

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

**COMMISSION TELEPHONIC CONFERENCE CALL MEETING
FRIDAY, May 16, 2003
MINUTES**

I. Call to order and roll call

Commissioners Present: Commissioner Baker, Hartley, Robinson, and Runbeck

Commissioner Absent: Commissioner Allen, Fraker, and Peterson

Industry Member: William L. Jones

Staff Present: Lisa Gervase, Maggie Vazquez, and Assistant Attorney General Blair Driggs

II. For discussion, consideration, and action: Petition for Review or Rehearing - Prodigy Pest & Termite Control, fna Bio-Chem Services, Business License No. 4147, and William L. Jones, Qualifying Party License No. 456 - Case No. 2003-031.

Discussion by Commissioner Hartley, who officiated at the telephonic meeting, since Chairman Fraker was not present. Commissioner Hartley stated the purpose of the meeting concerns Mr. Jones, and the suspension of his Qualifying Party License credentials at the May 9, 2003 Commission meeting because \$6500.00 is owed in civil penalties.

Ms. Lisa Gervase stated the writtensuspension order from the May 9, 2003 meeting was mailed to Mr. Jones on May 14, 2003, and Mr. Jones filed an appeal on May 12, 2003 “appealing to suspend the Qualifying Party License and Business License.” It was noted for the record the suspension was only for his Qualifying Party License. Rule R4-29-502(c) is grounds to grant or deny for a rehearing.

Mr. Jones stated the basis for his appeal is to put this matter off until the June 13, 2003 Commission meeting because he has another case (TARF issues) that will be addressed before the Commission, he would like to combine both cases, and he would like to see about a payment plan for both cases. That was the basis for his appeal. At this time, Mr. Jones has \$5,000.00 to pay toward the \$6,500.00 that is owed, which he was going to pay at the next meeting.

Mr. Jones further stated, he is sick and dying of a terminal heart disease. Mr. Jones is currently selling the company to his youngest son, Chris. On May 15, 2003, they both came to the Structural Pest Control Commission to obtain a Temporary Qualifying Party credential, which they were refused. Mr. Jones stated they received a letter with no date denying the Temporary Qualifying Party License, and he feels they should be able to get a Temporary Qualifying Party License. Mr. Jones knows he needs to pay the civil penalties, but if the business closes, 15 people will be out of work, and then there is no way to pay the fine, and he has no medical insurance. Mr. Jones needs 30 days to pay and to give his son Chris time to get his Temporary Qualifying Party credential.

Commissioner Robinson is sympathetic to the situation, but this has been an ongoing matter since 2000. Mr. Jones made the attempt to pay, but for three years hasn't paid any money.

Mr. Jones stated in 1999, he began testing, is on a heart transplant list, has been very sick for the last 1 ½ year, his oldest son was running the business, and everyone assured him everything was all right. Mr. Jones never heard anything from the Commission on this matter.

Commissioner Baker wanted to confirm that the youngest son is taking over the business. Mr. Jones said his oldest son is in San Diego, and hasn't spoken to him for more than two years.

Commissioner Runbeck asked Mr. Jones when he would be able to pay the money, and she asked Ms. Gervase if there is any documentation in the file of any contact to Mr. Jones. Ms. Gervase responded that the file had been consolidated, and she did not have it in front of her at that time.

Ms. Gervase stated a Temporary Qualifying Party License credential would be issued after her discussion with Mr. Driggs.

Commissioner Baker asked Mr. Jones when the remaining \$1,500.00 would be paid, and Mr. Jones said possibly within the next 30 days.

Commissioner Hartley asked for legal advice. Could the Commission lift the suspension at the next meeting if the civil penalties were paid? Could the Commission deny the petition, leave the suspension, and grant the temporary qualifying party? Commissioner Hartley expects the money post haste to the Commission, since the clock is ticking on the Temporary Qualifying Party. The Commission is taking a hard stand, since the burden is on Mr. Jones, and the Commission has waited long enough. The Commission is not taking the Business License away.

Mr. Jones responded he needed to get someone who is reliable to operate the business.

Mr. Blair Driggs stated there are three issues purely on request for review of the following:

- 1. Agenda - Only regarding the Petition;**
- 2. If basis for suspension goes away, issue back to Commission to decide whether to lift suspension; and**
- 3. Temporary Qualifying Party - not relevant to today's agenda, but letting Commission know his advice.**

Mr. Driggs further stated the Qualifying Party License was only suspended, not the Business License, and a Temporary Qualifying Party will run the business.

Ms. Gervase said Mr. Jones should have disassociated himself when the disabilities began, and it is time for someone else to run the business.

***MOTION: To deny the appeal, the suspension stands because no information under the rule to grant by Commissioner Runbeck.
Seconded by Commissioner Baker.***

VOTE: 4 - 0 Motion carried.

XXI. Adjournment - 9:30 A.M.

***MOTION: To adjourn by Commissioner Runbeck.
Seconded by Commissioner Robinson.***

VOTE: 4 - 0 Motion carried.