

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, September 23, 2019

Time: 2:00 p.m.

Place: Queen Liliuokalani 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
Jonathan Montalbo, Industry Member
David Lau, Industry Member
Julian Yates, Ph.D., Public Member
Scott Ai, Public Member
Lynn Nakasone, Department of Health, Ex-Officio
John McHugh, Ph.D., Department of Agriculture, Ex-Officio
Charlene Tamanaha, Executive Officer (“EO”)
Mika Miyasato, Executive Officer (“EO”)
Christopher Leong, Esq., Deputy Attorney General (“DAG”)
Susan Reyes, Secretary

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

Guest(s): Ahlani K. Quiogue, Supervising Executive Officer, DCCA – PVL
Steve Russo, The Terminix International Company LP
Tim Lyons – Hawaii Pest Control Association
Wes Otani – Douglas Products
Jennifer Gordon – Douglas Products

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.

Approval of Minutes: It was moved by Vice Chairperson Manago, seconded by Mr. Montalbo, and unanimously carried to approve the minutes of the July 29, 2019 meeting as circulated.

Executive Officer's Report:

a. Examination Report

**PROMETRIC
 HAWAII PEST CONTROL EXAMINATIONS
 EXAMINATIONS ADMINISTERED JUNE 2019**

<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	1	0	100%	0%
FIELD REP BR 1	8	1	7	13%	87%
FIELD REP BR 2	4	0	4	0%	100%
FIELD REP BR 3	7	2	5	29%	71%
OPERATOR BR 1	0	0	0	0%	0%
OPERATOR BR 2	2	1	1	50%	50%
OPERATOR BR 3	1	0	1	0%	100%

TOTAL NO. EXAMS ADMINISTERED	23
TOTAL NO. EXAMS PASSED	18
TOTAL NO. EXAMS FAILED	5
TOTAL PERCENT PASSED	78%
TOTAL PERCENT FAILED	22%

EO Miyasato reminded the Board of the orientation for all DCCA/PVL Board and Commission members, to be held on October 11, 2019, at the State Capitol Auditorium from 8:30 a.m. to 12:00 p.m. Mr. Manago and Mr. Lau will be attending.

Applications:

a. Without Exam Ratification(s)

1. J&J Enterprises LLC / PCO / BR-1, 2, 3
2. Rentokil North America, Inc. / PCO / BR-2, 3

It was moved by Vice Chairperson Manago, seconded by Mr. Montalbo, and unanimously carried to ratify the above applications.

b. Pest Control Operator ("PCO")

	Applicant	Branch(es)	Board Determination
(i)	Able Pest Management LLC RME: John Baraquio (PCO-782 / BR-2, 3)	1	Approved
(ii)	Baraquio, John (PCO-782 / BR-2, 3) Able Pest Management LLC (PCO-998 / BR-2, 3)	1	Approved

It was moved by Vice Chairperson Manago, seconded by Dr. Yates, and unanimously carried to approve the applications above.

c. Exam Ratification(s)

1. Phillip Bishard / PCFR / BR-1, 2
2. Jeremiah Brock / PCFR / BR-3
3. Mark Dunn / PCFR / BR-2, 3
4. Brandon Kahalewai / PCFR / BR-2
5. Preston Kimoto / PCFR / BR-3
6. Randy Phimmasen / PCFR / BR-2
7. Ladislaus Roy / PCFR / BR-3

It was moved by Vice Chairperson Manago, seconded by Mr. Montalbo, and unanimously carried to ratify the above applications.

d. Pest Control Field Representative ("PCFR")

	Applicant	Branch(es)	Board Determination
(i)	Brad Acosta The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	2	Approved
(ii)	Austin Aylward Kama'aina Termite & Pest Control Inc. (PCO-824 / BR-1, 2)	1, 2	Approved
(iii)	Robert Baltch Kama'aina Termite & Pest Control Inc. (PCO-824 / BR-1, 2)	1, 2	Approved
(iv)	Danny Bonilla Orkin LLC (PCO-1349 / BR-1, 2, 3)	2	Approved
(v)	Kaulana Freitas Kama'aina Termite & Pest Control Inc. (PCO-824 / BR-1, 2)	1, 2	Approved
(vi)	Bradon Kahalewai The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	1	Approved
(vii)	Christopher Komatsu The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	1	Approved
(viii)	Bradden Mahuka Will Kill Termites and Pest (PCO-1126 / BR-2, 3)	2, 3	Approved
(ix)	Robert Maiers The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	3	Approved
(x)	De Vonn Manuel Aloha Termite Kauai Inc. (PCO-1118 / BR-1, 2, 3)	1, 2, 3	Approved
(xi)	Jovani Mojica Kama'aina Termite & Pest Control Inc. (PCO-824 / BR-1, 2)	1, 2	Approved
(xii)	CleArthur Morris The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	2	Approved
(xiii)	Joey Muller Kama'aina Termite & Pest Control Inc. (PCO-824 / BR-1, 2)	1, 2	Approved
(xiv)	Manu Olevao Kilauea Pest Control Inc. (PCO-954 / BR-2, 3)	2, 3	Approved

(xv)	Kekona Orr The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	3	Approved
(xv)	Ladislaus Roy The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	1	Approved
(xvi)	Christopher Williams Kama'aina Termite & Pest Control Inc. (PCO-824 / BR-1, 2)	1, 2	Approved

It was moved by Mr. Lau, seconded by Vice Chairperson Manago, and unanimously carried to approve the applications above.

Mr. Montalbo asked about The Terminix International Company LP ("TTIC") being bought out by American Fumigation Services LLC ("AFS") and wanted to know their process for signing the experience certificates for jobs.

Mr. Steve Russo, who was present at the meeting, introduced himself as TTIC's support manager. He responded that they contract the jobs and send their PCFR to the jobsite and AFS is on the jobsite.

Executive Session: At 2:20 p.m., it was moved by Dr. Yates, seconded by Vice Chairperson Manago, and unanimously carried to move into executive session to consider and evaluate personal information relating to individuals applying for professional or vocational licenses in accordance with HRS § 92-5(a)(1), and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, immunities, and liabilities in accordance with HRS § 92-5(a)(4).

Guest were excused from the meeting room.

At 2:27 p.m., it was moved by Dr. Yates, seconded by Mr. Montalbo, and unanimously carried to return to open session. The room was reopened to the public.

The Board discussed their concern that the RME overseeing the on-site supervision of the BR-1 applicant should be the RME signing and attesting to the experience. The Board asked Mr. Russo to explain his signature on the experience form. Mr. Russo indicated that their applicants are Terminix employees, however confirmed that their employees are under the supervision of AFS. It was moved by Mr. Montalbo, seconded by Mr. Yates that going forward the PCO/RME, who is on the physical job site overseeing the work being performed, needs to be the one signing the Certification of Training and Field Experience.

Unfinished
Business:

a. Rule Revisions

(i) HAR section 16-94-17

EO Miyasato briefed the Board on the PIG's proposed changes as follows:

1. To separate the experience requirements for PCO in HAR 16-94-17 and to create a new section, 16-94-17.5, to address PCFRs.
2. To require the Department of Agriculture certification for the PCFR.
3. To change the PCFR job list requirements in Branches 1, 2, and 3 to include specific treatments and the performance of at least one job in each treatment type.

EO Tamanaha stated that she and EO Miyasato will work on a draft for the Board's review at its next meeting.

New Business:

a. RICO Pest control Advisory Committee List

- (i) Board review and approval of Advisory Committee list and Addendum language for 2020 term.

EO Miyasato presented the list for the Board's review and decision.

It was motioned by Mr. Montalbo, seconded by Dr. Yates, and unanimously carried to approve only one of the names listed and the addendum RICO language. In addition, the Board provided a recommendation for RICO's consideration.

Scope:

- a. Dawnie Ichimura, staff attorney for RICO, forwarded a complaint that her office received regarding the treatment of LFAs by a business operating without a pest control license. RICO is requesting an informal interpretation as to: 1) whether the company needs a pest control operator's license to engage in the above-described activity, and 2) if a pest control operator's license is required, whether such actions fall under the "agricultural purposes" exemption under HRS §460J-26(5).

EO Miyasato briefed the Board and relayed that Dawnie Ichimura, staff attorney for RICO, is seeking the Board's interpretation and wanted the Board's answer to her questions.

Chairperson Ono responded to the above questions as follows:

1. Pursuant to HRS § 460J-1, “ ‘Pest control’ means, with respect to wood-destroying pests, or other pests which may invade households or other structures, including railroad cars, ships, docks, trucks, airplanes, or the contents thereof, the engaging in, offering to engage in, advertising for, soliciting, or performing the following for hire:
 - (1) Identifying pests or infestations;
 - (2) Making an inspection for the purpose of identifying or attempting to identify infestations of household or other structures by pests;
 - (3) Making inspection reports, recommendations, estimates, and bids, whether oral or written, with respect to infestations; or
 - (4) Making contracts, or submitting bids for, or the use of avicides, insecticides, pesticides, rodenticides, fumigants, or allied chemicals or substances, or mechanical devices, for the purpose of eliminating, exterminating, controlling, or preventing infestations of pests or organisms.”

Chairperson Ono felt that based on the definition provided in HRS § 460J-1, Lawn Artist LLC appears to be engaging in activities requiring a pest control license.

2. Regarding whether the described actions fall under the “agricultural purposes” exemption under HRS § 460J-26(5), Chairperson Ono stated that “agricultural purposes” relates to land that is zoned for agricultural use, on which there is no structure.

The Board discussed the term “agricultural purpose” and concurred that the exemption was created to enable farmers to do their own fields and that the Board’s charge is to have oversight of pests which may invade households or other structures.

It was moved by Mr. Montalbo, seconded by Dr. Yates, and unanimously carried that based solely on the information provided in Ms. Ichimura’s letter that (1) per the definition provided in 460J-1, Lawn Artist LLC appears to be engaging in activities requiring a pest control license and (2) the area in question does not appear to fall within the “agricultural purposes” exemption.

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

Wes Otani introduced himself and Jennifer Gordon, both from Douglas Products. He wanted the Board to know that Ms. Gordon can be a resource for the Board to utilize when reviewing the exam questions, because some of the questions could be technical. He also stated that the fumigation calculator that may still be used, are obsolete and are not being made anymore. They do have an application which is free and is used in place of the calculator.

EO Tamanaha stated that they have asked Prometrics to review the exam. She will let Prometrics know that Ms. Gordon from Douglas Products offered herself as a resource in reviewing the exam.

Announcements:

a. Next Meeting:

Monday, November 25, 2019
2:00 p.m.
Queen Liliuokalani 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 2:46 p.m.

Taken and recorded by:

Taken and recorded by:

/s/ Mika Miyasato

Mika Miyasato
Executive Officer

/s/ Susan A. Reyes

Susan A. Reyes
Secretary

MM:sar

09/25/19

Minutes approved as is.

Minutes approved with changes, see minutes of _____.