

## **TITLE 16. STRUCTURAL PEST CONTROL BOARD**

### **NOTICE OF PROPOSED RULEMAKING**

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board (Board) is proposing to take action as described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Department of Consumer Affairs  
Hearing Room  
2005 Evergreen Street  
Sacramento, CA 95815  
October 13, 2016  
9:00 A.M.**

Any interested person, or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile to the Board at (916) 263-2469 or by email to [pestboard@dca.ca.gov](mailto:pestboard@dca.ca.gov). The written comment period closes at **5:00 P.M. on Wednesday, October 12, 2016**. The Board will only consider comments received at the Board Office by that time. Submit comments to:

**David Skelton, Administrative Analyst  
Structural Pest Control Board  
2005 Evergreen Street, Suite 1500  
Sacramento, CA 95815**

With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

### **AUTHORITY AND REFERENCE**

Pursuant to the authority granted by Business and Professions (B&P) Code Section 8525 and to implement, interpret, or make specific B&P Code Sections 8525 and 8650 the Board is proposing to amend Section 1914 of Division 19, of Title 16, of the California Code of Regulations (CCR).

### **INFORMATIVE DIGEST**

Currently, CCR Section 1914 provides that the Board shall not issue a company registration in the same name as that of a firm whose company registration has been suspended or revoked unless a period of at least one year as elapsed. Additionally, CCR Section 1914 provides that

the use of a name style or telephone number of a company whose registration has been suspended or revoked is a ground for disciplinary action.

This regulatory proposal would add that the Board shall not issue a company registration in the name of a firm whose company registration has been surrendered. Additionally, this regulatory proposal would add that the use of a name style or telephone number of a company whose registration has been surrendered is a ground for disciplinary action.

### **POLICY STATEMENT OVERVIEW**

Pursuant to B&P Code Section 8520.1 protection of the public is the Board's highest priority. In keeping with that mandate, the Board is seeking to increase consumer protection by adding a restriction on the issuance of a company registration in the name of a company whose registration has been surrendered and by making the use of the name or telephone number of a company whose registration has been surrendered a ground for disciplinary action.

When a registered company faces Board administered discipline they are sometimes able to avail themselves of an opportunity to surrender their registration rather than continue through the disciplinary process. Recently, the Board has become aware of registered companies who have surrendered their registration attempting to re-register the company under a different name while continuing to use the same telephone number. The proposed regulation will make clear that in addition to revoked or suspended registrations, the use of a company name or telephone number of a company who has surrendered their registration is also a ground for disciplinary action.

The Board anticipates that the proposed regulation will benefit the health and safety of California residents as well as increase the level of transparency in the structural pest control industry by disallowing companies from using the name or telephone number of a company whose registration has been surrendered.

### **CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS**

During the process of developing the proposed regulation the Board conducted a search for any similar regulations relating to this topic. The Board determined that the proposed regulatory action is not inconsistent or incompatible with existing regulations.

### **FISCAL IMPACT ESTIMATES**

The Board has made the following initial determinations:

**Mandate on local agencies and school districts:** None

**Cost or savings to any state agency:** None

**Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630:** None

**Other nondiscretionary cost or savings imposed on local agencies:** None

**Cost or savings in federal funding to the state:** None

**Business Impact Statement**

The Board has determined that the proposed regulation will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

The Board made this determination because the proposed regulation applies only to companies who have surrendered their registration as a result of facing disciplinary action.

**Cost impact on representative private person or business:** The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**RESULTS OF THE ECONOMIC IMPACT ANALYSIS / ASSESSMENT**

The Board has determined that the proposed regulation will have no effect on the creation or elimination of jobs within the state. The Board made this determination because the proposed regulation relates to the approval and use of company names and telephone numbers for companies who have surrendered their license and is therefore unrelated to job creation.

The Board has determined that the proposed regulation will have no effect on the creation of new businesses or the elimination of existing businesses within the state. The Board made this determination because the proposed regulation relates to the approval and use of company names and telephone numbers for companies who have surrendered their license and is therefore unrelated to business creation.

The Board has determined that the proposed regulation will have no effect on the expansion of businesses currently doing business within the state. The Board made this determination because the proposed regulation relates to the approval and use of company names and telephone numbers for companies who have surrendered their license and is therefore unrelated to the expansion of businesses.

The Board has determined that the proposed regulation will benefit the health and welfare of California residents and the state's environment in the following ways:

By not allowing companies to use the name or telephone number of a company whose registration has been surrendered, transparency in the structural pest control industry is increased and consumers benefit.

### **EFFECT ON HOUSING COSTS**

The Board has determined that the proposed regulation would have no effect on housing costs.

### **BUSINESS REPORTING REQUIREMENT STATEMENT**

The Board has determined that the proposed regulation will not create a reporting requirement for businesses. The Board made this determination because the proposed regulation relates to the approval and use of company names and telephone numbers and does not contain any reporting requirements.

### **SMALL BUSINESS DETERMINATION**

The Board has determined that the proposed regulation would affect small businesses who use or attempt to use the name and/or telephone number of a company whose registration has been surrendered.

### **CONSIDERATION OF ALTERNATIVES**

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments relevant to the above determinations orally or in writing at the above-mentioned hearing or during the written comment period.

### **INITIAL STATEMENT OF REASONS AND INFORMATION**

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based as well as the express terms of the proposed regulation.

### **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the

proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board's office located at, 2005 Evergreen Street, Suite 1500, Sacramento, California, 95815, or by visiting the Board's website at <http://pestboard.ca.gov/pestlaw/index.shtml>.

**AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named above.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named above or by accessing the website listed below.

**WEBSITE ACCESS**

Materials regarding this proposal can be found at the Board's website at:

<http://www.pestboard.ca.gov/forms/index.shtml>

**CONTACT PERSON**

**Inquiries or comments concerning the proposed rulemaking action may be addressed to:**

Name: **David Skelton**

Address: **Structural Pest Control Board  
2005 Evergreen Street, Suite 1500  
Sacramento, CA 95815**

Telephone Number: **(916) 561-8722**

Fax Number: **(916) 263-2469**

Email Address: [david.skelton@dca.ca.gov](mailto:david.skelton@dca.ca.gov)

**The backup contact person is:**

Name: **Ronni O'Flaherty**

Address: **Structural Pest Control Board  
2005 Evergreen Street, Suite 1500  
Sacramento, CA 95815**

Telephone Number: **(916) 561-8736**

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