

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

MINUTES OF THE MEETING

Date: Monday, January 23, 2012

Time: 2:00 p.m.

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

Present: Julian Yates, Ph.D., Department of Entomology, Ex-Officio, Chair
Alvin Fukuyama, Industry Member, Vice - Chair
Lance Kobashigawa, Department of Agriculture, Ex-Officio
Robert Koide, Industry Member
Randall Burnett, Industry Member
Lynn Nakasone, Department of Health, Ex-Officio
Rod Tam, Esq., Deputy Attorney General
Charlene L.K. Tamanaha, Executive Officer
Wilma Balon, Secretary

Excused: Ronald Weinberg, Public Member

Guest: Tim Lyons, Hawaii Pest Control Association
Sandra Wong, Public

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 2:02 p.m.

Additions to the Agenda: None.

Adjudicatory Matter: None.

Approval of the Minutes: It was moved by Mr. Fukuyama, seconded by Mr. Koide, and unanimously carried to approve the minutes of the September 19, 2011 meeting with the following typographical corrections under Scope: a. Inquiry: Whether a license is required to solicit or secure pest control work.

On page 5, the second paragraph, should read as follows:

“The Executive Officer informed members that at the January 24, 2000 meeting the Board determined that a Pest Control Field Representative

(PCFR) or Pest Control Operator (PCO) **license** is required to secure pest control work, identify infestations, make inspections, submit bids, or sign contracts.”

On page 5, the fifth paragraph, should read as follows:

“Mr. Botha also inquired whether a **license** is required to advertise on the website.”

On page 5, the seventh paragraph, should read as follows:

“After discussion, it was moved by Mr. Weinberg, seconded by Mr. Fukuyama and unanimously carried to affirm its prior decision of January 24, 2000 meeting that a Pest Control Field Representative (PCFR) or Pest Control Operator (PCO) **license** is required to secure pest control work, identify infestations, make inspections, submit bids, or sign contracts.”

Executive
Officer’s Report:

a. Office of Information Practices

None.

b. Ethics Commission

None.

c. Boards Policies & Procedures

None.

d. 2012 Meeting Schedule

The Executive Officer informed members of the new 2012 Board meeting schedule that was distributed in their packets. She asked members to check for any conflicts with their personal schedules to avoid quorum problems.

e. Other

None.

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a. Examination Update

None.

Appearances:

None.

The following agenda item(s) were taken out of order.

Correspondence: None.

Department of
Agriculture: None.

Unfinished
Business: a. Rules Committee

Mr. Burnett arrived at 2:11 p.m.

Executive Officer indicated that the Rules committee members met today prior to the board meeting to continue discussions on developing standards relating to termite inspections.

Executive Officer indicated that the Rules Committee along with Mr. Lyons and the HPCA are recommending the following language:

The following represents the minimum standards for conducting a termite inspection and completing the Termite Inspection Report (TIR). The State Form PC9-1205R along with a diagram (s) showing locations of termite infestations and inaccessible areas shall be used to report findings of the inspection.

Inspectors shall be licensed in the following:

1. PCO BR-1 (Fumigation) or BR-3 (Termite)
2. PCFR BR-1 (Fumigation) or BR-3 (Termite) under the supervision of the licensed PCO. Note: The licensed PCO shall sign all TIRS.

Tools: While individual inspectors may utilize various tools to conduct an inspection, the following are required:

1. Flashlight
 2. Probe (example: ice pick) to search for live termites in termite damaged wood.
 3. Ladder to access attic space of a standard 8' ceiling
 4. Equipment for diagramming (example: paper, graph paper, computer, pencils, pens)
1. Obtain any and all information related to any prior termite history or treatment from the owner. (Note: For Real Estate transactions obtain Seller's Disclosure Statement)
 2. Diagram the structure being inspected to portray all areas inspected and the areas that were inaccessible. (While not required, photographs are suggested to document critical areas.) **A termite inspector shall inspect all accessible areas and note all areas that were inaccessible on the diagram or list on item 19 of the PC-9.**

1. Check the exterior of the structure for signs of termites or conducive conditions (i.e. earth to wood contact, leaking roof, roof damage, wood debris in crawl space and excessive moisture or water exposure, air conditioning drip lines, gutter downspouts, water collection within 3 feet of the structure).
 2. Check the crawl space if present and accessible.
 3. Check the interior of the structure for signs of termite or conducive conditions (i.e. water/moisture problems, construction joints, retaining walls, areas using untreated lumber (i.e., baseboards, doortrims, frames, molding, window frames, cabinets).
 4. Check the attic space if present and accessible.
3. Visual Inspection: While the termite inspection is a “visual” inspection, the termite inspector should look for the following signs of termites in all accessible areas which shall include, but not be limited to, all wooden areas of the structure which may warrant further investigation by the inspector using methods such as tapping, probing, and sounding. These signs include:
1. Fecal droppings
 2. Patching or cosmetic repair to wood surfaces
 3. Kick-out holes
 4. Mud tubing
 5. Swarm slits
 6. Wrinkled, irregular, or damaged surfaces
 7. Termites and Termite wings

Discussion followed. The Board directed the Executive Officer to send the above draft to Mr. Lyons to obtain the HPCA’s comments and recommendations. Ms. Wong also requested a copy of the draft.

Scope: None.

Legislation: Executive Officer informed members for their information of House Bill No. 1879 and companion bill Senate Bill No. 2432. The purpose of the bill is to make permanent the exemption for certain activities of pest control operators from the definition of “excavation” under the one call center law.

Executive Session: It was moved by Mr. Koide, seconded by Ms. Nakasone, and unanimously carried to enter into executive session at 2.37 p.m. pursuant to HRS §§92-4 and 92-5 (a)(4), to consult with the Board’s attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities and liabilities.

EXECUTIVE SESSION

Conditional License:

- (i) Request for Removal: Michael Miske

It was moved by Mr. Koide, seconded by Mr. Fukuyama, and unanimously carried to reconvene to the Board's regular order of business at 2:51 p.m.

The Board resumed the order of the agenda.

Applications: a. Exam Ratification(s)

It was moved by Mr. Kobashigawa, seconded by Chair Yates, and unanimously carried to ratify the Application Review Committee's **approval/deferral** of the following applications for examination in their respective branches:

1. Melissa J Botha, PCFR, BR-2 – Deferred
 Sandwich Isle Termite & Pest Control Inc PCO-771, BR-1,
 BR-2 & BR-
2. Lani M Nelson, PCFR, BR-2 – Approved
 Sandwich Isle Termite & Pest Control Inc PCO-771, BR-1,
 BR-2 & BR-3
3. Paul J Rebutas, PCFR, BR-2 – Deferred
 Sandwich Isle Termite & Pest Control Inc PCO-771, BR-1,
 BR-2 & BR-3
4. Victoria J Fickle, PCFR, BR-1, BR-2 & BR-3 – Approved
 Sandwich Isle Termite & Pest Control Inc PCO-771, BR-1,
 BR-2 & BR-3
5. Margaret N McElroy, PCFR, BR-1, BR-2 & BR-3 – Approved
 Terminix PCO-618, BR-1, BR-2 & BR-3
6. Glen M Felise, PCFR, BR-1, BR-2 & BR-3
 Terminix PCO-618 BR-1, BR-2 & BR-3 - Mr. Felise's
 application was approved for BR-2; however,
 BR-1 & BR-3 were deferred pending
 clarification of work experience.
7. Jamie A Ramirez, PCFR, BR-1, BR-2 & BR-3
 Terminix PCO-618, BR-1, BR-2 & BR-3 – Ms. Ramirez'
 application was approved for BR-1; however,
 BR-2 & BR-3 were deferred pending
 clarification of work experience.
8. Everett Shintaku, PCFR, BR-1, BR-2 & BR-3
 Terminix PCO-618, BR-1, BR-2 & BR-3 - Mr. Shintaku's
 application was approved for BR-2; however,
 BR-1 & BR-3 were deferred pending
 clarification of work experience.

9. Brendan M Berry, PCFR, BR-2 – Approved
Orkin Inc PCO-772, BR-1, BR-2 & BR-3
10. Roy S Fukushima, PCO, BR-1, BR-2 & BR-3 – Approved
Dick's Fumigation Serv PCO-10, BR-1, BR-2 & BR-3
11. Justin J Dorser, PCO, BR-1 – Approved
Justice Fumigation LLC, PCO, BR-1

b. Exam

It was moved by Mr. Kobashigawa, seconded by Mr. Burnett, and unanimously carried to **approve/defer** the following applications:

1. Tomas Ultajara, PCFR, BR-2 – Approved
Terminix; PCO-618, BR-1, BR-2 & BR-3
2. John K Nakoa III, PCFR, BR-2 – Approved
Terminix, PCO-618 BR-1, BR-2 & BR-3
3. Tiffany Ann H Shim, PCFR, BR-1, BR-2 & BR-3 – Approved
Terminix, PCO-618 BR-1, BR-2 & BR-3
4. Keola S Picerno, PCFR, BR-1, BR-2 & BR-3 – Approved
Terminix, PCO-618 BR-1, BR-2 & BR-3
5. Glen M Felise, PCFR , BR-1, & BR-3 – Approved
Terminix, PCO-618 BR-1, BR-2 & BR-3
6. Jamie A Ramirez, PCFR, BR-2 & BR-3 – Approved
Terminix, PCO-618 BR-1, BR-2 & BR-3
7. Everett T Shintaku, PCFR, BR-1, & BR-3 – Approved
Terminix, PCO-618 BR-1, BR-2 & BR-3
8. William O Cullum III, PCFR, BR-1, BR-2 & BR-3
Terminix, PCO-618 BR-1, BR-2 & BR-3 - Mr. Cullum's
application was approved for BR-1 & BR-2;
however, BR-3 was deferred pending
clarification of work experience.
9. Mark D Mullikin, PCFR, BR-1, BR-2 & BR-3 – Approved
Terminix, PCO-618 BR-1, BR-2 & BR-3
10. Eddie Peuker, PCO, BR-1, BR-2 & BR-3
Bug Man Termite & Pest Control, PCO-671
BR-1, BR-2 & BR-3 – Mr. Peuker's Application was approved
for BR-3; however, BR-1 & BR-2 were deferred
pending clarification of work experience.

c. Without Exam Ratification(s)

It was moved by Mr. Kobashigawa, seconded by Chair Yates, and unanimously carried to ratify the Application Review Committee's **approval/deferral** of the following applications for examination in their respective branches:

1. Bird Solutions LLC PCO, BR-2 – Deferred
Terrance Manago PCO-826, BR-2 & BR-3
2. Justice Fumigation LLC, PCO, BR-1 – Approved
Justin J Dorser, PCO BR 1
3. Golden Termite & Pest Control LLC PCO-1314
(add'l branch) BR-2– Approved
Fred Chang PCO-725, BR-1, BR-2 & BR-3

d. Without Exam

None.

New Business:

a. Conditional License:

Request for Removal: Michael Miske

The Board reviewed and considered Mr. Miske's November 4, 2011 letter and request to remove the conditions imposed on his conditional pest control operator license that was issued on April 30, 2008.

Discussion followed. The Board noted that Mr. Miske had not timely complied with all of the conditions (especially the timely submission of his criminal abstracts). After due consideration, it was moved by Mr. Burnett, seconded by Mr. Kobashigawa, and unanimously carried to deny Mr. Miske's request at this time, and require him to continue complying with the following conditions:

1. Submit to the Board's Executive Officer a criminal history record check (criminal abstract) from the Hawaii Criminal Justice Data Center on a semi-annual basis (twice a year). The semi-annual reports shall reflect the periods of January to June and July to December. These reports shall be due on July 31 and January 31, respectively, to the Board;
2. Refrain from any actions that may result in his arrest or conviction for any acts of dishonesty, such as fraud, theft, burglary, or any other act that is directly related to the profession;

3. Refrain from any actions that may result in the discipline, suspension, or revocation of your conditional pest control license or any other professional license or certification (e.g., Department of Agriculture certification); and
4. Acknowledge that this conditional license may be suspended, revoked, or otherwise subject to disciplinary action if the applicant fail to comply with any of the above conditions or if the applicant is not acting in the best interest of the public in the applicants pest control business (including but not limited to any violation of the Board's laws or rules).

However, if Mr. Miske timely complies with the above terms for at least one year, he may submit a written request to the Board to remove the conditions.

Announcements:

Next Meeting:

March 19, 2012
2:00 p.m.
King Kalakaua Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, HI 96813

Adjournment:

There being no further business to discuss, Chair Yates adjourned the meeting at 3:10 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Charlene L.K. Tamanaha

/s/ Wilma Balon

Charlene L.K. Tamanaha
Executive Officer

Wilma Balon
Secretary

CLKT:wb

2/17/12

[] Minutes approved as is.

[X] Minutes approved with changes, see minutes of March 19, 2012.