

A Summary of Cases

August 8, 2023, IPRB Meeting

PS21-0199 In the course of responding to a fire at the Trent Rager property, the Angola Fire Department found pesticide containers in a burn pile.

Disposition Summary

Blake Rager was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-13-2, for burning pesticide container(s). A civil penalty in the amount of \$100.00 was assessed for this violation. Consideration was given to the fact there was potential for environmental harm.

However, the \$100.00 civil penalty will be held in abeyance and not assessed provided Blake Rager commits no further violations of the Indiana Pesticide Use and Application Law within two (2) years from the date of this notice.

PS22-0090 Producer Establishment Inspection conducted at Purina in Evansville, IN.

Disposition Summary

Purina Animal Nutrition, LLC was cited for three (3) counts of violation of section 57(5) of the Indiana Pesticide Registration Law for distributing a pesticide product that was adulterated or misbranded. A civil penalty in the amount of \$1,500.00 (3 counts x \$500.00 per count) was assessed for this violation.

Purina Animal Nutrition, LLC was cited for one count of violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide product that was in violation of the Federal Insecticide, Fungicide and Rodenticide Act. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

PS22-0203 Complainant stated drift from a herbicide application made to an adjacent farm field injured vegetation on his property.

Disposition Summary

Michael Dennis Starkey 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 \$1,000.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved and there was adverse effect. Consideration was also given to the fact that the amount of off-target residues were within 1% or greater than the amount of target residues. Consideration was also given to the fact this was his third violation of similar nature. See case numbers PS18-0438 and PS18-0456.

PS22-0431 Complainant stated Trugreen mistakenly sprayed his property injuring his Royal Empress trees.

Disposition Summary

Morcrasha A Warr was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by applying pesticides to the wrong address. A civil penalty in the amount of \$1,000.00 was assessed for this penalty.

PS23-0001 Complainant stated Moxie Pest Control in Indianapolis routinely sends unlicensed technicians out to make pesticide applications after they fail their core exams.

Disposition Summary

Moxie Pest Control Indianapolis LLC was cited for five (5) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-2, for refusing to comply with the supervision rule. Consideration was given to the fact this was Moxie Pest Control's second violation of similar nature. See case number PS22-0104.

Moxie Pest Control Indianapolis LLC was cited for five (5) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to comply with of any lawful Order of the state chemist or the board by refusing to comply with the Agreed Order issued May 3, 2022. See case number PS22-0104.

Certified Applicator Garrett Davis was cited for five (5) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-2, for refusing to comply with the supervision rule. A civil penalty in the amount of \$5,000.00 (5 counts x \$1,000.00 per count) was assessed. Consideration was given to the fact this was Garrett Davis' second violation of similar nature. See case number PS22-0104.

Certified Applicator Garrett Davis was cited for five (5) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to comply with of any lawful Order of the state chemist or the board by refusing to comply with the Agreed Order issued May 3, 2022. A civil penalty in the amount of \$5,000.00 (5 counts x \$1,000.00 per count) was assessed.

PS23-0116 Anonymous complainant stated Larry Brackin Jr. made unlicensed pesticide applications at Jordans Fish & Chips and El Pastorcito in Indianapolis Indiana. A check of OISC records showed Mr. Brackin had taken the core exam but has never been licensed with OISC.

Disposition Summary

Ace of Spades Pest Control was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license.

Lawrence E. Brackin was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of

\$1,000.00 (2 counts x \$500.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$600.00. Consideration was given to the fact that Mr. Brackin cooperated during the investigation and corrective action was taken.

PS23-0021 Complainant stated Brody Doss employed by Smith IPM made an application of Wasp Freeze II inside her residence on November 9, 2022. Complainant stated she became concerned for her family's health when she determined the Wasp Freeze II product should not have been applied inside.

Disposition Summary

Smith Integrated Pest Management LLC was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding indoor use. Consideration was given to the fact this was their first violation of similar nature and no restricted use pesticides were involved. Consideration was also given to the fact Smith Integrated Pest Management LLC cooperated during the investigation. Consideration was also given to the fact there was alleged adverse effect.

Brody Wayne Doss was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding indoor use. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$300.00. Consideration was given to the fact this was his first violation of similar nature and no restricted use pesticides were involved. Consideration was also given to the fact Mr. Doss cooperated during the investigation. Consideration was also given to the fact there was alleged adverse effect.

Smith Integrated Pest Management LLC was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless or negligent manner by allowing the pesticide to contact a child's toy and bicycle. Consideration was given to the fact there was alleged adverse effect.

Brody Wayne Doss was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless or negligent manner by allowing the pesticide to contact a child's toy and bicycle. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact there was alleged adverse effect.

PS23-0033 Located three unregistered pesticide products being sold at Rural King in Muncie, IN.

Disposition Summary

Rural King was warned for three (3) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing pesticide products that were not registered for sale in Indiana.

Bonide Products Inc. was cited for three (3) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for knowingly distributing pesticide products that

were not registered for sale in Indiana. A civil penalty in the amount of \$3,000.00 (3 counts x \$1,000.00 per count) was assessed.

PS23-0034 Mini-bulk containing pesticide product located out of containment at Rural King in Muncie, IN.

Disposition Summary

Rural King was cited for violation of section 52 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4-1(a) for storing a mini bulk containing a general use pesticide, out of secondary containment for more than thirty (30) days. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$300.00. Consideration was given to the fact Rural King cooperated during the investigation and corrective action was taken.

PS23-0039 Moxie Pest Control (Garrett Davis) was written a second action order 6/15/22 regarding lack of being licensed properly in the State of Indiana and failure to produce invoices as requested. OISC database indicates that there may be several unlicensed or improperly licensed employees at Moxie Pest Control.

Disposition Summary

Moxie Pest Control Indianapolis LLC was cited for five hundred sixty-five (565) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-2, for refusing to properly supervise non-credentialed employees. The non-credentialed employees and their number of non-supervised applications were: Brian Charles (38 applications); Stephanie Morris (97 applications); Ethan Storm (187 applications); Johnny Blackmon (149 applications); Manuel Matos (94 applications) Total 565 applications

Garrett Davis was cited for five hundred sixty-five (565) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-2, for refusing to properly supervise non-credentialed employees. The non-credentialed employees and their number of non-supervised applications were Brian Charles (38 applications); Stephanie Morris (97 applications); Ethan Storm (187 applications); Johnny Blackmon (149 applications); Manuel Matos (94 applications); total 565 applications. However, due to the size of the civil penalty, only five (5) counts were assessed for each non-licensed applicator reducing the counts from five hundred sixty-five (565) to a total of twenty-five (25) counts. As a result, a civil penalty in the amount of \$25,000.00 (25 counts x \$1,000.00 each) was assessed.

Moxie Pest Control Indianapolis LLC was cited for five hundred sixty-five (565) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to follow an Order of the state chemist or the Board that was issued May 3, 2022. Brian Charles (38 applications); Stephanie Morris (97 applications); Ethan Storm (187 applications); Johnny Blackmon (149 applications); Manuel Matos (94 applications); Total 565 applications

Garrett Davis was cited for five hundred sixty-five (565) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to follow an Order of the state chemist or the Board that was issued May 3, 2022. Brian Charles (38 applications); Stephanie Morris (97 applications); Ethan Storm (187 applications); Johnny Blackmon (149 applications); Manuel Matos (94 applications); Total 565 applications. However, due to the size of the civil penalty, only five (5) counts were assessed for each non-licensed applicator reducing the counts from five hundred sixty-five (565) to a total of twenty-five (25) counts. As a result, a civil penalty in the amount of \$25,000.00 (25 counts x \$1,000.00 each) was assessed.

PS23-0046 Complainant stated herbicide applications made to neighboring farm fields injured multiple tree plantations that are in her care, custody, or control. Additional case to #PS22-0171 & #PS22-0164.

Disposition Summary

Co Alliance Cooperative Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow drift management label directions on the 2,4-D LV6 label by applying this product when there are sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for non-target species, non-target crops) within 250 feet downwind. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact this was their third violation of similar nature. See case numbers PS20-0130 and PS21-0093. It should also be noted that OISC was not able to determine whether the herbicide moved off-target as the result of drift, application into an inversion, or volatilization at some point after the application, and was not able to clearly identify the source of the off-target movement.

Dylon Andrew Miller and Martin E. Handy were warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow drift management label directions on the 2,4-D LV6 label by applying this product when there are sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for non-target species, non-target crops) within 250 feet downwind. Consideration was given to the fact this was their first violation of similar nature. It should also be noted that OISC was not able to determine whether the herbicide moved off-target as the result of drift, application into an inversion, or volatilization at some point after the application, and was not able to clearly identify the source of the off-target movement.

PS23-0052 Anonymous complainant stated Greg Maynard of the Terminix Evansville branch ordered employees of the Terminix Jasper branch to pump the contents of an old service tank out onto the ground along a service building.

Disposition Summary

Terminix International Co LP was cited for violation of section 68 of the Indiana Pesticide Registration Law for disposing of a pesticide that may cause injury to humans, plants, animals, wildlife, lands, or waters.

Gregory A Maynard was cited for violation of section 68 of the Indiana Pesticide Registration Law for disposing of a pesticide that may cause injury to humans, plants, animals, wildlife, lands, or waters. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact there was potential environmental harm.

PS23-0070 Complainant stated Evan Glaser of Hindsight Property Inspections performed a wood destroying pest inspection at 895 W 175 S in Connersville Indiana writing there was no visible evidence of insect infestation. The complainant further stated that after moving into the home at the end of January 2023 he discovered extensive visible termite damage.

Disposition Summary

Hindsight Property Inspections LLC was cited for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement regarding the infestation or infection of pests.

Evan Glaser was cited for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement regarding the infestation or infection of pests. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$200.00. Consideration was given to the fact Mr. Glaser cooperated during the investigation, corrective action was taken and Mr. Crawley was reimbursed for the inspection.

PS23-0076 On March 7, 2023, I completed a routine RUP sales and application inspection at Cloverdale Agri-Center, where I found they had not classified pesticides that contained at least 6.5% active ingredient of dicamba as RUPs.

Disposition Summary

Cloverdale Agri Center Inc was cited for two (2) counts of violation of section 65(13) of the Indiana Pesticide Use and Application Law for aiding or abetting an unlicensed person to use a state restricted pesticide product. A civil penalty in the amount of \$2,000.00 (2 counts x \$1,000.00 per count) was assessed for this violation.

PS23-0084 Anonymous complainant stated they have observed Premier Lawns & Landscapes making pesticide and fertilizer applications around Madison Indiana. A check of OISC records indicates Premier's pesticide business license has not been renewed for 2023 and certified applicator Greg Cline requires retesting to renew.

Disposition Summary

Premier Lawns & Landscapes LLC was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license. Consideration was given to the fact Premier Lawns & Landscapes LLC cooperated during the investigation and corrective action was taken.

Greggory Cline was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$2,500.00 (5 counts x \$500.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$1,500.00. Consideration was given to the fact Greggory Cline cooperated during the investigation and corrective action was taken.

In addition, \$1,000.00 of the civil penalty was held in abeyance and will not be assessed provided Mr. Cline commits no further violations of the Indiana Pesticide Use and Application Law within two (2) years from the date of this notice.

PS23-0120 On April 11, 2023, I performed a routine inspection at Meyer Inc in Hoagland, Indiana.

Disposition Summary

Meyer Inc was cited for two (2) counts of violation of section 65(2) of the Indiana Pesticide Use and Application Law for violation of label directions regarding, distribution of a restricted use pesticide to a non-certified user. The label specifically states, "For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification". A civil penalty in the amount of \$1,000.00 (2 counts x \$500.00 per count) was assessed. Consideration was given to the fact a restricted use pesticide was involved. However, the civil penalty was reduced to \$600.00. Consideration was given to the fact Meyer Inc cooperated during the investigation and corrective action was taken.

PS23-0124 During the course of a routine Restricted Use Pesticide (RUP) records check at Meyer Inc., I discovered an RUP sale to an unlicensed, Christopher Lomont.

Disposition Summary

Christopher Allen Lomont was cited for two (2) counts of violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without having a certification, license or permit. A civil penalty in the amount of \$1,000.00 (2 counts x \$500.00 per count) was assessed. However, the civil penalty was reduced to \$600.00. Consideration was given to the fact Mr. Lomont cooperated during the investigation and corrective action was taken.

PS23-0140 Moxie Pest Control of Indianapolis and certified applicator Garrett Davis refused to pay the \$10,000.00 civil penalty for case PS23-0001. As a result, the business license of Moxie Pest Control and the certification of Garrett Davis are suspended until such time as they pay the civil penalty.

Disposition Summary

Moxie Pest Control of Indianapolis and certified applicator Garrett Davis are cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to follow an Order of the state chemist by refusing to pay the \$10,000.00 civil penalty for case number PS23-0001. As a result, the pesticide business license of Moxie Pest Control

and the pesticide certification of Garrett Davis are indefinitely suspended until such time as the civil penalty is paid.

Johnny Blackmon of Moxie Pest Control paid the civil penalty causing the reinstatement of the business license of Moxie Pest Control and the certification of Garrett Davis.

PS23-0141 Moxie Pest Control of Indianapolis and certified applicator Garrett Davis failed to follow an Order of the state chemist by refusing to pay the \$50,000.00 civil penalty for case number PS23-0039.

Johnny Blackmon of Moxie Pest Control paid the civil penalty causing the reinstatement of the business license of Moxie Pest Control and the certification of Garrett Davis.



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

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

In Re: Case PS21-0191

Department	Pesticide
Originated	06/30/2021
Assigned To	Andrew R. Roth
Status	Closed

Involved Parties

Complainant	Indiana Department of Environmental Management Indianapolis, IN 46204
-	Steuben County Health Dept Angola, IN 46703
-	City of Angola Angola, IN 46703 Angola Fire Department & Angola Police Department
Respondent	Blake Rager Angola, IN 46703
-	Trent Bruce Rager Angola, IN 46703

Overviews

10/14/2021 **Investigation Summary**

On June 30, the OISC received information from the Indiana Department of Environmental Management (IDEM) indicating the Angola Fire Department responded to a fire at the property of Trent Rager (Lakeside Farms and Key Equipment) and pesticide containers were found in the debris. The Steuben County Health Department (SCHD) was dispatched and photographs taken at the site were forwarded to IDEM.

On July 1, I contacted Nicole Corwin with the SCHD and learned she was at the burn site twice on the day of the fire. The Cloran DH herbicide containers observed during the first visit were not at the site during her second visit. I contacted Assistant Chief Bill Harter with the Angola Fire Department who reported the fire was started by the son of Mr. Rager, who was out of town during the fire. He reported the fire department was at the site, where open burning is a common occurrence, for an hour to control the fire.

I contacted Mr. Rager who indicated he did not know about the fire until he was contacted by his son. He indicated he was busy and did not understand why so many agencies were involved. Mr. Rager was not interested in cooperating with the investigation. I explained that the OISC was contacted because herbicide containers were found at the site of the fire on his property and I needed to collect soil from the site to be analyzed for herbicide residues.

On July 6, I went to the site and spoke with Mike Sickels, a Lakeside Farms employee, and explained the situation. I photographed the site and collected a soil sample from the perimeter of the fire area and a soil sample from an area away from the fire site as a comparative control. The samples were submitted to the OISC Residue Lab for analysis.

The OISC Residue Lab analyzed the soil samples and reported a low level of cloransulam-methyl (179 parts per billion) was detected in the soil collected from near the fire. The results of the control soil sample were reported as Below Detection Limits (not detected).

The open burning of pesticide containers is strictly prohibited in Indiana.

Submitted By: Andrew R. Roth
Role: Investigator

10/16/2021 **Disposition Summary**

Blake Rager was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-13-2, for burning pesticide container(s). A civil penalty in the amount of \$100.00 was assessed for this violation. Consideration was given to the fact there was potential for environmental harm.

However, the \$100.00 civil penalty will be held in abeyance and not assessed provided Blake Rager commits no further violations of the Indiana Pesticide Use and Application Law within two (2) years from the date of this notice.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

06/30/2021 Intake Referral Filed

In the course of responding to a fire at the Trent Rager property, the Angola Fire Department found pesticide containers in a burn pile.

Original Event: Intake Referral (Pesticide) #2037
Complainant: Indiana Department of Environmental Management
Respondent: Trent Bruce Rager
Submitted By: Joseph D. Becovitz
Assigned To: Andrew R. Roth
Attachments: File 72220; Rager complaint.pdf
File 72221; Rager map.PNG

Photos:



File 72222

06/30/2021 Case Created

Original Event: Case PS21-0191
Submitted By: Joseph D. Becovitz
Assigned To: Andrew R. Roth

07/01/2021 Investigator Called Witness Communication

On July 1, 2021, I spoke with Steuben County Health Department Environmental Health Specialist, Nicole Corwin, who reported she was dispatched to a trash and debris fire at the property of Trent Rager (Lakeside Farms and Key Equipment) on June 30. Upon arrival, she indicated she observed charred aerosol cans and at least six plastic Cloran DF (EPA Reg#87290-87, active ingredient cloransulam-methyl) herbicide containers. Ms. Corwin photographed the site and forwarded the images to the Indiana Department of Environmental Management (IDEM). She reportedly returned to the site later in the day to take additional photographs and found that the burn pile had been compacted with outer debris pushed toward the center. The herbicide containers were not present during her return visit.

Statement

Ms. Corwin provided a copy of her activity report for the incident.

Photographs

Photos taken by Ms. Corwin at the site on June 30, 2021, were forwarded to IDEM and then were emailed to the OISC.

Communication

On July 1, 2021, I spoke with Angola Fire Department Assistant Chief Bill Harter who responded to the complaint of unauthorized burning. He indicated the fire department was at the site, where fires are reportedly a common occurrence, for approximately an hour, and left when the fire was under control. Strong storms with heavy rain reportedly moved through the area later in the day. Assistant Chief Harter reported the fire was started by the son of the property owner, Trent Rager, who was out of town the day of the fire.

Attachments



File 84863



File 84864



File 84865



File 84866



File 84867



File 84868



File 84854



File 84855



File 84856



File 84857



File 84858



File 84859



File 84860



File 84861



File 84862

File 81580; Lakeside farms Open Burn Complaint activity report 6-30-21.pdf

Original Event: Investigation Activity (Pesticide) #3386
Subject: Steuben County Health Dept
Submitted By: Andrew R. Roth

07/02/2021 **Investigator Called Subject Interaction**

On July 2, I contacted Ling Tapp at IDEM's Northern Regional Office regarding the fire incident. Ms. Tapp indicated she had not made a site visit as she had received all pertinent information from the health department and the fire department.

Original Event: Investigation Activity (Pesticide) #3417
Subject: Indiana Department of Environmental Management
Submitted By: Andrew R. Roth

07/06/2021 **Investigator Called Responsible Party Communication**

On July 6, 2021, I contacted Mr. Rager and informed him that the OISC received information from IDEM regarding the fire and the presence of the herbicide containers. Mr. Rager indicated he was not at the site during the fire and knew nothing about it until his son called him. Further, he stated he did not understand why so many agencies were involved. He explained that he was short on help, he was extremely busy and he was not interested in cooperating. I informed Mr. Rager that the OISC was charged with following up on the fire because of the herbicide containers and that I needed to document the site and collect a soil sample for analysis by the OISC Residue Lab. After discussing the situation, I informed Mr. Rager that I would go to the site and make contact with whoever was at the shop.

Original Event: Investigation Activity (Pesticide) #3413
Subject: Trent Bruce Rager
Submitted By: Andrew R. Roth

07/06/2021 **Investigator Met with Responsible Party Interaction**

After speaking with Mr. Rager on the phone, I went to the Rager property and spoke with Mike Sickels at the Key Equipment shop. I informed Mr. Sickels that I had spoken to Mr. Rager and explained why I was there. At the back of the property, I photographed the burn site and collected a composite soil sample from the perimeter of the burn pile; a comparative control soil sample was collected away from the burn pile, near the road. The samples were submitted to the OISC Residue Lab for analysis.

Attachments



File 84846



File 84853



File 84847



File 84848



File 84849



File 84850



File 84851



File 84852

Original Event: Investigation Activity (Pesticide) #3414
Subject: Trent Bruce Rager
Submitted By: Andrew R. Roth

07/06/2021 **Notice of Inspection Issued**

A Notice of Inspection was issued and business card given to Lakeside Farms employee, Mike Sickels, at the site before conducting the on-site investigation.

Original Event: Notice of Inspection #431
Client: Trent Bruce Rager
Firm Representative: Trent Rager
Submitted By: Andrew R. Roth
Photos:



File 72966

07/06/2021 **Residue Samples Collected**

Original Event: Residue Collection #183717 (21-4-0993 9)
Client: Trent Bruce Rager
Submitted By: Andrew R. Roth
Sample: 21-4-0993 9 | Soil; Ctr; 0-2"; OFF-T
Sample: 21-4-0994 1 | Soil; Comp; 0-2"; perimeter of burn pile

07/06/2021 **Investigator Met with Witness Interaction**

After my on-site investigation on July 6, I went to the Angola Fire Department and met with Assistant Chief Bill Harter. He provided a hard copy of the Incident Report for the fire.

Statement

Angola Fire Department Incident Report #2572436.

Attachments

File 84869; Incident2572436.pdf

Original Event: Investigation Activity (Pesticide) #3415
Subject: City of Angola
Submitted By: Andrew R. Roth

07/07/2021 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #477
Submitted By: Andrew R. Roth
Target Analyte: Cloran DF
PPLS Labels: [087290-00087-20190815.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/087290-00087-20190815.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/087290-00087-20190815.pdf

Attachments: File 80244; Roth 183717.pdf

09/03/2021 **Received Residue Lab Report**

Investigatory Summary

The OISC Residue Lab analyzed the soil samples for cloransulam-methyl, the active ingredient in Cloran DF, and reported 179 parts per billion were detected in the soil sample collected from the perimeter of the burn pile. None was detected in the comparative control sample.

First Page of Lab Report

OCM Collection #	183717	Investigator	ROTHA		
Collection Date	07/06/2021				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
21-4-0993 9	Soil; Ctr; 0-2"; OFF-T	Soil	Cloransulam-methyl	BDL ppb	3 ppb
21-4-0994 1	Soil; Comp; 0-2"; perimeter of burn pile	Soil	Cloransulam-methyl	179 ppb	3 ppb

Original Event: Residue Lab Report #188829 (183717-R412)
Submitted By: SYSTEM
Lab Report: Lab Report 183717-R412.pdf

10/16/2021 **Judgement; Civil Penalty Assessed**

Civil Penalty

Trent Bruce Rager was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-13-2, for burning pesticide container(s). A civil penalty in the amount of \$100.00 was assessed for this violation. Consideration was given to the fact there was potential for environmental harm.

Original Event: Judgement #799
Primary: Trent Bruce Rager
Submitted By: George Saxton
Legal Citation: 357 IAC 1-13-2
Penalty Amount: 100

11/09/2021 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #915
To: Trent Bruce Rager
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 6940
Enclosed: Notice of Enforcement
Attachments: File 83705; PS21-0191EL CP ~ Trent B. Rager.docx

11/18/2021 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1294
Subject: Trent Bruce Rager
Submitted By: Joni Herman
USPS: 7019 0140 0000 6113 6940
Received: 11/18/2021
Attachments: File 85853; CM 7019 0140 0000 6113 6940 ~ PS21-0191.pdf

12/14/2021 **Informal Review Occurred**

Trent Rager called stating that when the fire started, he and his wife were not home. He stated that his 13-year old son had a bond fire that did not get put out completely and the wind blew sparks to the pile of pesticide containers. He stated this was an accident and not an intentional burning. He was advised I would speak with the investigator and get back to him.

Original Event: Compliance Activity #1109
Primary: Trent Bruce Rager
Submitted By: George Saxton
Stage: Informal Review

12/14/2021 **Hearing Requested**

On December 14, 2021, I received an email from Trent Rager requesting a formal hearing. David Scott, Secretary to the Board, was notified.

Original Event: Compliance Activity #1110
Primary: Trent Bruce Rager
Submitted By: George Saxton
Stage: Informal Review
Attachments: File 84843; Rager hearing request.pdf

12/14/2021 **Request Filed**

On December 14, 2021, Trent Rager requested copies of all documents related to this case.

Original Event: Compliance Activity #1115
Primary: Trent Bruce Rager
Submitted By: George Saxton
Stage: Disposition

Attachments: File 85042; Trent Rager letter.pdf

12/22/2021 **Notice Filed**

OISC IT Director emailed Mr. Rager with link for case records/case file.

Original Event: Compliance Activity #1721
Primary: Trent Bruce Rager
Submitted By: Melissa D. Rosch
Stage: Disposition
Attachments: File 118872; 12-22-21 Public Records Request - Filelocker Access to case PS21-0191.pdf

03/08/2022 **Event Occurred**

I called and left a message for Mr. Rager inquiring if he still wanted a formal hearing.

Original Event: Compliance Activity #1181
Primary: Trent Bruce Rager
Submitted By: George Saxton
Stage: Disposition

04/12/2022 **Request Filed**

An email was sent to Mr. Rager inquiring if he still wanted a formal hearing.

Original Event: Compliance Activity #1211
Primary: Trent Bruce Rager
Submitted By: George Saxton
Stage: Disposition
Attachments: File 91516; PS21-0191 email to Rager.msg.pdf

04/15/2022 **Document Filed**

Sent an email and received a reply from Trent Rager. He stated he was in a car accident and needed an extension which was granted.

Original Event: Compliance Activity #1214
Primary: Trent Bruce Rager
Submitted By: George Saxton
Stage: Disposition
Attachments: File 91809; RE_ PS21-0191 Letter to Rager 4-15-22.pdf

06/13/2022 **Request Filed**

Sent another email to Mr. Rager inquiring if he still wanted a formal hearing.

Original Event: Compliance Activity #1271
Primary: Trent Bruce Rager
Submitted By: George Saxton
Stage: Disposition
Attachments: File 97993; Rager email PS21-0191.pdf

06/14/2022 **Notice Filed**

OISC IT Director emailed Mr. Rager with link for access to case records/case file.

Original Event: Compliance Activity #1720
Primary: Trent Bruce Rager
Submitted By: Melissa D. Rosch
Stage: Disposition
Attachments: File 118870; 6-14-22 Public Records Request - Authorized Records Access to case PS21-0191.pdf

08/01/2022 **Hearing Requested**

On August 1, 2022, David Scott, Secretary to the Indiana Pesticide Review Board (IPRB), sent a letter to Mr. Rager to schedule a hearing date.

Original Event: Compliance Activity #1383
Primary: Trent Bruce Rager
Submitted By: George Saxton
Stage: Disposition
Attachments: File 104293; Requested Enforcement Appeal Hearing forr Case #PS21-0191 .pdf

08/02/2022 **Event Occurred**

I called Mr. Rager and left a voicemail to follow up on case proceedings.

Original Event: Compliance Activity #1715
Primary: Trent Bruce Rager
Submitted By: Melissa D. Rosch
Stage: Disposition

08/26/2022 **Request Filed**

I emailed Mr. Rager to obtain hearing dates and gather further information.

Original Event: Compliance Activity #1716
Primary: Trent Bruce Rager
Submitted By: Melissa D. Rosch
Stage: Disposition
Attachments: File 118864; 8-26-22 Requested Enforcement Appeal Hearing forr Case #PS21-0191.pdf

08/31/2022 **Event Occurred**

I called Mr. Rager and left voice mail.

Original Event: Compliance Activity #1717
Primary: Trent Bruce Rager
Submitted By: Melissa D. Rosch
Stage: Disposition

09/01/2022 **Notice Filed**

The OISC IT Director sent an email to Mr. Rager for access to the case records/case file.

Original Event: Compliance Activity #1718
Primary: Trent Bruce Rager
Submitted By: Melissa D. Rosch
Stage: Disposition
Attachments: File 118865; 9-1-22_ Public Records Request - Authorized Records Access to case PS21-0191.pdf

09/06/2022 **Document Filed**

Melissa Rosch, investigator for OISC, sent a letter to Mr. Rager outlining future proceedings.

Original Event: Compliance Activity #1460
Primary: Trent Bruce Rager
Submitted By: George Saxton
Stage: Disposition
Attachments: File 108365; FW_ Requested Enforcement Appeal Hearing forr Case #PS21-0191 .pdf

02/28/2023 **Event Occurred**

I called the City of Angola Fire Department and spoke to Pete Decker. I asked Mr. Decker if there was any additional information regarding the open burning fire call for Mr. Rager and any other additional fire calls. Mr. Decker stated he would check their records and call me back.

Original Event: Compliance Activity #1719
Primary: City of Angola
Submitted By: Melissa D. Rosch
Stage: Disposition

02/28/2023 **Investigator Called Responsible Party Communication**

On February 28, I spoke with Trent Rager regarding obtaining a statement from his son, Blake Rager, regarding the fire on the Rager property. Mr. Rager reported he and his family were in Florida but his son would contact me when they returned to Indiana. He explained that his son and his friend who worked for the Ragers, Drake Wooden, were at the property the night of the fire.

Original Event: Investigation Activity (Pesticide) #5918
Subject: Trent Bruce Rager
Submitted By: Andrew R. Roth

03/06/2023 **Request Filed**

Requested records from the Steuben County Sheriffs Department for incident/call logs pertaining to Mr. Rager, Lakeside Farms, and the address of 2487 N SR 827, Angola, Indiana.

Original Event: Compliance Activity #1734
Submitted By: Melissa D. Rosch
Stage: Disposition
Attachments: File 119391; Records Request.pdf

03/06/2023 **Report Filed**

I received copies of the incident file from Ling Tapp (IDEM).

Original Event: Compliance Activity #1735
Primary: Indiana Department of Environmental Management
Submitted By: Melissa D. Rosch
Stage: Disposition
Attachments: File 119399; 20210630114703544.pdf
File 119398; 96961.pdf

03/06/2023 **Request Filed**

I requested records of calls/incidents with the Angola Police Department for the respondent Trent Bruce Rager and Lakeside Farms.

Original Event: Compliance Activity #1736
Primary: City of Angola
Submitted By: Melissa D. Rosch
Stage: Disposition
Attachments: File 119400; Request Form Angola.pdf

03/09/2023 **Record Filed**

I spoke to Alison Trabel the IDEM Enforcement Case Manager for the Office of Air Quality. Ms. Trabel provided documents for Mr. Rager's "Notice of Violation" and "Notice of Final Settlement" regarding the open burning incident on 6/30/2020.

Original Event: Compliance Activity #1753
Primary: Indiana Department of Environmental Management
Submitted By: Melissa D. Rosch
Stage: Disposition
Attachments: File 120526; Notice of Final Settlement Offer.pdf
File 120527; Notice of Violation.pdf

03/13/2023 **Responsible Party Called Investigator Communication**

On March 13, Blake Rager called me and reported that he and Drake Wooden had cleaned out the shop and burned the debris near the larger trash pile on the property. He indicated the fire was put out with water and he went inside the house for the night before learning the trash pile had ignited. He indicated he would provide a written statement detailing the events of the night.

Also on March 13, Drake Wooden called regarding the case. He indicated he could provide a written statement regarding the night of the fire if needed.

Original Event: Investigation Activity (Pesticide) #5920
Subject: Blake Rager
Submitted By: Andrew R. Roth

03/22/2023 **New Respondent Identified Respondent Identified**

On March 22, I contacted Trent Rager to update him on the efforts to obtain statements from Blake Rager and Drake Wooden. We discussed the case and mutually agreed the respondent (responsible party) for the case should be changed from him to his son Blake Rager. The decision was made based on his not being present at the time of the fire and the information recently provided by his son.

Original Event: Investigation Change #317
Respondent: Blake Rager
Submitted By: Andrew R. Roth

03/27/2023 **Discovery Filed**

Further investigation revealed that Blake Rager was responsible for the fire and not Trent Rager.

Original Event: Compliance Activity #1769
Primary: Trent Bruce Rager
Submitted By: George Saxton
Stage: Investigation

03/27/2023 **Amended Judgement; Civil Penalty Assessed No Violation**

After further investigation it was revealed that Trent Rager was not at fault. The violation and civil penalty assessed to Trent Rager was rescinded.

Civil Penalty

Blake Rager was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-13-2, for burning pesticide container(s). A civil penalty in the amount of \$100.00 was assessed for this violation. Consideration was given to the fact there was potential for environmental harm.

Abeyance

However, the \$100.00 civil penalty will be held in abeyance and not assessed provided Blake Rager commits no further violations of the Indiana Pesticide Use and Application Law within two (2) years from the date of this notice.

Original Event: Judgement #1475
Primary: Trent Bruce Rager
Secondary: Blake Rager
Submitted By: George Saxton
Level: Informal Review
Legal Citation: 357 IAC 1-13-2
Penalty Amount: 100

03/28/2023 **Notice of Amended Enforcement Mailed to Target**

Original Event: Outgoing Mail #2103
To: Blake Rager
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0608 0776
Enclosed: Notice of Amended Enforcement
Attachments: File 121129; PS21-0191EL CP-ABEYANCE ~ Blake Rager.docx

03/29/2023 **Investigator Received Fax/Email from Responsible Party Statement**

On March 29, 2023, I received a signed written statement via email from Blake Rager.

Attachments



File 121605

Original Event: Investigation Activity (Pesticide) #5963
Subject: Blake Rager
Submitted By: Andrew R. Roth

03/31/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2042
Subject: Blake Rager
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0608 0776
Received: 03/31/2023
Attachments: File 122208; CM 7021 0950 0000 0608 0776 - PS21-0191 - Blake Rager - Received 3-31-2023.pdf

05/08/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #2240
To: Indiana Department of Environmental Management
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 123857; PS21-0191 - Ms. Karla Frownfelter - Case Closed Letter 5-8-2023.docx

05/08/2023 **Notice of Case Closure Mailed to Subject**

Original Event: Outgoing Mail #2241
To: Steuben County Health Dept
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 123858; PS21-0191 - Steuben County Health Department - Case Closed Letter 5-8-2023.docx

05/08/2023 **Notice of Case Closure Mailed to Subject**

Original Event: Outgoing Mail #2242
To: City of Angola
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 123859; PS21-0191 - City of Angola - Case Closed Letter 5-8-2023.docx

05/08/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2243
To: Blake Rager
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 123860; PS21-0191 - Blake Rager - Case Closed Letter 5-8-2023.docx

05/08/2023 **Notice of Case Closure Mailed to Subject**

Original Event: Outgoing Mail #2244
To: Trent Bruce Rager
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 123861; PS21-0191 - Trent B. Rager - Case Closed Letter 5-8-2023.docx

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

This record was generated on **May 15, 2023, 03:47 PM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.



Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment

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

This record was generated on **July 26, 2023, 11:54 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 PS22-0090

Department	Pesticide
Originated	04/20/2022
Assigned To	Garret A. Creason
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist	
Respondent Facility	Purina Animal Nutrition, LLC Evansville, IN 47711	
Related Facility 1	Cenex/Land O Lakes Agronomy Company Invergrove Heights, MN 55077	
Registrant Respondent	Purina Animal Nutrition LLC Arden Hills, MN 55126	Katie Lichty and Janet Campbell

Overviews

06/29/2022 **Product Registration Summary**

A total of 8 pesticide labels were reviewed. One product (Purina Burnt Chimney Concentrate DBZ63.63) appeared to be not registered with EPA, but made pesticidal claims and was not medicated. Three products, Pike County Mineral Altosid, Purina Wind and Rain Storm Fescue 5 CP Altosid and Purina Wind and Rain Storm Fescue Hi Mag 5 CP Altosid were not registered in Indiana. Five products had bin labels that did not match the EPA Master label and appeared to be misbranded. Purina Wind and Rain Storm Hi Mag 4CP Altosid, Purina Wind and Rain Storm all Season 7.5 CP Altosid, Purina Wind, Purina Wind and Rain Storm all Season 4 complete Altosid and Rain Storm Fescue 5 CP Altosid and Purina Wind and Rain Storm Fescue Hi Mag 5 CP Altosid. See individual reviews for additional details.

Submitted By: Victoria J. Matsumura
Role: Product Registration Specialist

08/31/2022 **Investigation Summary**

On 4-19-2022 a Producer Establishment Inspection was conducted at Purina Animal Nutrition in Evansville, IN. During the inspection labels were located that contained a Registered EPA Pesticide Product. The products claim to be medicated livestock feed with a feed-through larvicide. Since the products are medicated OISC decided to contact EPA and FDA to get clarification on the registration requirements.

During the inspection it was found that no EPA Registration Number was on the production record as required.

Purina provided labels and required documentation for the products produced at this location. A Receipt for documents was signed by Purina. The Inspection was concluded for the day as it was decided that more information was needed to move forward.

On 6-13-2022 I met with Natalie White at Purina to complete the Producer Establishment Inspection. I was able to collect additional labeling and documentation needed for the inspection.

OISC pesticide registration preformed label reviews for all collected labels. The label reviews are attached to this case.

Submitted By: Garret A. Creason
Role: Investigator

09/01/2022 **Disposition Summary**

Purina Animal Nutrition, LLC was cited for three (3) counts of violation of section 57(5) of the Indiana Pesticide Registration Law for distributing a pesticide product that was adulterated or misbranded. A civil penalty in the amount of \$1,500.00 (3 counts x \$500.00 per count) was assessed for this violation.

Purina Animal Nutrition, LLC was cited for one count of violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide product that was in violation of the Federal Insecticide, Fungicide and Rodenticide Act. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

04/19/2022 Intake Referral Filed

Producer Establishment Inspection conducted at Purina in Evansville, IN.

Original Event: Intake Referral (Pesticide) #2434
Complainant: Office of Indiana State Chemist
Respondent: Purina Animal Nutrition, LLC
Entered By: Garret A. Creason
Submitted By: George Saxton

04/19/2022 Investigator Met with Registrant Communication

On 4-19-2022 a Producer Establishment Inspection was conducted at Purina Animal Nutrition in Evansville, IN. During the inspection two labels were located that contained a Registered EPA Pesticide Product. The products claim to be medicated livestock feed with a feed-through larvicide. Since the products are medicated OISC decided to contact EPA and FDA to get clarification on the registration requirements.

Original Event: Investigation Activity (Pesticide) #4496
Subject: Purina Animal Nutrition, LLC
Submitted By: Garret A. Creason

04/19/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #835
Client: Purina Animal Nutrition, LLC
Firm Representative: Natalie White
Submitted By: Garret A. Creason
Photos:



File 92756

04/19/2022 Producer Establishment Inspection Conducted Company Background

Blend and package animal feed and care products.

Production

No EPA Reg number on the production records.

Attachments



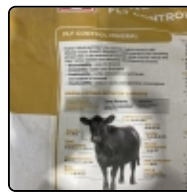
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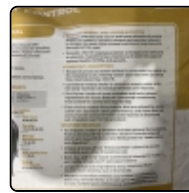
File 99320



File 99321



File 99322



File 99323



File 99324



File 99325



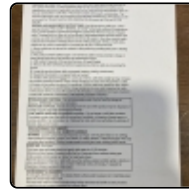
File 99326



File 99327



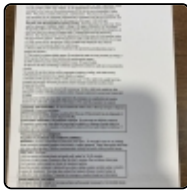
File 99249



File 99250



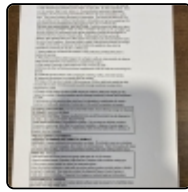
File 99251



File 99252



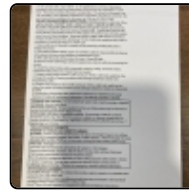
File 99253



File 99254



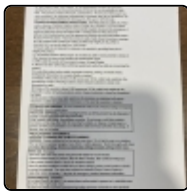
File 99255



File 99256



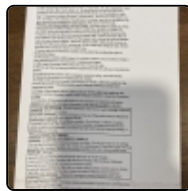
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File 99258



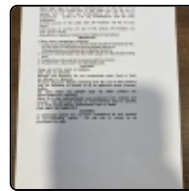
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File 99260



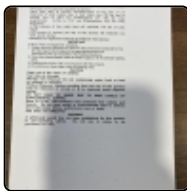
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File 99262



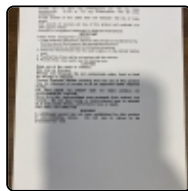
File 99263



File 99264



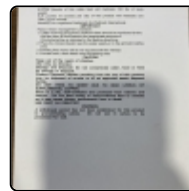
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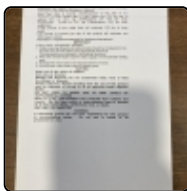
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File 99268



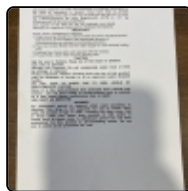
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File 99270



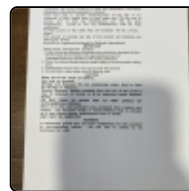
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File 99272



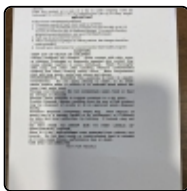
File 99273



File 99274



File 99275



File 99276



File 99316



File 99317



File 99318

- File 99279; scan0001.pdf
- File 99280; scan0001.pdf
- File 99283; scan0002.pdf
- File 99281; scan0003.pdf
- File 99282; scan0004.pdf
- File 99287; scan0005.pdf
- File 99292; scan0006.pdf
- File 99301; scan0007.pdf
- File 99310; scan0008.pdf
- File 99312; scan0009.pdf
- File 99313; scan0010.pdf
- File 99314; scan0011.pdf

Original Event: Producer Establishment Inspection #63
Facility: Purina Animal Nutrition, LLC
Related Facility 1: Cenex/Land O Lakes Agronomy Company
Firm Representative: Natalie White
Submitted By: Garret A. Creason
PPLS Labels: [002724-00494-20170413.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/002724-00494-20170413.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/002724-00494-20170413.pdf
[089459-00088-20161222.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/089459-00088-20161222.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/089459-00088-20161222.pdf

04/20/2022 **Case Created**

Original Event: Case PS22-0090
Submitted By: George Saxton
Assigned To: Garret A. Creason

06/27/2022 **Label Review Conducted; Acceptable
Sheep Mineral with Clarify**

Acceptable; Bin label appears consistent with EPA stamped label.

Original Event: Label Review (Pesticide) #188 (Purina Animal Nut...)
Registrant: Purina Animal Nutrition LLC
Submitted By: Victoria J. Matsumura

06/27/2022 **Label Review Conducted; Not Acceptable
Pike County Mineral Altosid**

NOT Acceptable; 1) This pesticide is not registered with the State of Indiana.
2.) Bin label appears to be consistent with EPA Master label.

Attachments

File 99836; Label review Pike County.docx

Original Event: Label Review (Pesticide) #189 (Purina Animal Nut...)
Registrant: Purina Animal Nutrition LLC
Submitted By: Victoria J. Matsumura
PPLS Labels: [002724-00494-20170413.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/002724-00494-20170413.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/002724-00494-20170413.pdf

06/27/2022 **Label Review Conducted; Not Acceptable
Purina Wind and Rain Storm Fescue 5 CP Altosid**

NOT Acceptable; Not registered in Indiana (no application received).
Labeling from feed bag not on the master label. see attached word document for specifics

Purina Wind and Rain Storm Hi Mag 4CP Altosid

NOT Acceptable; Labeling from feed bag not on the master label. see attached word document for specifics

Purina Wind and Rain Storm Fescue Hi Mag 5 CP Altosid

NOT Acceptable; Not registered in Indiana (no application received)
Labeling from feed bag not on the master label. see attached word document for specifics

Purina Wind and Rain Storm all Season 7.5 CP Altosid

NOT Acceptable; Labeling from feed bag not on the master label. see attached word document for specifics

Purina Wind and Rain Storm all Season 4 complete Altosid

NOT Acceptable; Labeling from feed bag not on the master label. see attached word document for specifics

Attachments

File 99842; Label Review Purina Wind and Rain Storm Hi Mag 4CP Altosid.docx
File 99838; Label Review Purina Wind and Rain Storm Fescue 5 CP Altoside final.docx
File 99843; Purina Wind and Rain Storm all Season 4 complete Altosid.docx
File 99841; Purina Wind and Rain Storm all Season 7.5 CP Altosid.docx
File 99840; Purina Wind and Rain Storm Fescue Hi Mag 5 CP Altosid.docx

Original Event: Label Review (Pesticide) #190 (Purina Animal Nut...)
Registrant: Purina Animal Nutrition LLC
Submitted By: Victoria J. Matsumura
PPLS Labels: [089459-00088-20161222.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/089459-00088-20161222.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/089459-00088-20161222.pdf

06/27/2022 **Label Review Conducted; Not Acceptable**

Purina Burnt Chimney Concentrate DBZ63.63

NOT Acceptable; This product appears to be an unregistered pesticide. Says "medicated" but the only active is Diflubenzuron, which is an insecticide. Label states "for prevention of house, stable, face and horn fly emergence from the manure of treated cattle" and "when used as directed, this product provides sufficient diflubenzuron larvicide to prevent the emergence of adult house flies, stable flies, horn flies and face flies from manure of treated cows.", no EPA Reg No. No medication listed as an active ingredient. Not registered with EPA, Not registered in Indiana. Misbranded/unregistered.

Attachments

File 107960; Label review Burnt Chimney.pdf

Original Event: Label Review (Pesticide) #191 (Purina Animal Nut...)
Registrant: Purina Animal Nutrition LLC
Submitted By: Victoria J. Matsumura

09/01/2022 **Judgement; Civil Penalty Assessed**

Warning

Purina Animal Nutrition, LLC was warned for one (1) count of violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide product that violates the Federal, Insecticide, Fungicide and Rodenticide Act 40 CFR 169.2 for having deficient records.

Citation

Purina Animal Nutrition, LLC was cited for five (5) counts of violation of section 57(5) of the Indiana Pesticide Registration Law for distributing a pesticide product that made misleading claims on the marketplace label.

Civil Penalty

Purina Animal Nutrition, LLC was cited for three (3) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for knowingly distributing a pesticide product that was not registered for distribution in the state of Indiana. A civil penalty in the amount of \$3,000.00 was assessed for this violation.

Civil Penalty

Purina Animal Nutrition, LLC was cited for five (5) counts of violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide product that violates the Federal, Insecticide, Fungicide and Rodenticide Act. Marketplace label does not match the master label. A civil penalty in the amount of \$5,000.00 was assessed for this violation.

Civil Penalty

Purina Animal Nutrition, LLC was cited for one (1) count of violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide product that violates the Federal, Insecticide, Fungicide and Rodenticide Act. Pesticide product is federally unregistered. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

Original Event: Judgement #1348
Primary: Purina Animal Nutrition, LLC
Submitted By: George Saxton
Legal Citations: IC 15-16-4-57(1); IC 15-16-4-57(5); IC 15-16-4-57(9)
Penalty Amount: 9000

09/07/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1246
To: Purina Animal Nutrition, LLC
Submitted By: Joni D. Herman
USPS: 7022 0410 0001 2745 3707
Enclosed: Notice of Enforcement
Attachments: File 108983; PS22-0090EL CP ~ Purina Animal Nutrition.docx

09/15/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1719
Subject: Purina Animal Nutrition, LLC
Submitted By: Jacob A. Hatfield
USPS: 7022 0410 0001 2745 3707
Received: 09/15/2022
Attachments: File 110521; CM 7022 0410 0001 2745 3707 - PS22-0090 - 9-15-2022.pdf

10/12/2022 **Informal Review Occurred**

On September 30, 2022, Jan Campbell, Regulatory Affairs Manager for Purina Animal Nutrition LLC sent an email requesting a conference call. The conference call was scheduled for October 12, 2022.

Original Event: Compliance Activity #1536
Primary: Purina Animal Nutrition, LLC
Submitted By: George Saxton
Stage: Informal Review
Attachments: File 111222; RE_#PS22-0090 Pesticide Product Distribution - Citation & Warning for Violation -.pdf

10/12/2022 **Informal Review Occurred**

I had a Zoom call with Janet Campbell and Katie Lichty regarding this case. They requested a formal hearing if we could not come to an agreement through another Informal Conference. I advised them I would contact the Product Registration Specialist, the case investigator and the Secretary for the Indiana Pesticide Review Board. I was advised their written request for a Formal Hearing would be sent immediately.

Original Event: Compliance Activity #1537
Primary: Purina Animal Nutrition, LLC
Submitted By: George Saxton
Stage: Informal Review
Attachments: File 111227; PS22-0090 Zoom call.pdf

10/14/2022 **Compliance Activity**

OISC received a letter requesting a formal hearing

Original Event: Compliance Activity #1544
Primary: Purina Animal Nutrition, LLC
Submitted By: George Saxton
Attachments: File 111637; EXHIBIT A - OBSOLETE - 106-RVZK-EVI-G (4).pdf
File 111638; EXHIBIT B - Richmond -ALL SALES.pdf
File 111639; Office of IN State Chemist - Mr. G Saxton (October 14 2022).pdf

11/04/2022 **Pesticide Products Activity**

TEAMS meeting with OISC and Purina. Purina identified that they were unable to view label reviews and did not know where to find them in OCM. OISC provided label reviews via email.

Original Event: Pesticide Products Activity #36
Primary: Purina Animal Nutrition LLC
Submitted By: Sarah K. Caffery

12/21/2022 **Pesticide Products Activity**

Katie Lichy with Purina provided email update after meeting with OISC. Sarah identified that we would review and be in touch after the new year.

Original Event: Pesticide Products Activity #37
Primary: Purina Animal Nutrition LLC
Submitted By: Sarah K. Caffery
Attachments: File 118555; 2022.12.21 Purina Reply to Meeting.pdf

02/22/2023 **Pesticide Products Activity**

OISC replied to Purina's 12/21/22 email. OISC identified next steps needed and revised review w/updated civil penalty option.
Deadline/next steps:

Purina By 3/22/23:

- a. Submit revised labels connected to case (includes all labeling elements)
- b. Submit additional registration/late fees (\$1,530)
- c. Submit full labeling for the pending registrations
- d. Provide date of next printing for the revised labels
- e. Provide estimate on how long current labels will remain in the marketplace

2. OISC: Once step 1 is completed, OISC will update the case summary and send a revised enforcement judgement (which will include civil penalties due for 2.b and 2.c)

Original Event: Pesticide Products Activity #38
Primary: Purina Animal Nutrition LLC
Submitted By: Sarah K. Caffery
Attachments: File 118556; 2023-02-22 Revised Enforcement Outline Next Steps.pdf

05/08/2023 **Compliance Activity**

I was contacted by Sarah Caffery, Pesticide Product Program Manager for OISC who stated Purina Animal Nutrition had complied with all requests and that an amended judgement was warranted.

Original Event: Compliance Activity #1812
Primary: Purina Animal Nutrition, LLC
Submitted By: George Saxton

05/08/2023 **Amended Judgement; Civil Penalty Assessed**
Civil Penalty

Purina Animal Nutrition, LLC was cited for three (3) counts of violation of section 57(5) of the Indiana Pesticide Registration Law for distributing a pesticide product that was adulterated or misbranded. A civil penalty in the amount of \$1,500.00 (3 counts x \$500.00 per count) was assessed for this violation.

Civil Penalty

Purina Animal Nutrition, LLC was cited for one count of violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide product that was in violation of the Federal Insecticide, Fungicide and Rodenticide Act. A civil penalty in the amount of \$1,000.00 was assessed for this violation.

Original Event: Judgement #1498
Primary: Purina Animal Nutrition, LLC
Submitted By: George Saxton
Level: Informal Review
Legal Citations: IC 15-16-4-57(5); IC 15-16-4-57(9)
Penalty Amount: 2500

05/18/2023 **Notice of Amended Enforcement Mailed to Target**

Original Event: Outgoing Mail #2278
To: Purina Animal Nutrition, LLC
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0608 0929
Enclosed: Notice of Amended Enforcement
Attachments: File 124402; PS22-0090EL Amended CP ~ Purina Animal Nutrition.docx

05/24/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2100
Subject: Purina Animal Nutrition, LLC
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0608 0929
Received: 05/24/2023
Attachments: File 125736; CM 7021 0950 0000 0608 0929 - Purina Animal Nutrition LLC - PS22-0090 - Received 5-24-2023_0001.pdf

06/12/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2116
Subject: Purina Animal Nutrition, LLC
Submitted By: Jacob A. Hatfield
Payment Expected: \$2,500.00
Payment Received: \$2,500.00
Attachments: File 126530; PS22-0090 - Purina Animal Nutrition, LLC - CP Received 6-12-2023.pdf

07/19/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2512
To: Purina Animal Nutrition, LLC
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 129449; PS22-0090 - Purina Animal Nutrition, LLC - Case Closed Letter 7-19-2023.docx

07/19/2023 **Notice of Case Closure Mailed to Registrant**

Original Event: Outgoing Mail #2513
To: Purina Animal Nutrition LLC
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 129450; PS22-0090 - Purina Animal Nutrition, LLC - Arden Hills - Case Closed Letter 7-19-2023.docx

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

<p>This record was generated on July 26, 2023, 11:54 AM EDT. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>



Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment

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West Lafayette, IN 47907-2063
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www.oisc.purdue.edu

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

This record was generated on **May 15, 2023, 03:49 PM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS22-0203

Department	Pesticide
Originated	06/11/2022
Assigned To	Aaron P. Kreider
Status	Closed

Involved Parties

Complainant	Christopher John Voglewede Lafayette, IN 47905
Respondent	Michael Dennis Starkey Brownsburg, IN 46112

Overviews

11/10/2022 Investigation Summary

The report from the OISC residue lab shows ingredients from Mr. Starkey's second application were found on Mr. Voglewede's property. The report from PPDL shows the exposure symptoms on Mr. Voglewede's property are consistent with the ingredients from Mr. Starkey's second application. The wind data shows that winds were blowing towards Mr. Voglewede's property during Mr. Starkey's second application. Based on the evidence, Mr. Starkey's second application caused the exposure symptoms to the vegetation on Mr. Voglewede's property. Mr. Starkey violated the Resicore label by allowing the application to move off target. Mr. Starkey's first application did not result in any violations.

Submitted By: Aaron P. Kreider
Role: Investigator
Drift: Confirmed

11/22/2022 Disposition Summary

Michael Dennis Starkey 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 \$1,000.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved and there was adverse effect. Consideration was also given to the fact that the amount of off-target residues were within 1% or greater than the amount of target residues. Consideration was also given to the fact this was his third violation of similar nature. See case numbers PS18-0438 and PS18-0456.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

06/10/2022 Intake Referral Filed

Complainant stated drift from a herbicide application made to an adjacent farm field injured vegetation on his property.

Original Event: Intake Referral (Pesticide) #2549
Complainant: Christopher John Voglewede
Respondent: Michael Dennis Starkey
Submitted By: Joseph D. Becovitz
Assigned To: Aaron P. Kreider

06/11/2022 Case Created

Original Event: Case PS22-0203
Submitted By: Joseph D. Becovitz
Assigned To: Aaron P. Kreider

06/13/2022 **Investigator Called Complainant Communication**

On June 13, 2022, I contacted Chris Voglewede regarding his complaint. Mr. Voglewede stated that the field next to his property was sprayed two times in the last month and that both applications injured vegetation on his property. Mr. Voglewede stated that the first application did not cause very much damage and that he did not have too much concern about it. He stated that after the second application, he noticed a significant amount more damage to the vegetation on his property. Mr. Voglewede stated that his redbud trees seemed to be more affected than other trees. He believed that the first application was on May 24, 2022 and the second application was on May 31, 2022. Mr. Voglewede informed me that he is on DriftWatch because he sells produce from his garden.

Original Event: Investigation Activity (Pesticide) #4886
Subject: Christopher John Voglewede
Submitted By: Aaron P. Kreider

06/14/2022 **Investigator Met with Complainant Interaction**

On June 14, 2022, I met with Mr. Voglewede at his residence. I had Mr. Voglewede show me the vegetation he believed had pesticide exposure symptoms from the application made to the neighboring ag field. Mr. Voglewede informed me that he had done some spot spraying around the property using 2,4-D. There was some vegetation with white spots on the leaves and some vegetation had curling/twisting leaves. The garden vegetation did not appear to have white spots but some vegetation did have cupping leaves. The redbuds seemed to have more exposure symptoms than other vegetation on the property. The exposure symptoms seemed to be on the west and south side of the property.

Original Event: Investigation Activity (Pesticide) #4887
Subject: Christopher John Voglewede
Submitted By: Aaron P. Kreider

06/14/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #981
Client: Christopher John Voglewede
Firm Representative: Chris Voglewede
Submitted By: Aaron P. Kreider
Attachments: File 98684; NOI (C. Voglewede).pdf

06/14/2022 **Investigator Collected Photographs Photographs**

During my on-site investigation, I collected the following photographs. Figure 1 shows the south border that separates Mr. Voglewede's property (right) and the target field (left). Figure 2 shows the west border that separates Mr. Voglewede's property (right) and the target field (left). Figures 3-5 show the symptoms that caused Mr. Voglewede's complaint.

Figure 1 (File 98688)



Figure 2 (File 98708)



Figure 3 (File 98695)



Figure 4 (File 98697)



Figure 5 (File 98714)



Attachments

- File 98685; DSC_0001.JPG
- File 98686; DSC_0002.JPG
- File 98687; DSC_0003.JPG
- File 98689; DSC_0005.JPG
- File 98690; DSC_0006.JPG
- File 98691; DSC_0007.JPG
- File 98692; DSC_0008.JPG
- File 98693; DSC_0009.JPG
- File 98694; DSC_0010.JPG
- File 98696; DSC_0012.JPG
- File 98698; DSC_0014.JPG
- File 98699; DSC_0015.JPG
- File 98700; DSC_0016.JPG
- File 98701; DSC_0017.JPG
- File 98702; DSC_0018.JPG
- File 98703; DSC_0019.JPG
- File 98704; DSC_0020.JPG
- File 98705; DSC_0021.JPG
- File 98706; DSC_0022.JPG
- File 98707; DSC_0023.JPG
- File 98709; DSC_0025.JPG
- File 98710; DSC_0026.JPG
- File 98711; DSC_0027.JPG
- File 98712; DSC_0028.JPG
- File 98713; DSC_0029.JPG
- File 98715; DSC_0031.JPG
- File 98716; DSC_0032.JPG
- File 98717; DSC_0033.JPG
- File 98718; DSC_0034.JPG

Original Event: Investigation Activity (Pesticide) #4888
 Submitted By: Aaron P. Kreider

06/14/2022 **Residue Samples Collected**

Original Event: Residue Collection #215809 (22-4-0448 6)
 Client: Christopher John Voglewede
 Submitted By: Aaron P. Kreider
 Sample: 22-4-0448 6 | Veg; Grab; Clover; OFF-T, Front Yard, SE
 Sample: 22-4-0449 3 | Veg; Grab; Redbud; OFF-T, Back Yard, W
 Sample: 22-4-0450 4 | Veg; Grab; Weeds; Target
 Sample: 22-4-0451 5 | Veg; Ctrl; Mulberry; OFF-T, Back Yard

06/14/2022 **External Lab Sample Collected**

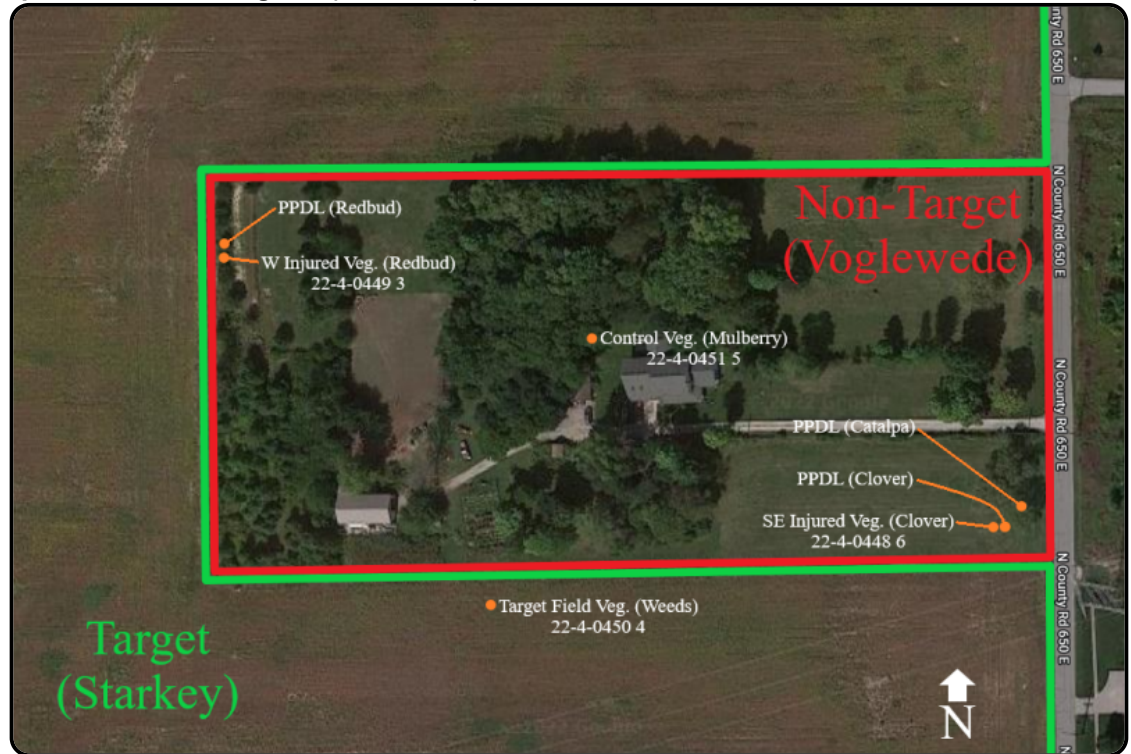
During my on-site investigation, I collected a vegetation sample to submit to the Plant and Pest Diagnostic Lab at Purdue (PPDL).

Original Event: External Lab Sample Collection #216226 (X22-C82B62)
 Client: Christopher John Voglewede
 Submitted By: Aaron P. Kreider
 Lab: Purdue Plant and Pest Diagnostic Laboratory
 Sample: X22-C82B62 | This sample contained Red Clover, Catalpa, and Redbud.
 Attachments: File 98720; PS22-0203 PPDL Submission Form.pdf

06/14/2022 **Sample Collection Diagram Activity**

This diagram shows the locations where samples were collected.

Sample Collection Diagram (File 98719)



Original Event: Investigation Activity (Pesticide) #4889
Submitted By: Aaron P. Kreider

06/14/2022 Investigator Called Target Communication

On June 14, 2022, I contacted Mike Starkey regarding Mr. Voglewede's complaint. Mr. Starkey stated that he had not sprayed to the north or west of Mr. Voglewede's property. He stated that he was unsure of the exact dates he sprayed but when I informed him that Mr. Voglewede stated he sprayed on May 24, 2022 and May 31, 2022, he said that those dates sounded correct. Mr. Starkey stated that he sprayed Roundup the first application and Resicore and atrazine the second application.

Original Event: Investigation Activity (Pesticide) #4890
Subject: Michael Dennis Starkey
Submitted By: Aaron P. Kreider

06/14/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #982
Client: Michael Dennis Starkey
Firm Representative: Mike Starkey
Submitted By: Aaron P. Kreider
Attachments: File 98721; NOI (M. Starkey).pdf

06/14/2022 Lab Advised of Target Analytes

Original Event: Residue Collections Follow Up #610
Submitted By: Aaron P. Kreider
Target Analyte: Resicore
Target Analyte: Atrazine
Target Analyte: Glyphosate

06/19/2022 Received External Lab Report

On June 19, 2022, I received a report from PPD. The report stated, "Clover, catalpa, and redbud all show bleaching/chlorosis of newer leaves. These symptoms are characteristic of exposure to HPPD inhibiting herbicides (group #27) such as mesotrione (one of the active ingredients in Resicore)." It also stated, "Various plant species show bleaching of new foliage -- this can occur due to iron deficiency, but is unlikely in this scenario given how different plants are affected and the symptoms are not entirely uniform. No significant disease was observed that would cause these kinds of symptoms."

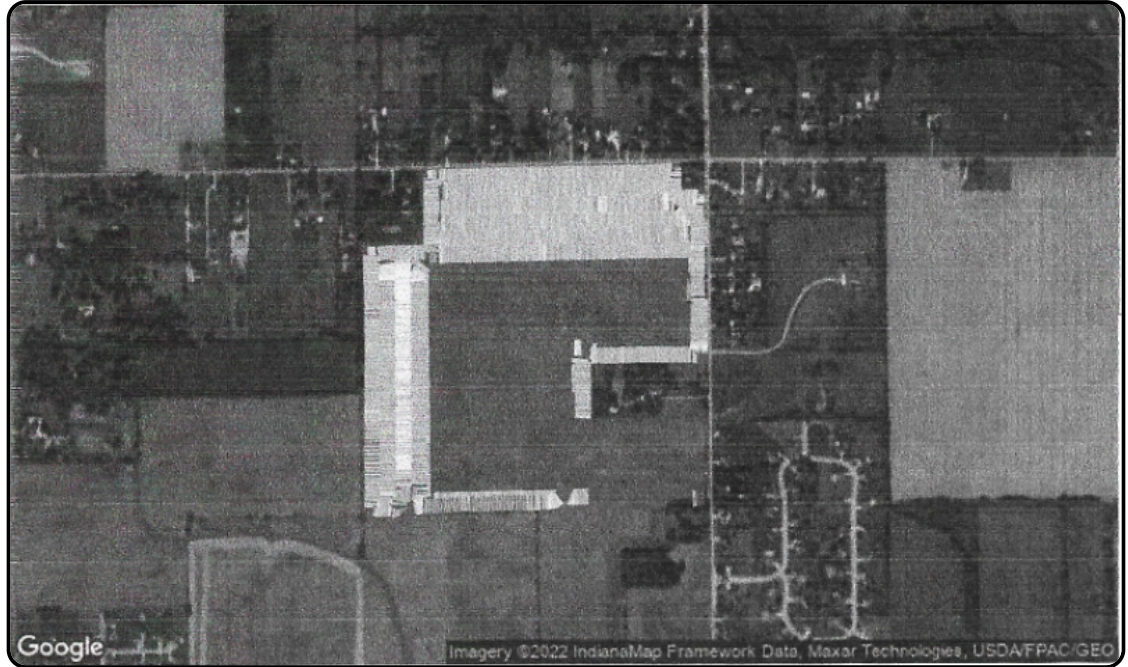
Original Event: External Lab Report #216424 (X22-C82B62)
Submitted By: Aaron P. Kreider
Sample: X22-C82B62
Attachments: File 98874; PS22-0203 PPD. Report.pdf

06/22/2022 Investigator Received Fax/Email from Target

Investigation Inquiry

On June 22, 2022, I received two Pesticide Investigation Inquiries (PII) from Mr. Starkey. Mr. Starkey made two applications to the target field. Each application did not include the entirety of the target field. The included map shows the areas of the target field that were sprayed. The wind data that was provided shows that winds were not blowing towards the Mr. Voglewede's property during the application.

Application Map (File 110197)



Attachments

File 110196; PS22-0203 PII (M. Starkey).pdf

Inquiry Overview

Certified Applicator Michael Starkey (PA2392)
Application Type Farmer
Target Field Corn

Tank Mix #1

Product	EPA	Rate
Bucanner 5 Extra	55467-15	26 oz/A

Tank Mix #2

Product	EPA	Rate
Resicore	62719-693	1.25 qt/A
Atrazine 4L	1381-158	1 pt/A
Superb HC (Adjuvant)		6 oz/A

Application #1

Mix Date	Start	End
TM1 05/24/2022	12:11 PM	1:30 PM

Application #2

Mix Date	Start	End
TM2 05/31/2022	3:17 PM	4:19 PM

Air Conditions During Application #1

Time	Temp	Direction	Speed
Start	67°F	E	7mph
End	70°F	E	5mph

Air Conditions During Application #2

Time	Temp	Direction	Speed
Start	87°F	S	10mph
End	86°F	S	10mph

Original Event: Investigation Activity (Pesticide) #5438
 Subject: Michael Dennis Starkey
 Submitted By: Aaron P. Kreider
 PPLS Labels: [001381-00158-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf
[055467-00015-20180920.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/055467-00015-20180920.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/055467-00015-20180920.pdf
[062719-00693-20170524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf

07/14/2022 **Received Residue Lab Report**
First Page of Lab Report

OCM Collection #	215809	Investigator	KREIDERA		
Collection Date	06/14/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-0448 6	Veg; Grab; Clover; OFF-T, Front Yard, SE	Veg	AMPA	BDL ppb	66 ppb
			Glyphosate	11.8 ppb	6 ppb
			Acetochlor	2.54 ppb	1 ppb
			Atrazine	129 ppb	0.3 ppb
			Mesotrione	4.18 ppb	3 ppb
22-4-0449 3	Veg; Grab; Redbud; OFF-T, Back Yard, W	Veg	AMPA	BDL ppb	66 ppb
			Glyphosate	87.1 ppb	6 ppb
			Acetochlor	10.2 ppb	1 ppb
			Atrazine	285 ppb	0.3 ppb
			Mesotrione	51.0 ppb	3 ppb

Original Event: Residue Lab Report #236441 (215809-R598)
 Submitted By: SYSTEM
 Lab Report: Lab Report 215809-R598.pdf

11/01/2022 **Wind Data Researched**

This data shows the conditions during Mr. Starkey's application on May 24, 2022. This data confirms what Mr. Starkey reported on the PII and shows winds were blowing away from Mr. Voglewede's property during the application.

Eagle Creek Airpark (KEYE)

Indianapolis, Indiana (8.47 miles SE of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
11:53 AM	68	ENE	10	0
12:53 PM	69	E	9	16
1:53 PM	71	ESE	10	0

Attachments

File 112648; ISUM Data 5.24.22 (KEYE).pdf

Original Event: Wind Data #145
 Submitted By: Aaron P. Kreider
 Date of Weather: 05/24/2022

11/01/2022 **Wind Data Researched**

This weather data shows the conditions during Mr. Starkey's application on May 31, 2022. It shows that winds were blowing towards Mr. Voglewede's property during portions of the application.

Eagle Creek Airpark (KEYE)

Indianapolis, IN, Indiana (8.47 miles SE of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
2:53 PM	88	SSW	12	25
3:53 PM	89	SSW	7	22
4:53 PM	88	SSW	10	21

Indianapolis Executive Airport (KTYQ)

Zionsville, Indiana (12.11 miles NE of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
2:35 PM	87	SSW	15	20
3:55 PM	86	SW	11	0
4:15 PM	85	SW	13	17
4:55 PM	84	SW	11	22

Crawfordsville Regional Airport (KCFJ)

Crawfordsville, Indiana (26.87 miles W of site)

Time	Temp (°F)	Direction	Speed (mph)	Gust (mph)
3:15 PM	86	SSW	14	22
3:35 PM	85	SW	15	23
3:55 PM	86	SW	15	23
4:15 PM	86	SW	14	23
4:35 PM	86	SW	14	0

Attachments

File 112662; ISUM Data 5.31.22 (KCFJ).pdf
File 112660; ISUM Data 5.31.22 (KEYE).pdf
File 112661; NOAA Data 5.31.22 (KTYQ).pdf

Original Event: Wind Data #146
Submitted By: Aaron P. Kreider
Date of Weather: 05/31/2022

11/04/2022 Investigation Activity

Resicore

The Resicore label states, "Avoid spray drift onto adjacent crop or non-crop areas."

Attachments

File 112677; Resicore Label.pdf

Original Event: Investigation Activity (Pesticide) #5569
Submitted By: Aaron P. Kreider
PPLS Labels: [062719-00693-20170524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf

11/22/2022 Judgement; Civil Penalty Assessed

Civil Penalty

Michael Dennis Starkey 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 \$1,000.00 was assessed for this violation. Consideration was given to the fact a restricted use pesticide was involved and there was adverse effect. Consideration was also given to the fact that the amount of off-target residues were within 1% or greater than the amount of target residues. Consideration was also given to the fact this was his third violation of similar nature. See case numbers PS18-0438 and PS18-0456.

Original Event: Judgement #1410
Primary: Michael Dennis Starkey
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 1000

01/04/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1680
To: Michael Dennis Starkey
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0607 9312
Enclosed: Notice of Enforcement
Attachments: File 115269; PS22-0203EL~CIT-CP~Michael Dennis Starkey.docx

01/13/2023 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1937
Subject: Michael Dennis Starkey
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0607 9312
Received: 01/13/2023
Attachments: File 118169; CM 7021 0950 0000 0607 9312 - Michael D. Starkey - Recd. 1-13-23 - PS22-0203.pdf

01/18/2023 Compliance Activity

Mr. Starkey sent an email wanting to discuss the outcome of this case. He was advised of the formal hearing process by email.

Original Event: Compliance Activity #1638
Primary: Michael Dennis Starkey
Submitted By: George Saxton
Attachments: File 115972; FW_ Case #PS22-0203.pdf

01/27/2023 **Informal Review Requested**

I received an email forwarded from OISC wherein Mr. Starkey is requesting a formal hearing.

Original Event: Compliance Activity #1655
Primary: Michael Dennis Starkey
Submitted By: George Saxton
Stage: Informal Review
Attachments: File 117011; email from Mr. Starkey.pdf
File 117010; Letter to IPRB.pdf

01/30/2023 **Informal Review Scheduled**

On January 30, 2023, I spoke with Mr. Starkey to schedule an informal hearing for 2/21/23 at the Boone County Extension Office in Lebanon, Indiana related to PS22-0203. I followed with an email explaining the details.

Original Event: Compliance Activity #1663
Primary: Michael Dennis Starkey
Submitted By: Paul Jay Kelley
Stage: Informal Review

02/21/2023 **Informal Review Occurred**

On February 21, 2023, an informal hearing occurred at the Boone County Extension Annex building in Lebanon, Indiana. Present was Michael Starkey (applicator) and Andrew Ayers (land Owner). Also in attendance were representatives of the Office of Indiana State Chemist (OISC) Dr. George Saxton, Melissa Rosch, Aaron Kreider, and Jay Kelley.

After hearing all the evidence, Mr. Starkey came to the conclusion that he did not want to proceed with a Formal Hearing. After discussion the enforcement and fine would stand.

Original Event: Compliance Activity #1698
Primary: Michael Dennis Starkey
Submitted By: Paul Jay Kelley
Stage: Informal Review

05/04/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2081
Subject: Michael Dennis Starkey
Submitted By: Jacob A. Hatfield
Payment Expected: \$1,000.00
Payment Received: \$1,000.00
Attachments: File 123653; PS22-0203 - Michael D. Starkey - CP Received 5-4-2023.pdf

05/10/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #2261
To: Christopher John Voglewede
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 123910; PS22-0203 - Christopher J. Voglewede - Case Closed Letter 5-10-2023.docx

05/10/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2262
To: Michael Dennis Starkey
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 123911; PS22-0203 - Michael D. Starkey - Case Closed Letter 5-10-2023.docx

Chain of Custody

06/14/2022 **Sample 22-4-0448 6**

Original Event: Chain of Custody #1728 (22-4-0448 6)
06/14/2022 09:00: Sample Collected by Aaron P. Kreider
06/14/2022 16:18: Sample Delivered to 218
06/15/2022 09:13: Delivery Affirmed by Vicki Vauters

06/14/2022 **Sample 22-4-0449 3**

Original Event: Chain of Custody #1729 (22-4-0449 3)
06/14/2022 09:00: Sample Collected by Aaron P. Kreider
06/14/2022 16:18: Sample Delivered to 218
06/15/2022 09:13: Delivery Affirmed by Vicki Vauters

06/14/2022 **Sample 22-4-0450 4**

Original Event: Chain of Custody #1730 (22-4-0450 4)
06/14/2022 09:00: Sample Collected by Aaron P. Kreider
06/14/2022 16:18: Sample Delivered to 218
06/15/2022 09:13: Delivery Affirmed by Vicki Vauters

06/14/2022 **Sample 22-4-0451 5**

Original Event: Chain of Custody #1731 (22-4-0451 5)
06/14/2022 09:00: Sample Collected by Aaron P. Kreider
06/14/2022 16:18: Sample Delivered to 218
06/15/2022 09:13: Delivery Affirmed by Vicki Vauters

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Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment

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

This record was generated on **May 15, 2023, 03:50 PM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS22-0431

Department	Pesticide
Originated	09/24/2022
Assigned To	Paul Jay Kelley
Status	Closed

Involved Parties

Complainant	Clifford Pettigrew Pendleton, IN 46064
Respondent	Trugreen LP-FSH Fishers, IN 46038
-	Marc William Avenger Fishers, IN 46038
Respondent	Morcraisha A Warr Fishers, IN 46038

Overviews

10/10/2022 **Investigation Summary**

Registered Technician (RT) Morcraisha Warr made a pesticide (mosquito) application to the property of Clifford Pettigrew. Mr. Pettigrew did not hire Truegreen to make any applications to any of his properties. The property of Mr. Pettigrew where the application took place consists of an outbuilding with no address. Ms. Warr's application was to be made at 7857 S. 750 W, in Pendleton, Indiana, less than a 1/2 mile away. Truegreen confirmed the error.

Submitted By: Paul Jay Kelley
Role: Investigator

10/26/2022 **Disposition Summary**

Morcraisha A Warr was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by applying pesticides to the wrong address. A civil penalty in the amount of \$1,000.00 was assessed for this penalty.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

09/23/2022 **Intake Referral Filed**

Complainant stated Trugreen mistakenly sprayed his property injuring his Royal Empress trees.

Original Event: Intake Referral (Pesticide) #2785
Complainant: Clifford Pettigrew
Respondent: Trugreen LP-FSH
Submitted By: Joseph D. Becovitz
Assigned To: Paul Jay Kelley

09/24/2022 **Case Created**

Original Event: Case PS22-0431
Submitted By: Joseph D. Becovitz
Assigned To: Paul Jay Kelley

09/27/2022 **Investigator Met with Complainant Photographs**

On September 27, 2022, I met with Clifford Pettigrew. Mr. Pettigrew stated on he reviewed trail cam video on a piece of property with only an out building and no address located on south 750 west in Pendleton , Indiana. The trail cam showed a Trugreen vehicle parked in front of the out building. Mr. Pettigrew became concerned because he had several dead trees on the north side of the property. Furthermore, Mr. Pettigrew found application information hung on the out building door. The invoice showed on May 23, 2022, Registered Technician (RT) Morcarisha Warr was to make a mosquito application using Talstar Pro (EPA Reg. #279-3206, active ingredient bifenthrin) to 7857 South 750 west in Pendleton, Indiana. However, Ms. Warr made the application to Mr. Pettigrew's property with outbuilding and no address posted.

Attachments



File 110279



File 110280



File 110281



File 110282



File 110283



File 110284



File 110285



File 110288



File 110286



File 110287

File 110289; pic1.pdf
File 110290; pic2.pdf

Records

Trugreen invoice left at Mr. Pettigrew's out building.

Attachments

File 110299; invoice left.pdf

Screenshots

Site Diagram of location of incident.

Attachments

File 111128; Site Diagram.pdf

Original Event: Investigation Activity (Pesticide) #5444
Subject: Clifford Pettigrew
Submitted By: Paul Jay Kelley

09/27/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1209
Client: Clifford Pettigrew
Firm Representative: Clifford Pettigrew
Submitted By: Paul Jay Kelley
Attachments: File 110300; noi.pdf

10/05/2022 **Investigator Sent Fax/Email to Target Communication**

On October 5, 2022, I received an email from Marc Avenger of Trugreen. Mr. Avenger provided me a copy of the invoice Morcraisha Warr (RT) invoice for the application to Mr. Pettigrew's property. In the email Mr. Avenger designated himself as the certified supervisor and not the name on the invoice.

Attachments

File 111127; mr. pettigrew 2.pdf
File 111126; Service Invoice for Mosquito Application on 052322.pdf

Original Event: Investigation Activity (Pesticide) #5480
Subject: Marc William Avenger
Submitted By: Paul Jay Kelley

10/10/2022 **New Respondent Identified**

Respondent Identified

Register Technician who made a pesticide application to the wrong address.

Original Event: Investigation Change #257
Respondent: Morcraisha A Warr
Submitted By: Paul Jay Kelley

10/26/2022 **Judgement; Citation**

Citation

Morcraisha A Warr was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless and/or negligent manner by applying pesticides to the wrong address. A civil penalty in the amount of \$1,000.00 was assessed for this penalty.

Original Event: Judgement #1380
Primary: Morcraisha A Warr
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(5)

11/17/2022 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1584
To: Morcraisha A Warr
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0607 8872
Enclosed: Notice of Enforcement
Attachments: File 113246; PS22-0431EL_CP_Morcraisha A. Warr.docx

11/23/2022 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1815
Subject: Morcraisha A Warr
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0607 8872
Received: 11/23/2022
Attachments: File 114065; CM 7021 0950 0000 0607 8872 - Morcraisha A. Warr - PS22-0431 - Proof of Delivery 11-23-2022.pdf
File 114064; CM 7021 0950 0000 0607 8872 - Morcraisha A. Warr - PS22-0431 - Received 11-23-2022.pdf

03/24/2023 **Compliance Activity**

Left a voice message for "Mark" about the overdue civil penalty.

Original Event: Compliance Activity #1760
Primary: Trugreen LP-FSH
Submitted By: George Saxton

03/27/2023 **Compliance Activity**

Spoke with Marc Avenger of Trugreen who stated he had no record of the civil penalty being paid. I advised him we also had no record of the payment. He asked for another copy of the enforcement letter so he could get it paid.

Original Event: Compliance Activity #1768
Primary: Trugreen LP-FSH
Submitted By: George Saxton

03/27/2023 **Compliance Activity**

A copy of the enforcement letter for Morcraisha A. Warr and the certified mail green card was sent to Marc Avenger via email (marcavenger@trugreenmail.com), as requested. Hold on collection proceedings until April 12, 2023, pending further communication from Marc Avenger or receipt of the civil penalty payment. Civil Penalty hold extended to April 12, 2023. Appeal Window expired on December 27, 2022.

Original Event: Compliance Activity #1771
Primary: Trugreen LP-FSH
Submitted By: Joni D. Herman
Attachments: File 121090; PS22-0431 3.27.2023 Email to Marc Avenger-Trugreen ~ Copy of Enforcement-CP to Morcraisha Warr.pdf
File 122634; PS22-0431 3.28.2023 Read Receipt for 3.27.2023 Email to Marc Avenger-Trugreen.pdf
File 122633; PS22-0431 Delivery Receipt for 3.27.2023 Email to Marc Avenger-Trugreen.pdf

04/18/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2046
Subject: Morcraisha A Warr
Submitted By: Jacob A. Hatfield
Payment Expected: \$1,000.00
Payment Received: \$1,000.00
Attachments: File 122583; PS22-0431 - Morcraisha A. Warr - Cp Received 4-18-2023.pdf

04/24/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #2216
To: Clifford Pettigrew
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 122889; PS22-0431 - Clifford Pettigrew - Case Closed Letter 4-24-2023.docx

04/24/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2217
To: Trugreen LP-FSH
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 122890; PS22-0431 - Trugreen LP-FSH - Case Closed Letter 4-24-2023.docx

04/24/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2218
To: Morcraisha A Warr
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 122891; PS22-0431 - Morcraisha A. Warr - Case Closed Letter 4-24-2023.docx

05/09/2023 **Notice of Case Closure Mailed to Complainant**

On May 9, 2023, Mr. Pettigrew called to request a hard copy of the case report, since he does not have internet access. A report was generated and sent to Mr. Pettigrew.

Original Event: Outgoing Mail #2260
To: Clifford Pettigrew
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Enclosed: Case Summary
Attachments: File 123891; PS22-0431 - Clifford Pettigrew - Case Closed Letter 4-24-2023 - Case Summary.docx

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

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

This record was generated on **June 1, 2023, 11:46 AM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS23-0001

Department	Pesticide
Originated	10/11/2022
Assigned To	Paul Jay Kelley
Status	Closed

Involved Parties

Complainant	Richard Land Iii Indianapolis, IN 46219
Respondent	Moxie Pest Control Indianapolis LLC Indianapolis, IN 46268
Respondent	Brian E Charles Indianapolis, IN 46268
Respondent	Garrett Davis Indianapolis, IN 46268

Overviews

01/03/2023 **Investigation Summary**

On October 13, 2022, former employee of Moxie PC, Richard Land, contacted OISC to report while he was employed by Moxie PC he made for-hire pesticide applications without a license and after a May 3 2022, Action Order for unlicensed applicators making applications. See PS22-0104.

On October 13, 2022, I received 63 invoices from Agent Bill Reid for Richard Land between June 1 2022, and June 15, 2022, for another case Agent Reid is working on.

After several emails, calls, and meetings with Brian Charles, Manager of Moxie PC Indianapolis, I received an additional 85 applications made by Richard Land between June 1, 2022, and June 15, 2022, while Mr. Land was not licensed.

Mr. Land made 148 application between May 18, 2022, and June 15, 2022, without a license.

Mr. Land's applications were after Agent Reid's Action Order.

Mr. Land stated he and Moxie were well aware of the Action Order and what the Action Order meant.

Mr. Land became licensed as a registered technician on June 16, 2022.

Certified applicator of record by OISC was Garrett Davis.

Submitted By: Paul Jay Kelley
Role: Investigator

01/05/2023 **Disposition Summary**

Moxie Pest Control Indianapolis LLC was cited for five (5) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-2, for refusing to comply with the supervision rule. Consideration was given to the fact this was Moxie Pest Control's second violation of similar nature. See case number PS22-0104.

Moxie Pest Control Indianapolis LLC was cited for five (5) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to comply with of any lawful Order of the state chemist or the board by refusing to comply with the Agreed Order issued May 3, 2022. See case number PS22-0104.

Certified Applicator Garrett Davis was cited for five (5) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-2, for refusing to comply with the supervision rule. A civil penalty in the amount of \$5,000.00 (5 counts x \$1,000.00 per count) was assessed. Consideration was given to the fact this was Garrett Davis' second violation of similar nature. See case number PS22-0104.

Certified Applicator Garrett Davis was cited for five (5) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to comply with of any lawful Order of the state chemist or the board by refusing to comply with the Agreed Order issued May 3, 2022. A civil penalty in the amount of \$5,000.00 (5 counts x \$1,000.00 per count) was assessed.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

10/11/2022 Intake Referral Filed

Complainant stated Moxie Pest Control in Indianapolis routinely sends unlicensed technicians out to make pesticide applications after they fail their core exams.

Original Event: Intake Referral (Pesticide) #2789
Complainant: Richard Land Iii
Respondent: Moxie Pest Control Indianapolis LLC
Submitted By: Joseph D. Becovitz
Assigned To: Paul Jay Kelley

10/11/2022 Case Created

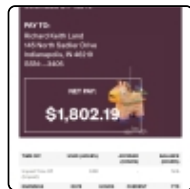
Original Event: Case PS23-0001
Submitted By: Joseph D. Becovitz
Assigned To: Paul Jay Kelley

10/13/2022 Investigator Called Complainant Records

On October 13, 2022, I spoke with Richard Land. Mr. Land stated he was recently terminated from Moxie Pest Control. Mr. Land stated that while he was employed at Moxie he made pesticide applications while unlicensed. Mr. Land stated that after the May 3, 2022, Use stop by Agent Bill Reid resulting in an Action Order (AO #252, PS 22-0104) unlicensed applicators were sent out to make application under the direction of Brian Charles.

Mr. Land stated he was hired by Moxie in mid April 2022, and was sent out on routes by the third week of April to make for-hire pesticide application. Mr. Land stated he was instructed to continue making for hire application until he became licensed (Registered Technician) on June 16, 2022.

Attachments



File 111331

File 111332; Untitled.msg.pdf

Original Event: Investigation Activity (Pesticide) #5494
Subject: Richard Land Iii
Submitted By: Paul Jay Kelley

10/13/2022 Investigation Activity Records

63 Moxie invoices for applications made by Richard Land from June 2, 2022, to June 15, 2022.

Attachments

File 111334; 601 service 16.pdf
File 111335; 602 service 12.pdf
File 111336; 602 service 13.pdf
File 111337; 602 service 14.pdf
File 111338; 602 service 15.pdf
File 111339; 602 service 16.pdf
File 111340; 602 service 17.pdf
File 111341; 602 service 18.pdf
File 111342; 603 service 1.pdf
File 111343; 603 service 2.pdf
File 111344; 603 service 3.pdf
File 111345; 603 service 4.pdf
File 111346; 603 service 5.pdf
File 111347; 603 service 6.pdf
File 111348; 603 service.pdf
File 111349; 606 service 23.pdf
File 111350; 606 service 24.pdf
File 111351; 606 service 25.pdf
File 111352; 606 service 26.pdf
File 111353; 606 service 27.pdf
File 111354; 606 service 28.pdf
File 111355; 606 service 29.pdf
File 111356; 606 service 30.pdf
File 111357; 606 service 32.pdf
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File 111365; 607 service 40.pdf
File 111366; 607 service 41.pdf
File 111367; 608 service 1.pdf
File 111368; 608 service 2.pdf
File 111369; 608 service 3.pdf
File 111370; 608 service 4.pdf
File 111371; 608 service 5.pdf
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File 111382; 613 service 15.pdf
File 111383; 613 service 16.pdf
File 111376; 613 service 9.pdf
File 111384; 614 service 33.pdf
File 111385; 614 service 34.pdf
File 111386; 614 service 35.pdf
File 111387; 614 service 36.pdf
File 111388; 614 service 37.pdf
File 111389; 614 service 38.pdf
File 111390; 614 service 39.pdf
File 111391; 614 service 40.pdf
File 111392; 615 service 10.pdf
File 111393; 615 service 11.pdf
File 111394; 615 service 12.pdf
File 111395; 615 service 13.pdf
File 111396; 615 service 14.pdf

Original Event: Investigation Activity (Pesticide) #5495
Subject: Richard Land Iii
Submitted By: Paul Jay Kelley

Records

And Action order issued in Case PS22-0104.

Attachments

File 111398; action order Ethan Storm Moxie.pdf

Original Event: Investigation Activity (Pesticide) #5496
Subject: Richard Land Iii
Submitted By: Paul Jay Kelley

10/14/2022 Investigator Called Supervisor Communication

On October 14, 2022, I received a call from Brian Charles of Moxie Pest Control after I left my business card at Moxie's business location. I informed Mr. Charles I was looking into the employment and application activities of Richard Land. I informed Mr. Charles I was sending a certified copy of a Production of Documents (POD) form to his business location. I explained that the POD had a 15 day turn around time for documents to be submitted. I informed Mr. Charles I could drop a copy of the POD off at the business; however, the 15 day timer would not start until he receives the certified copy of the POD.

Activity

Copy of POD left at Moxie after conversation with Brian Charles.

Attachments

File 111636; POD-b. charles- hardcopy.pdf

Original Event: Investigation Activity (Pesticide) #5499
Subject: Brian E Charles
Submitted By: Paul Jay Kelley

10/14/2022 Notice of Inspection Issued

NOI left with POD at business on 10/14/22.

Original Event: Notice of Inspection #1225
Client: Brian E Charles
Firm Representative: Brian Charles
Submitted By: Paul Jay Kelley
Attachments: File 111426; noi.pdf

10/17/2022 Document Request Mailed to Subject

Original Event: Outgoing Mail #1530
To: Brian E Charles
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0607 8841
Enclosed: Document Request
Attachments: File 112466; PS23-0001 Production of Documents Request to Moxie Pest Control - Brian Charles 10-17-2022.docx

11/08/2022 Mail Service Returned for Subject

On November 8, 2022 Certified Mail was returned to OISC.

Original Event: Compliance Receipt #1801
Subject: Brian E Charles
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0607 8841
Returned: 11/08/2022
Attachments: File 112836; PS23-0001 - Moxie Pest Control Indianapolis LLC - CM Returned 11-8-2022.pdf

11/16/2022 Second Document Request Mailed to Subject; Second Attempt

Resend with specific date to respond by, since first POD came back unclaimed.

Original Event: Outgoing Mail #1575
To: Brian E Charles
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0607 8865
Enclosed: Document Request
Attachments: File 113173; PS23-0001 Production of Documents Request to Moxie Pest Control - Brian Charles 10-17-2022.docx

11/28/2022 Investigator Met with Target Communication

On November 28, 2022, I went to the Moxie business location in Indianapolis, Indiana and spoke with Brian Charles. Mr. Charles confirmed receipt of letter requesting application records for Richard Land.

Original Event: Investigation Activity (Pesticide) #5645
Subject: Brian E Charles
Submitted By: Paul Jay Kelley

11/28/2022 Received Mail Confirmation for Subject

Per USPS tracking the certified mail was delivered on 11/28/2022. No Green Card came back to OISC.

Original Event: Compliance Receipt #1836
Subject: Brian E Charles
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0607 8865
Received: 11/28/2022
Attachments: File 117209; CM 7021 0950 0000 0607 8865 ~ PS23-0001 ~ Brian E. Charles ~ Recd. 11-28-2022.pdf

12/12/2022 **Investigator Sent Fax/Email to Target**

Records

On December 12, 2022, I sent an email to Brian Charles of Moxie that todays date is the 15th day for production of documents.

Attachments

File 114179; Production of Documents.msg.pdf

Attachments

File 114180; Production of Documents.msg.pdf

Original Event: Investigation Activity (Pesticide) #5696
Subject: Brian E Charles
Submitted By: Paul Jay Kelley

12/12/2022 **Investigator Received Fax/Email from Target**

Records

On December 12, 2022, I received an email from Brian Charles of Moxie with copies of Richard Land's applications between May 18, 2022, and May 31, 2022. Included in this email, (8) eight additional invoices from June 1, 2022, not provided in the October 13, 2022, email. This email contained 85 additional applications made by Richard Land without a license.

Invoices list Brian Charles as the supervisor of record; however, Mr. Charles was a registered technician at the time of the applications.

Attachments

File 114632; 518 service 10.pdf
File 114633; 518 service 11.pdf
File 114627; 518 service 5.pdf
File 114628; 518 service 6.pdf
File 114629; 518 service 7.pdf
File 114630; 518 service 8.pdf
File 114631; 518 service 9.pdf
File 114634; 519 service 1.pdf
File 114635; 519 service 2.pdf
File 114636; 519 service 3.pdf
File 114637; 519 service 4.pdf
File 114638; 519 service 5.pdf
File 114639; 519 service 6.pdf
File 114640; 519 service 7.pdf
File 114641; 519 service 8.pdf
File 114642; 519 service.pdf
File 114646; 520 service 10.pdf
File 114647; 520 service 11.pdf
File 114648; 520 service 12.pdf
File 114649; 520 service 13.pdf
File 114650; 520 service 14.pdf
File 114651; 520 service 15.pdf
File 114643; 520 service 7.pdf
File 114644; 520 service 8.pdf
File 114645; 520 service 9.pdf
File 114655; 523 service 10.pdf
File 114656; 523 service 11.pdf
File 114657; 523 service 12.pdf
File 114658; 523 service 13.pdf
File 114652; 523 service 7.pdf
File 114653; 523 service 8.pdf
File 114654; 523 service 9.pdf
File 114659; 524 service 20.pdf
File 114660; 524 service 22.pdf
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File 114664; 524 service 26.pdf
File 114665; 524 service 27.pdf
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File 114669; 525 service 18.pdf
File 114670; 525 service 19.pdf
File 114671; 525 service 20.pdf
File 114672; 525 service 21.pdf
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File 114674; 525 service 23.pdf
File 114675; 526 service 10.pdf
File 114676; 526 service 11.pdf
File 114677; 526 service 12.pdf
File 114678; 526 service 13.pdf
File 114679; 526 service 14.pdf
File 114680; 526 service 15.pdf
File 114681; 526 service 16.pdf
File 114682; 526 service 17.pdf
File 114687; 527 service 11.pdf
File 114683; 527 service 6.pdf
File 114684; 527 service 7.pdf
File 114685; 527 service 8.pdf
File 114686; 527 service 9.pdf
File 114690; 530 service 10.pdf
File 114691; 530 service 11.pdf
File 114692; 530 service 13.pdf
File 114693; 530 service 15.pdf
File 114694; 530 service 16.pdf
File 114688; 530 service 8.pdf
File 114689; 530 service 9.pdf
File 114695; 531 service 20.pdf
File 114696; 531 service 21.pdf

File 114697; 531 service 22.pdf
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File 114700; 531 service 25.pdf
File 114701; 531 service 26.pdf
File 114702; 531 service 27.pdf
File 114703; 531 service 28.pdf
File 114704; 601 service 13.pdf
File 114705; 601 service 14.pdf
File 114706; 601 service 15.pdf
File 114707; 601 service 17.pdf
File 114708; 601 service 18.pdf
File 114709; 601 service 19.pdf
File 114710; 601 service 20.pdf
File 114711; 601 service 21.pdf

Attachments

File 114626; Fwd Richard land.msg.pdf

Original Event: Investigation Activity (Pesticide) #5744
Subject: Brian E Charles
Submitted By: Paul Jay Kelley

01/03/2023 **New Respondent Identified** **Respondent Identified**

Garrett Davis was listed as a certified applicator for Moxie during this time.

Original Event: Investigation Change #297
Respondent: Garrett Davis
Submitted By: Paul Jay Kelley

01/04/2023 **Investigation Activity** **Activity**

Garrett Davis (CA) was the certified supervisor for Richard Land (unlicensed). Mr. Land applied pesticides for-hire 148 times over nineteen (19) days in May and June of 2022, without a license or on-site supervision.

Original Event: Investigation Activity (Pesticide) #5749
Subject: Garrett Davis
Submitted By: Paul Jay Kelley

01/05/2023 **Judgement; License Revocation** **Citation**

Certified Applicator Garrett Davis was cited for nineteen (19) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for refusing to comply with the supervision rule.

Citation

Certified Applicator Garrett Davis was cited for nineteen (19) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to comply with of any lawful Order of the state chemist or the board by refusing to comply with the Agreed Order issued May 3, 2022.

Civil Penalty

Moxie Pest Control Indianapolis LLC was cited for nineteen (19) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for refusing to comply with the supervision rule. A civil penalty in the amount of \$19,000.00 (19 counts x \$1,000.00 per count) was assessed. Consideration was given to the fact this was Moxie Pest Control's second violation of similar nature. See case number PS22-0104.

Civil Penalty

Moxie Pest Control Indianapolis LLC was cited for nineteen (19) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to comply with of any lawful Order of the state chemist or the board by refusing to comply with the Agreed Order issued May 3, 2022. A civil penalty in the amount of \$19,000.00 (19 counts x \$1,000.00 per count) was assessed. See case number PS22-0104.

License Revocation

The pesticide business license issued to Moxie Pest Control was revoked indefinitely. Consideration was given to the fact they willfully refused to comply with the supervision rule or the Agreed Order.

License Revocation

The applicator certification issued to Garrett Davis was revoked indefinitely. Consideration was given to the fact he willfully refused to comply with the supervision rule or the Agreed Order.

Original Event: Judgement #1433
Primary: Moxie Pest Control Indianapolis LLC
Secondary: Garrett Davis
Submitted By: George Saxton
Legal Citations: 355 IAC 4-2-3; IC 15-16-5-65(6)
Penalty Amount: 38000

01/05/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1672
To: Moxie Pest Control Indianapolis LLC
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0607 9329
Enclosed: Notice of Enforcement
Attachments: File 115261; PS23-0001EL CIT-CP-LICENSE REVOCATON ~ Moxie Pest Control Indpls. LLC.docx

01/05/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #1673
To: Garrett Davis
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0607 9336
Enclosed: Notice of Enforcement
Attachments: File 115262; PS23-0001EL CIT-LICENSE REVOCATION ~ Garrett Davis - Moxie.docx

01/13/2023 **Compliance Activity**

Garrett Davis called and asked if we could meet to discuss the cases against Moxie Pest Control. I advised him I would contact him at the first of the week to schedule a meeting.

Original Event: Compliance Activity #1632
Primary: Moxie Pest Control Indianapolis LLC
Submitted By: George Saxton

01/13/2023 **Mail Confirmation Assumed for Target**

Green Card has not been returned to OISC. According USPS tracking it has been in transit to the next facility since January 17, 2023. It is assumed to have been received do to the respondent requesting an informal hearing.

Original Event: Compliance Receipt #1959
Subject: Moxie Pest Control Indianapolis LLC
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0607 9329
Attachments: File 118565; CM 7021 0950 0000 0607 9329 - Moxie Pest Control Indianapolis LLC - PS23-0001.pdf

01/17/2023 **Informal Review Rescheduled**

Garrett Davis was contacted to let him know the informal conference was scheduled for January 24, 2023 at the Boone County Extension office at 10:30 am.

Original Event: Compliance Activity #1635
Primary: Moxie Pest Control Indianapolis LLC
Submitted By: George Saxton
Stage: Informal Review

01/23/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1934
Subject: Garrett Davis
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0607 9336
Received: 01/23/2023
Attachments: File 118159; CM 7021 0950 0000 0607 9336 - Garrett Davis - Recd. 1-23-23 - PS23-0001.pdf

01/24/2023 **Informal Review Occurred**

On January 24, 2023, an informal conference was held at the Boone County Cooperative Extension office in Lebanon, Indiana. Present from Moxie Pest Control was Garrett Davis, business partner of Moxie. Present for OISC were Melissa Rosch, Bill Reid and George Saxton. This was in reference to case number PS23-0001. See also PS23-0039.

Mr. Davis admitted that Moxie Pest Control made mistakes when it came to licensing in Indiana but wanted to make it clear that the mistakes were unintentional, and he wanted a good working relationship with OISC. I explained that an Action Order was issued to Moxie Pest Control via Ethan Storm on May 3, 2022, ordering them to stop all advertisement and pesticide applications until the licensing requirements had been met. I asked Mr. Davis if he was notified about the Action Order, and he said that he was. We then discussed the unlicensed people who were still making pesticide applications after the issue of the Agreed Order.

Mr. Davis said that he was ultimately made aware that the check Moxie had sent in to OISC and the license application form were not properly signed. He stated that the check that was used to pay for the licenses was processed by OISC, so he thought everything was alright.

It was agreed for the violations and civil penalty in this case that instead of one hundred forty-eight (148) counts times \$1,000.00 per count, we would only assess a civil penalty for only five (5) counts of improper supervision plus five (5) counts of violation of the Action Order.

Original Event: Compliance Activity #1656
Primary: Moxie Pest Control Indianapolis LLC
Submitted By: George Saxton
Stage: Informal Review

01/27/2023 **Amended Judgement; Civil Penalty Assessed**

Citation

Moxie Pest Control Indianapolis LLC was cited for five (5) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-2, for refusing to comply with the supervision rule. Consideration was given to the fact this was Moxie Pest Control's second violation of similar nature. See case number PS22-0104.

Citation

Moxie Pest Control Indianapolis LLC was cited for five (5) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to comply with of any lawful Order of the state chemist or the board by refusing to comply with the Agreed Order issued May 3, 2022. See case number PS22-0104.

Civil Penalty

Certified Applicator Garrett Davis was cited for five (5) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-2, for refusing to comply with the supervision rule. A civil penalty in the amount of \$5,000.00 (5 counts x \$1,000.00 per count) was assessed. Consideration was given to the fact this was Garrett Davis' second violation of similar nature. See case number PS22-0104.

Civil Penalty

Certified Applicator Garrett Davis was cited for five (5) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to comply with of any lawful Order of the state chemist or the board by refusing to comply with the Agreed Order issued May 3, 2022. A civil penalty in the amount of \$5,000.00 (5 counts x \$1,000.00 per count) was assessed.

Original Event:	Judgement #1445
Primary:	Moxie Pest Control Indianapolis LLC
Secondary:	Garrett Davis
Submitted By:	George Saxton
Level:	Informal Review
Legal Citations:	355 IAC 4-2-2; IC 15-16-5-65(6)
Penalty Amount:	10000

01/27/2023 Notice of Amended Enforcement Mailed to Target

Original Event:	Outgoing Mail #1758
To:	Moxie Pest Control Indianapolis LLC
Submitted By:	Joni D. Herman
USPS:	7021 0950 0000 0608 0479
Enclosed:	Notice of Amended Enforcement
Attachments:	File 117156; PS23-0001EL-Amended ~ CIT ~ Moxie Pest Control Indpls. LLC.docx

01/27/2023 Notice of Amended Enforcement Mailed to Target

Original Event:	Outgoing Mail #1759
To:	Garrett Davis
Submitted By:	Joni D. Herman
USPS:	7021 0950 0000 0608 0462
Enclosed:	Notice of Amended Enforcement
Attachments:	File 117158; PS23-0001EL-Amended ~ CIT-CP ~ Garrett Davis - Moxie PC.docx

02/03/2023 Compliance Activity

I spoke with Garrett Davis and advised him of the additional violative applications. He stated he thought the money for the licenses were hand-delivered to OISC and everyone was good to go. I explained that Brian Wilson was listed as the supervisor but he could not supervise since he was not certified. He stated he and another person at the company were certified at the time. I explained to him that being certified was not good enough. He still needed to be on-site for a non-licensed applicator making an application. He stated his records showed his employees were licensed on June 1, 2022 when they went into OISC to pay for the licenses. I pulled up one invoice that showed Ethan Storm made an application May 20th, 2022, which would have been after the AO was issued (May 3, 2022) and before the June 1, 2022 date. I explained to him that there were more invoices for Storm and four other unlicensed applicators. He stated he would check his records and get back to me. I advised him there would be two more cases sent to him, one for \$10,000.00 and one for \$50,000.00. He said he understood.

Original Event:	Compliance Activity #1683
Primary:	Moxie Pest Control Indianapolis LLC
Secondary:	Garrett Davis
Submitted By:	George Saxton

02/06/2023 Received Mail Confirmation for Target

Original Event:	Compliance Receipt #1935
Subject:	Garrett Davis
Submitted By:	Jacob A. Hatfield
USPS:	7021 0950 0000 0608 0462
Received:	02/06/2023
Attachments:	File 118160; CM 7021 0950 0000 0608 0462 - PS23-0001 - Garrett Davis - Recd. 2-6-2023.pdf

02/06/2023 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1936
Subject: Moxie Pest Control Indianapolis LLC
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0608 0479
Received: 02/06/2023
Attachments: File 118161; CM 7021 0950 0000 0608 0479 - PS23-0001 - Moxie PC - Recd. 2-6-2023.pdf

04/06/2023 **Compliance Activity**

I spoke with Brian E. Charles, Certified Applicator for Moxie. He said he remembered those civil penalties coming across his desk. He said he will see if he can get both CPs paid by early next week.

Original Event: Compliance Activity #1775
Primary: Moxie Pest Control Indianapolis LLC
Secondary: Garrett Davis
Additional: Brian E Charles
Submitted By: George Saxton

04/24/2023 **Compliance Activity**

An email was sent to Garrett Davis of Moxie Pest Control advising him of the status of the case and a possible future suspension for both him and Moxie Pest Control. Email is attached.

Original Event: Compliance Activity #1786
Primary: Moxie Pest Control Indianapolis LLC
Submitted By: George Saxton
Attachments: File 122778; Case PS23-0001 and PS23-0039.pdf

05/15/2023 **Order/Decision Issued**

Moxie Pest Control and Garrett Davis failed to pay the civil penalty. Therefore, the business license of Moxie Pest Control and certification of Garrett Davis were suspended until the civil penalty is paid. As a result, case PS23-0140 was created.

Original Event: Compliance Activity #1822
Primary: Moxie Pest Control Indianapolis LLC
Secondary: Garrett Davis
Submitted By: George Saxton
Stage: Disposition

05/19/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2089
Subject: Garrett Davis
Submitted By: Jacob A. Hatfield
Payment Expected: \$10,000.00
Payment Received: \$10,000.00
Attachments: File 124535; PS23-0001 - Garrett Davis - CP Received 5-19-2023.pdf

05/24/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #2291
To: Richard Land Iii
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 124966; PS23-0001 - Richard Land III - Case Closed Letter 5-24-2023.docx

05/24/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2292
To: Moxie Pest Control Indianapolis LLC
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 124967; PS23-0001 - Moxie Pest Control Indianapolis LLC - Case Closed Letter 5-24-2023.docx

05/24/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2295
To: Brian E Charles
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 124972; PS23-0001 - Brian E. Charles - Case Closed Letter 5-24-2023.docx

05/24/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2296
To: Garrett Davis
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 124973; PS23-0001 - Garrett Davis - Case Closed Letter 5-24-2023.docx

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

This record was generated on **June 1, 2023, 11:46 AM EDT**. Information displayed may contain errors or omissions.
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Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

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

This record was generated on **July 26, 2023, 11:56 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 PS23-0016

Department	Pesticide
Originated	11/08/2022
Assigned To	William R. Reid
Status	Closed

Involved Parties

Complainant	Anonymous
Respondent Issued To	Lawrence E Brackin New Palestine, IN 46163
Respondent	Ace of Spades Pest Control New Palestine, IN 46163

Overviews

03/21/2023 Investigation Summary

Anonymous complainant stated Larry Brackin Jr. made unlicensed pesticide applications at Jordans Fish & Chicken and El Pastorcito in Indianapolis Indiana. A check of OISC records showed Mr. Brackin had taken the core exam, but has never been licensed with OISC.

On 11/14/22 I went to the two restaurant locations mentioned and the Jordan's Fish & Chicken produced a receipt dated 11/8/22 with the next service date of 12/13/22 under the company's name Ace of Spades. The receipt stated that they used Demon EPA Reg number 100-1000. El Pastorcito restaurant couldn't produce a receipt of pest control service.

On 12/13/22 Agent Jay Kelley and I observed Larry Brackin Jr. applying Demon EPA Reg number 100-1000 from a sprayer before the restaurant opened. Larry Brackin Jr. was not licensed properly at the time of the application and Ace of Spades wasn't a company licensed properly in the OISC database.

An action order was written to Larry Brackin Jr. and Ace of Spades to stop making applications until licensed properly with OISC. Larry understood the action order and was cooperative during the investigation.

Submitted By: William R. Reid
Role: Investigator

03/21/2023 Disposition Summary

Ace of Spades Pest Control was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license.

Lawrence E. Brackin was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,000.00 (2 counts x \$500.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$600.00. Consideration was given to the fact that Mr. Brackin cooperated during the investigation and corrective action was take.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

11/08/2022 Intake Referral Filed

Anonymous complainant stated Larry Brackin Jr. made unlicensed pesticide applications at Jordans Fish & Chips and El Pastorcito in Indianapolis Indiana. A check of OISC records showed Mr. Brackin had taken the core exam, but has never been licensed with OISC.

Original Event: Intake Referral (Pesticide) #2808
Complainant: Anonymous
Respondent: Lawrence E Brackin
Submitted By: Joseph D. Becovitz
Assigned To: William R. Reid

11/08/2022 **Case Created**

Original Event: Case PS23-0016
Submitted By: Joseph D. Becovitz
Assigned To: William R. Reid

11/14/2022 **Investigator Met with Unknown Subject Records**

Receipt's from Jordan's Fish and Chicken gathered during the investigation.

Attachments

File 113059; Jordans Fish and Chips receipts_.pdf
File 113060; Jordans Fish Chicken Ace of Spades Pest.pdf

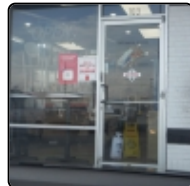
Original Event: Investigation Activity (Pesticide) #5611
Submitted By: William R. Reid

12/13/2022 **Investigator Met with Applicator Photographs**

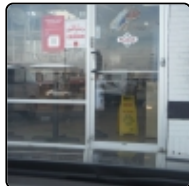
Photographs

Pictures Lawrence Brackin using a pump sprayer inside of a business. The pump sprayer contains Demon WP (EPA reg number 100-1000). Mr. Brackin admitted to spraying at two other restaurant locations and stated that he would get me the records or dates of applications soon. I then issued and went over the action order given to Mr. Lawrence Brackin that he signed and understood.

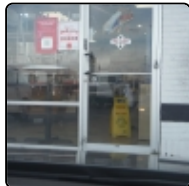
Attachments



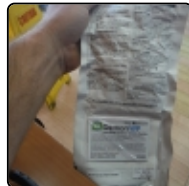
File 114203



File 114204



File 114205



File 114206



File 114207



File 114208

Original Event: Investigation Activity (Pesticide) #5700
Subject: Lawrence E Brackin
Submitted By: William R. Reid

12/13/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1289
Client: Lawrence E Brackin
Firm Representative: Lawrence Brackin
Submitted By: William R. Reid
Attachments: File 114209; Lawrence Brackin NOI_.pdf

12/13/2022 **Action Order Issued**

See #4 Below.

Original Event: Action Order #288
Issued To: Lawrence E Brackin
Firm Representative: Lawrence E. Brackin/ Ace of Spades
Submitted By: William R. Reid
Attachments: File 114210; Lawrence E Brackin Ace of Spades Action Order.pdf

03/21/2023 **Judgement; Civil Penalty Assessed Citation**

Ace of Spades Pest Control was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license.

Civil Penalty

Lawrence E. Brackin was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,000.00 (2 counts x \$500.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$600.00. Consideration was given to the fact that Mr. Brackin cooperated during the investigation and corrective action was take.

Original Event: Judgement #1469
Primary: Ace of Spades Pest Control
Secondary: Lawrence E Brackin
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(9)
Penalty Amount: 600

04/13/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #2185
To: Ace of Spades Pest Control
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 1738 1950
Enclosed: Notice of Enforcement
Attachments: File 122258; PS23-0016EL CIT ~ Ace of Spades Pest Control.docx

04/13/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #2186
To: Lawrence E Brackin
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 1738 1967
Enclosed: Notice of Enforcement
Attachments: File 122260; PS23-0016EL CP Mitigated ~ Lawrence E. Brackin - Ace of Spades PC.docx

04/20/2023 Received Mail Confirmation for Target

Original Event: Compliance Receipt #2061
Subject: Lawrence E Brackin
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 1738 1967
Received: 04/20/2023
Attachments: File 123508; CM 7020 3160 0001 1738 1967 - Lawrence E. Brackin - PS23-0016 - 4-20-2023.pdf

04/20/2023 Received Mail Confirmation for Target

Original Event: Compliance Receipt #2062
Subject: Ace of Spades Pest Control
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 1738 1950
Received: 04/20/2023
Attachments: File 123509; CM 7020 3160 0001 1738 1950 - Ace of Spades Pest Control - PS23-0016 - 4-20-2023.pdf

06/01/2023 Informal Review Occurred

Mr. Brackin of Ace of Spades Pest Control called regarding his investigation. He said he used to work with his son but they had a falling out and it is his son who turned him in. Mr. Brackin stated that he called OISC and was told if all licenses and insurance were good, he could start working. He stated he sprayed the one restaurant and then found out his insurance company balked because they did not want to insure a pest control company. He was advised that the remaining \$600.00 civil penalty would be held in abeyance and not assessed provided he commits no further violations of the Indiana Pesticide Use and Application Law.

Original Event: Compliance Activity #1832
Primary: Ace of Spades Pest Control
Secondary: Lawrence E Brackin
Submitted By: George Saxton
Stage: Informal Review

06/01/2023 Amended Judgement; Civil Penalty Assessed Citation

Ace of Spades Pest Control was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license.

Civil Penalty

Lawrence E. Brackin was cited for two (2) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,000.00 (2 counts x \$500.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$600.00. Consideration was given to the fact that Mr. Brackin cooperated during the investigation and corrective action was take.

Abeyance

However, the remaining \$600.00 will be held in abeyance and not assessed provided Mr. Brackin commits no further violations of the Indiana Pesticide Use and Application Law within two (2) years from the date of this notice.

Original Event: Judgement #1514
Primary: Ace of Spades Pest Control
Secondary: Lawrence E Brackin
Submitted By: George Saxton
Level: Informal Review
Legal Citation: IC 15-16-5-65(9)
Penalty Amount: 600

06/06/2023 Notice of Amended Enforcement Mailed to Target

Original Event: Outgoing Mail #2345
To: Ace of Spades Pest Control
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 1738 2285
Enclosed: Notice of Amended Enforcement
Attachments: File 126045; PS23-0016EL CIT ~ Ace of Spades Pest Control.docx

06/06/2023 **Notice of Amended Enforcement Mailed to Target**

Original Event: Outgoing Mail #2346
To: Lawrence E Brackin
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 1738 2292
Enclosed: Notice of Amended Enforcement
Attachments: File 126046; PS23-0016EL-Amended ~ Mitigated CP - Abeyance ~ Lawrence E. Brackin - Ace of Spades PC.docx

06/09/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2120
Subject: Ace of Spades Pest Control
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 1738 2285
Received: 06/09/2023
Attachments: File 126885; CM 7020 3160 0001 1738 2285 - Ace of Spades Pest Control - PS23-0016 - Proof of Delivery 6-9-2023.pdf
File 126884; CM 7020 3160 0001 1738 2285 - Ace of Spades Pest Control - PS23-0016 - Received 6-9-2023.pdf

06/09/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2121
Subject: Lawrence E Brackin
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 1738 2292
Received: 06/09/2023
Attachments: File 126887; CM 7020 3160 0001 1738 2292 - Lawrence E. Brackin - PS23-0016 - Proof of Delivery 6-9-2023.pdf
File 126886; CM 7020 3160 0001 1738 2292 - Lawrence E. Brackin - PS23-0016 - Received 6-9-2023.pdf

07/19/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2514
To: Lawrence E Brackin
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 129457; PS23-0016 - Lawrence E. Brackin - Case Closed Letter 7-19-2023.docx

07/19/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2515
To: Ace of Spades Pest Control
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 129458; PS23-0016 - Ace of Spades Pest Control - Case Closed Letter 7-19-2023.docx

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

<p>This record was generated on July 26, 2023, 11:56 AM EDT. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>



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

This record was generated on **June 21, 2023, 07:57 AM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS23-0021

Department	Pesticide
Originated	11/17/2022
Assigned To	Aaron P. Kreider
Status	Closed

Involved Parties

Complainant	Stacy Janich West Lafayette, IN 47906
Respondent	Smith Integrated Pest Management LLC Lafayette, IN 47905
Respondent	Brody Wayne Doss Lafayette, IN 47905

Overviews

12/16/2022 **Investigation Summary**

In Mr. Doss's written statement, he states he used PT Wasp Freeze II in Mrs. Janich's residence. Mr. Smith confirmed this as well in his written statement. The lab report shows significant levels of ingredients from Mr. Doss's application were found on the children's bicycle in the garage along with the toy set inside the residence. Based on the evidence, Mr. Doss violated the PT Wasp Freeze II label by applying it inside the Janich residence. Mr. Doss's application was violative due to significant levels of application ingredients being detected on the bicycle and toy set.

Submitted By: Aaron P. Kreider
Role: Investigator

12/16/2022 **Disposition Summary**

Smith Integrated Pest Management LLC was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding indoor use. Consideration was given to the fact this was their first violation of similar nature and no restricted use pesticides were involved. Consideration was also given to the fact Smith Integrated Pest Management LLC cooperated during the investigation. Consideration was also given to the fact there was alleged adverse effect.

Brody Wayne Doss was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding indoor use. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$300.00. Consideration was given to the fact this was his first violation of similar nature and no restricted use pesticides were involved. Consideration was also given to the fact Mr. Doss cooperated during the investigation. Consideration was also given to the fact there was alleged adverse effect.

Smith Integrated Pest Management LLC was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless or negligent manner by allowing the pesticide to contact a child's toy and bicycle. Consideration was given to the fact there was alleged adverse effect.

Brody Wayne Doss was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless or negligent manner by allowing the pesticide to contact a child's toy and bicycle. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact there was alleged adverse effect.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

11/17/2022 **Intake Referral Filed**

Complainant stated Brody Doss employed by Smith IPM made an application of Wasp Freeze II inside her residence on November 9, 2022. Complainant stated she became concerned for her family's health when she determined the Wasp Freeze II product should not have been applied inside.

Original Event: Intake Referral (Pesticide) #2814
Complainant: Stacy Janich
Respondent: Brody Wayne Doss
Submitted By: Joseph D. Becovitz
Assigned To: Aaron P. Kreider

11/17/2022 **Case Created**

Original Event: Case PS23-0021
Submitted By: Joseph D. Becovitz
Assigned To: Aaron P. Kreider

11/17/2022 **Investigator Called Complainant Communication**

On November 17, 2022, I contacted Stacy Janich regarding her complaint. Mrs. Janich stated she hired Smith IPM (SIPM) to remove wasps from a sky light in her home after Jeromy Smith visited for a consultation. She stated SIPM offered other services in addition to her wasp removal in which she agreed to. Mrs. Janich stated that Brody Doss of SIPM arrived at her home on November 11, 2022 to remove the wasps and perform other services. She stated Mr. Doss used PT Wasp-Freeze II (EPA Reg. #499-550) to control the wasps in the house. She stated that he used Temprid FX (EPA Reg. #432-1544) around door frames, windows, the fireplace, and in the garage. Mrs. Janich stated that Mr. Doss used Demand CS (EPA Reg. #100-1066) as an exterior perimeter treatment and on the porch and overhangs. Mrs. Janich informed me her husband reviewed camera footage of their garage during the application and believes it shows Mr. Doss spraying children's bikes, car seats, and life jackets. Mrs. Janich became concerned about Mr. Doss's application after watching most of it and reviewing the camera footage. She contacted the manufacturer of PT Wasp-Freeze II to determine how safe it was for her family. She stated she was told PT Wasp-Freeze II was not approved for use indoors. Mrs. Janich stated she believes this application has been affecting her health.

Original Event: Investigation Activity (Pesticide) #5629
Subject: Stacy Janich
Submitted By: Aaron P. Kreider

11/17/2022 **Investigator Received Fax/Email from Complainant Activity**

After our conversation, Mrs. Janich emailed me an invoice and service report from Mr. Doss's application. Mrs. Janich's husband emailed me videos from the application.

Attachments

File 113344; Cans In.mp4
File 113345; Cans Out.mp4
File 113346; Door Spray.mp4
File 113347; Flower Spray.mp4
File 113348; Garage 1.MP4
File 113349; Garage 2.MP4
File 113350; Garage 3.MP4
File 113351; Gutter Spray.mp4
File 113297; Invoice #4086 (Redacted).pdf
File 113352; Outside Spray.mp4
File 113298; Service Report #4086 (Redacted).pdf

Original Event: Investigation Activity (Pesticide) #5630
Subject: Stacy Janich
Submitted By: Aaron P. Kreider

11/18/2022 **Investigator Met with Complainant Interaction**

On November 18, 2022, I met Mrs. Janich at her residence. I had her show me around the house and identify locations where she saw Mr. Doss making applications. Mrs. Janich reiterated that Mr. Doss used Wasp-Freeze II to control the wasps in the skylight which is located in the living room.

Photographs

During my on-site investigation, I collected the following photographs. Figure 1 shows Mr. Janich's living room. Figure 2 shows the skylight where Mr. Doss made his application.

Figure 1 (File 113481)



Figure 2 (File 113482)



Attachments

- File 113479; DSC_0001.JPG
- File 113480; DSC_0002.JPG
- File 113483; DSC_0005.JPG
- File 113484; DSC_0006.JPG
- File 113485; DSC_0007.JPG
- File 113486; DSC_0008.JPG
- File 113487; DSC_0009.JPG
- File 113488; DSC_0010.JPG
- File 113489; DSC_0011.JPG
- File 113490; DSC_0012.JPG
- File 113491; DSC_0013.JPG

Original Event: Investigation Activity (Pesticide) #5636
Subject: Stacy Janich
Submitted By: Aaron P. Kreider

11/18/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1261
Client: Stacy Janich
Firm Representative: Stacy Janich
Submitted By: Aaron P. Kreider
Attachments: File 113478; NOI (S. Janich).pdf

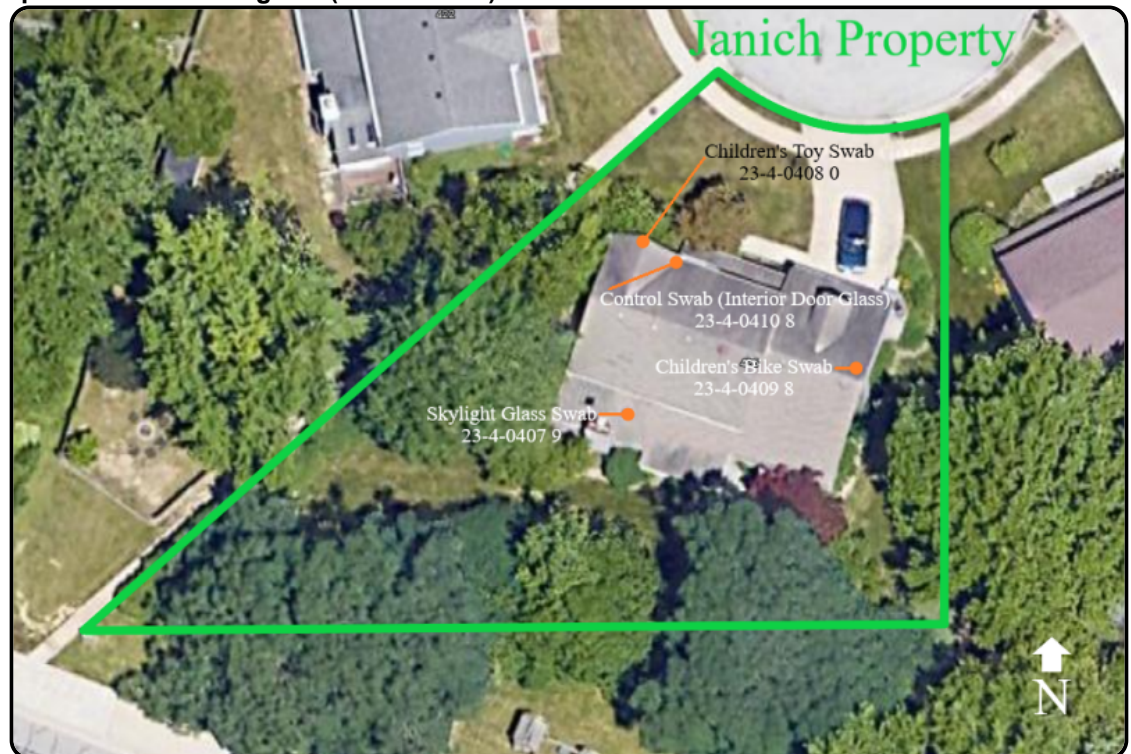
11/18/2022 **Residue Samples Collected**

Original Event: Residue Collection #248846 (23-4-0407 9)
Client: Stacy Janich
Submitted By: Aaron P. Kreider
Sample: 23-4-0407 9 | Swab (Acetone); Grab; Skylight Glass; Interior Living Room
Sample: 23-4-0408 0 | Swab (Acetone); Grab; Childrens Toy; Indoors NW Room
Sample: 23-4-0409 8 | Swab (Acetone); Grab; Childrens Bike; Garage
Sample: 23-4-0410 8 | Swab (Acetone); Ctrl; Glass Door; Interior Entryway
Sample: 23-4-0411 2 | Swab (Acetone); Trip Blank

11/18/2022 **Sample Collection Diagram**
Activity

This diagram shows the locations where samples were collected.

Sample Collection Diagram (File 113492)



Original Event: Investigation Activity (Pesticide) #5637
Submitted By: Aaron P. Kreider

11/18/2022 **Investigator Met with Target**
Interaction

On November 18, 2022, I met with Mr. Smith at his residence which houses SIPM. I informed Mr. Smith of Mrs. Janich's complaint. He stated he was aware of the label uses for PT Wasp-Freeze II and that it shouldn't have been used in that application. I informed him the EPA registration number for Temprid FX was incorrect on the service report he provided Mrs. Janich. He confirmed Temprid FX was the product used and provided me with the accurate EPA registration number.

Original Event: Investigation Activity (Pesticide) #5638
Subject: Smith Integrated Pest Management LLC
Submitted By: Aaron P. Kreider

11/18/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1262
Client: Smith Integrated Pest Management LLC
Firm Representative: Jeromy Smith
Submitted By: Aaron P. Kreider

11/18/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #674
 Submitted By: Aaron P. Kreider
 Target Analyte: PT Wasp-Freeze II
 Target Analyte: Temprid FX
 Target Analyte: Demand CS
 PPLS Labels: [000100-01066-20141121.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01066-20141121.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01066-20141121.pdf
[000432-01544-20220524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01544-20220524.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000432-01544-20220524.pdf
[000499-00550-20130627.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000499-00550-20130627.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000499-00550-20130627.pdf

11/21/2022 **Investigator Reviewed Label
PT Wasp-Freeze II**

The PT Wasp-Freeze II label states, "*Use outdoors and in attics and crawl spaces only.*"

Attachments

File 113494; PT Wasp-Freeze II Label.pdf

Original Event: Investigation Activity (Pesticide) #5639
 Submitted By: Aaron P. Kreider

11/28/2022 **Investigator Received Fax/Email from Target
Investigation Inquiry**

On November 28, 2022, I received a Pesticide Investigation Inquiry (PII) from Mr. Smith. Mr. Smith included a statement from Mr. Doss recounting the application, text messages between Mrs. Janich and Mr. Doss, A statement from himself, the service contract, and the service report. Mr. Smith did not include exterior treatments on his original PII. I included an updated PII along with the original.

Attachments

File 113694; Demand CS Label.pdf
 File 113683; PII (SIPM).pdf
 File 114030; PII (SIPM-updated).pdf
 File 113692; PT Wasp-Freeze II Label.pdf
 File 113693; Temprid SC Label.pdf

Inquiry Overview

Certified Applicator Brody Doss (F270468)
 Application Type Commercial
 Target Field #1 Janich Property (Indoors)
 Target Field #2 Janich Property (Outdoors)
 Target Field #3 Janich Property (Indoors and Outdoors)

Tank Mix #1

Product	EPA	Rate
PT Wasp-Freeze II	499-550	3 oz

Tank Mix #2

Product	EPA	Rate
Temprid FX	432-1544	.35 gallons

Tank Mix #3

Product	EPA	Rate
Demand CS	100-1066	10 gallons

Tank Mix #4

Product	EPA	Rate
FirstStrike Soft Bait	7173-258	22 units

Application #1

Mix	Field	Date	Start	End
TM1	F1	11/09/2022	9:49 AM	11:06 AM

Application #2

Mix	Field	Date	Start	End
TM2	F1	11/09/2022	9:49 AM	11:06 AM

Application #3

Mix	Field Date	Start	End
TM3 F2	11/09/2022	9:49 AM	11:06 AM

Application #4

Mix	Field Date	Start	End
TM4 F3	11/09/2022	9:49 AM	11:06 AM

Original Event: Investigation Activity (Pesticide) #5654
 Subject: Smith Integrated Pest Management LLC
 Submitted By: Aaron P. Kreider
 PPLS Labels: [000100-01066-20141121.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01066-20141121.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01066-20141121.pdf
[000432-01544-20220524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01544-20220524.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000432-01544-20220524.pdf
[000499-00550-20130627.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000499-00550-20130627.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000499-00550-20130627.pdf
[007173-00258-20200731.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007173-00258-20200731.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/007173-00258-20200731.pdf

12/15/2022 **Received Residue Lab Report**
First Page of Lab Report

OCM Collection #	248846	Investigator	KREIDERA		
Collection Date	11/18/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
23-4-0407 9	Swab (Acetone); Grab; Skylight Glass; Interior Living Room	Swab (Acetone)	Cyfluthrin	BDL ng/swab	5 ng/swab
			Cyhalothrin	BDL ng/swab	5 ng/swab
			Imidacloprid	1.93 ng/swab	1 ng/swab
23-4-0408 0	Swab (Acetone); Grab; Childrens Toy; Indoors NW Room	Swab (Acetone)	Cyfluthrin	564 ng/swab	5 ng/swab
			Cyhalothrin	BDL ng/swab	5 ng/swab
			Imidacloprid	1130 ng/swab	1 ng/swab
23-4-0409 8	Swab (Acetone); Grab; Childrens Bike; Garage	Swab (Acetone)	Cyfluthrin	89.4 ng/swab	5 ng/swab
			Cyhalothrin	6.57 ng/swab	5 ng/swab
			Imidacloprid	1280 ng/swab	1 ng/swab
23-4-0410 8	Swab (Acetone); Ctrl; Glass Door; Interior Entryway	Swab (Acetone)	Cyfluthrin	BDL ng/swab	5 ng/swab
			Cyhalothrin	BDL ng/swab	5 ng/swab
			Imidacloprid	BQL ng/swab	1 ng/swab

Original Event: Residue Lab Report #250614 (248846-R710)
 Submitted By: SYSTEM
 Lab Report: Lab Report 248846-R710.pdf

12/16/2022 **Judgement; Civil Penalty Assessed**
Citation

Smith Integrated Pest Management LLC was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding indoor use. Consideration was given to the fact this was their first violation of similar nature and no restricted use pesticides were involved. Consideration was also given to the fact Smith Integrated Pest Management LLC cooperated during the investigation. Consideration was also given to the fact there was alleged adverse effect.

Citation

Smith Integrated Pest Management LLC was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless or negligent manner by allowing the pesticide to contact a child's toy and bicycle. Consideration was given to the fact there was alleged adverse effect.

Civil Penalty

Brody Wayne Doss was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding indoor use. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$300.00. Consideration was given to the fact this was his first violation of similar nature and no restricted use pesticides were involved. Consideration was also given to the fact Mr. Doss cooperated during the investigation. Consideration was also given to the fact there was alleged adverse effect.

Civil Penalty

Brody Wayne Doss was cited for violation of section 65(5) of the Indiana Pesticide Use and Application Law for operating in a careless or negligent manner by allowing the pesticide to contact a child's toy and bicycle. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact there was alleged adverse effect.

Original Event: Judgement #1427
Primary: Smith Integrated Pest Management LLC
Secondary: Brody Wayne Doss
Submitted By: George Saxton
Legal Citations: IC 15-16-5-65(2); IC 15-16-5-65(5)
Penalty Amount: 1300

01/19/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1752
To: Smith Integrated Pest Management LLC
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0607 9930
Enclosed: Notice of Enforcement
Attachments: File 116963; PS23-0021EL CIT ~ Smith Integrated Pest Management LLC.docx

01/19/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1753
To: Brody Wayne Doss
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0607 9947
Enclosed: Notice of Enforcement
Attachments: File 116964; PS23-0021EL CIT-CP Mitigated ~ Brody Wayne Doss - Smith Intergrated Pest Mgmt.docx

01/25/2023 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1900
Subject: Brody Wayne Doss
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0607 9947
Received: 01/25/2023
Attachments: File 118091; CM 7021 0950 0000 0607 9947 - Brody Doss - Recd. 1-25-23 - PS23-0021.pdf

01/25/2023 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1901
Subject: Smith Integrated Pest Management LLC
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0607 9930
Received: 01/25/2023
Attachments: File 118092; CM 7021 0950 0000 0607 9930 - Smith Integrated Pest Mgmt. - Recd. 1-25-23 - PS23-0021.pdf

02/20/2023 Compliance Activity

Smith Integrated Pest Management LLC sent an email requesting a formal hearing.

Original Event: Compliance Activity #1697
Primary: Smith Integrated Pest Management LLC
Submitted By: George Saxton
Attachments: File 118407; PS23-0021 email request for hearing.pdf

02/22/2023 Compliance Activity

I emailed Jeromy Smith with informal hearing date/time March 20, 2023 at 11am est at the Daniels Turf Center, West Lafayette, Indiana.

Original Event: Compliance Activity #1700
Submitted By: Melissa D. Rosch

02/22/2023 Informal Review Scheduled

I received a confirmation from Mr. Smith for the informal conference scheduled for March 20, 2023 at 11am est. Mr. Smith requested to be the representative for Smith IPM and for Mr. Doss.

Original Event: Compliance Activity #1701
Submitted By: Melissa D. Rosch
Stage: Informal Review

02/24/2023 **Compliance Activity**

I received an email from the applicator Mr. Doss stating he wants Mr. Smith to represent him in the informal hearing because he will be on family leave at that time.

Original Event: Compliance Activity #1705
Submitted By: Melissa D. Rosch

03/20/2023 **Informal Review Occurred**

On March 20, 2023 at approximately 11:00am OISC Compliance Officer George Saxton and OISC Investigators Melissa Rosch, Aaron Kreider, and Paul Kelley conducted an informal case review with Jeromy Smith of Smith IPM at the William H. Daniel Turfgrass Center 1340 Cherry Ln, West Lafayette, IN 47907. Mr. Smith also provided documentation of activities and notes which are attached to this form.

Original Event: Compliance Activity #1751
Primary: Smith Integrated Pest Management LLC
Submitted By: Melissa D. Rosch
Stage: Informal Review
Attachments: File 120500; Scan.pdf

03/21/2023 **Compliance Activity**

Jeromy Smith of Smith IPM emailed a copy of the additional training and information for employees.

Original Event: Compliance Activity #1752
Primary: Smith Integrated Pest Management LLC
Submitted By: Melissa D. Rosch
Attachments: File 120525; Smith Training CamScanner 03-21-2023 10.20.pdf
File 120524; Smith Training Email.pdf

04/06/2023 **Investigator Received Fax/Email from Complainant Communication**

On April 6, 2023, I received an email from Mrs. Janich requesting an update on the case. I replied back to her on April 7, 2023.

Original Event: Investigation Activity (Pesticide) #6222
Subject: Stacy Janich
Submitted By: Aaron P. Kreider

04/27/2023 **Informal Review Occurred**

Jeremy Smith called to inquire about his case. I advised him we had a conference this morning about his case and it was decided the Careless and Negligent charge would stand. He stated he would think about it and let me know if he wanted a formal hearing. He requested that the phrase "common touch surfaces" be removed.

Judgment Filed

Mr. Smith requested copies of enforcement letters.

Original Event: Compliance Activity #1801
Primary: Smith Integrated Pest Management LLC
Secondary: Brody Wayne Doss
Submitted By: George Saxton
Stage: Informal Review

05/11/2023 **Compliance Activity**

Emailed case access code to Jeromy Smith/IPM for him to review the case report after requested changes were made to the Investigative Summary. Our Judgement did not change after the Informal Review and the assessed civil penalty is still owed and due by May 27, 2023.

Original Event: Compliance Activity #1815
Primary: Smith Integrated Pest Management LLC
Submitted By: Joni D. Herman
Attachments: File 123995; PS23-0021 Email to Jeromy Smith ~ Case Report Link 5.11.2023.pdf

05/18/2023 **Requested Documents Mailed to Target**

Original Event: Outgoing Mail #2277
To: Smith Integrated Pest Management LLC
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0608 0912
Enclosed: Requested Documents
Attachments: File 124331; PS23-0021EL CIT ~ Smith Integrated Pest Management LLC.docx
File 124332; PS23-0021EL CIT-CP Mitigated ~ Brody Wayne Doss - Smith Intergrated Pest Mgmt.docx

05/24/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2099
Subject: Smith Integrated Pest Management LLC
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0608 0912
Received: 05/25/2023
Attachments:

05/30/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2098
Subject: Brody Wayne Doss
Submitted By: Jacob A. Hatfield
Payment Expected: \$1,300.00
Payment Received: \$1,300.00
Attachments: File 125227; PS23-0021 - Brody W. Doss - CP Received 5-30-2023.pdf

06/02/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #2325
To: Stacy Janich
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 125782; PS23-0021 - Stacy Janich - Case Closed Letter 6-2-2023.docx

06/02/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2326
To: Smith Integrated Pest Management LLC
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 125783; PS23-0021 - Smith Integrated Pest Management LLC - Case Closed Letter 6-2-2023.docx

06/02/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2327
To: Brody Wayne Doss
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 125784; PS23-0021 - Brody W. Doss - Case Closed Letter 6-2-2023.docx

Chain of Custody

11/18/2022 **Sample 23-4-0407 9**

Original Event: Chain of Custody #3886 (23-4-0407 9)
11/18/2022 10:00: Sample Collected by Aaron P. Kreider
11/18/2022 14:04: Sample Delivered to 218
11/21/2022 13:34: Delivery Affirmed by Vicki L. Vauters

11/18/2022 **Sample 23-4-0408 0**

Original Event: Chain of Custody #3887 (23-4-0408 0)
11/18/2022 10:00: Sample Collected by Aaron P. Kreider
11/18/2022 14:04: Sample Delivered to 218
11/21/2022 13:34: Delivery Affirmed by Vicki L. Vauters

11/18/2022 **Sample 23-4-0409 8**

Original Event: Chain of Custody #3888 (23-4-0409 8)
11/18/2022 10:00: Sample Collected by Aaron P. Kreider
11/18/2022 14:04: Sample Delivered to 218
11/21/2022 13:34: Delivery Affirmed by Vicki L. Vauters

11/18/2022 **Sample 23-4-0410 8**

Original Event: Chain of Custody #3889 (23-4-0410 8)
11/18/2022 10:00: Sample Collected by Aaron P. Kreider
11/18/2022 14:04: Sample Delivered to 218
11/21/2022 13:34: Delivery Affirmed by Vicki L. Vauters

11/18/2022 **Sample 23-4-0411 2**

Original Event: Chain of Custody #3890 (23-4-0411 2)
11/18/2022 10:00: Sample Collected by Aaron P. Kreider
11/18/2022 14:04: Sample Delivered to 218
11/21/2022 13:34: Delivery Affirmed by Vicki L. Vauters



Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment

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

This record was generated on **June 21, 2023, 07:59 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 PS23-0033

Department	Pesticide
Originated	12/15/2022
Assigned To	Garret A. Creason
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent Issued To	Rural King Muncie, IN 47304
Respondent Registrant	Bonide Products Inc Oriskany, NY 13424

Overviews

12/20/2022 **Product Registration Summary**

The products not registered in Indiana. Full review of all 25(b) Minimum Risk Conditions cannot take place until products are submitted with full application packages (including: label, CSF, efficacy, SDS). OISC cannot confirm if all AAPCO 25(b) Guidance documents are followed without the full registration packet. No labeling violations are notated at this time

IC 15-16-4-57 Prohibited acts; production, distribution, display, and sale Sec. 57. Except as provided in section 58 of this chapter, a person may not produce, distribute, display, sell, or offer for sale within Indiana or deliver for transportation or transport in intrastate commerce or between points within Indiana through any point outside Indiana any of the following: (1) Any pesticide product that has not been registered under section 61 of this chapter.

Submitted By: Victoria J. Matsumura
Role: Product Registration Specialist

03/01/2023 **Investigation Summary**

On December 15, 2022 I preformed a routine marketplace inspection at Rural King in Muncie, IN. I met with ASM Matt Clevenger and informed him of the process of the inspection. During the inspection i located three unregistered pesticide products. The three unregistered pesticide products were products of Bonide Products, Inc. I collected a sample of all three products and placed them under a Stop Sale. I informed Mr. Clevenger that the products were unregistered and to hold the remaining products at the store until contacted by OISC.

On 12-16-22 the evidentiary samples were delivered to the OISC formulation lab.

On December 20, 2022 Jade Kline, Corporate Council for Rural King, contacted OISC to discuss the deficiencies found at the Rural King store in Muncie, IN. I explained the registration requirements to Mrs. Kline and also the process forward. I have attached the follow up email.

Pesticide Registration conducted a label review and found the labels to be not acceptable.

Notification of SSURO sent 12/20/22 to Bonide.

on February 27, 2023 Bonide confirmed there are no other products in the state.

Submitted By: Garret A. Creason
Role: Investigator

03/02/2023 **Disposition Summary**

Rural King was warned for three (3) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing pesticide products that were not registered for sale in Indiana.

Bonide Products Inc. was cited for three (3) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for knowingly distributing pesticide products that were not registered for sale in Indiana. A civil penalty in the amount of \$3,000.00 (3 counts x \$1,000.00 per count) was assessed.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

12/15/2022 Intake Referral Filed

Located three unregistered pesticide products being sold at Rural King in Muncie, IN.

Original Event: Intake Referral (Pesticide) #2873
Complainant: Office of Indiana State Chemist
Respondent: Rural King
Respondent 2: Bonide Products Inc
Entered By: Garret A. Creason
Submitted By: George Saxton

12/15/2022 Investigator Met with Business Communication

On December 15, 2022 I performed a routine marketplace inspection at Rural King in Muncie, IN. I met with ASM Matt Clevenger and informed him of the process of the inspection. During the inspection I located three unregistered pesticide products. The three unregistered pesticide products were products of Bonide Products, Inc. I collected a sample of all three products and placed them under a Stop Sale. I informed Mr. Clevenger that the products were unregistered and to hold the remaining products at the store until contacted by OISC.

Original Event: Investigation Activity (Pesticide) #5714
Subject: Rural King
Submitted By: Garret A. Creason

12/15/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #1293
Client: Rural King
Firm Representative: Matt Clevenger
Submitted By: Garret A. Creason
Attachments: File 114366; rural king noi.pdf

12/15/2022 Marketplace Inspection Conducted Marketplace

Three products from Bonide Products, INC were located for sale at Rural King in Muncie, IN. At the time of the inspection the three products were unregistered pesticide products in the State of Indiana.

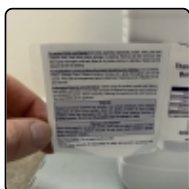
Original Event: Pesticide Inspection (Product) #294
Client: Rural King
Firm Representative: Matt Clevenger
Submitted By: Garret A. Creason

12/15/2022 Formulation Samples Collected

Original Event: Formulation Collection #250648 (23-3-0005 6)
Registrant: Bonide Products Inc
Client: Rural King
Firm Representative: Matt Clevenger
Submitted By: Garret A. Creason
Sample: 23-3-0005 6 | Shot-Gun Repels All Animal Repellent Granular
Sample: 23-3-0006 0 | Shot Gun Repels All Animal Repellent Ready to Use
Sample: 23-3-0007 3 | Shot Gun Repels All Animal Repellent Concentrate
Attachments: File 114394; rural king samp form.pdf
Photos:



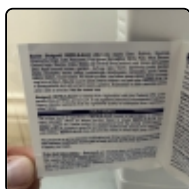
File 114384



File 114385



File 114386



File 114387



File 114388



File 114389



File 114390



File 114376



File 114377



File 114378



File 114379



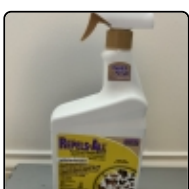
File 114380



File 114381



File 114382



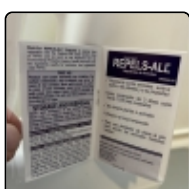
File 114383



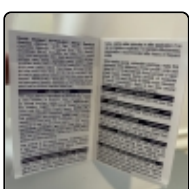
File 114370



File 114371



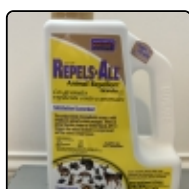
File 114372



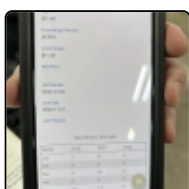
File 114373



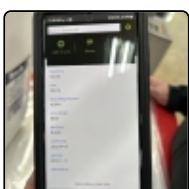
File 114374



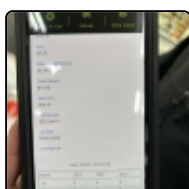
File 114375



File 114393



File 114392



File 114391

12/15/2022 **Stop Sale Order Issued**

Original Event:	Action Order #289
Issued To:	Rural King
Registrant:	Bonide Products Inc
Firm Representative:	Matt Clevenger
Submitted By:	Garret A. Creason
Attachments:	File 114395; Rural king SS.pdf

12/15/2022 **INCIDENTAL Investigator Met with Distributor Communication**

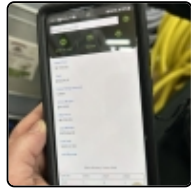
During a marketplace inspection at Rural King in Muncie, IN. I located a 265 gallon mini-bulk containing a herbicide, Active Ingredient Glyphosate. The product in the tank was Farm General 41% Glyphosate Grass and Weed Killer, EPA Reg# 84009-12. The mini-bulk was not located in any form of secondary containment. I spoke with ASM Matt Clevenger and he stated that the Store had another full mini-bulk in the back that was located on a catch basin, acting as secondary containment. I advised Mr. Clevenger that an Action Order would be issued instructing Rural King to meet the requirements for secondary containment. Mr. Clevenger stated that he would likely schedule the mini-bulk to be shipped back to the distribution center.

Original Event:	Investigation Activity (Pesticide) #5718
Linked From:	Notice of Inspection #1293
Subject:	Rural King
Submitted By:	Garret A. Creason

12/15/2022 **INCIDENTAL Product Inspection Conducted**
Portable Refillable Containers

Action Order issued to Rural King with instructions to meet secondary containment requirements.

Attachments



File 114431



File 114435



File 114438



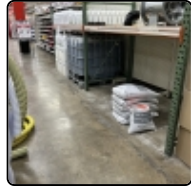
File 114440



File 114441



File 114442



File 114444



File 114446

Original Event: Pesticide Inspection (Product) #295
Linked From: Notice of Inspection #1293
Client: Rural King
Firm Representative: Matt Clevenger
Submitted By: Garret A. Creason

12/15/2022 **INCIDENTAL Action Order Issued**

Place Bulk pesticide container into secondary containment.

Original Event: Action Order #290
Linked From: Notice of Inspection #1293
Issued To: Rural King
Firm Representative: Matt Clevenger
Submitted By: Garret A. Creason
Attachments: File 114449; Rural king AO.pdf

12/15/2022 **Case Created**

Original Event: Case PS23-0033
Submitted By: George Saxton
Assigned To: Garret A. Creason

12/20/2022 **Investigator Received Fax/Email from Distributor**
Communication

On December 20, 2022 Jade Kline, Corporate Council for Rural King, contacted OISC to discuss the deficiencies found at the Rural King store in Muncie, IN. I explained the registration requirements to Mrs. Kline and also the process forward. I have attached the follow up email.

Attachments



File 114566

Original Event: Investigation Activity (Pesticide) #5725
Subject: Rural King
Submitted By: Garret A. Creason

12/20/2022 **Notice of Stop Sale Sent**

Notification of SSURO sent 12/20/22 to 'ANTHONY.CONGDON@BONIDE.COM'

Original Event: Pesticide Products Activity #31
Primary: Bonide Products Inc
Submitted By: Victoria J. Matsumura
Attachments: File 114576; PS23-0033 Bonide products Notification of SSURO.pdf

12/20/2022 **Label Review Conducted; Not Acceptable**

Shot-Gun Repels All Animal Repellent Granular

NOT Acceptable; Product is not registered in Indiana. Full review of all 25(b) Minimum Risk Conditions cannot take place until products are submitted with full application packages (including: label, CSF, efficacy, SDS). OISC cannot confirm if all AAPCO 25(b) Guidance documents are followed without the full registration packet. No labeling violations are notated at this time

Shot Gun Repels All Animal Repellent Ready to Use

NOT Acceptable; Product is not registered in Indiana. Full review of all 25(b) Minimum Risk Conditions cannot take place until products are submitted with full application packages (including: label, CSF, efficacy, SDS). OISC cannot confirm if all AAPCO 25(b) Guidance documents are followed without the full registration packet. No labeling violations are notated at this time

Shot Gun Repels All Animal Repellent Concentrate

NOT Acceptable; Product is not registered in Indiana. Full review of all 25(b) Minimum Risk Conditions cannot take place until products are submitted with full application packages (including: label, CSF, efficacy, SDS). OISC cannot confirm if all AAPCO 25(b) Guidance documents are followed without the full registration packet. No labeling violations are notated at this time


Attachments

- File 114580; Shot Gun Repels All Animal Repellent Concentrate.pdf
- File 114581; Shot Gun Repels All Animal Repellent Ready to Use.pdf
- File 114579; Shot-Gun Repels All Animal Repellent Granules.pdf

Original Event: Label Review (Pesticide) #204 (Bonide Products I...)
Registrant: Bonide Products Inc
Submitted By: Victoria J. Matsumura

01/18/2023 Received Formulation Lab Report


First Page of Lab Report

		<i>Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Hemp, Pesticide and Seed</i>		Mark LeBlanc, Ph.D. State Chemist & Seed Commissioner
Purdue University • 175 South University Street West Lafayette, IN 47907-2063 Telephone (765) 494-1492 • Facsimile (765) 494-4331 www.oisc.purdue.edu				
PESTICIDE FORMULATION ANALYSIS REPORT				
PRODUCT NAME Shot-Gun Repels All Animal Repellent Granular	INVESTIGATOR CREASONG	DATE SAMPLED 12/15/2022	REPORT DATE 01/18/2023	
OCM COLLECTION 250648-01	SAMPLE NO. 23-3-0005 6	EPA REG NO.		
ACTIVE INGREDIENT		%GUARANTEE	%FOUND	
No Analysis Performed			0	
Remarks: * = Adulterated, Below Label Guarantee ** = Adulterated, Above Label Guarantee				


Original Event: Formulation Lab Report #253413 (250648-01-R717)
Submitted By: SYSTEM
Lab Report: Lab Report 250648-01-R717.pdf

01/18/2023 Received Formulation Lab Report

First Page of Lab Report

		<i>Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Hemp, Pesticide and Seed</i>		Mark LeBlanc, Ph.D. State Chemist & Seed Commissioner
Purdue University • 175 South University Street West Lafayette, IN 47907-2063 Telephone (765) 494-1492 • Facsimile (765) 494-4331 www.oisc.purdue.edu				
PESTICIDE FORMULATION ANALYSIS REPORT				
PRODUCT NAME Shot Gun Repels All Animal Repellent Ready to Use	INVESTIGATOR CREASONG	DATE SAMPLED 12/15/2022	REPORT DATE 01/18/2023	
OCM COLLECTION 250648-02	SAMPLE NO. 23-3-0006 0	EPA REG NO.		
ACTIVE INGREDIENT		%GUARANTEE	%FOUND	
No Analysis Performed			0	
Remarks: * = Adulterated, Below Label Guarantee ** = Adulterated, Above Label Guarantee				

Original Event: Formulation Lab Report #253414 (250648-02-R717)
Submitted By: SYSTEM
Lab Report: Lab Report 250648-02-R717.pdf

 OISC <i>Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Hemp, Pesticide and Seed</i>		Mark LeBlanc, Ph.D. State Chemist & Seed Commissioner	
Purdue University • 175 South University Street West Lafayette, IN 47907-2063 Telephone (765) 494-1492 • Facsimile (765) 494-4331 www.oisc.purdue.edu			
PESTICIDE FORMULATION ANALYSIS REPORT			
PRODUCT NAME Shot Gun Repels All Animal Repellent Concentrate	INVESTIGATOR CREASONG	DATE SAMPLED 12/15/2022	REPORT DATE 01/18/2023
OCM COLLECTION 250648-03	SAMPLE NO. 23-3-0007 3	EPA REG NO.	
ACTIVE INGREDIENT		%GUARANTEE	%FOUND
No Analysis Performed			0
Remarks: * = Adulterated, Below Label Guarantee ** = Adulterated, Above Label Guarantee			

Original Event: Formulation Lab Report #253415 (250648-03-R717)
 Submitted By: SYSTEM
 Lab Report: Lab Report 250648-03-R717.pdf

02/27/2023 **Stop Sale Released for Return****Shot-Gun Repels All Animal Repellent Granular**

Bonide confirmed there are no other products in the state. Modification to SSURO sent 2/27/23

Attachments

File 118842; SSURO Release Return Letter to Rural King.pdf

Original Event: Stop Sale Release (PS) #25
 Issued To: Rural King
 Registrant: Bonide Products Inc
 Submitted By: Victoria J. Matsumura

02/27/2023 **Stop Sale Released for Return****Shot Gun Repels All Animal Repellent Ready to Use**

Bonide confirmed there are no other products in the state. Modification to SSURO sent 2/27/23

Attachments

File 118843; SSURO Release Return Letter to Rural King.pdf

Original Event: Stop Sale Release (PS) #26
 Issued To: Rural King
 Registrant: Bonide Products Inc
 Submitted By: Victoria J. Matsumura

02/27/2023 **Stop Sale Released for Return****Shot Gun Repels All Animal Repellent Concentrate**

Bonide confirmed there are no other products in the state. Modification to SSURO sent 2/27/23

Attachments

File 118844; SSURO Release Return Letter to Rural King.pdf

Original Event: Stop Sale Release (PS) #27
 Issued To: Rural King
 Registrant: Bonide Products Inc
 Submitted By: Victoria J. Matsumura

03/02/2023 **Judgement; Civil Penalty Assessed****Warning**

Rural King was warned for three (3) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing pesticide products that were not registered for sale in Indiana.

Civil Penalty

Bonide Products Inc. was cited for three (3) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for knowingly distributing pesticide products that were not registered for sale in Indiana. A civil penalty in the amount of \$3,000.00 (3 counts x \$1,000.00 per count) was assessed.

Original Event: Judgement #1464
Primary: Rural King
Secondary: Bonide Products Inc
Submitted By: George Saxton
Legal Citation: IC 15-16-4-57(1)
Penalty Amount: 3000

03/29/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2117
To: Rural King
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0608 0851
Enclosed: Notice of Enforcement
Attachments: File 121426; PS23-0033EL WRN ~ Rural King - Muncie.docx

03/29/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2118
To: Bonide Products Inc
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0608 0844
Enclosed: Notice of Enforcement
Attachments: File 121427; PS23-0033EL CP ~ Bonide Products Inc..docx

04/06/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2049
Subject: Rural King
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0608 0851
Received: 04/06/2023
Attachments: File 122614; CM 7021 0950 0000 0608 0851 - Rural King - PS23-0033 - Received 4-6-2023.pdf

04/18/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2080
Subject: Bonide Products Inc
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0608 0844
Received: 04/18/2023
Attachments: File 123531; CM 7021 0950 0000 0608 0844 - Bonide Products, Inc. - PS23-0033 - 4-18-2023.pdf
File 123532; CM 7021 0950 0000 0608 0844 - Bonide Products, Inc. - PS23-0033 - Proof of Delivery Date 4-18-2023.pdf

06/08/2023 **Pesticide Products Activity**

Emailed registrant to inform them that the civil penalty payment for this case was late. Received a call back from Jeff Lowe. He identified that he had not received the letter. I downloaded a copy of the CP letter and sent it via email

Original Event: Pesticide Products Activity #62
Primary: Bonide Products Inc
Submitted By: Sarah K. Caffery

06/13/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2117
Subject: Bonide Products Inc
Submitted By: Jacob A. Hatfield
Payment Expected: \$3,000.00
Payment Received: \$3,000.00
Attachments: File 126721; PS23-0033 - Bonide Products, Inc. - CP Received 6-13-2023.pdf

06/13/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2378
To: Rural King
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 126768; PS23-0033 - Rural King - Case Closed Letter 6-13-2023.docx

06/13/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2379
To: Bonide Products Inc
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 126769; PS23-0033 - Bonide Products, Inc. - Case Closed Letter 6-13-2023.docx

Chain of Custody

12/15/2022 **Sample 23-3-0005 6**
Original Event: Chain of Custody #3978 (23-3-0005 6)
12/15/2022 11:00: Sample Collected by Garret A. Creason
12/16/2022 10:28: Sample Delivered to Lily
12/16/2022 16:46: Delivery Affirmed by Natalie C. Wilson

12/15/2022 **Sample 23-3-0006 0**
Original Event: Chain of Custody #3979 (23-3-0006 0)
12/15/2022 11:00: Sample Collected by Garret A. Creason
12/16/2022 10:28: Sample Delivered to Lily
12/16/2022 16:46: Delivery Affirmed by Natalie C. Wilson

12/15/2022 **Sample 23-3-0007 3**
Original Event: Chain of Custody #3980 (23-3-0007 3)
12/15/2022 11:00: Sample Collected by Garret A. Creason
12/16/2022 10:28: Sample Delivered to Lily
12/16/2022 16:46: Delivery Affirmed by Natalie C. Wilson

This record was generated on **June 21, 2023, 07:59 AM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.



Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment

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

This record was generated on **May 15, 2023, 03:51 PM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS23-0034

Department	Pesticide
Originated	12/15/2022
Assigned To	Garret A. Creason
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent Issued To	Rural King Muncie, IN 47304
Respondent	Rural King Mattoon, IL 61938

Overviews

01/20/2023 Investigation Summary

During a marketplace inspection at Rural King in Muncie, IN on December 15, 2022 I located a 265 gallon mini-bulk containing a herbicide, Active Ingredient Glyphosate. The product in the tank was Farm General 41% Glyphosate Grass and Weed Killer, EPA Reg# 84009-12, a General Use Pesticide. The mini-bulk was not located in any form of secondary containment. I spoke with ASM Matt Clevenger and he stated that the Store had another full mini-bulk in the back that was located on a catch basin, acting as secondary containment. I advised Mr. Clevenger that an Action Order would be issued instructing Rural King to meet the requirements for secondary containment. Mr. Clevenger stated that he would likely schedule the mini-bulk to be shipped back to the distribution center.

Mr. Clevenger was able to provide an electronic receiving record indicating that the store had last received the mini-bulk on June 2, 2022.

On December 20, 2022 Jade Kline, Corporate Council for Rural King, contacted OISC to discuss the deficiencies found at the Rural King store in Muncie, IN. I explained the secondary containment requirements to Mrs. Kline and also the process forward. I have attached the follow up email.

On January 20, 2023 Jade Kline, Corporate Council for Rural King, contacted me via email to advise that the mini-bulk of Farm General 41% Glyphosate Grass and Weed Killer had been sent back to the distribution center. Mrs. Kline included the bill of lading.

Submitted By: Garret A. Creason
Role: Investigator

01/31/2023 Disposition Summary

Rural King was cited for violation of section 52 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4-1(a) for storing a mini bulk containing a general use pesticide, out of secondary containment for more than thirty (30) days. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$300.00. Consideration was given to the fact Rural King cooperated during the investigation and corrective action was taken.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

12/15/2022 Intake Referral Filed

Mini-bulk containing pesticide product located out of containment at Rural King in Muncie, IN.

Original Event: Intake Referral (Pesticide) #2874
Complainant: Office of Indiana State Chemist
Respondent: Rural King
Entered By: Garret A. Creason
Submitted By: George Saxton

12/15/2022 **INCIDENTAL Notice of Inspection Issued**

Original Event: Notice of Inspection #1293
Linked From: Investigation Activity (Pesticide) #5718, Pesticide Inspection (Product) #295, and 1 other event
Client: Rural King
Firm Representative: Matt Clevenger
Submitted By: Garret A. Creason
Attachments: File 114366; rural king noi.pdf

12/15/2022 **Investigator Met with Distributor Communication**

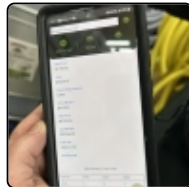
During a marketplace inspection at Rural King in Muncie, IN. I located a 265 gallon mini-bulk containing a herbicide, Active Ingredient Glyphosate. The product in the tank was Farm General 41% Glyphosate Grass and Weed Killer, EPA Reg# 84009-12. The mini-bulk was not located in any form of secondary containment. I spoke with ASM Matt Clevenger and he stated that the Store had another full mini-bulk in the back that was located on a catch basin, acting as secondary containment. I advised Mr. Clevenger that an Action Order would be issued instructing Rural King to meet the requirements for secondary containment. Mr. Clevenger stated that he would likely schedule the mini-bulk to be shipped back to the distribution center.

Original Event: Investigation Activity (Pesticide) #5718
Subject: Rural King
Submitted By: Garret A. Creason

12/15/2022 **Product Inspection Conducted Portable Refillable Containers**

Action Order issued to Rural King with instructions to meet secondary containment requirements.

Attachments



File 114431



File 114435



File 114438



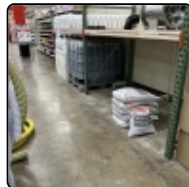
File 114440



File 114441



File 114442



File 114444



File 114446

Original Event: Pesticide Inspection (Product) #295
Client: Rural King
Firm Representative: Matt Clevenger
Submitted By: Garret A. Creason

12/15/2022 **Action Order Issued**

Place Bulk pesticide container into secondary containment.

Original Event: Action Order #290
Issued To: Rural King
Firm Representative: Matt Clevenger
Submitted By: Garret A. Creason
Attachments: File 114449; Rural king AO.pdf

12/15/2022 **Case Created**

Original Event: Case PS23-0034
Submitted By: George Saxton
Assigned To: Garret A. Creason

12/20/2022 **Investigator Received Fax/Email from Distributor**

Communication

On December 20, 2022 Jade Kline, Corporate Council for Rural King, contacted OISC to discuss the deficiencies found at the Rural King store in Muncie, IN. I explained the secondary containment requirements to Mrs. Kline and also the process forward. I have attached the follow up email.

Attachments



File 114567

Original Event: Investigation Activity (Pesticide) #5726
Subject: Rural King
Submitted By: Garret A. Creason

01/20/2023 Investigator Received Fax/Email from Distributor

Records

On January 20, 2023 Jade Kline, Corporate Council for Rural King, contacted me via email to advise that the mini-bulk of Farm General 41% Glyphosate Grass and Weed Killer had been sent back to the distribution center. Mrs. Kline included the bill of lading.

Attachments



File 116453

Original Event: Investigation Activity (Pesticide) #5785
Subject: Rural King
Submitted By: Garret A. Creason

01/31/2023 Judgement; Civil Penalty Assessed

Civil Penalty

Rural King was cited for violation of section 52 of the Indiana Pesticide Registration Law, specifically 355 IAC 5-4-1(a) for storing a mini bulk containing a general use pesticide, out of secondary containment for more than thirty (30) days. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$300.00. Consideration was given to the fact Rural King cooperated during the investigation and corrective action was taken.

Original Event: Judgement #1450
Primary: Rural King
Submitted By: George Saxton
Legal Citation: 355 IAC 5-4-1(a)
Penalty Amount: 300

01/31/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1772
To: Rural King
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0608 0530
Enclosed: Notice of Enforcement
Attachments: File 117633; PS23-0034EL CIT-CP Mitigated ~ Rural King - Muncie.docx

02/06/2023 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1938
Subject: Rural King
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0608 0530
Received: 02/06/2023
Attachments: File 118170; CM 7021 0950 0000 0608 0530 - PS23-0034 - Rural King - Recd. 2-6-2023.pdf

04/07/2023 Compliance Activity

On 4-6-2023, I emailed Jade Kline inquiring as to whether she could help OISC with the CP non-payment from the Muncie Rural King.
On 4-7-2023, Jade Kline replied to my email needing further information to be able to determine how to proceed.

Original Event: Compliance Activity #1790
Primary: Rural King
Submitted By: Joni D. Herman
Attachments: File 122977; 4-6-2023 Email to Jade Kline - Corp.Counsel Rural King PS23-0034.pdf
File 122978; 4-7-2023 Email Reply from Jade Kline to JDH Email on 4.6.2023 PS23-0034.pdf

04/13/2023 **Compliance Activity**

On 4-13-2023, I emailed Jade Kline a copy of the enforcement letter sent to Muncie Rural King on January 31, 2023. A new access code was provided for her to be able to review the case.

On 4-13-2023, Jade Kline replied to my email saying she would follow-up with her team. She also had questions that I could not answer so I passed the information on to George Saxton.

Original Event: Compliance Activity #1791
Primary: Rural King
Submitted By: Joni D. Herman
Attachments: File 122981; 4-13-2023 Email Reply from Jade Kline to JDH Email on 4.13.2023 PS23-0034.pdf
File 122979; 4-13-2023 Email to Jade Kline ~ Enf.Ltr Copy PS23-0034.pdf
File 122980; PS23-0034 Enf.Ltr.Copy to Jade Kline.Corporate Counsel.Rural King 4.13.2022.pdf

04/14/2023 **Compliance Activity**

On 4-14-2023, George forwarded Jade Kline's questions/email to Garret Creason so he could respond to her questions.

Original Event: Compliance Activity #1792
Primary: Rural King
Submitted By: Joni D. Herman
Attachments: File 122983; Fwd. of Jade Kline 4-13 email to Garret by George on 4.14.2023.pdf

04/17/2023 **Compliance Activity**

On 4-17-2023, Jade Kline copied me on an email sent to Garret and off of that I sent Garret an email to clarify which case I had contacted Jade about. My concern was this case was being confused with another Muncie Rural King case (PS23-0033).

Original Event: Compliance Activity #1793
Primary: Rural King
Submitted By: Joni D. Herman
Attachments: File 122985; 4-17-2023 Email 1 from Jade and JDH fwd. to Garret PS23-0034.pdf

04/17/2023 **Compliance Activity**

On 4-17-2023, Jade Kline copied George Saxton and myself on a second email to Garret Creason. She was still following up on the letters received by Rural King Muncie.

On 4-17-2023, Garret Creason replied to this email to clarify for Jade Kline what took place on each of the Muncie Rural King cases.

Original Event: Compliance Activity #1794
Primary: Rural King
Submitted By: Joni D. Herman
Attachments: File 122986; 4-17-2023 Email 2 from Jade and Response to Jade from Garret PS23-0034.pdf

04/17/2023 **Compliance Activity**

On 4-17-2023, Jade Kline emailed stating a check for the civil penalty would be sent out by Wednesday (4/19/23).

Original Event: Compliance Activity #1795
Primary: Rural King
Submitted By: Joni D. Herman
Attachments: File 122987; 4-17-2023 Email from Jade Kline - CP payment sent by 4.19.2023.pdf

04/20/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2052
Subject: Rural King
Submitted By: Jacob A. Hatfield
Payment Expected: \$300.00
Payment Received: \$300.00
Attachments: File 122722; PS23-0034 - Rural King - CP Received 4-20-2023.pdf

04/21/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2214
To: Rural King
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 122760; PS23-0034 - Rural King - Muncie - Case Closed Letter 4-21-2023.docx

04/21/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2215
To: Rural King
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 122761; PS23-0034 - Rural King - Illinois - Case Closed Letter 4-21-2023.docx

04/21/2023 **Compliance Activity**

On 4-21-2023, I emailed Jade Kline acknowledging receipt of their civil penalty payment and letting her know no further action was needed on their part. Letters would be sent shortly stating the case was closed.

Original Event:	Compliance Activity #1796
Primary:	Rural King
Submitted By:	Joni D. Herman
Attachments:	File 122988; 4.21.2023 Email to Jade Kline - Recd. CP-No further action needed - PS23-0034.pdf

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

<p>This record was generated on May 15, 2023, 03:51 PM EDT. Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.</p>
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Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

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

This record was generated on **June 1, 2023, 11:48 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 PS23-0039

Department	Pesticide
Originated	01/03/2023
Assigned To	William R. Reid
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent	Moxie Pest Control Indianapolis LLC Indianapolis, IN 46268
Issued To Respondent	Garrett Davis Indianapolis, IN 46268

Overviews

01/18/2023 **Investigation Summary**

Moxie Pest Control (Garrett Davis) was written a second action order 6/15/22 regarding lack of being licensed properly in the State of Indiana and failure to produce invoices as requested. OISC database indicates that there maybe several unlicensed or improperly licensed employees at Moxie Pest Control.

Service records were sent via email on 6/17/22, 6/20/22, and 6/21/22 that showed several employees that were out conducting applications and that were not licensed. Brian Charles from Moxie was listed at the Supervisor and OISC records showed that he was not licensed until 6/28/22. Richard Land was no included in the number of service records due to being investigated in another OISC investigation Case PS23-0001.

Invoice records from 5/16/22-6/15/22 showed the following: Brian Charles. Total of 6 days. 5/18, 5/20, 5/21, 5/23, 5/24, 5/25 Stephanie Morris. Total of 12 days. 5/16, 5/17, 5/18, 5/19, 5/20, 5/23, 6/6, 6/7, 6/8, 6/13, 6/14, 6/15. Ethan Storm. Total of 18 days. 5/5, 5/18, 5/20, 5/21, 5/23, 5/24, 5/25, 5/26, 5/27, 5/30, 5/31, 6/1, 6/2, 6/3, 6/6, 6/7, 6/8, 6/14. Invoice Number 520#19 reflected service done on 5/5/22. Not included in the original case PS22-0104. This record was not sent with the original records request from case PS22-0104. Those records were emailed by Garrett Davis on 5/18/22. Johnny Blackmon. Total of 21 days. 5/18, 5/19, 5/20, 5/21, 5/23, 5/24, 5/25, 5/26, 5/27, 5/28, 5/30, 6/2, 6/3, 6/4, 6/6, 6/7, 6/8, 6/9, 6/10, 6/11, 6/13. Manuel Matos. Total of 13 days. 5/25, 5/26, 5/27, 5/30, 5/31, 6/1, 6/2, 6/6, 6/7, 6/8, 6/13, 6/14, 6/15. Roqui Barajas Total of 1 day. 5/23

Sum total = 71 days. The total applications made were 606 applications. Start dates according to OISC INPlants licensing records Brian Charles 6/28/22, Manuel Matos 6/28/22, Johnny Blackmon 6/16/22, Ethan Storm 6/16/22, Stephanie Morris 6/16/22, Roqui Barajas 5/23/22 only has 7b. and treated under 7a. without proper supervision.

Submitted By: William R. Reid
Role: Investigator

02/01/2023 **Disposition Summary**

Moxie Pest Control Indianapolis LLC was cited for five hundred sixty-five (565) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-2, for refusing to properly supervise non-credentialed employees. The non-credentialed employees and their number of non-supervised applications were: Brian Charles (38 applications); Stephanie Morris (97 applications); Ethan Storm (187 applications); Johnny Blackmon (149 applications); Manuel Matos (94 applications) Total 565 applications

Garrett Davis was cited for five hundred sixty-five (565) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-2, for refusing to properly supervise non-credentialed employees. The non-credentialed employees and their number of non-supervised applications were Brian Charles (38 applications); Stephanie Morris (97 applications); Ethan Storm (187 applications); Johnny Blackmon (149 applications); Manuel Matos (94 applications); total 565 applications. However, due to the size of the civil penalty, only five (5) counts were assessed for each non-licensed applicator reducing the counts from five hundred sixty-five (565) to a total of twenty-five (25) counts. As a result, a civil penalty in the amount of \$25,000.00 (25 counts x \$1,000.00 each) was assessed.

Moxie Pest Control Indianapolis LLC was cited for five hundred sixty-five (565) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to follow an Order of the state chemist or the Board that was issued May 3, 2022. Brian Charles (38 applications); Stephanie Morris (97 applications); Ethan Storm (187 applications); Johnny Blackmon (149 applications); Manuel Matos (94 applications); Total 565 applications

Garrett Davis was cited for five hundred sixty-five (565) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to follow an Order of the state chemist or the Board that was issued May 3, 2022. Brian Charles (38 applications); Stephanie Morris (97 applications); Ethan Storm (187 applications); Johnny Blackmon (149 applications); Manuel Matos (94 applications); Total 565 applications. However, due to the size of the civil penalty, only five (5) counts were assessed for each non-licensed applicator reducing the counts from five hundred sixty-five (565) to a total of twenty-five (25) counts. As a result, a civil penalty in the amount of \$25,000.00 (25 counts x \$1,000.00 each) was assessed.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

06/15/2022 INCIDENTAL Action Order Issued #9, #10

Original Event: Action Order #262
Linked From: Pesticide Inspection (General) #2069
Issued To: Garrett Davis
Firm Representative: Garrett Davis.
Submitted By: William R. Reid
Attachments: File 98610; Action Order Garrett Davis 2_.pdf

06/15/2022 Investigator Met with Business Communication

Agent Jay Kelley and I met with Garrett Davis to go over his employee list. Also, a action order was written based off of the applicators in the field not being licensed properly compared to OISC database. I asked Garrett Davis for invoice records for all service performed due to some of the applicators not being licensed properly.

Original Event: Investigation Activity (Pesticide) #5765
Subject: Moxie Pest Control Indianapolis LLC
Submitted By: William R. Reid

06/15/2022 Credentials Inspection Conducted Credentials Inspection

A action order was written due to lack of employees being licensed properly. When meeting with Brian Charles records showed lack of licensed employees still that were in the field working. Also, I requested for records for all applications done by Moxie before 6/15/22. Brian Charles, Stephanie Morris, Ethan Storm, Johnny Blackmon, Manuel Matos, and Roqui Barajas were not being supervised or credentialed properly for services performed.

Original Event: Pesticide Inspection (General) #2069
Client: Moxie Pest Control Indianapolis LLC
Firm Representative: Garre
Submitted By: William R. Reid

06/17/2022 Investigator Received Fax/Email from Business

Communication

Garret Davis sent me service records via email on 6/17, 6/20, 6/21.

The service records were of all services performed by Moxie Pest Control between 5/16/22 - 6/15/22.

Invoice records showed the following:

Brian Charles.

Total of 6 days. 5/18, 5/20, 5/21, 5/23, 5/24, 5/25

Stephanie Morris.

Total of 12 days. 5/16, 5/17, 5/18, 5/19, 5/20, 5/23, 6/6, 6/7, 6/8, 6/13, 6/14, 6/15.

Ethan Storm.

Total of 18 days. 5/5, 5/18, 5/20, 5/21, 5/23, 5/24, 5/25, 5/26, 5/27, 5/30, 5/31, 6/1, 6/2, 6/3, 6/6, 6/7, 6/8, 6/14.

Invoice Number 520#19 reflected service done on 5/5/22. Not included in the original case PS22-0104. This record was not sent with the original records request from case PS22-0104. Those records were emailed by Garrett Davis on 5/18/22.

Johnny Blackmon.

Total of 21 days. 5/18, 5/19, 5/20, 5/21, 5/23, 5/24, 5/25, 5/26, 5/27, 5/28, 5/30, 6/2, 6/3, 6/4, 6/6, 6/7, 6/8, 6/9, 6/10, 6/11, 6/13.

Manuel Matos.

Total of 13 days. 5/25, 5/26, 5/27, 5/30, 5/31, 6/1, 6/2, 6/6, 6/7, 6/8, 6/13, 6/14, 6/15.

Roqui Barajas

Total of 1 day. 5/23

Sum total = 71 days

Start dates according to OISC INPlants licensing records

Brian Charles. 6/28/22

Manuel Matos. 6/28/22

Johnny Blackmon 6/16/22

Ethan Storm 6/16/22

Stephanie Morris 6/16/22

Roqui Barajas 5/23/22 only has 7b. and treated under 7a. without proper supervision.

Attachments

File 116305; 05-16.pdf
File 116306; 05-17.pdf
File 116307; 05-18.pdf
File 116308; 05-19.pdf
File 116309; 05-20.pdf
File 116310; 05-21.pdf
File 116311; 05-23.pdf
File 116312; 05-24.pdf
File 116313; 05-25.pdf
File 116314; 05-26.pdf
File 116315; 05-27.pdf
File 116316; 05-28.pdf
File 116317; 05-30.pdf
File 116318; 05-31.pdf
File 116319; 06-01.pdf
File 116320; 06-02.pdf
File 116321; 06-03.pdf
File 116322; 06-04.pdf
File 116323; 06-06.pdf
File 116324; 06-07.pdf
File 116325; 06-08.pdf
File 116326; 06-09.pdf
File 116327; 06-10.pdf
File 116328; 06-11.pdf
File 116329; 06-13.pdf
File 116330; 06-14.pdf
File 116331; 06-15.pdf

Original Event: Investigation Activity (Pesticide) #5774
Subject: Moxie Pest Control Indianapolis LLC
Submitted By: William R. Reid

01/03/2023 Intake Referral Filed

Moxie Pest Control was written a second action order 6/15/22 regarding lack of being licensed properly in the State of Indiana and failure to produce invoices as requested. OISC database indicates that there maybe several unlicensed or improperly licensed employees at Moxie Pest Control.

Original Event: Intake Referral (Pesticide) #2884
Complainant: Office of Indiana State Chemist
Respondent: Moxie Pest Control Indianapolis LLC
Entered By: William R. Reid
Submitted By: George Saxton
Attachments: File 114741; Action Order Garrett Davis 2_.pdf

01/03/2023 **Case Created**

Original Event: Case PS23-0039
Submitted By: George Saxton
Assigned To: William R. Reid

01/13/2023 **Compliance Activity**

Garrett Davis called and asked if we could meet to discuss the cases against Moxie Pest Control. I advised him I would contact him at the first of the week to schedule a meeting.

Original Event: Compliance Activity #1633
Primary: Moxie Pest Control Indianapolis LLC
Submitted By: George Saxton

01/17/2023 **Informal Review Scheduled**

Garrett Davis was contacted to let him know the informal conference was scheduled for January 24, 2023 at the Boone County Extension office at 10:30 am.

Original Event: Compliance Activity #1637
Primary: Moxie Pest Control Indianapolis LLC
Submitted By: George Saxton
Stage: Informal Review

02/01/2023 **Judgement; Civil Penalty Assessed**

Citation

Moxie Pest Control Indianapolis LLC was cited for five hundred sixty-five (565) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-2, for refusing to properly supervise non-credentialed employees. The non-credentialed employees and their number of non-supervised applications were:

Brian Charles (38 applications)
Stephanie Morris (97 applications)
Ethan Storm (187 applications)
Johnny Blackmon (149 applications)
Manuel Matos (94 applications)
Total 565 applications

Citation

Moxie Pest Control Indianapolis LLC was cited for five hundred sixty-five (565) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to follow an Order of the state chemist or the Board that was issued May 3, 2022.

Brian Charles (38 applications)
Stephanie Morris (97 applications)
Ethan Storm (187 applications)
Johnny Blackmon (149 applications)
Manuel Matos (94 applications)
Total 565 applications

Civil Penalty

Garrett Davis was cited for five hundred sixty-five (565) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-2, for refusing to properly supervise non-credentialed employees. The non-credentialed employees and their number of non-supervised applications were:

Brian Charles (38 applications)
Stephanie Morris (97 applications)
Ethan Storm (187 applications)
Johnny Blackmon (149 applications)
Manuel Matos (94 applications)
Total 565 applications

However, due to the size of the civil penalty, only five (5) counts were assessed for each non-licensed applicator reducing the counts from five hundred sixty-five (565) to a total of twenty-five (25) counts. As a result, a civil penalty in the amount of \$25,000.00 (25 counts x \$1,000.00 each) was assessed.

Civil Penalty

Garrett Davis was cited for five hundred sixty-five (565) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law for refusing to follow an Order of the state chemist or the Board that was issued May 3, 2022.

Brian Charles (38 applications)
Stephanie Morris (97 applications)
Ethan Storm (187 applications)
Johnny Blackmon (149 applications)
Manuel Matos (94 applications)
Total 565 applications

However, due to the size of the civil penalty, only five (5) counts were assessed for each non-licensed applicator reducing the counts from five hundred sixty-five (565) to a total of twenty-five (25) counts. As a result, a civil penalty in the amount of \$25,000.00 (25 counts x \$1,000.00 each) was assessed.

Original Event: Judgement #1451
Primary: Moxie Pest Control Indianapolis LLC
Secondary: Garrett Davis
Submitted By: George Saxton
Legal Citations: 355 IAC 4-2-2; IC 15-16-5-65(6)
Penalty Amount: 50000

02/03/2023 Compliance Activity

I spoke with Garrett Davis and advised him of the additional violative applications. He stated he thought the money for the licenses were hand-delivered to OISC and everyone was good to go. I explained that Brian Wilson was listed as the supervisor but he could not supervise since he was not certified. He stated he and another person at the company were certified at the time. I explained to him that being certified was not good enough. He still needed to be on-site for a non-licensed applicator making an application. He stated his records showed his employees were licensed on June 1, 2022 when they went into OISC to pay for the licenses. I pulled up one invoice that showed Ethan Storm made an application May 20th, 2022, which would have been after the AO was issued (May 3, 2022) and before the June 1, 2022 date. I explained to him that there were more invoices for Storm and four other unlicensed applicators. He stated he would check his records and get back to me. I advised him there would be two more cases sent to him, one for \$10,000.00 and one for \$50,000.00. He said he understood.

Original Event: Compliance Activity #1684
Primary: Moxie Pest Control Indianapolis LLC
Secondary: Garrett Davis
Submitted By: George Saxton

02/17/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1922
To: Moxie Pest Control Indianapolis LLC
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0608 0622
Enclosed: Notice of Enforcement
Attachments: File 118291; PS23-0039EL CIT ~ Moxie Pest Control Indpls. LLC.docx

02/17/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1923
To: Garrett Davis
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0608 0639
Enclosed: Notice of Enforcement
Attachments: File 118292; PS23-0039EL CIT-CP ~ Garrett Davis - Moxie.docx

04/11/2023 Mail Service Returned for Target

On April 11, 2023, certified mail was returned to OISC. Regular mail has not been returned at this time

Original Event: Compliance Receipt #2035
Subject: Moxie Pest Control Indianapolis LLC
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0608 0622
Returned: 04/11/2023
Attachments: File 122015; CM 7021 0950 0000 0608 0622 - Moxie Pest Control Indianapolis LLC - CM Returned 4-11-2023.pdf

04/11/2023 Mail Service Returned for Target

On April 11, 2023, certified mail was returned to OISC. Regular mail has not been returned at this time

Original Event: Compliance Receipt #2036
Subject: Garrett Davis
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0608 0639
Returned: 04/11/2023
Attachments: File 122016; CM 7021 0950 0000 0608 0639 - Garrett Davis - CM Returned 4-11-2023.pdf

04/24/2023 **Compliance Activity**

An email was sent to Garrett Davis of Moxie Pest Control advising him of the status of the case and a possible future suspension for both him and Moxie Pest Control. Email is attached.

Original Event: Compliance Activity #1787
Primary: Moxie Pest Control Indianapolis LLC
Submitted By: George Saxton
Attachments: File 122779; Case PS23-0001 and PS23-0039.pdf

05/01/2023 **Mail Confirmation Assumed for Target**

As of May 1, 2023, regular mail has not been returned to OISC. It is assumed to have been received.

Original Event: Compliance Receipt #2055
Subject: Moxie Pest Control Indianapolis LLC
Submitted By: Jacob A. Hatfield

05/01/2023 **Mail Confirmation Assumed for Target**

As of May 1, 2023, regular mail has not been returned to OISC. It is assumed to have been received.

Original Event: Compliance Receipt #2056
Subject: Garrett Davis
Submitted By: Jacob A. Hatfield

05/15/2023 **Order/Decision Issued**

Moxie Pest Control and Garrett Davis failed to pay the civil penalty. Therefore, the business license of Moxie Pest Control and certification of Garrett Davis were suspended until the civil penalty is paid. As a result, case PS23-0141 was created.

Original Event: Compliance Activity #1823
Primary: Moxie Pest Control Indianapolis LLC
Secondary: Garrett Davis
Submitted By: George Saxton
Stage: Disposition

05/19/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2090
Subject: Garrett Davis
Submitted By: Jacob A. Hatfield
Payment Expected: \$50,000.00
Payment Received: \$50,000.00
Attachments: File 124536; PS23-0039 - Garrett Davis - CP Received 5-19-2023.pdf

05/24/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2293
To: Garrett Davis
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 124971; PS23-0039 - Garrett Davis - Case Closed Letter 5-24-2023.docx

05/24/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2294
To: Moxie Pest Control Indianapolis LLC
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 124970; PS23-0039 - Moxie Pest Control Indianapolis LLC - Case Closed Letter 5-24-2023.docx

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

This record was generated on **June 1, 2023, 11:48 AM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.



Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment

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

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

This record was generated on **May 15, 2023, 03:52 PM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS23-0046

Department	Pesticide
Originated	01/13/2023
Assigned To	James M. Trimble
Status	Closed

Involved Parties

Complainant	Lora Scott Roachdale, IN 46172
Business	Co Alliance Cooperative Inc Bainbridge, IN 46105
Applicator	Martin E Handy Bainbridge, IN 46105
Supervisor	Dylon Andrew Miller Bainbridge, IN 46105
-	Co-Alliance Cooperative, Inc. Indianapolis, IN 46214

Elizabeth A. South, V.P. & General Counsel

Overviews

01/18/2023 **Investigation Summary**

On May 25, 2022, the complainant reported herbicide applications made to neighboring farm fields injured multiple tree plantations that are in her care, custody or control.

On May 31, 2022, I conducted my on-site investigation, where I observed multiple types of injury to the complainant's trees within a large woodlot. I collected several samples for analysis by the OISC Residue Lab. I later identified four target fields around the complainant's woodlot and collected their application records.

The OISC Residue Lab results were not consistent with direct spray drift and did not indicate herbicide drift from Field #4. A label violation was found from the application to Field #4.

Submitted By: James M. Trimble
Role: Investigator

01/19/2023 **Disposition Summary**

Co Alliance Cooperative Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow drift management label directions on the 2,4-D LV6 label by applying this product when there are sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for non-target species, non-target crops) within 250 feet downwind. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact this was their third violation of similar nature. See case numbers PS20-0130 and PS21-0093. It should also be noted that OISC was not able to determine whether the herbicide moved off-target as the result of drift, application into an inversion, or volatilization at some point after the application, and was not able to clearly identify the source of the off-target movement.

Dylon Andrew Miller and Martin E. Handy were warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow drift management label directions on the 2,4-D LV6 label by applying this product when there are sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for non-target species, non-target crops) within 250 feet downwind. Consideration was given to the fact this was their first violation of similar nature. It should also be noted that OISC was not able to determine whether the herbicide moved off-target as the result of drift, application into an inversion, or volatilization at some point after the application, and was not able to clearly identify the source of the off-target movement.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

05/25/2022 Intake Referral Filed

Complainant stated herbicide applications made to neighboring farm fields injured multiple tree plantations that are in her care, custody or control. Additional case to #PS22-0171 & #PS22-0164.

Original Event: Intake Referral (Pesticide) #2891
Complainant: Lora Scott
Respondent: Co Alliance Cooperative Inc
Respondent 2: Martin E Handy
Respondent 3: Dylon Andrew Miller
Entered By: James M. Trimble
Submitted By: George Saxton

05/26/2022 Investigator Called Complainant Communication

On May 26, 2022, I called and spoke with Mrs. Scott, who reported that she owns in whole or in part approximately 550 acres of mixed agricultural fields and woodlots. Mrs. Scott stated that they had contracted with Co-Alliance; Bainbridge, to complete the pesticide applications to their fields. Mrs. Scott stated that soon after Co-Alliance's applications, she observed widespread herbicide exposure symptoms to multiple varieties of trees on her property, which included cupped leaves and some defoliation.

Original Event: Investigation Activity (Pesticide) #4786
Subject: Lora Scott
Submitted By: James M. Trimble

05/30/2022 Investigator Received Fax/Email from Complainant Records

On May 30, 2022, Mrs. Scott emailed me documents with Co-Alliance's spray records and property maps

Attachments

File 97218; Complete Co-Alliance Spray Records of May 2022.pdf
File 97216; Farm Map 273.92 acres Potentially Affected Timber and Residential (1).pdf
File 97217; Farm Maps of Myers, Scott and Gau Boundaries with Field Numbers.pdf

Attachments

File 97215; 5-30 email.pdf

Original Event: Investigation Activity (Pesticide) #4788
Subject: Lora Scott
Submitted By: James M. Trimble

05/31/2022 Investigator Met with Complainant

Photographs

On May 31, 2022, I met with Mrs. Scott at her residence to conduct my on-site investigation, where she provided me with documents that helped identify many of the fields and/or applicators that surrounded the woodlots where she observed the herbicide exposure symptoms. Mrs. Scott then transported me around her approximately 550 acre farm, which included the woodlots and agricultural fields, where she identified the areas of concern. Due to the large amount of land, the multiple surrounding target fields, and the separation and/or boundaries of the woodlots, Mrs. Scott and I split her property into four separate parcels to help identify a clear source of any possible off-target pesticide movement. The four original case numbers assigned to the separate parcels were #PS22-0164, #PS22-0171, #PS22-0172, & #PS22-0173.

During my on-site investigation, I observed and photographed what I believed to be growth regulator exposure symptoms to the multiple varieties of trees throughout Mrs. Scott's woodlot by the cupped and/or curled leaves on the trees. I also observed insect and disease injury on the tree's leaves by the shotholing, lesions, blisters, discoloration, jagged edges, and curling. I observed the growth regulator symptoms to the trees to be light but consistent throughout the woodlot, suggesting a possible volatility and/or inversion event had occurred.

I then looked for potential sources of herbicide drift. I observed signs of herbicide applications (burndown) to fields located to the north (Field #1, #PS23-0048), the northeast (Field #2, #PS23-0047), the south (Field #3, #PS22-0171), and the southwest (Field #4, #PS23-0046) by the dead and/or dying vegetation throughout the fields. I observed two other fields located to the east and far west of the Scott property but found that there were no pesticides applications to the fields within the timeline of Mrs. Scott's observed injury and complaint. I observed the borders of the four fields that shared property lines with Mrs. Scott's woodlot. I found only Field #3 showed a pattern of drift or direct application onto the Scott property by the herbicide exposure symptoms I observed on the property's south border (north end of Field #3). I observed the injury to the vegetation along the Scott property's south border to be uneven and extend approximately 10' onto the property at its furthest point.

I then collected multiple gradient vegetation samples and a vegetation control sample from Mrs. Scott's woodlot, along with soil samples from Fields #1, #2, #3, and #4 for analysis by the OISC Residue Lab.

I also collected vegetation samples that exhibited symptoms of herbicide injury from Mrs. Scott's woodlot for observation by the Purdue Plant & Pest Diagnostic Lab (PPDL).

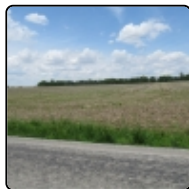
Leaf curling (File 96673)



Attachments



File 96656



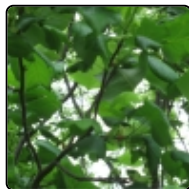
File 96657



File 96658



File 96659



File 96660



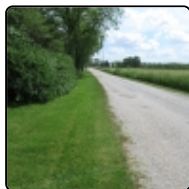
File 96661



File 96662



File 96663



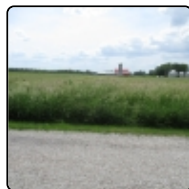
File 96664



File 96665



File 96666



File 96667



File 96668



File 96669



File 96670



File 96671



File 96672



File 96674



File 96675



File 96676



File 96677



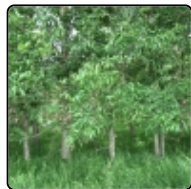
File 96678



File 96679



File 96680



File 96681

Original Event: Investigation Activity (Pesticide) #4768
 Subject: Lora Scott
 Submitted By: James M. Trimble

05/31/2022 **Notice of Inspection Issued**

Original Event: Notice of Inspection #934
 Client: Lora Scott
 Firm Representative: Lora Scott
 Submitted By: James M. Trimble
 Attachments: File 97066; Scott NOI.pdf

05/31/2022 **Residue Samples Collected**

Original Event: Residue Collection #214414 (22-4-1057 0)
 Client: Lora Scott
 Submitted By: James M. Trimble
 Sample: 22-4-1057 0 | Veg; Comp; OFF-T, Grad1, S
 Sample: 22-4-1058 9 | Veg; Comp; OFF-T, Grad2
 Sample: 22-4-1059 1 | Veg; Comp; OFF-T, Grad3, N
 Sample: 22-4-1060 2 | Veg; Comp; OFF-T, Grad1, E
 Sample: 22-4-1061 8 | Veg; Comp; OFF-T, Grad2
 Sample: 22-4-1062 5 | Veg; Comp; OFF-T, Grad3, W
 Sample: 22-4-1063 9 | Veg; Ctrl; OFF-T
 Sample: 22-4-1064 1 | Soil; Comp; 2-4"; Target, N, Field 1
 Sample: 22-4-1065 6 | Soil; Comp; 2-4"; Target, NE, Field 2
 Sample: 22-4-1066 0 | Soil; Comp; 2-4"; Target, S, Field 3
 Sample: 22-4-1067 3 | Soil; Comp; 2-4"; Target, SW, Field 4

05/31/2022 **External Lab Sample Collected**

Original Event: External Lab Sample Collection #214878 (X22-8CFF04)
Client: Lora Scott
Submitted By: James M. Trimble
Lab: Purdue Plant and Pest Diagnostic Laboratory
Sample: X22-8CFF04 | On June 1, 2022, I submitted the vegetation samples I collected from Mrs. Scott's property on May 31, 2022.
Attachments: File 97100; PPDL submission 171.pdf

06/01/2022 **Case Created**

Original Event: Case PS22-0171
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

06/01/2022 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #599
Submitted By: James M. Trimble
Target Analyte: Engenia
Target Analyte: AgSaver Glyphosate
Target Analyte: Resicore
Target Analyte: Atrazine 4L
Target Analyte: 2,4-D LV6
Target Analyte: Roundup Powermax 3
Target Analyte: Surveil
Target Analyte: Dimetric EXT
Target Analyte: 2,4-D LV6
Target Analyte: Roundup Powermax 3
Target Analyte: Crossbow
PPLS Labels: [001381-00158-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf
[001381-00197-20170811.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00197-20170811.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/001381-00197-20170811.pdf
[001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf
[000524-00659-20200317.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf
[062719-00260-20091106.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00260-20091106.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00260-20091106.pdf
[062719-00689-20220519.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00689-20220519.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00689-20220519.pdf
[062719-00693-20170524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf
[007969-00472-20220315.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20220315.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/007969-00472-20220315.pdf
[083772-00012-20191231.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/083772-00012-20191231.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/083772-00012-20191231.pdf

06/02/2022 **Received External Lab Report**

On June 2, 2022, I received the report from PPDL, which stated, "Oaks and Tulip poplar in the physical sample show leaf curling. This symptom is characteristic of exposure to synthetic auxin herbicides such as 2,4-D or dicamba. The photos suggest that level of injury throughout the plot of trees was light overall. There were no injury symptoms that could be associated with exposure to atrazine, flumioxazin, mesotrione, or glyphosate. Therefore, the pattern of injury is suggestive of 2,4-D (or dicamba) volatility rather than drift." It further stated, "Leaf deformation, including downward curling, was observed in oaks and tulip trees, suggestive of growth regulator. Holes present in leaves resemble symptoms of tatters or of shothole leaf minor, which occurred earlier in the season."

Original Event: External Lab Report #214882 (X22-8CFF04)
Submitted By: James M. Trimble
Sample: X22-8CFF04
Attachments: File 97128; FinalReport_Mitch Trimble 171.pdf

06/02/2022 **Online Investigation Activity**

On June 2, 2022, I created a map of my sample collection for this investigation.

Attachments



File 100577

Original Event: Investigation Activity (Pesticide) #5028
Submitted By: James M. Trimble

06/07/2022 Investigator Met with Business Interaction

On June 7, 2022, I arrived at Co-Alliance; Bainbridge, where I met with Branch Manager, Dylon Miller, and discussed with him the four cases from Mrs. Scott. I provided Mr. Miller a map of the locations for each case and their corresponding case numbers.

Later that day, I sent four emails to Mr. Miller with Pesticide Investigation Inquiries (PII) for PS22-0164 (Field #3), PS22-0171 (Field #2, #3, & #4), PS22-0172 (Field #1, #2, #3, & #4), PS22-0173 (Field #1, #2, & #3) with instructions to have the completed forms returned to me within 15 days of my emails.

Attachments

File 97868; PS22-0164-Scott.pdf
File 97875; PS22-0171-Scott.pdf
File 97873; PS22-0172-Scott.pdf
File 97871; PS22-0173-Scott.pdf

Original Event: Investigation Activity (Pesticide) #4824
Subject: Co Alliance Cooperative Inc
Submitted By: James M. Trimble

06/07/2022 Notice of Inspection Issued

Original Event: Notice of Inspection #950
Client: Co Alliance Cooperative Inc
Firm Representative: Dylon Miller
Submitted By: James M. Trimble
Attachments: File 97876; CoAlliance NOI.pdf

06/09/2022 Investigator Called Farmer Communication

On June 9, 2022, I called and spoke with Jeff Coffman, who farms fields to the east of Mrs. Scott's woodlot. Mr. Coffman stated that he treats his soybean fields and Co-Alliance treats his corn fields. Mr. Coffman confirmed that there had not been pesticide applications made to any of his fields until after my on-site visit on May 31, 2022.

Original Event: Investigation Activity (Pesticide) #4829
Subject: Jeff A Coffman
Submitted By: James M. Trimble

06/09/2022 Investigator Called Farmer Communication

On June 9, 2022, I called and spoke with Bruce Harbison, who farms fields to the west of Mrs. Scott's woodlot for Case #PS22-0171 and the north of Case #PS22-0173. Mr. Harbison stated that he had made a pesticide application to his field on May 29, 2022, approximately two weeks after Mrs. Scott observed the injury to her trees, therefore not fitting within the timeline of this investigation.

Original Event: Investigation Activity (Pesticide) #4830
Subject: Bruce Allen Harbison
Submitted By: James M. Trimble

06/22/2022 Investigator Received Fax/Email from Business Investigation Inquiry

On June 22, 2022, I received the completed PII from Field #4. Due to the land separation from Field #2 & Field #4, I had Mr. Miller complete separate PIIs for both fields. Field #4 also had two applications on separate dates, which also needed separate PIIs. On July 1, 2022, I received the split PIIs.

Attachments

File 101171; MAP of PS22-0164, PS22-0171, PS22-0172.pdf
File 101172; Signature Crop Claims PS22-0171 (udated 5-12 field#1).pdf
File 101173; Signature Crop Claims PS22-0171 (updated 5-11 field#1).pdf

Inquiry Overview

Supervisor Dylon Miller
Registered Technician Marty Handy
Company Co-Alliance
Application Type Commercial
Target Field 200233

Tank Mix

Product	EPA	Rate
Resicore	62719-693	1.5 qts
Atrazine 4L	1381-158	1 qt
2,4-D LV6	1381-250	12.8 oz
Roundup Powermax 3	524-659	30 oz

Application #1

Date	Start	End
05/11/2022	7:53 pm	8:20 pm

Application #2

Date	Start	End
05/12/2022	8:00 am	8:53 am

Air Conditions During Application #1

Time	Temp	Direction	Speed
Start	84°F	ESE	8mph
End	84°F	ESE	8mph

Air Conditions During Application #2

Time	Temp	Direction	Speed
Start	73°F	SE	8mph
End	73°F	SE	8mph

Original Event: Investigation Activity (Pesticide) #5040
Subject: Co Alliance Cooperative Inc
Submitted By: James M. Trimble
PLS Labels: [001381-00158-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf
[001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf
[000524-00659-20200317.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf
[062719-00693-20170524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf

06/22/2022 New Respondent Identified Respondent Identified

On June 22, 2022, Co-Alliance's completed PII listed Marty Handy as the applicator to Field #2 & #4.

Original Event: Investigation Change #211
Respondent: Martin E Handy
Submitted By: James M. Trimble

06/22/2022 New Respondent Identified Respondent Identified

On June 22, 2022, Co-Alliance's completed PII listed Dylon Miller as Marty Handy's supervisor.

Original Event: Investigation Change #218
Respondent: Dylon Andrew Miller
Submitted By: James M. Trimble

08/23/2022 Received Residue Lab Report

Investigatory Summary

On August 23, 2022, I received the OISC Residue Lab results, which detected Atrazine, Metribuzin, & Cloransulam in the samples collected from the Scott property. When the levels of Atrazine were compared to its environmental baseline (20 ppb) and taking into account the multiple agricultural fields surrounding the Scott property along with their pesticide applications in the same time period (environmental loading), the amounts listed were insignificant and did not indicate direct pesticide drift. The levels of Metribuzin (61 ppb) and Cloransulam (.884 ppb) found in Sample #22-4-1057, although also found in low levels, was consistent with off-target movement, as their application rates and usage are much lower when compared to Atrazine. Sample #22-4-1057 was collected from the Scott property, near the border of Field #3, and showed a slight south to north gradient of Metribuzin coming from Field #3.

First Page of Lab Report

OCM Collection #	214414	Investigator	TRIMBLEJ		
Collection Date	05/31/2022				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
22-4-1057 0	Veg; Comp; OFF-T, Grad1, S	Veg	5OH-Dicamba	BDL ppb	0.7 ppb
			Clopyralid	BDL ppb	3 ppb
			DCSA	BDL ppb	0.7 ppb
			Dicamba	BQL ppb	3 ppb
			Acetochlor	BQL ppb	3 ppb
			Atrazine	61.0 ppb	0.3 ppb
			Cloransulam-methyl	0.884 ppb	0.3 ppb
			Flumioxazin	BDL ppb	6 ppb
			Mesotrione	BDL ppb	3 ppb
			Metribuzin	61.5 ppb	1 ppb

Original Event: Residue Lab Report #241245 (214414-R618)
Submitted By: SYSTEM
Lab Report: Lab Report 214414-R618.pdf

01/13/2023 Case Created

Original Event: Case PS23-0046
Submitted By: George Saxton
Assigned To: James M. Trimble

01/13/2023 Case Created

Original Event: Case PS23-0047
Submitted By: George Saxton
Assigned To: James M. Trimble

01/13/2023 Case Created

Original Event: Case PS23-0048
Submitted By: George Saxton
Assigned To: James M. Trimble

01/18/2023 Online Investigation Activity Label Use

On January 18, 2023, I reviewed the labels for the pesticides used by Mr. Handy for his May 11 & May 12, 2022 applications to Field #4, which included **Resicore** (EPA Reg. #62719-693, active ingredients of Clopyralid, Acetochlor, & Mesotrione), **Atrazine 4L** (EPA Reg. #1381-158, active ingredient of Atrazine), **2,4-D LV6** (EPA Reg. #1381-250, active ingredient of 2,4-D), & **Roundup Powermax 3** (EPA Reg. #524-659, active ingredient of Glyphosate).

Due to the wind blowing from the east, southeast during Mr. Handy's May 12 application and from the southeast during his May 11 application, which were both blowing, in part, towards the Scott property, I found the following label violation;

2,4-D LV6

- "Only apply this product if the wind direction favors on-target deposition and there are not sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for non-target species, non-target crops) within 250 feet downwind."

Although the above label violation was documented and low levels of Atrazine were detected in the samples collected from the Scott property, the OISC Residue Lab found the results were not consistent with herbicide drift. Also, Atrazine exposure symptoms were not documented on the vegetation of the Scott property. OISC was not able to determine whether the amounts of Atrazine found on the Scott property was the result of environmental loading, an application into an inversion, or volatilization after an application. The source of the off-target herbicide movement could not be identified.

Attachments

File 116336; 2,4-D LV6.pdf
File 116337; ATRAZINE 4L.pdf
File 116338; PowerMAX 3.pdf
File 116339; RESICORE HERBICIDE.pdf

Original Event: Investigation Activity (Pesticide) #5779
Subject: Martin E Handy
Submitted By: James M. Trimble
PPLS Labels: [001381-00158-20211110.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/001381-00158-20211110.pdf
[001381-00250-20171213.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/001381-00250-20171213.pdf
[000524-00659-20200317.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000524-00659-20200317.pdf
[062719-00693-20170524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/062719-00693-20170524.pdf

**01/19/2023 Judgement; Civil Penalty Assessed
Warning**

Dylon Andrew Miller and Martin E. Handy were warned for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow drift management label directions on the 2,4-D LV6 label by applying this product when there are sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for non-target species, non-target crops) within 250 feet downwind. Consideration was given to the fact this was their first violation of similar nature. It should also be noted that OISC was not able to determine whether the herbicide moved off-target as the result of drift, application into an inversion, or volatilization at some point after the application, and was not able to clearly identify the source of the off-target movement.

Civil Penalty

Co Alliance Cooperative Inc was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow drift management label directions on the 2,4-D LV6 label by applying this product when there are sensitive areas (including, but not limited to, residential areas, bodies of water, known habitat for non-target species, non-target crops) within 250 feet downwind. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact this was their third violation of similar nature. See case numbers PS20-0130 and PS21-0093. It should also be noted that OISC was not able to determine whether the herbicide moved off-target as the result of drift, application into an inversion, or volatilization at some point after the application, and was not able to clearly identify the source of the off-target movement.

Original Event: Judgement #1442
Primary: Co Alliance Cooperative Inc
Secondary: Dylon Andrew Miller
Additional: Martin E Handy
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 250

01/27/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1766
To: Co Alliance Cooperative Inc
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0608 0394
Enclosed: Notice of Enforcement
Attachments: File 117165; PS23-0046EL CIT-CP ~ Co-Alliance Cooperative Inc..docx

01/27/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1767
To: Dylon Andrew Miller
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0608 0417
Enclosed: Notice of Enforcement
Attachments: File 117166; PS23-0046EL WRN ~ Dylon Andrew Miller (Co-Alliance).docx

01/27/2023 Notice of Enforcement Mailed to Target

Original Event: Outgoing Mail #1768
To: Martin E Handy
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0608 0400
Enclosed: Notice of Enforcement
Attachments: File 117167; PS23-0046EL WRN ~ Martin E. Handy - Co-Alliance Cooperative.docx

02/06/2023 Received Mail Confirmation for Target

Original Event: Compliance Receipt #1943
Subject: Martin E Handy
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0608 0400
Received: 02/06/2023
Attachments: File 118176; CM 7021 0950 0000 0608 0400 - PS23-0046 - Martin Handy - Recd. 2-6-2023.pdf

02/06/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #1944
Subject: Co Alliance Cooperative Inc
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0608 0394
Received: 02/06/2023
Attachments: File 118178; CM 7021 0950 0000 0608 0394 - PS23-0046 - CoAlliance - Recd. 2-6-2023.pdf

02/15/2023 **Mail Confirmation Not Received for Target**

On February 15, 2023 Regular Mail was returned to OISC.

Original Event: Compliance Receipt #1893
Subject: Dylon Andrew Miller
Submitted By: Jacob A. Hatfield
Attachments: File 118058; PS23-0046 - Dylon A. Miller - Regular Mail Returned 2-15-2023.pdf

02/15/2023 **Requested Documents Mailed to Subject**

All complaints, regulatory or licensing enforcement actions for Co-Alliance Cooperative, Inc., or one of its employees are to be cc'd and sent to Elizabeth A. South as Registered Agent, at Co-Alliance's Legal Service Address, as follows:

Co-Alliance Cooperative, Inc.
Attn: Elizabeth A. South, V.P. & General Counsel
770 North High School Road
Indianapolis, Indiana 46214

Original Event: Outgoing Mail #1917
To: Co-Alliance Cooperative, Inc.
Submitted By: Joni D. Herman
Enclosed: Requested Documents
Attachments: File 118075; PS23-0046EL CIT-CP ~ Co-Alliance Cooperative Inc..docx
File 118076; PS23-0046EL WRN ~ Dylon Andrew Miller (Co-Alliance).docx
File 118077; PS23-0046EL WRN ~ Martin E. Handy - Co-Alliance Cooperative.docx

02/23/2023 **Mail Service Returned for Target**

Certified mail was returned to OISC on 2/23/2023. A new enforcement letter needs to be resent using the alternate address:
Dylon A. Miller
6922 N County Rd 100 E
Bainbridge, IN 46105-9623

Original Event: Compliance Receipt #1964
Subject: Dylon Andrew Miller
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0608 0417
Returned: 02/23/2023
Attachments: File 118575; CM 7021 0950 0000 0608 0417 - Dylon A. Miller - PS23-0046 - CM Returned 2-23-2023.pdf

02/23/2023 **Second Notice of Enforcement Mailed to Target; Second Attempt**

Resend using the business address

Original Event: Outgoing Mail #1998
To: Dylon Andrew Miller
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0608 0721
Enclosed: Notice of Enforcement
Attachments: File 118907; PS23-0046EL WRN ~ Dylon Andrew Miller @ Co-Alliance ~ Resend to Business Address.docx

02/27/2023 **Informal Review Occurred**

An informal review occurred at Co-Alliance in Indianapolis. Present for Co-Alliance were Claims Manager, Michael Williams; General Counsel Elizabeth South; and Shawn Lambert. Representing OISC were myself and Mitch Trimble. The main discussion was about how separate charges were filed. It was explained that each field was a separate application and on it's own, subject to investigation. Ms. South requested that she be sent a copy of all enforcement letters. She also asked for an extension until March 19th, 2023 to make a final decision on whether or not to appeal any of the charges.

Original Event: Compliance Activity #1711
Primary: Co Alliance Cooperative Inc
Submitted By: George Saxton
Stage: Informal Review

03/14/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2008
Subject: Co Alliance Cooperative Inc
Submitted By: Jacob A. Hatfield
Payment Expected: \$250.00
Payment Received: \$250.00
Attachments: File 120087; PS23-0046 - Co-Alliance Cooperative, Inc. - CP Received 3-14-2023.pdf

04/13/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2050
Subject: Dylon Andrew Miller
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0608 0721
Received: 04/13/2023
Attachments: File 122615; CM 7021 0950 0000 0608 0721 - Dylon Andrew Miller - PS23-0046 - Received 4-13-2023.pdf

04/24/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #2221
To: Lora Scott
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 122928; PS23-0046 - Lora Scott - Case Closed Letter 4-24-2023.docx

04/24/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2222
To: Co Alliance Cooperative Inc
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 122929; PS23-0046 - Co-Alliance Cooperative, Inc. - Case Closed Letter 4-24-2023.docx

04/24/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2223
To: Martin E Handy
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 122930; PS23-0046 - Martin Handy - Case Closed Letter 4-24-2023.docx

04/24/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2224
To: Dylon Andrew Miller
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 122931; PS23-0046 - Dylon A. Miller - Case Closed Letter 4-24-2023.docx

04/24/2023 **Requested Documents Mailed to Target**

All complaints, regulatory or licensing enforcement actions for Co-Alliance Cooperative, Inc., or one of its employees are to be cc'd and sent to Elizabeth A. South as Registered Agent, at Co-Alliance's Legal Service Address, as follows:

Co-Alliance Cooperative, Inc.
Attn: Elizabeth A. South, V.P. & General Counsel
770 North High School Road
Indianapolis, Indiana 46214

Original Event: Outgoing Mail #2225
To: Co-Alliance Cooperative, Inc.
Submitted By: Jacob A. Hatfield
Enclosed: Requested Documents
Attachments: File 122932; PS23-0046 - Co-Alliance Cooperative, Inc. - Case Closed Letter 4-24-2023.docx

Chain of Custody

06/01/2022 **Sample 22-4-1057 0**

Original Event: Chain of Custody #1519 (22-4-1057 0)
05/31/2022 15:00: Sample Collected by James M. Trimble
06/01/2022 15:04: Sample Delivered to Kylo
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

06/01/2022 **Sample 22-4-1058 9**
Original Event: Chain of Custody #1520 (22-4-1058 9)
05/31/2022 15:00: Sample Collected by James M. Trimble
06/01/2022 15:04: Sample Delivered to Kylo
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

06/01/2022 **Sample 22-4-1059 1**
Original Event: Chain of Custody #1521 (22-4-1059 1)
05/31/2022 15:00: Sample Collected by James M. Trimble
06/01/2022 15:04: Sample Delivered to Kylo
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

06/01/2022 **Sample 22-4-1060 2**
Original Event: Chain of Custody #1522 (22-4-1060 2)
05/31/2022 15:00: Sample Collected by James M. Trimble
06/01/2022 15:04: Sample Delivered to Kylo
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

06/01/2022 **Sample 22-4-1061 8**
Original Event: Chain of Custody #1523 (22-4-1061 8)
05/31/2022 15:00: Sample Collected by James M. Trimble
06/01/2022 15:04: Sample Delivered to Kylo
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

06/01/2022 **Sample 22-4-1062 5**
Original Event: Chain of Custody #1524 (22-4-1062 5)
05/31/2022 15:00: Sample Collected by James M. Trimble
06/01/2022 15:04: Sample Delivered to Kylo
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

06/01/2022 **Sample 22-4-1063 9**
Original Event: Chain of Custody #1525 (22-4-1063 9)
05/31/2022 15:00: Sample Collected by James M. Trimble
06/01/2022 15:04: Sample Delivered to Kylo
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

06/01/2022 **Sample 22-4-1064 1**
Original Event: Chain of Custody #1526 (22-4-1064 1)
05/31/2022 15:00: Sample Collected by James M. Trimble
06/01/2022 15:04: Sample Delivered to Kylo
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

06/01/2022 **Sample 22-4-1065 6**
Original Event: Chain of Custody #1527 (22-4-1065 6)
05/31/2022 15:00: Sample Collected by James M. Trimble
06/01/2022 15:04: Sample Delivered to Kylo
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

06/01/2022 **Sample 22-4-1066 0**
Original Event: Chain of Custody #1528 (22-4-1066 0)
05/31/2022 15:00: Sample Collected by James M. Trimble
06/01/2022 15:04: Sample Delivered to Kylo
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters

06/01/2022 **Sample 22-4-1067 3**
Original Event: Chain of Custody #1529 (22-4-1067 3)
05/31/2022 15:00: Sample Collected by James M. Trimble
06/01/2022 15:04: Sample Delivered to Kylo
06/02/2022 10:15: Delivery Affirmed by Vicki Vauters



Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment

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

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In Re: Case PS23-0052

Department	Pesticide
Originated	01/19/2023
Assigned To	Nathan J. Davis
Status	Closed

Involved Parties

Complainant	Anonymous	
Respondent	Terminix International Co LP Jasper, IN 47546	Licensed Business
Respondent	Clint Russell Adler Evansville, IN 47715	Branch Manager / Certified Applicator
Respondent	Gregory A Maynard Evansville, IN 47715	Service Manager / Certified Applicator
Respondent	Dylan J Shinn Evansville, IN 47715	Registered Technician

Overviews

04/24/2023 **Investigation Summary**

The Terminix Evansville Branch manager and certified applicator Clint Adler directed service manager and certified applicator Gregory Maynard to dispose of unknown liquid pesticide contents inside and old application tank at the Terminix Jasper location. Mr. Maynard then directed registered technician Dylan Shinn to drain the unknown liquid pesticide contents on the southwest side of the Jasper location storage building, which Mr. Shinn did. The OISC Residue laboratory report confirmed the presence of the four most used pesticides by Terminix given to me by Mr. Adler. The evidence in this case indicates certified applicator Gregory Maynard was careless and negligent when he was on-site and directed the registered technician to drain the old application tank, as it contained unknown pesticides and was applied at an unknown rate on the southwest side of the building.

Submitted By: Nathan J. Davis
Role: Investigator

04/25/2023 **Disposition Summary**

Terminix International Co LP was cited for violation of section 68 of the Indiana Pesticide Registration Law for disposing of a pesticide that may cause injury to humans, plants, animals, wildlife, lands, or waters.

Gregory A Maynard was cited for violation of section 68 of the Indiana Pesticide Registration Law for disposing of a pesticide that may cause injury to humans, plants, animals, wildlife, lands, or waters. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact there was potential environmental harm.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

01/19/2023 **Intake Referral Filed**

Anonymous complainant stated Greg Maynard of the Terminix Evansville branch ordered employees of the Terminix Jasper branch to pump the contents of an old service tank out onto the ground along a service building.

Original Event: Intake Referral (Pesticide) #2897
Complainant: Anonymous
Respondent: Terminix International Co LP
Submitted By: Joseph D. Becovitz
Assigned To: Nathan J. Davis

01/19/2023 **Case Created**

Original Event: Case PS23-0052
Submitted By: Joseph D. Becovitz
Assigned To: Nathan J. Davis

01/23/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1313
Client: Terminix International Co LP
Firm Representative: Clint Adler
Submitted By: Nathan J. Davis
Attachments: File 116589; NOI-Terminix 1-23-23.pdf

01/23/2023 **Investigator Met with Business Interaction**

On January 23, 2023 I met with the branch manager of the Evansville and Jasper Terminix branches Clint Adler at the Jasper branch located in Jasper, Indiana. I advised Mr. Adler I was a pesticide investigator with OISC and of the complaint I was investigating. Mr. Adler advised Terminix is combining the Jasper branch with the Evansville branch and closing the Jasper Branch. Mr. Adler advised Terminix lease for the Jasper location was completed on 1-20-2022 and Terminix no longer operates or stores anything at the Jasper branch. Mr. Adler advised previously applicators would deposit there rinsate into an old transport tank in the garage, and at the container needed to be moved to the Evansville branch, but they did not want to transport the container with the rinsate in it. Mr. Adler advised his Service Manager Greg Maynard had a registered technician apply the rinsate to the side of the garage.

Original Event: Investigation Activity (Pesticide) #5790
Subject: Terminix International Co LP
Submitted By: Nathan J. Davis

01/23/2023 **Investigator Met with Business Records**

Mr. Adler supplied me with a list of the pesticides Terminix normally uses to make applications, that may have been present in the rinsate container. Mr. Adler advised the main four products Terminix uses is Temprid FX, EPA Reg.# 432-1544, Suspend Polyzone, EPA Reg.# 432-1514, Demand CS, EPA Reg.# 100-1066, and Termidor SC, EPA Reg.# 7969-210.

Attachments

File 116592; Terminix Pesticide List .pdf

Original Event: Investigation Activity (Pesticide) #5791
Subject: Terminix International Co LP
Submitted By: Nathan J. Davis

01/23/2023 **New Respondent Identified**

Original Event: Investigation Change #304
Respondent: Clint Russell Adler
Submitted By: Nathan J. Davis

01/23/2023 **Investigator Met with Business Interaction**

On January 23, 2023 after meeting with Mr. Adler I met with service manager and certified applicator Gregory Maynard. I advised Mr. Maynard I was a pesticide investigator with OISC and of the complaint I was investigating. Mr. Maynard advised he was on-site when the rinsate was applied to the ground next to the garage. Mr. Maynard explained he told registered technician Dylan Shinn to apply the rinsate solution to the ground next to garage. Mr. Maynard showed me where the rinsate solution was applied. Mr. Maynard advised he then transported the container to Evansville branch. I asked Mr. Maynard to complete a written statement regarding the events that took place and he advised he would.

Original Event: Investigation Activity (Pesticide) #5792
Subject: Terminix International Co LP
Submitted By: Nathan J. Davis

01/23/2023 **Investigator Met with Business Statement**

The written statement supplied to me by Mr. Maynard which stated the following: "In events of Wednesday Jan 18th approx 10am-11am I was instructed by branch manager Clint Adler to dispose of a rinsate tank in the detached garage in the property at 332 Third Ave, Jasper IN. I instructed RT Dylan Shinn to apply the rinsate along the foundation of the structure. I placed a submersible pump inside the tank and the contents were drained along the foundation. Liquid removed from the tank it was the transported to 2628 N Cullen Ave. Suite B Evansville, IN 47719."

Attachments

File 116598; Adler Written Statement 1-23-23.pdf

Original Event: Investigation Activity (Pesticide) #5793
Subject: Terminix International Co LP
Submitted By: Nathan J. Davis

01/23/2023 **New Respondent Identified**

Original Event: Investigation Change #305
Respondent: Gregory A Maynard
Submitted By: Nathan J. Davis

01/23/2023 **New Respondent Identified**

Original Event: Investigation Change #306
Respondent: Dylan J Shinn
Submitted By: Nathan J. Davis

01/23/2023 **Investigator Met with Business Activity**

During my on-site investigation I did the following:

- a. Located the area of application on the southside of the garage, located on the south side of the property behind the main building.
- b. Photographed the area of application and building.
- c. Collected composite soil sample along the southside of the garage. The residue samples were submitted to the OISC Residue Laboratory for analysis

Original Event: Investigation Activity (Pesticide) #5794
Subject: Terminix International Co LP
Submitted By: Nathan J. Davis

01/23/2023 **Online Investigation Activity Photographs**

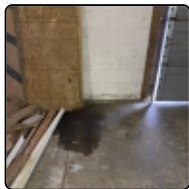
Photographs taken during the on-site investigation.







Attachments



File 116615



File 116616



File 116611



File 116612

Original Event:
Submitted By:

Investigation Activity (Pesticide) #5795
Nathan J. Davis

Original Event:
Client:
Submitted By:
Sample:

Residue Collection #253874 (23-4-0043 6)
Terminix International Co LP
Nathan J. Davis
23-4-0043 6 | Soil; Comp; 2-4"; Target, S, Storage Building

01/24/2023 **Investigator Called Business**

Photographs

On January 24, 2023 I contacted Mr. Adler to send me a picture of the rinsate container they moved to the Evansville branch. I also asked Mr. Adler how much rinsate was in the tank prior to it being pumped out. Mr. Adler advised the container had around 30 gallons in of rinsate solution in it.

20230124_200828000_iOS.jpg (File 116725)



Original Event:
Subject:
Submitted By:

Investigation Activity (Pesticide) #5805
Terminix International Co LP
Nathan J. Davis

01/24/2023 **Lab Advised of Target Analytes**

Original Event: Residue Collections Follow Up #678
 Submitted By: Nathan J. Davis
 Target Analyte: Temprid FX
 Target Analyte: Suspend Polyzone
 Target Analyte: Demand CS
 Target Analyte: Termidor SC
 PPLS Labels: [000100-01066-20141121.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01066-20141121.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000100-01066-20141121.pdf
[000432-01514-20160920.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01514-20160920.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000432-01514-20160920.pdf
[000432-01544-20220524.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000432-01544-20220524.pdf)
https://www3.epa.gov/pesticides/chem_search/ppls/000432-01544-20220524.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

Attachments: File 122927; DEMAND CS INSECTICIDE.pdf
 File 122924; SUSPEND POLYZONE.pdf
 File 122925; TEMPRID FX INSECTICIDE.pdf
 File 122926; TERMIDOR SC TERMITICIDE_INSECTICIDE.pdf

04/05/2023 **Received Residue Lab Report**
Investigatory Summary

The OISC Residue Laboratory analyzed the soil samples collected for the active ingredients cyfluthrin, deltamethrin, fipronil, and imidacloprid and reported the following laboratory report. The OISC Residue Laboratory analysis detected the active ingredients cyfluthrin, deltamethrin, fipronil, and imidacloprid in the soil sample.

First Page of Lab Report

OCM Collection #	253874	Investigator	DAVISN		
Collection Date	01/23/2023				
Sample #	Sample Description	Matrix	Analyte	Amount of Analyte	LOQ
23-4-0043 6	Soil; Comp; 2-4"; Target, S, Storage Building	Soil	Cyfluthrin	261 ppb	6 ppb
			Deltamethrin	912 ppb	3 ppb
			Fipronil	1310 ppb	0.7 ppb
			Imidacloprid	929 ppb	6 ppb

Original Event: Residue Lab Report #260587 (253874-R790)
 Submitted By: SYSTEM
 Lab Report: Lab Report 253874-R790.pdf

04/24/2023 **Investigation Activity**
Activity

The Terminix Evansville Branch manager and certified applicator Clint Adler directed service manager and certified applicator Gregory Maynard to dispose of unknown liquid pesticide contents inside and old application tank at the Terminix Jasper location. Mr. Maynard then directed registered technician Dylan Shinn to drain the unknown liquid pesticide contents on the southwest side of the Jasper location storage building, which Mr. Shinn did. The OISC Residue laboratory report confirmed the presence of the four most used pesticides by Terminix given to me by Mr. Adler. The evidence in this case indicates certified applicator Gregory Maynard was careless and negligent when he was on-site and directed the registered technician to drain the old application tank, as it contained unknown pesticides and was applied at an unknown rate on the southwest side of the building.

Original Event: Investigation Activity (Pesticide) #6082
 Submitted By: Nathan J. Davis

04/25/2023 **Judgement; Civil Penalty Assessed**
Citation

Terminix International Co LP was cited for violation of section 68 of the Indiana Pesticide Registration Law for disposing of a pesticide that may cause injury to humans, plants, animals, wildlife, lands, or waters.

Civil Penalty

Gregory A Maynard was cited for violation of section 68 of the Indiana Pesticide Registration Law for disposing of a pesticide that may cause injury to humans, plants, animals, wildlife, lands, or waters. A civil penalty in the amount of \$1,000.00 was assessed for this violation. Consideration was given to the fact there was potential environmental harm.

Original Event: Judgement #1491
 Primary: Terminix International Co LP
 Secondary: Gregory A Maynard
 Submitted By: George Saxton
 Legal Citation: IC 15-16-4-68
 Penalty Amount: 1000

04/26/2023 **Notice of Enforcement Mailed to Target**
Original Event: Outgoing Mail #2266
To: Southern Indiana-Evv
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0608 0899
Enclosed: Notice of Enforcement
Attachments: File 124007; PS23-0052EL CIT ~ Terminix International-Jasper.docx

04/26/2023 **Notice of Enforcement Mailed to Target**
Original Event: Outgoing Mail #2267
To: Gregory A Maynard
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0608 0882
Enclosed: Notice of Enforcement
Attachments: File 124011; PS23-0052EL CIT-CP ~ Gregory A. Maynard - Terminix International-Jasper.docx

05/02/2023 **Received Mail Confirmation for Target**
Original Event: Compliance Receipt #2085
Subject: Southern Indiana-Evv
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0608 0899
Received: 05/02/2023
Attachments: File 124016; CM 7021 0950 0000 0608 0899 - Southern Indiana Terminix - PS23-0052 - Proof of Delivery.pdf
File 124017; CM 7021 0950 0000 0608 0899 - Southern Indiana Terminix - PS23-0052 - Received 5-2-2023.pdf

05/02/2023 **Received Mail Confirmation for Target**
Original Event: Compliance Receipt #2086
Subject: Gregory A Maynard
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0608 0882
Received: 05/02/2023
Attachments: File 124019; CM 7021 0950 0000 0608 0882 - Mr. Gregory A. Maynard - PS23-0052 - Proof of Delivery.pdf
File 124018; CM 7021 0950 0000 0608 0882 - Mr. Gregory A. Maynard - PS23-0052 - Received 5-2-2023.pdf

05/22/2023 **Received Penalty Payment for Target**
Original Event: Compliance Receipt #2092
Subject: Gregory A Maynard
Submitted By: Jacob A. Hatfield
Payment Expected: \$1,000.00
Payment Received: \$1,000.00
Attachments: File 124789; PS23-0052 - Gregory A. Maynard - CP Received 5-22-2023.pdf

06/05/2023 **Notice of Case Closure Mailed to Target**
Original Event: Outgoing Mail #2329
To: Terminix International Co LP
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 125961; PS23-0052 - Southern Indiana - Terminix - Case Closed Letter 6-5-2023.docx

06/05/2023 **Notice of Case Closure Mailed to Target**
Original Event: Outgoing Mail #2330
To: Gregory A Maynard
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 125962; PS23-0052 - Gregory A. Maynard - Case Closed Letter 6-5-2023.docx

06/05/2023 **Notice of Case Closure Mailed to Target**
Original Event: Outgoing Mail #2331
To: Dylan J Shinn
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 125963; PS23-0052 - Dylan J. Shinn - Case Closed Letter 6-5-2023.docx

Chain of Custody

01/24/2023 **Sample 23-4-0043 6**

Original Event:	Chain of Custody #4203 (23-4-0043 6)
01/23/2023 10:00:	Sample Collected by Nathan J. Davis
01/24/2023 13:25:	Sample Delivered to Vicki L. Vauters
01/24/2023 13:25:	Delivery Affirmed by Vicki L. Vauters

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

This record was generated on **May 15, 2023, 03:54 PM EDT**. Information displayed may contain errors or omissions.
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In Re: Case PS23-0070

Department	Pesticide
Originated	03/04/2023
Assigned To	William R. Reid
Status	Closed

Involved Parties

Complainant	Rodney Crawley Connersville, IN 47331
Respondent	Hindsight Property Inspections LLC Shirley, IN 47384
Respondent	Evan B Glaser Shirley, IN 47384

Overviews

03/16/2023 **Investigation Summary**

Complainant stated Evan Glaser of Hindsight Property Inspections performed a wood destroying pest inspection at 895 W 175 S in Connersville Indiana writing there was no visible evidence of insect infestation. The complainant further stated that after moving into the home at the end of January 2023 he discovered extensive visible termite damage.

On 3/15/23 I visited the property to investigate the WDI complaint. Evan Glaser the home inspector sent me his documentation before hand and in his home inspection report on page 35 item 11.4.2 showed a picture of the condition of the drywall behind the water heater at the time of the inspection. This condition matched what I saw during my investigation on 3/15/23 and it was damage from termite mud tubes and or activity. This area was accessible during the original inspection Evan Glaser performed. When I asked Evan Glaser about this area he replied that he thought it was water damage due to high moisture levels.

The Home Inspector also issued a refund stating, "Refund Issued due to discovery of WDI. The decision to refund was based upon discovery in the garage area. High moisture in garage was believed to be reason for peeling paint and a qualified contractor was recommended to evaluate further. The crawlspace inspection was limited, noted in the corresponding NPMA-33 form, and excluded from the decision to issue this refund." While there was more damage located in the crawlspace during my investigation on 3/15/23, the Inspector did note on the NPMA-33 form "Crawlspace inspection was limited due to live animal in crawlspace." The inspector also noted other limitations in the crawlspace such as limited access, unsafe conditions, insulation, ductwork, plumbing, and/or wiring.

Submitted By: William R. Reid
Role: Investigator

03/16/2023 **Disposition Summary**

Hindsight Property Inspections LLC was cited for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement regarding the infestation or infection of pests.

Evan Glaser was cited for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement regarding the infestation or infection of pests. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$200.00. Consideration was given to the fact Mr. Glaser cooperated during the investigation, corrective action was taken and Mr. Crawley was reimbursed for the inspection.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

03/03/2023 **Intake Referral Filed**

Complainant stated Evan Glaser of Hindsight Property Inspections performed a wood destroying pest inspection at 895 W 175 S in Connersville Indiana writing there was no visible evidence of insect infestation. The complainant further stated that after moving into the home at the end of January 2023 he discovered extensive visible termite damage.

Original Event: Intake Referral (Pesticide) #2933
Complainant: Rodney Crawley
Respondent: Hindsight Property Inspections LLC
Submitted By: Joseph D. Becovitz
Assigned To: William R. Reid

03/04/2023 **Case Created**

Original Event: Case PS23-0070
Submitted By: Joseph D. Becovitz
Assigned To: William R. Reid

03/09/2023 **Investigator Called Business Communication**

I talked with Evan Glaser about the investigation. He is supposed to send me his home inspection report and WDI report. Mr. Glaser stated that there was an animal in the crawlspace so that he didn't access it all. The garage he said he thought that it was moisture on the walls that ended up being termites.

Records

Later the same day Mr. Evan Glaser sent me the WDI report, invoice, contract, and home inspection report via email.

Attachments

- File 120122; 895_W_Co_Rd_175_S__Residential_Inspection_Report (002).pdf
- File 120119; 895_W_Co_Rd_175_S__Wood_Destroying_Insect_Report__28NPMA_33_29 (002).pdf
- File 120121; Invoice - 01_03_2023 9_00 am - 895 W Co Rd 175 S (002).pdf
- File 120120; Residential Home Inspection Agreement.pdf

Original Event: Investigation Activity (Pesticide) #5888
Subject: Hindsight Property Inspections LLC
Submitted By: William R. Reid

03/09/2023 **Investigator Called Complainant Communication**

Rodney Crawley explained the history of the investigation. He stated that he will send me the Home inspection report and WDI report later. I informed him that I will try to be down next week and will confirm a time with him.

Original Event: Investigation Activity (Pesticide) #5889
Subject: Rodney Crawley
Submitted By: William R. Reid

03/15/2023 **Investigator Met with Complainant Photographs**

Pictures of the garage area noted behind the water heater that showed the same termite damage in the original home inspection report provided by the home inspector during the inspection. During my investigation there were many areas of the home that had drywall removed. Several areas of termite damage was noted behind the drywall that was not visible during the inspection due to the drywall. The crawlspace was noted to have termite damage during my investigation, but was marked on the original WDI form (NPMA-33) "No indication of WDI at time of inspection. Crawlspace inspection was limited due to live animal in crawlspace." In section II of the WDI form box "A" was marked stating No Visible evidence of wood destroying insects was observed. The Home Inspector also issued a refund stating, "Refund Issued due to discovery of WDI. The decision to refund was based upon discovery in the garage area. High moisture in garage was believed to be reason for peeling paint and a qualified contractor was recommended to evaluate further. The crawlspace inspection was limited, noted in the corresponding NPMA-33 form, and excluded from the decision to issue this refund."

Attachments



File 120168

File 120169

File 120170

File 120171

File 120172

File 120173

File 120175; HI REPORT with Picture of water heater.docx

Original Event: Investigation Activity (Pesticide) #5896
Subject: Rodney Crawley
Submitted By: William R. Reid

03/15/2023 **Notice of Inspection Issued**

Original Event: Notice of Inspection #1397
Client: Rodney Crawley
Firm Representative: Rodney Crawley
Submitted By: William R. Reid
Attachments: File 120176; NOI for Rodney Crawley .pdf

03/16/2023 **Judgement; Civil Penalty Assessed**

Citation

Hindsight Property Inspections LLC was cited for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement regarding the infestation or infection of pests.

Civil Penalty

Evan Glaser was cited for violation of section 65(14) of the Indiana Pesticide Use and Application Law for making a false or misleading statement regarding the infestation or infection of pests. A civil penalty in the amount of \$500.00 was assessed for this violation. However, the civil penalty was reduced to \$200.00. Consideration was given to the fact Mr. Glaser cooperated during the investigation, corrective action was taken and Mr. Crawley was reimbursed for the inspection.

Original Event: Judgement #1468
Primary: Hindsight Property Inspections LLC
Secondary: Evan B Glaser
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(14)
Penalty Amount: 200

03/29/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2128
To: Hindsight Property Inspections LLC
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0608 0790
Enclosed: Notice of Enforcement
Attachments: File 121613; PS23-0070EL CIT ~ Hindsight Property Inspections.docx

03/29/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2129
To: Evan B Glaser
Submitted By: Joni D. Herman
USPS: 7021 0950 0000 0608 0806
Enclosed: Notice of Enforcement
Attachments: File 121614; PS23-0070EL CP Mitigated ~ Evan Glaser - Hindsight Property Inspections.docx

04/06/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2044
Subject: Hindsight Property Inspections LLC
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0608 0790
Received: 04/06/2023
Attachments: File 122210; MC 7021 0950 0000 0608 0790 - PS23-0070 - Hindsight Property Inspections LLC - Received 4-6-2023.pdf

04/06/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2045
Subject: Evan B Glaser
Submitted By: Jacob A. Hatfield
USPS: 7021 0950 0000 0608 0806
Received: 04/06/2023
Attachments: File 122211; CM 7021 0950 0000 0608 0806 - PS23-0070 - Evan B. Glaser - Received 4-6-2023.pdf

04/11/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2037
Subject: Evan B Glaser
Submitted By: Jacob A. Hatfield
Payment Expected: \$200.00
Payment Received: \$200.00
Attachments: File 122097; PS23-0070 - Evan B. Glaser - CP Received 4-11-2023.pdf

05/08/2023 **Notice of Case Closure Mailed to Complainant**

Original Event: Outgoing Mail #2250
To: Rodney Crawley
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 123868; PS23-0070 - Rodney Crawley - Case Closed Letter 5-8-2023.docx

05/08/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2251
To: Hindsight Property Inspections LLC
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 123869; PS23-0070 - Hindsight Property Inspections LLC - Case Closed Letter 5-8-2023.docx

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

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

This record was generated on **June 1, 2023, 11:50 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 PS23-0076

Department	Pesticide
Originated	03/14/2023
Assigned To	James M. Trimble
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Business	Cloverdale Agri Center Inc Cloverdale, IN 46120

Overviews

03/21/2023 Investigation Summary

On March 7, 2023, I completed a routine RUP sales and application inspection at Cloverdale Agri-Center, where I found they had not classified pesticides that contained at least 6.5% active ingredient of dicamba as RUPs.

I found that Cloverdale Agri-Center had two unlawful sales of an Indiana RUP, "Status", to an unlicensed user.

Submitted By: James M. Trimble
Role: Investigator

03/23/2023 Disposition Summary

Cloverdale Agri Center Inc was cited for two (2) counts of violation of section 65(13) of the Indiana Pesticide Use and Application Law for aiding or abetting an unlicensed person to use a state restricted pesticide product. A civil penalty in the amount of \$2,000.00 (2 counts x \$1,000.00 per count) was assessed for this violation.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

03/07/2023 General Inspection Conducted RUP Application Records Inspection

The pesticide's EPA Registration number was not being recorded on the collective electronic form but was available for inspection. They advised that it would be added to their electronic form. I provided them with the updated rule for RUP sales and application recordkeeping.

RUP Dealer Inspection

Upon my inspection, I found that Cloverdale Agri-Center had not classified pesticide products containing at least 6.5% dicamba active ingredient as a Restricted Use Pesticide (RUP). It was later found that they had two separate transactions where they had sold a RUP to an unlicensed user. A case was generated from my ongoing investigation into this matter.

Original Event: Pesticide Inspection (General) #2131
Client: Cloverdale Agri Center Inc
Firm Representative: Michelle Patten
Submitted By: James M. Trimble

03/07/2023 Investigator Met with Business

Records

On March 7, 2023, I arrived at Cloverdale Agri-Center to complete a routine Restricted Use Pesticide (RUP) sales and application records check. Upon my arrival, I met with Office Manager, Michelle Patten, who provided me with the RUP sales and application records. Upon my inspection of the records, I observed that pesticides that contained at least 6.5% active ingredient of dicamba, which are classified in Indiana as RUPs, were absent from the list. Mrs. Patten confirmed that they had not classified the sales and applications of those products as RUPs.

Mrs. Patten and I went through the dicamba Indiana RUP list by product name to identify any possible sales of those products were made to unlicensed users. Once the newly added pesticides were added to their RUP application and sales report, Mrs. Patten identified one sale in 2022 was made to an individual that did not have a certification from OISC. The sale was listed as 625oz of **Status** (EPA Reg. #7969-242, active ingredient of Dicamba) to Mobley Farms on June 30, 2022. Mrs. Patten identified the representative for Mobley Farms as Mark Mobley; Bloomington, IN.

Using our license database, INPlants, I was unable to find a valid license for Mobley Farms or Mark Mobley. Mrs. Patten stated she had attempted to call and left a message on Mr. Mobley's phone to inquire about a possible license associated with his farm. Mrs. Patten stated she would inform me about his license status once she heard back from Mr. Mobley.

Mrs. Patten printed their updated RUP application and sales records for my inspection.

Attachments

File 120083; 2022 report.pdf

Original Event: Investigation Activity (Pesticide) #5893
Subject: Cloverdale Agri Center Inc
Submitted By: James M. Trimble

03/07/2023 Notice of Inspection Issued

Original Event: Notice of Inspection #1386
Client: Cloverdale Agri Center Inc
Firm Representative: Michelle Patten
Submitted By: James M. Trimble
Attachments: File 120003; CloverAgNOI.pdf

03/07/2023 Intake Referral Filed

Upon my inspection, I found that Cloverdale Agri-Center had not classified pesticide products containing at least 6.5% dicamba active ingredient as a Restricted Use Pesticide (RUP). It was later found that they had two separate transactions where they had sold a RUP to an unlicensed user.

Original Event: Intake Referral (Pesticide) #2939
Complainant: Office of Indiana State Chemist
Respondent: Cloverdale Agri Center Inc
Entered By: James M. Trimble
Submitted By: Joseph D. Becovitz

03/13/2023 Investigator Sent Fax/Email to Business Records

On March 13, 2023, I first called and spoke with Mrs. Patten to confirm her email address. While on the phone with her, Mrs. Patten stated that she had spoke with Mr. Mobley, who confirmed to her that he did not have a license with OISC. Once I confirmed her email address, I sent an email with a request for Cloverdale Agri-Center to send me their sales invoice for Status to Mobley Farms. Mrs. Patten sent me the invoice a short time later. The invoice listed the sale of 625oz of **Status** (EPA Reg. ##7969-242, active ingredient of Dicamba) on June 30, 2022 to Mobley Farms.

Note: I redacted the prices and customer's phone number on the attached sales invoice.

2022 Sales Invoice (File 120462)

CLOVERDALE AGRI-CENTER INC
PO BOX 207
CLOVERDALE IN 46120-0207

INVOICE
<<COPY>>

PAGE 1
INVOICE NO. 00562518
ORDER DATE 06/30/22
ACCOUNT NO. MOBLFA
ORDER NO. 00562518

MOBLEY FARMS, INC.
2110 N LOESCH ROAD
BLOOMINGTON IN 47404

P.O.# SHIP DATE TERMS SLS LOC
 06/30/22 NET DUE 15TH CO 001

PACKAGES SOLD	DESCRIPTION	UNITS SOLD	UNIT PRICE	EXTENDED
15 GA	CORTEVA ENLIST ONE 2.5	15 GA		
10 GAL	INDUCE 2.5 GAL NON IONIC SURF	10 GAL		
10 GA	KABAK MAX 2.5 GAL (W/ENLIST)	10 GA		
375 OZ	BASF STATUS OZ 125 OZ PKG	375 OZ		
50 GA	CORTEVA ENLIST ONE 2.5	50 GA		
20 GA	KABAK MAX 2.5 GAL (W/ENLIST)	20 GA		
250 OZ	BASF STATUS OZ 125 OZ PKG	250 OZ		
4 QT	POINT BLANK WM QT. (HELENA)	4 QT		

TOTAL DUE \$\$

BALANCE DUE ON THE 15TH OF THE FOLLOWING MONTH.

A FINANCE CHARGE OF 1.75% PER MONTH WILL BE ADDED WHEN ACCOUNT IS PAST DUE.

SIGNATURE: _____

Attachments

- File 120069; 3-13 email.pdf
- File 120070; re 3-13email.pdf

Original Event: Investigation Activity (Pesticide) #5894
Subject: Cloverdale Agri Center Inc
Submitted By: James M. Trimble

03/14/2023 **Case Created**

Original Event: Case PS23-0076
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

03/14/2023 **Investigator Sent Fax/Email to Business**

Records

On March 14, 2023, I sent a email to Cloverdale Agri-Center that requested invoices for any additional RUP sales made to Mobley Farms in 2021. A short time later, Mrs. Patten sent me an email which stated they had sold Status to Mobley Farms in 2021 as well. Mrs. Patten included the invoice for the sale which was listed as 250oz of **Status** (EPA Reg. ##7969-242, active ingredient of *Dicamba*) on June 28, 2021 to Mobley Farms. Later that day, I confirmed with Cloverdale Agri-Center that the EPA registration number for the Status sales was #7969-242.

Note: I redacted the prices and customer's phone number on the attached sales invoice.

2021 Sales Invoice (File 120463)

LOVERDALE AGRI-CENTER INC O BOX 207 LOVERDALE IN 46120-0207	=====	PAGE 1	
	INVOICE	INVOICE NO. 00542995	
	=====	ORDER DATE 06/28/21	
	<<COPY>>	ACCOUNT NO. MOBLEFA	
		ORDER NO. 00542995	
MOBLEY FARMS, INC. 2110 N LOESCH ROAD BLOOMINGTON IN 47404			

P.O.#	SHIP DATE	TERMS	SLS LOC
	06/28/21	NET DUE 15TH	CO 001

PACKAGES SOLD	DESCRIPTION	UNITS SOLD	UNIT PRICE EXTENDED
250 OZ	BASF STATUS OZ 125 OZ PKG	250 OZ	
			TOTAL DUE \$\$

BALANCE DUE ON THE 15TH OF THE FOLLOWING MONTH.			
A FINANCE CHARGE OF 1.75% PER MONTH WILL BE ADDED WHEN ACCOUNT IS PAST DUE.			
SIGNATURE: _____			

Attachments

File 120072; re 3-14 email.pdf

Original Event: Investigation Activity (Pesticide) #5895
Subject: Cloverdale Agri Center Inc
Submitted By: James M. Trimble

03/17/2023 **Case Created** (Pending)

Original Event: Case PS23-0079
Submitted By: Joseph D. Becovitz
Assigned To: James M. Trimble

03/21/2023 **Online Investigation Activity**
Activity

Based on the evidence I collected in this investigation, I discovered Cloverdale Agri-Center had not classified pesticides that contained 6.5% and above active ingredient of dicamba as Restricted Use Pesticides (RUP). Due to Cloverdale Agri-Center's failure to classify the pesticides as RUPs, I identified that they had sold **Status** (EPA Reg. #7969-242, active ingredient of Dicamba) to Mobley Farms (Mark Mobley), an unlicensed user, on two occasions. The sales were documented as;

- **06/28/2021-Mobley Farms-250oz-BASF Status EPA Reg. #7969-242**
- **06/30/2022-Mobley Farms-625oz-BASF Status EPA Reg. #7969-242**

Enacted in 2017;

- **357 IAC 1-17-1 State restricted use pesticide products**

Sec. 1. Pesticide products defined by the following categories or active ingredients are designated and classified as restricted use pesticides in the state of Indiana:

3. Any dicamba containing pesticide product that:

A. contains a dicamba active ingredient concentration greater than or equal to six and one-half percent (6.5%); and

B. is intended for agricultural production uses but:

i. does not also contain 2,4-D as an active ingredient; or

ii. is not labeled solely for use on turf or other nonagricultural use sites.

See Case #PS23-0079 for investigation of Mark Mobley.

Attachments

File 120522; STATUS HERBICIDE (INDIANA RESTRICTED USE PESTICIDE).pdf

Original Event: Investigation Activity (Pesticide) #5914
Subject: Cloverdale Agri Center Inc
Submitted By: James M. Trimble

03/23/2023 **Judgement; Civil Penalty Assessed**
Civil Penalty

Cloverdale Agri Center Inc was cited for two (2) counts of violation of section 65(13) of the Indiana Pesticide Use and Application Law for aiding or abetting an unlicensed person to use a state restricted pesticide product. A civil penalty in the amount of \$2,000.00 (2 counts x \$1,000.00 per count) was assessed for this violation.

Original Event: Judgement #1471
Primary: Cloverdale Agri Center Inc
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(13)
Penalty Amount: 2000

04/13/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2189
To: Cloverdale Agri Center Inc
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 1738 1929
Enclosed: Notice of Enforcement
Attachments: File 122263; PS23-0076EL CIT-CP ~ Cloverdale Agri Center Inc..docx

04/20/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2060
Subject: Cloverdale Agri Center Inc
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 1738 1929
Received: 04/20/2023
Attachments: File 123507; CM 7020 3160 0001 1738 1929 - Cloverdale Agri Center, Inc. - PS23-0076 - 4-20-2023.pdf

05/08/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2082
Subject: Cloverdale Agri Center Inc
Submitted By: Jacob A. Hatfield
Payment Expected: \$2,000.00
Payment Received: \$2,000.00
Attachments: File 123877; PS23-0076 - Cloverdale Agri Center, Inc. - CP Received 5-8-2023.pdf

05/23/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2286
To: Cloverdale Agri Center Inc
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 124800; PS23-0076 - Cloverdale Agri Center, Inc. - Case Closed Letter 5-23-2023.docx

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

This record was generated on **June 1, 2023, 11:50 AM EDT**. Information displayed may contain errors or omissions.
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Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

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

This record was generated on **June 21, 2023, 08:01 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 PS23-0084

Department	Pesticide
Originated	03/27/2023
Assigned To	Adam Brockman
Status	Closed

Involved Parties

Complainant	Anonymous
Respondent	Premier Lawns & Landscapes LLC Madison, IN 47250
Respondent	Greggory A Cline Madison, IN 47250

Overviews

04/21/2023 **Investigation Summary**

Cline has submitted all necessary information to me. Cline has corrected all issues with his applicator licenses as well as his business license. Cline did this immediately once he was made aware of the issues.

Submitted By: Adam Brockman
Role: Investigator

04/24/2023 **Disposition Summary**

Premier Lawns & Landscapes LLC was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license. Consideration was given to the fact Premier Lawns & Landscapes LLC cooperated during the investigation and corrective action was taken.

Greggory Cline was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$2,500.00 (5 counts x \$500.00 per count) was assessed for this violation. However, the civil penalty was reduced to \$1,500.00. Consideration was given to the fact Greggory Cline cooperated during the investigation and corrective action was taken.

In addition, \$1,000.00 of the civil penalty was held in abeyance and will not be assessed provided Mr. Cline commits no further violations of the Indiana Pesticide Use and Application Law within two (2) years from the date of this notice.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

03/17/2023 **Intake Referral Filed**

Anonymous complainant stated they have observed Premier Lawns & Landscapes making pesticide and fertilizer applications around Madison Indiana. A check of OISC records indicates Premier's pesticide business license has not been renewed for 2023 and certified applicator Greg Cline requires retesting to renew.

Original Event: Intake Referral (Pesticide) #2947
Complainant: Anonymous
Respondent: Premier Lawns & Landscapes LLC
Submitted By: Joseph D. Becovitz
Assigned To: Adam Brockman

03/27/2023 **Case Created**

Original Event: Case PS23-0084
Submitted By: Joseph D. Becovitz
Assigned To: Adam Brockman

03/31/2023 **Investigator Called Business Interaction**

I spoke with Greg Cline this morning and he advised that he and his company have been doing pesticide applications. I informed him that his business license and 3B are expired. He was not aware of this. I explained to him that he needs to stop all applications immediately. I emailed him an Action Order. I have a phone call scheduled with him this afternoon 3/31/23 to further discuss and review his records and invoices.

Attachments

File 121318; Scan from 2023-03-31 09_24_54 AM.pdf

Original Event: Investigation Activity (Pesticide) #5947
Subject: Premier Lawns & Landscapes LLC
Submitted By: Adam Brockman

03/31/2023 **Investigator Called Applicator Communication**

I spoke with Greg Cline and he advised that he was unaware that his 3B and Business license were no longer active. I explained what he needed to do to fix this as well as requested his records from all of his applications that he has done will not be licensed. Cline has been forthcoming with all information so far and has agreed to supply me with all necessary documentation.

Original Event: Investigation Activity (Pesticide) #5967
Subject: Premier Lawns & Landscapes LLC
Submitted By: Adam Brockman

04/06/2023 **New Respondent Identified**

Original Event: Investigation Change #319
Respondent: Gregory A Cline
Submitted By: Adam Brockman

04/07/2023 **Investigation Activity Records**

Cline provided me with the spread sheet of all of his applications that he has done with year while he was unlicensed. There are a total of 135 applications.

Attachments

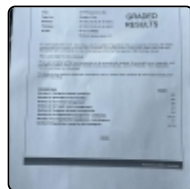
File 121740; 2023 Spray List w Dates and Products.xlsx

Original Event: Investigation Activity (Pesticide) #5972
Subject: Premier Lawns & Landscapes LLC
Submitted By: Adam Brockman

04/21/2023 **Investigation Activity Records**

Cline provided me with records documenting that he passes his CORE and 3B. Cline also informed me via email that all of his paperwork for his business license was submitted to our office on 04/10/23.

Attachments



File 122733



File 122734

Original Event: Investigation Activity (Pesticide) #6071
Subject: Premier Lawns & Landscapes LLC
Submitted By: Adam Brockman

04/24/2023 **Judgement; Civil Penalty Assessed Citation**

Premier Lawns & Landscapes LLC was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license. Consideration was given to the fact Premier Lawns & Landscapes LLC cooperated during the investigation and corrective action was taken.

Civil Penalty

Greggory Cline was cited for five (5) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for unknowingly applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$2,500.00 (5 counts x \$500.00 per count) was assessed for this violation.

However, the civil penalty was reduced to \$1,500.00. Consideration was given to the fact Greggory Cline cooperated during the investigation and corrective action was taken.

Abeyance

In addition, \$1,000.00 of the civil penalty was held in abeyance and will not be assessed provided Mr. Cline commits no further violations of the Indiana Pesticide Use and Application Law within two (2) years from the date of this notice.

Original Event:	Judgement #1490
Primary:	Premier Lawns & Landscapes LLC
Secondary:	Greggory A Cline
Submitted By:	George Saxton
Legal Citation:	IC 15-16-5-65(9)
Penalty Amount:	1500

04/26/2023 Notice of Enforcement Mailed to Target

Original Event:	Outgoing Mail #2265
To:	Greggory A Cline
Submitted By:	Joni D. Herman
USPS:	7021 0950 0000 0608 0875
Enclosed:	Notice of Enforcement
Attachments:	File 123998; PS23-0084EL CP Mitigated-Partial Abeyance ~ Greggory Cline - Premier Lawns & Landscapes LLC.docx

05/13/2023 Received Mail Confirmation for Target

Original Event:	Compliance Receipt #2091
Subject:	Greggory A Cline
Submitted By:	Jacob A. Hatfield
USPS:	7021 0950 0000 0608 0875
Received:	05/13/2023
Attachments:	File 124566; CM 7021 0950 0000 0608 0875 - Mr. Greggory A. Cline - PS23-0084 - Proof of Delivery Date 5-13-2023.pdf File 124565; CM 7021 0950 0000 0608 0875 - Mr. Greggory A. Cline - PS23-0084 - Received 5-13-2023.pdf

05/15/2023 Received Penalty Payment for Target

Original Event:	Compliance Receipt #2088
Subject:	Greggory A Cline
Submitted By:	Jacob A. Hatfield
Payment Expected:	\$500.00
Payment Received:	\$500.00
Attachments:	File 124120; PS23-0084 - Mr. Greggory A. Cline - CP Received 5-15-2023.pdf

06/05/2023 Notice of Case Closure Mailed to Target

Original Event:	Outgoing Mail #2332
To:	Greggory A Cline
Submitted By:	Jacob A. Hatfield
Enclosed:	Notice of Case Closure
Attachments:	File 125967; PS23-0084 - Greggory A. Cline - Case Closed Letter 6-5-2023.docx

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

This record was generated on June 21, 2023, 08:01 AM EDT . Information displayed may contain errors or omissions. Official records may only be obtained directly from the Office of Indiana State Chemist.
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Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

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

This record was generated on **July 26, 2023, 11:59 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 PS23-0120

Department	Pesticide
Originated	04/28/2023
Assigned To	Elizabeth C. Carter
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent	Meyer Inc Hoagland, IN 46745
-	Christopher Allen Lomont New Haven, IN 46774

Overviews

05/01/2023 Investigation Summary

On April 11, 2023, I performed a routine inspection at Meyer Inc in Hoagland, Indiana. As part of that inspection, I requested their Restricted Use Pesticide (RUP) dealer records. When reviewing those records, I discovered two RUP sales to Mr. Christopher Lomont. Mr. Lomont purchased Harness Extra on March 6, 2023 and Lambda Star Plus on June 6, 2022. A check of the OISC database indicated that Mr. Lomont's Private Applicator license expired on December 31, 2018.

Submitted By: Elizabeth C. Carter
Role: Investigator

05/02/2023 Disposition Summary

Meyer Inc was cited for two (2) counts of violation of section 65(2) of the Indiana Pesticide Use and Application Law for violation of label directions regarding, distribution of a restricted use pesticide to a non-certified user. The label specifically states, "For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification". A civil penalty in the amount of \$1,000.00 (2 counts x \$500.00 per count) was assessed. Consideration was given to the fact a restricted use pesticide was involved. However, the civil penalty was reduced to \$600.00. Consideration was given to the fact Meyer Inc cooperated during the investigation and corrective action was taken.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

04/11/2023 Rup Dealer Inspection Conducted RUP Dealer Inspection

I found an RUP sale to an unlicensed applicator.

Original Event: Pesticide Inspection (General) #2256
Client: Meyer Inc
Firm Representative: Dan Meyer
Submitted By: Elizabeth C. Carter

04/11/2023 Notice of Inspection Issued

Original Event: Notice of Inspection #1542
Client: Meyer Inc
Firm Representative: Dan Meyer
Submitted By: Elizabeth C. Carter
Photos:

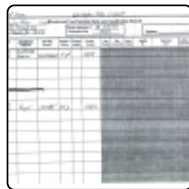


File 123274

04/19/2023 **Investigator Received Fax/Email from Business Records**

These are the RUP sales records that Mr. Meyer emailed to me on April 19, 2023. According to the records, Meyer Inc. sold Harness Extra on March 6, 2023 and Lambda Star Plus on June 6, 2022, both to Christopher Lomont. A check of the OISC database indicated that Mr. Lomont's Private Applicator license expired on December 31, 2018. It was noted in the OISC licensing system that in January of 2019, the Office returned Mr. Lomont's application and check because he had failed to attend the required amount of recertification programs.

Attachments



File 123360

File 123361; Meyer Inc Reports.pdf

Original Event: Investigation Activity (Pesticide) #6119
Subject: Meyer Inc
Submitted By: Elizabeth C. Carter

04/21/2023 **Investigator Called Business Communication**

On April 21, 2023, I spoke with Mr. Meyer on the phone regarding the two RUP sales to Mr. Lomont. I asked Mr. Meyer if Mr. Lomont farmed with anyone else, and he stated Lomont did not farm with anyone else and made his own applications. We then discussed licensing. Mr. Meyer said there must have been some confusion with the expiration date.

Original Event: Investigation Activity (Pesticide) #6124
Subject: Meyer Inc
Submitted By: Elizabeth C. Carter

04/27/2023 **Investigator Called Farmer Communication**

On April 27, 2023, I spoke with Mr. Christopher Lomont on the phone. I explained to Mr. Lomont how I had done a routine Restricted Use Pesticide (RUP) dealer records check at Meyer Inc. I asked Mr. Lomont if he had a pesticide applicator license. He said he did. When I questioned him further, he acknowledged his license had expired. I reminded Mr. Lomont he could not purchase or apply RUP's without a current pesticide applicator license. I then discussed the licensing process with Mr. Lomont. Mr. Lomont indicated that he planned to get licensed again soon.

Original Event: Investigation Activity (Pesticide) #6126
Subject: Christopher Allen Lomont
Submitted By: Elizabeth C. Carter

04/28/2023 **Intake Referral Filed**

During the course of a routine Restricted Use Pesticide (RUP) dealer records check, I discovered the sale of an RUP by Meyer Inc to an unlicensed applicator.

Original Event: Intake Referral (Pesticide) #2998
Complainant: Office of Indiana State Chemist
Respondent: Meyer Inc
Entered By: Elizabeth C. Carter
Submitted By: Joseph D. Becovitz

04/28/2023 **Case Created**

Original Event: Case PS23-0120
Submitted By: George Saxton
Assigned To: Elizabeth C. Carter

05/02/2023 **Judgement; Civil Penalty Assessed**

Civil Penalty

Meyer Inc was cited for two (2) counts of violation of section 65(2) of the Indiana Pesticide Use and Application Law for violation of label directions regarding, distribution of a restricted use pesticide to a non-certified user. The label specifically states, "For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification". A civil penalty in the amount of \$1,000.00 (2 counts x \$500.00 per count) was assessed. Consideration was given to the fact a restricted use pesticide was involved. However, the civil penalty was reduced to \$600.00. Consideration was given to the fact Meyer Inc cooperated during the investigation and corrective action was taken.

Original Event: Judgement #1495
Primary: Meyer Inc
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(2)
Penalty Amount: 600

05/24/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2300
To: Meyer Inc
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 1738 2216
Enclosed: Notice of Enforcement
Attachments: File 125035; PS23-0120EL CIT - CP Mitigated ~ Meyer Inc..docx

06/01/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2103
Subject: Meyer Inc
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 1738 2216
Received: 06/01/2023
Attachments: File 126134; CM 7020 3160 0001 1738 2216 - Meyer, Inc. - PS23-0120 - Received 6-1-2023.pdf

06/19/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2123
Subject: Meyer Inc
Submitted By: Jacob A. Hatfield
Payment Expected: \$600.00
Payment Received: \$600.00
Attachments: File 127056; PS23-0120 - Meyer, Inc. - CP Received 6-19-2023.pdf

07/14/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2492
To: Meyer Inc
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 129034; PS23-0120 - Meyer, Inc. - Case Closed Letter 7-14-2023.docx

07/14/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2493
To: Christopher Allen Lomont
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure
Attachments: File 129035; PS23-0120 - Christopher A. Lomont - Case Closed Letter 7-14-2023.docx

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

This record was generated on **July 26, 2023, 11:59 AM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.



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INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment

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

This record was generated on **July 26, 2023, 12:00 PM EDT**. Information displayed may contain errors or omissions.
Official records may only be obtained directly from the Office of Indiana State Chemist.

In Re: Case PS23-0124

Department	Pesticide
Originated	05/01/2023
Assigned To	Elizabeth C. Carter
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent	Christopher Allen Lomont New Haven, IN 46774

Overviews

05/02/2023 Investigation Summary

During the course of a routine Restricted Use Pesticide (RUP) dealer records check at Meyer Inc., I discovered two RUP sales to Mr. Christopher Lomont. According to the sales records, Meyer Inc. sold Harness Extra on March 6, 2023 and Lambda Star Plus on June 6, 2022 to Mr. Lomont. A check of the OISC licensing database indicated that Mr. Lomont's Private Applicator license expired on December 31, 2018. I spoke with Mr. Lomont on the phone regarding the issue. He acknowledged he purchased and applied the RUPs without a current applicator license.

Submitted By: Elizabeth C. Carter
Role: Investigator

05/02/2023 Disposition Summary

Christopher Allen Lomont was cited for two (2) counts of violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without having a certification, license or permit. A civil penalty in the amount of \$1,000.00 (2 counts x \$500.00 per count) was assessed. However, the civil penalty was reduced to \$600.00. Consideration was given to the fact Mr. Lomont cooperated during the investigation and corrective action was taken.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

04/19/2023 Intake Referral Filed

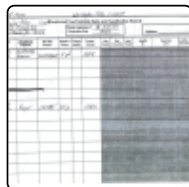
During the course of a routine Restricted Use Pesticide (RUP) records check at Meyer Inc., I discovered an RUP sale to an unlicensed, Christopher Lomont.

Original Event: Intake Referral (Pesticide) #2999
Complainant: Office of Indiana State Chemist
Respondent: Christopher Allen Lomont
Entered By: Elizabeth C. Carter
Submitted By: Joseph D. Becovitz

04/19/2023 Investigation Activity Records

According to their RUP sales records, Meyer Inc. sold Harness Extra on March 6, 2023 and Lambda Star Plus on June 6, 2022, both to Mr. Christopher Lomont. A check of the OISC licensing database indicated that Mr. Lomont's Private Applicator license expired on December 31, 2018. It was noted in the OISC licensing system that in January of 2019, the Office returned Mr. Lomont's application and check because he had failed to attend the required amount of recertification programs.

Attachments



File 123396

Original Event: Investigation Activity (Pesticide) #6127
Submitted By: Elizabeth C. Carter

04/27/2023 **Investigator Called Farmer Communication**

On April 27, 2023, I spoke with Mr. Christopher Lomont on the phone. I explained to Mr. Lomont how I had done a routine Restricted Use Pesticide (RUP) dealer records check at Meyer Inc. I asked Mr. Lomont if he had a pesticide applicator license. He said he did. When I questioned him further, he acknowledged his license had expired. I reminded Mr. Lomont he could not purchase or apply RUP's without a current pesticide applicator license. I then discussed the licensing process with Mr. Lomont. Mr. Lomont indicated that he planned to get licensed again soon.

Original Event: Investigation Activity (Pesticide) #6126
Subject: Christopher Allen Lomont
Submitted By: Elizabeth C. Carter

05/01/2023 **Case Created**

Original Event: Case PS23-0124
Submitted By: Joseph D. Becovitz
Assigned To: Elizabeth C. Carter

05/02/2023 **Judgement; Civil Penalty Assessed Civil Penalty**

Christopher Allen Lomont was cited for two (2) counts of violation of section 65(10) of the Indiana Pesticide Use and Application Law for using a restricted use pesticide without having a certification, license or permit. A civil penalty in the amount of \$1,000.00 (2 counts x \$500.00 per count) was assessed. However, the civil penalty was reduced to \$600.00. Consideration was given to the fact Mr. Lomont cooperated during the investigation and corrective action was taken.

Original Event: Judgement #1496
Primary: Christopher Allen Lomont
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(10)
Penalty Amount: 600

05/24/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2298
To: Christopher Allen Lomont
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 1738 2193
Enclosed: Notice of Enforcement
Attachments: File 125032; PS23-0124EL CIT - CP Mitigated ~ Christopher Allen Lomont.docx

06/01/2023 **Received Mail Confirmation for Target**

Original Event: Compliance Receipt #2105
Subject: Christopher Allen Lomont
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 1738 2193
Received: 06/01/2023
Attachments: File 126136; CM 7020 3160 0001 1738 2193 - Christopher A. Lomont - PS23-0124 - Received 6-1-2023.pdf

06/21/2023 **Received Penalty Payment for Target**

Original Event: Compliance Receipt #2126
Subject: Christopher Allen Lomont
Submitted By: Jacob A. Hatfield
Payment Expected: \$600.00
Payment Received: \$600.00
Attachments: File 127301; PS23-0124 - Christopher A. Lomont - CP Received 6-21-2023.pdf

07/14/2023 **Notice of Case Closure Mailed to Target**

Original Event: Outgoing Mail #2491
To: Christopher Allen Lomont
Submitted By: Jacob A. Hatfield
Enclosed: Notice of Case Closure

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

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This record was generated on **June 1, 2023, 11:55 AM EDT**. Information displayed may contain errors or omissions.

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In Re: Case PS23-0140

Department	Pesticide
Originated	05/15/2023
Assigned To	George Saxton
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent	Moxie Pest Control Indianapolis LLC Indianapolis, IN 46268
Respondent	Garrett Davis Indianapolis, IN 46268

Overviews

05/15/2023 Investigation Summary

Moxie Pest Control of Indianapolis and certified applicator Garrett Davis refused to pay the \$10,000.00 civil penalty for case number PS23-0001. As a result, the business license of Moxie Pest Control and the certification of Garrett Davis are indefinitely suspended until such time as the civil penalty is paid.

Submitted By: George Saxton
Role: Investigator

05/15/2023 Disposition Summary

Moxie Pest Control of Indianapolis and certified applicator Garrett Davis are cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to follow an Order of the state chemist by refusing to pay the \$10,000.00 civil penalty for case number PS23-0001. As a result, the pesticide business license of Moxie Pest Control and the pesticide certification of Garrett Davis are indefinitely suspended until such time as the civil penalty is paid.

Submitted By: George Saxton
Role: Compliance Officer

05/19/2023 Disposition Summary

Johnny Blackmon of Moxie Pest Control paid the civil penalty causing the reinstatement of the business license of Moxie Pest Control and the certification of Garrett Davis.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

05/15/2023 Intake Referral Filed

Moxie Pest Control of Indianapolis and certified applicator Garrett Davis refused to pay the \$10,000.00 civil penalty for case PS23-0001. As a result, the business license of Moxie Pest Control and the certification of Garrett Davis are suspended until such time as they pay the civil penalty.

Original Event: Intake Referral (Pesticide) #3016
Complainant: Office of Indiana State Chemist
Respondent: Moxie Pest Control Indianapolis LLC
Respondent 2: Garrett Davis
Submitted By: George Saxton

05/15/2023 **Investigation Activity**
Activity

Moxie Pest Control of Indianapolis and certified applicator Garrett Davis refused to pay the \$10,000.00 civil penalty for case number PS23-0001. As a result, the business license of Moxie Pest Control and the certification of Garrett Davis are indefinitely suspended until such time as the civil penalty is paid.

Original Event: Investigation Activity (Pesticide) #6181
Subject: Moxie Pest Control Indianapolis LLC
Submitted By: George Saxton

05/15/2023 **Judgement; License Suspension**
Citation

Moxie Pest Control of Indianapolis and certified applicator Garrett Davis are cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to follow an Order of the state chemist by refusing to pay the \$10,000.00 civil penalty for case number PS23-0001. As a result, the pesticide business license of Moxie Pest Control and the pesticide certification of Garrett Davis are indefinitely suspended until such time as the civil penalty is paid.

License Suspension

Moxie Pest Control of Indianapolis is cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to follow an Order of the state chemist by refusing to pay the \$10,000.00 civil penalty for case number PS23-0001. As a result, the pesticide business license of Moxie Pest Control is indefinitely suspended until such time as the civil penalty is paid.

License Suspension

Certified applicator Garrett Davis is cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to follow an Order of the state chemist by refusing to pay the \$10,000.00 civil penalty for case number PS23-0001. As a result, the pesticide certification of Garrett Davis is indefinitely suspended until such time as the civil penalty is paid.

Original Event: Judgement #1500
Primary: Moxie Pest Control Indianapolis LLC
Secondary: Garrett Davis
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(6)

05/15/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2270
To: Moxie Pest Control Indianapolis LLC
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 1738 1622
Enclosed: Notice of Enforcement
Attachments: File 124115; PS23-0140EL CIT-LICENSE SUSPENSION ~ Moxie Pest Control.docx

05/15/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2271
To: Garrett Davis
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 1738 2131
Enclosed: Notice of Enforcement
Attachments: File 124116; PS23-0140EL CIT-LICENSE SUSPENSION ~ Garrett Davis - Moxie PC Indpls LLC.docx

05/15/2023 **Case Created**

Original Event: Case PS23-0140
Submitted By: George Saxton

05/19/2023 **Order/Decision Issued**

Johnny Blackmon of Moxie Pest Control paid the civil penalty causing the reinstatement of the business license of Moxie Pest Control and the certification of Garrett Davis.

Original Event: Compliance Activity #1820
Primary: Moxie Pest Control Indianapolis LLC
Secondary: Garrett Davis
Submitted By: George Saxton
Stage: Disposition

05/19/2023 **Amended Judgement; License Reinstatement**

Citation

Moxie Pest Control of Indianapolis and certified applicator Garrett Davis are cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to follow an Order of the state chemist by refusing to pay the \$10,000.00 civil penalty for case number PS23-0001.

License Reinstatement

Johnny Blackmon of Moxie Pest Control paid the civil penalty causing the reinstatement of the business license of Moxie Pest Control.

License Reinstatement

Johnny Blackmon of Moxie Pest Control paid the civil penalty causing the reinstatement of the certification of Garrett Davis.

Original Event: Judgement #1505
Primary: Moxie Pest Control Indianapolis LLC
Secondary: Garrett Davis
Submitted By: George Saxton
Level: Informal Review
Legal Citation: IC 15-16-5-65(6)

05/25/2023 **Received Mail Confirmation for Target**

Per USPS Online Tracking mail was delivered May 19, 2023. No green card returned to OISC yet, but payment for CP was received on 5/19/2023.

Original Event: Compliance Receipt #2093
Subject: Moxie Pest Control Indianapolis LLC
Submitted By: Joni D. Herman
USPS: 7020 3160 0001 1738 1622
Received: 05/19/2023
Attachments: File 125133; CM 7020 3160 0001 1738 1622 ~ Moxie Pest Control ~ PS23-0140 ~ Recd. 5-19-2023.pdf

05/25/2023 **Received Mail Confirmation for Target**

Per USPS Online Tracking mail was delivered May 19, 2023. No green card returned to OISC yet, but payment for CP was received on 5/19/2023.

Original Event: Compliance Receipt #2094
Subject: Garrett Davis
Submitted By: Joni D. Herman
USPS: 7020 3160 0001 1738 2131
Received: 05/19/2023
Attachments: File 125134; CM 7020 3160 0001 1738 2131 ~ Garrett Davis ~ PS23-0140 ~ Recd. 5-19-2023.pdf

05/25/2023 **Notice of Case Closure Mailed to Target**

Reinstated the pesticide business license for Moxie Pest Control after receiving payment for the civil penalty assessed on case PS23-0001. Case PS23-0140 is closed.

Original Event: Outgoing Mail #2304
To: Moxie Pest Control Indianapolis LLC
Submitted By: Joni D. Herman
Enclosed: Notice of Case Closure
Attachments: File 125135; PS23-0140 Combo Ltr. ~ Licenses Reinstated - Case Closed ~ Moxie Pest Control Indpls. LLC.docx

05/25/2023 **Notice of Case Closure Mailed to Target**

Reinstated the certification for Garrett Davis after receiving payment for the civil penalty assessed on case PS23-0001. Case PS23-0140 is closed.

Original Event: Outgoing Mail #2305
To: Garrett Davis
Submitted By: Joni D. Herman
Enclosed: Notice of Case Closure
Attachments: File 125136; PS23-0140 Combo Ltr. ~ Licenses Reinstated - Case Closed ~ Garrett Davis.docx

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.

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State Chemist &
Seed Commissioner

This record was generated on **June 1, 2023, 11:57 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 PS23-0141

Department	Pesticide
Originated	05/15/2023
Assigned To	George Saxton
Status	Closed

Involved Parties

Complainant	Office of Indiana State Chemist
Respondent	Moxie Pest Control Indianapolis LLC Indianapolis, IN 46268
Respondent	Garrett Davis Indianapolis, IN 46268

Overviews

05/15/2023 **Investigation Summary**

Moxie Pest Control of Indianapolis and certified applicator Garrett Davis are cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to follow an Order of the state chemist by refusing to pay the \$50,000.00 civil penalty for case number PS23-0039. As a result, the pesticide business license of Moxie Pest Control and the pesticide certification of Garrett Davis are indefinitely suspended until such time as the civil penalty is paid.

Submitted By: George Saxton
Role: Investigator

05/15/2023 **Disposition Summary**

Moxie Pest Control of Indianapolis and certified applicator Garrett Davis are cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to follow an Order of the state chemist by refusing to pay the \$50,000.00 civil penalty for case number PS23-0039. As a result, the pesticide business license of Moxie Pest Control and the pesticide certification of Garrett Davis are indefinitely suspended until such time as the civil penalty is paid.

Submitted By: George Saxton
Role: Compliance Officer

05/19/2023 **Disposition Summary**

Johnny Blackmon of Moxie Pest Control paid the civil penalty causing the reinstatement of the business license of Moxie Pest Control and the certification of Garrett Davis.

Submitted By: George Saxton
Role: Compliance Officer

Chronology of Events

05/15/2023 **Intake Referral Filed**

Moxie Pest Control of Indianapolis and certified applicator Garrett Davis failed to follow an Order of the state chemist by refusing to pay the \$50,000.00 civil penalty for case number PS23-0039.

Original Event: Intake Referral (Pesticide) #3017
Complainant: Office of Indiana State Chemist
Respondent: Moxie Pest Control Indianapolis LLC
Respondent 2: Garrett Davis
Submitted By: George Saxton

05/15/2023 **Investigation Activity**
Activity

Moxie Pest Control of Indianapolis and certified applicator Garrett Davis are cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to follow an Order of the state chemist by refusing to pay the \$50,000.00 civil penalty for case number PS23-0039. As a result, the pesticide business license of Moxie Pest Control and the pesticide certification of Garrett Davis are indefinitely suspended until such time as the civil penalty is paid.

Original Event: Investigation Activity (Pesticide) #6185
Subject: Moxie Pest Control Indianapolis LLC
Submitted By: George Saxton

05/15/2023 **Judgement; License Suspension**
Citation

Moxie Pest Control of Indianapolis and certified applicator Garrett Davis are cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to follow an Order of the state chemist by refusing to pay the \$50,000.00 civil penalty for case number PS23-0039. As a result, the pesticide business license of Moxie Pest Control and the pesticide certification of Garrett Davis are indefinitely suspended until such time as the civil penalty is paid.

License Suspension

Moxie Pest Control of Indianapolis is cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to follow an Order of the state chemist by refusing to pay the \$50,000.00 civil penalty for case number PS23-0039. As a result, the pesticide business license of Moxie Pest Control is indefinitely suspended until such time as the civil penalty is paid.

License Suspension

Certified applicator Garrett Davis is cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to follow an Order of the state chemist by refusing to pay the \$50,000.00 civil penalty for case number PS23-0039. As a result, the pesticide certification of Garrett Davis is indefinitely suspended until such time as the civil penalty is paid.

Original Event: Judgement #1501
Primary: Moxie Pest Control Indianapolis LLC
Secondary: Garrett Davis
Submitted By: George Saxton
Legal Citation: IC 15-16-5-65(6)

05/15/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2272
To: Garrett Davis
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 1738 2155
Enclosed: Notice of Enforcement
Attachments: File 124118; PS23-0141EL CIT-LICENSE SUSPENSION ~ Garrett Davis - Moxie PC Indpls LLC.docx

05/15/2023 **Notice of Enforcement Mailed to Target**

Original Event: Outgoing Mail #2273
To: Moxie Pest Control Indianapolis LLC
Submitted By: Jacob A. Hatfield
USPS: 7020 3160 0001 1738 2148
Enclosed: Notice of Enforcement
Attachments: File 124117; PS23-0141EL CIT-LICENSE SUSPENSION ~ Moxie Pest Control.docx

05/15/2023 **Case Created**

Original Event: Case PS23-0141
Submitted By: George Saxton

05/19/2023 **Order/Decision Issued**

Johnny Blackmon of Moxie Pest Control paid the civil penalty causing the reinstatement of the business license of Moxie Pest Control and the certification of Garrett Davis.

Original Event: Compliance Activity #1821
Primary: Moxie Pest Control Indianapolis LLC
Secondary: Garrett Davis
Submitted By: George Saxton
Stage: Disposition

05/19/2023 **Amended Judgement; License Reinstatement**

Citation

Moxie Pest Control of Indianapolis and certified applicator Garrett Davis are cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law for failure to follow an Order of the state chemist by refusing to pay the \$50,000.00 civil penalty for case number PS23-0039.

License Reinstatement

Johnny Blackmon of Moxie Pest Control paid the civil penalty causing the reinstatement of the business license of Moxie Pest Control.

License Reinstatement

Johnny Blackmon of Moxie Pest Control paid the civil penalty causing the reinstatement of the certification of Garrett Davis.

Original Event: Judgement #1506
Primary: Moxie Pest Control Indianapolis LLC
Secondary: Garrett Davis
Submitted By: George Saxton
Level: Informal Review
Legal Citation: IC 15-16-5-65(6)

05/25/2023 **Received Mail Confirmation for Target**

Per USPS Online Tracking mail was delivered May 19, 2023. No green card returned to OISC yet, but payment for CP was received on 5/19/2023.

Original Event: Compliance Receipt #2095
Subject: Moxie Pest Control Indianapolis LLC
Submitted By: Joni D. Herman
USPS: 7020 3160 0001 1738 2148
Received: 05/19/2023
Attachments: File 125139; CM 7020 3160 0001 1738 2148 ~ Moxie Pest Control ~ PS23-0141 ~ Recd. 5-19-2023.pdf

05/25/2023 **Mail Confirmation Assumed for Target**

Per USPS Online Tracking, postal delivery was attempted on 5-23-2023 but the business was closed. Mail was to be delivered on the next business day. As of today (5-25-2023) no further entries have been made to USPS Online Tracking for this mail piece. No green card has been returned to OISC yet, but the regular mail has not come back and the payment for CP was received on 5/19/2023.

Original Event: Compliance Receipt #2096
Subject: Garrett Davis
Submitted By: Joni D. Herman
USPS: 7020 3160 0001 1738 2155
Attachments: File 125140; CM 7020 3160 0001 1738 2155 ~ Garrett Davis ~ PS23-0141 ~ Assumed Recd. 5-19-2023.pdf

05/25/2023 **Notice of Case Closure Mailed to Target**

Reinstated the pesticide business license for Moxie Pest Control after receiving payment for the civil penalty assessed on case PS23-0039. Case PS23-0141 is closed.

Original Event: Outgoing Mail #2306
To: Moxie Pest Control Indianapolis LLC
Submitted By: Joni D. Herman
Enclosed: Notice of Case Closure
Attachments: File 125137; PS23-0141 Combo Ltr. ~ Licenses Reinstated - Case Closed ~ Moxie Pest Control Indpls. LLC.docx

05/25/2023 **Notice of Case Closure Mailed to Target**

Reinstated the certification for Garrett Davis after receiving payment for the civil penalty assessed on case PS23-0039. Case PS23-0141 is closed.

Original Event: Outgoing Mail #2307
To: Garrett Davis
Submitted By: Joni D. Herman
Enclosed: Notice of Case Closure
Attachments: File 125138; PS23-0141 Combo Ltr. ~ Licenses Reinstated - Case Closed ~ Garrett Davis.docx

Chain of Custody

No electronic chain of custody (CoC) found. Refer to paper CoC in instances where samples were collected.