



STATE OF ARIZONA

Structural Pest Control Commission

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

Janet Napolitano
Governor

Vince Craig
Interim Executive Director

NOTICE OF COMMISSION MEETING FRIDAY, June 13, 2008, 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 Vince Craig by email: vcraig@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, 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 (Mr. Craig).

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. Reports and Summary of Current Commission Events, Activities, Notices (Mr. Craig)

Update regarding numerous complaints from Office of Ombudsman Citizen's Aide.

⇒Update regarding Registrar of Contractors vs license holders performing bird control work.

⇒The last two continuing education classes, for 2008 will be scheduled soon in consideration of qualifying party renewals.

⇒“My Account” system - licensee information management tool online – lets business and individual licensees update vitals information, review testing history, print renewal forms during renewal processing times, print licenses, allows businesses to add and delete applicator employees, and allows all licensees to reset their passwords - via the website www.sb.state.az.us. More features to come.

⇒RenewEZ now open for Applicator License Renewals

⇒Arizona Statement of Citizenship and Alien Status for State Public

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. Pine Meadows CC., LLC.	David A. Snyder "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control)
2. Mariposa Landscape Arizona, Inc.	Terry L. Noriega "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control)
3. Deal Pest Control	Dane J. Deal "B1" (General & Public Health Pest Control)
4. Sun Devil Exterminating, LLC.	James L. Eyerly, Jr. "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection)
5. Mott's Pest Solution	Patrick J. Mott "B1" (General & Public Health Pest Control), "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection)
6. Terminator Weed Control & Turf Management, LLC.	Don T. DeCoster "B3" (Right-of-Way & Weed Control)
7. Hassayampa Golf Club, Inc.	Matthew L. Kimball "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control)
8. Del Sol Property Inspections, LLC.	Fredrick A. Woodward "B1" (General & Public Health Pest Control), "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection)
9. M & G Pest Control	Michael P. Wiese "B1" (General & Public Health Pest Control)
10. All Star Pest Control	Tao X. Nguyen "B1" (General & Public Health Pest Control)
11. Caliber Pest Control	Eric D. Hoff "B1" (General & Public Health Pest Control)

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

Qualifying Party

Business

- | | |
|-----------------------|---|
| 1. Kevin M. Etheridge | Contractors Termite & Pest Control, Inc. "B3" (Right-of-Way & Weed Control) and "B4" (Fumigation) |
| 2. Rodney R. O'Dell | Title Termite & Pest Solutions, LLC. "B1" (General & Public Health Pest Control), "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection) |
| 3. Kenneth D. Brower | Asplundh Tree Expert Co. "B5" (Turf & Ornamental Horticulture Pest Control) |
| 4. Michael W. Francis | HomeTeam Pest Defense, LLC. "B1" (General & Public Health Pest Control), "B2" (Control of Wood-Destroying Insects), "B3" (Right-of-Way & Weed Control) and "B8" (Wood-Destroying Insect Inspection) |
| 5. Timothy J. Vondra | "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control) |
| 6. Scott F. Mitchell | Lady Bug Pest Control Specialists "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. Rigo N. Arce | "B1" (General & Public Health Pest Control) |
| 2. Pedro Perez | "B1" (General & Public Health Pest Control) |
| 3. Lamont J. Fletcher | "B3" (Right-of-Way & Weed Control) |
| 4. Gary D. Cromley | "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection) |

5. [Raymond L. Nilsen](#) “B3” (Right-of-Way & Weed Control) and
“B5” (Turf & Ornamental Horticulture
Pest Control)

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

1. [All Organic Pest Control, LLC. to Organic Pest Control, LLC.](#)
2. [Sargeant Pest, LLC. to Sergeant Pest, LLC.](#)

E. Applicants for new Applicator Licenses: (Mr. Tolton)

1. Licenses to be issued for completed applications between 05/22/2008 –
06/11/2008 - (No Document -- See list on website under agenda)

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. Cromley](#) “B2” (Control of Wood-Destroying Insects)

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

None

C. Applications for Applicator License Renewal: (Mr. Tolton)

None

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

None

E. Applications for Qualifying Party License: (Mr. Tolton)

1. [Matt D. Hamblin](#) “B1” (General & Public Health Pest Control), “B2” (Control of Wood-Destroying Insects) and “B8” (Wood-Destroying Insect Inspection)

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. PESTUBE SYSTEMS, INC. (BL)/HAROLD AESCH (QP)/ DON METHVEN (QP)/ EARNEST PARPART (APP)/ HAROLD BAXTER (APP)/ NIKOLA POTKONJAK (APP) – Case No. 2006-057

This complaint, stemming from the SPCC, contains allegations that between the years of 2005 and 2006, three hundred and seventeen (317) records maintained by Pestube Systems, Inc. indicated that Navigator 4TC was applied for the purpose of “general pest control”. However, Navigator 4TC is a restricted use termiticide. The respondent stated that the records were in error and should have reflected “termites” instead. Additionally, staff noted that 50 of the 317 records indicated post construction treatments. However, the label in the respondent’s possession, does not allow the product to be used for post construction treatments. Furthermore, the records were void of an EPA registration number or the specific location treated.

Staff’s recommends that the complaints against Ernest Parpart, Harold Baxter and Potkonjak be dismissed AND that the Commission send this matter to Settlement Conference to offer a Consent Agreement with the following terms, and if the Consent Agreement is not executed, that the matter goes to formal hearing:

1. That Pestube Systems, Inc., LLC. BUS LIC #5496 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. R4-29-307(A)(B) (Treatment records inaccurately contained purpose of services), A.A.C. R4-29-308(B)(2)(3) (Specific location and EPA number not indicated on records); and A.A.C. R4-29-301(A) (Used pesticide in a manner not labeled), due to A.R.S. 32-2308 (Joint Responsibility).
2. That Don Methven, QP LIC #351 be issued an Administrative Warning and a \$1,000.00 civil penalty 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. R4-29-301(A) (Used pesticide in a manner not labeled), due to A.R.S. 32-2308 (Joint Responsibility).

B. EASTERN ARIZONA EXTERMINATING (BL)/JOSEPH GOODMAN (QP) – Case No. 2007-062

This complaint, stemming from the SPCC, contains allegations that on 10-31-07, Joseph Goodman and Eastern Arizona Exterminating failed to comply with a Commission Order requiring the payment of a \$900.00 civil penalty, obtain continuing education and extend pretreatment warranties (this discipline was in connection with a previous case). On 11-5-07, SPCC's legal staff telephoned the respondent and left a message to return the call, but to no avail. On 11-20-07, legal staff mailed a letter requesting compliance with the Order by 12-4-07, but to no avail. On 12-19-07, Compliance Enforcement staff mailed the respondents a statement of complaint. However, on 12-20-07, unbeknownst to Compliance Enforcement staff, Legal Staff had a telephone conversation with the respondent and provided a deadline of 1-3-08 for the terms to be completed; otherwise a complaint would be filed. The payment was made by 12-27-07, twenty-eight days past the date outlined in the Commission Order and the other terms were completed by 1-3-08.

Staff's recommends the Commission send this matter to Settlement Conference to offer a Consent Agreement with the following terms, and if the Consent Agreement is not executed, that the matter goes to formal hearing:

1. That Eastern Arizona Exterminating, BUS LIC #2304 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)(2) (Violating laws/rules and failing to comply with a written order of the Commission), via A.A.C. R4-29-702(F) (Failed to provide written response to the complaint).

2. That Joseph Goodman, QP LIC #1790 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)(2) (Violating laws/rules and failing to comply with a written order of the Commission), via A.A.C. R4-29-702(F) (Failed to provide written response to the complaint).

VIII. Requests for Review or Rehearing of Previous Commission Decisions. (Mr. Craig)

None

IX. Review or Rehearing of Previous Commission Decisions. (Mr. Craig)

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]. (Mr. Craig)

None

XI. Consideration of lifting Suspension of Business, Qualifying Party and/or Applicator Licenses. (Mr. Craig)

None

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

None

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

None

XIV. Consideration of Informal Settlement Conference proposed resolutions [for Appealable Agency Actions such as License Denials, Disciplinary actions taken without a prior hearing, and Cease & Desist/civil penalties for unlicensed activity]. (Mr. Craig)

None

XV. Reporting by Licensees on Probation: (Mr. Craig)

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. Rodolfo Aladueña Leon
- B. Kerry Thomas Johnson
- C. Christopher James DeLacy

XVII. Commission Updates and Reports; Miscellaneous Action Items.

- A. Complaint Status Log: (Mr. Craig)
- B. Computer Based Testing “CBT” Status and Statistics: (Mr. Tolton)
- C. Commission’s review, discussion and possible action on the Commission’s transition and Legislation (HB 2822): (Mr. Craig)
- D. Commission’s review, discussion and possible action to consider the Education Committee’s Report on the exams: (Mr. Craig)
- E. Commission’s review, discussion and possible action to consider Metro Institute’s contract: (Handout mailed to all Commissioners) (Mr. Craig)

XVIII. Approval of Minutes and Continuing Education Programs

- A. May 9, 2008 (public meeting) Minutes (Mr. Craig)
- B. May 23, 2008 (public meeting) Minutes (Mr. Craig)(Separate Handout)
- C. Continuing Education Program Applicants “(See list on website under agenda)”. (April 11, 2008) (Mr. Craig)

XIX. Scheduling of future meetings/agenda items: (Mr. Craig)

Current Proposed dates

- June 27, 2008 (Telephonic – Applicator License Applicants)**
- July 11, 2008 (Tentative Date)**
- August 8, 2008 (Tentative Date)**
- September 12, 2008 (Tentative Date)**

XX. Adjournment