

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

MINUTES OF THE MEETING

Date: Monday, September 17, 2012

Time: 2:00 p.m.

Place: King Kalakaua Conference Room  
King Kalakaua Building, 1<sup>st</sup> Floor  
335 Merchant Street  
Honolulu, HI 96813

Present: Julian Yates, Ph.D., Department of Entomology, Ex-Officio, Chair  
Alvin Fukuyama, Industry Member, Vice - Chair  
Walter Chun, Public Member  
Lance Kobashigawa, Department of Agriculture, Ex-Officio  
Robert Koide, Industry Member  
Lynn Nakasone, Department of Health, Ex-Officio  
Ronald Weinberg, Public Member  
Charlene L.K. Tamanaha, Executive Officer  
Wilma Balon, Secretary

Guest: Jo Ann M. Uchida Takeuchi, Deputy Director, DCCA  
Ryan Teramoto, Certified Pest Management  
Josh Atwood, Hawaii Invasive Species Council  
Jacquiline Kozak Thiel, Hawaii Invasive Species Council  
Joseph Lopiano, Orkin  
Kermitt Kalima, Orkin

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 Chair Yates called the meeting to order at 2:05 p.m.

Introduction of Jo Ann M. Uchida Takeuchi, Deputy Director: Chair Yates welcomed and introduced Jo Ann Uchida Takeuchi, Deputy Director of the Department of Commerce and Consumer Affairs ("DCCA"). The Deputy Director extended the Department's appreciation to the members for their work and dedication to serve the public.

She stated that it's important for the administrations and the Boards to keep the line of communication open and if members have any questions or concerns to bring them to the executive officer's attention.

The Deputy Director informed the Board that this year the department is planning to hold an orientation for any board members interested in attending. She indicated that last year, a similar orientation was held for the board and commission chairperson and their designees. She went on to say

that the orientation will provide information about the resources available and to help members carry out their regulatory responsibilities. The orientation will feature speakers from various agencies regarding ethics, sunshine law and uniform information practices act, complaints and disciplinary actions, contested case hearings, administrative rulemaking, and the role of Board/Commission members.

Chair Yates shared his experience from the previous orientation and encouraged members to attend.

The members thanked the Deputy Director for visiting with the Board.

Additions to  
the Agenda:

None.

Approval of  
the Minutes:

It was moved by Mr. Weinberg, seconded by Mr. Fukuyama, and unanimously carried to approve the minutes of the July 9, 2012 meeting as circulated.

Prometric fka  
Thomson Prometric:

a. Examination Update

The Executive Officer indicated that the Board is awaiting the package for the Item bank for Board review and approval. She informed members the need to establish an application and exam committee.

Discussion followed. It was moved by Chair Yates, seconded by Mr. Chun to nominate Mr. Fukuyama as the application and exam committee.

**Chair Yates moved out of order of the following agenda item(s)**

Applications:

Without Exam

Joseph Lopiano and Kermitt Kalima appeared before the Board to discuss Orkin LLC's application for a PCO BR-1, BR-2 and BR-3 and answer any questions the Board may have.

Executive Officer Tamanaha explained to Mr. Lopiano and Mr. Kalima that they had the choice of discussing the application in either the open session or in executive session. Both Mr. Lopiano and Mr. Kalima indicated that they preferred the proceedings be held in open session.

Mr. Weinberg asked Mr. Lopiano the reason behind the company's change from a corporation to an LLC.

Mr. Lopiano indicated that in 2009 the company changed its name from Orkin Inc. to Orkin LLC. Mr. Lopiano explained that because it's a national company, it is beneficial for it to be a LLC.

Executive Officer Tamanaha informed the Board that the change from a corporation to Orkin LLC is not a name change. It is a new entity and requires a new application.

Mr. Weinberg asked Mr. Lopiano if changing the entity was a way to escape legal problems.

Mr. Lopiano answered that the company is not trying to protect itself from legal matters and indicated that their role is to continue to run the operation.

Ms. Tamanaha explained that all the contracts must be under Orkin Inc. until Orkin LLC is licensed.

Chair Yates asked Mr. Lopiano what was the delay in the entity change since he indicated the change to LLC at the corporate level was done in 2009.

Mr. Lopiano explained to the Board that prior to license renewal, he had contacted the department to inquire about the requirements in transferring names from Incorporated to LLC and was informed to just wait until the renewal period. However, at the time of renewal the name did not match.

Ms. Tamanaha explained that the question they posed was about a name change. Had it been merely a name change documents from BREG verifying the name change at renewal would have sufficed, however, it was not a name change. It was an entity change as evidenced by the documents from BREG in the file. She also explained that the reason a business decision is made to change an entity to another is at the discretion of the business. The matter before the Board is the new application.

It was moved by Ms. Nakasone, seconded by Mr. Ono, and unanimously carried to enter into executive session pursuant to HRS §§92-4 and 92-5, to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities at 2:30 p.m.

#### **EXECUTIVE SESSION**

It was moved by Mr. Weinberg, seconded by Mr. Fukuyama, and unanimously carried to reconvene to the Board's regular order of business at 3:08 p.m.

Applications:

a. Exam Ratification(s)

None.

b. Exam

It was moved by Mr. Fukuyama, seconded by Mr. Ono, and unanimously carried to **approve** the following applications for examination in the respective branches:

1. Dallas Kelley, PCFR, BR-2 & BR-3  
Mokihana Pest Control, Inc., PCO-614, BR-2 & BR-3
2. Paul Campana, PCO (rme), BR-2  
North Shore Termite and Pest Control LLC., PCO-1312,  
BR-1, BR-2 & BR-3
3. Michael W. Robertson, PCFR, BR-2  
Sandwich Isle Termite, PCO-771, BR-1, BR-2 & BR-3
4. Grant K. Miyamoto, PCO (Sole), BR-2 & BR-3
5. Ryan Teramoto, PCO (rme), BR-1, BR-2 & BR-3  
Certified Pest Management Inc., PCO-1225, BR-1, BR-2 &  
BR-3
6. Liana K. Meldrum, PCFR, BR-2 & BR-3  
Terminix, PCO-618 BR-1, BR-2 & BR-3
7. Gary Miguel, PCFR, BR-1, BR-2 & BR-3  
Terminix, PCO-618 BR-1, BR-2 & BR-3
8. Anthony Fabian, PCFR, BR-1, BR-2 & BR-3  
Terminix, PCO-618 BR-1, BR-2 & BR-3
9. Todd Grant, PCFR, BR-1, BR-2 & BR-3  
Terminix, PCO-618 BR-1, BR-2 & BR-3
10. John Sherman, PCFR, BR-1, BR-2 & BR-3  
Terminix, PCO-618, BR-1, BR-2 & BR-3

c. Without Exam Ratification(s)

None.

d. Without Exam

Orkin LLC, PCO, BR-1, BR-2 & BR-3  
Kermit Kalima, PCO-841 BR-1, BR-2 & BR-3

Appearances: a. Joshua R. Atwood, Ph.D.: Coordinator, Hawaii Invasive Species Council

Joshua R. Atwood, Ph.D., Coordinator and Jacqueline Kozak Thiel , Communications Coordinator, Hawaii Invasive Species Council (“HISC”); Department of Land and Natural Resources appeared before the Board to present a powerpoint presentation of their invasive species project to determine whether there is a nexus between their project and the Board’s licensing program.

Dr. Atwood explained to the Board the need to address a number of gaps in invasive species management state-wide. He indicated that HISC was formed to address these gaps and is comprised of Department of Land and Natural Resources, Department of Agriculture, Department of Health, Department of Transportation, Department of Business, Economic Development and Tourism and University of Hawaii. Dr. Atwood informed members that DCCA and other Departments and organizations have been invited to participate to identify some areas where they might have relevant oversight or involvement with invasive species issues.

He went on to say that HISC recognized the critical need for sustainable resources for adequate inspections of incoming goods, the need for early detection and rapid response for designated priority invasive species, and the need for ongoing control of existing pests.

Discussion followed. Dr. Atwood then turned the floor over to Ms. Thiel who informed the Board the importance of increasing public awareness about invasive species. She indicated that invasive species affects the health of our citizens and visitors and early detection will help protect the environment of Hawaii.

Ms. Nakasone indicated that the mission of Vector Control is now to do surveillance (the setting of traps at ports entry) to monitor animals or insects that can transmit disease. It is their aim to try to be more proactive instead of reactive. Due to budget cuts, however, 59 statewide positions have been cut to 17. Dr. Atwood indicated that HISC tries to obtain funding for programs such as Vector Control and that HISC has also undergone cuts in funding.

Discussion followed. The Board commented that using technology and other measures to get the word out is the most effective way for early detection. Ms. Tamanaha suggested including links to HISC sites on the Board’s website to help the Hawaii early detection network. Licensees will have information as to the invasive pests on each island they may come in contact with and where to report it. In addition, Ms. Tamanaha indicated that she will share this information with the HPCA as well.

Chair Yates thanked Dr. Atwood and Ms. Thiel for their presentation and confirmed the Board's consensus to help in this battle to fight invasive species and to preserve life in Hawaii as we know it by placing links to HISC sites on the Board's website.

Unfinished  
Business:

a. Termite Inspection Report Standards

The Executive Officer distributed to members the proposed standards for a Termite Inspection which includes the corresponding lines items of the TIR Report for the Board's review.

At its July 9, 2012 meeting, the Board requested RICO's review and comments as to whether the proposed standards would provide enforcement capabilities in pursuing someone who did not comply with the standards. Ms. Tamanaha informed members that Daria Loy-Goto, Complaints Enforcement Officer at RICO reported that her legal section had no particular concerns with the proposed standards and felt standards would aid in enforcement. They did, however, raise an issue about amending the rules to clarify that a pest control entity shall have an RME at all times.

The Executive Officer explained that while she has proposed revisions to HAR §16-94-25 regarding prohibiting an entity from bidding or entering into contracts without an RME and providing procedures in the event of death, dissociation or disability; HRS §§460J-17, 460J-8, and HAR 16-94-25 provides ample authority that entities are required to have an RME at all times.

HRS §460J-17 Death or dissociation states "No partnership, joint venture, or corporation shall be deemed to have violated this chapter by acting or assuming to act as a pest control operator after the death or dissociation of a licensee who had the direct management of the pest control business thereof prior to final disposition by the board of an application for a license made within thirty days from the date of the death or dissociation".

Thus, an entity who loses its RME must submit a new application for an RME within 30 days of the death or dissociation to remain in good standing or hire a new RME who is already licensed within 30 days. Per the statute, the entity is in violation if they fail to meet the 30 day requirement. In addition, §460J-8 requires that an entity be under the direct management of a RME or operation with an appropriate license and §16-94-25 requires that the RME shall sign or initial all contracts, and be familiar with all contracts and projects the firm undertakes. These statute and rule sections, all indicate that an RME is required at all times.

Discussion followed. Ms. Tamanaha will provide her proposed revisions to §16-94-25 which will address RICO's concerns clarifying the need for an entity to have its employ a RME at all times.

b. Rule Revisions: 16-94-17

The Executive Officer indicated that copies of proposed revisions to section §16-94-17 that were previously proposed by the rules committee is being presented for the Board's review. Ms. Tamanaha reminded members the need to consider whether revisions to this section are required to address the current changes in the industry. She further explained that the Board should be looking at the minimal experience required for the license (PCO or PCFR).

Discussion followed. The Executive Officer recommended that the Board's Rules Committee meet prior to the next Board meeting to consider this topic. Ms. Tamanaha asked members to provide comments for discussion at the next Board meeting.

Announcements:

Next Meeting:

November 19, 2012  
2:00 p.m.  
King Kalakaua Conference Room  
King Kalakaua Building, 1<sup>st</sup> Floor  
335 Merchant Street  
Honolulu, HI 96813

Adjournment:

There being no further business to discuss, Chair Yates adjourned the meeting at 4:30 p.m.

Reviewed and approved by:

Taken and recorded by:

Charlene L.K. Tamanaha  
Executive Officer

Wilma Balon  
Secretary

CLKT:wb

10/8/12

Minutes approved as is.

Minutes approved with changes, see minutes of \_\_\_\_\_.