

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

**COMMISSION MEETING
FRIDAY, June 9, 2006, 9:00 A.M.
MINUTES**

I. Call to order, Commissioner roll call

Commissioners Present: Commissioners Paul Baker, Patrick Black, Dave Burns, Bert Putterman and Debra Runbeck

Commissioners Absent: Dan DeVere and one Vacancy

Staff Present: Eric Bauer, Vince Craig, Mike Francis, Lisa Gervase, Robert Tolton, and Assistant Attorney General M. Elizabeth (Lisa) Miles

II. Call to the public

Nate Scheer, attorney from Low & Childers, representing Nisus Corporation, thanked the Commission and others for their work on the rules. In light of the Commission denying Nisus's Petition to Make Final Rule regarding "New Construction Preventative Treatments" at the May meeting, he encouraged the Commission to continue to move forward quickly on the rules, including considering the recommendations made by the work group.

III. Communication with Commissioners

None.

IV. Summary of Current Commission Events, Activities, Notices

☞ Status of Proposed Law and Rule Changes. Also, watch web www.azleg.state.az.us and www.sb.state.az.us

Lisa Gervase stated that on Tuesday of this week she appeared at the Governor's Regulatory Review Council ("GRRC"), where they approved the Commission's 5-Year Rule Report. Also, she informed them that rules revisions will be coming to them soon. She encouraged people to check the Commission's website for drafts

and mentioned that rules stakeholder meetings will be held at the Commission office on Wednesday, June 21 and Wednesday, July 5.

✓Applicator License Renewal status - Licenses not renewed by May 30 are expired (cannot operate). Must renew before July 29 to avoid retesting. Renew Online Now www.sb.state.az.us

Lisa Gervase stated that any un-renewed applicator licenses are now expired. She asked that the holders of any such licenses renew them by July 29 or else they will have to retest. She also mentioned that there has been a good online renewal response. Robert Tolton added that 73 percent of renewals done so far (over 4,000) have been done online. Lisa Gervase gave much thanks to staff, especially Jean Keating, Robert Tolton and Helen Turner, for going above and beyond the call of duty in helping people renew; she noted a specific example where they helped process 300 paper renewals on the Friday afternoon right before the Memorial Day weekend.

⇒ILT (Initial Licensure Training) courses posted on web site. Registration: 480-ILT-SPCC; ILT@sb.state.az.us

V. Consent Agenda

A. Applications for New Business License

Qualifying Party

- | | |
|-----------------------------|--|
| 1. Davis, III; Harry | Ozone Pest Control (Activating Qualifying Party for new business license in "B1" General Pest & Public Health) |
| 2. Perez, Jose G. | GRO Industries, Inc. (Activating Qualifying Party for new business license in "B3" Right of Way & Weed Control) |
| 3. Geary, Craig S. | Lake Havasu City (Activating Qualifying Party for new business license in "B3" Right of Way & Weed Control and "B5" Turf & Ornamental Horticulture) |

- 4. Jasones, Michael C. **Sniper Pest Control (Activating Qualifying Party for new business license in "B1" General Pest & Public Health)**

- 5. Elkins, Ronald F. **A Touch of Perfection Pest Control, LLC (Activating Qualifying Party for new business license in "B1" General Pest & Public Health)**

Mr. Elkins appeared.

Commissioner Burns asked if Mr. Elkins is in an ownership position in the company. Mr. Elkins stated that he is not. Commissioner Burns asked how Mr. Elkins is involved with the company and how he will be responsible. Mr. Elkins stated that he will be coaching and working with the one applicator on a daily basis and will be involved in the day-to-day operations. Commissioner Burns asked Mr. Elkins if he is a rental QP. Mr. Elkins stated that he is not. He added that he also works full-time with the City of Phoenix but will be in contact with the employees on a consistent basis. Commissioner Burns asked if Mr. Elkins understands the laws, rules and requirements about responsibilities of QPs. Mr. Elkins stated that he does. He added that he is willing to go into business with this particular person because he is not looking for a rental QP.

MOTION: *To approve the application for new business license in "B1" by Commissioner Burns. Seconded by Commissioner Putterman.*

VOTE: *4-0 Motion carried (Commissioner Black not present).*

- 6. LeDuc, Brian D. **ELS Maintenance, Inc. (Activating Qualifying Party for new business license in "B3" Right of Way & Weed Control and "B5" Turf & Ornamental Horticulture)**

- 7. Whitman, Adam M. **Northern Arizona Property Maintenance, Inc. (Activating Qualifying Party for new business license in "B3" Right of Way & Weed Control)**

B. Applications to activate Qualifying Party for Existing Business License

- 1. Donahue, John W. Permaguard Termite & Pest Control (Activating Qualifying Party for existing business license in "B1" General Pest & Public Health, "B2" Control of Wood-Destroying Insects, and "B8" Wood-Destroying Insects Inspection)**

Mr. Donahue appeared.

Commissioner Burns noted that this application was tabled from last month's meeting. Robert Tolton stated that the reason for this is because Mr. Donahue was unable to attend last month's meeting and was aware that the Commissioners could have questions about his license. Robert Tolton added that Mr. Donahue submitted a letter of disassociation from MD Pest & Termite, Inc. so that he could activate his QP license for Permaguard Termite & Pest Control, Inc.

MOTION: *To approve the application to activate qualifying party for existing business license in "B1", "B2" and "B8" by Commissioner Burns.
Seconded by Commissioner Putterman.*

VOTE: *4-0 Motion carried (Commissioner Black not present).*

- 2. Buechle, Karen S. District Pest Control (Activating Qualifying Party for existing business license in "B2" Control of Wood-Destroying Insects and "B8" Wood-Destroying Insects Inspection)**

- 3. Rojahn, III; John R. Desert Hills Golf Club (Activating Qualifying Party for existing business license in "B3" Right-of-Way & Weed and "B5" Turf & Ornamental Horticulture)**

- 4. Salcido, Jenifer R. Younger Brothers Pretreat & Home Services, LLC (Activating Qualifying Party for existing business license "B8" Wood-Destroying Insects Inspection)
- 5. Gielow, Ryan R. Gielow Exterminating Group (Activating Qualifying Party for existing business license "B3" Right of Way & Weed Control)

C. Applications for Qualifying Party License

- 1. Badger, Matthew S. "B1" (General Pest & Public Health)
- 2. Hageman, Edward "B9" (Aquatic Pest Control)
- 3. Snyder, David A. "B3" (Right of Way & Weed Control) and "B5" (Turf & Ornamental Horticulture)
- 4. Mazeika, Anthony J. "B1" (General Pest & Public Health), "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection)
- 5. Ford, Jeffrey L. "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection)
- 6. Bustos, Jr.; Abel J. "B2" (Control of Wood-Destroying Insects)
- 7. Connors, Michael T. "B3" (Right of Way & Weed Control)
- 8. Buechner, John E. "B3" (Right of Way & Weed Control) and "B5" (Turf & Ornamental Horticulture)
- 9. McMillan, Sean A. "B1" (General Pest & Public Health)

- 10. Davis, Steven L. **“B8” (Wood-Destroying Insect Inspection)**
- 11. Whitmarsh, Jason J. **“B1” (General Pest & Public Health)**
- 12. Pitts, Ronnie H. **“B4” (Fumigation)**

Mr. Pitts was present.

Commissioner Burns noted that this is a situation where the applicant’s experience is in burrow fumigation. He stated that the Commission may want to consider how to have this type of experience licensed in a separate category and not in the fumigation category.

MOTION: *To approve QP testing in “B4” by Commissioner Burns.
Seconded by Commissioner Baker.*

VOTE: 4-0 *Motion carried (Commissioner Putterman recused).*

- 13. Denny, Benjamin J. **“B1” (General Pest & Public Health)**
- 14. Case, Eric L. **“B3” (Right of Way & Weed Control),
“B5” (Turf & Ornamental Horticulture)
and “B9” (Aquatic Pest Control)**

Mr. Case appeared.

Commissioner Burns asked for a brief explanation about Mr. Case’s experience in aquatic pest management, since his company wasn’t so licensed. Mr. Case stated that, as a golf course superintendent, his responsibility is to oversee and coordinate the maintenance of the golf course. Commissioner Burns asked if Mr. Case specifically supervises aquatic management. Mr. Case stated that he does. Commissioner Baker asked how long Mr. Case has been doing this. Mr. Case stated that he has been doing this for approximately 20 years. Commissioner Baker asked how much of the 20 years has been spent in the aquatic area. Mr. Case stated that it has been a few hours a week; he checks lakes for weeds, algae, and other undesirable growth and also checks for problems with wet wells. Commissioner Baker asked if Mr. Case has done any applications. Mr. Case stated that he has not. Commissioner Burns stated that he struggles with how to handle the aquatics area because it is a small industry with few qualified people.

Commissioner Runbeck asked for the thought process of staff. Robert Tolton stated that as far as the Commission's guidelines state in statute and rule, supervision is practical experience. If Mr. Case had to do this at a lake, then staff views this as practical experience and then leaves it in the hands of the Commissioners. Commissioner Baker asked if Mr. Case is going to have someone else come in to help. Mr. Case stated that his ultimate goal is for himself to be the person doing the applications until he has someone else come in. Commissioner Burns asked if Mr. Case has an applicator license in aquatics. Mr. Case stated that he does. He added that he took a new position at McCormick Ranch Golf Club about six months ago, replacing someone who retired; a couple of months ago they were notified by the Commission that they no longer have a QP, so he has been trying to become licensed as quickly as possible. Commissioner Putterman stated that he thinks that it is laudable that Mr. Case is here to obtain a license, given that the method of qualification is fuzzy. Mr. Case has been supervising and has an applicator license. He stated that, knowing the golf course industry and the premium that is put on the products used, no one is better attuned than the superintendent to know what is best for the golf course.

MOTION: To approve QP testing in "B3", "B5" and "B9" by Commissioner Putterman.
Seconded by Commissioner Burns.

VOTE: 4-0 Motion carried (Commissioner Black not present).

- | | |
|-----------------------------|--|
| 15. Denny, Daniel J. | "B1" (General Pest & Public Health) |
| 16. Toscano, Eric J. | "B1" (General Pest & Public Health),
"B2" (Control of Wood-Destroying
Insects) and "B8" (Wood-Destroying
Insect Inspection) |

D. Business License Name Change Requests

- 1. Ecolab Pest Elimination Division to Ecolab**
- 2. English Agronomics to Applied Agronomics**

End of Consent Agenda

MOTION: *By Commissioner Putterman to accept Consent Agenda with the exception of the items pulled for discussion (A5, B1, C12, C14). Seconded by Commissioner Baker.*

VOTE: 4-0 *Motion carried (Commissioner Black not present).*

VI. Applications not on Consent Agenda

A. Request for Temporary Qualifying Party License Renewals

1. **Gibson, Michael** "B3" (Right of Way & Weed Control) and "B5" (Turf & Ornamental Horticulture)

Mr. Gibson appeared.

Commissioner Baker asked what Mr. Gibson's testing situation is. Mr. Gibson stated that he passed the "B3" category but not the "Core". He stated that hopefully he will take the test again before the cutoff for the next Commission meeting. He also stated that his company discontinued its "B5" category work when its QP disassociated; the "B3" license is the only necessary license at this point anyway. He stated that he was granted a temporary QP license at the April meeting, the same meeting in which the Commissioners approved him to test for a QP license in the "B3" category. Commissioner Burns asked if Mr. Gibson will be able to complete testing in the "B5" category before this current temporary QP license expires. Robert Tolton stated that he will not. Commissioner Burns, noted, then, that the only way that Mr. Gibson would be able to operate legally would be if he is granted a third temporary QP license. Mr. Gibson stated that he doesn't need the "B5" category license right now though. Lisa Gervase stated that the Commissioners can choose to renew the temporary QP license only in the "B3" category if they so choose; or, Mr. Gibson can withdraw his request for renewal in the "B5" category.

MOTION: *To approve a 60-day temporary QP renewal in the "B3" category only by Commissioner Burns. Seconded by Commissioner Baker.*

VOTE: 5-0 *Motion carried.*

B. Applications to activate Qualifying Party for New or Existing Business License

None.

C. Applications for Qualifying Party License

None.

VII. Complaints

A. No Bugz of Arizona (BL)/Jeffrey Slingluff (QP) - Case # 2005-087

Craig Boates, attorney for the Business Licensee and QP was present. Mr. Slingluff was present. Commissioners asked why staff proposed a fine. Vince Craig stated that, as an industry member, the QP should be aware of the laws governing the industry; more than a year had passed since new laws had been passed and Mr. Slingluff had not made himself aware of them. A chemical supplier also had hinted to him that an additional license was necessary. Commissioner Burns stated that he reads the laws pretty regularly and every time he does so he finds things where he questions his company's compliance. He noted that Mr. Slingluff is guilty of not reading the law but stated that the Commission shouldn't fine him considering that he fixed the problem. Commissioner Black stated, however, that he understands that, once aware of the law change, Mr. Slingluff continued to violate the law even though he was in the testing process. Vince Craig stated that the events were that in early 2005 someone informed Mr. Slingluff that he has to have an applicator license, in February 2005 he applied for an applicator license, in June 2005 a letter from the Commission saying he needed a license was mailed to him, and in July 2005 he continued to do work without an applicator license. Commissioner Black stated that when you receive a letter from a regulatory body indicating that you need a license and you continue to work unlicensed, that qualifies for a \$100 fine.

MOTION: *To accept proposed resolution 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 Putterman.
Seconded by Commissioner Black.*

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

B. R & R Pest Control (BL)/Roland Jameson (QP) - Case # 2005-093

Mr. Jameson appeared.

Commissioner Burns asked if Mr. Jameson knew that the application in this case was taking place. Mr. Jameson stated that he did not. Commissioner Burns asked if Mr. Moore took it upon himself to do unlicensed work. Mr. Jameson stated that before Mr. Moore took a job with him, Mr. Moore was in charge of jobs for homeowners; Mr. Moore expanded his services in the neighborhood with his own equipment even though Mr. Moore normally works underneath him. He stated that he didn't know anything about it until afterward. Commissioner Putterman asked whether Mr. Moore is a day-in, day-out employee or whether he utilizes Mr. Jameson's license. Mr. Jameson stated that Mr. Moore utilizes his license. Commissioner Putterman asked about staff's thought process. Mike Francis stated that in this situation, the agreement was for Mr. Moore to eventually have his own business and essentially buy out R & R Pest Control. Mr. Moore was, at the time of this violation, still an employee of the company. He took it upon himself to work unlicensed and it wasn't the first time that this happened. Commissioner Burns noted that in 2004, Mr. Jameson's company, R & R Pest Control, personally did the work; in 2005, Mr. Moore, who lives in the area, did the work for the Homeowners' Association ("HOA"). He stated that this is pretty close to unlicensed activity, and he would like to see staff go back and visit Mr. Moore about this issue. Vince Craig stated that Mr. Jameson hired this applicator; the applicator didn't create this account in the HOA, it was created by the company. The applicator's role was to serve the accounts and drum up additional business for the company. He stated that staff views this case more like someone renting a QP than an unlicensed company (person) doing business. If there had been a problem with one of the accounts or with a place that Mr. Moore treated, a consumer would contact Mr. Jameson and not the applicator. Mr. Jameson stated that this is why he did his own inquiry through Commission staff. Lisa Gervase stated that staff views this as Mr. Moore trying to take over Mr. Jameson's business, rather than as an unlicensed case. It is not a rogue employee doing business on the side. Commissioner Black asked if anyone spoke to Mr. Moore. Mike Francis stated that Mr. Moore was interviewed, which corroborated staff's view of the facts. Commissioner Burns noted that Mr. Moore does say something similar in the case report; he said he was doing it as good will for the HOA, even though there was no money involved. Lisa Gervase added that even the HOA who hired the work specifically hired R & R Pest Control. Commissioner Burns asked Mr. Jameson if he feels that Mr. Moore performed the services outside of the realm of Mr. Jameson's company for his own personal gain. Mr. Jameson stated that he believes so and that Mr. Moore didn't make any money but got goodwill. He added that he has three licensed people who also could have done this job. Vince Craig stated that there were also three more months when the unlicensed applicator was spraying. The licensed company was

receiving a percentage from the accounts and the company allowed the unlicensed applicator to also drum up new business. Commissioner Putterman stated that, in addition to this resolution, Mr. Moore needs to be here. Employers of large numbers of people have concerns that their employees take business from them. Lisa Gervase stated that this case is different though because the business knew about it. Commissioner Putterman asked, then, why Mr. Jameson brought this complaint to the light of the Commission. Mike Francis stated that when Mr. Jameson came and talked to him, the HOA was alleging that the herbicide applications killed vegetation. Commissioner Putterman stated that this is how Mr. Jameson found out about it. Lisa Gervase stated that the business and QP can't have it both ways. Mr. Jameson can't claim that the QP and business have no responsibility while at the same time allowing unlicensed work.

MOTION: To accept proposed resolution 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 to open a separate inquiry against Mr. Moore, by Commissioner Burns.
Seconded by Commissioner Black.

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

C. Mansmith Total Maintenance Service, LLC/Robert D. Mansmith (Member) - Case # 2005-052

MOTION: To accept proposed resolution 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 Black.
Seconded by Commissioner Putterman.

VOTE: 5-0 Motion carried.

D. Eastern Arizona Exterminating (BL)/Joseph Goodman (QP)/Thomas James (APP) - Case # 2005-090

Commissioner Black asked if the investigation in this case revealed false treatment records. Vince Craig stated that staff, when speaking to the QP, learned that every treatment performed by the applicators out of the office had the QP's name on the treatment record. R4-29-307(B)(7) requires that the name of the applicator be

included in the treatment record. Otherwise, there would be no way of knowing who performed the treatment. Commissioner Black asked if this is why a \$300 civil penalty was proposed against the QP. Vince Craig stated that it is. Commissioner Putterman stated that this QP has been licensed for a while but appears to be out of touch.

MOTION: *To offer a modification of the settlement proposal to add 2 hours of additional continuing education in laws and rules for the QP (Mr. Goodman) and 5 hours of additional continuing education in pretreatments, calibration and measurements for the applicator (Mr. James), 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 Putterman. Seconded by Commissioner Baker.*

VOTE: 5-0 *Motion carried.*

E. Kino (BL)/John Escobedo (QP) - Case # 2006-011

Commissioner Putterman asked if this is a recurring situation. Lisa Gervase stated that it is. Commissioner Putterman asked what are the guidelines that the Commission pursues in dealing with TARF cases. Lisa Gervase stated that the Commission can impose suspension, revocation, late fees, etc. Commissioner Putterman asked if the Commission should send this matter to hearing. Lisa Gervase stated that an Administrative Law Judge ("ALJ") recommendation likely wouldn't provide that the Commission could obtain the TARF information for consumers, which could be accomplished by staff's proposed resolution. Commissioner Putterman asked if there is any evidence of fraud. Lisa Miles stated that there is not. Commissioner Baker asked if the Commission would be being generous by giving Mr. Escobedo a payment plan. Lisa Gervase stated that they would be. Commissioner Baker suggested asking for the whole \$15,488 sum to be paid within 30 days. Lisa Gervase stated that if this proposed modification is rejected, then the matter will go to hearing and then it will be a long time before it is resolved. Normally, staff doesn't like payment plans with TARFs because it is money that should have already been paid, but in this case here it involves a large amount of money. Staff also wants the TARF information for consumers. It is a balancing act. Commissioner Burns asked how Mr. Escobedo will be able to pay now if he didn't have the money to pay the fees initially when they were due. Lisa Miles noted that the proposed terms have built in provisions for automatic suspension and revocation if the business licensee is unable to comply. Commissioner Runbeck added that this proposed resolution will probably

accomplish what they want to accomplish without having to go to hearing. Commissioner Putterman noted, however, that if Mr. Escobedo does pay, then he can go on and keep operating and doing this again without having his license be revoked, like it could be as a result of a hearing.

MOTION: *To accept proposed resolution 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 Putterman.
Seconded by Commissioner Black.*

VOTE: 3-2 *Motion carried (Commissioners Putterman and Burns opposed).*

F. Leo's Pest Control (BL)/Robert Thies (QP) - Case # 2006-002

Mr. Thies appeared.

Mr. Thies stated that the unlicensed applicator in this case was a very good employee, so they spent almost \$800 trying to get him licensed. Mr. Thies stated that he and the unlicensed applicator were joined at the hip by cell phone and he did not feel that consumers were at risk; in fact, some of the consumers were asking when the applicator would be coming back to serve them. But, Mr. Thies stated that he understands the black and white of the law. Commissioner Putterman asked if the applicator attempted to become licensed. Mr. Thies stated that he did; he took and passed tests. Commissioner Putterman asked where the applicator is now. Mr. Thies stated that he is not with their company anymore.

MOTION: *To accept proposed resolution 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 Black.
Seconded by Commissioner Putterman.*

VOTE: 5-0 *Motion carried.*

VIII. Requests for Review or Rehearing of Previous Commission Decisions

None.

IX. Review or Rehearing of Previous Commission Decisions

None.

X. Consideration of Suspension of Business, Qualifying Party and/or Applicator Licenses for Non-payment of Civil Penalties and/or Nonpayment of Renewal Fees [Possible Dismissal of Cases without prejudice, if applicable]

None.

XI. Consideration of lifting Suspension of Business, Qualifying Party and/or Applicator Licenses

None.

XII. Recommended Decisions and Orders of the Office of Administrative Hearings' Administrative Law Judges

A. William Thomas Gage, Applicator License No. 050317 B1 - OAH Case #2005A-056-SPC - SPCC Case #2005-056

Lisa Miles, Assistant Attorney General for the State of Arizona, appeared.

Lisa Miles encouraged the Commission to accept the Administrative Law Judge's ("ALJ's") Findings of Fact, Conclusions of Law and Recommended Order of license revocation with one change of a typographical error, namely Finding of Fact paragraph 5, line 3: "(Exhibit 30)" should be changed to "(Exhibit 3)".

MOTION: *To accept the ALJ's Findings of Fact with the typographical change, by Commissioner Putterman.
Seconded by Commissioner Baker.*

VOTE: *5-0 Motion carried.*

MOTION: *To accept the ALJ's Conclusions of Law, by Commissioner Putterman.
Seconded by Commissioner Baker.*

VOTE: *5-0 Motion carried.*

MOTION: *To adopt the ALJ's Recommended Order and revoke Mr. Gage's applicator license, by Commissioner Putterman.
Seconded by Commissioner Baker.*

VOTE: 5-0 *Motion carried.*

XIII. Settlement Proposals [not part of Complaints agenda item]

None.

XIV. Consideration of Informal Settlement Conference proposed resolutions [for License Denial Applicants]

None.

XV. Reporting by Licensees on Probation

- A. Guillermo Sotelo, Applicator License No. 040825 - Case No. 2004-120.**
Mr. Sotelo reports the status of his compliance with criminal probation, employment status and rehabilitation status. Mr. Sotelo was granted a license pursuant to a consent agreement in September 2004.

Tabled-Mr. Sotelo did not appear.

XVI. Applicants with Criminal Convictions

A. Foley, James John

Mr. Foley appeared.

Dean Jenny, from Truly Nolen of America, Inc., appeared.

Mr. Jenny stated that he hired Mr. Foley in September 2005 while knowing about Mr. Foley's 40 year-old prior conviction. He stated that he didn't think that it would take this long to go through the process. He added that it has been approximately 40 years since the convictions, and what he did as a kid shouldn't be held against him now. References from prior employers were good.

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

VOTE: 5-0 *Motion carried.*

B. Bushong, Brandon Kyle

Tabled-Mr. Bushong did not appear and the Commissioner's had questions.

XVII. Commission Updates and Reports; Miscellaneous Action Items

A. *None.*

B. *None.*

C. *None.*

D. Complaint Status Log

E. Computer Based Testing "CBT" Status and Statistics

F. Expenditure Report - separate handout

G. Case Status Report - None

Lisa Gervase stated that she will provide this to the Commissioners every other month because there are not enough changes to draft this every month.

XVIII. Approval of Minutes and Continuing Education Programs

A. April 14, 2006 (regular session) Minutes

MOTION: *To approve the April 14, 2006 Minutes by Commissioner Putterman.
Seconded by Commissioner Burns.*

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

B. May 12, 2006 (regular session) Minutes

MOTION: *To approve the May 12, 2006 Minutes by Commissioner Putterman.
Seconded by Commissioner Black.*

VOTE: *5-0 Motion carried.*

C. March 10, 2006 (executive session) Minutes - previously sent

MOTION: *To approve the March 10, 2006 executive session Minutes by Commissioner Burns.
Seconded by Commissioner Black.*

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

D. May 12, 2006 (executive session) Minutes - separate handout

MOTION: *To approve both of the May 12, 2006 executive session Minutes by Commissioner Putterman.
Seconded by Commissioner Black.*

VOTE: 5-0 *Motion carried.*

E. Continuing Education Program Applicants

MOTION: *To approve the Continuing Education Programs as noted in the C.E. Minutes by Commissioner Putterman.
Seconded by Commissioner Baker.*

VOTE: 5-0 *Motion carried.*

XIX. Scheduling of future meetings/agenda items

Current Proposed dates

**July 14, 2006
August 11, 2006
September 8, 2006
October 13, 2006
November 9, 2006 (Thursday)
December 8, 2006
January 12, 2007
February 9, 2007**

XX. Adjournment - 10:30 a.m.

MOTION: *To adjourn by Commissioner Black.
Seconded by Commissioner Baker.*

VOTE: 5-0 *Motion carried.*

