

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

MINUTES OF THE MEETING

Date: Monday, September 12, 2016

Time: 2:00 p.m.

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

Present: Terrance Manago, Industry Member, Vice Chairperson
Scott Ai, Public Member
Lance Kobashigawa, Department of Agriculture, Ex-Officio
David Lau, Industry Member
Jonathan Montalbo, Industry Member
Julian Yates, Ph.D., 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
Lynn Nakasone, Department of Health, Ex-Officio
Rodney Ono, Industry Member, Chairperson

Guests: Mike Tucker, General Counsel – Stego Industries, LLC
Mike McCarthy, Hawaii Regional Manager – Stego Industries, LLC
Richard Lee – The Terminix International Company, LP
Kevin Mulcahy – The Terminix International Company, LP
Lee Palmer – The Terminix International Company, LP
George W. Ofsonka, III – The Terminix International Company, LP

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 Vice-Chairperson Manago at 2:06 p.m.

Additions & Revisions to the Agenda: It was moved by Mr. Lau, seconded by Mr. Montalbo, and unanimously carried to add the following to the agenda:

6. Applications

a. Exam

PCFR - Add

(i) Alviator, Ronnie (PCFR XXXX / BR 3)
For Termites Only Inspections, LLC (PCO 924 / BR 1, 2, 3)

- (ii) Calhau, Joel (PCFR XXXX / BR 1, 2, 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
- (iii) Estebon, Deborah (PCFR XXXX / BR 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
- (iv) Ewing, James (PCFR XXXX / BR 1, 2, 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
- (v) Haina, Terri (PCFR XXXX / BR 1, 2, 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
- (vi) Johnson, Gustavo (PCFR XXXX / BR 1, 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
- (vii) Kaahanui, Rueben (PCFR .XXXX / BR 1, 3)
For Termites Only Inspections, LLC (PCO 924 / BR 1, 2, 3)
- (viii) Kochi, Kelsey (PCFR XXXX / BR 1, 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
- (ix) Lavoie, Philip (PCFR XXXX / BR 2)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
- (x) Lucas, William (PCFR XXXX / BR 1, 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
- (xi) Miguel-Salcedo, Keola (PCFR XXXX / BR 3)
For Termites Only Inspections, LLC (PCO 924 / BR 1, 2, 3)
- (xii) Palacio, Alexander (PCFR XXXX / BR 2, 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
- (xiii) Palmer, Lee (PCFR XXXX / BR 1, 2, 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
- (xiv) Tarrance, LaJuan (PCFR XXXX / BR 1, 2)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
- (xv) Teixeira, Brannon (PCFR XXXX / BR 1, 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)

(xvi) Tharpe, Marshall (PCFR XXXX / BR 3)
The Terminix International Company, LP (PCO 618 / BR 1,
2, 3)

(xvii) Villanueva, David (PCFR XXXX / BR 3)
For Termites Only Inspections, LLC (PCO 924 / BR 1, 2, 3)

c. Exam – Ratification

(i) Estebon, Deborah (PCFR XXXX / BR 2)
The Terminix International Company, LP (PCO 618 / BR
1, 2, 3)

(ii) Tharpe, Marshall (PCFR XXXX / BR 2)
The Terminix International Company, LP (PCO 618 / BR
1, 2, 3)

Vice-Chairperson Manago announced that the agenda would be taken out of order to accommodate the guests.

Applications:

a. Exam

PCFR

Palmer, Lee (PCFR XXXX / BR 1, 2, 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)

Mr. Mulcahy stated that Mr. Palmer's application for a PCFR license was pending and asked the Board if Mr. Palmer, who was also in attendance, could answer any questions the Board may have. The Executive Officer indicated that additional documentation was needed to support Mr. Palmer's answer to Question #7 on his application, which asks: "Have you ever been convicted of a crime in any jurisdiction that has not been annulled or expunged?"

Mr. Palmer explained that he was informed by the Licensing Branch that his documents had been misplaced and that he was asked to resubmit the information. He indicated that he had complied with this request.

The Executive Officer briefly left the meeting and returned with Mr. Palmer's application file for review and discussion by the Board.

Executive
Session:

At 2:14 p.m., it was moved by Dr. Yates, seconded by Mr. Lau, and unanimously carried to move into executive session pursuant to HRS § 92-5 to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section HRS § 26-9 or both, and to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities, as provided in HRS § 92-5(a)(1) and (4).

Guest were excused from the meeting room, except for Mr. Palmer.

It was moved by Mr. Lau, seconded by Mr. Ai, and unanimously carried to move out of executive session 2:39 p.m.

Guests returned to the meeting room.

After further discussion and consideration, by consensus of the Board, they voted unanimously to issue Mr. Palmer a conditional license. Mr. Palmer will be required to submit his Certificate of Completion of the Batterer's Intervention Program; he must continue to comply with all of the terms and conditions of his probation in the State of Florida, including the payment of all fines; also, upon successful completion of his probation, Mr. Palmer will be required to submit official verification from the State of Florida to the Board. Mr. Palmer was advised that failure to comply with any of the conditions would result in the revocation of his conditional license.

Mr. Palmer confirmed his understanding and left the meeting.

Open Discussion/
Announcements:

Pango Wrap – Installation

Mr. Tucker summarized the information he had provided to the Board in advance of the meeting regarding the installation of the Pango Termite/Vapor Barrier. He explained that the installation of the product would require a 2-person team to roll out the product and tape the seams.

Mr. Tucker expressed concern over the Board's determination at its previous meeting that a licensed Pest Control Operator ("PCO") may be required to install the product and asked the Board what Stego Industries, LLC ("Stego") could do to be given the determination that Termimesh had been given.

DAG Tam referenced the Board's April 18, 2016 letter to Stego in which it clearly indicated that if the word "termite" or any references to any other pests were removed from sales and marketing materials, the installation of a "vapor barrier" alone would not constitute the practice of "pest control," and therefore, would not require installation by a licensed PCO.

Mr. Tucker explained that Stego will not be changing its marketing materials to delete references to termites and pests as the effort and costs associated with doing so would be too great.

Dr. Yates indicated that Termimesh offered training on the installation of its termite barrier, and asked if Stego had any plans to provide training on its barrier product. Mr. Tucker stated that Stego does plan to provide the appropriate training.

Executive
Session:

At 3:17 p.m., it was moved by Mr. Montalbo, seconded by Mr. Lau, and unanimously carried to move into executive session pursuant to HRS § 92-5 to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section HRS § 26-9 or both, and to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities, as provided in HRS § 92-5(a)(1) and (4).

It was moved by Mr. Lau, seconded by Dr. Yates, and unanimously carried to move out of executive session at 3:30 p.m.

After careful consideration, the Board voted unanimously to determine that the installation, use, and advertisement of the Pango Termite/Vapor Barrier Product does not appear to fall within the definition of "pest control" as defined in HRS §460J-1. Mr. Tucker and Mr. McCarthy confirmed that its product does not fall within any of the items listed in the definition of "pest control."

Approval of Minutes:

Vice-Chairperson Manago asked if there were any amendments to the minutes of the July 11, 2016 meeting.

It was moved by Dr. Yates, seconded by Mr. Lau, and unanimously carried to approve the minutes of the July 11, 2016 meeting as circulated.

Executive Officer's Report:

- a. Examination Review Report

**PROMETRIC
 HAWAII PEST CONTROL EXAMINATIONS
 EXAMINATIONS ADMINISTERED AUGUST 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>
PART 1	1	0	1	0%	100%
FIELD REP BR 1	6	0	6	0%	100%
FIELD REP BR 2	11	0	11	0%	100%
FIELD REP BR 3	9	3	6	33%	67%
OPERATOR BR 1	0	0	0	0%	0%
OPERATOR BR 2	0	0	0	0%	0%
OPERATOR BR 3	0	0	0	0%	0%
TOTAL NO. EXAMS ADMINISTERED				27	
TOTAL NO. EXAMS PASSED				24	
TOTAL NO. EXAMS FAILED				3	
TOTAL PERCENT PASSED				88%	
TOTAL PERCENT FAILED				12%	

Prometric Report/Announcements:

The Executive Officer informed the members that general information regarding exam results was received from Prometric and will be distributed to the members at the next Board meeting.

Applications:

- a. Exam

PCO

None.

PCFR

It was moved by Mr. Montalbo, seconded by Mr. Lau, and unanimously carried to **approve/defer** the following applications for examination:

- (i) McCullough, Scott (PCFR XXXX / BR 2, 3)
 Smart Pest Prevention, LLC (PCO 1398 / BR 2, 3)
 BR- 2, 3 – **Approved.**

- (ii) Alviator, Ronnie (PCFR XXXX / BR 3)
For Termites Only Inspections, LLC (PCO 924 / BR 1, 2, 3)
BR-3 - **Deferred pending documentation of further work experience.**
- (iii) Calhau, Joel (PCFR XXXX / BR 1, 2, 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
BR-1, 2, 3 - **Approved.**
- (iv) Estebon, Deborah (PCFR XXXX / BR 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
BR-3 – **Approved.**
- (v) Ewing, James (PCFR XXXX / BR 1, 2, 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
BR-1, 2, 3 – **Approved.**
- (vi) Haina, Terri (PCFR XXXX / BR 1, 2, 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
BR- 1, 2, 3 – **Approved.**
- (vii) Johnson, Gustavo (PCFR XXXX / BR 1, 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
BR-1, **Deferred pending documentation of further work experience.**
BR-3 – **Approved.**
- (viii) Kaahanui, Rueben (PCFR XXXX / BR 3)
For Termites Only Inspections, LLC (PCO 924 / BR 1, 2, 3)
BR-3 – **Deferred pending documentation of further work experience.**
- (ix) Kochi, Kelsey (PCFR XXXX / BR 1, 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
BR-1 – **Approved.**
BR-3 – **Deferred pending documentation of further work experience.**
- (x) Lavoie, Philip (PCFR XXXX / BR 2)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
BR-2 - **Approved.**
- (xi) Lucas, William (PCFR XXXX / BR 1, 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
BR-1, 3 – **Approved.**
- (xii) Miguel-Salcedo, Keola (PCFR XXXX / BR 3)
For Termites Only Inspections, LLC (PCO 924 / BR 1, 2, 3)
BR- 3 – **Approved.**
- (xiii) Palacio, Alexander (PCFR XXXX / BR 2, 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
BR-2, 3 - **Approved.**

- (xiv) Palmer, Lee (PCFR XXXX / BR 1, 2, 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
BR-1, 2, 3 – **Approved for Conditional License.**
- (xv) Tarrance, LaJuan (PCFR XXXX / BR 1, 2)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
BR-1, 2 **Approved.**
- (xvi) Teixeira, Brannon (PCFR XXXX / BR 1, 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
BR-1 - **Approved.**
BR-3 - **Deferred pending verification of further work experience.**
- (xvii) Tharpe, Marshall (PCFR XXXX / BR 3)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
BR-3 **Approved.**
- (xviii) Villanueva, David (PCFR XXXX / BR 3)
For Termites Only Inspections, LLC (PCO 924 / BR 1, 2, 3)
BR-3 – **Deferred pending verification of further work experience.**

b. Without Exam

None.

c. Exam – Ratification

PCO

None.

PCFR

- (i) Estebon, Deborah (PCFR XXXX / BR 2)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
BR-2 – **Approved.**
- (ii) Tharpe, Marshall (PCFR XXXX / BR 2)
The Terminix International Company, LP (PCO 618 / BR 1, 2, 3)
BR-2 – **Approved.**

d. Without Exam - Reactivation

None.

Unfinished
Business:

a. Rule Revision

- (i) HAR Chapter 16-94-17

The Executive Officer informed the Board that she received the draft of the proposed revised rules which she will review.

Open Discussion/
Announcements:
(Continued)

ASPCRO Conference

Vice-Chairperson Manago gave a brief report to the members about the conference.

Scope:

None.

Next Meeting:

Monday, November 14, 2016
2:00 p.m.
King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, HI 96813

Adjournment:

There being no further business to discuss, the meeting adjourned at 4:27 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ May Ferrer

/s/ Ronni-Ann Bumgarner

May Ferrer
Executive Officer

Ronni-Ann Bumgarner
Secretary

MF:rb

10/12/16

[X] Minutes approved as is.

[] Minutes approved with changes, see minutes of _____