

Structural Pest Control Commission  
9535 E. Doubletree Ranch Road  
Scottsdale, Arizona 85258

COMMISSION MEETING  
FRIDAY, March 14, 2003  
MINUTES

**I. Call to order and roll call (Chairperson Fraker, Mr. Craig)**

**Commissioners Present:** Commissioner Burrows, Fraker, Hale, Hartley, Peterson and Robinson

**Commissioner Absent:** Commissioner Micuda

**Staff Present:** Vince Craig, Mike Francis, Lisa Gervase, Carl Martin, Dirk S. Vandenberg, Sr., Maggie Vazquez, and Assistant Attorney General Blair Driggs

**II. Approval of February 14, 2003 (regular session)**

*Commissioner Robinson stated for the February 14, 2003 Minutes that his name was listed on Page 2 and he was not present. It should be Commissioner Peterson.*

**MOTION:** *To approve February 14, 2003 (regular session) with modification by Commissioner Peterson, and seconded by Commissioner Burrows.*

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

*Chairman Fraker thanked Commissioner Hale for serving on the Commission for the last three years. He also thanked Commissioner Micuda in his absence who finished his three-year term with the Commission and for all the work on the committees he participated on. Chairman Fraker would also like to recognize the reappointment of Commissioner Robinson.*

**Approval of Executive Session Minutes of December 13, 2002, January 10, 2003, and February 14, 2003 (Notebook binder pocket item).**

**MOTION:** *To approve Executive Session Minutes of December 13, 2002, January 10, 2003, and February 14, 2003 by Commissioner Hartley, and seconded by Commissioner Hale.*

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

**III. Call to the public**

*Bruce Tennenbaum - Arizona Pest Control - Thanked Commissioner Micuda, Commissioner Hale, Commissioner Burrows and Commissioner Robinson for their hard work and to Ms. Gervase as the new Executive Director. Mr. Tennenbaum stated there is usually a good turn out for the Tucson Commission meeting. Mr. Tennenbaum also inquired about SPCC's process to publicize for the meetings in Tucson.*

**IV. Correspondence with Commissioners**

*None*

**V. Scheduling of future meetings/agenda items (Mr. Craig)**

Dates and locations

April 11, 2003 ..... Scottsdale, AZ  
May 9, 2003 ..... Scottsdale, AZ  
June 13, 2003..... Scottsdale, AZ  
July 11, 2003 ..... Scottsdale, AZ

**VI. Consent Agenda.**

**A. Applications for New Business License (Mr. Francis)**

1. Caldwell, James Peter dba Bounty Hunter Pest Control (Activate Qualifying Party for new business license in "B" General Pest)

*Correction to Mr. Cadwell's name it should read "Cadwell" and not Caldwell. Mr. Cadwell is activating QP for business license for "B" and "C" General Pest and Wood Destroying Organisms.*

2. Hoffpauir, Michael B. dba Mighty Mike's Pest Control (Activating Qualifying Party for new business license in "B" General Pest)

3. Hungerford, John dba Sedona Bug Busters, Inc., (Activating Qualifying Party for new business license status change in "B" General Pest)

4. **McCracken, Kent P.** dba **Urban Forest Tree Care (Activating Qualifying Party for new business license in “E” Weed Control and “F” Turf & Ornamental)**
5. **Ragan, Jeffrey Alan** dba **Recon Inc., (Activating Qualifying Party for new business license in “E” Weed Control)**
6. **Ross, Gary Wayne** dba **Ross Pest Control (Activating Qualifying Party for new business license in “B” General Pest)**
7. **Stromnes, Lance Eric** dba **Lancealot Pest Management (Activating Qualifying Party for new business license in “B” General Pest and “C” Wood Destroying Organisms)**
8. **Taylor, Wendy Wixom** dba **Serendipity Pest Control (Activating Qualifying Party for new business license in “B” General Pest and “C” Wood Destroying Organisms)**

*Correction to Wendy it should read “Wendi.”*

**B. Applications for Existing Business License (Mr. Francis)**

1. **Galloway, Timothy Ray** dba **Terminix of Mohave County (Activating Qualifying Party for existing business license in “E” Weed Control and “F” Turf & Ornamental)**
2. **Saxton, Laurianne M.** dba **The Exterminating Company (Activating Qualifying Party for existing business license in “C” Wood Destroying Organisms)**
3. **Winter, Burghard G.** dba **Winter Bros., (Activating Qualifying Party for existing business license in “C” Wood Destroying Organisms)**

**C. Applicants for QP Testing (Mr. Francis)**

1. **Collins, Jason Paul** “C” (Wood Destroying Organisms)

2. Cranston, Laurel J. “E & F” (Weed Control & Turf & Ornamental)  
*Pulled*

*Commissioner Robinson asked a question on employment verification. Mr. Francis stated there were two employment verifications, so basically there are two years and two months of employment.*

**MOTION:** *To approve QP Testing by Commissioner Robinson. Seconded by Commissioner Hale.*

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

3. English, John P. “E & F” (Weed Control & Turf & Ornamental)

4. Espailat, Jose Ramon “E & F” (Weed Control & Turf & Ornamental)  
*Pulled*

*Mr. Espailat was not present to answer the Commissions’ questions, so this was tabled.*

5. Frink, Clifford William “E & F” (Weed Control & Turf & Ornamental)

6. Halterman, Daniel D “B” (General Pest )

7. Henderson, Jason P. “B” (General Pest)

8. Kilian, Gloria L. “B & C” (General Pest & Wood Destroying Organisms)  
*Pulled*

*Ms. Kilian appeared and answered the Commissions’ questions.*

**MOTION:** *To approve QP Testing by Commissioner Hartley. Seconded by Commissioner Peterson.*

**VOTE:** *4 - 2 Motion carried.*

**Roll Call Vote:**

*Commissioner Hartley - Yes  
Commissioner Peterson - Yes  
Commissioner Fraker - Yes  
Commissioner Robinson - No  
Commissioner Burrows - No*

*Commissioner Hale - Yes*

*Motion passes*

9. Ledezma, Alberto “E, F & G” (Weed Control, Turf & Ornamental & Golf Course Management)

10. Leyva, Martin “E” (Weed Control)

11. Lopez, Ramon D. “B & C” (General Pest & Wood Destroying Organisms)  
*Pulled*

*Commissioner Hartley recused himself.*

**MOTION:** *To approve QP testing by Commissioner Burrows. Seconded by Commissioner Peterson.*

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

12. Ochoa, Michael T. “E & F” (Weed Control & Turf & Ornamental)

13. Petroff, Mike Cornell “E & F” (Weed Control & Turf & Ornamental)

14. Phillips, Kevin K. S. “E, F & G” (Weed Control, Turf & Ornamental & Golf Course Management)

15. Plattis, Jeffrey M. “E & F” (Weed Control & Turf & Ornamental)

16. Rojahn, III; John R. “E & F” (Weed Control & Turf & Ornamental)  
*Pulled*

*Discussion concerning verification of employment. There was discussion by the Commissioners to staff to revise the SPCC employment verification forms for QP testing and to list the type of duty.*

**MOTION:** *To approve by Commissioner Hartley. Seconded by Peterson.*

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

17. Sneer, Scott Loren “B & C” (General Pest & Wood Destroying Organisms)

**D. Applicants to Broaden QP (Mr. Francis)**

1. Finch, Michael John      “B & E-1” (General Pest & Aquatic Weed)  
*Pulled*

*Commissioner Burrows recused himself.*

*MOTION:                      To approve QP to Broaden by Commissioner  
Robinson.  
Seconded by Commissioner Hale.*

*Vote:                              5 - 0      Motion carried.*

2. Hargrove, Darren A.      “E” (Weed Control)

**AMENDED AGENDA**

*The Amended Agenda was read into the record in regards to Mr. Jack D. Page.*

**VI. Consent Agenda.**

**D. Applicants to Broaden QP (Mr. Francis)**

4. Page, Jack D.                      “B” (General Pest & “C” (Wood Destroying  
Organisms)
3. Ravenkamp, Stephen A. “E” (Weed Control)

**E. Request for Temporary Qualifying Party Certificate and/or Extension (Mr. Francis)**

1. Frink, Clifford William dba      Troon North Golf Company
2. Halterman, Daniel D.      dba      Africanized Bee & Pest Management
3. King, Howard E.              dba      The H.E. King Pest Control Co.
4. Loreng, Edward C.              dba      TruGreen/ChemLawn, Inc.
5. Painter, Ricky Bert              dba      Termite Specialists  
*Pulled*

*Mr. Francis stated Mr. Painter was approved on 9-13-2002 to take the QP examination and has taken the test multiple times, since then. Mr. Painter has a 90-day waiting period by statute in order to reapply*

*to take the exam again.*

*Mr. Painter appeared and answered the Commissions' questions.*

**MOTION:** *To approve additional QP Extension by Commissioner Peterson.  
Seconded by Commissioner Hartley.*

**VOTE:** *2 - 4 Motion fails.*

**Roll Call Vote:**

*Commissioner Hartley - Yes  
Commissioner Peterson - Yes  
Commissioner Franker - No  
Commissioner Robinson - No  
Commissioner Burrows - No  
Commissioner Hale - No*

*By not approving this extension, Termite Specialists must stop performing the business of Structural Pest Control by the expiration of Mr. Painter's current temporary Q.P.*

**6. Richardson, Stephen P. dba DSR Termite & Pest Control Services**  
*Pulled*

*Mr. Richardson appeared and answered the Commissioners' questions.*

**MOTION:** *To approve QP Extension by Commissioner Hartley.  
Seconded by Burrows.*

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

**7. Rojahn, John R. dba Desert Hill Golf Club**

*Ms. Lisa Gervase stated we are going to move forward to Item XVI before the Commissioners handle item F.*

**F. Request for Company Name Change (Mr. Francis)**

**NOTE:** This item is related to Agenda item XVI.

*Ms. Lisa Gervase stated that we are going to take Item F off the Consent Agenda.*

1. **A. Bedder Pest Control Co., Inc. to A. Bedder**
2. **Bio-Chem Services to Prodigy Pest and Termite Control**
3. **DLC Resources, Inc. to DLC**
4. **Desert Valley Termite and Pest Control to Desert Valley Pest Control**
5. **Fumi-Mex Extermination to Fumi-Mex**
6. **Paul's Pest & Termite Control to Paul's**
7. **Proserv dba Bad Bug Pest Management to Bad Bug**
8. **SST Exterminators to SST**
9. **Steritech Environmental Services Group to Steritech**

*Ms. Gervase requested that the following be tabled to next month's Agenda, since these are the Company's that have made this request because the lettering Rule and that is # 1. A. Bedder Pest Control, # 3. DLC Resources, # 5. Fumi-Mex Exterminating and # 8. SST Exterminators if the Commission would table those items listed.*

**MOTION:**     *To approve under F. numbers 2, 4, 6, and 7 for a name change by Commissioner Hartley.  
Seconded by Commissioner Robinson.*

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

**AMENDED MOTION:**     *By Commissioner Burrows to remove Bio-Chem from the previous list by Commissioner Burrows.  
Seconded by Commissioner Hartley.*

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

**G. Continuing Education Committee Minutes  
February 2003 (Mr. Martin)**

*Mr. Martin mentioned there was nothing to report.*

**H. Treatment Proposals (Mr. Craig)**

1. **Saint Patrick Pest Control Co.**



**I. Request for Final Grade Waivers (Mr. Craig)**

- 1. Baron Pest Control**
- 2. Canoa/Aztech Pest Control**
- 3. Havasu Pest Control, Inc.**
- 4. JP Pest Control**
- 5. Pestube Systems, Inc.**
- 6. Prescott Pest Control**
- 7. SST Exterminators**
- 8. Terminix International**

**End of Consent Agenda**

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

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

**VII. Felony Applicants (Mr. Francis)**

- 1. Gonzales, Joseph J.**

*Mr. Gonzalez appeared and answered Commissioners' questions.*

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

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

- 2. White, Jeffrey Lee**

*Mr. White was not present to answer the Commissioners' questions, so this matter was tabled until the next Commissioner meeting.*

**VIII. Complaints and/or Settlement Conferences (Mr. Craig)**

**1. Alan Perry - Case # 2002-152**

***MOTION:** To approve Case 2002-152 to send the case to the Office of Administrative Hearings by Commissioner Peterson.  
Seconded by Commissioner Hartley.*

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

*Let the record reflect that there is a typographical error. Mr. Perry owes \$2,300, not \$300.*

**2. All West Pest Management - Case # 2002-117**

***MOTION:** To approve Case 2002-117 to send the case to the Office of Administrative Hearings by Commissioner Burrows.  
Seconded by Commissioner Peterson.*

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

**3. Arizona Exterminating - Case # 2002-125 ..... TAB 57**

***MOTION:** To approve Dismissal for Case 2002-125 by Commissioner Hartley.  
Seconded by Commissioner Peterson.*

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

**4. No Bugs Allowed - Case # 2002-050**

***MOTION:** To approve Case 2002-050 consent terms, and if the Consent Agreement is not executed by the deadline stated in the Consent Agreement transmittal letter, to send the case to the Office of Administrative Hearings by Commissioner Peterson.  
Seconded by Commissioner Hartley.*

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

**5. Phoenix Pest & Termite Control - Case # 2002-132**

***MOTION:** To approve Case 2002-132 consent terms, and if the Consent Agreement is not executed by the deadline stated in the Consent Agreement transmittal letter, to send the case to the Office of Administrative Hearings by Commissioner Peterson.  
Seconded by Commissioner Hartley.*

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

**6. Christopher Renteria - Case # 2002-148**

**MOTION:** To approve Case 2002-148 consent terms, and if the Consent Agreement is not executed by the deadline stated in the Consent Agreement transmittal letter, to send the case to the Office of Administrative Hearings by Commission Burrows.  
Seconded by Commissioner Peterson.

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

**7. Ricky Tarpley - Case # 2002-151**

**MOTION:** To approve Case 2002-117 to send the case to the Office of Administrative Hearings by Commissioner Peterson.  
Seconded by Commissioner Hartley.

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

**IX. Unlicensed Activity (Mr. Craig)**

**1. Ms. Charlene Furfaro dba Charlie's Angels Pest Control - Case # 2002-150**

*Read into the record by Mr. Vince Craig this case should be Case # 2002-152.*

**MOTION:** To approve Case 2002-152 to Order a \$500.00 Civil Penalty and issue a Cease and Desist Order be imposed against Ms. Furfaro dba Charlie's Angels Pest Control by Commissioner Peterson.  
Seconded by Commissioner Hale.

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

*Break at 10:25 A.M.*

*Meeting reconvened at 10:40 A.M.*

**2. Cuz'ins Cleaning and Maintenance - Case # 2002-054**

**MOTION:** To approve Case 2002-054 consent terms, assuming the Respondent executed the Consent Agreement by March 13, 2003, or to issue an Order imposing a \$500.00 civil penalty and issue a Cease & Desist Order by Commissioner Peterson.  
Seconded by Commissioner Hale.

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

3. City of Tucson Parks & Recreation - Case # 2002-083

*MOTION: To approve Case 2002-083 consent terms, and if the Consent Agreement is not executed by the deadline stated in the Consent Agreement transmittal letter, to issue an Order to Cease & Desist and a \$500.00 civil penalty by Commissioner Peterson.  
Seconded by Commissioner Hartley.*

*VOTE: 6 - 0 Motion carried.*

X. For information and discussion, not action: Complaint Status Log (Mr. Craig)

*Discussion by Mr. Vince Craig about the complaint status material that was in the Commission book.*

*Ms. Lisa Gervase introduced our Southern Arizona inspectors Mr. George Schellhorn and Mr. Brian Kennedy.*

XI. For information & discussion, not action: Legislative Update: HB 2341, HB 2273/SB1171, HB 2026 (Ms. Gervase)

*Discussion by Ms. Lisa Gervase. Ms. Gervase stated HB 2341, that she reported at our last Commission meeting, did pass the House will be at the Senate Commerce Committee for hearing on Wednesday, March 19<sup>th</sup>. HB 2273, the surplus lines bill, had passed the House and it also passed the Senate Commerce Committee this last Wednesday, March 12<sup>th</sup>. The sister legislation to that is SB 1171, and now that 2273 has passed the process, SB 1171 will be used by the Surplus Lines folks for another purpose, so that will be stricken from being a Pest Control Bill. HB 2026 had passed the House and we had a Senate Commerce hearing on this last Wednesday, but it was tabled to will deal with the issue that came this last week by the Senate. That issue is whether to repeal last year's HB 2189, additional termite action reporting requirements. It was explained to the Senators the tremendous financial and other logistical concerns about the additional reporting requirements that were passed last year in 2189. However, Senator Arzberger put forth an amendment to 2026 to essentially put those additional reporting requirements back in because a member of the public had quite a health related concern of not having an easy way of finding out what termiticide had been applied in a home before they purchased it. We will be meeting with Senator Arzberger on Monday to put forward a compromise because there is no financial way that we can handle what 2189 wants us to do and the compromise would be that every time a company does a first termite treatment at any home they report to us. It is already being done as an initial corrective termite action for a TARF which an \$8.00 fee is required. There seems to be some confusion to the interpretation of that language, so our proposal would be that the language be clarified, so that at least every time a company has done a termite treatment in a home, we would have the name of the company, the date of the treatment, and the address and any member of the public who wants to know what termite treatments have been done at their home, they can get the*

*names of the companies who have ever done treatments at their home and go to those individual companies to obtain those records. There would be a proposal that we would increase the record retention requirements from three years to five years. That would be their compromise to get the additional termite reporting requirements in 2189 repealed. It would be an increased costs to maintain the database. Barry Aarons, Executive Director and lobbyist for Arizona Pest Management Association, stated that he spoke to the chairman of the Senate Commerce Committee that our compromise would be more of a clarification of the statutes and provide the public a government agency where they can go for the termite corrective actions information.*

**XII. For information and discussion, not action: Status of Commission appointments, SPCC budget (Ms. Gervase)**

*Discussion by Lisa Gervase. Ms. Gervase discussed the Commission appointments. The Governor has reappointed Commissioner Robinson effective January 2003 to another three year term and appointed Debra Ruenback who is a attorney in Phoenix to be a public member to replace Commissioner Micuda. She will be sitting as of next month. The Governor also appointed Dr. Paul Baker to replace Dr. Richard Hale. Dr. Baker is here today and he will also be taking his seat next month. There are two applications on the Governor's desk right now for the other public appointment that we need. Those two people are June Seriano who is a retired registered nurse from the Phoenix area and Tom Allen who is a Director of Operations for Aerotech Labs in Phoenix. Mr. Allen also is a microbiologist and holds a chemistry degree and he has sat for four years on the Surprise City Council. We are waiting for the Governor to choose among from either those two people, or anybody else that we get applications from for the public member position.*

*Ms. Gervase reported last month that at the end of November 2002 we had used 43.1% of our annual appropriations. At the end of February of 2003 we have used 63.12% of our appropriations. Of the one million eight-hundred fifty-one thousand appropriated dollars, we have used one million one-hundred sixty-eight thousand. We are on track because we are three quarters through the fiscal year, and we will be doing fine by the end of the fiscal year which is June.*

**XIII. For information and discussion, not action: Status of implementing Computer Based Testing "CBT" (Ms. Gervase)**

*Ms. Lisa Gervase stated the State Procurement Office awarded a contract to Metro Institute Incorporated on February 21, 2003. The contract period is from March 1, 2003 to February 29, 2004 next year. The Commission is in the process of amending our certification and qualifying party examinations, and we are going to enlist the help of experts in the Industry to review those after they have signed a Confidentiality Agreement. By the end of March or early April, the Commission will be providing all of the examinations in all categories for certification and QP to Mr. Means, the principal of Metro Institute and then Mr. Means has 45 days after that to have the computer-based test*

*up and running. The Commission Office will still be handling all the application processing and the background checks and bringing the applications to the Commission the way it has always been done. Then once somebody has been approved to test they will go the computer-based testing and the score will be reported back to us and then we will continue to process a certification or a license. The testing fees will go directly to the vendor Metro Institute and now for an initial test that will be \$48.00 for certification or QP and any retests will be \$36.00. There were three bidders for this proposal there were a total of 1000 points available to be awarded on procurement evaluation process. That evaluation process is very strictly followed and only the criteria that was set forth in the request proposal would be considered during the evaluation process. One bidder Central Florida Duplicating, received 664 points, Pro-Metrics received 847, and Metro received 854 points.*

**XIV. For information and discussion, not action: Amending questions for Applicator and Qualifying Party Examinations (Mr. Martin)**

*Mr. Carl Martin discussed the contract requirement regarding the testing format. Currently for some examinations, like the Q.P. Wood Destroying Organisms there are numerous tests that a person has to pass in order to get that credential. The Commission signed an Agreement that said that our test would be somewhere between 25 to 100 questions in length and some categories will have a specific product that has to come from memory and in many cases those products are expired. The examinations will be reformatted with actual labels on the examinations, questions will be asked about the labels that exist on the tests. There will be questions on how the product should be used and a certain set of facts based on a certain label. There will be three levels of cognition, there will be a recall level, reasoning level, and a higher reasoning level. The three levels will be on the examinations, the examines need to be reformatted to fit the requirements of the contract. Two tests, and not a series of seven or eight tests, may be distilled into 200 question forms or whatever it requires. We are in the process of reviewing and revising the examinations, to meet the CBT contract requirements and continue to be relevant and valid.*

**XV. For information and discussion, not action: Case Status Report (Ms. Gervase)**

*Ms. Lisa Gervase thanked Mr. VandenBerg, Sr., Mr. Craig and Ms. Vazquez for working very hard the last couple of weeks and digging through lots of files to come up with this status report.*

*At this time, we have six cases that were sent to the Attorney General's Office for collections where the Commission has ordered fines and they haven't been paid. Two cases where we opened new complaints alleging non-payment of civil penalties. We have 14 cases where either after a formal hearing or consent agreement has been issued we are monitoring compliance. Three cases where we are awaiting executed consent agreements from Mr. Driggs. Those hearings were vacated because prior to hearings there was a consent, we are just waiting for those executed consent agreements. We currently have*

*five cases scheduled for hearing in the month of April and we have 10 cases in the process of drafting formal complaints and notices of hearing. Nine cases we are drafting consent agreements and one case where we are drafting a Commission Order for cease and desist and civil penalty in an unlicensed case. There are approximately 20 cases Ms. Gervase will need to review to determine the exact status. There are roughly about 70 cases that we are working on or monitoring.*

**XVI. For discussion, consideration and possible decision: Two inch lettering rule interpretation and affect on business name changes (Notebook binder pocket item)**

*Ms. Gervase stated she sent the Commissioners a Memo dated February 28, 2003 with a couple of ideas of how to interrupt Rule R4-29-207(C) with respect to the Company name in two-inch lettering. The two proposals were in the Memo and a list of the Companies that have changed their name or that have applied on today's Agenda to change their name because of the two-inch lettering rule. Ms. Gervase stated she spoke to the Qualifying Party of all the companies and with a couple of exceptions if the Commissioners accept the proposed interpretations of the Rule would rather not to change their name or would like to change it back. On today's Agenda the Companies that would not change their name if we can have a vote on a slightly different interpretation of the Rule would be: A. Bedder, DLC Resources, Fumi-Mex and SST Exterminators and the companies that Ms. Gervase has already spoken with that have changed their name that would prefer to change it back would be Bug Wiser, Godfather, Uni Tech and Vernons. Paul's Pest & Termite Control requested a name change for reasons other than the two-inch lettering, so did Bio-Chem, Desert Valley, Paul's, Proserv and Steritech on today's Agenda. The Commissioners need to decide if they want to accept a slightly different interpretation of that Rule before handling Agenda item F for name changes. Either consider interpreting the Rule to be an average of the lettering to be two inches or the second option is that the pronoun name only has to be two inches.*

**MOTION:** *To approve that a company would be in compliance with a pronoun of their company name is two inches or greater and contains smaller lettering for the rest of the company name by Commissioner Burrows.  
Seconded by Commissioner Peterson.*

**VOTE:**

*A legal opinion was requested of the Assistant Attorney General Blair Driggs. Ms. Gervase stated there are two options and one you can put in the Motion which then would be in a Substantive Policy she would draft, if you feel that is necessary. Otherwise, if the rule isn't going to be complied with, then they are just going to change their name back to something that isn't very descriptive.*

*Commissioner Burrows withdrew his Motion.*

**MOTION:** *To instruct staff to develop a policy statement regarding the interpretation and application of Rule R4-29-207(C) by Commissioner Hartley.  
Seconded by Commissioner Burrows.*

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

**XVII. For discussion, consideration and possible decision: TARF submissions using a form or format other than provided by the SPCC (Notebook binder pocket item)**

*Ms. Lisa Gervase stated she provided the Commissioners a Memo dated March 4<sup>th</sup> regarding this issue. Ms. Gervase stated in her Memo there are some significant concerns regarding the Termite Action Report Forms "TARF's" that have been submitted in the last three months using a format other than the Commission provided hard paper TARF form or the Computar software. Since that Memo we have received a couple more with significant problems such as TARF statements that do not match actual TARF submissions on the computer disks, the TARFs missing addresses, duplicate TARF numbers for the same address. The statute allows in 32-2304 (A)(14), to either approve or not approve TARF forms. However, R40-29-417 (A) is more specific. It states a TARF must be submitted on a form or in a format provided by the Commission. This issue was discussed at the August 2002 Commission meeting, however there was never a Commission vote to change that interpretation of the Rule or to approve TARFs being submitted in a form or format other than provided by the Commission office. Ms. Gervase suggested because of the concerns we have had with these submissions and the time taken to correct the errors and to reject TARF submissions and ask for resubmissions that the Commission make a decision whether to allow this process or to put a hold on this process and let the software company involved go back and rework it, and come back to the Commission once they can submit TARFs without any errors then they can go back before the Commission.*

*Commissioner Robinson stated the software should match up to Computar.*

*Commissioner Peterson commented there would be late fees. Ms. Gervase stated the approach she has taken regarding this problem is to reject the submissions because they contained significant errors and gave the companies the benefit of doubt. Because it is a software error and not a human error. Ms. Gervase has held the submission dates and the money and if they resubmit and can match up the TARFs they will not suffer late TARF issues, but if there are still errors we will return the money and not hold that submission date received. Ms. Gervase is responding to Commissioner Robinson's question that the software is suppose to match up and our IT Specialist, Mr. Pulido had set up some specific parameters on what needed to be created in that software so that we would not have these problems and it has not been followed. At this time we will not allow submissions in a form unless it is a paper TARF or Computar. Commissioner Peterson asked about the Statute and Rule on 32-2304 (A)(14) and R4-29-417 (A). Ms. Gervase*



*responded that the statute gives you some legal room to approve something other than the Computar, you never did approve the Smart Biz software. Commissioner Peterson said this will no longer be allowed and it will have to go through a specific list. Ms. Gervase stated it depends on the way your vote goes today and if it goes the way she thinks, she will be sending out letters on Monday to the four or five companies using that software that the Commission is no longer accepting these submissions.*

*Mr. Matt Robinson from FMC Software Solutions, Operations Manager who had been involved stated he worked over two months with Hugo Pulido to come up with a format that would meet the needs of the Structural Board and exported that from the Smart Biz software. They are at the tail end of the implementation and what they are experiencing there have been many submissions that have been valid. There have been some loop holes with data entry mistakes, addresses taken out and there is some activity with the software. Mr. Robinson stated they have the major termite treatment companies. Ms. Gervase stated we have had five companies using Smart Biz software and only one of those companies have submitted without any errors. Mr. Robinson stated there are 20 companies using Smart Biz and there are five who are utilizing the software.*

*Ms. Gervase responded to Mr. Burrows of why we are allowing Smart Biz submission. Ms. Gervase stated Mr. Jerry Davis gave verbal approval to do so.*

**MOTION:** *In the interim we are not approving anything until such time as the other software has been shown to be workable with the Commission's software without errors and we utilize only paper TARFs or Computar by Commissioner Peterson.  
Seconded by Commissioner Burrows.*

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

*Commissioner Robinson stated that if you have industry pay late fees, their software will be corrected in 30 days, so if they are not proper they will pay \$8.00 late fees.*

#### **XVIII. Adjournment - 11:35 P.M.**

**MOTION:** *To adjourn by Commissioner Peterson.  
Seconded by Commissioner Burrows.*

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