



STATE OF ARIZONA

## **Structural Pest Control Commission**

9535 E. Doubletree Ranch Road  
Scottsdale, Arizona 85258-5514  
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<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. Minutes**

#### **I. Call to order (9:00am) Commissioner roll call**

**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, Assistant Attorney General Blair Driggs*

#### **II. Call to the Public:**

*TJ Hammer, representing West USA Realty came before those present and stated her wish to sell pest control businesses in AZ.*

*Rick Rupkey, University Termite & Pest Control, Inc. expressed his concern for the licensing examination questions and answers.*

*Jack Root spoke and thanked the staff for their dedication, honesty and hard work. He stated it has been his pleasure to work at SPCC.*

#### **III Communication with Commissioners**

*Commissioner Johnston stated he had communications with someone from Gecko Pest Management regarding a matter on today's schedule*

#### **IV Reports and Summary of Current Commission Events, Activities, Notices** *Nothing to report at this time*

#### **V. Consent Agenda**

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

**Business**

**Qualifying Party**

- |                              |  |
|------------------------------|--|
| 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)  |

*Pulled by Commissioner Burns. Commissioner Burns had a problem with "Safe" in the name and stated that EPA frowned on this type of verbage.*

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

**Vote:** *4-0 Motion carries (Baker opposed)*

- |                            |  |
|----------------------------|--|
| 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) |

*Pulled by Commissioner Burns. Commissioner Burns questioned that this name is already issued to another company. Commissioner Burns also has a concern with the web address. Alex Winter stated that other company names are as similar. Richard K. Harris explained how the names are actually different.*

**Motion:** *To approve by Commissioner O'Neal  
Seconded by Commissioner Johnston with the exception of those items pulled*

**Vote:** *4-0 Motion carries (Commissioner Smith recused)*

- |                                       |   |
|---------------------------------------|---|
| 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**

<u>Qualifying Party</u>	<u>Business</u>
1. Brian I. Doherty	Irish Pest Control, LLC “B3”
2. Jon E. Stern	Baron Pest Solutions, Inc. “B3”
3. Anthony R. Petkoff	Wiles Pest Services, LLC “B1”
4. Joseph A. Nerone	Community Pest Control “B1”, “B2” & B “8”
5. Stephen P. Richardson	DSR Pet Management “B1”, “B2” & “B8”
6. Cynthia A. Aloe	Parker & Desert Pest Control “B2”
7. Frank R. Woodward	Ambassador Pest Control, LTD “B1”, “B2”, “B3”,
8. James G. Cummings	No Bugz of Arizona, Inc. “B2” & “B8”

*Pulled by Commissioner Smith. Commissioner Smith questioned the company’s training methods.*

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

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

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

- |                       |                        |
|-----------------------|------------------------|
| 1. Matthew S. Kennedy | “B3”                   |
| 2. Mark E. Hay        | “B1”, “B2” & “B8”      |
| 3. Tammy L. DeLozier  | “B1”                   |
| 4. Victor N. Abril    | “B3”                   |
| 5. Robert A. Elder    | “B1”, “B2” “B4” & “B8” |
| 6. Patric E. O’Malley | “B1”, “B2” & “B8”      |
| 7. Robert W. Couch    | “B5”                   |

8. James C. Miller	“B2” & “B8
9. Rodney R. O’Dell	“B2” & “B8
10. Richard T. Munoz	“B5”
11. Andrew L.M. Brown	“B1”
12. Anthony L. Harback	“B3”
13. Nathan J. Tamialis	“B1”, “B2” and “B8”
14. Dennis W. Bolan, Jr.	“B1”
15. Eric D. Hoff	“B1”
16. Nelson F. Ruiz	“B2” & “B8”

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

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

## **End of Consent Agenda**

**Motion:** Moved to approve the consent agenda with the exception of those items pulled; seconded by Johnston

### **VI. Applications not on Consent Agenda**

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

1. Gloria Kilian "B1"

*There was vigorous dialogue by the Commissioners. Commissioner Baker asked Ms. Kilian when she would be taking the QP exam. Ms. Kilian stated she would be taking the exam within the next 10 days. The Commissioners opted to take no action.*

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

None

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

None

#### **E. Business License Name Change Requests:**

None

#### **F. Applications for Qualifying Party License:**

1. Norman Maeser "B1", "B2", "B4" & "B8"

*Mr. Maeser was present. Mr. Maeser explained to the Commission that he had more experience than was submitted by the verifying company. Documentation of experience was provided by Mr. Maeser.*

**Motion:** *To approve by Commissioner Baker.  
Seconded by Commissioner O'Neal.*

**Vote:** *5-0 Motion carried.*

2. Nick P. Ingertson "B8"

Mr. Ingertson was present. Mr. Ingertson's previous employer disputed experience; however, documentation of experience was provided by Mr. Ingertson.

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

Vote: 5-0

Break 10:00

Adjourned 10:10

## **VII. Complaints:**

### **A. DANIEL ALLEN (APP) - CASE NO. 2007-048**

*Mr. Allen was not present. Mr. Allen took 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.*

**Motion:** *To revoke license by Commissioner Johnston  
Seconded by Commissioner O'Neal.*

**Vote:** *4-0 Motion carried (Burns recused)*

### **B. MANUEL GAVINO MENDIBLES (APP) – CASE NO. 2007-053**

*Mr. Mendibles was not present. Mr. Medibles failed to properly perform pretreatments on two Tucson AZ sites (monolithic slabs). It was determined that Mr. Mendibles did not take proper steps in measuring.*

**Motion:** *To accept staffs recommendations of a \$50. fine to be paid in full and obtain 3 hours of continuing education in the topic of measurements by Commissioner Johnston  
Seconded by Commissioner O'Neal*

**Vote:** *5-0 Motion carried.*

### **C. JEFFREY MINGHELLI (APP) - CASE NO. 2007-061**

*Mr. Minghelli was not present. Mr. Minghelli failed to note evidence of excessive moisture and infestation, in attic, when issuing a Wood Destroying Insect Inspection Report for the sale of a home in Tucson.*

**Motion:** To accept staffs recommendation of a \$200. fine and obtain 3 hours of continuing education in the topics of WDIIR or Laws by Commissioner O'Neal  
Seconded by Commissioner Smith

**D. NATHAN ESTRELLA (APP) – CASE No. 2006-065**

*Mr. Estrella was not present. Mr. Estrella did not properly calculate the amount of gallons required for a pretreatment. It was determined that sufficient training was received by Mr. Estrella. Mr. Estrella does not currently hold a valid applicator license but would like to get back in the industry.*

**Motion:** To fine Mr. Estrella \$500. based on environmental issues and to obtain 6 hours of continuing education, 3 of which will be for calculations and proper label in pretreatments by Commissioner Baker Seconded by Commissioner Johnston.

**Vote:** 3-2 Motion carried.

**E. THE KILLER BUG MAN (BL) TIMOTHY DEAN WAGGONER (QP/APP) – CASE No. 2006-053**

*Mr. Waggoner performed pest control services after his qualifying party license and Business License had expired. Mr. Waggoner stated that he new he was in violation but was necessary due to financial hardship. Mr. Waggoner recognizes his unlawful activity and wants to get back in the pest control business. **Mr. Craig stated that the terms on the Agenda should have read \$400.00 each payment and not \$200.00 as written.***

**Motion:** To lift the suspension of his current applicator license and to fine Mr. Waggoner \$2,000 in payments of \$400.each by Commissioner O'Neal  
Seconded by Commissioner Johnston

**Vote:** 4-1 Motion carried (Commissioner Baker opposed)

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

**I** *Mr. Root gave a recap of his meeting concerning House Bill 28-22 and advised those present there was another Stakeholder Meeting on March 26, 2008  
XVII.*

**J** *Already discussed previously*

**L** *Mr. Root proposed a change in the hours needed for Qualifying Party licenses. A percentage of experience and college education may*

*be possible as well as a practical exam by inspectors. Mr. Root expressed his hope for industry input.*

**K** *Mr. Root stated that he would be a consultant to the Agency for the short term and an Interim Executive Director need to be selected*

**Motion:** *To make Vince Craig the Interim Executive Director by Commissioner Burns*

*Seconded by Commissioner Johnston*

**Voted:** *5-0 carried*

**XVI. Applicants with Criminal Convictions: 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

Because of Mr. Wright's misdemeanor his application was not approved at the January meeting.

Motion: To approve by Commissioner Johnston

Seconded by Commissioner O'Neal

Vote: 5-0 carried

B. Armando Anthony Padilla

Mr. Padilla stated that he lost everything due to back surgery. No one was present from Truly Nolen.

Motion: To approve by Commissioner O'Neal

Seconded by Commissioner Smith

Vote: 5-0 carried

C. John Lee Faulkner

Mr. Chris LeDune of Sunrise Pest Control was present on behalf of John Faulkner and stated that John deserves a second chance.

Motion: To approve by Commissioner Johnston

Seconded by Commissioner Burns

Vote: 5-0 carried

D. Daniel Anthony Guevara

Mr. Guevara did not bring his supervisor with him but has letters of recommendation with him. He has the support of his former employer

Motion: To approve by Commissioner O'Neal

Seconded by Commissioner Johnston

Vote: 5-0 carried

E. Adam Jeffery Jackson

William Holland was present for support.

Motion: To approve by Commissioner O'Neal

Seconded by Commissioner Johnston

Vote: 5-0 carried

F. Graham Roberts Drewes

Rob Elder of Ecolab was present for support and stated that Mr. Drewes would be in the Commercial division only.

Motion: To approve by Commissioner Smith

Seconded by Commissioner O'Neal

Vote: 3-2 carried (Commissioners Burns and Baker opposed)

G. John Edward Moulton

Motion: To approve by Commissioner Burns

Seconded by Commissioner O'Neal

Vote: 5-0

H. Michael Donald Montemorra

Patrick McWilliam of AAA Landscape and Mark Jeff of Landscape Management were present for support

Motion: To approve by Commissioner Burns

Seconded by Commissioner O'Neal

Vote: 5-0

I. Michael Giacco.

Mr. Giacco is no longer working for St. Patrick; but just responded to Zeb-Tec ad.

Motion: To approve by Commissioner O'Neal

Seconded by Commissioner Johnston

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

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

The Commissioners requested that the Budgets be emailed to them prior to the Commission Meeting

**B.** Commission's review, discussion and possible action on additional Commissioners

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

The complaint Status Log is tabled until April

**E.** Computer Based Testing "CBT" Status and Statistics: (February 8, 2008) (Mr. Craig)

Commissioner Smith said quite a few people approached him regarding Metro's testing contract. All Commissioners are to receive a copy of the latest contract.

**G.** Case Status Report (Every other month - last report 1/11/08): (Mr. Root) (Separate Handout)

Case Status Report is unavailable at this time

**H.** Commission's review, discussion and possible action on Continuing Education for Consent Agreements:

Mr. Craig spoke about the possibility Commission CE followed with an exam for all future violations. The Commissioners stated they would take it under advisement

**I.** Commission's review, discussion and possible action on the Commission's transition and Legislation: (Mr. Root)

Motion to Approve H and I by Commissioner Burn; Seconded by Commissioner O'Neal

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

**Motion:** *To approve all minutes except January 11, 2008 (D) and February 8, 2008 (F) by Commissioner Burns*

*Seconded by Commissioner O'Neal*

**Vote:** *4-0 Motion carried (Commissioner Smith abstained)*

*XX: Adjournment (12:25 pm)*