

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

MINUTES OF THE MEETING

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

Date: Monday, July 23, 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
Lynn Nakasone, Department of Health, Ex-Officio
May Ferrer, Executive Officer (“EO”)
Krishna Jayaram, Esq., Deputy Attorney General (“DAG”)
Susan Reyes, Secretary

Member(s) Zhiqiang Cheng, Ph.D., Department of Plant & Environmental Protection
Excused: Sciences, Ex-Officio
John McHugh, Ph.D., Department of Agriculture, Ex-Officio

Staff None.
Excused:

Guest(s): Daria Loy-Goto, Regulated Industries Complaint Office (“RICO”)
Curran Abell
Randy Kleinhampfl – Eco Shield Pest Control Oahu LLC
Jason Nygren – Eco Shield Pest Control Oahu LLC
Andrew Nowinski
Michael Worden – Kama’aina Termite & Pest Control, Inc.

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:

It was moved by Vice Chairperson Manago, seconded by Dr. Yates, and unanimously carried to approve the minutes of the June 4, 2018 meeting as circulated.

DAG Jayaram arrived at the meeting at 2:02 p.m.

The following agenda item was taken out of order.

New Business:
("RICO")

- a. Presentation by the Regulated Industries Complaints Office overview

Ms. Loy-Goto stated that the Pest Control Board does not see a lot of legal actions taken by Rico relating to pest control. The front-end of RICO are handled by the intake investigators. Some of the complaints are consumer-related and RICO will work with the licensee toward resolution. Another area is records and are situations that the licensee will be able to work with the consumer before it rises to a formal investigative case. This is where a lot of their efforts have been targeting and helps in the timeliness of processing the rest of the cases and, the cases that RICO really should be looking at. The intake investigators also handle early case resolutions. They have expanded their pool of investigators so that certain kind of cases are being addressed in the front-end and not by the field investigators unit. A good example are criminal convictions that might be related to the profession. Another type of complaint is advertising without a license or advertising without a license number. In these cases, the intake investigators can do the preliminary workup before it goes to a field investigator, if necessary. If it doesn't have to go to a field investigator, it will be sent directly to a staff attorney so that RICO will be able to an effect of settlement or negotiate early on.

RICO is replacing their complaints management database. This will help in communicating with their neighbor island offices. Currently, they would drop the cases in the mail. With the new system, documents are scanned and can be put in their inbox the same day. This will help in bridging the communication with all five offices.

In terms of complaints, not all matters that come in are going to be public. The rhetoric that RICO is getting is "I filed a complaint, why is it not on the website?" RICO is working on the education piece to inform the consumers that RICO will decide what cases they will investigate and prosecute. On the complaint form it asks: "What would you like to see as a result of filing this complaint?" The top three were:

1. an apology;
2. reprimand of the licensee and;
3. show the reprimand on the website for everyone to see

RICO is also developing the ability for licensees to report unlicensed activities to them on real-time. RICO is working with Professional Vocational Licensing ("PVL"), so that when licensees are renewing online, the licensees will have the ability to report information to RICO that the licensee is concerned about. RICO is trying to encourage licensees to use their brochures ("Hire a licensed pest control operator") to hand out to the consumers that they are doing bids or quotes for.

During the last legislative session, there was a resolution for an auditor's study on home inspectors. RICO had the opportunity to meet with the auditors and will be working with the auditor's office on this. RICO does not often get involved with legislation. Policy-wise, RICO would leave it up to the Boards. But in terms of enforcement, if there are enforcement issues, RICO will get involved. One type of enforcement issue, to the extent that a home inspector may be evaluating for infestation and, may be giving a written recommendation. RICO's comment to the auditor was that, that individual may be engaged in unlicensed practice of pest control. There are stringent requirements in terms of what that written report would have to do in what you can hold out and, what you can represent that you see or do not see as part of that process. As the legislative session moves forward, RICO's recommendation that this will be an issue, even if it has to do with new licensee and a completely different kind of professional and the potential for overlap, that this is something that you may want to pay attention to.

Ms. Loy-Goto wanted to go over the hand-outs that she had given to the board members. One of them was a quick summary of what RICO does, the interaction that we may have with RICO in terms of settlement agreements or recommended orders that comes in front of this Board for consideration. There was an open house at RICO last year, but because RICO is in the development of updating their software to have it up in the early fall and everyone trained to smoothly transition over to the new system, it was put off and potentially have it back in the spring of next year.

Ms. Loy-Goto asked the Board if they had any questions. Chairperson Ono asked: "How do we report unlicensed people that are spraying for fire ants"?

Ms. Loy-Goto said this is where real-time reporting is handy. Most of the cases are worked up, meaning obtaining records from the

individual and talking to the homeowner. They would also liaison with Department of Health – Pesticide Branch and Department of Agriculture.

Ms. Loy-Goto left the meeting at 2:23 p.m.

The following agenda item was taken out of order.

Executive a. Examination Review Report
Officer’s Report:

**PROMETRIC
 HAWAII PEST CONTROL EXAMINATIONS
 EXAMINATIONS ADMINISTERED JUNE 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	2	0	2	0%	100%
FIELD REP BR 1	3	1	2	34%	66%
FIELD REP BR 2	9	4	5	45%	55%
FIELD REP BR 3	2	0	2	0%	100%
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				16	
TOTAL NO. EXAMS PASSED				11	
TOTAL NO. EXAMS FAILED				5	
TOTAL PERCENT PASSED				68%	
TOTAL PERCENT FAILED				32%	

Applications: a. Pest Control Operator (“PCO”) / Responsible Managing Employee (“RME”)

It was moved by Mr. Montalbo, seconded by Mr. Lau, and unanimously carried to approve/defer the Pest Control Operator (“PCO”) / Responsible Managing Employee (“RME”) applications as reflected in the attachment.

b. Pest Control Field Representative (“PCFR”)

It was moved by Mr. Montalbo, seconded by Mr. Lau, and unanimously carried to approve/defer the Pest Control Field Representative (“PCFR”) license applications as reflected in the attachment.

c. Reactivation

It was moved by Mr. Montalbo, seconded by Mr. Lau, and unanimously carried to approve/defer the license reactivation application as reflected in the attachment.

Unfinished Business:

a. Rule Revisions

(i) HAR section 16-94-17 – Progress update

EO Ferrer informed the Board that the request to have a public hearing was approved and the notice will be submitted soon.

(ii) Discussion regarding PCFR/RME responsibilities and licensure requirements

Mr. Montalbo shared some of his disagreements with the proposed draft rules. He indicated that while the training hours are fine, he feels that the job list does not serve a good purpose. It was noted that on several occasions that applicants from the same company had submitted duplicated job lists. Such misuse of the job report results in delays in the application approval process, misreporting of information, and possible disservice to the public. Mr. Montalbo stated that the Board members' time would be better spent if the members reviewed other types of experience verification that provide a better reflection of an individual's experience.

EO Ferrer strongly suggested to the Board to move forward with the rules. She informed the Board that any substantive change would require having to start the rule revision process all over again.

After a brief discussion, Chairperson Ono indicated that the Board would maintain its prior decision to move the rules forward.

New Business:

a. E-mails from Mr. Curran Abell regarding heat treatment

Mr. Abell wanted to brief the Board on a new heat treatment that eliminates bed bugs in one treatment within 6 hours. Mr. Abell asked if this type of treatment would require a pest control license.

DAG Jayaram said that he will need to get a PCO license under and introduce the heat treatment as an additional service.

Mr. Montalbo informed Mr. Abell that he would need to hire someone as his responsible managing employee ("RME"). The branches he will need is Branch 1 (Fumigation) and Branch 2 (General Pest).

Dr. Yates sated that data must be supplied and the device approved by the Department of Agriculture, Pesticides Branch before this method can be used.

Public Comment
for Items Not on
the Agenda:

Comments from the public are accepted at this time on topics not specifically addressed elsewhere on the agenda. The public may comment by signing-in before speaking during the Public comment section. The Board is precluded from discussion or acting on items raised by Public Comment that are not already on the agenda, except to decide whether to place the matter on the agenda of a future meeting. **Public comments will be limited to 5 minutes per person at the discretion of the Chairperson.**

Announcements:

- a. Association of Structural Pest Control Regulatory Officials ("ASPCRO") 62nd Annual Meeting, August 20 – 24, 2018, San Antonio, TX

Chairperson Ono asked for a volunteer member to attend the ASPCRO meeting. Mr. Manago volunteered to attend this meeting and Mr. Lau will be his backup if Mr. Manago is unable to attend.

- b. Next Meeting:

Monday, September 17, 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 3:20 p.m.

Taken and recorded by:

Taken and recorded by:

/s/ May Ferrer
May Ferrer
Executive Officer

/s/ Susan A. Reyes
Susan A. Reyes
Secretary

MF:sar

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Minutes approved as is.

Minutes approved with changes, see minutes of _____

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ATTACHMENT

a. PCO/RME Applications

(i)	Ecoshield Pest Control, LLC Approved	BR-2, BR-3
(ii)	Justin Dorser Approved	BR-1
(iii)	John Hartley dba Bullseye K-9 Detection Approved	BR-2

b. PCFR Applications

(i)	Christine Chrismore Approved	BR-1, BR-2, BR-3
(ii)	Gerald Hornbeak Approved	BR-2, BR-3
(iii)	Pedrito Sarte, Jr. Approved	BR-2
(iv)	Deborah Watabayashi Approved	BR-3

c. REACTIVATION Application

(i)	Andrew Nowinski Approved	BR-2, BR-3
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