

**MINUTES OF THE MEETING OF THE
STRUCTURAL PEST CONTROL BOARD**

March 23, 2022

The meeting was held via WebEx events

Board Members Present:

Kyle Finley (President)
Curtis Good
Nicky Kapadia
Magali Flores Nunez
Janet Thrasher

Board Members Absent:

Derek Devermont (Vice President)

Board Staff Present:

Susan Saylor, Executive Officer
Robert Lucas, Assistant Executive Officer
David Skelton, Administrative Analyst

Departmental Staff Present:

Sabina Knight, Legal Counsel

I. ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Finley called the meeting to order at 9:07 A.M. and Ms. Saylor called roll.

Mr. Finley, Mr. Good, Ms. Kapadia, Ms. Flores Nunez, and Ms. Thrasher were present.

Mr. Devermont was absent.

A quorum of the Structural Pest Control Board (SPCB) was established.

II. FLAG SALUTE / PLEDGE OF ALLEGIANCE

Mr. Finley led everyone in a flag salute and recitation of the Pledge of Allegiance.

III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

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

IV. PETITION FOR REINSTATEMENT

TROY L. SPILLMAN – OPR 12606 – BRANCH 2

Administrative Law Judge Coren D. Wong sat with the SPCB to hear the Petition for Reinstatement for Troy L. Spillman, Operator License Number 12606, Branch 2. Mr. Spillman was informed he would be notified by mail of the SPCB's decision.

V. PETITION FOR MODIFICATION / TERMINATION OF PROBATION

TIFFANY L. NAVA – FR 57694 – BRANCH 2

Administrative Law Judge Coren D. Wong sat with the SPCB to hear the Petition for Modification/Termination of Probation for Tiffany L. Nava, Field Representative License Number 57694, Branch 2. Ms. Nava was informed she would be notified by mail of the SPCB's decision.

VI. CLOSED SESSION

Pursuant to Government Code section 11126(c)(3) the SPCB met in closed session to discuss and take action on disciplinary matters, including the above petitions.

RECONVENED IN OPEN SESSION

The SPCB reconvened in open session and Ms. Saylor called roll.

Mr. Finley, Mr. Good, Ms. Flores Nunez, and Ms. Thrasher were present.

Mr. Devermont and Ms. Kapadia were absent.

A quorum of the SPCB was established.

VII. REVIEW AND POSSIBLE APPROVAL OF THE MINUTES OF THE OCTOBER 20, 2021, SPCB MEETING

Mr. Good moved and Ms. Flores Nunez seconded to approve the minutes of the October 20, 2021, SPCB meeting. Passed unanimously.

(AYES: Finley, Good, Flores Nunez, Thrasher. NOES: None. ABSTENTIONS: None.)

VIII. DEPARTMENT OF PESTICIDE REGULATION (DPR) UPDATE

Peggy Byerly, DPR, updated the SPCB on the following topics:

DPR submitted comments on the proposed sulfuryl fluoride interim mitigation measures and has not yet received a response perhaps due to the large number of public comments received.

DPR’s proposed rulemaking regarding decontamination for employees handling pesticides is projected to be out for public comment in the summer of 2022. This rulemaking would require eyewash stations to be compliant with the American National Standards Institute (ANSI) safety standards in scenarios where eyewash stations are mandated. Additionally, this proposed rulemaking would require a decontamination site to be present when any mixing/loading of pesticides occurs rather than only when danger or warning coded signal word pesticides are involved.

DPR’s implementation of the United States Environmental Protection Agency’s (EPA) Certification and Training standards. Ms. Byerly stated that DPR’s proposed regulatory amendments to comply with EPA certification and training standards will result in the elimination of certain licensing categories, as well as the addition of new licensing categories for soil, and non-soil fumigation. Additionally, the proposed regulatory amendments will address continuing education processes and supervision of non-certified applicators. DPR expects the proposed regulations to be open for public comment in May 2022, finalized in July 2023, and effective January 2024.

Ms. Byerly stated that the latest DPR evaluation of fumigation enforcement in Santa Clara County was for calendar year 2020. Ms. Byerly stated that there was a decrease in fumigation inspection activity during the pandemic but as employees have returned to the office and new employees are hired and trained inspection activity is expected to increase.

Ms. Byerly expressed her appreciation for Mr. Good’s high standards and professionalism in his work and years of service to the SPCB.

Mr. Good thanked Ms. Byerly for her kind words and expressed his appreciation for the work Ms. Byerly has done in the fumigation industry.

IX. EXECUTIVE OFFICER'S REPORT

Ms. Saylor reported to the SPCB on licensing, enforcement, wood destroying organism, and examination statistics as well as survey results and examination development.

Mr. Finley asked if there was any feedback related to the drop in the Operator examination passing rate.

Ms. Saylor stated that the drop in the Operator examination passing rate was likely due to the introduction of a new Operator examination in May 2021. Ms. Saylor added that the longer an examination is used the more the questions become familiar in the industry resulting in higher passing rates.

Ms. Flores Nunez asked if any data related to the demographics or diversity of the examinees is collected.

Ganesh Kumar, Office of Professional Examination Services (OPES), stated that demographic data is collected and analyzed during the occupational analysis portion of the examination creation process but demographic data for the examinees is not collected.

Mr. Skelton stated that SPCB examinations are proctored by Psychological Services Incorporated (PSI) and that demographic data of the examinees is not collected.

Ms. Flores Nunez expressed an interest in staff determining if it would be possible to begin collecting demographic data for the examinees.

Board member Nicky Kapadia re-joined the meeting at 1:10 P.M.

Ms. Saylor stated that the SPCB wants to resume examination creation workshops but will need a lot of help from the industry in providing subject matter experts. Ms. Saylor added that the SPCB provides subject matters experts \$150 a day, 8 hours of continuing education credit, up front airfare, and will reimburse hotel and transportation costs.

Mr. Kumar stated that Applicator subject matters experts are needed in order to finish the Applicator Occupational Analysis.

Ms. Saylor gave the following updates to the SPCB on staffing:

Janene Claytor who was on the Field Representative desk for over 20 years has retired. Suzanne Shibata who was previously on the Stamp and C.E. Audit desk is now on the Field Representative desk.

Gia Munguia who was on the Examinations desk retired with over 40 years of state service. Patricia Rugaika, who was previously a Seasonal Clerk, is now on the Examinations desk.

Interviews were completed for the vacant Stamp and C.E. Audit desk and the individual who was hired will begin in April 2022.

Lastly, Ms. Saylor updated the SPCB on the fund conditions and pointed out that the expenditures projected for Fiscal Year 2022-23 in the Research Fund are inaccurate due to the pandemic causing existing research contracts to be extended.

X. UPDATE ON THE STATUS OF THE RESEARCH PROPOSALS SELECTED FOR FUNDING AT THE JULY 26, 2018, BOARD MEETING

Dr. Michael Rust presented the findings of his "Development and Evaluation of Bait Strategies for Control of Pest Yellowjackets in California" research project to the SPCB. Dr. Rust's final report for this research project can be viewed on SPCB's Research Information webpage here: <https://pestboard.ca.gov/howdoi/research.shtml>

Ms. Saylor updated the SPCB on the status and fund balances of the remaining research proposals selected for funding at the July 26, 2018, Board Meeting.

XI. REGULATIONS STATUS UPDATE

Pesticide Application Notice Requirements: California Code of Regulations (CCR), Title 16, sections 1970.4, 1970.41, 1970.42, 1970.43

Mr. Skelton stated that the initial rulemaking documents for proposed Pesticide Application Notice Requirements regulatory proposed are being reviewed by the DCA regulations unit. Mr. Skelton added that the projected effective date for the Pesticide Application Notice Requirements rulemaking is early 2023.

CCR, Title 16, section 1996.3 - Electronic Submission of WDO Inspection and Completion Activity Report Form

Ms. Saylor stated that since the SPCB directed staff to pursue policy mandating electronic Wood Destroying Organism Inspection and Completion Activity Form (WDO) submission at the October 2022 meeting, staff has been working with companies to switch to electronic submission and there are only ten companies left submitting hard copy WDOs. Ms. Saylor added that staff is continuing to work with DCA's regulations unit to craft language mandating electronic WDO submission.

XII. LEGISLATION UPDATE AND POSSIBLE ACTION REGARDING

AB 646 (Low) – Department of Consumer Affairs: Boards: Expunged Convictions

Ms. Saylor stated that AB 646 would require the SPCB to post notice of expungement on its website within 90 days of being notified that criminal history posted on its website has been expunged. Ms. Saylor added that AB 646 has passed the Assembly and is in the Senate.

AB 1604 (Holden) – The Upward Mobility Act of 2022: Boards and Commissions: Civil Service: Examinations: Classifications

Ms. Saylor stated that AB 1604 would require Boards or Commissions in California with 1 more or more volunteer members, beginning January 1, 2023, to have at least one member or commissioner from an underrepresented community.

AB 1733 (Quirk) – State Bodies: Open Meetings

Ms. Saylor stated that AB 1733 would allow teleconference meetings to continue to be held.

SB 1064 (Newman) – Structural Pest Control: Workers Compensation Insurance Coverage

Ms. Saylor stated that SB 1064 would require all companies registered with the SPCB to maintain workers compensation insurance coverage. Ms. Saylor added that there was a recent tragedy where an SPCB licensee lost his life on the job and his employer's workers compensation insurance coverage had lapsed.

Mr. Good stated that SB 1064 protects both employees and homeowners.

Mr. Good moved and Ms. Thrasher seconded to support SB 1064 and direct staff to write a support letter to the author. Passed unanimously.

(AYES: Finley, Good, Flores Nunez, Kapadia, Thrasher. NOES: None. ABSTENTIONS: None.)

Mr. Good and Ms. Saylor thanked the Pest Control Operators of California (PCOC) and Chris Reardon for their hard work in finding an author for SB 1064.

XIII. FUTURE AGENDA ITEMS

Ms. Saylor announced her retirement as Executive Officer of the SPCB and made several recommendations for the future of the Board and thanked the hard working SPCB staff.

Board members, staff and members of the public thanked Ms. Saylor for her service to the SPCB.

Ms. Knight stated that the appointment of an interim Executive Officer will need to take place at a future meeting with the topic properly placed on the agenda.

XIV. BOARD CALENDAR

The SPCB scheduled its next 3 meeting dates for:

- July 19 & 20, 2022 in Claremont
- October 18 & 19, 2022 in Sacramento
- March 8 & 9, 2023 in Sacramento

XV. ADJOURNMENT

Mr. Finley adjourned the meeting at 2:41 P.M.

Kyle Finley, President

Date

**MINUTES OF THE MEETING OF THE
STRUCTURAL PEST CONTROL BOARD**

April 28, 2022

The meeting was held April 28, 2022, at the Structural Pest Control Board,
2005 Evergreen Street, Suite 1500, Sacramento, CA 95815

Additional Teleconference Locations Were Established as Follows:

Thrasher Termite, 17427 Farley Road West, Los Gatos, CA 95030
Newport Exterminating, 16661 Millikan Avenue, Irvine, CA 92606
Logan Heights Library, Seminar Room 1, 567 S 28th Street, San Diego, CA 92113
2493 Sierra House Trail, South Lake Tahoe, CA 96150

Board Members Present:

Kyle Finley, President
Curtis Good
Magali Flores Nunez
Janet Thrasher

Board Members Absent:

Derek Devermont, Vice President
Nicky Kapadia

Board Staff Present:

Robert Lucas, Assistant Executive Officer
David Skelton, Administrative Analyst

Departmental Staff Present:

Sabina Knight, Legal Counsel
Olivia Trejo, Assistant Chief, Office of Human Resources

I. ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Finley called the meeting to order at 10:00 A.M. and Mr. Lucas called roll.

Mr. Finley, Mr. Good, Ms. Flores Nunez, and Ms. Thrasher were present.

Mr. Devermont and Ms. Kapadia were absent.

A quorum of the Structural Pest Control Board (SPCB) was established.

II. FLAG SALUTE / PLEDGE OF ALLEGIANCE

Mr. Finley led everyone in a flag salute and recitation of the Pledge of Allegiance.

III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

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

VI. FUTURE AGENDA ITEMS

No future agenda items were identified at this time.

IV. SPCB REGISTRAR RECRUITMENT AND SELECTION PROCESS

a. Presentation by the Department of Consumer Affairs' Office of Human Resources Regarding the Selection Process of a Registrar

Ms. Trejo gave the SPCB an overview of the process of recruiting and selecting a permanent Registrar. Ms. Trejo highlighted the following during her presentation:

- The appointment of a search committee comprised of 2 board members.
- The advertisement and posting of the Registrar recruitment for 30 days.
- The role Department of Consumer (DCA) Human Resources will play in working with the search committee on selecting applicants, scheduling initial interviews, reference checks, and scheduling final interviews in front of the full SPCB.
- The need for the candidate who is ultimately chosen to undergo a Criminal Offender Record Information (CORI) check.
- The need for the results of the final interviews to be kept confidential until each of the unsuccessful candidates, and the successful candidate, are notified.
- The process of working with DCA Public Affairs on the announcement of the SPCB Registrar being hired.

- The need for the DCA Director to approve the hiring the SPCB Registrar.
- The need for the oath of office to be administered by the DCA Director or another board member when the Registrar is hired.

Mr. Good asked if it is possible to reduce the recruitment period from 30 to 15 days due to possible quorum issues the SPCB might encounter.

Ms. Trejo stated that it would be atypical to reduce the recruitment period as most recruitment periods are 30 days or longer. Ms. Trejo added that a request to reduce the recruitment period to 15 days would need to be reviewed by the California Department of Human Resources.

Mr. Finley asked if Mr. Good's term expiring would create issues establishing quorum for the SPCB.

Carrie Holmes, Deputy Director of Board & Bureau Relations, DCA, stated that the SPCB's appointing authorities are aware of the SPCB's situation and every effort is being made to ensure the SPCB will continue to be able to perform its functions.

b. Discussion and Possible Appointment of a Registrar Search Committee

Mr. Good asked if he could serve on the search committee after his term as a board member expired.

Ms. Trejo stated that he could serve on the search committee after his term expired but it would be atypical.

Ms. Knight stated that the search committee is typically comprised of current board members as they are the ones who will work with the Registrar. Ms. Knight added that it is good for new board members to gain the experience of participating in the recruitment and selection process.

Ms. Trejo went over the duties of the search committee again and added that the committee can extend the 30-day recruitment period if the candidate pool is lacking, or can elect to forgo initial interviews and have candidates proceed directly to final interviews in front of the full board. Ms. Trejo added that every Friday, her office will provide the search committee with the applications it has received and after the final filing date will meet with the search committee to determine next steps.

Mr. Finley asked if the search committee can consult with people who are not on the committee during the process.

Ms. Knight stated that it would depend on what was being discussed but generally the committee would have its questions answered by DCA Human Resources or its legal counsel.

Mr. Finley appointed himself and Ms. Thrasher to serve on the SPCB's search committee.

c. Review and Possible Amendments to Registrar Duty Statement

Ms. Trejo outlined the SPCB's Registrar Duty Statement as follows:

Program management responsibilities over enforcement, licensing, and examinations accounting for 60% of the job duties.

Administrative functions accounting for 20% of the job duties.

Legislative and regulatory tasks accounting for 15% of the job duties.

Public contact accounting for 5% of the job duties.

Mr. Finley asked if the duty statement as presented is an accurate reflection of what the SPCB Registrar position entails.

Ms. Trejo stated that the current SPCB Registrar Duty Statement is outdated. Ms. Trejo added that the version being presented at this meeting includes material from the current Duty Statement that remains relevant as well as updates that reflect current Registrar responsibilities.

Ms. Knight stated that DCA Human Resources are experts at this process and this is an ideal time to update the SPCB's Registrar Duty Statement.

Mr. Good moved and Mr. Finley seconded to approve the SPCB Registrar Duty Statement as presented. Passed unanimously.

(AYES: Finley, Good, Flores Nunez, Thrasher. NOES: None. ABSTENTIONS: None.)

d. Review and Approval of the Registrar Recruitment Announcement

Ms. Trejo went over the document that will be distributed advertising the SPCB's Registrar recruitment and highlighted several sections that can be edited to the SPCB's preference.

Ms. Trejo stated that the candidate must complete a Statement of Economic Interests pursuant to California Code of Regulations, Title 16, section 3830 within 30 days of assuming the position, annually prior to April 1st, and within 30 days of leaving the position.

Ms. Trejo stated that each applicant must submit a Statement of Qualifications. Ms. Trejo added that the standard length for the Statement of Qualifications is 3 pages but the SPCB can adjust that if it wishes to.

Ms. Flores Nunez asked if any additional guidance is given to candidates about their letters of professional recommendation. Ms. Flores Nunez stated that since the recruitment is only 30 days it could be challenging for applicants to put together 3 letters of professional recommendation and it could possibly limit the candidate pool.

Ms. Trejo stated that the SPCB can choose to reduce the number of letters of professional recommendation to 2 or it could limit the length to 1 page if it elected to ask for 3 letters of professional recommendation.

Ms. Thrasher moved and Mr. Finley seconded to approve the recruitment flyer as presented with 1 amendment to limit the letters of professional recommendation to 1 page each. Passed unanimously.

(AYES: Finley, Good, Flores Nunez, Thrasher. NOES: None. ABSTENTIONS: None.)

V. CLOSED SESSION

Pursuant to section 11126(a) of the Government Code, the SPCB met in closed session to discuss the possible appointment of an acting or interim Registrar.

VII. ADJOURNMENT

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

Kyle Finley, President

Date