

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: March 22, 2021

Time: 2:00 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
(use link below)
<https://dcca-hawaii-gov.zoom.us/j/98718664690>

Present: Terrance Manago, Industry Member, Chair
Jonathan Montalbo, Industry Member, Vice Chair
David Lau, Industry Member
Julian Yates, Ph.D., Public Member
Scott Ai, Public Member
William Lee, Industry Member
Jia-Wei Tay, Ph.D., Department of Plant & Environmental Protection
Sciences, Ex-Officio
Gracelda Simmons, Department of Health, Ex-Officio
Greg Takeshima, Department of Agriculture, Ex-Officio
Lei Ana Green, Executive Officer
Christopher Leong, Esq., Deputy Attorney General (“DAG”)
Susan Reyes, Secretary
Jenny Yam, Executive Officer
Kerrie Shahan, Executive Officer
James Skizewski, Executive Officer
Christine Dela Cruz (technical support)
Stephanie Karger (technical support)

Member(s)
Excused: None

Guest(s): Wesley Otani, Douglas Products
Steve Russo, The Terminix International Company
Tim Lyons, Hawaii Pest Control Association (“HPCA”)
Preston Cole

Agenda: The agenda for this hearing 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 hearing was called to order by Chair Manago at 2:00 p.m.

A brief video was played that explained meeting procedures and information on how members of the public can participate during the meeting.

There being quorum, Chair Manago called the meeting to order at 2:08 p.m. He provided information on how members of the public can participate during the meeting.

Approval of Minutes:

It was moved by Vice Chair Montalbo, seconded by Dr. Yates, and unanimously carried to approve the minutes of the January 25, 2021 meeting as is.

Chair Manago asked if there are any members of the public who would like to provide oral testimony on this agenda item, to which Mr. Lyons raised his hand.

Mr. Lyons said that he was listening in and wanted the Board to know of his presence.

Executive Officer's Report:

Ms. Green welcomed William Lee, a new industry Board member, and said goodbye to Chair Manago, as it is his last meeting. She thanked him for his time and service to the board.

a. Examination Report

**PROMETRIC
HAWAII PEST CONTROL EXAMINATIONS**

EXAMINATIONS ADMINISTERED FEBRUARY 2021

<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	1	0	1	0%	100%
FIELD REP BR 2	9	1	8	12%	88%
FIELD REP BR 3	4	1	3	25%	75%
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	15
TOTAL NO. EXAMS PASSED	12
TOTAL NO. EXAMS FAILED	3
TOTAL PERCENT PASSED	80%
TOTAL PERCENT FAILED	20%

Applications: Chair Manago asked if there are any members of the public who would like to provide oral testimony on this agenda item, to which there were none.

a. Ratification(s)

	Applicant	License	Branch(es)
(i)	Armelio Cabatingan Ecolab, Inc. (PCO-640 / BR-2)	PCFR	2
(ii)	Stacy Hirota Aloha Termite Kauai, LLC dba Aloha Termite & Pest Control (PCO-1118 / BR-1, 2, 3)	PCFR	1, 3
(iii)	Jim Mones Aloha Termite Kauai, LLC dba Aloha Termite & Pest Control (PCO-1118 / BR-1, 2, 3)	PCFR	3
(iv)	Patrick Whang Aloha Termite Kauai, LLC dba Aloha Termite & Pest Control (PCO-1118 / BR-1, 2, 3)	PCFR	1, 3

It was motioned by Vice Chair Montalbo, seconded by Mr. Lau, and unanimously carried to ratify the above applications, with Vice Chair Montalbo recusing himself from applications of Stacy Hirota, Jim Mones and Patrick Whang.

b. Pest Control Operator ("PCO")

None.

c. Pest Control Field Representative ("PCFR")

	Applicant	Branch(es)	Board Determination
(i)	Timothy Abraham Will Kill Termites & Pests LLC (PCO-1126 / BR- 2, 3)	2, 3	Approved
(ii)	Kylene Albao The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	1	Approved
(iii)	Evan Alexander Additional Class Orkin LLC (PCO-1349 / BR-1, 2, 3)	3	Approved
(iv)	Eric Armenti Orkin LLC (PCO-1349 / BR-1, 2, 3)	2, 3	Approved

(v)	Clayton Baltero Will Kill Termites & Pests LLC (PCO-1126 / BR- 2, 3)	2, 3	Approved
(vi)	Keith Barone Additional Class The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	1	Approved
(vii)	Jon Chang Orkin LLC (PCO-1349 / BR-1, 2, 3)	2	Deferred
(viii)	James Curry The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	1	Approved
(ix)	Jordan Gamboa Orkin, LLC (PCO-1349 / BR-1, 2, 3)	2	Deferred
(x)	Che Gonzales Will Kill Termites & Pests LLC (PCO-1126 / BR- 2, 3)	2, 3	Approved
(xi)	Kiniokalani Henderson Additional Class The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	1	Approved
(xii)	Jeanette Imler Additional Class The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	1	Approved
(xiii)	Jamie Kamaka-Williams The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	2	Approved
(xiv)	Dalyn Kupukaa Will Kill Termites & Pests LLC (PCO-1126 / BR- 2, 3)	2, 3	Approved
(xv)	James Nantin Additional Class The Terminix International Company LP (PCO-618 / BR-1, 2, 3)	3	Approved
(xvi)	Esaias Nathaneal Will Kill Termites & Pests LLC (PCO-1126 / BR- 2, 3)	2, 3	Approved
(xvii)	Hidie Pargud Orkin LLC (PCO-1349 / BR-1, 2, 3)	2	Deferred
(xviii)	Mark Pilar Additional Class (Pending BR-2)	3	Approved

	The Terminix International Company LP (PCO-618 / BR-1, 2, 3)		
(xix)	Andrew Ramirez Orkin LLC (PCO-1349 / BR-1, 2, 3)	2	Approved
(xx)	Richard Ribordy Will Kill Termites & Pests, LLC (PCO-1126 / BR- 2, 3)	2, 3	Approved

It was motioned by Vice Chair Montalbo, seconded by Mr. Lau, and unanimously carried to approve/defer applications as reflected above, with Mr. Lee recusing himself from the applications of Timothy Abraham, Clayton Battero, Che Gonzales, Dalyn Kupukaa, Esaias Nathaneal and Richard Ribordy.

Old Business: a. Rule Revisions

Chair Manago asked if there are any members of the public who would like to provide oral testimony on this agenda item, to which there were none.

i. Process Update

Ms. Green stated that the final document has been routed for review and signature. It is currently with DAG Leong and can be sent to the Director after his review and signature. After she reviews and signs, it will be sent to the Governor.

b. Updating licensure exam questions

i. Fumigation questions and calculator

Vice Chair Montalbo stated that this is still in process. The Exam Committee has made their recommended revisions and are waiting for Prometric to make the adjustments before they re-review the exam.

New Business: a. Pest Control Operator, Responsible Managing Employee (RME) – Training and Supervisory Experience for Additional Class

Chair Manago asked if there are any members of the public who would like to provide oral testimony on this agenda item, to which there were none.

Ms. Green noted that in the September 28, 2020 Board meeting, Vice Chair Montalbo asked how a pest control operator who was receiving training for a branch in which he is not currently licensed would also get the supervisory experience that's required for licensure. At the January 25, 2021 Board meeting, Vice Chair Montalbo asked if the Board would

have an associated training form, similar to what was developed for pest control field representatives.

Ms. Green stated that we could develop a form for the training and asked how the Board proposes to address the requirement for supervisory experience. For example, Vice Chair Montalbo is licensed in BR-1, fumigation, and Chair Manago is not. If Chair Manago would like to get his license in BR-1, he will need one-year experience as an applicator and one-year of supervisory experience. One option could be that the Chair Manago hires a licensed PCO in BR-1. If his entity hires an additional RME in BR-1, Chair Manago's entity can apply to be licensed to perform BR-1, then Chair Manago can get supervisory experience training under this BR-1 licensed RME in his own entity. Another option could be to leave his entity and work for someone else who has a BR-1 license.

Mr. Lau suggested that, using this example, Vice Chair Montalbo's entity could subcontract BR-1 jobs to Chair Manago's entity, and Chair Manago sells and supervises the BR-1 work under Vice Chair Montalbo's license and training. It could be potentially applicable because Chair Manago is subcontracting with Vice Chair Montalbo for 100 jobs, and he still manages his own business.

Vice Chair Montalbo said that "supervision" it is not just supervising the job, it also includes the training and safety, and the storage and transportation of products. Additionally, Chair Manago would need to be the licensed applicator on the job, which means Chair Manago would need to put his 7A under his [Montalbo's] company, because that would be where the pesticide application would be noted.

Mr. Lau said that having a form is a good start, certifying that the individual is not only supervising but actually taking part in the whole process and learning the storage, application, supervising as well.

Dr. Yates said that he has concern about bringing in another entity to subcontract, or as an employee, as a solution to the supervision requirement, while an operator still maintains his own entity. Working under someone else's supervision to get the experience ensures no ties between the two companies.

Chair Manago clarified that for PCO training, it's similar to PCFR training in that the PCO would be paid by the employing entity to learn from another appropriately licensed entity/PCO in being an applicator for one year for at least 100 projects and then, for a second year, the PCO would still be paid by the employing entity to supervise on-site field supervision of these projects with the training entity/PCO. Dr. Yates stated he is comfortable with that.

Vice Chair Montalbo stated that the agriculture license needs to be transferred, because the PCO being trained needs to be the licensee on file. This also means that annually, in this example scenario, Chair Manago would need report for the entity as their applicator.

Chair Manago asked Mr. Takeshima if the PCO needs to be hired by the entity order to be the certified applicator. Mr. Takeshima responded that the PCO would have to be attached to a PCO to be a certified applicator.

Vice Chair Montalbo also stated that supervision is defined in different ways. According to the rules you just need to be on the job site.

Chair Manago said that it depends on the PCO/RME who will be signing these forms and the Board needs to make sure the applicants have met the training and supervision requirements.

Dr. Yates asked, if the Board has questions about the quality of the training, what recourse or authority do we have to ask the signee to produce what the Board needs to determine they've met the requirements.

Vice Chair Montalbo responded that the Board needs to review everything carefully and to ask questions about things that raise flags or at least request verification on things if they don't appear accurate. The Board has to make sure that we are protecting the public and that the RMEs are verifying everything before signing off.

Ms. Green stated that if the board requires additional information, it can be requested, pursuant to HRS 460J-8(8), which states that "to obtain an operator's license, a person shall fulfill the following requirements... Provide other documentation as required to the board." And when we create forms, they could be designed to fit the different branches of PCOs, as was done for PCFRs.

Mr. Otani raised his hand to provide testimony and was recognized by the Chair. He suggested that a person can get another applicator number to eliminate having to create a form. He said that you don't have to work for someone to get an applicator number, you just have to be associated with the PCO number. When the applicators license is submitted, it will reflect the company that you are being trained at and will be the verification of record.

Ms. Green said the use of forms not only ensures uniformity of submissions but also helps to ensure that applications can be processed efficiently and effectively. For example, if an RME from another entity signs the form and it is not recognized by our staff as being from the

employing entity, the application could be marked as deficient while the staff searches for the tie. Additionally, there is a notarization required on the form that is signed by both the employing and training PCO, with the signers attesting to the fact that this agreement has been made and they are both responsible for the individual's training and their performance was done correctly.

Mr. Otani said that to address Dr. Yates' concern regarding recourse, there could be stronger certification language stating that there will be consequences if there is any false information.

DAG Leong said that there is a criminal statute provided on the forms stating for all applications and supporting documents submitted, when signed, that they are attesting that it is truthful.

It was motioned by Mr. Lau, seconded by Vice Chair Montalbo, and unanimously carried to direct Ms. Green to look at the current form to see if it needs to be modified or redesigned to fit the needs of PCOs who are getting associated training for an additional branch in which they are not currently licensed.

Announcements: a. Next Meeting:
May 24, 2021
2:00 p.m.
Location: To Be Determined

Adjournment: There being no further business to discuss, the meeting adjourned at 3:17 p.m.

Taken and recorded by:

Taken and recorded by:

/s/ Lei Ana Green
Lei Ana Green
Executive Officer

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

LG:sar

03/22/21

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