



Janet Napolitano  
Governor

STATE OF ARIZONA  
**Structural Pest Control Commission**

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Vince Craig  
Interim Executive Director

**NOTICE OF COMMISSION MEETING**  
**FRIDAY, April 11, 2008, 9:00 A.M.**  
**First Draft**

**Minutes**

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

**Commissioners present:** *Paul Baker, David Burns, Tim Johnston, Dave O'Neal and Kirk Smith*

**Commissioners absent:** *None*

**Staff present:** *Vince Craig, Robert Tolton, Jack Root, Nancy Holmes, Keeley Verstegen*

**II. Call to the public (Chairperson).**

*TJ Hammer, representing West USA Realty, came before those present with a reminder that she specialized in selling pest control businesses in AZ.*

*Tim Waggoner of The Killer Bug Man came before the Commission asking them to consider his QP application at next month's meeting.*

*Dr. Paul Baker reminded all present that he will be holding a CE class on May 1<sup>st</sup> at the Tucson Parks & Recreation (6 credit hours)*

**III. Communication with Commissioners (Chairperson).**

*None*

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

*Mr. Craig reported that the on-line renewals are ahead of last year (850 renewals to date). Mr. Craig encouraged all applicators to utilize "myaccount" on the SPCC website to update their personal information, including address change, to*

ensure that the renewals reach them. Everyone must fill out the Statement of Citizen form and the form SPCC is using is recommended by the Attorney General's Office. We are allowing a 90-day window for applicators to comply with the regulation and will work with the industry to ensure everyone who wants to get renewed does get renewed. Mr. Craig thanked the staff for their help in getting forms out in a timely manner.

**V. Consent Agenda**

**A. Applications for New Business License and Activating Qualifying Party License:**

<u>Business</u>	<u>Qualifying Party</u>
1. Talking Rock Golf Club, LLC.	John W. Noyes "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control)
2. TKO Landscaping, Inc.	Daniel D. Northrup, Jr. "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control)
3. Pointe Pest Control	Teresa M. Kitchens "B1" (General & Public Health Pest Control)
4. Desert Star Landscaping, Inc.	Jessy R. Sindelir "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control)
5. Sargeant Pest, LLC.	Daniel W. Monson "B3" (Right-of-Way & Weed Control)
6. Estrella Water Systems, Inc.	John M. Cook "B9" (Aquatic Pest Control)

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

<u>Qualifying Party</u>	<u>Business</u>
1. Robert L. Weymouth	Ersland Touch Landscape, LLC. "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control)
2. Michael L. Lindsey	GoGreen Environmental, LLC. "B1" (General & Public Health Pest Control), "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control)
3. Matthew S. Kennedy	All Guard Pest Control, LLC. "B3" (Right-of-Way & Weed Control)

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|----------------------|--|
| 4. Dan R. Smith      | ABC Scapes, Inc. "B3" (Right-of-Way & Weed Control), "B5" (Turf & Ornamental Horticulture Pest Control) and "B9" Aquatic Pest Control) |
| 5. Floyd W. Austin   | Super Pest Control "B1" (General & Public Health Pest Control) and "B3" (Right-of-Way & Weed Control)                                  |
| 6. Norvin C. DeSpain | Asplundh Tree Expert Co. "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control)                     |

**C. Applications for Qualifying Party License:**

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|-------------------------|--|
| 1. Robert M. Davies     | "B3" (Right-of-Way & Weed Control)   |
| 2. Edward D. Thomas     | "B3" (Right-of-Way & Weed Control)   |
| 3. Frank C. Hoffmeister | "B1" (General & Public Health Pest Control) and "B3" (Right-of-Way & Weed Control) |
| 4. Stephen M. Strong    | "B8" (Wood-Destroying Insect Inspection)   |
| 5. Lyle J. Ferguson     | "B8" (Wood-Destroying Insect Inspection)   |
| 6. Scott M. Michaud     | "B1" (General & Public Health Pest Control)  |
| 7. Sarah G. Kennedy     | "B1" (General & Public Health Pest Control)  |
| 8. Steven R. Chrismer   | "B3" (Right-of-Way & Weed Control)   |
| 9. Clinton A. Bruner    | "B8" (Wood-Destroying Insect Inspection)   |

10. Kevin M. Etheridge “B3” (Right-of-Way & Weed Control) and  
“B4” (Fumigation)

*#10 was pulled by Commissioner Burns.*

11. Dane J. Deal “B1” (General & Public Health Pest Control)

12. Gerald P. Walsh “B3” (Right-of-Way & Weed Control) and  
“B5” (Turf & Ornamental Horticulture Pest Control)

13. Arthur L. Hicks “B1” (General & Public Health Pest Control)

14. Joseph D. Sirek “B3” (Right-of-Way & Weed Control) and  
“B5” (Turf & Ornamental Horticulture Pest Control)

15. Brent T. Bingham “B1” (General & Public Health Pest Control)

*#15 Pulled by Commissioner Smith*

16. Kenneth D. Brower “B5” (Turf & Ornamental Horticulture Pest Control)

17. Scott J. Murray “B3” (Right-of-Way & Weed Control)

18. Brian S. Myers “B1” (General & Public Health Pest Control)

**D. Business License Name Change Requests:**

1. AZEX, LLC. to AZEX Thermal Solutions
2. Verrado Pest Control, LLC. to On Target Pest Control, LLC.
3. JCB Exterminating to JCB Pest and Weed Control
4. Super Pest Control to Super Pest & Weed Elimination

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

1. Licenses to be issued for completed applications.

**End of Consent Agenda**

**Motion:** To approve all (except those pulled) by Commissioner Johnston

Seconded by Commissioner O'Neal

**Vote:** 5-0 carries

Kevin Etheridge

**Motion** to approve by Burns; seconded by Johnston

**VOTE:** 5-0 Carries

Brent T. Bingham

Motion: To approve by Smith; second by Burns

Vote: 5 – 0 Carries

## VI. Applications not on Consent Agenda

### A. Request for Temporary Qualifying Party License or Renewal:

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

*Ms. Kilian sent a note from her Doctor stating she is unable to travel for next two weeks and a copy was given to all Commissioners. Robert Tolton stated that Ms. Kilian did not pass her Core or her "B1" General & Public Health Control. Commissioner Burns reviewed Ms. Kilian's history with respect to her Qualifying Party license.*

**Motion:** *To deny Ms. Kilian's request for a Temporary Qualifying Party Renewal by Commissioner O'Neal  
Seconded by Commissioner Johnston*

**Vote:** 5-0 Motion carries

2. [Jose R. Gonzalez, Jr.](#) "B1" (General & Public Health Pest Control), "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection)

*Mr. Gonzalez was present. Mr. Gonzalez is requesting the Commission to extend his temporary Qualifying Party license*

**Motion:** *To approve by Commissioner Burns  
Seconded by Commissioner Smith*

**Vote:** 5-0 Motion carries

3. Robert W. Couch

“B5” (Turf & Ornamental Horticulture Pest Control)

*Mr. Couch was present. Mr. Couch is requesting the Commission to extend his temporary Qualifying Party license.*

**Motion:** *To approve by Commissioner Burns  
Seconded by Commissioner O’Neal*

**Vote:** *5-0 Motion carries*

**B. Applications to activate Qualifying Party for New or Existing Business License:**

None

**C. Applications for Applicator License Renewal:**

None

**D. Business License Name Change Requests:**

None

**E. Applications for Qualifying Party License:**

None

**Break 9:30-9:40**

**Motion:** *To go into Executive Session by Commissioner Burns  
Seconded by Commissioner Johnston*

**Vote:** 5-0

**Break 9:40-10:03**

**VII. Complaints: (Mr. Craig)**

**A. BIRCHER EXTERMINATING SERVICES (BL)/RICHARD BIRCHER (QP)–  
Case No. 2007-030**

*Bircher Exterminating Services failed to submit Termite Action Registration Forms (TARFs) from 12/1/01 to 12/31/06. It was determined that a total of 767 TARFs were not filed.*

**Motion:** *To modify staff's recommendation to reflect a \$7,138.00 fine to be paid in full within 30 days of the Consent Agreement, to obtain one (1) Continuing Education hour in ??? and report TARFs weekly for a period of six months by Commissioner Baker  
Seconded by Commissioner Johnston*

**Vote:** 5-0

**Motion:** *To dismiss against Richard Bircher Qualifying Party (5240) by Commissioner Burns  
Seconded by Commissioner Baker*

**Vote:** 5-0 carries

**B. FM GOLF HOLDINGS, LLC. (UNLICENSED COMPANY) - Case No. 2007-052**

*In the summer of 2007, golf courses owned by FM Golf Holdings, LLC (FM Golf), performed weed control services without the benefit of a business license, qualifying party license or applicator license.*

**Motion:** *To accept Staff's recommendation of a \$200.00 Civil Penalty (due within 30 days of the entered date of the Commission Order) by Commissioner Burns  
Seconded by Commissioner O'Neal*

**Vote:** 5-0 carries

**C. RICKY JO ENCINAS (APP) - Case No. 2007-059**

*On 10/02/07, SPCC staff observed Ricky Encinas attach a pretreatment tag to a site in Tucson, Arizona, without ever performing the termite pretreatment. Mr. Encinas' employer suspended him from pretreatments.*

**Motion:** *To accept Staff's recommendation to **revoke** Mr. Encinas applicator license (#060922) by Commissioner O'Neal  
Seconded by Commissioner Smith*

**Vote:** 5-0 carries

**D. AMERICAN PRIDE SERVICES, LLC (BL) / MICHAEL RAY SMOOT (TEMPORARY QP) / CHRISTOPHER SPARROW (APP) - Case No. 2007-016**

*In 11-06, American Pride Services, LLC (AP) allowed two unlicensed applicators to perform termite control without a valid qualifying party license. On 1-23-07 a statement of complaint was mailed to the respondents. All the letters returned unclaimed.*

**Motion:** *To send to hearing to **revoke** the Business License of American Pride*

*Services by Commissioner O'Neal*

*Seconded by Commissioner Smith*

**Vote:** 5-0 carried

**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. (Mr. Blair)**

None

**XIII. Settlement Proposals [not part of Complaints agenda item]. (Mr. Blair)**

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. Daniel Egan Lee**

*Judy Sheldon of Conn Pest Control represented Mr Lee. Ms. Sheldon stated she's known Mr. Lee for five years and that he has worked for Conn Pest Control for five months and that he's proving to be a very good employee.*

**Motion:** *To approve by Commissioner Johnston  
Seconded by Commissioner*

**Vote:** *5-0 carried*

**B. Michael James Gracie**

*Mr. Gracie is an assistant golf course superintendent and has been in the industry for seven years with no problems.*

**Motion:** *To approve by Commissioner Burns  
Seconded by Commissioner O'Neal*

**Vote:** *5-0 carried*

**C. Nickolas Enrique Mesa**

*Mr. Godger was present in support of Nickolas*

**Motion:** *To approve by Commissioner Burns  
Seconded by Commissioner O'Neal*

**Vote:** *5-0 carried*

**D. Justin Blu Enriquez**

*Steve Russell of Russell Pest control was present on behalf of Mr. Enriquez who stated that Justin has worked in the office since June 2007 and now wants become an applicator*

**Motion:** *To approve by Commissioner O'Neal  
Seconded by Commissioner Smith*

**Vote:** *5-0 carried*

**E. Dennis Michael LiBerge, Jr.**

*Steve Szymeczek from the City of Sierra Vista was present for support. Mr. LiBerge has been employed by City of Sierra Vista for six months and is doing very well.*

**Motion:** *To approve by Commissioner Burns  
Seconded by Commissioner Johnston*

**Vote:** *5-0 carried*

**F. Christopher Walter-Ronald Kirchen**

*Mr. Kirchen is employed by Orkin Pest Control. Kim Kruger was present in support of Christopher.*

**Motion:** *To approve by Commissioner Johnston  
Seconded by Commissioner O'Neal*

**Vote:** 5-0 carried

**G. Jesus Alejandro Corella**

*Mr. Corella brought letters from customers. Mr. Tolton stated that Mr. Corella's supervisor from Doyle Exterminating called and said Jesus was a very good employee and that he would have been present to support Jesus except from a previous engagement.*

**Motion:** To approve by Commissioner Burns  
Seconded by Commissioner O'Neal

**Vote:** 5-0 carried

**H. Eric Joseph Hinton**

*Mr. Hinton was supported by a representative from Truly Nolen who stated that Eric was employed by Truly Nolen for four months, a model employee and very enthusiastic*

**Motion:** To approve by Commissioner Burns  
Seconded by Commssioner Johnston

**Vote:** 5-0 carried

**I. Rodolfo Aladueña Leon**

*Mr. Leon has not yet provided SPCC with information on his conviction. There has been no communication with Mr Leon.*

**Motion:** Tabled until May Commission Meeting by Commissioner O'Neal

**J. Justin Lee Becker**

*Mr. Becker has been an applicator for three years and is anxious to get his Qualifying Party License for financial reasons.*

**Motion:** To approve by Commissioner O'Neal

**Vote:** 5-0 carried

**K. Shawn Eric Phillips**

*Mr. Phillips is presently employed by Phoenix Exterminating.*

**Motion:** To approve by Commissioner Johnston  
Seconded by Commissioner O'Neal

**Vote:** 5-0 carried

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

- A. Complaint Status Log: Commissioner Burns stated he thought that SPCC was heading in the right direction with regards to the complaint process and gave praise to Jack Root.*
- B. Computer Based Testing "CBT" Status and Statistics: Commissioner Smith questioned the low number that pass the Qualifying Party examination and it was determined that the percent passing has not changed since the inception.*
- C. Commission's review, discussion and possible action on the Commission's transition and Legislation (HB 2822): Mr. Root brought those present up to date on the status of HB2822. The Senate Committee passed the amendment 7-0.*
- D. Commission's review, discussion and possible action to consider the Education Committee's Report on the exams: Mr. Rupkey expressed his view that source materials should come from Arizona and recommends that Commission do something prior to July 1<sup>st</sup>.*
- E. Arizona Statement of Citizenship and Alien Status for State Public Benefits form. This was discussed previously in the Commission Meeting.*
- F. Commission's review, discussion and possible action to consider Metro Institute's contract: Mr. Means discussed the future plans of Metro's on-line testing reservations. This will be placed on the May agenda.*

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

*These will be placed on the May agenda for approval*

- A. January 11, 2008 (public meeting) Minutes (Mr. Craig)(Separate Handout)*
- B. February 8, 2008 (public meeting) Minutes (Mr. Craig)(Separate Handout)*
- C. March 14, 2008 (public meeting) Minutes (Mr. Craig)(Separate Handout)*
- D. March 25, 2008 (public meeting) Minutes (Mr. Craig)(Separate Handout)*
- E. Continuing Education Program Applicants "(See list on website under agenda)". (April 11, 2008) (Mr. Craig)*

### **Call to the public (Chairperson)**

*Todd Hyatt of Valleywide Pest Control praised the SPCC for their recent CE class in Apache Junction. Mr Hyatt said it was by far the most knowledgeable class he has attended and recommended there be more like it. He thanked current management for the class.*

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

**Current Proposed dates**

**May 9, 2008**

**June 13, 2008**

**XX. Adjourned at 11:35 am**