



Janet Napolitano
Governor

STATE OF ARIZONA
Structural Pest Control Commission

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Vince Craig
Interim Executive Director

**NOTICE OF COMMISSION MEETING
FRIDAY, May 9, 2008, 9:00 A.M.**

MINUTES

I. Call to order (9:00 A.M.) Commissioner roll call

Commissioners present: *Paul Baker, David Burns, Tim Johnston, Dave O'Neal and Kirk Smith*

Commissioners absent: *None*

Staff present: *Vince Craig, Robert Tolton, Jack Root, Nancy Holmes, Keely Verstegen*

II. Call to the public:

Don Langston, representing Arizona Pest Management Association (APMA), spoke to the transitioning of the Association and said that their web site and classes will be available in three weeks. Don Langston further stated that APMA is not in competition with any other associations.

Don Wooldridge spoke to the interpretation of the SPCC Laws with respect to the B3 and B5 categories and asked why landscapers were excluded from having to obtain an applicator license.

Mr. Craig responded to Mr. Wooldridge's concern by explaining the 8-pound liquid/25-pound granular rule and urged those present that if they had any issues to please call.

III. Communication with Commissioners:

None

IV. Reports and Summary of Current Commission Events, Activities, Notices:

Mr. Tolton discussed the new licensee information management tool online – lets business and individual licensees update vitals information, review testing

history, print renewal forms during renewal processing times, print licenses, allows businesses to add and delete applicator employees, and allows all licensees to reset their passwords - via the website www.sb.state.az.us. More features to come.

Mr. Tolton also gave an update on Applicator License Renewals as well as a summary of Arizona Statement of Citizenship and Alien Status for State Public Benefits.

V. Consent Agenda:

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

<u>Business</u>	<u>Qualifying Party</u>
1. Nu-Way Pest Solutions, LLC.	Dennis W. Bolan, Jr. "B1" (General & Public Health Pest Control)
2. Bug Masters	Derrell N. Davidson "B1" (General & Public Health Pest Control), "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection)
3. Bugicidal, LLC.	Andrew L. M. Brown "B1" (General & Public Health Pest Control)
4. Prima	Jason G. Liechty "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control)
5. HTS Bees, LLC.	Trent R. Estabrook "B1" (General & Public Health Pest Control)

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

<u>Qualifying Party</u>	<u>Business</u>
1. Kirt D. Boylan	Arizona Classic Exterminating "B3" (Right-of-Way & Weed Control)
2. Donald A. Pleger, Sr.	Rio Verde Country Club, Inc. "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control)
3. Jose R. Gonzalez, Jr.	Pest Control Solutions "B1" (General & Public Health Pest Control), "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection)
4. Tammy L. DeLozier	Bug – Tec Pest Control "B1" (General &

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| | Public Health Pest Control) |
| 5. James G. Matter | Arizona Bug Company “B2” (Control of Wood-Destroying Insects) and “B8” (Wood-Destroying Insect Inspection) |
| 6. Richard B. Pavlasek, Jr. | G – Ranch “B3” (Right-of-Way & Weed Control) and “B5” (Turf & Ornamental Horticulture Pest Control) |
| 7. Nick P. Ingertson | ECO Pest, LLC. “B2” (Control of Wood-Destroying Insects) and “B8” (Wood-Destroying Insect Inspection) |
| 8. Christopher I. Johnston | HomeLife Pest & Termite Solution, LLC. “B1” (General & Public Health Pest Control), “B2” (Control of Wood-Destroying Insects) and “B8” (Wood-Destroying Insect Inspection) |

C. Applications for Qualifying Party License:

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| 1. Gregory A. Olson | “B1” (General & Public Health Pest Control), “B2” (Control of Wood-Destroying Insects) and “B8” (Wood-Destroying Insect Inspection) |
| 2. Timothy J. Vondra | “B3” (Right-of-Way & Weed Control) and “B5” (Turf & Ornamental Horticulture Pest Control) |
| 3. Christopher M. Bolender | “B3” (Right-of-Way & Weed Control) and “B5” (Turf & Ornamental Horticulture Pest Control) |
| 4. Jeffrey T. Smith | “B1” (General & Public Health Pest Control) |
| 5. Jamie M. Bearden | “B1” (General & Public Health Pest Control) |
| 6. Scott M. France | “B1” (General & Public Health Pest Control) |
| 7. Derald K. Lyons, Jr. | “B1” (General & Public Health Pest Control) |
| 8. Nikola Potkonjak | “B8” (Wood-Destroying Insect Inspection) |
| 9. Don T. DeCoster, Jr. | “B3” (Right-of-Way & Weed Control) |
| 10. Rodney T. Milburn, II | “B3” (Right-of-Way & Weed Control) and “B5” (Turf & Ornamental Horticulture Pest Control) |

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| 11. Diane J. Raines | “B1” (General & Public Health Pest Control) |
| 12. Lawrence C. Basner | “B1” (General & Public Health Pest Control) |
| 13. Brian A. Wilhelm | “B3” (Right-of-Way & Weed Control),
“B5” (Turf & Ornamental Horticulture Pest Control) and “B9” (Aquatic Pest Control) |

D. Business License Name Change Requests:

1. Sierra Landscape Services to K.D.S. Associates, Inc.

E. Applicants for new Applicator Licenses:

1. Licenses to be issued for completed applications between 04/10/2008 – 04/23/2008
(See Attached Commission Meeting Minutes dated 04/25/2008)
2. Licenses to be issued for completed applications between 04/24/2008 – 05/07/2008 - (No Document -- See list on website under agenda)

End of Consent Agenda:

Motion: To approve by Commissioner O’Neal
Seconded by Commissioner Johnston

Vote: 5-0 Motion carried

VI. Applications not on Consent Agenda:

A. Request for Temporary Qualifying Party License or Renewal:

1. Scott M. France “B1” (General & Public Health Pest Control)

Mr. France stated that his present Qualifying Party quit and Mr. France is requesting a 60-day extension on his Temporary QP License. Mr. France is on track for his testing.

Motion: To approve by Commissioner Smith
Seconded by Commissioner Johnston

Vote: 5-0 Motion carried

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

None

C. Applications for Applicator License Renewal:

None

D. Business License Name Change Requests:

None

E. Applications for Qualifying Party License:

None

VII. Complaints:

**A. TACIT SERVICES, LLC. (BL)/ JOHN MCCLURE (QP)/ EDWARD HUNT (APP)
– Case No. 2007-056**

Attorney Adam Kunz and John McClure of Tacit Services were present. Mr. Hunt was not present. On 8/9/2007 Edward Hunt failed to apply the correct amount of termiticide when he performed a pretreatment. Additionally, Mr. Hunt's license expired in 12/2006 and in 06/2007 was hired by Tacit Services; the business licensee was required but did not provide immediate supervision. No documentation was evident that Mr. Hunt was instructed on how to properly measure.

Motion: To accept staff's recommendation of an Administrative Warning and for John McClure (QP) to obtain 3 hours of continuing education (separate from that required license renewal) in the category of Qualifying Party Responsibilities or Laws. That Edward Hunt be issued an Administrative Warning, pay a \$400.00 Civil Penalty and obtain 3 additional hours of continuing education (separate from that required for license renewal) in the topics of Safety, Labels and Laws (due within 30 days of the entered date of the Commission order by Commissioner Johnston
Seconded by Commissioner O'Neal

Vote: 5-0 Motion carried

B. RAYMOND SARNOCINSKI (APP) – Case No. 100000

Mr. Sarnocinski was present. On 12/19/2007 Raymond Sarnocinski was observed applying pesticide at a home in Tucson AZ. Mr. Sarnocinski's business

license was revoked and his qualifying party license was inactive at the time; therefore, he should not have been performing pest control work.

Motion: To accept staff's recommendation that Raymond Sarnocinski be issued an Administrative Warning, pay a \$500.00 Civil Penalty and obtain 3 hours of continuing education (separate from that required for license renewal) in the category of Qualifying Party Responsibilities or Laws by Commissioner O'Neal
Seconded by Commissioner Burns

Vote: 3-2 Motion carried (opposed by Commissioner Burns and Commissioner Johnston)

C. CHRISTOPHER RENTERIA (APP) – Case No. 2007-060

Mr. Renteria was present. Kevin Etheridge, owner of Contractors Termite & Pest Control) was also present. In 10/2007 Christopher Renteria failed to apply the correct amount of termiticide to three floating slabs. Records indicate that Mr. Renteria received training on the proper rates and measurements.

Motion: To accept staff's recommendation that Christopher Renteria be issued an Advisory Notice by Commissioner Burns
Seconded by Commissioner O'Neal

Vote: 5-0 Motion carried

VIII. Request for Review or Rehearing of Previous Commission Decisions:

None

IX. Review or Rehearing of Previous Commission Decisions:

None

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

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:

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:

1. Michael Geibel

Mr. Geibel's license expired in 2005 when his wife died. He wishes to apply for an applicator's license in the future and brought letters of recommendation for the record.

Motion: To approve by Commissioner O'Neal
Seconded by Commissioner Johnston

Vote: 5-0 Motion carried

A. Rodolfo Aladuena Leon

Mr. Leon is on his way and was placed at the end of the Agenda

B. Ronald Earl Hayes

Mr. Hayes was present. He was approved 7 years ago as an applicator and requests to be able to apply for his Qualifying Party License.

Motion: To approve by Commissioner O'Neal
Seconded by Commissioner Johnston

Vote: 5-0 Motion carried

C. Alfonso Castillo

Mr. Castillo was present. Mr. Castillo stated he's had no problems since the incident.

Motion: To approve by Commissioner Smith
Seconded by Commissioner O'Neal

Vote: 5-0 Motion carried

D. Esteban Jesus Ledesma

Mr. Ledesma was present and was supported by Brian Smith of Naturescape Landscape. Mr. Smith stated that Esteban was an outstanding employee and runs his crews efficiently. Mr. Ledesma has had no issues since the incident.

Motion: To approve by Commissioner O'Neal
Seconded by Commissioner Johnston

Vote: 5-0 Motion carried

- E.** *Jaime Adrian Magallanez*
Mr. Magallanez was present.

Motion: To approve by Commissioner O'Neal
Seconded by Commissioner Johnston

Vote: 5-0 Motion carried

- F.** *Antonio Manuel Renteria*
Mr. Renteria was present. Patrick McWilliams of AAA Landscaping was present for support. The Commission denied Mr. Renteria's request in 2004 stating they wanted more time for rehabilitation. Mr. Renteria has been off probation since 2006.

Motion: To approve by Commissioner O'Neal
Seconded by Commissioner Smith

Vote: 5-0 Motion carried

- G.** *Michael James Smith*
Mr. Smith was present. Mr. Smith stated he has been an applicator for two months for Universal Pest Control Company. Mr. Ciulla (QP) is supportive of Mr. Smith but was unable to attend for support.

Motion: To approve by Commissioner O'Neal
Seconded by Commissioner Johnston

Vote: 5-0 Motion carried

- H.** *Jay Paul Wade*
Mr. Wade was present. Jay presented a letter from his probation officer.

Motion: To approve by Commissioner O'Neal
Seconded by Commissioner Johnston

Vote: 5-0 Motion carried

XVII. Commission Updates and Reports: Miscellaneous Action Items.

A. Complaint Status Log:

None

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

Statistics results were given to the Commissioners

C. Commission's review, discussion and possible action on the Commission's transition and Legislation (HB 2822):

Mr. Root updated the Commissioners; he stated that if Representative Crandall concurs with Representative Flake then the bill would go before the House for a vote; otherwise, they will have to compromise. Mr. Root also stated that the appointment of the Executive Director's position would be made by the Department of Administration.

D. Commission's review, discussion and possible action to consider the Education Committee's Report on the exams:

Mr. Craig stated that all examinations are uploaded for the Commissioners' review but that Mr. Rupkey has yet to respond. Mr. Means suggested that the Commission might be interested in accepting the National Core Examination, which consists of 90 National questions and 10 State questions.

E. Commission's review, discussion and possible action to consider supervision & Training Documentation:

Mr. Craig addressed research training in relation to violations. He stated that there is nothing in the Rules or Statutes that addresses this issue.

F. Commission's review, discussion and possible action to consider Metro Institute's contract:

Mr. Craig asked the Commission how they wanted to proceed with this and it was agreed that a separate meeting would be held immediately following the June 12th Commission Meeting.

XVI. Applicants with Criminal Convictions:

Mr. Leon was tabled for next month's agenda

XVIII. Approval of Minutes and Continuing Education Programs

A. March 14, 2008 (public meeting) Minutes (Mr. Craig)(Separate Handout)

B. March 25, 2008 (public meeting) Minutes (Mr. Craig)(Separate Handout)

C. April 11, 2008 (public meeting) Minutes (Mr. Craig)(Separate Handout)

Motion: To approve by Commissioner Burns
Seconded by Commissioner Smith

Vote: 5-0 Motion carried

D. Continuing Education Program Applicants "(See list on website under agenda)". (April 11, 2008)

Motion: To approve by Commissioner Burns

Seconded by Commissioner Smith

Vote: 5-0 Motion carried

XIX. Scheduling of future meetings/agenda items:

June 12, 2008

XX. Adjournment at 10:47 am