367		

Structural Pest Control Board Support Fund
(Dollars in Thousands) Fund Condition based on FM11

	Actual 2018-19	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23
BEGINNING BALANCE	\$ 1,420	\$ 1,096	\$ 1,610	\$ 2,130	\$ 2,263
Prior Year Adjustment	\$ 229	\$ (125)	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 1,649	\$ 971	\$ 1,610	\$ 2,130	\$ 2,263
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4129200 - Other regulatory fees	\$ 3,518	\$ 5,080	\$ 5,433	\$ 5,491	\$ 5,491
4129400 - Other regulatory licenses and permits	\$ 688	\$ 568	\$ 633	\$ 751	\$ 751
4127400 - Renewal fees	\$ 251	\$ 237	\$ 235	\$ 233	\$ 233
4121200 - Delinquent fees	\$ 6	\$ 5	\$ 6	\$ 6	\$ 6
4171400 - Canceled Warrants Revenue	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2
4142500 - Miscellaneous services to the public	\$ 2	\$ 1	\$ 2	\$ 2	\$ 2
4163000 - Income from surplus money investments	\$ 35	\$ 38	\$ 12	\$ 18	\$ 33
4172500 - Miscellaneous revenues	\$ -	\$ 1	\$ 1	\$ 18	\$ 18
4173500 - Settlements and Judgments - Other	\$ 2	\$ -	\$ 3	\$ -	\$ -
Totals, Revenues	\$ 4,504	\$ 5,932	\$ 6,327	\$ 6,521	\$ 6,536
General Fund Transfers and Other Adjustments					
Loan from the Structural Pest Control Fund (0775) to the General Fund (0001) per	\$ -	\$ -	(\$299)	\$ -	\$ -
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 4,504	\$ 5,932	\$ 6,028	\$ 6,521	\$ 6,536
TOTAL RESOURCES	\$ 6,153	\$ 6,903	\$ 7,638	\$ 8,651	\$ 8,799

	Actual 2018-19	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23
EXPENDITURES AND EXPENDITURE ADJUSTMENTS					
Expenditures:					
1111 Program Expenditures (State Operations)	\$ 4,691	\$ 4,900	\$ 5,130	\$ 5,947	\$ 6,125
8880 Financial Information System for CA (State Operations)	\$ 1	\$ (1)	\$ -	\$ -	\$ (1)
9892 Supplemental Pension Payments (State Operations)	\$ 49	\$ 101	\$ 101	\$ 101	\$ 101
9900 Statewide Pro Rata	\$ 316	\$ 293	\$ 277	\$ 340	\$ 340
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 5,057	\$ 5,293	\$ 5,508	\$ 6,388	\$ 6,565
FUND BALANCE					
Reserve for economic uncertainties	\$ 1,096	\$ 1,610	\$ 2,130	\$ 2,263	\$ 2,234
Months in Reserve	2.5	3.5	4.0	4.1	4.1

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.

Expenditure growth projected at 3% beginning BY +1.

CY revenue and expenditures are projections.

Structural Pest Control Board Enf & Edu Fund
(Dollars in Thousands) Fund Condition based on FM11

	Actual 2018-19	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23
BEGINNING BALANCE	\$ 959	\$ 1,157	\$ 1,116	\$ 1,203	\$ 1,322
Prior Year Adjustment	\$ (88)	\$ (78)	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 871	\$ 1,079	\$ 1,116	\$ 1,203	\$ 1,322
 REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4129200 - Other regulatory fees	\$ 447	\$ 403	\$ 420	\$ 439	\$ 439
4163000 - Income from surplus money investments	\$ 29	\$ 22	\$ 6	\$ 20	\$ 21
Totals, Revenues	\$ 476	\$ 425	\$ 426	\$ 459	\$ 460
General Fund Transfers and Other Adjustments	\$ -	\$ -	\$ -	\$ -	\$ -
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 476	\$ 425	\$ 426	\$ 459	\$ 460
TOTAL RESOURCES	\$ 1,347	\$ 1,504	\$ 1,542	\$ 1,662	\$ 1,782

	Actual 2018-19	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23
EXPENDITURES AND EXPENDITURE ADJUSTMENTS					
Expenditures:					
1111 Program Expenditures (State Operations)	\$ 165	\$ 363	\$ 316	\$ 314	\$ 314
9892 Supplemental Pension Payments (State Operations)	\$ 1	\$ 4	\$ 4	\$ 4	\$ 4
9900 Statewide Pro Rata	\$ 24	\$ 21	\$ 19	\$ 22	\$ 22
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 190	\$ 388	\$ 339	\$ 340	\$ 340
FUND BALANCE					
Reserve for economic uncertainties	\$ 1,157	\$ 1,116	\$ 1,203	\$ 1,322	\$ 1,442
Months in Reserve	35.8	39.5	42.5	46.7	50.9

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.
Expenditure growth projected at 3% beginning BY +1.
CY revenue and expenditures are projections.

Structural Pest Control Board Research Fund
(Dollars in Thousands) Fund Condition based on FM11

	Actual 2018-19	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23
BEGINNING BALANCE	\$ 1,032	\$ 811	\$ 597	\$ 630	\$ 671
Prior Year Adjustment	\$ 14	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	<u>\$ 1,046</u>	<u>\$ 811</u>	<u>\$ 597</u>	<u>\$ 630</u>	<u>\$ 671</u>
 REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4129200 - Other regulatory fees	\$ 146	\$ 150	\$ 158	\$ 148	\$ 148
4163000 - Income from surplus money investments	\$ 24	\$ 21	\$ 5	\$ 23	\$ 10
Totals, Revenues	<u>\$ 170</u>	<u>\$ 171</u>	<u>\$ 163</u>	<u>\$ 171</u>	<u>\$ 158</u>
General Fund Transfers and Other Adjustments	\$ -	\$ -	\$ -	\$ -	\$ -
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	<u>\$ 170</u>	<u>\$ 171</u>	<u>\$ 163</u>	<u>\$ 171</u>	<u>\$ 158</u>
 TOTAL RESOURCES	<u>\$ 1,216</u>	<u>\$ 982</u>	<u>\$ 760</u>	<u>\$ 801</u>	<u>\$ 829</u>

	Actual 2018-19	Actual 2019-20	CY 2020-21	BY 2021-22	BY+1 2022-23
EXPENDITURES AND EXPENDITURE ADJUSTMENTS					
Expenditures:					
1111 Program Expenditures (State Operations)	\$ 405	\$ 385	\$ 130	\$ 130	\$ 134
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 405	\$ 385	\$ 130	\$ 130	\$ 134
FUND BALANCE					
Reserve for economic uncertainties	\$ 811	\$ 597	\$ 630	\$ 671	\$ 695
Months in Reserve	25.3	55.1	58.2	60.1	62.3

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.

Expenditure growth projected at 3% beginning BY +1.

CY revenue and expenditures are projections.

LICENSING UNIT SURVEY RESULTS

July 21, 2021 – SPCB Meeting
February 25, 2020 – July 8, 2021

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

	Question	Yes	No	N/A
1	Was staff courteous?	100%	0%	0%
2	Did staff understand your question?	100%	0%	0%
3	Did staff clearly answer your question?	100%	0%	0%
4	Did staff promptly return your telephone call?	75%	25%	0%
5	Did staff efficiently and promptly handle your transaction?	100%	0%	0%
6	How long did it take to complete its action on your file?* (Average)	173 days		

*There were 2 responses to question 6.

Company Registration: 173 (2 responses)

Operator License: N/A (0 responses)

Field Representative License: N/A (0 responses)

Applicator License: N/A (0 responses)

Transfer of Employment: N/A (0 responses)

Change of Address: N/A (0 responses)

Bond/Insurance: N/A (0 responses)

Change of Qualifying Manager: N/A (0 responses)

Examination: N/A (0 responses)

Comments:

- Thank you all for your hard work and guidance.
- I was very much satisfied! Great customer service. Could not have done it without the wonderful help of the staff.
- Melissa Zanetta has been very helpful answering my emails.



BOARD MEMBER PROCEDURE MANUAL

JULY 2021



SPCB BOARD MEMBER PROCEDURE MANUAL

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CHAPTER 1

INTRODUCTION

MISSION STATEMENT

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

VISION STATEMENT

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

OVERVIEW

As early as the 1930s, the structural pest control profession was largely unregulated. Consequently, consumers faced challenges securing the services of professionals capable of performing all the tools of the trade. Not all practitioners possessed the skill-sets necessary to competently render services such as, but not limited to, knowledge of building laws, building construction, air and water quality, use of poisonous and lethal gases, even non-harmful removal or exclusion of animals or certain species of insects. Local building divisions and law enforcement lacked the technical skills and specialized knowledge necessary to effectively and efficiently resolve disputes. Unskilled laborers rendering services unwittingly put themselves in harms' way, including the clients that they served. These limiting factors compounded the difficulties experienced by consumers seeking administrative or judicial relief, leaving many to potentially suffer financial harm, or perhaps being victims of substandard building repairs and/or adverse health and safety exposure to toxic levels of pesticides. The nature of the profession reinforced a need for a dedicated regulatory referee who could assemble the missing pieces of the puzzle, providing the groundwork for positive changes.

In 1935, in response to consumer and industry demand, by way of the Constitution of California, the California Legislature passed the first Structural Pest Control Act (Assembly Bill 2382, Chapter 823, Statutes of 1935). Added to the California codes, this Chapter was made effective January 1, 1936 and was to be administered by the California Pest Control Association. The new statute set standards for the pest control occupation by mandating, among other provisions, that practitioners meet stringent experience and continuing education requirements, thus providing the foundation for one of the most comprehensive consumer protection laws to date. Chapter 14 of the Structural Pest Control Act was added to Statutes of 1941, repealing Statutes of 1939, which codified the Business and Professions Code (BPC), commencing with Section 8500 and forming the Structural Pest Control Board (Board) as it exists today.

The Board's highest priority (BCP section 8520.1) is to protect and benefit the public by regulating the pest control industry. The sphere of the Board's mission and vision is under the leadership of a 7-member appointed board and the executive officer who serves at the Board's leisure. The Board's mission is to protect the general welfare of Californians and the environment by promoting outreach,

education and regulation of the structural pest management professions. The Board's vision is to strive to be the national regulatory leader of pest management. In achieving these priorities, the Board actively follows its core values: 1) consumer protection, 2) efficiencies, 3) integrity, and 4) professionalism.

Structural pest control includes, not by way of limitation, the eradication and/or prevention of structural pests such as cockroaches, ants and rodents or wood-destroying pests such as termites, wood boring beetles and carpenter ants. Structural pest control licensees may use fumigation with poisonous or lethal gases, or they may use mechanical means such as freezing, heating and trapping technologies when servicing a property. The profession also includes the performance of structural repairs to real property (such as buildings) and other structures, including railroad cars, ships, docks, trucks, airplanes, or the contents thereof. Licensees routinely exercise professional judgment when determining the best method to correct structural pest issues, but they also must adhere to strict standards to ensure public safety (especially the use and handling of poisonous or lethal gases). They prepare written reports to consumers and they fully explain their recommendations, including product efficacy and pesticide safety disclosures, permitting consumers to make educated, informed decisions.

The Structural Pest Control Act requires that licensees fulfill continuing education requirements by completing industry-relevant courses to stay fluent with technology and accepted professional practices. The Board also approves scientific research into new pest control/abatement technologies to address new or escalating social or environmental issues, such as professional standards to provide integrated pest management.

The Structural Pest Control Board has successfully served the interests of consumers for more than eighty years, giving consumers options in lieu of the high costs of civil actions. These services include Board mediation and conciliation services, investigations, and administrative orders of correction or restitution. Most importantly, consumers are significantly protected against the health hazards associated with the misuse of pesticides and lethal gases. Both the consumer and industry benefit from well-versed licensees who must demonstrate levels of competency and continuing education that are considered unparalleled to their national counterparts. The Board remains at the forefront of the industry and continues to set the standard for the practice of structural pest management in the nation and abroad.

CHAPTER 2

GENERAL RULES OF CONDUCT

GENERAL RULES OF CONDUCT

Whether you are attending a public board meeting or an event/activity unrelated to the Board, your role as a Board Member is continuous. The public perceives you as the “Board” and this perception will not end until your service on the Board is concluded. Therefore, it is important that your actions and conduct are a positive reflection upon the Board, and ultimately the Governor of California.

The following list is intended to assist Board Members in avoiding any situation that has the potential to reflect poorly on the Board.

- Board Members' actions shall uphold the Board's primary mission – consumer protection.
- Board Members shall not speak to interested parties (such as vendors, lobbyists, legislators, or other governmental entities) on behalf of the Board or act for the Board without proper authorization.
- Board Members shall maintain the confidentiality of confidential documents and information.
- Board Members shall commit time, actively participate in Board activities, participate in enforcement decision making and prepare for Board meetings, which includes reading Board packets, and all required legal documents.
- Board Members shall respect and recognize the equal role and responsibilities of all Board Members, whether public or licensee.
- Board Members shall act fairly and, in a nonpartisan, impartial, and unbiased manner.
- Board Members shall not use their positions on the Board for political, personal, familial, or financial gain.

CHAPTER 3

BOARD MEETING PROCEDURES

FREQUENCY AND LOCATION OF MEETINGS - BPC SECTIONS: 101.7 AND 8523

Business and Professions Code section 101.7 requires the Board to meet at least two times per calendar year; holding at least one meeting in Northern California and one meeting in Southern California. One of those meetings must take place in October. These meetings are held to make policy decisions and review committee recommendations. Other meetings may be called at any time by the Board President or by any four members of the Board, upon notice of such time and in such manner as the Board may provide.

The Board attempts to hold meetings in different geographic locations throughout the state when possible as a convenience to the public and licensees.

BOARD MEMBER ATTENDANCE AT BOARD MEETINGS

Board Members must attend each meeting of the Board. If a member is unable to attend, he/she is asked to contact the Board President or the Executive Officer and ask to be excused from the meeting for a specific reason. For purposes of petition hearings, Board Members may be required to be physically present at the Board meeting and are unable to participate via teleconference.

All meeting minutes will reflect Board Member attendance including when a member is excused or absent from a meeting.

BOARD MEMBER PARTICIPATION

The Board President may contact members who have missed three consecutive meetings to determine the reason they have been absent and whether or not the member is able to continue serving as an active member of the Board. In some cases, the President may suggest that the member consider resigning.

PUBLIC NOTICE/INFORMATION AT BOARD MEETINGS - GOVERNMENT (GOV.) CODE SECTION 11120 ET. SEQ.

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act (Act). This Act governs meetings of the State regulatory boards and meetings of committees of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included in the agenda. Any general discussion of exams or disciplinary procedures shall be held in public.

Communications between or among more than two Board Members may be considered "meetings" if those communications occur in serial fashion through a series of telephone calls or other communications (such as electronic mail) by which more than two of the Board Members are

involved and board business is discussed (e.g., polling of Board Members). Such communications are prohibited.

The Board may meet in closed session to discuss examinations, deliberate on enforcement cases, review examination issues where a public discussion would compromise the integrity of the examination, a disciplinary case, or a personnel issue. If the agenda contains matters that, on advice of legal counsel, are appropriate for closed session, the agenda shall cite the particular statutory section and subdivision authorizing the closed session.

QUORUM - BPC SECTION 8524

Four members of the Board shall constitute a quorum for the transaction of business, for the performance of any duty, or the exercise of any power or authority of the Board.

A vacancy on the Board shall not impair the power of the remaining members to perform all duties and exercise all powers of the Board providing the members remaining constitute a quorum.

AGENDA ITEMS

Agenda items are generally discussed and agreed upon at a full Board meeting. Additional agenda items for a Board meeting from any source, including Board Members, must be submitted to the Executive Officer at least 21 days prior to the meeting. The Executive Officer may confer with the Board President prior to adding items to the meeting agenda.

NOTICE OF MEETINGS - GOV. CODE SECTION 11120 ET.SEQ.

According to the Act, meeting notices (including agendas for Board meetings) must be sent to persons on the Board's mailing list and posted on the Board's Web site at least ten (10) calendar days in advance. The notice must include a staff person's name, work address, and work telephone number to provide further information prior to the meeting.

MEETING MATERIALS

The Board staff prepares all materials for Board meetings. Board Members may opt to receive meeting materials via electronically; otherwise a hard copy will be mailed. Board Members will receive all related material in advance of each meeting. To engage in a meaningful discussion to determine a recommendation or position, Board and Committee Members should thoroughly review all meeting materials prior to each meeting.

RECORD OF BOARD MEETING

The minutes are a detailed summary of each Board meeting, not a transcript. Draft minutes of Structural Pest Control Board Meetings will be completed and distributed to Board Members within 60 days after a Board meeting. Board minutes must be approved at the next scheduled Board meeting. The purpose of reviewing and approving the minutes at a Board meeting is not to approve of actions taken by the Board at the previous meeting, but rather to determine whether the minutes as drafted accurately reflect the Board's discussion at the previous meeting. Once approved, the minutes serve as the official record of the meeting. Minutes of the Structural Pest Control Board

meetings will be distributed to individuals on the mailing list within 10 days after approval by the Board.

WEBCAST - GOV. CODE SECTION 11124.1 ET. SEQ.

Whenever feasible, the Board shall webcast its meetings. An archive of the meeting shall be available for review on the SPCB Web site. If webcast is not feasible at a particular meeting site, the Board will post minutes of the meeting on its Web site once the minutes are approved by the Board. Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the Board shall be subject to inspection pursuant to the California Public Records Act (commencing with section 6250 of the Government Code).

MEETING REQUIREMENTS – GOV. CODE SECTION 11120 ET SEQ.

The Board will use Robert's Rules of Order to the extent that it does not conflict with State law (e.g., Bagley-Keene Open Meeting Act), as a guide when conducting meetings.

- **Bagley-Keene Open Meeting Act**

The Bagley-Keene Open Meeting Act (*Government Code Section 11120 et seq.*) directs that the people's business must be conducted openly. Therefore, decisions and actions by a public agency must be conducted openly so that the public may be informed. The Board achieves this legislative mandate by complying with all the requirements specified in the Bagley-Keene Open Meeting Act.

- **Definition of a Meeting – Gov. Code Section 11122.5**

A meeting is defined in the Bagley-Keene Open Meeting Act (the Act) as including “any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains.” In this definition, the term “state body” refers to the Board.

The meeting definition also applies to all communication between Board Members (e.g., emails, telephone calls, texts, dining conversations) if the total number of Board Members involved in the communication is a majority of the Board or a Committee.

If Board Members engage in any communication regarding Board business with more than one member, this communication is a violation of the Act. The violating members may be guilty of a misdemeanor (*Government Code Section 11130.7*).

There are some exemptions to the meeting definition. Please refer to the Act for clarification. When in doubt, contact the Executive Officer or the Board's legal counsel.

- **Teleconference Meeting – Gov. Code Section 11123**

The Board may opt to hold a meeting via teleconference. Meetings held via teleconference are also subject to the same notice requirements under the Act. The meeting notice must be published at least ten days in advance and must include the physical location of each Board

Member attending the meeting remotely (unless this legal requirement is waived due to an Executive Order by the Governor).

The Board Member must be present at the physical location he or she provided for the meeting notice. The public is permitted to attend the meeting at any of the locations listed on the meeting notice during an open session of the meeting. Therefore, each Board Member must confirm that the physical location used for the teleconference meeting is ADA accessible. The public is not permitted to attend any part of the meeting that is designated as “closed session.”

[LINK TO BAGLEY-KEENE OPEN MEETING ACT](#)

CHAPTER 4

TRAVEL & SALARY POLICIES/PROCEDURES

TRAVEL APPROVAL – STATE ADMINISTRATIVE MANUAL SECTION 700 ET SEQ.

Travel related to Board and Committee meetings do not need approval. All other travel related to Board business must be approved by the DCA prior to the event. This includes any out-of-state travel. Under specific circumstances, a Board Member may travel to attend a national association meeting. Please contact the Executive Officer for further information.

[LINK TO DCA TRAVEL GUIDE](#)

[LINK TO DCA POCKET TRAVEL GUIDE](#)

TRAVEL ARRANGEMENTS

Board Members should always contact Board staff to make travel arrangements for Board and Committee meetings. Board staff will book flights, and hotel and rental car reservations. A hotel that honors the state government employee rate will be chosen for all Board Members needing a room. Rental cars will be reserved for Board Members when a car is needed. To encourage ride sharing, vans or large sedans are reserved. Board Members may also use taxi, ride sharing services such as Uber or Lyft, shuttle service, or a personal vehicle for transportation.

To facilitate easier travel planning, all Board Members should provide Board staff with their credit card information and Southwest Rapid Rewards number. This information will be kept in a secure location and will be kept on file for future travel arrangements.

All travel and transportation arrangements are made in compliance with state travel guidelines. Any expenses incurred by a Board Member, which were not previously approved or within the state travel guidelines, may require written justification. The written justification will be submitted with the travel claim and is subject to the appropriate approvals. The expense may or may not be approved.

OUT-OF-STATE TRAVEL – STATE ADMINISTRATIVE MANUAL SECTION 700 ET SEQ.

All out-of-state travel for all persons representing the State of California must be approved by the Board President and is ultimately controlled and approved by the Governor. Once approved for out-of-state travel, Board Members will be reimbursed actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Travel prior to approval by the Governor is at the individual Board or Committee member's own risk and reimbursement may be denied.

EXCEPTIONS TO TRAVEL REIMBURSEMENT POLICIES

- **Lodging:** State guidelines generally prohibit reimbursement for hotel expenses within 50 miles of an individual's home address or an extra night stay following the conclusion of the Board activity. However, an exception to this guideline may be obtained if the circumstances necessitate an overnight stay.
- **Airport Parking Reimbursement:** State guidelines strongly encourage the use of the least expensive parking available. However, if the Board determines that additional parking costs above the lowest-cost option are in the best interest of the State, a written justification explaining the necessity for the additional cost must be submitted with the travel claim.
- **Travel Claims:** Rules governing reimbursement of travel and meeting expenses for Board Members are the same as for state management-level staff. All expenses must be claimed on the appropriate travel expense claim forms. All travel claim forms must be submitted to Board staff for processing.

Board Members are strongly encouraged to submit their travel expense forms immediately after returning from a trip and no later than the 15th of the month following the trip. It is also necessary to submit original receipts for expenses claimed such as parking, transportation service, bridge tolls, and flight itineraries. Hotel receipts must reflect a zero balance. Receipts for meals are not required for reimbursement.

PLEASE REFER TO APPENDIX FOR TRAVEL REIMBURSEMENT FORM

SALARY PER DIEM AND TRAVEL REIMBURSEMENT - BPC SECTIONS 103 AND BPC 8526

Each member of a board, commission, or committee created in the various chapters of Division 2 (commencing with Section 500) and Division 3 (commencing with Section 5000), and in Chapter 2 (commencing with Section 18600) and Chapter 3 (commencing with Section 19000) of Division 8, shall receive the moneys specified in this section when authorized by the respective provisions.

Each such member shall receive a per diem of one hundred dollars (\$100) for each day actually spent in the discharge of official duties and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.

The payments in each instance shall be made only from the fund from which the expenses of the agency are paid and shall be subject to the availability of money.

Notwithstanding any other provision of law, no public officer or employee shall receive per diem salary compensation for serving on those boards, commissions, or committees on any day when the officer or employee also received compensation for the officer or employee's regular public employment.

PLEASE REFER TO APPENDIX FOR PER DIEM FORM

CHAPTER 5

OTHER POLICIES/PROCEDURES

REMOVAL OF BOARD MEMBERS - BPC SECTION 106 AND 106.5

The Senate, Assembly, and Governor has the power to remove from office at any time any member of any board appointed by him/her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct.

The Senate, Assembly, and Governor may also remove from office a Board Member who directly or indirectly discloses examination questions to an applicant for examination for licensure.

RESIGNATION OF BOARD MEMBERS - GOV. CODE SECTION 1750

In the event that it becomes necessary for a Board Member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by State law. A copy of this letter shall also be sent to the director of the Department, the Board President, and the Executive Officer.

RULES FOR CONTACT WITH THE PUBLIC, A LICENSEE, AN APPLICANT, OR THE MEDIA

Occasionally, in your role as a Board Member, you may be contacted by a licensee, colleague, applicant, member of the public, or the media regarding an issue or concern that pertains to Board business or proceedings. Any one of these contacts may compromise your position relating to future decisions about policy, disciplinary actions, or other Board business.

To avoid compromising your role as a Board Member, please refrain from assisting the individual with his/her issue. Instead, offer to refer the matter to the Executive Officer or give the individual the contact information for the Executive Officer. Refrain from engaging in discussion with the individual and make every effort to end the conversation quickly and politely. Report all such contacts to the Executive Officer as soon as possible.

CONFLICT OF INTEREST – GOV. CODE SECTION 87100

No Board Member may make, participate in making, or in any way attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know he/she has financial interest. Any Board Member, who has a financial interest that may be affected by a governmental decision, shall disqualify himself/herself from making or attempting to use his/her official position to influence the decision. Any Board Member who feels he/she is entering a situation where there is potential for a conflict of interest, should immediately consult the Executive Officer or the Board's legal counsel.

ELECTION OF OFFICERS - BPC SECTION 8523 AND BOARD POLICY G-4

The Board shall elect from its members a President and a Vice President to hold office for one year. Officer elections shall be conducted at the October Board meeting. President and Vice President shall assume duties immediately following the annual October meeting. At least one of the offices must be held by a public member.

OFFICER VACANCIES

If the Office of the President becomes vacant, the Vice President assumes the office as the interim President and the Board holds an election for both positions at the next scheduled Board meeting.

ACCESS TO BOARD FILES AND RECORDS

No Board Member may access a licensee, applicant, or complaint file without the Executive Officer's knowledge and approval of the conditions of access. Records or copies of records must not be removed from the Board's office.

COMMUNICATION WITH OTHER ORGANIZATIONS/INDIVIDUALS

The Executive Officer, his or her designee, or the Board President serve as spokesperson to the media on Board actions, policies, or any communications that is deemed sensitive or controversial, to any individual or organization. Any Board Member who is contacted by any of the above should terminate the contact and inform the Executive Officer or the Board President.

LEGAL OPINIONS – REQUESTS FROM OUTSIDE PARTIES

The Board does not provide legal services for persons or entities outside the Board staff. Requests for legal opinions from outside entities are to be discussed with the Board President and Legal Counsel to determine whether it is an issue over which the Board has jurisdiction and the opinion, if prepared, could be posted on the Board's website and benefit the general public rather than one individual. Persons making such requests would be notified that the Board will not be responding directly to their request but will post the opinion on the Internet when it is final.

CONTACT WITH LICENSEES

Board Members must not intervene on behalf of a licensee for any reason. They should forward all contacts or inquiries to the Executive Officer.

CONTACT WITH COMPLAINANT/RESPONDENT - DCA REFERENCE MANUAL

Board Members should not directly participate in complaint handling and resolution or investigations. To do so would subject the Board Member to disqualification in any future disciplinary action against the licensee. If a Board Member is contacted by a complainant/Respondent or his/her attorney, they should refer the individual to the Executive Officer or Board staff.

CONFLICT OF INTEREST - GOV. CODE SECTION 87100

No Board Member may make, participate in making or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or

she has a financial interest. Any Board Member who has a financial interest shall disqualify himself/herself from making or attempting to use his/her official position to influence the decision. Any Board Member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the Executive Officer or Board President.

CHAPTER 6

BOARD MEMBER REQUIRED TRAINING

Board Members are required to complete specific forms and training at various intervals during their appointment period. To ensure compliance and notification to the requisite agencies, all training certificates and required forms must be sent to Board staff.

Board staff will forward the required documentation to the appropriate agency and maintain a copy in the Board Member's personnel file. It is important that the Board have a copy of all required training and documents. This ensures that the Board has an accurate record that you have satisfied all requirements and are able to provide copies upon request.

STATEMENT OF ECONOMIC INTEREST - (<http://www.fppc.ca.gov/Form700.html>)

This form is commonly referred to as Form 700 and is to be completed upon assuming the position, annually, and upon leaving. Under DCA's Conflict of Interest Code, designated officials are required to complete a Statement of Economic Interests Form 700. Annually, DCA will send several reminders to complete this form with a link to the electronic filing system.

Failure to complete this form in a timely manner may result in a fine from the Fair Political Practice Commission. All fines are publicly noticed.

ETHICS ORIENTATION FOR STATE OFFICIALS – GOVERNMENT CODE SECTIONS 11146-11146.4

California law requires all appointees to take an ethics orientation within the first six months of their appointment and to repeat the ethics orientation every two years throughout their term.

The training includes important information on activities or actions that are inappropriate or illegal. For example, public officials cannot take part in decisions that directly affect their own economic interests. They are prohibited from misusing public funds, accepting free travel and accepting honoraria. There are limits on gifts.

An online, interactive version of the training is available on the Attorney General's website at <https://oag.ca.gov/ethics/course>.

Copies of completion certificates must be sent to Board staff to be maintained in the personnel file. Records concerning the attendance of this course must be kept on file for five years.

DCA BOARD MEMBER ORIENTATION TRAINING – BPC 453

California Business and Professions Code Section 453 require every newly appointed member to complete a training and orientation program offered by DCA within one year of assuming office.

DCA has been advised that this statute also applies to all reappointed Board Members. Therefore, if you attended the training during your first term and are reappointed, you must attend the training following your reappointment.

The training covers the functions, responsibilities and obligations that come with being a member of a DCA board. To receive credit for the training, Board Members must attend the entire training.

DCA schedules the Board Member Orientation Training (BMOT) sessions throughout the year. Specific locations are announced several months prior to the orientation. Board Members must register for the training through Board staff.

SEXUAL HARASSMENT PREVENTION TRAINING – GOVERNMENT CODE SECTION 12950.1; CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 11024

Section 12950.1 of the Government Code requires an employer having five or more employees to provide at least two hours of classroom or other interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees. The employer shall provide sexual harassment training and education to each employee once every two years. New nonsupervisory employees shall be provided training within six months of hire.

California Code of Regulations, Title 2, Section 11024 also specifies requirements of an employer to provide two hours of training mandated by Government Code 12950.1.

An online, two-hour Sexual Harassment Prevention Tutorial is provided by DCA. Board staff will provide information and instructions to access the online tutorial.

DEFENSIVE DRIVER TRAINING – STATE ADMINISTRATIVE MANUAL 0751

State Administrative Manual 0752 requires any State employees who frequently drive state vehicles, vehicles rented by the state or drive personal vehicles for state business should attend and successfully complete an approved defensive driver training course at least once every four years.

This two-and-a-half-hour training is designed for drivers to think in terms of minimizing their risks in order to survive in today's highway transportation system. After completion of each module, the student is required to participate in a short assessment in order to advance to the next module. Once completed, a final assessment will be required. Upon successful completion, the student receives a completion certificate valid for four years. Board staff will be able to provide information to access the training.

CHAPTER 7

BOARD PRESIDENT & VICE PRESIDENT

THE DUTIES OF THE BOARD PRESIDENT INCLUDE, BUT ARE NOT LIMITED TO:

SUPERVISION OF EXECUTIVE OFFICER

The Board may appoint a person exempt from civil service who shall be designated as an Executive Officer and who shall exercise the powers and perform the duties delegated by the Board and vested in him or her.

The incoming Board President assumes all delegated duties immediately following the election.

The Board President is the immediate supervisor of the Executive Officer. Specific instructions for work on Board policy matters by the Executive Officer from Board Members shall be coordinated through the Board President.

It is critical that individual Board Members not intervene or become involved in specific the day-to-day Board office operations. However, it is also critical that the Board hold the Executive Officer accountable for supervising these operations, including workload issues, staff vacation and sick leave balances, labor/personnel disputes, personnel actions, budgets, etc.

Tracking the Executive Officer's performance and accountability throughout the year is accomplished by direct and frequent oral, written, and in person communications between the Executive Officer and the Board President. In addition, the Executive Officer is responsible for keeping the full Board informed throughout the year (when appropriate) as to occurrences and information that come to the office in between meetings.

CHAPTER 8

EXECUTIVE OFFICER

APPOINTMENT - BPC SECTION 8528

The Board appoints an Executive Officer who is exempt from civil service and serves at the pleasure of the Board.

ROLE - CALIFORNIA CODE OF REGULATIONS (CCR) SECTION 2003

The Executive Officer implements the policies developed by the Board and carries out the tasks delegated by the Board.

RECRUITMENT

The Board may institute an open recruitment plan to obtain a pool of qualified Executive Officer candidates. It may also utilize proven equal employment opportunity and personnel recruitment procedures.

SELECTION - GOV. CODE SECTION 11125/BPC 8529

A qualified candidate for Executive Officer must demonstrate the ability to supervise employees, handle conflict resolution and complaint mediation, and conduct public speaking. The Executive Officer must also demonstrate effective written and verbal communication skills and knowledge and expertise in the areas of legislation, regulations, administration, examination, licensing, enforcement, legislation and budgets. The selection of a new Executive Officer is included as an item of business, which must be included in a written agenda and transacted at a public meeting.

CHAPTER 9

BOARD ADMINISTRATION AND BOARD STAFF

BOARD ADMINISTRATION

Board Members should be concerned primarily with formulating decisions on Board policies rather than making decisions concerning the implementation of such policy. It is inappropriate for Board Members to become involved in the details of program delivery or implementation. Strategies for the day-to-day management of Board programs and Board staff is the responsibility of the Executive Officer. Board Members should not interfere with day-to-day operations, which are under the authority of the Executive Officer.

EXECUTIVE OFFICER

The Executive Officer is appointed by and serves at the pleasure of the Board and is exempt from civil service. The Executive Officer shall exercise the powers and perform the duties delegated by the Board. The Executive Officer is responsible for the financial operations and integrity of the Board and is the official custodian of records. Annually, at the October Board meeting, the Board Members will conduct a review of the Executive Officer's performance. The Board President will meet with the Executive Officer to discuss the performance appraisal.

BOARD STAFF

Employees of the Board, with the exception of the Executive Officer, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, it is most appropriate that the Board delegate all authority and responsibility for management of the civil service staff to the Executive Officer.

RULES FOR CONTACTING BOARD STAFF

Board Members should only contact the following designated staff:

- Executive Officer, Susan Saylor at (916) 561-8712 regarding all Board business.
- Assistant Executive Officer, Robert Lucas at (916) 561-8735 regarding all Board business.
- Administrative Analyst, Kristina Jackson-Duran at (916) 561-8710 regarding travel, salary, per diem, training and required personnel forms.
- Administrative Analyst David Skelton at (916) 561-8722 regarding Regulations and Board and Committee meeting materials.
- Disciplinary Analyst, Melissa Sowers-Roberts at (916) 561-8716 regarding disciplinary mail votes.
- Legal Counsel, Sabina Knight at (916) 574-8220 regarding disciplinary procedural questions or ethical questions.

PLEASE REFER TO APPENDIX FOR BOARD ORGANIZATIONAL CHART

STRATEGIC PLANNING

The Board will conduct periodic strategic planning sessions. Dates for these sessions will be announced well in advance.

BOARD MEMBER ADDRESSES – DCA POLICY

The Board Member addresses and telephone numbers are confidential and shall not be released to the public without expressed authority by the individual Board Member.

CHAPTER 10

BOARD COMMITTEES

BOARD COMMITTEES

The committee meetings are held as needed at the direction of the full Board and are fully within the scope of the Open Meeting Act. In light of the Board's limited resources, these meetings are a cost-efficient and legal means of gathering information for discussion by the full Board, which enhances the process of the Board's public meetings and addresses the needs of the profession and consumers in California.

RESEARCH ADVISORY PANEL – BPC SECTION 8674(T)(3)

The Board has a Research Fund, funded by the purchase of pesticide use stamps, to support research in the structural pest control field.

Upon determination of appropriate available funds, the Board President shall establish a five-member research advisory panel (RAP). The RAP must include one member of the Structural Pest Control Board, two representatives from the structural pest control industry, one representative from the Department of Pesticide Regulation, and one representative from the University of California.

The RAP, or other entity designated by the Board, shall solicit on behalf of the Board all requests for proposals and present to the panel all proposals that meet the criteria established by the panel. The panel shall review the proposals and recommend to the Board which proposals to accept. The recommendations shall be accepted upon a two-thirds vote of the Board. The Board shall direct the panel, or other entity designated by the Board, to prepare and issue the research contracts and authorize the transfer of funds from the Structural Pest Control Research Fund to the applicants whose proposals were accepted by the Board.

DISCIPLINARY REVIEW COMMITTEE – BPC 8660

When a structural pest control licensee or registered company is to be suspended or the licensee, registered company, or unlicensed individual is to be fined pursuant to BPC section 8617, and if the individual requested and appeared at a hearing before the commissioner in accordance with BPC section 8617, the party to be suspended or fined may appeal the decision to the Disciplinary Review Committee (DRC).

A DRC consists of three members for the purposes of reviewing appeals of orders issued pursuant to Section 8617. The committee shall be made up of one member representing the Department of Pesticide Regulation and one member representing the Board. The third member shall be a licensed pest control operator actively involved in the business of pest control and shall be selected by the Board Members.

COMMITTEE APPOINTMENTS

The Board President establishes committees, whether standing or special, as he or she deems necessary. The Board President determines committee composition and member appointments, including, but not limited to, liaison appointments. When necessary, committee members may make recommendations for new members.

No action can be taken unless a quorum of a committee is present. A majority of the members shall constitute quorum.

ATTENDANCE AT PUBLIC COMMITTEE MEETINGS - GOV. CODE SECTION 11122.5(C)(6)

Non-committee Board Members may sit in the audience and participate in meeting discussions, unless there is a quorum of Board Members in the room. If there is a quorum present of four members, non-committee Board Members may sit in the audience, but may not participate in the meeting discussions.

MEETING RULES - GOV. CODE SECTION 11122(C)

Committee meetings are conducted under Robert's Rules of Order to the extent that it does not conflict with the Bagley-Keene Open Meeting Act.

Committees with two members can meet as necessary without a public notice and can hold teleconference meetings with the designated staff person participating in the teleconference as necessary.

Committee meetings involving three or more members are subject the Open Meeting Act requirement and must be noticed as a public meeting.

COMMITTEE MEETING AGENDAS/PUBLIC NOTICE

Agendas should focus on the specific tasks assigned by the Board which include public comment and only those information items dealing with subjects assigned to the respective committee.

If more than two Board Members attend a Committee meeting, the agenda shall contain the statement: "Notice of a Board meeting indicates that three or more members of the Board are present. While the law requires the Board to notice this meeting as a Board meeting, it is not the intent to take action as a Board at this meeting."

RECORD OF COMMITTEE MEETINGS – BCP 8531.5

As with the Board meetings, the minutes are a summary, not a transcript, of each committee meeting. Committee minutes may be approved at the next scheduled committee meeting and serve as the official record of the meeting.

Approved minutes of the open session are available for distribution to the public and shall be posted on the Board's Web site.

CHAPTER 11

ASSOCIATION MEMBERSHIPS

PEST CONTROL OPERATORS OF CALIFORNIA – (<https://pcoc.org/>)

The Pest Control Operators of California (PCOC) is a non-profit trade association that has served the needs of the pest control industry for nearly 80 years. PCOC keeps its members up-to-date on new materials, procedures, laws and precautions – and also works closely with the Board and Department of Pesticide Regulation to help shape regulations.

NATIONAL PEST MANAGEMENT ASSOCIATION – (<https://npmapestworld.org/>)

The National Pest Management Association (NPMA), a non-profit organization with nearly 5,000 members from around the world, was established in 1933 to support the pest management industry's commitment to the protection of public health, food and property. This commitment is reflected both in the continuing education of pest management professionals and the dissemination of timely information to homeowners and businesses.

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS – (<https://aspcro.org/>)

The Association of Structural Pest Control Regulatory Officials (ASPCRO) is a professional association comprised of the state regulatory officials, responsible for regulating services provided by the structural pest control industry in their respective states. The ASPCRO's primary goal is to protect public health in the management of household (structural) pests performed by professional pest control companies. ASPCRO accomplishes this goal through the ongoing working relationships it has with the structural pest control industry, federal partners such as the U.S. Environmental Protection Agency, the pesticide chemical industry and academia, all working toward improving the public health services provided to consumers nationwide.

CHAPTER 12

ENFORCEMENT AND INFORMATION

COMPLAINT DISCLOSURE – BOARD POLICY E-10, PUBLIC RECORDS ACT, BPC 27

The Board's complaint disclosure policy has been developed to provide the public with information regarding complaints and disciplinary action against pest control licensees, candidates for licensure, and unlicensed individuals.

The Board's complaint disclosure policy does not include non-actionable complaints. Non-actionable complaints are those, which after investigation, were determined to be unsubstantiated or complaints which have been determined not to be within the Board's jurisdiction. If a complaint was initially determined to indicate a probable violation of law and is later found, upon further investigation, not to constitute a violation, it shall not be disclosed.

In complying with a request for complaint information, the Board may provide such cautionary statements as may be considered appropriate regarding the usefulness of complaint information to individual consumers in their selection of a pest control licensee.

The California Public Records Act (PRA), Government Code section 6250 et seq., requires public records to be available upon request. The PRA provides for specific timelines and general process to respond to a request for public records. Further, Government Code section 6254 specifies which records are not subject to public disclosure. As a state regulatory board within DCA, the Board is subject to the requirements for all PRA requests. The Board's response is coordinated with its DCA legal counsel.

Business and Professions Code section 27 specifies what information, such as enforcement actions and a licensee's address of record, must be available through the Internet (i.e., Board website). Providing this information allows consumers to verify the pest control company's licensure status as well as determine if there is any disciplinary action.

POINTS TO CONSIDER DURING THE ENFORCEMENT PROCESS

- **Board's Priority:** "Protection of the public shall be the highest priority for the Structural Pest Control Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount." – BPC section 8520.1
- **Goal of Discipline is Consumer Protection, Not Punishment:** "The purpose of such a [disciplinary] proceeding is not to punish but to afford protection to the public upon the rationale that respect and confidence of the public is merited by eliminating from the ranks of practitioners those who are dishonest, immoral, disreputable, or incompetent." – Fahmy v. Medical Bd. Of California (1995) 38 Cal. App. 4th 810

- **Recusal from Case Decision:** If the Board Member knows the Respondent and/or is familiar with facts/circumstances regarding the action that lead to the disciplinary matter, the Board Member shall consult with legal counsel regarding the Board Member's ability to participate in the case decision.

OFFICE OF ADMINISTRATIVE HEARINGS

The Office of Administrative Hearings (OAH) is a central panel of experienced, highly qualified Administrative Law Judge (ALJ) who preside as neutral judicial officers at hearings and settlement conferences. The ALJs are fully independent of the agencies whose attorneys appear before them. The ALJs are required to have practiced law for at least five years before being appointed and typically have over ten years of experience.

The administrative hearing process is similar to any other court proceeding. The ALJ presides over the hearing; a DAG represents the Board and presents the case; and the Respondent or the Respondent's representative/attorney presents its case. Testimony and evidence is presented and there is a transcript of the proceedings.

Upon the conclusion of the administrative hearing, the ALJ will consider all the testimony and evidence and will prepare a Proposed Decision (PD). Once the hearing is finished, the ALJ has 30 days to prepare the PD and send it to the Board.

FORMAL DISCIPLINARY CASE OUTCOMES

The possible outcomes for these cases are denial of the application, revocation, surrender of the license, or probation. If an individual is placed on probation, the individual must comply with the specific terms of the probation during the probation period. Once the individual has successfully completed probation, the license is restored without restrictions. However, the discipline will remain part of the individual's record.

OVERVIEW OF THE DISCIPLINARY PROCESS

- **PD:** Written by an ALJ after an administrative hearing.
- **Stipulation:** The licensee/applicant and Board may decide to settle the case at any time during the administrative process. Settlements are negotiated and completed prior to the date of an administrative hearing. Settlements are considered in cases where the Respondent has presented mitigating information/evidence to demonstrate that he/she may be a good candidate for probation.
- Both must consider/use the Disciplinary Guidelines in determining discipline.

Once a case is filed, there are three typical outcomes:

1. The Executive Officer and licensee stipulate a settlement that the Board can accept or reject.
2. A DAG on behalf of the Executive Officer and licensee litigate the case before an ALJ and the Board either adopts or rejects the ALJ's PD.
3. Default Decision:

- If an accusation is returned by the post office as unclaimed, the service is not possible because the Board does not know the whereabouts of a Respondent. The Respondent is considered to be in default. A Respondent is also considered to be in default if the Respondent fails to file a Notice of Defense upon receipt of the Accusation or Statement of Issues or fails to appear personally or through counsel at the hearing.

Default cases result in revocation of the license or denial of the application. In the event, the Respondent becomes aware of the decision prior to the effective date, he/she may submit a written request to reconsider the decision. This request is presented to the Board Members to determine if they wish to grant the request.

DISCIPLINARY ACTIONS – BOARD POLICY

The Board provides information regarding formal discipline/accusations only after the case has been transferred to the Office of the Attorney General (AG). Board staff makes the following disclosure statement: “An investigation has been conducted and the case has been forwarded to the Attorney General’s Office for consideration of possible action. At this time, there has been no determination of wrong-doing.”

Formal charges are referred to as pleadings. In each pleading, the Executive Officer is the complainant. The Deputy Attorney General (DAG) assigned to the matter represents the Executive Officer.

There are three types of pleading. The type of pleading is dependent upon whether the Respondent (subject of the case) is licensed with the Board, an applicant for licensure, or is already on probation.

- **Accusation:** A written statement of charges against the holder of a license or privilege, to revoke, suspend or limit the license, specifying the statutes and rules allegedly violated and the acts or omissions comprising the alleged violations. An “accusation” is the first public document in any case. The accusation is prepared and filed by the DAG. Once the accusation is filed, it is a public document and available on written request and published on the Boards website. If the accusation results in a final order/decision, once the decision is final, it is also available to the public upon written request.
- **Statement of Issues:** A written statement of the reasons for denial of an application for a license, specifying the statutes and rules allegedly violated and the acts or omissions comprising the alleged violations.
- **Petition to Revoke Probation:** A written statement to revoke a probationer’s license alleging the probationer has violated the terms and conditions of his or her probation.

In all formal disciplinary actions, the Respondent is formally notified of the Board’s proposed action, their rights under the law, and a due date to respond to the Board’s notification. All final decisions by the Board following formal disciplinary proceedings of alleged violations of the SPCB Act shall be published on the Board’s Web site after the effective date of the decision.

BOARD REVIEW OF STIPULATIONS AND PROPOSED DECISIONS

Board Members will consider cases either by mail vote or closed session during a Board Meeting

- **Mail Votes:** All disciplinary cases are sent to the Board Members via email for their consideration and vote.
 - Mail ballot packet materials are confidential.
 - Board Members may NOT communicate with each other.
 - It is critical that Board Members return their votes timely to Board staff.
 - All materials regarding the disciplinary case MUST be confidentially destroyed.

HOLDING OR REJECTING A STIPULATED SETTLEMENT OR PROPOSED DECISION – BOARD POLICY

As a general rule, most stipulated settlements and PD's are well reasoned, consistent with the Board's Disciplinary Guidelines, and may be adopted consistent with sound public policy. If they are not, consider rejecting (or "nonadopting") such decisions. If it is difficult to make that determination, however, stipulated settlements and PD's that are considered by mail vote, should be held for closed session discussion.

Consider rejecting a Stipulated Settlement or an ALJ's PD in these circumstances:

1. The stipulated settlement or PD does not provide sufficient public protection given the nature of the violations. For example, important terms of probation are missing, the probationary period is too short, probation is not appropriate, or other significant unexplained deviations from the Board's Disciplinary Guidelines.
2. The ALJ made an error in the PD in applying the relevant standard of practice for the issues in controversy at the hearing.
3. The ALJ made an error in interpreting law and/or regulations in the PD.
4. If the Board Members reject the proposed settlement, the case will be returned to the AG's office to resume the process for a formal administrative hearing before an ALJ. Following the hearing, the ALJ will issue a PD for the Board Members to consider.
5. If the Board Members reject the PD, Board staff will order the hearing transcripts and request written arguments from the Respondent. Board Members review the transcripts, evidence, and written arguments and meet in a closed session Board meeting with legal counsel to write their decision. The Board uses the Disciplinary Guidelines and applicable law when making such decisions. The Board's decision is then adopted and issued to the Respondent.

Consider holding a case for closed session discussion when:

1. You are unsure whether the stipulated settlement or PD protects the public and would like to discuss the merits with other Board Members.
2. You are unsure about the ALJ's reasoning and description. (PD).
3. If you believe a discussion of the practice issues with licensee members may make it easier for you to make a decision.
4. If you are unsure whether the ALJ's decision is consistent with the law (PD).
5. After discussion with the assigned board attorney, you still have questions about the case.

Typically, a vote to hold any PD or stipulated settlement for closed session discussion requires a hold vote by two (2) or more Board Members.

PETITION FOR RECONSIDERATION – GOV. CODE SECTION 11521

Eligibility to Petition for Reconsideration is limited to PD. A Petition for Reconsideration is the first step available to a party in contesting a final order. The Board may order Reconsideration of all or part of the case on its own motion or on Petition of any party.

The process, generally, is as follows:

- Petition for Reconsideration is submitted to the Board by Respondent.
 - If additional time is needed to evaluate the Petition filed prior to the expiration of the applicable periods provided under Government Code section 11521(a), the Executive Officer will issue a 10-day Stay of Decision.
- The Board Members review the petition to determine if it will issue an Order Granting Reconsideration or Order Denying Reconsideration.

Denial of a Petition for Reconsideration

- If the Board takes no action on the Petition, votes to DENY the Petition, or if there are insufficient votes to reach a quorum in favor of the petition, the Decision and Order will remain as issued and will become effective as originally ordered.

Grant of a Petition for Reconsideration

- If the Board votes to GRANT the Petition for Reconsideration, the Decision and Order will NOT become effective.
 - When granting the Petition, the Board determines whether to receive oral or written argument or additional evidence. The Board may reconsider the case or remand it to an ALJ.
 - The Order Granting Reconsideration will be sent to the parties, stay the effective date of the Decision indefinitely, and advise the parties whether written or oral argument or additional evidence may be submitted by the parties.
 - Board staff will order transcripts from the hearing.
 - Upon receipt of the transcripts, the Executive Officer will issue an Order Fixing Date for Submission of Written/Oral Argument.
 - Upon close of the Fixed Time for Submission of Written/Oral Argument and receipt of hearing transcripts, the Petition is sent to the Board Members for review.
 - Written/Oral Argument (Board may choose to accept either or both)
 - Argument/New Evidence (Board may choose to accept either or both)
 - The matter will be discussed in closed session at the next regularly scheduled Board meeting during which the Board can decide to:
 - Uphold the original decision
 - Order prepared by DCA Legal Counsel
 - Reduce the penalty

- Order prepared by DCA Legal Counsel
- Remand the matter back to the ALJ for taking and evaluation of further evidence
- Other options according to Government Code section 11517

PETITION FOR MODIFICATION OF PENALTY OR REINSTATEMENT – GOV. CODE SECTION 11522 & BPC SECTION 8623.5

In petitioning for Modification of Penalty, Early Termination of Probation, or Reinstatement under BPC section 8623.5 and under Government Code section 11522, the petitioner has the burden of demonstrating that he or she is fit to safely engage in the practice of structural pest control within the scope of current law and accepted standards of practice.

A Petition for Reinstatement may be filed three years or more from the effective date of the disciplinary decision. A Petition for Modification may be filed two or more years from the effective date of the disciplinary decision. A Petition for Early Termination of Probation may be filed one year or more from the effective date of the disciplinary decision (for probation terms less than three years) and at least two years from the effective date of the disciplinary decision (for probation terms of three or more years).

The process for filing a Petition for Modification of Penalty/Early Termination of Probation or Reinstatement is as follows:

- Petitioner files the Petition accompanied by all supporting documentation.
- The Petition is referred to the Board's liaison at the AG's office.
- The matter is set for hearing before the Board in open session at the next regularly scheduled Board meeting.
- The hearing takes place in open session before the Board and an ALJ.
- The Board considers and decides the matter in closed session.
- The Decision and Order is prepared by the ALJ.
- Board staff forwards the Decision and Order to the Board President for review and confirmation that the document accurately represents the Board's decision.
- The Decision and Order is served on Respondent via certified mail.

When the Board considers reinstating the license or registration or modifying a penalty, it may impose terms and conditions as it determines necessary, in accordance with the Disciplinary Guidelines. To reinstate a revoked license or registration or to otherwise reduce a penalty or modify probation shall require a majority vote of the Board Members.

CHAPTER 13 RESOURCES

STRUCTURAL PEST CONTROL BOARD WEBSITE

<https://www.pestboard.ca.gov/>

STRUCTURAL PEST CONTROL BOARD DISCIPLINARY GUIDELINES

<https://www.pestboard.ca.gov/pestlaw/disciplinaryguidelines.pdf>

DCA BOARD MEMBER RESOURCE CENTER

<http://www.dcaboardmembers.ca.gov>

CALIFORNIA ADMINISTRATIVE PROCEDURE ACT

The California Administrative Procedure Act is found in the California Government Code starting at section 11370 and continuing through section 11529 and title 1 of the California Code of Regulations starting at section 1000 through section 1050.

<http://leginfo.legislature.ca.gov/faces/codes.xhtml>

<https://govt.westlaw.com/calregs>

BAGLEY-KEENE OPEN MEETING ACT

<https://oag.ca.gov/open-meetings>

CALIFORNIA LEGISLATIVE INFORMATION (MAY SEARCH FOR BILLS AND SUBSCRIBE TO BILL UPDATES)

<http://leginfo.legislature.ca.gov/faces/home.xhtml>

PROFESSIONAL ASSOCIATIONS

Pest Control Operators of California

<https://pcoc.org/>

National Pest Management Association

<https://npmapestworld.org/>

Association of Structural Pest Control Regulatory Officials

<https://aspcro.org/>

APPENDIX

- A TRAVEL REIMBURSEMENT FORM**
- B PER DIEM FORM**
- C BOARD ORGANIZATIONAL CHART**

APPENDIX A

TRAVEL REIMBURSEMENT FORM

Name: _____

Address: _____

_____ City State ZIP

Departure from residence: _____
Date Time

Return to residence: _____
Date Time

Private Car: Between _____ and _____

Between _____ and _____

Total Miles (Round trip) _____

Lodging: \$ _____ (Attach Receipts)

Rental Car: **Attach Rental Car Agreement**

Airfare: **Attach Airline ticket itinerary**

Miscellaneous: Parking \$ _____ (Parking at Airport and hotel, ect.)

Taxi \$ _____

Tolls \$ _____

Gas for rental car \$ _____

Other (Explain) _____

Purpose of travel: _____

Attach all receipts for parking, airline itinerary, hotel billing, taxi, rental car or gas receipts and any miscellaneous expenses. Payment will not be made without receipts.

Signature

APPENDIX B

ATTENDANCE REPORT

Board Member: _____

Month: _____

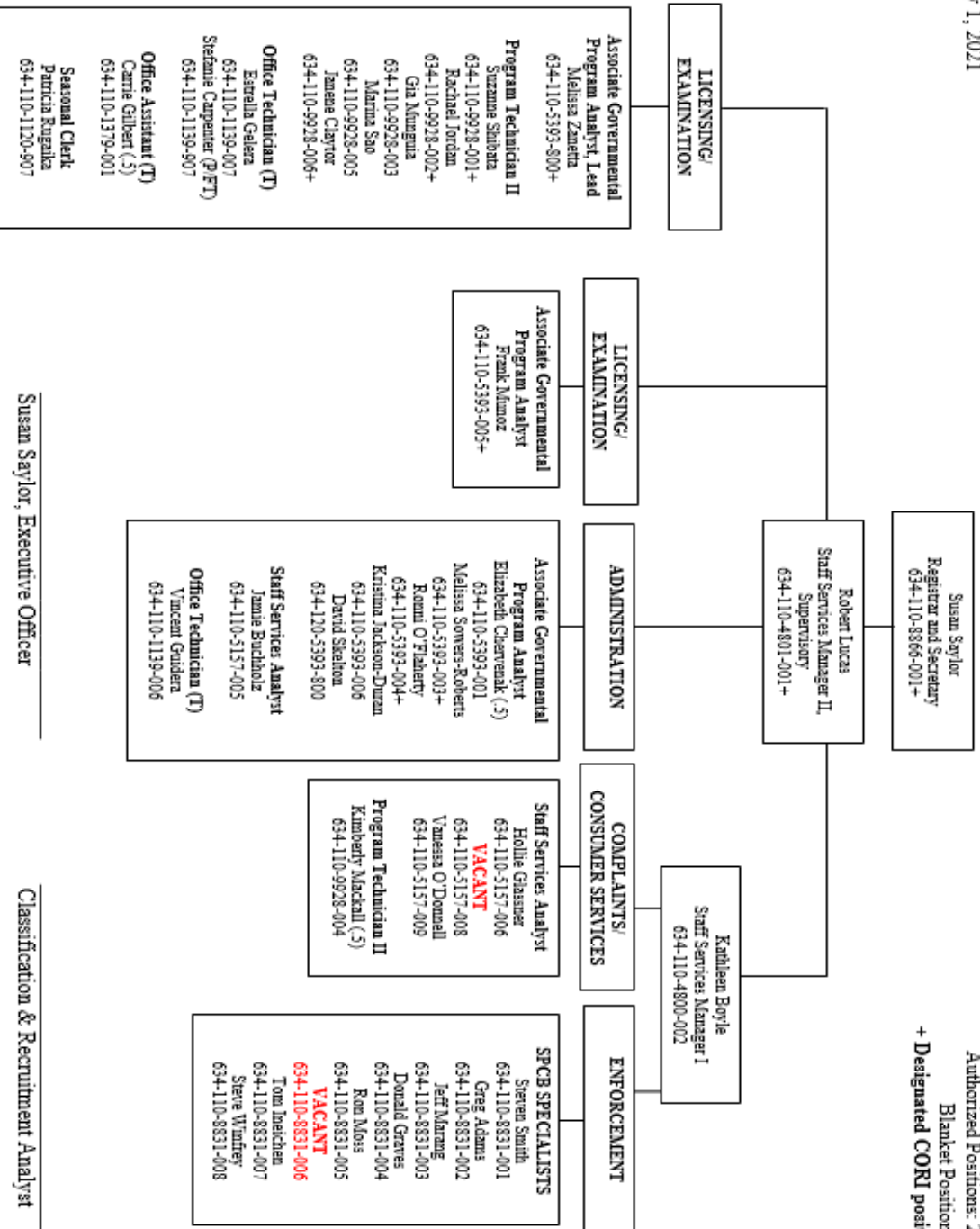
Please report the actual time you spent attending meetings or performing board business.

Pre-Meeting Preparation (please list type of prep)	Date	# Hours	# Minutes

Board Meeting Attended (please put each day attended)	Hours in Meeting (do not include meal and/or travel times)			
	Start Time:	End Time:	# Hours	# Minutes

Mail Ballots/Transcripts and Documents Reviewed (please list mail ballot)	Date	# Hours	# Minutes

Total Hours: _____



Susan Saylor, Executive Officer

Classification & Recruitment Analyst

APPENDIX C

Structural Pest Control Board



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Message from the President



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

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

Dave Tamayo, President
California Structural Pest Control Board

About the Board

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

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

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

2007 Strategic Plan Accomplishments

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

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

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

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

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

Increasing Consumer Protection by Increasing Bond and Insurance

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

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

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

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

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

Mission

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

Vision

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

Values

Consumer Protection

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

Professionalism

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

Efficiency

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

Integrity

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

Strategic Goals

1 LICENSING, EXAMINATIONS, AND CONTINUING EDUCATION

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

2 ENFORCEMENT

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

3 LEGISLATION, REGULATIONS, AND POLICY

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

4 OUTREACH

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

5 ORGANIZATIONAL EFFECTIVENESS

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

GOAL 1: LICENSING, EXAMINATIONS, AND CONTINUING EDUCATION

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

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

Status: Changes to strengthen the approval process for continuing education providers and courses will be codified with the changes SPCB adopts to comply with the EPA C&T rule.

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

Status: Renewal processes, specifically with regard to documentation of continuing education requirements will be streamlined with the implementation of a new IT system (July 1, 2022).

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

Status: This is an ongoing effort. Since the adoption of the Strategic Plan we have continuously created, monitored, and improved licensing examinations in coordination with the Office of Professional Examination Services. Additionally, the creation of candidate handbooks and the reduction in reference material have contributed to the improvements in licensing examinations.

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

Status: These changes have been approved by the SPCB and will be codified when the SPCB adopts changes to comply with the EPA C&T rule.

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

Status: In-person continuing education audits have been increased.

GOAL 2: ENFORCEMENT

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

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

Status: SPCB conducts stings and sweeps on an ongoing basis in coordination with intergovernmental agencies.

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

Status: SPCB conducts stings and sweeps on an ongoing basis in coordination with intergovernmental agencies. Additionally, SPCB has developed partnerships with several county agricultural commissioners and has been successful in partnering with several district attorneys.

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

Status: This is on hold pending analysis of AB 2138 and its impact on potential legislation seeking to suspend or revoke licensure.

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

Status: This is on hold pending analysis of AB 2138 and its impact on potential legislation seeking to suspend or revoke licensure.

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

Status: This is on hold pending analysis of AB 2138 and its impact on potential legislation seeking to suspend or revoke licensure.

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

Status: This is on hold pending analysis of AB 2138 and its impact on potential legislation seeking to suspend or revoke licensure.

GOAL 3: LEGISLATION, REGULATIONS, AND POLICY

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

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

Status: A committee to examine these requirements wasn't established but pre-licensing requirements related to examinations have been continuously monitored and improved and post-licensing requirements related to continuing education will be improved by the changes related to compliance with the EPA C&T rule.

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

Status: This happens every year in coordination with the DCA Budget Office and have evaluated and adjusted fees where necessary to meet our operational needs.

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

Status: Qualifying manager roles and responsibilities have been reviewed and amended in Business and Professions Code section 8506.2. Evaluation of qualifying manager and branch office supervisor roles and responsibilities happen continuously.

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

Status: We have updated or amended all our licensing and examination forms and are in the process of amending all the continuing education forms coinciding with the EPA C&T rule compliance. Additionally, the Occupants Fumigation Notice will be updated with changes to CCR 1970.4.

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

Status: SPCB continues to work cooperatively with Pest Control Operators of California executive leadership on building relationships with legislators and is working cooperatively with DCA on building relationship with Assembly and Senate Business and Professions Committees.

GOAL 4: OUTREACH

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

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

Status: SPCB has done several mailouts and continued to use SPCB Website to communicate with interested parties. Additionally, SPCB has partnered with Contractors State Labor Board on attending Senior Scammer Prevention seminars and are continuing to gather information, guidelines, and requirements related to attending Home & Garden shows.

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

Status: This became inapplicable when we passed on BreEZe but with the effort underway to implement a new IT system, strategies to educate licensees and consumers on its features will be developed and conducted months ahead of system release.

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

Status: SPCB continues to partner with DCA’s Public Information Office and the Contractors State Labor Board to leverage outreach efforts on legislative and enforcement issues.

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

Status: DCA debuted a new and improved version of web license lookup and the SPCB helped promote it at the time it was released.

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

Status: We anticipate doing this as we navigate the regulatory process for the adoption of new continuing education guidelines associated with EPA C&T rule.

GOAL 5: ORGANIZATIONAL EFFECTIVENESS

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

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

Status: This is done and is continuously updated by Department of Consumer Affairs SOLID and legal units.

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

Status: We continuously monitor staffing levels to ensure our ability to meet operational needs.

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

Status: We are in the process of implementing a new IT system that will allow for increased operational efficiency and effectiveness and it is expected to debut in early 2021.

- 5.4 Analyze pay and classification structure of staff to ensure it aligns with the Board's recruitment and retention plan, and pursue resources, as appropriate, to meet those needs.

Status: We continuously monitor pay and classification structure to ensure alignment with retention and recruitment goals. SPCB Specialists were granted a special salary adjustment as a result of this process.

Strategic Planning Process

To understand the environment in which the Board operates and to identify factors that could impact the Board's success, DCA's SOLID unit conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- An online survey sent to 5,000 stakeholders, comprised of industry professionals, professional associations, continuing education providers, and others who expressed interest in the strategic direction of the Board.
- A staff focus group on September 11, 2014, in which eight Board staff members participated.
- An online survey sent to field staff, in which five members responded.
- Telephone interviews with Board members in August and September 2014.

The most significant themes and trends identified from the environmental scan were discussed by the Board executive team and Board during a strategic planning session facilitated by SOLID on October 15, 2014. This information guided the Board in the development of its mission, vision, and values while directing the Board in the formulation of its strategic goals and objectives as outlined in the 2015–2018 Structural Pest Control Board Strategic Plan.

