

NOTICE OF COMMISSION MEETING
FRIDAY, October 11, 2002
9:00 A.M.
Structural Pest Control Commission
9535 E. Doubletree Ranch Road
Scottsdale, Arizona 85258

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 August 2002 minutes TAB 1**
- III. Approval of September 2002 minutes..... TAB 2**
- IV. Call to the public (Each speaker limited to five minutes)**
- V. Correspondence with Commissioners**
- VI. Scheduling of future meetings/agenda items**

Proposed dates and locations

- 8. Snyder, Robert dba Pratte Termite Center, LLC. (Activating Qualifying Party for new business license in “B” General Pest & “C” Wood Destroying Organisms) TAB 10
- 9. Way, William E. dba Zion Pest and Pigeon Solution (Activating Qualifying Party for new business license in “B” General Pest, “F” Turf & Ornamental, “E” Weed & “E-1” Aquatic Weed) TAB 11

B. Applications for Existing Business License

- 1. Andreaccio Frank A. dba Godfather Pest Control, Inc. (Activating Qualifying Party for existing business license in “B” General Pest) TAB12
- 2. Carmack, Mary T. dba Bock’s Bee’ssss (Activating Qualifying Party for existing business license in “B” General Pest) TAB 13
- 3. Loehr, Jeffrey S. dba Independent Pest Management, Inc. (Activating Qualifying Party for existing business license in “C” Wood Destroying Organisms).....TAB 14
- 4. Nickasch, James dba Willcox Pest Management (Activating Qualifying Party for existing business license in “B” General Pest) TAB 15
- 5. Powell, Timothy D. dba SchendelPestControl of AZ, Inc. (Activating Qualifying Party for existing business license in “B” General Pest & “D” Fumigation) TAB 16

C. Applicants for QP Testing

- 1. Aesch, Paul G. “C” (Wood Destroying Organisms)..... TAB 17
- 2. Blankenship, Daniel L. “C & D” (Wood Destroying Organisms &

	Fumigation)	TAB 18
3. Mason, Gilbert Allen	“C” (Wood Destroying Organisms)	TAB 19
4. Nyman, Paul Gary	“B & C” (General Pest & Wood Destroying Organisms).....	TAB 20
5. Walker, J. Michael	“E & F” (Weed Control & Turf & Ornamental).....	TAB 21
D. Applicants to Broaden Qualifying Party		
1. Aesch, Harold W.	“C” (Wood Destroying Organisms).	TAB 22
2. Todd, Terry V.	“F” (Turf & Ornamental)	TAB 23
E. Request for Temporary Qualifying Party Certificate and/or Extension		
1. Aesch, Paul G.	dba Pestube Systems Inc.	TAB 24
2. Nickach, James R.	dba Willcox Pest Management	TAB 25
F. Request for Company Name Change		
1. Bug Stop Pest Control to Anchor Pest Control		TAB 26
2. BugWiser Exterminating to BugWiser		TAB 27
3. MasterCare Pest Management and Environmental Services to MasterCare		TAB 28
G. Continuing Education Committee Minutes		
September 2002 Meeting		TAB 29
H. NOTICE OF APPEAL		
1. Ramon Llamas - Case # 2001-371		TAB 30
I. Settlement Conferences (Cases Already Heard By Commission)		
1. Bill’s Pest and Termite Company - Case # 2002-077		TAB 31
Allegations resulting from an inaccurate Wood Infestation Report.		

Staff has investigated the allegations and found no violations.

Recommendation to Dismiss.

NOTE: Letter sent to Consumer, Larry Miller and Bill's Pest & Termite Company to attend the Commission's October 11, 2002 Meeting.

2. Contractors Termite Control - Case # 2001-037TAB 32
Violation resulting from an improper disposal of termiticide rinsate.

Resolution:

- 1. That Certified Applicator Jeff Bohannon be issued and Administrative Warning for violation of A.A.C. R4-29-301(A).*
- 2. That Certified Applicator Lionel Stewart be issued an Administrative Warning for violation of A.A.C. R4-29-301(A).*
- 3. That Qualifying Party Kevin Etheridge be issued an Administrative Warning for violation of A.A.C. R4-29-301(A).*

NOTE: Letter by Lisa C. Gervase to place this matter on Agenda for Reconsideration of the Commission's August 9, 2002 decision to accept the proposed Settlement.

3. Workman Home Services - Case # 2002-045TAB 33
Violations resulting from the application of a termiticide not consistent with its product label or labeling. The drill holes exceeded the label directions.

Resolution:

- 1. That the Business License # C 5805 BC, Workman Home Services be issued an Administrative Warning for violation of A.A.C. R4-29-301(A) (Misuse) (Drill hole spacing).*
- 2. That the Qualifying Party for Workman Services, Emily Workman QP # 1875 BC be issued an Administrative Warning for violation of A.A.C. R4-29-301(A) (Misuse) (Drill hole spacing).*
- 3. That the Certified Applicator Allen Workman # 860383 BCE, be issued an Administrative Warning for violation of A.A.C. R4-29-301(A) (Misuse) (Drill*

hole spacing).

NOTE: The Structural Pest Control Commission received the soil analysis on 8-15-02 which indicated Fipronil was present at 190 ppm in the sample.

End of Consent Agenda

VIII. Decision and Recommended Order by Administrative Law Judge

- 1. Anton Ashworth Medlin - Case # 2001-355 TAB 34**

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

- 1. Ant Brian’s Exterminating - Case # 2002-084 TAB 35**

Violation resulting from the failure to file Termite Action Registration Forms (TARF’s) and failure to respond to a complaint.

Proposed Resolution:

1. That the Business License # P 5531 BC, Ant Brian’s Exterminating be issued an Administrative Warning and civil penalty in the amount of \$1000.00 for violation of A.A.C. R4-29-417 (A) Termite action registration report

2. That the Qualifying Party for Ant Brian’s Exterminating, Brian Oldham QP # 2029 BC be issued an Administrative Warning and \$1000.00 for violation of A.A.C. R4-29-417 (A) Termite action registration report.

3. That the Qualifying Party Brian Oldham QP# 2029 BC, be issued an Administrative Warning for violation of A.A.C. R4-29-107 (A) Complaints.

4. That the Business License # P 5531 BC, Ant Brian’s Exterminating be required to submit the 91 TARF’s along with fees of \$8.00 per TARF and \$8.00 per TARF late fees totaling \$1,456.00 for violation of A.A.C. R4-29-417 (A) Termite action registration report.

NOTE: All fees (\$3456.00) are to be paid within six (6) months from the date of the Commission Order. The first payment of \$600.00 per month is due within 30 days of this Order. Mr. Oldham willingly accepted this Order as proposed.

2. City Wide Pest Control - Case # 2002-057 TAB 36
Improper storage of a pesticide.

Proposed Resolution:

1. That the Business License # C 2317 BC, City Wide Pest Control be issued an Administrative Warning and civil penalty in the amount of \$100.00 for violation of A.A.C. R4-29-301(A).

2. That the Qualifying Party for City Wide Pest Control, Steve Skiba QP # 1015 BC be issued an Administrative Warning and \$100.00 for violation of A.A.C. R4-29-301(A).

3. That the Business License # C 2317 BC, City Wide Pest Control be issued an Administrative Warning and civil penalty in the amount of \$100.00 for violation of A.A.C. R4-29-311(E).

4. That the Qualifying Party for City Wide Pest Control, Steve Skiba QP # 1015 BC be issued an Administrative Warning and \$100.00 for violation of A.A.C. R4-29-311(E).

NOTE: All fees are to be paid within 30 days from the date of the Commission Order. Mr. Skiba agreed to the terms of the telephone settlement conference.

3. Cuz'ins Cleaning and Maintenance - Case # 2002-054 TAB 37
Violation of performing work of structural pest control without the benefit of a license.

Proposed Resolution:

Staff has investigated the allegations and found violation.

Staff Recommendation: Office of Administrative Hearings.

On September 30, 2002 a telephone Settlement Conference was held at t

he SPCC Office in Scottsdale. No agreement between SPCC staff and Cuz'ins Cleaning and Maintenance could be reached.

4. Pestube Systems Incorporated - Case # 2002-017 TAB 38
Failure to perform final grades within 180 days.

Proposed Resolution:

1. That the Business License # C 5496 BC, ***Pestube Systems Incorporated*** be issued an Administrative Warning for violation of A.R.S. 32-2321(B)(2) and A.R.S. 32-2304(A)(15).

2. That the Qualifying Party for ***Pestube Systems Incorporated***, Harold Aesch, QP # 3155 B be issued an Administrative Warning for violation of A.R.S. 32-2321(B)(2) and A.R.S. 32-2304(A)(15).

Note: Mr. Aesch agreed to the terms of the telephone settlement conference.

X. Felony Applicants

1. Carrillo, MoisesTAB 39

2. Hicks, Arthur LeonTAB 40

3. Shambaugh, Robert AllenTAB 41

4. Ward, Larry M. TAB 42

XI. Case Status TAB 43

XII. Friday Group TAB 44

- # HB 2189
- # R4-29-104
- # W.I.R.
- # Business Name
- # Label Issues
- # Legislation

XIII. Executive Director's Report

Computer Based Testing (CBT) - Current Status

Adjournment

Signed this _____ day of October, 2002

Jerome Davis
Executive Director