

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

July 9 & 10, 2014

The meeting was held on July 9 & 10, 2014 at The San Diego Foundation, Hoffman Community Room, San Diego, California commencing at 1:00 P.M. on July 9, 2014.

Board Members Present:

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

Board Staff Present:

Susan Saylor, Executive Officer
Robert Lucas, Assistant Executive Officer
David Skelton, Administrative Analyst
Ron Moss, SPCB Specialist

Departmental Staff Present:

Kyle Muteff, Legal Counsel

ROLL CALL / ESTABLISHMENT OF QUORUM

Ms. Saylor read roll call at 1:01 P.M. Quorum established.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

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

PETITION FOR REINSTATEMENT

Administrative Law Judge Vallera J. Johnson sat with the Board to hear the Petition for Reinstatement for Joshua King, Field Representative License Number 30569. The petitioner was informed that he would notified by mail of the Board's decision.

PETITION FOR MODIFICATION OF PROBATION

Administrative Law Judge Vallera J. Johnson sat with the Board to hear the Petition for Modification of Probation for D & S Termite Control, Principle Registration Number 1164. The matter was continued until the January 14 & 15, 2015 Board Meeting to be held in San Diego.

PETITION FOR REINSTATEMENT

Administrative Law Judge Vallera J. Johnson sat with the Board to hear the Petition for Reinstatement for Jason Bohannon, Applicator License Number 48306, Field Representative License Number 45160. Mr. Bohannon informed the Board that he was unable to attend and requested his Petition for Reinstatement be heard at the October 15 & 16, 2014 Board Meeting.

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.

The open meeting resumed at 6:35 P.M.

ADJOURNMENT

The meeting adjourned for the day at 6:36 P.M

The meeting resumed at 9:00 A.M July 10, 2014.

PUBLIC HEARING: PROPOSED REGULATORY CHANGE TO AMEND TITLE 16, SECTION 1948, CALIFORNIA CODE OF REGULATIONS, TO INCREASE LICENSURE AND CHALLENGE EXAMINATION FEES.

Mr. Muteff outlined the nature of the public hearing for the proposed regulatory change to California Code of Regulations Section 1948 to increase licensure and challenge examination fees and opened up the floor to comments from the public.

Darrell Ennes, Terminix voiced his support for the proposed regulatory change.

Mr. Good voiced his support for the proposed regulatory change citing the increased convenience and reduced cost to businesses which are afforded by Computer Based Testing.

Martyn Hopper, PCOC stated his support for the proposed regulatory change and provided the Board with an update on the status of Assembly Bill 1685 which will provide the legislative authority to enact the proposed regulatory change.

Mr. Muteff listed the for the record the exact changes that will result from the proposed regulatory action as follows- Operator's Examination will increase from \$25 to \$65. Field Representative's Examination will increase from \$10 to \$50. Applicator's Examination will increase from \$15 to \$55. Operator's Continuing Education Examination will increase from \$25 to \$65. Field Representative's Continuing Education Examination will increase from \$10 to \$40.

Mr. Utley moved and Mr. Good seconded to adopt the proposed regulatory change to amend Title 16, Section 1948 California Code of Regulations to increase licensure and challenge examination fees. Passed unanimously.

DEPARTMENT OF PESTICIDE REGULATION'S (DPR) PRODUCT COMPLIANCE BRANCH PRESENTATION ON PRODUCT COMPLIANCE AND ONLINE SALES OF PESTICIDES

DPR's product compliance presentation was rescheduled for the October 15 & 16, 2014 Board Meeting.

**APPROVAL OF THE MINUTES FROM THE MARCH 27 AND APRIL 22, 2014
BOARD MEETINGS**

Mr. Utley moved and Mr. Duran seconded to approve the minutes from the March 27 and April 22, 2014 Board Meetings. Passed unanimously. (AYES: Tamayo, Good, Brand, Duggal, Duran, Utley. ABSTENTIONS: Quiroz.)

EXECUTIVE OFFICER'S REPORT

Ms. Saylor updated the Board on licensing and enforcement survey results and statistics, staffing changes, WDO statistics, the research fund balance, computer based testing, examination compromise criminal case update, the DPR and Board co-authored enforcement letter, and DPR's second generation anticoagulant rodenticides notice to industry.

Mr. Utley asked if WDO filings had returned to a level that would allow the Board to consider lowering the filing fee. Ms. Saylor stated that lowering the WDO filing fee would be something to consider after the examination fee increase goes into effect because the Board is currently absorbing the increased cost associated with Computer Based Testing.

The Board discussed the implementation of Computer Based Testing, how new licensure examinations have affected passing rates and what steps the Board could take to help licensure candidates be better prepared to take their examinations.

The Board asked staff to report back at the October 15 & 16, 2014 Board Meeting on the reference material used to create licensure examination study guides, how the study guides are created, and how analytics generated from Computer Based Testing could be used to provide better feedback to those who take licensure examinations.

UPDATE ON SB 1244 SUNSET BILL

Ms. Saylor updated the Board on the status of SB 1244 and the possible inclusion of two additional updates into it concerning the electronic submission of pesticide use stamps as well as vertebrate pests.

The Board thanked staff for all its hard work on updating the Structural Pest Control Act and asked when a new hard copy of it would be produced.

Ms. Saylor stated that after SB 1244 is chaptered, an updated Structural Pest Control Act book will be produced in 2015. Ms. Saylor further stated that the Board's website always has a current copy of the Structural Pest Control Act available to visitors.

UPDATE ON AB 1685 EXAM FEES

Ms. Saylor updated the Board on the status of AB 1685, specifically mentioning her testimony at multiple hearings about the benefits of Computer Based Testing and the votes in support of AB 1685 that have occurred in the Legislature thus far.

The Board thanked the industry and PCOC for their support on this issue.

CONSIDERATION AND POSSIBLE POSITION ON SB 1405 PESTICIDES – SCHOOLSITES

The Board considered the matter of possibly taking a position on SB 1405.

The Board discussed the effects SB 1405 would have on the industry if became chaptered, focusing on the additional training requirements it would impose on Board licensees, the level of pesticide application experience and training it would require of school custodians, and the amendments the Board would like to see in order to support it.

Mr. Good moved and Ms. Brand seconded to support SB 1405 provided it is amended in a manner that allows only Board licensees to apply non-exempt pesticides and that no training requirements resulting from SB 1405 would apply to Board licensees. Passed unanimously.

CONSIDERATION AND POSSIBLE POSITION ON SB 1167 VECTOR CONTROL

The Board was informed that SB 1167 was signed by the Governor and chaptered on July 7, 2014 and therefore the Board would not need to take a position.

UPDATE ON PROGRESS OF PRE-TREATMENT COMMITTEE

Mr. Tamayo stated that Eric Paulsen, Clark Pest Control had been appointed as the Chair of the pre-treatment committee and that, Mr. Duran, Dr. Vernard Lewis, UC Berkeley, and Mr. Moss had also been appointed as members.

Mr. Tamayo stated that Mr. Moss would be contacting the appropriate CAC and DPR representatives for possible inclusion in the committee and that the goal was to meet for the first time before the October 15 & 16, 2014 Board Meeting.

BOARD MEETING CALENDAR

The next three meetings were previously scheduled for October 15 & 16 & 17, 2014 in Sacramento, January 14 & 15, 2015 in San Diego, and March 25 & 26, 2015 in Sacramento.

The following meeting was scheduled for July 22 & 23, 2015 in San Diego.

FUTURE AGENDA ITEMS

Mr. Duggal requested future agenda items for how the research fund will be used and also for staff to report back about the reference material and study guides the Board provides to those who take licensure examinations.

Mr. Good requested a future agenda item concerning the new insurance and bond requirements and possible disciplinary action.

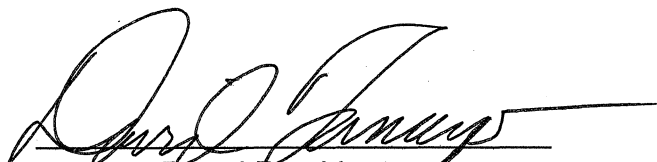
CLOSED SESSION

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.

The open meeting resumed at 2:12 P.M.

ADJOURNMENT

The meeting adjourned at 2:14 P.M.


Board President

10-17-2014
Date