

COMMISSION MEETING  
SEPTEMBER 14, 2001  
MINUTES

**I. Call to order and roll call**

Commissioner's Present: Commissioners Hartley, Tennenbaum, Hale, Silva and Robinson.

Staff Present: Executive Director Jerome Davis, David Broadstreet, Richard Mars, and Assistant Attorney General Blair Driggs.

**II. Approval of August 2001 minutes ..... TAB 1**

*MOTION: To APPROVE August 2001 minutes, and Seconded.*

*VOTE: 5-0 Motion carried*

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

*Gavin Gallivant with the APCA addressed the commissioners.*

**IV. Correspondence with Commissioners**

*None????*

**V. Scheduling of future meetings / agenda items**

**October 12, 2001 ..... Bullhead City, AZ**  
**November 09, 2001 ..... Scottsdale, AZ**  
**December 14, 2001 ..... Scottsdale, AZ**

**VI. Items for Discussion.**

**1. Archiving and Records Retention.**

**VII. Consent Agenda.**

*The consent agenda was read in its entirety and items pulled were discussed, and then voted on. The remaining items were voted on as a block.*

**MOTION:**                    *To APPROVE ALL EXCEPT ITEMS PULLED, by Commissioner Silva, Seconded by Commissioner Hale.*

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

**A.        Applications for Business Licenses & Qualifying Party Credentials**

- |                                     |   |
|-------------------------------------|---|
| <b>1. Akowski, Adam A. dba</b>      | <b>AMA Exterminating, Inc. (Activating Q.P. for a New Business License)<br/>(B, C) ..... TAB 2</b>        |
| <b>2. Bornkessel, Joseph G. dba</b> | <b>Outdoor Tech, Inc. (Activating Q.P. for a New Business License)<br/>(B, E, F) ..... TAB 3</b>          |
| <b>3. Clifford, William A. dba</b>  | <b>Priority Weed &amp; Pest Control (Activating Q.P. for New Business License)<br/>(B, E) ..... TAB 4</b> |
| <b>4. Denny, Claudia dba</b>        | <b>Anthem Pest Control (Activating Q.P. for New Business License)<br/>(B) .....TAB 5</b>                  |
| <b>5. Holly, Frederick R. dba</b>   | <b>Assured Environments (Activating Q.P. for an Existing Business License)<br/>(B, C) ..... TAB 6</b>     |
| <b>6. Nyquist, Barry S. dba</b>     | <b>Verde Santa Fe Golf Course (Activating Q.P. for a New Business License<br/>(E, F) ..... TAB 7</b>      |
| <b>7. Petkoff, Anthony R. dba</b>   | <b>Tonto Rim Pest Control, PLLC<br/>Activating Q.P. for a New Business License)<br/>(B) ..... TAB 8</b>   |
| <b>8. Sachen, Christopher dba</b>   | <b>Seville Golf &amp; Country Club (Activating Q.P. for New Business License)</b>                         |

(E, F) ..... TAB 9

9. Saxton, Laurianne M. dba The Exterminating Company (Activating Q.P. for New Business License) (B) ..... TAB 10

10. Stine, James V. dba North Star (Activating Q.P. for New Business License) (B, E) ..... TAB 11  
*Pulled*

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

*VOTE:* 5-0 Motion carried.

*DISCUSSION:* An objection from another Company owner to the requested name.

11. Wasowicz, Jeffery D. dba Fain Family Ltd Partnership (Activating Q.P. for Existing Business License) (F) ..... TAB 12

12. Workman, Emily J. dba Workman Home Services (Activating Q.P. for New Business License) (B, C) ..... TAB 13

**B. Applicants for Q.P. Testing.**

1. Derryberry, Joe L. (B, C) ..... TAB 14

2. Harback, Anthony (E) ..... TAB 15

3. Killian, Gloria (E) ..... TAB 16  
*Pulled*

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

VOTE: 5-0 Motion carried.

- 4. Pinnecker, Douglas (B, C) ..... TAB 17
- 5. Turcott, Trevor, S. (B, C) ..... TAB 18

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

- 1. Petkoff, Anthony dba Tonto Rim Pest Control PLLC .... TAB 19  
*Pulled*

MOTION: To DENY, by Commissioner Tennenbaum,  
Seconded by Commissioner Hale.

VOTE: 5-0 Motion carried.

**D. Continuing Education Committee Minutes of August 28, 2001 Meeting .TAB 20**

*It was pointed out that a list of attendees were not on the minutes.*

**E. Settlement Conferences**

- 1. American Arborist Lawn & Tree Service – case # 2000-067 ... TAB 21  
Unlicensed. A.R.S. § 32-2325.1

*Proposed resolution:*

*Business be issued a civil penalty of \$500.00 payable within thirty days of  
commission order for violation of A.R.S. § 32-2325.1*

*The Business be issued a Cease & Desist Order for violation of A.R.S. § 32-2325.1*

- 2. Orkin Exterminating Company – case # 2000-125 ..... TAB 22  
Misuse of any pesticide. A.A.C. R4-29-301 A

*Proposed resolution:*

*Applicators be issued an Administrative Warning for violation of A.A.C. R4-29-301  
A. (Misuse of any pesticide)*

*Applicators be required to complete three (3) extra hours of continuing education training in the area of Laws & Regulations for violation of A.A.C. R4-29-301 A within sixty days of the date of commission order.*

*The Company will submit a training program to the Commission.*

*Copy of payment to the homeowner has been submitted.*

**3. Conn Pest Control – case # 2000-234 ..... TAB 23**  
Pretreatment shortage. A.A.C. R4-29-402, and A.A.C. R4-29-407 C

*Proposed resolution:*

*Business License be assessed a Civil Penalty of \$2000.00 for violation of A.A.C. R4-29-402 and A.A.C. R4-29-407 C.*

*Business License be issued an Administrative warning for violation of A.A.C. R4-29-402, and A.A.C. R4-29-407 C.*

*Business License be placed on pre-treatment pre-reporting probation for a period of 24 months for violation of A.A.C. R4-29-402, and A.A.C. R4-29-407 C.*

**4. Conn Pest Control – case # 2000-304 ..... TAB 24**  
Pre-treatment shortage. A.A.C. R4-29-407 C

*Proposed resolution:*

*This complaint be dismissed due to evidence not supporting the alleged violations.*

**5. Cowboy Pest Control – case # 2001-074 ..... TAB 25**  
Unreported TARF's A.A.C. R4-29-418 C., and A.A.C. R4-29-307 A.

*Proposed resolution:*

*Business License be issued an Administrative warning for violation of A.A.C. R4-29-418 C, and A.A.C. R4-29-307 A.*

- 6. Burn's Pest Elimination – case # 2001-213 ..... TAB 26**  
Misuse of a pesticide. AAC R4-29-301

*Proposed resolution:*

*The complaint be dismissed.*

*The company has supplied the commission with company policy and training records for the applicator.*

- 7. Arizona Exterminating Company – case # 2001-223 ..... TAB 27**  
Wood Infestation Report AAC R4-29-414 B.4

*Proposed resolution:*

*The complaint be dismissed due to evidence not supporting alleged violations.*

**End of consent Agenda.**

**I. Wood Infestation Report Proposal.**

- 1. The Termite Advisory Service, Inc. .... TAB 28**

*MOTION: To DENY, by Commissioner Tennenbaum,  
Seconded by Commissioner Robinson.*

*VOTE: 5-0 Motion carried.*

**J. Recommended Decision of Administrative Law Judge.**

- 1. Lake Maintenance Service – case # 2000-121 ..... TAB 29**

*MOTION: To ACCEPT THE FINDINGS OF FACT, by Commissioner Tennenbaum,  
Seconded by Commissioner Robinson.*

*VOTE: 5-0 Motion carried.*

*MOTION: To ACCEPT THE AAG'S PROPOSAL, by Commissioner Tennenbaum,  
Seconded by Commissioner Robinson.*

VOTE: 5-0 Motion carried.

MOTION: To ORDER IMPOSITION OF A \$500.00 CIVIL PENALTY AND A CEASE & DESIST ORDER BE ISSUED, by Commissioner Tennenbaum, Seconded by Commissioner Hale.

VOTE: 5-0 Motion carried.

**K. Proposed Consent Resolutions/ALJ Orders.**

- 1. **Allgone Exterminating Company – case #2000-048 ... TAB 30**  
Chemicals. A.A.C. R4-29-402.

*Proposed resolution:*

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

MOTION: To ACCEPT ALJ RECOMMENDATIONS, by Commissioner Tennenbaum, Seconded by Commissioner Silva.

VOTE: 0-5 Motion failed.

MOTION: To REJECT ALJ RECOMMENDATIONS, by Commissioner Tennenbaum, Seconded by Commissioner Hale.

VOTE: 5-0 Motion carried.

MOTION: To ACCEPT THE PROPOSED CONSENT AGREEMENT, by Commissioner Tennenbaum, Seconded by Commissioner Hale.

VOTE: 5-0 Motion carried.

- 2. **Ranger Pest Control – case # 2000-137 ..... TAB 31**  
Violations are:  
A.A.C. R4-29-402 Chemicals  
A.A.C. R4-29-408 B.10 Pretreatment tagging and records required.  
A.A.C. R4-29-407 C Preconstruction treatments; establishment of

barriers; soil disturbed, concrete poured prior to treatment, effective date.  
A.A.C. R4-29-307 A      Make and preserve treatment records

*Proposed resolution:*

*Business License and Qualifying Party be issued Administrative Warnings for the violations listed.*

*Business License be placed on pre-treatment pre-reporting probation for a period of six (6) months.*

*MOTION:                    To REJECT ALJ RECOMMENDATIONS, by Commissioner Tennenbaum, Seconded by Commissioner Robinson.*

*VOTE:                        5-0 Motion carried.*

*MOTION:                    To ACCEPT THE PROPOSED CONSENT AGREEMENT, by Commissioner Tennenbaum, Seconded by Commissioner Robinson.*

*VOTE:                        5-0 Motion carried.*

**L.      Proposed Consent Resolutions.**

**1.      University Termite & Pest Control Complaints ..... TAB 32**

*MOTION:                    To ACCEPT THE PROPOSED CONSENT RESOLUTION FOR CASE NUMBER 99-140, by Commissioner Tennenbaum, Seconded by Commissioner Robinson.*

*VOTE:                        5-0 Motion carried.*

*MOTION:                    To ACCEPT THE PROPOSED CONSENT RESOLUTION FOR 2000-056 et al, by Commissioner Hale, Seconded by Commissioner Tenenbaum.*

*VOTE:                        5-0 Motion carried.*

**Amended Agenda Item was Considered at this time.**

**1. Sexton Pest Control Complaints/Resolution Proposal.**

*MOTION: To ACCEPT THE PROPOSED CONSENT RESOLUTION FOR 98-127 et al, by Commissioner Tennenbaum, Seconded by Commissioner Hale.*

*VOTE: 5-0 Motion carried.*

**M. Complaints**

**1. Todd Marchetti - case # 2001-016..... TAB 33**

*MOTION: To send to ADMINISTRATIVE HEARING, by Commissioner Tennenbaum, Seconded by Commissioner Robinson.*

*VOTE: 5-0 Motion carried*

**2. Zeb Tec Services – case # 2001-242 ..... TAB 34**

*MOTION: To send to ADMINISTRATIVE HEARING, by Commissioner Tennenbaum, Seconded by Commissioner Hale.*

*VOTE: 5-0 Motion carried*

**3. Turbo Exterminators – case # 2001-264 ..... TAB 35**

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

*VOTE: 5-0 Motion carried*

**VIII. Felony Applicants.**

**1. Cickavage, Charles ..... TAB 36**

*Applicant was present and addressed the commission answering posed questions.*

**MOTION:** *To APPROVE, and Seconded.*

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

**2. Haver, Ralph ..... TAB 37**

*APPLICANT WAS NOT PRESENT THEREFORE WAS TABLED UNTIL FUTURE MEETING.*

**3. Moraga, Frank ..... TAB 38**

*Applicant was present and addressed the commission answering posed questions.*

**MOTION:** *To APPROVE, and Seconded.*

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

**IX. Case Status Report ..... TAB 39**

*David Broadstreet reported on the open complaints status.*

**X. Computer Based Training (CBT) Report.**

*Addressed in the Executive Directors Report.*

**XI. Rules Process Report.**

*Addressed in the Executive Directors Report.*

**XII. Executive Director's Report.**

*Executive Director Jerome Davis reported the following:*

*He reported on the ASCPRO Meeting, items for discussion including Termite Prevention Procedures for New Construction, IPM in Schools, funding issues nation wide, election of officers, and on the meeting with Representative May on House Bill 2144 and the Study Committees Report. He reported on the TARF Retention Schedule, and Business Cards for the Commissioners. He also reported on EPA training for*

*Inspectors, the SPCC Licensing System, Computer Based Training and the procurement process, and the WIR Committee Report.*

**XIII. Adjournment**

*MOTION: To Adjourn, by Commissioner Tennenbaum,  
Seconded by, Commissioner Robinson.*

*VOTE: 5 -0 Motion carried The Meeting adjourned @ 11:35 a.m.*

**Signed this \_\_\_\_\_ day of October, 2001**

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**Jerome Davis,  
Executive Director**