

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, January 28, 2019

Time: 2:00 p.m.

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

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

Member(s)
Excused: Rodney Ono, Industry Member, Chairperson
Lynn Nakasone, Department of Health, Ex-Officio
John McHugh, Ph.D., Department of Agriculture, Ex-Officio

Guest(s): David T. Gima Sunagawa – Wela Pest Control
Tim Lyons – Hawaii Pest Control Association (“HPCA”)
Richard Lee – American Fumigation
Steve Russo – Terminix International
William J. Nagel III - Attorney

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.

Amendments to Agenda: EO Tamanaha requested to add Senate Bill No. 202, Relating to Professional and Vocational Regulatory Programs to the agenda under Proposed Legislation. It was received after the agenda was filed. She wanted to get the Boards position in the event a hearing is held prior to the next Board meeting.

It was moved by Mr. Montalbo, seconded by Dr. Yates, and unanimously carried to approve amending the agenda as noted.

Approval of Minutes:

It was moved by Mr. Montalbo, seconded by Mr. Lau, and unanimously carried to approve the minutes of the November 26, 2018 meeting as circulated.

Executive Officer's Report:

a.

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

<u>EXAM</u>	<u>ADMINISTERED NO. EXAMS</u>	<u>NO. FAIL</u>	<u>NO. PASS</u>	<u>% FAIL</u>	<u>%PASS</u>
PART 1	0	0	0	0%	100%
FIELD REP BR 1	2	1	1	50%	50%
FIELD REP BR 2	8	2	6	25%	75%
FIELD REP BR 3	2	1	1	50%	50%
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				12	
TOTAL NO. EXAMS PASSED				8	
TOTAL NO. EXAMS FAILED				4	
TOTAL PERCENT PASSED				66%	
TOTAL PERCENT FAILED				34%	

Applications:

a. Pest Control Operator ("PCO") / Responsible Managing Employee ("RME")

- i. Lanaki Pest Control LLC / BR-2, BR-3
- ii. Randy K. Romer / BR-2, BR-3
- iii. Wela Pest Control LLC / BR-2

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.

EO Tamanaha advised the members that on January 24, 2000, the Board established a four member Application Review Committee (“ARC”), of which the review and concurrence of two members shall constitute the authority to make a final determination of the sufficiency of the documentations or to approve an application for examination subject to board ratification; provided that if any two members did not concur, the application would be deferred for the review of the full board. Members were Oahu members as there is no funding for the additional travel expenses.

She further explained that resurrecting this committee will aid applicants and the licensure process since the Board did not meet monthly. This will also enable applicants to cure deficiencies prior to the boards next scheduled meeting and move the licensure process forward.

The Board concurred that the ARC should be utilized. Vice Chair Manago requested volunteers and subsequently named David Lau, Julian Yates, Zhiqiang Cheng and himself to the committee.

Unfinished
Business:

a. Rule Revisions

(i) HAR section 16-94

The EO requested that the Board review each rule revision being proposed and the accompanying justification. Many of the revisions are necessary to provide clarity, consistency of terms, and guidance to licensees and the public. Delaying these changes would be a detriment to the industry. She understands that the Board has concerns with 16-94-17 and that they would like to discuss changes to this section. Thus, she is asking the Board to consider removing in its entirety section 16-94-17 and proceeding with all other revisions.

After review of each section being amended, it was moved by Mr. Ai, seconded by Mr. Montalbo, and unanimously carried to approve to move forward on all sections except 16-94-17.

Correspondence: a. Email from Steve Russo at Terminix regarding issues with service

Mr. Russo relayed his concerns regarding the application process. He stated that deficiency letters are being sent to an incorrect mainland address. There were four separate letters that he mailed or personally hand delivered to licensing branch to change their RME, yet the records of all reflects as the PRME and he is no longer with the company.

EO Tamanaha apologized for this inconvenience and will personally look into this matter to correct the records.

Public Comment: 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 discussing or acting on items raised by Public Comment that are not already on the agenda.
Public Comment will be limited to 5 minutes per person at the discretion of the Chairperson

Mr. Richard Lee introduced himself to the Board and wanted the Board to know that Terminix International is formulating a new company named "American Fumigation Services, LLC". He will be the principal RME; however, they missed the agenda filing deadline.

Mr. William J. Nagel, III introduced himself to the Board and stated that he is the attorney at law retained by Terminix International to help them with the transition to American Fumigation Services, LLC.

Mr. David T. Gima Sunagawa introduced himself to the Board and asked if they are allowed to operate once they get a license number. EO Tamanaha stated that they are allowed to start contracting once they receive a license number which is reflected on the website. They do not have to wait for the pocket card.

Proposed
Legislation:

Senate Bill No. 202, Relating to Professional and Vocational Regulatory Programs

EO Tamanaha stated to the Board that the bill establishes repeal dates for all the professional and vocational regulatory programs under DCCA and requires the auditors to perform an evaluation of each program prior to repeal.

She stated that in the early '90s Boards were on a regular scheduled sunset review, which meant that the auditor would come in and review the regulatory program and report to the legislature their findings. The law was

changed to repeal the regular sunset review. On page 3, line 15 through 18 reflects pest control operators 460J shall be repealed on June 30, 2031.

EO Tamanaha stated that it is concerning because after this date there will be no regulation of pest control and asked for the Board's position.

After a lengthy discussion, it was moved by Vice Chair Manago, seconded by Dr. Yates, and unanimously carried to oppose the repeal of chapter 460J and is "not opposed" to review by the auditor's office.

Announcements:

a. Next Meeting:

Monday, March 25, 2019
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 3:12 p.m.

Taken and recorded by:

Taken and recorded by:

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

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

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02/12/19

[] Minutes approved as is.

[X] Minutes approved with changes, see minutes of 3/25/19

ATTACHMENT

a. PCO Applications

(i) (ii)	Lanaki Pest Control LLC Randy K. Romer Deferred	BR-2, BR-3
(iii)	Wela Pest Control LLC RME: David T. Gima Sunagawa (PCO-473) Approved for dual RME	BR-2

(i)	Darrell K. Aea Approved	BR-1
(ii)	Joshua Barnett Approved	BR-2
(iii)	Thomas Bryant Approved	BR-2, BR-3
(iv)	Orlando I. Busto, Jr. Approved	BR-2, BR-3
(v)	Brian E. Connolly Approved	BR-1, BR-2
(vi)	Larry Goldberg Approved	BR-3
(vii)	Travis K.S. Ichiki Approved	BR-2, BR-3
(viii)	Dezzarae Kealoha-Lapenia Approved	BR-3
(ix)	Daniel Perreira Jr. Approved	BR-2, BR-3
(x)	Francisco E. Quioco BR-1 & BR-3 Approved /BR-2 Deferred pending verification to support experience qualifications for non-chemical	BR-1, BR-2, BR-3
(xii)	Robyn T. Uyehara Approved	BR-2, BR-3