



# Structural Pest Control Board Meeting Minutes

October 27, 2022

**Location:**

The meeting was held via WebEx events

**Board Members Present:**

Kyle Finley, Board President  
Yessenia Anderson  
Mark Paxson  
Janet Thrasher  
John Tengan

**Board Staff Present:**

Sophia Cornejo, Executive Officer  
Melissa Sowers-Roberts, Disciplinary Specialist  
Melissa Zanetta, Chief of Licensing & Administration  
Kathleen Boyle, Chief of Enforcement  
Kristina Jackson-Duran, Administrative Analyst

**Board Members Absent:**

Derek Devermont, Board Vice President

**Departmental Staff Present:**

Michael Romero, DCA Legal Counsel  
Alex Millington, DCA Regulatory Counsel  
Sarah Irani, Moderator

**Agenda Item 1. Roll Call / Establishment of Quorum**

The Structural Pest Control Board (Board) meeting was called to order by President Finley at 9:04 a.m. and Executive Officer (EO) Cornejo called roll.

President Finley, along with Board members Anderson, Paxson, Thrasher, and Tengan were present. Vice President Devermont was absent.

A quorum of the Board was established.

**Agenda Item 2. Flag Salute / Pledge of Allegiance**

President Finley led everyone in a flag salute and recitation of the Pledge of Allegiance.

**Agenda Item 3. Public Comment for Items Not on the Agenda**

Peggy Byerly from Department of Pesticide Regulation provided an update on the recent joint training sessions for new staff of the County Agricultural Commissioner’s (CAC). The trainings were held in Irvine, CA, between September 27-29, 2022. A total of 83 CAC staff from 26 California counties were present at the training. Ms. Byerly thanked President Finely, EO Cornejo, and industry training partners for their participation and support with the Irvine training session.

No further public comments.

**Agenda Item 4. Petition for Reinstatement**  
**Tomas Zuniga Delgado – FR 31111, Branch 1**

Administrative Law Judge Marcie Larson and Deputy Attorney General Phillip Arthur appeared with the Board to hear Tomas Zuniga Delgado's petition. Since a court reporter was not available for the meeting, Judge Larson confirmed that no party held objection to WebEx audio/video recording of the proceedings.

Mr. Delgado was informed he would be notified by mail of the Board's decision.

**Agenda Item 5. Petition for Modification / Termination of Probation**  
**Ernesto Lopez – FR 51331, Branches 2 and 3**

Administrative Law Judge Marcie Larson and Deputy Attorney General Phillip Arthur appeared with the Board to hear Ernesto Lopez's petition. Since a court reporter was not available for the meeting, Judge Larson confirmed that no party held objection to WebEx audio/video recording of the proceedings.

Mr. Lopez was informed he would be notified by mail of the Board's decision.

**Agenda Item 6. Closed Session**

Pursuant to Government Code section 11126(c)(3) the Board met in closed session to discuss and take action on disciplinary matters, including the above petitions.

The Board entered closed session at 10:32 a.m., and reconvened into open session at 12:45 p.m.

In addition to President Finley who called roll, Board members Anderson, Paxson, Thrasher, and Tengan were present. Vice President Devermont was absent.

A quorum of the Board was established.

**Agenda Item 7. Review and Possible Approval of the Minutes of the July 19-20, 2022, SPCB Meeting**

Board member **Paxson moved**, and Board member **Tengan seconded** the motion to approve the minutes of the July 19-20, 2022, Structural Pest Control Board meeting.

No Board or public comments.

*Motion carried 5-0 by roll call vote.*

### **Agenda Item 8. Executive Officer's Report**

EO Cornejo began by thanking the Board for the opportunity and entrusting her with the EO role for the Board. She acknowledged Board staff on their support with her onboarding as well as assistance in preparing the Sunset Report and new Strategic Plan for the Board meeting with limited lead time.

EO Cornejo explained that one of her current focuses is to help the Board achieve their mission in seeking new and innovative ways to support the Board's consumers and licensees. She and Board staff are working closely with the Department of Consumer Affairs' Public Affairs Office to expand outreach and communications efforts.

EO Cornejo announced Ms. Melissa Zanetta as the new Chief of Licensing and Administration. She explained that Ms. Zanetta has served as the lead in Licensing for four of the six years that she has worked for the Board, she has a wealth of knowledge, and is an overall asset to the Board.

#### ***(8a) Update regarding Licensing, Enforcement, Examination and Wood Destroying Organism (WDO) statistics***

The Board was referred to Agenda Item 8a in the meeting materials for detailed reports.

#### ***(8d) Legislative Update***

EO Cornejo addressed four bills that passed and will become effective in the coming months. She explained the bill that would most affect Board operations was the Worker's Compensation Insurance requirement (SB 1064); and reported that implementation efforts are underway and going well.

#### ***(8b) Update regarding the Board's Budget and Fund Conditions***

The Board was referred to Agenda Item 8b in the meeting materials for detailed reports.

#### ***(8d) Regulation Update***

EO Cornejo addressed the following three regulation packages :

- (1) Pesticide/Fumigation Application Notice Requirements (California Code of Regulations (CCR), Title 16, sections 1970.4, 1970.41, 1970.42, 1970.43)

This package includes revisions to forms in regulation and is set for review and approval later in the meeting.

- (2) Electronic Submission of WDO Inspection and Completion Activity Report Form (CCR, Title 16, section 1996.3)

This package is on hold, pending the finalization of DCA's Biz Mod project, since the regulation language will rely on processes in the new application.

(3) Examination and Continuing Education Standards (CCR, Title 16, sections 1935.1, 1950, 1950.5, 1953, 1953.1, 1953.2, and 1970)

This package involves revisions necessary to comply with new U.S. EPA standards required by Code of Federal Regulations, Title 40, Part 171 – Certification of Pesticide Applicators. EO Cornejo explained that Board staff is actively coordinating with DCA's Legal Affairs Division, the Department of Pesticide Regulation, as well as the Department of Public Health, to produce language for this regulatory revision, however the current text is not yet ready for approval.

President Finley inquired about the decline in WDO reports (Agenda Item 8a) and its potential relation to the housing market. He asked if Board staff plans to address these concerns given the significance to the Board's revenue. EO Cornejo stated that she plans to meet with staff to generate possible solutions, including audits in that area.

No further Board comments; and no public comments.

**Agenda Item 9. Review and Possible Approval of the SPCB 2022 Sunset Report for Submittal to the Legislature**

EO Cornejo provided an overview of the sunset oversight process and how it pertains to the Board and its operations, as well as the proposed Sunset Report awaiting approval to submit to the legislature. The Board was referred to the report in the meeting materials for further detail.

Board member Paxson provided minor edits to the report.

President **Finley moved**, and Board member **Anderson seconded** the motion to approve the SPCB 2022 Sunset Report for submittal to the Legislature, and authorize the EO to make any necessary minor grammatical or non-substantive edits.

No Board or public comments.

*Motion carried 5-0 by roll call vote.*

**Agenda Item 10. Review and Possible Approval of the SPCB 2023-2028 Strategic Plan**

EO Cornejo presented the Board's 2023-2028 Strategic Plan as well as an overview of the strategic planning process. The Board was referred to Agenda Item 10 in the meeting materials to review the plan in detail. President Finley stated that he will work with EO Cornejo to complete the optional "Message from the President" section.

Board member **Paxson moved**, and Board member **Tengan seconded** the motion to approve the Board's 2023-2028 Strategic Plan with possible additions to reflect a message from the President.

No Board or public comments.

*Motion carried 5-0 by roll call vote.*

**Agenda Item 11. Discussion and Possible Action to Consider Changes to Previously Proposed Text and Reauthorization of a Regular Rulemaking to Amend California Code of Regulations, Title 16, sections 1970.4 – Pesticide Disclosure requirement, 1970.41 – Pesticide Pre-Application Notice, 1970.42 – Pesticide Post-Application Notice Requirements, and 1970.43 – Reporting Death or Serious Injury.**

EO Cornejo provided the Board with background on the proposed regulation. She explained that after the Board approved the text at the March 23, 2022, Board meeting, staff identified the need for substantive changes to the text, including to the format of which the Occupant's Fumigation Notice and Pesticide Disclosure Form appears. She stated that the form will be removed as an image in the regulation text, and a new form with the same information will be established and incorporated by reference. EO Cornejo requested the Board consider rescinding the prior approved text and approve the proposed text as amended.

Board member Paxson requested a brief written summary be provided along with these requests in the future. EO Cornejo acknowledged that a cover memo will be provided moving forward.

Board member Thrasher inquired about the industry's participation in the proposed text. EO Cornejo explained that once the text is approved and noticed, the package will enter a 45-day public comment period and that will be the industry's opportunity to provide input.

Board member Thrasher also inquired about background on the regulation package, specifically what initiated the changes to begin with. EO Cornejo deferred to the Board's Regulatory Counsel, Alex Millington, for response. Mr. Millington explained the rationale for changing the format of the form from "as described" in the text to a form incorporated by reference, citing that it helps to make the regulation easier to understand and allows for a simplified process in making future form revisions. He also outlined several instances where terminology in the text was modified to offer clarification, consistency, and alignment with Board practices. The Board's Chief of Enforcement, Kathleen (Kathy) Boyle, provided additional background and explained that this regulatory effort was largely driven by a recommendation from the Board's Structural Act Review Committee. The Committee consisted of industry and regulatory members, as well as representatives from the County Agricultural Commissioner's (CAC) Association who played a large part in this request since they are the primary enforcement agency for the provisions in the affected sections. She concluded by assuring the Board that there certainly was involvement from both the industry and regulatory stakeholders, and the CACs are aware of this rulemaking and are prepared for when it is formally noticed.

President **Finley moved**, and Board member **Thrasher seconded** the motion that the Board rescind prior proposed text and approve the proposed regulatory text and changes to Sections

1970.4, 1970.41, 1970.42, and 1970.43 as provided in the materials and direct staff to submit all approved text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review. If no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any technical or non-substantive changes to the package, and set the matter for hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section(s) 1970.4, 1970.41, 1970.42, and 1970.43 as noticed.

No further Board comments; and no public comments.

*Motion carried 5-0 by roll call vote.*

**Agenda Item 12. Discussion and Possible Action to Initiate a Rulemaking to Amend California Code of Regulations, Title 16, sections 1950 – Continuing Education Requirements, 1950.5 – Hour Value System, 1953 – Approval of Activities, and 1970 – Standards and Records Requirements, and to Add California Code of Regulations, Title 16, sections 1935.1 – Examination Core Competencies, 1953.1 – In-Person Continuing Education Activities, and 1953.2 – Interactive Online and Webinar Continuing Education Activities.**

At the request of EO Cornejo, the Board tabled this agenda item until the next Board Meeting.

**Agenda Item 13. Annual Election of Board President and Vice President**

Board member **Paxson moved**, and Board member **Thrasher seconded** to nominate Kyle Finley for Board President. Mr. Finley accepted the nomination.

No Board or public comments.

*Motion carried 5-0 by roll call vote.*

President **Finley moved**, and Board member **Paxson seconded** to nominate Yessenia Anderson for Board Vice President. Ms. Anderson accepted the nomination.

No Board or public comments.

*Motion carried 5-0 by roll call vote.*

**Agenda Item 14. Future Agenda Items**

Board member Paxson requested to discuss how Board staff evaluates convictions as they relate to the profession.

Board member Thrasher requested to discuss the Board's revenue sources and explore options to resolve the disparity in contributions of Branches 1 and 2, compared to Branch 3 (WDO stamps). President Finley suggested the Board may consider establishing sub-committee to review this concern.

Board member Anderson requested that future meetings include an item to discuss the status of the Strategic Plan as it progresses through implementation.

Board member Tengan requested that a future meeting address training course approvals in order to ensure exam integrity.

**Agenda Item 15. Adjournment**

President Finley adjourned the meeting at 1:50 p.m.

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**3/9/2023**

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Kyle Finley, President

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Date