

NOTICE OF COMMISSION MEETING
FRIDAY, November 8, 2002
9:00 A.M.
Structural Pest Control Commission
Government Office, Pima County
130 West Congress, First Floor
Administration Building Number 3
Tucson, Arizona

Pursuant to A.R.S. § 38-431.02, notice is given to the members of the Structural Pest Control Commission and to the General Public that the Structural Pest Control Commission will hold a meeting open to the public, as indicated in the following agenda.

Pursuant to A.R.S. § 38-431.03(A)(3), the Commission may vote to go into executive session to obtain legal advice for matters on the agenda. Pursuant to A.R.S. § 38-431.03(A)(1), the Commission may vote to go into executive session to discuss personnel matters. The executive session will not be open to the public. All items under discussion or for consideration are subject to possible decision and vote by the Commission.

AGENDA

- I. Call to order and roll call**
- II. Approval of October 2002 Minutes TAB
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- III. Call to the public (Each speaker limited to five minutes)**
- IV. Correspondence with Commissioners**
- V. Scheduling of future meetings/agenda items**

Proposed dates and locations

December 13, 2002Scottsdale, AZ
 January 10, 2003Scottsdale, AZ
 February 14, 2003Scottsdale, AZ
 March 14, 2003Scottsdale, AZ
 April 11, 2003Scottsdale, AZ
 May 9 , 2003 Tucson, AZ

VI. Consent Agenda.

Items will be read and voted on in one group excluding those pulled for discussion.

A. Applications for New Business License

1. **Bermpohl, William C. dba Unicorn Pest Control (Activating Qualifying Party for new business license in “B” General Pest) TAB 2**
2. **Blankenship, Daniel L. dba Osmose, Inc. (Activating Qualifying Party for new business license in “H” Wood Preservation) TAB 3**
3. **Crandell, Sterling T. dba The. H.E. King Pest Control Company (Activating Qualifying Party for new business license in “B” General Pest) TAB 4**
4. **Ellis, Patrick Lee dba PK’s Pest & Termite Control (Activating Qualifying Party for new business license in “B” General Pest & “C” Wood Destroying Organisms) TAB 5**
5. **Herity, John Michael dba All Out Pest Control (Activating Qualifying Party for new business license in “B” General Pest) TAB 6**
6. **Ziemba, Mark dba Freedom Pest Control (Activating Qualifying Party for new business license in “B” General Pest). TAB 7**

B. Applications for Existing Business License

- 1. Denny, Claudia A. dba Proven Ecological (Activating Qualifying Party for existing business license in “B” General Pest) TAB 8
- 2. Hurtt, Brian Jay dba Hometown Pest Control and Termite (Activating Qualifying Party for existing business license in “B” General Pest & “C” Wood Destroying Organisms) ... TAB 9
- 3. Sherrill, William K. dba Bug Off Exterminating (Activating Qualifying Party for existing business license in “C” Wood Destroying Organisms & “F” Turf & Ornamental) TAB 10

C. Applicants for QP Testing

- 1. Bingham, Joseph T. “B & C” (General Pest & Wood Destroying Organisms) TAB 11
- 2. Cadwell, James Peter “B & C” (General Pest & Wood Destroying Organisms) TAB 12
- 3. Hoffpauir, Michael “B” (General Pest) TAB 13
- 4. Gabriel, Christopher “E & F” (Weed Control & Turf & Ornamental) TAB 14
- 5. Martin, Todd Michael “B” (General Pest).. TAB 15
- 6. Peaty, Paul Earl “B & C” (General Pest & Wood Destroying Organisms) TAB 16
- 7. Shank, Samuel Gene “E & F” (Weed & Turf & Ornamental) . TAB 17

D. Request for Temporary Qualifying Party Certificate and/or Extension

- 1. Bingham, Joseph Trent dba American Dyna-Mite Exterminating TAB 18
- 2. Black, Judith dba The Steritech Group, Inc. TAB 19

- 3. Eadie, Lee Burtram dba TruGreen ChemLawn TAB 20
- 4. Painter, Ricky Bert dba Termite Specialist, Inc. TAB 21

E. Request for Company Name Change

- 1. Centex Pest Management to Pest Defense Systems TAB 22
- 2. Godfather Pest Control to Godfather TAB 23
- 3. Pratte Termite Center LLC to Mesa Verde Termite Center LLC
..... TAB 24
- 4. Tom Harder Pest Control to El Dorado Pest Control TAB 25
- 5. Vernon’s Termite & Pest Control to Vernon’s TAB 26

F. Treatment Proposals

- 1. Madrid’s Termite & Pest Control TAB 27

G. Settlement Conferences (Cases Already Heard By Commission)

- 1. Bio-Chem Services - Case # 2001-314 TAB 28

The Commission approved the attached consent agreement on September 13, 2002.

Mr. Bill Jones, Qualifying Party of Bio-Chem Services, contacted the SPCC regarding a fax that he allegedly sent requesting a change of time frame for payments from 30 days to six (6) months. Staff has researched and cannot confirm a receipt of the fax.

Amount of fees due is \$ 13,880.00

Payments schedule as follows: Six(6) payments of \$2313.00. The first payment due within 30 days from the date of the order and each payment thereafter due within 30 days.

Staff recommendation: Approval

End of Consent Agenda

VII. Decision and Recommended Order by Administrative Law Judge

- 1. **Steven Lee Kennicott - Case # 2001-163** **TAB 29**
- 2. **Randy Ray Severin - Case # 2001-241** **TAB 30**
- 3. **Joshua Carter Stephens - Case # 2001-058** **TAB 31**
- 4. **Benedict M. Tellez - Case 2001-283** **TAB 32**

VIII. Complaints and/or Settlement Conferences (1st Time Before Commission)

- 1. **Burn's Pest Elimination - Case # 2002-033** **TAB 33**

The Complaint contains allegations resulting from alleged excessive treatments, an inaccurate wood infestation report, and using "banned pesticides". SPCC Staff investigated these allegations. The treatments were performed according to label directions, the wood infestation report was based on findings 6 years ago and the pesticide used (Dursban) is not banned.

Staff has investigated the allegations and found no evidence of a violation.

Staff Recommendation: Dismissal.

- 2. **Burn's Pest Elimination - Case # 2002-040** **TAB 34**

Violations resulting for failure to apply a pesticide in a manner consistent with the product labeling. (Drift-off site contamination in two areas).

Proposed Resolution:

- 1. *That the Business License # C 5654 BC, **Burns Pest Elimination** be issued an Administrative Warning for violation of A.A.C. R4-29-301 (A) for misuse of any pesticide*

2. That the Qualifying Party for **Burns Pest Elimination, Mr. David G. Burns**, QP # 1509 BCE be issued an Administrative Warning and be issued a civil penalty of \$500.00 for violation of A.A.C. R4-29-301(A) for misuse of any pesticide.

3. That the Applicator, **Mr. Donald Ramsey**, CERT# 980005 VII BCE, be issued an Administrative Warning and issued a civil penalty of \$500.00 for violation of A.A.C. R4-29-301 (A) for misuse of any pesticide.

NOTE: All fees (totaling \$1000.00) are to be paid within thirty (30) days from the date of the Commission Order. Mistery David Burns and Donald Ramsey agreed to the settlement.

3. Expedient Tree & Lawn Care - Case # 2002-018 TAB 35

The Complaint contains allegations resulting from performing the business of structural pest control without the benefit of a license. The owner, Mr. Chris Sartain, has failed to respond to the complaint.

Staff has investigated the allegations and found violation.

Staff Recommendation: Office of Administrative Hearing

4. Litchfield Pest Control - Case # 2002-025 TAB 36

Violations resulting for failure to treat all linear footage.

Proposed Resolution:

1. That the Business License # I 2483 BC, **Litchfield Pest Control** be issued an Administrative Warning for violation of A.A.C. R4-29-402 (Chemicals)

2. That the Qualifying Party for **Litchfield Pest Control**, Mr. Kenneth Rael, QP# 1284 BC be issued an Administrative Warning and \$100.00 civil penalty for violation of A.A.C. R4-29-402 (Chemicals)

3. That the Certified Applicator, Mr. Kenneth Rael, CERT# 880394 BC VII, be issued an Administrative Warning and \$100.00 civil penalty for violation of A.A.C. R4-29-402 (Chemicals)

4. That the Business License # I 2483 BC, **Litchfield Pest Control** be issued an Administrative Warning for violation of A.A.C. R4-29-407(C)

5. That the Qualifying Party for **Litchfield Pest Control**, Mr. Kenneth

Rael, QP# 1284 BC be issued an Administrative Warning and \$100.00 civil penalty for violation of A.A.C. R4-29-407(C)

6. That the Certified Applicator, Mr. Kenneth Rael, CERT# 880394 BC VII, be issued an Administrative Warning and \$100.00 civil penalty for violation of A.A.C. R4-29-407(C)

NOTE: All fees (\$400.00) are to be paid within thirty (30) days from the date of the Commission Order.

Mr. Kenneth Rael agreed to the settlement.

5. Pest Masters - Case # 2002-088 TAB 37

The complaint contains allegations resulting from the preparation of a wood infestation report (WIR) and failing to note an infestation. The evidence consisted of termite tube stains in a garage cabinet. The applicator noted on the WIR that the cabinets were inaccessible during the inspection due to furniture and other items stored in them.

Staff has investigated the allegations and did not find evidence of a violation.

Staff Recommendation: Dismissal

6. Son-Ray Pest Control - Case # 2002-089 TAB 38

Violations resulting for failure to note stucco below grade and an uninspected structure.

Proposed Resolution:

1. That the Business License # C 5378 BC, **Son-Ray Pest Control** be issued an Administrative Warning for violation of A.A.C. R4-29-413(A)(6)(12) (Wood Infestation Reports; information required)

2. That the Qualifying Party for **Son-Ray Pest Control**, Mr. Raymond Rodriguez, QP# 1825 BC be issued an Administrative Warning for violation of A.A.C. R4-29-413(A)(6)(12) (Wood Infestation Reports; information required)

3. That the Certified Applicator, Mr. Raymond Rodriguez, CERT# 840424 BC VII, be issued an Administrative Warning for violation of A.A.C. R4-29-413(A)(6)(12) (Wood Infestation Reports; information required)

4. That the Business License # C 5378 BC, **Son-Ray Pest Control** be

issued an Administrative Warning for violation of A.A.C. R4-29-414 (A)(B)(1) (Wood Infestation Reports; conditions conducive)

5. *That the Qualifying Party for **Son-Ray Pest Control**, Mr. Raymond Rodriguez, QP# 1825 BC be issued an Administrative Warning for violation of A.A.C. R4-29-414 (A)(B)(1) (Wood Infestation Reports; conditions conducive)*

6. *That the Certified Applicator, Mr. Raymond Rodriguez, CERT# 840424 BC VII, be issued an Administrative Warning for violation of A.A.C. R4-29-414 (A)(B)(1) (Wood Infestation Reports; conditions conducive)*

7. *That the Certified Applicator, Mr. Michael Fitzpatrick, CERT# 960764 BC VII, be issued an Administrative Warning for violation of A.A.C. R4-29-414 (A)(B)(1) (Wood Infestation Reports; conditions conducive).*

NOTE: *Mr. Raymond Rodriguez agreed to the settlement. Mr. Michael Fitzpatrick telephoned Investigations Supervisor Craig on 10-22-02, at 3:30 and stated that he also agreed to the settlement.*

7. Valleywide Termite & Pest Control - Case # 2000-208 TAB 39
Violations resulting for failure to treat all linear footage.

Proposed Resolution:

1. *That the Business License # C 5427 BC, **Valleywide Termite & Pest Control** be issued an Administrative Warning for violation of A.A.C. R4-29-407(C) (Preconstruction treatments; establishment of barriers).*

2. *That the Qualifying Party for **Valleywide Termite & Pest Control**, Mr. Kenneth Edwards, QP # 1656 BC be issued an Administrative Warning for violation of A.A.C. R4-29-407(C) (Preconstruction treatments; establishment of barriers).*

NOTE: *Kenneth Edwards agreed to the settlement.*

8. Valleywide Termite & Pest Control - Case # 2000-264 TAB 40
Violations resulting for failure to treat all linear footage.

Proposed Resolution:

1. That the Business License # C 5427 BC, **Valleywide Termite & Pest Control** be issued an Administrative Warning for violation of A.A.C. R4-29-408(A) (Pretreatment tagging and records)
2. That the Qualifying Party for **Valleywide Termite & Pest Control**, Mr. Kenneth Edwards, QP # 1656 BC be issued an Administrative Warning for violation of A.A.C. R4-29-408(A) (Pretreatment tagging and records)
3. That the Business License # C 5427 BC, **Valleywide Termite & Pest Control** be issued an Administrative Warning for violation of A.A.C. R4-29-407(A)(B) (Preconstruction treatments; establishment of barriers)
4. That the Qualifying Party for **Valleywide Termite & Pest Control**, Mr. Kenneth Edwards, QP # 1656 BC be issued an Administrative Warning and a civil penalty of \$300.00 for violation of A.A.C. R4-29-407(A)(B) (Preconstruction treatments; establishment of barriers)
5. That the Business License # C 5427 BC, be issued an Administrative Warning for violation of A.A.C. R4-29-402 (Chemicals)
6. That the Qualifying Party for **Valleywide Termite & Pest Control**, Mr. Kenneth Edwards, QP # 1656 BC be issued an Administrative Warning and a civil penalty of \$300.00 for violation of A.A.C. R4-29-402 (Chemicals)

NOTE: All fees (\$600.00) are to be paid within thirty (30) days from the date of the Commission Order. Mr. Kenneth Edwards agreed to the settlement.

IX. Felony Applicants

1. **Bainter, Tracey** **TAB 41**
2. **Blackburn, Rodney L.** **TAB 42**
3. **Geibel, Michael** **TAB 43**
4. **Pulizzi, Frank** **TAB 44**
5. **Shambaugh, Robert Allen** **TAB 45**

- X. Case Status** **TAB 46**

XI. Rules - Approval/Disapproval TAB 47

XII. Special Committee TAB 48

- Report**
- Instructions**
- Final Grade Waiver**
- Joint Responsibility**
- Legislation**

XIII. Computer Based Testing “CBT”

XIV. Exam Validation

XV. Executive Director’s Report

Adjournment

Signed this _____ day of November, 2002

Jerome Davis
Executive Director