



STATE OF ARIZONA

Structural Pest Control Commission

9535 E. Doubletree Ranch Road
Scottsdale, Arizona 85258-5514
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Janet Napolitano
Governor

Vince Craig
Interim Executive Director

NOTICE OF COMMISSION MEETING FRIDAY, May 9, 2008, 9:00 A.M.

**Structural Pest Control Commission
9535 E. Doubletree Ranch Road
Scottsdale, AZ 85258**

NOTICES

Comments on any item may be made to the Commission by attending the meeting to speak, or communicating with Vince Craig by email: vcraig@sb.state.az.us, fax: (602) 255-1281, mail: SPCC office address, or phone: (602) 255-3664.

For people who need language interpretation services or a reasonable accommodation for a disability, please contact Helen Turner by email: hturner@sb.state.az.us, fax: (602) 255-1281, mail: SPCC office address, or phone: (602) 255-3664.

Please quiet your cellular telephones and pagers. Do not hold telephone or other conversations in the hallway outside of the Commission room, as voices carry.

Pursuant to A.R.S. § 38-431.02, notice is given to the members of the Structural Pest Control Commission and to the General Public that the Structural Pest Control Commission members will attend either in person or by telephone conference call to hold a meeting open to the public, as indicated on the following agenda.

Pursuant to A.R.S. § 38-431.03(A)(3), the Commission may vote to go into executive session to obtain legal advice for matters on the agenda. Pursuant to A.R.S. § 38-431.03(A)(2), the Commission may vote to go into executive session to discuss records exempt from public inspection. Pursuant to A.R.S. § 38-431.03(A)(1), the Commission may vote to go into executive session to discuss personnel matters. Pursuant to A.R.S. § 38-431(A)(4), the Commission may vote to go into executive session to discuss pending or contemplated litigation. The executive session will not be open to the public. All business conducted in executive session is confidential.

All items except items I, II, III, and IV are subject to decision and vote by the Commission.

AGENDA

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

II. Call to the public (Chairperson). Each speaker is limited to five minutes. This is the time for the public to comment. Pursuant to A.R. S. Section 39-431.01(G), action (if any) taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration at a later date.

III. Communication with Commissioners (Chairperson). This is the opportunity for Commissioners who may be involved in decision-making to disclose any written communication or the substance of any verbal communication that occurred with an interested person outside the public meeting, including the name of the person with whom they communicated. This ensures public confidence that deliberations and decision are made in open meetings. If there are no disclosures, the assumption is that there were no such communications.

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

⇒“My Account” system - new licensee information management tool online – lets business and individual licensees update vitals information, review testing history, print renewal forms during renewal processing times, print licenses, allows businesses to add and delete applicator employees, and allows all licensees to reset their passwords - via the website www.sb.state.az.us. More features to come.

⇒RenewEZ now open for Applicator License Renewals

⇒Arizona Statement of Citizenship and Alien Status for State Public Benefits – details will be given during item XVII. E.

V. Consent Agenda

Items will be read and voted on in one group excluding those pulled for discussion. Any matter on the Consent Agenda will be removed from the Consent Agenda and discussed as a regular agenda item upon the request of any Commissioner. All persons are encouraged to stay for the entire Commission meeting. However, a person who appears for a matter on the consent agenda may leave after the Commission approves the consent agenda in its one vote; and a person who appears for a matter on the consent agenda that was pulled from the consent agenda is free to leave after the Commission votes on that matter.

For new business and existing business license applicants, if applicants do not appear and the Commissioners have questions, those applications may be denied or tabled to a future meeting.

A. Applications for New Business License and Activating Qualifying Party License: (Mr. Tolton)

<u>Business</u>	<u>Qualifying Party</u>
1. Nu-Way Pest Solutions, LLC.	Dennis W. Bolan, Jr. "B1" (General & Public Health Pest Control)
2. Bug Masters	Derrell N. Davidson "B1" (General & Public Health Pest Control), "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection)
3. Bugicidal, LLC.	Andrew L. M. Brown "B1" (General & Public Health Pest Control)
4. Prima	Jason G. Liechty "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control)
5. HTS Bees, LLC.	Trent R. Estabrook "B1" (General & Public Health Pest Control)

B. Applications to activate Qualifying Party for Existing Business License: (Mr. Tolton)

<u>Qualifying Party</u>	<u>Business</u>
1. Kirt D. Boylan	Arizona Classic Exterminating "B3" (Right-of-Way & Weed Control)
2. Donald A. Pleger, Sr.	Rio Verde Country Club, Inc. "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control)
3. Jose R. Gonzalez, Jr.	Pest Control Solutions "B1" (General & Public Health Pest Control), "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection)
4. Tammy L. DeLozier	Bug – Tec Pest Control "B1" (General & Public Health Pest Control)
5. James G. Matter	Arizona Bug Company "B2" (Control of Wood-Destroying Insects) and "B8" (Wood-Destroying Insect Inspection)
6. Richard B. Pavlasek, Jr.	G – Ranch "B3" (Right-of-Way & Weed Control) and "B5" (Turf & Ornamental Horticulture Pest Control)
7. Nick P. Ingertson	ECO Pest, LLC. "B2" (Control of Wood-

Destroying Insects) and “B8” (Wood-Destroying Insect Inspection)

8. Christopher I. Johnston

HomeLife Pest & Termite Solution, LLC.
“B1” (General & Public Health Pest Control), “B2” (Control of Wood-Destroying Insects) and “B8” (Wood-Destroying Insect Inspection)

For Qualifying Party applicants, Temporary Qualifying Party applicants, renewal applicants, and name change requests, if applicants do not appear and the Commissioners have questions, those applications may be denied or tabled to a future meeting. An applicant that the Commission approves for licensure is approved subject to passing required exams. Qualifying Party applicants are not placed on the Agenda until the Commission receives a background report.

C. Applications for Qualifying Party License: (Mr. Tolton)

1. Gregory A. Olson

“B1” (General & Public Health Pest Control), “B2” (Control of Wood-Destroying Insects) and “B8” (Wood-Destroying Insect Inspection)

2. Timothy J. Vondra

“B3” (Right-of-Way & Weed Control) and “B5” (Turf & Ornamental Horticulture Pest Control)

3. Christopher M. Bolender

“B3” (Right-of-Way & Weed Control) and “B5” (Turf & Ornamental Horticulture Pest Control)

4. Jeffrey T. Smith

“B1” (General & Public Health Pest Control)

5. Jamie M. Bearden

“B1” (General & Public Health Pest Control)

6. Scott M. France

“B1” (General & Public Health Pest Control)

7. Derald K. Lyons, Jr.

“B1” (General & Public Health Pest Control)

8. Nikola Potkonjak

“B8” (Wood-Destroying Insect Inspection)

9. Don T. DeCoster, Jr.

“B3” (Right-of-Way & Weed Control)

10. Rodney T. Milburn, II

“B3” (Right-of-Way & Weed Control) and “B5” (Turf & Ornamental Horticulture Pest Control)

11. Diane J. Raines

“B1” (General & Public Health Pest Control)

- 12. [Lawrence C. Basner](#) "B1" (General & Public Health Pest Control)
- 13. [Brian A. Wilhelm](#) "B3" (Right-of-Way & Weed Control), "B5" (Turf & Ornamental Horticulture Pest Control) and "B9" (Aquatic Pest Control)

D. Business License Name Change Requests: (Mr. Tolton)

- 1. [Sierra Landscape Services to K.D.S. Associates, Inc.](#)

E. Applicants for new Applicator Licenses: (Mr. Tolton)

- 1. [Licenses to be issued for completed applications between 04/10/2008 – 04/23/2008](#)

Discussion/decision: Pursuant to A.R.S. § 38-431.05(B), ratification of all legal action taken at the Commission's Applicator License Applicant Meeting on April 25, 2008, meeting. At the April 25, 2008, the Commission took action on the following applications:

(See Attached List Date 04/23/2008)

The actions taken by the Commission at the April 25, 2008, meeting are reflected in the minutes of that Commission Meeting, a copy of which is attached to this agenda and incorporated by reference.

([See Attached Commission Meeting Minutes dated 04/25/2008](#))

- 2. [Licenses to be issued for completed applications between 04/24/2008 – 05/07/2008 - \(No Document -- See list on website under agenda\)](#)

End of Consent Agenda

VI. Applications not on Consent Agenda

If applicants do not appear and the Commissioners have questions, those applications may be denied or tabled to a future meeting.

A. Request for Temporary Qualifying Party License or Renewal: (Mr. Tolton)

- 1. [Scott M. France](#) "B1" (General & Public Health Pest Control)

B. Applications to activate Qualifying Party for New or Existing Business License: (Mr. Tolton)

None

C. Applications for Applicator License Renewal: (Mr. Tolton)

None

D. Business License Name Change Requests: (Mr. Tolton)

None

E. Applications for Qualifying Party License: (Mr. Tolton)

None

VII. Complaints: (Mr. Craig)

Licensees: The Commission may discuss, consider and take action on any matter below. The Commission's action may include those set forth in A.R.S. § 32-2321(A), such as an administrative warning, civil penalty up to \$1,000.00 per violation, probation requirements, suspension or revocation. This action may be taken pursuant to a Consent Agreement or a matter may be sent to a Formal Hearing. The Commission may issue an advisory notice pursuant to A.R.S. § 32-2321 (N). A matter also may be continued for further investigation, further settlement negotiations, or dismissed.

If a Consent Agreement is not executed by the deadline stated in the Consent Agreement Transmittal letter, the case will be sent to the Office of Administrative Hearings.

Unlicensed: The Commission may discuss, consider and take action on any matter below. The Commission may issue a Cease and Desist order and/or impose a civil penalty of up to \$1,000.00 for the first offense and up to \$2,000.00 for a subsequent offense, according to A.R.S. § 32-2304(B)(16) for unlicensed activity involving other than weed control. For unlicensed activity involving weed control, the Commission may issue a written notice of correction for the first violation, impose a civil penalty of up to \$250.00 for the second violation, and impose a civil penalty of up to \$500.00 for the third or subsequent violation, according to A.R.S. § 32-2311(C). Action may be taken by Direct Commission Order without a Consent Agreement or Formal Hearing. A matter also may be continued for further investigation, further settlement negotiations, or dismissed.

None

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. (Ms. Verstegen)

None

XIII. Settlement Proposals [not part of Complaints agenda item]. (Ms. Verstegen)

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. Rodolfo Aladueña Leon

B. Ronald Earl Hayes

C. Alfonso Castillo

D. Esteban Jesus Ledesma

E. Jaime Adrian Magallanez

F. Antonio Manuel Renteria

G. Michael James Smith

H. Jay Paul Wade

XVII. Commission Updates and Reports; Miscellaneous Action Items.

- A.** Complaint Status Log: (Mr. Craig)
- B.** Computer Based Testing “CBT” Status and Statistics: (Mr. Craig)
- C.** Commission’s review, discussion and possible action on the Commission’s transition and Legislation (HB 2822): (Mr. Craig)
- D.** Commission’s review, discussion and possible action to consider the Education Committee’s Report on the exams: (Mr. Craig)
- E.** Commission’s review, discussion and possible action to consider supervision & Training Documentation: (Mr. Craig)
- F.** Commission’s review, discussion and possible action to consider Metro Institute’s contract: (Mr. Craig)

XVIII. Approval of Minutes and Continuing Education Programs

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

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

Current Proposed dates

June 13, 2008

XX. Adjournment