

**MINUTES OF THE MEETING OF THE
STRUCTURAL PEST CONTROL BOARD
January 14 & 15, 2015**

The meeting was held on January 14 and 15, 2015 at the Harbor Island Hilton, Skyline Room,
1960 Harbor Island Drive, San Diego, California.

Board Members Present:

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

Board Staff Present:

Susan Saylor, Executive Officer
Robert Lucas, Assistant Executive Officer
Kathy Boyle, Chief Enforcement Officer
Ron Moss, Board Specialist
David Skelton, Administrative Analyst

Departmental Staff Present:

Kurt Heppler, Legal Counsel
Frederic Chan-You, Legal Counsel

Wednesday, January 14, 2015

ROLL CALL / ESTABLISHMENT OF QUORUM

Ms. Saylor read roll call at 1:13 P.M.

Board members Tamayo, Good, Brand, Duran and Utley were present.

Board members Naresh Duggal and Marisa Quiroz were absent.

Quorum established.

PETITION FOR MODIFICATION / TERMINATION OF PROBATION
CESAR G. SILVANO – OPR 11237 BRANCH 3

Administrative Law Judge Susan Boyle sat with the Board to hear the Petition for Modification of Probation for Cesar Silvano, Operator License Number 11237. The petitioner was informed that he would be notified by the mail of the Board's decision.

PETITION FOR REINSTATEMENT
JOSE G. RAMIREZ – FR 42769 BRANCH 1

Petitioner Jose Ramirez, Field Representative License Number 42769, was not present for the hearing. The petitioner will be notified by mail of the Board's decision.

PETITION FOR REINSTATEMENT
BARRY R. HERRON – RA 50560 BRANCHES 2 & 3

Administrative Law Judge Susan Boyle sat with the Board to hear the Petition for Reinstatement for Barry R. Herron, Applicator License Number 50560. The petitioner was informed that he would be notified by the mail of the Board's decision.

CLOSED SESSION

Pursuant to subdivision (c) (3) of section 11126 of the Government Code, the Board met in closed session to consider proposed disciplinary actions, stipulated settlements, and petitions for modification / termination of probation and reinstatements.

CLOSED SESSION

The Board convened in closed session pursuant to Government Code section 11126(a)(1) to discuss the evaluation of the Executive Officer.

Return to Open Session

ADJOURNMENT

The meeting adjourned for the day at 5:45 P.M.

Thursday, January 15, 2015

ROLL CALL / ESTABLISHMENT OF QUORUM

Ms. Saylor read roll call at 8:00 A.M.

Board members Tamayo, Good, Brand, Duran and Utley were present.

Board members Naresh Duggal and Marisa Quiroz were absent.

Quorum established.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

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

APPROVAL OF MINUTES OF THE OCTOBER 16 & 17, 2014 BOARD MEETING

Mr. Utley moved and Mr. Duran seconded to approve the minutes of the October 16 & 17, 2014 Board Meeting. Passed unanimously. (AYES: TAMAYO, GOOD, BRAND, DURAN, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

EXECUTIVE OFFICER'S REPORT

Ms. Saylor reported to the Board on Licensing and Enforcement Survey Results and Statistics, Staffing Changes, WDO Statistics, Computer Based Testing, and the Applicator's Expiration Date of June 30.

Mike Katz, Western Exterminator Company, stated that the passing rate for the Field Representative Examination seemed low and asked what was being done to address it.

Ms. Saylor stated that recently the passing rate has improved but that more exam construction workshops will be held and that a new Field Representative Examination will be put into use in March.

Darrell Ennes, Terminix, asked what the target passing rate is.

Ms. Saylor stated that the target passing rate is anywhere from 30% to 80%.

Ms. Saylor stated that Kathy Boyle has fully assumed her position as the Board's Chief Enforcement Officer and that Noelle Chesley, the Board's Cashiering Technician has accepted an outside position and will be leaving the Board Friday, January 16, 2015. Ms. Saylor further stated that the Board has already begun advertising for Ms. Chesley's position.

**PRESENTATION, DISCUSSION AND CONSIDERATION OF ACT REVIEW COMMITTEE
RECOMMENDED LEGISLATIVE AND REGULATORY CHANGES TO BUSINESS AND
PROFESSIONS CODE SECTIONS 8506.2, 8508, 8513, 8516, 8519, 8519.5, 8550, 8551, 8552,
8553, 8555, 8611, 8613, 8616.9, 8663, 8698.3 AND CALIFORNIA CODE OF REGULATIONS
SECTIONS 1911, 1970.4, AND DELETION OF BUSINESS AND PROFESSIONS CODE
SECTION 8516.5**

Bob Gordon, Chairman, SPCB Act Review Committee, presented the Act Review Committee's recommendations for statutory and regulatory changes.

Mr. Tamayo asked if the recommended changes to B&P Code Section 8516(b) purposefully used the word "owner" as opposed to the term "property owner."

Mr. Gordon stated that one of the Committee's goals was for the Act to use consistent language and that if the Board wished it could amend the Committee's recommendations in any manner it deemed appropriate.

Mr. Heppler asked if the Committee's recommendations for change to B&P Code Section 8555 were made at the suggestion of Kyle Muteff, the Board's former legal counsel.

Mr. Gordon stated that the Committee's recommendations for change to B&P Code Section 8555 were made at the suggestion of Kyle Muteff, the Board's former legal counsel.

Mr. Gordon's stated that the Committee's next order of business will be to create definitions.

Lee Whitmore asked why B&P Code Section 8663 was not included in the recommendations being presented at this meeting.

Ms. Saylor stated that B&P Code Section 8663 was not included in the recommendations being presented today because a staff error had omitted a portion of the language the Committee had recommended for change.

Mr. Uteley moved and Ms. Brand seconded to approve the recommendations of the Act Review Committee as included in the Board Materials and to authorize Ms. Saylor to find a legislative author to enact those changes and to make any minor changes deemed necessary in conjunction with Mr. Heppler and Mr. Chan-You. Passed unanimously. (AYES: TAMAYO, GOOD, BRAND, DURAN, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

Mr. Good moved and Mr. Utlely seconded to authorize staff to begin the rulemaking process for the regulatory changes recommended by the Act Review Committee as shown in the Board Materials. Passed unanimously. (AYES: TAMAYO, GOOD, BRAND, DURAN, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

PRESENTATION, DISCUSSION AND CONSIDERATION OF CONTINUING EDUCATION (CE) INTEGRATED PEST MANAGEMENT REVIEW COMMITTEE RECOMMENDED CHANGES TO CURRENT CE REGULATIONS

Darren Van Steenwyk, Chairman, SPCB CE IPM Review Committee, presented the recommendations of the CE IPM Review Committee to the Board.

The Board and members of the public extensively discussed the recommendations made by the CE IPM Review Committee specifically focusing on the following subjects –

- The discrepancy in the recommended CE requirements between Branch 1 and Branch 3 licensees.
- The lack of an hour requirement breakdown for individuals who hold an Applicator license in addition to another license.
- The need for an emphasis on Branch 3 training in the continuing education system.
- The reduction of hours in the Laws and Regulations continuing education category.
- The justification for an increase in the total continuing education hour requirement.
- The need for consumers to be educated in addition to licenses in order for IPM to be implemented effectively.
- The elimination of a Branch specific technical requirement in continuing education.
- The separation of IPM from Application & Intervention

Mr. Duran moved and Mr. Utlely seconded to direct the CE IPM Review Committee to continue their work while incorporating the areas of focus identified at today's meeting. Passed unanimously. (AYES: TAMAYO, GOOD, BRAND, DURAN, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

PRESENTATION, DISCUSSION AND CONSIDERATION OF PROPOSED RECOMMENDED CHANGES TO THE BOARD'S DISCIPLINARY GUIDELINES

Mr. Heppler advised the Board that any changes to the Board's disciplinary guidelines would require a regulatory change.

The Board considered the recommended changes to its disciplinary guidelines and along with Mr. Heppler discussed potential additional changes that would provide more specific guidance on appropriate disciplinary action for a given set of circumstances.

Mr. Good moved and Mr. Utley seconded to direct staff to work with legal counsel on further amending the Board's disciplinary guidelines and to bring back a more comprehensive recommendation to a future Board Meeting. Passed unanimously. (AYES: TAMAYO, GOOD, BRAND, DURAN, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

DISCUSSION AND CONSIDERATION OF POTENTIAL REGULATORY CHANGE TO REQUIRE ALL CURRENT LICENSEES WHO HAVE NOT PREVIOUSLY BEEN FINGERPRINTED TO BE FINGERPRINTED UPON LICENSE RENEWAL

Ms. Saylor stated that staff identified approximately 5,000 licensees who were licensed prior to July 1, 2004 and had therefore never been fingerprinted and that the proposed regulatory addition would require those who had never been fingerprinted to do so as a condition of license renewal.

Mr. Heppler stated that a requirement of this type is not without precedent and that other programs within the Department of Consumer Affairs have similar regulation in place.

Mr. Heppler stated that the proposed regulatory action would only require that applicants for renewal of licensure who had never been fingerprinted to do so and that the decision to pursue disciplinary action as a result of the information the Board receives from the fingerprint requirement would be at the discretion of Ms. Saylor.

Mr. Duran moved and Mr. Good seconded to direct staff to begin the rulemaking process to implement a requirement that all licensees who have not been fingerprinted to do so as a condition of license renewal. Passed unanimously. (AYES: TAMAYO, GOOD, BRAND, DURAN, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

PRESENTATION AND CONSIDERATION OF STRATEGIC PLAN

The Board considered the Strategic Plan prepared by the Department of Consumer Affairs SOLID team.

Mr. Heppler suggested a minor change to include the information that the Board moved to Department of Pesticide Regulation and then moved back to Department of Consumer Affairs.

Mr. Good suggested that the Pest Control Operators of California (PCOC) should be mentioned in the section that discusses Assembly Bill 2382 which created the Structural Pest Control Act and Structural Pest Control Board.

The Board asked staff to make minor changes to the Strategic Plan and for it to be brought back at the March 25 & 26, 2015 Board Meeting for approval.

PRESENTATION AND CONSIDERATION OF STRUCTURAL PEST CONTROL BOARD LOGO

The Board was presented with 8 options to choose from to be the new Structural Pest Control Board logo.

The Board asked to be presented with more options at the March 25 & 26, 2015 meeting and specifically an option that incorporated curved symmetry in the lettering and the structure depicted in the logo.

DISCUSSION AND POSSIBLE ACTION REGARDING EXAMINATION STUDY GUIDES

Martyn Hopper, PCOC, stated that his organization would be happy to work with any interested parties on the creation of examination study guides.

Dr. Andrew Sutherland, UCIPM, stated that UCIPM would also like to participate in the process of creating examination study guides.

Mr. Heppler suggested the Board hold an interested parties meeting on the subject of examination study guides in order to determine what role the Board and other entities could possibly play in their creation.

Mr. Utley moved and Mr. Good seconded to direct staff to work on the creation of examination study guides with PCOC and any other interested parties. Passed unanimously. (AYES: TAMAYO, GOOD, BRAND, DURAN, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

PRE-TREATMENT COMMITTEE UPDATE

Ms. Saylor stated that she was still looking for industry members to serve on the Pre-Treatment Committee and asked PCOC if they could help in the search.

Martyn Hopper, PCOC stated that he would be happy to help find industry members to serve on the Pre-Treatment Committee.

Mr. Tamayo stated that he asked Eric Paulsen, Chairman, SPCB Pre-Treatment Committee to hold the first Pre-Treatment Committee Meeting prior to the end of February and that hopefully some industry members will agree to participate once the process begins.

BOARD MEETING CALENDAR

The next 3 meetings were previously scheduled for March 25 & 26, 2015 in Sacramento, July 22 & 23, 2015 in San Diego, and October 7 & 8, 2015 in Sacramento.

The following meeting was scheduled for January 13 & 14, 2016 in San Diego.

FUTURE AGENDA ITEMS

The following items were identified as future agenda items –

- The recommendations of the CE IPM Review Committee
- The recommendations for the amendment of the Board’s Disciplinary Guidelines
- The approval of the Board’s Strategic Plan and Logo
- Recommendations for the creation of examination study guides

ADJOURNMENT

The meeting was adjourned at 11:17 A.M.


Dave Tamayo, Board President


Date