

Office of Indiana State Chemist

Q&A - Wood Destroying Pest Complaint Investigations

Who regulates inspections for wood destroying pests in Indiana?

The Indiana Pesticide Use and Application Law (I.C. 15-16-5-39) designates the Indiana State Chemist as the state official responsible for regulating pesticide use and pest inspection reporting activity in Indiana.

The Office of Indiana State Chemist (OISC) is located on the West Lafayette campus of Purdue University. The pesticide section has a full-time staff of approximately 20 employees including administrative, program management and laboratory personnel, and six pesticide investigators.

When should I file a complaint?

It is suggested that complainants contact the responsible inspection company prior to filing a formal complaint with OISC. Most companies who have made honest inspection or reporting errors will work with complainants to resolve legitimate claims. However, if the company does not respond to your complaint or fails to correct a problem as promised, then call 1-800-893-6637, or contact George Saxton, Office of Indiana State Chemist, 175 S. University Street, West Lafayette, IN 47907-2063.

How soon after I make a complaint will an investigation be conducted?

Expediency of the investigation will be determined by the investigator's case load. OISC will prioritize incident investigations involving:

1. Human death or illness
2. Livestock or animal death or illness
3. Property damage

The OISC investigator will generally make telephone contact with the complainant within 7 days of the initial complaint. This telephone contact will allow the investigator to determine if a site visit is necessary and to schedule such a visit at a mutually convenient time for the complainant and the investigator. The site visit will generally be conducted within 21 days of the initial complaint.

It is important to remember that even though the investigator has not been to your home, other parts of the investigation may already be under way such as checking records at OISC or obtaining documentation from the suspected violator and/or witnesses.

What should I do to prepare for the investigation?

To expedite the investigation, complainants are encouraged to make their own photographs or videotapes to document damage that they believe may be related to the incident. Complainants

should also photocopy for the investigator, bills, contracts, correspondence, graphs, or other documents that relate to the complaint.

What is the role of the pesticide investigator?

After receiving a complaint, an investigator will contact pertinent individuals to conduct inspections and/or interviews. The investigator may document the incident through graphs, photographs, video tapes, statements, interviews, and on-site assessments. The investigator will focus on whether a violation of the state pesticide law has occurred. The investigator's observations will be compiled into a case summary of the incident.

What type of violation(s) will the investigator look for?

It is a violation of the state pesticide law to make false or misleading statements during or after an inspection concerning any infestation of pests. The investigator will attempt to determine if adequate evidence is available to document the accuracy and truthfulness of the inspection report on the date of the inspection. Since the investigator is attempting to assess conditions that can change, this becomes more difficult to do as more time passes from the date of the original inspection report.

It is also a violation to make a for-hire wood destroying pest inspection report without a license issued by OISC. The investigator will also attempt to ensure that the inspection was performed by a properly licensed individual.

What happens after the investigator visits my property?

After the investigator has gathered all of the necessary information related to an investigation, OISC compliance and technical support staff review the case for possible violations of the state pesticide law. If a violation has been detected, one or more of the following remedies may be applied:

- Warning/Citation
- Civil penalty assessment
- License or certification revocation, suspension or modification
- Referral for criminal prosecution (Class A or C misdemeanor) to the appropriate court of jurisdiction.

The specific enforcement action taken will depend on such factors as:

- Violator's compliance history
- Corrective action taken by the violator
- Degree of damage
- Intent of the violator
- Extent of deviation from the legal requirement

How long does an investigation usually take?

Although the goal of OISC is to conclude every case as quickly as possible, many factors delay the conclusion of a case. Some of these are: lack of cooperation of the pest inspector or complainant; legal rights of the pest inspector; the need to conduct follow-up investigations; and the need to respond to other complaints.

How will I be kept informed of the progress of my investigation?

Contact the investigator handling your case for a progress report on your case, but only after the minimum time estimate which is approximately 10 weeks.

How will I be informed of the results of the investigation?

A final written report (case summary) will be provided to both the complainant and the alleged violator. The case summary will outline OISC's investigation findings and whether a violation was documented or not. It can only be finalized and distributed once any related enforcement action has been completed. OISC cannot directly compel a violator to refund money, repair damage, or pay other monetary compensations. If a violator and complainant cannot come to an agreement, through the use of a subpoena, the OISC investigator will testify in civil proceedings as an unbiased, agent of the state as to the results of the investigation.

How much does an investigation cost?

Investigations are conducted by OISC at no cost to either the complainant or the pest inspector.

Who can I call if I have a question regarding my complaint or a complaint filed against me?

Call OISC at 1-800-893-6637: Monday through Friday, 8:00 a.m. - 12:00 p.m. and 1:00 p.m. - 5:00 p.m. Leave a message for the investigator handling your case/complaint. Also be sure to leave your area code and phone number and the time(s) that you are available at that number. You may also leave your e-mail address, if telephone contact is difficult for you. Investigators spend much of their time in the field, but will get back with you as quickly as possible.