



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

Jack D. Root, BCE
Executive Director

NOTICE OF COMMISSION MEETING FRIDAY, March 14, 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 Jack Root by email: jroot@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. Root)

⇒Arizona Pest Professional Organization (AzPPO) Report/Education (exam/study material) Committee Report

⇒“My Account” system - new 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.

⇒New Schedule: CE (Continuing Education) courses posted on web site. Registration: 480-CEU-SPCC; <mailto:CEU@sb.state.az.us>

⇒ILT (Initial Licensure Training) courses posted on web site. Registration: 480-ILT SPCC; 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. The Silverleaf Club, LLC.	Kent C. Coburn "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control)
2. Teco Solutions, LLC.	Terry R. Pearce "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection)
3. All Desert Pest Services	Douglas K. Pinnecker "B1" (General & Public Health Pest Control), "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection)
4. HIM Safezone Pest Control	Louie F. Baca "B1" (General & Public Health Pest Control)
5. Combat Bugs	Philip J. Hatten "B1" (General & Public Health Pest Control)
6. HJ Pest Control	Jeffrey D. Cooper "B1" (General & Public Health Pest Control)
7. Xpert Xtermination, LLC.	Richard K. Harris "B1" (General & Public Health Pest Control), "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control)
8. Mountain Wide Pest Solutions, Inc.	James C. Miller "B1" (General & Public Health Pest Control)
9. Somerset Landscape Maintenance, Inc.	Brian S. Lemmermann "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control)
10. The Gainey Ranch Community Association	Michael P. Juliano "B1" (General & Public Health Pest Control)
11. Debug Pest Management	John F. Roots, III "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. Brian I. Doherty	Irish Pest Control, LLC. "B3" (Right-of-Way & Weed Control)
2. Jon E. Stern	Baron Pest Solutions, Inc. "B3" (Right-of-Way & Weed Control)
3. Anthony R. Petkoff	Wiles Pest Services, LLC. "B1" (General & Public Health Pest Control)
4. Joseph A. Nerone	Community Pest Control "B1" (General & Public Health Pest Control), "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection)
5. Stephen P. Richardson	DSR Pest Management "B1" (General & Public Health Pest Control), "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection)
6. Cynthia A. Aloe	Parker & Desert Pest Control "B2" (Control of Wood-Destroying Insects)
7. Frank R. Woodward	Ambassador Pest Control, LTD "B1" (General & Public Health Pest Control), "B2" (Control of Wood-Destroying Insects), "B3" (Right-of-Way & Weed Control), "B5" (Turf & Ornamental Horticulture Pest Control) and "B8" (Wood-Destroying Insect Inspection)
8. James G. Cummings	No Bugz of Arizona, Inc. "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. Matthew S. Kennedy	"B3" (Right-of-Way & Weed Control)
2. Mark E. Hay	"B1" (General & Public Health Pest Control), "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-

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|--------------------------|--|
| | Destroying Insect Inspection) |
| 3. Tammy L. DeLozier | “B1” (General & Public Health Pest Control) |
| 4. Victor N. Abril | “B3” (Right-of-Way & Weed Control) |
| 5. Robert A. Elder | “B1” (General & Public Health Pest Control), “B2” (Control of Wood-Destroying Insects), “B4” (Fumigation) and “B8” (Wood-Destroying Insect Inspection) |
| 6. Patric E. O’Malley | “B1” (General & Public Health Pest Control), “B2” (Control of Wood-Destroying Insects) and “B8” (Wood-Destroying Insect Inspection) |
| 7. Robert W. Couch | “B5” (Turf & Ornamental Horticulture Pest Control) |
| 8. James C. Miller | “B2” (Control of Wood-Destroying Insects) and “B8” (Wood-Destroying Insect Inspection) |
| 9. Rodney R. O’Dell | “B2” (Control of Wood-Destroying Insects) and “B8” (Wood-Destroying Insect Inspection) |
| 10. Richard T. Munoz | “B5” (Turf & Ornamental Horticulture Pest Control) |
| 11. Andrew L.M. Brown | “B1” (General & Public Health Pest Control) |
| 12. Anthony L. Harback | “B3” (Right-of-Way & Weed Control) |
| 13. Nathan J. Tamialis | “B1” (General & Public Health Pest Control), “B2” (Control of Wood-Destroying Insects) and “B8” (Wood-Destroying Insect Inspection) |
| 14. Dennis W. Bolan, Jr. | “B1” (General & Public Health Pest Control) |
| 15. Eric D. Hoff | “B1” (General & Public Health Pest Control) |
| 16. Nelson F. Ruiz | “B2” (Control of Wood-Destroying Insects) and “B8” (Wood-Destroying Insect Inspection) |

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

1. Grounds Control, Inc. to ISS Grounds Control, Inc.

E. Applicants for new Applicator Licenses: (No Document -- See list on website under agenda). **(Mr. Tolton)**

1. Licenses to be Issued for completed applications.

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. [Gloria L. Kilian](#) "B1" (General & Public Health Pest Control)

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. [Norman V. Maeser](#) "B1" (General & Public Health Pest Control), "B2" (Control of Wood-Destroying Insects), "B4" (Fumigation) and "B8" (Wood-Destroying Insect Inspection)
2. [Nick P. Ingertson](#) "B8" (Wood-Destroying Insect Inspection)

VII. Complaints: (Mr. Craig)

Licenses: 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. Daniel Allen (APP) – Case No. 2007-048

This complaint contains allegations that in May 2007, applicator Daniel Allen stole a check written to his employer, for pest control services, forged his name on the check and cashed it. Mr. Allen was arrested and waived preliminary hearing with the Superior Court of Arizona and entered a guilty plea to Criminal Possession of a Forgery Device. He is currently serving 2 years probation. The amount of the check was \$41.40.

Staff recommends 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 go to formal hearing:

That **Daniel Allen, APP LIC #050417**, 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), via, A.R.S. § 32-2321(B)(7) (Conviction of a felony or misdemeanor arising from ... a license).

B. Manuel Gavino Mendibles (APP) – Case No. 2007-053

This complaint contains allegations that on 6-18-07 and 6-21-07 applicator Manuel Mendibles failed to properly perform pretreatments to *two* sites in Tucson, Arizona. The slabs were post-tension monolithic slabs. The sites required a gallon amount of 147.87 and 124.28 respectively. However, Mr. Mendibles applied 122 gallons and 75.2 gallons respectively. Therefore, he shorted the sites by 24.87 and 49.08 gallons (16.9% and 39%). The evidence indicates that Mr. Mendibles did not measure the sites properly. SPCC staff reviewed the training documentation from Mr. Mendibles employer. There is no evidence that indicates that training or lack thereof was a contributing factor toward this violation.

Staff recommends 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 go to formal hearing:

2. That **Manuel Mendibles, APP LIC #070536**, be issued an **Administrative Warning, pay a \$50.00 civil penalty, obtain 3 hours of continuing education (separate from that required for license renewal) in the topics measurements, calculations or pretreatments (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 rules), via A.A.C. § R4-29-305(C) (Failed to apply correct amount of gallons to two pretreatment sites).

C. Jeffrey Minghelli (APP) – Case No. 2007-061

This complaint contains allegations that on 5-1-07, applicator Jeffrey Minghelli failed to note evidence of excessive moisture and infestation, in an attic, when issuing a Wood Destroying Inspect Inspection Report (WDIIR) for the sale of a home in Tucson, Arizona. Mr. Minghelli stated that he did not inspect the attic himself, because a certified home inspector, with whom he usually shares information with, had already inspected the home and informed him that the attic was not “accessible”. The entrance to the attic was 2 foot by 1½ foot wide. SPCC staff noted the evidence simply by looking in the entrance of the attic. SPCC staff reviewed training documentation and found no evidence to indicate that a lack of training contributed to this violation.

Staff recommends 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 go to formal hearing:

That **Jeffrey Minghelli, APP LIC #070301**, be issued an **Administrative Warning, pay a \$200.00 civil penalty, obtain 3 hours of continuing education (separate from that required for license renewal) in the topics WDIIIRs or Laws (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 rules), via A.R.S. § 32-2321(B)(2) (Making a false report) and A.A.C. § R4-29-303(B) (Failed to inspect all areas (attic)).

D. Nathan Estrella (APP) – Case No. 2006-065

This complaint contains allegations that on 8-24-06, Nathan Estrella performed a pretreatment in Tucson, Arizona. Mr. Estrella should have applied 471.29 gallons. However, he applied 688 gallons, which resulted in 217.61 gallons more than what was required. Rather than measuring each section of the home, Mr. Estrella only measured the length and the width, thus applying the amount based on those calculations. Investigation found evidence of what appeared to be sufficient training and supervision.

The Commission originally considered this matter at the April 2007 Commission Meeting and approved the terms for settlement conference listed below. However, Mr. Estrella never signed the Consent Agreement and his applicator license expired on 5/31/07. Rather than sending the matter to Hearing, at the August 2007, Commission Meeting, the Commission moved to suspend Mr. Estrella’s license due to non-payment of renewal fees and revoke after a year.

On 1-28-08, Mr. Estrella telephoned the SPCC staff for the purposes of renewing his applicator license and working with the Commission to meet compliance.

Staff recommends 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 go to formal hearing:

That Nathan Estrella, APP LIC #020197 submit an applicator license renewal application and pay \$75.00 (renewal fee and late fee) and be issued an Administrative Warning and obtain 3 additional hours of continuing education (CE) in the category of Laws (separate from the CE required for license renewal) (due within 10 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 rules), via A.A.C. R4-29-301(A) (Misuse of pesticide by not following label rate instructions) and A.A.C. R4-29-402 (Improper quantities applied to square footage) if the terms are completed within 10 days of the entered date, the suspension shall be LIFTED.

E. The Killer Bug Man (BL)/Timothy Dean Waggoner (QP/APP) – Case No. 2006-053

This complaint contains allegations that from 2004 to 8-2006, Timothy Dean Waggoner performed pest control services as The Killer Bug Man. On one occasion SPCC staff observed Mr. Waggoner apply Permethrin pesticide while wearing a tank top and shorts, which is contrary to label requirements. Mr. Waggoner's qualifying party license expired on 12/31/03. The business license expired on 12/31/04 and the applicator licensed expired on 5/31/05. Mr. Waggoner then obtained a new applicator license on 10/11/06 (license #060952). On 11-28-06, a complaint was filed against the business license, qualifying party license and the expired applicator license.

On 4-18-07, a notice for settlement conference was mailed to Mr. Waggoner. However, he did not attend. Because Mr. Waggoner did not respond to the notice for settlement conference, the matter was brought before the Commission on 5-11-07. The Commission moved that if Mr. Waggoner did not renew his current applicator license, it should be suspended due to non-payment of renewal fees and revoked after a year.

On 2-4-08, Mr. Waggoner met with SPCC staff for the purposes of obtaining a new business license, qualifying party license and to life the suspension on his applicator license. Staff informed Mr. Waggoner that the recommendation, indicated below would be presented before the Commissioners.

Staff recommends that this case be dismissed against the business license (5585), qualifying party license (2083) and applicator license (050091) as those three licenses had expired prior to the violations occurring and are invalid according to A.A.C. R4-29-207 (H).

Because no reported pesticide misuses occurred with any of the customer homes for which Mr. Waggoner serviced, staff recommends 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 go to formal hearing:

1. That Timothy Waggoner, APP LIC #060952 submit an applicator license renewal application and pay \$75.00 (renewal fee and late fee), be issued an Administrative Warning and obtain 3 additional hours of continuing education (CE) in the category of Safety, Laws and Labels (separate from the 6 CE required for license renewal) (due within 15 days of the entered date of the Commission Order) **if these terms are completed within 15 days of the entered date, the suspension shall be LIFTED.** Furthermore, that **Timothy Waggoner pay a \$2,000.00 civil penalty (The \$2000.00 Civil Penalty shall be divided into five monthly installments of at least \$200.00 each. The first payment of at least \$200.00 shall be due on April 18, 2008. Each additional payment shall be paid 30 days thereafter).** If he fails to fully complete this requirement, his Applicator license shall be automatically **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. § 32-2325(B)(1)(2)(4) (Performing pest control without a business license, qualifying party license or applicator license), A.R.S. 32-2321(B)(4) (Applying pesticides contrary to label instructions / Improper PPE). [Procedurally, if the SPCC believes that this requirement has not been fully completed, this matter would be placed a future agenda for the Commission to determine compliance. However, based on the gravity of this violation, these terms were established. In this case, a revocation of this license means that Mr. Waggoner 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].

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

None

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

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. Root)

None

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

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. Root)

None

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

A. James Michael Pardoe, Applicator License No. 080026 – Case No. 2007-057.

Mr. Pardoe reports the status of his compliance with his employment status. Mr. Pardoe was granted a license pursuant to approval by the Commission in October 2007 and a consent agreement that was entered in January 2008.

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. Darren Wade Wright - APP/QP

B. Armando Anthony Padilla

C. John Lee Faulkner

D. Daniel Anthony Guevara

E. Adam Jeffery Jackson

F. Graham Roberts Drewes

G. John Edward Moulten

H. Michael Donald Montemorra

I. Michael Giacco

XVII. Commission Updates and Reports; Miscellaneous Action Items.

A. Commission's review, discussion and possible action on detailed expenditure report: (Mr. Root) (Separate Handout)

B. Commission's review, discussion and possible action on additional Commissioners: (Mr. Root)

C. Complaint Status Log: (February 8, 2008) (Mr. Craig)

- D. Complaint Status Log: (March 14, 2008) (Mr. Craig) (Separate Handout)
- E. Computer Based Testing "CBT" Status and Statistics: (February 8, 2008) (Mr. Craig)
- F. Computer Based Testing "CBT" Status and Statistics: (March 14, 2008) (Mr. Craig)
- G. Case Status Report (Every other month - last report 1/11/08): (Mr. Root) (Separate Handout)
- H. Commission's review, discussion and possible action on Continuing Education for Consent Agreements: (Mr. Root)
- I. Commission's review, discussion and possible action on the Commission's transition and Legislation: (Mr. Root)
- J. Commission's review, discussion and possible action to consider the Education Committee's Report on the exams: (Mr. Root)
- K. Commission's review, discussion and possible action on the selection of an interim director.
- L. Commission's review, discussion and possible action on the issue of Experience based Qualifications for licensing exams versus 3000 hours of practical experience (Mr. Root).

XVIII. Approval of Minutes and Continuing Education Programs

- A. October 12, 2007 (public meeting) Minutes (Mr. Root)
- B. November 9, 2007 (public meeting) Minutes (Mr. Root)
- C. December 14, 2007 (public meeting) Minutes (Mr. Root)
- D. January 11, 2008 (public meeting) Minutes (Mr. Root)(Separate Handout)
- E. January 25, 2008 (public meeting) Minutes (Mr. Root)
- F. February 8, 2008 (public meeting) Minutes (Mr. Root)(Separate Handout)
- G. February 22, 2008 (public meeting) Minutes (Mr. Root)
- H. Continuing Education Program Applicants "(See list on website under agenda)". (February 8, 2008) (Mr. Craig)
- I. Continuing Education Program Applicants "(See list on website under agenda)". (March 14, 2008) (Mr. Craig)

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

Current Proposed dates

April 11, 2008

May 9, 2008
June 13, 2008

XX. Adjournment