

COMMISSION MEETING
OCTOBER 13, 2000
MINUTES

I. Call to order and roll call

Commissioners Present: Chairman Tennenbaum, Commissioners Hartley, Hale, Robinson, Micuda, and Silva.

Staff Present: Acting Executive Director Jerry Davis, Barry Levitch, Michael Francis, Carl Martin, Angela Yandell, Richard Mars, and Assistant Attorney General Blair Driggs

II. Approval of September minutes.....TAB 1

MOTION: To approve September 2000 minutes by Commissioner Hartley,
Seconded by Commissioner Hale.

VOTE: 6 - 0 Motion carried

III. Call to the public (Each speaker limited to five minutes)

Scott Richardson addressed the Commission regarding the similarity in Company names issues and requested the Commission consider those applicants requesting Company names, which may be too similar to another Companies name. Robert Wagnor, president of Arizona Pest Management Associations Central Chapter addressed the commissioners regarding the rules changes requesting to be kept informed on the area of whether there would be legislative changes or new rules; requested a break down of what would be done at what stage in the forecasted three to four year time frame. Further requested the Executive Director position issue be decided upon.

IV. Correspondence with Commissioners

All Commissioners received letter of appeal from American Termite Pest.

V. Scheduling of future meetings / agenda items

November 17, 2000 Scottsdale, AZ
December 08, 2000 Scottsdale, AZ
January 12, 2001 Scottsdale, AZ

Seconded by Commissioner Hale.

VOTE: 6/0 – Motion carries.

- 7. McCallum, Stanley** **dba** **Bug-Wiser Exterminating (Activating Q.P. for Existing Business & Company Status Change) (B) & (Drop C,E,F of B.L.) TAB 8**
- 8. McCracken, Kent P.** **dba** **Environment Enhancement Integrated L.L.C (Activating Q.P. for New Business)(E, F). TAB 9**
- 9. Miller, David** **dba** **Environmental Management, Inc. (Activating Q.P. for New Business) (E) TAB 10**
- 10. Partin, Benjamin C.** **dba** **No Bugs Allowed (Activating Q.P. for New Business License) (B, C) TAB 11**
Pulled

DISCUSSION: *Questions raised about the Business License. It was pointed out the Q.P. applying for this Business License had purchased the business with the name.*

MOTION: *To APPROVE, by Commissioner Hartley.
Seconded by Commissioner Hale.*

VOTE: 6/0 – Motion carries.

- 11. Painter, Tamara L.** **dba** **American Termite (Activating Q.P. for New Business) (C) TAB 12**
Pulled

DISCUSSION: *Conflict with name. A.R.S. § 32-2313 (G)(5): Likely to be confused with any Business licensee whose license has been suspended or revoked.*

MOTION: *To DENY the application due to the similarity of name with a suspended Business License, by Commissioner Hartley.
Seconded by Commissioner Robinson.*

VOTE: 6/0 – Motion carries.

12. Rector, Vincent J. **dba** **Tru Green Chemlawn (Activating Q.P. for Existing Business License) (E, F) TAB 13**

13. Robinson, Virgil **dba** **Prescott Lakes Golf Club, L.L.C. (New Business License & Activating Q.P.) (E, F, & E-1) TAB 14**
Pulled

DISCUSSION: Commissioner Robinson recused himself.

*MOTION: To APPROVE, by Commissioner Hartley.
Seconded by Commissioner Micuda.*

VOTE: 5/0 – Motion carries.

14. Shockley, David M. **dba** **Asplundh Tree Expert Company (Activating Q.P. for New Business) (F) TAB 15**
Pulled

DISCUSSION: Questions raised about type of service offered, the applicant explained.

*MOTION: To APPROVE, by Commissioner Hale.
Seconded by Commissioner Hartley.*

VOTE: 6/0 – Motion carries.

15. Treadway, Thomas **dba** **Treadway Pest Control (Activating Q.P. for Existing Business) (B) TAB 16**

Amended Agenda Item:

A. Doug Seeman **dba** **American Environmental Services (Activating Q.P. and New Business License) (B,C)**

DISCUSSION: Questions raised about the similarity of Company name to that of another.

*MOTION: To APPROVE, by Commissioner Hale.
Seconded by Commissioner Micuda.*

VOTE: 6/0 – Motion carries.

B. Applicants Requesting Extension of Temporary Qualifying Party Certificates.

- 1. Snyder, Robert dba Mesa Verde Termite Center TAB 17

Amended Agenda Item.

- A. Pritchard, David dba Killian’s Termite & Pest Control Company (B,C,E)

DISCUSSION: Questions raised about the Q.P. and owner’s testing. It was noted that the owner was testing for certification, then once accepted would test for Q.P., but would need temporary Q.P. till finished.

*MOTION: To APPROVE, by Commissioner Hartley.
Seconded by Commissioner Robinson.*

VOTE: 6/0 – Motion carries.

C. Applicants for Q.P. Testing.

- 1. Alongi, Donald J. (E) TAB 18
- 2. Anderson, Scott (E, F) TAB 19
- 3. Hildreth, Brian J. (B) TAB 20
- 4. Walker, Michael J. (E, F) TAB 21
- 5. Skiba, Teri (B,C) TAB 22

End of consent Agenda.

VII. Continuing Education Committee Meeting of September 2000 TAB 23

Doug Seeman addressed the Commission reporting on the committee’s recommendations on how to better continuing education. He outlined three recommendations. Revision of guidelines, a CEU Manual being

established and utilized and a monthly report to the Commission outlining recommendations and changes needed to improve the system.

VIII. Settlement Conferences

A. Fuma-Gator A Division of Pest Techs – case # 99-039 TAB 24
Pulled by Request of Counsel Scott Richardson

B. Phoenix Pest and Termite – case # 99-127 TAB 25

DISCUSSION: Item # 3 to be Amended to specify person(s) on the settlement agreement.

*MOTION: To APPROVE, by Commissioner Hartley.
Seconded by Commissioner Hale.*

VOTE: 6/0 – Motion carries.

C. University Pest Control – case # 99-140 TAB 26
Pulled by mutual request of staff and University.

D. Phoenix Pest and Termite – case # 2000-063 TAB 27

*MOTION: To APPROVE, by Commissioner Hartley.
Seconded by Commissioner Hale.*

VOTE: 6/0 – Motion carries.

15 minute break called. Commissioner Silva departs due to illness.

E. Rescue Pest Management – case # 2000-105 TAB 28

*MOTION: To APPROVE, by Commissioner Hartley.
Seconded by Commissioner Micuda.*

VOTE: 5/0 – Motion carries.

F. A Better Bee Company – case # 2000-130 TAB 29

MOTION: To APPROVE, by Commissioner Hale.
Seconded by Commissioner Hartley.

VOTE: 5/0 – Motion carries.

G. Valleywide Pest Control – case # 2000-151 TAB 30

MOTION: To APPROVE, by Commissioner Hale.
Seconded by Commissioner Micuda.

VOTE: 4/1 – Motion carries.

H. Contractors Termite & Pest Control – case # 2000-051TAB 31

MOTION: To APPROVE, by Commissioner Hale.
Seconded by Commissioner Micuda.

VOTE: 5/0 – Motion carries.

IX. Complaints

A. Laveen Pest Control – case # 2000-057 TAB 32

MOTION: To DISMISS WITHOUT PREJUDICE, by Commissioner Hartley.
Seconded by Commissioner Hale.

VOTE: 5/0 – Motion carries.

B. Rutherford Exterminating – case # 2000-069 TAB 33

MOTION: To SEND TO ADMINISTRATIVE HEARING, by Commissioner Micuda.
Seconded by Commissioner Robinson.

VOTE: 5/0 – Motion carries.

C. Baron Pest Control – case # 2000-074 TAB 34

MOTION: To DISMISS, by Commissioner Hartley.
Seconded by Commissioner Hale.

VOTE: 5/0 – Motion carries.

D. Laveen Pest Control – case # 2000-080 TAB 35

MOTION: To DISMISS WITHOUT PREJUDICE, by Commissioner Hartley.
Seconded by Commissioner Hale.

VOTE: 5/0 – Motion carries.

E. Penny’s Pest Control – case # 2000-100 TAB 36

MOTION: To DISMISS, by Commissioner Hale.
Seconded by Commissioner Robinson.

VOTE: 5/0 – Motion carries.

F. Sexton Pest Control – case# 2000-123 TAB 37

MOTION: To SEND TO ADMINISTRATIVE HEARING, by Commissioner Hale.
Seconded by Commissioner Hartley.

VOTE: 5/0 – Motion carries.

G. Conn Pest Control – case # 2000-143 TAB 38

Postponed until next meeting.

H. Contractors Termite Control – case # 2000-148 TAB 39

MOTION: To SEND TO ADMINISTRATIVE HEARING, by Commissioner Micuda.
Seconded by Commissioner Robinson.

VOTE: 5/0 – Motion carries.

I. University Termite & Pest Control – case # 2000-172 TAB 40

Richard Rupkey Jr., and Sr. were present to represent the company.

*MOTION: To SEND TO ADMINISTRATIVE HEARING, by Commissioner Hale.
Seconded by Commissioner Robinson.*

VOTE: 5/0 – Motion carries.

J. Absolute Exterminating Company – case # 2000-173 TAB 41

*MOTION: To SEND TO ADMINISTRATIVE HEARING, by Commissioner Hale.
Seconded by Commissioner Hartley.*

VOTE: 5/0 – Motion carries.

K. Sexton Pest Control – case # 2000-178 TAB 42

*MOTION: To SEND TO ADMINISTRATIVE HEARING, by Commissioner Hale.
Seconded by Commissioner Micuda.*

VOTE: 5/0 – Motion carries.

L. Don’s Termite Service – case # 2000-182 TAB 43

*MOTION: To SEND TO ADMINISTRATIVE HEARING, by Commissioner Robinson.
Seconded by Commissioner Micuda.*

VOTE: 5/0 – Motion carries.

M. Bio Chem Services – case # 2000-188 TAB 44

MOTION: To SEND TO ADMINISTRATIVE HEARING, by Commissioner Robinson.

Seconded by Commissioner Micuda.

VOTE: 5/0 – Motion carries.

N. Truly Nolen Exterminating – case # 2000-192 TAB 45

Commissioner Hartley recused himself.

*MOTION: To DISMISS, by Commissioner Hale.
Seconded by Commissioner Robinson.*

VOTE: 4/0 – Motion carries.

O. Andrews Pest Control, Inc., - case # 2000-198 TAB 46

*MOTION: To SEND TO ADMINISTRATIVE HEARING, by Commissioner Micuda.
Seconded by Commissioner Hale.*

VOTE: 5/0 – Motion carries.

P. Matrix Pest & Termite Elimination – case # 2000-200 TAB 47

*MOTION: To SEND TO ADMINISTRATIVE HEARING, by Commissioner Hale.
Seconded by Commissioner Micuda.*

VOTE: 5/0 – Motion carries.

X. Executive Director's Report

Jerry Davis addressed the Commission giving an update on the staffing situation. He discussed the Rules Committee and the status thus far.

XI. WIR Category Report TAB 48

A report was submitted to the Commissioner's regarding the changing and or creation of new Wood Infestation Reports. The report outlined the feasibility and steps involved to change the current reports form or content.

XII. Rules Process Report TAB 49

A report was submitted to the Commissioner's outlining the steps and planned target dates and accomplishments in the process for the Commissioner's information.

XIII. Business Plan Report TAB 50

A report was submitted to the Commissioner's in regard to requesting staff to check into requiring Business License applicants to submit a formal Business Plan. A possible template was submitted for the Commissioner's review.

XIV. Public Meeting Information TAB 51

A report was submitted to the Commissioner's offering a summary of the tallied results of the public meetings held from August 1999 to April 2000. It was reported that of those commenting at the meetings, seventy per cent were in favor of keeping the current 5-year retreat requirements and 100 percent were in favor of retaining the WIR's, however, possibly revised or modified as necessary. The termite pre-reporting issue was split among those commenting. Staff recommended that no decisions be made at this time but be reviewed in the Statue and Rules revision process.

XV. Licenses Moratorium TAB 52

Chairman Tennenbaum requested of staff to check into the possibility of putting a moratorium on licensure. Staff reported that it was unlawful to do so.

XVI. Item for Discussion

A. Felony Guidelines Committee

Carl Martin was asked by Jerry Davis to outline the committee's results and decisions thus far. He pointed out that one of the issues addressed was the in depth questionnaire being given to each

applicant checking felony on the application. Also, the applicant should complete each time registering for any type of employment. Another recommendation is to request the fingerprint and background check on all applicants for any area. He noted that the committee is preparing a set of possible guidelines or Matrix for the commission to go by when deciding about allowing the approval of a felon.

XVII. Personnel - Interim Executive Director

- A. Executive Session regarding Interim Executive Director's work performance.**
- B. Public Session – Review, discuss possible action regarding Interim Executive Director.**

The Commissioners went into Executive Session with Acting Director Jerome Davis to discuss the Executive Directors performance.

The Commissioner's came out of Executive Session and went back into Executive Session with Assistant Attorney General Blair Driggs to obtain advice.

The Commissioner's came out of Executive Session.

MOTION: To APPOINT JEROME DAVIS AS PERMANENT EXECUTIVE DIRECTOR, by Commissioner Micuda. Seconded by Commissioner Hartley.

VOTE: 5/0 – Motion carries.

XVIII. Adjournment