



STATE OF ARIZONA

## **Structural Pest Control Commission**

**Janet Napolitano**  
Governor

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**Lisa Gervase**  
Executive Director

### **COMMISSION MEETING FRIDAY, December 8, 2006, 9:00 A.M. MINUTES**

#### **I. Call to order (9:04 a.m.), Commissioner roll call**

Commissioners Present: Patrick Black, Debra Runbeck, Paul Baker, Dave Burns, Dave O'Neil

Commissioners Absent: Bert Putterman, Dan DeVere

Staff Present: Vince Craig, Lisa Gervase, Mike Francis, Robert Tolton, Magdalena Vazquez, Lorena Villela, Mary Williams, Assistant Attorney General

#### **II. Call to the public**

*Kenneth Fredrick representing the Arizona Pest Professional Organization (AzPPO) thanked the Commissioners for their efforts and stated that the AzPPO now has a working rules committee. They will be working with the SPCC on the next rules package in a cooperative effort. Mr. Fredrick also stated anyone who wants to participate to let them know.*

#### **III. Communication with Commissioners**

*Commissioner Burns indicated he received communication from Jack McClure with regard to the rules.*

#### IV. Summary of Current Commission Events, Activities, Notices

*Ms. Gervase stated the renewals were due December 1<sup>st</sup> and anyone who does not renew by the end of the month will have to pay the late fees.*

*Mr. Tolton stated there have been approximately 790 QP renewals processed, with about 630 online, and 638 Business Licenses processed, with about 530 online, which exceeds last years numbers.*

*Ms. Gervase reminded people to check the website for any initial license and continuing education courses.*

#### V. Consent Agenda

*Item V.A.10 should be moved to V.B.6.*

**MOTION:** *To enter into executive session for legal advice by Commissioner Black  
Seconded by Commissioner Baker*

**VOTE:** *5 – 0 Motion carried.*

*(Executive session from 9:12 A.M. to 9:30 A.M.)*

#### A. Applications for New Business License Activating Qualifying Party License

##### Business

##### Qualifying Party

#### 1. Spectrum Pest Control, LLC.

**Shane D. Pannell (“B1”)**

*Pulled by Commissioner Burns. Mr. Michael Wrigley, the Business Licensee, appeared on behalf of Mr. Pannell. Commissioner Burns asked where Mr. Pannell was. Mr. Wrigley stated Mr. Pannell was not available to attend; however, he had a written statement from Mr. Pannell stating his intent. Commissioner Burns had questions for Mr. Pannell. Ms. Gervase stated the matter could be tabled. Mr. Wrigley asked if Mr. Pannell could attend via telephone. The commission felt it was better to table the matter because Mr. Burns stated he would rather speak to Mr. Pannell directly.*

*Tabled*

#### 2. Ex-Men Exterminating & Pest Control, LLC.

**Eric Toscano (“B1”, “B2”  
And “B8”)**

#### 3. Mainspring Golf, LLC.

**Keith R. Goyen (“B3” and  
“B5”)**

**4. Basin Bugs**

**Stephen R. Larance (“B1”)**

*Pulled by Commissioner Black, who questioned why there was no statutory agent listed for the company, and asked what would the Commission do in case that they would need to notice them. Ms. Gervase stated there would be no problem, as this business is a sole proprietorship, so there would not be a statutory agent.*

**MOTION:** *To approve the application for new business license in the “B1” by Commissioner Black. Seconded by Commissioner Burns.*

**VOTE:** *5 – 0 Motion carried.*

**5. ECO Pest, LLC.**

**Nick P. Ingerston (“B1”)**

**6. Commercial & Residential Inspections, LLC.**

**Daniel S. Heinrich (“B1”)**

*Pulled by Commissioner Burns, who asked Mr. Heinrich about his role in the business. Mr. Heinrich stated he would be doing all the termite inspections and all the termite treatments and working day-to-day in the business.*

**MOTION:** *To approve the application for new business license in “B2” and “B8” by Commissioner Burns. Seconded by Commissioner O’Neal.*

**VOTE:** *5 – 0 Motion carried.*

**7. APCO Pest, LLC.**

**Alexander S. Hewett (“B1”, “B2” and “B8”)**

**8. North Country Pest Management**

**Susan D. Tomlinson (“B1”)**

**9. North Country Pest Management**

**Richard B. Lindsay (“B3”)**

**10. Value Pest.com**

**Steve H. Glotzer (“B1”, “B2” and “B8”)**

*Moved to V.B.6.*

**11. Parker Pest Control**

**Jerry Hooper (“B1”, “B2” and “B8”)**

*Pulled by Commissioner Burns, who asked if Mr. Hooper was present. Mr. Hooper was not present. No one else from the company was present. Burns indicated he wanted to know about the QP's daily role and responsibilities. His question was that the business sold and he wanted to know about the QP's daily role and wanted to make sure they understand what their role and responsibilities are with the business. Mr. Tolton indicated he spoke to Cynthia Roy the Qualifying Party and Owner of Desert Pest Control LLC. Cynthia indicated she purchased the assets of Parker Pest Control and has retained Mr. Hooper who was the former QP to stay in his position until they can transition the business.*

**MOTION:** *To approve the application for new business license in the "B1", "B2" and "B8" categories by Commissioner Burns.  
Seconded by Commissioner O'Neal*

**VOTE:** *5 – 0 Motion carried*

**B. Applications to activate Qualifying Party for Existing Business License.**

**Qualifying Party**

**Business**

**1. Ronnie H. Pitts**

**Arizona Dragon Slayer  
Exterminating ("B4")**

*Initially pulled by Commissioner Black, but his question was answered.*

**MOTION:** *To approve the application to activate Qualifying Party for Existing Business License in the "B4" category by Commissioner Black.  
Seconded by Commissioner Baker.*

**VOTE:** *5 – 0 Motion carried.*

**2. Mathew S. Kennedy**

**All Guard Pest Control, LLC.  
("B1")**

*Mathew S. Kennedy was present. Pulled by Commissioner Burns, who asked Mr. Kennedy about his day-to-day operations in the business. Mr. Kennedy stated he is involved in everything including training, supervision, hiring and firing. Commissioner Burns asked if he had a business partner. Kennedy Said he does. His partner is his wife.*

*Commissioner Burns asked if his wife was the one who signed the business license. Mr. Kennedy said no, it was he who signed the application.*

**MOTION:** *To approve the application to activate the Qualifying Party for Existing Business License in the "B1" category by Commissioner Burns. Seconded by Commissioner Baker.*

**VOTE:** *5 – 0 Motion carried.*

**3. Jeffrey Kregg** **Bugsy Pest Control, LLC.**  
**("B1")**

**4. Richard E. Lange Jr.** **Brencon Pest Control**  
**Company ("B1")**

*Commissioner Black initially pulled this, but his question was answered.*

**MOTION:** *To approve the application to activate the Qualifying Party for Existing Business license in the "B1" category by Commissioner Black. Seconded by Commissioner Baker.*

**VOTE:** *5 – 0 Motion carried.*

**5. John E. Jung** **MD Pest & Termite, Inc. ("B1",**  
**"B2", "B8")**

**6. Steven H. Glotzer** **ValuePest.com ("B1", "B2",**  
**"B8")**

*Moved from V.A. 11. Mr. Glotzer was present. Mr. Glotzer stated his involvement in the Business is as the QP until Larry Davidson, the President, obtains his license. Commissioner Burns asked if Mr. Glotzer was currently conducting business. Mr. Glotzer stated he was not. Commissioner Burns stated he received an advertisement in the mail from ValuePest.com offering termite treatments and questioned how could they be advertising being in the business of pest control if they do not have a license. Mr. Davidson, President of ValuePest.com, was also present. Mr. Davidson stated he has been a QP in South Carolina for 7 years. He indicated that 85,000 of the advertisements went out when the license was active. Since being notified to stop work, the company has not done any type of work at any time. Commissioner Baker asked if anyone has called the telephone number on the advertisement. Mr. Craig indicated he called*

*the phone number listed on the advertising. The receptionist, who answered the phone, stated the company was not able to perform pest control services until December 11<sup>th</sup>. Commissioner Burns was concerned with the company doing advertising while being unlicensed. Ms. Gervase stated that she is not familiar with who Mr. Davidson is and that according to the records, the business license the Commission issued in August of 2005 to ValuePest.com is held by American Pride Services LLC. Mr. Davidson stated that is the parent corporation of ValuePest.com. Ms. Gervase questioned his position in the company. Mr. Davidson stated he is a part of ValuePest.com as well as American Pride Services. Commissioner Burns asked who would be running the day-to-day operations. Mr. Davidson stated he would. Mr. Davidson indicated he already has a home and lives in Arizona, and already has individuals licensed to run his South Carolina division. Mr. Davidson stated he did not have a confirmation on a date to take the test; however, he indicated he has been going through Metro to take his applicator test. Mr. Davidson stated he had already sent in his BL and his QP from South Carolina and Proof of insurance. Mr. Tolton stated he does not have record of an application. Commissioner Runbeck asked if he is the President then why isn't he listed as a Corporate Officer on this application or on the records. Mr. Davidson stated all of this has happened within the last 60 days and the paperwork is just behind. Commissioner Burns indicated he would like everything to be correct before he could make a decision on it. Commissioner Runbeck asked that the paperwork be amended so that the information is correct and keep tabs to make sure there is no business being done. Mr. Davidson stated the company has done everything they can to comply and expressed his concern with tabling the matter. He asked if the commission could reconsider. Commissioner Runbeck stated she was satisfied with Mr. Davidson's response. Commissioner Black agreed. Commissioner O'Neal wanted to hear from staff. Mr. Tolton stated that he was not aware of any ownership changes and would need to review the paperwork.*

**MOTION:** *To approve the application to activate the Qualifying Party for Existing Business in the "B1", "B2" and "B8" categories by Commissioner Black.  
Seconded by Commissioner Baker.*

**VOTE:** *2 – 3 Motion failed (Commissioners Baker, Burns and O'Neal dissenting).*

Commissioner Burns indicated he wanted to clarify that he was not comfortable voting for something without accurate paperwork and does not feel the Commission has accurate information on the ownership.

*Application Tabled*

### **C. Applications for Qualifying Party License**

- |                               |                      |
|-------------------------------|----------------------|
| <b>1. Mitchell E. Stevens</b> | <b>“B3”</b>          |
| <b>2. Todd D. Hyatt</b>       | <b>“B3” and “B9”</b> |
| <b>3. Anthony R. Crothers</b> | <b>“B1”</b>          |
| <b>4. Gary F. Matley</b>      | <b>“B1”</b>          |
| <b>5. Gary W. Brown</b>       | <b>“B1”</b>          |

*Pulled by Commissioner Baker, who indicated that there was 3,000 hours but his employment was only for 1 year. He asked how he got 3,000 hours in one year. Mr. Brown stated he works about 10 hours per day 6 days a week, and never took time off.*

**MOTION:** *To approve the application for Qualifying Party in the “B1” category license by Commissioner Baker.  
Seconded by Commissioner O’Neal.*

**VOTE:** *5 – 0 Motion carried.*

- |                                      |                            |
|--------------------------------------|----------------------------|
| <b>6. Justin L. Abel</b>             | <b>“B1”</b>                |
| <b>7. Elisandro Escobar-Bermudez</b> | <b>“B1”, “B2” and “B8”</b> |

*Pulled by Commissioner Burns, who asked if the applicant had sufficient experience for category B1. Mr. Tolton stated no. Mr. Bermudez indicated he made a mistake and was only interested in the B2 and B8 categories. Commissioner Runbeck requested that it be amended. Commissioner Baker stated that based on what is set before them, it needed to be tabled. Commissioner Runbeck asked Mr. Bermudez if he was aware that there was a letter along with documentation that there are some concerns with regard to his character. Mr. Bermudez indicated he was not aware of the letter. Commissioner Runbeck stated the Commission had concerns based on the information submitted by Mr. Bermudez’ prior employer, and would like to give him the opportunity to respond to the allegations. Ms. Gervase stated that they are in the substantive review timeframe on this application and the Commission has the ability to make one*

*comprehensive request for additional information and then the applicant would have 14 days to respond.*

**MOTION:** *For a comprehensive request for information to respond to the allegations, by Commissioner O'Neal.  
Seconded by Commissioner Baker.*

**VOTE:** *5 – 0 Motion carried.*

**8. Dennis T. Nobley**

**“B8”**

*Mr. Nobley was present. Pulled by Commissioner Burns, who indicated he only sees 600 hours of verifiable experience as a licensed applicator and that the remaining experience is as a home inspector. He does not believe that home inspection work includes WDIIR inspections, as they are separate purposes and consumers must have experienced inspectors in both areas. Mr. Nobley stated that during the time he was doing home inspections, he was still noting conditions conducive. Other times he was present with a Qualifying Party or termite inspectors where he could ask questions to gain experience. He further stated that he would be able to identify issues while doing home inspections. He stated he reported other conditions with regard to the home inspections. Commissioner Runbeck stated this was on the consent agenda and asked staff why they felt Mr. Nobley qualified. Mr. Tolton stated he and Mr. Francis reviewed the information and met with Mr. Nobley and discussed his inspections. Mr. Tolton also spoke to co-workers and former employers of Mr. Nobley of which verified they he had been through numerous inspections with Mr. Nobley, in order for Mr. Nobley to gain experience. Mr. Tolton further stated the SPCC was comfortable with the experience presented to them and added that a person can gain experience while being unlicensed. Mr. Tolton added that Mr. Nobley has held his license since November of 2004. Commissioner Black asked Mr. Nobley how much experience he had in the business of pest control. Mr. Nobley stated he has been doing his home inspecting for five years, and when he became a licensed applicator (WDI) he did the WDI inspections during the home inspections with another termite inspector joining him. Mr. Tolton stated there was another person with the same situation and that each case is handled on a case-by-case basis to determine if the information is valid.*

*Commissioner Burns stated that he needed to reiterate that a home inspection is not a WDI inspection and felt that at this point Mr. Nobley's experience was not enough to issue a WDI license. Commissioner Runbeck justified her vote by stating that staff researched his experience and that because Mr. Nobley was working alongside other people and training, her vote was in favor. Commissioner Burns asked about the other individual in the similar situation.*

*(Break from 10:27 A.M. to 10:40 A.M.)*



*Mr. Francis stated that the other similar situation was that for Mr. Stern, which was on the February 10,2006 meeting agenda. There was a motion by Commissioner Baker to accept Mr. Stern's application, seconded by Commissioner Black. Commissioner Black asked if there were any applications of this nature that Mr. Tolton was not comfortable with putting on the agenda. Mr. Tolton stated there have been several. Commissioner O'Neal asked if there had been any complaints against Mr. Sterns. Mr. Tolton stated there were none.*

**MOTION:** *To approve the application for a Qualifying Party license in the "B8" category by Commissioner Baker.  
Seconded by Commissioner Black.*

**VOTE:** *3 – 2 Motion carried (Commissioners O'Neal and Burns dissenting)*

**9. Rafael Delgado Silva** "B1", "B2", "B8"

**10. Ronald Hassler** "B1"

**11. John N. Beebe** "B2" and "B8"

End of Consent Agenda

**MOTION:** *To accept the Consent Agenda with the exception of the items pulled for discussion (A1, A4, A6, A10, A11, B1, B2, B4, C5, C7 and C8) by Commissioner Black.  
Seconded by Commissioner O'Neal.*

**VOTE:** *5 – 0 Motion carried.*

## **VI. Applications not on Consent Agenda**

### **A. Request for Temporary Qualifying Party License and Renewals**

**1. Rafael D. Silva** "B1", B2" and "B8"

*Mr. Silva was present. Commissioner Baker asked if this was his first request. Mr. Silva stated yes. Commissioner Baker asked when he was planning on taking the exam. Mr. Silva stated he was just approved today. Commissioner Baker asked if he had been studying. Mr. Silva stated he has been taking the class at Metro.*

**MOTION:** *To accept the request for temporary QP renewal by Commissioner Burns. Seconded by Commissioner O’Neal.*

**VOTE:** *5 – 0 Motion carried.*

**2. Gloria Killian “B2”, “B3” and “B8”**

*Ms. Killian was not present. Ms. Gervase stated that if someone applies for the Temporary QP license, it is automatically issued if they meet the legal requirements. She stated Ms. Killian was informed that she needed to meet certain requirements and that she did not meet the statutory requirements because there had not been a disassociation. But, she still wanted to apply.*

**MOTION:** *To deny the request for temporary QP due to not meeting the statutory requirements for obtaining a license, by Commissioner Black. Seconded by Commissioner Burns.*

**VOTE:** *5 – 0 Motion carried.*

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

None

**C. Application for Qualifying Party License**

None

**D. Business License Name Change Requests**

None

**VII. Complaints**

**A. AI’s Tree & Yardwork, Inc. (Unlicensed Company)/ AI Padilla(President)/Jeremiah Padilla (Vice President)- Case No. 2006-018**

*Respondents were not present. Commissioner Burns indicated this was the second offense for this company and is not comfortable with just issuing a penalty and would like to send it to the AG’s office. Ms. Gervase stated that based on the prior case sent to the AG’s office (where there was a third offense,) the AG’s office decided there was insufficient evidence to pursue injunctive relief.*

*Commissioner Burns stated this is a true issue of public safety and added that this company is applying an insecticide for essentially a grower since this homeowner harvests his fruit every year. Commissioner Black asked if the commission is allowed to fine individuals separately from companies. Ms. Gervase stated yes if the evidence warrants it. Mr. Francis stated that once this case is adjudicated by the commission, then it will be forwarded to the EPA. Ms. Gervase stated the SPCC does not need a motion to report to the EPA but, with regard to referring it to the AG's office that would require a motion.*

**MOTION:** *To issue a cease and desist order and impose a \$2,000.00 civil penalty against Al's Tree & Yardwork Inc., a \$2,000.00 civil penalty against Al Padilla and a \$2,000.00 civil penalty against Jeremiah Padilla, by Commissioner Black. Seconded by Commissioner Baker.*

**VOTE:** *5 – 0 Motion carried.*

*Commissioner Burns asked if the Padillas paid the prior penalty. Mr. Craig stated yes, and it was \$700.00. Ms. Gervase stated that this is a very unique case and must be determined on an individual basis. Commissioner Black stated that the reason he offered the motion was because of the health and safety issue.*

**MOTION:** *To send to AG's office by Commissioner O' Neal. Seconded by Commissioner Baker.*

**VOTE:** *5 – 0 Motion carried.*

**B. Benz Weed Control a.k.a Sprinkler and Lawn (Unlicensed Company)/Louie Espinoza Gano (a.k.a) Frank Garcia (Owner) – Case No. 2006-027**

**MOTION:** *To issue a cease and desist order and impose a \$2,000.00 civil penalty by Commissioner Baker. Seconded by Commissioner Black.*

**VOTE:** *5 – 0 Motion carried*

**C. Ark Exterminating-(BL)/ Jackie Wheeler (QP & APP) – Case No. 2006-034**

**MOTION:** *To accept the 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 Burns.*

**VOTE:** *5 – 0 Motion carried*

**D. Truly Nolen- (BL)/Robert Hartley (QP) – Case No. 2005-086**

*Scott Richardson was present on behalf of Truly Nolen and Robert Hartley. Mr. Hartley also was present.*

**MOTION:** *To accept the 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 Burns.  
Second by Commissioner O’Neal*

**VOTE:** *5 – 0 Motion carried*

**E. Truly Nolen (BL)/ Robert Hartley (QP)/Richard Niblick (APP)/Wayne Woods (APP)- Case No. 2006-016**

*Scott Richardson was present on behalf of Truly Nolen and Robert Hartley. Mr. Hartley also was present.*

**MOTION:** *To accept the proposed resolution for the Applicators Richard Niblick and Wayne Woods 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 dismiss the complaint against the business and QP, by Commissioner Black.  
Seconded by Commissioner Baker.*

**VOTE:** *5 – 0 Motion carried*

**VII. Requests for Review or Rehearing or 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.**

None

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

**A. Oby Allen Dunn (QP) and All Pro Pest Control (BL) Case No. 2005-063**

*Ms. Gervase stated that Mr. Dunn held an applicator, QP and BL license and the commission previously denied his applicator license renewal due to the nature of the conviction. When he filed his QP and BL renewals, Mr. Dunn did not disclose the felony conviction. The commission opened a complaint for failure to disclose. Mr. Dunn ended up not renewing the QP and BL at that time, so the commission dismissed the complaint without prejudice and suspended the QP and BL licenses for nonpayment of renewal fees. By law, these two licenses will automatically be revoked in February 2007 if they are not reinstated. Mr. Dunn came in to the SPCC and paid all of his renewal fees. If the Commission reinstates the licenses, then the commission can proceed with the 2003 case, the alleged non-disclosure. Commissioner Runbeck stated that the Commission has the option to lift the suspension. Ms. Gervase indicated Mr. Dunn was present. Mr. Dunn stepped forward, but there were no questions for Mr. Dunn*

**MOTION:** *To reinstate the QP and BL licenses based on the fact that Mr. Dunn paid the renewal and late fees by Commissioner Burns.  
Seconded by Commissioner O'Neal.*

**VOTE:** *5 – 0 Motion carried.*

*Ms. Gervase stated the vote to reinstate puts the licenses on expired status, and his QP is inactive. Commissioner Black stated that is the issue that is before the commission*

**MOTION:** *To deny the applications to renew the Business and QP licenses for lack of moral character due to the felony conviction, by Commissioner Black.  
Seconded by Commissioner Burns.*

**VOTE:** *5 - 0 Motion carried.*

## **XII. Recommended Decision and Orders.**

### **A. K&S Exterminating, Inc. dba Adams Exterminating (BL)/Kenneth Barnes (QP & APP) OAH Case #04-115-SPC; SPCC Case #2004-115**

*Mary Williams, Assistant Attorney General, was present representing the state. Ms. Williams stated that based on the facts, Mr. Barnes did admit to defrauding K&S customers. She stated Mr. Barnes was not just an employee who did this without knowledge and stated the best course for the Commission to take is to adopt the Findings of Fact and Conclusions of Law as found by the ALJ, and accept the ALJ's recommended order pertaining to Mr. Barnes. She does not believe they should accept the \$1,000 penalty against the business license; however, as the facts and violation justifies a higher penalty. She believes the commission has the justification to revoke the business license, as noted in conclusion of law #16. If the license is not revoked, this individual still benefits in ownership.*

*Scott Richardson, attorney for the business licensee only, stated that he does not have a problem with the commission adopting the Conclusions of Law and the Findings of Fact. But, did not believe that revoking the business license was justified. The Commission should consider the effect on consumers if this business is closed. There have been no problems since this case began in early 2004. Mr. Barnes is only a 50% owner, not a controlling owner. Shiloh Tichi, Mr. Barnes' sister-in-law, is the other 50% owner. Mr. Barnes confessed to the fraudulent activity and the SPCC didn't seek summary suspension, indicating that there was no imminent danger to the public.*

*Commissioner Black asked if under the warranty they are required to do a re-treatment for five years. Ms. Gervase stated yes. Mr. Richardson stated that SPCC staff member, Dave Colvin went to the business office 11/2 years ago and confirmed that there were no need for re-treatments. Commissioner Black asked if there was a period where termites will show up within a certain time period. Commissioner Baker stated that sometimes due to poor jobs, termites can reappear as early as within six months. Commissioner Burns added that it also depends on the level of termite pressure in the area.*

*Commissioner Black asked why Mr. Barnes confessed, stating that it's one thing to confess when you're not going to get caught. But, another thing when the SPCC staff is on your tail. Commissioner Black wants the consumers notified that the pretreatment termiticide shortage was intentional, willful, and fraudulent, not a mistake. Commissioner Burns agreed, stating that it is appalling that Barnes did it intentionally. He appreciates Ms. Tichi's and her parents' concern about their future, but that anyone not associated with this business license can start a new business. If the Commission doesn't revoke the business license, Barnes can stay around.*

*Commissioner Black discussed the advisability of maintaining the business license so that the company can honor warranties. Commissioner Burns stated that customers can file insurance claims, and are unlikely to use this company to honor warranties after being defrauded. Staff can notify the consumers. Commissioner Baker suggested mailing a notice to all consumers involved, directing them to a website notice with a copy of the Commission's Order. Commissioner Burns stated that having redress via the company's insurance is more important than the notice.*

**MOTION:** *To accept the Findings of Fact and Conclusions of Law, by Commissioner Burns. Seconded by Commissioner Baker.*

**VOTE:** *5 – 0 Motion carried.*

*Commissioner Runbeck asked if the Commission revoked the business license, whether there be a timeframe before they can reapply for a BL. Ms. Gervase stated that the commission can state an effective date of revocation. Commissioner Burns wanted to clarify that this would not affect Shiloh. Ms. Gervase stated it would affect her in that she would not be able to obtain a BL for five years.*

**MOTION:** *To revoke the Business License of K&S Exterminating, Inc. dba Adams Exterminating and to revoke Kenneth Barnes Qualifying Party and Applicator licenses 60 days from the date of the Order, and the SPCC to send notice to the Consumers that the BL, QP & APP licenses have been revoked and if they need further information to refer to the SPCC website for the minutes and order, by Commissioner Burns. Seconded by Commissioner O'Neal.*

*The Commission is rejecting the ALJ's recommended order because the*

*findings of fact and conclusions of law (specifically #16) justify revoking the business license.*

**VOTE:** 5 – 0 Motion carried.

### **XIII Settlement Proposals**

None

### **XIV Consideration of Informal Settlement Conference proposed resolutions**

None

### **XV. Reporting by Licensees on Probation**

None

### **XVI. Applicants with Criminal Convictions**

#### **A. Tyrus C. Etheridge**

*Tyrus Etheridge was present. Commissioner Runbeck stated this case was previously tabled. Commissioner Burns asked Mr. Etheridge if he is currently employed. Mr. Etheridge stated he is a landscaping supervisor. Mr. Etheridge stated he did make restitution in the amount on \$2,200.00. Mr. Etheridge stated he has been working at his current job for two years. Prior to that, he was working as an auto mechanic and left in good standing.*

**MOTION:** *To approve by Commissioner Burns.  
Seconded by Commissioner Black.*

**VOTE:** *4 – 0 – 1 Motion carried (Commissioner Baker abstained).*

#### **B. Ricardo Munoz**

*Commissioner Runbeck stated she did have serious concerns about this issue because it was theft from an employer.*

**MOTION:** *To deny for lack of moral character and the criminal conviction by Commissioner Black.  
Seconded by Commissioner Burns.*

**VOTE:** 5 – 0 Motion carried.



**C. Brandon Workman**

*Mr. Workman was present. He has been working for Sexton Pest Control since August 2003. No one from Sexton was present. Mr. Workman stated his probation ended in August of 2003. Commissioner Burns asked if the employer was aware that he has this conviction. Workman stated yes.*

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

**VOTE:** *5 - 0 Motion carried.*

**D. Arnolfo Gonzalez Jr.**

*Mr. Gonzalez was present. He is currently employed by UPS and Embory data (sp?). Commissioner Black questioned why Mr. Gonzalez' DUI convictions were not listed. Ms. Gervase stated it was because they were misdemeanors. Commissioners questioned why Mr. Gonzalez was interested in obtaining a license if he is not currently involved in the business. Mr. Gonzalez stated he previously had an applicator license in 2003 and that is why he is interested in a license. When asked what he is doing to stay away from alcohol, Mr. Gonzalez stated he is currently in an alcohol treatment program. Commissioner Black asked when was the last time he drank. Mr. Gonzalez stated it was over two years. Mr. Gonzalez also stated he is subject to random urine testing as part of his criminal probation.*

**MOTION:** *To approve by Commissioner O'Neal.  
Seconded by Commissioner Black.*

**VOTE:** *5 – 0 Motion carried.*

**XVII. Commission Updates**

**A. Election of Commission Officers for 2007**

*Ms. Gervase stated she received a phone call from Commissioner DeVere that she relay his preference to the Commission that he would like the same officers to stay in place since so many of the Commissioners are rather new.*

**MOTION:** *To maintain the current officers: Commissioner Runbeck as chairperson, Commissioner Baker as vice chairperson, and Commissioner Black as secretary by Commissioner Baker.  
Seconded by Commissioner Black.*

**VOTE:** *5 – 0 Motion carried.*

- B. None
- C. None
- D. Complaint status log.

*Mr. Francis stated there were no updates from the written log. Mr. Francis introduced two new inspectors Jim Miller and Lisa Wilkinson.*

- E. Computer Based Testing “CBT” Status and Statistics – *no updates from written memo.*
- F. Expenditure report - *No report.*
- G. Case Status Report – *No report.*

#### **XVIII. Approval of the minutes.**

October 13, 2006 Minutes

*Tabled*

November 9, 2006 Minutes

*There is a correction on the minutes. The date should be changed to Thursday November 9<sup>th</sup>.*

**MOTION:** *To approve the November Minutes by Commissioner O’Neal.  
Seconded by Commissioner Black.*

**VOTE:** *5 – 0 Motion carried.*

#### **F. Continuing Education Minutes**

*Mr. Craig stated the list of providers was before the Commissioners and to note one of the Commissioners had the privilege of hearing a portion of the SPCC CE program.*

*Commissioner Burns commented that Mr. Craig and Mr. Francis held a class for his company and that typically they do not allow outside people to do continuing education, due to the level of education. However, Mr. Craig and Francis did a great job. Mr. Burns stated his employees were excited to have them present and there were many interesting questions. Commissioner*

*Burns recommended that everyone have them conduct training at their business because they do a great job.*

**MOTION:** *To accept the CE Program Applicants by Commissioner Burns.  
Seconded by Commissioner Black.*

**VOTE:** *5 – 0 Motion carried.*

**XIX.** Future meetings

*Per tentative schedule.*

**XX.** Adjournment

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

**VOTE:** *5 – 0 Motion carried.*

Meeting ended: 12:17 P.M.