



STATE OF ARIZONA

## **Structural Pest Control Commission**

**Janet Napolitano**  
Governor

**Lisa Gervase**  
Executive Director

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### **NOTICE OF COMMISSION MEETING FRIDAY, June 8, 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**

**1**

**SPCC Commission Meeting Agenda – June 8, 2007**

**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 that were not renewed by 12/31/06 are expired and licensee cannot operate. Lists of expired licensees (as of 1/12/07) is on website home page, scroll down to Industry Notices. Search current license status on home page, License Search.

⇒Applicator License Renewal Process: Began 4/1/07. As of 5/31, licenses expire and late fees apply. Must apply anew after 6/30 Renew online with Renew EZ and save \$5.00! [www.sb.state.az.us/RenewEZ](http://www.sb.state.az.us/RenewEZ)

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

⇒New Rules – effective 4/7/07! Website home page, Rules, New.

⇒Industry Notice mailed to all Business Licensees in 3/07. Website home page, Industry Information, Industry Notices. Has rule change highlights.

⇒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)**

| <u>Business</u>                                 | <u>Qualifying Party</u>  |
|---|--|
| 1. Ant Bee's Pest Control                       | Chad D. Lowder ("B1" General & Public Health Pest Control)   |
| 2. Superstition Sky Xeriscape                   | Jay W. Bancroft ("B3" Right-of-Way & Weed Control and "B5" Turf & Ornamental Horticulture Pest Control)  |
| 3. Griffin Pest Management                      | Jeffry D. Griffin ("B1" General & Public Health Pest Control)  |
| 4. Anasazi Pest & Gopher Control                | Randall S. Valencia ("B1" General & Public Health Pest Control and "B4" Fumigation)  |
| 5. San Tan Exterminating, LLC.                  | James A. Wittman ("B1" General & Public Health Pest Control)   |
| 6. Sharp Shooters Pest Control                  | Henry Espinoza ("B1" General & Public Health Pest Control)   |
| 7. Sun City Vistoso Community Association, Inc. | Michael P. Kropf ("B3" Right-of-Way & Weed Control and "B5" Turf & Ornamental Horticulture Pest Control)   |
| 8. S.O.S Exterminating                          | Scott E. Adkins ("B3" Right-of-Way & Weed Control)   |
| 9. S.O.S Exterminating                          | Stephen F. Weber ("B1" General & Public Health Pest Control, "B2" Control of Wood-Destroying Insects and "B8" Wood-Destroying Insect Inspection) |
| 10. South Mountain Pest Management              | Colt J. Ferguson ("B1" General & Public Health Pest Control)   |

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

| <u>Qualifying Party</u> | <u>Business</u>  |
|-------------------------|--|
| 1. Shigeki Saimo        | Finishing Touch Landscape Maintenance & Nursery, LLC. (“B3” Right-of-Way & Weed Control)   |
| 2. Scott D. Mishler     | Alpha Ecological (“B1” General & Public Health Pest Control, “B2” Control of Wood-Destroying Insects and “B8” Wood-Destroying Insect Inspection)             |
| 3. Julius M. Gross      | Gro Industries, Inc. (“B3” Right-of-Way & Weed Control and “B5” Turf & Ornamental Horticulture Pest Control)   |
| 4. Lee T. Maglanoc      | Nu-Treat Pest Services, LLC. (“B1” General & Public Health Pest Control, “B2” Control of Wood-Destroying Insects and “B8” Wood-Destroying Insect Inspection) |
| 5. Collin S. Ethington  | Atomic Pest Control, LLC. (“B3” Right-of-Way & Weed Control and “B5” Turf & Ornamental Horticulture Pest Control)  |
| 6. Jedsmond M. Maglanoc | Apocalypse Termite and Pest Control (“B1” General & Public Health Pest Control)  |
| 7. Jousty M. Maglanoc   | Apocalypse Termite and Pest Control (“B8” Wood-Destroying Insect Inspection)   |
| 8. Daniel J. Manasan    | Apocalypse Termite and Pest Control (“B2” Control of Wood-Destroying Insects)  |
| 9. Clint A. Pyle        | Environ Control, LLC. (“B3” Right-of-Way & Weed Control and “B5” Turf & Ornamental Horticulture Pest Control)  |
| 10. Dennis R. Reed      | Integrated Landscape Management, LLC. (“B3” Right-of-Way & Weed Control and “B5” Turf & Ornamental Horticulture Pest Control)                                |
| 11. Jeffrey L. White    | Surprise Pest Control (“B1” General & Public Health Pest Control, “B2” Control of Wood-Destroying Insects and “B8” Wood-Destroying Insect Inspection)        |
| 12. Terry L. Whipple    | Bulwark Exterminating, LLC. (“B2” Control of Wood-Destroying Insects and “B8”  |

- |                       |   |
|-----------------------|---|
|                       | Wood-Destroying Insect Inspection)  |
| 13. Timothy S. Cooper | Vistal Golf Club ( "B5" Turf & Ornamental Horticulture Pest Control)  |
| 14. Glendon P. Sharpe | Sharpe Pest Control ("B1" General & Public Health Pest Control, "B2" Control of Wood-Destroying Insects and "B8" Wood-Destroying Insect Inspection) |

**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. Jeffrey A. Barnes         | "B1" (General & Public Health Pest Control)   |
| 2. Mia S. Hernandez          | "B3" (Right-of-Way & Weed Control)  |
| 3. Jason R. Hopkins          | "B1" (General & Public Health Pest Control)   |
| 4. Jud B. Smith              | "B1" (General & Public Health Pest Control)   |
| 5. Jorge M. Reyes            | "B1" (General & Public Health Pest Control)   |
| 6. Zackary C. Gable          | "B3" (Right-of-Way & Weed Control)  |
| 7. Kevin L. Kennedy          | "B1" (General & Public Health Pest Control)   |
| 8. Tao X. Nguyen             | "B1" (General & Public Health Pest Control)   |
| 9. Mark A. Pacheco           | "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control) |
| 10. Alan L. Garcia           | "B1" (General & Public Health Pest Control)   |
| 11. Alex C. Ramos            | "B1" (General & Public Health Pest Control)   |
| 12. Michael A. Yanes         | "B1" (General & Public Health Pest Control)   |
| 13. Pedro Perez              | "B3" (Right-of-Way & Weed Control)  |
| 14. Bruce A. Waichulaitis    | "B1" (General & Public Health Pest Control)   |
| 15. Enrique Isas             | "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection)    |
| 16. Michael S. Rogowski, Sr. | "B1" (General & Public Health Pest Control)   |

|                               |   |
|-------------------------------|---|
|                               | “B2” (Control of Wood-Destroying Insects) and “B8” Wood-Destroying Insect Inspection)   |
| 17. Thomas P. F. Grimm        | “B1” (General & Public Health Pest Control)   |
| 18. Eric N. Hanna             | “B1” (General & Public Health Pest Control)   |
| 19. Jonas Amenta              | “B3” (Right-of-Way & Weed Control) and “B5” (Turf & Ornamental Horticulture Pest Control)   |
| 20. Brian S. Doherty          | “B5” (Turf & Ornamental Horticulture Pest Control)  |
| 21. Paul A. Furman            | “B8”(Wood-Destroying Insect Inspection)   |
| 22. Tracey L. Gransie         | “B1” (General & Public Health Pest Control), “B2” (Control of Wood-Destroying Insects) and “B8” (Wood-Destroying Insect Inspection) |
| 23. William G. L. Beard       | “B3” (Right-of-Way & Weed Control) and “B5” (Turf & Ornamental Horticulture Pest Control)   |
| 24. Ernesto B. Magana         | “B1” (General & Public Health Pest Control)   |
| 25. Joshua A. Strauss         | “B1” (General & Public Health Pest Control)   |
| 26. Reginald Earle Moorby, II | “B5” (Turf & Ornamental Horticulture Pest Control)  |
| 27. Jeffrey E. Eckart         | “B3” (Right-of-Way & Weed Control), “B5” (Turf & Ornamental Horticulture Pest Control) and “B9” (Aquatic)                           |
| 28. Jeffrey R. Morin          | “B3” (Right-of-Way & Weed Control), “B5” (Turf & Ornamental Horticulture Pest Control)  |

**D. Business License Name Change Requests: (Mr. Tolton)**

1. [Weed Control Services of Arizona to Arizona Weed Control Services](#)

**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 or Renewal: (Mr. Tolton)**

- |                      |   |
|----------------------|---|
| 1. Gary D. Slone     | "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control)   |
| 2. Jeffrey A. Barnes | "B1" (General & Public Health Pest Control)   |
| 3. Gloria L. Kilian  | "B1" (General & Public Health Pest Control)   |
| 4. Phil E. Wendel    | "B1" (General & Public Health Pest Control), "B2" (Control of Wood-Destroying Insects), "B5" (Turf & Ornamental Horticulture Pest Control) and "B8" (Wood-Destroying Insect Inspection) |

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

None

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

None

**D. Business License Name Change Requests: (Mr. Tolton)**

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 notice 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 impose 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. TPC of Scottsdale (BL), Shane Keranen (APP), James Valier (unlicensed applicator) – Case No. 2006-055**

This complaint contains allegations that from 1-05 to 10-06, TPC of Scottsdale performed pesticide applications (weed control) without the benefit of a valid business license (business license #4302 expired 12-31-04). And, the golf course has not had a qualifying party since 6-25-03. The treatment records on file indicate the applications were performed by licensed applicator Shane Keranen and unlicensed applicator James Valier. Since the filing of this complaint, Dickson Agronomics, a licensed business with a valid QP license, is providing the pest management services for TPC.

**Staff recommends that this complaint be dismissed against Shane Keranen and James Valier as it is normally not an applicator's responsibility to verify the license validity of the business and QP.**

**The following proposed resolution was reached:**

1. That **TPC of Scottsdale, BL #4302, be issued an Administrative Warning and pay a \$500.00 Civil Penalty (due within 30 days of the entered date of the Commission Order)** pursuant to A.R.S. § 32-2321(A) (Disciplinary action) for a violation of A.R.S. § 32-2325(B)(1) (Violating laws/rules), via A.R.S. § 32-2325(B)(1)(2) (Performing pest control services without a business license or qualifying party license) and A.A.C. R4-29-107(A) (Failed to respond to the complaint in writing)

**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. Angel Rico (Unlicensed Applicator) – Case No. 2006-049**

This complaint contains allegations that in 7-06 (during Summer Vacation), unlicensed applicator Angel Rico applied the product “Gas Cartridge” on the grounds of Williams Elementary/Middle School, located in Williams, AZ for the control of prairie dogs. Investigation also revealed that Mr. Rico had been performing weed control on school grounds using a pesticide.

**The following proposed resolution was reached:**

1. That **Angel Rico, be issued a Cease and Desist Order and pay a \$500.00 Civil Penalty (due within 30 days of the entered date of the Commission Order)** pursuant to A.R.S. § 32-2304(B)(16) (Disciplinary action that can be taken for unlicensed activity) for a violation of A.R.S. § 32-2325(B)(1) (Violating laws), via A.R.S. § 32-2307 (only licensed applicators can apply pesticides at schools) and A.R.S. § 32-2325(B)(1)(2) (Performing pest control services without a business license or qualifying party license).

**Commission’s Options:**

1. **Accept** the proposed resolution; or
2. Issue a cease and desist order and/or impose a civil penalty of not more than one thousand dollars for the first occurrence.

## **C. Kevin Conlin (APP) – Case No. 2006-042**

This complaint contains allegations that on his 2006 applicator license renewal application, Kevin Conlin misrepresented a fact to obtain his applicator license. Mr. Conlin was convicted of a felony in February 2006. However, on his Applicator License renewal, he answered “no” to the question “Have you ever been convicted of a felony?” Mr. Conlin stated that his secretary paid for and submitted all applicator renewal licenses online and he did not realize the question was answered in this way.

**The following proposed resolution was reached:**

That **Kevin Conlin, APP LIC #990181, be issued an Administrative Warning, pay a \$100.00 Civil Penalty and obtain 1-hour of continuing education (CE) in the category of Laws (separate from the CE required for license renewal) (due within 30 days of the entered date of the Commission Order)** pursuant to A.R.S. § 32-2321(B)(1) (Violating laws), via A.R.S. § 32-2321(B)(3) (Misrepresenting a material fact in obtaining a 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.

#### **D. Phillip Brooks (APP) – Case No. 2006-052**

This complaint contains allegations that on 4-30-06, applicator Phillip Brooks applied Malathion pesticide to ant mounds outside of a home in which he was residing, in Surprise, Arizona, in violation of the label directions. He mixed more concentrate to the water than the label allowed. When informed of the violation, Mr. Brooks performed clean up procedures. A notice of complaint was mailed to Mr. Brooks on 10-12-06, and he did not claim the notice, and the SPCC investigator continued to follow up to get Mr. Brooks to respond to the complaint. Finally, Mr. Brooks responded in December 2006.

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

That **Phillip Brooks, APP LIC #05689**, be issued an **Administrative Warning and obtain 1- hour of continuing education (CE) in the category of Safety or Labels (separate from the CE required for license renewal) (due within 30 days of the entered date 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), via A.R.S. § 32-2321(B)(4) (Misuse of pesticide by not following the label directions) and A.A.C. R4-29-107(A) (Failed to respond to the complaint in writing within 20 days).

#### **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. Permaguard Inc. (BL)/Charles Delmar Branson (QP)/Beau Dean Branson (APP) – Case No. 2006-043**

This complaint contains allegations that on 4-19-06, Permaguard applicator Beau Branson allegedly performed a final grade termite treatment to a home located in Surprise, Arizona. Beau Branson attached a tag to the home indicated the final grade had been performed. However, soil sample results were negative for the presence of termiticide. The qualifying party was not active in the management of the company. Since the filing of this complaint, neither the qualifying party nor the applicator work for Permaguard, and neither responded to the complaint. The qualifying party's license expired on 12-31-06.

**SPCC staff believes that the Business in this matter could not have reasonably prevented the Applicator from not performing the final grade and falsifying the record and recommends that this case be dismissed against the business license.**

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

1. That **Charles Branson, QP LIC#1151**, be issued an **Administrative Warning and obtain 1-hour of continuing education (separate from that required for license renewal) in the category of Laws** pursuant to A.R.S. § 32-2321(A) (Disciplinary action) for a violation of A.R.S. § 32-2325(B)(1) (Violating laws/rules), via A.R.S. § 32-2314(G)(1) (Failed to be active in the management of the business) and A.A.C. R4-29-107(A) (Failed to respond to the complaint in writing within 20 days).

2. That **Beau Branson, APP LIC #010915**, 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), via A.R.S. 32-2321(B)(2) and A.A.C. R4-29-301(B) (Making false or fraudulent application records) and A.A.C. R4-29-107(A) (Failed to respond to the complaint in writing). Revocation of this license means that Mr. Beau Branson would not be able to obtain an SPCC license for at least five years from the date of revocation, and may impact his ability to obtain other professional or occupational licenses.

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

1. **Accept** the proposed resolution for Charles Branson and Beau Branson and dismiss the case against the business 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 matter to hearing.

#### **F. SST Exterminators (BL)/John Saxton, Sr. (QP) – Case No. 2006-029**

This complaint contains allegations that SST Exterminators failed to perform final grade termite treatments to complete 1,194 pretreatments performed from 1-1-01 to 6-21-05. The SPCC mailed the business licensee three separate records requests to obtain evidence that the final grades were performed, but has not received any records. There has been much communication between the SPCC and the Respondents' attorney to answer his questions, provide him with documentation, and facilitate obtaining records and information in this matter. The SPCC made a proposed settlement offer, but withdrew the offer before it was accepted after further review indicated that the offer may not have been appropriate under the facts and circumstances in this matter, when considering the enforcement response program guidelines and prior similar cases.

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

1. Send the matter to settlement conference with settlement parameters; or
2. Send the matter to hearing.

#### **G. Norstar Pest Control (BL)/Eric Lund (QP/APP) – Case No. 2005-028**

This complaint contains allegations that on 3-02-05, Eric Lund and Norstar Pest Control, LLC performed pest control services without the benefit of current and valid applicator, qualifying party or business licenses. One consumer paid Mr. Lund for a year of pest

control services, but Mr. Lund failed to honor the agreement, and the consumer reported it to the SPCC. In 5/07, Mr. Lund reimbursed that consumer. This case was voted to hearing at the 3/07 Commission Meeting and the hearing is scheduled for June 14, 2007. However, Mr. Lund and SPCC staff have reached a proposed settlement. Mr. Lund has expired Applicator and QP licenses, but has renewal applications pending. He has until 7/11/07 to pass the license exams to renew these licenses. Norstar's business license was renewed, but is invalid due to not having an active QP. Norstar and Mr. Lund have a history of not renewing their licenses and performing unlicensed work.

SPCC staff recommends that the hearing be vacated and the proposed resolution be accepted.

**The following proposed resolution was reached:**

1. That **Norstar Pest Control, LLC, BL #8250**, be issued an **Administrative Warning and pay a \$1,000.00 Civil Penalty (due within 30 days of the entered date 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), via A.R.S. § 32-2325(B)(1)(2)(4) (Performing pest control without a business license, qualifying party license or applicator license).
2. That **Eric Lund, QP LIC #3215**, be issued an **Administrative Warning and pay a \$600.00 Civil Penalty (due within 30 days of the entered date 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), via A.R.S. § 32-2325(B)(1)(2)(4) (Performing pest control without a business license, qualifying party license or applicator license).
3. That **Eric Lund, APP LIC #040079**, be issued an **Administrative Warning and pay a \$600.00 Civil Penalty (due within 30 days of the entered date 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), via A.R.S. § 32-2325(B)(1)(2)(4) (Performing pest control without a business license, qualifying party license or applicator license).
4. That **Eric Lund, APP LIC #040079, successfully pass the applicator core ("B0") and applicator general pest/public health ("B1") license exams by July 11, 2007**. If he fails to fully complete this requirement, his Applicator license shall be automatically revoked. Procedurally, if the SPCC believes that this requirement has not been fully completed, this matter would be placed on the August 2007 agenda for the Commission to determine compliance. If there is not full compliance, Mr. Lund's Applicator License would be automatically revoked. Revocation of this license means that Mr. Lund would not be able to obtain an SPCC license for at least five years from the date of revocation, and may impact his ability to obtain other professional or occupational licenses.

**Commission's Options:**

1. **Accept** the proposed resolution and if the Consent Agreement is executed before June 14, 2007, vacate the hearing;
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 proceed to hearing on June 14, 2007.

#### **H. Black Jack Pest Control (BL)/Frank Sanchez (QP/APP) – Case No. 2006-056**

Mr. Frank Sanchez, while as Black Jack Pest Control, performed pest control services from 03-02-04, through 08-03-06, without the benefit of an active and valid Qualifying Party for the Business License of Black Jack Pest Control. Mr. Frank Sanchez, while representing himself as an applicator of Mastercare, performed pest control services from 09-01-05, through 10-16-06, using Mastercare service reports, but billed for the Mastercare services in the name of Black Jack Pest Control. Mr. Sanchez has admitted in writing and verbally to operating Black Jack Pest Control without a valid Qualifying Party. Additionally, Mr. Sanchez has admitted in writing and verbally to using Mastercare Pest Management service invoices and then receiving payment for pest control services in the name of Black Jack Pest Control.

The following proposed resolution was reached:

1. That **Black Jack Pest Control, BL# 8156**, be issued an **Administrative Warning** pursuant to A.R.S. § 32-2321(A) (Disciplinary action) for a violation of A.R.S. § 32-2325(B)(1) (Violating laws/rules), via A.R.S. § 32-2325(1)(2) (Performing pest control without a valid BL or QP) and A.R.S. § 32-2321(B)(2) (Making false records).
2. That **Frank Sanchez, QP LIC # 3189**, be issued an **Administrative Warning, pay a \$3,000.00 Civil Penalty, and obtain 1-hour of continuing education in the category of Laws (separate from that required for license renewal)** pursuant to A.R.S. § 32-2321(A) (Disciplinary action) for a violation of A.R.S. § 32-2325(B)(1) (Violating laws/rules), via A.R.S. § 32-2325(1)(2) (Performing pest control without a valid BL or QP) and A.R.S. § 32-2321(B)(2) (Making false records).
3. That **Frank Sanchez, APP LIC # 970659**, be issued an **Administrative Warning and pay a \$3,000.00 Civil Penalty, and obtain 1-hour of continuing education in the category of Laws (separate from that required for license renewal)** pursuant to A.R.S. § 32-2321(A) (Disciplinary action) for a violation of A.R.S. § 32-2325(B)(1) (Violating laws/rules), via A.R.S. § 32-2325(1)(2) (Performing pest control w/o a valid BL or QP) and A.R.S. § 32-2321(B)(2) (Making false records).

#### **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)**

- A. **Mr. Richard Hanley, I Cover Roof Vents, LLC. - Case No. I-2007-018**

**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)**

A. Eliminox (BL)/Burghard G. Winter (QP/APP) – Case 1996-010

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

A. Justin Smith – OAH Case 06A-037-SPC / SPCC Case # 2006-037

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

None

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

None

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

None

**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. K.C. Cody Vasquez

B. Mark Van Osdel

C. Elvis Estrada

## **XVII. Commission Updates and Reports.**

- A.** University Termite and Pest Control, Inc. (BL)/Richard Rupkey, II (QP) – Case No. 2005-069 – Commission’s consideration of compliance with Consent Agreement and Order, entered on 2/9/07.
- B.** Commission training (previous handout on 2/9/07)
  - 1. Review of commission materials with staff and address Commission’s questions about the materials: (Mr. Tolton, Mr. Francis, Mr. Craig, Ms. Gervase)
  - 2. Commissioner duties, conflicts of interest, open meeting law, grounds to consider when reviewing license applications, etc. (Ms. Verstegen)
- C.** Legal Advice regarding A.R.S. § 32-2325(6) as to whether a “salesperson” is required to be licensed, and if so, when. (Ms. Verstegen)
- 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 04/13/07): (separate handout) (Ms. Gervase)

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

- A.** May 11, 2007 (regular session) Minutes (separate handout) (Ms. Gervase)
- B.** May 11, 2007 (executive session) Minutes (separate handout) (Ms. Gervase)
- C.** Continuing Education Program Applicants (Mr. Craig)

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

### **Current Proposed dates**

**July 13, 2007**  
**August 10, 2007**  
**September 14, 2007**  
**October 12, 2007**  
**November 9, 2007**  
**December 14, 2007**  
**January 11, 2008**  
**February 8, 2008**  
**March 14, 2008**

## **XX. Adjournment**