

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

MINUTES OF THE MEETING

Date: Monday, March 19, 2012

Time: 2:00 p.m.

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

Present: Alvin Fukuyama, Industry Member, Vice - Chair
Lance Kobashigawa, Department of Agriculture, Ex-Officio
Robert Koide, Industry Member
Randall Burnett, Industry Member
Ronald Weinberg, Public Member
Rod Tam, Esq., Deputy Attorney General
Charlene L.K. Tamanaha, Executive Officer
Wilma Balon, Secretary

Excused: Julian Yates, Ph.D., Department of Entomology, Ex-Officio, Chair
Lynn Nakasone, Department of Health, Ex-Officio

Guest: Tim Lyons, Hawaii Pest Control Association
Louis Carrasco, Aloha Pest Control, LLC

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 Vice - Chair Fukuyama called the meeting to order at 2:20 p.m.

Additions to the Agenda: None.

Adjudicatory Matter: None.

Approval of the Minutes: It was moved by Mr. Weinberg, seconded by Mr. Koide, and unanimously carried to approve the minutes of the January 23, 2012 meeting with the following corrections under Unfinished Business: a. Rules Committee.

On page 3, the second paragraph, should read as follows:

“The Executive Officer indicated that the Rules Committee is recommending the following language:”

Executive
Officer’s Report:

a. Office of Information Practices

None.

b. Ethics Commission

The Executive Officer reminded members to submit their financial disclosure form to the Ethics Commission. Forms are due by May 31, 2012.

Ms. Tamanaha indicated that the fillable form is available online to download; however, the form may not be submitted online.

c. Boards Policies & Procedures

None.

d. Other

None.

Prometric fka
Thomson Prometric:

a. Examination Update

The Executive Officer reported that she had inquired with Prometric in regards to the examination update; however, is awaiting their response.

Appearances: None.

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

Correspondence: None.

Department of
Agriculture: None.

Unfinished
Business:

a. Rules Committee

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.

Mr. Lyons, Executive Director, Hawaii Pest Control Association distributed to the Board, HPCA's draft of proposed standards for a TIR. Mr. Lyons briefed the Board on the Industry Standards Improvement Committee's comments and recommendation to the Board's original draft of January 23, 2012.

Mr. Lyons indicated that they are proposing that the items listed in the standards should be cross referenced with numbered items in the PC-9.

Discussion followed. Mr. Burnett expressed his appreciation to Mr. Lyons and the Industry Standards Committee on their willingness to work with the Board on setting forth a streamlined draft.

The Executive Officer commented that the two committees need to meet together to find consensus and put forth concerted standards to avoid this back and forth scenario and asked Mr. Lyons if they are available to meet prior to the next Board meeting.

Mr. Lyons advised that he will attempt to schedule a joint meeting of the Industry Standards Improvement Committee and the Rules Committee.

Further discussion on this matter was deferred until the two committees could meet.

Scope:

None.

New Business:

Louis M. Carrasco appeared before the Board to inquire about his application for a Pest Control Operator. Mr. Fukuyama explained to Mr. Carrasco that he may choose to discuss his application in either open session or executive session. Mr. Carrasco indicated that he preferred the proceedings be held in open session.

Mr. Carrasco informed the Board that he received a notice of deficiency to submit additional documents or information on the following:

1. At least 1 year of specialized field experience as a Commercial applicator within the past 4 years preceding application AND
2. At least 1 year of on-site field supervision actively directing pest control projects whether applying for more than one branch. At least 1 form MUST be completed by an individual pest control holder or by a RME license holder.

3. Participation in at least 100 jobs as an applicator in the Specific Branch for which you are applying during the one year specialized field experience period provided that if restricted use chemicals are used, you shall have been the applicator of record.

Mr. Carrasco indicated that he is only able to provide a Job Report of his past jobs as a certified commercial applicator in the State of California but not in Hawaii.

Mr. Carrasco further indicated that during his experience in Hawaii, he was not a supervisor in the company, but was his own supervisor when he was on his own.

The Executive Officer informed Mr. Carrasco that pursuant to Hawaii Administrative Rules §16-94-17, an applicant for a Pest Control Operator or responsible managing employee license, shall have had the following experience:

1. At least one year of specialized field experience as a certified commercial applicator within the past four years immediately preceding the filing of an application in the branch in which the license is sought;
2. At least one year of on-site field supervision actively directing pest control projects whether applying for more than one branch;
3. At least one hundred jobs as an applicator in the specific branch during the one-year specialized field experience period provided that if restricted use chemicals are used, the applicant shall have been the certified applicator of record...

Ms. Tamanaha further indicated that the Board's law does not afford reciprocity.

Mr. Carrasco explained that he and a friend would like to start a Pest Control business here in Hawaii and inquired as to the license requirements.

Mr. Burnett explained that in order to start a company, an applicant to be the RME has to have supervisory experience in the branch for which a license is sought.

Mr. Koide indicated that to be an RME he would need 1 year experience as a supervisor with a company and inquired whether the applicant or his partner had the requisite experience? Mr. Carrasco responded no.

Mr. Carrasco asked if it would be okay for him to hire an out of state RME.

The Executive Officer explained that to start a pest control business, he and his partner could hire a Hawaii licensed PCO to be the company's RME. This licensed person would be ultimately responsible for all worked

performed and all contracts signed. The RME must be licensed in Hawaii and cannot be out-of-state as the rule requires that the RME be in residence in the state whenever services are being provided. Ms. Tamanaha further explained that if he finds a licensed PCO/RME to work for his company, that RME, unless certain conditions are met, cannot be an PCO/RME for more than one contracting entity.

Mr. Carrasco thanked the Board for answering his questions and for their guidance.

The Board resumed the order of the agenda.

Applications:

a. Exam Ratification(s)

None.

b. Exam

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

1. Jay H. Fukuda, PCFR, BR-2
Orkin Inc., PCO-772, BR-1, BR-2 & BR-3
2. Nathan A. Lee, PCFR, BR-2 & BR-3
Will Kill Termites & Pests LLC, PCO-1126 BR-2 & BR-3
3. Keith C. Lee, PCFR, BR-2 & BR-3
Will Kill Termites & Pests LLC, PCO-1126 BR-2 & BR-3
4. Julius M. Jimenez, PCFR, BR-1, BR-2 & BR-3
Terminix, PCO-618 BR-1, BR-2 & BR-3
5. Veronda Galimba, PCFR, BR-2 & BR-3
For Termites Only, PCO-924 BR-1, BR-2 & BR-3
6. Eddie E. Peuker, PCO (rme), BR-1 & BR-2
Bug Man Termite & Pest Control, PCO-671
BR-1, BR-2 & BR-3

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

1. Edward K. Carter, PCFR, BR-1, BR-2 & BR-3
Veteran Termite & Pest Control, PCO-1242
BR-1, BR-2 & BR-3 - Mr. Carter's application
was approved for BR-1; however, BR-2 & BR-3

were deferred pending verification of work experience.

2. Max K. Eckart, PCFR, BR-1, BR-2 & BR-3
Terminix, PCO-618 BR-1, BR-2 & BR-3 - Mr. Eckart's application was approved for BR-1 & BR-2; however, BR-3 was deferred pending verification of work experience.
3. Grant Miyamoto, PCFR, BR-2, & BR-3
Hoxie Termite & Pest, PCO-1138 BR-2 & BR-3 – Mr. Miyamoto's application was deferred for BR-1 & BR-2 pending verification of further work experience.
4. David Meints, PCFR, BR-2 & BR-3
For Termites Only, PCO-924 BR-1, BR-2 & BR-3 – Mr. Meints application was approved for BR-2; however, BR-3 was deferred pending verification of further work experience.
5. Jeremy Mandaguit, PCFR, BR-2 & BR-3
For Termites Only, PCO-924 BR-1, BR-2 & BR-3 – Mr. Mandaguit application was deferred for BR 2 & BR-3 pending verification of work experience.
6. Brian P. Jones, PCFR, BR-1, BR-2 & BR-3
Terminix, PCO-618 BR-1, BR-2 & BR-3 - Mr. Jones' application was approved for BR-1 & BR-2; however, BR-3 was deferred pending clarification of further work experience.
7. Shelby J. Jordan, PCFR, BR-1, BR-2 & BR-3
Terminix, PCO-618 BR-1, BR-2 & BR-3 - Mr. Jordan's application was approved for BR-1 & BR-2; however, BR-3 was deferred pending clarification of further work experience.

c. Without Exam Ratification(s)

None.

d. Without Exam

It was moved by Mr. Weinberg, seconded by Mr. Koide, and unanimously carried to **approve** the following application:

1. Bird Solutions LLC, PCO, BR-2
Terrance Manago, PCO-826 BR-2 & BR-3

Legislation:

a. H.B. No. 2257

The Board discussed the above bill relating to Professional and Vocational Licensing. The purpose of the bill requires licensing boards to: (1) allow applicants to demonstrate competency in lieu of work experience required; and (2) establish procedures to expedite the issuance of licenses, certifications, or permits to military spouses.

b. H.B. No. 2258

The Board discussed the above bill relating to Professional and Vocational Licensing. The purpose of the bill requires professional and vocational licensing boards to accept military education, training, and service towards the qualifications of a license and to adopt rules.

c. S.B. No. 2392

Executive Officer informed members that this bill is the Senate version of H.B. 2258.

d. S.B. No. 2394

The Board discussed the above bill relating to Consumer Protection. The purpose of the bill authorizes the director of commerce and consumer affairs to enforce certain federal laws to protect military members and their families from abusive lending practices.

After discussion, it was moved by Mr. Weinberg, seconded by Mr. Burnett and unanimously carried to oppose H.B. No. 2257, H.B. No. 2258, S.B. No. 2392, and S.B. No. 2394 as these bills purport inequality and treats classes of people/applicants differently.

Announcements:

Next Meeting:

May 21, 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, Vice - Chair Fukuyama adjourned the meeting at 3:45 p.m.

Reviewed and approved by:

/s/ Charlene L.K. Tamanaha

Charlene L.K. Tamanaha
Executive Officer

CLKT:wb

4/11/12

Minutes approved as is.

Minutes approved with changes, see minutes of _____.

Taken and recorded by:

/s/ Wilma Balon

Wilma Balon
Secretary