



BOARD MEETING

NOTICE and AGENDA

Tuesday, October 10, 2017
8:00 A.M.

Department of Consumer Affairs
Hearing Room
2005 Evergreen Street
Sacramento, CA 95815

Contact Person: Susan Saylor
(916) 561-8700

AGENDA

- I. Roll Call / Establishment of Quorum
- II. Flag Salute / Pledge of Allegiance
- III. Public Comment for Items Not on the Agenda
The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]
- IV. Petition for Reinstatement
George Don Pedro — OPR 8197 — Branch 3
- V. Petition for Reinstatement
Dawn Marie Charrette — OPR 9119 — Branches 1 & 3
- VI. Petition for Reinstatement
Aaron J. Essert — RA 52425 — Branches 2 & 3
- VII. Closed Session – Pursuant to Subdivision (c) (3) of Section 11126 of the Government Code, the Board Will Meet in Closed Session to Consider Reinstatements

Return to Open Session

- VIII. Review and Approval of the July 11 & 12, 2017 and August 3, 2017 Board Meeting Minutes
- IX. Executive Officer's Report
 - a. Licensing, Enforcement, Examination and WDO Statistics
 - b. Survey Results
 - c. Sunset Review Report Update and Approval
 - d. Examination Development

- X. Proposed Regulations — Discussion and Possible Action
 - a. California Code of Regulations, Title 16, Section 1914 – Company Name Approval
 - b. California Code of Regulations, Title 16, Section 1937.11 – Disciplinary Guidelines
 - c. California Code of Regulations, Title 16, Sections, 1993.2, 1993.3, and 1993.4 – Termite Stations
- XI. Discussion and Possible Action on Pending Legislation
 - a. Assembly Bill 593 (Gloria) – Structural Fumigation
 - b. Assembly Bill 710 (Wood) – Department of Consumer Affairs Boards and Meetings
 - c. Assembly Bill 1590 (Chen) – Time Period for Filing Accusations
 - d. Senate Bill 800 – Allow Registered Companies to Notify the Board of an Employee’s Disassociation When the Employee Fails To Do So
- XII. Review and Possible Amendment of Board Policies and Procedures, Including General Board Administrative Procedures, Licensing and Examinations, and Enforcement Policies
- XIII. 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
- XIV. Annual Review and Possible Board Action on Board Strategic Plan
- XV. Discussion and Possible Action for SPCB to Pursue —
 - a. Business and Professions Code Section 8623.5 - License Reinstatement Guidelines
- XVI. Board Calendar
- XVII. Research Request for Proposals Update
- XVIII. Future Agenda Items
- XIX. Annual Election of Board President and Vice President
- XX. Closed Session – Pursuant to subdivision (c) (3) of Section 11126 of the Government Code, the Board Will Meet in Closed Session to Consider Proposed Disciplinary Actions and Stipulated Settlements

Return to Open Session

- XXI. Adjournment

The meeting may be cancelled or changed without notice. For verification, please check the Board’s website at www.pestboard.ca.gov or call 916-561-8700. Action may be taken on any item on the agenda. Any item may be taken out of order to accommodate speakers and/or to maintain a quorum. Meetings of the Structural Pest Control Board are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. The public may take appropriate opportunities to comment on any issue before the Board at the time the item is heard, but the President may, at his discretion, apportion available time among those who wish to speak. The public may comment on issues not on the agenda, but Board Members cannot discuss any issue that is not listed on the agenda. If you are presenting information to the Board, please provide 13 copies of your testimony for the Board Members and staff. Copying equipment is not available at the meeting location.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Structural Pest Control Board at (916) 561-8700 or email pestboard@dca.ca.gov or send a written request to the Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

This agenda can be found on the Structural Pest Control Board's Website at: www.pestboard.ca.gov

**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, 2nd 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 3rd through 5th, 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 sulfuranyl 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.

Dave Tamayo, President

Date

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

The meeting was held August 3, 2017 at the following locations:

Department of Consumer Affairs,
Donner Lake Room, 2005 Evergreen Street, Sacramento, CA 95815

Newport Exterminating, 16661 Millikan Avenue, Irvine, CA 92606

Duran's Termite & Pest Control, 82229 Bliss Avenue, Indio, CA 92201

Board Members Present:

Dave Tamayo, President (Sacramento Location)
Darren Van Steenwyk, Vice President (Sacramento Location)
Mike Duran (Indio Location)
Curtis Good (Irvine Location)

Board Members Absent:

Ronna Brand
Naresh Duggal
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

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Tamayo called the meeting to order at 10:00 A.M. and Ms. Saylor called roll.

Board members Tamayo and Van Steenwyk were present at the Sacramento location, Board member Duran was present at the Indio location, and Board member Good was present at the Irvine location.

Board members Brand, Duggal, and Ornelas were absent.

A quorum of the Board was established.

Baron McDonald, Clark Pest Control and President, Pest Control Operators of California (PCOC), and Chris Reardon, Executive Vice President, PCOC, were present at the Sacramento location as members of the public.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

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

DISCUSSION AND POSSIBLE ACTION REGARDING ASSEMBLY BILL (AB) 710 — REQUIREMENT FOR BOARDS TO HOLD A MEETING IN RURAL CALIFORNIA AT LEAST ONCE EVERY OTHER CALENDAR YEAR

Mr. Van Steenwyk stated that the majority of the Board's licensees live and work near urban population centers and that holding meetings in rural areas would decrease public participation.

Mr. Good stated that holding meetings in rural areas would increase costs and also be more inconvenient.

Mr. Tamayo stated that requiring the Board to hold meetings in rural areas would run counter to the interests of both the Board and its licensees. Mr. Tamayo further stated that he felt meetings should be held in locations where the most people have an opportunity to attend.

Mr. Reardon stated that the majority of meeting attendees are located in urban areas and that holding meetings in rural areas would decrease public participation.

Mr. Duran moved and Mr. Van Steenwyk seconded for the Board to take an oppose position on AB-710, and to direct staff to write a letter to the author explaining that the Board is in favor of public and licensee participation at its meetings but that AB 710 would run counter to that goal and that additionally, the term "rural" lacks a clear definition. Passed unanimously. (AYES: Tamayo, Van Steenwyk, Duran, Good. NOES: None. ABSTENTIONS: None.)

DISCUSSION AND POSSIBLE ACTION REGARDING BOARD POSITION LETTER ON ASSEMBLY BILL (AB) 1687 — PESTICIDES: USE OF ANTICOAGULANTS

Mr. Van Steenwyk presented a position letter to the Board outlining the reasons for the Board's opposition to AB-1687.

Mr. Van Steenwyk stated that in his opinion AB-1687 does not serve the interest of consumer protection.

Mr. Good and Mr. Duran both expressed their support for the AB-1687 position letter.

Mr. Reardon stated that PCOC supports the AB-1687 position letter.

Mr. McDonald stated his support for the AB-1687 position letter and specifically voiced his support for the portion of the letter explaining the potential for negative impact on human health.

Mr. Tamayo stated that he felt the Board taking a position on AB-1687 might be outside the scope of its responsibility but that he was sympathetic to the views expressed by the industry members.

Mr. Van Steenwyk moved and Mr. Good seconded for the Board to accept the AB-1687 position letter and for staff to send it to the author. Passed unanimously. (AYES: Tamayo, Van Steenwyk, Duran, Good. NOES: None. ABSTENTIONS: None.)

ADJOURNMENT

The meeting was adjourned at 10:18 A.M.

Dave Tamayo, President

Date

STRUCTURAL PEST CONTROL BOARD STATISTICS FOR AUGUST 2017	FISCAL YEAR 2017/2018		FISCAL YEAR 2016/2017	
	Monthly	Year To Date	Monthly	Year To Date
EXAMINATION				
Field Representatives Scheduled	563	930	509	907
Field Representatives Examined	348	744	306	628
Field Representatives Passed	131	332	155	345
Field Representatives Failed	217	412	151	283
Operators Scheduled	40	74	36	65
Operators Examined	39	65	24	40
Operators Passed	25	40	17	26
Operators Failed	14	25	7	14
Applicators Scheduled	505	857	384	736
Applicators Examined	383	632	298	594
Applicators Passed	135	247	134	267
Applicators Failed	248	385	164	327
Field Representatives Passing Rate	38%	45%	51%	55%
Operator Passing Rate	64%	62%	71%	65%
Applicators Passing Rate	35%	39%	45%	45%
LICENSING				
Field Representative Licenses Issued	173	350	172	327
Operator Licenses Issued	14	33	20	26
Company Registrations Issued	14	40	24	40
Branch Office Registrations Issued	3	5	2	3
Change of Registered Company Officers	1	1	3	4
Change Of Qualifying Manager	5	14	9	16
Applicator Licenses Issued	138	262	150	285
Duplicate Licenses Issued	79	145	147	168
Upgrade Present License	28	57	34	59
Change of Status Processed	31	69	36	78
Address Change	204	288	75	127
Address Change (Principal Office)	15	40	22	35
Address Change (Branch Office)	0	2	2	4
Transfer of Employment Processed	299	577	230	368
Change of Name	5	8	3	3
Change of Registered Company Name	1	1	0	0
License Histories Prepared	17	33	14	20
Down Grade Present License	88	148	80	156
LICENSES/REGISTRATIONS IN EFFECT				
Field Representative		12,549		11,629
Operator		4,195		4,130
Company Registration		3,026		3,026
Branch Office		437		453
Licensed Applicator		7,965		7,685
LICENSES/REGISTRATIONS ON PROBATION				
Companies		18		17
Licensees		83		97

STRUCTURAL PEST CONTROL BOARD STATISTICS FOR AUGUST 2017	FISCAL YEAR 2017/2018		FISCAL YEAR 2016/2017	
	Monthly	Year To Date	Monthly	Year To Date
LICENSES RENEWED				
Operator	21	290	13	95
Field Representative	38	551	34	317
Applicator	39	282	26	135
LICENSES/ REGISTRATIONS CANCELED				
Operator	3	7	8	10
Field Representative	8	22	11	17
Company Registration	31	49	11	25
Branch Office	2	3	1	2
Applicator	2	4	12	23
LICENSES DENIED				
Licenses	3	5	5	9
INVESTIGATIVE FINES PROCESSED				
Fines Processed	\$0	\$0	\$0	\$0
Penalty Assessment	\$0	\$0	\$0	\$0
Pesticide Fines	\$13,000	\$24,330	\$19,000	\$24,850
STAMPS SOLD				
Pesticide	7,600	12,460	5,870	12,380
SEARCHES MADE				
Public	83	170	88	153
Complaints	18	28	5	17
BOND & INSURANCE				
Bonds Processed	35	70	32	48
Insurance Processed	220	500	220	445
Restoration Bonds Processed	0	2	1	3
Suspension Orders	36	57	66	114
Cancellations Processed	74	119	37	80
Change of Bond/Insurance	71	142	33	58
CONTINUING EDUCATION EXAMS				
Field Representative Examined	0	0	0	0
Field Representative Passed	0	0	0	0
Field Representative Failed	0	0	0	0
Operator Examined	0	0	0	0
Operator Passed	0	0	0	0
Operator Failed	0	0	0	0
Applicator Examined	0	0	0	0
Applicator Passed	0	0	0	0
Applicator Failed	0	0	0	0

LICENSING UNIT SURVEY RESULTS

October 10, 2017 – SPCB Meeting
June 28, 2017 – September 27, 2017

Response cards are sent to licensees, registered companies, and applicants receiving the following services: Licensure, Renewal of License, Upgrade/Downgrade License, Change of Qualifying Manager, Bond/Insurance, Company Registration, Transfer of Employment, Change of Address, and Examination. One hundred eight survey cards were mailed during this reporting period. Seven responses were received.

	Question	Yes	No	N/A
1	Was staff courteous?	100%	0%	0%
2	Did staff understand your question?	100%	0%	0%
3	Did staff clearly answer your question?	100%	0%	0%
4	Did staff promptly return your telephone call?	71%	29%	0%
5	Did staff efficiently and promptly handle your transaction?	86%	14%	0%
6	How long did it take to complete its action on your file?* (Average)	13 days		

*There were 5 responses to question 6, ranging from 5 days to 30 days.

Company Registration: N/A (0 responses)

Operator License: 23 days average (2 response)

Field Representative License: N/A (0 responses)

Applicator License: 6 days average (2 responses)

Transfer of Employment: N/A (0 responses)

Change of Address: N/A (0 responses)

Bond/Insurance: N/A (0 responses)

Change of Qualifying Manager: N/A (0 responses)

Examination: 10 days average (1 response)

Comments:

- Quick and painless.
- Very easy process, thanks!
- Thanks for your help.

WDO ACTIVITIES FILED

	2013/14	2014/15	2015/16	2016/17	2017/18	MO. AVG
July	123,958	122,803	121,639	111,086	124,000	117,984
August	116,087	112,400	112,511	121,000	128,400	114,506
September	129,161	116,100	115,977	119,089		116,710
October	117,714	123,250	123,409	125,804		122,164
November	103,787	94,750	100,779	118,121		104,018
December	101,132	95,373	105,326	106,000		99,353
January	92,959	88,247	83,209	96,000		91,038
February	88,870	97,884	97,100	95,000		95,412
March	109,979	124,448	122,261	127,300		119,755
April	122,692	131,292	128,201	122,120		125,221
May	114,956	116,578	123,028	132,900		120,534
June	117,773	124,648	131,954	135,000		125,138
FY Total	1,339,068	1,347,773	1,365,394	1,409,420	252,400	1,351,834
AVG PER MO.	111,589	112,314	113,783	117,452	126,200	

FR License Processing Time

Month/Year	Number of Applications Processed	Processing Time (in calendar days)
March 2017	122	8
April 2017	119	10
May 2017	189	13
June 2017	272	19*
July 2017	177	15**

*Peak renewal season and multitude of applications which increased the average processing time

**Peak renewal season & turn of Fiscal Year thus delaying cashiering of applications

STRUCTURAL PEST CONTROL BOARD

REGULATORY ACTION STATUS

SECTION	SUBJECT	STATUS
1902	Definitions	October 1, 2017 - Staff Preparing Regulatory Proposal
1911	Addresses – Permits licensees to request a mailing address other than the address of record.	March 13, 1996 – Approved by the Office of Administrative Law
	Addresses – Requires applicators to report change of address	August 12, 1996 – Approved by the Office of Administrative Law
	Change of Address / Employment Allow Employers to Notify Board of Employee Disassociation	November 5, 2014 — Act Review Committee Recommended Change to Allow Companies to Notify the Board of Employee Disassociation July 1, 2017 – The Language Proposed by the Act Review Committee is Included in Senate Bill (SB) 800 to Amend B&P Code Section 8567 and Will Accomplish the Regulatory Effect of the Proposed Changes to CCR 1911

1912	<p>Branch Office Registration – Section 100 Change. To change the phrase “A registered company who opens a branch shall ...” to “A registered company which opens a branch office shall...”</p>	<p>Section 100 Change – Approved by the Office of Administrative Law on May 17, 2004</p>
1914	<p>Name Style – Delete Board’s responsibility to disapprove confusingly similar name styles</p>	<p>December 16, 1998 – Public Hearing Disapproved by the Board April 4, 2003 - Public Hearing - Board voted to adopt February 14, 2004 Rulemaking File expired due to Executive Order Noticed for Public Hearing: April 8, 2005 Adopted by the Board. March 21, 2006 Approved by the Office of Administrative Law</p>
1914	<p>Name Style – Company Registration Will Prohibit the Approval or Use of a Company Name or Telephone Number That is the Same as the Name or Telephone Number of a Company Whose Registration has Been Surrendered</p>	<p>October 13, 2016 – Public Hearing was Conducted and Board Directed Staff to Begin Final Rulemaking Process October 1, 2017 – Rulemaking Package Undergoing Review at OAL</p>
1918	<p>Supervision – Clarifies that a field representative or an operator can supervise. Supervision – Permits qualifying managers to supervise multiple locations.</p>	<p>August 12, 1996 – Approved by the Office of Administrative Law. December 16, 1998 – Public Hearing. Referred to Rules and Regulations Committee. August 6, 1999 – Modified language mailed. January 11, 2001 Public Hearing. Adopted by the Board. Rulemaking file not completed by deadline of December 1, 2001</p>

1918	Re-states supervision of multiple locations, clarifies liability / responsibility of qualifying manager[s] & supervisor(s).	April 4, 2003 Public Hearing, referred to Rules and Regs Committee. Committee meeting held September 17, 2003. Placed on agenda for October 17, 2003 Bd. Mtg. Modified Text mailed Nov. 19, 2003. Comments due Dec. 3, 2003. No comments rec'd. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.
1919	Research Panel – Deletes reference to public board member on panel.	March 13, 1996 – Approved by the Office of Administrative Law.
1920	Cite & Fine – Authorizes board staff to issue citations and fines.	August 13, 1998 – Approved by the Office of Administrative Law.
	Cite & Fine – Amends to clarify no appeal after modification of decision.	October 15, 1999 – Public Hearing - Board voted to adopt.
1920 (e)(1)(2)(3)	Cite & Fine – Specifies that a second informal conference for a modified citation will not be allowed.	January 11, 2001 - Public Hearing - Board voted to adopt. December 1, 2001 Rulemaking File not completed by deadline. April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.

<p>1920(b)</p>	<p>Citation - Assessment of Fines – SB 362 increased max fine amount to \$5000.</p> <p>Repealed specific criteria required in assessing fines in excess of \$2,500.</p>	<p>Section 100 Change pending Administrative decision to go forward. Filed with Sec. of State: 12-18-03. Board approved DCA’s four sets of circumstance for max. fine on October 8, 2004. Noticed for Public Hearing July 15, 2005. December 30, 2005 – Approved by the Office of Administrative Law.</p> <p>Agency subsequently agreed that the specific criteria from 2004 for fines in excess of \$2,500 should no longer apply. Board approved on April 22, 2010.</p> <p>December 22, 2010 Notice, ISOR, Language, Std 399 submitted to Linda Otani for review/approval by DPR and Agency.</p> <p>April 12, 2011 DPR returned package with approval signatures.</p> <p>May 10, 2012 – Public Hearing – Board voted to adopt.</p> <p>March 22, 2013 rulemaking file filed with Office of Administrative Law</p> <p>May 8, 2013 – Disapproved by OAL</p> <p>Economic Impact Statement not included</p> <p>June 25, 2013 – 15 day notice to add Economic Impact Statement</p> <p>July 17, 2015 – Resubmitted to OAL</p> <p>August 8, 2013 – Approved by OAL</p> <p>Became Effective October 1, 2013</p>
<p>1920(e)(2)</p>	<p>Citations and Fines</p> <p>Allows the Board 30 Days Rather Than 10 to Notify Respondents of Informal Conference Decisions</p>	<p>July 14, 2016 – Language Approved by the Board and Staff Instructed to Begin the Rulemaking Process</p> <p>October 1, 2017 – Staff Preparing Regulatory Proposal</p>

1922	Civil Penalty Actions by Commissioners – Specifies penalty ranges. Penalty ranges serious, minor and moderate upped to mirror new law.	May 14, 1998 – Approved by the Office of Administrative Law. Noticed for Public Hearing: October 7, 2005. Adopted by the Board. August 25, 2006 – Approved by the Office of Administrative Law.
1922.3	Course requirements by County Agricultural Commissioners - Will place into regulation specific guidelines for licensee / County Ag Commissioners re: civil penalty actions.	Noticed for the April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.
1923	Consumer Complaint Disclosure. DCA created new document: Public Information System – Disclosure.	July 18, 2003 - Public Hearing - Board approved to adopt after proposed language modified with a 15-day public comment period. Rulemaking file placed on hold due to Executive Order. Withdrawn by DCA Legal Dept. Noticed for Public Hearing: October 7, 2005. Board voted to not proceed. (Language needs re-drafting – (a)4(d)(A) and (B)(ii) – now conforms to healing arts situation, and, if [A] is satisfied – so is [B])
1934	Board Approved Operator’s License Course – Specifies time period in which courses must be completed.	August 13, 1998 – Approved by the Office of Administrative Law.

1936	Operator and Field Representative License Applications Revisions to include military and veteran status, revised criminal history question, etc.	<p>March 27, 2014 – Staff directed by Board to begin rulemaking process to revise forms June 4, 2015 - Noticed for Public Hearing</p> <p>July 23, 2015 - Public Hearing – Adopted by Board.</p> <p>August 20, 2015 – To DCA for legal review.</p> <p>June 8, 2016 – 15 Day Notice of Modified Text issued to clarify that California ID in lieu of driver license is acceptable.</p> <p>October 12, 2016 – Approved and Effective January 1, 2017</p>
1936.1	Company Registration Form Revisions to include military and veteran status, revised criminal history question, etc.	<p>March 27, 2014 – Staff directed by Board to begin rulemaking process to revise forms June 4, 2015 - Noticed for Public Hearing</p> <p>July 23, 2015 - Public Hearing – Adopted by Board.</p> <p>August 20, 2015 – To DCA for legal review.</p> <p>June 8, 2016 – 15 Day Notice of Modified Text issued to clarify that California ID in lieu of driver license is acceptable.</p> <p>October 12, 2016 – Approved and Effective January 1, 2017</p>
1936.2	Applicator – Established by regulation the form for the applicator’s license.	August 12, 1996 – Approved by the Office of Administrative Law.

<p>1936.2</p>	<p>Applicator License Application Form Revisions to include military and veteran status, revised criminal history question, etc.</p>	<p>March 27, 2014 – Staff directed by Board to begin rulemaking process to revise forms</p> <p>June 4, 2015 - Noticed for Public Hearing.</p> <p>July 23, 2015 - Public Hearing – Adopted by Board</p> <p>August 20, 2015 – To DCA for legal review.</p> <p>June 8, 2016 – 15 Day Notice of Modified Text issued to clarify that California ID in lieu of driver license is acceptable.</p> <p>October 12, 2016 – Approved and Effective January 1, 2017</p>
<p>1937</p>	<p>Qualification of Applicant – Specifies minimum number of hours of training and experience. IPM training and experience – Requires that branch 2 and/or 3 applicants complete training and experience in structural Integrated Pest Management as part of their pre-licensing requirements</p>	<p>August 13, 1998 – Approved by the Office of Administrative Law.</p> <p>January 2008 – Noticed for Public Hearing to amend the current regulation.</p> <p>April 18, 2008 - Public Hearing - Board approved to adopt.</p> <p>June 26, 2008 - Rulemaking file submitted to DCA for Director review.</p> <p>November 18, 2008 – Clarification of the effective date needed for section 1950 of the rulemaking file.</p> <p>January 6, 2009 – Rulemaking file submitted to DCA for Director review.</p> <p>March 20, 2009 - Approved by the Office of Administrative Law.</p>

<p>1937.11</p>	<p>Disciplinary Guidelines – Incorporates by reference the Manual of Disciplinary Guidelines and Model Disciplinary Orders. Clean up language to change reference of UC Berkeley correspondence course to a CE course approved by board.</p>	<p>April 14, 1997 – Approved by the Office of Administrative Law. Board approved on October 28, 2010. December 22, 2010 Notice, ISOR, Language, Std 399 submitted to Linda Otani for review/approval by DPR and Agency. April 12, 2011 DPR returned package with approval signatures. May 10, 2012 – Public Hearing - Board voted to adopt. March 22, 2013 rulemaking file filed with Office of Administrative Law May 8, 2013 – Disapproved by OAL Economic Impact Statement not included June 25, 2013 – 15 day notice to add Economic Impact Statement July 17, 2015 – Resubmitted to OAL August 8, 2013 – Approved by OAL Became Effective October 1, 2013</p>
<p>1937.11</p>	<p>Revisions regarding when suspension time must be served, length of probation, tolling of probation, etc.</p>	<p>October 13, 2016 – Public Hearing was Conducted and Board Directed Staff to Begin Final Rulemaking Process</p> <p>October 1, 2017 – Final Rulemaking Package Undergoing Review at DCA</p>

<p>1937.17</p>	<p>Customer Notification of Licensure – Adopts regulation requiring practitioner notification to customer of licensure.</p>	<p>October 15, 1999 – Public Hearing - Referred to committee. January 18, 2002 - Public Hearing adopted by the board with modified text. December 16, 2002 - Approved by the Office of Administrative Law.</p>
<p>1940 1941 1942</p>	<p>Applicator – Amends these actions to make distinction between field representatives, operators and applicators.</p>	<p>August 12, 1996 – Approved by the Office of Administrative Law.</p>

<p>1948</p> <p>1948</p>	<p>Applicator Renewal Fee – Establishes the fee for applicator license renewal. Applicator – Establish and specify fee for applicator’s license and license renewal.</p> <p>Applicator license/renewal fee lowered to \$10, Operator license/renewal fee lowered to \$120.</p>	<p>June 26, 1998 – Public Hearing. Pending approval by Department of Finance. January 20, 2000 – Public Hearing - Board voted to adopt. March 13, 2002 disapproved by OAL. April 12, 2002 Public Hearing: Board voted to take no action. May 5, 2002: Rulemaking file submitted to the Director. July 7, 2002 file disapproved, DCA opposed approval due to Board’s current fund condition. April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. April 2005 - DCA opposed proposal. Withdrawn from rulemaking file on April 28, 2005 for separate submission. Noticed for Public Hearing: October 7, 2005. Adopted by the Board. August 25, 2006 – Approved by the Office of Administrative Law.</p>
	<p>Field Representative – Increase field representative examination fee.</p>	<p>October 15, 1999 – Public Hearing - Adopted by the Board. January 20, 2000 Board decided to drop this section.</p>
<p>1950</p>	<p>Continuing Education - Deletes outdated renewal requirements.</p>	<p>August 12, 1996 - Approved by the Office of Administrative Law.</p>

1950	Applicator Continuing Education – Establish and specify number and type of continuing education hours required for renewal of applicator’s license. At April 2005 Hearing CE hours were changed to 12 hrs total, 8 covering pesticide application/use and 4 covering SPC Act & its rules & regulations or structural pest related agencies’ rules & regulations.	<p>June 26, 1998 - Public Hearing. Pending approval by Department of Finance.</p> <p>January 20, 2000 - Public Hearing Board voted to adopt. March 13, 2001 disapproved by the OAL. April 12, 2002 - Public Hearing. Board voted to adopt. Disapproved by the Director July 7, 2002.</p> <p>April 4, 2003 - Public Hearing - Board voted to proceed after 15-Day Notice. Notice mailed June 11, 2003, final comments due June 30, 2003. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Board voted to proceed after a 15-Day Notice. Notice mailed: May 27, 2005. March 21, 2006 - Approved by the Office of Administrative Law.</p>
1950	Continuing Education - Deletes language regarding Wood Roof Cleaning & Treatment Continuing Education - Hours.	Change without Regulatory Effect - Approved by the Office of Administrative Law effective March 26, 2002.
	Continuing Education - To establish four hours in ethics for license renewal of Operators and Field Representatives.	Noticed for April 23, 2004 Bd. Mtg. Matter considered and rejected at July 23, 2004 Special Mtg. Withdrawn July 2004 with Notice of Decision Not to Proceed.
1950	Continuing Education - Requires that branch 2 and/or 3 licensees gain continuing education hours in structural Integrated Pest Management as part of their license renewal requirements.	<p>Noticed for the April 18, 2008 Board Meeting.</p> <p>April 18, 2008 - Public Hearing - Board approved to adopt after proposed language modified with a 15-day public comment period.</p> <p>June 26, 2008 - Rulemaking file submitted to DCA for Director review.</p> <p>November 18, 2008 – Clarification of the effective date needed for section 1950 of the rulemaking file.</p> <p>January 6, 2009 – Rulemaking file submitted to DCA for Director review.</p> <p>March 20, 2009 - Approved by the Office of Administrative Law.</p>

1950.1	Armed Services Exemption – Grants a one-year extension for a licensee to complete his/her continuing education requirements if his/her license expired while serving for the United States armed services.	<p>Noticed for the January 23, 2009 Board Meeting.</p> <p>January 23, 2009 - Public hearing, Board voted to send out 15-day notice of modified text.</p> <p>February 9, 2009 – Notice of modified text sent out.</p> <p>June 10, 2009 - Rulemaking file submitted to DCA for Director review.</p> <p>August 5, 2009 – Received approved rulemaking file from DCA.</p> <p>August 5, 2009 – Final rulemaking file submitted to OAL.</p> <p>September 16, 2009 – Approved by the Office of Administrative Law</p>
1950.5(c),(d)(g),(h),(g)	Continuing Education - Requires that course providers administer a second examination.	March 13, 1996 - Approved by the Office of Administrative Law.
1950.5(c),(d)(g),(h),(g)	Continuing Education Requirements, Hour Value System, removal of language regarding wood roof cleaning and treatment.	March 26, 2002 - Approved by the Office of Administrative Law
1950.5	Hour Value System - Require all C.E. providers to administer written tests after licensees complete approved courses in technical or rules and regulations; equivalent activities will no longer be granted C.E.; Board mtg. attendance will drop to 4 hrs total C.E. credit - 1 hr General Ed and 1 hr Rules & Regs per meeting.	Noticed for the April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.

1950.5	Hour Value System - Establish an hour value for board approved Integrated Pest Management courses.	<p>Noticed for the April 18, 2008 Board Meeting.</p> <p>April 18, 2008 - Public Hearing - Board approved to adopt.</p> <p>June 26, 2008 - Rulemaking file submitted to DCA for Director review.</p> <p>November 18, 2008 – Clarification of the effective date needed for section 1950 of the rulemaking file.</p> <p>January 6, 2009 – Rulemaking file submitted to DCA for Director review.</p> <p>March 20, 2009 - Approved by the Office of Administrative Law.</p>
1951	Continuing Education - Makes distinction between field representative, operators and applicators.	August 12, 1996 - Approved by the Office of Administrative Law.
	Continuing Education – Licensing examination to replace continuing education examination.	<p>October 15, 1999 – Public Hearing - referred to committee.</p> <p>April 6, 2000 – Committee recommendations to the Board.</p>
	Examination in Lieu of C.E. - To change references of operator/field representative to “licensee” and clarify that a passing score is 70% or higher.	Noticed for the April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.
1953(a)	<p>Providers of Continuing Education - C.E. providers that providers do not charge an attendee fee to be exempt from the \$25 course approval fee. Thus eliminating financial burden to the provider.</p> <p>Adopt a revised form 43M-18.</p>	<p>January 11, 2001 - Public Hearing - Board voted to adopt. February 2001-DCA opposed proposal.</p> <p>July 18, 2003 - Public Hearing Board voted to adopt new form. March 17, 2004 Rulemaking file on hold due to Executive Order.</p> <p>Approved by Office Of Administrative Law on August 12, 2004.</p>

1953(f)(3)	Approval of Activities - Revised Form.	July 18, 2003 Public Hearing - Board voted to adopt the revised form. Approved by Office Administrative Law, Section 100 Change effective on May 2, 2003.
1953(f)(3)	Section 100 Change – Typo. The dates for the form numbers were duplicated. Delete (New 5/87) and replace it with (Rev. 11/99) Revise the form - Return it back to 43M-38 (5/87). Current form (Rev.11/99) is obsolete. Correction of reversal of form numbers 43M-38 and 43M-39 in language and 43M-39 given Rev.10/03 date.	Section 100 Change to OAL on May 13, 2004. Withdrawn June 17, 2004. Change requires language be re-noticed. Board needs to notice for public hearing. Approved by the Office of Administrative Law - July 6, 2005
1953(3) (A)(C)(D)(E) (4)(g)	Approval of Activities - Clean up language in item (3)(A), define “syllabus” in item (3)(C), revision of form No 43M-39, and language regarding the cost of postage in item (3)(D), delete the words “or products” and language regarding the approval for meetings of in-house staff or employee training being approved in item (4)(g).	Noticed for April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.
1953(f)(3)(D)	Approval of Activities - Remove the requirement that continuing education course providers provide course evaluation forms to students.	Noticed for the April 18, 2008 Board Meeting. April 18, 2008 - Public Hearing - Board approved to adopt. June 26, 2008 - Rulemaking file submitted to DCA for Director review. November 18, 2008 – Clarification of the effective date needed for section 1950 of the rulemaking file. January 6, 2009 – Rulemaking file submitted to DCA for Director review. March 20, 2009 - Approved by the Office of Administrative Law.

1960	Fingerprint Requirement – requires all licensees who have not previously been fingerprinted to do so upon license renewal	<p>March 26, 2015 - Text Approved by Board Members</p> <p>June 4, 2015 - Noticed for Public Hearing</p> <p>July 23, 2015 - Public Hearing – Adopted by Board.</p> <p>August 20, 2015 – To DCA for review.</p> <p>December 1, 2015 – Approved by DCA, to Agency for review.</p> <p>January 21, 2016 – To OAL for final review.</p> <p>February 29, 2016 – Approved and effective.</p>
1970	Standards - Construction elements allowing passage of fumigants.	<p>October 12, 2000 - Public Hearing - Board voted to adopt with modifications.</p> <p>November 23, 2001 - Approved by the Office of Administrative Law.</p>
	<p>Fumigation Log - Delete the reporting requirements of the name and address of the guard, and delete the date and hour the police department was notified of fumigation. Rev. form 43M-47.</p> <p>Add additional fumigant calculators on the Fumigation Log</p>	<p>January 11, 2001 - Public Hearing - Board voted to adopt. Rulemaking file not complete by deadline of December 1, 2001.</p> <p>April 4, 2003 - Public Hearing. Due to errors in language, re-noticed for July 18, 2003 - Public Hearing. Board voted to adopt new language and revise log form number 43M-47. Approved by Office of Administrative Law on August 12, 2004.</p> <p>Noticed for Public Hearing July 20, 2007.</p> <p>July 20, 2007 - Public Hearing. Board voted to adopt.</p> <p>September 26, 2007 language under DCA legal review by the Director.</p> <p>March 17, 2008 – Approved by the Director, filed with the Office of Administrative Law.</p> <p>April 29, 2008 – Approved by the Office of Administrative Law.</p>

1970	Standards and Record Requirements - Fumigating contractors will be required to provide a complete fumigation log to its prime contractors and retain the log for 3 years.	<p>July 18, 2003 - Board voted to place on October 17, 2003 board meeting agenda. October 17, 2003 Board voted not to adopt.</p> <p>Noticed for Public Hearing July 20, 2007. July 20, 2007 - Public Hearing. Board voted to adopt.</p> <p>September 26, 2007 language under DCA legal review by the Director.</p> <p>March 17, 2008 – Approved by the Director, filed with the Office of Administrative Law.</p> <p>April 29, 2008 – Approved by the Office of Administrative Law.</p>
1970.3	Securing Against Entry - Includes clamshell locks and pins in general description of secondary locks.	March 13, 1996 - Approved by the Office of Administrative Law.
1970.4	Pesticide Disclosure Requirement - Requires primary contractor to retain OFN for three years.	July 28, 1995 - Board voted to adopt. Technical error - Necessary to re-notice all amendments.
	Pesticide Disclosure Requirement - Includes the required Occupants Fumigation Notice into regulation.	May 12, 1995 - Public Hearing. Referred to the Laws and Regulations Committee for further review. December 8, 1995 - Board adopted revision to the OFN. Technical error-Necessary to re-notice all amendments.
1970.4	Pesticide Disclosure Requirement - Requires primary contractor to retain Occupants Fumigation Notice (OFN) for three years. Includes the required OFN into regulation.	April 28, 1998 – Approved by the Office of Administrative Law.
	Pet Notification - Amends OFN to include notification regarding neighboring pets.	<p>January 20, 2000 - Board voted to adopt. June 23, 2000 Board voted not to proceed. January 2005 Board voted to proceed. Noticed for Public Hearing July 15, 2005. December 30, 2005 – Approved by the Office of Administrative Law.</p>

1970.4	Disclosure Requirement - Deletes language regarding Wood Roof Cleaning & Treatment Pesticide.	March 26, 2002 change without regulatory effect approved by the Office of Administrative Law.
1970.4	Disclosure Requirement – Include presence of conduit language on the OFN	Noticed for Public Hearing July 20, 2007. July 20, 2007 - Public Hearing. Board voted to adopt. September 26, 2007 language under DCA legal review by the Director. March 17, 2008 – Approved by the Director, filed with the Office of Administrative Law. April 29, 2008 – Approved by the Office of Administrative Law.
1970.4	Allows for signed Occupants Fumigation Notice to be in electronic format	January 15, 2015 - Text Approved by Board Members June 4, 2015 - Noticed for Public Hearing July 23, 2015 - Public Hearing. August 20, 2015 – To DCA for review. February 17, 2016 – To OAL for final review. March 22, 2016 – Approved to become effective July 1, 2016. Industry notified May 31, 2016.
1970.4	Pesticide Disclosure Requirement Additional updates allowing information about pesticide use to be distributed electronically.	October 8, 2015 – Language approved by the Board October 1, 2017 – Staff Preparing Regulatory Proposal

1970.5	<p>Aeration - Clarifies that a field representative or operator must be present during aeration.</p> <p>Amendment regarding when licensee is required to be present to correlate with DPR's CAP regulation. – DEAD 05/10/12</p>	<p>August 12, 1996 – Approved by the Office of Administrative Law.</p> <p>December 22, 2010 Notice, ISOR, Language, Std 399 submitted to Linda Otani for review/approval by DPR.</p> <p>March 11, 2011 DPR request this regulation be repealed.</p> <p>April 28, 2011 Board voted to repeal regulation.</p> <p>May 10, 2012 – Public Hearing – Board voted to non-adopt proposed repeal of regulation.</p>
1970.6	Fumigation - Construction elements allowing passage of fumigants.	<p>December 16, 1998 - Public Hearing - Action postponed until further input.</p> <p>June 18, 1999 - Board voted to adopt with modifications.</p> <p>November 23, 2001 - Approved by the Office of Administrative Law.</p>
1971	Gas Masks – Removed the subsection concerning gas masks. B&P Code section 8505.15 was repealed January 1, 2008	<p>Noticed for Public Hearing July 24, 2009</p> <p>July 24, 2009 – Board members voted to carryover to next board meeting.</p> <p>October 22, 2009 – Board members voted not to proceed with amending the regulation.</p>
1973	<p>Re-entry Requirements - Requires use of proper testing equipment and changes printing on re-entry notice from red to black.</p> <p>Notice of Re-entry – Replace a product trade name with the active ingredient.</p>	<p>March 13, 1996 - Approved by the Office of Administrative Law.</p> <p>Noticed for Public Hearing July 20, 2007.</p> <p>July 20, 2007 - Public Hearing. Board voted to adopt.</p> <p>September 26, 2007 language under DCA legal review by the Director.</p> <p>March 17, 2008 – Approved by the Director, filed with the Office of Administrative Law.</p> <p>April 29, 2008 – Approved by the Office of Administrative Law.</p>

1974	<p>Fumigation Warning Signs - Specifies size and placement of signs.</p> <p>Fumigation warning signs to include the name of the fumigant used and its active ingredient.</p>	<p>March 13, 1996 - Approved by the Office of Administrative Law.</p> <p>Noticed for Public Hearing January 21, 2010 Public hearing held January 21, 2010 – Board voted to adopt .</p> <p>May 18, 2010, Rulemaking File submitted to DPR for approval.</p> <p>September 23, 2010 DPR returned package with approval signatures.</p> <p>September 30, 2010 Rulemaking File submitted to OAL.</p> <p>November 8, 2010 approved by OAL</p>
1983(i)	<p>Handling, Use and Storage of Pesticides - Clarification of bait station (rodenticide and avicide) reference.</p>	<p>December 16, 1998 - Public Hearing December 30, 1998 - Notice of Modification mailed. January 11, 2001 - Public Hearing - Board voted to adopt. Rulemaking File not complete by deadline date of December 1, 2001.</p> <p>April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.</p>
1983(j)	<p>Language regarding the removal of termite bait stations when a contract for service is terminated.</p>	<p>July 18, 2003 - Public hearing Board voted to adopt with proposed amendments. Approved by the Office of Administrative Law on August 12, 2004</p>

1984	Proposed regulation to define structural Integrated Pest Management	<p>October 2007 – Noticed for Public Hearing to adopt new section.</p> <p>March 10, 2008 – Final rulemaking file submitted to the Department.</p> <p>June 6, 2008 – Approved by the Director, filed with the Office of Administrative Law.</p> <p>July 9, 2008 - Approved by the Office of Administrative Law.</p> <p>Noticed for the January 23, 2009 Board Meeting.</p> <p>January 23, 2009 - Public hearing, Board voted to adopt with proposed amendments.</p> <p>June 10, 2009 - Rulemaking file submitted to DCA for Director review.</p> <p>August 5, 2009 – Received approved rulemaking file from DCA.</p> <p>August 5, 2009 – Final rulemaking file submitted to OAL.</p> <p>September 16, 2009 – Approved by the Office of Administrative Law</p>
1990	Report Requirements - Defines separated reports and structural members, and addresses reporting requirements for carpenter ants/bees.	March 13, 1996 - Approved by the Office of Administrative Law.
1990	<p>Report Requirements Under Section 8516</p> <p>Makes various changes to clarify and update existing language.</p>	<p>January 14, 2016- Language approved by Board and staff instructed to begin the rulemaking process.</p> <p>October 1, 2017 - Staff Preparing Regulatory Proposal.</p>
1990(g)	Report Requirements – Inspection of wooden decks.	April 28, 1998 - Approved by the Office of Administrative Law.
1990.1	Report Requirements - Repeal language under Section 8516.1(b) and (c)(1)(8).	March 26, 2002 change without regulatory effect - Approved by the Office of Administrative Law.

1991	Report Requirements - Eliminates requirement to cover accessible pellets and frass, and requires replacement of wood members no longer serving purpose to support or adorn the structure.	March 13, 1996 - Approved by the Office of Administrative Law.
1991(A)(B)(C)	Report Requirements - Specifies the restoration, refastening, removal or replacement of wooden decks, wooden stairs or wooden landings.	April 28, 1998 - Approved by the Office of Administrative Law.
1991(a)(5) 1991(a)(5)	Report Requirements – Allows for reinforcement of fungus infected wood and permits surface fungus to be chemically treated or left as is once the moisture is eliminated.	April 3, 1996 – Approved by the Office of Administrative Law.
1991(a)(8)c	Report Requirements – Requires registered companies to report that local treatment and/or corrective work will not eradicate other undetected infestations which may be located in other areas of the structure.	October 6, 1995 – Public Hearing - Board voted to non-adopt. Referred to committee to consider the matter of an all-encompassing disclosure statement on all inspection reports addressing inaccessible areas and potential infection and infestations.
	Report Requirements - Local treatment notification.	October 15, 1999 Public Hearing - Board voted to adopt. January 11, 2001 - Referred back to committee for comments. October 19, 2001 Public Hearing - Board voted to non-adopt, referred language back to committee. August 31, 2002 publication date expired. October 11, 2002 - Re-noticed -Public Hearing. Board voted to adopt. January 8, 2003 language under DCA legal review by the Director. February 21, 2003 filed with the Office of Administrative Law. Rulemaking file withdrawn from OAL March 27, 2003 pending a 15-Day Notice. File resubmitted to OAL. July 26, 2003 - Approved by the Office of Administrative Law.
1991 (cont.)		

1991(a)(9)	Report Requirement - Corrective Measures for extermination of a subterranean termite infestation and termite tubes. Exception for above ground termite bait stations.	January 11, 2001 Board voted to amend 1991(a)(9). October 19, 2001 Board passed unanimously to modify language with a 15-Day Notice. Notice mailed January 28, 2002, 1 year past the publication date. Bd. needs to re-notice. Noticed for Public Hearing July 15, 2005. December 30, 2005 – Approved by the Office of Administrative Law.
1991(13)(A) (B)(C)	Report Requirements - Delete specific recommendations regarding wooden decks, wooden stairs and landings. Language already exists in 1991(a)(5).	October 19, 2001 Board voted to repeal the language. August 31, 2002 publication date expired. April 4, 2003 - Public Hearing. Board voted to go forward after 15-Day Notice. Notice mailed June 11, 2003, final comments due June 30, 2003. February 14, 2004 rulemaking file expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.
1991(b)(10)	Report Requirements – Non-substantive correction to heading.	March 28, 2000 – Filed with the Office of Administrative Law. May 15, 2000 - Approved by the Office of Administrative Law.
1991	Report Requirements Makes Various Changes to the Language in Order to Promote Clarity and Consistency	January 14, 2016- Language approved by Board and staff instructed to begin the rulemaking process October 1, 2017 - Staff Preparing Regulatory Proposal

<p style="text-align: center;">1992</p>	<p style="text-align: center;">Secondary Recommendations</p> <p style="text-align: center;">Changes Language to Specifically State That Secondary Recommendations Must be Listed on the Notice of Work Completed / Not Completed</p>	<p style="text-align: center;">January 14, 2016- Language approved by Board and staff instructed to begin the rulemaking process</p> <p style="text-align: center;">October 1, 2017 - Staff Preparing Regulatory Proposal</p>
<p style="text-align: center;">1993(a)(b) (c)(d)(e)</p>	<p style="text-align: center;">Inspection - Specifies that reports shall comply With 8516 and defines different types of inspection reports. Also clarifies difference between duties performed by a field representative, operator and applicator.</p>	<p style="text-align: center;">March 13, 1996 - Approved by the Office of Administrative Law.</p>
	<p style="text-align: center;">Inspection Reports - Clarifies that the requirement applies to licensed field representative and licensed operators, not license applicators.</p>	<p style="text-align: center;">August 12, 1996 - Approved by the Office of Administrative Law.</p>
<p style="text-align: center;">1993</p>	<p style="text-align: center;">Deletes language regarding the filing of stamps.</p>	<p style="text-align: center;">April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 rulemaking file expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 -Approved by the Office of Administrative Law.</p>
<p style="text-align: center;">1993, 1998</p>	<p style="text-align: center;">Report Requirements – To eliminate reference to filing inspection reports and notices of work completed and require companies to file the address of properties inspected.</p>	<p style="text-align: center;">January 20, 2000 - Public Hearing Board voted to adopt. March 13, 2001 Rulemaking File disapproved by the Office of Administrative Law.</p> <p style="text-align: center;">April 4, 2003 - Public Hearing. Sec.1996 proceed with a 15-Day Notice, Sec. 1996.3 re-notice for July 18, 2003 meeting, Sec.1993 & 1998 Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.</p>

1993.1	Reinspection Language – To adopt section 1993.1 to require Wood Destroying Pest and Organism Inspection Reports to contain statement that work performed by others must be reinspected within ten days of request at a charge no greater than the original inspection fee.	May 22, 1998 – Rulemaking file disapproved by Office of Administrative Law. December 16, 1998 – Public Hearing. December 30, 1998 - Notice of Modifications mailed. January 11, 2001 - Public Hearing. Board voted to adopt. December 1, 2001 rulemaking file not completed by deadline. April 4, 2003 re-noticed for Public Hearing. Approved by the Office of Administrative Law - July 6, 2005.
1993.2	Bait Stations.	October 19, 2001 Board passed to adopt new language. Publication date expired. October 11, 2002 language re-noticed for Board meeting. December 23, 2002 rulemaking file under review. January 8, 2003 under DCA legal review by the Director. February 21, 2003 filed with the Office of Administrative Law. March 27, 2003 rulemaking file withdrawn from OAL pending a 15-Day Notice. July 26, 2003 - Approved by the Office of Administrative Law.
1993.2	<p style="text-align: center;">Termite Bait Stations.</p> <p style="text-align: center;">Defines above and below ground termite bait stations as devices containing pesticide bait. Specifies that use of termite bait stations are a control service agreement.</p>	<p style="text-align: center;">October 13, 2016 – Public Hearing was Conducted and Board Directed Staff to Begin Final Rulemaking Process</p> <p style="text-align: center;">October 1, 2017 – Final Rulemaking Package Undergoing Review at OAL</p>

1993.3	In-Ground Termite Bait Stations.	<p>October 12, 2001 Board passed to adopt new language. Publication date expired. Language re-noticed for October 11, 2002 Board meeting. Rulemaking package under review 12-23-02. January 8, 2003 – Under DCA legal review by the Director. February 21, 2003 filed with the Office of Administrative Law. March 27, 2003 rulemaking file withdrawn from OAL pending a 15-Day Notice. July 26, 2003 - Approved by the Office of Administrative Law.</p>
1993.3	<p>In-Ground Termite Bait Stations. Being repealed. Language in 1993.2 & 1993.4 make this section obsolete.</p>	<p>October 13, 2016 – Public Hearing was Conducted and Board Directed Staff to Begin Final Rulemaking Process</p> <p>October 1, 2017 – Final Rulemaking Package Undergoing Review at OAL</p>
1993.4	<p>Termite Monitoring Devices. New section defining termite monitoring devices and providing guidelines for their installation and use.</p>	<p>October 13, 2016 – Public Hearing was Conducted and Board Directed Staff to Begin Final Rulemaking Process</p> <p>October 1, 2017 – Final Rulemaking Package Undergoing Review at OAL</p>
1996	Pre-Treatment - Specifies Pre-Treatment Inspection Report/Notice of Intent form.	August 30, 1996 - Public Hearing. Amendment was not adopted. Board referred to Pre-Treatment Committee.
	Inspection Report – Includes a first page of the Inspection Report for scanning purposes.	August 13, 1998 – Approved by the Office of Administrative Law.

<p>1996</p> <p>1996.2</p>	<p>Requirements for Reporting All Inspections Under Section 8516(b).</p> <p>Revised Inspection Report Form and Standard Notice of work Completed and Not Completed.</p>	<p>January 18, 2002 Public Hearing - Board voted to adopt. Form Rev. date completed 1-15-03. April 4, 2003 Board again voted to adopt regulatory lang. Noticed for Public Hearing July 15, 2005. December 30, 2005 - Approved by the Office of Administrative Law.</p> <p>December 16, 2002 - Approved by the Office of Administrative Law.</p>
<p>1996.1</p>	<p>Inspection and Completion Tags - The completion tag shall include the method(s) of treatment.</p> <p>Completion tag to include the trade name of any pesticide used and active ingredient.</p>	<p>July 18, 2003 Public Hearing - Board members voted to adopt. Rulemaking file placed on hold due to Executive Order. Approved by Office of Administrative Law August 12, 2004</p> <p>Noticed for Public Hearing January 21, 2010 Public hearing held January 21, 2010 - Board voted to adopt. May 18, 2010, Rulemaking File submitted to DPR for approval. September 23, 2010 DPR returned package with approval signatures. September 30, 2010 Rulemaking File submitted to OAL. November 8, 2010 approved by OAL.</p>
<p>1996.2</p>	<p>Completion Notice - Includes a first page of the Completion Notice for scanning purposes.</p> <p>Revised Completion Notice Form.</p>	<p>August 13, 1998 - Approved by the Office of Administrative Law.</p> <p>January 18, 2002 Public Hearing - Adopted by the Board. December 16, 2002 - Approved by the Office of Administrative Law.</p>

<p>1996.3</p>	<p>Requirements for Reporting property addresses. Adopt new language that will provide guidelines of what is required when filing the WDO form with the Board.</p> <p>Increase filing fee to \$2.00 on form</p> <p>Increase filing fee to \$2.50 on form</p>	<p>March 17, 2003 Rulemaking file on hold due to Executive Order. July 18, 2003 Public Hearing - Board voted to adopt after a 15-Day Notice of modified language. Approved by Office of Administrative Law July 13, 2004</p> <p>Noticed for Public Hearing July 24, 2009 July 24, 2009 – Board voted to adopt. Sept. 3, 2009 – Rulemaking file submitted to DCA for review. January 21, 2010, Board considered 15-day comments to increase fee to \$2.50. Board voted to adopt at \$2.50 per activity. May 20, 2010 Office of Administrative Law approves Rulemaking File to increase fee to \$2.50 effective July 1, 2010.</p>
<p>1997</p>	<p>Filing Fee – Inspection Reports and Completion Notices.</p> <p>Filing Fee – Inspection Reports and Completion Notices – Fee increase.</p>	<p>October 15, 1996 – Approved by the Office of Administrative Law.</p> <p>December 16, 1998 – Public Hearing Adopted by Board. Rulemaking file not submitted based on recommendations from DCA that fee increase not necessary to fund condition.</p>

<p>1997</p>	<p>Filing Fee – WDO Activity Filing Fee.</p> <p>Filing Fee – Increase WDO Activity Filing Fee to \$2.00.</p> <p>15-Day Modified Text to increase fee to \$2.50 per activity effective July 1, 2010</p>	<p>December 16, 1999 – Non-substantive change without regulatory effect filed with the Office of Administrative Law. January 28, 2000 - Approved by the Office of Administrative Law.</p> <p>Noticed for Public Hearing July 24, 2009 July 24, 2009 Board voted to adopt. Sept. 3, 2009 – Rulemaking file submitted to DCA for review.</p> <p>Dec. 28, 2009 – Board passed unanimously to modify language with a 15-Day Notice. Notice mailed on December 29, 2009, final comments due January 13, 2010</p> <p>January 21, 2010, Board considered 15-day comments to increase fee to \$2.50. Board voted to adopt at \$2.50 per activity. May 20, 2010 Office of Administrative Law approves Rulemaking File to increase fee to \$2.50 effective July 1, 2010.</p>
<p>1999.5</p>	<p>Advertising Guidelines.</p>	<p>June 18, 1999 – Public Hearing August 27, 1999 – Modified language mailed November 22, 2001 approved by the Office of Administrative Law. September 24, 2002 non-substantive change without regulatory effect approved by the Office of Administrative Law.</p> <p>October 2007 – Noticed for Public Hearing to amend the current regulation. January 2008 – Board moved to request further analysis by Legal Counsel and staff. June 26, 2008 - Rulemaking file submitted to DCA for Director review.</p>

<p>1999.5 (cont.)</p>	<p>Include an introductory statement to clarify the purpose of the regulation. Clarify that certain subsections pertain only to Branch 3 companies.</p>	<p>September 11, 2008 - Rulemaking file submitted to OAL for approval. October 24, 2008 - Rulemaking file disapproved by OAL. February 19, 2009 – Task Force meeting held to discuss OAL’s disapproval March 2009 – Extension granted by OAL. June 2, 2009 – Resubmittal submitted to DCA for Director review. June 8, 2009 – Resubmittal submitted to OAL for approval. July 17, 2009 – Approved by OAL</p>
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AB-593 Structural Fumigation Enforcement Program. (2017-2018)

SHARE THIS:



Date Published: 09/12/2017 09:00 PM

Assembly Bill No. 593

CHAPTER 225

An act to amend Section 8698.6 of the Business and Professions Code, relating to structural fumigation.

[Approved by Governor September 11, 2017. Filed with Secretary of State
September 11, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 593, Gloria. Structural Fumigation Enforcement Program.

Existing law, until January 1, 2018, establishes a structural fumigation enforcement program that requires the Director of the Department of Pesticide Regulation to provide oversight for the program. Existing law requires any company performing a structural fumigation in Los Angeles County, Orange County, Santa Clara County, or San Diego County to pay the county agricultural commissioner a specified fee for each fumigation conducted at a specific location. Existing law authorizes the commissioners of those counties to perform increased structural fumigation, inspection, and enforcement activities to be funded by the required fee. Existing law requires these funds to be paid to the county and used for the sole purpose of funding enforcement and training activities directly related to the structural fumigation program.

This bill would extend the operation of these provisions to January 1, 2023.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8698.6 of the Business and Professions Code is amended to read:

8698.6. This chapter shall remain in effect only until January 1, 2023, and as of that date is repealed.



AB-710 Department of Consumer Affairs: boards: meetings. (2017-2018)

SHARE THIS:



Date Published: 04/27/2017 09:00 PM

AMENDED IN ASSEMBLY APRIL 27, 2017

AMENDED IN ASSEMBLY MARCH 27, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 710

Introduced by Assembly Member Wood

February 15, 2017

An act to amend Section 101.7 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 710, as amended, Wood. Department of Consumer Affairs: boards: meetings.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law generally requires these boards to meet at least 3 times each calendar year, and at least once in northern California and once in southern California per calendar year.

This bill would require a board to meet once every other calendar year in rural ~~northern~~ California.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 101.7 of the Business and Professions Code is amended to read:

101.7. (a) Notwithstanding any other provision of law, boards shall meet at least three times each calendar year. Boards shall meet at least once each calendar year in northern California, once every other calendar year in rural ~~northern~~ California, and once each calendar year in southern California in order to facilitate participation by the public and its licensees.

(b) The director at his or her discretion may exempt any board from the requirement in subdivision (a) upon a showing of good cause that the board is not able to meet at least three times in a calendar year.

(c) The director may call for a special meeting of the board when a board is not fulfilling its duties.

(d) An agency within the department that is required to provide a written notice pursuant to subdivision (a) of Section 11125 of the Government Code, may provide that notice by regular mail, email, or by both regular mail and email. An agency shall give a person who requests a notice the option of receiving the notice by regular mail, email, or by both regular mail and email. The agency shall comply with the requester's chosen form or forms of notice.

(e) An agency that plans to Web cast a meeting shall include in the meeting notice required pursuant to subdivision (a) of Section 11125 of the Government Code a statement of the board's intent to Web cast the meeting. An agency may Web cast a meeting even if the agency fails to include that statement of intent in the notice.



AB-1590 Structural Pest Control Board: complaints: structural pest control operators. (2017-2018)

SHARE THIS:



Date Published: 09/08/2017 04:00 AM

ENROLLED SEPTEMBER 07, 2017
PASSED IN SENATE AUGUST 31, 2017
PASSED IN ASSEMBLY SEPTEMBER 05, 2017
AMENDED IN SENATE JUNE 14, 2017
AMENDED IN ASSEMBLY MARCH 21, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 1590

Introduced by Assembly Member Chen

February 17, 2017

An act to amend Section 8621 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1590, Chen. Structural Pest Control Board: complaints: structural pest control operators.

Existing law defines, licenses, and regulates structural pest control operators and establishes the Structural Pest Control Board within the Department of Consumer Affairs to administer these provisions. Existing law requires all complaints against a licensee or a registered company to be filed with the board within 2 years after the act or omission alleged as the ground for disciplinary action or, in the case of fraud, within 4 years after commission of the fraudulent act or omission. Existing law requires the board to file any accusation within one year after the complaint has been filed with the board, except as specified.

This bill instead would require a complaint against a nonlicensee, licensee, or registered company to be filed with the board no later than 2 years after the act or omission or, in a matter involving fraud, gross negligence, or misrepresentation, no later than 4 years after commission of the act or omission. The bill instead would require the board to file any accusation no later than 18 months after the complaint was filed with the board, except as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8621 of the Business and Professions Code is amended to read:

8621. A complaint of any person against a nonlicensee, licensee, or registered company shall be filed with the board no later than two years after the act or omission alleged as the ground for disciplinary action or, in a matter involving fraud, gross negligence, or misrepresentation, no later than four years after commission of the act or omission. The board shall file any accusation no later than 18 months after the complaint has been filed with the board, except that with respect to a violation of Section 8637, the accusation may be filed no later than two years after the discovery by the board of the alleged facts constituting the fraud or misrepresentation prohibited by the section.



SB-800 Professions and vocations. (2017-2018)

SHARE THIS:



Date Published: 09/20/2017 09:00 PM

ENROLLED SEPTEMBER 20, 2017
PASSED IN SENATE SEPTEMBER 15, 2017
PASSED IN ASSEMBLY SEPTEMBER 15, 2017
AMENDED IN ASSEMBLY SEPTEMBER 08, 2017
AMENDED IN ASSEMBLY AUGUST 21, 2017
AMENDED IN ASSEMBLY JUNE 05, 2017
AMENDED IN SENATE APRIL 20, 2017
AMENDED IN SENATE APRIL 18, 2017

CALIFORNIA LEGISLATURE— 2017-2018 REGULAR SESSION

SENATE BILL

No. 800

Introduced by Committee on Business, Professions and Economic Development (Senators Hill (Chair), Dodd, Galgiani, Glazer, Hernandez, Newman, Pan, and Wilk)

February 17, 2017

An act to amend Sections 4013, 4316, 4980.09, 4980.44, 4980.72, 4984.4, 4984.7, 4984.9, 4989.46, 4992.8, 4996.3, 4996.6, 4996.17, 4999.12.5, 4999.32, 4999.33, 4999.42, 4999.53, 4999.60, 4999.61, 4999.62, 4999.63, 4999.118, 4999.120, 5094, 5680.1, 5680.2, 7075.1, 7145.5, 7558, 7583.5, 7583.20, 7583.21, 7583.32, 7586, 7590.1, 7593.11, 7598.17, 7599.54, 7713, 8567, 12003, 12014, 12022, 12103.5, 12204, 12206, 12303, 12304, 12310, 12310.5, 12313, 12500, 12500.8, 12501.1, 12511, 12602, 12603, 12701, 12707, 12716, 12717, 12722, 12734, 12737, 13432, 13433, 13434, and 22352 of, and to repeal Section 4001.5 of, the Business and Professions Code, to amend Sections 42639.1 and 85239.1 of the Education Code, to amend Section 1010 of the Evidence Code, to amend Section 424 of the Government Code, and to amend Section 11165.7 of the Penal Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 800, Committee on Business, Professions and Economic Development. Professions and vocations.

manager of the crematory.

SEC. 43. Section 8567 of the Business and Professions Code is amended to read:

8567. (a) Should a field representative or applicator change his or her employment, or should an operator enter the employ of a registered company, or being already employed by a registered company change his or her employment, or being employed by a registered company leave that employment and enter the pest control business on his or her own behalf, he or she shall notify the registrar on a form prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board. The registrar shall register the change in his or her records.

(b) If a field representative, operator, or applicator fails to notify the registrar within 30 days of the date a change of employment occurs, a registered company may notify the registrar, on a form prescribed by the board, that the field representative, operator, or applicator is no longer associated with the registered company.

SEC. 44. Section 12003 of the Business and Professions Code is amended to read:

12003. "Secretary" means the Secretary of Food and Agriculture.

SEC. 45. Section 12014 of the Business and Professions Code is amended to read:

12014. (a) Except as provided in subdivision (b), any sealer who seals any weight, measure, balance or weighing or measuring instrument or apparatus before first testing and making it conform with the standards of the state, or who condemns any weight, measure, balance or weighing or measuring instrument or apparatus without first testing it is guilty of a misdemeanor.

(b) A sealer may engage in a planned program of probability sampling of devices, using methods approved by the secretary. The sealing of a device by a sealer pursuant to such sampling and testing program is exempt from the provisions of subdivision (a).

SEC. 46. Section 12022 of the Business and Professions Code is amended to read:

12022. Every person who, in putting up in any container, goods usually sold by weight, puts in or conceals therein any other substance including moisture, except such moisture as may be included or absorbed by the goods or commodity contained therein during preparation for market or processing in accordance with ordinary commercial practice, for the purpose of increasing the weight of such container with intent thereby to sell the goods therein or to enable another to sell the same, for an increased weight, is punishable by a fine of not less than twenty-five dollars (\$25) for each offense. The amount of added moisture contained in poultry meat as defined in Section 380.20 of the Agricultural Code shall not exceed 4 percent by weight or any greater amount established by regulation of the secretary.

SEC. 47. Section 12103.5 of the Business and Professions Code is amended to read:

12103.5. The duty of enforcing this division and carrying out its provisions and requirements is vested in the secretary and in each sealer acting under the supervision and direction of the secretary.

SEC. 48. Section 12204 of the Business and Professions Code is amended to read:

12204. In chartered counties providing for the civil service examination of sealers, deputy sealers, or inspectors the secretary shall issue a license without further examination upon presentation of a certificate showing the candidate has passed the examination. In these counties the board or commission responsible for the civil service examination may require a license from the secretary as a minimum qualification.

SEC. 49. Section 12206 of the Business and Professions Code is amended to read:

12206. The jurisdiction of a county sealer appointed by a county or the secretary extends over the entire territorial limits of the county.

SEC. 50. Section 12303 of the Business and Professions Code is amended to read:



MEMORANDUM

DATE	September 26, 2017
TO	Board Members
FROM	Susan Saylor, Executive Officer
SUBJECT	Agenda Item XII. — Policies and Procedures

Enclosed in the Board materials for your review and approval are staff recommended amendments to sections G-6 (Guidelines for Access to Public Records), G-9 (Mail Votes), and E-1 (Complaint Process) of the Board's Policies and Procedures.

STRUCTURAL PEST CONTROL BOARD

PROCEDURES

(Reference to Registrar and Deputy/Assistant
Registrar is Synonymous)

Revised 10/16/2014

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GENERAL

NO. G-1

SUBJECT: REVIEW OF PROCEDURES

PURPOSE: To assure procedures are current

POLICY

A review of Board Procedures shall be made at the annual meeting.

Reference: Section 108, Business and Professions Code

History: Adopted 4/20/79
Amended 6/23/00

NO. G-2

SUBJECT: TRAVEL

PURPOSE: To establish a standard procedure for approval of Board Member and advisory committee member travel

POLICY

Board Member

Members of the Board are to receive prior approval from the President of the Board and immediately submit notice thereof to the Registrar before attending any meetings, other than Board meetings and Board committee meetings, at state expense.

Advisory Committee Member

Advisory committee members must receive prior approval from the President of the Board regarding expenditures necessary to carry out their duties at state expense. Advisory committee members are required to take the lowest cost transportation and coordinate their travel to minimize expense.

Reference: Sections 103 and 8526, Business and Professions Code

History: Adopted 4/20/79
Amended 10/22/93

NO. G-3

SUBJECT: BOARD COMMITTEES

PURPOSE: To establish guidelines for board committees

POLICY

Technical Advisory Committee members' terms expire when the appointing president's term expires.

Ad hoc committees will be established by the Board as needed. Members and the chairperson will be appointed by the President.

No action can be taken unless a quorum of a committee is present. A majority of the members shall constitute a quorum.

Reference: Sections 22, and 477, Business and Professions Code

History: Adopted 2/19/88
Amended 11/6/92
Amended 10/22/93
Amended 1/10/03
Amended 7/18/03
Amended 1/15/05
Amended 10/16/14

NO. G-4

SUBJECT: ELECTION OF OFFICERS

PURPOSE: Identify when elections are held and to assure equal representation

POLICY

Elections for the offices of president and vice president shall be conducted at the October board meeting. President and vice president shall assume duties at the board meeting following the annual October meeting. At least one of the offices of president and vice president must be held by a public member.

Reference: Sections 8521 and 8522, Business and Professions Code

History: Adopted 2/19/88
Repealed 10/12/90
Adopted 10/21/94
Amended 1/10/03
Amended 10/20/06

NO. G-5

SUBJECT: BOARD MEETING MINUTES

PURPOSE: To assure board meeting minutes are completed promptly.

POLICY

Draft minutes of Structural Pest Control Board Meetings will be completed and distributed to board members within 30 days after a board meeting.

Minutes of the Structural Pest Control Board Meetings will be distributed to individuals on the mailing list within 10 days after approval by the Board.

Reference: 8531.5

History: Adopted 10/12/90
Amended 10/22/93
Amended 10/4/96
Amended 11/18/08

NO. G-6

SUBJECT: GUIDELINES FOR ACCESS TO PUBLIC RECORDS

PURPOSE: To establish procedures to be followed when making public records available.

POLICY

Public records in the physical custody of the Structural Pest Control Board that are not exempt from disclosure will be made available for inspection or copying as follows:

1. Any person may review public records of the Board during weekdays and hours that the office is regularly open for business. Public records will be available for inspection only at the office or location where they are regularly and routinely maintained.
2. Requests for inspection or copying of public records:
 - a) should be addressed to, or directed to, the board.
3. The board will provide the following to assist a member of the public to make a focused and effective request that reasonably describes identifiable records or records to the extent it is reasonable under the circumstances:
 - a) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
 - b) Describe the information technology and physical location in which the records exist.
 - c) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
4. The requestor will be notified in ten (10) days whether the board has disclosable public records. Where unusual circumstances exist as specific in Government Code section 6253(c), the agency may, by written notice to the requester, extend the time for response not to exceed fourteen (14) additional days.
5. If a request is made for a record that is stored in an electronic format, the board will comply to the extent required under Government Code Section 6253.9.
6. The board may refuse to disclose any records that are exempt from disclosure under the Public Records Act (PRA).

7. Any denials of PRA requests for consumer complaints shall be subject to Legal Office review prior to responding to the requestor.
8. Functions of the board will not be suspended to permit, and public records will not be made available for, inspection during periods in which such records are reasonably required by board personnel in the performance of their duties. Special arrangements shall be made in advance for the inspection or copying of voluminous records.
9. Public records in the possession of the board may be inspected only in the presence of board personnel, except in those cases where the executive officer or his or her designee, determines otherwise. Physical inspection of such records will be permitted at places within the board office as determined by the executive officer.
10. The board will provide copies of any requested public records not exempt from disclosure upon payment of the following fees as authorized by Business and Professions Code section 161:
 - Requested public records will be produced at a charge of ~~thirty-five ten~~ ten (3510) cents per page plus the actual costs of the staff time for retrieving and duplicating the document(s). The cost of staff time will be computed in accordance with the guidelines contained in Section 8740 of the State Administrative Manual. However, these fees may be waived if the costs of retrieval and duplication are less than the cost of processing the payment.
 - Requests by an individual for copies of records pertaining to that individual (e.g., licensee files, personnel files, etc.) will be provided to that individual at a cost of ten (10) cents per page. In these cases, the cost of staff time for retrieving and duplicating the document(s) shall not be charged (Civil Code sec. 1798.33). However, these fees may be waived if the costs of duplication are less than the cost of processing the payment.
 - Lists of licensees will be provided in electronic, paper, or mailing label form at a charge sufficient to recover the estimated costs of providing the data. Further information and a list of charges may be obtained by contacting the Office of Information Services, Public Information Unit at the following website address: www.dca.ca.gov/consumer/public_info/ or call (916) 574-8150.
 - As provided in Business and Professions Code sec. 163, a charge of \$2.00 will be made to certify any document. This fee is in addition to copying costs.
11. A person who inspects records of the board shall not destroy, mutilate, deface, alter or remove any such records or records from the location designated for inspection, but shall physically return these in the same condition as when received, upon either the completion of the inspection or upon verbal request of departmental or agency personnel.
12. In the event that any portion of these guidelines may be deemed at any time to conflict with any law or regulation, the law or regulation shall prevail.

13. A copy of these guidelines shall be posted in a conspicuous public place in the office of the board. A copy of these guidelines shall be made available free of charge to any person requesting them.

Reference: Government Code, California Public Records Act

History: Adopted 9/5/91
Amended 10/4/96
Amended 10/11/02
Amended 10/12/07
Amended 4/28/11
Amended 10/5/11

NO. G-7

SUBJECT: REVIEW OF STRATEGIC PLAN

PURPOSE: To assure plan is being followed.

POLICY

A review of the status of action taken in compliance with the Strategic Plan shall be made at the annual meeting.

Reference:

History: Adopted 6/23/00

NO. G-8

SUBJECT: DUTIES OF THE PRESIDENT AND VICE PRESIDENT

PURPOSE: Document duties for board members elected to office.

POLICY

President

1. The president shall chair all meetings of the board.
2. The president or any three members of the board may call meetings at any time.
3. If a member is unable to attend, he / she must contact the board president and the registrar / executive officer to advise them of his / her inability to attend.
4. The president will be guided by, but not bound by Robert's Rules of Order when conducting the meetings, except to the extent where it conflicts with state law (Bagley-Keene Open Meeting Act).
5. The president shall establish standing and special committees as the board deems necessary or appropriate. The president shall make the appointment of members to these committees.
6. The president will represent the board in all communications relating to any board action or policy. The president may designate another board member to represent him / her if necessary.
7. The president will approve or disapprove travel by members of the board, not including regularly scheduled board meetings, such approval not to be unreasonably withheld.
8. The president shall have the responsibilities usually vested in or customarily incident to the office of president and otherwise prescribed by law.
9. The president elect shall serve as the board delegate to ASPCRO; if he or she cannot attend, the president, or his or her designee, shall serve as the board delegate to ASPCRO.
10. The president shall supervise the activities of the registrar / executive officer.
11. In intervals between meetings of the board, the president shall have authority to make decisions respecting emergency or urgent matters.

12. The president shall sign decisions and rulings of the board on behalf of the board, and minutes after approved by the board.
13. The president shall serve as liaison between the board and the Deputy Director of Board Support.

Vice President

1. If the president is temporarily unable or unwilling to perform his or her duties as president, the vice president shall perform all of the duties of the president, and when so acting shall have all the powers of, and be subject to all the restrictions upon, the president.

Reference: Section 8523, Business and Professions Code

History: Adopted 1/10/03
Amended 7/18/03
Amended 1/14/05
Amended 11/18/08

NO. G-9

SUBJECT: MAIL VOTES

PURPOSE: To provide policies for Board members voting by mail.

Mail Votes

The Board reviews and votes on disciplinary cases on a continuous basis through mail vote. Proposed Decisions and Stipulations are sent to the Board members for their review and vote. Board members have fourteen (14) days to review the Proposed Decisions and Stipulations and submit their vote. Each Board member may vote to either:

- Adopt the Proposed Decision or Stipulation;
- Reject the Proposed Decision or Stipulation; or
- Hold Proposed Decision or Stipulation for discussion at the next closed session.

Any Proposed Decision or Stipulation received by Board staff within thirty (30) days of a Board meeting will be held for closed session. At least four (4) votes are required to adopt or reject a Proposed Decision or Stipulation.

Two (2) votes shall be required in order for a Proposed Decision or Stipulation to be held over for discussion at a meeting of the Board.

Reference:

History: Adopted 10/16/14

LICENSING
and
EXAMINATION

NO. L-1

SUBJECT: UNAUTHORIZED ASSISTANCE

PURPOSE: To establish guidelines for examination proctors when cheating occurs.

POLICY

An applicant who gives or receives unauthorized assistance during an examination shall be dismissed from the examination and his/her markings or results shall be void and such applicant's examination fee shall be forfeited.

Reference: Section 496, Business and Professions Code

History: Adopted 11/12/82
Amended 10/12/85

NO. L-2

SUBJECT: POSTPONEMENT OF EXAMINATION

PURPOSE: To establish unacceptable reasons for granting a postponement of examination.

POLICY

Lack of preparation is not considered a valid reason for postponement as provided in section 1941 of the Rules and Regulations. Such request will be denied and the fee forfeited.

Reference: Section 8560, Business and Professions Code
Section 1941, California Code of Regulations

History: Adopted 10/29/83

SUBJECT: FEES

PURPOSE: To establish guidelines to assure that licenses/certificates and renewals are not issued until fees are paid.

POLICY

No registration certificate or license or renewal for a license shall be issued or renewed where fees tendered is in the form of a personal check until the check has cleared. Personal checks returned unpaid for any reason shall be treated in the same way as though no fee at all had been tendered.

Reference: Sections 8562, 8564 and 8590, Business and Professions Code
Sections 1936 and 1936.1, California Code of Regulations

History: Adopted 11/12/82
Amended 10/25/96
Repealed 10/4/96

SUBJECT: APPLICATOR EXAMINATION

PURPOSE: To establish guidelines for the use, control and security of applicator examinations.

POLICY

General:

1. Examinations and answer keys must be kept in a locked cabinet, closet, drawer, or similar enclosed place and not removed until used.
2. Examination cannot be reproduced in any form.
3. A log provided by the Board of each examination given must be maintained in duplicate and a copy accounting for the previous order sent to the Board with the next order or upon request.
4. The current examination must always be used. When examinations are changed, registered companies will be notified by the Board and unused examinations must be returned to the Board to be exchanged for the current examination.
5. After completion of an examination, whether passed or failed, it must be returned immediately to the Board.
6. The owner or qualifying manager may act as proctor or designate a proctor to administer the examination. Even though the owner or qualifying manager delegates this authority, he/she remains responsible for the integrity of administration of the examination.
7. A new examination booklet must be used each time an examination is given.
8. If an examinee fails the examination, he/she may repeat the examination but a new examination booklet must be used.
9. The passing grade is 70 correct answers.
10. If an examination is lost, stolen or damaged, the Board must be notified immediately.
11. Applicator examinations are not transferable from one company to another.

Administration of Examination:

1. Proctor must identify the examinee by driver's license or other photo identification.
2. Examination must be given in a quiet place.
3. Examination must be uninterrupted.
4. Examination must be taken at one sitting.
5. Examinee must NOT write in the examination booklets.
6. Examinee can take short breaks but they must surrender examination booklets to the proctor and they cannot talk to anyone or consult any aids. If more than one examinee is taking the examination at one time, only one at a time may take a break.
7. Proctor must be present during the entire examination.
8. No resource materials or display can be used.
9. No assistance can be given.
10. Proctor must certify on the cover of the examination that it was administered in accordance with the Board instructions.
11. Examinee must certify on the cover of the examination that the examination was taken in accordance with Board instructions and agree to an audit by re-examination if selected by the Board.
12. Proctor grades the examination.
13. Proctor returns all completed booklets and answer sheets, whether passed or failed, to the Board.
14. If the examinee passes, the temporary certificate on the cover of the examination must be signed, dated, detached and retained by the applicator. The permanent certificate will be sent to the applicator within 30 days of receipt of the examination by the Board.

Reference: Sections 8551.5 and 8564.5, Business and Professions Code.

History: Adopted 1980
Amended 10/6/84
Amended 10/25/86
Repealed 1/1/91

NO. L-5

SUBJECT: INCOMPLETE EXAMINATION APPLICATIONS

PURPOSE: To establish a standard time period for retaining incomplete application for examination.

POLICY

An incomplete application for examination will be purged and such applicant's examination fee shall be forfeited six months after the last contact made with the applicant requesting completion of the examination application.

Reference: Section 8562 and 8564, Business and Professions Code
Section 1936, California Code of Regulations

History: Adopted 10/13/89

SUBJECT: CONTINUING EDUCATION EXEMPTIONS FOR ARMED SERVICES PERSONNEL

PURPOSE: To provide for the temporary waiver of continuing education renewal requirements for licensees servicing during any call for action.

POLICY

Any licensee who permitted his/her license to expire while serving in any branch of the armed services of the United States during any call for action, may have one year from the date of discharge from the armed services or return to inactive status to earn the required continuing education hours necessary to reinstate his/her license; provided the license was valid at the time the licensee was called to action, and the application for reinstatement is accompanied by an affidavit showing the date of discharge from the armed services or return to inactive status.

Reference: Sections 114, 8590 and 8593, Business and Professions Code
Sections 1950, California Code of Regulations

History: Adopted 4/5/91
Amended 9/5/91
Repealed 10/4/96
Readopted 1/18/02
Repealed 4/22/10

ENFORCEMENT

NO. E-1

SUBJECT: COMPLAINT PROCESS

PURPOSE: To establish guidelines and procedures for accepting and processing complaints against registered companies/licensees.

POLICY

Complaint against a licensee/registered company of the Structural Pest Control Board shall be filed with the Board's office.

Upon receipt of a complaint the Board will inquire as to whether the consumer has contacted the company first and made an effort to resolve the problem. Exceptions are those complaints that the Registrar feels should be investigated by the Division of Investigation or a Structural Pest Control Board Specialist because of the seriousness of the evidence of the violation or unusual and special circumstances.

A complaint will not be accepted if the statute of limitations has expired.

~~A complaint will not be accepted if the dispute is over the collection of money or prices charged, unless it involves section 8653.~~

When a complainant seeks repairs or treatment at no charge from a licensee/registered company whose termite inspection omitted reportable items which were available to the consumer in a prior report by another licensee/registered company, the complainant will be advised that: (1) the Board will not try to compel the licensee/registered company to bring the property into compliance other than issuing a proper report and (2) the Board will investigate the case to determine if the licensee/registered company is in violation and administrative action warranted.

Upon receipt of a complaint alleging a violation of the Structural Pest Control Act, a post card acknowledging the complaint or letter of rejection will be sent to the complainant within five working days.

Complaints involving possible pesticide poisoning shall be referred immediately by telephone to the local agricultural commissioner.

Consumer complaints shall be mediated by the Board unless criminal or gross violations are readily apparent. Complaints that are the result of gross, deliberate or repeated violations of the Act shall be sent to the Attorney General for disciplinary action regardless of the mitigating action of the licensee.

When a complaint is received, a letter of transmittal and copy of the complaint shall be sent to the licensee/registered company within five working days of receipt.

When a complaint is received, staff will determine if a building permit was required to complete repairs on the property, and also verify whether the permit was obtained.

The letter of transmittal shall request that the licensee/registered company respond to the complaint stating his/her position and intentions. The letter of transmittal shall inform the licensee/registered company that a response is expected within ten (10) days from receipt of the complaint. At the discretion of the Registrar, the ten (10) working days allowed for the licensee's /registered company's response may be extended for good cause, but not to exceed an additional twenty (20) working days. The initial contact letter sent to a registered company will request that building permit final papers must be provided to the Board for each repair performed when such permit is required.

If the licensee/registered company fails to respond to the transmittal letter, the consumer services representative shall try to contact the licensee/registered company before referring the complaint to a Structural Pest Control Board Specialist.

Complaints mediated by consumer services representatives shall be closed or referred to a Structural Pest Control Board Specialist within thirty (30) days after the date of the transmittal letter to the licensee/registered company. At the discretion of the Registrar, the thirty (30) days provided for settlement may be extended for good cause.

The Registrar shall verify all complaints that are resolved by the licensee/registered company.

When a case is closed by settlement or dismissal, the parties shall be notified by the Board within ten (10) days.

Effective August 13, 1999, when a request is made for copies of a complaint file(s) only those documents which are public records, such as accusation, statement of issues, citations, final decisions, documents introduced at an administrative hearing or documents which have been previously disclosed to the public will be provided. All other documents contained in the complaint file will not be disclosed pursuant to the Government Code section 6254(f). If the Board is served with a subpoena it will be given to the Executive Officer or the Assistant Executive Officer or Legal Counsel before any documents are released.

Reference: Sections 129, 8616.5, 8621 and 8622, Business and Professions Code

History: Adopted 4/20/79
Amended 11/12/92
Amended 10/6/84
Amended 12/9/84
Amended 10/12/85
Amended 10/25/86
Amended 9/5/91
Amended 10/22/93
Amended 10/6/95
Amended 10/4/96
Amended 8/13/99
Amended 4/6/00

NO. E-2

SUBJECT: INSPECTION PROCESS

PURPOSE: To establish guidelines and procedures for processing inspections and assessing inspection fees.

POLICY

General:

Any case that involves criminal or civil activity within the jurisdiction of a district or city attorney may be referred to those agencies in addition to the Attorney General.

Structural Pest Control Board Specialists that are hired after leaving a registered company shall not be assigned to inspect complaints against that company until after two years from leaving the company.

Structural Pest Control Board Specialists shall be encouraged to obtain a Structural Pest Control Board Field Representative's License in Branch 3 or the equivalent within one year from being hired. The Board also encourages specialist to qualify in all branches.

A Structural Pest Control Board Specialist is authorized to investigate immediately a cause of death or serious injury when structural pest control is involved without first obtaining the approval of the Registrar.

When the Registrar has information which indicates that a licensee/registered company has failed to meet standards of performance or report requirements, a Structural Pest Control Board Specialist may, at the direction of the Registrar, inspect inspections or jobs completed by the licensee/registered company to determine if errors were made or if it appears that violations are deliberate or customary.

When the Registrar requests inspections by Structural Pest Control Board Specialists, such inspections are for the purpose of determining whether the Act and/or regulations have been violated. The specialist shall not give advice, legal or otherwise, when inspecting cases for the Structural Pest Control Board.

The Structural Pest Control Board Specialists when directed by the Registrar shall determine if work is completed or repairs made as specified in the complaint. The specialist may inspect the entire property for compliance with the Act. Any violations found may be grounds for disciplinary action.

The specialist should communicate to the complainant that his/her inspection is conducted for the purpose of enforcing the provisions of the Structural Pest Control Act and that the Board's jurisdiction is over the license/registration certificate and does not award a financial settlement to the complainant.

No Violation Determined:

When a Structural Pest Control Board Specialist cannot determine that a violation by a licensee/registered company occurred, the specialist, at that time, shall inform the complainant and shall include in the specialist report that he/she has given this information to the complainant. When a case is closed by settlement or dismissal, the parties thereto shall be notified by the Board within ten (10) days.

Violation(s) Determined:

When violations are found, a letter from the Registrar enclosing the report of findings of the Structural Pest Control Board Specialist (example below) may be sent to the licensee/registered company by certified mail with return requested allowing him/her/it thirty (30) days to comply. Extensions may be granted by the specialist but all extensions must be requested for in writing and should not extend beyond thirty (30) days. A copy of the letter will be sent to the complainant.

Example

RE:

NOTICE

The above-numbered case was opened as result of a complaint filed by _____ regarding a property at _____.

Enclosed is a Report of Findings from the Specialist assigned to the case that confirms your activities regarding the property are not in compliance with the Structural Pest Control Act and/or Rules and Regulations.

Within thirty (30) calendar days from receipt of this letter, you must do the following:

- () Inspect the property and submit a Wood Destroying Pests and Organisms Inspection Report addressing, but not limited to, the items described in the attached Report of Findings to the Board. Send a copy of the report to the attention of the assigned Specialist/Investigator at the Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815-3831, as well as the complainant/property owner.
- () Bring the property into compliance by correcting the items described in the attached Report of Findings.
- () Submit a Standard Notice of Work Completed and Not Completed to the Board. Send a copy of the Notice to the assigned Specialist at the Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815-3831, as well as the complainant/property owner.

An inspection fee in accordance with Business and Professions Code section 8622 may be assessed for inspection(s). If a subsequent inspection is deemed necessary, a reinspection fee may be assessed. A notice of the total amount of inspection fees due will be sent to you under separate cover.

In order to expedite this case, please notify the Specialist named in the attached Report of Findings, in writing, within ten (10) calendar days of your intention to comply with these requirements.

You are hereby advised that if you desire a hearing to contest the Report of Findings, you must mail/deliver to the Board a written request for a hearing within twenty (20) days of your receipt of the Report of Findings. You may, but need not, be represented by counsel at any or all stages of these proceedings. You are further advised that any hearing held hereunder will not be limited to the question of non-compliance or payment of the inspection fee, but may also include evidence of any other violations you may have committed in this instant complaint case or any other case. Said hearing could result in suspension or revocation of your license, as well as the imposition of other penalties authorized by law.

Please note that failure to file a request for a hearing within the twenty (20) days of your receipt of this Report of Findings shall constitute a waiver of your right to request a hearing. If you do not request a hearing, payment of any assessment shall not constitute an admission of any non-compliance charged.

You are also advised that even if you do not request a hearing, the Board may initiate the hearing process by filing an accusation against you. Any hearing held hereunder will not be limited to the question of non-compliance or payment of the inspection fee(s), but may also include evidence of any other violations you may have committed. Said hearing could result in suspension or revocation of your license as well as the imposition of other penalties authorized by law.

Sincerely,

STRUCTURAL PEST CONTROL BOARD

Cases shall be closed by the Structural Pest Control Board Specialist or sent to the Chief Enforcement Officer for enforcement of disciplinary determination within forty (40) days after compliance or noncompliance with the report of findings.

Inspection Fees Under Section 8622

The Structural Pest Control Board Specialist shall be the Board's representative for determining licensee/registered company compliance.

The fee shall be based on the time necessary for the initial inspection and final inspection following a corrected inspection or completion report, or both. Travel time is not included.

Fees shall be assessed at the full cost recovery rate computed for Structural Pest Control Board Specialists up to \$125 per inspection.

If through mediation the licensee/registered company agrees to perform corrections as identified

by the complaint questionnaire but the homeowner will not consent and insists upon an inspection by a Structural Pest Control Board Specialist, no inspection fee will be assessed. However, a licensee/registered company must provide evidence that an offer was made prior to the Structural Pest Control Board Specialist referral in order to avoid paying fees. A positive offer must be in writing or made to the consumer services representative. Without such evidence, inspection fees will be assessed, unless the specialist determines the property is in compliance.

Complaints that result in the inspection by a Structural Pest Control Board Specialist and the filing of disciplinary action without allowing the licensee/registered company thirty (30) days to correct is exempt from the assessment.

A letter advising of the required fee will be sent to the licensee/registered company upon closure. If payment is not remitted within thirty (30) days of the original request, a final demand for payment will be sent.

If payment is not remitted within thirty (30) days of the final notice, administrative or civil action will be initiated by the Registrar.

Reference: Sections 108, 129, 155, 8520 and 8622, Business and Professions Code

History: Adopted 4/20/79
Amended 10/30/81
Amended 11/12/82
Amended 10/29/83
Amended 10/6/84
Amended 10/12/85
Amended 10/25/86
Amended 2/19/88
Amended 4/22/94
Amended 10/2/98
Amended 1/11/08
Amended 11/18/08

NO. E-3

SUBJECT: ADMINISTRATIVE HEARING PROCESS

PURPOSE: To establish guidelines for procedures for administrative hearings and content of proposed decisions.

POLICY

When a licensee/registered company has an accusation filed against him/her, the Board will consider hearing the matter in front of the administrative law judge whenever the Registrar recommends that the accusation is unusual and warrants the Board's attention.

Office of Administrative Hearings Agency Policy Statements

Where the record permits, the proposed decision shall contain findings of fact as to whether restitution has been made. When offered by the respondent, a conditional order (probationary) may include restitution in the amounts of and on the terms offered.

When appropriate, the proposed order should permit completion of work contracted for by the licensee/registered company prior to the hearing (Business and Professions Code section 8620).

It is requested that findings of fact set forth concisely those facts upon which the administrative law judge rests any extraordinary conclusions or recommendation. Aggravating circumstances, mitigating circumstances, or factors relating to rehabilitation, or the lack thereof (particularly including whether or not restitution has been made), should be included in the findings.

Civil penalties shall not be assessed by the administrative law judge but are left to the discretion of the Board.

Board Member and Staff Appearance with Legal Counsel

The Registrar, Chief Enforcement Officer and/or Board Members shall not discuss an accusation which is pending before the Board with the respondent and/or his/her/its counsel.

Reference: Section 8620, Business and Professions Code
Section 11517 and 11518, California Administrative Procedure Act

History: Adopted 4/20/79
Amended 11/12/82
Amended 10/25/86
Amended 10/2/98
Amended 11/18/08

SUBJECT: STIPULATED AGREEMENT

PURPOSE: To establish guidelines for negotiating settlements of administrative actions.

POLICY

Stipulated agreements are recognized by the board as a means of resolving violations of the Structural Pest Control Act without further expense to either the board or the licensee/registered company. The Registrar and Chief Enforcement Officer have delegated authority to negotiate stipulated agreements on the board's behalf. The following procedures and considerations, however, must be complied with by the licensee/registered company or the licensee's/registered company's attorney in submitting stipulated agreements for board consideration.

1. The stipulation should be in writing and submitted by the respondent through the Deputy Attorney General assigned to the case for review by the registrar and submission to the board.
2. The stipulation should contain a penalty.
3. The stipulation should provide for a minimum three year probationary period.
4. The stipulation should specifically state whether restitution has been or will be made to the consumer and the amount of such restitution.
5. The stipulation should provide that respondent agrees to provide a surety bond as required by Business and Professions Code section 8697.3.
6. The stipulation should require as a condition of probation that the respondent complete the Board approved course in the appropriate branch(es) of violation within one and one-half years of the effective date of the decision with a final grade of c minus (c-) or better.
7. The stipulation may restrict discipline to the branch(es) of violation.
8. Quarterly reports may be required as a condition of probation. If so required, respondent must agree to prepare reports under penalty of perjury specifying the following for the particular quarter:

Operator – Branch I

- A. Number of fumigations performed.

- B. Number of fumigations using Methyl Bromide, Vikane and other fumigants, identifying such other fumigants.
- C. Name(s) and license number(s) of field representative(s) and operator(s) employed.
- D. Name(s) and license number(s) of supervisor(s) in charge of licensees and work crews.
- E. Type and amount of training offered to new hires and continuing employees.
- F. Complaints received by the company regarding fumigations.
- G. Notices of violations or citations issued by agencies other than the Structural Pest Control Board.
- H. Any other information requested by the registrar.

Operator – Branch II

- A. Number of services performed.
- B. Name(s) and license number(s) of field representative(s) and operator(s) employed.
- C. Name(s) and license number(s) of licensed applicator(s) employed.
- D. Name(s) and license number(s) of supervisor(s) in charge of licensees and work crews.
- E. Type and amount of training offered to new hires and continuing employees.
- F. Complaints received by the company regarding pesticide misapplication.
- G. Pesticide-related notices of violation or citations issued by agencies other than the Structural Pest Control Board.
- H. Any other information requested by the registrar.

Operator – Branch III

- A. Name(s) and license number(s) of field representative(s) and operator(s) employed and the number of inspections completed by each.
- B. Name(s) and license number(s) of licensed applicator(s) employed.
- C. Name(s) and license number(s) of supervisor(s) in charge of licensees and work crews.
- D. Type and amount of training offered to new hires and continuing employees.
- E. Complaints received by the company regarding inspections or work performed.
- F. Notices of violations or citations issued by agencies other than the Structural Pest Control Board.

- G. Number of inspections ordered by licensed real estate agents or realty offices and the number of inspections ordered by individuals.
- H. Number of Notices of Work Completed and Not Completed filed.
- I. Any other information requested by the registrar.

Field Representative/Operator-Employee – Branch I

- A. Number of fumigations performed by this licensee.
- B. Complaints regarding fumigations performed by this licensee.
- C. Training courses completed or currently being taken by this licensee.
- D. Notices of violations or citations issued to this licensee by agencies other than the Structural Pest Control Board.
- E. Any other information requested by the registrar.

Field Representative/Operator-Employee – Branch II

- A. Number of pesticide application performed by this licensee.
- B. Complaints received regarding pesticide misapplication by this licensee.
- C. Training courses completed or currently being taken by this licensee.
- D. Pesticide-related notices of violations or citations issued to this licensee by agencies other than the Structural Pest Control Board.
- E. Any other information required by the registrar.

Field Representative/Operator-Employee – Branch III

- A. Number of inspections completed by this licensee.
- B. Complaints regarding inspections or work performed by this licensee.
- C. Training courses completed or currently being taken by this licensee.
- D. Pesticide related notices of violations or citations issued to this licensee by agencies other than the Structural Pest Control Board.
- E. Any other information requested by the registrar.

A cover letter from respondent may accompany the stipulation setting forth the following:

- (1) Any mitigating circumstances which may justify a reduction of the penalty.

- (2) Procedural steps to be taken by the respondent to prevent a reoccurrence of the violations.
- (3) An explanation for the failure to resolve the complaint at the consumer services representative or board specialist level prior to filing of the accusation by the board.
- (4) An explanation as to why discipline is limited to a specific branch office(s) or to a specific branch of licensure.

A detailed cover memorandum from the deputy attorney general assigned to the case must accompany the stipulation setting out some evidence and facts adverse and/or beneficial to the board's case and setting forth the reasons why the Board should accept the stipulation. If this cover memorandum does not accompany a stipulation, it will be returned to the deputy attorney general.

Reference: Sections 101.6 and 8697.3, Business and Professions Code
Section 1999.1, California Code of Regulations
Section 11511.5, California Administrative Procedure Act

History: Adopted 11/12/82
Amended 10/29/83
Amended 8/10/85
Amended 10/25/86
Amended 2/19/88
Amended 4/22/94
Amended 10/6/95
Amended 10/5/96
Amended 10/2/98

SUBJECT: COMPLAINT/DISCIPLINARY DISCLOSURE

PURPOSE: To establish guidelines for disclosing complaints and disciplinary action histories to the public.

POLICY

It is the policy of the Structural Pest Control Board that information regarding complaints and disciplinary actions against licensees/registered companies and information regarding their license/registration certificate status as specified below shall be readily accessible in a meaningful form to the public unless in the determination of the Board, disclosure of such complaint information would be unduly prejudicial to licensees/registered companies.

Information to be Provided Regarding Complaints

The Board shall maintain a system of information regarding complaints received during the preceding two fiscal years, which will afford to the public, upon request, all of the following regarding a particular licensee/registered company:

- A. The number of complaints filed against a licensee/registered company which, after contact with the licensee/registered company, have been closed. If information is requested on a multi-branch company, information will be given on the branch office requested; and
- B. With respect to each such complaint, the following information:
 - (1) Its date of receipt
 - (2) Its disposition, by indicating whether the matter has been:
 - a) dismissed
 - b) disposed of through settlement or compromise
 - c) referred to formal disciplinary action
 - d) disposed of through any other action, formal or informal, taken against the licensee/registered company

Information to be Provided Regarding Disciplinary Actions

The Board shall maintain records showing the disciplinary history of all current

licensees/registered companies and shall inform the public, upon request, whether any current licensee/registered company has been disciplined during the preceding three years, and, if so, when and for what offense. Any request for a license history beyond the preceding three years must be made in writing and provide full cost recovery.

Information to be Provided Regarding License/Registration Certificate Status

The Board shall provide to the public, upon request, the following information regarding past and current licensees/registered companies:

- A. The name of the licensee/registered company, including all business or fictitious names that appear on board records
- B. The license/registration certificate number
- C. The address of record and telephone number
- D. The date of original licensure/or registration
- E. Information concerning a bond, insurance or cash deposit
- F. The date such license/registration certificate expired or was terminated and, if applicable, the reason for termination

Quantity of Information to be Provided per Week

To avoid undue delay in the Board's response to other requesters and in order that no requester may overburden the Board's system, the Registrar may establish reasonable limits on the number of requests per week from any one requester which the Board may accept.

Press Releases

Notices on suspension or revocation of a license and/or registration may be sent by the Board after the period for appeal has expired to media sources within the licensee's location without departmental approval. Actions that involve the department shall be submitted to the director.

Reference: Sections 6250, 6252 and 6253, Business and Professions Code

History: Adopted 1/18/80
Amended 11/12/82
Amended 10/25/86
Amended 2/19/88
Amended 10/2/97
Repealed 10/14/99

NO. E-6

SUBJECT: ACCEPTING A COMPLAINT BY A REGISTERED COMPANY AGAINST A LICENSED EMPLOYEE

PURPOSE: To establish instructions for accepting a complaint by a registered company against a licensed employee

POLICY

1. A complaint will be accepted for serious cases at the Registrar's discretion.
2. The company must submit to the Board a minimum of three addresses where major violation of the law occurred by the licensee.
3. The company must secure an agreement with each property owner that he/she will allow a Structural Pest Control Board Specialist to inspect the property prior to the repairs being undertaken by the registered company.
4. The complaint is sent directly to the appropriate specialist for inspections of the properties. If violations are observed, the registered company and subject employee are advised.
5. The company must make the necessary repairs for the consumer.
6. Disciplinary action is initiated against the licensed employee.
7. Cases involving poor quality control by an employer, poor supervision, poor training, etc. will not be accepted by the Board.

Reference: Sections 129, 8616.5, 8621 and 6822, Business and Professions Code

History: Adopted 8/4/89
Repealed 10/4/96

SUBJECT: BOARD MEMBER ASSISTANCE IN COMPLAINT INVESTIGATION

PURPOSE: To permit a board member's assistance and expertise in the complaint investigation process while assuring a non-biased disciplinary decision.

POLICY

The registrar, at his or her discretion, may request a board member's assistance while investigating a complaint with the understanding that the board member should recuse himself/herself when the matter is considered for disciplinary action.

Reference: Sections 129, 8620, 8621 and 8622, Business and Professions Code

History: Adopted 4/22/94
Amended 11/18/08
Repealed 10/17/13

NO. E-8

SUBJECT: BOARD REVIEW OF CLOSED COMPLAINTS

PURPOSE: To establish quality control procedures

POLICY

At each Board meeting, the Board will be provided with a list of closed consumer complaints by number and disposition. A committee of two Board Members will select and review cases.

REPEALED

Reference: Sections 129, 8620, 8621 and 8622, Business and Professions Code

History: Adopted 10/22/93
Repealed 1/18/02

SUBJECT: FALSE ADVERTISING/UNFAIR COMPETITION

PURPOSE: To establish guidelines for accepting complaints regarding false advertising/unfair competition

POLICY

In cases of significant wrong doing involving false advertising or unfair competition, appropriate action under the provisions of Business and Professions Code sections 17200 and 17500 will be considered.

Reference: Sections 8648, 17200 et seq., 17500 et seq.

History: Adopted 10/22/94
Repealed 10/11/02

SUBJECT: COMPLAINT DISCLOSURE POLICY

PURPOSE: Defined Policy to Provide the Public with Information Regarding Complaint and Disciplinary Actions

POLICY

The Structural Pest Control Board (hereinafter "Board") complaint disclosure policy has been developed to provide the public with information regarding complaints and disciplinary action against pest control licensees, candidates for licensure, and unlicensed individuals.

The Board's complaint disclosure policy does not include non-actionable complaints. Non-actionable complaints are those, which after investigation, were determined to be unsubstantiated or complaints which have been determined not to be within the Board's jurisdiction. If a complaint was initially determined to indicate a probable violation of law and is later found, upon further investigation, not to constitute a violation, it shall not be disclosed.

In complying with a request for complaint information, the Board may provide such cautionary statements as may be considered appropriate regarding the usefulness of complaint information to individual consumers in their selection of a pest control licensee.

Information to be Released

The Board will disclose the following information regarding complaints:

Closed Actionable Complaints

Closed actionable complaints are defined to mean complaints, which the Board has (1) investigated, (2) determined that there was a violation of the laws regulating the practice of structural pest control and (3) taken disciplinary action (i.e. citation, accusation, statement of issued, stipulated settlement).

With regard to closed actionable complaints, the board will disclose the number of closed actionable complaints, and the disposition or action taken, including any criminal conviction or any decision or stipulation which resulted from the filing of an accusation or statement of issues, and the date of closure. The disposition of administrative cases (in accusation and statement of issues) will be released only after the decision has become effective. The Board will furnish a copy of the accusation, statement of issues, citations, documents introduced at the hearing relating to a disciplinary action, and the decision resulting.

Pending Complaints

Pending complaints are defined to include the following:

Category 1.

- (a) Complaints which are under investigation but no determination has been made as to whether a violation of the Board's laws has occurred, or
- (b) Complaints which after review by Board staff, indicate a probable violation of the Board's laws, but a disposition of the complaint is pending.

Category 2.

- (a) A complaint which after an investigation has indicated a probable violation of the board's law and has been referred to the Attorney General's Office for prosecution.

Category 3.

- (a) A complaint which has resulted in the issuance of a citation by the Board or county agricultural commissioners or the initiation of formal disciplinary action, e.g., an accusation or statement of issues being filed by The Office of the Attorney General, but where a decision has not been rendered.

Information To Be Disclosed on Pending Complaints

Category 1 Complaints---The Board will disclose no information regarding Category 1 complaints.

Category 2 Complaints---The Board will disclose the existence and number of Category 2 complaints filed against a licensee, along with a statement that the complaint has been referred to The Office of the Attorney General for review and possible prosecution, but that there has been no final determination of wrongdoing by the licensee.

Category 3 Complaints---The Board will disclose the existence and number of category 3 complaints and provide copies of the charging documents, e.g. accusation, statement of issues, or citations along with a statement that there has been no final determination of wrongdoing by the licensee.

History: Adopted 8/13/99

SUBJECT: COMPLAINT DISCLOSURE PROCEDURES FOR STAFF

PURPOSE: To Provide Staff Guidelines For Disclosing Information on Complaints

Closed Actionable Complaints

Upon receipt of any inquiry for complaint information, which results in identification of a closed actionable complaint(s), as defined in the Board's Complaint Disclosure Procedure, enforcement staff shall disclose specific information after making the following disclosure statement:

The Board currently has (specify number) closed complaint(s), which has resulted in a administrative or disciplinary action against this individual. A determination has been made that there has been a violation of the laws regulating the practice of pest control. Copies of an accusation, statement of issues, citations, final decisions, and any documents introduced at an administrative hearing or documents, which have been previously distributed to a member of the public, can be disclosed to a member of the public. All other documents contained in the investigatory file will not be made public in accordance with Government Code Section 6254(f).

Following the statement, enforcement staff will disclose the number of complaints received and if there was a violation or if it was settled.

Pending Complaints in Board Office

Upon receipt of an inquiry for complaint information, which results in the identification of an open complaint(s), which is under investigation and pending a determination of a violation of intended action, enforcement staff shall make the following disclosure statement:

If no action has been determined or taken on an open complaint the staff will advise that "Currently there are no complaints against the company/individuals."

If complaints after investigation indicated a probable violation, and have been referred to The Office of the Attorney General, but no formal documents have been filed then the following statement should be made. "The Board currently has (specific number) complaint(s) open against this company/individual. The matter(s) has been forwarded to The Office of the Attorney General for review and possible prosecution. At this time there have been no confirmed violations of the Structural Pest Control Act."

Pending Complaints – Accusation or Statement of Issues Has Been Served

Upon receipt of an inquiry for complaint information which results in the identification of an open complaint which has been referred to The Office of the Attorney General and an accusation or statement of issues has already been served, enforcement staff shall make the following disclosure statement:

“The Board currently has (specify number) complaint(s) open against this individual. The matter(s) has been forwarded to The Office of the Attorney General and an accusation/statement of issues has been served. At this time, there have been no confirmed violations of the Structural Pest Control Act. A copy of the accusation/statement of issues can be obtained by submitting a written request to the Board.”

Subpoenas

If the Board is served with a subpoena that document will be given to the Executive Officer or the Assistant Executive Officer and forwarded to Legal Counsel before any documents are released.

Staff will not provide any additional information.

History: Adopted 8/13/99



MEMORANDUM

DATE	September 29, 2017
TO	Board Members
FROM	David Skelton, Administrative Analyst
SUBJECT	Agenda Item XIII. — CE IPM Regulatory Proposal

At the January 2017 meeting the Board directed staff to prepare, and bring back for approval, a regulatory proposal to implement the recommendations of the CE IPM Review Committee. Enclosed in your Board materials is the proposed language to implement the recommendations of the CE IPM Review Committee.

§ 1950. Continuing Education Requirements.

(a) Except as provided in section 1951, every licensee is required, as a condition to ~~renewal~~ of a license renewal, to certify that he or she has completed the continuing education requirements set forth in this article. A licensee who cannot verify completion of continuing education by producing certificates of activity completion, whenever requested to do so by the Board, may be subject to disciplinary action under section 8641 of the code.

(b) Each licensee is required to complete a certain number of continuing education hours during ~~the~~ each three year renewal period. The number of hours required depends on the license type and the number of branches of pest control in which licenses are held. The subject matter covered by each activity shall be designated as ~~“technical” or “general”~~ “Laws & Regulations” (L&R), “Integrated Pest Management” (IPM), or “Application & Intervention” (A&I), by the Board when the activity is approved. “General” hours are defined as hours that may be attained through the completion of any Board approved continuing education course. Activities approved as A&I shall be specific to the branch or branches of pest control that the course material covers. Activities approved as L&R or IPM apply to all license types and branches of pest control. Hour values shall be assigned by the Board to each approved educational activity, in accordance with the provisions of section 1950.5.

(c) Continuing education requirements for each license type and branch combination are shown in the chart below.

	L&R	A&I (Branch 1)	A&I (Branch 2)	A&I (Branch 3)	IPM	General
Applicators						
Branch 2 + 3	3	0	3	3	3	0
Branch 2	3	0	6	0	3	0
Branch 3	3	0	0	6	3	0
Field Representatives						
Branch 1	4	4	0	0	0	8
Branch 2	4	0	4	0	8	0
Branch 3	4	0	0	4	8	0
Branch 1 + 2	4	4	4	0	8	0
Branch 1 + 3	4	4	0	4	8	0
Branch 2 + 3	4	0	4	4	8	0
Branch 1 + 2 + 3	4	4	4	4	8	0
Operators						
Branch 1	4	4	0	0	0	8
Branch 2	4	0	4	0	8	0
Branch 3	4	0	0	4	8	0
Branch 1 + 2	4	4	4	0	8	0
Branch 1 + 3	4	4	0	4	8	0
Branch 2 + 3	4	0	4	4	8	0
Branch 1 + 2 + 3	4	4	4	4	8	0

~~Operators licensed in one branch of pest control shall complete 16 continuing education hours during each three year renewal period. Operators licensed in two branches of pest control shall complete 20 continuing education hours during each three year renewal period. Operators licensed in three branches of pest control shall complete 24 continuing education hours during each three year renewal period. In each case, a minimum of four continuing education hours in a technical subject directly related to each branch of pest control held by the licensee must be completed for each branch license, a minimum of two hours in Integrated Pest Management as defined in section 1984 must be completed by Branch 2 and/or 3 licensees renewing on or after June 30, 2010, and a minimum of eight hours must be completed from Board approved courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest control related agencies' rules and regulations.~~

~~(d) Field representatives licensed in one branch of pest control shall have completed 16 continuing education hours, field representatives licensed in two branches of pest control shall have completed 20 continuing education hours, field representatives licensed in three branches of pest control shall have completed 24 continuing education hours during each three year renewal period. In each case, a minimum of four continuing education hours in a technical subject directly related to each branch of pest control held by the licensee must be completed for each branch of pest control licensed, a minimum of two hours in Integrated Pest Management must be completed by Branch 2 and/or 3 licensees renewing on or after June 30, 2010, and a minimum of eight hours must be completed from Board approved courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest control related agencies' rules and regulations.~~

~~(e) For the renewal period ending December 31, 2008, and each subsequent renewal period up to the renewal period ending June 29, 2010, a licensed applicator shall have completed 12 hours of Board approved continuing education. Such continuing education shall consist of eight hours of continuing education covering pesticide application and use, and four hours covering the Structural Pest Control Act and its rules and regulations or structural pest related agencies' rules and regulations.~~

~~(f) For the renewal period ending June 30, 2010 and each subsequent renewal period, a licensed applicator shall have completed 12 hours of Board approved continuing education. Such continuing education shall consist of six hours of continuing education covering pesticide application and use, two hours covering Integrated Pest Management, and four hours covering the Structural Pest Control Act and its rules and regulations or structural pest related agencies' rules and regulations.~~

~~(g) Operators who hold a field representative's license in a branch, or multiple branches of pest control in which they do not hold an operator's license must complete the A&I hours required of their field representative license as listed in four of the continuing education hours required by section 1950 subsection (c) in a technical subject directly related to the branch or branches of pest control in which the field representative's license is held, in order to keep the field representative's license active.~~

~~(h) No course, including complete operator's courses developed pursuant to section 8565.5, may be taken more than once during a renewal period for continuing education hours.~~

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8560 and 8593, Business and Professions Code.

HISTORY

1. Amendment filed 6-13-91; operative 7-13-91 (Register 91, No. 41).
2. Amendment filed 5-12-94; operative 6-13-94 (Register 94, No. 19).
3. Amendment of subsections (c) and (d) filed 8-12-96; operative 9-11-96 (Register 96, No. 33).
4. Change without regulatory effect amending subsections (c) and (d) filed 4-6-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 14).
5. Change without regulatory effect amending subsections (c)-(e) filed 3-26-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 13).
6. New subsection (e) and subsection relettering filed 3-21-2006; operative 4-20-2006 (Register 2006, No. 12).
7. Amendment of subsections (b)-(e), new subsection (f), subsection relettering and amendment of newly designated subsection (g) filed 3-20-2009; operative 4-19-2009 (Register 2009, No. 12).

§ 1950.5. Hour Value System.

The following hour values shall be assigned to the educational activities approved by the Board. All educational activities must be submitted to the Board for approval before presentation for continuing education credit, in accordance with section 1953. Each activity approved for technical or rules and regulations continuing education hours must include a written examination to be administered at the end of the course. Examinations administered at the end of the course must consist of ten questions per one hour of instruction, with 40 questions minimum for any activity of instruction of four hours or more. Licensees must obtain a passing score of 70% or better in order to obtain a certificate of course completion. If the examination is failed, the licensee shall be allowed to be reexamined by taking a different examination within sixty days.

~~(a) Accredited college courses—10 hours for each 2 semester unit course; 16 hours for each 3 semester unit course.~~

~~(b) Adult education courses—6 hours~~

~~(c) Professional seminars or meetings—up to a maximum of 6 hours per seminar or meeting. Additional hours may be approved depending on the complexity of the activity and its relevance to new developments in the field of pest control.~~

~~(d) Technical seminars or meetings—up to a maximum of 6 hours per seminar or meeting. Additional hours may be approved depending on the complexity of the activity and its relevance to new developments in the field of pest control.~~

~~(e) Operators' courses approved by the Board pursuant to section 8565.5 of the code—1 hour per hour of instruction.~~

~~(f) Correspondence courses developed by the Board pursuant to section 8565.5 of the code—full credit per branch.~~

~~(g) Correspondence courses approved by the Board—hours will be assigned depending on the complexity of the course and its relevance to new developments in the field of pest control.~~

~~(h) Association meetings—1 hour for every hour of instruction up to a maximum of 4 hours per meeting.~~

~~(i) Structural Pest Control Board meetings—1 general hour and 1 rule and regulation hour per meeting, up to a maximum of 4 hours per renewal period (excluding Board Members.) This activity is exempt from examination requirements pursuant to this section.~~

~~(j) Structural Pest Control Board Committee meetings—1 hour per meeting, up to a maximum of 2 hours per renewal period (excluding Board Members).~~

~~(k) In-house training in technical subjects—1 hour per hour of instruction.~~

~~(l) Board approved Rules and Regulations courses—1 hour for every hour of instruction.~~

~~(m) Integrated Pest Management courses—1 hour for every hour of instruction.~~

When a continuing education activity is approved by the Board the hour value assigned to it shall be based on the following criteria.

(a) Continuing education activities which are held at a physical location and attended in person by licensees shall be assigned one hour of continuing education credit for every approved hour of classroom instruction.

(b) Continuing education activities which are conducted online shall be assigned one hour of continuing education credit for every approved hour of online instruction.

(c) Continuing education activities which are approved as correspondence courses pursuant to section 8593(b) of the code, as well as those developed pursuant to section 8565.5 of the code,

shall be assigned an hour value commiserate with the depth and complexity of the material as determined by the Board.

(d) Meetings of the Structural Pest Control Board and its Committees shall be assigned the following hour values.

(1) Structural Pest Control Board Meetings — 2 hours Laws & Regulations

(2) Structural Pest Control Board Committee Meetings — 1 hour Laws & Regulations

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8593, Business and Professions Code.

HISTORY

1. Amendment filed 6-13-91; operative 7-13-91 (Register 91, No. 41).
2. Amendment of subsections (c), (d), (g), (h) and (l) and new subsection (m) filed 5-12-94; operative 6-13-94 (Register 94, No. 19).
3. Amendment of subsections (d) and (h) filed 3-6-95; operative 4-5-95 (Register 95, No. 10).
4. Amendment of subsections (d) and (m) filed 3-13-96; operative 4-12-96 (Register 96, No. 11).
5. Change without regulatory effect amending subsections (c), (d), (g) and (h) filed 3-26-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 13).
6. Amendment filed 7-6-2005; operative 8-5-2005 (Register 2005, No. 27).
7. New subsection (m) filed 3-20-2009; operative 4-19-2009 (Register 2009, No. 12).

§ 1953. Approval of Activities / Providers.

(a) Providers of activities of continuing education in pest control Continuing education providers shall request approval as a provider and of activities on forms ~~provided~~ prescribed by the Board (See Form 43M-18 (Rev. 6/02) at the end of this section) and shall be accompanied by the required fees. Requests for approval of activities must be submitted to the Board no later than 60 days prior to presentation of the activity unless exception is granted by the Registrar.

(b) Continuing education activities shall be approved as Laws & Regulations (L&R), Integrated Pest Management (IPM), or Application & Intervention (A&I) based on the following criteria:

(1) L&R — Activities approved as Laws & Regulations shall cover material directly related to the laws and regulations that govern the practice of structural pest control and shall cite the statutory and / or regulatory authority that relates to the topic of the activity.

(2) IPM — Activities approved as IPM will cover material focusing on structural IPM as a systematic decision making approach to managing pests, which focuses on long-term prevention or suppression with minimal impact on human health, property, the environment, and non-target organisms.

(A) All activities approved as IPM must include a posting and reading of the following definition of IPM — Structural integrated pest management (IPM) means a systematic decision making approach to managing pests, which focuses on long-term prevention or suppression with minimal impact on human health, property, the environment, and non-target organisms. Structural IPM incorporates all reasonable measures to prevent pest problems by properly identifying pests, monitoring population dynamics, and using behavioral, physical, biological or chemical pest population control measures to reduce pests to acceptable levels. If a pesticide application or other intervention is determined to be necessary, the selection and application of the intervention shall be performed in a manner that minimizes risk to people, property, the environment, and non-target organisms, while providing effective pest management.

(B) All activities approved as IPM must include, at the outset of the activity, an explanation of why the activity is classified as IPM rather than A&I.

(3) A&I — Activities approved as A&I are branch specific and shall cover material related to the practice of structural pest control once a pesticide application or other intervention is determined to be necessary.

(A) All activities approved as A&I must include a posting and reading of the following definition of IPM — Structural Integrated Pest Management (IPM) means a systematic decision making approach to managing pests, which focuses on long-term prevention or suppression with minimal impact on human health, property, the environment, and non-target organisms. Structural IPM incorporates all reasonable measures to prevent pest problems by properly identifying pests, monitoring population dynamics, and using behavioral, physical, biological or chemical pest population control measures to reduce pests to acceptable levels. If a pesticide application or other intervention is determined to be necessary, the selection and application of the intervention shall be performed in a manner that minimizes risk to people, property, the environment, and non-target organisms, while providing effective pest management.

(B) Activities approved as A&I must include, at the outset of the activity, an explanation of why the activity is classified as A&I and how A&I fits into the larger framework of structural IPM.

(c) In order to be approved, each continuing education course shall include, at the outset of instruction, a statement from the course instructor informing the attendees what continuing education category, or categories, the course is approved for as well as how many hours of continuing education credit they will receive upon completion of the course.

~~(b d)~~ All providers must notify the Board 30 days prior to the presentation of any board approved activity, unless exception is granted by the Registrar.

~~(e e)~~ All providers must submit a course attendance roster (See Form No. 43M-46(New 3/93) at the end of this section) to the Structural Pest Control Board within five working days after every course instructed.

~~(d f)~~ After giving the provider a written notice and an opportunity to respond, the Board may withdraw approval of any activity, when good cause exists. Good cause shall include, but not be limited to, failure actually to meet the standards for approval of activities which are outlined in subsection (f) of this section.

~~(e g)~~ Unless otherwise indicated on the written notification of approval, or unless an approval is withdrawn by the Board at an earlier date, approval of each activity shall remain in effect for 3 years.

~~(f h)~~ In order to be approved addition to the requirements described in subsection (b), in order to be approved activities must be:

- (1) Directly related to the field of structural pest control;
- (2) Provided by an institution, association, university, or other entity assuming full responsibility over the course program;
- (3) Composed of a formal program of learning which requires:
 - (A) attendance and participation,
 - (B) at least one hour of instruction,
 - (C) a syllabus (detailed outline of the main points of the curriculum),
 - (D) a certificate of completion on Form No. 43M-38 (NEW 5/87) (which is printed at the end of this section); and,
- (4) Conducted by an instructor who has qualified by meeting two of the following experience requirements:
 - (A) Completion of training in the subject of the activity,
 - (B) Six months' experience working in the area covered by the activity within the preceding three years,
 - (C) Experience teaching an activity of similar content within the preceding five years,
 - (D) Completion of any post-secondary studies related to the subject matter of the activity,
 - (E) Author of the activity being reviewed, or a credentialed instructor.

~~(g i)~~ No activity which focuses on the policies or procedures of a single firm shall be approved.

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8593, Business and Professions Code.

HISTORY

1. Amendment of subsection (d)(4)(D) filed 11-10-86; effective thirtieth day thereafter (Register 86, No. 46).

2. Amendment of subsection (a) filed 3-24-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 13).
3. Amendment filed 6-13-91; operative 7-13-91 (Register 91, No. 41).
4. New subsection (c), subsection redesignation and amendment of subsections (d) and (f)(3) filed 5-12-94; operative 6-13-94 (Register 94, No. 19).
5. Change without regulatory effect amending subsection (f)(3) filed 5-2-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 18).
6. Editorial correction adding form 43M-46, inadvertently omitted from Register 94, No. 19 (Register 2004, No. 29).
7. Amendment of subsection (a) and form 43M-18 filed 7-13-2004; operative 8-12-2004 (Register 2004, No. 29).
8. Amendment of subsection (f)(3), new subsections (f)(3)(A)-(E), amendment of subsections (f)(4)(C) and (g) and repealer and new Form 43M-39 filed 7-6-2005; operative 8-5-2005 (Register 2005, No. 27).
9. Repealer of subsection (f)(3)(D), subsection relettering and repealer of student questionnaire form filed 3-20-2009; operative 4-19-2009 (Register 2009, No. 12).

RECOMMENDATIONS OF THE STRUCTURAL PEST CONTROL BOARD
CONTINUING EDUCATION INTEGRATED PEST MANAGEMENT REVIEW COMMITTEE

RECOMMENDATION #1

The creation of 3 new Continuing Education (CE) categories, to replace the existing categories, to be named, Laws & Regulations (L&R), Application & Intervention (A&I), and Integrated Pest Management (IPM).

Below is a breakdown of the content that has been assigned to the new Continuing Education categories which will be used as a guide for Continuing Education providers and the Board during the course approval process.

LAWS & REGULATIONS

All classes must cite the authority / law that the topic relates to (e.g. Business & Professions Code Section, California Code of Regulations Section, Food & Agricultural Code Section)

- Existing or New Laws and Regulations
- Structural Pest Control Act
- DPR Requirements
- CAC Requirements
- OSHA Requirements

INTEGRATED PEST MANAGEMENT

IPM here is defined as:

“Structural integrated pest management (IPM) means a systematic decision making approach to managing pests, which focuses on long-term prevention or suppression with minimal impact on human health, property, the environment, and non-target organisms. Structural IPM incorporates all reasonable measures to prevent pest problems by properly identifying pests, monitoring population dynamics, and using behavioral, physical, biological or chemical pest population control measures to reduce pests to acceptable levels.” (Taken from CCR 1984)

This excerpt has given the committee a working definition of IPM with details that further clarify the topics that would qualify for the IPM category in continuing education.

All classes must include posting and reading of IPM definition in CCR 1984. Introduction of class must discuss how this topic fits into the IPM category rather than Application and Intervention.

- Identification and Biology
- Damage and Thresholds
- Monitoring (How, What to Use, What to Look For, Reporting)
- Prevention (Long Term and Short Term, Including Pest Prevention by Design in Building and Construction.

- Entomology and Other Related Fields to the Branch Licenses
- Selection of Intervention (What was Chosen and Why)
- Management Process
- Possible Evaluation of the Selected Intervention

APPLICATION & INTERVENTION

Application and Intervention and defined as:

“If a pesticide application or other intervention is determined to be necessary, the selection and application of the intervention shall be performed in a manner that minimizes risk to people, property, the environment, and non-target organisms, while providing effective pest management.

(b) For the purpose of this section, intervention means an action, device, product or practice that is intended for the prevention, control, management, elimination or abatement of a pest.” (Taken from CCR 1984)

This excerpt has given the committee direction as to what topics would be most relevant to Applicators while also being compliant with the limitation of the Applicator’s license.

All classes must include posting and reading of IPM definition in CCR 1984. Introduction of class must discuss how this topic fits into the Application and Intervention category rather than IPM.

- Application of Pesticides
- Proper Use and Manner
- Calibration and Maintenance
- Use Rates or Volumes Applied
- Human Health Impacts to Misapplication
- Labels (How to Read Labels for the Products the Technician Uses)
- Worker Safety, Including Respirators, Ladders, and Fit Tests
- Environmental Impacts to Misapplication
- Water Quality
- Endangered Species
- Record Keeping (Documentation, State Mandated Forms, Treatment Records)
- Nonchemical Practices (Safety & Effective Implementation of Exclusion, Heat Treatment, Removal)

RECOMMENDATION #2

That existing total CE hour requirements for each license type and combination be applied to the corresponding new CE categories in the proportions shown below and that the hour requirement for the Laws & Regulations category be capped at 3.

Applicators – 20% L&R, 60% A&I, and 20% IPM.

Branch 1 Field Representatives and Operators – 20% L&R and 80% A&I.

Branch 2 & 3 Field Representatives – 15% L&R, 25% A&I, and 60% IPM.

Branch 1, 2, and 3 Field Representatives and Operators – 11% L&R, 46% A&I, and 43% IPM.

Please see Attachment for a chart showing the Continuing Education requirements as proposed by the Committee alongside the existing Continuing Education requirements.

RECOMMENDATION #3

To set the effective date 3 years from when any potential regulatory change resulting from the Committee's recommendations becomes operative.

RECOMMENDATION #4

That instructors be required at the beginning of their courses to make a statement informing the attendees what category, or categories the course fits into and how many hours of Continuing Education credit they will receive.

RECOMMENDATION #5

To use the list of justifications (shown below) as the rationale for the Committee's recommended changes and to use them where appropriate during the formal rulemaking process.

Justifications for Changes to Branch 1 Operator and Field Representative CE Requirements

- Changes in aeration procedures
- Minimize risks to non-target organisms
- Toxicity training
- Lack of relevant material for L&R category
- Technical changes in fumigation process in past years
- Emphasize safety of materials used (stewardship training)

Justifications for Changes to Branch 2 & 3 Operator and Field Representative CE Requirements

- IPM is underutilized to the detriment of the health and welfare of California residents
- Breadth of subject matter that needs to be covered
- Decision making process is more important than A&I in the field
- Lack of relevant material in L&R category
- Preparing industry for emerging consumer demand for IPM
- Local government adoption of IPM guidelines
- IPM practices in child care
- IPM practices in schools
- Increased pesticide levels detected in natural resources

- Human health impacts associated with pesticides

Justifications for Changes to Applicator CE Requirements

- Preparation for advances in licensure
- Improve ability to communicate with Field Representatives / Operators
- Better serve the needs of consumers
- Lack of relevant material in L&R category
- Preparing industry for emerging consumer demand for IPM
- Local government adoption of IPM guidelines
- IPM practices in child care
- IPM practices in schools

RECOMMENDATION #6

For Board staff to recommend an update to the Application for Continuing Education Activity Form (Form 43M-18) in a manner that will require Continuing Education providers to specifically list the content that will be covered in the course and how it relates to the category in which they seek approval.

RECOMMENDATION #7

For Board staff to research and recommend a proposal to accomplish in person auditing of Continuing Education courses. Staff's proposal will include specific details such as, who does the auditing, how often, which courses are audited, and how the program will be funded.

RECOMMENDATION #8

For Board staff to recommend a comprehensive system to better inform licensees of their Continuing Education requirements.

The Committee suggested that staff consider the following ideas while preparing its recommendation -

The creation of a mandatory Continuing Education course that outlines the Continuing Education requirements of the licensee.

The publication of an informational worksheet outlining Continuing Education requirements to be disseminated by the Board and / or Continuing Education providers.



MEMORANDUM

DATE	September 29, 2017
TO	Board Members
FROM	Susan Saylor, Executive Officer
SUBJECT	Agenda Item XIV. — Strategic Plan

Enclosed in the Board materials for your review is SPCB's Strategic Plan, which was adopted at the March, 2015 Meeting. Please refer to sections 4 and 5 of the 2017 SPCB Sunset Report for information about progress on the goals outlined in the Strategic Plan.

Strategic Plan
2015–2018

Structural Pest Control Board



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Message from the President



On behalf of the California Structural Pest Control Board (SPCB), I'm pleased to present our updated strategic plan. This plan benefited from the thoughtful input and discussion of Board members, staff, and industry. It was created to provide a framework and identify priorities for SPCB's efforts over the next few years to modernize operations and adapt to an evolving pest control industry.

This document is the road map toward our vision of SPCB as a national leader, by achieving the highest standards of consumer protection and promoting a high degree of professionalism in the State's structural pest control industry.

Dave Tamayo, President
California Structural Pest Control Board

About the Board

In 1935, in response to lobbying by what was then known as the California Pest Control Association and that later became the Pest Control Operators of California, Assembly Bill 2382, “An act to regulate the practice of structural pest control; to create the Structural Pest Control Board; to provide for the registration and licensing of persons engaged in such practice, and for the protection of the public in the practice of structural pest control,” was passed by the California State Legislature. The bill was signed by the Governor on July 20, 1935, and became law on September 15, 1935.

The Structural Pest Control Board (Board) is composed of seven members of which, by law, four are public members and three are members of the pest control industry. The Governor appoints two public members and three licensed industry members. The Senate Rules Committee and the Speaker of the Assembly each appoint one public member. Board members may serve up to two four-year terms.

The Board, under jurisdiction of the Department of Consumer Affairs (DCA), was transferred via legislation to the jurisdiction of the Department of Pesticide Regulation, operative October 23, 2009 (ABX4, 20, Strickland and Huber, 2009). The Board returned to the DCA effective July 1, 2013, under the Governor’s 2011–2012 Reorganization Plan No. 2 and AB 1317 (Frazier, 2013).

2007 Strategic Plan Accomplishments

Examination Subversion – In February 2013, the Board learned that its examinations were compromised. The Board worked with the Division of Investigation to investigate and prepare evidence against those involved in compromising the examination. The investigation resulted in two individuals being arrested and later convicted on two counts of burglary for helping people cheat on not just the Board’s examinations, but several State licensing examinations. One of these individuals was sentenced to 30 days of jail and ordered to pay restitution to the State agencies involved to a sum of \$400,000. The interference with the subversion of the examination was crucial to the integrity of the Board’s examinations and hence, the protection of consumers.

Examination Development – In 2013, the Board contracted with DCA’s Office of Professional Examination Services to write current and relevant examinations for all of its licenses. Having current examinations is important to consumer protection to ensure people coming into the industry have the necessary skills and knowledge to perform the work they are licensed to perform while implementing the most recently acknowledged practices.

Implementation of Computer Based Testing (CBT) – In February 2014, the Board implemented CBT, which has been a long-standing desire of the industry and Board alike. CBT improves examination accessibility since the candidate can schedule themselves at their convenience and in one of 17 locations throughout the State, or 22 additional locations throughout the country. Previously, the exams were given only once a month and only available at two locations in the State. CBT also provides for better examination security and reduces the risk of examinations being compromised. The Board is contracted with an outside vendor who administers several State licensing and other examinations, and exercises much better security precautions than were previously available.

Development of an Act Review Committee – In 2011, the Board appointed an Act Review Committee to review the Structural Pest Control Act for relevance and consistency. This committee has met almost every month since and has made several recommendations for updates to the Act. Some of these recommendations have already been approved by the Board, passed legislation, and become effective.

Utilizing Modern Technologies – In January 2011, the Board began maintaining an e-mail notification subscription listing where interested parties can subscribe to and receive all of the Board meeting agendas, approved minutes, regulation changes, and other mailings that are otherwise only mailed from the Board. In October 2014, the Board began posting meeting materials on its website and webcasting Board meetings. These utilizations of modern technology greatly improve the ability of the industry and other interested parties to stay informed on current issues and recent changes.

Increasing Consumer Protection by Increasing Bond and Insurance

Requirements – Senate Bill 662 passed in October 2013, significantly increasing the Board’s bond and insurance requirements. Increased bond and insurance requirements ensures better consumer protection and makes companies more liable for their work.

Consumer Savings - In the Fiscal Year (FY) 2013–2014 alone, the Board collected more than \$39,000 in cost recovery and restitution to consumers. Consumers saved approximately \$82,000 through the Board’s mediations and investigations programs.

Integrated Pest Management (IPM) – In 2007, the Board developed an IPM Task Force, whose intent was to define IPM. In 2008, a definition of IPM was passed into regulation and in 2009, IPM was added as a requirement of prelicensure training and as a continuing education requirement for all licensees. Including IPM education as initial prelicensure training and continuing education requirements is important because it makes the licensee better aware of nonchemical approaches and strategies to prevent and minimize pests while creating a minimal impact on human health, property, the environment, and nontarget organisms.

Chief Enforcement Officer – In 2008, a Budget Change Proposal was approved for a new Chief Enforcement Officer position at the Staff Services Manager I (SSMI) level to address the coordination of the Board’s Statewide regulatory enforcement program activities. In FY 2003–04, the Board’s Deputy Chief Enforcement position, which performed the above-mentioned activities, was abolished via Control Section 4.10. Approval of the Budget Change Proposal allowed the Board to recruit an SSMI to once again head enforcement activities.

Addressing Unlicensed Activity and the Underground Economy – In 2013, the Board began partnering with the Department of Industrial Relations, Division of Labor Standards Enforcement, and sibling agencies to counteract the negative effects of the underground economy. The Board endeavors to initiate proactive investigations, as opposed to only the traditional reactive investigations, that would not solely be based on administrative or criminal sanctions.

Mission

To protect the general welfare of Californians and the environment by promoting outreach, education, and regulation of the structural pest management profession.

Vision

The Structural Pest Control Board will strive to be the national regulatory leader of pest management.

Values

Consumer Protection

We make effective and informed decisions in the best interest and for the safety of Californians.

Professionalism

We ensure that qualified, proficient, and skilled staff provides services to the State of California.

Efficiency

We diligently identify the best ways to deliver high-quality services with the most efficient use of our resources.

Integrity

We are committed to honesty, ethical conduct, and responsibility.

Strategic Goals

1 LICENSING, EXAMINATIONS, AND CONTINUING EDUCATION

The Board promotes licensing standards to protect consumers and allow reasonable access to the profession. Additionally, the Board oversees and approves continuing education and examination standards to ensure excellence in practice and promote public safety.

2 ENFORCEMENT

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practice of structural pest control.

3 LEGISLATION, REGULATIONS, AND POLICY

The Board pursues statutes, regulations, policies, and procedures that strengthen and support the Board's mandate and mission.

4 OUTREACH

The Board informs consumers, licensees, and stakeholders about the practice and regulation of the profession.

5 ORGANIZATIONAL EFFECTIVENESS

The Board standard is to build an excellent organization through proper Board governance, effective leadership, and responsible management.

GOAL 1: LICENSING, EXAMINATIONS, AND CONTINUING EDUCATION

The Board promotes licensing standards to protect consumers and allow reasonable access to the profession. Additionally, the Board oversees and approves continuing education and examination standards to ensure excellence in practice and promote public safety.

- 1.1 Evaluate continuing education provider qualifications and criteria to strengthen the approval process.
- 1.2 Review and refine the licensing and renewal processes to increase licensees' level of compliance.
- 1.3 Review and analyze exam questions and current reference materials to develop study guides and materials that focus on essential occupational principles and practices.
- 1.4 Evaluate continuing education categories and hourly requirements, with emphasis on core competencies.
- 1.5 Increase continuing education course field audits to ensure standards are met and proper training is received.

GOAL 2: ENFORCEMENT

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practice of structural pest control.

- 2.1 Increase proactive enforcement to effectively reduce the frequency of unlawful pest control services.
- 2.2 Implement enhancements to Board response and coordination with local governments and other partners on fumigation emergencies and where multiple (serious level) pest control violations exist.
- 2.3 Seek statutory authority to automatically suspend or, with cause, revoke any license or registration based on noncompliance of citation.
- 2.4 Seek statutory authority to automatically suspend any license or registration based on an owner's or licensee's failure to satisfy court judgments, arbitration awards, tax liens, and other lawfully imposed sanctions related to the pest control profession.
- 2.5 Seek statutory authority to require any person listed on the principle registration or branch office registration to take continuing education or Board-approved courses as a condition of a Board-issued citation.
- 2.6 Seek statutory authority to deny the renewal of a license based on an owner's or licensee's failure to comply with any provision of the Structural Pest Control Act (i.e., failure to post a restoration bond, complete continuing education courses, or comply with an order of abatement).

GOAL 3: LEGISLATION, REGULATIONS, AND POLICY

The Board pursues statutes, regulations, policies, and procedures that strengthen and support the Board's mandate and mission.

- 3.1 Establish a committee to research pre- and postlicensing requirements and consider developing or amending those requirements to ensure all those practicing structural pest control are properly regulated.
- 3.2 Evaluate and forecast current fee structure to ensure fees support the operational needs of the Board.
- 3.3 Research, review, and make recommendations regarding the roles and responsibilities of a qualifying manager and branch office supervisor and accordingly pursue statutory and/or regulatory changes.
- 3.4 Pursue regulatory changes to include new and/or updated provisions for all Board forms based on priority and operational need.
- 3.5 Explore alternatives to foster improved communication with other agencies and the Legislature to improve timely tracking of sensitive or competing legislation.

GOAL 4: OUTREACH

The Board informs consumers, licensees, and stakeholders about the practice and regulation of the profession.

- 4.1 Develop an outreach plan to create awareness of the Board's mission and function, using a variety of proven methods.
- 4.2 Develop strategy to educate licensees and consumers on the new web access tools that will be available through BreEZe.
- 4.3 Partner with DCA and other agencies to leverage outreach efforts.
- 4.4 Promote the Board's web-based license status lookup tool through public and private partnerships.
- 4.5 Establish alliances with continuing education providers so that they may educate and inform licensees about how to avoid the most common enforcement violations.

GOAL 5: ORGANIZATIONAL EFFECTIVENESS

The Board standard is to build an excellent organization through proper Board governance, effective leadership, and responsible management.

- 5.1 Review and consolidate Board member orientation materials and training that is specific to the Board and industry with emphasis on policies, procedures, responsibilities, and functions of the Board.
- 5.2 Continue to monitor staffing levels to achieve Board's mandated goals and objectives in the areas of enforcement and continuing education, and pursue budgetary authority to support Board operations.
- 5.3 Research ways to use technology to increase operational efficiencies and effectiveness.
- 5.4 Analyze pay and classification structure of staff to ensure it aligns with the Board's recruitment and retention plan, and pursue resources, as appropriate, to meet those needs.

Strategic Planning Process

To understand the environment in which the Board operates and to identify factors that could impact the Board's success, DCA's SOLID unit conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- An online survey sent to 5,000 stakeholders, comprised of industry professionals, professional associations, continuing education providers, and others who expressed interest in the strategic direction of the Board.
- A staff focus group on September 11, 2014, in which eight Board staff members participated.
- An online survey sent to field staff, in which five members responded.
- Telephone interviews with Board members in August and September 2014.

The most significant themes and trends identified from the environmental scan were discussed by the Board executive team and Board during a strategic planning session facilitated by SOLID on October 15, 2014. This information guided the Board in the development of its mission, vision, and values while directing the Board in the formulation of its strategic goals and objectives as outlined in the 2015–2018 Structural Pest Control Board Strategic Plan.

Structural Pest Control Board

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This strategic plan is based on stakeholder information and discussions facilitated by SOLID for the California Structural Pest Control Board (Board) in August and September 2014. Subsequent amendments may have been made after Board adoption of this plan.





MEMORANDUM

DATE	September 21, 2017
TO	Board Members
FROM	Susan Saylor, Executive Officer
SUBJECT	Agenda Item XV. — Proposed Reinstatement Guidelines

Enclosed in your Board materials is the language for the staff proposed addition of Business and Professions Code section 8623.5. This addition will establish license and registration reinstatement guidelines specific to the Structural Pest Control Board that will supersede the general provisions that are currently being used.

8623.5. (a) A person whose license or registration has been revoked, suspended, or surrendered, or who has been placed on probation, may petition the board for reinstatement or modification of the penalty, including modification or termination of probation, after a period of not less than the following minimum periods has elapsed from the effective date of the decision ordering that disciplinary action:

(1) At least three years for reinstatement of a license revoked or surrendered.

(2) At least two years for early termination of probation of three years or more.

(3) At least two years for modification of a condition of probation.

(4) At least one year for early termination of probation of less than three years.

(b) The board may require an examination for that reinstatement.

January

2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9 SPCB Meeting (Southern California)	10 SPCB Meeting (Southern California)	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April

2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18 SPCB Meeting (Sacramento)	19 SPCB Meeting (Sacramento)	20	21
22	23	24	25	26	27	28
29	30					

July

2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10 SPCB Meeting (Southern California)	11 SPCB Meeting (Southern California)	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

October

2018

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 82	2 83	3 84	4 85	5 86	6 87
7 88	8 89	9 90	10 91	11 92	12 93	13 94
14 95	15 96	16 97	17 98	18 99	19 100	20 101
21 102	22 103	23 104	24 105	25 106	26 107	27 108
28 109	29 110	30 111	31 112			