

**COMMISSION MEETING
OCTOBER 12, 2001
MINUTES**

I. Call to order and roll call

Commissioners present: Commissioners Burrows, Micuda, Robinson, Hartley, Tennenbaum and Hale.

Staff present: Executive Director Jerome Davis, Barry Levitch, David Broadstreet, Michael Francis, Richard Mars, Carl Martin and Assistant Attorney General Blair Driggs.

II. Approval of September 2001 minutes TAB 1

MOTION: To approve September 2001 minutes, and seconded.

VOTE: 6-0 motion carried.

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

None

IV. Correspondence with Commissioners

None

V. Scheduling of future meetings / agenda items

November 09, 2001 Scottsdale, AZ
December 14, 2001 Scottsdale, AZ
January 11, 2002 Scottsdale, AZ

VI. Consent Agenda.

Items will be read and voted on in one group excluding those pulled for discussion.

A. Applications for Business Licenses & Qualifying Party Credentials

- 1. Eaton, Jeffery dba Phoenix Exterminating (Activating Qualifying Party – new business license “B”)TAB 2
- 2. Goren, Jeff dba The Mirabel Club (Activating Qualifying Party new business license “B,B-1,E,E-1,F,G”). TAB 3
- 3. Millen, Mickey dba Mickey’s Termite & Pest Control (Activating Qualifying Party – new business license “B & C”).TAB 4
- 4. Pearson, Matthew dba TruGreen Chemlawn (Activating Qualifying Party - existing business license “E & F”) TAB 5

*MOTION: To approve by Commissioner Hale
Seconded by Commissioner Hartley*

VOTE: 6 – 0 motion carried.

B. Applicants for Q.P. Testing.

- 1. Cranston, Laurel “E & F”. TAB 6
pulled

*MOTION: To deny by Commissioner Robinson
Seconded by Commissioner Hale*

VOTE: 6 – 0 motion carried.

- 2. Wusich, Daren “B” TAB 7
pulled

*MOTION: To deny by Commissioner Tennenbaum
Seconded by Commissioner Hale*

VOTE: 6 – 0 motion carried.

- 3. Short, Terry “B” TAB 8

C. Request for Temporary Qualifying Party Certificate and/or Extension.

- 1. **Hickle, Charles dba Bio-Chem Services** TAB 9
pulled

*MOTION: To approve by Commissioner Micuda
Seconded by Commissioner Hartley*

VOTE: 6 – 0 motion approved.

- 2. **Kilian, Gloria dba Kilian Termite & Pest Control**.....TAB 10
pulled by staff at the request of applicant’s attorney.

- 3. **Turcott, Trevor dba Amera Sun City Pest Control**TAB 11
pulled

*MOTION: To approve by Commissioner Tennenbaum
Seconded by Commissioner Micuda*

VOTE: 6 – 0 motion carried.

D. Request for Company name change.

- 1. **Arizona Wings-n-Stings to Arizona Wings-n-Stings, Inc.** TAB 12
- 2. **Peter Piper Pest Control to Peter Pepper Pest Control, LLC**.....TAB 13

E. Treatment proposal

- 1. **DSR Termite & Pest Control Services**.....TAB 14

F. Continuing Education Committee Minutes of

- September 26, 2001 Meeting**.....TAB 15

G. Settlement Conferences

- 1. **Packard’s Outdoor Maintenance – case # 2000-103** TAB 16
Unlicensed. A.R.S. § 32-2325.1

Proposed resolution: Business be issued a civil penalty of \$500.00 for violation of A.R.S. § 32-2325.1 The owner is requesting monthly payments in the amount of \$100.00, with the first payment due within thirty days of the date of the commission order. The Business and owner be issued a Cease & Desist Order for violation of A.R.S. § 32-2325.1

- 2. Termagon Termite Control – case # 2001-211 TAB 17**
Chemicals A.A.C. R4-29-402
Pretreatment tagging & records required A.A.C. R4-29-408 D
Restricted use records required AAC R4-29-308 B.3
Termite action registration report AAC R4-29-417 A

Proposed resolution: Business License be issued an Administrative Warning for violation of A.A.C. R4-29-308 B.3. (Restricted use records required) Business License be issued a Notice of De minimis Violation for violation of A.A.C. R4-29-417 A (Termite action registration report), and A.A.C. R4-29-408 D (Pretreat tagging & records required). Business License be placed on Pre-treatment Pre-reporting Probation (standard language applies) for a period of six (6) months for violation of A.A.C.. R4-29-402(Chemicals)

Applicator be issued an Administrative Warning for violation of A.A.C. R4-29-402 (Chemicals)

Applicator be issued a Notice of De minimis violation for violation of AAC R4-29-408 D (Pretreat tagging and records required)

*MOTION: To approve by Commissioner Micuda
Seconded by Commissioner Hartley*

VOTE: 6 – 0 motion approved.

End of Consent Agenda.

VII. Complaints

- 1. JTSB Termite Technology Inc. - case # 2001-199 TAB 18**

*MOTION: To send to Administrative Hearing by Commissioner Tennenbaum
Seconded by Commissioner Hartley*

VOTE: 6 – 0 motion approved.

2. Burn’s Pest Elimination – case # 2001-251 TAB 19

*MOTION: To dismiss and send the company a letter of concern regarding
A.R.S. § 32-2324.D. (Wood Infestation Reports) by Commissioner
Hartley
Seconded by Commissioner Hale*

VOTE: 6 – 0 motion carried.

3. Territorial Termite & Pest – case # 2001-262 TAB 20

*MOTION: To dismiss and send the company a letter of concern regarding
A.A.C. R4-29-417.A. (Termite Action Registration Reports) by
Commissioner Hartley
Seconded by Commissioner Hale*

VOTE: 6 – 0 motion carried.

4. Buggy Exterminating – case # 2001-026TAB 21

*MOTION: To send to Administrative Hearing by Commissioner Micuda
Seconded by Commissioner Hartley*

VOTE: 6 – 0 motion approved.

5. Beaver’s Exterminating – case # 2001-256 TAB 22

*MOTION: To dismiss by Commissioner Tennenbaum
Seconded by Commissioner Hartley*

VOTE: 6 – 0 motion approved.

6. Prescott Country Club – case # 2001-229TAB 23

*MOTION: To send to Administrative Hearing by Commissioner Robinson
Seconded by Commissioner Micuda*

VOTE: 6 – 0 motion approved.

7. Baron Pest Control – case # 2001-163 TAB 24

MOTION: To send to Administrative Hearing by Commissioner Micuda
Seconded by Commissioner Hartley

VOTE: 6 – 0 motion approved.

VIII. Felony Applicants.

1. Haver, Ralph TAB 25

MOTION: To approve by Commissioner Hale
Seconded by Commissioner Micuda

VOTE: 6 – 0 motion approved.

IX. Case Status Report TAB 26
Discussion of current case status by David Broadstreet.

X. Computer Based Testing (CBT) Report.
Discussion of Computer Based Testing by Executive Director Jerome Davis.

Richard Mars was invited to speak on behalf of SPCC by the Executive Director, Jerome Davis on the status with procurement of how the process works and the submitted proposal. A survey will be going out to the pest control industry and the private sector with specific questions if they are in favor of Computer Based Testing. Hopefully, SPCC will have the results before the next commission meeting. Comments were given by Barry Levitch, Carl Martin, and Jerome Davis.

XI. Archiving and Records Retention
Discussion of Archiving and Records Retention by Richard Mars.

It was unanimously voted on by our Commissioners to keep an electronic version of our TARF's for 99 years with the then acting Commission reviewing this timeframe every five (5) years.

XII. R4-29-207. Display and use of license name and number.
Discussion of display and use of business license name and number by David Broadstreet.

XIII. Rules Process Report.
Discussion of the rules process by Carl Martin.

The Commissioners directed staff to review all of our rules and create a priority list for action on those rules that may be handled separately from the overall rules package. Rules to be targeted for action should meet the following criteria, as delineated by the commissioners:

- *Targeted rules should be actionable without disrupting the overall, comprehensive rule-making process;*
- *Targeted rules should be those for which changes presents a minimum of controversy from the public and industry; and*
- *Targeted rules should be those that will clarify troubling and unclear issues that are recurring.*

XIV. Executive Director's Report.

Discussion by Executive Director Jerome Davis.

- *SPCC Regulatory Licensing System is up and running one month ahead of schedule. This was a goal that was to be accomplished.*
- *Mold Issue a formal opinion from the Attorney General's Office and comments from Blair. This issue is to be discussed at next commission meeting, so Scott Richardson can be present.*

XV. Adjournment

Signed this _____ day of November, 2001

**Jerome Davis,
Executive Director**