



Janet Napolitano
Governor

Structural Pest Control Commission

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<http://www.sb.state.az.us>

Lisa Gervase
Executive Director

FRIDAY, September 14, 2007, 9:00 A.M.

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

Minutes

I. Call to order (9:01am), Commissioner roll call

Commissioners present: Paul Baker, Patrick Black, David Burns, Dan DeVere, Tim Johnston, Dave O'Neal, Debra Runbeck

Commissioners absent: None

Staff present: Vince Craig, Mike Francis, Lisa Gervase, Robert Tolton, Christine Vallery, Assistant Attorney General Keely Verstegen

II. Call to the public:

Mr. Rick Rupkey, II with University Termite and Pest Control expressed his concern about the new process and delays that new applicant and applicants with criminal convictions have to go through. Now that misdemeanor's are being taken into consideration without a law, rule, or substantive policy, he is upset that the process can take up to seven weeks. Mr. Rupkey stated that one of his employee's with a criminal conviction called the SPCC on a daily basis and never got a direct answer. He also went on to say that when his employee did get an answer, Mr. Rupkey stated that staff said, "Don't worry about it, that's not a problem your approved to take the test." He thinks that staff should not have the ability to make judgment and that either all misdemeanors should appear in front of the Commission or none at all. Another concern Mr. Rupkey expressed is that once an applicator's application has been submitted that application cannot be changed and the process starts over.

Mr. Dave Burns with Burns Pest Elimination made a suggestion to the Commission that the Commissioners could hold weekly meeting telephonically to approve applicator licenses.

III. Communication with Commissioners

All Commissioners's received and e-mail from Ken Fredrick with the AzPPO.

IV. Summary of Current Commission Events, Activities, Notices

Ms. Gervase mentioned the "My Account" feature on the SPCC web site where licenses can make their own address changes, print their own licenses, etc. Ms. Gervase also mentioned that the Continuing Education and the ILT schedule are on the web site.

V. Consent Agenda

A. Applications for New Business License and Activating Qualifying Party License:

<u>Business</u>	<u>Qualifying Party</u>
1. Hardy Pest Control	Glenn K. Hardy "B1"
2. Aggressive Coyote Pest Control	Michael R. Ball "B1"
3. Scorpiontech Termite & Pest Control, Inc.	Dwight D. LeSueur "B1 "B2" and "B8"

Pulled by Commissioner Burns.

Dwight LeSuer was present and answered questions about this business.

MOTION: *To approve the application for new business license in "B1", "B2" and "B8" categories by Commissioner Black.*

Seconded by Commissioner DeVere.

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

4. Competition Pest Control	Christopher M. Winder "B1"
5. Killco Pest Control	Kevin L. Kennedy "B1"
6. Award Services	Lewis W. Bence "B3"
7. Journey Pest Control, LLC.	John A. Bates "B1"
8. 3 Brothers Weed Control, LLC.	Pedro Perez "B3"

Pulled by Commissioner Burns.

Pedro Perez was present and was able to answer all questions.

MOTION: *To approve the application for new business license in the “B3” category by Commissioner Burns.
Seconded by Commissioner DeVere*

VOTE: *7-0 Motion carried.*

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| 9. AZ Valley Wild | Glenn M. Reames “B1” |
| 10. Legacy Pest Control, LLC. | Adam D. Johnson “B1” |

Pulled by Commissioner Burns.

Adam Johnston was present. Commissioner Burns wants to know what is his involvement with the company. Mr. Johnston was able to answer Commissioner Burns’s questions.

MOTION: *To approve the application for new business license in the “B1” category by Commissioner Baker.
Seconded by Commissioner Johnston.*

VOTE: *7-0 Motion carried.*

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| 11. Southwest Grounds Control, Inc. | Kenneth M. Romero “B3” |
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Pulled by Commissioner Burns.

Ken Romero was present. Commissioner Burns wanted to know his involvement with the company. Mr. Romero was able to answer Commissioner Burn’s questions.

MOTION: *To approve the application for new business license in the “B3” category by Commissioner Burns.
Seconded by Commissioner Baker.*

VOTE: *7-0 Motion carried.*

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| 12. FM Golf Holdings, LLC. | Michael W. Rothenberg “B3” and “B5” |
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B. Applications to activate Qualifying Party for Existing Business License:

Qualifying Party

Business

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| 1. Barbara B. Gile | West Side Weed Control “B5” |
| 2. Jousty M. Maglanoc | Apocalypse Termite & Pest Control “B2” |

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| 3. John F. Kennedy | Bison Golf & Country Club, LLC. "B3" & "B5" |
| 4. Frank A. Sanchez | Black Jack Pest Control "B1" |
| 5. Michael E. Gibson | Agave Environmental Contracting, Inc. "B5" |
| 6. Jason R. Hopkins | Alert Pest Control "B1" |
| 7. Tim D. Powell | Schendel Services, Inc. "B1" & "B4" |

C. Applications for Qualifying Party License:

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|---------------------------|-------------------|
| 1. Brian L. Walker | "B1" |
| 2. Gary D. Slone | "B3 "B5" |
| 3. Adrian Moreno | "B3 |
| 4. Keven D. Connolly | "B1", "B2" & "B8" |
| 5. Donald D. Aswegan, Jr. | "B1", "B2" & "B8" |
| 6. Donald W. Parker | "B1", "B2" & "B8" |
| 7. George L. Young | "B1" |

D. Business License Name Change Requests:

1. City of Yuma – Recreation Complex to City of Yuma
2. Desert Pest Control, LLC. to Parker & Desert Pest Control
3. JTSB Termite Technology to Termtech Pest Control
4. Favian Pest Control to Killum Pest Control Co.
5. Adieux Termite Company to Adieux Termite & Pest Control
6. Baron Pest Control, Inc. to Baron Pest Solutions, Inc.

E. Applicants for new Applicator Licenses: "(See list on website under agenda)."

1. Licenses to be Issued for completed applications.

End of Consent Agenda

MOTION: *To accept the Consent Agenda with the exception (A3, A8,A10, A11) by Commissioner O 'Neal.*

Seconded Commissioner Johnston.

VOTE: 7-0 Motion carried.

VI. Applications not on Consent Agenda

A. Request for Temporary Qualifying Party License or Renewal:

1. Gloria L. Kilian "B1"

Ms. Gloria Killian was present. Chairperson Runbeck stated that Ms. Killian has an application in and staff has stated that we are waiting on the background check, and hopefully will be on the October meeting. Ms Killian has stated she has found someone to QP her company until she obtains her QP. Chairperson Runbeck stated that lasts month agenda no action was taken.

Tabled

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

None

C. Applications for Qualifying Party License:

1. Nick P. Ingertson "B2" (Control of Wood-Destroying Insects)

Mr. Ingertson was not present. Mr. Ingerton's application was tabled at the August 10, 2007 meeting. Chairperson Runbeck asked Mr. Tolton what the status was, and he stated that Mr. Ingertson was having issues with his current employer getting his hours verified.

Tabled

D. Business License Name Change Requests:

None

VII. Complaints:

- A. Paul's (BL)/Paul Vanasse, II (QP)/Jeremiah Lomeli (QP)/Keith Nicholas (APP) - Case No. 2006-038**

Mr. Scott Richardson was present along with Mr. Keith Nicholas. Commissioner Black was concerned that he was admitting fraud. Mr. Nicholas was aware that he did short the site and falsified the documents. Commissioner Black wanted to know did he purposely do it. Mr. Nicholas stated that he did what he had to do in the time frame and the chemical. Commissioner Black wanted to know if he had instructions to short the site? Mr. Nicholas said no, he had no instruction to short the site. Mr. Nicholas stated that he did not request more chemical while on site. Commissioner Baker asked whom he is employed with and Mr. Nicholas stated Terminix. Commissioner Baker would like for Mr. Nicholas's license to be suspended. Commissioner Burns stated how did he not know how big the site was before he arrived? Mr. Nicholas said he could not recall how many pretreats he did before he arrived on the site that was shorted. Commissioner Johnston asked what are his current duties for Terminix, Mr. Nicholas stated, he has not done any pretreats while employed with Terminix. Jerry Lomeli was present; Commissioner Burns wanted to know did he have enough chemical, Mr. Lomeli stated yes. Mr. Lomeli says he cannot recall everything because he does not have all his paper work with him. Commissioners wanted to know if they have the right to suspend the license. Mr. Craig was able to answer the question. Ms. Gervase gave the Commissioners guidance on the guidelines staff used when conducting the settlement conference.

MOTION: To send this matter back to staff to suspend the license for one year regarding applicator Keith Nicholas by Commissioner Baker.
Seconded by Commissioner Black.

VOTE: 6-1 Motion carried. (Chairperson Runbeck Opposed)

Commissioner Burns wanted to make sure the Qualifying Party and Business License get penalized also. Commissioner Burns wants to stress the consumer has been shorted because the company never went out and corrected the mistake. Mr. Lomeli stated the he has gone out and corrected and treated the site. Commissioner Baker wanted to know about the final grade; Mr. Richardson stated he would be happy to provide a final grade. Mr. Craig said during the investigation staff was looking for who was responsible for the supervision. Commissioner Burns stated that in Mr. Craig's write up that Mr. Lomeli was upset that Mr. Vanasse was not involved. Commissioner Burns read a letter that was provided by Paul's. Mr. Richardson has proposed that Mr. Lomeli and Mr. Vanasse take CE with the penalty. Mr. Craig stated that Inspector Smith ask Mr. Lomeli who was responsible for supervision and Paul's stated Mr. Lomeli.

MOTION: To send it back to settlement and that Mr. Vanasse and Mr. Lomeli by Commissioner Burns.
Seconded by Commissioner Johnston.

VOTE: 7-0 Motion Carried.

B. Hometeam Pest Defense (BL)/Arthur Killenbeck (QP)/ Marla McCarroll (QP/APP)/Isaac Martinez, Jr. (APP)/Timothy Wortman (APP) - Case No. 2006-041

Mr. Martinez was not present but did contact staff. Ms. McCarroll and Patrick Mott were 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 matter to the Office of Administrative Hearings by Commissioner Black. Seconded by Commissioner Burns.*

VOTE: *6-0 Motion carried. (Commissioner O'Neal absent)*

C. Tom Settles (APP) - Case No. 2007-007

MOTION: *To dismiss the complaint by Commissioner Baker. Seconded by Commissioner DeVere.*

VOTE: *6-0 Motion carried. (Commissioner O'Neal absent)*

D. Bill's Home Service Company (BL)/William Bennett (QP)/Sean Brewster (APP) - Case No. 2007-025

Will Bennett and Sean Brewster were 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 matter to the Office of Administrative Hearings by Commissioner Black. Seconded by Commissioner Johnston.*

VOTE: *7-0 Motion carried.*

Break 10:17 AM - 10:29 AM

E. M.D. Pest & Termite, Inc. (BL)/John Edward Jung (Temporary QP, APP)/Joey Garcia (APP)/Gordon Schmidt (APP)/Howard Tarvin (APP) - Case No. 2007-002

Mr. Scott Richardson was present for the Qualifying Party and Business License. Commissioner Burns wants to know why 5 inspectors were present at the time of picking up records. Mr. Francis was able to answer the question, stating that most inspectors were new and it was a training excursive not intimidation. Mr. Richardson stated that a police report was filed against the SPPC. Mr. Francis stated that two months later the report was filed because of the number of people, not the actions. Mr. Richardson stated the women felt scared. The Commissioners requested the police report. No one received a call and the police report was filed after the fact the complaint was filed. The Commissioners were upset that they were hearing this for the first time in the public form today. Chairperson Runbeck stated that an

investigation was conducted and there was no out come. Mr. Richardson stated that MD Pest is not operating.

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 matter to the Office of Administrative Hearings by Commissioner Black. Seconded by Commissioner DeVere.*

VOTE: *7-0 Motion carried.*

F. Northwest Exterminating Co., Inc. (BL)/ Chad Berg (QP)/Kevin Estrella (APP) - Case No. 2007-037

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 matter to the Office of Administrative Hearings by Commissioner Black. Seconded by Commissioner Burns.*

VOTE: *7-0 Motion carried.*

G. City of Mesa (BL)/Mark Woodward (QP)/Steven Glass (APP) - Case No. 2007-022

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 matter to the Office of Administrative Hearings by Commissioner Black. Seconded by Commissioner Johnston.*

VOTE: *7-0 Motion carried.*

H. Mariposa Horticultural Enterprises (BL)/Terry Noriega (QP)/Arnulfo Gonzalez (APP) - Case No. 2007-009

Mr. Arnulfo Gonzalez was present; Commissioner Burns asked if anything was returned from the water waste company. Commissioner Baker stated a letter needed to be sent for a paper trail.

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 matter to the Office of Administrative Hearings by Commissioner O'Neal. Seconded by Commissioner Baker.*

VOTE: *7-0 Motion carried.*

I. Arizona Exterminating Company (BL) - Case No. 2006-054

Attorney Scott Richardson and Bert Putterman were present. Mr. Richardson wants the complaint to be dismissed. Mr. Craig informed the Commissioners that Arizona Exterminating used the name Patriot Pest and Termite Control. Mr. Putterman stated he purchased the company in 2005 and discussed license options with Ms. Gervase and Mr. Tolton. While doing an investigation, staff used past complaints and decisions while reaching a settlement. The issue with this complaint is not using the registered name with the SPCC. Mr. Putterman the QP of Arizona Exterminating stated he purchased the assets of Patriot. Staff recommended a new BL. His intentions was not to run the business as Patriot. Mr. Putterman stated the trucks and paper work was converted to Arizona Exterminating. While the investigation was taking place the inspector found a receipt book with the name Patriot. Mr. Putterman stated he has met all obligations. Chairperson Runbeck asked what was the dominant name on the trucks and how it could be confusing to consumers. Mr. Putterman and Mr. Fraker work in different cities and there could be no confusion. Mr. Putterman wants this case to be dismissed. Chairperson Runbeck would like legal advice; Ms. Versteegen stated A.R.S. § R4-29-207. Mr. Putterman stated all the requirements were met when the transaction was made. Commissioner O'Neal stated this case was a waste of time because no company would ever sell if they couldn't continue work. Mr. Craig and Commissioner Black discussed passed complaints with the same circumstances. Ms. Gervase addressed that fact, they did discuss options with Mr. Putterman, while making the transition. Chairperson Runbeck stated she would vote against this matter to stay consistent and be fair not just because of Mr. Putterman or who he is; Mr. O'Neal is offended by Chairperson Runbeck remarks. Commissioner Black requested an individual role call.

MOTION: *To dismissed the complaint by Commissioner O'Neal. Seconded by Commissioner Baker.*

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

J. Sun Lakes H.O.A. #1 (BL)/Hermilo Marquez Quezada (QP)/Alfred Leivas (APP) - Case No. 2007-023

Mr. Alfred Leivas was present. Commissioner Burns wants to know if a QP application has been turned in. Staff answered all the questions.

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 matter to the Office of Administrative Hearings by Commissioner Black. Seconded by Commissioner Johnston.*

VOTE: *7-0 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.

None

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

None

XIV. Consideration of Informal Settlement Conference proposed resolutions [for Appealable Agency Actions such as License Denials, Disciplinary actions taken without a prior hearing, and Cease & Desist/civil penalties for unlicensed activity].

None

XV. Reporting by Licensees on Probation:

None

XVI. Applicants with Criminal Convictions:

If applicants do not appear and the Commissioners have questions those applications may be denied or tabled to a future meeting.

A. Mark R. Ochoa

Mr. Ochoa and Daren Lawer were present; Mr. Ochoa was able to answer all questions.

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

VOTE: *7-0 Motion carried.*

B. Daniel Rodriguez

Mr. Rodriguez and Jim Krueger were present. Mr. Rodriguez was able to answer all questions.

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

VOTE: *7-0 Motion carried.*

C. Jay F. Romero

Mr. Romero and Andrew Magdaleno were present, and were able to answer the Commissioners questions.

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

VOTE: *7-0 Motion carried.*

D. David A. Heredia

Mr. Heredia and Paula Salazar were present. Mr. Heredia was able to answer all questions. The Commissioner's expressed a concern on Mr. Heredia past addiction.

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

VOTE: *5-2 Motion carried. (Commissioner's Runbeck & Baker opposed)*

E. James R. McCart

Mr. McCart and Jim Krueger were present. Mr. Kruger stated that Mr. McCart was a valued employee.

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

VOTE: *6-1 Motion carried.*

F. George Kuland

Mr. Kuland was present Mr. Berg from Northwest spoke very highly of Mr. Kuland's work performance and work ethic. Commissioner Baker asked if he has or is on medication. Mr. Kuland stated it was his drinking and drug use for the outcome of his actions. Mr. Berg provided the Commission with many outstanding compliments

from customers. Commissioner O'Neal stated he encourages the good work from release of all convictions, and commends him on no convictions since 1983. Commissioner Black agrees with Commissioner O'Neal. Mr. Tolton informed the Commission that Mr. Kuland did fail to disclose on his original application and renewals until the 2007 renewal period. Mr. Kuland said he just wanted to come clean.

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

VOTE: 7-1 Motion carried. (Commissioner Runbeck opposed)

G. Richard A. Impila

Mr. Richard Impila and Ron Hish were present.

MOTION: To deny this application on the nature of the convictions by Commissioner Burns.
Seconded by Commissioner Johnston.

VOTE: 7-0 Motion carried.

XVII. Commission Updates and Reports; Miscellaneous Action Items.

A. University Termite and Pest Control, Inc. (BL)/Richard Rupkey, II (QP) – Case No. 2005-069 – Commission's consideration of compliance with Consent Agreement and Order, entered on 2/9/07.

Ms. Gervase did a quick summary of past agendas that University has not complied with Commission orders, and also what to do with the consultant's recommendations. Staff was provided with a document with ride alongs. Commissioner Burn's wanted to know how many ride a longs have occurred. No one has done a ride a long in a while; Mr. Rupkey stated they have had a lot of turn over. The business shall calibrate the trucks in the timely manner of two years. The Pre-treat classes from a third party SPCC approved. Mr. Rupkey stated that Mr. Rowley is no longer doing pretreats and is taking the class as well. This was to be complied with by June of 05 and it was completed in March 07. Extended warranties: University was to extend the warranties for 2 years to certain homes in the total of three homes and the SPCC staff has received two letters. Mr. Rupkey says in his defense that he would like the address and he will provide the SPCC with the correct documents. Applicator David Stokes: Mr. Stokes did no respond to staff's letters. The applicator states that he was never informed, Mr. Rupkey says he did attempt to locate Mr. Stokes. The consumer made the SPCC aware of the re-treat not University.

MOTION: To approve that University Termite and Pest Control has met the requirements upon receiving all three letters by Commissioner Burns.
Seconded by Commissioner Johnston.

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

Mr. Roots recommendation were passed out to the Commissioners, deadlines, completion, the who, what, where, when, and how. Mr. Rupkey was confused and wondered if he was required to take the consultants recommendation. Ms. Runbeck thinks staff needs to review Mr. Root's recommendations. Ms. Gervase stated it's the Commission discretion.

B. Sexton Pest Control/Paul Sexton – Inquiry No. 2007-047 Commission's consideration of Sexton's request for Commission to pay its attorneys' fees

Mr. Richardson's requests for attorney fees, the Commissioners have to seek legal advice.

MOTION: *To deny the request for attorney fees by Commissioner Burns. Seconded by Commissioner Johnston.*

VOTE: 7-0 Motion carried.

C. Complaint Status Log:

Mr. Francis answered all questions.

D. Computer Based Testing "CBT" Status and Statistics:

Mr. Francis informed the Commission that 31 pictures have been updated.

E. Expenditure Report:

Ms. Gervase and Ms. Skow have finished the budget for the next two years and will be submitting the report to the Governor's Office. Commissioners requested a copy of the budget.

F. Case Status Report (Every other month - last report 06/08/07): (No document-separate handout)

An e-mail was sent out on the September 12, 2007. The Commission has 56 cases and trying to collect \$156,000.00.

G. Commission discussion/decision: Draft Substantive Policy Statement 2007-001 re: Commission's policy about issuing licenses to persons who use, offer to use, advertise to use, solicit to use, or perform structural pest control using a device; and for persons who make recommendations regarding structural pest control.

MOTION: To implement it as revised by Commissioner Black.
Seconded by Commissioner Baker.

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

**H. 1:00 p.m.: Commission's review, discussion and possible decision
pertaining to agency policies, process and procedures (1:28)**

The Commissioners were provided with documents that the SPCC staff uses for advising the industry. This is for an educational course for the Commissioners to know more about what the processes and procedures are for license requirements, rules, laws, time frames and licenses with criminal convictions. With the new rule change, misdemeanors involving moral character are being Commission reviewed. Fingerprinting time is a minimum of 3 weeks. It's labeled very clearly.

Auditors brought to the SPCC attention that the applicator licenses would need to be Commission reviewed. Ms. Gervase will arrange a telephonic meeting once a week for approval of applicator licenses. This meeting will be an open public meeting. Commissioners discussed that four Commissioners should/need to be available.

Filing an application anyone can apply for all categories, the SPCC cannot amend any application. Commissioner Black asked if there could be a verbal amendment? Mr. Tolton addressed the Commission informing the Commission because of time frames, the time frame would reset which would give the applicant a longer time frame if the original applications were amended. Letters are sent after substantive review; the SPCC staff has up to 30 days. Mr. Tolton also touched on incomplete applications that a letter is sent and now the applicant has 90 days to respond if no response, the application is withdrawn and closed. Mr. Rupkey stated that it would have been nice if it were published.

If the applicant has a criminal conviction there are necessary documents the applicant must provide, the applicant may not test until Commission or staff approval. The SPCC cannot receive an outer office background history it would put the SPCC in legal jeopardy. Mr. Tolton stressed the urgency with criminal convictions to get the paper work in as soon as possible. Steve Brietweiser with Orkin says it may take longer if people have similar names. Jim Krueger suggested fingerprinting everyone. The SPCC does not have the staff, and law changes would need to be made to have a live scan. Mr. Rupkey would like a list of moral character crimes that the Commission has requested to review. Staff has one; but, is working on a new one more conclusive. Hopefully, the list will be on the SPCC website by QP renewal. Staff is working through the processes with misdemeanors. Staff gave examples on some crimes not involving moral character.

Compliance and Enforcement: the Commissioners were provided with documents that Compliance and Enforcement use while doing an inspection. The Commission discussed options such as an office inspection is performed every four years instead of every two. Also the newer companies are monitored closer to make sure they are

complying. Eight Continuing Education classes are given a year by the SPCC staff, and the staff encourages the industry to call the SPCC for more.

Investigations: Written procedures were giving to the Commissioners. Inquiry investigation if there is no jurisdictions or violation the inquiry is closed. Inquiries are open and closed in 60 days, and a corrective work order is issued or the inquiry is filed as a complaint.

Break 2:56-3:10

An Inquiry Investigation Checklist was provided for the Commissioners review and input. If de minimis violations keep occurring a complaint is filed. Commissioner's discussed how to clarify a large company. Commissioners stated that complaints come before the Commission before the matter is sent to a settlement conference. Ms. Gervase stated that she would like all complaints be Commission reviewed and take effect immediately as of the October 12th Commission meeting.

The Commissioners discussed the process of the complaint being on the Commission meeting, the Commissioners will vote to dismiss or take staff's recommendation or the matter will be sent to hearing.

TARFAudit: Factors that will lead to a TARF Audit. The selection on companies to audit, there are a number of factors. The Commissioners discussed the factors and would like to see numbers and percents. Numbers of year (1) and case by case.

XVIII. Approval of Minutes and Continuing Education Programs

A. June 8, 2007 (regular session) Minutes

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

VOTE: *7-0 Motion carried.*

B. July 13, 2007 (regular session)

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

VOTE: *7-0 Motion carried.*

C. August 10, 2007 (regular session) Minutes (No document-separate handout)

Burns said that a statement was incorrect.

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

VOTE: *7-0 Motion carried.*

D. Continuing Education Program Applicants “(See list on website under agenda)”.

MOTION: *To approve by Commissioner O’Neal.
Seconded by Commissioner Johnston.*

VOTE: *7-0 Motion carried.*

*Commissioner Burns requested a performance review on the Executive Director.
There needs to be notice on the agenda for salary or termination.*

MOTION: *To agendize performance review on the Executive Director at the October 12, 2007, Commission Meeting by Commissioner Burns.
Seconded by Commissioner Baker.*

VOTE: *O’Neal-yes, Baker-yes, Johnston-yes, Runbeck-no, DeVere-no, Black-no, Burns-yes
4-3 Motion passes.*

Amended MOTION: *To a week later after the October 12, 2007 meeting by Commissioner Burns.
Seconded by Commissioner Baker.*

VOTE: *7-0 Motion carried.*

Ms. Gervase would like this meeting to be open to the public.

Break 12:47 AM - 1:28 PM

XIX. Scheduling of future meetings/agenda items:

Current Proposed dates

**October 12, 2007
November 9, 2007
December 14, 2007
January 11, 2008
February 8, 2008
March 14, 2008
April 11, 2008
May 9, 2008
June 13, 2008
July 11, 2008**

XX. Adjournment - 4:28 PM

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

VOTE: *7-0 Motion carried.*