

## STRUCTURAL PEST CONTROL COMMISSION

April 15, 2010

Veterans' Memorial Auditorium

5825 Florida Blvd.

Baton Rouge, LA 9:00 am

Minutes

### CALL TO ORDER

The meeting was called to order by Mr. Bass at 9:07 a.m.

### ROLL CALL

Members present: Fred Bass, Todd Parker, Dr. David Boethel, Bob Kunst and Dan Foster.

Other present: David Fields, Tyrone Dudley, Marvin Montgomery, LDAF General Counsel, Mary Anderson, Lisa Hall and Lindsey Hunter, Assistant Attorney General.

### AMENDMENTS TO THE AGENDA

Mr. Fields would like to move the Adjudicatory portion of the meeting to the first item on the agenda.

**Motion:** Mr. Parker made a motion to amend the agenda and move the adjudicatory portion to the first item of business on the agenda. This motion was seconded by Dr. Boethel and passed unanimously.

Mr. Bass turned the meeting over to Ms. Lindsey Hunter, Assistant Attorney General.

### ADJUDICATORY HEARING

*Charles Duhon, Case No. 1404* – Mr. W. Allan Lilly, Attorney at Law, represented Mr. Duhon and was present in the meeting room. Mr. Montgomery asked the commission to adopt the Charge Letter dated December 8, 2009 as LDAF #1 and to accept the letter as finding of fact and conclusion of law in case no. 1401. Mr. Lilly informed the commission that Mr. Duhon admits to the allegations in the charge letter.

**Motion:** Dr. Boethel made a motion to accept the Charge letter as finding of fact and conclusion of law in this case. This motion was seconded by Mr. Parker and passed unanimously.

Mr. Fields presented the recommended penalty of \$2500 with \$1500 suspended, probationary period of one year beginning on April 16, 2010 under the following 3 conditions (1) Respondent not violate any Louisiana Pesticide Law or any rule or regulation adopted by Commissioner of Aggravation or Structural Pest Control Commission during the 1 year probation (2) Respondent shall attend and successfully complete one of the approved Comprehensive Termite schools during the one year

probationary period and (3) \$1000 fine shall be paid by the respondent within 30 days.

**Motion:** Mr. Parker made a motion to accept recommendation. This motion was seconded by Mr. Foster. A roll call vote was taken: Yea – Dr. Boethel, Mr. Foster, Mr. Parker, Nay, Mr. Kunst. This motion passed.  
Ms. Hunter turned the meeting back to Mr. Bass

### **APPROVAL OF MINUTES**

**Motion:** Mr. Kunst made a motion to approve the proceedings of the January 28, 2010 meeting. This motion was seconded by Mr. Parker and passed unanimously.

### **TRAVEL EXPENSES**

Mr. Bass asked that all travel expenses be turned into Ms. Anderson.

### **CITIZEN COMMENTS**

None

### **OLD BUSINESS**

Mr. Montgomery – signing of affidavits and signatures of licensees

Mr. Montgomery responded to Mr. Kunst question about signing of affidavits and signature of licensees. Mr. Montgomery stated that there are provisions in the regulations that provide if an applicant cannot get a licensee to sign off because licensee is dead or his whereabouts are unknown or he refuses to sign, then the commission can accept the licensee upon the department's confirmation of that work experience. Mr. Montgomery's opinion is a licensee who refuses to sign unless he gets paid is refusing to sign and is allowing the licensee to use an alternate procedure.

Mr. Montgomery said if the licensee who is signing it is required to incur out of pocket expenses for a person to make an application; there is no issue with that licensee getting reimbursed for his actual out of pocket expenses for obtaining the affidavit.

Mr. Fields said that it's the applicants' responsibility to pay the notary fee, if the licensee decided to pay that would be a decision they would jointly make.

### **NEW BUSINESS**

*NPDES PERMITTING – Bobby Simoneaux*

LDAF is working with Dept. of Environmental Quality and there is now a draft of the NPDES permit.

*ELECTRONIC REPORTING – Tyrone Dudley*

The contractor has signed the contract and is now ready for the Commissioner to sign, after that we can proceed in with the developer to proceed with the new website. The third party on the contract, that will accept payment, is PAYPAL. Division of Administration is optimistic that by July 1<sup>st</sup> that LDAF should be able to accept

electronic payments. The Contractor that is doing the development of the site will begin beta testing on May 1<sup>st</sup> for about 14 days.

*LPMA – Jeff Porter*

Mr. Porter said that there were 14 of the 19 LPMA Board Members present in today's meeting. Each board member introduced themselves to the commission.

Mr. Porter introduced the new LPMA President, Gary Wehlen. Mr. Wehlen asked the commission to not support House Bill 574.

**Motion:** Mr. Kunst made a motion that the Commission consensus is that it does not want to support this bill. This motion was seconded and passed unanimously.

*MOSQUITO MISTING SYSTEMS – David Fields*

Mr. Fields gave the criteria for Mosquito Misting systems. If the Mosquito misting is not attached to the structure in any form including a fence, then you could do this with Mosquito Control Certification and owner/operator license under the Advisory side of pesticides Certification. If the Misting system is attached to a structure, you must be licensed, permitted and registered under Structural Pest. If it is an agricultural structure on Agriculture Animal only, then you would need Ag Pest certification with an owner/operator license under the Advisory side of pesticides certification. A structural pest operator can install a Mosquito Misting system around any individual household. If it is where the general public gathers (churches, schools, apartment complexes, athletic fields, etc.), you must be licensed and certified in Mosquito control.

*CONTRACT REVIEW COMMITTEE – Bob Kunst*

The committee met and discussed the New-Construction Contract with Arbitration, New-Construction Contract without Arbitration. The Pre Construction that was in place is still in place for those who want to use that.

**Motion:** Mr. Kunst made a motion to adopt these as approved contracts for use. This motion was seconded by Mr. Foster and passed unanimously.

*RULES COMMITTEE – David Fields*

The committee reviewed the Draft dated March 31, 2010 and asks the commission to approve adoption of this phase of the rules.

**Motion:** Mr. Foster made a motion to approve the Draft dated March 21, 2010. This motion was seconded by Dr. Boethel and passed unanimously.

*BAIT STATION TESTING – Bob Kunst*

Mr. Kunst asked Dr. Henderson, LSU AgCenter to read the paper on the decay process of baits and comment on it.

**Motion:** Mr. Kunst made a motion to refer this paper to the research committee and recommend that it investigate the possibility for doing this type of research for funding that might be available for LSU to perform this work. This motion was seconded by Mr. Foster and passed unanimously.

***APPOINT RESEARCH COMMITTEE***

Research Committee appointments: , Commissioner Mike Strain , Dr. Bill Richardson, Dr. David Boethel, Mr. Gary Wehlen, Mr. Jeff Porter, Ms. Lois Caffey, Mr. Steve Chiek, and Mr. Floyd Simpson.

**Motion:** Mr. Foster made a motion to accept the recommendations for appointments to the Research Committee. This motion was seconded by Mr. Parker and passed unanimously.

**LICENSEE APPLICANTS**

Tyrone Dudley presented the applications for Licensee

**STRUCTURAL PEST CONTROL LICENSEE APPLICANTS**

**Thursday  
April 15, 2010**

<b>NAME OF APPLICANT</b>	<b>PHASES REQUEST FOR APPROVED</b>	<b>APPROVED/DISAPPROVED</b>
KELLY KEITH	GPC CVC COMM FUMM	DISAPPROVED FOR ALL 3
LANCE GREMILLION	GPC CVC TC	APPROVED APPROVED WAITING ON A CLASS**
JASON DEWITT	CVC	DISAPPROVED
IKE ROSS	GPC CVC TC	APPROVED APPROVED WAITING ON A CLASS**
WENDY AMMONS	GPC CVC	DISAPPROVED DISAPPROVED
JIMMY CRAIN	GPC	DISAPPROVED
CHERI FALCON	GPC CVC TC	DISAPPROVED DISAPPROVED DISAPPROVED
ANDY LANDRY	CVC	DISAPPROVED
TIMOTHY FONTENOT	GPC	APPROVED
TODD WELLS	GPC CVC TC	DISAPPROVED DISAPPROVED DISAPPROVED
JEREMY CALAIS	CVC	APPROVED
DAVID PALMISANO	SHIP FUMM COMM FUMM STRUCT FUM	APPROVED DISAPPROVED DISAPPROVED

ANTHONY PLAISANCE	SHIP FUMM COMM FUMM STRUCT FUM	APPROVED DISAPPROVED DISAPPROVED
ROBERT KUHN	SHIP FUMM	APPROVED
ALMA GALINDO	TC	DISAPPROVED
THOMAS NILSSON	TC	DISAPPROVED
CHRISTOPHER LANIER	TC	APPROVED ONLY AFTER ATTENDING A CLASS**
SHERMAN HILL	GPC CVC	APPROVED APPROVED
RAYMOND EDWARDS	GPC CVC	APPROVED APPROVED
MARK OFFUT	GPC CVC	DISAPPROVED DISAPPROVED
SEAN JOHNSON	GPC CVC TC	DISAPPROVED DISAPPROVED DISAPPROVED
RAY RANDY KENT JR	TC	NEXT MEETING
JASON SPENCE	GPC CVC TC	DISAPPROVED DISAPPROVED DISAPPROVED

\*\*Approved pending completion of approved comprehensive termite school

### **FINANCIAL REPORT AND STATUS REPORT**

Mr. Fields handed out the current financial and status reports.

### **OTHER BUSINESS**

None

### **FUTURE MEETINGS**

LDAF staff recommends July 22, 2010 at 9:00 a.m.

### **ADJOURN**

**Motion:** Mr. Parker made a motion to adjourn. This motion was seconded by Dr. Boethel and passed unanimously.