

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

January 15 & 16, 2019

The meeting was held January 15 & 16, 2019 at the Doubletree by Hilton Claremont,  
Sycamore Room, 555 W Foothill Blvd, Claremont, California

**Board Members Present:**

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

**Board Members Absent:**

Ronna Brand  
Servando Ornelas

**Board Staff Present:**

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

**Departmental Staff Present:**

Sabina Knight, Legal Counsel

**Tuesday, January 15, 2019 – 1:00 P.M.**

**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, Duran, and Good were present.

Board Members Brand and Ornelas were absent.

A quorum of the Board was established.

**FLAG SALUTE / PLEDGE OF ALLEGIANCE**

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

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

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

**PETITION FOR REINSTATEMENT**  
**GEORGE MIKHAEL MAHER – OPR 11945, BRANCH 2**

Administrative Law Judge Eric C. Sawyer sat with the Board to hear the Petition for Reinstatement of George Mikhael Maher, Operator License Number 11945, Branch 2. Mr. Maher was informed that he would be notified by mail of the Board's decision.

**PETITION FOR REINSTATEMENT**  
**FREDERICK V. MARTINEZ – FR 45202, BRANCH 1**

Administrative Law Judge Eric C. Sawyer sat with the Board to hear the Petition for Reinstatement of Frederick V. Martinez, Field Representative License Number 45202, Branch 1. Mr. Martinez was informed that he would be notified by mail of the Board's decision.

**PETITION FOR REINSTATEMENT**  
**STEPHEN H. LAWSON – OPR 8722, BRANCH 1**

Administrative Law Judge Eric C. Sawyer sat with the Board to hear the Petition for Reinstatement of Stephen H. Lawson, Operator License Number 8722, Branch 1. Mr. Lawson was informed that he would be notified by mail of the Board's decision.

**CLOSED SESSION**

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

**Return to Open Session**

**Recess**

**Wednesday, January 16, 2019 – 8:00 A.M.**

**ROLL CALL / ESTABLISHMENT OF QUORUM**

Mr. Van Steenwyk called the meeting to order at 7:58 A.M. and Ms. Saylor called roll.

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

Board Members Brand and Ornelas were absent.

A quorum of the Board was established.

### **FLAG SALUTE / PLEDGE OF ALLEGIANCE**

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

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

Peggy Byerly, Department of Pesticide Regulation (DPR), stated that Governor Gavin Newsom asked Brian Leahy to step down as the Director of DPR and that he did so effective January 10, 2019. Ms. Byerly further stated that Teresa Marks is serving, until further notice, as acting Director of DPR and no date has been provided for the appointment of a new Director.

### **DEPARTMENT OF CONSUMER AFFAIRS UPDATE**

Mr. Van Steenwyk stated that the Department of Consumer Affairs (DCA) sent an update in letter form and requested that the letter be entered into the official meeting record and posted publicly on the Board's website.

### **REVIEW AND APPROVAL OF MINUTES OF THE OCTOBER 16 & 17, 2018 BOARD MEETING**

Mr. Duran moved and Mr. Tamayo seconded to approve the Minutes of the October 16 & 17, 2018 Board Meeting. Passed unanimously.

(AYES: VAN STEENWYK, TAMAYO, DURAN, GOOD. NOES: NONE. ABSTENTIONS: NONE.)

### **DISCUSSION AND POSSIBLE ACTION ON OCCUPATIONAL ANALYSIS FOR APPLICATORS**

Ms. Saylor stated that the occupational analysis for Applicators is expected to begin in the second half of 2019. Ms. Saylor further stated that she anticipated the contract with Office of Professional Examination Service (OPES) for the Applicator occupational analysis being in place after the beginning of Fiscal Year 2019/2020.

Mr. Van Steenwyk asked what the process will be once the Applicator occupational analysis begins.

Ms. Saylor stated that there will be a stakeholder meeting at the outset of the Applicator occupational analysis that all industry can take part in.

Mr. Van Steenwyk stated his desire for the Board to communicate with industry throughout the process to maximize participation.

Mr. Good stated that he will make his facility available during the Applicator occupational analysis if it makes strategic sense to hold meetings in southern California.

## **STATUS UPDATE FROM THE PRE-TREATMENT COMMITTEE**

Mr. Duran stated that he is still in the process of contacting potential Pre-Treatment Committee members and that he would update the Board when the Committee has made more progress.

## **EXECUTIVE OFFICER'S REPORT**

Ms. Saylor reported to the Board on licensing, enforcement, examination and WDO statistics, survey results, and examination development.

Mr. Good stated that the passing rate for the Applicator examination appears to have increased.

Ms. Saylor updated the Board on the Branch 1 occupational analysis workshop that occurred in November, 2018 at Mr. Good's facility and stated that another Branch 1 workshop is scheduled for March 28 & 29, 2019 and is still in need of attendees. Ms. Saylor further stated that she has been coordinating with Pest Control Operators of California (PCOC) in recruitment efforts and invited industry members to reach out if they are interested in participating.

Ms. Saylor stated that the Board hired Estrella Gelera to fill its vacant cashiering position and is still recruiting to fill the vacant Applicator licensing position. Ms. Saylor further stated that the Board is in the process of interviewing candidates to fill the two vacant specialist positions and that one vacancy is in southern California and the other in northern California.

## **UPDATE ON THE STATUS OF THE RESEARCH PROPOSALS SELECTED FOR FUNDING AT THE JULY 26, 2018 BOARD MEETING**

Ms. Saylor stated that the status summary (included in Board materials) for each of the research proposals will be included in the meeting materials from now on. Ms. Saylor further stated that the contracts for each of the proposals were executed in October, 2018 and the first progress reports are due April 1, 2019 and will be shared with the Board.

Mr. Duran asked if the funds for the research proposals had already been disbursed to the researchers.

Ms. Saylor stated that the researchers submit monthly invoices to the Board for the expenses related to their proposals and the Board disburses research funds based on those invoices.

## **RECOMMENDATIONS AND POSSIBLE BOARD ACTION ON AMENDMENTS TO THE STRUCTURAL PEST CONTROL ACT**

### **Business and Professions Code (BPC) section 8572**

Ms. Saylor stated that in order for staff to have the authority to issue a 5 year probationary license, BPC section 8572 needs to be amended.

Ms. Knight advised the Board to vote on each of the statutory amendments individually.

Mr. Good moved and Mr. Van Steenwyk seconded to approve the proposed amendment to BPC section 8572 and to authorize Ms. Saylor to seek a legislative author to enact the proposed amendment. Passed unanimously.

(AYES: VAN STEENWYK, TAMAYO, DURAN, GOOD. NOES: NONE. ABSTENTIONS: NONE.)

### **Business and Professions Code (BPC) section 8610**

Ms. Saylor stated that the proposed amendment to BPC section 8610 would allow the Board to deny an application for company registration if one of the prospective owners with a 10% or greater interest in the company is currently on probation.

Mr. Van Steenwyk moved and Mr. Good seconded to approve the proposed amendment to BPC section 8610 and to authorize Ms. Saylor to seek a legislative author to enact the proposed amendment. Passed unanimously.

(AYES: VAN STEENWYK, TAMAYO, DURAN, GOOD. NOES: NONE. ABSTENTIONS: NONE.)

### **REGULATIONS UPDATE AND POSSIBLE ACTION**

#### **California Code of Regulations, Title 16, section 1970.4**

Ms. Knight stated that she recently provided proposed language to Board staff amending California Code of Regulations (CCR), Title 16, section 1970.4 to create guidelines for the post-application notice requirements associated with pesticide use. Ms. Knight further stated that once staff has had an opportunity to review the proposed amendments the language would be presented to the Board at a future meeting.

#### **California Code of Regulations, Title 16, sections 1950, 1950.5, 1953**

Mr. Skelton stated that he is almost finished writing the regulatory proposal for CCR sections 1950, 1950.5, and 1953 to re-structure the Board's continuing education program. Mr. Skelton further stated that the regulation would become operative three years from when it was approved by Office of Administrative Law (OAL).

Mr. Van Steenwyk asked Mr. Skelton to briefly explain what the changes to the continuing education program would be.

Mr. Skelton stated that the proposed regulation would not increase the current continuing education hour requirements but would re-allocate them to place a greater emphasis on Integrated Pest Management.

Mr. Van Steenwyk stated that the continuing education categories would be defined more clearly for both licensees and continuing education providers.

Mr. Tamayo stated that the Continuing Education Integrated Pest Management (CEIPM) Committee that recommended these changes had great representation from within the industry.

### **California Code of Regulations, Title 16, section 1997**

Ms. Saylor stated that the public hearing to raise the wood destroying organism inspection reporting fee from \$2.50 per property address reported to \$3.00 per property address reported would take place February 19, 2019 and if no adverse comments were received she was hopeful for a July 1, 2019 effective date.

### **LEGISLATION UPDATE AND POSSIBLE ACTION**

#### **Senate Bill 1480 (Hill)**

Ms. Saylor stated that Senate Bill 1480 was signed into law on September 19, 2018 and amended BPC section 101.7 to reduce the number of meetings required of the Board from three annually to two annually with one being in northern California and the other in southern California.

Mr. Van Steenwyk expressed concern that lowering the number of meetings would reduce opportunities for petitioners for reinstatement of license.

Ms. Saylor stated that reducing the number of meetings could lead to more mail votes but if there were ever an emergency situation a teleconference meeting could be scheduled.

Jack Launius, Borite Termite and Pest Treatments, stated that in his opinion, there should be two meetings per year in northern California and 2 meetings a year in southern California.

### **FUTURE AGENDA ITEMS**

Mr. Launius asked for clarification about what specific information is required to be present on the service slip that is left with the homeowner following a branch 2 application.

Lee Whitmore, Quality Pest Services, stated that he would like to discuss CCR section 1953 and the requirement that continuing education providers notify the Board 30 days prior to the presentation of any activity and under what circumstances exceptions may be granted.

### **BOARD CALENDAR**

The next three meetings were scheduled for –

April 17 & 18, 2019 in Sacramento

July 17 & 18, 2019 in Claremont

October 23 & 24, 2019 in Sacramento

**ADJOURNMENT**

The meeting was adjourned at 8:54 A.M.

Signature on File

April 17, 2019

---

Darren Van Steenwyk, President

---

Date