

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

October 10, 2017

The meeting was held October 10, 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
Mike Duran
Curtis Good

Board Members Absent:

Ronna Brand
Naresh Duggal
Servando Ornelas

Board Staff Present:

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

Departmental Staff Present:

Sabina Knight, Legal Counsel

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Tamayo called the meeting to order at 8:18 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 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
GEORGE DON PEDRO — OPR 8197 — BRANCH 3

Administrative Law Judge Kathy J. Brandt sat with the Board to hear the Petition for Reinstatement for George Don Pedro, Operator License Number 8197. Mr. Don Pedro was informed that he would be notified by mail of the Board's decision.

PETITION FOR REINSTATEMENT
DAWN MARIE CHARRETTE — OPR 9119 — BRANCHES 1 & 3

Administrative Law Judge Kathy J. Brandt sat with the Board to hear the Petition for Reinstatement for Dawn Marie Charrette, Operator License Number 9119. Ms. Charrette was informed that she would be notified by mail of the Board's decision.

PETITION FOR REINSTATEMENT
AARON J. ESSERT — RA 52425 — BRANCHES 2 & 3

Administrative Law Judge Kathy J. Brandt sat with the Board to hear the Petition for Reinstatement for Aaron J. Essert, Applicator License Number 52425. Mr. Essert 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

REVIEW AND APPROVAL OF THE JULY 11 & 12, 2017 AND THE AUGUST 3, 2017 BOARD MEETING MINUTES

Mr. Duran moved and Mr. Good seconded to approve the July 11 & 12, 2017 and the August 3, 2017 Board Meeting Minutes. Passed unanimously. (AYES: TAMAYO, VAN STEENWYK, DURAN, GOOD. NOES: NONE. ABSTENTIONS: NONE.)

EXECUTIVE OFFICER'S REPORT

Ms. Saylor reported to the Board on licensing and enforcement survey results and statistics, examination development, and the Board's 2017 Sunset Review Report.

Mr. Van Steenwyk thanked Ms. Saylor for providing statistics on license application processing times and asked how those times are calculated.

Ms. Saylor stated that processing time begins when the application reaches the desk of the person responsible for processing it.

Ms. Saylor stated that County Agricultural Commissioner (CAC) enforcement training took place October 3rd through 5th in Irvine and that there were 85 attendees including 4 Board staff who had not previously attended.

PROPOSED REGULATIONS — DISCUSSION AND POSSIBLE ACTION

Ms. Saylor reported on the Board's rulemaking files currently in the regulatory process.

Company Name Approval, California Code of Regulations (CCR), Title 16, section 1914 — This rulemaking file was approved by the Office of Administrative Law (OAL) on October 2, 2017 and is effective January 1, 2018.

Termite Stations, CCR, sections 1993.2, 1993.3, and 1993.4 — This rulemaking file was approved by OAL on October 6, 2017 and is effective January 1, 2018.

Disciplinary Guidelines, CCR, section 1937.11 — This rulemaking file is currently undergoing legal review at Department of Consumer Affairs (DCA).

DISCUSSION AND POSSIBLE ACTION ON PENDING LEGISLATION

Ms. Saylor reported to the Board on the following legislation —

Assembly Bill (AB) 593 extends the Structural Fumigation Enforcement Program and was approved by Governor Brown on September 11, 2017.

AB 1590 extends the time period for the Board to file an accusation from 12 to 18 months from the time a complaint is received and was approved by Governor Brown on September 25, 2017.

Senate Bill (SB) 800 allows a registered company to notify the Board of an employee's disassociation if the employee fails to do so within 30 days and was approved by Governor Brown on October 7, 2017.

Chris Reardon, Pest Control Operators of California (PCOC), thanked the Board and Ms. Saylor for a successful legislative session.

REVIEW AND POSSIBLE AMENDMENT OF BOARD POLICIES AND PROCEDURES, INCLUDING GENERAL BOARD ADMINISTRATIVE PROCEDURES, LICENSING AND EXAMINATIONS, AND ENFORCEMENT POLICIES

Ms. Saylor presented staff recommendations to amend sections G-6 (Guidelines for Access to Public Records), G-9 (Mail Votes), and E-1 (Complaint Process) of the Board's Policies & Procedures.

Mr. Duran moved and Mr. Good seconded to approve the amendment (shown in Board materials) to section G-6 of the Board's Policies & Procedures. Passed unanimously. (AYES: Tamayo, Van Steenwyk, Duran, Good. NOES: None. ABSTENTIONS: None.)

Mr. Good moved and Mr. Van Steenwyk seconded to approve the amendment (shown in Board materials) to section G-9 of the Board's Policies & Procedures. Passed unanimously. (AYES: Tamayo, Van Steenwyk, Duran, Good. NOES: None. ABSTENTIONS: None.)

Mr. Van Steenwyk moved and Mr. Duran seconded to approve the amendment (shown in Board materials) to section E-1 of the Board's Policies & Procedures. Passed unanimously. (AYES: Tamayo, Van Steenwyk, Duran, Good. NOES: None. ABSTENTIONS: None.)

REGULATORY PROPOSAL – DISCUSSION AND POSSIBLE ACTION ON AMENDING CALIFORNIA CODE OF REGULATIONS, TITLE 16, SECTIONS 1950 AND 1953, AND THE ADDITION OF CALIFORNIA CODE OF REGULATIONS, TITLE 16, SECTION 1950.5

Mr. Skelton presented proposed amendments to CCR sections 1950, 1950.5, and 1953 to implement the recommendations of the Continuing Education Integrated Pest Management (CE IPM) Review Committee.

Mr. Good stated that the Board should conduct increased outreach in order for licensees to better understand what is required of them and what the penalties are for not satisfying those requirements.

Mr. Tamayo thanked the CE IPM Committee as well Board members and staff for the all the work that has gone into implementing the proposed changes.

Todd Vedeon, Terminix, stated that he appreciated all the hard work that went into the proposal but that he was concerned with the proposed reduction in Rules & Regulations hours.

Mr. Van Steenwyk stated that the reduction in Rules & Regulations hours came about because currently, courses are being approved as Rules & Regulations when they should be classified as Application & Intervention.

Ms. Knight stated that in CCR section 1953(c) the word “activity” should be used instead of the word “course” to maintain consistency. Ms. Knight further stated that subsections (g) and (h) in CCR section 1950 should be amended to subsections (d) and (e).

Mr. Good moved and Mr. Van Steenwyk seconded for staff to implement the amendments to CCR sections 1950, 1950.5, and 1953 by having Department of Consumer Affairs review the proposal prior to beginning the formal rulemaking process. Passed unanimously. (AYES: Tamayo, Van Steenwyk, Duran, Good. NOES: None. ABSTENTIONS: None.)

EXECUTIVE OFFICER’S REPORT (CONT.)

Ms. Saylor presented the 2017 Sunset Report to the Board and stated that with their approval it would be submitted to the legislature in order for the Board’s sunset date to be extended.

Mr. Van Steenwyk asked if the regulatory update included in the 2017 Sunset Report could be updated to reflect the most recent status.

Ms. Saylor stated that the regulatory update would be updated to reflect the most recent status.

Mr. Van Steenwyk moved and Mr. Good seconded to approve the 2017 Sunset Report and for Ms. Saylor to submit it to the legislature and move forward with extending the Board’s sunset date. Passed unanimously. (AYES: Tamayo, Van Steenwyk, Duran, Good. NOES: None. ABSTENTIONS: None.)

ANNUAL REVIEW AND POSSIBLE BOARD ACTION ON BOARD STRATEGIC PLAN

Ms. Saylor stated that the Board’s Strategic Plan was placed on the agenda for annual review and that the 2017 Sunset Report outlines the Board’s progress on the goals identified in the Strategic Plan.

DISCUSSION AND POSSIBLE ACTION FOR SPCB TO PURSUE — BUSINESS AND PROFESSIONS CODE SECTION 8623.5 - LICENSE REINSTATEMENT GUIDELINES

Mr. Saylor presented proposed language for the addition of B&P Code section 8623.5 to establish guidelines specific to SPCB for license reinstatement petitions.

Ms. Saylor suggested adding the words “or company registration” to subsection (a)(1) of section 8623.5.

Mr. Duran moved and Mr. Van Steenwyk seconded to approve the addition of B&P Code section 8623.5 and for Ms. Saylor to find an author to include the addition in a bill. Passed unanimously. (AYES: Tamayo, Van Steenwyk, Duran, Good. NOES: None. ABSTENTIONS: None.)

BOARD CALENDAR

The next 4 Board Meetings were scheduled as follows —

Tuesday, January 9 & Wednesday, January 10, 2018 in Claremont. If possible, this meeting will be held on Tuesday, January 9, 2018 only.

Wednesday, April 18 & Thursday, April 19, 2018 in Sacramento.

Tuesday, July 24 & Wednesday, July 25, 2018 in Claremont.

Tuesday, October 16 & Wednesday, October 17, 2018 in Sacramento.

RESEARCH REQUEST FOR PROPOSALS UPDATE

Ms. Saylor stated that the Research Advisory Panel Request for Proposals is still in the process of being created at DCA.

Kristina Duran-Jackson, Administrative Analyst, stated that the goal is for the Requests for Proposals to be distributed to researchers by January 2018.

FUTURE AGENDA ITEMS

Mr. Duran requested that soil pre-treatment be placed on a future agenda.

Ms. Saylor stated that she would bring the minutes of the last Pre-Treatment Committee Meeting to the next Board meeting.

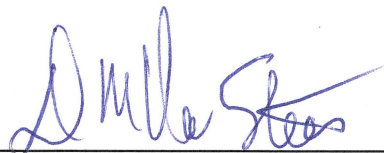
ANNUAL ELECTION OF BOARD PRESIDENT AND VICE PRESIDENT

Mr. Good nominated Mr. Van Steenwyk for Board President. Passed unanimously. (AYES: Tamayo, Van Steenwyk, Duran, Good. NOES: None. ABSTENTIONS: None.)

Mr. Van Steenwyk nominated Mr. Tamayo for Board Vice President. Passed unanimously. (AYES: Tamayo, Van Steenwyk, Duran, Good. NOES: None. ABSTENTIONS: None.)

ADJOURNMENT

The meeting was adjourned at 3:08 P.M.



Darren Van Steenwyk, President

1-9-17

Date