



ARIZONA

Janice K. Brewer
Governor

Office of Pest Management

9535 E. Doubletree Ranch Road, Scottsdale, Arizona 85258-5514
(602) 255-3664 - (602) 255-1281 fax
<http://www.sb.state.az.us>

Ellis M. Jones
Acting Director

NOTICE OF PEST MANAGEMENT ADVISORY COMMITTEE MEETING

Monday, November 29, 2010, 10:00 A.M.

Office of Pest Management
9535 E. Doubletree Ranch Road, Scottsdale, AZ 85258

Minutes

I. 10:00 A.M.: Call to Order (Chairperson), Committee Roll Call (Mr. Tolton)

Committee Members present: Kevin Etheridge, Andrew Witcher, Carmella Ruggiero, Ken Fredrick, Nate Tamialis (Telephonically)

Committee Members absent: Doug Seemann and Jack Latham

Staff present: Ellis Jones, Vince Craig, Hugo Pulido, Robert Tolton, Charmayne Skow, Dee Seehoffer, Dirk Vandenberg, Alan Pugh, Jennifer Baker, and Ashton Skow

II. Approval of Minutes

a) September 15, 2010

MOTION: To approve the minutes by Ken Fredrick
Second by Carmella Ruggiero

VOTE: 5-0

III. OPM Updates and Reports

a) Agency Update (Mr. Jones)

1. Pest Management Advisory Committee Appointment – Andrew W. Witcher has been appointed to the PMAC by Arizona House Speaker Kirk Adams as a Public Member. Mr. Witcher is the General Manager and “active” Qualifying Party Licensee of Scorpiontech Termite & Pest Control in the B1 (General & Public Health Pest Management), B2 (Management of Wood-Destroying Insects), and B8 (Wood-Destroying Insect Inspection) Categories. He became a Licensed Applicator under the former Structural Pest Control Commission in 2007 and a Qualifying Party Licensee in 2008.

2. Pest Management Advisory Committee Membership

The PMAC has all 7 members at this time. Staff requested a bio and photo of each Committee Member which would be posted on the OPM website.

3. Agency Snapshots

- a) September 2010
- b) October 2010

Mr. Jones explained that the manager of each department would present their department's snapshot.

4. Auditor General's Report

Mr. Jones explained that this report addressed how to regulate the Pest Management Industry. The Auditor General (AG) looked into other states to see how OPM compared. The final report states that OPM leads in many categories and is on par in others. Dr. Michael Pfeiffer inquired about the two reports. Mr. Jones explained that the AG was given two tasks; the first was to audit the OPM and make a recommendation as to whether the agency should stand alone, merge with another agency, or remain as is; the second was to determine how the pest management industry should be regulated and would include comparisons with other states. Mr. Jones added that both reports would be heard by the Legislature on November 30, 2010 and that one was from earlier in the year and one had come out recently.

Mr. Jones also updated the Committee on proposed legislation that was coming from the Agriculture Community. Mr. Jones expressed his concern is that, according to the proposed bill, all statutes and rules regarding pest management would "go away" if there is no proposed legislation during the 2013 Legislative Session. There are no provisions in the proposed document that would continue pest management regulation beyond December 31, 2013. Mr. Jones encouraged everyone to take a close look at the document because if it goes through as written all of the rules, policies, and statutes will end in 2013.

b) Compliance/Enforcement (Mr. Craig)

1. Adjudicated Complaint Summary

Mr. Craig explained the contents of the Adjudicated Complaint Summary by addressing the following topics:

Inspections – Use (the application of pesticides), Non-Use (Vehicle, Office, & Restricted Use Records), and Inquiries (Threshold Investigations)

Enforcement and Legal Services – Mr. Craig explained that the information contained in this portion of the snapshot dealt specifically with cases that were beyond the investigation process and were headed toward adjudication such as dismissals, informal settlement conferences, or hearings.

Civil Penalties and Notices of Correction - Mr. Craig reiterated that all Civil Penalty payments go directly to the State General Fund and not the OPM.

- a) September 2010
- b) October 2010

Mr. Craig addressed the September and October 2010 Compliance/Enforcement Snapshots and asked if there were any questions. There were none.

c) Licensing (Mr. Tolton)

Mr. Tolton addressed the licensing portions of the Agency Snapshots. He explained the breakdown of the Inactive and Active Licenses for QPs as well as Invalid Business License, which have no Active QP Licensee although the Business License remains current until it expires. Mr. Etheridge inquired the reasons for an invalid business license and Mr. Tolton responded.

1. Business Licenses issued during September 2010

Business Name	Business Licensee	Qualifying Party
Adirondack Inspections, Inc.	Adirondack Inspections, Inc.	Timothy M. O’Neill
Aegis Exterminating	Aegis Exterminating, LLC.	Jonathan D. Gibson
All Bed Bugs BeGone	Craig Judge and Jeffrey Shirley	Christopher I. Wilson
Ap Tech	Jamie L. Molstad	Jamie L. Molstad
Blue Marble Landscape, LLC.	Blue Marble Landscape, LLC.	Warren R. Wheat
Delcon Termite & Pest Control, LLC.	Delcon Termite & Pest Control, LLC.	Wendell Gene Goodroad, Jr.
Entopro, LLC.	Entopro, LLC.	Mathew M. Lindsey
G.R.’s Pest Control	Zap Em Pest Management, LLC.	Billy Douglas
Matt’s Proscap, LLC.	Matt’s Proscap, LLC. – Matthew J. Alekseiowicz	Matthew J. Alekseiowicz
Refuge Golf & Country Club	City Center Executive Plaza, LLC.	Kirby L. Scharmann
Sentinel Pest and Termite	Vincent Wasson	Jo Nell Cummings

2. Business Licenses issued during October 2010

Business Name	Business Licensee	Qualifying Party
Exterma Weed, LLC.	Exterma Weed, LLC.	Wayne L. Bulleigh
South Mountain Landcare, LLC.	South Mountain Landcare, LLC.	Michael D. Meyer
Valor Pest Control	Valor Pest Control	David E. Poplin

3. 2011 Qualifying Party and Business License Renewals – Timeframe, Fees, & CE

Mr. Tolton reported that as of November 29, 2010; 353 businesses renewed online and 86 renewed on paper, whereas 451 QP’s renewed online and 103 renewed on paper as of this date. Mr. Tolton also reported that approximately 724 businesses and 928 QP licenses had not renewed. He strongly advised everyone to renew on time to avoid the late fees. It was also made known that reminder notices would be sent out to those who had not yet renewed. Mr. Tolton clarified that if you get your CE (Continuing Education) hours at the last minute that your renewal may be late due to the processing time period of CE credits. Providers have 10 days to report CE credits to OPM. Mrs. Ruggiero asked if the renewal reminders were sent out by mail or email. Mr. Tolton replied both mail and email although many mail and email notices are returned due to bad addresses. Mr. Fredrick asked if that is because they are no longer valid license holders. Mr. Tolton explained that notices are returned due to wrong addresses or individual moving without updating their address. Mrs. Ruggiero asked if faxing notices has been attempted. Mr. Tolton replied that OPM does not have access to fax numbers for individuals or businesses. Mr. Craig volunteered to have the Inspector of the Day make phone calls to businesses and QPs that had not yet renewed in addition to their other duties.

d) Accounting (Ms. Skow)

1. Current Financial Report

Ms. Skow stated that as previously requested, the combined education and exam fees had been split into individual categories. She indicated that OPM was still running a positive fund balance, and that things would look better because of the renewal cycle. Mr. Tamialis stated that on the report it appeared that the expenditures were \$200,000 more than the revenue for 2010/2011. Ms. Skow said that the revenue generated from the renewals will help, and that the revenues this year so far have been more than the expenditures. She explained that the TARF fees are what generate the steady revenue. Harvey Logan stated that the cash flow chart shows OPM has about \$1,000,000 income from TARFs yearly but on the snapshot it shows about \$387,000. Ms. Skow explained that the 2 hand outs being looked at were not the same. She stated that the hand out Mr. Pulido had created was for a calendar year, and the hand out she had created was for a fiscal year. Ms. Skow acknowledged that there had been concern about the TARF revenue decline over the past few years, but she stated that the comparison from the previous year's revenue of TARFs was about the same. Ms. Skow prepared a hand out that looked back at the revenue and expenditures from 2001 to present. Ms. Skow stated that the numbers they see is what is on the report she receives at the end of every month from the Arizona Financial System. Mr. Jones states that OPM runs on a 0 balance budget.

IV. Review, Discussion, and Possible Action on:

a) City of Phoenix IPM Training Program (Ms. Rosanne Albright)

Ms. Albright came out to discuss Integrated Pest Management Training Program. City of Phoenix has a grant through EPA. EPA has allowed City of Phoenix to expand the training program to pest management. She requested recruitment of applicants into the training program and recruitment of employers to assist in on the job training. She stated the goal of the program is to have applicants in the courses and while taking the courses to have them out in the field participating in on the job learning. The program is free to applicants if they meet all the stipulations. City of Phoenix is searching for about 10 to 15 people for recruitment for the program. Mr. Fredrick asked about the curriculum and if there was a set base of things the applicants would be learning. Ms. Albright said there was a curriculum in place and that she would be happy to send it to anyone who wanted to view it.

b) Agriculture Summit Report (Mr. Etheridge)

Chairman Etheridge stated that he had asked that this bill be put on the agenda so that the committee would have an opportunity to discuss it. Mr. Fredrick stated that he feels that the Department of Administration is not a good fit for where OPM should be. He stated that he agrees with the premise that OPM move under the Department of Agriculture because there is already pest control regulation being done there.

MOTION: Mr. Fredrick to agree with bill in moving OPM to Department of Agriculture

Mr. Witcher Seconds Motion

VOTE: No Vote (Motion was later Revised)

Mr. Jones asked Chairman Etheridge to clarify the motion in place. He pointed out that the bill stated that if there was no legislature regarding OPM before December of 2013 that everything will disappear. Mr. Jones stated that the only question he had for the committee based on the bill was “Moving to The Department of Agriculture, what is different?” Mr. Tamialis replied that his answer to the question was oversight. Mr. Tamialis feels that OPM does not fund itself and that the pest management professionals do. Chairman Etheridge stated that he feels that the OPM should remain an independent agency, but the oversight of the agency should be moved to the Department of Agriculture. Lisa Gervase asked who was a part of the agriculture summit and who was involved in drafting the new draft bill. Mr. Jones replied that he did not have valid information about who attended the summit. Chairman Etheridge stated that to his knowledge the agricultural summit was only the agriculture group, but he does not know who was involved in the summit report. Mr. Fredrick stated that the agriculture community had set this meeting for the summit to resolve their own issues within their community, and no one was invited outside of the agriculture officials. Mrs. Gervase asked if anyone from the pest control industry was a part of generating the draft bill. Chairman Etheridge and Mr. Tamialis stated that they were both present at meetings regarding the draft bill. Mr. Jones stated that he did not necessarily disagree with the oversight of the Department of Agriculture but does not see any benefit in actually moving the agency.

MOTION: Mr. Fredrick motions to agree in principle to what the S.B. states as far as the physical move to agriculture as well as the oversight of OPM by agriculture

Mr. Witcher seconds motion

VOTE: 4 – 0

1 abstaining due to lack of further information

c) New Business License Applicants and Name Changes (Mr. Etheridge)

Chairman Etheridge stated that he had agendized this topic because of previous meetings discussion about confusing business license names. Mr. Tamialis asked what the status of correcting the issuance of Critter Ridder of Arizona’s license name when Critter Getter was already issued. Mr. Tolton stated that he had talked to both Critter Ridder of Arizona as well as the Attorney General’s Office. The Attorney General stated that after the issuance of a name the licensee may voluntarily choose to amend their companies name but the OPM could not force them to do so. Mr. Jones had stated that things were going to stay as they are. Mr. Witcher asked how to avoid that issue in the future. Mr. Tolton stated that he would like the committee’s input on how to correct the issue of names that are too similar. Mr. Witcher asked who reviews the name to see if the name is appropriate. Mr. Tolton responds that the name choice goes through a committee that is made up of staff. He explains that once the committee reviews the name and comes to a consensus it is forwarded to Mr. Jones who makes the final decision. The committee stated that they do not have an answer for this issue.

d) OPM Lobby and Public Relations (Mr. Jones)

Mr. Jones stated that per the committees request this item was agendized. Mr. Jones clarified to the committee that he is the lobbyist for OPM. He also explained that the Public Relations Firm is the same one that has been used for years. Chairman Etheridge stated that with as tight as the budget is he is not in approval of OPM spending \$10,000

on a Public Relations Firm. Mrs. Ruggiero states that maybe people just need to understand what it is that the firm does for OPM to make the \$10,000 worth it. Mr. Fredrick stated that he doesn't feel it is right that a government entity of any kind has a lobbyist to defend itself. Mr. Witcher asked if OPM is using his TARF fees to pay for the firm to be able to obtain information how does that help the industry who is paying for it. Mr. Jones replied that when he gets the information he shares it with everyone when there is something important. Mr. Witcher stated that he felt that since he is paying for the service of the firm that the information obtained by the OPM should be posted on the website for public view. Mr. Vandenberg stated that documents such as the draft bill do get posted on our website, but due to the main I.T. technician being on vacation and the fact that the document was just received it may not have been posted for viewing yet.

V. Call to the Public (Chairperson) –

None.

VI. Communication with Advisory Committee Members (Chairperson) –

None.

VII. Scheduling of Future Meetings (Mr. Jones)

- a) January 12, 2011 (originally set as January 19, 2011, changed at the request of the PMAC)
- b) March 16, 2011
- c) May 18, 2011

VIII. Adjournment- Meeting adjourned at 12:09 P.M.