

**NOTICE OF COMMISSION MEETING  
FRIDAY, March 10, 2006, 9:00 A.M.**

**Structural Pest Control Commission  
9535 E. Doubletree Ranch Road  
Scottsdale, AZ 85258**

**NOTICES**

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

For people who need language interpretation services or a reasonable accommodation for a disability, please contact Rosemary Celaya by email: [rcelaya@sb.state.az.us](mailto:rcelaya@sb.state.az.us), fax: (602) 255-1281, mail: SPCC office 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. Pursuant to A.R.S. § 38-431(A)(4), the Commission may vote to go into executive

session to discuss pending or contemplated litigation. The executive session will not be open to the public.

All items except items I, II, III, and IV are subject to decision and vote by the Commission.

## AGENDA

I. 9:00 A.M.: Call to order (Chairperson), Commissioner roll call (Mr. Bauer)

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 is 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. **Summary of Current Commission Events, Activities, Notices (Ms. Gervase)**

☞ Watch website for status of *Proposed* Law and Rule Changes.  
[www.sb.state.az.us](http://www.sb.state.az.us)

✓ Business License & Qualifying Party License Renewal status

☞ CEU (Continuing Education Units) and ILT (Initial Licensure Training) courses posted on web site. Registration: 480-CEU-SPCC; [CEU@sb.state.az.us](mailto:CEU@sb.state.az.us); 480-ILT-SPCC; [ILT@sb.state.az.us](mailto:ILT@sb.state.az.us)

V. **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**

- 1. Campbell, Teresa R. Bees N Bugs Be Gone Pest Control (Activating Qualifying Party for new business license in "B1" General Pest & Public Health)**
- 2. Ruiz, Justin C. Lawn & Order of Arizona (Activating Qualifying Party for new business license in "B3" Right of Way & Weed Control and "B5" Turf & Ornamental Horticulture)**
- 3. Saimo, Shigeki Finishing Touch Landscape Maintenance & Nursery, LLC. (Activating Qualifying Party for new business license in "B5" Turf & Ornamental Horticulture)**
- 4. Herron, Steven J. Bison Golf & Country Club, LLC. (Activating Qualifying Party for new business license in "B3" Right of Way and Weed Control and "B5" Turf & Ornamental Horticulture)**
- 5. Nyquist, Barry Wickenburg Country Club Golf LC. (Activating Qualifying Party for new business license in "B3" Right of Way and Weed Control and "B5" Turf & Ornamental Horticulture)**
- 6. Johnson, Jr.; Jess A. Bugs R' Us Termite & Pest Control Company (Activating Qualifying Party for new business license in "B1" General Pest & Public Health, "B2" Control of Wood-Destroying Insects and "B8" Wood-Destroying Insect Inspection)**
- 7. Camfield, Meredith W. Wass Gerke & Associates, Inc. (Activating Qualifying Party for new business license in "B9" Aquatic Pest Control)**

8. Seemann, Douglas L. Arizona Termite Solutions, LLC. (Activating Qualifying Party for new business license in "B1" General Pest & Public Health, "B2" Control of Wood-Destroying Insects and "B8" Wood-Destroying Insect Inspection)
9. Schmeits, Larry T. Poco Verde Landscape, Inc. (Activating Qualifying Party for new business license in "B1" General Pest & Public Health)
10. Kosinski, Thomas M. Desert Shield Pest Management, LLC. (Activating Qualifying Party for new business license in "B1" General Pest & Public Health and "B3" Right of Way & Weed Control)
11. Ferraro, Susan M. Ferraro Landscaping, LLC. (Activating Qualifying Party for new business license in "B3" Right of Way and Weed Control, "B5" Turf & Ornamental Horticulture and "B9" Aquatic Pest Control)

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

1. Szymanski, Edward J. Termico Solutions, LLC. (Activating Qualifying Party for existing business license in "B1" General Pest & Public Health, "B2" Control of Wood-Destroying Insects and "B8" Wood-Destroying Insect Inspection)
2. Bussey, Daniel L. Western Exterminator Company (Activating Qualifying Party for existing business license in "B1" General Pest & Public Health, "B2" Control of Wood-Destroying Insects, "B4" Fumigation and "B8" Wood-Destroying Insect Inspection)
3. Walsh, Kevin B. Flagstaff Golf Maintenance Company II, LLC. (Activating Qualifying Party for existing business license in "B3" Right of Way & Weed Control and "B5" Turf & Ornamental Horticulture)

4. Oare, Robin L. Par #1 Pest Control (Activating Qualifying Party for existing business license in "B3" Right of Way and Weed Control)

For Qualifying Party applicants, Temporary Qualifying Party applicants, renewal applicants, and name change requests, if applicants do not appear and the Commissioners have questions those applications may be denied or tabled to a future meeting. An applicant that the Commission approves for licensure is approved subject to passing required exams. Qualifying Party applicants are not placed on the Agenda until the Commission receives a background report.

**C. Applications for Qualifying Party License (Mr. Tolton)**

1. Calvert, William S. "B3" (Right of Way & Weed Control), "B5" (Turf & Ornamental Horticulture) and "B9" (Aquatic Pest Control)
2. Cooper, Timothy S. "B3" (Right of Way & Weed Control) and "B5" (Turf & Ornamental Horticulture)
3. Davis, III; Harry "B1" (General Pest & Public Health), "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection)
4. Morgan, Travis K. "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection)
5. Saggio, David P. "B1" (General Pest & Public Health)
6. Zehr, Kevin R. "B3" (Right of Way & Weed Control) and "B5" (Turf & Ornamental Horticulture)
7. Gonzalez, Joseph J. "B5" (Turf & Ornamental Horticulture)
8. Brower, Kenneth D. "B5" (Turf & Ornamental Horticulture)
9. Kelty, William L. "B3" (Right of Way & Weed Control) and "B5" (Turf & Ornamental Horticulture)
10. Majewski, Ronald J. "B1" (General Pest & Public Health)

- 11. Triemert, Jr.; Andrew "B1" (General Pest & Public Health)
- 12. Miller, Joseph T. "B3" (Right of Way & Weed Control) and "B5" (Turf & Ornamental Horticulture)
- 13. Nygren, Gregory R. "B1" (General Pest & Public Health)
- 14. Yanez, Manuel F. "B3" (Right of Way & Weed Control)
- 15. Poplin, David E. "B1" (General Pest & Public Health)

**D. Business License Name Change Requests**

- 1. Marriott's Camelback Inn Resort to Marriott International, Inc.

**End of Consent Agenda**

**VI. Applications not on Consent Agenda**

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

**A. Request for Temporary Qualifying Party License Renewals ( Mr. Tolton)**

- 1. Gile, Barbara Beth "B3" (Right of Way & Weed Control) and "B5" (Turf & Ornamental Horticulture)

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

None

**C. Applications for Qualifying Party License**

None

**VII. Complaints**

**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, further settlement negotiations, or dismissed.

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.

**Unlicensed:** The Commission may discuss, consider and take action on any matter below. The Commission may take action such as issuing a Cease and Desist order and/or imposing a civil penalty of up to \$1,000.00 for the first offense and up to \$2,000.00 for a subsequent offense, according to A.R.S. § 32-2304(B)(16). Action may be taken by Direct Commission Order without a Consent Agreement or Formal Hearing. A matter also may be continued for further investigation, further settlement negotiations, or dismissed.

**A. Arizona's Best Choice Pest & Termite Services (BL)/Shane Buntin (QP)/Kevin Knudson (Unlicensed Applicator) - Case # 2005-085 (Mr. Craig)**

This complaint contains allegations that on 9-29-05, applicator Kevin Knudson applied a pesticide on the interior of an occupied classroom at a high school in Mesa, Arizona. Kevin Knudson did not hold an applicator license. Additionally, the label of the pesticide Mr. Knudson used prohibited application in an occupied classroom.

**The following proposed resolution was reached:**

1. That **Arizona's Best Choice Pest & Termite Services, BUS LIC #5589** be issued an **Administrative Warning** pursuant to A.R.S. § 32-2321(A) (Disciplinary action) for a violation of A.R.S § 32-2321(B)(1) (Violating laws/rules), to wit, A.R.S. § 32-2307(A) (Failed to provide 72 hour notice prior to applying pesticide at a school), A.R.S. § 32-2321(B)(4) (Applied pesticides in a manner inconsistent with label requirements) (due to A.R.S. § 32-2328 (Joint Responsibility)) and A.A.C. R4-29-302(A) (Allowed an unlicensed applicator to apply pesticides).

2. That **Shane Buntin QP LIC #1310** be issued an **Administrative Warning and pay a \$600.00 Civil Penalty (Due within 30 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 laws), to wit, A.R.S. § 32-2307(A) (Failed to provide 72 hour notice prior to applying pesticide at a school), A.R.S. § 32-2321(B)(5) (Misused a pesticide due to lack of training)(due to A.R.S. § 32-2328 (Joint Responsibility)), A.R.S. § 32-2325(B)(4) (Pesticides applied by an unlicensed applicator) and A.R.S. § 32-2314(G)

(Failed to properly supervise).

**Commission's Options:**

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

**B. Dennis Lynn Ray (APP) - Case # 2005-061 (Mr. Craig)**

This complaint contains allegations that on 3-29-05, applicator Dennis Lynn Ray performed a preconstruction treatment to a site located in Prescott Valley, Arizona. He applied 346 gallons of termiticide. Mr. Ray should have applied 423.68 gallons, shorting the site by 77.68 gallons. Mr. Ray has not responded to the complaint, notice of settlement conference or other communication attempts.

**Commission's Options:**

1. Send the matter to **hearing**.

**C. United Bat Control, LLC. dba First Inspection Termite & Bat Removal (BL)/Theodore Lafforthun (QP)/Michael Saldivar (APP) - Case # 2005-031 (Mr. Craig)**

This complaint contains allegations that on 12-31-02, First Inspection Termite & Bat Removal applicator Michael Saldivar applied Termidor SC into preexisting drill holes at a home located in Glendale, Arizona. The drill holes were spaced 15 to 20 inches apart. Termidor SC label requires treatment of drill holes must be no more than 12 inches apart. Also, the business licensee had no record that the applicator had the required 5 hours of post-licensure wood-destroying insect inspection training.

**The following proposed resolution was reached:**

1. That **United Bat Control, LLC. dba First Inspection Termite & Bat Removal BUS LIC #5591** be issued an **Administrative Warning** pursuant to A.R.S. § 32-2321(A) (Disciplinary action) for a violation of A.R.S. § 32-2321(B)(1) (Violating laws), to wit, A.R.S. § 32-2321(B)(4) (Applied pesticides in a manner inconsistent with label requirements) (due to A.R.S. § 32-2328 (Joint Responsibility)) and A.R.S. § 32-2324(A) (The business licensee failed to keep a record of the 5 hours training).

2. That **Theodore Lafforthun QP LIC #1310** be issued an **Administrative Warning and pay a \$200.00 Civil Penalty (due within 30 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 laws), to wit, A.R.S. § 32-2321(B)(4) (Applied pesticides in a manner inconsistent with label requirements) (due to A.R.S. § 32-2328 (Joint Responsibility)).

3. That **Michael Saldivar APP LIC #980547** be issued an **Administrative Warning, pay a \$200.00 Civil Penalty (due within 30 days of Commission Order)** and obtain 2 hours of continuing education (1 hour in Label directions and 1 hour in Wood Destroying Insect control/inspection) within 60 days of the Commission Order. The CE shall be separate from that required to renew a license, pursuant to A.R.S. § 32-2321(A) (Disciplinary action) for a violation of A.R.S. § 32-2321(B)(1) (Violating laws), to wit, A.R.S. § 32-2321(B)(4) (Applied pesticides in a manner inconsistent with label requirements).

**Commission's Options:**

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

**D. Beaver's Exterminating (BL)/Richard K. Smith (QP) - Case # 2005-060 (Mr. Craig)**

This complaint contains allegations that on 5-2-05, qualifying party, Richard K. Smith of Beaver's Exterminating performed a preconstruction treatment to a site located in Cottonwood, Arizona. He applied 421.8 gallons of termiticide. Mr. Smith should have applied 471.50 gallons, shorting the site by 49.68 gallons.

**The following proposed resolution was reached:**

1. That **Beaver's Exterminating BUS LIC #5386** be issued an **Administrative Warning and extend the termite maintenance of the property for an additional year, thus requiring a 6-year responsibility (compared to 5 years as required by Rule). Evidence of the extension shall involve that the company send a letter, via certified mail, to the consumer and send the SPCC a copy of the letter and certified mail number (due within 30 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 laws/rules), to wit, A.R.S. § 32-2321(B)(4) (Applying pesticides in a manner contrary to

the label), and A.A.C. R4-29-407(C) (Failed to apply correct amount for linear footage)(due to Joint Responsibility).

2. That **Richard K. Smith QP LIC #813** be issued an **Administrative Warning and pay a \$200.00 Civil Penalty (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 laws/rules), to wit, A.R.S. § 32-2321(B)(4) (Applying pesticide in a manner contrary to the label) and A.A.C. R4-29-407(C) (Failed to apply correct amount for linear footage).

**Commission's Options:**

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

**E. David DeBaca (APP)/Keith Jones (APP) - Case # 2005-051 (Mr. Craig)**

This complaint contains allegations of misuse that may caused minor crop damage. On 7-9-04, SPCC staff was contacted by the Arizona Department of Agriculture. It was alleged that applicators David DeBaca and Keith Jones (with the State of Arizona Department of Transportation) applied 2,4-D (herbicide) in a manner that caused damage to a cotton field adjacent to the right-of-way area they were treating. Samples revealed the presence of three different pesticides on the crops, including 2,4D. While the applicators allege that 2,4-D was the only product used, the other two pesticides are products the department uses. Additionally, two independent experts confirmed that visible damage is consistent with 2,4-D.

**The following proposed resolution was reached:**

1. That **David DeBaca, APP LIC #000927** be issued an **Administrative Warning, pay a \$200.00 Civil Penalty and obtain 1 hour of continuing education (CE) in the category of Safety (CE shall be separate from that which is required to renew a license) (due within 30 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), to wit, A.A.C. R4-29-301(A) (Applying pesticide in a manner that comes in contact with property).

2. That **Keith Jones, APP LIC #020457** be issued an **Administrative Warning, pay a \$200.00 Civil Penalty and obtain 1 hour of continuing education (CE) in the**

**category of Safety (CE shall be separate from that which is required to renew a license) (due within 30 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), to wit, A.A.C. R4-29-301(A) (Applying pesticide in a manner that comes in contact with property).

**Commission's Options:**

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

**F. Termite Specialists, Inc. (BL)/Tamara Painter (President/CEO) - Case # 2005-068 (Mr. Craig)**

On 9-3-04, the SPCC Executive Director issued a Subpoena for all documents pertaining to termite actions performed by Termite Specialists, Inc. for five years. Of 895 structures pretreated, the company failed to perform final grades for 648 of those structures. Additionally, evidence was gathered to indicate that 8 (seven pretreatment and one Wood Destroying Inspect Inspection Report) additional TARFs were never submitted.

**The following proposed resolution was reached:**

1. That **Termite Specialists, Inc. BUS LIC #5769** be **REVOKED** pursuant to A.R.S. § 32-2321(A) (Disciplinary action) for a violation of A.R.S § 32-2321(B)(1) (Violating laws/rules), to wit, A.R.S § 32-2321(C)(12) and A.A.C. R4-29-407(D) (Failed to perform final grades), and A.R.S. 32-2304(C) and A.A.C. R4-29-417(E) (Failed to file TARFs ).

**Commission's Options:**

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

**G. Eliminex (BL)/Robert Schor (QP)/Dustin Vrska (APP) - Case # 2005-065 (Mr. Craig)**

This complaint contains allegations that Eliminex applicator Dustin Vrska performed an improper termite treatment at a home located in Glendale, Arizona. On 3-1-04, Mr. Vrska applied Termidor WG into preexisting drill holes. The drill holes were spaced 13 to 17 inches apart. Termidor WG label requires treatment of drill holes must be no more than 12 inches. Mr. Vrska 's applicator license expired on 5-31-05 and has not been renewed. Mr. Vrska was sent notice of a settlement conference, but did not attend.

**The following proposed resolution was reached:**

1. That **Eliminex BUS LIC #5508** be issued an **Administrative Warning** pursuant to A.R.S. § 32-2321(A) (Disciplinary action) for a violation of A.R.S § 32-2321 (B)(1) (Violating laws), to wit, A.R.S. § 32-2321(B)(4) (Applying pesticide in a manner contrary to the label)(due to Joint Responsibility).
2. That **Robert Schor QP LIC #3128** be issued an **Administrative Warning** pursuant to A.R.S. § 32-2321(A) (Disciplinary action) for a violation of A.R.S § 32-2321 (B)(1) (Violating laws), to wit, A.R.S. § 32-2321(B)(4) (Applying pesticide in a manner contrary to the label)(due to Joint Responsibility).

**Commission's Options:**

1. **Accept** the proposed resolution and **Suspend** the applicator license of Dustin Vrska due to non-payment of renewal fees [license automatically revoked in one year] and dismiss the complaint without prejudice against the applicator.
2. Return the matter to settlement conference to **Modify** the proposed resolution based on stated factors and rationale and **Suspend** the applicator license of Dustin Vrska due to non-payment of renewal fees [license automatically revoked in one year] and dismiss the complaint without prejudice against the applicator; or
3. **Reject** the proposed resolution and send the matter to hearing.

**H. Tacit Services, LLC. (BL)/John McClure (QP)/Ryan Gielow (APP)/John Geiss (APP) - Case # 2005-020 (Mr. Craig)**

This complaint contains allegations that from 1-03 to 1-05, John McClure failed to

supervise and train employees of a branch office located in Phoenix, Arizona. Mr. McClure charged branch manager Ryan Gielow for use of his qualifying party license to perform B1, B2 and B3 category pest control work. However, Mr. McClure was not licensed in the B3 category (weed control). Mr. Gielow and John Geiss also failed to properly complete Wood Destroying Insect Inspection Reports (WDIIRs) and 33 of those WDIIRs did not have Termite action Registration Forms (TARFs) submitted for them.

Notice of a settlement conference was mailed to John Geiss' last known address, however it was returned as "moved, left no address." The applicator license of Mr. Geiss expired on 5-31-05.

**The following proposed resolution was reached:**

1. That **Tacit Services, LLC. BUS LIC #8123** be issued an **Administrative Warning and complete and submit TARFs for the 33 WDIIRs addressed in this investigation with TARF fees and late fees totaling \$528.00 (due within 30 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 laws/rules), to wit, A.R.S. § 32-2321(B)(15) (Failed to make and maintain treatment records), A.R.S. § 32-2321(B)(16) (Failed to make records available on request of Commission), A.R.S. § 32-2325(2) (Provided "B3" pest control services without a qualifying party license), A.R.S. § 32-2324(A) (The business licensee failed to keep a record of the 5 hours required for WDIIR training), A.A.C. R4-29-305(B) (Treatment records do not contain complete precaution statement), A.A.C. R4-29-417(A) (Failed to file TARFs), A.A.C. R4-29-107(A) (Failed to respond to the complaint in writing), A.A.C. R4-29-307(A)(B) (Treatment records missing required information) and A.A.C. R4-29-413(A) (WDIIRs missing required information) (due to A.R.S. § 32-2328 (Joint Responsibility)). **If all the TARFs are not fully and timely submitted, and the TARF fees not paid in full by the due date, the business license of Tacit Services, LLC. will be SUSPENDED for thirty (30) days from the due date. If all the TARFs and TARF fees are not submitted and paid in full, within the thirty-day (30) suspension period, the business license of Tacit Services, LLC shall be REVOKED.**

2. That **John McClure QP LIC #8118** be issued an **Administrative Warning and pay a \$2,700.00 Civil Penalty (due within 60 days of Commission Order (payment of civil penalties shall consist of two installments of \$1,350.00 each, due on 4/15/06 and 5/15/06 respectively))** pursuant to A.R.S. § 32-2321(A) (Disciplinary action) for a violation of A.R.S § 32-2321(B)(1) (Violating laws/rules), to wit, A.R.S. § 32-2314(G) (Failed to supervise and train), A.R.S. § 32-2321(B)(16) (Failed to make records available on request of Commission), A.R.S. § 32-2325(2) (Provided B3 pest control services without a qualifying party license), A.A.C. R4-29-107(A) (Failed to respond to the complaint in writing), A.A.C. R4-29-307(A)(B) (Treatment records

missing required information) and A.A.C. R4-29-413(A) (WDIIRs missing required information) (due to A.R.S. § 32-2328 (Joint Responsibility)).

3. That **Ryan Gielow APP LIC #880129** be issued an **Administrative Warning** pursuant to A.R.S. § 32-2321(A) (Disciplinary action) for a violation of A.R.S § 32-2321 (B)(1) (Violating rules), to wit, A.A.C. R4-29-413(A) (WDIIRs missing required information).

#### **Commission's Options:**

**1. Accept** the proposed resolution, and **Suspend** the applicator license of John Geiss for non-payment of renewal fees [license automatically revoked in one year] and dismiss the complaint without prejudice against Mr. Geiss;

**2.** Return the matter to settlement conference to **Modify** the proposed resolution based on stated factors and rationale, and **Suspend** the applicator license of John Geiss for non-payment of renewal fees [license automatically revoked in one year] and dismiss the complaint without prejudice against Mr. Geiss;

**3. Reject** the proposed resolution and send the matter to hearing against all of the licensees except for John Geiss, and **Suspend** Mr. Geiss' applicator license for nonpayment of renewal fees [license automatically revoked in one year] and dismiss the complaint without prejudice against Mr. Geiss.

#### **I. Matrix Pest & Termite Elimination (BL)/Dennis Garrett, Jr. (President/APP) - Case # 2005-054 (Mr. Craig)**

This complaint contains allegations that from 6-1-05 to 7-6-05, applicator (and Corporate President) Dennis Garrett Jr. performed pest control services with an expired applicator license. The QP, Dennis Garrett, Sr. (applicator's father), reports to the applicator who owns the business. Therefore, SPCC staff did not recommend action against the QP for possibly failing to properly supervise the applicator by not ensuring that the applicator's license was valid. Also considered was the short time that the applicator's license was expired.

#### **The following proposed resolution was reached:**

1. That **Matrix Pest & Termite Elimination, BUS LIC #5674** be issued an **Administrative Warning** pursuant to A.R.S. § 32-2321(A) (Disciplinary action) for a violation of A.R.S § 32-2321(B)(1) (Violating rules), to wit, A.A.C. R4-29-302(A) (applied

pesticides without a valid applicator license) and A.A.C. R4-29-107(A) (Failed to respond in writing to the complaint).

2. That **Dennis Garrett, Jr. APP LIC #000465** be issued an **Administrative Warning** pursuant to A.R.S. § 32-2321(A) (Disciplinary action) for a violation of A.R.S § 32-2321(B)(1) (Violating laws/rules), to wit, A.R.S. § 32-2325(B)(4) (Pesticides applied without a valid applicator license) and A.A.C. R4-29-107(A) (Failed to respond in writing to the complaint).

**Commission's Options:**

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

**VIII. Requests for Review or Rehearing of Previous Commission Decisions. (Ms. Gervase)**

None

**IX. Review or Rehearing of Previous Commission Decisions. (Ms. Gervase)**

None

**X. Consideration of Suspension of Business, Qualifying Party and/or Applicator Licenses for Non-payment of Civil Penalties and/or Nonpayment of Renewal Fees [Possible Dismissal of Cases without prejudice, if applicable]. (Ms. Gervase)**

None

**XI. Consideration of lifting Suspension of Business, Qualifying Party and/or Applicator Licenses. (Ms. Gervase)**

None

**XII. Recommended Decisions and Orders of the Office of Administrative Hearings' Administrative Law Judges. (Ms. Miles)**

A. **Charles H. Tisdale (APP) - OAH Docket No. 2005A-029-SPC/SPCC**

**Case No. 2005-029**

**XIII. Settlement Proposals [not part of Complaints agenda item]. (Ms. Miles)**

**None**

**XIV. Consideration of Informal Settlement Conference proposed resolutions [for License Denial Applicants]. (Ms. Gervase)**

**None**

**XV. Reporting by Licensees on Probation. (Ms. Gervase)**

- A. Guillermo Sotelo- Case No. 2004-120 - Mr. Sotelo reports the status of his compliance with criminal probation and his employment.**

**XVI. Applicants with Criminal Convictions. (Mr. Tolton)**

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

- A. Case, Steven E.**
- B. Michaux, Ronda N.**
- C. Bocskovits, Nicholas R.**
- D. Boisjolie, Georgia Gahr**
- E. LaVarnia, Kansas Eric**
- F. Webb, Christopher**

**XVII. Commission Updates and Reports; Miscellaneous Action Items.**

- A. None**
- B. Legislative Bills/Proposals (Ms. Gervase).**
- 1. SB 1221 - weed control license exemption**
  - 2. SB 1388 - utility license exemption**
  - 3. SB 1350 - child care facility pre/post notification**
  - 4. Others**

- C. Proposed Rule Changes (Ms. Gervase).
- D. Complaint Status Log (Mr. Francis/Mr. Craig).
- E. Computer Based Testing “CBT” Status and Statistics (Mr. Francis).
- F. Expenditure Report - separate handout or verbal report (Ms. Gervase).
- G. Case Status Report - separate handout (Ms. Gervase).
- H. *Gloria Kilian, dba Kilian’s Termite and Pest Control, Co., vs. Structural Pest Control Commission, Case No. C20053438* (Ms. Gervase).

**XVIII. Approval of Minutes**

- A. January 13, 2006 (regular session) Minutes - separate handout (Ms. Gervase)
- B. February 10, 2006 (regular session) Minutes - separate handout (Ms. Gervase)
- C. February 15, 2006 (Telephonic) Minutes - separate handout (Ms. Gervase)
- D. Continuing Education Minutes (Mr. Francis/Mr. Craig)

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

**Current Proposed dates**

**April 14, 2006  
May 12, 2006  
June 9, 2006  
July 14, 2006  
August 11, 2006  
September 8, 2006  
October 13, 2006 (in Tucson)  
November 9, 2006 (Thursday)**

**XX. Adjournment**