

## A Summary of Cases

November 1, 2021

PS19-0074 On January 2, 2019, I performed a routine marketplace inspection at Gold Leaf Hydroponics LLC located at 5081 S. Production Drive, Suite B in Bloomington, Indiana. I spoke with the Owner Kyle Billman and informed him of the process of the marketplace inspection.

**Disposition:**

A. On February 14, 2019, the information was forwarded to the Pesticide Product Registration Specialist for label review.

B. Label review was completed by the Pesticide Registration department on February 21, 2019. The product meets exemption for Federal Registration, however the product requires registration in Indiana. Per IC 15-16-4-30, a pesticide is defined as any substance or mixture of substances intended for: preventing, destroying, repelling or mitigating a pest. Efficacy data will be required for registration.

C. Gold Leaf Hydroponics LLC was warned for three (3) counts (2017, 2018 and 2019) of violation of section 57(1) of the Indiana Pesticide Registration Law for offering for sale a pesticide product that was not registered in the state of Indiana.

D. Bloomington Wholesale Garden Supply LLC (BWGS LLC) was warned for three (3) counts (2017, 2018 and 2019) of violation of section 57(1) of the Indiana Pesticide Registration Law for offering for sale a pesticide product that was not registered in the state of Indiana.

E. Growstone, Inc. was cited for three (3) counts (2017, 2018 and 2019) of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product that was not registered in the state of Indiana. A civil penalty in the amount of \$750.00 (3 counts x \$250.00 per count) was assessed.

F. As of July 19, 2021, Growstone, Inc. had not paid the \$750.00 civil penalty. The case was closed and forwarded to collections.

PS19-0089 On January 24, 2019, I performed a routine marketplace inspection at BWGS LLC. I spoke with the Tony Bayt, Business Affairs and Compliance with BWGS and informed him of the process of the marketplace inspection.

**Disposition:** Bloomington Wholesale Garden Supply LLC was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for offering for sale a pesticide product that is not registered for sale in the state of Indiana.

Cann-Care Company was cited for two (2) counts (2018, 2019) of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product that is not registered for sale in the state of Indiana. A civil penalty in the amount of \$500.00 (2 counts x \$250.00 per count) was assessed.

As of July 28, 2021, Cann-Care Company had not paid the \$500.00 civil penalty. The case was closed and forwarded to collections.

PS19-0393 On July 26, 2019, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report a pesticide application of dicamba to a neighboring farm field drifted onto his Liberty Link soybeans.

**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 violation. 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.

On August 2, 2021, OISC received payment from Justin McGee for the \$100.00 civil penalty assessed to him.

As of August 31, 2021, Douglas Morrow had not paid the \$100.00 civil penalty assessed to him. The case was closed and Douglas Morrow was forwarded to collections.

PS19-0458 On August 6, 2019, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that on February 16, 2019, Jesse Wright treated her home for the control of bed bugs. She stated the bed bugs persist and she cannot get in touch with Mr. Wright. OISC database indicates Jesse Wright is not licensed.

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

**PS20-0201** On June 16, 2020, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that a recent pesticide application made to a neighboring farm field had adversely affected his trees and ornamentals.

**Disposition:** David Bonner 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 there was a potential for human harm.

As of July 26, 2021, David Bonner had not paid the \$100.00 civil penalty. The case was closed and forwarded to collections.

On August 9, 2021, the OISC Accounting Department received the civil penalty payment from David Bonner. The collection process was terminated.

**PS20-0322** On July 22, 2020, I performed a routine marketplace inspection at Retailers Supply located at 4398 Security Parkway New Albany, IN. I spoke with General Manager, Tom Pope, and informed him of the process of the marketplace inspection. I then issued a Notice of Inspection.

**Disposition:** Retailers Supply was warned for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law.

Canberra Corporation was cited for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product that was not registered in Indiana. A civil penalty in the amount of \$500.00 (2 counts x \$250.00 per count) was assessed.

Canberra Corporation was cited for one (1) count of violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide product that was in violation of EPA's Federal Insecticide, Fungicide, Rodenticide Act (FIFRA). A civil penalty in the amount of \$250.00 was assessed for this violation.

As of July 26, 2021, Canberra Corporation had not paid the \$750.00 civil penalty. The case was closed and forwarded to collections.

On August 16, 2021, the OISC Accounting Department received the \$750.00 civil penalty payment from Canberra Corporation. The collection process was terminated.

**PS20-0355** On August 3, 2020, I, Investigator Melissa Rosch, conducted a routine use inspection on Greenix Pest Control company at 14315 Colfax St., Cedar Lake, Indiana. During my inspection, the applicator William Harpst, stated he did not have an applicator license and did not have the proper certified supervision requirements from a certified applicator. I confirmed in the OISC licensing database Mr. Harpst did not have an applicator license and the Greenix Pest Control business in Westmont, IL did not have an Indiana pesticide business license.

**Disposition:** Greenix Pest Control was cited for one hundred-fifty (150) 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 \$37,500.00 (150 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$11,250.00. Consideration was given to the fact Greenix Pest Control cooperated during the investigation; corrective action was taken and no previous history of similar violations. In addition, \$5,000.00 of the civil penalty was held in abeyance and not assessed provided Greenix Pest Control commits no further violations of similar nature within two (2) years beginning March 8, 2021. The remaining \$6,250.00 must be paid.

As of August 19, 2021, Greenix Pest Control had not paid the reduced civil penalty of \$6,250.00. The case was closed and forwarded to collections for the unmitigated civil penalty amount of \$37,500.00.

PS21-0080

**Intake Referral Filed**

Complainant stated that SWAT Pest Management treated her home for termites in 2011 and that she signed also signed a service agreement with SWAT for yearly termite inspections. The complainant stated she recently discovered live termites and extensive damage to her home that she believes should have been detected by SWAT in their yearly inspections.

**Disposition Summary**

Swat Pest Management Inc was warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement concerning the infestation of a pest.

Vernon Bradley Weir was warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement concerning the infestation of a pest.

Jacob M Gunther was warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement concerning the infestation of a pest.

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

Vernon Bradley Weir was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2- 3, for failure to properly supervise a non-licensed employee.

PS21-0083

**Intake Referral Filed**

Complainant stated Ronald Hernandez, a former employee of Indiana Pest Control solicited business as Kellys Pest Soultions at Jordan Fish & Chicken in Indianapolis. Kellys Pest Solutions does not appear to have a pesticide business license.

**Disposition Summary**

Ronald S Hernandez 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 a pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

PS21-0119

**Intake Referral Filed**

During a Marketplace inspection i located "Disinfex Multi-purpose wipes" being offered for sale. The product is unregistered Federally and in the State of Indiana. The name "Disinfex" is a pesticidal claim.

**Disposition Summary**

The information was referred to E.P.A. region V for federal review.

PS21-0124

**Investigation Summary**

I stopped Mike Armbruster of Bright 4 Seasons on 5/25/21 and he was finishing up cutting grass with a crew and noticed he was spraying something at a Skyline Chili's in Bright, IN. I watched him spray weeds with a back pack pump sprayer and then stopped him after he was completed. He stated that it is mostly water and vinegar but also has some Round-Up in the mix. I asked if he was credentialed, and he was said "No". I took a photo of the container with EPA Reg Number 524-535. I pulled invoices from Mike Armbruster later, on my way back through town, and he produced another place that he treats for weeds. He has accounts in Ohio that he contracts out with Trugreen. He is mostly a landscaping company and nursery, but has a few of these accounts with lawn cutting services. No advertisement was noted on his website and at his store locations there wasn't any other chemicals noted in storage that he uses. He was cooperative at the time of the stop.

**Disposition Summary**

Bright 4 Seasons Landscaping & Nursery was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

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

PS21-0152

**Intake Referral Filed**

OISC was informed two weeks ago that the only certified applicator (Harrison Staver) is no longer employed at the course.

**Disposition Summary**

Country Club of Old Vincennes was cited for 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 \$250.00 was assessed for this violation.

Tanner Gray was cited for 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 being a certified applicator.

## CASE SUMMARY

Case #PS19-0074

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

**Respondent:** Gold Leaf Hydroponics LLC  
Kyle Billman  
5081 S. Production Drive, Suite B  
Bloomington, IN 47403  
Owner

**Registrant:** Growstone, Inc. NEW ADDRESS PER POSTAL SVC.  
18000 Cerro Colorado S.W. 527 Don Gaspar Avenue  
Albuquerque, NM 87121 Santa Fe, NM 87505-4425

**Distributor:** Bloomington Wholesale Garden Supply LLC (BWGS LLC)  
1410 Hancel Parkway  
Mooresville, IN 46158

1. On January 2, 2019, I performed a routine marketplace inspection at Gold Leaf Hydroponics LLC located at 5081 S. Production Drive, Suite B in Bloomington, Indiana. I spoke with the Owner Kyle Billman and informed him of the process of the marketplace inspection.
2. Upon completion of the inspection, I located one (1) unregistered pesticide product, in two sizes, that was being offered for sale in the Gold Leaf Hydroponics store. I spoke with Ed White, Assistant Pesticide Administrator, and he confirmed that the pesticide product was unregistered. The products are as follows:
  - a. Gnatnix 2.0 liter, a 25(b)<sup>1</sup> product.
  - b. Gnatnix 9.0 liter, a 25(b) Product.
3. I spoke with Mr. Billman and informed him of the unregistered products I had located. I informed Mr. Billman that I would be issuing an Action Order instructing them to remove the three remaining packages of the unregistered pesticide product from the shelves and place them in storage and that they are not to be sold or removed from the store unless contacted in writing by OISC. I also informed him that I would be retaining an evidentiary sample of the product for my case. I asked Mr. Billman if he was able to provide me with any information for when the last shipment came to the store. Mr. Billman was able to provide me with an invoice for the Gnatnix 2.0 liter pesticide product. The product was distributed to Gold Leaf Hydroponics by BWGS LLC on October 3, 2017.

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<sup>1</sup> Minimum risk pesticide

4. I placed the evidentiary samples into a clear evidence bag and sealed for transportation to the OISC formulation lab.
5. On January 4, 2019, I delivered the evidentiary sample to the Formulation Lab.



Figure 1



Figure 2

Figure 1 - Sample photos of the unregistered pesticide product being offered for sale at Gold Leaf Hydroponics

Figure 2 - Sample photo of Gnatnix.

6. All supporting documents and photos have been electronically attached to the OISC case management system.

Garret A. Creason  
Investigator

Date: February 14, 2019

#### Disposition:

- A. On February 14, 2019, the information was forwarded to the Pesticide Product Registration Specialist for label review.
- B. Label review was completed by the Pesticide Registration department on February 21, 2019. The product meets exemption for Federal Registration, however the product requires registration in Indiana. Per IC 15-16-4-30, a pesticide is defined as any substance or mixture of substances intended for: preventing, destroying, repelling or mitigating a pest. Efficacy data will be required for registration.



- C. Gold Leaf Hydroponics LLC was warned for three (3) counts (2017, 2018 and 2019) of violation of section 57(1) of the Indiana Pesticide Registration Law for offering for sale a pesticide product that was not registered in the state of Indiana.
- D. Bloomington Wholesale Garden Supply LLC (BWGS LLC) was warned for three (3) counts (2017, 2018 and 2019) of violation of section 57(1) of the Indiana Pesticide Registration Law for offering for sale a pesticide product that was not registered in the state of Indiana.
- E. Growstone, Inc. was cited for three (3) counts (2017, 2018 and 2019) of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product that was not registered in the state of Indiana. A civil penalty in the amount of \$750.00 (3 counts x \$250.00 per count) was assessed.
- F. As of July 19, 2021, Growstone, Inc. had not paid the \$750.00 civil penalty. The case was closed and forwarded to collections.



George N. Saxton  
Compliance Officer

Draft Date: February 25, 2020  
Case Closed: July 19, 2021

## CASE SUMMARY

Case #PS19-0089

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

**Respondent:** Bloomington Wholesale Garden Supply LLC (BWGS LLC)  
Tony Bayt Business Affairs and Compliance  
1410 Hancel Parkway  
Mooresville, IN 46158


**Registrant/  
Distributor:** Cann-Care Company  
417 Mace Boulevard  
Davis, CA 95618

1. On January 24, 2019, I performed a routine marketplace inspection at BWGS LLC. I spoke with the Tony Bayt, Business Affairs and Compliance with BWGS and informed him of the process of the marketplace inspection.
2. Upon completion of the inspection, I located one (1) unregistered pesticide product that was being offered for sale and distributed in the BWGS facility. Ed White, Assistant Pesticide Administrator, confirmed that the pesticide product was unregistered in the State of Indiana. The product is as follows:
  - a. AzaPRO
    - i. EPA Reg. #92629-1
3. I spoke with Mr. Bayt and informed him of the unregistered product I had located. I informed Mr. Bayt that I would be issuing an Action Order instructing them to no longer distribute or sell the unregistered pesticide product until contacted in writing by OISC. I also informed him that I would be retaining evidentiary samples of the products for my case. I asked Mr. Bayt if he was able to provide me with any information for when BWGS received the pesticide products. Mr. Bayt was able to email me all the information later that day. On the document Mr. Bayt provided me, it stated that the product was received on 09/06/2018.
4. I placed the evidentiary sample into a clear evidence bag and sealed for transportation to the OISC formulation lab.
5. On January 28, 2019, I delivered the evidentiary sample to the Formulation Lab.



6. On July 22, 2020, I was notified by the OISC Formulation Lab of the analysis. The results are as follows:

OFFICE OF INDIANA STATE CHEMIST  
Pesticide Formulation Laboratory  
Lab Report

OCM Collection #	67681	Case #	PS19-0089	Investigator	G. Creason
Sample #	Product Description				Sample Size
19-3-0014 5	Cann-Care AzaPRO				1 x 32 fl oz
TEST				RESULTS	
Azadirachtin				Claim 1.2% Found 1.04%	
General insecticide Screen				None Detected	
Remarks: Sample passes for label claim for Azadirachtin. No other analytes of interest were found.					
Signature				Date	07/22/2020

7. All supporting documents and photos have been electronically attached to the OISC case management system.



Garret A. Creason  
Investigator

Date: August 24, 2020

Label Review: AzaPro (EPA Reg #92629-1)

On August 18, 2020, I completed the labeling review for AzaPro (EPA Reg. #92629-1). This product is currently unregistered in the state of Indiana; OISC shows no record of a pending application. There are no other labeling concerns identified per the review.



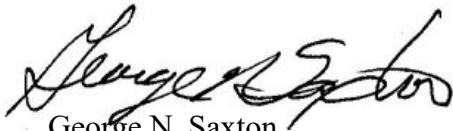
Sarah K. Caffery  
Pesticide Product Registration Specialist

Date: August 18, 2020

**Disposition:** Bloomington Wholesale Garden Supply LLC was warned for violation of section 57(1) of the Indiana Pesticide Registration Law for offering for sale a pesticide product that is not registered for sale in the state of Indiana.

Cann-Care Company was cited for two (2) counts (2018, 2019) of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product that is not registered for sale in the state of Indiana. A civil penalty in the amount of \$500.00 (2 counts x \$250.00 per count) was assessed.

As of July 28, 2021, Cann-Care Company had not paid the \$500.00 civil penalty. The case was closed and forwarded to collections.



George N. Saxton  
Compliance Officer

Draft Date: October 28, 2020  
Case Closed: July 28, 2021

Compliance Assistance for Cann-Care Company:

1. Submit pesticide registration application to OISC

## CASE SUMMARY

Case #PS19-0393

**Complainant:** Ottis Buroker  
1875 S. CR500 West  
Marion, IN 46953

**Respondent:** Justin McGee  
Douglas Morrow  
5411 W. CR125 South  
Marion, IN 46953

Not licensed  
Private Applicator

1. On July 26, 2019, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report a pesticide application of dicamba to a neighboring farm field drifted onto his Liberty Link soybeans.
2. On July 26, 2019, I spoke with Ottis "Ott" Buroker who reported he noticed leaf-cupping on non dicamba-tolerant (DT) soybean plants in his field on the east side of CR600 West in Grant County. His field bordered a residential property where garden plants had possible herbicide exposure symptoms; that resident had called the OISC to file a complaint two days prior (Case PS19-0386). Mr. Buroker indicated there were several neighboring fields planted to DT soybeans which he believed had been sprayed with dicamba. One of those fields, across the road from where he observed cupping, was farmed by Doug Morrow.
3. On July 29, 2019, after completing an on-site investigation in the area, I met with Mr. Buroker at his farm. He explained that he found a few other fields in which his soybeans exhibited leaf-cupping so he may be calling in complaints on those. I informed Mr. Buroker that I would start by investigating the field in the original complaint the next day.
4. On July 30, 2019, during my on-site investigation, I did the following:
  - a) Identified several potential sources of dicamba adjacent to the Buroker soybean field. The target field in this case (Morrow) was across CR600 West from the Buroker field.
  - b) Observed and photographed mostly-uniform, widespread cupping and puckering of leaves on non-DT soybeans across the western portion of the Buroker field. These symptoms are commonly associated with exposure to a growth-regulator type herbicide such as dicamba and were visible the length of the field adjacent to the target field.
  - c) Collected soybean plant samples from the Buroker field for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue.
  - d) Collected four gradient plant samples from soybeans exhibiting symptoms across the Buroker field from west-to-east at 500-foot increments. Collected a soybean sample and a soil sample from the target (Morrow) field, several rows into the field from CR600 West. Those samples were submitted to the OISC Residue Lab for analysis. *It should be noted that the gradient samples collected from the Buroker field are representative samples and may be referenced in other investigations at the site.*



Fig.1 Aerial photo of fields



Fig.2 Cupped beans north of house



Fig.3 Cupped new growth



Fig.4 Cupping south of house



Fig.5 Cupped non-DT beans



Fig.6 Cupping across field

5. I was unable to contact Mr. Morrow but I did speak to his applicator, Justin McGee, and informed him of the complaints. 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 Buroker field. 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 also noted there were at least three DT soybean fields near the site which were likely sprayed with dicamba this year.
6. On July 31, 2019, I emailed Mr. Morrow a Pesticide Investigation Inquiry (PII) for the application to the soybean field in question.
7. 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 and 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 Buroker field)
  - 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.

8. 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 triangulated data from three official stations (airports) and found the following:

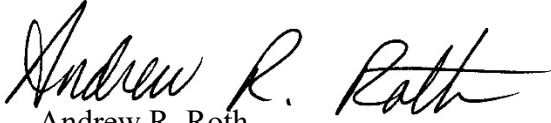
- Kokomo Municipal (14 mi west) 1056am 11mph from north-northwest
- Delaware County (28 mi southeast) 1053am 8mph from north-northwest
- Ft. Wayne International (42 mi northeast) 1000am 7mph from north-northwest

Any wind with a "west" designation would be blowing toward the Buroker soybean field.

9. 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.
10. The PPDL report indicated, "*Soybeans show injury symptoms consistent with exposure to dicamba.*" It further stated, "*Septoria brown spot was present on lower leaves. No other significant disease or insect problem found.*"
11. Because dicamba applications were made to several neighboring farm fields, the exposure symptoms observed on soybeans in the Buroker field could not be tied exclusively to the application made by Mr. McGee. However, the evidence at the site, the PPDL report and the wind data from the airports suggest dicamba from the application to the target field moved off-target to the adjacent non-DT soybeans. While it is difficult to determine whether dicamba moved off-target through direct particle drift, application into an inversion or volatility at some point after the application, the Fexapan application was made while winds were blowing toward the sensitive non-DT soybeans in the Buroker field.
12. The Fexapan label reads, "**RESTRICTED USE PESTICIDE For retail sale to and use only by Certified Applicators.**" It also reads, "**DO NOT APPLY this product when the wind is**

**blowing toward adjacent non-dicamba tolerant sensitive crops; this includes NON-Dicamba Tolerant Soybean and Cotton.”**

13. Because it was determined violations were committed, this summary was prepared before the samples submitted to the OISC Residue Lab were analyzed.

  
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 violation. 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.

On August 2, 2021, OISC received payment from Justin McGee for the \$100.00 civil penalty assessed to him.

As of August 31, 2021, Douglas Morrow had not paid the \$100.00 civil penalty assessed to him. The case was closed and Douglas Morrow was forwarded to collections.

  
George N. Saxton  
Compliance Officer

Draft Date: January 21, 2020  
Case Closed: August 31, 2021



## CASE SUMMARY

Case #PS19-0458

**Complainant:** Vicki Mattox  
408 South Park Avenue #11  
Jasonville, Indiana 47438

**Respondent:** Jesse Wright  
PO Box 596  
Terre Haute, Indiana 47808

**New Address:** P.O. Box 115  
306 E. Gallagher Street  
Farmersburg, IN 47850

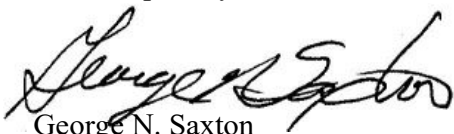
1. On August 6, 2019, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that on February 16, 2019, Jesse Wright treated her home for the control of bed bugs. She stated the bed bugs persist and she cannot get in touch with Mr. Wright. OISC database indicates Jesse Wright is not licensed.
2. On August 6, 2019, I received an email from Mr. John Byerly (Branch Manager from Orkin) stating that Mr. Jesse Wright resigned from Orkin on August 31, 2018.
3. On August 8, 2019, I received a text from Jesse Wright. When I texted Mr. Wright and asked if he still treated for bed bugs he replied with "No. Got out of that a while back."
4. On August 8, 2019, I received copies of Facebook Messages dated from November 24, 2018, from Mr. Wright. It was a conversation between Mr. Wright and Ms. Mattox's Daughter discussing the payment for bed bugs at Ms. Mattox's apartment. The payment agreed on was for \$50.00 for the treatment of bed bugs.
5. On August 9, 2019, I met with complainant Ms. Mattox. Ms. Mattox showed me text messages from Mr. White about treating the bed bugs. Ms. Mattox tried to forward on the text messages, but had no luck. She stated she would have her daughter help her send them later. Ms. Mattox did have a copy of her check that paid Mr. White on 4/5/19. The check memo section stated, "last pay for BB". She confirmed that this was her last check she paid Mr. White for his service.



William R. Reid  
Investigator

Date: February 26, 2020

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



George N. Saxton  
Compliance Officer

Draft Date: June 2, 2021  
Case Closed: July 21, 2021

## CASE SUMMARY

Case #PS20-0201

**Complainant:** James Doelling  
3104 E. CR300 South  
Huntington, IN 46750

**Respondent:** David Bonner  
325 N. Haflich Street  
Markle, IN 46770

Private Applicator

1. On June 16, 2020, the complainant contacted the Compliance Officer of the Office of Indiana State Chemist (OISC) to report that a recent pesticide application made to a neighboring farm field had adversely affected his trees and ornamentals.
2. On June 17, 2020, I spoke with Jim Doelling who reported he and his wife were mowing their back yard when an application was made to the field behind his property. He stated the application was made after noon on June 6 while winds were blowing toward his property.
3. On June 17, 2020, I met with Mr. and Mrs. Doelling at their home on the north side of CR300 South in Huntington County. Weeds in the field were dead and there was a pattern of discolored grass along the field in the back yard. Trees and ornamentals near the field exhibited discolored and necrotic leaves. Pine trees toward the back of the property had yellowed needles on the north side which was open to the field. I photographed the site and collected plant samples from peony, cherry, pine, burning bush and spiraea for assessment by the Plant & Pest Diagnostic Lab (PPDL) at Purdue. I also collected foliage from a burning bush at the back of the house, a hat Mrs. Doelling was wearing while mowing, foliage from a cherry tree near the field and weeds from the field for analysis by the OISC Residue Lab.

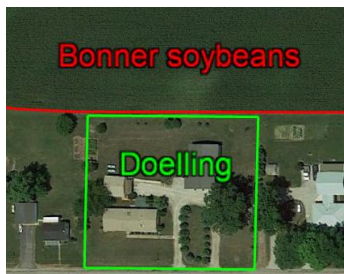


Fig.1 Aerial photo of site



Fig.2 Burning bush near house



Fig.3 Field and back yard



Fig.4 Peony, back yard near field

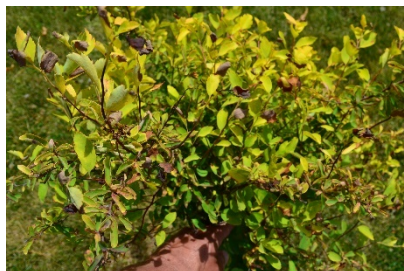


Fig.5 Spiraea, back yard near field



Fig.6 Yellowed pines facing field

4. On June 17, 2020, I contacted David Bonner and informed him of the complaint. He confirmed he sprayed the field in question for weeds and had also applied anhydrous a week later. Mr. Bonner later completed and returned a Pesticide Investigation Inquiry (PII) for the application. According to the PII, Mr. Bonner sprayed the field with a tank mix containing Liberty (EPA Reg#7969-448), active ingredient glufosinate, and Roundup Power Max (EPA Reg#524-549), active ingredient glyphosate, from 5pm-7pm on June 6, 2020. Winds were reportedly out of the northwest, blowing toward the Doelling property, at 10mph.
5. I checked wind data at the closest official weather station to the site. Because there was a discrepancy regarding the time of the application, both time frames were assessed. The Fort Wayne International Airport, 16 miles northeast of the application site, confirmed winds were from the northwest, blowing toward the Doelling property, during both reported application times; it was recorded at 11mph at 1pm and 14mph 554pm.
6. The PPDL report indicated, *"The plants in the sample 20-00622 show chlorosis of meristems and interveinal chlorosis of other leaves followed by necrosis. These symptoms are characteristic of exposure to the combination of glufosinate + glyphosate (Liberty + Roundup). Additionally, there is a clear drift pattern on the turf right next to the corn field."* It further stated, *"The images show multiple plants, including a pine, peony, turfgrass, and others, with marginal necrosis, leaf dieback, and scorching symptoms. No pathogens were found on the submitted physical sample. I suspect that the symptoms are caused by a chemical application."*
7. The OISC Residue Lab analyzed the samples for glufosinate, its breakdown product MPP, glyphosate and its breakdown product AMPA. The results are summarized as follows:

Sample	Glufosinate	MPP	Glyphosate	AMPA
Burning bush	632ppb	25.5ppb	2720ppb	BDL
Hat	7630ng	BDL	28000ng	BDL
Cherry	2550ppb	361ppb	4900ppb	BDL
Target weeds	48500ppb	5270ppb	94000ppb	917ppb

ppb = parts per billion

BDL = Below Detection Limits

ng = nanograms/article

8. The evidence at the site, the lab reports and the wind conditions support that the tank mix applied by Mr. Bonner moved off-target to the Doelling property.
9. The Liberty label reads, in part, **"The pesticide must only be applied when the potential for drift to adjacent sensitive areas (e.g., residential areas, bodies of water, and known habitats for threatened or endangered species, nontarget crops) is minimal (e.g., when wind is blowing away from the sensitive areas)."** The Roundup Power Max label reads, in part, **"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."** Both herbicide labels state, **"DO NOT apply this product in a way that will contact workers or other persons, either directly or through drift."**

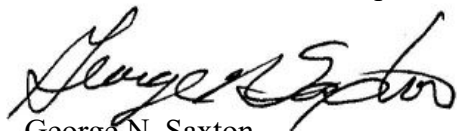
  
 Andrew R. Roth  
 Investigator

Date: October 26, 2020

**Disposition:** David Bonner 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 there was a potential for human harm.

As of July 26, 2021, David Bonner had not paid the \$100.00 civil penalty. The case was closed and forwarded to collections.

On August 9, 2021, the OISC Accounting Department received the civil penalty payment from David Bonner. The collection process was terminated.

A handwritten signature in black ink, appearing to read "George N. Saxton", written in a cursive style.

George N. Saxton  
Compliance Officer

Draft Date: February 5, 2021  
Case Closed: August 11, 2021

## CASE SUMMARY

Case #PS20-0322

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

**Respondent:** Retailers Supply  
Tom Pope  
4398 Security Parkway  
New Albany, IN 47150  
General Manager

**Registrant:** Canberra Corporation  
3610 Holland-Sylvania Road  
Toledo, OH 43615

1. On July 22, 2020, I performed a routine marketplace inspection at Retailers Supply located at 4398 Security Parkway New Albany, IN. I spoke with General Manager, Tom Pope, and informed him of the process of the marketplace inspection. I then issued a Notice of Inspection.
2. Upon completion of the inspection, I located one (1) unregistered pesticide product that was being offered for sale through Retailers Supply. I confirmed through Sarah Caffery, Pesticide Registration Specialist, the pesticide product was unregistered in the State of Indiana. The product was as follows:
  - a. Super Husky 303 Toilet Bowl Cleaner,
    - i. EPA Reg# 8155-3.
    - ii. 131 units in stock
    - iii. Date last received April 3, 2020.
3. I also located two (2) additional products. Husky 802 High Fragrance Detergent/Disinfectant. This product by this name was registered with OISC at the time of the inspection, however, I located two different versions; Pine Scent and Lemon Scent. The registration for the product did not appear to differentiate between the scents. I collected a sample of each of the pesticide products. An Action Order was not placed on these pesticide products at the time of the inspection. I was able to document that these products were received by Retailers Supply on June 9, 2020.
4. Upon completion of the inspection, I spoke with Mr. Pope and informed him of the unregistered pesticide product I had located. I informed him that I would be issuing an Action Order instructing them to remove the remaining products of the unregistered pesticide products from the shelves and place them in storage and that they are not to be sold or removed from the store unless contacted in writing by OISC. I also informed him that I would be retaining an evidentiary sample of the product for my case. I asked Mr. Pope if he was able to provide me with any information for when the last shipment came to the store. Mr. Pope was able to provide me with an item inventory for all three pesticide products.
5. I placed the evidentiary samples into a clear evidence bag and sealed for transportation to the OISC formulation lab.

6. On July 23, 2020 I delivered the evidentiary sample to the Formulation Lab.



Fig. 1



Fig. 2




Fig. 3

- Fig. 1) Photo showing Super Husky 303 Toilet Bowl Cleaner
- Fig. 2) Photo showing Husky 802 High Fragrance Detergent/Disinfectant Lemon Scent
- Fig. 3) Photo showing Husky 802 High Fragrance Detergent/Disinfectant Pine Scent


7. On September 25, 2020, I received the Lab Analysis Report from the OISC Formulation Lab for all three products. The lab reports are as follows:

**OFFICE OF INDIANA STATE CHEMIST**  
*Pesticide Formulation Laboratory*  
**Lab Report**


OCM Collection #	152760	Case #	PS20-0322	Investigator	G. Creason
Sample #	Product Description				Sample Size
20-3-0130 9	<b>Super Husky 303 Toilet Bowl Cleaner</b>				1 x 32 oz
ACTIVE INGREDIENT				% GUARANTEE	% FOUND
Hydrogen Chloride DBAC (5% C12; 60% C14; 30% C16; 5% C18)				23.00 0.05	23.09 N/A*
Remarks:					
*DBAC determination could not be performed due to interference from the hydrogen chloride component.					
Signature				Date	09/25/2020



OFFICE OF INDIANA STATE CHEMIST  
Pesticide Formulation Laboratory  
Lab Report

<b>OCM Collection #</b>	<b>152760</b>	<b>Case #</b>	<b>PS20-0322</b>	<b>Investigator</b>	<b>G. Creason</b>
<b>Sample #</b>	<b>Product Description</b>			<b>Sample Size</b>	
20-3-0131 3	<b>Husky 802 High Fragrance Detergent/Disinfectant Lemon</b>			1 x 1 gal	
<b>ACTIVE INGREDIENT</b>				<b>% GUARANTEE</b>	<b>% FOUND</b>
DBAC (5% C12; 60% C14; 30% C16; 5% C18)				<b>0.78</b>	<b>N/A</b>
DEAC (68% C12; 32% C14)				<b>0.78</b>	<b>N/A</b>
Tested as Quaternary Nitrogen Equivalent				<b>0.058</b>	<b>0.061</b>
Remarks:					
<b>Signature</b>				<b>Date</b>	09/11/2020

OFFICE OF INDIANA STATE CHEMIST  
Pesticide Formulation Laboratory  
Lab Report

<b>OCM Collection #</b>	<b>152760</b>	<b>Case #</b>	<b>PS20-0322</b>	<b>Investigator</b>	<b>G. Creason</b>
<b>Sample #</b>	<b>Product Description</b>			<b>Sample Size</b>	
20-3-0132 1	<b>Husky 802 High Fragrance Detergent/Disinfectant Pine</b>			1 x 1 gal	
<b>ACTIVE INGREDIENT</b>				<b>% GUARANTEE</b>	<b>% FOUND</b>
DBAC (5% C12; 60% C14; 30% C16; 5% C18)				<b>0.78</b>	<b>N/A</b>
DEAC (68% C12; 32% C14)				<b>0.78</b>	<b>N/A</b>
Tested as Quaternary Nitrogen Equivalent				<b>0.058</b>	<b>0.060</b>
Remarks:					
<b>Signature</b>				<b>Date</b>	09/11/2020

8. All supporting documents and photos have been electronically attached to the OISC case management system.

  
Garret A. Creason  
Investigator

Date: September 28, 2020

Label Review: **Canberra Corp**

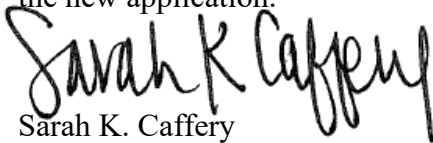
On August 31, 2020, I completed the labeling review for Canberra Corp products connected to this case.

**Super Husky 303 Toilet Bowl Cleaner 8155-3**

Currently OISC has Super Husky Toilet Bowl Cleaner registered (OSIC ID 1978008778). However, "HUSKY 303" is not part of the registered product name; nor is it identified as an Alternate Brand Name (ABN) on EPA PPLS. As is, this is an unregistered pesticide product. For EPA, submit the appropriate ABN notification. For OISC, submit a new product registration and late fee. Application and directions can be found at [https://www.oisc.purdue.edu/pesticide/pesticide\\_products.html](https://www.oisc.purdue.edu/pesticide/pesticide_products.html)

**Husky 802 High Fragrance Detergent/Disinfectant Lemon 10324-167-8155 and Husky 802 High Fragrance Detergent/Disinfectant Pine 10324-167-8155**

Currently OISC has Husky 802 High Fragrance Detergent/Disinfectant registered (OISC ID 2011069892), however, there is not a fragrance connected with this registration. OISC requires the registration of different scents. The current registration must be modified to reflect either lemon or pine and a new registration (with late fees) must be submitted for the other. When submitting the labels electronically to [pestproducts@purdue.edu](mailto:pestproducts@purdue.edu), identify which scent will go with the currently registered product and which is for the new application.



Sarah K. Caffery  
Pesticide Product Registration Specialist

Date: August 31, 2020

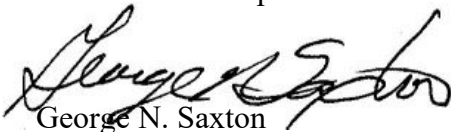
**Disposition:** Retailers Supply was warned for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law.

Canberra Corporation was cited for two (2) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide product that was not registered in Indiana. A civil penalty in the amount of \$500.00 (2 counts x \$250.00 per count) was assessed.

Canberra Corporation was cited for one (1) count of violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide product that was in violation of EPA's Federal Insecticide, Fungicide, Rodenticide Act (FIFRA). A civil penalty in the amount of \$250.00 was assessed for this violation.

As of July 26, 2021, Canberra Corporation had not paid the \$750.00 civil penalty. The case was closed and forwarded to collections.

On August 16, 2021, the OISC Accounting Department received the \$750.00 civil penalty payment from Canberra Corporation. The collection process was terminated.



George N. Saxton  
Compliance Officer

Draft Date: October 21, 2020  
Case Closed: August 18, 2021

Compliance Assistance for Canberra Corporation:

1. Submit ABN notice to EPA for EPA Reg Number 8155-3
2. Submit pesticide registration applications to OISC as identified above



## CASE SUMMARY

Case #PS20-0355

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

<b>Respondent:</b>	Greenix Pest Control Greg Hill William Harpst 758 Burr Oak Drive Westmont, IL 60559	Unlicensed Company Unlicensed Applicator Unlicensed Applicator
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1. On August 3, 2020, I, Investigator Melissa Rosch, conducted a routine use inspection on Greenix Pest Control company at 14315 Colfax St., Cedar Lake, Indiana. During my inspection, the applicator William Harpst, stated he did not have an applicator license and did not have the proper certified supervision requirements from a certified applicator. I confirmed in the OISC licensing database Mr. Harpst did not have an applicator license and the Greenix Pest Control business in Westmont, IL did not have an Indiana pesticide business license.
2. On August 6, 2020, I spoke with the Greenix Pest Control branch manager Greg Hill and issued an ACTION ORDER prohibiting any pesticide applications for-hire in Indiana until the business location is credentialed by OISC as a licensed pesticide business.
3. On August 6, 2020, I spoke with the Chief Operating Officer of Greenix Mark Smith. Mr. Smith stated he will have the business and applicator licensing issue resolved as soon as possible. Mr. Smith also stated he will have the application records sent to me for the previous 180 days.
4. On August 19, 2020, I received the application records from Mr. Smith from the previous 180 days which showed a total of 10,093 pesticide applications performed on the following days:

Feb:

3/4/5/6/7/10/11/12/14/17/18/19/20/21/24/25/26/27/28: 19

Mar:

2/3/4/5/6/9/10/11/12/13/16/17/18/19/20/21/23/24/25/26/27/28/30/31: 24

April:

1/2/3/4/6/7/8/9/10/13/14/15/16/17/18/21/22/23/24/25/27/28/29/30: 24

May:

1/4/5/6/7/8/9/11/12/13/14/15/16/18/19/20/21/22/23/25/26/27/28/29/30: 25

June:

1/2/3/4/5/6/8/9/10/11/12/13/15/16/17/18/19/20/22/23/24/25/26/27/29/30/: 26

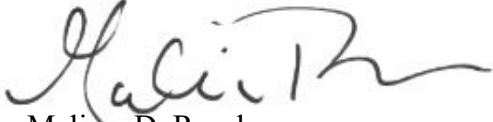
July:

1/2/3/4/6/7/8/9/10/11/13/14/15/16/17/18/20/21/22/23/24/25/27/28/29/30/31: 27

Aug:

1/3/4/5/6: 5

5. There appears to be a violation in this case based on the following:
  - a. Greenix Pest Control was operating for a pesticide business for-hire without a pesticide business license credential from OISC
  - b. Greenix Pest Control made pest control applications for hire without a license for 150 days
  - c. Mr. Harpst did not have the proper certified supervision requirements from a credentialed applicator

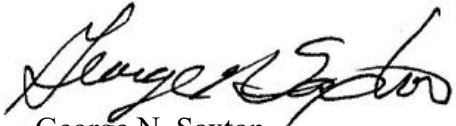


Melissa D. Rosch  
Investigator

Date: March 5, 2021

**Disposition:** Greenix Pest Control was cited for one hundred-fifty (150) 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 \$37,500.00 (150 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$11,250.00. Consideration was given to the fact Greenix Pest Control cooperated during the investigation; corrective action was taken and no previous history of similar violations. In addition, \$5,000.00 of the civil penalty was held in abeyance and not assessed provided Greenix Pest Control commits no further violations of similar nature within two (2) years beginning March 8, 2021. The remaining \$6,250.00 must be paid.

As of August 19, 2021, Greenix Pest Control had not paid the reduced civil penalty of \$6,250.00. The case was closed and forwarded to collections for the unmitigated civil penalty amount of \$37,500.00.



George N. Saxton  
Compliance Officer

Draft Date: March 18, 2021  
Case Closed: August 19, 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 **September 23, 2021, 08:52 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 PS21-0080**

Department	Pesticide
Originated	04/15/2021
Assigned To	William R. Reid
Status	Closed

**Involved Parties**

Complainant	<b>Karen Beliles</b> Evansville, IN 47720
Respondent	<b>Swat Pest Management Inc</b> Evansville, IN 47715
Respondent	<b>Jacob M Gunther</b> Evansville, IN 47715
Respondent	<b>Vernon Bradley Weir</b> Evansville, IN 47715

**Overviews**

07/14/2021 **Investigation Summary**

On 4/15/2021 Complainant stated that SWAT Pest Management treated her home for termites in 2011 and that she signed also signed a service agreement with SWAT for yearly termite inspections. The complainant stated she recently discovered live termites and extensive damage to her home that she believes should have been detected by SWAT in their yearly inspections.

On 4/16/2021 I called complainant and talked with her on the phone in length about her situation. She is going to email me a timeline of events and I told her I would gather up more information and then contact her to set up a time and day to go down to location of concern.

On 4/28/2021 I visited the property of Karen Beliles at 2801 Koring Road, Evansville IN 47720 to investigate the termite damage at her property. Karen Beliles had a binder full of information and documentation of the termite treatments performed by SWAT and other services regarding the termite damage at her property. My investigation found several areas of termite damage throughout the crawlspace and in the interior of the home on the drywall areas and drywall ceiling areas. No live termites were found on 4/28/2021 when I was at the home. The property had been previously treated by SWAT and Arrow Pest Control for termites. I took soil samples to determine if the active ingredient of Fipronil was found in the soil. I visited SWAT pest control and talked with Brad Weir (SWAT Pest Management Specialty Manager) to inquire more about the complaint. Brad Weir provided information and documents regarding the case. His records matched the documents and information provided by Karen Beliles.

On 1/12/2021 Derrick Work from Arrow Termite and Pest Control found live termites and shelter tubes in the crawlspace. Karen Beliles was advised to contact SWAT for a re-inspection prior to any further termite treatment. The service report 073010 filled out by Jacob G. on 1/20/21 on the description/remarks section noted the following, "No activity seen in crawlspace check bedroom, crack not by termite cause." According to Karen Beliles timeline she asked the inspector (Jacob G.) to look at the walls in her bedroom and advise if the blistered areas and brown spots on the exposed drywall were from termite activity. Jacob G. took pictures on his phone and sent them to Brad Weir and Brad replied back saying no. Brad said she would have "Mud" coming out of her walls if it was termites. At this point she called Derrick Word from Arrow Termite & Pest Control and he found live termites again. The drywall damage in the bedroom was determined to be from termites on 4/28/2021 when I visited the property. According to Karen Beliles this was the same area shown to the inspector from SWAT on 1/20/2021.

Submitted By: William R. Reid  
Role: Investigator

08/04/2021 **Disposition Summary**

Swat Pest Management Inc was warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement concerning the infestation of a pest.

Vernon Bradley Weir was warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement concerning the infestation of a pest.

Jacob M Gunther was warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement concerning the infestation of a pest.

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

Vernon Bradley Weir was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed employee.

Submitted By: George Saxton  
Role: Compliance Officer

## Chronology of Events

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### 04/15/2021 Intake Referral Filed

Complainant stated that SWAT Pest Management treated her home for termites in 2011 and that she signed also signed a service agreement with SWAT for yearly termite inspections. The complainant stated she recently discovered live termites and extensive damage to her home that she believes should have been detected by SWAT in their yearly inspections.

Original Event: Intake Referral (Pesticide) #1887  
Complainant: Karen Beliles  
Respondent: Swat Pest Management Inc  
Submitted By: Joseph D. Becovitz  
Assigned To: William R. Reid

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### 04/15/2021 Case Created

Original Event: Case PS21-0080  
Submitted By: Joseph D. Becovitz  
Assigned To: William R. Reid

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### 04/16/2021 Investigator Called Complainant Communication

I called complainant and talked with her on the phone in length about her situation. She is going to email me a timeline of events and I told her I would gather up more information and then contact her to set up a time and day to go down to location of concern.

Original Event: Investigation Activity (Pesticide) #2816  
Subject: Karen Beliles  
Submitted By: William R. Reid

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### 04/28/2021 Investigator Met with Complainant Records

This is a timeline from Karen Beliles. Jacob G. from SWAT service report attached noting No activity and that the crack in the bedroom was not by termite damage.

#### Activity

Videos of termites taken by Derrick Word from Arrow Termite and Pest Control on 1/21/2021 at the property on 2801 Koring Rd, Evansville IN 47720.

#### Photographs

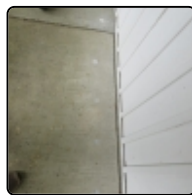
Pictures of property at 2801 Koring Road, Evansville, IN 47720.

Original Event: Investigation Activity (Pesticide) #2940  
Subject: Karen Beliles  
Submitted By: William R. Reid  
Attachments: File 73515; Swat Jacob G service report.pdf  
File 67331; Timeline.pdf  
File 75287; video.mp4  
File 75288; video2.mp4  
File 75290; video3.mp4

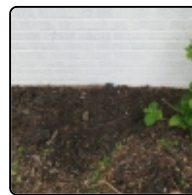
Photos:



File 67332



File 67333



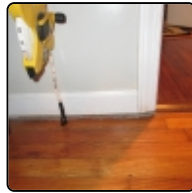
File 67334



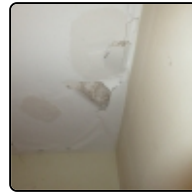
File 67335



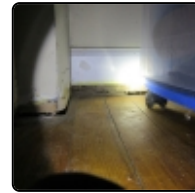
File 67336



File 67337



File 67338



File 67339



File 67340



File 67341



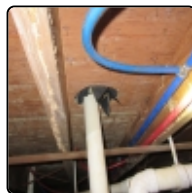
File 67342



File 67343



File 67344



File 67345



File 67346



File 67347



File 67348

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04/28/2021 **Investigator Met with Business Records**

Copy of Swat's letter back to the attorney.

Original Event: Investigation Activity (Pesticide) #2941  
Subject: Swat Pest Management Inc  
Submitted By: William R. Reid  
Attachments: File 67349; swat letter to attorney.pdf

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04/28/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #310  
Client: Swat Pest Management Inc  
Firm Representative: Brad Weir  
Submitted By: William R. Reid  
Attachments: File 67350; NOI for Brad Weir.pdf

---

04/28/2021 **Notice of Inspection Issued**

Original Event: Notice of Inspection #311  
Client: Karen Beliles  
Firm Representative: Karen Beliles  
Submitted By: William R. Reid  
Attachments: File 67351; NOI for Karen Beliles.pdf

---

04/28/2021 **Residue Samples Collected**

Original Event: Residue Collection #177067 (21-4-0659 2)  
Client: Karen Beliles  
Submitted By: William R. Reid  
Sample: 21-4-0659 2 | Soil; Ctrl; 6-12"; front yard soil; OFF-T, Front Yard  
Sample: 21-4-0660 3 | Soil; Comp; 6-12"; 4 sides of home soil test; Target

05/04/2021 **Lab Advised of Target Analytes**  
Original Event: Residue Collections Follow Up #410  
Submitted By: William R. Reid  
Target Analyte: Termidor SC  
Target Analyte: Termidor 80 WG  
PPLS Labels: [007969-00209-20150313.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00209-20150313.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00209-20150313.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00209-20150313.pdf)  
[007969-00210-20170410.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00210-20170410.pdf)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/007969-00210-20170410.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00210-20170410.pdf)

07/01/2021 **Received Residue Lab Report**  
**Lab Remarks**  
Released 7/1/21

### Investigatory Summary

Found Fipronil indicating active ingredient in termite treatment found in soil samples around home. The treatment conducted was a proper treatment.

### First Page of Lab Report

OCM Collection #	177067	Investigator	REIDW		
Collection Date	04/28/2021				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0659 2	Soil; Ctr; 6-12"; front yard soil; OFF-T, Front Yard	Soil	Fipronil	BDL ppb	0.3 ppb
21-4-0660 3	Soil; Comp; 6-12"; 4 sides of home soil test; Target	Soil	Fipronil	1900 ppb * Estimated Amount	0.3 ppb

Original Event: Residue Lab Report #183288 (177067-R383)  
Submitted By: SYSTEM  
Lab Report: Lab Report 177067-R383.pdf

08/04/2021 **Judgement; Civil Penalty Assessed**  
**Warning**

Swat Pest Management Inc was warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement concerning the infestation of a pest.

### Warning

Vernon Bradley Weir was warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement concerning the infestation of a pest.

### Warning

Jacob M Gunther was warned for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement concerning the infestation of a pest.

### Citation

Vernon Bradley Weir was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed employee.

### Civil Penalty

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

Original Event: Judgement #766  
Primary: Swat Pest Management Inc  
Secondary: Vernon Bradley Weir  
Additional: Jacob M Gunther  
Submitted By: George Saxton  
Legal Citations: IC 15-16-5-65(14); 355 IAC 4-2-3  
Penalty Amount: 125

08/09/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #868  
To: Swat Pest Management Inc  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 6650  
Enclosed: Notice of Enforcement  
Attachments: File 76771; PS21-0080EL CP ~ Swat Pest Mgmt - Vernon Weir - Jacob Gunther.docx

08/16/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1240  
Subject: Swat Pest Management Inc  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 6650  
Received: 08/16/2021  
Attachments: File 79178; CM 7019 0140 0000 6113 6650.pdf

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09/16/2021 **Informal Review Occurred**

Erik Bryant, attorney for SWAT Pest Control requested all documents regarding this investigation and reserved their right to a hearing.

Original Event: Compliance Activity #986  
Primary: Swat Pest Management Inc  
Submitted By: George Saxton  
Stage: Informal Review  
Attachments: File 80509; Email to Dave for SWAT PC.pdf  
File 80508; Letter from attorney for SWAT PC.pdf  
File 80510; PS21-0080 - Swat Pest Request for Official Records (002).pdf

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

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**In Re: Case PS21-0083**

Department	Pesticide
Originated	04/18/2021
Assigned To	William R. Reid
Status	Closed

**Involved Parties**

Complainant	<b>Indiana Pest Control Inc</b> Kokomo, IN 46902
-	<b>Jordan Fish Chicken &amp; Gyros</b> Indianapolis, IN 46220
Respondent	<b>Ronald S Hernandez</b> Kokomo, IN 46902
Agency	<b>Purdue Receivables &amp; Collections</b>

**Overviews**

05/19/2021 **Investigation Summary**

Ronald Hernandez is advertising under his new business, Kelly's Pest Solutions, and is not licensed properly. A business card was left at a former employee's clients store. The phone number on the business card linked back to Ronald Hernandez. I called the number and talked with Ronald Hernandez and he stated that he could treat a property for bugs for \$400.00. Later that day I missed a call from a different phone number listed as Ronald Hernandez. I visited Mr. Ronald Hernandez at his residence provided by his former employer. He and I discussed the complaint against him and later I issued him an action order to not advertise or make any application for hire without being licensed properly from OISC. I handed him the action order and went over it in great details. He agreed to the action order and was aware what the action order meant. I asked Mr. Ronald Hernandez if he has treated any properties for hire under Kelly's Pest Solutions and he stated that he had not done any. No evidence of treatment for hire was ever produced during the investigation.

Submitted By: William R. Reid  
Role: Investigator

05/25/2021 **Disposition Summary**

Ronald S Hernandez 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 a pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

04/16/2021 **Intake Referral Filed**

Complainant stated Ronald Hernandez, a former employee of Indiana Pest Control solicited business as Kellys Pest Solutions at Jordan Fish & Chicken in Indianapolis. Kellys Pest Solutions does not appear to have a pesticide business license.



Original Event:	Intake Referral (Pesticide) #1890
Complainant:	Indiana Pest Control Inc
Location:	Jordan Fish Chicken & Gyros
Respondent:	Ronald S Hernandez
Submitted By:	Joseph D. Becovitz
Assigned To:	William R. Reid

---

04/18/2021 **Case Created**

Original Event:	Case PS21-0083
Submitted By:	Joseph D. Becovitz
Assigned To:	William R. Reid

---

05/17/2021 **Investigator Called Applicator Communication**

I called (347) 238-4663 and a lady answered the phone. She then passed the phone to Ronald Hernandez. I asked Mr. Hernandez if he treats for bugs and he replied "Yes". I asked how much it would cost to get my house treated and he stated around \$400.00. He said that this was cheaper than any other company around. I asked if he had a website that I could look at to see reviews and information and he replied that he didn't, but he was getting on with Terminix and I could go there and look at there site. I then told Mr. Hernandez that I was going to call around and compare prices and that I would call him back if I needed his services. Later that Day I got a call back from a phone number listed as Ronald Hernandez on my caller ID. The phone number was (317) 982-9982. It was a missed call noted on my cell phone.

Original Event:	Investigation Activity (Pesticide) #3035
Subject:	Ronald S Hernandez
Submitted By:	William R. Reid

---

05/18/2021 **Investigator Met with Applicator Interaction**

I visited the home of Mr. Ronald Hernandez to gather more information. After knocking on the door several times and waiting for about 10 min a lady answered the door. I asked her if Ronald Hernandez was home and she said yes and he came out to discuss the complaint. He stated that he was between jobs, but did treat for bugs. I asked him and showed him the card we received from the complainant that had Kelly's Pest Solutions on it and had the (347) 238-4663 phone number listed. He stated that wasn't him. I pointed out that the number (347) 238-4663 was on the card and that I called it yesterday and talked with him about hiring him to treat bugs. He denied it. I then pointed out that the number that called me back later that day was a phone number he gave me to put on the Notice of inspection and was listed under his name on my caller ID (317)-982-9982. He stated that he wasn't sure how that happened. I then informed him that he can't advertise or make any applications with out being licensed properly and that he or his business Kelly's Pest Solutions is not licensed properly. He agreed not to advertise or make any applications for hire until being licensed properly. I then issued Mr. Hernandez a action order. I handed him the copy of the action order and explained it to him in great detail.

Original Event:	Investigation Activity (Pesticide) #3036
Subject:	Ronald S Hernandez
Submitted By:	William R. Reid
Attachments:	File 68179; Action order Hernandez.pdf
Photos:	



File 68181

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05/18/2021 **Notice of Inspection Issued**

Ronald Hernandez was issued an NOI and a Action Order on 5/18/21. He is not licensed properly and is advertising under Kelly's Pest Solutions.

Original Event:	Notice of Inspection #336
Client:	Ronald S Hernandez
Firm Representative:	Ronald Hernandez
Submitted By:	William R. Reid
Attachments:	File 68180; NOI Hernandez.pdf

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05/25/2021 **Judgement; Civil Penalty Assessed Civil Penalty**

Ronald S Hernandez 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 a pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Original Event:	Judgement #743
Primary:	Ronald S Hernandez
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(9)
Penalty Amount:	250

---

05/26/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #816  
To: Ronald S Hernandez  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 7084  
Enclosed: Notice of Enforcement  
Enclosed: Draft Case Summary  
Attachments: File 68810; PS21-0083EL CP ~ Ronald S. Hernandez.docx

---

06/02/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1152  
Subject: Ronald S Hernandez  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 7084  
Received: 06/02/2021  
Attachments: File 70050; CM 7019 0140 0000 6113 7084 ~ PS21-0083.pdf

---

08/31/2021 **Penalty Payment Not Received for Target**

As of August 31, 2021, Ronald S. Hernandez has not paid the \$250.00 civil penalty. The case will be forwarded to collections.

Original Event: Compliance Receipt #1242  
Subject: Ronald S Hernandez  
Submitted By: Joni Herman  
Payment Expected: \$250.00  
Payment Received: \$0

---

08/31/2021 **Sent to Collections** (Pending)

As of August 31, 2021, Ronald S. Hernandez had not paid the \$250.00 civil penalty. The case was closed and forwarded to collections.

Original Event: Compliance Activity #968  
Primary: Ronald S Hernandez  
Agency: Purdue Receivables & Collections  
Submitted By: Joni Herman

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

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**In Re: Case PS21-0119**

Department	Pesticide
Originated	05/26/2021
Assigned To	Garret A. Creason
Status	Closed

**Involved Parties**

Complainant	<b>Office of Indiana State Chemist</b>
Respondent Issued To	<b>Menards</b> Angola, IN 46703
Registrant Respondent	<b>Edward Roberts LLC</b> New York, NY 10004

**Overviews**

07/27/2021 **Product Registration Summary**

On July 26, 2020 I completed the label review for Disinfect Multi-Purpose Wipes. In my review, I have identified the product name "Disinfect" is an implied pesticidal claim. Since there is a pesticidal claim, the product is required to be either registered with Indiana and EPA as a Section 3 pesticide product or is exempt from registration with EPA but not Indiana as a 25(b) Minimum Risk pesticide product. My review determined that the product is either misbranded or is an unregistered Section 3 product.

Submitted By: Linda Bradford  
Role: Product Registration Specialist

09/16/2021 **Investigation Summary**

During a Marketplace inspection at Menards in Angola, IN on 5/25/2021, "Disinfect Multi-purpose wipes" were located being offered for sale. The product is unregistered Federally and in the State of Indiana. The name "Disinfect" is a pesticidal claim.

An action order was issued to Menards to stop all sales of "Disinfect" until released in writing by OISC. An evidentiary sample was collected and later submitted to the OISC Formulation lab for analysis.

On September 13, 2021 I received an email from Todd Lemanski, Senior Corporate Counsel for Menards Inc. Mr. Lemanski provided documentation stating that the Disinfect product has been carried by Menards Inc since 2020. Mr. Lemanski asked that the documents be kept Confidential, therefore they will not be added into the OISC Case Management system

Submitted By: Garret A. Creason  
Role: Investigator

09/16/2021 **Disposition Summary**

The information was referred to E.P.A. region V for federal review.

Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

05/25/2021 **Intake Referral Filed**

During a Marketplace inspection I located "Disinfect Multi-purpose wipes" being offered for sale. The product is unregistered Federally and in the State of Indiana. The name "Disinfect" is a pesticidal claim.

Original Event:	Intake Referral (Pesticide) #1963
Complainant:	Office of Indiana State Chemist
Respondent:	Menards
Entered By:	Garret A. Creason
Submitted By:	George Saxton

---

05/25/2021 **Formulation Samples Collected** (Pending)

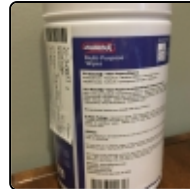
Original Event:	Formulation Collection #179386 (21-3-0077 2)
Registrant:	Edward Roberts LLC
Client:	Menards
Firm Representative:	Shane Williams
Submitted By:	Garret A. Creason
Sample:	21-3-0077 2   Disinfect multi-purpose wipes
Lab Report:	20210820122104@179386.pdf
Attachments:	File 69014; scan0003.pdf
Photos:	



File 69022



File 69023



File 69024



File 69026



File 69025



File 69027

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05/25/2021 **Action Order Issued**

Original Event:	Action Order #204
Issued To:	Menards
Firm Representative:	Shane Williams
Submitted By:	Garret A. Creason
Attachments:	File 69048; scan0006.pdf

---

05/25/2021 **INCIDENTAL Notice of Inspection Issued**

Original Event:	Notice of Inspection #357
Linked From:	Pesticide Inspection (Product) #222
Client:	Menards
Firm Representative:	Shane Williams
Submitted By:	Garret A. Creason
Attachments:	File 68980; scan.pdf

---

05/25/2021 **Investigator Met with Distributor Interaction**

During a Marketplace inspection at Menards in Angola, IN i located a federally unregistered pesticide product. The product is "Disinfect". The name of the product is a pesticidal claim. An evidentiary sample of the product was collected.

Original Event:	Investigation Activity (Pesticide) #3103
Subject:	Menards
Submitted By:	Garret A. Creason

---

05/25/2021 **Marketplace Inspection Conducted Marketplace**

An action order was issued to Menards to stop all sales of "Disinfect" until released in writing by OISC.

Original Event:	Pesticide Inspection (Product) #222
Client:	Menards
Firm Representative:	Shane Williams
Submitted By:	Garret A. Creason

---

05/26/2021 **Case Created**

Original Event:	Case PS21-0119
Submitted By:	George Saxton
Assigned To:	Garret A. Creason

---

07/26/2021 **Label Review Conducted; Not Acceptable**

My review determined that the product is either misbranded or is an unregistered Section 3 product for the following reasons:

1. Product name
2. Label Format
3. Use sites
4. "Violation of Federal law" statement

Original Event: Label Review (Pesticide) #141 (21-3-0077 2)  
Registrant: Edward Roberts LLC  
Submitted By: Linda Bradford  
Sample: 21-3-0077 2  
Product: Disinfex multi-purpose wipes  
Attachments: File 75050; EDWARD ROBERTS LLC - DISINFEX MULTI-PURPOSE WIPES.pdf

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09/13/2021 **Investigator Received Fax/Email from Distributor Communication**

On September 13, 2021 i received an email from Todd Lemanski, Senior Corporate Counsel for Mendard Inc. Mr. Lemanski provided documentation stating that the Disinfex product has been carried by Menards Inc since 2020. Mr. Lemanski asked that the documents be kept Confidential, therefore they will not be added into the OISC Case Management system.

Original Event: Investigation Activity (Pesticide) #3829  
Subject: Menards  
Submitted By: Garret A. Creason

---

09/16/2021 **Case Closed; Referred to Epa**

The information was referred to E.P.A. region V for federal review.

Original Event: Compliance Activity #985  
Primary: Edward Roberts LLC  
Submitted By: George Saxton

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

This record was generated on **July 30, 2021, 07:45 AM EDT**. Information displayed may contain errors or omissions.  
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**In Re: Case PS21-0124**

Department	Pesticide
Originated	05/28/2021
Assigned To	William R. Reid
Status	Closed

**Involved Parties**

Issued To Respondent	<b>Bright 4 Seasons Landscaping &amp; Nursery</b> Lawrenceburg, IN 47025
Complainant	<b>Office of Indiana State Chemist</b>
Respondent	<b>Mike Armbruster</b> Lawrenceburg, IN 47025

**Overviews**

06/16/2021 **Investigation Summary**

I stopped Mike Armbruster of Bright 4 Seasons on 5/25/21 and he was finishing up cutting grass with a crew and noticed he was spraying something at a Skyline Chili's in Bright, IN. I watched him spray weeds with a back pack pump sprayer and then stopped him after he was completed. He stated that it is mostly water and vinegar but also has some Round-Up in the mix. I asked if he was credentialed and he was said "No". I took a photo of the container with EPA Reg Number 524-535. I pulled invoices from Mike Armbruster later on my way back through town and he produced another place that he treats for weeds. He has accounts in Ohio that he contracts out with Trugreen. He is mostly a landscaping company and nursery, but has a few of these accounts with lawn cutting services. No advertisement was noted on his website and at his store locations there wasn't any other chemicals noted in storage that he uses. He was cooperative at the time of the stop.

Submitted By: William R. Reid  
Role: Investigator

06/17/2021 **Disposition Summary**

Bright 4 Seasons Landscaping & Nursery was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

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

Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

05/25/2021 **Credentials Inspection Conducted**

## Credentials Inspection

I stopped Mike Armbruster of Bright 4 Seasons and he was finishing up cutting grass with a crew and noticed he was spraying something at a Skyline Chili's in Bright, IN. I watched him spray weeds with a back pack pump sprayer and then stopped him after he was completed. He stated that it is mostly water and vinegar but also has some Round-Up in the mix. I asked if he was credentialed and he was said "No". I took a photo of the container with EPA Reg Number 524-535. I pulled invoices from Mike Armbruster later on my way back through town and he produced another place that he treats for weeds. He has accounts in Ohio that he contracts out with Trugreen. He is mostly a landscaping company and nursery, but has a few of these accounts with lawn cutting services. No advertisement was noted on his website and at his store locations there wasn't any other chemicals noted in storage that he uses. He was cooperative at the time of the stop.

Original Event: Pesticide Inspection (General) #1688  
Client: Bright 4 Seasons Landscaping & Nursery  
Firm Representative: Mike Armbruster  
Submitted By: William R. Reid  
Attachments: File 69082; action order Bright4Seasons Armbruster.pdf  
File 69084; Bright 4 Seasons. First Financial Bank.pdf

Photos:



File 69081



File 69079



File 69080



File 69083

---

### 05/25/2021 Notice of Inspection Issued

Original Event: Notice of Inspection #358  
Client: Bright 4 Seasons Landscaping & Nursery  
Firm Representative: Mike Armbruster  
Submitted By: William R. Reid  
Attachments: File 69085; NOI Bright 4 Seasons.pdf

---

### 05/25/2021 Investigator Met with Applicator Interaction

I visited Bright 4 Seasons to speak with owner Mike Armbruster to discuss the recent inspection and or stop I made with him. He was spraying at a local business in Bright, IN when I stopped him and conducted an inspection. He is unlicensed to spray or make applications.

Original Event: Investigation Activity (Pesticide) #3243  
Subject: Bright 4 Seasons Landscaping & Nursery  
Submitted By: William R. Reid

---

### 05/28/2021 Action Order Issued

Stop applying pesticides, fertilizers, and weed control for hire without being properly licensed in Indiana.

Original Event: Action Order #208  
Issued To: Bright 4 Seasons Landscaping & Nursery  
Firm Representative: Mike Armbruster  
Submitted By: William R. Reid  
Attachments: File 69086; action order Bright4Seasons Armbruster.pdf

---

### 05/28/2021 Intake Referral Filed

Mike Armbruster was spraying pesticide without being licensed. He admitted to it and I found one other location (invoice) that he is treating.

Original Event: Intake Referral (Pesticide) #1968  
Complainant: Office of Indiana State Chemist  
Respondent: Bright 4 Seasons Landscaping & Nursery  
Entered By: William R. Reid  
Submitted By: Mark Sobers

---

### 05/28/2021 Case Created

Original Event: Case PS21-0124  
Submitted By: George Saxton  
Assigned To: William R. Reid

---

### 06/17/2021 Judgement; Civil Penalty Assessed Citation

Mike Armbruster was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license.

## Civil Penalty

Bright 4 Seasons Landscaping & Nursery was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

Original Event: Judgement #755  
Primary: Bright 4 Seasons Landscaping & Nursery  
Secondary: Mike Armbruster  
Submitted By: George Saxton  
Legal Citation: IC 15-16-5-65(9)  
Penalty Amount: 250

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06/18/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #838  
To: Bright 4 Seasons Landscaping & Nursery  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 7244  
Enclosed: Notice of Enforcement  
Enclosed: Draft Case Summary  
Attachments: File 70967; PS21-0124EL CP ~ Bright 4 Seasons - Mike Armbruster.docx

---

06/25/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1208  
Subject: Bright 4 Seasons Landscaping & Nursery  
Submitted By: Joni Herman  
USPS: 7019 0140 0000 6113 7244  
Received: 06/25/2021  
Attachments: File 75044; CM 7019 0140 0000 6113 7244.pdf

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07/15/2021 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #1206  
Subject: Bright 4 Seasons Landscaping & Nursery  
Submitted By: Joni Herman  
Payment Expected: \$250.00  
Payment Received: \$250.00  
Attachments: File 74544; PS21-0124 ~ Bright 4 Seasons Landscaping & Nursery ~ CP Received.pdf

<p>This record was generated on <b>July 30, 2021, 07:45 AM EDT</b>. 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**

*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 **July 27, 2021, 02:06 PM EDT**. Information displayed may contain errors or omissions.  
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**In Re: Case PS21-0152**

Department	Pesticide
Originated	06/11/2021
Assigned To	William R. Reid
Status	Closed

**Involved Parties**

Complainant	<b>Office of Indiana State Chemist</b>
Respondent Issued To	<b>Country Club of Old Vincennes</b> Vincennes, IN 47591
Respondent	<b>Tanner C Gray</b> Vincennes, IN 47591

**Overviews**

06/15/2021 **Investigation Summary**

Tanner Gray is the new Grounds Manager at the Country Club of Old Vincennes Golf Course. He is not licensed to make applications. He is working on it and is aware now that he can not make any applications without being licensed properly. I gave Tanner Gray and the owner of the golf course LJ Benjamin an action order not to make any applications without being licensed properly. Both LJ Benjamin and Tanner Gray were aware what the action order means.

Tanner Gray is working on getting his license. He also admitted to making one application without being licensed properly at the golf course. He showed me his records of the application and I advised him that his records needed the Time, Date, and Location of the application, and his name and information when he gets his licensed number. He had the amount of chemical, name of chemical and EPA number on the records.

Submitted By: William R. Reid  
Role: Investigator

06/15/2021 **Disposition Summary**

Country Club of Old Vincennes was cited for 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 \$250.00 was assessed for this violation.

Tanner Gray was cited for 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 being a certified applicator.

Submitted By: George Saxton  
Role: Compliance Officer

**Chronology of Events**

06/11/2021 **Intake Referral Filed**

OISC was informed two weeks ago that the only certified applicator (Harrison Staver) is no longer employed at the course.

Original Event: Intake Referral (Pesticide) #1998  
Complainant: Office of Indiana State Chemist  
Respondent: Country Club of Old Vincennes  
Submitted By: Joseph D. Becovitz  
Assigned To: William R. Reid

06/11/2021 **Case Created**

Original Event:	Case PS21-0152
Submitted By:	Joseph D. Becovitz
Assigned To:	William R. Reid

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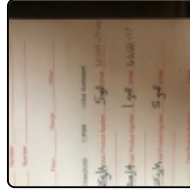
06/14/2021 **Investigator Met with Business Records**

These are the 2021 Records provided by Tanner (the new Grounds Manager). I advised him that the records need the date and time of application and location.

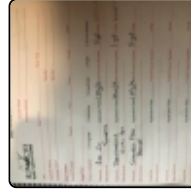
**Communication**

I talked with Tanner Gray about not being licensed properly and how to get licensed. He stated that he was working on it. He admitted to spraying once this year since the departure of Harrison (Kale) Staver. The records from 2021 were limited and needed to have more details. I then gave Tanner an Action Order not to spray or make any applications until licensed properly. I also had this discussion in front of and with the owner of the golf course LJ Benjamin.

Original Event:	Investigation Activity (Pesticide) #3220
Subject:	Country Club of Old Vincennes
Submitted By:	William R. Reid
Photos:	



File 70209



File 70208

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06/14/2021 **Notice of Inspection Issued**

I Issued Tanner Gray and NOI and an action order. He was not licensed to spray. He is aware that he can not spray until licensed.

Original Event:	Notice of Inspection #384
Client:	Country Club of Old Vincennes
Firm Representative:	Tanner Gray
Submitted By:	William R. Reid
Attachments:	File 70210; NOI Valpo Golf Course.pdf

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06/14/2021 **Action Order Issued**

No applications of pesticides/fertilizers until licensed properly with OISC.

Original Event:	Action Order #209
Issued To:	Country Club of Old Vincennes
Firm Representative:	Tanner Gray
Submitted By:	William R. Reid
Attachments:	File 70220; Action Order Valpo Golf Course..pdf

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06/15/2021 **Judgement; Civil Penalty Assessed Citation**

Tanner Gray was cited for 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 being a certified applicator.

**Civil Penalty**

Country Club of Old Vincennes was cited for 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 \$250.00 was assessed for this violation.

Original Event:	Judgement #753
Primary:	Country Club of Old Vincennes
Secondary:	Tanner C Gray
Submitted By:	George Saxton
Legal Citation:	357 IAC 1-15-2
Penalty Amount:	250

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06/15/2021 **Notice of Enforcement Mailed to Target**

Original Event:	Outgoing Mail #836
To:	Country Club of Old Vincennes
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 7237
Enclosed:	Notice of Enforcement
Enclosed:	Draft Case Summary
Attachments:	File 70302; PS21-0152EL CP ~ Country Club of Old Vincennes - Tanner C. Gray.docx

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06/22/2021 **Received Mail Confirmation for Target**

Original Event:	Compliance Receipt #1191
Subject:	Country Club of Old Vincennes
Submitted By:	Joni Herman
USPS:	7019 0140 0000 6113 7237
Received:	06/22/2021
Attachments:	File 73276; CM 7019 0140 0000 6113 7237.pdf

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06/28/2021 **Received Penalty Payment for Target**

Original Event:	Compliance Receipt #1192
Subject:	Country Club of Old Vincennes
Submitted By:	Joni Herman
Payment Expected:	\$250.00
Payment Received:	\$250.00
Attachments:	File 73277; PS21-0152 ~ CP Received ~ Country Club Old Vincennes.pdf

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