



Arizona Department of Agriculture

Office of Pest Management

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MINUTES

The following minutes are for the meeting held on July 18, 2012 in Room 206 at 1688 West Adams Street, Phoenix, AZ 85007 (the Department of Agriculture Building)

I. 1:31 P.M.: Call to Order (Chairperson)

a) Committee Roll Call (Ms. Howarth) –

Present:

Chairperson Kevin Etheridge, Ken Fredrick, Andrew Witcher, Carmella Ruggiero, Douglas Seemann, Robert Wagner, Jack Latham Staff Members, and Audience/Industry Members

Absent:

None.

II. Approval of Minutes

a) January 11, 2012

MOTION:

To accept the minutes by Jack Latham

Second by Douglas Seemann

VOTE:

7-0

III. OPM Updates and Reports

a) Compliance (Mr. Craig)

1. Questions on Snapshot

Mr. Craig briefly reviewed the information on the Compliance Snapshots for the previous 3 months. Mr. Craig stated the acronym on the June report for Outreach "ITCA" stood for Inter Tribal Council of Arizona. He stated if anyone needs any education on laws and rules to feel free to contact him or Mr. Tolton.

Mr. Fredrick asked if there was any trend in compliance issues in the industry. Mr. Craig stated a year ago the largest compliance issue was misuse, but the past fiscal year the largest compliance issue appears to be Wood Destroying Insect Inspection Reports(WDIIR). He explained that for whatever reason it seems that individuals are not doing an adequate job when inspecting structures. He stated he feels that for the most part it is probably lack of education. He indicated if a company contacted compliance staff and requested further education or to go out to job sites to help educate individuals they would be more than happy to do that. Mr. Peterson stated that when issues are found compliance offers training as corrective action. Mr. Fredrick stated it seemed like things were quiet as far as compliance. Mr. Craig stated that things were quiet because

the OPM had moved to the Department of Agriculture. He stated that Department of Agriculture seemed to have a relaxed attitude, so he has adopted the same attitude.

Mr. Fredrick asked if compliance only had 6 inspectors. Mr. Craig stated that was correct. Mr. Peterson stated that he and Mr. Craig had not found the opportunity to speak about hiring another inspector, but an additional inspector had been factored into the budget if needed. Chairperson Etheridge asked if Mr. Craig felt that there was adequate coverage with the 6 inspectors currently with OPM. Mr. Craig stated he felt that for the most part the coverage was adequate. He indicated if the agency were to hire another inspector it would be for Yuma because every time an inspector goes out to Yuma a violation is found.

a) April 2012 (handout)

b) May 2012 (handout)

c) June 2012 (handout)

b) Licensing (Mr. Tolton)

1. Questions on Snapshot

Mr. Tolton stated if any of the committee members had questions on the Snapshots to feel free to ask.

Ms. Ruggiero asked if someone has failed to renew their license but has taken all of the CE classes, can they still pay the renewal and late fee? Mr. Tolton stated that as of June 30, 2012 anyone who had not submitted a renewal expired, if someone had submitted a renewal and the application was deemed incomplete he explained the applicant would have 15 days to make the correction to make the application complete or the application would close. Anyone who has let their license expire would have to come back as a new applicant. He explained there were about 27 people who were incomplete on June 30, 2012. He stated as of July 1, 2012 there was only one person who still had time to get their things submitted to complete their application.

Mr. Tolton stated that over all there were 6434 renewals submitted, and of that 4973, roughly 77% were submitted online.

Mr. Peterson asked if the listing of the business licenses that were issued each month was of value. Ms. Ruggiero stated the information is interesting to see. Chairperson Etheridge stated he would still like to see the list of the business license names included on the agenda. He explained he feels it has value.

Mr. Seemann asked if there was no longer an inactive status for business licenses. Mr. Tolton stated inactive has never been a status for a business license. He explained the agency has invalid licensees because they have no Qualifying Party (QP) which means they cannot operate. He indicated the business licensees that are listed on the snapshot as being invalid have at some point since January lost their QP, but those business licenses will not expire until the end of the year. He explained an invalid business will have a current license, but cannot operate. Mr. Seemann asked if it is considered operating under an invalid license if a company got a temporary extension QP. Mr. Tolton explained if a company has a QP or a Temporary QP it is a valid business license. He restated it is when there is no QP associated with the business that the business is invalid and cannot operate. He indicated that once a company's status goes invalid the

agency does not enforce that company to hold insurance because that company is no longer operating. He stated if an invalid company is found to be operating compliance would get involved.

- a) April 2012 (handout)
- b) May 2012 (handout)
- c) June 2012 (handout)

2. Business Licenses issued during April 2012

Business Name	City	Business Licensee	Qualifying Party
Dobson Exterminating Co., LLC.	Peoria	Dobson Exterminating Co., LLC.	Michael D. Dobson
Landscape Management Professionals, Inc.	Queen Creek	Landscape Management Professionals, Inc.	Christopher Abbott
Bradshaw Exterminators	Imperial, CA	Gerardo Muro	Gerardo Muro
Praying Mantis Pest & Weed, Inc.	Prescott Valley	Praying Mantis Pest & Weed, Inc.	David A. Cross
Pat's Home Matters	Green Valley	Patrick H. Haywood	Patrick H. Haywood
Hutch & Sons Landscaping & Pest Control	Chino Valley	Hutch & Sons Landscaping & Pest Control, LLC.	Peter J. Hutchinson
Morning Dew Landscaping, Inc.	Flagstaff	Morning Dew Landscaping, Inc.	Daniel W. Devere
A-Leo Termite Control	Tolleson	Anthony J. Leo	Anthony J. Leo
Clear Choice Pest Control, LLC.	Glendale	Clear Choice Pest Control, LLC.	Ruben J. Romero
Fred Phillips Consulting, LLC.	Yuma	Fred Phillips Consulting, LLC.	Charles R. Morgan

3. Business Licenses issued during May 2012

Business Name	City	Business Licensee	Qualifying Party
Scorpion Sweepers, LLC.	Green Valley	Scorpion Sweepers, LLC.	Peter A. Gloria
Johnson Pest Control, LLC.	Mesa	Johnson Pest Control, LLC.	Teresa M. Kitchens
Last Call Pest Control	Sierra Vista	Last Call Unlimited, LLC.	Timothy A. Siefert
Green Organics Pest Control, PLLC	Phoenix	Green Organics Pest Control, PLLC	Scott A. Preller
Goodman's Pest Control, LLC.	Tucson	Goodman's Pest Control, LLC.	Steve C. Goodman
Lowe's Pest Control, LLC.	Mesa	Lowe's Pest Control, LLC.	Eric A. Lowe
No Termites, LLC.	Tucson	No Termites, LLC.	Michael Giacco
Around the House Home & Pest Services, LLC.	Dewey	Around the House Home & Pest Services, LLC.	Tyler J. Putterman
Mathco, Inc.	Surprise	Mathco, Inc.	Dennis A. Mathis, III.
Jeremy O'Briens Pest & Termite Control	Show Low	Jeremy O'Briens Pest & Termite Control, LLC.	Colleen L. O'Brien
A.S.4. Pest Control	Page	Joseph M. Dieter	Joseph M. Dieter

4. Business Licenses issued during June 2012

Business Name	City	Business Licensee	Qualifying Party
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Business Name	City	Business Licensee	Qualifying Party
Landmark Land Management	Phoenix	Landmark Land Management, LLC.	Daniel W. Monson
Riverview RV Resort Owners Association	Bullhead City	Riverview RV Resort Owners Association, Inc.	Garry D. Ahrendt
Iron Horse Termites, LLC.	Mesa	Iron Horse Termites, LLC.	Robert A. Willard
Olympus Pest Control	Goodyear	Olympus Pest Control, LLC.	Douglas B. DeGraw
SOS Exterminating	Gilbert	Terminix International Co., LP	Linda J. Harrington
Bug Assassins, LLC.	Bullhead City	Bug Assassins, LLC.	Jesse C. Mannie
JFK TurfWise	Show Low	JFK TurfWise, LLC.	John F. Kennedy
Fore Golf Management, LLC.	Scottsdale	Fore Golf Management, LLC.	Michael F. Moffett

c) Budget (Ms. Houseworth)

1. Current Financial Report (handout)

Ms. Houseworth stated the cash flow handout was showing actual expenditures and revenues through the end of June. She stated the 13TH month column is clean up for any bills that are coming in related to Fiscal Year (FY) 2012. Ms. Houseworth gave an example of the telephone bill not being paid as of the end of June. She stated it is anticipated that when all of the FY 2012 bills are applied there will be a fund balance of almost \$825,000.00. She stated the expenditures for the year will end up around \$1,415,000.00. She indicated that once 13TH month closes she would send out the final report for FY 2012. She stated around the middle of August she would send out the first report for the new year, FY 2013.

Ms. Houseworth mentioned the federal grant fund. She explained the grant cycle is on a different fiscal year than the state fiscal year. She stated \$52,400.00 that is on the report needs to be spent within the first 3 months of the state fiscal year, which is the last 3 months of the federal fiscal year. She stated it is estimated that on October 1, 2012 there will be a new federal grant. She stated the amount from the current grant will be spent in state FY 2013. Chairperson Etheridge asked if the money had to be spent or if it could just be approved to be spent, for example on a new inspector's salary. Ms. Houseworth stated the grant money has to be spent. She explained the new budget has money included in it for an additional inspector. Mr. Logan asked if there was a sweep this year. Ms. Houseworth stated there was no sweep of funds this year. She explained the agency got \$10,000.00 of the previously swept funds back.

Chairperson Etheridge asked if Ms. Houseworth would be able to do a study on how the moving of golf courses from OPM to the Department of Agriculture would affect OPMs revenue. Mr. Peterson stated Ms. Houseworth would not be able to do anymore research than had already been done. Mr. Peterson stated the only way to be able to obtain more accurate information would be to do a survey of all of the pest control companies to see which are golf courses and get them to respond there would be no way to obtain any further information. He indicated there were 200 or less business licensees.

Mr. Peterson stated he is confident with the money currently in the OPM fund the agency will be able to make it through any lost resources the agency may face through the year and changes to come.

Chairperson Etheridge stated the reduce in expenditures was amazing because previously to OPM moving to the Department of Agriculture building it was operating on a \$2,900,000.00 budget. Mr. Peterson stated about \$800,000 of the previous OPM budget went to rent.

2. Budget Development

Ms. Houseworth stated the budget for next year would be slightly above the expenditure amount of FY 2012. She stated the budget for next year would be at \$1,436,000.00 which is about a 1.5% increase from the expenditure amount from FY 2012.

IV. Review, Discussion, and Possible Action on:

a) Agency Update (Mr. Peterson)

1. OPM to ADA transition

Mr. Peterson stated OPM and ADA have made it through a year under one roof. He indicated he felt the year had been "pain free". Mr. Fredrick stated from the comments he had heard from the 2 OPM inspectors in Tucson that they are very happy and enjoy the new atmosphere.

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

b) Update on activities

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;**
Mr. Peterson stated Mr. Craig will be holding CE classes 4 times per year.
- iii. Discontinue conducting criminal background investigations on license applicants;**
- 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.**

b) Review of Today's Meeting

Mr. Peterson stated the Task Force had set up subcommittee meetings to review the topics of Devices, Golf Courses, and the Ground Water Protection issues.

Mr. Peterson stated the Golf Course industry wanted to move out of OPM because their equipment and application methods are similar to agricultural equipment and application methods. He stated the golf courses want to move under the Department of Agriculture's authority. He explained it was decided that golf courses applying pesticides on their property will be under the authority of the Department of Agriculture. He stated the individuals that are for hire to go and spray on a golf course will remain licensed by the OPM.

Mr. Peterson stated what is being set up in the rule for Ground Water Protection is that all chemicals detected in the ground water in the last 5 years will have to be reported on a quarterly basis. He stated based on the list of detected chemicals he does not feel there will be a lot of reporting that will have to take place for structural pest control. He stated he would like to take a look at more products that structural pest control technicians use to review the labels to see if they are on the Ground Water Protection List. Ms. Ruggiero asked where the National Pollutant Discharge Elimination System (NPDES) fall into the Ground Water Protection. Mr. Peterson stated if an individual were to apply pesticide to, over, or near water of the US they would have to have a NPDES permit. Ms. Ruggiero stated there are very minimal bodies of water that have to be regulated by NPDES. She explained there is a fine line between what is under NPDES and what is under the Arizona Department of Water.

Mr. Peterson stated through rule an exemption of a specific list of devices was created. He explained an individual is performing services using only the devices on the list would not be required to hold a license. They would just have to state on their advertisements that they are not a licensed pest control company. He stated he had heard some industry members express concern regarding this change, but he stated the line has to be drawn somewhere. He stated he felt the subcommittee came up with a list that seems manageable. Mr. Seemann asked if they are not a licensed pest control company and the OPM does not regulate them, how would the companies be made to state they are not a licensed pest control company. Mr. Casey Cullings, Assistant Attorney General, stated the way the statutory and rule changes are written it solves that issues. He explained the director has the authority to exempt certain devices, which means in order to use those devices you do not have to have a business, QP, or applicator license. He stated the individuals using these devices do not become exempt from the other parts of the statute; they are only exempt from licensure. Mr. Seemann asked if the individuals using these devices are still regulated by OPM. Mr. Cullings stated they were, therefore their advertising can still be regulated. Mr. Seemann asked if the exemption is more aimed toward rodent control, bird control, or heat treatments for bed bugs. Chairperson Etheridge stated it is a contrivance that would prevent, control, or mitigate pests. Mr. Cullings stated statute defines a device very broadly. He explained the devices that are exempt are on a list. He stated the list leaves out things like bird spikes, but it does not leave out bed bug machines. Mr. Fredrick asked if an individual were to trap animals they are required to obtain a license from the Department of Game and Fish. Mr. Seemann asked if that was only for fur bearing animals. Mr. Peterson stated he had heard at a meeting it was the trapping of any animal. Mr. Latham stated he checked with Game and Fish and they indicated it was not an issue if the animals were trapped and killed, but if animals were going to be trapped and relocated an individual has to obtain a trapping license. Mr. Latham requested that the agency check with Game and Fish to clarify what a trapping license is necessary for. Mr. Peterson stated that he would. Chairperson Etheridge asked if a high dollar bird spike/netting job amount made a difference in the exemption. Mr. Robert Tolton, OPM Licensing Supervisor, stated the large dollar amount jobs would fall under Registrar of Contractors (ROC). Chairperson Etheridge stated if an individual is not licensed by ROC they would have no jurisdiction over them. Mr. Peterson stated in cases where there is a high dollar amount job being preformed they should be licensed by ROC. Mr. Vince Craig, OPM

Compliance Manager, stated he would have to talk to ROC because he and Mr. Tolton were directed to talk to ROC and inform them that the individuals doing bird control work were under OPM. He explained from that point on ROC no longer regulated bird control. Chairperson Etheridge asked if this would mandate all pest management professionals to go to ROC for licensure. Mr. Seemann stated almost any bird job pushes you over the limit that would require you to be licensed by ROC. He stated bird work does not fall into any of the categories of ROC. Mr. Peterson stated OPM would contact ROC. He stated he understood the concern that the individuals performing bird work would not be regulated by anyone. Chairperson Etheridge stated ultimately it was the risk of the consumers. He stated if someone pays a company to do \$30,000 worth of bird work on a commercial building, and they are dissatisfied, who do they go to if both ROC and OPM state that they do not regulate them. Mr. Peterson stated there is an exemption for ROC below a certain dollar amount, but when an individual goes beyond that dollar amount it is covered by ROC. Mr. Seemann asked if a licensed pest control company is doing a big bird job would they now be required to obtain an ROC license. Mr. Peterson stated he would find out.

Mr. Peterson stated the minimum age for someone to become a certified applicator was going to be made 18. He explained the minimum age federally will be changing to 18 as well. He indicated he had spoken with insurance companies as well, and they do not want to insure juveniles.

Mr. Peterson stated it is going to be added into the report to eliminate the requirement for background investigations. He stated there were comments from the industry stating they thought the agency should put something in rule that stated the companies were required to conduct background investigations on their applicators. He stated the liability is so great he couldn't imagine why a company would choose not to perform background investigations. He stated he feels the state needs to stay out of it.

Mr. Peterson stated it was being put in to the report an individual could supervise up to 2 unlicensed applicators. He explained that an uncertified applicator is different from a laborer. He stated a laborer could still drill holes and dig trenches, but the individuals dealing with the pesticide containers after they have been opened would be an uncertified applicator.

Mr. Peterson stated the private registration was going to be taken out of rule. He stated the private registration was going to allow people to treat on their own property. He stated no one spoke in favor of having private registration. He stated the concern was a landlord could take advantage of the opportunity to charge tenants for a profit to perform their own pest control. He stated those who had private registration would still have to have insurance, Qualified Applicators (QA), and Certified Applicators. He explained the only license they were not required to have was a business license.

Mr. Peterson stated Qualifying Parties would be required for all political subdivision. He explained that there were several individuals from political subdivisions who spoke in favor of requiring a QP for each political subdivision. He stated there was a comment made that this issue was discussed with a senator years ago, and she scolded the agency stating a QP should not be required for political

subdivisions. He explained that he remembered the issue before being the agency trying to require the political subdivisions to hold a business license. Mr. Latham asked if currently a QP could only represent 1 business license. Mr. Peterson stated that was correct. Mr. Latham asked if an individual currently qualifying a business would be able to be the qualifying party for a political subdivision because a political subdivision does not hold a business license. Mr. Cullings stated currently the language states a QP can only represent 1 business, but for a political subdivision a QP can represent more than 1 as long as they get permission from the director. Mr. Seemann stated his concern was a QP trying to represent both a business and a political subdivision. Mr. Cullings stated there was no provision for that. Mr. Latham stated if he had a pest control business he would not want to represent the political subdivision when he could try to contract his work for them. Mr. Cullings asked if the committee wants to be able to represent a business and a political subdivision or make sure that cannot happen. Mr. Peterson stated it would be something that would have to be looked at to see if it was a concern or if it would be something that would be doable. Mr. Seemann stated he liked the language that states with the permission of the director. He explained then it would be able to be dealt with on a case by case basis. Chairperson Etheridge stated in California a QP is allowed to qualify more than one company. Mr. Latham thinks it should be allowed as long as it is not more than one business license. Ms. Ruggiero asked if that was the way things currently are. She stated she remembered QPs being able to represent more than one golf course. Mr. Seemann asked if that was permitted. Ms. Ruggiero stated that is the way things have been. Mr. Tolton stated the way it is currently set up is there is a Business licensee and a QP and there are employee applicators at several different golf courses. He explained that the employees are stationary employees and do not leave the location they are at. He stated they are not considered separate entities because all the work is done under the business licensee. Mr. Seemann stated in that case each golf course would be considered a route. Ms. Ruggiero stated the golf courses are not held responsible or have to keep any documentation. Mr. Seemann stated the QP has to keep all of the documentation. Mr. Tolton stated there have been compliance issues with the QP not keeping proper records of treatment and other documentation. He stated they have the same record keeping policies as QPs for other business licensees. Mr. Craig stated the law currently states the QP can only qualify 1 company at a time. He explained the QP needs to be able to properly devote time to the company and if the QP were to represent multiple entities it would not allow for them to properly devote their time. He stated it does not make sense to him to allow a QP who qualifies a company to also qualify a political subdivision. Mr. Seemann clarified that a QPs categories cannot be split either. He explained that if a QP is not active in the business they are qualifying in all of the categories they hold, they cannot active their other categories to another company. Mr. Tolton stated that was correct and that's why the terminology is a QP can only qualify one company. He explained the QP has one license number regardless of categories which keeps the QP from being able to qualify multiple companies because they only have one license number that can only be associated to one business at a time. Chairperson Etheridge asked for Mr. Cullings to repeat his question. Mr. Cullings stated he was trying to determine whether the PMAC was trying to make sure that a QP was allowed to qualify a business and a political subdivision at the same time or if they were trying to make

sure that was not allowed to happen. Mr. Latham stated his intent was to close the loophole. He explained he would like to see language that either made permissible, or made it non-permissible. Mr. Fredrick stated it just needed to be clarified one way or another.

Chairperson Etheridge asked if the PMAC would continue after the changes to OPM were made. Mr. Peterson stated he has no concerns with the PMAC continuing. He stated the Director of the Arizona Department of Agriculture can also appoint any type of advisory committee. He stated since the OPM is going to continue to be on its own statutorily, continuing the PMAC is very appropriate. Mr. Logan asked if that would be put into the draft of the report. Mr. Peterson stated it would. Mr. Witcher stated he felt the PMAC is of value because he believes it is important the industry to perceive there is someone there for them. He stated it is also important for Mr. Peterson to have a board of a group of professionals. Mr. Seemann stated he thinks the make-up of the PMAC is important and that it is a resource to Mr. Peterson. He stated with the diverse experience PMAC has had it is a huge resource to the industry, the public, and the Department of Agriculture. He stated it is a free benefit to everybody. Mr. Latham stated he feels the PMAC is a good thing to have as long as it is utilized. He stated his concern is the PMAC has been under utilized. He explained as long as the PMAC is utilized the way he feels an advisory group should be it would be beneficial to keep the PMAC. Mr. Seemann and Mr. Latham stated since the move to the Department of Agriculture they feel the PMAC has been better utilized. Chairperson Etheridge asked Mr. Peterson if he utilized the advisory committee on the agricultural side often. Mr. Peterson stated they have quarterly meetings. He stated if there are issues they can be brought to the advisory committee to make sure the industry is aware of the things that are going on, and also to provide the industry the opportunity to let the agency know if they feel there is something that is not being done or not being done properly. Ms. Ruggiero stated she agrees that the PMAC is beneficial, but she feels that the committee needs maybe 1 or 2 other members. She stated she does not feel there is enough diversity in the members. She stated with most of the members being from pest control companies most of the members are probably getting the same views and complaints. She stated there should be an additional member that is from a different entity besides what the PMAC is currently made up of. Mr. Peterson suggested possibly someone from a political subdivision. Mr. Wagner stated he saw tremendous value in the PMAC. Mr. Peterson stated that previously some of the members were appointed by the governor, some by the speaker of the house, and some by the president of the senate. He indicated that would probably change because it will not be the same body that was previously created. He stated that 7 members was a good number of members because it was easier to get a quorum. He stated his guess for the new structure of the PMAC would be that they would be director appointed members. He stated it would be looked at to see where the potential could be for more diversity, but he stated the majority of the people that the agency regulates are individuals from pest control companies. Ms. Ruggiero stated she agreed, however she stated she felt there could be a lot of benefit to having an individual from a political subdivision on the committee. Mr. Tolton stated the way the original make-up of the committee was the president of the senate and the speaker of the house each appoint an industry member and each appoint a public member, and the governor appointed an industry member,

a public member, and an entomologist. Mr. Latham stated if the PMAC continues he would suggest that at least one member be appointed from a rural area.

MOTION:

To continue the existence of an advisory council appointed by the director be written in the statute by Jack Latham

Second by Douglas Seemann

VOTE:

7-0

Mr. Seemann asked if there was any idea for what percentage of applicators was in political subdivisions, schools, and health care facilities. Mr. Tolton stated he had no knowledge of that information. He stated previously when QPs were no longer required to be held by political subdivisions the agency lost about 90% of the political subdivisions who held licenses. He stated that within 6 months of them letting their QP and Business licenses go he heard from 65% of them asking if they could get their business licenses back. He explained that the main question of the political subdivisions was could they get a QP and make them the responsible party. He indicated he would inform them that they could only make a QP the responsible party if they held a business license. Mr. Tolton stated that the City of Phoenix submitted a large renewal for their staff which was about 236 licensees on one large renewal, however there were other parts of City of Phoenix that did the renewals separately. Mr. Seemann asked if it was feasible to assume that 10% of all applicators work under a political subdivision.

Mr. Peterson informed that the agency was working on the Intergovernmental Agreement (IGA) and it will be signed as soon as it has been completely reviewed. He stated it will be \$104,083.00. Mr. Peterson stated it includes personnel time, HR, and legal.

- c) **Review of the entire current proposed Regulatory/ Statutory Changes but of most significance:**
 - i. **Certified Qualified Applicator/QP and Broadening**

Mr. Peterson stated he saw an issue with the fact that businesses could not expand due to the QP requirements. Mr. Logan asked how the issue would be addressed. Mr. Peterson stated an exemption would be put into the report that would allow individuals to broaden into Right of Way and Weeds or Turf and Ornamental if they obtain their QP in either the Termite or General Pest categories.
 - ii. **TARF**
 - a. **Do options exist to lower fee now**
 - iii. **Licensing Renewal Date**
 - iv. **Private Owner exemption to having a business license**
- b) **Discussion of Board of Technical Registration rules dealing with home inspectors (Chairperson Etheridge)**

Mr. Tolton stated he spoke with Manuel *M??* who is the Home Inspection Division Supervisor. He explained that it was explained to him the way BTR sees wood destroying insect inspections as the business of OPM. He stated that he was told if an individual is going to be performing a Wood Destroying Insect Inspection and filling out a Wood Destroying Insect Inspection Report (WDIIR) they would fall under the jurisdiction of OPM.

He stated home inspectors have specific guidelines that stated they cannot do referrals or they cannot collect additional money. He stated many pest control companies have solicited home inspectors to perform the inspections and give them a finder's fee. He explained the home inspectors have stated they have been told they cannot do that, but pest control companies keep approaching them. He stated BTR has confronted a few pest control companies, and the pest control companies have not listened because BTR does not regulate them. He stated OPM has been asked if there is anything that could be done about it, but he indicated OPM does not have any jurisdiction over that at this point. Mr. Tolton stated he had been provided with 8 different publications that have been given to the BTR industry members that indicate what they are and are not allowed to do. Chairperson Etheridge asked if a home inspector was able to bill more to the home owner if they included the home inspection that was done under a OPM business licensee. Mr. Tolton stated the BTR highly frowns upon that and it can get the individual in trouble with them. Mr. Seemann asked if when a home inspector books a job, and then asks the consumer if they would also like them to schedule their termite inspection, would that be breaking BTRs rules. Mr. Tolton state it is only against BTRs rules if the home inspector is receiving a benefit from the consumer for it. Mr. Seemann stated as long as it is a company that the home inspector goes to and there is no money changing hands and all the home inspector is doing is setting up the inspection it is not a violation. Chairperson Etheridge stated if a home inspector charges \$350 for a home inspection and the pest control company charges \$50 for a termite inspection, so the consumers total bill is \$400, but they have not marked a termite inspection at all they would not be in violation. Mr. Tolton stated he believed that was correct.

c) TARP Database Public Retention Period (Mr. Peterson)

Mr. Peterson stated there is currently 20 years worth of history displayed in the TARP database. He stated he would like to take it down to 5 years. He stated after the change of the laws and rules he would like to change it to 3 years of displayed history. He explained there are individuals out there always trying to find faults with things. He indicated someone had called in and was asking about records that were from 10-12 years ago, and the Agency has no further information on those records. Mr. Peterson stated the TARP database started with Paper TARFs, and then Computer, and now eTARF. He explained he would just like to take it down to 5 years and take all of the other information out of the database. He stated the data would not be destroyed, it would just be taken off the website.

Mr. Seemann stated, as a real estate agent, real estate agents see drill holes on a property and want to know who did it. He explained that he gets 2 or 3 calls a week with a request to find out who preformed a treatment on a specific property. He stated once the treatment is done the holes are there forever. He stated there is no way of knowing how old the treatment is, and there is no way of knowing unless there is access to that information. He indicated it is useful to real estate agents. Chairperson Etheridge stated if someone were on a "witch hunt" the agency would prefer not to have that large of a database out there. Mr. Fredrick stated that was a major concern of his for putting the information on the website anyway, because people use it for that. Mr. Seemann asked if it would just be possible after a certain amount of time certain information drops off. Mr. Peterson stated anyone would be able to come in and do a public document request and obtain all of the information they want, but he only wants to have 5 years available on the website. He explained if an individual cannot find the information on the website they can contact the agency to submit a public document request to obtain all of the information they need. Mr. Craig asked Mr. Seemann as a realtor how often he receives phone calls that require him to use the TARP

database. Mr. Seemann stated the company he works for is the largest in Tucson, and they have advertised to all the other companies that he is an entomologist. He stated he has been getting about 3 calls week. Mr. Craig asked for how long he has been receiving that level of phone calls. Mr. Seemann stated he has been receiving 3 phone calls a week for the last 4 years. Chairperson Etheridge asked if there could be a compromise between 5 and 20 years. Mr. Seemann asked if it was possible for certain fields to drop off. Mr. Peterson stated he would have already had it done but he was informed that the industry had a concern with it. He stated he would like to cut it down to 5 years and see if there are a large number of people calling in who have issues with it and are requesting information from further back. Ms. Ruggiero stated she agreed with cutting the TARF database down to 5 years, but she asked what the proper process would be for someone to obtain older information. Mr. Peterson stated an individual would fill out a public document request and they would submit it to the department and the information would be given to them. Mr. Witcher asked what the cost would be on that. Mr. Peterson stated it would depend on what they were getting. Chairperson Etheridge stated there are some companies that utilize the data base after the 5 years to contact individuals for renewals. He stated that there may be some industry push back if it is cut down to 5 years. He asked if Mr. Peterson if he would be willing to extend it to 6 years. Mr. Seemann stated it should be kept one year past the warranty period. Mr. Peterson stated he was fine with that. Mr. Wagner stated he supports Mr. Peterson 100%, but he asked if there was any way to find out what year time frame people had been looking at. Mr. Peterson stated he did not know if there was a way to find out. Mr. Wagner stated he agreed with the change and many of the pest control companies would be able to tell if the drill holes were new or old if they went out and looked at them. He stated he assumed that most of Arizona relied on when the property was built to find out the treatment history.

MOTION:

To allow the director to set a policy to remove TARF records from the website database one year past the current warranty period by Jack Latham

Second by Robert Wagner

VOTE:

7-0

Mr. Logan asked if it was still being looked at to change the TARF fee to \$4 per TARF. Mr. Peterson stated it was still being looked at, but it would be changed to \$4 or less.

Mr. Craig asked if Mr. Latham wanted to change his motion to say the database will be limited to 6 years instead of 1 year after warranty, because the warranty cannot be determined. Mr. Peterson stated that currently it is 5 years required by law and soon it will be 3 years required by law. Mr. Fredrick stated it is not a warranty, it is a 5 year retreat period. Mr. Craig stated that addresses the Pre-treatments, but that does not address the post construction treatments, or WDIIRs.

MOTION:

To allow the director to allow the director to remove TARF records from the website that are older than 6 years by Jack Latham

Second by Robert Wagner

VOTE:

7-0

V. Call to the Public (Chairperson) –

VI. Communication with Advisory Committee Members (Chairperson) –

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

Mr. Peterson stated he would like the meetings to occur quarterly.

a) Tuesday October 16, 2012 at 1:00 P.M.

VIII. Adjournment -3:08 P.M.