



STATE OF ARIZONA

## **Structural Pest Control Commission**

**Janet Napolitano**  
Governor

**Lisa Gervase**  
Executive Director

9535 E. Doubletree Ranch Road  
Scottsdale, Arizona 85258-5514  
(602) 255-3664 - (602) 255-1281 fax  
<http://www.sb.state.az.us>

### **NOTICE OF COMMISSION MEETING FRIDAY, February 9, 2007, 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: [lgervase@sb.state.az.us](mailto:lgervase@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 Helen Turner by email: [hturner@sb.state.az.us](mailto:hturner@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 members will attend either in person or by telephone conference call to 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 business conducted in executive session is confidential.

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 (Ms. Villela)**

**II. Call to the public (Chairperson).** Each speaker is limited to five minutes. This is the time for the public to comment. Pursuant to A.R. S. Section 39-431.01(G), action (if any) taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration at a later date.

**III. Communication with Commissioners (Chairperson).** This is the opportunity for Commissioners who may be involved in decision-making to disclose any written communication or the substance of any verbal communication that occurred with an interested person outside the public meeting, including the name of the person with whom they communicated. This ensures public confidence that deliberations and decision are made in open meetings. If there are no disclosures, the assumption is that there were no such communications.

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

☉ Business and Qualifying Party License Renewal Status: Licenses not renewed by 12/31/06 are expired and licensee cannot operate until license is renewed. Renew through January by paying renewal fee and late fee.

☉ CE (Continuing Education Courses). SPCC's course schedule posted on website. Registration: 480-CEU-SPCC; CEU@ sb.state.az.us

☉ ILT (Initial Licensure Training) courses posted on web site. Registration: 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 and Activating Qualifying Party License (Mr. Tolton)**

**Business**

**Qualifying Party**

- |  |   |
|--|---|
| 1. Anthem Golf, LLC.                     | William P. Rupert, III ("B3" Right-of-Way & Weed Control and "B5" Turf & Ornamental Horticulture)   |
| 2. Accu-Spec Home Inspections, LLC.      | Steven P. Schexneider ("B8" Wood-Destroying Insect Inspection)  |
| 3. Nationwide Pest Management            | Steven H. Glotzer ("B1" General Pest & Public Health, "B2" Control of Wood-Destroying Insects and "B8" Wood-Destroying Insect Inspection) |
| 4. Southwest Environmental Testing, Inc. | Thomas M. Van Duinen ("B1" General Pest & Public Health)  |
| 5. Franklin Pest Control                 | Bryan L. Franklin ("B1" General Pest & Public Health)   |
| 6. Naturescape, LLC.                     | Jack D. Walters ("B3" Right-of-Way & Weed Control and "B5" Turf & Ornamental Horticulture)  |

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

**Qualifying Party**

**Qualifying Party**

- |                       |  |
|-----------------------|--|
| 1. Cynthia Aloe       | Desert Pest Control, LLC. (B8" Wood-Destroying Insect Inspection)  |
| 2. Rafael D. Silva    | Sun City Pest Control ("B1" General Pest & Public Health, "B2" Control of Wood-Destroying Insects and "B8" Wood-Destroying Insects Inspection) |
| 3. Michael T. Connors | American Golf Corporation ("B3" Right-of-Way & Weed Control)   |

- |                            |  |
|----------------------------|--|
| 4. Patrick J. Mott         | North Country Pest Management (“B1” General Pest & Public Health, “B2” Control of Wood-Destroying Insects and “B8” Wood-Destroying Insects Inspection) |
| 5. Anthony R. Petkoff      | Atomic Pest Control (“B2” Control of Wood-Destroying Insects and “B8” Wood-Destroying Insects Inspection)  |
| 6. Norman F. Nipperus      | Norm’s Bug & Bee Control (“B1” General Pest & Public Health)   |
| 7. Brooks E. Crandell      | Crandell Pest Control (“B1” General Pest & Public Health)  |
| 8. Jesse R. L. Pierce, Jr. | Valley East Pest Control, Inc. (“B1” General Pest & Public Health)   |

**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. Luis R. Molinar    | “B1” (General Pest & Public Health)   |
| 2. Jeffrey K. Lunt    | “B1” (General Pest & Public Health)   |
| 3. Clint A. Pyle      | “B3” (Right-of-Way & Weed Control)  |
| 4. Teresa M. Kitchens | “B1” (General Pest & Public Health)   |
| 5. Joseph R. Wright   | “B5” (Turf & Ornamental Horticulture)   |
| 6. McGary A. Bays     | “B2” (Control of Wood-Destroying Insects) and “B8” (Wood-Destroying Insects Inspection) |
| 7. Paul J. Heihn      | “B3” (Right-of-Way & Weed Control)  |
| 8. Charles R. Murdock | “B1” (General Pest & Public Health)   |
| 9. Michael D. Dobson  | “B2” (Control of Wood-Destroying Insects)   |

- |                        |   |
|------------------------|---|
| 10. Scott A.P. Ford    | “B1” (General Pest & Public Health)   |
| 11. Thomas A. Lintgen  | “B3” (Right-of-Way & Weed Control), “B5” (Turf & Ornamental Horticulture) and “B9” (Aquatic Pest Control) |
| 12. Kelcey G. Loveland | “B1” (General Pest & Public Health)   |
| 13. James R. Potts     | “B3” (Right-of-Way & Weed Control)  |
| 14. Henry Espinoza     | “B1” (General Pest & Public Health)   |

**D. Business License Name Change Requests**

None

**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)**

None

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

None

**C. Applications for Qualifying Party License**

None

**D. Business License Name Change Requests**

None

## VII. Complaints (Mr. Craig)

**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 issue 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) for unlicensed activity involving other than weed control. For unlicensed activity involving weed control, the Commission may issue a written notice of correction for the first violation, impose a civil penalty of up to \$250.00 for the second violation, and impose a civil penalty of up to \$500.00 for the third or subsequent violation, according to A.R.S. § 32-2311(C). 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. Bob's Bug Bizz (BL)/Robert Deutsch (QP) - Case No. 2006-022

This complaint contains allegations that Bob's Bug Bizz failed to submit 52 Termite Action Report Forms (TARFs) between 5/05 and 5/06. Arizona Administrative Code requires that TARFs shall be submitted within 30 days of completing a termite action. The TARFs and fees have now been submitted.

Staff recommends that this complaint be dismissed against the qualifying party, because the facts of this case reflect that the TARF filing was the responsibility of the Business Licensee.

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

That **BOB'S BUG BIZZ BUS LIC #2012** 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), via A.A.C. R4-29-417(A) (Failed to submit TARFs 30 days of completed termite action).

### Commission's Options:

1. **Accept** the proposed resolution and dismiss against the qualifying party licensee;
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 entire matter to hearing.

### B. **No Problem Pest & Termite Control (BL)/Donald Jay Waller (APP/QP) - Case No. 2006-023**

This complaint contains allegations that after a Termite Action Report Form (TARF) audit was performed on 5/22/06, SPCC staff found 47 TARFs (ranging from 2001 to 4/06) that were never submitted. Additionally, staff noted that the company was using WDIIR and termite treatment proposal forms that were not approved by the Commission. Since the filing of this complaint, the TARFs and fees have been submitted and the WDIIR form has been corrected. Staff is working with him to ensure his termite treatment proposal form is in compliance.

### The following proposed resolution was reached:

That **No Problem Pest & Termite Control, BL LIC #2425** be issued an **Administrative Warning** and that **Donald Jay Waller (business license holder)** obtain **3-hours of continuing education (separate from that required for license renewal) in the categories of Laws (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), via A.R.S § 32-2304(25) (Failure to use approved WDIIR), A.R.S. § 32-2323(B) (Failure to use approved termite treatment proposal form) and A.R.S. § 32-2323(G) to wit A.A.C. R4-29-417(A) (Failure to submit TARFs within thirty days of the termite action).

Staff recommends that this complaint be dismissed against the qualifying party license and applicator license since filing TARFs is a business licensee responsibility.

### Commission's Options:

1. **Accept** the proposed resolution and dismiss against the qualifying party licensee and applicator licensee;
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 entire matter to hearing.

### C. **A Bee C Beekeepers & Exterminators (BL)/Nikola Potkonjak (APP) - Case**

## No. 2006-035

This complaint contains allegations that Nikola Potkonjak performed pest control without an active qualifying party and business license. On 9-9-05, Mr. Potkonjak disassociated his qualifying party license from his company (A Bee C Beekeepers) and activated it for the owner of a company who needed a qualifying party. However, on 10-14-05, he performed pest control services and issued notifications of treatment under his former company name, which no longer held an active qualifying party license. He also did not make accurate treatment records and did not have the required information on the records.

### The following proposed resolution was reached:

1. That **A Bee C Beekeepers & Exterminators BUS LIC #8303** 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), via A.R.S § 32-2321(B)(15) to A.A.C. R4-29-307(A)(B) (Failure to make and maintain accurate treatment records), A.R.S § 32-2325(B)(2) (Performed pest control work with a valid qualifying party license), A.A.C. R4-29-207(A) (Records and documents void of correct business license number), A.A.C. R4-29-305(A)(B) (Written notification of treatment void of chemical name and precaution statement).
2. That **Nikola Potkonjak APP LIC #000475** be issued an **Administrative Warning** and **obtain 3-hours of continuing education (separate from that required for license renewal) in the categories of Laws (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), via A.R.S § 32-2321(B)(15) (Failure to make and maintain accurate treatment records), A.R.S § 32-2325(B)(2) (Performed pest control work with a valid qualifying party license) and A.A.C. R4-29-305(A)(B) (Written notification of treatment void of chemical name).

### 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. John Reding (APP) - Case No. 2006-050

This complaint contains allegations that on 12-05-05, applicator John Reding issued a Wood Destroying Insect Inspection Report WDIIR for the sale of a home in Prescott, Arizona. However, Mr. Reding failed to note earth to wood contact, evidence of excessive moisture and a slope which leads toward the home (conditions conducive to termite infestation), inaccessible areas, and wood rot.

**The following proposed resolution was reached:**

That **John Reding, APP LIC #891102** be issued an **Administrative Warning** and **obtain 2- hours of continuing education (separate from that required for license renewal) in the categories of Laws (1-hour) and WDIIR (1-hour) (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), via A.A.C. R4-29-413(A)(5)(12) (Failed to note inaccessible areas and conditions conducive to termite infestations).

**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. Johnny Camilo (APP) - Case No. 2006-063**

This complaint contains allegations that in November 2006, Johnny Camilo performed thirteen pest control services as "Bugsy Pest Control" (Bugsy). However, Mr. Camilo was neither an owner nor an employee of Bugsy. Mr. Camilo was an employee of Cummings Termite & Pest Control (Cummings) when he performed the services as Bugsy. Cummings customers paid Mr. Camilo cash for the services he provided as Bugsy.

**The following proposed resolution was reached:**

That **Johnny Camilo, APP LIC #060133** be issued an **Administrative Warning**, pay a **\$600.00 Civil Penalty** and **obtain 6-hours of continuing education (separate from that required for license renewal) in the category of Laws and Rules (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), via A.R.S § 32-2321(B)(2) (Making fraudulent records), A.R.S § 32-2325(B)(1)(2) (Perform pest control without a business license or a qualifying party license).

**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. Cherokee Exterminating (BL)/George Bryce (QP)/David Piper (APP) – Case No. 2006-030**

This complaint contains allegations that on 7-22-04, Cherokee Exterminating applicator David Piper failed to note conditions conducive to termite activity (earth to wood contact and faulty grades) when issuing a WDIIIR in Phoenix, AZ. Cherokee Exterminating was sold in 9-04 and the QP operates a business in another state.

**The following proposed resolution was reached:**

1. That **Cherokee Exterminating BL LIC #5425** 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), via A.A.C. R4-29-413(12) (Failed to record conditions conducive) due to A.R.S. § 32-2308 (Joint Responsibility).
2. That **George Bryce QP LIC #1914** be issued an **Administrative Warning and obtain 3 hours of continuing education (separate from that required for license renewal) in the category of Termite Inspections or WDIIIRs (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), via A.A.C. R4-29-413(12) (Failed to record conditions conducive) due to A.R.S. § 32-2308 (Joint Responsibility).
3. That **David Piper APP LIC #951030** be issued an **Administrative Warning and obtain 3 hours of continuing education (separate from that required for license renewal) in the categories of Laws (1-hour) and Termite Inspections or WDIIIRs (2-hours) (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), via A.A.C. R4-29-413(12) (Failed to record conditions conducive).

**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)**

- A. Kenneth R. Rael – Case No. 2004-056 - Qualifying Party License No. 1284 B1 B2 B8 (Issued 1/16/90) (Expired 12/31/05) – Commission’s consideration of Suspension of Kenneth R. Rael’s Qualifying Party License for nonpayment of renewal fees.
- B. Zachariah A. Blankenship – Case No. 2006-010 – Qualifying Party License No. 8349 B1 (Issued 9/10/04) B2 & B8 (Issued 9/16/04) (Expired 12/31/06) and Applicator License No. 990023 B1 B2 B8 (Issued 1/12/99) (Expires 5/31/07) – Commission’s consideration of Suspension of Zachariah A. Blankenship’s Qualifying Party License and Applicator License for nonpayment of civil penalties.

**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. Cornelius)**

None

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

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. Joseph D. Wilkerson, Applicator License No. 060328 – Case No. 2006-003. Mr. Wilson reports the status of his compliance with criminal probation, employment status and rehabilitation status. Mr. Wilkerson was granted a license pursuant to a consent agreement in February 2006.

**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. Joshua D. Underwood
- B. David W. Sakievich
- C. Richard A. Insalaco
- D. William H. Pierce
- E. Richard M. Tyrell

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

- A. University Termite and Pest Control, Inc. (BL)/Richard Rupkey, II (QP) – Case No. 2005-069 – Commission’s consideration of regulatory compliance consultant.
- B. None
- C. None
- D. Complaint Status Log (Mr. Francis/Mr. Craig).
- E. Computer Based Testing “CBT” Status and Statistics (Mr. Francis)
- F. Expenditure Report (Ms. Gervase)
- G. Case Status Report (Every other month - last report 01/12/07) (Ms. Gervase)

**XVIII. Approval of Minutes and Continuing Education Programs**

- A. January 12, 2007 (regular session) Minutes (Ms. Gervase)
- B. Continuing Education Program Applicants (Mr. Craig)

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

**Current Proposed dates**

- March 9, 2007**
- April 13, 2007**
- May 11, 2007**
- June 8, 2007**
- July 13, 2007**

**August 10, 2007**  
**September 14, 2007**  
**October 12, 2007**  
**November 9, 2007**

**XX. Adjournment**