

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

**COMMISSION MEETING
FRIDAY, March 12, 2004 - 9:30 A.M.
MINUTES**

I. Call to order, Commissioner roll call

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

Commissioners Absent: None

Staff Present: Dave Colvin, Vince Craig, Mike Francis, Lisa Gervase, Carl Martin, Robert Tolton and Maggie Vazquez

II. Call to the public. *Ms. Gervase mentioned that the SPCC received a letter from the Institute of Justice concerning the "roof rat" issue. Ms. Gervase also mentioned the following items were mailed to the Commissioners: notice of the Continuing Education Class on March 19, 2004 in Apache Junction, Monthly Expenditure report, February 2004 Minutes, Computer Based Testing report, Continuing Education report and Case Status report. Ms. Gervase further commented on a letter received from AAA Landscape complimenting Inspector Ron Felix's pesticide training class.*

III. Communication with Commissioners. *None*

IV. Consent Agenda

A. Applications for New Business License

- | | |
|----------------------------|--|
| 1. Camp, Thomas L. | City of Litchfield Park (Activating Qualifying Party for new business license in "B1" General Pest/Public Health, "B2" Wood Destroying Insect-Control, "B3" Right of Way/Weed Control, "B5" Turf & Ornamental and "B8" Wood Destroying Insect Inspection) |
| 2. Connors, Norman | All Guard Pest Control, LLC (Activating Qualifying Party for new business license in "B1" General Pest/Public Health) |
| 3. Dickson, Shirley | Seniors Termite & Pest Control, Inc. (Activating Qualifying Party for new business |

license in "B1" General Pest/Public Health, "B2" Wood Destroying Insect-Control, and "B8" Wood Destroying Insect Inspection)

4. Goings, III; John W.

SBM Cleaning Company of Oregon, LLC (Activating Qualifying Party for new business license in "B3" Right of Way/Weed Control and "B5" Turf & Ornamental)

5. Hoffman, Sr.; Dallas R.

Instar (Activating Qualifying Party for new business license in "B1" General Pest/Public Health)

6. Moore, Gina Lorine

Moore's Family Termite Control (Activating Qualifying Party for new business license in "B2" Wood Destroying Insect-Control and "B8" Wood Destroying Insect Inspection)

7. Potkonjak, Nikola

A Bee C Beekeepers & Exterminators (Activating Qualifying Party for new business license in "B1" General Pest/Public Health)

B. Applications for Existing Business License

1. Hogue, Kevin L.

Terminix Commercial (Activating Qualifying Party for existing business license in "B1" General Pest/Public Health)

2. Kuta, Jason Michael

Abate Pest Management (Activating Qualifying Party for existing business license in "B2" Control of Wood Destroying-Insects and "B8" Wood Destroying Insect Inspection)

3. Lund, Eric Gordon

Norstar Pest Control, LLC (Activating Qualifying Party for existing business license in "B1" General Pest/Public Health)

4. Lyng, William Arthur

Natur Zone of Arizona, LLC (Activating Qualifying Party for existing business license in "B1" General Pest/Public Health)

C. Applicants for QP Testing

1. Anderson, James Willard

"B3 and B5" (Right of Way/Weed Control)

and Turf & Ornamental)

Commissioner Allen's personal friendship with Mr. Anderson was disclosed, and no recusal was felt necessary.

- 2. **Branum, Gary Lafon** "B3" (Right of Way/Weed Control)
- 3. **Ford, Jeffrey Lynn** "B2 and B8" (Wood Destroying Insect-Control and Wood Destroying Insect Inspection)
- 4. **Gillispie, Michael David** "B3 and B5" (Right of Way/Weed Control and Turf & Ornamental)
Pulled

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

VOTE: *7 - 0 Motion carried.*

Commissioner Robinson questioned Mr. Gillispie's practical experience. There was no question about Mr. Gillispie's technical experience. Mr. Carl Martin stated on behalf of Mr. Gillispie that he does hands-on training for applicators at the Community College and he does know how to do field work. Mr. Martin further stated that Mr. Gillispie is an expert in this field and his expertise is sufficient. Mr. Robert Tolton read a letter from Mr. Gillespie that he could not be present at the Commission meeting because of a prior commitment, but would be available by cellular phone.

- 5. **Haas, Scott William** "B3" (Right of Way/Weed Control)
- 6. **Hixon, Mark Scott** "B2 and B8" (Wood Destroying Insect-Control and Wood Destroying Insect Inspection)
- 7. **Huber, Andrew Joseph** "B3, B5 and B9" (Right of Way/Weed Control, Turf & Ornamental and Aquatic Pest Control)
Pulled

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

VOTE: *6 - 0 Motion carried. (Commissioner Robinson recused)*

- 8. Kruse, Allen Dwayne**
Pulled
- “B3 and B5” (Right of Way/Weed Control and Turf & Ornamental)
- MOTION:** *To approve by Commissioner Robinson. Seconded by Commissioner Fraker.*
- VOTE:** *7 - 0 Motion carried.*
- Commissioner Robinson asked Mr. Kruse about his level of experience, because he was only a licensed applicator since February 2002, which raised the question whether he obtained his experience while being unlicensed. Mr. Kruse responded that his practical experience was obtained while he was licensed in South Dakota.*
- 9. Kunnen, Harold J.** “B2 and B8” (Wood Destroying Insect-Control and Wood Destroying Insect Inspection)
- 10. Langdeau, Philip Dale** “B3 and B5” (Right of Way/Weed Control and Turf & Ornamental)
- 11. Larance, Stephen Robert** “B3 and B5” (Right of Way/Weed Control and Turf & Ornamental)
- 12. Lopez, Ernesto Antonio** “B1” (General Pest/Public Health)
- 13. Mastalsz, Jimmy** “B5” (Turf & Ornamental)
- 14. Moore, Gina Lorine** “B1” (General Pest/Pubic Health)
- 15. Moran, James M.** “B1” (General Pest/Public Health)
- 16. Ruden, Noran Eric** “B1, B2, B3 and B8” (General Pest/Public Health, Wood Destroying Insect-Control, Right of Way/Weed Control and Wood Destroying Insect Inspection)
- 17. Sharff, Barry Lynn** “B3” (Right of Way/Weed Control)
- 18. Smith, Brian Lee**
Pulled
- “B3 and B5” (Right of Way/Weed Control and Turf & Ornamental)
- MOTION:** *To approve by Commissioner Robinson. Seconded by Commissioner Runbeck.*

VOTE:

7 - 0 Motion carried.

Commissioner Robinson questioned how Mr. Smith obtained his experience because he was only licensed since May 2003. Mr. Smith stated he has worked with a Qualifying Party Licensee and has taken courses through Mesa Community College. Mr. Smith further stated he has trained four technicians, calibrating equipment and choosing chemicals to spray. Mr. Robert Tolton added that Mr. Smith's education, combined with his hours of experience, meets statutory requirements.

19. Strait, Paul Samuel

"B1" (General Pest/Public Health)

D. Treatment Proposals (Mr. Colvin)

- 1. ABATE Pest Management**
- 2. Action Termite Control, LLC**
- 3. Allstatewide Termite & Pest Control**
- 4. Arizona Organic Pest & Termite Control**
- 5. Bircher Exterminating Services, Inc.**
- 6. 5 Star Termite & Pest Control, Inc.**
- 7. Foothills Pest Control**
- 8. Moore's Family Termite Control**

Ms. Lisa Gervase stated that the Proposal does not have the Business License number; otherwise, it meets all other requirements, and asked the Commission to approve this proposal and staff would ensure that the license number is added.

9. Orkin

10. Seniors Termite & Pest Control, Inc.

End of Consent Agenda

MOTION: *By Commissioner Hartley to accept Consent Agenda with the exception of those items pulled for discussion (Tabs 15, 18, 19 and 29).
Seconded by Commissioner Runbeck.*

VOTE: 7 - 0 Motion carried.

V. Applications for Qualifying Examination not on the Consent Agenda

A. Wilkinson, II; Kevin Robert "B3 and B5" (Right of Way/Weed Control and Turf & Ornamental)

Mr. Wilkinson appeared and answered Commissioners' questions.

The SPCC Licensing Department received background information concerning a pending felony charge for Mr. Wilkinson. The Commissioners tabled this application until there is resolution to the criminal matter.

Discussion among the Commissioners concerning Mr. Wilkinson's felony charge. Mr. Wilkinson responded that he has not been convicted. Commissioner Peterson said that regardless of a conviction, this may be a moral character issue. Mr. Wilkinson brought in a letter from his employer, Fowler Elementary School District No. 45, that was read into the record by Commissioner Peterson. Commissioner Runbeck asked Mr. Wilkinson if he had any other arrests, a drinking problem and if he was drinking on the job. Commissioner Runbeck has concerns about Mr. Wilkinson being responsible, drinking and driving and the significant blood alcohol level reported.

VI. Request for Temporary Qualifying Party Renewal not on the Consent Agenda

A. Salcido, Jenifer Renee Younger Bros. Pretreat & Home Services

Ms. Jenifer Renee Salcido appeared and answered Commissioners' questions.

MOTION: To approve renewal by Commissioner Fraker.
Seconded by Commissioner Robinson.

VOTE: 7 - 0 Motion carried.

Commissioner Hartley questioned why Ms. Jenifer Salcido only had the temporary QP license in the "B1" and "B2" categories and not "B8" category. Ms. Salcido stated that the business only does general pest and termite pretreatment work, not inspections. She is contemplating that she will obtain her B1 QP license, and another person will pass the B2 and B8 exams and obtain the B2 and B8 QP license, so that the company may eventually perform inspection work also.

VII. Complaints and/or Settlement Conferences

A. Bulwark Exterminating, LLC - Case # 2003-117

MOTION: *To accept enforcement response program 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 Hartley.
Seconded by Commissioner Allen.*

VOTE: 4 - 3 *Motion carried.*

ROLL CALL VOTE:

*Commissioner Hartley - Yes
Commissioner Fraker - Yes
Commissioner Robinson - Yes
Commissioner Runbeck - No
Commissioner Allen - Yes
Commissioner Baker - No
Commissioner Peterson - No*

Mr. Todd Martin, Qualifying Party for Bulwark, stated to the Commission that he agreed with the proposed terms. Commissioners Peterson and Runbeck questioned why the charge of not properly licensing 8 employees who were applying pesticides was considered one count rather than eight counts, raising the civil penalty from \$200 to \$1,600.00. Commissioner Runbeck also questioned why no mitigating points for "good will" were given on the ERP calculation guidelines. Commissioner Baker stated to Mr. Martin that there was no excuse that the eight employees were not licensed within 90 days, and that his QP license should be suspended for this egregious violation. Commissioner Hartley believed this violation to be due to ineptness, not an intentional wrongdoing. Commissioner Runbeck disagreed, stating that the QP knew his employees were not licensed. Commissioners Hartley and Peterson questioned whether the employees were in the process of applying and testing for licenses. Mr. Mike Francis stated that 6 of the 8 are now licensed and still employed by this company, and that the QP stated that none of the 8 employees continued to apply pesticides after the SPCC found that they were unlicensed. Mr. Martin further stated that two of the eight employees were suspended and six employees became licensed within one month. Staff considered the violation as one, but could have charged it as eight and will keep this analysis in mind for future reference. Mr. Colvin stated that SPCC is following up by inspecting once a month. He also stated that a mitigating value for good will is not given unless the licensee immediately cooperates and admits fault. Mr. Martin stated that he did not know of the 90-day time frame.

B. Contractor's Termite & Pest Control, Inc. - Case # 2003-109

Mr. Mike Francis made a verbal correction to the agenda, that the business license was not to be issued a \$200.00 civil penalty. Commissioner Baker asked if the deficiency was corrected and completed. Mr. Kevin Ethridge, Qualifying Party for Contractor's, stated it

was completed and the TARF was filed with SPCC.

MOTION: *To accept enforcement response program 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 Runbeck.
Seconded by Commissioner Fraker.*

VOTE: 7 - 0 *Motion carried.*

C. DeSoto Exterminating - Case # 2003-137

There was discussion by the Commissioners of why this company was given a "2" value for the goodwill mitigating factor, why a "2" value rather than "4" was given for culpability, and why there was no civil penalty. Commissioner Runbeck believed that a \$200 civil penalty would be appropriate because this business only had one employee, so should have known that he was not licensed for eight months. Mr. Dave Colvin stated that the employee was in the process of getting licensed before the Complaint was filed. The Commission felt that this matter should be analyzed further.

MOTION: *To return this matter to settlement to modify the enforcement response program terms to sanction Mr. Vance Soto Qualifying Party Licensee # 730 a \$200.00 Civil Penalty to be paid within 30 days, in addition to the administrative warning against the business and QP licenses, 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 Runbeck.
Seconded by Commissioner Baker.*

VOTE: 6 - 1 *Motion carried. (Commissioner Robinson opposed)*

D. Orkin - Case # 2003-142

Commissioner Baker asked about the swab sample results. Mr. Dave Colvin responded that 1,900 ng of Acephate (Orthene active ingredient) was detected. Mr. James Kruger Qualifying Party Licensee stated Orkin immediately cleaned the customer's home, and is working on a settlement with the homeowner.

MOTION: *To accept enforcement response program 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 Fraker.
Seconded by Commissioner Allen.*

VOTE: 7 - 0 Motion carried.

E. University Termite and Pest Control - Case # 2003-100

F. University Termite and Pest Control - Case # 2003-105

G. University Termite and Pest Control - Case # 2003-106

The Business Licensee and Qualifying Party did not agree to the Enforcement Response Program (ERP) terms in the above three cases. The Applicators could not be reached via certified mail or telephone to attend a settlement conference in the above cases.

Mr. Scott Richardson, attorney for the Business and QP Licensees, had no objection to send these three cases to hearing. The above three matters were voted on as a group.

MOTION: *To send Case Numbers 2003-100, 2003-105 and 2003-106 to the Office of Administrative Hearings by Commissioner Runbeck.
Seconded by Commissioner Allen.*

VOTE: 7 - 0 Motion carried.

H. Gary Dean Cromley - Case # 2003-144

Mr. Cromley appeared and answered Commissioners' questions. Mr. Cromley stated his felony was 15 years ago and he assumed that since it was expunged he did not have to report it.

MOTION: *To accept enforcement response program 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 Runbeck.
Seconded by Commissioner Allen.*

VOTE: 7 - 0 Motion carried.

I. Edward Lopez Robles - Case # 2003-145

Mr. Mike Francis stated that SPCC did a Qualifying Party License background check and Mr. Robles failed to disclose on his Applicator and Qualifying Party License Applications his felony.

MOTION: *To accept enforcement response program 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 Runbeck.
Seconded by Commissioner Robinson.*

VOTE: 7 - 0 *Motion carried.*

J. Tacit Services L.L.C. - Case # 2004-014

MOTION: *To accept enforcement response program 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 Hartley.
Seconded by Commissioner Allen.*

VOTE: 7 - 0 *Motion carried.*

VIII. Unlicensed Activity

A. Anthony Wachter dba Gold Canyon Home Services LLC - Case # 2003-147

Mr. Wachter appeared and answered Commissioners' questions. Mr. Wachter stated someone from the Homeowners Association contacted SPCC and was informed they do not need a license. Mr. Wachter further thought he was exempted, since he was acting as a gardener. Mr. Wachter also stated that he has ceased spraying, he did not do anything wrong, and he understands the implication of what he has done. Mr. Mike Francis responded that SPCC receives numerous calls on a daily basis and the information is given is based on the information provided by the caller. Mr. Vince Craig stated that the caller from the HOA did not indicate that the "person" who would be applying pesticides was an LLC or that Mr. Wachter would be treating yards that he did not own/occupy. Mr. Craig further stated that gardening work would not require applying pesticides.

MOTION: *To issue a Cease and Desist Order and to impose a \$500.00 civil penalty to be paid within 30 days by Commissioner Allen.
Seconded by Commissioner Robinson*

VOTE: 6 - 1 *Motion carried. (Commissioner Baker opposed)*

Break from 10:55 A.M. to 11:17 A.M.

IX. For information and discussion, not action:

A. Complaint Status Log

Mr. Vince Craig referred the Commissioners to the Complaint Status Log in the Commission books. There were no questions/comments.

X. Felony Applicants

A. Barrett, Weston John Douglas

Mr. Barrett appeared and answered Commissioners' questions. Mr. Barrett stated he was convicted of attempted theft with a credit card. Mr. Barrett stated his girlfriend wrote down the credit card number. Mr. Barrett said he was convicted of a Class 6 Felony and it is an open ended felony and after three years it will drop down to a misdemeanor and if he passes his class with an "A". There was discussion among the Commissioners about the conflicting information that was given by Mr. Barrett, to the Commissioners versus to the police, about how the credit card was obtained and who used it for purchases. This was a recent offense and he is still on probation.

Mr. Dickie McWilliams of Conn Pest Control spoke on behalf of Mr. Barrett. Mr. McWilliams stated that the police report said that Mr. Barrett is not a criminal, but made a mistake. Attorney Scott Richardson, representing the company, asked what they could do for the Commission to approve this applicant.

MOTION: *To deny because of conflicting information; recent offense and currently on probation; insufficient time to fulfill probation terms and develop a clean track record by Commissioner Runbeck.
Seconded by Commissioner Fraker.*

VOTE: 7 - 0 *Motion carried.*

B. Bramlet, Michael Edward

Mr. Bramlet appeared and answered Commissioners' questions. Mr. Bramlet gave the Commissioner a letter on his behalf. Ms. Lisa Gervase mentioned that the Commissioners could review the February 2004 minutes to recall what occurred at that meeting regarding this matter. Commissioner Allen gave a short synopsis of what occurred during that meeting. Commissioner Runbeck commented that it was refreshing that Mr. Bramlet, after making a mistake, is not denying his actions. Commissioner Hartley stated the Arizona criminal justice system dealt with the issue and Mr. Bramlet should be allowed to move on; otherwise, it will hold back Mr. Bramlet's development.

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

VOTE: 5 - 2 *Motion carried. (Commissioners Peterson and Fraker opposed)*

C. Deppenbrook, Edward Paul

Mr. Deppenbrook appeared and answered Commissioners' questions. Mr. Deppenbrook

gave the Commission a letter from his employer Schendel Pests Services on his behalf, since they could not be present at the meeting. Mr. Mike Francis stated the correct date for the offense is October 1995. Mr. Edward Deppenbrook stated the offense occurred late in May 1995 and he was indicted in October 1995. Mr. Deppenbrook further stated that when the crimes were committed it was from 1:00 A.M. to 4:00 A.M. Mr. Deppenbrook has worked in food service, at a country club, and retirement homes for the past 8 ½ years. Mr. Deppenbrook has no current or prior offenses. Commissioner Runbeck stated that Mr. Deppenbrook has met the requirements and paid the restitution.

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

VOTE: 7 - 0 *Motion carried.*

D. Rodriguez, Samuel Ray

Mr. Rodriguez appeared and answered Commissioners' questions. Commissioner Peterson commented that Mr. Rodriguez did not follow his probation terms. Mr. Rodriguez stated he was released in August 2002 and is currently not on probation. Mr. Rodriguez further stated that because he has changed careers, he has been able to buy a home, a car and now is responsible for his family. Mr. Rodriguez informed the Commissioners his life has been hard and he never understood that he was hurting people. Commissioners Runbeck and Allen asked Mr. Rodriguez about his various felonies, aggravated assault in 1999, resisting arrest in 1998, and about his probation being revoked in because of absconding. Mr. Rodriguez stated that he has attended Anger Management classes, in 1998 he was stopped by the police for not stopping at a stop sign and the police officer had grabbed him, and in 1998 and 2002 he stated he was living on the streets.

Mr. Rodriguez said that he was hired by Dave Birch at Phoenix Pest & Termite Control. Mr. Rodriguez was never paid and worked for eight (8) months without being licensed.

MOTION: *To deny because of being a repeat offender; there has been insufficient time to develop a clean track record; the nature of the crimes lead to concerns about having access to customers' homes; and a history of not following probation terms, by Commissioner Robinson.
Seconded by Commissioner Runbeck.*

VOTE: 7 - 0 *Motion carried.*

E. Tanner, Jr.; Leslie William

Mr. Tanner appeared and answered Commissioners' questions. Mr. Tanner stated he was sentenced to standard probation for a period of 1.5 years from January 2004 and 40 hours of community service, which was completed. The offense was for Possession of

Burglary Tools which was classified as a Class 6 undesignated offense. Mr. Tanner further stated he did not want to be involved when the crime occurred and he kept driving off. Mr. Tanner was employed with Phoenix Pest Control for two months, SOS for one year and worked for the City of Phoenix as a groundskeeper for three years. Commissioner Allen stated he needed clarification about the burglary tools. Commissioner Runbeck stated burglary tools (rubber gloves, etc.) are items that were in the vehicle to break into the building.

MOTION: *To go into Executive Session to review records that are not public, by Commissioner Runbeck.
Seconded by Commissioner Allen.*

VOTE: *7 - 0 Motion carried. (Time 12:00 P.M. to 12:20 P.M.)*

MOTION: *To deny because of the recent felony conviction; he is currently on probation; insufficient time to develop a clean track record, by Commissioner Fraker.
Seconded by Commissioner Robinson.*

VOTE: *6 - 1 Motion carried. (Commissioner Runbeck opposed).*

XI. Recommended Decisions and Orders of the Office of Administrative Hearings (OAH) Administrative Law Judges (ALJs)

A. Alan Perry - OAH Docket #02A-152-SPC/SPCC Case #2002-152

MOTION: *To approve the Findings of Fact and Conclusions of Law, by Commissioner Allen.
Seconded by Commissioner Runbeck.*

VOTE: *7 - 0 Motion carried.*

MOTION: *To modify the Recommended Order to revoke Mr. Perry's Qualifying Party License # 2046 B2 B8, and impose a civil penalty in the amount of \$300.00, on Mr. Alan Perry as holder of Applicator License No. 950490 B2 B8 to be paid to the Commission within 30 days of the effective date of the entered Order by Commissioner Allen.
Seconded by Commissioner Baker.*

VOTE: *7 - 0 Motion carried.*

XII. For information, discussion, and possible action:

A. Continuing Education Committee Minutes

MOTION: *To accept the Continuing Education Meeting Minutes, by Commissioner Hartley.
Seconded by Commissioner Fraker.*

VOTE: 7 - 0 *Motion carried.*

Commissioner Peterson stated that Mr. Carl Martin is in the Certification Training and Training Group, and will be playing a more active role in the future.

B. Legislation - Status of HB 2504 and HB 2119

Mr. Martin stated that HB 2119 is now “dead” even though it passed through the House Commerce Committee and was suppose to move to the Judiciary Committee.

Mr. Martin stated that HB 2504 moved through a couple of committees, but the Bill also is dead in the House. Mr. Martin further stated that APMA is interested in HB 2119, no new information has been received, but if any information is received it will be forwarded to the Commission. Mr. Martin will continue to work with Mr. Barry Aarons to determine whether provisions from 2119 can be moved to 2504 and if 2504 can be revived in the Senate.

Commissioner Fraker asked Mr. Martin about the key items. Mr. Martin responded that the record keeping is still an issue from five years to three years; the definition of “persons”; reinstating the felony provision; changing “qualification” to “license”. There is still controversy from political subdivisions and state agencies about having Business and Qualifying Party Licenses. And, miscellaneous corrections in the language.

C. Handling Qualifying Parties who did not maintain their Applicator licenses, and now cannot do certain pest control activities because of a law change that require those activities to be done only by licensed Applicators. This does not pertain to Applicator Licenses that were not allowed to renew.

Mr. Carl Martin stated that Commissioner Robinson came to him with this issue. Commissioner Robinson stated that over time some Qualifying Party Licensees did not maintain their Applicator Licenses, including him. This was due to the fact that there was nothing in the law that required a QP to maintain his applicator license. When the law changed in September 2003, pointing out that an applicator license is needed for work in certain categories.

Commissioner Robinson stated he is one of the individuals who is affected since he did not renew his applicator license, but has kept his CEUs current for each category that he is licensed in. Commissioner Peterson asked how many people are affected. Mr. Martin responded there is a list of 146 active and inactive licensees who are QPs, but did not renew their applicator licenses. Two of these people are active, and 5 are inactive, with termite licenses. Commissioner Hartley stated the Commission should be able to rectify this matter

on a case-by-case basis and have the QPs get their applicator licenses, even if they need to retest.

Commissioner Peterson asked staff what guidance they needed. Ms. Lisa Gervase asked for the position of the Commission. Commissioner Baker and Commissioner Allen requested that staff get an explanation of the law from our Attorney General Blair Driggs, and present possible proposals to the Commission about how to handle this issue.

Commissioner Hartley commented that Qualifying Party Licensees and Applicator Licensees are two distinct licenses. Commissioner Hartley suggested that this matter be handled in one of two informal ways: For QPs to retest and obtain applicator licenses, or grant them a license without a test since they had these licenses before and they have been taking the required CEUs. Commissioner Fraker stated in the past a Qualifying Party did not need to have an Applicator License. He suggested that the solution for each QP depends on whether they still want an applicator license and on the circumstances surrounding them not maintaining their applicator license. He did not believe it fair to require QPs to retest to obtain applicator licenses. Commissioner Fraker was not in favor of a law change. Mr. Scott Richardson suggested an amnesty program for these QPs to be issued applicator licenses.

Commissioner Runbeck left the meeting at 1:07 P.M.

XIII. For information and discussion, not action:

A. Computer Based Testing “CBT” Status and Statistics

Discussion by Mr. Carl Martin on the analysis of number of exams that were administered and passing rate. Mr. Martin further discussed the increase in the passing rates which has begun to accelerate, more tests were administered during the nine month period then by paper-and-pencil, more people passed with CBT.

Commissioner Hartley stated that people need to study for the exams, so they pass on the first attempt. He believes that people who have studied, pass; and those who don't, fail. Commissioner Hartley also noticed that the women exceeded the men in passing these exams.

Discussion by Mr. Jack McClure of Chem Tech, partner with Central Florida Duplicating, as to whether they could be another vendor for Computer Based Testing. Commissioner Baker questioned if there is a criteria set of standards that had to be meet before the contract was given out? Ms. Lisa Gervase stated Central Florida Duplicating was a bidder on the CBT RFP. The selection process involved a point system. The vendor with the highest points was awarded the contract, with three one-year renewal options. At the

contract award stage, more than one contract could have been awarded, but the decision was to choose only one vendor. The contract allows for only one vendor. There is no legal option to add another vendor. If the current contract is not renewed, the only option would be to go through the bidding process again. Ms. Gervase further stated SPCC is not in favor of a second vendor because of the time involved in communicating back-and-forth with one vendor and all of the electronic interfacing. The current contract is being reviewed for possible amendments, and Commissioners are encouraged to communicate possible changes to Ms. Gervase, which will be proposed to the vendor.

Ms. Gervase asked Mr. McClure to review the current contract for confirmation in her office after the meeting.

XIV. Approval of Minutes

February 13, 2004 (regular session) Minutes.

MOTION: *To approve the February 13, 2004 Minutes, by Commissioner Hartley. Seconded by Commissioner Allen.*

VOTE: *4 - 0 Motion carried. (Commissioners Baker, Robinson, Runbeck abstained).*

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

Current Proposed dates and locations

April 9, 2004 Tucson, AZ
May 14, 2004 Scottsdale, AZ
June 11, 2004 Scottsdale, AZ
July 9, 2004. Scottsdale, AZ
August 13, 2004 Scottsdale, AZ
September 10, 2004 Scottsdale, AZ

Commissioner Peterson stated that for the May 2004 meeting, he, Commissioner Barker and Carl Martin may not be available. Commissioner Peterson further stated he may not be available for the August 2004 meeting, he will be attending the APPCO meeting.

Commissioner Fraker asked about parameters for the felony standards. Ms. Lisa Gervase stated she will draft a substantive policy with guidelines.

XVI. For information and discussion, not action:

A. Expenditure Report.

Ms. Lisa Gervase stated the SPCC has used 59% of its appropriated funds as of February 29, 2004. A written report was provided to the Commissioners. There were no questions/comments.

B. Case Status Report.

Ms. Gervase stated the March 2004 case summary was mailed to them. There were no questions/comments.

XVII. Adjournment - 1:25 P.M.

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

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