



ARIZONA

## Office of Pest Management

Janice K. Brewer  
Governor

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Ellis M. Jones  
Acting Director

### ADVISORY COMMITTEE MEETING WEDNESDAY, January 20, 2010 10:00 A.M.

#### Minutes

**I. Call to order 10:00a.m. (Chairman Etheridge) Committee Member Roll Call**

**Committee Members present:** *Kevin Etheridge, Nate Tamialis, Carmella Ruggiero and Doug Seemann*

**Committee Members absent:** *Jack Latham and Ken Fredrick*

**Staff present:** *Ellis Jones, Vince Craig, Robert Tolton, Hugo Pulido and Nancy Holmes*

**II. Approval of Minutes**

**a) November 18, 2009 Minutes**

**MOTION:** To approve the minutes by Nate Tamialis  
Seconded by Doug Seemann

**VOTE:** 4-0 Motion Carried

**III. OPM Updates and Reports**

**a) Agency Update**

**1. Budget**

Mr. Jones stated that the budget would be discussed later in the meeting under Rule Making.

## **2. Agency Snapshot**

The OPM snapshots for November and December 2009 are attached (Attachment A) as well as the snapshot for the first half of Fiscal 2010. Mr. Jones stated that although November is normally a slow month we are doing quite well overall. Mr. Jones also stated that the number of electronic TARFs (78,832) is significant vs. paper TARFs (8,525) for the first half of FY2010. Mr. Jones further stated that the number of paper TARFs should drop down to nothing over the next couple of months and that will save on manpower and time for the Agency.

## **3. Auditor General's Report**

Mr. Jones announced that the Performance Audit was released on January 12, 2010 and is on the Auditor General's website for all to view ([www.azauditor.gov](http://www.azauditor.gov)). Mr. Jones stated that the report is thorough and makes the recommendation that OPM become part of the Department of Agriculture. House Bill 2449 (HB2449), which was introduced by Representative Crandall, would position OPM within the Environmental Services Division. It's not a question of "if" we become part of Agriculture but rather "when". OPM will remain a 90-10 Agency but at this time it is unknown how the funds will be distributed; however it appears that the funds could be used for Agricultural matters. The OPM will physically move downtown where Ag is located; however it should be noted that the Agency will still be liable for the rent on the 9535 E Doubletree Ranch Road property until another tenant is found. Mr. Jones feels that the office space could remain vacant for quite a while as there is office space at this location that has been unoccupied for quite some time. Once all of the details have been worked out the stakeholders will be invited to meet with OPM for further clarification. There is an expectation that HB2449 will be heard in the next 60 days. If passed, HB2449 will become effective 90 days after the session ends. Mr. Jones urged the attendees to voice their opinion to State Representatives and Senators as some members of the pest community may have views that they'd like expressed as this is a political issue. Mr. Jones reiterated that the Department of Agriculture wants total integration, "maybe it could work but I just have difficulty visualizing it". HB2449, as written, is very vague and not specific at all – the details will be left up to Agriculture and the Governor's Office. The Legislature wants us in the Environmental Services Division and OPM is hoping to make amendments to the Bill before it gets voted on. Mr. Jones will be meeting with the Department of Agriculture on Monday January 25<sup>th</sup> to define the logistics. Mr. Etheridge and Mr. Tamialis asked Mr. Jones if they could attend the meeting also; Mr. Jones invited the committee members to be his guests. Assuming the session will conclude at the end of June then we're looking at a September effective date for the Bill and OPM would like the Bill to read a July 1, 2011 implementation date. At this point the Governor's Office is neutral on that point. . The PMAC may remain adding additional members added to the committee. Mr. Jones stated the Auditor General's report recommended that the PMAC remain and adding additional members.

## b) Compliance/Enforcement

### 1. Adjudicated Complaint Summary

Mr. Craig directed everyone to the multi-page handout (Attachment B) that includes the adjudicated complaint status log from August 2009 through December 2009. Mr. Craig advised those in attendance that this information can be seen at our web site at "Complaint History Search". Mr. Craig asked the audience members for any questions and there were none.

### 2. Inspector/Investigator Training Request from Nevada

OPM received a telephone call from EPA stating that inspectors with the state of Nevada needed to be trained on how to perform structural pest control inspections. The EPA trainer for Arizona directed them to our office for assistance. For the past two days George Schellhorn and Brian Kennedy from our Tucson Office trained the inspectors with respect to vehicle inspections, pre-treat monitors and pesticide applications. The inspectors will take the information back where it will be part of their training in Nevada. Additionally, during February the Tribal Inspectors need training and OPM staff will be responsible for the training. We would appreciate any help from the industry because Tribal Inspectors want to learn how to do structural pest control inspections as well as properly monitor pest control applications. Previously Nate Tamialis and SOS Exterminating volunteered their facility to provide training to Tribal Inspector.

Harvey Logan stated that 40% of the adjudicated complaints are unlicensed applicators. Mr. Craig told those present that most of the complaints are from consumers, some are from industry members and some are from OPM inspectors. When turning in a complaint to the agency it is important to get the license plate number on the vehicle. In fact this is the first and biggest step toward cracking down on unlicensed activity.

## c) Licensing

### 1. Business Licenses issued during November 2009

| Business Name                       | Business Licensee   | Qualifying Party        |
|-------------------------------------|---|-------------------------|
| Briggs Pest Control                 | GW Pest Control, LLC. – Lydia Michael   | Christopher K. Michael  |
| Core Pest Solutions                 | John F. Saxton, Jr.   | John F. Saxton, Jr.     |
| Greenzone, LLC                      | Greenzone, LLC. – Jeffrey T. Young  | Jeffrey T. Young        |
| License 2 Kill, LLC.                | License 2 Kill, LLC. – James & Robyn Seaton   | James R. Seaton, Jr.    |
| Peace Pest Control                  | Felix P. Bermejo  | Felix P. Bermejo        |
| Progressive Applied Solutions, LLC. | Progressive Applied Solutions, LLC. (fn)/ Progressive Solutions – Michael Economopoulos, Will McMillan, Lee Atkins, Jerome Haverland, & Andrew Meshbane | Reynolds L. Atkins, Jr. |
| Tangela's Landscaping               | Tangela Gilbert   | Tangela Gilbert         |

|                                       |  |                   |
|---------------------------------------|--|-------------------|
| Tierra Madre Landscape Services, Inc. | Tierra Madre Landscape Service, Inc. - Donald & Donna Wood and Leesa Van Nuys-Hunter | Charles S. Lewis  |
| Trojan Pest Control & Home Services   | Israel Castaneda   | Alexander Alvarez |

## 2. Business Licenses issued during December 2009

| Business Name             | Business Licensee                           | Qualifying Party   |
|---------------------------|---|--------------------|
| Bug Emergency             | David G. Moreno                             | David G. Moreno    |
| Pest Experts Pest Control | All in One Home Services, LLC. – Mike Eager | Timothy J. Gibbons |
| Youngs Pest Control       | Youngs Pest Control, LLC – George Young     | George Young       |

Mr. Tolton asked the audience members for any questions and there were none.

## 3. Trends in Continuing Education Hours Reported to OPM

At the November PMAC Mr. Tolton was asked to provide a chart listing trends for FY'09, FY '08 and FY '07. It was discovered that an error in the Chart was provided to the November 2009 PMAC members and meeting attendees; the previous chart listed the number of line item CE actions reported; however, it did not take into account the number of CE hours provided for each action. That error was corrected and the attached chart (Attachment C) is correct. Mr. Tolton stated that according to his research OPM continues to provide less CE's each year and contrary to allegations the numbers do not reflect that OPM is stealing CE hours from other providers. Mr. Tolton further stated that OPM is not allowed to make a profit and that is the reason for the modest fees we charge. As to the total amount of CE hours Lisa Gervase said taking the number of active applicators times six hours would give a good approximate of the total amount of CE hours. Mr. Seemann stated that OPM accounts for 3% of the total CE's provided and that our CE's are based around the Laws and Rules. The PMAC made the recommendation that OPM is not a significant player in the CE market to warrant it to be an issue.

MOTION: To approve by Doug Seemann  
Seconded by Nate Tamialis

VOTE: 4-0 Motion carried

### d. Information Technology Update

Mr. Pulido gave an overview of the Qualifying Party and Business renewals. Mr. Pulido stated that more Qualifying Party Licenses were renewed – 1075 vs 980 last year; additionally, less Business Licenses were renewed this year; 772 versus 801 last year. The on-line renewals are still open so the numbers can change. One major accomplishment for the IT Department was the time it took to renew on-line this year – it took about a minute and a half and now we are down to 25 seconds. The Complaint History Search continues to be improved upon. We have ambition plans for the upcoming SCECE as it

moves forward nicely. Paper TARFs have significantly declined as most pay on-line; also there is more accuracy with on-line TARFs.

#### **IV. Review, Discussion, and Possible Action on**

##### **a. Continuing Education Application Fee**

Mr. Tolton continued the dialogue from the September PMAC meeting regarding the CE application provider fee. At the request of the PMAC, Mr. Tolton was asked to approximate the amount of time it takes to review a CE provider. Mr. Tolton stated that the time required to review a one-hour course can take from 45 to 50 minutes. Add to that the time required if a comprehensive request is needed or to generate any correspondence necessary. Decision making and data entry work need to be added to the equation also. The cost at this time is just shy of \$20.00 per hour. OPM is not looking to make a profit but to supplement the costs incurred. The agency has not decided on a fee. There will be discussion on it and once OPM makes a decision, the PMAC's input will be sought. Approvals would be on a bi-annual basis as required by Arizona Administrative Code. Mr. Seeman made inquiries as to whether the length of time for some types of courses could be extended. Mr. Tolton indicated that the action would require a rule change.

##### **b. Exempt Rule Change**

Mr. Jones gave an overview of the Exempt Rule Change. In October the Attorney General approved the emergency rule change which allowed OPM to raise fees to the Cap. The BRB allows us to raise our fees above the Cap. The PMAC has the new fee increases (refer to the website) and it is OPM's intention to implement these new fees effective February 1, 2010 with the goal to maintain the office expenses and not go beyond. Getting this in now affects the applicator renewals (and setting aside the move to AG) this will carry the agency to the next renewal cycle. We were very careful to make sure that funds cannot be swept. It is our intention to forward the fee increase request to the Secretary of State tomorrow. The Emergency Rule Change needs to be implemented by June 30<sup>th</sup>.

##### **c. Pima County Legislation Request**

RE: Weed Exemption. Mr. Jones relayed to those present that the draft legislation that Pima County wants to submit during the upcoming legislative session (Attachment D) is posted on our web site and only one comment was received and the comment was "it should be done away with all together". Pima County intends to move forward unless they hear from OPM; our concerns have been addressed by them. Chairman Etheridge asked if this matter can be placed on the next Agenda but Mr. Jones said that implementation is prior to our next PMAC meeting but if he has any concerns to please email.

##### **d. Proposed Statute Changes – Cross Function Team Update**

Mr. Jones asked for cross functional teams. He conveyed that this is a mission that the PMAC should handle. Mr. Jones shared that he received 85

emails, 30 telephone calls and 4 letters all nominating the same person. The document that was passed out (Attachment E) lists the proposed Statute changes and Mr. Jones asked that Scott Richardson and Lisa Gervase be invited to be a part of the process. Mr. Jones also said that if the cross function team had other changes they felt should be addressed to make them. After brisk discussion it was agreed that the team would meet at the March PMAC meeting.

**e. "It's Our Turn" Website**

At the September 23, 2009 PMAC meeting Chairman Etheridge raised a concern regarding this web site and subsequently asked the Attorney General's Office for an opinion. Chairman Etheridge stated that a response was received from legal counsel (Attachment F) on January 13, 2010 and the bottom line is it is freedom of speech. The Chairman stated he is not sure that he is in agreement but will continue to monitor the site for possible slander.

**V. Call to the Public**

T. J. Hammer stated that she is a licensed realtor and specializes in the sale of pest control businesses. If you have a reason for selling your pest control company please call her at 480/540-5005 and she will be happy to work with you.

**VI. Communication with Advisory Committee Members – Michael Pfeiffer**

**VII. Scheduling of Future Meetings**

- a) March 10, 2010
- b) May 12, 2010
- c) TBD
- d) TBD

**VIII. Adjournment – Meeting adjourned at 11:39 A.M.**



**Arizona Office of Pest Management  
Snapshot Period 1 - 30 November, 2009**

**Compliance**

Number of Inspectors: **5**      Number of Inspections (Including Federal): **307**      Number of Investigators: **5**      Number of Investigations: **35**  
 Number Consumer Generated Complaints: **10**      Number OPM Generated Complaints: **24**

**Enforcement**

Number Consent Agreements: **10**      Number Administrative Warnings: **10**      Number Cease and Desist Orders: **1**  
 Number Placed on Probation: **0**      Number Licenses Suspended: **0**      Number Conditional Probation: **0**  
 Number for Hearings: **0**      Number Licenses Revoked: **0**      Other: **1 (Notices of Correction)**

Civil Penalties Paid: **\$2,500**

**Licensing**

|                          | Received   | Approved   | Issued    | Denied   |
|--------------------------|------------|------------|-----------|----------|
| Applicator License       | <b>99</b>  | <b>116</b> | <b>43</b> | <b>0</b> |
| Qualifying Party License | <b>604</b> | <b>597</b> | <b>12</b> | <b>0</b> |
| Business License         | <b>479</b> | <b>480</b> | <b>9</b>  | <b>0</b> |
| Continuing Ed            | <b>117</b> | <b>77</b>  | <b>77</b> | <b>1</b> |

Applications  
 Number of Application Review Committee Hearings for Applicants with Convictions: **14**      house Fingerprinting: **40**      Number Applicant undergoing in-house Fingerprinting: **40**      Number Applicants Testing at OPM: **12**  
 Number Applicator Licensees: **6914**      Number Qualifying Party Licensees: **1231**      Number Business Licensees: **1134**

**Finance and Administration**

Revenues Total: **\$240,227.78**      Expenditures: **\$154,024.54**  
 OPM Fund: **\$214,315.02**      General Fund: **\$25,912.54**

**Information and Technology**

Number Electronic      Number Paper TARF: **445**      Number Companies Using Tarf: **248**  
 TARF: **14,209**

# Arizona Office of Pest Management Snapshot Period 1 - 31 December, 2009

## Compliance

Number of Inspectors: **5**      Number of Inspections (Including Federal): **351**      Number of Investigators: **5**      Number of Investigations: **16**  
 Number Consumer Generated Complaints: **2**      Number OPM Generated Complaints: **9**

## Enforcement

Number Consent Agreements: **3**      Number Administrative Warnings: **3**      Number Cease and Desist Orders: **0**  
 Number Placed on Probation: **0**      Number Licenses Suspended: **0**      Number Conditional Probation: **0**  
 Number for Hearings: **0**      Number Licenses Revoked: **0**      Other: **1 (Notices of Correction)**

Civil Penalties Paid: **\$1,600**

## Licensing

|                          | Received | Approved | Issued | Denied |
|--------------------------|----------|----------|--------|--------|
| Applicator License       | 114      | 113      | 61     | 0      |
| Qualifying Party License | 806      | 792      | 14     | 0      |
| Business License         | 580      | 569      | 3      | 0      |
| Continuing Ed            | 43       | 22       | 22     | 1      |

Applications

Number of Application Review Committee Hearings for Applicants with Convictions: **1**      Number of Applicant undergoing in-house Fingerprinting: **53**      Number Applicants Testing at OPM: **12**

Number Applicator Licensees: **6985**      Number Qualifying Party Licensees: **1444**      Number Business Licensees: **1216**

## Finance and Administration

Revenues Total: **\$235,938.00**      Expenditures: **\$266,112.00**  
 OPM Fund: **\$209,824.00**      General Fund: **\$26,114.54**

## Information and Technology

Number Electronic      Number Paper      TARF: **258**      Number Companies Using      Tarf: **258**  
 TARF: **14,286**

| <b>ADJUDICATED COMPLAINT STATUS LOG</b>                                      |                      |                    |                                     |
|--|----------------------|--------------------|-------------------------------------|
| <b>AUGUST 2009 THROUGH DECEMBER 2009</b>                                     |                      |                    |                                     |
| <b>COMPLAINT #:</b>  | <b>GENERATED BY:</b> | <b>ALLEGATION:</b> | <b>RESPONDENT'S NAME:</b>           |
|  |                      |                    | co_name                             |
| 100085   | Consumer             | Misuse             | TREES AND MORE                      |
| 100064   | Consumer             | Other              | TERMINIX                            |
| 100041   | Consumer             | Other              | GIELOW EXTERMINATING GROUP          |
| 100072   | Consumer             | Unlicensed         | TIERRA MADRE LANDSCAPING            |
| 100059   | Consumer             | Records            | MISTER BUGMAN PEST CONTROL          |
| 100062   | Consumer             | Records            | MISTER BUGMAN PEST CONTROL          |
| 100097   | Consumer             | TARF               | JOUSTY MANASAN MAGLANOC             |
| 100089   | Consumer             | Unlicensed         | NORTHERN ARIZONA PC                 |
| 100060   | Consumer             | Misuse             | LARRY SHANNON OLIVER                |
| 100096   | Consumer             | Unlicensed         | PALM GARDEN APARTMENTS              |
| 100112   | Consumer             | Unlicensed         | THE BRITTANY PLACE APARTMENTS       |
| 100113   | Consumer             | Unlicensed         | KAY-KAY REALTY CORP                 |
| 100110   | Consumer             | Unlicensed         | TYLER TRAN                          |
| 100066   | Consumer             | Misuse             | TOWERPOINT RESORT (CONTINENTAL.COM) |
| 100102   | Consumer             | Unlicensed         | RONNING LANDSCAPING, INC            |
| 100053   | OPM                  | Other              | JEFFERY E. JONES                    |
| 100056   | OPM                  | TARF               | ARIZONA TERMITE SOLUTIONS, LLC.     |
| 100069   | SPCC                 | Unlicensed         | GREENS KEEPER, LLC                  |
| 100075   | OPM                  | Unlicensed         | SALINE PEST MANAGEMENT (SPM)        |
| 100076   | OPM                  | Unlicensed         | DAVID W. CHARLESWORTH               |
| 100078   | SPCC                 | TARF               | JOUSTY MANASAN MAGLANOC             |
| 100079   | SPCC                 | TARF               | ROBERT ANCIL WATKINS, JR.           |
| 100080   | SPCC                 | Unlicensed         | LAWNS BY LES (LES COATES)           |
| 100081   | SPCC                 | Unlicensed         | FRANK CAMPISTA                      |
| Continued on next page...  |                      |                    |                                     |
| <b>ADJUDICATED COMPLAINT STATUS LOG -- AUGUST 2009 THROUGH DECEMBER 2009</b> |                      |                    |                                     |
|  |                      |                    |                                     |
| 100086   | SPCC                 | Unlicensed         | SCOTTSDALE FINE LANDSCAPING, INC.   |
| 100087   | SPCC                 | Unlicensed         | WOODY'S LANDSCAPING, LLC            |
| 100126   | SPCC                 | Other              | JOHN MARK CURLEY                    |
| 100153   | SPCC                 | Other              | DOUGLAS MONROE COOK                 |
| 100052   | Consumer             | Misuse             | MISTER BUGMAN PEST CONTROL          |
| 100077   | Consumer             | Misuse             | CAL-AM PROPERTIES INC               |
| 100058   | Consumer             | Final Grade        | SCORPIONTECH TERMITE & PEST CONTROL |
| 100065   | Consumer             | Unlicensed         | JONATHAN CARL MILLER                |
| 100042   | Anonymous            | Unlicensed         | WILLIAM EARL KINNEAR                |
|  |                      |                    |                                     |

ADJUDICATED COMPLAINT STATUS LOG  
 AUGUST 2009 THROUGH DECEMBER 2009

| COMPLAINT #: | GENERATED BY: | ALLEGATION: | RESPONDENT'S NAME:                  | co_name |
|--------------|---------------|-------------|-------------------------------------|---------|
| 100085       | Consumer      | Misuse      | TREES AND MORE                      |         |
| 100064       | Consumer      | Other       | TERMINIX                            |         |
| 100041       | Consumer      | Other       | GIELOW EXTERMINATING GROUP          |         |
| 100072       | Consumer      | Unlicensed  | TIERRA MADRE LANDSCAPING            |         |
| 100059       | Consumer      | Records     | MISTER BUGMAN PEST CONTROL          |         |
| 100062       | Consumer      | Records     | MISTER BUGMAN PEST CONTROL          |         |
| 100097       | Consumer      | TARF        | JOUSTY MANASAN MAGLANOC             |         |
| 100089       | Consumer      | Unlicensed  | NORTHERN ARIZONA PC                 |         |
| 100060       | Consumer      | Misuse      | LARRY SHANNON OLIVER                |         |
| 100096       | Consumer      | Unlicensed  | PALM GARDEN APARTMENTS              |         |
| 100112       | Consumer      | Unlicensed  | THE BRITTANY PLACE APARTMENTS       |         |
| 100113       | Consumer      | Unlicensed  | KAY-KAY REALTY CORP                 |         |
| 100110       | Consumer      | Unlicensed  | TYLER TRAN                          |         |
| 100066       | Consumer      | Misuse      | TOWERPOINT RESORT (CONTINENTAL COM) |         |
| 100102       | Consumer      | Unlicensed  | RONNING LANDSCAPING, INC            |         |
| 100053       | OPM           | Other       | JEFFERY E. JONES                    |         |
| 100056       | OPM           | TARF        | ARIZONA TERMITTE SOLUTIONS, LLC.    |         |
| 100069       | SPCC          | Unlicensed  | GREENS KEEPER, LLC                  |         |
| 100075       | OPM           | Unlicensed  | SALINE PEST MANAGEMENT (SPM)        |         |
| 100076       | OPM           | Unlicensed  | DAVID W. CHARLESWORTH               |         |
| 100078       | SPCC          | TARF        | JOUSTY MANASAN MAGLANOC             |         |
| 100079       | SPCC          | TARF        | ROBERT ANCL WATKINS, JR.            |         |
| 100080       | SPCC          | Unlicensed  | LAWNS BY LES (LES COATES)           |         |
| 100081       | SPCC          | Unlicensed  | FRANK CAMPISTA                      |         |

Continued on next page...

ADJUDICATED COMPLAINT STATUS LOG -- AUGUST 2009 THROUGH DECEMBER 2009

|        |           |             |                                     |
|--------|-----------|-------------|-------------------------------------|
| 100086 | SPCC      | Unlicensed  | SCOTTSDALE FINE LANDSCAPING, INC.   |
| 100087 | SPCC      | Unlicensed  | WOODY'S LANDSCAPING, LLC            |
| 100126 | SPCC      | Other       | JOHN MARK CURLEY                    |
| 100153 | SPCC      | Other       | DOUGLAS MONROE COOK                 |
| 100052 | Consumer  | Misuse      | MISTER BUGMAN PEST CONTROL          |
| 100077 | Consumer  | Misuse      | CAL-AM PROPERTIES INC               |
| 100058 | Consumer  | Final Grade | SCORPIONTECH TERMITE & PEST CONTROL |
| 100065 | Consumer  | Unlicensed  | JONATHAN CARL MILLER                |
| 100042 | Anonymous | Unlicensed  | WILLIAM EARL KINNEAR                |

Advocating Responsible Pest Management

Search

Complaint History Search:

|                    |
|--------------------|
| Home               |
| About Us           |
| Accounting         |
| Agendas & Minutes  |
| Consumer Resources |
| Director's Corner  |
| Employee Resources |
| Events             |
| Industry Resources |
| Order              |
| Quick Links        |
| Support            |
| TARFs              |

Search for Complaint's Respondent(s)

Please specify the NAME or LICENSE NUMBER or COMPLAINT NUMBER of the respondent you're looking for. Optionally, you may specify the city on record, a date range and/or sorting options.

Name:

OR

License No:

(4-7 digits)

OR

Complaint No:

(6 digits)

---(Optional)---

City Name:

Adjudicated date(s)

From: 08/01/2009



To: 12/31/2009



Sorting Options

Sort by:

Direction:

Search results restricted to the 1st 100 matching records. Please note that our records only go back to January 1, 2008 and DO NOT include complaints that are under investigation or otherwise fully adjudicated ( Complies with retention policy A.R.S. §32-2321 (O) )

Search

Reset

## Search Result(s) As of 01/13/2010

| Row | Complaint No. | License No. | Respondent                             | Adjudicated | View Order (pdf)   |
|-----|---------------|-------------|--|-------------|--|
| 1   | 100060        | 8258        | AARON EUGENE WORKMAN                   | 10/19/2009  |  <a href="#">View Order (pdf)</a> |
| 2   | 100078        | 8462        | APOCALYPSE TERMITE & PEST CONTROL      | 11/16/2009  |  <a href="#">View Order (pdf)</a> |
| 3   | 100097        | 8462        | APOCALYPSE TERMITE & PEST CONTROL      | 11/16/2009  |  <a href="#">View Order (pdf)</a> |
| 4   | 100056        | 8516        | ARIZONA TERMITE SOLUTIONS, LLC.        | 08/07/2009  | <b>Dismissed</b>   |
| 5   | 100076        | 5779        | ASAP BEE REMOVAL, LLC.                 | 12/17/2009  |  <a href="#">View Order (pdf)</a> |
| 6   | 100053        | 5330        | BULLDOG PEST CONTROL                   | 10/19/2009  |  <a href="#">View Order (pdf)</a> |
| 7   | 100077        |             | CAL-AM PROPERTIES INC                  | 08/10/2009  |  <a href="#">View Order (pdf)</a> |
| 8   | 100081        |             | CAMPISTA LANDSCAPING                   | 08/19/2009  |  <a href="#">View Order (pdf)</a>   |
| 9   | 100075        | 5462        | CARTER WEED CONTROL COMPANY            | 10/23/2009  |  <a href="#">View Order (pdf)</a>   |
| 10  | 100072        | 890739      | CHARLES SCOTT LEWIS                    | 11/19/2009  |  <a href="#">View Order (pdf)</a>   |
| 11  | 100064        | 990378      | CHRISTOPHER CORDOVA                    | 10/07/2009  |  <a href="#">View Order (pdf)</a>   |
| 12  | 100075        |             | CLEANCUT LAWNS                         | 10/23/2009  | <b>Dismissed</b>   |
| 13  | 100066        |             | CONTINENTAL COMMUNITIES                | 08/10/2009  |  <a href="#">View Order (pdf)</a>   |
| 14  | 100085        |             | DANIEL RIEHL                           | 09/28/2009  |  <a href="#">View Order (pdf)</a>   |
| 15  | 100053        | 1802        | DARAN TROY LEAVITT                     | 10/19/2009  |  <a href="#">View Order (pdf)</a>   |
| 16  | 100076        | 366         | DAVID MICHAEL TESCHNER                 | 12/17/2009  |  <a href="#">View Order (pdf)</a>   |
| 17  | 100076        | 090236      | DAVID W. CHARLESWORTH                  | 12/17/2009  |  <a href="#">View Order (pdf)</a>   |
| 18  | 100096        |             | DAVID WINSTON                          | 10/02/2009  |  <a href="#">View Order (pdf)</a>   |
| 19  | 100112        |             | DELANE SALKELD DBA PARAWEST MANAGEMENT | 09/18/2009  |  <a href="#">View Order (pdf)</a>   |
| 20  | 100052        | 312         | DENNIS DUANE DALEY                     | 11/17/2009  |  <a href="#">View Order (pdf)</a>   |
| 21  | 100059        | 312         | DENNIS DUANE DALEY                     | 11/17/2009  |  <a href="#">View Order (pdf)</a>   |
| 22  | 100079        | 312         | DENNIS DUANE DALEY                     | 08/05/2009  | <b>Dismissed</b>   |
| 23  | 100072        | 920718      | DONALD EDWARD WOOD                     | 11/19/2009  |  <a href="#">View Order (pdf)</a>   |
| 24  | 100075        | 010821      | DONALD VANT SALINE                     | 10/23/2009  | <b>Dismissed</b>   |
| 25  | 100153        | 061056      | DOUGLAS MONROE COOK                    | 10/08/2009  |  <a href="#">View Order (pdf)</a>     |
| 26  | 100058        | 1949        | DWIGHT DOUGLAS LESUEUR                 | 11/16/2009  |  <a href="#">View Order (pdf)</a>      |

|    |        |            |                            |            |   |
|----|--------|------------|----------------------------|------------|---|
| 27 | 100058 | 970145     | DWIGHT DOUGLAS LESUEUR     | 11/16/2009 |  |
| 28 | 100081 |            | FRANK CAMPSTA              | 08/19/2009 |  |
| 29 | 100064 | 8387       | GARY KEITH DOBERT          | 10/07/2009 | <b>Dismissed</b>  |
| 30 | 100041 | 8503       | GIELOW EXTERMINATING GROUP | 08/07/2009 |  |
| 31 | 100060 | 8238       | GREENLEAF PEST CONTROL     | 10/19/2009 |  |
| 32 | 100069 |            | GREENS KEEPER, LLC         | 09/15/2009 |  |
| 33 | 100089 | 1000032353 | JACE ROBERT HAMRICK        | 08/19/2009 |  |
| 34 | 100052 | 910881     | JAMES LEO DALEY, II        | 11/17/2009 |  |
| 35 | 100078 | 050920     | JEDSMOND M. MAGLANOC       | 11/16/2009 |   |
| 36 | 100053 | 051135     | JEFFERY E. JONES           | 10/19/2009 |    |
| 37 | 100064 | 990367     | JODY LEE EASTMAN           | 10/07/2009 | <b>Dismissed</b>  |
| 38 | 100086 |            | JOHN B. MARTOCCIA          | 08/10/2009 |    |
| 39 | 100126 | 060118     | JOHN MARK CURLEY           | 08/05/2009 |    |
| 40 | 100065 | 1000036797 | JONATHAN CARL MILLER       | 11/16/2009 |    |
| 41 | 100078 | 050947     | JOUSTY MANASAN MAGLANOC    | 11/16/2009 |    |
| 42 | 100097 | 30132      | JOUSTY MANASAN MAGLANOC    | 11/16/2009 |    |
| 43 | 100113 |            | KAY-KAY REALTY CORP        | 10/02/2009 |    |
| 44 | 100060 | 060937     | LARRY SHANNON OLIVER       | 10/19/2009 |    |
| 45 | 100080 |            | LAWNS BY LES (LES COATES)  | 08/10/2009 |    |
| 46 | 100075 | 1040       | MALCOLM ADMIRAL CARTER     | 10/23/2009 |    |
| 47 | 100102 |            | MICHAEL RONNING            | 10/02/2009 |    |
| 48 | 100052 | 2023       | MISTER BUGMAN PEST CONTROL | 11/17/2009 |    |
| 49 | 100059 | 2023       | MISTER BUGMAN PEST CONTROL | 11/17/2009 |    |
| 50 | 100062 | 2023       | MISTER BUGMAN PEST CONTROL | 11/17/2009 |     |
| 51 | 100079 | 2023       | MISTER BUGMAN PEST CONTROL | 08/05/2009 | <b>Dismissed</b>  |
| 52 | 100089 |            | NORTHERN ARIZONA PC        | 08/19/2009 |      |
| 53 | 100096 |            | PALM GARDEN APARTMENTS     | 10/02/2009 |      |

|    |        |            |                                     |            |  |
|----|--------|------------|-------------------------------------|------------|--|
| 54 | 100075 | 090413     | QUINTIN LANE HATCH                  | 10/23/2009 |  <b>Dismissed</b> |
| 55 | 100087 |            | RICHARD DUNWOODY JR                 | 08/19/2009 |  <b>Dismissed</b> |
| 56 | 100079 | 960011     | ROBERT ANCL WATKINS, JR.            | 08/05/2009 |  <b>Dismissed</b> |
| 57 | 100075 | 040292     | ROBERT JASON LOGAN                  | 10/23/2009 |  <b>Dismissed</b> |
| 58 | 100102 |            | RONNING LANDSCAPING, INC            | 10/02/2009 |  <b>Dismissed</b> |
| 59 | 100075 | 8153       | SALINE PEST MANAGEMENT (SPM)        | 10/23/2009 |  <b>Dismissed</b> |
| 60 | 100058 | 5458       | SCORPIONTECH TERMITE & PEST CONTROL | 11/16/2009 |  <b>Dismissed</b> |
| 61 | 100086 |            | SCOTTSDALE FINE LANDSCAPING, INC.   | 08/10/2009 |  <b>Dismissed</b> |
| 62 | 100042 | 5599       | TALON PEST CONTROL                  | 10/02/2009 |  <b>Dismissed</b> |
| 63 | 100064 | 4008       | TERMINIX                            | 10/07/2009 |  <b>Dismissed</b> |
| 64 | 100112 |            | THE BRITTANY PLACE APARTMENTS       | 09/18/2009 |  <b>Dismissed</b>   |
| 65 | 100072 | 890739     | TERRA MADRE LANDSCAPING             | 11/19/2009 |  <b>Dismissed</b>   |
| 66 | 100066 |            | TOWERPOINT RESORT (CONTINENTAL COM) | 08/10/2009 |  <b>Dismissed</b>   |
| 67 | 100085 |            | TREES AND MORE                      | 09/28/2009 |  <b>Dismissed</b>   |
| 68 | 100110 |            | TYLER TRAN                          | 09/18/2009 |  <b>Dismissed</b>   |
| 69 | 100042 | 1000009053 | WILLIAM EARL KINNEAR                | 10/02/2009 |  <b>Dismissed</b>   |
| 70 | 100087 |            | WOODY'S LANDSCAPING, LLC            | 08/19/2009 |  <b>Dismissed</b>   |

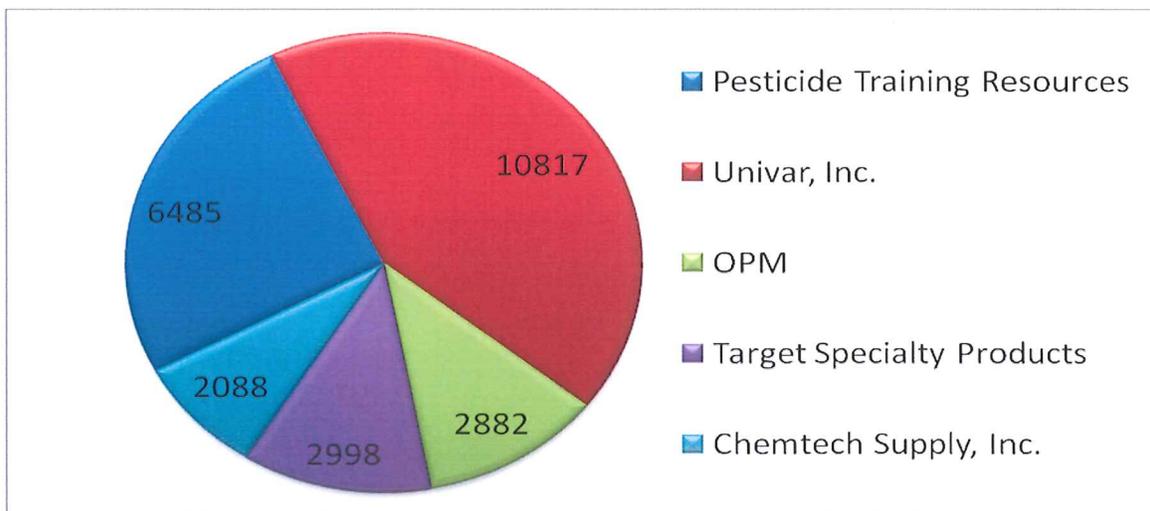
[Contact OPM](#) | [Privacy Policy](#) |

### Trends in Continuing Education Hours Reported for FY2009, FY2008, & FY2007

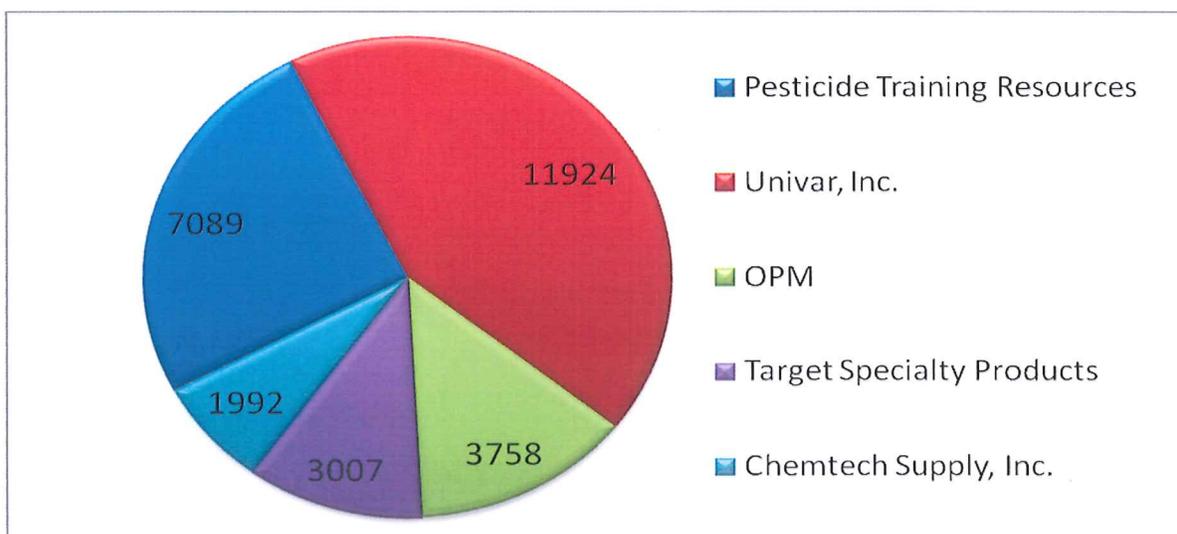
Based on information provided by a CE Provider, I discovered an error in the Chart that was provided to the November 2009 PMAC Members and Meeting Attendees. The previous chart listed the number of line item CE Actions reported, however it did not take into account the number of CE hours provided for each action. That error has been corrected and the following chart accounts for every hour per line item CE Action. I have also included charts for Fiscal Year (FY) 2007 and 2008. The State of Arizona's fiscal year runs from July 1<sup>st</sup> to June 30<sup>th</sup>.

As of January 14, 2010; The OPM has 180 approve CE Providers, 81 of which has current/valid courses. The charts below only includes those CE Providers that had representatives attend the September 2009 PMAC Meeting. In FY2009 the OPM provided CE to 493 out of 6458 licensed individuals, which equated to 7.6% of all Licensees that needed CE to Renew.

#### Continuing Education Hours Reported for FY2009



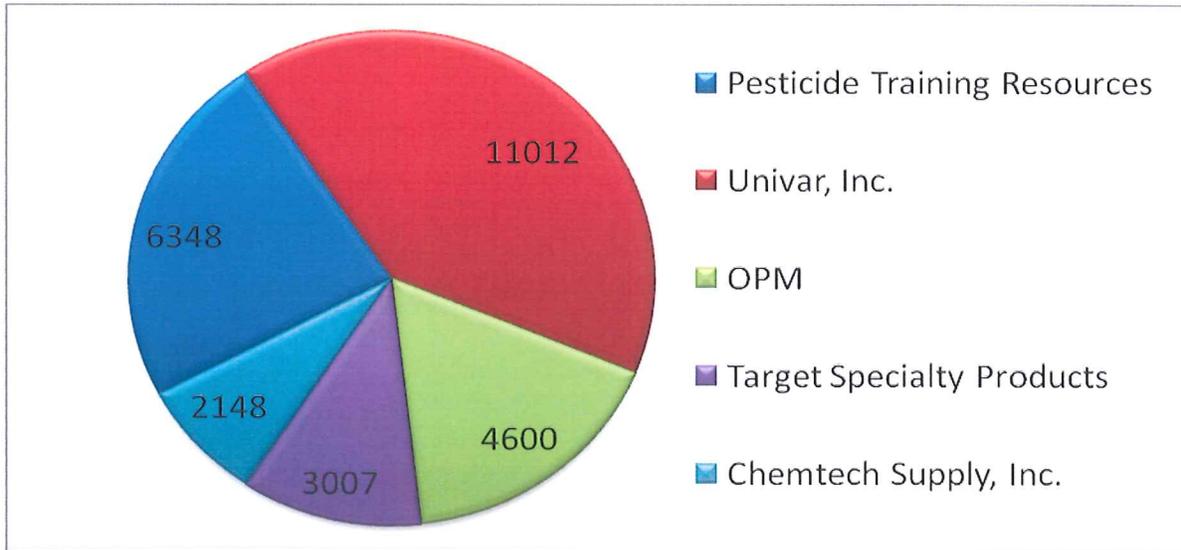
#### Continuing Education Hours Reported for FY2008



The charts were developed to address statements that the OPM is in direct competition with outside CE Providers.

## Trends in Continuing Education Hours Reported for FY2009, FY2008, & FY2007

### Continuing Education Hours Reported for FY2007



As the charts illustrate, the OPM has provided fewer and fewer hours of CE each year.

The charts were developed to address statements that the OPM is in direct competition with outside CE Providers.

## CE Providers with current approved CE Courses as of 01/14/2010

| Provider_id | Provider Name                                   | Courses | Charted |
|-------------|---|---------|---------|
| 200193      | AGUIAR VINCENT                                  | 4       |         |
| 200219      | AAA LANDSCAPE                                   | 14      |         |
| 200271      | ALL STAR PROFESSIONAL TRAINING - AMY LE         | 12      |         |
| 200303      | S.C.E.C.E. - AZOPM SCECE                        | 37      |         |
| 200174      | ARCH WOOD PROTECTION, INC.                      | 1       |         |
| 200282      | ARIZONA DEPT OF AG                              | 2       |         |
| 200111      | ARIZONA EXTERMINATING COMPANY PUTTERMAN BERTRAM | 1       |         |
| 200168      | ARIZONA NURSERY ASSOCIATION                     | 15      |         |
| 200294      | ARIZONA OPM - OPM STAFF                         | 12      | *       |
| 200299      | ARIZONA OPM-RECIPROCITY - OPM STAFF             | 4       |         |
| 200258      | ARROW EXTERMINATORS - ARTHUR CAPRON             | 2       |         |
| 200149      | AZ DEPARTMENT OF HEALTH SRVCS - MICHAEL FINK    | 3       |         |
| 200236      | B & G CHEMICALS & EQUIPMENT CO.                 | 1       |         |
| 200190      | BAKER PETROLITE                                 | 1       |         |
| 200227      | BASF  | 25      |         |
| 200115      | BAYER CORPORATION                               | 12      |         |
| 200186      | BEE MASTER                                      | 1       |         |
| 200188      | BELL LABORATORIES                               | 1       |         |
| 200264      | BIRD-B-GONE - MICHAEL DOUGHERTY                 | 1       |         |
| 200159      | CACTUS AND PINE GOLF ASSOC.                     | 2       |         |
| 200215      | CAL POLY - RICHARD KAAE                         | 31      |         |
| 200132      | CHEMTECH SUPPLY                                 | 15      | *       |
| 200157      | CLARKE MOSQUITO CONTROL - VICKIE LUBAS          | 1       |         |
| 200272      | COLORADO STATE UNIVERSITY                       | 3       |         |
| 200234      | CROP PRODUCTION SERVICES - SHANE POWELL         | 2       |         |
| 200110      | CTN EDUCATIONAL SERVICES                        | 33      |         |
| 200143      | DEANGELO BROTHERS                               | 2       |         |
| 200263      | DESERT LANDSCAPER SCHOOL - REBECCA SENIOR       | 1       |         |
| 200207      | DICKSON AGRONOMIC SERVICES                      | 9       |         |
| 200101      | DOW AGROSCIENCES JOHNSON LES                    | 2       |         |
| 200291      | DR. GORDEN WARDELL - GORDEN WARDELL             | 1       |         |
| 200283      | DUPONT PROFESSIONAL PRODUCTS - NICK GRISAFE     | 4       |         |
| 200296      | ECOLAB INC. - JOHN MCCOWN                       | 5       |         |
| 200295      | ECOSMART TECHNOLOGIES - HARLAN FEESE            | 1       |         |
| 200160      | FMC CORPORATION - DAVE TORSKA                   | 9       |         |
| 200281      | FOOD INDUSTRY SANITATION AUDITOR                | 3       |         |
| 200241      | FOUR PEAKS - BILL JERNIGAN                      | 1       |         |
| 200229      | GLENDALE COMMUNITY COLLEGE                      | 1       |         |
| 200302      | HOMETEAM PEST DEFENSE - MIKE FRANCIS            | 4       |         |
| 200297      | IPVM / TURF SCIENCE LABS- DAVE CRANDELL         | 23      |         |
| 200292      | JERRY MURPHY                                    | 2       |         |
| 200304      | JT EATON CO., INC - JAMES RODRIGUEZ             | 1       |         |
| 200287      | KEN REILLY SEMINARS CO. - KEN REILLY            | 1       |         |
| 200301      | LIPHATECH                                       | 1       |         |
| 200113      | METRO INSTITUTE - MIKE MEANS                    | 33      |         |

\* These providers appear on the Pie Chart above.

### CE Providers with current approved CE Courses as of 01/14/2010

|        |  |     |   |
|--------|--|-----|---|
| 200145 | NATIONAL PEST MANAGEMENT ASO - CINDY KENNEDY     | 17  |   |
| 200239 | NEW MEXICO STATE UNIVERSITY EXT - LONNIE MATHEWS | 2   |   |
| 200154 | NEW MEXICO VEG. MANAGEMENT - CASEY A MCGUIRE     | 4   |   |
| 200112 | NORTHWEST EXTERMINATING CO. - PATRICIA DEE       | 8   |   |
| 200238 | ORKIN  | 30  |   |
| 200191 | PEST CONTROL TECHNOLOGY - MARIA MILLER           | 2   |   |
| 200139 | PESTICIDE APPLICATORS PROF. ASO - TERI CREATH    | 12  |   |
| 200129 | PESTICIDE TRAINING RESOURCES - MICHAEL PFEIFFER  | 54  | * |
| 200213 | PESTNETWORK.COM - CHARLES COLE                   | 14  |   |
| 200288 | PRENTISS INCORPORATED - GARY ROSS                | 1   |   |
| 200247 | PROBEST PEST MANAGEMENT, LLC. - KEITH BIRKEMEYER | 14  |   |
| 200107 | PURDUE UNIVERSITY                                | 9   |   |
| 200176 | RUTGERS UNIVERSITY - RUBY HILL                   | 1   |   |
| 200293 | SCHENDEL PEST SERVICES - JOEL PEREZ-MENDOZA      | 8   |   |
| 200204 | SCOTT RICHARDSON - SCOTT RICHARDSON              | 1   |   |
| 200177 | SOLUTIONS PEST SERVICES - DAVE MATTHEWS          | 15  |   |
| 200284 | SOS EXTERMINATING- LINDA HARRINGTON              | 3   |   |
| 200158 | SYNGENTA PROFESSIONAL PROD. - ROPER ELRAY        | 6   |   |
| 200123 | TARGET SPECIALTY PRODUCTS                        | 32  | * |
| 200217 | TECHNICAL LEARNING COLLEGE - JEFF DURBIN         | 10  |   |
| 200117 | TERMINIX INTERNATIONAL                           | 1   |   |
| 200119 | TROON GOLF & COUNTRY CLUB                        | 1   |   |
| 200120 | TRULY NOLEN                                      | 12  |   |
| 200286 | U OF A PLANT SCIENCES DEPT - URSULA SCHUCH       | 1   |   |
| 200166 | UNIVAR   | 129 | * |
| 200125 | UNIVERSITY OF ARIZONA                            | 11  |   |
| 200253 | UNIVERSITY OF AZ (MOHAVE CNTY) - ROB GRUMBLES    | 4   |   |
| 200259 | UNIVERSITY OF CALIFORNIA - LAURIE ALLEN          | 2   |   |
| 200173 | UNIVERSITY OF GEORGIA                            | 1   |   |
| 200175 | UNIVERSITY OF NEVADA-RENO                        | 2   |   |
| 200128 | UNIVERSITY TERMITE & PEST CNTRL                  | 5   |   |
| 200298 | US FOREST SERVICE - ALLEN WHITE                  | 1   |   |
| 200300 | VALENT PROFESSIONAL PRODUCTS - TODD MAYHEW       | 1   |   |
| 200195 | WESTERN AQUATIC PLANT SOCIETY - JILL WINFIELD    | 2   |   |
| 200136 | WHITMIRE MICRO-GEN                               | 3   |   |
| 200140 | WILBUR ELLIS COMPANY - ROB DEACON                | 1   |   |

\* These providers appear on the Pie Chart above.



ARIZONA

**Janice K. Brewer**  
Governor

**Office of Pest Management**

**Ellis M. Jones**  
Acting Director

9535 E. Doubletree Ranch Road  
Scottsdale, Arizona 85258-5514  
(602) 255-3664 - (602) 255-1281 fax  
<http://www.sb.state.az.us>

December 23, 2009

Attached below is draft legislation that Pima County wants to submit during the upcoming session. Please review and email me any comments and concerns that you may have by January 5, 2010.

Happy Holidays!

Ellis M. Jones, MA  
Acting Director  
[ejones@sb.state.az.us](mailto:ejones@sb.state.az.us)

**Draft Legislation, RE: Political Subdivisions; Volunteers; Noxious Weed Control**

**Be it enacted by the Legislature of the State of Arizona:**

**Section 1. Section 32-2311, Arizona Revised Statutes, is amended to read:**

**32-2311. Persons not required to be licensed; civil penalties**

A. This chapter does not apply to:

1. Persons licensed or certified pursuant to title 3, chapter 2, article 6.
2. Persons applying pesticides on property that they own and occupy.
3. Authorized representatives of any educational institution engaged in research in the study of pest management or a state agency engaged in research or the study of pest management.
4. Employees of political subdivisions or their designated agents while performing emergency response or rescue services.
5. Persons using a nonrestricted, ready to use disinfectant, sanitizer or deodorizer.
6. Except as provided in section 32-2307, persons who are conducting lawn, garden, shrub or tree maintenance and who apply herbicides for the purpose of weed management. This exemption does not apply to:
  - (a) The use of herbicides that are labeled with the words "restricted use" or "danger" and that are not commercially available to the general public.
  - (b) The use of sterilants.
  - (c) Persons who offer weed management as their primary service.
  - (d) Persons who use application equipment that holds more than eight gallons of total mixed liquid herbicide.
  - (e) Persons who use more than twenty-five pounds of a nonliquid herbicide.
  - (f) Persons who do not follow label and labeling directions.
7. A utility and the utility's employees if pest management services are needed for an employee's health and safety in order for the employee to continue performing work tasks.

**8. EXCEPT AS PROVIDED IN SECTION 32-2307, VOLUNTEERS OF POLITICAL SUBDIVISIONS WHO ARE ERADICATING AND CONTROLLING NOXIOUS WEEDS AS DEFINED IN SECTION 3-201 AND WHO ARE UNDER THE IMMEDIATE SUPERVISION OF A LICENSED APPLICATOR. THIS EXEMPTION DOES NOT APPLY TO:**

- (a) THE USE OF HERBICIDES THAT ARE LABELED WITH THE WORDS "RESTRICTED USE" OR "DANGER" AND THAT ARE NOT COMMERCIALY AVAILABLE TO THE GENERAL PUBLIC.**
- (b) THE USE OF STERILANTS.**
- (c) VOLUNTEERS WHO USE APPLICATION EQUIPMENT THAT HOLDS MORE THAN EIGHT GALLONS OF TOTAL MIXED LIQUID HERBICIDE.**

**(d) VOLUNTEERS WHO USE MORE THAN TWENTY-FIVE POUNDS OF NONLIQUID HERBICIDE.**

**(e) VOLUNTEERS WHO DO NOT FOLLOW LABEL AND LABELING DIRECTIONS.**

**(f) VOLUNTEERS WHO HAVE NOT COMPLETED AN OFFICE OF PEST MANGEMENT APPROVED HERBICIDE APPLICATION TRAINING PROGRAM CONDUCTED BY THE POLITICAL SUBDIVISION.**

B. An employee of a political subdivision who engages in pest management:

1. Is not required to be licensed under section 32-2313 or 32-2314.
2. Must be licensed as an applicator under section 32-2312, except as provided by subsection A, paragraph 4 of this section.

C. A person who is exempt pursuant to subsection A, paragraph 6 of this section shall provide treatment records to each customer on application of herbicides for the purpose of weed management and shall retain records containing the same information provided to customers. For the purposes of this subsection, treatment records shall include all of the following:

1. The address of the location of the herbicide application.
2. The date of the herbicide application.
3. The trade name or common name of the herbicide applied.

D. If a person is exempt pursuant to subsection A, paragraph 6 of this section but does not comply with subsection C of this section or if a person is not licensed under this chapter and the person is not exempt pursuant to subsection A, paragraph 6 of this section as a result of doing something prescribed in subsection A, paragraph 6, subdivisions (a) through (f) of this section, the acting director shall:

1. On a first violation, issue a written notice of correction that contains a warning and a copy of this section and that provides full notice of the exemption requirements.
2. On a second violation, impose a civil penalty of not more than two hundred fifty dollars.
3. On a third or any subsequent violation, impose a civil penalty of not more than five hundred dollars.

**E. VOLUNTEERS OF A POLITICAL SUBDIVISION WHO ARE NOT WORKING UNDER THE IMMEDIATE SUPERVISION OF A LICENSED APPLICATOR MAY BE SUBJECT TO THE PROVISIONS OF SECTION 32-2304, SUBSECTION D, PARAGRAPH 12.**

**F. FOR THE PURPOSES OF THIS SECTION "VOLUNTEERS OF POLITICAL SUBDIVISIONS" MEANS PERSONS WHO WORK WITHOUT COMPENSATION OTHER THAN REIMBURSEMENT OF ACTUAL EXPENSES INCURRED, OR DISBURSEMENT OF MEALS OR OTHER INCIDENTAL BENEFITS.**

## PROPOSED STATUTE CHANGES

The following are proposed changes to Arizona Revised Statutes (A.R.S.). New Language appears in all CAPs.

### A.R.S. § 32-2312 Applicator Licenses; application; categories; renewal; inactive licenses

E. Except as provided in subsection F of this section, each employee of a business licensee applying pesticides shall be licensed in all applicable categories within ONE HUNDRED TWENTY calendar days after employment.

Rationale: Conducting background checks on all new licensing applicants has added processing time to the applications submitted. Extending the pesticide application time by thirty calendar days will compensate for the time needed for the background check.

### A.R.S. § 32-2313 Business License; renewal; financial security; definition

F. IF THERE IS AN INTERRUPTION IN THE FINANCIAL SECURITY OF A BUSINESS LICENSEE, THE BUSINESS LICENSEE SHALL IMMEDIATELY STOP PROVIDING PEST MANAGEMENT SERVICES.

Rationale: Although current statute states that a business license is automatically suspended if the proof on file with the office expires, the statute does not state that the business license must stop providing pest management services although the requirement does appear in Arizona Administrative Code (A.A.C.) R4-29-605 (A)(3). This addition goes hand-in-hand with proposed change for A.R.S. § 32-2321

### A.R.S. § 32-2314 Qualifying Party; License; Examination; Inactive Status; Temporary License

F. If the acting director issues a renewable and revocable temporary qualifying party license pursuant to section 32-2304, the temporary qualifying party license is valid for ONE HUNDRED EIGHTY calendar days and may be renewed only on approval of the acting director if good cause is established for delay in the procurement of a qualifying party license. Under the temporary qualifying party license, a business licensee shall otherwise fully comply with the requirements of this chapter and rules adopted pursuant to this chapter.

Rationale: Staff believes the current language does not provide industry enough time to conduct a sufficient search for a QP licensee or have a licensed applicator apply for a qualifying party license and successfully complete the exams.

G. THE ACTING DIRECTOR MAY RENEW A TEMPORARY QUALIFYING PARTY LICENSE FOR AN ADDITIONAL NINETY DAYS IF THE BUSINESS LICENSEE SUBMITS THE FEE REQUIRED UNDER A.A.C. R4-29-105 AND;

1. THE BUSINESS LICENSEE SUBMITS TO THE ACTING DIRECTOR A WRITTEN REQUEST FOR RENEWAL EXPLAINING WHY RENEWAL IS NEEDED AND THE BUSINESS LICENSEE'S CONTINGENCY PLAN IF THE ACTING DIRECTOR DENIES THE RENEWAL;

2. FEWER THAN SIX MONTHS HAVE ELAPSED SINCE THE MOST RECENT QUALIFYING PARTY WHO QUALIFIED THE BUSINESS DISASSOCIATED FROM THE BUSINESS; AND
3. THE BUSINESS LICENSEE ESTABLISHES GOOD CAUSE FOR DELAY IN HIRING A QUALIFYING PARTY LICENSEE. THE BUSINESS LICENSEE CAN ESTABLISH GOOD CAUSE BY SHOWING:
  - a. THE TEMPORARY QUALIFYING PARTY LICENSEE OR ANOTHER LICENSED APPLICATOR OF THE BUSINESS LICENSEE HAS APPLIED FOR A QUALIFYING PARTY LICENSE AND HAS THE PRACTICAL EXPERIENCE REQUIRED FOR LICENSURE BUT:
    - i. THE QUALIFYING PARTY APPLICANT HAS SUBMITTED A FINGERPRINT CARD AND FINGERPRINT CARD PROCESSING FEE, YET THE ACTING DIRECTOR HAS YET TO RECEIVE THE RESULTS OF THE BACKGROUND INVESTIGATION; OR
    - ii. THE QUALIFYING PARTY APPLICANT COMPLETED ALL REQUIREMENTS TO OBTAIN A LICENSE, BUT THE ACTING DIRECTOR WAS UNABLE TO CONSIDER THE QUALIFYING PARTY APPLICANT BEFORE THE TEMPORARY QUALIFYING PARTY LICENSE EXPIRED; AND
  - b. THE BUSINESS LICENSEE CONDUCTED A DILIGENT BUT UNSUCCESSFUL SEARCH FOR A QUALIFYING PARTY BY SUBMITTING IN WRITING THE:
    - i. NAME;
    - ii. LICENSE NUMBER;
    - iii. MAILING ADDRESS, EMAIL ADDRESS, OR TELEPHONE NUMBER OF THE QUALIFYING PARTY LICENSEE; AND
    - iv. THE DATE AND TIME THE QUALIFYING PARTY LICENSEE WAS CONTACTED.

Rationale: The current language in A.A.C. R4-29-209 contradicts the intent of A.R.S. § 32-2314(F) by extending the time period to six months regardless of the reason because it's been "fewer than six months since the qualifying party disassociated".

**A.R.S. § 32-2321 Disciplinary action; grounds; procedure; judicial review**

- (C.) 13. THE BUSINESS LICENSEE FAILED TO IMMEDIATELY STOP PROVIDING PEST MANAGEMENT SERVICES WHEN THERE WAS AN INTERRUPTION OF FINANCIAL SECURITY.

Rationale: A.R.S. § 32-2321 subsection A and B lists violations that, when committed for the first time, would only result in an Administrative Warning. However, all of the violations listed under subsection C can result in a civil penalty on the first offense. Placing this statute under subsection C, could deter business licensees from operating without insurance. Applying pesticides without holding insurance is serious—especially if one were to become ill as a

result of a pesticide application. Placing this statute under subsection C demonstrates the seriousness of this violation.

**A.R.S. § 32-2324 Wood-Destroying Insect Inspection Reports**

- A. Wood-destroying insect inspection reports may only be completed by an applicator or qualifying party who is licensed in the CATEGORY of wood-destroying insect inspection and who has received at least five hours of instruction from the office or the former structural pest control commission or an in-house education program of a business licensee on the subject of wood-destroying insect inspection reports. An examination on the instruction is not required. The business licensee shall keep a record of completion of the training and shall make the record available on the acting director's request.

Rationale: Currently, an applicator must hold a B2 license AND a B8 license to issue a WDIIR. However, A.A.C. R4-29-102 defines a B2 license as a license used for performing wood destroying insect treatments. The same A.A.C. defines a B8 license as a license used for completing wood destroying insect inspections. It could be argued that—with the exception of those issuing termite treatment proposal forms—an applicator who is only issuing WDIIRs should not be required to hold more than a B8 license.

**A.R.S. § 32-2325 Unlawful Acts**

- B. A PERSON WHO KNOWINGLY ENGAGES IN THE BUSINESS OF PEST MANAGEMENT WITHOUT OBTAINING AND MAINTAINING A LICENSE, EXCEPT AS PROVIDED IN SECTION 32-2311, THAT MAY POTENTIALLY CAUSE BODILY INJURY, PROPERTY DAMAGE, OR ENVIRONMENTAL HARM IS GUILTY OF A CLASS SIX FELONY.

Rationale: Previous statutes enforced by the SPCC identified unlicensed activity as those guilty of a Class 6 felony. However, the language is non-existent in our current statutes. Therefore, there is no written deterrent toward unlicensed activity. Previous language was vague (it simply said a person who engages in structural pest control without obtaining a license is guilty of a Class 6 felony). However, the proposed language is SPECIFIC in that the violation must be associated with the result of bodily injury, property damage or environmental harm.

Zimbra

rtolton@sb.state.az.us

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## Fwd: Committee Issues

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**From :** Keely Verstegen <Keely.Verstegen@azag.gov>

Wed, Jan 13, 2010 01:29 PM

**Subject :** Fwd: Committee Issues

**To :** rtolton@sb.state.az.us

Robert, here is the email that I previously sent to Ellis and Vince regarding your question you left on my voicemail today. Let me know if you have any other questions.

Keely

>>> Keely Verstegen 9/30/2009 1:27 PM >>>

Hello,

In follow up to the recent committee meeting, I have done some research.

1) Website.

There is really nothing that the OPM or the Committee can do with regard to the website. A governmental entity is not entitled to file a defamation action against someone. She has a first amendment right to free speech and this is her opinion. If they want to collect monies to form a defense fund to get the laws changed, then they are entitled to do so.

2) Conflict of Interest.

There was a question as to whether a committee member must recuse himself with respect to the discussion on charging a fee for continuing education. First, I do not believe that there is a statutory conflict of interest that would require him from recusing himself. I don't see this a whole lot different from a licensee who is also a committee member from discussion and decision of whether or not to raise fees or by how much, etc.

However, a committee member must consider whether, based on the situation, he or she can be fair and impartial in making a decision. So, if Mr. Seeman believes that he can be fair and impartial, he can participate in the discussion, but if not, he should recuse.

Lastly, I will not be able to attend the meeting on Oct. 21. I have a Vet Board meeting that is scheduled for that day. Furthermore, our office is also facing budget issues and we are extremely short staffed so there will be nobody else that would be able to attend.

However, if you feel that you may need some legal advice, I can try to arrange someone to be available by phone if a question should arise. In the future, it is unlikely that I will be able to attend any of the committee meetings in person, but I can be available by phone for questions if you let me know in advance. I currently represent 9 other agencies and my time will be reduced to 80% in the next two weeks so it is going to be very difficult to provide the same services that we once were able to.

P.S. I sent another message up today to check on the status of the rules, but haven't heard back. Last week, they were still with the Executive Office. I will let you know as soon as I hear anything.

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