

## A Summary of Cases

5/26/2015

- 2014/0157     **Disposition:** Lynwood Laboratories Inc. was cited for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for offering for sale in Indiana a state-unregistered pesticide in 2013 and 2014. A civil penalty in the amount of \$500.00 (2 counts x \$250.00 per count) was assessed. As of May 1, 2015, Lynwood Laboratories, Inc. had not paid the civil penalty. The case was forwarded for collection.
- 2014/0159     **Disposition:** Infinite Coatings was cited for three (3) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a state un-registered pesticide product. A civil penalty in the amount of \$750.00 (3 counts x \$250.00 per count) was assessed.  
Infinite Coatings was cited for three (3) counts of violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide that violated the Federal Insecticide, Fungicide, and Rodenticide Act. A civil penalty in the amount of \$1,750.00 (\$250.00 for the first count; \$500.00 for the second count and \$1,000.00 for the third count) was assessed.  
As of May 1, 2015, Infinite Coatings had not paid the civil penalty. The case was forwarded to the Indiana Attorney General for collection.
- 2014/0203     **Disposition:** Bruce Gee was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding restrictions on indoor use. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact this was his seventh violation of similar nature. See case numbers 2013/0609, 2013/0759, 2013/0760, 2014/0202, 2014/0295 and 20140290. Bruce Gee was cited for violation of section 65(8) for making a false or fraudulent record, invoice or report. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact this was his second violation of similar nature. See case number 2014/0290.  
In addition, considering the seriousness of his conduct, the license of Affordable Pest Control and the certification and license of Bruce Gee were revoked.
- 2014/0613     **Disposition:**  
A. Sapadilla Soap Company was cited for three (3) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide into Indiana that did not have a state registration. A civil penalty in the amount of \$750.00 (3 counts x \$250.00 per count) was assessed for this violation.  
  
B. Sapadilla Soap Company was cited for three (3) counts of violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide in violation of the Federal Insecticide, Fungicide and Rodenticide Act. A civil penalty in the amount of \$1,750.00 (\$250.00 for the first product; \$500.00 for the second product and \$1,000.00 for the third product) was assessed for this violation. The total amount of civil penalty assessed for this investigation was \$2,500.00.

C. On June 9, 2014, OISC received a facsimile from Sapadilla Soap Company indicating the pesticidal claims were not on their product; rather Earth Easy had put the claims on their website without the knowledge of Sapadilla Soap Company. Their facsimile stated in part . . . *“Upon receipt of your letter we visited eartheasy.com, the website you referenced as the source of the violation and discovered they incorrectly state that our products are antimicrobial, referencing ethyl alcohol. We were unaware of antibacterial claims made in error on their site until today . . . ”*

D. As a result of this new information, enforcement against Sapadilla Soap Company was rescinded and Earth Easy was cited for three (3) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide into Indiana that did not have a state registration. A civil penalty in the amount of \$750.00 (3 counts x \$250.00 per count) was assessed for this violation.

E. Earth Easy was also cited for three (3) counts of violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide in violation of the Federal Insecticide, Fungicide and Rodenticide Act. A civil penalty in the amount of \$1,750.00 (\$250.00 for the first product; \$500.00 for the second product and \$1,000.00 for the third product) was assessed for this violation. The total amount of civil penalty assessed for this investigation was \$2,500.00.

F. As of May 1, 2015, Earth Easy had not paid the civil penalty. The case was forwarded to the Indiana Attorney General for collection.

- 2014/0811     **Disposition:** Nyco Products Co. was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing Nyco HSD One-Step Disinfectant – EPA Registration # 6836-57-8370, without ever being registered in the state of Indiana. A civil penalty in the amount of \$250.00 was assessed.
- 2014/1007     **Disposition:** Richard Ty Eaton was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation. As of May 1, 2015, Richard Ty Eaton had not paid the civil penalty. The case was forwarded for collection.
- 2014/1202     **Disposition:** Joshua Targgart was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed. As of May 1, 2015, Joshua Targgart had not paid the civil penalty. The case was forwarded for collection.
- 2014/1247     **Disposition:** Ed Heinkel IV was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact this was his second violation of

similar nature. See case number 2013/0381. As of May 1, 2015, Ed Heinkel IV had not paid the civil penalty. The case was forwarded to the Indiana Attorney General for collection.

- 2014/1275     **Disposition:** Damon Delk was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law (I.C. 15-16-5) for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact this was his second offense of similar nature. In addition, the case was forwarded to the local prosecutor's office for criminal charged under:  
IC 15-16-5 Violations; misdemeanor; injunction  
Sec. 70  
(b) A person who recklessly, knowingly or intentionally violates section 65(9) of this chapter after the state chemist has issued written notification to that person regarding a previous violation of section 65(9) of this chapter commits a Class A misdemeanor. As of May 1, 2015, Damon Delk had not paid the civil penalty. The case was forwarded for collection.
- 2014/1312     **Disposition:** Martin Operating Partnership was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a non-registered pesticide. A civil penalty in the amount of \$250.00 was assessed for this violation.  
Direct Ag Source LLC was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a non-registered pesticide. A civil penalty in the amount of \$250.00 was assessed for this violation.  
Chemtura Agro Solutions was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a non-registered pesticide. A civil penalty in the amount of \$250.00 was assessed for this violation.
- 2014/1426     **Disposition:** Vernon C. Katz was cited for violation of section 65(9)(B) of the Indiana Pesticide Use and Application Law for making a diagnostic inspection for wood destroying pests without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation. As of May 1, 2015, Vernon C. Katz had not paid the civil penalty. The case was forwarded for collection.
- 2014/1429     **Disposition:** Wyaloosing Golf Course was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-15-4, for failure to keep mandatory golf course pesticide application records. Consideration was given to the fact this was their second violation of similar nature. See case number 2010/1135.  
Wyaloosing Golf Course was cited for four (4) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-15-2, for applying pesticides to a golf course without having a certified applicator. A civil penalty in the amount of \$2,000.00 (4 counts x \$500.00 per count) was assessed. Consideration was given to the fact this was their second violation of similar nature. See case number 2010/1135. As of May 1, 2015, Wyaloosing Golf Course had not paid the civil penalty. The case was forwarded to the Indiana Attorney General for collection.

- 2014/1453     **Disposition:** Adam McRee was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law (I.C. 15-16-5) for professing to be in the business of applying pesticides for hire. A civil penalty in the amount of \$1,000.00 was assessed. In addition, the case was forwarded to the local prosecutor's office for criminal charges under:  
IC 15-16-5 Violations; misdemeanor; injunction  
Sec. 70  
(b) A person who recklessly, knowingly or intentionally violates section 65(9) of this chapter after the state chemist has issued written notification to that person regarding a previous violation of section 65(9) of this chapter commits a Class A misdemeanor. As of May 1, 2015, Adam McRee had not paid the civil penalty. The case was forwarded to the Indiana Attorney General for collection.
- 2015/0309     **Disposition:** Helms Greenhouse & Farm was warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding agricultural use requirements. A civil penalty in the amount of \$250.00 was assessed for this violation.  
Helms Greenhouse & Farm was cited for two (2) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-4-1.5, for failure to keep restricted use pesticide application records. A civil penalty in the amount of \$200.00 (2 counts x \$100 per count) was assessed.
- 2015/0642     **Disposition:** Tony E. Johnson was cited for six (6) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount \$1,500.00 (6 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$750.00. Consideration was given to the fact Mr. Johnson cooperated during the investigation; corrective action was taken and there were no restricted use pesticides involved.
- 2015/0667     **Disposition:** Ralph Homan was cited for two (2) violations of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$500.00 (2 counts x \$250.00 per count) was assessed.
- 2015/0672     **Disposition:** John Coy was warned for violation of section 65(6) of the Indiana Pesticide use and Application Law, specifically 355 IAC 4-2-6, for failure to provide a technician with a site assessment fact sheet.  
John Coy was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to provide on-site supervision to a non-certified employee. A civil penalty in the amount of \$125.00 was assessed for this violation.
- 2015/0673     **Disposition:** Ron Hubbard was warned for violation of section 65(6) of the Indiana Pesticide use and Application Law, specifically 355 IAC 4-2-6, for failure to provide a technician with a site assessment fact sheet.

Ron Hubbard was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to provide on-site supervision to a non-certified employee. A civil penalty in the amount of \$125.00 was assessed for this violation.

## CASE SUMMARY

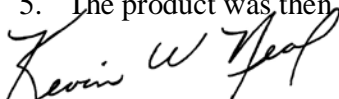
Case #2014/0157

**Complainant:** Office of Indiana State Chemist (OISC)  
175 S. University St.  
West Lafayette, IN 47907  
800-893-6637

**Registrant:** Irving L. Kanin  
Lynwood Laboratories  
945 Great Plain Avenue  
Needham, MA 02492

**Retailer:** Adzia True Value Hardware  
737 169<sup>th</sup> St.  
Hammond, IN 46324  
219-844-8790

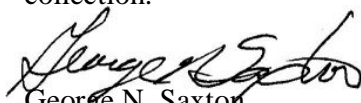
1. On November 8, 2013, I conducted a marketplace inspection at the above named retail establishment specifically to check for pesticide products called "Shoofly" as they hadn't been registered in Indiana since 2005. It was alleged they have other problems such as being misbranded as well.
2. I issued a Notice of Inspection to the Owner/President of Adzia True Value Hardware Mr. Ibrahim Bharmal and explained to him why I was there.
3. During the inspection I did discover a product with the brand name of Shoo-Fly Screen and Surface Insect Spray (EPA Reg. #3546-40).
4. The product was sampled and tagged with sample number 2014-0501. A Stop Sale Use or Removal Order was issued to Mr. Bharmal for the remaining two 15oz containers on the shelf. It should be noted that Mr. Bharmal stated the product was there when he purchased the store in 2006 and does not believe he has sold a single can since. There were no shipping invoices available for this product for me to collect.
5. The product was then transported and turned over to the OISC formulations lab.

  
Kevin W. Neal  
Investigator

Date: August 1, 2014

**DISPOSITION:** Lynwood Laboratories Inc. was cited for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for offering for sale in Indiana a state-unregistered pesticide in 2013 and 2014. A civil penalty in the amount of \$500.00 (2 counts x \$250.00 per count) was assessed.

As of May 1, 2015, Lynwood Laboratories, Inc. had not paid the civil penalty. The case was forwarded for collection.

  
George N. Saxton  
Compliance Officer

Draft Date: October 17, 2014  
Final Date: May 1, 2015

## CASE SUMMARY

Case #2014/0159

<b>Complainant:</b>	Office of Indiana State Chemist (OISC) 175 S. University Street West Lafayette, Indiana 47907 (765)-494-1585	
<b>Respondent:</b>	Frank J. Catapano Global Shield Solutions 10424 Tremont Lane Fishers, Indiana 46038 (860) 983-3566	Chief Executive Officer
<b>Involved others:</b>	Dr. Steven W. Carr MD Global Shield Solutions 10424 Tremont Lane Fishers, Indiana 46038 (317) 250-0473	Partner
	Ryan Carr Global Shield Solutions 10424 Tremont Lane Fishers, Indiana (317) 201-3559	Sales and Application Specialist
	Doug Dutton Infinite Coatings Sterile Doctor 3923 Morse Street, Ste. 101 Denton, TX 76208 (940) 323-1200	President

1. On Friday March 21, 2014, I was assigned the task of looking into the sale and unlicensed pesticide applications of “Sterile Doctor” products offered in the state of Indiana. The Sterile Doctor Products are produced and distributed by Infinite Coatings in Denton, Texas. The Global Shield Solutions company is a certified partner of Sterile Doctor. In an internet search for Sterile Doctor products conducted by Mr. Ed White, Assistant Pesticide Administrator for OISC, in early April of 2014, the Sterile Doctor products were advertising the following public health pesticidal claims.

- *Protection of Life*
- Longer lasting than *disinfectants*
- A biostatic treatment that is effective against surface damaging Bacteria, *Viruses*, Fungi, Mold and Algae ( MRSA, Staph, Influenza and E-Coli are named)

2. Sterile Doctor is a federally unregistered antimicrobial pesticide product derived from DTN-100 (EPA Reg. #88423-1). The DTN-100 federal registration clearly reads: *“DTN-100 antimicrobial is effective against mold, mildew and algae as a static agent.”* No mention is made of product efficacy against bacteria or viruses. The DTN registration also clearly reads: *“Neither this product or the articles treated with this product may state or imply any public health claims.”*

The point of contact for Sterile Doctor products and applications for the state of Indiana is listed as:

- Global Shield Solutions  
Ryan Carr  
[RCarr@GlobalShieldSolutions.com](mailto:RCarr@GlobalShieldSolutions.com)  
(317) 201-3559

3. On April 22, 2014 I called the number listed for Mr. Ryan Carr and left a voicemail asking him to contact me as soon as possible. On April 23, 2014 I received a phone call from Frank J. Catapano the CEO for Global Shield Solutions in response to the voicemail I left with Ryan Carr. I spoke to Mr. Catapano about the public health pesticidal claims his Sterile Doctor products were making in their on-line ads. I told Mr. Catapano he would need to register his products before doing business in Indiana and added any “for hire” applications of his product would require the business and personnel to be licensed through OISC in the Limited Certification category. I asked Mr. Catapano to e-mail the labels for the Sterile Doctor products that Global Shield intended to offer for sale and application.
4. Mr. Catapano asked if I could meet with him on the 9<sup>th</sup> of May at the Steven Carr residence in Fishers Indiana. I told Mr. Catapano that I would do that. I asked Mr. Catapano how much product had been sold in Indiana and how many spray or other methods of application had been made in Indiana. Mr. Catapano said no applications had been and no product had been sold in Indiana. Mr. Catapano said there was very little product stored at the Fishers Indiana address. I told Mr. Catapano that I would need to sample whatever product he had on hand when I met with him on May 9<sup>th</sup>, 2014.
5. Mr. Catapano sent several follow up e-mails and attachments (fig. A-E) which were forwarded to Mr. Ed White of OISC. On April 28, 2014, Mr. Ed White of OISC checked the federal registration of the active ingredient of Sterile Doctor products, *“DTN 100 EPA Reg. #88423-1”*, and found it was not registered for sale, distribution or use in Indiana. The DTN-100 federal registration reads: *“DTN-100 antimicrobial is effective against mold, mildew and algae as a static agent.”* No mention is made of product efficacy against bacteria or viruses. The DTN-100 registration further reads: *“Neither this product nor the articles treated with this product may state or imply any public health claims.”*



Fig. A



Fig. B



Fig. C



Fig. D



Fig. E



In his e-mail Mr. Catapano asked for a phone conference prior to our scheduled May, 9<sup>th</sup>, 2014 meeting. On Tuesday May 6, 2014, the phone conference was set up and a question and answer format was followed. The following guidance was provided as compliance assistance.

- a) DTN 100 Antimicrobial (EPA Reg. #88423-1), must be registered for sale, distribution and use in Indiana.
  - b) Any product further formulated from DTN 100 must be registered as a separate product with the US Environmental Protection Agency (EPA) and then registered with OISC as well.
  - c) If the new products (Sterile Doctor) are registered, they cannot make “public health pesticidal claims” unless those claims are first approved by EPA.
  - d) Once the Sterile Doctor products are EPA and OISC registered, all persons who wish to apply the product (regardless of method) in a “for hire” business must be licensed by OISC in the “Limited Certification Category”.
6. On Friday May 9<sup>th</sup>, 2014, I met with Mr. Frank Catapano, Dr. Steven Carr, his wife and his son Ryan Carr. Mr. Frank Catapano is the CEO for Global Shield Solutions, distributor of Sterile Doctor products, Dr. Steven Carr is a partner and Ryan Carr is the sales and application specialist. We discussed the need for truth in advertising, specifically the need to remove all public health pesticidal health claims from their website at once. We also discussed the need to register all of the Sterile Doctor products with the EPA, the State of Indiana and to obtain all applicator licensing required by Indiana law. I provided an information packet to Mr. Catapano. The packet consisted of information taken from the OISC website pertaining to category 13, “Limited Certification”. I was given the following questions. The follow-up answers provided are noted after the questions:
- a) Question: Once the Sterile Doctor products are registered both with US EPA and OISC, and they are sold to businesses like auto detailer’s, and other cleaning businesses, do those business’s need to be licensed with OISC to apply the Sterile Doctor?
  - b) Answer: If the business making the application, advertises the pesticide product application service they would need an OISC pesticide application license in category 13.
  - c) Question: If a hospital purchases Sterile Doctor products from Global Shield Solutions for their maintenance staff to apply, do they have to be licensed by OISC?
  - d) Answer: If the employees are using the Sterile Doctor products in the course of their normal duties at the hospital, they do not need a pesticide business license or the category 13 applicator license.
7. I checked the stored product at the Carr residence and took photographs of the same. See figures 1-5.



Fig. 1



Fig. 2



Fig. 3



Fig. 4



Fig. 5

- a) Figure 1 is a five gallon bucket of Sterile Doctor.
- b) Figure 2 is ten 32 oz. bottles of Sterile Doctor.
- c) Figure 3 is twenty three 6 oz. bottles of Sterile Doctor and there is an unopened box of twenty four more bottles as well.
- d) Figure 4 is a photograph of the three gratis samples secured as documentation.
- e) Figure 5 is an overall view of the storage for the Sterile Doctor products.

8. I issued a Stop Sale, Use or Removal Order for all of the products in Figures 1-3. The three sample containers seen in figure 4 were tagged (left to right) as follows;

- One 32 oz. bottle of Sterile Doctor ST (Short Term) sample #2014-1101
- One 32 oz. bottle of Sterile Doctor sample #2014-1102
- One 6 oz. bottle of Sterile Auto sample #2014-1103

The samples were bagged, sealed and turned into the OISC Formulation Laboratory. See photographs in Figures 6-9, which represent the following:



Fig. 6



Fig. 7



Fig. 8



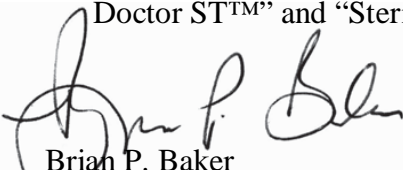
Fig. 9

- a) Figure 6 is sample number 2014-1101 and is a 32 oz. spray bottle of a liquid product labeled “Sterile Doctor ST”, bearing label language that includes the following:
  - i. “Protection of Life”
  - ii. “Longer lasting than disinfectants!”
  - iii. “Made with an EPA registered antimicrobial active that is a biostatic nano treatment that is effective against surface damaging bacteria, viruses, fungi, mold, and algae.”
  - iv. “The Sterile Doctor ST formula comes ready to use.”
  - v. “Sterile Doctor is not a registered disinfectant but is made with an EPA registered antimicrobial.”
- b) Figure 7 is sample number 2014-1102 and is a 32 oz. unlabeled spray bottle of a liquid product represented to me as a sample of the product contained in the five gallon bucket depicted in Figure 1. The product in the five gallon bucket is labeled as “Sterile Doctor ST” bearing label language that includes the following:
  - i. “Protection of Life.”
  - ii. “Longer lasting than disinfectants!”
  - iii. “A biostatic treatment that is effective against surface damaging bacteria, viruses, fungi, mold and, algae.”
  - iv. “Note: Sterile Doctor in (sic) not a registered disinfectant but is made with an EPA registered antimicrobial.”
- c) Figure 8 is sample number 2014-1103 and is a 6 oz. bottle of a liquid product labeled “Sterile Auto”, bearing label language that includes the following:

- i. "Protection of Life"
- ii. "Longer lasting than disinfectants"
- iii. "Effective against surface damaging bacteria, viruses, fungi, mold & algae!"
- iv. "Natural & Green"
- v. "The Sterile Auto™ formula comes ready to use."
- vi. "... reapply every 12 months or when odor, staining, and discoloration due to odor causing bacteria, mold stains, or mildew stains return."
- vii. "Note: Sterile Auto is not a registered disinfectant but is with (sic) an EPA registered antimicrobial."

d) Figure 9 is a photo of all three samples in Figures 6-8 bagged and tagged for submission to the OISC Formulation Laboratory.

9. On September 25, 2014, I again visited the Global Shield Solutions web site. The web site continues to make reference to "antimicrobial products", "commercial applications", "Sterile Doctor ST™" and "Sterile Auto™".



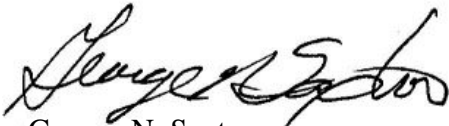
Brian P. Baker  
Pesticide Investigator

Date: September 25, 2014

**Disposition:** Infinite Coatings was cited for three (3) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a state un-registered pesticide product. A civil penalty in the amount of \$750.00 (3 counts x \$250.00 per count) was assessed.

Infinite Coatings was cited for three (3) counts of violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide that violated the Federal Insecticide, Fungicide, and Rodenticide Act. A civil penalty in the amount of \$1,750.00 (\$250.00 for the first count; \$500.00 for the second count and \$1,000.00 for the third count) was assessed.

As of May 1, 2015, Infinite Coatings had not paid the civil penalty. The case was forwarded to the Indiana Attorney General for collection.



George N. Saxton  
Compliance Officer

Draft Date: December 10, 2014  
Final Date: May 1, 2015

## CASE SUMMARY

Case #2014/0203

**Complainant:** Jack & Donna Young  
1504 W. Sheffield Drive  
Muncie, IN 47304  
765-730-5966

<b>Applicator:</b>	Bruce Gee Affordable Pest Control 1430 ½ West 14 <sup>th</sup> Street Muncie, IN 47302 765-286-9027	Licensed Applicator Licensed Business
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1. As a result of a previous investigation (Case#2013/0609) in which Bruce Gee admittedly applied Termidor SC to the interior of a church contrary to label directions, it was determined that he also applied the product to the interior of multiple residences. Subsequent investigations were conducted at those residential application sites. A Muncie newspaper article regarding the misuse of Termidor (active ingredient fipronil) cited Mr. Gee as an applicator who applied Termidor indoors. He was also interviewed by an Indianapolis television reporter for a similar story on the topic.
2. After reading the newspaper article, Donna Young contacted the Office of Indiana State Chemist (OISC) to report that Mr. Gee made an application at her home on November 13, 2013. She indicated that Mr. Gee was contacted after a contractor found and removed a colony of carpenter ants in a bathroom wall during a remodeling project. Although they thought the application would be made around the perimeter of the house, Mr. Gee reportedly told them it was necessary to spray inside the home as well. Mrs. Young indicated he *“very unprofessionally sprayed inside and out”*, leaving streaks of the spray material on the door windows.
3. On November 26, 2013, I met with the Jack and Donna Young at their home. Mrs. Young produced the service ticket left by Mr. Gee which lists Tempo WP (EPA Reg. #1132-1304) and Termidor SC (EPA Reg. #7969-210) under “Chemicals Used”. I photographed the ticket and collected a swab sample from the kitchen and another from the breezeway backdoor window. The samples were submitted to the OISC Residue Lab for analysis.
4. I later met with Mr. Gee to discuss the complaint. He indicated he applied Tempo inside the house and used a different sprayer to apply Termidor to the exterior of the house. I photographed his copy of the service ticket, which matched the copy given to Mr. and Mrs. Young. I informed Mr. Gee that if he did, in fact, apply Termidor to the exterior of the house, he should note that on the service ticket so there is no confusion in the future.

5. The OISC Residue Lab analyzed the samples for fipronil and reported the following:

Lab Sample#; Inv. Sample#	Sample Description	Analysis	Result
2014-0101; 203-1	Field blank	Fipronil	BDL
2014-0102; 203-2	Free swab - kitchen	Fipronil	749,300.0 NG/S
2014-0103; 203-3	Free swab - breezeway window	Fipronil	279,500.0 NG/S

BDL=below detection limits

NG/S= nanograms per swab

6. The Termidor SC label states, **“DO NOT use this product for termite or other pest control indoors, except for label-specified applications for termite control and foam applications to wall voids for control of other listed pests.”**



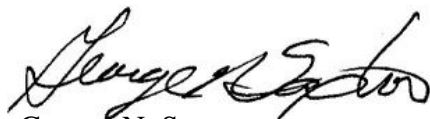
Andrew R. Roth  
Pesticide Investigator

Date: June 2, 2014

**DISPOSITION:** Bruce Gee was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding restrictions on indoor use. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact this was his seventh violation of similar nature. See case numbers 2013/0609, 2013/0759, 2013/0760, 2014/0202, 2014/0295 and 20140290.

Bruce Gee was cited for violation of section 65(8) for making a false or fraudulent record, invoice or report. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact this was his second violation of similar nature. See case number 2014/0290.

In addition, considering the seriousness of his conduct, the license of Affordable Pest Control and the certification and license of Bruce Gee were revoked.



George N. Saxton  
Compliance Officer

Draft Date: August 8, 2014  
Final Date: May 7, 2015

# CASE SUMMARY

Case #2014/0613

**Complainant:** Office of the Indiana State Chemist (OISC)  
175 S University Street  
West Lafayette, IN 47907-2063  
800-893-6637

**Distributor:** Earth Easy  
P.O. Box 531  
Parksville, BC Canada V9P2G6  
www.eartheasy.com

**Manufacturer:** Sapadilla Soap Company  
Unit 21 - 7228 Winston Street  
Burnaby, BC, Canada, V5A 2G9  
www.sapadilla.com

1. On February 18, 2014, I performed a routine virtual market place inspection at [www.eartheasy.com](http://www.eartheasy.com). During that inspection, I discovered three products that I suspected were federally and state unregistered. They included:
  - Plant based, Biodegradable and Earth Friendly All Purpose Cleaner (Rosemary & Peppermint)
  - Plant based, Biodegradable and Earth Friendly All Purpose Cleaner (Grapefruit & Bergamot)
  - Plant based, Biodegradable and Earth Friendly Liquid Dish Soap (Grapefruit & Bergamot)
2. The website, [www.eartheasy.com](http://www.eartheasy.com), made multiple pesticidal claims about the products listed above. It listed the following on their website for both of the all-purpose cleaners:

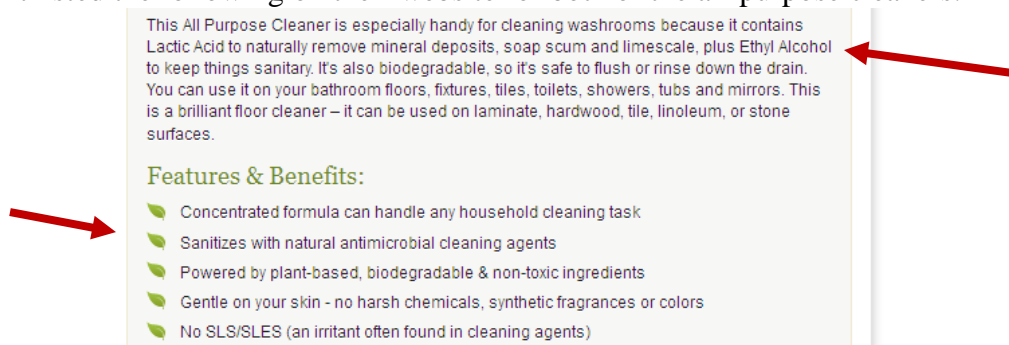


Fig 1: Web claims

3. For the dish soap, it stated the following on the website:

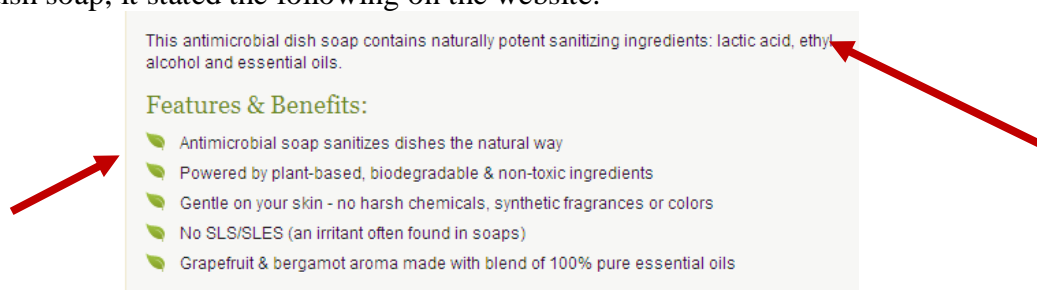


Fig 2: Web claims

4. Later that same day, I ordered the three products. The order summary is below.

## SSL Secure Checkout

**1 Checkout Method**

**2 Billing Information**

**3 Shipping Information**

**4 Shipping Method**

**5 Payment Information**

**6 Order Review**

**Your Checkout Progress**

**Billing Address Change**

Elizabeth Carter  
175 S University St  
West Lafayette, Indiana, 47907  
United States  
T: 765-494-1585

**Shipping Address Change**

Elizabeth Carter  
175 S University St  
West Lafayette, Indiana, 47907  
United States  
T: 765-494-1585

**Shipping Method Change**

Shipping Method - Fedex Ground (3-5 Bus. Days)  
\$9.31

**Payment Method Change**

Credit Card Type: Visa  
Credit Card Number: xxxx-5726  
Expiration Date: 04/2015

Product Name	Qty	Subtotal
All Purpose Cleaner - Rosemary & Peppermint	1	\$11.95
All Purpose Cleaner - Grapefruit & Bergamot	1	\$11.95
Dish Soap - Grapefruit & Bergamot	1	\$7.95
<b>Subtotal:</b>		<b>\$31.85</b>
<b>Shipping Estimate:</b>		<b>\$9.31</b>
<b>Order Total:</b>		<b>\$41.16</b>

Stay in touch

Questions? Email

Fig 3: Order summary

5. On February 20, 2014, the package arrived at the Office of the Indiana State Chemist (OISC) via FedEx Ground. On February 21, 2014, I examined the contents of the box. The invoice number for the products was 632326. None of the products had an EPA Registration Number on them. I then attached sample collection stickers to the three products. Each product was assigned the following number:

- Plant based, Biodegradable and Earth Friendly All Purpose Cleaner (Rosemary & Peppermint) – 2014-0911
- Plant based, Biodegradable and Earth Friendly All Purpose Cleaner (Grapefruit & Bergamot) - 2014-0912
- Plant based, Biodegradable and Earth Friendly Liquid Dish Soap (Grapefruit & Bergamot) - 2014-0913





Fig 4: Shipping box



Fig 5: Samples

6. All samples were submitted to the OISC Formulation Lab.
7. In February of 2014, I checked both the USEPA and the OISC pesticide databases for the above referenced products. Both databases indicated that neither product was registered for sale or distribution as a pesticide.
8. I reviewed the USEPA requirements for products that are exempt under FIFRA Sec. 25(b) from federal regulation. I determined that these products making pesticide claims would not qualify as a minimum risk pesticide, because they contain the active ingredient, ethyl alcohol, which is not on the EPA list of approved Se. 25(b) active ingredients. Thus these products require full FIFRA Sec. 3 registration, as well as Indiana registration.

*Elizabeth Carter*  
 Elizabeth C. Carter  
 Pesticide Investigator

Date: March 27, 2014

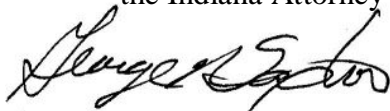
**Disposition:**

- A. Sapadilla Soap Company was cited for three (3) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide into Indiana that did not have a state registration. A civil penalty in the amount of \$750.00 (3 counts x \$250.00 per count) was assessed for this violation.
- B. Sapadilla Soap Company was cited for three (3) counts of violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide in violation of the Federal Insecticide, Fungicide and Rodenticide Act. A civil penalty in the amount of \$1,750.00 (\$250.00 for the first product; \$500.00 for the second product and \$1,000.00 for the third product) was assessed for this violation. The total amount of civil penalty assessed for this investigation was \$2,500.00.
- C. On June 9, 2014, OISC received a facsimile from Sapadilla Soap Company indicating the pesticidal claims were not on their product; rather Earth Easy had put the claims on their website without the knowledge of Sapadilla Soap Company. Their facsimile stated in



part . . . “Upon receipt of your letter we visited eartheasy.com, the website you referenced as the source of the violation and discovered they incorrectly state that our products are antimicrobial, referencing ethyl alcohol. We were unaware of antibacterial claims made in error on their site until today . . .”

- D. As a result of this new information, enforcement against Sapadilla Soap Company was rescinded and Earth Easy was cited for three (3) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide into Indiana that did not have a state registration. A civil penalty in the amount of \$750.00 (3 counts x \$250.00 per count) was assessed for this violation.
- E. Earth Easy was also cited for three (3) counts of violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide in violation of the Federal Insecticide, Fungicide and Rodenticide Act. A civil penalty in the amount of \$1,750.00 (\$250.00 for the first product; \$500.00 for the second product and \$1,000.00 for the third product) was assessed for this violation. The total amount of civil penalty assessed for this investigation was \$2,500.00.
- F. As of May 1, 2015, Earth Easy had not paid the civil penalty. The case was forwarded to the Indiana Attorney General for collection.



George N. Saxton  
Compliance Officer

Draft Date: May 15, 2014  
Draft Date: July 9, 2014  
Final Date: May 1, 2015

## CASE SUMMARY

Case #2014/0811

**Complainant:** Office of Indiana State Chemist (OISC)  
175 S. University St.  
W. Lafayette, IN 47907-2063  
765-494-1585

**Respondent:** Able Paper & Janitorial Supply  
8200 Utah St.  
Merrillville, IN 46410  
219-947-0999

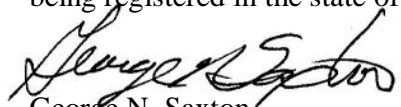
<b>Registrants:</b>	The Butcher Company	Nyco Products Co.
	8310 16 <sup>th</sup> St., MS 707	5332 Dansher Rd.
	Sturtevant, WI 53177	Countryside, IL 60525
	262-631-4289	800-752-4754
	Reckett Benckiser LLC	
	399 Interpace Parkway	
	Parsippany, NJ 07054	
	973-417-9812	

1. On April 8, 2014, Agent Dave Scott and I completed a marketplace inspection at Able Paper & Janitorial Supply. During our inspection, we discovered six (6) pesticide products that were unregistered.
2. The following products were found to be unregistered:
  - Butcher's Carpe Diem TB – EPA Registration # 70627-56-7176. Last registered in Indiana in 2012.
  - Butcher's Tracer II – EPA Registration # 70627-15-7176. Last registered in Indiana in 2012.
  - Nyco Foaming Q/D – EPA Registration # 47371-97-8370. Last registered in Indiana in 2008.
  - Nyco HSD One-Step Disinfectant – EPA Registration # 6836-57-8370. **Never registered in Indiana.**
  - Lysol Brand I.C. Disinfectant Wipes – EPA Registration # 1839-174-675. Last Registered in Indiana in 2013.
  - Professional Amphyl Disinfectant Cleaner – EPA Registration # 675-43. Last registered in Indiana in 2011.
3. Samples of each product were collected and a Stop Sale Order was issued to the business owner for the remaining unregistered products in stock.

  
Scott M. Farris  
Pesticide Investigator

Date: April 9, 2014

**Disposition:** Nyco Products Co. was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing Nyco HSD One-Step Disinfectant – EPA Registration # 6836-57-8370, without ever being registered in the state of Indiana. A civil penalty in the amount of \$250.00 was assessed.

  
George N. Saxton  
Compliance Officer

Draft Date: April 2, 2015  
Final Date: April 29, 2015

## CASE SUMMARY

Case #2014/1007

**Complainant:** Office of Indiana State Chemist (OISC)  
175 S University St.  
West Lafayette, IN 47907  
800-893-6637

<b>Applicator:</b>	Richard Ty Eaton	Certified/Not licensed
	My Green Lawn	
	428 Pickwick Place	Old: 575 W US Hwy 30
	Valparaiso, IN 46385-8088	Valparaiso, IN 46385-9244
	219-759-3800	

1. On May 29, 2014, I was made aware of Mr. Eaton allegedly operating a for hire pesticide application business and the OISC data base does not show that Mr. Eaton is a certified applicator nor is My Green Lawn a licensed pesticide business.
2. On November 5, 2011, I was made aware of Mr. Eaton allegedly operating a for hire pesticide application business and that the OISC data base does not show that Mr. Eaton is a certified applicator nor is My Green Lawn a licensed pesticide business.
3. On November 8, 2011, OISC received an e-mail from Ms. Linda Drasich wherein she advised that Mr. Eaton had lied to her by telling her that he was a certified applicator and that his company was indeed a licensed pesticide business. In her e-mail Ms. Drasich did not give any kind of contact information such as telephone number or address.
4. On November 10, 2011 I sent an e-mail to Ms. Drasich asking her for some other kind of contact information such as a telephone number and or address so that I could make contact with her. I also asked her to send me a copy of any documentation she may have such as invoices, customer notification of lawn application or any other correspondence she may have had with My Green Lawn.
5. On two separate occasions I went to the Valparaiso address given by Ms. Drasich and found that no one was there at the time of my visits. (See Figures One, Two, Three and Four) I have also called several times the number for My Green Lawn and left messages for Mr. Eaton to contact me and have received no response. ( See Case #2012/0096)



Figure One



Figure Two



Figure Three



Figure Four

6. I again made several attempts since the May 29, 2014, notice to contact Mr. Eaton with personal visits to the address on US Hwy 30 in Valparaiso and phone calls but still have had no response.
7. A flyer sent to OISC indicates My Green Lawn is purporting to be in the business of applying pesticides for hire and would appear to be soliciting business from Mr. Larry Kordys of 15 Cherrywood Lane Valparaiso, IN. (See Figure Five)



Family Owned & Operated  
**My GREEN LAWN**  
 www.my-greenlawn.com  
 Customer # 143849

Serving Northwest Indiana  
 575 W US Highway 30  
 Valparaiso, IN 46385  
 (219) 759-3800

Call Today to Schedule Service!

**FREE Grub Control**  
 + 20% OFF 1st Service  
(when scheduled before April 10th)  
 Actual Pricing Below.

My Green Lawn is a local family owned and operated Lawn Fertilization Company, committed to giving our customers the best lawn in their neighborhood. We understand that you may currently be using another company. We want to explain and show you how we can provide superior service with superior results, at a more competitive price! In the end, you will trust our family servicing your family for years to come!

LAWN COMPANY COMPARISONS		
	GREEN LAWN	Competition
Pro-Line, Slow Release, Granular Fertilizer	YES	YES
Triple Strength, Liquid Weed Control	YES	YES
State Licensed & Trained Technicians	YES	YES
Double Dose Pre-Emergent Crabgrass Control	YES	NO
Locally Owned & Operated	YES	NO
Same Technician Servicing Your Lawn	YES	NO
FREE Service Calls Within 3 Days	YES	NO

**GUARANTEED RATE!**  
Measurements through satellite imaging  
**\$97.85 Per Service\***  
**Plus FREE Grub Control**  
\*Up to 6 Services per year

**Benefits Our Customers Enjoy!**  
 \*Always the same Technician.  
 \*Over 30 Years Experience.  
 \*Lawn Tips throughout the Season.  
 \*Customized Programs to fit your lawns needs.  
 \*No Price Increase in 3 Years

**Smaller Company =**  
 More Time. More Attention. More Care.  
 That is my commitment to you.  
 Ty Eaton, Owner

**Call Today (219)759-3800**  
Available Discounts - 5% Senior (55+), \$20 Referrals, and 7% Prepays for 2012 Season

Everett Eaton

Figure Five

*Kevin W. Neal*

Kevin W. Neal  
 Pesticide Investigator

Date: September 11, 2014

**DISPOSITION:** Richard Ty Eaton was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

As of May 1, 2015, Richard Ty Eaton had not paid the civil penalty. The case was forwarded for collection.

*George N. Saxton*

George N. Saxton  
 Compliance Officer

Draft Date: November 7, 2014  
 Final Date: May 1, 2015

## CASE SUMMARY

**Case #2014/1202**

**Complainant:** Office of Indiana State Chemist  
175 S. University Street  
West Lafayette, IN 47907  
765-494-1585

**Respondent:** Joshua Targgart  
Josh's Handyman Service  
3164 E 1000 N  
Syracuse, IN 46567  
574-658-4226

1. On July 23, 2014, the Office of Indiana State Chemist (OISC) received a complaint of an unlicensed lawn care company making pesticide applications around Lake Wawasee. The complainant further stated this company made a pesticide application at the residence of Robert Myers at 10694 N. Southshore Drive Syracuse, Indiana.
2. I made contact with Mr. Myers by phone. I identified myself and advised him I was conducting an investigation regarding a possible unlicensed company making a pesticide application to his yard. Mr. Myers told me he was eating his breakfast and did not have time to speak with me and hung up.
3. On August 27, 2014, I went to the Syracuse, Indiana area. I had received information Josh Targgart was making a pesticide application at a residence on the south side of the lake at that time. I located a truck and trailer with Josh's Handyman Services written on the side of each. I observed two different lawn mowers mowing the lawn. I made contact with one gentleman and asked if Josh Targgart was around. He stated he was trimming weeds on the back of the property. I walked to the back of the residence and located Joshua Targgart running a weed eater on the bank. I asked Mr. Targgart if he or any of his workers were applying anything to the lawn. He stated they were not. He stated they were mowing. I asked him if he or his workers had applied anything at the Myers residence or any other location. He stated he has only put down fertilizer and Preen prior to adding mulch. I asked him if he was a certified applicator through OISC. He stated he was not as he did not need it as he only applied Preen. I then advised Mr. Targgart, he needed to be a certified applicator to apply Preen as it is a pesticide, EPA Reg. #961-280. Mr. Targgart stated he did not realize he needed to be certified. I asked Mr. Targgart how many Preen applications he has made and if he had records of the applications. He stated he did not have records and estimated he had made 20 Preen pesticide applications over the past eight years his company has been in existence.
4. We then went to the front of the residence and Mr. Targgart took me to his trailer where he showed me the fertilizer they apply. The fertilizer was Shaws 46-0-0. There was no pesticide

in this fertilizer. I did not observe any other pesticide products on his truck or in the trailer. I also did not observe any pesticide sprayers.

5. I again advised Mr. Targgart he needed to be certified through OISC to make any pesticide or fertilizer applications in the state of Indiana. I further advised him he needed to maintain records of all applications and keep them for two years. Mr. Targgart asked how to go about getting the certification. I explained the process to him and he stated he would get his certification over the winter when his mowing business was slow. I then issued a STOP ACTION ORDER to Mr. Targgart ordering him to cease any and all pesticide applications until obtaining proper certification through the Office of Indiana State Chemists.



Robert D. Brewer  
Pesticide Investigator

Date September 12, 2014

**Disposition:** Joshua Targgart was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed.

As of May 1, 2015, Joshua Targgart had not paid the civil penalty. The case was forwarded for collection.



George N. Saxton  
Compliance Officer

Draft Date: November 7, 2014

Final Date: May 1, 2015

## CASE SUMMARY

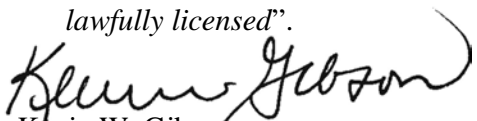
Case #2014/1247

**Complainant:** Helen Pence  
3854 N. 100 E.  
Huntington, Indiana 46750  
260-452-9352

**Respondent:** Ed Heinkel IV  
American Pest Hunters  
4940 S. Harrison Street  
Fort Wayne, Indiana 46807  
260-235-1945

Unlicensed Applicator  
Unlicensed Business

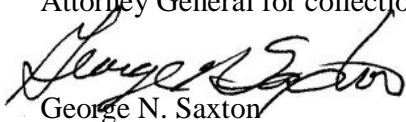
1. On August 6, 2014, the Office of Indiana State Chemist (OISC) received a complaint regarding a pesticide application to control hornets. According to the complainant, a hornet's nest was outside of her door. She called American Pest Hunters to take care of the problem. According to the OISC Licensing Section, Mr. Heinkel did not renew his business license insurance in June 2013. He did not renew his applicator's license for 2014.
2. On August 19, 2014, I met with the complainant. She told me Mr. Heinkel made some type of pesticide application to the hornet's nest by her front door. She stated she paid in cash. Ms. Pence gave me a copy of the invoice. The invoice read, "*treated hornets nest on eave by front door but will return on Weds. to remove or retreat.*" In the "Material Usage" section of the invoice, it indicated the product **TALSTAR** was applied by direct method. At the bottom of the invoice was a license number which corresponded to Mr. Ed Henkel IV. (I later checked label information for **TALSTAR** (EPA# 279-3365; **active ingredients**: bifenthrin and prallethrin). (**TALSTAR** was labeled for use for hornets).
3. On September 12, 2014, I met with Mr. Heinkel. He told me he was no longer in the pest control business. He did, however, admit he made 2-3 pesticide applications since his business insurance had lapsed. He said the applications were made between June 2013 and July 2014 and he was fully aware he was making the applications illegally. He did not have documentation and he couldn't remember locations. I issued Mr. Heinkel a "**Stop Action Order**" to "*cease all pesticide applications until lawfully licensed*".

  
Kevin W. Gibson  
Pesticide Investigator

Date: November 25, 2014

**Disposition:** Ed Heinkel IV was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact this was his second violation of similar nature. See case number 2013/0381.

As of May 1, 2015, Ed Heinkel IV had not paid the civil penalty. The case was forwarded to the Indiana Attorney General for collection.

  
George N. Saxton  
Compliance Officer

Draft Date: January 23, 2015  
Final Date: May 1, 2015

## CASE SUMMARY

Case #2014/1275

**Complainant:** Shayan Habib  
141 S. Meridian St., Apt. 505  
Indianapolis, IN 46225  
317-600-4048

Jeffery Fox  
17174 Long Creek Dr.  
Noblesville, IN 46060  
260-414-2863

**Respondent:** Damon Delk  
Modern X Nature Pest Control  
1501 Iron Liege Rd.  
Indianapolis, IN 46217  
317-900-2431  
DOB 7/18/80

Unlicensed Applicator  
Unlicensed Business

P.O. Box 742  
Indianapolis, IN 46202

1. On August 19, 2014, Shayan Habib contacted the Office of Indiana State Chemist (OISC) to report that he hired Damon Delk of Modern X Nature Pest Control Service off Craig's List to treat a rental property for fleas. Mr. Habib stated when Mr. Delk failed to complete the job as contracted, he found on the internet that Mr. Delk had been fined by OISC for operating without a license. A review of Craig's List, Angie's List and other internet sites revealed several companies connected to Mr. Delk. See figures 1-3.



Professional exterminator & Pest control - Craigslist  
indianapolis.craigslist.org > all services > household services  
Sep 2, 2014 - Modern Nature Pest Control & Vexcon Extermination INC. 317-760-7400  
NOW SERVICE PROVIDERS IN INDIANA! Licensed & Insured by the ...

Figure 1-Craig's List advertisement





Figure 2- Angie's List posting



Figure 3-Craig's List posting/new company name

2. A review of websites revealed that Mr. Delk is using different company names to advertise pest control services; however, the telephone numbers link back to Mr. Delk. The most recent internet postings have his personal cell phone number, 317-900-2431. See figure 3. Some of the company names used by Damon Delk are;

Modern Nature Pest Control  
 Modern X Nature Pest Control Service  
 Safeguard Pest Control Inc.  
 Modern Nature Pest Control & Vexcon Extermination Inc.  
 Safeguard Pest Control & Vexcon Extermination Inc.  
 DLC Pest Control

3. On September 4, 2014, I went to 1501 Iron Liege Road in Indianapolis, Indiana. I spoke with David Gilley. Mr. Gilley stated that Damon Delk was the son of his wife, Suzanne. I spoke with Suzanne Gilley. Mrs. Gilley verified that Modern Nature Pest Control was Damon Delk's business. Mrs. Gilley provided Mr. Delk's cell phone number, 317-900-2431. Mrs. Gilley stated that Damon stays at the residence periodically because Damon is separated from his wife, Tiffany Casner-Delk. Mrs. Gilley provided me with Tiffany Casner-Delk's cell phone number, 317-374-7158.
4. On September 4, 2014, I contacted Tiffany Casner-Delk at the cell phone number provide to me by Suzanne Gilley. Mrs. Casner-Delk did not know Mr. Delk's whereabouts; however, Mrs. Casner-Delk verified that Modern Nature Pest Control was Damon Delk's business.

5. On September 4, 2014, I received a call from Damon Delk from cell phone number 317-900-2431. Mr. Delk admitted to doing pest control and advertising that he is in the business of pest control. Mr. Delk stated he had since closed his pest control business. I informed Mr. Delk that he must cease advertising and applying pesticides for hire without a license. Mr. Delk stated that he would have his attorney Dennis Thomas contact me on Monday September 8, 2014. To this date, I have not spoken to Mr. Delk or Dennis Thomas.
6. On September 4, 2014, I met with Shayan Habib in the restaurant below his apartment. Mr. Habib stated he found Damon Delk on Craig's List through his posting for pest control. Mr. Habib stated he hired Mr. Delk three separated occasions to perform pest control on his rental properties. Mr. Habib stated he paid Mr. Delk \$300.00 total for all three pest control jobs. Mr. Habib stated he saw Mr. Delk with a one gallon pump sprayer, which he kept in a "beat up" blue pick-up truck. Mr. Habib provided me a copy of one invoice given to him by Mr. Delk for service. See Figure 4. The invoice (Invoice H119) shows that on July 10, 2014, Mr. Delk treated for spiders and fleas using Steri Fab and Tempo at 119 W. Huntstead Road in Indianapolis, Indiana for Shayan Habib in the amount of \$100.00. Steri Fab and Tempo are registered pesticides.



Figure 4-Delk invoice

7. Mr. Habib stated he had been in contact with another individual, Jeff Fox, who had a similar issue with Mr. Delk.
8. On September 4, 2014, I contacted Jeff Fox. Mr. Fox stated he found Mr. Delk's pest control service on Craig's List. Mr. Fox stated he paid Mr. Delk \$200.00 to apply a pesticide. Mr. Delk made a pesticide application. Mr. Fox stated he called Mr. Delk back because he still had spiders. Mr. Fox stated Mr. Delk ignored his calls and his secretary's call to fulfill the one year warranty Mr. Fox thought was part of the pesticide service. Mr. Fox emailed me a statement with a transcript of a voice message he (Mr. Fox) received from Damon Delk. See figures 5-6.

Header: Kelley, Paul J.  
 From: Jeffrey Fox <jefffox@marionet.com>  
 Date: Thursday, September 24, 2014, 11:18 AM  
 To: Kelley, Paul J.  
 Subject: Paul J. Fox - Personal from Damon Delk at 7:24 AM

Hi,  
 I hired Damon Delk, a FIC, Pest Control of the Creighton ad which stated he was a licensed exterminator to treat our house for spiders, ants and rats control. He said his neighbor told he charges \$40-\$50 to spray but afterwards he charged me \$200.00. When I questioned his charge as this he indicated to me that he had to spray more than normal due to the size of my house and he assured me that he provides a 1 year "no question asked guarantee". I immediately paid him, and then he asked me for my email address and stated that he would email me my invoice. I requested my invoice 5 times but never got one from Mr. Delk.

I called Mr. Delk a month later when we still had several spiders and now had ants in our kitchen sink. He appeared to correct our ant problem after several days I had my secretary call him but phone and he quickly answered. It is now a week later who she was he quickly said he would bring me and then I received his invoice on his doing with me.

After our numerous phone calls were fruitless, I decided to visit him and ask him to return. He responded that he is not in the best ratings I send to you. There are several times on route plan to his house so he could come spray and each time he is called and no showed. Each time he stated he was on his way and then just never arrives. Since then he won't respond to calls or texts or emails in the original company ad which is on my phone.

Finally, today he has this finding below showing his company is a landscaping company. The ad listed him as being licensed in appropriate nature. Again the company is not a licensed exterminator.  
<http://indianapesticideuseandapplication.com/4076217878.html>

I am hopeful you can help protect other consumers from this guy as he is a total fraud and clearly knows about it. I am not but he is lying.

Sincerely,  
 Jeffrey Fox  
 17174 Long Creek Drive  
 Scottsdale, AZ 85060  
 208-414-2861 cell  
 317-960-1163 office  
 800-352-2188 fax

----- Forwarded message -----  
 From: Google Voice <voice@marionet.com>  
 Date: Sat, Jan 25, 2014 at 7:23 AM  
 Subject: New Personal from Damon Delk at 7:24 AM

Figure 5-Mr. Fox's email statement

Header: Kelley, Paul J.  
 From: Jeffrey Fox <jefffox@marionet.com>  
 Date: Thursday, September 24, 2014, 11:18 AM  
 To: Kelley, Paul J.  
 Subject: Paul J. Fox - Personal from Damon Delk at 7:24 AM

Hi,  
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<http://indianapesticideuseandapplication.com/4076217878.html>


I am hopeful you can help protect other consumers from this guy as he is a total fraud and clearly knows about it. I am not but he is lying.

Sincerely,  
 Jeffrey Fox  
 17174 Long Creek Drive  
 Scottsdale, AZ 85060  
 208-414-2861 cell  
 317-960-1163 office  
 800-352-2188 fax

----- Forwarded message -----  
 From: Google Voice <voice@marionet.com>  
 Date: Sat, Jan 25, 2014 at 7:23 AM  
 Subject: New Personal from Damon Delk at 7:24 AM

Figure 6-Transcript of voice message

9. On April 12, 2010, Mr. Delk was investigated and cited for seven (7) violations of section 65(9) of the Indiana Pesticide Use and Application law for applying pesticides for-hire without an Indiana pesticide business license. A civil penalty in the amount of \$1,750.00 (case number 2010/0558) was assessed. Mr. Delk failed to pay the civil penalty. The case was forwarded to the Office of the Attorney General for collection.

  
 Paul J. Kelley  
 Investigator

Date: September 26, 2014

**Disposition:** Damon Delk was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law (I.C. 15-16-5) for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$500.00 was assessed for this violation. Consideration was given to the fact this was his second offense of similar nature.

In addition, the case was forwarded to the local prosecutor's office for criminal charged under:  
 IC 15-16-5 Violations; misdemeanor; injunction  
 Sec. 70

- (b) A person who recklessly, knowingly or intentionally violates section 65(9) of this chapter after the state chemist has issued written notification to that person regarding a previous violation of section 65(9) of this chapter commits a Class A misdemeanor.

As of May 1, 2015, Damon Delk had not paid the civil penalty. The case was forwarded for collection.

  
 George N. Saxton  
 Compliance Officer

Draft Date: November 24, 2014  
 Final Date: May 1, 2015

## CASE SUMMARY

Case #2014/1312

**Complainant:** Office of Indiana State Chemist (OISC)  
175 S. University Street  
West Lafayette, IN 47907  
800-893-6637

**Respondent:** United Supplies, Inc. Restricted Use Dealer  
Troy Kesler  
923 Whitaker Road  
Plainfield, IN 46168  
317-838-3733

**Registrant:** Martin Operating Partnership  
P.O. Box 191  
Kilgore, TX 75662

**Registrant:** Direct Ag Source LLC  
30473 260<sup>th</sup> Street  
Eldora, IA 50627

**Registrant** Chemtura Agro Solutions  
199 Benson Road  
Middlebury, CT 06749

1. On September 9, 2014, I performed a Market Place and Restricted Use Pesticide (RUP) Dealer records inspection at United Supplies Inc. in Plainfield, Indiana. I met with Troy Kesler, East Region Warehouse Business Manager. I explained the scope of my inspection, which included the checking of pesticide products for current registration in Indiana and Federally. Furthermore, I explained if a pesticide product was not registered it would be placed under a Stop Sale Use or Removal Order (SSURO) until the status could be determined.
2. On September 9, 2014, I inspected the registration of seventy four (74) pesticide products. I compared one (1) pesticide product label, (Tomahawk 5, EPA Reg. #33270-15, active ingredient glyphosate) with the label published by US EPA. See figures 1-2.

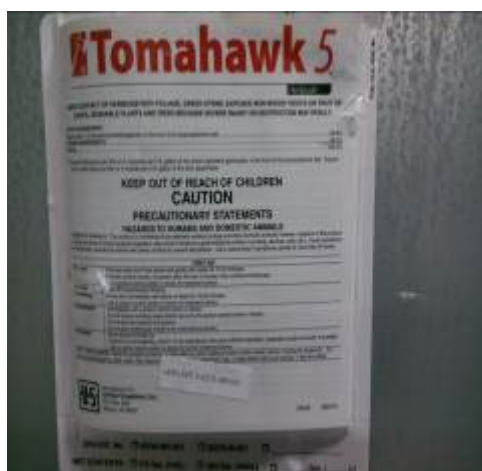


Figure 1-Label on product



Figure 2-EPA label

Of the seventy four pesticide products I reviewed for current registration, I found three (3) products that were not registered in Indiana. All seventy four (74) products were registered federally by US EPA. The three (3) products not registered in Indiana are as follows;

- A. CSC Wettable Sulfur Fungicide-Miticide for Spraying. See Figure 3.  
EPA Reg. #82571-1

Martin Operating Partnership  
P.O. Box 191  
Kilgore, TX 75662



Figure 3- CSC Wettable Sulfur

- B. Tebucure Fungicide 3.6  
EPA Reg. #83222-19

Direct Ag Source LLC  
30473 260<sup>th</sup> St.  
Eldora, IA 50627



Figure 4-Tebucure

C. Comite II Agricultural Miticide  
EPA Reg. #400-154

Chemtura Agro Solutions  
199 Benson Rd  
Middlebury, CT 06749



Figure 5-Comite II

3. On September 23, 2014, I received the Shipping Invoices for the three (3) unregistered pesticide products in Indiana. The invoices document the date the pesticide products were received by United Suppliers Inc. in Plainfield, Indiana. See figure 6-8.


<b>Zone TRANSFER RECEIVING</b>			
Ship From:	Warehouse:	Ticket: <b>31R-10791</b>	
29 - United Suppliers, Inc. Tolono, IL 61880	(3) United Suppliers, Inc. Plainfield, IN 46168		
Received/Adjust Date: <b>02/26/2013</b>	Source Type: TR		
	Source Number: TI-28491		
Pick Ticket Comment:			
<u>Product</u>	<u>Description</u>	<u>Units</u>	<u>Total Qty</u>
42S38950	<b>SULFUR WETTABLE 90% (50)</b>	250.00	12,500.00
Enter New Zone or Circle Current Zone: New Zone ( ) Current Zones: >>			
End Ticket: <b>31R-10791</b>			

Figure 6-CSC Wettable Sulfur received 02/26/2013

**Zone TRANSFER RECEIVING**

Ship From: United Suppliers, Inc.  
Eldora, Ia 50627

Warehouse: 31 United Suppliers, Inc  
Plainfield, IN 46168

Ticket: 31R-10734

Received/Adjust Date: 01/07/2013 Source Type: TR  
Source Number: WT-100433

Pick Ticket Comment: NOSE

Product	Description	Units	Total Qty
41P13204	PERMETHRIN 3.2 AG (4X1)	36.00	144.00
Enter New Zone or Circle Current Zone New Zone ( ) Current Zones,-->			
41T01825	TEBUCURE 3.6F (2X2.5)	72.00	360.00
Enter New Zone or Circle Current Zone New Zone ( ) Current Zones,-->			
42N02860	NUTRISPHERE-N LIQ (250)	4.00	1,000.00
Enter New Zone or Circle Current Zone New Zone ( ) Current Zones,-->			
42P255B1	PREMIUM COC (250)	3.00	750.00
357169,357422,357170			
Enter New Zone or Circle Current Zone New Zone ( ) Current Zones,-->			
42S38350	SUCCEED MINI (250)	4.00	1,000.00
357076,357059,360863,360864			
Enter New Zone or Circle Current Zone New Zone ( ) Current Zones,-->			
42T35255	TRANSLATE (2X2.5)	36.00	180.00
Enter New Zone or Circle Current Zone New Zone ( ) Current Zones,-->			

End Ticket: 31R-10734

Figure 7-Tebucure received 01/07/2013

**Zone PO RECEIVING (Standard)**

Ship From: 30154 Chemtura  
Philadelphia, PA

Warehouse: 31 United Suppliers, Inc  
Plainfield, IN 46168

Ticket: 31R-11230

Received/Adjust Date: 08/07/2014 Source Type: KN  
Source Number: 156476 156476

Pick Ticket Comment:

Product	Description	Units	Total Qty
41C34413	COMITE II (2X2.5)	36.00	180.00
Enter New Zone or Circle Current Zone New Zone ( ) Current Zones,-->			

End Ticket: 31R-11230

*Paul J. Kelley III*

Figure 8-Comite II received 8/07/2014

Paul J. Kelley  
Investigator

Date: September 24, 2014

**Disposition:** Martin Operating Partnership was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a non-registered pesticide. A civil penalty in the amount of \$250.00 was assessed for this violation.

Direct Ag Source LLC was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a non-registered pesticide. A civil penalty in the amount of \$250.00 was assessed for this violation.

Chemtura Agro Solutions was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a non-registered pesticide. A civil penalty in the amount of \$250.00 was assessed for this violation.

*George N. Saxton*  
George N. Saxton  
Compliance Officer

Draft Date: November 26, 2014  
Final Date: April 29, 2015



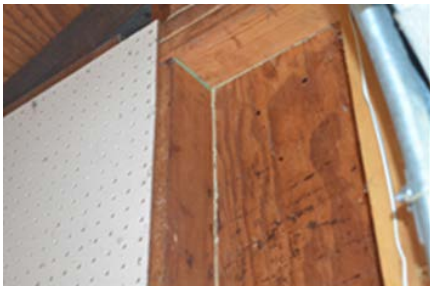
## CASE SUMMARY

Case #2014/1426

**Complainant:** Josh Sullivan  
378 L St. NW  
Linton, IN 47441  
812-699-1317

**Respondent:** Estate Home and Building Inspections      Unlicensed Business  
6410 Little Flock Rd.  
Spencer, IN 47460  
Vernon C. Katz      Unlicensed Cat. 12 Inspector  
812-679-9040

1. On September 10, 2014, the Office of Indiana State Chemist received a complaint by Josh Sullivan alleging a home inspector missed evidence of termites in his garage.
2. I met with Mr. Sullivan on September 12, 2014, at his home. Mr. Sullivan stated after moving into the home in August of 2014, his father had contracted for a pest control company (Inter Tec Pest) to spray for spiders in the house and detached garage. While spraying in the detached garage, the pesticide applicator informed his father there was evidence of termite activity. Josh Sullivan then contacted another pest control company, City Pest Control, who confirmed the evidence of termite activity in the detached garage. Mr. Sullivan provided me with documentation which indicated the home inspection had been completed on May 13, 2014, by Vernon Katz of Estate Home and Building Inspections. Mr. Sullivan also received a "Wood Destroying Insect (WDI) Inspection Report" from his bank completed by Mr. Katz that indicated "No Visible" evidence of wood destroying insects had been observed during his inspection on June 14, 2014.
3. I inspected the detached garage and adjoining wood working shop, which were separated by a wall, with a door between these areas to provide access. I observed evidence of previous termite activity (termite shelter tubes) at areas along all four (4) walls of the detached garage. I also observed evidence of previous termite activity along the south and west walls of the wood working shop area. I did not observe any live termites during my inspection. Photograph #1 below shows termite activity along the wood joints of near the garage door. Photograph #2 shows an area of shelter tube evidence along the east wall of the detached garage.



Photograph 1



Photograph 2



4. A check of the OISC database, revealed Mr. Katz had never held a Category 12 or Category 7B license to inspect for wood destroying insects.
5. I contacted Mr. Katz and spoke to him about the inspection to Mr. Sullivan's home. Mr. Katz informed me he completed a visual inspection of the home for termites, but did not charge for the service. Mr. Katz stated he did not fill-out paperwork on these types of inspections and usually just did it as a courtesy for customer. I informed Mr. Katz I had a copy of a WDI inspection report he had completed for Mr. Sullivan's bank. I further informed Mr. Katz he was required to have a Category 12 license to legally inspect structures for wood destroying insects. Mr. Katz agreed to meet with me on Monday, September 15, 2014, in Spencer, Indiana.
6. On September 15, 2014, I met with Mr. Katz. I spoke again to Mr. Katz about the requirements he must meet to be able to do WDI inspections. Mr. Katz stated he was sued in the past for not telling a homeowner of evidence of termites and found guilty by the judge. Mr. Katz also stated he did not have any additional forms from other homes he may have completed WDI inspections at. Mr. Katz informed me he would be attending the Category 12 training in the spring of 2015 to get the required licensing. I had Mr. Katz sign an Action Order stating he could not complete any further WDI inspections until the required licensing had been obtained.



Scott M. Farris  
Pesticide Investigator

Date: September 15, 2014

**Disposition:** Vernon C. Katz was cited for violation of section 65(9)(B) of the Indiana Pesticide Use and Application Law for making a diagnostic inspection for wood destroying pests without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

As of May 1, 2015, Vernon C. Katz had not paid the civil penalty. The case was forwarded for collection.



George N. Saxton  
Compliance Officer

Draft Date: November 7, 2014  
Final Date: May 1, 2015

# CASE SUMMARY

Case #2014/1429

**Complainant:** Office of the Indiana State Chemist  
175 S University Street  
West Lafayette, IN 47907  
765-494-1585

**Respondent:** Wyaloosing Golf Course  
Toby Vannatta  
6869 S SR 3  
Greensburg, IN 47240  
812-591-4100

Unlicensed  
Owner

1. On September 10, 2014, I performed a routine inspection at Wyaloosing Golf Course in Greensburg, Indiana. I spoke with the owner, Mr. Toby Vannatta. Also present was his brother. I asked Mr. Vannatta for a copy of his pesticide application records. He initially refused to show me the records. After an extensive discussion, it appeared Mr. Vannatta was not going to cooperate, so I got in my car and started to drive away. At that point, Mr. Vannatta came out to the parking lot and told me he would cooperate and show me the records.
2. We then went to the club house, and he showed me his calendar. Written on the calendar, he had the location, pesticide used, and rate. In the back of the calendar, he had probably what he intended to be EPA registration numbers for the pesticides he used, but it was actually the EPA establishment numbers. I asked him if he had an applicator's license, he proceeded to show me his private applicator license. He also said that Orring Thayer, the superintendent at Clifty Creek, was his certified supervisor. I asked Mr. Vannatta if Mr. Thayer had an applicators license that said Wyaloosing Golf Course, and he stated he did not. We then tried to call Mr. Thayer, but he was already gone for the day. I informed Mr. Vannatta that he was not currently in compliance, and he or Mr. Thayer would need a license with Wyaloosing Golf Course printed on it.



Fig 1: Application records

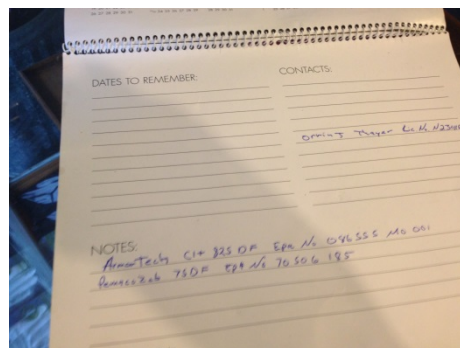


Fig 2: Additional notes

3. According to Mr. Vannatta's records, he made pesticide applications on the following days:  
May 16, June 20, July 11, and August 8.
4. I called Mr. Thayer on September 10, 15, and 19<sup>th</sup>. However, he was never available and did not return any of my calls.



Elizabeth C. Carter  
Pesticide Investigator

Date: September 19, 2014

**Disposition:** Wyaloosing Golf Course was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-15-4, for failure to keep mandatory golf course pesticide application records. Consideration was given to the fact this was their second violation of similar nature. See case number 2010/1135.

Wyaloosing Golf Course was cited for four (4) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-15-2, for applying pesticides to a golf course without having a certified applicator. A civil penalty in the amount of \$2,000.00 (4 counts x \$500.00 per count) was assessed. Consideration was given to the fact this was their second violation of similar nature. See case number 2010/1135.

As of May 1, 2015, Wyaloosing Golf Course had not paid the civil penalty. The case was forwarded to the Indiana Attorney General for collection.



George N. Saxton  
Compliance Officer

Draft Date: November 26, 2014  
Final Date: May 1, 2015

# CASE SUMMARY

Case #2014/1453

**Complainant:** Office of Indiana State Chemist (OISC)  
175 S. University St.  
W. Lafayette, IN 47907  
800-893-6637

**Respondent:** Adam McRee  
Discount Tree Service  
7108 Fitch Ave.  
Indianapolis, IN 46240  
317-629-8623  
DOB 3/26/82

Unlicensed Applicator  
Unlicensed Business

1. In September 2014, Agent Joe Becovitz, Investigator for the Office of Indiana State Chemist (OISC) received a flier from “Ann Nonomiss” advertising “Fertilization”, “*Eradicate Bag Worms, Japanese Beetles, Emerald Ash Bores, etc.*”, and other services by Discount Tree Service. Furthermore, the flier states, “*We carefully administer all methods of treatment, including trimming, diagnosis and elimination of insects and disease, or total removal with replacement options.*” See figures 1-2.



Figure 1-Front side of flier

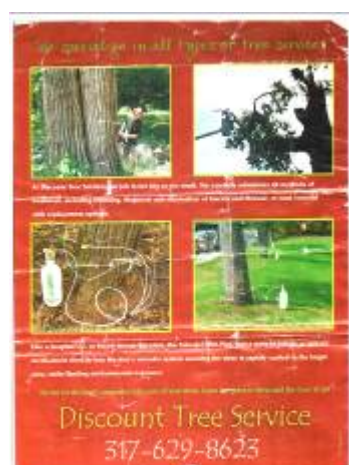
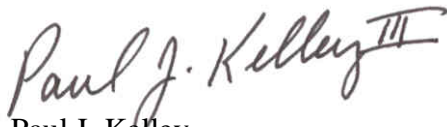


Figure 2-Back side of flier

2. On September 16, 2014, a review of OISC’s database indicated that Adam McRee and Discount Tree Service were not licensed or credentialed to perform for-hire pesticide applications. Furthermore, Adam McRee and Discount Tree Service has had two (2) prior investigations for violation of section 65 (9) of the Indiana Pesticide use and Application Law for professing to be in the business of applying pesticides for hire without having an Indiana pesticide business license. See case summaries 2012/0003 and 2012/0486. Mr. McRee was issued a civil penalty of \$250.00 for the 2012/0003 case. Mr. McRee was issued

a civil penalty of \$500.00 for the 2012/0486 case. Mr. McRee has failed to pay either civil penalty to this date.

3. On September 26, 2014, I contacted the telephone number listed on the flier for Discount Tree Service. The voice mail announcement said, "Adam McRee"... "Discount Tree Service". I did not leave a message to return my call.
4. On September 26, 2014, approximately two (2) minutes after ceasing my telephone call to 317-629-8623, I received a return call from the same telephone number. During my conversation with the individual, he identified himself as, Adam McRee of Discount Tree Service. Mr. McRee told me the list of services that Discount Tree Service could perform for me. Mr. McRee stated he could perform fertilization, insecticide injections into the trees. In addition, Mr. McRee stated he could "spray" my trees for Emerald Ash Borer. I questioned Mr. McRee where he was located. Mr. McRee stated he was located off 71<sup>st</sup> Street right on the White River. I asked if that was "Fitch Avenue". Mr. McRee stated that was "it". I questioned Mr. McRee as to what licenses he had based on what was on his flier. Mr. McRee stated he had a license from "Purdue Pest Office", and then stated "Office of Pesticide". I asked if he had a license number. McRee stated he needed to hang-up because he was being "towed" and would get back with me with the license number, ending our call.



Paul J. Kelley  
Investigator

Date: September 26, 2014

**Disposition:** Adam McRee was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law (I.C. 15-16-5) for professing to be in the business of applying pesticides for hire. A civil penalty in the amount of \$1,000.00 was assessed.

In addition, the case was forwarded to the local prosecutor's office for criminal charges under:  
IC 15-16-5 Violations; misdemeanor; injunction  
Sec. 70

- (b) A person who recklessly, knowingly or intentionally violates section 65(9) of this chapter after the state chemist has issued written notification to that person regarding a previous violation of section 65(9) of this chapter commits a Class A misdemeanor.

As of May 1, 2015, Adam McRee had not paid the civil penalty. The case was forwarded to the Indiana Attorney General for collection.



George N. Saxton  
Compliance Officer

Draft Date: November 24, 2014  
Final Date: May 1, 2015

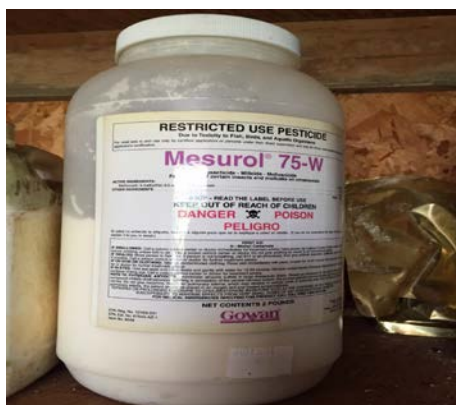
# CASE SUMMARY

Case #2015/0309

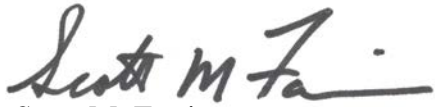
**Complainant:** Office of Indiana State Chemist (OISC)  
175 S. University St.  
W. Lafayette, IN 47907-2063  
765-494-1585

**Respondent:** Helms Greenhouse & Farm  
1149 N 700 W  
Richland, IN 47634  
Thomas Helms (Private Applicator)

1. On March 18, 2015, I conducted a routine Worker Protection Standards (WPS) inspection at the Helms Greenhouse & Farm, located in Richland, Indiana. During my inspection it was discovered Restricted Use Pesticide (RUP) records were not being kept for applications and required training for workers was not being administered correctly.
2. I met with owner, Nathan Helms, during my inspection. Mr. Helms indicated his son, Thomas Helms, held the pesticide license for the business, but he makes all of the pesticide applications in the Greenhouses. Mr. Helms stated he had not made any applications since May of 2014, but did not have any records for these applications, including the two (2) RUP's he had used. Mr. Helms also stated they did have a US Environmental Protection Agency (EPA) approved video they provided to their workers to watch at home. I explained to Mr. Helms that records were required to be kept for all applications of RUP's for two (2) years and the EPA approved video is to be shown to workers at the business location and presented by the licensed applicator for the business (Thomas Helms). All workers are to view this video once every five years and records should be kept of the employee's compliance.
3. The two (2) RUP's used by Mr. Helm were Mesurol 75-W (EPA Reg. # 10163-231; active ingredient: methiocarb) and Duraguard ME (EPA Reg. # 499-367; active ingredient: chlorpyrifos). These two (2) products were photographed and shown below:



4. Mr. Helms informed me he made applications usually on Saturday evenings and the business was closed on Sundays. Mr. Helms also showed me the "Do Not Enter" signs posted on the Greenhouse entrance doors after the applications. Mr. Helms also had all required safety and emergency information clearly posted. Mr. Helms was the only person at the business during my inspection and no other employees or Thomas Helms were available to be interviewed at that time.



Scott M. Farris  
Investigator

Date: April 9, 2015

**Disposition:** Helms Greenhouse & Farm was warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding agricultural use requirements. A civil penalty in the amount of \$250.00 was assessed for this violation.

Helms Greenhouse & Farm was cited for two (2) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-4-1.5, for failure to keep restricted use pesticide application records. A civil penalty in the amount of \$200.00 (2 counts x \$100 per count) was assessed.



George N. Saxton  
Compliance Officer

Draft Date: April 17, 2015

Final Date: May 8, 2015



## CASE SUMMARY

**Case #2015/0642**

**Complainant:** Office of Indiana State Chemist (OISC)  
175 S. University Street  
West Lafayette, Indiana 47907  
(765) 494-1585

**Respondent:** Tony E. Johnson Owner  
Johnson Seed Sales  
2321 N. 300 W.  
Bluffton, Indiana 46714  
(260) 438-7951

1. On Tuesday March 24<sup>th</sup>, 2015, I, Agent Brian Baker of OISC, conducted a facility inspection of the Johnson Seed Sales. I inspected the following areas of the business.
  - Licensing and Insurance requirements.
  - Records Keeping.
  - Storage of pesticide products.
2. When I met with Mr. Tony Johnson at his business, I identified myself verbally and with OISC credentials and stated the purpose of my visit. I issued a notice of inspection and asked Mr. Johnson if he operated a “for hire” business which treated agricultural crop seed with pesticides. Mr. Johnson acknowledged he did have a “for hire” business but qualified his answer by saying he did not use any restricted use products (RUPS), only inoculants and some fungicides.
3. I asked Mr. Johnson if he had a certified applicators license and a business license with OISC. Mr. Johnson told me he did not have either of the licenses but told me he had started the process of getting the proper licensing, adding his son Blake Johnson had just passed his Core and Category 4 tests. Mr. Johnson handed me a copy of his business Certificate of Insurance which showed OISC as the certificate holder. I issued Mr. Johnson a Stop Action Order. The order was to stop all for hire pesticide applications to agricultural crop seed products until properly licensed by OISC.
4. I told Mr. Johnson I would need a copy of his records of agricultural crop seed which he treated with pesticides products and then sold to customers. I asked Mr. Johnson for the following records information:
  - Date of the treatment;
  - Number of units treated;
  - The pesticide products applied in the treatment; and
  - The name and address of the customer to whom it was billed.
5. I checked the pesticide storage area and photographed it along with the agricultural seed product treater. I also photographed the business sign posted at the front of the business which is easily seen when driving by the business (figs 1-4).





Fig. 1



Fig. 2



Fig. 3



Fig. 4

- Figure 1 is the business sign posted at the front of the Johnson property.
- Figure 2 is the seed treater.
- Figure 3 is the pesticide storage area at the seed treater.
- Figure 4 is a closer photo of the stored pesticide.

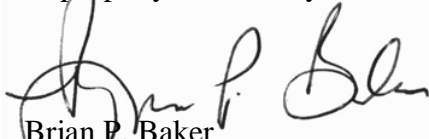
6. The chart which follows is the information provided by Mr. Johnson.

DATE	UNITS TREATED	TREATMENT*	CUSTOMER INFORMATION
03/16/15	225 UNITS	FST	Stinson Farms Keith Stinson 2661 W. 100 N. Bluffton, IN. 46714
“	45	FST	Randy Warner 11925 Eagle Creek Ln Fort Wayne, IN. 46814
03/17/15	90	FST	Kedric/Cliff Bailey 3475 W. 1000 N-90 Markle, IN. 46770
“	135	FST	Milward Miller 13520 Winchester Rd. Fort Wayne, IN. 46819
“	240	FST	Stinson Farms
“	40	FST	Randy Warner
03/18/15	600	FST	Ned Ruble 11711 S. 500 E. Warren, IN. 46792
“	240	FST	Phil Colclessor 974 E. 1000 N. Roanoke, IN. 46783
03/19/15	120	FST	Milward Miller
“	225	FST	Stinson Farms
03/21/15	120	FST	T&R Fishbaugh Terry Fishbaugh 2850 S. 500 E. Markle, IN. 46770
“	120	FST	Kedric Bailey
“	200	FST	Stinson Farms
03/23/15	540	FST/IST	Steve Best 6113 N. 500 E. Roanoke, IN. 46783

\* Treatments:

- FST:
- EverGol Energy SB, EPA Reg# 264-1122, active ingredient=prothiocanzole 7.18%, penflufen 3.59%, metalaxyl 5.74%
- Allegiance-FL, EPA Reg# 264-935, active ingredient=metalaxyl 28.35%
- FST/IST:
- EverGol Energy SB, EPA Reg# 264-1122, active ingredient=prothiocanzole 7.18%, penflufen 3.59%, metalaxyl 5.74%
- Allegiance-FL, EPA Reg# 264-935, active ingredient=metalaxyl 28.35%
- Gaucho 600, EPA Reg# 264-968, active ingredient=imidacloprid

7. In this case there were six days where agricultural crop seed (soybeans) were treated “for hire” with the pesticide products listed in paragraph 6 of this report. When the six days of pesticide treatment for hire took place, Mr. Johnson’s business was not licensed by OISC and Mr. Johnson did not have a certified applicators license. Mr. Johnson cooperated fully in this investigation and was quick to provide the information requested. Mr. Johnson has taken the necessary steps to get his business properly licensed by OISC.



Brian P. Baker  
Pesticide Investigator

Date: March 30, 2015

**Disposition:** Tony E. Johnson was cited for six (6) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount \$1,500.00 (6 counts x \$250.00 per count) was assessed.

However, the civil penalty was reduced to \$750.00. Consideration was given to the fact Mr. Johnson cooperated during the investigation; corrective action was taken and there were no restricted use pesticides involved.



George N. Saxton  
Compliance Officer

Draft Date: April 3, 2015  
Final Date: April 29, 2015

## CASE SUMMARY

Case #2015/0667

**Complainant:** Office of Indiana State Chemist (OISC)  
175 S. University Street  
West Lafayette, Indiana 47907  
(765) 494-1585

**Accused:** Ralph Homan Farmer/Owner  
Ralph Homan Pioneer Seed Rep.  
7195 W 200 S  
Portland, Indiana 47371  
(765) 369-2262 (765) 277-0258

1. On Thursday April 2, 2015 I, Agent Brian Baker of OISC conducted a facility inspection of The Homan Farms, a “for hire” pesticide application business which offers pesticide applications on agricultural crop seed to the general public. The inspection covered the following areas:

- Licensing and Insurance
- Records Keeping
- Storage of pesticide products

2. I met with Ralph Homan. I identified myself verbally and with OISC credentials. I issued a Notice of Inspection and stated my purpose for the inspection. I asked Mr. Homan if he was a “for hire” business which offered pesticide applications to agricultural crop seed to the general public. Mr. Homan told me the bulk of his business was treating seed for his own farm but added that he had made a few pesticide applications for hire to other farmers. I asked Mr. Homan for his OISC business and certified applicators licenses. Mr. Homan told me he was not licensed by OISC to treat agricultural seed for hire. I issued Mr. Homan a Stop Action Order to stop all for hire pesticide applications to agricultural crop seed until properly licensed by OISC. Mr. Homan told me he just recently found he needed to be licensed by OISC and told me he had treated so few times for others he has arranged with another near-by OISC licensed seed treater to have his customer’s soy beans treated at that facility. The photos in figures 1-4 are of the Homan Seed facility.



Fig. 1



Fig. 2



Fig. 3



Fig. 4

- Fig. 1 is the business sign located at the front of the Homan property.
- Fig. 2 is the bulk storage of treated/untreated Pioneer soy bean seed.
- Fig. 3 is the bulk storage of pesticide products used in seed treating.
- Fig. 4 is the disassembled slurry tank for the seed treater.

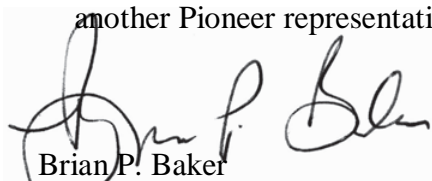
3. I asked Mr. Homan how long he had been treating agricultural crop seed with pesticides for hire. Mr. Homan told me he had treated some in 2013 and 2014. I told Mr. Homan I would need a copy of all of his pesticide treatment records for both years and the records should include the following information. The date of the pesticide applications, the number of units of seed treated, the pesticide products used and the name and address of the customer.

4. On Thursday April, 2, 2015, I received the following records from Mr. Homan:

DATE	# OF UNITS TREATED	PESTICIDE PRODUCTS USED	NAME AND ADDRESS OF THE CUSTOMER
4-17-13	900	*	Jim Schoenlein 154 N 200 W Portland, IN. 47371
4-25-14	900	*	Jim Schoenlein
“	120	*	Don Whitenack 2138 N 400 W Portland, IN. 47371

\* Allegiance, EPA Reg. #264-935, Active Ingredient=metalaxyl 28.35%, Evergol, EPA Reg. #264-1122, Active Ingredient=prothiocanzole 7.18%, penflufen 3.59%, metalaxyl 5.74%, Gaucho, EPA Reg. #264-968, Active Ingredient=imidacloprid 48.7%.

5. In this case there were two violations where agricultural crop seed was treated with the pesticides listed in paragraph 4 for hire. Mr. Homan cooperated and was quick to supply the records listed in paragraph 4. Mr. Homan has made arrangements to have his seed treated by another Pioneer representative who is licensed with OISC.



Brian P. Baker  
Pesticide Investigator

Date: April 6, 2015

**Disposition:** Ralph Homan was cited for two (2) violations of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$500.00 (2 counts x \$250.00 per count) was assessed.



George N. Saxton  
Compliance Officer

Draft Date: April 17, 2015

Final Date: May 8, 2015

## CASE SUMMARY

Case #2015/0672

**Complainant:** Office of Indiana State Chemist (OISC)  
175 S. University St.  
West Lafayette, IN 47907  
800-893-6637

<b>Respondent:</b>	Rodney Shelby Forrest Mann John Coy Coy Landscaping, Inc. 10039 Palmaire Place Fishers, IN 46038 317-828-5720	Registered Technician unlicensed Applicator Certified Supervisor Licensed Business
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1. On April 6, 2015, I observed Rodney Shelby and Forrest Mann applying Lesco Fertilizer with Dimension, (EPA Reg. #10404-86, active ingredient dimension) to lawn turf at Meridian Woods Manor near Southport Road and Arjay Drive in Indianapolis, Indiana. See figures 1 and 2.



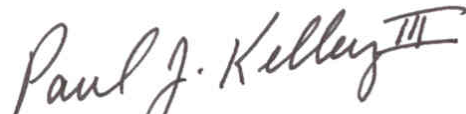
Figure 1-Mr. Shelby



Figure 2-Mr. Mann

2. Mr. Mann made pesticide turf applications without a credential under the supervision of Mr. Shelby, who is a Registered Technician. OISC's supervision rule does not allow a Registered Technician to supervise a non-credentialed applicator.
3. On April 6, 2015, I spoke with John Coy, certified supervisor for Mr. Shelby. Mr. Coy stated the situation was his mistake as he believed only phone communication was necessary for supervision of non-credentialed employees.

4. Furthermore, Mr. Shelby was not in possession of a site assessment fact sheet.

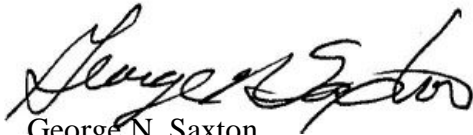


Paul J. Kelley  
Investigator

Date: April 7, 2015

**Disposition:** John Coy was warned for violation of section 65(6) of the Indiana Pesticide use and Application Law, specifically 355 IAC 4-2-6, for failure to provide a technician with a site assessment fact sheet.

John Coy was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to provide on-site supervision to a non-certified employee. A civil penalty in the amount of \$125.00 was assessed for this violation.



George N. Saxton  
Compliance Officer

Draft Date: April 17, 2015

Final Date: April 29, 2015



## CASE SUMMARY

Case #2015/0673

**Complainant:** Office of Indiana State Chemist (OISC)  
175 S. University Street  
West Lafayette, IN 47907  
800-893-6637

<b>Respondent:</b>	Ronnie Hubbard	Registered Technician
	Gregorio Silva Salazar	Unlicensed Applicator
	Ron Hubbard	Certified Supervisor
	Calvin Landscape, Inc.	
	5221 Ivy Tech Drive	
	Indianapolis, IN 46268	
	317-247-6316	

1. On April 6, 2015, I observed Ronnie Hubbard and Gregorio Silva Salazar applying fertilizer with Dimension (EPA Reg. #62719-486-52287, active ingredient dimension) to the turf areas of the Shadowood subdivision near Oakmont Boulevard and Smokey Row Road in Center Grove, Indiana. See figures 1 and 2.




Figure 1-Mr. Hubbard and Mr. Silva Salazar



Figure 2-Mr. Silva Salazar making application

2. Mr. Silva Salazar made pesticide turf applications without a credential under the supervision of Mr. Hubbard, who is a Registered Technician. OISC's supervision rule does not allow a Registered Technician to supervise a non-credentialed applicator.
3. On April 6, 2015, I spoke with Ron Hubbard, Certified Supervisor for Ronnie Hubbard. Ron Hubbard stated Mr. Silva Salazar was only to use the blower to blow sidewalks free of fertilizer and pesticide granules.


4. Furthermore, Mr. Hubbard was not in possession of a site assessment fact sheet.

  
Paul J. Kelley  
Investigator

Date: April 7, 2015

**Disposition:** Ron Hubbard was warned for violation of section 65(6) of the Indiana Pesticide use and Application Law, specifically 355 IAC 4-2-6, for failure to provide a technician with a site assessment fact sheet.

Ron Hubbard was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to provide on-site supervision to a non-certified employee. A civil penalty in the amount of \$125.00 was assessed for this violation.

  
George N. Saxton  
Compliance Officer

Draft Date: April 17, 2015

Final Date: April 29, 2015