

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

COMMISSION MEETING
FRIDAY, April 11, 2003
MINUTES

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

Commissioners Present: Commissioner Baker, Burrows, Fraker, Hartley, Peterson, Robinson and Runbeck

Commissioner Absent: None

Staff Present: Jason Aanderud, Dave Colvin, Vince Craig, Mike Francis, Lisa Gervase, Carl Martin, Alan Pugh, Dirk S. VandenBerg, Sr., Maggie Vazquez, and Assistant Attorney General Blair Driggs

II. Approval of March 14, 2003 (regular session)

MOTION: To approve March 14, 2003 (regular session) with modification by Commissioner Burrows, and seconded by Commissioner Hartley.

VOTE: 7 - 0 Motion carried.

Ms. Lisa Gervase informed the Commissioners of the change on the minutes on Page 12 it should read to "Issue an Order to Cease & Desist and a \$500.00 civil penalty."

III. Call to the public

None

Ms. Lisa Gervase introduced the new Commission members, Ms. Debra Runbeck who is an attorney and sits on the OSHA Review Board, Dr. Paul Baker, an entomologist, who is the State Pesticide Coordinator and a U of A professor, and Mr. Tom Allen who is a microbiologist who holds a chemistry degree, and is the Director of Operations for Aerotech Labs. Chairman Fraker also welcomed Ms. Runbeck and Dr. Baker.

IV. Correspondence with Commissioners

Commissioner Hartley, Commissioner Baker and Chairman Fraker all received telephone calls from Ms. Gloria Kilian. She was referred back to staff, since it is a licensing matter.

V. Scheduling of future meetings/agenda items (Ms. Gervase)

Dates and locations

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

Commissioner Peterson stated he will not be present at the May 9, 2003 meeting. Dr. Baker commented that he thought the Commission does a meeting out of town every two to three months. Ms. Gervase stated it has been the practice, but we need to take into consideration driving time, staff time, and whether the benefits outweigh the costs involved to hold a meeting out of town. This is something to be considered.

VI. Consent Agenda.

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

- | | | |
|-------------------------------|------------|---|
| 1. Cale, Scott R. | dba | Nitro (Activate Qualifying Party for new business license in “B” General Pest) |
| 2. Clifford, Chris | dba | Super Pest Control (Activating Qualifying Party for new business license in “B” General Pest and “E” Weed Control) |
| 3. Coronado, Hector I. | dba | Neutramite Services (Activating Qualifying Party for new business license status change in “C” Wood Destroying Organisms) |
| 4. Denny, Timothy O. | dba | TLC Pest Control (Activating Qualifying Party for new business license in “B” General Pest) |
| 5. Estabrook, Trent R. | dba | American Pride Termite & Pest Control (Activating Qualifying Party for new business license in “B” General Pest and “C” Wood Destroying Organisms) |

6. Hamilton, Deborah L. dba Quintero Golf & County Club (Activating Qualifying Party for new business license in “E” Weed Control and “F” Turf & Ornamental)

7. Matthews, David B. dba Solutions Pest Services (Activating Qualifying Party for new business license in “B” General Pest, “C” Wood Destroying Organisms, “D” Fumigation and “E” Weed Control)
Pulled

Commissioner Hartley recused himself, since Mr. Matthews is a personal friend.

MOTION:

*To Approve by Commissioner Burrows.
Seconded by Commissioner Peterson.*

VOTE:

6 - 0 Motion carried.

8. Orozco, Samuel G. dba Canoa Ranch Golf Club (Activating Qualifying Party for new business license in “E” Weed Control and “F” Turf & Ornamental)

9. Snyder, Robert Charles dba Younger Brothers Pretreat & Homes Services, LLC (Activating Qualifying Party for new business license in “B” General Pest and “C” Wood Destroying Organisms)

10. Stewart, William R. dba Advocate Pest & Wildlife Specialists (Activating Qualifying Party for new business license in “B” General Pest)
Pulled/Tabled

Staff requested application to be pulled and tabled until the next meeting.

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

1. Bingham, Joseph Trent dba American Dyna-Mite Exterminating

(Activating Qualifying Party for existing business license in “B” General Pest)

- 2. Blase, Jeffrey G. dba Pro-Tek (Activating Qualifying Party for existing business license in “C” Wood Destroying Organisms)
- 3. Kemp, Dennis L. dba Tucson Country Club(Activating Qualifying Party for existing business license in “E” Weed Control and “F” Turf and Ornamental)
- 4. Moody, Mark M. dba PK’z Pest & Termite Control (Activating Qualifying Party for existing business license in “E” Weed Control)
- 5. Slingluff, Jeffrey J. dba No Bugz of Arizona (Activating Qualifying Party for existing business license in “C” Wood Destroying Organisms)
Pulled

MOTION:

*To Approve by Commissioner Peterson.
Seconded by Commissioner Hartley.*

VOTE:

7 - 0 Motion carried.

Commissioner Peterson pulled both number 5 and 6 because the insurance showed no deductible verified. He would like this information to speed the process in the future.

- 6. Sours, John Gregory dba Sours Pest Control Services (Activating Qualifying Party for existing business license in “B” General Pest)
Pulled

MOTION:

*To Approve by Commissioner Peterson.
Seconded by Commissioner Hartley.*

VOTE:

7 - 0 Motion carried.

Commissioner Peterson pulled both number

5 and 6 because the insurance showed no deductible verified. He would like this information to speed the process in the future.

Commissioner Baker questioned why items were pulled, and to be recused. Chairman Fraker stated these items are pulled because a Commissioner may need to recuse themselves or to individually consider a matter.

C. Applicants for QP Testing (Mr. Francis)

1. Bennett, Imogene F. “E-1” (Aquatic Weeds)

2. Duffin, Robert M. “B” (General Pest)

3. Espaillat Jose R. “E & F” (Weed Control and Turf & Ornamental)

Pulled

Commissioner Hartley pulled because staff said to review.

Michael Francis stated the applicant verified his own experience and there is no other experience.

Mr. Espaillat appeared and answered Commissioners’ questions.

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

VOTE: *7 - 0 Motion carried.*

4. Evans, Sr., William E. “B & C” (General Pest and Wood Destroying Organisms)
Pulled

Commissioner Baker recused himself because he wrote a letter on behalf of Mr. Evans.

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

VOTE: 6 - 0 Motion carried.

5. Ford, Jeffrey Lynn "B" (General Pest)
6. Koser, John Tyler "E & F" (Weed Control and Turf & Ornamental)
7. Mears, Brian J. "B, C & E" (General Pest, Wood Destroying Organisms and Weed Control)
8. Miller, Lance G. "B & C" (General Pest and Wood Destroying Organisms)
9. Ramirez, Daniel J. "B" (General Pest)
10. Rodriguez, Mike Junior "B & C" (General Pest and Wood Destroying Organisms)
11. Soto, Rene H. "E" (Weed Control)
12. Soto, Victor "E" (Weed Control)
13. Tomlinson, Susan "B" (General Pest)
14. Whalen, Curtis C. "B" (General Pest)

D. Applicants for QP Testing Re-review of Applications (Mr. Francis)

Commissioner Hartley had all three applicants pulled. Attorney General, Blair Driggs asked the Commission to go into Executive Session for legal advice.

MOTION: *To go into Executive Session by Commissioner Peterson. Seconded by Commissioner Burrows.*

VOTE: 7 - 0 Motion carried.

1. Leyva, Martin M. "E" (Weed Control)
Pulled/Tabled

Mr. Leyva was not present to answer Commissioners' questions and more information is needed.

MOTION: *To table and reverse earlier approval to test for QP Testing until the Commission staff receives more information by Commissioner Robinson. Seconded by Commissioner Hartley.*

VOTE: *7 - 0 Motion carried.*

2. O'Brien, Christopher J. "B" (General Pest)
Pulled/Tabled

Mr. O'Brien appeared and answered Commissioners' questions.

MOTION: *To table and reverse earlier approval to test for QP Testing until the Commission staff receives more information by Commissioner Peterson. Seconded by Commissioner Burrows.*

VOTE: *7 - 0 Motion carried.*

3. Ramos, Jerry Lee "E" (Weed Control)
Pulled/Tabled

Mr. Ramos was not present to answer the Commissioners' questions.

MOTION: *To table and reverse earlier approval to test for QP Testing by Commissioner Peterson. Seconded by Commissioner Hartley.*

VOTE: *7 - 0 Motion carried.*

E. Applicants to Broaden QP (Mr. Francis)

1. Hancock, Dennis King "D" (Fumigation)
Pulled

Mr. Hancock appeared and answered Commissioners' questions.

Commissioner Robinson pulled because experience is over eight years old.

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

VOTE: *7 - 0 Motion carried.*

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

1. Aesch, Harold dba Pestube Systems, Inc.
Pulled

Mr. Aesch was not present to answer the Commissioners' questions.

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

VOTE: *7 - 0 Motion carried.*

Denied because the company has been operating with only temporary QP's for many months. No good cause for the delay in procuring a QP was presented.

2. Berryhill, Martin E. dba Merritt Pest Control
Pulled

Mr. Berryhill was not present to answer the Commissioners' questions.

MOTION: *To deny QP Extension Testing by Commissioner Robinson.
Seconded by Commissioner Burrows.*

VOTE: 7 - 0 Motion carried.

Denied because no good cause was presented for the delay in procuring a QP, nor has Mr. Berryhill scheduled to take his QP test.

- 3. Goings, III; John W. dba Pride Industries, Inc.
- 4. Henderson, Jason P. dba A Bee & Pest Pro.
- 5. Kilian, Gloria dba Kilian's Termite & Pest Control
- 6. Leyva, Martin M. dba McKeown, Inc.
Pulled

Mr. Leyva was not present to answer the Commissioners' questions.

Commissioner Robinson pulled per previous discussion regarding item D.1.

MOTION: *To deny QP Extension by Commissioner Robinson. Seconded by Commissioner Peterson.*

VOTE: 7 - 0 Motion carried.

Denied because Mr. Leyva's approval to take the QP test was reversed in item D.1. due to allegedly not disclosing a felony conviction on his application.

- 7. McKenzie, Barbara dba Zap Pest Control, Inc.
- 8. Powell, Tim D. dba Schendel Pest Control of AZ, Inc.
- 9. Stromnes, Jill Marie dba Mesa Verde Termite Center, LLC

G. Request for Company Name Change (Mr. Francis)

- 1. Bio-Chem Services to Prodigy Pest and Termite Control

MOTION: *To approve Name Change by Commissioner*

Hartley.
Seconded by Commissioner Peterson.

VOTE: *4 - 3 Motion carried.*

Roll Call Vote:

Chairman Fraker - No
Commissioner Hartley - Yes
Commissioner Peterson - Yes
Commissioner Robinson - No
Commissioner Burrows - Yes
Commissioner Runbeck - Yes
Commissioner Baker - No

2. Patriot Pest Control to Patriot Pest & Termite Control
Pulled

Chairman Fraker recused himself.

MOTION: *To approve Name change by Commissioner Robinson.*
Seconded by Commissioner Peterson.

VOTE: *6 - 0 Motion carried.*

H. Continuing Education Committee Minutes
March 2003 (Mr. Martin)

Discussion by Carl Martin that no programs were offered for review this month.

I. Treatment Proposals (Mr. Craig)

1. Accutech Termite Services, LLC

2. America's Pest Control
Pulled

MOTION: *To deny by Commissioner Peterson.*

Seconded by Commissioner Baker.

VOTE: *7 - 0 Motion carried.*

Denied because the Treatment Proposal did not have spaces for any diagrams to describe the nature and location of infestation or damage; describing the treatment, the name of pesticide; or the terms of the agreement.

3. Solutions Pest Services, Inc.

J. Request for Final Grade Waivers (Mr. Craig)

1. Contractors Termite & P.C.

2. Pestubes Inc.

3. SOS Exterminating

End of Consent Agenda

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

VOTE: *7 - 0 Motion carried.*

Break at 10:45 A.M. - Meeting reconvened at 10:55 A.M.

VII. Felony Applicants (Mr. Francis)

1. Bauer, William James

Mr. Bauer appeared and answered Commissioners' questions.

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

VOTE: *7 - 0 Motion carried.*

2. Kelly, Christopher Gene

Mr. Kelly appeared and answered Commissioners' questions.

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

VOTE: *5 - 2 Motion carried. (Commissioners Robinson & Hartley voted no.)*

3. Pena, Camilo U.

Mr. Pena appeared and answered Commissioners' questions.

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

VOTE: *7 - 0 Motion carried.*

4. Samaniego, Jr.; Rene'

Mr. Samaniego appeared and answered Commissioners' questions.

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

VOTE: *7 - 0 Motion carried.*

5. White, Jeffrey Lee

Mr. White appeared and answered Commissioners' questions.

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

VOTE: *7 - 0 Motion carried.*

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

1. Bug Snuffers Pest & Termite Control - Case # 2002-144

***MOTION:** To approve Dismissal for Case # 2002-144 by Commissioner Peterson.
Seconded by Commissioner Robinson.*

***VOTE:** 7 - 0 Motion carried.*

2. Burns Pest Elimination - Case # 2001-282

***MOTION:** To approve Case # 2001-282 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 Burrows.
Seconded by Commissioner Peterson.*

***VOTE:** 7 - 0 Motion carried.*

3. Timothy Galloway/Baron Pest Control - Case # 2002-046APP

***MOTION:** To approve Case # 2002-046 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:** 7 - 0 Motion carried.*

4. Raul Garcia - Case # 2002-124

***MOTION:** To approve Case # 2002-124 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: 7 - 0 *Motion carried.*

5. Industrial Termite Specialists - Case # 2002-126

MOTION: *To approve Case # 2002-126 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. (Commissioner Baker stepped out.)*

6. Termite Specialists - Case # 2002-109

MOTION: *To approve Case # 2002-109 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 Robinson.*

VOTE: 7 - 0 *Motion carried.*

7. Tucson Pest Max - Case # 99-143

MOTION: *To approve Dismissal for Case #99-143 by Commissioner Peterson.
Seconded by Commissioner Hartley.*

VOTE: 7 - 0 *Motion carried.*

The Amended Agenda was read into the record by Mr. Vince Craig.

AMENDED AGENDA

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

8. Charlene Furfaro/Charlie's Angels Pest Control - Case # 2002-150

MOTION: *To approve Case # 2002-150 to rescind the second Cease & Desist Order and \$500.00 civil penalty, send case to formal Hearing to the Office of Administrative Hearings for failing to comply with the Commission's first order imposing a \$500.00*

civil penalty, seek revocation of licenses, and send to the Attorney General's Office for collection by Commissioner Burrows.

Seconded by Commissioner Runbeck.

VOTE: 7 - 0 Motion carried.

9. Bio-Chem Services - Case # 2003-031

MOTION: *To approve Case # 2003-031 to send case to Formal Hearing to the Office of Administrative Hearings, seek revocation of licenses, and send to the Attorney General's Office for collection by Commissioner Peterson.*

Seconded by Commissioner Runbeck.

VOTE: 7 - 0 Motion carried.

10. Casa Grande Exterminating - Case # 2003-032

MOTION: *To approve Case # 2003-032 to send case to Formal Hearing to the Office of Administrative Hearings and seek revocation of licenses by Commissioner Baker.*

Seconded by Commissioner Runbeck.

VOTE: 7 - 0 Motion carried.

11. Andrews Pest Control, Inc. - Case # 2003-033

MOTION: *To approve Case # 2003-033 to send case to Formal Hearing to the Office of Administrative Hearings and seek revocation of licenses by Commissioner Peterson.*

Seconded by Commissioner Hartley.

VOTE: 7 - 0 Motion carried.

IX. Unlicensed Activity (Mr. Craig)

1. Drought Desert Services - Case # 2003-002

MOTION: *To approve Case # 2003-002 issue a Cease and Desist Order against Mr. Rodney Drought dba Drought Desert Services by*

*Commissioner Burrows.
Seconded by Commissioner Runbeck.*

VOTE: *7 - 0 Motion carried.*

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

Discussion by Mr. Vince Craig.

- XI. For information & discussion, not action: Legislative Update: HB 2341 (Ms. Gervase)**

Discussion by Ms. Lisa Gervase. On March 26, 2003 HB 2341 went before the Senate Commerce Committee and they approved the Bill with two amendments. The Bill will be sent back to the House then to the Governor's Office.

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

Discussion by Ms. Lisa Gervase that on April 9, 2003 the appointments for Mr. Allen, Mr. Baker, Ms. Runbeck and Mr. Robinson went before the Senate Commerce Committee, who recommended approval by the full Senate.

Discussion by Ms. Lisa Gervase that the Agency is on track and has used 69% of their appropriated funds. There appears to be a \$30,000.00 balance that will be used for necessary expenses. The Governor's office has asked all agencies whether they can provide more than their 10% back to the general fund.

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

Discussion by Ms. Lisa Gervase that staff has met with Mike Means of Metro Institute to carry out CBT. Ms. Gervase will be getting a memo out to the Industry that CBT will be run by Metro Institute. On April 15, 2003, 15 to 18 exams will be turned over to Mr. Means. Mr. Carl Martin and Mr. Hugo Pulido will be taking tests around the state at various test sites. On May 31, 2003 will be the last date testing will be done at the Commission.

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

Discussion by Mr. Carl Martin. Mr. Martin reported the progress on the Applicator and Qualifying Party Examinations. Mr. Martin has made good progress with the testing instruments. Mr. Martin commented there is some problems with the Wood Destroying Organisms test in condensing it to a 100-question test. Commissioner Peterson thanked Mr. Martin for all his work on the tests.

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

Discussion by Ms. Lisa Gervase. Ms. Gervase discussed the Summary of Case Status and that Ms. Vazquez is reviewing hard files and data bases to determine the status on many cases. There are cases that have gone before the Commission, but the industry has not complied or paid the penalties. The Commissioners were given a copy of Ms. Gervase's summary of the status for the cases.

XVI. For discussion, consideration and possible decision: Substantive Policy Statement Re: Two inch lettering rule. (Notebook binder pocket item) (Ms. Gervase)

Discussion by Ms. Lisa Gervase. Ms. Gervase discussed the Substantive Policy Statement Policy Number 2003-001 of the two-inch lettering that was in the Commission notebook. Ms. Gervase stated we need to file this with the Secretary of State if the Commissioners agree and a vote would need to be taken.

MOTION: *To accept the Substantive Policy Statement Policy Number 2003-001 and to file it with the Secretary of State by Commissioner Hartley. Seconded by Commissioner Burrows.*

VOTE: *7 - 0 Motion carried.*

XVII. For discussion, consideration and possible decision: TARF Amnesty proposal (Ms. Gervase)

Discussion by Ms. Lisa Gervase. Ms. Gervase discussed her Memorandum on the Termite Action Report Form (TARF) Amnesty Proposal. The SPCC's statutes and rules require pest control companies to file TARFs. This Amnesty Proposal will give the company time to file and to pay the \$8.00 fee plus the \$8.00 late fee. Ms. Gervase stated the Commission will be providing notice and the time frame would be three months (June, July, and August).

MOTION: *To accept the TARF Amnesty Program by Ms. Gervase without requiring the submission of Affidavits by Commissioner Hartley. Seconded by Commissioner Peterson.*

VOTE: *7 - 0 Motion Carried.*

XVIII. Adjournment - 12:45 P.M.

MOTION: *To adjourn by Commissioner Hartley.
 Secoded by Commissioner Peterson.*

VOTE: *7 - 0 Motion carried.*