

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

The meeting was held April 6, 2017 at the Department of Consumer Affairs,
Hearing Room, 2005 Evergreen Street, Sacramento, California.

Board Members Present:

Dave Tamayo, President
Darren Van Steenwyk, Vice President
Ronna Brand
Naresh Duggal
Mike Duran
Curtis Good
Servando Ornelas

Board Members Absent:

None

Board Staff Present:

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

Departmental Staff Present:

Michael Santiago, Legal Counsel
Jonathan Burke, Executive Office

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Tamayo called the meeting to order at 9:00 A.M. and Ms. Saylor called roll.

Board Members Tamayo, Van Steenwyk, Brand, Duggal, Duran, Good, and Ornelas were present.

No Board Members were absent.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Billy Gaither, BG Inspections and Pest Control, requested a future agenda item to discuss home inspectors performing unlicensed termite inspections.

Mr. Tamayo welcomed Mr. Ornelas as a new member of the Board.

PETITION FOR REINSTATEMENT

RODNEY A. LAMBRIGHT — OPR 7410 — BRANCH 3

Administrative Law Judge Timothy J. Aspinwall sat with the Board to hear the Petition for Reinstatement for Rodney A. Lambright, Operator License Number 7410. Mr. Lambright 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 reinstatement.

Return to Open Session

APPROVAL OF THE MINUTES OF THE JANUARY 12, 2017 BOARD MEETING

Mr. Duran moved and Mr. Good seconded to approve the Minutes of the January 12, 2017 Board Meeting. Passed unanimously. (AYES: VAN STEENWYK, BRAND, DUGGAL, DURAN, GOOD. NOES: NONE. ABSTENTIONS: TAMAYO, ORNELAS.)

EXECUTIVE OFFICER'S REPORT

Ms. Saylor reported to the Board on licensing and enforcement survey results and statistics, examination and wood destroying organism (WDO) statistics, the Board's upcoming sunset review, the appointment of Dean Grafilo as the new director of Department of Consumer Affairs (DCA), examination development, and regulatory and legislative updates.

Ms. Saylor updated the Board on the implementation of Title 16, California Code of Regulations (CCR), section 1960 to require individuals who have never been Livescanned to do so as a condition of license renewal. Ms. Saylor informed the Board that for the 2017 renewal period roughly 1,600 individuals have been identified as needing a Livescan and that 700 of them have already completed the process.

Mr. Tamayo asked if the individuals who need to be Livescanned have been notified by the Board.

Ms. Saylor stated that when CCR section 1960 became effective on January 1, 2016, all affected licensees were notified and that additionally, the Board sends three notices to each affected licensee during their specific renewal period.

Mr. Good asked about the turnaround times that licensing exam applicants are experiencing.

Ms. Saylor stated that Psychological Services Incorporated (PSI) is required by contract to find every applicant a seat within 5 days of receiving an application. Ms. Saylor added that PSI will not seat multiple applicants from one organization at the same exam due to exam security concerns.

DISCUSSION AND POSSIBLE BOARD ACTION REGARDING PROPOSED AMENDMENTS TO BUSINESS AND PROFESSIONS (B&P) CODE SECTION 8505.11 AND CALIFORNIA CODE OF REGULATIONS (CCR) SECTION 1991 TO REQUIRE A REFERENCE TO THE CUBIC SQUARE FEET OF THE AREA TO BE FUMIGATED WHEN A RECOMMENDATION FOR FUMIGATION IS MADE

The proposed amendments to B&P Code section 8505.11 and CCR section 1991 were placed on the Agenda at the behest of a Board licensed Operator who was not in attendance at the meeting. The proposed amendments to B&P Code section 8505.11 and CCR section 1991 were tabled indefinitely.

STRUCTURAL PEST CONTROL BOARD RESEARCH ADVISORY PANEL UPDATE

Ms. Saylor stated that staff is currently working with Department of Consumer Affairs (DCA) on the creation of Requests for Proposal (RFP) and asked the Board if it intended for staff to distribute the RFPs upon completion or, present them at the July meeting for Board approval.

After some discussion the Board instructed staff to distribute the RFP once it has been created.

DISCUSSION AND POSSIBLE BOARD POSITION ON ASSEMBLY BILL (AB) 593 TO EXTEND THE STRUCTURAL FUMIGATION ENFORCEMENT PROGRAM

Ms. Saylor stated that the fumigation enforcement program is set to sunset on January 1, 2018 and that Assembly Bill (AB) 593 will extend that date to January 1, 2022.

Mr. Good expressed his support for the fumigation enforcement program and stated that it helps provide for consistent enforcement in the counties that participate.

Mr. Good stated his displeasure with the inconsistent enforcement practices in San Diego county and specifically mentioned companies being cited and/or fined for violations that should go to individual licensees.

Chris Reardon, Pest Control Operators of California (PCOC), stated PCOC's support for AB 593 and also agreed with Mr. Good about the inconsistent enforcement practices in San Diego county.

Todd Veden, Terminix, stated his agreement that San Diego county enforcement too often cites companies for violations that should go to individual licensees.

Mr. Good stated his desire for the Board to send a letter to San Diego county voicing its displeasure with the inconsistent enforcement activity that has been occurring.

Ms. Saylor suggested that the letter be authored by the Fumigation Enforcement Committee and Mr. Good agreed that it would be appropriate to start there.

DISCUSSION AND POSSIBLE BOARD POSITION ON POSSIBLE BILL CONTAINING PROPOSED AMENDMENTS TO BUSINESS AND PROFESSIONS CODE SECTION 8567 TO ALLOW REGISTERED COMPANIES TO NOTIFY THE BOARD OF AN EMPLOYEE'S DISSOCIATION WHEN THE EMPLOYEE FAILS TO DO SO

Ms. Saylor stated that the proposed amendments to B&P Code section 8567 will allow companies to notify the Board of an employee's disassociation when the employee fails to do so.

Mr. Good stated his support for the proposed amendment to B&P Code section 8567 and added that he felt the change is long overdue.

Mr. Tamayo clarified that the proposed changes to B&P Code section 8567 do not relieve the licensee of his or her responsibility to notify the Board of a change in their employment.

Mr. Veden asked if companies would now be subject to violations if they fail to inform the Board of an employee's disassociation.

Ms. Saylor stated that licensees are still obligated to inform the Board of a change in their employment and that companies will not be subject to violations if they do not inform the Board of an employee's disassociation.

Mr. Reardon stated PCOC's support for the proposed amendments to B&P Code section 8567.

DISCUSSION AND POSSIBLE BOARD POSITION ON ASSEMBLY BILL (AB) 1590 TO LENGTHEN THE TIME PERIOD THE BOARD HAS TO FILE AN ACCUSATION AFTER A COMPLAINT IS FILED FROM 12 TO 18 MONTHS

Ms. Saylor stated that AB 1590 will amend B&P Code section 8621 to lengthen the time period the board has to file an accusation after a complaint is filed from 12 to 18 months.

Mr. Reardon stated that PCOC is in support of AB 1590.

CONSIDERATION AND POSSIBLE APPROVAL OF 15 DAY NOTICE OF MODIFIED TEXT WITH REVISED PROPOSED LANGUAGE FOR REGULATORY AMENDMENT OF CALIFORNIA CODE OF REGULATIONS, TITLE 16, SECTION 1937.11 AND THE BOARD'S DISCIPLINARY GUIDELINES

Mr. Santiago presented to the Board the modified proposed language for the Board's proposed regulatory changes to CCR section 1937.11 and the Disciplinary Guidelines.

Mr. Duran moved and Mr. Van Steenwyk seconded to approve the proposed modified text for a 15 day public comment period and delegate to the executive officer the authority to adopt the proposed regulatory changes as modified if there are no adverse comments received during the public comment period and also delegate to the executive officer the authority to make any technical or non-substantive changes that may be required to complete the rulemaking file. Passed unanimously. (AYES: TAMAYO, VAN STEENWYK, BRAND, DUGGAL, DURAN, GOOD, ORNELAS. NOES: NONE. ABSTENTIONS: NONE.)

CONSIDERATION AND POSSIBLE APPROVAL OF 15 DAY NOTICE OF MODIFIED TEXT WITH REVISED PROPOSED LANGUAGE FOR REGULATORY AMENDMENT OF TITLE 16, CALIFORNIA CODE OF REGULATIONS SECTIONS 1993.2, 1993.3, AND 1993.4

Mr. Santiago presented to the Board the modified proposed language for the Board's proposed regulatory changes to CCR sections 1993.2, 1993.3, and 1993.4.

Mr. Van Steenwyk moved and Mr. Duran seconded to approve the proposed modified text for a 15 day public comment period and delegate to the executive officer the authority to adopt the proposed regulatory changes as modified if there are no adverse comments received during the public comment period and also delegate to the executive officer the authority to make any technical or non-substantive changes that may be required to complete the rulemaking file. Passed unanimously. (AYES: TAMAYO, VAN STEENWYK, BRAND, DUGGAL, DURAN, GOOD, ORNELAS. NOES: NONE. ABSTENTIONS: NONE.)

BOARD CALENDAR

The next 3 meetings of the Board were scheduled for —

Tuesday, July 11 and Wednesday, July 12, 2017 in Ontario.

Tuesday, October 10 and Wednesday, October 11, 2017 in Sacramento.

Tuesday, January 9 and Wednesday, January 10, 2018 in Los Angeles.

The scheduling of the April, 2018 meeting of the Board was tabled until the July, 2017 meeting.

DISCUSSION AND POSSIBLE BOARD POSITION ON ASSEMBLY BILL (AB) 1687 TO EXPAND THE PROHIBITION ON SPECIFIED ANTICOAGULANT PESTICIDES

Mr. Van Steenwyk stated that AB 1687 would not be considered in the legislature until 2018.

Mr. Tamayo asked Mr. Santiago if he felt it was within the Board's scope to discuss and possibly take a position on AB 1687.

Mr. Santiago stated that the Board could discuss and take a position on AB 1687.

Mr. Van Steenwyk stated that AB 1687 has the potential to reduce consumer protection and that it is a flawed, disproportionate response to the issue of anticoagulant rodenticides being misapplied.

Mr. Good stated that the structural pest control industry has a responsibility to help protect the public health and that banning the use of rodenticides would jeopardize that goal.

Mr. Duran stated his opposition to AB 1687.

Mr. Duggal stated that the Board should work with the author of AB 1687, Assemblyman Bloom, by emphasizing the responsible use of rodenticides by the structural pest control industry and pointing out that the majority of misapplications happen in the course of agricultural pest control.

Mr. Tamayo stated his agreement with Mr. Duggal and advocated emphasizing the responsible use of rodenticides by the structural pest control industry.

Jim Steed, Neighborly Pest Management, stated that banning rodenticides is a bad idea and that the stakeholders should be working together to find common ground.

Mr. Tamayo stated that the Board could direct staff to work with 1 or 2 Board members on the creation of a letter that would echo Mr. Steed's comments and that the Board could approve the letter at the July, 2017 meeting.

Mr. Van Steenwyk and Mr. Good stated that they would work with staff on the creation of a letter that would state the Board's position on AB 1687 and be distributed to stakeholders after approval at the July, 2017 meeting.

FUTURE AGENDA ITEMS

The following were identified as future agenda items —

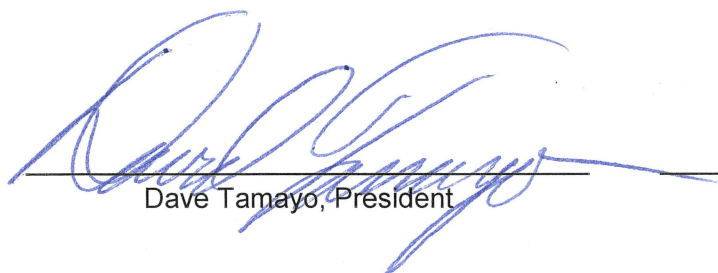
The presentation and approval of a letter regarding AB 1687.

A presentation by the Veterans Advocacy Group of America concerning job training opportunities in the structural pest control industry.

Unlicensed termite inspections being performed by home inspectors.

ADJOURNMENT

The meeting was adjourned at 12:36 P.M.



Dave Tamayo, President

7-12-2017

Date