

PEST CONTROL BOARD
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF THE MEETING

Date: Monday, March 14, 2016

Time: 2:00 p.m.

Place: King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, HI 96813

Present: Julian Yates, Ph.D., Department of Plant and Environmental
Protection Sciences, Ex-Officio, Chairperson
Rodney Ono, Industry Member, Vice Chairperson
Lance Kobashigawa, Department of Agriculture, Ex-Officio
Terrance Manago, Industry Member
Jonathan Montalbo, Industry Member
David Lau, Industry Member
Lynn Nakasone, Department of Health, Ex-Officio
Scott Ai, Public Member
Rodney J. Tam, Esq., Deputy Attorney General ("DAG")
May Ferrer, Executive Officer
Ronni-Ann Bumgarner, Secretary

Members

Excused: None.

Guests: Ian Mateo (Individual)
Guy Matsumoto (Individual)
Dennis Mijo (Individual)

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant
Governor as required by §92-7(b), Hawaii Revised Statutes ("HRS").

Call to Order: There being a quorum present, the meeting was called to order by
Chairperson Yates at 2:00 p.m.

Approval of
Minutes: Chairperson Yates asked if there were any amendments to the minutes of
the January 25, 2016 meeting.

It was moved by Mr. Manago, seconded by Mr. Montalbo, and
unanimously carried to approve the minutes of the January 25, 2016
meeting as circulated.

Additions &
 Revisions to
 the Agenda:

The Executive Officer proposed to add the following to the agenda:

- 1) House Bill No. 2448, H.D. 1, Relating to Statutory Revision: Amending various provisions of the Hawaii Revised Statutes and the Session Laws of Hawaii for the purposes of correcting errors and references, clarifying language, and deleting obsolete or unnecessary provisions
- 2) Correspondence from Stego Industries, LLC dated Friday, March 11, 2016, regarding a barrier product
- 3) Application for Elite Pest Control changing from RME to sole owner

The Executive Officer also noted that under 9. Legislation, letter d., Governor's Message No. 645 should be Governor's Message No. 635 – Rodney Ono, for a term to expire 06/30/2020.

It was moved by Mr. Manago, seconded by Mr. Montalbo, and unanimously carried to add to and revise the agenda as proposed.

Executive
 Officer's Report:

- a. Examination Review Report

**PROMETRIC
 HAWAII PEST CONTROL EXAMINATIONS
 EXAMINATIONS ADMINISTERED DECEMBER 2015**

<u>EXAM</u>	<u>ADMINISTERED</u>				
	<u>NO. EXAMS</u>	<u>NO. FAIL</u>	<u>NO. PASS</u>	<u>% FAIL</u>	<u>%PASS</u>
PART 1	3	2	1	67%	33%
FIELD REP BR 1	4	0	4	0%	100%
FIELD REP BR 2	9	4	5	45%	55%
FIELD REP BR 3	5	3	2	60%	40%
OPERATOR BR 1	1	0	1	0%	100%
OPERATOR BR 2	1	1	0	100%	0%
OPERATOR BR 3	1	0	1	0%	100%
TOTAL NO. EXAMS ADMINISTERED				24	
TOTAL NO. EXAMS PASSED				14	
TOTAL NO. EXAMS FAILED				10	
TOTAL PERCENT PASSED				58%	
TOTAL PERCENT FAILED				42%	

Prometric Report/
Announcements:

Applications:

a. Exam

It was moved by Mr. Manago, seconded by Mr. Montalbo, and unanimously carried to **approve** the following applications for examination in the respective branches:

PCO

- (i) Grady Pest Solutions, Inc. (PCO Br-2, 3)
RME: Troy Grady (PCO 1393 / Br-2, 3)

PCFR

- (i) Foster, Jeremy (PCFR Br-2, 3)
Mr. T's Pest Control (PCO 1005 / Br-2, 3)
- (ii) Young, Allan (PCFR Br-2, 3)
Will Kill Termites & Pest, LLC (PCO 1126 / Br-2, 3)
- (iii) Mauga, Paul (PCFR Br-2)
Ecolab (PCO 640 / Br-2, 3)
- (iv) Comilla, Dylan (PCFR Br-2, 3)
Will Kill Termites & Pest, LLC (PCO 1126 / Br-2, 3)
- (v) Comilla, Levi (PCFR Br-2, 3)
Will Kill Termites & Pest, LLC (PCO 1126 / Br-2, 3)
- (vi) Kohara, Scott (PCFR Br-2, 3)
Will Kill Termites & Pest, LLC (PCO 1126 Br-2, 3)
- (vii) Borges, Scott (PCFR Br-3)
Bowman Termite & Pest (PCO 830 / Br-1, 2, 3)

b. Without Exam

- (i) Pest Tech, LLC (PCO Br-1, 2, 3)
RME: Ian Mateo (PCO 1464 / Br-1, 2, 3)

c. Exam – Ratification

It was moved by Mr. Ono, seconded by Mr. Manago and unanimously carried to ratify the following applications for exam and the dates of approval.

PCO

None.

PCFR

None.

d. Without Exam

Shanahan, Daniel (PCO 1102 / Br-2)
dba Elite Pest Control
RME to Sole Owner

c. Legislation

House Bill No. 2765 - Relating to the Preservation of Honey Bee Colonies

The Executive Officer reported that this bill proposes to prohibit pest control operators from exterminating honey bee colonies that can be safely removed and transported to a different location. There was a hearing on February 10, 2016 at which the House committee on Agriculture recommended that the measure be deferred.

Governor's Message No. 550 and 551 - pertaining to the nomination of Scott Ai to the Pest Control Board for terms to expire on June 30, 2016 and June 30, 2020, respectively

The Executive Officer stated that at a public hearing on March 1, 2016, the Senate committee on Commerce, Consumer Protection, and Health recommended to advise and consent to the nomination. Mr. Ai was confirmed by the Senate on March 10, 2016.

Governor's Message No. 635 - Pertaining to the nomination of Rodney Ono to the Pest Control Board for a term to expire on June 30, 2020

The Executive Officer stated that at a public hearing on March 14, 2016 at 9:00 a.m., the Senate committee on Commerce, Consumer Protection, and Health recommended to advise and consent to the nomination.

Mr. Ono's reappointment to the Board must be confirmed by the Senate before the close of the 2016 Legislative Session.

House Bill No. 2448, HD1 - Relating to Statutory Revisions: Amending various provisions of the Hawaii Revised Statutes and The Session Laws of Hawaii for the purposes of correcting errors and references, clarifying language, and deleting obsolete or unnecessary provisions

The Executive Officer informed the Board that this bill amends section §460J-2(a), Hawaii Revised Statutes ("HRS") to replace the

reference to “entomology” with “plant and environmental protection sciences.” It was also reported that a public hearing was held on March 14, 2016 and that the Senate committee on Judiciary and Labor recommended that the measure be passed with amendments.

Unfinished
Business:

a. Rule Revision

(i) HAR Chapter 16-94-17

The Executive Officer informed the Board that a draft of the proposed revised rules was still under review and pending comments from the Attorney General’s office and the Legislative Reference Bureau.

Scope:

a. Termite Barrier

The Board reviewed the March 11, 2016 e-mail and inquiry from Stego Industries, LLC (“Stego”) regarding its Pango termite/vapor barrier product.

It was moved by Mr. Manago, seconded by Mr. Ono and unanimously carried that based solely on the information provided, the installation of the product may constitute the practice of pest control under HRS §460J-1, and therefore require a licensed pest control operator to install the product. However, if Stego removed any reference to the word “termite” (or any other pests) from its sales and marketing materials, the installation of a “vapor barrier” alone would not constitute the practice of “pest control,” and a pest control operator would not be required for its installation.

Open Discussion/
Announcements:

a. Association of Structural Pest Control Regulatory Officials (ASPCRO) Annual Meeting, August 23 – 26, 2016

The Executive Officer reminded the members of the upcoming meeting in Santa Fe, New Mexico. She stated that the agenda has not yet been released, however, she provided some of the presentation topics from the 2015 annual meeting.

b. Correspondence from Hawaii Pest Control Association (HPCA) Regarding Beekeepers

The Executive Officer reported that correspondence dated March 2, 2016 was received from the HPCA requesting the Board’s opinion regarding the circumstances under which a pest control operator license may be required of beekeepers.

The letter indicated that a beekeeper presented oral testimony at a February 10, 2016 hearing on House Bill No. 2765, Relating to

the Preservation of Honeybee Colonies, in which the beekeeper stated that he exterminates bee colonies.

DAG Tam referred the Board to HRS §460J-6, which states that, "No person within the purview of this chapter shall act or assume to act, or advertise, as a pest control operator or be engaged in the business of pest control without a license previously obtained under and in compliance with this chapter and the rules of the board."

Accordingly, DAG Tam further referred the Board to HRS §460J-1, which provides definitions for "pest control operator" and "pest control" as follows:

"Pest control operator" means "any person who personally or through others offers to undertake or practice, or holds oneself out as being able to undertake or practice, or does undertake or practice pest control."

"Pest control" means "with respect to wood-destroying pests, or other pests which may invade households or other structures, including railroad cars, ships, docks, trucks, airplanes, or the contents thereof, the engaging in, offering to engage in, advertising for, soliciting or performing the following for hire:

- (1) Identifying pests or infestations;
- (2) Making an inspection for the purpose of identifying or attempting to identify infestations of household or other structures by pests;
- (3) Making inspection reports, recommendations, estimates, and bids, whether oral or written, with respect to infestations; or
- (4) Making contracts, or submitting bids for, or the use of avicides, insecticides, pesticides, rodenticides, fumigants, or allied chemicals or substances, or mechanical devices, for the purpose of eliminating, exterminating, controlling, or preventing infestations of pests or organisms."

After further discussion, it was moved by Mr. Manago, seconded by Mr. Ono and unanimously carried that, should a beekeeper engage in any activity that falls within the definition of "pest control" as provided in HRS §460J-1, a pest control operator license is required.

c. Disclosure of Financial Interests

The Executive Officer reminded the members of their responsibility to comply with the State Ethics Code by filing an annual Disclosure of Financial Interests with the Hawaii State Ethics Commission. Filers are required to file the "long form" in even-numbered years and may use a "short form" in odd-numbered years.

DAG Tam added that the form provides codes for dollar amount ranges, which may help facilitate completing the form.

d. Board Composition

The Executive Officer stated that if any members know of an individual interested in serving on the Board as a public member, to direct them to the Board and Commissions website and apply online.

Chairperson Yates announced that he will be retiring from the Department of Plant and Environmental Protection Sciences in July 2016.

Next Meeting:

Monday, May 16, 2016
2:00 p.m.
King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, HI 96813

Adjournment: There being no further business to discuss, the meeting adjourned at 2:52 p.m.

Reviewed and approved by:
/s/ May Ferrer

May Ferrer
Executive Officer

Taken and recorded by:
/s/ Ronni-Ann Bumgarner

Ronni-Ann Bumgarner
Secretary

MF:rb

04/14/16

[X] Minutes approved as is.
[] Minutes approved with changes, see minutes of _____