

MINUTES OF THE
SPECIAL MEETING OF THE
STRUCTURAL PEST CONTROL BOARD
January 12, 2012

The meeting was held on Thursday, January 12, 2012, in the Hearing Room located at 2005 Evergreen Street in Sacramento, commencing at 9:02 A.M. with the following members constituting a quorum:

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

Board staff present:

Bill Douglas, Interim / Executive Officer
Ronni O'Flaherty, Staff Services Analyst

Departmental staff present:

Mike Zeiss, Staff Environmental Scientist
Jody Clary, Legal Counsel

ROLL CALL

Ms. O'Flaherty read the roll call.

FLAG SALUTE

Mr. Good led everyone in the flag salute.

UPDATE ON FREDDIE MAC HOMES / HOMESTEPS

Mr. Douglas stated that at the last meeting the Board directed staff to draft and send a communication to Freddie Mac's Home Steps Program letting them know that their direction to the real estate industry promotes an unsafe practice and is not in the best interest of the consumer. He added that he has not received a response from Freddie Mac in regard to this communication.

Mr. Good commented that the communication was well written and asked if it could be published with the Pest Control Operator's of California.

Dave Wadleigh, Mega Fume, suggested instead of inviting Freddie Mac to a Structural Pest Control Board Meeting that someone represents the Board and industry and presents their standpoint at the next meeting of Freddie Mac.

Mr. Douglas responded that he will look into where Freddie Mac is located and holds their meetings, but currently there are a lot of travel restrictions that may prohibit board staff from attending one of their meetings.

Darrell Ennes, Terminix International, suggested that the Board seek help from the National Pest Management Association beings that Freddie Mac is a federal agency.

Michael Katz, Western Exterminating Company, suggested sending a letter to the members of Congress.

Mr. Good asked Dave Watkins, PCOC, to bring this matter to the attention of the California Association of Realtors.

Mr. Utley suggested that a letter is sent from the Attorney General's Office and from PCOC addressing their concerns.

Mr. Tamayo stated that unless Freddie Mac is violating the Structural Pest Control Act they are not going to respond to the Board's communications. He added that the Board may need to seek regulation changes to prohibit other agencies from publishing such directives.

Mr. Good asked Dave Watkins of PCOC to publish something regarding Freddie Mac's directive in next month's news brief and ask any licensee's affected by this directive to send correspondence.

APPROVAL OF MINUTES OF THE DECEMBER 6, 2011 BOARD MEETING

Mr. Utley moved and Mr. Tamayo seconded to approve the minutes of the December 6, 2011 Board meeting. Passed unanimously.

EXECUTIVE OFFICER'S REPORT

Mr. Douglas reported on the following:

- Case aging reports have been provided to each Specialist breaking their cases down by their age and categorizing them so that the oldest cases are considered category one, high priority cases. Since this report has been provided to the Specialists, all category one cases have been closed.
- Licensing unit survey results were reviewed with the board members.
- A research update was reviewed with the board members.
- Luther Woods will be filling the cashiering technician vacancy in the licensing unit. Luther came to the Board from the Department of Corrections and Rehabilitation.

Mr. Ennes asked Mr. Douglas how many open complaints the Board may have at any one time.

Mr. Douglas replied that there may be 40 to 60 cases at any given time that are not referred to Specialists, and roughly 100 open cases being investigated which are divided among the seven current specialists.

DEPARTMENT OF PESTICIDE REGULATION UPDATE

Mr. Zeiss reported on the following:

- Two enforcement letters were released from DPR since the last meeting. These letters are available on both the Department's and the Board's website.
- In terms of affixing stamps for online pesticide use reporting, Cal Ag Permits has set up a way to report the stamp number when filing online, but there is no way to verify that the proper fees were paid for that stamp. A draft policy was drafted by DPR and sent to California Agricultural Commissioners and Sealers Association (CACASA) and their comments are currently being reviewed by DPR staff.
- Companies no longer need to provide subtotals by pesticide on their pesticide use reports when filing online.
- DPR's Enforcement branch is excited to have the opportunity to participate in the Structural Pest Control Act Review Committee meetings. Rachel Kubiak will be replacing Mitch Gorsen at these meetings.
- Four of the seven branch chief's at DPR will be rotating making George Farnsworth the Chief of the Enforcement branch beginning February 1st.
- The Governor's budget proposes to move the Board back under the jurisdiction of the Department of Consumer Affairs.

Mr. Good stated that he appreciates the way DPR has worked with and supported the Board.

Mr. Arzate questioned how being put back under the jurisdiction of DCA will affect the process of selecting a permanent Registrar.

WOOD DESTROYING ORGANISMS ACTIVITY REPORTING UPDATE

Mr. Douglas stated that the letter that was sent to industry regarding the enforcement of companies filing WDO activities was not meant to close companies down, but to make companies comply with the law and reporting requirements. He stated that the number of activities reported for each of the past six months were higher than the same month of the previous year. He added that the number of citations being issued for non-compliance with WDO filings has recently declined.

Mr. Good thanked SPCB staff for their efforts in enforcing compliance with WDO reporting.

Mr. Douglas thanked the Specialists for putting forth the effort to complete these WDO compliance inspections in addition to their normal workload.

Mr. Arzate asked why the number of activities reported between December and February are lower than other months.

Mr. Good stated that there is a lot of swarming activity during the months with more activities reported and termites are not as active in the winter months.

UPDATE ON FUMIGATION BURGLARY INCIDENTS

Mr. Good stated that the industry is looking into secondary alarm systems for use when fumigating in addition to the use of chloropicrin as a warning agent.

Mr. Whitmore reported that he has been working with Los Angeles County Sheriff's Department doing stings and none of the arrests relating to fumigation burglaries have been linked back to employees of the fumigation companies and the burglaries are mostly gang related. He added that the number of burglaries is decreasing, probably due to the arrests that are being made. He stated that the fumigation committee is working on disclaimer language to provide to the consumers to make them aware of the responsibilities relating to the security of their properties while being fumigated. He also reported that he has been exploring alarm systems and found one that should be compatible with the security needs of a property being fumigated and it should be out by March.

UPDATE FROM THE STRUCTURAL PEST CONTROL ACT REVIEW COMMITTEE

Mr. Good applauded the committee for their hard work and dedication to the committee thus far. He stated that the input of DPR and PCOC staff has been extremely valuable.

Mr. Katz commented that there are many things in the Act that need to be tied together and this is a lot bigger of a job than originally anticipated.

Mr. Good thanked Michael Katz and Western Exterminator for opening their doors and allowing the committee to meet at their facilities. He added that the next meeting will be held at Western Exterminator on April 4 and 5 and anyone from the industry is welcome to attend.

REVIEW AND / OR APPROVAL OF THE SPCB 2017 STRATEGIC PLAN

Mr. Douglas stated that this document was created to tie the Board's goals and mission to those of the Department of Pesticide Regulation. He suggested that since the Board may be getting put back under the jurisdiction of the Department of Consumer Affairs that the Board holds off on approving the plan until it has been revised more around consumer protection.

Mr. Tamayo moved and Mr. Good seconded to table the approval of the Strategic Plan until the Board knows what department they will be in. Passed unanimously.

BOARD MEETING CALENDAR

The next meeting was scheduled for April 25 and 26, 2012 in Sacramento.

FUTURE AGENDA ITEMS

Mr. Douglas reviewed the future agenda items discussed at this meeting as follows:

- Update on fumigation burglary incidents
- Update from the Act Review Committee
- Update from IPM Certification Program Committee
- Update on Freddie Mac / Homes Steps
- Update from DPR
- Update on Strategic Plan

Mr. Tamayo suggested at the next meeting a discussion is held to see if there is any regulatory work that needs to be done or enforcement options to pursue regarding the Freddie Mac communication.

Mr. Whitmore stated that the forms to register and file use reports with the counties vary from county to county and he would like to see uniform forms being used within all counties.

Mr. Good asked Mr. Zeiss to look into Mr. Whitmore's request.

Mr. Arzate asked where the Board stands in the selection process for hiring a permanent Executive Officer.

Mr. Good stated that there are 6 candidates and DPR is supposed to be working to narrow it down to a couple candidates and the Board should get to meet with those selected candidates. He added that he can make some calls in hopes of speeding up the process.

PUBLIC COMMENTS NOT ON THE AGENDA

Harvey Logan, Western Exterminator, suggested that the Board discuss their position on the transfer to DCA.

Vernard Lewis, UC Berkeley, stated that he has asked for a no cost extension for the field portion of the research project that he is working on for the Board. He stated that the project would be extended to June 30.

Mr. Douglas stated that the research update will be added to the next meeting agenda.

Mr. Arzate asked when the hearing regarding the transfer back to DCA would be held and to be notified of it.

Mr. Utley stated that when the Board was transferred to DPR that it was not publicly noticed and the Board did not have an opportunity to voice their concerns.

CLOSED SESSION

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

ADJOURNMENT

This meeting was adjourned at 11:00 a.m.

President

William Douglas,
Interim Executive Officer

DATE