

**NOTICE OF COMMISSION MEETING
FRIDAY, January 10, 2003
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 December 2002 Minutes TAB
1**
- 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

license in “C” Wood Destroying
Organisms).. TAB
7

C. Applicants for QP Testing

- 1. Calderon, Francisco J. “E” (Weed Control) TAB 8
- 2. Lewis, Darrell D. “E & F” (Weed Control & Turf & Ornamental)
. TAB 9
- 3. Lucas, Brian Jeffrey “B” (General Pest) TAB 10
- 4. McClure, Jennifer L. “B & C” (General Pest & Wood Destroying
Organisms) TAB 11
- 5. McKenzie, Barbara D. “B” (General Pest).. TAB 12
- 6. Pearce, Chandler A. “B” (General Pest) TAB 13
- 7. Ravenkamp, Stephen A. “E & F” (Weed & Turf & Ornamental) . TAB 14
- 8. Smith, Paul E. “B” (General Pest).. TAB 15

D. Applicants to Broaden QP

- 1. Bancroft, Jay W. “F” (Turf & Ornamental).. TAB 16
- 2. Eubank, Aaron C. “C” (Wood Destroying Organisms).. TAB 17
- 3. Strong, Roy Collier “C” (Wood Destroying Organisms).. TAB 18

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

- 1. Bingham, Jared A. dba American Dyna-Mite Exterminating
. TAB 19
- 2. Gatyas, III, Stephen dba A Busy Bee Removal Co. TAB 20
- 3. Painter, Ricky Bert dba Termite Specialists. TAB 21
- 4. Sinclair, Steven A. dba Zap Pest Control Co.. TAB 22

F. Request for Company Name Change

- 1. Environmental Care to Valley Crest Landscape Maintenance ... TAB 23
- 2. No Bugz at Anthem to No Bugz of Arizona TAB 24
- 3. Pest Defense Systems to Hometeam Pest Defense, LLC TAB 25
- 4. Uni-Tech Exterminating to Uni-Tech TAB 26

G. Treatment Proposals

- 1. Orkin TAB 27

**H. Continuing Education Committee Minutes. TAB 28
December 2002**

I. Request for Final Grade Waivers

- 29 1. Baron Pest Control. TAB
- 31 2. Bullhead Termite and Pest Control. TAB 30
- 31 3. Eliminator Pest Control. TAB
- 32 4. Pestube Systems Inc..... TAB
- 33 5. Tonto Rim Pest Control. TAB

End of Consent Agenda

VII. Complaints and/or Settlement Conferences

- 1. AAA Africanized Bee Removal - Case # 2002-105 TAB 34

The Complaint contains allegations of violations resulting from an applicator performing pest control outside the 90-day certification requirement.

Proposed Resolution:

1. That the **Business License** for AAA, LIC # I 5180 B, be issued an Administrative Warning for violation of ARS 32-2315(A) (Registered Employees), and R4-29-203(A) (Structural commercial applicator certification).

2. That the **Qualifying Party, Mr. Thomas E. Martin, QP # 1658 B**, be issued an Administrative Warning for violation of ARS 32-2315(A) (Registered Employees), and R4-29-203(A) (Structural commercial applicator certification).

NOTE: Mr. Thomas Martin agreed to the terms as proposed. The applicator (Mr. Paul Girard) was certified as of 11-05-02.

2. Adobe Termite Control - Case # 2002-130 TAB 35

The Complaints contain allegations resulting from Jerry Fisher dba Adobe Termite Control performing the work of structural pest control without the benefit of a current business license or qualifying party.

Mr. Fisher has admitted fault but has failed to respond in writing to this complaint.

Staff has investigated the allegations and found evidence of violation.

Staff Recommendation: *Cease & Desist Order be issued against Jerry Fisher and that this case be referred to the Office of Administrative Hearing*

3. Adobe Termite Control - Case # 2002-134 TAB 36

The Complaints contain allegations resulting from Jerry Fisher dba Adobe Termite Control performing the work of structural pest control without the benefit of a current business license or qualifying party.

Mr. Fisher has admitted fault but has failed to respond in writing to this complaint.

Staff has investigated the allegations and found evidence of violation.

Staff Recommendation: *Cease & Desist Order be issued against Jerry Fisher and that this case be referred to the Office of Administrative Hearing*

4. Adobe Termite Control - Case # 2002-135 TAB 37

The Complaints contain allegations resulting from Jerry Fisher dba Adobe Termite Control performing the work of structural pest control without the benefit

of a current business license or qualifying party.

Mr. Fisher has admitted fault but has failed to respond in writing to this complaint.

Staff has investigated the allegations and found evidence of violation.

***Staff Recommendation:** Cease & Desist Order be issued against Jerry Fisher and that this case be referred to the Office of Administrative Hearing*

5. Investamite Termite Control - Case # 2002-146 TAB 38

The Complaint contains allegations of violations resulting from Mr. Coronado performing the work of general pest control without a qualifying party in that classification and for allowing an un-registered applicator to perform termite treatments.

Proposed Resolution:

- 1. That the **Business License** for Investamite, **LIC # P 8138 C**, be issued an **Administrative Warning** and a **Civil Penalty** in the amount of \$100.00 for violation of ARS 32-2325(2) (Unlawful Acts).*
- 2. That the **Qualifying Party, Mr. Hector Coronado, QP # 8123 C**, be issued an **Administrative Warning** and a **Civil Penalty** in the amount of \$100.00 for violation ARS 32-2325(2) (Unlawful Acts).*
- 3. That the **Business License** for Investamite, **LIC # P 8138 C**, be issued an **Administrative Warning** for violation of ARS 32-2315(A) (Registered Employees).*
- 4. That the **Qualifying Party, Mr. Hector Coronado, QP # 8123 C**, be issued an **Administrative Warning** for violation of ARS 32-2315(A) (Registered Employees).*

NOTE: *Mr. Hector Coronado agreed to the terms as proposed. The Civil Penalties (which total \$200.00) are to be paid within 30 days from the date of the Order.*

Mr. Coronado has stated that Mr. Ramirez is no longer working for Investamite.

6. Phoenix Exterminating - Case # 2002-131 TAB 39

The Complaint alleges Phoenix Exterminating failed to note evidence of wood

destroying organisms when completing a wood infestation report.

Investigative staff noted the termite evidence was discovered eight months after the original Inspection, under approximately two feet of what appears to be blown-in insulation in the attic. The evidence was originally exposed when an air conditioning repairman cut a hole in the ceiling to install an air conditioning unit.

Investigative staff found no evidence that would indicate the infestation was visible during the original inspection.

Staff Recommendation: *Dismissal*

7. Pigeon Master Pigeon Control - Case # 2002-078 TAB 40

The Complaint contains allegations of violations resulting from performing the Work of structural pest control without the benefit of a license.

Proposed Resolution:

*1. That the **Business, Pigeon Master Pigeon Control (owners Misters Eric Hoelscher and Jody Depue)**, be issued a **Civil Penalty** in the amount of \$500.00 for violation of ARS 32-2325(1) (Unlawful Acts).*

*2. That a **Cease and Desist Order** be issued to **Misters Eric Hoelscher and Jody Depue** for violation of ARS 32-2325(1) (Unlawful Acts).*

***NOTE:** Misters Eric Hoelscher and Jody Depue agreed to the terms as proposed. The Civil Penalty is to be paid within 30 days from the date of this Order.*

8. Valleywide Termite & Pest Control - Case # 2002-056 TAB 41

The Complaint alleges Valleywide Termite & Pest Control (Valleywide) issued a termite warranty for the sale of a property without performing a complete treatment.

Investigations Supervisor Craig (Mr. Craig) noted six patios that did not appear to have drill holes. The patios were enclosed by six-foot block walls and contained various boxes and appliances.

Qualifying party Kenneth Edwards provided documentation indicating he requested that the property management to direct tenants to move furniture items off concrete to facilitate a complete treatment. Mr. Edwards alleges a lack of cooperation on the part of the property management. The property management alleges a lack of

cooperation on the part of Valleywide.

Based on the fact that the apartments were occupied during the sale of treatment in 6-01, investigation staff is unable to determine whether or not proper conditions existed that would have facilitated for a complete treatment of the property.

On 12-26-02, Mr. Craig made arrangements with Mr. Oakland and Mr. Edwards. It was agreed by the two parties that Mr. Oakland will provide Mr. Craig with a list of all patios that were not treated and Mr. Craig will telephone Mr. Edwards to obtain a date and time for a SPCC Inspector to monitor the treatments.

Staff Recommendation: *Dismissal without prejudice*

VIII. Felony Applicants

- 1. **Hastings, Scott Austin** **TAB 42**
- 2. **Wiley, Larry Allen** **TAB 43**

IX. Special Review of Applicant for Certification Testing

- 1. **Kowalczyk, Todd** **TAB 44**

X. Case Status Report **TAB 45**

XI. SPCC Enforcement Scheme **TAB 46**

XII. Legislative Update (Carl Martin)

XIII. Computer Based Testing “CBT” (Richard Mars)

XIV. Exam Update

Adjournment

Signed this _____ day of January, 2003

Barry Levitch
Deputy Director