



ARIZONA

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Ellis M. Jones
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PEST MANAGEMENT ADVISORY COMMITTEE WEDNESDAY, February 16, 2011 10:00 A.M.

Minutes

I. Call to order - 10:07 a.m. (Chairman Etheridge)

a) Committee Member Roll Call (Ms. Howarth)

Committee Members present: Chairperson Kevin Etheridge, Andrew Witcher, Douglas Seeman, Ken Fredrick, Carmella Ruggiero, Jack Latham

Committee Members absent: None

Staff present: Acting Director Ellis M. Jones, Robert L. Tolton, Jr.; Charmayne Skow, Dee Seehoffer, Dirk Vandenberg, Sr.; Alan Pugh, and Ashton Howarth

II. Approval of Previous Minutes

a) September 15, 2010

MOTION: *To approve the minutes by Ken Fredrick
Second by Carmella Ruggiero*

VOTE: 6-0

III. OPM Updates and Reports

a) Agency Update (Mr. Jones)

1. Joint Legislative Budget Committee Report –

Mr. Jones stated that there are no budget changes for OPM. He stated that the benefits and cost savings of moving to the Agriculture building is that OPM would help pay the rent for the Department of Agriculture since they claim to have a lot of unused space.

2. Legislative Tracking Report –

Mr. Jones gave a brief overview of the House Bills and Senate Bills that are currently out and explained that they would be address later in the agenda.

b) Compliance/Enforcement (Mr. Jones)

1. Snapshot
 - a) November 2010:
 - b) December 2010:
 - c) January 2011:

Mr. Jones stated that the snap shots showed the overview of activity within Compliance/Enforcement for November and December of 2010 as well as January of 2011. Mr. Fredrick inquired about the Compliance/Enforcement Inspection Scheme in relation to the Environmental Protection Agency’s (EPA) expectations. Mr. Jones explained that the expected number of inspections is arbitrary. Mr. Pugh and Mr. Tolton further explained that the OPM’s Inspection Scheme is based on comments for the Legislature during the SPCC’s sunset review.

c) Licensing (Mr. Tolton)

1. Snapshot
 - a) November 2010
 - b) December 2010
 - c) January 2011

Mr. Tolton stated that the industry is still growing. It had increased about 10 % this year from last year.

2. Business Licenses issued during November 2010

Business Name	Business Licensee	Qualifying Party
Bug Warrior	Yuma Pest Protection , LLC. – Matthew C. Reyelts	Matthew C. Reyelts
Desert State Termite & Pest Control, LLC.	Desert State Termite & Pest Control, LLC. – Jorge M. Reyes	Jorge M. Reyes
Families Choice Pest Control	Families Choice Pest Control, LLC. – Brian Andrew Scruggs	Brian Andrew Scruggs
Green Mango Pest Control	Green Mango Pest Control, LLC. – Cameron Andrew Bauden & Thomas Williams	Michael Ray Ball, Jr.
Killum Pest Control Co.	Fabian E. Hernandez	Fabian E. Hernandez
Louie Baca’s Pest Control	Louie Fidel Baca	Louie Fidel Baca
Regency Landscape Solutions	Regency Landscape Solutions, Inc. – Stephanie Hyatt & Todd Hyatt	Todd Douglas Hyatt
RJ Pest Management	Richard Lloyd James	Richard Lloyd James
Robins Nest Pest Management	Lescano, Inc. – Leslie Carter Robbins	Leslie Carter Robbins
Tony Hecht Enterprises, Inc.	Tony Hecht Enterprises, Inc. – Anthony L. Hecht & Mary Jean Hecht	Anthony L. Hecht
Vintage Pest Management, LLC.	Vintage Pest Management, LLC. – Stacey Mae White	Stacey Mae White

3. Business Licenses issued during December 2010

Business Name	Business Licensee	Qualifying Party
All Pro Pest Management Services	All Pro, LLC. – Michael Huff & Jonathan D. Debee	Jonathan Daniel Debee
Amigo Pest & Termite Control	Roberto Meraz	Roberto Meraz
Bellows Golf Management	Bellows Golf Management, LLC. – Bellows Golf Holdings, LLC.	Joseph Robert Cons, Jr.
C.A.R.E. Pest Services	Virgil Lee Ellis	Virgil Lee Ellis
Village of Oak Creek Association	Village of Oak Creek Association – Lee A. Spencer	Lee Albert Spencer

4. Business Licenses issued during January 2011

Business Name	Business Licensee	Qualifying Party
Celtic Green Pest Control Co.	Timothy P. Prendiville	Timothy Patrick Prendiville
Gothic Grounds Management, Inc.	Gothic Grounds Management, Inc. – Ronald L. Georgio & Jon S. Georgio	David Donald Stevens
National Golf Maintenance, LLC.	National Golf Maintenance, LLC – Jeffrey D. Omahen, John C. Snyder & Valerie L. Omahen	Justin Charles Ruiz
Nose Knows, LLC.	Nose Knows, LLC. – Louise Bard, Lawrence Bard & Tiffany Rae	Bobbie Leon Leonard
Pest West Exterminating, LLC.	Pest West Exterminating, LLC. – Kurt Ceballes	Hector G. Nunez
Varsity Termite & Pest Control, LLC.	Varsity Termite & Pest Control, LLC. – Tony Kaufman & Christine Kaufman	Tony Joseph Kaufman & Dennis Michael Garrett
Westquip, LLC.	Westquip, LLC. – Lee. A Spencer	Lee Albert Spencer

d) Accounting (Ms. Skow)

1. Snapshot

- a) November 2010
- b) December 2010
- c) January 2011

Ms. Skow stated that revenues have continued to be more than expenditures. She explained that everything on the cash flow report up until the end of January is actual and anything after that is just forecasted.

Mr. Jones stated that after the next renewal cycle will clearly determine if the increase in licensing fees has made OPM less dependent on TARF revenues.

IV. Review, Discussion, and Possible Action on:

a) Beekeepers, Should they be licensed? (Mr. Pugh)

Mr. Pugh stated that the agency was seeking input on this topic from the Committee about the licensing of individuals and businesses that move bees but not kill them. There

was no decision made about this topic, but the Committee requests that the topic be continued to a future agenda.

- b) HB 2102 – Amends A.R.S§ 41-1080 regarding license eligibility to include Fingerprint Clearance Cards, requires photo ID issued by Government, and amends definition of “License”. (Mr. Jones)**

The question about this bill is does it need to be further clarified. What meets the requirements of government issued ID with picture?

Mr. Seeman asked, “If somebody already has a QP and they want to expand, why do they need fingerprinting again?” Mr. Tolton explains that if it has been more than 12 months you have to have your fingerprints run again because the background check is only valid for the time it was processed, a person could be convicted of a misdemeanor or felony after they’ve had a background check.

- c) HB 2216 – restricts State Agencies from enacting or adopting standards or requirements by rules that are more stringent than a corresponding Federal Law. Enforced by GRRC and/or Governor’s Office. (Mr. Jones)**

Mr. Jones stated that this directly affects the OPM because this would only require individuals using restricted use pesticides to be licensed.

- d) HB 2312 & SB 1194 – changes designation of A.R.S title 32, chapter 22 to Structural Pest Management Regulation, moves oversight of OPM from Department of Administration to Department of Agriculture for two years, creates task force on regulation of structural pest management.(Mr. Jones)**

Senate bill 1194 passed out of Senate 29-0 and the House will hear HB2312 on 2/17/2011. Mr. Jones stated that these bills will put OPM under the Department of Agriculture until 2013 if it passed.

- e) SB 1339 – repeals all State Agency Rules that have an impact on private sector effective 12/31/2012, restricts State Agencies from adopting rules that impact the private sector, requires any agency rule that has an impact on private sector be enacted in statute, and defines private sector. (Mr. Jones)**

Mr. Jones stated that the private sector is defined as private businesses, private entities, and private property owners. Mr. Jones added that private businesses are all non-government businesses.

- f) SB 1458 – establishes reciprocity guidelines and establishes guidelines for Temporary Practice Permits which may be adopted by State Agencies. (Mr. Jones)**

Mr. Jones posed the question to the committee does this bill specifically apply to individuals returning from the military. The bill states that if an individual is licensed in another state in general pest categories that they should automatically be licensed by the OPM as well. He explained that some people who work with the legislators stated that it was meant to be written for people in the military. He stated that this reciprocity would mean that if they have a license in another state they have a license here without testing.

g) CE Application Process (Ms. Ruggiero)

Ms. Ruggiero stated that she had been in contact with several companies who wanted to know the proper process and timeline of requesting CEU's. She asked "if a speaker's bio is already on file does it have to be resubmitted?" Mr. Tolton explained that each class has to be reviewed separately and that the speaker's bios do stay on file but depending on how they submitted it previously will determine if the bio has to be reviewed again. Mr. Tolton stated that on the application for CE it is asked that the application be submitted 30- days prior to the class. Ms. Ruggiero asked how people are notified if the class has been accepted. Mr. Tolton explained that it was being done by email but will now be being done by regular mail.

h) It's Our Turn Complaint to Attorney General's Office and Attorney General's Response. (Mr. Jones)

Mr. Jones discussed the content of the document and pointed out the information within it that he believed to be false. Mr. Jones also informed the Committee that he has no obligation to respond to it at this point.

i) Should Bed Bug Technicians that use devices that kill, however do not use pesticides be required to obtain an Applicator license in the B1 Category? See A.R.S. § 32-2301 (4), A.R.S. § 32-2325 (6), & A.A.C. R4-29-201 (A) (Scott Shipley)

Mr. Shipley, co-owner of Bed Bugs Be Gone, addressed the committee to request that they review the requirements for heat application. He requested that there be a Heat Applicator Only category for pest control or to grant an exemption in A.R.S. § 32-2311. The committee stated that if a device is used to kill the bed bugs and an identification of the bed bug is being made, it would still fall under General & Public Health Pest Management and said license would be required.

V. Call to the Public (Chairperson) –

T.J. Hammer – Ms. Hammer states that she has buyers for pest control companies, large and small. She urges anyone who wants to sell their business to give her a call. (480) 540-5005

VI. Communication with Advisory Committee Members –

None.

VII. Mr. Jones - Scheduling of Future Meetings

a) March 16, 2011

After discussion, meeting changed to April 20, 2011.

b) May 18, 2011

VIII. Adjournment-

Motion : Chairperson Kevin Etheridge

Second: Carmella Ruggiero

Meeting adjourned at 11:51 A.M.