

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

The meeting was held July 11 & 12, 2017 at the Doubletree by Hilton Claremont,  
Mahogany Room, 2<sup>nd</sup> Floor, 555 W Foothill Boulevard, Claremont, California

**Board Members Present:**

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

**Board Members Absent:**

Ronna Brand  
Naresh Duggal  
Servando Ornelas

**Board Staff Present:**

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

**Departmental Staff Present:**

Sabina Knight, Legal Counsel  
Michael Santiago, Legal Counsel

**Tuesday, July 11, 2017**

**ROLL CALL / ESTABLISHMENT OF QUORUM**

Mr. Tamayo called the meeting to order at 1:06 P.M. and Ms. Saylor called roll.

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

Board Members Brand, Duggal, and Ornelas were absent.

A quorum of the Board was established.

**FLAG SALUTE / PLEDGE OF ALLEGIANCE**

Mr. Tamayo led 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**  
**ANTHONY VENEGAS — FR 39846 — BRANCH 2**

Administrative Law Judge Howard W. Cohen sat with the Board to hear the Petition for Reinstatement for Anthony Venegas, Field Representative License Number 39846. Mr. Venegas was informed that he would be notified by mail of the Board's decision.

**PETITION FOR REINSTATEMENT**  
**STEPHEN LAWSON — OPR 8722 — BRANCH 1**

Administrative Law Judge Howard W. Cohen sat with the Board to hear the Petition for Reinstatement for Stephen Lawson, Operator License Number 8722. Mr. Lawson was informed that he would be notified by mail of the Board's decision.

**PETITION FOR REINSTATEMENT**  
**ANTHONY OLIVA — RA 46757 — BRANCHES 2 & 3**

Administrative Law Judge Howard W. Cohen sat with the Board to hear the Petition for Reinstatement for Anthony Oliva, Applicator License Number 46757. Mr. Oliva was informed that he would be notified by mail of the Board's decision.

**PETITION FOR REINSTATEMENT**  
**CARL GAY-LYLES — FR 39325 — BRANCH 2**

Administrative Law Judge Howard W. Cohen sat with the Board to hear the Petition for Reinstatement for Carl Gay-Lyles, Field Representative License Number 39325. Mr. Gay-Lyles 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**

The meeting was adjourned for the day at 5:44 P.M.

**RECESS**

**Wednesday, July 12, 2017**

**RECONVENE**

**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, Van Steenwyk, Duran, and Good were present.

Board Members Brand, Duggal, and Ornelas were absent.

A quorum of the Board was established.

**FLAG SALUTE / PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

Peggy Byerly, Department of Pesticide Regulation (DPR), stated that DPR and the Structural Pest Control Board (SPCB) are in the process of scheduling County Agricultural Commissioner enforcement training for October 3<sup>rd</sup> through 5<sup>th</sup>, 2017 in Irvine, California.

Mr. Good requested that the guidelines given to reinstatement petitioners outlining what is expected of them be placed on a future agenda so they can be reviewed.

**APPROVAL OF MINUTES OF THE APRIL 6, 2017 BOARD MEETING**

Mr. Duran moved and Mr. Good seconded to approve the minutes of the April 6, 2017 Board Meeting. Passed unanimously. (AYES: TAMAYO, VAN STEENWYK, DURAN, GOOD. NOES: NONE. ABSTENTIONS: NONE.)

**SULFURYL FLUORIDE AND MITIGATION DEVELOPMENT FOR STRUCTURAL USES**

Randy Segawa, DPR, gave a presentation to the Board regarding the development of mitigation methods based on concentration levels of sulfuryl fluoride that were present in structures in both computer modeled fumigations and in fumigations that were physically performed.

Mr. Good asked if the soil conditions were factored in during the assessment.

Mr. Segawa emphasized that the data for the fumigations Mr. Good inquired about was based on a computer simulation of a fumigation and that soil condition was factored in.

Mr. Good asked if there have been any formal complaints from consumers or any adverse health effects related to fumigation.

Mr. Segawa stated that there have not been any formal complaints and that DPR is performing a health risk assessment due to a request by the legislature. Mr. Segawa further stated that DPR was already granted a 2 year extension on the health risk assessment and that another extension may be necessary at the end of 2017.

Mr. Van Steenwyk asked Mr. Segawa how long an extension DPR would request and if he anticipated that the legislature would grant DPR's request.

Mr. Segawa stated that DPR has not yet determined how long an extension it would request and that it is unknown what the legislature would do, or ask for, at that time.

Mr. Duran asked if the data from the fumigations were publicly available.

Mr. Segawa stated that he would provide the Board with the fumigation data.

Mr. Good asked if DPR had issued a formal retraction of the data from their initial tests that was found to be compromised.

Mr. Segawa stated that DPR has sent a retraction letter to some organizations but had not yet done so for the California Association of Realtors (CAR).

Mr. Good made a formal request that DPR send a retraction letter to CAR.

Mr. Good asked how the data from the computer simulated fumigations compared with the data from the fumigations that were physically performed.

Mr. Segawa stated that he would provide the Board with that information.

#### **EXECUTIVE OFFICER'S REPORT**

Ms. Saylor reported to the Board on licensing, enforcement, examination, and wood destroying organism (WDO) statistics, survey results, sunset review, and examination development.

Ms. Saylor informed the Board that the Board's current sunset date is January 1, 2019 and that staff is in the process of preparing the sunset report for the Board to review and possibly approve at the October, 2017 meeting.

Ms. Saylor updated the Board on the Livescan renewal requirement and stated that of the 5,000 licensees who initially needed Livescans, 3,500 had completed the process. Ms. Saylor further stated that for 2018 renewal applicants, approximately 1,000 licensees had not yet completed a Livescan and are required to do so at any point prior to their 2018 license renewal.

Mr. Good asked if there was any update on the Board's transition to BreEZe IT system.

Ms. Saylor informed the Board that staff is still operating using legacy IT systems and that conversion to BreEZe is no longer an option. Ms. Saylor further stated that the department is currently working with all of the programs who did not transition to BreEZe in an effort to determine if an IT solution is necessary, and if so, tailor the IT solution to each program's needs.

Mr. Van Steenwyk asked Ms. Saylor about turnaround times for licensing applicants once they have already passed their examination.

Ms. Saylor stated that staff is not currently experiencing any delays in turnaround times for licensing applicants and that she would provide the Board with processing time statistics at the October, 2017 Board meeting.

Mr. Tamayo asked Ms. Saylor what the consequence is for individuals who do not complete their Livescan prior to renewal.

Ms. Saylor stated that the Board would not renew the license of an individual who did not complete their Livescan and that after September 30th of their renewal year, their license would expire.

Ms. Saylor further stated that staff will work with individuals who have their fingerprints rejected for poor quality on completing an alternative method of criminal history record check.

**REGULATORY UPDATE — THE EXECUTIVE OFFICER WILL PROVIDE UPDATES ON CALIFORNIA CODE OF REGULATIONS, TITLE 16, SECTIONS 1914 – COMPANY NAME APPROVAL, 1937.11 – DISCIPLINARY GUIDELINES, 1993.2, 1993.3, AND 1993.4 – TERMITE STATIONS**

Ms. Saylor reported on the status of the following regulatory proposals —

Company Name Approval to prevent the approval of a company name or telephone number that is the same as that of a company whose registration has been surrendered.

Disciplinary Guidelines Revisions to amend the Board's Disciplinary Guidelines.

Termite Stations to define, and establish guidelines, for the use of both above and below ground termite bait and monitoring stations.

Mr. Good thanked the Act Review Committee for all their hard work in modernizing the Structural Pest Control Act and its associated regulations.

Mike McKenzie, Orkin Pest Control, asked for the status of the proposed amendments to CCR section 1970.4 to allow electronic notification of intent to apply pesticides.

Mr. Skelton stated that the amendments to CCR section 1970.4 are a priority and will be included in the next group of regulatory amendments that are noticed for public hearing.

**LEGISLATIVE UPDATE — THE EXECUTIVE OFFICER WILL PROVIDE UPDATES ON ASSEMBLY BILLS (AB) 593 – STRUCTURAL FUMIGATION, 710 – DEPARTMENT OF CONSUMER AFFAIRS BOARDS AND MEETINGS, AND 1590 – TIME PERIOD FOR FILING ACCUSATIONS AND SENATE BILL (SB) 800 – CHANGE OF EMPLOYMENT**

Ms. Saylor updated the Board on the following legislation —

AB 593 to extend the sunset date of the structural fumigation enforcement program to January 1, 2023.

AB 710 to require that the Board hold at least one meeting, every other calendar year, in rural California.

AB 1590 to extend the time period the Board has to file an accusation from 12, to 18 months from the time a complaint is received.

SB 800 to allow companies to notify the Board of an employee's disassociation if the employee fails to do so.

Mr. Good stated that AB 1480 would make it unlawful to cheat or in any way subvert a licensing examination administered by DPR.

Mr. Tamayo stated that in his opinion AB 710 would have the opposite of its intended effect and decrease public participation at the Board meetings held in rural California.

Ms. Saylor stated that if AB 710 were approved it would be effective January 1, 2018 and that the department would define the term "rural" through the rulemaking process.

Mr. Van Steenwyk stated the he felt AB 710 would decrease public participation at the Board meetings.

Mr. Tamayo requested that the Board schedule a teleconference meeting in order to take a formal position on AB 710.

Mr. Good moved and Mr. Duran seconded to schedule a teleconference meeting so the Board could take a formal position on AB 710. Passed unanimously. (AYES: Tamayo, Van Steenwyk, Duran, Good. NOES: None. ABSTENTIONS: None.)

**VETERANS ADVOCACY GROUP OF AMERICA PRESENTATION REGARDING VOCATIONAL TRAINING FOR STRUCTURAL PEST CONTROL**

Sterling Barbour, Revolution Pest Solutions and Veterans Advocacy Group of America, gave a presentation to the Board wherein he explained his structural pest control training program for veterans transitioning to civilian life and asked the industry for help in both developing the curriculum and in giving job opportunities to individuals who have completed the program.

Mr. Barbour stated that currently there is an emphasis on Branch 2 training and that the course is free to veterans who are unemployed. Mr. Barbour further stated that there is an open door policy for pest control companies to attend courses in the training program and to review the curriculum.

**DISCUSSION AND POSSIBLE ACTION ON THE UNLICENSED PERFORMANCE OF TERMITE INSPECTIONS BY HOME INSPECTORS**

Ms. Saylor stated that this agenda item was requested by a licensee who was not in attendance and that there have been no complaints from the public about this issue.

Mr. Tamayo stated that the issue could be placed on a future agenda if the licensee requested and was able to attend.

Ms. Boyle stated that there are currently two bills being considered in the legislature that deal with the licensure of home inspectors.

**DISCUSSION AND POSSIBLE ACTION REGARDING BOARD POSITION LETTER ON AB 1687 - PESTICIDES: USE OF ANTICOAGULANTS**

Mr. Van Steenwyk presented a position letter for AB 1687 for the Board to possibly approve and send to the author.

Mr. Good stated that there is no evidence to suggest the Board's licensees are responsible for the anticoagulant rodenticide contamination that has been found in non-target wildlife.

Mr. Tamayo asked if DPR has taken a formal position on AB 1687.

Ms. Saylor stated that she was not aware if DPR had taken a formal position on AB 1687.

Mr. Santiago stated that the letter should clearly state the Board's oppose position rather than stating that the Board does not support AB 1687.

Tom Ineichen, SPCB Specialist, stated that the letter makes no mention of the Board's emphasis on Integrated Pest Management (IPM) and that the use of anticoagulant rodenticides by the Board's licensees is discretionary.

Mr. Tamayo and Mr. Van Steenwyk agreed to edit the letter and bring it back for Board approval at the teleconference meeting.

**BOARD CALENDAR**

The next 4 meetings were scheduled for —

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

Tuesday, January 9 and Wednesday, January 10, 2018 in Southern California.

Wednesday, April 18 and Thursday, April 19, 2018 in Sacramento. (If possible this meeting will be held solely on April 19, 2018)

Tuesday, July 10, and Wednesday July 11, 2018 in Southern California.

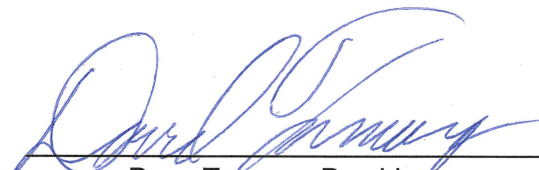
**FUTURE AGENDA ITEMS**

The following were identified as future agenda items —

The guidelines given to reinstatement petitioners informing them of the criteria the Board uses in determining their suitability for reinstatement.

**ADJOURNMENT**

The meeting was adjourned at 9:47 A.M.

  
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Dave Tamayo, President

10-11-2017  
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Date