

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

October 16 & 17, 2018

The meeting was held October 16 & 17, 2018 at the Department of Consumer Affairs,
Hearing Room, 2005 Evergreen Street, Sacramento, California

Board Members Present:

Darren Van Steenwyk, President
Dave Tamayo, Vice President
Ronna Brand
Mike Duran
Curtis Good

Board Members Absent:

Servando Ornelas

Board Staff Present:

Susan Saylor, Executive Officer
Robert Lucas, Assistant Executive Officer
David Skelton, Administrative Analyst

Departmental Staff Present:

Sabina Knight, Legal Counsel
Karen Nelson, Assistant Deputy Director

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Van Steenwyk called the meeting to order at 12:02 P.M. and Ms. Saylor called roll.

Board members Van Steenwyk, Tamayo, Brand, Duran, and Good were present.

Board member Ornelas was absent.

A quorum of the Board was established.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

Mr. Van Steenwyk lead everyone in a flag salute and recitation of the Pledge of Allegiance.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

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

PETITION FOR REINSTATEMENT

GARY CASTRO GAVIOLA – OPR 9978 - BRANCH 2

Administrative Law Judge Marilyn Woollard sat with the Board to hear the Petition for Reinstatement of Gary Castro Gaviola, Operator License Number 9978, Branch 2. Mr. Gaviola was informed that he would be notified by mail of the Board's decision.

PETITION FOR REINSTATEMENT

GEORGE MAHER MIKHAEL – OPR 11945 - BRANCH 2

Mr. Mikhael's hearing was cancelled at his request.

PETITION FOR REINSTATEMENT

HECTOR OLAVARRIA JR. – OPR 10969 - BRANCH 2

Administrative Law Judge Marilyn Woollard sat with the Board to hear the Petition for Reinstatement of Hector Olavarria Jr., Operator License Number 10969, Branch 2. Mr. Olavarria Jr. 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 reinstatements, proposed disciplinary actions, and stipulated settlements.

Return to Open Session

Wednesday, October 17, 2018 – 9:00 A.M.

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Van Steenwyk called the meeting to order at 9:01 A.M. and Ms. Saylor called roll.

Board members Van Steenwyk, Tamayo, Brand, Duran, and Good were present.

Board member Ornelas was absent.

A quorum of the Board was established.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

Mr. Van Steenwyk lead everyone in a flag salute and recitation of the Pledge of Allegiance.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Jim Steed, President, Pest Control Operators of California (PCOC), stated that there is some confusion in the industry related to rodent remediation and the installation of home insulation. Mr. Steed asked the Board to provide some clarification to its licensees about scope of practice as it relates to that issue.

REVIEW AND APPROVAL OF MINUTES OF THE JULY 26, 2018 BOARD MEETING

Mr. Duran moved and Mr. Tamayo seconded to approve the Minutes of the July 26, 2018 Board Meeting. Passed unanimously. (AYES: VAN STEENWYK, TAMAYO, BRAND, DURAN, GOOD. NOES: NONE. ABSTENTIONS: NONE.)

DEPARTMENT OF CONSUMER AFFAIRS UPDATE

Karen Nelson, Assistant Deputy Director, Department of Consumer Affairs (DCA), updated the Board on the status of its business modernization and plans for the implementation of a new information technology platform.

Ms. Nelson also updated the Board on recent developments at DCA including, the Director's meeting on August 6th, 2018 which featured an update from the Department of General Services (DGS) on the construction of DCA's new building, training on implicit bias from the Equal Employment Opportunity office, and an update on new processes from Human Resources regarding recruitment and adverse actions.

Lastly, Ms. Nelson reported to the Board on DCA's Future Leadership Program and encouraged the Board's employees to apply for the program.

PRESENTATION BY OFFICE OF PROFESSIONAL EXAMINATION SERVICES (OPES) REGARDING BOARD LICENSING EXAMINATIONS

OPES gave a presentation (included in Board materials) to the Board explaining their examination development process.

DISCUSSION AND POSSIBLE ACTION REGARDING BOARD LICENSING EXAMINATIONS

Mr. Van Steenwyk asked if an Occupational Analysis for the Applicator examination is budgeted for 2019.

Ms. Saylor stated that the plan is to conduct an Occupational Analysis for the Applicator examination in middle to late 2019 after the Occupational Analysis for Branch 1 is completed.

Mr. Van Steenwyk asked if Operators, Field Representatives, and continuing education providers can participate in the Occupational Analysis for the Applicator examination.

Heidi Lincer-Hill, Chief, OPES, stated that Operators, Field Representatives, and continuing education providers may participate in a stakeholder meeting that would be held prior to the Applicator Occupational Analysis workshops. Ms. Lincer-Hill further stated that all licensees may take part in the Occupational Analysis survey that is distributed.

Mr. Tamayo stated that Operators are responsible for supervising Applicators and their opinion on Applicator scope of practice is important.

Ms. Lincer-Hill stated that Operator and Field Representative input is accepted during the survey and stakeholder meeting phases of Occupational Analysis and if there is a disconnect between what they are saying and what Applicators are saying, OPES can introduce checks and balances to ensure the examination accurately reflects Applicator scope of practice.

Mr. Van Steenwyk stated that he and Ms. Saylor will conduct as much industry outreach as possible to encourage participation in both the Branch 1 and Applicator Occupational Analyses.

Mr. Van Steenwyk asked if OPES could explain why they advise the Board against creating study guides.

Ms. Lincer-Hill stated that the Board's primary mission is consumer protection and creating study guides is problematic due to the potential conflict of interest. Ms. Lincer-Hill stated that the candidate handbook is the best resource for applicants to use but their research has shown that it is rarely used.

Mr. Tamayo asked if OPES had statistics showing examination results for candidates who utilized the handbook versus candidates who did not.

Ms. Lincer-Hill stated that OPES does not have statistics showing examination results for candidates who utilize the handbook but they are hoping to ask that question on the survey that is distributed for the Applicator Occupational Analysis.

Mr. Van Steenwyk asked the Board for their thoughts on changing from a 70% passing rate to a criterion based scoring system.

Ms. Saylor stated that she would defer to the opinion of OPES on criterion based scoring but that it could be challenging to conduct the necessary workshops with current participation levels.

Mr. Good stated that the industry does most of its hiring in March, April, and May and that he would be concerned about introducing new examination material during that timeframe.

Ms. Lincer-Hill stated that if the Board is interested in switching to a criterion based scoring system OPES can work to avoid cost increases by utilizing existing workshop resources.

Mr. Steed asked if there is a bank of questions that is used in the Applicator examination, when the stakeholder meeting for the Applicator Occupational Analysis will be held, and if there are any boards within DCA that have an approved study guide.

Ms. Lincer-Hill stated that there is a bank of questions for the Applicator examination but for examination security reasons the exact number of questions within the bank is confidential.

Ms. Saylor stated that the stakeholder meeting for the Applicator Occupational Analysis will likely take place in middle to late 2019.

Ms. Lincer-Hill stated that to her knowledge no other boards within DCA have an approved study guide due to legal counsel's opinion that they are a potential conflict of interest.

Mr. Tamayo stated that if PCOC, or another third party, wanted they are permitted to produce a study guide on their own.

Ms. Lincer-Hill stated that if a third party were to create a study guide it is vitally important that it contain accurate information so as not to confuse examination candidates.

EXECUTIVE OFFICER'S REPORT

Ms. Saylor reported to the Board on licensing, enforcement, and wood destroying organism statistics and survey results.

Ms. Saylor stated that the Board's cashier has accepted a position at another state agency and the Board will soon begin recruiting to fill her position.

ANNUAL REVIEW AND POSSIBLE AMENDMENT OF BOARD POLICIES AND PROCEDURES

Ms. Saylor stated that the Board's policies and procedures are reviewed annually at the October meeting and that staff did not have any recommended amendments at this time.

Mr. Good asked if there is any update on the Board changing its renewal procedures so applicants will be able to list the continuing education courses they have completed.

Ms. Saylor stated that changes to the renewal process will coincide with the introduction of the Board's new IT platform which is currently expected to go live January 1, 2021.

UPDATE AND POSSIBLE ACTION ON THE STATUS OF THE RESEARCH PROPOSALS SELECTED FOR FUNDING AT THE JULY 26, 2018 BOARD MEETING

Ms. Saylor stated that of the 5 proposals selected for funding at the July 26, 2018 meeting, 2 contracts were executed on October 1, 2018, 2 would be executed within a week, and the last one had some minor issues to work out and would likely be executed in November 2018.

Ms. Saylor stated that the Research Fund update would be included on every Board Meeting Agenda going forward.

ANNUAL REVIEW AND POSSIBLE ACTION REGARDING THE BOARD'S RESEARCH FUND

Ms. Saylor presented the Board with the fund condition as of June 30, 2018 for the Board's Structural Research Fund.

REGULATIONS UPDATE AND POSSIBLE ACTION

Ms. Saylor stated that the Board's regulatory proposal to amend California Code of Regulations (CCR), Title 16, section 1997 to increase the wood destroying organism inspection activity reporting fee from \$2.50 to \$3.00 per property address is currently being reviewed by DCA chief counsel.

Mr. Van Steenwyk asked for updates on the progress of the rulemaking for the Board approved amendments to CCR sections 1950, 1950.5, and 1953 to revise the Board's continuing education program and to CCR section 1970.4 to allow for electronic post application notification.

Mr. Skelton stated that the amendments to CCR section 1970.4 were prioritized and legal counsel is working on changes to the proposed language. Mr. Skelton stated that the amendments to CCR sections 1950, 1950.5, and 1953 are ready to begin the rulemaking process.

Mr. Van Steenwyk stated that both of the rulemaking files are a priority and asked staff to move forward with them as quickly as its feasible to do so.

LEGISLATION UPDATE AND POSSIBLE ACTION

Ms. Saylor updated the Board on the following legislation –

Senate Bill 1481 (Hill) was signed by the Governor and chaptered on September 19, 2018 and will become effective January 1, 2019. Senate Bill 1481 extends the Board's sunset date and makes numerous other changes to the Structural Pest Control Act.

Mr. Good thanked the Act Review Committee as well as the Board staff and industry for all their hard work in recommending updates to the Structural Pest Control Act.

Assembly Bill 2138 (Chiu) was signed by the Governor and chaptered on September 30, 2018 and will become effective January 1, 2019. Assembly Bill 2138 makes significant changes to the criteria that may be used to impose discipline based on convictions on licensees or applicants for licensure.

Ms. Saylor stated that the Board will be working with DCA to determine what regulatory changes need to be made in order to comply with Assembly Bill 2138.

Senate Bill 721 (Hill) was signed by the Governor and chaptered on September 17, 2018 and will become effective January 1, 2019. Senate Bill 721 requires exterior elevated elements such as decks and balconies to be certified as structurally sound prior to January 1, 2025.

Mr. Van Steenwyk stated Structural Pest Control Operators may conduct pest inspections on these structures but are not included as a profession that may certify them as structurally sound.

Senate Bill 984 (Skinner) failed to make it through the legislative process. Senate Bill 984 would have required state boards and commissions to be composed of a specified number of women based on the total number of board members or commissioners on that board.

FUTURE AGENDA ITEMS

The following were identified as future agenda items –

Update on the stakeholder meeting for the Applicator Occupational Analysis as well more information about the Board moving to a criterion based scoring system for its examinations.

Rodent remediation and the installation of home insulation.

Possible formation and recommendations of the Pre-Treatment Committee.

BOARD CALENDAR

The next 4 meetings were scheduled for –

January 15 & 16, 2019 in Claremont.

April 17 & 18, 2019 in Sacramento.

July 23 & 24, 2019 in Claremont.

October 15 & 16, 2019 in Sacramento.

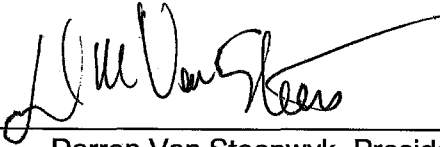
ANNUAL ELECTION OF BOARD PRESIDENT AND VICE PRESIDENT

Mr. Tamayo moved and Mr. Duran seconded to nominate Mr. Van Steenwyk for Board President. Passed unanimously. (AYES: VAN STEENWYK, TAMAYO, BRAND, DURAN, GOOD. NOES: NONE. ABSTENTIONS: NONE.)

Mr. Van Steenwyk moved and Mr. Good seconded to nominate Mr. Tamayo for Board Vice President. Passed unanimously. (AYES: VAN STEENWYK, TAMAYO, BRAND, DURAN, GOOD. NOES: NONE. ABSTENTIONS: NONE.)

ADJOURNMENT

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



Darren Van Steenwyk, President

1-15-19

Date