

STRUCTURAL PEST CONTROL COMMISSION
Veterans' Memorial Auditorium
5825 Florida Blvd., Baton Rouge, LA
July 18, 2018 – 9:30 a.m.

PROCEEDINGS

CALL TO ORDER

The meeting was called to order by Mr. Bass at 9:37 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; Michael Heier, Hearing Officer; Kelly Moore, LDAF; Julie Nauta, LDAF; Milton Schleismann, LDAF; Cristina Khemmanyvong, LDAF; Dr. Qian “Karen” Sun, LSU-Asst. Professor of Urban Entomology; and Jeff Porter, LPMA.

AMENDMENTS TO THE AGENDA

Ms. Moore recommended adding an additional licensee application for consideration, Rory Bridges.

Motion: Mr. Rayburn made a motion to add the additional licensee application, Rory Bridges, for consideration. The motion was seconded by Mr. Kunst and passed unanimously.

PUBLIC COMMENTS

There were no public comments.

Mr. Schexnayder introduced Cristina Khemmanyvong, a new employee in the Structural Pest Control part of the Pesticide Division. Ms. Kemmanyvong extended her appreciation to everyone and expressed she is learning a lot and is happy to be working with the Structural Pest Control Commission.

APPROVAL OF THE MINUTES

There were two sets of minutes distributed: the April 10, 2018 Commission meeting and the June 20, 2018 Special Commission meeting.

Motion: Dr. Ottea made a motion to approve the minutes from the April 10, 2018 meeting, as distributed. The motion was seconded by Mr. Arceneaux and passed unanimously.

Motion: Mr. Arceneaux made a motion to approve the minutes from the June 20, 2018 Special Meeting. Mr. Kunst recused himself, because he did not attend the meeting. The motion was seconded by Mr. Rayburn and passed unanimously, by the remaining members.

ADJUDICATORY HEARING

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

Robert Soileau, Case No. 2090

Mr. Soileau was not present. Mr. Soileau has made a second request for continuance. The Department had no objection to the continuance, as this matter requires ongoing lab testing. The continuance was granted by the Hearing Officer.

Kenneth Aucoin, Case No. 2088

Mr. Aucoin was not present. Ms. McInnis stated that Mr. Aucoin agreed to a stipulation for three (3) violations: One (1) violation of LRS 3:3371(A)(1), one (1) violation of LRS 3:3371(A)(2), and one (1) violation of LRS 3:3371(A)(14). Following the penalty matrix, the charges include a penalty \$7,700.00, with \$2,700.00 suspended, due within 30 days. The charge letter/return of service (LDAF1) and the stipulation, fully executed and notarized by all parties (LDAF2), were entered into the record.

Mr. Arceneaux asked how the Department was notified regarding Mr. Aucoin's actions. Notification came out of the New Orleans District office. Mr. Schleismann responded that the Department became aware through text messages and a business card from Mr. Aucoin. As there were no further questions, Mr. Heier called for a motion to either accept or reject the stipulation.

Motion: Mr. Rayburn made a motion to accept the stipulation. Mr. Bass seconded the motion. Three (3) Commission members rejected the motion: Mr. Arceneaux, Mr. Kunst, and Dr. Ottea. The motion did not pass.

Mr. Heier asked if the Commission wished to call Mr. Aucoin in for a hearing at the next meeting.

Motion: Mr. Kunst made a motion for Case No. 2088 to be brought to a hearing at the next meeting. The motion was seconded by Mr. Arceneaux and passed unanimously.

Ryan Weber: Case No. 2076

The Department charged Mr. Weber with two (2) violations of LRS3:3371(A)(1), operating without a license. Mr. Weber was present at today's meeting and sworn in by Mr. Heier. Mr. Weber represented himself. The Department and Mr. Weber entered into a stipulation of facts. Neither party presented witnesses or testimony.

Ms. McInnis introduced the charge letter, dated June 14, 2018, with the return of service (LDAF3) and the current Stipulation of Fact (LDAF4), entered into by the Department and Mr. Weber. Mr. Weber had no objections to the exhibits presented.

Mr. Heier admitted Exhibits LDAF3 and LDAF4 as part of this record. The stipulated facts were passed among the Board members for review.

Mr. Heier recessed, at 10:08 a.m., so the Board could review the documents. The meeting reconvened at 10:15 a.m.

The Department had nothing further to submit to the Commission. Mr. Weber agreed to the stipulated facts, with nothing further to present. Mr. Heier considered the matter submitted by both sides.

Motion: Mr. Kunst made a motion to accept the facts set forth in the stipulation and to find Mr. Weber guilty as charged. The motion was seconded by Mr. Arceneaux and passed unanimously.

The Department recommended a penalty totaling \$3,500.00, for the two violations, in accordance with the penalty matrix. A discussion ensued, regarding Mr. Arceneaux's concern that the penalty be considered just and appropriate.

Motion: Mr. Kunst made a motion that the fine be assessed, according to the penalty matrix, at \$10,000.00 total (\$5,000 per violation), with \$5,000.00 suspended (\$2,500.00 per violation), payable in 30 days. If not paid within 30 days, the additional \$5,000.00 would become effective. The motion was seconded by Mr. Arceneaux and passed unanimously.

OLD BUSINESS

Pre-Construction Standard Contract for Treatment of Subterranean Termites – Kelly Moore

Ms. Moore provided the Commission members with an updated copy of the proposed Standard Pre-Treat Contract. Since the Contract was e-mailed to the members, one additional line was added for consideration under number 3: line “g.”

Mr. Kunst addressed the portion of the updated form, which referenced attachments and corresponding check boxes—specifically, the item “Inspection Diagram.” Since there is no inspection to be done at that point, he suggested not using the word “Inspection” and replacing it with “Diagram of Area Treated,” or “Graph of Property” in keeping with Rule §119(A)(5) to include an inspection diagram.

Motion: Mr. Kunst made a motion that the proposed Pre-Construction Standard Contract for Treatment of Subterranean Termites be accepted, with the wording “INSPECTION DIAGRAM (REQUIRED)” changed to “TREATMENT AND/OR INSPECTION DIAGRAM (REQUIRED).”

Before the Motion was seconded or voted on, Mr. Jeff Porter (LPMA) asked to speak. His position was that, at the last Contract Review Committee meeting, the Commission was going to ask for Industry feedback. Mr. Kunst wanted to give LPMA the opportunity to give feedback from the Industry. Mr. Kunst then amended his Motion, as follows:

Motion: Mr. Kunst made an amended motion that the proposed Pre-Construction Standard Contract for Treatment of Subterranean Termites be accepted, with the wording “INSPECTION DIAGRAM (REQUIRED)” changed to “TREATMENT AND/OR INSPECTION DIAGRAM (REQUIRED),” pending feedback from the Louisiana Pest Management Association (LPMA). The motion was seconded by Mr. Arceneaux and passed unanimously.

Mr. Arceneaux summarized the motion stating that, at the next meeting, Mr. Porter would give them any feedback he has; and, if necessary, the Pre-Treatment Contract can be further reviewed.

Rules Update -- Amy McInnis

Ms. McInnis gave an update on the pending rule changes, previously approved by the Commission. On July 9, 2018, the Department filed an Act of Adoption for proposed changes to Articles 101, 107, 113, 117 and 147 of the Rules and Regulations. They are due to be published in the Louisiana Register, on July 20, 2018. Upon publication, those rules will be final and in effect.

NEW BUSINESS

Research Committee Report – Benjy Rayburn

Mr. Rayburn reported that the Research Committee met on Thursday, July 12, 2018. At the meeting, Dr. Sun gave a detailed report on her proposed research. The Committee voted to recommend funding of Dr. Sun’s research at LSU. The recommendation was brought before the Commission today for their approval.

Mr. Rayburn introduced Dr. Sun, who presented her proposed work outline to the Commission. Her research focus will be primarily on the Formosan Subterranean Termite, in three directions: Chemical Ecology, Neurobiology and Molecular Biology, and Pest Management. Her staff will also study other insects, including other types of termites, ants, and household structural pests. She emphasized that termites are social insects and it is important to understand their social behavior. The Commission thanked her for her work, saying her report was excellent, understandable and very beneficial.

Motion: Mr. Rayburn made a motion to approve the contract between LSU and the Department, for \$30,000.00, to fund Dr. Sun's proposed research. The motion was seconded by Mr. Kunst and passed unanimously.

LPMA Report – Jeff Porter

Mr. Porter said they are presently in the middle of their Summer Institute at LSU. This is one of the largest classes, with 16 students enrolled. They were very pleased to report that business is going well and the Industry is strong.

Online Monthly Report – Harry Schexnayder

Mr. Schexnayder gave an update on the new online monthly reporting system. Mr. Schexnayder said we are working on the system and continue making corrections to the system as they occur. Mr. Arceneaux asked if the Industry would be able to pay online, send e-mails of waivers, diagrams, and so forth. Mr. Schexnayder responded that they will be able to make attachments and that it is very user-friendly.

Mr. Schexnayder also reported that Dr. Henderson has submitted all of the Structural license exam revisions to him. All changes must be approved by this Commission. Mr. Schexnayder hoped to send out an e-mail soon, inviting the Commission to review the tests in the Department office, to maintain security of the tests.

Proposed Rule Changes – Harry Schexnayder

Mr. Arceneaux discussed Rules, regarding contract "waivers" of minimum specifications. In §141 (H)(1) and (2), it reads "A pest control operator *may* request" A recommendation was made to change it to "A pest control operator *shall* request" As there were other items for discussion, Mr. Schexnayder asked if they should be brought before the Commission today, or if a Rules Committee meeting should be scheduled. Mr. Kunst felt the waiver language was very important and suggested it be brought to the attention of the Rules Committee.

Mr. Schexnayder mentioned WDIR sections, in terms of guarantees, limiting what insects might be covered, and if the guarantees might just be applied to accessible areas and areas where the pest control operator actually has access. Mr. Arceneaux suggested having a Rules Committee meeting to deal with these issues, come back in October, and make a recommendation to the Commission.

Motion: Mr. Kunst made a motion to hold a meeting of the Rules Committee, to change the "waivers" language from "may" to "shall" and to review and make a recommendation regarding the WDIR Rule issues. The motion was seconded by Mr. Arceneaux and passed unanimously.

CONSIDERATION OF LICENSEE APPLICATIONS

NAME OF APPLICANT	PHASES	COMMISSION DECISION
Latroy Norman Crandle (LA – 6 Years’ Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)
Jason Egan (LA – 6 Years’ Experience)	GPC CVC	Approve Approve
Bryan K. Mumme (TX – 10 Years’ Experience)	GPC CVC	Approve Approve
Donald D. Braly (LA – 17 Years’ Experience)	GPC CVC TC	Approve Approve Approve
Jesse Coleman (LA – 6 Years’ Experience)	ST Fum Com Fum	Approve Approve
Michael Cripps (LA – 13 Years’ Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)
Dale Diller (LA – 5 Years’ Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)
Damien Marshall (LA – 7 Years’ Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)
Edward Reynolds (LA – 5 Years’ Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)
Billy D. Woods (LA – 18 Years’ Experience)	TC	Approve (pending CACTP)
Glenn M. Stokes Jr. (LA – 6 Years’ Experience)	ST Fum Com Fum SH Fum	Disapprove Disapprove Disapprove
Rory Bridges (LA – 5 Years’ Experience)	TC	Approve (Pending CACTP)

Mr. Kunst asked to be recused from the vote on LaTroy Norman Crandle and Jason Egan, as he is their supervisor. Ms. Moore asked the Commission to consider those two applications first, with a separate motion.

Motion: Mr. Arceneaux made a motion to accept and approve LaTroy Norman Crandle and Jason Egan's applications. Mr. Kunst recused himself from the vote. The motion was seconded by Dr. Ottea and passed unanimously, by the remaining members.

The remaining applications were presented to the Commission, by Ms. Moore.

Motion: Mr. Kunst made a motion to approve the remaining applications, with the exception of Glenn Stokes, Jr., due to insufficient experience. The motion was seconded by Mr. Arceneaux and passed unanimously.

FUTURE MEETINGS

The next Structural Pest Control Commission meeting will be held on October 10, 2018, at 9:30 a.m., at the Department of Agriculture and Forestry, Veterans' Memorial Auditorium.

STATUS REPORTS

Mr. Schexnayder presented the status report for the second quarter of 2018.

Mr. Schexnayder discussed inspections related to contracts. Mr. Kunst suggested that a verbal reminder be made, at the licensee recertification meeting, that the company has to use a Commission-approved contract.

PUBLIC COMMENT

There were no public comments.

ADJOURN

Motion: Mr. Rayburn made a motion to adjourn the meeting. The motion was seconded by Mr. Kunst and passed unanimously. The meeting adjourned at 11:42 a.m.