

STRUCTURAL PEST CONTROL COMMISSION
Veterans' Memorial Auditorium
5825 Florida Blvd., Baton Rouge, LA
January 16, 2019 – 9:30 a.m.
MINUTES

CALL TO ORDER

The meeting was called to order by Mr. Bass at 9:31 a.m.

ROLL CALL

Members present: Fred Bass, Benjy Rayburn, Joe Arceneaux, Dr. James Ottea, and Bob Kunst.

Others present: Harry Schexnayder, LDAF; Amy McInnis, LDAF Attorney; Kelly Moore, LDAF; Michael Heier, Hearing Officer; Julie Nauta, LDAF; Milton Schleismann, LDAF; Jeff Porter, LPMA; and Rebecca Duggan, counsel for Rhian Quebedeaux.

AMENDMENTS TO THE AGENDA

Ms. Moore recommended adding an additional licensee application for consideration: Jeff Pepper.

Motion: Mr. Rayburn made a motion to amend the agenda, to add licensee application for Jeff Pepper. The motion was seconded by Mr. Kunst and passed unanimously.

Mr. Kunst asked to discuss additional items, under “Old Business – Rule Changes.”

Motion: Mr. Kunst made a motion to amend the agenda, to discuss additional items under “Rule Changes.” The motion was seconded by Mr. Arceneaux and passed unanimously.

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF THE MINUTES

Motion: Mr. Arceneaux made a motion to amend the minutes, from the October 10, 2018 meeting, to include some of his comments about the Soileau case. The motion was seconded by Mr. Kunst and passed unanimously.

Mr. Schexnayder asked Mr. Arceneaux to send him the comments he suggested in an e-mail.

Motion: Mr. Kunst made a motion to approve the minutes from the October 10, 2018 meeting, as amended. The motion was seconded by Mr. Rayburn and passed unanimously.

ADJUDICATORY HEARING

Hearing Officer Michael Heier conducted the hearing. LDAF Attorney Amy McInnis presented the following cases:

Robert Gamino, Case No. 2138-A (Continued)

Ms. McInnis stated that the Defendant requested this matter be continued. Mr. Schexnayder explained that the initial case brought before the Commission was Case No. 2138. The charge was modified and sent to Mr. Gamino, who requested the continuance. Mr. Heier granted the request.

Kenneth Aucoin, Case No. 2088 (Contested Continuance)

Ms. McInnis stated that the Defendant requested this matter be continued. This is his third request for continuance. He is working offshore and understands this is his final request for a continuance and that the matter will be set at the next meeting. Mr. Heier granted the request and noted that Mr. Aucoin had been advised that the case will be going forward, whether or not he appears. Mr. Aucoin will be advised of the next hearing date as soon as possible.

Rhian Quebedeaux: Case No. 2137

Ms. Rebecca Duggan was present as counsel for Mr. Quebedeaux to enter the stipulation.

The Department charged Mr. Quebedeaux with one (1) violation of LRS 3:3371(A)(14), specifically LAC 7:XXV 141(E) and one (1) violation of LRS 3:3371(A)(14), specifically LAC 7:XXV 117(H)(1).

This is Mr. Quebedeaux's second offense: one moderate and one minor violation. Following the penalty matrix, the charge included a penalty of \$1,200.00, for two violations of the law, payable within 30 days from receipt of notice. Mr. Quebedeaux also agreed to treat the property to minimum specifications, as required by LAC 7:XXV 141, subject to the homeowner's consent. If any part of that treatment is rendered impossible or impractical, a fully executed waiver shall be obtained.

Ms. Duggan had no objections to the exhibits being admitted as part of the record. Mr. Heier admitted LDAF's Exhibits 1, 2 and 3 into the record.

Motion: Mr. Kunst made a motion to accept the facts set forth in the stipulation and that the penalties be accepted. The motion was seconded by Mr. Arceneaux and passed unanimously.

Stacy Dufrene: Case No. 2153

Ms. Dufrene was not present. The Department charged Ms. Dufrene with one (1) violation of LRS 3:3371(A)(14), specifically LAC 7:XXV 107(K), and one (1) violation of LRS 3:3371(A)(14), specifically LAC 7:XXV 117(H)(1). This was her first offense. Following the penalty matrix, the charges included a penalty of \$1,200.00, with \$600.00 suspended, due within 30 days. The stipulation was signed by all parties.

Mr. Heier admitted LDAF's Exhibits 1 and 2 into the record.

Motion: Mr. Kunst made a motion to accept the facts set forth in the stipulation and that the penalties be accepted. The motion was seconded by Mr. Rayburn and passed unanimously.

OLD BUSINESS

Rule Changes – Harry Schexnayder

Mr. Schexnayder reviewed language changes, based on suggestions made by the Commission in the previous meeting:

§117. *Obligations of the Licensee/Permittee (H)*: Changes were proposed in the language of the first paragraph to read "...and a period of two years after the expiration of applicable contracts for termite and other wood destroying insect control, *including waivers and wood destroying insect reports, and records of inspections of properties under current contract for wood destroying insect control.*"

§119. *Contracts for ~~Termite~~ Wood Destroying Insect Control Work*: Title change, then added a requirement (already in the Law) that pest control companies enter into a written contract for control of wood destroying insects, other than termites – (H)(1)(2)(3) was proposed to read:

H. The permittee or a licensee shall enter into a written contract for control of wood destroying insects, other than termites, with the property owner/agent employing him. The contract shall:

- 1. be in a form provided or approved by the commission;**
- 2. guarantee performance on the property covered by such contract for a period of not less than 1 year after the treatment is made; and**
- 3. be transferrable to a subsequent owner of the property covered by such contract, including all terms and conditions contained therein if the property changes ownership within the period stated on the contract.**

§119. (H)(1)(2)(3) changes were discussed. It was agreed to change language of (H) from "control of wood destroying insects other than termites" to "*for control of powder post beetles and old house borers*" and be specific to those two insects. Mr. Schexnayder will revise this section and e-mail it to the Commission.

§141. *Minimum Specifications for Termite Control Work*: (G)(1) The language change from the previous meeting was already on the contract, but needed to be in the Rules. (G)(3) Change the word "or" to "and," so it reads: "...found on any property treated for, **and** under a current termite contract...".

§141. (H)(1): Changed the word "may" to "shall" in the first sentence. Changed part of first sentence from "...with these minimum specifications for *initial treatment*..." to read: "...with these minimum specifications for *initial treatment or retreatment of properties currently under contract.*" Deleted part of sentence three, so it reads: "A signed copy of the waiver shall be given to the owner/agent." This change was made so that the signed copy of the waiver is no longer sent to Department.

(H)(2) This section was deleted in its entirety.

Motion: Mr. Kunst made a motion to accept the changes made to the rules, as presented. The motion was seconded by Mr. Rayburn and passed unanimously.

Mr. Kunst was granted permission to open a discussion on the rules. He asked to refer to the Rules Committee a rule change requiring, on any termite job being done, that the depth to the top of the footer of a structure be recorded in some general manner (to be determined by the Committee) on the contract. A simple checkbox was suggested and felt to be very helpful to the pest control operator, should they go to court.

Motion: Mr. Kunst made a motion to refer to the Rules Committee a requirement that the depth to the top of the footer of a home be recorded on contracts. The motion was seconded by Mr. Arceneaux and passed unanimously.

Mr. Kunst would like the Rules Committee to also address termite treatment compliance, in regard to acquisitions, to meet minimum standards.

Motion: Mr. Kunst made a motion that the Rules Committee determine ways to assure termite treatment complies with minimum standards, regarding acquisitions. The motion was seconded by Mr. Arceneaux and passed unanimously.

NEW BUSINESS

LPMA Report – Jeff Porter

Mr. Porter provided a report to the Commission with an update on the LPMA conference next week. Mr. Porter invited everyone to attend their annual Legislative Reception, on May 22, 2019, at the Pentagon Barracks.

Contracts for Approval – Harry Schexnayder

Mr. Schexnayder presented three (3) contracts for Arceneaux Pest Control, which the Contract Review Committee recommended for approval:

2018 Bait– Damage Contract with new arbitration clause
2018 Liquid – Damage Contract with new arbitration clause
2018 Liquid – Non-Damage Contract

Mr. Arceneaux asked about the status of the Orkin contracts. Mr. Schexnayder said the contracts were presented to the Contract Review Committee and sent to Orkin with the proposed changes, but they have not yet responded.

Mr. Arceneaux recused himself from the vote to approve his company's contracts.

Motion: Mr. Kunst made a motion that the three (3) contracts for Arceneaux Pest Control be approved. Mr. Arceneaux recused himself. The motion was seconded by Dr. Ottea and passed by the remaining members.

Mr. Kunst asked for an update on the Terminix contracts that were previously presented to the Commission. Mr. Schexnayder will follow up.

Mr. Kunst requested that the Contract Review Committee discuss contract renewals for three- and five-year contracts.

Motion: Mr. Kunst made a motion for the Contract Review Committee to review the implications and outcomes of three- and five-year contracts. The motion was seconded by Mr. Arceneaux and was passed unanimously.

CONSIDERATION OF LICENSEE APPLICATIONS

NAME OF APPLICANT	PHASES	STAFF RECOMMENDATION	COMMISSION DECISION
Carlos A. Campisi (LA – 16 Years’ Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Christopher Campisi (LA – 13 Years’ Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Joshua Thomas Cripps (LA – 4 Years’ Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Michael Ryan Donegan (LA – 6 Years’ Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Chris Drummond (LA – 6 Years’ Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Travis E. Jacobs (LA – 4 Years’ Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)
Samuel Trent Johnson (LA – 12 Years’ Experience)	GPC CVC	Approve Approve	Approve Approve
Christopher Lawrence (TX – 15 Years’ Experience)	GPC CVC TC	Approve Approve Approve	Approve Approve Approve
Pan Luo (LA – 8 Years’ Experience)	Com Fum	Approve	Approve
Jeff Pepper (LA – 5 Years’ Experience)	GPC	Approve	Approve
Dale Joseph Onipaa Petitjean (LA – 4 Years’ Experience)	GPC CVC	Approve Approve	Approve Approve
Christopher Romano (LA – 5 Years’ Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approve Approve Approve (pending CACTP)

Mr. Kunst recused himself from the approval votes on two (2) licensee applicants: Pan Luo and Chris Drummond, as they are employed by his company. Ms. Moore asked the Commission to consider those two applications first, in a separate motion.

Motion: Mr. Arceneaux made a motion to accept and approve the applications of Pan Luo and Chris Drummond. Mr. Kunst recused himself. The motion was seconded by Mr. Rayburn and passed by all remaining members.

Ms. Moore presented the remaining licensee applications to the Commission.

Motion: Mr. Arceneaux made a motion to accept and approve the remaining licensee applications. The motion was seconded by Dr. Ottea and passed unanimously.

STATUS REPORTS

Mr. Schexnayder presented the status report for the 4th Quarter of 2018. Compared to the last quarter in 2017, reported WDIE's and WDIR's were down at least 3,000. Compared to last year, reported jobs were down 5,000. A total of 395 inspections were performed in 4th Quarter of 2018. This is a little more than 2017, and a little less than some of the years prior to that. There were 41 complaints. That lines up exactly with last year and is about in line with previous years. Total number of inspections for the year is down and has decreased since 2013. The Commission asked why this has been the case. There was speculation, but no one particular reason cited for the decline. Mr. Rayburn pointed out that inspectors work for three (3) difference programs and that there have been increases and decreases in the number of inspectors. This will be an area of focus for 2019.

OTHER BUSINESS

There was no other business presented for discussion.

PUBLIC COMMENT

There were no public comments.

FUTURE MEETINGS

The next Structural Pest Control Commission meeting will be held on May 8, 2019, at 9:30 a.m., at the Department of Agriculture and Forestry, Veterans' Memorial Auditorium.

ADJOURN

Motion: Dr. Ottea made a motion to adjourn the meeting. The motion was seconded by Mr. Rayburn and passed unanimously. The meeting adjourned at 11:18 a.m.