



BOARD MEETING NOTICE AND AGENDA

Thursday, July 26, 2018
9:00 A.M.

Doubletree by Hilton Claremont
Mahogany Room, Second Floor
555 W Foothill Blvd
Claremont, CA 91711

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
Irini Agapitos Berzinski — FR 38887, Branch 2
- V. Petition for Modification / Termination of Probation
James Bernd Marty Agpalasin — FR 51616, Branch 2 and RA 58223, Branch 3
- VI. **Closed Session** – Pursuant to Subdivision (c) (3) of Section 11126 of the Government Code, the Board Will Meet in Closed Session to Consider Reinstatements, Proposed Disciplinary Actions, and Stipulated Settlements and the Executive Officer's Performance Review

Return to Open Session

- VII. Review and Approval of the April 18 & 19, 2018 Board Meeting Minutes and the May 22, 2018 Teleconference Board Meeting Minutes
- VIII. Department of Consumer Affairs Update
- IX. Presentation and Possible Approval of Research Proposals Recommended by the Research Advisory Panel
- X. Discussion and Possible Action on SPCB Research Fund Disbursement Schedule
- XI. Executive Officer's Report
 - a. Licensing, Enforcement, Examination and WDO Statistics
 - b. Survey Results
 - c. Examination Development

- XII. Regulations Update and Possible Action
 - a. Title 16, California Code of Regulations, section 1997 — WDO Inspection and Completion Activity Fee
- XIII. Legislation Update and Possible Action
 - a. Assembly Bill 2138 (Chiu) — Denial of Application – Criminal Conviction
 - b. Senate Bill 721 (Hill) – Building Standards – Decks and Balconies
 - c. Senate Bill 984 (Skinner) – State Boards – Representation
 - d. Senate Bill 1481 (Hill) – Structural Pest Control
- XIV. SPCB Strategic Planning Update
- XV. Update on Implementation of Department of Consumer Affairs CAS Credit Card Payment
- XVI. Discussion and Possible Action on SPCB Renewal Process
- XVII. Future Agenda Items
- XVIII. Board Calendar
- XIX. Adjournment

The meeting may be cancelled or changed without notice. For verification, please check the Structural Pest Control Board's (Board) 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 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 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**

April 18 & 19, 2018

The meeting was held at the Department of Consumer Affairs, Hearing Room,
2005 Evergreen Street, Sacramento, California

Board Members Present:

Darren Van Steenwyk, President
Dave Tamayo, Vice President
Ronna Brand
Mike Duran
Curtis Good
Servando Ornelas

Board Members Absent:

Naresh Duggal

Board Staff Present:

Susan Saylor, Executive Officer
Robert Lucas, Assistant Executive Officer
David Skelton, Administrative Analyst

Departmental Staff Present:

Sabina Knight, Legal Counsel

Wednesday, April 18, 2018

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Van Steenwyk called the meeting to order at 1:04 P.M. and Ms. Saylor called roll.

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

Board members Brand, Duggal, and Ornelas were absent.

A quorum of the Structural Pest Control Board (Board) was established.

Board member Brand arrived at 1:31 P.M. Board member Ornelas arrived at 2:12 P.M.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

Mr. Van Steenywyk lead everyone in a flag salute and recitation of the Pledge of Allegiance.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

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

PETITION FOR REINSTATEMENT

MORRIS ARTHUR HIATT, OPR 20010, BRANCHES 2 & 3

Administrative Law Judge Timothy J. Aspinwall sat with the Board to hear the Petition for Reinstatement for Morris Arthur Hiatt, Operator License Number 20010. Mr. Hiatt was informed that he would be notified by mail of the Board's decision.

PETITION FOR REINSTATEMENT

JASON ERWIN SCHOENSTEIN, FR 38469, BRANCHES 2 & 3

Administrative Law Judge Timothy J. Aspinwall sat with the Board to hear the Petition for Reinstatement for Jason Erwin Schoenstein, Field Representative License Number 38469. Mr. Schoenstein was informed that he would be notified by mail of the Board's decision.

PETITION FOR REINSTATEMENT

ALONZO G. CONTRERAS III, OPR 11760, BRANCH 3

Administrative Law Judge Timothy J. Aspinwall sat with the Board to hear the Petition for Reinstatement for Alonzo G. Contreras, Operator License Number 11760. Mr. Contreras was informed that he would be notified by mail of the Board's decision.

CLOSED SESSION

Pursuant to subdivision (c)(3) of section 11126 of the Government Code, the Board met in closed session to consider reinstatements, proposed disciplinary actions, and stipulated settlements.

Pursuant to subdivision (a)(1) of Government Code section 11126 the Board met in closed session to evaluate the performance of the Executive Officer.

Return to Open Session

RECESS

The meeting adjourned for the day at 4:42 P.M.

Thursday, April 19, 2018

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Van Steenwyk called the meeting to order at 1:00 P.M. and Ms. Saylor called roll.

Board members Van Steenwyk, Tamayo, Brand, Duran, Good, and Ornelas were present.

Board member Duggal was absent.

A quorum of the Board was established.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

Mr. Van Steenwyk lead everyone in a flag salute and recitation of the Pledge of Allegiance

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Bill Gaither, BG Inspections and Pest Control, brought a newspaper article from the Daily Republic to the Board's attention wherein a columnist responded to a letter from a consumer by stating that a pest inspector was possibly liable for failing to identify rust in a home's steel support beams. Mr. Gaither asked that the Board consider writing to the author of the column to inform him that pest inspectors are not responsible for identifying rust and asking that a retraction or correction be printed.

Karey Windbiel-Rojas, University of California Statewide Integrated Pest Management Program (UCIPM), on behalf of her research colleagues, requested a future agenda item to discuss the predictability of the research grant solicitations and stated that she would soon be submitting a letter to the Board that outlined their position.

Peggy Byerly, Department of Pesticide Regulation (DPR), stated that due to the hiring of several new county inspectors DPR would be scheduling a structural enforcement training event in northern California this summer and that industry volunteers will be needed to assist in the training. Ms. Byerly also stated that Patrick Thalken at DPR has retired and that she would be performing the staff functions formerly handled by Kathy Boyle.

REVIEW AND APPROVAL OF THE JANUARY 9, 2018 BOARD MEETING MINUTES

Mr. Duran moved and Mr. Tamayo seconded to approve the Minutes of the January 9, 2018 Board meeting. Passed unanimously.

(AYES: Van Steenwyk, Tamayo, Brand, Duran, Good, Ornelas. NOES: None. ABSTENTIONS: None.)

EXECUTIVE OFFICER'S REPORT

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

Mr. Van Steenwyk stated that the passing rates for the Applicator and Field Representative examinations appeared to be significantly lower than at the same time the previous year and asked if there was an explanation for that.

Ms. Saylor stated that the only explanation for the change in passing rates would be the introduction of new examinations. Ms. Saylor stated that a new Applicator examination was released in January, 2018 and that it was the first new Applicator examination in 18 months. Ms. Saylor further stated that perhaps in the future new examinations could be introduced later in the year after the industry's busy season.

Mr. Duran asked if the Board was providing applicants with adequate study material to prepare for the examinations.

Ms. Knight stated that the Board could request a closed session meeting with the Office of Professional Examination Services (OPES) to discuss how the examinations are created and what changes have been incorporated into them.

Mr. Tamayo stated that previously the Board had been advised by its legal counsel against developing a study guide for licensing examinations. Mr. Tamayo requested that Ms. Knight review that advice and provide the Board with an updated opinion.

Ms. Saylor updated the Board on the following staffing developments:

Melissa Zanetta was recently promoted to fill the vacant Lead Licensing Analyst position and recruitment would soon begin to fill the Applicator Licensing position.

Board Investigator Fred Bartley is retiring at the end of the month and recruitment would begin to fill the vacant position. Ms. Saylor further stated that this position could possibly be relocated from northern, to southern California.

UPDATE ON DEPARTMENT OF CONSUMER AFFAIRS INTERNAL OPERATIONAL AUDIT OF THE STRUCTURAL PEST CONTROL BOARD

Ms. Saylor informed the Board that the Department of Consumer Affairs (DCA) performed an internal audit of the Board covering fiscal years 2015-2017.

Ms. Saylor stated that 4 minor issues were identified in the audit and that in comparison to other programs that had undergone similar audits, the Board performed very well and she was very proud of the job staff did.

REGULATIONS UPDATE AND POSSIBLE ACTION

Ms. Knight updated the Board on status of the effort to amend Title 16, California Code of Regulations (CCR), section 1970.4. Ms. Knight stated that after reviewing the proposed amendments to CCR section 1970.4 she felt that more clarification was needed. Ms. Knight further stated that she expected updated proposed language for CCR section 1970.4 to be presented to the Board at its July, 2018 meeting.

LEGISLATION UPDATE AND POSSIBLE ACTION

Assembly Bill 2986 — Structural Pest Control Pesticides

Ms. Saylor stated that Assembly Bill (AB) 2986 has been completely changed and is no longer relevant to structural pest control

Assembly Bill 2422 — Pesticides: Use of Anticoagulants

Mr. Van Steenwyk updated the Board on the status of AB 2422 and asked if the Board wished to consider taking an oppose position on it given the Board's previous opposition to AB 1687.

Mr. Good stated his opposition to AB 2422 and his belief that DPR should determine the appropriate guidelines for these pesticides rather than the legislature.

Mr. Tamayo stated that given the Board's mandate he wasn't sure it was appropriate to take a position on AB 2422.

Mr. Good stated that consumer protection is the Board's primary function and that consumers would be harmed by AB 2422.

Mr. Tamayo stated that he would be comfortable taking an oppose position on AB 2422 if some language were added to the letter to the author supporting the notion of wildlife protection training being made available to Board licensees specifically as it relates to the use of these pesticides.

Mr. Good stated that in his opinion Board licensees are adequately trained and that more research is needed to identify who is responsible for the misapplication of these pesticides. Mr. Good further stated that he would agree to adding the language requested by Mr. Tamayo to the letter to the author.

Mr. Duran stated that he agreed with Mr. Good and that the people who are responsible for misapplying these pesticides need to be held accountable.

Mr. Good moved and Mr. Duran seconded to take an oppose position on Assembly Bill 2422 and to send a letter to the author's office stating that opposition which includes a

statement explaining that the Board supports the notion of wildlife protection training being made available to its licensees specifically as it relates to anticoagulant pesticides. Passed unanimously.

(AYES: Van Steenwyk, Tamayo, Brand, Duran, Good, Ornelas. NOES: None. ABSTENTIONS: None.)

Assembly Bill 2816 — Pesticides Schoolsites

Mr. Van Steenwyk stated that AB 2816 began as a bill proposing to ban all pesticide use at school sites but has since been amended to mandate a DPR study to determine the effectiveness of the Healthy Schools Act of 2010 and its update in 2015. Mr. Van Steenwyk mentioned that Los Angeles Unified School District was an opponent of AB 2816 in its original form.

Senate Bill 1481 — Structural Pest Control: Certification: Fumigation: Penalties

Ms. Saylor stated that in addition to extending the Board's sunset date by 4 years, SB 1481 would soon be amended to add the remaining Act Review Committee recommended changes.

DISCUSSION OF THE BOARD'S ANNUAL BUDGET AND POSSIBLE ACTION REGARDING WDO FILING FEE INCREASE: BUSINESS AND PROFESSIONS CODE SECTION 8674 AND TITLE 16, CALIFORNIA CODE OF REGULATIONS, SECTION 1997

Ms. Saylor stated that during the sunset review process, one of the issues raised in the background paper was the Board's long term fund condition. Ms. Saylor stated that by fiscal year 2018 / 2019 the Board is projected to have only 2.4 months in reserve funding and that typically DCA boards and bureaus maintain a reserve balance of 6 months.

Ms. Saylor presented the Board with proposed language to amend CCR section 1997 to raise the wood destroying organism (WDO) inspection filing fee from \$2.50 per property address, to \$3.00 per property address, and to amend Business and Professions (B&P) Code section 8674 to raise the cap on the WDO inspection filing fee from \$3.00 per property address to \$5.00 per property address.

Ms. Saylor stated that the proposed amendments would alleviate the budget concerns as well as provide the Board with flexibility in the future if a WDO fee increase became necessary again.

Mr. Ornelas stated that the fee increase would ultimately be passed on to consumers.

Mr. Tamayo moved and Mr. Good seconded to authorize the Executive Officer to begin the rulemaking process to implement the proposed amendments to CCR section 1997

and to grant the Executive Officer the authority to make any technical or non-substantive changes that may be necessary during the rulemaking process. Passed unanimously.

(AYES: Van Steenwyk, Tamayo, Brand, Duran, Good. NOES: None. ABSTENTIONS: Ornelas.)

§ 1997. WDO Inspection and Completion Activity Fee.

Pursuant to the provisions of section 8674 of the Business and Professions Code, the following fee is determined, set and established:

(1) ~~Activity Reporting fee per Property Address \$1.50.~~ Effective July 1, 2010, the Activity Reporting fee per Property Address is \$2.50. Effective July 1, 2019 the Activity Reporting fee per Property Address is \$3.00.

Note: Authority cited: Sections 8525 and 8674, Business and Professions Code. Reference: Sections 8518 and 8674, Business and Professions Code.

Mr. Tamayo stated that he felt it was very important for the Board to be adequately funded in order to fulfill its consumer protection mandate and to provide the industry with the services they require in a timely manner.

Mr. Good stated that the Board is funded entirely by fees that the industry pays and that it receives no money from the general fund.

Mr. Duran moved and Mr. Tamayo seconded to approve the proposed amendments to B&P Code section 8674 and to authorize the Executive Officer to seek a legislative author to implement the amendments. Passed unanimously.

(AYES: Van Steenwyk, Tamayo, Brand, Duran, Good, Ornelas. NOES: None. ABSTENTIONS: None.)

8674. The fees prescribed by this chapter are the following:

- (a) A duplicate license fee of not more than two dollars (\$2).
- (b) A fee for filing a change of name of a licensee of not more than two dollars (\$2).
- (c) An operator's examination fee of not more than one hundred dollars (\$100).
- (d) An operator's license fee of not more than one hundred fifty dollars (\$150).
- (e) An operator's license renewal fee of not more than one hundred fifty dollars (\$150).
- (f) A company registration fee of not more than one hundred twenty dollars (\$120).
- (g) A branch office registration fee of not more than sixty dollars (\$60).
- (h) A field representative's examination fee of not more than seventy-five dollars (\$75).
- (i) A field representative's license fee of not more than forty-five dollars (\$45).
- (j) A field representative's license renewal fee of not more than forty-five dollars (\$45).
- (k) An applicator's examination fee of not more than sixty dollars (\$60).
- (l) An applicator's license fee of not more than fifty dollars (\$50).
- (m) An applicator's license renewal fee of not more than fifty dollars (\$50).

- (n) An activity form fee, per property address, of not more than three dollars (\$3 5).
- (o) A fee for certifying a copy of an activity form of not more than three dollars (\$3).
- (p) A fee for filing a change of a registered company's name, principal office address, or branch office address, qualifying manager, or the names of a registered company's officers, or bond or insurance of not more than twenty-five dollars (\$25) for each change.
- (q) A fee for approval of continuing education providers of not more than fifty dollars (\$50).
- (r) A pesticide use report filing fee of not more than five dollars (\$5) for each pesticide use report or combination of use reports representing a registered structural pest control company's total county pesticide use for the month.
- (s) A fee for approval of continuing education courses of not more than twenty-five dollars (\$25).
- (t) (1) Any person who pays a fee pursuant to subdivision (r) shall, in addition, pay a fee of two dollars (\$2) for each pesticide use stamp or stamp number purchased from the board. Notwithstanding any other law, the fee established pursuant to this subdivision shall be deposited into the Structural Pest Control Research Fund that is hereby continued in existence and continuously appropriated to be used only for structural pest control research.
- (2) A charge for administrative expenses of the board in an amount not to exceed 5 percent of the amount collected and deposited in the Structural Pest Control Research Fund may be assessed against the fund. The charge shall be limited to expenses directly related to the administration of the fund.
- (3) The board shall, by regulation, establish a five-member research advisory panel, including, but not limited to, representatives from the Structural Pest Control Board, the structural pest control industry, the Department of Pesticide Regulation, and the University of California. The panel, or other entity designated by the board, shall solicit on behalf of the board all requests for proposals and present to the panel all proposals that meet the criteria established by the panel. The panel shall review the proposals and recommend to the board which proposals to accept. The recommendations shall be accepted upon a two-thirds vote of the board. The board shall direct the panel, or other entity designated by the board, to prepare and issue the research contracts and authorize the transfer of funds from the Structural Pest Control Research Fund to the applicants whose proposals were accepted by the board.
- (4) A charge for requests for proposals, contracts, and monitoring of contracted research shall not exceed 5 percent of the research funds available each year and shall be paid from the Structural Pest Control Research Fund.

UPDATE AND POSSIBLE ACTION ON BRANCH 1 EXAMINATION OCCUPATIONAL ANALYSIS COST AND LOGISTICS

Ms. Saylor stated that the Board has traditionally had greater difficulty performing occupational analyses for Branch 1 examinations due to challenges with low industry participation. Ms. Saylor introduced Heidi Lincer and Shana Larrucea from OPES to update the Board on the process.

Ms. Larrucea stated that the last occupational analysis for Branch 1 examinations was completed in 2010 and that OPES was currently brainstorming ways to overcome the recruitment issues.

Mr. Good stated that the best time for fumigators to volunteer for the occupational analysis workshops would be in January, February, or perhaps early March before their busy season began. Mr. Good further stated that if OPES was able to hold its occupational analysis workshops in southern California that could potentially help turnout.

Ms. Lincer stated that OPES is capable of holding workshops in southern California and Ms. Larrucea stated that January and February of 2019 would be good target dates.

Mr. Good stated that he would reach out to industry to get feedback on the availability of licensees and venues.

Ms. Saylor stated that volunteers for the occupational analysis workshops receive \$150 a day and have their meals and travel expenses reimbursed.

Larry Habben, Ace Professional Termite and Pest Control Training Courses, stated that he would be willing to offer his classroom to host the occupational analysis workshops.

UPDATE AND POSSIBLE ACTION ON PRE-TREATMENT COMMITTEE RECOMMENDATIONS

Mr. Van Steenwyk stated that the Pre-Treatment Committee is still in the process of being formed and therefore has not yet held any meetings. Mr. Van Steenwyk stated that he would continue to work on appointing members to the Pre-Treatment Committee.

RESEARCH ADVISORY PANEL RESEARCH REQUEST FOR PROPOSALS UPDATE AND POSSIBLE ACTION

Ms. Knight presented an amendment that was recommended by the Research Advisory Panel to the "Purpose and Description of Services" section of the solicitation for research proposals that the Board previously approved at its January 12, 2017 meeting.

Mr. Good moved and Mr. Duran seconded to accept the amendment to the "Purpose and Description of Services" section of the solicitation for research proposals previously approved by the Board at its January 12, 2017 meeting. Passed unanimously.

(AYES: Van Steenwyk, Tamayo, Duran, Good, Ornelas. NOES: None. ABSTENTIONS: Brand.)

~~SPCB is soliciting to any University in California for research in the field of structural pest control.~~ Proposals should focus on the study of and treatment of integrated pest

management (IPM) for, the following structural pests-ants, bed bugs, cockroaches, drywood termites, rodents, and yellowjackets. Within this framework, proposals may also include original innovative research on new procedures, processes, practices or programs.

SPCB is soliciting proposals from educational research institutions in California with scientific research history focused in the field of structural pest management.

Mr. Van Steenwyk asked if there was a timeline for when the solicitation for research proposals would be distributed to researchers.

Ms. Saylor stated that during the April 11, 2018 Research Advisory Panel meeting, William Pequinot from DCA's Business Services Office (BSO) expressed his belief that the research solicitation would be distributed to researchers no later than June 30, 2018.

DISCUSSION AND POSSIBLE ACTION REGARDING UNLICENSED PERFORMANCE OF TERMITE INSPECTIONS BY HOME INSPECTORS

Mr. Gaither stated that there are significant numbers of home inspectors who are performing both general pest, and WDO inspections without the proper license. Mr. Gaither added that the Board should focus enforcement activity on curtailing the practice.

Mr. Tamayo asked if home inspectors are also licensed by DCA.

Mr. Gaither stated that in California home inspectors are not licensed by any government entity.

The Board encouraged anyone who encounters unlicensed activity to file a complaint that the Board can investigate.

Mr. Habben stated that if the Board wished to do so he would help facilitate outreach to home inspectors about the performance of general pest or WDO inspections without the proper license. Mr. Habben mentioned the California Real Estate Inspection Association (CREIA), the American Society of Home Inspectors (ASHI), and Internachi, as home inspector certification organizations he could help facilitate correspondence with.

Mr. Good stated that he would like staff to write a letter to CREIA, ASHI, and Internachi informing their membership about the licensing requirements in California to perform general pest or WDO inspections.

Ms. Knight stated that the Board could also add information to its website about licensing requirements to perform inspections in California.

Mr. Tamayo asked if staff could report back at the July 26, 2018 meeting with what it has learned and what it thinks can be done about this issue.

FUTURE AGENDA ITEMS

The following were identified as future agenda items —

Staff report on home inspectors performing pest inspections without the proper license to do so.

Internal process for distributing solicitations for research proposals with a focus on creating a more predictable timeline.

Status of the pre-treatment committee.

An examination of the Board’s renewal process with a focus on the way licensees certify their continuing education hours and possibly emulating DPR’s renewal process.

BOARD CALENDAR

The next 4 meetings of the Board were scheduled for —

Thursday, July 26, 2018 in Claremont.

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

Tuesday, January 15, and Wednesday, January 16, 2019 in Claremont.

Wednesday, April 17, and Thursday, April 18, 2019 in Sacramento.

ADJOURNMENT

The was adjourned at 3:08 P.M.

Darren Van Steenwyk, President

Date

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

May 22, 2018

The meeting was held at the Department of Consumer Affairs, Hearing Room,
2005 Evergreen Street, Sacramento, California

Additional Teleconference Meeting Locations Were Established as Follows:

Newport Exterminating, 16661 Millikan Avenue, Irvine, CA 92606
Duran's Termite & Pest Control, 82229 Bliss Avenue, Indio, CA 92201

Board Members Present:

Darren Van Steenwyk, President (Sacramento Location)
Dave Tamayo, 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
Karen Nelson, Executive Office

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Van Steenwyk called the meeting to order at 10:05 A.M. and Ms. Saylor called roll.

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

Ms. Brand, Mr. Duggal, and Mr. Ornelas were absent.

A quorum of the Structural Pest Control Board (SPCB or Board) was established.

No members of the public were present at the Indio, Irvine, or Sacramento locations.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

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

DISCUSSION AND POSSIBLE ACTION ON ASSEMBLY BILL 2138 (CHIU)(LOW) TO ESTABLISH CRITERIA FOR LICENSING BOARDS REGARDING APPLICANT CRIMINAL CONVICTIONS

Ms. Knight stated that the other boards in the Department of Consumer Affairs (DCA) that have considered AB 2138 have either taken an “oppose” or “oppose unless amended” position on it.

Mr. Good stated that he felt the SPCB has done a good job of giving opportunities to applicants with criminal convictions that have demonstrated they deserve it.

Mr. Good moved and Mr. Duran seconded for the Board to oppose AB 2138 unless it is amended to remove the SPCB. Passed unanimously.

(AYES: Van Steenwyk, Tamayo, Duran, Good. NOES: None. ABSTENTIONS: None)

Ms. Saylor stated that Board staff would prepare a letter to send to the authors of AB 2138 informing them of the SPCB’s position.

DISCUSSION AND POSSIBLE ACTION ON SENATE BILL 1481 (HILL) TO EXTEND THE STRUCTURAL PEST CONTROL BOARD’S SUNSET DATE AND MAKE VARIOUS CHANGES TO THE STRUCTURAL PEST CONTROL ACT

Ms. Saylor informed the Board that SB 1481 was recently amended to include the changes to Business and Professions Code (BPC) section 8674 to increase the fee cap on wood destroying organism inspection reports to \$5.

Mr. Good moved and Mr. Tamayo seconded for the Board to support SB 1481. Passed unanimously.

(AYES: Van Steenwyk, Tamayo, Duran, Good. NOES: None. ABSTENTIONS: None)

Ms. Saylor stated that Board staff would prepare a letter to send to the author of SB 1481 informing him of the SPCB’s position.

CLOSED SESSION

Pursuant to subdivision (c)(3) of section 11126 of the Government Code, the Board met in closed session to consider reinstatements, proposed disciplinary actions, and stipulated settlements.

ADJOURNMENT

The meeting was adjourned at 10:47 A.M.

Darren Van Steenwyk, President

Date

DRAFT

2018 RESEARCH SUBMISSIONS

RESEACHER	AVERAGE PANEL SCORE	SUBJECT MATTER
University of California, Riverside: Dr. Dong-Hwan Choe Proposed Term: 09/01/2018-12/31/2019 Requested Funding: \$77,311	95.2	“Improving Urban Pest Ants Management by Low-Impact IPM Strategies”
University of California, Riverside: Dr. Michael Rust Proposed Term: 09/01/2018-12/31/2020 Requested Funding: \$280,017	94.2	“Development and Evaluation of Baiting Strategies for Control of Pest Yellowjackets in California”
University of California, Agriculture and Natural Resources: Dr. Niamh Quinn Proposed Term: 09/01/2018-08/31/2020 Requested Funding: \$329,749.33	93.8	“Investigation of Rodenticide Pathways in an Urban System Through the Use of Isotopically Labelled Bait”
University of California, Berkeley: Neil Tsutsui Proposed Term: 09/01/2018-08/31/2021 Requested Funding: \$146,325	84.4	“Diet and Colony Structure of Two Emerging Invasive Pest Ants”
University of California, Agriculture and Natural Resources: Dr. Andrew Sutherland Proposed Term: 09/01/2018-08/31/2021 Requested Funding: \$190,425	82.0	“Evaluation of bait station system efficacy for reduced-risk subterranean termite management in California”
University of California, Riverside: Dr. Dong-Hwan Choe Proposed Term: 09/01/2018 Requested Funding: \$168,777	81.2	“Chemical ecology of bed bug (<i>Cimex lectularius</i>) and its implications for the use of fungal biopesticide and canine scent detection for bed bud IPM”

<p>University of California, Agriculture and Natural Resources: Dr. Andrew Sutherland</p> <p>Proposed Term: 09/01/2018-06/30/2020</p> <p>Requested Funding \$180,539</p>	<p>77.2</p>	<p>“Incorporating pest prevention and integrated pest management into San Francisco public housing renovations: An assessment”</p>
<p>University of California, Agriculture and Natural Resources: Dr. Siavash Taravati</p> <p>Proposed Term: 09/01/2018-08/31/2020</p> <p>Requested Funding: \$106,047</p>	<p>73.6</p>	<p>“Efficacy of insecticidal dust against common bed bug”</p>
<p>University of California, Berkeley: Dr. Neil Tsutsui</p> <p>Proposed Term: 09/01/2018-08/31/2021</p> <p>Requested Funding: \$164,728</p>	<p>69.4</p>	<p>“Identification and attractiveness of queens and brood pheromones in the Argentine ant and Odorous House ant”</p>



Structural Pest Control Board
Attention: Kristina Jackson-Duran
2005 Evergreen Street, Suite 1500
Sacramento, CA 95815

June 12, 2018

Structural Pest Control Board members:

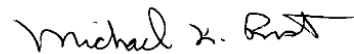
As researchers working on various urban pest management issues in California, we deeply appreciate the Structural Pest Control Board's continuing support for research activities through the Structural Pest Control Research Grant. The grant funds are extremely important for us to conduct in-depth investigations into urban IPM solutions, allowing us to address various challenges in urban pest management in California. Extramural funding for structural and household pest systems is truly limited from federal and state agencies. Industry support is often narrowly directed and underfunded.

Between 1993 and 2011, the Structural Pest Control Research Grant program supported numerous research activities (22 projects in total). However, the funding cycle has been somewhat irregular. For example, based on the reports available online, projects were funded in 1993, 1994, 1996, 1997, 1999, 2000, 2001, 2009, and 2011: these cycles have been one, several, or sometimes even up to 8 years apart. Since the most recent request for proposals was released in 2010 (supporting projects completed in 2011), it has been almost 8 years without another funding opportunity.

We understand that the Department of Consumers Affairs is not a research organization and that there might be circumstances where unavoidable delays might occur. However, we believe it would be best if there were some system to ensure fixed (or at least somewhat *predictable*) funding cycles. Predictable funding cycles will allow researchers to organize and plan their research activities to maximize productivity and overall project success. This grant program helps support graduate students and professional staff. Relevant and creative research proposals require significant time to develop, revise, and submit. Consistent cycles will also allow us to plan for and conduct preliminary studies that inform our final proposals. We strongly believe that regular cycles will ultimately help us to deliver more robust outcomes and larger impacts overall.

We would like to assist the Structural Pest Control Board in any way that we can. The continuing support via the grant program has been an invaluable resource for critical research activities that support the evolution and improvement of the structural pest control industry within California. We sincerely appreciate this support. Please accept this letter as constructive input and an invitation to a dialogue that may increase the impacts of the Structural Pest Control Research Grant program. We look forward to working with the SPCB to solve challenging IPM problems, improving the health and welfare of the residents of California.

Sincerely yours,



Dong-Hwan Choe, Department of
Entomology, UCR

Michael Rust, Department of
Entomology, UCR



Andrew Sutherland, UCCE Alameda



Siavash Taravati, UCCE Los Angeles

STRUCTURAL PEST CONTROL BOARD STATISTICS FOR JUNE 2018 Page 1 of 2	FISCAL YEAR 2017/2018		FISCAL YEAR 2016/2017	
	Monthly	Year To Date	Monthly	Year To Date
EXAMINATION				
Field Representatives Scheduled	585	6,525	562	6,008
Field Representatives Examined	438	4,946	485	4,556
Field Representatives Passed	180	1,992	228	2,281
Field Representatives Failed	258	2,954	257	2,275
Operators Scheduled	38	482	23	395
Operators Examined	36	434	38	335
Operators Passed	17	246	23	215
Operators Failed	19	188	15	120
Applicators Scheduled	421	4,557	359	3,822
Applicators Examined	312	3,637	331	3,150
Applicators Passed	110	1,313	168	1,499
Applicators Failed	202	2,324	163	1,651
Field Representatives Passing Rate	41%	40%	47%	50%
Operator Passing Rate	47%	57%	61%	64%
Applicators Passing Rate	35%	36%	51%	48%
LICENSING				
Field Representative Licenses Issued	199	1,588	272	1,727
Operator Licenses Issued	13	182	20	168
Company Registrations Issued	28	225	30	233
Branch Office Registrations Issued	4	23	1	33
Change of Registered Company Officers	5	25	1	25
Change Of Qualifying Manager	9	104	14	93
Applicator Licenses Issued	120	1,250	140	1,434
Duplicate Licenses Issued	105	1,007	58	926
Upgrade Present License	18	234	19	297
Change of Status Processed	29	541	55	410
Address Change	107	1,486	75	1,407
Address Change (Principal Office)	27	267	27	273
Address Change (Branch Office)	0	34	1	19
Transfer of Employment Processed	122	2,280	74	1,676
Change of Name	3	22	0	17
Change of Registered Company Name	1	13	2	10
License Histories Prepared	21	209	3	235
Down Grade Present License	81	728	103	842
LICENSES/REGISTRATIONS IN EFFECT				
Field Representative		12,871		12,211
Operator		4,195		4,160
Company Registration		3,101		3,047
Branch Office		437		435
Licensed Applicator		7,381		7,704
LICENSES/REGISTRATIONS ON PROBATION				
Companies		24		17
Licensees		91		75

STRUCTURAL PEST CONTROL BOARD STATISTICS FOR JUNE 2018	FISCAL YEAR 2017/2018		FISCAL YEAR 2016/2017	
	Monthly	Year To Date	Monthly	Year To Date
LICENSES RENEWED				
Operator	560	1,172	575	973
Field Representative	1452	2,583	1518	2,244
Applicator	412	841	426	682
LICENSES/ REGISTRATIONS CANCELLED				
Operator	1	121	1	114
Field Representative	12	974	20	992
Company Registration	12	151	43	164
Branch Office	7	22	5	47
Applicator	8	1,541	14	1,192
LICENSES DENIED				
Licenses	5	32	4	63
INVESTIGATIVE FINES PROCESSED				
Specialist Fines	\$15,865	\$68,467	\$0	\$0
Civil Penalties	\$0	\$0	\$0	\$3,000
County Fines	\$25,605	\$140,089	\$14,865	\$130,826
STAMPS SOLD				
Pesticide	6,210	73,986	6,960	72,011
SEARCHES MADE				
Public	73	874	81	863
Complaints	7	151	9	76
BOND & INSURANCE				
Bonds Processed	15	277	40	299
Insurance Processed	280	2,803	280	2,523
Restoration Bonds Processed	1	9	0	4
Suspension Orders	33	457	53	441
Cancellations Processed	39	547	203	789
Change of Bond/Insurance	52	518	35	352
CONTINUING EDUCATION EXAMS				
Field Representative Examined	1	13	1	1
Field Representative Passed	0	5	0	0
Field Representative Failed	1	8	1	1
Operator Examined	1	3	0	0
Operator Passed	0	1	0	0
Operator Failed	1	2	0	0
Applicator Examined	0	0	0	2
Applicator Passed	0	0	0	1
Applicator Failed	0	0	0	1

WDO ACTIVITIES FILED

	2014/15	2015/16	2016/17	2017/18	MO. AVG
July	122,803	121,639	111,086	124,000	117,984
August	112,400	112,511	121,000	128,400	114,506
September	116,100	115,977	119,089	119,000	116,710
October	123,250	123,409	125,804	124,100	122,164
November	94,750	100,779	118,121	117,000	104,018
December	95,373	105,326	106,000	96,100	99,353
January	88,247	83,209	96,000	94,900	91,038
February	97,884	97,100	95,000	96,900	95,412
March	124,448	122,261	127,300	115,000	119,755
April	131,292	128,201	122,120	115,000	125,221
May	116,578	123,028	132,900	123,000	120,534
June	124,648	131,954	135,000	127,000	125,138
FY Total	1,347,773	1,365,394	1,409,420	1,380,400	1,351,834
AVG PER MO.	112,314	113,783	117,452	115,033	

LICENSING UNIT SURVEY RESULTS

January 12, 2017 – SPCB Meeting

September 27 - December 27

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. Eighty-eight survey cards were mailed during this reporting period. Six 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?	50%	33%	17%
5	Did staff efficiently and promptly handle your transaction?	83%	17%	0%
6	How long did it take to complete its action on your file?* (Average)	13 days		

*There were 4 responses to question 6, ranging from 5 days to 30 days.

Company Registration: 30 days average (1 response)

Operator License: N/A (0 responses)

Field Representative License: 10 days average (1 response)

Applicator License: 5 days average (1 response)

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: 7 days average (1 response)

Comments:

- Thanks Frank.

Comments:

- Very happy with everything, thank you.
- The enclosed room is warm – no ventilation.
- It's been easy talking to board staff. Very Helpful.
- Thanks.
- Mr. Munoz has helped me lots through this process. Very helpful. Thanks a lot.
- Everyone was extremely helpfull
- My records had to be extracted from records in archives (reason for 90+ days). I appreciated the complexity and have no complaints.
- I am still waiting. I feel I get no help. Answering service is always full. Operator took my number, still no call back. I want to start a business.
- Frank was awesome to work with, I really appreciated his help.

STRUCTURAL PEST CONTROL BOARD

REGULATORY ACTION STATUS

SECTION	SUBJECT	STATUS
1902	Definitions	July 1, 2018 – 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 2, 2017 – Approved by Office of Administrative Law and Effective January 1, 2018</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 1, 2018 – 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 January 3, 2018 – Approved by Office of Administrative Law and Effective April 1, 2018.</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>Applicator Renewal Fee – Establishes the fee for applicator license renewal. Applicator – Establish and specify fee for applicator’s license and license renewal.</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>1948</p>	<p>Applicator license/renewal fee lowered to \$10, Operator license/renewal fee lowered to \$120.</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>

<p style="text-align: center;">1950</p>	<p style="text-align: center;">CE IPM Review Committee's Recommended Continuing Education Amendments</p>	<p style="text-align: center;">July 1, 2018 — Staff Preparing Regulatory Proposal</p>
<p style="text-align: center;">1950.1</p>	<p style="text-align: center;">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>	<p style="text-align: center;">Noticed for the January 23, 2009 Board Meeting. January 23, 2009 - Public hearing, Board voted to send out 15-day notice of modified text. February 9, 2009 – Notice of modified text sent out. June 10, 2009 - Rulemaking file submitted to DCA for Director review. August 5, 2009 – Received approved rulemaking file from DCA. August 5, 2009 – Final rulemaking file submitted to OAL. September 16, 2009 – Approved by the Office of Administrative Law</p>

<p style="text-align: center;">1950.5</p>	<p style="text-align: center;">CE IPM Review Committee's Recommended Continuing Education Amendments</p>	<p style="text-align: center;">July 1, 2018 — Staff Preparing Regulatory Proposal</p>
<p>1950.5(c),(d)(g),(h),[g]</p>	<p>Continuing Education - Requires that course providers administer a second examination.</p>	<p>March 13, 1996 - Approved by the Office of Administrative Law.</p>
<p>1950.5(c),(d)(g),(h),[g]</p>	<p>Continuing Education Requirements, Hour Value System, removal of language regarding wood roof cleaning and treatment.</p>	<p>March 26, 2002 - Approved by the Office of Administrative Law</p>
<p>1950.5</p>	<p>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.</p>	<p>Noticed for the April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.</p>

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	CE IPM Review Committee’s Recommended Continuing Education Amendments	July 1, 2018 — Staff Preparing Regulatory Proposal
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.
	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.</p> <p>January 2005 Board voted to proceed. Noticed for Public Hearing July 15, 2005. December 30, 2005 – Approved by the Office of Administrative Law.</p>

	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 January 30, 2018 – Proposed Language Disapproved by DCA Legal July 1, 2018 – Staff Preparing Additional Amendments to 1970.4 for Recommendation to the Board

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	Re-entry Requirements - Requires use of proper testing equipment and changes printing on re-entry notice from red to black.	March 13, 1996 - Approved by the Office of Administrative Law.
1973	Notice of Re-entry – Replace a product trade name with the active ingredient.	<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>July 1, 2018 - 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 July 1, 2018 - 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;">July 1, 2018 - 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	<p>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.</p>	<p>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.</p>
1993.2	<p>Bait Stations.</p>	<p>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.</p>
1993.2	<p>Termite Bait Stations.</p> <p>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>October 13, 2016 – Public Hearing was Conducted and Board Directed Staff to Begin Final Rulemaking Process</p> <p>October 6, 2017 – Approved by Office of Administrative Law.</p> <p>Effective January 1, 2018</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 October 6, 2017 – Approved by Office of Administrative Law. Effective January 1, 2018</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 October 6, 2017 – Approved by Office of Administrative Law. Effective January 1, 2018</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.</p> <p>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.</p> <p>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>April 19, 2018 – Board Approved Language to Raise Fee From \$2.50 to \$3.00 per Property Address Reported</p> <p>May 24, 2018 – Staff Submitted Regulatory Proposal to DCA Legal</p> <p>July 9, 2018 – Regulatory Proposal Undergoing Legal Review at DCA</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. 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>



AB-2138 Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction. (2017-2018)

SHARE THIS:



Date Published: 06/20/2018 09:00 PM

AMENDED IN SENATE JUNE 20, 2018

AMENDED IN ASSEMBLY MAY 25, 2018

AMENDED IN ASSEMBLY APRIL 02, 2018

CALIFORNIA LEGISLATURE—2017–2018 REGULAR SESSION

ASSEMBLY BILL**No. 2138****Introduced by Assembly Members Chiu and Low****February 12, 2018**

An act to amend Sections 7.5, 480, 481, 482, 488, ~~490, 492~~, 493, and 11345.2 ~~of, and to add Section 481.5 to, of~~ the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2138, as amended, Chiu. Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license or take disciplinary action against a licensee on the grounds that the applicant or licensee has, among other things, been convicted of a crime, as specified. Existing law provides that a person shall not be denied a license solely on the basis that the person has been convicted of a felony if he or she has obtained a certificate of rehabilitation or that the person has been convicted of a misdemeanor if he or she has met applicable requirements of rehabilitation developed by the board, as specified. Existing law also prohibits a person from being denied a license solely on the basis of a conviction that has been dismissed, as specified. Existing law requires a board to develop criteria to aid it when considering the denial, suspension, or revocation of a license to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates and requires a board to develop criteria to evaluate the rehabilitation of a person when considering the denial, suspension, or revocation of a license.

This bill would revise and recast those provisions to instead authorize a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been convicted of a crime only if the applicant or licensee is presently incarcerated or if the conviction, as defined, occurred within the preceding ~~5~~ **7** years, except for ~~violent~~ **serious** felonies, and would require the crime to be ~~directly and adversely~~ **substantially** related to the qualifications, functions, or duties of the business or profession. The bill would prohibit a board from denying a person a license based on the conviction of a crime, or on the basis of acts underlying a conviction

for a crime, if the conviction has been dismissed or expunged, if the person has ~~made a showing~~ *provided evidence* of rehabilitation, if the person has been granted clemency or a pardon, or if an arrest resulted in a disposition other than a conviction. ~~The bill would provide that these provisions relating to denial, revocation, or suspension of a license would supersede contradictory provisions in specified existing law.~~

The bill would require the board to develop criteria for determining whether a crime is ~~directly and adversely~~ *substantially* related to the qualifications, functions, or duties of the business or profession. The bill would require a board to find that a person has made a showing of rehabilitation if certain conditions are met. The bill would require a board to follow certain procedures when requesting or acting on an applicant's or licensee's criminal history information. The bill would also require a board to annually submit a report to the Legislature and post the report on its Internet Web site containing specified deidentified information regarding actions taken by a board based on an applicant or licensee's criminal history information.

Existing law authorizes a board to deny a license on the grounds that an applicant knowingly made a false statement of fact that is required to be revealed in the application for licensure.

This bill would prohibit a board from denying a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had the fact been disclosed.

~~Existing law authorizes specified agencies to take disciplinary action against a licensee or deny a license for professional misconduct if the licensee has successfully completed certain diversion programs or alcohol and drug problem assessment programs.~~

~~This bill would instead prohibit a board from taking disciplinary action against a licensee or denying a license for professional misconduct if the licensee has successfully completed certain diversion programs or alcohol and drug problem assessment programs or deferred entry of judgment.~~

Existing law authorizes a ~~board~~ *board*, after a specified hearing requested by an applicant for licensure to take various ~~actions, including imposing probationary conditions on the license.~~ *actions in relation to denying or granting the applicant the license.*

This bill would ~~additionally authorize a board to grant the license and immediately issue a public reproof. The bill would limit probationary terms or restrictions placed on a license by a board to 2 years or less and would authorize additional conditions to be imposed only if the board determines that there is clear and convincing evidence that additional conditions are necessary to address a risk shown by clear and convincing evidence. The bill would require a board to develop criteria to aid it in considering the imposition of probationary conditions and to determine what conditions may be imposed. The bill would authorize a licensee or registrant whose license or registration has been placed on probation to petition the board for a change to that probation one year from the effective date of the board's decision, would require the board to issue a decision on the petition within 90 days, and would deem the petition granted if the board does not file a decision denying the petition within 90 days.~~ *revise and recast those provisions to eliminate some of the more specific options that the board may take in these circumstances.*

This bill would also make necessary conforming changes.

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

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

SECTION 1. Section 7.5 of the Business and Professions Code is amended to read:

7.5. (a) A conviction within the meaning of this code means a judgment following a plea or verdict of guilty or a plea of nolo contendere or finding of guilt. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) or (c) of Section 480.

(b) (1) Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

(2) *The changes made to this section by the act adding this paragraph do not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:*

(A) *The State Athletic Commission.*

(B) The Bureau for Private Postsecondary Education.

(c) Except as provided in subdivision (b), this section controls over and supersedes the definition of conviction contained within individual practice acts under this code.

SEC. 2. Section 480 of the Business and Professions Code is amended to read:

480. (a) ~~(1)~~ Notwithstanding any other provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

(A)

(1) The applicant has been convicted of a crime for which the applicant is presently incarcerated or for which the conviction occurred within the preceding ~~five~~ *seven* years. However, the preceding ~~five-year~~ *seven-year* limitation shall not apply to a conviction for a ~~violent serious~~ felony, as defined in ~~Section 667.5~~ of the Penal Code.

The board may deny a license pursuant to this subparagraph only if the crime is ~~directly and adversely substantially~~ related to the qualifications, functions, or duties of the business or profession for which application is made.

(B)

(2) The applicant has been subjected to formal discipline by a licensing board within the preceding five years based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is ~~directly and adversely substantially~~ related to the qualifications, functions, or duties of the business or profession for which the present application is made. However, prior disciplinary action by a licensing board within the preceding ~~five~~ *seven* years shall not be the basis for denial of a license if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code or a comparable dismissal or expungement.

~~(2) Denial of a license includes denial of an unrestricted license by issuance of a restricted or probationary license.~~

(b) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis that he or she has been convicted of a crime, or on the basis of acts underlying a conviction for a crime, if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a state or federal executive, or has ~~made a showing~~ *provided evidence* of rehabilitation pursuant to Section 482.

(c) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis of any conviction, or on the basis of the acts underlying the conviction, that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code, or a comparable dismissal or expungement. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code shall provide proof of the dismissal if it is not reflected on the report furnished by the Department of Justice.

(d) Notwithstanding any other provision of this code, a board shall not deny a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication.

(e) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license. A board shall not deny a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had it been disclosed.

(f) A board shall follow the following procedures in requesting or acting on an applicant's criminal history information:

(1) A board shall not require an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history.

(2) If a board decides to deny an application based solely or in part on the applicant's conviction history, the board shall notify the applicant in writing of all of the following:

(A) The denial or disqualification of licensure.

(B) Any existing procedure the board has for the applicant to challenge the decision or to request reconsideration.

(C) That the applicant has the right to appeal the board's decision.

(D) The processes for the applicant to request a copy of his or her complete conviction history and question the accuracy or completeness of the record pursuant to Sections 11122 to 11127 of the Penal Code.

(g) (1) For a minimum of three years, each board under this code shall retain application forms and other documents submitted by an applicant, any notice provided to an applicant, all other communications received from and provided to an applicant, and criminal history reports of an applicant.

(2) Each board under this code shall retain the number of applications received for each license and the number of applications requiring inquiries regarding criminal history. In addition, each licensing authority shall retain all of the following information:

(A) The number of applicants with a criminal record who received notice of denial or disqualification of licensure.

(B) The number of applicants with a criminal record who provided evidence of mitigation or rehabilitation.

(C) The number of applicants with a criminal record who appealed any denial or disqualification of licensure.

(D) The final disposition and demographic information, including, but not limited to, voluntarily provided information on race or gender, of any applicant described in subparagraph (A), (B), or (C).

(3) (A) Each board under this code shall annually make available to the public through the board's Internet Web site and through a report submitted to the appropriate policy committees of the Legislature deidentified information collected pursuant to this subdivision. Each board shall ensure confidentiality of the individual applicants.

(B) A report pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(h) "Conviction" as used in this section shall have the same meaning as defined in Section 7.5.

~~(i) This section supersedes any contradictory provision in a licensing act under this code or initiative act referred to in Division 2 (commencing with Section 500) that authorizes license denial based on a criminal conviction, arrest, or the acts underlying an arrest or conviction.~~

(i) The changes made to this section by the act adding this subdivision do not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

SEC. 3. Section 481 of the Business and Professions Code is amended to read:

481. (a) Each board under this code shall develop criteria to aid it, when considering the denial, suspension, or revocation of a license, to determine whether a crime is ~~directly and adversely~~ *substantially* related to the qualifications, functions, or duties of the business or profession it regulates.

(b) Criteria for determining whether a crime is ~~directly and adversely~~ *substantially* related to the qualifications, functions, or duties of the business or profession a board regulates shall include all of the following:

(1) The nature and gravity of the offense.

(2) The number of years elapsed since the date of the offense.

(3) The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed.

(c) A board shall not deny a license based in whole or in part on a conviction without considering evidence of rehabilitation.

(d) Each board shall post on its Internet Web site a summary of the criteria used to consider whether a crime is considered to be ~~directly and adversely~~ *substantially* related to the qualifications, functions, or duties of the business or profession it regulates consistent with this section.

(e) The changes made to this section by the act adding this subdivision do not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

~~SEC. 4. Section 481.5 is added to the Business and Professions Code, to read:~~

~~481.5.(a) Probationary terms or restrictions placed on a license by a board shall be limited to two years or less. Any additional conditions may be imposed only if the board determines that there is clear and convincing evidence that additional conditions are necessary to address a risk shown by clear and convincing evidence.~~

~~(b) Each board under this code shall develop criteria to aid it when considering the imposition of probationary conditions or restrictions to determine what conditions may be imposed to address a risk shown by clear and convincing evidence.~~

~~(c)(1) A licensee or registrant whose license or registration has been placed on probation may petition the board for a change to the probation, including modification or termination of probation, one year from the effective date of the decision. The board shall issue its decision on the petition within 90 days of submission of the petition. The petition shall be deemed granted by operation of law if the board does not file a decision denying the petition within 90 days of submission of the petition.~~

~~(2) The one-year time period to petition for modification or termination of penalty shall control over longer time periods under a licensing act under this code or initiative act referred to in Division 2 (commencing with Section 500).~~

SEC. 5.~~SEC. 4.~~ Section 482 of the Business and Professions Code is amended to read:

482. (a) Each board under this code shall develop criteria to evaluate the rehabilitation of a person when doing either of the following:

(1) Considering the denial of a license by the board under Section 480.

(2) Considering suspension or revocation of a license under Section 490.

(b) Each board shall ~~find~~ *consider* that an applicant or licensee has made a showing of rehabilitation if ~~any~~ *either* of the following are met:

(1) The applicant or licensee has completed the criminal sentence at issue without a violation of parole or probation.

~~(2)(A) The applicant or licensee documents that he or she has worked in a related field continuously for at least one year prior to licensure or successfully completed a course of training in a related field, unless the board finds a public record of an official finding that the applicant committed professional misconduct in the course of that work.~~

~~(B) Work in a related field may include, but is not limited to, work performed without compensation and work performed while incarcerated.~~

~~(C) "Related field," for purposes of this paragraph, means a field of employment whose duties are substantially similar to the field regulated by the board.~~

~~(3)~~

(2) The applicant or licensee has satisfied criteria for rehabilitation developed by the board.

(c) The changes made to this section by the act adding this subdivision do not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

SEC. 6.~~SEC. 5.~~ Section 488 of the Business and Professions Code is amended to read:

488. Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

(a) Grant the license effective upon completion of all licensing requirements by the applicant.

~~(b) Grant the license effective upon completion of all licensing requirements by the applicant, grant the license and immediately issue a public reproof pursuant to Section 495, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.~~

~~(e)~~

~~(b) Deny the license.~~

~~(d)~~

~~(c) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.~~

~~(d) The changes made to this section by the act adding this subdivision do not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:~~

~~(1) The State Athletic Commission.~~

~~(2) The Bureau for Private Postsecondary Education.~~

~~SEC. 7. Section 490 of the Business and Professions Code is amended to read:~~

~~490.(a)(1) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime for which the applicant is presently incarcerated or for which the conviction occurred within the preceding five years. However, the preceding five year limitation shall not apply to a conviction for a violent felony, as defined in Section 667.5 of the Penal Code.~~

~~(2) The board may suspend or revoke a license pursuant to this subdivision only if the crime is directly and adversely related to the qualifications, functions, or duties of the business or profession for which application is made.~~

~~(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if both of the following are met:~~

~~(1) The crime is directly and adversely related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.~~

~~(2) The licensee was convicted of the crime within the preceding five years or is presently incarcerated for the crime. However, the preceding five year limitation shall not apply to a conviction for a violent felony, as defined in Section 667.5 of the Penal Code.~~

~~(c) Notwithstanding any other provision of this code, a board shall not suspend or revoke a license on the basis of a conviction, or of the acts underlying a conviction, where that conviction has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code or a comparable dismissal or expungement.~~

~~(d) Notwithstanding any other provision of this code, a board shall not suspend or revoke a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or juvenile adjudication.~~

~~(e) The board shall use the following procedures in requesting or acting on a licensee's criminal history information:~~

~~(1) A board shall not require a licensee to disclose any information or documentation regarding the licensee's criminal history.~~

~~(2) If a board chooses to file an accusation against a licensee based solely or in part on the licensee's conviction history, the board shall notify the licensee in writing of the processes for the licensee to request a copy of the licensee's complete conviction history and question the accuracy or completeness of his or her criminal record pursuant to Sections 11122 to 11127, inclusive, of the Penal Code.~~

~~(f)(1) For a minimum of three years, each board under this code shall retain all documents submitted by a licensee, notices provided to a licensee, all other communications received from or provided to a licensee, and criminal history reports of a licensee.~~

~~(2) Each board under this code shall retain all of the following information:~~

~~(A) The number of licensees with a criminal record who received notice of potential revocation or suspension of~~

~~their license or who had their license suspended or revoked.~~

~~(B)The number of licensees with a criminal record who provided evidence of mitigation or rehabilitation.~~

~~(C)The number of licensees with a criminal record who appealed any suspension or revocation of a license.~~

~~(D)The final disposition and demographic information, including, but not limited to, voluntarily provided information on race or gender, of any applicant described in subparagraph (A), (B), or (C).~~

~~(3)(A)Each board under this code shall annually make available to the public through the board's Internet Web site and through a report submitted to the appropriate policy committees of the Legislature deidentified information collected pursuant to this subdivision. Each board shall ensure the confidentiality of the individual licensees.~~

~~(B)A report pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.~~

~~(g)(1)This section supersedes any contradictory provision in a licensing act under this code or initiative act referred to in Division 2 (commencing with Section 500) that authorizes action based on a criminal conviction, arrest, or the acts underlying an arrest or conviction.~~

~~(2)This section shall not prohibit any agency from taking disciplinary action against a licensee for professional misconduct in the course and scope of the licensee's profession that is based on evidence that is independent of an arrest.~~

~~SEC. 8. Section 492 of the Business and Professions Code is amended to read:~~

~~492.(a)Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, successful completion by a licensee or applicant of any nonstatutory diversion program, deferred entry of judgment, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with Section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall prohibit any board from taking disciplinary action against a licensee or from denying a license for professional misconduct.~~

~~(b)This section shall not prohibit any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee for professional misconduct in the course and scope of the profession, which is based on evidence that is independent of an arrest.~~

~~SEC. 9.~~ **SEC. 6.** Section 493 of the Business and Professions Code is amended to read:

493. (a) Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime ~~directly and adversely~~ *substantially* related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact.

(b) (1) Criteria for determining whether a crime is ~~directly and adversely~~ *substantially* related to the qualifications, functions, or duties of the business or profession the board regulates shall include all of the following:

(A) The nature and gravity of the offense.

(B) The number of years elapsed since the date of the offense.

(C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation.

(c) As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

(d) The changes made to this section by the act adding this subdivision do not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

SEC. 10. SEC. 7. Section 11345.2 of the Business and Professions Code is amended to read:

11345.2. (a) An individual shall not act as a controlling person for a registrant if any of the following apply:

(1) The individual has entered a plea of guilty or no contest to, or been convicted of, a felony. If the individual's felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code, the bureau may allow the individual to act as a controlling person.

(2) The individual has had a license or certificate to act as an appraiser or to engage in activities related to the transfer of real property refused, denied, canceled, or revoked in this state or any other state.

(b) Any individual who acts as a controlling person of an appraisal management company and who enters a plea of guilty or no contest to, or is convicted of, a felony, or who has a license or certificate as an appraiser refused, denied, canceled, or revoked in any other state shall report that fact or cause that fact to be reported to the office, in writing, within 10 days of the date he or she has knowledge of that fact.

**SB-721 Building standards: decks and balconies: inspection.** (2017-2018)

SHARE THIS:



Date Published: 07/03/2018 09:00 PM

AMENDED IN ASSEMBLY JULY 03, 2018

AMENDED IN ASSEMBLY JUNE 20, 2018

AMENDED IN ASSEMBLY JUNE 11, 2018

AMENDED IN SENATE JANUARY 11, 2018

AMENDED IN SENATE JANUARY 03, 2018

AMENDED IN SENATE MAY 15, 2017

AMENDED IN SENATE APRIL 27, 2017

AMENDED IN SENATE APRIL 17, 2017

AMENDED IN SENATE MARCH 27, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL**No. 721****Introduced by Senator Hill
(Coauthor: Senator Skinner)****February 17, 2017**

An act to add Article 2.2 (commencing with Section 17973) to Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

SB 721, as amended, Hill. Building standards: decks and balconies: inspection.

Existing law provides authority for an enforcement agency to enter and inspect any buildings or premises whenever necessary to secure compliance with or prevent a violation of the building standards published in the California Building Standards Code and other rules and regulations that the enforcement agency has the power to enforce.

This bill would require an inspection of exterior elevated elements and associated waterproofing elements, as defined, including decks and balconies, for buildings with 3 or more multifamily dwelling units by a licensed architect, licensed civil or structural engineer, a building contractor holding specified licenses, or an individual certified as a building inspector or building official, as specified. The bill would require the inspections, including any necessary testing, to be completed by January 1, 2025, with certain exceptions, and would require

subsequent inspections every 6 years, except as specified. The bill would require the inspection report to contain specified items and would require that a copy of the inspection report be presented to the owner of the building within 45 days of the completion of the inspection and would require copies of the reports to be maintained in the building owner's records for 2 inspection cycles, as specified. The bill would require that if the inspection reveals conditions that pose an immediate hazard to the safety of the occupants, the inspection report be delivered to the owner of the building within 15 days and emergency repairs be undertaken, as specified, with notice given to the local enforcement agency. The nonemergency repairs made under these provisions would be required to be completed within 120 days, unless an extension is granted by the local authorities. The bill would authorize local enforcement agencies to recover enforcement costs associated with these requirements. The bill would require the local enforcement agency to send a 30-day corrective notice to the owner of the building if repairs are not completed on time and would provide for specified civil penalties and liens against the property for the owner of the building who fails to comply with these provisions. *The bill would exclude a common interest development, as defined, from these provisions.* The bill would authorize a local governing entity to enact stricter requirements than those imposed by these provisions.

Because this bill would impose new duties upon local enforcement authorities, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. Article 2.2 (commencing with Section 17973) is added to Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, to read:

Article 2.2. Exterior Elevated Elements: Inspections.

17973. (a) Exterior elevated elements that include load-bearing components in all buildings containing three or more multifamily dwelling units shall be inspected. The inspection shall be performed by a licensed architect, licensed civil or structural engineer, a building contractor holding any or all of the "A," "B," or "C-5" license classifications issued by the Contractors' State License Board, with a minimum of five years' experience, as a holder of the aforementioned classifications or licenses, in constructing multistory wood frame buildings, or an individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction. These individuals shall not be employed by the local jurisdiction while performing these inspections. The purpose of the inspection is to determine that exterior elevated elements and their associated waterproofing elements are in a generally safe condition, adequate working order, and free from any hazardous condition caused by fungus, deterioration, decay, or improper alteration to the extent that the life, limb, health, property, safety, or welfare of the public or the occupants is not endangered. The person or business performing the inspection shall be hired by the owner of the building.

(b) For purposes of this section, the following terms have the following definitions:

(1) "Associated waterproofing elements" include flashings, membranes, coatings, and sealants that protect the load-bearing components of exterior elevated elements from exposure to water and the elements.

(2) "Exterior elevated element" means the following types of structures, including their supports and railings: balconies, decks, porches, stairways, walkways, and entry structures that extend beyond exterior walls of the building and which have a walking surface that is elevated more than six feet above ground level, are designed for human occupancy or use, and rely in whole or in substantial part on wood or wood-based products for structural support or stability of the exterior elevated element.

(3) "Load-bearing components" are those components that extend beyond the exterior walls of the building to deliver structural loads from the exterior elevated element to the building.

(c) The inspection required by this section shall at a minimum include:

(1) Identification of each type of exterior elevated element that, if found to be defective, decayed, or deteriorated to the extent that it does not meet its load requirements, would, in the opinion of the inspector, constitute a threat to the health or safety of the occupants.

(2) Assessment of the load-bearing components and associated waterproofing elements of the exterior elevated elements identified in paragraph (1) using methods allowing for evaluation of their performance by direct visual examination or comparable means of evaluating their performance. For purposes of this section, a sample of at least 15 percent of each type of exterior elevated element shall be inspected.

(3) The evaluation and assessment shall address each of the following as of the date of the evaluation:

(A) The current condition of the exterior elevated elements.

(B) Expectations of future performance and projected service life.

(C) Recommendations of any further inspection necessary.

(4) A written report of the evaluation stamped or signed by the inspector presented to the owner of the building or the owner's designated agent within 45 days of completion of the inspection. The report shall include photographs, any test results, and narrative sufficient to establish a baseline of the condition of the components inspected that can be compared to the results of subsequent inspections. In addition to the evaluation required by this section, the report shall advise which, if any, exterior elevated element poses an immediate threat to the safety of the occupants, and whether preventing occupant access or conducting emergency repairs, including shoring, are necessary.

(d) The inspection shall be completed by January 1, 2025, and by January 1 every six years thereafter. The inspector conducting the inspection shall produce an initial report pursuant to paragraph (4) of subdivision (c) and, if requested by the owner, a final report indicating that any required repairs have been completed. A copy of any report that recommends immediate repairs, advises that any building assembly poses an immediate threat to the safety of the occupants, or that preventing occupant access or emergency repairs, including shoring, are necessary, shall be provided by the inspector to the owner of the building and to the local enforcement agency within 15 days of completion of the report. Subsequent inspection reports shall incorporate the findings of prior inspections, including the locations of the exterior elevated elements inspected. Local enforcement agencies may determine whether any additional information is to be provided in the report and may require a copy of the initial or final reports, or both, be submitted to the local jurisdiction. Copies of all inspection reports shall be maintained in the building owner's permanent records for not less than two inspection cycles, and shall be disclosed and delivered to the buyer at the time of any subsequent sale of the building.

(e) The inspection of buildings for which a building permit application has been submitted on or after January 1, 2019, shall occur no later than six years following issuance of a certificate of occupancy from the local jurisdiction and shall otherwise comply with the provisions of this section.

(f) If the property was inspected within three years prior to January 1, 2019, by an inspector as described in subdivision (a) and a report of that inspector was issued stating that the exterior elevated elements and associated waterproofing elements are in proper working condition and do not pose a threat to the health and safety of the public, no new inspection pursuant to this section shall be required until January 1, 2025.

(g) An exterior elevated element found by the inspector to be in need of repair or replacement, shall be corrected by the owner of the building. No recommended repair shall be performed by a licensed contractor serving as the inspector. All necessary permits for repair or replacement shall be obtained from the local jurisdiction. All repair and replacement work shall be performed by a qualified and licensed contractor in compliance with all of the following:

(1) The recommendations of a licensed professional described in subdivision (a).

(2) Any applicable manufacturer's specifications.

(3) The California Building Standards Code, consistent with subdivision (d) of Section 17922 of the Health and Safety Code.

(4) All local jurisdictional requirements.

(h) (1) An exterior elevated element that the inspector advises poses an immediate threat to the safety of the occupants, or finds preventing occupant access or emergency repairs, including shoring, or both, are necessary, shall be considered an emergency condition and the owner of the building shall perform required preventive measures immediately. Immediately preventing occupant access to the exterior elevated element until emergency repairs can be completed constitutes compliance with this paragraph. Repairs of emergency conditions shall comply with the requirements of subdivision (g), be inspected by the inspector, and reported to the local enforcement agency.

(2) The owner of the building requiring corrective work to an exterior elevated element that, in the opinion of the inspector, does not pose an immediate threat to the safety of the occupants, shall apply for a permit within 120 days of receipt of the inspection report. Once the permit is approved, the owner of the building shall have 120 days to make the repairs unless an extension of time is granted by the local enforcement agency.

(i) (1) The owner of the building shall be responsible for complying with the requirements of this section.

(2) If the owner of the building does not comply with the repair requirements within 180 days, the inspector shall notify the local enforcement agency and the owner of the building. If within 30 days of the date of the notice the repairs are not completed, the owner of the building shall be assessed a civil penalty based on the fee schedule set by the local authority of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) per day until the repairs are completed, unless an extension of time is granted by the local enforcement agency.

(3) In the event that a civil penalty is assessed pursuant to this section, a building safety lien may be recorded in the county recorder's office by the local jurisdiction in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien.

(j) (1) A building safety lien authorized by this section shall specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the street address, the legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the building.

(2) In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in paragraph (1) shall be recorded by the governmental agency. A safety lien and the release of the lien shall be indexed in the grantor-grantee index.

(3) A building safety lien may be foreclosed by an action brought by the appropriate local jurisdiction for a money judgment.

(4) Notwithstanding any other law, the county recorder may impose a fee on the city to reimburse the costs of processing and recording the lien and providing notice to the owner of the building. A city may recover from the owner of the building any costs incurred regarding the processing and recording of the lien and providing notice to the owner of the building as part of its foreclosure action to enforce the lien.

(k) The continued and ongoing maintenance of exterior elevated elements in a safe and functional condition in compliance with these provisions shall be the responsibility of the owner of the building.

(l) Local enforcement agencies shall have the ability to recover enforcement costs associated with the requirements of this section.

(m) This section shall not apply to a common interest development, as defined in Section 4100 of the Civil Code.

(m)

(n) The governing body of any city, county, or city and county, may enact ordinances or laws imposing requirements greater than those imposed by this section.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



SB-984 State boards and commissions: representation: appointments. (2017-2018)

SHARE THIS:  

Date Published: 07/03/2018 09:00 PM

- AMENDED IN ASSEMBLY JULY 03, 2018
- AMENDED IN ASSEMBLY JUNE 21, 2018
- AMENDED IN ASSEMBLY JUNE 19, 2018
- AMENDED IN SENATE MAY 25, 2018
- AMENDED IN SENATE MAY 01, 2018

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL

No. 984

Introduced by Senator Skinner

February 05, 2018

An act to add Section 11142 to the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 984, as amended, Skinner. State boards and commissions: representation: appointments.

Existing law establishes various boards and commissions within state government. Under existing law, it is the policy of the State of California that the composition of these state boards and commissions broadly reflect the general public, including ethnic minorities and women. Under existing law, the Governor and other appointing authorities are responsible for nominating to these boards and commissions persons of different backgrounds, abilities, interests, and opinions.

This bill, on and after January 1, 2024, would require the composition of each appointed state board and commission to have a specified minimum number of women board members or commissioners based on the total number of board members or commissioners on that board. The bill would also require the office of the Governor to collect and release, annually, at a minimum, aggregated demographic data provided by state board and commission applicants, nominees, and appointees.

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

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

SECTION 1. Section 11142 is added to the Government Code, to read:

11142. (a) (1) Beginning on and after January 1, 2024, the composition of each appointed state board and commission shall comply with the following:

(A) If the number of board members or commissioners is ~~six~~ *five* or more, the state board or commission shall have a minimum of 40 percent women board members or commissioners.

~~(B) If the number of board members or commissioners is five, the state board or commission shall have a minimum of two women board members or commissioners.~~

~~(C)~~

(B) If the number of board members or commissioners is four or fewer, the state board or commission shall have a minimum of one woman board member or commissioner.

(2) For the purposes of this section, "woman" means an individual who self-identifies her gender as a woman, without regard to the individual's designated sex at birth.

(b) (1) The office of the Governor shall collect and release, annually, at a minimum, and on an aggregate basis, both of the following:

(A) Demographic data provided by all state board and commission applicants relative to ethnicity, race, gender, gender identity, and sexual orientation.

(B) Demographic data provided by all state board and commission nominees or appointees relative to ethnicity, race, gender, gender identity, and sexual orientation.

(2) Any demographic data disclosed or released pursuant to this subdivision shall disclose only aggregated statistical data and shall not identify any individual applicant, nominee, or appointed board member or commissioner.

(3) Any demographic data disclosed or released pursuant to this subdivision shall also indicate the percentage of respondents who declined to respond.

(c) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.



SB-1481 Structural pest control: certification: fumigation: penalties. (2017-2018)

SHARE THIS:  

Date Published: 06/18/2018 09:00 PM

AMENDED IN ASSEMBLY JUNE 18, 2018

AMENDED IN SENATE MAY 16, 2018

AMENDED IN SENATE APRIL 19, 2018

CALIFORNIA LEGISLATURE—2017–2018 REGULAR SESSION

SENATE BILL

No. 1481

Introduced by Senator Hill

February 16, 2018

An act to amend Sections 8517, 8519, 8519.5, 8520, **8528**, 8550, 8553, 8613, 8619, 8623, 8663, 8674, and 8698.3 of, and to add Sections 8504.2, 8504.3, 8504.4, and 8623.5 to, the Business and Professions Code, relating to structural pest control.

LEGISLATIVE COUNSEL'S DIGEST

SB 1481, as amended, Hill. Structural pest control: certification: fumigation: penalties.

Existing law establishes the Structural Pest Control Board within the Department of Consumer Affairs to define, license, and regulate structural pest control operators and companies. Existing law authorizes the board to revoke, suspend, or deny a license under the Structural Pest Control Act and authorizes the director to levy a civil penalty against a person for any violation of the act. Existing law also authorizes county agricultural commissioners, among other things, to levy fines against Branch 1 registered companies for any major violations, as defined by the act. Existing law repeals the provisions relating to the board on January 1, 2019.

This bill would authorize a person whose license or registration has been revoked, suspended, or surrendered, or who has been placed on probation, to petition the board, after specified minimum time periods, for reinstatement or modification of the penalty. The bill would additionally authorize specified county agricultural commissioners to levy a civil penalty against a person for any violation of the act. The bill would also authorize all county agricultural commissioners to levy fines for serious or moderate violations, as defined by the board. The bill would also change the minimum and maximum penalties applicable for a violation of this chapter. The bill would extend the provisions establishing the board until January 1, 2023.

Existing law prohibits a registered company or licensee from commencing work on a contract relating to the absence or presence of wood destroying pests or organisms until an inspection has been made, as provided, and an inspection report has been delivered to the person requesting the inspection and to the property owner. Existing law authorizes a person who orders an inspection report to also request a certification on whether

evidence of the absence or presence of wood destroying pests or organisms was found and requires the registered company performing the inspection to provide this certification, as specified.

Existing law requires a Branch 1 registered company who performs a fumigation following an inspection by a Branch 3 registered company to issue a specified certification of completion of the fumigation to the Branch 3 registered company. Upon failure of a fumigation, existing law requires the Branch 1 registered company that performed the fumigation to verify the need for refumigation and file specified reports with the Branch 3 registered company and with the consumer.

This bill would require a specified certification when the property is free of evidence of active infestation or infection and require all certifications to be included on the complete, limited, supplemental, or reinspection reports.

The bill would, where the consumer has directly contracted for the fumigation, require the Branch 1 registered company to also provide the certification of completion of the fumigation to the consumer who ordered the fumigation and would require the Branch 1 registered company to provide a warranty for fumigation to the owner or the owner's designated agent. The bill would specify additional requirements for a potential failed fumigation, including both the Branch 1 and the Branch 3 registered companies verifying the need for a refumigation, not charging the consumer for the inspection, and issuing an inspection report. *fumigation, including a requirement that, when a consumer authorizes a Branch 3 registered company to subcontract the fumigation to a Branch 1 registered company, the Branch 3 registered company verify the need for a refumigation and issues an inspection report. The bill would require, when the consumer elects to contract directly with a Branch 1 registered company to perform a fumigation, the Branch 1 registered company to take specified actions.*

Existing law makes a violation of the act a crime.

Because a violation of the bill's requirements would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. Section 8504.2 is added to the Business and Professions Code, to read:

8504.2. "Control" means a pest population management system that utilizes techniques to reduce and maintain pest populations at levels below those causing economic or material injury, or to manipulate the populations to prevent causing such injury.

SEC. 2. Section 8504.3 is added to the Business and Professions Code, to read:

8504.3. "Eradication" means the total elimination of a pest from a designated area. For purposes of this chapter, elimination and extermination shall have the same meaning as eradication.

SEC. 3. Section 8504.4 is added to the Business and Professions Code, to read:

8504.4. "Inspection" is the act of a field representative or operator physically performing an onsite assessment of real property.

SEC. 4. Section 8517 of the Business and Professions Code is amended to read:

8517. Any work contract, billing, agreement, letter of work completed, or other correspondence or document expressing an opinion or making a statement relating to the presence or absence of wood destroying pests or organisms, shall refer to the inspection report required by Section 8516. These documents shall indicate specifically whether all of the recommended work as set forth in the inspection report was completed, or, if not, the document shall indicate specifically which recommendations were not completed.

SEC. 5. Section 8519 of the Business and Professions Code is amended to read:

8519. Certification as used in this section means a written statement by the registered company attesting to the statement contained therein relating to the absence or presence of wood-destroying pests or organisms and, listing such recommendations, if any, which appear on an inspection report prepared pursuant to Section 8516, and which relate to (1) infestation or infection of wood-destroying pests or organisms found, or (2) repair of structurally weakened members caused by such infestation or infection, and which recommendations have not been completed at the time of certification.

Any registered company which makes an inspection report pursuant to Section 8516, shall, if requested by the person ordering the inspection report, prepare and deliver to that person or his or her designated agent, a certification, to provide:

(a) When the inspection report prepared pursuant to Section 8516 has disclosed no infestation or infection: "This is to certify that the above property was inspected on ____ (date(s)) in accordance with the Structural Pest Control Act and rules and regulations adopted pursuant thereto, and that no evidence of active infestation or infection was found in the visible and accessible areas."

(b) When the inspection report prepared pursuant to Section 8516 discloses infestation or infection and the notice of work completed prepared pursuant to Section ~~8158~~, 8518, or when the reinspection report prepared pursuant to Section 8516, indicates that all recommendations to remove that infestation or infection and to repair damage caused by that infestation or infection have been completed: "This is to certify that the property described herein is now free of evidence of active infestation or infection in the visible and accessible areas."

(c) When the inspection report prepared pursuant to Section 8516 discloses infestation or infection and the notice of work completed prepared pursuant to Section 8518 indicates that the registered company has not completed all recommendations to remove that infestation or infection or to repair damage caused by it: "This is to certify that the property described herein is now free of evidence of active infestation or infection in the visible and accessible areas except as follows: ____ (describing infestations, infections, damage or evidence thereof, excepted)."

(d) When a limited inspection report prepared pursuant to Section 8516 has disclosed no infestation or infection: "This is to certify that a limited inspection report was conducted on the area of the property described herein on ____ (date(s)) in accordance with the Structural Pest Control Act and rules and regulations adopted pursuant thereto, and has revealed no evidence of active infestation or infection in the visible and accessible areas inspected."

This certification shall be included on and made part of the complete, limited, supplemental, or reinspection report prepared pursuant to Section 8516, and by a copy of the notice of work completed prepared pursuant to Section 8518, if any notice has been prepared at the time of the certification, or the certification may be endorsed on and made a part of that inspection report or notice of work completed.

SEC. 6. Section 8519.5 of the Business and Professions Code is amended to read:

8519.5. (a) After an inspection report has been prepared by a Branch 3 registered company pursuant to Section 8516, which discloses a wood destroying pest or organism that can be eradicated by fumigation, and the fumigation has been duly performed by a Branch 1 registered company, the Branch 1 registered company, on a company document that identifies the licensee performing the fumigation and the name and address of the registered company, shall issue the following certification: "This is to certify that the property located at ____ (address) was fumigated on ____ (date) for the extermination of ____ (target pest)." This certification shall be issued to the registered company that prepared the inspection report within five working days after completing the fumigation.

(1) Where a consumer has authorized a Branch 3 registered company to subcontract the fumigation to a Branch 1 registered company, a copy of the certification pursuant to subdivision (a) shall accompany any ~~reinspection~~ *inspection* report, notice of work completed pursuant to Section 8518, or any certification issued by the Branch 3 registered company.

(2) Where the consumer has elected to contract directly with a Branch 1 registered company to perform a fumigation, the Branch 1 registered company shall provide the certification described in subdivision (a) to the consumer who ordered the fumigation.

(b) A warranty for fumigation shall be provided in writing by the registered company contracting with the owner or the owner's designated agent.

(c) In the event of a failed fumigation, the following shall apply:

~~(1) The Branch 3 registered company and the Branch 1 registered company that performed the fumigation shall verify the need for a refumigation. The consumer shall not be charged for this inspection.~~

~~(2) The Branch 3 registered company shall issue an inspection report in accordance with Section 8516.~~

~~(3) In the event of a refumigation, a new certification and any additional warranty shall be issued to the owner or the owner's designated agent.~~

(1) When a consumer authorizes a Branch 3 registered company to subcontract the fumigation to a Branch 1 registered company, the Branch 3 registered company shall verify the need for a refumigation and issue an inspection report in accordance with Section 8516. The consumer shall not be charged for this inspection. Following completion of the refumigation, a new certification and any additional warranty or guarantee shall be issued to the owner or the owner's designated agent.

(2) When the consumer elects to contract directly with a Branch 1 registered company to perform a fumigation, the Branch 1 registered company shall do all of the following:

(A) Verify the need for a refumigation by obtaining a Branch 3 inspection at no charge to the consumer during the duration of a warranty or guarantee issued by the Branch 1 registered company.

(B) Maintain with the original inspection report, on a company document, all of the following:

(i) The name of the current owner of the structure fumigated, the address of the structure, and the date of the failed fumigation.

(ii) An explanation of the need for refumigation.

(iii) The proposed date for the refumigation. Following completion of the refumigation, a new certification and any additional warranty or guarantee shall be issued to the owner or the owner's designated agent.

(C) Within five working days after the completion of the refumigation, the Branch 1 registered company, on a company document, shall file with the current owner, notification of the Branch 3 registered company whose report was used for the original fumigation, or refumigation. Any certification issued by the Branch 1 registered company shall also comply with subdivision (a), if applicable.

SEC. 7. Section 8520 of the Business and Professions Code is amended to read:

8520. (a) There is in the Department of Consumer Affairs a Structural Pest Control Board, which consists of seven members.

(b) Subject to the jurisdiction conferred upon the director by Division 1 (commencing with Section 100), the board is vested with the power to and shall administer the provisions of this chapter.

(c) It is the intent of the Legislature that consumer protection is the primary mission of the board.

(d) This section shall remain in effect only until January 1, 2023, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2023, deletes or extends that date. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 8. *Section 8528 of the Business and Professions Code is amended to read:*

8528. (a) With the approval of the director, the board shall appoint a registrar, fix his or her compensation, and prescribe his or her duties.

(b) The registrar is the executive officer and secretary of the board.

(c) This section shall remain in effect only until January 1, ~~2019~~, 2023, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2019~~, 2023, deletes or extends that date.

SEC. 8.~~SEC. 9.~~ Section 8550 of the Business and Professions Code is amended to read:

8550. (a) It is unlawful for any person to advertise, to engage in, or offer to engage in the business or practice of structural pest control, as defined in Section 8505, unless he or she is licensed under this chapter.

(b) Notwithstanding subdivision (a), an unlicensed person may solicit pest control work on behalf of a structural pest control company only if the company is registered pursuant to this chapter, and the unlicensed individual does not perform or offer to perform any act for which an operator, field representative, or applicator license is required pursuant to this chapter. As used in this subdivision, to "solicit pest control work" means to introduce consumers to a registered company and the services it provides, to distribute advertising literature, and to set appointments on behalf of a licensed operator or field representative.

(c) It is unlawful for an unlicensed person, soliciting pest control work on behalf of a registered structural pest control company pursuant to subdivision (b), to perform or offer to perform any act for which an operator, field representative, or applicator license is required, including, but not limited to, performing or offering pest control evaluations or inspections, pest identification, making any claims of pest control safety or pest control efficacy, or to offer price quotes other than what is provided and printed on the company advertising or literature, or both.

(d) It is also unlawful for any unlicensed person to offer any opinion, or to make any recommendations, concerning the need for structural pest control work in general, or in connection with a particular structure.

(e) It is unlawful for any firm, sole proprietorship, partnership, corporation, association, or other organization or combination thereof to engage or offer to engage in the practice of structural pest control, unless registered in accordance with Article 6 (commencing with Section 8610).

SEC. 9.~~SEC. 10.~~ Section 8553 of the Business and Professions Code is amended to read:

8553. Any person who violates any provision of this chapter, or who conspires with another person to violate any provision of this chapter, is guilty of a misdemeanor, and is punishable by a fine of not less than fifty dollars (\$50) nor more than five thousand dollars (\$5,000), or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

SEC. 10.~~SEC. 11.~~ Section 8613 of the Business and Professions Code is amended to read:

8613. A registered company which changes the location of its principal office or any branch office or which changes its qualifying manager, branch supervisor, officers, sole proprietors, partners, or its bond or insurance shall notify the registrar on a form prescribed by the board of that change within 10 days thereafter. A fee for filing those changes shall be charged in accordance with Section 8674.

SEC. 11.~~SEC. 12.~~ Section 8619 of the Business and Professions Code is amended to read:

8619. (a) An inspection tag shall be posted whenever an inspection for wood destroying pests or organisms is made.

(b) If the registered company completes any work with respect to wood destroying pests or organisms, it shall post a completion tag next to the inspection tag, unless both the inspection and completion tags are combined on

the same form.

SEC. 12. SEC. 13. Section 8623 of the Business and Professions Code is amended to read:

8623. (a) Notwithstanding Section 8620 or any other provision of law, the board may revoke, suspend, or deny at any time a license under this chapter on any of the grounds for disciplinary action provided in this chapter. The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(b) The board may deny a license to an applicant on any of the grounds specified in Section 480.

(c) In addition to the requirements provided in Sections 485 and 486, upon denial of an application for a license, the board shall provide a statement of reasons for the denial that does the following:

(1) Evaluates evidence of rehabilitation submitted by the applicant, if any.

(2) Provides the board's criteria relating to rehabilitation, formulated pursuant to Section 482, that takes into account the age and severity of the offense, and the evidence relating to participation in treatment or other rehabilitation programs.

(3) If the board's decision was based on the applicant's prior criminal conviction, justifies the board's denial of a license and conveys the reasons why the prior criminal conviction is substantially related to the qualifications, functions, or duties of a licensed structural pest control operator.

(d) Commencing July 1, 2009, all of the following shall apply:

(1) If the denial of a license is due at least in part to the applicant's state or federal criminal history record, the board shall, in addition to the information provided pursuant to paragraph (3) of subdivision (c), provide to the applicant a copy of his or her criminal history record at an address specified by the candidate.

(A) The state or federal criminal history record shall not be modified or altered from its form or content as provided by the Department of Justice.

(B) The criminal history record shall be provided in such a manner as to protect the confidentiality and privacy of the applicant's criminal history record and the criminal history record shall not be made available by the board to any employer.

(C) The board shall retain a copy of the applicant's written request and a copy of the response sent to the applicant, which shall include the date and the address to which the response was sent.

(2) The board shall make that information available upon request by the Department of Justice or the Federal Bureau of Investigation.

(e) Notwithstanding Section 487, the board shall conduct a hearing of a license denial within 90 days of receiving an applicant's request for a hearing. For all other hearing requests, the board shall determine when the hearing shall be conducted.

SEC. 13. SEC. 14. Section 8623.5 is added to the Business and Professions Code, to read:

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 not less than the following minimum periods have elapsed, beginning on 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 modification of a condition of probation.

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

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

(b) The board may require an examination for reinstatement of a license revoked or surrendered.

SEC. 14. SEC. 15. Section 8663 of the Business and Professions Code is amended to read:

8663. (a) This section only applies to work conducted under a Branch 1 license.

(b) A copy of a notice of violation issued for any violation committed by a subcontractor shall be sent to the prime contractor responsible for the work by the issuing authority within 30 days from the date the violation was committed or discovered. In circumstances where the violation is classified as serious or moderate, notification shall be performed by certified mail with a return receipt requested.

(c) The board or county agricultural commissioners, when acting pursuant to Section 8616.4, may levy a fine of up to five thousand dollars (\$5,000) against a registered company acting as a prime contractor for any serious or moderate violation committed by any licensee with whom the prime contractor has subcontracted if, before that violation occurred, the prime contractor had been notified by certified mail, return receipt requested, of two or more serious or moderate violations committed by that subcontractor within 12 consecutive months.

Fines collected pursuant to this section shall be paid to the Education and Enforcement Account in the Structural Pest Control Education and Enforcement Fund.

(d) For purposes of this section, "serious or moderate" violation includes, but is not limited to, a violation of any of the following provisions of this code or of the California Code of Regulations that poses a serious hazard to humans:

(1) A violation of subdivision (a) or (b) of Section 1970.4 of Title 16 of, or Section 6454 of Title 3 of, the California Code of Regulations, or a violation of Section 8505.5.

(2) Any violation of the structural pest control law that results in a serious injury to any person.

(3) A violation of Section 8505.2 or 8505.3, relating to direct and personal supervision.

(4) A violation of Section 8505.7, relating to vacating and securing structures.

(5) A violation of subdivision (a) of Section 6780 of Title 3 of the California Code of Regulations.

(6) A violation of Section 6454 of Title 3 of the California Code of Regulations.

(7) A violation of Section 8505.12, relating to warning agents.

(8) A violation of Section 8505.9 or 8505.10, relating to warning signs.

(e) Notwithstanding subdivision (c), a prime contractor may be fined for a subcontractor's first violation for failing to have a signed Occupants Fumigation Notice, pursuant to Section 1970.4 of Title 16 of the California Code of Regulations, on the premises being treated, or for failure to provide advance notice of a fumigation pursuant to Section 8538 to the occupants of the premises being treated.

SEC. 15. SEC. 16. Section 8674 of the Business and Professions Code is amended to read:

8674. The fees prescribed by this chapter are the following:

(a) A duplicate license fee of not more than two dollars (\$2).

(b) A fee for filing a change of name of a licensee of not more than two dollars (\$2).

(c) An operator's examination fee of not more than one hundred dollars (\$100).

(d) An operator's license fee of not more than one hundred fifty dollars (\$150).

(e) An operator's license renewal fee of not more than one hundred fifty dollars (\$150).

(f) A company registration fee of not more than one hundred twenty dollars (\$120).

(g) A branch office registration fee of not more than sixty dollars (\$60).

(h) A field representative's examination fee of not more than seventy-five dollars (\$75).

(i) A field representative's license fee of not more than forty-five dollars (\$45).

(j) A field representative's license renewal fee of not more than forty-five dollars (\$45).

(k) An applicator's examination fee of not more than sixty dollars (\$60).

(l) An applicator's license fee of not more than fifty dollars (\$50).

- (m) An applicator's license renewal fee of not more than fifty dollars (\$50).
- (n) An activity form fee, per property address, of not more than five dollars (\$5).
- (o) A fee for certifying a copy of an activity form of not more than three dollars (\$3).
- (p) A fee for filing a change of a registered company's name, principal office address, or branch office address, qualifying manager, or the names of a registered company's officers, or bond or insurance of not more than twenty-five dollars (\$25) for each change.
- (q) A fee for approval of continuing education providers of not more than fifty dollars (\$50).
- (r) A pesticide use report filing fee of not more than five dollars (\$5) for each pesticide use report or combination of use reports representing a registered structural pest control company's total county pesticide use for the month.
- (s) A fee for approval of continuing education courses of not more than twenty-five dollars (\$25).
- (t) (1) Any person who pays a fee pursuant to subdivision (r) shall, in addition, pay a fee of two dollars (\$2) for each pesticide use stamp or stamp number purchased from the board. Notwithstanding any other law, the fee established pursuant to this subdivision shall be deposited into the Structural Pest Control Research Fund that is hereby continued in existence and continuously appropriated to be used only for structural pest control research.
- (2) A charge for administrative expenses of the board in an amount not to exceed 5 percent of the amount collected and deposited in the Structural Pest Control Research Fund may be assessed against the fund. The charge shall be limited to expenses directly related to the administration of the fund.
- (3) The board shall, by regulation, establish a five-member research advisory panel, including, but not limited to, representatives from the Structural Pest Control Board, the structural pest control industry, the Department of Pesticide Regulation, and the University of California. The panel, or other entity designated by the board, shall solicit on behalf of the board all requests for proposals and present to the panel all proposals that meet the criteria established by the panel. The panel shall review the proposals and recommend to the board which proposals to accept. The recommendations shall be accepted upon a two-thirds vote of the board. The board shall direct the panel, or other entity designated by the board, to prepare and issue the research contracts and authorize the transfer of funds from the Structural Pest Control Research Fund to the applicants whose proposals were accepted by the board.
- (4) A charge for requests for proposals, contracts, and monitoring of contracted research shall not exceed 5 percent of the research funds available each year and shall be paid from the Structural Pest Control Research Fund.

SEC. 16. ~~SEC. 17.~~ Section 8698.3 of the Business and Professions Code is amended to read:

8698.3. (a) The Director of the Department of Pesticide Regulation or a county agricultural commissioner listed in Section 8698 may levy a civil penalty against a person or company violating this chapter, including any regulation adopted pursuant to this chapter for failing to comply with Section 8698.1.

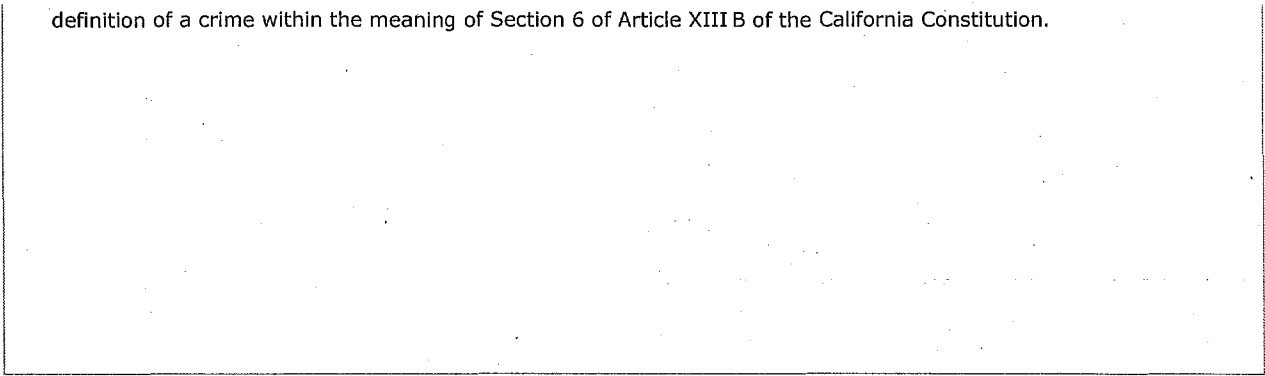
(b) Before a civil penalty is levied, the person charged with the violation shall receive notice of the nature of the violation and shall be given an opportunity to be heard, including the right to review the director's evidence and a right to present evidence on his or her own behalf.

(c) Review of the decision of the director may be sought by the person against whom the penalty was levied, within 30 days of receiving notice of the decision, pursuant to Section 1094.5 of the Code of Civil Procedure.

(d) After the exhaustion of the review procedure provided in this section, the director, or his or her representative, may file a certified copy of a final decision of the director that directs the payment of a civil penalty and, if applicable, any order that denies a petition for a writ of administrative mandamus, with the clerk of the superior court of any county. Judgment shall be entered immediately by the clerk in conformity with the decision or order. No fees shall be charged by the clerk of the superior court for the performance of any official service required in connection with the entry of judgment pursuant to this section.

SEC. 17. ~~SEC. 18.~~ No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the

definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



October 2018

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

January 2019

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

April 2019

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

July 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 74	2 75	3 76	4 77	5 78	6 79
7 80	8 81	9 82	10 83	11 84	12 85	13 86
14 87	15 88	16 89	17 90	18 91	19 92	20 93
21 94	22 95	23 96	24 97	25 98	26 99	27 100
28 101	29 102	30 103	31 104			