

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

MINUTES OF THE MEETING

Date: Monday, September 16, 2013

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 Entomology, Ex-Officio, Chairperson
Alvin Fukuyama, Industry Member, Vice Chairperson
Lance Kobashigawa, Department of Agriculture, Ex-Officio
Lynn Nakasone, Department of Health, Ex-Officio
Rodney Ono, Industry Member
Ronald Weinberg, Public Member
Terrance Manago, Industry Member
Rodney Tam, Esq., Deputy Attorney General
Charlene L.K. Tamanaha, Executive Officer
Christine Hironaka, Secretary

Members

Excused: Walter Chun, Public Member

Guests: Carlton Agena – Terminix
Douglas Belle – Terminix
Wesley Otani – Terminix

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 Vice Chairperson Fukuyama called the meeting to order at 2:07 p.m.

Additions to the Agenda: It was moved by Mr. Weinberg, seconded by Mr. Ono and unanimously carried to add the following to the agenda:

Applications

b. Exam

iv. SMITH, Allen J. K. (PCFR, BR 2 & 3)
For Termites Only Inspections, LLC (PCO-924, BR 2 & 3)

- v. GRADY, Troy (PCO, BR 2 & 3)
Mr. T's Pest Control, Inc. (PCO-1005, BR 2 & 3)

f. Reactivation

- i. SAHARA, Jason (PCFR, BR 2)
Ecolab, Inc. (PCO-640, BR 2)

It was moved by Mr. Weinberg, seconded by Mr. Ono and unanimously carried to amend the additions as follows:

f. Reactivation

- i. SAHARA, Jason (PCO, BR 2)
Menehune Pest Management, LLC

Approval of
the Minutes:

It was moved by Mr. Weinberg, seconded by Mr. Manago, and unanimously carried to approve the Board minutes and executive session minutes of the July 15, 2013 meeting.

Executive
Officer's Report:

Pest Control Exam Update

The Executive Officer informed the Board that Lauren Biddle is now helping to finalize the Pest Control exam and will provide a copy of the exam for the Board to review. Prometric has already been given the references needed to produce the exam questions. The Applications and Exam Review Committee will review the exam questions.

The members of the Applications and Exam Review Committee are Chairperson Yates, Vice Chairperson Fukuyama, Lance Kobashigawa and Terrance Manago. The committee reviewed the Prometric exam questions and found that the references did not match the references provided by the Board. Lauren Biddle from Prometric informed the Board that she will send the exam back to Prometric to be corrected and that Prometric is currently working on an item bank that will be submitted for Board approval. Vice Chairperson Fukuyama stated that the exam answers should refer to the exact page of the reference material. The Executive Officer has not heard from Ms. Biddle who is in contact with the Utah Prometric office.

Appearance:

- a. Carlton Agena, Terminix

Mr. Agena asked the Board why were his employee applications deferred and why can't the Board call instead of writing a letter. His employees all completed way over the required 180 hours.

In response, Mr. Manago questioned Ashley Yamashita's ability to complete 3 ground jobs in Waianae and 1 job in Makiki in one day. The Executive Officer added that travel time is not part of training.

Mr. Otani stated that the company is paying the employees overtime to get the job experience done and wanted to know how this information can be communicated to the Board. Vice Chairperson Fukuyama responded that a detailed breakdown of training time should be submitted before the minimum six months training requirements and test.

Chairperson Yates joined the meeting at 2:30 p.m.

Mr. Agena stated that Ashley Yamashita started her training on June 10, 2013 and submitted her application on July 9, 2013 and the Board questions the 60 hours for each classification and how that is accomplished within just over a month of employment. The Executive Officer informed Mr. Agena that the Board does not know the employee is working overtime unless the Board is told. To avoid deferrals, it is incumbent upon Terminix to provide explanations or addendums to the certification by the RME if the norm of 40 hours per week is not the case. Attorney General Tam added that the Board is merely asking for more documentation. Mr. Otani asked if an RME can provide the additional information or documentation. The Executive Officer responded that the applicant must sign a third party release assigning the RME as the third party approved to release information to enable the Executive Officer or staff to discuss the applicant's status or application. The Executive Officer also added that if there are a lot of applications received prior to the next scheduled Board meeting, the Application and Exam Review Committee can schedule a meeting in advance to review applications subject to Board ratification.

Vice Chairperson Fukuyama asked if a trainer is present to verify that the trainee is actually performing the work required? Mr. Otani responded "Yes, except when climbing to get on the roof and depends on how many trainers are on staff." Mr. Weinberg asked if the reports are completed using an honor system. The Executive Officer added that the reports are based on the RME's attestation. Mr. Otani stated that he tracks every job report.

The Executive Officer stated that Dennis Proulx filed his application on July 9 but his 120 hours ended on July 15. Technically, he did not meet the requirements when he signed his application and more than 5 jobs in a day is excessive. Mr. Agena asked if the 60 hours a week needs an explanation? The Executive Officer responded that an explanation should be included if the time is compressed and that travel time should not be included with the training hours. Mr. Agena stated that 80% of

the training is done in the classroom and Mr. Otani added that the company will lose their employees if the exam approval is delayed by 2 months. The Executive Officer informed Mr. Otani that the Board should be notified prior to Board review about the overtime work for each applicant.

Mr. Agena asked if the PCFR applications for Aaron Chan, Gayla Kobayashi, Dennis Proulx, Shane Tom, and Ashley Yamashita could be added to the agenda. The Executive Officer informed the Board that a copy of Mr. Agena's letter will be included in the file of each applicant.

It was moved by Mr. Weinberg, seconded by Vice Chairperson Fukuyama, and unanimously carried to enter into executive session pursuant to HRS §§92-4 and 92-5, to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities at 2:55 p.m.

EXECUTIVE SESSION

It was moved by Mr. Weinberg, seconded by Mr. Ono, and unanimously carried to reconvene to the Board's regular order of business at 3:06 p.m.

It was moved by Mr. Weinberg, seconded by Vice Chairperson Fukuyama and unanimously carried to add the following to the agenda:

Applications

b. Exam

- vi. Aaron C. Chan, PCFR BR-1, BR-2 & BR-3
Terminix (PCO-618, BR-1, BR-2 & BR-3)
- vii. Gayla L. Kobayashi, PCFR BR-1, BR-2 & BR-3
Terminix, PCO-618, BR-1, BR-2 & BR-3
- viii. Dennis E. Proulx, PCFR BR-2 & BR-3
Terminix, PCO-618 BR-1, BR-2 & BR-3
- ix. Shane K. Tom, PCFR BR-1, BR-2 & BR-3
Terminix, PCO-618 BR-1, BR-2 & BR-3
- x. Ashley R. Yamashita, PCFR BR-1, BR-2 & BR-3
Terminix, PCO-618 BR-1, BR-2 & BR-3

Applications:

a. Exam Ratification(s)

None.

b. Exam

It was moved by Vice Chairperson Fukuyama, seconded by Mr. Weinberg, and unanimously carried to **approve/defer** the following applications for examination in the respective branches:

- 1) Justin L. Malina, PCFR, BR2 & 3
Expert Exterminators, Inc., PCO-701, BR-2 & BR-3
Approve Pending ARC review of additional experience verification
- 2) Gayle Seigaku, PCFR BR-2 & BR-3
Terminix PCO-618, BR-1, BR-2 & BR-3
Approve BR-2 & BR-3
- 3) Paul Sumile, PCFR BR-2
Ecolab, Inc., PCO-640, BR-2
Approve BR-2
- 4) Allen J. K. Smith, PCFR BR-2 & BR-3
For Termites Only Inspections, LLC, PCO-935, BR-2 & BR-3
Approve Pending ARC review of additional experience verification
- 5) Aaron C. Chan, PCFR BR-1, BR-2 & BR-3
Terminix (PCO-618, BR-1, BR-2 & BR-3)
Approve BR-1, BR-2 & BR-3
- 6) Gayla L. Kobayashi, PCFR BR-1, BR-2 & BR-3
Terminix, PCO-618, BR-1, BR-2 & BR-3
Approve BR-1, BR-2 & BR-3
- 7) Dennis E. Proulx, PCFR BR-2 & BR-3
Terminix, PCO-618 BR-1, BR-2 & BR-3
Approve BR-2 & BR-3
- 8) Shane K. Tom, PCFR BR-1, BR-2 & BR-3
Terminix, PCO-618 BR-1, BR-2 & BR-3
Approve BR-1, BR-2 & BR-3
- 9) Ashley R. Yamashita, PCFR BR-1, BR-2 & BR-3
Terminix, PCO-618 BR-1, BR-2 & BR-3
Approve BR-1, BR-2 & BR-3

- 10) Troy Grady, PCO BR-2 & BR-3
Mr. T's Pest Control, Inc., PCO-1005 BR-2 & BR-3
Approve BR-2 & BR-3

c. Without Exam Ratification(s)

None.

d. Without Exam

It was moved by Vice Chairperson Fukuyama, seconded by Mr. Weinberg, and unanimously carried to **approve** the following application without exam:

- 1) Jason Sahara, PCO-1253, BR-1, BR-2 & BR-3
Menehune Pest Management, LLC, PCO

e. Reconsideration of Any Application

None

Mr. Belle asked if several individuals could be listed as authorized third party recipients for one applicant. The Executive Officer responded that it is possible provided the individuals are specified on the third party release form.

Unfinished Business: a.

Rule Revisions

- 1) Adopted Termite Inspection Standards

The Executive Officer informed the Board that she will start converting the standards in Ramseyer format and proceed with the rule revision process.

The Executive Officer also informed the new members about the proposed draft changes to HAR 16-94-17 regarding the PCFR and PCO minimum branch application verifications and asked them to review to determine if any amendments are required.

Other Business:

a. Regulated Industries Complaints Office ("RICO") Pest Control Advisory Committee

The Executive Officer informed the Board that the advisory committee members are called upon for consultation during investigations and the members must be active licensees with no prior or pending complaints. RICO welcomes any recommendations from the Board.

It was moved by Vice Chairperson Fukuyama, seconded by Mr. Ono and unanimously carried to approve the following Pest

Control Advisory Committee Members effective January 1, 2014
and the following addendum language:

Michael J. Botha
Bruce K. Bowman
Kevin D. Davis
Wesley F. Otani

The RICO Pest Control Advisory Committee also includes
any additional interim appointees that RICO deems
necessary to aid in its investigations.

Announcements: Next Meeting:

Monday, November 18, 2013
2:00 p.m.
King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, HI 96813

Chairperson Yates and Vice Chairperson Fukuyama informed the Board
that they will not be able to attend the November 18, 2013 meeting.

Adjournment: There being no further business to discuss, the meeting adjourned at
3:15 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Charlene L.K. Tamanaha
Charlene L.K. Tamanaha
Executive Officer

/s/ Christine Hironaka
Christine Hironaka
Secretary

CLKT:cmh

10/14/13

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