

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

The meeting was held March 25 and 26, 2015 at the Department of Consumer Affairs,
Hearing Room, 2005 Evergreen Street, Sacramento, California.

Board Members Present:

Dave Tamayo, President
Curtis Good, Vice President
Naresh Duggal (March 26)
Mike Duran
Marissa Quiroz
Cliff Utley

Board Staff Present:

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

Departmental Staff Present:

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

Wednesday, March 25, 2015

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Tamayo called the meeting to order at 1:00 P.M. and Ms. Saylor called roll.

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

Board members Brand and Duggal were absent.

A quorum of the Board was established.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

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

PETITION FOR REINSTATMENT
RICARDO WINKLER – FR 37722 BRANCH 3

Administrative Law Judge Marcie Larson sat with the Board to hear the Petition for Reinstatement for Ricardo Winkler, Field Representative License Number 37722. The petitioner was informed that he would be notified by 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.

Return to Open Session

ADJOURNMENT

The meeting adjourned for the day at 3:27 P.M.

Thursday, March 26, 2015

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Tamayo called the meeting to order at 8:01 A.M. and Ms. Saylor called roll.

Board members Tamayo, Good, Duggal, Duran, Quiroz, and Utley were present.

Board member Brand was absent.

A quorum of the Board was established.

STATEMENT IN RECOGNITION, IN APPRECIATION AND IN MEMORY OF DARRELL ENNES

Mr. Tamayo gave a statement in appreciation of Darrell Ennes citing his energy, insight, contributions to the industry, and the respect and love his colleagues and family felt for him.

Mr. Good added a statement in appreciation and memory of Dan Prechtl, Beneficial Exterminating, citing his excellent professional record as a fumigator and his passion for his work.

Martyn Hopper, Pest Control Operators of California (PCOC), stated that both Mr. Ennes and Mr. Prechtl were industry giants who were experts in their fields and that they will be missed.

Mr. Tamayo asked staff to prepare a resolution in both Mr. Ennes and Mr. Prechtl's honor.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

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

APPROVAL OF MINUTES OF THE JANUARY 14 & 15, 2015 BOARD MEETING

Mr. Duran moved and Mr. Utley seconded to approve the minutes of the January 14 & 15, 2015 Board Meeting. Passed unanimously. (AYES: TAMAYO, GOOD, DUGGAL, DURAN, UTLEY. NOES: NONE. ABSTENTIONS: QUIROZ)

EXECUTIVE OFFICER'S REPORT

Ms. Saylor reported to the Board on licensing and enforcement survey results and statistics, staffing changes, wood destroying organisms (WDO) statistics, Computer Based Testing (CBT), and the Applicator expiration date change to June 30.

Ms. Saylor addressed industry concern about the amount of time it takes for applicants to schedule themselves for the Applicator exam by sharing statistics illustrating Board processing time for Applicator examination applications.

The Board inquired about the feasibility of having industry or colleges submit examination questions to the Office of Professional Examination Services (OPES) to possibly be used in examination construction.

Ms. Saylor asked for industry help in providing Subject Matter Experts (SMEs) for use in the development of the Applicator Examination and stated that she would inquire with OPES as to the feasibility of industry or colleges remotely submitting questions.

Ms. Saylor stated that staff has finished moving Applicator expiration dates forward to June 30th.

Mr. Good asked that staff make efforts to notify industry of Applicator expiration dates having moved forward to June 30th.

DISCUSSION, CONSIDERATION AND REQUEST FOR FURTHER BOARD GUIDANCE TO THE CONTINUING EDUCATION (CE) INTEGRATED PEST MANAGEMENT REVIEW COMMITTEE REGARDING PREVIOUSLY RECOMMENDED CHANGES AND / OR ANY OTHER CHANGES TO THE CURRENT CE REGULATIONS

The Board considered the recommendations of the CE IPM Review Committee and discussed additional revisions to the CE IPM structure for the Committee to consider and incorporate.

The following topics were identified by the Board as areas for the CE IPM Review Committee to consider incorporating into their recommended changes –

- The implementation of a requirement that CE Providers inform licensees how the courses they provide fit into their CE requirements.
- The addition of a component to the CE categories that addresses the responsibilities of a Qualifying Manager.
- Further clarification on how the auditing and quality control of approved CE courses would be accomplished.
- A justification or rationale for the recommendation that an increase in the total number of CE hours is needed.
- A recommendation for how the CE IPM Review Committee's proposed changes would be implemented and an estimate of the cost associated with the implementation.
- An explanation of why the Committee feels its recommendations for change are necessary in order to satisfy the Administrative Procedure Act's (APA) necessity requirement for regulatory changes.

Mr. Utley moved and Mr. Good seconded for the CE IPM Review Committee to continue their work and to incorporate the topics identified above into their recommendation to the Board. Passed unanimously. (AYES: TAMAYO, GOOD, DUGGAL, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

PRESENTATION AND CONSIDERATION OF STRUCTURAL PEST CONTROL BOARD LOGO

Mr. Good moved and Mr. Duran seconded to accept new option 1, as shown in Board Meeting Materials, as the new Board Logo. Passed unanimously. (AYES: TAMAYO, GOOD, DUGGAL, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

PRESENTATION AND CONSIDERATION OF STRATEGIC PLAN

Mr. Utley moved and Mr. Good seconded to accept the Strategic Plan, as shown in Board Meeting Materials, with the incorporation of the new Board Logo. Passed unanimously. (AYES: TAMAYO, DUGGAL, DURAN, GOOD, QUIROZ, 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 reported that there were no attendees at an Interested Parties Meeting the Board held to discuss the potential regulatory change to require all current licensees who have not previously been fingerprinted to be fingerprinted upon license renewal.

The Board and members of the public inquired as to how many licensees would be affected and how the requirement would be implemented.

Ms. Saylor stated that based on staff research approximately 5,000 licensees would be affected by the proposed regulation and that they would be able to submit fingerprints any time before their renewal date to satisfy the requirement.

Mr. Heppler stated that the requirement to get fingerprinted, and the results of the fingerprint analysis are separate issues and that any potential discipline that could result would be done under existing authority.

Mr. Duran moved and Mr. Good seconded to approve the proposed language and direct staff to begin the rulemaking process to require all licensees who have never submitted a set of fingerprints to do so as condition of license renewal. Passed unanimously. (AYES: TAMAYO, GOOD, DUGGAL, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

PRE-TREATMENT COMMITTEE UPDATE

Eric Paulsen, Chairman, Structural Pest Control Board Pre-Treatment Committee, briefed the Board on the progress of the Pre-Treatment Committee, its initial recommendations, and its goals moving forward.

Mr. Good suggested that the Committee consider including Scott LaFave, Nisus Corporation, as either a Committee Member, or an attending member of the public.

Mr. Tamayo asked if it had been determined yet whether statutory, regulatory or policy changes would be needed to accomplish the Committee's recommendations.

Mr. Heppler stated that that determination would be made subsequent to the Committee determining what their final recommendation will be.

Mr. Paulsen stated that the Pre-Treatment Committee will next meet on April 15, 2015 at the Board's office in Sacramento.

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

Ms. Saylor stated that based on the Board's direction, staff prepared recommendations to update the Board's Disciplinary Guidelines as shown in the Board Meeting Materials.

Mr. Chan-You stated that the recommendations are meant to provide more guidance in the determination of appropriate discipline.

Mr. Tamayo stated that for more serious violations the minimum penalty suggested by the Board's Disciplinary Guidelines could possibly be increased.

Mr. Heppler stated that the lengths of probation suggested by the Disciplinary Guidelines could also be updated.

The Board tabled the approval of the recommendations to change the Disciplinary Guidelines until the July 22 & 23, 2015 Meeting in San Diego in order to consider Mr. Tamayo and Mr. Heppler's suggestions.

DISCUSSION AND POSSIBLE ACTION REGARDING EXAMINATION STUDY GUIDES

Ms. Saylor stated that an Interested Parties Meeting on the subject of the creation of examination study guides will be held on April 28, 2015 at the Board's office in Sacramento.

The Board held a discussion with the public on the subject of the creation of examination study guides where the following issues were discussed –

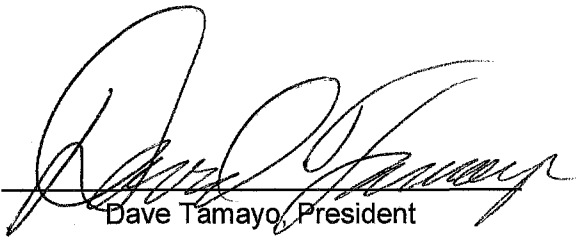
- The Board's role in the creation of examination study guides and whether or not the industry is allowed to produce a study guide on its own.
- The need for examinations to be linked to the material that is included in the study guides.
- The distinction between creating an examination study guide and exam subversion.
- The need for OPES to be included in the process of creating examination study guides.

Ms. Saylor stated that OPES will be invited to the April 28, 2015 Interested Parties Meeting.

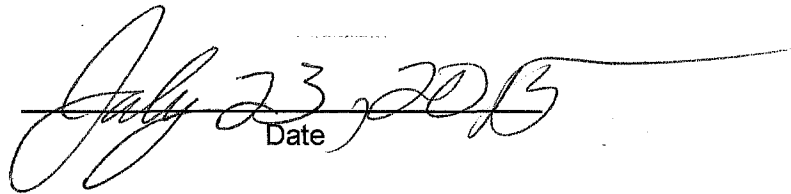
Mr. Heppler stated that he would research the legality of Board involvement in making an industry produced study guide available to the public as well as the line separating the production of study guides from exam subversion.

ADJOURNMENT

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



Dave Tamayo, President



Date