



Arizona Department of Agriculture

Office of Pest Management

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PEST MANAGEMENT ADVISORY COMMITTEE MEETING MINUTES

Wednesday, April 18, 2012, 1:30 P.M.

Arizona State Land Department
1616 W. Adams Street, Phoenix, AZ 85007

Room 206

MINUTES

I. 1:32 P.M.: Call to Order (Chairperson)

A. Committee Roll Call (Ms. Howarth) –

Present:

Chairperson Kevin Etheridge, Ken Fredrick, Andrew Witcher, Carmella Ruggiero, Douglas Seemann (arrived at 1:33 P.M)

II. Approval of Minutes

A. January 11, 2012

Motion:

To approve minutes by Ken Fredrick

Second by Carmella Ruggiero

VOTE:

4-0

III. OPM Updates and Reports

A. Compliance (Mr. Craig)

1. Questions on Snapshot

Mr. Craig noted that on the Snapshot the CE courses provided are substantially less than what has been given in the past. He reminded everyone compliance would gladly go out to a function if an individual requested someone to come out to provide a course on the laws and rules of the agency. Mr. Fredrick asked if the Continuing Education Applications Processed section was referring to individuals providing courses or individuals attending courses. Mr. Craig responded that the number referred to the providers of the Continuing Education Courses. Mr. Fredrick asked if it was possible for the agency to give business education classes or if the agency was only going to provide classes for application of pesticides. Mr. Craig stated that under R4-29-210 there are a list of topics that can be approved for Continuing Education Credit. He explained that business is not listed as one of the topics that can be used for Continuing Education Credit. Mr. Fredrick asked if the list of topics could change in the future to include

business. Mr. Peterson stated the topics for Continuing Education will not change to include business. He explained that the agency is supposed to ensure that individuals know how to use pesticides properly, and the courses provided by the agency are going cover topics that relate to proper pesticide usage. Chairman Etheridge asked if Mr. Peterson felt that proper insurance, accounting practices, and inventory control, although it is a part of business, would lead to making a better pest control technician. Mr. Peterson stated that he felt it would, however it would not show that an individual knows how to apply pesticides properly and that they are doing things right. He stated the Continuing Education Courses given by the agency are focused on pest identification, laws and rules, safety, and labels. Mr. Seemann asked if there was ever a time where compliance required someone to take a business CE class. Mr. Craig stated there was never a time where an individual was required to take a business class. He explained that there was only one occurrence that an individual was required to take a class outside what is normally required, and that individual was required to take an ethics training class because they were dishonest.

- a) January 2012 (handout)**
- b) February 2012 (handout)**
- c) March 2012 (handout)**

B. Licensing (Mr. Tolton)

1. Questions on Snapshot

Mr. Etheridge asked if licensing was continuing to increase. Mr. Tolton explained that Businesses and QPs are increasing, and new applicators coming into the industry has decreased some but more applicators are staying licensed. Mr. Fredrick asked if the reason newly issued Qualifying Party licenses was so low compared to the number of Qualifying Party Applications that are approved was because people just aren't taking the exams. Mr. Tolton stated that there are many individuals who apply and never test or who apply multiple times because of being unable to pass the exams. He also explained the number of approved Qualifying Party Applications includes any application regarding a Qualifying Party (i.e. QP renewals, Inactivate QP, Activate QP...etc.).

- a) January 2012 (handout)**
- b) February 2012 (handout)**
- c) March 2012 (handout)**

2. Business Licenses issued during January 2012

Business Name	City	Business Licensee	Qualifying Party
Argenal Pest Control, LLC.	Buckeye	Argenal Pest Control, LLC.	Jose Argenal
Arizona Pest Patrol, LLC.	Tempe	Arizona Pest Patrol, LLC.	Theron R. Bobbitt
Bug Boss, LLC.	Phoenix	Bug Boss, LLC.	Michael A. Rossi
Burton Pest Control, PLLC.	Peoria	Burton Pest Control, PLLC.	Fredrick A. Woodward
Green Ninja Pest Control, LLC.	Mesa	Green Ninja Pest Control, LLC.	Glenn W. Simons & Cory R. Malmin
Luck of the Irish Pest Weed – IPW	Surprise	Travis Boos	Todd E. S. Van Atta (T)
Palmer Pest Control, LLC.	Cottonwood	Palmer Pest Control, LLC.	Jerry W. Palmer
Sun City Golf Resort, LLC.	Sun City	Sun City Golf Resort, LLC.	James L. Trikoff

Business Name	City	Business Licensee	Qualifying Party
The Olive Tree Company, LLC.	Tempe	The Olive Tree Company, LLC.	Jared K. Beard

3. Business Licenses issued during February 2012

Business Name	City	Business Licensee	Qualifying Party
Custom Built Pest Control, LLC.	Scottsdale	Custom Built Pest Control, LLC.	Debra Lynn Hartill
Desert Mountain Horticultural Services	Chandler	Desert Mountain Horticultural Services, LLC.	Ivan A. Herrera
ELS Maintenance	Phoenix	ELS Maintenance, Inc.	Brian W. Stadler
Emerald Earth Pest and Weed Control	Prescott Valley	William S. Calvert	William S. Calvert
GreenPro, LLC.	Phoenix	GreenPro, LLC.	Michael J. Martin
H & H Pest Management, LLC.	Gilbert	H & H Pest Management, LLC.	William R. Hansen
International Golf Maintenance, Inc.	Mesa	International Golf Maintenance, Inc.	Darin R. Pakkala
Irish Pest Weeds & Termite	Surprise	Brian Irish Doherty	Brian Irish Doherty
Leaf It to Me	Phoenix	Leaf It to Me, LLC.	Ramzy Y. Khoury
MetroProtector Pest Control, LLC.	Tempe	MetroProtector Pest Control, LLC.	Derek A. Judd
Nature's Premium Pest Defense, LLC	Peoria	Nature's Premium Pest Defense, LLC	Jo Nell Cummings
Nip It In The Bug, LLC.	Phoenix	Nip It In The Bug, LLC.	Christopher J. Ledune
Radar Pest Control, LLC.	Apache Junction	Radar Pest Control, LLC.	Christopher J. Kloft
The Gainey Ranch Community Association	Scottsdale	The Gainey Ranch Community Association	Michael P. Juliano

4. Business Licenses issued during March 2012

Business Name	City	Business Licensee	Qualifying Party
A & E Pest and Weed	Avondale	A & E Pest and Weed Supply, LLC	Alan N. Bowles
BeeSmart Pest Control, LLC.	Tempe	BeeSmart Pest Control, LLC	Donald Busch
Desert Heat Pest Control, LLC.	Surprise	Desert Heat Pest Control, LLC	Leslie C. Robbins
Dewey Killem and How Pest Control	Dewey	Jerry Alan Fite, II	Jerry Alan Fite, II
EcoServ Pest Management, LLC.	Phoenix	EcoServ Pest Management, LLC	Hector G. Nunez
Element Green Landscape Management, LLC.	Tempe	Element Green Landscape Management, LLC.	Dennis G. Aguis
Granite Mountain Pest & Termite Control	Prescott Valley	Thomas Savory	Thomas Savory
Green Home Pest Control, Inc.	Tempe	Green Home Pest Control, Inc.	James H. Bowyer
Greens Whisperer, LLC.	Scottsdale	Greens Whisperer, LLC	Mark K. Clark
Hopper Pest Control, LLC.	Buckeye	Hopper Pest Control, LLC.	Michael D. Portwood
IQ Termite Protection	Surprise	Elite Termite Protection,	Mark D. Henderson

Business Name	City	Business Licensee	Qualifying Party
		LLC	
S & L Pole Testing Company, Inc.	Columbus, NE	S & L Pole Testing Company, Inc.	Craig W. Scheidegger
TruTech, LLC	Marietta, GA	TruTech, LLC	Steven L. Martin
Wrangler Pest Control, LLC.	Scottsdale	Wrangler Pest Control, LLC	Timothy R. Grimm
X-Out Pest Services, LLC.	Mesa	X-Out Pest Services, LLC.	Levi C. Petersen

5. 2013 Applicator License Renewal Information – (7212 Renewal Applications mailed)

C. Budget (Ms. Houseworth)

1. Current Financial Report (handout)

Ms. Houseworth stated the cash flow hand out is very similar to what has been seen in the past handouts. She stated the projected ending balance for the fiscal year is approximately \$775,000. She explained the only thing that has changed in terms of the departments finances is the federal grant fund. OPM has been awarded an EPA grant for this year. She stated that the agency is now able to start receiving and spending the federal grant money. She estimated that approximately 2/3 of the grant will be spent in this fiscal year. And the other 1/3 will be spent in next fiscal year. She stated the total amount of the grant was \$109,500. Mr. Fredrick asked if the grant amount was comparable to what has been received in the past. Mr. Craig responded that the amount receive this year was the same as the previous year.

2. Budget Development

Mrs. Houseworth explained the governor and legislature are still negotiating the budget and nothing has been finalized yet. She stated that she estimates the budget to be finalized within the next several weeks. Mrs. Houseworth stated she predicted that the appropriation would be reduced from \$2.7 million to \$2 million, and that the authorized FTE's would be reduced from 40 to 30 as requested.

IV. Review, Discussion, and Possible Action on:

A. Agency Update (Mr. Peterson)

1. OPM to ADA transition

a) Listserv Signup – <http://listsrv.azda.gov/> - Jack Peterson

b) Update on activities

Mr. Peterson stated the legislation turned many of the Department of Agriculture funds into Trust Funds. Chairperson Etheridge asked Mr. Peterson to explain what a Trust Fund was. Mr. Peterson replied the purpose of a Trust fund is industry money held in trust so that the legislature cannot sweep the money from the agency. Mr. Fredrick asked if the agency was in danger of being swept this year. Mrs. Houseworth stated she did not believe the agency would be swept this year. She explained she did not believe that there were going to be sweeps for any agency this year. Mr. Fredrick asked if there was a planned date to put the funds into the new Trust Fund. Mr. Cullings explained that the fund would stay the same, but the fund would get a "Trust" status.

Mr. Peterson explained that at the end of the business license and Qualifying Party Renewal there were several individuals that entered a contract with the agency allowing them to break up the payments for the late fee. He stated there were still multiple individuals who signed a contract who still have not paid. He stated he is preparing to handle the situation to make it right and do everything he can do about it.

2. Task Force

a) Recommendations to date from the Task Force

- i. No Inactive License Requirements – all licenses whether active or inactive must obtain continuing education (CE) and pay license/certification renewal fees;**
- ii. OPM will continue to provide CE classes that deal with laws, rules, and compliance;**
- iii. Discontinue conducting criminal background investigations on license applicants;**

Mr. Peterson explained that the Task Force had made a motion that the agency stops performing background investigations. Mr. Peterson stated there are people in the industry that have requested that the state have a requirement to do background check, but not the agency responsible to do background check. Mr. Kelly Denny, with Metro Institute, asked if there could at least be a requirement for the Qualifying Parties to have background checks. Mr. Peterson stated that he felt that the businesses could do more with a background investigation than the agency could due to individuals being able to appeal the committees' decisions. Mr. Richard Rupkey, with University Termite & Pest Control, Inc., stated that the reason for the agency background investigations was that the state had to set a standard. Mrs. Ruggiero stated that her organization discussed it at their meeting and they came to the conclusion that the agency doing a background check was redundant because the employees already go through a background check. Mr. Fredrick stated he does not hire anyone without a background check. He stated that his only concern was with regards to business licensees because he did not know if the agency would be liable if a business license was issued to an individual who was not of good moral character. Mr. Peterson clarified that the industry is not opposed to the stopping agency background checks. He explained the industry is concerned that if the agency does not require them that there are companies out there that will not perform background checks on employees. Mr. Witcher stated he liked the idea of the state requiring background investigations but not doing them.

- iv. Continue TARFs at a reduced fee; and**
- v. Business Names go through the Secretary of State or Corporation Commission; the OPM will only address names that are potentially misleading.**

Mr. Peterson stated the agency should not be involved in the company names in the industry unless someone is doing something illegal, immoral, or unethical. He explained that the wording on the application has already been changed to inform anyone applying for a business license that just because the license was approved in a name does not mean that a company that already exists with a

similar name will not seek legal action. Mrs. Ruggiero asked what would be considered potentially misleading. Mr. Peterson gave the example of the name “County Weed Control”, and Mr. Fredrick gave the example of the name “FBI – Flying Bugs and Insects”. Mr. Rupkey stated that there is already a name approval processes through the secretary of state. Mr. Tolton stated that if there is any difference in the name (i.e. spelling) the Secretary of State’s Office or Arizona Corporation Commission will approve it, regardless of phonetics.

b) Review of Today’s Meeting

c) Review of the entire current proposed Regulatory/ Statutory Changes but of most significance:

i. Certified Qualified Applicator/QP and Broadening

Mr. Peterson stated the agency will be using the term “certified” which is the term the Federal Government recognizes. Mr. Peterson explained the proposed structure for licensing will be an individual coming into the industry will start as a Certified Applicator. He further explained that to become what is the current Qualifying Party an individual would have to apply to become a Certified Qualified Applicator. He stated an individual will always be an applicator, and only when a Certified Qualified Applicator is associated with a business do they become a Qualifying Party. He stated when a Qualifying Party disassociates from a business they go back to being a Certified Qualified Applicator. He explained that this will eliminate the need for inactive licenses. He stated all licenses will be maintained the same by obtaining the proper amount of CE hours and paying the proper fees. Mr. Seemann asked if once a Certified Qualified Applicator License is obtained does an individual drop their Certified Applicator License. Mr. Peterson stated an individual would have no reason to hold both licenses unless they held more categories as a Certified Applicator than a Certified Qualified Applicator.

ii. TARF

Mr. Peterson stated ultimately the industry does not like the Termite Action Report Form, however the Task Force sees it at consumer protection. He explained the Task Force decided the TARF will be kept, but the fee will be reduced significantly. Mr. Fredrick feels that there should not be a requirement to submit TARFs for Wood-Destroying Insect Inspection Reports (WDIIRs). Mr. Etheridge asked with the \$775,000 carryover of revenue would it be able to be considered to change the fees before the new law and rule package is presented. Mr. Cullings stated that it could be done but it would take some time to do and there would only be a 6-month difference between the fee change going into effect and the Law and Rule change. Mr. Rupkey asked if the only thing being submitted for review in December was the laws. Mr. Peterson stated his goal was to have a nearly complete package to present with both laws and rules in July. Mr. Rupkey asked if when the package was presented and if approved by the house and senate would the laws and rules be presented as one or two bills to the legislature. Mr. Peterson responded that the Legislature only deals with the laws. Mr. Peterson stated that his hope was that it was going to be an industry bill. Mr. Rupkey asked if the agency was going to have to find individuals to sponsor the idea of the proposed bill. Mr. Peterson stated that his understanding was correct.

iii. Licensing Renewal Date

Mr. Peterson stated all licensing renewal dates will be moved till the end of May. He explained that it will allow for easier tracking of CE hours and will allow multiple year licenses as well as more flexibility for unused CE's. Mr. Seemann asked how this change affected the renewal fees. Mr. Peterson stated that the fees had not been set yet. Mr. Denny asked if that means that the QP will renew early or if the renewal will just be pushed out to May. Mr. Peterson stated that he was not sure yet but it would be covered. Mr. Fredrick asked if his understanding that Certified Applicators were going to be required to only have 6 hours of CE while Certified Qualified Applicators would be required to have 15 hours of CE. Mr. Peterson replied that his understanding was correct. Ms. Christy Davie, with Univar USA, Inc., asked how the two year license would work. Mr. Peterson explained that the individual would be able to obtain double the amount of CE and pay double the fee to have their license renewed for 2 years instead of 1 year. He explained that you would also have 2 years in which to obtain the proper amount of CE hours for the next 2 year renewal.

iv. Applications to owned properties

Mr. Peterson stated that the Private Owner Exemption still required the owner of a property to obtain a Qualifying Party and the proper insurance, but would not require them to obtain a business license. The owner would have to register with the Office of Pest Management in order to treat, but would not have to hold and maintain a business license. He explained that the owner would not be able to perform or be hired to perform pest control work on any other property other than their own. Mr. Seemann asked if a tenant was able to be charged for bed bug treatment by the owner of an apartment complex. Mr. Peterson stated from what he understood that an owner was allowed to charge a tenant if the tenant was the reason for the infestation of bed bugs. Mr. Fredrick explained that the apartment complex can make it part of the contract of the lease. He explained that the tenant then would not be allowed to hire an outside company because the apartment complex would already have a contract with a pest control company. Mr. Seemann asked how a landlord would be able to prove that the tenants brought the bed bugs. Mr. Fredrick stated that apartment complexes are now having it certified that their complex is bed bug free before new tenants move in.

B. Help Wanted Advertisements on OPM Website (Mr. Tolton)

Mr. Tolton stated he receives many calls every year from companies wondering if there is any way to get word out to the industry letting them know that they are in need of pest technicians. He explained that currently there is a "My Account" system that allows individuals and companies to go online and change employees, address, and print copies of licenses. He stated that he had thought about using the "My Account" system to create a page to advertise for a limited time. He explained that it would be for licensed companies only. He stated that all companies would have access to it so there would be no favoritism. Mr. Tolton asked the PMAC if they thought it was a good idea. Mr. Seemann asked if it would be a link included on the company search page. Mr. Tolton explained that ideally it would be a separate page, but the information a company wanted to post would be entered through the "My Account" system that would go to a help wanted page. Mrs. Ruggiero stated that a help wanted page is already available for anyone who is a member of Cactus and Pine. She explained that there is a fee to post on the help wanted page. She stated she

feels it is a great idea as long as a template is provided and the material is goes through an approval process before it is posted. She stated she felt it was a good idea to charge for the service. Mr. Seemann stated that he agreed with Mrs. Ruggiero because charging for the service would keep people from making permanent postings. Mr. Peterson stated that currently there is nothing in statue that allows the agency to charge for it, and he explained that his biggest concern was that he did not want to compete with private industry. Mr. Seemann recommended putting a link on the OPM website to direct them to a company who wants a help wanted advertisement. Mr. Peterson stated his concern about Mr. Seemanns recommendation is not wanting to show favoritism. Chairperson Etheridge stated he believed Univar had a help wanted advertisement section and that would put the agency in competition with a major supplier.

Motion:

To not proceed with making a help wanted page on the OPM web page as it will compete with other advertising mechanisms for the industry by Andrew Witcher

Second by Mr. Fredrick

Discussion:

Mr. Ruggiero asked what they agency felt about the help wanted advertisements. She asked if it would create more work and what would make the agency want to offer this service. Mr. Tolton responded that he gets the question to advertise hundreds of times a year. Mr. Tolton stated that the answer given to those seeking a way to advertise through OPM has been “no”, but he explained that after all of the changes made to the agency he started thinking outside of the box for a way to help the industry as a whole. Mr. Seemann stated that if a company were to post a link to a job listing or help wanted advertisement he does not see how it would be a bad thing if it required no maintenance. Mr. Tolton stated that the IT Division could post a link that would be available for 45 days. He stated if a company wanted to hold a continuous post they would have to resubmit an entry once every 45 days. Mr. Tolton explained that it would be virtually maintenance free as long as there was a template for the postings. He explained that currently through the “My Account” system companies currently have the ability to provide a link to their website. Mr. Witcher and Mr. Seemann both like the idea of having links to make it easier for those looking for jobs in the industry. Mr. Tolton stated it may be as simple as checking a box that puts the company name and a link to their website on a list for any company who is looking for technicians. Mr. Peterson stated that there needed to be a legal discussion on the matter before proceeding. Mr. Witcher stated that he wished to withdraw his motion. Chairperson Etheridge stated that the discussion would be tabled until the legal discussion could occur.

C. Discussion of Board of Technical Registration rules deal with home inspectors (Chairperson Etheridge)

Chairperson Etheridge stated the reason this was put on the agenda was because of the discussions about Home Inspectors and licensure at the Task Force Meetings. He stated that there had been several Home Inspectors who attended meetings who stated the requirements were blocking entry into the industry. Chairperson Etheridge stated he looked up the Home Inspectors Rules of Professional Conduct. He explained he felt that due to these Rules of Professional Conduct an individual would be violating the Rules if an they were to perform both Home Inspections and Termite Inspections and Treatments concurrently. Chairperson Etheridge asked the PMAC members what they think about requesting the agency staff to contact the people at the Board of Technical Registration.

Mr. Fredrick asked if Chairperson Etheridge felt like it was a big enough issue to do that. Mr. Fredrick stated that he has never run into an issue with a home inspector. Mr. Seemann stated he is a real estate agent and he explained that every time he calls for a home inspection they company always asks if he wants to include a Termite Inspection. Mr. Fredrick asked Mr. Peterson if it would be difficult to contact the Board of Technical Registration and find out how they feel about this issue. Chairperson Etheridge called on Mr. Craig assure that this issue had been brought up in the past but nothing had been done with it. Mr. Craig stated that Chairperson Etheridge was correct, and he explained that he knows of several companies who do both home inspections and termite intersections and treatments. Mr. Tolton stated that the industry has started a trend of being in both the business of termite inspections and treatments as well as home inspections. He explained that the industry has seen it as a new revenue source, but to him it seems that the home inspectors are counting on the fact that the industry does not know that it violates the laws and rules currently in place by the Board of Technical Registration. Mr. Peterson stated that he would have staff contact the Board of Technical Registration about the issue. Mr. Rupkey asked if there is anything in OPM's laws and rules that prevents a licensed pest technician from becoming a home inspector. Chairperson Etheridge stated there was nothing that prevents an applicator from becoming a home inspector. Mr. Seemann stated that recently it has become more difficult. Chairperson Etheridge explained that while there is nothing that prevents an Applicator from becoming a home inspector, however once licensed as a home inspector it would cause the same issues with the Board of Technical Registration. Mr. Peterson asked Chairperson Etheridge to clarify what it is he wanted the agency's staff to do. Chairperson Etheridge stated he wanted to find out if the people at the Board of Technical Registration see the issue as a conflict to their rules and regulations. Mr. Cullings asked if his concern was that they are licensed by two different agencies or if his concern lies with the home inspector referring to their own pest control company. Mr. Etheridge stated that is only concern is that they are in violation of their own laws and rules.

D. Discussion of Vacancies on the PMAC (Mr. Peterson)

Mr. Peterson stated that Mr. Latham had resigned from the PMAC. He explained that the PMAC needed to get the positions filled. He stated that the governors office had already been contacted to let them know that he has resigned. Mr. Peterson asked how the PMAC members felt the nominations should be handled. Mr. Fredrick recommended that the industry should take care of nominations.

V. Call to the Public (Chairperson) - *Each speaker is limited to five minutes. This is the time for the public to comment. Pursuant to A.R.S. Section 38-431.01(H), action (if any) taken as a result of public comment will be limited to recommending the Acting Director study the matter, responding to any criticism, or recommend scheduling the matter for further consideration at a later date. Pursuant to A.R.S. § 38-431.02(H), the Committee may discuss, consider or make decisions only on matters listed on the Agenda...*

VI. Communication with Advisory Committee Members (Chairperson) – *Each member may disclose any communication with the Public or Industry on issues that they may want to add to a future agenda.*

VII. Scheduling of Future Meetings (Chairperson/Acting Director)

a) July 18, 2012 1:30 PM

VIII. Adjournment – 2:54PM