

COMMISSION MEETING
January 11, 2002
MINUTES

I. Call to order and roll call

Commissioners present: Commissioners Hale, Hartley, Micuda, Robinson, Silva, and Tennenbaum

Commissioners absent: Commissioner Burrows

Staff present: Executive Director, Jerome Davis, Barry Levitch, Richard Mars, David Broadstreet, Dirk VandenBerg, Michael Francis, David Colvin, Jason Aanderud, Maggie Vazquez, and Assistant Attorney General Blair Driggs.

II. Approval of December 2001 minutes.....TAB 1

Discussion to Modify Tab 26 from December 2001 minutes.

MOTION: To approve December 2001 minutes, and seconded.

VOTE: 6 - 0 Motion carried.

III. Call to the public (Each speaker limited to five minutes)

None

IV. Correspondence with Commissioners

Chairman Hartley – letter from Mr. Denny of US Pest Control input on “CBT” Computer Based Testing.

V. Scheduling of future meetings/agenda items

February 8, 2002 Scottsdale, AZ
March 8, 2002 Tucson, AZ
April 12, 2002 Scottsdale, AZ

VI. Consent Agenda.

Items will be read and voted on in one group excluding those pulled for discussion.

A. Applications for Business Licenses & Qualifying Party Credentials

- 1. **Lomeli, Jeremy** dba **Pauls Pest and Termite (Activating Qualifying Party for existing business license in the “D & E” categories)TAB 2**

- 2. **Phillips, Lanny J.** dba **Zoom Pest Control (Activating Qualifying Party for new business license “B”). TAB 3**

- 3. **Hargrove, Darren A** dba **America’s Pest Control (Activating Qualifying Party for new business license “B”) TAB 4**

- 4. **Simone, Brian** dba **Ancala Country Club (Activating Qualifying Party for existing business license “E”). TAB 5**
Pulled

*Motion: To approve by Commissioner Robinson.
Seconded by Commissioner Micuda.*

Vote: 6 – 0 Motion carried.

- 5. **Eaton, Jeffrey** dba **Phoenix Exterminating (Activating Qualifying Party for existing business license “E”) TAB 6**

- 6. **Miller, Chris** dba **Ambush Bee & Pest Control (Activating Qualifying Party for existing business license “E”). TAB 7**
Discussion

Chris Miller is testing in the “B” category and not “E”.

- 7. **Kellog, David** dba **Glendale Exterminating (Activating Qualifying Party for existing business license “E”) TAB 8**

- 8. **Schaufer, Steven** dba **Foothills Pest Control (Activate Qualifying Party for new business license “B & C”). TAB 9**

- 9. **Neal, Michael R.** dba **Eco-Logic Services L.L.C. (Activating Qualifying**

Party for existing business license “E & F”)TAB 10

10. Eubank, Aaron dba Titan Pest Control (Activating Qualifying Party for existing business license “B”)TAB 11

B. Applicants for Q.P. Testing.

Amended Agenda Applicants:

Barnes, Kenneth Duaine “B, C & D”

Tichi, Shiloh “B & C”

- 1. Ondrus, Eric Lee “B” TAB 12
- 2. Conlin, Kevin Robert “B & C” TAB 13
- 3. Saxton, Laurianne “C”TAB 14
- 4. Fitzgerald, Chris P. “C”TAB 15

C. Request for Temporary Qualifying Party Certificate and/or Extension.

- 1. Cates, Charles dba North Country Pest Management. TAB 16
Pulled for discussion

*MOTION: To approve by Commissioner Tennenbaum.
Seconded by Commissioner Silva.*

VOTE: 6 – 0 Motion carried.

- 2. Rable, Andrew dba Agape Tree Service/Bartlett Tree Experts. TAB 17

D. Continuing Education Committee Minutes of December, 2001 Meeting. TAB 18

E. Settlement Conferences

1. Baron Pest Control – case # 2001-163TAB 19
Pretreat Violations

Proposed resolution:

That the Business License # C 5137 BC for Baron Pest Control be issued an ADMINISTRATIVE WARNING for violation of A.R.S. § 32-2321 (B)(2), A.A.C. R4-29-104, A.A.C. R4-29-301 (B), A.A.C. R4-29-402 and A.A.C. R4-29-408.

That the Qualifying Party License # 1544 BC for Mark Stern be issued an ADMINISTRATIVE WARNING for violation of A.R.S. § 32-2321 (B)(2), A.A.C. R4-29-104 A.A.C. R4-29-301 (B), A.A.C. R4-29-402 and A.A.C. R4-29-408.

That the Business License # C 5137 BC for Baron Pest Control be issued a CIVIL PENALTY in the amount of \$500.00 for violation of A.R.S. § 32-2321 (B)(2), A.A.C. R4-29-104, A.A.C. R4-29-301 (B), A.A.C. R4-29-402 and A.A.C. R4-29-408.

*MOTION: By Commissioner Micuda to accept Settlement as to company and staff to send applicator portion to OAH.
Seconded by Commissioner Tennenbaum.*

VOTE: 6 – 0 Motion carried.

2. Summit Pest & Termite – case # 2001-183 TAB 20
Termite action report forms (TARFs)

Proposed resolution:

Business License be issued an Administrative Warning for violation of A.A.C. R4-29-418. (T.A.R.F.s)

Business License be issued a Civil Penalty in the amount of \$600.00 for violation of A.A.C. R4-29-418 (TARFs).

The Qualifying Party be issued an Administrative Warning for violation of A.A.C. R4-29-418. (T.A.R.F.'s).

The Qualifying Party be required to pay \$3776.00 for TARF fees.

Total Amount due = \$4376.00

Note: Request for payments as follows. \$800.00 to be paid on or before January 11, 2002, then three payments of \$1,192.00 due on February 18, 2002, March 18, 2002 and the final payment April 18, 2002.

MOTION: Commissioner Micuda moves to Amend Proposed resolution that the Qualifying Party be issued an Administrative Warning for violation of A.A.C. R4-29-418. Which was approved by the Qualifying Party present at the meeting. Seconded by Commissioner Hale.

VOTE: 6 – 0 Motion carried.

End of Consent Agenda.

MOTION: By Commissioner Tennenbaum to accept Consent Agenda as read with the exception for those items pulled for discussion. Seconded by Commissioner Robinson.

VOTE: 6 – 0 Motion carried.

VII. Complaints

1. Litchfield Pest Control - case # 2001-334 TAB 21

MOTION: To send to Administrative Hearing by Commissioner Tennenbaum. Seconded by Commissioner Hale.

VOTE: 5 – 0 Motion carried.

2. Bio-Chem Services – case # 2001-314 TAB 22

MOTION: To send to Administrative Hearing by Commissioner Micuda. Seconded by Commissioner Hale.

VOTE: 5 – 0 Motion carried.

NOTE: Commissioner Silva stepped out of the room while both of these complaints were being heard.

VIII. Felony Applicants.

- 1. Crocker, EJ** **TAB 23**

Not Present at Commission Meeting.

- 2. Epstein, Robert** **TAB 24**

*MOTION: To approve by Commissioner Micuda.
Seconded by Commissioner Hale.*

VOTE: 6 - 0 Motion carried.

IX. E.P.A. F.Y. 2000 Report **TAB 25**

Discussion by Jerome Davis and Kip Micuda.

X. Case Status Report

Discussion by Dirk VandenBerg, Commissioner Hartley, and Assistant Attorney General Blair Driggs.

XI. Legislative Study Committee Report

Update by Jerome Davis. Commissioner Micuda would like for staff to check on information requested and will it be of use?

XII. Executive Director’s Report

Discussion on CBT meeting on Janaury 22nd. Committee results will be brought back to Commission. Need Business Disaster Plan –final report by end of month. Jerome Davis will be at ASPRO meeting on February 8th, 9th, and 10th.

Commissioner Tennenbaum thanked staff for support.

Adjournment *MOTION: To adjourn, by Commissioner Hale.
Seconded by Commissioner Micuda.*

VOTE: 6 – 0 Motion carried.