

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

COMMISSION MEETING
FRIDAY, July 11, 2003
MINUTES

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

Commissioners Present: Commissioners Baker, Fraker, Hartley, Peterson and Robinson

Commissioners Absent: Commissioners Allen and Runbeck

Staff Present: Jason Aanderud, Dave Colvin, Vince Craig, Ron Felix, Mike Francis, Lisa Gervase, Carl Martin, Alan Pugh, Wyatt Simons, Robert Tolton, Maggie Vazquez, and Assistant Attorney General Blair Driggs

II. Approval of June 13, 2003 (regular session) Minutes.

MOTION: To approve the June 13, 2003 (regular session) Minutes by Commissioner Peterson and seconded by Commissioner Hartley.

VOTE: 5 -0 Motion carried.

III. Call to the public.

None

IV. Communication with Commissioners

None

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

Current Proposed dates and locations

August 8, 2003 Scottsdale, AZ
September 12, 2003 Scottsdale, AZ
October 10, 2003 Tucson, AZ

November 14, 2003Scottsdale, AZ
December 12, 2003 Scottsdale, AZ

Commissioner Peterson stated he will not be able to attend the August 8, 2003 meeting. Commissioner Barker stated he may not attend the August 8, 2003 meeting, but it is not yet definite.

Commissioner Hartley would like one meeting in Tucson, Arizona before the end of the year. Commissioner Hartley suggested either October or November in Tucson. Commissioner Robinson support’s Commissioner Hartley’s request and Commissioner Baker stated maybe a meeting once a year in Tucson.

VI. Consent Agenda.

Before the Consent Agenda was read Ms. Lisa Gervase made additions, changes, deletions, and updated documents were handed out to the Commissioners on the various applications.

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

- 1. Connolly, Norman Ray dba Connolly Pest Management, Inc. (Activating Qualifying Party for new business license in “B” General Pest and “C” Wood Destroying Organisms and “E” Weed Control)**

Read into the record that Mr. Norman Ray Connolly was also activating his Qualifying Party for “E” Weed Control.

- 2. Cranston, Laurel J. dba All-The-Scapes (Activating Qualifying Party for new business license in “E” Weed Control)**

Read into the record the Certificate of Liability Insurance reflects that insurance meets statutory requirements.

- 3. DeWitt, Christopher H. dba Mantis Pest Management (Activating Qualifying Party for new business license in “B” General Pest)**
Tabled

Commissioner Peterson questioned how Mr. DeWitt can activate his Qualifying Party when he resides in Almagordo, New Mexico. Mr. DeWitt was not present to respond, so his application was tabled.

4. Drake, Gary dba MC Pest Control(Activating Qualifying Party for new business license in “B” General Pest)

5. Ochoa, Michael T. dba Ochoa Landscape, Inc. (Activating Qualifying Party for new business license in “E” Weed Control and “F” Turf & Ornamental)

Read into the record Mr. Michael T. Ochoa signed the Qualifying Party Application, submitted the Certificate of Liability Insurance and Articles of Incorporation of Ochoa Landscaping, Inc. .

6. Truog, David G. dba Bonded Pest Control (Activating Qualifying Party for new business license in “B” General Pest)

7. Workman, Aaron E. dba WORX Pest Control, Inc. (Activating Qualifying Party for new business license in “B” General Pest)

Read into the record Mr. Aaron E. Workman submitted the Certificate of Liability Insurance.

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

1. Berryhill, Phillip R. dba Merritt Pest Control (Activating Qualifying Party for existing business license in “B” General Pest, “C” Wood Destroying Organisms and “E” Weed Control)

Read into the record Mr. Phillip R. Berryhill

submitted the Certificate of Liability Insurance.

2. Goings, III, John W. dba Pride Industries, Inc. (Activating Qualifying Party for existing business license in “E” Weed Control and “F” Turf & Ornamental)
3. Preece, Thomas J. dba Zip Zap Termite & Pest Control (Activating Qualifying Party for existing business license in “B” General Pest and “C” Wood Destroying Organisms)
4. Ramirez, Danny James dba Fireman’s Pest Control (Activating Qualifying Party for existing business license in “B” General Pest)

C. Applicants for QP Testing (Mr. Tolton)

1. Ahrend, Gene LeRoy “B” (General Pest)
2. Altamirano, Jr., Rodolfo “F” (Turf & Ornamental)
Pulled

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

VOTE: *5 - 0 Motion carried.*

Mr. Robert Tolton stated that Mr. Altamirano does not have experience in the “E” Weed Control Category; therefore, even though the applicant checked both the E & F categories on his application, he only qualifies for F.

3. Brower, Kenneth David “F” (Turf & Ornamental)
Tabled

Various Commissioners had concerns with Mr. Kenneth D. Brower’s experience in the “F” Turf & Ornamental Category. Mr. Robert Tolton stated there is no further correspondence from Mr. Brower

to substantiate his experience in the "F" Turf & Ornamental Category. Mr. Brower was not present to answer questions.

4. Jones, Christopher S. *Pulled* "B & C" (General Pest and Wood Destroying Organisms)

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

VOTE: 5 - 0 Motion carried.

Mr. Jones was not present, but his father, Mr. William Jones was present and stated that his son was not present today because he turned 21 and his friends took him to Las Vegas, Nevada for his birthday. Discussion by the Commissioners concerning Christopher Jones' suspension of applicator license one time. Mr. Robert Tolton informed the Commissioners it was for non-renewal. Commissioner Baker felt that the letters of recommendation were inadequate. Mr. Bill Jones stated, he did not feel right writing a letter of recommendation on behalf of his son, so office personnel wrote the letters. Mr. William Jones further stated that he has been in the industry for 39 years and his children were exposed to the Pest Control Industry. Commissioner Peterson stated that Mr. Christopher Jones does have three years of experience. Commissioner Fraker would like to have letters in his file to attest to his experience.

5. McCann, John Thomas "B" (General Pest)

6. Saggio, David P. "B & C" (General Pest and Wood Destroying Organisms)

D. Request to Broaden Qualifying Party (Mr. Tolton)

1. Saline, Donald V. "C" (Wood Destroying Organisms)

2. Sammons, John Wayne “F” (Turf & Ornamental)

E. Request for Temporary Qualifying Party License Renewal (Mr. Tolton)

1. Dahlem, David H. dba Terminix of Mohave County
Pulled

MOTION: *To deny QP Renewal by Commissioner Baker.
Seconded by Commissioner Peterson.*

VOTE: *5 - 0 Motion carried.*

It did not appear to Commissioners that Mr. David Dahlem planned to test for his Qualifying Party License. Mr. Dahlem submitted a letter stating he cannot find a Qualifying Party for the Business. Commissioner Harley stated Terminix of Mohave County will have to stop work in the “E” Weed Control Category until they get a Qualifying Party for the Business.

2. Halterman, Daniel D. dba Africanized Bee & Pest
Pulled

Mr. Daniel D. Halterman appeared and answered Commissioners’ questions.

MOTION: *To approve Renewal by Commissioner Robinson.
Seconded by Commissioner Hartley.*

VOTE: *5 - 0 Motion carried.*

Mr. Robert Tolton informed the Commission that per documentation received this morning Mr. Daniel D. Halterman passed his Qualifying Party Testing and will be activating his QP at next month’s meeting, so that is why a renewal is being requested.

3. Henderson, Jason P.
Pulled

dba A Bee & Pest Pro

Mr. Jason P. Henderson appeared and answered Commissioners' questions.

MOTION:

To approve Renewal by Commissioner Peterson.

Seconded by Commissioner Baker.

VOTE:

5 - 0 Motion carried.

Discussion by various Commissioners on Mr. Henderson's request. Mr. Mike Francis explained that Mr. Henderson had not passed all parts of B and Core Tests and he is an individual who had started to test at the SPCC before the switch to Metro Institute, so now he has to start over with Metro.

4. Jones, Christopher S.
Pulled

dba Prodigy Pest & Termite Control f.n.a. Bio-Chem Services

MOTION:

To deny Renewal by Commissioner Hartley. Seconded by Commissioner Robinson.

VOTE:

5 - 0 Motion carried.

Discussion by various Commissioners that Mr. Christopher Jones has not made attempts to test. Ms. Lisa Gervase stated Mr. William Jones is on the Agenda for lifting the suspension of his Qualifying Party License that would allow him to automatically resume being the Q.P. for this business. Mr. Jones stated on behalf of his son that he would be turning the company over to his son and wants his son to have his Qualifying Party License.

5. McKenzie, Barbara

dba Zap Pest Control, Inc.

Pulled

Ms. Barbara McKenzie appeared with her attorney, Scott Richardson and answered Commissioners' questions.

MOTION:

To approve Renewal by Commissioner Hartley.

Seconded by Commissioner Baker.

VOTE:

4 - 1 Motion carried. (Peterson opposed)

Mr. Robert Tolton informed the Commissioners that Ms. McKenzie only took one exam which was the Core and she was unsuccessful. Mr. Richardson stated Ms. McKenzie could not test at Metro when CBT was first begun (6/3) because Metro did not have computers available. Ms. McKenzie did not test in April or May because her mother was ill.

F. Request for Company Name Change (Mr. Tolton)

1. Nu-Treat, Inc. to Nu-Treat Pest Services

Commission was informed that the company was changing its name but not Corporate status or ownership.

G. Continuing Education Committee Minutes.

July 2003 (Mr. Martin)

Item pulled.

H. Treatment Proposals (Mr. Craig)

1. Bad Bug Pest Management

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 Baker.*

VOTE: *5 - 0 Motion carried.*

VII. Felony Applicants (Mr. Tolton)

1. O'Connor, Joshua Daniel

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

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

VOTE: *5 - 0 Motion carried.*

2. Payne, III, Frederick G.

Mr. Payne appeared and answered Commissioners' questions.

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

VOTE: *5 - 0 Motion carried.*

3. Stratton, Jonathan Scot

Mr. Stratton appeared and answered Commissioners' questions.

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

VOTE: *4 - 0 Motion carried. (Commissioner Baker abstained)*

Commissioner Baker would like a letter from Mr. Stratton's employer.

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

1. Eric Batchelder - Case # 2003-071

MOTION: *To approve Case # 2003-071 consent terms, with the exception of the civil penalty being paid in six month increments, due on the 11th of each month and the first payment due on August 11, 2003, 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 Baker.*

VOTE: *5 - 0 Motion carried.*

2. Beaver's Exterminating - Case # 2003-021

MOTION: *To approve Case # 2003-021 consent terms, and Applicator, Darrell Mock to pay the Civil Penalty in three payments (\$66.66, \$66.66 and \$66.35), due on the 11th of each month beginning with August 11, 2003, 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 Robinson.
Seconded by Commissioner Hartley.*

VOTE: *5 - 0 Motion carried.*

3. Jason Starr/Conn Pest Control - Case # 2002-114

MOTION: *To dismiss Case # 2002-114 as it pertains to Conn Pest Control and forward Case # 2002-114-APP for Applicator Jason Starr to the Office of Administrative Hearings by Commissioner Hartley.
Seconded by Commissioner Peterson.*

VOTE: *5 - 0 Motion carried.*

4. Timothy Fickett - Case # 2003-082

MOTION: *To reject Case # 2003-082 consent terms and send the case to the Office of Administrative Hearings by Commissioner Baker.*

Seconded by Commissioner Peterson.

VOTE: *5 - 0 Motion carried.*

The Commissioners did not feel that a \$900.00 civil penalty was appropriate for Mr. Fickett's actions of knowingly performing unlicensed work and fraud.

Break at 10:45 A.M., meeting reconvened at 11:00 A.M.

5. J&S Pretreat Company - 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: *5 - 0 Motion carried.*

6. Lee McGhee - Case # 2003-068

MOTION: *To approve Case # 2003-068 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: *5 - 0 Motion carried.*

IX. Unlicensed Activity (Mr. Craig)

1. Nathan Abel dba The Bug Guy Pest Control - Case # 2003-007

MOTION: *To Order a \$500.00 Civil Penalty and issue a cease and Desist Order against Mr. Nathan Abel (owner) and The Bug Guy Pest Control jointly and severally by Commissioner Hartley.
Seconded by Commissioner Peterson.*

VOTE: *5 - 0 Motion carried.*

2. James Ahearn dba Perfectionist Pest Control - Case # 2003-028

MOTION: *To approve Case # 2003-028 consent terms to Order a \$750.00 Civil Penalty and issue a cease and Desist Order against Mr. James Ahearn (owner) and Perfectionist Pest Control jointly and severally, and the civil penalty shall be divided into three payments of \$250.00, each due on the 11th of each month, beginning with August 11, 2003 by Commissioner Peterson.
Seconded by Commissioner Baker.*

VOTE: *5 - 0 Motion carried.*

3. Jerry Backlund - Case # 2003-053

MOTION: *To approve Case # 2003-053 consent terms issue a Cease and Desist Order against Mr. Jerry Backlund by Commissioner Hartley.
Seconded by Commissioner Peterson.*

VOTE: *5 - 0 Motion carried.*

4. Ms. Imogene Bennett dba Aquatic Ecosystems - Case # 2003-044

MOTION: *To approve Case # 2003-044 consent terms to Order a \$500.00 Civil Penalty against Ms. Imogene Bennett holder of Qualifying Party # 8242 (owner) and Aquatic Ecosystems holder of Business License # 8216 jointly and severally by Commissioner Hartley.
Seconded by Commissioner Peterson.*

VOTE: *5 - 0 Motion carried.*

5. Al Fresco Landscaping - Case # 2003-034

MOTION: *To approve Case # 2003-034 consent terms to Order a \$500.00 Civil Penalty and issue a cease and Desist Order against Mr. Mike McGee (owner) and Al Fresco Landscaping jointly and severally by Commissioner Peterson.
Seconded by Commissioner Hartley.*

VOTE: *5 - 0 Motion carried.*

6. Ralph Moody dba Lake Maintenance - Case # 2003-070

Mr. Vince Craig requested to consolidate Tabs 43, 44, 45 and 46.

MOTION: *To approve Case #s 2003-070, 2003-079, 2003-080 and 2003-081 to Order a \$750.00 Civil Penalty for each case (total amount owed \$3,000.00) to be paid within 90 days (three installments of \$1,000.00 each month for 90 days) for unlicensed activity against Mr. Ralph Moody (owner) and Lake Maintenance jointly and severally by Commissioner Peterson. Seconded by Commissioner Hartley.*

VOTE: *3 - 1 Motion carried.*

Roll Call Vote:

<i>Commissioner Hartley</i>	<i>-</i>	<i>Yes</i>
<i>Commissioner Peterson</i>	<i>-</i>	<i>Yes</i>
<i>Commissioner Robinson</i>	<i>-</i>	<i>No</i>
<i>Commissioner Fraker</i>	<i>-</i>	<i>Yes</i>
<i>Commissioner Baker</i>	<i>-</i>	<i>Abstained</i>

7. Ralph Moody dba Lake Maintenance - Case # 2003-079

(See Tab 43 for Vote. Cases were consolidated).

8. Ralph Moody dba Lake Maintenance - Case # 2003-080

(See Tab 43 for Vote. Cases were consolidated).

9. Ralph Moody dba Lake Maintenance - Case # 2003-081

(See Tab 43 for Vote. Cases were consolidated).

10. Pueblo El Mirage RV Resort - Case # 2003-047

Mr. Vince Craig read into the record a letter from Ms. Barbara Roberts on educating the public on unlicensed activity.

MOTION: *To approve Case # 2003-047 consent terms to Order a \$500.00 Civil Penalty and issue a Cease and Desist Order against Ms. Barbara Roberts (owner) and Pueblo El Mirage RV Record jointly and severally by Commissioner Robinson. Seconded by Commissioner Hartley.*

VOTE: 5 - 0 Motion carried.

11. Anthony Sanchez - Case # 2003-072

MOTION: To Order a \$500.00 Civil Penalty and issue a Cease and Desist Order against Mr. Anthony Sanchez by Commissioner Hartley. Seconded by Commissioner Peterson.

VOTE: 5 - 0 Motion carried.

12. Yuma School District #1 - Case # 2003-036

Commissioner Baker would like staff to remind Mr. Robert Weatherwax of his responsibility as a supervisor.

MOTION: To approve Case#2003-036 consent terms to Order a \$500.00 Civil Penalty and issue a Cease and Desist Order against Yuma School District # 1 by Commissioner Peterson. Seconded by Commissioner Hartley.

VOTE: 5 - 0 Motion carried.

X. Suspension of Business, Qualifying Party and/or Applicator Licenses (Mr. Craig)

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

MOTION: To lift the suspension against Mr. Jones' qualifying party license # 456 BC by Commissioner Hartley. Seconded by Commissioner Peterson.

VOTE: 4 - 1 Motion carried. (Commissioner Baker opposed)

2. Canyon State Pest Control, Inc. - Case # 2001-327/OAH Case # 01A-327-SPC

MOTION: To suspend Mr. Provenzano's Qualifying Party Credential #724 BC for failure to pay civil penalties by Commissioner Peterson. Seconded by Commissioner Hartley.

VOTE: 5 - 0 Motion carried.

3. University Termite and Pest Control - Case # 1999-140

Mr. Scott Richardson appeared on behalf of University Termite and Pest Control. A Teller's Check was given to the Commission on 7/10-03 to pay \$15,792.00 in Case # 1999-140. No action taken.

4. University Termite and Pest Control - Case #'s 2000-056, 2000-163 & 2000-006

Mr. Scott Richardson appeared on behalf of University Termite and Pest Control. A Teller's Check was given to the Commission on 7-10-03 to pay \$4,000.00 in Case #'s 2000-056, 2000-163 and 2000-006. No action taken.

5. Patrick L. Ellis - Case # 2000-268

Ms. Lisa Gervase stated for the record that Mr. Ellis had paid the civil penalty timely. Item pulled.

6. Gary Fortune - Case # 2000-268

Ms. Lisa Gervase stated for the record that Mr. Fortune had paid the civil penalty timely. Item pulled.

7. Phoenix Pest & Termite Control - Case # 2000-268

Mr. Jerry Martinie appeared on behalf of Phoenix Pest & Termite Control. A Cashier's Check was given to the Commission on 7-10-03 to pay \$3,500.00 for Case # 2000-268. No action taken.

Commissioner Hartley left the room at 12:15 P.M. and returned at 12:18 P.M.

XI. Recommended Decision and Order of Administrative Law Judge (Mr. Driggs)

1. Thomas R. Marcell - SPCC Case # 2002-021/OAH Docket # 02A-021-SPC-res

*MOTION: To approve Finding of Fact and Conclusion of Law by Commissioner Peterson.
Seconded by Hartley.*

VOTE: 5 - 0 Motion carried.

MOTION: To accept recommended Order with a revision to the Conclusions of Law by adding A.R.S. § 32-2321(B)(2) as the authority to revoke Thomas Marcell's Applicator Certificate # 990933 VII BC on the

*effective date of the Order by Commissioner Peterson.
Seconded by Commissioner Hartley.*

VOTE: *5 - 0 Motion carried.*

Commissioner Peterson left the meeting to attend another meeting at 12:20 P.M.

- XII. For discussion, consideration and action: Reconsideration of denial to renew Gloria Kilian's Temporary Qualifying Party. (Mr. Francis)**

Ms. Gloria Kilian appeared with her attorney Mr. Richard Duffield. Discussion by Mr. Mike Francis who stated we have an Amended Agenda item related to this matter, which is the temporary Qualifying Party License Application and request to activate his Q.P. for Kilian's Termite & Pest Control from Dale Crawford.

Based on the Commission's action on the Amended Agenda item (which was handled before this item), Ms. Kilian withdrew her request for reconsideration. No action.

FIRST AMENDED AGENDA

- XII. For discussion, consideration and action: Reconsideration of denial to renew Gloria Kilian's Temporary Qualifying Party. (Mr. Francis)**

There was no legal justification to issue Mr. Crawford a temporary Q.P. license since Ms. Kilian has not "disassociated." However, if Mr. Crawford fulfilled all requirements, the Commission could consider activating his Q.P. for Kilian's. Ms. Gervase stated there is missing information in the application to activate Mr. Crawford's Qualifying Party License. Commissioner Hartley stated Ms. Kilian's Temporary QP status has run its course, but the business should continue for the consumer, and he knows Mr. Crawford and he is qualified.

MOTION: *To activate Mr. Crawford as Qualifying Party for Kilian's Pest Control contingent upon receiving all requisite application information by 5:00 P.M. on Monday, July 14, 2003 by Commissioner Hartley.
Seconded by Commissioner Baker.*

VOTE: *3 - 1 Motion carried. (Commissioner Robinson opposed)*

- XIII. For discussion, reconsideration and possible action of activating Qualifying Party License for new business license (Mark Lauch/Lake Maintenance Services); and allowing Qualifying Party applicant to take examinations (Ralph Moody). (Vince Craig)**

MOTION: *To go into Executive Session for legal advice by Commissioner Peterson.
Seconded by Commissioner Hartley.*

VOTE: *5 - 0 Motion carried.*

Mr. Vince Craig stated he received a telephone call from Mr. Mark Lauch the Qualifying Party for Lake Maintenance Services who stated he is no longer its QP. Mr. Ralph Moody stated he was unaware of this. Mr. Moody claimed that he did not pay the old \$500.00 civil penalty for unlicensed activity because he was unaware it had not been paid, but he did pay this morning with a Money Order. Commissioner Baker stated his concern about Mr. Moody operating without a license since he knew of this requirement, having been a Qualifying Party three times. Mr. Craig stated for the record we have invoices showing the widespread use of chemicals by Lake Maintenance. Commissioner Fraker stated the Commission cannot act on Mr. Lauch's verbal notification of purported disassociation as the Q.P. is not sufficient. Mr. Lauch will need to submit written verification that he is no longer the Qualifying Party for Lake Maintenance Services. No action.

XIV. For discussion, consideration and possible action. Amending the Wood Infestation Inspection Form and Approving a Fungi Inspection Form. (Mr. Martin)

Discussion by Mr. Martin who stated this is the first draft for the two forms. So far, 25 members from the industry who were from both large and small companies, and two Commissioners have reviewed the forms. Mr. Martin is seeking direction, since there is a legislative timetable. Commissioner Hartley would like the word fungus off the wood form, he would prefer the word "dry rot." Commissioner Hartley would like for the Fungi Inspection Form to look entirely different from the Wood Infestation Inspection Form, to prevent confusion. Commissioner Baker would like the forms' numbering system to be clearer. Mr. Scott Richardson said the wood form should be ready by September 17, 2003 for the industry to use and that fungi should remain as a condition conducive or excessive moisture. Mr. Martin commented he has contacted the Board of Technical Registration on wood destroying insects and fungi. Mr. Martin stated the individuals who received the first draft and expressed an interest in the second draft will receive copies of the second draft of the forms. Mr. Mike Denny would like a disclosure on the forms that this is not a mold report.

XV. For information and discussion, not action: EPA's end of the year evaluation for FY02 of the SPCC's compliance with its Cooperative Agreement with the EPA. (Ms. Gervase)

Ms. Gervase discussed the EPA Cooperative Agreement for FY02 and the End-of-Year

Evaluation from EPA. SPCC submitted a final work plan to facilitate the FY04 agreement for the same grant funds (\$109,500) and a summary proposal for additional grant funds which will provide pesticide use enforcement training to Indian Tribes.

XVI. For information and discussion, not action: SPCC budget (Ms. Gervase)

SPCC used approximately 95% of their appropriated budget by the end of June 2003. There was an estimated balance of \$6,331.00 as of June 30, some of these monies will be used to pay miscellaneous expenses before July 15. The remainder of the monies will go into the general fund.

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

Discussion by Ms. Gervase that there have been so many changes in the status of cases, particularly last-minute status changes based on recent compliance with old Commission Orders that a detailed report could not be prepared for this meeting. There are about 75 cases pending.

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

Discussion by Mr. Craig on Complaint Status Log of cases that have not been presented to the Commission.

XIX. For discussion, consideration and possible action: Evaluation of Executive Director's performance. The Commission will go into Executive Session to discuss this item pursuant to A.R.S. section 38-431.03(A)(1) and (A)(5).

*MOTION: To go into Executive Session for Evaluation of Executive Director's performance by Commissioner Hartley.
Seconded by Commissioner Baker.*

VOTE: 4 - 0 Motion carried.

*MOTION: Based on the Commission's evaluation of the Executive Director the Commission ordered that her salary be raised to the maximum for an E2 position, beginning the next pay period. Further, the Commission directed staff to pursue increasing the Executive Director's position to an E-3 category.
Motion by Commissioner Hartley.
Seconded by Commissioner Robinson.*

VOTE: *4 - 0 Motion carried.*

XX. Adjournment - 1:35 P.M.

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

VOTE: *4 - 0 Motion carried.*