

**COMMISSION MEETING**  
**July 12, 2002**  
**MINUTES**

1. Call to order and roll call

Commissioners present: Commissioner Fraker, Hale, Hartley, Micuda, Peterson, Robinson

Commissioners absent: Commissioner Burrows

Staff Present: Executive Director, Jerome Davis, Barry Levitch, Pamela Ulbrich, Richard Mars, Dirk S. Vandenberg, Sr., Michael Francis, Jason Aanderud, Maggie Vazquez, Carl Martin, Dave Colvin, Alan Pugh, Robert Guzzi, Ron Felix, Dee Seehoffer, Robert Tolton, Johnny Orzell, and Assistant Attorney General Blair Driggs

**II. Approval of June Minutes ..... TAB 1**

*MOTION: To approve June 2002 minutes by Commissioner Peterson  
Seconded by Commissioner Hale*

*VOTE: 6 - 0 Motion carried.*

**III. Approval of Executive Session Minutes for March 2002 and April 2002**

*Tabled.*

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

*Mike Denny - U.S. Pest Control/Joint responsibility issue on complaints for Business Licensee, Qualifying Party and Applicator.*

**V. Correspondence with Commissioners**

*Hartley - Vendors, VoPac - Questions regarding inspection items being brought up.*

**VI. Scheduling of future meetings/agenda items**

**August 9, 2002. .... Scottsdale, AZ**  
**September 13, 2002 .....Flagstaff, AZ**

October 11, 2002 ..... Scottsdale, AZ  
 November 8, 2002 ..... Tucson, AZ  
 December 13, 2002 ..... Scottsdale, AZ  
 January 10, 2003 ..... Scottsdale, AZ  
 February 14, 2003 ..... Scottsdale, AZ  
 March 14, 2003 ..... Scottsdale, AZ  
 April 11, 2003 ..... Scottsdale, AZ  
 May 9 , 2003 ..... Tucson, AZ

**VII. Consent Agenda.**

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

**A. Applications for Business License**

- 1. Short, Terry Lyn            dba    Terry=s Pest Control (Activating Qualifying Party for new business license in AB@ General Pest). ..... TAB 2

**B. Applications for Existing Business License**

- 1. Corthouts, George J.      dba    Union Hills Country Club (Activating Qualifying Party for existing business license in AE-1" Aquatic Weed Control) ..... TAB 3
- 2. Greenhalgh, Steve G.      dba    Arizona Pest Prevention, Inc. (Activating Qualifying Party for existing business license in AC@ Wood Destroying Organisms & AD@ Fumigation) .... TAB 4
- 3. Mastalsz, Jimmy            dba    Petrini=s Landscaping, Inc. (Activating Qualifying Party for existing business license in AE@ Weed Control). .....TAB 5
- 4. Nelson, George Douglas    dba    Nelson Weed and Pest Control (Activating Qualifying Party for existing business license in AB@ General Pest). .....TAB 6
- 5. Page, Jack D.                dba    George Pest Control (Activating Qualifying Party for existing Business license in AE@

- Weed Control) .....TAB 7
6. Sherrill, William Karl dba Payson Exterminating (Activating Qualifying Party for existing business license in AC@ Wood Destroying Organisms) .....TAB 8
7. Teschner, David M. dba ASAP Bee Removal (Activating Qualifying Party for existing business license in AB@ General Pest & AC@ Wood Destroying Organisms).....TAB 9
8. Turcott, Trevor Scott dba Amera Sun City Pest Control (Activating Qualifying Party for existing business license in AB@ General Pest) .....TAB10

**C. Applicants for QP Testing**

1. Bailey, Gerald D. AB@ (General Pest) .....TAB 11
2. Carmack, Mary Therese AB@ (General Pest) .....TAB 12  
*Pulled*

*MOTION:*

*To approve by Commissioner Peterson  
Seconded by Commissioner Micuda*

*VOTE:*

*6 - 0 Motion carried.*

3. Gibson, Michael E. AE & F@ (Weed Control & Turf & Ornamental) .....TAB 13  
*Pulled*

*Tabled for the next Commission Meeting for additional information. Mr. Gibson will be submitting additional work experience information.*

4. Knowles, Jeremy Michael AE & F@ (Weed Control & Turf & Ornamental) .....TAB 14
5. Slaper, Christopher Michael AB, C, B-1, E-1, E, & F@ (General Pest, Wood Destroying Organisms, Aquatic Pest, Aquatic Weed, Weed Control, & Turf & *Pulled*

Ornamental) .....TAB 15

*MOTION:* To approve by Commissioner Micuda  
Seconded by Commissioner Peterson

*VOTE:* 6 - 0 Motion carried.

**D. Applicants to Broaden Qualifying Party**

- 1. Blackwell, Craig Alan dba Essential Termite Pest Control .....TAB 16
- 2. Burns, Danny dba Burns Pest Elimination .....TAB 17
- 3. Mastalsz, Jimmy dba Petrini=s Landscaping, Inc. .... TAB 18
- 4. Phillips, Lanny Jay dba Zoom Pest Control .....TAB 19

**E. Request for Temporary Qualifying Party Certificate and/or Extension.**

- 1. Bingham, Joseph Trent dba American Dyna-Mite Exterminating  
.....TAB 20
- 2. Harper, John Hazeltine dba William T. Jenkins, Inc. ....TAB 21

**F. Request for Company Name Change**

- 1. Contractors Termite Control, Inc. to Contractors Termite and Pest Control,  
Inc. ....TAB 22

**G. Treatment Proposals.**

- 1. University Termite and Pest Control .....TAB 23

**H. Settlement Conferences**

- 1. Alliance Pest Management - Case # 2001-272 ..... TAB 24  
Failure to pay late TARF fees and failure to respond to the Complaint

*Proposed Resolution:*

1. *That the Business License # C 2253 BC, Alliance Pest Management be issued an Administrative Warning for violation of A.A.C. R4-29-107(A). (Failure to respond to the complaint)*
2. *That the Business License # C 2253 BC, Alliance Pest Management be issued a Civil Penalty in the amount of \$ 175.00 for violation of A.A.C. R4-29-107(A). (Failure to respond to the complaint) To be paid within 30 days from the date of the order.*

*That the Business License # C 2253 BC, Alliance Pest Management pay the late fees in the amount of \$200.00. To be paid within 30 days from the date of the order.*

**2. Matrix Pest & Termite Elimination - Case # 2001-319 ..... TAB 25**  
 Violations for Record keeping

*Pulled*

*Proposed Resolution:*

1. *That the Business License # C 5674 BC, Matrix Pest and Termite Elimination be issued an Administrative Warning for violation of A.A.C. R4-29-408(C) (Pretreat Tag Info.)*
2. *That the Business License # C 5674 BC, Matrix Pest and Termite Elimination be issued an Administrative Warning for violation of A.A.C. R4-29-307(B)(7) (Treatment Records.)*
3. *That the Business License # C 5674 BC, Matrix Pest and Termite Elimination be issued an Administrative Warning for violation of A.A.C. R4-29-308(B)(3) (R.U.P. Records.)*

**MOTION:** *To approve by Commissioner Peterson  
 Seconded by Commissioner Micuda*

**VOTE:** *6 - 0 Motion carried.*

**NOTE:** *Commissioner Peterson wanted to note that there was a late TARF in*

*this matter that was not cited.*

**3. SST Exterminators - Case # 2001-370 ..... TAB 26**  
Failure to file TARFs

*Proposed Resolution:*

1. *That the Business License # I 5350 BC, SST Exterminators be issued an Administrative Warning for violation of A.A.C. R4-29-417(A) (Submittal of TARFs.)*
2. *That the Business License # I 5350 BC, SST Exterminators be issued a Civil penalty in the amount of \$ 250.00 for violation of A.A.C. R4-29-417(A) (Submittal of TARFs.) To be paid with 30 days from the date of the order.*

**NOTE:** All TARF fees have been paid.

**4. Sunrise Pest Control - Case #2002-039 ..... TAB 27**  
Violations for failure to leave written notification of treatment on a pesticide application  
*Proposed Resolution:*

*The Complaint contains allegations of violations resulting from the failure to leave written notification of treatment following a pesticide application.*

*Staff is requesting that the complaint be dismissed and a notice of de-minimis violation be issued or violation of R4-29-305 (A).*

**5. Unified Services Pest Control - Case # 2001-333 .....TAB 28**  
The use of an additional name in the advertising for the Company

*Pulled*

*Proposed Resolution:*

*The Complaint contains allegations of violations resulting from the use and display of a business name. R4-29-207. Display and use of license name and number*

*B. A licensee shall do business under the name in which the license was issued. In addition to the actual name of the licensed business, a company may use slogans, marks and other names in its business. However, the actual name as registered with the Commission shall be prominently displayed on all written material used in the*

*business and on all advertising, whether written or oral.*

***Proposal submitted by United Services Pest Control:***

*That the Business License # C 5573 BC, Unified Services Pest Control Inc. Submit to the Commission for a name change of the company to clear up all issues.*

*Dismiss Complaint against them.*

**MOTION:** *To approve by Commissioner Micuda  
Seconded by Commissioner Peterson*

**VOTE:** *6 - 0 Motion carried.*

**End of Consent Agenda**

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

**VOTE:** *6 - 0 Motion carried.*

**VIII. Decision and Recommended Order by Administrative Law Judge**

**1. Dorado Pest Control - Case # 2001-051 ..... TAB 29**

**MOTION:** *To approve Finding of Fact Conclusion of Law by Commissioner Micuda  
Seconded by Commissioner Peterson*

**VOTE:** *6 - 0 Motion carried.*

**MOTION:** *To modify Recommended Order that the Respondent pay the \$5448.00 within 30 days by Commissioner Micuda.  
Seconded by Commissioner Peterson*

**VOTE:** *6 - 0 Motion carried.*

**2. Todd Marchetti - Case # 2001-016 ..... TAB 30**

**MOTION:** *To approve the proposed Settlement and if Mr. Marchetti does not sign we*

*move forward with a hearing by Commissioner Micuda  
Seconded by Commissioner Peterson*

**VOTE:**        6 - 0 Motion carried.

## **AMENDED AGENDA**

### **S.O.S. Exterminating - Request for Variance of Preconstruction Treatment**

*Not Approved*

*Discussion by various Commissioners and individuals concerning this matter, Chairman Hartley wanted to know if the contractor is willing to change their specifications, does not know where the Commission stands for potential liability. Andy Weber states the architect does not call out any depth of grade in their specifications they are calling per label basically. Chairman Hartley states he does not want the Commission to be sued. Mr. Weber states the contractor is aware what he intends to do since the inspectors could not issue a variance and had to go before the Commission and I will call them today after I find out the status. Mr. Weber said there would be no renegotiating and he may not take the job because he is not comfortable with it. Chairman Hartley does not want it construed the Commission dose not do XYZ and we do not want to validate something that is not valid. Mr. Weber, the architect calls out for specifications on commercial and exactly what they want done and there is not depth or grade in there. They are asking for a specific thing and they are not calling it depth to grade footer they are going by label. Michael Francis commented on what Mr. Weber is looking for is that our law states that you have to go to the top of the footer. What Mr. Weber is requesting that he not be allowed to go to the top of the footer, but to follow product label or go to the maximum depth. Dirk S. VandenBerg, Sr., states that this is a multi-facet problem that we have been trying to work with in the past in the Colorado River area with label or environmental conditions. Vice-Chairman Micuda stated if we don't have the authority to give a variance we should not be giving that means the Commission, inspectors we don't have the legislative authority to do that and he sees this as a greater problem. Vice-Chairman Micuda recommended a subcommittee to work on a proposal whether this is done by statute or by rule. Because if the industry wants the flexibility it makes sense to do a statutory change and a rule change will not do it. Blair Driggs cited R4-29-407(C) AUnless specifically precluded by label, critical areas shall be treated at a rate of four gallons.....@ Mr. Driggs stated if it is not there then we can not do it. Mr. Weber asked if the Commission will not issue a variance then he needs someone to tell him how to do it the way rules tell him to. Chairman Hartley feels we need to do further investigation on this matter. Scott Richardson stated the previous pretreats up north from four to five years ago. Mr. Richardson feels an emergency rule should be adopted if it affects public health, public peace and welfare and a motion should be made on this matter. Vice-Chairman Micuda stated he*

*has a problem making a motion, we already have a sub-committee set up and we should treat this in an expedited manner as soon as possible to come up with a resolution. Carl Martin stated he would like this for the record if you would look at A.R.S. ' 32-2304 (A)(15) Within one hundred eighty days of completion of an initial pretreatment project, require the business licensee to file a supplemental termite action report in a form provided by the commission indicating the completion of the final grade treatment or to request in writing a waiver that indicates why the treatment has not been completed and when it will be completed. Mr. Martin thought this should be brought up in this discussion. Chairman Hartley stated to Andy that he will have to work with the contractor until the Commission could put something into rule. Vice-Chairman Micuda would like for the people who were on the subcommittee that dealt with the Matrix issue, if you are interested I will ask Carl to get in touch with everybody and Andy is part of that committee and there are seven or eight of us on this committee.*

**IX. Complaints**

**1. Kenneth Troy Alvestad - Case # 2002-080 .....TAB 31**

*MOTION: To send to Administrative Hearing by Commissioner Robinson  
 Seconded by Commissioner Micuda*

*VOTE: 6 - 0 Motion carried.*

**2. Arizona Rainfall Weed Control Services - Case # 2002-009 .....TAB 32**

*MOTION: To Dismiss by Commissioner Peterson  
 Seconded by Commissioner Micuda*

*VOTE: 6 - 0 Motion carried.*

**3. Vincent Robert Armendariz - Case # 2002-079 .....TAB 33**

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

*VOTE: 6 - 0 Motion carried.*

**4. Horticultural Management Systems - Case # 2002-026.....TAB 34**

*MOTION: To send to Administrative Hearing by Commissioner Hale  
 Seconded by Commissioner Peterson*

*VOTE:* 6 - 0 Motion carried.

**5. Industrial Termite Specialties - Case # 2002-042 .....TAB 35**

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

*VOTE:* 6 - 0 Motion carried.

**6. Maximum Exterminating - Case # 2001-268 .....TAB 36**

*MOTION:* To send to Administrative Hearing by Commissioner Peterson  
Seconded by Commissioner Micuda

*VOTE:* 5 - 1 Motion carried.

**7. Susan E. Miller - Case # 2002-093 .....TAB 37**

*MOTION:* To send to Administrative Hearing by Commissioner Peterson  
Seconded by Commissioner Micuda

*VOTE:* 6 - 0 Motion carried.

**8. Stephen T. Pappas - Case # 2002-081 .....TAB 38**

*MOTION:* To send to Administrative Hearing by Commissioner Peterson  
Seconded by Commissioner Micuda

*VOTE:* 6 - 0 Motion carried.

**9. Pest One - Case # 2001-277 .....TAB 39**

*MOTION:* To send to Administrative Hearing by Commissioner Peterson  
Seconded by Commissioner Hale

*VOTE:* 6 - 0 Motion carried.

**10. Polo Exterminating - Case # 2002-061 .....TAB 40**

*MOTION: To send to Administrative Hearing by Commissioner Micuda  
Seconded by Commissioner Peterson*

*VOTE: 6 - 0 Motion carried.*

**11. Scottsdale Exterminating - Case # 2002-067 .....TAB 41**

*MOTION: To send to Administrative Hearing by Commissioner Robinson  
Seconded by Commissioner Hale*

*VOTE: 6 - 0 Motion carried.*

**12. SST Exterminators - Case # 2001-363 .....TAB 42**

*MOTION: To send to Administrative Hearing by Commissioner Peterson  
Seconded by Commissioner Micuda*

*VOTE: 6 - 0 Motion carried.*

**13. University Termite and Pest Control Inc. - Case # 2002-021 .....TAB 43**

*MOTION: To send to Administrative Hearing by Commissioner Peterson  
Seconded by Commissioner Hale*

*VOTE: 6 - 0 Motion carried.*

*Discussion by Vice-Chairman Micuda and other individuals on Settlement Conferences. Would like for Settlement Conferences to be done in one step instead of two steps. Blair Driggs stated that we have three choices and they could be done in settlement conference or send it to hearing. Dirk S. VandenBerg, Sr., stated that we would eliminate a redundancy of bringing something to you having it forwarded to Administrative Hearing if necessary, coming back to us for Settlement Conference, then re-proposing and bringing it back to you where its accepted. It is eliminating the second process and we are looking at this as a proposal and not a settlement. What we are going to be doing is following the guideline and contacting the company after the initial 20 days after the complaint has been filed and they have appropriate time to respond and then letting them know at the end of the 20 days what our guideline calls for. Then set up a date with them prior to the meeting and have them come in and an explanation will be given of how it was determined and they can explain the extenuating circumstance and if you have had a chance to review the MATRIX there are*

several negotiable options. We are not restricted anymore of what we can do or propose. We would put the proposal together and bring it before the Commissioners as a Complaint, you have the opportunity to review the violations, the extenuating circumstances, and the proposal and then decide if you want to continue to send it to Administrative Hearing which now is a second process which is negotiation. Blair Driggs cited A.R.S. ' 32-2321 (J)(K) which may have restricted language and Vice-Chairman Micuda felt the language in this cite is not restricted to what he is proposing and what Dirk agrees with. This would streamline the process and give staff the opportunity to get together with people to come to a resolution more quickly. Then it would go before the Commission one time and it could be disposed of by Administrative Hearing, to renegotiate, or goes to trial. Mr. VandenBerg, Sr., stated several years ago this procedure was in effect and does not know why it was changed and Jerry can speak on this matter. Jerome Davis stated this proposal was actually put into effect in 1990 for three years said it worked very well. Mr. Davis said there were four things you could do was to accept it, send it back to staff, or dismiss it. The cases were moved faster through the system and the reason why it was stopped is because the Commissioners wanted more control.

10. Felony Applicants

1. Alvestad, Kenneth Troy ..... TAB 44

*This matter was put on hold until staff can resolve the complaint issue.*

**2. Hardy, Lona A. .... TAB 45**

*Not Present.*

**3. Mason, Victor L. .... TAB 46**

*Chairman Hartley recused himself because Mr. Mason is an employee.*

*MOTION: To approve by Commissioner Peterson  
Seconded by Commissioner Hale*

*VOTE: 5 - 0 Motion carried.*

11. Case Status Report ..... TAB 47

*Discussion by Mike Francis to clarify for Commissioner Peterson the Complaint Investigation Status.*

**XII. Testing Center Operation and Related .....TAB 48**

*Discussion by Chairman Hartley and Barry Levitch. Chairman Hartley thought there was a request by Vice-Chairman Micuda for staff regarding the Testing area. Vice-Chairman Micuda does not recall. Barry Levitch discussed the document that was submitted regarding the concerns of the Commissioners from the last meeting. These issues covered all topics about the various applicators, privacy/confidentiality, and test results. Commissioner Robinson questioned the Auto Grader System to five (5) staff persons of hiring new people. Mr. Levitch was able to explain that there would be four to five staff persons who would have access to desktop capabilities, so when the calls come in and if someone was burdensome someone else could take that call, look it up, access it, and give them a response. Commissioner Robinson wanted to know if there was a problem of not already having done that and why it has not been done. Mr. Levitch responded up to today, for the right reasons that were illustrated before we were not providing timely results and did not explore that option. But since it was raised last month and it seems to become cumbersome for the industry and the Commission was positioning itself to make a decision on responding to that or letting us continue on the way we have been continuing or until we go with Computer Based Testing and wait for your recommendation to do so. We have the results on the Internet, if people come in we give them the results or we mail it out in a timely fashion. If you want real timely results they call up and they identify themselves with the last four digits of their social security number we will give them their results and we have four or five people commanded to do so. Chairman Hartley wanted to know if the last four digits of the social security number provide enough security, since all the employers know and payroll know their social security numbers. His idea was just to assign some type of a pin number at the time they test. Just keep stamping them and given them that number and let them call up that way. If it was the last four numbers I know the last four numbers of every single employee we have and it would not take anything to call and imitate their voice. Blair Driggs was asked if that would suffice for the privacy issue. Mr. Driggs does not feel it would be a legal impediment. Chairman Hartley said the big issue was turning around the test, and know that you failed, and what sections you failed to study for, and turning that around in a timely fashion. With the mail and processing it seemed like we were missing a cycle or two in there not for the certified applicators only but also for the QP to be able to come back in a timely fashion because they almost knew immediately the day after that assuming they did not see their name on the Internet. They call up and they have their pin number they find out what is the status, they failed and then they can retest, so this gets the process moving. Chairman Hartley reiterated what he said at the last Commission meeting that they have an instruction set and they use the Internet first which does not cover the QP. Does not know if they are on the Internet as certification. Pamela Ulbrich said ANo@ Vice-Chairman Micuda stated he feels more has been made for the privacy issue than it needs to be. There are only going to be two people to raise the privacy issue and that is the employee and the employer. If a company*

and an employee are really concerned about it they can do a release like you do with you doctor to get medical records and that takes care of that. Vice-Chairman Micuda commented on the proposal that was submitted by Mr. Levitch. Mr. Levitch said they can make that happen to where it is operational and will notify the industry by the Internet. Vice-Chairman Micuda said if we are getting flooded by calls to ask people if they have checked the Internet.

Commissioner Peterson would like to know how soon people should call in and he was informed 24 hours for certification and 72 hours for QP by Pamela Ulbrich.

**XIII. Matrix/Enforcement Response Program .....TAB 49**

Discussion by Dirk S. VandenBerg, Sr. who informed the Commissioners under Tab 49 is the Matrix and the Enforcement Response Program which has resolved some of the issues for the industry and having the flexibility and wiggle room that was called for to where all parties fairly agreed upon. This is something that we need to adopt and need to utilize at least some sort of guideline, since we don't have any, so we can continue on with the cases that we currently have. Also in conjunction with this, I would like to petition the Commission members to allow us to work on after 20 days when the Statement of Complaint has been filed that we can contact the industry member and try to have a proposal for you at the following Commission meeting, so we can expedite the process. At that time, if it is not acceptable at that meeting you can send it back and we go for another resettlement or forward it onto an Administrative Hearing. Lisa Gervase discussed back at that time she was the Commission's AG when that process was being utilized as Mr. VandenBerg and Commissioner Micuda are proposing. Ms. Gervase stated that the reason why you are getting the complaint now is because things were getting too short-circuited where all we were getting was the proposed Settlement Agreement. You were not getting the investigative report and backup documentation that were gathered during the investigation, so the Commissioners were not able to analyze the proposal because they were not getting all the background documentation with it. With all the proposals you would get all the background documentation.

**MOTION:** To approve the MATRIX by Commissioner Micuda  
Seconded by Commissioner Peterson

**VOTE:** 6 - 0 Motion carried.

Vice-Chairman Micuda commented to Chairman Hartley that he would like to clarify at this point that we are going to streamline the process and enable staff to contact people to conduct a settlement conference as soon as they can. Vice-Chairman Micuda knows that Chairman Hartley wanted to think about it a little more. Chairman Hartley said we can try and we can always back off on it. Vice-Chairman Micuda said if there are any problems we can revisit it, he thought it would be helpful to give staff the go ahead, so they can contact

people after 20 days. Commissioner Fraker commented that if the parties are not allowed to come to an informal agreement that their case does not go to hearing that it goes back to the Commission, so they can hear the details. Vice-Chairman Micuda commented there is an option to do, but you don't want to do, no one here has expressed an interest in doing that and I don't think staff has either, all they are asking for an opportunity to contact people as soon as they can and skip this interim step and come to us with a recommendation of dismissal, or they have a proposal or not, and/or send it to Administrative Hearing. He does not think staff wants it, and he is sure that the industry does not want it, and nobody up here is saying they want it either. Blair Driggs stated there should be some terminology because of the statute. Vice-Chairman Micuda commented the statute states we should authorize someone, so I think if you say in light of this discussion you are authorizing staff to do this. Chairman Hartley referred to Dirk that he is authorizing staff to proceed on receipt of a complaint, obviously investigation of it, and bringing in the party in for a Settlement Conference and presenting the results of that to the Commission.

**XIV. HB 2189 Reporting Requirements by Commissioner Fraker .....TAB 50**

*Discussion by Commissioner Fraker. Commissioner Fraker inquired if everybody has a copy of the Committee report, so he does not have to read it and everybody should have a copy of Jerry's letter dated July 2<sup>nd</sup>. Those two documents said a lot of what the content of what the meeting was about. We meet on Wednesday, June the 26<sup>th</sup> and again on Friday, June 28<sup>th</sup>. We discussed the main areas in that house bill. Commissioner Fraker commented that by Jerry sending this letter out to the industry was a great idea because I think up to that point a lot of people have no idea what is in store for them. That letter is communication to the industry from the staff as to what direction we are headed and it should clear up a lot of questions. He has had discussions with people to get feedback from the industry and people are totally oblivious to what is coming in that regard. Two areas that were discussed were Computer Based Testing and the Termite Treatment Reporting. The Committee reviewed the intent on CBT and on HB 2189 and essentially the legislature has mandated CBT through an outside source, and secondly, the Commission should authorize a new request for a proposal for testing for the services in other words going out for new bids. If you have a copy of Mr. Mar's letter, he has an opinion which we discussed at that time at the meeting and he has a letter from the procurement office and their opinion is instead of some of the other options of reviewing and submitting the bids that we have or revisiting those, their recommendation is that we go out for a new bid. The other part of the discussion was based on the Termite Treatment Reporting requires that all Termite Treatments be reported not just initial treatments, pretreatments, but any termite treatment application. They looked at the language and there is some changes in the language that needs to be clarified and what needs to be reported and what information will be disseminated and the Committee felt this might entail some Rule changes in order to facilitate this matter. There will be other meeting, so the committee can make some kind of recommendation to the Commission. This law becomes*

into effect on August 22<sup>nd</sup>. By August 22<sup>nd</sup> we need to have some direction and then we need to present this to the legislature. This will be CBT. Carl Martin stated by December 1<sup>st</sup>. Commissioner Fraker stated the time line will be close to two years before they can implement the termite reporting to make it workable. The other item is the Committee needs input from outside resources from: Home building industry, real estate industry, and the gathering of more information and have other people involved. This information will have to be out sourced to others that will be effected as well as consumer groups which were mentioned by Carl Martin. Vice-Chairman Micuda said he spoke to Barry before the meeting, since he missed it. He discussed the last paragraph of the survey and of the cost and to attach onto another survey. Carl responded at Vice-Chairman Micuda's request of who that was and it is through the Chamber of Commerce which is actually towards tourism. Vice-Chairman Micuda stated that we might add some of our stuff on to that and share the cost, he also wanted to know if this was discussed. Carl Martin responded that melding those issues into that type of survey does not work well for the industry or us. If we want to do a survey maybe a stand alone on what we are talking about. We had agreed that AMPA would negotiate down the costs of the survey down to \$5000.00 level from \$8000.00 to start. There negotiation of it from eight to five would constitute their portion of the costs and the Commission would authorize \$5000.00 for this portion of the costs. Mr. Martin stated from a budgetary standpoint there is no money budgeted for that and we need to talk more about that. Vice-Chairman Micuda stated why we were even discussing a survey is because Barry makes a persuasive argument and is there any real interest in the public having this information and if there isn't why are we making the industry do it, so rather than speculating if the people are interested or not the effort is to come up with some means to get this information to the public. What is it they are interested in, he informed Barry that if we told the Legislature that nobody cares we could probably go back and change some things, but at the same time to just say that nobody wants this information and why are we doing it that argument is based on it because nobody seems to have information one way or the other the effort is to try and get some data. Chairman Hartley commented about the TARF is going to hit the Commission in August and that is a requirement which will be electronic and paper. Jerome Davis commented that is about 50/50. Chairman Hartley commented that we need to get the CBT moving, so it is going to take a motion. There was discussion by Chairman Hartley, Vice-Chairman Micuda, Blair Driggs, Jerome Davis and Carl Martin of lost revenue to the Agency.

*MOTION: To move forward with the RFP by Commissioner Micuda  
Seconded by Commissioner Peterson*

*VOTE: 6 - 0 Motion carried.*

## **XV. Executive Director's Report**

*Discussion by Jerome Davis on EPA grant and additional monies for Enforcement which will be used for additional Urban initiatives program. SPCC and IT Department created a program that USEPA can review our web site to get information for audit reports and a discussion on termite treatment reporting.*

## **Adjournment**

*MOTION: To adjourn by Commissioner Peterson  
Seconded by Commissioner Micuda*

*VOTE: 6 - 0 Motion carried.*