

**NOTICE OF COMMISSION MEETING  
FRIDAY, July 9, 2004  
9:00 A.M.  
Structural Pest Control Commission  
9535 E. Doubletree Ranch Road  
Scottsdale, AZ 85258**

**Note: *Comments* on any item may be made to the Commission by attending the meeting to speak, or communicating with Lisa Gervase at [lisagervase@sb.state.az.us](mailto:lisagervase@sb.state.az.us), fax (602) 255-1281, mail at the above address, or phone (602) 255-3664.**

**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 on 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 (Chairperson), Commissioner roll call (Ms. Vazquez)**

**II. Call to the public (Chairperson).** Each speaker is 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.

**III. Communication with Commissioners (Chairperson)**

**IV. 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 Commissioner. All persons are encouraged to stay for the entire Commission meeting. However, a person who appears for a matter on the consent agenda may leave after the Commission approves the consent agenda in its one vote; and a person who appears for a matter on the consent agenda that was pulled from the consent agenda is free to leave after the Commission votes on that matter.

For new business and existing business license applicants, if applicants do not appear and the Commissioners have questions, those applications may be denied or tabled to a future meeting.

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

**Qualifying Party**

- |                                  |  |
|----------------------------------|--|
| <b>1. Bartsch, Brent Ward</b>    | <b>The Landscape Company</b> (Activating Qualifying Party for new business license in "B3" Right of Way/Weed Control and "B5" Turf & Ornamental Horticulture) ..... <b>TAB 1</b> |
| <b>2. Cassidy, Paul Hudson</b>   | <b>Cassidy Fisheries</b> (Activating Qualifying Party for new business license in "B9" Aquatic Pest Control) ..... <b>TAB 2</b>  |
| <b>3. Englehart, Gary Castle</b> | <b>Desert Castle Pest Control</b> (Activating Qualifying Party for new business license in "B1" General Pest/Public Health) .....  |

..... **TAB 3**

**4. English, John Patrick** **English Agronomics, LLC** (Activating Qualifying Party for new business license in “B3” Right of Way/Weed Control and “B5” Turf & Ornamental Horticulture)

..... **TAB 4**

**5. Feuillet, Eben Sief** **IPM Solutions** (Activating Qualifying Party for new business license in “B1” General Pest/Public Health and “B8” Wood Destroying Insect Inspection) .....

..... **TAB 5**

**6. Jones, Arizona C.** **Quality Pest Management** (Activating Qualifying Party for new business license in “B1” General Pest/Public Health) .....

..... **TAB 6**

**7. Manciet, Edward Louis** **No Bugs Allowed (NBA) Termite & Pest Control** (Activating Qualifying Party for new business license in “B1” General Pest/Public Health, “B2” Control of Wood Destroying Insect and “B8” Wood Destroying Insect Inspection) .....

..... **TAB 7**

**8. Nair, Scott Wood** **Troon North Golf Limited Partnership, R.L.L.P.** (Activating Qualifying Party for new business license in “B3” Right of Way/Weed Control and “B5” Turf & Ornamental Horticulture) .....

..... **TAB 8**

**B. Applications to activate Qualifying Party for Existing Business License (Mr. Tolton)**

**1. Chapman, Robert E.** **Valley Bee Control, Inc.** (Activating Qualifying Party for existing business license in “B1” General Pest/Public Health) .....

..... **TAB 9**



<b>6. Martinez, Isaac</b>	“B1, B2 and B8” (General Pest/Public Health, Control of Wood Destroying Insects and Wood Destroying Insect Inspection) ..... <b>TAB 18</b>
<b>7. Neff, Joey Ryan</b>	“B1” (General Pest/Public Health) ..... <b>TAB 19</b>
<b>8. Pierce, Jesse Roy Lee</b>	“B3” (Right of Way/Weed Control) ..... <b>TAB 20</b>
<b>9. Rodriguez, Mike Junior</b>	“B1, B2 and B8” (General Pest/Public Health, Control of Wood Destroying Insects and Wood Destroying Insect Inspection) ..... <b>TAB 21</b>
<b>10. Schiefelbein, James W.</b>	“B2 and B8” (Control of Wood Destroying Insects and Wood Destroying Insect Inspection) ..... <b>TAB 22</b>
<b>11. Shisler, William Weekly</b>	“B1 and B3” (General Pest/Public Health and Right of Way/Weed Control) ..... <b>TAB 23</b>
<b>12. Steffenson, Sr.; James H.</b>	“B2 and B8” (Control of Wood Destroying Insects and Wood Destroying Insect Inspection) ..... <b>TAB 24</b>
<b>13. Zehr, Kevin Robert</b>	“B3 and B5” (Right of Way/Weed Control and Turf & Ornamental Horticulture) ..... <b>TAB 25</b>

**End of Consent Agenda**

**V. Applications for Qualifying Examination not on the Consent Agenda (Mr. Tolton)**

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

<b>A. Birkmeyer, Keith Vincent</b>	“B1” (General Pest/Public Health) ..... <b>TAB 26</b>
<b>B. Graham, Marc Eric</b>	“B1, B2, B3, B4 and B8” (General Pest/Public

Health, Control of Wood Destroying Insects, Right of Way/Weed Control, Fumigation, Wood Destroying Inspect Inspection) ..... **TAB 27**

**VI. Request for Temporary Qualifying Party Renewal not on the Consent Agenda (Mr. Tolton)**

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

**A. Killenbeck, Arthur L.                      Hometeam Pest Defense, LLC        ..... TAB 28**

**B. Langdeau, Philip Dale                      The Pointe On South Mountain Resort        ..... TAB 29**  
.....

**VII. Complaints against Licensees**

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 up to \$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 issue an advisory letter pursuant to A.R.S. § 32-2321 (N). A matter also may be continued for further investigation.

If a 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.

**A. Cochise Termite & Pest Control Company/Donald Ramey - Case # 2004-012 (Mr. Colvin)**  
..... **TAB 30**

The complaint # 2004-012 contains allegations that Licensed Applicator Donald Ramey did not apply on 12/15/2003 the necessary amount of termiticide on a pretreatment site located in Sierra Vista, Arizona by not applying 101 gallons of termiticide to the square footage area of the structure and failed to make and preserve treatment records.

**No agreement was reached.**

**Commission’s Option:** Send the matter to hearing.

**B. DSR Pest Management/Keri Richardson Business Licensee (Formerly DSR Termite & Pest Control - Case # 2003-127 (Mr. Colvin)        ..... TAB 31**

The complaint # 2003-127 contains allegations that Licensed Applicator Stephen Paul Richardson engaged in completing two WDIIR's on 8/22/03 and 9/22/03 without a valid Qualifying Party License and made fraudulent statements on two WDIIR's. The Business Licensee Keri Richardson did not respond to the complaint or participate in a settlement conference.

The following agreement was reached:

1. That Stephen Richardson **APPLICATOR LICENCE # 000809** be issued an **Administrative Warning and Civil Penalty of \$800.00 (due within 30 days of the Commission Order)** pursuant to A.R.S. § 32-2321(A) (Disciplinary action), for a violation of A.R.S. § 32-2321(B)(1) (violating rules), A.R.S. § 32-2321(B)(10) (Making a fraudulent statement) (made fraudulent statement on a WDIIR), A.R.S. § 32-2321 (B)(11) (Prior to 09/17/03) (Making a fraudulent statement (made a fraudulent statement on WDIIR)), A.R.S. § 32-2325 (2) (Unlawful acts) (completed a WDIIR without a proper Qualifying Party License).

**Staff recommends:** Send the matter of Business Licensee Keri Richardson to Administrative Hearing.

**Commission's Options:**

1. **Accept** the ERP resolution for the applicator and send the business licensee to hearing;
2. Return the matter to settlement to **Modify** the resolution based on stated factors and rationale;
3. **Reject** the ERP resolution and send the matter to hearing based on stated factors and rationale.

**C. Contractors Pest & Termite Control/Kevin Etheridge/Gregory J. Lowe (Applicator Licensee) - Case # 2004-013 (Mr. Colvin) ..... TAB 32**

Complaint # 2004-013 contains allegations that on 01/15/2004 Licensed Applicator Gregory J. Lowe did not apply 66.17 gallons of the required 236.57 gallons of termiticide which represents a shortage of 27.9 % on the pretreatment site located in Tucson, Arizona.

The following agreement was reached:

1. That **Gregory J. Lowe Applicator Lic # 020872** be issued an **Administrative Warning and attend two additional hours of CEU in pretreatment calculations (due**

**within 60 days of Commission Order)** pursuant to A.R.S. § 32-2321(A) (Disciplinary action), for a violation of A.R.S. § 32-2321(B)(1) (violating rules), and A.A.C. R4-29-402 (Chemicals) (did not apply proper amount of termiticide).

**Note:** Staff recommends dismissing complaint #2004-013 against Kevin M. Etheridge Business Licensee and Qualifying Party Licensee based upon training records submitted to the Commission and the applicator's statement that showed joint responsibility did not apply.

**Commission's Options:**

1. **Accept** the ERP resolution;
2. Return the matter to settlement to **Modify** the resolution based on stated factors and rationale;
3. **Reject** the ERP resolution and send the matter to hearing based on stated factors and rationale.

**D. SST Exterminators/John Saxton/Brett Alessandri - Case # 2003-128 (Mr. Colvin)**  
..... **TAB 33**

The complaint # 2004-128 contains allegations that on 07-31-01 Licensed Applicator John Saxton Jr. failed to apply Termidor SC according to label instructions and on 07-21-03 Licensed Applicator Brett Alessandri failed to note evidence of prior treatment on a WIR.

The following agreement was reached:

1. That **SST Exterminators BUS LIC # 5350** be issue a **Administrative Warning and Civil Penalty of \$500.00 (due within 30 days of the Commission Order)** pursuant to A.R.S. § 32-2321(A) (Disciplinary action), for violation of A.R.S. § 32-2321(B)(2) (violating rules), A.R.S. § 32-2324( D) (Wood infestation report) for violation of A.A.C. R4-29-413(A)(11) (Visible and accessible) (licensed applicator Brett Alessandri failed to note on a WIR visible evidence of previous treatment), A.A.C. R4-29-301(A) (Misuse of pesticide) (failed to follow label instructions), and A.A.C. R4-29-307(A) (Make and preserve treatment records) (did not have treatment records) due to A.A.C. R4-29-104 (Joint responsibility).

2. That **John Saxton Sr. Qualifying Party # LIC # 1823** be issued a **Administrative Warning and Civil Penalty of \$200.00(due within 30 days of the Commission Order)** pursuant to A.R.S. § 32-2321(A) (Disciplinary action), for violation of A.R.S. § 32-2321(B)(2) (violating rules), for violation of A.A.C. R4-29-413(A)(11) (Visible and accessible evidence) (failed to report patched drill holes), A.A.C. R4-29-301(A) (Misuse of pesticide) (failed to follow label instructions), A.A.C. R4-29-307(A) (Make and preserve treatment records) (failed

to maintain treatment records) due to A.A.C. R4-29-104 (Joint responsibility).

3. That **John Saxton Jr. Licensed Applicator # LIC # 000477** be issued a **Administrative Warning and Civil Penalty of \$400.00(due within 30 days of the Commission Order)** pursuant to A.R.S. § 32-2321(A) (Disciplinary action), for violation of A.R.S. § 32-2321(B)(2) (violating rules), for violation of A.A.C. R4-29-301(A) (Misuse of pesticide) (failed to follow label instructions) and A.A.C. R4-29-107 (Complaints)(did not respond in writing).

4. That **Brett Alessandri Licensed Applicator # LIC # 03330494** be issued a **Administrative Warning** pursuant to A.R.S. § 32-2321(A) (Disciplinary action), for violation of A.R.S. § 32-2321(B)(2) (violating rules), for violation of A.A.C. R4-29-413(A)(11) (Visible and accessible evidence) (failed to report patched drill holes) A.A.C.. R4-29-107 (Complaints) (did not respond in writing).

**Commission’s Options:**

1. **Accept** the ERP resolution;
2. Return the matter to settlement to **Modify** the resolution based on stated factors and rationale;
3. **Reject** the ERP resolution and send the matter to hearing based on stated factors and rationale.

**VIII. For information and discussion, not action: (Mr. Craig)**

**A. Complaint Status Log ..... TAB 34**

**IX. Felony Applicants (Mr. Tolton)**

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

**A. Banvelos, Jorge ..... TAB 35**

**X. Orders Vacating Hearings with Settlement Recommendations (Ms. Gervase)**

**A. Knight Pest Control/Leonard F. Knight - OAH Docket # 00A-089-SPC/SPCC Case # 2000-089 ..... TAB 36**

**B. Knight Pest Control/Leonard Knight/Bruce Tackett - OAH Docket # 00A-**

122-SPC/SPCC Case # 2000-122 ..... TAB 37

C. **Sexton Pest Control - OAH Docket # 03A-046-SPC/SPCC Case # 2003-046**  
..... TAB 38

XI. **Recommended dismissal of cases, without prejudice; and suspension of Business, QP and Applicator Licenses for nonpayment of TARF fees, civil penalties and renewal fees (Ms. Gervase)**

..... TAB 39

A. **Nathan D. Abel - Case # 2003-007**

**Case # 2003-007 - Suspension of Nathan D. Abel's applicator license for nonpayment of civil penalties and renewal fees**

Nathan D. Abel, Applicator License No. 960901 (expired 5/03)

The Commission issued an Order on March 18, 2004, in Case # 2003-007 imposing a \$500.00 civil penalty to be paid within thirty (30) days from the effective date of the order against the Applicator Licensee, Nathan D. Abel. No payment has been received.

The SPCC received a letter from Mr. Abel on April 22, 2004, stating that he is incarcerated for a period of 13 years to 17 years and that he would be unable to pay the civil penalty.

B. **Strata Environmental dba Casa Grande Exterminating/Michael W. Huppert (QP) - Case Nos. # 99-053 and 98-088**

**Case Nos. # 99-053 and 98-088 - recommend dismissal without prejudice and suspension of Business License for nonpayment of renewal fees (QP license is already revoked)**

Strata Environmental dba Casa Grande Exterminating, Inc., Business License # 5136 (expired 12/31/01)

Michael W. Huppert, QP License # 759 (B1 suspended May 16, 2003) (B2 B8 revoked October 15, 2003)

Case 99-053: at the October 15, 1999 Commission meeting, this was voted to an Administrative Hearing, which was never scheduled. The licenses have since expired or been revoked. Case 98-088: at the October 2, 1998 Commission meeting, this

was voted to an Administrative Hearing. It was set for hearing on May 13, 1999, but the hearing was vacated.

**XII. For information, discussion, and possible action (Mr. Martin):**

**A. Continuing Education Committee Minutes ..... TAB 40**

**B. On-Line Continuing Education Reporting Tool; Withdrawing Approval of Continuing Education Providers who do not meet the reporting requirements ..... TAB 41**

**XIII. For information and discussion, not action: (Mr. Martin)**

**A. Computer Based Testing “CBT” Status and Statistics (May and June) ..... TAB 42**

**B. Legislation - Status of HB 2399**

**XIV. Approval of Minutes (Ms. Gervase)**

**May 14, 2004 (regular session) Minutes. .... TAB 43**

**June 11, 2004 (regular session) Minutes ..... TAB 44**

**XV. Scheduling of future meetings/agenda items (Ms. Gervase)**

**Current Proposed dates and locations**

**August 13, 2004 .....Scottsdale, AZ**  
**September 10, 2004 .....Scottsdale, AZ**  
**October 8, 2004 ..... Tucson, AZ**  
**November 12, 2004 ..... Scottsdale, AZ**  
**December 10, 2004 ..... Scottsdale, AZ**  
**January 14, 2005 .....Scottsdale, AZ**

**XVI. For information and discussion, not action: (Ms. Gervase)**

**A. Expenditure Report. .... (Meeting handout)**

**B. Case Status Report ..... TAB 45**

**C. Applicator License Renewal Update**

**XVII. For discussion, consideration and possible action: Substantive Policy Statement Re: Termite Treatments/Abutting Slabs Rule - Policy Number 2004-002 ..... TAB 46**

**XVIII. For discussion, consideration and possible action: Substantive Policy Statement Re: Applications with Felony Convictions - Policy Number 2004-002 ..... TAB 47**

**XIX. Adjournment**