

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

MINUTES OF THE MEETING

Date: Monday, March 19, 2018

Time: 2:00 p.m.

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

Present: Rodney Ono, Industry Member, Chairperson
Terrance Manago, Industry Member, Vice Chairperson
Julian Yates, Ph.D., Public Member
Jonathan Montalbo, Industry Member
David Lau, Industry Member
Scott Ai, Public Member
Zhiqiang Cheng, Ph.D., Department of Plant & Environmental Protection
Sciences, Ex-Officio
May Ferrer, Executive Officer (“EO”)
Krishna Jayaram, Esq., Deputy Attorney General (“DAG”)
Susan A. Reyes, Secretary

Member
Excused: John McHugh, Ph.D., Department of Agriculture, Ex-Officio
Lynn Nakasone, Department of Health, Ex-Officio

Guest(s): Raelene Tenno, Consumer
Tim Lyons – Hawaii Pest Control Association (“HPCA”)

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 2:00 p.m.

Amendments to Agenda: None.

Approval of Minutes: Chairperson Ono asked if there were any amendments to the minutes of the January 29, 2018 meeting. Mr. Ai noted that the minutes should reflect his excused absence from the meeting.

It was moved by Dr. Yates, seconded by Mr. Ai, and unanimously carried to approve the minutes of the January 29, 2018 meeting as amended.

Executive
Officer's Report: a. Examination Review Report

**PROMETRIC
 HAWAII PEST CONTROL EXAMINATIONS
 EXAMINATIONS ADMINISTERED FEBRUARY 2018**

<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	0	0	0	0%	0%
FIELD REP BR 1	5	1	4	20%	80%
FIELD REP BR 2	6	2	4	34%	66%
FIELD REP BR 3	6	1	5	17%	83%
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				17	
TOTAL NO. EXAMS PASSED				13	
TOTAL NO. EXAMS FAILED				4	
TOTAL PERCENT PASSED				76%	
TOTAL PERCENT FAILED				24%	

Applications: a. Exam

PCO

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

RME: Teramoto, Ryan (PCO 1383 / BR 1, 2, 3)

- (i) Copesan – CPC Hawaii (PCO XXXX / BR 1, 2, 3)
 BR 1, 2, 3 – **Approved**

Mr. T's Pest Control, Inc. (PCO 1005 / BR 2, 3)

- (i) Foster, Jeremy (PCO XXXX / BR 2, 3)
 BR 2, 3 – **Approved**

Kilauea Pest Control Inc. (PCO 954 / BR 2, 3)

- (i) Gibson, Reed (PCO XXXX / BR 2, 3)
 BR 2, 3 – **Approved**

RME: Nowinski, Andrew (PCO 366 / BR 2, 3)

- (i) Namoku Pest Control (PCO XXXX 1, 2, 3)
BR 1 – **Deferred pending qualification through a RME licensed in BR 1.**

BR 2, 3 – **Approved**

Hilo Termite & Pest Control Ltd. (PCO 32 / BR 1, 2, 3)

- (i) Ono, Steven (PCO XXXX / BR 1, 2, 3)
BR 1, 2, 3 – **Approved**

Chairperson Ono recused himself from the decision regarding the application of Mr. Steven Ono.

Mid-Pacific Pest Control Inc. (PCO 803 / BR 1, 2,3)

- (i) Redeker, Alexander (PCO XXXX / BR 1, 2, 3)

EO Ferrer proposed to delete the application of Mr. Redeker from the agenda as his application was incomplete.

Elite Pest Control LLC (PCO 1473 / BR 2)

- (i) Elite Pest Control LLC (PCO 1473 / BR 3)
BR 3 – **Deferred pending qualification through a RME licensed in BR-3.**
- (ii) Shanahan, Daniel (PCO 1102 / BR 3)
BR 3 – **Deferred pending verification of further work experience.**

b. **PCFR**

Aloha Termite Kauai Inc. (PCO 1118 / BR 1, 2, 3)

- (i) Bishard, Kristle (PCFR XXXX / BR 1, 2)
BR 1, 2 – **Approved**

Mr. Montalbo recused himself from the decision regarding the application of Ms. Kristle Bishard.

Smart Pest Prevention LLC (PCO 1398 / BR 2, 3)

- (i) Bundy, Todd (PCFR XXXX / BR 2, 3)
BR 2, 3 – **Deferred pending verification of further work experience.**

Mid-Pacific Pest Control Inc. (PCO 803 / BR 1, 2, 3)

- (i) Kahae, Earl (PCFR XXXX / BR 1, 3)
BR 1, 3 – **Deferred pending verification of further work experience and documentation to support experience qualifications.**
- (ii) Keala, Abraham (PCFR XXXX / BR 1, 3)
BR 1, 3 – **Deferred pending verification of further work experience and documentation to support experience qualifications.**
- (iii) Luce, Harold (PCFR XXXX / BR 1, 3)
BR 1, 3 – **Deferred pending verification of further work experience and documentation to support experience qualifications.**

Legislative Matters:

- a. House Bill No. 842 (2017), Relating to the Health Impact of Pesticides – Establishes buffer zones around schools that restrict pesticide use by any entity or person.

EO Ferrer informed the Board that this bill will not be moving forward.

- b. House Bill No. 2635 (2018), Relating to Pest Control Operators Senate Bill No. 3071 (2018), Relating to Pest Control Operators – Establishes pest control operator examination processes in statute. Establishes pest control continuing education training requirements. Establishes a pest control operator application coordinator position in the DCCA. Requires the DCCA and the DOA to review and update all published information regarding pest control operator licenses, examinations, and continuing education training requirements and processes.

EO Ferrer stated that this bill was heard but this measure was deferred and will not be moving forward.

Unfinished Business:

- a. Rule Revisions
 - (i) HAR section 16-94-17 – Progress update

EO Ferrer stated that the package of the draft rules revisions is moving along. The Administrative Services Office is making final formatting changes. The package will then be forwarded to the Small Business Regulatory Review Board (“SBRRB”) for review and consideration of any impact to small businesses. EO Ferrer will provide another update at the next Board meeting.

New Business:

- a. Termite Inspection Report (TIR) Form (PC-09) – 15-day period for reliability of information

EO Ferrer informed the Board of a phone call she received from a person had purchased a property and had a termite inspection done two months prior to closing on the property. In the process of cleaning the property, wood rot was discovered on top of a corrugated roof.

The EO stated that the consumer's concern was that the 15-day period is too short. She referred the Board to page 2 of the Termite Inspection Report (PC-09), which states the following:

“14. The information contained in this report is considered to be reliable for not more than fifteen (15) days subsequent to the date of inspection. This report shall not be assigned, sold or otherwise transferred to third persons without the express written consent of the Licensee noted above.”

Members clarified that the inspection report covers termites, not wood rot and stated that the 15-day period is a sufficient amount of time for both the buyer and the seller. The Board further stated that a re-inspection can be done closer to the closing date if the property is scheduled to close after the 15-day period.

Open Forum:

(Public comment on issues not on the agenda, for consideration for Board's agenda at a subsequent meeting.)

Chairperson Ono asked if there are any public comments.

Raelene Tenno introduced herself and complained that she would receive calls from a termite company stating that they are at her property to do an inspection, but she had no record of anyone calling to make an appointment. At the jobsite, the inspectors are not equipped to properly complete the inspection. She would supply a ladder and claim no responsibility if they are injured. She claims that this has been going on for more than ten years.

Chairperson Ono suggested that she call the Regulated Industries Complaints Office (“RICO”).

Ms. Tenno stated that she has done that and is dissatisfied with the response she received. She asked the Board if they could help her with this matter as she has nowhere else to turn to for help.

Chairperson Ono said that as this matter was not on the meeting agenda, the Board cannot discuss this, however, the matter could be added to the agenda for the next Board meeting.

The Board thanked Ms. Tenno for coming to the meeting.

A member requested to discuss the experience and job requirements/responsibilities of the pest control field representative ("PCFR") and the responsible managing employee ("RME") at the next Board meeting. EO Ferrer will include the requested item on the agenda for the May 21, 2018 meeting.

Announcements:

a. Next Meeting:

Monday, May 21, 2018
2:00 p.m.
King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Adjournment: There being no further business to discuss, the meeting adjourned at 2:35 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ May Ferrer _____

/s/ Susan A. Reyes _____

May Ferrer
Executive Officer

Susan A. Reyes
Secretary

MF:sar

03/22/18

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