

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

MINUTES OF THE MEETING

Date: Monday, July 11, 2016

Time: 2:00 p.m.

Place: Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, HI 96813

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

Members Excused: J. Kenneth Grace, Ph.D., College of Tropical Agriculture and Human Resources

Guests: Susan Reyes, Secretary  
Kevin Mulcahy – Terminix International, Inc.  
Richard Lee – Terminix International, Inc.  
George W. Ofsonka III – Terminix International, Inc.  
Justin Duny – Absolute Termite

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 Ono at 2:05 p.m.

Chairperson Ono announced that the agenda would be taken out of order.

Open Discussion/Announcements: Kevin Mulcahy – Application Process

Mr. Mulcahy stated that the application process is too lengthy. He said if an application is, or if an application is submitted to the Board late, the time lag between Board meetings is too long as the Board only meets once every two months. Mr. Mulcahy asked if it would be feasible for the Board to increase the frequency of its meetings. Members stated that it would not be feasible to do so.

Members and staff discussed having the Applications Review Committee (“ARC”) review applications for possible ratification at the next scheduled Board meeting.

The Executive Officer stated that most applications are deferred for the omission of a non-chemical job application despite the fact that this requirement is clearly stated on the job report. She expressed concern regarding convening the ARC to review deficient applications for this recurring problem and the commitment of time by the ARC and staff. She stated that for any deficiencies that are ministerial in nature (i.e., training certification, employment certification, etc.) staff can approve the application upon receipt of acceptable documentation. However, if any deficiencies are related to an individual's technical experience, then the Board would need to review the response.

The Executive Officer told Mr. Mulcahy that the Board would discuss the issue further to see what can be done to help expedite the process.

Mr. Mulcahy thanked the Board and staff for their time and consideration.

#### Justin Duny – Licensing Requirements

Mr. Duny addressed the Board and asked why there is no requirement for beekeepers to be licensed. Mr. Duny expressed his concern that some beekeepers are killing the bees instead of safely moving them to a different area. He stated that if beekeepers are using chemicals then they should be fined. DAG Tam suggested that Mr. Duny file a complaint through the Regulated Industries Complaints Office (RICO).

DAG Tam also suggested to Mr. Duny that he refer to the letter dated April 22, 2016 from the Pest Control Board to Mr. Tim Lyons, Executive Director of the Hawaii Pest Control Association. The letter states the following pursuant to HRS § 460J-6:

"[n]o 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." Furthermore, HRS § 460J-1 defines "pest control" to mean:

"[W]ith respect to wood-destroying pests, or other pests which may invade households and 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."

The letter further stated that "After careful consideration and discussion, the Board determined that if a beekeeper engages in any activity that falls within the definition of "pest control" above, a pest control operator license is required.

Approval of  
Minutes:

Chairperson Ono asked if there were any amendments to the minutes of the May 16, 2016 meeting.

It was moved by Dr. Yates, seconded by Vice Chairperson Manago, and unanimously carried to approve the minutes of the May 16, 2016 meeting as circulated.

Additions &  
Revisions to  
the Agenda:

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

- (i) Bronson, Jeff (PCFR XXXX / BR 2, 3)  
Terminix International, Inc. (PCO 618 / BR 1, 2, 3)
- (ii) Gindlesperger, Gary (PCFR XXXX / BR 2, 3)  
Terminix International, Inc. (PCO 618 / BR 1, 2, 3)
- (iii) Murphy, Todd (PCFR XXXX / BR 2, 3)  
Terminix International, Inc. (PCO 618 / BR 1, 2, 3)
- (iv) Butler, Robert (PCFR XXXX / BR 1, 2)  
Terminix International, Inc. (PCO 618 / BR 1, 2, 3)
- (v) Benitz, Brian (PCFR XXXX / BR 1, 2)  
Terminix International, Inc. (PCO 618 / BR 1, 2, 3)
- (vi) Estebon, Deborah (PCFR XXXX / BR 1, 2)  
Terminix International, Inc. (PCO 618 / BR 1, 2, 3)
- (vii) McManus, James (PCFR XXXX / BR 1, 2, 3)  
Terminix International, Inc. (PCO 618 / BR 1, 2, 3)
- (viii) Tharpe, Marshall (PCFR XXXX / BR 1, 2)  
Terminix International, Inc. (PCO 618 / BR 1, 2, 3)
- (ix) Perreira, Kenneth (PCFR XXXX / BR 1, 2, 3)  
Veteran Termite & Pest Control, LLC (PCO 1242 / BR 1, 2, 3)
- (x) Aina Pest Control (PCO XXXX / BR 2, 3)  
RME: Robert Todd (PCO 719 / BR 2, 3)
- (xi) Draime, Aaron (PCFR 1465 / BR 1, 3)  
Terminix International, Inc. (PCO 618 / BR 1, 2, 3)

The Executive Officer also proposed to defer the following agenda item until the next Board meeting:

Executive Officer's Report

c. GEO Report

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

Executive  
 Officer's Report:

- a. Executive Officer Ferrer announced that Dr. Yates has been appointed to the Board as a public member on an interim basis. Dr. Yates' appointment to the Board must be confirmed by the Senate during the 2017 Regular Legislative Session.
- b. Executive Officer Ferrer reminded the Board members to instruct individuals to report complaints to the Regulated Industries Complaints Office.
- c. Executive Officer Ferrer deferred the GEO Report until the next meeting.
- d. Executive Officer Ferrer announced that J. Kenneth Grace, Ph.D. has been designated by the Chairperson of the College of Tropical Agriculture and Human Resources to serve on the Board as an ex-officio.

Prometric Report/  
 Announcements:

- a. Examination Review Report

**PROMETRIC  
 HAWAII PEST CONTROL EXAMINATIONS  
 EXAMINATIONS ADMINISTERED JUNE 2016**

<u>EXAM</u>	<u>ADMINISTERED</u>				
	<u>NO. EXAMS</u>	<u>NO. FAIL</u>	<u>NO. PASS</u>	<u>% FAIL</u>	<u>%PASS</u>
<b>PART 1</b>	0	0	0	0%	0%
<b>FIELD REP BR 1</b>	4	1	3	25%	75%
<b>FIELD REP BR 2</b>	3	2	1	34%	66%
<b>FIELD REP BR 3</b>	0	0	0	0%	0%
<b>OPERATOR BR 1</b>	0	0	0	0%	0%
<b>OPERATOR BR 2</b>	0	0	0	0%	0%
<b>OPERATOR BR 3</b>	1	0	1	0%	100%

TOTAL NO. EXAMS ADMINISTERED	8
TOTAL NO. EXAMS PASSED	5
TOTAL NO. EXAMS FAILED	3
TOTAL PERCENT PASSED	62%
TOTAL PERCENT FAILED	38%

Applications:

- a. Exam

PCO

It was moved by Dr. Yates and seconded by Vice Chairperson Manago, and unanimously carried to **approve** the following applications for examination in the respective branches, with Mr. Montalbo recusing himself:

- (i) RME: Vidinha, Amy (PCO XXXX / BR 2, 3)  
 Aloha Termite Kauai, Inc. (PCO 1118 / BR 1, 2, 3)  
 BR-2, 3 – **Approved**

- (ii) RME: Ryder, Robert (PCO XXXX / BR 1, 2, 3)  
Aloha Termite Kauai, Inc. (PCO 1118 / BR 1, 2, 3)  
BR- 1, 2, 3 – **Approved**

It was moved by Dr. Yates, seconded by Vice Chairperson Manago, and unanimously carried to **approve/defer** the following applications for examination:

- (iii) Aina Pest Control (PCO XXXX/ BR 2, 3)  
RME: Robert Todd (PCO 719 / BR 2, 3)  
BR-2, 3 – **Approved**
- (iv) Draime, Aaron (PCO XXXX / BR 1, 3)  
RME: Terminix International, Inc. (PCO 618 / BR 1, 2, 3)  
BR-1, 3 – **Approved pending documentation to support experience qualifications.**

PCFR

It was moved by Vice Chairperson Manago, seconded by Mr. Ai, and unanimously carried to **approve/defer** the following application for examination:

- (i) Char, Jeanine (PCFR XXXX / BR 2, 3)  
Golden Termite & Pest Control, LLC (PCO 1314 / BR 1, 2, 3)  
BR-2, 3 - **Deferred pending verification of further work experience and documentation to support experience qualifications.**
- (ii) Masulit, Ronnie (PCFR XXXX / BR 2, 3)  
Will Kill Termites & Pests, LLC (PCO 1126 / BR 2, 3)  
BR-2, 3 – **Approved pending documentation to support experience qualifications.**
- (iii) Bronson, Jeff (PCFR XXXX / BR 2, 3)  
Terminix International, Inc. (PCO 618 / BR 1, 2, 3)  
BR-2, 3 – **Approved**
- (iv) Gindlesperger, Gary (PCFR XXXX / BR 2, 3)  
Terminix International, Inc. (PCO 618 / BR 1, 2, 3)  
BR-2, 3 – **Approved**
- (v) Murphy, Todd (PCFR XXXX / BR 2, 3)  
Terminix International, Inc. (PCO 618 / BR 1, 2, 3)  
BR-2, 3 – **Approved pending documentation to support experience qualifications.**
- (vi) Butler, Robert (PCFR XXXX / BR 1, 2)  
Terminix International, Inc. (PCO 618 / BR 1, 2, 3)  
BR-1, 2 – **Approved pending documentation to support experience qualifications.**
- (vii) Benitz, Brian (PCFR XXXX / BR 1, 2)  
Terminix International, Inc. (PCO 618 / BR 1, 2, 3)  
BR-1, 2 - **Approved pending documentation to support experience qualifications.**

- (viii) Estebon, Deborah (PCFR XXXX / BR 1, 2)  
Terminix International, Inc. (PCO 618 / BR 1, 2, 3)  
**BR-1 Approved pending documentation to support experience qualifications.**  
**BR-2 Deferred pending verification of further work experience.**
- (ix) McManus, James (PCFR XXXX / BR 1, 2, 3)  
Terminix International, Inc. (PCO 618 / BR 1, 2, 3)  
**BR-1, 2, 3 – Approved pending documentation to support experience qualifications.**
- (x) Tharpe, Marshall (PCFR XXXX / BR 1, 2)  
Terminix International, Inc. (PCO 618 / BR 1, 2, 3)  
**BR-1 Approved pending documentation to support experience qualifications.**  
**BR-2 Deferred pending verification of further work experience.**
- (xi) Pereira, Kenneth (PCFR XXXX / BR 1, 2, 3)  
Veteran Termite & Pest Control, LLC (PCO 1242 / BR 1, 2, 3)  
**BR-1, 2 Approved pending documentation to support experience qualifications.**  
**BR-3 Deferred pending verification of further work experience and documentation to support experience qualifications.**

b. Without Exam

None.

c. Exam – Ratification

PCO

None.

PCFR

None.

d. Without Exam - Reactivation

None.

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 is still under review and pending comments from the Attorney General's Office and the Legislative Reference Bureau.

Scope:

None.

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Next Meeting: Monday, September 12, 2016  
2:00 p.m.  
Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, HI 96813

Adjournment: There being no further business to discuss, the meeting adjourned at  
3:12 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ May Ferrer

/s/ Ronni-Ann Bumgarner

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May Ferrer  
Executive Officer

\_\_\_\_\_  
Ronni-Ann Bumgarner  
Secretary

MF:rb

08/10/16

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