

**NOTICE OF COMMISSION MEETING**  
**FRIDAY, March 14, 2003**  
**9:00 A.M.**  
**Structural Pest Control Commission**  
**Pima County Administration Building**  
**Board of Supervisors Hearing Room**  
**130 West Congress, First Floor**  
**Tucson, Arizona 85701**

**Please quiet your cellular telephones and pagers. Do not hold telephone or other conversations in the hallway outside of the Commission room, as voices carry.**

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)(2), the Commission may vote to go into executive session to discuss records exempt from public inspection. 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 (Chairperson, Mr. Craig)**
  
- II. Approval of February 14, 2003 (regular session) Minutes . . . . . TAB 1**  
  
**Approval of Executive Session Minutes of December 13, 2002, January 10, 2003 and February 14, 2003 (Notebook binder pocket item).**

**III. Call to the public (Each speaker limited to five minutes). This is the time for the public to comment. Members of the Commission may not discuss items that are not on the agenda. Therefore, action taken as a result of public comment are limited to directing staff to study the matter or scheduling the matter for further consideration and decision at a later date.**

**IV. Correspondence with Commissioners**

**V. Scheduling of future meetings/agenda items (Mr. Mars)**

**Proposed dates and locations**

**April 11, 2003 ..... Scottsdale, AZ**  
**May 9 , 2003 ..... Scottsdale, AZ**  
**June 13, 2003.....Scottsdale, AZ**  
**July 11, 2003 ..... Scottsdale, AZ**

**VI. Consent Agenda.**

**Items will be read and voted on in one group excluding those pulled for discussion. Any matter on the Consent Agenda will be removed from the Consent Agenda and discussed as a regular agenda item upon the request of any Commission member.**

**A. Applications for New Business License (Mr. Francis)**

- 1. Caldwell, James Peter dba Bounty Hunter Pest Control (Activate Qualifying Party for new business license in “B” General Pest) ..... TAB 2**
- 2. Hoffpauir, Michael B. dba Mighty Mike’s Pest Control (Activating Qualifying Party for new business license in “B” General Pest).. ..... TAB 3**
- 3. Hungerford, John dba Sedona Bug Busters, Inc., (Activating Qualifying Party for new business license status change in “B” General Pest) . TAB 4**
- 4. McCracken, Kent P. dba Urban Forest Tree Care (Activating Qualifying Party for new business license in “E” Weed Control and “F” Turf & Ornamental) ..... TAB 5**
- 5. Ragan, Jeffrey Alan dba Recon Inc., (Activating Qualifying Party for new business license in “E” Weed Control) ..... TAB 6**

- 6. Ross, Gary Wayne dba Ross Pest Control (Activating Qualifying Party for new business license in “B” General Pest) ..... TAB 7
- 7. Stromnes, Lance Eric dba Lancealot Pest Management (Activating Qualifying Party for new business license in “B” General Pest and “C” Wood Destroying Organisms) ..... TAB 8
- 8. Taylor, Wendy Wixom dba Serendipity Pest Control (Activating Qualifying Party for new business license in “B” General Pest and “C” Wood Destroying Organisms) ..... TAB 9

**B. Applications for Existing Business License (Mr. Francis)**

- 1. Galloway, Timothy Ray dba Terminix of Mohave County (Activating Qualifying Party for existing business license in “E” Weed Control and “F” Turf & Ornamental) ..... TAB 10
- 2. Saxton, Laurianne M. dba The Exterminating Company (Activating Qualifying Party for existing business license in “C” Wood Destroying Organisms) ..... TAB 11
- 3. Winter, Burghard G. dba Winter Bros., (Activating Qualifying Party for existing business license in “C” Wood Destroying Organisms) ..... TAB 12

**C. Applicants for QP Testing (Mr. Francis)**

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

- 1. Collins, Jason Paul “C” (Wood Destroying Organisms) ... TAB 13
- 2. Cranston, Laurel J. “E & F” (Weed Control & Turf & Ornamental) ..... TAB 14
- 3. English, John P. “E & F” (Weed Control & Turf & Ornamental) ..... TAB 15
- 4. Espailat, Jose Ramon “E & F” (Weed Control & Turf & Ornamental) ..... TAB 16

5. Frink, Clifford William	“E & F” (Weed Control & Turf & Ornamental)	TAB 17
6. Halterman, Daniel D	“B” (General Pest )	TAB 18
7. Henderson, Jason P.	“B” (General Pest)	TAB 19
8. Kilian, Gloria L.	“B & C” (General Pest & Wood Destroying Organisms)	TAB 20
9. Ledezma, Alberto	“E, F & G” (Weed Control, Turf & Ornamental & Golf Course Management)	TAB 21
10. Leyva, Martin	“E” (Weed Control)	TAB 22
11. Lopez, Ramon D.	“B & C” (General Pest & Wood Destroying Organisms)	TAB 23
12. Ochoa, Michael T.	“E & F” (Weed Control & Turf & Ornamental)	TAB 24
13. Petroff, Mike Cornell	“E & F” (Weed Control & Turf & Ornamental)	TAB 25
14. Phillips, Kevin K. S.	“E, F & G” (Weed Control, Turf & Ornamental & Golf Course Management)	TAB 26
15. Plattis, Jeffrey M.	“E & F” (Weed Control & Turf & Ornamental)	TAB 27
16. Rojahn, III; John R.	“E & F” (Weed Control & Turf & Ornamental)	TAB 28
17. Sneer, Scott Loren	“B & C” (General Pest & Wood Destroying Organisms)	TAB 29

**D. Applicants to Broaden QP (Mr. Francis)**

1. Finch, Michael John	“B & E-1” (General Pest & Aquatic Weed)	TAB 30
2. Hargrove, Darren A.	“E” (Weed Control)	TAB 31
3. Ravenkamp, Stephen A.	“E” (Weed Control)	TAB 32

**E. Request for Temporary Qualifying Party Certificate and/or Extension (Mr. Francis)**

1. Frink, Clifford William dba Troon North Golf Company . . . . TAB 33
2. Halterman, Daniel D. dba Africanized Bee & Pest Management  
..... TAB 34
3. King, Howard E. dba The H.E. King Pest Control Co. . . TAB 35
4. Loreng, Edward C. dba TruGreen/ChemLawn, Inc. . . . . TAB 36
5. Painter, Ricky Bert dba Termite Specialists ..... TAB 37
6. Richardson, Stephen P. dba DSR Termite & Pest Control Services  
..... TAB 38
7. Rojahn, John R. dba Desert Hill Golf Club ..... TAB 39

**F. Request for Company Name Change (Mr. Francis)**

**NOTE: This item is related to Agenda item XVI.**

1. A. Bedder Pest Control Co., Inc. to a A. Bedder
2. Bio-Chem Services to Prodigy Pest and Termite Control ..... TAB 40
3. DLC Resources, Inc. to DLC
4. Desert Valley Termite and Pest Control to Desert Valley Pest Control  
..... TAB 41
5. Fumi-Mex Extermination to Fumi-Mex
6. Paul's Pest & Termite Control to Paul's
7. Proserv dba Bad Bug Pest Management to Bad Bug ..... TAB 42
8. SST Exterminators to SST
9. Steritech Environmental Services Group to Steritech

**G. Continuing Education Committee Minutes. .... TAB 43  
February 2003 (Mr. Martin)**

**H. Treatment Proposals (Mr. Craig)**

- 1. Saint Patrick Pest Control Co. .... TAB 44

**I. Request for Final Grade Waivers (Mr. Craig)**

- 1. Baron Pest Control ..... TAB 45
- 2. Canoa/Aztech Pest Control ..... TAB 46
- 3. Havasu Pest Control, Inc. .... TAB 47
- 4. JP Pest Control ..... TAB 48
- 5. Pestube Systems, Inc. .... TAB 49
- 6. Prescott Pest Control ..... TAB 50
- 7. SST Exterminators ..... TAB 51
- 8. Terminix International ..... TAB 52

**End of Consent Agenda**

**VII. Felony Applicants (Mr. Francis)**

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

- 1. Gonzales, Joseph J. .... TAB 53
- 2. White, Jeffrey Lee ..... TAB 54

**VIII. Complaints and/or Settlement Conferences (Mr. Craig)**

The Commission may discuss, consider and take action on any matter below. The Commission’s action may include those set forth in A.R.S. § 32-2321(A), such as an administrative warning, civil penalty of not more than \$1,000.00 per violation, probation requirements, suspension or revocation. This action may be taken pursuant to a Consent Agreement or a matter may be sent to a Formal Hearing. The Commission may dismiss a matter as set forth in A.R.S. § 32-2321(J) or issue an advisory letter pursuant to A.R.S. § 32-2321(N). A matter also may be continued for further investigation.

**If the Consent Agreement is not executed by the deadline stated in the Consent Agreement Transmittal letter, the case will be sent to the Office of Administrative Hearings.**

**1. Alan Perry - Case # 2002-152 ..... TAB 55**

On 8-16-00, the Commission Ordered a \$300.00 civil penalty and receive an administrative warning to be imposed against Mr. Perry's Qualifying Party credential for a violation of R4-29-414(1). Mr. Perry never signed the Commission Order.

The Commission received an appeal signed by Mr. Alan Perry with the same date. However, the appeal was denied.

On 12-24-02, the Commission filed a new complaint regarding Mr. Perry's failure to comply with Commission Order.

On 1-25-03, Mr. Perry informed Investigations Supervisor Craig (via telephone) that he will have his attorney contact the Commission.

No response to the complaint has been received. Staff has been unable to schedule a settlement conference.

**Staff's Recommendation: Office of Administrative Hearing**

**2. All West Pest Management - Case # 2002-117 ..... TAB 56**

This complaint alleges All West Pest Management failed to submit and pay for 581 Termite Action Registration Forms (TARF's).

On 12-09-02, Co-owner Mr. John Lewallen informed the Structural Pest Control Commission that he did not pay for the TARF's due to financial responsibilities, but that he would pay for 1/2 the total due.

On 1-22-03, during a settlement conference, Mr. Lewallen stated that he would only pay for 1/3 of the total due. The co-owner (and alleged "silent partner") of All West Pest Management, Mr. Jay Joseph refused to agree to a settlement conference.

Staff noted violations.

**Staff's Recommendation: Office of Administrative Hearings**

**3. Arizona Exterminating - Case # 2002-125 ..... TAB 57**

This complaint alleges applicator Kellie A. Smith failed to note conditions conducive to a termite infestation when completing a Wood Infestation Report (WIR). Structural Pest Control Commission Investigator Johnny Orzell noted the condition conducive (earth to

wood contact) in a basement. The condition was not noted on the WIR. However, Ms. Smith documented the basement slab as inaccessible. Therefore, staff is unable to determine if the earth to wood contact was visible during the time of the original inspection.

Staff found no evidence substantiating a violation.

**Staff's Recommendation: Dismiss**

**4. No Bugs Allowed - Case # 2002-050 ..... TAB 58**

The Complaint contains allegations of violations resulting from No Bugs Allowed failing to register an employee, register a branch office and ensuring treatment records and vehicle complied with Arizona Administrative Code.

1. That the **Business License** for No Bugs Allowed, **LIC # 5731** (Mr. Benjamin Partin is the business licensee), be issued an **Administrative Warning** for violation of ARS 32-2321(B)(2) (Disciplinary action), ARS 32-2315(A) (Registered employees) (due to AAC R4-29-104 (Joint Responsibility)), ARS 32-2313(C) (Branch Office Registration), AAC R4-29-207(A) (B) and (C) (Display and use of license name and number).

2. That **Edward Manciet, QP #1161 B**, be issued an **Administrative Warning** for violation of ARS 32-2315(A) (Registered employees) (due to AAC R4-29-104 (Joint Responsibility)).

*NOTE: Misters Edward Manciet and Benjamin Partin agreed to the terms as proposed.*

**5. Phoenix Pest & Termite Control - Case # 2002-132 ..... TAB 59**

The Complaint contains allegations of violations resulting from Mr. Jean Worth failing to complete a proper termite inspection.

1. That the **Business License** for Phoenix Pest & Termite Control, **LIC # 4028**, be issued an **Administrative Warning** for violation of ARS 32-2324(D) (Wood infestation reports) and R4-29-413 (Wood infestation reports; information required).

2. That the **Qualifying Party, Mr. Jerry Martinie, QP # 1286**, be issued an **Administrative Warning** for violation of ARS 32-2324(D) (Wood infestation reports) and R4-29-413 (Wood infestation reports; information required).

3. That the **Certified Applicator, Mr. Jean Worth, CERT # 760063**, be issued an **Administrative Warning for violation of ARS 32-2324(D) (Wood infestation reports) and R4-29-413 (Wood infestation reports; information required).**

**NOTE: Enforcement Staff reviewed training records for Mr. Worth. Investigations Supervisor Craig noted one class (3/16/98) that would constitute training in the category of wood infestation reports. This training class was held 4 ½ years prior to**

the alleged violation. Due to lack of training, Enforcement Staff cited Joint Responsibility.

Mr. Martine and Mr. Worth agreed to the terms as proposed.

**6. Christopher Renteria - Case # 2002-148 ..... TAB 60**

The Complaint contains allegations of violations resulting from Mr. Christopher Renteria failing to comply with a Commission Order. Since filing the complaint, Mr. Renteria completely paid the amount (\$500.00) stipulated in the original Commission Order.

1. That the **Certified Applicator, Mr. Christopher Renteria, CERT # 940253**, be issued an Administrative Warning for violation of ARS 32-2321(B)(2)

**NOTE: Mr. Renteria agreed to the terms as proposed.**

**7. Ricky Tarpley - Case # 2002-151 ..... TAB 61**

On 8-16-00, the Commission Ordered a \$300.00 civil penalty be imposed against Mr. Tarpley for a violation of ARS 32-2325(5) Mr. Perry never signed the Commission Order.

On 12-24-02, the Commission filed a new complaint regarding Mr. Tarpley’s failure to comply with Commission Order. However the certified mail was returned as “attempted unknown”.

The phone number the Commission has on file with Mr. Tarpley appears to no longer be current.

Staff has been unable to schedule a settlement conference.

**Staff’s Recommendation: Office of Administrative Hearing**

**IX. Unlicensed Activity (Mr. Craig)**

The Commission may discuss, consider and take action on any matter below. The Commission’s action may include those set forth in A.R.S. § 32-2321(A), such as an administrative warning, civil penalty of not more than \$1,000.00 per violation, probation requirements, suspension or revocation. For matters involving unlicensed activity, the Commission may take action as set forth in A.R.S. § 32-2328(B), such as issuing a Cease and Desist Order and/or imposing a civil penalty of at least \$500.00 for the first offense and at least \$750.00 for a subsequent offense, without a Consent Agreement or Formal Hearing.

**1. Ms. Charlene Furfaro dba Charlie’s Angels Pest Control - Case # 2002-150 ..... TAB 62**

On 5-10-00, the Commission Ordered a \$500.00 civil penalty and a Cease and Desist be imposed against Ms. Charlene Furfaro for A.R.S. 32-2328(B), unlicensed activity. Ms. Furfaro never signed the Commission Order.

On 1-24-03, the Commission filed a new complaint regarding Ms. Furfaro’s failure to comply with Commission Order.

No response to the complaint has been received.

**Staff’s Recommendation: \$500.00 Civil Penalty and Cease and Desist Order be imposed against Ms. Furfaro dba Charlie’s Angels Pest Control.**

**2. Cuz’ins Cleaning and Maintenance - Case # 2002-054 ..... TAB 63**

The Complaint contains allegations of violations resulting from engaging in the work of structural pest control without the benefit of a license.

- 1. That a **\$500.00 Civil Penalty** and a **Cease and Desist Order** be imposed against Cuz’ins Cleaning and Maintenance (Ms. Betty Johnson) for violation of A.R.S. 32-2325(1) and (2) (Unlawful acts) and R4-29-208(A) (Qualifying party required).

**NOTE: Ms. Johnson was agreeable to the terms contingent that payments of \$125.00 a month could be paid. The first payment shall be due on 4-03-03. The payments shall be due on the 3<sup>rd</sup> day of each month, until the total fee of \$500.00 has been paid.**

**Staff recommends that these proposed terms be accepted as settlement.**

**3. City of Tucson Parks & Recreation - Case # 2002-083 ..... TAB 64**

The Complaint contains allegations of violations resulting from a City of Tucson engaging in the work of structural pest control without the benefit of a license.

- 1. That a \$500.00 civil penalty and a Cease and Desist Order be imposed against the City of Tucson, Parks and Recreation Department for violation of A.R.S. 32-2325(1) and (2) (Unlawful acts) and R4-29-208(A) (Qualifying party required).

**NOTE: On 3-3-03, 12:15 p.m., Mr. Bob Martin (Interim Director) of City of Tucson, Parks and Recreation informed Supervisor Craig that he agreed to proposed terms of the settlement conference.**

**X. For information and discussion, not action: Complaint Status Log (Mr. Craig) ..... TAB 65**

- XI. For information & discussion, not action: Legislative Update: HB 2341, HB 2273/SB1171, HB 2026 (Ms. Gervase)**
- XII. For information and discussion, not action: Status of Commission appointments, SPCC budget (Ms. Gervase)**
- XIII. For information and discussion, not action: Status of implementing Computer Based Testing “CBT” (Ms. Gervase)**
- XIV. For information and discussion, not action: Amending questions for Applicator and Qualifying Party Examinations (Mr. Martin)**
- XV. For information and discussion, not action: Case Status Report (Ms. Gervase)**
- XVI. For discussion, consideration and possible decision: Two inch lettering rule interpretation and affect on business name changes (Notebook binder pocket item)**
- XVII. For discussion, consideration and possible decision: TARF submissions using a form or format other than provided by the SPCC (Notebook binder pocket item)**
- XVIII. Adjournment**