

**COMMISSION MEETING  
August 9, 2002  
MINUTES**

**I. Call to order and roll call**

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

Commissioners absent: Commissioner Burrows, Peterson

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 Tolton, Maria Perciado, David Maskulka, Johnny Orzell, and Assistant Attorney General Blair Driggs

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

*MOTION: To approve July 2002 minutes by Commissioner Micuda  
Seconded by Commissioner Robinson*

*VOTE: 5 - 0 Motion carried.*

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

*To be discussed at the end of the meeting.*

*MOTION: To approve Executive Session Minutes for March and April 2002 by  
Commissioner Micuda.  
Seconded by Commissioner Robinson.*

*VOTE: 5 - 0 Motion carried.*

*The Executive Session Minutes were approved after the Executive Director's Report.*

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

*None*

**V. Correspondence with Commissioners**

*Letter from Metro Institute.*

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

- 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

*The September 13, 2002 meeting will be at Little America in Flagstaff, Arizona. Discussion by Chairman Hartley of holding a meeting in Winslow or Holbrook any thought? Discussion by Jerome Davis of a meeting in Showlow four or five years ago.*

**VII. Consent Agenda.**

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

**A. Applications for New Business License**

- 1. Carr, Ronald G.            dba    Shalimar Golf Club (Activating Qualifying Party for new business license in “E” Weed Control & “F” Turf & Ornamental).TAB 2
- 2. Debois, Raymond L.      dba    A Pain in the Grass Weed Control (Activating Qualifying Party for new business license in “E” Weed Control & “F” Turf & Ornamental). . . . . TAB 3
- 3. Thompson, James David dba    Rio Salado Golf Course (Activating Qualifying Party for new business license in “E” Weed Control, “E-1” Aquatic Weed & “F” Turf & Ornamental). . . . . TAB 4
- 4. Winter, Burghard G.      dba    Winter Bro.s (Activating Qualifying Party for new business license in “B” General Pest) . . . . . TAB 5  
*Pulled*

*MOTION: To approve by Commissioner Micuda*

*Seconded by Commissioner Hale*

*VOTE:*

*5 - 0 Motion carried.*

**B. Applications for Existing Business License**

1. Conlin, Kevin Robert dba Sun City Pest Control (Activating Qualifying Party for existing business license in "B" General Pest & "C" Wood Destroying Organisms) . . . . . TAB 6
  
2. Gerlach, Andrew Lee dba Allied Exterminating Co., Inc. (Activating Qualifying Party for existing business license in "B" General Pest) . . . . . TAB 7
  
3. McGraw, Todd dba The Steritech Group, Inc. (Activating Qualifying Party for existing business license in "B" General Pest) . . . . . TAB 8
  
4. Sherill, Sr., William H. dba Checker Exterminating, Inc. (Activating Qualifying Party for existing business license in "B" General Pest, "C" Wood Destroying Organisms, "E" Weed Control & "F" Turf & Ornamental) . . . . . TAB 9

**C. Applicants for QP Testing**

1. Carpenter, Stanley W. "B" (General Pest) . . . . . TAB 10
  
2. Eckart, Jeffrey Edward "E & F" (Weed Control & Turf & Ornamental) . . . . . TAB 11
  
3. Edwards, Beau Jared "E" (Weed Control) . . . . . TAB 12  
*Pulled*

*MOTION:*

*To deny by Commissioner Robinson.*

*Seconded by Commissioner Hale.*

*Denied because applicant had answers and questions on scratch paper word for word. Improper behavior.*

VOTE: 5 - 0 Motion carried.

*Mr. Edwards will have to reapply to test.*

**4. Ellis, Patrick Lee “B & C” (General Pest & Wood Destroying Organisms) . . . . . TAB 13**

**5. Finch, Michael John “E” (Weed Control) . . . . . TAB 14**

**6. Gibson, Michael E. “E & F” (Weed Control & Turf & Ornamental) . . . . .TAB 15**  
*Pulled*

MOTION: *To deny QP testing until he has two years experience by Commissioner Hale. Motion died due to lack of a second.*

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

*Denied because applicant does not have documentation and lacks sufficient information to prove he has two years experience.*

VOTE: 4 - 1 Motion carried.

**7. Harper, John Hazeltine “E & F” (Weed Control & Turf & Ornamental) . . . . . TAB 16**

**8. Ozment, D. Cord “E, F, & E-1” (Weed Control, Turf & Ornamental & Aquatic Weed) . . . . . TAB 17**  
*Pulled/Tabled*

MOTION: *To approve “E & F” Weed Control & Turf & Ornamental and table “E-1” Aquatic Weed by Commissioner Micuda. Seconded by Commissioner Hale.*

VOTE: 5 - 0 Motion carried.

9. Padilla, Sergio “E & F” (Weed Control & Turf & Ornamental) ..... TAB 18

10. Painter, Jr., Ricky Bert “C” (Wood Destroying Organisms) ..... TAB 19  
Pulled

MOTION: To deny by Commissioner Hale.  
Seconded by Commissioner Fraker.

Denied because applicant verified his own experience which you cannot do.

VOTE: 5 - 0 Motion carried.

11. Ransom, Roger Dale “E & F” (Weed Control & Turf & Ornamental) ..... TAB 20  
Pulled

MOTION: To approve “E” Weed Control and deny “F” Turf & Ornamental by Commissioner Micuda.  
Seconded by Commissioner Hale.

VOTE: 5 - 0 Motion carried.

**D. Applicants to Broaden Qualifying Party**

1. Smith, Paul K. “E” (Weed Control) & “G” (Golf Course Management) ..... TAB 21  
Tabled

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

1. Aesch, Paul G. dba Pestube Systems, Inc. .... TAB 22

2. Hicks, Trent Larry dba Action Termite and Pest Control . . .TAB 23

3. Horrocks, Jr., Billy E. dba Amera Sun City Pest Control, Inc. .TAB 24  
Pulled

MOTION: Motion to approve extension for 60 days by

*Commissioner Hale.  
Seconded by Commissioner Micuda.*

*VOTE: 5 - 0 Motion carried.*

- 4. Koch, John Michael dba Proven Ecological Pest Control . . . .TAB 25**
- 5. Mastalsz, Jimmy dba Petrini’s Landscaping, Inc. . . . . TAB 26**
- 6. Nickasch, James R. dba Willcox Pest Management . . . . .TAB 27**

**F. Request for Company Name Change**

- 1. Anthem Pest Control to U.S.A. Pest Control . . . . . TAB 28**  
*Pulled*

*MOTION: Motion to deny by Commissioner Micuda.  
Seconded by Commissioner Fraker.*

*Denied because it can be easily confused with  
a government agency.*

*VOTE: 5 - 0 Motion carried.*

- 2. JP Pest Control to JP Pest Control, LLC . . . . . TAB 29**
- 3. Mathis Exterminating to Mathis Exterminating, Inc. . . . . TAB 30**
- 4. Northwest Exterminating, Inc. to Northwest . . . . . TAB 31**
- 5. Tucson Country Club to Wells Environmental Services . . . . . TAB 32**  
*Pulled*

*MOTION: Motion to deny by Commissioner Robinson.  
Motion dies due to a lack of a second.*

*MOTION: Motion to approve by Commissioner Micuda.  
Seconded by Commissioner Hale.*

*VOTE: 5 - 0 Motion carried.*

**G. Treatment Proposals.**

- 1. **Orkin Exterminating Company, Inc. ....TAB**

**H. Settlement Conferences (Cases Already Heard By Commission)**

- 1. **Vincent Armendariz - Case # 2002-079 ..... TAB 34**

Failure to disclose a prior felony conviction on his applications.

*Resolution:*

- 1. *That the, Vincent Armendariz Certification # 0203240 VII, C, be issued an Administrative Warning for violation of A.R.S. § 32-2321 (B)(4).*

- 2. **Contractors Termite Control, Inc., - Case # 2001-037 ..... TAB 35**

Improper disposal of termiticide rinsate

*Pulled*

*Resolution:*

- 1. *That Certified Applicator Jeff Bohannon be issued an Administrative Warning Letter for violation of A.A.C R4-29-301 (A).*
- 2. *That Certified Applicator Jeff Bohannon be issued an Administrative Warning Letter for violation of A.A.C. R4-29-301 (A).*
- 3. *That Qualifying Party Kevin Etheridge be issued an Administrative Warning Letter for violation A.A.C. R4-29-301(A).*

**Factors:** *The company made changes to their application equipment, and had additional training for their personnel as a result of the Complaint.*

**MOTION:** *To accept with correction of typo of name for applicator, it should be changed to Lionel Stewart, by Commissioner Hale.  
Seconded by Commissioner Micuda.*

**VOTE:** *5 - 0 Motion carried.*

*Discussion by Lisa Gervase on joint responsibility for QP.*

**3. Horticulture Management Systems - Case # 2002-026 ..... TAB 36**  
Violations resulting from the application of a herbicide.

*Resolution:*

1. *That the Business License # C 5523 EF, Horticulture Management Systems be issued an Administrative Warning for violation of A.A.C. R4-29-301(A) Misuse of a pesticide.*

QP  
R4-

2. *That the Qualifying Party for Horticulture Management Systems, Bill Egge # 1667 EF be issued an Administrative Warning for violation of A.A.C. 29-301(A) Misuse of a pesticide.*

3. *That the Certified Applicator for Horticulture Management Systems, Pablo Candelaria, Certified applicator # 970927VII, III, E be issued an Administrative Warning for violation of A.A.C. R4-29-301(A) Misuse of a pesticide.*

**4. Industrial Termite Specialties - Case # 2002-042 ..... TAB 37**  
Violations resulting from the preparation and maintaining of records.

*Resolution:*

1. *That the Business License # P 5692 BC, Industrial Termite Specialties be issued an Administrative Warning for violation of A.A.C. R4-29-301 (B) (Records).*

2. *That the Qualifying Party for Industrial Termite Specialties, Stephen Matheson QP # 586 BC be issued an Administrative Warning for violation of A.A.C. R4-29-301 (B) (Records).*

3. *That the Business License # P 5692 BC, Industrial Termite Specialties be issued an Administrative Warning for violation of A.A.C. R4-29-307 (A) (Records).*

4. *That the Qualifying Party for Industrial Termite Specialties, Stephen Matheson QP # 586 BC be issued an Administrative Warning for violation of A.A.C. R4-29-307(A) (Records).*

5. *That the Business License # P 5692 BC, Industrial Termite Specialties be issued an Administrative Warning for violation of A.A.C. R4-29-104 (Joint Responsibility).*



6. That the Qualifying Party for Industrial Termite Specialties, Stephen Matheson QP # 586 BC be issued an Administrative Warning for violation of A.A.C. R4-29-104 (Joint Responsibility).

7. That the Business License # P 5692 BC, Industrial Termite Specialties be issued an Administrative Warning for violation of A.A.C. R4-29-209 (Branch Office).

8. That the Qualifying Party for Industrial Termite Specialties, Stephen Matheson QP # 586 BC be issued an Administrative Warning for violation of A.A.C. R4-29-209 (Branch Office).

**5. Maximum Exterminating - Case # 2001-268 ..... TAB 38**  
Violations resulting from the failure to submit TARFs.

*Resolution:*

1. That the Business License # I 5636 BC, Maximum Exterminating be issued an Administrative Warning for violation of A.A.C. R4-29-417 (A) (TARFs).

2. That the Qualifying Party for Maximum Exterminating, Gary Beal Jr. QP # 3033 BC be issued an Administrative Warning for violation of A.A.C. R4-29-417 (A) (TARFs).

**6. Susan Miller - Case # 2002-093 ..... TAB 39**  
Violations resulting from the advertising for pest control without a valid business license.

*Pulled*

*Resolution:*

1. That Susan Miller Certification 000765 B be issued an Administrative Warning for violation of A.R.S. § 32-2325) (Unlawful Acts).

*NOTE: Applicator Certificate was not renewed. Expired 05-31-2002.*

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

*VOTE: 5 - 0 Motion carried.*

**7. Stephen Pappas - Case # 2001-081 ..... TAB 40**  
Violations resulting from the failure to disclose a felony conviction on five (5) prior applications.

*Pulled*

*Resolution:*

*1. That, Stephen Pappas certification # 980597 III, VII, E be issued a CIVIL PENALTY in the amount of \$400.00 for violation of A.R.S. 32-2321(B)(4).*

*Note: Request from Individual to make two equal payments of \$200.00. First payment due within 30 days of the date of the order and the second payment due within 30 days thereafter.*

*2. That, Stephen Pappas certification # 980597 III, VII, E be required to gain one CEU in the area Laws and regulations for violation of A.R.S. 32-2321(B)(4) to be completed within 30 days of the date of the order.*

*3. That, Stephen Pappas certification # 980597 III, VII, E be issued an Administrative Warning for violation of A.R.S. 32-2321(B)(4).*

*MOTION: Motion to approve by Commissioner Micuda.  
Seconded by Commissioner Robinson.*

*VOTE: 5 - 0 Motion carried.*

**8. Pest One - Case # 2001-277 ..... TAB 41**  
Violations resulting from the preparation of a wood infestation report.

*Resolution:*

*1. That the Business License # C 5608 BC, Pest One be issued an Administrative Warning for violation of A.A.C. R4-29-414 (B)(1)(D) Wood infestation reports.*

*2. That the Qualifying Party for Pest One, Jason Bratcher QP # 2099 BC be issued an Administrative Warning for violation of A.A.C. R4-29-414 (B)(1)(D) Wood infestation reports.*

**9. Polo Exterminating - Case # 2002-061 ..... TAB 42**  
Violations resulting from the preparation of a wood infestation report.

*Resolution:*

*1. That the Business License # C 5393 BC, Polo Exterminating be issued an Administrative Warning for violation of A.R.S. § 32-2324 (D) (Wood Infestation Reports).*

2. That the Qualifying Party for Polo Exterminating, Michael Alexander QP # 1879 BC be issued an Administrative Warning for violation of A.R.S. § 32-2324 (D) (Wood Infestation Reports).

3. That the Business License # C 5393 BC, Polo Exterminating be issued an Administrative Warning for violation of A.A.C. R4-29-414 (B1)(B4) (Conditions Conducive).

4. That the Qualifying Party for Polo Exterminating Michael Alexander QP # 1879 BC, be issued an Administrative Warning for violation of A.A.C. R4-29-414 (B1)(B4) (Conditions Conducive).

5. That the certified applicator Edward Paul Certification # 010681 VII, B,C for Polo Exterminating be issued an Administrative Warning for violation of A.A.C. R4-29-414 (B1)(B4) (Conditions Conducive).

### **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 Hale.*

*VOTE:* 5 - 0 Motion carried.

### **Amended Agenda**

#### **HB 2189 Implementation**

*MOTION:* By Commissioner Micuda to go into Executive Session.  
*Seconded by Commissioner Hale.*

*VOTE:* 5 - 0 Motion carried.

*Discussion by Chairman Hartley and Vice-Chairman Micuda regarding HB 2189 Implementation. TARP's as we know will remain the same. Corrective treatment needs to be further defined. Jerry will notify the industry after August 22<sup>nd</sup>. HB 2189 will be in Rule making process. Rules are already in place and re-treatments will be determined by a rule which will define what to do. Staff to come up with poll survey that will determine if this information is wanted. If the public supports it, Vice-Chairman Micuda will back it. All surprised by bill ending up as it did and the Governor knocking out omnibus bill.*

**VIII. Complaints and/or Settlement Conferences (1<sup>st</sup> Time Before Commission)**

**1. A-1 Pest Control - Case # 2001-357 ..... TAB 43**

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

*VOTE: 5 - 0 Motion carried.*

**2. Gothic Landscaping - Case # 2002-041 ..... TAB 44**

Violations resulting from the application of pesticides without a valid business license.

*Proposed resolution:*

*1. That the Company, Gothic Landscaping be issued a CIVIL PENALTY in the amount of \$500.00 for violation of A.R.S. § 32-2328.*

*2. That the Company, Gothic Landscaping be issued a CEASE AND DESIST ORDER for violation of A.R.S. § 32-2328.*

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

*VOTE: 5 - 0 Motion carried.*

**3. Paul's Pest and Termite Control - Case #2002-076 ..... TAB 45**

Violations resulting from the application of a fumigant.

*Proposed resolution:*

*1. That the Business License # I 5749 BCDE, Paul's Pest and Termite Control be issued an Administrative Warning for violation of A.A.C. R4-29-301 (A) (Misuse).*

*2. That the Business License # I 5749 BCDE, Paul's Pest and Termite Control be issued an Administrative Warning for violation of A.A.C. R4-29-301 (A) (Misuse).*

*3. That the Business License # I 5749 BCDE, Paul's Pest and Termite Control be issued a CIVIL PENALTY in the amount of \$500.00 for violation of A.A.C. R4-29-301 (A) (Misuse).*

*4. That the Business License # I 5749 BCDE, Paul's Pest and Termite Control be issued an Administrative Warning for violation of A.A.C. R4-29-304 (A) (Protection against Contamination).*

5. *That the Business License # I 5749 BCDE, Paul's Pest and Termite Control be issued a CIVIL PENALTY in the amount of \$500.00 for violation of A.A.C. R4-29-304 (A) (Protection against Contamination).*
6. *That the Qualifying Party for Paul's Pest and Termite Control, Jeremy Lomeli QP # 3119 DE be issued an Administrative Warning for violation of A.A.C. R4-29-301 (A) (Misuse).*
7. *That the Qualifying Party for Paul's Pest and Termite Control, Jeremy Lomeli QP # 3119 DE be issued a CIVIL PENALTY in the amount of \$600.00 for violation of A.A.C. R4-29-301 (A) (Misuse).*
8. *That the Qualifying Party for Paul's Pest and Termite Control, Jeremy Lomeli QP # 3119 DE be issued an Administrative Warning for violation of A.A.C. R4-29-304 (A) (Protection against Contamination).*
9. *That the Qualifying Party for Paul's Pest and Termite Control, Jeremy Lomeli QP # 3119 DE be issued a CIVIL PENALTY in the amount of \$600.00 for violation of A.A.C. R4-29-304 (A) (Protection against Contamination).*
10. *That the Certified Applicator for Paul's Pest and Termite Control, Gary Fortune Cert # 900881VII BCD be issued an Administrative Warning for violation of A.A.C. R4-29-301 (A) (Misuse).*
11. *That the Certified Applicator for Paul's Pest and Termite Control, Gary Fortune Cert # 900881VII BCD be issued CIVIL PENALTY in the amount of \$700.00 for violation of A.A.C. R4-29-301 (A) (Misuse).*
12. *That the Certified Applicator for Paul's Pest and Termite Control, Gary Fortune Cert # 900881VII BCD be issued an Administrative Warning for violation of A.A.C. R4-29-304 (A) (Protection against Contamination).*
13. *That the Certified Applicator for Paul's Pest and Termite Control, Gary Fortune Cert # 900881VII BCD be issued CIVIL PENALTY in the amount of \$500.00 for violation of A.A.C. R4-29-304 (A) (Protection against Contamination).*

***NOTE: Business license and Q.P. agreed to pay to the consumer the amount of \$1600.00 and agree to obtain two additional hours of CEU (two will already be required as part of Dow's Stewardship training) for four employees who are involved in fumigation activities.***

***NOTE: Company, Qualifying Party and Applicator are requesting a six month payment schedule.***

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

*VOTE: 5 - 0 Motion carried.*

- 4. S.O.S. Exterminating - Case # 2002-036 ..... TAB 46**  
Violations resulting from the failure to notify the Commission within the specified time frame for a pesticide/animal related illness.

*Proposed resolution:*

*1. That the Business License # I 2189 BC, S.O.S. Exterminating be issued letter of correction for violation of A.A.C. R4-29-304 (F)(1) (Protection against Contamination).*

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

*VOTE: 5 - 0 Motion carried.*

**IX. Felony Applicants**

- 1. Hardy, Lona A. .... TAB 47**

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

*VOTE: 5 - 0 Motion carried.*

- 2. Shambaugh, Robert Allen ..... TAB 48**

*Not Present. Table this item.*

- 3. Shreve, Kendrick Lynn ..... TAB 49**

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

*VOTE: 5 - 0 Motion carried.*

**X. Request for Final Grade Variance**

- 1. AMA Exterminating Inc. .... TAB 50**

**2. Baron Pest Control ..... TAB 51**

*MOTION: To deny Final Grade Variance for AMA and Baron by Commissioner Micuda.  
Seconded by Commissioner Robinson.*

*VOTE: 5 - 0 Motion carried.*

**3. Precision Pest Control ..... TAB 52**

*Tabled - requested by Scott Richardson.*

*Discussion on Final Grad Variance Waivers by Chairman Hartley, Vice-Chairman Micuda, Dirk S. VandenBerg, Sr., Commissioner Fraker and Assistant Attorney General Blair Driggs. Mr. VandenBerg, Sr., states they are voluntarily asking for final grade variance of time to complete. Staff cannot accept and it is for the Commission to review. Staff does not want the three years to go by and allow companies to be unenforceable. Chairman Hartley would like more information on the properties, they may be ready to go, and he is uncomfortable with allowing more time without more information. Mr. VandenBerg, Sr., read the statute and stated it is the discretion of the Commission. Mr. Driggs stated more information is needed from other parties involved and not just the company. Vice-Chairman Micuda will not vote for a waiver because it does not make sense and there is no information of why a variance is needed. Commissioner Fraker is in agreement what is the status of these homes. Chairman Hartley stated there are 269 homes sitting there and what is going on. Vice-Chairman Micuda stated the industry should make the case for the waiver and not the staff at SPCC, they should not make the case for the waiver it is the obligation of the industry. Mr. VandenBerg, Sr., thanked the Commissioners and explained that is why this is in front of them today. Chairman Hartley stated if there is a possibility that there is a violation it should be investigated. Vice-Chairman Micuda stated it is not the Commissions job to determine the validity of waivers, but is there a violation. It is the industries obligation to show grounds for a waiver. Mr. VandenBerg, Sr. stated Precision Pest Control be tabled on behalf of Scott Richardson.*

**XI. Case Status Report ..... TAB 53**

*Discussion by Dirk S. VandenBerg, Sr., that there are two cases for 2001 and there are cases by the Attorney General. Mr. Francis explained that the calendar year 2001 and 2002 are combined and that is why there are 45 pages of the Case Status Report and only six of them were attached to his report.*

**XII. Computer Based Testing (CBT) - Request for Proposal (RFP) Overview .... TAB 54**

*Discussion by Jerome Davis, Vice-Chairman Micuda, Richard Mars, Barry Levitch, Chairman Hartley and Commissioner Fraker. Jerome Davis stated everyone should have received a letter on this. Richard Mars has been working on this task, so we can push it forward and there are bullet items for your discussion and review and the RFP overview, which has been seen before. Vice-Chairman Micuda has a couple of questions, he asked Jerry if he had an idea of when we will have a final draft. Mr. Mars responded it is on hold until we have the Commission input and we are waiting to approve the original draft to include any items the Commission wants. Mr. Levitch stated approved through a "PO". Vice-Chairman Micuda stated we need more specific and finer points on the RFP including the word "shall" should be removed and include "will and must" and stated to Mr. Mars it was a good Memo. Mr. Mars commented that he has had correspondence with Mr. Scarborough who was included and who had input with the RFP. Chairman Hartley wants to make sure we have the proper testing capacity to perform, not to have people end up around the block, so there is proper capacity in the various areas. Richard Mars stated it would give us more testing capacity then we have ever had up to now. Vice-Chairman Micuda stated he headed the committee that looked at the proposals the first time. It is not the matter of looking just at the capacity it is looking at the quality and the consistency of capacity yet you start to run into validity problems with testing when you have people in one area of testing in certain conditions and testing in another area with a totally different set of conditions, so there is an effort to ensure the locations and conditions were the same everywhere to give some credibility to the testing. Chairman Hartley would like for Richard to get rid of the word test sites and shall and will be equipped to test at a minimum, so that can be expanded. Chairman Hartley stated we should just move forward with this thing toward procurement. Vice-Chairman Micuda the last point you made about the review committee, I was on the last one, I will be happy to be on the next one. We need four people at least four people, so whomever, or if the four who were on it before if they want to be on it, it is up to you. Chairman Hartley wanted to know what exactly are they reviewing. Richard Mars stated they review all the RFP's that come in, all the proposals, set a criteria as to weighing the proposals and ultimately coming up with a selective bidder. Chairman Hartley wanted to know who was on the last committee. Vice-Chairman Micuda said it was Richard, Hugo, Rusty. Chairman Hartley stated why Rusty has not be available because of his security job at Central Arizona Project. Chairman Hartley asked Kip if he was willing to do that and Vice-Chairman Micuda agreed to be on the committee, since he has the background from the last committee. Chairman Hartley asked Commissioner Fraker and Richard. Richard Mars commented that we do not need four. Vice-Chairman Micuda asked about Carl being on the committee. Chairman Hartley said Carl would be on the Committee and asked if we wanted Hugo on the Committee, he felt Hugo was needed. Commissioner Fraker wanted to clarify the capacity of two at a time in outlying areas "Kingman" they would have to alternate. Mr. Mars responded the minimum is two and it would be daily five to six days for testing..*



**XIII. Discussion by Ryan Weber of S.O.S. Exterminating regarding FMC software issue relating to TARFs**

*Discussion by Ryan Weber who read a letter on behalf of SOS, Sexton, Nu-Treat and Northwest on FMC software for TARFs. Mr. Weber stated the SPCC has two ways, we ask you to consider a third. Downloaded information could be sent with our software package, which we all use and could blocks of TARP's be assigned to the Industry. Electronic files would save time, money and the Commissions time. Everybody is going electronic and currently computar is not compatible.*

*Vice-Chairman Micuda approved the direction they are going in, which has been mentioned before. This should be a priority for Hugo to accommodate the industry and the software should be brought up and reviewed.*

*Mr. Ted Lunt works at FMC and the intention is that the Commission come up with a format to submit it electronically and the file would go into a data base for validation. They are wiling to work with the industry and SPCC.*

**XIV. Executive Director's Report**

*Discussion by Jerome Davis on PREP course in Austin, Texas which was attended by Carl Martin and Mr. Davis. Commissioner Peterson was at the PREP course as well, for the Department of Agriculture. Mr. Davis stated we need a packet for HB 2188 by November for the 2003 Legislature.*

**Adjournment**

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

*VOTE: 5 - 0 Motion carried.*