

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

April 22, 2014

The meeting was held on April 22, 2014 at the following locations: Department of Consumer Affairs, 2005 Evergreen Street, Lake Tahoe Conference Room, Sacramento, CA., 95815; Office of the County Executive, 70 West Hedding Street, East Wing, 11th Floor, San Jose, CA.; 95110. Newport Exterminating, 16661 Millikan Avenue, Irvine, CA., 92606; Cliff's Pest Control, Inc., 3165 June Street, San Bernardino, CA., 92407; 2419 Crenshaw Drive, Los Angeles, CA., 90046; 82229 Bliss Avenue, Indio, CA., 92201. The meeting commenced at 10:01 A.M. with the following members present constituting a quorum:

Dave Tamayo, President
Curtis Good, Vice President
Ronna Brand
Mike Duran
Marisa Quiroz
Cliff Utley

Board Staff Present:

Susan Saylor, Executive Officer
Ronni O'Flaherty, Administrative Analyst
David Skelton, Administrative Analyst

Departmental Staff Present:

Kyle Muteff, Legal Counsel

ROLL CALL/ESTABLISHMENT OF QUORUM

Ms. Saylor read roll call, quorum established. Harvey Logan, Western Exterminator Company, was present at the Sacramento location. Dean Wiley, Newport Exterminating, was present at the Irvine location. No members of the public were present at the San Jose, San Bernardino, Los Angeles, or Indio locations.

**PRESENTATION AND CONSIDERATION OF ACT REVIEW COMMITTEE'S
PROPOSED REVISIONS TO BUSINESS AND PROFESSIONS CODE SECTIONS
8505.17 AND 8674**

Board member Marisa Quiroz joined the teleconference meeting at 10:04 A.M.

Ms. Saylor stated that the Act Review Committee has proposed two more recommendations for the Board's consideration. Currently, the Act requires a physical stamp for all pesticide use reports. The Committee's recommends the Board allow pesticide use reports to have a physical stamp or a stamp number.

Mr. Utley moved and Mr. Duran seconded to adopt the recommended changes to B&P Code Sections 8505.17 and 8674 and to delegate authority to the Executive Officer to find a legislative author and/or bill for the recommendations to be included in.

8505.17. (a) There is hereby continued in existence in the State Treasury a special fund to be known as the Structural Pest Control Education and Enforcement Fund. Funds derived from the pesticide use report filing fee provided for in Section 8674 and all proceeds from civil penalties collected by the board pursuant to Section 8617 shall be deposited in the Education and Enforcement Account which is hereby created in the fund. The account shall be used by the board (1) for the purposes of training as provided in Section 8616, (2) for reimbursement to the Director of Pesticide Regulation for work performed as the agent of the board pursuant to Sections 8616, 8616.4, and 8617 and Section 15202 of the Food and Agricultural Code and for cases referred to the board pursuant to subdivision (b) of Section 8616.5, and (3) for reasonable expenses incurred by the Disciplinary Review Committee. There is no reimbursement from this fund for inspections and routine investigations.

(b) The board may withhold funds from its agent if it is not satisfied that its agent has corrected the problems which resulted in a suspension as provided in Section 8616.6. The authority to withhold funds shall be limited only to the withholding of an amount otherwise due the agent for reimbursable activities performed in the county or counties for which a notice has been filed pursuant to Section 8616.6.

(c) Registered structural pest control companies shall prepare and submit to the county agricultural commissioner a monthly report of all pesticides used in that county. The report shall be on a form approved by the Director of Pesticide Regulation and shall contain the name and registration number of each pesticide and, the amount used, and the number of applications made. The report shall be submitted to the commissioner by the 10th day of the month following the month of application. and a copy maintained by the licensee for a period of three years from the report submission date. Each pesticide use report or combination of use reports representing a registered structural pest control company's total county pesticide use for the month shall ~~have affixed thereto~~ require a pesticide use stamp or stamp number issued by the board in the denomination fixed by the board in accordance

with Section 8674 as the pesticide use report filing fee. The board shall provide for the sale of these stamps and stamp numbers and for the refund of moneys paid for stamps and stamp numbers which are returned to it unused. When a registered structural pest control company performs no pest control during a month in a county in which it has given notice pursuant to Section 15204 of the Food and Agricultural Code, the registered company shall submit a use report stating this fact to the commissioner. No pesticide use stamp or stamp number is required on negative use reports.

(d) All other proceeds from civil penalties collected by the board shall be deposited in the Civil Penalties Account which is hereby created in the fund. These funds shall be available to the board upon appropriation by the Legislature for the purposes of enforcing this chapter.

8674. The fees prescribed by this chapter are the following:

- (a) A duplicate license fee of not more than two dollars (\$2).
- (b) A fee for filing a change of name of a licensee of not more than two dollars (\$2).
- (c) An operator's examination fee of not more than twenty-five dollars (\$25).
- (d) An operator's license fee of not more than one hundred fifty dollars (\$150).
- (e) An operator's license renewal fee of not more than one hundred fifty dollars (\$150).
- (f) A company registration fee of not more than one hundred twenty dollars (\$120).
- (g) A branch office registration fee of not more than sixty dollars (\$60).
- (h) A field representative's examination fee of not more than fifteen dollars (\$15).
- (i) A field representative's license fee of not more than forty-five dollars (\$45).
- (j) A field representative's license renewal fee of not more than forty-five dollars (\$45).
- (k) An applicator's examination fee of not more than fifteen dollars (\$15).
- (l) An applicator's license fee of not more than fifty dollars (\$50).
- (m) An applicator's license renewal fee of not more than fifty dollars (\$50).
- (n) An activity form fee, per property address, of not more than three dollars (\$3).
- (o) A fee for certifying a copy of an activity form of not more than three dollars (\$3).
- (p) A fee for filing a change of a registered company's name, principal office address, or branch office address, qualifying manager, or the names of a registered company's officers, or bond or insurance of not more than twenty-five dollars (\$25) for each change.
- (q) A fee for approval of continuing education providers of not more than fifty dollars (\$50).
- (r) A pesticide use report filing fee of not more than five dollars (\$5) for each pesticide use report or combination of use reports representing a registered structural pest control company's total county pesticide use for the month.
- (s) A fee for approval of continuing education courses of not more than twenty-five dollars (\$25).
- (t) (1) Any person who pays a fee pursuant to subdivision (r) shall, in addition, pay a fee of two dollars (\$2) for each pesticide use stamp or stamp number purchased from the board. Notwithstanding any other provision of law, the fee established

~~pursuant to this subdivision shall be deposited with a bank or other depository approved by the Department of Finance and designated by the Research Advisory Panel or into the Structural Pest Control Research Fund that is hereby continued in existence and continuously appropriated to be used only for structural pest control research. If the Research Advisory Panel designates that the fees be deposited in an account other than the Structural Pest Control Research Fund, any moneys in the fund shall be transferred to the designated account.~~

(2) Prior to the deposit of any funds, the depository shall enter into an agreement with the Department of Consumer Affairs that includes, but is not limited to, all of the following requirements:

(A) The depository shall serve as custodian for the safekeeping of the funds.

(B) Funds deposited in the designated account shall be encumbered solely for the exclusive purpose of implementing and continuing the program for which they were collected.

(C) Funds deposited in the designated account shall be subject to an audit at least once every two years by an auditor selected by the Director of Consumer Affairs. A copy of the audit shall be provided to the director within 30 days of completion of the audit.

(D) The Department of Consumer Affairs shall be reimbursed for all expenses it incurs that are reasonably related to implementing and continuing the program for which the funds were collected in accordance with the agreement.

(E) A reserve in an amount sufficient to pay for costs arising from unanticipated occurrences associated with administration of the program shall be maintained in the designated account.

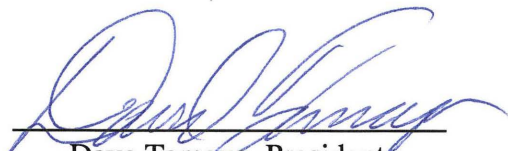
(3) A charge for administrative expenses of the board in an amount not to exceed 5 percent of the amount collected and deposited in the Structural Pest Control Research Fund may be assessed against the fund. The charge shall be limited to expenses directly related to the administration of the fund.

(4) The board shall, by regulation, establish a five-member research advisory panel, including, but not limited to, representatives from each of the following: (A) the Structural Pest Control Board, (B) the structural pest control industry, (C) the Department of Pesticide Regulation, and (D) the University of California. The panel, 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.

(5) A charge for requests for proposals, contracts, and monitoring of contracted research shall not exceed 5 percent of the research funds available each year and shall be paid from the Structural Pest Control Research Fund.

ADJOURNMENT

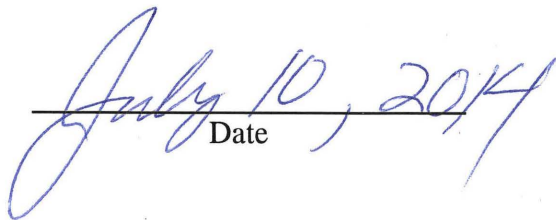
The meeting adjourned at 10:11 A.M.



Dave Tamayo, President



Susan Saylor, Registrar



Date