

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

**COMMISSION MEETING
FRIDAY, September 12, 2003, 9:00 A.M.
MINUTES**

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

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

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

II. Approval of Minutes (Ms. Gervase)

July 11, 2003 (regular session) Minutes.

MOTION: *To approve the July 11, 2003 (regular session) Minutes by Commissioner Peterson and seconded by Commissioner Baker.*

VOTE: *5 - 0 Motion carried. (Commissioners Allen and Runbeck abstained)*

August 8, 2003 (regular session) Minutes.

MOTION: *To approve the August 8, 2003 (regular session) Minutes by Commissioner Robinson and seconded by Commissioner Runbeck.*

VOTE: *4 - 0 Motion carried. (Commissioners Allen, Baker and Peterson abstained)*

August 15, 2003 (telephonic conference call) Minutes.

MOTION: *To Amend the August 15, 2004 Telephonic Meeting Minutes to delete the statement and to reflect Commission Runbeck was present for Item VI by Commissioner Allen and seconded by Commissioner Baker.*

VOTE: *5 - 0 Motion carried. (Commissioner Hartley and Peterson abstained)*

July 11, 2003 Executive Session Minutes regarding legal advice on Lake Maintenance Services

MOTION: *To approve the July 11, 2003 (executive session) Minutes by Commissioner Baker and seconded by Commissioner Peterson.*

VOTE: *5 - 0 Motion carried. (Commissioners Allen and Runbeck abstained)*

July 11, 2003 Executive Session Minutes regarding evaluation of Executive Director

MOTION: *To approve the July 11, 2003 (executive session) Minutes by Commissioner Baker and seconded by Commissioner Robinson.*

VOTE: *4 - 0 Motion carried. (Commissioners Allen, Peterson and Runbeck abstained)*

III. Call to the public (Chairperson).

Ms. Lisa Gervase stated there are various handouts in the Commissioners' folders which include a new law changes outline, a clean version of House Bill 2341, a letter from the Governor on Ethics training for Commissioners who haven't had it within five years, Applicator and Qualifying Party License Examination Blueprints, a case status report and a letter from Mr. Scott Richardson on behalf of his client S.O.S. Exterminating, Inc., regarding agenda item XIV. Ms. Gervase announced that a stakeholder meeting would be held in early October regarding the Fungi Inspection Report, and the final draft will be ready for approval by the end of the year.

IV. Communication with Commissioners (Chairperson)

Commissioner Baker asked for clarification on Communication.

Commissioner Hartley had many conversations with industry members about the changes to the Wood Destroying Insect Inspection Report (WDIIR).

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

Current Proposed dates and locations

October 10, 2003Tucson, AZ
 November 14, 2003Scottsdale, AZ
 December 12, 2003Scottsdale, AZ
 January 9, 2004. Scottsdale, AZ
 February 13 or 20, 2004.Scottsdale, AZ

Mr. Martin stated there has been much advertising for the October meeting in Tucson, Arizona and the Arizona Pest Management Association will publish this meeting information in their Pest Management Journal. Ms. Gervase stated that the February meeting will be on the 13th.

VI. Consent Agenda (Ms. Gervase)

A. Applications for New Business License (Mr. Francis). *Note: Staff will ensure that all insurance certificates have the correct statute citations.*

1. Burrous, Davelyn A. dba LPC Exterminating (Activating Qualifying Party for new business license in “B” General Pest)

2. Crandell, Sterling T. dba Crandell Pest Control (Activating Qualifying Party for new business license in “B” General Pest)

3. Daufenbach, Rex F. dba Saint Patrick Termite & Pest Control (Activating Qualifying Party for new business license in “B” General Pest and “C” Wood Destroying Organisms)

4. DeWitt, Christopher H. dba Mantis Pest Management (Activating Qualifying Party for new business license in “B” General Pest)
Pulled

Mr. DeWitt was not present to answer Commissioners’ questions.

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

MOTION: *To go into Executive Session for legal*

advice regarding the Name of Company and Q.P. responsibilities by Commissioner Baker.

Seconded by Commissioner Robinson.

VOTE:

7 - 0 Motion carried.

Motion to deny withdrawn by Commissioner Peterson.

MOTION:

To approve with the Company name being DeWitt Pest Control Services because the other name requests could be confused with existing business names by Commissioner Hartley.

Seconded by Commissioner Robinson.

VOTE:

7 - 0 Motion carried.

5. Ferrier, James G. dba Terravita Golf & County Club (Activating Qualifying Party for new business license in “E” Weed Control and “F” Turf & Ornamental)

6. Harris, Richard K. dba Lawn Doctor of Mesa (Activating Qualifying Party for new business license in “B” General Pest, “E” Weed Control and “F” Turf & Ornamental)

Pulled

Mr. Harris appeared and answered Commissioners’ questions.

MOTION:

*To approve by Commissioner Baker.
Seconded by Commissioner Allen.*

VOTE:

7 - 0 Motion carried.

Mr. Harris explained that the Lawn Doctor is a company out of New Jersey and this is the first franchise in Arizona and that Mr. Napoleon Paisano is the owner.

7. Noriega, Terry L. dba Mariposa Horticultural Enterprises, Inc.,
Pulled (Activating Qualifying Party for new business license in “E” Weed Control and “F” Turf & Ornamental)

Mr. Noriega appeared and answered Commissioners’ questions.

MOTION:

*To approve by Commissioner Baker.
Seconded by Commissioner Allen.*

VOTE:

7 - 0 Motion carried.

Mr. Noriega stated for the record that his main residence is in the Los Angeles area and he is activating his QP for the “E & F” category, but has a location in Glendale which is a start up location and has a manager who is certified and will eventually get his Qualifying Party License.

8. Osweiler, Joseph J. dba David’s Pest Control (Activating Qualifying Party for new business license in “B” General Pest)

9. McCall, Scott L. dba Ants in Your Plants, L.L.C. (Activating Qualifying Party for new business license in “E” Weed Control and “F” Turf & Ornamental)

10. Robbins, Leslie C. dba Sentry Pest Control, L.L.C. (Activating Qualifying Party for new business license in “B” General Pest)

11. Romero, Cynthia dba Norstar Pest Control, LLC (Activating Qualifying Party for new business license in “B” General Pest)

12. Shannon, John J. dba A-1 Affordable Pest Control, Inc.
Pulled (Activating Qualifying Party for new business license in “B” General Pest)

Mr. Shannon appeared and answered Commissioners' questions.

MOTION:

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

VOTE:

*6 - 0 Motion carried.
(Commissioner Baker
abstained)*

Discussion of whether company name would be confused with other similar business names. Mr. Shannon stated the Corporation Commission suggested that he add "A-1" to the beginning of his name, since there is another company already incorporated as Affordable Pest Control. Ms. Lisa Gervase stated the new law requires applicants to be incorporated or registered.

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

- 1. Halterman, Daniel D. dba Africanized Bee & Pest Management (Activating Qualifying Party for existing business license in "B" General Pest)**
- 2. Hargrove, Darren A. dba America's Pest Control (Activating Qualifying Party for existing business license in "E" Weed Control)**
- 3. Padilla, Sergio dba In Celebration of Golf, LLC (Activating Qualifying Party for existing business license in "E" Weed Control and "F" Turf & Ornamental)**
- 4. Smith, Dan dba Art Landscaping, Inc. (Activating Qualifying Party for existing business license in "E" Weed Control, "E-1" Aquatic Weed Control and "F" Turf & Ornamental)**

- 5. Vargas, Pete Lopez dba City of Glendale (Activating Qualifying Party for existing business license in “B” General Pest, “E” Weed Control and “F” Turf & Ornamental)

C. Applicants for QP Testing (Mr. Francis)

- 1. Cassel, Arthur Allen “B” (General Pest)
- 2. Colpaert, Sr., Kenneth “B” (General Pest)
- 3. Cromley, Gary Dean “B” (General Pest)
- 4. Denny, Jr., Mark David “B” (General Pest)
- 5. Eadie, Leslie Burtram “E & F” (Weed Control and Turf and Ornamental)
- 6. Franz, Jon Paul “B” (General Pest)
- 7. Hamilton, Kevin D. “B & C” (General Pest & Wood Destroying Organisms)

Read into the record that Mr. Kevin D. Hamilton will also be testing in the “C” Wood Destroying Organism Category.

- 8. Henson, Jr., Ernest L. “B” (General Pest)
Pulled

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

VOTE: *6 - 0 Motion carried. (Commissioner Hartley recused due to conflict of interest)*

- 9. Hunt, Steven C. “B & E” (General Pest & Weed Control)

Read into the record that Mr. Steven C. Hunt will also be testing in the “E” Weed Control Category.

- 10. Lentini, John Thamos “B” (General Pest)
- 11. Long, Anthony Mojica “B” (General Pest)
- 12. Plumb, George Marlin “B, E & F” (General Pest, Weed Control and Turf & Ornamental)
- 13. Potkonjak, Nikola “C” (Wood Destroying Organisms)
Tabled

Commissioner Baker questioned Mr. Nikola Potkonjak’s practical experience in the “C” Category. Ms. Lisa Gervase stated Mr. Potkonjak’s prior employer would not provide employee verification, so Mr. Potkonjak supplied his W-2 stubs for the last two (2) years. Commissioner Peterson asked if there was anyone from the prior employer, S.O.S. Exterminating, to step up and verify Mr. Potkonjak’s employment history. Mr. Randy Mandrill, Operations Manager of S.O.S. Exterminating agreed to obtain the required information. Ms. Gervase read into the record that the requested information from S.O.S. Exterminating verified that Mr. Potkonjak only had one year and five months’ experience in the “B” (General Pest Category). This matter was tabled until the applicant can appear and answer questions and/or submit more information.

- 14. Sarnicki, David John “B” (General Pest)
- 15. Stapley, Mark Curtis “B & C” (General Pest and Wood Destroying Organisms)
Pulled

Read into record spelling correction of Mr. Staple’s middle name.

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

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

Fraker recused due to conflict of interest)

**D. Continuing Education Committee Minutes
September 2003 (Mr. Martin)**

E. Treatment Proposals (Mr. Colvin)

Ms. Lisa Gervase stated some of the Treatment Proposals do not have the required statutory language “pesticide, agent or device” and she asked the Commission to approve the proposals subject to staff receiving corrected proposals.

- 1. AMERA Sun City Pest Control**
- 2. Carl’s Termite and Pest Control Company**
- 3. Control 365 Plus, Inc.**
- 4. Eco-Logic**
- 5. Ed Evans Pest Control**
- 6. Saint Patrick Termite and Pest Control**
- 7. Sexton Pest Control, Inc.**
- 8. Termite Specialist**
- 9. Valleywide Termite and Pest Control**
- 10. Vernon’s Termite and Pest Control**

End of Consent Agenda

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

VOTE: *7 - 0 Motion carried.*

VII. Request for Temporary Qualifying Party Renewal not on the Consent Agenda (Mr. Francis)

1. Lentini, John Thomas dba Common Sense Pest Management, Inc.

Mr. Lentini appeared and answered Commissioners' questions.

MOTION: *To approve first extension by Commissioner Robinson.
Seconded by Commissioner Hartley.*

VOTE: *7 -0 Motion carried.*

Ms. Lisa Gervase stated that Mr. Lentini's Q.P. application was approved today Tab 28 in response to Commissioner Robinson's question about why Mr. Lentini's application did not come before the Commission at either the July or August 2003 meeting. Mr. Lentini also responded that the application submission cut off date to be on the August agenda was changed and he missed it.

Break at 10:10 to 10:20 A.M.

VIII. Felony Applicants (Mr. Francis)

1. McCord, David R.

Mr. McCord appeared and answered Commissioners' questions.

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

VOTE: *7 - 0 Motion carried.*

2. McGhee, Lee Eric

Mr. McGhee appeared and answered Commissioners' questions.

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

VOTE: *7 - 0 Motion carried.*

3. Narvaez, David James

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

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

VOTE: *7 - 0 Motion carried.*

4. Romero, Dion

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

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

VOTE: *7 - 0 Motion carried.*

5. Rowley, Trent Keith

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

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

VOTE: *7 - 0 Motion carried.*

**IX. Request Suspension of Expired Qualifying Party Licenses which have not been Renewed
(Mr. Francis)**

*Note: None of the below licensees appeared. Mr. Michael Francis stated that
each of the Qualifying Party Licensees were notified via certified mail of this
agenda item. Commissioner Baker questioned why it took so long to seek*

Note: None of the below licensees appeared. All licensees were notified of this agenda item via certified mail. Mr. Francis read into the record that number 30 “Myer Pest Control” should be omitted from the list, because they did renew their license.

| | Name of Business License | License Number |
|-----|--------------------------------------------|-----------------------|
| 1. | 4-Way Pest Control, Inc. | 5702 |
| 2. | A & A Pest Control | 5580 |
| 3. | Adams Exterminating Co. | 2133 |
| 4. | Adobe Termite Control | 5509 |
| 5. | All About Bees & Bugs | 5743 |
| 6. | All Pro Pest Control | 5663 |
| 7. | All West Pest Management | 5791 |
| 8. | Anthem Pest Control | 5799 |
| 9. | Biltmore Pest Control | 4265 |
| 10. | B-J Exterminating | 5558 |
| 11. | Britnell Pest Management | 5715 |
| 12. | Bugsy Exterminating Co. | 5002 |
| 13. | Canyon State Pest Control | 2227 |
| 14. | Cecil Dooley Termite-Pest Services Corp. | 4022 |
| 15. | City of Mesa: Utilities Department | 4419 |
| 16. | City of Phoenix: Water Services Department | 5680 |
| 17. | Del E. Webb Communities, Inc. | 4217 |
| 18. | Del Rio Pest Control | 2091 |
| 19. | Dependable Pest Control | 2095 |
| 20. | Don Miller Pest Control | 2235 |
| 21. | Dorado Country Club | 5061 |
| 22. | Dorado Pest Control | 2090 |
| 23. | Flood Control District – Ecology Branch | 5672 |
| 24. | Double B Pest Control | 2500 |
| 25. | Gielow Exterminating, Inc. | 4076 |
| 26. | Harvest Landscaping, Inc. | 8154 |
| 27. | Heuer Pest Control | 5047 |
| 28. | Industrial Pest Control | 2116 |
| 29. | Marksman Pest Control | 5696 |
| 30. | Myer Pest Control | 2242 |
| 31. | Norstar Pest Control | 5787 |
| 32. | Papago Pest Control | 5089 |
| 33. | Petrini’s Landscaping, Inc. | 5467 |
| 34. | Raven Golf Club | 5327 |

| | | |
|-----|------------------------------|------|
| 35. | Skipper's Pest Control | 2454 |
| 36. | Sunland Village Golf Club 1 | 5694 |
| 37. | Superior Weed & Pest Control | 5720 |
| 38. | Terry Taylor Exterminating | 5789 |
| 39. | Tri-Star Pest Control | 2423 |
| 40. | Unicorn Pest Control | 2219 |
| 41. | Urban Pest Solutions | 5365 |
| 42. | We Got Ya Pest Control, Inc. | 5782 |
| 43. | Wildfire Golf Club | 5753 |
| 44. | Workman Home Services | 5805 |

MOTION: *To suspend Business Licensee Licenses listed with the exception of # 30 "Myer Pest Control" by Commissioner Peterson.
Seconded by Commissioner Baker.*

VOTE: *7 - 0 Motion carried.*

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

1. Alliance Pest Management, Inc. - Case 2003-016

MOTION: *To approve Case # 2003-016 consent terms, with the exception of the A.R.S. § 32-2323(D) violation for the Qualifying Party and Applicator because this statute pertains only to the business licensee; 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.*

Attorney Scott Richardson addressed the Commission on behalf of the Respondents, requesting a change in the factual findings. Mr. Craig stated the drill holes were 24 inches apart instead of 12 inches, rather than there not being any drill holes.

2. Bug Off Pest Control, dba Payson Exterminating - Case # 2003-073

MOTION: *To approve Case # 2003-073 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 Robinson.
Seconded by Commissioner Runbeck.*

VOTE: 7 - 0 *Motion carried.*

Commissioner Baker requested clarification on the MATRIX of the gravity of why eight (8) was used in this matter. Commissioner Peterson requested that a complete copy of the MATRIX be included. Mr. Vince Craig stated the last paragraph reflects documentation that the violation is more egregiousness for falsifying a WIR. Mr. Steve Rench, Counsel for the Complainant, Mrs. Lawson, stated that the business has not addressed the \$22,000.00 damage repair estimate. Mr. Sherrill, the Q.P. appeared and answered questions, and stated that he rents his "C" license to the business licensee. Commissioner Fraker is concerned that the QP is not active in the business and he is just renting his license.

3. Brandon Carr - Case # 2003-017

Mr. Carr appeared and answered the Commissioners' questions.

MOTION: *To approve Case # 2003-017 consent terms, to be paid in three month increments 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.*

Mr. Carr stated he was not aware he had spilled the granules, but when he was informed he went back and cleaned them up.

4. Cochise Termite & Pest Control - Case # 2003-025

MOTION: *To approve Case # 2003-025 consent terms, with the exception of the A.R.S. § 32-2323(D) violation for the Qualifying Party and Applicator because this statute pertains only to the business licensee; 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*

*Hartley.
Seconded by Commissioner Allen.*

VOTE: **6 - 0** *Motion carried. (Commissioner Baker absent from room)*

Commissioner Peterson questioned why only an Administrative Warning was issued to the Qualifying Party, as compared with the Alliance Pest Management Case, where a civil penalty also was imposed against the QP license. Mr. Vince Craig stated that the QP also held the business license in this case, and there was more egregious behavior in the Alliance case, justifying a \$200.00 civil penalty on the Q.P., in addition to the Administrative Warning. Commissioner Peterson was concerned about the consistent use of the MATRIX in proposing disciplinary action. He did not believe that the penalty in this case was consistent with that in the Alliance Pest Management, Inc. case, #2003-016, (item XI(1) on this meeting agenda). There should not be a difference in penalty simply because the same person holds the QP license and Business License. If a different penalty for a similar case is warranted, the rationale must be reflected in the record.

5. Hilltop Golf Management, Inc., dba Tree Pros - Case # 2003-011

MOTION: *To approve Case # 2003-011 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 and forward Case # 2003-011 APP for Applicator Stephen Larance to the Office of Administrative Hearings by Commissioner Peterson.
Seconded by Commissioner Baker.*

VOTE: **6 - 0** *Motion carried. (Commissioner Hartley absent from the room)*

6. Litchfield Pest Control - Case # 2002-149

MOTION: *To approve Case # 2002-149 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.*

7. Edward Manciet - Case # 1999-141

MOTION: *To approve Case # 1999-141 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.*

XII. Unlicensed Activity (Mr. Craig)

1. Emerald Lawn and Landscape - Case # 2003-087

MOTION: *To approve Case # 2003-087 consent terms to Order a \$500.00 Civil Penalty and issue a Cease and Desist Order against Mr. John Clark (owner) and Emerald Lawn and Landscape jointly and severally by Commissioner Peterson.
Seconded by Commissioner Baker.*

VOTE: 7 - 0 *Motion carried.*

Discussion by Commissioner Robinson that these companies need to be made aware of the problem of buying over-the-counter herbicides and doing business. Commissioner Fraker would like for SPCC staff to stay vigilant with communication to companies. Mr. Mike Francis stated, he is working on a flyer stating need of licensure. Mr. Martin stated statute changes, broader definitions and higher fines will also help stop unlicensed activity.

2. Sundance Landscape - Case # 2003-089

MOTION: *To approve Case # 2003-089 consent terms to Order a \$500.00 Civil Penalty and issue a Cease and Desist Order against Mr. Mark Graham (owner) and Sundance Landscape jointly and severally by Commissioner Peterson.
Seconded by Commissioner Hartley.*

VOTE: 7 - 0 *Motion carried.*

3. Xeriscapes Unlimited - Case # 2003-088

MOTION: *To approve Case # 2003-088 consent terms to Order a \$500.00 Civil Penalty and issue a Cease and Desist Order against Mr. Rod Pappas (owner) and Xeriscapes Unlimited jointly and severally by Commissioner Peterson.
Seconded by Commissioner Hartley.*

VOTE: *7 - 0 Motion carried.*

Mr. Pappas stated he is on the Board of Directors for Arizona Landscape Contractors and would like for SPCC staff to come in and speak to them about licensure.

4. Lake Maintenance Services - Inquiry # 2003-094

MOTION: *To issue a Cease and Desist Order in Case # 2003-087 against Mr. Ralph Moody (owner) and Lake Maintenance Services jointly and severally by Commissioner Robinson.
Seconded by Commissioner Runbeck.*

VOTE: *7 - 0 Motion carried.*

Mr. Vince Craig would like a Cease and Desist Order issued immediately against Lake Maintenance Services because Mr. Moody is operating without a license. At the July 2003 Commission meeting at which Mr. Moody appeared, the Commission was informed that Mr. Mark Lauch verbally resigned as the Qualifying Party for Lake Maintenance Services. Mr. Mike Francis stated he then received Mr. Lauch's letter stating he is no longer the Qualifying Party. Mr. Moody operated his business after Mr. Lauch's written resignation as Q.P. Mr. Moody stated Mr. Lauch never communicated with him via letter or telephone that he was no longer the qualifying party for Lake Maintenance. Ms. Lisa Gervase stated that Mr. Moody should have known about the dissociation with Mr. Lauch on July 28, 2003, Mr. Moody should know at all times what the Qualifying Party is doing and after the July Commission meeting, Mr. Moody should have contacted Mr. Lauch.

Break at 11:50 A.M. to 12:05 P.M.

XIII. For discussion, consideration and action: Approval of an amended Wood Destroying Insect Inspection Report Form (currently known as a "WIR"). Approval to become

effective on September 18, 2003, assuming HB2341 becomes law on September 17, 2003.
(Mr. Martin, Ms. Gervase)

MOTION: *To approve the Wood Destroying Insect Inspection Report Form presented to the Commission with the following changes: page numbers at the bottom each page, in Box 10 add "Attachments _____ pages," and add "SPCC WDIIR 9/03" to the bottom of each page, by Commissioner Hartley.
Seconded by Commissioner Peterson.*

VOTE: *6 - 0 Motion carried. (Commissioner Runbeck absent)*

The Commission chose to leave "other" at the top of page 1 so that the form could be used when a consumer merely wants a wood destroying insect inspection that is not for the sale or refinancing of real property, and when a treatment proposal is not necessary.

XIV. For discussion, consideration and action: Assessing late fees to S.O.S. Exterminating, Inc. for late Termite Action Report Forms (TARFs). (Ms. Gervase and Mr. Pulido).

Discussion by Ms. Lisa Gervase that S.O.S. and four other companies submitted TARFs using SmartBiz software rather than the SPCC's paper TARFs or the SPCC's Computer software. The TARFs contained errors and S.O.S. and the other companies were given a one time resubmission deadline without incurring late fees, as long as all errors were corrected. However, after reinstalling and reviewing the resubmitted TARFs, the SPCC office again found one or more pieces of required information missing from S.O.S.'s TARFs (i.e., chemical used, A.A.C. R4-29-417(F)(5)). Based on the original submission date and/or the resubmission date, over 3,700 of S.O.S.'s TARFs were late.

There on one TARF was only one error from the four other companies that resubmitted TARFs that company will pay an \$8.00 TARF late fee.

Mr. Scott Richardson submitted a letter with attachments to the Commission on behalf of S.O.S.

Mr. Richardson reminded the Commission that the Commission encouraged companies to submit TARFs using SmartBiz and the prior administration allowed the submissions.

MOTION: *That late fees not be imposed for the 3,746 TARFs for S.O.S. Exterminating by Commissioner Hartley.
Seconded by Commissioner Robinson.*

VOTE: 7 - 0 Motion carried.

The Commission's rationale was that the Commission encouraged these SmartBiz submissions and that S.O.S. was working to correct the errors.

XV. For discussion, consideration and action: Licensing schools who perform structural pest control.

Ms. Lisa Gervase stated that the Commissioners received a Memorandum pertaining to the new law which eliminates the former exception from licensing for schools. The Superintendent of public instruction, Tom Horne will be working with SPCC. It will be proposed that each District will get one Qualifying Party and not each school. The District will be considered the Business Licensee. Commissioner Robinson commented if he was the District Manager, he would put the liability elsewhere and hire a Pest Control Company.

MOTION: *To approve issuing Business Licenses by School District, and the Qualifying Party by each District or each District to hire their a licensed Pest Control Company by Commission Baker.
Seconded by Commissioner Peterson.*

VOTE: 6 - 0 Motion carried (Commissioner Runbeck absent).

XVI. For discussion, consideration and action: Branch office registrations by business licensees with licensed names that differ from the branch offices.

Discussion by Ms. Lisa Gervase regarding branch office registrations. This primarily affects golf courses because several business licensees have been permitted to register offices as "branches." This affects about 60 golf courses and there are about six business licenses under whom they are registered. There were various discussions from various company representatives who were concerned on how this will affect their businesses. Mr. David Dixon of Dixon Ergonomics spoke to the Commission of how he has been involved with the various golf courses and the training that he has offered to keep them in compliance. Commissioner Fraker stated that the branch offices need to follow the mandate of the law and no vote is needed for staff to implement its proposed course of action as stated on the Agenda.

XVII. For discussion, consideration and action: Business licensees operating as "DBAs" (doing business as another name).

Discussion by Ms. Lisa Gervase stated there are about 25 businesses that operate under

“dba’s” instead of under the licensed names. This violates SPCC Rule, letters to be sent via certified mail that they must Cease & Desist operating under the “dba” effective December 31, 2003 and the companies will need to operate under their licensed name. There were various discussions from various company representatives who were concerned on how this will affect their companies. Commissioner Fraker stated that licensees need to follow the mandate of the law and no vote is needed for staff to implement its proposed course of action.

XVIII. For information and discussion, not action: Computer Based Testing “CBT” Status and Statistics (Messrs. Martin and Francis; Mr. Michael Means, Metro Institute)

Discussion by Ms. Lisa Gervase stated a Memorandum was given to each Commissioner on Computer Based Testing “CBT” between SPCC and Metro Institute which outlined how many exams were administered in June, July, and August, for Applicators and Qualifying Parties. Commissioner Baker had questions about the contract with the vendor and Ms. Gervase stated the contract is good for one year. In either February or March SPCC will address to amend the contract. Mr. Carl Martin stated Mr. Mike Means has complied with every request by SPCC. Mr. Martin further stated there are ongoing updates to make the exams better and the process better. Commissioner Fraker asked if SPCC has all the study material packages and Mr. Martin responded “Yes.” Mr. Martin further stated Turf and Ornamental put together a manual which has reasonable questions and answers. Mr. Mike Means of Metro Institute stated that they are continually updating the testing process, he works directly with the Commission, and they do spot interviews with people who are having problems with the testing. Mr. Means further stated that if an applicant fails it is because they did not do any preparation in studying for the tests. If an applicant prepares for the test the pass rate is 75%, as for the Spanish-speaking applicants there is a 45% pass rate, and most of the English-speaking applicants will pass the first time.

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

Mr. Vince Craig gave a short summary of his Complaint Status Log on the status of various cases.

XX. For information and discussion, not action: Inquiry Status Log (Mr. Craig)

Mr. Vince Craig gave a summary of the Inquiry Status Log which will be more detailed next month. Also, the Inquiry log will be issued for the month prior; therefore for the October meeting the Inquiry Log will be for September and not October. At the present time there were 104 cases for the last three months, 79 of them were consumer generated and 25 were Commission generated.

XXI. For information and discussion, not action: SPCC Budget (Ms. Gervase)

Ms. Lisa Gervase reported that the ending balance that was reverted to the General Fund was \$4,395.00 which was a small amount. A Memorandum was given to the Commissioners on the status of the budget monies and Commissioner Baker requested a copy of the Budget and Strategic Plan.

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

Ms. Lisa Gervase stated the Commissioners were given a copy of the Summary of Case Status as of September 12, 2003.

XXIII. Adjournment - 3:00 P.M.

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

VOTE: *6 - 0 Motion carried.*