

**STRUCTURAL PEST CONTROL COMMISSION**

**Veterans' Memorial Auditorium**

**5825 Florida Blvd.**

**Baton Rouge, LA**

**October 31, 2016**

**PROCEEDINGS**

**CALL TO ORDER**

The meeting was called to order by Mr. Bass at 1:38 pm.

**ROLL CALL**

Members present: Fred Bass, Todd Parker, Joe Arceneaux, Bob Kunst and Dr. James Ottea

Others present: Harry Schexnayder, LDAF, Kevin Wofford, LDAF, Lindsey Hunter, LDAF  
General Counsel, Tina Perkins, LDAF

**AMENDMENTS TO THE AGENDA**

None

**PUBLIC COMMENTS**

None

**APPROVAL OF THE MINUTES**

**Motion:** Mr. Kunst made a motion to approve the minutes from the August 9, 2016 meeting as distributed. The motion was seconded by Mr. Parker and passed unanimously.

**OLD BUSINESS**

Ms. Hunter gave an update on Michael Anthony Cripps; John David Cripps and Willie Cripps v LDAF, et al Case No. 15-30524. She stated that on October 11, 2016 the U S Supreme Court denied writs in the Cripps case and the matter is now complete.

**NEW BUSINESS**

**Motion:** Mr. Parker made a motion that the Commission enter into Executive Session. The motion was seconded by Mr. Kunst and passed unanimously.

The Commission met in Executive Session from 1:46 pm until 2:40 pm to receive a report on the analysis of the Certification/Testing program. There were no votes and no action taken by the Commission while in Executive Session.

**Motion:** Mr. Arceneaux made a motion that the Commission reconvene in Regular Session. The motion was seconded by Mr. Kunst and passed unanimously.

**Motion:** Mr. Kunst made a motion that a rule be added under Section 113.P that each continuing education program offered in 2017 shall include a proficiency test which shall be taken and passed in order to maintain one's status as a registered technician. The motion was seconded by Mr. Arceneaux and passed unanimously.

**Motion:** Mr. Kunst made a motion that a rule be added under Section 117.E that in order to renew a commercial certification card that expires on December 31, 2017, a licensee shall take and pass a proficiency test. The motion was seconded by Mr. Arceneaux and passed unanimously.

There was discussion among the Commission members and staff about the proposed new proficiency requirement. Clarification provided by staff included the following: 1) the new requirement is in addition to regular recertification that might be due and does not replace recertification 2) the proficiency training and exam will be available at most recertification meetings 3) the new requirement will be able to be met at separate meetings sponsored by the department 4) the department will accommodate on-site industry requests for proficiency training and examination for large groups 5) the exam will be made up of components 6) most applicators will have to take more than one component 7) the new requirement is aimed solely at enhancing consumer safety 8) there will be no charge for the proficiency training and exam

**Motion:** Mr. Kunst made a motion that the rules be enacted under the emergency regulations for the protection of health and safety of the citizens of Louisiana. Mr. Parker suggested that Lindsey Hunter should be given the authority to make changes to the proposed rules as long as they do not interfere with the intent of the motions previously made by Mr. Kunst. Mr. Kunst agreed with Mr. Parker's amendment. The motion and amendment were seconded by Mr. Arceneaux and passed unanimously.

There was more discussion among the Commission members and staff about the proficiency training and exam requirement. Mr. Parker stated that testers will be allowed to retake the exam multiple times in the event they fail it. When asked if the requirement would extend past 2017, he stated that the program is being treated as a pilot and will be evaluated as such. While there are no plans to extend it past 2017 at this time, that could change.

### ***LPMA Report – Jeff Porter***

Mr. Porter informed the Commission that the last recertification meeting of 2016 was scheduled for December 6<sup>th</sup> and 7<sup>th</sup> at the Doubletree Hotel in Kenner. He stated that the LPMA Winter Convention will be held January 24-26, 2017 at the Renaissance Hotel in Baton Rouge. He also stated that they had lined up some dynamic speakers which include some urban entomologists.

Mr. Kunst initiated a discussion of what he described as policy whereas licensees attending a recertification after October 1 of any calendar year would be given a full three years of credit.

Mr. Schexnayder read a section of the rules under §117 **Obligations of the Licensee/Permittee** which states that recertification at least once every three years; such recertification shall be completed by December 31 of the year preceding the third anniversary of either the original

certification or the most recent recertification is a requirement. He explained that staff was using a literal interpretation of the rule. He further explained that it meant that if a licensee attended a recertification meeting on October 15, 2016, the expiration date would be calculated to be December 31, 2018. He stated that he understood it meant that the licensee would receive less than 3 years of certification but if it were calculated to be December 31, 2019, the licensee would receive more than 3 years of certification and would be out of compliance with the original recertification requirement of every 3 years as written in the Pesticides law.

Mr. Kunst insisted that the Commission had discussed the problem created by the literal interpretation of that particular rule sometimes during 2002 or 2003 and had decided that anyone attending a recertification meeting on or after October 1 of any calendar year would be given a full three years credit. He stated that the Commission had decided to implement this through a policy. He conceded that the policy was probably not written anywhere.

Ms. Hunter suggested that if a rule is subject to so much variance in interpretation, it should probably be changed. She stated that the Rules Committee should research the matter and consider making changes.

**Motion:** Mr. Kunst made a motion that staff continue to use a policy that licensees attending a recertification after October 1 of any calendar year would be given a full three years of credit until which time a permanent rule change could be made. The motion was seconded by Mr. Arceneaux and passed unanimously.

#### *Rules Committee Report - Harry Schexnayder*

Mr. Schexnayder reported that the Rules Committee met on September 28, 2016 to discuss a number of items. They discussed WDIRs, powder post beetles, fumigation, termite waivers, pre-treat contract requirements, building code violations, records requirements and the Potpourri list. He stated that the committee had decided to forward all of their notes and recommendations to LPMA for comment and he would like to wait to get that back from LPMA before making a report to the Commission.

Mr. Kunst asked Mr. Schexnayder to share the discussion about WDIRs with the Commission so that it could be made part of the record. He also reported that he had received about sixty (60) phone calls about the matter.

Mr. Schexnayder stated that questions had arisen about questions 8A, 8B and 8C on the WDIR form. He explained that 8A asked if live wood destroying insects were present, 8B asked if evidence of wood destroying insects were present and 8C asked if there was damage from wood destroying insects. He stated that at least one company felt that they could check off box 8C without checking off box 8B. After discussion with other industry representatives and staff, the committee concluded that if box 8C were checked to indicate damage from wood destroying insects was present, the inspector should also check off box 8B indicating that evidence of wood destroying insects was also present.

Mr. Parker recognized and introduced a new inspector from the New Orleans District office that was in attendance, Jessica Sabo.

**CONSIDERATION OF LICENSEE APPLICATIONS**

Mr. Schexnayder presented and the Commission accepted staff recommendations on the following Licensee applications:

**STRUCTURAL PEST CONTROL LICENSEE APPLICANTS  
October 31, 2016**

NAME OF APPLICANT	PHASES	STAFF RECOMMENDATION
Jeff Addison	Comm Fume	Disapprove (Lacks Experience)
Gary Arant (LA - Experience)	GPC CVC	Approve Approve
Marcus Burdick (LA - Experience)	GPC	Approve
Thomas Burdick (LA -Experience)	GPC	Approve
Joseph Cox (LA -Experience)	GPC CVC	Approve Approve
James M. Evans (LA - Experience)	GPC CVC	Approve Approve
Jonas Michael Haas (LA -Experience)	GPC CVC	Disapprove (Lacks Experience)
Kevin McCreedy (WA, OR- Experience)	Struc Fume Comm Fume Ship Fume	Approve Approve Approve
Frank Joe Pacholik III (LA - Experience)	GPC	Approve
Norman Pearson (LA - Experience)	TC	Approve (pending CACTP)
Kenneth C. Plaisance (LA - Experience)	Struc Fume	Approve
Michael Ritchie (AR, WV thru Recip w/VA- Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)
Ronjiel Sharpe (AL - Experience)	GPC CVC TC	Approve Approve Disapprove (Lacks Experience)

Robbie Uzee (LA- Experience)	GPC CVC	Approve Approve
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**Motion:** Mr. Kunst made a motion to refer the following matters to the Rules Committee for clarification: the number of re-inspections necessary to fulfill the department's obligations regarding the concentration of chemicals, the policy on the length of time on licensee recertification and the length of time that experience and continuing education is acceptable for qualification to take the licensee exam. The motion was seconded by Dr. Ottea and passed unanimously.

**FUTURE MEETINGS**

The Commission decided that their next meeting will be held on January 19, 2016 at 9:30 am.

**OTHER BUSINESS**

None

**STATUS REPORT**

Mr. Wofford presented the status reports for the third quarter of 2016. He noted that the number of complaints was up slightly from the second quarter. He also noted that WDIE and WDIR collections had increased over last year due to the fee increase from \$8.00 to \$12.00 that became effective March 1, 2016.

**PUBLIC COMMENT**

None

**ADJOURN**

**Motion:** Mr. Parker made a motion to adjourn the meeting. The motion was seconded by Mr. Arceneaux and passed unanimously.

The meeting adjourned at 3:32 p.m.