

A Summary of Cases

July 18, 2021

PS19-0239 On June 12, 2019, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that Premier Ag made a pesticide application to a neighboring farm field 'a couple weeks ago' and now he has pesticide exposure symptoms to his ornamentals.

Disposition: Anthony Walker and Premier Ag were cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allowed it to drift from the target site in sufficient quantity to cause harm to a non-target site. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact Mr. Walker cooperated during the investigation. Consideration was also given to the fact a restricted use pesticide was involved.

PS19-0263 On June 25, 2019, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that on June 13, 2019, Troy Wolfe sprayed dicamba on a neighboring farm field east of his and did not leave a buffer. The complainant also stated the winds were 12 to 20 mph at the time.

Disposition: Troy Wolfe was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of \$100.00 was assessed for this violation. Consideration was given to the fact this was his first violation of similar nature. Consideration was also given to the fact a restricted use pesticide was involved.

PS19-0386 On July 24, 2019, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that a recent pesticide application made to a bean field drifted onto her trees and garden plants causing exposure symptoms.

Disposition: Justin McGee was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of \$100.00 was assessed for this application under PS19-0393. Consideration was given to, the fact a restricted use pesticide was involved and this was his sixth violation of similar nature. (See case numbers 2018/0657, 2018/0715, 2018/0746, 2018/0890 and 2018/0891). In addition, Justin McGee was prohibited from obtaining a Private Applicator permit for a period of five (5) years from receipt of this notice.

Justin McGee was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding use only by certified applicators.

As the responsible certified applicator, Douglas Morrow was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. In addition, the Private Applicator permit issued to Douglas Morrow was revoked. Consideration was given to the fact a restricted use pesticide was

involved and this was his sixth violation of similar nature. (See case numbers 2018/0657, 2018/0715, 2018/0746, 2018/0890 and 2018/0891).

Douglas Morrow was cited for violation of section 65(13) of the Indiana Pesticide Use and Application Law for aiding or abetting a person to evade IC 15-16-5, conspire with a person to evade IC 15-16-5, or allow a license, permit, registration, or certification to be used by another person. A civil penalty in the amount of \$100.00 was assessed for this violation under PS19-0393.

PS19-0487 On August 12, 2019, an anonymous complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that Keyscapes is applying pesticides for hire without having an Indiana pesticide business license at Marion General Hospital, 441 North Wabash Avenue, Marion and Progressive Cancer Care, 831 Theatre Road in Marion.

Disposition: Keyscapes was cited for sixteen (16) 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 of \$4,000.00 (16 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$1,200.00. Consideration was given to the fact Keyscapes cooperated during the investigation; corrective action was taken and there was no previous history of similar nature. In addition, \$1,000.00 was held in abeyance and not assessed provided Keyscapes commits no further violations of the Indiana Pesticide Use and Application Law for two (2) years from the date of this report. The remaining \$200.00 must be paid.

PS19-0543 On August 20, 2019, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that Risner Farms made a dicamba application to a neighboring farm field that has drifted onto his beans.

Disposition: Michael Risner was cited for violation of section 65(8) of the Indiana Pesticide Use and Application Law for making false records, invoices or reports. A civil penalty in the amount of \$100.00 was assessed for this violation.

Keith Risner was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding use only be a certified applicator. A civil penalty in the amount of \$100.00 was assessed for this violation.

PS20-0002 On October 1, 2019, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report a former employee had been soliciting Haseman Pest Control customers and had been receiving payment for pest control services in cash.

Disposition: Dakota Griffey and Running Rage Pest Control were cited for three (3) 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 of \$750.00 (3 counts x \$250.00 per count), was assessed. Consideration was given to the fact Mr. Griffey did not cooperate during the investigation.

PS20-0023 On October 24, 2019, I performed a golf course inspection at Willowbrook Country Club in Connersville, Indiana.

Disposition: Willowbrook Country Club was cited for ten (10) violations 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 \$2,500.00 (10 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$1,750.00. Consideration was given to the fact Willowbrook Country Club cooperated during the investigation and no restricted use pesticides were involved.

Willowbrook Country Club was warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-15-4, for failure to keep and maintain all required records of a pesticide applied to the golf course.

It should be noted Willowbrook Country Club was inspected for compliance to the Golf Course Rule on November 30, 2010 (case number 2010/0246) and April 13, 2017 (case number 2017/0655).

PS20-0033

On November 15, 2019, I conducted a routine inspection on Randy Padgett with Presto X. When I arrived at Paige's Music in Indianapolis, I noticed Randy Padgett making an application during routine business hours. After observing his application, I stopped him at the end of the application to check for storage, credentials, and handling of chemicals used.

Disposition: On October 29, 2020, I spoke with Mr. Padgett by phone. He admitted to me he sprayed a pesticide in the music store. He had no excuse for denying making the application to Agent Bill Reid other than he might have sprayed subconsciously.

Randy Padgett was cited for violation of section 65(19) of the Indiana Pesticide Use and Application Law for recklessly, knowingly, or intentionally impeding or preventing the state chemist or the state chemist's agent in the performance of the state chemist's duty in connection with IC 15-16-4 or IC 15-16-5. A civil penalty in the amount of \$250.00 was assessed for this violation. Mr. Padgett was advised that failure to comply with an inspection in the future would result in license revocation.

PS20-0055

On April 30, 2019, Ryne Walker of Yard Crew was making a fertilizer application to a CVS Pharmacy in New Carlisle, IN. I stopped Mr. Walker to perform a routine field use inspection. During the inspection I asked Mr. Walker if he was licensed or if he was a registered technician (RT). He stated that he was an RT and had just started working for Yard Crew after leaving his previous employment where he was also an RT. He did not have any credential on his person. Mr. Walker contacted his supervisor, Patrick Jones, to inform him that he was being inspected. I talked to Mr. Jones and he reported that Mr. Walker was a new employee and was an RT. Figures 1-3 show the contents of Mr. Walkers vehicle during the inspection.

Disposition: Patrick Jones and Yard Crew were 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 individual. A civil penalty in the amount of \$125.00 was assessed for this violation.

Patrick Jones and Yard Crew were cited for violation of section 65(7) of the Indiana Pesticide Use and Application Law, for failure to make reports and supply information when required

or requested by the state chemist in the course of an investigation or inspection. A civil penalty in the amount of \$250.00 was assessed for this violation.

It should be noted that the license issued to Patrick Jones and business license issued to Yard Crew expired December 31, 2019 and will not be renewed until such time as they comply with the records request.

Patrick Jones and Yard Crew failed to pay the assessed civil penalty of \$375.00. The case was closed and forwarded to collections. In addition, no licenses to be issued for Yard Crew & Patrick Jones until they submit the requested paperwork and the \$375.00 civil penalty has been paid.

PS20-0064 Exam taker James Sweeney was provided with testing materials (scratch paper, 2 pencils and calculator) upon being seated. He was instructed to place all materials in a collection bucket after finishing his exam. Mr. Sweeney failed to return the scratch paper. A review of the surveillance video revealed that Mr. Sweeney folded the scratch paper and tucked it into his pocket just prior to returning the other testing materials. He then exited the building with the scratch paper still in his pocket.

Disposition Summary

James Sweeney was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-1-2.1 (f), for failure to follow examination procedures. James Sweeney is prohibited from taking any examinations for a period of five (5) years from the date of this notice.

PS20-0070 On April 7, 2021, while performing routine Use inspection, I observed Rafaela Xolo Tolem (The Green Gang) with a backpack sprayer spraying ornamental beds at Epler Avenue and US 31 in Indianapolis, Indiana. Ms. Xolo Tolem stated she was not licensed or being supervised by a certified applicator. Ms. Xolo Tolem contacted David Welch a certified applicator for The Green Gang, who admitted to being Ms. Xolo Tolem's supervisor. Mr. Welch took full responsibility for the situation.

Disposition Summary

Green Gang Inc was cited for one (1) count of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to supervise a non-licensed individual. A civil penalty in the amount of \$125.00 was assessed for this violation.

David Douglas Welch was cited for one (1) count of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to supervise a non-licensed individual.

PS20-0080 On 3/28/2020, Robert Cockerel Real Estate Agent for the seller at 8213 E. Hanna Ave, Indianapolis IN 46239 contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that Termite & Bed Bug Control of Indy inspected a home in Indianapolis. Dyrall Townsend could not be found, and OISC verified, that Dyrall Townsend and Termite & Bed Bug Control of Indy are not licensed with OISC.

Disposition: Dyrall Townsend and Termite and Bed Bug Control of Indiana were cited for violation of section 65(8) of the Indiana Pesticide Use and Application Law for issuing a false or fraudulent record, invoice or report by using a bogus license and/or certification number. A civil penalty in the amount of \$250.00 was assessed for this violation.

Dyrall Townsend and Termite and Bed Bug Control of Indiana were cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for making diagnostic inspections for wood-destroying organisms without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Dyrall Townsend and Termite and Bed Bug Control of Indiana were cited for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement during or after an inspection concerning any infestation or infection of pests. A civil penalty in the amount of \$250.00 was assessed for this violation.

Michael Wilson and Nova Home Inspections were warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement during or after an inspection concerning any infestation or infection of pests for failure to report the inaccessible crawlspace. Consideration was given to the fact this was their first violation of similar nature.

The enforcement letter sent to Dyrall Townsend and Termite and Bed Bug Control was returned to OISC on September 11, 2020, marked "Not Deliverable as Addressed".

On June 1, 2021, Investigator, William R. Reid informed us Dyrall Townsend's phone number was disconnected and he could not find another address to send the enforcement letter to. It is believed Mr. Townsend is out of state.

On June 2, 2021, Compliance Officer, George Saxton informed us to document that we could not find a valid address for Dyrall Townsend, and to close the case. In addition, since we cannot supply an address, the case cannot be forwarded to collections at this time.

PS20-0123 On May 20, 2020, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report a few days ago, a fixed wing aerial applicator made a pesticide application to a nearby field that drifted onto his organic produce. Complainant stated he does not apply pesticides.

Disposition: Dustin Starlin and Milhon Air, Inc. were cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact this was Mr. Starlin's third violation of similar nature. See cases 2017/1099 and 2018/0735. Consideration was also given to the fact a restricted use pesticide was involved in this case as well as 2018/0735.

PS20-0175 On June 9, 2020, the complainant contacted the Office of Indiana State Chemist (OISC) to report that a neighboring farmer had sprayed the field adjacent to his property several times including two partial applications and spot application along the fence row. He could not

provide application dates at the time of intake but stated the injury to his lawn and garden was first noticed on June 6, 2020.

Disposition: Light Farms LLC and Joshua Light were cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$100.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved.

Light Farms LLC and Joshua Light were cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift in sufficient quantity from the target site to cause harm to a non-target site.

PS20-0193 Complainant stated an application to a neighboring farm field has adversely affected the vegetation and garden on her property.

Disposition Summary

Wright Agri Group was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$100.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved. Consideration was also given to the fact this was Mr. Hardy's second violation of similar nature. See case number 2018/0670

Andy Hardy was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact a restricted use pesticide was involved. Consideration was also given to the fact this was Mr. Hardy's second violation of similar nature. See case number 2018/0670.

Pete Holley was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact a restricted use pesticide was involved.

Wright Agri Group was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site. Consideration was given to the fact a restricted use pesticide was involved. Consideration was also given to the fact this was Mr. Hardy's second violation of similar nature. See case number 2018/0670.

Andy Hardy was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site. Consideration was given to the fact a restricted use pesticide was involved. Consideration was also given to the fact this was Mr. Hardy's second violation of similar nature. See case number 2018/0670.

Pete Holley was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that

allows it to drift from the target site in sufficient quantity to cause harm to a non-target site. Consideration was given to the fact a restricted use pesticide was involved.

Andy Hardy was warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to either provide site assessment fact sheet or be on-site for an application being performed by a non-credentialed employee.

PS20-0198 On June 16, 2020, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report a neighboring field was sprayed with dicamba and it has affected his non-dicamba beans.

Disposition: Robert Appleton was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. A civil penalty in the amount of \$100.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved.

Robert Appleton was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allowed it to drift from the target site in sufficient quantity to cause harm to a non-target site.

PS20-0239 On June 29, 2020, Complainant stated Mark Leas sprayed dicamba on June 25th after the cutoff date.

Disposition: Justin Leas was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow directions for the state registration label regarding application after June 20th. A civil penalty in the amount of \$100.00 was assessed for this violation. However, the civil penalty was reduced to \$75.00. Consideration was given to the fact Justin Leas cooperated during the investigation.

Justin Leas was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without being certified. A civil penalty in the amount of \$100.00 was assessed for this violation. However, the civil penalty was reduced to \$75.00. Consideration was given to the fact Justin Leas cooperated during the investigation.

Mark Leas was cited for violation of section 65(13) of the Indiana Pesticide Use and Application Law for aiding or abetting a person to violate this chapter by supplying a restricted use pesticide to an unlicensed person who used it illegally. A civil penalty in the amount of \$100.00 was assessed for this violation. However, the civil penalty was reduced to \$75.00. Consideration was given to the fact Mark Leas cooperated during the investigation. Civil penalty payment received.

PS20-0272 On July 7, 2020, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that dicamba was applied to a neighboring field and now his non-dicamba tolerant (non-DT) soybeans have injury symptoms.

Disposition: Brad Stephenson and Crossroads Family Farms were cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of \$100.00 was

assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved.

Brad Stephenson and Crossroads Family Farms were cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without having an applicator, who is licensed or permitted under IC 15-16-5, in direct supervision. A civil penalty in the amount of \$100.00 was assessed for this violation.

Daniel W. Scott and Crossroads Family Farms were cited for violation of section 65(13) of the Indiana Pesticide Use and Application Law for aiding or abetting a person to evade IC 15-16-5, conspire with a person to evade IC 15-16-5, or allow a license, permit, registration, or certification to be used by another person. A civil penalty in the amount of \$100.00 was assessed for this violation.

PS20-0286 On July 13, 2020, the Compliance Officer of the Office of Indiana State Chemist (OISC) received anonymous information indicating DeadOne Pest Control was making for-hire pesticide applications in Fort Wayne, IN. According to the OISC database, DeadOne Pest Control had not been issued an Indiana pesticide business license.

Disposition: Argie Bellio and DeadOne Pest Control were cited for thirteen (13) 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 of \$3,250.00 was assessed for this violation. However, the civil penalty was reduced to \$650.00. Consideration was given to the fact Mr. Bellio cooperated during the investigation; corrective action was taken; there was no previous history of similar violations and a good-faith effort to comply.

PS20-0328 On July 23, 2020, the Certification & Licensing Section contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that certification of Superior Pest Management expired December 31, 2019 invalidating the business license of Superior Pest Management.

Disposition: Superior Pest Management and Texas Boles were cited for one hundred sixty-four (164) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having a valid business license. A civil penalty in the amount of \$41,000.00 (164 counts x \$250.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$8,200.00. Consideration was given to the fact Mr. Boles cooperated during the investigation; corrective action was taken; no previous history of similar nature and no potential for damage.

In addition, another \$5,000.00 was held in abeyance and will not be assessed provided Mr. Boles commits no further violations of the Indiana Pesticide Use and Application Law within two (2) years from this notice. The remaining balance of \$3,200.00 must be paid.

PS20-0339 On July 29, 2020, the Certification & Licensing Section contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that the 7a certification of James Shelton expired on December 31, 2019 invalidating the business license of Pestco LLC.

Disposition: James Shelton and Pestco LLC were cited for two (2) 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 of \$500.00 (2 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$375.00. Consideration was given to the fact Mr. Shelton cooperated during the investigation.

PS20-0344 On July 30, 2020, the complainant Charles Whitaker contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report the neighboring farmer sprayed a field that drifted onto the complainant's property, sending his wife to the hospital.

Disposition: Laura Van Meter was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of \$100.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm.

Laura Van Meter was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without having an applicator who is licensed or permitted. A civil penalty in the amount of \$100.00 was assessed for this violation.

PS20-0347 On August 1, 2020, Sgt. Daniel Meyer of the Rush County Sheriff's Department contacted the Office of Indiana State Chemist (OISC) investigator by email to report an aerial applicator flew over the residence of Victoria Folley while spraying corn. Sgt. Meyer stated the residence became ill and was hospitalized.

Disposition: Paul Artman III and Milhon Air, Inc. were cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm.

PS21-0005 Vineyard Golf Course lost their only certified applicator, Adam R. Keith, December 2019

Disposition Summary

Vineyard Golf Course was warned for thirteen (13) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-15-4, for failure to keep all record elements of pesticide applications at a golf course.

Vineyard Golf Course was cited for seven (7) 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 \$1,750.00 was assessed for this violation. However, the civil penalty was reduced to \$350.00. Consideration was given to the fact Vineyard Golf Course cooperated during the investigation; corrective action was taken; no potential for damage since the applicator had been previously certified and there was no previous history of similar nature.

PS21-0009 Posting on facebook indicates the Respondent may be offering fertilizer and pesticide applications for hire.

Disposition Summary

Culbreth's Lawn & Tree was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides/fertilizers for hire on the property of another without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Brian Culbreth was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides/fertilizers for hire on the property of another without having an Indiana pesticide business license.

PS21-0013 Failed to renew after repeated attempts by OISC to follow up.

Disposition Summary

Allen Seed Sales was cited for twenty-nine (29) 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 of \$7,250.00 (29 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$3,262.00. Consideration was given to the fact Allen Seed Sales cooperated during the investigation; there was no potential for damage and no previous history of similar nature.

David Wayne Allen was cited for twenty-nine (29) 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.

PS21-0020 Failed to renew license after repeated attempts by OISC.

Disposition Summary

Bello Terra LLC was cited for twelve (12) 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 pesticide certified applicator. A civil penalty in the amount of \$3,000.00 was assessed for this violation. However, the civil penalty was reduced to \$900.00. Consideration was given to the fact Bello Terra LLC cooperated during the investigation; corrective action was taken and there was no previous history of similar violations.

Steven Michael Reynolds was cited for twelve (12) 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 pesticide certification.

PS21-0021 Failed to renew license after repeated attempts by OISC.

Disposition Summary

Nutrien Ag Solutions, Inc was cited for forty three (43) 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 of \$10,750.00 (43 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$2,150.00. Consideration was give to the fact Nutrien Ag Solutions, Inc cooperated during the investigation; there was no potential for damage since they had been licensed, corrective action was taken and there was no previous history of similar nature.

PS21-0023 Complainant stated the field next to his nursery was sprayed on 11/4/20 between 8:30 am and 11:00 am when the winds were out of the southwest between 15 to 20 mph. Complainant stated the spraying was done with a Hagie sprayer and he could see the mist blowing across his property.

Disposition Summary

Clauson Farms was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved.

Jeffrey Bauman was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. Consideration was given to the fact a restricted use pesticide was involved.

Don Bauman was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. Consideration was given to the fact a restricted use pesticide was involved.

PS21-0029 On November 4, 2020 I contacted White River Co-Op located in Worthington, Indiana. I spoke with branch manager Keith Bixler. I advised Mr. Bixler I was a pesticide Investigator for OISC and I needed to schedule a 7d-Fumigation inspection at his facility. Mr. Bixler advised White River Co-Op Worthington branch does not conduct fumigation application at the Worthington branch. I asked Mr. Bixler why certified applicator Aaron Bledsoe who holds a 7d-fumigation certification was assigned to the Worthington branch. Mr. Bixler advised Mr. Bledsoe now works at the White River Co-Op Grain Facility located in Loogootee, Indiana. A search of the OISC Licensing Database did not return any results for White River Co-Op Grain Facility. Further, a search of the OISC Licensing Database for certified applicator Aaron Bledsoe shows the only business he is assigned to is the White River Co-Op Worthington Branch.

Disposition Summary

White River Co-Op Grain Facility was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding placarding and fumigation management plan. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm.

Aaron Michael Bledsoe was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding placarding and fumigation management plan.

PS21-0032 On November 23, 2020 i conducted a PEI at Finishworks in Shipshewanna, IN.

Disposition Summary

Forwarded to U.S.E.P.A. for federal review.

PS21-0033 During a fumigation inspection I learned the applicant did not complete fumigation management plan.

Disposition Summary

Norag LLC was cited for eight (8) counts of violation of section 65(2) of the Indiana Pesticide Use and Application Law or failure to follow label directions regarding a Fumigation Management Plan. A civil penalty in the amount of \$2,000.00 (8 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$600.00. Consideration was given to the fact Mr. Westerfield cooperated during the investigation; corrective action was taken and there were no previous violations of similar nature.

John Westerfield was cited for eight (8) counts of violation of section 65(2) of the Indiana Pesticide Use and Application Law or failure to follow label directions regarding a Fumigation Management Plan.

PS21-0038 Lowcostbedbugolutions (LCBBS) allegedly rents out heaters to homeowners to treat for bedbugs. However their website indicates that they deliver, set up and monitor the heaters during use. LCBBS does not appear to have a pesticide business license with the OISC.

Disposition Summary

Low Cost Bed Bug Solutions was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to use a pesticide or product regulated under this chapter, for hire on the property of another. A civil penalty in the amount of \$250.00 was assessed for this violation.

Stephen Baldwin was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to use a pesticide or product regulated under this chapter, for hire on the property of another.

PS21-0039 It is alleged that employees of Keener corporation purchased Golden Malrin Fly Bait in Ohio and have used the bait to kill racoons. Cats and possums have also allegedly been killed as a result of the baiting.

Disposition Summary

Keener Corporation was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for using a pesticide product contrary to label directions regarding the prohibition of use against animals. A civil penalty in the amount of \$250.00 was assessed for this violation. However, the civil penalty was reduced to \$188.00. Consideration was given to the fact Mark Keener cooperated during the investigation.

Mark Keener was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for using a pesticide product contrary to label directions regarding the prohibition of use against animals.

Keener Corporation was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide product without having a certified applicator. A civil penalty in the amount of \$250.00 was assessed for this violation. However, the civil penalty was reduced to \$188.00. Consideration was given to the fact Mark Keener cooperated during the investigation.

Mark Keener was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide product without having a certified applicator.

PS21-0040 Pesticide Mini-bulk containers located out of secondary containment. A good effort was made to build secondary containment, however the materials used were not acceptable to the pesticide secondary containment rule.

Disposition Summary

Ceres Solutions Cooperative Inc was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 5-4-1(a) for storing minibulk containers out of secondary containment. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved.

PS21-0043 I was assigned a routine restricted use pesticide (RUP) dealer inspection at Harvest Land in New Castle.

Disposition Summary

Harvest Land Co op was cited for two (2) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide to a non-certified user. A civil penalty in the amount of \$500.00 (2 counts x \$250.00 per count) was assessed.

Jake Martin Jr. was cited for five (5) counts of violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without being licensed, certified or permitted. A civil penalty in the amount of \$500.00 (5 counts x \$100.00 per count) was assessed.

George Michael Sweigart was cited for violation of section 65(13) of the Indiana Pesticide Use and Application Law for intentionally allowing a non-permitted individual to use his Private Applicator permit to purchase restricted use pesticides. A civil penalty in the amount of \$100.00 was assessed for this violation.

PS21-0045 Bryan Fleck Dba Blue Creek Lawn Care and Sharpening is offering for hire weed control in lawns without a Pesticide Business License.

Disposition Summary

Bryan Stewart Fleck was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in he business of applying pesticides fo hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation. However, the civil penalty was held in abeyance and will not be assessed provided Bryan Stewart Fleck becomes properly licensed within six (6) months from the date of this notice.

PS21-0046 Complainant purchased home in 2018 after inspection that included wood destroying organisms. After finding extensive termite damage in 2020, complainant was advised to contact the Office of Indiana State Chemist.

Disposition Summary

Lewis Star Pest Control was cited for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making false or misleading statements during or after an inspection for pests. A civil penalty in the amount of \$250.00 was assessed for this violation.

Richard Bruce Grimes was cited for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making false or misleading statements during or after an inspection for pests.

PS21-0047 During the course of a routine golf course inspection, it was discovered that Chesapeake Run Golf Course has been making pesticide applications for the past two years without a licensed pesticide applicator.

Disposition Summary

Chesapeake Run Golf Club was cited for thirty-nine (39) violations of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-15-2, for making pesticide applications to a golf course without having a 3b certified applicator. A civil penalty in the amount of \$9,750.00 (39 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$1,950.00. Consideration was given to the fact Chesapeake Run Golf Club cooperated during the investigation; corrective action was taken; no previous history of similar nature and a good-faith effort to comply. The civil penalty was held in abeyance and will not be assessed provided Chesapeake Run Golf Club commits no further violations of the Indiana Pesticide Use and Application Law for a period of two (2) years from the date of this report.

PS21-0054 After taking a core exam at the Evansville location of Ivy Tech, the exam proctor asked Mr. Weck to return the scratch paper that he was given at the beginning of the exam. Mr. Weck stated that he was not given any scratch paper and so he didn't have any to return.

Disposition Summary

Austin Weck's was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-1-2.1(f), for failure to comply with exam procedures or using any unauthorized assistance. Austin Weck will not be allowed to take any pesticide examination for a period of five (5) years from the date of this notice."

PS21-0057 Anonymous source stated that Brian Naas was advertising on Facebook that he fertilized lawns. According to Office of Indiana State Chemist records, Mr. Naas is not licensed to perform for-hire turf applications.

Disposition Summary

Brian Naas 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 pesticide/fertilizers for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation. The civil penalty was held in abeyance and not assessed provided Brian Naas commits no further violations within two (2) years from the date of this report.

PS21-0058 On March 22, 2021, while performing routine inspections, I observed Joseph Gibson complete a pesticide application to the lawn of 7119 Samuel Dr. for Certified Lawn Care Inc. before he received his RT credential from OISC.

Disposition Summary

Certified Lawn Care Inc was cited for violation of section 65(6) of the Indiana Pesticide Use and Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed individual. A civil penalty in the amount of \$125.00 was assessed for this violation.

Jeremy J Lang was cited for violation of section 65(6) of the Indiana Pesticide Use and Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed individual.

PS21-0066 Anonymous alleged that Spring Green of Columbia City is using unlicensed applicators to make pesticide applications to customers lawns. In addition it was alleged that pesticide contaminated runoff leaves Spring Green property via an outside storm drain.

Disposition Summary

R D Meinika Inc DBA Spring Green was cited for thirty-four (34) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed individual. A civil penalty in the amount of \$4,250.00 (34 counts x \$125.00 per count) was assessed. However, the civil penalty was reduced to \$1,700.00. Consideration was given to the fact R.D. Meinika cooperated during the investigation; there was no potential for damage and corrective action was taken.

The \$1,700.00 was held in abeyance and not assessed provided R D Meinika Inc DBA Spring Green and Caleb Anderson commits no further violations of similar nature.

Caleb Anderson were cited for thirty-four (34) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed individual.

PS21-0067 Between the Green advertised that they fertilized lawns on their website and Facebook page. No pesticide business license could be found for Between the Green.

Disposition Summary

Between the Green 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/fertilizers for hire without having a pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Elijah Cook 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/fertilizers for hire without having a pesticide business license.

PS21-0073 While conducting a routine credentials inspection on Kenneth Dolliver of Green Scene, it was discovered that he had been making pesticide applications on his own without a license for two days.

Disposition Summary

Turf Management DBA Green Scene was cited for six (6) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to properly supervise a non-credentialed employee. A civil penalty in the amount of \$750.00 (6 counts x \$125.00 per count) was assessed. However, the civil penalty was reduced to \$375.00. Consideration was given to the fact Turf Management DBA Green Scene cooperated during the investigation and corrective action was taken.

Michael Garner was cited for six (6) violations of section 65(6) of the Indiana Pesticide Use and Application Law for failure to properly supervise a non-credentialed employee.

PS21-0074 Anonymous complainant observed Spring Green applicator fail to blow fertilizer with pre-emergent granules back into the lawn.

Disposition Summary

Spring Green Lawn Care was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding target application site. A civil penalty in the amount of \$250.00 was assessed for this violation.

Alan J Bilbrey was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding target application site.

PS21-0086 Anonymous complainant stated they observed an employee of Advanced Property Services applying weed control to the islands in the parking lot of the Kroger in Nora wearing no personal protective equipment. Advanced Property Services does not appear to have a business license.

Disposition Summary

Advanced Property Services was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides/fertilizers for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,250.00 (5 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$625.00. consideration was given to the fact Advanced Property Services cooperated during the investigation and corrective action was taken.

Mark Clark was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides/fertilizers for hire without having an Indiana pesticide business license.

CASE SUMMARY

Case #PS19-0239

Complainant: Doug Farnsley
9305 State Road 64
Georgetown, Indiana 47122

Respondent:	Anthony Walker Premier Ag 2655 Hwy 135 Southwest Corydon, Indiana 47112	Certified Applicator Licensed Business
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1. On June 12, 2019, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that Premier Ag made a pesticide application to a neighboring farm field 'a couple weeks ago' and now he has pesticide exposure symptoms to his ornamentals.
2. On June 13, 2019, I met with Doug Farnsley at Lincoln Springs Tree Farm Inc. at 9305 SR 64 in Georgetown, IN. Mr. Farnsley stated that his tree nursery is located about 15 miles away and he believes it was drifted upon by herbicide. I followed Mr. Farnsley to the tree farm located on Lincoln Springs road in Harrison County. The Tree Farm did not have a physical address but was located near the 6200 block of Lincoln Springs Road NW. The Latitude is 38.3644 and longitude is -86.2406.
3. The Target field is on the south side of Lincoln Springs road and is planted with corn. Mr. Farnsley owns the tree nursery directly north and the tree nursery directly east of the target field.
4. During my on-site investigation I did the following:
 - a. Looked for, but did not find, any other potential sources of a herbicide application adjacent to Mr. Farnsley's tree nursery.
 - b. Observed and photographed discoloration and stem curling on the vegetation in Mr. Farnsley's tree nursery. (See Fig.1 & 2) In both of Mr. Farnsley's nursery's the trees displayed discolored vegetation on the sides of the plants facing the target field. The sides of the plants facing away from the target field had little to no symptoms of injury.
 - c. Collected samples of injured White Pine from Mr. Farnsley's nursery for assessment by the Purdue Plant & Pest Diagnostic Laboratory (PPDL)
 - d. Vegetation samples were collected from both the north and east field, as well as a soil sample from the target field. Comparative control samples of soil and vegetation were also collected (See Fig. 3). The residue samples were submitted to the OISC Residue Laboratory for analysis.



Fig. 1



Fig. 2

- Fig. 1 is Mr. Farnsley's White Pine vegetation in the north field. Photo is facing west with target field directly across road to the south.
- Fig. 2 is pine vegetation in Mr. Farnsley's east field. Photo is facing north with the target field directly to the west.



Fig. 3

- Fig. 3 is an aerial diagram of the fields including field property lines and where soil and vegetation samples were taken from.
- Once I completed the on-site investigation I went to Premier Ag. I met with Lori Riley, Office Admin Assistant for Premier Ag. Mrs. Riley informed me that premier ag does make pesticide applications to the target field. I gave Mrs. Riley a copy of the PII and asked her to have it filled out and returned to me within 15 days. she stated she would give the PII to the manager and he would fill it out and return it. Mrs. Riley was also able to look up the invoice for the application and inform me of the pesticide products applied. She informed me that Accuron and Gramoxone were applied to the target field.
 - On June 25, 2019, I received a completed Pesticide Investigation Inquiry from Premier Ag which indicated the following:
 - Certified Applicator: Anthony Walker
 - Application Date and Time: May 24, 2019, 4:00pm to 4:15pm
 - Pesticide Applied: Accuron, EPA Reg. #100-1466, 2.5qt/acre
Gramoxone, EPA Reg. #100-1431, 4 pt/acre
 - Adjuvants: Interlock and preference
 - Target Field Location and Size: 10 acres on Lincoln springs road.
 - Pre- or Post- Emergent Application: Pre
 - Wind Direction at Boom Height: Start- W, End- W
 - Wind Speed at Boom Height: Start- 8mph, End- 6mph
 - Nozzles: DR-110-10
 - Boom Height: 30 Inches

The PPPDL report stated: *The symptoms (distorted stems and dead needles) and the pattern of injury in sample 19-00665 resemble exposure to glyphosate or a synthetic auxin herbicide such as 2,4-D or dicamba.*


- The OISC Residue Laboratory analyzed the soil and vegetation samples collected from the fields for Metolachlor and Atrazine, two of the active ingredients in Accuron Herbicide, and reported the following:

OCM Collection #	97612	Case #	PS19-0239	Investigator	G. Creason	
Sample #	Sample Description			Matrix	Amount of Analyte (ppb)	
					Metolachlor	Atrazine
19-4-5601-0	Soil, control, 4-6", other/more			Soil	N/A	N/A
19-4-5602-3	Vegetation, control, 0-2", other/more			Veg	BQL	4.82
19-4-5603-4	Vegetation, composite, 0-2", affected site, gradient 1, north			Veg	20.5	87.7
19-4-5604-7	Vegetation, composite, 0-2", affected site, gradient 2, north			Veg	23.8	73.6
19-4-5605-2	Vegetation, composite, 0-2", affected site, gradient 3, north			Veg	11.3	37.9
19-4-5606-8	Vegetation, composite, 0-2", affected site, north, other/more			Veg	BQL	16.5
19-4-5607-5	Vegetation, composite, 0-2", affected site, gradient 1, east			Veg	117	86.3
19-4-5608-1	Vegetation, composite, 0-2", affected site, gradient 2, east			Veg	76.3	32.1
19-4-5609-9	Vegetation, composite, 0-2", affected site, gradient 3, east			Veg	60.0	33.5
19-4-5610-9	Soil, grab/spot, 4-6", target site			Soil	N/A	N/A
19-4-5611-3	Vegetation, composite, 0-2", target site			Veg	1260*	2030*

PPM= Parts Per Million; PPB=Parts Per Billion; CONF=Confirmed; LOQ=Limit of Quantitation; BDL=Below detection Limits: this analyte was not detected using the standard analytical methods employed by OISC; BQL=Below quantification limits: this analyte was detected however the amount was lower than the quantification limit established using the standard analytical methods employed by OISC

*Minimum concentration reported due to amount exceeding calibration curve range

N/A = Not Analyzed

LOQ (ppb)		Veg	7	0.3
LOQ (ppb)		Soil	N/A	N/A
Signature			Date	07/15/2019

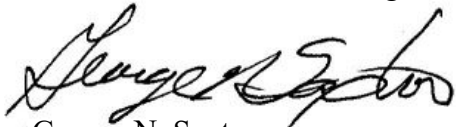
8. The OISC Residue Laboratory analysis detected Metolachlor and Atrazine in the vegetation samples from Mr. Farnsley's tree nursery.
9. Mr. Walker's statements indicate during the application the wind direction was out of the west towards Mr. Farnsley's tree nursery.
10. Based on the evidence collected in this investigation, it has been determined that Anthony Walker applied a pesticide in a manner that allowed it to drift from the target site in sufficient quantity to cause harm to a non-target site.



Garret A. Creason
Investigator

Date: December 3, 2019

Disposition: Anthony Walker and Premier Ag were cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allowed it to drift from the target site in sufficient quantity to cause harm to a non-target site. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact Mr. Walker cooperated during the investigation. Consideration was also given to the fact a restricted use pesticide was involved.



George N. Saxton
Compliance Officer

Draft Date: December 19, 2019
Case Closed: June 17, 2021

CASE SUMMARY

Case #PS19-0263

Complainant: Brian Warpup
3344 E. CR700 S.
Warren, IN 46792

Respondent: Troy Wolfe
3618 E. CR200 N.
Huntington, Indiana 46750

Private Applicator

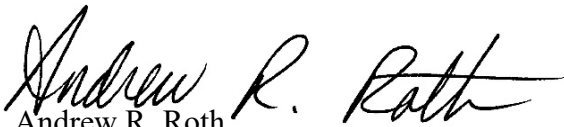
Farm Location: 6113 N. CR500 E.
Roanoke, IN 46783

1. On June 25, 2019, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that on June 13, 2019, Troy Wolfe sprayed dicamba on a neighboring farm field east of his and did not leave a buffer. The complainant also stated the winds were 12 to 20 mph at the time.
2. On June 26, 2019, I spoke with Brian Warpup who reported he contacted Mr. Wolfe after observing him in the field north of his non dicamba-tolerant (DT) soybean field (See Case PS19-0264) on June 14, 2019. During the discussion, Mr. Warpup learned that Mr. Wolfe had also sprayed the field to the east of his field the day prior.
3. On June 26, 2019, I met Mr. Warpup at his soybean field on the east side of CR400 East in Huntington County. Mr. Warpup indicated he did not think his soybeans had developed any herbicide exposure symptoms, but he called the OISC because he believed it was too windy to spray. We looked at his recently-emerged soybeans and, while there was no biological barrier or fence row dividing the fields, no herbicide exposure symptoms were observed on the non-DT soybean plants. Subsequently, no plant samples were collected. I explained that I would follow up with Mr. Wolfe regarding the applications.
4. I contacted Mr. Wolfe and informed him of the complaint. He confirmed he sprayed the field east of the Warpup field with a tank mix containing Engenia but the wind was blowing away from the non-DT beans. I explained that this complaint was different than most in that no off-target herbicide symptoms were reported so the investigation would focus on his use of the herbicides and the conditions at the time.



Fig.1 Aerial photo of fields

5. I later sent Mr. Wolfe a Pesticide Investigation Inquiry (PII) for the application he made to the field ("Fenton West") east of the Warpup soybean field. Mr. Wolfe later returned the PII which provided the following information:
- a. Certified Applicator: Troy Wolfe
 - b. Application date and time: June 13, 2019, from 5pm – 5:35pm
 - c. Pesticides: Engenia (dicamba) EPA Reg. #7969-345
Roundup PowerMax (glyphosate), EPA Reg. #524-549
Medal II EC (S-metolachlor), EPA Reg. #100-818
 - d. Adjuvants: Clasp, Smoke
 - e. Target field: Fenton West
 - f. Pre or post application: Post
 - g. Wind speed/direction at start: 4mph from west (away from Warpup field)
 - h. Wind speed/direction at end: 6mph from west
 - i. Nozzles: TTI 04/red tips
 - j. Boom Height: 20 inches off canopy
 - k. Downwind Buffer: **Wasn't required**
 - l. Checked registrant's website before application: 5/30/19
 - m. Checked DriftWatch before application: 6/13/2019
 - n. Dicamba mandatory training attended: Left blank (reportedly attended two at Helena)
6. I checked recorded NOAA wind data for June 13, 2019 at the Fort Wayne (FW) International Airport (13 miles northeast of the site) and at the Marion Municipal Airport (28 miles south-southwest of the site) and found the following:
- FW 522pm 16mph from west-northwest (away from Warpup field)
 - Marion 515pm 16mph from northwest
 - Marion 535pm 16mph from northwest
7. The Engenia label reads, in part, **"DO NOT apply Engenia if wind speed is less than 3 mph or greater than 10 mph."**


Andrew R. Roth
Investigator

Date: December 6, 2019

Disposition: Troy Wolfe was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of \$100.00 was assessed for this violation. Consideration was given to the fact this was his first violation of similar nature. Consideration was also given to the fact a restricted use pesticide was involved.


George N. Saxton
Compliance Officer

Draft Date: December 13, 2019
Case Closed: June 23, 2021

CASE SUMMARY

Case #PS19-0386

Complainant: Sarah Smoker
819 S. CR600 West
Marion, IN 46953

Respondent: Douglas Morrow - Private Applicator
5411 W. CR125 South
Marion, IN 46953

Justin McGee – Not Licensed
4147 E. CR900 S.
Walton, IN 46994

1. On July 24, 2019, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that a recent pesticide application made to a bean field drifted onto her trees and garden plants causing exposure symptoms.
2. On July 26, 2019, I contacted Sarah Smoker who reported she noticed leaves on vegetable plants in the small garden behind her garage were discolored and cupped after an application was made to the field across the road from her property. She stated the soybeans in the field which borders her property on three sides also had cupped leaves and it was likely that farmer would be calling the OISC. She indicated Doug Morrow farmed the field across the road from her property.
3. On July 29, 2019, I met with Ms. Smoker at her home on the east side of CR600 West in Grant County. She showed me the garden plants and the trees in the back yard. Leaves on watermelon, green bean and tomato plants exhibited leaf-cupping, curling and varying degrees of chlorosis. A maple tree also had discoloration on the leaves. I photographed the site and collected plant samples for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue. Ms. Smoker stated she was concerned about eating the produce if the plants had been exposed to herbicides. We discussed the possibility of collecting plant samples for analysis by the OISC Residue Lab but ultimately decided against it since most of the garden plants would be destroyed in the process.



Fig.1 Garden behind garage

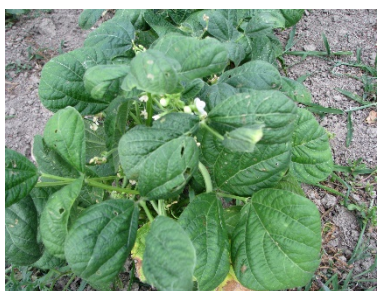


Fig.2 Cupped green bean leaves



Fig.3 Curled tomato leaves

4. I was unable to contact Mr. Morrow but I did speak to his applicator, Justin McGee, and informed him of the complaint. I was aware Mr. McGee farmed with Mr. Morrow as he was the applicator in a complaint case I investigated in 2018. He indicated Mr. Morrow was on

vacation but confirmed they farmed the field across the road from the Smoker property. Mr. McGee stated the field was planted to dicamba-tolerant (DT) soybeans so it was likely sprayed with Fexapan (dicamba) and Durango (glyphosate). During the conversation, he indicated he had not sprayed for Mr. Morrow this year. He noted there were at least three DT soybean fields near the site which were likely sprayed with dicamba this year.

5. On July 31, 2019, I emailed Mr. Morrow a Pesticide Investigation Inquiry (PII) for the application to the soybean field in question. The grower with cupped soybeans bordering the Smoker property did call the OISC regarding possible herbicide exposure from neighboring field applications, including the one made to the Morrow field (Case PS19-0393).
6. On August 14, 2019, I received two PIIs from Mr. Morrow via email; one for the application made to the DT bean field in this case and one for an application involved in a separate complaint. The PII for the application of Fexapan and Durango in this case was completed and signed by Mr. McGee. It provided the following information:
 - a. Certified applicator/supervisor name: Justin P. McGee
Applicator/supervisor pesticide license #: PA49680
Noncertified applicator or registered technician name: Justin P. McGee
 - b. Application date and time: July 12, 2019, from 10am – 11am
 - c. Pesticides: Durango (glyphosate), No. 62719-556
Fexapan (dicamba), No. 67997-IL-001*
 - d. Adjuvants: Strike Force, Reign
 - e. Target field: Corner S600W & W100S
 - f. Pre or post application: Post
 - g. Wind speed/direction at start: 5mph from south (away from Smoker property)
 - h. Wind speed/direction at end: 9mph from south
 - i. Nozzles: TJet 11442 TTI04
 - j. Boom Height: 24 in.
 - k. Downwind Buffer: None
 - l. Checked registrant's website before application: 7-12-19
 - m. Checked DriftWatch before application: None
 - n. Dicamba mandatory training attended: March 1, 2019


*The PII asks for pesticide EPA Reg.#; the number provided is an EPA Establishment #.

A check of OISC records indicated Mr. McGee had not been issued a private applicator permit nor had he attempted an exam. Fexapan is a restricted-use pesticide (RUP) and may only be purchased and used by certified and licensed applicators. The Fexapan was reportedly purchased from Double S Chem Supply, a licensed RUP dealer in Jasper, IN. I contacted the facility and verified that Fexapan was sold to Mr. Morrow in March.

7. I checked wind data at the closest official weather station to the site, but the Marion Municipal Airport, 7 miles to the southeast, had no recordings for the time of the application. I then triangulated data from three official stations (airports); each station recorded winds from a northwesterly direction during the time of the application. Those recordings contradict the wind direction provided by Mr. McGee and are as follows:

• Kokomo Municipal (14 mi west)	1056am	11mph from north-northwest
• Delaware County (28 mi southeast)	1053am	8mph from north-northwest
• Ft. Wayne International (42 mi northeast)	1000am	7mph from north-northwest

8. I contacted Mr. McGee to clarify some of the information provided on the PII. Specifically, he listed himself as the certified/licensed applicator and provided a private applicator number, one which was assigned to Mr. Morrow by the OISC. He indicated he was not claiming he was licensed nor did he intend to imply the private applicator number was his. Mr. McGee also noted that he checked for neighboring sensitive crops using the Spray Smart app on his phone instead of the DriftWatch website and that no buffer was left because their corn field was downwind (north). He stated he made the Fexapan application because Mr. Morrow, while licensed, had not attended the mandatory dicamba training.
9. The PPDL report stated, *"I observed symptoms of glyphosate and dicamba injury on all of the plant samples. Glyphosate injury expressed is the general yellowing of new growth. Dicamba injury expressed is the cupping of leaf tissue and yellowing of the leaf tips."* Samples were assessed by a second diagnostician who reported, *"The sample consisted of various plants with different types and degrees of symptoms. Tomatoes: the newest foliage looks a little discolored (not chlorotic) and are slightly cupping upward. This is suspected to be caused by an abiotic factor, but the cause is uncertain. It could be chemical related or environmental. Spurge plants directly below tomatoes seem unaffected. Beans: foliage is heavily distorted --- suspected to be caused by a possible chemical exposure. Cucurbits: newest foliage has light interveinal/marginal chlorosis, which may be caused by abiotic factors. This is likely a nutritional deficiency (potentially micronutrient), which would need a soil test to confirm. Maple: leaves on branch show an interveinal chlorosis which is often associated with iron or manganese deficiency --- normally this is due to a high pH making nutrients unavailable. Do not suspect it is related to chemical injury, but also do not suspect disease."*
10. The Fexapan label states, **"RESTRICTED USE PESTICIDE For retail sale to and use only by Certified Applicators."** It further reads, **"BUFFER REQUIREMENT The applicator must always maintain a 110 foot downwind buffer (when applying up to 22 fluid ounces of this product per acre) or a 220 foot downwind buffer (when applying greater than 22 up to 44 fluid ounces of this product per acre) between the last treated row and the nearest downwind field edge (in the direction the wind is blowing)."**
11. Because herbicide applications were made to several neighboring farm fields, the exposure symptoms observed on the Smoker property could not be tied exclusively to the application made by Mr. McGee. However, based on the information provided and the evidence collected in the investigation, it was determined that violations were committed.


Andrew R. Roth
Investigator

Date: January 10, 2020

Disposition: Justin McGee was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of \$100.00 was assessed for this application under PS19-0393. Consideration was given to, the fact a restricted use pesticide was involved and this was his sixth violation of similar nature. (See case numbers 2018/0657, 2018/0715, 2018/0746, 2018/0890 and 2018/0891). In addition, Justin McGee was prohibited from obtaining a Private Applicator permit for a period of five (5) years from receipt of this notice.

Justin McGee was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding use only by certified applicators.

As the responsible certified applicator, Douglas Morrow was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. In addition, the Private Applicator permit issued to Douglas Morrow was revoked. Consideration was given to the fact a restricted use pesticide was involved and this was his sixth violation of similar nature. (See case numbers 2018/0657, 2018/0715, 2018/0746, 2018/0890 and 2018/0891).

Douglas Morrow was cited for violation of section 65(13) of the Indiana Pesticide Use and Application Law for aiding or abetting a person to evade IC 15-16-5, conspire with a person to evade IC 15-16-5, or allow a license, permit, registration, or certification to be used by another person. A civil penalty in the amount of \$100.00 was assessed for this violation under PS19-0393.


George N. Saxton
Compliance Officer

Draft Date: January 21, 2020
Case Closed: June 24, 2021

CASE SUMMARY

Case #PS19-0497

Complainant: Office of Indiana State Chemist (OISC)
175 South University Street
West Lafayette, IN 47907-2063
765-494-1492

Respondent: Keyscapes
8437 West 400 South
Swayzee, IN 46986

1. On August 12, 2019, an anonymous complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that Keyscapes is applying pesticides for hire without having an Indiana pesticide business license at Marion General Hospital, 441 North Wabash Avenue, Marion and Progressive Cancer Care, 831 Theatre Road in Marion.
2. On August 20, 2019, I contacted Keyscapes to collect records and information about spraying pesticides for hire. I spoke with Amy Alcock and she sent me records of when pesticide applications were made. She stated that they subcontract out all the turf treatments and that they only spray parking lots, sidewalks and curbs. She also stated that the company mostly installs landscapes and patios.

Below are the records from Keyscapes:

PROPERTY	DATE OF SERVICE	PROPERTY	DATE OF SERVICE
MGH	6/14, 6/28	MGH	7/5, 7/12, 7/19, 7/26
MGH-KEM	6/25,	MGH-KEM	7/12,
MGH-URGENT		MGH-URGENT	7/12,
MGH-WORKFORCE	6/18,	MGH-WORKFORCE	7/12,
MGH-PCC	6/27,	MGH-PCC	7/11, 7/25
MGH-GAS CITY	6/27,	MGH-GAS CITY	7/11,
MGH-UPLAND	6/27,	MGH-UPLAND	7/11,
MGH-FAIRMOUNT	6/27,	MGH-FAIRMOUNT	7/8, 7/22
MGH-SMMP	6/14,	MGH-SMMP	7/12, 7/26
MGH-SWAYZEE		MGH-SWAYZEE	
CO	6/6, 6/14, 6/21	CO	7/12, 7/26
TLC	6/20,	TLC	7/11, 7/25

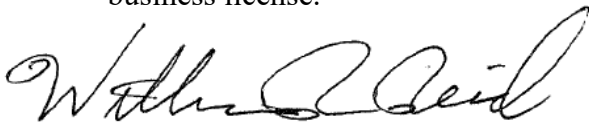
20Z TRIMEC PER 4G WATER
1C GLYPHOSATE PER 4G WATER

3. On August 21, 2019, I visited the business location listed with our office to collect more information and gather records in person. Upon arrival a large dog was at the property. I tried calling the business with no answer, so I left the property.
4. On August 22, 2019, I sent Amy Alcock an email with questions regarding the application of pesticides and to clarify her spray records.
5. On August 29, 2019, Amy Alcock replied answering questions emailed out to help clarify her spray records sent previously.

She stated in her email the following key points:

1. The spray record that I submitted to you last week is applied by Keyscapes, Inc. The record sheet gives dates that spray is applied to curbs, parking lot cracks, and sidewalks. We are NOT spraying yards.
2. There are not invoices for this spray application as it is spot spraying where weeds pop up in cracks due to dry conditions and per request.
3. We manage the properties of MGH and subcontract out parts that we are not certified to manage, like turf weed control and fertilization. We do use a pump sprayer to manage weeds in cracks in the parking lots, sidewalks, and curbs.

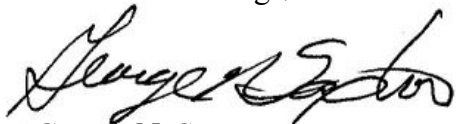
Keyscapes have admittedly applied pesticides to parking lots, sidewalks and curbs according to the records provided by them in June and July of 2019 without having an Indiana pesticide business license.



William R. Reid
Investigator

Date: December 8, 2020

Disposition: Keyscapes was cited for sixteen (16) 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 of \$4,000.00 (16 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$1,200.00. Consideration was given to the fact Keyscapes cooperated during the investigation; corrective action was taken and there was no previous history of similar nature. In addition, \$1,000.00 was held in abeyance and not assessed provided Keyscapes commits no further violations of the Indiana Pesticide Use and Application Law for two (2) years from the date of this report. The remaining \$200.00 must be paid.



George N. Saxton
Compliance Officer

Draft Date: March 5, 2021
Case Closed: April 27, 2021

CASE SUMMARY

Case #PS19-0543

Complainant: Robert Valiquet
10725 East SR 10
Culver, Indiana 46511

Respondent: Michael B Risner
9035 E Hwy 8
Knox, Indiana 46534

Private Applicator

1. On August 20, 2019, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that Risner Farms made a dicamba application to a neighboring farm field that has drifted onto his beans.
2. On September 10, 2019, I, Investigator Melissa Rosch, met with the complainant Robert Valiquet at 10725 East SR 10, Culver, Indiana. Mr. Valiquet stated he believed his Liberty soybeans were drifted on by an agricultural pesticide application that was made to the adjacent target soybean field. Mr. Valiquet stated he documented in his personal planner the date and time when he saw the adjacent target soybean field being sprayed on July 23, 2019 around 7:15pm. I photographed the documentation and placed a copy in the case file. Mr. Valiquet also stated he saw one of Mr. Risner's sons driving the sprayer and making the pesticide application.
3. During my on-site investigation, I did the following:
 - a) Observed and photographed what appears to be fairly uniform dicamba exposure symptoms
 - b) Collected soybean vegetation samples from the complainant's impacted field for visual analysis by the Purdue Plant and Pest Diagnostic Lab (PPDDL)
 - c) Collected samples for chemical analysis by the OISC Pesticide Residue Laboratory from the following areas:
 - i. Impacted soybean plants from complainant's non-target soybean field
 - ii. Vegetation from target field
 - iii. Vegetation from control sample area



Figure 1

*Figure 1 is a Google Earth Image of the complainant and target field areas

*The field outlined in red is the target field

*The field outlined in green is the complainant's field

*Markers C, T, 1, 2, and 3 are the approximate sample locations for each sample listed in paragraph 6



Figure 2



Figure 3

*Figures 2 and 3 are photographs of the approximate location for Sample Marker 1



Figure 4



Figure 5

*Figures 4 and 5 are photographs of the approximate location for Sample Marker 2



Figure 6



Figure 7

*Figures 6 and 7 are photographs of the approximate location for Sample Marker 3

4. I received the Pesticide Investigation Inquiry (PII) from the target applicator which shows the following:
 - Applicator: Michael B Risner
 - Application Date: 7/23/2019
 - Application Start Time: 3:45pm / End Time: 5:00 pm
 - Target Crop: Soybeans
 - Acreage of area treated: 42 acres
 - Wind direction at start time: North / End Time: North

- Wind speed at boom height at start time: 8 mph / End Time: 7 mph
- Method used to measure wind: Pock Spray Smart by "Agribie"
- Application Equipment: Miller 5240 Sprayer
- Nozzle Make/model/pressure: ULD 12006 Hypro, 32 psi
- Boom Height: 24"
- Application Ground Speed: 8.5 mph
- Total Amount of Diluted material applied: 630 gallons total (15.75 gallons enlist)
- Pesticide Brand Names/ application rate: **Enlist Duo-62719-649**, 15 gallons per acre
(Note: **Enlist Duo**, EPA# **62719-649**, Active Ingredients: **glyphosate 22.1%, 2,4-D 24.4%**)
- Adjuvant trade names: none
- Name of person mixing/loading: Keith Risner
- Date sprayer last cleaned before application: 7/13/2019
- Name of person cleaning sprayer: Keith Risner

5. I received the PPPDL report which shows the following:

9/13/19

The soybeans in sample 19-1658 showed leaf cupping and whitish leaf tips.
These symptoms are characteristic of exposure to dicamba.

Marcelo Zimmer
Weed Science Program Specialist
Purdue University - Weed Science Lab
Office: (765) 496-2121
email: zimmer6@purdue.edu

9/16/19

No significant disease observed.

John Bonkowski

6. I received the OISC Pesticide Residue Laboratory report which show the following results:

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
19-4-5082 3	Vegetation; Control; control; Affected Site;	Vegetation	2,4-D	0.861 ppb	0.2 ppb
			5OH-Dicamba	BDL ppb	2 ppb
			DCSA	0.561 ppb	0.2 ppb
			Dicamba	BDL ppb	0.2 ppb
			AMPA	BDL ppb	125 ppb
			Glyphosate	BDL ppb	10 ppb

19-4-5083 4 Vegetation; Trip Blank; v1;
Gradient 1; Vegetation

2,4-D	0.632 ppb	0.2 ppb
5OH-Dicamba	BDL ppb	2 ppb
DCSA	BQL ppb	0.2 ppb
Dicamba	BDL ppb	0.2 ppb
AMPA	BDL ppb	125 ppb
Glyphosate	BDL ppb	10 ppb

Sample # **Sample Description** **Matrix**
19-4-5084 7 Vegetation; Trip Blank; v2;
Gradient 2; Vegetation

Analyte	Amount of Analyte	LOQ
2,4-D	0.752 ppb	0.2 ppb
5OH-Dicamba	BDL ppb	2 ppb
DCSA	0.552 ppb	0.2 ppb
Dicamba	BDL ppb	0.2 ppb
AMPA	BDL ppb	125 ppb
Glyphosate	BDL ppb	10 ppb

19-4-5085 2 Vegetation; Grab/Spot; v3;
Gradient 3; Vegetation

2,4-D	0.994 ppb	0.2 ppb
5OH-Dicamba	BQL ppb	2 ppb
DCSA	3.07 ppb	0.2 ppb
Dicamba	BQL ppb	0.2 ppb
AMPA	BDL ppb	125 ppb
Glyphosate	BDL ppb	10 ppb

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
19-4-5086 8	Vegetation; Grab/Spot; target veg; Target Site;	Vegetation	2,4-D	3.53 ppb	0.2 ppb
			5OH-Dicamba	897 ppb * Minimum Detected	2 ppb
			DCSA	209 ppb	0.2 ppb
			Dicamba	806 ppb * Minimum Detected	0.2 ppb
			AMPA	874 ppb * Estimated amount	125 ppb
			Glyphosate	5700 ppb	10 ppb

7. I spoke with the OISC Pesticide Residue Laboratory manager to confirm the laboratory report results in paragraph 6. The lab report did indicate a small amount of residue of the analyte 2,4-D to the target field vegetation (Sample # 19-4-5086 6). The analyte (2,4-D) is one of the two product analytes (along with glyphosate) in the product Enlist Duo, which the target applicator stated he used on his initial PII in paragraph 4. This level is consistent with atmospheric deposition and not with a direct application. Additionally, the laboratory results did indicate the pesticide analyte “dicamba” had been directly applied to the target field soil.
8. I spoke to the target applicator Mr. Risner and he stated he did not look at the correct records when he filled out his PII. Mr. Risner stated he used Xtendimax beans and Enlist beans for the planting season and believed he made an error in his record keeping. Mr. Risner stated he did use Engenia on some of the fields he farmed and will submit a corrected PII for the agricultural application.
9. I received the second PII from the target applicator Mr. Risner and it shows the following information:
 - Applicator: Michael B Risner
 - Application Date: 7/23/2019
 - Application Start Time: 3:45pm / End Time: 5:00 pm
 - Target Crop: Soybeans
 - Acreage of area treated: 42 acres
 - Wind direction at start time: North / End Time: North
 - Wind speed at boom height at start time: 8 mph / End Time: 7 mph
 - Method used to measure wind: Pock Spray Smart by “Agribie”
 - Application Equipment: Miller 5240 Sprayer
 - Nozzle Make/model/pressure: ULD 12006 Hypro, 32 psi
 - Boom Height: 24”
 - Application Ground Speed: 8.5 mph
 - Total Amount of Diluted material applied: 15 gallons per acre
 - Pesticide Brand Names/ application rate: **Engenia EPA#5905-IA-001, 12.8oz of Engenia Per Acre; Roundup EPA#524-549, 22oz of Roundup per acre**
 - Adjuvant trade names: Kabak Ultra

- Name of person mixing/loading: Keith Risner and Mike Risner
- Date sprayer last cleaned before application: 7/13/2019
- Name of person cleaning sprayer: Keith Risner

10. I checked the website www.weatherunderground.com for the weather conditions on the date and time of application:

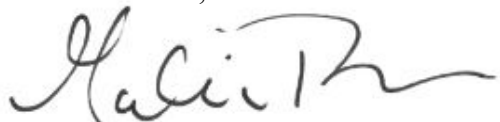
Gary International Airport approximately 54 miles NW of field

3:45 PM	75 °F	63 °F	65 %	NE	13 mph	0 mph	29.46 in	0.0 in	Fair
4:45 PM	75 °F	61 °F	61 %	NNE	10 mph	0 mph	29.46 in	0.0 in	Fair
5:45 PM	75 °F	61 °F	61 %	NNE	12 mph	0 mph	29.46 in	0.0 in	Fair

11. There appears to be a violation in this case based on the following:

- Mr. Risner provided false information on his initial PII in paragraph 4 by stating he used Enlist Duo when the OISC Pesticide Residue Analysis showed that was not true.
- The **Engenia** label states on page 1, “*RESTRICTED USE PESTICIDE. For retail sale to and use only by Certified Applicators.*” Mr. Risner stated Keith Risner (an unlicensed applicator) was a mixer/loader in paragraph 9 for a Restricted Use Dicamba Product.

12. Although off-target movement of the dicamba herbicide was documented, OISC was not able to determine whether the herbicide moved off-target as the result of drift, application into an inversion, or volatilization at some point after the application.



Melissa D. Rosch
Investigator

Date: April 29, 2020

Disposition: Michael Risner was cited for violation of section 65(8) of the Indiana Pesticide Use and Application Law for making false records, invoices or reports. A civil penalty in the amount of \$100.00 was assessed for this violation.

Keith Risner was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding use only be a certified applicator. A civil penalty in the amount of \$100.00 was assessed for this violation.



George N. Saxton
Compliance Officer

Draft Date: August 14, 2020
Case Closed: May 5, 2021

CASE SUMMARY

Case #PS20-0002

Complainant: Haseman Pest Control
110 E. Walnut Street
Odon, IN 47562

Respondent: Dakota Griffey
Running Rage Pest Control
141 Marlatt Street
Plainville, IN 47568
Unlicensed

1. On October 1, 2019, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report a former employee had been soliciting Haseman Pest Control customers and had been receiving payment for pest control services in cash.
2. On October 17, 2019, Investigator Nathan Davis and I met with Mr. Danny Main, owner of Haseman Pest Control, and Marshall Scott Noble of Davis County to discuss the complaint against former employee Dakota Griffey. Mr. Danny Main provided me a list of customers Mr. Dakota Griffey spoke with and allegedly did applications for after his termination on September 25th, 2019 for not showing up for work. There was a list of six clients that reported applications by Mr. Dakota Griffey, however, none of the clients were willing to meet with The Office of Indiana State Chemist. All clients on the list noted that Mr. Dakota Griffey was paid in cash for his services.

Investigator Nathan Davis and I also stopped at a few of the gas stations that reportedly had some of Mr. Dakota Griffey's new business cards advertising his new business. The Country Mark gas station at 917 2nd St, Plainville, IN 47568 had some of his cards on the counter during our visit on October 17, 2019.



3. On December 3, 2019, I called Mr. Dakota Griffey and we discussed over the phone the allegations against him. He denied treating the properties for hire and was very aware that Haseman Pest Control wanted him to quit contacting customers for business. I asked if there

was a good time to meet to get his side of the story and or an affidavit from him and to collect records and he refused. Mr. Dakota Griffey got upset and used explicit language towards me over the phone. Mr. Dakota Griffey also stated how he didn't trust Marshall Scott Noble and denied any wrongdoing with the other open investigations against him (Case #1431-23-19 in Daviess County, theft and embezzlement).

4. On January 7, 2020, I received an email from the office staff at Haseman Pest Control, Mandy Wilz, that a woman told them that Dakota Griffey is currently spraying for her and she is willing to give me a statement.
5. On January 14, 2020, I visited 708 N. Main Street, Bicknell Indiana 47512 and spoke with Freedom White and Heather Cress who both gave me affidavits regarding Mr. Dakota Griffey applying pesticides for hire.

Below are copies of their affidavits.

State of Indiana Office of Indiana State Chemist AFFIDAVIT		CASE NUMBER
ADDRESS <u>708 N main St</u>	CITY <u>Bicknell Ind</u>	CASE NUMBER <u>PS20-0002</u>
Before me, a representative of the Office of Indiana State Chemist (OISC), pursuant to the authority under Title 15, the Indiana Pesticide Use and Application Law, and United States Environmental Protection Agency, pursuant to the authority under 43 Statute-at-Large 805 (7 U.S.C. 2217), Reorganization Plan No. 3 of 1970 (5 U.S.C. at Reorganization Plan No. 3 of 1970), Section 22(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136i), as amended, and Environmental Protection Agency Order No. 12553, Appendix N-1, as read together, personally appeared		ZIP <u>47512</u>
<u>Heather Cress</u> who deposes under oath or affirmation and says: Dakota Griffey has come here and sprayed our house and I did the walk through with him and he has told me that the Bug spray is harmless for animals + humans and you can drink it and it won't hurt you he sprayed like he didn't know what he was doing its not right what he did. and when he sprayed he also handed me these Glue traps for the Bugs he was paid \$40.00 cash every month to spray.		
I hereby swear/affirm that the foregoing statement is true to the best of my knowledge.		
SIGNATURE <u>Heather Cress</u>		DATE <u>1-14-20</u>
Page <u>1</u> of <u>1</u>		SIGNATURE OF OISC REPRESENTATIVE

State of Indiana Office of Indiana State Chemist AFFIDAVIT		CASE NUMBER
ADDRESS <u>708 N main street</u>	CITY <u>Bicknell</u>	CASE NUMBER <u>PS20-0002</u>
Before me, a representative of the Office of Indiana State Chemist (OISC), pursuant to the authority under Title 15, the Indiana Pesticide Use and Application Law, and United States Environmental Protection Agency, pursuant to the authority under 43 Statute-at-Large 805 (7 U.S.C. 2217), Reorganization Plan No. 3 of 1970 (5 U.S.C. at Reorganization Plan No. 3 of 1970), Section 22(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136i), as amended, and Environmental Protection Agency Order No. 12553, Appendix N-1, as read together, personally appeared		ZIP <u>47512</u>
<u>Freedom White</u> who deposes under oath or affirmation and says: Dakota Griffey has been to my residence at 708 N. main St in Bicknell IN. and has sprayed to get rid of a roach problem on at least 3 separate occasions I have watched him spray in the bedroom he came and sprayed the first time on the 20th of Sept. and around the 20th of the next 2 months and paid him \$40.00 each visit		
I hereby swear/affirm that the foregoing statement is true to the best of my knowledge.		
SIGNATURE <u>Freedom White</u>		DATE <u>January 14th 2020</u>
Page <u>1</u> of <u>1</u>		SIGNATURE OF OISC REPRESENTATIVE

Freedom White and Heather Cress both stated that he sprayed the first time on September 20, 2019 and then in October and November of 2019. The clients paid \$40.00 each visit via cash and no receipt or records were left after service. Heather Cress also stated that he gave her glue traps for the bugs and showed me where they were in the property.



Above are pictures of the glue traps at 708 N. Main Street, Bicknell IN.

Freedom White also produced a business card that Mr. Dakota Griffey gave her at time of application. Freedom White stated that whatever he sprayed is not working and she still has a roach problem. Freedom White is concerned that Dakota Griffey may have just sprayed water and or didn't do a proper application. I informed Freedom White that I was going to take swab samples to confirm or deny if chemicals were used. Freedom White pointed out where he saw him spray something and swab samples were taken from those locations.

6. On July 20, 2020, the lab results from the Office of Indiana State Chemist Pesticide Residue Laboratory showed that Cyfluthrin, Cypermethrin, Indoxacarb, and Piperonyl-butoxide were found at the locations tested. These are all very common chemicals found in pest control products.

Please see results from Pesticide Residue Laboratory.



OFFICE OF INDIANA STATE CHEMIST
Pesticide Residue Laboratory
Lab Report

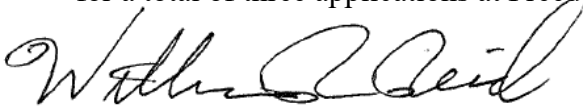
7/20/2020

OCM Collection #	131725	Investigator	REIDW		
Collection Date	01/14/2020				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
20-4-2048 9	Swab (Acetone); Trip Blank	Swab (Acetone)	Cyfluthrin	BDL ng/swab	10 ng/swab
			Cypermethrin	BDL ng/swab	5 ng/swab
			Indoxacarb	BDL ng/swab	1 ng/swab
			Piperonyl-butoxide	BDL ng/swab	10 ng/swab
20-4-2049 1	Swab (Acetone); Grab; Cabinet; Kitchen	Swab (Acetone)	Cyfluthrin	3940 ng/swab	10 ng/swab
			Cypermethrin	576 ng/swab	5 ng/swab
			Indoxacarb	16900 ng/swab	1 ng/swab
			Piperonyl-butoxide	695 ng/swab	10 ng/swab
20-4-2050 2	Swab (Acetone); Grab; Cabinet; Kitchen	Swab (Acetone)	Cyfluthrin	14400 ng/swab	10 ng/swab
			Cypermethrin	37.5 ng/swab	5 ng/swab
			Indoxacarb	98400 ng/swab	1 ng/swab
			Piperonyl-butoxide	2460 ng/swab	10 ng/swab
20-4-2051 8	Swab (Acetone); Grab; front bedroom	Swab (Acetone)	Cyfluthrin	21000 ng/swab	10 ng/swab
			Cypermethrin	372 ng/swab	5 ng/swab
			Indoxacarb	59100 ng/swab	1 ng/swab
			Piperonyl-butoxide	2760 ng/swab	10 ng/swab

The lab results confirmed that spraying had occurred at the locations Freedom White saw Mr. Dakota Griffey sprayed at time of service.

The first application being made on September 20, 2020 as mentioned in the affidavit provided by Freedom White on January 14, 2020. Mr. Dakota Griffey was still employed with Haseman

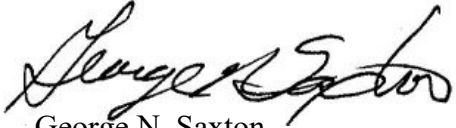
Pest Control until September 25, 2020. Then there were two other separate applications made for a total of three applications at Freedom White's property.



William R. Reid
Investigator

Date: October 26, 2020

Disposition: Dakota Griffey and Running Rage Pest Control were cited for three (3) 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 of \$750.00 (3 counts x \$250.00 per count), was assessed. Consideration was given to the fact Mr. Griffey did not cooperate during the investigation.



George N. Saxton
Compliance Officer

Draft Date: February 5, 2021
Case Closed: April 15, 2021

CASE SUMMARY

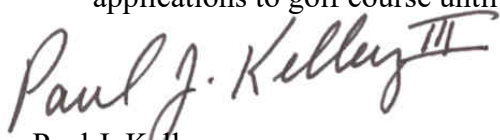
Case #PS20-0023

Complainant: Office of Indiana State Chemist (OISC)
175 South University Street
West Lafayette, IN 47907-2063
765-494-1492

Respondent: Willowbrook Country Club
Ryan King
Bobby Polley
1982 W. Country Club Road
Connersville, IN 47331-9670

Owner/Dir. of Golf
Grounds Maintenance Employee

1. On October 24, 2019, I performed a golf course inspection at Willowbrook Country Club in Connersville, Indiana.
2. On October 24, 2019, I met with Bobby Polley, Grounds Maintenance Employee. Mr. Polley stated he made all the pesticide applications to the golf course in 2019. Mr. Polley stated he does not have a license to apply pesticides from OISC. Mr. Polley stated he was told by ownership he was applying pesticides under the license of Chris Achgill. Furthermore, Mr. Polley stated the records for 2018 were removed by a previous employee and his records for applications were written down.
3. On October 24, 2019, I spoke with Ryan King. Mr. King stated Bobby Polley was making applications under Chris Achgill's license. Mr. King stated a previous employee absconded with the 2018 application records.
4. On October 24, 2019, I contacted Chris Achgill. Mr. Achgill stated he no longer worked at the golf course and did not supervise any pesticide applications at the Willowbrook Country Club in 2019. Mr. Achgill stated prior to 2019, he was a consultant to the golf course.
5. Upon reviewing the 2019 application records made by Bobby Polley, I learned several required elements of record keeping were missing. Mr. Polley's records consisted of abbreviations of products used with application rate. Seven (7) records were dated, three (3) records were not dated. Mr. Polley logged his application records on the opposite side of a pre-formed document created by Advance Turf Solutions for Golf Course Applicator's to keep the required records. Mr. Polley's records are kept in OISC's Computer Management (OCM) system.
6. On October 24, 2019, I issued Willowbrook Country Club an Action Order to stop making pesticide applications to golf course until obtaining a category 3B license from OISC.

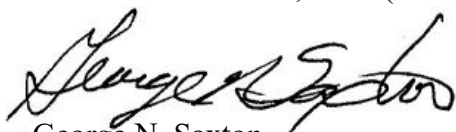

Paul J. Kelley
Investigator

Date: October 30, 2019

Disposition: Willowbrook Country Club was cited for ten (10) violations 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 \$2,500.00 (10 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$1,750.00. Consideration was given to the fact Willowbrook Country Club cooperated during the investigation and no restricted use pesticides were involved.

Willowbrook Country Club was warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-15-4, for failure to keep and maintain all required records of a pesticide applied to the golf course.

It should be noted Willowbrook Country Club was inspected for compliance to the Golf Course Rule on November 30, 2010 (case number 2010/0246) and April 13, 2017 (case number 2017/0655).

A handwritten signature in black ink, appearing to read "George N. Saxton", is written over the printed name and title.

George N. Saxton
Compliance Officer

Draft Date: November 12, 2019
Case Closed: June 17, 2021

CASE SUMMARY

Case #PS20-0033

Complainant: Office of Indiana State Chemist (OISC)
175 South University Street
West Lafayette, IN 47907-2063
765-494-1492

Respondent: Randy C. Padgett
Rentokil North America DBA Presto X
5701 Fortune Circle S, Ste K
Indianapolis IN 46241

1. On November 15, 2019, I conducted a routine inspection on Randy Padgett with Presto X. When I arrived at Paige's Music in Indianapolis, I noticed Randy Padgett making an application during routine business hours. After observing his application, I stopped him at the end of the application to check for storage, credentials, and handling of chemicals used.

During the application in the store, I noted that Randy Padgett was carrying a pump sprayer and appeared to be spraying chemicals during his application. When Randy Padgett was asked if he sprayed any chemicals in the store, he repeatedly stated that he did not spray anything. I then asked him to print me off an invoice for his services at that location. See below:

11-15-2019 15:18:31	11-15-2019 15:18:39			
IVIN	With thanks, RANDY PADGETT			
License/Certifications: 7A-F21759, 7B-F21759				
Order # / Invoice 049958883 / 000	Status Completed	Service Date 11-15-2019	Service Description COMMERCIAL PEST GENERAL MAINTENANCE SERVICE	Visit Type SERVICE MAINTENANCE
Recommendations				
Area/Device	Recommendation	Severity	Status	Date
Underneath the sink on the right door	Pipes extending through wall allowing pest access. Please fill in gaps between pipes and wall to prevent pest entry.	Low	NEW	05-03-2019
Underneath the sink on the right door	door sweeps and weather stripping for all doors is suggested	Low	NEW	06-07-2019
Device Summary				
Type	With Activity	Without Activity	Unserviceable	Total Inspected
Rodent Bait Station	0	5	0	5
Inspection Point	0	1	0	1

His invoice did not note any services for spraying, however, appeared to be a service maintenance invoice for bait stations. Thinking to myself that it was odd for Randy Padgett to carry a sprayer in and out of the building, but not spray anything, I inquired with store manager of his service and possibility of spraying anything or not? With the store managers permission, I pulled surveillance video from the store's security cameras. The store's video surveillance showed Randy Padgett spraying around a west facing exterior door jam. In the video provided his thumb was noted to be on the sprayer's trigger and then off after the spray around the west facing door jam.

See pictures below:



2. On November 19, 2019, I collected swab samples at the locations shown in the surveillance video where Randy Padgett appeared to be spraying.
3. On November 20, 2019, I met with Mr. Greg Johns at Presto X Office located at 5703 Future Circle in Indianapolis IN. I informed Mr. Johns of the routine stop on Mr. Randy Padgett on November 15, 2019, at Paige's Music Store in Indianapolis. I showed Mr. Johns a video and pictures and evidence gathered from the routine stop at Paige's Music. The applicator Mr. Padgett stated that he didn't spray, and the video provided by Paige's Music showed that Mr. Padgett did spray on November 15, 2019. I also showed Mr. Johns the service ticket with no records of spraying. I concluded with setting up an appointment with Mr. Johns and his staff with Mr. Padgett (applicator) on November 21, 2019, at the Presto X office.
4. On November 21, 2019, I recalled Mr. Randy Padgett of our routine stop on November 15, 2019 and asked him to fill out an affidavit about what he did during his application.

Below is his affidavit:

State of Indiana Office of Indiana State Chemist <i>Place of Application. AFFIDAVIT</i>		CASE NUMBER <i>PS20-0033.</i>
ADDRESS <i>5282 E 85TH ST.</i>	CITY <i>INDPLS IN</i>	ZIP <i>46220</i>
<p>Before me, a representative of the Office of Indiana State Chemist (OISC), pursuant to the authority under Title 15, the Indiana Pesticide Use and Application Law, and United States Environmental Protection Agency, pursuant to the authority under 43 Statutes-at-Large 803 (7 U.S.C. 2217), Reorganization Plan No. 3 of 1970 (5 U.S.C. at Reorganization Plan No. 3 of 1970), Section 22(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136i), as amended, and Environmental Protection Agency Order No. 1255.3, Appendix N-1, as read together, personally appeared</p> <p>_____ who deposes under oath or affirmation and says:</p> <p><i>I WAS TREATING THE PIGEON MUSIC ON FRIDAY WHEN I WAS STOP BY THE CHEMIST FROM INDIANA AND ASK WHAT WAS I DOING AND WHAT CHEMICAL I WAS USING DURING THE TREATMENT AT THAT TIME I SAID I DIDNT APPLY ANY CHEMICAL AND WAS CHECKING THE BAIT STATIONS DURING F.P.M. SERVICE HE ASK WHAT I SPRAYED I SAID NOTHING. WE WENT OVER WHAT HE WAS LOOKING FOR AND CHECK MY DECKS.</i></p> <p><i>5701 FORTUNACIR, SUITE K.</i></p>		
<p>I hereby swear/affirm that the foregoing statement is true to the best of my knowledge.</p> <p><i>Randy Padgett</i> SIGNATURE</p> <p><i>11-21-19</i> Date</p> <p>Page <u>1</u> of <u>1</u></p> <p><i>[Signature]</i> SIGNATURE OF OISC REPRESENTATIVE</p>		

I then showed Mr. Randy Padgett evidence gathered during the routine inspection. He stated after several questions and pictures and videos being shown to him that he does not "recall" spraying pesticides.

- On September 25, 2020, I received a residue lab report from the Office of Indiana State Chemist Pesticide Residue Laboratory. The results showed cyhalothrin detected on the west facing exterior door jamb at the store. Cyhalothrin is one of the active ingredients found in Demand CS (EPA Registration Number: 100-1066) which was allegedly in the spray pump

according to his manager Mr. Greg Johns of Presto X. This is consistent with what was observed in the surveillance video provided by the store's manager.

Pesticide Residue Laboratory Results Below:



OFFICE OF INDIANA STATE CHEMIST
Pesticide Residue Laboratory
Lab Report

9/25/2020

OCM Collection #	126228	Investigator	REIDW		
Collection Date	11/19/2019				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
20-4-2045 8	Swab (Acetone); Trip Blank	Swab (Acetone)	Cyhalothrin	BDL ng/swab	5 ng/swab
20-4-2046 2	Swab (Acetone); Grab; Baseboard; Target Site	Swab (Acetone)	Cyhalothrin	BQL ng/swab	5 ng/swab
20-4-2047 0	Swab (Acetone); Grab; Wall; Target Site	Swab (Acetone)	Cyhalothrin	8.71 ng/swab	5 ng/swab

William R. Reid
Investigator

Date: October 27, 2020

Disposition: On October 29, 2020, I spoke with Mr. Padgett by phone. He admitted to me he sprayed a pesticide in the music store. He had no excuse for denying making the application to Agent Bill Reid other than he might have sprayed subconsciously.

Randy Padgett was cited for violation of section 65(19) of the Indiana Pesticide Use and Application Law for recklessly, knowingly, or intentionally impeding or preventing the state chemist or the state chemist's agent in the performance of the state chemist's duty in connection with IC 15-16-4 or IC 15-16-5. A civil penalty in the amount of \$250.00 was assessed for this violation. Mr. Padgett was advised that failure to comply with an inspection in the future would result in license revocation.

George N. Saxton
Compliance Officer

Draft Date: February 5, 2021
Case Closed: April 15, 2021

CASE SUMMARY

Case #PS20-0055

Complainant: Office of Indiana State Chemist (OISC)
175 South University Street
West Lafayette, IN 47907-2063
765-494-1492

Respondent: Ryne Walker
Patrick Jones
Yard Crew
P.O. Box 5972
7459 Franklin Street
Forest Park, IL 61741

Non-Certified Applicator
Certified Applicator

Licensed Business

1. On April 30, 2019, Ryne Walker of Yard Crew was making a fertilizer application to a CVS Pharmacy in New Carlisle, IN. I stopped Mr. Walker to perform a routine field use inspection. During the inspection I asked Mr. Walker if he was licensed or if he was a registered technician (RT). He stated that he was an RT and had just started working for Yard Crew after leaving his previous employment where he was also an RT. He did not have any credential on his person. Mr. Walker contacted his supervisor, Patrick Jones, to inform him that he was being inspected. I talked to Mr. Jones and he reported that Mr. Walker was a new employee and was an RT. Figures 1-3 show the contents of Mr. Walkers vehicle during the inspection.

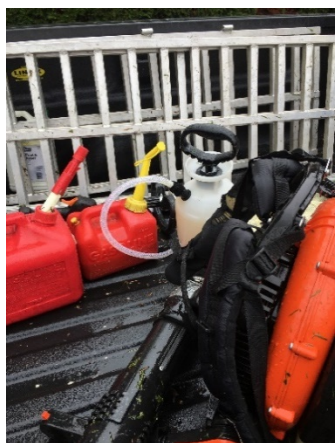


Figure 1



Figure 2

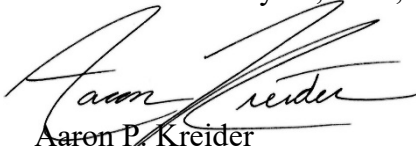


Figure 3

2. On April 30, 2019, I reviewed the OISC licensing system and was unable to find Mr. Walker. I contacted the OISC licensing department and was able to confirm that Mr. Walker was not in the system nor was there any record of him previously being an RT. I was able to confirm that Mr. Jones and Yard Crew were both properly licensed.
3. On May 3, 2019, I contacted the office of Yard Crew. There was no answer. I left a message. Shortly after, I received a return call from the secretary of Yard Crew. I asked who all made applications for

Yard Crew and she stated that it was only Mr. Jones and Mr. Walker. I then asked for application records for applications that had been done so far in 2019. She stated that she would talk to Mr. Jones and have the application records to me by May 6, 2019.

4. On May 8, 2019, I called Yard Crew's office to ask about their application records. There was no answer. I left a message.
5. On May 23, 2019, I called Yard Crew's office to ask about their application records. There was no answer. I left a message.
6. On August 14, 2019, Agent Rosch visited Yard Crew's location at 7459 Franklin St. in Forest Park, IL. Upon arrival she noticed a sign on the door that said "Davis Tree Care". She spoke to an employee of Davis Tree Care and asked if Yard Crew was located at this address. He stated it was located there as well as other businesses. He showed Agent Rosch where the business office was and she left a business card on the desk. The Davis Tree Care employee stated that someone is usually there in the evenings. Agent Rosch called the number listed for Yard Crew and left a voicemail. The voicemail instructions stated to send an email to theyardcrew@sbcglobal.net. Agent Rosch then sent an email to Yard Crew stating that she was at the Yard Crew office and would like a call back as soon as possible.
7. On January 27, 2020, A Pesticide Investigation Inquiry (PII) was sent to Yard Crew via certified mail. It was received and signed for on February 10, 2020. The mandatory reply date was February 25, 2020.
8. As of February 26, 2020, No PII or communication of any kind has been made by Yard Crew to OISC.


Aaron P. Kreider
Investigator


Date: February 26, 2020

Disposition: Patrick Jones and Yard Crew were 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 individual. A civil penalty in the amount of \$125.00 was assessed for this violation.

Patrick Jones and Yard Crew were cited for violation of section 65(7) of the Indiana Pesticide Use and Application Law, for failure to make reports and supply information when required or requested by the state chemist in the course of an investigation or inspection. A civil penalty in the amount of \$250.00 was assessed for this violation.

It should be noted that the license issued to Patrick Jones and business license issued to Yard Crew expired December 31, 2019 and will not be renewed until such time as they comply with the records request.

Patrick Jones and Yard Crew failed to pay the assessed civil penalty of \$375.00. The case was closed and forwarded to collections. In addition, no licenses to be issued for Yard Crew & Patrick Jones until they submit the requested paperwork and the \$375.00 civil penalty has been paid.


George N. Saxton
Compliance Officer

Draft Date: March 3, 2020
Case Closed: May 12, 2021



Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment

Purdue University • 175 S University Street
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Telephone (765) 494-1492 • Facsimile (765) 494-4331
www.oisc.purdue.edu

Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS21-0064

Department	Pesticide
Originated	03/29/2021
Assigned To	Leo Reed
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent	James Sweeney Vincennes, IN 47591
-	Julie Eickhoff Evansville, IN 47710 Exam Proctor
-	Perk A Lawn Inc Vincennes, IN 47591
-	Metro Institute Phoenix, AZ 85003
-	Sean D Lynch Vincennes, IN 47591

Overviews

03/30/2021 **Investigation Summary**

Received information from Metro that Sweeney took an OISC exam on 03/29/2021.

He was advised to return all of the exam items and failed to return his scratch paper, walking out of the exam center with it.

Spoke with Sweeney and his manager and they agreed to immediately return the scratch paper to OISC.

Submitted By: Leo Reed
Role: Investigator

03/30/2021 **Disposition Summary**

James Sweeney was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-1-2.1 (f), for failure to follow examination procedures. James Sweeney is prohibited from taking any examinations for a period of five (5) years from the date of this notice.

Submitted By: George Saxton
Role: Compliance Officer

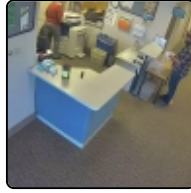
Chronology of Events

03/29/2021 **Intake Referral Filed**

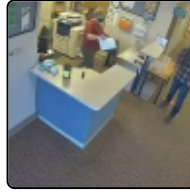
Exam taker James Sweeney was provided with testing materials (scratch paper, 2 pencils and calculator) upon being seated. He was instructed to place all materials in a collection bucket after finishing his exam. Mr. Sweeney failed to return the scratch paper. A review of the surveillance video revealed that Mr. Sweeney folded the scratch paper and tucked it into his pocket just prior to returning the other testing materials. He then exited the building with the scratch paper still in his pocket.

Original Event: Intake Referral (Pesticide) #1867
Complainant: Office of Indiana State Chemist
Respondent: James Sweeney
Entered By: Joseph D. Becovitz
Submitted By: Mark Sobers
Assigned To: Leo Reed
Attachments: File 64990; orchid_Testing_Center_Front_Desk_10.108.16.191_from_2021-03-29_at_15.41.30_UTC_to_2021-03-29_at_15.43.00_UTC.mp4

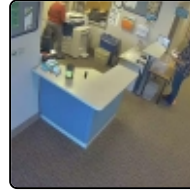
Photos:



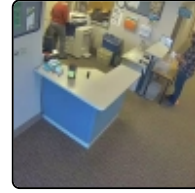
File 64993



File 64994



File 64991



File 64992

03/29/2021 **Investigator Called Witness Communication**

I was informed by Metro Institute (OISC exam provider) that a client left the exam center with his scratch paper, after being advised to return it after the exam. I spoke with the proctor, Julie Eickhoff who stated that she was busy scanning documents when Mr. James Sweeney checked out. She did not realize that he had taken his scratch paper until she checked the security cameras.

Original Event: Investigation Activity (Pesticide) #2732
Subject: Julie Eickhoff
Submitted By: Leo Reed

03/29/2021 **Investigator Called Target Communication**

On March 29th I spoke with James Sweeney, who was accused of not following the proctors instructions, to return all items after completing his CORE exam at the Evansville IVTCH. Mr. Sweeney advised me that he had left with the scratch paper, not realizing it needed returned. He stated that he threw it away. I advised Mr. Sweeney that it must be returned immediately to OISC.

Original Event: Investigation Activity (Pesticide) #2733
Subject: Perk A Lawn Inc
Submitted By: Leo Reed

03/29/2021 **Investigator Received Fax/Email from Witness Activity**

Received the attached email from Metro Institute, regarding an incident with an exam taker.

Original Event: Investigation Activity (Pesticide) #2734
Subject: Metro Institute
Submitted By: Leo Reed
Attachments: File 64995; Fwd_IR - Scratch Paper-sweeney.pdf

03/29/2021 **Investigator Called Supervisor Communication**

On March 29 I spoke with Sean Lynch, manager at Perk a Lawn. I advised him of the incident regarding Mr. Sweeney and that OISC wanted the scratch paper returned immediately. Mr. Lynch advised that he had already spoken to Sweeney and the scratch paper had been retrieved. Mr. Lynch advised he would immediately mail it to OISC.

Original Event: Investigation Activity (Pesticide) #2735
Subject: Sean D Lynch
Submitted By: Leo Reed

03/29/2021 **Case Created**

Original Event: Case PS21-0064
Submitted By: Joseph D. Becovitz
Assigned To: Leo Reed

03/30/2021 **Judgement; Prohibition Citation**

James Sweeney was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-1-2.1 (f), for failure to follow examination procedures.

Prohibition

James Sweeney is prohibited from taking any examinations for a period of five (5) years from the date of this notice.

Original Event: Judgement #719
Primary: James Sweeney
Submitted By: George Saxton
Legal Citation: 355 IAC 4-1-2.1 (f)

03/30/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #783
To: James Sweeney
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4611
Enclosed: Notice of Enforcement
Enclosed: Draft Case Summary
Attachments: File 64999; PS21-0064EL CIT-NoExamAllowed ~ James Sweeney.docx

04/08/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1077
Subject: James Sweeney
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4611
Received: 04/08/2021
Attachments: File 66660; CM 7019 2280 0000 6272 4611.pdf

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Office of
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Protecting Indiana's Agriculture and Environment

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www.oisc.purdue.edu

Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **May 26, 2021, 08:12 AM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS21-0070

Department	Pesticide
Originated	04/07/2021
Assigned To	Paul Jay Kelley
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent	Green Gang Inc Indianapolis, IN 46268
Respondent	David Douglas Welch Indianapolis, IN 46268
Respondent	Rafaela Xolo Tolem Indianapolis, IN 46268

Overviews

04/07/2021 **Investigation Summary**

Rafaela Xolo Tolem making for-hire pesticide application without a license.

David Welch is the certified supervisor, took full responsibility.

Claimed first time out, cooperated.

Submitted By: Paul Jay Kelley
Role: Investigator

04/07/2021 **Disposition Summary**

Green Gang Inc was cited for one (1) count of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to supervise a non-licensed individual. A civil penalty in the amount of \$125.00 was assessed for this violation.

David Douglas Welch was cited for one (1) count of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to supervise a non-licensed individual.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

04/07/2021 **Intake Referral Filed**

On April 7, 2021, while performing routine Use inspection, I observed Rafaela Xolo Tolem (The Green Gang) with a backpack sprayer spraying ornamental beds at Epler Avenue and US 31 in Indianapolis, Indiana. Ms. Xolo Tolem stated she was not licensed or being supervised by a certified applicator. Ms. Xolo Tolem contacted David Welch a certified applicator for The Green Gang, who admitted to being Ms. Xolo Tolem's supervisor. Mr. Welch took full responsibility for the situation.

Original Event:	Intake Referral (Pesticide) #1877
Complainant:	Office of Indiana State Chemist
Respondent:	Green Gang Inc
Respondent 2:	David Douglas Welch
Respondent 3:	Rafaela Xolo Tolem
Entered By:	Paul Jay Kelley
Submitted By:	Joseph D. Becovitz

04/07/2021 **Case Created**

Original Event:	Case PS21-0070
Submitted By:	Joseph D. Becovitz
Assigned To:	Paul Jay Kelley

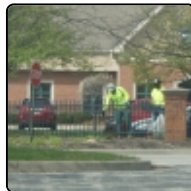
04/07/2021 **Investigator Met with Target Communication**

On April 7, 2021, while performing routine Use inspection, I observed Rafaela Xolo Tolem (The Green Gang) with a backpack sprayer spraying ornamental beds at Epler Avenue and US 31 in Indianapolis, Indiana. Ms. Xolo Tolem stated she was not licensed or being supervised by a certified applicator. Ms. Xolo Tolem contacted David Welch a certified applicator for The Green Gang, who admitted to being Ms. Xolo Tolem's supervisor. Mr. Welch took full responsibility for the situation.

Photographs

Photos of Rafaela Xolo Tolem (The Green Gang) with a backpack sprayer spraying ornamental beds at Epler Avenue and US 31 in Indianapolis, Indiana.

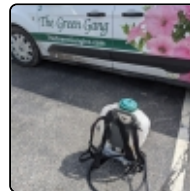
Original Event:	Investigation Activity (Pesticide) #2768
Subject:	David Douglas Welch
Submitted By:	Paul Jay Kelley
Photos:	



File 65657



File 65658



File 65659

04/07/2021 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #248
Client:	Rafaela Xolo Tolem
Firm Representative:	David Welch
Submitted By:	Paul Jay Kelley
Attachments:	File 65660; NOI.pdf

04/07/2021 **Judgement; Civil Penalty Assessed Citation**

David Douglas Welch was cited for one (1) count of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to supervise a non-licensed individual.

Civil Penalty

Green Gang Inc was cited for one (1) count of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to supervise a non-licensed individual. A civil penalty in the amount of \$125.00 was assessed for this violation.

Original Event:	Judgement #725
Primary:	Green Gang Inc
Secondary:	David Douglas Welch
Submitted By:	George Saxton
Legal Citation:	355 IAC 4-2-3
Penalty Amount:	125

04/07/2021 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #788
To:	Green Gang Inc
Submitted By:	Joni Herman
USPS:	7019 2280 0000 6272 4666
Enclosed:	Notice of Enforcement
Enclosed:	Draft Case Summary
Attachments:	File 65729; PS21-0070EL CP ~ Green Gang - David D. Welch.docx

04/14/2021 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1079
Subject:	Green Gang Inc
Submitted By:	Joni Herman
USPS:	7019 2280 0000 6272 4666
Received:	04/14/2021
Attachments:	File 66662; CM 7019 2280 0000 6272 4666.pdf

04/20/2021 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1101
Subject:	Green Gang Inc
Submitted By:	Joni Herman
Payment Expected:	\$125.00
Payment Received:	\$125.00
Attachments:	File 66703; PS21-0070 ~ Green Gang Inc. ~ CP Received.pdf

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CASE SUMMARY

Case #PS20-0080

Complainant: Robert Cockerel
Real Estate Connections
704 South State Road 135, Suite D #246
Greenwood, IN 46143

Respondent: Mr. Dyrall Townsend
Termite and Bed Bug Control of Indiana
5868 East 71st Street
Indianapolis, IN 46220

Mr. Michael Wilson
Nova Home Inspections
4129 N. 75 W.
Franklin, IN 46131

Mr. James Sheek II
Clydesdale Pest Control, Inc.
2049 S. 100 W.
Franklin, IN 46131

1. On 3/28/2020, Robert Cockerel Real Estate Agent for the seller at 8213 E. Hanna Ave, Indianapolis IN 46239 contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that Termite & Bed Bug Control of Indy inspected a home in Indianapolis. Dyrall Townsend could not be found, and OISC verified, that Dyrall Townsend and Termite & Bed Bug Control of Indy are not licensed with OISC.
2. On 3/30/2020, I spoke with Mr. Robert Cockerel via telephone. He was the real estate agent representing the seller at 8213 E. Hanna. He explained to me his concern that Mr. Dyrall Townsend was not licensed with OISC.
3. On 3/31/2020, investigator Jay Kelley and I went to the property at 8213 E. Hanna to investigate the condition of the property and the accuracy of the WDI reports received.
4. The three WDI reports are below in order on which they were completed.
 - A. Michael Wilson from Nova Home Inspections report failed to mention that the crawlspace was inaccessible on NPMA 33 (WDI) report form or attached documents.

Inspection on 3/10/2020

Section IV. Obstructions and Inaccessible Areas The following areas of the structure(s) inspected were obstructed or inaccessible:		The inspector may write out obstructions or use the following optional key:	
<input checked="" type="checkbox"/> Basement	4,5,6,7,11,13,24,26	1. Fixed ceilings	15. Standing water
<input type="checkbox"/> Crawlspace		2. Suspended ceiling	16. Dense vegetation
<input checked="" type="checkbox"/> Main Level	1,3,4,6,7,8,9,11,13,24,26	3. Fixed wall covering	17. Exterior siding
<input checked="" type="checkbox"/> Attic	5,11,13,24,26	4. Floor covering	18. Window well covers
<input checked="" type="checkbox"/> Garage	3,6,7,11,14,17,19,24,26	5. Insulation	19. Wood pile
<input checked="" type="checkbox"/> Exterior	11,13,15,16,17,19,26	6. Cabinets or shelving	20. Snow
<input type="checkbox"/> Porch		7. Stored items	21. Unsafe conditions
<input type="checkbox"/> Addition		8. Furnishings	22. Rigid foam board
<input type="checkbox"/> Other		9. Appliances	23. Synthetic stucco
		10. No access or entry	24. Duct work, plumbing and /or wiring
		11. Limited access	25. Spray foam insulation
		12. No access beneath	26. Equipment
		13. Only visual access	
		14. Cluttered condition	
Section V. Additional Comments and Attachments (these are an integral part of the report)			

B. Daryl Townsend's Report. Failed to mention obstructions if any during his inspection. Unlicensed Wood Destroying Inspector. License number for Business and Individual was the same. Mr. Townsend's WDI report and Invoice for treatment at 8213 E. Hanna, Indianapolis IN, 46239.

Inspection on 3/17/2020.

Invoice 00736



Termite & Bed Bug Control of Indy ©
 Lic#1734004
 5868 E. 71st Street
 Suite E-558
 Indianapolis IN 46220

Date:	Customer:
March 17, 2020	Ortega
	8213 E Hanna Ave
	Indianapolis IN 46239
	805-832-5985

Pest Targeted
 Termites (Subterranean, Drywood)

Quantity	Description	Unit Price	Total
184 Inft	Termite Trench /Chemical Treatment (5 Year Treatment; 1stYear Warrantied)	\$3.39	\$623.76
	(Residential /Non Commercial)		
	Use Rate: 0.075% - 0.27 fl oz (32 milliliters) of TFX per gal of water.		
Total:			\$623.76
Paid:			\$623.76
Due:			\$0.00

Wood Destroying Insect Inspection Report

Notice: Please read important consumer information on page 2.

Section I. General Information

Inspection Company, Address & Phone
 Termite & Bed Bug Control of Indy
 5888 E 71st St.
 Indianapolis IN 46220
 317-893-7801

Company's Business Lic. No.
 1734004

Date of Inspection
 03-17-2020

Address of Property Inspected
 8213 E Hanna Ave
 Indianapolis IN 46239

Inspector's Name, Signature & Certification, Registration, or Lic. #
 Dyal Townsend 1734004

Structure(s) Inspected
 House

Section II. Inspection Findings

This report is indicative of the condition of the above identified structure(s) on the date of inspection and is not to be construed as a guarantee or warranty against latent, concealed, or future infestations or defects. Based on a careful visual inspection of the readily accessible areas of the structure(s) inspected:

☐ A. No visible evidence of wood destroying insects was observed.

☒ B. Visible evidence of wood destroying insects was observed as follows:

☐ 1. Live Insects (description and location):

☐ 2. Dead Insects, insect parts, frass, shelter tubes, exit holes, or staining (description and location):

☒ 3. Visible damage from wood destroying insects was noted as follows (description and location): North facing wall in basement.

NOTE: This is not a structural damage report. If box B above is checked, it should be understood that some degree of damage, including hidden damage, may be present. If any questions arise regarding damage indicated by this report, it is recommended that the buyer or any interested parties contact a qualified structural professional to determine the extent of damage and the need for repairs.

Yes ☐ No ☒ It appears that the structure(s) or a portion thereof may have been previously treated. Visible evidence of possible previous treatment:

The inspecting company can give no assurances with regard to work done by other companies. The company that performed the treatment should be contacted for information on treatment and any warranty or service agreement which may be in place.

Section III. Recommendations

☐ No treatment recommended: (Explain if Box B in Section II is checked)

☒ Recommend treatment for the control of:
 Reinforce structural beam on north wall in basement through "sistering" method, supporting old beam with new beam. Treat for subterranean termites.

Section IV. Obstructions and Inaccessible Areas

The following areas of the structure(s) inspected were obstructed or inaccessible:

- ☐ Basement
- ☐ Crawlspace
- ☐ Main Level
- ☐ Attic
- ☐ Garage
- ☐ Exterior
- ☐ Porch
- ☐ Addition
- ☐ Other

The inspector may write out obstructions or use the following optional key:

- | | |
|-------------------------|--|
| 1. Flood ceiling | 13. Only visual access |
| 2. Suspended ceiling | 14. Cluttered condition |
| 3. Flood wall covering | 15. Standing water |
| 4. Floor covering | 16. Dense vegetation |
| 5. Insulation | 17. Exterior siding |
| 6. Cabinets or shelving | 18. Window well covers |
| 7. Stored items | 19. Wood pile |
| 8. Furnishings | 20. Snow |
| 9. Appliances | 21. Unsafe conditions |
| 10. No access or entry | 22. Rigid foam board |
| 11. Limited access | 23. Synthetic stucco |
| 12. No access beneath | 24. Duct work, plumbing, and/or wiring |

Section V. Additional Comments and Attachments (these are an integral part of the report)

Attachments

Signature of Seller(s) or Owner(s) If refinancing, Seller acknowledges that all information regarding W.D.I. infestation, damage, repair, and treatment history has been disclosed to the buyer.

Signature of Buyer. The undersigned hereby acknowledges receipt of a copy of both page 1 and page 2 of this report and understands the information reported.

C. The final WDI was performed by Clydesdale Pest Control, Inc. Clydesdale Pest Control, Inc. also performed a treatment.

Inspection on 3/28/2020

Wood Destroying Insect Inspection Report

Notice: Please read important consumer information on page 2.

Section I. General Information

Inspection Company, Address & Phone (317) 881-2225

Chrysdale Pest Control, Inc.
2049 S. 100 W.
Franklin, Indiana 46131

Company's Pest Control Business Lic. No.

B-31901

Date of Inspection

3-28-2020

Address of Property Inspected

9213 E. Harmon Ave
Indpls, Indiana 46239

Inspector's Name, Signature & Certification, Registration, or Lic. #

James M. Sheekst Operator License F-25042

Structure(s) Inspected

House & Detached garage only

Section II. Inspection Findings This report is indicative of the condition of the above identified structure(s) on the date of inspection and is not to be construed as a guarantee or warranty against latent, concealed, or future infestations or wood destroying insect damage. **Based on a careful visual inspection of the readily accessible areas of the structure(s) inspected:**

- ☐ A. No visible evidence of wood destroying insects was observed.
- ☒ B. Visible evidence of wood destroying insects was observed as follows:
- ☐ 1. Live insects (description and location):

☒ 2. Dead insects, insect parts, frass, shelter tubes, exit holes, or staining (description and location): Termite shelter tubes in basement crawl space in many areas throughout structure! Headers & Sill plate

☒ 3. Visible damage from wood destroying insects was noted as follows (description and location): Header plate, sill plate Subfloor & ends of floor joists in basement & crawl space in many areas throughout structure. Termite repairs have been repaired in past who I know unknown!

NOTE: This is not a structural damage report. If box B above is checked, it should be understood that some degree of damage, including hidden damage, may be present. If any questions arise regarding damage indicated by this report, it is recommended that the buyer or any interested parties contact a qualified structural professional to determine the extent of damage and the need for repairs.

Section III. Recommendations

☐ No action and/or treatment recommended: (Explain if Box B in Section II is checked)

☒ Recommend action(s) and/or treatment(s) for the control of: Subterranean termites with Termitox H.E. termiticide. See attached invoice for termite treatment

Section IV. Obstructions and Inaccessible Areas

The following areas of the structure(s) inspected were obstructed or inaccessible:

- ☒ Basement: Covering headers, Sills & ends of floor joists
- ☒ Crawlspace: Covering Headers, Sill plates & ends of floor joists
- ☒ Main Level: 1, 3, 4, 6, 9, 13
- ☒ Attic: 10
- ☒ Garage: Wood floor over dirt (3)
- ☐ Exterior
- ☐ Porch
- ☐ Addition
- ☐ Other

The inspector may write out obstructions or use the following optional key:

- | | |
|-------------------------|--|
| 1. Fixed ceiling | 15. Standing water |
| 2. Suspended ceiling | 16. Dense vegetation |
| 3. Fixed wall covering | 17. Exterior siding |
| 4. Floor covering | 18. Window well covers |
| 5. Insulation | 19. Wood pile |
| 6. Cabinets or shelving | 20. Snow |
| 7. Stored items | 21. Unsafe conditions |
| 8. Furnishings | 22. Rigid foam board |
| 9. Appliances | 23. Synthetic stucco |
| 10. No access or entry | 24. Duct work, wiring, and/or plumbing |
| 11. Limited access | 25. Spray foam insulation |
| 12. No access beneath | 26. Equipment |
| 13. Only visual access | |
| 14. Cluttered condition | |

Section V. Additional Comments and Attachments (these are an integral part of the report)

Attachments

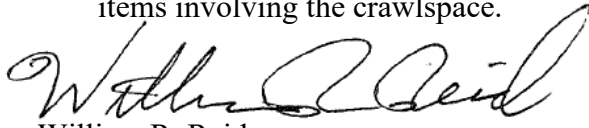
Signature of Seller(s) or Owner(s) if refinancing. Seller discloses to the buyer all information, to their knowledge, regarding W.D.I. infestation, damage, repair, and treatment history.

X

Signature of Buyer. The undersigned hereby acknowledges receipt of a copy of both page 1 and page 2 of this report and understands the information reported.

X

5. Mr. Townsend was not licensed to perform any inspection or treatment with OISC. The NPMA-33 form or WDI report was not filled out correctly. Mr. Townsend couldn't be reached after several attempts. No address or location was found for Mr. Townsend. Mr. Townsend's Section IV. was not filled out properly and or didn't have any obstructions.
6. Mr. Michael Wilson from Nova Home Inspections failed to mention the crawlspace was inaccessible in his original WDI report or NPMA-33 form. However, he stated that he went out at a later date 3/18/2020 to inspect the crawlspace and produced an updated list of repairs/ or inspected items involving the crawlspace.



William R. Reid
Investigator

Date: April 24, 2020

Disposition: Dyrall Townsend and Termite and Bed Bug Control of Indiana were cited for violation of section 65(8) of the Indiana Pesticide Use and Application Law for issuing a false or fraudulent record, invoice or report by using a bogus license and/or certification number. A civil penalty in the amount of \$250.00 was assessed for this violation.

Dyrall Townsend and Termite and Bed Bug Control of Indiana were cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for making diagnostic inspections for wood-destroying organisms without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

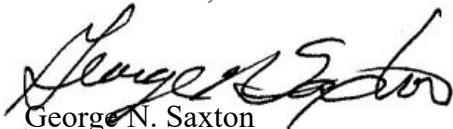
Dyrall Townsend and Termite and Bed Bug Control of Indiana were cited for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement during or after an inspection concerning any infestation or infection of pests. A civil penalty in the amount of \$250.00 was assessed for this violation.

Michael Wilson and Nova Home Inspections were warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement during or after an inspection concerning any infestation or infection of pests for failure to report the inaccessible crawlspace. Consideration was given to the fact this was their first violation of similar nature.

The enforcement letter sent to Dyrall Townsend and Termite and Bed Bug Control was returned to OISC on September. 11, 2020, marked "Not Deliverable as Addressed".

On June 1, 2021, Investigator, William R. Reid informed us Dyrall Townsend's phone number was disconnected and he could not find another address to send the enforcement letter to. It is believed Mr. Townsend is out of state.

On June 2, 2021, Compliance Officer, George Saxton informed us to document that we could not find a valid address for Dyrall Townsend, and to close the case. In addition, since we cannot supply an address, the case cannot be forwarded to collections at this time.



George N. Saxton
Compliance Officer

Draft Date: August 26, 2020
Case Closed: June 8, 2021

CASE SUMMARY

Case #PS20-0123

Complainant: John McMahan
3820 E 750 N
Columbus, Indiana 47203

Respondent: Dustin Starlin
Milhon Air, Inc.
2151 Centerton Road
Martinsville, Indiana 46151

Certified Applicator

1. On May 20, 2020, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report a few days ago, a fixed wing aerial applicator made a pesticide application to a nearby field that drifted onto his organic produce. Complainant stated he does not apply pesticides.
2. I made met with Mr. McMahan at his residence. He stated he had an organic produce garden and was afraid the pesticide from the aerial application to the field located northwest of his property, may have drifted onto his property. He stated the aerial application was made on May 18, 2020. He stated he only smelled the chemical but did not see any mist. He stated he has beehives as well, but there were no dead bees.
3. I learned the aerial application was made by Milhon Air, Inc. I made contact and obtained the as applied record from the aircraft. The report indicated Mr. Dustin Starlin was the pilot of the aerial application made on May 18, 2020. The record indicated he applied Miravis Ace fungicide EPA Reg. #100-1645 with the active ingredients pydiflumetofen and propiconazole and Hero Insecticide EPA Reg. #279-3315 with the active ingredients, zeta-cypermethrin and bifenthrin. I sent a Pesticide Investigation Inquiry (PII) to Mr. Starlin of which he received, completed and returned to me. The PII confirmed the information on the as applied report. The report further indicated the winds at the time of the application were blowing from the SE at 4 mph.
4. I collected swab and vegetation samples from the complainant's property. All of the samples were labeled and submitted to the OISC residue lab.
5. I received a report from the OISC residue lab. The report indicated the active ingredients bifenthrin, cypermethrin, propiconazole and pydiflumetofen were detected in swab and vegetations samples collected from the complainant's property. The following is a copy of the OISC residue lab report.

OCM Collection #	146490	Investigator	BREWERR
Collection Date	05/21/2020		

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
20-4-0036 9	Swab (Acetone); Trip Blank	Swab (Acetone)	Bifenthrin	BDL ng/swab	1 ng/swab
			Cypermethrin	BDL ng/swab	5 ng/swab
			Propiconazole	BDL ng/swab	1 ng/swab
			Pydiflumetofen	BDL ng/swab	0.4 ng/swab
20-4-0037 6	Swab (Acetone); Ctrl; mailbox	Swab (Acetone)	Bifenthrin	BDL ng/swab	1 ng/swab
			Cypermethrin	BDL ng/swab	5 ng/swab
			Propiconazole	BDL ng/swab	1 ng/swab
			Pydiflumetofen	BDL ng/swab	0.4 ng/swab
20-4-0038 2	Swab (Acetone); Comp; Off Target	Swab (Acetone)	Bifenthrin	2.03 ng/swab	1 ng/swab
			Cypermethrin	BDL ng/swab	5 ng/swab
			Propiconazole	26.6 ng/swab	1 ng/swab
			Pydiflumetofen	19.4 ng/swab	0.4 ng/swab
20-4-0039 5	Swab (Acetone); Comp; Off Target	Swab (Acetone)	Bifenthrin	11.0 ng/swab	1 ng/swab
			Cypermethrin	BDL ng/swab	5 ng/swab
			Propiconazole	41.8 ng/swab	1 ng/swab
			Pydiflumetofen	70.0 ng/swab	0.4 ng/swab
20-4-0040 0	Swab (Acetone); Comp; Off Target	Swab (Acetone)	Bifenthrin	33.4 ng/swab	1 ng/swab
			Cypermethrin	BDL ng/swab	5 ng/swab
			Propiconazole	2.11 ng/swab	1 ng/swab
			Pydiflumetofen	4.85 ng/swab	0.4 ng/swab
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ

20-4-0041 6 Soil Comp; 4-6"; Target Site

20-4-0042 8 Veg; Comp; Off Target

20-4-0043 7 Veg; Comp; Off Target

20-4-0044 4 Veg; Comp; Off Target

No Analysis Required	Done	
----------------------	------	--

Bifenthrin	2.85 ppb	0.3 ppb
Cyfluthrin	BDL ppb	3 ppb
Cypermethrin	BDL ppb	3 ppb
Propiconazole	5.67 ppb	0.3 ppb
Pydiflumetofen	10.4 ppb	0.7 ppb

Bifenthrin	16.7 ppb	0.3 ppb
Cyfluthrin	BDL ppb	3 ppb
Cypermethrin	6.45 ppb	3 ppb
Propiconazole	43.3 ppb	0.3 ppb
Pydiflumetofen	84.5 ppb	0.7 ppb

Bifenthrin	24.5 ppb	0.3 ppb
Cyfluthrin	BDL ppb	3 ppb
Cypermethrin	18.7 ppb	3 ppb
Propiconazole	47.2 ppb	0.3 ppb
Pydiflumetofen	61.2 ppb	0.7 ppb

6. I researched Weather Underground history for the wind conditions at the nearest reporting station on the date and time of the aerial application. The history indicated the winds at the time of the aerial application were variable from N, E, ESE between calm and 6 mph.
7. I researched the label for Miravis Ace fungicide. The label stated on page 16, *"Do not apply when conditions favor drift beyond the target area"*. I also researched the label for Hero insecticide. The label stated on page 3, *"Do not apply when weather conditions favor drift from treated areas"*.
8. The following is a diagram of the area, including the target field and the complainant's property and the sample collection locations.

CASE SUMMARY

Case #PS20-0175

Complainant: Bryan Newton
951 South Angling Pike
Hartford City, IN 47348

Respondent: Joshua Light
18910 N. Walnut Street
Muncie, IN 47303

Private Applicator
New Address: 1060 S. Angling Pike
Hartford City IN 47348

1. On June 9, 2020, the complainant contacted the Office of Indiana State Chemist (OISC) to report that a neighboring farmer had sprayed the field adjacent to his property several times including two partial applications and spot application along the fence row. He could not provide application dates at the time of intake but stated the injury to his lawn and garden was first noticed on June 6, 2020.
2. On June 10, 2020, I spoke with Bryan Newton who reported he was outside near his garden on May 27, 2020, when someone sprayed the portion of the field which borders his property. The applicator reportedly stopped the application and returned five days later to finish the field. He indicated his lawn and garden plants developed symptoms after the application.
3. On June 11, 2020, I met with Mr. Newton at his property on the south side of South Angling Road in Blackford County. He reported that Light Farms owns and farms the ground which borders his property to the south. Mr. Newton indicated the wind was blowing toward his property when the first partial application was made on May 27. Although it had been mowed since the application, the yard between the field and garden was chlorotic in a pattern leading away from the field. Clover and other broadleaf weeds in that area were discolored and distorted. In the garden, which was approximately 60 feet from the field, tomato, cucumber and pepper plants exhibited yellowed and necrotic leaves. I photographed the site and collected plants exhibiting symptoms for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue. I also collected dead weeds from the target field and foliage from a mature tulip poplar tree near the garage which had some possible herbicide exposure symptoms. Those samples were submitted to the OISC Residue Lab for possible analysis.



Fig.1 Aerial photo of site



Fig.2 Field edge, yard & garden



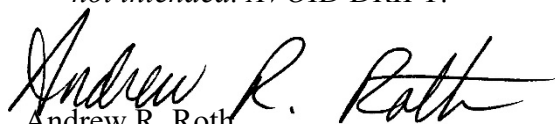
Fig.3 Chlorotic pepper plants

4. On June 11, 2020, I stopped at the neighboring farm and spoke with Josh Light who confirmed he sprayed the field over the course of two days. He reportedly ended his day on May 27 by spraying out the remaining contents of the tank on the perimeter of the field; he then sprayed the remainder of the field on June 1. Mr. Light completed a Pesticide Investigation Inquiry (PII) for the split application and returned it to the OISC. According to the PII, the tank mixes in both partial applications contained the following:

- Cinch ATZ (EPA Reg. #352-624), active ingredients atrazine and metolachlor
- Explorer (EPA Reg. #100-1131), active ingredient mesotrione
- Abundit Edge (EPA Reg. #352-922), active ingredient glyphosate

Mr. Light indicated he sprayed out the tank from 8pm-8:15pm on May 27 and then sprayed the rest of the field on June 1 from 10am-10:45 am. The PII listed winds as being from the south, blowing toward the Newton property, at 9mph during the application.

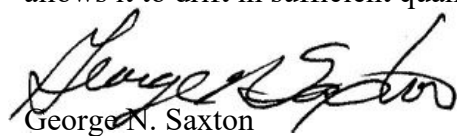
5. I checked recorded wind data at the closest official weather stations to the site. The Marion Airport (14 miles west) and the Muncie Airport (13 miles south) both confirmed winds were from the south and under 10mph during both reported application dates/times.
6. The PPDL report indicated, *"The tomato, pepper, and tulip poplar in sample 20-00551 show interveinal chlorosis followed by necrosis that is consistent with symptoms of exposure to the mixture of glyphosate, atrazine, and mesotrione (active ingredients of herbicides listed). Additionally, there is a visible drift pattern on the turf right next to the field."* It further indicated, *"No evidence of significant disease or insect problems found on the samples."*
7. The Abundit Edge Label states in part, *"Spray Drift Management AVOID CONTACT OF THIS HERBICIDE WITH FOLIAGE, GREEN STEMS, EXPOSED NON-WOODY ROOTS OR FRUIT OF CROPS, DESIRABLE PLANTS AND TREES, EXCEPT AS DIRECTED FOR USE ON ROUNDUP READY® CROPS, AS SEVERE PLANT INJURY OR DESTRUCTION COULD RESULT."* The label further states, *"Do not allow the herbicide solution to mist, drip, drift, or splash onto desirable vegetation, as small quantities of this product can cause severe damage or destruction to the crop, plants or other vegetation on which application was not intended. AVOID DRIFT."*


Andrew R. Roth
Investigator

Date: October 6, 2020

Disposition: Light Farms LLC and Joshua Light were cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$100.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved.

Light Farms LLC and Joshua Light were cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift in sufficient quantity from the target site to cause harm to a non-target site.


George N. Saxton
Compliance Officer

Draft Date: June 2, 2021
Case Closed: July 12, 2021



Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment

Purdue University • 175 S University Street
West Lafayette, IN 47907-2063
Telephone (765) 494-1492 • Facsimile (765) 494-4331
www.oisc.purdue.edu

Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **May 10, 2021, 01:31 PM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS20-0193

Department	Pesticide
Originated	06/15/2020
Assigned To	James M. Trimble
Status	Closed

Involved Parties

Complainant	Autumn McGregor Pine Village, IN 47975
-	Keith Alan Wright
Respondent Issued To	Pete Holley Covington, IN 47932
Respondent	Wright Agri Group, GP Covington, IN 47932
Respondent	Andrew J Hardy Covington, IN 47932
Agency	Purdue Receivables & Collections

Overviews

09/28/2020 **Investigation Summary**

On June 15, 2020, I contacted Ms. McGregor, who reported the vegetation throughout her property were showing symptoms of herbicide injury. Ms. McGregor stated she witnessed a pesticide application to a neighboring corn field on June 9, 2020, which she believed was responsible for the injury to her property's vegetation.

On June 16, 2020, I arrived at Ms. McGregor's residence to conduct my on-site investigation, where I observed herbicide injury to the mixed vegetation on her property. I observed a possible drift pattern on Ms. McGregor's property, which I believed had originated from the corn field located to the south and east of her property. I collected samples from Ms. McGregor's property and the corn field for assessment by the PPDL and the OISC Residue Lab for analysis.

I later confirmed Pete Holley was responsible for the corn field's application. A PII was completed, which stated Mr. Holley had made a pesticide application to the corn field on June 9, 2020, while the wind was blowing towards Ms. McGregor's property.

The OISC Residue Lab report confirmed positive amounts of pesticides on Ms. McGregor's property that had been applied to the corn field. I found Mr. Holley had applied pesticides in a manner that allowed it to drift from the target site in sufficient quantity to cause harm to a non-target site and in violation of the pesticide's labels.

Submitted By: James M. Trimble
Role: Investigator

10/01/2020 **Disposition Summary**

Wright Agri Group was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$100.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved. Consideration was also given to the fact this was Mr. Hardy's second violation of similar nature. See case number 2018/0670.

Andy Hardy was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact a restricted use pesticide was involved. Consideration was also given to the fact this was Mr. Hardy's second violation of similar nature. See case number 2018/0670.

Pete Holley was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact a restricted use pesticide was involved.

Wright Agri Group was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site. Consideration was given to the fact a restricted use pesticide was involved. Consideration was also given to the fact this was Mr. Hardy's second violation of similar nature. See case number 2018/0670.

Andy Hardy was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site. Consideration was given to the fact a restricted use pesticide was involved. Consideration was also given to the fact this was Mr. Hardy's second violation of similar nature. See case number 2018/0670.

Pete Holley was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site. Consideration was given to the fact a restricted use pesticide was involved.

Andy Hardy was warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to either provide site assessment fact sheet or be on-site for an application being performed by a non-credentialed employee.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

06/15/2020 Intake Referral Filed

Complainant stated an application to a neighboring farm field has adversely affected the vegetation and garden on her property.

Original Event: Intake Referral (Pesticide) #1387
Complainant: Autumn McGregor
Respondent: Unknown
Submitted By: George Saxton
Assigned To: James M. Trimble

06/15/2020 Investigator Called Complainant

On June 15, 2020, I contacted Ms. McGregor, who reported the vegetation throughout her property were showing injury symptoms from what she believed was due to herbicide exposure, including bleached/yellowed leaves and burnt leaves. Ms. McGregor stated she had witnessed a pesticide application to a neighboring field on June 9, 2020, during strong wind conditions. Ms. McGregor stated she had stopped and spoke with the applicator about applying pesticides in such windy conditions. Ms. McGregor stated she recorded the conversation with the applicator on her phone, which she stated she would email the recording to me.

Original Event: Investigation Activity (Pesticide) #1637
Subject: Autumn McGregor
Submitted By: James M. Trimble

06/15/2020 Case Created

Original Event: Case PS20-0193
Submitted By: George Saxton
Assigned To: James M. Trimble

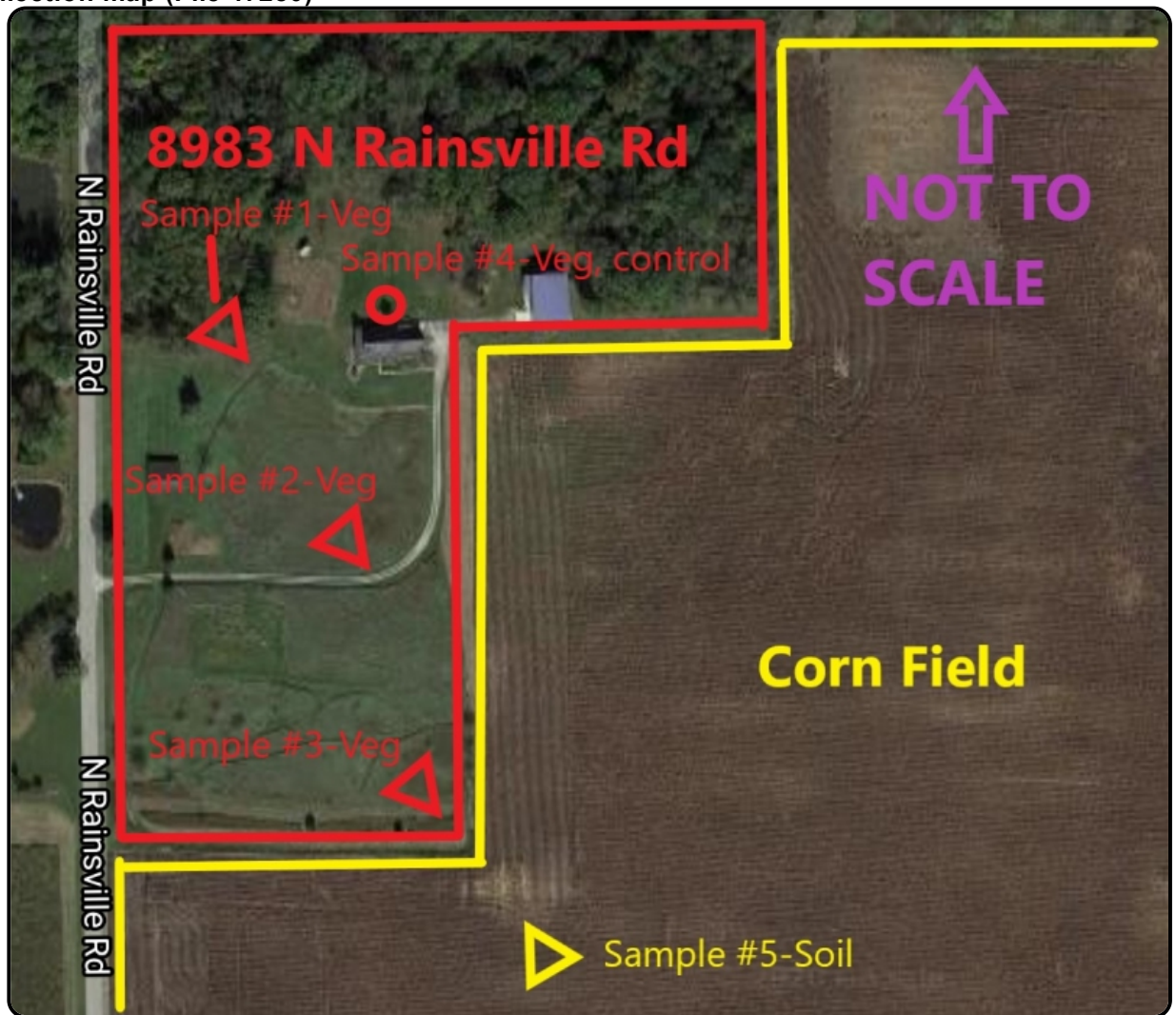
06/16/2020 Investigator Met with Complainant

On June 16, 2020, I arrived at Ms. McGregor's residence to conduct my on-site investigation. During my on-site investigation, I observed and photographed symptoms of what I believed to be herbicide exposure injury to a mixed variety of vegetation throughout Ms. McGregor's property, which included yellow and/or brown leaves, decaying leaves, and burnt leaf edges. I observed the injury to be more noticeable on the broadleaf vegetation, when compared to the grassy-type vegetation, and the injury to be more severe on the plant's newer, top growth.

I looked for potential sources of herbicide drift. I observed Ms. McGregor's property shared a south and east border with a corn field. I observed the corn field showed signs of a recent herbicide application by the dead and/or decaying noxious weeds in and around the field. I observed the corn field's north and west edges to have an uneven spray line of dead and/or decaying vegetation that looked to have drifted onto Ms. McGregor's property. I observed the south and east borders on Ms. McGregor's property to show the most significant amount of herbicide exposure injury with the injury becoming lighter the further north and west I walked, which was consistent with the corn field being the origin of a herbicide drift occurrence.

I collected samples of the mixed vegetation that exhibited symptoms of injury from Ms. McGregor's property and from the corn field for assessment by the Purdue Pest and Plant Diagnostic Lab (PPDL).

I collected three composite, gradient samples of the affected vegetation and a control vegetation sample from Mrs. McGregor's property. I also collected a composite soil sample from the corn field. All samples were submitted to the OISC Residue Lab for analysis. See attached for collection map.



Plant injury (File 47245)



Vegetable plant injury (File 47238)



Original Event:
Subject:
Submitted By:
Attachments:
Photos:

Investigation Activity (Pesticide) #1623
Autumn McGregor
James M. Trimble
File 47279; mcgregornoi.pdf



File 47280



File 47231



File 47232



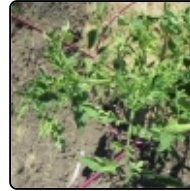
File 47233



File 47234



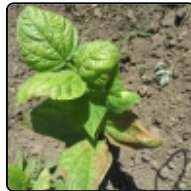
File 47235



File 47236



File 47237



File 47238



File 47239



File 47240



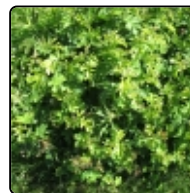
File 47241



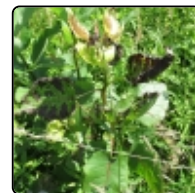
File 47242



File 47243



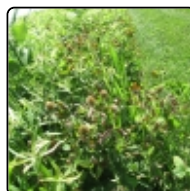
File 47244



File 47245



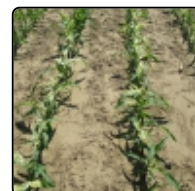
File 47246



File 47247



File 47248



File 47249



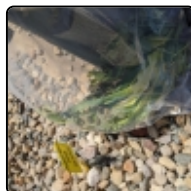
File 47250

06/16/2020 **Residue Samples Collected**

Original Event: Residue Collection #148669 (20-4-1847 3)
 Client: Autumn McGregor
 Submitted By: James M. Trimble

06/16/2020 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #148815 (X20-9344B6)
 Client: Autumn McGregor
 Submitted By: James M. Trimble
 Attachments: File 47229; ResponseSummary (7).pdf
 Photos:



File 47230

06/16/2020 **Complainant Sent Text Message to Investigator**
Evidence From Subject

Ms. McGregor sent me text message, which advised she was having trouble sending the recording of her conversation with the applicator through email so she created a Youtube video and sent me the link, <https://youtu.be/VB6rrT3cHPo>.

In the recording, I observed heavy wind conditions by the wind noise and the vegetation blowing in the background. The applicator advised Ms. McGregor that he had lowered the booms of his sprayer when he applied around her property to mitigate the drift. The applicator acknowledged the high winds but stated he needed to complete eight more acres before the rain came. The applicator advised Ms. McGregor he was using "Round-up" and that it was okay to use in those weather conditions.

Original Event: Investigation Activity (Pesticide) #1638
Subject: Autumn McGregor
Submitted By: James M. Trimble

06/16/2020 **Investigator Called Subject**

On June 16, 2020, I left a voicemail for Keith Wright, who I believed was the applicator or farmer for the corn field in question. A short time later, I received a call from Mr. Wright, who confirmed his business, Wright Agri Group, was responsible for the field's pesticide applications. Mr. Wright advised they had treated the corn field with Round-up and Incinerate.

I advised Mr. Wright of our Pesticide Investigation Inquiry (PII) and that I would email him the form with instructions to have it completed and returned to me within 15 days.

Original Event: Investigation Activity (Pesticide) #1639
Subject: Keith Alan Wright
Submitted By: James M. Trimble

06/16/2020 **Investigator Sent Fax/Email to Business**

Mr. Wright was sent an email containing the PII with instructions to fully complete and have returned to me within 15 days of my email. I received acknowledgment of my email later that day.

Original Event: Investigation Activity (Pesticide) #1640
Subject: Keith Alan Wright
Submitted By: James M. Trimble
Attachments: File 47281; 6-16-20email.pdf

06/16/2020 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #286
Submitted By: James M. Trimble
Target Analyte: Atrazine 4L
Target Analyte: Incinerate
Target Analyte: Roundup Powermax
PPLS Labels: [000100-01131-20180313.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01131-20180313.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01131-20180313.pdf
[001381-00158-20180124.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20180124.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20180124.pdf
[000524-00549-20200225.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00549-20200225.pdf
Attachments: File 48570; atrazine Winfield.PDF
File 48571; incinerate.PDF
File 48572; roundup.PDF

06/22/2020 **Received External Lab Report**

The PPDL report stated, *"Multiple plants in sample 20-00587 show bleaching of newer leaves followed by interveinal necrosis. The corn plants in the target field also show bleaching of newer leaves. These symptoms are characteristic of exposure to herbicides containing HPPD active ingredients such as mesotrione, tembotrione, and isoxaflutole."* It further stated, *"There was no evidence of significant disease or insect damage on the samples."*

Original Event: External Lab Report #149524 (X20-9344B6)
Submitted By: James M. Trimble
Sample: X20-9344B6
Attachments: File 47710; Final Report_Mitch Trimble .pdf

07/01/2020 **Investigator Received Fax/Email from Business**

On July 1, 2020, I received an email from Wright Agri Group containing the PII's for the two applications to the field in question. The two applications were completed by Pete Holley on June 9, 2020 and finished on June 11, 2020. The applications contained the same tank mix, consisting of Atrazine 4L (EPA Reg. #1381-158, active ingredient of Atrazine), Incinerate (EPA Reg. #100-1131-1381, active ingredient of Mesotrione), and Roundup Powermax (EPA Reg. #524-549, active ingredient of Glyphosate).

The June 9, 2020 application had started at 9:19 AM while the winds were blowing from the southeast at 13.7 MPH. The PII stated the wind was blowing from the northwest at 11.8 MPH at the end of the application but did not have a listed end time.

The June 11, 2020 application had started at 1:45 PM with the exact same weather conditions as the June 9 application and did not list an end time.

Original Event: Investigation Activity (Pesticide) #1788
Subject: Wright Agri Group, GP
Respondent: Pete Holley
Submitted By: James M. Trimble
Attachments: File 48576; Application 6.11.20 Part 1.png
File 48577; Application 6.11.20 Part 2.png
File 48574; Application 6.9.20 Part 1.png
File 48575; Application 6.9.20 Part 2.png
File 48578; atrazine Winfield.PDF
File 48579; incinerate.PDF
File 48580; roundup.PDF

07/14/2020 **Investigator Called Business**

On July 15, 2020, I spoke with Mr. Wright, via phone, to first ask him if Wright Agri Group conducts for-hire applications or only applications on land that the business controls, which he advised they do not do any for-hire applications. The completed PII I received from Mr. Wright listed Pete Holley as the applicator and Andy Hardy as the supervisor. I was unable to locate an OISC certification number for Mr. Holley. Since Atrazine was listed as one of the pesticides used in Mr. Holley's application and is registered as a Restricted Use Pesticide (RUP), I asked Mr. Wright if the requirements for the supervision of non-certified applicators was being utilized. Mr. Wright stated he was unsure if all of the requirements were being followed but Mr. Hardy held the OISC certification, is the supervisor for Mr. Holley, and would be best for me to contact Mr. Hardy. I discussed the supervisory requirements with Mr. Wright and what was expected when completing applications involving a RUP.

Original Event: Investigation Activity (Pesticide) #1861
Subject: Keith Alan Wright
Respondent: Andrew J Hardy
Submitted By: James M. Trimble

07/14/2020 **Investigator Called Supervisor**

After speaking with Mr. Wright, I called and spoke with Andrew Hardy. Mr. Hardy confirmed he is the supervisor for Mr. Holley's applications. I read the requirements for supervision of non-certified applicators to Mr. Hardy and asked him if he had been following them. Mr. Hardy stated he and Mr. Holley had been following all of the requirements listed, except for the site assessment fact sheet, which he stated he was unaware of.

Mr. Hardy stated he would not allow Mr. Holley to make further RUP applications without all of the requirements in place. Mr. Hardy stated Wright Agri Group has two sprayers and that he operates the sprayer containing RUPs and Mr. Holley operates the other sprayer containing general use pesticides (GUP). Mr. Hardy was later emailed all of the requirements needed to legally supervise non-certified applicators.

Original Event: Investigation Activity (Pesticide) #1862
Subject: Andrew J Hardy
Submitted By: James M. Trimble

07/14/2020 **Applicator Called Investigator**

After speaking with Mr. Hardy, I received a phone call and spoke with Mr. Holley. Mr. Holley stated he had not previously been making applications containing RUPs but the tank mix he had been using was "spiked" with Atrazine and he was not immediately aware of the tank mix change. Mr. Holley stated he takes full responsibility for the incident and should know what he is spraying. Mr. Holley was later emailed an Action Order, ordering him to stop making pesticide applications in a category for which he is not currently licensed.

Original Event: Investigation Activity (Pesticide) #1863
Subject: Pete Holley
Submitted By: James M. Trimble

07/15/2020 **Action Order Issued**

Stop advertising or making pesticide applications in a category for which you or your business are not currently licensed.

Original Event: Action Order #167
Issued To: Pete Holley
Firm Representative: Pete Holley
Submitted By: James M. Trimble
Attachments: File 50595; AO back.pdf
File 50596; AO front.pdf
File 50597; AO front[1].pdf

08/03/2020 **Received Residue Lab Report**
Lab Remarks

Released 08/03/2020

Investigatory Summary

The OISC Residue Lab report showed positive amounts of Mesotrione and Atrazine was detected in all of the samples collected from the McGregor property, confirming off-target pesticide movement from Mr. Holley's application.

First Page of Lab Report

Page 37 of Lab Report

OCM Collection #	148669	Investigator	TRIMBLEJ		
Collection Date	06/16/2020				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
20-4-1847 3	Veg; Comp; Off Target, Grad1, 700ft NW	Veg	Atrazine	272 ppb	0.1 ppb
			Mesotrione	17.6 ppb	1 ppb
20-4-1848 7	Veg; Comp; Off Target, Grad2, 400ft NW	Veg	Atrazine	163 ppb	0.1 ppb
			Mesotrione	4.67 ppb	1 ppb
20-4-1849 4	Veg; Comp; Off Target, Grad3, 50ft NW	Veg	Atrazine	503 ppb * estimated amount	0.1 ppb
			Mesotrione	7.87 ppb	1 ppb
20-4-1850 0	Veg; Ctrl; Off Target	Veg	Atrazine	180 ppb	0.1 ppb
			Mesotrione	11.1 ppb	1 ppb
20-4-1851 6	Soil; Comp; 2-4"; Target Site	Soil	Atrazine	65.9 ppb	0.7 ppb
			Mesotrione	7.37 ppb	0.3 ppb

Original Event: Residue Lab Report #153709 (148669-R242)
Submitted By: SYSTEM
Lab Report: Lab Report 148669-R242.pdf

09/28/2020 Investigator Sent Fax/Email to Supervisor

On the two PILs completed and provided to me, I found the listed wind speeds and wind directions were the same despite the applications being completed on two different days. I emailed Mr. Hardy to discuss if the wind speeds and wind directions listed on the PILs were accurate.

I received an email from Mr. Hardy with updated information regarding the two applications performed by Mr. Holley, which advised:

June 9, 2020 Application

- Air temperature at start time: 77 degrees - end time: 14 degrees
- Wind speed at start time: 10 MPH - end time: 14 MPH
- Wind blowing from which direction at start time: Southeast - end time: not listed

June 11, 2020 Application

- Air temperature at start time: 89 degrees - end time: 87 degrees
- Wind speed at start time: 13 MPH - end time: 11.8 MPH
- Wind blowing from which direction at start time: Northwest - end time: not listed

Original Event: Investigation Activity (Pesticide) #2239
Subject: Andrew J Hardy
Submitted By: James M. Trimble
Attachments: File 55822; 9-28-20 email.pdf

09/28/2020 Online Investigation Activity

Due to the wind direction coming from the southeast during Mr. Holley's June 9, 2020 application (towards Ms. McGregor's property), my on-site observations of a drift pattern on Ms. McGregor's property, and the OISC Residue Lab report of confirming positive amounts of Atrazine and Mesotrione found in all of the samples collected from Ms. McGregor's, I found Mr. Holley had applied the pesticides, Atrazine 4L (EPA Reg. #1381-158, active ingredient of Atrazine), Incinerate (EPA Reg. #100-1131-1381, active ingredient of Mesotrione), and Roundup Powermax (EPA Reg. #524-549, active ingredient of Glyphosate) to the corn field in a manner that allowed it to drift from the target site in sufficient quantity to cause harm to a non-target site (Ms. McGregor's property).

I then reviewed the labels for the products applied by Mr. Holley to the target corn field on his June 9, 2020 application, Capreno and Atrazine 4L, which I found the following label violations by Mr. Holley:

Incinerate - "The pesticide must only be applied when the potential for drift to adjacent sensitive areas, (e.g. residential areas, bodies of water, known habitat for threatened or endangered species, nontarget crops) is minimal (e.g. when wind is blowing away from the sensitive areas)."

Roundup Powermax - "Apply this product only when the potential for drift to adjacent sensitive areas (e.g., residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g. when wind is blowing away from the sensitive areas)."

No violations were found for Mr. Holley's June 11, 2020 application.

Original Event:	Investigation Activity (Pesticide) #2223
Subject:	Pete Holley
Submitted By:	James M. Trimble

10/01/2020 **Judgement; Civil Penalty Assessed**
Warning

Andy Hardy was warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to either provide site assessment fact sheet or be on-site for an application being performed by a non-credentialed employee.

Citation

Andy Hardy was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact a restricted use pesticide was involved. Consideration was also given to the fact this was Mr. Hardy's second violation of similar nature. See case number 2018/0670.

Citation

Pete Holley was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. Consideration was given to the fact a restricted use pesticide was involved.

Citation

Wright Agri Group was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site. Consideration was given to the fact a restricted use pesticide was involved. Consideration was also given to the fact this was Mr. Hardy's second violation of similar nature. See case number 2018/0670.

Citation

Andy Hardy was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site. Consideration was given to the fact a restricted use pesticide was involved. Consideration was also given to the fact this was Mr. Hardy's second violation of similar nature. See case number 2018/0670.

Citation

Pete Holley was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allows it to drift from the target site in sufficient quantity to cause harm to a non-target site. Consideration was given to the fact a restricted use pesticide was involved.

Civil Penalty

Wright Agri Group was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$100.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved. Consideration was also given to the fact this was Mr. Hardy's second violation of similar nature. See case number 2018/0670.

Original Event:	Judgement #595
Primary:	Wright Agri Group, GP
Secondary:	Andrew J Hardy
Additional:	Pete Holley
Submitted By:	George Saxton
Legal Citations:	IC 15-16-5-65(2); 357 IAC 1-12-2; 355 IAC 4-2-3
Penalty Amount:	100

12/15/2020 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #658
To:	Wright Agri Group, GP
Submitted By:	Joni Herman
USPS:	7018 0040 0000 3553 0264
Enclosed:	Notice of Enforcement
Enclosed:	Draft Case Summary
Attachments:	File 59726; PS20-0193EL CP ~ Wright AgriGroup - Andrew J. Hardy.doc

12/19/2020 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #907
Subject:	Wright Agri Group, GP
Submitted By:	Joni Herman
USPS:	7018 0040 0000 3553 0264
Received:	12/19/2020
Attachments:	File 62327; CM 7018 0040 0000 3553 0264.pdf

05/07/2021 **Penalty Payment Not Received for Target**

As of May 7, 2021, Wright Agri Group has not paid the \$100.00 civil penalty. The case will be forwarded to collections.

Original Event:	Compliance Receipt #1123
Subject:	Wright Agri Group, GP
Submitted By:	Joni Herman
Payment Expected:	\$100.00
Payment Received:	\$0

05/07/2021 **Sent to Collections** (Pending)

As of May 7, 2021, Wright Agri Group had not paid the \$100.00 civil penalty. The case was closed and forwarded to collections.

Original Event:	Compliance Activity #820
Primary:	Wright Agri Group, GP
Agency:	Purdue Receivables & Collections
Submitted By:	Joni Herman

This record was generated on **May 10, 2021, 01:31 PM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

CASE SUMMARY

Case #PS20-0198

Complainant: David Wayne Haynes
11725 East CR 100 North
Sheridan, Indiana 46069

Respondent: Robert Appleton
3505 W. State Road 32
Lebanon, Indiana 46052

Private Applicator

1. On June 16, 2020, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report a neighboring field was sprayed with dicamba and it has affected his non-dicamba beans.
2. I met with Mr. Haynes at the location of his soybean field of the NE corner of CR 100 N and CR 300 E in Boone County. He stated he noticed his non-dicamba soybeans had symptoms of white and curled edges which he felt was consistent with dicamba exposure. He stated he knew the field to his immediate west was sprayed with dicamba. He stated the field was farmed by Brent Smith. Mr. Haynes stated he had not applied any pesticides to his soybean field.
3. I observed white edges and curled leaf edges on the soybeans in Mr. Haynes field. The symptoms spread across the field from the west in a uniform pattern. I took photographs of the scene and collected soil and vegetation samples from the target field and soil and vegetation samples in gradients from the complainant's property. All of the samples were labeled and submitted to the OISC Residue Lab. I also collected a soybean plant sample from the complainant's field and submitted it to the Purdue Plant and Pest Diagnostics Lab (PPDL). The following photographs show the location of the target field to the complainant's field and symptoms to the complainant's soybeans.



4. I made contact with Mr. Broden Smith. He stated they did farm the target field in question. He stated Mr. Robert Appleton made the pesticide application to the target field on May 30, 2020 between the hours of 4:48 pm – 8:25 pm. He stated the winds were blowing from the NW at the start of the application and out of the north by the end of the application at 7 mph. The temperature was 69 – 72 degrees F. He stated Mr. Appleton applied a tank mix of Engenia herbicide EPA Reg. #7969-345 with the active ingredient dicamba, Roundup herbicide EPA Reg. #524-475 with the active ingredient glyphosate, Zidua herbicide EPA Reg. #7969-338 with the active ingredient pyroxasulfone and Everpex herbicide EPA Reg. #352-923 with the active ingredient metolachlor. Mr. Smith provided me with the application records. I sent a Pesticide Investigation Inquiry (PII) to Mr. Appleton of which he received, completed and returned to me. The PII confirmed the information provided to me by Mr. Smith.

5. I checked surrounding fields in the area to see if any had dicamba applied. I learned the field directly north of the Smith field was farmed by Lamb Farms. I spoke with Mr. Dean Lamb and was advised they applied Engenia herbicide (dicamba) and Abundant Edge herbicide (glyphosate) to the field on June 5, 2020.
6. I received a report from PPDL which stated, "Soybean plant samples show cupping of newer leaves and whitish leaf tips that are characteristic of exposure to dicamba".
7. I received a report from the OISC Residue Lab. The report indicated the active ingredients dicamba, glyphosate and pyrooxasulfone were detected in the vegetation and soil samples collected from the complainant's soybean field. The following is a copy of the OISC Residue Lab report.

OCM Collection #	148193	Investigator	BREWER		
Collection Date	06/17/2020				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	L.O.Q.
20-4-0057 4	Soil; Comp; 4-6"; Target Site	Soil	5OH-Dicamba	0.357 ppb * Minimum Amount Reported	0.2 ppb
			DGSA	120 ppb	20 ppb
			Dicamba	309 ppb	0.2 ppb
			AMPA	235 ppb	50 ppb
			Glyphosate	429 ppb	2 ppb
			Pyrooxasulfone	102 ppb	0.07 ppb
20-4-0058 8	Veg; Comp; Target Site	Veg	5OH-Dicamba	10100 ppb	2 ppb
			DGSA	383 ppb	0.2 ppb
			Dicamba	35600 ppb	2 ppb
			AMPA	1020 ppb	50 ppb
			Glyphosate	34900 ppb	2 ppb
			Pyrooxasulfone	1430 ppb	0.3 ppb

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
20-4-0059 0	Soil; Comp; 4-6"; Off Target	Soil	SOH-Dicamba	BDL ppb	0.2 ppb
			DCSA	BQL ppb	20 ppb
			Dicamba	BDL ppb	0.2 ppb
			AMPA	BDL ppb	50 ppb
			Glyphosate	18.5 ppb	2 ppb
			Pyoxasulfone	0.624 ppb	0.07 ppb
20-4-0060 1	Veg; Comp; Off Target, Grad1, 50ft	Veg	SOH-Dicamba	BQL ppb	2 ppb
			DCSA	0.595 ppb	0.2 ppb
			Dicamba	11.9 ppb	2 ppb
			AMPA	BDL ppb	50 ppb
			Glyphosate	38.0 ppb	2 ppb
			Pyoxasulfone	0.662 ppb	0.3 ppb
20-4-0061 7	Veg; Comp; Off Target, Grad2, 100ft	Veg	SOH-Dicamba	BDL ppb	2 ppb
			DCSA	0.372 ppb	0.2 ppb
			Dicamba	10.8 ppb	2 ppb
			AMPA	BDL ppb	50 ppb
			Glyphosate	42.7 ppb	2 ppb
			Pyoxasulfone	0.722 ppb	0.3 ppb

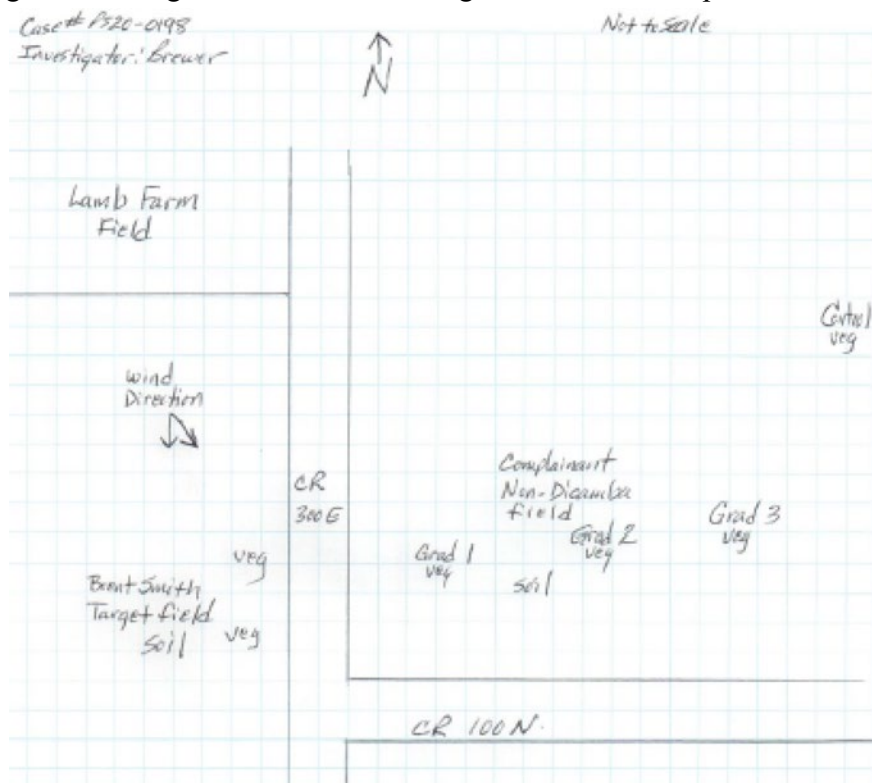
Sample #	Sample Description	Matrix
20-4-0082.9	Veg. Comp. Off Target, Grad3, 200ft	Veg

Analyte	Amount of Analyte	LOQ
SOH-Dicamba	BDL ppb	2 ppb
DCSA	BDL ppb	0.2 ppb
Dicamba	7.72 ppb	2 ppb
AMPA	BDL ppb	60 ppb
Glyphosate	25.7 ppb	2 ppb
Pyrooxasulfone	0.713 ppb	0.3 ppb

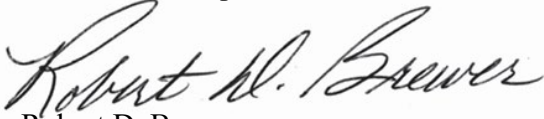
20-4-0083 8 Veg: Crt: Off Target Veg

5OH-Dicamba	3.53 ppb	2 ppb
DCSA	BQL ppb	0.2 ppb
Dicamba	5.36 ppb	2 ppb
AMPA	BDL ppb	50 ppb
Glyphosate	88.2 ppb	2 ppb
Pyrasulfone	BDL ppb	0.3 ppb

8. The following is a diagram showing the location of the target field to the complainant's field and the sample collection locations. *Case# B320-0198* *Not to Scale*



9. The results of the OISC Residue Lab report indicated the active ingredients used in the tank mix from the pesticide application made by Mr. Appleton, were detected in the samples collected from the complainant's property. The Lamb field only had dicamba and glyphosate applied to it, as the Smith target field also had pyroxasulfone applied to it. The PII signed by Mr. Appleton indicated the winds at the time of the application were blowing from the NW which would be blowing towards the complainant's property. Further, the comparison control sample I collected from the NE corner of the complainant's field, farthest away from the target field, indicated pyroxasulfone was not detected. These factors would indicate the active ingredients from the pesticide application made by Mr. Appleton, did drift off target onto the complainant's property.
10. The Engenia label states in part, . . . *"DO NOT apply when wind is blowing in the direction of neighboring sensitive crops or residential areas."* *"If wind direction shifts such that the wind is blowing toward neighboring sensitive crops or residential areas, STOP the application."*



Robert D. Brewer
Investigator

Date: October 20, 2020

Disposition: Robert Appleton was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift and drift management. A civil penalty in the amount of \$100.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved.

Robert Appleton was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-12-2, for applying a pesticide in a manner that allowed it to drift from the target site in sufficient quantity to cause harm to a non-target site.



George N. Saxton
Compliance Officer

Draft Date: October 27, 2020
Case Closed: April 15, 2021

CASE SUMMARY

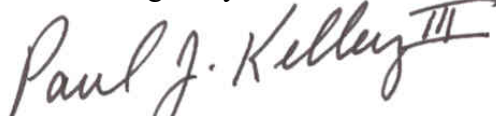
Case #PS20-0239

Complainant: Roy Wells
2456 West State Road 18
Hartford City, IN 47348

Respondent: Mark Leas
Justin Leas
10812 S 510 W-90
Montpelier, IN 47359

Private Applicator

1. On June 29, 2020, Complainant stated Mark Leas sprayed dicamba on June 25th after the cutoff date.
2. On July 1, 2020, I spoke with Roy Wells. Mr. Wells stated he confronted Mark Leas for making a dicamba application on June 25, 2020, after the June 20, 2020, dicamba cutoff date.
3. On July 3, 2020, I spoke with Mr. Leas. Mr. Leas stated his son made an application of Engenia On June 25, 2020, after the State of Indiana mandated dicamba cut-off date of June 20, 2020. Mr. Leas stated his son is not licensed and made the application under his license. Mr. Leas stated he has a truck mounted sprayer that was used to make the application. Mr. Leas was honest and upfront about the application. Mr. Leas stated his son waited until June 25, 2020, because that was the only date favorable for an application that would not move off target. Furthermore, Mr. Leas stated he did not pay attention to the date.
4. On July 6, 2020, I met with Roy Wells. Mr. Wells provided me with his written statement of what transpired on June 25, 2020. Mr. Well stated he confronted Mark Leas for having his son apply dicamba to a soybean field adjacent to his soybeans. Mr. Wells stated the wind was blowing away. Mr. Wells stated he did not observe any symptoms.



Paul J. Kelley
Investigator

Date: July 15, 2020


Disposition: Justin Leas was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow directions for the state registration label regarding application after June 20th. A civil penalty in the amount of \$100.00 was assessed for this violation. However, the civil penalty was reduced to \$75.00. Consideration was given to the fact Justin Leas cooperated during the investigation.

Justin Leas was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without being certified. A civil penalty in

the amount of \$100.00 was assessed for this violation. However, the civil penalty was reduced to \$75.00. Consideration was given to the fact Justin Leas cooperated during the investigation.

Mark Leas was cited for violation of section 65(13) of the Indiana Pesticide Use and Application Law for aiding or abetting a person to violate this chapter by supplying a restricted use pesticide to an unlicensed person who used it illegally. A civil penalty in the amount of \$100.00 was assessed for this violation. However, the civil penalty was reduced to \$75.00. Consideration was given to the fact Mark Leas cooperated during the investigation.

Civil penalty payment received.


George N. Saxton
Compliance Officer

Draft Date: November 3, 2020
Case Closed: June 11, 2021

CASE SUMMARY

Case #PS20-0272

Complainant: William T. Freeman
9975 West 350 South
Shirley, Indiana 47384

Respondent: Brad Stephenson Non-Credentialed Applicator
Daniel W. Scott Certified/Non-Credentialed Applicator
Crossroads Family Farms
1016 East 700 North
Fortville, Indiana 46040

1. On July 7, 2020, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that dicamba was applied to a neighboring field and now his non-dicamba tolerant (non-DT) soybeans have injury symptoms.
2. On July 9, 2020, I met with William Freeman at his field that he believed was affected by dicamba drift. I had Mr. Freeman show me where the injury to his field occurred. The injury was concentrated on the north side of the field where it is closest to the target field. The injured non-DT soybeans were cupped/curled and had yellowish leaf tips. The border between Mr. Thompson's non-DT soybean field and the target field can be seen in Figure 1. The injury that caused Mr. Freeman's complaint can be seen in Figure 2 & 3.



Figure 1



Figure 2



Figure 3

3. I collected the following samples:
 - A. Gradient 4 Veg. (Closest) 20-4-0532 5
 - B. Gradient 3 Veg. 20-4-0533 9
 - C. Gradient 2 Veg. 20-4-0534 1
 - D. Gradient 1 Veg. (Farthest) 20-4-0535 6
 - E. Target Field Veg. (Weeds) 20-4-0536 0
 - F. Control Veg. (Enlist Beans) 20-4-0537 3

These samples were submitted to the OISC residue lab for analysis. I also collected a sample of Mr. Freeman's injured soybeans to have analyzed by the Plant and Pest Diagnostic Lab at Purdue (PPDL). The locations where these samples were collected can be seen in Figure 4.

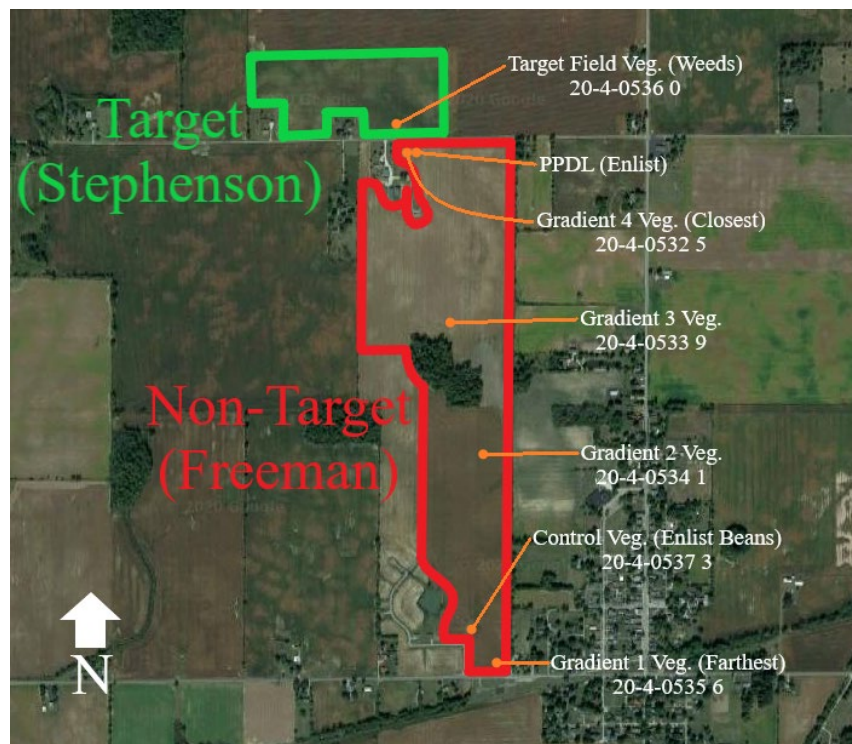


Figure 4

4. On July 23, 2020, I received a Pesticide Investigation Inquiry (PII) from Brad Stephenson. It stated that he made an application to the target field on June 6, 2020 from 9:00 AM to 10:00 AM. The application was performed under the supervision of Dan Scott. The application consisted of the following:
 - A. Makaze (EPA Reg. #34704-890, active ingredient glyphosate)
 - B. Rifle (EPA Reg. #34704-861, active ingredient dicamba)
 - C. Reign (Drift Retardant/Adjuvant)
 - D. Strike Force (Drift Retardant/Adjuvant)

The wind conditions that Mr. Stephenson reported on the PII were 7 MPH from the east at the start of the application and 7.5 MPH from the east at the end of the application. This would mean that winds were not blowing towards Mr. Freeman's non-DT soybean field. Rifle is a restricted use product (RUP) and requires a credentialed applicator to apply. Mr. Stephenson stated on his PII that he was the applicator and neither he, nor Mr. Scott, were credentialed applicators.

5. I collected wind data from Muncie/Delaware County Airport (KMIE) which is 23.05 miles from the target field, Shelbyville Municipal Airport (KGEZ) which is 27.42 miles from the target field, and Columbus Bakalar Municipal Airport (KBAK) which is 49.04 miles from the target field. The data is as follows:
 - A. KMIE: 10 MPH with no gusts from the north-northeast at the start of the application. 8-10 MPH with no gusts from the north-northeast to north during the application. 8 MPH with no gusts from the north at the end of the application.
 - B. KGEZ: 6 MPH with no gusts from the northwest at the start of the application. 6-9 MPH with no gusts from the northwest to north-northwest during the application. 9 MPH with no gusts from the north-northwest at the end of the application.
 - C. KBAK: 3 MPH with no gusts from the north-northwest at the start of the application. 3-6 MPH with no gusts from the north-northwest to northwest during the application. 6 MPH with no gusts from the northwest at the end of the application.

Although these stations aren't in total agreeance in terms of the wind direction, they consistently show that winds were blowing towards Mr. Freeman's non-DT soybean field during the application.

6. The report from PPDL stated, "Soybean plants in sample 20-00908 show cupping and strapping of newer leaves. Affected leaves also show whitish/yellowish leaf tips. These symptoms are characteristic of exposure to dicamba."
7. The lab results from the OISC residue lab are as follows:

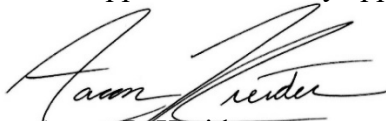
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
20-4-0548 6	Veg; Grab; Off Target, Grad3, N	Veg	5OH-Dicamba	BDL ppb	2 ppb
			DCSA	BQL ppb	0.4 ppb
			Dicamba	BQL ppb	2 ppb
			AMPA	BDL ppb	50 ppb
			Glyphosate	20.9 ppb	2 ppb
20-4-0547 8	Veg; Grab; Off Target, Grad2	Veg	5OH-Dicamba	BDL ppb	2 ppb
			DCSA	BQL ppb	0.4 ppb
			Dicamba	BQL ppb	2 ppb
			AMPA	BDL ppb	50 ppb
			Glyphosate	41.9 ppb	2 ppb
20-4-0548 4	Veg; Grab; Off Target, Grad1, S	Veg	5OH-Dicamba	BDL ppb	2 ppb
			DCSA	BQL ppb	0.4 ppb
			Dicamba	BQL ppb	2 ppb
			AMPA	BDL ppb	50 ppb
			Glyphosate	548 ppb	2 ppb
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
20-4-0549 7	Veg; Grab; Weeds; Target Site	Veg	5OH-Dicamba	BQL ppb	2 ppb
			DCSA	11.0 ppb	0.4 ppb
			Dicamba	2880 ppb	2 ppb
			AMPA	BDL ppb	50 ppb
			Glyphosate	1180 ppb	2 ppb

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
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20-4-0550 6 Veg; Ctr; Grass; Off Target	Veg	5OH-Dicamba	BDL ppb	2 ppb
		DCSA	0.870 ppb	0.4 ppb
		Dicamba	BQL ppb	2 ppb
		AMPA	BDL ppb	50 ppb
		Glyphosate	34.4 ppb	2 ppb

Glyphosate was found in the samples collected from Mr. Freeman's field due to that ingredient being used on his field.

8. The Rifle label states, *"Do not spray near sensitive plants if wind is gusty or in excess of 5 mph and moving in the direction of adjacent sensitive plants."*
9. The report from PPDL shows that Mr. Freeman's non-DT soybeans were injured by the active ingredient from Mr. Stephenson's application. Mr. Stephenson violated the Rifle label by making an application when winds were blowing towards adjacent sensitive plants. Based on the evidence, Mr. Stephenson's application appears to be responsible for the injury that caused Mr. Freeman's complaint. Mr. Stephenson also violated the Indiana Pesticide Use and Application Law by applying an RUP without the proper credentials.



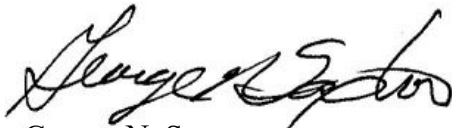
Aaron P. Kreider
Investigator

Date: September 24, 2020

Disposition: Brad Stephenson and Crossroads Family Farms were cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of \$100.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved.

Brad Stephenson and Crossroads Family Farms were cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without having an applicator, who is licensed or permitted under IC 15-16-5, in direct supervision. A civil penalty in the amount of \$100.00 was assessed for this violation.

Daniel W. Scott and Crossroads Family Farms were cited for violation of section 65(13) of the Indiana Pesticide Use and Application Law for aiding or abetting a person to evade IC 15-16-5, conspire with a person to evade IC 15-16-5, or allow a license, permit, registration, or certification to be used by another person. A civil penalty in the amount of \$100.00 was assessed for this violation.



George N. Saxton
Compliance Officer

Draft Date: December 11, 2020
Case Closed: April 23, 2021

CASE SUMMARY

Case #PS20-0286

Complainant: Anonymous

Respondent: Argie Bellio Not Licensed
DeadOne Pest Control Not Licensed
921 E. Dupont Road Ste. 898
Fort Wayne, IN 46845

1. On July 13, 2020, the Compliance Officer of the Office of Indiana State Chemist (OISC) received anonymous information indicating DeadOne Pest Control was making for-hire pesticide applications in Fort Wayne, IN. According to the OISC database, DeadOne Pest Control had not been issued an Indiana pesticide business license.
2. On July 14, 2020, I met Argie Bellio at his home and informed him of the complaint. He confirmed he is the owner of the business and admitted he had been making pesticide applications, mainly for mosquitoes, without a license for friends, family and more recently some referrals. Mr. Bellio stated he purchased the Core and Category 7a manuals in March and only started making applications without licenses because the OISC testing centers were closed due to the COVID-19 pandemic. He reported that he was already scheduled to take the exams on July 16, 2020, a day after the Fort Wayne testing location was to re-open. Mr. Bellio indicated he had owned a trucking business and strived to operate in compliance, so starting the pest control business without proper licensing was out of character for him. He explained he felt he had no other reasonable options with the lack of testing opportunities. I issued a Stop Action Order instructing Mr. Bellio to cease making for-hire pesticide applications until he and the business were properly licensed. He agreed to provide application records and a statement regarding his actions and stated he had nothing to hide.
3. On July 20, 2020, Mr. Bellio emailed me to report that he had passed both exams and would be mailing his application for credentials, fees, and Certificate of Insurance to the OISC. I informed him that there were limited employees at the OISC during that time and there may be a delay in the processing of his application. He also emailed me his application records and a statement, in which he apologized for the inconvenience and reiterated that he started making applications before getting licensed because alternative options were not reasonable.
4. Application records provided by Mr. Bellio indicated he made applications for friends and family members in May. In June and July, he made for-hire pesticide applications for homeowners who had been referred to him by friends and family. Those applications were made on June 2, 8, 10, 12, 19, 27, 28, 29 and on July 1, 3, 7, 8, 9.

5. On July 24, 2020, I was notified by the OISC Certification & Licensing section that the application for Mr. Bellio and DeadOne Pest Control was received and approved. I then informed Mr. Bellio he was licensed and could resume his business activities.


Andrew R. Roth
Investigator

Date: November 19, 2020

Disposition: Argie Bellio and DeadOne Pest Control were cited for thirteen (13) 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 of \$3,250.00 was assessed for this violation. However, the civil penalty was reduced to \$650.00. Consideration was given to the fact Mr. Bellio cooperated during the investigation; corrective action was taken; there was no previous history of similar violations and a good-faith effort to comply.


George N. Saxton
Compliance Officer

Draft Date: February 16, 2021
Case Closed: April 15, 2021

CASE SUMMARY

Case #PS20-0328

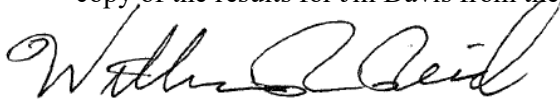
Complainant: Office of Indiana State Chemist (OISC)
175 South University Street
West Lafayette, IN 47907-2063
765-494-1492

Respondent: Texas Boles (Unlicensed Applicator)
Superior Pest Management (Unlicensed Business)
4104 Homerton Street
Lafayette, IN 47909

1. On July 23, 2020, the Certification & Licensing Section contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that certification of Superior Pest Management expired December 31, 2019 invalidating the business license of Superior Pest Management.
2. On September 23, 2020, I stopped by Superior Pest Management to discuss with Texas Boles (owner of Superior Pest Management) his expired certification. He was unaware of this and thought that he was current. I contacted Jill Davis from the Certification and Licensing Section of OISC and she confirmed that he wasn't current or certified. Jill Davis also indicated that the last time he took his core and tests were in April of 2015.

Mr. Texas Boles was very co-operative and provided me with invoices for the 2020 year. Mr. Texas Boles has worked for hire on 164 days in the 2020 calendar year while not being certified. Mr. Texas Boles has done a grand total of 462 separate applications in those 164 days in 2020. I then gave Mr. Texas Boles an Action Order to stop conducting business until certified properly through OISC. He was very compliant and insured me he would get this taken care of as soon as possible.

3. On September 30, 2020, Mr. Texas Boles sent me an email stating that he passed his test. He also attached a copy of the results for Jill Davis from the Certification and Licensing Section of OISC.



William R. Reid
Investigator

Date: October 1, 2020

Disposition: Superior Pest Management and Texas Boles were cited for one hundred sixty-four (164) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having a valid business license. A civil penalty in the amount of \$41,000.00 (164 counts x \$250.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$8,200.00. Consideration was given to the fact Mr. Boles cooperated during the investigation; corrective action was taken; no previous history of similar nature and no potential for damage.

In addition, another \$5,000.00 was held in abeyance and will not be assessed provided Mr. Boles commits no further violations of the Indiana Pesticide Use and Application Law within two (2) years from this notice. The remaining balance of \$3,200.00 must be paid.



George N. Saxton
Compliance Officer

Draft Date: December 15, 2020
Case Closed: April 21, 2021

CASE SUMMARY

Case #PS20-0339

Complainant: Office of Indiana State Chemist (OISC)
175 South University Street
West Lafayette, IN 47907-2063
765-494-1492

Respondent: James Shelton
Pestco LLC
123 S. Winslow Drive E.
Crawfordsville, IN 47933-2291

1. On July 29, 2020, the Certification & Licensing Section contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that the 7a certification of James Shelton expired on December 31, 2019 invalidating the business license of Pestco LLC.
2. On August 20, 2020, after several messages with no response I talked with James Shelton on the phone to discuss his 7a license being expired. He was aware of this due to the notification from the Certification and Licensing Section of OISC. A certified mail letter was sent on February 24, 2020 which was signed for by a Jennifer Shelton. Mr. James Shelton admitted to doing only a few treatments and noted that this was a part-time job for him. He also stated that he stopped after the certified mail brought it to his attention that he wasn't licensed. I asked for him to send me copies of the invoices of the all the jobs performed in 2020.

Certified Mail Receipt Below.

(d) "The state chemist shall not issue a pesticide business license until the applicant or a person who is a pest control operator has been certified by the state chemist."

Failure to comply with the provisions of this rule shall be subject to civil penalties. The amount of the penalty shall be \$100 per day until the applicant has achieved re-certification. For more information, contact this office at (765) 494-1492.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

James Shelton
Pestco LLC
123 S Winslow Dr
Crawfordsville IN 47933
2/24/20-recert-35149

9590 9402 4974 9063 9167 56

COMPLETE THIS SECTION ON DELIVERY

A. Signature James Shelton ☐ Agent ☒ Addressee

B. Received by (Printed Name) _____ C. Date of Delivery _____

D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below: _____

3. Service Type ☐ Priority Mail Express® ☐ Registered Mail™
☐ Adult Signature ☐ Registered Mail Restricted Delivery
☒ Certified Mail® ☐ Return Receipt for Merchandise
☐ Certified Mail Restricted Delivery on Delivery ☐ Signature Confirmation™
☐ Insured Mail Restricted Delivery (over \$500) ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

3. On August 23, 2020, I received an email from Mr. James Shelton with two applications he made while not being licensed.

Below are copies of the invoices.

Pestco LLC
123 S Winslow Dr E
Crawfordsville, IN 47933
(765) 366-4021
bill@pestco.org
www.pestco.org

INVOICE

BILL TO

Jeff Surber
6497 N Old St Rd 55
Crawfordsville, IN 47933

INVOICE # 09212384

DATE 01/14/2020

DUE DATE 01/29/2020

TERMS Net 15

DATE	ACTIVITY	AMOUNT
01/14/2020	Rodent Control Bait rodent stations	60.00

If payment terms are not met, a service fee of 1.5% interest per month, (30) days will be added to the unpaid balance over thirty (30) days delinquent.

BALANCE DUE

\$60.00

Pestco LLC
123 S Winslow Dr E
Crawfordsville, IN 47933
(765) 366-4021
bill@pestco.org
www.pestco.org

INVOICE

BILL TO

Melissa Flowers
1018 Westwood Dr
Crawfordsville, Indiana 47933

INVOICE # 09212395

DATE 02/06/2020

DUE DATE 02/06/2020


TERMS Due on receipt

DATE	ACTIVITY	AMOUNT
02/06/2020	General pest control. Pest control for ants.	85.00

If payment terms are not met, a service fee of 1.5% interest per month, (30) days will be added to the unpaid balance over thirty (30) days delinquent.

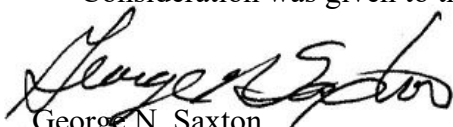
BALANCE DUE

\$85.00


William R. Reid
Investigator

Date: November 19, 2020

Disposition: James Shelton and Pestco LLC were cited for two (2) 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 of \$500.00 (2 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$375.00. Consideration was given to the fact Mr. Shelton cooperated during the investigation.


George N. Saxton
Compliance Officer

Draft Date: February 16, 2021
Case Closed: April 21, 2021

CASE SUMMARY

Case #PS20-0344

Complainant: Charles Whitaker
7247 East 1000 North
Monticello, Indiana 47960

Respondent: Laura Van Meter
7095 East 1000 North
Monticello, Indiana 47960

1. On July 30, 2020, the complainant Charles Whitaker contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report the neighboring farmer sprayed a field that drifted onto the complainant's property, sending his wife to the hospital.
2. On August 5, 2020, I met with the complainant Charles Whitaker at this residence 7247 East 1000 North, Monticello, Indiana. Mr. Whitaker stated his wife Cherri Whitaker was outside on the rear deck on July 26, 2020 when the neighboring farmer started spraying an unknown substance in the pasture. Mr. Whitaker stated his wife started feeling ill, was coughing, and was also having trouble breathing later in the evening. Mrs. Whitaker went to the hospital for observation. Mr. Whitaker stated he did wash off the top of the deck area where his wife was standing when this happened. Mr. Whitaker stated some of the vegetation on his property was starting to cup, curl, and become discolored. I performed the following tasks:
 - a) Took swab samples from various locations on the complainant's property and submitted them to the OISC Pesticide Residue Laboratory for analysis
 - b) Collected a vegetation sample from the pasture target site and submitted it to the OISC Pesticide Residue Laboratory for analysis
 - c) Photographed the area



Figure 1



Figure 2

*Figure 1 is a photograph of the complainant's front yard. The target pasture is immediately adjacent to the property and is separated by a wire fence.

*Figure 2 is a photograph of the deck area located at the back of the complainant's house.



Figure 3



Figure 4

*Figure 3 is a photograph of the complainant's property line which is separated by the wire fencing. The orange arrow is pointing to the pasture target area.

*Figure 4 is a photograph of the garden vegetation damage on the complainant's property adjacent to residue sample marker 2.



Figure 5

*Figure 5 is a google earth map of the target field outlined in red and the complainant's property to the right (east).

*The markers C, T, 1-5 show the approximate location of the corresponding residue sample.

*The yellow figure is the approximate location of Mrs. Whitaker when she was exposed to the pesticides.

3. I spoke to the respondent Laura Van Meter and she stated she was spraying the pasture area for her elderly in-laws. Ms. Van Meter found the product "Outlaw" at her in-law's property and did not know it was an Indiana Restricted Use product. Ms. Van Meter stated she did not know who purchased the product or when it was purchased. I received the pesticide investigation inquiry (PII) from the respondent and the records show the following:

- a) Applicator: Laura Van Meter
- b) Date: 7/26/20
- c) Time: 12:00-2:00 pm (approximately)
- d) Wind Direction: SW (start)/ SW (end)
- e) Wind Speed: 2-3mph (start)/ 2-3mph (end)
- f) Pesticides Used: **Outlaw EPA Reg# 5905-574, Active Ingredients: Dicamba 12.1%, 2, 4-D 24.2%**

4. I checked www.wunderground.com for the nearest AWOS/ASOS station weather data and it shows the following:

11:54 AM	92 °F	73 °F	54 %	SW	8 mph	0 mph	29.42 in	0.0 in	Partly Cloudy
12:54 PM	92 °F	73 °F	54 %	SW	9 mph	0 mph	29.41 in	0.0 in	Partly Cloudy
1:54 PM	93 °F	74 °F	54 %	VAR	6 mph	20 mph	29.39 in	0.0 in	Partly Cloudy
2:54 PM	92 °F	73 °F	54 %	SW	8 mph	0 mph	29.38 in	0.0 in	Mostly Cloudy

5. I received the OISC pesticide residue laboratory repost and it shows the following:

20-4-1611 8	Swab (Acetone); Ctrl; Front Yard	Swab (Acetone)	2,4-D	5.89 ng/swab	1 ng/swab
			Dicamba	BDL ng/swab	1 ng/swab
20-4-1612 5	Swab (Acetone); Grab; Front Yard, Grad1	Swab (Acetone)	2,4-D	2.52 ng/swab	1 ng/swab
			Dicamba	BDL ng/swab	1 ng/swab
20-4-1613 9	Swab (Acetone); Grab; Front Yard, Grad2	Swab (Acetone)	2,4-D	3.40 ng/swab	1 ng/swab
			Dicamba	BDL ng/swab	1 ng/swab

20-4-1614 1 Swab (Acetone); Grab;
Front Yard, Grad3 Swab (Acetone)

2,4-D	108 ng/swab	1 ng/swab
Dicamba	17.5 ng/swab	1 ng/swab

20-4-1615 6 Swab (Acetone); Grab;
Front Yard, Grad4 Swab (Acetone)

2,4-D	BQL ng/swab	1 ng/swab
Dicamba	BDL ng/swab	1 ng/swab

20-4-1616 0 Swab (Acetone); Grab;
Front Yard, Grad5 Swab (Acetone)

2,4-D	1.55 ng/swab	1 ng/swab
Dicamba	BQL ng/swab	1 ng/swab

20-4-1617 3 Veg; Grab; Target Site Veg

2,4-D	8580 ppb	0.2 ppb
Dicamba	6280 ppb	2 ppb

6. The product label violations are as follows:

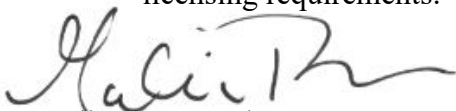
Outlaw EPA Reg# 5905-574, Active Ingredients: Dicamba 12.1%, 2, 4-D 24.2%

a) Page 7 of the label reads,

Do not apply at wind speeds greater than 15 mph. Only apply this product if the wind direction favors on-target deposition and are not sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for nontarget species, nontarget crops) within 250 feet downwind. If applying a Medium spray, leave one swath unsprayed at the downwind edge of the treated field.

7. There appears to be a violation in this case based on the following:

- The active ingredients in the target tank mix were found in the residue samples taken from the complainant's property.
- The label violations noted in paragraph 6 in which the wind direction was blowing towards a sensitive area within 250 feet of the application. Also, the pesticide residue was found on the shed immediately adjacent to the complainant's garden vegetation (figure 4) which the vegetation showed signs of cupping and curling.
- Mrs. Whitaker was on the rear deck area where the pesticide residue was detected in adjacent areas. Sample 20-4-1614- 1 (Marker 3 in Figure 5) was taken from the side of the pool underneath the deck area facing the target field. This would have been the closest in proximity to her location.
- Ms. Van Meter used an Indiana Restricted Use product without the proper applicator licensing requirements.

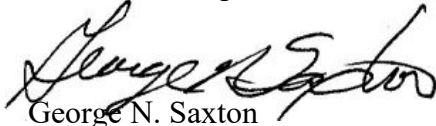


Melissa D. Rosch
Investigator

Date: March 5, 2021

Disposition: Laura Van Meter was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of \$100.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm.

Laura Van Meter was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without having an applicator who is licensed or permitted. A civil penalty in the amount of \$100.00 was assessed for this violation.



George N. Saxton
Compliance Officer

Draft Date: March 18, 2021

Case Closed: May 4, 2021

CASE SUMMARY

Case #PS20-0347

Complainant: Office of Indiana State Chemist (OISC)
175 South University Street
West Lafayette, IN 47907-2063
765-494-1492

Respondent: Paul Artman III
Milhon Air Inc.
2151 Centerton Rd
Martinsville, IN 46151-8810

Certified Applicator
Licensed Business

1. On August 1, 2020, Sgt. Daniel Meyer of the Rush County Sheriff's Department contacted the Office of Indiana State Chemist (OISC) investigator by email to report an aerial applicator flew over the residence of Victoria Folley while spraying corn. Sgt. Meyer stated the residence became ill and was hospitalized.
2. On August 3, 2020, I contacted Milhon Air. I spoke with Anna Rogers, who provided me with copies of Milhon's "As Applied" application record. Furthermore, I emailed Ms. Rogers a copy of OISC's Pesticide Investigation Inquiry (PII) form to have Paul Artman (Certified Applicator) to complete and return. Milhon's records indicate Mr. Artman applied:
 - a. TrivaPro (EPA Reg. #100-1613, active ingredients, benzovdiflupyr, azoxystrobin, propiconazole); and
 - b. Kendo (EPA Reg. 74530-54, active ingredient lambda-cyhalothrin).

Wind was recorded as out of the northeast at 9 mph blowing toward the Folley property.

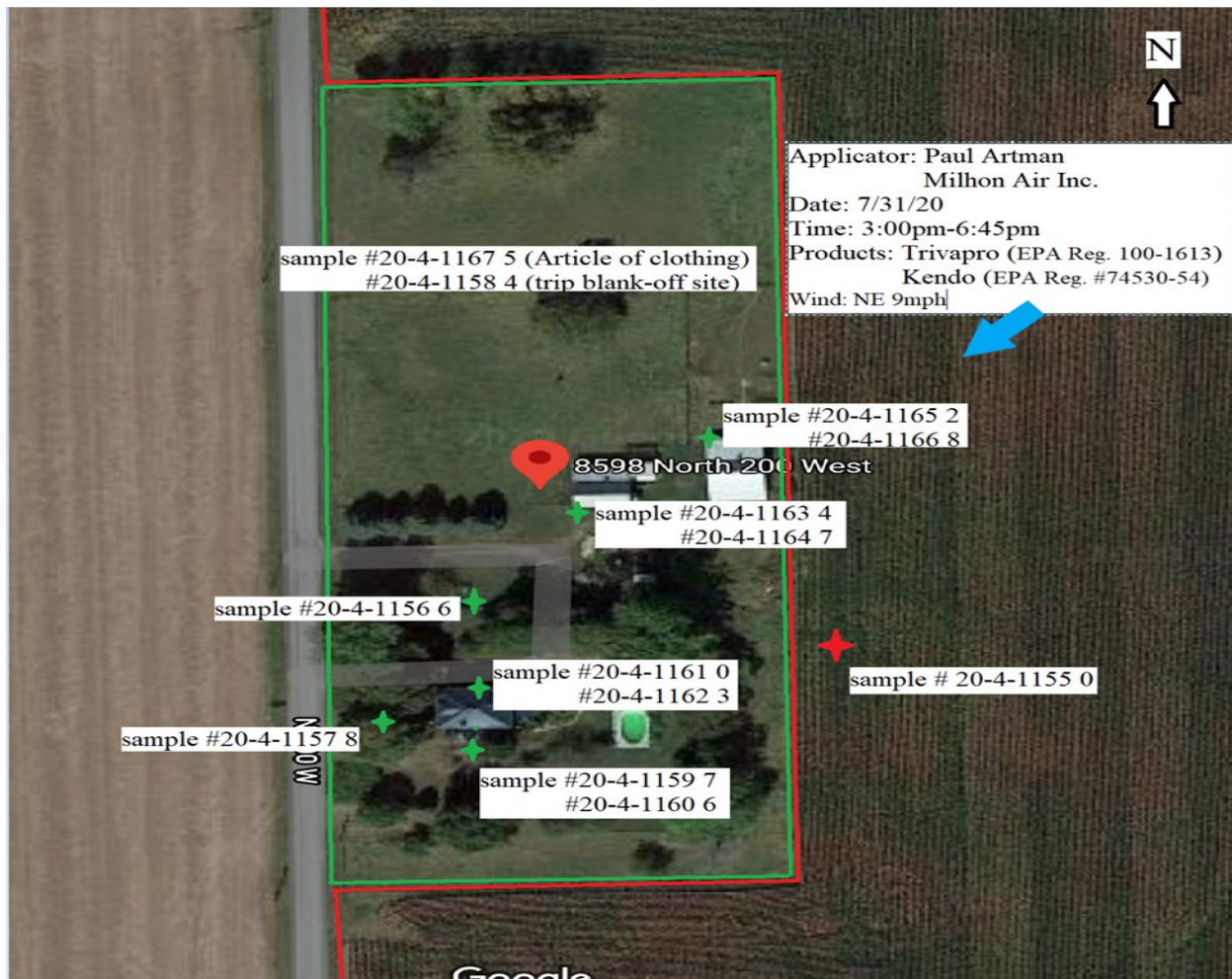
3. On August 4, 2020, I met with Victoria Folley at her residence in Rushville, Indiana. See figures 1-2. I collected investigative samples from her property consisting of vegetation and swabs. Furthermore, I photographed the site. Ms. Folley's property is surrounded on three (3) sides by Steve Souders corn field. See Site Diagram. Ms. Folley stated her son, Shawn Smallwood was present during the incident.



Figure 1-Looking south-barns



Figure 2-Looking north-house



Site Diagram.

4. On August 22, 2020, Ms. Folley contacted me and stated the article of clothing she provided to me as a sample was not the article she was wearing on the date of the aerial application. Ms. Folley stated she in error washed the actual article of clothing.
5. On August 31, 2020, OISC's Residue Lab reported the following:

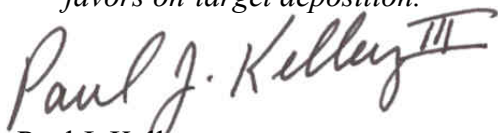
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
20-4-1155 0	Veg; Comp; Target Site	Veg	Azoxystrobin	43.2 ppb	0.2 ppb
			Benzovindiflupyr	28.8 ppb	0.2 ppb
			Propiconazole	104 ppb	0.2 ppb
			Cyhalothrin	70.4 ppb	1 ppb
20-4-1156 6	Veg; Comp; Off Target	Veg	Azoxystrobin	663 ppb	0.2 ppb
			Benzovindiflupyr	168 ppb	0.2 ppb
			Propiconazole	281 ppb	0.2 ppb
			Cyhalothrin	276 ppb	1 ppb
20-4-1157 8	Veg; Ctrl; Front Yard	Veg	Azoxystrobin	31.5 ppb	0.2 ppb
			Benzovindiflupyr	11.8 ppb	0.2 ppb
			Propiconazole	24.2 ppb	0.2 ppb
			Cyhalothrin	10.4 ppb	1 ppb

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
20-4-1158 4	Swab (Acetone); Trip Blank	Swab (Acetone)	Azoxystrobin	BDL ng/swab	0.5 ng/swab
			Benzovindiflupyr	BDL ng/swab	0.5 ng/swab
			Propiconazole	BDL ng/swab	0.5 ng/swab
			Cyhalothrin	BDL ng/swab	5 ng/swab
20-4-1159 7	Swab (Acetone); Grab; Window; S, house	Swab (Acetone)	Azoxystrobin	BDL ng/swab	0.5 ng/swab
			Benzovindiflupyr	BDL ng/swab	0.5 ng/swab
			Propiconazole	BQL ng/swab	0.5 ng/swab
			Cyhalothrin	BDL ng/swab	5 ng/swab
20-4-1160 6	Swab (Acetone); Grab; Window; S, house	Swab (Acetone)	Azoxystrobin	5.69 ng/swab	0.5 ng/swab
			Benzovindiflupyr	0.838 ng/swab	0.5 ng/swab
			Propiconazole	2.42 ng/swab	0.5 ng/swab
			Cyhalothrin	BDL ng/swab	5 ng/swab
20-4-1161 0	Swab (Acetone); Grab; Siding; N, house	Swab (Acetone)	Azoxystrobin	344 ng/swab	0.5 ng/swab
			Benzovindiflupyr	147 ng/swab	0.5 ng/swab
			Propiconazole	250 ng/swab	0.5 ng/swab
			Cyhalothrin	95.6 ng/swab	5 ng/swab

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
20-4-1162 3	Swab (Acetone); Grab; Siding; N, house	Swab (Acetone)	Azoxystrobin	229 ng/swab	0.5 ng/swab
			Benzovindiflupyr	105 ng/swab	0.5 ng/swab
			Propiconazole	187 ng/swab	0.5 ng/swab
			Cyhalothrin	82.4 ng/swab	5 ng/swab
20-4-1163 4	Swab (Acetone); Grab; Wall; S, barn	Swab (Acetone)	Azoxystrobin	268 ng/swab	0.5 ng/swab
			Benzovindiflupyr	158 ng/swab	0.5 ng/swab
			Propiconazole	225 ng/swab	0.5 ng/swab
			Cyhalothrin	239 ng/swab	5 ng/swab
20-4-1164 7	Swab (Acetone); Grab; Wall; S, barn	Swab (Acetone)	Azoxystrobin	2190 ng/swab	0.5 ng/swab
			Benzovindiflupyr	339 ng/swab	0.5 ng/swab
			Propiconazole	478 ng/swab	0.5 ng/swab
			Cyhalothrin	374 ng/swab	5 ng/swab
20-4-1165 2	Swab (Acetone); Grab; Wall; N, milking barn	Swab (Acetone)	Azoxystrobin	4060 ng/swab	0.5 ng/swab
			Benzovindiflupyr	519 ng/swab	0.5 ng/swab
			Propiconazole	594 ng/swab	0.5 ng/swab
			Cyhalothrin	683 ng/swab	5 ng/swab

Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
20-4-1166 8	Swab (Acetone); Grab; Wall; N, milking barn	Swab (Acetone)	Azoxystrobin	2470 ng/swab	0.5 ng/swab
			Benzovindiflupyr	279 ng/swab	0.5 ng/swab
			Propiconazole	361 ng/swab	0.5 ng/swab
			Cyhalothrin	276 ng/swab	5 ng/swab
20-4-1167 5	Clothing; Comp; Shirt; Off Target	Clothing	Azoxystrobin	1380 ng/clothing	40 ng/clothing
			Benzovindiflupyr	304 ng/clothing	40 ng/clothing
			Propiconazole	896 ng/clothing	40 ng/clothing
			Cyhalothrin	39.5 ng/clothing	40 ng/clothing

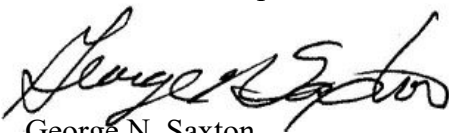
6. On September 2, 2020, I contacted Ms. Folley regarding her August 22, 2020, phone call stating the article of clothing she provided to me was not the article of clothing she was wearing when she believes she was sprayed. Ms. Folley stated the article of clothing she provided was a shirt she changed into after the incident. Ms. Folley stated she did return to her yard after changing to tend to her livestock.
7. Label language for TrivaPro states in part, *"Do not apply this pesticide when the product may drift to non-target areas (i.e. Residential areas...)"*.
8. Label language for Kendo22.8 CS states in part, *"Only apply this product if the wind direction favors on-target deposition."*



Paul J. Kelley
Investigator

Date: September 2, 2020

Disposition: Paul Artman III and Milhon Air, Inc. were cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm.



George N. Saxton
Compliance Officer

Draft Date: November 25, 2020
Case Closed: April 21, 2021

CC: 7049@rushcounty.in.gov



Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment

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West Lafayette, IN 47907-2063
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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS21-0005

Department	Pesticide
Originated	10/05/2020
Assigned To	Paul Jay Kelley
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent Issued To	Vineyard Golf Course Rising Sun, IN 47040

Overviews

10/08/2020 **Investigation Summary**

On October 8, 2020, I went to the Vineyard Golf Course to determine the status of Vineyard Golf Course certified applicator. Adam Keith's, Vineyard Golf Course's certified applicator, applicator licenses was not renewed for 2020 due lack of continuing credit hours (CCH). I reviewed the application records for 2020 to learn that Mr. Keith made applications to the Vineyard Golf Course without a license. Furthermore, the records for 2019 and 2020 were missing several required record keeping elements. The records were missing time of application, applicator name, applicator license number, golf course name, area treated, target pest, EPA Re. # of pesticide, total amount of use dilution used, and product manufacturer.

I spoke with Mr. Keith by telephone while on site. I informed Mr. Keith to cease making pesticide applications to the golf course until licensed. I informed Mr. Keith I would issue him an Action Order to cease.

I forwarded Mr. Keith via email a sample form to keep application records for the golf course.

Submitted By: Paul Jay Kelley
Role: Investigator

10/10/2020 **Disposition Summary**

Vineyard Golf Course was warned for thirteen (13) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-15-4, for failure to keep all record elements of pesticide applications at a golf course.

Vineyard Golf Course was cited for seven (7) 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 \$1,750.00 was assessed for this violation. However, the civil penalty was reduced to \$350.00. Consideration was given to the fact Vineyard Golf Course cooperated during the investigation; corrective action was taken; no potential for damage since the applicator had been previously certified and there was no previous history of similar nature.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

10/05/2020 **Intake Referral Filed**

Vineyard Golf Course lost their only certified applicator, Adam R. Keith, December 2019

Original Event: Intake Referral (Pesticide) #1666
Complainant: Office of Indiana State Chemist
Respondent: Vineyard Golf Course
Submitted By: George Saxton
Assigned To: Paul Jay Kelley
Attachments: File 56175; Vineyard Golf.pdf

10/05/2020 **Case Created**

Original Event:	Case PS21-0005
Submitted By:	George Saxton
Assigned To:	Paul Jay Kelley

10/08/2020 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #4
Client:	Vineyard Golf Course
Firm Representative:	Adam Keith
Submitted By:	Paul Jay Kelley
Attachments:	File 56318; NOI.pdf

10/08/2020 **Action Order Issued**

Stop pesticide applications on your golf course until you obtain a category 3b (turf management) Pesticide Applicator License from OISC.

Original Event:	Action Order #173
Issued To:	Vineyard Golf Course
Firm Representative:	Adam Keith
Submitted By:	Paul Jay Kelley
Attachments:	File 56319; AO.pdf

10/08/2020 **Investigator Met with Applicator Records**

On October 8, 2020, I went to the Vineyard Golf Course to determine the status of Vineyard Golf Course certified applicator. Adam Keith's, Vineyard Golf Course's certified applicator, applicator licenses was not renewed for 2020 due lack of continuing credit hours (CCH). I reviewed the application records for 2020 to learn that Mr. Keith made applications to the Vineyard Golf Course without a license. Furthermore, the records for 2019 and 2020 were missing several required record keeping elements. The records were missing time of application, applicator name, applicator license number, golf course name, area treated, target pest, EPA Re. # of pesticide, total amount of use dilution used, and product manufacturer.

Activity

I spoke with Mr. Keith by telephone while on site. I informed Mr. Keith to cease making pesticide applications to the golf course until licensed. I informed Mr. Keith I would issue him an Action Order to cease.

I forwarded Mr. Keith via email a sample form to keep application records for the golf course.

2019

MAY 9th

Dac Vtrex 10lb

TALSTAR 200Z

12-0-0 1 1/4 gal

PRIMO 60Z

/ Ace

MAY 23rd

Dac Vtrex 10lbs

TALSTAR 150Z

12-0-0 1 1/4 gal

PRIMO 60Z

/ Ace

JUNE 5th

Dac Vtrex 10lbs

TALSTAR 150Z

12-0-0 1 1/4 gal

CURICO 1 1/4 gal

PRIMO 60Z

/ Ace

JUNE 20th

Dac Vtrex 10lbs

TALSTAR 150Z

12-0-0 1 1/4 gal

PRIMO 60Z

/ kpe

JULY 5th

Dac Vtrex 10lbs

TALSTAR 150Z

12-0-0 1 1/4 gal

PRIMO 60Z

CURICO 1 1/4 gal

/ Ace

JULY 18th

Dac Vtrex 10lbs

TALSTAR 200Z

12-0-0 1 1/4 gal

PRIMO 60Z

/ Ace

2020

April 27th~~Fertilizer~~ GreensMay 1st

DAC Urtex	10 lbs
Promo	6 oz
Taxxon	20 oz
12-0-0	1 1/4 gal

/ Ake

May 22nd

DAC Urtex	10 lbs
Promo	6 oz
Taxxon	20 oz
12-0-0	1 1/4 gal

/ Ake

June 11th

DAC Urtex	10 lbs
Promo	6 oz
Taxxon	15 oz
12-0-0	1 1/4 gal

/ Ake

June 25th

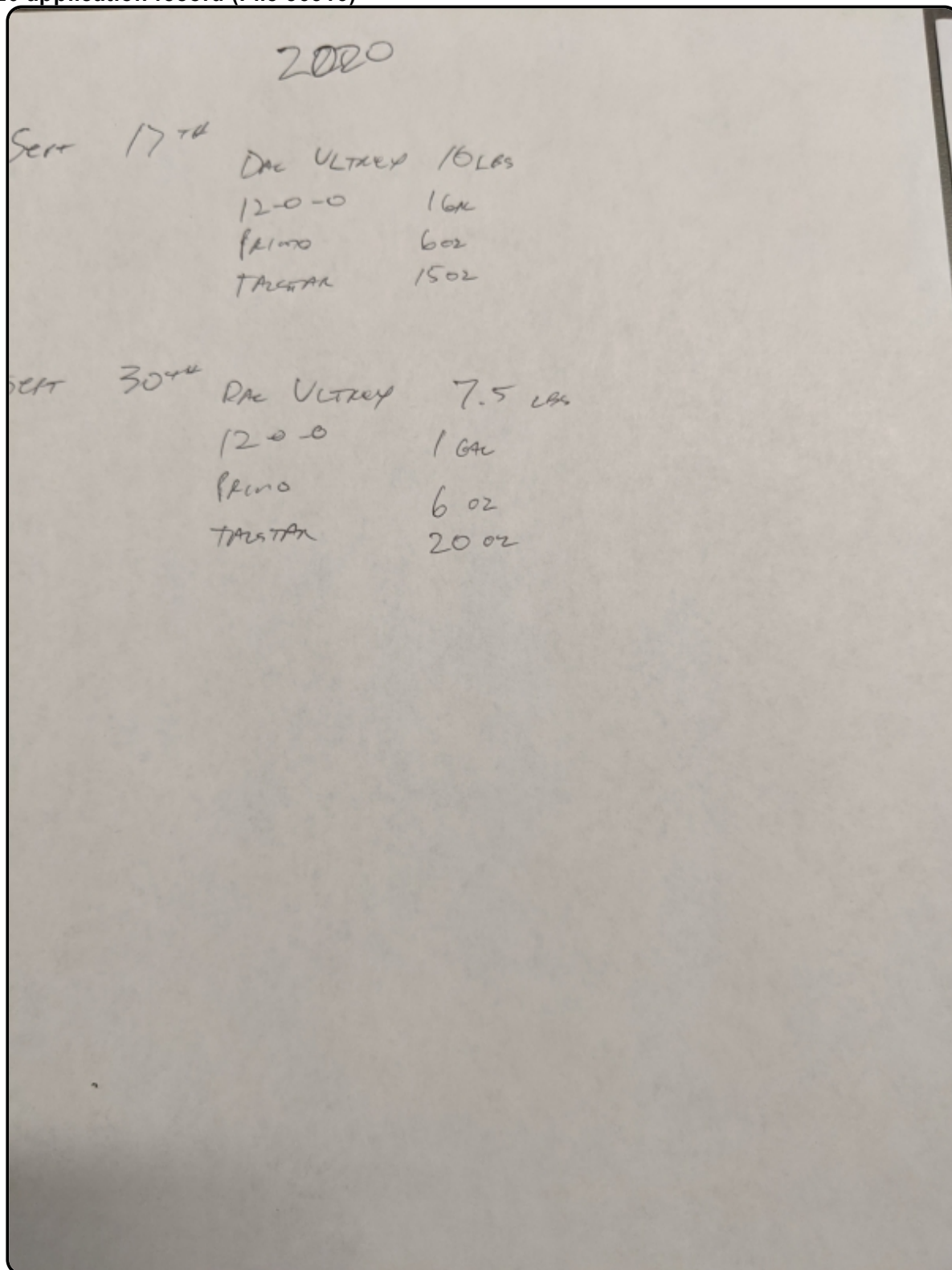
DAC Urtex	10 lbs
Promo	6 oz
Taxxon	15 oz
12-0-0	1 1/4 gal

/ Ake

July 9th

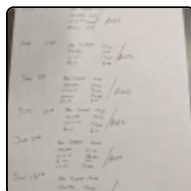
DAC Urtex	10 lbs
Promo	7 oz
Taxxon	10 oz
12-0-0	1 1/4 gal

/ Ake

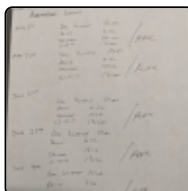


Original Event:
Subject:
Submitted By:
Attachments:
Photos:

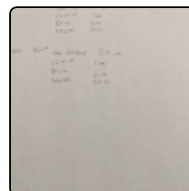
Investigation Activity (Pesticide) #2279
Vineyard Golf Course
Paul Jay Kelley
File 56317; email.pdf



File 56314



File 56315



File 56316

Warning

Vineyard Golf Course was warned for thirteen (13) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-15-4, for failure to keep all record elements of pesticide applications at a golf course.

Civil Penalty

Vineyard Golf Course was cited for seven (7) 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 \$1,750.00 was assessed for this violation. However, the civil penalty was reduced to \$350.00. Consideration was given to the fact Vineyard Golf Course cooperated during the investigation; corrective action was taken; no potential for damage since the applicator had been previously certified and there was no previous history of similar nature.

Original Event:	Judgement #607
Primary:	Vineyard Golf Course
Submitted By:	George Saxton
Legal Citations:	357 IAC 1-15-4; 357 IAC 1-15-2
Penalty Amount:	350

01/26/2021 Notice of Enforcement Mailed to Target

Original Event:	Outgoing Mail #681
To:	Vineyard Golf Course
Submitted By:	Joni Herman
USPS:	7018 0040 0000 3553 0080
Enclosed:	Notice of Enforcement
Enclosed:	Draft Case Summary
Attachments:	File 61138; PS21-0005EL~CP~Vineyard Golf Course.doc

02/03/2021 Received Mail Confirmation for Target

Original Event:	Compliance Receipt #944
Subject:	Vineyard Golf Course
Submitted By:	Joni Herman
USPS:	7018 0040 0000 3553 0080
Received:	02/03/2021
Attachments:	File 62552; CM 7018 0040 0000 3553 0080.pdf

03/03/2021 Received Penalty Payment for Target

Original Event:	Compliance Receipt #1052
Subject:	Vineyard Golf Course
Submitted By:	Joni Herman
Payment Expected:	\$350.00
Payment Received:	\$350.00
Attachments:	File 66090; PS21-0005~Vineyard GC~CP Received.pdf



Office of
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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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In Re: Case PS21-0009

Department	Pesticide
Originated	10/08/2020
Assigned To	Melissa D. Rosch
Status	Closed

Involved Parties

Complainant	Anonymous
Respondent Issued To	Culbreth's Lawn & Tree DE Motte, IN 46310
Respondent	Brian Culbreth Demotte, IN 46310

Overviews

04/08/2021 **Investigation Summary**

OISC received an anonymous complaint of a company Culbreth's Lawn and Tree possibly doing lawn fertilizer applications for hire. I checked for the business name online and spoke to Brian Culbreth. Mr. Culbreth stated he did apply fertilizer for hire on a couple of lawns. Mr. Culbreth did not have any records for these. Mr. Culbreth did not know he/his business needed a license to make the lawn applications for hire. Mr. Culbreth stated he does not intend to make any more lawn applications for hire. I sent the information to obtain the correct license if he choses to continue making the lawn fertilizer applications for hire.

Submitted By: Melissa D. Rosch
Role: Investigator

04/09/2021 **Disposition Summary**

Culbreth's Lawn & Tree was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides/fertilizers for hire on the property of another without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Brian Culbreth was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides/fertilizers for hire on the property of another without having an Indiana pesticide business license.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

10/08/2020 **Intake Referral Filed**

Posting on facebook indicates the Respondent may be offering fertilizer and pesticide applications for hire.

Original Event: Intake Referral (Pesticide) #1670
Complainant: Anonymous
Respondent: Culbreth's Lawn & Tree
Entered By: Joseph D. Becovitz
Submitted By: George Saxton
Assigned To: Melissa D. Rosch

10/08/2020 **Case Created**

Original Event:	Case PS21-0009
Submitted By:	Joseph D. Becovitz
Assigned To:	Melissa D. Rosch

10/14/2020 **Online Investigation Activity**
Activity

Searched the OISC licensing database for the business name, address, and person's name and did not find any name files.

Original Event:	Investigation Activity (Pesticide) #2289
Submitted By:	Melissa D. Rosch

10/14/2020 **Online Investigation Activity**
Activity

I checked the Culbreth Lawn and Tree facebook account for any advertisements stating the business did applications for hire and did not see any. This business appears to sell only lawn fertilizer in the bags.

Original Event:	Investigation Activity (Pesticide) #2291
Submitted By:	Melissa D. Rosch

10/14/2020 **Investigator Called Unknown Subject**
Activity

Called the number for Culbreth's Lawn and Tree 219-713-0701 and left a message for "Brian".

Original Event:	Investigation Activity (Pesticide) #2292
Submitted By:	Melissa D. Rosch

10/29/2020 **Investigator Sent Fax/Email to Unknown Subject**
Communication

I emailed the contact email listed on the Culbreth's website for a return call/email.

Original Event:	Investigation Activity (Pesticide) #2357
Submitted By:	Melissa D. Rosch

11/12/2020 **Investigator Called Unknown Subject**
Activity

Called 219-251-0028 another number listed on the website- no answer/no option to leave voice mail.

Original Event:	Investigation Activity (Pesticide) #2396
Submitted By:	Melissa D. Rosch

11/12/2020 **Investigator Called Target**
Activity

Called 219-713-0701 and Spoke to Brian Culbreth. Mr. Culbreth stated he does apply fertilizer for hire on a couple of lawns. Mr. Culbreth did not know he/his business needed a license to make the lawn applications. I will send Mr. Culbreth the information to obtain the correct license if he choses to continue making the lawn fertilizer applications for hire.

Original Event:	Investigation Activity (Pesticide) #2397
Subject:	Brian Culbreth
Submitted By:	Melissa D. Rosch

11/12/2020 **Action Order Issued**

Stop making fertilizer applications for hire until you and your business is property licensed with OISC.

Original Event:	Action Order #181
Issued To:	Culbreth's Lawn & Tree
Firm Representative:	Brian Culbreth via Email
Submitted By:	Melissa D. Rosch
Attachments:	File 57761; Action Order.pdf

11/12/2020 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #53
Client:	Culbreth's Lawn & Tree
Firm Representative:	Brian Culbreth via Email
Submitted By:	Melissa D. Rosch
Attachments:	File 57764; Noi.pdf

11/12/2020 **Investigator Sent Fax/Email to Target**
Activity

I emailed the Notice of Inspection and Action Order to Brian Culbreth/Culbreth's Lawn and Tree.

Original Event:	Investigation Activity (Pesticide) #2398
Subject:	Culbreth's Lawn & Tree
Submitted By:	Melissa D. Rosch

04/09/2021 **Judgement; Civil Penalty Assessed**

Citation

Brian Culbreth was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides/fertilizers for hire on the property of another without having an Indiana pesticide business license.

Civil Penalty

Culbreth's Lawn & Tree was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides/fertilizers for hire on the property of another without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Abeyance

The civil penalty will be held in abeyance and not assessed provided Culbreth's Lawn & Tree and Brian Culbreth commit no further violations of the Indiana Pesticide Use and Application Law.

Original Event:	Judgement #726
Primary:	Culbreth's Lawn & Tree
Secondary:	Brian Culbreth
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(9)
Penalty Amount:	250

04/20/2021 Notice of Enforcement Mailed to Target

Original Event:	Outgoing Mail #793
To:	Culbreth's Lawn & Tree
Submitted By:	Joni Herman
USPS:	7019 2280 0000 6272 4413
Enclosed:	Notice of Enforcement
Enclosed:	Draft Case Summary
Attachments:	File 66582; PS21-0009EL CP Abeyance ~ Culbreth's Lawn & Tree - Brian Culbreth.docx

04/24/2021 Received Mail Confirmation for Target

Original Event:	Compliance Receipt #1111
Subject:	Culbreth's Lawn & Tree
Submitted By:	Joni Herman
USPS:	7019 2280 0000 6272 4413
Received:	04/24/2021
Attachments:	File 67270; CM 7019 2280 0000 6272 4413.pdf

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Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment

Purdue University • 175 S University Street
West Lafayette, IN 47907-2063
Telephone (765) 494-1492 • Facsimile (765) 494-4331
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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **April 29, 2021, 09:53 AM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS21-0013

Department	Pesticide
Originated	10/19/2020
Assigned To	James M. Trimble
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent Issued To	Allen Seed Sales Mellott, IN 47598
Respondent	David Wayne Allen Mellott, IN 47598
Respondent	Robert Wayne Allen Mellott, IN 47598

Overviews

11/13/2020 **Investigation Summary**

On October 26, 2020, I arrived at Allen Seed Sales to investigate possible unlicensed pesticide use after the pesticide business license for Allen Seed Sales, along with the licenses for its Certified Applicator, David W. Allen, and its Registered Technician, Robert W. Allen, had all expired on December 31, 2019.

I met with David Allen, who admitted that he and his son, Robert Allen, had made pesticide seed treatments in 2020 without a license. David & Robert provided me with their application records for 2020.

Using the treatment records provided by David Allen, I found David and Robert Allen of Allen Seed Sales had used pesticides, via seed treatments, on 29 separate dates in 2020 while being non-certified users.

Submitted By: James M. Trimble
Role: Investigator

11/16/2020 **Disposition Summary**

Allen Seed Sales was cited for twenty-nine (29) 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 of \$7,250.00 (29 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$3,262.00. Consideration was given to the fact Allen Seed Sales cooperated during the investigation; there was no potential for damage and no previous history of similar nature.

David Wayne Allen was cited for twenty-nine (29) 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.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

10/19/2020 **Intake Referral Filed**

Failed to renew after repeated attempts by OISC to follow up.

Original Event:	Intake Referral (Pesticide) #1681
Complainant:	Office of Indiana State Chemist
Respondent:	Allen Seed Sales
Submitted By:	Joseph D. Becovitz
Assigned To:	James M. Trimble
Attachments:	File 56644; Allen Seed.pdf

10/19/2020 **Case Created**

Original Event:	Case PS21-0013
Submitted By:	Joseph D. Becovitz
Assigned To:	James M. Trimble

10/26/2020 **Investigator Met with Applicator Records**

On October 26, 2020, I arrived at Allen Seed Sales to investigate possible unlicensed pesticide use after the pesticide business license for Allen Seed Sales, along with the licenses for its Certified Applicator, David W. Allen, and its Registered Technician, Robert W. Allen, had all expired on December 31, 2019. The Office of Indiana State Chemist (OISC) had sent David Allen notification of his license invalidation, via certified mail, on March 14, 2020 and again on May 21, 2020, which both were received and signed by David Allen.

At approximately 9:00 AM, I was unable to locate anyone at the above business. I then made contact with David Allen, via phone, which he advised me he would meet me at the business at approximately 10:45 AM. At that time, I met with David Allen, where I advised him of my investigation and inquired about any pesticide applications he had completed while he and his business were unlicensed. David Allen admitted that he had and his son, Robert Allen, had made pesticide seed treatments in 2020 without a license.

David Allen stated that in late 2019, he was not aware that his license was set to expire on December 31, 2019, and had sent a check to OISC for the yearly recertification fees for him, Robert, and the business. David Allen stated that after he observed that the check he had sent to OISC had cleared his bank, he believed he and his business was licensed to do pesticide applications. David Allen stated he continued to believe he and the business were licensed until he received the notification from OISC that his license had expired and that he need to pass the CORE and Category 4 exams in order to become recertified. David Allen stated that after he was notified by OISC that he and his business were not licensed, he continued to complete pesticide seed treatments without a license. David Allen advised he had not attempted to take the exams after receiving the notice because it was the busy time of year for the business and he had hoped that he would go unnoticed by OISC until he had time to go through the recertification process in the off-season, before 2021.

I then requested the 2020 pesticide application records made by Robert and David Allen. Robert Allen transferred the electronic records onto a thumb drive I provided. I found the application records did not individually list Robert or David Allen as the applicator for a specific application. Robert and David Allen stated that they did not record the applicator for each application but believed David had made approximately 85% of the applications in 2020.

Original Event:	Investigation Activity (Pesticide) #2334
Subject:	Allen Seed Sales
Submitted By:	James M. Trimble
Attachments:	File 57132; treatment log2020.csv

10/26/2020 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #30
Client:	Allen Seed Sales
Firm Representative:	David Allen
Submitted By:	James M. Trimble
Attachments:	File 57134; allenseedsnoi.pdf

10/26/2020 **General Inspection Conducted Credentials Inspection**

Case PS21-0013 was created.

Original Event:	Pesticide Inspection (General) #1428
Client:	Allen Seed Sales
Firm Representative:	David Allen
Submitted By:	James M. Trimble

10/26/2020 **Action Order Issued**

Stop advertising or making pesticide applications for hire until your business location is credentialed by OISC as a Licensed Pesticide Business.

Original Event:	Action Order #180
Issued To:	Allen Seed Sales
Firm Representative:	David Allen
Submitted By:	James M. Trimble
Attachments:	File 57135; allenseedsAO.pdf

10/26/2020 **New Respondent Identified**

Original Event:	Investigation Change #5
Respondent:	David Wayne Allen
Submitted By:	James M. Trimble

10/26/2020 **New Respondent Identified**

Original Event:	Investigation Change #6
Respondent:	Robert Wayne Allen
Submitted By:	James M. Trimble

10/28/2020 **Investigation Activity Activity**

Using the treatment records provided by David Allen, I found David and Robert Allen of Allen Seed Sales had used the following pesticides, via seed treatment, in 2020 while being non-certified users.

- **Evergol Energy** - EPA Reg. #264-1122, active ingredients of Penflufen, Metalaxyl, & Prothioconazole
- **Lumisena** - EPA Reg. #352-920, active ingredient of Oxathiapiprolin
- **Gaucho 600** - EPA Reg. #264-968, active ingredient of Imidacloprid
- **PPST 2030 G** - EPA Reg. #71840-19, active ingredients of *Bacillus pumilus* Bu F-33 & *Bacillus amyloliquefaciens* MBI 600

Original Event:	Investigation Activity (Pesticide) #2342
Subject:	Allen Seed Sales
Submitted By:	James M. Trimble
Attachments:	File 57226; evergol.PDF File 57227; gaucho.pdf File 57230; Lumisena.PDF File 57229; ppst 2030.pdf

11/06/2020 **Investigation Activity Records**

Using the treatment records provided by David Allen, I found David and Robert Allen of Allen Seed Sales had made pesticide applications, via seed treatment, on the following 29 days in 2020 while being non-certified users.

- 1) April 2, 2020
- 2) April 3, 2020
- 3) April 7, 2020
- 4) April 8, 2020
- 5) April 11, 2020
- 6) April 18, 2020
- 7) April 19, 2020
- 8) April 20, 2020
- 9) April 21, 2020
- 10) April 22, 2020
- 11) April 28, 2020
- 12) May 1, 2020
- 13) May 2, 2020
- 14) May 7, 2020
- 15) May 8, 2020
- 16) May 9, 2020
- 17) May 10, 2020
- 18) May 11, 2020
- 19) May 12, 2020
- 20) May 13, 2020
- 21) May 21, 2020
- 22) May 22, 2020
- 23) May 24, 2020
- 24) May 25, 2020
- 25) May 26, 2020
- 26) May 27, 2020
- 27) May 30, 2020
- 28) May 31, 2020
- 29) June 1, 2020

Original Event:	Investigation Activity (Pesticide) #2374
Subject:	Allen Seed Sales
Submitted By:	James M. Trimble
Attachments:	File 57647; treatment log2020-totalapps.xlsx

11/16/2020 **Judgement; Civil Penalty Assessed**

Citation

David Wayne Allen was cited for twenty-nine (29) 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.

Civil Penalty

Allen Seed Sales was cited for twenty-nine (29) 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 of \$7,250.00 (29 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$3,262.00. Consideration was given to the fact Allen Seed Sales cooperated during the investigation; there was no potential for damage and no previous history of similar nature.

Original Event:	Judgement #644
Primary:	Allen Seed Sales
Secondary:	David Wayne Allen
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(9)
Penalty Amount:	3262

02/12/2021 Notice of Enforcement Mailed to Target

Original Event:	Outgoing Mail #710
To:	Allen Seed Sales
Submitted By:	Joni Herman
USPS:	7017 2620 0000 1393 9947
Enclosed:	Notice of Enforcement
Enclosed:	Draft Case Summary
Attachments:	File 62148; PS21-0013EL CP ~ Allen Seed Sales - David W. Allen.docx

03/15/2021 Received Penalty Payment for Target

Original Event:	Compliance Receipt #1058
Subject:	Allen Seed Sales
Submitted By:	Joni Herman
Payment Expected:	\$3,262.00
Payment Received:	\$3,262.00
Attachments:	File 66096; PS21-0013~Allen Seed Sales~CP Received.pdf

04/14/2021 Mail Service Returned for Target

Certified Mail returned to OISC. Regular mail did not come back and the civil penalty was paid on 3/15/2021.

Original Event:	Compliance Receipt #1060
Subject:	Allen Seed Sales
Submitted By:	Joni Herman
USPS:	7017 2620 0000 1393 9947
Returned:	04/14/2021
Attachments:	File 66628; CM 7017 2620 0000 1393 9947 USPS Tracking ~ CM Returned to OISC 4-13-2021.pdf File 66627; CM 7017 2620 0000 1393 9947.pdf



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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **May 10, 2021, 01:33 PM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS21-0020

Department	Pesticide
Originated	10/19/2020
Assigned To	James M. Trimble
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent	Bello Terra LLC West Lafayette, IN 47906
Issued To Respondent	Steven Michael Reynolds West Lafayette, IN 47906

Overviews

10/30/2020 **Investigation Summary**

On October 20, 2020, I arrived at Bello Terra Golf Course (Bello Terra LLC) to investigate possible unlicensed pesticide use after the pesticide business license for Bello Terra LLC and the license for its Certified Applicator, Steven M. Reynolds, had expired on December 31, 2019.

I then met with Mr. Reynolds, where he admitted that he had applied pesticides to the course's turf this year while he and the course did not have a license. Mr. Reynolds stated he had not taken the recertification test due to COVID-19.

Using the pesticide application records provided by Mr. Reynolds, I found he had applied pesticides on 12 separate dates in 2020, while being a non-certified user.

Submitted By: James M. Trimble
Role: Investigator

11/02/2020 **Disposition Summary**

Bello Terra LLC was cited for twelve (12) 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 pesticide certified applicator. A civil penalty in the amount of \$3,000.00 was assessed for this violation. However, the civil penalty was reduced to \$900.00. Consideration was given to the fact Bello Terra LLC cooperated during the investigation; corrective action was taken and there was no previous history of similar violations.

Steven Michael Reynolds was cited for twelve (12) 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 pesticide certification.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

10/19/2020 **Intake Referral Filed**

Failed to renew license after repeated attempts by OISC.

Original Event: Intake Referral (Pesticide) #1688
Complainant: Office of Indiana State Chemist
Respondent: Bello Terra LLC
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

10/19/2020 **Case Created**

Original Event: Case PS21-0020
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

10/20/2020 **Investigator Met with Applicator Interaction**

On October 20, 2020, I arrived at Bello Terra Golf Course (Bello Terra LLC) to investigate possible unlicensed pesticide use after the pesticide business license for Bello Terra LLC and the license for its Certified Applicator, Steven M. Reynolds, had expired on December 31, 2019. The Office of Indiana State Chemist (OISC) had sent Mr. Reynolds notification of his license invalidation, via certified mail, on January 21, 2020 and again on July 9, 2020, which both were received and signed by Mr. Reynolds.

While conducting my on-site investigation, I observed the course's turf to be in good condition with signs that a pesticide program had been used this year. I then met with Mr. Reynolds and inquired about the pesticide use at the course. Mr. Reynolds admitted that he had applied pesticides to the course's turf this year while he and the course did not have a license. Mr. Reynolds stated he first attempted to take his recertification exam in late 2019 with Metro Institute but there was a problem with the registration process. Mr. Reynolds stated that he then became busy with work and forgot to follow-up with the registration. Mr. Reynolds stated that all testing was soon cancelled due to COVID-19 and he wasn't sure how to take his recertification. Mr. Reynolds acknowledged that he received the certified mail notices about the expired licenses from OISC but he wasn't sure how to retest. I advised Mr. Reynolds that he should have contact OISC for further instructions on how to recertify.

Mr. Reynolds stated he did not have his 2019 & 2020 pesticide application records available for my inspection but they were digitally recorded on his phone. Mr. Reynolds stated that he would transfer the records to his application book and email them to me within 15 days.

Original Event: Investigation Activity (Pesticide) #2312
Subject: Bello Terra LLC
Submitted By: James M. Trimble

10/20/2020 **Notice of Inspection Issued**

Original Event: Notice of Inspection #22
Client: Bello Terra LLC
Firm Representative: Steven Reynolds
Submitted By: James M. Trimble
Attachments: File 56767; BelloTerranoi.pdf

10/20/2020 **General Inspection Conducted Credentials Inspection**

Case #PS21-0020 was created.

Golf Course Inspection

Case #PS21-0020 was created.

Original Event: Pesticide Inspection (General) #1424
Client: Bello Terra LLC
Firm Representative: Steven Reynolds
Submitted By: James M. Trimble

10/20/2020 **Action Order Issued**

Stop advertising or making pesticide applications in a category for which you or your business are not currently licensed

Original Event: Action Order #176
Issued To: Steven Michael Reynolds
Firm Representative: Steven Reynolds
Submitted By: James M. Trimble
Attachments: File 57128; 2020Action signed action order.PDF
File 56793; Action Order front.pdf

10/20/2020 **Investigator Sent Fax/Email to Applicator Interaction**

I later emailed Mr. Reynolds a written request for his 2019 & 2020 pesticide application records within 15 days of the email. Mr. Reynolds was also sent an Action Order with instructions to sign the order and send back to me with his records.

Original Event: Investigation Activity (Pesticide) #2314
Subject: Steven Michael Reynolds
Submitted By: James M. Trimble
Attachments: File 56794; 10-20 email.pdf

10/20/2020 **New Respondent Identified**

Original Event: Investigation Change #3
Respondent: Steven Michael Reynolds
Submitted By: James M. Trimble

10/27/2020 **Investigator Received Fax/Email from Applicator**

Records

On October 27, 2020, I received an email from Mr. Reynolds containing Bello Terra's pesticide application records for 2019 & 2020, along with the signed Action Order.

Original Event: Investigation Activity (Pesticide) #2333
Subject: Steven Michael Reynolds
Submitted By: James M. Trimble
Attachments: File 57131; 10-27-20email.pdf
File 57129; 2019Bello Terra pest records.PDF
File 57130; 2020Bello Terra pest records.PDF

10/28/2020 **Investigation Activity**

Activity

Using the pesticide application records provided by Mr. Reynolds, I identified the following pesticides were used by Mr. Reynolds on the Bello Terra Golf Course in 2020, while being a non-certified user.

- Lesco 18 Plus (EPA Reg. #432-888-10404, active ingredient of Iprodione)
- K-Phite 7LP (EPA Reg. #73806-1, active ingredient of mono- and di- potassium salts of phosphorous acid)
- Lesco Manicure (EPA Reg. #60063-7-10404, active ingredient of Chlorothalonil)
- Xzempler (EPA Reg. #7969-349, active ingredient of Fluxapyroxad)
- Maxtima (EPA Reg. #7969-404, active ingredient of Mefentrifluconazole)
- Lexicon (EPA Reg. #7969-350, active ingredients of Pyraclostrobin & Fluxapyroxad)
- Lesco Bandit 2F (EPA Reg. #432-1312, active ingredient of Imidacloprid)
- Navicon (EPA Reg. #7969-403, active ingredients of Pyraclostrobin & Mefentrifluconazole)
- Lesco Stonewall (EPA Reg. #60063-26, active ingredient of Prodiamine)
- Lesco Momentum (EPA Reg. #2217-1034-10404, active ingredients of 2,4-D, Triclopyr, Fluroxypr-meptyl, & Sulfentrazone)
- Confront (EPA Reg. #62719-92, active ingredient of Triclopyr & Clopyralid)

Mr. Reynolds had applied the above pesticides (individually or in combination) to Bello Terra Golf Course on the following 12 dates in 2020, while being a non-certified user.

- 1) April 20, 2020
- 2) May 4, 2020
- 3) May 5, 2020
- 4) May 12, 2020
- 5) June 17, 2020
- 6) July 2, 2020
- 7) July 13, 2020
- 8) July 15, 2020
- 9) July 16, 2020
- 10) July 20, 2020
- 11) August 10, 2020
- 12) September 2, 2020

Original Event: Investigation Activity (Pesticide) #2340
Subject: Bello Terra LLC
Submitted By: James M. Trimble
Attachments: File 57225; 18plus.pdf
File 57215; Bandit.PDF
File 57224; confront.PDF
File 57216; kphite.pdf
File 57217; lexicon.PDF
File 57218; Manicure.pdf
File 57219; maxtima.PDF
File 57220; momentum.pdf
File 57221; navicon.PDF
File 57222; stonewall.pdf
File 57223; xzempler.PDF

11/02/2020 **Judgement; Civil Penalty Assessed**

Citation

Steven Michael Reynolds was cited for twelve (12) 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 pesticide certification.

Civil Penalty

Bello Terra LLC was cited for twelve (12) 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 pesticide certified applicator. A civil penalty in the amount of \$3,000.00 was assessed for this violation. However, the civil penalty was reduced to \$900.00. Consideration was given to the fact Bello Terra LLC cooperated during the investigation; corrective action was taken and there was no previous history of similar violations.

Original Event:	Judgement #635
Primary:	Bello Terra LLC
Secondary:	Steven Michael Reynolds
Submitted By:	George Saxton
Legal Citation:	357 IAC 1-15-2
Penalty Amount:	900

02/05/2021 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #701
To:	Bello Terra LLC
Submitted By:	Joni Herman
USPS:	7018 0360 0000 0888 1882
Enclosed:	Notice of Enforcement
Enclosed:	Draft Case Summary
Attachments:	File 61747; PS21-0020EL CP ~ Bello Terra - Steven M. Reynolds.docx

03/12/2021 **Compliance Activity**

Steve Michael Reynolds of Bella Terra called regarding this investigation. He stated he has been licensed for approximately 25 years. His license expired December 31, 2019 and then covid-19 hit. He stated he was uncomfortable retesting at that point. Although he admitted that he was in error, he was requesting some leniency on the \$900.00 civil penalty.

Original Event:	Compliance Activity #773
Primary:	Steven Michael Reynolds
Submitted By:	George Saxton

03/12/2021 **Amended Judgement; Civil Penalty Assessed Citation**

Steven Michael Reynolds was cited for twelve (12) 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 pesticide certification.

Civil Penalty

Bello Terra LLC was cited for twelve (12) 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 pesticide certified applicator. A civil penalty in the amount of \$3,000.00 was assessed for this violation. However, the civil penalty was reduced to \$900.00. Consideration was given to the fact Bello Terra LLC cooperated during the investigation; corrective action was taken and there was no previous history of similar violations.

Abeyance

The remaining \$900.00 civil penalty was held in abeyance and not assessed for a period of two (2) years from the date of this notice provided Bella Terra commits no further violations of the Indiana Pesticide Use and Application Law.

Original Event:	Judgement #709
Primary:	Bello Terra LLC
Secondary:	Steven Michael Reynolds
Submitted By:	George Saxton
Level:	Informal Review
Legal Citation:	357 IAC 1-15-2
Penalty Amount:	900

03/17/2021 **Mail Service Returned for Target**

Certified Mail was returned to OISC "Undeliverable as Addressed". Regular mail did not come back.

Original Event:	Compliance Receipt #1044
Subject:	Bello Terra LLC
Submitted By:	Joni Herman
USPS:	7018 0360 0000 0888 1882
Returned:	03/17/2021
Attachments:	File 66024; CM 7018 0360 0000 0888 1882.pdf

03/17/2021 **Mail Confirmation Assumed for Target**

Assumed Date = Date Steven Reynolds contacted George Saxton regarding the assessed civil penalty.

Original Event:	Compliance Receipt #1045
Subject:	Bello Terra LLC
Submitted By:	Joni Herman

03/18/2021 **Notice of Amended Enforcement Mailed to Target**

Original Event:	Outgoing Mail #764
To:	Bello Terra LLC
Submitted By:	Joni Herman
USPS:	7019 2280 0000 6272 4697
Enclosed:	Notice of Amended Enforcement
Enclosed:	Draft Case Summary
Attachments:	File 64618; PS21-0020EL CP - Abeyance ~ Bello Terra - Steven M. Reynolds.docx

04/01/2021 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1025
Subject:	Bello Terra LLC
Submitted By:	Joni Herman
USPS:	7019 2280 0000 6272 4697
Received:	04/01/2021
Attachments:	File 65957; CM 7019 2280 0000 6272 4697.pdf

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **April 29, 2021, 09:52 AM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS21-0021

Department	Pesticide
Originated	10/19/2020
Assigned To	Nathan J. Davis
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist	
Respondent Issued To	Nutrien Ag Solutions Inc Hoopeston, IL 60942	Unlicensed Business

Overviews

10/27/2020 **Investigation Summary**

Failed to renew license after repeated attempts by OISC.

On October 20, 2020 I went to Nutrien Ag Solutions located in Hoopeston, Illinois. I met with the plant manager Ted Olson. I advised Mr. Olson I was a pesticide Investigator for OISC and of the complaint I was investigating. I advised Mr. Olson, according to the OISC Licensing database the only certified applicator assigned to this Nutrien Ag Solutions location left November 27, 2019 and therefore without having a certified applicator assigned to the Nutrien Ag Solutions location the Indiana Pesticide Business license was invalid and any pesticide application made in Indiana in 2020 were done so without proper licensing through the OISC Licensing Department. Mr. Olson advised he and two of his applicators were now certified applicators in Illinois due to pesticide labels requiring applicators to be certified and he believed a communication issue between the branch location and Nutrien Ag Corporate caused the issue of the Indiana Pesticide Business License not being updated with the new certified applicators. I explained to Mr. Olson the process of getting properly licensed through the OISC Licensing Department and supplied Mr. Olson with multiple applications for Indiana Pesticide Credentials. I issued an Action Order to Nutrien Ag Solutions to "Stop advertising or making pesticide applications for hire until your business location is credentialed by OISC as a Licensed Pesticide Business". I explained the Action Order to Mr. Olson.

During my on-site investigation Mr. Olson researched Nutrien Ag Solutions 2020 pesticide application records for pesticide application made in Indiana. According to the application dates supplied to me by Mr. Olson, Nutrien Ag Solutions made pesticide applications in Indiana on 43 separate days from April to July 2020.

On October 26, 2020 I received an email from the OISC Licensing Department. The email advised Nutrien Ag Solutions location in Hoopeston, Illinois had submitted applications for Indiana Pesticide Credentials and now had a valid 2020 Indiana Pesticide Business License.

According the evidence in this case the only certified applicator assigned to Nutrien Ag Solutions location in Hoopeston, Illinois left on November 27, 2019 and therefore without having a certified applicator assigned to the Nutrien Ag Solutions location the Indiana Pesticide Business license was invalid. According to the application dates supplied to me by Mr. Olson, Nutrien Ag Solutions made pesticide applications in Indiana on 43 separate days from April to July 2020 without an Indiana Pesticide Business License.

Submitted By: Nathan J. Davis
Role: Investigator

11/02/2020 **Disposition Summary**

Nutrien Ag Solutions, Inc was cited for forty three (43) 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 of \$10,750.00 (43 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$2,150.00. Consideration was given to the fact Nutrien Ag Solutions, Inc cooperated during the investigation; there was no potential for damage since they had been licensed, corrective action was taken and there was no previous history of similar nature.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

10/19/2020 Intake Referral Filed

Failed to renew license after repeated attempts by OISC.

Original Event:	Intake Referral (Pesticide) #1689
Complainant:	Office of Indiana State Chemist
Respondent:	Nutrien Ag Solutions Inc
Submitted By:	Joseph D. Becovitz
Assigned To:	Nathan J. Davis
Attachments:	File 56652; Nutrien Ag.pdf

10/19/2020 Case Created

Original Event:	Case PS21-0021
Submitted By:	Joseph D. Becovitz
Assigned To:	Nathan J. Davis

10/20/2020 Investigator Met with Business Interview

On October 20, 2020 I went to Nutrien Ag Solutions located in Hoopeston, Illinois. I met with the plant manager Ted Olson. I advised Mr. Olson I was a pesticide Investigator for OISC and of the complaint I was investigating. I advised Mr. Olson, according to the OISC Licensing database the only certified applicator assigned to this Nutrien Ag Solutions location left November 27, 2019 and therefore without having a certified applicator assigned to the Nutrien Ag Solutions location the Indiana Pesticide Business license was invalid and any pesticide application made in Indiana in 2020 were done so without proper licensing through the OISC Licensing Department. Mr. Olson advised he and two of his applicators were now certified applicators in Illinois due to pesticide labels requiring applicators to be certified and he believed a communication issue between the branch location and Nutrien Ag Corporate caused the issue of the Indiana Pesticide Business License not being updated with the new certified applicators. I explained to Mr. Olson the process of getting properly licensed through the OISC Licensing Department and supplied Mr. Olson with multiple applications for Indiana Pesticide Credentials.

I issued an Action Order to Nutrien Ag Solutions to "Stop advertising or making pesticide applications for hire until your business location is credentialed by OISC as a Licensed Pesticide Business". I explained the Action Order to Mr. Olson.

Original Event:	Investigation Activity (Pesticide) #2310
Subject:	Nutrien Ag Solutions Inc
Submitted By:	Nathan J. Davis

10/20/2020 Notice of Inspection Issued

Original Event:	Notice of Inspection #21
Client:	Nutrien Ag Solutions Inc
Firm Representative:	Ted Olson
Submitted By:	Nathan J. Davis

10/20/2020 Action Order Issued

Stop advertising or making pesticide applications for hire until your business location is credentialed by OISC as a Licensed Pesticide Business.

Original Event:	Action Order #175
Issued To:	Nutrien Ag Solutions Inc
Firm Representative:	Ted Olson
Submitted By:	Nathan J. Davis

10/20/2020 Investigator Met with Business Records

During my on-site investigation, Mr. Olson researched Nutrien Ag Solutions 2020 pesticide application records for pesticide application made in Indiana. According to the application dates supplied to me by Mr. Olson, Nutrien Ag Solutions made pesticide applications in Indiana on 43 separate days from April to July 2020.

Original Event:	Investigation Activity (Pesticide) #2311
Subject:	Nutrien Ag Solutions Inc
Submitted By:	Nathan J. Davis

10/26/2020 Investigator Received Fax/Email from Complainant Communication

On October 26, 2020 I received an email from the OISC Licensing Department. The email advised Nutrien Ag Solutions location in Hoopeston, Illinois had submitted applications for Indiana Pesticide Credentials and now had a valid 2020 Indiana Pesticide Business License.

Original Event:	Investigation Activity (Pesticide) #2329
Subject:	Office of Indiana State Chemist
Submitted By:	Nathan J. Davis

10/27/2020 Investigation Activity

Activity

According to the evidence in this case the only certified applicator assigned to Nutrien Ag Solutions location in Hoopeston, Illinois left on November 27, 2019 and therefore without having a certified applicator assigned to the Nutrien Ag Solutions location the Indiana Pesticide Business license was invalid. According to the application dates supplied to me by Mr. Olson, Nutrien Ag Solutions made pesticide applications in Indiana on 43 separate days from April to July 2020 without an Indiana Pesticide Business License.

Original Event: Investigation Activity (Pesticide) #2330
Subject: Nutrien Ag Solutions Inc
Submitted By: Nathan J. Davis

11/02/2020 **Judgement; Civil Penalty Assessed**

Civil Penalty

Nutrien Ag Solutions, Inc was cited for forty three (43) 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 of \$10,750.00 (43 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$2,150.00. Consideration was given to the fact Nutrien Ag Solutions, Inc cooperated during the investigation; there was no potential for damage since they had been licensed, corrective action was taken and there was no previous history of similar nature.

Original Event: Judgement #636
Primary: Nutrien Ag Solutions Inc
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(9)
Penalty Amount: 2150

02/05/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #696
To: Nutrien Ag Solutions Inc
Submitted By: Joni Herman
USPS: 7018 0360 0000 0888 1936
Enclosed: Notice of Enforcement
Enclosed: Draft Case Summary
Attachments: File 61742; PS21-0021EL CP ~ Nutrien Ag Solutions.docx

02/11/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #959
Subject: Nutrien Ag Solutions Inc
Submitted By: Joni Herman
USPS: 7018 0360 0000 0888 1936
Received: 02/11/2021
Attachments: File 65095; CM 7018 0360 0000 0888 1936.pdf

02/22/2021 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1050
Subject: Nutrien Ag Solutions Inc
Submitted By: Joni Herman
Payment Expected: \$2,150.00
Payment Received: \$2,150.00
Attachments: File 66088; PS21-0021~Nutrien Ag~CP Received.pdf

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Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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In Re: Case PS21-0023

Department	Pesticide
Originated	11/04/2020
Assigned To	Kevin W. Gibson
Status	Closed

Involved Parties

Complainant	David Rogers Rochester, IN 46975
Respondent	Unknown
Respondent	Donald D Bauman Rochester, IN 46975
Respondent	Clauson Farms Rochester, IN 46975
Respondent	Jeffrey Allen Bauman Rochester, IN 46975

Overviews

01/04/2021 **Investigation Summary**

On 11/04/20, complainant David Rogers contacted the Office of Indiana State Chemist (OISC) to report a farmer made a pesticide application to a neighboring farm field which drifted onto his property. He was concerned the application could have affected his ornamental plants.

On 11/16/20, I met with complainant David Rogers. I obtained environmental samples for submission to the Purdue Plant and Pest Diagnostic Lab (PPDL) and for OISC Residue Lab for analysis.

I created a satellite sampling image based on a satellite image of the complainant's property.

I learned under the supervision of Jeff Bauman, on 11/4/20 Don Bauman made a pesticide application of **CornBelt LoVol Ester** and **Diablo** to a field west of the complainant's property. Mr. Bauman also made a pesticide application on 11/4/20 of **Sim-Trol 90DF** to a field south of the complainant's property. Mr. Bauman supplied me with a completed Pesticide Investigation Inquiry (PII) for each application.

I checked weather information for the date of application at the complainant's property. Four (4) weather stations within 40 miles of the complainant's property indicated the wind was blowing toward the complainant's property at 9-13 miles per hour (mph) at the time of the application.

The Purdue PPDL reported the submitted samples did not indicate exposure to the active ingredients for the applied pesticides.

In discussion with OISC Lab Director, the amounts of **Sim-Trol DF** (EPA #35915-12-60063; active ingredient: simazine) and **Diablo** (EPA# 228-379; active ingredient: dicamba) found in the off target residue samples were indicative of drift.

Submitted By: Kevin W. Gibson
Role: Investigator
Drift: Confirmed

01/06/2021 **Disposition Summary**

Clauson Farms was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved.

Jeffrey Bauman was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. Consideration was given to the fact a restricted use pesticide was involved.

Don Bauman was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. Consideration was given to the fact a restricted use pesticide was involved.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

11/04/2020 Intake Referral Filed

Complainant stated the field next to his nursery was sprayed on 11/4/20 between 8:30 am and 11:00 am when the winds were out of the southwest between 15 to 20 mph. Complainant stated the spraying was done with a Hagie sprayer and he could see the mist blowing across his property.

Original Event: Intake Referral (Pesticide) #1728
Complainant: David Rogers
Respondent: Unknown
Submitted By: Joseph D. Becovitz
Assigned To: Kevin W. Gibson

11/04/2020 Investigator Called Complainant Interaction

I made contact with complainant David Rogers. He told me he believed his neighbor Mike Walters made a pesticide application which drifted onto the complainant's property. The complainant intends to contact the applicator for application information.

Original Event: Investigation Activity (Pesticide) #2373
Subject: David Rogers
Submitted By: Kevin W. Gibson

11/04/2020 Case Created

Original Event: Case PS21-0023
Submitted By: Joseph D. Becovitz
Assigned To: Kevin W. Gibson

11/06/2020 Investigator Called Applicator Interaction

I spoke to licensed applicator Brian Bauman. Mr. Bauman told me his father Don Bauman (registered technician) made a pesticide application to the fields in question surrounding the complainant's property. He told me the products applied were **Sim-Trol 90 DF** (EPA #35915-12-60063; active ingredient: simazine), **Cornbelt Lo Vol Ester** (EPA #11773-4; active ingredient: 2, 4-D) and **Diablo** (EPA #228-379; active ingredient: dicamba) on 11/4/20. I advised him a Pesticide Investigation Inquiry (PII) would be forthcoming.

Original Event: Investigation Activity (Pesticide) #2408
Subject: Bauman Crop Solutions LLC
Submitted By: Kevin W. Gibson

11/10/2020 Investigator Received Fax/Email from Applicator Investigation Inquiry

I received two completed PIIs via email from applicator Registered Technician Don Bauman. Applicator Bauman listed licensed applicator Jeffrey Bauman as his supervisor for the application. The first PII indicated the application was made to the field west of the complainant. The second PII indicated application was to field south of the complainant's property.

Inquiry Overview

Certified Applicator Jeffrey Bauman
Registered Technician Don Bauman
Company Clauson Farms
Application Type Commercial
Target Field #1 Walters Home East
Target Field #2 South of complainant property

Tank Mix #1

Product	EPA	Rate
CornBelt LoVol Ester	11773-4	1 pt.
Diablo	228-379	1 pt.

Tank Mix #2

Product	EPA	Rate
Sim-Trol 90 DF	35915-12-60063	1.1 lb/acre

Application #1

Mix	Field Date	Start	End
TM1 F1	11/04/2020	10:31am	11:07am

Application #2

Mix	Field Date	Start	End
TM2 F2	11/04/2020	8:02am	9:36am

Air Conditions During Application #1

Time Temp Direction Speed

Start	56°F	SSW	11mph
End	58°F	SSW	10mph

Air Conditions During Application #2

Time Temp Direction Speed

Start	47°F	S	9mph
End	52°F	SSW	10mph

Original Event: Investigation Activity (Pesticide) #2409
Subject: Donald D Bauman
Submitted By: Kevin W. Gibson
PPLS Labels: [011773-00004-20090826.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/011773-00004-20090826.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/011773-00004-20090826.pdf
[000228-00379-20131220.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000228-00379-20131220.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000228-00379-20131220.pdf
[035915-00012-20120201.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/035915-00012-20120201.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/035915-00012-20120201.pdf

Attachments: File 57958; Pesticide Investigation Hoyt signed.pdf
File 57957; Pesticide Investigation Walters East Signed.pdf

11/16/2020 Investigator Met with Complainant Interaction

I met with complainant David Rogers at his residence. Mr. Rogers told me a neighboring farmer made a chemical application to the fields surrounding the complainant's property while the wind was blowing approximately 15 miles per hour (mph) and gusting greater than 15 mph. He didn't know if it adversely affected his plants and trees, but it caused his throat and eyes to burn because he was outside when the application was made. I walked the complainant's property for signs of pesticide exposure. Most of the complainant's vegetation at the property line surrounding his property was evergreen plants. I found no signs of pesticide exposure to the evergreens. On the inside of the property (protected by the evergreens) were Japanese beech trees, Chinese bamboo, ornamental grasses, yews, etc. I did not observe pesticide exposure symptoms to those plants. I took photographs of the evergreens, Japanese beech trees, Chinese bamboo and other vegetation for recording purposes. I obtained environmental samples for submission to the Purdue Plant and Pest Diagnostic Lab (PPDL) and the OISC Residue Lab for analysis.

Activity

I created a satellite image depicting the sampling strategy for this case. Image shows samples, wind direction, application date and application information.

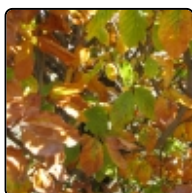
Photographs

Photographs above were taken as part of drift investigation filed by complainant David Rogers. Photographs were taken of Japanese beech trees, Chinese bamboo, ornamental grasses and arborvitae.

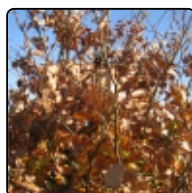
Original Event: Investigation Activity (Pesticide) #2407
Subject: David Rogers
Submitted By: Kevin W. Gibson
Attachments: File 58439; Satellite image (sampling strategy).png
Photos:



File 58035



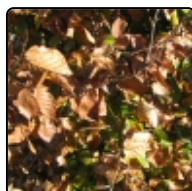
File 58036



File 58037



File 58038



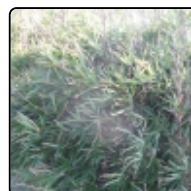
File 58039



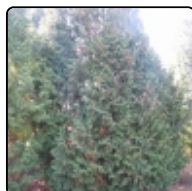
File 58040



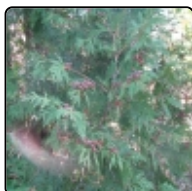
File 58041



File 58042



File 58044



File 58043

11/16/2020 Residue Samples Collected

Original Event: Residue Collection #163090 (21-4-0239 5)
 Client: David Rogers
 Submitted By: Kevin W. Gibson
 Sample: 21-4-0239 5 | Veg; Ctrl; OFF-T, 258yd NE
 Sample: 21-4-0240 0 | Veg; Comp; OFF-T, Grad1, 145yd NE
 Sample: 21-4-0241 6 | Veg; Comp; OFF-T, Grad2, 65yd NE
 Sample: 21-4-0242 8 | Veg; Comp; OFF-T, Grad3, 20yd
 Sample: 21-4-0243 7 | Soil; Grab; 2-4"; Target

11/16/2020 External Lab Sample Collected

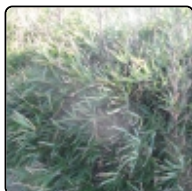
I met with complainant David Rogers to investigate a complaint of drift to his property from neighboring farmer's pesticide application.

Original Event: External Lab Sample Collection #163320 (X20-1346CE)
 Client: David Rogers
 Submitted By: Kevin W. Gibson
 Lab: Purdue Plant and Pest Diagnostic Laboratory
 Sample: X20-1346CE | I obtained environmental samples of arborvitae, Japanese beech tree leaves, and Chinese bamboo limbs for submission to the Purdue Plant and Pest Diagnostic Lab (PPDL) for analysis.

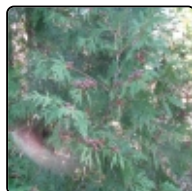
Photos:



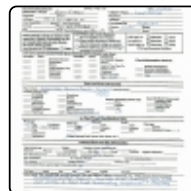
File 58032



File 58034



File 58033



File 58031

11/17/2020 Lab Advised of Target Analytes

Original Event: Residue Collections Follow Up #388
 Submitted By: Kevin W. Gibson
 Target Analyte: Sim-trol 90 DF
 Target Analyte: CornBelt LoVol Ester
 Target Analyte: Diablo
 PPLS Labels: [011773-00004-20090826.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/011773-00004-20090826.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/011773-00004-20090826.pdf
[000228-00379-20131220.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000228-00379-20131220.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000228-00379-20131220.pdf
[035915-00012-20201117.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/035915-00012-20201117.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/035915-00012-20201117.pdf

Attachments: File 58148; Cornbelt Lo Vol Ester (2, 4-D).pdf

11/19/2020 Received External Lab Report

The symptoms in sample 20-01933 are characteristic of frost/freeze damage and do not resemble injury caused by specific herbicide. There were no symptoms in the sample that could be associated with exposure to synthetic auxins herbicides such as 2, 4-D or dicamba. (Marcelo Zimmer- Weed Science Program Specialist)

Leaf rolling shown on the bamboo may be normal for developing leaves or may be related to drought stress this fall. The Japanese beech samples was showing normal fall senescence. No symptoms of injury on the arborvitae which is also prone to damage from drought. (Tom Creswell- PPDL)

Original Event: External Lab Report #163494 (X20-1346CE)
 Submitted By: Kevin W. Gibson
 Sample: X20-1346CE
 Attachments: File 58107; PPDL Final REport.pdf

11/20/2020 Investigator Called Complainant Interaction

I contacted complainant David Rogers. I shared the analysis results from PPDL.

Original Event: Investigation Activity (Pesticide) #2423
 Subject: David Rogers
 Submitted By: Kevin W. Gibson

11/24/2020 Wind Data Researched

Weather data was gathered from four different weather stations (Logansport, Peru, South Bend and Warsaw). All four airports recorded wind was blowing in a northeast direction toward the complainant's property at time of application.

Logansport Municipal Airport

Logansport, Indiana (29 miles SW of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
8:02 am	46	SSW	7	0
11:07am	63	SSW	14	0

South Bend International Airport

South Bend, Indiana (39 miles N of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
8:02am	50	SSW	11	0
11:07am	63	SSW	15	0

Warsaw Municipal Airport

Warsaw, Indiana (15 miles NE of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
8:02am	50	SSW	6	0
11:07am	61	SSW	8	0

Grissom Air Force Base

Peru, Indiana (32 miles S of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
8:02am	47	SSW	8	0
11:07am	62	SSW	13	0

Original Event: Wind Data #27
 Submitted By: Kevin W. Gibson
 Date of Weather: 11/04/2020
 Attachments: File 58440; Weather (Logansport).pdf
 File 58441; Weather (Peru) .pdf
 File 58444; Weather (South Bend).pdf
 File 58442; Weather (Warsaw).pdf

12/17/2020 Received Residue Lab Report Lab Remarks

Released 12/18/2020

Investigatory Summary

In discussion with OISC Lab Director, it was determined the amounts of **Sim-Trol DF** (EPA #35915-12-60063; active ingredient: simazine) and **Diablo** (EPA# 228-379; active ingredient: dicamba) found in the off target residue samples were indicative of drift.

First Page of Lab Report

Page 3 of Lab Report

OCM Collection #	163090	Investigator	GIBSONK		
Collection Date	11/16/2020				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0239 5	Veg; Ctrf; OFF-T, 258yd NE	Veg	5OH-Dicamba	BDL ppb	0.4 ppb
			DCSA	BDL ppb	0.2 ppb
			Dicamba	2.24 ppb	0.2 ppb
			Simazine	114 ppb	0.1 ppb
21-4-0240 0	Veg; Comp; OFF-T, Grad1, 145yd NE	Veg	5OH-Dicamba	44.0 ppb * Minimum amount	0.4 ppb
			DCSA	BQL ppb	0.2 ppb
			Dicamba	8.40 ppb	0.2 ppb
			Simazine	109 ppb	0.1 ppb
21-4-0241 6	Veg; Comp; OFF-T, Grad2, 65yd NE	Veg	5OH-Dicamba	BDL ppb	0.4 ppb
			DCSA	0.325 ppb	0.2 ppb
			Dicamba	21.6 ppb	0.2 ppb
			Simazine	194 ppb	0.1 ppb

Original Event: Residue Lab Report #165213 (163090-R339)
 Submitted By: SYSTEM
 Lab Report: Lab Report 163090-R339.pdf

01/06/2021 New Respondent Identified

Original Event: Investigation Change #17
 Respondent: Clauson Farms
 Submitted By: Kevin W. Gibson

01/06/2021 Judgement; Civil Penalty Assessed Citation

Jeffrey Bauman was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management.
 Consideration was given to the fact a restricted use pesticide was involved.

Citation

Don Bauman was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management.
 Consideration was given to the fact a restricted use pesticide was involved.

Civil Penalty

Clauson Farms was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding drift management. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved.

Original Event: Judgement #669
 Primary: Clauson Farms
 Secondary: Jeffrey Allen Bauman
 Additional: Donald D Bauman
 Submitted By: George Saxton
 Legal Citation: IC 15-16-5-65(2)
 Penalty Amount: 250

03/05/2021 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #723
 To: Clauson Farms
 Submitted By: Joni Herman
 USPS: 7019 2280 0000 6272 4291
 Enclosed: Notice of Enforcement
 Enclosed: Draft Case Summary
 Attachments: File 63570; PS21-0023EL CP ~ Clauson Farms - Jeffrey Bauman & Donald Bauman.docx

03/12/2021 Received Mail Confirmation for Target

Original Event: Compliance Receipt #974
 Subject: Clauson Farms
 Submitted By: Joni Herman
 USPS: 7019 2280 0000 6272 4291
 Received: 03/12/2021

03/22/2021 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1061
Subject:	Clauson Farms
Submitted By:	Joni Herman
Payment Expected:	\$250.00
Payment Received:	\$250.00
Attachments:	File 66098; PS21-0023~Clauson Farms~CP Received.pdf

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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In Re: Case PS21-0029

Department	Pesticide
Originated	11/12/2020
Assigned To	Nathan J. Davis
Status	Closed

Involved Parties

Respondent	Aaron Michael Bledsoe Worthington, IN 47471	Certified Applicator
Complainant	Office of Indiana State Chemist	
Respondent	White River Co-Op Grain Facility Loogootee, IN 47553	

Overviews

11/17/2020 **Investigation Summary**

On November 4, 2020 I contacted White River Co-Op located in Worthington, Indiana. I spoke with branch manager Keith Bixler. I advised Mr. Bixler I was a pesticide Investigator for OISC and I needed to schedule a 7d-Fumigation inspection at his facility. Mr. Bixler advised White River Co-Op Worthington branch does not conduct fumigation application at the Worthington branch. I asked Mr. Bixler why certified applicator Aaron Bledsoe who holds a 7d-fumigation certification was assigned to the Worthington branch. Mr. Bixler advised Mr. Bledsoe now works at the White River Co-Op Grain Facility located in Loogootee, Indiana. A search of the OISC Licensing Database did not return any results for White River Co-Op Grain Facility. Further, a search of the OISC Licensing Database for certified applicator Aaron Bledsoe shows the only business he is assigned to is the White River Co-Op Worthington Branch.

On November 4, 2020 I contacted certified applicator Aaron Bledsoe. I advised Mr. Bledsoe I was a pesticide Investigator for OISC and I needed to schedule a 7d-Fumigation inspection at his facility. Mr. Bledsoe advised he was now located at the White River Co-Op Grain Facility in Loogootee, Indiana. I asked Mr. Bledsoe if he had conducted fumigation application at the facility. Mr. Bledsoe advised he had conducted a fumigation application at the facility. Mr. Bledsoe and I set a date and time to conduct the 7d-Fumigation inspection at the White River Co-Op Grain Facility. I advised Mr. we would need to discuss his licensing and to have all documents ready for the inspection required for 7d-Fumigation applications.

On November 5, 2020 I contacted the OISC Pesticide Licensing Manager in regard to Mr. Bledsoe licensing status. I advised the OISC Pesticide Licensing Manager that Mr. Bledsoe was no longer at the White River Co-Op Worthington Branch and was conducting 7d-Fumigation application at the White River Co-Op Grain facility. Further, I advised the OISC Pesticide Licensing Manager no for hire applications were conducted out of the White River Co-Op Grain Facility only the 7d-Fumigation applications to the facility. The OISC Pesticide Licensing Manager advised Mr. Bledsoe needed to apply for a not for hire pesticide license assigned to the White River Co-Op Grain Facility.

On November 12, 2020 I met with Mr. Bledsoe at the White River Grain facility located in Loogootee, Indiana to conduct the 7d-Fumigation inspection. I asked Mr. Bledsoe if he had conducted any 7d-Fumigation applications at the facility. Mr. Bledsoe advised he had only conducted one 7d-Fumigation inspection at the facility. Mr. Bledsoe advised he completed the 7d-Fumigation application in September 2020. Mr. Bledsoe stated he was unsure of the exact date, but believed it was around the Labor Day holiday. I advised Mr. Bledsoe now that he was working and conducting 7d-Fumigation application at the White River Co-Op Grain facility, he needed to update his license status to not for hire and be assigned to the White River Co-Op Grain Facility. Mr. Bledsoe stated he was in the process of updating his license status with the OISC Licensing Department.

I asked Mr. Bledsoe if he completed the required fumigation management plan prior to conducting the 7d-Fumigation application at the facility. Mr. Bledsoe stated he did not complete a fumigation management plan prior to conducting the 7d-Fumigation application. At the time of the 7d-Fumigation inspection, Mr. Bledsoe had created a fumigation management plan template to be used prior to all future fumigation application at the facility. I advised Mr. Bledsoe the fumigation management plan must meet all requirements of the applicator's manual for *Fumitoxin*, EPA Reg.# 72959-2, Active Ingredient = aluminum phosphide.

I asked Mr. Bledsoe if he placed the required placards on the outside of the structure prior to conducting the 7d-Fumigation applications. Mr. Bledsoe advised he did not place any placards on the outside of the fumigated structure. At the time of the 7d-Fumigation inspection, Mr. Bledsoe advised he had ordered the required placards, but they had not yet arrived. I advised Mr. Bledsoe the information on the placard must meet all requirements of the applicator's manual for *Fumitoxin*, EPA Reg.# 72959-2, Active Ingredient = *aluminum phosphide*.

All other fumigation inspection points including storage and disposal were in compliance with the label and applicator manual for *Fumitoxin*, EPA Reg.# 72959-2, Active Ingredient = *aluminum phosphide*.

The evidence in this case indicates Mr. Bledsoe failed to complete a fumigation management plan and placard the outside of the structure prior to conducting the 7d-Fumigation application in September 2020. The applicator manual for *Fumitoxin*, EPA Reg.# 72959-2, Active Ingredient = *aluminum phosphide* states: "**A fumigation management plan must be written for all fumigations prior to actual treatment**". The applicator manual for *Fumitoxin*, EPA Reg.# 72959-2, Active Ingredient = *aluminum phosphide* states: "**All entrances to the fumigated area must be placarded**".

Submitted By: Nathan J. Davis
Role: Investigator

11/17/2020 **Disposition Summary**

White River Co-Op Grain Facility was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding placarding and fumigation management plan. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm.

Aaron Michael Bledsoe was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding placarding and fumigation management plan.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

11/04/2020 **Investigator Called Business Communication**

On November 4, 2020 I contacted White River Co-Op located in Worthington, Indiana. I spoke with branch manager Keith Bixler. I advised Mr. Bixler I was a pesticide Investigator for OISC and I needed to schedule a 7d-Fumigation inspection at his facility. Mr. Bixler advised White River Co-Op Worthington branch does not conduct fumigation application at the Worthington branch. I asked Mr. Bixler why certified applicator Aaron Bledsoe who holds a 7d-fumigation certification was assigned to the Worthington branch. Mr. Bixler advised Mr. Bledsoe now works at the White River Co-Op Grain Facility located in Loogootee, Indiana.

A search of the OISC Licensing Database did not return any results for White River Co-Op Grain Facility. Further, a search of the OISC Licensing Database for certified applicator Aaron Bledsoe shows the only business he is assigned to is the White River Co-Op Worthington Branch.

Original Event: Investigation Activity (Pesticide) #2402
Subject: White River LLC
Submitted By: Nathan J. Davis

11/04/2020 **Investigator Called Applicator Communication**

On November 4, 2020 I contacted certified applicator Aaron Bledsoe. I advised Mr. Bledsoe I was a pesticide Investigator for OISC and I needed to schedule a 7d-Fumigation inspection at his facility. Mr. Bledsoe advised he was now located at the White River Co-Op Grain Facility in Loogootee, Indiana. I asked Mr. Bledsoe if he had conducted fumigation application at the facility. Mr. Bledsoe advised he had conducted a fumigation application at the facility. Mr. Bledsoe and I set a date and time to conduct the 7d-Fumigation inspection at the White River Co-Op Grain Facility. I advised Mr. we would need to discuss his licensing and to have all documents ready for the inspection required for 7d-Fumigation applications.

Original Event: Investigation Activity (Pesticide) #2403
Subject: Aaron Michael Bledsoe
Submitted By: Nathan J. Davis

11/05/2020 **Investigation Activity Activity**

On November 5, 2020 I contacted the OISC Pesticide Licensing Manager in regard to Mr. Bledsoe licensing status. I advised the OISC Pesticide Licensing Manager that Mr. Bledsoe was no longer at the White River Co-Op Worthington Branch and was conducting 7d-Fumigation application at the White River Co-Op Grain facility. Further, I advised the OISC Pesticide Licensing Manager no for hire applications were conducted out of the White River Co-Op Grain Facility only the 7d-Fumigation applications to the facility. The OISC Pesticide Licensing Manager advised Mr. Bledsoe needed to apply for a not for hire pesticide license assigned to the White River Co-Op Grain Facility.

Original Event: Investigation Activity (Pesticide) #2406
Submitted By: Nathan J. Davis

11/12/2020 **Notice of Inspection Issued**

Original Event:	Notice of Inspection #56
Client:	Aaron Michael Bledsoe
Firm Representative:	Aaron Bledsoe
Submitted By:	Nathan J. Davis

11/12/2020 **General Inspection Conducted
Fumigation Inspection**

Reference Case PS21-0029 for further details.

Original Event:	Pesticide Inspection (General) #1455
Client:	Aaron Michael Bledsoe
Firm Representative:	Aaron Bledsoe
Submitted By:	Nathan J. Davis

11/12/2020 **Intake Referral Filed**

On November 12, 2020, while conducting a 7d-fumigation inspection its was discovered the certified applicator failed to follow label directions for Fumitoxin, EPA Reg.# 72959-1, Active Ingredient = aluminum phosphide.

Original Event:	Intake Referral (Pesticide) #1735
Complainant:	Office of Indiana State Chemist
Respondent:	Aaron Michael Bledsoe
Entered By:	Nathan J. Davis
Submitted By:	George Saxton

11/12/2020 **Case Created**

Original Event:	Case PS21-0029
Submitted By:	George Saxton
Assigned To:	Nathan J. Davis

11/12/2020 **Investigator Met with Applicator
Interaction**

On November 12, 2020 I met with Mr. Bledsoe at the White River Grain facility located in Loogootee, Indiana to conduct the 7d-Fumigation inspection. I asked Mr. Bledsoe if he had conducted any 7d-Fumigation applications at the facility. Mr. Bledsoe advised he had only conducted one 7d-Fumigation inspection at the facility. Mr. Bledsoe advised he completed the 7d-Fumigation application in September 2020. Mr. Bledsoe stated he was unsure of the exact date, but believed it was around the Labor Day holiday.

I advised Mr. Bledsoe now that he was working and conducting 7d-Fumigation application at the White River Co-Op Grain facility, he needed to update his license status to not for hire and be assigned to the White River Co-Op Grain Facility. Mr. Bledsoe stated he was in the process of updating his license status with the OISC Licensing Department.

I asked Mr. Bledsoe if he completed the required fumigation management plan prior to conducting the 7d-Fumigation application at the facility. Mr. Bledsoe stated he did not complete a fumigation management plan prior to conducting the 7d-Fumigation application. At the time of the 7d-Fumigation inspection, Mr. Bledsoe had created a fumigation management plan template to be used prior to all future fumigation application at the facility. I advised Mr. Bledsoe the fumigation management plan must meet all requirements of the applicators manual for *Fumitoxin, EPA Reg.# 72959-2, Active Ingredient = aluminum phosphide*.

I asked Mr. Bledsoe if he placed the required placards on the outside of the structure prior to conducting the 7d-Fumigation applications. Mr. Bledsoe advised he did not place any placards on the outside of the fumigated structure. At the time of the 7d-Fumigation inspection, Mr. Bledsoe advised he had ordered the required placards, but they had not yet arrived. I advised Mr. Bledsoe the information on the placard must meet all requirements of the applicator's manual for *Fumitoxin, EPA Reg.# 72959-2, Active Ingredient = aluminum phosphide*.

All other fumigation inspection points including storage and disposal were in compliance with the label and applicator manual for *Fumitoxin, EPA Reg.# 72959-2, Active Ingredient = aluminum phosphide*.

Original Event:	Investigation Activity (Pesticide) #2410
Subject:	Aaron Michael Bledsoe
Submitted By:	Nathan J. Davis

11/17/2020 **Investigation Activity
Activity**

The evidence in this case indicates Mr. Bledsoe failed to complete a fumigation management plan and placard the outside of the structure prior to conducting the 7d-Fumigation application in September 2020. The applicator manual for *Fumitoxin, EPA Reg.# 72959-2, Active Ingredient = aluminum phosphide* states: **"A fumigation management plan must be written for all fumigations prior to actual treatment"**. The applicator manual for *Fumitoxin, EPA Reg.# 72959-2, Active Ingredient = aluminum phosphide* states: **"All entrances to the fumigated area must be placarded"**.

Original Event:	Investigation Activity (Pesticide) #2411
Subject:	Aaron Michael Bledsoe
Submitted By:	Nathan J. Davis

11/17/2020 **Judgement; Civil Penalty Assessed**

Citation

Aaron Michael Bledsoe was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding placarding and fumigation management plan.

Civil Penalty

White River Co-Op Grain Facility was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding placarding and fumigation management plan. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm.

Original Event: Judgement #645
Primary: White River Co-Op Grain Facility
Secondary: Aaron Michael Bledsoe
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 250

02/12/2021 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #709
To: White River Co-Op Grain Facility
Submitted By: Joni Herman
USPS: 7017 2620 0000 1393 9923
Enclosed: Notice of Enforcement
Enclosed: Draft Case Summary
Attachments: File 62147; PS21-0029EL CP ~ White River Co-Op - Aaron M. Bledsoe.docx

02/16/2021 Received Mail Confirmation for Target

Original Event: Compliance Receipt #968
Subject: White River Co-Op Grain Facility
Submitted By: Joni Herman
USPS: 7017 2620 0000 1393 9923
Received: 02/16/2021
Attachments: File 65131; CM 7017 2620 0000 1393 9923.pdf

03/12/2021 Received Penalty Payment for Target

Original Event: Compliance Receipt #1057
Subject: White River Co-Op Grain Facility
Submitted By: Joni Herman
Payment Expected: \$250.00
Payment Received: \$250.00
Attachments: File 66095; PS21-0029~White River Co-Op~CP Received.pdf

<p>This record was generated on April 29, 2021, 09:51 AM EDT. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
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Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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In Re: Case PS21-0032

Department	Pesticide
Originated	11/24/2020
Assigned To	Garret A. Creason
Status	Closed

Involved Parties

Facility Respondent	Finishworks LLC Shipshewana, IN 46565
Related Facility 1	INCIDENTAL RPM International Medina, OH 44256
Complainant	Office of Indiana State Chemist
Registrant Respondent	Kop-Coat Protection Products Pittsburgh, PA 15238

Overviews

01/13/2021 **Product Registration Summary**

On January 13, 2021, I reviewed the labeling connected to the Finishworks LLC PEI. Document #: KCPP DISINFECTANT, EPA Reg Number 6836-289-92617. The labeling on the 5-gallon buckets corresponds with the master label as approved by EPA. However, the label on the mini bulk container was damaged and illegible in places.

Submitted By: Linda Bradford
Role: Product Registration Specialist

04/09/2021 **Investigation Summary**

On November 23, 2020 I conducted a PEI at Finishworks in Shipshewanna, IN. I was informed that Finishworks began producing a disinfectant in response to the COVID-19 Pandemic. The product Finishworks was producing was KCPP Disinfectant, EPA Reg. 6836-289-92617. The product is from Kop-Coat. During the inspection it was found that Finishworks did not have production records for KCPP disinfectant. A batch ID was not supplied to the produced product. Trying to keep the in person meeting as short as possible it was decided that further documentation could and communication could be done electronically. Mr. Flecker stated he would look for additional documentation to provide me.

Later on November 23, 2020 Mr. Flecker provided an inventory list via email. Mr. Flecker also provided information that the bulk KCPP disinfectant totes were being sent back to Kop-Coat.

ON November 30, 2020 Mr. Flecker provided a Repackaging Agreement between Kop-Coat Inc and Finishworks LLC. The repack agreement states that KCPP Disinfectant, EPA Reg.# 6836-289-92617, may be repackaged by Finishworks LLC. Upon receiving this agreement, I further researched 40CFR 152.132. According to 40CFR 152.132, a distributor product may not be repackaged. KCPP Disinfectant, EPA Reg.# 6836-289-92617, is a distributor product of Bardac 205M RTU, EPA Reg.# 6836-289, by Lonza LLC. Since Finishworks LLC repackaged KCPP Disinfectant, it was a violation of 40CFR 152.132.

On April 9, 2021 i met virtually with Aaron Berwick and Rick Flecker. The purpose of this conversation was to gather more information about the repackaging and distribution that took place at Finishworks in Shipshewanna, IN. During the conversation i had asked about Kop-Coat and Finishworks began in the agreement. I was informed that Kop-Coat had approached Finishworks to begin repackaging/distributing KCPP Disinfectant. Kop-Coat provided a repackaging agreement to Finishworks. I then asked about the exact amount that was produced. Mr. Berwick provided me with an excel spreadsheet(attached) indicating that 740 gallons of KCPP Disinfectant was repackaged. The repackaging that took place was taking the product out of 250 gallon totes and placing it into 5 gallon containers. Once placed into the 5 gallon container Finishworks then applied the label provided by Kop-Coat. All other KCPP disinfectant that was brought in by Finishworks was distributed without any repackaging or relabeling. I asked if Finishworks could provide other distribution documentation such as sales/shipping invoices, however they were not provided.

Upon reviewing the documentation provided by Finishworks it was found that production records were not kept by Finishworks LLC. Finishworks LLC did keep records of distribution, however, not all required information was present on the distribution spreadsheet.

Submitted By: Garret A. Creason
Role: Investigator

06/21/2021 **Disposition Summary**

Forwarded to U.S.E.P.A. for federal review.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

11/23/2020 **INCIDENTAL Producer Establishment Inspection Conducted**
Inspection Details

Finishworks did not have production records for KCPP disinfectant.
a batch ID was not supplied to the produced product.
bulk containers were out of containment on 11-23-2020, corrected on 11-24-2020.

Original Event: Producer Establishment Inspection #47
Linked From: Intake Referral (Pesticide) #1740, Notice of Inspection #66, and 2 other events
Facility: Finishworks LLC
Related Facility 1: RPM International
Firm Representative: Rick Flecker
Submitted By: Garret A. Creason
PPLS Labels: [006836-00289-20170504.pdf](#)
https://www3.epa.gov/pesticides/chem_search/ppls/006836-00289-20170504.pdf

Attachments: File 59739; Copy of Inventory and distribution.xlsx
File 59323; Inbound.pdf
File 59324; KCPP Label.pdf
File 59326; Return of KCPP to Kop Coat.pdf
File 59325; RFD.pdf

Photos:



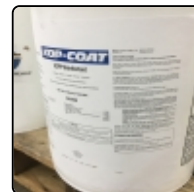
File 58417



File 58418



File 58419



File 58420



File 58421



File 58422



File 58423



File 58424



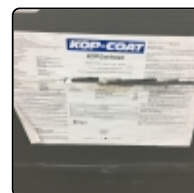
File 58425



File 58426



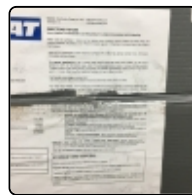
File 58427



File 58428



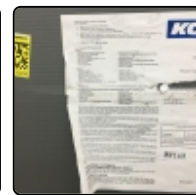
File 58429



File 58430



File 58431



File 58432



File 58433



File 58434



File 58435



File 58436

11/23/2020 Intake Referral Filed

Producer Establishment Inspection Conducted at Finishworks.

Original Event: Intake Referral (Pesticide) #1740
 Complainant: Office of Indiana State Chemist
 Respondent: Finishworks LLC
 Entered By: Garret A. Creason
 Submitted By: George Saxton

11/23/2020 Notice of Inspection Issued

Original Event: Notice of Inspection #66
 Client: Finishworks LLC
 Firm Representative: Rick Flecker
 Submitted By: Garret A. Creason
 Attachments: File 58437; scan0001.pdf

11/23/2020 Investigator Met with Facility Interaction

On November 23, 2020 I met with Rick Flecker and Derek Wilson for a Producer Establishment Inspection at Finishworks LLC in Shipshewana, IN.

Original Event: Investigation Activity (Pesticide) #2460
 Subject: Finishworks LLC
 Submitted By: Garret A. Creason

11/24/2020 Case Created

Original Event: Case PS21-0032
 Submitted By: George Saxton
 Assigned To: Garret A. Creason

11/30/2020 Investigator Received Fax/Email from Registrant Records

Mr. Flecker provided the repack agreement between Kop-Coat and Finishworks for KCPP Disinfectant EPA Reg. 6836-289-92617.

Original Event: Investigation Activity (Pesticide) #2773
 Subject: Finishworks LLC
 Submitted By: Garret A. Creason
 Attachments: File 65942; KCPP to FW Fully Executed repack agreement 20 April 2020.pdf
 Photos:



File 65944

01/04/2021 Investigator Received Fax/Email from Registrant Records

On January 4, 2021 Mr. Flecker sent an email with the finalized documentation of Distribution records. These records included the distribution of all the remaining product back to the basic registrant Kop-Coat. Mr. Flecker also advised that a Batch ID was placed on all remaining product before it was sent out. Mr. Flecker also advised that Finishworks would no longer be producing any pesticide products from that location.

Original Event: Investigation Activity (Pesticide) #2583
Subject: Finishworks LLC
Submitted By: Garret A. Creason
Attachments: File 62230; Copy of Inventory transactions originator_637449501316459890 Finishworks.pdf
Photos:



File 62231



File 62232

01/13/2021 **Label Review Conducted; Acceptable**

On January 13, 2021, I reviewed the labeling connected to the Finishworks LLC PEI.

Document #: KCPP DISINFECTANT, EPA Reg Number 6836-289-92617

The labeling on the 5-gallon buckets corresponds with the master label as approved by EPA. However, the label on the mini bulk container was damaged and illegible in places.

Linda E. Bradford

Pesticide Product Registration Administrative Assistant Date: January 13, 2021

Original Event: Label Review (Pesticide) #137
Registrant: Kop-Coat Protection Products
Submitted By: Linda Bradford
Product: KCPP DISINFECTANT
EPA Reg.: 6836-289-92617
PPLS Labels: [006836-00289-20170504.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/006836-00289-20170504.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/006836-00289-20170504.pdf

Attachments: File 60275; KCPP DISINFECTANT 6836-289-92617.pdf

04/09/2021 **Investigator Called Registrant Records**

On April 9, 2021 i met virtually with Aaron Berwick and Rick Flecker. The purpose of this conversation was to gather more information about the repackaging and distribution that took place at Finishworks in Shipshewanna, IN. During the conversation i had asked about Kop-Coat and Finishworks began in the agreement. I was informed that Kop-Coat had approached Finishworks to begin repackaging/distributing KCPP Disinfectant. Kop-Coat provided a repackaging agreement to Finishworks. I then asked about the exact amount that was produced. Mr. Berwick provided me with an excel spreadsheet(attached) indicating that 740 gallons of KCPP Disinfectant was repackaged. The repackaging that took place was taking the product out of 250 gallon totes and placing it into 5 gallon containers. Once placed into the 5 gallon container Finishworks then applied the label provided by Kop-Coat. All other KCPP disinfectant that was brought in by Finishworks was distributed without any repackaging or relabeling.

Original Event: Investigation Activity (Pesticide) #2772
Subject: Finishworks LLC
Submitted By: Garret A. Creason
Attachments: File 65935; Copy of Copy of Inventory transactions originator_637533160421025086.pdf

06/21/2021 **Case Closed; Referred to Epa**

Forwarded to U.S.E.P.A. for federal review.

Original Event: Compliance Activity #861
Primary: Kop-Coat Protection Products
Submitted By: George Saxton

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Office of
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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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In Re: Case PS21-0033

Department	Pesticide
Originated	12/01/2020
Assigned To	Kevin W. Gibson
Status	Closed

Involved Parties

Respondent	Norag LLC Wabash, IN 46992
Complainant	Office of Indiana State Chemist
Respondent	John K Westerfield Wabash, IN 46992

Overviews

12/03/2020 **Investigation Summary**

I met with licensed fumigator John Westerfield to conducted a routine fumigation inspection at Norag Svc. in Treaty Indiana. Mr. Westerfield supplied me with his fumigation application records for 2019 and 2020.

When I checked, Mr. Westerfield failed to keep certain elements of the Restricted Use Pesticide records keeping law. The elements missing were "product EPA number" and "manufacturer name". I rendered compliance assistance with regard to the missing elements in the record keeping.

In further checking of the records, I did not see a "fumigation management plan" (FMP) as part of the record keeping for any of the products used, **Weevil-cide** (EPA #70506-13; active ingredient: aluminum phosphide) and PhosFume (EPA# 70506-13-1015; active ingredient: aluminum phosphide). Mr. Westerfield admitted he did not create an FMP prior to the application of **Weevil-cide**.

Submitted By: Kevin W. Gibson
Role: Investigator

12/04/2020 **Disposition Summary**

Norag LLC was cited for eight (8) counts of violation of section 65(2) of the Indiana Pesticide Use and Application Law or failure to follow label directions regarding a Fumigation Management Plan. A civil penalty in the amount of \$2,000.00 (8 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$600.00. Consideration was given to the fact Mr. Westerfield cooperated during the investigation; corrective action was taken and there were no previous violations of similar nature.

John Westerfield was cited for eight (8) counts of violation of section 65(2) of the Indiana Pesticide Use and Application Law or failure to follow label directions regarding a Fumigation Management Plan.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

11/30/2020 **INCIDENTAL General Inspection Conducted**
Credentials Inspection
None

Fumigation Inspection

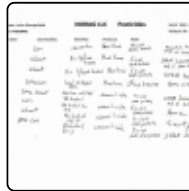
Compliance assistance rendered for violation regarding storage posting and lack of notification given to local emergency authorities. Monitoring and structure gas readings were equipment available and used but not logged in writing.

Applicator John Westerfield was in violation of failure to create a Fumigation Management Plan as required by the label for **Weevil-cide** (EPA #70506-13; active ingredient: aluminum phosphide) which reads in part, "*The certified applicator is responsible for working with the owners and/or responsible employees of the structure and/or area to be fumigated to develop and follow a Fumigation Management Plan (FMP). State, county and local authorities may also have specific requirements. The FMP must be written PRIOR TO EVERY treatment including fumigation for burrowing pests. The FMP must address characterization of the site, and include appropriate monitoring and notification requirements.*"

Original Event: Pesticide Inspection (General) #1468
Linked From: Intake Referral (Pesticide) #1741
Client: Norag LLC
Firm Representative: John Westerfield
Submitted By: Kevin W. Gibson
Photos:



File 58580



File 58577

11/30/2020 Intake Referral Filed

During a fumigation inspection I learned the applicant did not complete fumigation management plan.

Original Event: Intake Referral (Pesticide) #1741
Complainant: Office of Indiana State Chemist
Respondent: Norag LLC
Entered By: Kevin W. Gibson
Submitted By: Joseph D. Becovitz

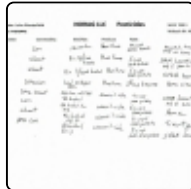
11/30/2020 Investigator Met with Applicator Interaction

I met with fumigation applicator John Westerfield for a fumigation application records inspection. Mr. Westerfield did have his fumigation application records available for inspection. When I checked, Mr. Westerfield failed to keep certain elements of the Restricted Use Pesticide records keeping law. The elements missing were "product EPA number" and "manufacturer name". We discussed the need to comply with the record keeping law. I also did not see a "fumigation management plan" (FMP) as part of the record keeping for any of the products used, **Weevil-cide** (EPA #70506-13; active ingredient: aluminum phosphide) and PhosFume (EPA# 70506-13-1015; active ingredient: aluminum phosphide). I discussed this with Mr. Westerfield. He admitted he did not create an FMP prior to or at any time for the application of **Weevil-cide**.

I told him he was in violation for failing to create an FMP for the application of **Weevil-cide** as required by its label.

Original Event: Investigation Activity (Pesticide) #2448
Subject: Norag LLC
Submitted By: Kevin W. Gibson
Attachments: File 58827; Phosfum Tablets (70506-13-1015).pdf
File 58826; Weevil-cide (Fumigant).pdf

Photos:



File 58744

11/30/2020 Notice of Inspection Issued

Original Event: Notice of Inspection #78
Client: Norag LLC
Firm Representative: John Westerfield
Submitted By: Kevin W. Gibson
Photos:



File 58828

12/01/2020 **Case Created**

Original Event: Case PS21-0033
Submitted By: George Saxton
Assigned To: Kevin W. Gibson

12/04/2020 **Judgement; Civil Penalty Assessed
Citation**

John Westerfield was cited for eight (8) counts of violation of section 65(2) of the Indiana Pesticide Use and Application Law or failure to follow label directions regarding a Fumigation Management Plan.

Civil Penalty

Norag LLC was cited for eight (8) counts of violation of section 65(2) of the Indiana Pesticide Use and Application Law or failure to follow label directions regarding a Fumigation Management Plan. A civil penalty in the amount of \$2,000.00 (8 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$600.00. Consideration was given to the fact Mr. Westerfield cooperated during the investigation; corrective action was taken and there were no previous violations of similar nature.

Original Event: Judgement #656
Primary: Norag LLC
Secondary: John K Westerfield
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 600

03/02/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #722
To: Norag LLC
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4154
Enclosed: Notice of Enforcement
Enclosed: Draft Case Summary
Attachments: File 63124; PS21-0033EL CP ~ Norag LLC - John K. Westerfield.docx

03/08/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #958
Subject: Norag LLC
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4154
Received: 03/08/2021
Attachments: File 65092; CM 7019 2280 0000 6272 4154.pdf

05/04/2021 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1141
Subject: Norag LLC
Submitted By: Joni Herman
Payment Expected: \$600.00
Payment Received: \$600.00
Attachments: File 68324; PS21-0033 ~ Norag LLC ~ CP Received.pdf

<p>This record was generated on May 26, 2021, 08:14 AM EDT. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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In Re: Case PS21-0038

Department	Pesticide
Originated	12/18/2020
Assigned To	Paul Jay Kelley
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent Issued To	Low Cost Bed Bug Solutions Farmland, IN 47340
Respondent	Stephen Baldwin Farmland, IN 47340
Agency	Purdue Receivables & Collections

Overviews

04/06/2021 **Investigation Summary**

On December 18, 2021, received info. LCBBS advertising and operating as a for-hire pest control business under guise of "only renting" bed bug heat equipment.

On January 11, 2021, contacted Stephen Baldwin after not reaching him at listed address, made arrangement to meet in person, Mr. Baldwin stated he would have heating equipment available.

On January 14, 2021 met with Mr. Baldwin at listed address, no equipment, Mr. Baldwin stated he inspects for bed bugs prior, sets up equipment, monitors equipment.

On January 14, 2021, Mr. Baldwin stated he had 86 clients, told by AG's Office didn't need a license, wanted to get licensed, would cease until license.

Mr. Baldwin provided 1 invoice for heat treatment, stated would provide pictures of heaters.

February 1, 2021, called left message.

February 9, called left message.

Feb. 9, 2021, sent Production of Documents (POD).

Feb. 16, 2021, USPS delivered, signed by occupant of listed address. No response to POD.

March 15, sent Action Order.

March 20, 2021, AO delivered by USPS. Signed by Stephen Baldwin

April 6, 2021, Website continues to advertise Bed Bug treatments.

Mr. Baldwin has failed to respond or cooperate with investigation.

Submitted By: Paul Jay Kelley
Role: Investigator

04/06/2021 **Disposition Summary**

Low Cost Bed Bug Solutions was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to use a pesticide or product regulated under this chapter, for hire on the property of another. A civil penalty in the amount of \$250.00 was assessed for this violation.

Stephen Baldwin was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to use a pesticide or product regulated under this chapter, for hire on the property of another.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

12/18/2020 Intake Referral Filed

Lowcostbedbugsolutions (LCBBS) allegedly rents out heaters to homeowners to treat for bedbugs. However their website indicates that they deliver, set up and monitor the heaters during use. LCBBS does not appear to have a pesticide business license with the OISC.

Original Event: Intake Referral (Pesticide) #1751
Complainant: Office of Indiana State Chemist
Respondent: Low Cost Bed Bug Solutions
Submitted By: Joseph D. Becovitz
Assigned To: Paul Jay Kelley

12/18/2020 Case Created

Original Event: Case PS21-0038
Submitted By: Joseph D. Becovitz
Assigned To: Paul Jay Kelley

01/11/2021 Investigator Called Target Communication

On January 11, 2021, I went to the address for Low Cost Bed Bug Solutions. I was not able to make contact with the resident. I contacted Steve Baldwin of Low Cost Bed Bug Solutions to arrange a meeting on January 14, 2021 at 10:00am. Mr. Baldwin stated he would have the heating equipment available for my inspection. Mr. Baldwin expressed a want to become licensed.

Original Event: Investigation Activity (Pesticide) #2490
Subject: Low Cost Bed Bug Solutions
Submitted By: Paul Jay Kelley

01/14/2021 Investigator Met with Target Interview

On January 14, 2021, I met with Stephen Baldwin, owner of Low Cost Bed Bug Solutions. Mr. Baldwin stated he and his wife started Low Cost Bed Bug Solutions in October of 2019. Mr. Baldwin stated he went to Arizona to be trained on the use of the Convectex heating units and fans by Convectex. Mr. Baldwin stated Convectex told him he did not need a license to set up heating units as a rental business but he needed to check his states regulatory requirements. Mr. Baldwin stated he contacted the Attorney Generals Office for guidance and was told as long as he rents the heating equipment he did not need a license. Mr. Baldwin stated he would identify bed bugs to customers if asked. Mr. Baldwin stated his customers were aware of bed bugs that is way they were renting the equipment. Mr. Baldwin stated the "inspection" on his website referred to inspecting the heating equipment.

Mr. Baldwin stated customers would rent heating equipment, he would deliver, set-up, and monitor heat levels via his phone so temperature's did not go below established limits.

Mr. Baldwin stated he has approximately 86 clients who have used his equipment.

Mr. Baldwin stated he has ceased operations until he can get licensed through OISC.

Original Event: Investigation Activity (Pesticide) #2507
Subject: Low Cost Bed Bug Solutions
Submitted By: Paul Jay Kelley
Attachments: File 60435; invoice.pdf
File 60329; website.pdf

Photos:



File 60330



File 60331



File 60332



File 60333

01/14/2021 Notice of Inspection Issued

Original Event: Notice of Inspection #107
Client: Low Cost Bed Bug Solutions
Firm Representative: Stephen Baldwin
Submitted By: Paul Jay Kelley
Attachments: File 60334; NOI.pdf

02/01/2021 Investigator Called Target Communication

On February 1, 2021, called Steve Baldwin to conduct a follow-up conversation. Left message to return my call.

Original Event: Investigation Activity (Pesticide) #2533
Subject: Low Cost Bed Bug Solutions
Submitted By: Paul Jay Kelley

02/09/2021 **Investigator Called Target Communication**

On February 9, 2021, attempted to contact Stephen Baldwin via telephone. Left message to return my call ASAP.

Original Event: Investigation Activity (Pesticide) #2545
Subject: Low Cost Bed Bug Solutions
Submitted By: Paul Jay Kelley

02/09/2021 **Investigator Sent Mail to Target Activity**

email to mail out POD.

Original Event: Investigation Activity (Pesticide) #2546
Subject: Low Cost Bed Bug Solutions
Submitted By: Paul Jay Kelley
Attachments: File 61786; pod email.pdf
File 61787; Production of Documents-final.pdf

02/09/2021 **Records Request Mailed to Target**

Original Event: Outgoing Mail #707
To: Low Cost Bed Bug Solutions
Submitted By: Joni Herman
USPS: 7017 2620 0000 1393 9978
Enclosed: Records Request
Attachments: File 61890; PS21-0038 Production of Documents Request ~ Stephen Baldwin-Low Cost Bed Bug Solutions.pdf

02/16/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #956
Subject: Low Cost Bed Bug Solutions
Submitted By: Joni Herman
USPS: 7017 2620 0000 1393 9978
Received: 02/16/2021
Attachments: File 65090; CM 7017 2620 0000 1393 9978.pdf

03/12/2021 **Investigator Sent Mail to Target Communication**

On March 12, 2021, requested OISC to certify mail a copy of an Action Order to Stephen Baldwin of Low Cost Bed Bug Solutions.

Original Event: Investigation Activity (Pesticide) #2657
Subject: Low Cost Bed Bug Solutions
Submitted By: Paul Jay Kelley
Attachments: File 63927; AO to mail.pdf
File 63928; mailed action order.pdf

03/12/2021 **Action Order Issued**

cease operating as a for-hire pest control business by using a regulated pest control device until licensed by OISC.

Original Event: Action Order #190
Issued To: Low Cost Bed Bug Solutions
Firm Representative: Stephen Baldwin
Submitted By: Paul Jay Kelley
Attachments: File 63929; AO to mail.pdf

03/15/2021 **Notice of Action Order Mailed to Target**

Original Event: Outgoing Mail #750
To: Low Cost Bed Bug Solutions
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4918
Enclosed: Notice of Action Order
Attachments: File 64168; PS21-0038 AO to mail.pdf

03/20/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #957
Subject: Low Cost Bed Bug Solutions
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4918
Received: 03/20/2021
Attachments: File 65091; CM 7019 2280 0000 6272 4918.pdf

04/06/2021 **Online Investigation Activity**

Activity

On April 4, 2021, Low Cost Bed Bug Solutions has verbiage on it's website indicating active participation in the heat treatment process to kill bed bugs.

Original Event: Investigation Activity (Pesticide) #2764
Subject: Low Cost Bed Bug Solutions
Submitted By: Paul Jay Kelley
Attachments: File 65608; Pricing _ Low Cost Bed Bug Solutions-website 4-6-21.pdf

04/06/2021 Judgement; Civil Penalty Assessed**Citation**

Stephen Baldwin was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to use a pesticide or product regulated under this chapter, for hire on the property of another.

Civil Penalty

Low Cost Bed Bug Solutions was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to use a pesticide or product regulated under this chapter, for hire on the property of another. A civil penalty in the amount of \$250.00 was assessed for this violation.

Original Event: Judgement #722
Primary: Low Cost Bed Bug Solutions
Secondary: Stephen Baldwin
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(9)
Penalty Amount: 250

04/06/2021 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #787
To: Low Cost Bed Bug Solutions
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4659
Enclosed: Notice of Enforcement
Enclosed: Draft Case Summary
Attachments: File 65616; PS21-0038EL CP ~ Low Cost Bed Bug Solutions - Stephen Baldwin.docx

05/04/2021 Mail Service Returned for Target

Certified Mail returned to OISC marked "Unclaimed". Regular has not come back as of today.

Original Event: Compliance Receipt #1136
Subject: Low Cost Bed Bug Solutions
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4659
Returned: 05/04/2021
Attachments: File 68201; CM 7019 2280 0000 6272 4659 ~ Unclaimed - PS21-0038 Low Cost Bed Bug.pdf

05/19/2021 Mail Confirmation Assumed for Target

As of today, the enforcement letter & case report sent via regular mail has not come back to OISC.

Original Event: Compliance Receipt #1137
Subject: Low Cost Bed Bug Solutions
Submitted By: Joni Herman

05/19/2021 Penalty Payment Not Received for Target

As of May 19, 2021, Low Cost Bed Bug Solutions has not paid the \$250.00 civil penalty. The case will be forwarded to collections.

Original Event: Compliance Receipt #1138
Subject: Low Cost Bed Bug Solutions
Submitted By: Joni Herman
Payment Expected: \$250.00
Payment Received: \$0

05/19/2021 Sent to Collections (Pending)

As of May 19, 2021, Low Cost Bed Bug Solutions had not paid the \$250.00 civil penalty. The case was closed and forwarded to collections.

Original Event: Compliance Activity #842
Primary: Low Cost Bed Bug Solutions
Agency: Purdue Receivables & Collections
Submitted By: Joni Herman



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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **April 29, 2021, 09:51 AM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS21-0039

Department	Pesticide
Originated	01/07/2021
Assigned To	Paul Jay Kelley
Status	Closed

Involved Parties

Complainant	Anonymous
Referred By	Indiana Department of Natural Resources
Respondent Issued To	Keener Corporation Connersville, IN 47331
Respondent	Mark Keener Connersville, IN 47331

Overviews

01/21/2021 **Investigation Summary**

It is alleged that employees of Keener corporation purchased Golden Malrin Fly Bait in Ohio and have used the bait to kill raccoons. Cats and possums have also allegedly been killed as a result of the baiting.

On January 13, 2021, I went to the Keener Corporation in Connersville, Indiana to understand the layout of the building.

On January 15, 2021, Conservation Officer Travis Stewart and I met CEO/President, Gary Keener. Mr. Keener stated he had heard of a raccoon problem. Mr. Keener stated he did not have keys to the warehouse. We agreed to return January 18, 2021, to continue our investigation

On January 18, 2021, Conservation Officer Travis Stewart and I met with Mark Keener, Vice President of Keener Corporation. Mark Keener stated he obtained the Golden Malrin from an unidentified party. Mark Keener stated the Golden Malrin was purchased at a Tractor Supply store in Ohio several months ago. Mark Keener stated he mixed Coke or Orange drink with the Golden Malrin in a small dish and placed under shelving next to the break area inside the warehouse. Mark Keener stated he eventually found 5-6 dead raccoons in the warehouse.

Mark Keener relinquished the remaining Golden Malrin into my custody.

Mark Keener was issued an Action Order to cease using a Restricted Use Pesticide (RUP) without a license and cease misusing a RUP without a license.

Golden Malrin is an Indiana Restricted Use Pesticide (RUP) requiring a license from the Office of Indiana State Chemist (OISC) for use. In addition, label language for Golden Malrin (EPA Reg. #2724-274, active ingredient methomyl) states in part, "It is illegal to use this product with intentions to kill raccoons, skunks, opossums, coyotes, wolves, dogs, cats, or any other non-target species."

Mark Keener admitted to being in possession of Golden Malrin, a Restricted Use Pesticide (RUP), without a license from OISC.

Mark Keener admitted to applying Golden Malrin contrary to label direction to kill raccoons.

Submitted By: Paul Jay Kelley
Role: Investigator

01/21/2021 **Disposition Summary**

Keener Corporation was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for using a pesticide product contrary to label directions regarding the prohibition of use against animals. A civil penalty in the amount of \$250.00 was assessed for this violation. However, the civil penalty was reduced to \$188.00. Consideration was given to the fact Mark Keener cooperated during the investigation.

Mark Keener was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for using a pesticide product contrary to label directions regarding the prohibition of use against animals.

Keener Corporation was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide product without having a certified applicator. A civil penalty in the amount of \$250.00 was assessed for this violation. However, the civil penalty was reduced to \$188.00. Consideration was given to the fact Mark Keener cooperated during the investigation.

Mark Keener was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide product without having a certified applicator.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

01/07/2021 Intake Referral Filed

It is alleged that employees of Keener corporation purchased Golden Malrin Fly Bait in Ohio and have used the bait to kill raccoons. Cats and possums have also allegedly been killed as a result of the baiting.

Original Event: Intake Referral (Pesticide) #1764
Complainant: Anonymous
Respondent: Keener Corporation
Referred By: Indiana Department of Natural Resources
Submitted By: Joseph D. Becovitz
Assigned To: Paul Jay Kelley

01/07/2021 Case Created

Original Event: Case PS21-0039
Submitted By: Joseph D. Becovitz
Assigned To: Paul Jay Kelley

01/13/2021 Investigation Activity Activity

On January 13, 2021, I went to the Keener Corporation in Connersville, Indiana to understand the layout of the building. I drove around the company and did not see signs of baiting or dead animals along the perimeter. Company appears to be multiple structures.

Original Event: Investigation Activity (Pesticide) #2506
Submitted By: Paul Jay Kelley

01/15/2021 Investigator Met with Target Communication

On January 15, 2021, Conservation Officer Travis Stewart and I met at the Keener Corporation in Connersville, Indiana to investigate an allegation of using golden malrin to kill raccoons. Although the Keener Corporation was closed, we were able to speak with the CEO/President, Gary Keener. Mr. Keener stated he had heard of a raccoon problem in the warehouse but was unable to give further information. Mr. Keener stated he did not have keys to his warehouse which did not give C.O. Stewart and I access. C.O. Stewart and I walked the grounds looking for precursors to baiting. C.O. Stewart and I did not find evidence of baiting with Golden Malrin along perimeter of buildings. We agreed to return January 18, 2021, to continue our investigation.

Original Event: Investigation Activity (Pesticide) #2508
Subject: Keener Corporation
Submitted By: Paul Jay Kelley

01/18/2021 Investigator Met with Target Interview

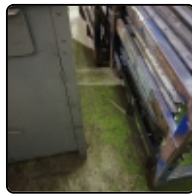
On January 18, 2021, Conservation Officer Travis Stewart and I met with Mark Keener, Vice President of Keener Corporation. Mark Keener stated raccoons entering the warehouse have been a problem for many years. Mark Keener stated initially Keener Corporation was trapping the raccoons but were unsuccessful. Mark Keener stated the raccoons would enter the warehouse and open refrigerators in the staff break area. See figure 1. Mark Keener stated he obtained the Golden Malrin from an unidentified party. Mark Keener stated the Golden Malrin was purchased at a Tractor Supply store in Ohio several months ago. Mark Keener stated he mixed Coke or Orange drink with the Golden Malrin in a small dish and placed under shelving next to the break area inside the warehouse. See figure 2. Mark Keener stated he eventually found 5-6 dead raccoons in the warehouse and disposed of the carcasses in a dumpster outside. See figure 3.

Mark Keener relinquished the remaining Golden Malrin into my custody. See figure 4. Mark Keener was upfront and candid about the misapplying of the Golden Malrin. Mark Keener stated he became concerned after reading the label of the product stating Golden Malrin's prohibitions. Mark Keener was issued an Action Order to cease using a Restricted Use Pesticide (RUP) without a license and cease misusing a RUP without a license.

Golden Malrin is an Indiana Restricted Use Pesticide (RUP) requiring a license from the Office of Indiana State Chemist (OISC) for use. In addition, label language for Golden Malrin (EPA Reg. #2724-274, active ingredient methomyl) states in part, "It is illegal to use this product with intentions to kill raccoons, skunks, opossums, coyotes, wolves, dogs, cats, or any other non-target species."

Original Event: Investigation Activity (Pesticide) #2509
Subject: Keener Corporation
Submitted By: Paul Jay Kelley
Attachments: File 60696; Figure1.jpg.

Photos:



File 60691



File 60693



File 60694



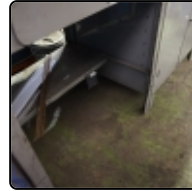
File 60695



File 60698



File 60699



File 60692



File 60697



File 60700

01/18/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #112
Client: Keener Corporation
Firm Representative: Mark Keener
Submitted By: Paul Jay Kelley
Attachments: File 60701; NOI.pdf

01/18/2021 **Action Order Issued**

Cease using a Restricted Use Pesticide (RUP) without a license.
Cease misusing a RUP without a license

Original Event: Action Order #185
Issued To: Keener Corporation
Firm Representative: Mark Keener
Submitted By: Paul Jay Kelley
Attachments: File 60702; AO.pdf

01/18/2021 **Formulation Samples Collected** (Pending)

Original Event: Formulation Collection #166179 (21-3-0295 1)
Client: Keener Corporation
Firm Representative: Mark Keener
Submitted By: Paul Jay Kelley
Sample: 21-3-0295 1 | Golden Malrin
Sample: 21-3-0296 7 | Golden Malrin
PPLS Labels: [002724-00274-20161006.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/002724-00274-20161006.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/002724-00274-20161006.pdf

Attachments: File 60708; Formulation form.pdf

Photos:



File 60703



File 60706



File 60704



File 60705



File 60707

Citation

Mark Keener was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for using a pesticide product contrary to label directions regarding the prohibition of use against animals.

Citation

Mark Keener was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide product without having a certified applicator.

Civil Penalty

Keener Corporation was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for using a pesticide product contrary to label directions regarding the prohibition of use against animals. A civil penalty in the amount of \$250.00 was assessed for this violation. However, the civil penalty was reduced to \$188.00. Consideration was given to the fact Mark Keener cooperated during the investigation.

Civil Penalty

Keener Corporation was cited for violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide product without having a certified applicator. A civil penalty in the amount of \$250.00 was assessed for this violation. However, the civil penalty was reduced to \$188.00. Consideration was given to the fact Mark Keener cooperated during the investigation.

Original Event:	Judgement #674
Primary:	Keener Corporation
Secondary:	Mark Keener
Submitted By:	George Saxton
Legal Citations:	IC 15-16-5-65(2); IC 15-16-5-65(10)
Penalty Amount:	376

03/10/2021 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #743
To:	Keener Corporation
Submitted By:	Joni Herman
USPS:	7019 2280 0000 6272 4369
Enclosed:	Notice of Enforcement
Enclosed:	Draft Case Summary
Attachments:	File 63839; PS21-0039EL CP ~ Keener Corporation - Mark Keener.docx

03/16/2021 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #979
Subject:	Keener Corporation
Submitted By:	Joni Herman
USPS:	7019 2280 0000 6272 4369
Received:	03/16/2021
Attachments:	File 65155; CM 7019 2280 0000 6272 4369.pdf

03/22/2021 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1062
Subject:	Keener Corporation
Submitted By:	Joni Herman
Payment Expected:	\$376.00
Payment Received:	\$376.00
Attachments:	File 66099; PS21-0039~Keener Corp~CP Received.pdf



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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **May 10, 2021, 01:34 PM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS21-0040

Department	Pesticide
Originated	01/15/2021
Assigned To	Garret A. Creason
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent Issued To	Ceres Solutions Cooperative State Line, IN 47982
Respondent	Ceres Solutions Cooperative Inc State Line, IN 47982

Overviews

02/15/2021 **Investigation Summary**

On January 12, 2021 i inspected Ceres Solutions in State Line, Indiana for secondary containment of bulk pesticide products. while inspecting the facility i found that a structure containing portable refillable containers of assorted pesticide products. In the structure was a perimeter curb constructed of treated 2x4 lumber. the lumber was anchored well to the concrete base. all seams were sealed with an epoxy type sealer. I advised Mr. Myers that treated lumber was not acceptable for secondary containment per the Indiana Secondary Containment rule.

On January 13, 2021 I met with Mr. Myers at Ceres Solutions in State Line, IN. After reviewing all the information available i determined that the secondary containment structure Ceres had installed was not acceptable. I issued an Action Order to Ceres Solutions instructing them to stop storing bulk pesticides until secondary containment requirements are met.

On January 18, 2021 i received an email from Mr. Myers stating that all pesticide portable refillable containers were placed into a secondary containment storage area. Photos were included in the email. On January 19, 2021 i received an email from Mr. Myers stating that the portable refillable containers were out of the 30 containment grace period. Mr. Myers would be following up later with documentation and an exact count of portable refillable containers.

On February 4, 2021 i received an email from Mr. Myers. The email contained the bill of ladings for all the pesticide portable refillable containers. Per the information supplied by Mr. Myers the bulk pesticides stored out of containment at the State Line, IN location are as follows: Restricted Use Pesticides: Hero Insecticide; EPA Reg# 279-3315, Quantity 4; General Use Pesticides: Instinct NXTGEN; EPA Reg# 62719-741, quantity 3; WF Simazine 4L; EPA Reg# 9779-296, quantity 3; Delaro; EPA Reg# 264-1055, quantity 1; Lucento; EPA Reg# 279-3603, quantity 3; Section Three; EPA Reg# 66330-414-1381, quantity 4; Zidua Pro; EPA Reg# 7969-365, quantity 2; Enlist One; EPA Reg# 62719-741 quantity 2; Total units out of containment 22. All units were past the 30 day grace period for storage requirements.

Submitted By: Garret A. Creason
Role: Investigator

02/15/2021 **Disposition Summary**

Ceres Solutions Cooperative Inc was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 5-4-1(a) for storing minibulk containers out of secondary containment. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

01/12/2021 **Intake Referral Filed**

Pesticide Mini-bulk containers located out of secondary containment. A good effort was made to build secondary containment, however the materials used were not acceptable to the pesticide secondary containment rule.

Original Event: Intake Referral (Pesticide) #1765
Complainant: Office of Indiana State Chemist
Respondent: Ceres Solutions Cooperative
Entered By: Garret A. Creason
Submitted By: George Saxton

01/12/2021 **Product Inspection Conducted
Portable Refillable Containers**

In the structure containing the Portable Refillable Containers i observed that a secondary containment structure was constructed out of treated 2x4 lumber. The lumber was anchored to the concrete floor and sealed along all seams.

Original Event: Pesticide Inspection (Product) #208
Client: Ceres Solutions Cooperative
Firm Representative: Jared Myers
Submitted By: Garret A. Creason

01/12/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #145
Client: Ceres Solutions Cooperative
Firm Representative: Jared Myers
Submitted By: Garret A. Creason
Attachments: File 62111; scan0005.pdf

01/12/2021 **Investigator Met with Business
Interaction**

On January 12, 2021 i inspected Ceres Solutions in State Line, Indiana for secondary containment of bulk pesticide products. while inspecting the facility i found that a structure containing portable refillable containers of assorted pesticide products. In the structure was a perimeter curb constructed of treated 2x4 lumber. the lumber was anchored well to the concrete base. all seams were sealed with an epoxy type sealer. I advised Mr. Myers that treated lumber was not acceptable for secondary containment per the Indiana Secondary Containment rule.

Original Event: Investigation Activity (Pesticide) #2565
Subject: Ceres Solutions Cooperative
Submitted By: Garret A. Creason

01/13/2021 **Action Order Issued**

See #3 attached. Notify OISC when secondary containment requirements are met.

Original Event: Action Order #187
Issued To: Ceres Solutions Cooperative
Firm Representative: Jared Myers
Submitted By: Garret A. Creason
Attachments: File 62112; scan0006.pdf

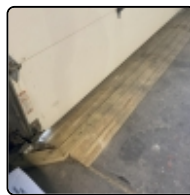
01/13/2021 **Investigator Met with Business
Interaction**

On January 13, 2021 I met with Mr. Myers at Ceres Solutions in State Line, IN. After reviewing all the information available i determined that the secondary containment structure Ceres had installed was not acceptable. I issued an Action Order to Ceres Solutions instructing them to stop storing bulk pesticides until secondary containment requirements are met.

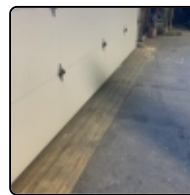
Original Event: Investigation Activity (Pesticide) #2569
Subject: Ceres Solutions Cooperative
Submitted By: Garret A. Creason
Photos:



File 62117



File 62118



File 62119



File 62120



File 62121



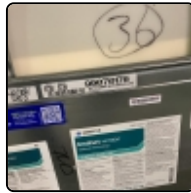
File 62122



File 62123



File 62124



File 62125

01/15/2021 Case Created

Original Event:

Case PS21-0040

Submitted By:

George Saxton

Assigned To:

Garret A. Creason

01/19/2021 Investigator Received Fax/Email from Business Communication

On January 18, 2021 i received an email from Mr. Myers stating that all pesticide portable refillable containers were placed into a secondary containment storage area. Photos were included in the email. On January 19, 2021 i received an email from Mr. Myers stating that the portable refillable containers were out of the 30 containment grace period. Mr. Myers would be following up later with documentation and an exact count of portable refillable containers.

Original Event:

Investigation Activity (Pesticide) #2570

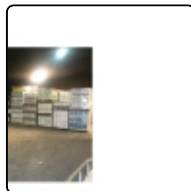
Subject:

Ceres Solutions Cooperative

Submitted By:

Garret A. Creason

Photos:



File 62128

File 62129

02/04/2021 Investigator Received Fax/Email from Business Records

On February 4, 2021 i received an email from Mr. Myers. The email contained the bill of lading for all the pesticide portable refillable containers. Per the information supplied by Mr. Myers the bulk pesticides stored out of containment at the State Line, IN location are as follows:

Restricted Use Pesticides:

-Hero Insecticide; EPA Reg# 279-3315, Quantity 4

General Use Pesticides:

-Instinct NXTGEN; EPA Reg# 62719-741, quantity 3

-WF Simazine 4L; EPA Reg# 9779-296, quantity 3

-Delaro; EPA Reg# 264-1055, quantity 1

-Lucento; EPA Reg# 279-3603, quantity 3

-Section Three; EPA Reg# 66330-414-1381, quantity 4

-Zidua Pro; EPA Reg# 7969-365, quantity 2

-Enlist One; EPA Reg# 62719-741 quantity 2

Total units out of containment 22. All units were past the 30 day grace period for storage requirements.

Original Event: Investigation Activity (Pesticide) #2571
Subject: Ceres Solutions Cooperative
Submitted By: Garret A. Creason
Attachments: File 62130; Chemical BOL State Line (002).pdf

Photos:



File 62131

02/15/2021 **Judgement; Civil Penalty Assessed**
Civil Penalty

Ceres Solutions Cooperative Inc was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 5-4-1(a) for storing minibulk containers out of secondary containment. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved.

Original Event: Judgement #690
Primary: Ceres Solutions Cooperative Inc
Submitted By: George Saxton
Legal Citation: 355 IAC 5-4-1(a)
Penalty Amount: 250

03/16/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #758
To: Ceres Solutions Cooperative Inc
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4932
Enclosed: Notice of Enforcement
Enclosed: Draft Case Summary
Attachments: File 64201; PS21-0040EL CP ~ Ceres Solutions Cooperative.docx

03/23/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1022
Subject: Ceres Solutions Cooperative Inc
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4932
Received: 03/23/2021
Attachments: File 65954; CM 7019 2280 0000 6272 4932.pdf

04/20/2021 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1102
Subject: Ceres Solutions Cooperative Inc
Submitted By: Joni Herman
Payment Expected: \$250.00
Payment Received: \$250.00
Attachments: File 66704; PS21-0040 ~ Ceres Solutions Cooperative ~ CP Received.pdf

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **May 10, 2021, 01:35 PM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS21-0043

Department	Pesticide
Originated	02/10/2021
Assigned To	Elizabeth C. Carter
Status	Closed

Involved Parties

Respondent	Harvest Land Co Op Inc New Castle, IN 47362
Complainant	Office of Indiana State Chemist
Respondent	George Michael Sweigart New Castle, IN 47362
Respondent	Jake Martin JR. New Castle, IN 47362

Overviews

02/15/2021 **Investigation Summary**

I was assigned a routine restricted use pesticide (RUP) dealer inspection at Harvest Land in New Castle. I spoke with branch manager, Royce Cook.

On January 18, 2021, Mr. Cook submitted the requested RUP records. Upon reviewing the records, I discovered a RUP sale that looked suspicious. It was a sale of atrazine on July 2, 2020 to Jake Martin Jr.; however, George Sweigart's private applicator (PA) number was listed 'as the responsible applicator' for the sale.

I then contacted Mr. Cook about this sale. He stated the two farmers 'bartered' services and Sweigart made all pesticide applications for Martin Jr. Mr. Cook later emailed me his RUP 'pickup form' stating that Martin Jr. could pickup pesticides for licensed PA, Sweigart to apply.

On February 2, 2020, I contacted Mr. Sweigart regarding the suspicious atrazine sale. Mr. Sweigart stated he had not applied any pesticides for Mr. Martin Jr., but rather Mr. Martin Jr. was making all the pesticide applications himself. He said Mr. Martin Jr. was a neighbor, and they did not farm together. Mr. Sweigart went on to say he didn't even own a sprayer and that Harvest Land custom applied all his pesticides. He then explained that this 'license sharing' situation came about quite a few years ago when Mr. Martin Jr. was involved in a motorcycle wreck. While he was recuperating, he was unable to keep up his PA license. At that time Mr. Martin Jr. approached him about using Sweigart's license number to purchase pesticides. Mr. Sweigart said he was not comfortable with this situation, and Harvest Land was aware what was happening.

On February 3, 2021 per my request, Harvest Land submitted custom pesticide application records. According to these documents, Harvest Land made multiple for-hire pesticide applications for Mr. Sweigart.

On February 5, 2021, I received Mr. Martin Jr.'s RUP application records. These records confirm that unlicensed Martin Jr. applied atrazine 5 times without a license. They include the following locations and dates: May 30 to the "Huff field," June 2 to the "west fork," June 3 to the "Wig field," June 3 to the "Kramer field," and June 12 to the "Curtis field." Mr. Martin Jr. later informed me, via email, that he had signed up for the PA training course.

Upon reviewing Mr. Martin Jr.'s records and the original RUP dealer records, I noticed some discrepancies in dates and atrazine quantities. I asked Mr. Cook to please rectify. He later submitted to me the 'custom blend' tickets of atrazine for Mr. Martin Jr. According to these records, Harvest Land provided the pesticide blends to Mr. Martin Jr. on June 1 and 3, 2020. The custom blend records have Martin Jr.'s name and phone number on them, not Sweigart.

Based on the evidence collected, it appeared Mr. Martin Jr., Mr Sweigart, and Harvest Land all knew about the 'license sharing' and the legality of it. Based on the custom pesticide work done by Harvest Land, the statement by Sweigart, and the tendency of retailers to know their customers, it appeared Harvest Land chose to support this license sharing situation. Mr. Cook cooperated and submitted all records in a timely manner. Mr. Martin Jr. submitted five RUP application records without a license. He cooperated, submitted the records, and has started the process of getting licensed. Although Mr. Sweigart did not remember signing the form by Harvest Land, he did express regret about the situation. Sweigart cooperated fully and was truthful.

Submitted By: Elizabeth C. Carter
Role: Investigator

02/17/2021 **Disposition Summary**

Harvest Land Co op was cited for two (2) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide to a non-certified user. A civil penalty in the amount of \$500.00 (2 counts x \$250.00 per count) was assessed.

Jake Martin Jr. was cited for five (5) counts of violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without being licensed, certified or permitted. A civil penalty in the amount of \$500.00 (5 counts x \$100.00 per count) was assessed.

George Michael Sweigart was cited for violation of section 65(13) of the Indiana Pesticide Use and Application Law for intentionally allowing a non-permitted individual to use his Private Applicator permit to purchase restricted use pesticides. A civil penalty in the amount of \$100.00 was assessed for this violation.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

01/18/2021 **Intake Referral Filed**

I was assigned a routine restricted use pesticide (RUP) dealer inspection at Harvest Land in New Castle.

Original Event: Intake Referral (Pesticide) #1842
Complainant: Office of Indiana State Chemist
Respondent: Harvest Land Co Op Inc
Entered By: Elizabeth C. Carter
Submitted By: Mark Sobers

01/18/2021 **Rup Dealer Inspection Conducted**
RUP Dealer Inspection

On January 18,2021, I contacted branch manager, Royce Cook, requesting restricted use pesticide (RUP) dealer records. The inspection was done over the phone due to COVID.

Later, Mr. Cook emailed me the records. Upon reviewing the records, I discovered a RUP sales that looked suspicious. It was a sale of atrazine to Jake Martin Jr.; however, George Sweigart's private applicator (PA) number was listed 'as the responsible applicator' for the sale. Page 3 has the suspicious sale of atrazine.

A check of the OISC database indicated, Mr. Martin Jr. did not have a current applicator license; Mr. Sweigart did have a current PA license.

Original Event: Pesticide Inspection (General) #1546
Client: Harvest Land Co Op Inc
Firm Representative: Royce Cook
Submitted By: Elizabeth C. Carter
Attachments: File 62110; Harvest Land -Mt. Summit RUP.pdf

01/28/2021 **Investigator Received Fax/Email from Dealer**
Interaction

Branch manager, Royce Cook submitted to me, via email, an RUP 'pickup form' allowing Jake Martin Jr. to pickup pesticides for licensed PA George Sweigart.

Original Event: Investigation Activity (Pesticide) #2566
Subject: Harvest Land Co Op Inc
Submitted By: Elizabeth C. Carter
Attachments: File 62114; RUP pickup form submitted by royce cook.pdf

02/02/2021 **Investigator Received Fax/Email from Farmer**
Communication

On February 2,2020, I had a phone conversation with Mr. Sweigart regarding the sale of atrazine to Jake Martin Jr. while using Mr. Sweigart's PA number. In order to correctly document what we discussed I asked Mr. Sweigart to send me a statement. He said he was not very comfortable using the computer, so he asked me to summarize our conversation. I sent the following email and he reviewed for content. See attachment.

Original Event: Investigation Activity (Pesticide) #2555
Subject: George Michael Sweigart
Submitted By: Elizabeth C. Carter
Attachments: File 61925; george Sweigart email regarding Jake Martin and Harvest Land.pdf

02/03/2021 **Investigator Received Fax/Email from Dealer Interaction**

On February 3, 2021, per my request, Harvest Land submitted custom pesticide application records. See pages 32 and 33. These documents show Harvest Land was making multiple for-hire pesticide applications for George Sweigart. This document supports the claim made by Sweigart that Harvest Land was making multiple pesticide applications for him. Further it begs the question why Harvest Land would allow Jake Martin Jr. to pickup pesticides for Mr. Sweigart when they are providing the application service. These forms contradict the 'pickup form' supplied by Harvest Land.

Original Event: Investigation Activity (Pesticide) #2567
Subject: Harvest Land Co Op Inc
Submitted By: Elizabeth C. Carter
Attachments: File 62165; custom apps by HarvestLand new castle.pdf

02/05/2021 **Investigator Received Fax/Email from Subject Communication**

These are the RUP application records submitted by unlicensed, Jake Martin Jr.. Please note the application of restricted use atrazine by Martin Jr..

Original Event: Investigation Activity (Pesticide) #2561
Subject: Jake Martin JR.
Submitted By: Elizabeth C. Carter
Attachments: File 61961; jake martin Jr. RUP application records.docx

02/09/2021 **Investigator Received Fax/Email from Farmer Interaction**

I received an email from Jake Martin Jr stating he signed up for the pesticide applicator certification class on April 15.

Original Event: Investigation Activity (Pesticide) #2568
Subject: Jake Martin JR.
Submitted By: Elizabeth C. Carter

02/10/2021 **Investigator Received Fax/Email from Dealer Communication**

This is the 'custom blend' ticket of atrazine for Jake Martin Jr. provided by Royce Cook. The dates are June 1 and 3, 2020 as confirmed in another email by Royce Cook.

Original Event: Investigation Activity (Pesticide) #2564
Subject: Harvest Land Co Op Inc
Submitted By: Elizabeth C. Carter
Attachments: File 62109; Harvestland blend ticket for Jake Martin.pdf

02/10/2021 **Case Created**

Original Event: Case PS21-0043
Submitted By: George Saxton
Assigned To: Elizabeth C. Carter

02/17/2021 **Judgement; Civil Penalty Assessed Civil Penalty**

Harvest Land Co op was cited for two (2) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-3-2, for distributing a restricted use pesticide to a non-certified user. A civil penalty in the amount of \$500.00 (2 counts x \$250.00 per count) was assessed.

Civil Penalty

Jake Martin Jr. was cited for five (5) counts of violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without being licensed, certified or permitted. A civil penalty in the amount of \$500.00 (5 counts x \$100.00 per count) was assessed.

Civil Penalty

George Michael Sweigart was cited for violation of section 65(13) of the Indiana Pesticide Use and Application Law for intentionally allowing a non-permitted individual to use his Private Applicator permit to purchase restricted use pesticides. A civil penalty in the amount of \$100.00 was assessed for this violation.

Original Event: Judgement #693
Primary: Harvest Land Co Op Inc
Secondary: Jake Martin JR.
Additional: George Michael Sweigart
Submitted By: George Saxton
Legal Citations: 357 IAC 1-3-2; IC 15-16-5-65(10); IC 15-16-5-65(13)
Penalty Amount: 1100

03/18/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #767
To: Harvest Land Co Op Inc
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4741
Enclosed: Notice of Enforcement
Enclosed: Draft Case Summary
Attachments: File 64626; PS21-0043EL CP ~ Harvest Land Co Op.docx

03/18/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #768
To: Jake Martin JR.
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4734
Enclosed: Notice of Enforcement
Enclosed: Draft Case Summary
Attachments: File 64627; PS21-0043EL CP ~ Jake Martin Jr..docx

03/18/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #769
To: George Michael Sweigart
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4727
Enclosed: Notice of Enforcement
Enclosed: Draft Case Summary
Attachments: File 64628; PS21-0043EL CP ~ George M. Sweigart.docx

03/25/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1015
Subject: Harvest Land Co Op Inc
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4741
Received: 03/25/2021
Attachments: File 65945; CM 7019 2280 0000 6272 4741.pdf

03/25/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1016
Subject: Jake Martin JR.
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4734
Received: 03/25/2021
Attachments: File 65946; CM 7019 2280 0000 6272 4734.pdf

03/25/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1017
Subject: George Michael Sweigart
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4727
Received: 03/25/2021
Attachments: File 65947; CM 7019 2280 0000 6272 4727.pdf

03/29/2021 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1066
Subject: George Michael Sweigart
Submitted By: Joni Herman
Payment Expected: \$100.00
Payment Received: \$100.00
Attachments: File 66103; PS21-0043~George Sweigart~CP Received.pdf

04/05/2021 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1067
Subject: Jake Martin JR.
Submitted By: Joni Herman
Payment Expected: \$500.00
Payment Received: \$500.00
Attachments: File 66104; PS21-0043~Jake Martin Jr.~CP Received.pdf

04/16/2021 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1099
Subject: Harvest Land Co Op Inc
Submitted By: Joni Herman
Payment Expected: \$500.00
Payment Received: \$500.00

Attachments:

File 66701; PS21-0043 ~ Harvest Land Co Op - Royce Cook ~ CP Received.pdf

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **May 10, 2021, 01:35 PM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS21-0045

Department	Pesticide
Originated	02/19/2021
Assigned To	Paul Jay Kelley
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent	Bryan Stewart Fleck Carmel, IN 46303

Overviews

02/26/2021 **Investigation Summary**

Advertised in the business for conducting category 3b and fertilization applications without a license.

Advertisement not on website.

Advertisement was a screenshot message to an anonymous individual.

Did not make any applications.

Took CORE and Cat. 3B and passed.

Submitted By: Paul Jay Kelley
Role: Investigator

02/26/2021 **Disposition Summary**

Bryan Stewart Fleck 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. However, the civil penalty was held in abeyance and will not be assessed provided Bryan Stewart Fleck becomes properly licensed within six (6) months from the date of this notice.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

02/19/2021 **Intake Referral Filed**

Bryan Fleck Dba Blue Creek Lawn Care and Sharpening is offering for hire weed control in lawns without a Pesticide Business License.

Original Event: Intake Referral (Pesticide) #1843
Complainant: Office of Indiana State Chemist
Respondent: Bryan Stewart Fleck
Submitted By: Joseph D. Becovitz
Assigned To: Paul Jay Kelley

02/19/2021 **Investigator Sent Fax/Email to Target Screenshots**

On February 19, 2021, I found evidence of advertising "Weed control and fertilizer" on several open source internet sites.

Original Event: Investigation Activity (Pesticide) #2594
Subject: Bryan Stewart Fleck
Submitted By: Paul Jay Kelley

Attachments:

File 62450; Fleck Blue Creek Lawn Care (002) - Copy.png

Photos:



File 62451



File 62452

02/19/2021 **Case Created**

Original Event: Case PS21-0045
Submitted By: Joseph D. Becovitz
Assigned To: Paul Jay Kelley

02/22/2021 **Investigator Called Target Communication**

On February 22, 2021, I spoke with Bryan Fleck by telephone. Mr. Fleck stated he has taken and passed the CORE exam. Furthermore, Mr. Fleck stated he is scheduled to take the category 3B exam on Thursday February 25, 2021. I asked Mr. Fleck to verify with me once he passes the category 3B and submission of his paperwork for licensure.

Original Event: Investigation Activity (Pesticide) #2599
Subject: Bryan Stewart Fleck
Submitted By: Paul Jay Kelley

02/25/2021 **Investigator Received Fax/Email from Target Communication**

On February 25, 2021, I received an email from Bryan Fleck stating he passed the category 3B exam. Mr. Fleck stated he completed an application and submitted it to OISC with additional documents and payment.

Original Event: Investigation Activity (Pesticide) #2617
Subject: Bryan Stewart Fleck
Submitted By: Paul Jay Kelley
Attachments: File 62727; Memo Style.pdf

02/26/2021 **Judgement; Civil Penalty Assessed Civil Penalty**

Bryan Stewart Fleck 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.

Abeyance

However, the civil penalty was held in abeyance and will not be assessed provided Bryan Stewart Fleck becomes properly licensed within six (6) months from the date of this notice.

Original Event: Judgement #700
Primary: Bryan Stewart Fleck
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(9)
Penalty Amount: 250

03/18/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #760
To: Bryan Stewart Fleck
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4970
Enclosed: Notice of Enforcement
Enclosed: Draft Case Summary
Attachments: File 64612; PS21-0045EL CP Abeyance ~ Bryan S. Fleck.docx

03/31/2021 **Received Documents for Target**

Proof of Licensing documentation received from Bryan Fleck.

Original Event: Compliance Receipt #1117
Subject: Bryan Stewart Fleck
Submitted By: Joni Herman
Attachments: File 67275; PS21-0045 Proof of License for Bryan S. Fleck.pdf

04/23/2021 **Mail Service Returned for Target**

Certified Mail was returned to OISC marked "Unclaimed".

Original Event:	Compliance Receipt #1115
Subject:	Bryan Stewart Fleck
Submitted By:	Joni Herman
USPS:	7019 2280 0000 6272 4970
Returned:	04/23/2021
Attachments:	File 67274; CM 7019 220 0000 6272 4970 - Returned Unclaimed ~ PS21-0045 Bryan Fleck.pdf

05/03/2021 **Mail Confirmation Assumed for Target**
Regular Mail did not come back to OISC. Case can be closed.

Original Event:	Compliance Receipt #1116
Subject:	Bryan Stewart Fleck
Submitted By:	Joni Herman

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **April 29, 2021, 09:50 AM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS21-0046

Department	Pesticide
Originated	02/24/2021
Assigned To	William R. Reid
Status	Closed

Involved Parties

Complainant	Chris Graves Muncie, IN 47304
Respondent	Unknown
Respondent	Lewis Star Pest Control Muncie, IN 47304
Respondent	Richard Bruce Grimes Muncie, IN 47304

Overviews

04/14/2021 **Investigation Summary**

Chris Graves contacted OISC to file a complaint that he purchased a home in 2018 and since then has recently discovered termites. Mr. Graves said that another termite company came out to quote a treatment and stated that these termites had been at the home for awhile and that he should file a complaint. The house was vacant at the time of the original WDI inspection on 8/22/18.

I gathered information and reports before visiting the property on 3/16/21. I noted on original WDI report that it was not filled out correctly and had both "A" and "B" boxes checked in sections two of the WDI report. The same WDI report also stated, "House No "visible" evidence and prior treatment" in section three of WDI report). No obstructions were noted in section four of the report of the area in question in the dining room (red wall in pictures). The WDI report filled out by Lewis Star Pest Control on 8/22/18 was misleading and was filled out incorrectly. I tried to contact Lewis Star Pest Control with out any success. Both the numbers listed on the WDI report are no longer working.

Mr. Chris Graves met me at the property on 3/16/21 and showed me the wall that he believes should have been noted for termite damage during the original inspection on 8/22/18. Mr. Chris Graves also showed me a picture from an online listing that showed the condition of the wall was visible back in 2018. I also noted that in the home inspection report conducted on 8/21/18 that the wall was accessible and visible during the home inspection. The wall and paint in the picture was the same back in 2018 as it was during my investigation on 3/16/21.

Submitted By: William R. Reid
Role: Investigator

04/14/2021 **Disposition Summary**

Lewis Star Pest Control was cited for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making false or misleading statements during or after an inspection for pests. A civil penalty in the amount of \$250.00 was assessed for this violation.

Richard Bruce Grimes was cited for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making false or misleading statements during or after an inspection for pests.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

02/24/2021 Intake Referral Filed

Complainant purchased home in 2018 after inspection that included wood destroying organisms. After finding extensive termite damage in 2020, complainant was advised to contact the Office of Indiana State Chemist.

Original Event: Intake Referral (Pesticide) #1844
Complainant: Chris Graves
Respondent: Unknown
Submitted By: Joseph D. Becovitz
Assigned To: William R. Reid

02/24/2021 Case Created

Original Event: Case PS21-0046
Submitted By: Joseph D. Becovitz
Assigned To: William R. Reid

02/25/2021 Investigator Called Complainant Communication

I called Chris Graves the complainant regarding the termites he found in his home. He purchased the home in 2018 and found them in 2020. He is trying to find the original WDI report. I informed him on the process of the investigation. After I get more information I informed him that I will need to set up a site visit to inspect the property.

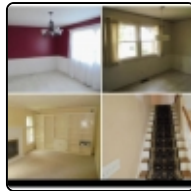
Original Event: Investigation Activity (Pesticide) #2611
Subject: Chris Graves
Submitted By: William R. Reid

03/16/2021 Investigator Met with Complainant Interaction

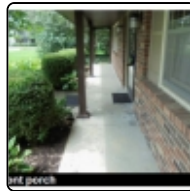
I visited the home at 3812 N. Redding Road, Muncie IN 47304 to investigate the WDI report and home's condition. The home was vacant during the original WDI report in 2018. Chris Graves (homeowner) sent me the original WDI report. Also, he showed me the areas in question that he said should of been found during the original inspection. The home had drill marks noted on the front porch area from current and previous treatments. There were mud tubes found on the walls and ceiling areas of the two story home.

Original Event: Investigation Activity (Pesticide) #2798
Subject: Chris Graves
Submitted By: William R. Reid
Attachments: File 66146; GravesWDI report.pdf
File 66149; Realtor.compicoofwall.docx

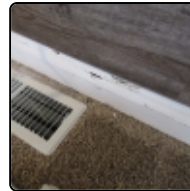
Photos:



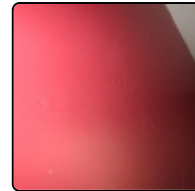
File 66148



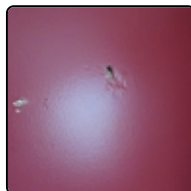
File 66147



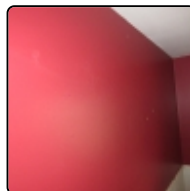
File 66151



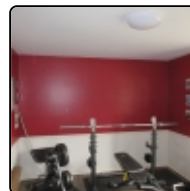
File 66152



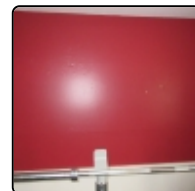
File 66153



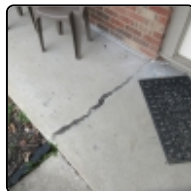
File 66154



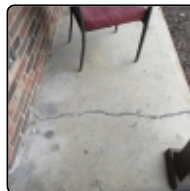
File 66150



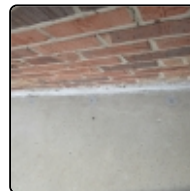
File 66155



File 66156



File 66157



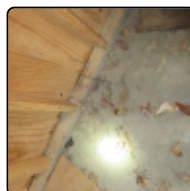
File 66158



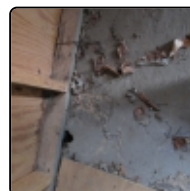
File 66159



File 66160



File 66161



File 66162

03/16/2021 **Notice of Inspection Issued**

NOI for Chris Graves (homeowner and complainant).

Original Event:	Notice of Inspection #261
Client:	Chris Graves
Firm Representative:	Chris Graves
Submitted By:	William R. Reid
Attachments:	File 66163; NOIChrisgraves.pdf

04/14/2021 **Judgement; Civil Penalty Assessed**

Citation

Richard Bruce Grimes was cited for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making false or misleading statements during or after an inspection for pests.

Civil Penalty

Lewis Star Pest Control was cited for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making false or misleading statements during or after an inspection for pests. A civil penalty in the amount of \$250.00 was assessed for this violation.

Original Event:	Judgement #729
Primary:	Lewis Star Pest Control
Secondary:	Richard Bruce Grimes
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(14)
Penalty Amount:	250

04/20/2021 **Case Closed**

Lewis Star Pest Control is no longer in business, address is no longer valid, and their contact number is no longer operational. Still need to document the violations but no reason to mail out anything.

Original Event:	Compliance Activity #800
Primary:	Lewis Star Pest Control
Secondary:	Richard Bruce Grimes
Submitted By:	Joni Herman

<p>This record was generated on April 29, 2021, 09:50 AM EDT. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **May 10, 2021, 01:36 PM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS21-0047

Department	Pesticide
Originated	02/25/2021
Assigned To	Kevin W. Gibson
Status	Closed

Involved Parties

Respondent	Chesapeake Run Golf Club North Judson, IN 46366
Complainant	Office of Indiana State Chemist West Lafayette, IN 47907

Overviews

03/05/2021 **Investigation Summary**

On 2/12/21, while conducting a routine golf course inspection, I made contact with Chesapeake Run Golf Course owner Tammy Halleck. I requested and was given copies of pesticide applications to the golf course for 2019 and 2020.

When reviewing the pesticide application records, I found the applicator to be Austin Clark. According to the records, Mr. Clark made pesticide applications to the golf course on thirty-nine (39) different dates in the last two years. When I checked with OISC licensing, I learned Mr. Clark was a certified private applicator and not a licensed category 3B applicator as required for making pesticide applications to golf courses.

Mr. Austin Clark and Chesapeake Run Golf Course is in violation for making thirty-nine (39) pesticide applications without a category 3B applicator's license. (See attached General Inspection form #1574)

Submitted By: Kevin W. Gibson
Role: Investigator

03/05/2021 **Disposition Summary**

Chesapeake Run Golf Club was cited for thirty-nine (39) violations of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-15-2, for making pesticide applications to a golf course without having a 3b certified applicator. A civil penalty in the amount of \$9,750.00 (39 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$1,950.00. Consideration was given to the fact Chesapeake Run Golf Club cooperated during the investigation; corrective action was taken; no previous history of similar nature and a good-faith effort to comply. The civil penalty was held in abeyance and will not be assessed provided Chesapeake Run Golf Club commits no further violations of the Indiana Pesticide Use and Application Law for a period of two (2) years from the date of this report.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

02/12/2021 **Investigator Called Subject Interaction**

I spoke with golf course owner Tammy Halleck. I requested the pesticide applications for 2019 and 2020. In order to be sure I would receive the correct information, she requested a sample form for record keeping.

Original Event: Investigation Activity (Pesticide) #2615
Subject: Chesapeake Run Golf Club
Submitted By: Kevin W. Gibson

02/24/2021 **General Inspection Conducted**

Credentials Inspection

Since 3/25/19, Chesapeake Run Golf Course made thirty-nine (39) pesticide applications without a licensed pesticide applicator.

Golf Course Inspection

Since 3/25/19, Chesapeake Run Golf Course made thirty-nine (39) pesticide applications without a licensed pesticide applicator.

Original Event: Pesticide Inspection (General) #1574
Client: Chesapeake Run Golf Club
Firm Representative: Tammy Halleck
Submitted By: Kevin W. Gibson
Attachments: File 62713; 2019 app Records.pdf
File 62714; 2020 App Records.pdf

02/24/2021 Notice of Inspection Issued

NOI issued to golf course owner Tammy Halleck.

Original Event: Notice of Inspection #161
Client: Chesapeake Run Golf Club
Firm Representative: Tammy Halleck
Submitted By: Kevin W. Gibson
Photos:



File 62725

02/24/2021 Investigator Received Fax/Email from Subject Interaction

I received pesticide application records from golf course owner Tammy Halleck. According to the records, the pesticides were applied by Austin Clark. I checked for Austin Clark's applicator license in the OISC licensing data base. I found Austin Clark had been issued a current private applicator license but not a category 3B turf license which is required for making pesticide applications to golf courses. He made eighteen (18) pesticide applications to Chesapeake Run Golf Course in 2019 (see attachment). He made twenty-one (21) pesticide applications to Chesapeake Run Golf Course in 2020 (see attachment). Therefore, Austin Clark was not properly licensed at the time he made those applications.

I contacted golf course owner Tammy Halleck and advised of such. Ms. Halleck told she believed he was properly licensed when she hired him. Ms. Halleck also told me her husband Thomas Halleck was licensed in category 3B. She gave me his applicator license number. I checked with OISC licensing section. I found Mr. Halleck was certified in category 3B but had not held a 3B license since 12/31/18 when he was listed with Chesapeake Run Golf Course. When I re-contacted Ms. Halleck, she told me she would make sure her husband contacted me for clarification.

Original Event: Investigation Activity (Pesticide) #2618
Subject: Chesapeake Run Golf Club
Submitted By: Kevin W. Gibson
Attachments: File 62728; 2019 app Records.pdf
File 62729; 2020 App Records.pdf

02/25/2021 Intake Referral Filed

During the course of a routine golf course inspection, it was discovered that Chesapeake Run Golf Course has been making pesticide applications for the past two years without a licensed pesticide applicator. (see general pesticide form #1574)

Original Event: Intake Referral (Pesticide) #1845
Complainant: Office of Indiana State Chemist
Respondent: Chesapeake Run Golf Club
Entered By: Kevin W. Gibson
Submitted By: Joseph D. Becovitz

02/25/2021 Case Created

Original Event: Case PS21-0047
Submitted By: Joseph D. Becovitz
Assigned To: Kevin W. Gibson

03/03/2021 Investigator Called Applicator

Interaction

I spoke to certified (unlicensed) applicator Thomas Halleck. I explained the situation to him concerning lack of a licensed applicator at Chesapeake Run Golf Course. He said he was "attached" to Chesapeake Run Golf Course until 2019 when he allowed the license to lapse. He explained he didn't because his wife (Tammy) hired a licensed applicator (Austin Clark) to make those applications for the last two years and therefore Mr. Halleck's license wasn't needed. I told him Austin Clark was a "private applicator" and not a category 3B license. I then told Mr. Halleck since he (Mr. Halleck) is certified in category 3B (which is required by law), he can apply for a pesticide license with Chesapeake Run Golf Course. By being licensed at Chesapeake Run Golf Course, other employees at the golf course can make pesticide applications under his supervision. In the meantime, pesticide applications could not be made at the golf course unless by a licensed 3B applicator. At the present moment, Chesapeake Run Golf Course was in violation for making pesticide applications on 39 different dates from 3/26/19 through 3/3/21. Mr. Halleck told me he would file the application with our office immediately.

Original Event: Investigation Activity (Pesticide) #2635
Subject: Chesapeake Run Golf Club
Submitted By: Kevin W. Gibson

03/04/2021 **Investigator Sent Fax/Email to Subject Interaction**

I received an email from the OISC licensing section Jill Davis. Ms. Davis informed me she received Mr. Thomas Halleck's pesticide applicator's license for Chesapeake Run Golf Course. Therefore Chesapeake Run Golf Course now has a licensed 3B pesticide applicator.

Original Event: Investigation Activity (Pesticide) #2636
Subject: Office of Indiana State Chemist
Submitted By: Kevin W. Gibson

03/05/2021 **Judgement; Civil Penalty Assessed Civil Penalty**

Chesapeake Run Golf Club was cited for thirty-nine (39) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-15-2, for making pesticide applications to a golf course without having a 3b certified applicator. A civil penalty in the amount of \$9,750.00 (39 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$1,950.00. Consideration was given to the fact Chesapeake Run Golf Club cooperated during the investigation; corrective action was taken; no previous history of similar nature and a good-faith effort to comply.

Abeyance

The civil penalty was held in abeyance and will not be assessed provided Chesapeake Run Golf Club commits no further violations of the Indiana Pesticide Use and Application Law for a period of two (2) years from the date of this report.

Original Event: Judgement #702
Primary: Chesapeake Run Golf Club
Submitted By: George Saxton
Legal Citation: 357 IAC 1-15-2
Penalty Amount: 1950

03/18/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #759
To: Chesapeake Run Golf Club
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4963
Enclosed: Notice of Enforcement
Enclosed: Draft Case Summary
Attachments: File 64611; PS21-0047EL CP Abeyance ~ Chesapeake Run Golf Club.docx

03/29/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1012
Subject: Chesapeake Run Golf Club
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4963
Received: 03/29/2021
Attachments: File 65940; CM 7019 2280 0000 6272 4963.pdf



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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **May 10, 2021, 01:36 PM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS21-0054

Department	Pesticide
Originated	03/10/2021
Assigned To	Leo Reed
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent	Austin W Weck Spencer, IN 47460
-	Inter TEC Pest Division Inc Spencer, IN 47460
-	Metro Institute Phoenix, AZ 85003

Overviews

03/15/2021 **Investigation Summary**

I received information on 3/10/2021 that a cheating event had occurred at the Evansville IVTCH. Mr. Austin Weck was accused of leaving the testing center with scratch paper, on which he had written test questions. During the investigation I spoke with the proctors and reviewed the security video tape. Mr. Weck did indeed violate the proctors instructions. Mr. Weck's supervisor retrieved the scratch paper and returned it to the Office of Indiana State Chemist.

Mr. Weck's actions violated 355 IAC 4-1-2.1(f), which states, "The state chemist shall specify examination procedures that must be followed by any individual taking an examination. Failure to comply with these procedures or any unauthorized assistance provided by or received by an individual during the examining period shall be cause for immediate termination of the examining process for all involved individuals and no additional opportunity to take any examinations shall be provided to the involved individuals for a period of five (5) years."

Submitted By: Leo Reed
Role: Investigator

03/15/2021 **Disposition Summary**

Austin Weck's was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-1-2.1(f), for failure to comply with exam procedures or using any unauthorized assistance. Austin Weck will not be allowed to take any pesticide examination for a period of five (5) years from the date of this notice."

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

03/10/2021 **Intake Referral Filed**

After taking a core exam at the Evansville location of Ivy Tech, the exam proctor asked Mr. Weck to return the scratch paper that he was given at the beginning of the exam. Mr. Weck stated that he was not given any scratch paper and so he didn't have any to return.

Original Event:	Intake Referral (Pesticide) #1852
Complainant:	Office of Indiana State Chemist
Respondent:	Austin W Weck
Submitted By:	Joseph D. Becovitz
Assigned To:	Leo Reed

03/10/2021 **Case Created**

Original Event:	Case PS21-0054
Submitted By:	Joseph D. Becovitz
Assigned To:	Leo Reed

03/10/2021 **Investigator Called Supervisor Interaction**

I spoke with Brian Alton, supervisor of Austin Weck and advised him that Mr. Weck had lied to the proctors at IVTCH and had left with scratch paper. Mr. Alton spoke with Mr. Weck and confirmed that Weck had left with scratch paper on which he had written questions that he was unsure about and could look up answers. Mr. Alton was advised that the paper should be immediately returned to OISC and not copied. I also advised him of the enforcement action (prohibition of taking an exam for 5 years) that would be taken against Weck.

Additionally, the company owner contacted me, Mr. Greg Parker. Mr. Parker and Mr. Alton both assured me that Weck was never instructed or asked to copy exam questions. They both also advised that they would immediately mail the paper to OISC without attempting to copy the exam questions.

Original Event:	Investigation Activity (Pesticide) #2660
Subject:	Inter TEC Pest Division Inc
Submitted By:	Leo Reed

03/10/2021 **Investigator Received Fax/Email from Witness Interaction**

I received the attached email from Kelly Denny of Metro Institute. Mr. Denny and Metro contracts with OISC to provide OISC exams at Indiana Vocational Technical Colleges throughout Indiana. The Evansville IN location had an incident with an examinee, Austin Weck. Mr Weck was asked to return his "scratch paper" after completing the exam. Mr. Weck alleged that he was never given any scratch paper. The proctors at the Evansville location reviewed camera footage of the testing environment. Mr Weck was clearly seen folding his scratch paper and placing it in his back pocket.

I spoke with proctors Laura Hobgood and Debby Weis who confirmed what they saw on the video.



Original Event: Investigation Activity (Pesticide) #2661
Subject: Metro Institute
Submitted By: Leo Reed
Attachments: File 64074; Fwd_ Testing Center Video 3_10_2021.pdf
File 64091; video.mp4

03/15/2021 **Judgement; Prohibition Citation**

Austin Weck was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-1-2.1(f), for failure to comply with exam procedures or using any unauthorized assistance.

Prohibition

Austin Weck will not be allowed to take any pesticide examination for a period of five (5) years from the date of this notice."

Original Event: Judgement #711
Primary: Austin W Weck
Submitted By: George Saxton
Legal Citation: 355 IAC 4-1-2.1 (f)

03/15/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #749
To: Austin W Weck
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4895
Enclosed: Notice of Enforcement
Enclosed: Draft Case Summary
Attachments: File 64167; PS21-0054EL CIT-NoExamAllowed ~ Austin W. Weck.docx

03/22/2021 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #978
Subject:	Austin W Weck
Submitted By:	Joni Herman
USPS:	7019 2280 0000 6272 4895
Received:	03/22/2021
Attachments:	File 65152; CM 7019 2280 0000 6272 4895.pdf

This record was generated on **May 10, 2021, 01:36 PM EDT**. Information displayed may contain errors or omissions.
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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

This record was generated on **May 26, 2021, 08:13 AM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS21-0057

Department	Pesticide
Originated	03/20/2021
Assigned To	Nathan J. Davis
Status	Closed

Involved Parties

Complainant	Anonymous
Respondent Issued To	Brian Naas Haubstadt, IN 47639

Overviews

03/23/2021 **Investigation Summary**

Anonymous source stated that Brian Naas was advertising on Facebook that he fertilized lawns. According to Office of Indiana State Chemist records, Mr. Naas is not licensed to perform for-hire turf applications.

On March 22, 2021 I researched facebook.com. I located four separate postings advertising for hire "overseed/fertilizing" by Brian Naas.

I was contacted by Brian Naas. I advised Mr. Naas he could not advertise for "fertilizing" without having an OISC Pesticide Business License. I issued Mr. Naas an Action Order to "stop advertising or making pesticide and/or fertilizer applications for hire until your business location is credentialed by OISC as a Licensed Pesticide Business".

Submitted By: Nathan J. Davis
Role: Investigator

03/23/2021 **Disposition Summary**

Brian Naas 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 pesticide/fertilizers for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation. The civil penalty was held in abeyance and not assessed provided Brian Naas commits no further violations within two (2) years from the date of this report.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

03/20/2021 **Intake Referral Filed**

Anonymous source stated that Brian Naas was advertising on Facebook that he fertilized lawns. According to Office of Indiana State Chemist records, Mr. Naas is not licensed to perform for-hire turf applications.

Original Event: Intake Referral (Pesticide) #1856
Complainant: Anonymous
Respondent: Brian Naas
Submitted By: Joseph D. Becovitz
Assigned To: Nathan J. Davis

03/20/2021 **Case Created**

Original Event: Case PS21-0057
Submitted By: Joseph D. Becovitz
Assigned To: Nathan J. Davis

03/22/2021 **Investigation Activity Activity**

On March 22, 2021 I researched the facebook.com profile page for Brian Naas. On the profile page for Brian Naas I located three separate postings advertising for hire "overseed/fertilizing". The postings were posted on the following dates:

- April 2, 2020
- April 7, 2020
- April 14, 2020

I also located a posting made by Brian Naas to the facebook.com public group page Fort Branch Yard Sale on March 17, 2021 advertising for hire "yard aerated/fertilized/overseeded".

Original Event: Investigation Activity (Pesticide) #2690
Subject: Brian Naas
Submitted By: Nathan J. Davis

03/22/2021 **Investigation Activity Screenshots**

Screenshot photographs taken from the facebook.com profile page for Brian Naas advertising for "fertilizing". Screenshot photograph taken from the facebook.com public group page Fort Branch Yard Sale. Screenshot photographs were taken on March 22, 2021.

Original Event: Investigation Activity (Pesticide) #2692
Subject: Brian Naas
Submitted By: Nathan J. Davis
Attachments: File 64639; 20210322_122121000_iOS.png
File 64640; 20210322_122721000_iOS.png
File 64641; 20210322_124136000_iOS.png
File 64637; 20210322_124208000_iOS.png
File 64638; 20210322_124226000_iOS.png

03/22/2021 **Investigator Called Responsible Party Communication**

On March 22, 2021 I contacted Brian Naas via telephone. I left a voicemail to contact me regarding the complaint I was investigating.

Original Event: Investigation Activity (Pesticide) #2694
Subject: Brian Naas
Submitted By: Nathan J. Davis

03/22/2021 **Responsible Party Called Investigator Communication**

On March 22, 2021 I was contacted by Brian Naas. I advised Mr. Naas I was a Pesticide Investigator for OISC and of the complaint I was investigating. I advised Mr. Naas he could not advertise for "fertilizing" without having an OISC Pesticide Business License. Mr. Naas advised he was unaware he could not advertise for fertilizer applications without having an OISC Pesticide Business License. Mr. Naas advised he has not made any fertilizer application and does not plan to make any fertilizer applications in the future. I advised Mr. Naas, the three postings on his facebook.com profile page needed to be removed from the page. Further, I advised Mr. Naas he needed to remove the posting from the facebook.com public group page Fort Branch Yard Sale.

I advised Mr. Naas I would be issuing him an Action Order to "stop advertising or making pesticide and/or fertilizer applications for hire until your business location is credentialed by OISC as a Licensed Pesticide Business". I explained the Action Order to Mr. Naas and advised Mr. Naas I would send him via email the Action Order and a Notice of Inspection along with instructions on how to obtain category 3b - Turf Management certification and how to apply for an OISC Pesticide Business License.

Original Event: Investigation Activity (Pesticide) #2695
Subject: Brian Naas
Submitted By: Nathan J. Davis

03/22/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #211
Client: Brian Naas
Firm Representative: Brian Naas
Submitted By: Nathan J. Davis
Attachments: File 64644; NOI-Respondent 3-22-21.pdf

03/22/2021 **Action Order Issued**

Stop advertising or making pesticide and/or fertilizer applications for hire until your business location is credentialed by OISC as a Licensed Pesticide Business.

Original Event: Action Order #193
Issued To: Brian Naas
Firm Representative: Brian Naas
Submitted By: Nathan J. Davis
Attachments: File 64665; AO-Respondent 3-22-21 .pdf

03/22/2021 **Investigator Sent Fax/Email to Responsible Party Communication**

On March 22, 2021 I sent Mr. Naas an email containing the Notice of Inspection and Action Order documents. I also included instructions on how to obtain category 3b - Turf Management certification and how to apply for an OISC Pesticide Business License. On March 22, 2021 I received a read receipt back from Mr. Naas indicating he received the email and documents.

Original Event: Investigation Activity (Pesticide) #2698
Subject: Brian Naas
Submitted By: Nathan J. Davis
Attachments: File 64668; Read Receipt 3-22-21.png

03/23/2021 **Investigation Activity Activity**

The evidence in this case indicates Brian Naas advertised via his personal facebook.com profile page and facebook.com public group page Fort Branch Yard Sale for, for hire "fertilizing" without having an OISC Pesticide Business License.

Original Event: Investigation Activity (Pesticide) #2699
Subject: Brian Naas
Submitted By: Nathan J. Davis

03/23/2021 **Judgement; Civil Penalty Assessed Civil Penalty**

Brian Naas 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 pesticide/fertilizers for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Abeyance

The civil penalty was held in abeyance and not assessed provided Brian Naas commits no further violations within two (2) years from the date of this report.

Original Event: Judgement #716
Primary: Brian Naas
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(9)
Penalty Amount: 250

03/24/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #780
To: Brian Naas
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4581
Enclosed: Notice of Enforcement
Enclosed: Draft Case Summary
Attachments: File 64949; PS21-0057EL CP Abeyance ~ Brian Naas.docx

05/04/2021 **Mail Service Returned for Target**

Certified Mail was returned to OISC marked "Unclaimed". Regular Mail has not been returned.

Original Event: Compliance Receipt #1139
Subject: Brian Naas
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4581
Returned: 05/04/2021
Attachments: File 68314; CM 7019 2280 0000 6272 4581 ~ Unclaimed - PS21-0057 Brian Naas.pdf

05/20/2021 **Mail Confirmation Assumed for Target**

As of May 20, 2021, the Regular Mail copy has not been returned to OISC and no request to appeal has been received. The case can be closed.

Original Event: Compliance Receipt #1140
Subject: Brian Naas
Submitted By: Joni Herman



Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment

Purdue University • 175 S University Street
West Lafayette, IN 47907-2063
Telephone (765) 494-1492 • Facsimile (765) 494-4331
www.oisc.purdue.edu

Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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In Re: Case PS21-0058

Department	Pesticide
Originated	03/22/2021
Assigned To	James M. Trimble
Status	Closed

Involved Parties

Company	Certified Lawn Care Inc Greenwood, IN 46143
Complainant	Office of Indiana State Chemist
Respondent Issued To	Joseph R Gibson Indianapolis, IN 46241
Supervisor	Jeremy J Lang Greenwood, IN 46142
-	Matt Kabern Howe Greenwood, IN 46142
	Owner

Overviews

04/09/2021 **Investigation Summary**

On March 22, 2021, while performing routine inspections, I observed Joseph Gibson complete a pesticide application to the lawn of 7119 Samuel Dr. for Certified Lawn Care Inc. before he received his RT credential from OISC.

The owner of Certified Lawn Care, Matt Howe, provided the application records for Mr. Gibson's non-certified lawn treatments. I found Mr. Gibson had completed a total of 115 turf applications, by the way of fertilizer and pre-emergent pesticide treatments, on nine separate dates, while being a non-certified user.

Mr. Howe stated he had forgot to send Mr. Gibson's application to OISC after he had passed the CORE exam. Mr. Howe quickly took corrective action and had the licensing issue rectified by April 1, 2021.

Submitted By: James M. Trimble
Role: Investigator

04/09/2021 **Disposition Summary**

Certified Lawn Care Inc was cited for violation of section 65(6) of the Indiana Pesticide Use and Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed individual. A civil penalty in the amount of \$125.00 was assessed for this violation.

Jeremy J Lang was cited for violation of section 65(6) of the Indiana Pesticide Use and Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed individual.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

03/22/2021 **General Inspection Conducted
Credentials Inspection**

Mr. Gibson was given an Action Order for making pesticide and fertilizer applications without a RT credential.

Lawn & Landscape Inspection

Mr. Gibson did not have a broom, blower, or other means to remove granular products from hardscapes. I observed the customer notification to be missing the applicator credential number and instructions to remove lawn marker.

Original Event: Pesticide Inspection (General) #1607
Client: Certified Lawn Care Inc
Firm Representative: Joseph Gibson
Submitted By: James M. Trimble

03/22/2021 Notice of Inspection Issued

Original Event: Notice of Inspection #210
Client: Certified Lawn Care Inc
Firm Representative: Joseph Gibson
Submitted By: James M. Trimble
Attachments: File 64623; CertifiedLawnNoi.pdf

03/22/2021 Investigator Met with Subject Interaction

On March 22, 2021, while performing routine inspections, I located a white and black truck with the name "Certified Lawn Care 317-535-1002" affixed to a large holding tank in the truck's bed parked near the intersection of Samuel Dr. and Bel Moore Blvd., Indianapolis, IN. I also observed the truck to be equipped with a hose reel and a push-style spreader that I identified as equipment used for applying pesticides and fertilizers. I then observed a male, later identified as Joseph Gibson, applying a liquid substance with the truck's hose and hand applicator to the lawn of 7119 Samuel Dr.

I then approached the male and identified myself as a Pesticide Investigator with the Office of Indiana State Chemist (OISC) and showed him my credential. Mr. Gibson stated he was treating the lawn with a pre-emergent. I asked Mr. Gibson for his OISC applicator's credential, which he was unable to locate. Mr. Gibson stated he had just passed his exam and believed his supervisor had it in his possession. Mr. Gibson called his supervisor to inquire about the whereabouts of his credential. While Mr. Gibson was on the phone, I inspected a binder that contained the required material for the products Mr. Gibson was applying. The binder also contained a Site Assessment Fact Sheet (SAFS) for "Category 3b Golf Course". Though the wrong SAFS was used, Mr. Gibson's certified supervisor was listed as Jeremy Lang, which I later confirmed.

Shortly thereafter, Mr. Gibson stated the person he was speaking with wanted to speak with me and handed me his phone, where I then spoke with Matt Howe, owner of Certified Lawn Care.

Original Event: Investigation Activity (Pesticide) #2689
Subject: Joseph R Gibson
Submitted By: James M. Trimble

03/22/2021 Investigator Called Business Interaction

Mr. Howe stated that Mr. Gibson had recently passed the CORE exam to be a Registered Technician (RT) but may have forgot to send in the application and monetary fee to OISC to complete the credentialing process. I advised Mr. Howe that I would research Mr. Gibson's credential status and call him back.

Using the OISC database, I found Mr. Gibson's credential status was listed as "Exam Taker", had passed the Core exam on February 25, 2021, but did not have a valid RT credential due to him not being linked to a valid pesticide business. I called Mr. Howe back, explained the above information and advised him that Mr. Gibson had to stop making pesticide and fertilizer applications as a RT until the application process was completed and they received confirmation from OISC that Mr. Gibson had a valid RT credential. I also advised Mr. Howe to send me the records for any and all pesticide and/or fertilizer applications that Mr. Gibson had performed while acting as a credentialed RT without a certified supervisor on-site. Mr. Howe stated he would send Mr. Gibson's application to OISC and correct their customer notification right away.

I advised Mr. Howe I would email him the OISC credential application for Mr. Gibson, OISC licensing department contact information, copies of the Notice of Inspection and Action Order given to Mr. Gibson, along with other documents pertaining to 3b applications.

Original Event: Investigation Activity (Pesticide) #2691
Subject: Matt Kabern Howe
Submitted By: James M. Trimble
Attachments: File 64664; ExamTaker.pdf

03/22/2021 Investigator Met with Subject Interaction

After speaking with Mr. Howe on the phone, I returned to Mr. Gibson and issued him an Action Order to stop pesticide or fertilizer application for hire until he obtained a RT credential from OISC. Mr. Gibson stated he understood the Action Order and signed it.

Original Event: Investigation Activity (Pesticide) #2693
Subject: Joseph R Gibson
Submitted By: James M. Trimble

03/22/2021 Action Order Issued

Stop pesticide or fertilizer applications for hire until you obtain a Registered Technician (RT) credential from OISC.

Original Event:	Action Order #192
Issued To:	Joseph R Gibson
Firm Representative:	Joseph Gibson
Submitted By:	James M. Trimble
Attachments:	File 64624; CertifiedLawnAO.pdf

03/22/2021 **Investigator Met with Subject Photographs**

I then took photographs of the vehicle Mr. Gibson had used for his fertilizer and pesticide application to the turf of 7119 Samuel Dr.

Also pictured is the customer notification left on the front door of 7119 Samuel Dr. I found the customer notification to be signed "Joe" with no credential number listed, no post application safety precautions for the pesticide used, and no instructions to the customer to remove the lawn marker no sooner than the day following the application.

Application truck (File 64649)



customer notification (File 64651)

Certified Lawns Invoice # 20285
PO # Invoice Date 3/22/2021
Check out our new and improved website
<http://certifiedlawns.com>

Bill To:
Cooke Nate
7119 Samuel Dr.
Indianapolis, IN 46259

Application Site:
Cooke Nate
7119 Samuel Dr.
Indianapolis, IN 46259

Description	Total	Application Date	Lawn Moisture Level
Nitrogen 46-0-0	55.30	3/22/2021	<input type="checkbox"/> Extremely Dry
Phosph 0-0-42			<input type="checkbox"/> Slightly Dry
Flea-emergence- Barmicide			<input type="checkbox"/> OK
2.50 lbs.			<input type="checkbox"/> Wet
N-50 lbs. per 1,000 Sqft. 46 %		Start Time 10:54 AM	Mowing Height
P lbs. per 1,000 Sqft. %		Certified Applicator	<input type="checkbox"/> Acceptable
K-16 lbs. per 1,000 Sqft. 62 %		Applicator Comments	<input type="checkbox"/> Too Short
		Thank you for choosing a	<input type="checkbox"/> Too Long
		Certified Lawn	
Thank you for your business.	Sub Total 55.30		
	Sales Tax 3.87		
	Prev. Balance 0.00		
	Balance Due 59.17		

Work History	Scheduled Applications	You now can pay online at
Date Service	1st Application-taxable	http://certifiedlawns.com
11/4/2020 6th Application-taxable	2nd Application-taxable	Call in to setup Autopay (No card fees will be applied)
9/21/2020 5th Application-taxable	3rd Application-taxable	
8/17/2020 4th Application-taxable	Grub Control	
7/11/2020 3rd Application-taxable	4th Application-taxable	Question or concerns our email address is:
7/11/2020 Grub Control	5th Application-taxable	info@certifiedlawns.com
5/11/2020 2nd Application-taxable	6th Application-taxable	or call us 317-535-1002
3/25/2020 1st Application-taxable		

If you previously authorized autopay, your card will be ran for the invoiced amount!

Certified Lawn Care Invoice # 20285
PO Box 351
Greenwood, IN 46142

Cooke Nate
7119 Samuel Dr.
Indianapolis, IN 46259

Terms	Due on receipt
Amount Due:	\$59.17
Amount Paid:	

☐ Questions or concerns? Call us at 317-535-1002 or check here to have us contact you
☐ Yes! I would like to receive your email newsletter. My email address is _____

Truck and address (File 64650)



Original Event:
Subject:
Submitted By:
Photos:

Investigation Activity (Pesticide) #2696
Joseph R Gibson
James M. Trimble



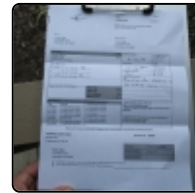
File 64648



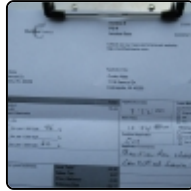
File 64649



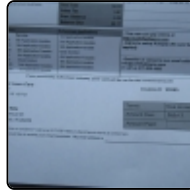
File 64650



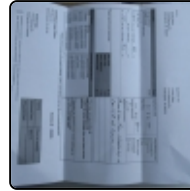
File 64651



File 64652



File 64655



File 64656

03/22/2021 **Investigator Sent Fax/Email to Business Communication**

Later that day, I sent Mr. Howe two emails. One email contained a written request for Mr. Howe to send me all of the pesticide and fertilizer applications Mr. Gibson had performed while acting as a credentialed RT in 2021 for Certified Lawn Care. The email also contained copies of the Notice of Inspection and Action Order given to Mr. Gibson and other documents pertaining to 3b applications. The second email contained the contact information for the OISC licensing department.

Original Event: Investigation Activity (Pesticide) #2697
Subject: Matt Kabern Howe
Submitted By: James M. Trimble
Attachments: File 64666; 3-22-21email1.pdf
File 64667; 3-22-21email2.pdf

03/22/2021 **Intake Referral Filed**

On March 22, 2021, I located a non-credentialed applicator, later identified as Joseph Gibson, making a fertilizer and pesticide application as a Registered Technician, while not having an RT credential from OISC.

Original Event: Intake Referral (Pesticide) #1857
Complainant: Office of Indiana State Chemist
Respondent: Certified Lawn Care Inc
Respondent 2: Joseph R Gibson
Respondent 3: Jeremy J Lang
Entered By: James M. Trimble
Submitted By: George Saxton

03/22/2021 **Case Created**

Original Event: Case PS21-0058
Submitted By: George Saxton
Assigned To: James M. Trimble

03/23/2021 **Investigator Sent Text Message to Business Communication**

On March 23, 2021, I sent text messages to Mr. Howe to confirm that he had received the emails I had sent to him on the day prior. The conversation stated Mr. Howe was in the process of mailing Mr. Gibson's application, Mr. Gibson will not be making applications until he had received his license, he would make the changes to the customer notification that I had requested, and he would have the application records to me by Friday, March 23, 2021.

Original Event: Investigation Activity (Pesticide) #2700
Subject: Matt Kabern Howe
Submitted By: James M. Trimble
Attachments: File 64670; 3-23-21text1.png
File 64671; 3-23-21text2.png
File 64672; 3-23-21text3.png
File 64673; 3-23-21text4.png

03/25/2021 **Investigator Received Fax/Email from Business**

Records

On March 25, 2021, I received an email from Mr. Howe containing the fertilizer and pesticide applications Mr. Gibson had made while acting as a Registered Technician for Certified Lawn Care.

Using the records provided by Mr. Howe, I found Mr. Gibson had completed a total of 115 turf applications, by the way of fertilizer and pre-emergent pesticide treatments, on nine separate dates for Certified Lawn Care while being a non-certified user.

- **March 09, 2021 - 15 applications**
- **March 10, 2021 - 14 applications**
- **March 12, 2021 - 15 applications**
- **March 13, 2021 - 10 applications**
- **March 16, 2021 - 19 applications**
- **March 17, 2021 - 15 applications**
- **March 19, 2021 - 18 applications**
- **March 20, 2021 - 03 applications**
- **March 22, 2021 - 06 applications**

Original Event: Investigation Activity (Pesticide) #2712
Subject: Matt Kabern Howe
Submitted By: James M. Trimble
Attachments: File 64848; 3-25-21email.pdf
File 64836; Joe state chemist.xls

03/26/2021 **Business Sent Text Message to Investigator Label Use**

On March 26, 2021, Mr. Howe sent me the EPA registration number for the "Barricade" pesticide Certified Lawn Care used for their herbicide preemergent applications. Mr. Howe identified **Barricade 4L (EPA Reg. #100-1139, active ingredient of Prodiamine)** as the pesticide used by Mr. Gibson for Certified Lawn Care.

Original Event: Investigation Activity (Pesticide) #2713
Subject: Matt Kabern Howe
Submitted By: James M. Trimble
PPLS Labels: [000100-01139-20210129.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01139-20210129.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01139-20210129.pdf
Attachments: File 64849; BARRICADE_4FL_HERBICIDE.pdf

04/02/2021 **Investigator Received Fax/Email from Business Communication**

On April 2, 2021, I received an email from Mr. Howe, which stated that he had confirmed with the OISC licensing department that Mr. Gibson was now a credentialed RT and that he had made the necessary corrections to their customer notification. I confirmed Mr. Gibson had been issued his RT credential from OISC on April 1, 2021.

Original Event: Investigation Activity (Pesticide) #2771
Subject: Matt Kabern Howe
Submitted By: James M. Trimble
Attachments: File 65934; 4-2-21email.pdf

04/09/2021 **Judgement; Civil Penalty Assessed Citation**

Jeremy J Lang was cited for violation of section 65(6) of the Indiana Pesticide Use and Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed individual.

Civil Penalty

Certified Lawn Care Inc was cited for violation of section 65(6) of the Indiana Pesticide Use and Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed individual. A civil penalty in the amount of \$125.00 was assessed for this violation.

Abeyance

The civil penalty was held in abeyance and no assessed provided Certified Lawn Care commits no further licensing violations two (2) years from the date of this report.

Original Event: Judgement #727
Primary: Certified Lawn Care Inc
Secondary: Jeremy J Lang
Submitted By: George Saxton
Legal Citation: 355 IAC 4-2-3
Penalty Amount: 125

04/20/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #792
To: Certified Lawn Care Inc
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4406
Enclosed: Notice of Enforcement
Enclosed: Draft Case Summary

05/05/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1135
Subject: Certified Lawn Care Inc
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4406
Received: 05/05/2021
Attachments: File 68195; CM 7019 2280 0000 6272 4406.pdf

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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In Re: Case PS21-0066

Department	Pesticide
Originated	04/05/2021
Assigned To	Kevin W. Gibson
Status	Closed

Involved Parties

Complainant	Anonymous
Respondent	R D Meinika Inc DBA Spring Green Columbia City, IN 46725
-	Office of Indiana State Chemist West Lafayette, IN 47907
Respondent	Caleb R Anderson Columbia City, IN 46725

Overviews

04/29/2021 **Investigation Summary**

Office of Indiana State Chemist (OISC) received information from an anonymous source that Spring Green in Columbia City had been using unlicensed applicators to make pesticide applications.

After making contact with Spring Green Office Manager Liza Stephan, General Manager Tristin King and owner Ryan Meinika, it was determined Spring Green applicators Zach Daniel and Arif Ponjevic had taken the core test for the registered technician but had not applied for the license. In conversation with OISC licensing administrator assistant Jill Davis, Spring Green sent all the necessary paperwork for their licenses.

According to pesticide application records supplied by Spring Green owner Ryan Meinika, Arif Ponjevic made fertilizer applications on 33 different dates in 2020 in Indiana. Zach Daniel made fertilizer applications on 31 different dates in 2020 in Indiana. Caleb Anderson was the licensed supervisor for both Ponjevic and Daniel. There were 30 overlap dates for both applicators. There were four dates Ponjevic made applications that Daniel did not. There was one date Daniel made an application that Ponjevic did not. In total, there were 34 dates where Caleb Anderson was the licensed supervisor for an unlicensed applicator.

Because Arif Ponjevic and Zach Daniel made fertilizer applications in Indiana without a pesticide license while under the supervision of licensed applicator Caleb Anderson, Mr. Anderson and Spring Green are in violation for allowing fertilizer/pesticide applications for hire to be made by personnel without obtaining a Registered Technician (RT) credential from OISC.

Submitted By: Kevin W. Gibson
Role: Investigator

05/10/2021 **Disposition Summary**

R D Meinika Inc DBA Spring Green was cited for thirty-four (34) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed individual. A civil penalty in the amount of \$4,250.00 (34 counts x \$125.00 per count) was assessed. However, the civil penalty was reduced to \$1,700.00. Consideration was given to the fact R.D. Meinika cooperated during the investigation; there was no potential for damage and corrective action was taken. The \$1,700.00 was held in abeyance and not assessed provided R D Meinika Inc DBA Spring Green and Caleb Anderson commits no further violations of similar nature.

Caleb Anderson were cited for thirty-four (34) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed individual.

Submitted By:
Role:

George Saxton
Compliance Officer

Chronology of Events

04/05/2021 Intake Referral Filed

Anonymous alleged that Spring Green of Columbia City is using unlicensed applicators to make pesticide applications to customers lawns. In addition it was alleged that pesticide contaminated runoff leaves Spring Green property via an outside storm drain.

Original Event: Intake Referral (Pesticide) #1873
Complainant: Anonymous
Respondent: R D Meinika Inc DBA Spring Green
Submitted By: Joseph D. Becovitz
Assigned To: Kevin W. Gibson

04/05/2021 Case Created

Original Event: Case PS21-0066
Submitted By: Joseph D. Becovitz
Assigned To: Kevin W. Gibson

04/16/2021 Investigator Called Business Interaction

I spoke to Office Manager Liza Stephan. After explaining the situation, she told me there must be a mistake because Projevic and Daniel are both licensed. She agreed to send proof of their license.

Original Event: Investigation Activity (Pesticide) #2817
Subject: R D Meinika Inc DBA Spring Green
Submitted By: Kevin W. Gibson

04/16/2021 Investigator Called Business Interaction

I spoke to General Manager Tristin King. Mr. King told me Mr. Ponjevic and Mr. Daniel should be in OISC licensing system. Therefore his company would not be sending any licensing proof. After speaking to Mr. King, I checked the OISC licensing data base and I was unable to find any license for Mr. Ponjevic or Mr. Daniel.

Original Event: Investigation Activity (Pesticide) #2818
Subject: R D Meinika Inc DBA Spring Green
Submitted By: Kevin W. Gibson

04/16/2021 Business Called Investigator Interaction

I received a telephone call from Mr. King. Mr. King told me after we spoke, he checked OISC licensing data base and was unable to locate Mr. Ponjevic and Mr. Daniel. He was sure they had a license because both attended the training. I gave him the telephone number for OISC Licensing Section to rectify the situation.

Original Event: Investigation Activity (Pesticide) #2819
Subject: R D Meinika Inc DBA Spring Green
Submitted By: Kevin W. Gibson

04/19/2021 Investigator Sent Fax/Email to Business Interaction

I emailed General Manager Tristin King requesting the application records for Arif Ponjevic and Zachary Daniel for 2021.

Original Event: Investigation Activity (Pesticide) #2820
Subject: R D Meinika Inc DBA Spring Green
Submitted By: Kevin W. Gibson
Photos:



File 66510

04/20/2021 Investigator Received Fax/Email from Business Communication

Received pesticide application records for Zach Daniel and Arif Ponjevic from Spring Green owner Ryan Meinika. Application records showed Arif Ponjevic made fertilizer applications on 32 different dates in Indiana in 2021 and Zach Daniel made fertilizer applications on 33 different dates in Indiana in 2021.

Original Event: Investigation Activity (Pesticide) #2866
Subject: R D Meinika Inc DBA Spring Green
Submitted By: Kevin W. Gibson
Attachments: File 66799; ARIF 2021.XLSX
File 66800; ZACH 2021.XLSX

04/27/2021 **Investigator Called Subject Interaction**

I received a telephone call from OISC Licensing Section Administrative Assistant Jill Davis. She told me she received the completed pesticide application forms for Arif Ponjevic and Zach Daniel. They were now licensed.

Original Event: Investigation Activity (Pesticide) #2882
Subject: Office of Indiana State Chemist
Submitted By: Kevin W. Gibson

05/10/2021 **Judgement; Civil Penalty Assessed Citation**

Caleb Anderson were cited for thirty-four (34) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed individual.

Civil Penalty

R D Meinika Inc DBA Spring Green was cited for thirty-four (34) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed individual. A civil penalty in the amount of \$4,250.00 (34 counts x \$125.00 per count) was assessed. However, the civil penalty was reduced to \$1,700.00. Consideration was given to the fact R.D. Meinika cooperated during the investigation; there was no potential for damage and corrective action was taken.

Abeyance

The \$1,700.00 was held in abeyance and not assessed provided R D Meinika Inc DBA Spring Green and Caleb Anderson commits no further violations of similar nature.

Original Event: Judgement #739
Primary: R D Meinika Inc DBA Spring Green
Secondary: Caleb R Anderson
Submitted By: George Saxton
Legal Citation: 355 IAC 4-2-3
Penalty Amount: 1700

05/10/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #805
To: R D Meinika Inc DBA Spring Green
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4512
Enclosed: Notice of Enforcement
Enclosed: Draft Case Summary
Attachments: File 67705; PS21-0066EL CP Abeyance ~ R D Meinika Inc. DBA Spring Green - Caleb R. Anderson.docx

05/14/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1142
Subject: R D Meinika Inc DBA Spring Green
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4512
Received: 05/14/2021
Attachments: File 68698; CM 7019 2280 0000 6272 4512.pdf



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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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In Re: Case PS21-0067

Department	Pesticide
Originated	04/06/2021
Assigned To	Kevin W. Gibson
Status	Closed

Involved Parties

Complainant	Anonymous
Respondent Issued To	Between the Green Mishawaka, IN 46544
Respondent	Elijah Cook Mishawaka, IN 46544

Overviews

04/13/2021 **Investigation Summary**

On 4/6/21, The Office of Indiana State Chemist Office (OISC) received an anonymous complaint **Between the Green** business was advertising "fertilizing" on their website.

I checked the website for **Between the Green**. Their website contained "fertilizing" as a provided service.

I made contact with **Between the Green** owner Elijah Cook. Mr. Cook agreed to remove the "fertilizing" from the website. He denied his company made any fertilizing applications.

Between the Green owner Elijah Cook was issued an "Action Order" which read in part, "*cease all advertising for fertilizing until properly licensed through OISC to do so*".

Elijah Cook and **Between the Green** were in violation for "advertising to make fertilizer applications without being a **Licensed Pesticide Business** with OISC.

Submitted By: Kevin W. Gibson
Role: Investigator

04/13/2021 **Disposition Summary**

Between the Green 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/fertilizers for hire without having a pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Elijah Cook 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/fertilizers for hire without having a pesticide business license.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

04/06/2021 **Intake Referral Filed**

Between the Green advertised that they fertilized lawns on their website and Facebook page. No pesticide business license could be found for Between the Green.

Original Event:	Intake Referral (Pesticide) #1874
Complainant:	Anonymous
Respondent:	Between the Green
Submitted By:	Joseph D. Becovitz
Assigned To:	Kevin W. Gibson

04/06/2021 **Case Created**

Original Event:	Case PS21-0067
Submitted By:	Joseph D. Becovitz
Assigned To:	Kevin W. Gibson

04/07/2021 **Investigator Called Unknown Subject Interaction**

Attempted to contact the respondent "Between the Green" lawn care business at 574-904-2002. Left message on answering machine. I also located a website "Between the Green" at www.betweenthegreen.com. According to their website, part of the services they offer is "fertilizing" which requires a pesticide business license.

Original Event:	Investigation Activity (Pesticide) #2769
Submitted By:	Kevin W. Gibson
Attachments:	File 65675; Between the Green.docx

04/09/2021 **Investigator Called Business Interaction**

I spoke with Between the Green owner Elijah Cook. I explained OISC had received a complaint his business was advertising "fertilization" on its web-site. By doing so he and his business was in violation of OISC law for advertising without a pesticide business and applicator license. Mr. Cook reported Between the Green had not made any fertilizer applications and claimed he was not aware of the advertising as the web-site was operated by another person. He assured me the "fertilization" service would be removed from the web-site ASAP. In the meantime, I told Mr. Cook about the process for obtaining his pesticide applicator and business license for fertilization.

Original Event:	Investigation Activity (Pesticide) #2775
Subject:	Between the Green
Submitted By:	Kevin W. Gibson
Attachments:	File 65975; Between the Green.docx

04/09/2021 **Notice of Inspection Issued**

NOI issued to Between the Green owner Elijah Cook via email.

Original Event:	Notice of Inspection #258
Client:	Between the Green
Firm Representative:	Elijah Cook
Submitted By:	Kevin W. Gibson
Photos:	



File 65976

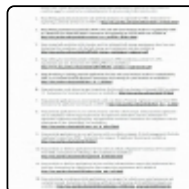
04/09/2021 **Action Order Issued**

Cease any and all advertising for fertilizing on "Between the green" web-site until properly licensed to do so through the Office of Indiana State Chemist. (See #5)

Original Event:	Action Order #194
Issued To:	Between the Green
Firm Representative:	Elijah Cook
Submitted By:	Kevin W. Gibson
Photos:	



File 65978



File 65980

04/12/2021 **Investigator Called Business Interaction**

I spoke to Between the Green owner Elijah Cook. He advised me he up-dated his website by removing "fertilizing" from the services page. I did check the "Between the Green" website and found the "fertilizing" was removed.

Original Event:
Subject:
Submitted By:
Photos:

Investigation Activity (Pesticide) #2785
Between the Green
Kevin W. Gibson



File 66026



File 66025

04/13/2021 **Judgement; Civil Penalty Assessed**
Citation

Elijah Cook 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/fertilizers for hire without having a pesticide business license.

Civil Penalty

Between the Green 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/fertilizers for hire without having a pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Abeyance

The \$250.00 civil penalty was held in abeyance and will not be assessed provided Between the Green commits no further violations of the Indiana Pesticide Use and Application Law.

Original Event: Judgement #728
Primary: Between the Green
Secondary: Elijah Cook
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(9)
Penalty Amount: 250

04/20/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #796
To: Between the Green
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4390
Enclosed: Notice of Enforcement
Enclosed: Draft Case Summary
Attachments: File 66585; PS21-0067EL CP Abeyance ~ Between the Green - Elijah Cook.docx

05/05/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1133
Subject: Between the Green
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4390
Received: 05/05/2021
Attachments: File 68193; CM 7019 2280 0000 6272 4390.pdf

05/25/2021 **Compliance Activity**

OISC received notification from USPS of an address change for Between the Green / Elijah Cook. Address was changed in PLANTS.

New Address: 12160 Dragoon Trail, Mishawaka IN 46544-9716

Old Address: 11318 S. Lake Drive, Granger IN 46530-5831

Original Event: Compliance Activity #856
Primary: Between the Green
Secondary: Elijah Cook
Submitted By: Joni Herman
Attachments: File 70330; PS21-0067 USPS Address Notice ~ Between the Green-Elijah Cook.pdf



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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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In Re: Case PS21-0073

Department	Pesticide
Originated	04/08/2021
Assigned To	Andrew R. Roth
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent	Turf Management DBA Green Scene Noblesville, IN 46060
Issued To Respondent	Michael Shane Garner Noblesville, IN 46060

Overviews

04/22/2021 **Investigation Summary**

Non-credentialed applicator made turf applications with improper supervision. It appears the certified supervisor, Michael Garner, did not understand the supervision requirements. He provided invoices and remedied the situation by providing on-site supervision.

Submitted By: Andrew R. Roth
Role: Investigator

04/22/2021 **Disposition Summary**

Turf Management DBA Green Scene was cited for six (6) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to properly supervise a non-credentialed employee. A civil penalty in the amount of \$750.00 (6 counts x \$125.00 per count) was assessed. However, the civil penalty was reduced to \$375.00. Consideration was given to the fact Turf Management DBA Green Scene cooperated during the investigation and corrective action was taken.

Michael Garner was cited for six (6) violations of section 65(6) of the Indiana Pesticide Use and Application Law for failure to properly supervise a non-credentialed employee.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

04/08/2021 **Intake Referral Filed**

While conducting a routine credentials inspection on Kenneth Dolliver of Green Scene, it was discovered that he had been making pesticide applications on his own without a license for two days.

Original Event: Intake Referral (Pesticide) #1880
Complainant: Office of Indiana State Chemist
Respondent: Turf Management DBA Green Scene
Submitted By: Joseph D. Becovitz
Assigned To: Andrew R. Roth

04/08/2021 **Investigator Called Supervisor**

Interaction

On April 8, 2021, I stopped Green Scene lawn care applicator, Kenneth Dolliver, and performed a credentials inspection. After determining he was not licensed with the OISC, I contacted his supervisor, Michael Garner, at the Green Scene office. Mr. Garner reported that Mr. Dolliver was scheduled to take the Core exam but confirmed he was making for-hire lawn applications on his own, without the on-site supervision of a certified applicator. He explained that Mr. Dolliver was on his own for two days. During our discussion, it was also determined that Registered Technician, Jacob Paul, trained Mr. Dolliver in the field on four days. I explained that a non-credentialed applicator must have a certified applicator on-site while for-hire pesticides are being made. Mr. Garner explained that he thought any licensed applicator could provide on-site supervision. I issued an Action Order prohibiting further applications with improper supervision. Mr. Garner forwarded invoices which documented the four days Mr. Dolliver was accompanied by Mr. Paul (March 29, 30, 31 and April 3) and the two days he was alone with no supervision (April 8 and 9).

Original Event: Investigation Activity (Pesticide) #2774
Subject: Michael Shane Garner
Submitted By: Andrew R. Roth
Attachments: File 66000; GreenScene21-0073.pdf

04/08/2021 Notice of Inspection Issued

Notice of Inspection issued to Mr. Dolliver.

Original Event: Notice of Inspection #256
Client: Michael Shane Garner
Firm Representative: Mike Garner
Submitted By: Andrew R. Roth
Photos:



File 65952

04/08/2021 Credentials Inspection Conducted

Credentials Inspection

Credentials inspection conducted with Kenneth Dolliver who was not licensed and had no on-site supervision of a certified applicator.

Original Event: Pesticide Inspection (General) #1646
Client: Turf Management DBA Green Scene
Firm Representative: Michael Garner
Submitted By: Andrew R. Roth
Photos:

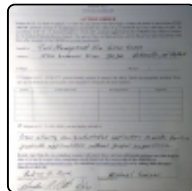


File 65995

04/08/2021 Action Order Issued

cease allowing non-credentialed applicators to make for-hire pesticide applications without proper supervision.

Original Event: Action Order #195
Issued To: Michael Shane Garner
Firm Representative: Michael Garner
Submitted By: Andrew R. Roth
Photos:



File 65996

04/08/2021 Case Created

Original Event: Case PS21-0073
Submitted By: Joseph D. Becovitz
Assigned To: Andrew R. Roth

04/22/2021 Judgement; Civil Penalty Assessed

Citation

Michael Garner w cited for six (6) violations of section 65(6) of the Indiana Pesticide Use and Application Law for failure to properly supervise a non-credentialed employee.

Civil Penalty

Turf Management DBA Green Scene was cited for six (6) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to properly supervise a non-credentialed employee. A civil penalty in the amount of \$750.00 (6 counts x \$125.00 per count) was assessed. However, the civil penalty was reduced to \$375.00. Consideration was given to the fact Turf Management DBA Green Scene cooperated during the investigation and corrective action was taken.

Original Event:	Judgement #733
Primary:	Turf Management DBA Green Scene
Secondary:	Michael Shane Garner
Submitted By:	George Saxton
Legal Citation:	355 IAC 4-2-3
Penalty Amount:	375

04/28/2021 Notice of Enforcement Mailed to Target

Original Event:	Outgoing Mail #802
To:	Turf Management DBA Green Scene
Submitted By:	Joni Herman
USPS:	7019 2280 0000 6272 4482
Enclosed:	Notice of Enforcement
Enclosed:	Draft Case Summary
Attachments:	File 66978; PS21-0073EL CP ~ Turf Management DBA Green Scene - Michael S. Garner.docx

05/05/2021 Received Mail Confirmation for Target

Original Event:	Compliance Receipt #1129
Subject:	Turf Management DBA Green Scene
Submitted By:	Joni Herman
USPS:	7019 2280 0000 6272 4482
Received:	05/05/2021
Attachments:	File 68189; CM 7019 2280 0000 6272 4482.pdf

05/24/2021 Received Penalty Payment for Target

Original Event:	Compliance Receipt #1157
Subject:	Turf Management DBA Green Scene
Submitted By:	Joni Herman
Payment Expected:	\$375.00
Payment Received:	\$375.00
Attachments:	File 70068; PS21-0073 ~ Turf Mgmt dba Green Scene ~ CP Received.pdf

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Mark R. LeBlanc, Ph.D.
State Chemist &
Seed Commissioner

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In Re: Case PS21-0074

Department	Pesticide
Originated	04/10/2021
Assigned To	Andrew R. Roth
Status	Closed

Involved Parties

Complainant	Anonymous
Respondent	Spring Green Lawn Care Noblesville, IN 46061
Respondent	Alan J Bilbrey Noblesville, IN 46060

Overviews

04/22/2021 **Investigation Summary**

Anonymous complainant called OISC to report Spring Green applicator did not blow granular product off road and sidewalks after a residential lawn application. Owner Alan Bilbrey explained that he did a couple of applications while running service calls on April 12 but his blower was not returned to his truck after using it in his shop the day prior. All of his other trucks reportedly have blowers for use. He apologized and said this will not happen again.

Submitted By: Andrew R. Roth
Role: Investigator

04/23/2021 **Disposition Summary**

Spring Green Lawn Care was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding target application site. A civil penalty in the amount of \$250.00 was assessed for this violation.

Alan J Bilbrey was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding target application site.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

04/09/2021 **Intake Referral Filed**

Anonymous complainant observed Spring Green applicator fail to blow fertilizer with pre-emergent granules back into the lawn.

Original Event: Intake Referral (Pesticide) #1881
Complainant: Anonymous
Respondent: Spring Green Lawn Care
Submitted By: Joseph D. Becovitz
Assigned To: Andrew R. Roth

04/09/2021 **Investigation Activity**
Photographs

On April 9, 2021, I went to the application site and photographed granular fertilizer with pre-emergent herbicide on hard surfaces including the street and sidewalk.

Original Event: Investigation Activity (Pesticide) #2783
Submitted By: Andrew R. Roth

Photos:



File 66008



File 66009



File 66017



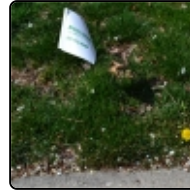
File 66018



File 66019



File 66020



File 66021

04/09/2021 **Investigator Called Applicator Interaction**

On April 9, 2021, I left a phone message for Alan Bilbrey to inform him the OISC received a complaint regarding granules not being blown off hard surfaces following a lawn care application was made by Spring Green. He called me and explained that all of his applicators have blowers on their trucks. Mr. Bilbrey indicated he made a few applications while running service calls and that his blower had been removed from his truck.

Original Event: Investigation Activity (Pesticide) #2784
Subject: Alan J Bilbrey
Submitted By: Andrew R. Roth

04/10/2021 **Case Created**

Original Event: Case PS21-0074
Submitted By: Joseph D. Becovitz
Assigned To: Andrew R. Roth

04/12/2021 **Investigator Received Fax/Email from Applicator Communication**

On April 12, 2021, I received an email from Mr. Bilbrey indicating the product applied was Pro Ap 7-0-0 with .37% Prodiamine, EPA Reg#60063-40-40249. He explained that his blower was used in his shop and it was not put back on his truck. Mr. Bilbrey indicated this would not happen again. The product label states, in part, "It is a violation of Federal Law to use this product in a manner inconsistent with its labeling."

Original Event: Investigation Activity (Pesticide) #2846
Subject: Alan J Bilbrey
Submitted By: Andrew R. Roth

04/23/2021 **Judgement; Civil Penalty Assessed Citation**

Alan J Bilbrey was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding target application site.

Civil Penalty

Spring Green Lawn Care was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding target application site. A civil penalty in the amount of \$250.00 was assessed for this violation.

Abeyance

The \$250.00 civil penalty was held in abeyance and not assessed provided Alan J Bilbrey and Spring Green Lawn Care commit no further violations of the Indiana Pesticide Use and Application Law.

Original Event: Judgement #735
Primary: Spring Green Lawn Care
Secondary: Alan J Bilbrey
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 250

04/28/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #801
To: Spring Green Lawn Care
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4475
Enclosed: Notice of Enforcement
Enclosed: Draft Case Summary
Attachments: File 66977; PS21-0074EL CP Abeyance ~ Spring Green LC - Alan J. Bilbrey.docx

06/04/2021 **Mail Service Returned for Target**

Certified Mail returned to OISC marked "Unclaimed". Regular mail has not been returned.

Original Event:	Compliance Receipt #1167
Subject:	Spring Green Lawn Care
Submitted By:	Joni Herman
USPS:	7019 2280 0000 6272 4475
Returned:	06/04/2021
Attachments:	File 70328; CM 7019 2280 0000 6272 4475 Unclaimed - Spring Green LC PS21-0074.pdf

06/16/2021 **Mail Confirmation Assumed for Target**

Regular mail has not been returned to OISC (CM was unclaimed). It is assumed the regular mail was received.

Original Event:	Compliance Receipt #1168
Subject:	Spring Green Lawn Care
Submitted By:	Joni Herman

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In Re: Case PS21-0086

Department	Pesticide
Originated	04/20/2021
Assigned To	Elizabeth C. Carter
Status	Closed

Involved Parties

Complainant	Anonymous
Respondent Issued To	Advanced Property Services Noblesville, IN 46062
Respondent	Mark Clark Noblesville, IN 46062

Overviews

05/11/2021 Investigation Summary

On April 19, 2021, an anonymous complainant contacted the Office of the Indiana State Chemist (OISC) stating they observed an employee of Advanced Property Services applying weed control to the islands in the parking lot of the Kroger in Nora wearing no personal protective equipment. A check of the OISC database indicated that Advanced Property Services was not licensed.

On May 3, 2021, I spoke with the owner of Advanced Property Services, Mark Clark, on the phone. I explained the complaint to him. Mr. Clark confirmed he had made a herbicide application at Kroger. I asked if he was licensed, and he said he did not realize he needed to be licensed. I then asked him to email me all of the locations where he had applied pesticides for hire. Finally, we discussed the licensing process.

On May 4, 2021, Mr. Clark emailed me stating he had made 10 applications of "T-Zone herbicide" on the following dates: April 19, April 22, April 23, April 27, and May 2.

Later that same day, I issued Mr. Clark an *Action Order*.

On May 11, 2021, Mr. Clark emailed me stating two of his employees had signed up to take the CORE exam.

Submitted By: Elizabeth C. Carter
Role: Investigator

05/11/2021 Disposition Summary

Advanced Property Services was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides/fertilizers for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,250.00 (5 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$625.00. Consideration was given to the fact Advanced Property Services cooperated during the investigation and corrective action was taken.

Mark Clark was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides/fertilizers for hire without having an Indiana pesticide business license.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

04/19/2021 Intake Referral Filed

Anonymous complainant stated they observed an employee of Advanced Property Services applying weed control to the islands in the parking lot of the Kroger in Nora wearing no personal protective equipment. Advanced Property Services does not appear to have a business license.

Original Event: Intake Referral (Pesticide) #1893
Complainant: Anonymous
Respondent: Advanced Property Services
Submitted By: Joseph D. Becovitz
Assigned To: Elizabeth C. Carter

04/20/2021 **Case Created**

Original Event: Case PS21-0086
Submitted By: Joseph D. Becovitz
Assigned To: Elizabeth C. Carter

05/03/2021 **Investigator Called Applicator Interaction**

I spoke with the applicator Mark Clark. During the conversation, it was confirmed that he had made the applications at Kroger and was unlicensed. He said he did not realize he needed to be licensed. He agreed to email the records to me promptly. He also asked for licensing information.

Original Event: Investigation Activity (Pesticide) #2942
Subject: Advanced Property Services
Submitted By: Elizabeth C. Carter

05/04/2021 **Investigator Received Fax/Email from Applicator Communication**

Mr. Clark sent me his application records for Kroger on Nora and other locations.

Original Event: Investigation Activity (Pesticide) #2943
Subject: Advanced Property Services
Submitted By: Elizabeth C. Carter
Photos:



File 67369

05/04/2021 **Action Order Issued**

to not make any for hire pesticide applications until you acquire the proper licensing for the OISC

Original Event: Action Order #200
Issued To: Advanced Property Services
Firm Representative: Mark Clark
Submitted By: Elizabeth C. Carter
Photos:

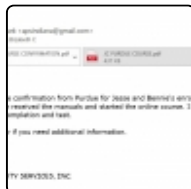


File 67370

05/11/2021 **Investigator Received Fax/Email from Applicator Communication**

Advanced Property service sent me an email stating they had two employees signed up for a pesticide applicator training course.

Original Event: Investigation Activity (Pesticide) #2977
Subject: Advanced Property Services
Submitted By: Elizabeth C. Carter
Photos:



File 67776

05/11/2021 **Judgement; Civil Penalty Assessed**

Citation

Mark Clark was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides/fertilizers for hire without having an Indiana pesticide business license.

Civil Penalty

Advanced Property Services was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides/fertilizers for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,250.00 (5 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$625.00. Consideration was given to the fact Advanced Property Services cooperated during the investigation and corrective action was taken.

Original Event: Judgement #740
Primary: Advanced Property Services
Secondary: Mark Clark
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(9)
Penalty Amount: 625

05/13/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #808
To: Advanced Property Services
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4550
Enclosed: Notice of Enforcement
Enclosed: Draft Case Summary
Attachments: File 68048; PS21-0086EL CP ~ Advanced Property Services - Mark Clark.docx

05/21/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1154
Subject: Advanced Property Services
Submitted By: Joni Herman
USPS: 7019 2280 0000 6272 4550
Received: 05/21/2021
Attachments: File 70052; CM 7019 2280 0000 6272 4550 ~ PS21-0086.pdf

05/26/2021 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1160
Subject: Advanced Property Services
Submitted By: Joni Herman
Payment Expected: \$625.00
Payment Received: \$625.00
Attachments: File 70160; PS21-0086 ~ Advanced Property Svcs-Mark Clark ~ CP Received.pdf

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